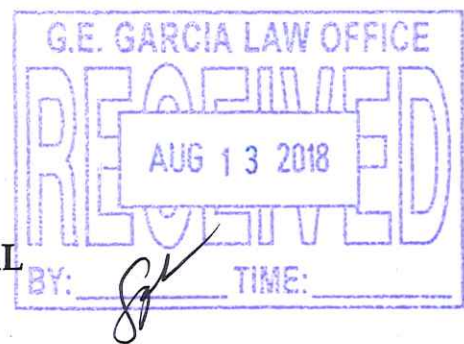


REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila



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

COMES NOW, the Commission on Elections (COMELEC), through the undersigned counsels of the Law Department, and unto this Honorable Tribunal, most respectfully states *THAT*:

1. On 10 July 2018, the Honorable Presidential Electoral Tribunal (PET) issued a Revised Resolution, which directs the COMELEC, among others, to:

"(ii) **PROVIDE** the Tribunal, also within a **NON-EXTENDIBLE** period of ten (10) days from notice hereof, with at least fifty (50) vote counting machines (VCMs) and other election materials and paraphernalia to enable the Tribunal to implement Rule 43 (L) of the 2010 PET Rules in resolving issues as to whether a certain mark or shade was read by the VCM. In the alternative, if the foregoing is not possible, the COMELEC is directed to inform the Tribunal and explain the reasons why;"

2. The said resolution was received by COMELEC, through the Office of the Clerk of the Commission, on 19 July 2018.

3. COMELEC had until 29 July 2018 within which to comply. Since the deadline, 29 July 2018, fell on a Sunday, the same was due on the next working day, or on 30 July 2018.

4. On 30 July 2018, COMELEC filed a *Motion for Extension of Time to File Compliance* and prayed for extension of **fifteen (15) days** from **30 July 2018 or until 14 August 2018** within which to file its Compliance.

5. Hence, the instant *Manifestation*.

6. The required number of VCM units may be taken from the contingency units presently stored at the COMELEC warehouse at Sta. Rosa, Laguna. However, making said units operational for purposes of determining the actual threshold percentage used in the 2016 National and Local Elections (NLE) poses the following technical challenges:

- a. The threshold used in an election is based on the percentage set during the configuration of the SD Cards. To ensure that the same threshold percentage for the 2016 NLE will be adopted by the PET during the revision of ballots, the exact set of SD cards configured for the 2016 NLE should be used. This process, however, will require the re-zeroing of the SD cards. Accordingly, the official election data stored in the precinct SD card, such as ballot images, precinct results, and election reports will be lost once the SD card is re-zeroed.
- b. To keep the election data intact, the original precinct SD card may be cloned/copied to new SD card before the original SD card is re-zeroed. Please note that a maximum of five (5) re-zeroes has been set during configuration - the *first* re-zero is for use after the conduct of Pre-Election Logic and Accuracy Test; *second*, during random testing of selected VCMs per pallet for purposes of quality control; and *third*, during the Final Testing and Sealing in preparation for the elections. The two other re-zeros have been included for contingency purposes, such as when the FTS will have to be repeated by the board of election inspectors (BEI), or when the BEI inadvertently re-zeroes the SD card after replacement of a defective VCM. Since it could not be readily determined how many re-zeros are still available in the configured SD card, it is possible that SD cards for some clustered precincts will not be able to perform a re-zero.

- c. Assuming that the SD cards actually used in the 2016 NLE can still be re-zeroed, or the cloned/copied SD cards will be the ones used during the revision, access to the same set of iButton that was assigned to the specific clustered precinct configuration is needed; otherwise, the VCM cannot be operated, and therefore will be unable to read the ballots. As part of the security protocol, iButtons, although identifiable through stickers, are mixed together with approximately 297,000 other iButtons. Retrieval of the iButtons, while doable, will take some time to complete. Moreover, the COMELEC will also need access to the BEI passwords associated with the SD card configuration. Such passwords were issued to the BEIs through enclosed paper letters which most likely were not returned after the elections.
- d. The production of a newly configured SD card, including its corresponding set of passwords and iButton, which has a validity period of one (1) year is technically feasible. However, the use of such SD card will result in unexpected behaviors by the VCM because as part of the security protocol, if the digital certificate associated with a specific precinct SD card already expired, such SD card can no longer be used. Hence, the official ballots that are linked to the original digital certificate will not be read by the VCM.

7. If the intention of the Honorable Tribunal is to determine if the VCM interpreted a partly shaded oval as a valid or invalid vote, such interpretation can be determined from one of the audit features of the VCM, specifically through the digital image of the official ballot.

8. It is worthy to note that the SD card stores the digital image of a scanned ballot, consisting of three (3) pages, namely:

<i>First Page</i>	Front of the Ballot
<i>Second Page</i>	Back of the Ballot
<i>Third Page</i>	Vote Summary on how the VCM appreciated the shaded ovals

9. The first two pages of the digital image contain squares to indicate which shaded ovals were considered by the VCM as valid votes

for having met the prescribed shading threshold. The Vote Summary page, on the other hand, indicates – in words – the same information as the squares in the first two pages of the ballot image. Thus, a visual inspection of the three pages of the ballot image would be sufficient to determine the threshold percentage of partly shaded ovals which the VCM considered as valid votes.

10. In view of the foregoing, and considering that the decryption of SD cards and the printing of digital images have already been completed, it is most respectfully prayed that, in lieu of providing the Honorable Tribunal with at least fifty (50) VCMS, the appropriate revision/audit procedures to be defined by the Honorable Tribunal be used by the revision committees for purposes of determining the threshold percentage that was configured for the 2016 NLE.

11. Lastly, in the event that the Honorable Tribunal needs further clarification regarding the above-stated technical challenges, COMELEC, through its Executive Director, is ready and willing to be called and to explain the same at the most convenient time of the Honorable Tribunal.

PRAYER

WHEREFORE, premises considered, the Commission on Elections prays that this **SUBMISSION BE NOTED** and **DEEMED SATISFACTORY COMPLIANCE** with the Order of the Honorable Presidential Electoral Tribunal.

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

Intramuros, Manila, Philippines, 07 August 2018.

COMMISSION ON ELECTIONS:


Law Department


8th Floor, Palacio del Gobernador


Intramuros, Manila

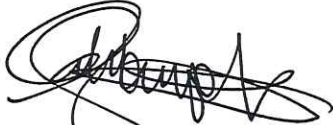
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NOTICE

CLERK OF TRIBUNAL

Presidential Electoral Tribunal

Padre Faura, Manila

Greetings:

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

Manila, 07 August 2018.


MARIA NORINA S. TANGARO-CASINAL
Director IV



EXPLANATION OF SERVICE

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

Maria Norina S. Tangaro - Casingal
MARIA NORINA S. TANGARO-CASINGAL
Director IV

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SUBMISSION OF DIGITAL COPIES

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

Maria Norina S. Tangaro - Casingal
MARIA NORINA S. TANGARO-CASINGAL
Director IV

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