



Republic of the Philippines
Supreme Court
Manila

EN BANC

SMARTMATIC CORPORATION
SMARTMATIC PHILIPPINES,
INC.,

TIM
and

Petitioners,

- versus -

G.R. No. 270564

COMMISSION ON
ELECTIONS *EN BANC*,
ELISEO MIJARES RIO, JR.,
AUGUSTO CADELIÑA
LAGMAN, FRANKLIN
FAYLOGA YSAAC, and
LEONARDO OLIVERO
ODOÑO,

Respondents.

X ----- X

- TO: * COMMISSION ON ELECTIONS *EN BANC*
through Chairperson George Erwin M. Garcia (x)
Palacio del Gobernador Building, General Luna Street
Intramuros, Manila
- * ELISEO MIJARES RIO, JR. (x)
No. 7 B11 Soldiers Hills Village
Barangay Putatan, Muntinlupa City
- * AUGUSTO CADELIÑA LAGMAN (x)
6053 Palma Street, Barangay Poblacion
Makati City
- * FRANKLIN FAYLOGA YSAAC (x)
28N Orchid Tower, Oriental Garden
Barangay PDP, Makati City
- * LEONARDO OLIVERO ODOÑO (x)
19871 Willow Street, Executive Heights

* Already furnished with copy of petition

Barangay Sun Valley, Parañaque City

GREETINGS:

WHEREAS, a Petition for *Certiorari* (with Extremely Urgent Application for the Issuance of a Temporary Restraining Order [TRO] and/or Writ of Preliminary Injunction) with Urgent Motion for Special Raffle was filed by counsel for petitioners Smartmatic TIM Corporation and Smartmatic Philippines, Inc. (collectively, Smartmatic), assailing the Resolution dated November 29, 2023 of the Commission on Elections (COMELEC) *En Banc* in E.M. No. 23-003¹ which, among other things, disqualified and disallowed Smartmatic Philippines, Inc. from participating in any public bidding process for elections;

WHEREAS, the Petition appears to be sufficient in form and substance;

WHEREAS, considering the allegations contained, the issues raised, and the arguments adduced in the Petition, it is necessary and proper to **REQUIRE** respondents COMELEC, Eliseo Mijares Rio, Jr., Augusto Cadeliña Lagman, Franklin Fayloga Ysaac, and Leonardo Olivero Odoño to **COMMENT** on the petition and prayer for a TRO and/or writ of preliminary injunction within a **NON-EXTENDIBLE** period of 10 days from notice hereof;

NOW, THEREFORE, You, respondents COMELEC, Rio, Jr., Lagman, Ysaac, and Odoño are hereby required to **COMMENT** on the petition and prayer for a TRO and/or writ of preliminary injunction within a **NON-EXTENDIBLE** period of 10 days from notice hereof.

The abovenamed respondents shall *personally file* with this Court and *personally serve* on the adverse parties their respective comments.

The Office of the Clerk of Court, through its Process Servicing Unit, shall likewise *personally serve* copies of this Order on the parties.

GIVEN by authority of the Honorable ALEXANDER G. GESMUNDO, Chief Justice of the Supreme Court of the Philippines, upon the written recommendation of the Member-in-Charge, this 18th day of December 2023, in Manila, Philippines.


MARIFE M. LOMIBAO-CUEVAS
Clerk of Court

¹ In the Matter of the Petition to Review the Qualifications of Smartmatic Philippines, Inc. as a Prospective Bidder in View of Its Failure in the 2022 Elections to Comply with Certain Minimum System Capabilities That Resulted in Serious and Grave Irregularities in the Transmission and Receipt of Election Returns and, if Warranted, to Disqualify Smartmatic from Participating in the Bidding for the 2025 Automated Election System; Eliseo Mijares Rio, Jr., Augusto Cadeliña Lagman, Franklin Fayloga Ysaac, and Leonardo Olivero Odoño, Petitioners.

ANGARAABELLO CONCEPCION REGALA &
CRUZ LAW OFFICES (x)
(through Attys. George S.D. Aquino,
Leo Frederick Z. Cruz, Miguel Rico E. De Guzman,
Gino Ismael S. Gerodias, and Ge-An Kathleena Salud)
Counsel for Petitioners Smartmatic TIM Corporation
and Smartmatic Philippines, Inc.
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Sarah 121823 (Order to Comment) 121823

*ATTY. JOSE M. JOSE (x)
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**THE SOLICITOR GENERAL (x)
Office of the Solicitor General
134 Amorsolo Street, Legaspi Village
Makati City
docket@osg.gov.ph



****Already furnished w/ copy of Petition***
*****w/ copy of Petition***