



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

ELECTORAL CONTESTS ADJUDICATION DEPARTMENT
First Division

April 23, 2018

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

SUBJECT : **EAC No. 03-2018**
(Lenie Pantoja vs. Peter Oliver Palacio)

Dear **ATTY. ANAMA:**

Greetings!

The undersigned respectfully writes in connection with **EAC No. 03-2018** (*Lenie Pantoja vs. Peter Oliver Palacio*) pending before the Commission (First Division). This is an appeal on the *Decision dated January 26, 2018* issued by the *Regional Trial Court, Fourth Judicial Region, Branch 9, Balayan, Batangas* in **Election Protest Case No. 2016-01** (*Lenie Pantoja vs. Peter Oliver Palacio*) which involves the position of Mayor in the Municipality of Calatagan, Batangas.

On February 22, 2018, the Electoral Contests Adjudication Department, this Commission, received a *Notice of Appeal*¹ filed by Lenie Pantoja, *Protestant-Appellant*. Accordingly, on February 22, 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 X, Balayan, Batangas, to transmit the complete records of the case for consideration of the Commission (First Division). Thereafter, on April 20, 2018, this Department was in receipt of boxes, which among others, allegedly contain ballots of the instant case.

¹ Filed through registered mail.

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



Upon perusal of the records, the protest involved the following clustered precincts/Precinct I.D. Nos. in the Municipality of Calatagan, Batangas:

PROTEST

	CLUSTERED PRECINCT NO/ PRECINCT ID NO.	BARANGAY
1	10080001	Poblacion 1
2	10080002	Poblacion 1
3	10080003	Poblacion 1
4	10080004	Poblacion 2
5	10080005	Poblacion 2
6	10080006	Poblacion 3
7	10080007	Poblacion 4
8	10080008	Poblacion 4
9	10080009	Poblacion 4
10	10080010	Bagong Silang
11	10080011	Bagong Silang
12	10080012	Baha
13	10080013	Baha
14	10080014	Balibago
15	10080015	Balibago
16	10080016	Balibago
17	10080017	Balitoc
18	10080018	Balitoc
19	10080019	Balitoc
20	10080020	Biga
21	10080021	Biga
22	10080022	Biga
23	10080023	Bucal
24	10080024	Carlota
25	10080025	Carlota
26	10080026	Carretunan
27	10080027	Carretunan
28	10080028	Encarnacion
29	10080029	Encarnacion
30	10080030	Gulod
31	10080031	Gulod
32	10080032	Gulod
33	10080033	Hukay
34	10080034	Hukay
35	10080035	Lucsuhin
36	10080036	Lucsuhin
37	10080037	Lucsuhin
38	10080038	Lucsuhin
39	10080039	Luya

40	10080040	Paraiso
41	10080041	Quilitisan
42	10080042	Quilitisan
43	10080043	Real
44	10080044	Real
45	10080045	Sambungan
46	10080046	Sambungan
47	10080047	Sta. Ana
48	10080048	Sta. Ana
49	10080049	Sta. Ana
50	10080050	Talibayog
51	10080051	Talibayog
52	10080052	Talisay
53	10080053	Talisay
54	10080054	Tanagan
55	10080055	Tanagan
56	10080056	Tanagan

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. 2016-01**. 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.

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

With Best Regards,



ATTY. MICHAEL L. GARCIA

Division Clerk of Court of the Commission

COPY FURNISHED:

ACTING CHAIRMAN AL A. PARREÑO

Presiding Commissioner

COMELEC-First Division

COMMISSIONER MA. ROWENA AMELIA V. GUANZON

Member Commissioner

COMELEC-First Division

ATTY. ALLEN FRANCIS B. ABAYA

Clerk of Court of the Commission/

Director IV

Electoral Contests Adjudication Department

THE CLERK OF COURT

Fourth Judicial Region

Regional Trial Court, Branch 9

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