



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

SECOND DIVISION



In behalf of
BBM Corp

ABDUSAKUR M. TAN,
Protestant,

-versus-

EPC NO. 2016-37

MUJIV S. HATAMAN,
Protestee.

x-----x

NOTICE

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Clerk of Court of the Commission
Electoral Contests Adjudication Dept.,
Commission on Elections,
Intramuros, Manila.(x)

W

**THE CHIEF COMELEC
ORGANIC FORCE (COSF)**
Commission on Elections,
Intramuros, Manila.(x)

**THE COMELEC SECURITY UNIT
POLICE SECURITY AND
PROTECTION GROUP (PSPG)**
Commission on Elections,
Intramuros, Manila.(x)

THE ECAD SECURITY GROUP
Philpost Warehouse,
Delpan, Tondo, Manila.(x)

DR. SAGA D. MABANING
Chief, Judicial Records Division
Electoral Contests Adjudication Dept.,
Commission on Elections,
Intramuros, Manila.(x)

**GENDER AND DEVELOPMENT
FOCAL POINT SYSTEM (GAD-FPS)**
GAD Office,
Commission on Elections,
Intramuros, Manila.(x)

GREETINGS!

Attached is a copy of the **ORDER** issued by the Commission (Second Division) on March 9, 2018, in the above-entitled case.

Given this 9th day of March 2018, Manila, Philippines.

FOR THE DIVISION:


JOHN GERALD B. DE LA CRUZ
Division Clerk of Court of the Commission

Encl. as.:
(x) personal delivery
(y) registered mail w/return card
/tin



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

SECOND DIVISION

ABDULSAKUR M. TAN,
Protestant,

- versus -

EPC No. 2016-37

MUJIV S. HATAMAN,
Protestee.

X- - - - - X

ORDER

The Commission (Second Division) hereby **ADOPTS** the *Memorandum* dated March 8, 2018 by Its Division Clerk of Court. **ACCORDINGLY**, this Commission (Second Division) **RESOLVES** to:

1. **INFORM** the parties that the recount of ballots shall commence on April 4, 2018 at 8:30 in the morning, 5th Floor, Palacio del Gobernador, Intramuros, Manila;
2. **DIRECT** the parties to send their respective revisors for (4) four recount committees and attend the briefing to discuss the guidelines on the recount of ballots on April 3, 2018 at 2:00 o'clock in the afternoon, ECAD, this Commission. Should there be alterations on the list of revisors, the parties shall submit their corresponding names to the ECAD, Second Division within five (5) days from receipt of the Order;
3. **DIRECT** the parties' counsel of record to see to it that their respective revisors are punctual in attending the recount proceedings. Absence of any revisor shall not delay or postpone the said proceedings. For this purpose the parties

are hereby reminded of *Section 4 (c) and (d)*¹, *Rule 15 of the COMELEC Resolution No. 8804* as amended within five (5) days from receipt hereof;

4. **DIRECT** the parties to manifest whether they intend to secure the photocopy of the ballots and other election documents that will be recounted. They shall be required to each bring two (2) photocopying machines not later than April 3, 2018 to prevent possible congestion/ delay in the recount proceedings;
5. **DIRECT** the parties to provide two (2) handlers who will haul the ballot boxes in the course of transferring the boxes from the storage area to the recount venue and vice-versa. Their names shall be submitted to the ECAD within five days from receipt of the Order. They shall report to the Division Clerk of Court on April 3, 2018 at the Electoral Contest Adjudication Department (ECAD) for briefing and issuance of IDs. Along with the revisors, they shall bring with them two (2) pcs. of 2x2 photo IDs and any identifying cards and appointment from counsel of record. Beginning April 4, 2018 and until termination of the recount proceedings, the handlers will report to Mr. Marcelo Mendez, ECAD, Ballot Box Custodian at exactly 7:00 o'clock in the morning, Comelec-Philpost Warehouse, Tondo, Manila;
6. **DIRECT** the Director IV of the Administrative Services Department to designate two (2) drivers for the transport of the subject ballot boxes;

¹ a) xxx

b) xxx

c) *If the representative of the protestee is absent or late.* – If the representative of the protestee is absent or late for thirty minutes and no alternate appears as a substitute, the recount shall, nevertheless, commence; the protestee shall be deemed to have waived the right to appear and to object to the ballots in the precincts or precincts scheduled for recount on that particular day.

d) *If the representative of the protestant or counter-protestant, or of both parties are failed to appear.* - If the representative of the protestant, or of both parties and alternates are fail to appear for no justifiable reason within one hour after fixed hours from the start of the recount, the ballot boxes scheduled for that day, and the corresponding keys in the possession of the chairperson, shall be returned to the ballot box custodian of the Commission and shall no longer be recounted; it is understood that the parties waive their right to recount the same, and the Recount Coordinator concerned shall state such facts in the corresponding Recount report.

7. **DIRECT** the parties to provide their own padlocks for the Committee Ballot Boxes;
8. **DIRECT** the parties to shoulder the expenses for the electrical consumption at the rate of Php 1.00 per page pursuant to Comelec Minute Resolution No. 02-0130. The Commission shall also designate two (2) ECAD personnel as Comelec Xerox Machine Watchers/Recorders;
9. **DIRECT** the Chief of the Comelec Organic Security Force (COSF) to assign two (2) personnel who will provide security escort in the transportation of the ballot boxes from Philpost Warehouse to the recount venue and its return to the Philpost in the afternoon. They shall submit their directive and present themselves to the Division Clerk of Court of the Second Division on or before April 3, 2018;
10. **DIRECT** the Head of the Police Security Protection Group to assign two (2) PSPG personnel who will secure the recount area. They shall submit their directive/appointment to the Division Clerk of Court of the Commission on or before April 3, 2018 at the Electoral Contest Adjudication Department (ECAD).
11. **DIRECT** the Over-all Ballot Box Custodian and his staff to see to it that they are at their work station not later than 7:00 am everyday for as long as the recount of ballots is being conducted. The Chief of the Judicial Records Division-ECAD shall personally oversee the orderly and effective release and return of the contested ballot boxes and ensure the security of the said ballot boxes under the Division's custody;
12. **DIRECT** the Recount Committee Chairpersons to submit the recount report after its completion;
13. **DIRECT** the Over-all Chairman of the recount proceedings to make ready and available the recount materials for the use in the recount of the ballots;

SO ORDERED.

Given this 9th day of March 2018, Manila, Philippines.

FOR THE DIVISION:


LUIE TITO F. GUIA
Presiding Commissioner