



Republic of the Philippines  
Presidential Electoral Tribunal  
Manila

NOTICE

Sirs/Mesdames:

*Please take notice that the Tribunal issued a Resolution dated SEPTEMBER 29, 2020, which reads as follows:*

**"P.E.T. Case No. 005**

**FERDINAND "BONGBONG" R. MARCOS, JR., *protestant*, vs. MARIA LEONOR "LENI DAANG MATUWID" G. ROBREDO, *protestee*.**

RESOLUTION

In order to arrive at a full, fair, and efficient resolution, the Presidential Electoral Tribunal, voting unanimously, resolves to furnish the Commission on Elections and the Office of the Solicitor General with a copy of its October 15, 2019 Resolution and copies of the parties' respective memoranda on the Resolution.

The Commission on Elections is directed to **REPORT** to this Tribunal where petitions for failure of elections were filed in the provinces of Maguindanao, Lanao del Sur, and Basilan during the 2016 National and Local Elections. The Commission on Elections is ordered to provide this Tribunal what its corresponding resolution was – that is, whether these petitions were granted or denied. If failure of elections was declared and special elections conducted, the Commission on Elections is further ordered to provide the results of the special elections.

The Commission on Elections is directed to **COMMENT** within a non-extendible period of twenty (20) working days from receipt of a copy of this Resolution:

On the following issues related to the Third Cause of Action of annulment of elections on the ground of terrorism, intimidation,

harassment of voters, and pre-shading of ballots in the provinces of Maguindanao, Lanao del Sur, and Basilan, specifically:

- A. Whether or not there is merit to the allegation that 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”<sup>1</sup>
- B. 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;
- C. Whether or not the Presidential Electoral Tribunal has the competence to resolve the Third Cause of Action;
- D. Assuming that the Presidential Electoral Tribunal has the competence to resolve the Third Cause of Action which is not mooted by the results of its findings with respect to the Second Cause of Action:
  - i. 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?
  - ii. What is the threshold of evidence that is required to prove failure or annulment of elections?
  - iii. What percentage of votes/precincts needs to be proven as having been affected by the grounds for failure or annulment of elections?
  - iv. 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?
  - v. Should a similar pilot testing rule be equally applied in annulment of elections cases?
- E. Assuming that the Presidential Electoral Tribunal is convinced that there is basis to find for the Protestant in the Third Cause of Action:
  - i. Will this mean that the elections for all the elective positions in the ballot be nullified with all its attendant legal consequences?
  - ii. 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?
  - iii. 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?

---

<sup>1</sup> Protestant's Memorandum, p. 565.



- iv. Will this mean "recovery" for the Protestant under Rule 65, which will, in turn, mean revision of all his contested precincts nationwide?
- v. What will be the effect of the Tribunal's ruling on Protestant's Third Cause of Action on protestee's counter protest?

The Commission on Elections and the Office of the Solicitor General are also directed to **COMMENT** within a non-extendible period of twenty (20) working days on the following issues:

- I. Whether or not the Presidential Electoral Tribunal is empowered by the Constitution to declare:
  - a) annulment of elections without special elections; and
  - b) failure of elections and then order the conduct of special elections.
- II. Whether or not the Presidential Electoral Tribunal's declaration of failure of elections and then ordering of special elections, will infringe upon the Commission on Election's mandate and powers provided for in Article IX (C) (Sec. 2) of the Constitution, which reads:

Sec. 2. The Commission on Elections shall exercise the following powers and functions:

- (1) Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall.
- (2) Exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or involving elective barangay officials decided by trial courts of limited jurisdiction.

Decisions, final orders, or rulings of the Commission on election contests involving elective municipal and barangay offices shall be final, executory, and not appealable.

- (3) Decide, except those involving the right to vote, all questions affecting elections, including determination of the number and location of polling

9

places, appointment of election officials and inspectors, and registration of voters.

- (4) Deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the Government, including the Armed Forces of the Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful, and credible elections.
- (5) Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government; and accredit citizens' arms of the Commission on Elections. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.

Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections, constitute interference in national affairs, and, when accepted, shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law.


- (6) File, upon a verified complaint, or on its own initiative, petitions in court for inclusion or exclusion of voters; investigate and, where appropriate, prosecute cases of violations of election laws, including acts or omissions constituting election frauds, offenses, and malpractices.
  - (7) Recommend to the Congress effective measures to minimize election spending, including limitation of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidates.
  - (8) Recommend to the President the removal of any officer or employee it has deputized, or the imposition of any other disciplinary action, for violation or disregard of, or disobedience to, its directive, order, or decision.
  - (9) Submit to the President and the Congress, a comprehensive report on the conduct of each election, plebiscite, initiative, referendum, or recall.
- 9

The Commission on Elections and the Office of the Solicitor General are directed to **FURNISH**, through personal service, the parties with copies of their comments. The parties, in turn, are directed to **SUBMIT** their replies within a non-extendible period of fifteen (15) working days from receipt of the copies of the respective comments from the Commission on Elections and the Office of the Solicitor General.

Let this Resolution be served to the parties by personal service.

Caguioa, J., on official leave but left a vote in favor of the resolution; Delos Santos, J., on official leave. Baltazar-Padilla, J., on leave. (1)

By authority of the Tribunal:



**EDGAR O. ARICHETA**  
Clerk of the Tribunal

**Atty. George Erwin M. Garcia** and  
**Atty. Joan M. Padilla** (x)  
G.E. Garcia Law Office  
Ground Floor Laiko Building  
372 Cabildo Street  
Intramuros, 1002 Manila

**Justice Jose C. Vitug (ret.)** (Reg.)  
373 Matienzo Street, San Miguel, Manila

**Atty. Angelito C. Imperio** (Reg.)  
17 Third Street, Saint Ignatius Village  
Quezon City

**Atty. Irene Ragodon-Guevarra** (Reg.)  
Lot 12, Blk 25 Carnation Street  
Primrose Hills Subdivision  
Mahabang Parang, Angono, Rizal

**Atty. Romulo B. Macalintal** (x)  
Sardillo Sardillo Salom Law Office  
Unit 802, Taipan Place  
F. Ortigas Avenue  
Ortigas Center, Pasig City

**Chairperson Sheriff M. Abas** (x)  
Commission on Elections  
Intramuros, Manila

**Office of the Solicitor General** (x)  
134 Amorsolo Street  
Legaspi Village, 1229 Makati City