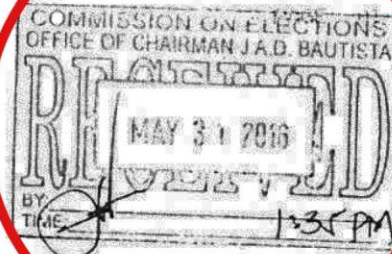


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31/05/2016 13:00 1602075

**bong Legal**  
VICE PRESIDENT  
National Headquarters

**VIA FACSIMILE & EMAIL**

31 May 2016

**CHAIRMAN ANDRES D. BAUTISTA**  
**COMMISSION ON ELECTIONS**  
Palacio Del Gobernador  
Intramuros  
Manila

Re : Urgent Request for the preservation and security of data and audit logs in the Central Server

Dear Chairman Bautista:

This has reference to the letters dated 11 May 2016 and 17 May 2016, which we have sent to your office, and in relation to Mr. Ferdinand R. Marcos, Jr.'s urgent request for an audit of the transparency and central servers.

It has come to our attention that the hardware of the Central Server is scheduled to be unmounted at 1 o'clock in the afternoon, today, 31 May 2016, from its present location at the IPC Data Center with address at 30<sup>th</sup> Street corner 2nd Avenue, Bonifacio Technology Center, Taguig City.

Considering the above action, we **urgently request the Commission, all relevant departments and concerned personnel, to preserve and secure the data and the audit logs contained in all servers, and the Central Server in particular.**

We confirm our intention to pursue our earlier requests to permit Mr. Marcos' team of experts to **conduct an audit of the Transparency Server and the Central Server**, under the close supervision of this Commission and its technical personnel.

2602 Lyrann Centre, Pearl Drive, Brgy. San Antonio,  
Ortigas Center, Pasig City  
Mobile Nos. SMART: 09206583253  
GLOBE: 09054590393  
Landline Nos. (02) 509-6546, (02) 490-0618, (02) 490-0078  
Email: bbintq2016@gmail.com



331 National Headquarters

I trust that this request will merit your timely and favorable response.

Thank you.

Very truly yours,

**JOSE AMOR M. AMORADO**  
Legal Counsel

Cc: Commissioner Christian Robert S. Lim  
Commissioner Al A. Parreño  
Commissioner Lule Tito F. Guia  
Commissioner Arthur D. Lim  
Commissioner Ma. Rowena Amelia V. Cuarizon  
Commissioner Sherry M. Abas



**BY HAND**

02 June 2016

**CHAIRMAN ANDRES D. BAUTISTA**  
**COMMISSION ON ELECTIONS**  
Palacio Del Gobernador  
Intramuros  
Manila

Re: Request for Audit of the Transparency Server and Central Server and Other Requests

Dear Chairman Bautista:

This is further to our letters dated 11 May 2016, 19 May 2016 and 31 May 2016, and to the letter of Senator Ferdinand R. Marcos, Jr., dated 17 May 2016 requesting for an audit of the COMELEC Transparency and Central Servers, which we have sent to your office.

In response to said letters, the Commission sitting *en banc* issued Minute Resolution No. 16-0387 which resolved to defer the action on our request for a system's audit of the Transparency Server and Central Server until after the completion of the canvassing by the National Board of Canvassers (NBOC). The Commission, in the same Minute Resolution, resolved to advise Senator Marcos of this Commission's willingness to the conduct of a system's audit if carried out by a group of disinterested and qualified information technology experts, citing the Department of Science and Technology (DOST) as one such body/group.

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On 27 May 2016, the Joint Canvass Committee sitting as the NBOC concluded the official canvassing of votes for the Presidential and Vice-Presidential candidates after the canvass of one hundred sixty seven (167) Certificates of Canvass. In fact, a committee report declaring the results of the May 9, 2016 National Elections for the offices of President and Vice-President has already been approved by Congress; and in fact, last 30 May 2016, the duly elected President and Vice-President of the Republic of the Philippines have already been proclaimed by both Houses of Congress.

Thus, considering the completion of the Presidential and Vice-Presidential canvass, we are now following up on our earlier requests for a system's audit of the COMELEC Transparency Server and Central Server.

We respectfully take exception to the use of government IT experts in the contemplated system audit, because they are not independent third party experts. In any event, the IT experts of Senator Marcos would like to be given the opportunity to participate in said audit, together with other interested individuals and political parties.

Now, therefore, we earnestly reiterate on our earlier requests to this Commission to **permit Senator Marcos' OWN team of experts to conduct an audit of the Transparency Server and the Central Server**, under the close supervision of this Commission and its technical personnel. In the meantime, we reiterate immediate access by our IT experts to the following:

1. Transmission logs;
2. White list of the VCMs, USB devices, BBGANs that were used during the elections;
3. Digitally Signed Election Returns; and
4. Public Key and Decryption Key to open the transmitted files.

With respect to our letter request dated 19 May 2016, please be informed that we have not received any information on the following:

1. The number of CCS laptops/ servers that were reported to contain rogue votes allegedly coming from the Pre-Election Logical Accuracy Test (PRELAT) and Mock Elections on Election Day;
2. The municipalities, cities and provinces affected; and,
3. The measures or procedures which this honorable Commission took to rectify this supposed anomaly or error.

Clearly, this Commission has not addressed the above requests. With the foregoing, are we to consider that this Commission has rejected our requests or are we just to assume that this Commission is not in possession of said information and documents?

elections for the position of Vice-President of the Republic of the Philippines, including the automated election equipment and records such as the Vote Counting Machines (VCM), Consolidation and Canvass System (CCS) units, Secure Digital (SD) cards (main and back up), and the other data storage devices in all of the ninety-two thousand five hundred nine (92,509) clustered precincts used in the May 2016 elections, effective immediately and continuing until further orders from this Tribunal.”(Emphasis supplied.)

3. On the same day, 12 July 2016, this Honorable Tribunal, through Atty. Theodore Te, **publicly announced** its resolution to grant Protestant’s prayer for a PPO pursuant to Rule 36 of the 2010 Rules of the Presidential Electoral Tribunal.

4. On 2 August 2016, the COMELEC duly received the PPO dated 12 July 2016.

The 12 July 2016 Comelec Resolution

5. Recently, however, Protestant learned that on the same day that this Honorable Tribunal announced the issuance of the PPO on 12 July 2016, the COMELEC issued an *En Banc* Resolution (the Resolution)<sup>1</sup> **approving** the recommendation of Commissioner Christian Robert S. Lim (through COMELEC Director Villaflor - Roxas) to conduct a stripping activity of the Vote Counting Machines (VCM) and CCS laptop units used during the May 9, 2016 elections.

5.1 The Memorandum of Villaflor-Ramos reads as follows:

“This refers to the stripping activity of the Vote Counting Machines and CSC Laptops that were used in the May 9, 2016 elections. This activity will be conducted starting July 16, 2016 at the COMELEC warehouse in Sta. Rosa, Laguna. During the stripping activity, it is suggested that the backing up of the SD cards and the CD will be simultaneously conducted.” [Emphasis supplied]

<sup>1</sup> A copy of the Resolution from the “Excerpt from the Minutes of the Regular *En banc* Meeting of the Commission on Elections held on July 12, 2016” is attached herewith as Annex “A”.

Finally, with regard to our letter, dated 31 May 2016, we would like to follow-up the action this Commission took "to preserve and secure the data and the audit logs contained in all servers, and the Central Server in particular." IN ADDITION, AND MOST IMPORTANTLY, we would like to request that this Commission PRESERVE and SECURE any and all other servers, including but not limited to the Data Base Server and any and all "INTERMEDIARY SERVERS" (also known as the QUEUE SERVERS), together with all routers, switches, listeners, among others.

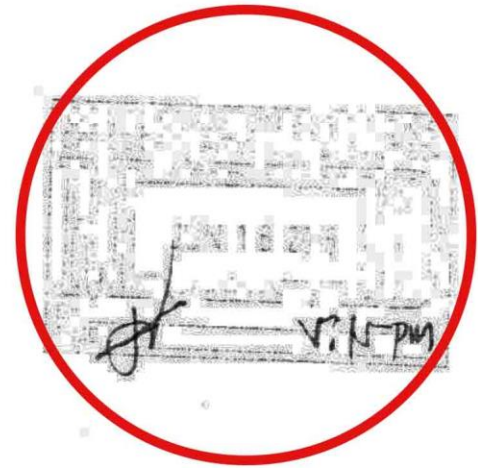
I trust that this request will merit your timely and favorable response.

Very truly yours,

**JOSE AMOR M. AMORADO**

Legal Counsel

Cc: Commissioner Christian Robert S. Lim *gbe 6/6/16 1:21 pm*  
 Commissioner Al A. Parreño - *ana 6/6/16 1:02pm*  
 Commissioner Luie Tito F. Guia - *Lou 6-6-16 1:05pm*  
 Commissioner Arthur D. Lim - *JBA 6-6-16 1:06pm*  
 Commissioner Ma. Rowena Amelia V. Guanzon - *GAB/AN 6-6-16 1:12pm*  
 Commissioner Sheriff M. Abas - *Sher 06/06/16 1:02pm*



**BY HAND**

16 June 2016

**CHAIRMAN ANDRES D. BAUTISTA**  
COMMISSION ON ELECTIONS  
Palacio Del Gobernador  
General Luna St.  
Intramuros, Manila

Re: Request for Information as to Compliance with the Requirements of R.A. No. 8436, as amended by R.A. No. 9369

Dear Chairman Bautista:

We write in behalf of Senator Ferdinand R. Marcos, Jr., a Vice- Presidential candidate in the last elections.

Pursuant to R.A. No. 8436, as amended by R.A. No. 9369, to assure that the results of an election conducted through "an automated election system" are "fast, accurate and reflective of the genuine will of the people",<sup>1</sup> certain requirements are mandated by the law, among others, in its Section 6 (Minimum System Capabilities), Section 7 (Communication Channels for Electronic Transmissions), Section 11 (Functions of the Technical Evaluation Committee), Section 12 (Procurement of Equipment and Materials), Section 29 (Random Manual Audit) and Section 30 (Authentication of Electronically Transmitted Election Results).

May we respectfully request information as to whether the requirements of the aforementioned provisions of R.A. No. 8436, as amended by R.A. No. 9369, have been

---

<sup>1</sup> Section 1.

CHAIRMAN ANDRES D. BAUTISTA  
COMMISSION ON ELECTIONS  
Palacio Del Gobernador  
General Luna St.  
Intramuros, Manila  
16 June 2016

Page 2 of 2

complied with, the dates when compliance was effected, persons who conducted the required tests or verification, those present and copies of all reports pertaining thereto.


Since we urgently need the above information in connection with a determination of whether Senator Marcos is filing a protest to contest the proclamation of candidate Maria Leonor G. Robredo as Vice-President, and the grounds therefore, we would appreciate receiving your response no later than 22 June 2016. To avoid any delay, kindly advise us by telephone so that we may send a messenger to receive your response.

Further, we would like to call your attention to our previous letter requests dated 11 May 2016, 17 May 2016, 19 May 2016, 31 May 2016 and 02 June 2016. For the record, we have not received any reply to any of these letters, except the letter from Atty. Ronaldo R. Gutierrez dated 23 May 2016 in response to our 17 and 19 May 2016 letters, which merely stated that the request for a system's audit was forwarded to the Commission en banc for consideration. Copies of these letters as received by your office are herewith attached.

Finally, we would like to make special mention of our letter dated 11 May 2016, as well as to our letters dated 17 and 19 May 2016 (with respect to the other requests). To date, we still have to receive your reply to said letters. On this score, please be reminded of the pertinent provisions of R.A. No. 6713.

Thank you and best regards.

Very Truly Yours,

  
Jose Amor M. Amorado  
Legal Counsel

Cc: Commissioner Christian Robert S. Lim *RECORDED 5:30 PM*  
Commissioner Al A. Parreño *main 6/16/16 5:20*  
Commissioner Luie Tito F. Guia *- 6/16/16 5:15 PM*  
Commissioner Arthur D. Lim *- 6/16/16 5:21 PM*  
Commissioner Ma. Rowena Amelia V. Guanzon *- 6/16/16 5:15 PM*  
Commissioner Sheriff M. Abas *- 6/16/16*





MOST LAW  
FILE COPY

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BY HAND

14 July 2016

**CHAIRMAN ANDRES D. BAUTISTA**  
**COMMISSION ON ELECTIONS**  
Palacio Del Gobernador  
General Luna St.  
Intramuros, Manila

Re: Follow up Request

Dear Chairman Bautista:

This is a reply to your letter dated 20 June 2016, copy attached for easy reference.

With respect to the Technical and Evaluation Committee (TEC) Certification, please explain why the certification on the source codes was only issued on 30 April 2016, contrary to Section 11 of the Republic Act 9369 which expressly requires the TEC to issue a certification not later than three months before the date of the electoral exercise.

With respect to our request for a systems audit, COMELEC issued Resolution No. 16-0387 which deferred the conduct of the audit "until after the completion of the Presidential and Vice Presidential canvass." Since the canvassing has long been over, we would like to follow-up our demand for a systems audit. In relation thereto, we request that the representatives of various political parties who participated during the source codes review, be likewise invited in the systems audit.

In paragraph 4 of your letter, you assured us that "the Commission has taken measures to preserve and secure all data" in "all the servers, as well as the Central Server." We would like to inquire on the specific measures taken by COMELEC regarding this matter.

Finally, we observed that your letter did not address our request to "preserve and secure any and all other server, including but not limited to the **DATABASE SERVER** and any and all **"INTERMEDIARY SERVERS"** (also known as the **QUEUE SERVERS**), together with all routers, switches, listeners,



CHAIRMAN ANDRES D. BAUTISTA  
COMMISSION ON ELECTIONS  
Palacio Del Gobernador  
General Luna St.  
Intramuros, Manila  
14 July 2016

Page 2 of 2

among others." We will highly appreciate it if you can please inform us of the measures you have taken regarding this particular request.

Thank you.

Very truly yours,  
**FOR THE FIRM**



JOSE AMOR M. AMORADO

Cc: Commissioner Christian Robert S. Lim *mmth 7/14/16 12:27 pm*  
Commissioner Al A. Parreño *mean 7/14/16 12:05*  
Commissioner Luie Tito F. Guia *Ld 7-14-2016 12:00 pm*  
Commissioner Arthur D. Lim *Chris July 14, 2016 12:10 pm*  
Commissioner Ma. Rowena Amelia V. Guanzon *-asm 7-14-16 12:00 pm*