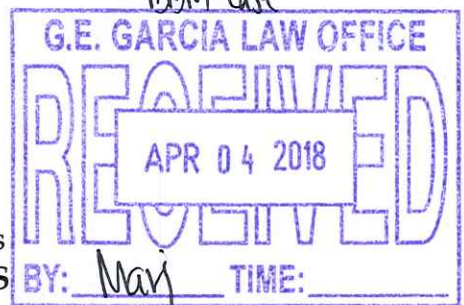




Republic of the Philippines
COMMISSION ON ELECTIONS
Manila



FIRST DIVISION

MELODIE J. TOLIN ,
Protestant-Appellant,

-versus-

EAC No. 26-2017

JEFFREY T. LIM, ET AL.,
Protestees-Appellees.

x-----x

ANDRES L. BUZON, ET AL.,
Protestants-Appellants,

-versus-

EAC No. 27-2017

**GERARDO LITERATUS, ET
AL.,**
Protestees-Appellees.

x-----x

NOTICE

THE PRESIDING JUDGE
9th Judicial Region
Regional Trial Court, Branch 28
7115 Liloy, Zamboanga del Norte
(y/z)

CLERK OF COURT
9th Judicial Region
Regional Trial Court, Branch 28
7115 Liloy Zamboanga del Norte
(y/z)

**ANGELES & ASSOCIATES LAW
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Zamboanga del Norte (y)

ATTY. RICHARD B. RAMBUYONG
Counsel for Protestees-Appellees
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MS. MELODIE J. TOLIN
Protestant-Appellant
in EAC 26-2017
Poblacion, Salug
Zamboanga del Norte (y)

MR. JEFFREY LIM

Protestee-Appellee
Poblacion East, Salug
Zamboanga del Norte (y)

MR. ANDRES L. BUZON

Protestant-Appellant *in EAC 27-2017*
Poblacion, Salug
Zamboanga del Norte (y)

MR. RICARDO MELLEJOR

Protestant-Appellant *in EAC 27-2017*
Poblacion East, Salug
Zamboanga del Norte (y)

MR. GERARDO LITERATUS

Protestee-Appellee *in EAC 27-2017*
Poblacion East, Salug
Zamboanga del Norte (y)

MR. SALATIEL DIALO

Protestee-Appellee *in EAC 27-2017*
Ramon Magsaysay, Salug
Zamboanga del Norte (y)

MR. OSCAR ACAS

Protestee-Appellee *in EAC 27-2017*
Poblacion, Salug
Zamboanga del Norte (y)

MR. ALLAN SALDIA

Protestee-Appellee *in EAC 27-2017*
Poblacion East, Salug
Zamboanga del Norte (y)

MR. EDGAR SULTAN

Protestee-Appellee *in EAC 27-2017*
Ramon Magsaysay, Salug
Zamboanga del Norte (y)

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ATTY. CRISANTA V. VALERA

Acting Secretary of the Tribunal
Senate Electoral Tribunal
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ATTY. FELIPA B. ANAMA

Clerk of the Tribunal
Presidential Electoral Tribunal
Supreme Court of the Philippines
Padre Faura, Manila (x)

ATTY. ALLEN FRANCIS B.

ABAYA

Clerk of Court of the Commission/
Director IV
COMELEC, ECAD
Intramuros, Manila (x)

DR. SAGA D. MABANING

Chief, Judicial Records Division
COMELEC, ECAD
Intramuros, Manila (x)

GREETINGS:

Attached is a copy of the **ORDER** issued by the Commission (First Division) on April 2, 2018 with attached Memorandum of the Acting Division Clerk of the Court of the Commission dated March 26, 2018 in the above-entitled case.

April 2, 2018, Manila, Philippines.

FOR THE DIVISION:



MICHAEL L. GARCIA

Division Clerk of Court of the Commission

Encl a/s

(y) - registered mail with return card

(x) - personal delivery

(z) - special courier

malyn/enc 26/27-2017



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

FIRST DIVISION

MELODIE J. TOLIN,
Protestant-Appellant,

-versus-

EAC NO. 26-2017

JEFFREY T. LIM, ET. AL.,
Protestees-Appellees.

x-----x

ANDRES L. BUZON, ET. AL.,
Protestants-Appellants,

-versus-

EAC NO. 27-2017

GERARDO LITERATUS, ET. AL.,
Protestees-Appellees.

x-----x

ORDER

Acting on the Memorandum dated March 26, 2018 (Re: Retrieval of the Ballot Boxes and Continuation of Proceedings in EAC No. 26-2017 and EAC No. 27-2017) issued by the Clerk of the Division, this Commission (First 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 subject appeal cases.

SO ORDERED.

Given this 2nd day of APRIL 2018 in the City of Manila,
Philippines.

FOR THE DIVISION:

AL A. PARREÑO ✱
Presiding Commissioner



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

ELECTORAL CONTESTS ADJUDICATION DEPARTMENT
FIRST DIVISION

MEMORANDUM

FOR : HON. COMMISSIONER AL A. PARREÑO
*Acting Chairman / Presiding Commissioner
of the First 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. 26 and 27-2017

DATE : March 26, 2018

The undersigned respectfully informs the Honorable Commission (First Division) that a *Notice of Resolution* dated March 20, 2018 from the Presidential Electoral Tribunal (PET) was received by the Office of the Division Clerk on March 23, 2018, 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).- xxx The Tribunal further RESOLVES to:

xxx

xxx

xxx

(b) NOTE the Letter dated February 21, 2018 of Atty. Michael L. Garcia, Division Clerk of Court, COMELEC, in connection with the appeal cases filed before the COMELEC (First Division) docketed as EAC No. 26-2017 (Melodie J. Tolin, protestant-appellant vs. Jeffery T. Lim, et al., protestees-appellees) and EAC No. 27-2017 (Andres L. Buzon, et al., protestants-appellants vs. Gerardo Literatus, et al., protestees-appellees), involving the positions of Mayor and Members of the Sangguniang Bayan, respectively, in the Municipality of Salug, Zamboanga del Norte, and ALLOW the COMELEC (First Division) to continue with the proceedings in the subject cases; xxx

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Similarly, two (2) *Letters*¹ dated March 1, 2018 were received by undersigned from Atty. Crisanta V. Valera, Acting Secretary of The Tribunal, Senate Electoral Tribunal (S.E.T.), giving the Commission authority to continue with the proceedings of the subject appeal cases.

In view of the afore-mentioned *Resolution* and *Letters* from the P.E.T. and S.E.T., respectively, granting the request of the Commission (**First Division**) to continue with the proceedings of the subject appeal cases, the undersigned respectfully recommends the following directives:

1. To implement the *Resolution and Letters* from P.E.T and S.E.T., respectively, the Clerk of Court of Branch 28, Regional Trial Court, Liloy, Zamboanga del Norte is **DIRECTED** to **ELEVATE/TRANSMIT** and **DELIVER**² the thirty four (34) ballot boxes³ 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 No. 26-2017 (Melodie J. Tolin vs. Jeffrey T. Lim, et al.) and EAC No. 27-2017 (Andres L. Buzon, et al. vs. Gerardo Literatus, et al.) to the COMELEC-Philpost Warehouse, Contested Ballot Box Section of the Electoral Contest Adjudication Department, this Commission, located at 2nd Street, Bonifacio Drive, Port Area, City of Manila, **within seven (7) days from receipt of the Order approving this Memorandum via the fastest means possible**;
2. **DIRECT** the Protestants-Appellants, Melodie J. Tolin (EAC No. 26-2017), Andres L. Buzon and Ricardo Mellejor (EAC No. 27-2017), to equally shoulder all expenses necessary for the immediate transmittal of the subject ballot boxes or election documents. They shall coordinate with the concerned Clerk of

¹ EAC No. 26-2017, Records p. 28; EAC No. 27-2017, Records p. 30

² **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 rule is provided in Section 4, Rule 22 of the 1993 COMELEC Rules of Procedure, as amended.

³ The following are the 34 precinct ID and/or clustered precincts involved in both appeal cases: 1) Precinct ID No. 72130018 – Brgy. Danao; 2) Precinct ID No. 72130013 – Brgy. Canawan; 3) Precinct ID No. 72130026 – Brgy. Mucas; 4) Precinct ID No. 72130024 – Brgy. Liguac; 5) Precinct ID No. 72130029 – Brgy. Pukay; 6) Precinct ID No. 72130025 – Brgy. Lipakan; 7) Precinct ID No. 72130007 – Brgy. Bacong; 8) Precinct ID No. 72130016 – Brgy. Caracol; 9) Precinct ID No. 72130030 – Brgy. Ramon Magsaysay; 10) Precinct ID No. 72130022 – Brgy. Ipilan; 11) Precinct ID No. 72130028 – Brgy. Pacuhan; 12) Precinct ID No. 72130019 – Brgy. Binoan; 13) Precinct ID No. 72130010 – Brgy. Binoni; 14) Precinct ID No. 72130027 – Brgy. Mucas; 15) Precinct ID No. 72130023 – Brgy. Lanawan; 16) Precinct ID No. 72130032 – Brgy. Sto. Nino; 17) Precinct ID No. 72130033 – Brgy. Tambalang; 18) Precinct ID No. 72130004 – Brgy. Poblacion East; 19) Precinct ID No. 72130015 – Brgy. Caracol; 20) Precinct ID No. 72130005 – Brgy. Poblacion East; 21) Precinct ID No. 72130020 – Brgy. Dipolod; 22) Precinct ID No. 72130006 – Brgy. Poblacion East; 23) Precinct ID No. 72130014 – Brgy. Canawan; 24) Precinct ID No. 72130003 – Brgy. Poblacion Salug; 25) *Precinct ID No. 72130011 – Brgy. Binoni (uncontested / subject of Random Manual Audit, Lower Court Records SE No. 18, page 203 to 205)*; 26) Precinct ID No. 72130008 – Brgy. Bacong; 27) Precinct ID No. 72130012 – Brgy. Calucap; 28) Precinct ID No. 72130031 – Brgy. Ramon Magsaysay; 29) Precinct ID No. 72130021 – Brgy. Fatima (Pogan); 30) Precinct ID No. 72130009 – Brgy. Balakan; 31) Precinct ID No. 72130034 – Brgy. Tpalan; 32) Precinct ID No. 72130001 – Brgy. Poblacion (Salug); 33) Precinct ID No. 72130002 – Brgy. Poblacion (Salug); and 34) Precinct ID No. 72130017 – Brgy. Caracol.

Court relative to the said expenses and failure to comply thereto, the subject appeal cases may be dismissed for lack of interest to pursue the cases and for failure to obey with the lawful Order of this Commission, in the event that this Memorandum is approved.

The Clerk of Court of the Regional Trial Court of Branch 28, Liloy, Zamboanga del Norte, shall immediately submit a written report to the Commission (**First Division**) in the event that the appellants failed to coordinate with the *court a quo* and/or comply with the directives set forth in this Memorandum;

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, the personnel concerned may be liable with INDIRECT CONTEMPT in accordance with Section 2 (b) & (d), Rule 29⁴ of the COMELEC Rules of Procedure, as amended; for violation of Section 5 (a)⁵ of Republic Act No. 6713, as amended, and other administrative proceedings in accordance with law; and
4. **REQUEST** the Hon. Presiding Judge of Branch 28, Regional Trial Court, Liloy, Zamboanga del Norte, 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 Court of the Commission

⁴ 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;

⁵ 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 sent by the public. The reply must contain the action taken on the request. xxx

cc:

Hon. Commissioner Ma. Rowena Amelia V. Guanzon
Member-Commissioner, First Division

GAD-FPS (COMELEC)

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