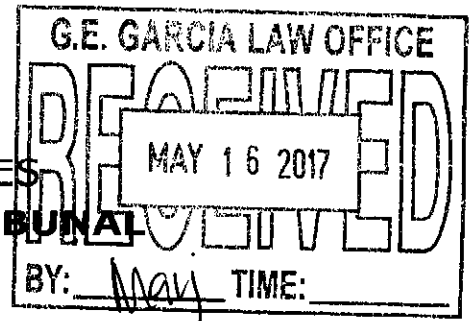


REPUBLIC OF THE PHILIPPINES  
**PRESIDENTIAL ELECTORAL TRIBUNAL**  
Manila



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

*Protestant,*

-versus -

**PET Case No. 005**  
For: Election Protest  
Vice-President

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

*Protestee.*

X- - - - - X

**MOTION FOR ADDITIONAL TIME**

[Re: Compliance with Resolution dated 18 April 2017  
and Resolution dated 25 April 2017]

The **COMMISSION ON ELECTIONS**, through the **OFFICE OF THE SOLICITOR GENERAL**, and unto this Honorable Tribunal, respectfully states:

1. On 26 April 2017, the COMELEC received notice of the Honorable Tribunal's *Resolution* dated 25 April 2017 directing it:

- (a) to comply with the Honorable Tribunal's *Resolution* dated 8 November 2016 on the itemized cost it may be required to pay under the Automated Election System (AES) Contracts, and
- (b) to inform the Honorable Tribunal whether Smartmatic-TIM, Inc. (Smartmatic) has made any communication to the COMELEC in enforcing Article 6.9 of the AES Contracts.

2. As to the first matter, the OSG respectfully manifests that on 2 December 2016, it already filed a *Compliance* dated 1 December 2016 informing this Honorable

Tribunal that the COMELEC may be required to pay a total of **Php 2,078,304,225.76** on account of the instant election protest. A copy of said Compliance stamp-received by this Honorable Tribunal is attached hereto as Annex "A".

3. As to the second matter, the OSG is still coordinating with the concerned officers and employees of the COMELEC, and has requested for documents, if any, as regards communications made to it by Smartmatic in enforcing Article 6.9 of the AES Contracts.

4. Also, on 26 April 2017, the OSG received notice of this Honorable Tribunal's *Resolution* dated 18 April 2017 directing the COMELEC to clarify, within ten (10) days, certain matters relating to the suspension of the stripping activities on the Consolidated Canvassing System (CCS). Thus, the COMELEC has until 6 May 2017 within which to comply with the Honorable Tribunal's Resolution.

5. The OSG, however, is likewise still awaiting documents from the concerned officers and employees of the COMELEC with regard to these matters.

6. For this reason, and considering as well the intervening non-working holidays and the demands of other equally important and urgent professional work, including court appearances, meetings, and the drafting of equally urgent pleadings, undersigned counsel is unable to fully comply with this Honorable Tribunal's Resolutions dated 18 April 2017 and 25 April 2017.

### **PRAYER**

**WHEREFORE**, the COMELEC respectfully prays of this Honorable Tribunal to:

1. **NOTE** the *Compliance* dated 1 December 2016 earlier filed by the COMELEC in compliance with this Honorable Tribunal's Resolution dated 8 November 2016; and

MOTION FOR ADDITIONAL TIME

MARCOS v. ROBREDO

PET Case No. 005

x-----x

2. **GRANT** the COMELEC an additional period of fifteen (15) days from 6 May 2017, or until 21 May 2017, within which to comply with this Honorable Tribunal's Resolutions dated 18 April 2017 and 25 April 2017.

The COMELEC likewise prays for such further or other reliefs as may be deemed just or equitable.

Makati City for the City of Manila, 5 May 2017.

**JOSE C. CALIDA**

*Solicitor General*

Roll No. 24852

IBP Lifetime No. 015360, 08/18/16

MCLE Exemption No. VI-000016, 09/28/16

  
**HENRY S. ANGELES**

*Assistant Solicitor General*

Roll No. 45837

IBP Lifetime No. 016075, 4/21/17

MCLE Compliance No. V-0026001, 10/14/16

  
**GERMAINE L. CHUA**

*Associate Solicitor*

Roll No. 59797

IBP Lifetime No. 014616, 04/1/16

MCLE Compliance No. V-0011787, 11/10/15

  
**JOSE ANGELO A. DAVID**

*Associate Solicitor*

Roll No. 64181

IBP No. 1033274, 04/17/17

MCLE Compliance No. V-0016027, 03/15/16

**OFFICE OF THE SOLICITOR GENERAL**

134 Amorsolo St., Legaspi Village  
1229 Makati City

Tel. No.: 9881674 (Trunkline)

Fax No.: 8176037

Website: [www.osg.gov.ph](http://www.osg.gov.ph)

Email: [docket@osg.gov.ph](mailto:docket@osg.gov.ph)

Copy furnished:

**ATTY. GEORGE ERWIN M. GARCIA**

**ATTY. JOAN M PADILLA**

*Counsel for Protestant*

G.E. Garcia Law Office

Ground Floor Laiko Bldg.

372 Cabildo Street

Intramuros, 1002 Manila

**ATTY. ROMULO B. MACALINTAL**

*Lead Counsel for Protestee*

Sardillo Sardillo Salom Law Office

Unit 802, Taipan Place

F. Ortigas Avenue

Ortigas Center Pasig City

**COMMISSION ON ELECTIONS**

**HON. ANDRES D. BAUTISTA**

**HON. CHRISTIAN ROBERT S. LIM**

Intramuros, 1002 Manila

**EXPLANATION FOR SERVICE BY REGISTERED MAIL**

In compliance with Section 11, Rule 13 of the Rules of Court, counsel respectfully manifests that the foregoing **MOTION FOR ADDITIONAL TIME** will be served by registered mail because distance constraints, as well as the limited number of office messengers, make personal service thereof impracticable.

  
**JOSE ANGELO A. DAVID**

HSA  
DOVID

# ANNEX "A"

REPUBLIC OF THE PHILIPPINES  
PRESIDENTIAL ELECTORAL TRIBUNAL  
Manila

1  
FERDINAND "BONGBONG" R.  
MARCOS,

Protestant,

PRESIDENTIAL ELECTORAL TRIBUNAL  
RECEIVED  
DEC 02 2016  
BY: [Signature]  
TIME: 8:25 [Signature]

**OFFICE COPY**  
OFFICE OF THE SOLICITOR GENERAL  
AFFIDAVIT OF SERVICE ATTACHED  
versus -

PET Case No. 005  
For: Election Protest  
Vice-President

MARIA LEONOR "LENI DAANG  
MATUWID" G. ROBREDO,

Protestee.

X-----X

## COMPLIANCE

The COMMISSION ON ELECTIONS, through the OFFICE OF THE SOLICITOR GENERAL, in compliance with this Honorable Tribunal's Resolution dated 8 November 2016,<sup>1</sup> respectfully states that:

1. Through a Letter dated 28 November 2016, a certified true copy of which is attached hereto as Annex "A", the COMELEC has written Smartmatic-TIM, Inc. ("Smartmatic") Project Director Mr. Elie Moreno of the turn-over of 97,366 leased units Vote Counting Machines and the Election Management System, including accessories not purchased by the COMELEC (hereinafter referred to as "Goods"), used for the 2016 automated elections. The Goods, however, remain to be in the possession of COMELEC.

2. Thus, following Article 6.9 of the Automated Election System ("AES") Contracts, the COMELEC may be required to pay a total of **PhP 2,078,304,225.76** on account of the instant election protest. Attached as Annex "B" and "C" are certified true copies of the signed

<sup>1</sup> Through the Resolution dated 8 November 2016, this Honorable Tribunal directed the COMELEC to: (1) inform the Tribunal of the status of the release of the Vote Counting Machines, and (2) to inform the Tribunal of the itemized cost that it may be required to pay should the automated election paraphernalia covered by Article 6.9 of the AES Contract still be in its possession by 1 December 2016 on account of the instant election protest.

**Financial Proposal Breakdown** agreed upon by COMELEC and Smartmatic itemizing the costs of the Goods should the **Total Purchase Option** under the two AES Contracts be exercised on account of the instant election protest.

**RESPECTFULLY SUBMITTED.**

Makati City for the City of Manila, 1 December 2016.

**JOSE C. CALIDA**

*Solicitor General*

Roll No. 24852

IBP Lifetime No. 015360 – 08/18/16

MCLE Exemption No. VI-000016 -9/28/16

**HENRY S. ANGELES**

*Assistant Solicitor General*

Roll No. 45837

IBP No. 1050040; 10/13/16

MCLE Compliance No. V-0026001 – 10/14/16

**JOSE ANGELO A. DAVID**

*Associate Solicitor*

Roll No. 64181

IBP Lifetime No. T033274; 4/1/16

MCLE Compliance No. V-0016027; 3/15/16

**OFFICE OF THE SOLICITOR GENERAL**  
134 Amoroso St., Legaspi Village, Makati City  
Tel. No. 8130086; Telefax No. 8137554  
Email: docket@osg.gov.ph

Copy furnished:

**ATTY. GEORGE ERWIN M. GARCIA**

**ATTY. JOAN M PADILLA**

*Counsel for Protestant*

G.E. Garcia Law Office

Ground Floor Laiko Bldg.

372 Cabildo Street

Intramuros, 1002 Manila

**ATTY. ROMULO B. MACALINTAL**

*Lead Counsel for Protestee*

Sardillo Sardillo Salom Law Office

Unit 802, Taipan Place

F. Ortigas Avenue

Ortigas Center Pasig City

**COMMISSION ON ELECTIONS**

**HON. ANDRES D. BAUTISTA**

**HON. CHRISTIAN ROBERT S. LIM**

Intramuros, 1002 Manila

#### **EXPLANATION FOR SERVICE BY REGISTERED MAIL**

In compliance with Section 11, Rule 13 of the Rules of Court, counsel respectfully manifests that the foregoing **COMPLIANCE** will be served by registered mail because distance constraints, as well as the limited number of office messengers, make personal service thereof impracticable.

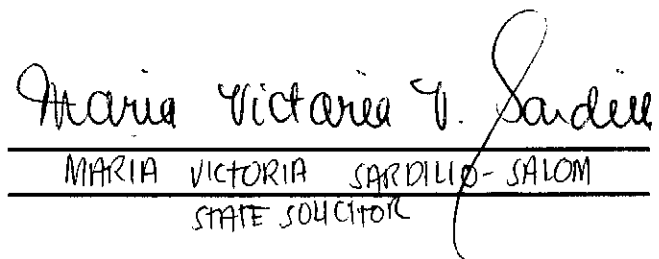
  
**JOSE ANGELO A. DAVID**

**VERIFIED DECLARATION**

I, **JOSE ANGELO A. DAVID**, hereby declare that the documents hereto submitted electronically in accordance with the Efficient Use of Paper Rule are complete and true copies of the documents filed with the Presidential Electoral Tribunal.

  
**JOSE ANGELO A. DAVID**  
5 May 2017

SUBSCRIBED and SWORN TO before me on this 5<sup>th</sup> day of May 2017, affiant exhibiting his OSG Employee ID No. 2016-01003.

---

MARIA VICTORIA SARDILLO-SALOM  
STATE SOLICITOR



REPUBLIC OF THE PHILIPPINES

AFFIDAVIT OF SERVICE

(Revised as of April 1992)

RODRIGO A. ESTABO, JR. SAO  
CIBR 13310 H 006 0063-2137-0

MAY 05 2017

I, \_\_\_\_\_, \_\_\_\_\_ OFFICE OF THE SOLICITOR GENERAL ,  
with Office address at 134 Amorsolo St., Legaspi Village Makati City, after being sworn to depose and say:

That on 05/05/2017, I caused to be served a copy of the following pleading/paper:

NATURE OF THE PLEADING

Motion For Extension

In case No. P.E.T. CASE NO. 005, entitled FERDINAND BONGBONG R. MARCOS, JR.,

VS. MARIA LEONOR LENI DAANG MATUWID G. ROBREDO

pursuant to Section 3,4,5 and 10, Rule 13 of the Rules of Court, as follows:

By Personal Service To:

- ( ) By depositing a copy to the party or his/her attorney on \_\_\_\_\_ as shown on p \_\_\_\_\_.
- ( ) By leaving a copy in his/her clerk or with a person having charge thereof on \_\_\_\_\_ as shown on p \_\_\_\_\_.
- ( ) By delivering a copy to the Court/Tribunal Office on \_\_\_\_\_ as shown on p \_\_\_\_\_.

By Registered Mail To:

COMMISSION ON ELECTIONS HON. ANDRES  
INtramuros, 1002 Manila, , Philippines

ATTY. ROMULO B. MACALINTAL  
Sardillo Sardillo Salom Law Office  
Unit 802, Taipan Place  
F. Ortigas Avenue  
Ortigas Center Pasig City, , Philippines

ATTY. GEORGE ERWIN M. GARCIA and ATTY.  
G.E. GARCIA LAW OFFICE Ground Floor Laiko  
Building 372 Cabildo Street Intramuros, 1002,  
Manila, , Philippines

- ( ) By depositing copy on \_\_\_\_\_ in the Post Office at \_\_\_\_\_ as evidenced by Registry Receipt(s) No.(s) \_\_\_\_\_ hereto attached and indicated after the name (s) of the addressee(s), and with instruction to the postmaster to return the mail to the sender after (10) days if undelivered.

MAY 05 2017

TERMINO A. ESTOQUE, JR. SAO  
CSIS UMID # 006-0043-2137-0

Makati, Metro Manila, Philippines

MAY 03 2017

TERMINO A. ESTOQUE, JR. SAO  
CSIS UMID # 006-0043-2137-0

(Affiant)

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_  
City, Philippines. Affiant exhibiting to me his \_\_\_\_\_

of \_\_\_\_\_

at Makati

issued at Pasay City.

MAY 03 2017

*Maria Victoria T. Sardillo*

MARIA VICTORIA SARDILLO SALDOM

STATE SOLICITOR

Solicitor, Officer Administering the Oath  
Office of the Solicitor General



16-020355-0103