



REPUBLIC OF THE PHILIPPINES
SENATE ELECTORAL TRIBUNAL

COA-NCR Bldg., Batasan Road, Quezon City

FRANCIS N. TOLENTINO,
Protestant,

-versus-

SET Case No. 001-16

LEILA M. DE LIMA,
Protestee.

X-----X

RESOLUTION NO. 16 – 60

In Resolution No. 16-51 dated 25 May 2017, the Tribunal granted the request of the House of Representatives Electoral Tribunal (HRET) for temporary prior custody in connection with HRET Case No. 16-007 (*Ajihil vs. Sahali*) of the following two (2) ballot boxes pertaining to the Province of Tawi-Tawi, which are included in the list of pilot precincts of Protestant Tolentino:

Municipality	Precinct ID Nos.	Clustered Precinct Nos.
Panglima Sugala (Balimbing)	70010018	43A, 44A, 44B
Turtle Islands	70080004	8A, 8B

Such clearance, notwithstanding, Atty. Joselito C. Frial, counsel for Protestant in HRET Case No. 16-007 (*Ajihil vs. Sahali*), in his letters dated 02 and 04 August 2017, found it necessary to seek clearance from the Tribunal to enable his client to secure the election paraphernalia and other pertinent documents related to the aforesaid election protest.

The HRET, in its letter dated 17 August 2017, also requests clarification on whether the authority granted in SET Resolution No. 16-51 includes the other eleven (11) cases mentioned in its letter dated 08 May 2017.

There appears some confusion on the import of Resolution No. 16-51 dated 25 May 2017. We clarify.

The clearance granted to HRET in Resolution No. 16-51 covers all the ballot boxes and election documents and paraphernalia pertaining to the Province of Tawi-Tawi involved in HRET Case No. 16-007 (*Ajihil vs. Sahali*). The reason the aforementioned electoral precincts were specifically cited in Resolution No. 16-51 was that they were the only electoral precincts included in the pilot precincts of Protestant Tolentino. The other electoral precincts enumerated in the HRET letter dated 08 May 2017 were not among his pilot areas.

Thus, strictly speaking, the Tribunal would have immediate need only of the ballot boxes and election documents and paraphernalia pertaining to these two (2) specified electoral precincts. Considering, however, that SET and HRET are housed in the same building, coordination in the use of the ballot boxes and election documents and paraphernalia from the said two (2) precincts would not pose a serious difficulty. Hence, the specific clearance given with respect to the two enumerated electoral precincts.

It is well to clarify further that the following electoral precincts are protested in the instant case but do not form part of the pilot precincts of Protestant Tolentino:

Municipality	Precinct ID Nos.	Clustered Precinct Nos.
South Ubian	70060007	13A, 14A
	70060009	16A, 17A
	70060028	53A
Languyan	70090006	10A
	70090022	37A
Sapa Sapa	70100018	35A

This being the case, collection and revision of these ballot boxes will come at a later date. Hence, the HRET may also take temporary prior custody thereof.

The other electoral precincts enumerated in the HRET letter dated 08 May 2017 are not covered by the SET preservation order. Clearance from SET is unnecessary for the HRET to proceed with its collection activity with respect thereto.

Although the HRET had been granted clearance to take prior custody of the ballot boxes and election documents and paraphernalia involved in HRET Case No. 16-007 (*Ajihil vs. Sahali*), it would appear that the HRET had not undertaken any collection activity in the Province of Tawi-Tawi at the time the SET collection operations started. Thus, SET was able to collect the ballot box and election documents and paraphernalia of Clustered Precinct No. 18 (Clustered/Grouped Precincts Nos. 43A, 44A and 44B) of Panglima Sugala (Balimbing) and the same are now in its custody.

The ballot box and election documents and paraphernalia of the other pilot precinct of Protestant Tolentino, i.e. Clustered Precinct No. 4 (Clustered/Grouped Precincts Nos. 8A and 8B) of the Municipality of Turtle Islands are currently under the custody of the Regional Trial Court, Branch 5, Bongao, Tawi-Tawi in connection with the proceedings in EPC No. 78-5 (*Tang vs. Oliveros*) and EPC No. 79-5 (*Ibnosali vs. Sahibil*), involving the positions of municipal mayor and vice-mayor, respectively.

In Resolution No. 16-56 dated 02 August 2016, the Tribunal granted the request of the Honorable Presiding Judge Abdulmoin M. Pakam to retain custody of the subject ballot box provided that the same be turned over to the custody of the Tribunal not later than 10 August 2017. However, in his letter dated 11 August 2017, Judge Pakam apologized for his failure to deliver the said ballot box on 10 August 2017 owing to funding constraint and conflict of schedule. Nonetheless, he committed to deliver the same in the last week of August 2017.

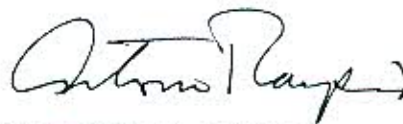
IN VIEW OF THE FOREGOING, the Executive Committee of the Tribunal Resolves to:

1. **CLARIFY** that the clearance granted to HRET in SET Resolution No. 16-51 dated 25 May 2017 covers all the ballot boxes and election documents and paraphernalia pertaining to the Province of Tawi-Tawi involved in HRET Case No. 16-007 (*Ajihil vs. Sahali*), as well as the other electoral precincts enumerated in the HRET letter dated 08 May 2017;

2. **INFORM** the HRET that the ballot box and election documents and paraphernalia pertaining to Clustered Precinct No. 18 (Clustered/Grouped Precincts Nos. 43A, 44A, 44B) of Panglima Sugala (Balimbing), Tawi-Tawi are now in the custody of SET; while those pertaining to Clustered Precinct No. 4 (Clustered/Grouped Precincts Nos. 8A and 8B) of the Municipality of Turtle Islands are currently in the custody of the Regional Trial Court, Branch 5, Bongao, Tawi-Tawi;
3. **NOTE** the letters of Atty. Joselito C. Frial, counsel for Protestant in HRET Case No. 16-007 (*Ajihil vs. Sahali*), dated 02 August and 04 August 2017, and **INSTRUCT** him to coordinate directly with HRET regarding the collection of the election paraphernalia and other pertinent documents involved in the aforesaid election protest; and
4. **GRANT** Hon. Abdulmoin M. Pakam, Presiding Judge, Regional Trial Court, Branch 5, Bongao, Tawi-Tawi up to 01 September 2017 to deliver to the Tribunal the ballot box, election documents and paraphernalia for Clustered Precinct No. 4 (Clustered/Grouped Precincts Nos. 8A and 8B) of the Municipality of Turtle Islands, Province of Tawi-Tawi.

SO ORDERED.


23 August 2017.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member



LUCAS P. BERSAMIN
Associate Justice
Member