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SUPREME COURT
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Republic of the Philippines
SUPREME COURT
Manila

2023 DEC 28 PM 3:02

En Banc

**SMARTMATIC CORPORATION,
SMARTMATIC INC.,**
TIM AND PHILIPPINES,
Petitioners,

OFFICE COPY
OFFICE OF THE SOLICITOR GENERAL
AFFIDAVIT OF SERVICE ATTACHED

-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

OMNIBUS MOTION

- (i) For the Reconsideration of the Honorable Court's *Order* dated 18 December 2023; and
- (ii) For an Additional Period to File Comment

Public Respondent **COMMISSION ON ELECTIONS (COMELEC)**, through the Office of the Solicitor General (OSG), most respectfully states:

1. On December 18, 2023, the OSG, through its Docket Division received the Honorable Court's *Order* of even date, which directed respondents to file a "comment on the petition and prayer for TRO and/or writ of preliminary injunction within a non-extendible period of 10 days from notice," or until December 28, 2023.

2. Consequently, the OSG requested the pertinent documents and records that would aid it in the drafting of the comment. The COMELEC was also informed of the December 28, 2023 deadline.¹

2.1. In a letter-reply dated December 22, 2023, the COMELEC requested that a motion for extension be filed, considering the voluminous records involved in this case.²

2.2. Moreover, due to the intervening non-working holidays and reduced manpower in light of the Christmas season, the COMELEC would need sufficient time to collate the requested documents and records.

2.3. As of date, the OSG has received just a partial submission of the documents and records requested from the COMELEC.

3. Humbly, due to the significance of the issues at hand and the voluminous records that needed to be reviewed to prepare the required Comment, the undersigned most respectfully implores the Honorable Court's indulgence to grant the OSG a final extension of seven (7) days, or **until January 4, 2024**, within which to finalize the required *Comment*.

4. Rest assured that this *Omnibus Motion* is not being filed to delay the proceedings but only to ensure that the issues in this case are well-addressed.

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed that:

- (i) The Honorable Court's *Order* dated December 18, 2023 be RECONSIDERED; and

¹ A copy of the OSG letter dated December 21, 2023 is attached as Annex "1."

² A copy of the letter dated December 22, 2023 is attached as Annex "2."

OMNIBUS MOTION

Smartmatic TIM Corporation and Smartmatic Philippines, Inc.

G.R. No. 270564

x-----x

- (ii) Public respondent COMELEC be GIVEN an extension of seven (7) days, or until **January 4, 2024**, within which to file its *Comment*.

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

Makati City for the City of Manila, December 28, 2023.

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MENARDO I. GUEVARRA

Solicitor General

(on Leave)

Roll No. 33957

IBP No. 292878, 1/09/2023; Bulacan

MCLE Exemption No. VIII-OSG003064, 07/23/2023



BERNARD G. HERNANDEZ

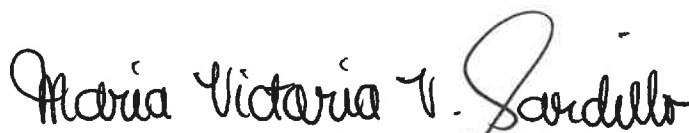
Assistant Solicitor General

(Officer-in-Charge)

Roll No. 34618

IBP Lifetime No. 08866

MCLE Exemption No. VII-OSG000218; 11/10/2022



MARIA VICTORIA V. SARDILLO

Assistant Solicitor General

Roll No. 47226

IBP Lifetime No. 07223

MCLE Exemption No. VII-OSG004905, 04/22/22

Other Signatory.../

X-----X



ROWENA F. MUTIA
State Solicitor
Roll No. 58537

IBP Lifetime No. 013182, 01-08-15
MCLE Compliance No. VII-0001687, 11-20-19

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