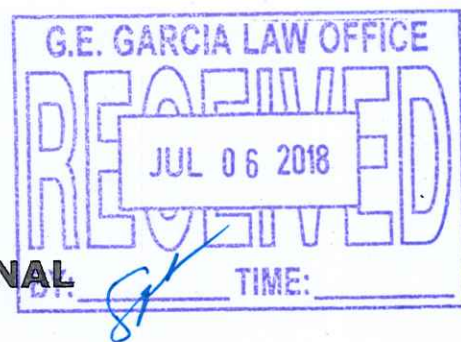


REPUBLIC OF THE PHILIPPINES  
**PRESIDENTIAL ELECTORAL TRIBUNAL**  
Manila



**FERDINAND "BONGBONG" R.  
MARCOS, JR.,**  
*Protestant,*

- versus -

PET Case No. 005  
FOR: Election Protest  
Vice President

**MARIA LEONOR "LENI DAANG  
MATUWID" G. ROBREDO,**  
*Protestee.*

X - - - - - X

**VEHEMENT OPPOSITION TO SOLICITOR  
GENERAL'S THIRD MOTION FOR EXTENSION  
WITH  
MOTION TO RESOLVE THE THRESHOLD  
ISSUE**

PROTESTEE, through counsel, and to this Honorable Tribunal respectfully alleges:

1. In the Resolution dated 24 April 2018, the Honorable Tribunal directed protestant and the COMELEC to file within ten (10) days from notice, their respective Comments to the Urgent Motion for Reconsideration (of the Resolution dated April 10, 2018) with Reiterative Prayer to Immediately Direct the Head Revisors to Use the Twenty-Five (25%) Threshold Percentage in the Revision, Recount and Re-Appreciation of Ballots dated April 19, 2018.

2. The Office of the Solicitor General, representing COMELEC, received a copy of the said Resolution on 17 May 2018.

3. On 28 May 2018, the Office of the Solicitor General (OSG) filed a Motion for Additional Time. In their Motion,

the OSG asked for an additional period of fifteen (15) days or until 11 June 2018.

4. Thereafter, on 11 June 2018, the OSG filed yet another Motion for Extension of Time asking for another additional period of fifteen (15) days or until 26 June 2018.

5. On 26 June 2018, in lieu of a Comment, the OSG asked for another fifteen (15) days or until 11 July 2018.

6. Thus, prior to 26 June 2018, the OSG has had a total of forty (40) days to confer with COMELEC and submit its Comment to the Urgent Motion for Reconsideration (of the Resolution dated April 10, 2018) with Reiterative Prayer to Immediately Direct the Head Revisors to Use the Twenty-Five (25%) Threshold Percentage in the Revision, Recount and Re-Appreciation of Ballots dated April 19, 2018.

7. While, it might be true that *there is heavy pressure of work in other equally important cases*, courts shall give preference to election contests over all other cases, except petitions for *habeas corpus* and for the writs of *amparo* and *habeas data*.<sup>1</sup>

8. The continued failure of the OSG to submit the Comment for and in behalf of COMELEC has resulted to a delay in the disposition of the Urgent Motion for Reconsideration (of the Resolution dated April 10, 2018) with Reiterative Prayer to Immediately Direct the Head Revisors to Use the Twenty-Five (25%) Threshold Percentage in the Revision, Recount and Re-Appreciation of Ballots dated April 19, 2018.

9. The issue presented before the Honorable Tribunal is purely and inherently administrative insofar as the Comelec is concerned which only Comelec could resolve considering its "acknowledged expertise in the discharge of its constitutional duty to enforce and administer all

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<sup>1</sup> Section 13, Rule 14, A.M. No. 10-4-1-SC; Section 13, Rule 14, A.M. No. 07-4-15-SC.



election laws and regulations." The instant case does not involve any action of the Comelec in the exercise of its quasi judicial function on any controversy or contest under its jurisdiction, hence, it could directly file its comment on protestee's aforesaid motion to set the valid threshold in the appreciation of ballots during the revision proceedings.

10. In a word, the resolution of the Honorable Tribunal requiring Comelec to comment on protestee's said motion does not involve a resolution or order "rendered in a legal controversy in which the parties file and present pleadings and evidence (before it but one which it could issue) pursuant to its administrative function or authority to supervise and conduct elections."<sup>2</sup>

11. Meanwhile, considering that the Honorable Tribunal is in possession of the September 4, 2016 resolution of the Comelec which was in response to the Tribunal's very own request where the Comelec advised this Tribunal that "any mark that covers at least 25% of the oval is considered a vote" and that the authenticity and genuineness of said resolution is not an issue, then the Honorable Tribunal could now resolve this threshold issue without the need of Comelec's and/or the Solicitor General's comment.

12. The Solicitor General and/or Comelec cannot just presume that their third motion for extension would be granted. If motion for extension of time to file answer to an election protest is not allowed under the rules, "except for compelling reasons and only for a period not exceeding ten (10) days" there is no compelling reason why the Solicitor General and/or Comelec would be given more than ten (10) days to file its comment on an issue the answer to which is already available to the Comelec.

13. Hence, this vehement opposition to the third motion for extension of time filed by the Solicitor General since it would already total to a whopping 40 days period to file said comment and protestee's motion that the said

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<sup>2</sup> *Filipinas Engineering and Machine Shop vs Ferrer*, GR 31455, 29 February 1985, Second Division.

threshold issue be now resolved even without the said comment of the Comelec and/or the Solicitor General.

### **PRAYER**

WHEREFORE, it is respectfully prayed that the Motion for Third Extension filed by the Solicitor General be DENIED for its utter lack of merit and that the motion of protestee to set the threshold in the appreciation of the ballots at 25% be GRANTED.

Protestee prays for such other reliefs just and equitable in the premises.

Pasig City for Manila. 29 June 2018.

**ATTY. ROMULO B. MACALINTAL**

*Lead Counsel for Protestee*

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By

  
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134 Amorsolo Street

Legaspi Village, 1229 Makati City

### **EXPLANATION**

Due to unavailability of messengers and the distance of the parties, a copy of the herein "Vehement Opposition with Motion" were sent to the above-named parties by registered mail.

  
**MARIA BERNADETTE V. SARDILLO**

Republic of the Philippines )  
PASIG CITY )  
\_\_\_\_\_

**VERIFIED DECLARATION OF COMPLIANCE WITH THE  
EFFICIENT USE OF PAPER RULE**

I, **LAILA T. ENDIC**, hereby declare that the Vehement Opposition to Solicitor General's Third Motion for Extension with Motion to Resolve the Threshold Issue submitted electronically by use of compact disc in accordance with the Efficient Use of Paper Rule are complete and are true copies of the Vehement Opposition to Solicitor General's Third Motion for Extension with Motion to Resolve the Threshold Issue filed with the Presidential Electoral Tribunal.

Pasig City. 29 June 2018.

*Endic*  
**LAILA T. ENDIC**  
Secretary

*Sardillo Sardillo Salom Law Office*

**SUBSCRIBED AND SWORN TO BEFORE ME**, a notary public in and for Pasig City, this 29<sup>th</sup> day of June 2018 by affiant LAILA T. ENDIC who is personally known to me, and appeared with her SSS ID with NO. 3438031871 issued by Social Security System Office, known to me as the same person who personally signed the foregoing attestation before me and acknowledged that she executed the same.

Doc. No. 184 ;  
Page No. 27 ;  
Book No. 46 ;  
Series of 2018.

**FERDINAND D. AYAHAO**  
NOTARY PUBLIC  
Until December 31, 2019  
Appointment No. 106(2018-2019)  
For Pasig City, Pateros and San Juan City  
Attorney's Roll No. 46377  
IBP Lifetime Member No. 02459  
MCLE No. V-0019276; 04-13-16  
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