

REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila



FERDINAND "BONGBONG" R. MARCOS,

Protestant,

-versus -

PET Case No. 005

For: Election Protest
Vice-President

MARIA LEONOR "LENI DAANG MATUWID" G. ROBREDO,

Protestee.

X- - - - - X

MANIFESTATION

The **COMMISSION ON ELECTIONS**, through the **OFFICE OF THE SOLICITOR GENERAL**, unto this Honorable Tribunal, respectfully states:

1. On 18 November 2016, the undersigned counsel, in compliance with this Honorable Tribunal's **Resolution dated 18 October 2016**, filed its Comment on: (1) Protestee's *Manifestation and Compliance (on the Resolution dated 23 August 2016)* dated 15 September 2016, and (2) Protestant's *Comment (on the Letter dated August 16, 2016 of Atty. Jose M. Tolentino)* dated 14 September 2016.

2. The Docket Management Service of the OSG filed the Comment via registered mail, and as proof of mailing, attached as Annex "A" hereof is the envelope indicating that it was stamp-received by the Ermita Post Office on 18 November 2016.

3. On 13 February 2017, however, undersigned counsel was informed that the Comment was not successfully delivered by the Ermita Post Office to this Honorable Tribunal.

4. For this reason, the Comment, attached as Annex "B" hereof, is again submitted to this Honorable Tribunal in compliance with its *Resolution* dated 18 October 2016.

RESPECTFULLY SUBMITTED.

Makati City for the City of Manila, 14 February 2017.

OFFICE OF THE SOLICITOR GENERAL

134 Amorsolo St., Legaspi Village,
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Tel. No. 8130086; Telefax No. 8137554
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By:

JOSE C. CALIDA

Solicitor General

Roll No. 24852

IBP Lifetime No. 015360 - 08/18/16

MCLE Exemption No. VI-000016 -

9/28/16



HENRY S. ANGELES

Assistant Solicitor General

Roll No. 45837

IBP No. 1050040; 10/13/16

MCLE Compliance No. V-0026001 -

10/14/16



JOSE ANGELO A. DAVID

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Roll No. 64181

IBP Lifetime No. 1033274; 4/1/16

MCLE Compliance No. V-0016027;

3/15/16

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COMMISSION ON ELECTIONS

HON. ANDRES D. BAUTISTA

HON. CHRISTIAN ROBERT S. LIM

Intramuros, 1002 Manila

EXPLANATION FOR SERVICE BY REGISTERED MAIL

In compliance with Section 11, Rule 13 of the Rules of Court, counsel respectfully manifests that the foregoing **MANIFESTATION** will be served by registered mail because distance constraints, as well as the limited number of office messengers, make personal service thereof impracticable.



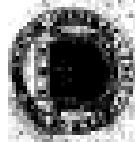
JOSE ANGELO A. DAVID

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OR

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R.A. NO. 8417
Republic of the Philippines
Department of Justice
Office of the Solicitor General
Manila

REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL ELECTIONS TRIBUNAL

Manila

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ANNEX H

REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila

FERDINAND "BONGBONG" R.
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-versus-

PET Case No. 005
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x-----x

COMMENT

The COMMISSION ON ELECTIONS, through the OFFICE OF THE SOLICITOR GENERAL, and in compliance with this Honorable Tribunal's Resolution dated 18 October 2016,¹ respectfully states:

1. In due deference to this Honorable Tribunal's Precautionary Protection Order ("PPO") issued in this case, COMELEC Executive Director Jose M. Tolentino, Jr. ("Dir. Tolentino, Jr."), through a Letter dated 16 August 2016, asked this Honorable Tribunal for authority to furnish Mayor Gelacio R. Manalang ("Mayor Manalang") and Atty. Luis R. Villafuerte ("Atty. Villafuerte") with copies of the audit logs, statistical report, and transmission reports generated by the Vote Counting Machines and Consolidated Canvassing System machines used in the 2016 automated elections.

2. In his *Comment* dated 14 September 2016, Protestant interposed no objection to Dir. Tolentino, Jr.'s requests but asked only for "assurance that the integrity of the original copies of the audit logs, statistical report and transmission reports ... will remain intact."²

¹ Through a *Motion for Additional Time* dated 8 November 2016, the COMELEC asked for an additional period of ten (10) days from 8 November 2016, or until 18 November 2016, within which to file this Comment.

² Comment, p. 2.

3. In her *Manifestation and Compliance* dated 15 September 2016, Protestee likewise interposed no objection to Dir. Tolentino, Jr.'s request, subject to the following conditions: (1) the COMELEC should notify the parties of the schedule of decryption of the Secure Digital ("SD") cards, and (2) Protestee should be allowed to send her representatives to attend the scheduled decryption and printing of the audit logs, statistical report and transmission reports. She likewise asked for copies of these documents.³

4. The COMELEC, in the 2013 automated elections, entertained and granted similar requests for audit logs, statistical report, and transmission reports. The process of obtaining these documents involves the decryption of the SD Cards.

5. To ensure the integrity of the original copies of the contents of the SD Card, the COMELEC issued guidelines in 2013 for securing copies of these documents.

6. Through its Resolution No. 10153 dated 19 July 2016, the COMELEC adopted the same guidelines for the 2016 National and Local Elections. A copy said Resolution is attached hereto as Annex "A" for the reference of this Honorable Tribunal and the parties in this case.

7. The Resolution lays down the procedure for the decryption of the requested documents, and specifically requires that the decryption be "under the supervision of the Director of the [Election Records and Statistics Department] and shall only be done at the COMELEC PMO office, Palacio del Gobernador."

8. Further, the COMELEC assures the parties that minutes will be taken during the decryption of the SD Cards in order to log all events, and after decryption, the SD Cards shall be placed in an envelope and placed in the ballot box which will be sealed with a self-locking metal seal.

9. Finally, the COMELEC undertakes to inform representatives of both the Protestant and the Protestee of the date and time of the process of decryption of the SD Cards for the purpose requested by Mayor Manalang and Atty. Villafuerte.

³ *Manifestation and Compliance*, p. 2.

10. The COMELEC is likewise amenable to furnishing both the Protestant and the Protestee, upon their written request and subject to their payment of costs, with copies of the audit logs, statistical report, and transmission reports to be obtained by Mayor Manalang and Atty. Villafuerte.

PRAYER

WHEREFORE, it is respectfully prayed that this Honorable Tribunal issue an Order **AUTHORIZING** the Commission on Elections to furnish Mayor Gelacio R. Manalang and Atty. Luis R. Villafuerte with copies of their requested audit logs, statistical report, and transmission reports.

The Commission on Elections likewise prays for such further or other reliefs as may be deemed just or equitable.

Makati City for the City of Manila, 18 November 2016.

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MCLE Compliance No. V-0026001 - 10/14/16



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MCLE Compliance No. V-0011787 - 11/10/15



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IBP Lifetime No. 1033274; 4/1/16

MCLE Compliance No. V-0016027; 3/15/16

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COMMISSION ON ELECTIONS

HON. ANDRES D. BAUTISTA

HON. CHRISTIAN ROBERT S. LIM

Intramuros, 1002 Manila

EXPLANATION FOR SERVICE BY REGISTERED MAIL

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JOSE ANGELO A. DAVID

**ANNEX "A"**

Republic of the Philippines
COMMISSION ON ELECTIONS
 Manila

**IN THE MATTER OF THE GUIDELINES
 ON REQUESTS FOR THE ISSUANCE
 OF AUDIT LOGS, ELECTION
 RETURNS, STATISTICAL REPORT
 AND TRANSMISSION REPORT IN
 CONNECTION WITH THE MAY 9, 2016
 NATIONAL AND LOCAL ELECTIONS**

Chairman J. Andres D. Bautista
 Commissioner Christina Robert B. Lim
 Commissioner Al A. Mariano
 Commissioner Lito Tio F. Giam
 Commissioner Arthur J. Lim
 Commissioner Ma. Rowena Amelia V. Guizon
 Commissioner Shamila H. Atay

Promulgated: May 19, 2016 *[Signature]*

RESOLUTION NO. 10153
[Signature]

WHEREAS, there are various requests for copies of audit logs, statistical report and transmission report generated by the system of the Vote Counting Machines (VCM) and the Consolidated Canvassing System (CCS) Machines in connection with the May 9, 2016 National and Local Elections;

WHEREAS, the Commission granted various similar requests in connection with the 2013 National and Local Elections;

NOW THEREFORE, the Commission **RESOLVED**, as it hereby **RESOLVES**, to approve the following guidelines which were also used in the 2013 elections, in securing copies of audit logs, statistical report and transmission report generated by the system of the Vote Counting Machines (VCM) and the Consolidated Canvassing System (CCS) Machines in connection with the May 9, 2016 National and Local Elections, to wit:

1. Interested parties may request from the Commission, through the Office of the Executive Director, for copies of reports (audit logs, election returns, statistical report and transmission report) stored in the SD cards that were installed in the vote counting machines (VCMs).
2. The Office of the Executive Director shall approve the request and forward the same to the Office of the Director of the Election Records and Statistics Department (OD-ERSD).
3. The Director of the ERSD shall notify the parties concerned of the date, time and place of the decryption of the requested reports.

4. Decryption shall be under the supervision of the Director of ERSU, and shall only be done at the COMELEC PISO office, Palacio del Gobernador.

5. The cost of the decryption of each report to cover expenses for the electricity and the use of printer and computer shall be at an adjusted reasonable rate to be determined by the ERSU.

Consumables for the decryption, generation and printing of report(s), such as copy paper, toner CD/DVD and sign pens shall be provided by the parties.

6. The ERSU personnel shall prepare the Order of Payment, and the requesting party shall pay to the Cash Division the appropriate amount for the decryption of the report(s).

7. Upon presentation of the Official Receipt issued by the Cash Division, the ERSU personnel shall cause the decryption of the requested report(s).

8. The following procedures shall be followed in the decryption of the requested report(s):

a. Using a laptop with LINUX Operating system, insert the Main/Backup SD card in the Card Reader.

b. Run the script for decryption, which shall take 10-15 minutes per SD card. The script will automatically follow this process:

i. Extract and decrypt files from the SD card.

ii. Save said files and identify them into clustered precinct ID folder. The clustered precinct ID consists of the province code, city/municipality code and precinct code.

iii. The report(s) requested (audit log, transmission report, election returns, and statistical report) are extracted from the clustered precinct ID folder.

iv. Generate the hashed code of the report(s).

v. Print the hash code.

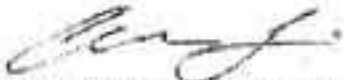
vi. Print the report(s) and/or save files to CD/DVD.


9. After printing of the requested report(s) and hash code, the ERSD personnel and the representatives of the parties, if present, shall initial all the pages of the printed report(s) and hash code
10. The printed and solicopies (saved in CD/DVD) of requested report(s) shall be turned over under paper receipt to the requesting party
11. The printed hashed code shall be given to the representative of the parties. One copy shall be kept by ERSD personnel

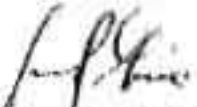
Let the Election Records and Statistics Department implement this Resolution


SO ORDERED.

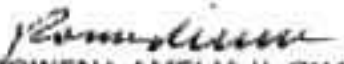

J. ANDRES D. BAUTISTA
Chairman


CHRISTIAN ROBERT S. LIM
Commissioner


AL A. PARRENO
Commissioner


LUIS TITO F. GUIA
Commissioner


ARTHUR D. LIM
Commissioner


MA. ROWENA AMELIA V. GUANZON
Commissioner


SHERIFF M. ABAS
Commissioner

Attest:
Acting
Assistant Secretary
Executive Director
Records and Statistics Division
Bureau of Election Management
Election Records and Statistics Department