

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

MANIFESTATION/COMPLIANCE
[RE: RESOLUTION DATED 29 AUGUST 2017]

The **COMMISSION ON ELECTIONS**, through the **OFFICE OF THE SOLICITOR GENERAL**, and in compliance with this Honorable Tribunal's *Resolution* dated 29 August 2017, respectfully states that:

1. On 5 September 2017, the COMELEC received this Honorable Tribunal's *Resolution* dated 29 August 2017 directing it to show cause why the COMELEC local officers of Bucay, Abra and COMELEC Central Office failed to seek prior approval from the Honorable Tribunal before the conduct of the activity in accordance with the Precautionary Protection Order, within a period of ten (10) days from receipt of the *Manifestation* dated 17 August 2017 of Hon. Corpuz B. Alzate ("Hon. Alzate").

2. On 6 September 2017, the COMELEC received Hon. Alzate's *Manifestation*. On 18 September 2017,¹ the COMELEC asked for additional time until 26 September 2017 within

¹ The last day of the original period within which to comply with this Honorable Tribunal's *Resolution* was on 16 September 2017, a Saturday. Under Rule 22 of the Rules of Court, the COMELEC had until the next business day, 18 September 2017, to comply with the *Resolution*.

which to comply with this Honorable Tribunal's *Resolution* dated 29 August 2017.

3. After motions for additional time, the COMELEC has until 16 October 2017 within which to file its compliance with this Honorable Tribunal's show cause order; hence, this Manifestation/Compliance.

4. On 20 May 2016, an election protest entitled "*Romero Salvador Daoaten vs. Rosalina Carpio Biscarra*" was filed before the Regional Trial Court of Bucay, Abra, Branch 58 ("trial court"), docketed as Election Case No. 16-01.

5. On 22 June 2016, the trial court, through Hon. Alzate, issued an *Order* directing the Election Officer and Municipal Treasurer of Luba, Abra to bring before it the ballot boxes used in the May 9, 2016 National and Local Elections.²

6. On 27 June 2016, the Clerk of Court of the trial court received from the Municipal Treasurer of Luba, Abra twelve (12) ballot boxes used in the May 9, 2016 National and Local Elections.³ As of such date, the trial court already had both physical and legal custody of the ballot boxes.

7. On 29 June 2016, the instant election protest was filed before this Honorable Tribunal, and a *Precautionary Protection Order* was issued on 12 July 2016.

8. On 2 August 2016, the COMELEC Central Office received this Honorable Tribunal's Precautionary Protection Order ("PPO").

9. On 17 August 2016, Executive Director Jose M. Tolentino, Jr. ("Dir. Tolentino") issued a *Memorandum* addressed to all Regional Election Directors informing them of the issuance of the PPO, and directing them to comply with and to disseminate the same to all field offices of the

² A copy of the Order dated 22 June 2016 is attached hereto as Annex "A" and made an integral part hereof.

³ See Receipt issued by the Clerk of Court attached hereto as Annex "B" and made an integral part hereof.

COMELEC and to all municipal, city and provincial treasurers within the regional jurisdictions.⁴

10. On even date, 17 August 2016, Hon. Alzate directed the opening of the ballot boxes pertaining to Barangays Nagbukel and Poblacion.⁵

11. It was only on 19 August 2016, however, or two days after Hon. Alzate directed the opening of the ballot boxes for two precincts, that the Provincial Election Supervisor of Bangued, Abra received a copy of Dir. Tolentino's Memorandum.⁶ Prior to its own receipt of Dir. Tolentino's Memorandum, the Provincial Election Supervisor could not have informed Hon. Alzate and other concerned parties of this Honorable Tribunal's PPO.

12. On the same date as the opening of ballot boxes of Barangays Nagbukel and Poblacion on 17 August 2016, Hon. Alzate caused the issuance of a *Subpoena Duces Tecum* on 17 August 2016 addressed to Election Records and Statistics Department ("ERSD") Director Ester L. Villaflor-Roxas ("Dir. Villaflor-Roxas") directing her to submit before the trial court a decryption of the SD cards, a printing of election returns, decryption of digital ballot images in all the precincts of Municipality of Luba, Abra.⁷

13. Dir. Villaflor-Roxas received the Subpoena Duces Tecum only on 3 September 2016.⁸ Immediately, she wrote a Letter dated 5 September 2016 informing Hon. Alzate of her inability to comply with the judge's subpoena because of the PPO issued by this Honorable Tribunal.⁹ She likewise attached to her Letter a copy of the PPO for the reference and guidance of Hon. Alzate.¹⁰

⁴ A copy of the Memorandum dated 17 August 2016 is attached hereto as Annex "C" and made an integral part hereof.

⁵ A copy of the Order dated 17 August 2016 is attached hereto as Annex "D" and made an integral part hereof.

⁶ See the receiving stamp on the Memorandum dated 17 August 2016 marked as Annex "C-I".

⁷ A copy of the Subpoena Duces Tecum is attached hereto as Annex "E" and made an integral part hereof.

⁸ See copy of the Dir. Villaflor-Roxas' Letter dated 5 September 2016 attached hereto as Annex "F" and made an integral part hereof.

⁹ *Ibid.*

¹⁰ *Ibid.*

14. The trial court received Dir. Villaflor-Roxas' letter and copy of the PPO on 7 September 2016.¹¹

15. Still, the trial court proceeded to open other ballot boxes after it received notice of the PPO from Dir. Villaflor-Roxas. For instance, the trial court's revision committee opened the ballot boxes for Barangay Tabangao and Lul-luno on 5 October 2016,¹² a month from the trial court's receipt of the letter with attached copy of this Honorable Tribunal's PPO.

16. When the election protest was decided by the trial court on 17 May 2017 and an appeal was made to the COMELEC,¹³ the COMELEC discovered that a total of ten (10) ballot boxes were opened by the trial court.¹⁴ Thus, the COMELEC directed Hon. Alzate to inform this Honorable Tribunal about the matter.¹⁵

17. For his part, Hon. Alzate stated in his Manifestation that "the ballot boxes were opened and revised because the court was not issued a cease and desist order by the COMELEC officer and COMELEC central office, even as they were aware of the pendency of the protest. A.M. No. 10-4-1-SC provides for a short period to decide the election protest, hence, the court proceeded with dispatch."¹⁶

18. With all due respect to Hon. Alzate, under Rule 8, Section 2 of A.M. No. 10-4-1-SC,¹⁷ the same rule he cited in his Manifestation, it is the trial court which should coordinate with and make the appropriate request with higher tribunals for temporary prior custody of election documents and paraphernalia, to wit:

Where any of the ballot boxes, ballots, PCOS machines, data storage devices, election returns, election documents or paraphernalia mentioned

¹¹ See the receiving stamp of the Clerk of Court on Dir. Villaflor-Roxas' Letter marked as Annex "F-1".

¹² A copy of two Orders dated 5 October 2016 involving the ballot boxes for Barangay Tabangao and Barangay Lul-luno are attached hereto as Annex "G" and Annex "H", respectively.

¹³ Hon. Alzate's Manifestation, p. 1.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.* at p. 3.

¹⁷ 2010 RULES OF PROCEDURE IN ELECTION CONTESTS BEFORE THE COURTS INVOLVING ELECTIVE MUNICIPAL OFFICIALS.

above are also involved in election contests before other tribunals (such as the Presidential Electoral Tribunal, the Senate Electoral Tribunal, the House of Representatives Electoral Tribunal or the Commission on Elections) with preferential rights of custody and revision in simultaneous protests under COMELEC Resolution No. 2812 dated 17 October 1995, the court shall coordinate with and make the appropriate request with the higher tribunals for the temporary prior custody of ballot boxes, PCOS machines, electronic data storage devices and other election documents and paraphernalia, or for the synchronization of revision activities.

19. Thus, upon having been informed of the issuance of the PPO as early as 7 September 2016, the trial court should have complied with the clear command of Rule 8, Section 2 of A.M. No. 10-4-1-SC before opening other ballot boxes and ordering the further revision of ballots. The COMELEC respectfully submits that it had no duty to issue, and the trial court had no basis to wait for, a cease and desist order enjoining it from opening ballot boxes and ordering the revision of ballots.

PRAYER

WHEREFORE, the **COMMISSION ON ELECTIONS** respectfully prays that this Honorable Tribunal **NOTE** the foregoing manifestations, and **CONSIDER** the same as compliance with this Honorable Tribunal's Resolution dated 29 August 2017.

Other relief just and equitable under the premises are likewise prayed for.

Makati City for the City of Manila, 13 October 2017.

JOSE C. CALIDA

Solicitor General

(Roll No. 24852)

IBP Lifetime No. 015360, 08/18/16

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

MANIFESTATION/COMPLIANCE

MARCOS v. ROBREDO

PET Case No. 005

X-----X


HENRY S. ANGELES

Assistant Solicitor General

Roll No. 45837

IBP Lifetime No. 016075, 4/21/17

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


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

Copy furnished:

HON. CORPUZ B. ALZATE

Presiding Judge

Regional Trial Court of Bucay, Abra

Branch 58

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. JOSE AMOR M. AMORADO

Collaborating Counsel for Protestant

MOST Law Office

30th Floor, Tycoon Centre, Pearl Drive

Ortigas Center, Pasig City 1605

ATTY. ROMULO B. MACALINTAL

Lead Counsel for Protestee

Sardillo Sardillo Salom Law Office

Unit 802 Taipan Place

F. Ortigas Avenue

Ortigas Center, Pasig City 1605

COMMISSION ON ELECTIONS
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 **MANIFESTATION/COMPLIANCE** will be served by registered mail because of distance constraints, as well as the limited number of office messengers, which make personal service thereof impracticable.



JOSE ANGELO A. DAVID
Associate Solicitor


VERIFICATION

I, **MARIA NORINA S. TANGARO-CASINGAL**, of legal age, Filipino, with office address at 8th Floor, Palacio Del Gobernador Building, Intramuros, Manila, hereby depose and state that:

1. I am the Director IV of the Law Department of the **COMMISSION ON ELECTIONS**.
2. In compliance with this Honorable Tribunal's Resolution dated 6 September 2016, I have caused the preparation and filing of the foregoing **MANIFESTATION/COMPLIANCE**.
3. I have read the said **MANIFESTATION/COMPLIANCE**, and the allegations therein are true and correct based on my personal knowledge and/or authentic records.


MARIA NORINA S. TANGARO-CASINGAL
Affiant

SUBSCRIBED AND SWORN TO before me this 13th day of October 2017, at the City of Manila, Philippines, affiant personally appeared before me and exhibited to me her COMELEC employee ID No. 21-0417-1997 issued by the Commission on Elections, Intramuros, Manila.


JOSE M. TOLENTINO, JR.
Executive Director
(Pursuant to Section 8, Chapter 2
Sub-Title C, Book V, E.O. 292)

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

13 October 2017

SUBSCRIBED and SWORN TO before me on this 13th day of October 2017, affiant exhibiting his OSG Employee ID No. 2016-01003.



GERMAINE L. CHUA
State Solicitor

Republic of the Philippines
REGIONAL TRIAL COURT OF ABRA
First Judicial Region
Branch 58
Bucay, Abra

ROMERO SALVADOR DAOATEN,
Petitioner,

ELECTION PROTEST CASE
NO. 16-01

-versus-

ROSALINA C. BISCARRA,
Respondent.

X-----X

ORDER

Pursuant to Rule 8, Section 2, A.M. No. 10-4-1-SC, this Court hereby ORDERS, the Election Officer, Municipality of Luba, Abra and the Municipal Treasurer, including all officers and employees working under their authority and supervision, in connection with the May 9, 2016 local elections, to BRING to Court the following:

- A. Ballot boxes with keys;
- B. VCM's;
- C. Electronic Data Storage Devices;
- D. List of voters and voting records;
- E. All documents and paraphernalia used in connection thereto in the following protested precincts, to wit:

1. 001140001- Poblacion;
2. 001140002 - Ampalioc;
3. 01140003 - Pacpaca;
4. 01140000 - Tabangao;
5. 01140005 -Barit;
6. 01164006 - Botot;
7. 01140007 - Gayaman;
8. 01140008 - Lulluno;
9. 01140009 - Luzong;
10. 01140010 - Nagbukel;
11. 01140011 - Tukipa; and
12. 01140012 - Sabnangan

A CERTIFIED TRUE COPY
DR. SAGA D. MABANING
CHIEF - JRD
BY: BUENAFE R. VALIDO JR.
ASST. DIVISION CHIEF
JUDICIAL RECORDS DIVISION

10/13/17

Further DIRECTING, the Provincial Director, Abra-PPO, Camp Juan Villamor, Bangued, Abra to provide adequate police security escorts for the

peaceful, smooth and orderly retrieval and transfer of the said objects of concern;

Finally, INFORMING, all parties concerned, that the retrieval operations shall be held at the Municipal Hall, Municipality of Luba, Abra at exactly 9:00 A.M. of June 27, 2016. This order shall serve as NOTICE to all concerned.

Furnish copy of this order to all the parties for their information, guidance and strict compliance.

SO ORDERED.

Bucay, Abra, this 22nd day of June, 2016.


CORPIUS B. ALZATE
Judge Designate

6/24/16
Protestee

A CERTIFIED TRUE COPY

DR. SAGA D. MABANING

BY: CHIEF - JRD

BUENAFER VALIDO JR.

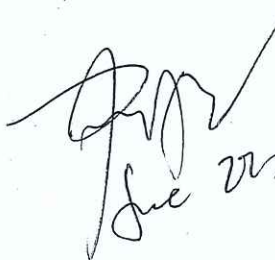
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JUDICIAL RECORDS DIVISION

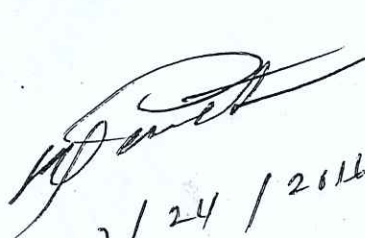
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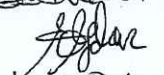
RECEIVED
JUN 24 2016

BY: mandar
Treasury Office Luba

 → Atty. Alzate
June 23/16

Rec'd & M:
pon 23-16
06-23-16
Abra PPO


2/24/2016
Protestant


Received

EUSEO D. GAYADAN JR.
6-24-16
COMELEC LUBA

ANNEX **B**


Republic of the Philippines
CORDILLERA ADMINISTRATIVE REGION
Province of Abra
MUNICIPALITY OF LUBA

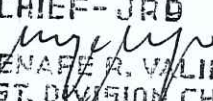
OFFICE OF THE MUNICIPAL TREASURER

Received from the Office of the Municipal Treasurer **twelve 12 ballot boxes** in connection with Election Case No. 16-01 filed by Romero S. Daoaten.


MONDAE L. BUENAFE-BERALDE
CLR II & OIC Clerk of Court

Witness:

 06-17-16
EDAP BATO J. ASCENCIO
PCC II

A CERTIFIED TRUE COPY
OR. SAGA D. MABANING
CHIEF - JRD
BY:  - 10/13/17
BUENAFE R. VALIDO JR.
ASST. DIVISION CHIEF
JUDICIAL RECORDS DIVISION

Signature over printed name

Signature over printed name



Republic of the Philippines
COMMISSION ON ELECTIONS
Cordillera Administrative Region
OFFICE OF THE MUNICIPAL ELECTION OFFICER
Luba, Abra

63

June 27, 2016

SIR/MADAM:

This is to acknowledge the receipt of Election forms used during the May 09, 2016 National and Local Elections in the Municipality of Luba, Abra. The table below shows the itemized forms,

Barangay	Precinct	PCVL (Posted Computerized Voters List)	EDCVL (Election Day Computerized Voters List)
Poblacion	0001A, 0001B, 0002A, 0002B, 0003A and 0003B	1 Set	1 Set
Ampalioc	0004A, 0004B, 0005A, 0005B, 0006A and 0006B	1 Set	1 Set
Barit	0007A, 0007B and 0008A	1 Set	1 Set
Gayaman	0009A, 0009B, 0010A, 0010B, 0011A and 0011B	1 Set	1 Set
Lulu-luno	0012A and 0013A	1 Set	1 Set
Luzong	0014A, 0015A, 0015B, 0016A and 0016B	1 Set	1 Set
Nagbukel-Tuquipa	0017A, 0017B and 0018A	1 Set	1 Set
Sabnangan	0019A, 0019B, 0020A and 0020B	1 Set	1 Set

1 Back up CD (Compact Disk) of Election Results

Received:

MONDAE B. BERALDE
Court Legal Researcher II

Signature over printed name/position/date
RTC Branch 58, Bucay, Abra

A CERTIFIED TRUE COPY
DR. SAGA D. MABANING
CHIEF - JRD -

BY:
BUENAFE R. VALIDO JR.
ASST. DIVISION CHIEF
JUDICIAL RECORDS DIVISION 10/13/17

Witnesses:

MA. VICTORIA A. BERALDE
Signature over printed name

ERLINDA S. ZAPATA
Signature over printed name

Signature over printed name

Signature over printed name



SERVICE COPY
REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
Intramuros, Manila

Office of the Executive Director

ANNEX "C"

MEMORANDUM

TO : ALL REGIONAL ELECTION DIRECTORS

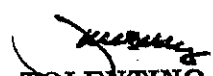
DATE : August 17, 2016

SUBJECT : Precautionary Protection Order in Marcos vs. Robredo

Attached herewith is a copy of the Precautionary Protection Order (PPO) issued by the Presidential Electoral Tribunal (PET) in PET Case No. 005 entitled "**Ferdinand 'Bongbong' R. Marcos, Jr., Protestant, vs. Maria Leonor 'Leni Daang Matuwid' G. Robredo, Protestee.**" wherein the Commission on Elections is "**DIRECTED to PRESERVE and SAFEGUARD the integrity of all the ballot boxes and their contents, including the ballots, voter's receipts and election returns; the lists of voters, particularly the Election Day Computerized Voter's List (EDCVL), and voters registration records (VRRs), and the books of voters; the audit logs, transmission logs, and all log files; and all other documents or paraphernalia used in the May 2016 elections for the position of Vice-President of the Republic of the Philippines, including the automated election equipment and records such as the Vote Counting Machines (VCM), Consolidation and Canvass System (CCS) units, Secure Digital (SD) cards (main and back-up), and all other data storage devices in all of the ninety-two thousand five hundred nine (92,509) clustered precincts used in the May 2016 elections, xxx**"

In this connection, please ensure compliance with the PPO, and disseminate copies of the PPO to all field offices of the COMELEC, and to all municipal, city and provincial treasurers in your respective areas of jurisdiction.

For your information and appropriate action.

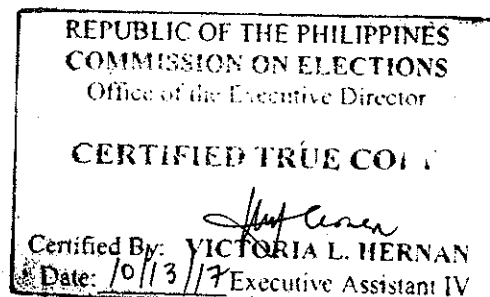

JOSE M. TOLENTINO, JR.
Executive Director

Enclosed: As Stated

JDM2/ED

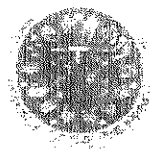
Faxed: All REOS
8-19-16

Emailed: Armm
8-19-16



1 Oct 1 AM NO. 001 " Marcos vs Robredo "

COMMISSION ON ELECTIONS
BANGUED, ABRA
RECEIVED
BY: [Signature] DATE: 2/1/16
TIME: 11:42 AM
PES OFFICE



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS

MEMORANDUM

TO: ALL REGIONAL ELECTION DIRECTORS

DATE: August 17, 2016

SUBJECT: Prosecution Protection Order in Marro vs. Robredo

WHEREAS, Ferdinand Bongbong F. Marro, Jr. (Petitioner) vs. Maria Leonor Leon During Motamayor O. Robredo (Respondent) is a pending case in the Regional Trial Court, Cebu City, Case No. 17-CV-00000, and WHEREAS, the Court has issued a Protection Order directing the Commission to PRESERVE and SAFEGUARD the integrity of all the ballot boxes and their contents, including the ballots, voters receipts and election returns; the lists of voters, particularly the Election Day Computerized Voters List (EDCVL), and voters registration records (VRRs), and the books of voters; the audit logs, transmission logs, and all log files; and all other documents or peripherals used in the May 2016 elections for the position of Vice President of the Republic of the Philippines, including the automated election equipment and records such as the Vote Counting Machines (VCM), Consolidation and Canvass System (CCS) units, Secure Digital (SD) cards (main and back up), and all other data storage devices in all of the ninety-two thousand five hundred nine (92,509) clustered precincts used in the May 2016 elections, NOW

[Signature]
JOSE O. TOLUATING JR.
Regional Director

(101)

REPUBLIC OF THE PHILIPPINES
First Judicial Region
REGIONAL TRIAL COURT OF ABRA
Branch 58

ANNEX " **D** "

ROMERO S. DAOATEN,
Protestant,

- vs. -

ROSALINA C. BISCARRA,
Protestee,

X ----- X

ELECTION CASE NO. 16-01
For:
ELECTION PROTEST

ORDER

A CERTIFIED TRUE COPY
OR. SAGA D. MABANING
BY: CHIEF - JRD
BUENAER VALIDO JR.
ASST. DIVISION CHIEF
JUDICIAL RECORDS DIVISION 10/13/17

Today, the Committee on Revision was put to task in conducting the inspection, verification and revision of the contents of the ballot boxes. Pursuant to the Preliminary Conference Order, the first ballot box to be opened should be the first precinct to be protested. However, upon inspection of the ballot boxes, it would appear that the Election Officer of the Municipality of Luba failed to indicate on the face of the ballot boxes the precincts to which they pertain. In order not to waste time verifying this matter, the parties agreed that the canvass and revision be conducted at random.

First to be opened was the ballot box pertaining to "Nagbukel". The second ballot box pertaining to "Poblacion" was opened in the afternoon session after lunch break. First, the parties through counsels were ordered by the court to make manifest their observations with respect to the outward condition of the ballot boxes with emphasis on the security measures adopted to ensure the integrity of the contents thereof. Thereafter, the court inquired from the counsels whether or not they believe that the integrity of the contents thereof was secured and intact and they both answered in the affirmative. Thereafter, the inspection and verification of the contents thereof was conducted, and the physical segregation of the ballots for the parties was completed. Both parties contested some ballots claimed by the adverse party and these were separated and put in a separate folder under seal and safekeeping of the Clerk of Court to await authentication by COMELEC guidelines.

COMELEC Resolution No. 10154, was promulgated on July 19, 2016, in response to numerous requests by the courts in connection with election protests in their areas of jurisdiction, addressing the issue on the delivery of VCM's, CCS laptops and

electronic data storage devices. In said resolution, the COMELEC directed the courts to:

1. Use handheld Ultraviolet (UV) lamps in authenticating contested ballots;
2. Issue Subpoena Duces Tecum for the decryption of SD Cards and printing of election returns and digital ballot images.

NOW THEREFORE, the Clerk of Court is hereby ordered to issue today, a subpoena duces tecum addressed to:

DIR. ESTER VILLAFLOR-ROXAS
DIRECTOR IV
ELECTION RECORDS AND STATISTICS DEPARTMENT
COMELEC
INTRAMUROS, MANILA

for said officer to submit before this court, a decryption of the SD Cards, a printing of election returns, decryption of digital ballot images in all the contested precincts. Further the clerk of court is directed to clearly specify the clustered precincts, barangay, municipality and province.

SO ORDERED.

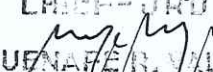
Bangued, Abra, this 17th day of August, 2016.



CORPUS B. ALZATE
PAIR JUDGE

1cba RECEIVED COPY FOR ATTY ALZATE
BX:


ESTELA S. AZCETA

A CERTIFIED TRUE COPY
DR. SAGA D. MABANING
CHIEF - JRD

BY: 
BUENAFEL N. VALIDO JR.
ASST. DIVISION CHIEF 10/17/17
JUDICIAL RECORDS DIVISION

 → Ex-Mayor M. Biscarra

Alwyn Arrascena  8/23/16

Republic of the Philippines
REGIONAL TRIAL COURT
First Judicial Region
Branch 58
Bucay, Abra

ROMERO S. DAOATEN
Protestant,

-versus-

ROSALINA C. BISCARRA
Protestee,

X-----X

To: DIR. ESTER VILLAFLOR-ROXAS
Director IV
Election Records and Statistics Department
COMELEC
Intramuros, Manila

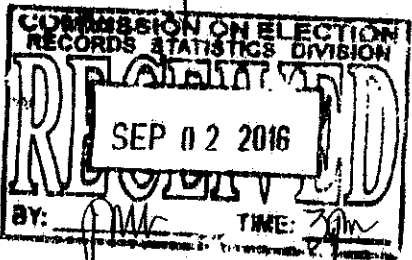
GREETINGS!

You are hereby required to submit before this Court *as soon as possible*, a decryption of the SD Cards, a printing of election returns, decryption of digital ballot images in all contested precincts of Municipality of Luba, Abra, to wit:

BARANGAY	PRECINCT ID NO.	CLUSTERED PRECINCT NO.
POBLACION	01140001	0001A, 0001B, 0002A, 0002B, 0003A, and 0003B
AMPALIOC	01140002	0004A, 0004B, 0005A, 0005B, 0006A, and 0006B
PACPACA	01140003	0005A and 0005B
TABANGAO	01140004	0006A and 0006B
BARIT	01140005	0007A and 0007B
BOTOT	01140006	0008A
GAYAMAN	01140007	0009A, 0009B, 0010A, 0010B, 0011A, and 0011B
LULLUNO	01140008	0012A and 0013A
LUZONG	01140009	0014A, 0015A, 0015B, 0016A, And 0016B
NAGBUKEL	01140010	0017A, and 0017B
TUKIPA	01140011	0018A
SABNANGAN	01140012	0019A, 0019B, 0020A, and 0020B

FAIL NOT, UNDER THE PENALTY OF THE LAW.

WITNESS THE HONORABLE CORPUZ B. ALZATE., Pair Judge of this Court, this 17th day of August, 2016 at Bucay, Abra, Philippines.

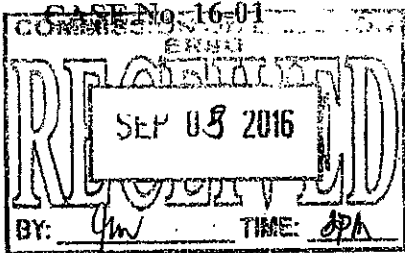


RD 616697930 ZZ

MONDAE BUENAFE-BERALDE
CLERK II & OIC Clerk of Court

DATE / SIG:
ELECTION RECORDS AND STATISTICS DEPT.
CERTIFIED TRUE COPY

ELECTION PROTEST



SUBPOENA DUCES TECUM

REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
Intramuros, Manila

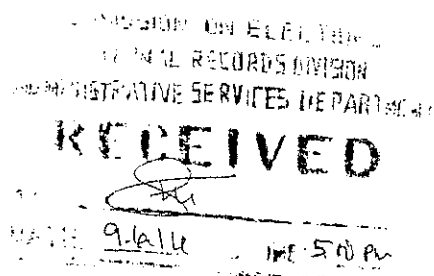
ANNEX "

Election Records and Statistics Department

05 September 2016

HON. CORPUS B. ALZATE

Pair Judge
1st Judicial Region
Regional Trial Court
Branch 58
Bucay, Abra



Dear Hon. **Judge Alzate:**

This has reference to your Honor's Order/Subpoena Duces Tecum dated 17 August 2016 and received by this office on September 3, 2016, directing this office to decrypt the SD cards and to print the ballot images of the protested clustered precincts stored in said SD Cards for the municipality of Luba, Abra used in the May 09, 2016 National and Local Elections in connection with Election Case No.16 - 01, entitled "*Romero S. Daoaten vs. Rosalina C. Biscarra*".

However, the Court will take cognizance of the fact that the Presidential Electoral Tribunal (PET) issued a Precautionary Protection Order (PPO) in P.E.T. Case No. 005, entitled "*Ferdinand "Bongbong" R. Marcos, Jr., vs. Maria Leonor "Leni Daang Matuwid" G. Robredo*", directing this Commission, its agents, representatives, or persons acting in its place or stead, including the city/municipal treasurers, election officers, and the responsible personnel and custodians, to PRESERVE and SAFEGUARD the integrity of the ballot boxes, etc., copy of which is hereto attached for your Honor's reference and guidance.

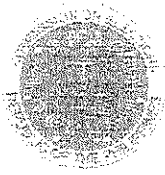
Corollary to the said PPO, it is hereby suggested that Your Honor request authority from the PET to allow this office to decrypt the SD Cards and print the ballot images for the subject protested precincts, pursuant to COMELEC Resolution No. 10154.

Very truly yours,

Esther L. Villaflores-Roxas
ESTER L. VILLAFLORES-ROXAS
Director IV

Encl: As Stated

10/12/16



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
MANILA

ANNEX

Division Offices and Regional Offices

25 September 2016

HON. CORPUS B. ALZATE

Judge
1st Judicial Region
Regional Trial Court
Branch 32
Bulacan City

Dear Hon. Judge Alzate:

This has reference to your Honors Order Subpoena Duces Tecum dated 12 August 2016 and received by this office on September 3, 2016 directing this office to decrypt the SD cards and to print the ballot images of the protested candidate precincts stored in said SD Cards for the municipality of Luba Abra used in the May 09, 2016 National and Local Elections in connection with Election Case No. 16-01 entitled "Romero S. Sison vs. Rosemarie T. Sison".

However, the Court will take cognizance of the fact that the Presidential Election Tribunal (PET) issued a Precautionary Protection Order (PPO) in P.E.T. Case No. 003 entitled "Fernando 'Rongrong' A. Marcos Jr. vs. Maria Leona 'Len' Garing Alarcon S. Roxas" directing this Commission, its agents, representatives or persons acting in its place or stead, including the div municipal treasurers, election officers, and the responsible personnel and custodians, to PRESERVE and SAFEGUARD the integrity of the ballot boxes, etc. copy of which is hereto attached for your Honors reference and guidance.

Corollary to the said PPO, it is hereby suggested that your Honor request authority from the PET to allow this office to decrypt the SD Cards and print the ballot images for the subject protested precincts, pursuant to COMELEC Resolution No. 10134.

Very truly yours,

Ester L. Villaflores-Moxas
ESTER L. VILLAFLORES-MOXAS

Director I
9/16/16

cc: Atty General

Rangred Office

received for Judge 00 Alzate
etc 9-7-16 11:10 am

Received:
Rangred Office
RANGRED

Republic of the Philippines
First Judicial Region
REGIONAL TRIAL COURT

Branch 58
Bucay, Abra

ANNEX "G"

ROMEO S. DAOATEN,
Protestant,

ELECTION CASE No. 16-01

-versus-

For: "Election Protest"

ROSALINA C. BISCARRA,
Protestee.

X-----X

ORDER

In today's morning session, the Committee on Revision opened ballot box pertaining to Tabangao and although there are no breaches of security on the locks and the seals that the COMELEC has placed, when the Chairperson open the envelop for the Minutes of Voting and Testing, the same is missing and in lieu thereof the Court discovered were the two so called minutes of the pre-voting testing in that municipality. When the ballots were physically segregated, Daoaten got 187 and Biscarra got 43 and there are 3 under or over voting.

Considering that the Court is not sure as to how many of the registered voters really voted, the Clerk of Court was directed to open the EDCVL and it was discovered that 16 of those registered voters did not vote and which number tallied with the unused ballots as contained in the envelop.

In the physical segregation of the receipts, the receipt for Biscarra got 43 and for Daoaten got 187 but there is 1 questionable receipt for Daoaten also but the same is cut after the name of Daoaten, meaning that the Court does not know whether or not the voter voted for other candidates in that precinct. The conclusion is that the receipt may be unintentionally cut after Daoaten and that it may be the case that this specific receipt that is questionable, in which the Clerk of Court is now keeping in her custody, has an identical receipt in the total of 187. At any rate, the manifestation of the counsel for the protestant is noted in that if the Court can count that receipt then as per count of receipts, Daoaten would be 188.

The Court will resume at 1:30 in the afternoon.

SO ORDERED.

Bucay, Abra, October 05, 2016.

[Signature]
Oct. 17, 2016

A CERTIFIED TRUE COPY
DR. SAGA D. MABANING

BY: CHIEF-JRD

BUENAFER R. VALIDO JR.
ASST. DIVISION CHIEF 10/13/17
JUDICIAL RECORDS DIVISION

[Signature]
CORPUS B. ALZATE
Pair Judge

Republic of the Philippines
REGIONAL TRIAL COURT
First Judicial Region
Branch 58
Bucay, Abra

ANNEX "H"

ROMERO S. DAOATEN,
Petitioner,

ELECTION CASE NO. 16-01

-versus-

For: "Election Protest"

ROSALINA C. BISCARRA,
Respondent.

X-----X

ORDER

In the revision for Brgy. Lul-luno, Luba, Abra based on the Minutes, the votes garnered for Daoaten is 78 and the votes garnered for Biscarra is 158. The number of voters who actually voted is 248, the ballot received is 272 and the unused ballots is 24. The court received 12 under and over voting. However, of the undervoting, the counsel for the protestee was claiming 2 of the ballots and therefore the court directed the Clerk of Court to keep the 2 ballots that would have been counted in favor of the protestee. After the segregation of the receipts, it turn out that Daoaten still got 78, however, the receipts for Biscarra is now 153. However, there are 2 receipts that were inadvertently cut before the results of the vice mayor. Even granting that these receipts would pertain to vote for Biscarra there is still 1 missing receipt. After the segregation of the receipts, the court discovered that it would be very easy to resolve the claim of the protestant on the 2 ballots which by visual examination the court has noted to be undershaded. The court therefore clip the receipts to the 12 under and or over voting ballots and what was left are 2 receipts which were considered to be under votes. The conclusion is that, if the 2 receipts pertains to the ballot that would have been physically segregated by the counsel for the protestee. At any rate the court will resolve this issues in the Decision proper.

On the matter of the Motion for Reconsideration which is submitted for resolution and I will resolve the issue tonight.


Set this case for further proceedings on October 18, 2016 at 10 o'clock in the morning.

SO ORDERED.

October 5, 2016, Bucay, Abra.


CORPUS B. ALZATE
Palm Judge

/vab


Oct. 17, 2016

A CERTIFIED TRUE COPY

DR. SAGA D. MABANING

BY: CHIEF - JRD

GUENAFE R. VALIDO JR.

ASST. DIVISION CHIEF

JUDICIAL RECORDS DIVISION