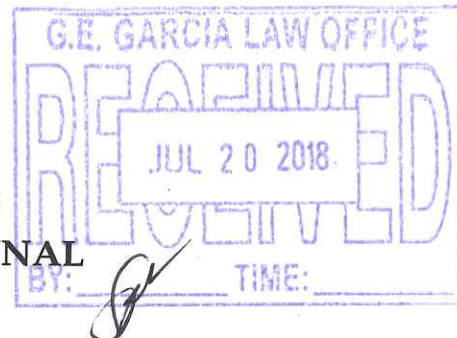


REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila



**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

R E P L Y

(TO THE COMMENT/OPPOSITION OF PROTESTANT MARCOS
DATED 24 MAY 2018)

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

1. On 03 July 2018, this Honorable Tribunal issued a
Resolution, which states, among others:

"(b) **DIRECT** the COMELEC to file a **REPLY** to the
above Comment/Opposition, addressing the issues
raised and clarifying the physical and technical
requirements for the two (2) options presented therein,
within a **NON-EXTENDIBLE** period of ten (10) days
from notice hereof;"

2. The said resolution was received by COMELEC, through
the Office of the Clerk of the Commission on 04 July 2018, and was
forwarded to and received by the Law Department on 05 July 2018.

3. Hence, COMELEC has until 14 July 2018 within which to
file its Reply. However, considering that 14 July 2018 falls on a

Saturday, the filing of the Reply is due on the next working day, which is on 16 July 2018.

4. Protestant Marcos in his Comment/Opposition stated: that "According to IT experts, when someone tampers with the core or brain of the EMS, it will automatically erase any and all traces of 'footprints' that was stored in the system."

5. This simply has no basis. In the first place, there will be no tampering with the core or brain of the Election Management System (EMS).

6. Worthy to emphasize that the following are two options discussed by COMELEC in its Manifestation with Motion dated 13 July 2018:

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

7. Either option will not result to any tampering of any kind, and/or with the core or brain of the EMS for that matter, hence, there will be no automatic erasure of any and all traces of footprints that was stored in the system.

8. Further, Protestant Marcos posited that the net effect of allowing COMELEC to do either options would result in the automatic erasure of all the relevant "footprints" and cited some instances as follows:

- how will we know if there were unauthorized transmission prior to election days?
- how will we know what time the VCMs first operated on election day?
- how will we know what time the VCMS actually transmitted on election day?

- how will we be able to compare the time stamps from the VCMs to the different servers?
- how will we be able to check if there were any delays in the transmission of election results?
- how can we compare the transmitted election data from the VCMS to the queue server and from the queue server to the various transparency servers?

9. Protestant Marcos' assertions are misplaced.

10. For the enlightenment of this Honorable Tribunal, the parties in this case, and the public in general, **EMS has no transmission functionality and has no connection or network with the Vote Counting Machines (VCM). In fact, there are no election results in EMS. The purpose of EMS is only for the generation of election configuration.**

11. Accordingly, the instances cited by Protestant Marcos have nothing to do with the EMS. They cannot be checked through the EMS.

12. The only reason why COMELEC filed the Manifestation with Motion dated 13 July 2018, stating therein the 2 above-stated options is for the purpose of its preparation for the May 13, 2019 Automated National and Local Elections and to use the same hard drive in the said elections.

13. Protestant Marcos also assumed that COMELEC's request for the lifting of the PPO on the EMS Servers is quite suspicious considering the privilege speech of Senate President Vicente "Tito" Sotto III on the alleged electoral fraud and irregularities during the 2016 elections that could be considered as a case of electoral sabotage if proven to be true.

14. Again, this has no basis at all. To iterate, the 2 options are intended for the purpose of COMELEC's preparation for the May 13, 2019 Automated National and Local Elections, to use the same hard drive in the next automated elections.

15. For the enlightenment and clarification of the Honorable Tribunal and the parties in this case, if COMELEC will not be allowed to exercise either the 2 stated options, the following technical and physical requirements are needed for bidding to be purchased by COMELEC for the May 13, 2019 Automated National and Local Elections :

Quantity	Unit of Issue	Item Description/Specification
10	Units	SERVER Specifications: Processor - 2 x 18 Cores Intel Xeon Processor E7-8867 V4 3.30GHZ Type - maximum 2U Rackmount Memory - 128GB Ram or higher Hard Disk - 2 x 1TB HDD SSD RAID10 Others - 2 x ports NIC 10 Gbps. - 4 x 10m Fiber Patch Cord - Hot Plug Redundant power supply 750W - Rack Mounted, Cable cord C14 to C13 - DVD +/- RW ROM - 2 x 2 ports 8/16Gbps HBA
2	Unit	SAN STORAGE Specifications: <ul style="list-style-type: none"> - 15Tb Raw SSD Storage - Redundant Storage Controller with 8/16Gbps - 16 ports 8/16Gbps SAN Switch - Redundant power supply - 20 x 15m fiber patch cord - 4 units SAN Controller
2	Unit	RACK 42U
4	Units	RACK Mount UPS Specifications: 10 KVA with 30 mins standby battery at 80% utilization
2	Unit	KVM Console Specifications: <ul style="list-style-type: none"> - IP console 24 ports = TFT with 24 adapters - Monitor 24"
4	Units	Vertical Rack-Mount Power Specifications: <ul style="list-style-type: none"> - PDU, 60A, 24 Outlets (C13),

		208/240V, L6-30P, 10 ft. Cord, OU
6	Unit	Network Switch 24 ports x 10 Gbps (Layer2/Layer3)
4	Lics	Oracle Standard Edition 2
4	Subs	Oracle Linux 7
4	units	Patch panel 24 ports, CAT 6
5	units	SD/MicroSD Duplicator
		Specifications:
		- SySTOR 1 to 55 Multiple SD/microSD Drive Memory Card Reader / Duplicator / Copier

16. Whereas, when COMELEC is allowed to exercise either of the 2 options, the technical and physical requirements needed will only be limited to the following:

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.

Quantity	Unit of Issue	Item Description/Specification
		SAN STORAGE Specifications: - 2Tb Raw SSD Storage

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

Quantity	Unit of Issue	Item Description/Specification
		SERVER Hard Disk - 2 x 1RB HDD SSD RAID10

17. With this, it cannot be overemphasized that 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.

18. Lastly, 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.

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, 13 July 2018.

COMMISSION ON ELECTIONS:

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Tel. Nos. (02) 527-2768; (02) 527-0843

By:


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MANIFESTATION WITH MOTION
MARCOS v. ROBREDO
PET Case No. 005

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NOTICE

CLERK OF TRIBUNAL

Presidential Electoral Tribunal

Padre Faura, Manila

Greetings:

Please submit the foregoing *Reply (To The Comment/Opposition of Protestant Marcos Dated 24 May 2018)* for the consideration of the Honorable Tribunal.

City of Manila, 13 July 2018.


MARIA NORINA S. TANGARO-CASIMIRO
Director IV

EXPLANATION OF SERVICE

A copy of this *Reply (To The Comment/Opposition of Protestant Marcos Dated 24 May 2018)* 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 *Reply (To The Comment/Opposition of Protestant Marcos Dated 24 May 2018)*, saved in a compact disc is being filed simultaneously with its Tribunal-bound paper.


MARIA NORINA S. TANGARO-CASINGAL
Director IV