

EXECUTIVE SUMMARY

A. Introduction

The Senate Electoral Tribunal (SET) was created under Section 17, Article VI of the 1987 Constitution of the Republic of the Philippines as the sole judge of all contests relating to the election, returns and qualifications of members of the Philippine Senate. The Tribunal proper is composed of nine members, three of whom are Justices of the Supreme Court (SC), and the remaining six are Senators. The Senior Justice in the Tribunal acts as its Chairman.

The Justice-Members are designated by the Chief Justice traditionally on the basis of seniority, while the Senator-Members are elected by the members of the Senate on the basis of proportional representation from the political parties represented therein. The judicial component of the Tribunal is intended to neutralize the political affiliation of the senatorial membership, thereby making the Tribunal an independent, impartial and non-partisan adjudicatory body.

At the start of the year, the Tribunal was composed of:

Hon. Justice Antonio T. Carpio	Chairperson
Hon. Justice Mariano C. Del Castillo	Member
Hon. Justice Marvic Mario Victor F. Leonen	Member
Hon. Senator Richard J. Gordon	Member
Hon. Senator Maria Lourdes Nancy S. Binay	Member
Hon. Senator Joel Villanueva	Member
Hon. Senator Emmanuel “Manny” D. Pacquiao	Member
Hon. Senator Franklin M. Drilon	Member
Hon. Senator Antonio “Sonny” F. Trillanes IV	Member

The following events led to changes in the composition of the Tribunal:

1. End of term of Senator Antonio “Sonny” F. Trillanes IV on 30 June 2019;
2. Designation of newly-elected Senators Pia S. Cayetano and Manuel “Lito” M. Lapid as Tribunal Members on 30 July 2019, who took the place of Senators Trillanes and Villanueva;
3. Supreme Court reorganization brought about by the mandatory retirement of Justice Mariano C. Del Castillo on 26 July 2019 and the designation of Justices Estela M. Perlas-Bernabe and Francis H. Jardeleza, replacing Justices Del Castillo and Leonen, as Members of the Tribunal on 06 August 2019;
4. Designation of Justice Andres B. Reyes, Jr. vice Justice Jardeleza, who retired on 26 September 2019;
5. Reorganization of the Supreme Court in view of the mandatory retirement of Senior Associate Justice Antonio T. Carpio, Chairperson of the Tribunal, on 26 October 2019 and the designation of Senior Associate Justice Estela M. Perlas-Bernabe as Chairperson, with Justices Alfredo Benjamin S. Caguioa and Alexander G. Gesmundo as Members on 04 November 2019.

On May 11 and August 6, during the leave of absence of Justice Carpio, former Associate Justice, now Chief Justice, Diosdado M. Peralta, the Chairperson of the House of Representatives Electoral Tribunal, was designated Acting Chairperson of SET until the former reported back to work.

Thus, at the end of CY 2019, the Tribunal was composed of:

Hon. Justice Estela M. Perlas-Bernabe	Chairperson
Hon. Justice Alfredo Benjamin S. Caguioa	Member
Hon. Justice Alexander G. Gesmundo	Member
Hon. Senator Richard J. Gordon	Member
Hon. Senator Maria Lourdes Nancy S. Binay	Member
Hon. Senator Pia S. Cayetano	Member
Hon. Senator Emmanuel “Manny” D. Pacquiao	Member
Hon. Senator Franklin M. Drilon	Member
Hon. Senator Manuel “Lito” M. Lapid	Member

As of 31 December 2019, the Tribunal has a manpower complement of 116, consisting of: 60 Permanent and 42 Coterminous employees; four Consultants in the Office of Tribunal Members; one Medical Consultant; one Physical Fitness Consultant; and eight Non-Civil Service Commission Contractual Employees (*1 Junior Programmer, 3 Legislative Staff Officers I, 1 Driver, 1 Carpenter, 1 General Maintenance Worker and 1 Laborer*).

B. Financial Highlights

The financial position and the sources and application of funds for CY 2019 are as follows (with corresponding figures for CY 2018):

Particulars	2019	2018	Increase/ (Decrease)
<i>(In Philippine Peso)</i>			
Financial Position			
Assets	17,331,986.54	21,562,682.38	(4,230,695.84)
Liabilities	2,300,317.20	8,835,109.75	(6,534,792.55)
Equity	15,031,669.34	12,727,572.63	2,304,096.71
Sources and Application of Funds			
Total Allotments	283,301,000.00	282,101,000.00	1,200,000.00
Obligations Incurred	194,764,535.07	199,781,192.90	(5,016,657.83)
Unexpended Balance	88,536,464.93	82,319,807.10	6,216,657.83

The Statement of Appropriations, Allotments, Obligations, Disbursements and Balances for Calendar Year 2019 is shown in **Annex A**.

C. Operational Highlights

The following accomplishments were reported for CY 2019:

I. Adjudication of Electoral Contest

A. Election Protest (SET Case No. 001-16 – Francis N. Tolentino vs. Leila M. de Lima)

Francis N. Tolentino (“Protestant”) filed on 20 June 2016 an Election Protest against Leila M. de Lima (“Protestee”), contesting the results of the 09 May 2016 Senatorial Elections due to alleged widespread fraud committed during the elections.

After completing all the proceedings, except the evidentiary hearings wherein only two witnesses were left to be presented by Tolentino, Protestant himself filed on 10 January 2019 a Motion to Withdraw his election protest due to his impending rigorous national campaign being a senatorial candidate in the then upcoming May 2019 National and Local Elections.

The Tribunal, in Resolution No. 16-142 dated 21 February 2019, granted the Motion to Withdraw and considered the election protest CLOSED and TERMINATED.

B. Petitions for Quo Warranto (SET Case No. 001-19 – Mansilungan vs. Pimentel III and SET Case No. 002-19 – Adan vs. Pimentel III)

In CY 2019, no election protest was filed before the Tribunal questioning the results of the 2019 National and Local Elections. However, there were two Petitions for Quo Warranto filed on 31 May 2019, namely, SET Case No. 001-19 (Reymar R. Mansilungan vs. Aquilino “Koko” Pimentel III) and SET Case No. 002-19 (Efren A. Adan vs. Aquilino “Koko” Pimentel III).

During the year, the following were accomplished for the two Quo Warranto Petitions:

1. Issuance of five Tribunal Resolutions (Nos. 19-01 to 19-05);
2. Issuance of Summons on June 25, 2019;
3. Conduct of Conference with Parties’ respective counsel on August 29 and September 2, 2019;
4. Conduct of Preliminary Conference on September 5, 2019 and conduct of Evidentiary Hearing on October 29, 2019
5. Information Systems Development, Enhancement and Maintenance

The Information and Communication Systems and Judicial Records Management Service (ICSJRMS) of the Tribunal, with the assistance of the concerned Service

Group, completed the following activities relative to the Tribunal's information systems:

A. For Processing of Electoral Protest

1. Integrated Collection and Revision Information System (I-CRIS)

The target enhancement for I-CRIS, as well as the development and deployment of certain modules, was completed in November 2019. This system was used during the return of ballot boxes and election documents from July 20 to October 4, 2019. This is a device that provides up-to-date information of the location of the Return Teams through an online map.

2. Automated Adjudication and Decision Support System (AADSS)

Two consultative meetings (May 29 and June 7) were conducted with Legal Service to improve the AADSS, a program which automates the Preliminary Appreciation of ballots which was deployed in CY 2017. The agreed revisions will be used to further improve the system in CY 2020.

B. For Administrative Support

1. Human Resource Management – Enterprise Information System (HRM-EIS)

HRM-EIS is the Tribunal's commitment to comply fully with the requirements of the Civil Service Commission's PRIME-HRM (Program to Institutionalize Meritocracy an Excellence in Human Resource Management). The system is composed of five modules, namely: (1) Records Module; (2) Recruitment, Selection and Placement Module; (3) Learning and Development Module; (4) Performance Management Module; and (5) Rewards and Recognition Module.

2. Information Systems Strategic Plan (ISSP)

In compliance with the directive of the Department of Information and Communications Technology (DICT), the Tribunal submitted its revised ISSP for CY 2018 to CY 2020 on April 30, 2019. The Tribunal's ISSP for CY 2021 to CY 2023 was submitted on October 28, 2019. The ISSP covers all the proposed information systems and ICT projects, as well as the resource requirements of the Tribunal for the years covered by the plan. Both plans were endorsed by the DICT.

3. Maintenance and Updating of the SET Website (www.set.gov.ph)

The Tribunal's website is regularly monitored and updated to ensure that the public is informed of the Tribunal's issuances relative to the pending electoral protest and quo warranto cases.

4. Data Privacy Compliance

The Tribunal, in compliance with Republic Act No. 10173 (Data Privacy Act of 2012), issued Administrative Order No. 25 on July 11 designating the data privacy officers. Data Privacy Posters were displayed at conspicuous places in the Electoral Tribunals Building on August 13, 2019. The Policy Guidelines on Data Privacy (Administrative Order No. 34, Series of 2019) was adopted on September 11, 2019.

An orientation on Data Privacy and Privacy Impact Assessment was conducted on September 10, 2019. A Technical Working Group (TWG) tasked to prepare a Data Privacy Manual was created on September 19, 2019. The TWG agreed that the impact assessment would initially cover the processes of the Human Resources Management Service (HRMS). The HRMS assessment, however, involved the collaboration of all Service Groups.

D. Scope of Audit

The audit covered the accounts and operations of the SET for CY 2019. The audit was conducted to: a) verify the level of assurance that may be placed on Management's assertions on the financial statements; b) recommend agency's improvement opportunities; c) determine the propriety of transactions as well as the extent of compliance with pertinent laws, rules and regulations; and d) determine the extent of implementation of prior year's audit recommendations.

E. Independent Auditor's Report on the Financial Statements

The auditor rendered an unmodified opinion on the fairness of presentation of the Tribunal's financial statements for CY 2019.

F. Audit Observations and Recommendations

The audit disclosed the following deficiencies which were discussed in detail in Part II of this report:

1. Subsidiary Ledgers (SL) were not prepared for each account under the General Ledger (GL) control accounts, contrary to the provisions of Section 111 of

Presidential Decree (PD) No. 1445 otherwise known as the State Audit Code of the Philippines, and Chapter 2, Section 12 of the Government Accounting Manual (GAM) Volume I. (*Paragraph No. 1*)

We recommended that Management require the Accounting Service to prepare and maintain individual Subsidiary Ledger (SL) for each General Ledger (GL) control account in the format/manner provided for in the GAM so that its intended purpose, which is to be used as a monitoring tool to keep track of the status and balances of each account, will be attained by the Tribunal.

2. The GAD budget of ₱12,291,000.00 or four percent of the Tribunal's total budget of ₱283,301,000.00 is below the amount mandated by Section 36 of 2019 GAA and expended only ₱6,054,111.30 or 49 percent of the GAD Plan and Budget; thus, the purpose of legislation in addressing gender issues within their concerned sector was not fully attained and the program benefits were not delivered to the intended beneficiaries. (*Paragraph No. 8*)

We reiterated our prior year's audit recommendation that Management ensure compliance with the provisions of the GAA and the Magna Carta of Women through appropriating at least five percent of the Tribunal's budget for GAD programs and projects, full implementation of the planned GAD programs and projects and full utilization of GAD Budget in addressing the gender issues and other concerns.

The above observations and recommendations were discussed with the concerned officials of the agency during the exit conference held on June 22, 2020. Management comments were considered in the report, where appropriate.

G. Status of Implementation of Prior Year's Audit Recommendations

Of the two prior year's audit recommendations contained in the 2018 Annual Audit Report, one was implemented and the other was not implemented.