

REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila

FERDINAND "BONGBONG" R.
MARCOS,

Protestant,

-versus -

MARIA LEONOR "LENI DAANG
MATUWID" G. ROBREDO,

Protestee.

X-----X



PET Case No. 005

For: Election Protest
Vice-President

MANIFESTATION WITH MOTION

COMES NOW, the Commission on Elections (COMELEC), through the undersigned counsels of the Law Department, most respectfully manifests:

1. On 12 July 2016, this Honorable Tribunal issued a Precautionary Protection Order (PPO), which states:

"COMELEC, its agents, representatives, or persons acting on its place or stead, including the city/municipal treasurers, election officers, and the responsible personnel and custodians, were **DIRECTED** to **PRESERVE** and **SAFEGUARD** the integrity of all the ballot boxes and their contents, including the ballots, voter's receipts and election returns; the lists of voters particularly EDCVLS, and VRRs, and the books of voters; audit logs, transmission logs, and all log files; and all other documents or paraphernalia used in the May 2016 elections for VP, including the automated election equipment and records such as VCMs, CCs units, SD Cards (main and back up), and other data storage devices in all of the 92,509 clustered precincts in the May 2016 elections."

[Handwritten signature]

2. On 08 November 2016, this Honorable Tribunal **modified** the said PPO such that election materials and paraphernalia used in the May 2016 elections which do not contain election results data, as listed in the letter of the COMELEC dated August 10, 2016, are excluded from the coverage of the PPO, to wit:

1. BGAN Satellite Antennas
2. External Back-up Batteries
3. VCM Kits containing:
 - a. VCM electric power supply and adaptor
 - b. USB modems and SIM cards
 - c. Headphones
 - d. I-Buttons
 - e. Unused Thermal Paper Rolls
 - f. Battery Cable
 - g. Marking pens
 - h. Documents inside the Kit (e.g. BEI PINs, passwords, FTS ballots)
4. CCS Kits containing:
 - a. Printer and Toner
 - b. Unused Bond Paper
 - c. USB Modem and SIM Cards
 - d. USB Token
 - e. Documents inside the Kit (e.g. BOC PINs, passwords)

3. On 10 October 2017, this Honorable Tribunal, among others, lifted the said PPO with respect to the 45,751 clustered precincts not subject of the herein Protest and Counter Protest,

4. By virtue thereof, the Election Management System (EMS) Servers are still covered by the PPO.

5. The EMS Servers are part of the Automated Election System (AES). They are indispensable because they complete the AES. They manage all the data and election configuration, hence, considered as the core or brain of the election configuration. Without the EMS, there will be no election configuration. The functions of the EMS include among others:

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- i. They contain the election database. It is where the election data were loaded such as the Project of Precincts (POPs), Voting Jurisdictions (Provinces, Cities, Municipalities, and Districts), List of Candidates, and others.
- ii. They create election configuration per precinct level, including the configuration of the Consolidated Canvassing System (CCS), Voters Counting Machines (VCMs), SD Cards, and provide security configurations.
- iii. They create digital certificates, public and private key certificate per VCM, issued to the Board of Canvassers (BOCs) and Board of Election Inspectors (BEIs).

6. The EMS Servers used in the May 9, 2016 National and Local Elections, subject to this Honorable Tribunal's PPO, are intended to be used in the coming May 13, 2019 Automated National and Local Elections.

7. Hence, COMELEC most respectfully moves to this Honorable Tribunal that the PPO on the EMS Servers be lifted for the following reasons:

- i. The Government of the Republic of the Philippines, through the COMELEC, had already spent a considerable amount of money. In the May 9, 2016 National and Local Elections, for the EMS alone, COMELEC already spent the amount of **Php6,576,396.96** representing the total lease bid and the purchase option price.
- ii. This Honorable Tribunal, in **PET Case No. 004** entitled "*Manuel A. Roxas vs. Jejomar C. Binay*" previously granted Comelec's request to re-use the EMS server and the Consolidation and Canvassing System (CCS) laptops used in the May 10, 2010 Automated National and Local Elections for the May 13, 2013 Automated National and Local Elections.

8. Corollary thereto, COMELEC respectfully moves to this Honorable Tribunal to be allowed to exercise the following options:



First Option: Have the data therein be backed-up and/or cloned in the presence of the representatives of the Presidential Electoral Tribunal and the parties.

Second Option: Remove the hard drive also in the presence of the representatives of the Presidential Electoral Tribunal and the parties and turn over the same to PET

9. The hard disk and storage device of the EMS Servers remain to be kept by the Honorable Tribunal, so that COMELEC can use the hardware thereof.

10. To iterate, the government will be able to save a considerable amount of money if COMELEC will be allowed to use the EMS Servers subject of the PPO for the coming May 13, 2019 Automated National and Local Elections.

PRAYER

WHEREFORE, the COMMISSION ON ELECTIONS respectfully prays:

1. That the **Precautionary Protection Order** on the Election Management System Servers be **LIFTED**; and
2. COMELEC be **ALLOWED** to exercise any of the following options:

First Option: Have the data therein be backed-up and/or cloned in the presence of the representatives of the Presidential Electoral Tribunal and the parties; or

Second Option: Remove the hard drive also in the presence of the representatives of the Presidential Electoral Tribunal and the parties and turn over the same to the Presidential Electoral Tribunal.

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


City of Manila, 05 April 2018.




COMMISSION ON ELECTIONS:

Law Department
8th Floor, Palacio del Gobernador
Intramuros, Manila
Tel. Nos. (02) 527-2768; (02) 527-0843

By:


ATTY. MARIA NORINA S. TANGARO-CASINGAL
Director IV, Law Department
Roll of Attorneys No. 41476
IBP Receipt No.1053376 - 12/6/2016 valid until
2018
MCLE Compliance No. VI-0004921, 12/18/2017
Email: mntcasingal@gmail.com


ATTY. JOHN REX C. LAUDIANGCO
Director III, Law Department
Roll of Attorneys No. 49597
IBP Lifetime Member No. LRN 07078
PTR No. VC4440563, 1/12/2017
MCLE Compliance No. VI-0004922, 12/18/2017


ATTY. AKIA A. CO II
Attorney VI, Law Department
Roll of Attorneys No. 51739
IBP Lifetime Member No. 013045, PPLM
MCLE Compliance No. VI-0004934, 12/18/2017

Copy furnished:

SENATE ELECTORAL TRIBUNAL
COA-NCR Bldg., Batasan Road, Quezon City

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. ROMULO B. MACALINTAL

Lead Counsel for Protestee
Sardillo Sardillo Salom Law Office
Unit 802, Taipan Place
F. Ortigas Avenue
Ortigas Center Pasig City

THE SOLICITOR GENERAL

134 Amorsolo St., Legaspi Village
1229 Makati City

PUBLIC INFORMATION OFFICE

Supreme Court, Manila



NOTICE

CLERK OF TRIBUNAL
Presidential Electoral Tribunal
Padre Faura, Manila

Greetings:

Please submit the foregoing *Manifestation with Motion* for the consideration of the Honorable Tribunal.

City of Manila, 5 April 2018.


MARIA NORINA S. TANGARO-CASINGAL
Director IV

EXPLANATION OF SERVICE

A copy of this *Manifestation with Motion* was furnished the parties by registered mail due to time constraints and lack of messengerial personnel.


MARIA NORINA S. TANGARO-CASINGAL
Director IV

SUBMISSION OF DIGITAL COPIES

Pursuant to the Efficient Use of Paper Rule, soft copy of this *Manifestation with Motion*, saved in a compact disc is being filed simultaneously with its Tribunal-bound paper.


MARIA NORINA S. TANGARO-CASINGAL
Director IV