

FILE COPY

Republic of the Philippines
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila

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

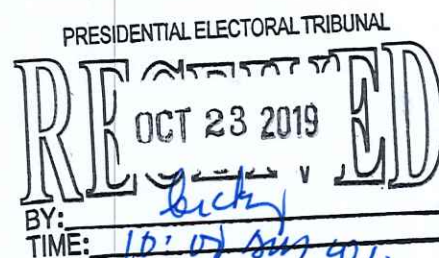
Protestant,

-versus-

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

Protestee.

X- - - - - X



PET Case No. 005

For: Election Protest
Vice-President

OMNIBUS MOTION

[i. TO PHOTOCOPY THE RELEVANT REPORT/S ON THE REVISION AND APPRECIATION OF VOTES RELATING TO THE THREE (3) PILOT PROTESTED PROVINCES OF CAMARINES SUR, ILOILO AND NEGROS ORIENTAL and ii. TO DEFER THE SUBMISSION OF THE REQUIRED COMMENT ON THE SAID REPORT]

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 **21 October 2019**, protestant Marcos, through the undersigned counsels, received a copy of this Honorable Tribunal's *Resolution* dated 15 October 2019, which directed the parties to submit a **MEMORANDUM** within *twenty (20)* working days, starting from receipt of a copy of the Resolution containing the following:

- I. Their comments on the report on the revision and appreciation of votes to the three pilot provinces, Camarines Sur, Iloilo, and Negros Oriental as it relates to the Second Cause of Action;
- II. Their position on the following issues related to the Third Cause of Action:
 - A) Whether or not the results in the revision and appreciation of votes with respect to the Protestant's second cause of

action moots or renders unnecessary the consideration of the Protestant's Third Cause of Action;

- B) Whether or not the Presidential Electoral Tribunal has the competence to resolve the Third Cause of Action;
- C) Assuming that the Presidential Electoral Tribunal has the competence to resolve the Third Cause of Action which is not mooted by the results of Tribunal's findings with respect to the second cause of action:
 - 1) What are the filing rules and requirements that a party must observe if he or she seeks the relief of annulment of elections before the Presidential Electoral Tribunal?
 - 2) What is the threshold of evidence that is required to prove failure or annulment of elections?
 - 3) Will evidence other than those listed by the parties during the preliminary conference be considered?
 - 4) What percentage of votes/precincts needs to be proven as having been affected by the grounds for failure or annulment of elections?
 - 5) Will the threshold apply per province or to all three (3) provinces? Can there be failure or annulment in some but not all three (3) provinces?
 - 6) Should a similar pilot testing rule be equally applied in annulment of election cases?
- D) Assuming that the Tribunal is convinced that there is basis to find for the Protestant in the Third Cause of Action:
 - 1) Will this mean that the elections for all the elective positions in the ballot be nullified with all its attendant legal consequences?
 - 2) Can our declaration as the Presidential Electoral Tribunal or the Supreme Court be a bar for any question relative to any present and future electoral protest involving the same area and for any position?
 - 3) Will it be necessary to call for special elections for the position of Vice President? If so, who has the competence to call for such elections?
 - 4) Will this mean "recovery" for the Protestant under Rule 65, which will, in turn, mean revision of all his contested precincts nationwide?

- 5) What will be the effect of our ruling on Protestant's Third Cause of Action on protestee's counter protest?

The voluminous documents mentioned in this Resolution as its Annexes shall be made available to the Parties or their counsels or authorized representatives for their inspection, review, or when practicable and with prior leave, for their photocopying within reasonable business hours at the office of the Tribunal.

2. Considering that the relevant report/s on the revision and the appreciation of votes relating to the three (3) pilot protested provinces consist of voluminous documents, protestant Marcos is constrained to request this Honorable Tribunal to allow him to photocopy the said report/s to enable him to comply with the directive of this Honorable Tribunal to file his comment thereon.

3. For this purpose, protestant Marcos hereby designates the following as his duly authorized representatives for the requested photocopying of the reports mentioned above, thus:

1. Zosimo G. Gabriel
2. Jennifer P. Gabriel
3. Rhoderic C. Miranda
4. Mary Dorie R. Fugaban
5. Sheba D. Valmocena
6. Angelo D. Valmocena
7. Ronald D. Ocampo
8. Zeus O. Alonzo
9. Arifa Jumamil
10. Ailyn Bernales
11. Violeta Rocero
12. Sisa C. Ocampo
13. Isabelita Humaol
14. Marvylou G. Gallardo
15. Tony P. Amorganda

4. Protestant Marcos and his duly authorized representatives mentioned above are willing to comply with the rules and guidelines to be imposed by this Honorable Tribunal relative to the requested photocopying activities subject of this Motion.

5. Protestant Marcos would also like to request this Honorable Tribunal to deduct from his cash deposit all the administrative expenses that will be incurred relative to his request to photocopy the relevant report/s on the revision and the appreciation of votes.

6. And considering that the photocopying of the reports has yet to commence, protestant Marcos is likewise constrained to move for the deferment of his deadline to submit his comments on the said report/s on the revision and the appreciation of votes until the requested photocopying of the documents reports is granted and completed.

PRAYER

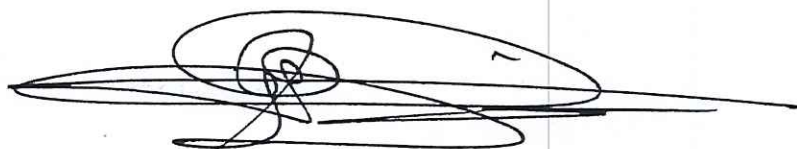
ACCORDINGLY, it is most respectfully prayed of this Honorable Tribunal to **GRANT** the foregoing Omnibus Motion to photocopy the relevant report/s on the revision and the appreciation of votes relating to the three (3) pilot protested provinces; to **ACCREDIT**, **AUTHORIZE** and **ALLOW** protestant's representatives to witness and participate in the photocopying of the requested documents; and to **DEFER** protestant's deadline to submit his comments on the said report/s on the revision and the appreciation of votes until the requested photocopying of the documents reports is granted and completed.

Other reliefs, just and equitable under the premises, are also prayed for.

City of Manila, Philippines, **22 October 2019.**

G.E. GARCIA LAW OFFICE
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Email: geglaw.office@gmail.com

By:



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IBP Lifetime No. 02652; Cavite Chapter

MCLE Compliance No. VI- 0006563; 02-19-18



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PTR OR No. 7150285; 01-03-2019; 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

#: PE 127 897 774 22

Lead Counsel for Protestee Robredo

c/o Sardillo Sardillo Salom Law Office

Unit 802, Taipan Place, F. Ortigas Avenue,

Ortigas Center, Pasig City

THE SOLICITOR GENERAL

#: PE 127 897 788 22

134 Amorsolo Street

Legaspi Village, 1229 Makati City

THE COMMISSION ON ELECTIONS

#: PE 121 328 602 22

Palacio Del Gobernador Building

General Luna St., Intramuros

Manila

Greetings:

Please take notice that the foregoing 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 *Omnibus Motion* were served to the above-mentioned parties by registered mail, personal service being impractical due to distance, time and manpower constraints.



GEORGE ERWIN M. GARCIA

AFFIDAVIT OF SERVICE

I, **JERRY C. GUEVARRA**, of legal age, Filipino, a clerk of **G.E. Garcia Law Office** with office address at Ground Floor, LAIKO Building, Cabildo Street, Intramuros, Manila, Philippines, after having been duly sworn to in accordance with law, hereby depose and state that:

That on **October 23, 2019**, I served a copy of **OMNIBUS MOTION** [i. TO PHOTOCOPY THE RELEVANT REPORT/S ON THE REVISION AND APPRECIATION OF VOTES RELATING TO THE THREE (3) PILOT PROTESTED PROVINCES OF CAMARINES SUR, ILOILO AND NEGROS ORIENTAL and ii. TO DEFER THE SUBMISSION OF THE REQUIRED COMMENT ON THE SAID REPORT] in a case docketed as **PET Case No. 005** entitled, Ferdinand "Bongbong" R. Marcos, Jr, vs. Maria Leonor "Leni Daang Matuwid" G. Robredo" by registered mail in accordance with Section 7, in relation to Section 13, both of Rule 13 of the 1997 Rules of Civil Procedure.

<u>Name and Address</u>	<u>Registry Receipt No.</u>
ATTY. ROMULO B. MACALINTAL c/o Sardillo Sardillo Salom Law Office Unit 802, Taipan Place, F. Ortigas Avenue, Ortigas Center, Pasig City	Ne 127 897774 2f
THE SOLICITOR GENERAL 134 Amorsolo Street Legaspi Village, 1229 Makati City	Ne 127 8977788 2f
THE COMMISSION ON ELECTIONS Palacio Del Gobernador Building General Luna St., Intramuros Manila	Ne 121 328602 2f

by depositing a copy thereof in the post office, in sealed envelope plainly addressed to the parties at their respective office addresses indicated above, with postage fully prepaid as per registry receipt number likewise indicated above and the original registry receipt attached to the original of the pleading, and with instructions to the postmaster to return the mail to the sender after ten (10) days if undelivered.

IN WITNESS WHEREOF, I have hereunto set my hand this **October 23 2019** **2019** at the Manila City, Philippines.

JERRY C. GUEVARRA
Affiant

SUBSCRIBED AND SWORN TO before me on this **OCT 23 2019** day of October, 2019 affiant exhibiting his Tax Identification No. 300-192-753-000. Issued by Bureau of Internal Revenue.

Doc. No. 801
Page No. 161
Book No. 68
Series of 2019.

ATTY. PEDRO D. GENATO
Notary Public Until Dec. 31, 2019
Notarial Commission 2018-011 Mla.
BP# 012432 Pasig 7-27-17 until 2019
TR# Mla 8008954 - 1-3-2019
Roll# 12088, TIN# 132-436-687
MCLE Compl. No. VI-0021170 until 4-14-2022

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 **"OMNIBUS MOTION** [i. TO PHOTOCOPY THE RELEVANT REPORT/S ON THE REVISION AND APPRECIATION OF VOTES RELATING TO THE THREE (3) PILOT PROTESTED PROVINCES OF CAMARINES SUR, ILOILO AND NEGROS ORIENTAL and ii. TO DEFER THE SUBMISSION OF THE REQUIRED COMMENT ON THE SAID REPORT]" 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: October 23, 2019

SUBSCRIBED AND SWORN to before me this OCT 23 2019 at Manila, Philippines, affiant exhibiting to me his Tax Identification No. 300-192-753-000. Issued by Bureau of Internal Revenue.

Person Administering Oath

Doc. No. 495 ;
Page No. 94 ;
Book No. 58 ;
Series on 2019.


ATTY. PEDRO D. GENATO
Notary Public Until Dec. 31, 2019
Notarial Commission 2018-011 Mla.
IBP# 012432 Pasig 7-27-17 until 2019
PTR# Mla 8008954 - 1-3-2019
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