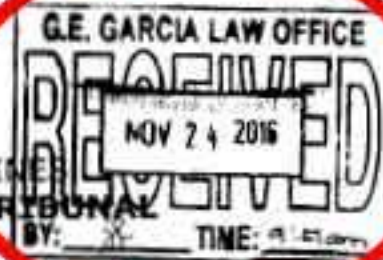


REPUBLIC OF THE PHILIPPINES  
**PRESIDENTIAL ELECTORAL TRIBUNAL**  
Manila



**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

**URGENT EX-PARTE MOTION FOR LEAVE TO BE  
ALLOWED TO DECRYPT THE SET ASIDE SECURE  
DIGITAL CARDS AND PRINTING OF THE AUDIT LOGS**

PROTESTEE **MARIA LEONOR G. ROBREDO**, by the undersigned counsel, to this Honorable Tribunal, respectfully states:

1. In the Letter dated 27 September 2016, the Commission on Elections ("COMELEC") informed the Honorable Tribunal that it has approved the request of Smartmatic-TIM 2016, Inc. for the release of One Thousand Three Hundred Fifty Six (1,356) vote counting machines (VCMs) which were not actually used or deployed during the 09 May 2016 National and Local Elections.

2. On these VCMs, COMELEC has taken the position that the Precautionary Protection Order (PPO) issued by the Honorable Tribunal does not cover these machines.

3. Thereafter, on 11 October 2016, protestee Maria Leonor G. Robredo (hereafter "Robredo" for brevity) received copy of a Notice dated 10 October 2016 informing

of the scheduled briefing in connection with the proposed turnover.

4. On 26 October 2016 or during the stripping activity for the One Thousand Three Hundred Fifty Six (1,356) VCMs, several secure digital (SD) cards were found to contain data.

5. For this reason, protestee Robredo sought the decryption of the SD cards found to contain data.<sup>1</sup>

6. Subsequent thereto, protestee Robredo informed the Honorable Tribunal of her intention to seek the decryption of the SD cards.<sup>2</sup>

7. On 09 November 2016, protestee Robredo received copy of the Letter dated 08 November 2016 from Commissioner Christian Robert S. Lim that only the Honorable Tribunal can authorize the decryption of the set aside SD cards:

*"This is in response to your Letter dated 03 November 2016 regarding your requests for the decryption of the SD cards, which were set aside during the return of the one thousand three hundred fifty six (1,356) Vote Counting Machines to SMTT, and for permission to secure copies of the audit logs and other pertinent data contained in the SD cards, if any.*

**The Commission is of the position that only the Presidential Electoral Tribunal has prerogative to authorize the decryption and to do so without its consent may lead to a host of unwarranted issues. In this light, the undersigned humbly**

<sup>1</sup> A copy of the Letter dated 03 November 2016 is hereto attached as **Annex "1"** and made an integral part hereof.

<sup>2</sup> A copy of the Manifestation dated 04 November 2016 is hereto attached as **Annex "2"** and made an integral part hereof.

suggests that your good office file the appropriate pleading before the Honorable Tribunal. Trust that the Commission will offer no objection inasmuch as We share your curiosity and desire to put to rest any doubt as to the integrity of the 09 May 2016 National, Local and ARMM Elections.”<sup>3</sup> [Emphasis supplied.]

8. Hence, this motion.

9. Protestee Robredo seeks leave from the Honorable Tribunal to allow the decryption of the SD cards that were set aside during the stripping activities on 26 October and 02 November 2016.

10. As aforestated, these SD cards were set aside as they were found to contain data.

11. Thus, if only to verify the contents of these SD cards, protestee Robredo asks that COMELEC be allowed to decrypt and print the audit logs together with other relevant data that may be contained therein.

12. Should this motion be granted, protestee Robredo is willing to coordinate with COMELEC on the schedule of the decryption of the SD cards.

13. Further, protestee Robredo is willing to defray the costs that may be entailed relative to the decryption of the SD cards set aside and the printing of the audit log reports.

14. Finally, protestee Robredo reiterates that this motion is prompted by a sincere desire to be fully informed as to the contents of the SD cards.

---

<sup>3</sup> A copy of the Letter dated 08 November 2016 is hereto attached as **Annex "3"** and made an integral part hereof.

15. Protestee Robredo does not have intention to preempt whatsoever any order and/or resolution the Honorable Tribunal may later on issue with respect to this issue.

16. To date, the Honorable Tribunal has not resolved the issue with respect to whether the One Thousand Three Hundred Fifty Six (1,356) VCMs are covered by the PPO issued in connection with the above-captioned case.

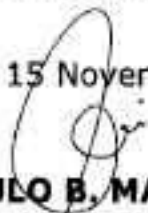
17. This motion is not intended for delay but dictated solely by the foregoing exigencies.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, it is respectfully prayed to the Honorable Tribunal that an Order be issued allowing the decryption of the SD cards set aside during the stripping activities and the printing of the audit log reports together with other relevant data that may be contained therein.

Protestee Robredo prays for such other reliefs as may be just and equitable under the premises.

Pasig City for Manila. 15 November 2016.

  
**ATTY. ROMULO B. MACALINTAL**

*Lead Counsel for Protestee*

*Maria Leonor G. Robredo*

13 Cagayan Valley Street,  
Philamlife Village, Las Pinas City  
Roll No. 29040

PTR No. 11022167J/21 January 2016/Las Pinas City

MCLE Compliance No. V-0018139/13 April 2016

Telephone No. 0918-9107454

[rbmacalintal@gmail.com](mailto:rbmacalintal@gmail.com)

IBP Lifetime No. 0724

**SARDILLO SARDILLO SALOM LAW OFFICE**

*Collaborating Counsel for Protestee*

*Maria Leonor G. Robredo*

Unit 802, Taipan Place, F. Ortigas Avenue,

Ortigas Center, Pasig City

02.706.4272/02.706.4273

By

  
**MARIA BERNADETTE V. SARDILLO**

Roll No. 45897

PTR No. 0863000/04 January 2016/Pasig City

IBP Lifetime No. 07133

MCLE Compliance No. V-0010907/30 September 2015

beng.sardillo@s3law.com

**REQUEST**

**THE SECRETARY OF THE TRIBUNAL  
PRESIDENTIAL ELECTORAL TRIBUNAL  
MANILA**

Please submit the foregoing "*Urgent Ex-Parte Motion For Leave to Be Allowed to Decrypt the Set Aside Secure Digital Cards and Printing of Audit Logs*" for the consideration and approval of the Honorable Tribunal immediately upon receipt hereof without need for oral arguments.

  
**MARIA BERNADETTE V. SARDILLO**

**NOTICE OF HEARING**

**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

Please take note that undersigned counsel will submit the foregoing "*Urgent Ex-Parte Motion For Leave to Be Allowed to Decrypt the Set Aside Secure Digital Cards and Printing of Audit Logs*" for the consideration and approval of the Honorable Tribunal immediately upon receipt thereof without need for further oral arguments.

  
**MARIA BERNADETTE V. SARDILLO**

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 "Motion" 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 Urgent Ex Parte Motion for Leave to be Allowed to Decrypt the Set Aside Secure Digital Cards and Printing of the Audit Logs (and annexes thereof) submitted electronically by use of compact disc in accordance with the Efficient Use of Paper Rule are complete and true copies of the Urgent Ex Parte Motion for Leave to be Allowed to Decrypt the Set Aside Secure Digital Cards and Printing of the Audit Logs (and annexes) filed with the Presidential Electoral Tribunal.

Pasiq City, 15 November 2016.

**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 15<sup>th</sup> day of November 2016 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. 182;  
Page No. 37;  
Book No. 57;  
Series of 2016.

[illegible]



*Al*

03 November 2016

**COMMISSION ON ELECTIONS**

Palacio del Gobernador  
Intramuros, Manila

Attention : **COMMISSIONER CHRISTIAN ROBERT S. LIM**  
*Project Director - 2016 AES Project*

Re : Request for Decryption of  
Secure Digital Cards and Printing of Audit Logs

---

Dear Commissioner Lim,

We write on behalf of our client, Vice-President Maria Leonor G. Robredo who is the protestee in the case entitled "Ferdinand R. Marcos, Jr. v. Maria Leonor G. Robredo" docketed as PET Case No. 005 pending before the Presidential Electoral Tribunal (PET). Last 26 October 2016, the Commission on Elections proceeded with the stripping activity of the One Thousand Three Hundred Fifty Six (1,356) contingency Vote Counting Machines (VCMs) in its Sta. Rosa, Laguna warehouse. This activity finally terminated on 02 November 2016.

During the stripping activity, some secure digital (SD) cards were found to contain data. In turn, the VCMs with these SD cards were set aside and not turned over to Smartmatic. We understand that the position of the Commission on Elections that the said contingency VCMs are not covered by the Precautionary Protection Order of PET. Nevertheless, if only to put to rest any doubt as to the integrity of the 09 May 2016 National and Local Elections, we would like to request that the SD cards which were set aside for containing data be decrypted. Further, should the need to do so arise, our client further asks that she be allowed to secure copies of the audit logs and other pertinent data contained in the SD cards. Finally, our client is willing to defray the costs entailed in this undertaking.

+63 (2) 706 4272 +63 (2) 706 4273

TELEPHONE FAX

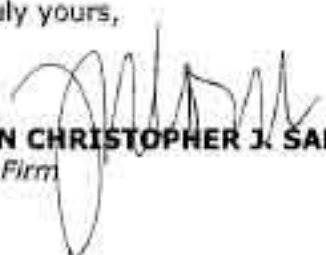
Unit 802, The Taipan Place,  
F. Ortigas Jr. Avenue,  
Ortigas Center, Pasig City  
ADDRESS





We trust that you will give this matter your usual prompt attention.  
Thank you.

Very truly yours,

  
**R. JOHN CHRISTOPHER J. SALOM**  
*For the Firm*

CC: **ATTY. JOSE M. TOLENTINO**  
*Deputy Project Director - 2016 AES Project*



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TELEPHONE    FAX

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F. Ortigas Jr. Avenue,  
Ortigas Center, Pasig City  
ADDRESS

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

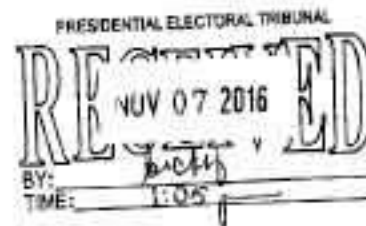
**ANNEX " 2 "**

**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

**MANIFESTATION**

PROTESTEE **MARIA LEONOR G. ROBREDO**, by the undersigned counsel, to this Honorable Tribunal, respectfully states:

1. In the Letter dated 27 September 2016, the Commission on Elections ("COMELEC") informed the Honorable Tribunal that it has approved the request of Smartmatic-TIM 2016, Inc. for the release of One Thousand Three Hundred Fifty Six (1,356) vote counting machines (VCMs) which were not actually used or deployed during the 09 May 2016 National and Local Elections.

2. For this reason, COMELEC has taken the position that the said VCMs are not covered by the Precautionary Protection Order (PPO) issued by the Honorable Tribunal in connection with the above-captioned petition.

3. Thereafter, on 11 October 2016, protestee Maria Leonor G. Robredo (hereafter "Robredo" for brevity) received copy of a Notice dated 10 October 2016 informing her of the briefing scheduled in connection with the proposed turnover.

4. On 26 October 2016 or during the stripping activity for the One Thousand Three Hundred Fifty Six (1,356) VCMs, several secure digital (SD) cards were found to contain data.

5. For this reason, protestee Robredo sought the decryption of the SD cards found to contain data.<sup>1</sup>

6. The request made by protestee Robredo was prompted by her desire to be fully informed as to the contents of these SD cards.

7. There was no intention to pre-empt whatsoever any order and/or resolution the Honorable Tribunal may later on issue with respect to this issue.

8. Meanwhile, protestee Robredo understands that as of the filing of her request, the issue remains unresolved.

9. In the meantime, should the Honorable Tribunal later on restrain the COMELEC, protestee Robredo intends to abide by it.

RESPECTFULLY SUBMITTED.

Pasig City for Manila. 04 November 2016.

**ATTY. ROMULO B. MACALINTAL**

*Lead Counsel for Protestee*

*Maria Leonor G. Robredo*

13 Cagayan Valley Street,

Philamlife Village, Las Pinas City

Roll No. 29040

PTR No. 11022167J/21 January 2016/Las Pinas City

MCLE Compliance No. V-0018139/13 April 2016

Telephone No. 0918-9107454

[rbmacalintal@gmail.com](mailto:rbmacalintal@gmail.com)

IBP Lifetime No. 0724

<sup>1</sup> A copy of the Letter dated 03 November 2016 is hereto attached as **Annex "1"** and made an integral part hereof.

**SARDILLO SARDILLO SALOM LAW OFFICE**

*Collaborating Counsel for Protestee*

*Maria Leonor G. Robredo*

Unit 802, Taipan Place, F. Ortigas Avenue,

Ortigas Center, Pasig City

02.706.4272/02.706.4273

By



**MARIA BERNADETTE V. SARDILLO**

Roll No. 45897

PTR No. 0863000/04 January 2016/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 "Manifestation" 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 SUIYINN M. ZARASATE**, hereby declare that the Manifestation (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 Manifestation (and annex) filed with the Presidential Electoral Tribunal.

Pasig City. 04 November 2016.

  
**KWELL SUIYINN M. ZARASATE**  
*Secretary*  
*Sardillo Sardillo Salom Law Office*

**SUBSCRIBED AND SWORN TO BEFORE ME**, a notary public in and for Pasig City, this 04<sup>th</sup> day of November 2016 by affiant KWELL SUIYINN 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. 363 ;  
Page No. 73 ;  
Book No. 53 ;  
Series of 2016.

  
**GAUDENCIA A. BARBOZA, JR.**  
NOTARY PUBLIC  
Cities of Pasig, Taguig and San Juan in  
the Municipality of Patrocinio, Metro Manila  
Until December 31, 2016  
PTB No. 13-000-074-13-16 (MS)  
JRE No. 1075721 / 12-2-15-RSM  
AGS No. 01069  
CLE Com. V-002141 / May 02, 2015  
No. 11, Unit 1, Alagang Road, Pasig City  
New Bldg. Uny San Antonio, Pasig City  
Appointment No. 92 (2015-2016)

Republic of the Philippines)  
Pasig City ) S.S.

**AFFIDAVIT OF SERVICE**

I, **TEODERICO A. MESA**, as Liaison Officer of **SARDILLO SARDILLO SALOM LAW OFFICE**, with postal address at Unit 802 The Taipan Place, F. Ortigas Junior Road, Ortigas Center, Pasig City after being duly sworn depose and say:

That on 7<sup>th</sup> day of November 2016, I served a copy of the following pleading/paper,

**MANIFESTATION**

In **PET CASE No. 005 For Election Protest**, entitled, **FERDINAND "BONGBONG R. MARCOS, JR., Protestant vs 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. GEORGE ERWIN M. GARCIA**  
**ATTY. JOAN M. PADILLA**  
**G. E GARCIA LAW OFFICE**

RD 686 147 917 22

*Counsel for Protestant*  
Ground Floor Laiko Building  
372 Cabildo Street, Intramuros,  
1002 Manila

**OFFICE OF THE SOLICITOR GENERAL**

RD 686 147 903 22

134 Amorsolo Street  
Legaspi Village, 1229 Makati City

By depositing copies on 7<sup>th</sup> November 2016 in the p.o.  
at Pasig City as evidenced by Official Receipt Nos.  
\_\_\_\_\_ and \_\_\_\_\_ are hereto attached and indicated



after the name of the addressees and with instructions to the postmaster to return the mail to the sender after ten (10) days if undelivered.

IN WITNESS WHEREOF, I have hereunto set my hand this 7<sup>th</sup> day of November 2016 at Pasig City.

  
**TEODERICO A. MESA**  
*Affiant*

SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of November 2016, at MANDALUYONG CITY by **TEODERICO A. MESA**, who has satisfactorily proven to me his identity through his valid **SSS No. 33-5698806-4**, who personally signed before me the foregoing Affidavit of Service and acknowledged that he executed the same.

Doc. No. 2;  
Page No. 1;  
Book No. 3;  
Series of 2016.

  
ATTY. JOSE B. OJEDA  
NOTARY PUBLIC, MANDALUYONG  
NOTARIAL COMMISSION NO. 45818  
EXPIR. DEC. 31, 2017  
RCL NO. 14629  
PTR NO. 2745284 (1/9/2015) Mandala  
MCLE COMPLIANCE NO. 0004571  
IBP, IFUGAO - CHAPTER  
D-22-RR QUEVENTVILLE II, 520 M.  
GUTUARA ST., MANDALUYONG CITY



03 November 2016

**COMMISSION ON ELECTIONS**

Palacio del Gobernador  
Intramuros, Manila

Attention : **COMMISSIONER CHRISTIAN ROBERT S. LIM**  
*Project Director – 2016 AES Project*

Re : Request for Decryption of  
Secure Digital Cards and Printing of Audit Logs

---

Dear Commissioner Lim,

We write on behalf of our client, Vice-President Maria Leonor G. Robredo who is the protestee in the case entitled "Ferdinand R. Marcos, Jr. v. Maria Leonor G. Robredo" docketed as PET Case No. 005 pending before the Presidential Electoral Tribunal (PET). Last 26 October 2016, the Commission on Elections proceeded with the stripping activity of the One Thousand Three Hundred Fifty Six (1,356) contingency Vote Counting Machines (VCMs) in its Sta. Rosa, Laguna warehouse. This activity finally terminated on 02 November 2016.

During the stripping activity, some secure digital (SD) cards were found to contain data. In turn, the VCMs with these SD cards were set aside and not turned over to Smartmatic. We understand that the position of the Commission on Elections that the said contingency VCMs are not covered by the Precautionary Protection Order of PET. Nevertheless, if only to put to rest any doubt as to the integrity of the 09 May 2016 National and Local Elections, we would like to request that the SD cards which were set aside for containing data be decrypted. Further, should the need to do so arise, our client further asks that she be allowed to secure copies of the audit logs and other pertinent data contained in the SD cards. Finally, our client is willing to defray the costs entailed in this undertaking.

+63 (2) 708 4272 +63 (2) 708 4273


TELEPHONE FAX

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ADDRESS

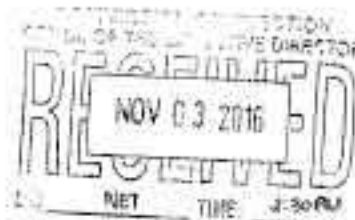


We trust that you will give this matter your usual prompt attention.  
Thank you.

Very truly yours,

  
**R. JOHN CHRISTOPHER J. SALOM**  
*For the Firm*

CC: **ATTY. JOSE M. TOLENTINO**  
*Deputy Project Director - 2016 AES Project*



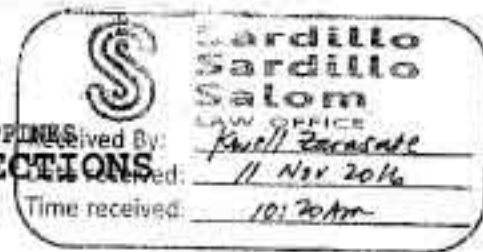
+63 (2) 706 4272    +63 (2) 706 4273

TELEPHONE    FAX

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Ortigas Center, Pasig City  
ADDRESS



REPUBLIC OF THE PHILIPPINES  
**COMMISSION ON ELECTIONS**  
 Intramuros, Manila



08 November 2016

**R. John Christopher J. Salom, Esq.**  
 SARDILLO, SARDILLO & SALOM LAW OFFICE  
 Unit 802, The Taipan Place, F. Ortigas Jr. Avenue  
 Ortigas Center, Pasig City

Dear Sir,

This is in response to your *Letter dated 03 November 2016* regarding your requests for the decryption of the SD cards, which were set aside during the return of the one thousand three hundred fifty-six (1,356) Vote Counting Machines to SMTT, and for permission to secure copies of the audit logs and other pertinent data contained in the SD Cards, if any.

The Commission is of the position that only the Presidential Electoral Tribunal has prerogative to authorize the decryption and to do so without its consent may lead to a host of unwarranted issues. In this light, the undersigned humbly suggests that your good office file the appropriate pleading before the Honorable Tribunal. Trust that the Commission will offer no objection inasmuch as We share your curiosity and desire to put to rest any doubt as to the integrity of the 09 May 2016 National, Local and ARMM Elections.

With my warm regards.

Very truly yours,  
  
**CHRISTIAN ROBERT S. LIM**  
 Commissioner