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REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

2024 MAR 13 PM 3:08

En Banc

**SMARTMATIC
CORPORATION
SMARTMATIC
INC.,**

**TIM
and
PHILIPPINES,**

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

**MOTION FOR LEAVE TO FILE AND ADMIT
MANIFESTATION**

RESPONDENT **COMMISSION ON ELECTIONS (COMELEC)**, through the Office of the Solicitor General (OSG), with leave of court, simultaneously herein prayed for, to this Honorable Court, respectfully states:

1. In its *Motion for Leave to File and Admit Manifestation* dated 27 February 2024, the COMELEC, among others, apprised the Honorable Court of the issuance of the *Notice of Award* in favor of the Joint Venture – Miru Systems Co. Ltd., Integrated Computer Systems, St. Timothy Construction Corporation and Centerpoint Solution Technologies, Inc. (Miru JV), as the post-qualified bidder with the *Single Calculated and Responsive Bid*, relative to the procurement of the Lease of Full Automation System with Transparency Audit/Count (FASTrAC) for the 2025 National and Local Elections (NLE).


OFFICE OF THE SOLICITOR GENERAL

2. Accordingly, on 11 March 2024, the *Contract* for the Lease of FASTrAC for the 2025 NLE was signed by the COMELEC and Miru JV.

3. Thereafter, the delivery or contract implementation will proceed subsequent to the issuance of the corresponding *Notice to Proceed* in favor of Miru JV.

4. The COMELEC reiterates that the FASTrAC contract is vital to the timely conduct of other activities scheduled by the COMELEC, which, in turn, is crucial to the orderly and credible conduct of the 2025 NLE.

PRAYER

WHEREFORE, premises considered, respondent COMELEC respectfully prays that the foregoing *Manifestation* be **ADMITTED** and **NOTED**.

Other just and equitable reliefs under the premises are likewise prayed for.

Makati City for Manila City, 12 March 2024.

//Signatures follow//

OFFICE OF THE SOLICITOR GENERAL

134 Amorsolo St., Legaspi Village

1229 Makati City

Trunk Line: (02) 8988-1-OSG or 8988-1-674

Locals 956, 955, 954; Fax No.: 8176037

Email: efile@osg.gov.ph



MENARDO I. GUEVARRA

Solicitor General

Roll No. 33957

IBP No. 417383, 01-11-2024

MCLE Exemption No. VIII-OSG003064, 07-27-2023



BERNARD G. HERNANDEZ

Assistant Solicitor General

Roll No. 34618

IBP Lifetime No. 08866

MCLE Exemption No. VII-OSG000218, 11-05-2019



MA. ANTONIA EDITA C. DIZON

Assistant Solicitor General

Roll No. 33774

IBP Lifetime No. 010284, 12-12-2011

MCLE Exemption No. VIII-OSG000006, 04-18-2022

RAYMUND I. RIGODON

Assistant Solicitor General

(On Leave)

Roll No. 39370

IBP Lifetime No. 013395, 02-12-2015

MCLE Exemption No. VIII-OSG000208, 06-30-2022


MARIA VICTORIA V. SARDILLO

Assistant Solicitor General

Roll No. 47226

IBP Lifetime No. 07223

MCLE Exemption No. VII-OSG004095, 04-22-2022


HENRY GERALD P. YSAAC, JR.

Senior State Solicitor

Roll No. 41421

IBP Lifetime No. 04653, 12-18-2002

MCLE Compliance No. VII-0017341, 05-06-2022


ROWENA F. MUTIA

State Solicitor

Roll No. 58537

IBP Lifetime No. 013182, 01-08-2015

MCLE Compliance No. VII-0001687, 11-20-2019


PATRICIA ANNE D. STA. MARIA

State Solicitor

Roll No. 65454

IBP Lifetime No. 014797; 05-16-2016

MCLE Compliance No. VII-0014866, 04-06-2022

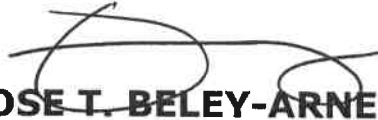

DIANNE MARGARETE T. DELOS REYES-GONZALES

State Solicitor

Roll No. 62485

IBP Member No. 252739, 12-21-2023

MCLE Compliance No. VII-0016411, 04-25-2022



MARY ROSE T. BELEY-ARNESTO

Associate Solicitor

Roll No. 64932

IBP Lifetime No. 015740, 01-20-2017

MCLE Compliance No. VII-0016483, 04-28-2022

mrtbarnesto@osq.gov.ph

MIKE FRANCIS OGAD

Associate Solicitor

(On Leave)

Roll No. 81216

IBP Member No. 380942, 12-29-2023

Admitted to the Bar: 05-21-2022

mfogad@osq.gov.ph

Copy furnished:

ATTY. GEORGE S.D. AQUINO

**ANGARA ABELLO CONCEPCION REGALA & CRUZ
LAW OFFICES**

Counsel for Petitioners

22nd Floor, ACCRALAW Tower

2nd Avenue corner 30th Street, Crescent Park West

Bonifacio Global City 1635

Taguig City

ATTY. JOSE M. JOSE

Counsel for Private Respondents

60 Rivera Street, Barangay Progreso

San Juan City

MANNER OF SERVICE

The foregoing *Motion for Leave to file and Admit the Attached Counter-Manifestation and Motion* is being served by registered mail due to lack of personnel, which makes personal service impracticable.


MARY ROSE T. BELEY-ARNESTO
Associate Solicitor

VERIFIED DECLARATION

I, **MARY ROSE T. BELEY-ARNESTO**, hereby declare that the document hereto submitted electronically in accordance with Efficient Use of Paper Rule is complete and true copy of the document filed with the Supreme Court.



MARY ROSE T. BELEY-ARNESTO
Associate Solicitor

SUBSCRIBED AND SWORN TO before me on this 12th day of March 2024, affiant exhibiting her competent evidence of identity, to wit: Office ID No. 2016-01009



ROWENA F. MUTIA
State Solicitor



Republic of the Philippines
OFFICE OF THE SOLICITOR GENERAL
194 Amorsolo St., Legaspi Village, Makati City



2016-01009
ID Number



Mary Rose T. Beley-Arnesto
Signature

BELEY-ARNESTO, MARY ROSE T
ASSOCIATE SOLICITOR III

Menardo T. Guevarra
MENARDO T. GUEVARRA
Solicitor General


 Republic of the Philippines
Office of the Solicitor General
 Department of Justice




DIVISION
 Director


 Signature

MUTIA, ROWENA E.
 STATE SOLICITOR I


MENARDO J. GUEVARRA
 Solicitor General

Home Address:
 JRD HIGHWAY (MARIKINA AVENUE), 2ND
 FLOOR, MARIKINA CITY, CALABARZON
 PROVINCE, PHILIPPINES

Date of Birth: 08/26/1984

Sex: Male

CONTACT INFO:



**PERSON TO NOTIFY
 IN CASE OF EMERGENCY:**

Name: Mr. Rodrick Mutia

Address:
 206 Tomas St. Parada, Valenzuela City 1450

Contact No.: 91770000

REPUBLIC OF THE PHILIPPINES

ALPMA JOY M. LANES
Administrative Officer III
MAR 13 2024
G315 UNID #021-1693-0450-7

AFFIDAVIT OF SERVICE

(Revised as of April 1992)

I, _____ OFFICE OF THE SOLICITOR GENERAL ,
with Office address at 134 Amorsolo St., Legaspi Village Makati City, after being sworn to depose and say:

That on 03/13/2024 , I caused to be served a copy of the following pleading/paper:

NATURE OF THE PLEADING

Motion for Leave

In case No. G.R. NO. 270564 , entitled SMARTMATIC TIM CORPORATION, AND SMARTMATIC
VS. COMMISSION ON ELECTIONS EN BANC, ELISEO MIJARES RIO JR. AUGUSTO CADELINA LAGMAN,

pursuant to Section 3,4,5 and 10, Rule 13 of the Rules of Court, as follows:

By Personal Service To:

SUPREME COURT

Manila, , Philippines

() By depositing a copy to the party or his/her attorney on _____ as shown on p _____.

() By leaving a copy in his/her clerk or with a person having charge thereof on _____ as shown on p _____.

() By delivering a copy to the Court/Tribunal Office on _____ as shown on p _____.

By Registered Mail To:

ATTY. JOSE M. JOSE

60 Rivera Street, Barangay Progreso San Juan City, , Philippines

ATTY. GEORGE S.D. AQUINO

ANGARA ABELLO CONCEPCION REGALA & CRUZ LAW OFFICES

22nd Floor, ACCRALAW Tower 2nd Avenue corener 30th Street, Crescent Park West Bonifacio Global City 1635, Taguig City, ,

() By depositing copy on _____ in the Post Office at _____ as evidenced by Registry Receipt(s) No.(s) _____ hereto attached and indicated after the name (s) of the addressee(s), and with instruction to the postmaster to return the mail to the sender after (10) days if undelivered.

ALPMA JOY M. LANES
Administrative Officer III
MAR 13 2024
G315 UNID #021-1693-0450-7

Makati, Metro Manila, Philippines

ALPMA JOY M. LAYNES
Administrative Officer III
MAR 13 2024
SSIS UMID #021 0593-0450-7

SUBSCRIBED AND SWORN to before me this _____ of _____ at Makati
City, Philippines. Affiant exhibiting to me his _____ issued at Pasay City.



23-029749-0016

Rowena F. Mutia
SS ROWENA F. MUTIA

Solicitor, Officer Administering the Oath
Office of the Solicitor General