



REPUBLIC OF THE PHILIPPINES
SENATE ELECTORAL TRIBUNAL

FRANCIS N. TOLENTINO,
Protestant,

- versus -

SET CASE NO. 001-16

LEILA M. DE LIMA,
Protestee.

X-----X

NOTICE OF RESOLUTION

SIR/MADAM:

Attached hereto is a copy of **Resolution No. 16-72** of the Executive Committee of the Senate Electoral Tribunal dated 18 October 2017 in the above-entitled case.

Please acknowledge receipt hereof.

Quezon City, 23 October 2017.

Very truly yours,

Valera
ATTY. CRISANTA V. VALERA
Acting Secretary of the Tribunal

Copy furnished:

ATTY. PACIFICO A. AGABIN
AGABIN VERZOLA & LAYAOEN
LAW OFFICES
Counsel for Protestant
26TH Floor, Pacific Star Building
Gil Puyat Avenue corner Makati Avenue

ATTY. TEDDY ESTEBAN F. RIGOROSO
RIGOROSO GALINDEZ AND RABINO
Counsel for Protestee
901 Fil Garcia Tower 140 Kalayaan Avenue
Diliman, 1101 Quezon City

SET INFORMATION AND
COMMUNICATION SYSTEMS AND
JUDICIAL RECORDS MANAGEMENT
SERVICE

ATTY. MARIA BERNADETTE V. SARDILLO
SARDILLO SARDILLO SALOM LAW OFFICE
Counsel for Protestee Robredo in
PET Case No. 005
Unit 802 The Taipan Place,
Ortigas Center, Pasig City

G. E. GARCIA LAW OFFICE
Lead Counsel for Protestant Marcos in
PET Case No. 005
Ground Floor, Laiko Building
372 Cabildo Street, Intramuros,
1002 Manila

SET LEGAL SERVICE
SET CANVASS BOARD SERVICE
SET HUMAN RESOURCES MGT.
SERVICE



REPUBLIC OF THE PHILIPPINES
SENATE ELECTORAL TRIBUNAL

COA-NCR Bldg., Batasan Road, Quezon City

FRANCIS N. TOLENTINO,

Protestant,

SET Case No. 001-16

-versus-

LEILA M. DE LIMA,

Protestee.

X-----X

RESOLUTION NO. 16 - 72

For consideration by the Tribunal is an *Urgent Ex-Parte Motion for Leave to be Allowed to Observe the Revision, Recount and Re-Appreciation of Ballots* dated 12 October 2017, filed on the same date by MA. LEONOR G. ROBREDO.

Movant Robredo, alleged that she is the protestee in the election protest pending before the Presidential Electoral Tribunal (PET). Movant claims that, except for the provinces of Lanao del Norte, Tawi-Tawi, Bulacan and Pampanga, the identified pilot clustered precincts in the instant case are also among the contested provinces in the case entitled *Ferdinand R. Marcos, Jr. v. Ma. Leonor G. Robredo*, docketed as PET Case No. 005.

Movant Robredo, therefore, seeks leave from the Tribunal to be allowed to send representatives to observe the scheduled revision, recount and re-appreciation of the ballots from Protestant Tolentino's pilot clustered precincts. Should her Motion be granted, Robredo intends to send the following representatives to observe the proceedings: (1) Atty. Reagan de Guzman; (2) Atty. Maria Bernadette V. Sardillo; (3) Atty. Emilio Maranon III; (4) Ronnill Carlo Enriquez; (5) Aileen Tangonan; (6) Fernando Javines; and (7) Vey Brillantes.

In the past, the Tribunal allowed third persons, who are not parties to the case, to observe the revision proceedings, subject to the condition that the party requesting has genuine interest that may be affected by the revision proceedings. This is in line with the policy of the Tribunal to maintain transparency and to assure interested parties and the public at large that the integrity of the ballots and election documents, as well as that of its proceedings, are preserved at all times. In this regard, the Tribunal hereby allows Movant Robredo to send representatives to observe the revision proceedings, subject to the limitations set forth herein.

With respect to Movant's request that she be allowed to observe the appreciation of ballots, the Tribunal cannot grant the same. The appreciation of the contested ballots is no different from a judicial deliberation which is confidential and privileged. It is in the nature of appreciating the evidence presented and deciding the election contest on the merits. The Supreme Court ruling in the case of *Joselito R. Mendoza v. Commission on Elections and Roberto M. Pagdanganan*, G.R. No. 188308, 15 October 2009, finds application to the instant request. The High Court stated:

In other words, what took place at the SET were the internal deliberations of the COMELEC, as a quasi-judicial body, in the course of appreciating the evidence presented and deciding the provincial election contest on the merits. These deliberations are no different from judicial deliberations which are considered confidential and privileged. xxx [Underlining supplied]

IN VIEW OF THE FOREGOING, the Executive Committee of the Tribunal Resolves to:

1. **GRANT** the *Ex-Parte Motion* of Movant Ma. Leonor G. Robredo to observe the revision proceedings, subject to the following conditions:
 - a. Only one representative may be allowed to enter the revision area at any given time. The substitution of representative shall take place during break time so as not to disturb the proceedings;

- b. The representative on duty shall stay only at the designated area and shall not be allowed to approach any of the Revision Teams/Tables;
- c. The following acts are strictly prohibited:
 - 1) Discussion with anyone inside the revision area, whether Tribunal personnel, party counsel, supervisors, revisors or alternate revisors;
 - 2) Bringing of personal belongings such as bags, mobile phones, electronic devices, gadgets, writing instruments, as well as folders and printed materials inside the revision area;
 - 3) Bringing of cameras inside the revision area and taking pictures of the proceedings; and
 - 4) Handling of any of the ballots or election documents.
- 2. **DENY** Movant Robredo's request to observe the appreciation proceedings as these deliberations are no different from judicial deliberations which are considered confidential and privileged;
- 3. **REQUIRE** Movant to submit the names, addresses, contact numbers and "1 x 1" ID pictures of her representatives immediately upon receipt of this Resolution; and
- 4. **DIRECT** the Human Resources Management Service of the Tribunal to issue the necessary Identification Cards to Movant's representatives, namely: Atty. Reagan de Guzman, Atty. Maria Bernadette V. Sardillo, Atty. Emilio Maranon III, Ronnill Carlo Enriquez, Aileen Tangonan, Fernando Javines and Vey Brillantes to allow them access to the revision room.

Movant Robredo is further informed that in consonance with Rule 48 of the SET Rules, the Tribunal Revision Supervisor is authorized to remove or oust

anyone from the revision proceedings, and may prohibit such person from observing subsequent proceedings for disorderly conduct, unruly behavior or for such acts as would tend to delay, disrupt and/or disturb the proceedings.

SO ORDERED.

18 October 2017.

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO

Associate Justice
Acting Chairperson

Lucas P. Bersamin
LUCAS P. BERSAMIN

Associate Justice
Member

Joel Villanueva
JOEL VILLANUEVA

Senator
Member