



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. 13-029 (EP), *Faysah RPM Dumarpa vs. Ansaruddin A. Adiong (First District, Lanao del Sur)*, the Tribunal issued Resolution No. 14-141 dated July 31, 2014, which reads as follows:

Before the Tribunal is protestant's *Motion for Reconsideration* dated June 13, 2014, filed on June 16, 2014, praying for the reconsideration of Resolution No. 14-099 dated May 29, 2014, which dismissed the instant protest for her failure to pay the additional cash deposit within the prescribed time pursuant to Rule 33 of the 2011 Rules of the House of Representatives Electoral Tribunal (2011 HRET Rules).

Worth recalling are the following relevant facts:

1. In an *Order* dated January 10, 2014, the Tribunal directed both parties to augment their cash deposits in the amount of Three Million Eight Hundred Twenty-Two Thousand Two Hundred Five Pesos and 34/100 (Php3,822,205.34) and Five Hundred Twenty Thousand Seven Hundred Forty-Eight Pesos and 92/100 (Php520,748.92), respectively, within a non-extendible period of ten (10) days from receipt of said order.

2. On January 23, 2014 or six (6) days after receipt of said *Order*, protestant filed a *Very Urgent Motion (To Allow the Protestant to Augment Her Cash Deposit in an Installment Basis)* of even date considering that the amount to be augmented is quite huge and that her current financial constraint is further aggravated by the recent calamity that hit Mindanao making it more difficult to pool her available resources. Protestant further states that as a manifestation of her good will and unwavering vigilance to pursue the instant case, she had already deposited that same date before the HRET Cash Management Service the initial payment of Five Hundred Thousand Pesos (Php500,000.00), as evidenced by the Official Receipt No. 7089748.

3. On January 24, 2014, protestee paid the required cash deposit in the amount of Five Hundred Twenty Thousand Seven Hundred Forty-Eight Pesos and 92/100 (Php520,748.92), as evidenced by Official Receipt No. 7089749.

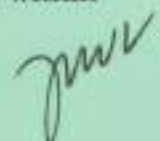
HRET Case No. 13-029 (EP)  
Fayzah RPM Dumarpa vs. Anwaruddin A. Adiong  
First District, Lanao del Sur  
Resolution No. 14-141

4. In the *Order* dated January 29, 2014, protestant's partial payment of Five Hundred Thousand Pesos (Php500,000.00) on January 23, 2014, and that of protestee in the amount of Five Hundred Twenty Thousand Seven Hundred Forty-Eight Pesos and 92/100 (Php520,748.92) on January 24, 2014 were noted. Protestant's *Very Urgent Motion (To Allow the Protestant to Augment Her Cash Deposit in an Installment Basis)* was granted. She was allowed to pay the balance in two (2) instalments: One Million Six Hundred Sixty-One Thousand One Hundred Two Pesos and 67/100 (Php1,661,102.67) not later than February 14, 2014 and the other half not later than March 14, 2014. Protestant was likewise warned that should she fail to pay said amount on the prescribed period, the instant election protest will be dismissed.

5. However, on February 14, 2014, protestant merely paid Six Hundred Thousand Pesos (Php600,000.00), as evidenced by Official Receipt No. 7089751, instead of the required One Million Six Hundred Sixty-One Thousand One Hundred Two Pesos and 67/100 (Php1,661,102.67). The difference of One Million Sixty-One Thousand One Hundred Two Pesos and 67/100 (Php1,061,102.67) was paid on February 19, 2014, as evidenced by Official Receipt No. 7089753.

6. In her *Manifestation and Compliance* dated February 20, 2014, filed on even date, protestant avers that the slight delay in paying the required amount is caused primarily by some unavoidable circumstances such as but not limited to her current economic predicament, and seeks the kind indulgence of the Tribunal to note and consider the foregoing manifestation as she firmly believes that the search for truth in the courts of law is inexpensive and fair.

7. In the *Order* dated February 21, 2014, protestant's payment of Six Hundred Thousand Pesos (Php600,000.00), on February 14, 2014, and One Million Sixty-One Thousand One Hundred Two Pesos and 67/100 (Php1,061,102.67), on February 19, 2014, as well as her *Manifestation and Compliance* dated February 20, 2014, filed on even date, were noted. Considering, however, that she had failed to pay the amount of One Million Six Hundred Sixty-One Thousand One Hundred Two Pesos and 67/100 (Php1,661,102.67) in full within the prescribed period, protestant was reminded that: (a) she is obliged to fully pay the required amount of additional cash deposit on the prescribed period; (b) the remaining balance is due for payment not later than March 14, 2014; and (c) pursuant to the 2011 HRET Rules, the Tribunal may dismiss the protest or take such action as it may deem equitable under the circumstances in case of failure to pay the additional cash deposit within the prescribed period.



HRET Case No. 13-029 (EP)  
Fayrah RPM Dumarpa vs. Ansaruddin A. Adiong  
First District, Lanao del Sur  
Resolution No. 14-141

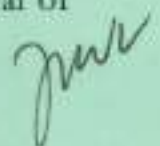
8. In Resolution No. 14-056 dated February 27, 2014, the Tribunal confirmed the foregoing Orders dated January 10, 2014, January 29, 2014 and February 21, 2014.

9. Protestee filed, on March 18, 2014, a *Motion to Dismiss for Failure of the Protestant to Pay the Required Cash Deposit* dated March 17, 2014.

10. On May 29, 2014, the Tribunal issued Resolution No. 14-099 noting protestee's *Motion to Dismiss for Failure of the Protestant to Pay the Required Cash Deposit* dated March 17, 2014, filed on March 18, 2014, and as earlier stated, dismissing the instant protest for failure of protestant to pay the additional cash deposit within the prescribed time pursuant to Rule 33 of the 2011 HRET Rules.

11. On June 15, 2014, protestant filed the instant *Motion for Reconsideration* dated June 13, 2014, wherein he raised the following allegations, to wit:

- (a) Being substantial, the Tribunal should have considered and given weight to the fact that her total payment of Two Million One Hundred Sixty-One Thousand One Hundred Two and 67/100 (Php2,161,102.67) is sufficient compliance to proceed with the instant case;
- (b) The retrieval of ballot boxes could be undertaken using such available funds of Two Million One Hundred Sixty-One Thousand One Hundred Two and 67/100 (Php2,161,102.67);
- (c) Protestant could be directed to complete the payment of the balance of One Million Six Hundred Sixty-One Thousand One Hundred Two Pesos and 67/100 (Php1,661,102.67) immediately after the collection of ballot boxes, but before the conduct of the revision proceedings;
- (d) Pursuant to Rule 33 of the 2011 HRET Rules, the Tribunal has two (2) options "if a party fails to make cash deposits or additional deposits- may dismiss the case or take such action as it may deem equitable under the circumstances;
- (e) Protestant did not intentionally or deliberately failed to make cash deposit, but was able to pay Two Million One Hundred Sixty-One Thousand One Hundred Two and 67/100 (Php2,161,102.67), which is sufficient to fund the retrieval of the protested ballot boxes;



HRET Case No. 13-029 (EP)  
 Faysab RPM Dumarpa vs. Ansaruddin A. Adiong  
 First District, Lanao del Sur  
 Resolution No. 14-141

- (f) In the interest of substantial justice and to aid in the search for the truth, the proper action equitable under the circumstances is to consider such protestant's payment of Two Million One Hundred Sixty-One Thousand One Hundred Two and 67/100 (Php2,161,102.67) as significant or substantial compliance with the directive to augment the cash deposit and not a dismissal of the instant protest;
- (g) Protestant's incomplete payment of the cash deposit is not deliberate as she had previously intimated that the slight delay in paying the required amount is caused primarily by some unavoidable circumstances such as but not limited to her current financial predicament;
- (h) Imbued with public interest, election cases should be resolved on the merits and not on mere technicalities;
- (i) The motivation of the protestant in instituting the instant protest is for her and the voting constituency of the First District of Lanao del Sur to know the truth considering the magnitude of the anomalies and irregularities committed during the election; and
- (j) The instant motion for reconsideration tenders new issues and arguments substantial in nature, persuasive in character and sufficiently provocative to warrant a reversal of *Resolution No. 14-099* dated May 29, 2014.

Protestant prayed that the instant motion be granted, *Resolution No. 14-099* dated May 29, 2014 be reconsidered, and protestant be given another fresh period within which to complete her cash deposit and /or in the alternative, direct the immediate retrieval of the ballot boxes.

The Tribunal is not persuaded.

Rule 33 of the 2011 HRET Rules provides:

**Rule 33. Effect of Failure to Make Cash Deposit.** - If a party fails to make the cash deposits or additional deposits herein provided within the prescribed time limit, the Tribunal may dismiss the protest, counter-protest, xxx, or take such action as it may deem equitable under the circumstances. (Emphasis supplied.)

It is explicit from Rule 33 that the dismissal of a protest on the ground of failure to pay the required cash deposit within the time prescribed under the HRET Rules or as directed in an order or


HRET Case No. 13-029 (EP)  
 Faysab RPM Dumarpa vs. Ansuruddin A. Adiong  
 First District, Lanan del Sur  
 Resolution No. 14-141

resolution issued by the Tribunal lies on the sound judgment of the Tribunal after consideration of the attending circumstances to such delay in the payment or non-payment of the required cash deposits.

In the instant case, not only was protestant remiss in the payment of the remaining amount required to be augmented until the March 14, 2014 deadline but also in the filing of a motion seeking further extension to complete the payment of additional cash deposit on or before the said deadline. More than three (3) months had lapsed from said deadline before this request was made for another fresh period within which to complete her cash deposit.

Further, the amount required to be augmented is necessary to defray the expenses to be incurred in undertaking the various proceedings involved in the disposition of this protest. The initial phase, that is, the collection of ballot boxes, election documents and related paraphernalia, cannot proceed unless there are sufficient funds for the conduct of such other proceedings like revision of ballots and eventual return of ballot boxes, election documents and related paraphernalia to the legislative district of origin.

WHEREFORE, the Tribunal **DENIES** protestant's *Motion for Reconsideration* dated June 13, 2014, filed on June 16, 2014, for lack of merit.

  
**MELISSA N. LEONARDO-RODRIGUEZ**  
*Acting Secretary of the Tribunal*

Copy furnished:

**G.E. GARCIA LAW OFFICE**

*Counsel for Protestant*  
 Ground Floor, LAIKO Building, Cabildo St.  
 Intramuros, Manila

**Atty. ROMULO B. MACALINTAL**  
**Atty. JUANITO G. ARCILLA**  
**Atty. ANTONIO CARLOS B. BAUTISTA**  
*Counsel for Protestee*  
 13 Cagayan Valley Street  
 Philamlife Village, Las Piñas City