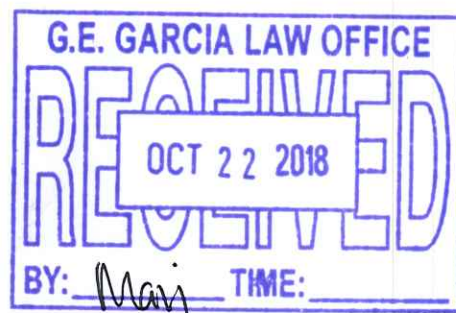




Republic of the Philippines
COMMISSION ON ELECTIONS
Manila



FIRST DIVISION

ANUOAR R. ABDULRAUF,
Protestant,

- versus -

EPC No. 2016-35

ARAFAT M. SALIC,
Protestee.

x-----x

NOTICE

**BRILLANTES ARCILLA MARTINEZ
DIOKNO & DELA CRUZ
LAW OFFICES**
Counsel for the Protestant
105-B ECJ Condominium Bldg.
Real cor. Arzobispo Streets
Intramuros, Manila (x)

ANUOAR R. ABDULRAUF
Protestant
Brgy. Paridi, 9700 Marawi City
Lanao del Sur (y/xx)

ARAFAT SALIC
Protestee
Brgy. Tolali, 9700 Marawi City
Lanao del Sur (y/xx)

ATTY. RAY F. SUMALIPAO
Regional Election Director - ARMM
Office of the Regional Election Director
Commission on Elections
ORG Compound, Cotabato City
Maguindanao (y/z)

**ATTY. MOHAMMAD NABIL
M. MUTIA**
Counsel for the Protestee
Unit 06, G/F Uptown Condotel Bldg.
Mastersons Ave., Cagayan de Oro City
Misamis Oriental (y/z)

**ATTY. CERIZAR VICENTE
S. TORIO**
Collaborating Counsel for the Protestee
1104 Pacific Center Bldg.
San Miguel Ave., Ortigas Center
Pasig City (x)

THE ELECTION OFFICER
Office of the City Election Officer
Commission on Elections
City Hall Bldg., Brgy. Fort
Marawi City, Lanao del Sur (y/z)

**THE PROVINCIAL ELECTION
SUPERVISOR**
Office of the Provincial Election
Supervisor - Lanao del Sur
New Capitol Compound
Brgy. Buadi-Sacayo, Marawi City
Lanao del Sur (y/z)

THE CITY TREASURER
Office of the City Treasurer
Marawi City, Lanao del Sur (y/xx)

DIR. ESTER L. VILLAFLOR-ROXAS
Director IV
Election Records & Statistics Department
Commission on Elections
Intramuros, Manila (x)

THE SECRETARY
Presidential Electoral Tribunal (PET)
Supreme Court of the Philippines
Padre Faura, Manila (x)

THE SECRETARY
Senate Electoral Tribunal (SET)
COA-NCR Bldg.
Batasan Road, Quezon City (x)

ATTY. ALLEN FRANCIS B. ABAYA
Clerk of Court of the Commission/
Director IV
ECAD-COMELEC
Intramuros, Manila (x)

MR. MARCELO M. MENDEZ
Ballot Box Custodian II
Judicial Records Division, ECAD
Intramuros, Manila (x)

MR. EDILBERTO E. DEINLA
Security Guard III
Judicial Records Division, ECAD
Intramuros, Manila (x)

DIR. ZITA BUENA-CASTILLON
Director IV
Finance Services Department
Commission on Elections
Intramuros, Manila (x)

ENGR. J. THADDEUS P. HERNAN
Director IV
Administrative Services Department
Commission on Elections
Intramuros, Manila (x)

**ATTY. GEORGE ERWIN M. GARCIA
and ATTY. JOAN M. PADILLA**
Counsels for Ferdinand "Bong-Bong"
R. Marcos in PET Case No. 005
G.E. Garcia Law Office
G/F Laiko Bldg., 372 Cabildo St.
Intramuros, 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 Ave.
Ortigas Center, Pasig City (x)

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

GREETINGS!

Attached is a copy of the **PRELIMINARY CONFERENCE ORDER** issued by the Commission (First Division) on October 19, 2018, in the above-entitled case.

The Regional Election Director of the ARMM and the City Election Officer of Marawi City are respectfully requested to personally serve the subject Order to the concerned parties within their respective jurisdiction and to furnish this office with copy of the actual receipt of the same or proof of service thereof immediately thereafter.





Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

FIRST DIVISION

ANUOAR R. ABDULRAUF,
Protestant,

-versus-

EPC No. 2016-35

ARAFAT M. SALIC,
Protestee.

x-----x

PRELIMINARY CONFERENCE ORDER

Finding the Protestant's *Election Protest*¹ to have substantially complied with the form and content requirement of Section 7, Rule 6 of COMELEC Resolution No. 8804, as amended, this Commission (**First Division**) hereby issues this *Preliminary Conference Order*² based on the *Preliminary Conference Briefs*³ seasonably and respectively filed by the parties and submitted for consideration during the *Preliminary Conference* held on August 29, 2018, including their *Comments*⁴ thereto in compliance with the Order issued on even date.

The following are the propositions and/or admissions of the parties based on their preliminary conference brief:

**I. SUMMARY OF ADMITTED FACTS AND
PROPOSED STIPULATION OF FACTS**

For the Protestant	For the Protestee
--------------------	-------------------

¹ Previously filed as *Ad Cautelam* and converted to a regular protest in an Order issued on June 22, 2018; Records, p. 60

² Section 7. Contents of the protest or petition. – An election protest or petition for quo warranto shall specifically state the following facts: a) The position involved; b) That the protestant was a candidate who has duly filed a certificate of candidacy and has been voted for the same office; c) The date of proclamation; d) The number of votes credited to the parties per proclamation. An election protest shall also state: e) The total number of precincts of the region, province or city concerned; f) The protested precincts and votes of the parties in the protested precincts per the Statement of Votes By Precincts or, if the votes of the parties are not specified, an explanation why the votes are not specified; g) A detailed specification of the acts or omissions complained of showing the electoral frauds, anomalies or irregularities in the protested precincts. protested amended by COMELEC Resolution No. 9164, promulgated on March 16, 2011; COMELEC Resolution No. 10-0780, promulgated on August 17, 2010; COMELEC Resolution No. 9720, promulgated on June 20, 2013

³ Records, pp. 206 to 211 and 222 to 226

⁴ Records, pp. 271 to 272 and 278 to 280

A. <u>Admitted Facts</u>	
1. Exclusive jurisdiction of the Commission to hear and decide the instant election protest**;	a. Nature of the instant action being an Election Protest Ad Cautelam;
2. The personal circumstances of the Protestant;	b. Identity of the Protestant Anuoar R. Abdulrauf ("Abdulrauf" for brevity) being of legal age, Filipino citizen, married, a resident of Barangay Paridi, Marawi City, Lanao del Sur;
3. Protestant Abdulrauf and Protestee Salic were duly registered candidates for the position of City Vice-Mayor of Marawi City in the 09 May 2016 National and Local Elections;	c. Protestant Abdulrauf is one of the three candidates who ran for the position of Vice-Mayor of Marawi City for the 09 May 2016 elections;
4. There were one hundred seven (107) clustered precincts in the City of Marawi, Lanao del Norte;	d. Protestant Abdulrauf filed his Certificate of Candidacy for the position of Vice-Mayor last 14 October 2015;
5. Based on the canvass of election returns (ERs) from the one hundred seven (107) clustered precincts that functioned in Marawi City and consolidated by the City Board of Canvassers (CBOC), the parties appeared to have obtained the following votes: Protestant Abdulrauf - 19,977 votes / Protestee Salic - 22,379 votes;	e. Protestee Salic is one of the three candidates who ran for the position of Vice-Mayor of Marawi City for the 09 May 2016 elections
6. The presumptive margin of the Protestee over the Protestant is two thousand four hundred two (2,402) votes;	f. Protestee Salic was duly voted for in the 09 May 2016 elections and was proclaimed by the Marawi City Board of Canvassers ("Marawi CBOC" for brevity) as the Vice-Mayor of Marawi City, Lanao del Sur*;
7. The Protestant contested and protested the results of the	g. Identity of Protestee Salic being a Filipino, of legal age, and a

correctness of votes in the nine (9) clustered precincts with precinct ID Nos. as follows: 36170021, 36170022, 36170023, 36170024, 36170037, 36170038, 36170039, 36170040 and 36170067;	resident of Brgy. Tolali, Marawi City;The actual votes obtained by Protestee Salic in the 09 May 2016 National and Local Elections in Marawi City totaling twenty two thousand three hundred seventy nine (22,379) votes;
8. The total votes of the parties in the protested clustered precincts are as follows: a. ID No. 36170021: Protestant – 1 vote / Protestee – 721 votes; b. ID No. 36170022: Protestant – 4 votes / Protestee – 718 votes; c. ID No. 36170023: Protestant – 0 vote / Protestee – 760 votes; d. ID No. 36170024: Protestant – 5 votes / Protestee – 594 votes; e. ID No. 36170037: Protestant – 0 vote / Protestee – 375 votes; f. ID No. 36170038: Protestant – 8 votes / Protestee – 520 votes; g. ID No. 36170039: Protestant – 4 votes / Protestee – 480 votes; h. ID No. 36170040: Protestant – 22 votes / Protestee – 487 votes; i. ID No. 36170067: Protestant – 0 vote / Protestee – 375 votes; and	h. The number of votes garnered by the parties in the protested clustered precincts as recorded in the Statement of Votes by Precinct for the position of Vice-Mayor of Marawi City in the 09 May 2016 National and Local Elections, as follows: 1. ID No. 36170021: Protestant – 1 vote / Protestee – 721 votes; 2. ID No. 36170022: Protestant – 4 votes / Protestee – 718 votes; 3. ID No. 36170023: Protestant – 0 vote / Protestee – 760 votes; 4. ID No. 36170024: Protestant – 5 votes / Protestee – 594 votes; 5. ID No. 36170037: Protestant – 0 vote / Protestee – 375 votes; 6. ID No. 36170038: Protestant – 8 votes / Protestee – 520 votes; 7. ID No. 36170039: Protestant – 4 votes / Protestee – 480 votes; 8. ID No. 36170040: Protestant – 22 votes / Protestee – 487 votes; 9. ID No. 36170067: Protestant – 0 vote / Protestee – 375 votes.
9. The Protestee did not file a counter-protest.	i. The actual votes obtained by Protestee Salic in the 09 May 2016 National and Local Elections in Marawi City totaling twenty two thousand three hundred seventy nine (22,379) votes.
B. <u>Proposed Stipulations</u>	
<u>B.1 For the Protestant:</u>	
1. Valid ballots which were initially rejected were not allowed to be scanned by the VCM machine four (4) times as required by the COMELEC Resolution NO. 9640***.	

B.2 For the Protestee:

- a. On 09 May 2016, pursuant to COMELEC Resolution No. 10083, the Marawi CBOC, chaired by Acting E.O. Atty. Michael Ignes, convened in the Marawi City Hall Complex to consolidate and canvass all the votes cast in every precinct in Marawi City;
- b. After receiving all the precincts or clustered precincts in the City Board of Canvassers (CBOC) proceeded to generate the Certificate of Canvass (COC) and Statement of Votes (SOV) among others;
- c. The consolidation and canvassing yielded the following results for the position of Vice-Mayor of Marawi City: Anouar Abdulrauf (LP) – 19,977 votes; Arafat Salic (PDP LBN) – 22,379 votes; and Sheikh Sultan (IND) – 182 votes;
- d. The results were supported by a signed and thumb-marked certification from the City Board of Canvassers (CBOC) which reads: *"WE HEREBY CERTIFY that we witnessed the canvassing of precinct results for the city/municipality of Marawi City, and that the votes obtained by ach candidate appearing in the CERTIFICATE OF CANVASS are true as generated by the Consolidation/Canvassing System (CCS). xxx"*; and
- e. On 12 May 2016, the Marawi City Board of Canvassers (Marawi CBOC for brevity) proclaimed Protestee Salic as the Vice-Mayor of Marawi City, Lanao del Sur.

*Based on the Comment of the Protestant, the stipulated fact is not admitted.

**Based on the Comment of the Protestee, the jurisdiction of the Commission is admitted.

***Based on the Comment of the Protestee, the subject stipulated fact is not admitted.

II. THE ISSUES TO BE TRIED OR RESOLVED

A. For the Protestant:

1. Whether or not the results of the 09 May 2016 National and Local Elections in the protested clustered precincts for the position of Marawi City Vice-Mayor are reflective of the true will of the electorate;
2. Whether or not the elections in the protested clustered precincts were marred by massive electoral fraud and irregularities, ranging from vote buying, threats, intimidation and violence; and
3. Whether or not manual counting and revision of ballots in all protested precincts will alter the result of the election for the position of Marawi City Vice-Mayor.

B. For the Protestee:

- a. Whether or not a Special Recount of the protested precincts in Marawi City should be made; and

- b. Whether or not the proclamation of Protestee SALIC as the Vice-Mayor of Marawi City, Lanao del Sur should be annulled.

**III. THE PRE-MARKED DOCUMENTS OR EXHIBITS
TO BE PRESENTED AND THEIR PURPOSE**

A. For the Protestant:

EXHIBIT	DOCUMENT AND PURPOSE/S
"A"	Certificate of Candidacy (COC) of the Protestant will be presented to prove that he was a duly registered candidate for the position of Vice-Mayor of Marawi City
"B"	Certificate of Canvass of Votes and Proclamation of winning candidate for Vice-Mayor of Marawi City will be presented to prove that the Protestee was proclaimed on May 12, 2016
"C"	Certification dated May 12, 2016 by Samsia M. Dimapinto, MD;
"D"	Salaysay ng mga Testigo of Kashani Pundato Usman and Mubarak Racman Usman
"E"	Salaysay ni Yamani Pascan Usman
"F"	Spot Report dated May 9, 2016 prepared by Parson J. Asadil
"G"	Letter dated May 9, 2016 addressed to Atty. Michael Ignés
"H"	Letter dated May 9, 2016 addressed to COMELEC Chairman and Commissioners by Atty. Michael Ignés regarding the petition to declare failure of election in Marawi City
Note: Exhibits "C" to "H" will be offered to prove the irregularities and violence perpetrated by Protestee's and his supporters during the May 9, 2016 National and Local Elections in Marawi City. All said documents are attached in the Election Protest Ad Cautelam dated May 23, 2016.	

B. For the Protestee:

EXHIBIT	DOCUMENT AND PURPOSE/S
"1 (A)"*	Certificate of Finality issued by the Commission dated May 7, 2018
"2 (B)"**	Certificate of Canvass of Votes and Proclamation of Winning Candidate for Vice Mayor dated May 12, 2016 (6:08:17 PM)
Note: (*) attached as Annex "1" of Protestee Salic's Verified Answer / Re-exhibit as 1 from A. (**) attached as Annex "B" of Protestant Abdulrauf's Election Protest Ad Cautelam / Re-exhibit as 2 from B. The foregoing pieces shall be offered for such purposes that may be	

relevant to the issues at bar. Protestee SALIC reserves his right to present other additional documents during the course of the proceeding.

IV. MANIFESTATION OF THE INTENT TO AVAIL DISCOVERY PROCEDURES OR REFERRAL TO THE COMMISSIONERS

Protestant manifested that considering the grounds for the election protest include widespread terrorism, substitute voting through the use of pre-shaded ballots, the Protestant intends for a technical examination and comparison of the signatures and thumb-marks as appearing in the VRRs and in the EDCVL and that he interposes⁵ no objection to the availment of discovery procedures whenever warranted by the circumstances and whenever in the opinion of the Honorable Commission the same will aid in the expeditious resolution of the case.

On the other hand, the Protestee intends to avail of discovery procedures or referral to commissioners should these be necessary for the proper disposition of the case.

V. THE LIST OF THE PILOT PROTESTED

The Protestant manifested that the protested precincts are less than twenty (20) precincts, hence, there's no more need to pinpoint them. The subject protested precincts are as follows (as enumerated in the Protestant's Election Protest and as verified in the Project of Precincts for Marawi City):

- a) Precinct ID No. 36170021 - Clustered Precinct No. 21 / Brgy. Cabingan
- b) Precinct ID No. 36170022 - Clustered Precinct No. 22 / Brgy. Cabingan
- c) Precinct ID No. 36170023 - Clustered Precinct No. 23 / Brgy. Cabingan
- d) Precinct ID No. 36170024 - Clustered Precinct No. 24 / Brgy. Cabingan
- e) Precinct ID No. 36170037 - Clustered Precinct No. 37 / Brgy. Dimaluna
- f) Precinct ID No. 36170038 - Clustered Precinct No. 38 / Brgy. Dimaluna
- g) Precinct ID No. 36170039 - Clustered Precinct No. 39 / Brgy. Dimaluna
- h) Precinct ID No. 36170040 - Clustered Precinct No. 40 / Brgy. Dimaluna
- i) Precinct ID No. 36170067 - Clustered Precinct No. 67 / Brgy. Matampay

No counter-protest for this case.

VI. NUMBER, NAMES, AND ADDRESSES OF WITNESSES AND THE SUBSTANCE OF THEIR RESPECTIVE TESTIMONIES

⁵ Per Protestant's Manifestation filed on September 10, 2018 correcting his statement in his Preliminary Conference Brief from the word any to no.

A. For the Protestant:

1. A representative from the Commission on Elections and/ or Smartmatic who will testify on the security features of the official ballots used in the 09 May 2016 National and Local Elections in Marawi City and on whether or not these security features are found in the ballots of the protested clustered precincts;
2. The Chairman and/ or members of the Board of Election Inspectors (BEIs) in those precincts which after the revision proceedings, will reveal tampering of the ballot boxes and the ballots contained therein to prove the actual votes obtained by the parties on election day and to prove post election tampering;
3. A handwriting and signature/thumb-mark expert who will testify on the reports of the results of technical examination of the signatures and thumbprints of voters in the EDCVL and VRRs in the protested clustered precincts.
4. In addition the protestant reserves the right to present additional witness as may be warranted from the results of the recount/revision of ballots and/or as necessary or proper as the exigencies of the proceedings would require.
5. The oral testimonies of the witness shall be requested through the process of subpoena ad testificandum and duces tecum.

B. For the Protestee:

Protestee manifested he reserves his right to present his witness during the course of the proceedings.

**VII. PROPOSED NUMBERS OF RECOUNT COMMITTEES
AND NAMES OF PROTESTANT'S REVISORS AND
ALTERNATE REVISORS**

Both the Protestant and the Protestee propose the establishment of ONE (1) Recount Committee to revise and recount the ballots.

For the Protestant, the names of his revisors are: 1) Carolina Castillo as regular revisor; and 2) Evelyn Borlledo as alternate revisor. Further, reserves his rights to change or substitute his revisor/s in case of their unavailability or withdrawal during the proceedings.

IX. PROPOSED PROCEDURE TO BE FOLLOWED

**IN THE EXAMINATION, VERIFICATION OR
RE-TABULATION OF ELECTION RETURNS**

Protestant manifests that he will follow the procedure as set forth in COMELEC Resolution No. 8804 as amended by COMELEC Resolution Nos. 9164 and 9270, insofar as the conduct of the revision of ballots, technical examination and re-tabulation of election returns are concerned. He also reserves the right to examine and verify the authenticity and due execution of the copies of the election returns and the results reflected therein as may be warranted from the results of the recount/revision of ballots and/or as necessary and proper as the exigencies of the proceedings would require.

Lastly, the protestant likewise manifested his reservation as to his right to decrypt and examine the picture images contained in the SD Cards of the Vote Counting Machines used in the protested clustered precincts.

WHEREFORE, the Commission (First Division) NOTES⁶ the respective submissions and/or manifestations of both parties as contained in their respective *Preliminary Conference Brief and Comments*, and hereby RESOLVES the following:

1. **DIRECT** the Protestant to **PAY** to the Cash Division, this Commission, the amount of **TWO THOUSAND PESOS (PhP 2,000.00)** as the remaining balance for his cash deposit⁷ necessary to defray the expenses of the recount of the ballots in the instant case as well as other incidental expenses pertaining to his *nine (9) contested pilot precincts within three (3) days from receipt of this Order.*

Failure to comply with this Order shall cause the immediate dismissal of the protest or counter-protest pursuant to Section 2 (b)⁸, Rule 11 and Section 9 (e)⁹, Rule 6 of COMELEC Resolution No. 8804, as amended;

2. **INFORM** the parties that the cash deposit of **Three Thousand Pesos (PhP 3,000.00)** per contested clustered precincts is only for the revision supplies and honoraria of the Recount Committees pursuant to Section 3, paragraph (1)¹⁰, Rule 15 of COMELEC Resolution No. 8804 as

⁶ Including the Protestant's Manifestation filed on September 10, 2018

⁷ Protestee's contested precincts = 9 x P 3,000.00/clustered precinct = P 27,000.00

P 27,000.00 less P 25,000.00 (initial cash deposit) = P 2,000.00 (remaining balance)

⁸ Section 2 (b), Rule 11 of Comelec Resolution No. 8804

"(b) Failure to make the cash deposit required within the prescribed time shall result in the **automatic dismissal of the protest or counter-protest**"

⁹ Section 9. Summary dismissal of election contest. – The Commission shall summarily dismiss, *motu proprio*, an election protest and counter-protest on the following grounds: xxx (e) In case of protest where a cash deposit is required, the cash deposit is not paid within fifteen (15) days from filing of the protest.

¹⁰Section. 3. Compensation of the Members of the Recount Committee. – The Commission shall fix the compensation of the members of the Committee including the fees for supplies and material, storage of election paraphernalia, honoraria of

amended by COMELEC Resolution No. 9720 and does not include the cost of decryption and printing of ballot images;

3. **INFORM** the parties that should the Chairman of the Recount Committees request/s for the printing of ballot images pursuant to Section 6 (l), Rule 15 of COMELEC Resolution No. 8804, as amended, or should any of the party request/s the same, the requesting party¹¹ shall be assessed, independent of the PhP 3,000.00 cash deposit per contested clustered precinct, **a one-time fee of PhP 5,000.00 for the use of the system** pursuant to Section 2 of COMELEC Resolution No. 9226¹² and **the cost of decryption of ballot images** in the amount of **PhP 500.00 per compact flash (CF) card** pursuant to Section 3, paragraph (4), Rule 15 of COMELEC Resolution No. 8804 as amended by COMELEC Resolution No. 9720;
4. **INFORM** both parties that out of the nine (9) contested ballot boxes¹³, only one (1) contested ballot box, Clustered Precinct No. 67 - Brgy. Matampay, is not in the custody of the Commission. Eight (8) of the contested precincts in the instant case were previously recounted by the Commission (**First Division**) in EPC No. 2016-31 "Ali vs. Gandamra";
5. **DIRECT** the City Election Officer of Marawi, Lanao del Sur to **submit a report** to this Commission (**First Division**) as to the whereabouts and condition of the ballot box of Clustered Precinct No. 67 - Brgy. Matampay including its Voting Registration Records (VRRs), Election Day Computerized Voters List (EDCVL) and Book of Voters **within three (3) days from receipt of this Order** via the fastest means possible;
6. **DIRECT** the Division Clerk of Court of the Commission to immediately prepare a letter-request to the concerned Electoral Tribunal in behalf of the Commission seeking an authorization, approval and/or clearance as to the temporary prior custody of the ballot boxes and recount of ballots and other documents and storage devices relative to the instant protest case in accordance with Section 2, Rule 12 of COMELEC Resolution No. 8804, as amended;

warehouse ballot box custodian, photocopying watchers and security details at Three Thousand Pesos (P 3,000.00) per precinct...xxx

¹¹Requesting party is either the protestant or protestee. If by reason that the ballots cannot be counted, the decryption and printing expenses shall be on account of the protestant, unless he waived the recount of the same.

¹²Section 2. Should the Chairman of the Recount Committee pursuant to Rule 15 Section 6 (l) of Resolution No. 8804, as amended by Resolution No. 9164, request for the printing of the ballot images or should any of the parties requested for the same, the protestant or the requesting party in the latter case, shall be assessed, independent of the P 3,000.00 per contested precinct cash deposit, **a one-time fee of P 5,000.00 for the use of the system**...xxx.

¹³ As verified by the Division Clerk of Court of the Commission from the Contested Ballot Box Section, JRD, ECAD

7. **NOTIFY** the Protestant that he shall shoulder the expenses in case the ballot box for Clustered Precinct No. 67 of Brgy. Matampay and other election documents or paraphernalia relative to the said barangay, can still be retrieved, including provision on transportation of the boxes, travel expenses, per diems and necessary allowances of the COMELEC personnel, which include the EO and at most, two (2) support staff and the PNP/AFP personnel acting as security.

The Protestant shall coordinate with the City Election Officer of Marawi, Lanao del Sur relative to the above-mentioned expenses;

8. **DIRECT** the Protestant to submit the original or certified true copy of the documentary exhibits enumerated in his *Brief*, particularly Exhibit Nos. "C to H", within fifteen (15) days from receipt of this Order.

Both parties are also directed to submit the names of their respective witnesses within 15 days from this Order as mandatorily required in Section 4 (e), Rule 13 of COMELEC Resolution No. 8804, as amended, otherwise, the same shall be considered waived.

Moreover, the parties are required to submit the judicial affidavits of their respective witnesses also within the same period as stated-above, as no oral testimony will be allowed by this Commission, with only one (1) witness and two (2) collaborating witnesses to testify on the same fact and circumstance, unless directed otherwise;

9. **INFORM** both parties that additional documents and/or exhibits shall be limited to those found upon the opening of the ballot boxes including the corresponding reports relative to the recount proceedings and reports pertaining to the technical examination, if appropriate under the circumstances;
10. **NOTE** the manifestation of the Protestant relative to his intention for the conduct of a technical examination of the Book of Voters, EDCVL and other relevant documents and decryption and examination of the picture images contained in the SD Card pertaining to the contested precincts in Marawi City, Lanao del Sur;
11. **NOTIFY** the Protestant that his cash deposit shall be subject for augmentation if found to be necessary or depleted by this Commission during the course of the proceedings of the instant protest case pursuant to Section 4, Rule 16 of COMELEC Resolution No. 8804, as amended. The Protestant shall also be ordered to augment his cash deposit for purpose of returning his contested ballot boxes and other

election documents and paraphernalia to the Treasurer of Marawi City, Lanao del Sur, upon termination of the case; and

12. **DIRECT** the Division Clerk of Court of the Commission to determine the necessary number of Recount Committees including its composition or members and shall notify all parties thereof at least seven (7) days prior to the commencement of the recount proceedings;

ACCORDINGLY, the preliminary conference is hereby ordered terminated. Aside from the directives herein, parties are given three (3) days from receipt hereof to **COMMENT, MOVE FOR EXCEPTION OR CORRECTION**, if any, to this *Preliminary Conference Order* which must be based on record or in the interest of substantial justice. After the lapse of the said period, no correction shall be allowed and this *Preliminary Conference Order* shall be valid and binding upon the parties.

SO ORDERED.

Given this ^{to}~~12~~ 19 day of ~~October~~ 2018, City of Manila, Philippines.


AL A. PARREÑO,
Presiding Commissioner


MA. ROWENA AMELIA V. GUANZON
Commissioner, Senior-Member


MARLON S. CASQUEJO
Commissioner, Junior-Member