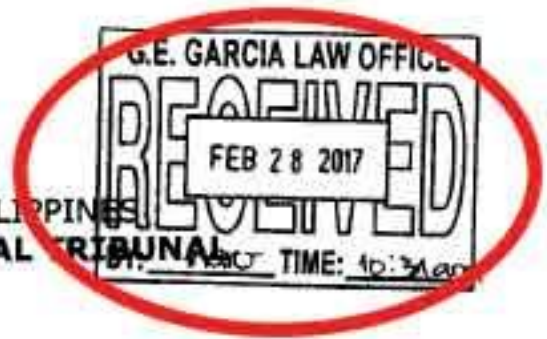


REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL ELECTORAL TRIBUNAL
MANILA



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

Protestant,

- versus -

PET Case No. 005
FOR: Election Protest Vice
President

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

Protestee.

X-----X

**COMPLIANCE AND COMMENT
(ON THE MOTION TO SET CASE FOR PRELIMINARY
CONFERENCE)**

PROTESTEE MARIA LEONOR G. ROBREDO, by the undersigned counsel, by way of compliance with the Resolution dated 31 January 2017¹ of the Honorable Tribunal respectfully submits her Comment on protestant's Motion to Set Case for Preliminary Conference, thus:

1. The Motion to Set Case for Preliminary Conference is premature.
2. On 15 February 2017, protestee Maria Leonor G. Robredo (hereafter "Robredo" for brevity) received copy of the Resolution dated 24 January 2017 issued by the Honorable Tribunal.
3. In the Resolution dated 24 January 2017, the Honorable Tribunal resolved the following incidents:

¹ Copy of which was received on 08 February 2017. Under the Resolution, protestee has a period of ten (10) days from receipt thereof or until 18 February 2017 within which to file her Comment on the Motion to Set for Preliminary Conference. The last day falls on a Saturday. Hence, protestee is filing her Comment on the next working day.

3.1. Protestant's Motion to Strike-Out or Expunge Protestee's Verified Answer dated 12 August 2016.

3.2. Protestee's Request for Preliminary Hearing on the Special and Affirmative Defenses.

4. Meanwhile, the Honorable Tribunal deferred any the following matters:

4.1. Urgent Ex-Parte Motion to Consider as Waived the Right of Protestant Marcos to File an Answer to the Counter-Protest filed by protestee Robredo on 07 September 2016;

4.2. Manifestation with Urgent ex-Parte Motion to Expunge from the Records the Answer *Ad Cautelam* to the Counter-Protest filed by protestee Robredo on 19 September 2016;

4.3. Manifestation and Answer *Ad Cautelam* to the Counter-Protest filed by protestant Ferdinand R. Marcos, Jr. (hereafter "Marcos" for brevity) on 09 September 2016; and

4.4. Manifestation and Motion to Admit Attached Verification filed by protestant Marcos on 20 September 2016.

5. The above-mentioned pending incidents must first be resolved before any Preliminary Conference in the instant Election Protest could be conducted.

6. Meanwhile, at the crux of the First Cause of Action of protestant Marcos is the integrity of the Automated Election System (AES) and the alleged non-compliance by COMELEC of the requirements of the law.

7. Consequently, protestant Marcos even sought the issuance of a Precautionary Protection Order ("PPO") to be issued to *the Commission on Elections, the Election Officers, City/Municipal Treasurers, the Bangko Sentral ng Pilipinas*

(BSP), Smartmatic-Total Information Management (TIM) Corporation, IP Converge Data Services, Inc. and all data centers, Smart Communications, Inc., Globe Telecom, Inc., PLDT, Inc., Digitel Mobile Philippines, Inc. (Suncellular), and all telecommunications, Broadband Global Area Network (BGAN) and Very Small Aperture Terminal (VSAT) providers during the 9 May 2016 National and Local Elections.²

8. Not content, protestant Marcos even made known not only to the Honorable Tribunal but to the public his steadfast in his objections to the turnover by the Commission on Elections ("COMELEC") of the leased vote counting machines ("VCMs") to Smartmatic.

9. As maintained by protestant Marcos, the VCMs were used as tools for the alleged, if not imagined, massive electoral frauds, anomalies and irregularities that were employed against him.

9.1. Thus, in the Resolution dated November 8, 2016, the Honorable Tribunal duly took note of this and reserved *requiring the protestant to pay the cost to be submitted by the COMELEC in accordance with (g) above should he still object to the conduct of the closure/stripping and backing-up activities, which results in COMELEC becoming liable under Article 6.9 of the AES contract.*

9.2. To date, the stripping activities in the Sta. Rosa warehouse of COMELEC has yet to be terminated.

9.3. More importantly, protestant Marcos has not even informed the Honorable Tribunal as to whether he has continuing objections to the stripping activities and turnover of the VCMs by COMELEC to Smartmatic.

² See Very Urgent Manifestation and Omnibus Motion I. To Issue Precautionary Protection Order; ii. To Issue Summons to the Protestee; and iii. To Order the Collection, Retrieval, Transport and Delivery of the Protested Ballot Boxes, Election Paraphernalia and Documents Subject of the Case dated 02 August 2016.

9.4. Thus, the issue as to who will be held liable under the AES Contract has yet to be resolved.

10. Recently, the parties and the Honorable Tribunal were made aware of the request of COMELEC to *(i) reboot the servers located in the MCR at the Sta. Rosa Warehouse, Laguna; (ii) conduct and undertake diagnostics thereon; and (iii) shut down the servers once diagnostics have been conducted.*

11. On 14 February 2017, protestee Robredo received a Notice dated 13 February 2017 on the scheduled *Diagnostics of the Election Management System* on 24 February 2017.³

12. Finally, protestant Marcos also took issue on the contents of the Secure Digital (SD) cards found in the unused contingency VCMs.

12.1. Protestant Marcos claims that the "data" found in the SD cards prove his allegations of massive electoral fraud committed against him during the May 9, 2016 National and Local Elections.

12.2. The decryption of the SD cards from the unused contingency VCMs has not been terminated.

12.3. It is noteworthy that the decryption of the SD cards from the unused SD cards was suspended due to objections/questions raised by the representatives of protestant Marcos.

13. Considering that the First Cause of Action of protestant Marcis is hinged on the alleged irregularities and defects in the AES, then, these issues must first be resolved before a Preliminary Conference can be conducted in the instant election protest.

³ A copy of the Notice dated 13 February 2017 is hereto attached as **Annex "1"** and made an integral part hereof.

14. The resolution of these issues are prejudicial to the First Cause of Action of protestant Marcos with respect to the integrity of the AES which resulted to the election of the country's incumbent officials.

15. In a word, the resolution of the foregoing pending issues and incidents will expose the weakness and falsity of the allegations of protestant Marcos in the instant protest.

16. Finally, the Resolution dated 24 January 2017 of the Honorable Tribunal which, inter alia, denied the Motion for Preliminary Hearing on the Special and Affirmative Defenses filed by protestee Robredo was received only on 15 February 2017.

17. Protestee Robredo intends to file a Motion for Reconsideration within the period allowed by the Rules.

18. Hence, with more reason that the Motion to Set for Preliminary Conference is premature as this might render moot and academic the right of protestee Robredo to file a Motion for Reconsideration.

PRAYER

WHEREFORE, IN VIEW OF THE FOREGOING, protestee Maria Leonor G. Robredo respectfully prays that this COMPLIANCE AND COMMENT be duly NOTED and ADMITTED as her compliance with the Resolution dated 31 January 2017 of the Honorable Tribunal, and all the pending incidents be resolved before any preliminary conference is conducted.

Protestee Robredo prays for such other reliefs just and equitable in the premises.

Pasig City for Manila. 17 February 2017.



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Lead Counsel for Protestee

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MCLE Compliance No. V-0018139/13 April 2016

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Collaborating Counsel for Protestee

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02.706.4272/02.706.4273

By



MARIA BERNADETTE V. SARDILLO

Roll No. 45897

PTR No. 2362138/03 January 2017/Pasig City

IBP Lifetime No. 07133

MCLE Compliance No. V-0010907/30 September 2015

beng.sardillo@s3law.com

Copy furnished:

ATTY. GEORGE ERWIN M. GARCIA

ATTY. JOAN M. PADILLA

G. E GARCIA LAW OFFICE

Lead Counsel for Protestant

Ground Floor Laiko Building

372 Cabildo Street, Intramuros,

1002 Manila

OFFICE OF THE SOLICITOR GENERAL

134 Amorsolo Street

Legaspi Village, 1229 Makati City

EXPLANATION

Due to unavailability of messengers and the distance of the parties, a copy of the herein "Compliance" were sent to the above-named parties by registered mail.



MARIA BERNADETTE V. SARDILLO

Republic of the Philippines)
Pasig City)

**VERIFIED DECLARATION OF COMPLIANCE WITH THE
EFFICIENT USE OF PAPER RULE**


I, **KWELL SUYINN M. ZARASATE**, hereby declare that the Compliance and Comment (On the Motion To Set Case for Preliminary Conference) and annex thereof submitted electronically by use of compact disc in accordance with the Efficient Use of Paper Rule are complete and true copies of the Compliance and Comment (On the Motion To Set Case for Preliminary Conference) and annex thereof filed with the Presidential Electoral Tribunal.

Pasig City, 20 February 2017.


KWELL SUYINN M. ZARASATE
Secretary
Sardillo Sardillo Salom Law Office

SUBSCRIBED AND SWORN TO, BEFORE ME, a notary public in and for Pasig City, this 20th day of February 2017 by affiant **KWELL SUYINN M. ZARASATE** who is personally known to me, and appeared with her SSS ID with No. 33-9056255-6 issued by Social Security System, known to me as the same person who personally signed the foregoing attestation before me and acknowledged that she executed the same.

Doc. No. AP ;
Page No. 50 ;
Book No. VIII ;
Series of 2017.


ATTY. LEONARDO S. GODINEZ
NOTARY PUBLIC
PASIG, SAN JUAN, PATEROS
Until December 31, 2018
Ground Floor Pasig City Hall,
Brgy. San Nicolas, Pasig City
Roll No. 20601703-17-1966
PTR No. 2506500 / 01-03-17 Pasig City
IBP No. 1048754 / 10-06-16 Rizal
MCLE Compliance No. V-01-2007
Appointment No. 24 (2017-2018)
Contact No. 0929-7158339



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
 Intramuros, Manila

ANNEX # 1

Sarditto
 Sardillo
 Salom

Received By: Tenderosa A. Mosa
 Date received: 2-14-17
 Time received: 10:30 AM email

13 February 2017

ATTY. MARIA BERNADETTE V. SARDILLO

Sardillo, Sardillo, Salom Law Office
 Unit 802, The Talpan Place,
 P. Ortigas Jr. Avenue,
 Ortigas Center, Pasig City

NOTICE

Pursuant to *Presidential Electoral Tribunal Resolution dated 31 January 2017* and *Senate Electoral Tribunal Resolution No. 16-29 dated 18 January 2017*, Notice is hereby given that the *Diagnosis of the Election Management System Servers* will be conducted on [REDACTED] Liner Warehouse, Barangay Pulong, Sta. Cruz, Sta. Rosa City, Laguna.

In this regard, kindly provide the Office of Commissioner C.R.S. Lim, on or before 20 February 2017, with the names of your three (3) representatives who will observe the activity. You may reach the said Office thru landline numbers 5243711 and 5242753.

Be advised that those not included in your list and/or those not wearing Identification Cards, will not be permitted to enter the Commission's Sta. Rosa Warehouse and that, at any given time, only one (1) representative per party will be permitted inside the Memory Configuration Room. Aside from protecting and securing the integrity of the contents of the said Warehouse, these limitations are imposed to control the temperature inside the Memory Configuration Room, which contains sensitive and salient equipment.

With my warm regards,

Very truly yours,


CHRISTIAN ROBERT S. LIM
 Commissioner
 Commission on Elections