

Republic of the Philippines
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila

FERDINAND "BONGBONG" R.
MARCOS, JR.,

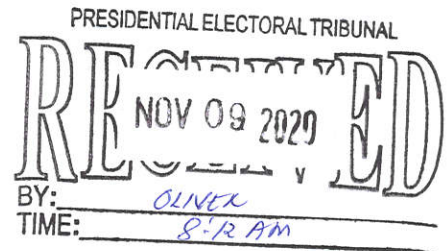
Protestant,

-versus-

MARIA LEONOR "LENI
DAANG MATUWID" G.
ROBREDO,

Protestee.

X-----X



PET Case No. 005

*For: Election Protest –
Vice President*

STRONG MANIFESTATION
with
EXTREMELY URGENT OMNIBUS MOTION FOR THE :

- I. INHIBITION OF ASSOCIATE JUSTICE MARIO VICTOR F. LEONEN;
- II. RE-RAFFLE OF THIS ELECTION PROTEST;
- III. RESOLUTION OF ALL THE PENDING INCIDENTS IN THE ABOVE ENTITLED CASE.

Protestant FERDINAND "BONGBONG" R. MARCOS, JR. ("MARCOS" for brevity) by himself, together with the *Special Appearances* of counsels and regular counsel, and unto this honorable Presidential Electoral Tribunal ("PET" for brevity), most respectfully moves for the immediate inhibition of Associate Justice Mario Victor F. Leonen ("**Associate Justice Leonen**") from participating in any of the proceedings relating to the above-entitled election protest on the ground of evident bias and manifest partiality in favor of the protestee Maria Leonor G. Robredo ("**ROBREDO**" for brevity).

PREFATORY STATEMENT

1. An election is the embodiment of the popular will and the expression of the sovereign power of the people. It involves the people's choice of candidates for public office by popular vote.¹

2. When questions of foul play are raised during an election, time is of paramount importance. An election controversy, which by its very nature touches upon the ascertainment of the people's choice, should be resolved with utmost dispatch, precedence and due process.²

3. It has been 4 years, 4 months & 9 days since MARCOS first filed his election protest before this honorable Tribunal.

4. Under R.A. 1793, election protests for President and Vice-President should be resolved within twenty (20) months after it is filed³. Fifty-three (53) months later, MARCOS is still waiting for his election protest to be determined.

5. After the enactment of the 1987 Constitution, all the election protests filed for either President or Vice-President were dismissed due to technicalities. PET Cases No. 001⁴ and 003⁵ were terminated after protestants Miriam Santiago and Loren Legarda filed their *Certificates of Candidacy* for Senators and assumed office after the midterm elections. PET Case No. 002⁶ was dismissed because protestant Fernando Poe Jr. passed away in December 2004. PET Case No. 004 was likewise dismissed in August 2016 for being moot and academic because "neither party expressed their interest to pursue the case despite being directed to do so."⁷

¹ *Sambarani v. COMELEC*, G.R. No. 160427, 15 September 2004, 438 SCRA 327.

² *Miguel v. COMELEC*, G.R. No. 136966, 5 July 2000, 335 SCRA 180.

³ Section 3 of R.A. 1793 provides as follows : The Presidential Electoral Tribunal shall decide the contest within twenty months after it is filed, and within said period shall declare who among the parties has been elected, or, in the proper case, that none has been elected, and in case of a tie between the candidates for president or for vice-president involved in the contest, one of them shall be chosen President or Vice-President, as the case may be, by a majority vote of the members of the Congress in joint session assembled.

⁴ *Defensor-Santiago v. Ramos*. P.E.T. Case No. 001, 13 February 1996.

⁵ *Legarda v. De Castro*. P.E.T. Case No. 003, 18 January 2008.

⁶ *Poe v. Macapagal-Arroyo*. P.E.T. Case No. 002, 29 March 2005.

⁷ *Roxas v. Binay*. P.E.T. Case No. 004, 16 August 2016.

6. PET Case No. 005 is different. From day 1, protestant **MARCOS** religiously complied with all the requirements to resolve his election protest at the soonest possible time.

7. Three (3) years into the protest, **MARCOS** could have easily filed his candidacy for Senator, Congressman or Governor in the 2019 elections. However, because he did not want to disappoint the over 14 million voters who voted him to the second-highest position in the country⁸, he decided not to throw his hat into the political arena and patiently wait for the outcome of his protest. Four (4) years later, **MARCOS** is still waiting for his election protest to be resolved.

8. Less than a year from now, all candidates vying for national elections will have to file their *Certificate of Candidacy*. **Whatever the outcome of the 2022 elections, MARCOS's election protest would be rendered moot and academic⁹.** Indeed, it would be a travesty of justice if **MARCOS** waited all these years for nothing.

9. We humbly come before this honorable Tribunal and ask : will **MARCOS'** electoral protest suffer the same fate as those before him? Can there be a fair and speedy resolution of his protest with **Associate Justice Leonen** at the helm?

10. We do not think so. Hence, the within *Motion*.

Voting 11 -2, this honorable Tribunal said it would "chart a way forward x x x and afford the parties the fullest opportunity to make their case consistent with due process of law"

⁸ *Legarda v. De Castro*, P.E.T. Case No. 003 (*Resolution*), 18 January 2008, 542 SCRA 146.

⁹ *Lim-Bungcaras v. COMELEC*, G.R. No. 209415 - 17 & 210002, 15 November 2016, 809 SCRA 58 : The filing of a Certificate of Candidacy will not render the protest moot and academic. It is the subsequent declaration of a winning candidate which would render the subject of the protest as being moot and academic.

11. When the election protest was filed on 29 June 2016, the same was raffled to Associate Justice Alfredo S. Caguioa (Associate Justice Caguioa). It took Associate Justice Caguioa more than a year to schedule a preliminary conference¹⁰. After the issues were joined, it took almost a year to complete the manual recount of the three (3) pilot provinces.¹¹

12. On 9 September 2019, Associate Justice Caguioa suddenly and unilaterally released his unofficial report to the media¹² and recommended that the election protest be dismissed because of Rule 65 of the PET Rules.¹³

13. On 15 October 2019, voting 11-2, the PET deferred ruling on whether to dismiss or proceed with MARCOS's poll protest. Instead, it required both parties to comment on the recount results within twenty (20) days. In their words :

"With this Resolution and the Memorandum required of both parties, the Tribunal will chart a way forward after the initial revision and recount, affording the parties the fullest opportunity to make their case consistent with due process of law. This Resolution does not yet resolve the entire case but is merely preliminary and interlocutory in nature. It designed to hear the parties fully on the various legal issues relating to their controversy. It is not a finding for or against the protestant or the protestee."¹⁴
(Emphasis and underscoring supplied)

¹⁰ The Preliminary Conference was held on 11 July 2017.

¹¹ The manual recount of votes for the pilot provinces of Camarines Sur, Iloilo & Negros Oriental began on 2 April 2018 and ended on 5 March 2019.

¹² Associate Justice Caguioa stated in his report : " *Here the numbers show that protestant failed to make out his case. The results of the revision and appreciation of the ballots in the three (3) provinces show that the margin between protestant and protestee even widened from 263,473 to 278,506. He further said, "The results of the revision and appreciation in his three (3) pilot provinces only lead to one conclusion: the dismissal of his Protest. With this, the Tribunal can arrive at only one conclusion, and that is, protestee was indeed validly proclaimed as the country's VP during the 2016 NLE x x x "The instant Election Protest is hereby DISMISSED without further proceedings for lack of merit. The proclamation of protestee Maria Leonor G. Robredo as the duly elected Vice President of the Philippines in the May 9, 2016 National and Local Elections is AFFIRMED.*"

¹³ Rule 65 of the 2010 PET Rules provides that : "**Dismissal; when proper.** -The Tribunal may require the protestant or counter-protestant to indicate, within a fixed period, the province or provinces numbering not more than three, best exemplifying the frauds and or irregularities alleged in his PETition; and the revision of ballots and reception of evidence will begin with such provinces. If upon examination of such ballots and proof, and after making reasonable allowances, the Tribunal is convinced that, taking all circumstances into account, the protestant or counter-protestant will probably fail to make out his case, the protest may forthwith be dismissed, without further consideration of the other provinces mentioned in the protest."

¹⁴ Page 3, par. 3, PET Resolution dated 15 October 2019

14. The abovementioned **PET Resolution** also stated thus :

"This Tribunal xxx will comply with its constitutionally mandated duty allowing the parties the opportunity to examine the results of the revision and appreciation of the pilot provinces as well as comment so that they are fully and fairly heard on all the related legal issues. Based on the submissions of the parties, the Tribunal can therefore confidently and judiciously deliberate on the proper course of action as clarified by the actual position of the parties on the common issues."¹⁵
(Emphasis and underscoring supplied)

15. On 29 October 2019, the case was raffled to **Associate Justice Leonen**.

16. Less than a month later, in line with the **PET's** directive, both parties timely submitted the required *Memorandum*.¹⁶

17. The records will reveal that from the time the case was raffled to **Associate Justice Leonen** in October 2019, it has remained in limbo.

18. After waiting patiently for over four (4) years, and despite the honorable Tribunal's pronouncement that it "*will chart a way forward*" and afford "*the parties the fullest opportunity to make their case consistent with due process of law,*" nothing has been forthcoming.

19. **MARCOS** cannot help but wonder why his election protest did not move an inch for almost a year. Surely something as important as resolving who the electorate actually voted as Vice-President deserves to be resolved post haste.

20. Rather than providing this honorable Tribunal with a litany of *Canons* relating to Judicial Ethics, perhaps it would be useful to list down the pronouncements of **Associate Justice Leonen** himself.

¹⁵ Page 53, par. 4, 2nd sentence, *PET Resolution* dated 15 October 2019.

¹⁶ **MARCOS** filed his 810 page *Memorandum* on 19 December 2019 while **ROBREDO** filed her 662 page *Memorandum* on 19 December 2019.

21. If truth be told, the scathing pronouncements of Associate Justice Leonen in a number of landmark cases, his previous employment history as well as the manner in which he has handled the election protest thus far will prove that he will not be a fair and impartial ponente in the instant electoral protest.

In his Dissenting Opinion in the Marcos burial case, Associate Justice Leonen displayed palpable bias and partiality against the entire Marcos family.

22. In his dissent in the Marcos burial cases¹⁷ Associate Justice Leonen candidly expressed how much he loathed the late President Ferdinand E. Marcos and the latter's family and friends :

"Former President Ferdinand E. Marcos presided over a regime that caused untold sufferings for millions of Filipinos. Gross violations of human rights were suffered by thousands. The public coffers contributed to by impoverished Filipinos were raided. Ferdinand E. Marcos stood by as his family, associates, and cronies engaged in systematic plunder. The national debt ballooned during his regime.

x x x

Ferdinand E. Marcos is no hero. He was not even an exemplary public officer. He is not worthy of emulation and inspiration by those who suffer poverty as a result of the opportunity lost during his administration, by those who continue to suffer the trauma of the violations to the human dignity of their persons and of their families. He is certainly not worthy of emulation and inspiration by those in public service, including the lawyers, judges, and justices who simply want to do what is right, protect others, and conscientiously and diligently protect public funds entrusted to them."¹⁸
(Emphasis and underscoring supplied)

¹⁷Ocampo, et al., v. Enriquez, et al., G.R. No. 225973, together with its companion cases, 8 November 2016;

¹⁸ Id.; 807 SCRA 491.

23. Associate Justice Leonen did not mince words when he characterized former President Marcos as being one of the country's worst Presidents :

"If we are true to the text and spirit of our Constitution and our laws as well as our history, Ferdinand E. Marcos cannot be buried at the Libingan ng mga Bayani. The proposal that he be accorded public honor is contrary to law. It is a betrayal of the Filipino spirit.

Rodrigo Roa Duterte's discretion as President is "not unconfined and vagrant" but always "canalized within banks that keep it from overflowing." His alleged verbal orders to cause the interment of the remains of Ferdinand E. Marcos at the Libingan ng mga Bayani were whimsical, capricious, a grave abuse of discretion, and issued only to please a single family. Ferdinand E. Marcos invented most of his medals as a soldier. He was one of our worst Presidents.¹⁹
(Emphasis and underscoring supplied)

24. He grouped the Marcos family and everyone associated with them into a single entity of human rights violators, regardless of the age, status and obvious absence of involvement of the family members :

"In clear and unmistakable terms, the law recognizes the culpability of Ferdinand E. Marcos for acts of summary execution, torture, enforced or involuntary disappearances, and other gross violations of human rights. The law likewise implies that not only was he the President that presided over those violations, but that he and his spouse, relatives, associates, cronies, and subordinates were active participants."²⁰
(Emphasis and underscoring supplied)

25. Veering away from what was supposed to be a legal discussion, Associate Justice Leonen even suggested that the heirs of the late President issue a public apology :

¹⁹ Id.; 807 SCRA 491.

²⁰ Id.; 807 SCRA 558.

"The transfer of the remains of Ferdinand E. Marcos negates all these aspects of Satisfaction and Guarantee of Non-Repetition. There has been no sufficient public apology, full acknowledgement of facts, or any clear acceptance of responsibility on the part of Ferdinand E. Marcos or his Heirs. Neither was Ferdinand E. Marcos sanctioned specifically for human rights violations. Now that he is dead, the victims can no longer avail themselves of this recourse. To add insult to this injury, **the President decided to acknowledge the heroic acts and other favorable aspects of Ferdinand E. Marcos, the person primarily responsible for these human rights violations.** This affects the accuracy of the accounts of the violations committed on the victims. It reneges on the State's obligation to provide human rights education and humanitarian law education to the Filipino People. It contributes to allowing violations of international human rights law and encourages impunity. If the State chooses to revere the person responsible for human rights violations, the perception of its People and the rest of the world on the gravity and weight of the violations is necessarily compromised."²¹

(Emphasis and underscoring supplied)

Given his past pronouncements and previous employment history, one might surmise that the electoral protest would be the perfect venue for Associate Justice Leonen to exact vengeance.

26. It is common knowledge that prior to his appointment to the High Court, **Associate Justice Leonen** was appointed by then President Benigno S. Aquino III to head the government panel during the negotiations with the Moro Islamic Liberation Front ("MILF").

27. A few days after this honorable Tribunal required the Comelec and the Office of the Solicitor General ("OSG" for brevity) to submit their *Comment* on the annulment of votes in Mindanao, a Zoom meeting was held amongst several groups who were and still are interested in the outcome of this electoral protest.

²¹ Id.; 807 SCRA 581.

28. One of the topics discussed during the said meeting was why **Associate Justice Leonen** sat on the election protest for almost a year. In an article that appeared in *The Manila Times*, author Mario Gio Samonte had this to say :

"Who composes the PET? Who has appointed its members? Who has caused their appointment?

Particularly on Leonen whom Bongbong accuses as having sat on his protest for eleven months, who has been turning the key at his back in his public actuations?

Leonen was the head of the government panel in negotiations with the Moro Islamic Liberation Front (MILF) that resulted in the creation of the Bangsamoro Juridical Entity (BJE). In essence, the BJE gave the Muslim rebels their own government complete with their own legislature, judiciary and armed forces, all the appurtenances of an independent state but for 25 percent of natural resources retained by the Philippine republic.

In Leonen's hands, the above veritable sellout of Philippine sovereignty was a done deal.

But something went wrong somehow for the rebels. The BJE went into the domain of the Senate, particularly the Committee on Local Governments, which worked on the BJE such that what actually was an independent Muslim state aspired for by the MILF turned into the mere Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

Who was the head of that committee?

Senator Ferdinand "Bongbong" Marcos Jr.

Need we still ask why the massive cheating that resulted in Bongbong's loss to Leni took place in Maguindanao and elsewhere in the BARMM?

Meantime, Leonen went on to become Associate Justice of the Supreme Court, eventually taking charge of the electoral protest of the man who emasculated the sellout he made of Philippine sovereignty once upon a time." ²²

29. Whether true or not, there is something to be said about this curious happenstance.

30. For one, it is public knowledge that the Aquino and Marcos families were political rivals. Second, President Aquino handpicked the then UP Professor to be his main man for the **MILF** negotiations. Third, nothing came out of the peace talks because the **BJE** was blocked by then Senator Marcos, who was the Chairman of the *Committee on Local Governments*. Fourth, soon after the peace talks disintegrated, President Aquino appointed the then UP professor to the High Court. He was the youngest Justice named to the Court since 1938.²³

31. And now, 8 years later, we find the former chief negotiator and the former Senator at odds once again.

32. Given that all of **Associate Justice Leonen's** hard work regarding the **BJE** came to naught, could this be one of the reasons why he has been sitting on **MARCOS's** electoral protest all this time? Could this be the perfect opportunity for him to extract his pound of flesh?

²²Mauro Gia Samonte, *Why hasn't Bongbong learned from his father?* [October 11, 2020] The Manila Times.

²³ Patricia Denise Chiu; Mark Merueñas, *Peace negotiator Leonen named to Supreme Court; youngest justice since '38*". [November 11, 2012] GMA News Online.

Whether true or not, the news that Associate Justice Leonen prejudged the electoral protest affects the Tribunal's integrity. A Judge must not only be impartial but must appear to be impartial.

33. In a two-part article that appeared in the *The Manila Times*, author Jomar Canlas claimed, in no uncertain terms, that the fate of MARCOS's election protest was already prejudged by Associate Justice Leonen long before the case was assigned to him.²⁴

34. The article stated that as early as 10 July 2017, Associate Justice Leonen provided his colleagues in the Tribunal with a draft of his "25-page *Reflections*" on the electoral protest.²⁵

35. According to the published article, the said "*Reflections*" was passed around Associate Justice Leonen to convince the members of the Tribunal that the protest ought to be dismissed outright. Whether true or not, it would appear that even before the High Tribunal began its formal deliberations on the case, the good Justice had already made up his mind by recommending to his colleagues that the same be immediately dismissed.

36. In the second part of the published news article, the author goes on to say :

"The 25-page reflections Supreme Court Associate Justice Marvic Mario Victor Leonen submitted to the Presidential Electoral Tribunal (PET) to support his argument to dismiss the election protest of vice presidential candidate Ferdinand "Bongbong" Marcos Jr. contains at least two intriguing features, according to a Supreme Court insider who has seen the documents.²⁶

²⁴Jomar Canlas, *Justice prejudged Marcos poll protest* [October 12, 2020] *The Manila Times*.

²⁵ *Id.*

²⁶Jomar Canlas, *Leonen's secrets revealed* [October 13, 2020] *The Manila Times*.

The Leonen reflections bolster speculations that the magistrate was convinced as early as 2017 that Marcos' protest must be dismissed. Marcos lost narrowly to Leonor "Leni" Robredo in 2016. He filed a protest, demanding a recount of poll returns from three provinces in Mindanao.

The Tribunal assigned the **MARCOS** case to Justice **Alfredo Benjamin Caguioa**. Leonen took over the case on Oct. 29, 2019. Even before he took charge, Leonen had circulated his reflections to members of the Tribunal.

The court insider told *The Manila Times* he found intriguing the way Leonen secretly shared his sentiments on the Marcos case with the members of the PET, even before he became part of the panel.

The *Times* source said it was clear that Leonen wanted the tribunal members to buy his argument that **MARCOS** failed to specify the poll precincts in Basilan, Lanao del Sur and Maguindanao where alleged irregularities occurred.

"Accordingly, I respectfully recommend that the protestant (Marcos) be required to plead facts with more specificity. Otherwise, acting on protestee's (Robredo) Motion for Reconsideration dated February 24, 2017, the protest must be dismissed," the insider quoted Leonen in the reflections."

37. Again, whether the same is true or not, the high Tribunal has the duty to preserve its integrity, credibility and impartiality by assigning the case to another *ponente*.

38. For his part, it is most respectfully submitted that **Associate Justice Leonen** must also recuse himself from being the *ponente* and hearing the case, because his partiality has been duly established with reasonable certainty by his prior dissents and statements. After all, a Justice must not only be impartial. He must also appear to be impartial.

There is clear and convincing evidence that Associate Justice Leonen has exhibited bias, partiality and prejudice. Hence, he cannot be expected to decide the instant case with the cold neutrality of an impartial Judge.

39. The *New Code of Judicial Conduct* directs members of the judiciary to perform their duties without favor, bias or prejudice.²⁷ It instructs magistrates to conduct themselves, both in and out of Court, in a manner that maintains, enhances and ensures the confidence of the public by being above board and impartial at all times.²⁸

40. Impartiality is essential to the proper discharge of judicial duties. It refers not only to the decision itself but also to the process by which a decision is made.²⁹

41. Magistrates are supposed to disqualify themselves from participating in any proceeding where they are unable to decide a case impartially or where it may appear to a reasonable observer that they are unable to decide on a matter impartially.³⁰

42. The mere appearance of impropriety, partiality and bias on the part of a magistrate necessarily offends the Constitutional rights of an aggrieved party to due process.

43. Due process requires that a hearing be conducted before an impartial and disinterested magistrate because, unquestionably, every litigant is entitled to nothing less than the cold neutrality of an impartial judge. As aptly stated by the Supreme Court, all the other elements of due process would be meaningless if the decision is handed down by a partial and biased judge.³¹

²⁷ Canon 3, New Code of Judicial Conduct (A.M. No. 03-05-01-SC).

²⁸ Canon 3, New Code of Judicial Conduct (A.M. No. 03-05-01-SC).

²⁹ Canon 3, New Code of Judicial Conduct (A.M. No. 03-05-01-SC).

³⁰ Emphasis and underscoring supplied.

³¹ *Ma. Regina S. Peralta v. Judge George E. Omelio*, A.M. No. RTJ-11-2259, 22 October 2013, 708 SCRA 105

44. Indeed, the voluntary inhibition of **Associate Justice Leonen** will give life to the spirit of the *Canons* regarding inhibition of Judges. Stated otherwise, a little *delicadeza* will go a long way in preserving the integrity of the High Court.

**Justice delayed is Justice denied,
especially in an election protest.**

45. Under the *New Code of Judicial Conduct*, magistrates are directed to render decisions efficiently, fairly **and with reasonable promptness**.³²

46. In the leading case of *Edaño v. Asdala*, the Supreme Court explained the rationale behind requiring members of the bench to render decisions promptly and **efficiently** :

"The honor and integrity of the judiciary is measured not only by the fairness and correctness of the decisions rendered, but also **by the efficiency with which disputes are resolved**. Thus, judges must perform their official duties with **utmost diligence** if public confidence in the judiciary is to be preserved." ³³
(Emphasis and underscoring supplied)

47. A cursory review of the records in **MARCOS's** electoral protest would reveal that when **Associate Justice Leonen** took over as *ponente*, the case hardly moved forward. It was one deferment after another through a series of resets and "call-against." The sequence of postponements will speak for itself. ³⁴

48. It is bad enough that **Associate Justice Leonen** sat on the protest for almost a year -- since October **2019**. To make matters worse, when he finally decided to do something, it was for the sole purpose of asking the Comelec and the **OSG** to comment on the protest. ³⁵

³² Canon 6, New Code of Judicial Conduct (A.M. No. 03-05-01-SC).

³³ A.M. no. RTJ-06-2007, 6 December 2010, 636 SCRA 469.

³⁴ Id.

³⁵ PET Resolution dated 29 September 2020.

49. To quote a recently published news article :

"All of a sudden, this Rip Van Winkle justice was awakened after this column wrote that for four years and a half, he slept on the petition, and [is] now demanding issues to be decided which is clearly outside the scope of his jurisdiction before coming out with a decision of the petition.

x x x

To reiterate, it is too late now for Justice Leonen to raise this issue for it is clear that the PET acquired jurisdiction and [has] long declared that the protest is sufficient in form and substance in accordance with Rule 21 of the 2010 PET Rules. Besides, Bongbong never sought the declaration of a failure of election as a relief to any of his causes of action. In fact, there is a whale of a difference between annulment of elections and failure of elections except that Leonen failed to digest what it means."³⁶

50. If truth be told, **Associate Justice Leonen's** act in referring the matter to the Comelec and the **OSG** brazenly displayed his ignorance of the law which clearly puts **MARCOS's** case in peril. There exists an imminent threat for a miscarriage of justice which should be abated forthwith.

51. If **Associate Justice Leonen** was unsure about the PET's jurisdiction, then he should have made inquiries a year ago, when the case was first raffled to him in October 2019.

52. Instead of researching the nuances of the case, he gave a speech during the 5th National Congress of the National Union of Peoples Congress and said :

"Just because you are for due process of law does not mean that you are for one party. x x x It might take the tribunal some time to reach a conclusion since "you would want ... everyone to be able to argue [their] case first."³⁷

³⁶ Rod Kapunan, *Gone Haywire* [October 10, 2020] Manila Standard.

³⁷ "Jerome Aning, Patricia Denise M. Chiu, *Leonen explains deferred ruling on VP poll protest* [20 October 2019] <<https://newsinfo.inquirer.net/1179607/leonен-explains-deferred-ruling-on-vp-poll-protest>> (visited 5 November 2020)."

53. After sitting on the electoral protest since October 2019, **Associate Justice Leonen** abruptly sought the opinion of Comelec and **OSG** only a year later, in October 2020. By giving these independent bodies "twenty (20) working days" to *Comment*, the good Justice successfully managed to extend the formal deliberations to November 2020. By giving the parties "15 days" to *Reply* to Comelec and OSG's *Comments*, he again successfully managed to extend the formal deliberations to December 2020. Given the inordinate delay in receiving registered mail due to the current pandemic, it is highly unlikely that the high Tribunal will be able to formally deliberate on this case before the year ends.

54. While we understand that **Associate Justice Leonen** might be biased against protestant **MARCOS** and his family, does he not feel the urgent need to restore faith in our fledgling electoral system -- a cornerstone of our democracy?

The purported delay in the resolution of this election protest is contrary to public policy since it disregards the sanctity of votes and the popular choice of the people.

55. We have presented evidence of **Associate Justice Leonen's** open hatred towards the **Marcos family**. Consequently, the chances of him resolving the within election protest in a fair and impartial manner are slim.

56. We have stated that **Associate Justice Leonen** was previously appointed as the chief negotiator during the **MILF** peace talks and that his efforts at making Bangsamoro an autonomous state were thwarted by then Senator **MARCOS**. Consequently, he may have an axe to grind against the protestee in the within case.

57. We have revealed that **Associate Justice Leonen** sought the dismissal of this election protest by circulating his 25 page *Reflections* way before the High Tribunal began its formal deliberations on the matter. Hence, he may have prejudged this election protest.

58. We have shown that **Associate Justice Leonen** sat on the case for over a year -- since October 2019, and did nothing to move the case forward.

59. We have demonstrated that **Associate Justice Leonen** resorted to delaying tactics when he suddenly asked the Comelec and the **OSG** to submit their *Comments* on the election protest in October 2020, when he could've easily done this way back in October 2019.

60. Suppose a magistrate is unable to discern for himself his inability to meet the test of the cold neutrality of an impartial judge. In that case, it falls on this honorable Tribunal to do the right thing.³⁸

61. The voting public deserves to know the results of the election protest as soon as possible. Mere technicalities should not delay its resolution. Time is of the essence.

62. All too often, an election protest is decided by the electoral tribunals when the term is already over or is almost over. The victory of the protestant becomes an empty victory: the cheater would have already run away with the salaries, allowances and perks of the position. Nothing is left to the real winner.³⁹

63. During these trying times, where there is widespread distrust in our democratic processes, the instant case provides the judiciary with a golden opportunity to restore faith in our institutions.

64. A definitive resolution to this case is that golden opportunity which, unfortunately, may be wasted.

65. In light of the clear and convincing evidence of bias, partiality and prejudice exhibited by **Associate Justice Leonen** against protestant **MARCOS**, his continued presence and participation as the *ponente* of the above-entitled case is a gross violation of the undersigned's Constitutional right to due process of law.

³⁸ See *Villasanta vs. Juan*, G.R. No. L-39516-17, 28 January 1975, citing Cf. *Luque v. Kayanan*, L-26826, 29 August 1969.

³⁹ Domini M. Torrevillas, *Justice delayed, justice denied* [2010] Philippine Star.

66. Given the fact that the Supreme Court is a collegial body, it would be unfair and unjust for the other members of this esteemed Tribunal to be tainted by the apparent impropriety of **Associate Justice Leonen**. Consequently, he must inhibit himself from participating in the proceedings and deliberations relative to this election protest.

PRAYER

WHEREFORE, premises considered and with the utmost esteem to the honorable Tribunal, movant respectfully prays that it :

1. **CONSIDER, DECIDE and GRANT** the instant respectful *Strong Manifestation with Extremely Urgent Omnibus Motion for Inhibition of Associate Justice Mario Victor F. Leonen*;

2. **ORDER THE IMMEDIATE RE-RAFFLE** of the instant election protest; and

3. **RESOLVE ALL PENDING INCIDENTS** in the above-entitled case.

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

City of Manila, 6 November 2020.


FERDINAND "BONGBONG" R. MARCOS, JR.

Protestant

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PTR No. 8125433; 01-08-20; Makati City
IBP LRN No.00058 / 02.22.93 / Ilocos Norte
Attorney's Roll No. 13204
MCLE Compliance No. V - 001118/02.22.2016

G.E GARCIA LAW OFFICE

Lead counsel for protestant Ferdinand R. Marcos, Jr.

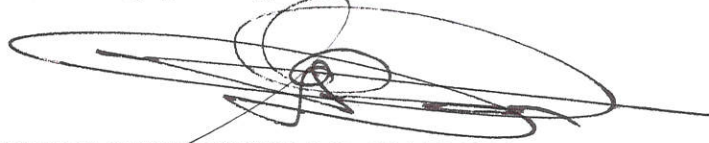
Ground floor, LAIKO Building

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Tel No. (02) 8527 - 7261

Email : geglaw.office@gmail.com

by:



GEORGE ERWIN M. GARCIA

Roll of Attorneys No. 44950

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IBP Lifetime No.02652; Cavite Chapter

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

In collaboration with :


ESTELITO P. MENDOZA

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Email : emram@globelines.com.ph

Roll of Attorneys No. 4441

IBP Lifetime Roll No. 01652

PTR No. 8117458/01-03-20/Makati City

MCLE Exemption No. VI-001158/11-08-18


NERISSA N. DE JESUS

Collaborating counsel for protestant Ferdinand R. Marcos, Jr.

M & ASSOCIATES

30/F Ore Central Tower

Bonifacio Global City, Taguig 1634

inquiry@m-associates.com

Telephone no. +63 (02) 8863 0601

Roll of Attorneys No. 64201

PTR No. A-5009176/10-27-20/Taguig City

IBP Lifetime No. 015694/Bulacan

MCLE Compliance No. VI-0016032/12-7-18

Copy furnished by registered mail :

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	Registry Receipt No. <u>RE 416 717 015 22</u> Post Office: <u>SM Aura Taguig</u> Date: <u>6 November 2020</u>
OFFICE OF THE SOLICITOR GENERAL 134 Amorsolo Street Legaspi Village, Makati City 1229 Email : efile@osg.gov.ph	Registry Receipt No. <u>RE 416 717 007 22</u> Post Office: <u>SM Aura Taguig</u> Date: <u>6 November 2020</u>
COMMISSION ON ELECTIONS Law Department 8 th Floor, Palacio del Gobernador Intramuros, Manila Email : law@comelec.gov.ph	Registry Receipt No. <u>RE 416 717 024 22</u> Post Office: <u>SM Aura Taguig</u> Date: <u>6 November 2020</u>

EXPLANATION

[Pursuant to Rules 30 and 31 of the
2010 Rules of the Presidential Electoral Tribunal]

A copy of this *Strong Manifestation with Extremely Urgent Omnibus Motion* [I. Inhibition of Associate Justice Mario Victor F. Leonen; II. Re-Raffle of this Election Protest; III. Resolution of All the Pending Incidents in the above-entitled case] was served to the abovementioned parties *via electronic mail and registered mail*, personal service being impractical due to distance, time and manpower constraints.


FERDINAND "BONGBONG" R. MARCOS, JR.

REPUBLIC OF THE PHILIPPINES)
TAGUIG CITY) SS.
X-----X

AFFIDAVIT OF SERVICE

I, **EDGAR G. ROZON**, of legal age, Filipino, with office address at 30/F Ore Central Tower, 31st Street corner 9th Avenue, Bonifacio Global City, Taguig 1634, after having been sworn to in accordance with law, hereby depose and state that :

1. I am one of the liaison officers of **M & ASSOCIATES**, collaborating counsel for protestant *Ferdinand “BongBong” R. Marcos, Jr.*;

2. On 6 November 2020, I mailed one (1) copy of **Strong Manifestation with Extremely Urgent Omnibus Motion** dated 6 November 2020 in the case entitled *Ferdinand “BongBong” R. Marcos, Jr. v. Maria Leonor “Leni Daang Matuwid” G. Robredo* with PET Case No. 005, pending before Presidential Electoral Tribunal, by Registered Mail to each of the following addressees :

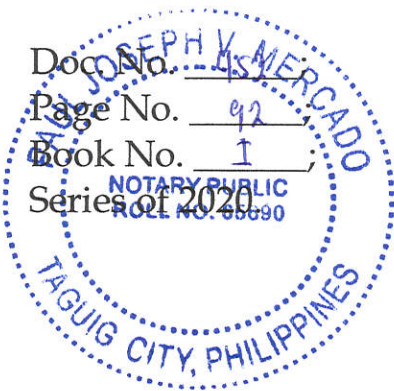
ATTY. ROMULO B. MACALINTAL <i>Lead counsel for Protestee Robredo</i> c/o Sardillo Sardillo Salom Law Office Unit 802, Taipan Place F. Ortigas Avenue, Ortigas Center Pasig City 1605	Registry Receipt No. RE 416 717 015 ZZ Post Office: SM Aura Taguig Date: 6 November 2020
OFFICE OF THE SOLICITOR GENERAL 134 Amorsolo Street Legaspi Village, Makati City 1229 Email : efile@osg.gov.ph	Registry Receipt No. RE 416 717 007 ZZ Post Office: SM Aura Taguig Date: 6 November 2020
COMMISSION ON ELECTIONS Law Department 8 th Floor, Palacio del Gobernador Intramuros, Manila 1002 Email : law@comelec.gov.ph	Registry Receipt No. RE 416 717 024 ZZ Post Office: SM Aura Taguig Date: 6 November 2020


3. The above service was done in **SM Aura Taguig Post Office**, as evidenced by the Registry Receipt hereto attached wherein the name of the addressee was indicated.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 6 November 2020 in Taguig City.


EDGAR G. ROZON
Affiant

SUBSCRIBED AND SWORN to before me this 6 November 2020 at Taguig City, affiant exhibiting to me his Tax Identification Number 153-253-353-000. Affiant is known to me to be the same person who executed the foregoing instrument and acknowledged to me that the same is his free act and deed.




PAUL JOSEPH V. MERCADO
Notary Public for and in Taguig City
30th Floor, Ore Central Tower
31st Street corner 9th Avenue
Bonifacio Global City, Taguig 1634
Application No. 112 (2019-2020)
Attorney's Roll No. 65690
PTR No. 4807624 /01-15-20/Taguig City
IBP No. 106094/02-11-20/QC
MCLE Compliance No. VI- 0025244/14-08-19

REPUBLIC OF THE PHILIPPINES)
TAGUIG CITY) SS.
X-----X

AFFIDAVIT OF SERVICE

I, **ATTY. NERISSA N. DE JESUS**, of legal age, Filipino, with office address at 30/F Ore Central Tower, 31st Street corner 9th Avenue, Bonifacio Global City, Taguig 1634, after having been sworn to in accordance with law, hereby depose and state that :

1. I am one of the Lawyers of **M & ASSOCIATES**, collaborating counsel for protestant *Ferdinand “BongBong” R. Marcos, Jr.*;

2. On 9 November 2020, I electronically mailed a copy of **Strong Manifestation with Extremely Urgent Omnibus Motion** dated 6 November 2020 in the case entitled *Ferdinand “BongBong” R. Marcos, Jr. v. Maria Leonor “Leni Daang Matuwid” G. Robredo* with PET Case No. 005, pending before Presidential Electoral Tribunal, to the following addresses :

ATTY. ROMULO B. MACALINTAL <i>Lead counsel for Protestee Robredo</i>	Email : rbmacalintal@gmail.com Date : 9 November 2020
OFFICE OF THE SOLICITOR GENERAL	Email : efile@osg.gov.ph Date : 9 November 2020
COMMISSION ON ELECTIONS Law Department	Email : law@comelec.gov.ph Date : 9 November 2020

3. As proof of transmittal, I have attached hereto a copy of the screenshot of the electronic mail sent to the above-mentioned addressees.

AFFIDAVIT OF SERVICE

Ferdinand "BongBong" R. Marcos, Jr. v.

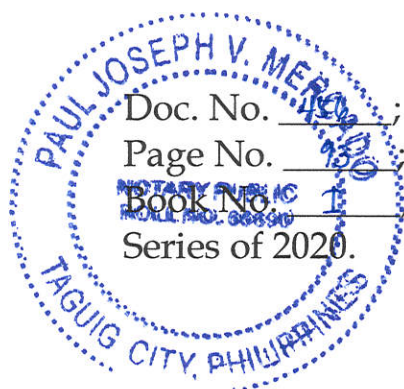
Maria Leonor "Leni Daang Matuwid" G. Robredo

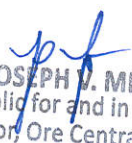
----- page 2 of 2

IN WITNESS WHEREOF, I have hereunto affixed my signature this 9 November 2020 in Taguig City.


NERISSA N. DE JESUS
Affiant

SUBSCRIBED AND SWORN to before me this 9 November 2020 at Taguig City, affiant exhibiting to me her IBP ID No. 015694. Affiant is known to me to be the same person who executed the foregoing instrument and acknowledged to me that the same is her free act and deed.




PAUL JOSEPH V. MERCADO
Notary Public for and in Taguig City
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31st Street corner 9th Avenue
Bonifacio Global City, Taguig 1634
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PTR No. 4807624 /01-15-20/Taguig City
IBP No. 106094/02-11-20/QC
MCLE Compliance No. VI- 0025244/14-08-19

inquiry@m-associates.com

From: inquiry@m-associates.com
Sent: Monday, November 9, 2020 6:01 AM
To: rbmacalintal@gmail.com
Subject: PET Case No. 005 (Ferdinand "BongBong" R. Marcos, Jr. v. Maria Leonor "Leni Daang Matuwid" G. Robredo)
Attachments: 2020 nov 6 - Pet 005 Motion to Inhibit.pdf; 2020 nov 6 - Affidavit of Service by registered mail.pdf; 2020 nov 9 - Verified Declaration.pdf

9 November 2020

ATTY. ROMULO B. MACALINTAL
c/o Sardillo Sardillo Salom Law Office
Unit 802, Taipan Place
F. Ortigas Avenue, Ortigas Center
Pasig City 1605

Dear Atty. Macalintal :

We hereby furnish you a copy of the *Strong Manifestation with Extremely Urgent Omnibus Motion* dated 6 November 2020 in connection with the above-captioned case. The said *Motion* was served via registered mail on 6 November 2020.

We trust that you will find everything in order.

Thank you.

Nerissa N. de Jesus
Partner



30/F Ore Central Tower
31st Street corner 9th Avenue
Bonifacio Global City, Taguig 1634
Philippines

☎ +63 (02) 8863 0601

✉ inquiry@m-associates.com

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9 November 2020

OFFICE OF THE SOLICITOR GENERAL

134 Amorsolo Street

Legaspi Village, Makati City 1229

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Partner



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inquiry@m-associates.com

From: inquiry@m-associates.com
Sent: Monday, November 9, 2020 6:02 AM
To: law@comelec.gov.ph
Subject: PET Case No. 005 (Ferdinand "BongBong" R. Marcos, Jr. v. Maria Leonor "Leni Daang Matuwid" G. Robredo)
Attachments: 2020 nov 6 - Pet 005 Motion to Inhibit.pdf; 2020 nov 6 - Affidavit of Service by registered mail.pdf; 2020 nov 9 - Verified Declaration.pdf

9 November 2020

COMMISSION ON ELECTIONS

Law Department
8th Floor, Palacio del Gobernador
Intramuros, Manila

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REPUBLIC OF THE PHILIPPINES)
TAGUIG CITY) SS.

VERIFIED DECLARATION

I, **ATTY. NERISSA N. DE JESUS**, Filipino, of legal age and with office address at 30th Floor Ore Central Tower, 31st Street corner 9th Avenue, Bonifacio Global City, Taguig 1634, hereby declare that the *Strong Manifestation with Extremely Urgent Omnibus Motion* dated 6 November 2020 hereto submitted electronically in accordance with the *Efficient Use of Paper Rule* is a **complete and true** copy thereof filed with the Presidential Electoral Tribunal.

IN WITNESS WHEREOF, I have signed this instrument on 9 November 2020 in Taguig City.


NERISSA N. DE JESUS

Partner

M & ASSOCIATES

30th Floor Ore Central Tower


31st Street corner 9th Avenue

Bonifacio Global City, Taguig 1634

9 November 2020

SUBSCRIBED AND SWORN to before me on 9 November 2020 at Taguig City, affiant exhibiting to me her IBP ID No. 015694. Affiant is known to me to be the same person who executed the foregoing instrument and acknowledged to me that the same is her free act and deed.




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