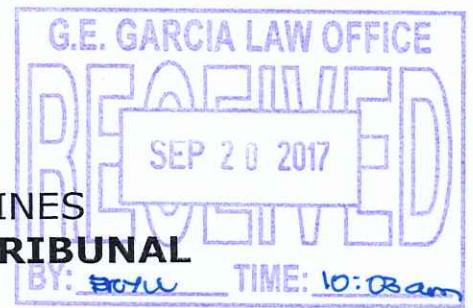


REPUBLIC OF THE PHILIPPINES  
**PRESIDENTIAL ELECTORAL TRIBUNAL**  
Manila



**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/COMPLIANCE**  
**WITH MOTION**

The **COMMISSION ON ELECTIONS**, through the **OFFICE OF THE SOLICITOR GENERAL**, and in compliance with this Honorable Tribunal's *Resolution* dated 29 August 2017, states that:

1. On 5 September 2017, the COMELEC received this Honorable Tribunal's *Resolution* dated 29 August 2017 directing it to:

- (a). **INFORM** the Honorable Tribunal of its recommended procedures, logistics, schedule and estimated costs for the Decryption and Printing of Ballot Images insofar as all the precincts in the provinces of Camarines Sur, Iloilo and Negros Oriental are concerned, within a non-extendible period of ten (10) days from receipt of Resolution;
- (b). **REPLY** to the *Comment* filed by Protestant on the *Letter* dated 10 July 2017 of Director Maria Lea R. Alarkon of the COMELEC Office of Overseas Voting ("OFOV") pursuant to this Honorable Tribunal's

*Resolution* dated 18 July 2017, within a non-extendible period of ten (10) days from receipt of Resolution; and

- (c). **SHOW CAUSE** why the COMELEC local officers of Bucay, Abra and COMELEC Central Office failed to seek prior approval from the Honorable Tribunal before the conduct of the activity in accordance with the Precautionary Protection Order, within a period of ten (10) days from receipt of the *Manifestation* dated 17 August 2017 of Hon. Corpuz B. Alzate.

2. As to matter (a) above, the COMELEC respectfully submits the *Memorandum* dated 8 September 2017<sup>1</sup> prepared by the Election Records and Statistics Department ("ERSD") Director Ester L. Villaflor Roxas attaching the following documents relative to the procedures, logistics, schedule and estimated costs for the Decryption and Printing of Ballot Images for all the precincts in the provinces of Camarines Sur, Iloilo and Negros Oriental:

- a. *COMELEC Resolution No. 10155* on the Guidelines to Decrypt Ballot Images in connection with the May 9, 2016 National and Local Elections;
- b. *COMELEC Resolution No. 9226* on the compensation and distribution of honoraria of the members of the recount committees and the meal allowances of the support staff;
- c. *COMELEC Resolution No. 9720* on the matter of amending Rules 2, 6, 8, 13 and 15 of COMELEC Resolution No. 8804, as amended by COMELEC Resolution No. 9164;
- d. *Minute Resolution No. 11-0399* on the Guidelines on the (1) Delivery and Production of the PCOS Machines, and (2) Configuration of CF Cards and i-Buttons and the decryption of ballot images relative to protest cases;
- e. *Order of Payment* prepared by the COMELEC ERSD for the costs of decryption amounting to Php 2,974,075.00;

---

<sup>1</sup> A copy of which is attached as Annex "A" and made an integral part hereof.

- f. *List of Supplies* needed which shall be provided by the requesting party.

3. As to the schedule of decryption, the COMELEC, through the ERSD, respectfully manifests that it will abide by this Honorable Tribunal's preferred date for the conduct of the decryption and printing of ballot images.

4. As to matter (b) above, the COMELEC respectfully seeks reconsideration of this Honorable Tribunal's order requiring the COMELEC to file its reply to Protestant's Comment on OFOV Director Maria Lea R. Alarkon's *Letter* dated 10 July 2017 within a non-extendible period of ten (10) days from receipt of *Resolution* dated 29 August 2017, or until 15 September 2017.

5. Undersigned counsel is still coordinating with the officials and employees of the COMELEC Law Department and OFOV as regards the procedure for the storage and transmittal of election documents from the foreign Posts of the OFOV in relation to overseas voting.

6. For this reason, and considering as well the demands of equally urgent professional work on the part of the undersigned and the COMELEC officials and employees who are preparing for the local elections in October, and the suspension of work in government offices on 12 September 2017 due to typhoon, the COMELEC is unable to and needs more time to comply with this Honorable Tribunal's order in relation to matter (b) above.

7. As to matter (c) above, the COMELEC respectfully manifests that it obtained a copy of the *Manifestation* dated 17 August 2017 from Hon. Corpus B. Alzate on 6 September 2017, and will comply with this Honorable Tribunal's order to show cause on 18 September 2017.<sup>2</sup>

---

<sup>2</sup> Considering that the last day, 16 September 2017, falls on a Saturday, the COMELEC has until the next working day, 18 September 2017, to comply with this Honorable Tribunal's order as to matter (c) above.

## PRAYER

**WHEREFORE**, the **COMMISSION ON ELECTIONS** respectfully prays of this Honorable Tribunal that:

- a. The manifestations of the COMELEC relative to the procedures, logistics, schedule and estimated costs for the Decryption and Printing of Ballot Images for all the precincts in the provinces of Camarines Sur, Iloilo and Negros Oriental contained herein be **NOTED** and be **DEEMED AS COMPLIANCE** with this Honorable Tribunal's *Resolution* dated 29 August 2017;
- b. The non-extendible period of ten (10) days from receipt of *Resolution* dated 29 August 2017, or until 15 September 2017, as to the filing of a Reply to Protestant's Comment on OFOV Director Maria Lea R. Alarkon's *Letter* dated July 10, 2017, be **RECONSIDERED**, and that the COMELEC be **GRANTED** an additional period of seven (7) days from 15 September 2017, or until **22 SEPTEMBER 2017**, within which to file its Reply; and
- c. The manifestations of the COMELEC that it received Hon. Corpus B. Alzate's *Manifestation* dated 17 August 2017 on 6 September 2017, and that it will comply with this Honorable Tribunal's order to show cause on 18 September 2017, be **NOTED**.

Other relief just and equitable under the premises are likewise prayed for.

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

**JOSE C. CALIDA**

*Solicitor General*

Roll No. 24852

IBP Lifetime No. 015360, 08/18/16

MCLE Exemption No. VI-000016, 09/28/16

MANIFESTATION/COMPLIANCE WITH MOTION

MARCOS v. ROBREDO

PET Case No. 005

X-----X

  
**HENRY S. ANGELES**

*Assistant Solicitor General*

Roll No. 45837

IBP Lifetime No. 016075, 4/21/17

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

  
**JOSE ANGELO A. DAVID**

*Associate Solicitor*

Roll No. 64181

IBP No. 1033274, 04/17/17

MCLE Compliance No. V-0016027, 03/15/16

**OFFICE OF THE SOLICITOR GENERAL**

134 Amorsolo St., Legaspi Village

1229 Makati City

Tel. No.: 9881674 (Trunkline)

Fax No.: 8176037

Copy furnished:

**ATTY. GEORGE ERWIN M. GARCIA**

**ATTY. JOAN M. PADILLA**

*Counsel for Protestant*

G.E. Garcia Law Office

Ground Floor Laiko Bldg.

372 Cabildo Street

Intramuros, 1002 Manila

**ATTY. JOSE AMOR M. AMORADO**

*Collaborating Counsel for Protestant*

MOST Law Office

30<sup>th</sup> Floor, Tycoon Centre, Pearl Drive

Ortigas Center, Pasig City 1605

**ATTY. ROMULO B. MACALINTAL**

*Lead Counsel for Protestee*

Sardillo Sardillo Salom Law Office

Unit 802 Taipan Place

F. Ortigas Avenue

Ortigas Center, Pasig City 1605

**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/COMPLIANCE WITH MOTION** will be served by registered mail because of distance constraints, as well as the limited number of office messengers, which make personal service thereof impracticable.

  
**JOSE ANGELO A. DAVID**  
*Associate Solicitor*

## VERIFIED DECLARATION

I, **JOSE ANGELO A. DAVID**, hereby declare that the documents hereto submitted electronically in accordance with the Efficient Use of Paper Rule are complete and true copies of the documents filed with the Presidential Electoral Tribunal.



**JOSE ANGELO A. DAVID**

15 September 2017

SUBSCRIBED and SWORN TO before me on this 15<sup>th</sup> day of September 2017, affiant exhibiting his OSG Employee ID No. 2016-01003.



**GERMAINE L. CHUA**  
State Solicitor

REPUBLIC OF THE PHILIPPINES

AFFIDAVIT OF SERVICE

(Revised as of April 1992)

I, XVTANIEL S. SYCAYCO OFFICE OF THE SOLICITOR GENERAL ,  
with Office address at 134 Amorsolo St. Legaspi Village Makati City, after being sworn to depose and say:

That on 09/15/2017 **SEP 15 2017**, I caused to be served a copy of the following pleading/paper:

NATURE OF THE PLEADING

Manifestation/Compliance with Motion

In case No. P.E.T. CASE NO. 005, entitled FERDINAND BONGBONG R. MARCOS, JR.,  
VS. MARIA LEONOR LENI DAANG MATUWID G. ROBREDO

pursuant to Section 3,4,5 and 10, Rule 13 of the Rules of Court, as follows:

By Personal Service To:

PRESIDENTIAL ELECTORAL TRIBUNAL

MANILA, , Philippines

( ) By depositing a copy to the party or his/her attorney  
on \_\_\_\_\_ as shown on p \_\_\_\_\_.

( ) By leaving a copy in his/her clerk or with a person  
having charge thereof on \_\_\_\_\_ as shown on p \_\_\_\_\_.

( ) By delivering a copy to the Court/Tribunal Office on  
\_\_\_\_\_ as shown on p \_\_\_\_\_.

By Registered Mail To:

ATTY. JOSE AMOR M. AMORADO  
MOST Law Office, 30th Floor, Tycoon Centre,  
Pearl Drive, Ortigas Center, Pasig City 1605, ,

COMMISSION ON ELECTIONS HON. ANDRES  
INTRAMUROS, 1002 Manila, , Philippines

ATTY. ROMULO B. MACALINTAL  
Sardillo Sardillo Salom Law Office  
Unit 802, Taipan Place

F. Ortigas Avenue

( ) By depositing copy **SEP 15 2017** in the Post  
Office at \_\_\_\_\_ as evidenced by Registry  
Receipt(s) No.(s) \_\_\_\_\_ hereto attached and  
indicated after the name (s) of the addressee(s), and with  
instruction to the postmaster to return the mail to the  
sender after (10) days if undelivered.



Ortigas Center Pasig City, , Philippines  
ATTY. GEORGE ERWIN M. GARCIA and ATTY.  
Counsel for Senator Ferdinand Marcos Jr.  
G.E. GARCIA LAW OFFICE

Ground Floor Laiko Building  
372 Cabildo Street  
Intramuros, 1002, Manila, , Philippines  
Makati, Metro Manila, Phililippines

XYLAN UJE S. SYCAVCO  
GSIS # CM 0000473028

SEP 15 2017  
(Affiant)

SUBSCRIBED AND SWORN to before me this XYLAN UJE S. SYCAVCO of \_\_\_\_\_ at Makati  
City, Philippines. Affiant exhibiting to me his GSIS # CM 0000473028 issued at Pasay City.



16-020355-0145

SEP 15 2017

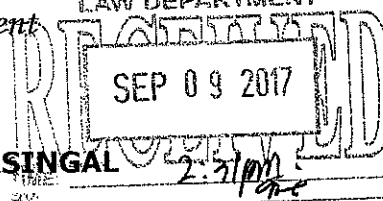
GERMAINE J. GULLA  
STATE SOLICITOR

Solicitor, Officer Administering the Oath  
Office of the Solicitor General



**ANNEX "A"**  
REPUBLIC OF THE PHILIPPINES  
**COMMISSION ON ELECTIONS**  
Intramuros, Manila  
*Election Records and Statistics Department*

4th 17-05 2013  
COMMISSION ON ELECTIONS  
LAW DEPARTMENT



**MEMORANDUM**

**FOR :** **ATTY. MARIA NORINA S. TANGARO-CASINGAL**  
Director IV  
Law Department

**SUBJECT :** **COMPLIANCE TO THE P.E.T. RESOLUTION IN  
CONNECTION WITH PET CASE NO. 005**

**DATE :** **SEPTEMBER 08, 2017**

Relative to the dispositive portion of the Resolution of the Honorable Presidential Electoral Tribunal in PET Case No. 005 dated August 29, 2017, particularly letter (g) thereof, please find attached the following:

a. Resolution Nos.

1. 10155 - In the matter of the Guidelines to Decrypt Ballot Images in connection with the May 9, 2016 National and Local Elections.
2. 9226 - In the matter of the compensation and distribution of honoraria of the members of the recount committees and the meal allowances of the support staff
3. 9720 - In the matter of amending Rules 2, 6, 8, 13 and 15 of COMELEC Resolution No. 8804 as amended by COMELEC Resolution No. 9164
4. Minute Resolution No. 11 - 0399 - In the matter of the two (2) Proposed Guidelines on the (1) Delivery and Production of the PCOS Machines; and (2) Configuration of CF Cards and I-Buttons and the decryption of ballot images relative to protest cases, and requesting that Item No. 10 thereof be amended

b. Cost of decryption

c. List of supplies needed which shall be provided by the requesting party.

As to the schedule of decryption, this Department will abide with the preferred date of the PET to start the activity.

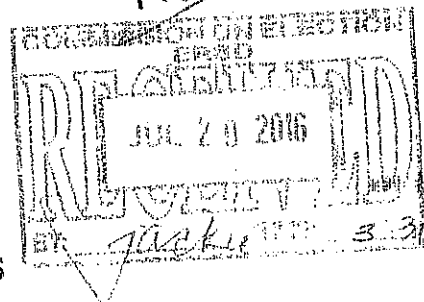
Respectfully submitted.

*Estev L. Villaflores Roxas*  
**ESTER L. VILLAFLORES - ROXAS**  
Director IV

*Encl: As Stated*



Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
Manila



**IN THE MATTER OF THE  
GUIDELINES TO DECRYPT BALLOT  
IMAGES IN CONNECTION WITH THE  
MAY 9, 2016 NATIONAL AND LOCAL  
ELECTIONS**

Chairman J. Andres D. Bautista  
Commissioner Christian Robert S. Lim  
Commissioner Al A. Panenõ  
Commissioner Lule Tito F. Guia  
Commissioner Arthur D. Lim  
Commissioner Ma. Rowena Amelia V. Guanzon  
Commissioner Sheriff M. Abas

X-----X

Promulgated: July 20, 2016

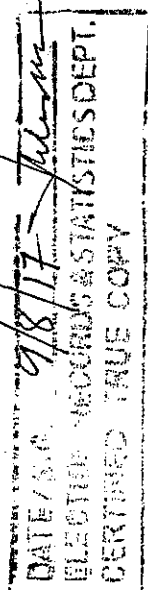
**RESOLUTION NO. 10155**

**WHEREAS**, the Commission has received Orders to print the ballot images for various precincts in connection with the May 9, 2016 National and Local Elections;

**WHEREAS**, in the 2010 and 2013 National and Local Elections, the Election Records and Statistics Department decrypted ballot images pursuant to the Orders issued to the Commission by the tribunals, lower courts and Comelec Division;

**NOW THEREFORE**, the Commission **RESOLVED**, as it hereby **RESOLVES**, to approve the following Guidelines to Decrypt Ballot Images as submitted by the Election Records and Statistics Department, to wit:

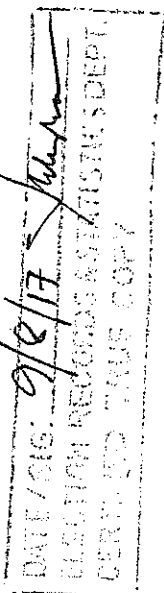
1. Ballot images shall only be decrypted upon issuance of an Order to the Commission by the Tribunals (House of the Representatives Electoral Tribunal (HRET), Senate Electoral Tribunal (SET) and Presidential Electoral Tribunal (PET) and lower courts. In addition, ballot images shall also be provided to the Commission Division upon Order by the Presiding Commissioner.
2. Based on the Order received, this office shall inform the tribunals/division/lower courts of the schedule and place of the decryption.
3. The parties (protestant and protestee) shall be notified by the tribunals/division/lower courts based on the schedule given by this office.



4. Representatives from the tribunals/division/lower courts and parties shall be present during the decryption process to observe the proceedings.
5. Decryption shall be under the supervision of the ERSD Director, and shall only be done at the COMELEC PMO office, Palacio del Gobernador.
6. The following cost of the decryption of the ballot images per SD card shall be paid by the requesting party pursuant to Resolution No. 8226 and 9720 dated May 17, 2011 and June 20, 2013, respectively and MR No. 11-0399 dated March 29, 2011:
  - a. ERSD personnel honoraria -- Php350.00
  - b. Electricity -- Php100.00
  - c. Use of computers and printers -- Php50.00
  - d. Use of system per case:
    - i. PET/SET - Php50,000.00
    - ii. HRET - Php 5,000.00
    - iii. Division - Php 5,000.00
    - iv. Courts - Php 2,500.00

All consumables for the decryption, generation and printing of ballot images, such as toner, copy paper, DVD and sign pens shall be provided by the requesting party.

7. The ERSD 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 ballot images.
8. Upon presentation of the Official Receipt issued by the Cash Division, the ERSD personnel shall cause the decryption of the ballot images.
9. The following procedure shall be followed in the decryption of the ballot images:
  - 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. Read the ballot images and generate the PDF files. The serial number of the ballot is the filename of the decrypted ballots. Apply the filename marks on the top of the decrypted ballot images. Every decrypted ballot image contains both faces of the ballots and the voter receipt.
- iv. Generate a PDF format files that contains all the votes and merged the PDF ballot images into one file.
- v. Generate the list of the decrypted ballot images

- c. Print the list of filename of the ballot images.
- d. Print the hash code.
- e. Print the PDF merged file and save it to DVD.

10. After printing the ballot images, the ERSD personnel, representatives of the tribunals/division/courts including the parties shall affix their initial in all the pages of the printed ballot images.
11. The printed and softcopies of ballot images shall be turned-over to representative of the tribunals/division/courts.
12. The printed hashed code shall be distributed to the representative of the tribunals/division/courts representative and to the parties. One copy shall be kept by ERSD personnel.
13. The ERSD shall issue a certification to the representative of the tribunals/division/courts that the decrypted ballot images are taken from the SD card(s) that were submitted by the field officers.

DATE/SIG: 9/8/17 *[Signature]*  
ELECTION RECORDS & STATISTICS DEPT.  
CERTIFIED TRUE COPY

Let the Election Records and Statistics Department implement this Resolution.

SO ORDERED.

  
J. ANDRES D. BAUTISTA  
Chairman

  
CHRISTIAN ROBERT S. LIM  
Commissioner

  
AL A. PARREÑO  
Commissioner

  
LUIS TITO F. GUIA  
Commissioner

  
ARTHUR D. LIM  
Commissioner

  
MA. ROWENA AMELIA V. GUANZON  
Commissioner

  
SHERIFF M. ABAS  
Commissioner

Cc: Chairman  
All Commissioners  
Executive Director  
Deputy Executive Director for Operations  
Deputy Executive Director for Administration  
Election Records and Statistics Department

DATE/2006/9/8/17  
ELECTION RECORDS AND STATISTICS DEPT.  
COPY TO THIS COPY



Republic of the Philippines  
COMMISSION ON ELECTIONS  
Manila

**COMMISSION ON ELECTIONS  
ECAD - OFFICE OF THE DIRECTOR**

Date : 5/17/11

Time : 6:25 PM

Received by: mtat

**IN THE MATTER OF THE  
COMPENSATION AND DISTRIBUTION  
OF HONORARIA OF THE MEMBERS OF  
THE RECOUNT COMMITTEES AND  
THE MEAL ALLOWANCES OF THE  
SUPPORT STAFF**

Chairman Sixto S. Brillantes Jr.  
Commissioner Rene V. Sarmiento  
Commissioner Lucenito N. Tagle  
Commissioner Armando C. Velasco  
Commissioner Elias R. Yusoph  
Commissioner Christian Robert S. Lio  
Commissioner Augusto C. Lagman

Promulgated:

May 17, 2011

X ----- X

**RESOLUTION NO. 9226**

**WHEREAS**, on March 16, 2011, this Commission promulgated Resolution No. 9164 which reinstated and re-implemented the provisions of Resolution No. 8804 with amendments.

**WHEREAS**, Resolution No. 9164, after publication in two (2) newspapers of general circulation last March 17, 2011, took effect on March 24, 2011.

**WHEREAS**, Section 3 of Resolution No. 9164 set aside Section 3, Rule 15 of Resolution No. 8804 which governed the compensation and distribution of honoraria of the members of the recount committees, until the Commission comes out with a resolution appertaining thereto.

**NOW, THEREFORE**, in view of the foregoing, the Commission **RESOLVED**, as it hereby **RESOLVES**, to promulgate the following rules:

**Section 1.** Section 3 of Rule 15 of Resolution No. 8804 is hereby amended to read as follows:

"Section 3. *Distribution of cash deposit/compensation of the members of the Recount Committee.* - The Commission,

DATE: 5/18/11  
ELECTIONS DIVISION  
CERTIFIED TRUE COPY

has previously fixed the amount of cash deposit/s to be deposited by the parties at ₱3,000 per contested clustered precinct which amount shall be used as compensation of the members of the recount committee, as well as for other purposes related to or connected with the process including the fees for supplies and materials, storage of election paraphernalia, honoraria of warehouse ballot box custodian, photocopying watchers and security details, to be distributed as follows:

a. Chairman	₱1,000
b. Recorder	₱500
c. Recount Ballot Box Custodian	₱480
d. For Supplies/Materials	₱400
e. For Storage	₱100

The over-all Supervisor shall also receive an honorarium of ₱100 for every ballot box opened and recounted, but in no case shall he receive less than the highest honorarium that maybe received by any of the committee chairmen. Warehouse ballot box custodians shall be allotted an honorarium of ₱50 for every ballot box they will handle, which amount shall be shared among said custodians.

A portion of the cash deposit, which shall be shared and apportioned among such personnel, shall be allotted and set aside for the meal allowances of following support staff for each day of the recount proceeding and for the duration thereof, as follows:

a. For ECAD Security Personnel	₱100
b. For COMELEC Drivers	₱150
c. For Organic Security Personnel	₱200
d. For PNP Personnel	₱200
e. For Xerox Machine Watchers	₱150

**Section 2.** Should the Chairman of the Recount Committee pursuant to Rule 15 Section 6 (I) of Resolution No. 8804, as amended by Resolution No. 9164, request for the printing of the ballot images or should any of the

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DATE/SIG: 9/8/17  
ELECTION RECORDS & STATISTICS DEPT.  
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parties request for the same, the protestant or the requesting party in the latter case, shall be assessed, independent of the P3,000 per contested clustered precinct cash deposit, a one-time fee of P5,000 for the use of the system, an operators' fee of P300 per ballot box for the CF card custodians and ERSD personnel who will conduct the decryption, authentication and the printing of the ballot images and P50 per ballot box for the supervising officer.

**Section 3.** All rules, resolutions and orders, in so far as they are inconsistent with this resolution, are hereby deemed superseded and repealed.

Let the Electoral Contests Adjudication Department and its Division Clerks implement this resolution.

The Education and Information Department shall cause the publication of this Resolution in two (2) newspapers of general circulation in the Philippines.

**SO ORDERED.**

  
**SIXTO S. BRILLANTES JR.**  
Chairman

  
**RENE V. SARMIENTO**  
Commissioner

  
**ARMANDO C. VELASCO**  
Commissioner

  
**CHRISTIAN ROBERT S. LIM**  
Commissioner

  
**LUCENITO N. TAGLE**  
Commissioner

  
**ELIAS R. YUSOPH**  
Commissioner

  
**AUGUSTO C. LAGMAN**  
Commissioner

cc The Chairman  
All Commissioners  
Executive Director  
Deputy Executive Director for Operations  
Electoral Contests Adjudication Department



DATE/SIG: 9/8/17  
ELECTION RECORDS & STATISTICS DEPT.  
CERTIFIED TRUE COPY



Republic of the Philippines  
**Commission on Elections**  
Manila

IN THE MATTER OF AMENDING  
RULES 2, 6, 8, 13 AND 15 OF  
COMELEC RESOLUTION NO. 8804  
AS AMENDED BY COMELEC  
RESOLUTION NO. 9164

BRILLANTES, SIXTO S. JR.  
TAGLE, LUCENITO N.  
YUSOPH, ELIAS R.  
LIM, CHRISTIAN ROBERT S.  
PADACA, MA. GRACIA CIELO M.  
PARREÑO, AL A.  
GUIA, LUIE TITO L.

Chairman  
Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner

X-----X

Promulgated on: June 20, 2013

**RESOLUTION NO. 9720**

WHEREAS, it is the duty of the Commission on Elections to ensure the credibility of the election results, in order that it may faithfully reflect the true will of the electorate;

WHEREAS, the Constitution further mandates that this Commission provide procedural rules that will afford litigants in an Automated Election System (AES) an accessible, inexpensive and speedy remedy;

WHEREAS, in order to achieve the above mentioned constitutional mandate, there is a need to amend Resolution No. 8804 promulgated on March 22, 2010 as amended by Resolution No. 9164 promulgated on March 16, 2011;

NOW, THEREFORE, in view of the foregoing, the Commission **RESOLVED**, as it hereby **RESOLVES**, to amend Rules 2, 6, 8, 13 and 15 of Comelec Resolution No. 8804 as amended by Comelec Resolution No. 9164, as follows:

**SECTION 1.** Section 1, Rule 2 is hereby amended to read as follows:

**"Rule 2  
Definition of Terms**

**Section 1. Meaning of Words.** -Whenever used in these Rules, the following words or terms shall mean:

XXX

XXX

XXX

c) *Precinct* shall refer to the unit or territory for the purpose of voting. For purposes of AES, it pertains to clustered precincts;

XXX

XXX

XXX"

DATE/SIC  
ELECTION  
CERTIFIED TRUE COPY  
9/8/17  
JUL 11 2017  
ELECTIONS DEPT.

SECTION 2. Section 3, Rule 6 is hereby amended to read as follows:

**"Rule 6  
Election Protest**

**Section 3. How Initiated.**— An election protest or petition for quo warranto shall be filed directly with the Commission within a non-extendible period of ten (10) days following the date of proclamation. The protest or petition shall be in two (2) original copies with annexes together with an electronic version thereof stored in compact disc, flash drive, or other portable storage device, with proof of service of a copy upon the protestee. The electronic version of the protest or petition need not be signed and shall be in MS Word or other similar formats, while the annexes shall be in PDF format saved collectively as a single file.

Each contest shall refer exclusively to one (1) office but contests for offices of the Sangguniang Pampook, Sangguniang Panlalawigan or Sangguniang Panglungsod may be consolidated in one (1) case."

SECTION 3. Section 1, Rule 8 is hereby amended to read as follows:

**"Rule 8  
Answer and Counter-Protest**

**Section 1. Verified Answer; Counter-protest.**— Within five (5) days from receipt of the summons, the protestee/s shall file an Answer in two (2) original copies with complete annexes together with an electronic version thereof stored in compact disc, flash drive or other portable storage device, with proof of service of a copy upon the protestant. The electronic version of the Answer need not be signed and shall be in MS Word format or other similar formats, while the annexes shall be in PDF format saved collectively as a single file.

The answer shall be verified and may set forth admissions and denials, special and affirmative defenses and a compulsory counterclaim. The protestee may incorporate a counter-protest in the answer.

The counter-protest shall specify the counter-protested precincts and any votes of the parties therein per the Statement of Votes, or if not so specified, an explanation why the votes are not specified, and a detailed specification of the acts or omissions complained of showing the electoral frauds, anomalies or irregularities in the counter-protested precincts."

SECTION 4. Sections 1, 4 and 5, Rule 13 are hereby amended to read as follows:

**"Rule 13  
Preliminary Conference**

**Section 1. Preliminary Conference; Mandatory.**— Within three (3) days after the filing of the last responsive pleading allowed by these rules, or expiration of the same period without any responsive pleading

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having been filed, the Commission shall conduct a mandatory preliminary conference among the parties to consider:

- a) The simplification of issues;
- b) The necessity or desirability of amendments to the pleadings;
- c) The possibility of obtaining stipulations or admission of facts and of documents to avoid unnecessary proof;
- d) The identification of the pilot protested and counter-protested precincts and the manifestation of the preferred mode of recount; unless the protestant or protestee opts ONLY for the reading/appreciation of rejected ballots in all protested or counter-protested precincts;
- e) The limitation of the number of witnesses;
- f) The nature of the testimonies of the witnesses and whether they relate to evidence *aliunde*, the ballots or otherwise;
- g) The withdrawal of certain protested or counter-protested precinct (especially those where the ballot boxes or ballots are unavailable or missing and cannot be located or destroyed due to natural disasters or calamities);
- h) The number of recount committees to be constituted;
- i) The procedure to be followed in case the election protest or counter-protest seeks, wholly or partially, the examination, verification or re-tabulation of election returns; and
- j) Such other matters as may aid in the prompt disposition of the case.

**Section 4. Preliminary Conference Brief.**— The parties shall file with the Commission and serve on the adverse party, in such manner as shall ensure their receipt at least one (1) day before the date of the preliminary conference, their respective briefs which shall contain the following:

- a) A summary of admitted facts and proposed stipulation of facts;
- b) The issues to be tried or resolved;
- c) The pre-marked documents or exhibits to be presented, stating their purpose;
- d) A manifestation of their having availed or their intention to avail themselves of discovery procedures or referral to commissioners;
- e) The list of pilot protested or counter-protested precincts, which shall be not more than twenty percent (20%) of the total number of precincts, but in no case exceeding two hundred (200) or be less than twenty (20) precincts that will

best illustrate the merits of the protest which shall be the subject to the initial recount of paper ballots, reading/appreciation of the rejected ballots and decryption and recount of the ballot images, if applicable.

The protestant may, however, waive the recount of the paper ballots and instead resort to either the decryption and recount of the ballot images and reading/appreciation of the rejected ballots of the pilot protested or counter-protested precincts, OR the reading/appreciation of the rejected ballots only of the entire protested or counter-protested precincts;

- f) The number and names of the witnesses, their addresses, and the substance of their respective testimonies. The testimonies of the witnesses shall be by affidavits in question and answer form as their direct testimonies, subject to oral cross examination;
- g) A manifestation of withdrawal of certain protested or counter-protested precincts, if such is the case;
- h) The proposed number of recount committees and names of their representative, and their alternates; and
- i) In case the election protest or counter-protest seeks the examination, verification or re-tabulation of election returns, the procedure to be followed.

**Section 5. Failure to File Brief.**— Failure to file the brief or to allege the required contents mentioned in the preceding section shall have the same effect as failure to appear at the preliminary conference."

**SECTION 5.** Sections 3 and 6, Rule 15 are hereby amended to read as follows:

**"Rule 15  
Recount of Ballots**

**Section 3. Compensation of the Members of the Recount Committee.** - The Commission shall fix the compensation of the members of the Committee including the fees for supplies and materials, storage of election paraphernalia, honoraria of warehouse ballot box custodian, photocopying watchers and security details at *Three Thousand Pesos (P3,000.00)* per precinct and shall be distributed as follows:

a. Chairman	P1, 000.00
b. Recorder	P500.00
c. Recount Ballot Box Custodian	P480.00
d. Supplies/Materials	P400.00
e. Storage	P85.00

The over-all Supervisor shall also receive an honorarium of P100 for every ballot box opened and recounted, but in no case shall he receive less than the highest honorarium that maybe received by any of the committee chairmen. Warehouse ballot box custodians shall be

allotted an honorarium of ₱50 for every ballot box they will handle, which amount shall be shared among all of them.

A portion of the said cash deposit shall be allotted and set aside for the honoraria of the following support staff for each ballot box as follows:

- |                               |                   |
|-------------------------------|-------------------|
| a. ECAD Security Personnel    | 4 x ₱35 = ₱140.00 |
| b. COMELEC Drivers            | 2 x ₱35 = ₱70.00  |
| c. Organic Security Personnel | 2 x ₱35 = ₱70.00  |
| d. PNP Personnel              | 2 x ₱35 = ₱70.00  |
| e. Xerox Machine Watchers     | 1 x ₱35 = ₱35.00  |

The cost of decryption of the ballot images shall be *Five Hundred Pesos* (₱500.00) per compact flash (CF) card. Said amount shall be allocated as follows: *One Hundred Pesos* (₱100.00) for electricity; *Fifty Pesos* (₱50.00) for the use computers and printers; and *Three Hundred Fifty Pesos* (₱350.00) for the honoraria of the Election Records and Statistics Department (ERSD) representative/s.

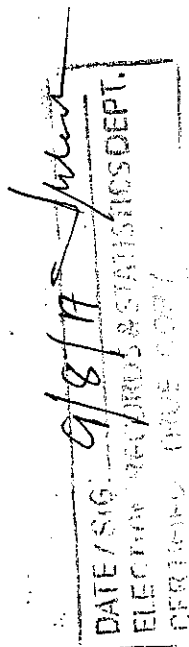
All consumables for the decryption, generation and printing of ballot images, such as toner and coupon bonds shall be provided by the parties.

**Section 6. Conduct of the Recount.** – The recount of the votes on the ballots shall be done manually and visually and according to the procedures hereunder:

- (a) At the preliminary conference, the date, place, the mode of the recount of votes on the ballots from each of the protested precincts and the number of the recount committees shall be set.
- (b) The recount of the ballots in the remaining contested precincts shall not commence until the Division concerned shall have made a determination on the merit of the protest based on the results of the recount of the votes on the ballots from the pilot protested precincts and the review of other documentary exhibits which the protestant may submit. The documentary exhibits may be submitted by the protestant within a non-extendible period of ten (10) days from the completion of the recount of the pilot protested precincts.

Based on the above determination, the Division may dismiss the protest, without further proceedings, if no reasonable recovery could be established from the pilot protested precincts. Otherwise, the recount of the ballots in the remaining protested precincts shall proceed. The recount of the pilot counter-protested precincts, if any, and of the remaining counter-protested precincts if substantial recovery is likewise established by the counter protestant, shall then follow. For this purpose, there is substantial recovery when the protestant or counter protestant is able to recover at least 20% of the overall vote lead of the protestee or counter-protestee.

However, the above-mentioned procedure shall not be applicable in case the protestant avails the option of



reading/appreciation of the rejected ballots only pertaining to the entire protested or counter-protested precincts under Section 4(e) of Rule 13.

xxx

xxx

xxx

- (l) In the event the protestant waives the recount of the paper ballots and resorts to the decryption and recount of the ballot images and reading/appreciation of the rejected ballots under Section 4(e) of Rule 13, or whenever the Division concerned determines that the integrity of the ballots has been violated or has not been preserved, or are wet and otherwise in such a condition that it cannot be recounted, the Clerk of the Division concerned shall request from the Election Records and Statistics Department (ERSD), the printing of the images of the ballots of the subject precinct stored in the CF card used in the May 13, 2013 elections in the presence of the parties. Printing of the ballot images shall proceed only upon prior authentication and certification by a duly authorized personnel of the Election Records and Statistics Department (ERSD) that the data or the images to be printed are genuine and are not tampered.

xxx

xxx


xxx"

These amendments shall take effect within seven (7) days from publication in two (2) newspapers of general circulation.


The Clerk of the Commission is likewise directed to incorporate all amendments introduced by Comelec Resolution Nos. 9104, 9164 and herein Resolution, to Comelec Resolution No. 8804 otherwise known as "The Comelec Rules of Procedure on Disputes in an Automated Elections" and publish the same to the COMELEC website for the information of the general public.

Let the Education and Information Department (EID), Clerk of the Commission and the Election Contests Adjudication Department (ECAD) implement this Resolution.

SO ORDERED.

  
SIXTO S. BRILLANTES, JR.  
Chairman

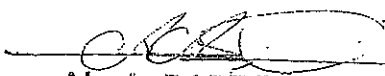
  
LUCENITO N. TAGLE  
Commissioner


  
ELIAS R. YUSOP  
Commissioner

ON OFFICIAL BUSINESS  
CHRISTIAN ROBERT S. LIM  
Commissioner


  
MARIA GRACIA CIELO M. PADACA  
Commissioner

DATE/SIC  
ELECT  
SERIAL  
21/8/16

  
AL A. PARRENO  
Commissioner

  
LUIS TITO F. GUIA  
Commissioner

Cc: Chairman  
All Commissioners  
Executive Director  
Deputy Executive Director for Operations  
Electoral Contests and Adjudication Department  
Education and Information Department  
Clerk of the Commission  
All other Departments

9/8/17   
DATE / SIG:   
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ETZSD

RECEIVED  
BY: [initials]  
DATE: 4-13-11  
TIME: 4:18  
ELECTION RECORDS & STATISTICS DEPT.

**EXCERPT FROM THE MINUTES OF THE REGULAR EN BANC  
MEETING OF THE COMMISSION ON ELECTIONS  
HELD ON MARCH 29, 2011**

**Present:**

Chairman Sixto S. Brillantes, Jr.  
Commissioner Rene V. Sarmiento  
Commissioner Lucenito N. Tagle  
Commissioner Armando C. Velasco  
Commissioner Elias R. Yusoph

XXX

XXX

XXX

11-0399. IN THE MATTER OF THE TWO (2) PROPOSED GUIDELINES ON  
THE (1) DELIVERY AND PRODUCTION OF THE PCOS MACHINES; AND  
(2) CONFIGURATION OF CF CARDS AND I-BUTTONS AND THE  
DECRYPTION OF BALLOT IMAGES RELATIVE TO PROTEST CASES,  
AND REQUESTING THAT ITEM NO. 10 THEREOF BE AMENDED

This pertains to the Memorandum dated March 22, 2011 of Director Ester L. Villaflor-Roxas, Election Records and Statistics Department, as forwarded by Executive Director Jose M. Tolentino, Jr., relative to the two (2) proposed guidelines on the: (1) delivery and production of the PCOS Machines; and (2) configuration of CF cards and i-buttons and the decryption of ballot images relative to protest cases, and requesting that item no. 10 thereof be amended.

The Memorandum of Director Villaflor-Roxas reads:

*"Attached please find the proposed guidelines on the delivery and production of PCOS machines and the Guidelines on the configuration of CF cards and i-buttons and the decryption of ballot images relative to protest cases.*

*This is to further request that item no. 10 on the subject CF Card Configuration and Decryption of Ballot Images be amended to read as:*

*10. The requesting party shall pay the amount below specified for the payment of the system used to configure the CF card and/or decrypt the ballot images, to wit:*

- a. Courts – Php 500.00 per case*
- b. HRET – Php 1,000 per case*
- c. SET/PET – Php 10,000.00 per case*

*Please be informed that this office is already receiving queries from the lower courts and HRET why up to now no action has been made relative to their request for PCOS machine or ballot images.*

*For immediate consideration."*

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The Guidelines on the Delivery and Production of the Precinct Count Optical Scan (PCOS) Machines state:

1. The tribunal/court shall request in writing, the rental of PCOS machine, through the Executive Director. It shall indicate the number of election protest cases and the province/city/municipality/precinct numbers where the PCOS machine will be used.
2. The Office of the Executive Director shall determine the number of PCOS machine to be issued to the requesting tribunal/court pursuant to Minute Resolution No. 11-0011, which shall not be more than what is indicated therein.
3. The Office of the Executive Director shall issue payment order slip indicating the amount to be paid by the requesting tribunal/court for the rental of the PCOS machine, including the cost of the CF cards and I-Buttons to be used to run the machine.
4. The requesting tribunal/court shall pay to the Cash Division the amount as reflected in the payment order slip and return the receipt to the Office of the Executive Director.
5. The Office of the Executive Director shall instruct the Administrative Services Department (ASD) to release the PCOS machine, based on the determined quantity, to the Information and Technology Department (ITD).
6. The ITD shall coordinate with Smartmatic-TIM Corporation on the purchase of the required number of CF cards and I-Buttons.
7. The ITD shall configure the CF cards and I-Buttons to enable the PCOS machine to read the contested ballots in the May 10, 2010 Automated National and Local Elections.
8. The ITD shall then turn-over the PCOS machine, CF card and I-Button to the ASD, through the Packing and Shipping Committee (PSC), at the COMELEC Warehouse, Foreign Surface Mail Distribution Center, Port Area, Manila, for packing and sealing.
9. Authorized representative of requesting tribunal/court shall pull-out the PCOS machine from said COMELEC Warehouse in the presence of parties' representatives;
10. PCOS machine and peripherals shall be released only to the authorized representative of tribunal/court after proper documentation;
11. All costs and expenses for the shipment of PCOS machine from the COMELEC Warehouse to the point of destination, and vice-versa, shall be borne by the requesting tribunal/court and/or by the parties as may be ordered by the tribunal/court.
12. The requesting tribunal/court shall ensure the safety and security of PCOS machine and peripherals from the time custody of said AES equipment is effectively transferred to the requesting tribunal/court, including the reverse logistics, through its authorized representative. Accordingly, the tribunal/court shall pay to the COMELEC the full acquisition cost in case the PCOS machine or its peripherals is lost, damaged or destructed while in its custody."

DATE/SIG: 9/8/17 *[Signature]*  
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1. The CF card configuration, iButton programming, generation of PCOS PINs, and decryption of ballot images should be done only at the PMO office, since these activities must be done in secured and controlled environment. The PMO office is equipped with a CCTV system aside from the presence of COMELEC security personnel.
2. Access to the configuration, decryption and printing of ballot images areas are restricted to authorized personnel only.
3. The contents of the CF card and iButton are delicate information and needs to be secured. Part of the security measures before the ballot images can be opened by an authorized personnel is the decryption key and this decryption key is assigned only to one person. If the decryption of ballot images will be undertaken in other places other than the PMO, the decryption key will be known to everybody.
4. CF card configuration and iButton programming shall be done by the ITD personnel and the decryption of ballot images by the ERSD personnel.
5. That requests by the PET, SET, HRET and lower courts for ballot images be granted subject to the guidelines. The ERSD shall provide them with decrypted ballot images in .pdf files and to be stored in a compact disk. The file shall be hashed to make sure that the information contained in the compact disk is authentic. The requesting body and all parties involved shall be provided with the copy of the hashes.
6. Representatives from the courts, protestants and protestee shall be notified of the date and time when the activity shall be performed for them to observe the process.
7. Printing of the ballot images shall be done in the respective Tribunals or courts.
8. The requesting party shall provide the technical personnel with compact disks, CF cards and ibuttons needed depending on their request. The CF cards and ibuttons shall be procured only from Smartmatic by the requesting body, to make sure that it will be read by the PCOS machine.
9. The technical personnel (either ITD or ERSD, as the case maybe) who will perform the activity mentioned in Item # 4 shall be provided an honorarium of Php 50.00 per CF card. If the Tribunal and/or court require a PCOS operator, said operator shall receive a Php 500.00 daily honorarium, excluding the traveling expenses.
10. The requesting party shall also pay the amount Php 20.00, 10.00 pesos for the configuration of each CF card and ibutton and Php 10.00 for the decryption of ballot images per clustered precinct. Said amount shall cover the cost of the electrical consumption."

The Commission RESOLVED, as it hereby RESOLVES, to approve the aforementioned Guidelines on the following:

- 1) Delivery and Production of the Precinct Count Optical Scan (PCOS) Machines; and
- 2) CF Card Configuration and Decryption of Ballot Images for Recount Protest Cases, with the exception of Item No. 10 which is amended to read as:

"10. The requesting party shall pay the amount below specified for the payment of the system used to configure the CF card and/or decrypt the ballot images, to wit:

- a. Courts – Php 2,500.00 per case
- b. HRET – Php 5,000.00 per case
- c. SET/PET – Php 50,000.00 per case"

Let the Executive Director implement this resolution.

SO ORDERED.

  
SIXTO S. BRILLANTES, JR.  
Chairman

  
RENE V. SARMIENTO  
Commissioner

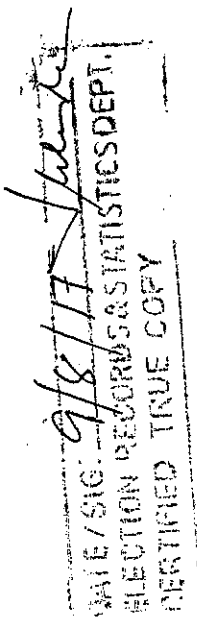
  
LUCENITO N. TAGLE  
Commissioner

  
ARMANDO C. VELASCO  
Commissioner

  
ELIAS R. YUSOPH  
Commissioner

cc: The Chairman  
All Commissioners  
Executive Director  
Deputy Executive Director for Operations  
Election Records and Statistics Department  
Information Technology Department  
Administrative Services Department

10

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COMMISSION ON ELECTIONS  
Election Records and Statistics Department  
Intramuros, Manila

ORDER OF PAYMENT

Decryption and Printing of Official Ballot Images, Election Returns , Audit Logs & Statistical Reports

CASE NO.	CASE TITLE	PROVINCE	NO. OF PILOT PRECINCTS	SYSTEM FEE	CERTIFICATION	HONORARIUM OF ERSD Personnel 350.00/ Clustered Precinct	Electrical Consumption 100.00/ Clustered Precinct	Computers and Printers 50.00/ Clustered Precincts	TOTAL
PET CASE NO. 005	FERDINAND "BONGBONG" R. MARCOS, JR. (Protestant)  vs MARIA LEONOR "LENI DAANG MATUWID" G. ROBREDO (Protestee)	CAMARINES SUR	1,816	50,000.00	75.00	635,600.00	181,600.00	90,800.00	958,075.00
		NEGROS ORIENTAL	1,284			449,400.00	128,400.00	64,200.00	642,000.00
		ILOILO	2,748			961,800.00	274,800.00	137,400.00	1,374,000.00
TOTAL.....			5,848	50,000.00	75.00	2,046,800.00	584,800.00	292,400.00	Php2,974,075.00

September 7, 2017

*Ester L. Ytillaflo*  
ESTER L. YTILAFLO-ROXAS  
Director IV, ERSD

COMPUTATION OF THE SUPPLIES NEEDED

SUPPLIES																
Province	Number of Clustered Precincts	Number of Voters who Actually Voted	Number of Pages to be Printed				Legal Size Copy Paper (8.5" X 13") (reams)	Toner ** (4,500 pages per toner)	Sign Pen				Staple Wire Max No. 35 (box)	Rubber Band (300 pieces per box)	Packaging Tape (3 inches) (pcs)	DVD Cassin (10 per D 3 co (p
			Ballot Images (3 pages per Ballots)	Other Reports / Files* (100 pages per CP)	Total	Blue for ERSD Person nel (pcs)			Green for Protest ant (pcs)	Violet for Protest ee (pcs)	Red for PET Rep (pcs)					
	A	B	C	D	E	F (E / 450) with Spoilage	G (E / 4,500)	H (E / 3,000)	I (E / 3,000)	J (E / 3,000)	K (E / 3,000)	L (E / 5,000)	M (E / 24,000)	N (A / 5)	((A/1	
1 Camarines Sur	1,816	841,496	2,524,488	181,600	2,706,088	6014	602	903	903	903	903	542	113	364	5	
2 Iloilo	1,284	1,139,418	3,418,254	274,800	3,693,054	8207	821	1232	1232	1232	1232	739	154	550	8	
3 Negros Oriental	2,748	658,924	1,976,772	128,400	2,105,172	4679	468	702	702	702	702	422	88	257	3	
Total	5,848	2,639,838	7,919,514	584,800	8,504,314	18,900	1,891	2,837	2,837	2,837	2,837	1,703	355	1,171	1,	

Legend:  
\* - National Returns, Audit Logs, Statistical Report, List of Filename & Hash Codes  
\*\* - Depends on Printer / Toner to be used  
\*\*\* - Computation of three copies is for PET, Protestant and Protestee

plan

COMMISSION ON ELECTIONS  
Election Records & Statistics Department  
Intramuros, Manila

SUMMARY OF SUPPLIES NEEDED

PET CASE NO. 005

FERDINAND "BONGBONG" R. MARCOS, JR.  
and  
MARIA LEONOR "LENI DAANG MATUWID" G. ROBREDO

1. LEGAL SIZE COPY PAPER (8.5"x13") .....	18,900 reams
2. TONER (4,500 pages per toner) .....	1,891 cartridges
3. SIGN PEN	
Blue .....	2,837 pieces
Green .....	2,837 pieces
Violet .....	2,837 pieces
Red .....	2,837 pieces
4. STAPLE WIRE Max No. 35 (5,000 staples) .....	1,703 boxes
5. RUBBER BAND (300 pcs/box) .....	355 boxes
6. PACKAGING TAPE (3 inches) .....	1,171 rolls
7. DVD with casing .....	1,758 pieces

*plm*