

Republic of the Philippines
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila

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

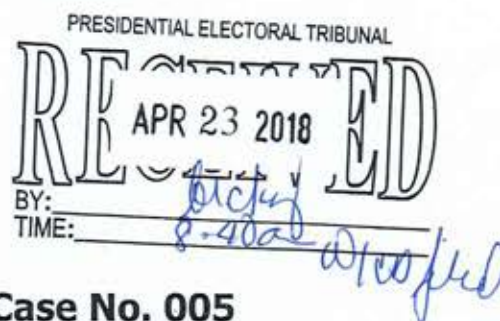
Protestant,

-versus-

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

Protestee.

X- - - - - X



PET Case No. 005
For: Election Protest
Vice-President

COUNTER-MANIFESTATION

[TO PROTESTEE'S SECOND MANIFESTATION OF GRAVE CONCERN
DATED 16 APRIL 2018]

Protestant **FERDINAND "BONGBONG" R. MARCOS, JR.**
("protestant Marcos"), through the undersigned counsels, unto this
Honorable Presidential Electoral Tribunal ("PET"), most respectfully
manifests the following:

1. On **17 April 2018**, a *Second Manifestation of Grave Concern* was filed by the protestee, through her counsels, before this Honorable Tribunal. This latest submission of the protestee imputes **FALSE, MALICIOUS and FABRICATED** accusations against Atty. Joan M. Padilla ("Atty. Padilla"), one of the legal counsels of the protestant, in connection with the revision proceeding conducted on **13 April 2018**.

2. Protestee and her legal counsels are deliberately twisting what actually transpired during the 13 April 2018 revision proceeding presumably as a tactical ploy to gain media mileage.

3. To set the record straight, Atty. Padilla did not disrupt the revision proceedings conducted on 13 April 2018. She did not likewise give any instruction to the Head Revisors, Revision Supervisors or any other representative of this Honorable Tribunal that can be construed

as unduly influencing the ongoing judicial recount and revision proceedings.

4. The presence of Atty. Padilla during the 13 April 2018 revision proceeding was prompted by the report of the protestant's party revisors that there are inconsistencies on the ruling of some Head Revisors with regard to the application of the 50% Shading Threshold imposed by **Rule 43** of the **2010 Rules of the Presidential Electoral Tribunal** and affirmed by PET *Resolution* dated **10 April 2018**.

5. Apparently, several ballots with oval-shading of less than 50% on the slot for the position of Vice-President were credited as valid ballots for the protestee in violation of the mandate of **Rule 43** of the **2010 Rules of the Presidential Electoral Tribunal** and PET *Resolution* dated **10 April 2018**. These Head Revisors allegedly reasoned out that they were supposedly instructed by the revision committee of this Honorable Tribunal in this manner: "banggain ang results ng election returns." This vernacular instruction was understood to mean that the vote results as per election returns should tally or match with the vote results of the physical count of the original paper ballots.

6. This raised the concern of the undersigned counsels because this supposed instruction may be misunderstood by the Head Revisors such that the segregation of the paper ballots will be done in a manner that will ensure that the physical count of the ballots will match or correspond with the votes results reflected in the election returns, even though in actuality there appears to be a discrepancy between physical count and the election returns.

7. Matching of the vote results of the actual physical count of the paper ballots in order to correspond to the vote results reflected in the election returns of the contested clustered precincts is a **GRAVE MISTAKE**. This will defeat the very purpose and objective of the judicial recount and revision of ballots which is to verify and determine, based on the re-examination and re-appreciation of the paper ballots, the actual vote results of the physical count of the paper ballots.

8. Now to verify if there is any truth to these concerns, Atty. Padilla was advised to attend the 13 April 2018 revision proceeding. She initially approached Atty. Jose Lemuel Arenas ("Atty. Arenas"),

member of the Adhoc Committee of this Honorable Tribunal to inform him of these issues. Atty. Arenas maintained that the instruction given to the PET Head Revisors is to apply the 50% Shading Threshold mandated by **Rule 43** of the **2010 Rules of the Presidential Electoral Tribunal** and PET *Resolution* dated **10 April 2018**.

9. Thereafter, Atty. Padilla decided to approach each of the forty (40) the revision committees **to inquire from the protestant's party revisors if the 50% Shading Threshold is being applied and implemented by their respective head revisors**. She also inquired if there is any other issue or concern in their respective committees so that she can duly report the same to this Honorable Tribunal.

10. During the aforementioned inquiry, Atty. Padilla was again advised by several party revisors for the protestant that there are indeed inconsistencies in the implementation of the PET-mandated 50% Shading Threshold because according to them "binabangga ang results ng physical count sa election returns."

11. Hence, Atty. Padilla approached Atty. Arenas again to inform him of this matter and to inquire as to the proper mode of reporting these incidents to the Honorable Tribunal. She was advised to secure an Incident Report Form. Atty. Padilla then requested Atty. Arenas to brief again the Head Revisors as to the PET-mandated threshold to avoid the recurrence of these inconsistent rulings on the 50% Shading Threshold. Atty. Padilla also suggested to post guidelines on this matter inside the revision area for the proper guidance of the Head Revisors to avoid misunderstanding as to the directive of this Honorable Tribunal.

12. Thereafter, Atty. Padilla approached three (3) other unidentified PET Revision Supervisors to ask for copies of the Incident Report and to explain what she intends to report to this Honorable Tribunal. The explanation given to Atty. Arenas was repeated to the 3 PET Revision Supervisors but she was advised that the Incident Report Form may only be accomplished by PET Revision Supervisors.

13. Atty. Padilla went again to the revision committees to remind the party revisors of the protestant to be vigilant in ensuring that their Head Revisors follow the PET-mandated 50% Shading Threshold. And that in case there is an issue as to the ruling of the

Head Revisor, they should request the PET Revision Supervisor to reduce their opposition into writing via the Incident Report Form. Atty. Padilla even reminded the party revisors of the protestant not to argue with their Head Revisors, and just place their comments and objections in their respective Annexes and in the Incident Report Form.

14. The foregoing events were captured by the CCTV footage of the revision and witnessed by the party revisors, Head Revisors, Revision Supervisors and other representatives of this Honorable Tribunal. Atty. Padilla **did not receive any complaint** from any of the party revisors, Head Revisors, Revision Supervisors and other representatives who were present at that time regarding her conduct during the 13 April 2018 revision proceedings.

15. Clearly, the allegations of the protestee and her legal counsels against Atty. Padilla as contained in their Second Manifestation of Grave Concern is **bereft of truth and factual basis**.

16. As shown above, the actuations of Atty. Padilla are within the bounds of the Guidelines set by this Honorable Tribunal with respect to the conduct and proper decorum during the revision proceedings. Moreover, the instructions of Atty. Padilla to the protestant's party revisors are consistent with the directive of this Honorable Tribunal, that is, the application of the 50% Shading Threshold mandated by **Rule 43** of the **2010 Rules of the Presidential Electoral Tribunal** and PET *Resolution* dated **10 April 2018**.

17. The conduct of Atty. Padilla during the 13 April 2018 revision proceeding can in no way be construed as unethical or unbecoming of an officer of the court. In fact, it is evident from the above narration of facts that she is only espousing the mandate and directive of this Honorable Tribunal to apply and implement the 50% Shading Threshold during the revision proceedings pursuant to **Rule 43** of the **2010 Rules of the Presidential Electoral Tribunal** and affirmed by PET *Resolution* dated **10 April 2018**.

18. Sadly, Atty. Padilla has fallen prey to the insidious manipulations and vile tactics of the camp of the protestee. She was falsely accused of these fabricated charges contained in the *Second Manifestation of Grave Concern* in order to convince this Honorable

Tribunal to reverse its mandate to implement the 50% Shading Threshold in this election protest.

19. Worse, the falsified allegations against Atty. Padilla as contained in the *Second Manifestation of Grave Concern* were publicized by different media entities like the Philippine Star, Manila Times, Daily Tribune News, Business World and Politiko via politics.com.ph.

20. The cherished name, reputation and credibility of Atty. Padilla are now tarnished and malevolently besmirched by the baseless charges of the protestee and her legal counsels in their lame attempt to discredit the credibility and legitimacy of the revision proceedings.

21. This should not be countenanced and tolerated by this Honorable Tribunal.

Respectfully submitted.

City of Manila, Philippines, **19 April 2018.**

G.E. GARCIA LAW OFFICE
Lead Counsel for the Protestant
Ground Floor, LAIKO Building
Cabildo St., Intramuros, Manila 1002
Tele/Fax No. (02) 527-7261
Email: geglaw.office@gmail.com

By: 

GEORGE ERWIN M. GARCIA
Roll of Attorneys No. 44950
PTR No. 6993946; 01-04-18; Manila
IBP Lifetime No.02652; Cavite Chapter
MCLE Compliance No. VI- 0006563; 02-19-18

JOAN M. PADILLA

Roll of Attorneys No. 54079

PTR OR No. 5526177; 01-04-2018; Quezon City
IBP Lifetime Membership No. 07416; Makati Chapter
MCLE Compliance No. VI-0005694; 01-10-2018

Copies furnished:

ATTY. ROMULO B. MACALINTAL

RD. 867 244 311 22

Lead Counsel for Protestee Robredo
c/o Sardillo Sardillo Salom Law Office
Unit 802, Taipan Place, F. Ortigas Avenue,
Ortigas Center, Pasig City

THE SOLICITOR GENERAL

RD. 867 244 308 22

134 Amorsolo Street
Legaspi Village, 1229 Makati City

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 *Counter-Manifestation* were served to the above-mentioned parties by registered mail, personal service being impractical due to distance, 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 April 20, 2018, I served a copy of the following pleading/paper.

NATURE OF PLEADING/PAPER

"COUNTER-MANIFESTATION

[TO PROTESTEE'S SECOND MANIFESTATION OF GRAVE CONCERN DATED 16 APRIL 2018]"

In **PET Case No. 005** entitled **"FERDINAND 'BONGBONG' R. MARCOS, JR., Protestant, -versus- MARIA LEONOR 'LENI DAANG MATUWID' G. ROBREDO, Protestee"**, pursuant to Sections 3, 4, 5 and 10, Rule 13 of the Rules of Court, as follows:

By Registered Mail:

R. R. Nos.

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

RD. 867 246 311 22

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

RD. 867 246 308 22

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.

April 20, 2018, Manila, Philippines.

JERRY C. GUEVARRA
Affiant


SUBSCRIBED AND SWORN to before me this APR 20 2018 at Manila, Philippines, affiant exhibiting to me his Tax Identification No. 300-192-753-000. Issued by Bureau of Internal Revenue.

Doc. No. 809
Page No. 101
Book No. 21
Series of 2018.

ATTY. PEDRO D. GENATO
Notary Public Until Dec. 31, 2019
Notarial Commission 2018-011 Mla.
IBP# 012432 Pasig 7-27-17 until 2019
PTR# Mla 6993993 - 1-4-2018
Roll# 12088, TIN# 132-436-687
MCE Compl. No. V-0005232 until 4-14-19

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 "**COUNTER-MANIFESTATION** [TO PROTESTEE'S SECOND MANIFESTATION OF GRAVE CONCERN DATED 16 APRIL 2018]" 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: April 20, 2018

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.

Person Administering Oath

Doc. No. 876 ;
Page No. 102 ;
Book No. 24 ;
Series on 2018.


ATTY. PEDRO D. GENATO
Notary Public Until Dec. 31, 2019
Notarial Commission 2018-011 Mla.
IBP# 012432 Pasig 7-27-17 until 2019
PTR# Mla 6593998 - 1-4-2018
Roll# 12088, TIN# 132-436-687
MCLE Compl. No. V-0005232 until 4-14-19