



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

ELECTORAL CONTESTS ADJUDICATION DEPARTMENT
First Division

March 27, 2018

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

SUBJECT : **EAC No. 05-2018**
(Atty. Ruben R. Platon vs. Reynalbert O. Insular)

Dear **ATTY. ANAMA:**

Greetings!

The undersigned respectfully writes in connection with **EAC No. 05-2018** (*Atty. Ruben R. Platon, Protestant-Appellee, vs. Reynalbert O. Insular, Protestee-Appellant*) pending before the Commission (First Division). This is an appeal on the *Decision dated January 17, 2018* issued by the *Regional Trial Court, Branch 10, Marawi City, Lanao del Sur* in **Election Protest Case No. 2380-16** (*Atty. Ruben R. Platon, Protestant, vs. Reynalbert O. Insular, Protestee*) which involves the position of Mayor in the Municipality of South Upi, Province of Maguindanao.

On February 14, 2018, the Electoral Contests Adjudication Department, this Commission, received a *Notice of Appeal*¹ filed by Reynalbert O. Insular, *Protestee-Appellant*. Accordingly, on February 20, 2018, pursuant to Section 4, Rule 22 of the COMELEC Rules of Procedure and Section 10, Rule 14 of A.M. No. 10-4-1-SC², this Commission (First Division), through the undersigned, requested the Clerk of Court, Regional Trial Court, Branch 10, Marawi City, Lanao del Sur, to transmit the complete records of the case for consideration of the Commission (First

¹ Filed through personal delivery.

² 2010 Rules of Procedure in Election Contests Before the Courts Involving Elective Municipal Officials

Division). Thereafter, on March 26, 2018, this Department was in receipt of boxes, which among others, allegedly contain ballots and related documents of the instant case.

Upon perusal of the records, the protest involved the following clustered precincts in the Municipality of South Upi, Maguindanao:

PROTEST

	CLUSTERED PRECINCT NO.	BARANGAY
1	38170005	Romongaob
2	38170032	San Jose

Nonetheless, please be informed that upon thorough review of the documents at hand, it appears that there is no record that would show that prior authority from the Honorable Presidential Electoral Tribunal ("P.E.T.") was obtained with respect the possession and custody of the ballot boxes, election documents and related paraphernalia³ when the court of origin ordered the revision of ballots in **Election Protest Case No. 2380-16**. It is in this regard that this Commission (First Division) is now seeking guidance from this Tribunal whether or not this Commission (First Division) may continue with the proceedings in the subject case absent the grant of temporary prior custody to the court of origin.

Should the Honorable Tribunal require the Commission to seek prior approval thereof, please consider this *Letter* as this Commission's formal request. Rest assured, the Commission shall employ appropriate measures in preserving the integrity of the ballots subject of the abovementioned appeal case.

Finally, please be certain that this Commission (First Division) shall endeavor to patiently wait for the direction to be provided by the Honorable Tribunal prior to determining the course of the appeal case pending before this Commission (First Division).

Thank you very much.

With Best Regards,


ATTY. MICHAEL L. GARCIA
Division Clerk of Court of the Commission

³ Used in the May 9, 2016 National and Local Elections

COPY FURNISHED:

ACTING CHAIRMAN AL A. PARREÑO

Presiding Commissioner

COMELEC-First Division (x)

**COMMISSIONER MA. ROWENA AMELIA
V. GUANZON**

Member Commissioner

COMELEC-First Division (x)

ATTY. ALLEN FRANCIS B. ABAYA

*Clerk of Court of the Commission/
Director IV*

Electoral Contests Adjudication Department (x)

THE CLERK OF COURT

12th Judicial Region

Regional Trial Court, Branch 10

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