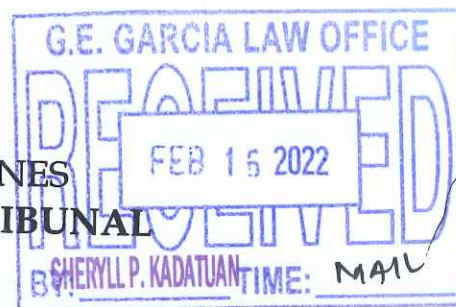


REPUBLIC OF THE PHILIPPINES  
PRESIDENTIAL ELECTIONS TRIBUNAL  
Manila



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

*Protestant,*

-versus -

**PET Case No. 005  
For: Election Protest  
Vice-President**

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

*Protestee.*

X -----X

**URGENT MOTION TO LIFT THE  
PRECAUTIONARY PROTECTION ORDER  
ON THE 5,418 BALLOT BOXES AND TO UTILIZE  
THE SAME FOR THE MAY 9, 2022 NATIONAL  
AND LOCAL ELECTIONS**

COMES NOW, the Commission on Elections (COMELEC), through the undersigned counsels of the Law Department, and unto this Honorable Tribunal, most respectfully states:

1. The COMELEC, through the Director IV of its Law Department, wrote a letter dated 03 November 2021 to this Honorable Tribunal, inquiring on the total number of ballot boxes being kept by the Honorable Tribunal, in line with the COMELEC's inventory of the ballot boxes which it may still use in the coming May 9, 2022 National and Local Elections.

2. In response thereto, on 10 December 2021, the COMELEC, through its Law Department, received an electronic mail and attached therein is the letter dated 9 December 2021 from Atty. Marife M. Lomibao-Cuevas, Clerk of the Tribunal, stating that the Honorable Tribunal is keeping a total of **Five Thousand Four Hundred Eighteen (5,418)** ballot boxes, broken down as follows:

Camarines Sur	1,816
Iloilo	2,318

Negros Oriental	1,284
<b>Total</b>	<b>5,418</b>

3. The COMELEC *En Banc*, in its regular meeting held on 22 December 2021, promulgated Minute Resolution No. 21-1465, certified true copy of which is hereto attached as **Annex "A"**, the dispositive portion of which reads:

"The Commission **RESOLVED**, as it hereby **RESOLVES**, to **approve** the recommendation of Executive Director Bartolome J. Sinocruz, Jr. to **authorize** the Law Department to request the Presidential Electoral Tribunal (PET) to lift the Precautionary Protection Order on the said ballot boxes in order that the same may be utilized in the 09 May 2022 National and Local Elections"

4. Hence, this Urgent Motion.

5. It cannot be overemphasized that in the event that this Honorable Tribunal grants this Urgent Motion, the government will save a considerable amount of money.

6. In addition, in **PET Case No. 004** entitled "*Manuel A. Roxas vs. Jejomar C. Binay*", this Honorable Tribunal had allowed the COMELEC to use the 5,000 ballot boxes in the August 8, 2011 Election of Regional Officials in the then Autonomous Region in Muslim Mindanao (ARMM); and the ballot boxes from 76,340 areas/precincts that functioned during the May 10, 2010 elections, to be utilized in the May 13, 2013 National and Local Elections.

7. Relative thereto, the COMELEC *En Banc*, promulgated **Resolution No. 9224<sup>1</sup>** and **Minute Resolution No. 13-0135<sup>2</sup>** on May 16, 2011 and January 24, 2013, respectively, providing the Guidelines on the Retrieval of Ballot Boxes used in **PET Case No. 004** entitled "*Manuel A. Roxas vs. Jejomar C. Binay*", certified true copies of which are hereto attached as **Annex "B"** and **Annex "C"**, respectively, and made in integral part hereof.

<sup>1</sup> GUIDELINES ON THE RETRIEVAL OF 5,000 BALLOT BOXES INVOLVED IN PET CASE NO. 004 (ROXAS VS. BINAY), FOR USE IN THE 08 AUGUST 2011 ELECTION OF REGIONAL OFFICIALS IN THE AUTONOMOUS REGION IN MUSLIM MINDANAO (ARMM).

<sup>2</sup> IN THE MATTER OF THE RETRIEVAL OF BALLOT BOXES INVOLVED IN PET CASE NO. 004 ENTITLED: "MANUEL A. ROXAS VS. JEJOMAR C. BINAY" FOR USE IN THE MAY 13, 2013 ELECTIONS".



8. These Guidelines were approved by this Honorable Tribunal to be observed in the retrieval of the ballot boxes and the ensuing transfer of their contents to designated Committee Boxes.

9. For purposes of this Urgent Motion, if granted by the Honorable Tribunal, except for the indicated provinces in the said Resolutions, the Guidelines will also be adopted in the retrieval of the 5,418 ballot boxes in this case.

### **PRAYER**

**WHEREFORE**, premises considered, the Commission on Elections prays as follows:

1. To **LIFT** the Precautionary Protection Order on the Five Thousand Four Hundred Eighteen (5,418) Ballot Boxes being kept by the Honorable Presidential Electoral Tribunal;
2. To **GRANT** the Commission on Elections authority to use the Ballot Boxes for the May 9, 2022 National and Local Elections excluding the designated Committee Boxes; and
3. To **APPROVE** the adoption of the Guidelines on the Retrieval of Ballot Boxes used in **PET Case No. 004** entitled "*Manuel A. Roxas vs. Jejomar C. Binay*" to be observed in the instant case in the retrieval of the ballot boxes and the ensuing transfer of their contents to designated Committee Boxes.

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

Intramuros, Manila, Philippines, 07 February 2022.

### **COMMISSION ON ELECTIONS:**

*Law Department*

*8<sup>th</sup> Floor, Palacio del Gobernador*

*Intramuros, Manila*

*Tel. Nos. (02) 527-2768; (02) 527-0843*

By:

*Maria Norina S. Tangaro - Casingal*  
**ATTY. MARIA NORINA S. TANGARO-CASINGAL**  
Director IV, Law Department  
Roll of Attorneys No. 41476  
IBP Receipt No. 154113 - 01/20/2021  
MCLE Compliance No. VII-0004056, 07/25/2021  
Email: [law@comelec.gov.ph](mailto:law@comelec.gov.ph)

**ATTY. JOHN REX C. LAUDIANGCO**  
Director III, Law Department  
Roll of Attorneys No. 49597  
IBP Lifetime Member No. LRN 07078  
MCLE Compliance No. VI-0004922, 12/18/2017

*[Signature]*  
**ATTY. AKIA A. CO II**  
Attorney VI, Law Department  
Roll of Attorneys No. 51739  
IBP Lifetime Member No. 013045, PPLM  
MCLE Compliance No. VII-0004415, 08/14/2021

Copy furnished:

**ATTY. GEORGE ERWIN M. GARCIA**  
**ATTY. JOAN M. PADILLA**  
Lead Counsel for the Protestant  
G.E. Garcia Law Office  
Ground Floor, LAIKO Building  
372 Cabildo St., Intramuros, Manila 1002

**ATTY. ROMULO B. MACALINTAL**  
*Lead Counsel for Protestee*  
Tantoco Villanueva & De Guzman Law Offices  
6<sup>th</sup> Floor, Filipino Building  
135 Dela Rosa corner Bolanos Streets  
Legaspi Village, Makati City 1229

**THE SOLICITOR GENERAL**  
134 Amorsolo St., Legaspi Village  
1229 Makati City

**PUBLIC INFORMATION OFFICE**  
Supreme Court, Manila



NOTICE

CLERK OF TRIBUNAL  
Presidential Electoral Tribunal  
Padre Faura, Manila

Greetings:

Please submit the foregoing *Urgent Motion to Lift the Precautionary Protection Order on the 5,418 ballot Boxes and to Use The Same in the May 9, 2022 National and Local Elections* for the consideration of the Honorable Tribunal.

Manila, 07 February 2022.

  
MARIA NORINA S. TANGARO-CASINGAL  
Director IV

EXPLANATION OF SERVICE

A copy of this *Urgent Motion to Lift the Precautionary Protection Order on the 5,418 ballot Boxes and to Use The Same in the May 9, 2022 National and Local Elections* was furnished the parties by registered mail due to time constraints and lack of messengerial personnel.

  
MARIA NORINA S. TANGARO-CASINGAL  
Director IV

SUBMISSION OF DIGITAL COPIES

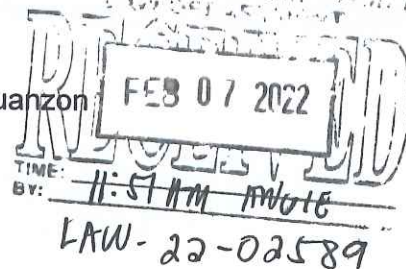
Pursuant to the Efficient Use of Paper Rule, soft copy of this *Urgent Motion to Lift the Precautionary Protection Order on the 5,418 ballot Boxes and to Use The Same in the May 9, 2022 National and Local Elections*, saved in a compact disc is being filed simultaneously with its Tribunal-bound paper.

  
MARIA NORINA S. TANGARO-CASINGAL  
Director IV



**EXCERPT FROM THE MINUTES OF THE REGULAR EN BANC  
MEETING OF THE COMMISSION ON ELECTIONS  
HELD ON DECEMBER 22, 2021  
(ONLINE)**

Chairman Sheriff M. Abas  
Commissioner Ma. Rowena Amelia V. Guanzon  
Commissioner Socorro B. Inting  
Commissioner Marlon S. Casquejo  
Commissioner Antonio T. Kho, Jr.  
Commissioner Aimee P. Ferolino



xxx

xxx

xxx

*[Handwritten signature]*

**21-1465. IN THE MATTER OF THE BALLOT BOXES UNDER PRESIDENTIAL  
ELECTORAL TRIBUNAL (PET) CUSTODY, IN CONNECTION WITH THE 2016  
NATIONAL AND LOCAL ELECTIONS (NLE)**

This pertains to the Memorandum dated December 21, 2021 of Atty. Michelle Frances L. Morales-Paredes, Chief of Staff/Attorney VI, Office of Commissioner Marlon S. Casquejo, relative to the ballot boxes under Presidential Electoral Tribunal (PET) custody, in connection with the 2016 National and Local Elections (NLE).

The Memorandum of Atty. Morales-Paredes reads:

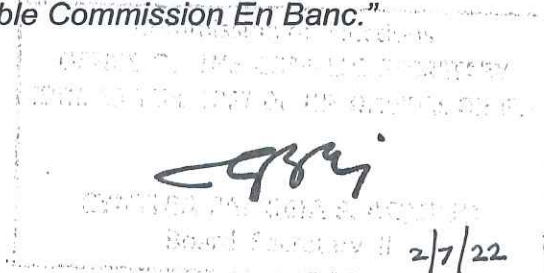
*"This has reference to the ballot boxes under the Presidential Electoral Tribunal's (PET) custody in connection with the 09 May 2016 National and Local Elections.*

*On 20 December 2021, Executive Director Bartolome J. Sinocruz, Jr. endorsed the memorandum of Dir. Maria Norina S. Tangaro-Casingal, Director IV, Law Department, forwarding the letter of Atty. Marife M. Lomibao-Cuevas, Clerk of the Tribunal, PET. The said letter is in response to the inquiry of the Law Department on the total number of ballot boxes being kept by the PET. According to Atty. Lomibao Cuevas, the said tribunal is keeping a total of five thousand four hundred eighteen (5,418) ballot boxes, broken down as follows:*

<i>Camarines Sur</i>	<i>1,816</i>
<i>Iloilo</i>	<i>2,318</i>
<i>Negros Oriental</i>	<i>1,284</i>
<b>Total</b>	<b>5,418</b>

*Moreover, ED Sinocruz proposes for the Commission En Banc to authorize the Law Department to request the PET to lift the Precautionary Protection Order on the said ballot boxes in order that the same may be utilized in the 09 May 2022 National and Local Elections.*

*For consideration and approval of the Honorable Commission En Banc."*





The Commission **RESOLVED**, as it hereby **RESOLVES**, to approve the recommendation of Executive Director Bartolome J. Sinocruz, Jr. to authorize the Law Department to request the Presidential Electoral Tribunal (PET) to lift the Precautionary Protection Order on the said ballot boxes in order that the same may be utilized in the 09 May 2022 National and Local Elections.

Let the Steering Committee and the Law Department implement this Resolution.

**SO ORDERED.**

**SHERIFF M. ABAS**  
Chairman

**MA. ROWENA AMELIA V. GUANZON**  
Commissioner

**SOCORRO B. INTING**  
Commissioner

**MARLON S. CASQUEJO**  
Commissioner

**ANTONIO T. KHO, JR.**  
Commissioner


**AIMEE P. FEROLINO**  
Commissioner

### **CERTIFICATION**

**APPROVED** by the Commission En Banc during the regular online meeting on **DECEMBER 22, 2021**, pursuant to COMELEC RESOLUTION NO. 10671, promulgated June 9, 2020, entitled: "Supplemental Resolution to COMELEC Resolution 9936 Promulgated March 25, 2015, Rule on the Enactment and Promulgation of Executive or Administrative Resolutions providing for other format of meetings to include online meetings applicable in times of COVID-19 pandemic and the imposition of Community Quarantines and similar emergency situations".

  
**ATTY. CONSUELO B. DIOLA**  
Acting Comelec Secretary

Cc: Chairman  
All Commissioners  
Executive Director  
Deputy Executive Director for Operations  
Deputy Executive Director for Administration  
Law Department  
Steering Committee for 2022 NLE

  
2/7/22

**EXCERPT FROM THE MINUTES OF THE SPECIAL EN BANC  
MEETING OF THE COMMISSION ON ELECTIONS  
HELD ON JANUARY 24, 2013**

**Present:**

Chairman	Sixto S. Brillantes, Jr.
Commissioner	Lucenito N. Tagle
Commissioner	Armando C. Velasco
Commissioner	Christian Robert S. Lim
Commissioner	Maria Gracia Cielo M. Padaca

**On Official Business:**

Commissioner	Rene V. Sarmiento
Commissioner	Elias R. Yusoph

X X X

X X X

X X X

**13-0135 IN THE MATTER OF THE RETRIEVAL OF BALLOT BOXES  
INVOLVED IN PET CASE NO. 004 ENTITLED: "MANUEL A. ROXAS vs.  
JEJOMAR C. BINAY" FOR USE IN THE MAY 13, 2013 ELECTIONS**

This pertains to the Memorandum dated January 22, 2013 of Project Director Jose M. Tolentino, Jr., PMO – 2013 AES, relative to the retrieval of ballot boxes involved in PET Case No. 004 entitled: "MANUEL A. ROXAS vs. JEJOMAR C. BINAY" for use in the May 13, 2013 Elections.

The Memorandum of Director Tolentino reads:

*"In order to use the ballot boxes covered by the Presidential Electoral Tribunal (PET) Precautionary Protection Order issued in PET Case No. 004, entitled Manuel A. Roxas vs. Jejomar C. Binay, for the May 13, 2013 national and local elections, the Commission filed before the PET a 'Motion to Use the Ballot Boxes for the May 13, 2013 Elections' dated June 20, 2012, praying that it be granted authority to use said ballot boxes. The PET, in its Resolution dated December 4, 2012, resolved to grant said Motion, and accordingly:*

1. *ALLOWED and AUTHORIZED the COMELEC to immediately commence the retrieval process of the ballot boxes from 76,340 areas/precincts that functioned during the May 10, 2010 elections, and the subsequent transfer of their contents to designated ballot boxes identified as the Committee Boxes;*
2. *APPROVED and ADOPTED the Guidelines on the Retrieval of Ballot Boxes for Use in the August 08, 2011 ARMM Elections to be observed in the retrieval of the ballot boxes and the ensuing transfer of their contents to designated Committee Boxes;*
3. *REQUIRED the COMELEC to furnish the parties and the Tribunal with a working schedule relative to the actual retrieval of the ballot boxes from the affected 76,340 precincts, and the subsequent transfer of the contents thereof to the Committee Boxes, the commencement of which must not be less than FIVE (5) DAYS from notice thereof; and*
4. *REQUIRED the COMELEC to submit a REPORT on the conduct of the retrieval of the ballot boxes and the transfer of their contents within TEN (10) DAYS from conclusion thereof.*

*[To] implement the above PET Order, the undersigned respectfully submits the following recommendations:*

Commission on Elections  
OFFICE OF THE COMMISSION SECRETARY  
Certified True Copy of the ORIGINAL on file

CYNTHIA PATRICIA P. AQUINO  
Board Secretary II 1/25/2013



1. **Cities and Municipalities where the Ballot Boxes shall be retrieved** – The ballot boxes to be used in the May 13, 2013 National and Local Elections shall be retrieved from all the cities and municipalities involved in PET Case No. 04, the detailed list of which is hereto attached as ANNEX 'A'.
2. **Notice of Retrieval** – The Commission, through the Field Operations Group of the Project Management Office (FOG-PMO), shall issue written notices at least five (5) days before commencement of the retrieval proceedings to the Members of the Retrieval Committees, Presidential Electoral Tribunal (PET) and all parties concerned, including the accredited citizens' arm, as to the time place and date of the retrieval. A copy of the said notice shall be posted at the bulletin board of the Office of the City/Municipal Treasurer concerned.

For this purpose, the Electoral Contests Adjudication Department (ECAD) shall provide the FOG-PMO with a list of protest cases filed with the Commission falling under its original and appellate jurisdiction, including those filed with the House of Representatives Electoral Tribunal (HRET) and Regional Trial Court (RTC) in connection with the May 10, 2010 national and local elections. Said list shall include the names of the parties, legislative districts, provinces, cities/municipalities, and total number of clustered precincts per city/municipality involved.

With respect to protest cases filed before the Regional Trial Court (RTC), the ECAD shall coordinate with the Provincial Election Supervisors (PES) to determine if there are protest cases involving municipal elective positions in the province, including information on the affected parties, positions, municipalities and total number of clustered precincts per municipality.

In case of pending protest cases before the HRET and RTC, authority to open the ballot boxes shall be secured from the HRET and RTC, after which the written notice shall be issued at least five (5) days before commencement of the retrieval proceedings to the HRET or RTC, as the case may be, Members of the Retrieval Committee and parties concerned, including the accredited citizens' arm, as to the time place and date of the retrieval. A copy of the said notice shall likewise be posted at the bulletin board of the Office of the City/Municipal Treasurer concerned.

3. **Retrieval Committee; Composition** – Each city/municipality where the ballot boxes are to be retrieved shall have one (1) Retrieval Committee to be composed of the concerned City/Municipal Treasurer, the City/Municipal Election Officer and the Department of Education (DepEd) District Supervisor, as Chairman, Vice Chairman and Secretary, respectively, each having one (1) support staff from his office. Whenever necessary to meet the March 15, 2013 deadline prescribed in paragraph 10 hereof, additional Retrieval Committees may be created, upon written request of the City/Municipal Treasurer concerned, and with prior approval of the Commission.
4. **Provincial Election Supervisor; Functions** – Each Provincial Election Supervisor shall act as the supervising officer for the proceedings in his area of jurisdiction, and shall report directly to the FOG-PMO. **The Provincial Election Supervisor shall:**

- 4.1. Ensure that all forms and supplies for the retrieval proceedings are complete before the start of the retrieval proceedings;

Commission on Elections  
OFFICE OF THE COMMISSION SECRETARY  
Certified True Copy of the ORIGINAL on file

CYNTHIA P. AQUINO  
Board Secretary II

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- 4.2. Supervise the retrieval proceedings in the cities/municipalities under his jurisdiction;
  - 4.3. Receive and collect the Inventory Report (ANNEX B) intended for the PET and the PLS from the Retrieval Committees upon completion of the proceedings;
  - 4.4. Prepare a Provincial Summary Report on the total number of the ballot boxes opened and retrieved, and submit the same to the Commission, through the FOG-PMO, together with the Inventory Report intended for the PET, via the fastest means of communication available within three (3) days after the completion of the retrieval proceedings; and
  - 4.5. Perform such other duties/functions as may be prescribed by the Commission.
- 5. Functions of the Retrieval Committee** – Each city/municipal Retrieval Committee shall.
- 5.1. Conduct the retrieval of the ballot boxes within their respective cities/municipalities, in accordance with the procedures herein provided;
  - 5.2. Maintain order within the place where the retrieval of the ballot boxes shall be conducted and its premises; keep access thereto open and unobstructed; and enforce obedience to its lawful orders. If any person shall refuse to obey lawful orders of the Retrieval Committee or shall conduct himself in a disorderly manner in its presence or within its hearing thereby interrupting or disturbing its proceedings, the Retrieval Committee may issue an order in writing directing any peace officer to take such person into custody until adjournment of the meeting. Such order shall be executed by any peace officer to whom it may be delivered, but if none is present, by any other person deputized by the Retrieval Committee in writing; and
  - 5.3. Perform such other functions/duties as may be prescribed by the Commission.
- 6. Support Staff** – Each member of the Retrieval Committee shall designate one (1) support staff, who shall be an employee of the same office where the Committee member is employed.
- 7. PET Representative** – The PET may send one lower court personnel in every city/municipality to observe the retrieval proceedings at any given time.
- 8. Forms and Supplies** – The Retrieval Committee shall receive from the Comelec, through the Election Officer, the following forms, documents and supplies needed for the retrieval of the ballot boxes before the first day of the commencement of the retrieval proceedings:

DESCRIPTION	RATE OF DISTRIBUTION (per ballot box)	
Paper Seal	2	Pieces
Certificate of Receipt of Forms and Supplies by Retrieval Committee	3	Copies
Inventory Form (ANNEX "B")	6	Copies
Kraft paper (for packing)	4	Pieces
Packaging Tape	2	Pieces

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 CYNTHIA PATRICIA P. ADJUNO  
 Board Secretary II



Permanent Marker	1	Piece per 10 ballot boxes
Ballpen	1	Piece per 10 ballot boxes
Serially Numbered Security Seal	2	Pieces per Committee Box
Padlock	2	Pieces per Committee Box

**9. Procedure on the retrieval of Ballot Boxes** – The Retrieval Committee, after ensuring that notices have been sent to all parties concerned of the time, date and place of the retrieval of ballot boxes, shall:

- 9.1 Examine, before opening the ballot box, the physical condition of the same, as well as those of the locks or locking mechanism thereof. The Secretary shall record the same, including the serial numbers of the security seals, if any, in the Inventory Report;
- 9.2 Open the ballot boxes one at a time. For every four (4) ballot boxes, the Retrieval Committee shall select one (1) ballot box from among the four (4) which shall serve as the Committee Box. The Committee Box shall contain the contents of all four (4) ballot boxes;
- 9.3 The ballot box shall then be opened and an inventory of its contents shall be made and recorded in the Inventory Report;
- 9.4 After the Inventory, all the contents of the ballot box shall be:
  - i. Carefully wrapped with Kraft paper and secured with packaging tape;
  - ii. Duly sealed by an appropriate serially numbered paper seal, signed by the members of the Retrieval Committee, and if present, by the representatives of the PET, the parties and citizens' arm;
  - iii. Properly labelled with the corresponding precinct number; and
  - iv. Placed inside the Committee Box.
- 9.5 When all contents from the other ballot boxes are placed inside the Committee Box, the latter shall be locked with two (2) COMELEC padlocks and two (2) serially numbered security seals.
- 9.6 For purposes of immediate identification, the retrieval committee shall likewise label and indicate outside the Committee Box the corresponding precincts contained therein.
- 9.7 The inventory Report shall be signed by all the members of the Retrieval Committee, and if present, by the representatives of the PET, the parties and citizens' arm. The inventory Report shall be accomplished in six (6) copies, to be distributed as follows:
  - i. Copy for the City/Municipal Treasurer
  - ii. Copy for the City/Municipal Election Officer
  - iii. Copy for the DepEd District Supervisor
  - iv. Copy for the Provincial Election Supervisor
  - v. Copy for the PET
  - vi. Copy for the Committee Box
- 9.8 Interested parties may reproduce the Inventory Report at their own expense.
- 9.9 The Committee Box together with the emptied ballot boxes shall remain under the custody of the City/Municipal Treasurer concerned.

Commission on Elections  
 OFFICE OF THE COMMISSION SECRETARY  
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 CRISTINA PATRICIA P. AQUINO  
 Board Secretary II



- 10. Proceedings of the Retrieval Committee; Period to conduct –**  
The proceedings of the Retrieval Committee shall be public and shall be held in the place as indicated in the notice. The retrieval of the ballot box shall commence on the day indicated in the notice. It shall be conducted during office hours and shall be completed on or before March 15, 2013.
- 11. Monitoring and Supervising Committee to oversee, consolidate and submit reports relative to the retrieval of the ballot boxes –**  
The FOG-PMO shall monitor, supervise, collate and submit reports relative to the conduct of the retrieval of the ballot boxes in coordination with the Provincial Election Supervisors concerned.
- 12. Protested Ballot Boxes in the possession of the Commission and HRET –** The retrieval proceedings of ballot boxes involved in election protests filed before the Commission and HRET, and which are currently stored at the Commission’s Philpost warehouse and at the HRET, shall be conducted at the premises of the Philpost warehouse or Tribunal, subject to the same procedures enumerated in the preceding sections. For this purpose, the Commission shall create Special Retrieval Committees at the rate of one Special Retrieval Committee for every protest case filed, without prejudice to the creation of additional committees as may be necessary. Each Special Retrieval Committee shall be composed of three (3) employees of the Commission, to be designated by the ECAD, without prejudice to the designation of additional members when the exigency of the service requires.
- 13. Honoraria and Supplies; Budget Allocation–** Members of the Retrieval Committees, their support staff and representatives of the Presidential Electoral Tribunal, including those of the Special Retrieval Committees, shall be entitled to receive honoraria for every clustered precinct/ballot box retrieved, in accordance with the following budget allocation:

PERSONAL SERVICES (HONORARIA) for 76,340 ballot boxes		
Retrieval Committee (City/Municipal Treasurer or his representative; Election Officer (EO) or his representative; and DepEd District Supervisor or his representative), including Special Retrieval Committees	3 Committee members x Php 50.00 per clustered precinct x 76,340 clustered precincts/ballot boxes	11,451,000.00
Support Staff (One from the Office of the City/Municipal Treasurer; EO and DepEd District Supervisor)	3 Committee members x Php 30.00 per clustered precinct x 76,340 clustered precincts/ballot boxes	6,870,600.00
PET Representatives (One Lower Court Personnel per City/Municipal, as observer)	1 PET Rep x Php 30.00 per clustered precinct x 76,340 clustered precincts/ballot boxes	2,290,200.00
SUPPLIES for 76,340 ballot boxes		8,800,000.00
TOTAL		29,411,800.00

Respectfully submitted."

af

Commission on Elections  
OFFICE OF THE COMMISSION SECRETARY  
Certified True Copy of the ORIGINAL on file  
CYNTHIA PATRICIA P. AQUINO  
Board Secretary II



The Commission **RESOLVED** as it hereby **RESOLVES**, to **approve** and **adopt in toto** the foregoing recommendations of Project Director Jose M. Tolentino, Jr., PMO – 2013 AES, relative to the retrieval of ballot boxes involved in PET Case No. 004 entitled: "MANUEL A. ROXAS vs. JEJOMAR C. BINAY" for use in the May 13, 2013 Elections.

**RESOLVED**, moreover, to approve the following subject to availability of funds and COA rules and regulations:

1. budget allocation for the honoraria of the members of the Retrieval Committees (76,340 ballot boxes), their support staff and representatives of the Presidential Electoral Tribunal, including those of the Special Retrieval Committees, and supplies in the total amount of **Twenty Nine Million Four Hundred Eleven Thousand Eight Hundred Pesos (Php 29,411,800.00)**; and
2. additional amount for 7 ballot boxes (P385.27/box x 7 ballot boxes) in the total amount of **Two Thousand Six Hundred Ninety-Six Pesos & 91/100 (P2,696.91)**.


**This resolution supersedes all resolutions inconsistent herewith.**

Let the PMO Project Director and the Finance Services Department implement this resolution.

**SO ORDERED.**

  
**SIXTO S. BRILLANTES, JR.**  
Chairman

(On Official Business)  
**RENE V. SARMIENTO**  
Commissioner

  
**ARMANDO C. VELASCO**  
Commissioner

  
**CHRISTIAN ROBERT S. LIM**  
Commissioner


  
**LUCENITO N. TAGLE**  
Commissioner

(On Official Business)  
**ELIAS R. YUSOPH**  
Commissioner

  
**MARIA GRACIA CIELO M. PADACA**  
Commissioner

Cc: Chairman  
All Commissioners  
Executive Director  
Deputy Executive Director for Operations  
Deputy Executive Director for Administration  
Finance Services Department  
PMO/ PMO Secretariat  
Internal Audit Office/ COA Resident Auditor

Commission on Elections  
OFFICE OF THE COMMISSION SECRETARY  
Certified True Copy of the ORIGINAL on file

  
**CYNTHIA PATRICIA P. AQUINO**  
Board Secretary II 1/3/22



Retrieval Form  
**Annex "B"**

Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
Manila

**INVENTORY REPORT**

DATE : \_\_\_\_\_  
VENUE : \_\_\_\_\_  
TIME STARTED : \_\_\_\_\_  
TIME FINISHED : \_\_\_\_\_

**PRESENT**

Chairman : \_\_\_\_\_  
Vice-Chairman : \_\_\_\_\_  
Secretary/Recorder : \_\_\_\_\_  
PET Representative : \_\_\_\_\_  
Counsel/Representative : \_\_\_\_\_  
Manuel A. Roxas : \_\_\_\_\_  
Jejomar C. Binay : \_\_\_\_\_  
Citizen's Arm/Others : \_\_\_\_\_  
: \_\_\_\_\_  
: \_\_\_\_\_

**BALLOT ID NUMBER** : \_\_\_\_\_  
Clustered Precinct No. : \_\_\_\_\_  
Established Precinct Nos. : \_\_\_\_\_  
Province : \_\_\_\_\_  
Municipality/City : \_\_\_\_\_  
Barangay : \_\_\_\_\_

**CONDITION OF THE BALLOT BOX** : \_\_\_\_\_  
Condition of outer cover : \_\_\_\_\_  
Outer Security Seal Serial Number : \_\_\_\_\_  
Number of Padlock/s Used : \_\_\_\_\_  
Condition of Padlock/s : \_\_\_\_\_  
Brand name, if any : \_\_\_\_\_

**INVENTORY OF THE CONTENTS OF BALLOT BOX: (Please check if available)**

- \_\_\_\_\_ 1. Envelope for **MINUTES OF VOTING AND COUNTING OF VOTES**, sealed with paper seal no. \_\_\_\_\_
- \_\_\_\_\_ 2. Envelope for **ELECTION RETURNS**, sealed with paper seal no. \_\_\_\_\_
- \_\_\_\_\_ 3. Envelope for **REJECTED BALLOTS**, sealed with paper seal no. \_\_\_\_\_



- \_\_\_\_\_ 4. Envelope for **HALF OF TORN UNUSED BALLOTS**, sealed with paper seal no. \_\_\_\_\_.
- \_\_\_\_\_ 5. Other items found inside the ballot box
- \_\_\_\_\_ a. Unused ballots \_\_\_\_\_
- \_\_\_\_\_ b. Others \_\_\_\_\_

**PHYSICAL COUNT OF BALLOTS**

**Total Number of Ballots** \_\_\_\_\_

Contents of the ballot box were placed inside Committee Box No. locked with two (2) Comelec padlocks & two (2) cable serially numbered security seals with serial numbers \_\_\_\_\_ and \_\_\_\_\_.

**COMMENTS/OBSERVATIONS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

We hereby certify to the truth of the foregoing entries.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice-Chairman

\_\_\_\_\_  
Secretary/Recorder

**Counsel/Representative:**

\_\_\_\_\_  
For Manuel A. Roxas

\_\_\_\_\_  
For Jejomar C. Binay

**Observers:**

\_\_\_\_\_  
PET Representative

**Citizen's Arm/Others:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
 Manila

**GUIDELINES ON THE  
 RETRIEVAL OF 5,000 BALLOT  
 BOXES INVOLVED IN PET CASE  
 NO. 004 (ROXAS VS. BINAY),  
 FOR USE IN THE 08 AUGUST  
 2011 ELECTION OF REGIONAL  
 OFFICIALS IN THE  
 AUTONOMOUS REGION IN  
 MUSLIM MINDANAO (ARMM).**

X ----- X

<b>BRILLANTES</b> , Sixto, Jr. S.,	<b>Chairman</b>
<b>SARMIENTO</b> , Rene V.,	<b>Commissioner</b>
<b>TAGLE</b> , Lucenito N.,	<b>Commissioner</b>
<b>VELASCO</b> , Armando C.,	<b>Commissioner</b>
<b>YUSOPH</b> , Elias R.,	<b>Commissioner</b>
<b>LIM</b> , Christian Robert S.,	<b>Commissioner</b>
<b>LAGMAN</b> , Augusto C.,	<b>Commissioner</b>

Promulgated: May 16, 2011

**RESOLUTION NO. 9224**

**WHEREAS**, the Commission on Elections (Commission) is set to conduct the election of regional officials in the Autonomous Region in Muslim Mindanao (ARMM) on 08 August 2011;

**WHEREAS**, the Commission filed an *Urgent Motion to Use 5000 Ballot Boxes for ARMM*, dated 25 April 2011, before the Presidential Electoral Tribunal (PET), in PET Case No. 004, entitled *Manuel A. Roxas vs. Jejomar C. Binay*, praying that it be authorized to utilize at least 5,000 ballot boxes of the existing 76,340 precincts/ballot boxes involved in the aforesaid protest for the conduct of the August 08, 2011 ARMM elections;

**WHEREAS**, on 29 April 2011, the Commission filed a *Manifestation* (in support of the April 25, 2011 Urgent Motion) identifying the possible 5,000 ballot boxes that can be retrieved and utilized for the ARMM elections, and providing pertinent guidelines for the purpose;

**WHEREAS**, the PET, in its Order dated 03 May 2011, and after consideration of the Comment/Opposition of the parties in PET Case No. 004 on the Urgent Motion dated 25 April 2011 and Manifestation dated 29 April 2011, resolved to:

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 Board Secretary II

1/3/2022



1. GRANT the *Urgent Motion to Use 5,000 Ballot Boxes for the ARMM Elections* filed by the Commission, and
2. ALLOW and AUTHORIZE the Commission to immediately commence the retrieval process of the 5,000 ballot boxes from the areas/precincts identified in its *Manifestation* dated 29 April 2011, and the subsequent transfer of the contents thereof to the designated ballot box identified as the Committee Box;
3. APPROVE and ADOPT the Guidelines on the Retrieval of Ballot Boxes for Use in the 08 August 2011 ARMM Elections formulated by the Commission to be observed in the retrieval of the 5,000 ballot boxes and the ensuing transfer of their contents to the designated Committee Boxes; and
4. REQUIRE the Commission to submit a REPORT on the conduct of the retrieval of the 5,000 ballot boxes and transfer of their contents within ten (10) days from conclusion thereof;

**WHEREAS**, the Commission, by virtue of the powers vested in it by the Constitution of the Republic of the Philippines, the Omnibus Election Code, and other election laws, **RESOLVED**, as it hereby **RESOLVES** to promulgate, the following guidelines on the retrieval of the 5,000 ballot boxes for use in the 08 August 2011 election of regional officials in the ARMM:

**SECTION 1. List of Provinces/Cities/Municipalities where the 5,000 ballot boxes shall be retrieved.** — The 5,000 ballot boxes to be used in the 08 August 2011 ARMM Elections shall be retrieved from the following provinces, to wit:

PROVINCES	NO. OF BALLOT BOXES TO BE OPENED	NO. OF BALLOT BOXES TO BE USED
1. Zamboanga Del Norte	954	711
2. Zamboanga Del Sur	924	691
3. Zamboanga Sibugay	538	402
4. Bukidnon	590	438
5. Lanao del Norte	624	465
6. Misamis Occidental	524	390
7. Misamis Oriental	1,049	782
8. South Cotabato	935	699
9. Sultan Kudarat	542	405

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10. Camiguin	22	17
<b>TOTAL</b>	<b>6,702</b>	<b>5,000</b>

The detailed list of municipalities/cities involved in the retrieval of ballot boxes is hereto attached as ANNEX "A."

**SEC. 2. Retrieval Committee; Composition.** – The Commission shall create a Committee for each city/municipality where the ballot boxes are to be retrieved. It shall be composed of the concerned City/Municipal Treasurer, the City/Municipal Election Officer and the Department of Education (DepEd) District Supervisor, as Chairman, Vice-Chairman and Secretary, respectively.

The Provincial Election Supervisor of the province comprising the affected cities/municipalities shall act as the supervising officer for the proceedings, while the Regional Election Director concerned shall monitor the same.

**SEC. 3. – Functions of the Provincial Election Supervisor; Retrieval Committee.** – a. The concerned Provincial Election Supervisor shall:

1. Receive and ensure that all forms and supplies for the retrieval proceedings are complete before distribution to the different retrieval committees;
2. Conduct a briefing, not later than 08 June 2011, of the members of the retrieval committees within his province, the representatives of the parties, if any, and the citizens' arm, to discuss the procedures hereto set forth and related concerns on the retrieval of the ballot boxes;
3. Supervise the retrieval proceedings in the cities/municipalities under his jurisdiction;
4. Receive and collect the Inventory Report (ANNEX "B") intended for the PET and the PES from the retrieval committees upon completion of the proceedings;
5. Prepare a provincial summary report of the total number of the ballot boxes opened and retrieved immediately after the completion of the retrieval proceedings, and submit the same together with the Inventory Report intended for the PET, to the Commission, through the Over-all Monitoring and Supervising Committee via the fastest means of communication available;

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6. Collect the emptied ballot boxes from the different cities/municipalities after the retrieval proceedings, in coordination with the Project Management Office (PMO) of the ARMM elections, and thereafter, submit a report to the Election Records and Statistics Department (ERSD) relative thereto;
7. Perform such other duties/functions as may be prescribed by the Commission;

b. Each Retrieval Committee shall:

1. Issue notices at least five (5) days before the commencement of the retrieval proceedings to the Presidential Electoral Tribunal (PET) and all parties concerned, including the accredited citizens' arm, as to the time, place and date of the retrieval. A copy of the said notice shall also be posted at the bulletin board of the Office of the City/Municipal Treasurer concerned;
2. Conduct the retrieval of the ballot boxes within their respective cities/municipalities, in accordance with the procedure provided in Section 7 hereof;
3. Maintain order within the place where the retrieval of the ballot boxes shall be conducted and its premises; keep access thereto open and unobstructed; and enforce obedience to its lawful orders. If any person shall refuse to obey lawful orders of the Committee or shall conduct himself in a disorderly manner in its presence or within its hearing thereby interrupting or disturbing its proceedings, the Committee may issue an order in writing directing any peace officer to take such person into custody until the adjournment of the meeting. Such order shall be executed by any peace officer to whom it may be delivered, but if none is present, by any other person deputized by the Committee in writing; and
4. Perform such other functions/duties as may be prescribed by the Commission.

**SEC. 4. *Support Staff.*** – Each member of the retrieval committee shall designate one (1) support staff, who shall be an employee of the same office where the committee member is employed.

**SEC. 5. *PET Representatives.*** – The PET may send not more than two (2) representatives for each province to observe the retrieval proceedings.

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**SEC. 6. Forms and Supplies.** — The retrieval committee, through the Election Officer, shall receive all the forms, documents and supplies needed for the retrieval of the ballot boxes from the Provincial Election Supervisor concerned before the first day of the commencement of the retrieval proceedings.

CEF NO.	DESCRIPTION	RATE OF DISTRIBUTION (per ballot box)	
<b><u>ELECTION FORMS</u></b>			
A12	Paper Seal	2	Pieces
A14	Certificate of Receipt of Forms and Supplies by Retrieval Committee	3	copies
<b><u>RETRIEVAL FORM</u></b>			
	Inventory Form (ANNEX "B")	6	copies
<b><u>SUPPLIES</u></b>			
	Kraft paper (for packing)	4	Pieces
	Packing Tape	2	Pieces
	Permanent Marker	1	Piece per 10 ballot boxes
	Ballpen	1	Piece per 10 ballot boxes
	Serially Numbered Security Seal	2	Pieces per Committee Box
	Padlocks	2	Pieces per Committee Box

**S. C. 7. Procedure on the retrieval of ballot boxes.** — The Retrieval Committee, after ensuring that notices have been sent to all parties concerned of the time, date and place of the retrieval of ballot boxes, shall:

- a. Examine, before opening the ballot box, the physical condition of the same, as well as those of the locks or locking mechanism thereof. The Secretary shall record the same, including the serial numbers of the security seals, if any, in the Inventory Report;
- b. Open the ballot boxes one at a time. For every four (4) ballot boxes, the Committee shall select one (1) ballot box from among the four (4) which shall serve as the Committee

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Box. The Committee Box shall contain the contents of all four (4) ballot boxes;

- c. The ballot box shall then be opened and an inventory of its contents shall be made and recorded in the Inventory Report;
- d. After the inventory, all the contents of the ballot box shall be:
  - d 1. Carefully wrapped with kraft paper and secured with the packing tape;
  - c 2. Duly sealed by an appropriate serially numbered paper seal, signed by the members of the retrieval committee, and if present, by the representatives of the PET, the parties and citizens' arm;
  - d 3. Properly labelled with the corresponding precinct number;
  - d 4. Placed inside the Committee Box.
- e. When all contents from the other ballot boxes are placed inside the Committee Box, the latter shall be locked with two (2) COMELEC padlocks and two (2) serially numbered security seals. For purposes of immediate identification, the retrieval committee shall likewise label and indicate outside the Committee Box the corresponding precincts contained therein;
- f. The Inventory Report shall be signed by all the members of the committee, and if present, by the representatives of the PET, the parties and citizens' arm. The Inventory Report shall be accomplished in six (6) copies, to be distributed as follows:
  - f.1. Copy for the City/Municipal Treasurer
  - f.2. Copy for the City/Municipal Election Officer
  - f.3. Copy for the DepEd District Supervisor
  - f.4. Copy for the Provincial Election Supervisor
  - f.5. Copy for the PET
  - f.6. Copy for the Committee Box

Interested parties may reproduce the Inventory Report at their own expense.

- g. The Committee Box shall be kept under the custody of the city/municipal treasurer concerned;
- h. The collection of the emptied ballot boxes shall be undertaken by the Provincial Election Supervisor concerned, in coordination with the PMO. Pending such collection, the emptied ballot boxes shall remain under the custody of the City/Municipal Treasurer, and kept at the place where they were stored prior to the retrieval proceedings.

**SEC. 8. *Proceedings of the Retrieval Committee; Period to conduct.* --**

The proceedings of the Retrieval Committee shall be public and shall be held in the place as indicated in their notice;

The retrieval of the ballot box shall commence after five (5) days from the issuance of notices to the parties, but not earlier than 15 June 2011. It shall be conducted during office hours and shall be completed on or before 25 July 2011, in time for the collection and delivery of the ballot boxes to the designated areas in the ARMM.

**SEC. 9. *Creation of an Over-all Monitoring and Supervising Committee to oversee, consolidate and submit reports relative to the retrieval of the ballot boxes.* --** There is hereby created an Over-all Monitoring and Supervising Committee that shall monitor, supervise, collate and submit reports relative to the conduct of the retrieval of the ballot boxes. It shall be composed of four (4) members, to wit:

1. Atty. Allen Francis B. Abaya, Director III of the Electoral Contests Adjudication Department (ECAD), as Over-all Supervising Head;
2. Atty. Maria Norina S. Tangaro-Casingal, Attorney VI, Legal Opinion and Research Division, Law Department, as Member, and Coordinator, Region X;
3. Atty. Genevieve E. Velicaria-Guevarra, Attorney V, Office of the Deputy Executive Director for Operations, as Member, and Coordinator, Region

XII.

*mf*

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*[Signature]*  
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Board Secretary II



4. Atty. Mona Ann T. Aldana-Campos, Attorney V, Office of the Deputy Executive Director for Operations as Member, and Coordinator, Region IX.

**SEC. 10. Effectivity.** — This Resolution shall take effect seven (7) days after its publication in two (2) daily newspapers of general circulation in the Philippines.

**SEC. 11. Dissemination.**—The Education and Information Department shall cause the publication of this Resolution in two (2) daily newspapers of general circulation, give the same the widest dissemination possible and furnish copies thereof to the Presidential Electoral Tribunal, the Regional Election Directors of Regions IX, X and XII, and the Provincial Election Supervisors of Zamboanga del Norte, Zamboanga del Sur, Zamboanga Sibugay, Bukidnon, Lanao del Norte, Misamis Occidental, Misamis Oriental, South Cotabato, Sultan Kudarat, and Camiguin, and the City/Municipal Election Officers, City/Municipal Treasurers and DepEd District Supervisors of the aforestated provinces.

**SO ORDERED.**

  
**SIXTO S. BRILLANTES, JR.**  
Chairman

  
**RENE V. SARMIENTO**  
Commissioner

  
**ARMANDO C. VELASCO**  
Commissioner

  
**CHRISTIAN ROBERT S. LIM**  
Commissioner

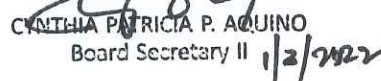
  
**LUCENITO N. TAGLE**  
Commissioner

  
**ELIAS R. YUSOPH**  
Commissioner

  
**AUGUSTO C. LAGMAN**  
Commissioner

cc: Chairman  
All Commissioners  
Executive Director  
Deputy Executive Director for Operations  
Law Department  
Education and Information Department

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CYNTHIA PATRICIA P. AQUINO  
Board Secretary II 1/2/2022