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Republic of the Philippines
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila

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

Protestant,

-versus-

PET Case No. 005

For: Election Protest
Vice-President

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

Protestee.

X ----- X

PRESIDENTIAL ELECTORAL TRIBUNAL

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COMMENT

[TO THE LETTER DATED 10 JULY 2017 OF MARIA LEA R. ALARKON,
DIRECTOR III, OFFICE FOR OVERSEAS VOTING (OFOV),
COMMISSION ON ELECTIONS (COMELEC) PURSUANT TO PET
RESOLUTION DATED 18 JULY 2017]

Protestant **FERDINAND "BONGBONG" R. MARCOS, JR.**
("protestant Marcos"), through the undersigned counsel, unto this
Honorable Presidential Electoral Tribunal ("PET"), in compliance with
its *Resolution* dated 18 July 2017, most respectfully alleges the
following:

1. On **28 July 2017**, protestant Marcos received a copy of
PET Resolution dated 18 July 2017, which required him, among
others, to comment on the Letter of Maria Lea R. Alarkon ("Alarkon"),
Director III, OFOV, COMELEC, dated 10 July 2017, within a non-
extendible period of five (5) days from receipt thereof.

2. The aforementioned letter of Alarkon was received by
protestant Marcos on **1 August 2017**, hence, he has until **6 August
2017** to submit his comment thereto. However, since 6 August 2017
is a Sunday, protestant Marcos is given until the next succeeding
working day, *i.e.*, **7 August 2017**, a Monday, to file his Comment to
Alarkon's Letter dated 10 July 2017 in accordance with **Section 1,
Rule 22** of the **Rules of Civil Procedure**. The foregoing
submission is therefore timely filed.

3. In her Letter dated 10 July 2017, Alarkon requested for the payment of rental/storage fees and other necessary expenses in connection with the preservation and safekeeping of various election materials and paraphernalia used in the last 9 May 2016 elections. It would appear that several requests for payment of rental/storage fees and other necessary expenses were forwarded to the OFOV, COMELEC by the following embassies/consular offices: Seoul PE, Brasilia PE, Berne PE, Mexico PE, Washington D.C. PE, Yangon PE, Manama PE, Tehran PE, Chicago PCG, San Francisco PCG, Beijing PE, Xiamen PCG, Jeddah PCG, Rome PE, Bangkok PE, Milan PCG, Nairobi PE, Hongkong SAR PCG, New York PCG and Ottawa PE.

4. Anent thereto, protestant Marcos respectfully submits that **the COMELEC should defray the rental/storage fees and other necessary expenses** incurred by the aforementioned embassies/consular offices in connection with the preservation and safekeeping of various election materials and paraphernalia used in the last 9 May 2016 elections. After all, the COMELEC is mandated by the Constitution to act as the primary guardian of the sanctity of the ballots and other election paraphernalia in the exercise of its fundamental duty to enforce and administer all laws and regulations in the conduct of the elections.

5. It bears emphasis that an election protest is a mere incident of the conduct of the elections. Hence, it is the function of the Comelec to safeguard the integrity of the ballots, election materials and paraphernalia being contested in an election protest such as the above-entitled case. This is precisely why the Precautionary Protection Order (PPO) issued by the Honorable Tribunal in this case was directed to the COMELEC and its concerned officials and employees.

6. Consequently, all the costs and expenses necessary and incidental to the safekeeping of the ballot boxes and its contents and other election paraphernalia should be assumed by the COMELEC.

7. It would be the height of injustice if the payment of the rental/storage fees and other necessary expenses incurred by the aforementioned embassies/consular offices would be charged against the cash deposit of the protestant.

8. After all, it is very clear from the express provision of **Rule 33** of the **2010 PET Rules** that the "cash deposit shall be applied by the Tribunal to the payment of all expenses incidental to the **bringing of the ballot boxes and election documents or**

paraphernalia to the Tribunal and returning them after the case is terminated, and to the compensation of the members of the revision committees."

9. The rental/storage fees and other necessary expenses incurred by the aforementioned embassies/consular offices in connection with the preservation and safekeeping of various election materials and paraphernalia used in the last elections are evidently **excluded from the charges against the cash deposit of the protestant.**

10. To rule otherwise will grossly violate the mandate of this Honorable Tribunal to achieve a just, expeditious and **INEXPENSIVE** determination and disposition of every election contest before the PET and effectively render nugatory the right to file an election protest.

P R A Y E R

ACCORDINGLY, it is respectfully prayed of this Honorable Tribunal to **DIRECT** the COMELEC to pay the **rental/storage fees and other necessary expenses** incurred by the aforementioned embassies/consular offices in connection with the preservation and safekeeping of various election materials and paraphernalia used in the last 9 May 2016 elections.

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

City of Manila, Philippines, **7 August 2017.**

G.E. GARCIA LAW OFFICE

Lead Counsel for the Protestant

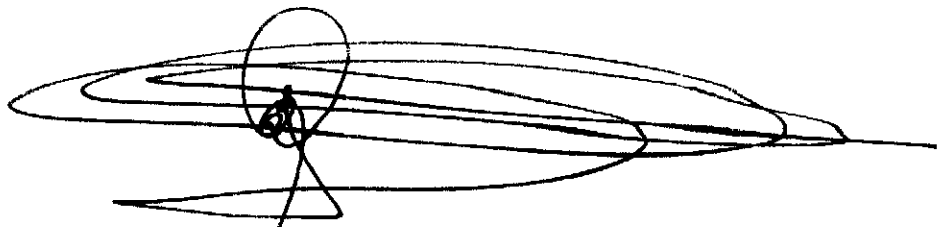
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HON. ARTHUR D. LIM

Commissioner, CIC-OFOV

Thru: **ATTY. GENEVIEVE E. VELICARIA-GUEVARRA**

Head, OFOV Secretariat
Commission on Elections
Palacio Del Gobernador, Intramuros
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re #: 1076568471422

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]

Copies of the foregoing *Comment to the Letter dated 10 July 2017 of Maria Lea R. Alarkon, Director III, OFOV, COMELEC* were served to the above-mentioned parties by registered mail, personal service being impractical due to time and manpower constraints.



GEORGE ERWIN M. GARCIA

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 August 07, 2017, I served a copy of the following pleading/paper.

NATURE OF PLEADING/PAPER

"COMMENT"

[TO THE LETTER DATED 10 JULY 2017 OF MARIA LEA R. ALARKON, DIRECTOR III, OFFICE FOR OVERSEAS VOTING (OFOV), COMMISSION ON ELECTIONS (COMELEC) PURSUANT TO PET RESOLUTION DATED 18 JULY 2017]"

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

By Registered Mail:

R. R. Nos.

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Thru: **ATTY. GENEVIEVE E. VELICARIA-GUEVARRA**
Head, OFOV Secretariat
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Palacio Del Gobernador, Intramuros 1002 Manila

NO 76568471422

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.

August 07, 2017, Manila, Philippines.

JERRY C. GUEVARRA
Affiant

SUBSCRIBED AND SWORN to before me this **AUG 07 2017** at Manila, Philippines, affiant exhibiting to me his Tax Identification No. 300-192-753-000. Issued by Bureau of Internal Revenue.

Doc. No. 916
Page No. 180
Book No. 49
Series of 2017.

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PTR# 3959951 - Mla. 1-3-2017
Roll# 12088, TING# 132-436-687
MCLE Compl. No. V-0505232 until 4-1-17

VERIFIED DECLARATION

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, hereby declare that the document/s (and annexes thereof) hereto submitted electronically in accordance with the Efficient use of Paper Rule is/are complete and true copy/ies of the document/s **"COMMENT [TO THE LETTER DATED 10 JULY 2017 OF MARIA LEA R. ALARKON, DIRECTOR III, OFFICE FOR OVERSEAS VOTING (OFOV), COMMISSION ON ELECTIONS (COMELEC) PURSUANT TO PET RESOLUTION DATED 18 JULY 2017]"** in **PET Case No. 005** entitled **FERDINAND "BONGBONG" R. MARCOS, JR., Protestant, -versus- MARIA LEONOR "LENI DAANG MATUWID" G. ROBREDO, Protestee,** filed with the Presidential Electoral Tribunal.

Signature: _____

Printed Name: **Jerry C. Guevarra**

Position: Staff

Date: August 07, 2017

AUG 07 2017

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

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ATTY. PEDRO D. GENATO
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Notarial Commission 2016-011 Mla.
ID# 1009230 Pasig 09-24-15 until 2017
PTR# 5939951 - Mla. 1-3-2017
Roll# 12038, TIN# 132-436-687
MCLE Compl. No. V-6005232 until 4-14.