



REPUBLIC OF THE PHILIPPINES
SENATE ELECTORAL TRIBUNAL

**2020 RULES OF THE
SENATE ELECTORAL TRIBUNAL**

The Senate Electoral Tribunal hereby adopts and promulgates the following rules governing its proceedings as the sole judge of all contests relating to the election, returns, and qualifications of Members of the Senate, pursuant to Section 17, Article VI of the 1987 Constitution.

TITLE AND CONSTRUCTION

RULE 1. *Title.* - These Rules shall be known and cited as the “2020 Rules of the Senate Electoral Tribunal”.

RULE 2. *Construction.* - These Rules shall be liberally construed in order to achieve a just, expeditious, and inexpensive determination and disposition of every contest brought before the Tribunal.

THE TRIBUNAL

RULE 3. *Composition.* - The Tribunal shall be composed of nine (9) members, three (3) of whom shall be Justices of the Supreme Court to be designated by the Chief Justice, and the remaining six (6) shall be Members of the Senate who shall be chosen on the basis of proportional representation from the political parties represented therein. The most senior Justice in the Tribunal shall be its Chairperson.

RULE 4. *Organization.* - Upon the designation of the Justices of the Supreme Court and the election of the Members of the Senate who are to compose the Senate Electoral Tribunal pursuant to Sections 17 and 19, Article VI of the 1987 Constitution, the Tribunal shall convene for its organization and for the adoption and promulgation of resolutions it may deem proper.

Notwithstanding the provision of the immediately preceding paragraph, pending the election of the Members of the Senate who shall sit in the Tribunal, the three (3) Justices already designated shall have the authority to act on administrative and interlocutory matters, subject to confirmation by the Tribunal upon its organization.

RULE 5. *Sessions; Quorum.* - The Tribunal sessions shall be held on such days and hours as it may designate or at the call of the Chairperson or of a majority of its Members. The presence of a majority of the Members with at least one (1) Justice shall be necessary to constitute a quorum. In the absence of the

Chairperson, the next senior Justice shall preside, and in the absence of both, the only Justice present shall preside.

RULE 6. Executive Committee; Actions on Matters When Tribunal is Not in Session. - At the duly scheduled session of the Tribunal, where there is no quorum, any three (3) of its Members, provided at least one (1) of them is a Justice, may constitute themselves as an Executive Committee to act on the agenda for the session concerned; *provided, however*, that its action thereon shall be subject to confirmation by the Tribunal at any subsequent session where a quorum is present.

When the Tribunal is not in session, any three (3) of its Members, provided at least one (1) of them is a Justice, may sit as the Executive Committee to act on the following matters requiring immediate action by the Tribunal:

- a. Any pleading, motion, or any other matter
 1. where delay in its resolution may result in irreparable or substantial damage or injury to the rights of a party or would cause delay in the proceedings or action concerned;
 2. which is urgent in character but does not substantially affect the rights of the adverse party, such as for extension of time to comply with an order or resolution of the Tribunal or to file a pleading if such extension has not been prohibited earlier and is within the discretion of the Tribunal;
 3. where the Tribunal would require a comment, reply, rejoinder, or any similar pleading from any of the parties or their counsel; and
- b. Administrative matters which do not involve new applications or allocations of the appropriations of the Tribunal.

However, any such action or resolution thereon shall be included in the agenda of the immediately succeeding session of the Tribunal for its confirmation.

RULE 7. Divisions. - The Tribunal may constitute itself into three (3) Divisions for the purpose of allocating and distributing its workload. Each Division shall be composed of one (1) Justice and two (2) Senators as members. Each Division shall act on such matters as may be assigned to it by the Tribunal.

RULE 8. Place of Sessions or Meetings. - The Tribunal sessions, or meetings of its Executive Committee or Divisions, shall be held in the offices of the Tribunal, or in such other places as it may designate.

However, in case of an emergency or a *force majeure* which may prevent the Members of the Tribunal from physically attending, the sessions or meetings may be conducted through video conference or other reliable forms of electronic or remote means, using appropriate information and communications technology.

RULE 9. *Express and Implied Powers.* - The Tribunal shall exercise all such powers as are expressly vested in it by the Constitution or by law, and such other powers as may be necessary or incidental to the accomplishment of its purpose and functions.

RULE 10. *Inherent Powers.* - The Tribunal has inherent powers, among others, to:

- a. Preserve and enforce order in its immediate presence;
- b. Preserve and enforce order in proceedings before it, its Executive Committee, any of its Divisions, or officials acting under its authority;
- c. Compel obedience to its judgments, orders, and processes;
- d. Compel the attendance of witnesses and the production of evidence in any case or proceeding before it;
- e. Administer, or cause to be administered, oaths in any case or proceeding before it, and in all other cases where it may be necessary in the exercise of its powers;
- f. Control its processes and amend its decisions, resolutions, or orders to make them conform with law and justice;
- g. Authorize a copy of a lost or destroyed pleading or other paper to be filed and used in lieu of the original, and restore and supply deficiencies in its records and proceedings;
- h. Promulgate its own rules of procedure and amend or revise the same, and adopt any suitable process or procedure not specifically provided by law or these Rules; and
- i. Exercise exclusive control, direction, and supervision of all matters pertaining to its functions and operations.

RULE 11. *The Chairperson; Powers and Duties.* - The Chairperson shall be the Chief Executive Officer of the Tribunal, and shall have the following powers and duties:

- a. Issue calls for sessions of the Tribunal, preside thereat, preserve order and decorum during the same, and pass upon all questions of order, subject to such appeal as any Member may take to the Tribunal;
- b. Ensure the enforcement of the decisions, resolutions, and orders of the Tribunal;
- c. Appoint, remove, or otherwise discipline any employee of the Tribunal in accordance with the Civil Service rules and regulations; *provided*, that appointment of permanent employees shall be in accordance with the

Human Resource Merit Promotion and Selection Plan of the Tribunal; *provided, further,* that the coterminous staff of every Member of the Tribunal shall serve at the pleasure of and in no case beyond the tenure of such Member;

- d. Exercise administrative supervision over the Tribunal, including the Office of the Secretary and the Administrative Staff; and
- e. Perform such other acts and functions as may be necessary or appropriate to ensure the independence and efficiency of the Tribunal.

RULE 12. Office of the Secretary; Duties of the Secretary and Deputy Secretary. - The Tribunal shall have a Secretary and a Deputy Secretary. The Secretary of the Tribunal shall, under the supervision of the Chairperson, perform the following duties:

- a. Attend sessions of the Tribunal, or meetings of its Executive Committee or Divisions whenever necessary, and keep the minutes thereof;
- b. Receive all pleadings and other documents properly presented and filed with the Tribunal, indicating on each such document the date and time of its filing and furnishing each Member a copy thereof;
- c. Keep a judicial docket wherein shall be entered in chronological order the contests brought before the Tribunal and the proceedings had therein;
- d. Prepare the calendar of cases;
- e. Certify under the Seal of the Tribunal all decisions, resolutions, orders, and notices of the Tribunal;
- f. Implement the decisions, resolutions, orders, and processes issued by the Tribunal;
- g. Keep a judgment book containing a copy of each decision, final resolution, or order rendered by the Tribunal in the order of their dates, and a Book of Entries of Judgments containing in chronological order entries of the dispositive portions of all decisions, final resolutions, or orders of the Tribunal;
- h. Keep an account of the funds allocated for the expenses of the Tribunal, as well as the funds received and disbursed relative to the cases;
- i. Oversee the performance of the line and support, adjudicatory and administrative functions of the various Service Groups of the Administrative Staff, particularly the keeping and securing of all ballot boxes, election documents, papers, files of exhibits, the office Seal, and other property of the Tribunal; and

- j. Perform such other duties as prescribed by law for clerks of superior courts or as the Tribunal or the Chairperson may direct.

The Deputy Secretary shall assist the Secretary of the Tribunal, act as Secretary in the absence of the latter, and perform such duties and functions as may be assigned by the Tribunal, the Chairperson, or by the Secretary.

RULE 13. *Administrative Staff.* - The Administrative Staff of the Tribunal shall consist of eight (8) Service Groups, namely:

- a. Canvass Board Service;
- b. Legal Service;
- c. Information and Communication Systems and Judicial Records Management Service;
- d. Human Resources Management Service;
- e. Procurement and Property Management Service;
- f. Financial Management Service;
- g. Accounting Service; and
- h. Planning and Program Management Service.

RULE 14. *The Seal.* - The Seal of the Tribunal shall be circular in shape and shall contain in the upper part the words "Senate Electoral Tribunal", in the center the coat of arms of the Republic of the Philippines, and at the base the words "Republic of the Philippines".

The Seal shall be affixed to all decisions, resolutions, and orders of the Tribunal, and such other documents which the Tribunal may require to be sealed.

ELECTION CONTESTS

RULE 15. *Jurisdiction.* - The Tribunal is the sole judge of all contests relating to the election, returns, and qualifications of the Members of the Senate.

RULE 16. *How Initiated.* - An election contest is initiated by the filing of a verified election protest or a verified petition for *quo warranto* against a Member of the Senate. An election protest shall not include a petition for *quo warranto*. Neither shall a petition for *quo warranto* include an election protest.

RULE 17. *Election Protest.* - A verified election protest contesting the election of a Member of the Senate shall be filed by any candidate who has duly filed a certificate of candidacy and been voted for the office of Senator within thirty (30) days after assumption of office of the protestee.

No joint election protest shall be admitted, but the Tribunal, for good and sufficient reasons, may consolidate individual protests and hear and decide them jointly. Thus, where there are two (2) or more protests involving the same protestee and common principal causes of action, the subsequent protests shall be consolidated with the first to avoid unnecessary costs or delay.

An order resolving a motion for consolidation or any objection thereto shall not be appealable.

RULE 18. Quo Warranto. - A verified petition for *quo warranto* contesting the election of a Member of the Senate on the ground of ineligibility, or disloyalty to the Republic of the Philippines, shall be filed by any registered voter within fifteen (15) days after assumption of office of the respondent.

The provisions of the preceding paragraph to the contrary notwithstanding, a petition for *quo warranto* on the ground of ineligibility based on citizenship may be filed at any time during the respondent's tenure. A petition for *quo warranto* may also be filed at any time for grounds that occur during the respondent's tenure.

RULE 19. Periods Non-Extendible. - The periods prescribed in Rule 17 and Rule 18 are jurisdictional and non-extendible.

RULE 20. Contents of the Protest or Petition. -

a. An election protest shall state:

1. the position involved;
2. the number of votes credited to the parties per the proclamation;
3. the ranking of the parties per *COMELEC Senatorial Canvass Report by Rank*;
4. the date of assumption of office of the protestee;
5. the total number of contested clustered precincts per city or municipality;
6. the precinct numbers and locations of the contested clustered precincts in accordance with the *COMELEC Project of Precincts*; and
7. the specific acts or omissions constituting the electoral fraud, anomaly, or irregularity in the contested precincts.

b. A petition for *quo warranto* shall state:

1. the position involved;
2. the facts giving the petitioner standing to file the petition;

3. the date of assumption of office of the respondent;
4. the legal qualifications for the position and the disqualifications prescribed by law; and
5. the ground(s) for respondent's ineligibility or the specific acts of disloyalty to the Republic of the Philippines.

RULE 21. Verification and Certification. - An election protest or a petition for *quo warranto* shall be verified by an affidavit, alleging the following attestations:

- a. The allegations in the protest or petition are true and correct based on affiant's personal knowledge, or based on authentic documents;
- b. The protest or petition is not filed to harass the protestee or respondent; and
- c. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.

The signature of the affiant shall further serve as a certification of the truthfulness of the allegations in the protest or petition.

The protestant or petitioner shall personally sign the certification against forum shopping, which shall be attached to the election protest or petition for *quo warranto*.

An unverified or improperly verified protest or petition, or one that lacks a certification against forum shopping shall not suspend the running of the period for the filing of an election protest or petition for *quo warranto*.

RULE 22. How Filed. – An election protest or a petition for *quo warranto* shall be filed with the Office of the Secretary, personally or by registered mail, electronic mail, or accredited courier.

If the protest or petition is filed personally, the Secretary of the Tribunal shall indicate on the protest or petition the date and hour of receipt. If filed by registered mail or accredited courier, the date of mailing as shown by the post office stamp on the envelope or the registry receipt, or transaction date on the bill of lading in the case of accredited courier, shall be considered as the date of filing, in which case the envelope and/or bill of lading shall be attached to the records of the case. If filed by electronic mail, the date of electronic transmission shall be considered as the date of filing.

If the filing is made personally, by registered mail, or accredited courier, the election protest or petition for *quo warranto* shall be filed in thirteen (13) legible copies with the original copy plainly indicated as such. The filing of the printed copies shall be accompanied by a soft copy saved in portable document format (PDF), which may be contained in a compact disc (CD) or universal serial bus (USB). The

filename of the soft copy shall correspond to the name of the document. The same format shall be adopted if the election protest or petition for *quo warranto* is filed by electronic mail.

The Tribunal may order the submission of the printed copies of the election protest or petition for *quo warranto* filed by electronic mail, if deemed necessary.

RULE 23. Summary Dismissal. - An election protest or petition for *quo warranto* shall be summarily dismissed by the Tribunal if the protest or petition is filed beyond the periods prescribed in Rule 17 or Rule 18.

The Tribunal may summarily dismiss the protest or petition if:

- a. The protest or petition is insufficient in form or substance;
- b. The filing fee is not paid simultaneously with the filing of the protest or petition;
- c. In case of protests where a cash deposit is required, if such deposit, or the first Two Hundred Thousand Pesos (₱200,000.00) thereof, is not paid within ten (10) days after the filing of the protest; or
- d. The protest or petition or copies thereof, or the annexes, filed with the Tribunal are not legible.

This rule shall likewise apply to counter-protests and cross-protests.

SUMMONS AND PRECAUTIONARY PROTECTION ORDER

RULE 24. Issuance of Summons; Period to Answer. – Upon the filing of the election protest or petition for *quo warranto*, the Chairperson shall direct the Secretary of the Tribunal to immediately issue the summons within five (5) days, unless the protest or petition is summarily dismissed in accordance with the immediately preceding rule.

The summons, to which a copy of the protest or petition shall be attached, shall require the protestee(s) to file an answer within a non-extendible period of thirty (30) days, or the respondent to file an answer within a non-extendible period of fifteen (15) days from receipt thereof.

RULE 25. Summons; How Served. - The summons shall be served by handing a copy to the protestee or respondent in person or, in case of refusal of the protestee or respondent to receive and sign it, by tendering the same.

If, for justifiable causes, the protestee or respondent cannot be served in person as provided in the preceding paragraph after one (1) attempt, service may be effected:

- a. by leaving copies of the summons at the residence of the protestee or respondent with a person at least eighteen (18) years of age and of sufficient discretion residing therein;
- b. by leaving copies of the summons at the office of the protestee or respondent with some competent person in charge thereof; or
- c. by sending an electronic mail to the protestee's or respondent's electronic mail address.

The summons shall be served by a duly authorized officer of the Tribunal.

RULE 26. *Issuance of Precautionary Protection Order.* - Where the allegations in a protest so warrant, the Tribunal shall, simultaneous with the issuance of summons, order the city or municipal treasurer, the election officer, and the responsible personnel and custodian to take immediate steps or measures to safeguard the integrity of all the ballot boxes and their contents, books of voters, lists of voters with voting records, election day computerized voters' lists, and other documents or paraphernalia used in the election, as well as data storage devices containing electronic data evidencing the conduct and the results of elections in the contested precincts.

ANSWERS, COUNTER-PROTESTS AND CROSS-PROTESTS

RULE 27. *Answer to Protest or Petition.* - The protestee or respondent must specify in the answer each material allegation of fact the truth of which is not admitted and, whenever practicable, shall set forth the substance of the matters relied upon in support of the denial. The protestee or respondent shall specify so much of it as is true and material and shall deny only the remainder. Where the protestee or respondent is without knowledge or information sufficient to form a belief as to the truth of a material averment made in the protest or petition, the same shall be stated, and this shall have the effect of a denial.

An answer to an election protest shall include all available grounds for dismissal, special and affirmative defenses, and counterclaims, as well as counter-protest against the protestant or cross-protests against other protestees, if any. No counter-protest or cross-protest shall be filed except as part of an answer.

An answer to a petition for *quo warranto* shall set up all available grounds for the dismissal of the petition, as well as special and affirmative defenses and counterclaims.

The answer shall be verified and filed with the Office of the Secretary personally, or by electronic mail or accredited courier.

If the filing is made either personally or by accredited courier, the answer shall be filed in thirteen (13) legible copies with the original copy plainly indicated as such, and with proof of service on the protestant and other protestees, if any, or the petitioner. The filing of the printed copies shall be accompanied by a soft copy saved

in portable document format (PDF), which may be contained in a compact disc (CD) or universal serial bus (USB).

The Tribunal may order the submission of the printed copies of the answer filed by electronic mail, if deemed necessary.

RULE 28. Counter-Protest or Cross-Protest; Contents. - The counter-protest or cross-protest, which shall form part of the answer, shall state:

- a. The total number of counter-protested or cross-protested clustered precincts, which shall not be more than four (4) times the number of the protested precincts;
- b. The total number of contested clustered precincts per city or municipality;
- c. The precinct numbers and locations of the contested clustered precincts in accordance with the *COMELEC Project of Precincts*; and
- d. The specific acts or omissions constituting the electoral fraud, anomaly, or irregularity in the contested precincts.

RULE 29. Answer to Counter-Protest or Cross-Protest. - The answer to the counter-protest or cross-protest must be verified and filed with the Office of the Secretary personally, or by electronic mail or accredited courier within a non-extendible period of fifteen (15) days from receipt of the counter-protest or cross-protest, as the case may be.

If the filing is made either personally or by accredited courier, the answer to the counter-protest or cross-protest shall be filed in thirteen (13) legible copies, with the original copy plainly indicated as such, and with proof of service on the protestee and the cross-protestant, if any. The filing of the printed copies shall be accompanied by a soft copy saved in portable document format (PDF), which may be contained in a compact disc (CD) or universal serial bus (USB).

The Tribunal may order the submission of the printed copies of the answer to the counter-protest or cross-protest filed by electronic mail, if deemed necessary.

RULE 30. Extensions of Time. - No motion for extension of any of the periods prescribed in Rule 24 and Rule 29 shall be entertained.

RULE 31. Prohibited Motions. - The following motions shall be prohibited:

- a. Motion to Dismiss;
- b. Motion for a Bill of Particulars;
- c. Demurrer to Evidence;
- d. Motion for Postponement; or

- e. Motion to Declare Protestee or Respondent in Default.

Grounds for a motion to dismiss shall be pleaded as affirmative defenses in the appropriate responsive pleading allowed under Rule 27 and Rule 29. The Tribunal may, in its discretion, hold a preliminary hearing on any of the grounds so pleaded.

RULE 32. *Failure to Answer; Effect.* - If no answer to the protest, counter-protest or cross-protest, or petition for *quo warranto* is filed within the periods prescribed in these Rules, a general denial shall be deemed to have been entered.

Where a general denial has been entered in an election protest that does not involve revision of ballots or in a petition for *quo warranto*, the Tribunal shall require the protestant or petitioner to submit evidence *ex parte*. In election protests involving revision of ballots, the Tribunal shall order such revision. During the revision proceedings, only the revisors of the protestant may participate. The protestee or a duly authorized representative has the right to be present and observe the proceedings but cannot make claims or objections to the ballots and election documents.

RULE 33. *Amendments of Pleadings.* - Before the expiration of the periods prescribed in these Rules for filing of the pleadings sought to be amended, the parties may amend their pleadings:

- a. As a matter of right, at any time before a responsive pleading is served;
or
- b. With leave of the Tribunal, after a responsive pleading is served. Leave may be refused if it appears to the Tribunal that the amendment was made with intent to delay.

When the Tribunal admits an amended pleading, it shall order the other party or parties to answer the same within fifteen (15) days from service of a copy of the amended pleading and the resolution admitting the same.

FILING AND SERVICE OF OTHER PLEADINGS AND MOTIONS

RULE 34. *Other Pleadings and Motions; How Filed and Served.* - Whenever practicable, the filing and service of pleadings, motions, and other papers subsequent to the protest or petition or answers thereto shall be done personally. Unless otherwise prescribed in these Rules, the following modes of filing and service may be resorted to as may be authorized by the Tribunal:

- a. By registered mail;
- b. By accredited courier; or
- c. By electronic mail or other electronic means.

A resort to any of the foregoing modes must be accompanied by a written explanation why personal filing or service is not practicable.

If the filing is made personally, by registered mail, or accredited courier, pleadings, motions, and other papers shall be filed with the Office of the Secretary in thirteen (13) legible copies, with proof of service upon the adverse party or parties. The filing of the printed copies shall be accompanied by a soft copy saved in portable document format (PDF), which may be contained in a compact disc (CD) or universal serial bus (USB).

The Tribunal may order the submission of the printed copies of the pleadings, motions, and other papers filed by electronic mail, if deemed necessary.

RULE 35. *Proof of Filing.* - The filing of pleadings, motions, and other papers shall be proven by their existence in the record of the case.

- a. If filed personally, the filing shall be proven by the written or stamped acknowledgment of its filing by the Secretary of the Tribunal on a copy of the pleading or Tribunal submission;
- b. If filed by registered mail, the filing shall be proven by the registry receipt and by the affidavit of the person who mailed it, containing a full statement of the date and place of deposit of the mail in the post office in a sealed envelope addressed to the Tribunal, with postage fully prepaid, and with instructions to the postmaster to return the mail to the sender after ten (10) calendar days if not delivered;
- c. If filed through an accredited courier, the filing shall be proven by an affidavit of service of the person who brought the pleading or other document to the service provider, together with the courier's official receipt and document tracking number;
- d. If filed by electronic mail, the filing shall be proven by an affidavit of the filing party accompanied by a printed copy of the pleading or other document transmitted, or a written or stamped acknowledgment of its filing by the Secretary of the Tribunal; or
- e. If filed through other authorized electronic means, the filing shall be proven by an affidavit of the filing party accompanied by a copy of the electronic acknowledgment of its filing by the Secretary of the Tribunal.

RULE 36. *Proof of Service.* - Proof of service of pleadings, motions, and other papers shall depend on the mode of service.

- a. If made by personal service, proof shall consist of the written admission of the party served, the official return of the server, or the affidavit of the party serving, containing a statement of the date, place, and manner of service;
- b. If service is made by registered mail, proof shall consist of the affidavit of

the party serving, containing a statement of the date, place, and manner of service, and the registry receipt issued by the mailing office, or in lieu thereof, the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee;

- c. If service is made by accredited courier, proof shall consist of the affidavit of service executed by the person who brought the pleading or paper to the service provider, together with the courier's official receipt and document tracking number; or
- d. If service is made by electronic mail, facsimile, or other authorized electronic means of transmission, proof shall consist of the affidavit of service executed by the person who sent the electronic mail, facsimile, or other electronic transmission, together with a printed proof of transmittal.

RULE 37. *Submission of Soft Copies of Pleadings and Motions.* – The parties to an election protest or petition for *quo warranto* shall submit soft copies of their pleadings, motions, and other papers in portable document format (PDF), which may be contained in a compact disc (CD) or universal serial bus (USB) or attached to an electronic mail. The pleadings, motions, and other papers shall be individually saved using a filename that corresponds to the name of the document.

RULE 38. *Pleadings Not Considered Filed.* - A violation of the foregoing requirements of filing and service may constitute cause to consider the pleadings, motions, and other papers as not filed and no action shall be taken thereon.

RULE 39. *No Hearing or Oral Argument on Motions.* - No hearing or oral argument on motions shall be allowed unless the Tribunal determines otherwise.

RULE 40. *Motions; When Deemed Submitted for Resolution.* - The adverse party shall have three (3) days from receipt of the motion to file comments or objections. If no comment or objection is filed within the said period, the motion shall be deemed submitted for resolution. A party may move for reconsideration within five (5) days from receipt of the resolution.

TRIBUNAL ISSUANCES

RULE 41. *Tribunal-Issued Orders and Other Documents.* - The Tribunal may electronically serve resolutions, orders, notices, and other documents to all the parties. A printed copy of the electronically-served document shall be retained and attached to the records of the case.

FILING FEES, CASH DEPOSITS AND OTHER LEGAL FEES

RULE 42. *Filing Fees.* - No protest, counter-protest, cross-protest, or petition for *quo warranto* shall be deemed filed without the simultaneous payment of a filing fee of Fifty Thousand Pesos (₱50,000.00).

Where an answer sets up more than one cross-protest, the filing fee shall be Fifty Thousand Pesos (₱50,000.00) for each cross-protest.

If a party sets forth a claim for damages or attorney's fees, an additional filing fee of five percent (5%) of the total amount claimed shall be paid.

Where the protest or petition for *quo warranto* is filed by registered mail, accredited courier, or electronic mail, it must be accompanied by a postal money order or proof of deposit if payment is made through electronic means, in the amount of the corresponding filing fees. The same modes of payment shall apply to a counter-protest or cross-protest which is filed by accredited courier or electronic mail.

RULE 43. Cash Deposit. - In addition to the fees prescribed in the preceding rule, the protestant, counter-protestant or cross-protestant, or petitioner in *quo warranto* proceedings shall make a cash deposit to the Tribunal in the following amounts:

- a. If the protest, counter-protest or cross-protest does not require the collection and revision of ballots and election documents, Twenty Thousand Pesos (₱20,000.00) to be paid within ten (10) days from the filing of the protest, counter-protest or cross-protest;
- b. If the protest, counter-protest or cross-protest requires the collection and revision of ballots and election documents, Two Thousand Pesos (₱2,000.00) for each contested ballot box, *provided, however*, that if the amount exceeds Two Hundred Thousand Pesos (₱200,000.00), an initial cash deposit of Two Hundred Thousand Pesos (₱200,000.00), shall be paid in full within ten (10) days from the filing of the protest, counter-protest or cross-protest, with the balance to be paid in installments as the Tribunal may specify;
- c. In a petition for *quo warranto*, Ten Thousand Pesos (₱10,000.00) to be paid within ten (10) days from the filing of the petition.

The cash deposits shall be applied to the payment of all expenses not programmed into or provided for in the Tribunal's budget which may be necessary or incidental to the resolution and adjudication of the protest, counter-protest or cross-protest, or petition for *quo warranto*, including, but not limited to, transportation and storage of the ballot boxes, election documents and paraphernalia, the compensation of the Head Revisors, as well as charges that may be imposed by the Commission on Elections relative to the machines and storage devices used in connection with the automated election system.

When circumstances so demand, the Tribunal may require additional cash deposits. Any unused cash deposit shall be returned to the party or parties who paid the same after complete termination of the protest, counter-protest or cross-protest, or petition for *quo warranto*. Any unused cash deposit which remains unclaimed for a period of two (2) years from receipt of notice authorizing release thereof shall be deemed forfeited in favor of the Tribunal.

RULE 44. *Effect of Failure to Make Cash Deposit.* - If a party fails to make the cash deposits or additional deposits within the prescribed periods, the Tribunal may dismiss the protest, counter-protest or cross-protest, or petition for *quo warranto* for which said deposits are required, or take such action as it may deem equitable under the circumstances.

RULE 45. *Legal Fees.* - Legal fees, in the amounts set forth below, shall be charged for the following:

- a. Copies of record, decision, resolution, or entry of judgment, for each page, Ten Pesos (₱10.00), with the certification charged separately in the amount of One Hundred Pesos (₱100.00) per document;
- b. Certified transcripts of stenographic notes, for each page of not less than two hundred and fifty (250) words, Twelve Pesos (₱12.00); *provided, however,* that one-third (1/3) of the total charges shall accrue to the Tribunal and the remaining two-thirds (2/3) to the stenographer concerned;
- c. Research fee for any record relating to a previous case already decided by the Tribunal with finality, Two Hundred Pesos (₱200.00); and
- d. Other certifications, One Hundred Pesos (₱100.00).

PRELIMINARY CONFERENCE

RULE 46. *Preliminary Conference; Purpose.* - After the filing of the last responsive pleading and the issues have been joined, the Tribunal shall call the parties to a preliminary conference to consider:

- a. The simplification of issues;
- b. The possibility of obtaining stipulation or admission of facts and of documents to avoid unnecessary proof;
- c. The limitation of the number and identification of witnesses and the nature of their testimonies; and
- d. Such other matters as may aid in the prompt disposition of the protest, counter-protest, cross-protest, or petition for *quo warranto*.

In an election protest, the following shall also be considered:

- e. The list of pilot precincts consisting of not more than twenty-five percent (25%) of the total number of contested clustered precincts, which the party deems as best exemplifying or demonstrating the electoral fraud or anomaly pleaded;
- f. The nature of the testimonies of the witnesses, as to whether they relate to evidence *aliunde* the ballots, or otherwise;

- g. The withdrawal of some contested, counter-protested, or cross-protested precincts (especially those where, among others, the ballots are unavailable due to the existence of protests concerning other positions, or are missing and cannot be located, or destroyed due to natural disasters or calamities); and
- h. The matter of reception of evidence to be done simultaneously with the revision of ballots, if the evidence is intended to prove such causes of action or defenses or issues which are unrelated to the ballots or election documents.

Matters not taken up during the preliminary conference shall be excluded from the evidentiary hearings.

RULE 47. Notice of Preliminary Conference. - The Tribunal shall issue a notice of preliminary conference and order the parties to submit their respective preliminary conference briefs.

Service of the notice of the preliminary conference to counsel is service to the party. If without counsel, the notice shall be served to the party.

RULE 48. Preliminary Conference Brief. - The parties shall file their respective preliminary conference briefs with the Office of the Secretary in thirteen (13) legible copies and serve the same on the adverse party, in such manner that shall ensure receipt thereof at least five (5) days before the date of the preliminary conference.

The preliminary conference brief shall contain:

- a. A concise statement of the case and the reliefs prayed for;
- b. A summary of admitted facts and proposed stipulation of facts;
- c. The factual and legal issues to be tried or resolved;
- d. The documents or other object evidence to be marked, stating the purpose thereof;
- e. The names of the witnesses, and the summary of their respective testimonies; and
- f. A brief statement of points of law and citation of authorities.

In an election protest, the preliminary conference brief shall also contain the following:

- g. The list of pilot precincts consisting of not more than twenty-five percent (25%) of the total number of contested clustered precincts, which the party deems as best exemplifying or demonstrating the electoral fraud or anomaly pleaded;

- h. A manifestation of whether the testimonies of the witnesses pertain to matters or issues *aliunde* the ballots and election documents, e.g. terrorism, vote-buying, fraud, or violence; and
- i. The proposals on the prompt disposition of the case, including the possible withdrawal of the protest, counter-protest or cross-protest, or some contested precincts, as well as the schedules of collection of ballot boxes and revision of ballots.

RULE 49. *Appearances of Parties; Effect of Failure to Appear.* - It shall be the duty of the parties and their respective counsel to appear before the Tribunal in person at the preliminary conference.

The failure of either the protestant, counter-protestant, cross-protestant, petitioner, or their respective counsel to appear at the preliminary conference shall be cause for dismissal, *motu proprio*, of the protest, counter-protest, cross-protest, or petition.

If either the protestee, cross-protestee, respondent, or their respective counsel fails to appear at the preliminary conference, the protestant or petitioner may be allowed to present evidence *ex parte* and the Tribunal shall render judgment based on the evidence presented.

RULE 50. *Failure to File Brief.* - Failure to file a brief or filing a brief which does not comply with the required contents shall have the same effect as failure to appear at the preliminary conference.

RULE 51. *Preliminary Conference Order.* - Within ten (10) days from the termination of the preliminary conference, the Tribunal shall issue an order reciting the matters taken up during the preliminary conference and the action thereon.

The parties may move for the correction of the preliminary conference order within five (5) days from receipt thereof. The order becomes final if no motion for its correction is filed within the said period. The contents of the order shall control the subsequent course of the proceedings.

RETRIEVAL OF BALLOT BOXES AND REVISION OF BALLOTS

RULE 52. *Order to Retrieve Ballot Boxes and Election Documents.* - Where the allegations in a protest, counter-protest or cross-protest so warrant, or whenever in its judgment the interest of justice so demands, the Tribunal shall order to be brought before it the ballot boxes containing the ballots, the corresponding keys, the automated election system machines and electronic data storage devices, books of voters, lists of voters with voting records, election day computerized voters' lists, the statements of votes by the board of canvassers concerned, and other documents used in the election.

Where any of the ballot boxes and election documents or paraphernalia mentioned in the immediately preceding paragraph are also involved in election

contests before other fora, the Tribunal shall coordinate and make the appropriate request with the concerned forum for preferential temporary custody thereof or for the synchronization of revision activities.

RULE 53. *Notice to Parties.* - The Tribunal shall notify the parties of the date and time for the retrieval of the above-named items from their respective custodians. The parties may send representatives to witness the same. The absence, however, of a party representative shall not be sufficient reason to postpone or delay the delivery of the ballot boxes, election documents, data storage devices, and other election paraphernalia into the custody of the Tribunal.

RULE 54. *Security Assistance.* - The Tribunal may, in its discretion, seek the assistance of the Senate Sergeant-at-Arms, the Philippine National Police, and/or the Armed Forces of the Philippines in ensuring the safe delivery of the ballot boxes and election documents or paraphernalia into the custody of the Tribunal.

RULE 55. *Custody and Safekeeping.* - Once received, the ballot boxes, election documents, and paraphernalia shall be kept and held secure in such storage areas as may be authorized by the Tribunal under the care and custody of the Canvass Board Service.

RULE 56. *Commencement of Revision.* - The Tribunal shall, *motu proprio* or upon motion of any of the parties, set the date for the start of the revision of ballots and election documents. Once started, the revision proceedings shall continue without interruption until its completion.

The failure of any party to participate in the revision proceedings for any reason shall not, however, be deemed a waiver of the special and affirmative defenses alleged in said party's answer.

RULE 57. *Order of Revision.* - Unless the Tribunal directs otherwise, the order of revision of ballots shall be as follows:

1. The pilot precincts designated by the protestant;
2. The remaining protested precincts, if warranted;
3. The pilot precincts designated by the counter-protestant; and
4. The remaining counter-protested precincts, if warranted.

The order of revision in cross-protests, if any, shall be determined by the presence or absence of common protested areas.

RULE 58. *Rules on Revision.* - The revision of ballots shall be governed by the rules and procedures promulgated by the Tribunal.

RULE 59. *Compensation of Head Revisor.* - The Tribunal shall fix the compensation of the Head Revisors and their alternates.

TECHNICAL EXAMINATION

RULE 60. *Motion for Technical Examination; Contents.* - Within five (5) days after the completion of the revision of ballots and election documents from a contested city, municipality, or province, a party represented in the revision proceedings may file a motion for technical examination, specifying:

- a. The nature of the technical examination requested (fingerprint examination, etc.);
- b. The ballots or election documents to be subjected to technical examination;
- c. The objections made in the course of the revision proceedings which the movant intends to substantiate with the results of the technical examination; and
- d. The ballots or election documents covered by such objections.

RULE 61. *Scope and Time Limit.* - The motion for technical examination may be granted by the Tribunal in its discretion and under such conditions as it may impose. If the motion is granted, the Tribunal shall schedule the technical examination and prescribe the scope and duration thereof. The technical examination shall be completed within the period fixed by the Tribunal.

The Tribunal shall notify the parties at least five (5) days before the start of such examination. A party may attend the technical examination, either personally or through a representative, but the examination shall proceed even in the absence of the party or the representative, provided there was due notice to the party.

The technical examination shall be conducted at the expense of the movant in the offices of the Tribunal or such other place as the Tribunal may designate, under the supervision of the Secretary of the Tribunal or a duly authorized representative.

Technical examinations requested by more than one (1) party shall be conducted simultaneously as far as practicable.

RULE 62. *Experts; Who Shall Provide.* - The Tribunal shall appoint independent experts to conduct the technical examination. The parties may avail themselves of the assistance of their own experts who may observe, but not interfere with, the examination being conducted by the Tribunal's experts.

RULE 63. *Continuous Technical Examination.* - Once started, the technical examination shall continue every working day until its completion or until the expiration of the period granted for such purpose.

RULE 64. *Photographing or Photocopying.* - Upon motion of any party, the photographing or photocopying of ballots or election documents may be allowed by the Tribunal. When so ordered, it shall be done within the offices of the Tribunal

or such other place as the Tribunal may designate, under the supervision of the Secretary of the Tribunal or a duly authorized representative. The movant shall bear all expenses relative to said photographing or photocopying.

SUBPOENAS

RULE 65. *Who May Issue; Form and Contents.* - Subpoenas *ad testificandum* or *duces tecum* may be issued by the Tribunal *motu proprio*, or upon motion of any of the parties. The subpoena shall be signed by the Secretary or the Deputy Secretary of the Tribunal.

A subpoena shall state the name of the Tribunal and the title of the action and shall be directed to the person whose attendance is required. The subpoena *duces tecum* shall also contain a reasonable description of the books, documents, or things demanded which must appear *prima facie* relevant.

RULE 66. *Authority of Hearing Commissioners to Issue Subpoenas; Parties to File Proper Motion.* - Hearing Commissioners may be authorized by the Tribunal to issue subpoenas in cases assigned to them for reception of evidence.

The party requesting the issuance of a subpoena *ad testificandum* or subpoena *duces tecum* shall file the proper motion before the Hearing Commissioner at least ten (10) working days before the hearing in which the witness or document requested will be presented. Failure to file the proper motion within the said period shall be deemed as a waiver of the right to compel the attendance of the witness or the production of the document requested.

RECEPTION OF EVIDENCE

RULE 67. *Hearings; By Whom and Where Conducted.* - The Tribunal may delegate the reception of evidence to a Hearing Commissioner who must be a member of the Philippine Bar and preferably an employee of the Tribunal.

Reception of evidence shall be done in the offices of the Tribunal unless the Tribunal directs otherwise.

RULE 68. *Continuous Hearings; When Conducted.* - The reception of evidence shall be held daily during regular working days.

The reception of testimonial evidence on matters or issues *aliunde* shall be done before or simultaneously with the revision of ballots.

The reception of evidence on all other matters or issues incident to or interwoven with the ballots and related election documents shall be made upon the completion of the revision of all or substantially all of the ballots or election documents.

RULE 69. *Order of Presentation of Evidence.* - The order of presentation of evidence shall be as follows:

1. The protestant or the petitioner in support of the protest or petition;
2. The protestee or the respondent in support of the defenses, counterclaims, and counter-protest or cross-protest; if there are two or more protestees, in the order of the date and time of filing of their respective answers; and
3. The protestant or petitioner, if allowed by the Tribunal, may then present rebuttal evidence; in which case, the protestee or respondent may present sur-rebuttal evidence.

RULE 70. *Time Limit for Presentation of Evidence.* - Each party is given a maximum period of thirty (30) working days to complete the presentation of evidence.

- a. This period shall include the following:
 1. The days consumed in the presentation of evidence for the pilot precincts;
 2. The days consumed in the presentation of evidence for the non-pilot precincts; and
 3. The days consumed in the reception of evidence done before or simultaneously with the revision of ballots.
- b. The following shall not be charged against the period allotted to either party:
 1. The period when presentation of the party's evidence is suspended upon order of the Tribunal by reason of the pendency of an issue in the nature of a prejudicial question; and
 2. The time taken up in the cross-examination of witnesses by the other party.

The hearing for any particular day may be postponed or canceled upon motion. The delay caused by such postponement shall be charged to the period allotted to the movant.

A party may present rebuttal or sur-rebuttal evidence, if allowed by the Tribunal, during the remainder of the thirty (30)-day period.

RULE 71. *Submission of Affidavits and List of Documentary Evidence.*
 - At least five (5) working days before a scheduled hearing, the affidavits of witnesses and the list of documentary evidence to be presented at the said hearing shall be submitted to the Tribunal by the party concerned, with copies furnished to the adverse parties, both by personal service.

Failure of a party to submit the affidavits within the said period shall be deemed as a waiver of the right to present said testimonial evidence. If the witness is a government official or employee, the submission of a judicial affidavit shall not be mandatory.

RULE 72. *Judicial Affidavit as Direct Testimony.* - The affidavits of the witnesses submitted by the parties shall constitute their direct testimonies, subject to cross, re-direct, and re-cross examination.

The affidavit of an affiant who fails to testify shall not be considered competent evidence for the party presenting the affidavit, but the adverse party may use the same for any admissible purpose.

RULE 73. *Examination of Witnesses.* - A witness shall be fully examined on cross, re-direct and re-cross in one (1) hearing day only, unless the Hearing Commissioner allows an extension thereof for justifiable reasons.

During the hearings, the Hearing Commissioner may ask clarificatory questions from the witnesses and counsel.

RULE 74. *Hearings; Effect of Failure to Appear.* - If a party fails to appear, reception of evidence may proceed *ex parte*, provided the parties have been duly notified of the hearing. In such a case, the absent party shall be deemed to have waived the right to cross-examine the witness whose testimony on direct or re-direct examination has been concluded.

If a party scheduled to present evidence fails to appear at the hearing, the Hearing Commissioner may adjourn the proceedings to the next hearing day. The delay shall be charged against the period allotted to the absent party for the presentation of evidence.

RULE 75. *Objections and Incidental Motions.* - All objections shall be noted by the Hearing Commissioner and referred to the Tribunal for disposition.

Incidental motions shall be reduced in writing and filed before the Tribunal within three (3) working days from the date of hearing.

The objections or motions shall not suspend the hearing. The evidence taken shall be subject to the Tribunal's ruling on the objections or motions.

RULE 76. *Rulings in Hearings before the Tribunal.* - During hearings before the Tribunal, the presiding Justice shall decide all questions raised in connection with the examination of witnesses and the admission of evidence, and such rulings shall be deemed as rendered by the Tribunal. However, should a Member request that a question be decided in consultation, the presiding Justice shall act only after the matter has been voted upon.

RULE 77. *Formal Offer of Evidence.* - The parties shall make a formal offer of evidence in writing within ten (10) days after completion of the presentation of

their respective evidence, unless the Tribunal directs an oral offer after presentation of the party's last witness.

An offer of evidence in writing may be objected to within five (5) days from notice. After an oral offer is made, the adverse party may immediately interpose an objection thereto.

The Tribunal shall consider no evidence which has not been formally offered. However, revision reports being official records of the Tribunal proceedings need not be formally presented and offered.

Documents previously marked as exhibits during the revision proceedings shall be considered included in the offer of evidence and need not be marked again during the reception of evidence.

RULE 78. *Procedure after Hearing.* - Within ten (10) working days after each formal offer of evidence or such period as may be fixed by the Tribunal, the Hearing Commissioner shall submit to the Tribunal the evidence presented, together with the transcripts of stenographic notes of the proceedings.

RULE 79. *Degree of Proof Required.* - The degree of proof required is substantial evidence.

MEMORANDA

RULE 80. *When Submitted; Contents.* - Within twenty (20) days from receipt of the Tribunal's ruling on the last offer of evidence, the parties shall simultaneously submit their respective memoranda setting forth briefly:

- a. The facts of the case;
- b. A complete statement of all the arguments, laws, and jurisprudence in support of their respective claims;
- c. Objections to the ballots or votes adjudicated to or claimed by the other party in the revision of ballots; and
- d. Refutation of the objections of the other party to the ballots or votes adjudicated to or claimed in the revision of ballots.

All evidence, as well as objections to evidence presented by the other party, shall be referred to or contained either in the memorandum or in appendices thereto.

RULE 81. *Supplemental or Rebuttal Memorandum.* - No supplemental, reply, or rebuttal memorandum shall be allowed unless required by the Tribunal.

INITIAL DETERMINATION

RULE 82. *Pilot Precincts.* - The revision of ballots and reception of evidence shall start with the pilot precincts. If after the appreciation of ballots or election

documents and/or reception of evidence in the pilot precincts, the Tribunal determines that the officially proclaimed results of the contested election will not be affected, the Tribunal shall dismiss the protest, counter-protest, or cross-protest without further proceedings.

If the evidence and the results of the proceedings involving the pilot precincts so warrant, the Tribunal shall order the continuation of the proceedings on the remaining protested precincts.

VOTING

RULE 83. *Votes Required.* - Unless otherwise provided in these Rules, in resolving all matters submitted to the Tribunal, all the Members present, including the Chairperson, shall vote. The concurrence of at least five (5) Members of the Tribunal shall be necessary for the rendition of decisions and the adoption of formal resolutions.

DECISIONS

RULE 84. *Procedure in Deciding Contests.* - In rendering its decisions or resolutions, the Tribunal shall follow the procedure prescribed for the Supreme Court in Sections 13 and 14, Article VIII of the 1987 Constitution.

RULE 85. *Promulgation of Decisions.* - After the decision, together with the separate, concurring, or dissenting opinions, if any, is signed, it shall be delivered for filing to the Secretary of the Tribunal, who shall forthwith indicate thereon the date of promulgation and cause certified true copies thereof to be served on the parties and/or their respective counsel.

RULE 86. *Finality of Decision; Motion for Reconsideration or Reopening.* - A decision of the Tribunal shall become final ten (10) days after receipt of a copy thereof by the counsel, if no motion for reconsideration is filed.

A party may file a motion for reconsideration of a decision within ten (10) days from receipt of a copy of the decision, with proof of service thereof on the adverse party. The adverse party may file a comment or opposition to the motion for reconsideration within five (5) days from receipt thereof.

If a motion for reconsideration is denied, the decision shall become final and executory upon service to the parties of the resolution denying the motion for reconsideration. If the motion for reconsideration is granted, the party or parties adversely affected may move to reconsider within ten (10) days from receipt of the resolution granting the motion for reconsideration; otherwise, the decision as reconsidered shall become final and executory after the lapse of said period.

A second motion for reconsideration is a prohibited pleading and shall not be entertained.

No motion for the reopening of a case shall likewise be entertained.

RULE 87. *Entry of Judgment.* - The judgment shall be entered by the Secretary of the Tribunal in the Book of Entries of Judgments immediately upon its finality. The record of entry shall contain the dispositive portion of the judgment and shall be signed by the Secretary of the Tribunal, with a certification that such judgment has become final and executory.

RULE 88. *Procedure after Finality of Decision.* - As soon as a decision becomes final and executory, notice thereof shall be sent to the Senate of the Philippines, the President of the Philippines, and the Commission on Audit.

The Tribunal may seek the assistance of the Senate Sergeant-at-Arms in the enforcement of its decisions.

The original copies of the decisions of the Tribunal shall be kept in bound form in the archives of the Tribunal.

COSTS AND DAMAGES

RULE 89. *Costs When Allowed.* - Costs may be allowed to the prevailing party. However, the Tribunal, for special reasons, may apportion the costs as may be equitable.

RULE 90. *Costs When Action Dismissed.* - If a protest, counter-protest, cross-protest, or petition for *quo warranto* is dismissed, the Tribunal may still rule on the amount of costs and damages.

RULE 91. *Costs When Action Frivolous.* - If a protest, counter-protest, cross-protest, or petition for *quo warranto* is found to be frivolous, the Tribunal may impose double or treble costs on the protestant, counter-protestant, cross-protestant, or petitioner, as the case may be.

RULE 92. *Damages and Attorney's Fees.* - In all election contests, the Tribunal may award damages and attorney's fees as it may deem just and as established by the evidence, if the aggrieved party has included these claims in the pleadings and the additional filing fee prescribed in Rule 42 has been paid.

SUPPLEMENTARY RULES

RULE 93. *Applicability.* - The following shall be applicable by analogy or in suppletory character, provided they are not inconsistent with these Rules or with the decisions, resolutions, and orders of the Tribunal:

- a. The Rules of Court;
- b. The Rules on Electronic Evidence;
- c. The Judicial Affidavit Rule;
- d. Efficient Use of Paper Rule; and

e. Rules of Procedure of other Electoral Tribunals.

AMENDMENT

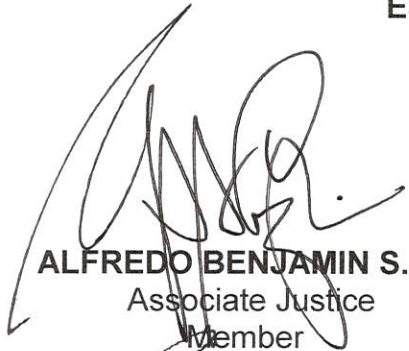
RULE 94. *Amendment.* - The Tribunal may, at any time, amend these Rules. Any amendment shall become effective fifteen (15) days after publication in the Official Gazette or in a newspaper of general circulation in the Philippines.


EFFECTIVITY

RULE 95. *Effectivity.* - These Rules shall take effect fifteen (15) days after publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

APPROVED, 26 June 2020.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Member


ALEXANDER G. GESMUNDO
Associate Justice
Member


RICHARD J. GORDON
Senator
Member


MARIA LOURDES NANCY S. BINAY
Senator
Member


PIA S. CAYETANO
Senator
Member


EMMANUEL "MANNY" D. PACQUIAO
Senator
Member


FRANKLIN M. DRILON
Senator
Member


MANUEL "LITO" M. LAPID
Senator
Member