

Republic of the Philippines
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila

**FERDINAND "BONGBONG" R.
MARCOS, JR.,**

Protestant,

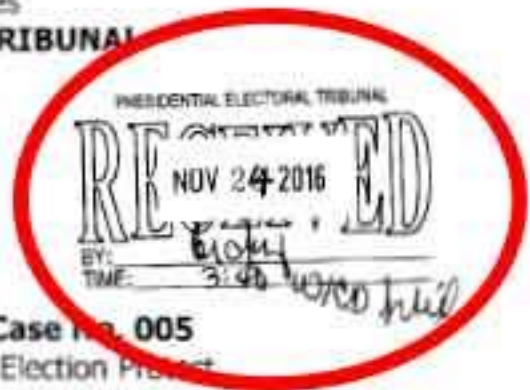
-versus-

**MARIA LEONOR "LENI DAANG
MATUWID" G. ROBREDO,**

Protestee.

X-----X

PET Case No. 005
For: Election Protest
Vice-President



MANIFESTATION OF GRAVE CONCERN
with MOTION

Protestant **FERDINAND "BONGBONG" R. MARCOS, JR.**
("protestant Marcos"), through the undersigned counsels, unto this
Honorable Presidential Electoral Tribunal ("PET"), most respectfully
states that:

1. In its *Resolution* dated **08 November 2016**, a copy
of which was received on **18 November 2016**, this Honorable
Tribunal resolved, among others, to authorize the Commission on
Elections ("COMELEC") and Smartmatic-TIM, Inc. ("Smartmatic")
to immediately conduct the 2016 Automated Election System Project
closure/stripping activities for all the Vote Counting Machine ("VCM")
and Canvassing and Consolidation System ("CCS") Kits, including the
immediate disposal of the VCM external batteries, with prior notice to
this Honorable Tribunal, the protestant and protestee, and other
interested parties.

2. The COMELEC's Election Records and Statistics
Department ("ERSD") was likewise authorized, in the same
Resolution dated 08 November 2016, to back-up the contents of the
VCM Secure Digital ("SD") cards of all municipalities, cities and
provinces covered under the Precautionary Protection Order ("PPO")
dated 12 July 2016.

3. Prior to the issuance of the above *Resolution*, the COMELEC, *sans* authority from this Honorable Tribunal, proceeded on 26 October 2016 and 02 November 2016 with the conduct of the closure/stripping activities for **one thousand three hundred fifty-six (1,356) units of contingency VCMS**, which were allegedly not deployed and/or actually used during the last 09 May 2016 National, Local and ARMM Elections.

4. Protestant Marcos did not send any representative to witness the said closure/stripping activities so as not to render moot his objections thereto.

5. Atty. Jose Amor M. Amorado, collaborating counsel for protestant Marcos, manifested his opposition to the closure/stripping activities of the contingency VCMs during the briefing held on **19 October 2016** at the COMELEC's Training Room in Sta. Rosa City, Laguna. Protestant Marcos also filed an *Urgent Manifestation and Motion* dated 21 October 2016 before this Honorable Tribunal to formally express his dissent to the said closure/stripping activities.

6. The objection of protestant Marcos was based on his position that the one thousand three hundred fifty-six (1,356) units of contingency VCMs were covered by the PPO dated 12 July 2016, and that this Honorable Tribunal has not issued any explicit approval to the closure/stripping activities. Moreover, the conduct of mere physical examination of the subject VCMs, boxes, seals, stickers and SD cards is inadequate to prove that the same were not used in the 09 May 2016 Elections.

7. As stated earlier, notwithstanding the objection of protestant Marcos, the closure/stripping activities of the one thousand three hundred fifty-six (1,356) units of contingency VCMs proceeded on 26 October 2016 and 02 November 2016 *albeit* without authority from this Honorable Tribunal.

8. On **11 November 2016**, protestant Marcos received a copy of protestee Robredo's *Manifestation* dated 4 November 2016. In her *Manifestation*, protestee Robredo candidly informed this Honorable Tribunal that during the stripping activities for the one thousand three hundred fifty-six (1,356) units of contingency VCMs held on 26 October 2016, several SD cards were found to contain data. Hence, she requested for the decryption of these subject SD cards.

9. With all due respect, the presence of data stored in the SD cards, which were retrieved from the one thousand three hundred fifty-six (1,356) units of contingency VCMs, bolsters the position of protestant Marcos that the mere physical examination of the subject VCMs, boxes, seals, stickers and SD cards is indeed inadequate to prove that the same were not used in the 9 May 2016 Elections.

10. The protestant's opposition to the haphazard conduct of the closure/stripping activities is therefore justified. Sadly, the *Urgent Manifestation and Motion* dated 21 October 2016 of protestant Marcos was denied by this Honorable Tribunal in its *Resolution* dated 08 November 2016.

11. However, considering that the closure/stripping activities of the one thousand three hundred fifty-six (1,356) units of contingency VCMs were completed last 02 November 2016, it is now futile for protestant Marcos to seek a reconsideration of the denial of his *Urgent Manifestation and Motion* dated 21 October 2016.

12. But since protestant Marcos was NOT duly represented during the questioned closure/stripping activities, he would like to reserve his right to assail the propriety and legitimacy of the said undertaking.

13. On this score, and in order to guide protestant Marcos on the appropriate course of action to remedy his precarious situation, he would like to request this Honorable Tribunal to direct the COMELEC to furnish him and the other interested parties in this case with copies of the Minutes of the Proceedings and/or Transcript of Stenographic Notes taken during the closure/stripping activities conducted on 26 October 2016 and 02 November 2016.

14. Protestant Marcos would also like to join the request of protestee Robredo for copies of the results of the decryption of the SD cards from the **one thousand three hundred fifty-six (1,356) units of contingency VCMS**, which were found to contain data during the said closure/stripping activities.

PRAYER

ACCORDINGLY, it is respectfully prayed of this Honorable Tribunal to direct the COMELEC to furnish the protestant and the other interested parties in this case with copies of the Minutes of the Proceedings and/or Transcript of Stenographic Notes taken during the closure/stripping activities conducted on 26 October 2016 and 02 November 2016 as well as the results of the decryption of the SD cards from the **one thousand three hundred fifty-six (1,356) units of contingency VCMS**, which were found to contain data during the said closure/stripping activities, and to duly NOTE the foregoing *Manifestation with Motion*.

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

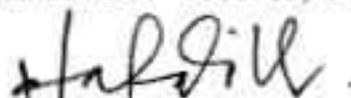
City of Manila, Philippines, **23 November 2016**.

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NOTICE OF SUBMISSION

THE CLERK OF THE TRIBUNAL

Presidential Electoral Tribunal

Padre Faura, Manila

ATTY. ROMULO B. MACALINTAL

Lead Counsel for Protestee Robredo

c/o Sardillo Sardillo Salom Law Office

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HON. ANDRES D. BAUTISTA

Chairperson

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ATTY. JOSE M. TOLENTINO, JR.
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1002 Manila

REC #: RD 66018321522

THE SOLICITOR GENERAL
134 Amorsolo Street
Legaspi Village, 1229 Makati City

REC #: NO 67277333222

GREETINGS:

Please be advised that undersigned counsel for protestant Marcos is submitting the *Manifestation of Grave Concern with Motion* for the consideration and approval of this Honorable Tribunal immediately upon receipt thereof.



GEORGE ERWIN M. GARCIA

EXPLANATION

[Pursuant to Rule 30 and 31 of the PET Rules in relation to Section 11, Rule 13 of the 1997 Rules of Civil Procedure]

Copies of the foregoing *Manifestation of Grave Concern with Motion* were served to the above-mentioned parties by registered mail, personal service being impractical due to distance, time and manpower constraints.



GEORGE ERWIN M. GARCIA

AFFIDAVIT OF SERVICE

(Revised as of April 1, 1994)

I, **Mary Joy L. Salayog**, a clerk of the G.E. GARCIA Law Office with office address at Ground Floor, LAIKO Bldg., Cabildo St., Intramuros, City of Manila, after being duly sworn, do hereby depose and say:

That on November ^{NOV 24 2016}____, 2016, I served a copy of the following pleading/paper.

NATURE OF PLEADING/PAPER

"MANIFESTATION OF GRAVE CONCERN with MOTION"

In PET Case No. 005 entitled "**FERDINAND "BONGBONG" R. MARCOS, JR., Protestant, -versus- MARIA LEONOR "LENI DAANG MATUWID" G. ROBREDO, Protestee.**", pursuant to Sections 3, 4, 5 and 10, Rule 13 of the Rules of Court, as follows:

By Registered Mail:

ATTY. ROMULO B. MACALINTAL
c/o Sardillo Sardillo Salom Law Office
Unit 802, Taipan Place, F. Ortigas Avenue
Ortigas Center, Pasig City

R. R. No:

8067233334622

HON. ANDRES D. BAUTISTA

Chairperson
Commission on Elections
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Intramuros, 1002 Manila

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ATTY. JOSE M. TOLENTINO, JR.

Executive Director
Commission on Elections
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HON. SOLICITOR GENERAL

134 Amoroso St., Legaspi Village
Makati City 1229

8067233332932

By depositing a copy at the post office in Manila, as evidenced by Registry Receipt(s) No(s) and indicated after the name(s) of the addressee(s), and with instructions to the postmaster to return the mail to the sender after ten (10) days if undelivered.

^{NOV 24 2016}

November _____, 2016, Manila, Philippines.

Mary Joy L. Salayog
MARY JOY L. SALAYOG

Affiant

^{NOV 24 2016}

SUBSCRIBED AND SWORN to before me this _____ at Manila, Philippines, affiant exhibiting to me her Social Security System No. (SSS) 3401541783 and her company identification with card no. LO-006.

Doc. No. 234

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Book No. W

Series of 2016.

ATTY. LEONARDO A. CUDAL

NOTARY PUBLIC

UNITED STATES OF AMERICA

PTB 1102-11-15 12-17-15

IBP 1102-11-15 12-11-14

RA 3763, SEC 4, REPEALS OLD RA 3763
MAGALLAN DRIVE, INTRAMUROS, MANILA

Signature: _____
 Printed Name: **Jerry C. Guevarra**
 Position: Staff
 Date: November 11, 2016

NOV 24 2015

Person Administering Oath

ATTY. LLOYD ALLEN AT CUBA
NOTARY PUBLIC
UNITE DECEMBER 28, 2016
PETER S. SMITH 11-17-15
BRIAN W. JOHNSON 11-14-14
JILL K. JOHNSON
JAN. 2016
FROM: J. JOHNSON
MAY 1, 2016