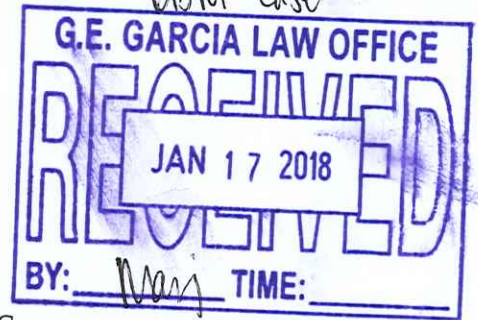




Republic of the Philippines  
COMMISSION ON ELECTIONS  
Manila



## SECOND DIVISION

**ROMERO DAOATEN,**  
Protestant-Appellant,

- versus -

EAC NO. 13-2017

**ROSALINA C. BISCARRA,**  
Protestee-Appellee.

X-----X

## NOTICE

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

**THE PRESIDING JUDGE**  
1<sup>st</sup> Judicial Region  
Regional Trial Court, Branch 58  
2805 Bucay, Abra (y/z)

**THE CLERK OF COURT**  
1<sup>st</sup> Judicial Region  
Regional Trial Court, Branch 58  
2805 Bucay, Abra (y/z)

**ATTY. MA. SANIATA LIWLIWA V. GONZALES-ALZATE**  
Counsel for the Protestant-Appellant  
Alzate Bldg., McKinley Street  
2800 Bangued, Abra (y/z)

**THE ELECTION OFFICER**  
Office of the Election Officer  
COMELEC,  
2813 Municipality of Luba, Abra (y/z)

**ROMERO DAOATEN**  
Protestant-Appellant  
Brgy. Sabnangan, Zone 4  
2813 Municipality of Luba, Abra (y/z)

**ATTY. DICK SANIDAD**  
Counsel for the Protestee-Appellee  
12-B, 12<sup>th</sup> Floor, Marco Polo, Sapphire Road  
Ortigas Center, Pasig City (x)

**THE MUNICIPAL TREASURER**  
Office of the Municipal Treasurer  
2813 Municipality of Luba, Abra (y/z)

**ATTY. GEORGE ERWIN M. GARCIA and ATTY. JOAN M. PADILLA**  
Counsels for Senator Ferdinand "Bong - Bong" R. Marcos, Jr., in P.E.T. Case No. 005  
**G. E. GARCIA LAW OFFICE**  
Ground Floor, Laiko Building  
372 Cabildo Street  
1002 Intramuros, Manila (x)

**ATTY. ROMULO B. MACALINTAL**  
Lead Counsel for Vice-President  
Maria Leonor "Leni Daang Matuwid"  
In G. Robredo in P.E.T. Case No. 005  
**SARDILLO SARDILLO SALOM LAW OFFICE**  
Unit 802, Taipan Place, F. Ortigas Ave.  
Ortigas Center, Pasig City (x)

**ROSALINA C. BISCARRA**  
Protestee-Appellee  
Bangel St., Brgy. Poblacion, Zone 4  
2813 Municipality of Luba, Abra (y/z)

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

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

**THE REGIONAL DIRECTOR**  
Office of the Regional Director  
COMELEC Compound, Gov. Park Road,  
2600 Baguio City, Benguet (y/z)

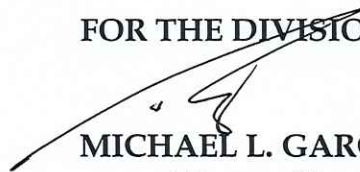
**ATTY. FELIPA B. ANAMA**  
Clerk of the Tribunal  
Presidential Electoral Tribunal  
Supreme Court  
Padre Faura, Manila (x)

**GREETINGS:**

Please find herewith a copy of the **ORDER** issued on the 15<sup>th</sup> day of January 2018 and **MEMORANDUM** issued by the Commission (Second Division) on the 18<sup>th</sup> day of December 2017 in the above entitled case.

January 16, 2018, Manila, Philippines

**FOR THE DIVISION:**



**MICHAEL L. GARCIA**  
Attorney V

Acting Division Clerk of the Commission

Encl. a/s  
(x) – Personal Delivery  
(y) – Registered Mail  
(z) – Special Courier  
/rml



REPUBLIC OF THE PHILIPPINES  
COMMISSION ON ELECTIONS  
MANILA

SECOND DIVISION

ROMERO S. DAOATEN,  
*Protestant-Appellant,*

*-versus-*

EAC No. 13-2017

ROSALINA C. BISCARRA,  
*Protestee-Appellee.*

x-----x

**O R D E R**

Acting on the *Memorandum* of the Acting Clerk of the Division dated December 18, 2017 (*Re: Retrieval of the Ballot Boxes and Continuation of the Proceedings in EAC No. 13-2017*), pursuant to the Presidential Electoral Tribunal (P.E.T.) *Notice of Resolution*<sup>1</sup> dated November 28, 2017, this Commission (**Second Division**) hereby **NOTES** the same and **ADOPTS** *in toto* the recommendations and directives set forth in the said *Memorandum* relative to the retrieval of the ballot boxes and continuation of the proceedings of the instant appeal case.

**SO ORDERED.**

Given this 15<sup>th</sup> day of January, 2018, City of Manila, Philippines.

**FOR THE DIVISION:**

  
AL. A. PARREÑO  
Presiding Commissioner





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 the Ballot Boxes and Continuation  
of the Proceedings in EAC No. 13-2017

DATE : December 18, 2017

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The undersigned respectfully informs the Honorable Commission (Second Division) that a *Notice of Resolution* dated November 28, 2017 from the Presidential Electoral Tribunal (PET) was received by the Office of the Division Clerk (Second Division) on December 7, 2017, the pertinent contents of which are hereunder reproduced:

*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*

*xx*

*(c) NOTE the Letter dated November 17, 2017 of Atty. Garcia in connection with EAC No. 13-2017 (Romero S. Daoaten vs. Rosalina C. Biscarra) pending before the COMELEC (Second Division) which is an appeal from the Decision dated May 17, 2017 of the RTC, Branch 58, Bucay, Abra in Election Case No. 16-91 (Romero S. Daoaten vs. Rosalina C. Biscarra) and GRANT the request of the COMELEC Second Division for authority to (i) retrieve the ballot boxes from the Municipal Treasurer of Luba, Abra and (ii) continue with the proceedings in EAC No. 13-2017. xxx*

In view of the afore-mentioned resolution from the P.E.T. granting the request of the Commission (Second Division) to retrieve the ballot boxes subject of EAC No. 13-2017 and to continue the proceedings in

among others, the undersigned respectfully recommends the following directives:

1. To retrieve the ballot boxes subject of appeal in the instant case from the Municipal Treasurer of Luba, Abra and to continue the proceedings therein as granted in the *Notice of Resolution* dated November 28, 2017 of the Presidential Electoral Tribunal (PET).

To implement the said resolution, the Clerk of Court of Branch 58, Regional Trial Court, Bucay, Abra to **RETRIEVE** the twelve (12) ballot boxes<sup>1</sup> containing the Uncontested / Contested/ Claimed Ballots, Minutes of Voting and Counting of Votes (MOVs) and the Election Returns (ERs) or the ballot boxes containing the said documents subject of EAC 13-2017 (Romero S. Daoaten vs. Rosalina C. Biscarra)<sup>2</sup> from the Municipal Treasurer<sup>3</sup> of Luba, Abra and thereafter, **ELEVATE/TRANSMIT** and **DELIVER**<sup>4</sup> the said boxes and documents to the COMELEC-Philpost Warehouse, Contested Ballot Box Section of the Electoral Contest Adjudication Department, this Commission, located at Delpan Street, City of Manila, **within seven days from receipt of the Order approving this Memorandum via the fastest means possible;**

2. **DIRECT** the Protestant-Appellant, Romero S. Daoaten, to shoulder all expenses necessary for the immediate transmittal of the subject records or documents. He shall coordinate with the concerned Clerk of Court relative to the said expenses and failure to comply thereto, the subject appeal case is recommended to be dismissed for lack of interest to pursue the case and for failure to obey with the lawful Order of this Commission, in the event that this Memorandum is approved;

<sup>1</sup> The following are the 12 ballot boxes involved in the instant case: 1) Precinct ID No. 01140001 – Brgy. Poblacion (Precinct Nos. 1A, 1B, 2A, 2B, 3A & 3B); 2) Precinct ID No. 01140002 – Brgy. Ampalioc (Precinct Nos. 4A & 4B); 3) Precinct ID No. 01140003 – Brgy. Pacpaca (Precinct Nos. 5A & 5B); 4) Precinct ID No. 01140004 – Brgy. Tabangao (Precinct Nos. 6A & 6B); 5) Precinct ID No. 01140005 – Brgy. Barit (Precinct Nos. 7A & 7B); 6) Precinct ID No. 01140006 – Brgy. Botot (Precinct No. 8A); 7) Precinct ID No. 01140008 – Brgy. Lulluno (Precinct Nos. 12A & 12B); 8) Precinct ID No. 01140009 – Brgy. Luzong (Precinct Nos. 14A, 14B, 15A, 15B, 16A & 16B); 9) Precinct ID No. 01140010 – Brgy. Nagbukel (Precinct Nos. 17A & 17B); 10) Precinct ID No. 01140011 – Brgy. Tukipa (Precinct No. 18A); 11) Precinct ID No. 01140012 – Brgy. Sabnangan (unrevised); and 12) Precinct ID No. 01140007 – Brgy. Gayaman (unrevised); Original Court Records (Decision), pages 313, 314 & 324

<sup>2</sup> Election Case No. 16-91 (Romero S. Daoaten vs. Rosalina C. Biscarra)

<sup>3</sup> As reported by Mr. Mondae B. Beralde, CLR II/Acting Clerk of Court of Branch 58, Regional Trial Court, Bucay, Abra in his Letter (undated) as received by the Office of the Division Clerk, this Commission on July 31, 2017; Records, p. 6


<sup>4</sup> **Duty of the Clerk of Court**; Section 10, Rule 14 of A.M. No. 10-4-1-SC: Immediate transmittal of records of the case. – The Clerk of Court shall, within fifteen (15) days from the filing of the notice of appeal, **transmit to the Electoral Contests Adjudication Department, COMELEC, the complete records of the case, together with all the evidence** including the original and three copies of the transcript of stenographic notes of the proceedings. The same



3. **CAVEAT** to the Clerk of Court of the *court a quo* that failure to comply with this Memorandum and/or Order approving the same, or any further delay in the elevation/transmittal of the subject election documents shall compel this Commission to *motu proprio* charge the Acting Clerk of Court of Branch 58, Regional Trial Court, Bucay, Abra **with INDIRECT CONTEMPT** in accordance with Section 2 (b) & (d), Rule 29<sup>5</sup> of the COMELEC Rules of Procedure, as amended; file an appropriate complaint for violation of Section 5 (a)<sup>6</sup> of Republic Act No. 6713, as amended, and other administrative proceedings in accordance with law; and
4. **REQUEST** the Hon. Presiding Judge of Branch 58, Regional Trial Court, Bucay, Abra to see to it that the directives set forth in this Memorandum and/or the Order approving this Memorandum be faithfully and immediately complied with by the concerned Clerk of Court.

Respectfully submitted for your consideration and/or approval.

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

<sup>5</sup> Sec. 2. **Indirect Contempt.** – After charge in writing has been filed with the Commission or Division, as the case may be, and an opportunity given to the respondent to be heard by himself or counsel, a person guilty of the following acts may be punished for indirect contempt:

xxx (b) Disobedience of or resistance to a lawful writ, process, order, judgment or command of the Commission or any of its Divisions, or injunction or restraining order granted by it;

xxx (d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice by the Commission or any of its Divisions;

<sup>6</sup> Section 5. **Duties of Public Officials and Employees.** – In the performance of their duties, all public officials and employees are under the obligation to:

a) *Act promptly on letters and requests.* – All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communication with the Commission.