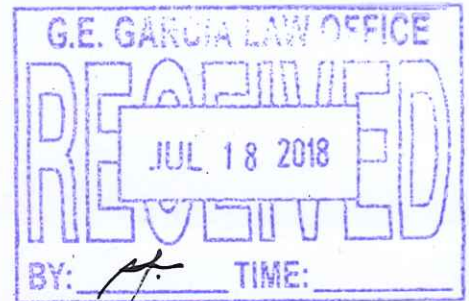


**REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila**

**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

**URGENT MOTION TO DIRECT THE COMMISSION ON
ELECTIONS TO IMMEDIATELY FILE ITS COMMENT TO
THE URGENT MOTION FOR RECONSIDERATION (OF
THE RESOLUTION DATED APRIL 10, 2018)**

PROTESTEE MARIA LEONOR G. ROBREDO, by the undersigned counsel, to the Honorable Tribunal, respectfully states:

1. In the Resolution dated 24 April 2018, the Honorable Tribunal directed the Commission on Elections ("COMELEC") to file within a period of ten (10) days its Comment to 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 19 April 2018 ("Motion for Reconsideration").

2. The Office of the Solicitor General ("OSG"), acting as counsel of COMELEC, received a copy of the Resolution on 17 May 2018.

3. Instead of complying with the Resolution of the Honorable Tribunal, OSG sought an additional period of fifteen (15) days or until 11 June 2018 within which to file its Comment.

4. Thereafter, on 11 June 2018, in lieu of filing its Comment, OSG once more sought an additional period of fifteen (15) days or until 26 June 2018.

5. Sadly, on 26 June 2018, OSG once more sought another period of fifteen (15) days or until 11 July 2018.

6. In the interim, the Honorable Tribunal, in its Resolution dated 19 June 2018, resolved to *grant the Motion dated June 11, 2018 filed by the Office of the Solicitor General for the COMELEC for a second extension of fifteen (15) days from June 21, 2018, or until June 26, 2018 within which to file a comment on protestee Robredo's 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 18, 2018, with a WARNING that no further extension will be given by the Tribunal.*

7. Subsequent thereto, in the Resolution dated 03 July 2018, the Honorable Tribunal resolved to *grant the Office of the Solicitor General (OSG) a third extension of ten (10) days [not fifteen (15) days as prayed for in its Motion dated June 26, 2018] from June 26, 2018 or until July 6, 2018, within which to file a comment on protestee Maria Leonor G. Robredo's 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.*

8. Further, the Honorable Tribunal resolved to *order the COMELEC, thru the OSG, to personally file, the above-mentioned comment with the Tribunal; otherwise, the filing thereof shall be deemed waived.*

9. Unfortunately, in lieu of a Comment, OSG filed a Manifestation and Motion (In Lieu of Comment) dated 04 July 2018.

10. In its Manifestation and Motion, OSG asked the Honorable Tribunal to grant COMELEC a *fresh period of ten days from notice to submit its Comment*.

11. Hence, protestee Maria Leonor G. Robredo (hereafter "Robredo" for brevity) is constrained to now file this Motion.

12. Prior to the Resolution dated 03 July 2018, OSG has had a total of forty six (46) days within which to prepare and file its Comment.

13. However, as aforestated, in lieu of a Comment, OSG filed a Manifestation with Motion (In Lieu of Comment).

14. Thus, if only to avoid any further and unnecessary delays in the resolution of the Motion for Reconsideration, protestee Robredo humbly asks that COMELEC be directed to file its Comment with a period of five (5) days instead of the ten (10) days requested by OSG.

15. Noteworthy is that the issue on the correct threshold to be implemented has been pending with the Honorable Tribunal for more than two (2) months.

16. Since then, the recount, revision and re-appreciation of ballots has been ongoing.

17. Further, the recount, revision and re-appreciation of ballots in the Province of Iloilo has already commenced.

18. Meanwhile, for the Province of Camarines Sur, a total of more than One Thousand Four Hundred (1,400) clustered precincts, out of a total of One Thousand Eight Hundred Sixteen (1,816) clustered precincts, have been recounted, revised and re-appreciated.

19. Thus, the urgency to resolve this pending issue.

20. COMELEC has been designated by no less than the 1987 Constitution to *enforce and administer all law and regulations relative to the conduct of an election, plebiscite, initiative, referendum and recall*.¹

21. Being mandated by no less than the 1987 Constitution to *enforce and administer* the conduct of elections, COMELEC is best suited to confirm the threshold percentage used during the 09 May 2016 National and Local Elections.

22. More importantly, this confirmation by COMELEC on the correct threshold percentage will aid the Honorable Tribunal in the ongoing recount, revision and re-appreciation of ballots.

23. However, as aforestated, this issue cannot be allowed to drag indefinitely.

24. Thus, protestee Robredo humbly asks that instead of ten (10) days, COMELEC be directed to file its Comment within five (5) days.

25. Protestee Robredo empathizes with the volume of work by COMELEC while in the midst of its preparations for the 13 May 2019 National and Local Elections.

26. However, COMELEC not only choose but implemented the Automated Election System (AES) used in the 09 May 2016 National and Local Elections.

27. If only for this reason alone, COMELEC can immediately comply and file its Comment on the Motion for Reconsideration within a period of five (5) days.

¹ Article IX, C, Section 2 (1), 1987 Constitution.

28. Thus, while OSG may have prematurely taken a different position, it is only COMELEC who can confirm that the threshold percentage applied during the 09 May 2016 National and Local Elections was twenty-five percent (25%).

29. Finally, COMELEC can further confirm that the twenty five percent (25%) has been applied not only during the Random Manual Audit (RMA) but likewise in all election protests involving recount, revision and re-appreciation of ballots.

30. This motion is not intended for delay but dictated solely by the foregoing exigencies.

PRAYER

WHEREFORE, PREMISES CONSIDERED, it is respectfully prayed to the Honorable Tribunal that a Resolution be issued DIRECTING the Commission on Elections to file its Comment within a period of FIVE (5) on 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 19 April 2018.

Protestee Robredo prays for such other reliefs as may be just and equitable under the premises.

Pasig City for Manila. 09 July 2018.

ATTY. ROMULO B. MACALINTAL

Lead Counsel for Protestee

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By


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Roll No. 45897

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REQUEST

**THE SECRETARY OF THE TRIBUNAL
PRESIDENTIAL ELECTORAL TRIBUNAL
MANILA**

Please submit the foregoing "*Urgent Motion to Direct the Commission on Elections to Immediately File Its Comment to the Urgent Motion for Reconsideration (of the Resolution dated April 10, 2018)*" for the consideration and approval of the Honorable Tribunal immediately upon receipt hereof without need for oral arguments.


MARIA BERNADETTE V. SARDILLO

NOTICE OF HEARING

ATTY. GEORGE ERWIN M. GARCIA

ATTY. JOAN M. PADILLA

G. E GARCIA LAW OFFICE

Lead Counsel for Protestant

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**OFFICE OF THE CHAIRMAN
COMMISSION ON ELECTIONS**
Palacio del Gobernador
Intramuros, 1002 Manila

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
Legaspi Village, 1229 Makati City

Please take note that undersigned counsel will submit the foregoing "*Urgent Motion to Direct the Commission on Elections to Immediately File Its Comment to the Urgent Motion for Reconsideration (of the Resolution dated April 10, 2018)*" for the consideration and approval of the Honorable Tribunal immediately upon receipt thereof without need for further oral arguments.


MARIA BERNADETTE V. SARDILLO

Copy furnished:

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EXPLANATION

Due to unavailability of messengers and the distance of the parties, a copy of the herein "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 Urgent Motion to Direct the Commission on Elections to Immediately File Its Comment to the Urgent Motion For Reconsideration (Of The Resolution Dated April 10, 2018) submitted electronically by use of compact disc in accordance with the Efficient Use of Paper Rule are complete and are true copies of the Urgent Motion to Direct the Commission on Elections to Immediately File Its Comment to the Urgent Motion For Reconsideration (Of The Resolution Dated April 10, 2018) filed with the Presidential Electoral Tribunal.

Pasig City. 09 July 2018.

Laila T. 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 09th day of July 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. 244 ;
Page No. 47 ;
Book No. 50 ;
Series of 2018.

FERDINAND D. AYABAO
NOTARY PUBLIC
Until December 31, 2019
Appointment No. 106(2018-2019)
For Pasig City, Pateros and San Juan City
Attorney's Roll No. 46377
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