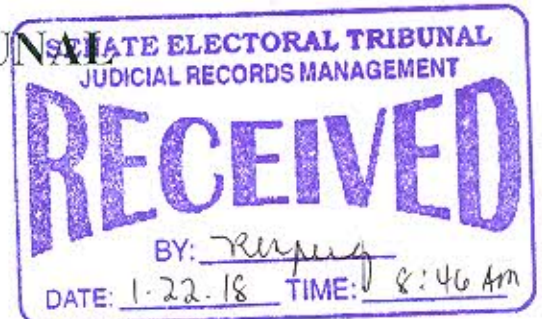




REPUBLIC OF THE PHILIPPINES
SENATE ELECTORAL TRIBUNAL



FRANCIS N. TOLENTINO,
Protestant,

- versus -

SET CASE NO. 001-16

LEILA M. DE LIMA,
Protestee.

X-----X

NOTICE OF RESOLUTION

SIR/MADAM:

Attached hereto is a copy of **Resolution No. 16-88** of the Executive Committee of the Senate Electoral Tribunal dated 15 January 2018 in the above-entitled case.

Please acknowledge receipt hereof.

Quezon City, 19 January 2018.

Very truly yours,

Walton

ATTY. CRISANTA V. VALERA
Acting Secretary of the Tribunal

Copy furnished:

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SET LEGAL SERVICE

SET CANVASS BOARD SERVICE

SET INFORMATION AND
COMMUNICATION SYSTEMS AND
JUDICIAL RECORDS MANAGEMENT
SERVICE

MR. SANCEN D. CARORO
City Treasurer
Dipolog City, Zamboanga del Norte

Copy furnished:

MS. FRANCISCA M. JUMAO-AS
Municipal Treasurer
Municipality of Tuburan
Province of Cebu

MS. MARY ANN P. BAUTISTA
City Treasurer
San Fernando City
Province of Pampanga

MS. GRACE A. JOMILLO
Municipal Treasurer
Municipality of Dumangas
Province of Iloilo

MS. REGINA C. VALERIO
Acting Municipal Treasurer
Municipality of Arayat
Province of Pampanga

MS. ALONA U. FRIADES
Municipal Treasurer
Municipality of Tongkil
Province of Sulu



REPUBLIC OF THE PHILIPPINES
SENATE ELECTORAL TRIBUNAL

COA-NCR Bldg., Batasan Road, Quezon City

FRANCIS N. TOLENTINO,

Protestant,

SET Case No. 001-16

-versus-

LEILA M. DE LIMA,

Protestee.

X-----X

RESOLUTION NO. 16 - 88

More incidents relating to the collection and revision of ballots, election documents and paraphernalia from the pilot precincts of Protestant Francis N. Tolentino were brought to the attention of the Tribunal, as follows:

1. Dipolog City, Zamboanga del Norte

During revision, the ballots and election documents pertaining to Clustered Precinct No. 2 (Grouped Precincts Nos. 4A, 4B, 5A and 5B) of Dipolog City, Zamboanga del Norte, were found to be damaged, it appearing that these were previously soaked in water.

It was further noted that several ballot boxes retrieved from Dipolog City were damaged, with holes and cracks on various parts of the boxes and black lids covering the boxes. These are the ballot boxes for Clustered Precincts Nos. 6, 8,9, 10, 12, 13, 16, 17, 20, 23, 27, 28, 29 and 30.

In his Affidavit dated 17 August 2017 which he submitted to the Tribunal Collection Team, City Treasurer Sancen D. Caroro explained that the ballot boxes were sealed and piled along the corridors and pathways outside their office but within the building premises since they cannot be accommodated inside the office due to very limited space; that due to the 5S program which requires offices to

declutter their workspace and free up the corridors and pathways from obstruction in order to better serve their clientele, the matter was communicated to the City COMELEC officials and the local party representatives; that the COMELEC cannot provide a storage area so they all agreed to transfer the ballot boxes to the City Motorpool *Bodega* at Barangay Minaog, Dipolog City, while awaiting instructions from the COMELEC.

As reported by the Collection Team Leader assigned in the area, the motor pool *bodega* used as ballot box storage is not enclosed and there are openings in the roof thus exposing the ballot boxes and their contents to various elements, natural or man-made, that may have caused damage.

In view of the foregoing, there is a need to require the City Treasurer of Dipolog City, Mr. Sancen D. Caroro, to SHOW CAUSE why he should not be held in contempt of the Tribunal for failing to preserve and maintain the integrity of ballots and other election documents while the same are under his custody.

2. Tuburan, Cebu

Similarly, during revision, the ballots and election documents of the ballot box pertaining to Clustered Precinct No. 2 (Grouped Precincts Nos. 2A, 3A, 3B, 4A and 4B) from the Municipality of Tuburan, Cebu, were found to be wet. However, the Revision Team was able to conduct the revision proceedings by carefully separating each and every ballot and drying the same. It took the Revision Team more than two (2) days to revise the contents of said ballot box.

In view thereof, there is also a need to require Ms. Francisca M. Jumao-as, the Municipal Treasurer of Tuburan, Cebu to EXPLAIN why the ballots and election documents found inside the ballot box for Clustered Precinct No. 2 were in such condition, and to SHOW CAUSE why she should not be held in contempt of the Tribunal for her failure to preserve and maintain the integrity of the ballots and other election documents while under her custody.

3. Dumangas, Iloilo

In another development, the ballots and other election documents inside the ballot box for Clustered Precinct No. 8 (Grouped Precincts Nos. 17A, 18A and 19A) from Dumangas, Iloilo were found to belong to another clustered precinct (Clustered Precinct No. 43).

The Team Leader of the collection team explained that when they arrived in the area, the ballot boxes were already segregated and ready for turn over by the Municipal Treasurer. Considering that the labels of the ballot boxes matched with the list of the ballot boxes for collection and the ballot boxes were translucent white and looked similar with the ones used during the 2016 National and Local Elections, the collection team accepted the turn over.

Taking into account the above explanation, there is a need to require Municipal Treasurer Grace A. Jomillo of Dumangas, Iloilo to EXPLAIN why the ballot box for Clustered Precinct No. 8 which was turned over to the SET collection team contained ballots and election documents belonging to another clustered precinct, and to SHOW CAUSE why she should not be held in contempt of the Tribunal for failing to turn over the correct ballots and election documents. Ms. Jomillo should further be required to bring to the SET offices the ballot box containing the correct ballots and election documents for Clustered Precinct No. 8, the expenses of which shall be on her personal account.

4. Tongkil, Sulu

In a similar situation, the ballot box for Clustered Precinct No. 15 (Grouped Precincts Nos. 44A, 45A, 46A and 47A) from the Municipality of Tongkil, Province of Sulu, was found to contain ballots and other election documents belonging to another Clustered Precinct, particularly Precincts Nos. 48A, 49A and 50A which are not among the pilot precincts of Protestant Tolentino.

Here, the Team Leader of the collection team explained that the ballot boxes were delivered to them by the Municipal Treasurer. Considering that the labels of the ballot boxes matched with the list of the ballot boxes for collection and the ballot boxes were translucent white and looked similar with the ones used during the 2016 National and Local Elections, the collection team accepted the turn over.

Municipal Treasurer Alona U. Friades of Tongkil, Sulu, should therefore be required to EXPLAIN why the ballot box for Clustered Precinct No. 15 which was turned over to the SET collection team contained ballots and election documents belonging to another Clustered Precinct and to SHOW CAUSE why she should not be held in contempt of the Tribunal for failing to turn over the ballot box containing the correct ballots and election documents. Further, she is required to bring the correct ballot box for Clustered Precinct No. 15 to the COMELEC Office in Zamboanga City upon receipt of notice of the arrival of the SET Collection Team in the said area, the expenses of which shall be on her personal account.

5. San Fernando City, Pampanga

In the case of San Fernando City, Pampanga, the ballots and other election documents found inside the ballot box for Clustered Precinct No. 10 (Grouped Precincts Nos. 24A, 25A/B and 26A) were found to be damaged, it appearing that the same were previously soaked in water. Any attempt to separate each and every ballot for revision purposes proved futile.

In view thereof, there is a need to require the City Treasurer, Ms. Mary Ann P. Bautista, to EXPLAIN why the contents of the ballot box for Clustered Precinct No. 10 is in such a state, and to SHOW CAUSE why she should not be held in contempt of the Tribunal for her failure to preserve and maintain the integrity of the ballots and other election documents for Clustered Precinct No. 10 while under her custody.

6. Arayat, Pampanga

During the inventory of the ballot boxes retrieved from the Municipality of Arayat, Pampanga, the ballot boxes for Clustered Precincts Nos. 1, 5, 7, 10, 14, 15, 16, 18 and 19 showed signs of breakage particularly on the upper black lid covers of the ballot boxes. Revision proceedings, however, disclosed that the ballots and other contents were in good condition.

In her Affidavit executed on 23 July 2017 which she submitted to the Tribunal thru the Collection Team, Acting Municipal Treasurer Regina C. Valerio explained "that said ballot boxes were complete and had no visible showing of any damage upon delivery to and actual receipt by her office; that the warehouse where said ballot boxes were stored underwent construction and renovation during the month of January 2017; that in view of the renovation and construction, the ballot boxes were transferred from place to place inside/within the warehouse itself; that the stacking level consisting of four (4) layers, the three (3) workers and the foreman had to step on some of the ballot boxes which, being made of plastic material, suffered damage/breakage on their top covers."

The aforesaid explanation was confirmed by the Municipal Foreman and the three (3) construction workers. In addition thereto, Ms. Valerio vouched for the integrity of the ballots contained in the said ballot boxes.

It would appear from the above explanation that Acting Municipal Treasurer Regina C. Valerio is found wanting in the discharge of her function as custodian of the ballot boxes. However, consideration is given to the fact that the integrity of the contents were not compromised. The explanation is duly noted with WARNING that a similar incident in the future will be dealt with more severely by the Tribunal.

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

1. **REQUIRE** Mr. Sancen D. Caroro, City Treasurer of Dipolog City, Zamboanga del Norte to **EXPLAIN** why the contents of the ballot box for Clustered Precinct No. 2 were damaged preventing its revision, and to **SHOW CAUSE** why he should not be held in contempt of the Tribunal for failing to preserve and maintain the integrity of ballots and other election documents while the same are under his custody, both within ten (10) days from receipt of this Resolution;
2. **REQUIRE** Ms. Francisca M. Jumao-as, Municipal Treasurer of Tuburan, Cebu to **EXPLAIN** why the ballot box for Clustered Precinct No. 2 contained wet ballots and elections documents and to **SHOW CAUSE** why she should not be held in contempt of the Tribunal for her failure to preserve and maintain the integrity of the ballots and other election documents while under her custody, both within ten (10) days from receipt of this Resolution;
3. **REQUIRE** Ms. Grace A. Jomillo, Municipal Treasurer of Dumangas, Iloilo to **EXPLAIN** why the contents of the ballot box for Clustered Precinct No. 8 which was turned-over to the SET collection team contained ballots and election documents belonging to another Clustered Precinct and to **SHOW CAUSE** why she should not be held in contempt of the Tribunal for failing to turn over the ballot box containing the correct ballots and election documents, both within ten (10) days from receipt of this Resolution. Ms. Jomillo is further required to bring to the SET offices within a period of fifteen (15) days from receipt of this Resolution the ballot box containing the correct ballots and election documents for Clustered Precinct No. 8, the expenses of which shall be on her personal account;

4. **REQUIRE** Ms. Alona U. Friades, Municipal Treasurer of Tongkil, Sulu to **EXPLAIN** why the ballot box for Clustered Precinct No. 15 which was turned over to the SET collection team contained ballots and election documents belonging to another Clustered Precinct and to **SHOW CAUSE** why she should not be held in contempt of the Tribunal for this irregularity, both within ten (10) days from receipt of this Resolution. She is further required to bring the correct ballot box for Precinct No. 15 to the COMELEC Office in Zamboanga City upon receipt of notice of the arrival of the SET Collection Team in the said area, the expenses of which shall be on her personal account;
5. **REQUIRE** Ms. Mary Ann P. Bautista, City Treasurer of San Fernando City, Pampanga to **EXPLAIN** why the contents of the ballot box for Clustered Precinct No. 10 were damaged preventing its revision and to **SHOW CAUSE** why she should not be held in contempt of the Tribunal for failing to maintain the ballots and other election documents in good condition while under her custody, both within ten (10) days from receipt of this Resolution; and
6. **NOTE** the explanation of Ms. Regina C. Valerio, Acting Municipal Treasurer of Arayat, Pampanga, with **WARNING** that the occurrence of similar lapses in the future will be dealt with more severely by the Tribunal.

So ORDERED.

15 January 2018.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member



LUCAS P. BERSAMIN
Associate Justice
Member