



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

FIRST DIVISION

MELODIE J. TOLIN,
Protestant-Appellant,

-versus-

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

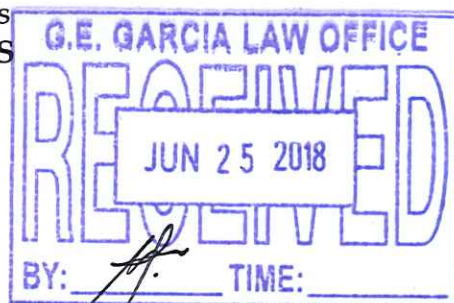
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ANDRES L. BUZON, ET AL.,
Protestants-Appellants,

-versus-

GERARDO LITERATUS, ET
AL.,
Protestees-Appellees.

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EAC No. 26-2017

EAC No. 27-2017

NOTICE

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

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

**ANGELES & ASSOCIATES LAW
OFFICE**
Counsel for Protestant-Appellant
in EAC 26-2017
Counsel for Protestants-Appellants
in EAC 27-2017
Gen. Luna cor Genzaes Sts.
7100 Dipolog City
Zamboanga del Norte (y)

ATTY. ANTHONY GALLEPOSO
Counsel for Protestees-Appellees
Acas & Sultan in *in EAC 27-2017*
Poblacion 7117 Labason
Zamboanga del Norte (y)

ATTY. RICHARD B. RAMBUYONG
Counsel for Protestees-Appellees
Lim, Literatus, Saldia & Dialo
in EAC 27-2017
Rm. 1, 2nd Floor, Chiong Building
7001 Ipil, Zamboanga Sibugay (y)

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)

DR. SAGA D. MABANING
Chief, Judicial Records Division
COMELEC, ECAD
Intramuros, Manila (x)

ATTY GEORGE ERWIN M. GARCIA and
ATTY. JOAN M. PADILLA
Counsels for Senator Ferdinand
"Bongbong" R. Marcos
in PET Case No. 005

G.E Garcia Law Office
Ground Floor Laiko Building
372 Cabildo Street Manila (x)

ATTY ROMULO B. MACALINTAL
Lead Counsel for Vice President
Maria Leonor "Leni Daang
Matuwid" G. Robredo
in PET Case No. 005
Sardillo Sardillo Salom Law Office
Unit 802, Taipan Place
F. Ortigas Avenue
Ortigas Center, Pasig City (y)

ATTY. CRISANTA V. VALERA
Secretary of the Tribunal
Senate Electoral Tribunal
COA-NCR Bldg., Batasan Road
Quezon City (x)

ATTY. EDGAR O. ARICHETA
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)

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GREETINGS:

Attached is a copy of the **ORDER** issued by the Commission (First Division) dated June 22, 2018 in the above-entitled case.

June 22, 2018, Manila, Philippines.

FOR THE DIVISION:

For: 
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

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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

Before this Commission (**First Division**) are the *Election Appeal Cases*¹ filed by the Protestant-Appellant Melodie J. Tolin; and Protestants-Appellants Andres L. Buzon and Ricardo Mellejor on November 3, 2017², appealing the *Decision* promulgated by the Regional Trial Court, 9th Judicial Region, Branch 28, Liloy, Zamboanga del Norte, on October 3, 2017 dismissing their respective protest case.

On November 21, 2017, a *Letter*³ was sent by this Commission (**First Division**), requiring the trial court to immediately transmit the complete

¹ Original ECAD Case Folder for EAC No. 26-2017, pp. 4-10 and for EAC No. 27-2017, pp. 4-12

² Filed through registered mail

³ Original ECAD Case Folder for EAC No. 26-2017, pp. 11-12 and for EAC No. 27-2017, pp. 13-14

records of the case and on January 18, 2018⁴, the main records of the above-captioned case were forwarded to this Commission (**First Division**), excluding the Original Contested Ballots.

On April 2, 2018, an Order⁵ was issued by this Commission (**First Division**), noting and adopting *in toto* the recommendations and directives set forth in the Memorandum⁶ dated March 26, 2018 issued by the Division Clerk of Court of the Commission relative to the *Retrieval of the Ballot Boxes and Continuation of the Proceedings in EAC No. 26 and 27-2017*. The pertinent portions of the said Memorandum reads as follows:

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 the thirty four (34) ballot boxes 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 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 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**

⁴ Original ECAD Case Folder for EAC No. 26-2017, pp. 13-15 and for EAC No. 27-2017, pp. 15-17

⁵ Original ECAD Case Folder for EAC No. 26-2017, p. 40 and for EAC No. 27-2017, p. 42

⁶ Original ECAD Case Folder for EAC No. 26-2017, pp. 41-44 and for EAC No. 27-2017, pp. 43-46

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. (emphasis supplied)

Thereafter, on May 10, 2018, the Electoral Contests Adjudication Department (ECAD) was in receipt of a *Letter*⁷ dated May 8, 2018 from Hon. Executive Presiding Judge Oscar D. Tomarong and Ms. Marilyn A. Adriatico, OIC-Clerk of Court, Regional Trial Court, 9th Judicial Region, Branch 28, Liloy, Zamboanga del Norte, informing the Commission (First Division) that “*the official ballots involved in EAC No. 26-2017 and EAC No. 27-2017 were not yet transmitted to this Office due to the failure of the appellant/s to pay the freight*” for the thirty-three (33) ballot boxes and other related election documents.

Based on the records, the *Order* dated April 2, 2018 issued by this Commission (**First Division**), noting and adopting *in toto* the *Memorandum* dated March 26, 2018 of the Division Clerk of the Commission was received by the counsel of the protestants, Angeles and Associates Law Office, on April 24, 2018 per *Certification*⁸ dated May 29, 2018 issued by the Ms. Aurolita A. Abrinica, Postmaster I of the Philippine Postal Corporation, Dipolog City, Zamboanga del Norte.

Taking into account the protestants-appellants’ failure to coordinate with the lower court relative to the amount of the freight necessary for the transmittal of the ballot boxes to the Commission (**First Division**) despite due notice, there can be no other plausible interpretation than their lack of interest to pursue their cases.

IN VIEW THEREOF, the Commission (**First Division**) **RESOLVED**, as it hereby **RESOLVES**, to **DISMISS** the instant appeal cases for lack of interest to pursue the same and for failure to obey the lawful order of this Commission.

⁷ Original ECAD Case Folder for EAC No. 26-2017, pp. 46-49 and for EAC No. 27-2017, pp. 48-51

⁸ Original ECAD Case Folder for EAC No. 26-2017, p. 56 and for EAC No. 27-2017, p. 58

SO ORDERED.

Given this 22nd day of June 2018, City of Manila, Philippines.


AL A. PARRENO
Presiding Commissioner


MA. ROWENA AMELIA V. GUANZON
Commissioner, Senior Member