

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

**REPLY
(TO THE STRONG COMMENT/OPPOSITION
[TO THE URGENT *EX-PARTE* MOTION TO BE
ALLOWED TO SECURE SOFT COPIES OF THE BALLOT
IMAGES AND OTHER REPORTS FROM THE
DECRYPTED SECURED DIGITAL CARDS] DATED 06
NOVEMBER 2017)**

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

1. On 24 October 2017, protestee Maria Leonor G. Robredo (hereafter "Robredo" for brevity) filed an Urgent Ex-Parte Motion To Be Allowed to Secure Soft Copies of the Ballot Images and Other Reports from the Decrypted Secure Digital Cards dated 23 October 2017.

2. Previous thereto, or on 08 June 2017, protestee Robredo received copy of the Motion for Decryption and Printing of Ballot Images dated 01 June 2017 filed by protestant Ferdinand R. Marcos, Jr. (hereafter "Marcos" for brevity).

2.1. In his Motion, protestant Marcos sought the *immediate decryption and printing of the ballot images from the relevant Secure Digital (SD) cards and/or other data storage devices in EACH of the thirty six thousand four hundred sixty five (36,645) protested clustered precincts which functioned in the following protested areas: CEBU PROVINCE, LEYTE, NEGROS OCCIDENTAL, NEGROS ORIENTAL, MASBATE, ZAMBOANGA DEL SUR, ZAMBOANGA DEL NORTE, BUKIDNON, ILOILO PROVINCE, BOHOL, QUEZON PROVINCE, BATANGAS, WESTERN SAMAR, MISAMIS ORIENTAL, CAMARINES SUR, 2ND DISTRICT OF NORTHERN SAMAR, PALAWAN, ALBAY, ZAMBOANGA SIBUGAY, MISAMI(S) OCCIDENTAL, PANGASINAN, ISABELA, ILOILO, BACOLOD CITY, CEBU CITY, LAPU-LAPU CITY and ZAMBOANG CITY during the 09 May 2016 National and Local Elections.*¹

2.2. Simply put, prior to the resolution of the Motion for Reconsideration *Pro Tanto* (of the January 24, 2017 Resolution) and the conduct of the Preliminary Conference, protestant Marcos already sought the decryption of the secure digital (SD) cards in all the protested clustered precincts.

2.3. For emphasis, protestant Marcos, in his Motion, sought the decryption of the SD cards in all the **Thirty Six Thousand Four Hundred Sixty Five (36,645) protested clustered precincts.**

3. In the Resolution dated 06 June 2017, the Honorable Tribunal directed protestee Robredo to file her Comment on the Motion within a non-extendible period of five (5) days from notice.

¹ Page 2, paragraph 4, Motion for Decryption and Printing of Ballot Images dated 01 June 2017.

4. On 14 June 2017, in compliance with the Resolution of the Honorable Tribunal, protestee Robredo filed her Comment and Opposition (To Motion for Decryption and Printing of Ballot Images dated 01 June 2017) of even date.

4.1. At the crux of the Comment is that the Motion for Decryption is premature.

4.2. Noteworthy is that, the Motion for Decryption was filed while the Motion for Reconsideration *Pro Tanto* has yet to be resolved by the Honorable Tribunal.

4.3. It was on this basis alone that protestee Robredo opposed the Motion for Decryption.

5. Meanwhile, in the Preliminary Conference Brief dated 16 June 2017 filed by protestee Robredo, an express reservation was made on her right to ask for the decryption of the SD cards from the contested clustered precincts:

"127.3. Protestee Robredo also reserves the right to ask the decryption of the SD cards and the printing of the ballot images, election returns and audit logs from the contested clustered precincts."

6. Protestant Marcos remained silent and interposed no objections on the reservation of protestee Robredo to seek the decryption of the SD cards from the contested clustered precincts.

7. Subsequently, in the Resolution dated 29 August 2017, the Honorable Tribunal resolved the Motion for Decryption:

"With respect to the protestant's Motion for Decryption, the Tribunal finds it premature to decrypt and print

the ballot images from the relevant SD cards and/or storage devices in each of the 36,465 protested clustered precincts. As stated earlier, protestant himself has not prayed for that the revision process use the printed ballot images in lieu of the actual ballots. Indeed, considering that protestant's Motion for Retrieval – where he likewise prayed for the immediate retrieval of all ballot boxes in the protested provinces – it appears to the Tribunal that protestant himself desires that the revision would use the actual ballots themselves. This is consistent with his counsel's declaration during the preliminary conference and in his comment to the Preliminary Conference Guides that the "ballots are the best repository of the sovereign will. Hence, in the hierarchy of evidence in election contests, ballots constitute the highest and best evidence of the voters' will."²

8. In its Manifestation/Compliance with Motion, the Commission on Elections (COMELEC) informed the Honorable Tribunal of 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*.

8.1. Attached to the said Manifestation/Compliance with Motion is the Order of Payment prepared by the COMELEC ERSD for the costs of decryption amounting to Php 2,974,075.00.³

² Page 31, Resolution dated August 29, 2017.

³ A copy of the Order of Payment is hereto attached as **Annex "1"** and made an integral part hereof.

8.2. Also attached is the List of Supplies needed which shall be provided by the requesting party.⁴

8.3. Thus, unlike the Order of Payment, the List of Supplies was specifically directed to protestant Marcos, the requesting party.

9. On 20 October 2017, protestee Robredo received copy of the Resolution dated 10 October 2017 which directed COMELEC to provide information on the following matters related to the decryption and printing process:

"1. the estimated duration of decryption and printing process per pilot provinces, and for all three pilot provinces;

2. the number of computers and printers to be used and COMELEC personnel to be assigned to conduct the decryption and printing process;

3. the number of party representatives that may be allowed to witness the decryption and printing process; and

4. other information on the decryption and the printing process that the COMELEC may deem useful to the Tribunal and the parties, including but not limited to the storage of the printed ballot images, audit logs and election returns."

10. Surprisingly, even before protestee Robredo could clarify the details on the Order of Payment, protestant Marcos already paid **Two Million Nine**

⁴ A copy of the List of Supplies is hereto attached as **Annex "2"** and made an integral part hereof.

Hundred Seventy Four Thousand Seventy Five Pesos (PhP2,974,075.00).

11. In fact, even prior to the scheduled meeting/briefing on 23 October 2017, protestant Marcos already turned over the supplies to the custody of COMELEC.

12. All these were done even prior to the scheduled meeting/briefing of the parties.

13. On 23 October 2017, or during the scheduled meeting/briefing, protestee Robredo requested for the soft copies of the ballot images, election returns and reports from the decrypted SD cards.

14. However, the parties were informed that all the printed ballot images and reports together with the soft copies will be turned over to the Honorable Tribunal.

15. Protestant Marcos was represented by counsel during the meeting/briefing.

16. However, no objection was made on the request of protestee Robredo.

17. Thus, it was with complete surprise that protestant Marcos is now strongly opposing the request of protestee Robredo.

18. Even more surprising are the grounds raised by protestant Marcos in his Strong Comment/Opposition:

18.1. Protestee Robredo opposed the Motion for Decryption; and

18.2. The costs of the decryption were shouldered solely by protestant Marcos.

19. With due respect, it is misleading to claim that protestee Robredo merely opposed the Motion for Decryption.

20. As aforesated, the opposition to the Motion for Decryption was hinged on the sole ground of prematurity.

21. Further, protestee Robredo reserved her right to seek the decryption of the SD cards from the contested clustered precincts.

22. This reservation was not objected to by protestant Marcos.

23. Finally, as to the payment of the fees, the same was made by protestant Marcos ahead of the scheduled meeting/briefing.

24. Thus, protestant Marcos cannot fault protestee Robredo for non-payment when he paid the fees ahead of the scheduled meeting/briefing.

25. It is unfair to now use this as ground to deny protestee Robredo access to the soft copies of the ballot images, election returns and reports.

26. More importantly, the opposition of protestant Marcos will only lead to duplicitous procedure.

27. Should protestee Robredo be denied the soft copies and later on file a Motion, the entire process will be repeated.

28. This means, the Honorable Tribunal, protestant Marcos and COMELEC will once more send their respective representatives for the sole purpose of giving protestee Robredo the soft copies of the decrypted SD cards.

29. Without preempting the resolution of the Honorable Tribunal, allowing protestee Robredo to secure the soft copies of the ballot images, election returns and other reports from the decrypted SD cards will not involve additional costs to protestant Marcos.

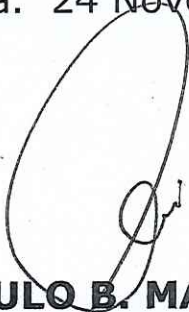
30. Thus, protestee Robredo reiterates that she be allowed to secure the soft copies of the ballot images, election returns and other reports from the decrypted SD cards from the Provinces of Camarines Sur, Iloilo and Negros Oriental.

PRAYER

WHEREFORE, PREMISES CONSIDERED, it is respectfully prayed to the Honorable Tribunal that protestee Maria Leonor G. Robredo be ALLOWED to secure the soft copies of the ballot images and other reports from the decrypted Secure Digital (SD) cards.

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

Pasig City for Manila. 24 November 2017.



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MCLE Compliance No. V-0018139/13 April 2016

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By


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Legaspi Village, 1229 Makati City

EXPLANATION

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


MARIA BERNADETTE V. SARDILLO

Republic of the Philippines)
MANDALUYONG CITY

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


I, LINO B. MAPUTOL, JR., hereby declare that the Reply with Annexes hereof submitted electronically by use of compact disc in accordance with the Efficient Use of Paper Rule are complete and true copies of Reply with Annexes hereof filed with the Presidential Electoral Tribunal.

Pasig City. 27 November 2017.


LINO B. MAPUTOL, JR.
Secretary
Sardillo Sardillo Salom Law Office

SUBSCRIBED AND SWORN TO BEFORE ME, a notary public in and for ~~Mandaluyong City~~ ^{Mandaluyong City}, this 27th day of November 2017 by affiant LINO B. MAPUTOL, JR. who is personally known to me, and appeared with his Driver's License ID with No. N25-11-006996 issued by Land Transportation Office, known to me as the same person who personally signed the foregoing attestation before me and acknowledged that he executed the same.

Doc. No. 278 ;
Page No. 01 ;
Book No. 278 ;
Series of 2017.


ATTY. JOSE B. DULNUAN
NOTARY PUBLIC
FOR THE CITY OF MANDALUYONG
Until December 31, 2017
COMMISSION NO. 0458-16
IBP Lifetime No. 0016085 /Pasig City, 4-27-2017,
PTR NO. 69252527, 1-3-17, Cainta, Rizal
ROLL NO. 26304
MCLE COMP. NO. V-0022171, 6-15-16
VALID UNTIL 04-14-2019
D-22-AB GUEVENTVILLE II, 52 D.M.
GUEVARA ST., MANDALUYONG CITY
Tel No. 532-8858, 5334664
Email Add: jbdulnua@gmail.com

COMMISSION ON ELECTIONS
 Election Records and Statistics Department
 Intramuros, Manila

ANNEX 1

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 |

September 7, 2017

Esther L. Villaflores-Roxas
ESTER L. VILLAFLORES-ROXAS
 Director IV, ERSD

COMPUTATION OF THE SUPPLIES NEEDED

| Province | | Number of Clustered Precincts | Number of Voters who Actually Voted | Number of Pages to be Printed | | | | SUPPLIES | | | | | | | | | |
|----------|-----------------|-------------------------------|-------------------------------------|-------------------------------------|---|-----------|--|----------------------------------|--------------------------------|-----------------------------|-----------------------------|-----------------------|------------------------------|----------------------------------|---------------------------------|------------------------------|--|
| | | | | Ballot Images (3 pages per Ballots) | Other Reports / Files* (100 pages per CP) | Total | 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 Casin (10 per D 3 col (p | |
| | | | | | | | | | Blue for ERSD Person nel (pcs) | Green for Protest ant (pcs) | Violet for Protest ee (pcs) | Red for PET Rep (pcs) | | | | | |
| | | | | (B X 3) | (A X 100) | (C + D) | (E / 450) with Spoilage | (E / 4,500) | (E / 3,000) | (E / 3,000) | (E / 3,000) | (E / 3,000) | (E / 5,000) | (E / 24,000) | (A / 5) | ((A/1 | |
| | | A | B | C | D | E | F | G | H | I | J | K | L | M | N | | |
| 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

ANNEX 2