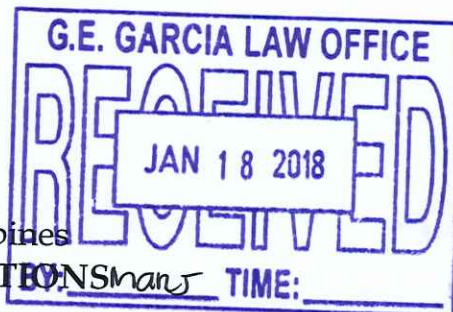




Republic of the Philippines
COMMISSION ON ELECTIONS
Manila



SECOND DIVISION

ABDUSAKUR M. TAN,
Protestant,

-versus-

EPC No. 2016-37

MUJIV S. HATAMAN,
Protestee.

X-----X

NOTICE

HON. MA. ROWENA AMELIA V. GUANZON
Commissioner and Head,
GAD-FPS ExeCom
COMELEC, Intramuros, Manila (x)

BRILLANTES ARCILLA MARTINEZ DIOKNO & DELA CRUZ LAW OFFICES
Counsel for Protestant
105 ECJ Condominium Building
Real corner Arzobispo Streets
Intramuros, Manila (x)

ATTY. ROMULO B. MACALINTAL
ATTY. ANTONIO CARLOS B. BAUTISTA

ATTY. MA. JINEL G. MACALINTAL-BAUTISTA
Counsels for the Protestee
13 Cagayan Valley Street
Philamlife Village,
Las Piñas City (x)

SANTIAGO CAIRO REY ARBOLADURA LAW OFFICES
Collaborating Counsel for the Protestee
2/F Raha Sulayman Bldg.
108 Benavides St.
1229 Legaspi Village
Makati City (x)

MR. ABDUSAKUR M. TAN
Protestant
Loai St., Asturias
7400 Jolo, Sulu (y)

MR. MUJIV S. HATAMAN
Protestee
Bgy. Buli-Buli
7305 Sumisip, Basilan

THE REGIONAL ELECTION DIRECTOR
Autonomous Region in Muslim Mindanao
2/F Rabago Building, Cotabato City
9600 Maguindanao (y/z)

THE PROVINCIAL ELECTION SUPERVISOR of Maguindanao
Commission on Elections
New Capitol 76 TV Julianos St.
Rosary Heights 13
9600 Cotabato City
Maguindanao (y/z)

THE PROVINCIAL ELECTION SUPERVISOR of Basilan
Commission on Elections
Mon Compound, Valderosa St.,
7300 Isabela City, Basilan (y/z)

A

**THE PROVINCIAL ELECTION
SUPERVISOR of Lanao del Sur**
Commission on Elections
New Capitol Compound, Brgy.
Buadi Sacaya, Marawi City
9700 Lanao del Sur (y/z)

THE ELECTION OFFICER
Commission on Elections
Akbar, Basilan (y/xx)

THE ELECTION OFFICER
Commission on Elections
Lantawan, Basilan (y/xx)

THE ELECTION OFFICER
Commission on Elections
Sumisip, Basilan (y/xx)

THE ELECTION OFFICER
Commission on Elections
Tuburan, Basilan (y/xx)

THE ELECTION OFFICER
Commission on Elections
Tabuan Lasa, Basilan (y/xx)

THE CITY ELECTION OFFICER
Commission on Elections
Lamitan City, Basilan (y/xx)

THE ELECTION OFFICER
Commission on Elections
Barira, Maguindanao (y/xx)

THE ELECTION OFFICER
Commission on Elections
Datu Odin Sinsuat,
Maguindanao (y/xx)

THE ELECTION OFFICER
Commission on Elections
Pandag, Maguindanao (y/xx)

THE ELECTION OFFICER
Commission on Elections
Sultan Kudarat, Maguindanao
(y/xx))

THE ELECTION OFFICER
Commission on Elections
Taraka, Lanao del Sur (y/xx)

THE MUNICIPAL TREASURER
Office of the Municipal Treasurer
Akbar, Basilan (y/xx)

THE MUNICIPAL TREASURER
Office of the Municipal Treasurer
Lantawan, Basilan (y/xx)

THE MUNICIPAL TREASURER
Office of the Municipal Treasurer
Sumisip, Basilan (y/xx)

THE MUNICIPAL TREASURER
Office of the Municipal Treasurer
Tuburan, Basilan (y/xx)

THE MUNICIPAL TREASURER
Office of the Municipal Treasurer
Tabuan Lasa, Basilan (y/xx)

THE CITY TREASURER
Office of the City Treasurer
Lamitan City, Basilan (y/xx)

THE MUNICIPAL TREASURER
Office of the Municipal Treasurer
Barira, Maguindanao (y/xx)

THE MUNICIPAL TREASURER
Office of the Municipal Treasurer
Datu Odin Sinsuat,
Maguindanao (y/xx)

THE MUNICIPAL TREASURER
Office of the Municipal Treasurer
Pandag, Maguindanao (y/xx)

THE MUNICIPAL TREASURER
Office of the Municipal Treasurer
Sultan Kudarat, Maguindanao
(y/xx)

THE MUNICIPAL TREASURER
Office of the Municipal Treasurer
Taraka, Lanao del Sur (y/xx)

MR. MARCELO MENDEZ
Ballot Box Custodian II
Comelec, Philpost Warehouse
Manila (x)

THE SECRETARY
HOUSE OF REPRESENTATIVES
ELECTORAL TRIBUNAL
Electoral Tribunal Building
Commonwealth Avenue,
Quezon City (x)

THE SECRETARY
SENATE ELECTORAL TRIBUNAL
COA- NCR Building
Batasan Road, Quezon City (x)

**ATTY. GEORGE ERWIN M.
GARCIA**
ATTY. JOAN M. PADILLA
Counsels for Ferdinand
"Bongbong" Marcos, Jr, in PET
Case No. 005
G.E GARCIA LAW OFFICE
G/F Laiko Building, Cabildo St.
Intramuros, Manila (x)

**ATTY. ROMULO B.
MACALINTAL**
Lead Counsel for Maria Leonor G.
Robredo in PET Case No. 005
SARDILLO SARDILLO SALOM
LAW OFFICE
Unit 802 Taipan Place
F. Ortigas Avenue, Ortigas Center
Pasig City (x)

THE SECRETARY
PRESIDENTIAL ELECTORAL
TRIBUNAL
Supreme Court of the Philippines
Padre Faura, Manila (x)

MS. ZITA BUENA-CASTILLON
Director IV
Finance Services Department
Comelec, Intramuros, Manila (x)

**ENGR. JULIUS THADDEUS
HERNAN**
Director IV
ASD, Comelec
Intramuros, Manila (x)

DR. SAGA D. MABANING
Chief, Judicial Records Division
ECAD, Comelec
Intramuros, Manila (x)

**ATTY. ALLEN FRANCIS
B. ABAYA**
Director IV
ECAD, Comelec
Intramuros, Manila (x)

GREETINGS:

Attached is a copy of the **ORDER with Memorandum** issued by the Commission (Second Division) on January 16, 2018 and December 20, 2017 respectively in the above-entitled case.

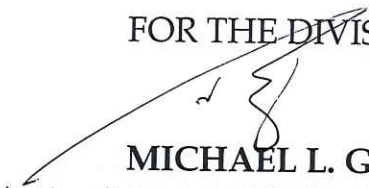
The Provincial Election Supervisors notified herein are requested to disseminate and/or deliver the notices intended for the Election Officers and Treasurers within their jurisdiction immediately upon receipt hereof and thereafter, transmit to this office the acknowledgment receipt of the same by the concerned parties within three (3) days from completion of the undertaking.

Thank you.



January 17, 2018, Manila, Philippines.

FOR THE DIVISION:


MICHAEL L. GARCIA
Acting Division Clerk of the Commission

Encl: a/s

(x) - personal delivery
(y) - registered mail
(z) - private courier
(xx) - delivered by the PES

malyn/epc 2016-37



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

SECOND DIVISION

ABDULSAKUR M. TAN,
Protestant,

-versus-

EPC NO. 2016-37

MUJIV S. HATAMAN,
Protestee.

x-----x

ORDER

Acting on the Memorandum dated December 20, 2017 'Re: Retrieval of Ballot Boxes and Election Documents/Paraphernalia in EPC No. 2016-37, among others' issued by the Acting Clerk of the Division, the Commission (Second Division) hereby **NOTES** the same and **RESOLVES** to **APPROVE** the recommendations set forth in the said Memorandum including the directives for its implementation.

The Regional Election Director of the Autonomous Region in Muslim Mindanao (ARMM), all concerned Election Officers and Municipal/City Treasurers in the ARMM and the concerned parties herein are reminded to faithfully comply with the directives in the said Memorandum taking precautionary measures in safeguarding the integrity of the subject ballot boxes and election documents/paraphernalia. It is likewise reiterated that all directives as to the custody and security of the ballots and election documents be done in coordination with the proper and/or related offices.

Further, the Clerk of the Division is directed to furnish copies of this Order and the *Memorandum* dated December 20, 2017 to all concerned parties including the Honorable Presidential Electoral Tribunal (P.E.T.), Senate Electoral Tribunal (S.E.T.) and House of Representatives Electoral Tribunal (H.R.E.T.) via the fastest means possible¹.

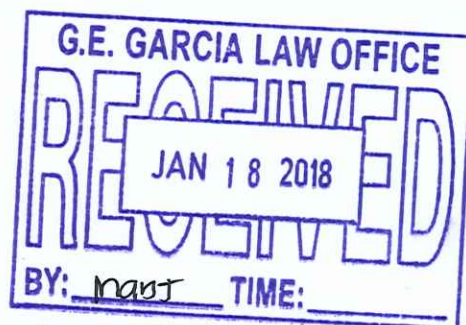
SO ORDERED.

Given this 16th day of January 2018, City of Manila, Philippines.

FOR THE DIVISION:


AL A. PARRENO
Presiding Commissioner

¹ Personal or Special Courier



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

ELECTORAL CONTESTS ADJUDICATION DEPARTMENT
SECOND DIVISION

MEMORANDUM

FOR : HON. COMMISSIONER AL A. PARREÑO
Presiding Commissioner, Second Division

THRU : ATTY. MA. MAHARANI LIWAYA P. SORIA
Attorney VI, Legal Head

SUBJECT : Retrieval of Ballot Boxes and Election
Documents/Paraphernalia in EPC No.
2016-37, among others

DATE : December 20, 2017

On October 3, 2017, the Office of the Division Clerk received a copy of the *Resolution*¹ dated August 29, 2017 issued by the Presidential Electoral Tribunal (P.E.T.) in "PET Case No. 005 – Ferdinand "Bongbong" R. Marcos, Jr., protestant, versus Maria Leonor "Leni Daang Matuwid" G. Robredo, protestee.", relevant portion of which reads as follows:

IN VIEW OF THE FOREGOING, the Tribunal resolves to:

xxx xxx xxx

d. NOTE COMELEC Letter dated April 22, 2017 and GRANT the request for temporary custody of the ballots, other election paraphernalia, including list of voters such as EDCVL, VRR and Book of Voters as well as data storage devices used in May 9, 2016 elections for the position of Regional Governor, Autonomous Region of Muslim Mindanao involving the 200 clustered precincts listed in the said letter;
xxx

¹ Original Case Records, Folder VI, pp. 2617 to 2656

The subject Resolution granting the request of the Commission (Second Division) for temporary prior custody of the ballots and other election paraphernalia used in the May 9, 2016 Elections for the position of Regional Governor, ARMM was confirmed in a Resolution² dated November 21, 2017³ issued by the P.E.T., to wit:

P.E.T. Case No. 005 (Ferdinand 'Bongbong' R. Marcos, Jr. vs. Maria Leonor 'Leni Daang Matuwid' G. Robredo). – The Tribunal Resolved to

xxx

xxx

xxx

(e) CONFIRM that 'COMELEC Letter dated April 22, 2017' referred to in the resolution dated August 29, 2017 refers to the Letter dated April 22, 2017 issued by Atty. Garcia as Acting Division Clerk of the COMELEC Second Division relative to EPC No. 2016-37; xxx

On the other hand, the other Tribunals issued the following Resolutions/Orders/Letters relative to the request⁴ of the Commission (Second Division) for temporary prior custody of the ballots and election documents/paraphernalia in relation to EPC No. 2016-37:

Senate Electoral Tribunal (S.E.T.)

a. Resolution No. 16-47⁵ dated May 9, 2017:

xxx Per SET timetable, revision of the ballots in the above-enumerated clustered precincts will be undertaken in August 2017. Such being the case, allowing the COMELEC (Second Division) temporary prior custody of the requested ballot boxes and other election documents or paraphernalia, including the list of voters as well as the data storage devices used in the 09 May 2016 Elections, and to recount the ballots subject of the protest pending before it, will not cause any delay in the resolution of the instant electoral protest, provided, however, that said ballot boxes must be made available for transfer to the Tribunal not later than 01 August 2017, provided, further, that no revision of the ballots shall be conducted without prior notice to the parties in the instant election protest.

WHEREFORE, the Executive Committee of the Tribunal resolves to GRANT the request of the Commission on Elections (Second Division) for temporary prior custody of the above-enumerated ballot boxes and the contents therein, other election documents or paraphernalia, including the list of voters such as the Election Day Computerized Voter's List (EDCVL), Voter's Registration Records (VRR), and Book of Voters (BOV), as well as the data storage devices used in the 09 May 2017 Elections for its use in

² Original Case Records, Folder VI, p. 2682

³ Received by the Office of the Division Clerk on December 7, 2017

⁴ Original Case Records, Folder V & VI, pp. 2368 to 2381, 2657 to 2659 & 2660 to 2661

⁵ Original Case Records, Folder V, pp. 2430 to 2434

connection with EPC No. 2016-37 9Abdusakur M. Tan vs. Mujiv S. Hataman). However, no revision of the ballots shall be conducted without prior notice to the parties in the instant election protest. xxx

b. Letter⁶ dated October 18, 2017 of Atty. Crisanta V. Valera, Acting Secretary of the Senate Electoral Tribunal:

xxx please be informed that the ballot boxes and election documents which are included in the pilot precincts of Protestant Tolentino in SET Case No. 001-16 (Tolentino vs. de Lima) are already in the custody of the Tribunal, to wit:

| Province | City/Municipality | Clustered Precinct No. | Grouped Precinct Nos. |
|----------------|-------------------------------|------------------------|------------------------------|
| 1. Basilan | 1. Akbar | 1 | 11A, 12A, 12B |
| | | 3 | 50A, 50B, 50C |
| | | 11 | 69A, 70A, 70B |
| | 2. Sumisip | 1 | 1A, 2A, 2B |
| | | 2 | 3A, 4A |
| | | 5 | 10A, 11A |
| | | 10 | 23A, 23B, 24A |
| | | 12 | 28A, 28B |
| | | 17 | 38A, 30A, 40A, 41A, 41B, 41C |
| | | 30 | 69A, 70A, 71A |
| | | 32 | 74A, 75A, 76A, 77B |
| | 3. Tabuan-Lasa | 2 | 2A, 2B, 2C, 2D |
| | | 7 | 10A, 10B, 11A |
| | | 13 | 23A, 23B, 24A, 25A, 25B |
| | | 14 | 26A, 27A, 28A |
| | | 19 | 35A, 35B, 36A |
| | 4. Tuburan | 8 | 46A, 47A |
| 2. Maguindanao | 1. Barira | 12 | 27A, 27B, 28A, 28B |
| | | 17 | 40A, 41A, 42A, 43A |
| | 2. Datu Odin Sinsuat (Dinaig) | 9 | 32A, 32B, 33A |
| | | 10 | 33B, 34A |
| | | 24 | 70A, 70B, 71A |
| | | 25 | 72A, 73A, 73B |

Anent your request to retrieve the subject ballot boxes for recount purposes, please be informed that we cannot release the same to the custody of the Honorable Commission, not until our revision and appreciation proceedings have been completed. xxx

House of Representatives Electoral Tribunal (H.R.E.T.)

a. Order⁷ dated May 2, 2017:

xxx WHEREFORE, the Second Division, Comelec is INFORMED that, except for all the thirty-two (32) precincts in the Municipality of Languyan, Tawi-Tawi which is involved in the HRET Case No. 16-007, Ajihil vs. Sahali,

⁶ Original Case Folders, Folder VI, pp. 2669 to 2670
⁷ Original Case Folders, Folder V, pp. 2459 to 2460

all the other precincts listed in the aforesaid request are not involved in any other election protests filed and pending before this Tribunal.

The Comelec's request for temporary prior custody of the ballot boxes, election documents and related paraphernalia for the Municipality of Languyan, Tawi-Tawi is GRANTED. However, the Tribunal will exercise its preferential right over the ballot boxes involved in the instant case, in accordance with Comelec Resolution No. 2812 dated October 17, 1995, once the Tribunal commences the revision and recount of ballot in HRET Case No. 16-007, Ajihil vs. Sahali, Lone Distric of Tawi-Tawi. xxx

b. Letter⁸ dated October 26, 2017 of Atty. Girlie I. Saladra, Secretary of the House of Representatives Electoral Tribunal:

xxx please be informed that the Tribunal had exercised its preferential right over all the ballot boxes containing the ballots and other election documents and paraphernalia of the Municipality of Languyan, Tawi-Tawi. Thus, the foregoing are now under the custody of the Tribunal considering that the same are involved in HRET Case No. 16-007, Myra C. Ajihil vs. Ruby M. Sahali.

Pertinently, the Tribunal is currently conducting a revision proceeding on the pilot protested precincts of said case, which does not include any clustered precinct from the Municipality of Languyan, Tawi-Tawi. Concomitantly, please inform us should the Commission wish to obtain temporary custody of the foregoing ballot boxes, subject to the conditions that may be imposed by the Tribunal. xxx

Taking into consideration the above-quoted resolutions and/or letters issued by the said Honorable Tribunals in relation to the request for temporary prior custody of the Commission (**Second Division**) in EPC No. 2016-37 (Tan vs. Hataman) and pursuant to the relevant provisions of COMELEC Resolution No. 9088 (*In the Matter of Adopting Uniform Procedures in the Inventory, Retrieval, Sealing and Delivery of Ballot Boxes involved in an Election Protest from the Provincial and City Treasurer's Office to the Comelec Head Office, Manila*), without violating any order to the said resolutions and/orders relative the election cases pending before the Honorable Tribunals, the undersigned respectfully submits the following recommendations including directives for its implementation:

1. To **DIRECT** the following Election Officers of the Municipalities/City:

✓

⁸ Original Case Records, Folder VI, p. 2677

- a) AKBAR, LANTAWAN, SUMISIP, TUBURAN, TABUAN-LASA and LAMITAN CITY of BASILAN PROVINCE;
b) BARIIRA, SULTAN KUDARAT, DATU ODIN SINSUAT (DINAIG) and PANDAG of MAGUINDANAO PROVINCE; and
d) TARAKA, LANA DEL SUR PROVINCE,

in coordination with the Municipal and City Treasurers of the afore-mentioned municipalities and city, to make an inventory within ten (10) days from receipt of the Order approving this Memorandum, on the one hundred sixty-nine (169)⁹ contested pilot precincts subject of the instant case enumerated as follows :

| Municipality of AKBAR, BASILAN | | | |
|--------------------------------|------------|------------------|-------------------------|
| | Barangay | Precinct ID Nos. | Clustered Precinct Nos. |
| 1. | Manguso | 07080002 | 35A, 35B |
| 2. | Caddayan | 07080004 | 54A, 55A, 55B, 55C |
| 3. | Lower Bato | 07080005 | 56A, 56B, 56C, 57A, 57B |
| 4. | Upper Bato | 07080006 | 58A, 58B, 58C, 58D |
| 5. | Semut | 07080009 | 63A, 63B, 63C |
| 6. | Paguengan | 07080010 | 64A, 65A, 65B |

*Precinct ID Nos. 07080003 & 07080011 are included in the pilot precincts in SET Case No. 001-16

| Municipality of LANTAWAN, BASILAN | | | |
|-----------------------------------|---------------|------------------|-------------------------|
| | Barangay | Precinct ID Nos. | Clustered Precinct Nos. |
| 1. | Tairan | 070030009 | 34A, 35A, 36A |
| 2. | Tairan | 070030010 | 37A, 38A, 39A, 40A |
| 3. | Upper Manggas | 070030011 | 6A, 6B, 7A |
| 4. | Calusugan | 070030017 | 44A, 44B |
| 5. | Awila | 070030020 | 33A, 33B |
| 6. | Luuk-Maluha | 070030025 | 31A, 31B, 31C |

| Municipality of SUMISIP, BASILAN | | | |
|----------------------------------|-------------------|------------------|-------------------------|
| | Barangay | Precinct ID Nos. | Clustered Precinct Nos. |
| 1. | Guiong | 07050003 | 5A, 6A, 7A |
| 2. | Guiong | 07050004 | 8A, 9A, 9B, 9C |
| 3. | Kaum-Air | 07050007 | 15A, 16A, 17A |
| 4. | Mangal (Pob.) | 07050008 | 19A, 19B, 20A, 20B |
| 5. | Mangal (Pob.) | 07050009 | 20C, 21A, 22A, 22B |
| 6. | Benembengan Upper | 07050011 | 25A, 26A, 27A, 27B |
| 7. | Libug | 07050013 | 29A, 30A, 31A, 31B |
| 8. | Cabcaban | 07050014 | 32A, 33A, 34A |
| 9. | Kumpamatsakem | 07050015 | 35A, 35B |

⁹ Actual protested pilot precincts of the Protestant = 200. However, 18 ballot boxes are in the custody of the SET & 13 boxes are subject of an election protest with the HRET

| | | | |
|-----|------------------|----------|--------------------|
| 10. | Baiwas | 07050016 | 36A, 36B |
| 11. | Sapah Bulak | 07050022 | 51A, 52A, 52B |
| 12. | Cabengbeng Upper | 07050023 | 54A, 55A, 56A |
| 13. | Cabengbeng Upper | 07050024 | 57A, 58A, 58B |
| 14. | Bohe-Languyan | 07050026 | 61A, 61B, 61C |
| 15. | Cabengbeng Lower | 07050027 | 62A, 63A, 64A |
| 16. | Cabengbeng Lower | 07050028 | 65A, 65B, 65C |
| 17. | Ettub-Ettub | 07050029 | 66A, 67A, 68A, 68B |
| 18. | Marang | 07050030 | 69A, 70A, 71A |
| 19. | Tongsengal | 07050033 | 78A, 79A, 80A |
| 20. | Tikus | 07050034 | 81A, 82A, 82B |
| 21. | Bacung | 07050035 | 83A, 84A, 85A |
| 22. | Bacung | 07050036 | 86A, 86B, 86C |
| 23. | Basak | 07050037 | 87A, 88A |
| 24. | Basak | 07050038 | 89A, 89B, 89C |
| 25. | Buli-Buli | 07050039 | 90A, 91A, 92A, 92B |

*Precinct ID Nos. 07050001, 07050002, 07050005, 07050010, 07050012, 07050017, 07050031, & 07050032 are included in the pilot precincts in SET Case No. 001-16

| Municipality of TUBURAN, BASILAN | | | |
|----------------------------------|--------------------|------------------|-------------------------|
| | Barangay | Precinct ID Nos. | Clustered Precinct Nos. |
| 1. | Sinulatan | 07070001 | 31A, 32A, 33A |
| 2. | Lahi-Lahi | 07070003 | 38A, 38B, 39A, 39B |
| 3. | Bohetambis/Mahawid | 07070004 | 40A, 41A, 41B |
| 4. | Mahawid | 07070005 | 42A, 43A, 43B |
| 5. | Lower Tablas | 07070006 | 44A, 44B |
| 6. | Tablas Usew | 07070007 | 45A, 45B |
| 7. | Calut | 07070009 | 48A, 48B, 48C, 48D |
| 8. | Katipunan | 07070010 | 49A, 49B |
| 9. | Lower Sinangkapan | 07070012 | 53A, 53B, 53C |

*Precinct ID No. 07070008 is included in the pilot precincts in SET Case No. 001-16

| Municipality of TABUAN-LASA, BASILAN | | | |
|--------------------------------------|------------|------------------|-------------------------|
| | Barangay | Precinct ID Nos. | Clustered Precinct Nos. |
| 1. | Lanawan | 07130001 | 1A, 1B, 1C, 1D |
| 2. | Lanawan | 07130003 | 3A, 3B, 3C, 3D |
| 3. | Saluping | 07130006 | 6A, 7A, 8A, 9A, 9B |
| 4. | Tong-Umus | 07130010 | 17A, 17B, 18A, 18B |
| 5. | Tomg-Umus | 07130011 | 19A, 20A |
| 6. | Bukut-Umus | 07130015 | 29A, 29B, 30A, 30B |
| 7. | Bukut-Umus | 07130016 | 31A, 31B, 32A, 32B |

*Precinct ID Nos. 07130013 & 07130019 are included in the pilot precincts in SET Case No. 001-16

| City of LAMITAN, BASILAN | | | |
|--------------------------|-----------|------------------|-------------------------|
| | Barangay | Precinct ID Nos. | Clustered Precinct Nos. |
| 1. | Bato | 07020019 | 38A, 39A, 40A |
| 2. | Bato | 07020020 | 41A, 42A, 43A |
| 3. | Bato | 07020021 | 43B, 43C, 43D, 43PI |
| 4. | Bulanting | 07020023 | 46A, 47A, 47B, 47PI |
| 5. | Simbangon | 07020031 | 64A, 64B |
| 6. | Balas | 07020034 | 69A, 70A, 71A |

| | | | |
|-----|------------|----------|-------------------------------|
| 7. | Balas | 07020035 | 72A, 73A, 74A |
| 8. | Balas | 07020036 | 74B, 74C, 74D, 74PI |
| 9. | Bohenange | 07020059 | 119A, 120A, 120B, 120C, 120PI |
| 10. | Luksumbang | 07020063 | 129A, 129B, 129C, 129D, 129PI |

| Municipality of BARIRA, MAGUINDANAO | | | |
|-------------------------------------|-----------|------------------|-------------------------|
| | Barangay | Precinct ID Nos. | Clustered Precinct Nos. |
| 1. | Lamin | 38180005 | 15A, 15B |
| 2. | Bualan | 38180008 | 16B, 18A, 18B |
| 3. | Panggao | 38180009 | 20A, 20B, 21A, 21B |
| 4. | Gadung | 38180011 | 24A, 25A, 26A |
| 5. | Gadung | 38180010 | 22A, 22B, 23A, 23B |
| 6. | Liong | 38180014 | 31A, 32A, 33A |
| 7. | Lipa | 38180015 | 34A, 34B, 35A |
| 8. | Nabalawag | 38180018 | 44A, 44B, 45B |
| 9. | Lamin | 38180006 | 15C, 15D, 15E |

*Precinct ID No. 38180017 is included in the pilot precincts in SET Case No. 001-16

| Municipality of Sultan Kudarat, MAGUINDANAO | | | |
|---|------------------------|------------------|------------------------------|
| | Barangay | Precinct ID Nos. | Clustered Precinct Nos. |
| 1. | Banatin | 38120008 | 14A, 15A, 16A, 17A, 17B, 17C |
| 2. | Bulibod | 38120015 | 33A, 33B, 34A, 34B |
| 3. | Damaniog | 38120019 | 41A, 42A, 43A |
| 4. | Damaniog | 38120020 | 43B, 43C |
| 5. | Darapanan | 38120021 | 44A, 44B, 45A |
| 6. | Inawan | 38120026 | 52A, 53A, 53B |
| 7. | Katamlangan (Matampay) | 38120032 | 68A, 69A, 69B, 69C |
| 8. | Katidtuan | 38120033 | 70A, 70B, 71A, 71B |
| 9. | Katidtuan | 38120034 | 72A, 73A, 73B |
| 10. | Katuli | 38120036 | 78A, 79A, 79B, 79C |
| 11. | Maidapa | 38120046 | 93A, 93B, 94A, 94B |
| 12. | Matengen | 38120047 | 95A, 96A, 96B |
| 13. | Nalanan | 38120049 | 99A, 100A, 100B, 100C, 100D |
| 14. | Nara | 38120050 | 101A, 102A, 103A |
| 15. | Nara | 38120051 | 104A, 104B, 104C |
| 16. | Nekitan | 38120052 | 105A, 105B, 105C |
| 17. | Olas | 38120053 | 106A, 106B |
| 18. | Panatan | 38120054 | 107A, 108A, 109A, 110A |
| 19. | Pinaring | 38120058 | 115A, 115B, 116A, 116B |
| 20. | Pinaring | 38120059 | 117A, 118A, 118B, 118C |
| 21. | Pingping | 38120060 | 119A, 120A, 120B |
| 22. | Raguisi | 38120061 | 121A, 121B, 121C |
| 23. | Raguisi | 38120062 | 122A, 122B |
| 24. | Sambolawan | 38120068 | 133A, 133B, 133C |
| 25. | Ungap | 38120074 | 143A, 144A, 145A, 145B |
| 26. | Ungap | 38120075 | 145C, 145D, 145E |

| Municipality of DATU ODIN SINSUAT (DINAIG), MAGUINDANAO | | | |
|---|-------------------|------------------|-------------------------|
| | Barangay | Precinct ID Nos. | Clustered Precinct Nos. |
| 1. | Dalican Poblacio | 38070002 | 5A, 6A, 7A, 8A |
| 2. | Dalican Poblacion | 38070006 | 21A, 22A, 23A, 24A |

A

| | | | |
|-----|-------------------|----------|----------------------------|
| 3. | Dalican Poblacion | 38070008 | 29A, 30A, 31A |
| 4. | Awang | 38070018 | 50A, 51A, 52A, 53A |
| 5. | Awang | 38070019 | 54A, 55A |
| 6. | Badak | 38070023 | 68A, 69A, 69B |
| 7. | Baka | 38070026 | 74A, 74B, 75A, 76A |
| 8. | Baka | 38070027 | 76B, 77A, 78A, 79A |
| 9. | Bitu | 38070030 | 87A, 88A, 89A |
| 10. | Bitu | 38070031 | 90A, 91A |
| 11. | Bugawas | 38070032 | 92A, 92B, 93A |
| 12. | Bugawas | 38070033 | 93B, 94A, 94B |
| 13. | Bugawas | 38070034 | 95A, 96A, 97A |
| 14. | Bongued | 38070035 | 98A, 99A, 100A, 101A, 102A |
| 15. | Bongued | 38070036 | 103A, 104A, 105A, 106A |
| 16. | Dados | 38070039 | 113A, 114A, 115A |
| 17. | Kakar | 38070044 | 132A, 133A, 134A |
| 18. | Kenebeka | 38070045 | 135A, 135B, 136A |
| 19. | Kenebeka | 38070046 | 137A, 138A |
| 20. | Kurintem | 38070047 | 139A, 139B, 140A |
| 21. | Kurintem | 38070048 | 141A, 142A, 143A |
| 22. | Kurintem | 38070049 | 144A, 145A, 146A |
| 23. | Kusiong | 38070050 | 147A, 147B, 148A |
| 24. | Kusiong | 38070051 | 148B, 149A, 149B |
| 25. | Labungan | 38070052 | 150A, 150B, 151A |
| 26. | Labungan | 38070053 | 152A, 152B, 153A, 153B |
| 27. | Labungan | 38070054 | 154A, 155A |
| 28. | Linek | 38070056 | 159A, 159B |
| 29. | Makir | 38070060 | 167A, 168A, 168B |
| 30. | Margues | 38070061 | 169A, 169B, 170A |
| 31. | Margues | 38070062 | 171A, 172A, 173A |
| 32. | Nekitan | 38070064 | 177A, 177B, 177C, 178A |
| 33. | Nekitan | 38070065 | 178B, 179A, 179B, 179C |
| 34. | Sapalan | 38070066 | 180A, 180B, 181A |
| 35. | Sapalan | 38070067 | 182A, 183A, 184A |
| 36. | Sibuto | 38070072 | 198A, 199A, 200A |
| 37. | Sibuto | 38070073 | 201A, 202A |
| 38. | Sifaren (Sifaran) | 38070074 | 203A, 203B, 204A, 204B |
| 39. | Tambak | 38070075 | 205A, 206A, 207A, 208A |
| 40. | Tamontaka | 38070082 | 222A, 222B, 223A |
| 41. | Tapian | 38070085 | 229A, 230A, 231A |
| 42. | Tenonggos | 38070089 | 245A, 245B, 245C, 245D |

*Precinct ID Nos. 38070009, 38070010, 38070024 & 38070025 are included in the pilot precincts in SET Case No. 001-16

| Municipality of PANDAG, MAGUINDANAO | | | |
|-------------------------------------|-------------|------------------|-------------------------|
| | Barangay | Precinct ID Nos. | Clustered Precinct Nos. |
| 1. | Pandag | 38330002 | 3A, 4A |
| 2. | Kabuling | 38330003 | 5A, 6A, 7A, 8A, 8B, 8C |
| 3. | Kayaga | 38330005 | 11A, 12A, 13A |
| 4. | Malangit | 38330010 | 29A, 29B, 30A, 30B |
| 5. | Upper D'lag | 38330012 | 34A, 35A, 36A, 37A, 38A |

Municipality of LANGUYAN, TAWI-TAWI

- All 13 pilot precincts of the Protestant herein are in the custody of HRET relative to HRET Case No. 16-007

| Municipality of TARAKA, LANA O DEL SUR | | | |
|---|---------------------|-------------------------|--------------------------------|
| | Barangay | Precinct ID Nos. | Clustered Precinct Nos. |
| 1. | Bandera Buisan | 36270002 | 2A |
| 2. | Boriongan | 36270003 | 3A, 3B |
| 3. | Borowa | 36270004 | 4A |
| 4. | Buadi Dingun | 36270005 | 5A, 5B |
| 5. | Buadi Amao | 36270006 | 6A |
| 6. | Buadi Amunta | 36270007 | 7A |
| 7. | Buadi Amunud | 36270008 | 8A, 8B |
| 8. | Buadi Arorao | 36270009 | 9A, 9B |
| 9. | Bucalan | 36270013 | 13A |
| 10. | Datu Ma-as | 36270017 | 17A, 17B |
| 11. | Dimayon | 36270019 | 19A |
| 12. | Gapao Balindong | 36270020 | 20A |
| 13. | Lumasa | 36270022 | 22A |
| 14. | Malungan | 36270026 | 26A |
| 15. | Masolun | 36270028 | 28A |
| 16. | Moriatao Loksa Datu | 36270029 | 29A, 29B, 29C |
| 17. | Pagalamatan | 36270030 | 30A, 30B |
| 18. | Pindolonan | 36270031 | 31A, 31B |
| 19. | Ririk | 36270033 | 33A |
| 20. | Lumasa Proper | 36270035 | 35A, 35B, 35C |
| 21. | Sigayan Proper | 36270039 | 39A |
| 22. | Sunggod | 36270040 | 40A, 40B |
| 23. | Sunding | 36270041 | 41A, 41B |
| 24. | Tupa-an Buadiatupa | 36270043 | 43A |

and thereafter, seal and deliver the same including the corresponding Voters Registration Records (VRR), Book of Voters (BOV) and Election Day Computerized Voters List (EDCVL) of the said precincts as used in the May 9, 2016 National, Local and ARMM Elections within ten (10) days from completion of the inventory and sealing to the REGIONAL ELECTION DIRECTOR OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO (ARMM).

The concerned Municipal and City Treasurers shall turn-over the ballot boxes, together with the keys and other election paraphernalia to the concerned Election Officers and the Regional Election Director of the ARMM, after inventory of the ballot boxes and comparing the same with

a copy of C.E.F. No. 14 (*Certificate of Receipt of Official Ballot Boxes, Other Forms and supplies by BEI*).

The afore-mentioned Election Officers shall **NOTIFY** all concerned parties as to the date of actual inventory and sealing of ballot boxes at least three (3) days prior to the said activity, including the Presidential Electoral Tribunal (PET), Senate Electoral Tribunal (SET), House of Representatives Electoral Tribunal (HRET), the Presiding Commissioner of the Second Division, Member-Commissioners of the Second Division and Office of the Division Clerk, this Commission.

The concerned parties may send their respective representatives to observe the proceedings and they shall submit their written authorization to the concerned Election Officers for proper accreditation;

2. To **DIRECT** the Regional Election Director of the ARMM to account and take custody of the one hundred (169) ballot boxes enumerate herein, making sure of their completeness, and thereafter, within fifteen (15) days **TRANSMIT/DELIVER** the same to the Contested BallotBox Section, Judicial Records Division of the Electoral Contests Adjudication Department (ECAD) at the Comelec Philpost Warehouse, Port Area, City of Manila, with due notice to all concerned parties who may wish to send their respective representatives during the said activity.
3. To **REMINDE** the Regional Election Director of the ARMM, all concerned Election Officers and Treasurers, to observe strict measures to protect safety and integrity of the ballot boxes such as sealing the lid of each ballot box with masking/packaging tapes, with the Election Officer affixing their initials on said masking / packaging tapes including the corresponding election documents and paraphernalia;
4. To **DIRECT** the Regional Election Director of the ARMM, all concerned Election Officers and Treasurers to prepare the necessary *Minutes of the Proceedings* - from inventory, sealing, turn-over, retrieval and delivery/transmittal of the

ballot boxes and other election documents or paraphernalia - taking into consideration the condition of the subject boxes and documents; sealed and properly signed by all parties or their authorized representatives.

Copy of the Minutes of the Proceedings shall be furnished to the following: 1) All parties concerned or their authorized representatives; 2) Office of the Presiding Commissioner, this Commission; 3) Office of the Member-Commissioners, Second Division, this Commission; 4) The Secretary of the Presidential Electoral Tribunal (PET); 5) The Secretary of the Senate Electoral Tribunal (SET); 6) The Secretary of the House of Representatives Electoral Tribunal (HRET); 7) Office of the Chairman, this Commission; 8) The Office of the Clerk of the Division, this Commission; and 9) The Ballot Box Custodian, Electoral Contest Adjudication Department, this Commission;

5. To **DIRECT** the Protestant to coordinate immediately upon receipt of the Order approving this *Memorandum* with the concerned Election Officers of the ARMM and the Regional Election Director of the ARMM, in order to expedite the inventory, sealing and delivery/transmittal of the subject ballot boxes and documents and shall provide the needed vehicle/s to the concerned Election Officers and to the Regional Election Director of ARMM relative to the transportation of the same.

All the necessary expenses for the sealing, retrieval and transportation thereof including the travel expenses, per diems and necessary allowances of the concerned Treasurers and COMELEC personnel (the Election Officers and two (2) support staff each; the Regional Election Director of the ARMM and four (4) support staff at most; and the PNP/AFP personnel acting as security) shall be borne by herein Protestant.

Failure of the Protestant to coordinate with the concerned Election Officer relative to the said expenses shall cause the dismissal of the instant protest case for failure to obey the lawful Order of this Commission and/or lack of interest to pursue the protest case. ✓

6. To **DIRECT** the Regional Election Director of the ARMM to notify the Division Clerk, the Ballot Box Custodian II (Mr. Marcelo T. Mendez) of the Judicial Records Division - ECAD and both parties **at least three (3) days before the estimate or actual date of delivery, transmittal and arrival of the ballot boxes to the COMELEC-Philpost Warehouse.** Both parties may accompany the delivery and transmittal of said ballot boxes or may send their respective duly authorized representatives to accompany the same. The travelling expenses of their respective counsels and watchers, not exceeding two (2) each, shall be shouldered by them;
7. To **AUTHORIZE** the concerned Election Officers and the Regional Election Director of the ARMM, to secure a sufficient number of security escorts either from the PNP or the AFP, who shall provide security assistance in connection with the gathering and transportation of the subject ballot boxes from the commencement of the retrieval up to the time the ballot boxes are delivered to the COMELEC-Philpost Warehouse at Port Area, City of Manila.

The per diem of the personnel involved, other expenses necessary and incidental to the proceedings/activities like communications, lodging / accommodation and gasoline shall be shouldered by the Protestant;

8. To **DIRECT** Mr. Marcelo T. Mendez, Ballot Box Custodian II, and the Security Personnel of ECAD to provide the necessary assistance in ensuring the safety and security of the subject ballot boxes from the delivery of the subject boxes to the Comelec Warehouse until the termination of the revision proceedings in the pilot protested precincts.

Mr. Mendez is also directed to make the necessary *Minutes of the Proceedings* relative to the turn-over, delivery and receipt of the subject ballot boxes from the Regional Election Director of the ARMM and immediately copy furnish the same to all concerned offices as enumerated in item 4 of this Order;

For safety purpose of the ballot boxes involve in this case, in the exigency of the service and in case of necessity, all ECAD Warehouse and Security Personnel of ECAD shall

A

render overtime services beyond the regular overtime hours in order to await the arrival of the subject ballot boxes and documents (per notice of the estimated day and time of arrival given by the Regional Election Director of the ARMM) until acknowledgment receipt thereof by Mr. Marcelo Mendez and/or his authorized representative.

The overtime services rendered beyond regular overtime hours shall be charged to the cash deposit of the Protestant. For this purpose, the Clerk of the Division shall prepare the necessary payroll upon certification of the Director IV of ECAD relative to the names of the personnel who actually rendered additional overtime period;

9. To **DIRECT** the Clerk of the Division to inquire with the Senate Electoral Tribunal (SET) as to the availability of the eighteen (18) ballot boxes within their custody as enumerated in their *Letter* dated October 18, 2017, including the possibility of retrieving the said boxes by the Division for purpose of recount and/or the prospect of recounting the said boxes within the premises of the Honorable Tribunal.


In the event that the turn-over of the said boxes to this Commission is unfeasible, the Protestant shall be immediately advised thereof and to expedite the proceedings, may replace the eighteen (18) pilot protested precincts that are within the custody of the SET. For the said purpose, he shall file a proper Manifestation relative thereto; and

10. To **DIRECT** the Clerk of the Division to immediately prepare a letter-request to the House of Representatives Electoral Tribunal (HRET), in behalf of the Commission, seeking authorization, approval and/or clearance as to the temporary prior custody of the ballot boxes and other relevant election documents and paraphernalia used during the May 9, 2016 National, Local and ARMM Elections in the Municipality of Languyan, Tawi-Tawi, particularly the Protestant's thirteen (13) pilot protested precincts as enumerated in his *Preliminary Conference Brief*.

For your Honor's review and consideration.



Thank you.



MICHAEL L. GARCIA
Acting Division Clerk of the Commission
Attorney V - ECAD

cc:

Hon. Commissioner Arthur D. Lim
Member-Commissioner, Second Division

Hon. Commissioner Sheriff M. Abas
Member-Commissioner, Second Division