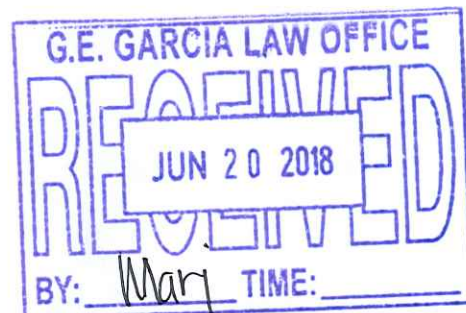




Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
Manila



**SECOND DIVISION**

**ABDUSAKUR M. TAN,**  
*Protestant,*

-versus-

**EPC No. 2016-37**

**MUJIV S. HATAMAN,**  
*Protestee.*

x-----x

**NOTICE**

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Provincial Treasurer  
Office of the Provincial Treasurer  
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**MR. MANNAN A. ALBANI**

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Office of the Municipal Treasurer  
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**DIR. ESTER VILLAFLOR-ROXAS**

Director IV  
Election Records Statistics Department  
Commission on Elections  
Intramuros, Manila (x)

**THE SECRETARY**  
HOUSE OF REPRESENTATIVES  
ELECTORAL TRIBUNAL  
Electoral Tribunal Building  
Commonwealth Avenue,  
Quezon City (x)

**THE SECRETARY**  
SENATE ELECTORAL TRIBUNAL  
COA-NCR Building  
Batasan Road, Quezon City (x)

**THE SECRETARY**  
PRESIDENTIAL ELECTORAL  
TRIBUNAL  
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**DR. SAGA D. MABANING**  
Chief, Judicial Records Division  
Electoral Contests Adjudication  
Department (ECAD)  
Commission on Elections  
Intramuros, Manila (x)

**GREETINGS:**

Attached is a copy of the **ORDER** issued by the Commission (Second Division) on June 18, 2018 in the above-entitled case.

Given this 19th day of June 2018, Manila, Philippines.

FOR THE DIVISION:

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

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

/mvst



*Republic of the Philippines*  
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**SECOND DIVISION**

**ABDULSAKUR M. TAN,**  
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*- versus -*

**EPC No. 2016-37**

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X-----X

**ORDER**

On May 29, 2018, the Commission (Second Division) received through electronic mail the following documents:

1. *Minutes of the Inventory and Sealing of Ballot Boxes and other Election Documents/ Paraphernalia dated April 17, 2018* duly signed by Provincial Election Supervisor Roberto V. De La Peña, Provincial Treasurer Majad Daggong of Basilan Province, and Ms. Michal F. Macaya, representative of the protestant, stating that per Provincial Treasurer, no proof of actual turnover of the ballot boxes to the Office of the Provincial Treasurer was presented by the Municipal Election Officer of Akbar, Basilan;



2. *Affidavit of Loss* dated February 5, 2018 by Mannan A. Albani, OIC-Municipal Treasurer of Akbar Basilan, stating that during the inventory of ballot boxes last January 31, 2018 in the Provincial Capital, the ballot box pertaining to Brgy. Caddayan, Akbar, Basilan, was missing despite effort exerted to locate the same.

Considering that the ballots pertaining to a single pilot protested precinct are crucial evidence in the determination on the merit of the protest and establishment of reasonable recovery thereof in accordance with Section 6 of Comelec Resolution No. 9720 (*In the Matter of Amending Rules 2, 6, 8, 13 and 15 of Comelec Resolution No. 8804 as amended by Comelec Resolution No. 9164*), the Commission (Second Division) hereby **RESOLVES** to:

1. **DIRECT** the protestant to **COMMENT** within three (3) days from receipt hereof whether he shall elect 1) the replacement of Clustered Precinct 54A,55A,55B,55C of Akbar Basilan with one of the pilot protested precincts listed in his Preliminary Conference Brief; 2) the decryption and printing of the ballot image pertaining to the foregoing clustered precinct in accordance with Section 6 (I) of Comelec Resolution No. 9720;<sup>1</sup> or 3) the waiver of the recount of ballots therein.
2. **REFER** the matter of the loss of the ballot box pertaining to the subject clustered precinct to the Executive Director for investigation.

**SO ORDERED.**

Given this 18<sup>th</sup> day of June 2018, Manila, Philippines.

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<sup>1</sup> In the event the protestant waives the recount of the paper ballots and resort to the decryption and recount of the ballot images and reading/appreciation of the rejected ballots under Section 4(c) of Rule 13, or whenever the Division concerned determines that the integrity of the ballots has been violated or has not been preserved, or are wet and otherwise in such a condition that it cannot be recounted, the Clerk of the Division concerned shall request from the Election Records and Statistics Department (ERSD), the printing of the images of the ballots of the subject precinct stored in the CF card used in the May 13, 2013 elections in the presence of the parties. Printing of the ballot images shall proceed only upon prior authentication and certification by a duly authorized personnel of the Election Records and Statistics Department (ERSD) that the data or the images to be printed are genuine and are not tampered.

FOR THE DIVISION:

A handwritten signature in black ink, appearing to read 'L. Tito F. Guia', written over the printed name.

LUIE TITO F. GUIA  
*Presiding Commissioner*