

THE 2005 RULES OF THE PRESIDENTIAL ELECTORAL TRIBUNAL

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Acting on the letter of the Chairman of the Committee on Revision of the Rules of Court submitting for this Court's consideration and approval the proposed "The 2005 Rules of the Presidential Electoral Tribunal," the Court Resolved to APPROVE the same. These Rules shall take effect on the second day of December 2005 following their publication in a newspaper of general circulation in the Philippines not later than 17 November 2005. 15 November 2005. HILARIO G. DAVIDE, JR. Chief Justice

REYNATO S. PUNO Associate Justice ARTEMIO V. PANGANIBAN Associate Justice

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THE 2005 RULES OF THE PRESIDENTIAL ELECTORAL TRIBUNAL Pursuant to Article VIII, Section 4 of the 1987 Constitution, in relation to the last paragraph, Section 4, Article VII thereof, the Supreme Court hereby adopts and promulgates the following rules governing the proceedings of the Presidential Electoral Tribunal. TITLE AND CONSTRUCTION Rule 1. Title. - These Rules shall be known and cited as The 2005 Rules of the Presidential Electoral Tribunal. (R1a) Rule 2. Construction. - These Rules shall be liberally construed to achieve a just, expeditious and inexpensive determination and disposition of every contest before the Tribunal. (R2a) THE TRIBUNAL Rule 3. Meeting, quorum and Divisions. - The Presidential Electoral Tribunal shall meet on such days and hours as it may designate at the call of the Chairman or of a majority of its Members. The presence of the majority of the Members shall be necessary to constitute a quorum. In the absence of the Chairman, the next senior Member shall preside. In the absence of a quorum, the Members present, who shall not be less than five, may constitute themselves into an executive body whose actions shall be subject to confirmation by the Tribunal at its next regular meeting. The Tribunal may constitute itself into Divisions for the purpose of allocating and distributing its workload. Each Division shall act on such matters as may be assigned to it by the Tribunal. (R3a) Rule 4. Place of meetings. - The Tribunal or its Divisions shall meet in the Session Hall of the Supreme Court or at such other place as may be designated. (R4a) Rule 5. Control and supervision. - The Tribunal shall have exclusive control and supervision of all matters pertaining to its operation. (R5a) Rule 6. Express and implied powers. - The Tribunal shall exercise all powers expressly vested in it by the Constitution or by law, and such other powers as may be inherent, necessary or incidental thereto for the accomplishment of its purposes and functions. (R6a) Rule 7. Inherent powers. - The Tribunal shall have the following inherent powers:

- (a) Preserve and enforce order in proceedings before it or before any of its Divisions or officials acting under its authority; (b) Administer or cause to be administered oaths in any contest before it, and in any other matter where it may be necessary in the exercise of its powers; (c) Compel the attendance of witnesses and the

production of evidence in any contest before it; (d) Compel obedience to its decisions, resolutions, orders and processes; (e) Control its processes and amend its decisions, resolutions or orders to make them conformable to law and justice; (f) Authorize a copy of a lost or destroyed pleading or other paper to be filed and used instead of the original copy thereof, and to restore and supply deficiencies in its records and proceedings; and (g) Promulgate its own rules of procedure and amend or revise the same.

(R7a) Rule 8. Powers and duties of the Chairman.- The Chairman shall have the following powers:

(a) Issue calls for the sessions of the Tribunal; (b) Preside at the sessions of the Tribunal; (c) Preserve order and decorum during the sessions and for that purpose take such steps as may be convenient or as the Tribunal may direct; (d) Enforce the decisions, resolutions and orders of the Tribunal; (e) With the concurrence of the Tribunal and in accordance with the provisions of the Civil Service Law, appoint the employees of the Tribunal and impose disciplinary sanctions on them, including dismissal from the service. The confidential employees of every Member shall serve at his pleasure and in no case beyond his own term; (f) Exercise administrative supervision over the personnel of the Tribunal, including the Office of the Clerk of the Tribunal; and (g) Perform such other functions and acts as may be necessary or appropriate to ensure the efficiency of the Tribunal.

(R8a) Rule 9. Administrative Staff of the Tribunal.-The Tribunal shall have a Clerk and a Deputy Clerk. Unless the Tribunal provides otherwise, the administrative staff of the Tribunal shall be composed of the following:

(a) Canvass Board Division (b) Legal Division (c) Information Systems and Judicial Records Management Division (d) Personnel Division (e) Finance and Budget Division (f) Accounting Division (g) Cash Division.

(R9a) Rule 10. The Clerk of the Tribunal. - The Tribunal may designate the Clerk of the Supreme Court as the Clerk of the Tribunal who shall perform the following duties:

(a) Receive all pleadings and other documents properly presented, indicating on each document the date and time of its filing, and furnishing each Member a copy; (b) Keep a separate docket wherein shall be entered in chronological order election contests, quo warranto cases and proceedings had therein; (c) Attend meetings or sessions of the Tribunal and keep minutes of the meetings or sessions which shall be a clear and succinct account of all its proceedings; (d) Certify under the Seal of the Tribunal its decisions, resolutions, orders and notices; (e) Keep a judgment book containing a copy of each decision, final order or resolution rendered by the Tribunal in the order of their dates, and a Book of Entries of Judgment containing in chronological order entries of the dispositive portions of all decisions, final orders or resolutions of the Tribunal; (f) Implement the decisions, resolutions, orders and processes issued by the Tribunal; (g) Keep and secure all ballot boxes, election documents, records and exhibits; (h) Keep an inventory and have the custody of the Seal and other public property belonging to or assigned for the use of the Tribunal; (i) Keep an account of the funds set aside for the expenses of the Tribunal, as well as the funds received and disbursed relative to the cases; and (j) Keep such other books and perform such other duties as are prescribed by law for the Clerk of the Supreme Court or as the Tribunal may direct.

The Deputy Clerk shall assist the Clerk of the Tribunal and shall perform such other duties and functions as may be assigned to him by the latter. (R10a) Rule 11. The Seal. - The Seal of the Tribunal shall be circular in shape and shall contain in the upper part the words "Presidential Electoral Tribunal," in the center the coat of arms of the Government of the Philippines and at the base the name "Republic of the Philippines." The Seal of the Tribunal shall be affixed to all decisions, rulings, resolutions, orders or notices of the Tribunal, certified copies of official records and such other documents which the Tribunal may require to be sealed. (R11a) ELECTION CONTESTS Rule 12. Jurisdiction. - The Tribunal shall be the sole judge of all contests relating to the election, returns, and qualifications of the President or Vice-President of the Philippines. (R12) Rule 13. How initiated. - An election contest is initiated by the filing of an election protest or a petition for quo warranto against the

President or Vice-President. An election protest shall not include a petition for quo warranto. A petition for quo warranto shall not include an election protest. (R13a) Rule 14. Election protest. - The registered candidate for President or Vice-President of the Philippines who received the second or third highest number of votes may contest the election of the President or Vice-President, as the case may be, by filing a verified election protest with the Clerk of the Presidential Electoral Tribunal within thirty days after the proclamation of the winner. (R14a) Rule 15. Election protest based on manifest error. - An election protest may be based on correction of manifest error in the tabulation or tallying of the results during the canvassing. There is manifest error where:

- (a) the election return or certificate of canvass was tabulated more than once; (b) two or more copies of the election returns of one precinct, or two or more copies of certificate of canvass were tabulated separately; (c) there was a mistake in the copying of the figures from the election returns to the statement of votes by precinct or from the municipality/city/district certificate of canvass to the statement of votes by municipality, or from the provincial/city/district certificate of canvass to the statement of votes by province/city; (d) returns from a non-existent precinct were mistakenly included in the canvass; and (e) there was a mistake in the tallying of votes.

(COMELEC Resolution No. 6669, Sec. 32a) Rule 16. Quo warranto. - A verified petition for quo warranto contesting the election of the President or Vice-President on the ground of ineligibility or disloyalty to the Republic of the Philippines may be filed by any registered voter who has voted in the election concerned within ten days after the proclamation of the winner. (R15a) Rule 17. Extensions of time. - The periods provided in Rules 14 and 16 above are jurisdictional and cannot be extended. (R17a) Rule 18. Damages. - Actual or compensatory, moral and exemplary damages as provided by law may be claimed in election protests or quo warranto proceedings when warranted. (R16a) Rule 19. Petitions to be filed with the Tribunal. - Election protests and petitions for quo warranto may be filed with the Office of the Clerk of the Tribunal in eighteen legible copies. The Clerk shall indicate on the petition the date and hour of receipt. (R18a) Rule 20. Summary dismissal of election contest. - An election protest or petition for quo warranto may be summarily dismissed by the Tribunal without requiring the protestee or respondent to answer if, inter alia:

- (a) The protest or petition is insufficient in form and substance; (b) The protest or petition is filed beyond the periods provided in Rules 14 and 16; (c) The filing fee is not paid within the periods provided for in these Rules; (d) The cash deposit or the first P100,000 is not paid within ten days after the filing of the protest; and (e) The protest or petition or copies and their annexes filed with the Tribunal are not clearly legible.

(R19a) SUMMONS, ANSWERS AND COUNTER-PROTESTS Rule 21. Summons. - If the election protest or the petition for quo warranto is not summarily dismissed in accordance with the immediately preceding Rule, the Clerk of the Tribunal shall issue the corresponding summons to the protestee or respondent together with a copy of the protest or petition requiring him to file an answer within ten days from receipt of the summons. (R20a) Rule 22. Answer. - The answer shall be verified and may set forth special and affirmative defenses. The protestee or respondent may incorporate in his answer a counter-protest or counterclaim which shall be filed with the Clerk of the Tribunal. The answer must be filed within ten days from receipt of summons in eighteen clearly legible copies with proof of service of a copy upon the protestant or petitioner. (R21a) Rule 23. Counter-protest. - A counter-protest must be verified and filed within ten days from receipt of the summons and the protest. The counter-protestee shall answer the counter-protest within ten days from receipt of a copy thereof. (R22a) Rule 24. Motion to dismiss. - No motion to dismiss shall be entertained. Instead, any ground for a motion to dismiss may be pleaded as an affirmative defense in the answer to the protest or counter-protest or petition for quo warranto. In the exercise of its discretion, the Tribunal may hold a preliminary hearing on such ground. (R23a) Rule 25. Extensions of time. - No motion for extension of time to file an answer or a separate counter-protest may be granted except for compelling reasons and only for a period not exceeding ten days. (R24a) Rule 26. Failure to

answer; effect. - If no answer is filed to the protest, counter-protest or the petition for quo warranto within the period fixed in these Rules, a general denial shall be deemed to have been entered. (R25a) Rule 27. Amendments, limitations. - After the expiration of the period for filing of the protest, counter-protest or petition for quo warranto, no substantial amendments which broaden the scope of the action or introduce an additional cause of action shall be allowed. An amendment involving form may be admitted at any stage of the proceedings. After the period for receiving the evidence has commenced, no amendment to the pleadings affecting the merits of the case shall be granted except for justifiable reasons. When the Tribunal admits an amended protest, counter-protest or petition, it may require the other party to answer the same within ten days from service of a copy of such amended protest, counter-protest or petition and of the resolution admitting the same. (R26a) Rule 28. Preliminary conference. - (a) Purpose. - After the filing of the last pleading, the Tribunal shall order a preliminary conference to consider:

- the possibility of obtaining stipulations or admissions of facts and documents to avoid unnecessary proof;
- the simplification of the issues;
- the limitation of the number of witnesses;
- the most expeditious manner for the retrieval of ballot boxes containing the ballots, election returns, certificates of canvass and other election documents involved in the election protest; and
- such other matters as may aid in the prompt disposition of the election protest or petition for quo warranto.

(Rules of Court, Rule 18, sec. 2a) (b) Preliminary conference brief. - The parties shall file with the Tribunal and serve on the adverse party a preliminary conference brief at least five days before the date of the preliminary conference, which shall contain:

- stipulations or admissions of facts and documents;
- the issues to be resolved;
- the numbers and names of witnesses, and the nature and substance of their respective testimonies;
- the list of not more than three provinces which the parties may designate pursuant to Rule 63; and
- the proposal on the prompt disposition of the case.

(Rules of Court, Rule 18, sec. 6a) (c) Preliminary conference order. -The Tribunal shall issue an order reciting the matters taken up during the preliminary conference and the action thereon. (Rules of Court, Rule 18, sec. 7a) Rule 29. Other pleadings; how filed. - Except for the original election protest or petition for quo warranto which the Tribunal itself serves on the adverse party, together with the summons, all other pleadings shall be filed with the Office of the Clerk of the Tribunal in eighteen clearly legible copies and must be accompanied with proof of service of a complete copy upon the adverse party or parties. No action shall be taken on pleadings that fail to comply with this Rule. (R27a) Rule 30. Proof of service. -Proof of personal service shall consist of a written admission of the party served or the affidavit 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 made by affidavit of the sender and the registry receipt issued by the mailing office. The registry return card shall be filed with the Tribunal immediately upon receipt by the sender or, in lieu thereof, the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee, as the case may be. A resort to modes other than personal service must be accompanied by a written explanation why the service or filing was not done personally. (R28a; Rules of Court, Rule 13, sec. 11a) FILING FEES, CHARGES AND DEPOSITS Rule 31. 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 Fifty Thousand (P50,000) Pesos. 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) Not more than P20,000 P120 (2) More than P20,000 but less than P40,000 150 (3) P40,000 or more but less than P60,000 . . 200 (4) P60,000 or more but less than P80,000 . . 250 (5) P80,000 or more but less than P100,000 . 400 (6) P100,000 or more but less than P150,000 600 (7) For each P1,000 in excess of P150,000 . . 50 (R29) Rule 32. Cash deposit. - In addition to the fees mentioned above, each protestant or counter-protestant shall make a cash deposit with the Tribunal in the following amounts:

- (a) If the protest or counter-protest does not require the bringing to the Tribunal of ballot boxes and other election documents and paraphernalia, Ten Thousand (P10,000) Pesos; (b) If the protest or counter-protest requires the bringing of ballot boxes and election documents or paraphernalia, Five Hundred (P500) Pesos for each precinct involved. If the amount of the deposit does not exceed One Hundred Thousand (P100,000) Pesos, the same shall be made in full with the Tribunal within ten days after the filing of the protest or counter-protest; and (c) If the amount of the deposit exceeds One Hundred Thousand (P100,000) Pesos, a partial deposit of at least One Hundred Thousand (P100,000) Pesos shall be made within ten 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 days advance notice to the party required to make the deposit.

The cash deposit shall be applied by the Tribunal to the payment of all expenses incidental to the bringing of the ballot boxes and election documents or paraphernalia to the Tribunal and returning them after the case is terminated, and to the compensation of the revisors/correctors. When the Tribunal determines that the circumstances demand, it may require additional cash deposits. Any unused cash deposit shall be returned to the protestant or counter-protestant after complete termination of the protest or counter-protest. (R30a) Rule 33. Effect of failure to make cash deposit. - If a party fails to make the cash deposits or additional deposits herein required within the prescribed time limit, the Tribunal may dismiss the protest or counter-protest, or take such action as it may deem equitable under the circumstances. (R31) Rule 34. Other legal fees. - The following legal fees shall be charged and collected: (a) For furnishing certified transcripts of records or copies of any decision, resolution, record or entry of which any person is entitled to demand and receive a copy, for each page The Certification is charged separately in the amount of P 10.00 P100.00 (b) For furnishing 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 10.00 (c) For every search for anything above a year's standing and reading the same . . 100.00 (d) For every certificate not on process . . . 50.00 (R32a) PRODUCTION OF ELECTION DOCUMENTS, REVISION OF BALLOTS AND CORRECTION OF MANIFEST ERROR Rule 35. When ballot boxes and election documents brought before Tribunal; synchronization of revision of ballots and correction of manifest errors. - Where the allegations in a protest or counter-protest warrant, or whenever the interest of justice demands, the Tribunal shall immediately order the ballot boxes containing the ballots and their keys, election returns, list of voters with voting records, book of voters and other documents used in the election to be brought before the Tribunal. Copies of the Statement of Votes and Certificate of Canvass by the Board of Canvassers concerned shall also be obtained. Once received, they shall be kept and held secure in the care and custody of the Clerk of the Tribunal and under the authority of the Tribunal. Where the documents, ballot boxes and election documents or paraphernalia mentioned in the immediately preceding paragraph are also involved in an election contest before the Senate Electoral Tribunal or the House of Representatives Electoral Tribunal, the Presidential Electoral Tribunal shall have priority in their possession and examination. However, every effort shall be exerted to synchronize the revision of the ballots by all the three Tribunals. (R33a) Rule 36. Expenses for bringing and returning ballot boxes, election returns and election documents or paraphernalia. - The expenses incidental to the bringing of the ballot boxes, election returns and election documents or paraphernalia before the Tribunal, and returning them after the termination of the case, as well as the compensation of the

revisors/correctors, shall be charged against the party requesting the revision/correction and paid from his cash deposit. (R34a) Rule 37. Revision/correction teams. - Upon receipt of the ballot boxes and election documents or paraphernalia mentioned in Rule 35, the Tribunal shall create such number of revision/correction teams as may be necessary for the revision of the ballots or correction of manifest errors, as the case may be. Each revision/correction team shall be composed of a head revisor/corrector, who shall be designated by the Tribunal, a representative designated by the protestant and a representative designated by the protestee. The Tribunal shall designate one of its officials to supervise the revision or correction. At least five days before the start of revision/correction, the parties shall submit to the Tribunal, through the Clerk of the Tribunal, the names of their respective revisors/correctors (equal to the number of revision/correction teams to be formed) and equal number of alternates. (R35a) Rule 38. Revisors/correctors; compensation. - The Tribunal shall fix the compensation of the revisors/correctors which, unless otherwise provided, shall be One Hundred (P100) Pesos for each revisor/corrector and Three Hundred (P300) Pesos for the head revisor/corrector for every ballot box the contents of which are examined. (R36a) Rule 39. Order to start revision/correction. - The Tribunal, either motu proprio or upon motion of either party, shall issue an order setting the date for the start of the revision of ballots or correction of manifest errors. Except for failure of a party to make an additional cash deposit required by the Tribunal, the revision or correction, once started, shall continue without interruption until completed within one hundred eighty (180) working days from the date it was started, unless directed otherwise by the Tribunal. In case protestant prays for both revision of ballots and correction of manifest errors, they shall proceed simultaneously, whenever possible. The revision of ballots or correction of manifest errors shall not be delayed or postponed by reason of the absence of any revisor/corrector or his alternate as long as the head revisor/corrector and one member of the revision/correction team are present. (R37a) Rule 40. Procedure during revision/correction. - (a) Initial procedure. - Before the ballot boxes are opened and the ballots or election returns are taken out from their corresponding envelopes for examination, the official of the Tribunal in charge of revision/correction shall make of record a statement about the condition and serial numbers of the following:

- ballot boxes;
- self-locking security and padlocks of the ballot box;
- security envelopes containing the election returns; and
- paper seal of the envelopes.

(b) Revision. - The official shall then examine the ballots found inside the ballot boxes and set forth clearly any objections that may have been offered to each ballot in the report to be submitted by the team. During the revision, disputed ballots shall be numbered consecutively with colored pencil for purposes of identification, in the presence and under the direction of the official designated by the Tribunal to supervise the revision. No arguments in support of or against objections to or claims regarding ballots shall be entertained. The arguments may be embodied by the parties in their respective memoranda. After examination, the ballots shall be returned to the respective ballot boxes under lock and key, but disputed ballots shall be placed in a separate envelope sealed and signed by the revisors before being returned to the box. (R38a) (c) Correction. - After taking out the election returns from the envelope, the official must record the condition and serial numbers of the paper seal and the election returns and set forth clearly any objections that may have been offered to each return in the report to be submitted by them. Thereafter, the head corrector shall tabulate the votes garnered by the protestant and protestee and determine the municipal total of votes. He shall then determine the provincial total of votes and compare the same with the provincial certificate of canvass (pcoc). In case the election returns are from cities comprising one or more legislative districts or municipalities in Metro Manila, or from legislative districts comprising two municipalities in Metro Manila, the head corrector shall tabulate the votes garnered by the protestant and protestee

and determine the district total of votes. This shall then be compared with the district certificate of canvas (dcoc). If there is no error or discrepancy, the head corrector shall indicate in his report that there was no correction made. If there is, the necessary correction shall be made on the District Certificate of Canvass. The head corrector as well as the representatives of the parties shall sign the correction made on the document. The second paragraph of subsection (b) of this Rule shall also apply during re-tabulation and correction. (New) Rule 41. Revision and correction; who may be present. - The revision of ballots and correction of manifest errors shall be undertaken in the offices of the Tribunal. During the revision and correction, only the Members of the Tribunal, the Clerk of the Tribunal or his Deputy, the Tribunal employees supervising or assisting in the revision and correction, the revisors/correctors or their alternates and the parties, their attorneys or duly authorized representatives, shall have access to the areas where the revision and correction are taking place. (R39a) Rule 42. Report on result of revision and correction. - The revision and correction teams shall each submit to the Clerk of the Tribunal a daily report on the result of their revision or correction for every ballot box the contents of which have been examined, on a form to be provided by the Tribunal. Copies of such report, duly signed by the members of the revision and correction team, shall be furnished to the protestant and protestee, the cost of which shall be paid by the protestant. (R40a) TECHNICAL EXAMINATION Rule 43. Motion for technical examination; contents. - Within five days after completion of revision/correction, either party may move for a technical examination, specifying:

- (a) The nature of the technical examination requested (fingerprint examination, examination of the genuineness of the ballots or election returns, and others); (b) The documents to be subjected to technical examination; (c) The objections made in the course of the revision of ballots and correction of manifest errors which he intends to substantiate with the results of the technical examination; and (d) The ballots and election returns covered by such objections.

(R41a) Rule 44. Technical examination; time limits. - The Tribunal may grant the motion for technical examination in its discretion and under such conditions as it may impose. If the motion is granted, the Tribunal shall schedule the technical examination, notifying the other parties at least five days in advance. The technical examination shall be completed within the period allowed by the Tribunal. A party may attend the technical examination, either personally or through a representative, but the technical examination shall proceed with or without his attendance, provided due notice has been given to him. The technical examination shall be conducted at the expense of the movant and under the supervision of the Clerk of the Tribunal or his duly authorized representative. (R42a) Rule 45. Experts; who shall provide. - The Tribunal shall appoint independent experts necessary for the conduct of a technical examination. The parties may avail themselves of the assistance of their own experts who may observe, but not interfere with, the examination conducted by the experts of the Tribunal. (R43a) Rule 46. Technical examination not interrupted. - Once started, the technical examination shall continue every working day until completed or until expiration of the period granted for such purpose. (R44a) Rule 47. Photographing or photocopying. - Upon prior approval of the Tribunal, photographing or photocopying of ballots, election returns or election documents shall be done within its premises under the supervision of the Clerk of the Tribunal or his duly authorized representative, with the party providing his own photographing or photocopying equipment. (R45a) Rule 48. Scope of technical examination. - Only the ballots, election returns and other election documents allowed by the Tribunal to be examined shall be subject to such examination. (R46a) Rule 49. Matching; when allowed. - The Tribunal may allow matching of ballots with detachable coupons only after a showing that the voter whose ballot is to be matched has waived the secrecy of his ballot or that he is not a registered voter of the precinct where he voted. (R47) SUBPOENAS Rule 50. Who may issue. - The Tribunal may issue subpoena ad testificandum or subpoena duces tecum motu proprio or upon request of any of the parties. (R48a) Rule 51. Form and contents. - A subpoena ad testificandum, signed by the Clerk of the Tribunal, shall state the name of the Tribunal, the title of the action and be directed to the person whose attendance is required. A subpoena duces tecum shall contain a reasonable description of the books, documents or things demanded which

must appear prima facie relevant. (R49a) Rule 52. Authority of Hearing Commissioners to issue subpoena. - The Tribunal may authorize Hearing Commissioners to issue subpoenas in cases assigned to them for reception of evidence. (R50) RECEPTION OF EVIDENCE Rule 53. Hearings. - After the submission of all Revision/Correction Reports, the Tribunal may delegate the reception of evidence to a Hearing Commissioner who is a member of the Bar. (R51a) Rule 54. Preliminary conference. - The Hearing Commissioner shall fix a date for the reception of evidence and submission of the affidavits of the witnesses of the parties, with the adverse parties being furnished copies. Reception of evidence shall be done at the offices of the Tribunal unless the Hearing Commissioner directs its reception in some other place. (R52a) Rule 55. Procedure of hearings. - At the hearings, the affidavits of the witnesses submitted by the parties shall constitute their direct testimonies. Witnesses who testify may be subject to cross-examination, redirect or re-cross examination. Should the affiant fail to testify, his affidavit shall not be considered as competent evidence for the party presenting the affidavit, but the adverse party may utilize the same for any admissible purpose. Except on rebuttal or surrebuttal, no witness shall be allowed to testify unless his affidavit was previously submitted to the Tribunal. However, should a party desire to present additional affidavits or counter-affidavits as part of his direct evidence, he shall manifest during the preliminary conference, stating their purpose. If allowed by the Tribunal, the additional affidavits of the protestee shall be submitted to the Tribunal and served on the adverse party not later than five days after the termination of the preliminary conference. If the additional affidavits are presented by the protestant, the protestee may file his counter-affidavits and serve the same on the protestant within five days of such service. (R53a) Rule 56. Cross-examination; effect of absence of party. - In the reception of evidence of a party before a Hearing Commissioner, the other party has a right to be present and to cross-examine the witnesses presented. The Hearing Commissioner may proceed ex parte in the absence of the other party provided he has been duly notified of the hearing. If a party presenting evidence fails to appear at the time and place designated, the Hearing Commissioner may adjourn the proceedings to a future day, giving notice to the absent party or his attorney of the adjournment. The delay shall be charged to the party's period to present evidence. (R54a) Rule 57. Hearing Commissioner to rule on objections.-The Hearing Commissioner receiving the evidence shall rule on objections made in the course of cross-examination subject to review by the Tribunal. An exception to a ruling of the Hearing Commissioner shall not suspend the reception of evidence. (R55a) Rule 58. Procedure after hearing by Commissioner. - The Hearing Commissioner shall submit the evidence presented, together with the transcripts of the proceedings held before him, to the Tribunal within five days. (R56) Rule 59. Time limit for presentation of evidence. - Each party is given a period of thirty working days to complete the presentation of his evidence, including its formal offer. This period shall begin from the first date set for the presentation of the party's evidence, either before the Tribunal or a Hearing Commissioner. The hearing for any particular day or days may be postponed or canceled upon the request of either party. The delay caused by such postponement shall be charged to the period for presenting evidence of the movant. The following shall not be charged against the period allotted to either party:

- (a) The period when presentation of the party's evidence is suspended by order of the Tribunal or the Hearing Commissioner by reason of the pendency of an issue in the nature of a prejudicial question which must first be resolved before the hearing can continue; and (b) The time taken up in the cross-examination of his witnesses by the other party.

A party may present rebuttal or surrebuttal evidence during the remainder of the thirty-day period that he has not utilized for the presentation of his evidence-in-chief. (R57a) Rule 60. Evidence not formally offered, inadmissible. - Evidence not formally offered shall not be admitted and considered by the Tribunal in deciding the case. (R58) MEMORANDA Rule 61. When submitted; contents. - Within twenty days from receipt of the Tribunal's ruling on the last offer of evidence by the protestee, the parties shall simultaneously submit their respective memoranda setting forth briefly:

(a) The facts of the case; (b) A complete statement of all the arguments submitted in support of their respective views of the case; (c) Objections to the ballots adjudicated to or claimed by the other party in the revision of ballots; (d) Refutation of the objections of the other party to the ballots adjudicated to or claimed in the revision of ballots; (e) Objections to the tallying of election returns and certificates of canvass raised by the other party in the correction of manifest error; and (f) Refutation of the objections raised by the other party to the tallying of election returns and certificates of canvass in the correction of manifest error.

All evidence, as well as objections to evidence presented by the other party, shall be either referred to or contained in the memorandum or in an appendix thereto. (R59a) Rule 62. Supplemental or rebuttal memorandum. - When required or allowed by the Tribunal, a party shall file a supplemental or rebuttal memorandum. (R60) INITIAL DETERMINATION OF THE GROUNDS FOR PROTEST Rule 63. Dismissal; when proper. - The Tribunal may require the protestant or counter-protestant to indicate, within a fixed period, the province or provinces numbering not more than three, best exemplifying the frauds or irregularities alleged in his petition; and the revision of ballots and reception of evidence will begin with such provinces. If upon examination of such ballots and proof, and after making reasonable allowances, the Tribunal is convinced that, taking all circumstances into account, the protestant or counter-protestant will most probably fail to make out his case, the protest may forthwith be dismissed, without further consideration of the other provinces mentioned in the protest. The preceding paragraph shall also apply when the election protest involves correction of manifest errors. (R61a) VOTING Rule 64. Votes required. In resolving all matters or questions submitted to the Tribunal, including the rendition of a decision and the adoption of resolutions, the concurrence of a majority of the Members present constituting a quorum, who actually took part in the deliberations on the issue of the case and voted therein, shall be necessary. (R62a) DECISION Rule 65. Procedure in deciding contests. - In rendering its decision, the Tribunal shall follow the procedure prescribed for the Supreme Court in Sections 13 and 14, Article VIII of the Constitution. (R63a) Rule 66. Promulgation of decision. - After the judgment and dissenting opinions, if any, are signed, they shall be delivered for filing with the Clerk of the Tribunal who shall cause true copies to be served personally upon the parties or their counsel. (R64a) Rule 67. Finality of decision. - The decision shall become final ten days after receipt of a copy by the parties or their counsel if no motion for reconsideration is filed. No motion shall be entertained for the reopening of a case; a motion for reconsideration of a decision may be allowed under the evidence of record. A party may file a motion for reconsideration within ten days from service of a copy of the decision. No party may file more than one motion for reconsideration, copy of which shall be served personally upon the adverse party who may answer the motion within five days after its receipt. If the motion for reconsideration is denied, the decision shall become final and executory upon personal service on the parties of the resolution disposing of the motion for reconsideration. If the motion for reconsideration is granted, the party adversely affected may move to reconsider within ten days from receipt of the resolution granting the motion for reconsideration; otherwise, the decision as reconsidered shall become final and executory after the lapse of said period. (R65a) Rule 68. Entry of judgment. The judgment shall be entered by the Clerk of the Tribunal immediately upon its finality. The recording of the judgment in the Book of Entries of Judgment shall constitute its entry. The record shall contain the dispositive part of the judgment and shall be signed by the Clerk of the Tribunal, with a certificate that such judgment has become final and executory. (R66a) Rule 69. Procedure after finality of decision. As soon as a decision is entered, notice shall be sent to the Senate, the House of Representatives, the Commission on Elections and the Commission on Audit. The originals of the decisions of the Tribunal shall be kept in bound form in the archives of the Tribunal. (R67a) COSTS Rule 70. When allowed. Costs shall be allowed to the prevailing party as a matter of course. - The Tribunal shall have the power, for special reasons, to apportion the costs, as may be equitable. (R68a) SUPPLEMENTARY RULES Rule 71. Applicability. The following shall be applicable by analogy or in suppletory character and effect in so far as they may be applicable and are not inconsistent with these Rules and with the decisions, resolutions and orders of the

Tribunal, namely: (a) The Revised Rules of Court; (b) Decisions of the Supreme Court; and (c) Decisions of the Electoral Tribunals. (R69a) AMENDMENT Rule 72. Amendment. - The Tribunal may, at any time, amend these Rules. (R70) EFFECTIVITY Rule 73. Effectivity. - These Rules shall take effect on the second day of December 2005 following their publication in a newspaper of general circulation in the Philippines not later than 17 November 2005. (R71a)

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