

FILE COPY

Republic of the Philippines
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila

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

Protestant,

-versus-

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

Protestee.

X- - - - - X

PRESIDENTIAL ELECTORAL TRIBUNAL

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DEC 12 2018

BY: *bcky*
TIME: *1:05 pm*

PET Case No. 005

For: Election Protest

Vice-President

**EXTREMELY URGENT MANIFESTATION OF
GRAVE CONCERN WITH OMNIBUS MOTION**

- i. TO ISSUE *SUBPOENA DUCES TECUM* TO THE VOTERS IDENTIFICATION DIVISION OF THE COMMISSION ON ELECTIONS - ELECTION RECORDS AND STATISTICS DEPARTMENT (COMELEC-ERSD) TO PRODUCE AND SUBMIT THE DACTYLOSCOPIC AND QUESTIONED DOCUMENT REPORTS DATED 5 JUNE 2018 AND SUCH OTHER RELEVANT DOCUMENTS INVOLVING THE TECHNICAL EXAMINATION CONDUCTED ON THE VOTER'S REGISTRATION RECORDS (VRRs) AS AGAINST THE ELECTION DAY COMPUTERIZED VOTER'S LIST WITH VOTING RECORDS (EDCVLS) OF *FIVE HUNDRED EIGHT* (508) ESTABLISHED PRECINCTS IN THE PROVINCES OF LANA DEL SUR, MAGUINDANAO, AND BASILAN USED DURING THE LAST 9 MAY 2016 NATIONAL AND LOCAL ELECTIONS;
- ii. TO INVESTIGATE ALL THE CONCERNED CHAIRMAN AND MEMBERS OF THE BOARD OF ELECTION INSPECTORS (BEIs) WHO SERVED IN THE PROVINCES OF LANA DEL SUR,

MAGUINDANAO, AND BASILAN DURING THE LAST 9 MAY 2016 NATIONAL AND LOCAL ELECTIONS TO DETERMINE THEIR INVOLVEMENT AND PARTICIPATION AS TO THE INCIDENCE OF SUBSTITUTED-VOTING IN THE SAID PROVINCES; AND

- iii. TO IMMEDIATELY DIRECT THE VOTERS IDENTIFICATION DIVISION OF THE COMELEC-ERSD TO CONDUCT A TECHNICAL EXAMINATION ON THE SIGNATURES AND THUMBPRINTS APPEARING ON THE VRRS AND EDCVLS OF THE ENTIRE TWO THOUSAND SEVEN HUNDRED FIFTY-SIX (2,756) PROTESTED CLUSTERED PRECINCTS OF LANA DEL SUR, MAGUINDANAO, AND BASILAN IN CONNECTION WITH THE LAST 9 MAY 2016 NATIONAL AND LOCAL ELECTIONS.

Protestant **FERDINAND "BONGBONG" R. MARCOS, JR.** ("protestant Marcos"), through the undersigned counsels, unto this Honorable Presidential Electoral Tribunal ("PET"), most respectfully alleges the following:

1. On **22 November 2018**, protestant Marcos was informed by former Sulu Vice Governor Abdusakur Tan ("Tan") that the Voters Identification Division of the COMELEC-ERSD conducted a technical examination on the signatures and/or thumbprints appearing on the VRRs as against the EDVCLs pertaining to the provinces of Lanao Del Sur, Basilan and Maguindanao during the last 2016 elections.

2. Apparently, former Sulu Vice Governor Tan filed an election protest against Mujiv S. Hataman before the COMELEC Second Division, which was docketed as **EPC Case No. 2016-37**.

3. During the pendency of Tan's election protest, he filed a *Motion for Technical Examination* of the signatures and/or thumbprints appearing on the VRRs and EDCVLS used during the last 2016 elections in the provinces of Lanao Del Sur, Basilan and Maguindanao. This Motion was duly granted by the COMELEC Second Division.

4. Hence, the Voters Identification Division of the COMELEC-ERSD conducted a technical examination on the signatures and/or thumbprints appearing on the VRRs as against the EDVCLs of ***Five Hundred Eight (508)*** established precincts having a total of ***Eighty-Two Thousand Three Hundred Sixteen (82,316)*** registered voters in the ***One Hundred Twenty-Seven (127)*** barangays of the provinces of Lanao Del Sur, Basilan and Maguindanao.

5. According to former Sulu Vice Governor Tan, the results of the technical examination conducted by the Voters Identification Division of the COMELEC-ERSD would reveal that there are **FORTY THOUSAND FIVE HUNDRED TWENTY-EIGHT (40,528) SIGNATURES AND THREE THOUSAND TWO HUNDRED NINETY-FIVE (3,295) THUMBPRINTS ON THE EDCVLs USED IN THE FIVE HUNDRED EIGHT (508) ESTABLISHED PRECINCTS OF THE PROVINCES LANA DEL SUR, BASILAN AND MAGUINDANAO DURING THE LAST 2016 ELECTIONS, WHICH ARE NOT IDENTICAL WITH THE ORIGINAL AND GENUINE SIGNATURES AND/OR THUMBRINTS OF THE REAL AND LEGITIMATE VOTERS AS REFLECTED ON THE RELEVANT VRRs IN THE SAID PROTESTED AREAS.**

6. As a consequence of the findings cited above, the Voters Identification Division of the COMELEC-ERSD concluded that the **"2016 National, Local and ARMM Elections has (*sic*) been marked with different forms of election fraud such as massive substituted voting."**¹

7. The above-cited technical examination result is contained in the **Dactyloscopic and Questioned Document Reports** dated 5 June 2018, a copy of which was presented by former Sulu Vice Governor Tan to protestant Marcos on **22 November 2018**. For the convenient reference of this Honorable Tribunal, a copy of the Dactyloscopic and Questioned Document Reports dated 5 June 2018 is herein attached and made an integral part of this submission as **Annex "A"**.

8. This staggering latest development compelled protestant Marcos to seek again the aid and assistance of this Honorable Tribunal so that he can **preserve and safeguard this vital**

¹ Emphasis and underscoring supplied.

documentary evidence, which is crucial in proving his third cause of action, that is the *annulment of the election results in the provinces of Lanao Del Sur, Basilan and Maguindanao due to widespread terrorism, violence, force, threats, force, intimidation, pre-shading of ballots, and substitution of voters thereat.*

9. In view of the foregoing, it is respectfully submitted that there is an urgent and imperative need for this Honorable Tribunal to:

- i. To issue a *subpoena duces tecum* to the Voters Identification Division of the COMELEC-ERSD to produce and submit the Dactyloscopic and Questioned Document Reports dated 5 June 2018 and such other relevant documents involving the technical examination conducted on the VRRs as against the EDCVLs of *Five Hundred Eight (508)* established precincts in the provinces of Lanao Del Sur, Maguindanao, and Basilan during the last 9 May 2016 National and Local elections;
- ii. To investigate all the concerned Chairman and Members of the BEIs who served in the provinces of Lanao Del Sur, Maguindanao, and Basilan during the last 9 May 2016 National and Local elections to determine their involvement and participation concerning the incidence of substituted-voting in the said provinces; and
- iii. To immediately direct the Voters Identification Division of the COMELEC-ERSD to conduct a technical examination on the signatures and/or thumbprints appearing on the VRRs and EDCVLs of the entire *Two Thousand Seven Hundred Fifty-Six (2,756)* protested clustered precincts of Lanao Del Sur, Maguindanao, and Basilan in connection with the last 9 May 2016 National and Local elections.

10. Protestant Marcos intends to use the results of the technical examination of the signatures and thumbprints appearing on the VRRs as against those appearing on the EDCVLs used during the last 9 May 2016 National and Local elections as part of his

evidence in support of his third cause of action, which is the **ANNULMENT OF THE ELECTION RESULTS IN THE PROVINCES OF BASILAN, LANA DEL SUR, and MAGUINDANAO.**

11. Protestant Marcos is willing to shoulder the administrative costs and expenses relative to this request.

PRAYER

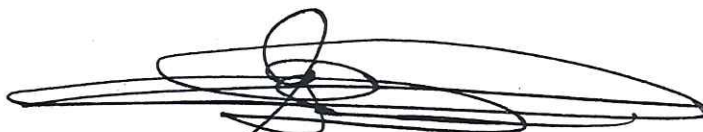
ACCORDINGLY, it is most respectfully prayed of this Honorable Tribunal to duly **NOTE** the foregoing *Extremely Urgent Manifestation of Grave Concern*; **GRANT** the *Omnibus Motion*; **ISSUE** a *subpoena duces tecum* to the Voters Identification Division of the COMELEC-ERSD to produce and submit the Dactyloscopic and Questioned Document Reports dated 5 June 2018 and such other relevant documents involving the technical examination conducted on the VRRs as against the EDCVLs of *Five Hundred Eight (508)* established precincts in the provinces of Lanao Del Sur, Maguindanao, and Basilan during the last 9 May 2016 National and Local elections; **INVESTIGATE** all the concerned Chairman and Members of the BEIs who served in the provinces of Lanao Del Sur, Maguindanao, and Basilan during the last 9 May 2016 National and Local elections to determine their involvement and participation as to the incidence of substituted-voting in the said provinces; and **DIRECT** the Voters Identification Division of the COMELEC-ERSD to conduct a technical examination on the signatures and/or thumbprints appearing on the VRRs and EDCVLs of the entire *Two Thousand Seven Hundred Fifty-Six (2,756)* protested clustered precincts of Lanao Del Sur, Maguindanao, and Basilan in connection with the last 9 May 2016 National and Local elections.

OTHER RELIEFS, just and equitable under the premises, are likewise prayed for.

City of Manila, Philippines, **10 December 2018.**

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Lead Counsel for the Protestant
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By:



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MCLE Compliance No. VI-0006563; 12-19-18

JOAN M. PADILLA
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PTR OR No. 5526177; 01-04-2018; Quezon City
IBP Lifetime Membership No. 07416; Makati Chapter
MCLE Compliance No. VI-0005694; 01-10-2018

NOTICE OF SUBMISSION

THE CLERK OF THE TRIBUNAL

Presidential Electoral Tribunal
Padre Faura, Manila

ATTY. ROMULO B. MACALINTAL

Lead Counsel for Protestee Robredo
c/o Sardillo Sardillo Salom Law Office
Unit 802, Taipan Place, F. Ortigas Avenue,
Ortigas Center, Pasig City

#: PE00588216577

THE SOLICITOR GENERAL

134 Amorsolo Street
Legaspi Village, 1229 Makati City

: NE005882205ZZ

THE COMMISSION ON ELECTIONS

Palacio Del Gobernador Building
General Luna St., Intramuros
Manila

: NE005882191ZZ

VOTERS IDENTIFICATION DIVISION

COMMISSION ON ELECTIONS
Palacio Del Gobernador Building
General Luna St., Intramuros
Manila

: NE005882188ZZ

ELECTION RECORDS AND STATISTICS DEPARTMENT

COMMISSION ON ELECTIONS
Palacio Del Gobernador Building
General Luna St., Intramuros
Manila

: NE005882174ZZ

Greetings:

Please take notice that the foregoing *Extremely Urgent Manifestation of Grave Concern with Omnibus Motion* shall be submitted for the consideration and approval of this Honorable Tribunal immediately upon receipt hereof.



GEORGE ERWIN M. GARCIA

EXPLANATION

[Pursuant to Rule 30 and 31 of the PET Rules in relation to Section 11, Rule 13 of the 1997 Rules of Civil Procedure]

Copies of the foregoing *Extremely Urgent Manifestation of Grave Concern with Omnibus Motion* were served to the above-mentioned parties by registered mail, personal service being impractical due to time and manpower constraints.



GEORGE ERWIN M. GARCIA

AFFIDAVIT OF SERVICE

(Revised as of April 1, 1994)

I, **Jerry C. Guevarra**, a clerk of the G.E. GARCIA Law Office with office address at Ground Floor, LAIKO Bldg., Cabildo St., Intramuros, City of Manila, after being duly sworn, do hereby depose and say:

That on December 12, 2018, I served a copy of the following pleading/paper.

NATURE OF PLEADING/PAPER

"EXTREMELY URGENT MANIFESTATION OF GRAVE CONCERN WITH OMNIBUS MOTION"

In **PET Case No. 005** entitled **"FERDINAND 'BONGBONG' R. MARCOS, JR., Protestant, -versus- MARIA LEONOR 'LENI DAANG MATUWID' G. ROBREDO, Protestee"**, pursuant to Sections 3, 4, 5 and 10, Rule 13 of the Rules of Court, as follows:

By Registered Mail:

R. R. Nos.

ATTY. ROMULO B. MACALINTAL

Lead Counsel for Protestee Robredo
c/o Sardillo Sardillo Salom Law Office
Unit 802, Taipan Place, F. Ortigas Avenue,
Ortigas Center, Pasig City

RE 00588216522

THE SOLICITOR GENERAL

134 Amorsolo Street
Legaspi Village, 1229 Makati City

RE 00588220522

THE COMMISSION ON ELECTIONS

Palacio Del Gobernador Building
General Luna St., Intramuros
Manila

RE 00588219122

VOTERS IDENTIFICATION DIVISION

COMMISSION ON ELECTIONS
Palacio Del Gobernador Building
General Luna St., Intramuros
Manila

RE 00588218822

ELECTION RECORDS AND STATISTICS DEPARTMENT

COMMISSION ON ELECTIONS
Palacio Del Gobernador Building
General Luna St., Intramuros
Manila

RE 00588217422

By depositing a copy at the post office in Manila, as evidenced by Registry Receipt(s) No(s) and indicated after the name(s) of the addressee(s), and with instructions to the postmaster to return the mail to the sender after ten (10) days if undelivered.

December 12, 2018, Manila, Philippines.

JERRY C. GUEVARRA
Affiant

SUBSCRIBED AND SWORN to before me this DEC 12 2018 at Manila, Philippines, affiant exhibiting to me his Tax Identification No. 300-192-753-000. Issued by Bureau of Internal Revenue.

Doc. No. 1243
Page No. 49
Book No. XII
Series of 2018.

NOTARY PUBLIC
ATTY. RAUL R. MONTINO
UNTIL DECEMBER 31, 2019
PTR NO. 6979843-2018
PD.12/28/17 MANILA
IBP LIFETIME NO. 012899
SCROLL NO. 57289
MCLE COMP. NO. V-0019704
UNIT 24 681 BEATERIO
COR. MAGALLANES STS.
INTRAMUROS, MANILA 1000

VERIFIED DECLARATION

I, **JERRY C. GUEVARRA**, a clerk of the G.E. GARCIA Law Office with office address at Ground Floor, LAIKO Bldg., Cabildo St., Intramuros, City of Manila, hereby declare that the document/s (and annexes thereof) hereto submitted electronically in accordance with the Efficient use of Paper Rule is/are complete and true copy/ies of the document/s **"EXTREMELY URGENT MANIFESTATION OF GRAVE CONCERN WITH OMNIBUS MOTION"** (With Annex "A") in **PET Case No. 005** entitled **FERDINAND 'BONGBONG' R. MARCOS, JR.,** *Protestant*, -versus- **MARIA LEONOR 'LENI DAANG MATUWID' G. ROBREDO**, *Protestee*, filed with the Presidential Electoral Tribunal.

Signature: _____

Printed Name: **Jerry C. Guevarra**

Position: Staff

Date: December 12, 2018

SUBSCRIBED AND SWORN to before me this DEC 12 2018 at Manila, Philippines, affiant exhibiting to me his Tax Identification No. 300-192-753-000. Issued by Bureau of Internal Revenue.

ATTY. RAUL R. MONTINO
NOTARY PUBLIC

Person Administering Oath

UNTIL DECEMBER 31, 2019
PTR NO. 6979843-208
PD.12/23/17 MANILA
IBP LIFETIME NO. 012899
SCROLL NO. 57289
MCLE COMP. NO. V-001970
UNIT 2A 681 BEATERIO
COR. MAGALLANES STS.
INTRAMUROS, MANILA 100

Doc. No. 1244 ;
Page No. 49 ;
Book No. 81 ;
Series on 2018.



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
Intramuros, Manila

VOTERS IDENTIFICATION DIVISION
ELECTION RECORDS AND STATISTICS DEPARTMENT

ANNEX A
DACTYLOSCOPIC AND QUESTIONED DOCUMENT REPORTS

CASE NO. : EPC NO. 2016-37

ABDUSAKUR M. TAN *versus* MUJIV S. HATAMAN
(Protestant) (Protestee)

Ordered by : Hon. LUIE TITO F. GUIA
Presiding Commissioner
Second Division

Date started : JUNE 05, 2018

PURPOSE OF EXAMINATION :

To determine whether or not the thumbprints and signatures found in the Voter Registration Records (VRRs) of all the voters in the Five Hundred Eight (508) established precincts in one hundred twenty seven (127) barangays under Protest matched with the thumbprints and handwriting/signatures found in the Election Day Computerized Voters Lists (EDCVLs).

EQUIPMENT/APPARATUS USED : MAGNIFYING LENS

SPECIMEN SUBMITTED:

- | | | | |
|----|----------------------|---|---|
| A. | QUESTIONED DOCUMENTS | - | Election Day Computerized Voters Lists (EDCVLs) |
| B. | STANDARD DOCUMENTS | - | Voter Registration Records (VRRs) |

FINDINGS :

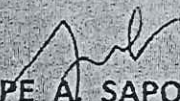
After thorough and extensive scientific examination conducted on the thumbprints and signatures appearing in the Voter Registration Records (VRRs) as against those on the Election Day Computerized Voters Lists (EDCVLs) in the contested five hundred eight (508) established precincts having 82,316 registered voters in the 127 barangays in the province of BASILAN, LANA DEL SUR and MAGUINDANAO, the result of the said examination are as follows:

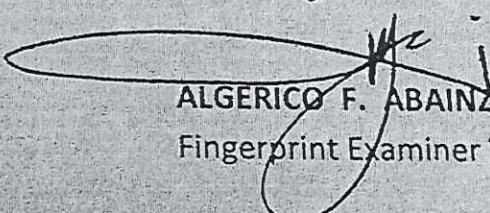
TECHNICAL FINDINGS			RESULT OF TECHNICAL EXAMINATION (Registered Voters - RV))
Findings	Signature	Thumbprint	
IDENTICAL	3,433	69	= 3,502 RV were found IDENTICAL (Positive)
NOT IDENTICAL	40,528	3,295	= 43,823 RV were found NOT IDENTICAL (Negative)
NO OPINION	2,243	7,986	= 10,229 RV were found NO OPINION
DID NOT VOTE	6,723	0	= 6,723 RV who did not vote
NO VRR	8,433	1,469	= 9,902 RV were found with NO VRR
NO FINDINGS due to NO VRRS, NO EDCVL submitted and missing page of EDCVL (Clustered Precinct)			= 8,137 Registered Voters

CONCLUSION :

Based on the findings stated above, we therefore conclude that the 2016 National, Local and ARMM Elections has been marked with different forms of election fraud such as massive substituted voting.

Submitted by:

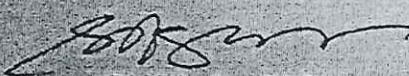

PEPE A. SAPO
Document Examiner II


ALGERICO F. ABAINZA
Fingerprint Examiner V

Verified by:


TITA M. MIRANDA
Identification Officer I

Noted by:


LOLITA D. ZARA
Identification Officer II



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

D-8

VOTERS IDENTIFICATION DIVISION, ELECTION RECORDS AND STATISTICS DEPARTMENT
SUMMARY REPORT on the RESULTS of DACTYLOSCOPIC and QUESTIONED DOCUMENT EXAMINATIONS
EPC No. 2016 - 37 ABDUSAKUR M. TAN versus MUJIV S. HATAMAN
Province of BASILAN, LANA O DEL SUR and MAGUINDANAO

TOTAL NUMBER OF REGISTERED VOTERS : 82,316

A. Total number of signatures of Registered Voters in the EDCVL matched with their VRRs found to be IDENTICAL (Positive)	3,433
B. Total number of signatures of Registered Voters in the EDCVL matched with their VRRs found NOT IDENTICAL (Negative)	40,528
C. Total number of Registered Voters in the EDCVL matched with their VRRs found with NO OPINION	2,243
D. Total number of Registered Voters whose thumbprint in VRRs are IDENTICAL to their thumbprints appearing on the EDCVLs	69
E. Total number of Registered Voters whose thumbprint in VRRs are NOT IDENTICAL to their thumbprints appearing on the EDCVLs	3,295
F. Total number of Registered Voters whose thumbprint in VRRs found with NO OPINION to their thumbprints appearing on the EDCVLs	7,986
G. Total number of Registered Voters WHO DID NOT VOTE	6,723
H. Total number of Registered Voters WITHOUT VOTER REGISTRATION RECORDS (VRRs)	9,902
I. Total number of Registered Voters without findings due to NO VRRs, NO EDVLs submitted and MISSING PAGE OF EDCVL (per clustered precinct)	8,137

Submitted by:

TITA M. MIRANDA
Identification Officer