



Republic of the Philippines
Presidential Electoral Tribunal
Manila



NOTICE

Sirs/Mesdames:

Please take notice that the Tribunal issued a Resolution dated **JUNE 26, 2018**, which reads as follows:

“PET Case No. 005 - FERDINAND “BONGBONG” R. MARCOS, JR., protestant, versus MARIA LEONOR “LENI DAANG MATUWID” G. ROBREDO, protestee.

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RESOLUTION

In the Resolution dated April 10, 2018, the Tribunal directed the parties to show cause and explain why they should not be cited in contempt for violating the Resolutions dated February 13, 2018 and March 20, 2018, which ordered the parties to strictly observe the *sub judice* rule in relation to the instant Protest.

In response, protestant filed a Compliance [to the Show Cause Order as Contained in Resolution dated 10 April 2018] dated April 23, 2018 while protestee filed a Compliance (of the Resolution dated 10 April 2018) dated April 23, 2018.

In his Compliance, protestant denies making any comment or disclosure pertaining to the Protest with the intention of prejudging the issue or influencing the Tribunal.¹ Protestant, however, admits that he made statements before the media on April 2, 2018, but only in response to an ambush interview and that such statements were limited to his “personal observation” of what transpired during the first day of revision.² In contrast, protestant claims that it was protestee, together with her counsel, that violated the *sub judice* rule by issuing misleading pronouncements and opinions to different media entities.³ Protestant in particular claims that protestee, through her representatives, is attempting to influence the Tribunal to favor her position by casting doubt on the legitimacy, integrity, and

¹ Protestant’s Compliance, p. 2.

² Id.

³ Id. at 3.

credibility of the on-going revision.⁴ Protestant thus claims that his counsel was constrained to make clarificatory statements to the public as a mere response.⁵ Nonetheless, protestant extends his apologies for any possible violation and likewise commits to exercise more prudence in his dealings with the media relative to his Protest.⁶

On the other hand, protestee, in her Compliance, similarly denies violating the *sub judice* rule; that any statements made and interviews given before the media were all done in defense of “frivolous media releases” made by protestant and his representatives.⁷ In particular, protestee claims that protestant had twisted facts to cause misinformation and condition the mind of the public on the outcome of the instant Protest.⁸ Thus, protestee argues that the statements made to the media were made only to correct falsehoods perpetrated by protestant and his representatives.⁹ Protestee nevertheless expresses her regrets if her actions might have offended the sensitivities of the Tribunal.¹⁰

The *sub judice* rule restricts comments and disclosures pertaining to judicial proceedings to avoid prejudging the issue, influencing the court, or obstructing the administration of justice.¹¹ In *Marantan v. Diokno*,¹² the Court laid down the rationale for the said rule:

For a comment to be considered as contempt of court “it must really appear” that such does impede, interfere with and embarrass the administration of justice. What is, thus, sought to be protected is the all-important duty of the court to administer justice in the decision of a pending case. **The specific rationale for the *sub judice* rule is that courts, in the decision of issues of fact and law should be immune from every extraneous influence;** that facts should be decided upon evidence produced in court; and that the determination of such facts should be uninfluenced by bias, prejudice or sympathies.¹³ (Emphasis supplied)

In *People v. Godoy*,¹⁴ the Court held that while the criticism of a court's rulings or decisions is not *per se* improper, statements insinuating that judicial conduct was influenced by improper, corrupt, or selfish motives, or that such conduct was affected by political prejudice or interest may constitute contempt.

⁴ Id.

⁵ Id.

⁶ Id. at 2.

⁷ Protestee's Compliance, pp. 1-2.

⁸ Id. at 2 and 10.

⁹ Id. at 10.

¹⁰ Id. at 11.

¹¹ *Romero II v. Estrada*, 602 Phil. 312, 319 (2009).

¹² 726 Phil. 642 (2014).

¹³ Id. at 648-649.

¹⁴ 312 Phil. 977, 1018-1019 (1995).

Guided by the foregoing standards, the Tribunal finds both parties liable for violating the *sub judice* rule.

Inasmuch as the Protest is still pending with the Tribunal, the parties and their representatives are necessarily charged with restraint in making statements that may prejudice the outcome of the case.

The Tribunal takes particular note of the statements to the media regarding the condition of the ballot boxes undergoing revision (e.g., recently wet ballots, missing audit logs).¹⁵ Clearly, such statements were calculated to insinuate fraud and anomalies that attended the 2016 National and Local Elections, which could inevitably lead to the prejudgment of the Tribunal's disposition of the case. In the same vein, statements and other releases to the media regarding the merits of a pending incident with the Tribunal could, unquestionably, exert pressure on the Tribunal's judicial process with the aid of public sympathy.

The parties' continuous discourse of pending issues outside of the four walls of the Tribunal, irrespective of whether they are in fact merely retaliatory, tend to sway public opinion, which could ultimately destroy the public's confidence in the Tribunal's resolution of the Protest. Given the highly political nature of this case, the Tribunal must remain insulated from extraneous influence or pressure to guarantee that only the interests of justice are satisfied.

IN VIEW OF THE FOREGOING, the Tribunal resolves to:

- a. **NOTE** protestant's Compliance [to the Show Cause Order as Contained in Resolution dated 10 April 2018] dated April 23, 2018 and protestee's Compliance (of the Resolution dated 10 April 2018) dated April 23, 2018;
- b. **IMPOSE** a penalty of **FINE** of Fifty Thousand Pesos (₱50,000.00) on both parties, for which the parties and their counsels are solidarily liable. Both parties are hereby **STERNLY WARNED** that a repetition of the same or similar acts will be dealt with more severely.

The Tribunal further resolves to do the following:

- c. **NOTE** the Incident Report dated June 6, 2018 re: Clustered Precinct No. 17 (Precincts 0042A, 0042B & 0043A), Brgy. Danlog, Municipality of San Jose, Camarines Sur at Table No. 39, which reads "Ballots and other contents of the ballot box are wet and no longer legible. Revision was suspended.";

¹⁵ Protestee's Compliance, p. 3.

APPROVE the recommendation to “Revise decrypted ballot images instead of the paper ballots”; and **DIRECT** the Municipal Treasurer of San Jose, Camarines Sur to **EXPLAIN**, within ten (10) days from notice hereof, why the ballots were wet or damaged;

- d. **NOTE** the Incident Report dated June 6, 2018 re: Clustered Precinct No. 63 (Precincts 0146A, 0146B & 0147A), Brgy. Santo Domingo, Municipality of Nabua, Camarines Sur at Table No. 1, which reads “MOV indicates that no. of official ballots used is 466. Physical count of Revision Committee yielded 467 valid ballots. MOV also indicates 81 unused official ballots, but the physical count yielded only 80. The BEI included a note reading: ‘There is a discrepancy in the result of some Senators because one voter overvote (*sic*). Therefore, the result between VCM and manual counting did not tally.’” and **REFER** the same to the PET Commissioners for appropriate action;
- e. **NOTE** the Incident Report dated June 8, 2018 re: Clustered Precinct No. 39 (Precincts 0096A, 0097A and 0097B), Brgy. Progreso, Municipality of Ajuy, Iloilo at Table No. 3, which reads “Wet ballots at table #3 (Ajuy City, Clustered Precinct 39, Barangay Progreso, Precincts in Cluster 0096A, 0097A/B).”; **APPROVE** the recommendation to “Suspend revision. Refer to decrypted ballots”; and **DIRECT** the Municipal Treasurer of Ajuy, Iloilo to **EXPLAIN**, within ten (10) days from notice hereof, why the ballots were wet or damaged;
- f. **NOTE** the Incident Report dated June 8, 2018 re: Clustered Precinct No. 13 (Precincts 30A, 31A and 32A), Brgy. Central, Municipality of Ajuy, Iloilo at Table No. 21, which reads “(a) Unreadable/wet smeared ballots in Clustered Precinct No. 13, Central, Ajuy, Iloilo; (b) Unable to authenticate ballots as watermarks are no longer visible under the ultraviolet lamp because the ballots are wet/damp”; **APPROVE** the recommendation to “Revise decrypted ballot images”; and **DIRECT** the Municipal Treasurer of Ajuy, Iloilo to **EXPLAIN**, within ten (10) days from notice hereof, why the ballots were wet or damaged;
- g. **NOTE** the Incident Report dated June 11, 2018 re: Clustered Precinct No. 43 (Precincts 106A & 106B), Brgy. Rojas, Municipality of Ajuy, Iloilo at Table No. 34, which reads “Wet ballots with unreadable COMELEC security feature (UV watermark).”; **DIRECT** the use of decrypted ballot images for (


revision; and **DIRECT** the Municipal Treasurer of Ajuy, Iloilo to **EXPLAIN**, within ten (10) days from notice hereof, why the ballots were wet or damaged;

- h. **NOTE** the Incident Report dated June 11, 2018 re: Clustered Precinct No. 14 (Precincts 0033A, 0034A & 0035A), Brgy. Central, Municipality of Ajuy, Iloilo at Table No. 14, which reads "Suspension of revision due to discrepancy in physical count and election returns; all ballots apparently authentic." and **REFER** the same to the PET Commissioners for appropriate action;
- i. **NOTE** the Incident Report dated June 11, 2018 re: Clustered Precinct No. 51 (Precincts 125A, 125B, 126A & 126B), Brgy. Adcadara, Municipality of Ajuy, Iloilo at Table No. 1, which reads "Wet ballots, can no longer be revised."; **APPROVE** the recommendation to "Suspend revision, close box, resort to digital images"; and **DIRECT** the Municipal Treasurer of Ajuy, Iloilo to **EXPLAIN**, within ten (10) days from notice hereof, why the ballots were wet or damaged;
- j. **NOTE** the Incident Report dated June 11, 2018 re: Clustered Precinct No. 25 (Precincts 0063A, 0064A & 0064B), Brgy. Malayu-an, Municipality of Ajuy, Iloilo at Table No. 27, which reads "Physical count of 478 does not tally with the ER and MOV stating 477 ballots. Upon checking, all ballots are verified to be authentic. Thus, to protect the integrity, suspension is recommended." and **REFER** the same to the PET Commissioners for appropriate action;
- k. **NOTE** the Incident Report dated June 14, 2018 re: Clustered Precinct No. 49 (Precincts 108A, 109A, 110A & 111A), Brgy. Sinamay, Municipality of Alimodian, Iloilo at Table No. 27, which reads "Physical count of 605 does not match with election returns stating 604." and **REFER** the same to the PET Commissioners for appropriate action;
- l. **NOTE** the Incident Report dated June 13, 2018 re: Clustered Precinct No. 50 (Precincts 112A, 112B, 113A & 113B), Brgy. Sulong, Municipality of Alimodian, Iloilo at Table No. 23, which reads "Dried brown liquid permeated the ballots, emitting an obnoxious smell. The presence of live and dead insects, as well as a piece of dried bangus fish, was noted."; **DIRECT** the use of decrypted ballot images for revision; and **DIRECT** the Municipal Treasurer of Alimodian, Iloilo to **EXPLAIN**, within ten (10) days from notice hereof, why the ballots were wet or damaged; and

- m. **NOTE** protestee's Third Manifestation of Grave Concern dated June 20, 2018 and **DIRECT** Mr. Nestor Borromeo, revisor for protestant, to explain within five (5) days from notice hereof why his accreditation as party revisor should not be withdrawn.

SO ORDERED." (1)

Very truly yours,


EDGAR O. ARICHETA
Clerk of the Tribunal *mlbnc*

Atty. George Erwin M. Garcia and
Atty. Joan M. Padilla (x)
Counsel for the Protestant
G.E. Garcia Law Office
Ground Floor Laiko Building
372 Cabildo Street
Intramuros, 1002 Manila

The Chairperson (x)
COMELEC
Atty. Jose M. Tolentino, Jr. (x)
Executive Director
Commissioner Robert S. Lim (x)
Project Director, 2016-AES Project
Commission on Elections
Intramuros, 1002 Manila

The Solicitor General (x)
134 Amorsolo Street
Legaspi Village, 1229 Makati City

The Municipal Treasurer (reg)
Office of the Municipal Treasurer
San Jose, Camarines Sur
(with copy of Incident Report dated June 6, 2018 re Clustered Precinct No. 17)

The Municipal Treasurer (reg)
Office of the Municipal Treasurer
Ajuy, Iloilo
(with copies of Incident Report [IR] dated June 8, 2018 re Clustered Precinct [CP] No. 39; IR dated June 8, 2018 re CP#13; IR dated June 11, 2018 re CP#43; and IR dated June 11, 2018 re CP#51)

The Municipal Treasurer (reg)
Office of the Municipal Treasurer
Alimodian, Iloilo
(with copy of Incident Report dated June 13, 2018 re Clustered Precinct No. 50)

Atty. Romulo B. Macalintal (x)
Lead Counsel for the Protestee
Sardillo Sardillo Salom Law Office
Unit 802, Taipan Place
F. Ortigas Avenue
Ortigas Center, Pasig City

(Ret.) Justice Jose C. Vitug (x)
373 Matienzo Street, San Miguel, Manila
(with copies of Incident Report [IR] dated June 6, 2018 re Clustered Precinct [CP] No. 63; IR dated June 11, 2018 re CP#14; IR dated June 11, 2018 re CP#25; and IR dated June 14, 2018 re CP#49)

Atty. Angelito C. Imperio (x)
17 Third Street, Saint Ignatius Village
Quezon City
(with copies of Incident Report [IR] dated June 6, 2018 re Clustered Precinct [CP] No. 63; IR dated June 11, 2018 re CP#14; IR dated June 11, 2018 re CP#25; and IR dated June 14, 2018 re CP#49)

Atty. Irene Ragodon-Guevarra (x)
Lot 12, Blk 25 Carnation Street
Primrose Hills Subdivision
Mahabang Parang, Angono, Rizal
(with copies of Incident Report [IR] dated June 6, 2018 re Clustered Precinct [CP] No. 63; IR dated June 11, 2018 re CP#14; IR dated June 11, 2018 re CP#25; and IR dated June 14, 2018 re CP#49)

Nestor Borromeo (x)
Revisor for the Protestant
c/o PET Office
SC-CA Building
(with copy of the Third Manifestation of Grave Concern dated June 20, 2018)