



Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
Manila



IN THE MATTER OF THE LETTER OF  
THE LEAD COUNSEL FOR PROTESTANT  
FERDINAND "BONGBONG" R. MARCOS,  
JR. THAT HE WILL NOT BE SENDING  
REPRESENTATIVE OR SUPERVISOR/  
LAWYER TO THE MEETING AT STA.  
ROSA CITY, LAGUNA, TO WITNESS THE  
RELEASE OF 1,356 VCMs TO  
SMARTMATIC-TIM

MINUTE RESOLUTION NO. 16-0706

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### NOTICE

1. **ATTY. GEORGE ERWIN M. GARCIA**  
Lead Counsel for Protestant  
Ferdinand "Bongbong" R. Marcos, Jr.  
G.E. GARCIA LAW OFFICE  
Ground Floor, Laiko Building  
Cabildo St., Intramuros, Manila

### GREETINGS:

Attached is a certified true copy of **MINUTE RESOLUTION NO. 16-0706** of the Commission (**EN BANC**) dated November 2, 2016.

November 23, 2016.

FOR THE COMMISSION:

  
**ATTY. CONSUELO B. DIOLA**  
Acting Commission Secretary



**EXCERPT FROM THE MINUTES OF THE REGULAR EN BANC  
MEETING OF THE COMMISSION ON ELECTIONS  
HELD ON NOVEMBER 02, 2016**

**Present:**

Chairman J. Andres D. Bautista  
Commissioner Christian Robert S. Lim  
Commissioner Al A. Paredes  
Commissioner Lito Tio F. Guia  
Commissioner Arthur D. Lim  
Commissioner Ma. Rowena Amelia V. Guanzon

**On Official Business:**

Commissioner Sheriff M. Abas

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**16-00000 IN THE MATTER OF THE LETTER OF THE LEAD COUNSEL FOR  
PROTESTANT FERDINAND "BONGBONG" R. MARCOS, JR. THAT HE WILL  
NOT BE SENDING REPRESENTATIVE OR SUPERVISOR/LAWYER TO THE  
MEETING AT STA. ROSA CITY, LAGUNA, TO WITNESS THE RELEASE OF  
1,356 VCMs TO SMARTMATIC-TIM**

This pertains to the Letter dated October 24, 2016 of Atty. George Erwin M. Garcia, Lead Counsel for Ferdinand "Bongbong" R. Marcos, Jr., as referred to by the Office of the Chairman, informing the Commission that he will not be sending any representative or supervisor/lawyer to the meeting at Sta. Rosa City, Laguna, to witness the release of 1,356 VCMs to Smartmatic-TIM.

The Letter of Atty. Garcia addressed to Executive Director Jose M. Tolentino, Jr. reads:

*"This is in reply to your letter dated 21 October 2016, a copy of which is attached for your perusal.*

*Please be informed that during the 19 October 2016 briefing at the COMELEC's Training Room in Sta. Rosa City, Laguna, protestant Marcos' representatives did not agree to any 'stripping' activity. To clarify, what was discussed in the said briefing was only the plan of COMELEC to release the one thousand three hundred fifty-six (1,356) units of contingency vote counting machines (VMC's) to Smartmatic-TIM, further, during said briefing, protestant Marcos' counsel, Atty. Jose Amor Amorado, specifically opposed the release of the subject VCMs to Smartmatic-TIM for two (2) principal reasons, to wit:*

- 1) the 1356 VCMs are covered by the PPO that was issued by the PET on 12 July 2016; and*
- 2) the PET had not approved the release of the subject VCMs.*

*In fact last Friday, per our Letter to you on even date, protestant Marcos already filed an Urgent Manifestation and Motion asking the PET to:*

- 1) Prohibit the COMELEC from releasing the subject VCMs on 26 October 2016;*



2) schedule a preliminary discussion between the COMELEC, parties, and their counsels, watchers, technical teams, and other representatives, and the Honorable Tribunal for the purposes of setting the protocol in conducting a technical examination of the subject VCMs to determine whether the same were not used during the 9 May 2016 elections; and


3) duly note the foregoing submission.

Hence, unless and until the **PET** approves the release of the subject VCMs, protestant Marcos will not be sending any representative or any supervisor/lawyer to the 26 October 2016 meeting at Sta. Rosa City to witness your proposed release of the 1,356 VCMs to Smartmatic-TIM."

The Commission **RESOLVED**, as it hereby **RESOLVES**, to **note** the Letter of Atty. George Erwin M. Garcia, Lead Counsel for Protestant Ferdinand "Bongbong" R. Marcos, Jr.

Let a copy of this Resolution be furnished to Atty. George Erwin M. Garcia.

**SO ORDERED.**

  
J. ANDRES D. BAUTISTA  
Chairman

  
CHRISTIAN ROBERT S. LIM  
Commissioner

  
LUE TITO F. GUIA  
Commissioner

  
MA. ROWENA AMELIA V. GUANZON  
Commissioner

  
AL A. PARREÑO  
Commissioner

  
ARTHUR D. LIM  
Commissioner

(On Official Business)  
SHERIFF M. ABAS  
Commissioner

Cc: Chairman  
All Commissioners  
Executive Director  
Deputy Executive Director for Operations  
Deputy Executive Director for Administration  
Information Technology Department  
Administrative Services Department  
Law Department

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