



Republic of the Philippines
House of Representatives Electoral Tribunal
Electoral Tribunal Building
Commonwealth Avenue, Quezon City

NOTICE

Sirs/ Mesdames:

Please take notice that in HRET Case No. 13-007 (EP), *Eduardo Salgo Matillano vs. Douglas Solon Hagedorn (Third District, Palawan)*, the Tribunal issued Resolution No. 14-117 dated June 9, 2014, which reads as follows:

In Resolution No. 14-012 dated January 30, 2014, the Tribunal: (a) considered protestant's payment of additional cash deposit in the amount of Two Hundred Thousand Pesos (Php200,000.00) on December 20, 2013 as unsatisfactory compliance with the *Orders* of the Tribunal dated November 5, 2013, November 25, 2013 and December 5, 2013 requiring him to pay the required cash deposit in the amount of Seven Hundred Thirty Thousand Six Hundred Eighty-Five Pesos and Fifteen Centavos (Php730,685.15); (b) denied protestant's *Extremely Urgent Motion* dated December 20, 2013; and (c) dismissed the instant election protest in accordance with Rule 33 of the 2011 HRET Rules for failure of protestant to pay the required additional cash deposit.

On March 17, 2014, protestant filed an *Urgent Motion for Reconsideration* dated March 11, 2014 seeking reconsideration of the aforesaid Resolution. He claims that he has fully paid the required cash deposit of Php730,685.15 which he remitted in three tranches and that in the interest of fair and clean elections and considering further that he already presented his testimonial evidence, the January 30, 2014 Resolution should be reconsidered and set aside.

On March 21, 2014, protestee filed a *Manifestation* of even date stating that he has yet to receive a copy of protestee's motion for reconsideration and that a comment shall be duly filed accordingly upon his receipt of the same. On March 31, 2014, protestee filed his *Comment/Opposition (to Protestant's Motion for Reconsideration)* dated March 28, 2014. The events cited by protestee which, he argues, justifies the dismissal of the instant election protest jibe with the records, to wit:

- 1) On November 5, 2013, the Tribunal issued an *Order* directing the parties to augment their respective cash deposits in the amount of Php735,685.15 each within a non-extendible period of ten (10) days from notice.

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2) While protestee complied with the directive by tendering the required cash deposit on November 19, 2013, protestant filed an *Urgent Motion for Time* asking for thirty (30) days to pay the same.

3) In the November 25, 2013 *Order*, the Tribunal partially granted protestant's motion by giving him a fresh period of ten (10) days from notice within which to pay the required cash deposit. Said *Order* was received by protestant on November 25, 2013 and thus, he had until December 5, 2013 to comply with the directive.

4) On December 5, 2013, however, protestant filed an *Extremely Urgent Motion for Time* asking for another fifteen (15) days within which to augment his cash deposit.

5) For the second time, the Tribunal granted protestant's motion giving him an additional fifteen (15) days to augment his cash deposit with warning that no further extension shall be allowed.

6) On December 20, 2014, instead of paying the required Php735,685.15, protestant paid only Php200,000.00 and filed another *Extremely Urgent Motion* of even date, this time praying that he be allowed to pay the balance of the required cash deposit upon collection and delivery of the ballot boxes to the Tribunal.

In denying protestant's third motion for extension of time and concomitantly dismissing the instant election protest, the Tribunal ruled in this wise:

The Tribunal has already given protestant sufficient time within which to pay the required cash deposit. It should be noted that the additional cash deposit is necessary to defray all expenses incidental to the disposition of this case, the initial stage of which is the collection of ballot boxes. Thus, protestant's failure to augment his cash deposit is delaying said collection proceeding. Moreover, the Tribunal cannot proceed with the collection unless sufficient funds are available for the revision of ballots and the eventual return of said ballot boxes to the point of origin. Hence, protestant's request to pay the balance of the required cash deposits only upon collection and delivery of the ballot boxes to the Tribunal cannot be granted.

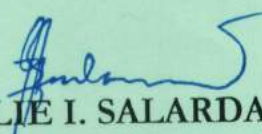
After the issuance of the aforesaid January 30, 2014 Resolution, protestant paid the balance of his cash deposit in two tranches, to wit: Php250,000.00 on February 20, 2014 and Php285,685.15 on March 7, 2014. Hence, said payments were noted without action by the Tribunal in view of the earlier dismissal of the election protest.

Protestant cannot just comply with the requirements of the Tribunal in his own preferred time. The required cash deposit which was

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originally due in November 2013 was completed by protestant only on March 7, 2014. Justice demands that each election protest be resolved expeditiously considering that the term of office of the member of the House of Representatives is only three (3) years. This, of course, includes the prompt payment of the required cash deposit to set in motion the necessary proceedings for the resolution of the case like collection of ballot boxes and the revision of ballots. The application of the rules may be relaxed only under exceptional circumstances. For instance, in *Pilando vs. Dominguez*¹, the Tribunal considered the very slim margin of votes between protestant and protestee as an equitable reason which warranted the non-dismissal of the case despite the late payment of cash deposit by the protestant.

WHEREFORE, the Tribunal **NOTES** protestee's *Manifestation* dated March 21, 2014 and *Comment/Opposition (To Protestant's Motion for Reconsideration)* dated March 28, 2014 and **DENIES** protestant's *Urgent Motion for Reconsideration* dated March 11, 2014.


GIRLIE I. SALARDA
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¹ HRET Case No. 98-006, Resoluton No. 98-846, July 9. 1998.