

Republic of the Philippines
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila

**FERDINAND "BONGBONG" R.
MARCOS, JR.,**

Protestant,

-versus-

**MARIA LEONOR "LENI DAANG
MATUWID" G. ROBREDO,**

Protestee.

X-----X

PRESIDENTIAL ELECTORAL TRIBUNAL

DATE FILED: 9/20/16

TIME: 1:10

RECEIVED BY: [Signature]

to 100 pm

PET Case No. 005

For: Election Protest

Vice-President

**MANIFESTATION WITH MOTION TO ADMIT
ATTACHED VERIFICATION**

Protestant **FERDINAND "BONGBONG" R. MARCOS, JR.** ("protestant Marcos"), through the undersigned counsel, unto this Honorable Presidential Electoral Tribunal ("PET"), most respectfully alleges the following:

1. On **9 September 2016**, protestant Marcos filed a *Motion to Strike-Out or Expunge Protestee's Verified Answer dated 12 August 2016 with Manifestation and Answer Ad Cautelam to Counter-Protest*.

2. The Answer to the Counter-Protest was filed *ad cautelam* by protestant Marcos as a precautionary measure to preserve this legal remedy in case his *Motion to Strike-Out or Expunge Protestee's Verified Answer dated 12 August 2016* is denied by this Honorable Tribunal. Protestant Marcos maintains, however, that his *Motion to Strike-Out or Expunge Protestee's Verified Answer dated 12 August 2016* should first be resolved before any issue as to his *Answer Ad Cautelam to Counter-Protest* can be entertained by this Honorable Tribunal.

3. Protestant Marcos read the contents of his *Motion to Strike-Out or Expunge Protestee's Verified Answer dated 12 August 2016 with Manifestation and Answer Ad Cautelam to Counter-*

Protest before the same was filed on 9 September 2016 and he affirmed that the allegations contained therein are true and correct based on his own personal knowledge and/or authentic records.

4. Unfortunately, protestant Marcos was not able to formally execute a verification for his *Answer Ad Cautelam to Counter-Protest* because he was out of the country from 25 August 2016 to 13 September 2016 to attend to some personal matters.

5. Protestant Marcos is aware that under **Rule 23** of the **2010 Rules of the Presidential Electoral Tribunal**¹ ("**2010 PET Rules**"), the answer to a protest or counter-protest shall be verified.

6. Nonetheless, it has been consistently held by the Honorable Supreme Court that "the verification of a pleading is only a formal, not a jurisdictional, requirement. The purpose of requiring a verification is to secure an assurance that the allegations in the petition are true and correct, not merely speculative. **This requirement is simply a condition affecting the form of pleadings, and noncompliance therewith does not necessarily render the pleading fatally defective.**"²

7. In fact, in the case of *Heirs of Amada A. Zaulda v. Isaac Z. Zaulda*,³ the Highest Tribunal even stressed that in cases where the verification was found to be lacking or defective, the "court may order its submission or correction or act on the pleading if the attending circumstances are such that strict compliance with the Rule may be dispensed with in order that the ends of justice may be served thereby."

8. Without waiting for the directive of this Honorable Tribunal to submit his verification to his *Answer Ad Cautelam to Counter-Protest*, protestant Marcos has taken the initiative to seek the kind indulgence of this Honorable Tribunal to admit the attached Verification for his *Answer Ad Cautelam to Counter-Protest* consistent with jurisprudential doctrines cited above.

¹ A.M. No. 10-2-29-SC, promulgated on 4 May 2010.

² *Lucy Marie Torres-Gonzalez v. Fulgencio C. Gadilla*, G.R. No. 195191, 20 March 2012 citing *Abie v. Bernal*, G.R. No. 169326, 18 March 2010, 616 SCRA 60; emphasis and underlining supplied.

³ G.R. No. 210234, 17 March 2014, citing *Pagalosa v. Wala*, G.R. No. 165769, December 12, 2011, 662 SCRA 14.

9. Protestant Marcos did not intend to contravene the mandate of **Rule 23** of the **2010 PET Rules** by filing an answer without the required verification. He was only compelled to do so because he was already out of the country when his legal counsel received the belatedly filed *Verified Answer with Special and Affirmative Defenses and Counter-Protest* of the protestee dated 12 August 2016.

10. With all due respect, protestant Marcos humbly submits that the foregoing circumstances are meritorious grounds to justify the admission of the attached Verification for his *Answer Ad Cautelam to Counter-Protest* dated 6 September 2016. After all, technically speaking, there is no need for protestant Marcos to even file an Answer to Robredo's Counter-Protest, since the latter was filed out of time and should therefore be stricken-out or expunged from the records of this case.

PRAYER

ACCORDINGLY, it is most respectfully prayed of this Honorable Tribunal to:

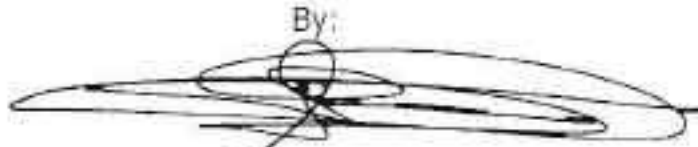
- (1) **GRANT** protestant's Motion to Admit Attached Verification for his *Answer Ad Cautelam to Counter-Protest* dated 6 September 2016; and
- (2) duly **NOTE** and **ADMIT** the protestant's Manifestation.

Other reliefs, just and equitable under the premises, are also prayed for.

City of Manila, Philippines, **19 September 2016**.

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By:



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NOTICE OF SUBMISSION

THE CLERK OF THE TRIBUNAL

Presidential Electoral Tribunal
Padre Faura, Manila

ATTY. ROMULO B. MACALINTAL

Lead Counsel for Protestee Robredo
c/o Sardillo Sardillo Salom Law Office
Unit 802, Talpan Place, F. Ortigas Avenue
Ortigas Center, Pasig City

re-re #:
TJD 660 744 152 E2

GREETINGS:

Please be advised that undersigned counsel for protestant Marcos is submitting the *Manifestation with Motion to Admit Attached Verification* for the consideration and approval of this Honorable Tribunal immediately upon receipt thereof.



GEORGE ERWIN M. GARCIA

EXPLANATION

[Pursuant to Rule 30 and 31 of the PET Rules in relation to Section 11, Rule 13 of the 1997 Rules of Civil Procedure]

Copy of the foregoing *Manifestation with Motion to Admit Attached Verification* was served to the counsel of the protestee by registered mail, personal service being impractical due to distance, time and manpower constraints.



GEORGE ERWIN M. GARCIA

VERIFICATION

I, **FERDINAND "BONGBONG" R. MARCOS, JR.**, of legal age, Filipino, with address at 10 Barangay Lacub, Batac, Ilocos Norte, after having been sworn in accordance with law, hereby state that:

1. I am the protestant/counter-protestee in P.E.T. Case No. 005 entitled Ferdinand "Bongbong" R. Marcos, Jr. vs. Maria Leonor "Leni Daang Matuwid" G. Robredo;
2. I caused the preparation and filing of the Answer *Ad Cautelam* to Counter-Protest dated 6 September 2016;
3. I have read and understood the same, and attest that the allegations contained therein are true and correct, based on my own personal knowledge and/or on authentic records.

IN WITNESS WHEREOF, I have hereunto affixed my signature this SEP 13 2016 day of September 2016 in PASIG CITY.


FERDINAND R. MARCOS, JR.
Affiant

SUBSCRIBED AND SWORN TO before me this SEP 13 2016 day of September 2016 in PASIG CITY, affiant exhibiting before me his Taxpayer Identification bearing No. 149-909-133-000.




NORAIZA MAE KEITH M. TALBIN
Notary Public for and in Pasig City
30th Floor, Tycoon Center, Pearl Drive
Ortigas Center, Pasig City 1605
Commission No. 159 (2016-2017)
Attorney's Roll No. 64902
PTR No. 0862948; 03/5/16; Pasig City
IBP Lifetime No. 013862; 5/14/15; Davao Oriental
ACLE Compliance No. V-0020711; 4/20/2016

AFFIDAVIT OF SERVICE

(Revised as of April 1, 1994)

I, **Jerry C. Guevarra**, a clerk of the G.E. GARCIA Law Office with office address at Ground Floor, LAIKO Bldg., Cabildo St., Intramuros, City of Manila, after being duly sworn, do hereby depose and say:

That on September 20, 2016, I served a copy of the following pleading/paper:

NATURE OF PLEADING/PAPER

"MANIFESTATION WITH MOTION TO ADMIT ATTACHED VERIFICATION"

In **PET Case No. 005** entitled "**FERDINAND "BONGBONG" R. MARCOS, JR., Protestant, -versus- MARIA LEONOR "LENI DAANG MATUWID" G. ROBREDO, Protestee.**", pursuant to Sections 3, 4, 5 and 10, Rule 13 of the Rules of Court, as follows:

By Registered Mail:

R. R. No.

ATTY. ROMULO B. MACALINTAL
13 Cagayan Valley Street
Philamlife Village, Las Piñas City 1740

RD 660 744 152 23

By depositing a copy at the post office in Manila, as evidenced by Registry Receipt(s) No(s) and indicated after the name(s) of the addressee(s), and with instructions to the postmaster to return the mail to the sender after ten (10) days if undelivered.

September 20, 2016, Manila, Philippines.


JERRY C. GUEVARRA
Affiant

SUBSCRIBED AND SWORN to before me this SEP 20 2016 at Manila, Philippines, affiant exhibiting to me his Tax Identification No. 300-192-753-000. Issued by Bureau of Internal Revenue.

Doc. No. 20
Page No. 1
Book No. T
Series of 2016.


Notary Public
LPI# December 01, 2017
PTR# No. 4037889/Manila, LPI# 1
LPI# License No. 21757
Exp. No. 21757
LPI# Commission No. 180000000
P.O. Box 1170, 1170, Manila
A.C.B.A. Member in Good
Standing, Manila

