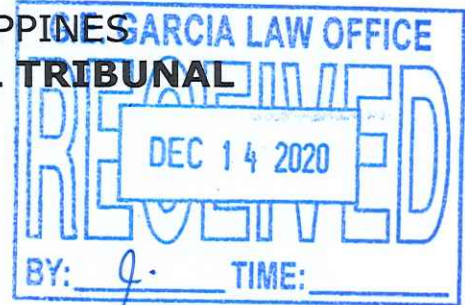


REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila



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

Protestant,

- versus -

PET Case No. 005

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

Protestee.

X - - - - -X

**CONSOLIDATED REPLY
(TO THE COMMENTS OF THE COMMISSION ON
ELECTIONS DATED 03 NOVEMBER 2020 AND THE
OFFICE OF THE SOLICITOR GENERAL DATED 30
OCTOBER 2020) WITH MOTION TO RESOLVE THE
REVISION, RECOUNT AND RE-APPRECIATION OF
BALLOTS IN THE PILOT PROVINCES**

After more than four (4) years, it is time for protestant Marcos to be gracious and accept his defeat. It is time to put the issue to rest and confirm the victory of protestee Robredo during the 09 May 2016 National and Local Elections.

The Rules are clear. Should protestant Marcos fail to make out his case in his pilot provinces, the above-captioned Election Protest will be dismissed.

To now change the Rules in order to accommodate the whims and caprices of protestant Marcos will be to overindulge him. From the time that he filed the above-captioned Election Protest, protestant Marcos has been afforded his

day in court. Notwithstanding, protestant Marcos has failed and still fails to present any convincing evidence to substantiate his claims.

PROTESTEE **MARIA LEONOR G. ROBREDO**, by the undersigned counsel, to the Honorable Tribunal, in compliance with the Resolution dated 29 September 2020¹, submits her Consolidated Reply and respectfully states:

BRIEF MATERIAL ANTECEDENTS

1. On 30 May 2016, the National Board of Canvassers proclaimed protestee Maria Leonor G. Robredo (hereafter "Robredo" for brevity) as the winning candidate for the position of Vice-President of the Republic of the Philippines.

2. Based on the Certificates of Canvass and Resolution of Both Houses No. 1², the parties received the following votes:

Name	Votes Received
Marcos, Ferdinand Jr R.	14,155,344
Robredo, Maria Leonor G.	14,418,817

3. Upon her proclamation, protestee Maria Leonor G. Robredo had a winning margin of **263,473 votes**.

4. Not about to admit defeat, protestant Ferdinand R. Marcos, Jr. (hereafter "Marcos" for brevity) assailed, impugned and contested the results of the elections in the **Thirty Nine Thousand Two Hundred Twenty One (39,221) clustered precincts** which functioned during the 09 May 2016 National and Local Elections.

¹ On 03 November 2020, protestee Robredo received the Comment from the Commission on Elections and Office of the Solicitor General. Under the Resolution dated 29 September 2020, protestee Robredo has a period of fifteen (15) working days from receipt thereof within which to file her Reply. Protestee Robredo has fifteen (15) working days from 03 November 2020 or until 24 November 2020 within which to file her Reply. Hence, this Reply is being timely filed.

² Resolution of Both Houses Approving the Report of the Joint Committee, Declaring the Results of the National Elections Held on May 9, 2016, for the Offices of President and Vice President and Proclaiming the Duly Elected President and Vice President of the Republic of the Philippines.

5. Of these, protestant Marcos sought the revision, recount and re-appreciation of ballots from the twenty seven (27) provinces and five (5) cities or a total of **Thirty Six Thousand Four Hundred Sixty Five (36,465) clustered precincts**.

6. On the other hand, protestant Marcos sought the technical examination and annulment of the results of the elections in the Provinces of Lanao del Sur, Maguindanao and Basilan or a total of **Two Thousand Seven Hundred Fifty Six (2,756) clustered precincts**.

7. During the Preliminary Conference, protestant Marcos, in compliance with **Rule 65³ of the Rules of the Presidential Electoral Tribunal** ("2010 PET Rules"), protestant Marcos designated the Provinces of Camarines Sur, Iloilo and Negros Oriental as his pilot provinces.

8. After the recount, revision and re-appreciation of the ballots from the three pilot provinces, the Honorable Tribunal found that the lead of protestee Robredo even increased from 263,473 to 278,566 or by **Fifteen Thousand Ninety Three (15,093) votes**:

"The sum of TOTAL A and TOTAL B represent the votes of the parties in all the clustered precincts which functioned during the 2016 National and Local Elections, after revision and appreciation of the ballots in the 5,415 clustered precincts in the pilot provinces, thus:

³ Rule 65 provides:

"Rule 65. *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 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 most probably fail to make out his case, the protest may forthwith be dismissed, without further consideration of the other provinces mentioned in the protest.

The preceding paragraph shall also apply when the election protest involves correction of manifest errors.

	Robredo	Marcos
Total votes in the clustered precincts other than the 5,415 pilot clustered precincts	12,926,159	13,953,259
Add: Total votes in the 5,415 pilot clustered precincts after revision and appreciation	1,510,178	204,512
Total votes in all clustered precincts after revision and appreciation of the ballots from the pilot clustered precincts	14,436,337	14,157,771

Thus, based on the final tally after revision and appreciation of the votes in the pilot provinces, protestee Robredo maintained, as in fact she increased, her lead with 14,436,337 votes over protestant Marcos who obtained 14,157,771 votes. **After the revision and appreciation, the lead of protestee Robredo increased from 263,473 to 278,566.**⁴ [Emphasis supplied.]

9. Notwithstanding the findings during the revision, recount and re-appreciation of ballots, the Honorable Tribunal deferred any ruling as to the effects of the increase in the winning margin of protestee Robredo over protestant Marcos:

"Before the Tribunal proceeds to make a ruling on the effects of the results of the revision and appreciation of the votes for the pilot provinces on the Protestant's Second Cause of Action as articulated in the Preliminary Conference Order, the Parties will be required to submit their position stating their factual and legal basis.

⁴ Resolution dated 15 October 2019.

Likewise, the Tribunal deems it essential to meet due process requirements to require protestant and protestee to now provide their position in relation to the Third Cause of Action also articulated in the Preliminary Conference Order. The Tribunal notes the pending Motion for Technical Examination dated July 10, 2017 and Extremely Urgent Manifestation of Grave Concern with Omnibus Motion dated December 10, 2018, as well as protestee's Manifestation dated October 14, 2019, and the earlier deferments made by the Tribunal of the various issues related to the Third Cause of Action.

This controversy has spawned very serious but unfounded and careless speculations on the part of many partisan observers who, on the basis of incomplete information, would rather latch on to their favorite conspirational theories rather than critically examine the facts and the law involved in this case. This Tribunal, however, 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 that we have identified.** [Emphasis supplied.]

10. Thus, under the same Resolution, the Honorable Tribunal directed the parties to submit their respective Memorandum on the following issues:

"I. Their comments on the report on the revision and appreciation of votes relating 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 President 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?"

11. Thus, in compliance with the Resolution dated 15 October 2019, the parties submitted their respective Memorandum on 19 December 2019.

12. In the interim, due to the pandemic, **Proclamation No. 922**⁵ was issued declaring a State of Public Health Emergency throughout the Philippines.

13. Immediately thereafter, **Proclamation No. 929**⁶ imposed an Enhanced Community Quarantine throughout Luzon.

14. The Enhanced Community Quarantine lasted until 30 May 2020.

15. In the Resolution dated 29 September 2020, the Honorable Tribunal issued a Resolution directing the Commission on Elections (COMELEC) and Office of the Solicitor General (OSG) to file their respective Comments.

16. On the part of the COMELEC, the Honorable Tribunal directed it to report *where petitions for failure of elections were filed in the provinces of Maguindanao, Lanao*

⁵ Declaring a State of Public Health Emergency Throughout the Philippines. Proclamation No. 1021 dated 16 September 2020 extended this until 12 September 2021.

⁶ Declaring a State of Calamity Throughout the Philippines Due to Corona Virus Disease 2019.

del Sur and Basilan during the 26 National and Local Elections.

17. Further, COMELEC was likewise directed to comment on the following:

"On the following issues related to the Third Cause of Action of annulment of elections on the ground of terrorism, intimidation, harassment of voters, 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 COMLEC-ERSD concluded that the "2016 National, Local and ARMM Elections has (sic) been marked with different forms of election fraud such as massive substitute voting"

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 election 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 or 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?

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?"

18. Meanwhile, OSG was likewise directed to file its Comment on the following issues:

"I. Whether or the President 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 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 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 deputed, 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."

19. In compliance with the Resolution dated 29 September 2020, both COMELEC and OSG filed their respective Comments on 03 November 2020.

20. Protestee Robredo received the Comments on even date.

21. Hence, this Consolidated Reply.

ARGUMENTS/DISCUSSION

22. Before any resolution can be made on the issues pertaining to the Third Cause of Action, the Honorable Tribunal must first resolve – ***whether the results in the revision and appreciation of votes moots or renders unnecessary the consideration of the third cause of action.***

23. Protestant Marcos is putting the horse ahead of the cart by insisting that the Honorable Tribunal proceed to the Annulment of Elections.

24. Rule 65 of the 2010 PET Rules mandates the dismissal of the above-captioned Election Protest due to the failure of protestant Marcos to make out his case.

25. Consistent with Rule 65 of the 2010 PET Rules, in the Resolution dated 15 October 2019, the Honorable Tribunal reiterated that there must be an initial determination on the grounds of the Election Protest:

“The Tribunal partially granted the retrieval of the ballot boxes and other election documents, and the decryption of ballot images, only for the pilot provinces of Camarines Sur, Iloilo and Negros Oriental. It also deferred action on the technical examination of the signature of voters in Lanao del Sur, Maguindanao and Basilan, following Rule 65 of the 2010 PET Rules.

Rule 65 of the 2010 PET Rules pertains to the initial determination of the grounds for the protest. Rule 65 grants the protestant the opportunity to designate three (3) provinces that best exemplify the frauds or irregularities raised in his or her Protest. These provinces constitute "test cases" by which the Tribunal will determine whether it would proceed with the protest. The full effect of Rule 65, however, is yet to be determined by the Tribunal based on the required submission of Memoranda mentioned in this Resolution.

Following Rule 65, the Tribunal found it premature to retrieve the ballot boxes, decrypt and print the ballot images, and conduct a technical examination on voters' signatures from provinces other than those designated to be the pilot provinces. The Tribunal further stressed that given the physical and logistical constraints it was facing, judicial economy required that action on matters other than those pertaining to the pilot provinces be deferred until such time that an initial determination has been made in the Protest.

On September 15, 2017, protestant filed a *Partial Motion for Reconsideration [of the Resolution dated August 29, 2017]* (Partial Motion for Reconsideration) praying that the Tribunal immediately direct the conduct of technical examination of the voters' signatures appearing in the EDCVL as against the voters' signatures appearing on the VRRs in each of the 2,756 protested clustered precincts in Lanao del Sur, Maguindanao, and Basilan during the 2016 National and Local Elections.

Protestant maintained that the technical examination was limited to the provinces in his Third Cause of Action, which was separate and independent from the pilot provinces for revision envisioned by Rule 65.

In her *Comment and Opposition (to the Partial Motion for Reconsideration dated 15 September 2017)*, protestee asserted that the technical examination on the three (3) provinces covered by the Third Cause of Action is premature. Protestee claimed that protestant could not take separately and in piecemeal his causes of action in his Protest. Pursuant to Rule 65, protestant was bound by his choice of pilot provinces, and to allow protestant to add three (3) more provinces would be a circumvention of the Rules.

In the Resolution dated November 7, 2017, the Tribunal denied protestant's Partial Motion for Reconsideration for lack of merit and reiterated its previous ruling to defer the technical examination after the initial determination of the grounds of the Protest pursuant to Rule 65 of the 2010 PET Rules.
[Emphasis and underscoring supplied.]

26. Thus, before any discussion and arguments can be made on the Annulment of Elections, the Honorable Tribunal must first resolve the issue of – ***whether protestant Marcos was able to make out his case based on the result of the revision, recount and re-appreciation of ballots in his pilot provinces.***

27. More importantly, COMELEC, in its Compliance (to the Resolution dated 29 September 2020) dated 03 November 2020 ("Compliance"), echoed the same interpretation of Rule 65 of the 2010 PET Rules.

28. In its Compliance, COMELEC alleged that, should protestant Marcos fail to make out his case, the above-captioned Election Protest will be dismissed:

"17. It is clearly provided under Rule 65 of the 2010 Rules of PET that if, upon examination of the ballots and proof in the chosen pilot provinces and after making reasonable allowances, the Tribunal is convinced that, taking all circumstances into account, the protestant or counter-protestant will most probably fail to make out his case, the protest may forthwith be dismissed, without further consideration of the other provinces mentioned in the protest."⁷

29. Thus, before proceeding to the Annulment of Elections, protestee Robredo asks that the Honorable Tribunal first resolve the issue of whether protestant Marcos was able to make out his case.

Protestant Marcos failed to make out his case.

The winning margin of protestee Robredo increased in the three (3) pilot provinces.

The revision, recount and re-appreciation of ballots confirmed the victory of protestee Robredo.

⁷ Pages 16-17, Compliance (to the Resolution dated 29 September 2020) dated 03 November 2020.

30. The above-captioned Election Protest should be dismissed for failure of protestant Marcos to make out his case.

31. For four (4) years, protestant Marcos was afforded the opportunity to substantiate his allegations of massive electoral frauds, anomalies and irregularities.

32. Given every opportunity, protestant Marcos cried to the media that he has been cheated from victory.

33. However, aside from these statements to the media, protestant Marcos has not presented an iota of evidence to substantiate his claims of fraud.

34. For emphasis, **Rule 65 of the 2010 PET Rules** expressly provides that should protestant Marcos fail to make out his case or establish any substantial recovery in his pilot provinces, the above-captioned Election Protest should be dismissed:

INITIAL DETERMINATION OF THE GROUNDS FOR PROTEST

Rule 65. *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 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 most probably fail to make out his case, the protest may forthwith be dismissed, without further consideration of the other provinces mentioned in the protest.**

The preceding paragraph shall also apply when the election protest involves correction of manifest errors.

35. It is very clear that Rule 65 of the 2010 PET Rules, only three (3) pilot provinces are allowed.

36. No less than protestant Marcos, through his counsel, acknowledged that should he fail to show recovery in his pilot provinces, his Election Protest will be dismissed:

"ATTY. GARCIA

Perhaps, Your Honor, that's the reason why, if I may and with all due respect, the Honorable Presidential Electoral Tribunal revise(d) its own rules and include the three (3) pilot provinces are concerned. That was likewise the same provision added by the Senate Electoral Tribunal and the HRET, even by the COMELEC. There are now pilot areas precincts in the HRET, SET and the COMELEC, provinces in the case of PET, **because if we are all to open the three provinces and the Honorable Tribunal will find or will be able to find out that there is no difference between the results as appearing in the certificates of canvass or votes in the election returns as against the manually counted in the revised ballots, again, it's up to the Honorable Tribunal whether to proceed with the remaining protest or to dismiss the protest."**⁸ [Emphasis supplied.]

37. Thus, to now add the Provinces of Lanao del Sur, Maguindanao and Basilan will give protestant Marcos a total of six (6) pilot provinces in violation of Rule 65 of the 2010 PET Rules.

⁸ Pages 34-35, TSN dated 11 July 2017.

38. Thus, in choosing his pilot provinces, protestant Marcos was afforded the opportunity to make out his case.

39. Unfortunately for protestant Marcos, the result of the revision, recount and re-appreciation of the ballots in the pilot provinces confirmed the victory of protestee Robredo:

"After the revision and appreciation, **the lead of protestee Robredo increased** from 263,473 to 278,566."⁹

40. To suit his purposes, protestant Marcos conveniently sidesteps the fact that he failed to make his case during the revision, recount and re-appreciation of ballots in his pilot provinces.

41. By looking the other way, protestant Marcos conveniently shifts his arguments to the Annulment of Elections.

42. With due respect, this argument reeks of desperation.

43. Desperately, protestant Marcos is now asking the Honorable Tribunal to bend the rules to accommodate him.

44. This must not be allowed.

45. How can the above-captioned Election Protest proceed when protestant Marcos failed to make out his case in the pilot provinces?

46. Meanwhile, *assuming arguendo* that the above-captioned Election Protest can still proceed, the undue reliance of protestant Marcos on the report of COMELEC-Election Results and Statistics Department (ERSD) is misplaced and misleading.

⁹ Page 53, Resolution dated 15 October 2019.

Protestant Marcos has misled the Honorable Tribunal.

There is no 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 substitute voting.

The report relied upon by protestant Marcos has not been ruled upon or affirmed by COMELEC.

47. The report relied upon by protestant Marcos has no probative value.

48. COMELEC, in its Compliance correctly pointed out that the report relied upon by protestant Marcos has no probative value:

"14. The subject document from the COMELEC-ERSD was submitted and became part of the records in the election protest case raffled before the COMELEC Second Division docketed as **EPC No. 2016-37** entitled "*Adbusakur M. Tan vs. Mujiv S. Hataman*", seeking the nullification of the proclamation of Mujiv S. Hataman as the Regional Governor of the Autonomous Region in Muslim Mindanao (ARMM) in the 2016 NLE was not discussed nor resolved on the merits. In its Order dated 05

December 2019, considering that during the pendency of the case, Republic Act No. 11054 was signed into law, and the term of office of the Regional Governor of ARMM has expired on 30 June 2019, the case was dismissed due to mootness and is now final and executory.

15. Accordingly, the Commission, be it with any of its Division or *En Banc*, did not have the opportunity to rule upon such findings or otherwise pass upon its validity, merit and probative value."¹⁰
[Emphasis supplied.]

49. Indeed, the results of the technical examination of the voting records from the One Hundred Sixty Seven (167) clustered precincts have no probative value in the above-captioned Election Protest.

50. More so, if the Honorable Tribunal considers the fact that protestee Robredo was not even a party to the said case.

51. Protestee Robredo was not notified or allowed to participate and send her representatives in the course of the conduct of the alleged technical examination.

52. Clearly, protestant Marcos cannot simply rely on the report of COMELEC-ERSD to convince the Honorable Tribunal that there is merit to proceed to the Annulment of Elections.

53. More importantly, the said report does not even represent at least ten percent (10%) of the total number of clustered precincts in the Provinces of Lanao del Sur, Basilan and Maguindanao.

¹⁰ Pages 15-16, Compliance (to the Resolution dated 29 September 2020) dated 03 November 2020.

54. Protestant Marcos is seeking to annul the results of the elections in the **Two Thousand Seven Hundred Fifty Six (2,756) clustered precincts** which functioned in the Provinces of Lanao del Sur, Basilan and Maguindanao.

55. Meanwhile, the report of COMELEC-ERSD merely covers a total of **One Hundred Sixty Seven (167) clustered precincts**.

56. More importantly, out of the One Hundred Sixty Seven (167) clustered precincts subjected to technical examination, **Fifteen (15) clustered precincts did not have Voter's Registration Record and/or Election Day Computerized Voter's List:**

PROVINCE OF BASILAN		
Municipality	Barangay	Established Precincts
Lantawan	Tairan	34A, 35A, 36A
		37A, 38A, 39A, 40A
	Calusugan	44A, 44B
	Luuk-Maluha	31A, 31B, 31C
Tuburan	Calut	48A, 48B, 48C, 48D
PROVINCE OF MAGUINDANAO		
Municipality	Barangay	Established Precincts
Datu Odin Sinsuat (Dinaig)	Baka	74A, 74B, 75A, 76A
		76B, 77A, 78A, 79A
	Dados	113A, 114A, 115A
	Kakar	132A, 133A, 134A
	Kenebeka	135A, 135B, 136A
		137A, 138A
	Kusiong	147A, 147B, 148A
		148B, 149A, 149B
	Linek	159A, 159B
Sultan Kudarat	Pinaring	117A, 118A, 118B, 118C

57. Thus, it is erroneous to conclude that the *2016 National, Local and ARMM Elections has (sic) been marked with different forms of election fraud* has no basis in fact.

58. For emphasis, only **One Hundred Fifty Two (152) clustered precincts** yielded results on the technical examination conducted by COMELEC-ERSD.

59. Thus, how can **One Hundred Fifty Two (152) clustered precincts** be representative of **Two Thousand Seven Hundred Fifty Six (2,756) clustered precincts**?

60. More importantly, based on the records of COMELEC, none of the Petitions for Failure of Elections filed in connection with the 09 May 2016 National and Local Elections prospered:

"6. All the aforementioned cases were **DISMISSED** by the COMELEC *En Banc*; and except for SPA No. 16-114 (FE), all cases were issued their respective Certificates of Finality. Accordingly, **no special elections were held or conducted in the Provinces of Basilan, Lanao del Sur, and Maguindanao in connection with the 2016 NLE.**"

61. While admittedly, a petition seeking failure of elections is different from an annulment of elections, the allegations and quantum of evidence are the same.

62. The difference lies in the jurisdiction and effects of the declaration of a failure of elections vis-à-vis an annulment of elections:

"Consequently, the difference between the annulment of elections by electoral tribunals and the declaration of failure of elections by the COMELEC cannot be gainsaid. *First*, the former is an incident of the judicial function of electoral

tribunals while the latter is in the exercise of the COMELEC's administrative function. *Second*, electoral tribunals only annul the election results connected with the election contest before it whereas the declaration of failure of elections by the COMELEC relates to the entire election in the concerned precinct or political unit. As such, in annulling elections, the HRET does so only to determine who among the candidates garnered a majority of the legal votes cast. The COMELEC, on the other hand, declares a failure of elections with the objective of holding or continuing the elections, which were not held or suspended, or if there was one, resulted in a failure to elect. When COMELEC declares a failure of elections, special elections will be conducted."¹¹

63. Thus, the difference between the two (2) remedies are superficial.

**The Annulment of Elections
is an extraordinary remedy.**

**Being an extraordinary
remedy, it must be
exercised with extreme
caution and, only upon
clear and convincing
evidence.**

64. Both COMELEC and OSG argue that the Honorable Tribunal has jurisdiction over the issue on Annulment of Elections.

¹¹ Abayon v. House of Representatives Electoral Tribunal, G.R. No. 222236, May 3, 2016.

65. However, while the Honorable Tribunal may have jurisdiction, the remedy of Annulment of Elections must be exercised with caution so as not to disenfranchise voters.

66. Thus, COMELEC, in its Compliance, issues words of caution that ***annulment of elections (must) be judiciously exercised with utmost caution and resorted only in exceptional circumstances.***¹²

67. Further, COMELEC also pointed out that the Supreme Court, in **Abayon v. House of Representatives Electoral Tribunal**¹³, specified an additional requisite for the Annulment of Elections, that is – **there must be clear and convincing evidence to show that the protestee is the one responsible for the acts complained of.**¹⁴

¹² Paragraph 12 of Compliance (To the Resolution dated 29 September 2020) dated 03 November 2020 states:

"12. Summarizing the points given by the Highest Tribunal, it is respectfully submitted that **three (3) elements must concur to justify the extreme act of annulling the results of the elections, namely: (1) evidence that more than fifty percent (50%) of the votes were cast illegally; (2) impossibility of differentiating the lawful and unlawful ballots; and, (3) clear, convincing, and strong evidence that the protestee is the one accountable for the illegal acts.** In the end, even the Supreme Court is mindful that *"annulment of elections (must) be judiciously exercised with utmost caution and resorted only in exceptional circumstances.* Likewise, it has been consistently held that, *"the nullification of elections or declaration of failure of elections is an extraordinary remedy. The party who seeks the nullification of an election has the burden of proving entitlement to this remedy. It is not enough that a verified petition is filed. The allegations in the petition must make out a prima facie case for the declaration of failure of election, and convincing evidence must substantiate the allegations."*

¹³ Id.

¹⁴ Paragraph 11 of the Compliance (To the Resolution dated 29 September 2020) dated 03 November 2020 states:

"11. The Supreme Court likewise specified as an **additional requisite** for the annulment of election that **there must be a clear, convincing and strong evidence showing that the protestee is the one responsible for the unlawful acts complained of.** It is thus elucidated:

It is worthy to note that no evidence was presented which will directly point to protestee as the one responsible for the incidents, which allegedly happened before and during the elections. **Absent anything that would concretely and directly establish protestee as the one who had induced or actually perpetrated the commission of terroristic acts and demonstrate that those incidents were part of a scheme to frustrate the free expression of the will of the electorate, the alluded handing of material considerations, including guns, to the NDF-EV officials, and the garnering of votes higher than those of the protestant in the protested clustered precincts, do not per se make him, responsible for the charges of terrorism.** (Emphasis supplied.)"

68. Noteworthy that in replying on the alleged result of the technical examination, protestant Marcos conveniently overlooked that:

68.1. The technical examination by COMELEC-ERSD was conducted at the instance of protestant therein; and,

68.2. The allegations of fraud or rather the person accused of committing the alleged electoral frauds, anomalies and irregularities was the protestee therein.¹⁵

69. More importantly, there is no allegation in the Election Protest or even by the witnesses, that protestee Robredo is directly responsible for the alleged incidents complained of.¹⁶

70. In the **Province of Lanao del Sur**, protestant Marcos did not allege that protestee Robredo was directly responsible for the general allegations of fraud:

"7.13. Massive electoral fraud, anomalies and irregularities marred the elections in these clustered precincts in Lanao del Sur. In the Municipality of Bacolod-Kalawi, Lanao del Sur, for instance, there was a prevalence of violence, intimidation and harassment of voters, as well as illegal composition of the BEI, and proliferation of batch-feeding of pre-shaded ballots in the clustered precincts thereat according to **Ameral Maranda, Alliah Abdulkarim, Nabilah Sowaib, Rohanie Amanoddin and Nouman A. Abdullah.**

7.14. In the judicial affidavit executed by **Marawi City Election Assistant**

¹⁵ Copies of the Election Protest and Motion for Technical Examination are hereto attached as **Annexes "1" and "2"**, respectively and made integral parts hereof.

¹⁶ A Summary of the List of Affidavits attached to the Election Protest is hereto attached as **Annex "3"** and made an integral part hereof.

Gonarano P. Corontoz, he noted the following observations:

- a. During the testing of the VCM approximately two (2) weeks before the elections, they put "Duterte" for President and "Marcos" for Vice-President but then the machine read the votes in favor of "Mar Roxas" and "Leni Robredo" respectively. They did it again and this time, Corontoz made a video of the proceedings. It yielded the same results. They reported the same to the Central Office of the COMELEC, but the latter did not respond with an action; and
- b. On 9 May 2016, the precincts were opened for voting, but only a few people cast their votes. Late afternoon of Election Day, a report has reached Corontoz that barangay officials were shading the unused ballots in the other precincts, and feeding the same to the VCM. He was instructed by the Election Officer to investigate. He went to the precincts and there he saw several barangay officials carrying firearms, and some were busy shading the ballots and feeding them in bulk to the VCM. Corontoz called their attention, but they said that if he interfered then they would not hesitate to harm him. During the canvass, the turnout was high and it showed that 10,922 people voted which is equivalent to 84% voter turnout. Corontoz attributes

the high voter turnout to the shading of the unused ballots.

7.15. In the same judicial affidavit executed by the **Election Assistant Amer D. Abdullah** assigned to the Municipality of Pagayawan, Lanao del Sur, he attested to the following:

- a. On Election Day, the precincts were opened for voting, but only a few voters came to cast their votes.
- b. The voters' turn out became suspiciously high at 44,780 or 91.20%, considering the few number of voters who came to cast their votes.
- c. While affiant was casting her vote, and while shading her ballot, an unidentified person suddenly snatched her ballot and shaded it for the national position except for the President.
- d. There were numerous reports of official ballots being forcibly taken or snatched from the voters.
- e. During the delivery of the ballots and VCM to Brgy. Cabingan, Marawi City in the early morning of Election Day, two watchers were shot dead by unidentified men.

7.16. In the judicial affidavit of **Election Assistant Sanapia D. Benito**, Marawi City, Lanao Del Sur, affiant attested to the following facts:

- a. On Election Day, the precincts were opened for voting and only few voters came to the precincts to cast their votes.
- b. The voters' turn out became suspiciously high at 44,780 or 91.20%, considering the few number of voters who came to cast their votes.
- c. While the affiant was casting her votes, and while shading her ballot, an unidentified person suddenly snatched her ballot and shaded it for the national position, except for the President.
- d. There were numerous reports of official ballots being forcibly taken or snatched from the voters.
- e. During the delivery of the ballots and VCM to Brgy. Cabingan, Marawi City in the early morning of Election Day, two watchers were shot dead by unidentified mne.

7.17. In the judicial affidavit of **Election Assistant Adbulnader M. Balt** of Lumbaca Unayan, Lanao del Sur, affiant attested to the following facts:

- a. On Election Day, the precincts were opened for voting and only few voters came to the precincts to cast their votes.
- b. There was a proliferation of armed men in the polling precincts to intimidate voters.

- c. Affiant received reports of minors who casted their votes.
- d. Assigned assistors at the polling precincts refused to assist senior citizens."¹⁷

71. Similarly, for the **Province of Maguindanao**, there is no allegation that protestee Robredo was directly responsible for the acts complained of:

"7.23. In Datu Saudi Ampatuan, Maguindanao, **Normina L. Taha** witnessed the violence, intimidation and threats employed by the group of Samsudin Dimaukom (who was the incumbent Mayor and Liberal Party candidate in that municipality) in Datu Pendililang Piang Elementary School to ensure the victory of the full slate of the Liberal Party in the said polling place. Taha also witnessed the proliferation of pre-shaded ballots in Datu Pendililang Piang Elementary School.

7.24. **Bassir D. Utto**, a vice-mayorality candidate in Datu Saudi Ampatuan, also witnessed the violence, threats and intimidation employed by the group of MILF 118 Base Command Wahid Tundok, with Nashro Dimaukom and Partrick Dimaukom, in Barangay Kabinge on Election Day, in order to prevent the voters and supporters of Utto from entering the polling precinct."¹⁸

72. Similarly, for the **Province of Basilan**, there is no allegation that protestee Robredo was directly responsible for the acts complained of:

¹⁷ Pages 965-968, Election Protest.

¹⁸ Pages 969, Election Protest.

“7.30. According to the congressional candidate **Gerry A. Salapuddin**, ninety (90%) percent of the official ballots for the protested clustered precincts in the Municipalities of Akbar, Tuburan, AL Barkah, Sumisip, Tabu-an Lasa, Ajul and Lantawan, all in the Province of Basilan, were not delivered in the polling precincts on the Election Day. Instead, these official ballots were pre-shaded by the supporters of the local candidates belonging to the Liberal Party on 8 May 2016. On Election Day, these pre-shaded ballots were then fed into the VCM to make it appear as if actual elections took place in those municipalities, when the truth is that there was no actual elections thereat.

7.31. Pre-shading of ballots was prevalent in Barangay Sinulatan, Municipality of Tuburan, Basilan as per **Nuruddin A. Dawalin**, who witnessed that the official ballots on the polling precincts in Barangay Sinulatan were already pre-shaded. This was corroborated by **Redzmar M. Hasim**, who witnessed Brgy Captain Ben Salain filing up the ballots for his relatives who were not yet at the polling center in Barangay Sinulatan. Other unidentified persons, who are not registered voters of Barangay Sinulatan, were also seen pre-shading the official ballots. In Brgy. Calut Tuburan, Basilan, **Basir A. Saala** attested that the election was terminated as early as eight o'clock in the morning (8:00 a.m).

7.32. The Pre-shading of ballots was prevalent in Barangay Mangalut, Akbar, Basilan according to **Rahman S. Kapeng**. In fact, Kapeng saw Brgy. Captain. Maujabal Jahaddin, together with his wife and brother, watching over

the batch-feeding of pre-shaded ballots into the VCM on 9 May 2016. In Barangay Caddayan, Akbar, Basilan, **Gani A. Alap** witnessed the BEIs assigned thereat as they were issuing the pre-shaded ballots.

7.33. In Barangay Mebak, Municipality of Sumisip, Basilan, **Nasir A. Tawani**, who was a watcher for UNA gubernatorial candidate Joel T. Maturan, witnessed pre-shading of ballots inside the municipal hall as early 3:00 p.m. on 8 May 2016. According to Tawani, not only was there pre-shading inside the Municipal hall, he also witnessed pre-shading ballots inside more than twenty (20) vehicles parked within the premises of the hall. And since the ballots in Barangay Mebak, Municipality of Sumisip, Basilan were already pre-shaded, registered voters like Tawani were no longer allowed to vote by 9:00 a.m on 9 May 2016.

7.34. In Barangay Cabcaban, Municipality of Sumisip, Basilan, **Abdulla I. Anjala**, who was a watcher for UNA gubernatorial candidate Joel T. Maturan, discovered that at about 7:00 am of 9 May 2016, ballots were already pre-shaded, and there were only ten (10) official ballots left unfilled.

7.35. In Barangay Upper Cabengbeng, Municipality of Sumisip, Basilan, Amat A. Sarama, who is a registered voter thereat, witnessed that no actual elections took place in the said barangay on 9 May 2016. According to her, the ballots were already pre-shaded inside the Municipal hall at Barangay Buli on 8 May 2016.

7.36. In Barangay Tongsengal, Municipality of Sumisip, Basilan,

Mariabella E. Macay, who was a watcher for UNA gubernatorial candidate Joel T. Maturan, was prevented from voting on 9 May 2016. By the time she arrived at the polling place, the polling precincts were not set up and no election officer was around. When she asked a certain Capt. Valencia why there were no ballots boxes and election officers, the latter replied in Filipino saying, "*Wala tayong magagawa, maghintay na lang ng next election.*"

7.37. In Barangay Mahalatang, Municipality of Sumisip, Basilan, **Alamin O. Ibama**, who is a watcher for UNA gubernatorial candidate Joel T. Maturan, witnessed that all the ballots were already pre-shaded at around 7:30 am on 9 May 2016, except for fifty (50) official ballots.

7.38. According to **Sitti S. Bohong**, almost all of the one thousand seventy six (1,076) official ballots were already pre-shaded and were already prepared to be fed into the VCM at the polling precinct where she was assigned in Barangay Manaul, Municipality of Sumisip, Basilan. In fact, only seventeen (17) ballots were left unfilled when she went to her assigned polling place to vote on 9 May 2016.

7.39. In Barangay Tumahubong, Municipality of Sumisip, Basilan, **Abdulbasir D. Tawani**, who is a registered voter of Barangay Mebak, was not allowed to vote on 9 May 2016. He was informed that voting was already conducted the day before at the Municipal Hall in Barangay Buli-Buli.

7.40. In Barangay Mebak, Municipality of Sumisip, Basilan, **Massir S. Tawani** went to the Barangay

Tumahubong to cast his vote and to act as a watcher for his candidate Joel Maturan. However, he was informed that he cannot vote anymore because voting was already conducted on 8 May 2016 at the Municipal Hall in Barangay Buli-Buli.

7.41. In Barangay Mebak, Municipality of Sumisip, Basilan, **Kais T. Itih**, who was a watcher for UNA gubernatorial candidate Joel T. Maturan, went on 8 May 2016 to the Municipal hall in Barangay Buli-Buli, where the election paraphernalia were stored for safekeeping. However, he was prevented by the military, police, and security aides from going inside the hall to carry out his duties as a watcher.

7.42. According to **Muallam A. Gadjalul**, he witnessed the BEIs issuing pre-shaded ballots in Barangay Lower Cabengbeng, Sumisip, Basilan. Pre-shaded ballots were also being distributed and issued by the respective BEIs in Barangay Manaul and Barangay Tongsengal, Sumisip, Basilan as per **Hussin Adjain** and **Salaain A. Muhtarin**.

7.43. In Brgy. Balagtasan, Lamitan City, Basilan, **Said M. Uliling** was ordered by Brgy. Captain Abdulla Panglias to fill-out the ballots in favor of the Liberal Party on 8 May 2016. The following day, on 9 May 2016, Uliling started filling up the ballots from 6:00 am until 1:00 pm. Voters were no longer allowed to enter the polling precinct at 3:00 pm, and Captain Abdulla's men continued casting the remaining ballots themselves.

7.44. According to **Mady A. Anjalang**, he went to the polling place in Brgy. Balagtasan, Lamitan City, Basilan

on 9 May 2016, at around 8:00 am, but Brgy. Captain Abdulla Panglias, prevented him from entering the polling center. Abdulla was accompanied by armed Civilian Volunteer Organization ("CVO") members and civilian security escorts. Abdulla informed Anjalang that he could only vote after all the voters of the Liberal Party are done casting their votes. When Anjalang insisted on his right to vote, a civilian security escort named Padlan Tengoh interfered and pointed an M16 rifle at him.

7.45. As per **Boy Sanson Akilin**, who is a registered voter of Brgy. Balagtasan, Lamitan City, Basilan, he went to the polling center to cast his vote on 9 May 2016 at around 8:00 am. However, he saw that the Barangay Captain of Balagtasan and armed CVO members were guarding the entrance to the polling center. Only voters who supported the barangay captain's candidate were allowed to enter.

7.46. According to Salmad Asamad, a municipal campaign coordinator stationed at the Municipal Hall of Buli-buli, Sumisip, on 8 May 2016, the service vehicles of Mayor Boy Hataman brought out the ballot boxes from the municipal hall and gave it to his supporters. On 9 May 2016, Asamad went to the polling precinct and recommended that the ballot boxes and official ballots be checked before the start of voting. Upon checking, they discovered that the almost all the ballots had already been filled out."¹⁹

73. Thus, in her Verified Answer with Special and Affirmative Defenses dated 12 August 2016, protestee Robredo invited the attention of the Honorable Tribunal on

¹⁹ Pages 970-974, Election Protest.

the absence of any allegation that she is directly responsible for the acts complained of:

"196. Finally, it is noteworthy that there is nothing in the allegations and evidence that shows protestee Robredo was directly responsible for the alleged incidents of terrorism, threats and intimidation.

197. Thus, as enunciated in Abayon, *absent anything that would concretely and directly establish protestee as the one who had induced or actually perpetuated the commission of terroristic acts and demonstrate that those incidents were part of scheme to frustrate the free expression of the will of the electorate, the alluded handing of material considerations, xxx xxx and the garnering of votes higher than those of the protestant in the protested clustered precincts, do not per se make him responsible for the charges of terrorism.*"²⁰

74. Thus, how can protestant Marcos prove this material requirement for an Annulment of Elections when it was never alleged in the Election Protest.

75. Equally noteworthy is that protestant Marcos also failed to include in his Preliminary Conference Brief any evidence which will prove that protestee Robredo was *the one directly responsible for the unlawful acts complained of*.

76. Thus, applying the "strictest standards and procedure of law", the results of the revision, recount and re-appreciation of the ballots from the three (3) pilot provinces rendered moot the issue of Annulment of Elections in the Provinces of Lanao del Sur, Maguindanao and Basilan.

²⁰ Pages 71-72, Verified Answer with Special and Affirmative Defenses and Counter Protest dated 12 August 2016.

77. To now allow him to do so would be to once more accommodate protestant Marcos.

78. For emphasis, to now allow the technical examination of the Voter's Registration Records and the Election Day Computerized Voter's List from the Provinces of Lanao del Sur, Maguindanao and Basilan will be a complete deviation from established rules and jurisprudence.

79. Effectively, this will change the rules in the middle of the game and will violate the right of protestee Robredo to due process and equal protection.

80. Finally, before protestant Marcos can proceed to a technical examination, he must first prove he is entitled to such remedy.

81. Otherwise, as shown during the revision, recount and re-appreciation of ballots, protestant Marcos will once more unnecessarily waste the time and resources of the Honorable Tribunal.

82. A final note. If only to correct the misleading statement of OSG, in an Annulment of Elections, the valid votes cast can no longer be determined, the obvious must be stated.

83. Otherwise, if as claimed by OSG that *the ultimate winner, or the one with the majority (or plurality) of the valid votes cast, is easily determinable*, then, an Annulment of Elections is not warranted.

84. In summary, the Honorable Tribunal cannot proceed to the Annulment of Elections without first resolving the issue of whether protestant Marcos was able to make out his case in his pilot provinces.

PRAYER

WHEREFORE, PREMISES CONSIDERED, it is respectfully prayed of the Honorable Tribunal that, a Resolution be issued:

1. **AFFIRMING** the result of the revision, recount and re-appreciation of ballots in the Provinces of Camarines Sur, Negros Oriental and Iloilo; and,

2. Thereafter, **DISMISSING** the above-captioned Election Protest for failure of protestant Marcos to make out his case as mandated under Rule 65 of the 2010 Rules of the Presidential Electoral Tribunal.

Protestee Robredo prays for such other reliefs as may be just and equitable under the premises.

Pasig City for Manila. 23 November 2020.

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MCLE Compliance No. VI-0030503/04 June 2020

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By


MARIA BERNADETTE V. SARDILLO

Roll No. 45897

IBP Lifetime No. 07133

PTR No. 5241952/02 January 2020/Pasig City

MCLE Compliance No. VI-0018414/06 February 2019

beng.sardillo@s3law.com

REQUEST

THE SECRETARY OF THE TRIBUNAL PRESIDENTIAL ELECTORAL TRIBUNAL MANILA

Please submit the foregoing "*Motion to Resolve the Revision, Recount and Re-Appreciation of Ballots in the Pilot Provinces*" for the consideration and approval of the Honorable Tribunal immediately upon receipt hereof without need for oral arguments.


MARIA BERNADETTE V. SARDILLO

NOTICE OF HEARING

ATTY. GEORGE ERWIN M. GARCIA

ATTY. JOAN M. PADILLA

G. E GARCIA LAW OFFICE

Lead Counsel for Protestant

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1002 Manila

LAW DEPARTMENT

COMMISSION ON ELECTIONS

Palacio del Gobernador,

Intramuros, Manila

OFFICE OF THE SOLICITOR GENERAL

134 Amorsolo Street

Legaspi Village, 1229 Makati City

Please take note that undersigned counsel will submit the foregoing "*Motion to Resolve the Revision, Recount and Re-Appreciation of Ballots in the Pilot Provinces*" for the consideration and approval of the Honorable Tribunal immediately upon receipt thereof without need for further oral arguments.


MARIA BERNADETTE V. SARDILLO

Copy furnished:

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LAW DEPARTMENT

COMMISSION ON ELECTIONS

Palacio del Gobernador,

Intramuros, Manila

OFFICE OF THE SOLICITOR GENERAL

134 Amorsolo Street

Legaspi Village, 1229 Makati City

EXPLANATION

Due to unavailability of messengers and the distance of the parties, copies of the herein "*Consolidated Reply and Motion*" were sent to the above-named parties by registered mail.


MARIA BERNADETTE V. SARDILLO

Republic of the Philippines)
Pasig City)

**VERIFIED DECLARATION OF COMPLIANCE WITH THE
EFFICIENT USE OF PAPER RULE**

I, **LAILA ENDIC-GUAN**, hereby declare that the Consolidated Reply (To the Comments of the Commission on Elections dated 03 November 2020 and the Office of the Solicitor General dated 30 October 2020) with Motion to Resolve the Revision, Recount and Re-Appreciation of Ballots in the Pilot Provinces submitted electronically by use of compact disc in accordance with the Efficient Use of Paper Rule are complete and are true copies of the Consolidated Reply (To the Comments of the Commission on Elections dated 03 November 2020 and the Office of the Solicitor General dated 30 October 2020) with Motion to Resolve the Revision, Recount and Re-Appreciation of Ballots in the Pilot Provinces filed with the Presidential Electoral Tribunal.

Pasig City. 24 November 2020.

Lernan
LAILA ENDIC-GUAN
Secretary
Sardillo Sardillo Salom Law Office

SUBSCRIBED AND SWORN TO BEFORE ME, a notary public in and for Pasig City, this 24th day of November 2020, by affiant LAILA ENDIC-GUAN who is personally known to me, and appeared with her UMID with CRN-0111-3021584-5 issued by the Social Security System, known to me as the same person who personally signed the foregoing attestation before me and acknowledged that she executed the same.

Doc. No. 123 ;
Page No. 26 ;
Book No. 1 ;
Series of 2020.

Maria Cynthia Antonia V. Sardillo-Pimentel

MARIA CYNTHIA ANTONIA V. SARDILLO-PIMENTEL
NOTARY PUBLIC FOR PASIG CITY, PATEROS AND SAN JUAN
Appointment No. 212 (2019-2020)
Roll No. 47275
IBP No. 096385/RSM/04 December 2019
PTR No. 5241951/02 January 2020/Pasig City
MCLE Compliance No. VI-0016792/13 December 2018
Unit 802, The Taipan Place, F. Ortigas Jr. Road,
Ortigas Center, Pasig City
Tel. 706-4272-73

Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

ABDUSAKUR M. TAN
Protestant,

-versus-

EPC No. 2016 - 37

MUJIV S. HATAMAN,
Protestee.

X-----X

COMMISSION ON ELECTIONS ECAD JUDICIAL RECORDS DIVISION Date: <u>MAY 24 2016</u> Time: <u>3 pm</u> Received by: <u>Amalia</u>
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ELECTION PROTEST

Protestant ABDUSAKUR M. TAN (protestant Tan), through the undersigned counsel, in disputing, controverting and impugning the results of the election for the position of Regional Governor of Autonomous Region in Muslim Mindanao (ARMM), respectfully states and alleges:

1.0. THE PARTIES

1.01. Protestant Tan is of legal age, Filipino, married and a resident of Loai St., Asturias, Jolo, Sulu. In the 09 May 2016 National and Local Elections, he filed his Certificate of Candidacy¹ for Regional Governor of the Autonomous Region in Muslim Mindanao. He may be served with summons and other writs and processes of this Honorable Commission at the office address of his undersigned counsel.

1.02. Protestee Mujiv S. Hataman (Protestee Hataman), is of legal age, Filipino and a resident of Barangay Buli-Buli, Sumisip, Basilan. He also filed his Certificate of Candidacy² as the official candidate of the Liberal Party for the position of Regional Governor of the Autonomous Region in Muslim Mindanao.

¹ Certified true copy of the Certificate of Candidacy for Regional Governor of Protestant Tan is attached herein as ANNEX "A" and made integral part hereof.

² Certified true copies of the Certificate of Candidacy for Regional Governor of Protestee Hataman and his Certificate of Nomination and Acceptance are attached as ANNEXES "B" and "B-1", respectively, and made integral parts hereof.

2.0. NATURE AND TIMELINESS OF THE PROTEST

2.01. This is an election protest contesting the election and proclamation of protestee Hataman as Regional Governor of the Autonomous Region in Muslim Mindanao, in the recently concluded 09 May 2016 Automated National and Local Elections.

2.02. Based on the Regional Certificate of Canvass³ of the votes cast in the five (5) provinces of the ARMM, namely: Maguindanao, Lanao del Sur, Sulu, Basilan and Tawi-Tawi, for the position of Regional Governor in the elections held on 09 May 2016, the results show that protestee Hataman allegedly garnered a total of Eight Hundred Seventy Five Thousand Two Hundred (875,200) votes as against protestant Tan's Three Hundred Forty One Thousand Two Hundred Eighty (341,280) votes, showing that protestee Hataman has a presumptive margin of Five Hundred Thirty Three Thousand Nine Hundred Twenty (533,920) votes.

2.03. On 14 May 2016, based on the alleged consolidated and canvassed of votes, the Regional Board of Canvassers of the ARMM proclaimed⁴ protestee Hataman as the elected Regional Governor of the ARMM.

2.04. Under Sections 2 and 3, Rule 6 of the Comelec Resolution No. 8804, a protest contesting the election or returns of an elective regional official shall be filed directly with the Honorable Commission within a non-extendible period of ten (10) days following the day of proclamation, or until 24 May 2016. Hence, this protest is being filed within the reglementary period.

3.0. CONTESTED PRECINCTS AND GROUNDS OF PROTEST

3.01. Protestant Tan hereby protests the votes of protestee Hataman and the results of the election for the position of Regional Governor in all the Two Thousand Eight Hundred Thirty Four (2,834) clustered precincts (CP) of the four (4) provinces of ARMM, namely: Maguindanao, Lanao del Sur, Basilan and Tawi-Tawi, broken down as follows:

³ Certified true copy of the REGIONAL CERTIFICATE OF CANVASS is attached as ANNEX "C" and made integral part hereof.

⁴ Certified true copy of the CERTIFICATE OF CANVASS OF VOTES AND PROCLAMATION OF WINNING CANDIDATE FOR REGIONAL GOVERNOR is attached as ANNEX "D" and made integral part hereof.

a. Province of LANAo DEL SUR - 1,251 Clustered Precincts:

CITY/MUNICIPALITY	Number of Clustered Precincts
Marawi City	107
Buadiposo- Buntong	33
Bubong	36
Bumbaran	18
Ditsaan-Ramain	37
Kapai	20
Lumba Bayabao	39
Maguing	36
Marantao	39
Masiu	35
Molundo	26
Piagapo	37
Poona-Bayabao	26
Saguiaran	35
Tagoloan	21
Tamparan	44
Taraka	43
Wao	57
Bacolod Kalawi	26
Balabagan	32
Balindong	39
Bayang	49
Binidayan	26
Butig	19
Calanogas	17
Ganassi	32
Kapatagan	17
Lumbaca- Unayan	10
Lumbatan	21
Lumbayanague	22
Madalum	37
Madamba	24
Malabang	44
Marogong	26
Pagayawan	23
Pualas	23
Sultan Dumalondong	11
Picong Sultan Gumander	19
Tubaran	23
Tugaya	25
TOTAL	1,251

b. Province of MAGUINDANAO - 930 clustered precincts:

CITY/MUNICIPALITY	Number of Clustered Precincts
Barira	23
Buldon	28
Datu Blah T. Sinsuat	20
Datu Odin Sinsuat	89
Kabuntalan	19
Matanog	20
Northern Kabuntalan	19
Parang	63
Sultan Kudarat	75
Sultan Mastura	22
Upi	54
Ampatuan	21
Buluan	23
Datu Abdulah Sangki	20
Datu Anggal Midtimbang	14
Datu Hoffer Ampatuan	12
Datu Paglas	30
Datu Piang	26
Datu Salibo	21
Datu Saudi Ampatuan	25
Datu Unsay	11
Gen S.K. Pendatun	25
Guindulungan	15
Mamasapano	18
Mangundadatu	15
Pagagawan	25
Paglas	15
Pagalungan	27
Pandag	12
Rajah Buayan	17
Shariff Aguak	25
Shariff Saydona Musthapa	16
South Upi	32
Sultan Sa Barongis	19
Talayan	19
Talitay	15
TOTAL	930

c. Province of BASILAN - 306 Clustered Precincts.

CITY/MUNICIPALITY	Number of Clustered Precincts
City of Lamitan	78
Akbar	11
Al Barka	16
Hadji Mohammand Ajul	16
Lantawan	27
Maluso	37
Sumisip	39
Tipo-tipo	17
Tuburan	12
Unkaya Pukan	16
Hadji Muhtamad	16
Tabuan - Lasa	21
TOTAL	306

d. Province of TAWI- TAWI - 347 clustered precincts:

CITY/MUNICIPALITY	Number of Clustered Precincts
Bongao	81
Languyan	32
Mapun	28
Panglima Sugala	32
Sapa - Sapa	29
Simunul	23
Sitangkai	31
Sibutu	26
South Ubian	32
Tandubas	25
Turtle Islands	8
TOTAL	347

3.02. For purposes of this protest, the votes obtained by the parties in the protested CPs of Lanao Del Sur, Maguindanao, Basilan and Tawi-Tawi are recorded in the Statements of Votes By City/Municipality⁵ for Regional Governor issued by the respective Provincial Boards of Canvassers for the 4 provinces.

3.03. The total votes of the parties in the protested CPs of the said four (4) provinces are as follows:

⁵ The Statements of Votes By City/Municipality for Lanao del Sur, Maguindanao, Basilan and Tawi-Tawi are attached as ANNEXES "E", "F", "G" and "H", respectively, and made integral parts hereof.

Province	Protestant TAN	Protestee HATAMAN
Lanao del Sur	88,652	233,950
Maguindanao	25,831	349,001
Basilan	18,310	118,927
Tawi -Tawi	32,322	92,388
TOTAL	165,115	794,266

3.04. Post-election reports of the campaign volunteers and supporters of protestant Tan confirm and show that various acts constituting election fraud, irregularities and anomalies tainted the results of election in all the 2,834 protested CPs of the said 4 provinces of the ARMM during the recently concluded 09 May 2016 elections.

3.05. Because of the reported election fraud, anomaly and irregularity in the said provinces, particularly, in the protested CPs, the votes of protestee Hataman were systematically and illegally increased unduly prejudicing the votes of protestant Tan thus resulting to the incredulous margin of votes in favor of protestee Hataman.

3.06. Protestant Tan hereby contests and impugns the votes garnered by protestee Hataman in the subject protested CPs of the ARMM and the results of the election for the Regional Governor based on the following grounds:

a. Province of Basilan:

3.06.1 In almost all the municipalities and one city of Basilan, the cohorts and allies of protestee Hataman threatened, intimidated and forced out of the polling precincts the registered voters and the supporters and watchers of protestant Tan. Thus, the cohorts and leaders and supporters of protestee Hataman, with the able the collusion of the members of the Board of Election Inspectors (BEI), had a heyday in pre-shading and voting the ballots in favor of protestee Hataman.

3.06.2. Since the supporters of protestant Tan were restrained and prohibited to enter the polling precincts of the protested CPs and the other registered voters were threatened not to proceed to their different assigned polling precincts, the cohorts of protestee Hataman, some of whom are barangay officials, with the collusion of the BEI members, obtained easy and unrestricted access to the

official ballots and vote counting machines (VCMs) found in the protested CPs. Hence, it was very obvious that most, if not all, of the ballots casted and fed to the VCMs in the protested CPs were prepared by the cohorts of protestee Hataman and not by the duly registered voters.

3.06.3. The Statements of Votes By Precinct for Regional Governor⁶ showing the votes of the parties for each of the 12 municipalities/city of Basilan show an unexplainable big margin lead of protestee Hataman over protestant Tan. More specifically, in the City of Lamitan and in the Municipalities of Sumisip, Tabuan-Lasa, Tuburan, Tipo-Tipo, Lantawan, Al-Barka, Akbar and Maluso, protestant Tan practically got "0" votes in almost all the protested CPs of these city/municipalities. Obviously, this was due to the massive substituted voting that was perpetrated by the cohorts and leaders of protestee after the duly registered voters were driven out of the polling precincts.

3.06.4. This mockery of the electoral exercise through massive disenfranchisement and substitution of voters can be readily shown by the absence of and/or the presence of falsified/forged signatures of the voters as appearing in the Election Day Computerized Voters List (EDCVL).

3.06.5 That is not all. In the municipality of Sumisip, where protestant Tan got only 50 votes as against the 20,114 votes of protestee Hataman; in Lamitan City, where protestant Tan got 1,728 votes as against the 34,156 votes of protestee Hataman; in the municipality of Tuburan, where protestant Tan got only 7 votes as against the 5,040 votes of protestee Hataman; in the municipality of Tipo-Tipo, where protestant Tan got only 179 votes as against the 7,605 votes of protestee Hataman; in the municipality of Lantawan, where protestant Tan got only 903 votes as against the 9,572 votes of protestee Hataman; in the municipality of Al Barka, where protestant Tan got only 170 votes as against the 6,511 votes of protestee Hataman; and in the municipality of Akbar, where protestant Tan got only 556 votes as against the 4,653 votes of protestee

⁶ The STATEMENTS OF VOTES BY PRECINCT FOR REGIONAL GOVERNOR for the City of Lamitan and for the 11 municipalities of Basilan are attached as ANNEXES "I" to "I - 11" and made integral parts hereof.

Hataman, official ballots were distributed to the registered voters on election day with the circle opposite the name of protestee Hataman already pre-shaded. Registered voters who declined to accept the said accomplished ballots were not allowed to vote and were forced to leave the polling precincts.

3.06.6. This is not to mention the fact that in the different areas, particularly, in the municipalities of Hadji Muhtamad, Hadji Mohammad Ajul and Ungkaya Pukan, where the cohorts of protestee Hataman failed to restrict the conduct of voting and influence the results of the elections, several VCMs malfunctioned which led to several ballots being rejected resulting to disenfranchisement of several voters.

3.06.7. In order to secure his victory, protestee Hataman likewise influenced the registered voters to vote for him through vote buying where his cohorts and supporters went around the municipalities to buy votes.

b. Province of Tawi - Tawi:

3.06.8. The barangay officials colluded with the members of the BEIs in shading the ballots in favor of the protestant without the participation of the registered voters.

3.06.9. In the protested CPs in the municipalities of Languyan, Panglima Sugala (Balimbing), Sibutu, Simunul, South Ubian, Tandubas, Sitangkai and Bongao, a common scheme was perpetrated by the barangay officials and BEIs in order to illegally influence the results of election to favor protestee Hataman. In the said CPs, the registered voters were intimidated and prohibited by these barangay officials and cohorts of protestee Hataman, to exercise their right to vote. Thereafter, the assigned BEIs and barangay officials secured all the ballots, shaded the ovals intended for protestee Hataman and inserted them to the VCMs. These activities were all done without the consent of the registered voters. Further, the BEIs and barangay officials falsified and forged the signatures of the registered voters in EDCVL to make it appear that the registered voters were the one who accomplished the official ballots.

3.06.10. In the municipalities of Bongao, Mapun, Sapa-Sapa, other than complaints by voters that the voters' receipts failed to record correctly their true votes, several VCMs repeatedly malfunctioned and rejected several ballots after said VCMs were re-activated resulting to the disenfranchisement of many voters, mostly in favor of protestant Tan.

3.06.11. In the instances that the VCMs failed to issue the voter's receipts, several voters who failed to see their receipts doubted that the VCMs properly read and counted their votes.

3.06.12. These election anomalies and irregularities resulted in the systematic decrease of the votes of protestant Tan and in the illegal increase in the votes of protestee Hataman as shown in the Statements of Votes By Precinct for Regional Governor⁷ for these 12 municipalities of Tawi-Tawi.

c. Province of Maguindanao:

3.06.13. The electoral anomalies and fraud employed by protestee Hataman in Basilan and Tawi-Tawi were replicated even more in Basilan and Tawi-Tawi. The use of violence, force and intimidation by protestee Hataman and his armed goons figured in the protested CPs of this province driving away registered voters and supporters of protestant Tan thus depriving them from casting their votes.

3.06.14. In the protested CPs of the following municipalities of Barira, Buluan, Datu Abdullah Sangki, Datu Anggal Midtimbang, Datu Hoffer Ampatuan, Datu Montawal, Datu Paglas, Datu Salibo, Datu Saudi-Amptuan, Kabuntalan, Mangudadatu, Matanog, Northern Kabuntalan, Pagalungan, Pandag, Rajah Buayan, Shariff Saydona Mustapha, South Upi, Sultan Kudarat, Sultan Mastura, Sultan sa Barongis, Sultan Sumagka, Talayan and Upi, several armed men associated with protestee Hataman intimidated, coerced and forced the registered voters to leave the polling precincts. Thereafter, the BEIs

⁷ The STATEMENTS OF VOTES BY PRECINCT FOR REGIONAL GOVERNOR for the 11 municipalities of Tawi-Tawi are attached as ANNEXES "J" to "J - 10" and made integral parts hereof.

and barangay officials associated with protestee Hataman took possession of all the official ballots and VCMs.

3.06.15. Thereafter, massive substitute voting was perpetrated in the protested CPs by the barangay officials and armed goons of, the BEIs and the cohorts of protestee Hataman in the protested CPs where the said barangay officials and armed men, single-handedly and with the collusion of the BEI members, prepared the ballots without the voters' participation and consent. The circle before the name of protestee Hataman was shaded and, thereafter, the EDCVL were signed by people other than the actual voters, to show a semblance of the conduct of election in said clustered precincts.

3.06.16. In those areas where there was a semblance of election, several registered voters received official ballots where the circle before the name of protestee Hataman were already pre-shaded. The voters who demanded for replacement ballots were forced to leave the polling precincts.

3.06.17. During the campaign period and especially on the day before election, protestee Hataman, together with his coordinators and cohorts, engaged in massive vote-buying activities in the different municipalities of Maguindanao in order to force the voters to vote for him. The bought/paid voters were instructed to identify their ballots with pre-arranged markings which ballots should have been invalidated for being obviously MARKED, but nevertheless were fed into and counted by the VCMs.

3.06.18. The Table below showing the votes of the parties taken from the Statement of Votes By Precinct for Regional Governor⁸ from the twenty-five (25) of the thirty-six (36) municipalities of Maguindanao will show the effects of substituted voting and pre-shading of ballots in favor of protestee Hataman, that is, significantly depriving protestant Tan of thousands of votes in the Province of Maguindanao.

⁸ The STATEMENTS OF VOTES BY PRECINCT FOR REGIONAL GOVERNOR for the 25 municipalities of Maguindanao, out of the 36 municipalities, are attached as ANNEXES "K" to "K - 24" and made integral parts hereof.

It is just unfortunate that protestant could not submit the Statements of Votes By Precinct from the eleven (11) municipalities of Maguindanao, to wit: Buldon, Datu Blah T. Sinsuat, Datu Odin Sinsuat, Ampatuan, Datu Piang, Datu Unsay, General S. K. Pendatun, Guindulungan, Mamasapano, Paglat and Shariff Aguak as these documents are not yet available as they have not been submitted to the Election Records and Statistics Department of the Hon. Commission.

d. Province of Lanao del Sur:

3.06.19. In the municipalities of Bacolod-Kalawi, Balabagan, Balindong, Bayang, Binidayan, Buadiposo-Buntong, Bubong, Bumbaran, Butig, Calanogas, Ditsaan-Ramain, Ganassi, Kapai, Kapatagan, Lumba-Bayabao, Lumbaca-Unayan, Lumbatan, Lumbayanague, Madalum, Madamba, Maguing, Malabang, Marantao, Marongong, Masiu, Mulondo, Pagayawan, Piagapo, Picong, Poona Bayabao, Pualas, Saguian, Sultan Dumalondong, Tagoloan II, Tamparan, Taraka, Tubaran, Tugaya, Wao and the City of Marawi, protestee Hataman employed violence, force and intimidation to drive voters from the polling precincts.

3.06.20. In fact the Honorable Commission declared a failure of election in the municipalities of Binidayan and Tamparan due to the uncontrollable election related violence that unduly disturbed the voting therein.

3.06.21. Ballots in the protested CPs in the province were prepared by the cohorts and allies of protestee Hataman and not by the registered voters.

3.06.22. In some protested CPs, the official ballots were accomplished by the BEIs to make sure that the results of election will favor protestee Hataman. Further, the BEIs forged/ falsified the signatures of the registered voters in the EDCVL to make it appear that actual voting took place in the protested CPs.

3.06.23. The official ballots that were distributed to the registered voters on election were pre-shaded in favor of protestee Hataman. Meaning, official ballots distributed to the voters by the BEIs were already shaded, particularly,

the circle before the name of protestee Hataman thus disenfranchising the duly registered voters.

3.06.24. Statements of Votes By Precinct For Regional Governor showing the votes of the parties from the forty (40) municipalities of Lanao del Sur were requested by protestant from the Election Records and Statistics Department to be attached to this Election Protest but protestant Tan was told that said documents have yet been submitted to the said office except for the ones from two (2) municipalities: Butig and Balabagan⁹.

3.07. The massive substitution of voters, pre-shading of ballots and other electoral irregularities perpetrated by the cohorts and supporters of protestee Hataman, as evidenced by the "0" vote of protestant Tan, among others, in several protested CPs, will be uncovered and proven by the revision of ballots and the comparison between the signatures and thumbmarks appearing in the Voters Registrations Records (VRR)/Book of Voters and the signatures and thumbmarks affixed on the day of the election and appearing on the Election Day Computerized Voter's List (EDCVL) used in the 09 May 2016 elections in all the protested CPs of the 4 provinces of the ARMM.

3.08. A technical examination of the signatures and thumbmarks on the VRRs/Book of Voters and the EDCVL from the protested CPs of the 4 provinces will reveal that the proportion of substituted voters and voters who failed to vote because of pre-shading of ballots for the position of Regional Governor far exceed FIFTY PERCENT (50%) of those who voted and hence, the results of the election in ALL the CPs of the 4 provinces involved SND should be annulled based on the accepted rule that for the results or election returns to be annulled on the grounds of fraud, irregularities or terrorism, more than fifty percent (50%) of the total number of votes in the CPs involved must be shown to have been affected or vitiated by such fraud.

3.09. Indeed, considering that the official ballots were shaded by persons other than the registered voters plus the other electoral fraud and irregularities perpetrated by protestee Hataman and his cohorts, the election results in the protested CPs only deserve to be annulled. In this event, after the annulment of the result in the protested CPs, protestant Tan will emerge as the true winner.

3.10. In the meantime, upon filing of this Election Protest, it is necessary for the Honorable Commission to issue an order directing

⁹ The STATEMENTS OF VOTES BY PRECINCT FOR REGIONAL GOVERNOR from the municipalities of Butig and Balabagan are attached as ANNEXES "L" and "L-1" and made integral parts hereof.

the Election Officers and the City/Municipal Treasurers of the all cities and municipalities of Basilan, Tawi-Tawi, Maguindanao and Lanao del Sur of the Autonomous Region in Muslim Mindanao which are subject of this Election Protest to take immediate and necessary steps or measures to safeguard the integrity of all the ballot boxes and their contents, the Election Day Computerized Voters Lists (EDCVL), and the other election documents or paraphernalia used in the 2,834 protested CPs, as well as the SD cards containing electronic data evidencing the conduct and the results of elections in the said protested CPs.

PRAYER

WHEREFORE, premises considered, protestant TAN most respectfully prays of this Honorable Commission that:

Upon the filing of this Election Protest, an ORDER be issued:

1. **DIRECTING** the Election Officers and City/ Municipal Treasurers of all the cities and municipalities in the ARMM and were subject of this instant Protest to take the necessary precautionary measures for the safekeeping and custody of the ballots, the ballot boxes and their contents, the SD cards, the EDCVL and other election documents and paraphernalia used in the 09 May 2016 National and Local Elections in ALL the 2,834 protested CPs of all the cities/municipalities of Basilan, Tawi-Tawi, Maguindanao and Lanao del Sur, to insure that the said election paraphernalia and documents will not be tampered, destroyed and lost;
 2. **DIRECTING** that the ballots, the ballot boxes and their contents, the SD cards, the EDCVL and other election documents and paraphernalia used in the 09 May 2016 National and Local Elections in ALL the 2,834 protested CPs be bought before this Honorable Commission;
 3. **DIRECTING** the REVISION/RECOUNT of ballots and the TECHNICAL EXAMINATION of the signatures and thumbmarks appearing on the Voters Registration Records/Book of Voters and the EDCVL in ALL the protested CPs of all the municipalities of Basilan, Tawi-Tawi, Maguindanao and Lanao del Sur;
- After due proceedings, recount/revision of ballots and/or technical examination of the mentioned election documents, an ORDER be issued:
4. **ANNULLING** the results of the election in the protested CPs for the position of Regional Governor of the ARMM more than fifty

percent (50%) of the total number of votes in the CPs are shown to have been affected or vitiated by such fraud.

5. DEDUCTING the annulled votes of protestee Hataman found during the revision of ballots and technical examination from the votes credited to him in the election returns and/or in the Statements of Votes By Precinct;

6. ANNULING and SETTING ASIDE the proclamation of protestee Hataman as the elected Regional Governor of the ARMM; and


7. DECLARING protestant Tan as the winner and the duly elected candidate for the position of Regional Governor of the ARMM.

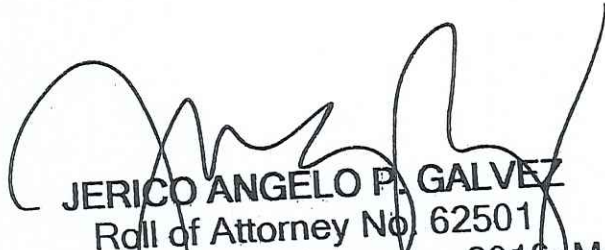
Protestant Tan finally prays for such other reliefs and remedies just and equitable under the premises.

City of Manila, Metro-Manila, Philippines; 21 May 2016.

ARCILLA LAW OFFICE
Counsel for the Protestant
105-B, ECJ Condominium Building
Real corner Arzobispo Streets
Intramuros 1002, City of Manila
Telephone No.: 527-6952; Fax No. 527-5434
Email Address: arcilla_law@yahoo.com

By:


JUANITO G. ARCILLA
Roll of Attorney No. 32492
PTR No. 4930085; 05 January 2016; Manila
IBP No. 1018478; 06 January 2016; Manila IV
MCLE Compliance No. V-0017722; 11 April 2016


JERICO ANGELO P. GALVEZ
Roll of Attorney No. 62501
PTR No. 4930090; 05 January 2016; Manila
IBP No. 1018475; 06 January 2016; Laguna
MCLE Compliance No. V-0016882; 16 March 2016

and


WENDELL F. SOTTO

Roll of Attorney No. 46840

PTR No. 1184166; 07 January 2016; Z.C.

IBP No. 1028236; 08 January 2016; Z.C.

MCLE Compliance No. IV-0023465; 08 May 2014

Investment and Development Corp., Bldg.

Nunez cor. Tomas Claudio Sts.

Zamboanga City

Copy Furnished:

HON. MUJIV S. HATAMAN

Buli- Buli, Sumisip

Basilan

EXPLANATION

A copy of the foregoing Election Protest was served on the other party by registered mail due to time and manpower constraints.


JERICO ANGELO P. GALVEZ

**VERIFICATION
and CERTIFICATION ON NON-FORUM SHOPPING**

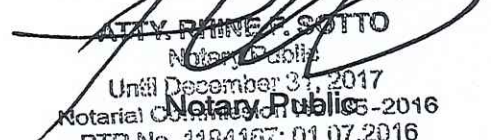
I, ABDUSAKUR M. TAN, Filipino, of legal age, married and resident of Loai St., Asturias, Jolo, Sulu after having been duly sworn to in accordance with law, depose and state that:

1. I am the PROTESTANT in the above-entitled Election Protest;
2. I have caused the preparation of the foregoing Election Protest;
3. I have read the contents thereof and affirm that the same are true and correct to the best of my personal knowledge and/or based on authentic records;
4. Pursuant to and in compliance with Supreme Court Administrative Circular No. 04-94, I hereby certify that I have not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency; that to the best of my knowledge, no such action or proceeding is pending with the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency; and that if I should thereafter learn that a similar action or proceeding has been filed or is pending before the above tribunals or agency, I hereby undertake to report that fact within five (5) days therefrom to the Court or Agency wherein the original pleading and sworn certification contemplated herein have been filed.

Affiant sayeth naught.


ABDUSAKUR M. TAN
Affiant

SUBSCRIBED AND SWORN to before me this 23rd the day of May 2016 at Zamboanga City by the Affiant who has satisfactorily proven to me his identity through his TIN with No. 105-549-299 issued by the Bureau of Internal Revenue and that he is the same person who personally signed before me the foregoing verification and acknowledged that he executed the same.


ATTY. RHINE P. SOTTO
Notary Public
Until December 31, 2017
Notarial Commission No. 1184167-2016
PTR No. 1184167; 01.07.2016
IBP No. 1028237; 01.08.2016
Roll of Attorneys No. 54914
MCLE Compliance No. IV-007066; 25 July 2012
SOTTO & SOTTO LAW OFFICE
Zamboanga City

Doc. No. 194 ;
Page No. 39 ;
Book No. 23 ;
Series of 2016.

Republic of the Philippines }
City of Manila } S.S.

AFFIDAVIT OF SERVICE

I, **CARLOS C. CALDERON JR.**, of legal age, Filipino, and being the Liaison Officer of **ARCILLA LAW OFFICE**, with address at Suite 105 ECJ Bldg., Real Street, Intramuros, Manila after having been duly sworn to in accordance with law, depose and say:

That on May 24, 2016, I served a copy of the following pleading/paper by registered mail, entitled:

"ELECTION PROTEST"

entitled "**ABDUSAKUR M. TAN versus MUJIV S. HATAMAN.**," depositing a copy in the Manila Central Post Office, in sealed envelope, plainly addressed to the party with postage fully prepaid, as evidenced by attached Registry Receipt No. RD 621 460 088 22, with instruction to the postmaster to return the mail to the sender after ten (10) days, if undelivered.

That the addressee is:

MUJIV S. HATAMAN
Buli-Buli, Sumisip,
Basilan

CARLOS C. CALDERON JR.

Affiant

SUBSCRIBED AND SWORN to me this 24th day of May, 2016, affiant exhibiting to me his Driver's License No. NO1 97 207015 valid until March 21, 2017.

Doc. No. 298;
Page No. 40;
Book No. IV;
Series of 2016.

JERICO ANGELO P. GALVEZ
NOTARY PUBLIC IN THE CITY OF MANILA
COMMISSION NO. 1015-037
UNTIL 31 DECEMBER 2016
ROLL OF ATTORNEY NO. 62501
PTR NO. 9330090; 01-05-2016 (FOR 2016), MANILA
IBP NO. 1018475; 01-06-2016 (FOR 2016), LAGUNA
105-C ECJ CONDOMINIUM BUILDING
REAL CORNER ARZOBISPO STREETS
INTRAMUROS 1002, CITY OF MANILA

REGISTRY RECEIPT
Post Office **CENTRAL POST OFFICE MANILA**
Letter/Package No. **RD 621 460 088 22**
Posted on **MAY 24 2016** 20
Preserve this receipt for reference in case of inquiry
Postmaster/Teller

4-18-18

REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
MANILA

SECOND DIVISION

ABDUSAKUR M. TAN,
Protestant,

-versus-

EPC No. 2016-37

MUJIV S. HATAMAN,
Protestee.

X-----X

MOTION TO CONDUCT TECHNICAL EXAMINATION
(Of The Voters' SIGNATURES And THUMBMARKS
Appearing On The EDCVL And VRRs
In The Pilot Protested Clustered Precincts)

Protestant Abdusakur M. Tan (Protestant Tan), through counsel, unto this Honorable Commission (Second Division), most respectfully states that:

- 1. In his Election Protest¹, Protestant Tan questioned and impugned the results in all the Two Thousand Eight Hundred Thirty Four clustered precincts (CP) of the four provinces of ARMM, namely: Lanao Del Sur, Maguindanao, Basilan and Tawi - Tawi;
- 2. The total votes of the parties in the protested CP of the said four (4) provinces are as follows:

Province	Protestant Tan	Protestee Hataman
Lanao Del Sur	88, 652	233, 950
Maguindanao	25, 831	349, 001
Basilan	18, 310	118, 927
Tawi - Tawi	32, 322	92, 388
TOTAL	165, 115	794, 266

3. Protestant Tan in his Election Protest impugned the votes garnered by the protestee on the grounds, among others, of pre-

¹ Filed on May 24, 2016.

shading, depriving the legitimate voters of their right to vote, and substitute voting. Thus --

3.1. In Province of Basilan, protestant alleged in his Election Protest that in almost all the municipalities and one city of Basilan, the cohorts and allies of protestee Hataman threatened, intimidated and forced out of the polling precincts the registered voters and the supporters and watchers of protestant Tan. Thus, the cohorts and leaders and supporters of protestee Hataman, with the able collusion of the members of the Board of Election Inspectors (BEI), had a heyday in pre-shading and voting the ballots in favor of protestee Hataman;

3.2. In Province of Tawi - Tawi, protestant alleged that in the protested CPs in the municipalities of Languyan, Panglima Sugala (Balimbing), Sibutu, Simunul, South Ubian, Tandubas, Sitangkai and Bongao, a common scheme was perpetrated by the barangay officials and BEIs in order to illegally influence the results of election to favor protestee Hataman. In the said CPs, the registered voters were intimidated and prohibited by these barangay officials and cohorts of protestee Hataman, to exercise their right to vote. Thereafter, the assigned BEIs and barangay officials secured all the ballots, shaded the ovals intended for protestee Hataman and inserted them to the VCMs. These activities were all done without the consent of the registered voters.

3.3. In Province of Maguindanao, protestant alleged that the electoral anomalies and fraud employed by protestee Hataman in Basilan and Tawi-Tawi were replicated even more in Basilan and Tawi-Tawi. The use of violence, force and intimidation by protestee Hataman and his armed goons figured in the protested CPs of this province driving away registered voters and supporters of protestant Tan thus depriving them from casting their votes.

3.3.1. In the protested CPs of the following municipalities of Barira, Buluan, Datu Abdullah Sangki, Datu Anggal Midtimbang, Datu Hoffer Ampatuan, Datu Montawal, Datu Paglas, Datu Salibo, Datu Saudi-Amptuan, Kabuntalan, Mangudadatu, Matanog, Northern Kabuntalan, Pagalungan, Pandag, Rajah Buayan, Shariff Saydona Mustapha, South Upi, Sultan Kudarat, Sultan Mastura, Sultan sa Barongis, Sultan Sumagka, Talayan and Upi, several armed men associated with protestee Hataman intimidated, coerced and forced the registered

voters to leave the polling precincts. Thereafter, the BEIs and barangay officials associated with protestee Hataman took possession of all the official ballots and VCMs.

3.3.2. Thereafter, massive substitute voting was perpetrated in the protested CPs by the barangay officials and armed goons of, the BEIs and the cohorts of protestee Hataman in the protested CPs where the said barangay officials and armed men, single-handedly and with the collusion of the BEI members, prepared the ballots without the voters' participation and consent. The circle before the name of protestee Hataman was shaded and, thereafter, the EDCVL were signed by people other than the actual voters, to show a semblance of the conduct of election in said clustered precincts.

3.3.3. In Province of Lanao del Sur, Protestant alleged that in the municipalities of Bacolod-Kalawi, Balabagan, Balindong, Bayang, Binidayan, Buadiposo-Buntong, Bubong, Bumbaran, Butig, Calanogas, Ditsaan-Ramain, Ganassi, Kapai, Kapatagan, Lumba-Bayabao, Lumbaca-Unayan, Lumbatan, Lumbayanague, Madalum, Madamba, Maguing, Malabang, Marantao, Marongong, Masiu, Mulondo, Pagayawan, Piagapo, Picong, Poona Bayabao, Pualas, Saguian, Sultan Dumalondong, Tagoloan II, Tamparan, Taraka, Tubaran, Tugaya, Wao and the City of Marawi, protestee Hataman employed violence, force and intimidation to drive voters from the polling precincts. Ballots in the protested CPs in the province were prepared by the cohorts and allies of protestee Hataman and not by the registered voters.

4. In his PRAYER, Protestant Tan, among others, prays, thus -

"3. DIRECTING the REVISION/RECOUNT of ballots and the TECHNICAL EXAMINATION of the signatures and thumbmarks appearing on the Voters Registration Records/Book of Voters and the EDCVL in ALL the protested CPs of all the municipalities of Basilan, Tawi-Tawi, Maguindanao and Lanao del Sur;"²

5. In fact, in his Preliminary Conference Brief³, confirmed in the Preliminary Conference Order⁴ dated 4 April 2017 of this Honorable Commission, Protestant Tan manifested his intent to refer his protest

² Paragraph 3, page 13 of Election Protest.

³ Paragraph 4.1. Page 9 of Protestant Tan's Preliminary Conference Brief.

⁴ Sub-Title IV, 1st Paragraph, Page 12 of Preliminary Conference Order.

to signatures and thumbmarks experts for technical examination, thus:

“4.1. Considering that the grounds for this Election Protest involve not only the revision and recount of ballots but also massive substitute voting and pre-shading of ballots, the Protestant will move for the referral of this protest to signatures and thumbmarks experts for the technical examination and comparison of the signatures and thumb marks as appearing in the VRRs and in the EDCVL.”

6. It is in this light that Protestant Tan submits this Motion to conduct technical examination, INITIALLY, in his pilot protested CP enumerated herein which would exemplify the massive substitution of voters, pre shading of ballots, and other electoral irregularities perpetrated by the cohorts of the protestee and which resulted to “zero” votes for Protestant Tan, to wit:

Akbar, Basilan:

	Precinct ID No.	Statement of Votes	
		Hataman	Tan
1.	07080002	244	0
2.	07080005	770	0
3.	07080006	644	1
4.	07080009	410	0
5.	07080011	422	0
	Total	2490	1

Lantawan, Basilan:

	Precinct ID No.	Statement of Votes	
		Hataman	Tan
1.	070030011	453	0
2.	070030020	205	0
3.	070030009	544	1
4.	070030010	674	1
5.	070030017	162	0
6.	070030025	444	1
	Total	2482	3

Sumisip, Basilan:

	Precinct ID No.	Statement of Votes	
		Hataman	Tan
1.	07050003	587	1
2.	07050004	605	0
3.	07050007	441	0

4.	07050008	680	0
5.	07050009	562	0
6.	07050011	720	1
7.	07050013	730	0
8.	07050014	443	0
9.	07050015	317	0
10.	07050016	331	0
11.	07050022	566	1
12.	07050023	561	0
13.	07050024	376	0
14.	07050026	478	1
15.	07050027	538	0
16.	07050028	391	0
17.	07050029	646	0
18.	07050033	530	0
19.	07050034	430	0
20.	07050035	584	0
21.	07050036	441	0
22.	07050037	388	0
23.	07050038	394	0
24.	07050039	737	0
	Total	12476	4

Tuburan, Basilan:

	Precinct ID No.	Statement of Votes	
		Hataman	Tam
1.	07070001	409	1
2.	07070003	590	0
3.	07070004	530	0
4.	07070005	491	0
5.	07070006	244	0
6.	07070007	248	0
7.	07070009	556	0
8.	07070010	269	0
9.	07070012	445	0
	Total	3782	1

Tabuan-lasa, Basilan:

	Precinct ID No.	Statement of Votes	
		Hataman	Tan
1.	07130001	777	0
2.	07130003	783	0
3.	07130006	684	0
4.	07130010	501	1
5.	07130011	322	1
6.	07130013	735	0
7.	07130015	734	0
8.	07130016	768	0
	Total	5304	2

City of Lamitan, Basilan:

	Precinct ID No.	Statement of Votes	
		Hataman	Tan
1.	07020019	455	0
2.	07020020	550	0
3.	07020021	505	0
4.	07020023	539	0
5.	07020031	262	0
6.	07020034	544	0
7.	07020035	543	0
8.	07020036	542	1
9.	07020059	618	0
10.	07020063	473	0
	Total	5031	1

Barira, Maguindanao:

	Precinct ID No.	Statement of Votes	
		Hataman	Tan
1.	38180005	380	0
2.	38180006	455	2
3.	38180008	410	0
4.	38180009	423	0
5.	38180010	558	1
6.	38180011	549	0
7.	38180014	521	1
8.	38180015	476	0
9.	38180018	473	1
	Total	4245	5

Sultan Kudarat, Maguindanao:

	Precinct ID No.	Statement of Votes	
		Hataman	Tan
1.	38120008	759	0
2.	38120015	566	1
3.	38120019	539	1
4.	38120020	275	0
5.	38120021	461	0
6.	38120026	444	1
7.	38120032	511	0
8.	38120033	558	0
9.	38120034	480	0
10.	38120036	338	1
11.	38120046	523	0
12.	38120047	470	0
13.	38120049	677	0
14.	38120050	536	0
15.	38120051	511	0
16.	38120052	369	0
17.	38120053	212	1
18.	38120058	632	0

19.	38120059	563	1
20.	38120060	386	0
21.	38120061	438	0
22.	38120062	378	0
23.	38120068	378	0
24.	38120074	545	1
25.	38120075	481	1
	Total	12030	8

Datu Odin Sinsuat, (Dinaig):

	Precinct ID No.	Statement of Votes	
		Hataman	Tan
1.	38070002	654	0
2.	38070006	670	1
3.	38070008	520	1
4.	38070018	337	0
5.	38070019	286	0
6.	38070023	513	0
7.	38070026	618	1
8.	38070027	721	0
9.	38070030	536	0
10.	38070031	389	0
11.	38070032	576	0
12.	38070033	438	1
13.	38070034	560	1
14.	38070035	435	0
15.	38070036	559	0
16.	38070039	581	0
17.	38070044	511	0
18.	38070045	406	0
19.	38070046	396	0
20.	38070047	519	0
21.	38070048	585	0
22.	38070049	586	0
23.	38070050	560	1
24.	38070051	538	0
25.	38070052	563	0
26.	38070053	771	0
27.	38070054	338	0
28.	38070056	381	1
29.	38070060	575	0
30.	38070061	496	0
31.	38070062	588	0
32.	38070064	690	0
33.	38070065	762	0
34.	38070066	540	0
35.	38070067	523	0
36.	38070072	555	0
37.	38070073	329	1

38.	38070074	684	0
39.	38070075	692	0
40.	38070082	566	0
41.	38070085	390	0
42.	38070089	715	0
	Total	22652	8

Pandag, Maguindanao:

	Precinct ID No.	Statement of Votes	
		Hataman	Tan
1.	38330002	328	0
2.	38330003	762	0
3.	38330005	442	0
4.	38330010	620	6
5.	38330012	749	0
	Total	2901	6

Taraka, Lanao Del Sur:

		Statement of Votes	
		Hataman	Tan
1.	36270002	188	0
2.	36270003	364	0
3.	36270004	109	0
4.	36270005	382	0
5.	36270006	140	0
6.	36270007	136	0
7.	36270008	342	0
8.	36270009	247	0
9.	36270013	140	0
10.	36270017	249	0
11.	36270019	183	0
12.	36270020	150	0
13.	36270022	133	0
14.	36270026	178	0
15.	36270028	138	0
16.	36270029	498	0
17.	36270030	204	0
18.	36270031	276	0
19.	36270033	107	0
20.	36270035	416	0
21.	36270039	145	0
22.	36270040	216	0
23.	36270041	248	0
24.	36270043	177	0
	Total	5366	0

7. In *Sahali vs. COMELEC*⁵, the Hon. Supreme Court ruled that this Honorable Commission may order technical examination of election paraphernalia in view of its exclusive original jurisdiction over all contests relating to the elections, returns and qualifications of all elective regional, provincial and city officials. The authority of this Honorable Commission settle said election protests includes the authority to order a technical examination of relevant election paraphernalia, election returns and ballots in order to determine whether fraud and irregularities attended the canvass of the votes. Thus:

"The power of the COMELEC First Division to order the technical examination election paraphernalia in election protest cases stems from its "exclusive original jurisdiction over all contest relating to the elections, returns and qualifications of all elective regional, provincial and city officials".

"Otherwise stated, the express grant of power to the COMELEC to resolve election protests carries with it the grant of all other powers necessary, proper, or incidental to the effective and efficient exercise of the power expressly granted. Verily, the exclusive original jurisdiction conferred by the constitution to the COMELEC to settle said election protests includes the authority to order a technical examination of relevant election paraphernalia, election returns and ballots in order to determine whether fraud and irregularities attended the canvass of the votes."

PRAYER

WHEREFORE, premises considered, Protestant Tan most respectfully prays of this Honorable Commission (Second Division) to issue an ORDER directing the conduct of technical examination of the signatures and thumbmarks of the registered voters appearing in the Election Day Computerized Voters' List (EDCVL) and Voters' Registration Record (VRR) used in the May 2016 election, initially in the pilot protested clustered precincts.

Protestant Tan prays for such other remedies, just and equitable under the premises.

City of Manila, April 10, 2018.

⁵ G.R. No. 201796, January 15, 2013.

ANNULMENT OF ELECTIONS

LANAO DEL SUR
Robredo – 180,539
Marcos – 56,243
Clustered Precincts – 1,251

Annex	Witness/Affiant	Municipality/City	Allegations in the Protest	Summary
GG-2	Amerah Maranda	Municipality of Bacolod-Kalawi	Pre-shading and batch feeding of ballots	<ul style="list-style-type: none">• Watcher of candidate Tamim C. Amanoddin;• Claims he complained to a military officer;• Mentions that a certain Al-zhuri Dipatuan intimidated him and his companions;• Barangay Chairman approached him and also shouted at him to get out. <p>NOTE: Affidavit was notarized in Pasig City by Jack Bryan D. Hufano</p>
GG-3	Alliah Abdulkarim			<ul style="list-style-type: none">• Watcher of candidate Tamim C. Amanoddin in Precinct No. 006A,

		<p>Barangay Barua;</p> <ul style="list-style-type: none"> • They were forced out by candidate Al-zhuri Dipatuan; • Was threatened; • Personally saw the BEIs shading the ballots.
GG-4	Nabilah Sowaib	
GG-5	Rohanie Amanoddin	
GG-6	Nouman A. Abdullah	
		<ul style="list-style-type: none"> • Watcher of candidate Tamim C. Amanoddin; • Allegedly approached a military officer in Bacolod Central but was merely told that their officer was not around; • Notarized in Pasig City by Atty. Jack Bryan Hufano.
		<ul style="list-style-type: none"> • Supporter of mayoralty candidate Tamim Amanoddin; • Policemen pointed their M203 rifles at them and

				threatened to shoot.
GG-7 to GG-8	Election Assistant Gonaranao P. Corontoz	Marawi City	<ul style="list-style-type: none"> The voter's receipt showed that instead of Duterte-Marcos, the VCM read Roxas-Robredo; Batch feeding of ballots. 	<ul style="list-style-type: none"> Alleged Judicial Affidavit was made by Lilian Radam at the Office of the Provincial Election Supervisor; Assigned in Tamparan, Lanao del Sur from 05 November 2015 up to the present; During the testing, VCM first yielded zero-zero result Allegedly reported the incident to COMELEC Manila but no knowledge of any action taken on this.
GG-9	Election Assistant Amer D. Abdullah	Municipality of Pagayawan, Lanao del Sur	<ul style="list-style-type: none"> Due to a commotion, the voters left without casting their votes; Reports of ballot snatching which were later filled out and shaded against the will of the voters. 	<ul style="list-style-type: none"> Alleged Judicial Affidavit was made by Lilian Radam at the Office of the Provincial Election Supervisor; Assigned in Pagayawan on 15 August 2015; Received reports of violence but did not personally witness what happened; Claims that he reported the incidents to his EO.

GG-10	Election Assistant Sanapia D. Benito	Marawi City, Lanao del Sur	<ul style="list-style-type: none"> • Ballot snatching; • High turnout of voters 	<ul style="list-style-type: none"> • Alleged Judicial Affidavit was made by Lilian Radam at the Office of the Provincial Election Supervisor; • During the delivery of paraphernalia in Barangay Cabingan, two watchers sustained gunshot wounds; • Reported this to his EO; • Allegedly, while he was voting, someone took his ballot and shaded candidates for national position.
GG-11	Election Assistant Abdulnader M. Balt	Lumbaca Unayan, Lanao del Sur	<ul style="list-style-type: none"> • Reports of minors casting their votes; • Assistors refused to assist senior citizens; • Presence of armed men. 	<ul style="list-style-type: none"> • Alleged Judicial Affidavit was made by Lilian Radam at the Office of the Provincial Election Supervisor; • Assigned in Lumbaca Unayan on 02 May 2016; • Received reports and he in turn relayed these to his EO.

MAGUINDANAO
 Robredo – 220,125
 Marcos – 80,591
 Clustered Precincts – 1,083

Annex	Witness/Affiant	Municipality/City	Allegations in the Protest	Summary
HH-2	Normina L. Taha	Datu Saudi, Ampatuan	<ul style="list-style-type: none"> Pre-shaded ballots; Violence, intimidation and threats by Samsudin (Mayor and LP candidate). 	
HH-3	Bassir D. Utto		<ul style="list-style-type: none"> Vice-mayoralty candidate; Violence, threats and intimidation by MILF 118 Base Command Wahid Tundok, with Nashro Dimaukom and Patrick Dimaukom in Barangay Kabinge to prevent voters from entering the polling precinct. 	

BASILAN
 Robredo – 77,321
 Marcos – 32,326
 Clustered Precincts – 442

Annex	Witness/Affiant	Municipality/City	Allegations in the Protest	Summary
II-2	Gerry A. Salapuddin	NOTE: Congressional Candidate	<ul style="list-style-type: none"> In the Municipalities of Akbar, Tuburan, Al Barkah, Sumisip, Tabuan-Lasa, Ajul and Lantawan, the official ballots were not delivered but were pre-shaded by supporters of LP. 	<ul style="list-style-type: none">
II-3	Nuruddin A. Dawalin	Barangay Sinulatan, Municipality of Tuburan, Basilan	<ul style="list-style-type: none"> Ballots were already pre-shaded. 	
II-4	Redzmar M. Hasim		<ul style="list-style-type: none"> Corroborated the statement of Nuruddin A. Dawalin; Witnessed Barangay Captain Ben Salain filling up the ballots for his relatives who were not yet 	

			<ul style="list-style-type: none"> in the polling centers; Other unidentified persons, not registered voters, were also seen shading the ballots. 	
II-5	Basir A. Saala	Barangay Calut Tuburan, Basilan	<ul style="list-style-type: none"> Elections were terminated as early as 8AM. 	
II-6	Rahman S. Kapeng	Barangay Mangalut, Akbar, Basilan	<ul style="list-style-type: none"> Pre-shading of ballots; Barangay Captain Maujabal Jahaddin, his wife and brother watched over the batch-feeding of the pre-shaded ballots. 	
II-7	Gani A. Alap	Barangay Caddayan, Akbar, Basilan	<ul style="list-style-type: none"> BEIs distributed pre-shaded ballots. 	<ul style="list-style-type: none"> Pro-forma affidavit; Notarized by Atty. Eduardo L. Generalao
II-8	Nasir A. Tawani	Barangay Mebak, Municipality of Sumisip, Basilan	<p>NOTE: watcher of UNA and gubernatorial candidate Joel T. Maturan.</p> <ul style="list-style-type: none"> Ballots were pre-shaded inside the municipal hall as early as 3PM on 08 May 2016; 	

			<ul style="list-style-type: none"> • Twenty (20) vehicles were parked within the premises of the municipal hall; • Voters were no longer allowed to vote by 9AM on election day. 	
II-9	Abdulla I. Anjala	Barangay Cabcaban, Municipality of Sumisip, Basilan	<p>NOTE: watcher of UNA and gubernatorial candidate Joel T. Maturan.</p> <ul style="list-style-type: none"> • At around 7AM, ballots were already pre-shaded and only around 10 ballots were not filled out. 	
II-10	Amat A. Sarama	Barangay Upper Cabengbeng, Municipality of Sumisip, Basilan	<ul style="list-style-type: none"> • Registered voter; • No elections took place as the ballots were already pre-shaded inside the Municipal Hall at Barangay Buli on 08 May 2016. 	
II-11	Mariabella E. Macay	Barangay Tongsengal, Municipality of Sumisip, Basilan	<p>NOTE: watcher of UNA and gubernatorial candidate Joel T. Maturan.</p> <ul style="list-style-type: none"> • When she arrived at the polling place, the EO 	<ul style="list-style-type: none"> • Based on POP, Precinct No. 78A where she is a voter has only 200 voters and not 534 as alleged in the affidavit; • She allegedly called a

			<p>was not around and precincts were not set up;</p> <ul style="list-style-type: none"> • Capt Valencia told her "wala tayong magagawa, maghintay na lang next election." 	<p>certain Captain Tapia of the 64th Battalion, Philippine Army who told her to call Capt. Valencia;</p> <ul style="list-style-type: none"> • Claims that 12 barangays were clustered in Barangay Tumahubong on election day; • Based on POP, barangays had different polling centers.
II-12	Alamin O. Ibama	Barangay Mahalatang, Municipality of Sumisip, Basilan	<p>NOTE: watcher of UNA and gubernatorial candidate Joel T. Maturan.</p> <ul style="list-style-type: none"> • All the ballots were already pre-shaded at around 6:00 AM on 09 May 2016, except for around fifty (50) ballots. 	<ul style="list-style-type: none"> • Registered voter of Barangay Mahalatang, Sumisip, Precinct No. 48A; • Claims that there are 648 registered voters but per POP, there are only 200 registered voters in Precinct 48A and/or a total of 728 registered voters in the CP; • On 08 May 2016, was allegedly advised by a certain Kotong Espital not to proceed to the Municipal Hall.
II-13	Sitti S. Bohong	Barangay Manaul, Municipality of Sumisip, Basilan	<ul style="list-style-type: none"> • Almost all 1,076 ballots were already pre-shaded and ready to be fed 	<ul style="list-style-type: none"> • UNA watcher assigned at Barangay Mahalatang; • Claims that 12

			<ul style="list-style-type: none"> to the VCM; Only seventeen (17) ballots were not filled out. 	<p>barangays were clustered at Barangay Tumahubong;</p> <ul style="list-style-type: none"> Per POP, the polling center of Barangay Mahalatang is at Mahalatang Elementary School, Barangay Mahalatang; Also, claims that there are 1,076 registered voters in Barangay Manaul but per POP, there are 1,087 registered voters; Claims that the ballot boxes of Barangay Tongsengal was brought to the house of Regional Assemblyman candidate Haber Asarui at Barangay Basak.
II-14	Abdulbasir D. Tawani	Barangay Tumahubong, Municipality of Sumisip, Basilan	<ul style="list-style-type: none"> Registered voter of Barangay Mebak; Was not allowed to vote as he was informed that the voting was already conducted the day before at the Municipal Hall in Barangay Buli-Buli. 	<ul style="list-style-type: none"> Resident and registered voter of Precinct No. 0060A, Barangay Mebak; Claims that there are 449 registered voters in his precinct but per POP, there are only 162 registered voters; Went to Barangay

				Tumahubong to cast his vote but there were only few voters because the voting was already conducted at the Municipal Hall, Barangay Buli-Buli, Sumisip, Basilan.
II-15	Massir S. Tawani	Barangay Mebak, Municipality of Sumisip, Basilan	<ul style="list-style-type: none"> Went to Barangay Tumahubong to cast his vote and act as watcher of candidate Joel Maturan; He was informed that he cannot vote anymore as the voting was already conducted on 08 May 2016 at the Municipal Hall in Barangay Buli-Buli. 	<ul style="list-style-type: none"> UNA watcher and assigned in Barangay Mebak; Registered voter of Precinct No. 005A, Barangay Mebak with 449 registered voters; Per POP, there is no Precinct 005A and the total number of registered voters in Barangay Mebak is 450; Claims that Barangay Mebak was clustered in Barangay Buli-Buli; Per POP, the polling center in Barangay Mebak is at Mebak Elementary School, Barangay Mebak.
II-16	Kais T. Itih	Barangay Mebak, Municipality of Sumisip, Basilan	<p>NOTE: watcher for UNA gubernatorial candidate Joel T. Maturan.</p> <ul style="list-style-type: none"> Went to the Municipal 	<ul style="list-style-type: none"> Registered voter of Precinct No. 0059A, Barangay Mebak, with 449 registered voters;

			<ul style="list-style-type: none"> Hall, Barangay Buli-Buli on 08 May 2016 but was prevented from going inside by the military, police and security aides. 	<ul style="list-style-type: none"> Per POP, there are only 191 registered voters in Precinct No. 0059A; Claims that Barangay Mebak was clustered at Barangay Tumahubong <p>[NOTE: earlier witness, Tawani claims that Barangay Mebak was clustered at Barangay Buli-Buli].</p>
II-17	Muallam A. Gadjalul	Barangay Lower Cabengbeng, Sumisip, Basilan	<ul style="list-style-type: none"> Witnessed BEIs issuing pre-shaded ballots in Barangay Cabengbeng, Sumisip, Basilan. 	<ul style="list-style-type: none"> Pro-forma affidavit; Notarized by Atty. Eduardo Generalao.
II-18	Hussin Adjain	Barangay Manaul, Sumisip, Basilan	<ul style="list-style-type: none"> Witnessed BEIs issuing pre-shaded ballots in Barangay Manaul, Sumisip, Basilan. 	<ul style="list-style-type: none"> Pro-forma affidavit; Notarized by Atty. Eduardo Generalao.
II-19	Salaain A. Muhtarin	Barangay Tongsengal, Sumisip, Basilan	<ul style="list-style-type: none"> Witnessed BEIs issuing pre-shaded ballots in Barangay Tongsengal, Sumisip, Basilan. 	<ul style="list-style-type: none"> Pro-forma affidavit; Notarized by Atty. Eduardo Generalao.
II-20	Said M. Uiling	Barangay Balagtasan, Lamitan City, Basilan	<ul style="list-style-type: none"> Ordered by Barangay Captain Abdulla Panglias to fill out the ballots in favor 	<ul style="list-style-type: none"> Registered voter of Precinct No. 112A, Barangay Balagtasan, Lamitan

			<p>of LP on 08 May 2016;</p> <ul style="list-style-type: none"> • On 09 May 2016, he started filling out the ballots from 6AM to 1PM; • Voters were no longer allowed to enter the precinct at 3PM while the men of Captain Abdulla continued casting the remaining ballots. 	<p>City, Basilan;</p> <ul style="list-style-type: none"> • Admitted supporter of Barangay Captain Abdulla Panglias; • On 08 May 2016, was called to a meeting together with Najal Tengoh, Abdul Alasa, Bas Alasa, Nahara Alasa, Jimran Alex, Abdulhamid Aslaha, Nasra Sabturani, Absar Panglias, Arsida Panglias and Hassim Tangging at the house of Barangay Captain; • During the meeting, they were told to vote straight for LP so that the Barangay Captain can receive his reward of P500,000.00 and a Bongo vehicle promised by Vice-Mayor Roderick Furigay; • They were also promised a share in the reward if the other candidates will get zero votes; • Filled up ballots but included the names of relatives who were also candidates; and
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			<ul style="list-style-type: none">• Went to the polling place at around 8AM but Barangay Captain Abdulla Panglias prevented him from entering;• He was informed by Abdulla (cousin) that he could only vote after all the voters from LP were done;• Abdulla was escorted by armed Civilian Volunteer Organization (CVO);• When he insisted, a certain Padan Tengoh pointed an M16 rifle at him.	<ul style="list-style-type: none">• When the Barangay Captain found out, was replaced by Arsida Panglias and Najal Engoh.
II-21	Mady A. Anjalang	Barangay Balagtasan, Lamitan City, Basilan		<ul style="list-style-type: none">• Resident and registered voter of Barangay Balagtasan, Lamitan City, Basilan.
II-22	Boy Sanson Akilin	Barangay Balagtasan, Lamitan City, Basilan	<ul style="list-style-type: none">• He went to the polling place in Barangay Balagtasan at around 8AM on 09 May 2016;• He saw the Barangay Captain together with some armed CVO guarding the entrance of the polling	<ul style="list-style-type: none">• Registered voter of Precinct No. 116B, Barangay Balagtasan, Lamitan City, Basilan;• Claims that at around 10AM, a military vehicle arrived and told the Barangay Captain that there should be

			place; • Only voters who supported the barangay captain were allowed to enter.	no distinction as to who will be allowed to vote; • It was only then that voters were allowed to enter and cast their votes; • Alleged voting manipulation inside the precincts because while the voters were given official ballots, the men of Barangay Captain filled out the ballots; • Voters could not refuse because CVO Member Faisal Panglias and civilian supporter padan Tengoh were armed with M-16 armalite rifles.
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NOTE:

AFFIDAVITS of Adzar Mohammad Harun, Muhaymin Ismael Sahi, Marwan A. Masarani, Anwar Sanaani Kandum, Ahmad A. Abubakar, Hakim M. Aslain, Rosdy M. Abubakar, Omar Jallaha Mohawan, Edris Aramili Nisal, Murasid Amsalon Maranie, Yunus Saguindlian Lajid, Abdul-Aziz Sahak Sadat, Darwisa Muhtalib Gappal, Helna I. Jawari, Abdulmufthie A. Gumuntul, Sakim H. Tadjah, Munib S. Imbah, Chiek Abtuh Angkibo, Hussin A. Miguel, Anas Lubuha Basad, Jarail Jajialis Ismael, Murasil D. Astanan, Basir T. Kadir, Markandi H. Masarani, Wajer H. Baruela, Mahadir I. Arsad, Abdulgani E. Nuril, Suwaib A. Asjad, Al J. Amjala, Al-Sanee B. Hasadin, Madzrie G. Abdulla, John Lerry E. Mistal and Abubakar Asnalul Ahaddin are attachments to a case.