

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
NATIONAL CAPITAL JUDICIAL REGION
MUNTINLUPA CITY
BRANCH 205

PEOPLE OF THE PHILIPPINES,
Plaintiff,

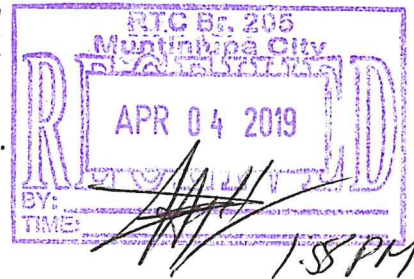
- versus -

Criminal Case No. 17-165

LEILA M. DE LIMA, RAFAEL
MARCOS Z. RAGOS, AND RONNIE
PALISOC DAYAN,

Accused.

x-----x



URGENT MOTION FOR FURLOUGH

Movant, LEILA M. DE LIMA ("*De Lima*"), by counsel, most respectfully moves that she be granted furlough to exercise her right to vote on 13 May 2019 for the National and Local Elections, and in support thereof states:

1. Movant de Lima is a registered voter of Prec. No. 0648A, Parañaque City, Metro Manila, National Capital Region.

2. For purposes of the 2019 National and Local Elections, herein accused has requested for the Commission on Elections (COMELEC) to establish a special polling place at the Philippine National Police Custodial Center for purposes of the May 13, 2019 National and Local Elections.

3. In response to said request, the COMELEC Law Department expressed through a Letter dated 18 February 2019 (attached herein as **Annex "1"**) that they may not accede to herein accused's request because Section 155 of the Omnibus Code provides that "[N]o polling place shall be located within the perimeter of or inside a military or police camp or reservation xxx." Nevertheless, it was suggested that the accused still exercise her right to suffrage

through the **escorted voting system** by filing a Petition before the courts that have jurisdiction over the case filed against her.

4. Pursuant to said recommendation, herein accused is filing this Urgent Motion for Furlough to vote through “escorted detainee voting” as provided under COMELEC Resolution No. 9371¹, in relation to COMELEC Resolution Nos. 10112² and 10460³.

Rule 7, Section 1 of COMELEC Resolution No. 9371 provides:

SECTION 1. Escorted Detainee Voters. – The following shall avail of the escorted voting:

1. Detainee voters who are residents/registered voters of municipalities/cities other than the town/city of detention and
2. Detainee voters in detention centers/jails where no special polling places are established.

Provided, that said detainee voters obtained court orders allowing them to vote in the polling place where they are registered.

Provided further: that it is logistically feasible on the part of the jail/prison administration to escort the detainee voter to the polling place where he is registered.

Provided, finally: that reasonable measures shall be undertaken by the jail/prison administration to secure the safety of detainee voters, prevent their escape and ensure public safety.

5. In the exercise of her constitutional right of suffrage, movant requests that she be allowed to avail of the escorted detainee voting mechanism as provided for in COMELEC

¹ Rules and Regulations on detainee registration and voting for the May 13, 2013 National and Local Elections and subsequent elections thereafter, promulgated on March 6, 2012.

² In the Matter of Further Amending Resolution No. 10057 (General Instructions to Board of Election Inspectors on the Testing and Sealing of Vote Counting Machines (VCMs), and Voting, Counting, and Transmission of Election Results in Connection with the May 9, 2016 National and Local Elections, as amended, and certain provisions of Resolution No. 9371, promulgated on 03 May 2016

³ General Instructions for the Electoral Boards (EBs) on the process of voting, counting and transmission of election results in connection with the 13 May 2019 National and Local Elections, promulgated on 05 December 2018.

resolutions, rules, and regulations, especially since no special offsite registration for detainees was conducted in the Philippine National Police Custodial Center during the period of continuing registration of voters from July 2, 2018 to September 29, 2018 that could have allowed her to apply for the transfer of her voter's registration records to the Custodial Center. Neither was there a special polling place established in the Philippine National Police Custodial Center.

The confirmation from the Commission on Elections-Election and Barangay Affairs Department (COMELEC-EBAD) that no special polling place was established in the Philippine National Police Custodial Center for the 2019 National and Local Elections is hereto attached as **Annex "2"**.

6. According to Section 77, Article X of COMELEC Resolution No. 10460, the casting of votes for detainee voting shall be from 7:00 o'clock in the morning until 2:00 o'clock in the afternoon on Election Day, May 13, 2019.

7. Similar to the previously granted Motion for Medical Furlough of herein accused, she shall bear all the necessary cost and expenses for her transport from the PNP Custodial Center in Camp Crame, Quezon City to her polling place in Prec. No. 0648A, located at Santa Rita School, Parañaque City, Metro Manila, National Capital Region, pursuant to the escorted detainee voting system of the COMELEC.

PRAYER

WHEREFORE, premises considered, it is respectfully prayed of this Honorable Court that accused Leila M. De Lima be allowed to exercise her right to vote under the COMELEC's escorted detainee voting system between 7:00 o'clock in the morning until 2:00 o'clock in the afternoon on May 13, 2019, Election Day.

Other reliefs just and equitable are likewise prayed for.

Quezon City for Muntinlupa. 04 April 2019.

RIGOROSO GALINDEZ AND RABINO LAW OFFICES

901 Fil Garcia Tower, 140 Kalayaan Avenue,
Diliman, 1101 Quezon City
Tel. 924-8552; Fax. 929-1609;
email add. rgrlaw123@yahoo.com.ph

By:

TEDDY ESTEBAN F. RIGOROSO
PTR # 7324294; 01/04/19; Q.C.
IBP # 63286; 01/04/19; Q.C.
MCLE Compliance No. VI-0017724; 01-31-19
Roll # 42240

REQUEST

The Hon. Clerk of Court
Regional Trial Court
Branch 205, Muntinlupa City

Greetings:

Kindly set the foregoing **MOTION** for hearing on **12 April 2019, Friday, at 8:30 AM.**

Copies of this Motion have been served to the DOJ Panel of Prosecutors.

TEDDY ESTEBAN F. RIGOROSO

NOTICE

DOJ PANEL OF PROSECUTORS
Department of Justice
Padre Faura St., Manila

Sir/Madam:

Kindly take notice that the foregoing **MOTION** is set for hearing on **12 April 2019, Friday, at 8:30 AM.**

TEDDY ESTEBAN F. RIGOROSO

Copy Furnished:

DOJ PANEL OF PROSECUTORS
Attn.: Atty. Laurence Joel M. Taliping
Department of Justice
Padre Faura St., Manila

LSJ 04/04/19



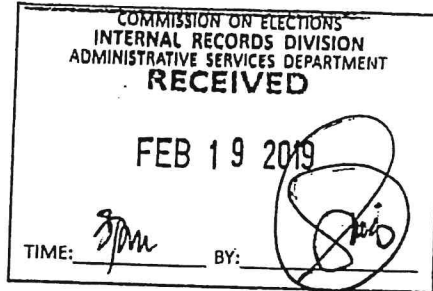
REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
MANILA

LAW DEPARTMENT

DOCUMENT NO. 19-1793
(Law 19-01149/19-02901)

February 18, 2019

SEN. LEILA M. DE LIMA
Room 502 & Extension Room 16
GSIS Building, Financial Center
Roxas Blvd., Pasay City
senleilamdelima@gmail.com



Dear Sen. De Lima:

This pertains to your letter requesting for the Commission on Elections to establish a special polling place at the Philippine National Police Custodial Center for purposes of the May 13, 2019 National and Local Elections.

First of all, in behalf of the Commission, we would like to thank you for helping afford our detained brothers and sisters exercise their right to suffrage. It was through the petition that you filed in your capacity as Chairperson of the Commission on Human Rights that made detainee voting possible.

Going back to your request to establish a special polling place inside the Philippine National Police Custodial Center, we regret to inform you that we cannot accede to such request. It should be noted that said custodial center is located inside Camp Rafael Crame, the National Headquarters of the Philippine National Police and Section 155 of the Omnibus Code provides that "[N]o polling place shall be located within the perimeter of or inside a military or police camp or reservation xxx."

We take note of the fact that together with other Persons Deprived of Liberty (PDL) detained at the PNP Custodial Center, you were not able to register under the PDL Voting System. However, the right to suffrage can still be exercised through the escorted voting system by filing a Petition before the courts which have jurisdiction over the case filed against them.

Thank you very much.

Very truly yours,

Maria Norina S. Tangaro-Castigal
Atty. MARIA NORINA S. TANGARO-CASTIGAL
Director IV *[Signature]*



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
 Intramuros, Manila
 Election and Barangay Affairs Department

1901-094

COMMISSION ON ELECTIONS
 ODED
RECEIVED
 JAN 15 2019
 BY: [Signature] TIME: 1:45
 M19-0083

MEMORANDUM

FOR : HON. ANTONIO T. KHO, JR. **ANNEX " 2 "**
 Commissioner
 Chairperson, Persons Deprived of Liberty Committee

THRU : **ATTY. BARTOLOME J. SINOCRUZ, JR.**
 Deputy Executive Director for Operations
 Vice Chairperson, Persons Deprived of Liberty Committee

FROM : THE DIRECTOR IV

SUBJECT : Request of Sen. Leila M. De Lima for the establishment of
 special PDL polling Place

DATE : January 14, 2019

This pertains to the letter dated January 9, 2019 from the Office of Senator Leila M. De Lima for the establishment of a special polling place for Persons Deprived of Liberty (PDL) inside the Philippine National Police Custodial Center, Camp Crame, Quezon City for the May 13, 2019 National and Local Elections.

Please be informed that, since the PDL voting was initiated sometime in 2010, establishment of special polling places for PDL voters was confined within the vicinity of a Jail or Detention facility and not in any police or military custodial center.

For this reason, we would like to refer the matter to the PDL Voting Committee for guidance and appropriate policy.

Respectfully submitted for your Honor's consideration.

TEOPISTO E. ELNAS, JR.