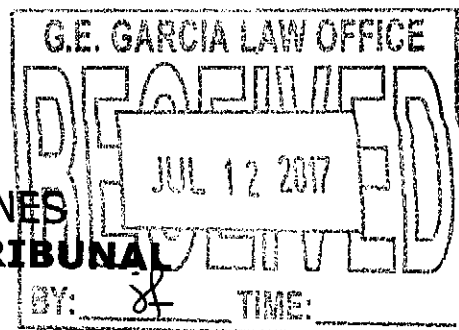


REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL ELECTORAL TRIBUNAL
MANILA



**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

**MOTION FOR LEAVE OF COURT
TO FILE AND ADMIT
SUPPLEMENT TO MOTION FOR RECONSIDERATION
PRO TANTO**

PROTESTEE **MARIA LEONOR G. ROBREDO**, through
counsel, and to this Honorable Tribunal, respectfully states:

1. The preliminary conference is scheduled on 11 July 2017. In preparation for this, the parties have filed their respective Preliminary Conference Briefs.

2. On 16 June 2017, protestee received a copy of the Preliminary Conference Brief filed by protestant Ferdinand R. Marcos, Jr.

3. A reading of the Preliminary Conference Brief would show protestant's failure to strictly comply with the requirements of a Preliminary Conference Brief and his apparent intention to merely fish for evidence, to support this frivolous election protest.

4. For these reasons, protestee is constrained to reiterate the consistent position for the dismissal of the Election Protest.

5. Hence, this motion for leave of court to file the herein attached Supplement to the Motion for Reconsideration.

6. As per the Resolution of this Honorable Tribunal issued on 6 June 2017, the said Motion for Reconsideration will be discussed during the preliminary conference.

7. This motion is not intended for delay but dictated solely by the foregoing exigencies.

PRAYER

WHEREFORE, premises considered, it is respectfully prayed that:

1. Protestee be given leave to file the attached Supplement to the Motion for Reconsideration *Pro Tanto*; and

2. The Supplement to the Motion for Reconsideration *Pro Tanto* be admitted to form part of the records.

Protestee prays for such other relief as may be just and equitable in the premises.

Pasig City for Manila, 28 June 2017.


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REQUEST

**THE SECRETARY OF THE TRIBUNAL
PRESIDENTIAL ELECTORAL TRIBUNAL
MANILA**

Please submit the foregoing "*Motion For Leave Of Court to File and Admit Attached Supplement to the Motion for Reconsideration Pro Tanto*" for the consideration and approval of the Honorable Tribunal immediately upon receipt hereof without need for oral arguments.


ROMULO B. MACALINTAL

NOTICE OF HEARING

ATTY. GEORGE ERWIN M. GARCIA
ATTY. JOAN M. PADILLA
G. E GARCIA LAW OFFICE
Lead Counsel for Protestant
Ground Floor Laiko Building
372 Cabildo Street, Intramuros,
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OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
Legaspi Village, 1229 Makati City

Please take notice that the undersigned counsel will submit the foregoing "*Motion For Leave Of Court to File and Admit Attached Supplement to the Motion for Reconsideration Pro Tanto*" for the consideration and approval of the Honorable Tribunal immediately upon receipt hereof without need for oral arguments.


ROMULO B. MACALINTAL

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EXPLANATION

Due to unavailability of messengers and the distance of the parties, copies of the "*Motion For Leave to File and Admit Attached Supplement to the Motion for Reconsideration Pro Tanto*" were sent to the above-named parties by registered mail.


ROMULO B. MACALINTAL

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

**SUPPLEMENT TO
THE MOTION FOR RECONSIDERATION PRO TANTO**

PROTESTEE **MARIA LEONOR G. ROBREDO**, through
counsel, and to this Honorable Tribunal, respectfully states:

1. In his second cause of action, protestant Ferdinand R. Marcos, Jr. is protesting the election results in all the clustered precincts in 30 areas, or a total of 39,221 clustered precincts.¹

2. He claims that there existed electoral frauds and irregularities.

3. When asked to designate ***the three provinces "best exemplifying the frauds or irregularities alleged in his protest"*** as required under Rule 65 of the 2010 Rules of the Presidential Electoral Tribunal (the "PET Rules"), protestant listed the ***provinces of Camarines Sur, Iloilo, and Negros Oriental.***²

¹ Paragraph II.26, page 7, Protestant's Preliminary Conference Brief.

² Page 74, Protestant's Preliminary Conference Brief.

4. But, in the same breath, protestant Marcos declares that he is ***reserving the right to change the designation of the three pilot provinces.***³

5. Protestant thus admits that he does not know what frauds and irregularities occurred in the precincts that he is protesting. This as much was clear based on his Election Protest filed on 29 June 2016.

6. Indeed, Protestee Robredo has always maintained that the Election Protest does not give a detailed specification of the acts and omissions showing electoral frauds and irregularities, in violation of Rule 17 of the PET Rules.⁴

7. In addition to the three pilot provinces that he designated, protestant Marcos is asking this Honorable Court to authorize ***simultaneous proceedings on the provinces of Basilan, Lanao del Sur, and Maguindanao.***

8. Protestant wants this Honorable Tribunal to immediately conduct a technical examination and forensic investigation of ALL 647,000 ballots, ballot images, voter's receipts, election returns, audit logs, transmission logs, lists of voters, Election Day Computerized Voter's Lists (EDCVL), and other pertinent election documents as well as the automated election equipment and records such as the Vote Counting Machines (VCMs), Consolidation and Canvass System (CCS) units, Secure Digital (SD) Cards (main and back up), and the other storage devices containing electronic data and ballot images in each of the 2,756 protested precincts of Basilan, Lanao del Sur and Maguindanao.⁵

9. What this also means is that protestant insists on these technical and forensic examinations being done on 647,000 official ballots, 647,000 ballot images, 647,000 voter's receipts, 647,000 names on the list of voters,

³ Ibid.

⁴ Please see Paragraphs 10-16, Protestee's Answer dated 12 August 2016; Protestee's Motion for Reconsideration dated 24 February 2017.

⁵ Paragraph VI.4 and Paragraph VI.5, pages 76-77, Protestant's Preliminary Conference Brief.

647,000 names on the EDCVL, etc. Technical examiners will have to examine 3,235,000 documents for Basilan, Maguindanao, and Lanao del Sur alone.

10. Furthermore, protestant Marcos **wants to use the results of the technical and forensic investigation AS PART of his evidence** in support of his election protest.⁶

11. Through a skillful strategy, protestant is thus trying to circumvent the rules.

12. Clearly, protestant Marcos is not sure of his case. And he is therefore fishing for evidence.

13. It is respectfully submitted that this should not be tolerated by this Honorable Tribunal.

14. Jurisprudence tells us:

"Indeed, what petitioner wants is a technical examination of the signatures so that he can prove fraud. Petitioner must find his own evidence rather than fish for it in this manner. To allow election documents to be examined on a mere hunch or at the whim of a losing candidate without any factual basis would be to allow him to trifle with the will of the people."⁷

15. While Rule 29b(4) of the PET Rules only allows "not more than three provinces," protestant Marcos insists on listing Camarines Sur, Iloilo, and Negros Oriental as his three pilot provinces, and having the right to change these areas at any time, and having simultaneous technical and forensic examination of the above-mentioned election documents and equipment from the Provinces of Lanao del Sur, Maguindanao and Basilan.

⁶ Paragraph VI.5, page 77, Protestant's Preliminary Conference Brief.

⁷ Balindong vs Comelec, G.R. No. 124041, 9 August 1996.

16. This kind of expedition to fish for evidence is an affront to our system of legal order. If protestant Marcos would not find evidence in the revision and recount of the ballots from the three pilot provinces, then he would refer to other areas as well as the results of the simultaneous technical and forensic examination of election documents and equipment mentioned above in the Provinces of Lanao del Sur, Maguindanao and Basilan.⁸

17. These are even inconsistent with his position that the entire Automated Election System was a "vulnerable system with breaches of security protocols which undermined the integrity of the entire electoral process."⁹ If the entire election is invalid, there is no basis for him to demand that valuable time and resources be devoted to any revision or technical examination.

18. At the risk of sounding repetitive, the foregoing only confirms protestee's consistent position that the Election Protest **does not specify in detail the "who, what, where, when, and how" protestant's alleged electoral frauds and irregularities were committed.** It shows the general and scattershot allegations of the Election Protest, which would justify the immediate summary dismissal of this protest.

19. In *Grand Alliance for Democracy vs. COMELEC*,¹⁰ the Supreme Court held that the petition "could have been dismissed outright as deficient in form and substance, being couched in general terms only, without precise indication of the time, place and manner of the commission of the alleged irregularities."

20. In *Alberto vs. Tapia*,¹¹ the House Electoral Tribunal (HRET) said, "(t)he above quoted protest suffers from the same effect. In general language, it 'impugns, contests and protests the illegal, improper and fraudulent electoral practices, acts and deeds' of the protestee and 'impugns and contests all the election returns in the lone district of

⁸ And if protestant is not satisfied with the results of all these remedies, then he would refer to the results of the decryption of the ballot images, or vice versa.

⁹ Page 928, Election Protest.

¹⁰ 150 SCRA 665 (1987).

¹¹ 1 HRET Reports 57, 23 January 1989.

Catanduanes.' This scattershot allegation is not allowed in election contests. It is necessary to make a precise indication of the precincts protested AND a specification of the claimed offenses to have been committed by the protestee."

21. And so it should be in the instant case. The Supreme Court has consistently held that the power to throw out an entire election is one which ought to be exercised with the greatest care. Here, protestant Marcos wants to annul the ENTIRE ELECTION in the Provinces of Lanao Del Sur, Maguindanao and Basilan on the basis of alleged witnesses listed in his Preliminary Conference Brief who, by the way they were described by protestant and given the nature of their testimonies, have no material and relevant values to support his protest to annul said election results.

22. With uniform or stereo-typed allegations that he "assails and impugns the canvassed results for the position of (of Vice President in 1,251 protested clustered precincts in Lanao Del Sur,¹² 1,038 protested clustered precincts in Maguindanao,¹³ and 422 protested clustered precincts in Basilan¹⁴) because the same do not reflect the true results of the election in (these) provinces," protestant Marcos miserably failed to substantiate his scattershot allegations of frauds and irregularities.

23. In the case of Lanao del Sur with 39 municipalities and one (1) city, protestant Marcos came up with only eight (8) alleged witnesses who would "testify that no actual election took place in the Province of Lanao del Sur." Two witnesses come from Marawi City; one from the Municipality of Pagayawan; five from the Municipality of Bacolod Kalawi; and one from the Municipality of Lumbaca Unayan.¹⁵ Protestant wants us to believe that these eight individuals could testify that "NO ACTUAL ELECTION TOOK PLACE IN THE ENTIRE PROVINCE OF LANAOS DEL SUR"¹⁶ in the May 2016 elections.

¹² Paragraph 7.12, Protestant's Election Protest.

¹³ Paragraph 7.21, Protestant's Election Protest.

¹⁴ Paragraph 7.29, Protestant's Election Protest.

¹⁵ Pages 21 and 22, Protestant's Preliminary Conference Brief.

¹⁶ Page 22, Protestant's Preliminary Conference Brief.

24. In the case of the Maguindanao with 35 municipalities, protestant Marcos came up with only two (2) alleged witnesses. He said these two will "testify that no actual election took place in the Province of Maguindanao."¹⁷

25. In the case of Basilan, with 11 municipalities and one (1) city, protestant Marcos listed twenty-one (21) alleged witnesses from three (3) municipalities and one (1) city that "NO ACTUAL ELECTION TOOK PLACE IN THE PROVINCE OF BASILAN" in the May 2016 elections.

26. And it is relevant to note that protestant has not even directly pointed to protestee as the person responsible for the frauds and irregularities that allegedly happened.

27. While Rule 25 of the PET Rules provides that no motion to dismiss shall be entertained, it is respectfully submitted that the said rule seeks to avoid the suspension of the period for filing an answer. Here, protestee has filed her Answer. And the dismissal of the election protest, to the extent argued in the Motion for Reconsideration, would be sanctioned based on legal, if not jurisdictional, grounds.

PRAYER

WHEREFORE, in view of the foregoing, it is respectfully prayed that the Resolution dated 24 January 2017 of the Honorable Tribunal be reconsidered *pro tanto* and that the protestee's Motion for Reconsideration dated 24 February 2017 be granted.

Protestee prays for such other reliefs just and equitable in the premises.

Pasig City for Manila, 28 June 2017.

¹⁷ Page 36, Protestant's Preliminary Conference Brief.



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EXPLANATION

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ROMULO B. MACALINTAL

**VERIFIED DECLARATION OF COMPLIANCE WITH THE
EFFICIENT USE OF PAPER RULE**

I, **KWELL SUYINN M. ZARASATE**, hereby declare that the Motion For Leave Of Court To File And Admit Supplement To Motion For Reconsideration Pro Tanto submitted electronically by use of compact disc in accordance with the Efficient Use of Paper Rule are complete and true copies of the filed Motion For Leave Of Court To File And Admit Supplement To Motion For Reconsideration Pro Tanto with the Presidential Electoral Tribunal.

Pasig City. 05 July 2017.



KWELL SUYINN M. ZARASATE

Secretary

Sardillo Sardillo Salom Law Office

SUBSCRIBED AND SWORN TO BEFORE ME, a notary public in and for ~~Mandaluyong City~~ ^{Pasig City}, this 05 day of July 2017 by affiant **KWELL SUYINN M. ZARASATE** who is personally known to me, and appeared with her SSS ID with No. 33-9056255-6 issued by Social Security System, known to me as the same person who personally signed the foregoing attestation before me and acknowledged that she executed the same.

Doc. No. 241 ;
Page No. 69 ;
Book No. 129 ;
Series of 2017.


ATTY. JANE E. DULNUAN
NOTARY PUBLIC
FOR THE CITY OF MANDALUYONG
Until December 31, 2017
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