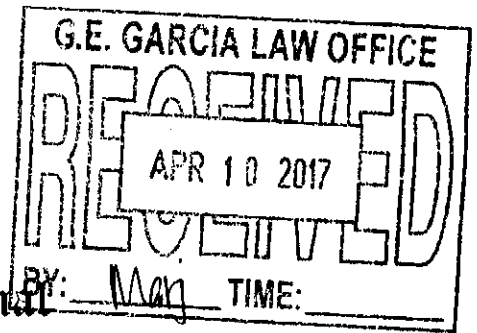




Republic of the Philippines
 Presidential Electoral Tribunal
 Manila



NOTICE

Sirs/Mesdames:

Please take notice that the Tribunal issued a Resolution dated **MARCH 21, 2017**, which reads as follows:

“PET Case No. 005 – FERDINAND ‘BONGBONG’ R. MARCOS, JR., protestant, versus MARIA LEONOR ‘LENI DAANG MATUWID’ G. ROBREDO, protestee.

x-----x

RESOLUTION

Rule 33 (b) of the Tribunal’s 2010 Rules provides that the cash deposit for the protest and counter-protest, if they require the bringing of the contested ballot boxes and election documents to the Tribunal, is ‘₱500.00 for each precinct involved’.

In his protest, Protestant assails the election results in 39,221 clustered precincts – 36,465 of which he prays for the conduct of manual count and judicial revision, while the remaining 2,756 he prays for the annulment of election results. Based on the Commission on Elections (COMELEC) data, the 39,221 clustered precincts are composed of 132,446 precincts. On the other hand, Protestee, as Counter-Protestant, assails the election results in 8,042 clustered precincts, which are composed of 31,278 precincts, also based on COMELEC data. The protest and counter-protest require the bringing of ballot boxes and other election paraphernalia to the Tribunal for all the foregoing precincts.

Based on the foregoing, the cash deposit for Protestant is ₱500.00 for each of the 132,446 precincts, which amounts to ₱66,223,000.00. For the Counter-Protestant, the cash deposit is ₱500.00 for each of the 31,278 precincts, which totals ₱15,639,000.00. Deducting the initial deposit of ₱200,000.00 paid by each, the cash deposits due from Protestant and Counter-Protestant are as follows:

- a. For Protestant: ₱66,023,000.00; and

Handwritten signature

b. For Counter-Protestant: ₱15,439,000.00.

Since under Section 33 (c) of the Tribunal's 2010 Rules the Tribunal may require payment in installment, the Tribunal requires Protestant to pay the cash deposit in two installments, as follows: ₱36,023,000.00 on or before April 14, 2017, and ₱30,000,000.00 on or before July 14, 2017. Counter-Protestant is also required to pay the cash deposit in two installments, as follows: ₱8,000,000.00 on or before April 14, 2017, and ₱7,439,000.00 on or before July 14, 2017.

IN VIEW OF THE FOREGOING, the Tribunal resolves to **REQUIRE** the Protestant to pay the cash deposit in two installments, as follows: ₱36,023,000.00 on or before April 14, 2017, and ₱30,000,000.00 on or before July 14, 2017. The Counter-Protestant is also required to pay the cash deposit in two installments, as follows: ₱8,000,000.00 on or before April 14, 2017, and ₱7,439,000.00 on or before July 14, 2017.

The Tribunal further Resolved to

(a) **NOTE** the Reply (to protestee's Compliance and Comment dated February 17, 2017), dated March 6, 2017 filed by counsel for protestant in compliance with the resolution dated February 21, 2017;


(b) **NOTE** the Letter dated February 16, 2017 of Marissa Sable, Acting Records Officer, Philippine Postal Corporation, in compliance with the resolution dated January 24, 2017, (i) informing the Tribunal that she indeed issued two (2) certifications for the delivery of Registered Letter Nos. 2728, 2729 and 2730 addressed to Atty. George Erwin M. Garcia/Atty. Joan M. Padilla, Ground Floor, Laiko Building, 372 Cabildo Street, Intramuros Manila; that the first Certification dated September 13, 2016 that she issued in favor of Sardillo Sardillo Salom Law Office, through its liaison officer, Teoderico A. Mesa, was wrong as to the date of delivery; that she inadvertently took up the date 'August 28, 2016,' a Sunday, written by the representative of the addressee, Allan N. Tan, when the latter acknowledged receipt of the above-mentioned Registered Letters in their Record of Dispatch and Delivery of Registered Mail; and that on September 21, 2016 when G. E. Garcia Law Office requested a copy of the Certification regarding the delivery of the same Registered Letters, she rectified her previous error by certifying that the subject Registered Letters were delivered on September 30, 2016 (should be August 30, 2016) based on the date appearing in their Record of Dispatch and Delivery of Registered Mail; (ii) affirming that the Certification issued to G. E. Garcia,

94 [Signature]

through Mary Joy Salayog, on September 21, 2016 is the correct certification; and (iii) apologizing for the inadvertence; and

(c) **NOTE** and **GRANT** the Letter dated March 17, 2017 of Atty. Liza T. Caintic, Clerk of Court VI, Regional Trial Court, Branch 23, Allen, Northern Samar, transmitting the Order dated March 17, 2017 issued by Executive Judge Emerenciana O. Manook, requesting authority to allow Atty. Caintic to personally bring to the National Bureau of Investigation, Manila, for technical examination, the forty seven (47) ballots used in Clustered Precinct Nos. 14B/15A/16B/17B of Brgy. Dalupirit, San Antonio, Northern Samar during the May 9, 2016 National and Local Elections subject of Election Protest Case No. A-162 (Marietta Lavin vs. Rudy Baguioso).”
(1)

Very truly yours,


FELIPA B. ANAMA
Clerk of the Tribunal
mbme

(With Dissenting Opinion of Justice Presbitero J. Velasco, Jr.)

**Atty. George Erwin M. Garcia and
Atty. Joan M. Padilla (x)**
Counsel for the Protestant
G.E. Garcia Law Office
Ground Floor Laiko Building
372 Cabildo Street
Intramuros, 1002 Manila

**Commission on Elections
through Hon. Andres D. Bautista (x)**
Chairperson

Atty. Jose M. Tolentino, Jr. (x)
Executive Director

Commissioner Robert S. Lim (x)
Project Director, 2016-AES Project
Commission on Elections
Intramuros, 1002 Manila

The Solicitor General (x)
134 Amorsolo Street
Legaspi Village, 1229 Makati City

Atty. Romulo B. Macalintal (x)
Lead Counsel for the Protestee
Sardillo Sardillo Salom Law Office
Unit 802, Taipan Place
F. Ortigas Avenue
Ortigas Center, Pasig City

Marissa Sable (x)
Acting Records Officer
Records Unit, Office of the Postmaster
Philippine Postal Corporation
Central Post Office
Manila

Atty. Liza T. Caintic (reg)
Clerk of Court VI
Regional Trial Court, Branch 23
Allen, Northern Samar

Public Information Office (x)
Supreme Court

gg for [unclear] - [unclear]

DISSENTING OPINION

VELASCO, JR., J.:

With all due respect, I dissent from the computation of the majority that the cash deposit to be posted by the protestant and counter-protestee shall be based on the individual precincts instead of the **clustered** precincts used in the 2016 general elections.

The wording of the rules must yield to intent.

Sec. 33(b)¹ of A.M. No. 10-4-29-SC, otherwise known as the 2010 Rules of the Presidential Electoral Tribunal, is a mere reproduction of Sec. 32(b)² of the 2005 Rules of the Tribunal embodied in A.M. No. 05-11-06-SC. Similar to its previous version, the 2005 Rules mandated the posting of a bond in the amount of PhP500.00 “for each precinct involved” because the protest and/or counter-protest would require the “bringing of ballot boxes and election documents or paraphernalia” before the Tribunal.

It bears stressing, however, that the conduct of an automated election was not within the contemplation of the 2005 Rules; the former Rules were crafted when the concept of a “clustered precinct” was yet to be formulated and introduced. During such a time when manual elections were still being held, there were designated ballot boxes and official election forms for each individual precinct. The ballots, returns, and the other documents for each precinct could, therefore, be physically segregated, providing the protestant or the counter-protestee a genuine choice as to the precinct/s whose results they would want to challenge, and thereafter bring before the Tribunal the “ballot boxes and election documents or paraphernalia” pertaining only to those they have chosen.

¹ **Rule 33. Cash deposit.** - In addition to the fees mentioned above, each protestant or counter-protestant shall make a cash deposit with the Tribunal in the following amounts:

x x x x

(b) If the protest or counter-protest requires the bringing of the ballot boxes and election documents or paraphernalia, Five Hundred Pesos (P500.00) for each precinct involved. If the amount of the deposit does not exceed Two Hundred Thousand Pesos (P200,000.00), the same shall be made in full with the Tribunal within ten days after the filing of the protest or counter-protest; and

x x x x

² **Rule 32. Cash deposit.** -- In addition to the fees mentioned above, each protestant or counter-protestant shall make a cash deposit with the Tribunal in the following amounts:

x x x x

(b) If the protest or counter-protest requires the bringing of ballot boxes and election documents or paraphernalia, Five Hundred (P500) Pesos for each precinct involved. If the amount of the deposit does not exceed One Hundred Thousand (P100,000) Pesos, the same shall be made in full with the Tribunal within ten days after the filing of the protest or counter-protest; and

x x x x

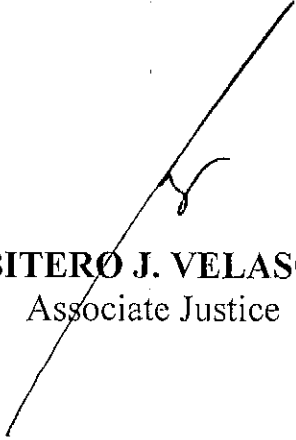


This is in stark contrast to the present scenario.

In the current set-up brought about by the automation of the polls, **there is only one (1) ballot box and one (1) set of election documents or paraphernalia for every clustered precinct, making it an impossibility to segregate the ballots, returns, and documents on a per precinct level.** It could then be that there is no genuine option for the protestant or counter-protestee when it comes to specifying with particularity the precinct that they would want to challenge. It may then be unfair for the parties to be required to post a deposit bond based on the number of precincts, over which they might not have actual control.

Moreover, transporting only one set of election paraphernalia per cluster is obviously less cumbersome for the Tribunal compared to requiring the production of the documents per precinct. The logistical concerns—the number of ballot boxes to be transported and stored, the number of documents to be delivered and how they are to be secured, and the number of people with whom the Tribunal would have to coordinate—were significantly lessened by the automated elections. It would then not make sense for the Tribunal to charge as much as before when it is not as heavily burdened.

I, therefore, register my vote that the computation for the cash deposit to be posted should be based on the number of **clustered** precincts involved. Thus, the protestant and counter-protestee should only be required to post cash deposit bonds in the aggregate amounts of PhP19,610,500.00 and PhP4,021,000.00, respectively, inclusive of the initial deposits of PhP200,000.00 each, instead of the amounts of PhP66,223,000.00 and PhP15,639,000.00.



PRESBITERO J. VELASCO, JR.
Associate Justice