

## **THE 2015 REVISED RULES OF THE HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL**

The House of Representatives Electoral Tribunal (HRET) hereby adopts and promulgates the following Rules governing its proceedings as the sole judge of all contests relating to the election, returns and qualifications of Members of the House of Representatives, pursuant to Section 17, Article VI of the Constitution.

### **TITLE AND CONSTRUCTION**

**RULE 1. *Title.*** – These Rules shall be known and cited as the 2015 Rules of the House of Representatives Electoral Tribunal, or HRET Rules. The word Tribunal, whenever used alone or without qualification in these Rules, shall refer to the House of Representatives Electoral Tribunal.

**RULE 2. *Construction.*** – These Rules shall be liberally construed in order to achieve a just, expeditious and inexpensive determination and disposition of every contest brought before the Tribunal.

**RULE 3. *Applicability.*** – The following shall be applicable by analogy or in suppletory character, provided, they are not inconsistent with these Rules or with the orders, resolutions and decisions of the Tribunal, namely:

- (1) The Rules of Court;
- (2) Decisions of the Supreme Court; and
- (3) Decisions of the Electoral Tribunals.

The Tribunal is not strictly bound by the technical rules of procedure. It may suspend these Rules in the higher interest of justice and apply other rules of procedure as may be applicable at its discretion.

### **THE TRIBUNAL**

**RULE 4. *Composition.*** – The Tribunal shall be composed of nine (9) Members, three (3) of whom shall be Justices of the Supreme

Court to be designated by the Chief Justice, and the remaining six (6) shall be Members of the House of Representatives who shall be chosen on the basis of proportional representation from the political parties and the parties or organizations registered under the party-list system represented therein. The Senior Justice in the Tribunal shall be its Chairperson.

**RULE 5.** *Organization.* – (a) Upon the designation of the Justices of the Supreme Court and the selection of the Members of the House of Representatives who are to compose the House of Representatives Electoral Tribunal pursuant to Sections 17 and 19 of Article VI of the Constitution, the Tribunal shall meet for its organization and adoption of such resolutions as it may deem proper.

(b) Notwithstanding the provision of the immediately preceding paragraph, pending the selection of the Members of the House of Representatives who shall sit in the Tribunal, the three (3) Justices already designated shall have the authority to act on administrative and interlocutory matters subject to confirmation by the Tribunal upon its organization.

**RULE 6.** *Meetings; Quorum; Executive Committee Actions on Matters in between Regular Meetings.* –

(a) The Tribunal shall meet on such days and hours as it may designate or at the call of the Chairperson or of a majority of its Members. The presence of at least one (1) Justice and four (4) Members of the Tribunal shall be necessary to constitute a quorum. In the absence of the Chairperson, the next Senior Justice shall preside, and in the absence of both, the Justice present shall take the Chair.

(b) In the absence of a quorum and provided there is at least one Justice in attendance, the Members present, who shall not be less than three (3), may constitute themselves as an Executive Committee to act on the agenda for the meeting concerned, provided, however, that its action shall be subject to confirmation by the Tribunal at any subsequent meeting where a quorum is present.

(c) In between the regular meetings of the Tribunal, the Chairperson, or any three (3) of its Members, provided at least one (1) of them is a Justice, who may sit as the Executive Committee,

may act on the following matters requiring immediate action by the Tribunal:

1. Any pleading or motion,
  - (a) Where delay in its resolution may result in irreparable or substantial damage or injury to the rights of a party or cause delay in the proceedings or action concerned;
  - (b) Which is urgent in character but does not substantially affect the rights of the adverse party, such as one for extension of time to comply with an order/resolution of the Tribunal, or to file a pleading which is not a prohibited pleading and is within the discretion of the Tribunal to grant; and
  - (c) Where the Tribunal would require a comment, reply, rejoinder or any other similar pleading from any of the parties or their attorneys;
2. Administrative matters which do not involve new applications or allocations of the appropriations of the Tribunal; and
3. Such other matters as may be delegated by the Tribunal.

However, any such action/resolution shall be included in the order of business of the immediately succeeding meeting of the Tribunal for its confirmation.

**RULE 7.** *Place of Meetings.* – The Tribunal shall meet at its main office or at such other place in the Philippines as it may designate.

**RULE 8.** *Exclusive Control of Functions.* – The Tribunal shall have exclusive control, direction, and supervision of all matters pertaining to its own functions and operation.

**RULE 9.** *Express and Implied Powers.* – The Tribunal shall have and exercise all such powers as are vested in it by the Constitution or by law, and such other powers as may be necessary or incidental to

the accomplishment of its purposes and the effective exercise of its functions.

**RULE 10.** *Inherent Powers.* – In the performance of its functions, the Tribunal shall have inherent power to, *inter alia*:

- (1) Preserve and enforce order in its immediate presence;
- (2) Enforce order in proceedings before it or before any of its officials acting under its authority;
- (3) Compel obedience to its judgments, orders, resolutions and processes;
- (4) Compel the attendance of witnesses and the production of evidence in any case or proceeding before it;
- (5) Administer or cause to be administered oaths in any case or proceeding before it, and in all other cases where it may be necessary in the exercise of its powers;
- (6) Control its processes and amend its resolutions or orders to make them conform with law and justice;
- (7) Authorize a copy of a lost or destroyed pleading or other paper to be filed and used in lieu of the original, and restore and supply deficiencies in its records and proceedings;
- (8) Promulgate its own rules of procedure and amend or revise the same; and
- (9) Exercise such other powers as may be necessary in the performance of its duties under the Constitution and existing laws.

**RULE 11.** *The Chairperson; Powers and Duties.* – The Chairperson shall have the following powers and duties:

- (1) Act as the Chief Executive Officer of the Tribunal;

- (2) Exercise administrative supervision over the Tribunal, including the Office of the Secretary of the Tribunal and the administrative staff of the Tribunal;
- (3) Issue calls for the sessions and meetings of the Tribunal and preside thereat, and preserve order and decorum during the same; and pass upon all questions of order subject to such appeal as any Member may take to the Tribunal;
- (4) Take care that the orders, resolutions, and decisions of the Tribunal are enforced;
- (5) Appoint, dismiss or otherwise discipline the personnel of the Tribunal in accordance with Civil Service laws and regulations. The coterminous or confidential employees of every Member shall serve at the pleasure of such Member and in no case beyond the tenure of such Member; and
- (6) Perform such other functions and acts as may be necessary or appropriate to ensure the independence and efficiency of the Tribunal.

**RULE 12.** *Administrative Staff.* – The Tribunal shall have a Secretary and a Deputy Secretary.

Unless the Tribunal otherwise provides, the administrative functions of the Tribunal shall be exercised through the following services, namely:

- (1) Legal Service;
- (2) Canvass Board Service;
- (3) Information System and Judicial Records Management Service;
- (4) Human Resource Management Service;
- (5) General Service;
- (6) Finance and Budget Service;
- (7) Accounting Service;
- (8) Cash Management Service; and
- (9) Such other services as may be created by the Tribunal.

**RULE 13.** *Duties of the Secretary of the Tribunal; the Deputy Secretary of the Tribunal.* – The Secretary of the Tribunal shall have the following duties:

- (1) Receive all pleadings and other documents properly presented and filed with the Tribunal, indicating on each such document the date and time when it was filed, and furnishing each Member of the Tribunal a copy thereof;
- (2) Keep a judicial docket or repository book wherein shall be entered in chronological order the contests and cases brought before the Tribunal, and the proceedings had therein;
- (3) Prepare the calendar of contests and cases;
- (4) Attend the sessions or meetings of the Tribunal and, whenever necessary, of its divisions, and keep the minutes thereof which shall contain a clear and succinct account of all business transacted;
- (5) Certify under his/her signature and the seal of the Tribunal all notices, orders, resolutions and decisions of the Tribunal;
- (6) Implement the orders, resolutions, decisions and processes issued by the Tribunal;
- (7) Keep a judgment book containing a copy of each decision and final order or resolution rendered by the Tribunal in the order of its dates, and a Book of Entries of Judgments containing in chronological order entries of the dispositive portions of all decisions and final orders or resolutions of the Tribunal;
- (8) Keep an account of the funds received and disbursed relative to the cases;
- (9) Subject to the authority of the Tribunal and the Chairperson, oversee the performance of the line and

support (adjudicatory and administrative) functions of the various divisions of the administrative staff;

- (10) Keep and secure all ballot boxes, election documents, records, papers, files, exhibits, the office seal and other public property belonging to or officially brought to the Tribunal;
- (11) Perform such other duties as are prescribed by law for clerks of superior courts; and
- (12) Keep such other books and perform such other duties as the Tribunal or the Chairperson may direct.

The Deputy Secretary of the Tribunal shall assist the Secretary of the Tribunal; act as Secretary of the Tribunal in the absence of the latter; and perform such other duties and functions as may be assigned by the Tribunal, the Chairperson, or the Secretary of the Tribunal.

**RULE 14.** *The Seal.* – The seal of the Tribunal shall be circular in shape and shall contain in the upper part the words “House of Representatives Electoral Tribunal”; in the center, the coat of arms of the Republic of the Philippines; and at the base, the words “Republic of the Philippines”.

The seal of the Tribunal shall be affixed to all decisions, orders, rulings or resolutions of the Tribunal, certified copies of official records, and such other documents which the Tribunal may require to be sealed.

## ELECTION CONTESTS

**RULE 15.** *Jurisdiction.* – The Tribunal is the sole judge of all contests relating to the election, returns, and qualifications of the Members of the House of Representatives.

To be considered a Member of the House of Representatives, there must be a concurrence of the following requisites: (1) a valid proclamation; (2) a proper oath; and (3) assumption of office.

**RULE 16.** *How Initiated.* – An election contest is initiated by the filing of a verified election protest or a verified petition for *quo*

*warranto* against a Member of the House of Representatives. An election protest and a petition for *quo warranto* may be combined in one case, provided the parties are the same.

**RULE 17.** *Election Protest.* – A verified election protest contesting the election or returns of any Member of the House of Representatives shall be filed by any candidate who has duly filed a certificate of candidacy and has been voted for the same office, within fifteen (15) days from June 30 of the election year or the date of actual assumption to office, whichever is later.

It can only be filed by the candidates who obtained the second or third highest number of votes. The party filing the protest shall be designated as the protestant, while the adverse party shall be known as the protestee.

An election protest shall state:

- (1) The date of proclamation of the winner and the number of votes obtained by the parties per proclamation;
- (2) The total number of contested individual and clustered precincts per municipality or city;
- (3) The individual and clustered precinct numbers and location of the contested precincts;
- (4) The specific acts or omissions complained of constituting the electoral frauds, anomalies or irregularities in the contested precincts; and
- (5) A statement as to whether or not there is a need for a revision of ballots.

No joint election protest shall be admitted, but the Tribunal, for good and sufficient reasons, may consolidate individual protests and hear and decide them jointly. Thus, where there are two or more protests involving the same protestee and common principal causes of action, the subsequent protests may be consolidated with the earlier case to avoid unnecessary costs or delay. In case of objection to the consolidation, the Tribunal shall resolve the same.



The protest is verified by an affidavit that the affiant has read it and that the allegations therein are true and correct based on affiant's personal knowledge or authentic records. A verification based on "information and belief," or upon "knowledge, information and belief," is a defective verification and a ground for dismissal.

The protest shall contain a sworn certification that: (a) protestant has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his or her knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if protestant should thereafter learn that the same or similar action or claim has been filed or is pending, he or she shall report that fact within five (5) days therefrom to the Tribunal.

The running of the reglementary period to file the protest shall not be suspended if the election protest is unverified, unaccompanied by a certification against forum shopping, or contains an insufficient or defective verification or defective certification against forum shopping.

**RULE 18. *Quo Warranto.*** – A verified petition for *quo warranto* on the ground of ineligibility may be filed by any registered voter of the congressional district concerned, or any registered voter in the case of party-list representatives, within fifteen (15) days from June 30 of the election year or the date of the actual assumption to office, whichever is later. The party filing the petition shall be designated as the petitioner, while the adverse party shall be known as the respondent.

The provisions of the preceding paragraph to the contrary notwithstanding, a petition for *quo warranto* may be filed by any registered voter of the district concerned against a Member of the House of Representatives, on the ground of citizenship, at anytime during said Member's tenure. A petition for *quo warranto* may also be filed at anytime for grounds that occur during the term of office of the winning candidate.

The rules on verification, consolidation, certification against forum shopping and case information sheet provided in Rule 17 hereof shall apply to petitions for *quo warranto*.

**RULE 19.** *Damages.* – Damages may be sought and granted in election protests or *quo warranto* proceedings in accordance with law.

**RULE 20.** *Ad Cautelam Cases.* – An election protest or petition for *quo warranto* filed *ad cautelam* shall be assigned with an undocketed (UDK) number. No summons shall be issued unless the case is converted into a regular election protest or petition for *quo warranto*.

After thirty (30) days from filing, an order shall be issued to the protestant or the petitioner, as the case may be, directing him or her to manifest, within ten (10) days from notice, whether the *ad cautelam* case can already be converted into a regular election protest or petition for *quo warranto*.

Nevertheless, an *ad cautelam* case shall comply with the requirements set forth in Rules 17 and 18, as the case may be, and the payment of the required filing fee and cash deposit.

**RULE 21.** *Periods Non-Extendible.* – The period for the filing of the appropriate protest or petition, as prescribed in Rules 17 and 18, is jurisdictional and cannot be extended. If the last day falls on a Saturday, a Sunday, or a legal holiday, the last day for filing the appropriate protest or petition shall fall on the next working day.

**RULE 22.** *Filing with the Tribunal.* – Election protests and petitions for *quo warranto* shall be filed either personally with the Office of the Secretary of the Tribunal or by registered mail addressed to the Secretary of the Tribunal, together with fifteen (15) clearly legible copies thereof.

If filed personally, the Secretary of the Tribunal shall inscribe on the protest or petition the date and hour of filing.

If filed by registered mail, the date of the mailing of the petition, as shown by the post office stamp on the envelope or the registry receipt, shall be considered as the date of its filing with the Tribunal. The envelope shall be attached to the records of the case. It shall likewise be accompanied by a postal money order to cover the filing fees and cash deposit as prescribed by these Rules. Filing by registered mail is not encouraged, and failure to attach the postal money order for all the prescribed fees and charges is a ground for dismissal.

**RULE 23.** *Summary Dismissal of Election Contest.* – An election protest or petition for *quo warranto* may be summarily dismissed by the Tribunal without the necessity of requiring the protestee or respondent to answer if, *inter alia*:

- (1) It is insufficient in form and substance;
- (2) It is filed beyond the periods provided in Rules 17 and 18 of these Rules;
- (3) It does not contain a verification or the verification is defective;
- (4) It does not conform to the prescribed form of certification against forum shopping under Rules 17 and 18, or if related pending cases are not specified in said certification;
- (5) The petition or protest or copies thereof and the annexes thereto filed with the Tribunal are not clearly legible;
- (6) The full amount of filing fee and other legal fees are not paid within the periods provided for filing the protest or petition for *quo warranto*;
- (7) In case of a protest where a cash deposit is required, the cash deposit, or the first one hundred fifty thousand pesos (P150,000.00) thereof, is not paid within ten (10) days after the filing of the protest; and
- (8) If the filing of the petition or protest is by registered mail and there is a failure to attach the postal money order for all the prescribed fees and expenses to said petition or protest.

For this purpose, the Secretary of the Tribunal shall, upon receipt of the petition, prepare a report and calendar the same for appropriate action by the Tribunal or the Executive Committee.

This rule shall likewise apply to counter-protests.

## ANSWER AND COUNTER-PROTEST

**RULE 24. *Summons.*** – If the protest or petition is not summarily dismissed in accordance with Rule 23 of these Rules, the Secretary of the Tribunal shall issue the corresponding summons to the protestee or respondent, as the case may be, together with a copy of the protest or petition, requiring him or her to file an answer within fifteen (15) calendar days from receipt thereof.

The summons shall be served by handing copies of the summons and of the election protest or the *quo warranto* petition to the protestee or the respondent in person or, in case of protestee's or respondent's refusal to receive or sign proof of receipt of these copies, by tendering it to him or her. Service of summons in this manner is complete upon such tender.

If for justifiable causes, the protestee or respondent cannot be served within a reasonable time as provided in the preceding paragraph, service may be effected:

- (a) By leaving copies of the summons at the residence of the respondent or protestee with some person of suitable age and discretion then residing therein; or
- (b) By leaving copies at his or her office or regular place of business with some competent person in charge thereof.

In cases filed involving legislative districts outside of Metro Manila, summons may be served through registered mail. Service by registered mail is complete upon actual receipt by the protestee or respondent, or after five (5) days from the date of receipt of the first notice from the postmaster, whichever date is earlier.

Service by registered mail shall be made by depositing copies of the summons and of the election protest or the *quo warranto* petition, in a sealed envelope, plainly addressed to the protestee or respondent at the latter's residence on record, with postage fully pre-paid, and with instructions to the postmaster to return the mail to the Tribunal after ten (10) calendar days if undelivered.

**RULE 25. *Answer.*** – The answer must be verified and may set forth special and affirmative defenses and a counterclaim. The

protestee may incorporate in the answer a counter-protest. The answer shall be filed in fifteen (15) clearly legible copies with proof of service of a copy upon the protestant or petitioner within fifteen (15) calendar days from receipt of the summons and a copy of the protest or petition.

If filed in a separate pleading, a counter-protest must be verified and filed in fifteen (15) clearly legible copies with proof of service of a copy upon the protestant within fifteen (15) calendar days from receipt of the summons and a copy of the protest.

The counter-protestant shall pay the appropriate filing fees and cash deposit. Otherwise, the counter-protest shall be dismissed.

**RULE 26.** *Answer to Counterclaim or Counter-Protest.* – The answer to counterclaim or counter-protest must be verified and filed in fifteen (15) clearly legible copies within fifteen (15) calendar days from receipt of counterclaim or counter-protest.

**RULE 27.** *Motion to Dismiss; Motion for Bill of Particulars.* – No motion to dismiss or motion for a bill of particulars shall be entertained. Grounds for a motion to dismiss shall be pleaded as affirmative defenses in the appropriate responsive pleadings allowed under Rules 25 and 26. The Tribunal may, in its discretion, hold a preliminary hearing on any of the grounds so pleaded.

**RULE 28.** *Extensions of Time.* – No motion for extension of any of the periods fixed in Rules 24, 25 and 26 shall be entertained.

**RULE 29.** *Failure to Answer; Effect.* – If no answer to the protest, counter-protest, or the petition for *quo warranto* is filed within the period fixed in these Rules, a general denial shall be deemed to have been entered.

**RULE 30.** *Amendments; Limitations.* – Pleadings may be amended by adding or striking out an allegation, or by correcting a mistake in the name of a party or a mistaken or inadequate allegation or description in any other respect, so that the actual merits of the controversy may be speedily determined, without regard to technicalities, and in the most expeditious and inexpensive manner.

(a) *Amendments as a matter of right.* -- A party may amend his or her pleading once as a matter of right at any time before a responsive pleading is served.

(b) *Amendments by leave of the Tribunal.* -- Except as provided in the next paragraph, substantial amendments may be made only upon leave of the Tribunal, but such leave may be refused if it appears to the Tribunal that the amendment was made with intent to delay. Orders of the Tribunal upon the matters provided in this rule shall be made only upon motion duly filed with the Tribunal, and after notice to the adverse party, and an opportunity to be heard.

(c) *Formal amendments.* -- A defect in the designation of the parties and other clearly clerical or typographical errors may be summarily corrected by the Tribunal at any stage of the action, at its initiative or on motion, provided no prejudice is caused thereby to the adverse party.

(d) *Answer to an Admitted Amended Protest or Petition.* -- When the Tribunal admits an amended protest or petition, it may require the other party to answer the same within a non-extendible period of ten calendar (10) days from service of a copy of the amended protest or petition and of the resolution admitting the same.

**RULE 31.** *Admission by Adverse Party* –

(a) *Request for Admission.* – At anytime after issues have been joined, a party may file and serve upon any other party a written request for the admission by the latter of the truth of any material and relevant matter of fact pertinent to the subject matter of the protest or petition or of the genuineness of any material and relevant document/s described in and attached to the request. The request for admission containing averments in the protest or petition is allowed. The Tribunal shall be furnished with a copy of said request.

(b) *Implied Admission.* – Within a period designated in the request for admission, which shall not be less than fifteen (15) days after service thereof, or within such further time as the Tribunal may allow on motion, the party to whom the request is directed shall file and serve upon the party requesting the admission a sworn statement containing categorical answers to the request for admission. Each of the matters of which an admission is requested shall be deemed admitted in case of failure to file and serve said sworn statement. The

party to whom the request is directed may deny specifically the matters of which an admission is requested or set forth in detail the reasons why he or she cannot admit or deny those matters. A general denial that said party is without knowledge or information sufficient to form a belief as to the veracity of the matters of which an admission is requested is prohibited and shall have the effect of an implied admission. The Tribunal shall likewise be furnished with a copy of the sworn statement. No objection shall be made to the request for admission as such objection can be incorporated in the sworn statement itself.

(c) *Effect of Admission.* – Any admission made by a party pursuant to such request is for the purpose of the pending action only and shall not constitute an admission by said party for any other purpose nor may the same be used against him or her in any other proceeding.

(d) *Withdrawal.* – The Tribunal may allow the party making an admission under this Rule, whether express or implied, to withdraw or amend it upon such terms as may be just.

(e) *Effect of failure to file and serve request for admission.* – A party who fails to file and serve a request for admission on the adverse party of material and relevant facts at issue which are, or ought to be, within the personal knowledge of the latter, shall not be permitted to present evidence on such facts.

**RULE 32. *Other Pleadings; How Filed.*** – Except for the initiatory petitions for *quo warranto* or election protests which the Tribunal itself serves on the adverse party, all other pleadings shall be filed with the Office of the Secretary of the Tribunal in fifteen (15) clearly legible copies and must be accompanied with proof of service upon the adverse party or parties. Whenever practicable, the service and filing of pleadings, motions and other papers shall be done personally. A resort to other modes must be accompanied by a written explanation why personal service is not practicable.

The Tribunal shall impose sanctions on any party who abuses the rule on personal service of pleadings by resorting to service by registered mail to delay the case.

All pleadings, motions and other papers filed with the Tribunal in connection with electoral cases pending before other tribunals,

courts or agencies shall likewise be accompanied by proof of service upon the adverse party or parties in said electoral cases.

No action shall be taken on pleadings that fail to comply with the foregoing requirements.

**RULE 33.** *Proof of Service.* – Proof of personal service shall consist of a written admission of the party served, or an affidavit of service of the party serving, containing a full statement of the date, place and manner of service. If service is made by registered mail, proof shall be established through such affidavit and the registry receipt issued by the mailing office. The registry return card or, in lieu thereof, the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee, shall be filed with the Tribunal by the sender immediately upon receipt of either.

### **FILING FEES, CASH DEPOSITS AND OTHER LEGAL FEES**

**RULE 34.** *Filing Fees.* – No protest, counter-protest or petition for *quo warranto* shall be deemed filed without the payment to the Tribunal of the filing fee in the amount of twenty thousand pesos (P20,000.00).

If a claim for damages or attorney’s fees is set forth in a protest, counter-protest or petition for *quo warranto*, an additional filing fee shall be paid, which shall be, if the sum claimed is:

- (1) More than P 20,000.00 but less than P 40,000.00 .....  
P 1,000.00
- (2) P 40,000.00 or more but less than P 60,000.00 .....  
P 1,500.00
- (3) P 60,000.00 or more but less than P 80,000.00 .....  
P 2,000.00
- (4) P 80,000.00 or more but less than P 100,000.00 .....  
P 2,500.00
- (5) P 100,000.00 or more but less than P 150,000.00 .....  
P 3,000.00



For every P 1,000.00 in excess of P 150,000.00 .....  
P 100.00

Where the protest, counter-protest or petition for *quo warranto* is filed by registered mail, it must be accompanied by a postal money order in the amount of the corresponding filing fees.

The required fees must be fully paid within the period prescribed in Rules 17 (Election Protest), 18 (*Quo Warranto*), 25 (Answer) and 26 (Answer to Counterclaim or Counter-Protest) of these Rules.

The payment of filing fees herein provided for the filing of a protest, counter-protest or petition for *quo warranto* is jurisdictional and failure to pay the mandated amounts within the reglementary period for filing the same shall be a ground for dismissal.

**RULE 35.** *Cash Deposit.* – In addition to the fees prescribed in the preceding Rule, each protestant, counter-protestant or petitioner in *quo warranto* shall make a cash deposit with the Tribunal in the following amounts:

- (1) In a petition for *quo warranto*, ten thousand pesos (P 10,000.00) to be paid within ten (10) calendar days after the filing of the petition.
- (2) If the protest or counter-protest does not require the bringing to the Tribunal of the ballot boxes, copies of election returns as well as other election documents and paraphernalia from the district concerned, ten thousand pesos (P 10,000.00) to be paid within ten (10) calendar days after the filing of the protest or counter-protest.
- (3) If the protest or counter-protest requires the bringing of ballot boxes, copies of election returns and other election documents and paraphernalia, three thousand pesos (P 3,000.00) for each clustered precinct involved therein. If, as thus computed, the amount of the deposit does not exceed one hundred fifty thousand pesos (P 150,000.00), the same shall be paid in full with the Tribunal within ten (10) calendar days after the filing of the protest or counter-protest.

- (4) If the required deposit exceeds one hundred fifty thousand pesos (P 150,000.00), a partial cash deposit of at least one hundred fifty thousand pesos (P 150,000.00), shall be made within ten (10) calendar days after the filing of the protest or counter-protest. The balance shall be paid in such installments as may be required by the Tribunal on at least five (5) calendar days advance notice to the party required to make a cash deposit.

The cash deposit shall be applied by the Tribunal to the payment of all expenses incidental to the disposition of the case, including, but not limited to, in the case of protest, the bringing of the ballot boxes, copies of election returns as well as other election documents and paraphernalia to the Tribunal, and returning them to their original official custodians after the case is terminated, storage fees, the compensation of the Revisors, expenses relating to technical examination incidental to the revision but not limited to essential supplies and services, and other miscellaneous expenses (i.e. padlocks, self-locking seals, customized envelopes, and copying of electronic data contained in data storage devices) and all other expenses relating to the proceedings and adjudication of the protest or petition.

Failure to pay the cash deposit within the prescribed period shall be a ground for the dismissal of the protest, counter-protest or petition.

Any unused cash deposit shall be returned to the party or parties who paid the same after complete termination of the protest, counter-protest or petition for *quo warranto*. Any unused cash deposit which remains unclaimed for a period of two years from receipt of notice authorizing release thereof shall be deemed forfeited in favor of the Tribunal.

When circumstances so demand, the Tribunal may require additional cash deposit. If a party fails to make the additional cash deposits within the period prescribed by the Tribunal, it may dismiss the protest or counter-protest.

**RULE 36.** *Other Legal Fees.* – The following legal fees shall be charged and collected for:

- (1) Certified transcripts of records or copies of any record, decision, resolution or entry of which any person is entitled to demand and receive a copy, for each page .....Twenty Pesos (P 20.00);
- (2) Certified transcripts of notes taken by stenographers to every person requesting the same, for each page of not less than two hundred and fifty words, for each page ten pesos (P 10.00) provided, however, that one-fourth (1/4) of the total charges shall go to the Tribunal and the remaining three-fourths (3/4) to the stenographer concerned;
- (3) Research fee for any record relating to a previous case .....Two Hundred Pesos (P 200.00); and
- (4) Other Certifications.....One Hundred Pesos (P 100.00).

## **PRODUCTION OF ELECTION DOCUMENTS**

**RULE 37.** *Issuance of precautionary order.* – Where the allegations in a protest so warrant, the Tribunal shall, simultaneous with the issuance of summons, order the municipal or city treasurer and election officer, and the responsible personnel and custodian to take immediate steps or measures to safeguard the integrity of all the ballot boxes and their contents, lists of voters with voting records, books of voters, and other documents or paraphernalia used in the election, as well as data storage devices containing electronic data evidencing the conduct and the results of elections in the contested precincts.

**RULE 38.** *When Ballot Boxes, Election Returns and Other Election Documents Brought before the Tribunal.* – Where the allegations in a protest or counter-protest so warrant, or whenever in its opinion the interest of justice so demands, the Tribunal shall immediately also order all the ballot boxes containing the ballots and their keys, copies of election returns whenever the protest particularly questions the authenticity of the contents of the returns, list of voters with voting records, books of voters, data storage devices containing electronic data evidencing the content and results of the election, and other

documents or paraphernalia used in the election to be brought before the Tribunal. Certified copies of the Statement of Votes by the Board of Canvassers in all the municipalities of the district or of the city concerned shall also be obtained. Upon receipt thereof, they shall be kept and held secured in the offices of the Tribunal or in any designated storage area under the care and custody of the Canvass Board Service, under the supervision of the Secretary of the Tribunal and under the authority of the Chairperson.

Where any of the ballot boxes, ballots, election returns, election documents or paraphernalia mentioned in the immediately preceding paragraph are also involved in election contests before the Presidential Electoral Tribunal, the Senate Electoral Tribunal, the Commission on Elections (Comelec) or the regular courts, in appropriate cases, the Tribunal shall exert every effort to synchronize the examination and revision of ballots in the other Tribunals, the Comelec or the regular courts, as the case may be.

The Tribunal, if warranted, may seek the assistance of the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP) or other law enforcing agencies to safeguard the integrity of the ballot boxes and all documents subject of Rule 37 while in the custody of the municipal treasurer, election officer or custodian and to ensure the safe delivery thereof and the corresponding keys thereof to the Tribunal. For this purpose, a Memorandum of Agreement shall be executed between the PNP, the AFP and the National Bureau of Investigation (NBI) for effective and strict implementation.

The expenses necessary and incidental to the bringing of the ballot boxes, copies of election returns and other election documents or paraphernalia before the Tribunal, and returning them after the termination of the case, including the storage fees, the compensation of the Revisors, and all expenses incidental to the revision, shall be charged against the party requesting the revision and shall be paid from his or her cash deposit.

## **REVISION OF BALLOTS**

**RULE 39.** *Revision of Ballots* – Revision of the ballots shall be conducted in accordance with the guidelines promulgated by the Tribunal.

The Tribunal shall inquire from the Comelec about the detailed specification and security features, as well as additional remedial measures for determining the genuineness and authenticity, of official ballots stored inside the ballot boxes. The parties shall be duly notified of the inquiry, the actions taken thereof by the Tribunal and by the Comelec, and shall have the right to be represented in and notified of any hearing or meeting to be held in connection with said inquiry.

In the event that there are substantial variances between the actual physical count of the ballots and the election returns discovered during the revision proceedings, the Tribunal, thru its Secretary, shall upon notice, immediately order for a preliminary hearing to allow the parties to present evidence and witnesses thereon.

The hearing shall be conducted by the Hearing Commissioner in charge of the case which shall be summary in character without due regard to technicalities. A maximum of two (2) hearing dates shall be allotted for each party to present their claims unless additional hearing dates are necessary, as determined by the Tribunal.

**RULE 40.** *Post-Revision Determination of the Merit or Legitimacy of Protest Prior to Revision of Counter-Protest; Pilot Precincts; Initial Revision and/or Technical Examination.* – Any provision of these Rules to the contrary notwithstanding, as soon as the issues in any contest before the Tribunal have been joined, the protestant and the protestee shall be required to state and designate in the preliminary conference brief, at most twenty-five (25%) percent of the total number of precincts involved in the protest or counter-protest, as the case may be, which said parties deem as best exemplifying or demonstrating the electoral irregularities or fraud pleaded by them.

The revision of the ballots or the examination, verification or re-tabulation of election returns and the reception of evidence shall begin only with the designated pilot protested precincts.

The revision of ballots or the examination, verification or re-tabulation of election returns and the reception of evidence in the remaining seventy-five (75%) protested precincts and twenty-five percent (25%) counter-protested precincts shall not commence until the Tribunal shall have determined through appreciation of ballots or election documents and/or reception of evidence, within a period

not exceeding ten (10) successive working days, the merit or legitimacy of the protest, relative to the designated pilot protested precincts.

Based on the results of such post-revision determination, the Tribunal may dismiss the protest without further proceedings, if and when no reasonable recovery was established from the pilot protested precincts, or may proceed with the revision of the ballots or the examination, verification or re-tabulation of election returns in the remaining contested precincts.

The foregoing shall likewise apply to the twenty-five percent (25%) of designated pilot counter-protested precincts.

However, if the proclamation margin is only one thousand (1,000) votes or less, the revision of ballots or the examination, verification or re-tabulation of election returns and/or reception of evidence shall cover all the contested precincts.

## **TECHNICAL EXAMINATION**

**RULE 41.** *Scope of Technical Examination.* – Only election documents that are allowed by the Tribunal to be examined shall be subjected to technical examination.

**RULE 42.** *Motion for Technical Examination; Contents.* – Within five (5) days after completion of each revision proceeding, either party may move for a technical examination, specifying:

- (1) The nature of the technical examination requested (fingerprint examination, etc.);
- (2) The documents or objects to be subjected to technical examination;
- (3) The objections made in the course of the revision of ballots which the movant intends to substantiate with the results of the technical examination; and
- (4) The ballots covered by such objections.

**RULE 43.** *Technical Examination; Time Limits.* – The Tribunal may, in its discretion, grant a motion for technical examination

provided it is included in the stipulations during the preliminary conference, under such conditions as the Tribunal may impose. If granted, the movant shall schedule the technical examination, to start within ten (10) calendar days from the time the movant was notified of the resolution or order granting the same.

The movant shall notify the other party and the Secretary of the Tribunal at least five (5) days before the scheduled technical examination. The technical examination shall be completed within the period allowed by the Tribunal. The other party may attend the technical examination, either personally or through a representative, but the technical examination shall proceed regardless of the other party's presence, provided said other party has been given due notice thereof.

Where more than one party so request, the technical examinations shall, as far as practicable, be conducted simultaneously.

The technical examination shall be conducted at the expense of the moving party, in the offices of the Tribunal or such other place as the Tribunal may designate, and at every instance, under the supervision of the Secretary of the Tribunal, or a duly authorized representative.

**RULE 44.** *Experts; Who Shall Provide.* – The Tribunal shall appoint experts from any government agency to conduct the technical examination. Either party may, however, avail of the assistance of his or her own expert who may observe, but in no case interfere with, the examination being conducted by the team of experts.

**RULE 45.** *Technical Examination Not Interrupted.* – Once started, the technical examination shall continue every working day until completed or until the expiration of the period granted for such purpose.

**RULE 46.** *Extension of Period for Technical Examination; When Granted.* – An extension of the period for conducting technical examination shall be disallowed except upon a clear showing that the party conducting the examination has diligently utilized the period originally granted the party for that purpose, but for compelling reasons not imputable to the party, could not finish the technical examination within the period originally granted.

## SUBPOENAS

**RULE 47.** *Who May Issue.* – Subpoena *ad testificandum* or *duces tecum* may be issued by the Tribunal *motu proprio*, or upon motion of any of the parties.

**RULE 48.** *Form and Contents.* – A subpoena shall be signed by the Secretary or Deputy Secretary of the Tribunal. It shall state the name of the Tribunal, the docket number and title of the action and shall be directed to the person whose attendance is required. In the case of a subpoena *duces tecum*, it shall also contain a particular description of the books, documents or objects demanded.

**RULE 49.** *Authority of Hearing Commissioners to Issue Subpoena; Parties to File Proper Motion.* – Hearing Commissioners are authorized by the Tribunal to issue subpoenas in cases assigned to them.

The party requesting for the issuance of a subpoena *ad testificandum* or *duces tecum* shall file the proper motion within ten (10) working days before the hearing in which the witness or document sought will be presented. Failure of the party to file the proper motion within said period shall be considered a waiver of the right to compel attendance of the witness or the production of the documents concerned.

## RECEPTION OF EVIDENCE

**RULE 50.** *Pre-Trial.*

(a) *Pre-Trial Brief.* – After the issues shall have been joined, the Tribunal, through the Secretary, shall issue a notice of pre-trial and shall order the parties to submit their respective pre-trial briefs, which shall contain the following:

- (1) The pilot precincts which the protestant and the protestee, as the case may be, may designate pursuant to Rule 40;
- (2) A summary of admitted facts and proposed stipulation of facts;
- (3) The determination of issues to be tried or resolved;



- (4) The pre-marked documents or exhibits to be presented, including depositions, answer to interrogatories and answers to written request for admission by adverse party, stating the purpose thereof;
- (5) The judicial affidavits of witnesses in accordance with the form prescribed under A.M. No. 12-8-8-SC otherwise known as the Judicial Affidavit Rule; and
- (6) A subject index with digest of the arguments and a table of cases alphabetically arranged, textbooks and statutes cited with references to the pages where they are cited.

*(b) Preliminary Conference before the Hearing Commissioner* – The Tribunal may refer the election contest to a Hearing Commissioner for a preliminary conference for the following purposes:

- (1) To simplify the issues;
- (2) To obtain possible stipulations or admission of facts and of documents;
- (3) To limit the number of witnesses;
- (4) To mark the documents or exhibits and the affidavits of witnesses which shall be in question and answer form and shall constitute as the direct examination, subject to cross-examination;
- (5) To ascertain from the parties the undisputed facts and admissions on the genuineness and due execution of the documents marked as exhibits;
- (6) To consider the withdrawal of some contested or counter-protested precincts (especially those where, *inter alia*, the ballots are unavailable due to the existence of protests concerning other positions involving the same ballots or are missing and cannot be located or destroyed due to natural disasters or calamities);

- (7) To consider the fixing of the dates for the reception of evidence, including the matter of reception to be done simultaneously with the revision of the ballots if the evidence is intended to prove such causes of action or defenses or issues which are unrelated to the ballots or election documents;
- (8) To consider such other matters as may aid in the prompt disposition of the protest, counter-protest or petition;
- (9) To record the proceedings in the “Minutes of the Preliminary Conference” to be signed by both parties or their counsels; and
- (10) To attach the Minutes together with the marked exhibits before the pre-trial conference.

*(c) Pre-Trial Conference.* – At the pre-trial conference, the Tribunal shall:

- (1) Adopt the minutes of preliminary conference as part of the pre-trial proceedings and confirm markings of exhibits or substituted photocopies and admissions on the genuineness and due execution of documents;
- (2) Inquire if the pleadings are in order. If not, order the amendments if necessary;
- (3) Inquire if interlocutory issues are involved and resolve the same;
- (4) Define and simplify the factual and legal issues arising from the pleadings. If only legal issues are presented, the Tribunal shall require the parties to submit their respective memoranda and the Tribunal can proceed to render judgment; and
- (5) Determine the most important witnesses to be heard and limit the number of witnesses. The facts to be proven by each witness and the approximate number of hours per witness shall be fixed.

The Tribunal may delegate to the Member assigned to the case the authority to preside over the Pre-Trial Conference, provided that any other Member may participate in said pre-trial.

The Tribunal shall thereafter issue the corresponding Pre-Trial Order. Within three (3) days from receipt of the Order, the parties may file their respective comments thereon.

The presentation of witnesses and other documentary evidence in excess of that declared by a party shall be deemed waived. The Tribunal, however, shall allow their presentation upon showing of meritorious reasons why these witnesses and/or documentary evidence could not have been identified or marked during the pre-trial conference in a proper motion. All other testimonial and documentary evidence not identified or marked during the preliminary conference shall no longer be allowed at the trial.

*(d) Effect of Failure to Appear or Submit Pre-Trial Brief.* – The Tribunal may dismiss the protest, counter-protest or *quo warranto* petition, as the case may be, for failure of the protestant, counter-protestant or petitioner to appear at the preliminary conference or Pre-Trial Conference or to submit a pre-trial brief, or for submission of an incomplete Pre-Trial brief. Otherwise, the Tribunal may proceed with the Pre-Trial Conference on the basis of the pre-trial briefs filed and may hold the guilty party in contempt or impose appropriate sanctions or penalty, or both.

**RULE 51.** *Hearings; Hearing Commissioner; Qualifications.* – The Tribunal may delegate the hearing of cases or the reception of evidence to a Hearing Commissioner.

Any Member of the Tribunal or any of its lawyers may be designated as Hearing Commissioner.

**RULE 52.** *Reception of Evidence by Hearing Commissioner.* – Reception of evidence by a Hearing Commissioner may be done at the offices of the Tribunal, unless the Tribunal, for good cause, directs the reception of evidence in some other place.

In case of consolidated cases, the reception of evidence shall be delegated to the Hearing Commissioner and the Deputy Hearing Commissioner to whom the earlier case was assigned.

The reception of testimonial evidence on matters or issues *aliunde* may be done even during the revision of the ballots.

Presentation of evidence on all other matters or issues arising from the revision of ballots and/or technical examination of questioned documents shall be made: (a) simultaneous with the completion of the revision of all, or substantially all, of the ballots or election documents, or (b) when so allowed by the Tribunal *motu proprio* or upon motion of a party, after the completion of the technical examination of the questioned documents, if any.

**RULE 53.** *Procedure of Hearings.* – Reception of evidence may proceed, even in the absence of the other party, provided he or she has been duly notified of the hearing. In such a case, the absent party shall be deemed to have waived the right to cross-examine a witness whose testimony on direct examination has been concluded.

If a party scheduled to present evidence fails to appear at the date, time and place appointed, the Hearing Commissioner may adjourn the proceedings to the next scheduled hearing, giving notice of such adjournment to the absent party, or to his or her counsel. The delay shall be charged against the period allowed the absent party for the presentation of evidence.

Unless the Hearing Commissioner or the Tribunal directs otherwise, the order of hearing shall be as follows:

- (1) The protestant or petitioner shall adduce evidence in support of the protest or petition for *quo warranto*;
- (2) The protestee, subject to Rule 40, or the respondent shall then adduce evidence to support his or her defenses, counterclaim or counter-protest; and
- (3) The protestant or petitioner, subject to the approval of the Tribunal, may then present rebuttal evidence.

No sur-rebuttal evidence shall be allowed.

**RULE 54.** *Rulings in Hearings before Tribunal.* – During hearings before the Tribunal, the Chairperson, or in his or her absence, the presiding Justice, shall decide all questions raised in connection with the examination of witnesses and the admission of evidence, and his

or her rulings shall be deemed as a ruling by the Tribunal. If a Member should request that a question be discussed and decided upon consultation, the Chairperson, or the Justice presiding shall act only after the matter has been voted upon.

**RULE 55.** *Hearing Commissioner to Rule on Objections.* – The Hearing Commissioner shall rule on objections made in the course of the hearing.

The ruling of the Hearing Commissioner shall no longer be subject to review by the Tribunal but may, in a memorandum to be submitted pursuant to Rule 67, be assigned as an error by the party adversely affected thereby.

**RULE 56.** *Time Limit for Presentation of Evidence.* - Each party is given a period of ten (10) successive working days to complete the presentation and formal offer of evidence. This period shall begin to run from the first date set for the presentation of the party's evidence, either before the Tribunal or before a Hearing Commissioner, and shall continue every working day thereafter until completed. Upon motion based on meritorious grounds, the Tribunal may grant a ten-working-day extension of the period herein fixed.

Each witness shall be presented on the specific hearing date previously fixed, and the examination shall be completed in one day. However, the Tribunal, at its discretion, or the Hearing Commissioner, during trial, may extend the direct and/or cross-examination of witnesses upon a showing of justifiable reasons.

The hearing for any particular day or days may be postponed or cancelled on meritorious grounds upon the request of the party presenting evidence, provided, however, that the delay caused thereby shall be charged against said party's period for presenting evidence.

The following shall not be charged against the period allotted to either party:

- (1) The period when presentation of the party's evidence is suspended by order of the Tribunal or the Hearing Commissioner because of the pendency of a prejudicial question which should first be resolved before the hearing can continue.

- (2) The time taken up in the cross-examination of his or her witnesses by the other party.

A party may present rebuttal evidence, if allowed by the Tribunal, during the remainder of the ten-day-period or the extension thereof, if any, that has not been utilized for the presentation of his or her evidence-in-chief.

**RULE 57.** *Formal Offer of Evidence.* —

The Tribunal shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified. Unless otherwise ordered by the Tribunal, the formal offer of evidence, the comment thereon, and the ruling shall be made orally.

As regards the testimony of a witness, the offer must be made at the time the witness is called to testify.

A party is required to make an oral offer of documentary and object evidence on the same date as the presentation of the last witness, and the opposing party is required to immediately interpose an objection thereto. Thereafter, the ruling on the offer of evidence shall be made in open court.

In making the offer, the counsel shall cite the specific page numbers of the court record where the exhibits being offered are found if attached thereto. If the exhibits are not attached to the record, the party making the offer must submit the same during the offer of evidence in open court. The Tribunal shall always ensure that all exhibits offered are submitted on the same day.

An offer of evidence in writing shall be objected to within three (3) days after notice unless a different period is allowed by the Tribunal. In any case, the grounds for the objections must be specified.

**RULE 58.** *Evidence not Offered and Admitted.* — Evidence not offered and admitted shall not be considered in deciding the case except the revision reports, being official records of Tribunal proceedings.

**RULE 59.** *Disputable Presumptions.* – The following are disputable presumptions:

(a) On the election procedure:

- (1) The election of candidates was held on the date and time set and in the polling place determined by the Comelec;
- (2) The Board of Election Inspectors (BEI) was duly constituted and organized;
- (3) Political parties and candidates were duly represented by poll watchers;
- (4) Poll watchers were able to perform their functions; and
- (5) The minutes of voting and counting of votes contains all the incidents that transpired before the BEIs.

(b) On election paraphernalia:

- (1) The ballots and election returns that bear the security markings and features prescribed by the Comelec are genuine;
- (2) The data and information supplied by the members of the BEIs in the accountable forms are true and correct;
- (3) The allocation, packing and distribution of election documents or paraphernalia were properly and timely done; and
- (4) The automated election system chosen, the consolidation machines and the data storage devices are all in order, and the data generated reflect the activities entered in these electronic machines and devices.

(c) On appreciation of ballots:

- (1) A ballot with appropriate security markings is valid;
- (2) The ballot reflects the intent of the voter;
- (3) A voter personally prepared one ballot, except in the case of assistants; and
- (4) The exercise of one's right to vote was voluntary and free.

**RULE 60.** *Electronic Evidence.*- Electronic documents or electronic data messages may be used, offered and admitted in evidence in accordance with the provisions of the Rules of Court on electronic evidence.

Upon motion duly made based on demonstrated need or *motu proprio*, the Tribunal may order the Comelec to provide the moving party or the Tribunal access to, or to recover and use, electronic data from the Comelec under conditions and safeguards required by the Comelec.

## **EVIDENCE BY DEPOSITION**

**RULE 61.** *Evidence by Deposition; When Allowed.* –

(a) Before the termination of the Pre-Trial, with leave of the Tribunal, any party may take the deposition of witnesses in lieu of presenting them before the Tribunal or a Hearing Commissioner. Otherwise, the deposition shall not be admitted.

(b) The period used by a party for taking depositions shall be charged against the ten (10)-day-period or extended period allotted for the presentation of evidence.

**RULE 62.** *When Commenced; Contents of Notice.* – The taking of the deposition shall commence within ten (10) days from receipt of the notice by the officer designated by the Tribunal to take the deposition of the witnesses or at the earliest date said designated officer shall be available for the taking of the deposition. No



deposition shall be taken unless notice thereof has been given to the other party at least five (5) days in advance of the taking of such deposition. Such notice shall state the venue, which must be a public office; the time of the taking of the deposition; the officer before whom the deposition shall be taken; and the names and addresses of the deponents.

**RULE 63.** *Who May Take Depositions.* – Depositions may be taken before any of the following officers who may be designated by the corresponding Executive Judge upon the request of the Tribunal:

- (1) Any judge of the Regional Trial Court; or
- (2) Any judge of the Metropolitan Trial Court; the Municipal Trial Court in Cities; the Municipal Trial Court; or the Municipal Circuit Trial Court.

The officer taking the deposition shall not be related to any of the parties or counsel within the fourth civil degree of consanguinity or affinity. An objection on the ground of relationship shall be made to the Executive Judge within two (2) days after notification of the designation.

**RULE 64.** *Cross-Examination of Witnesses.* – The opposing party shall have the right to attend the taking of the deposition and cross-examine the witnesses presented. Failure to attend shall be deemed a waiver of such right.

Objections to questions asked during the taking of depositions shall be ruled upon by the judge taking the deposition, subject to review by the Tribunal.

**RULE 65.** *Submission of Depositions.* – The officer taking the deposition shall, within ten (10) days thereafter, submit to the Tribunal the original and fourteen (14) copies of the deposition taken, together with the exhibits presented in the course of the deposition proceeding, with proof of service upon the parties.

## DEMURRER TO EVIDENCE

**RULE 66.** *Demurrer to Evidence.* –After the protestant, counter-protestant or petitioner has completed the presentation of evidence, the protestee, counter-protestee or respondent may file a motion for

leave to file demurrer to evidence and correspondingly move for dismissal on the ground that upon the facts and the law the protestant, counter-protestant or petitioner has shown no right to relief. If the motion is denied, he or she shall have the right to present evidence. If the motion is granted but on *certiorari*, the order of dismissal is reversed, he or she shall be deemed to have waived the right to present evidence.

## **MEMORANDA**

**RULE 67.** *When Submitted; Contents.* – Within ten (10) days from receipt of the Tribunal’s ruling on the last offer of evidence by the protestee or respondent, the parties shall submit their respective memoranda simultaneously, setting forth briefly:

- (1) The facts of the case;
- (2) A complete statement of all the arguments, laws and jurisprudence in support of their respective claim; and
- (3) Objections to the ballots contested or claimed by the other party in the revision of ballots.

All evidence, as well as objections to evidence presented by the other party, shall be referred to or contained either in the memorandum or in appendices thereto.

**RULE 68.** *Supplemental Reply or Rebuttal Memorandum.* – No supplemental reply or rebuttal memorandum shall be entertained.

## **VOTING**

**RULE 69.** *Votes Required.* – In resolving all questions submitted to the Tribunal, all the Members present, inclusive of the Chairperson, shall vote.

Except as provided in Rule 5(b) of these Rules, the concurrence of at least five (5) Members shall be necessary for the rendition of decisions and the adoption of formal resolutions, provided that, in cases where a Member inhibits or cannot take part in the deliberations, a majority vote of the remaining Members shall be sufficient.

This is without prejudice to the authority of the Supreme Court or the House of Representatives, as the case may be, to designate Special Member or Members who should act as temporary replacement or replacements in cases where one or some of Members of the Tribunal inhibits from a case or is disqualified from participating in the deliberations of a particular election contest, provided that:

- (1) The option herein provided should be resorted only when the required quorum in order for the Tribunal to proceed with the hearing of the election contest, or in making the final determination of the case, or in arriving at decisions or resolutions thereof, cannot be met; and
- (2) Unless otherwise provided, the designation of the Special Member as replacement shall only be temporary and limited only to the specific case where the inhibition or disqualification was made.

## **DECISIONS**

**RULE 70.** *Procedure in Deciding Contests.* – In rendering its decisions or final resolutions, the Tribunal shall follow the procedure prescribed for the Supreme Court in Sections 13 and 14, Article VIII of the 1987 Constitution.

**RULE 71.** *Promulgation and Notice of Decisions.* – After the decision, along with separate, concurring or dissenting opinions, if any, is signed, it shall be delivered for filing to the Secretary of the Tribunal who shall forthwith indicate thereon the date of promulgation and cause true copies thereof to be served upon the parties, or if represented through their counsel, personally, by private courier or by registered special delivery mail.

**RULE 72.** *Finality and Execution of Decisions; Motion for Reopening or Reconsideration.* – The decision shall become final and executory as against a party ten (10) days after receipt of a copy thereof if no motion for reconsideration is seasonably filed.

No motion for the reopening of a case shall be entertained.

A party may file a motion for reconsideration within ten (10) calendar days from receipt of a copy of the decision, with proof of service thereof on the adverse party. A second motion for reconsideration is a prohibited pleading and shall not be entertained.

Unless so required by the Tribunal, the adverse party need not file an opposition to or comment on the motion for reconsideration.

If a motion for reconsideration is denied, the decision shall become final and executory as against a party after five (5) days from service upon him or her of a copy of the resolution disposing of the motion for reconsideration. If a motion for reconsideration is granted, the party adversely affected by the grant may move to reconsider it within ten (10) days from receipt of a copy of the resolution granting the motion for reconsideration; otherwise, the decision as reconsidered shall become final and executory after the lapse of said period.

**RULE 73.** *Entry of Judgment.* – The judgment shall be entered or recorded by the Secretary of the Tribunal after the decision shall have become final and executory, if neither of the parties is able to secure a restraining order or similar staying relief from the Supreme Court within five (5) days from receipt of the resolution/decision from the Tribunal disposing of the case or resolution denying the motion for reconsideration. The date when the judgment becomes final and executory shall be deemed as the date of its entry although the physical act of entering or recording the judgment may be done at a later date. The record shall contain the dispositive part of the judgment and shall be signed by the Secretary of the Tribunal, with a certification that such judgment has become final and executory.

**RULE 74.** *Procedure after Finality of Decision; Execution of Decision; Publication of Decisions.* – As soon as a decision becomes final and executory, notice thereof shall be sent to the Speaker of the House of Representatives, the President of the Philippines and the Chairperson of the Commission on Audit.

The original copies of the decisions of the Tribunal shall be kept in bound form in the archives of the Tribunal. Decisions shall be published in the Official Gazette or in the reports officially authorized by the Tribunal in the language in which they have been originally written together with the syllabi therefor.

## COSTS AND DAMAGES

**RULE 75.** *When Allowed.* – Costs shall be allowed to the prevailing party as a matter of course, but the Tribunal may, if equitable and for special reasons, apportion the costs.

**RULE 76.** *Costs and Damages; When Action Dismissed.* – If a protest, counter-protest or a petition for *quo warranto* is dismissed, the Tribunal may still rule on the claim for costs and damages.

**RULE 77.** *Costs When Action Frivolous.* – When a protest, counter-protest or a petition for *quo warranto* is found to be frivolous, double or treble costs may be imposed by the Tribunal on the protestant, counter-protestant or petitioner, as the case may be.

## REVISION/AMENDMENT

**RULE 78.** *Revision or Amendment.* – The Tribunal may, at anytime, revise these Rules or amend any of its provisions. Any revision or amendment adopted shall be effective fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

## EFFECTIVITY

**RULE 79.** *Effectivity.* – These Rules shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation. Upon taking effect, any and all Rules of the Tribunal previously adopted or promulgated are superseded and repealed.

## TRANSITORY PROVISION

**RULE 80.** *Application to Pending Cases.* – These Rules shall apply to all pending actions except when substantive rights are affected as may be determined by the Tribunal.

APPROVED, September 7, 2015.



**PRESBITERO J. VELASCO, JR.**

*Associate Justice, Supreme Court*  
Chairperson



**DIOSDADO M. PERALTA**

*Associate Justice, Supreme Court*  
Member



**LUCAS P. BERSAMIN**

*Associate Justice, Supreme Court*  
Member



**FRANKLIN P. BAUTISTA**

*Representative*  
*Second District, Davao del Sur*  
Member



**JOSELITO ANDREW R. MENDOZA**

*Representative*  
*Third District, Bulacan*  
Member




**WILFRIDO MARK M. ENVERGA**

*Representative*  
*First District, Quezon*  
Member



**MA. THERESA B. BONOAN**

*Representative*  
*Fourth District, Manila*  
Member



**JERRY P. TREÑAS**

*Representative*  
*Lone District, Iloilo City*  
Member



**LUZVIMINDA C. ILAGAN**

*Representative*  
*Gabriela Partylist*  
Member