

Republic of the Philippines  
**PRESIDENTIAL ELECTORAL TRIBUNAL**  
Manila

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

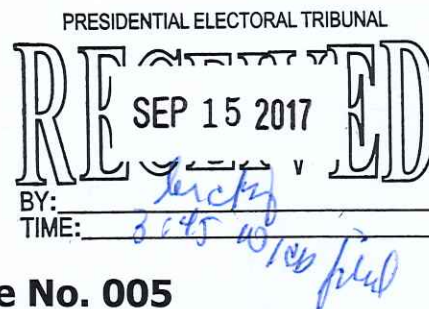
*Protestant,*

-versus-

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

*Protestee.*

X - - - - - X



**PET Case No. 005**

For: Election Protest  
Vice-President

**PARTIAL MOTION FOR  
RECONSIDERATION**

Protestant **FERDINAND "BONGBONG" R. MARCOS, JR.** ("protestant Marcos"), through the undersigned counsels, unto this Honorable Presidential Electoral Tribunal ("PET"), most respectfully moves for the partial reconsideration of the *Resolution* dated 29 August 2017, the following grounds:

**1.** On **5 September 2017**, protestant Marcos received a copy of a *Resolution* promulgated by this Honorable Tribunal on **29 August 2017** which resolved, among others, to deny his Motion for Technical Examination on the ground that it is premature to conduct a technical examination on voters' signatures from provinces other than those designated to be among the pilot areas.

**2.** With all due respect, this Honorable Tribunal committed a grave error when it denied the technical examination requested by protestant Marcos because the application of **Rule 46** and **Rule 65** of the **2010 Rules of the Presidential Electoral Tribunal**<sup>1</sup> ("PET Rules") is **limited to the second cause of action**, *i.e.*, the judicial revision and recount of the paper ballots and/or the ballot images as well as an examination, verification, and analysis of the voter's receipts, election returns, audit logs, transmission logs, the lists of

<sup>1</sup>A.M. No. 10-4-29-SC

voters, particularly the Election Day Computerized Voter's List (EDCVL), and voter registration records (VRRs), the books of voters and other pertinent election documents and/or paraphernalia used in the elections, as well as the automated election equipment and records such as the Vote Counting Machines (VCMs), CCS units Secure Digital (SD) cards (main and backup), and the other data storage devices containing electronic data and ballot images in ALL of the thirty-six thousand four hundred sixty-five (36,465) protested clustered precincts in this case.

**3.** The third cause of action – the annulment of election results for the position of Vice President in the provinces of Maguindanao, Lanao Del Sur and Basilan on the ground of terrorism, intimidation and harassment of voters, pre-shading of ballots and substitution of voters – is **necessarily excluded** from the coverage of both **Rule 46** and **Rule 65** of the **PET Rules** since the relief prayed for therein does not entail the judicial revision and recount of votes.

**4.** A closer look at the express provisions of **Rule 46** and **Rule 65** would easily reveal that the technical examination contemplated by **Rule 46** of the **2010 PET Rules** and the designation of the pilot areas envisioned by **Rule 65** thereof pertain to the second cause of action given that these undertakings are associated with the revision and recount of votes, thus:

**Rule 46.** *Motion for technical examination; contents.* – Within five days after completion of the revision of votes, either party may move for a technical examination. Specifying:

- (a) The nature of the technical examination requested (e.g., the examination of the genuineness of the ballots or election returns, and others);
- (b) The documents to be subjected to technical examination;
- (c) **The objections made in the course of the revision of votes which he intends to substantiate with the results of the technical examination;** and
- (d) **The ballots and election returns covered by such objections.** (R43a)

**Rule 65.** *Dismissal; when proper.* –The Tribunal may require the protestant or counter-protestant to indicate, within a fixed period, the province or provinces numbering not more than three, best exemplifying the frauds or irregularities alleged in his

petition; **and the revision of ballots and reception of evidence will begin with such provinces.** If upon examination of such ballots and proof, after making reasonable allowances, the Tribunal is convinced that, taking all circumstances into account, the protestant or counter-protestant will most probably fail to make out his case, the protest may forthwith be dismissed, without further consideration of the other provinces mentioned in the protest.

The preceding paragraph shall also apply when the election protest involves correction of manifest errors. [Emphasis and underscoring supplied.]

5. Here, the requested technical examination, subject of the foregoing motion, is **limited to the technical examination of the voters' signatures appearing on the EDCVL as against the voters' signatures appearing on the VRRs.** Hence, the same should be treated **SEPARATELY AND INDEPENDENTLY** by this Honorable Tribunal as a mere incident of the third cause of action for the annulment of the elections results for the position of Vice President in Lanao Del Sur, Maguindanao, and Basilan.

6. As mentioned earlier, protestant Marcos is not asking for the judicial recount and revision of the **two thousand seven hundred fifty six (2,756)** protested clustered precincts of Lanao Del Sur, Maguindanao, and Basilan. He merely requested for the technical examination of the voters' signatures appearing on the EDCVL as against the voters' signatures appearing on the VRRs to corroborate his claim that there was **massive substitute-voting in Lanao Del Sur, Maguindanao, and Basilan** during the last elections.

7. Protestant Marcos intends to use the results of the technical examination and forensic investigation of the voters' signatures appearing on the EDCVL as against the voters' signatures appearing on the VRRs as part of his evidence in support of his claim that there is substantial basis for the annulment of the election results in the provinces of **BASILAN, LANA DEL SUR, and MAGUINDANAO.**

8. In view of the foregoing, it is respectfully submitted that there is an urgent need for this Honorable Court to reconsider its denial of the requested technical examination in this case in so far as the technical examination of the voters' signatures appearing on the

EDCVL as against the voters' signatures appearing on the VRRs in each of the **two thousand seven hundred fifty six (2,756)** protested clustered precincts of Lanao Del Sur, Maguindanao, and Basilan is concerned. Protestant Marcos humbly maintains that this legal remedy, which is crucial and indispensable for the third cause of action, is sanctioned by **Rule 47** of the **2010 PET Rules** which empowers this Honorable Tribunal to grant the motion for technical examination in its discretion and under such conditions as it may impose.

**9.** Protestant Marcos is willing to shoulder the administrative costs and expenses relative to the technical examination requested in this case.

**10.** Finally, protestant Marcos would also like to reiterate his motion to create an additional panel of commissioners to assist this Honorable Tribunal during the reception of evidence and the trial proper in this case. The two (2) panels of commissioners should be assigned to a specific cause of action for purposes of conducting the presentation of evidence and other proceedings in this case. Protestant Marcos intends to present a specific set of witnesses and documentary exhibits per cause of action.

### **P R A Y E R**

**ACCORDINGLY**, it is most respectfully prayed of this Honorable Tribunal to **GRANT** the partial reconsideration; **ALLOW** and to immediately **DIRECT** the **CONDUCT** of **TECHNICAL EXAMINATION** of the voters' signatures appearing on EDCVL as against the voters' signatures appearing on the VRRs in each of the **two thousand seven hundred fifty six (2,756)** protested clustered precincts of Lanao Del Sur, Maguindanao, and Basilan during the 09 May 2016 National and Local Elections by the handwriting experts of the COMELEC; to **DIRECT** the concerned Election Officers of Lanao Del Sur, Maguindanao, and Basilan to **FORWARD** the relevant EDCVLs, VRRs and Books of Voters to the COMELEC ERSD for purposes of conducting the requested technical examination; and to **NOTE** the foregoing submission..

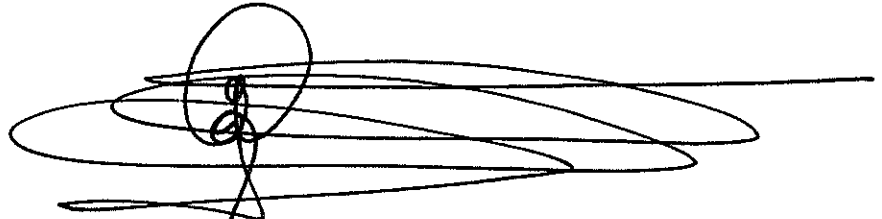
OTHER RELIEFS, just and equitable under the premises, are likewise prayed for.

City of Manila, Philippines, **15 September 2017.**

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**NOTICE OF SUBMISSION**

**THE CLERK OF THE TRIBUNAL**

Presidential Electoral Tribunal

Padre Faura, Manila

**ATTY. ROMULO B. MACALINTAL**

*Lead Counsel for Protestee Robredo*

c/o SardilloSardilloSalom Law Office

Unit 802, Taipan Place, F. Ortigas Avenue,

Ortigas Center, Pasig City

**THE SOLICITOR GENERAL**

134 Amorsolo Street

Legaspi Village, 1229 Makati City

*Greetings:*

Please take notice that the foregoing *Partial Motion for Reconsideration* shall be submitted for the consideration and approval of this Honorable Tribunal immediately upon receipt hereof.



**GEORGE ERWIN M. GARCIA**



**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 *Partial Motion for Reconsideration* 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 September 15, 2017, I served a copy of the following pleading/paper.

### NATURE OF PLEADING/PAPER

### **"PARTIAL MOTION FOR RECONSIDERATION"**

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:***

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

**R. R. Nos.**

106905

**THE SOLICITOR GENERAL**  
134 Amorsolo Street  
Legaspi Village, 1229 Makati City

106907

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.

September 15, 2017, Manila, Philippines.

**JERRY C. GUEVARRA**  
*Affiant*

**SEP 15 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.

Doc. No. 807  
Page No. 162  
Book No. 55  
Series of 2017.

**ATTY. PEDRO D. GENATO**  
Notary Public until Dec. 31, 2017  
Notarial Commission 2016-011 Mla.  
IBI# 1009339 Pasig 09-24-15 until 2017  
PTR# 5939951 - Mla. 1-3-2017  
Roll# 12088, TIN# 132-436-687  
MCLE Compl. No. V-0005232 until 4-14-18



## **VERIFIED DECLARATION**

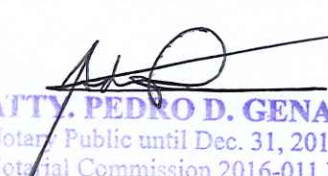
I, **JERRY C. GUEVARRA**, a clerk of the G.E. GARCIA Law Office with office address at Ground Floor, LAIKO Bldg., Cabildo St., Intramuros, City of Manila, hereby declare that the document/s (and annexes thereof) hereto submitted electronically in accordance with the Efficient use of Paper Rule is/are complete and true copy/ies of the document/s **"PARTIAL MOTION FOR RECONSIDERATION"** 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: September 15, 2017

**SUBSCRIBED AND SWORN** to before me this SEP 15 2017  
at Manila, Philippines, affiant exhibiting to me his Tax Identification No. 300-192-753-000. Issued by Bureau of Internal Revenue.

\_\_\_\_\_  
Person Administering Oath

Doc. No. 808 ;  
Page No. 162 ;  
Book No. 35 ;  
Series on 2017.

  
**ATTY. PEDRO D. GENATO**  
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MCLE Compl. No. V-0005232 until 4-14-19