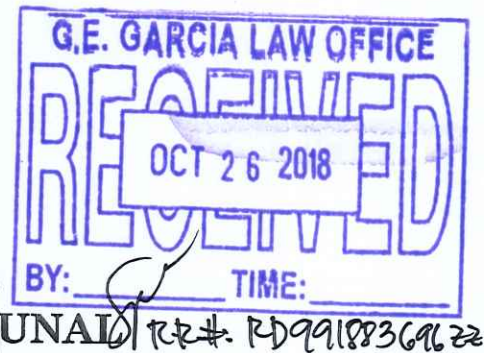


REPUBLIC OF THE PHILIPPINES  
PRESIDENTIAL ELECTORAL TRIBUNAL  
Manila



FERDINAND “BONGBONG” R.  
MARCOS, JR.,

*Protestant,*

- versus -

PET Case No. 005

MARIA LEONOR “LENI DAANG  
MATUWID” G. ROBREDO,

*Protestee.*

X - - - - - X

**C O M M E N T**

*(On Protestee’s Fourth Manifestation of Grave Concern  
With Urgent Motion for the Immediate Investigation  
of the Leaked Data From the Province of Camarines Sur  
dated September 10, 2018)*

ATTY. GLENN A. CHONG, through the undersigned counsel, unto this Honorable Presidential Electoral Tribunal, most respectfully files his *Comment* in compliance with this Honorable Tribunal’s *Resolution* dated September 18, 2018 and in support thereof states -

1. On October 11, 2018 Atty. Glenn Chong (“Atty. Chong”) received a copy of this Honorable Tribunal’s *Resolution* directing him to file a *Comment* in this wise,

“Acting on the Fourth Manifestation of Grave Concern with Urgent Motion for Immediate Investigation of the Leaked Data from the Province of Camarines Sur dated 10 September 2018 filed by counsel for Protestee Maria Leonor G. Robredo, the Court Resolved to **DIRECT** protestant Ferdinand R. Marcos, Jr. and Atty. Glenn Chong to **COMMENT** thereon within a **NON-EXTENDIBLE** period of ten (10) days from notice thereof.”



Atty. Chong has ten (10) days, or specifically until October 21, 2018 within which to file his *Comment*. However, October 21, 2018 falls on a Sunday. Thus, Atty. Chong has until the following Monday, October 22, 2018 within which to file his compliance to the subject *Resolution*.

2. It seems that Protestee devoted 31 pages of her 35-page *Fourth Manifestation of Grave Concern with Urgent Motion for Immediate Investigation of the Leaked Data from the Province of Camarines Sur* ("*Urgent Motion*", for brevity) belaboring on the Facebook postings made by Atty. Chong. However, the Protestee simply prayed that "an INVESTIGATION be conducted on how the Audit Logs were leaked and came into the possession of Atty. Glenn Chong."

3. Atty. Chong, for his part, could have simply answered the question as to "how the Audit Logs came into his possession." However, for the benefit of the Protestee and her counsel, Atty. Chong feels that a discussion of the factual backdrop leading to the present circumstances be discussed in detail.

Thus, he begs for the indulgence of this Honorable Tribunal for a rather lengthy dissertation.

***Atty. Chong has been a consistent and vocal critic of Smartmatic since 2010.***

4. Long before this Protest was filed by Protestant Marcos against Protestee Robredo, **Atty. Chong has been a consistent and vocal critic of the election technology provider Smartmatic, Inc.** He decided to make it his personal mission to expose the irregularities, anomalies and frauds, and the numerous violations of election and procurement laws, rules and regulations, of which more than half were serially committed with impunity in the last three (3) automated elections beginning in 2010.<sup>1</sup>

5. The first expose of Atty. Chong, who was then Representative of the Lone District of Biliran, was initially revealed during the hearing of the Committee on Suffrage and Electoral Reforms of the House of Representatives in 2010. He discovered, among others, that there are several election returns bearing dates other than the actual date of the

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<sup>1</sup> Matrix of Violations Committed by Both the Comelec and Smartmatic, compiled by Atty. Glenn Chong is hereto attached as *Annex "A"* and made an integral part hereof.



election; conflicting Precinct Count Optical Scan ("PCOS") and Consolidation and Canvassing System ("CCS") audit logs/reports; and, manipulation of the voting process.

The Chairman's Report of the said committee even stated that, "*Rep. Glenn A. Chong's complaint was the most comprehensive in terms of evidence and the clearest and coherent.*"<sup>2</sup>

6. Atty. Chong has been a regular resource person of the committee hearings of the Electoral Reforms and People's Participation of the Senate and the Joint Congressional Oversight Committee on the Automated Election System ("JCOC-AES") of both houses of Congress from 2011 up to the present.

7. Over the course of eight (8) years, Atty. Chong has likewise provided said committees with evidence of pre-loaded Compact Flash ("CF") cards<sup>3</sup>; ballot images with 'digital lines' which caused erroneous automated counting of the votes affecting so many candidates in affected PCOS machines<sup>4</sup>, and proof that the contents of the CF cards can indeed be changed or tampered with using a different script or computer program, which was even admitted by the Comelec.<sup>5</sup>

8. Atty. Chong repeatedly demanded answers in several hearings of said committees concerning the seven (7) cases of multiple transmissions of election results from Clustered Precincts 7805006, 7805008, 7805011, 7805012, 7805017, 7805018, and 7804011, all in the Lone District of Biliran, whereby a second transmission of results was recorded in the respective CCS of each of these precincts but where the respective PCOS audit log clearly showed no PCOS machine was "alive" when these transmissions were subsequently received by the CCS.

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<sup>2</sup> Chairman's Report on THE ALLEGED FRAUD AND PRECINCT COUNT OPTICAL SCAN (PCOS) MACHINE MANIPULATION IN THE MAY 10, 2010 AUTOMATED ELECTIONS, 14<sup>th</sup> Congress, House of Representatives is hereto attached as *Annex "B"* and made an integral part hereof.

<sup>3</sup> Examination of 145 PCOS audit logs from Biliran in 2010 reveals that 4,114 ballots were already scanned by 145 PCOS machines before election day.

<sup>4</sup> Clustered Precinct 193, Brgy. Talima where 3,801 votes or roughly 26% of total votes cast were wrongly counted by the PCOS, and Clustered Precinct 67, Brgy. Caubian where 940 votes or roughly 5% of total votes cast were wrongly counted by the PCOS, both in Lapu-lapu City, Cebu Province, subject of election protest in EPC Case No. 2013-12, Pelaez Jr. v Radaza, Comelec.

<sup>5</sup> Video ([https://www.youtube.com/watch?v=bPWCMM8zA\\_s](https://www.youtube.com/watch?v=bPWCMM8zA_s)) from the official YouTube channel of the Senate of the Philippines on the hearing of the JCOC-AES on 5 February 2015 from 3:17:10 to 3:40:25.



8.1 The case of Clustered Precinct 7805002, Brgy. Bacolod, Culaba Biliran highlights the cases of multiple transmissions as shown by the excerpts of the PCOS audit log when compared with the CCS audit log, both of which were certified true copies by the Municipal Election Officer.

8.2 The audit log of the PCOS (read from top to bottom) in Clustered Precinct 7805002<sup>6</sup> showed in Log Entry No. 442 that the machine had finished transmitting zero (0) successful transmissions for three (3) servers. At the bottom of the log, it indicated the time of shutdown at 20:39:01PM of May 10, 2010.

II REPUBLIC OF THE PHILIPPINES  
COMMISSION ON ELECTIONS  
ELECTION OFFICER II

Republic of the Philippines  
COMMISSION ON ELECTIONS

Philippines 2010 Election Region VIII  
Monday, May 10, 2010

# AUDIT LOG

Clustered Precinct: 7805002 - 0000A

PCOS ID: 7805002

Province: Biliran

City/Municipality: CULABA

Barangay: BACOLOD

Precinct(s):  
7805002

1	May 08/2010 09:20:00
Asymmetric Cryptographic Keys detected.	
2	May 08/2010 09:21:08
Administrator key for Username detected	
3	May 08/2010 09:21:10
Using Asymmetric Keys (True)	
4	May 08/2010 09:21:12
System clock updated for timezone = 8.0 hours from GMT	
5	May 08/2010 09:21:24
System Starting	
6	May 08/2010 09:21:24
Unit Model Type PCOS-3108 (Rev. 106)	
7	May 08/2010 09:21:24
Unit Serial Number N62299300318	
8	May 08/2010 09:21:24
Protective Counter: 28	
9	May 08/2010 09:21:24
Software Version: 3.5.18-PM #2 Thu Feb 4 20:55:58 PM 2010	
10	May 08/2010 09:22:00
Admin chose Utilities Options	
11	May 08/2010 09:22:06
Admin chose Run Diagnostics	
12	May 08/2010 09:24:24
rc(48023): SE(17) Pjt(1)	
13	May 08/2010 09:24:26
Complete Diagnostics finished	
14	May 08/2010 09:24:35
Admin chose Utilities Options	
15	May 08/2010 09:24:44
Admin chose Run Diagnostics	
16	May 08/2010 09:25:57
Blank ballot detected	
17	May 08/2010 09:27:07
rc(0): SE(52713): Pjt(1)	
18	May 08/2010 09:27:42
Complete Diagnostics finished	
19	May 08/2010 09:28:14
Admin chose to Print Tabulator Info Report	
20	May 08/2010 09:28:22

JOELIBETH S. ARANGA-ONG  
ELECTION OFFICER II

Transmitting to all servers	
442	May 10/2010 19:50:38
Finished transmitting Results: 0 successful transmissions for 3 servers	
443	May 10/2010 19:51:37
Admin chose Print Reports Options	
444	May 10/2010 19:52:56
Printing 22 copies of NATIONAL RETURNS tape	
445	May 10/2010 20:19:32
Administrator chose to print another copy of NATIONAL RETURNS	
446	May 10/2010 20:21:09
Administrator declined to print another copy of NATIONAL RETURNS	
447	May 10/2010 20:27:27
Admin chose Print Reports Options	
448	May 10/2010 20:28:44
Printing 22 copies of LOCAL RETURNS tape	
449	May 10/2010 20:29:43
Administrator declined to print another copy of LOCAL RETURNS	
450	May 10/2010 20:33:43
Admin chose Print Reports Options	
451	May 10/2010 20:34:56
Printing 1 copy of STATISTICS REPORT tape	
452	May 10/2010 20:34:59
Printing Statistics tape	
453	May 10/2010 20:35:58
Administrator chose to print another copy of TAPE	
454	May 10/2010 20:36:02
Printing Statistics tape	
455	May 10/2010 20:36:33
Administrator declined to print another copy of TAPE	
456	May 10/2010 20:36:37
Admin chose Print Reports Options	
457	May 10/2010 20:36:48
Printing 1 copy of AUDIT LOG tape	

Serial No N62299300318  
Mon May 10 20:39:01 2010

JOELIBETH S. ARANGA-ONG  
ELECTION OFFICER II

<sup>6</sup> Excerpts of the soft copy of the PCOS audit log from Clustered Precinct 7805002 is printed and hereto attached as *Annex "C"* and made an integral part hereof.



8.3 However, the audit log of the CCS (read inversely from bottom to top) in the Municipal Board of Canvassers (MBOC) of Culaba, Biliran<sup>7</sup> clearly showed in Log Entry No. 808 a receipt of PCOS electronic transmission coming from Clustered Precinct 7805002 at 23:23:23PM of May 10, 2010. This is 2 hours, 44 minutes and 22 seconds after the PCOS machine in the polling precinct was shutdown and packed.

801	11174020	2010 05 10 23:23:23	Successfully processed the information from tally numbered [7805002 11174020] from the device [1] from the ip [127.0.0.1]
802	11174020	2010 05 10 23:23:23	Successfully processed the information from tally numbered [7805002 11174020] from the device [1] from the ip [127.0.0.1]
803	11174020	2010 05 10 23:23:23	Successfully processed the information from tally numbered [7805002 11174020] from the device [1] from the ip [127.0.0.1]
804	11174020	2010 05 10 23:23:23	Successfully processed the information from tally numbered [7805002 11174020] from the device [1] from the ip [127.0.0.1]
805	11174020	2010 05 10 23:23:23	Successfully processed the information from tally numbered [7805002 11174020] from the device [1] from the ip [127.0.0.1]
806	11174020	2010 05 10 23:23:23	The EMI Data from 10.12.3.143 was successfully imported
807	11174020	2010 05 10 23:23:23	Received 17,565 bytes from 10.12.3.143
808	11174020	2010 05 10 23:23:23	Received a PCOS Connection attempt from 10.12.3.143
809	11174020	2010 05 10 23:23:23	Received a PCOS Connection attempt from 10.15.29.126
810	11174020	2010 05 10 23:23:23	Successfully processed the information from tally numbered [7805005 10780059 0] from the device [1] from the ip [127.0.0.1]
811	11174020	2010 05 10 23:23:23	Successfully processed the information from tally numbered [7805005 6780059 0] from the device [1] from the ip [127.0.0.1]
812	11174020	2010 05 10 23:23:23	Successfully processed the information from tally numbered [7805005 6780059 0] from the device [1] from the ip [127.0.0.1]
813	11174020	2010 05 10 23:23:23	Successfully processed the information from tally numbered [7805005 6780002 0] from the device [1] from the ip [127.0.0.1]
814	11174020	2010 05 10 23:23:23	Successfully processed the information from tally numbered [7805005 6780002 0] from the device [1] from the ip [127.0.0.1]
815	11174020	2010 05 10 23:23:23	Successfully processed the information from tally numbered [7805005 4780002 0] from the device [1] from the ip [127.0.0.1]
816	11174020	2010 05 10 23:23:23	Successfully processed the information from tally numbered [7805005 1780002 0] from the device [1] from the ip [127.0.0.1]
817	11174020	2010 05 10 23:23:23	Successfully processed the information from tally numbered [7805005 1160001 0] from the device [1] from the ip [127.0.0.1]

The relevant portion of said CCS audit log is magnified below:

808	11174020	2010 05 10 23:23:23	Received a PCOS Connection attempt from 10.12.3.143
			JOELIBETH S. MARANGA - ONG ELECTION OFFICER II

8.4 If the PCOS audit log showed zero (0) successful transmissions for three (3) servers and was thereafter shutdown, who made this subsequent transmission to the CCS in the MBOC of

<sup>7</sup> Excerpts of the soft copy of the CCS audit log from the MBOC in Culaba, Biliran is printed and hereto attached as *Annex "D"* and made an integral part hereof.



Culaba, Biliran, which is one of such three (3) servers, 2 hours, 44 minutes and 22 seconds later?

The Comelec and Smartmatic repeatedly refused to answer these questions in the last eight (8) years.

9. In the case of *Bagumbayan-VNP Movement, Inc., and Richard J. Gordon, as Chairman of Bagumbayan-VNP Movement, Inc., v. Commission on Elections*<sup>8</sup>, the Honorable Supreme Court upheld the petitioners on the issue of the VVPAT or voter receipt as a mandatory security requirement. Verily, the position paper of Atty. Chong on how to prevent the voter receipt from being used to facilitate vote-buying was even cited by the Highest Tribunal. For the record, Atty. Chong also served as the resource person of the petitioners during the oral arguments.

10. From the foregoing, it is very evident that the advocacy of Atty. Chong is founded on clear and convincing evidence of irregularities, anomalies and frauds in the conduct of all automated elections under Smartmatic since 2010.

The integrity of Atty. Chong as an independent clean, honest and transparent elections advocate established over the years has remained unchallenged by the Comelec, Smartmatic and his detractors up to this day.

***Atty. Chong was a resource person during the Senate Hearings held on March 2018.***

11. On 31 July 2018, the Senate Committee on Electoral Reforms and People's Participation together with the Committees on Social Justice, Welfare and Rural Development; Finance; and, Public Information and Mass Media ("Electoral Reforms") conducted a joint hearing in pursuit of the privileged speeches of Senate President Vicente Sotto III, delivered on 6 and 14, March 2018.

Senate President Vicente Sotto III presented Atty. Glenn Chong as his resource person in the said hearing.

12. One of the issues raised therein is the four hundred fifty-nine (459) clustered precincts which were already sending transmission

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<sup>8</sup> G.R. No. 222731, March 2016.



queries to the Domain Name System ("DNS") Server as duly recorded in its system log beginning in the early morning of 8 May 2016 and continuing up to the early morning of 9 May 2016 or just before the voting started.

Collectively, these were labeled as "early transmissions" because they occurred one (1) day before election day.

13. About two (2) weeks before the said hearing, the Comelec complied with the subpoena duces tecum issued by the Senate Electoral Tribunal ("SET") for the production of the system logs of the Comelec Central Server, Transparency Server and the DNS Server.

Since Atty. Chong was the one who suggested to the counsels of Francis Tolentino who has a pending election protest<sup>9</sup> with the SET to secure copies of the system logs of the servers used in the elections, copies of the same were turned over to Atty. Chong for analysis.

14. Paragraphs 2.3 and 2.4 of Protestee Robredo's *Urgent Motion* concerning Atty. Chong's testimony in relation to "Transmission Code 1730" and the questions of Sen. Franklin Drilon as to where the data came from should be taken in the context of the preceding paragraph.

Specifically, the data came from the log file of the DNS Server which was produced by the Comelec in compliance with the subpoena duces tecum issued by the SET.

15. To clarify Paragraph 2.5 of Protestee Robredo's *Urgent Motion*, the identification of "Transmission Code 1730" is made independent of the system log of the DNS Server or any document allegedly produced or provided by any of the parties to this Protest.

"Transmission Code 1730" is made up of two (2) parts. The first two (2) digits or "17" refers to the province code of Camarines Sur.<sup>10</sup> The second two (2) digits or "30" refers to the municipal code of the Municipality of Ragay. The Comelec arranged all local government units ("LGUs") in Camarines Sur in alphabetical order and assigned codes to each of these LGUs in that order. Ragay is number 30 in the alphabetical order such that its municipal code is 30.

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<sup>9</sup> SET Case No. 001-16, *Tolentino v. de Lima*.

<sup>10</sup> Excerpts of the Unified Accounts Code Structure (UACS) Manual of the Government of the Philippines is hereto attached as *Annex "E"* and made an integral part hereof.



This is the convention used by the Comelec in the assignment of clustered precinct identification numbers, CCS codes and transmission codes.

*The plain import and meaning of the exchanges between Sen. Drilon and Atty. Chong were twisted to suit the whims of the Protestee.*

16. Protestee Robredo, in her all-consuming desire to gag Atty. Chong from exposing the irregularities, anomalies and frauds committed in the conduct of the automated elections, not only in 2010 and 2013 but more specifically, in 2016, twisted and mangled the plain import and meaning of the exchange between Atty. Chong and Sen. Franklin Drilon that she quoted in Paragraph 2.7 of her *Urgent Motion*.

17. Atty. Chong avers that while under oath, he never lied in his answers to the questions of Sen. Franklin Drilon.

Atty. Chong has never appeared, officially or unofficially, before any revision proceedings of this Honorable Tribunal as counsel or representative of Protestant Marcos. This fact can easily be verified from its records.

18. The letter of Atty. George Erwin M. Garcia, counsel of Protestant Marcos, dated March 17, 2017 and mentioned by Sen. Franklin Drilon in the quoted exchange does not refer to any proceeding before this Honorable Tribunal.

Rappler.com published the same letter at 1:41PM of July 31, 2018, or even before the Electoral Reforms hearing was even concluded.<sup>11</sup> Scribd.com also published the same letter.

It was only at this time that Atty. Chong came to know of the existence of the subject letter.

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<sup>11</sup> Rappler.com published a news article with the letters attached at <https://www.rappler.com/nation/208535-letters-glen-chong-2016-elections-fraud-accusations-marcos-representative>.



19. Sen. Drilon may have erroneously identified the letter to be dated March 17, 2017. In fact, it was dated March 15, 2017 as shown by the letter published by Rappler.com and Scribd.com.

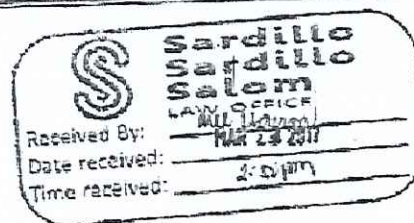


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15 March 2017

**CHRISTIAN ROBERT S. LIM**  
*Commissioner*  
Election Records and Statistics Department  
Commission on Elections  
Palacio Del Gobernador, Intramuros  
1002 Manila



*Re: Representatives for Briefing, the Stripping of the Unused CCS Kits and Back-up of SD Cards*

Dear **Commissioner Lim**:

Please be informed that we will be sending **Atty. Cheloy Garafil, Atty. Victor D. Rodriguez, Atty. Glenn Chong, Mr. Alex Ramos, Mr. Dennis Vicencio, Mr. Eduardo Oliva, Mr. Eleazar Manghilum and Prof. Toti Casino** as regular and alternate representatives of protestant Ferdinand "Bongbong" R. Marcos, Jr. for the briefing to be conducted at the Conference Room, 1<sup>st</sup> Floor, Building 2, JAM Liner Warehouse, Barangay Pulong, Sta. Cruz, Sta. Rosa City, Laguna on 20 March 2017 at 10:00 o'clock in the morning.

The above-named individuals shall likewise represent the Protestant for the stripping of the unused CCS kits beginning 20 March 2017 until its completion and the back-up of SD cards starting on 27 March 2017 until its completion, both to be held at the JAM Liner Warehouse, Barangay Pulong, Sta. Cruz, Sta. Rosa, Laguna.

Kindly grant their accreditation and allow them access and participation for the said undertakings.

Thank you for your preferential attention on this matter.

Very truly yours,

  
**GEORGE ERWIN M. GARCIA**  
*Lead Counsel for Ferdinand "Bongbong" R. Marcos, Jr.*

Curiously, the letter as published by Rappler.com and Scribd.com is the receiving copy of the counsels of Protestee Robredo. She conveniently failed to attach this letter in her *Urgent Motion* and instead relied solely on the exchange between Atty. Chong and Sen. Drilon which sorely lacked in details.



***Atty. Chong was never a counsel, a representative, or a consultant of Protestant Marcos in the instant case.***

20. It bears stressing that Protestee Robredo, having been represented by her counsels and/or representatives during the said activities in the Comelec must have observed and known that Atty. Chong never really participated for the entire duration of the said activities.

Very clearly, Protestee Robredo chose to mislead this Honorable Tribunal by making it believe that Atty. Chong participated in the said activities as representative of Protestant Marcos.

21. This is exactly what Atty. Chong meant when he answered Sen. Drilon that *"I may have been nominated but then, I did not accept the nomination, sir."*

In fact, it is addressed to the Comelec precisely because the proceedings referred to therein is a Comelec proceedings, not that of this Honorable Tribunal.

22. On the issue of having been nominated as representative of Protestant Marcos in relation to the revision proceedings, Atty. Chong is aware that such a document exist but **he never accepted the nomination and he never represented Protestant Marcos in such proceedings.**

23. Atty. Chong was even emphatic in challenging Sen. Franklin Drilon to have the CCTV footages of this Honorable Tribunal reviewed to check whether his "soul" was ever in any of its revision proceedings.

24. On the warning of Sen. Aquilino Pimentel III to Atty. Chong that "if he is found to be not accurate or misleading," sanctions will be meted, Atty. Chong is ready to face such sanctions if proven to be "not accurate or misleading."

In fact, Atty. Chong open and publicly challenged Sen. Aquilino Pimentel III and the JCOC-AES more than once during the continuation



of its hearings on 13 September 2018 to impose such sanctions against him, if proven to be so.<sup>12</sup>

Sen. Aquilino Pimentel III and the JCOC-AES never imposed any sanction on Atty. Chong to this date because there was never any inaccuracy or deception on his part when he testified before them.

25. A careful reading of this exchange between Atty. Chong and Sen. Franklin Drilon taken in relation with documents and/or records available from the Comelec and this Honorable Tribunal to the counsels of Protestee Robredo will readily show that Atty. Chong never betrayed his oath, answered the questions as honestly as he could, and saw no need to retract his statements.

It is Protestee Robredo who seeks to foist a deception upon this Honorable Tribunal.

26. The Province of Camarines Sur is, indeed, not among the protested provinces now before the SET. Atty. Chong never said it to be so. Neither were the audit logs from Ragay, Camarines Sur submitted to the SET.

In Paragraph 4 of Protestee Robredo's *Urgent Motion*, she asserted that Atty. Chong claimed the Province of Camarines Sur to be part of the election protest filed by Francis Tolentino before the SET.

This assertion is never supported by any categorical statement or claim on the part of Atty. Chong during the hearing.

27. In fact, Protestee Robredo failed to mention or cite any part of the transcript of stenographic notes ("TSN") of the hearing to support her assertion.

At best, Protestee Robredo relied on the testimony of Atty. Chong and the ensuing questions from Sen. Franklin Drilon cited in Paragraphs 2.3 and 2.4 of her *Urgent Motion* to draw this grossly erroneous conclusion.

28. Paragraph 2.3 of Protestee Robredo's *Urgent Motion* quoting pages 34-35 of the TSN is hereby reproduced as follows:

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<sup>12</sup> Videos from the YouTube channel of rappler.com on the hearing of the JCOC-AES on 13 September 2018 -(<https://www.youtube.com/watch?v=YVxESsZYljM&t=475s>) (<https://www.youtube.com/watch?v=cQPOfcNyOUU&t=285s>).



*"2.3 On this issue, Atty. Chong explained:*

*"MR. CHONG. The DNS works this way po. The PCOS or the VCM, hindi po niya alam kung kanino ipapadala iyong resulta. Hindi po niya alam kung kanino po ipapadala iyong resulta. So pupunta ho siya kay DNS server which is a domain name system server which acts as a directory assistance. Nagtatanong po siya, "Sino po ba ito si transmission code 1730?" Kasi hindi ho alam ni makina, ni VCM, kung kanino ipapadala iyong 1730. So si DNS ang magsasabi sa kanya, "Doon mo iyan ipapadala sa ganitong munisipyo. Munisipyo A, sa probinsya B." So that's the second step for the machine. What we are looking at is the DNS server log, the first part po. So ang question po ngayon, bakit may nagtatanong na po sa May 8 pa lang? Ang sagot po ng Comelec, "Final testing and sealing iyan." Kaya po gusto ko pong malaman if it is final answer nila, including Smartmatic because noticeably Smartmatic is very silent. Kasama po sila diyan. Because pinaninindigan din nila na final testing and sealing po ito, then I will counter them with my next slide, sir." [Emphasis and underscoring supplied.]"*

29. Paragraph 2.4 of Protestee Robredo's *Urgent Motion* quoting page 36 of the TSN is hereby reproduced as follows:

*"2.4 When asked where he was getting the data, Atty. Chong replied that it came from the Senate Electoral Tribunal:*

*"SEN. DRILON. Before that, Mr. Chair, may I know where the witness, Atty. Chong, is getting all of these data?*

*MR. CHONG. Sir, that's from the SET po.*

*SEN. DRILON. From the --?*

*MR. CHONG. Senate Electoral Tribunal because it was subpoenaed, sir.*

*SEN. DRILON. These are the records subpoenaed by the SET from the Comelec and submitted –*

*MR. CHONG. Yes, sir.*



**SEN. DRILON.** *So these are records from the SET?*

**MR. CHONG.** *Yes, sir. Public records na po iyan, sir.*

**SEN. DRILON.** *Thank you.*”<sup>3</sup>”

It is crystal clear from the two (2) preceding paragraphs that Atty. Chong was referring only to the DNS Server system log. He did not mention at this point in time the identification of, and audit logs from Ragay, Camarines Sur.

30. Such that the ensuing questions of Sen. Franklin Drilon regarding the source of the data could only mean to refer to the DNS Server and its system log. This does not include the identification of, and audit logs from, Ragay, Camarines Sur which were mentioned by Atty. Chong at a later point in time.

31. In fact, Paragraph 2.5 of Protestee Robredo's *Urgent Motion*, reproduced below, quoting page 37 of the TSN places the identification of Ragay as clearly outside of the sphere of the exchange between Atty. Chong and Sen. Franklin Drilon concerning the source of his data.

*“2.5 Thereafter, Atty. Chong explained that the transmission code “1730” refers to the Municipality of Ragay, Camarines Sur.”*

32. In other words, the exchange between Atty. Chong and Sen. Franklin Drilon as contained in pages 34, 35 and 36 of the TSN and quoted by Protestee Robredo was limited only to the DNS Server and its system log. The identification of the Municipality of Ragay, Camarines Sur as ‘Transmission Code 1730’ was only made in page 37 of the TSN.

Thus, the answers of Atty. Chong that the data came from the Senate Electoral Tribunal produced under subpoena from the Comelec is factual and correct.

**Atty. Chong obtained the audit logs from the camp of former Rep. Luis R. Villafuerte, in the latter's electoral protest pending before the HRET.**

33. Pending before the House of Representatives Electoral Tribunal (“HRET”) is an electoral protest filed by Congressman Luis R. Villafuerte.



This is an election protest against Rep. Gabriel Bordado, Jr. ("Bordado, Jr.") covering the 3<sup>rd</sup> Congressional District of Camarines Sur.<sup>13</sup>

34. Atty. Chong obtained copies of the audit logs from the sixty-two (62) clustered precincts from Ragay, Camarines Sur from former Rep. Luis R. Villafuerte ("Villafuerte"), not from the SET as adverted to by Protestee Robredo.

It is Protestee Robredo who seeks to foist a deception upon this Honorable Tribunal.

35. Villafuerte repeatedly requested from the Comelec for the decryption of the secure digital ("SD") cards which contained among others, the ballot images and the audit logs of the Vote Counting Machines ("VCM") in the protested clustered precincts.

For almost two (2) years, the Comelec failed to act on these requests.<sup>14</sup> This prompted Villafuerte to secure copies of the same from Protestant Marcos who was able to secure from this Honorable Tribunal the order to decrypt the SD cards and obtain copies thereof.

36. Between the last week of February and the first week of March, 2018, Villafuerte requested Atty. Amor Amorado, one of the counsels of Protestant Marcos, for a copy of the contents of the decrypted SD cards. The former submitted to the latter a hard drive for this purpose.

37. When the copy of the contents of the decrypted SD cards contained in the hard drive was obtained by Villafuerte, he turned it over to Atty. Chong for purposes of examination, evaluation and analysis for purposes of his election protest.

38. For purposes of expediency, on 6 March 2018, Villafuerte proposed to the HRET in his comments to allow him to use the copy of the contents of the decrypted SD cards and likewise allow his opponent Bordado, Jr. to obtain his copy of the same from Protestee Robredo.

39. Excerpts of PROTESTANT'S COMMENTS AND OBJECTIONS TO PROTESTEE'S MANIFESTATION AND MOTION, Page 3, Paragraph (b), filed by Villafuerte with the HRET states:

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<sup>13</sup> HRET Case No. 16-005, House of Representatives Electoral Tribunal.

<sup>14</sup> Letters of Villafuerte to Comelec Chairman Andres Bautista dated 23 May 2016 and 4 August 2016 are hereto attached as *Annexes "F" and "G"* and made integral parts hereof.



*"With respect to the electronic data of the election in the 3rd Congressional District of Camarines Sur, it is recommended that herein PROTESTANT Villafuerte be allowed to obtain copies of said election data (audit logs of the VCM which include the image capture of the ballots) from Mr. Marcos while herein PROTESTEE Bordado shall obtain such electronic data from Ms. Robredo."*<sup>15</sup>

40. The HRET eventually denied Villafuerte's recommendation but ordered the decryption of the SD cards, thus:

*"As regards protestant's recommendation that he be allowed to obtain copies of the election data (picture image of the ballots and audit logs of the VCM) contained in the decrypted copies of the SD cards in the 3rd District of Camarines Sur from Ferdinand R. Marcos, Jr. while protestee obtain his copies from Maria Leonor G. Robredo in the vice-presidential electoral protest case before the P.E.T., it should be noted that during the pre-trial held on May 9, 2017, as reflected in the Pre-Trial Order dated June 15, 2017, the parties already agreed to conduct decryption of Secure Digital (SD)/data storage device cards and the printing of the data or images of the ballots prior to the conduct of revision in order to expedite the proceedings of the case. Considering that the proceedings in this Tribunal are separate and distinct from the proceedings before the P.E.T., the Tribunal deems it proper to coordinate with the Comelec for the conduct of the decryption in the instant case."*<sup>16</sup>

41. Pursuant to his undertaking with Villafuerte, Atty. Chong proceeded to evaluate, examine and analyze the contents of the decrypted SD cards contained in the hard drive.

The hard drive contained the contents of the decrypted SD cards of all clustered precincts in the Province of Camarines Sur, including the sixty-two (62) clustered precincts from Ragay.

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<sup>15</sup> PROTESTANT'S COMMENTS AND OBJECTIONS TO PROTESTEE'S MANIFESTATION AND MOTION filed by Villafuerte with the HRET on 6 March 2018 is hereto attached as *Annex "H"* and made an integral part hereof.

<sup>16</sup> NOTICE from the HRET of Resolution 18-067 dated 15 March 2018 is hereto attached as *Annex "I"* and made an integral part hereof.



42. It is from this hard drive that the audit logs of sixty-two (62) clustered precincts were used and presented by Atty. Chong in the Electoral Reforms hearing for purposes of refuting the bare excuses of the Comelec and Smartmatic in their attempt to explain the four hundred fifty-nine (459) clustered precincts which made early transmissions of results.

43. Atty. Chong was himself a protestant in the HRET under the first automated elections in 2010. His lead counsel was Atty. Maria Bernadette V. Sardillo ("Atty. Sardillo"), collaborating counsel for Protestee Robredo, while his collaborating counsel was Atty. George Erwin M. Garcia ("Atty. Garcia"), lead counsel for Protestant Marcos.

It should be emphasized that over the years, Atty. Chong has endeavored to maintain a personal and close relationship with his counsels, albeit professionally.

44. In fact, it was Atty. Sardillo who provided the revision data from Clustered Precincts 193 and 67 in Lapu-lapu City, Province of Cebu, concerning the wrongly counted votes by the PCOS machines in the 2013 elections as mentioned in Footnote 4 of this Comment.

It was also the revisor of Atty. Sardillo who provided the revision data from Clustered Precinct 3, Brgy. Abucayan in Balamban, and Clustered Precinct 14, Brgy. Lanao in Asturias, both in the Province of Cebu, showing more cases of wrongly counted votes by the PCOS machines in the 2013 elections.

45. These revision data were presented by Atty. Chong in one of the hearings of the JCOC-AES sometime in 2014 or 2015.

It is noteworthy to mention that these revision data were provided to Atty. Chong without him asking for prior permission from the parties in the election protests concerned.

***Pleadings and notices cited by  
Protestee are available elsewhere.***

46. Similarly, in the instances outlined in detail by Protestee Robredo in her *Urgent Motion*, specifically from Paragraphs 12.1 to 12.43, inclusive, the pleadings of the parties and *Resolutions* of this Honorable Tribunal cited therein are not exclusively available only from the



counsels of Protestant Marcos, contrary to the “disturbing patterns,” “surprises,” insinuations and baseless conclusions of Protestee Robredo.

47. A simple search on Google would reveal that Protestant Marcos maintained a website dedicated purely to the publication of updates of the election protest dubbed #ProtestWatch which is accessible to the general public, including Atty. Chong.<sup>17</sup>

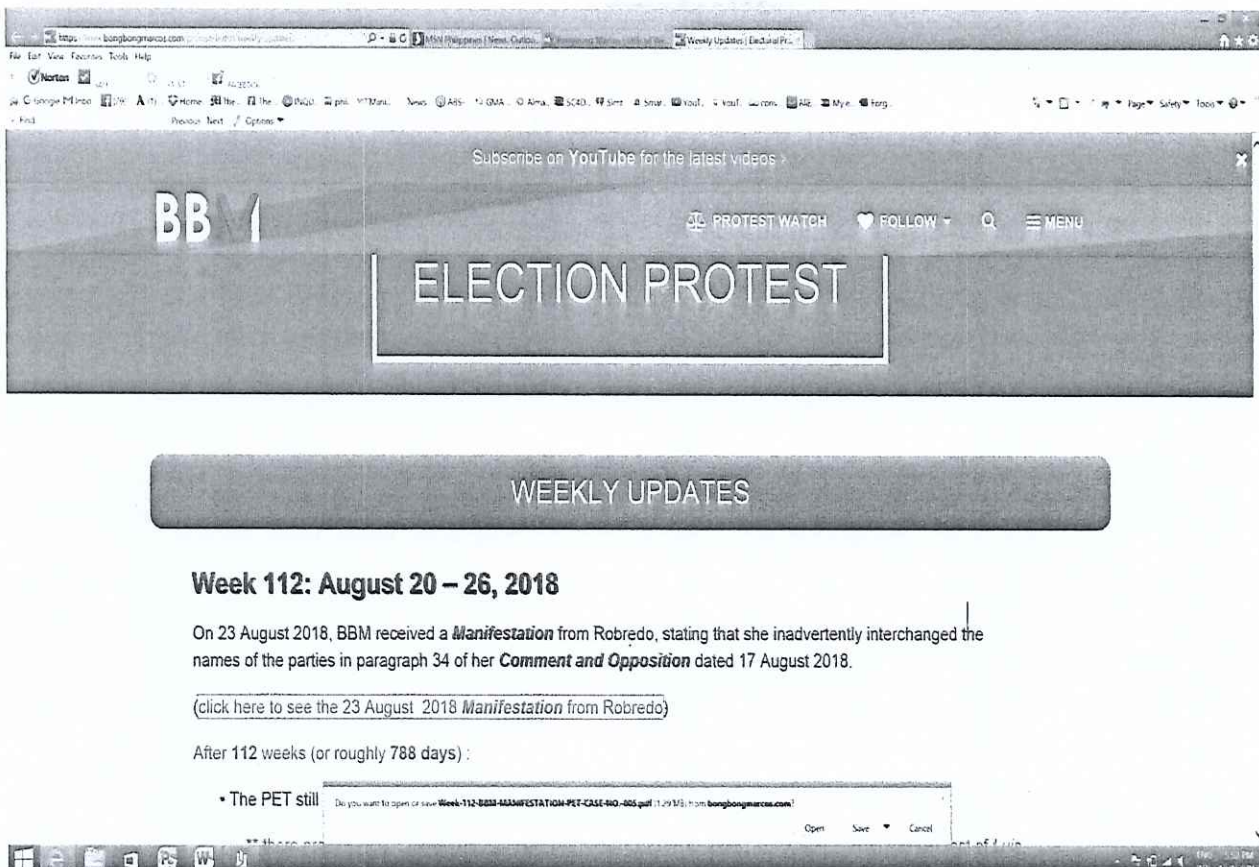


48. Part of this website is a Weekly Updates section wherein updates, including pleadings of the parties and *Resolutions* of this Honorable Tribunal, are posted. The pleadings are downloadable by the general public, including Atty. Chong.<sup>18</sup>

<sup>17</sup> Screenshot from the website (<https://www.bongbongmarcos.com/>) is printed and is hereto attached as *Annex “J”* and made an integral part hereof.

<sup>18</sup> Screenshot from the website (<https://www.bongbongmarcos.com/protest-watch-weekly-updates/>) is printed and is hereto attached as *Annex “K”* and made an integral part hereof.





Examples of such downloadable pleadings of the parties and *Resolutions* of this Honorable Tribunal are shown hereinafter:<sup>19</sup>

<sup>19</sup> First page of pleadings and Resolutions downloaded from (<https://www.bongbongmarcos.com/protest-watch-weekly-updates/>) are printed and are hereto attached as *Annexes "L"* and *"M"* and made integral parts hereof.



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

MANIFESTATION

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

1. On 14 August 2018, protestee Maria Leonor G. Robredo (hereafter "Robredo" for brevity) filed a Counter-Manifestation with Comment and Opposition (To the Strong Manifestation with Motion [RE: Use of Decrypted Ballot Images for Revision] dated 05 July 2018).
2. It would appear that protestee Robredo inadvertently interchanged the names of the parties in paragraph 34 of the said Comment and Opposition.
3. The correct number of votes as reflected in the Election Returns should be:

MUNICIPALITY OF SAGNAY, CAMARINES SUR				
CP No.	Established Precincts	Barangay	Robredo	Marcos
17	43A, 44A	Minadongsol	189	8





Republic of the Philippines  
Presidential Electoral Tribunal  
Baguio City



NOTICE

Sirs/Mesdames:

Please take notice that the Tribunal issued a Resolution dated **APRIL 10, 2018**, which reads as follows:

**"PET Case No. 005 – FERDINAND "BONGBONG" R. MARCOS, JR., protestant, versus MARIA LEONOR "LENI DAANG MATUWID" G. ROBREDO, protestee.**

X-----X

RESOLUTION

Protestee's Urgent Ex Parte Motion to Direct the Head Revisors to Apply the Correct Threshold Percentage as Set by the Commission on Elections in the Revision, Recount and Re-Appreciation of the Ballots, in Order to Expedite the Proceedings dated April 5, 2018 (Ex Parte Motion)

In her Ex Parte Motion, protestee claims that the threshold percentage in determining the validity of votes during the 2016 National and Local Elections was 25% and not 50%.<sup>1</sup> Protestee thus moves that the Tribunal direct its Head Revisors to use the 25% threshold percentage in determining valid votes.<sup>2</sup>

In support of her claims, protestee cites the Random Manual Audit Visual Guidelines<sup>3</sup> and the Random Manual Audit Report.<sup>4</sup> Protestee also claims that Rule 43(l) of the 2010 PET Rules has been superseded by the 2018 Revisor's Guide. Rule 45(l) of the 2010 PET Rules states:

**RULE 43. Conduct of the revision.** – The revision of votes shall be done through the use of appropriate PCOS machines or manually and visually, as the Tribunal may determine, and according to the following procedures:

X X X X

<sup>1</sup> Ex Parte Motion, par. 13  
<sup>2</sup> Ex Parte Motion, p. 7  
<sup>3</sup> Id. at par. 14  
<sup>4</sup> Id. at par. 15



49. An example of downloadable compliance by persons or agencies required by this Honorable Tribunal to file comments, manifestations and similar pleadings is shown below:<sup>20</sup>

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

**FERDINAND "BONGBONG" R. MARCOS, JR.,**  
Protestant,

- versus -

**MARIA LEONOR "LENI DAANG MATUWID" G. ROBREDO,**  
Protestee.

-----X

PRESIDENTIAL ELECTORAL TRIBUNAL  
**RECEIVED**  
JUL 06 2018  
BY: [Signature]  
PET Case No. 005

**MANIFESTATION AND MOTION**  
(In Lieu of Comment)

**THE SOLICITOR GENERAL**, as the People's Tribune, respectfully states:

1. In her "Urgent Ex Parte Motion to Direct the Head Revisors to Apply the Correct Threshold Percentage as Set by the Commission on Elections in the Revision, Recount, and Re-Appreciation of the Ballots, in Order to Expedite the Proceedings" dated April 5, 2018, protestee Maria Leonor G. Robredo asked the Honorable Tribunal to direct "the Head Revisors to use the twenty-five percent (25%) threshold percentage used by the Commission on Elections for the 09 May 2016 National and Local Elections...."
2. On April 10, 2018, the Honorable Tribunal denied the protestee's Ex Parte Motion for lack of merit, as the tribunal has "no basis to impose a 25% threshold in determining whether a vote is valid."<sup>1</sup>
3. The protestee subsequently filed an "Urgent Motion for Reconsideration (of the Resolution dated April 10, 2018) with Reiterative Prayer to Immediately Direct the Head Revisors to use the Twenty Five (25%) Threshold Percentage

<sup>1</sup> Resolution dated April 10, 2018, p. 3.

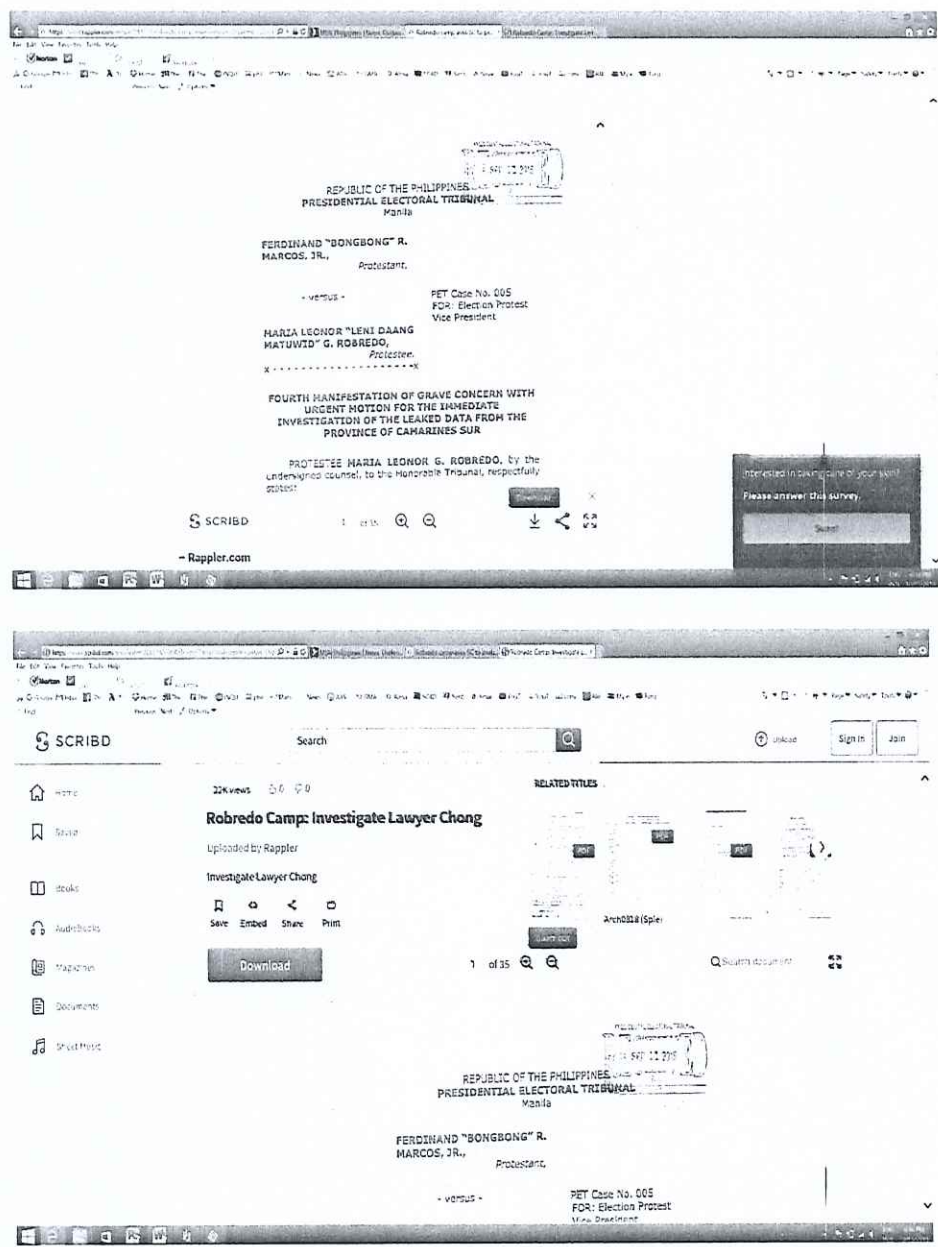
50. It is noteworthy to mention that the examples of pleadings of the parties and *Resolutions* of this Honorable Tribunal downloaded from the website of Protestant Marcos bear the stamp marks of the counsel of Protestant Marcos and/or this Honorable Tribunal.

Likewise, it is noteworthy to mention that accessing the said website of Protestant Marcos does not require the user, including Atty. Chong, to sign-in, log-in or in any way identify himself or secure permission from the owner to download files available in said website.

<sup>20</sup> First page of compliance/similar pleadings downloaded from (<https://www.bongbongmarcos.com/protest-watch-weekly-updates/>) is printed and is hereto attached as *Annex "N"* and made an integral part hereof.



51. As previously stated at the start of this particular section of this *Comment*, the pleadings of the parties and *Resolutions* of this Honorable Tribunal are not exclusively available only from the counsels of Protestant Marcos because even news organizations such as rappler.com and file sharing websites like scribd.com also publish or host such pleadings of the parties and *Resolutions* as shown by the following examples:<sup>21</sup>



<sup>21</sup> Screenshots from the websites (<https://www.rappler.com/nation/211729-robredo-camp-manifestation-supreme-court-investigation-glenn-chong> ) and ([https://www.scribd.com/document/388315562/Robredo-Camp-Investigate-Lawyer-Chong#from\\_embed](https://www.scribd.com/document/388315562/Robredo-Camp-Investigate-Lawyer-Chong#from_embed)) are printed and are hereto attached as *Annex “O”* and *“P”* and made integral parts hereof.



52. Again, the pleadings of the parties and Resolutions of this Honorable Tribunal which are available from websites like rappler.com and scribd.com also bear stamp marks.

Thus, in the cases cited by Protestee Robredo, the sources of Atty. Chong for his Facebook posts are varied and completely independent of Protestant Marcos.

53. Where Atty. Chong directly obtained copies of pleadings of the parties and Resolutions of this Honorable Tribunal from the website of Protestant Marcos, *no prior permission was required or sought from him.*

Under the circumstances as discussed, **Protestee Robredo is totally unjustified in asserting, directly or indirectly, that Atty. Chong is Protestant Marcos' lawyer or representative, or that both have some kind of professional relationship.**

***Cited Facebook posts, attributed by Protestee to Atty. Chong might have come from elsewhere.***

54. As a final note on the issue of Facebook postings by Atty. Chong, Protestee Robredo made this Honorable Tribunal believe that all such posts attributed to him, from Paragraphs 12.1 to 12.43, inclusive, were directly obtained from his own Facebook page.

55. Atty. Chong has over one hundred thirty-five thousand (135,000) followers on Facebook.

Atty. Chong's "engagements" with his followers on Facebook is several times over than those of other comparable Facebook personalities. In other words, his followers are more active in liking, sharing and commenting on his posts than other personalities with equally large following.

56. The posts alleged to have been obtained from the personal Facebook page of Atty. Chong in Paragraphs 12.1, 12.7, 12.8, 12.10, 12.11, 12.13, 12.18, 12.21, and 12.35 of Protestee Robredo's *Urgent Motion* invariably appear to have very minimal "engagements," or likes, shares and comments.

Additionally, no accompanying article appears on the top right portion of said Facebook posts directly below the profile picture of Atty.



Chong. It is simply blank. This makes Protestee's supposed Facebook posts screen shots of suspicious and dubious origin.

57. As a matter of practice, Atty. Chong does not post anything on Facebook without an accompanying article or explanation of any document or visualization posted in his own page.

An examination of all Facebook posts shown in Protestee Robredo's *Urgent Motion* will readily show a stark difference between posts with high "engagements" and those with very minimal "engagements."

58. Atty. Chong's posts with high "engagements" in the thousands always have accompanying article or explanation at the top right portion of said posts directly below his profile picture. Whereas, posts attributed to him with very minimal "engagements" of less than a hundred do not have such accompanying article or explanation.

This can only mean that the posts alluded to Atty. Chong did not actually come directly from his own Facebook page but from someone else who may have shared it in their own page from another page.

59. As posts are shared from one page to another, the possibility of tampering, alternation or manipulation increases. Thus, Atty. Chong questions the authenticity of the Facebook posts cited by Protestee Robredo in her Urgent Motion.

*Stripping and turnover of VCMs in Sta. Rosa is in no way connected to the herein proceedings.*

60. In the vain attempt of Protestee Robredo to connect Atty. Chong to Protestant Marcos as his representative, presumably for the purpose of ensuring that Atty. Chong will be included within the ambit of the gag order of this Honorable Tribunal, she cited the stripping and turnover of the VCMs activities in Sta. Rosa, Laguna wherein Atty. Chong was present and was interviewed by the media.

61. To support her contention, Protestee Robredo in Paragraph 25 of her *Urgent Motion* cited a Facebook post of Atty. Chong showing photographs of the activities and an accompanying article entitled "BRIEFING ON THE PROCEDURE FOR THE RETURN OF 1,356 VCMs TO SMARTMATIC," dated 20 October 2016.

She further asserts, in Paragraph 27 of her *Urgent Motion*, that there is no record of any request from Atty. Chong to this Honorable Tribunal that he be allowed to observe the proceedings in his capacity as advocate for clean elections.

62. Protestee Robredo failed to grasp the significance of the activities involved in the stripping and return of the VCMs by the Comelec to Smartmatic.

**These are entirely Comelec activities** in compliance with its obligation to return the VCMs to Smartmatic at the time specified in their contract. The activities **had nothing to do with any proceedings before this Honorable Tribunal.**

63. This Honorable Tribunal only sent representatives to said activities only because it had earlier issued a *Precautionary Protection Order* covering the VCMs and other election equipment, paraphernalia and documents.

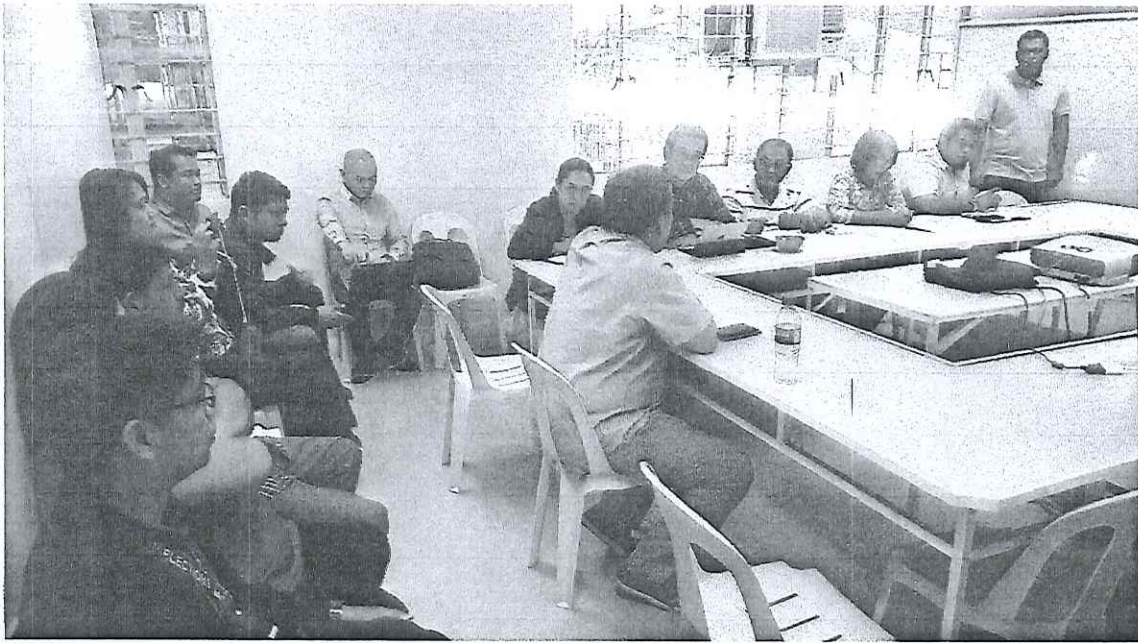
Thus, the activities being purely that of Comelec, Atty. Chong did not see fit to request from this Honorable Tribunal to be allowed to observe the proceedings in his capacity as clean elections advocate.

64. For purposes of expediency, Atty. Chong requested Atty. Amorado, that he and his IT expert be accommodated and included in their letter of representation to the Comelec to be able to observe the proceedings. Atty. Amorado obliged because he knew of Atty. Chong's advocacy on clean, honest and transparent elections.

Atty. Amorado attended one of the many lectures made by Atty. Chong across the country concerning the automated elections system months before the 2016 elections. This is why they came to know of each other.

65. Mindful of his status as mere observer and advocate for clean elections, Atty. Chong did not sit at the designated places for counsels and representatives of the parties in this Protest during the activity. He sat at the back where observers were supposed to be as shown in the following photograph.





66. As an advocate for clean elections, Atty. Chong had every reason to observe the activities of the Comelec because the VCMs to be stripped and returned to Smartmatic formed part of the contingent or extra VCMs.

Unfortunately, Atty. Chong knew that he will not be allowed to observe the said undertaking if he will not be included in the accreditation letter of any of the parties to this Protest, hence his request to Atty. Amorado.

67. The importance of the stripping and turnover activities of the VCMs by the Comelec to Smartmatic cannot be overemphasized.

In the 2010 elections in Biliran, it was discovered in a post-election audit that two (2) PCOS machines were missing and were never returned to the Smartmatic depot in Tacloban City.

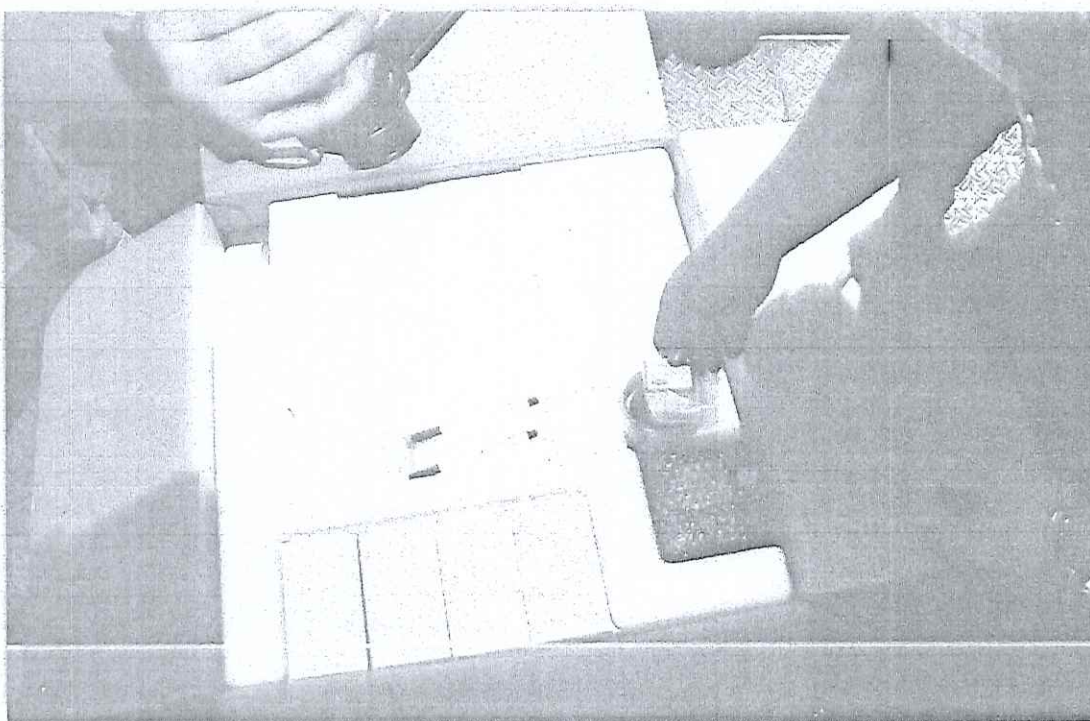
68. The missing PCOS machines were surreptitiously retrieved by Smartmatic personnel a day later from a municipal hall in Biliran where they were hidden.

The people intercepted the Smartmatic truck on the road. They brought the truck to the municipal hall of the provincial capital. The police, in the presence of the public, opened the two (2) boxes containing the missing PCOS machines as shown in the following photograph.





69. It was discovered that the intercepted PCOS machines were in fact contingent or extra VCMs. The inventory showed, among others, an extra CF card as shown in the this picture -



70. The presence of the extra CF card is alarming and a serious security concern because there is absolutely no need for an extra CF card



to be included with the contingent or extra PCOS machines. In cases where the contingent or extra PCOS machines are to be deployed and used in lieu of malfunctioning ones, the protocol dictates that the CF cards already containing votes used by the malfunctioning PCOS machines shall be replaced into the replacement PCOS machines.

71. Since there is absolutely no need to include extra CF cards, Atty. Chong sought to be able to observe the proceedings in Sta. Rosa, Laguna precisely to determine if extra SD cards were deployed together with the contingent or extra VCMs in the 2016 elections as was previously practiced in the 2010 and 2013 elections.

72. The sole purpose of Atty. Chong in attending the stripping and turnover activities of the VCMs is to confront Smartmatic's representative to verify the truth about the extra SD cards. He wanted to do this right at the point where the contingent or extra VCMs containing them are stripped and the contents are revealed.

The stripping and turnover activities were the only opportunity available to Atty. Chong to obtain answers from Smartmatic. That is why, at the beginning of the stripping activity, he confronted Mr. Elie Moreno, Smartmatic Philippines' General Manager.

73. Mr. Elie Moreno admitted to Atty. Chong, in front of the media as shown in the photograph below, that indeed each and every contingent or extra VCMs was provided with an extra SD card; that the said extra SD card is absolutely not necessary for the purpose; that they pose a serious risk to the integrity of the elections; and, that the Comelec ordered the deployment of such extra SD cards despite being unnecessary under its existing protocols.





74. All the while, the media recorded this confrontation between Mr. Elie Moreno and Atty. Chong. Thereafter, the media started asking questions to Atty. Chong regarding the issue of contingent or extra VCMs and extra SD cards. After the confrontation and interview, Atty. Chong and his IT expert left the premises even before the stripping and turnover activities started in earnest.

Despite the stripping and turnover activities in the Comelec warehouse stretching up to several months and well into 2017, Atty. Chong never came back to observe the proceedings again.

***The discovery of extra 127 SD  
Cards in contingent VCMs.***

75. The second activity referred to by Protestee Robredo in Paragraph 23 of her *Urgent Motion* is a result of the discovery of 127 extra SD cards in 127 contingent or extra VCMs which were found to have contents or files stored.

76. Almost three (3) months after the discovery, the Comelec scheduled a decryption activity in order to examine the contents or files stored in these extra SD cards. The activity was set at the Project Management Office of the Comelec's main office located on the ground floor of Palacio del Gobernador, Intramuros, Manila.

Upon hearing of this development and for purposes of expediency, Atty. Chong again requested Atty. Amorado to accommodate him and Prof. Edmundo Casiño so that they will be included in their letter of accreditation to the Comelec in connection with the decryption activity.

77. At the decryption activity, only twenty-six (26) extra SD cards were decrypted of which thirteen (13) were found to be empty while the remaining thirteen (13) were found to contain files stored therein.

Atty. Chong emphatically remembered that before the start of the briefing at the Comelec warehouse in Sta. Rosa, Laguna for the stripping and turnover activities almost three (3) months earlier, while smoking and conversing with Comelec Executive Director Jose Tolentino, he assured Atty. Chong that **all the 1,356 VCMs subject of the stripping and turnover activities were never actually deployed in the field** and were just stored in the warehouse.



78. This recollection alarmed Atty. Chong because if there were at least thirteen (13) extra SD cards, which were found to contain files, from the pool of VCMs which were never actually deployed and never actually used, the tampering of the automated election system becomes real.

79. In fact, SD card with serial number BUF0631C, one of the thirteen (13) extra SD cards with files stored therein definitively showed traces of having been tampered with because the traces of the Windows operating system is clearly imprinted in the stored files. The VMC's operating system is Linux, not Windows.

80. During a break, Atty. Chong and Prof. Edmundo Casiño went out of the room where the decryption activity was taking place. Ms. Angel Movido, ABS-CBN's beat reporter, met them and asked for their observations regarding the activity.

Contrary to the assertions of Protestee Robredo in Paragraph 24 of her *Urgent Motion* that Atty. Chong can be seen talking to one of the lawyers of Protestant Marcos, the photograph below will show that Atty. Chong was in fact talking to Prof. Edmundo Casiño and Ms. Angel Movido.



The alleged lawyer of Protestant Marcos is clearly just a curious spectator wishing to grasp something for a story to tell.



81. Obviously, Protestee Robredo is making a mountain out of molehill in her all-consuming desire to link, no matter how tenuous, Atty. Chong to Protestant Marcos in order to secure a gag order from this Honorable Tribunal.

***Atty. Chong simply obliges to invitations extended to him.***

82. As for the attendance of Atty. Chong in the Preliminary Conference of this Protest, Atty. Amorado invited Atty. Chong to give him an opportunity to observe the proceedings as an advocate of clean, honest and transparent elections. Atty. Chong simply obliged.

83. In fact, this kind of invitation is not limited to this protest. The lawyers of Francis Tolentino had extended similar invitations to Atty. Chong to observe the examination of witnesses. The lawyers of former Rep. Luis R. Villafuerte also extended similar invitations to observe the pre-trial and decryption proceedings.

These invitations are recognition of Atty. Chong's reputation and dedication as clean, honest and transparent elections advocate.

84. In a final attempt to link Atty. Chong to Protestant Marcos, Protestee Robredo complains that Atty. Chong has been named as one of the witnesses of Protestant Marcos in his First Cause of Action. Suffice it to say, Atty. Chong never acquiesced or affirmed his acceptance to stand as witness for Protestant Marcos in any of his causes of action.

85. The link, if any, between Atty. Chong and Protestant Marcos cannot be established by the mere say so of Protestee Robredo. She must prove it beyond loud suspicions.

***Atty. Chong takes exception to Protestee's labeling him as a sore loser.***

86. Atty. Chong takes very strong exceptions to the assertions of Protestee Robredo in Paragraph 35 of her *Urgent Motion* by labeling him as "a sore loser just like Protestant Marcos who cannot accept defeat in good grace" and that his actuations do not show the kind of candor and respect a lawyer worth his title should accord this Honorable Tribunal.



87. Atty. Chong is mindful of his obligations as a lawyer and officer of the court. There is no doubt in his mind that this Honorable Tribunal deserves the candor and respect enjoined of him as a lawyer under the Code of Professional Responsibility.

88. But Atty. Chong is equally mindful of his obligations to the Republic and the Constitution as a citizen to expose and fight injustices of all forms, shapes and sizes especially those that defeats the very essence of representative democracy upon which this country is founded upon and prides itself of.

89. There can be no higher form of injustice affecting virtually every one of the more than one hundred million Filipinos than cheating and defrauding them of their right to vote and the exercise or expression of their collective political power upon which all powers of government emanate from.

90. The pernicious and evil effects of a corrupted and fraudulent election destroy the very fabric of our democracy and our republic. It promotes political and economic instability. It breeds unbridled corruption that effectively holds back development and progress that throw more of our people into the gut of wrenching poverty. It affects not only today but far into the future.

These are the core beliefs of Atty. Chong that has impelled and sustained him in his efforts to expose and fight against the corruption of our election system in the last eight (8) years.

91. There is no doubt that the corruption of our election system is an issue of paramount public interest that must be seriously weighed against the interest served by the rule of sub judice in so far as it seeks to curtail the publication or dissemination of information regarding the former.

92. Atty. Chong most respectfully submits that in weighing these two (2) opposing public interests against one another, this Honorable Tribunal considers the following evidence related to the Electoral Reforms hearings for which Protestee Robredo is so desperate to stop or conceal, and whether or not she has sufficiently established by her *Urgent Motion* a clear and unmistakable connection between Atty. Chong and Protestant Marcos.

***The Electoral Reforms hearing on  
July 31, 2018 and subsequent  
dates.***

93. The Electoral Reforms hearing on July 31, 2018 and related hearings conducted on August 6, 2018 and September 13, 2018 were conducted as a result of the privileged speeches of Senate President Vicente Sotto III delivered on March 6 and 14, 2018.

94. Atty. Chong presented by Powerpoint presentations the issues affecting the automated election system and denominated as follows:

Comparison of DNS Logs<sup>22</sup>  
FTS Counter Argument<sup>23</sup>  
Secret Queue Server<sup>24</sup>  
Tampered Decrypted Ballot Images (2016)<sup>25</sup>  
Other Anomalies and Irregularities.<sup>26</sup>

95. In addition, Atty. Chong made available to the Electoral Reforms committees, the Comelec, Smartmatic and all other parties, including Senators, who requested at the hearings for copies of his Powerpoint presentations which, though not presented during the hearings, formed part of his testimony, the following:

Tampered Decrypted Ballot Images (2013)<sup>27</sup>  
Missing Votes Missing Precincts<sup>28</sup>  
Seven Regional Hubs<sup>29</sup>  
Pre-shaded Ballots<sup>30</sup>

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<sup>22</sup> Copy of the Powerpoint presentation is hereto attached as *Annex "Q"* hereof.

<sup>23</sup> Copy of the Powerpoint presentation is hereto attached as *Annex "R"* hereof.

<sup>24</sup> Copy of the Powerpoint presentation is hereto attached as *Annex "S"* hereof.

<sup>25</sup> Copy of the Powerpoint presentation is hereto attached as *Annex "T"* hereof.

<sup>26</sup> Copy of the Powerpoint presentation is hereto attached as *Annex "U"* hereof.

<sup>27</sup> Copy of the Powerpoint presentation is hereto attached as *Annex "V"* hereof.

<sup>28</sup> Copy of the Powerpoint presentation is hereto attached as *Annex "W"* hereof.

<sup>29</sup> Copy of the Powerpoint presentation is hereto attached as *Annex "X"* hereof.

<sup>30</sup> Copy of the Powerpoint presentation is hereto attached as *Annex "Y"* hereof.



### Absence of Digital Signatures<sup>31</sup>

96. For purposes of this *Comment*, Atty. Chong will limit the discussion only with respect to the four hundred fifty-nine (459) clustered precincts involved in the early transmission anomaly as this is also the most irritating issue for Protestee Robredo.

97. Protestee Robredo is loudly protesting why Atty. Chong chose to present the case of Ragay, Camarines Sur when the same is one of the pilot provinces of Protestant Marcos in his protest before this Honorable Tribunal. She posits that being so, Atty. Chong should have avoided using this particular case.

Atty. Chong did not have a choice. If other cases were available, he would have not chosen to present the case of Ragay, Camarines Sur. Thus, there is no malice in his choice.

98. Due to the tedious nature in manually identifying the particular clustered precincts involved in the early transmissions anomaly as described in Paragraphs 6.8, 6.8.1 and 6.8.2 of this *Comment*, without the aid of software applications which are available only to Smartmatic and the Comelec, Atty. Chong has identified only a handful of these clustered precincts.

99. Among the identified clustered precincts involved in the early transmissions anomaly are, apart from Ragay, Camarines Sur, those in:

Libon, Albay;  
Angono, Rizal;  
Balingasag, Misamis Oriental;  
Butig, Lanao del Sur;  
Dumanjug, Cebu;  
Pasay City;  
Pasig City;  
City of Naga (Cebu);  
Cotabato City;  
Cavite;  
Zamboanga del Norte; and,  
Negros Oriental.

100. It is very clear that of all these identified clustered precincts involved in the early transmissions anomaly, only Ragay, Camarines

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<sup>31</sup> Copy of the Powerpoint presentation is hereto attached as *Annex "Z"* hereof.

Sur, has readily available decrypted audit logs with which to verify whether or not any particular legitimate VCM made the early transmission or not.

101. With respect to clustered precincts from places other than Ragay, Camarines Sur, their respective audit logs have not been decrypted yet, as in the case of Negros Oriental, or will never be decrypted at all, as in all other cases not subject to any election protest. The Comelec has consistently and adamantly refused to provide interested parties with access to decrypted audit logs unless ordered by the court or tribunal in relation to an existing protest.

102. An examination of the audit log of the VCM is absolutely necessary to determine definitively if a legitimate VCM was "alive" on 8 May 2018 as to have made the early transmission.

If no legitimate VCM was "alive" on 8 May 2018, then the transmission query could only have come from cloned or fake VCMs.

103. Faced with the prospect of being unable to prove that cloned or fake VCMs were transmitting election results one day before the elections, Atty. Chong had no choice but to show the results of the examination of all VCM audit logs from Ragay, Camarines Sur.

Since no legitimate VCM was "alive" in Ragay, Camarines Sur on 8 May 2018, then the early transmission from there could only have been made by a cloned or fake VCM masquerading as a legitimate VCM.

104. Atty. Chong's conclusions ended here. He did not name any particular candidate who may have been benefited or suffered as a result of the bogus transmissions.

Thus, the loud protestation of Protestee Robredo is clearly premature and baseless.

105. At this point, it is noteworthy to mention also that in the DNS Server system log, Transmission Codes 9701, 9702, 9703, 9704, 9705, 9706, of which the first two (2) codes were repeatedly sending numerous transmission queries to the DNS one day before election day, could not be traced to any legitimate and duly accounted for clustered precinct identification numbers or legitimate VCMs.



The last legitimate and duly accounted for clustered precinct identification numbers or legitimate VCM is 9315 as shown by the tabulated results from the Transparency Server and provided to NAMFREL.<sup>32</sup>

106. The Comelec and Smartmatic sought to dispel the allegations of fraud in the elections stating that the cases of early transmissions recorded in the DNS Server log were in fact the Final Testing and Sealing ("FTS") procedures conducted throughout the country between 2 to 6 May 2018.

*The questionable transmission of election results.*

107. The Comelec promulgated Resolution No. 10057 otherwise known as the GENERAL INSTRUCTIONS FOR THE BOARDS OF ELECTION INSPECTORS (BEI) ON THE TESTING AND SEALING OF VOTE COUNTING MACHINES (VCMs), AND VOTING, COUNTING AND TRANSMISSION OF ELECTION RESULTS IN CONNECTION WITH THE 09 MAY 2016 NATIONAL AND LOCAL ELECTIONS on 11 February 2016.

Section 33 of Comelec Resolution No. 10057 provides as follows:

*"SEC. 33. Procedures for the final testing and sealing (FTS) of the VCM. – During the FTS, the BEI shall observe the following procedures;:*

*x x x;*

*s) In the MAIN Menu, the certified IT-capable member shall perform the following VCM diagnostics procedures;:*

*x x x;*

*10. "TRANSMISSION DIAGNOSTICS TEST" shall now be performed by the VCM. It will display the message "PLEASE PLUG IN TRANSMISSION DEVICE". The following messages shall appear in this sequence;:*

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<sup>32</sup> 2016 National and Local Elections results from the Transparency Server published by NAMFREL in its website (<http://www.elections.org.ph/2016/results/index.php>).

- i. *SENDING PACKAGE TO THE 'KBP: TRANSPARENCY SERVER' THROUGH 'ETH0';*
- ii. *SENDING PACKAGE TO THE 'CENTRAL: CENTRAL' THROUGH 'ETH0';*
- iii. *SENDING PACKAGE TO THE 'C/MBOC: (NAME OF CITY/MUNICIPALITY' THROUGH 'ETH0';*
- iv. *If error occurs during TRANSMISSION DIAGNOSTICS, the VCM will display the message "COULD NOT GET TO DETERMINE IF THE SERVER IS READY TO RECEIVE TRANSMISSIONS". However, if TRANSMISSION DIAGNOSTICS is successful, the following message will be displayed: "DIAGNOSTICS COMPLETED and TRANSMISSION DIAGNOSTICS WAS SUCCESSFUL.";*

*x x x;*

*ff) After printing the eight (8) copies of National returns and eight (8) copies of Local returns, the VCM will display the message "DO YOU WANT TO TRANSMIT ELECTION RESULTS?" with "YES" or "NO" options. Choose "NO". NOTE: For purposes of FTS, no transmission of election results will be performed."*

108. On the basis of these instructions, there are two (2) possible ways by which a transmission could have been made by the VCM to the DNS Server and recorded in its server log.

108.1 The first is the one provided under Section 33 (s) (10) on "TRANSMISSION DIAGNOSTIC TEST."

108.2 The second is the one provided under Section 33 (ff) on transmission of election results by the BEI after the printing of the first eight (8) copies of election returns.



109. The Comelec gave crystal clear instructions to the BEIs that no transmission of election results will be performed by them during the FTS procedures.

Thus, if no transmission of election results were ever performed by the BEI during the FTS procedures in accordance with the Comelec's instructions, why did the system log of the DNS Server record four hundred fifty-nine (459) clustered precincts as having made transmission queries to it a day before the elections?

110. In other words, the mode by which a transmission by the VCM to the DNS Server mentioned in Paragraph 108.1 of this *Comment* did not come into play.

But why did the system log of the DNS Server record four hundred fifty-nine (459) clustered precincts as having made transmission queries to it a day before the elections?

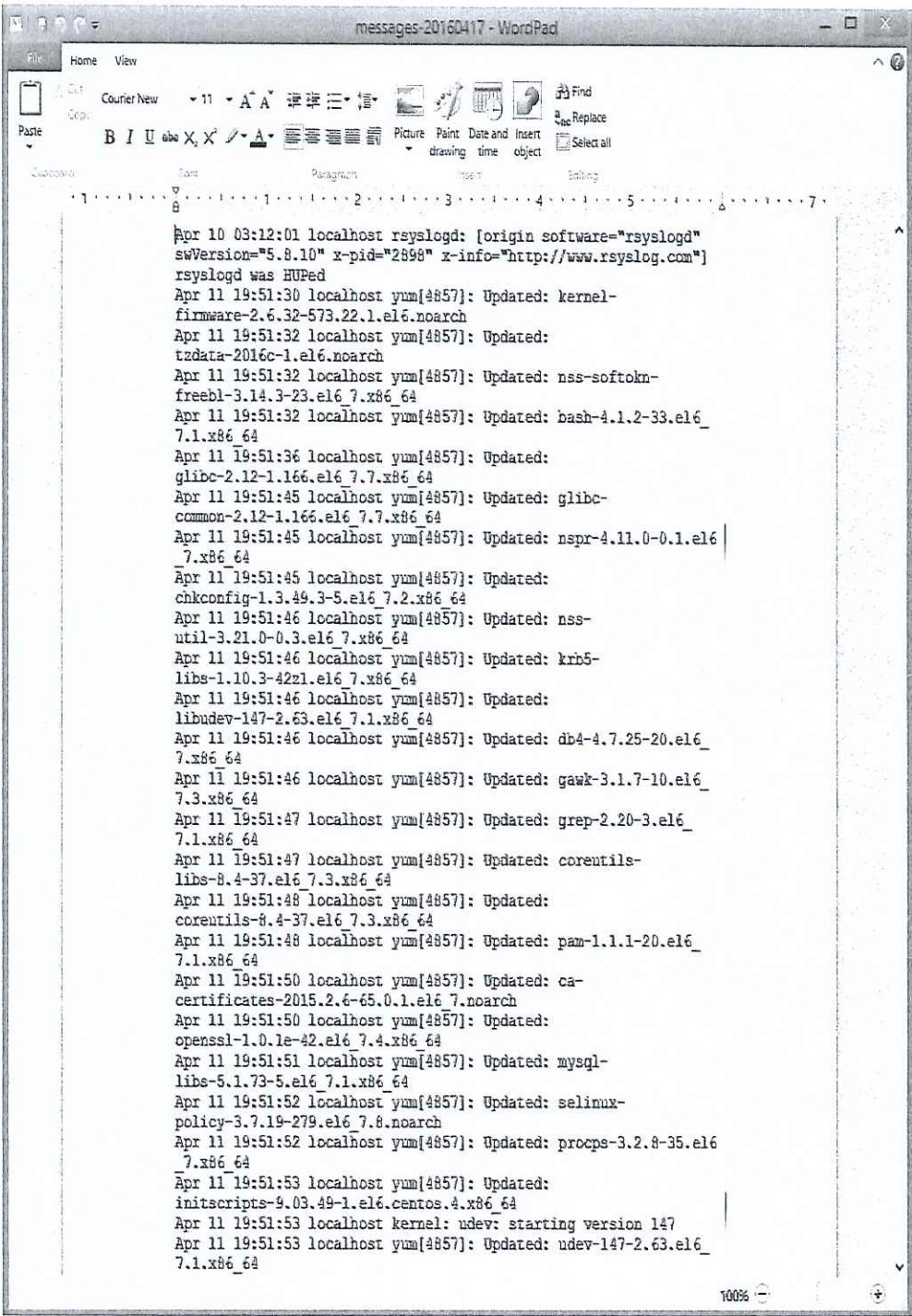
111. The only other remaining possible explanation for the early transmissions anomaly is the mode of transmission by the VCM to the DNS Server under Paragraph 16.10.1 of this *Comment* or the 'TRANSMISSION DIAGNOSTIC TEST.'

112. To determine whether the 'TRANSMISSION DIAGNOSTIC TEST' by the VCM actually reached the DNS Server enough to be logged into its system log, a comparison between the VCM audit log and the DNS Server system log must be made to match the log details of the transmission from the sending VCM with the log details of the same transmission by the receiving DNS Server.

113. As adverted to in Paragraph 13 of this *Comment*, the system log of the DNS Server were procured by way of *subpoena duces tecum* by the SET from the Comelec.

The screenshots of the contents of the DNS Server system log as provided by the Comelec to the SET along with their respective filenames appearing on the top portion thereof are provided below for easy reference.

113.1. Screenshot of the system log of the DNS Server pertaining to log entries from 10 to 17 April, 2016:<sup>33</sup>



<sup>33</sup> Screenshot of the first page of the DNS Server system log file denominated as messages-20160417 is printed and is hereto attached as *Annex "AA"* and made an integral part hereof.

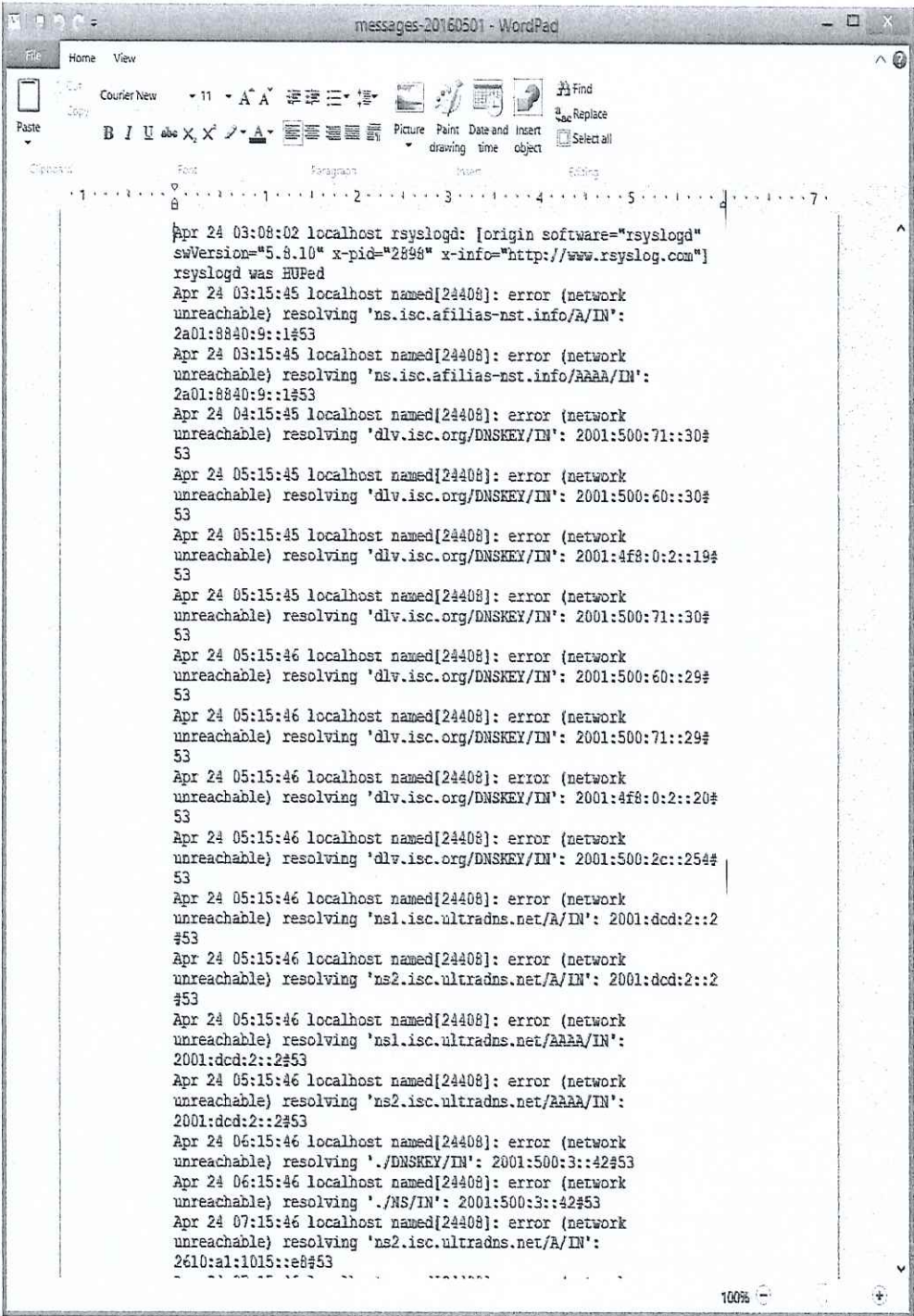


113.2. Screenshot of the system log of the DNS Server  
pertaining to log entries from 17 to 24 April, 2016:<sup>34</sup>

```
Apr 17 03:21:01 localhost rsyslogd: [origin software="rsyslogd"  
swVersion="5.8.10" x-pid="2898" x-info="http://www.rsyslog.com"]  
rsyslogd was HUPed  
Apr 17 04:14:55 localhost named[24408]: error (network  
unreachable) resolving 'dlv.isc.org/DNSKEY/IN': 2001:4f8:0:2::20#  
53  
Apr 17 04:14:55 localhost named[24408]: error (network  
unreachable) resolving './DNSKEY/IN': 2001:503:c27::2:30#53  
Apr 17 04:14:55 localhost named[24408]: error (network  
unreachable) resolving 'dlv.isc.org/DNSKEY/IN': 2001:500:71::29#  
53  
Apr 17 04:14:55 localhost named[24408]: error (network  
unreachable) resolving './NS/IN': 2001:503:c27::2:30#53  
Apr 17 04:14:55 localhost named[24408]: error (network  
unreachable) resolving './DNSKEY/IN': 2001:500:2::c#53  
Apr 17 04:14:55 localhost named[24408]: error (network  
unreachable) resolving 'pdns196.ultradns.biz/A/IN':  
2001:503:e239::3:2#53  
Apr 17 04:14:55 localhost named[24408]: error (network  
unreachable) resolving './NS/IN': 2001:500:2::c#53  
Apr 17 04:14:55 localhost named[24408]: error (network  
unreachable) resolving 'pdns196.ultradns.biz/AAAA/IN':  
2001:503:e239::3:2#53  
Apr 17 04:14:55 localhost named[24408]: error (network  
unreachable) resolving './DNSKEY/IN': 2001:500:2d::d#53  
Apr 17 04:14:55 localhost named[24408]: error (network  
unreachable) resolving './NS/IN': 2001:500:2d::d#53  
Apr 17 04:14:56 localhost named[24408]: error (network  
unreachable) resolving 'ari.delta.aridns.net.au/A/IN':  
2001:dcd:4::2#53  
Apr 17 04:14:56 localhost named[24408]: error (network  
unreachable) resolving 'ari.gamma.aridns.net.au/A/IN':  
2001:dcd:4::2#53  
Apr 17 04:14:56 localhost named[24408]: error (network  
unreachable) resolving 'ari.alpha.aridns.net.au/A/IN':  
2001:dcd:4::2#53  
Apr 17 04:14:56 localhost named[24408]: error (network  
unreachable) resolving 'ari.delta.aridns.net.au/A/IN':  
2001:dcd:3::2#53  
Apr 17 04:14:56 localhost named[24408]: error (network  
unreachable) resolving 'ari.gamma.aridns.net.au/A/IN':  
2001:dcd:3::2#53  
Apr 17 04:14:56 localhost named[24408]: error (network  
unreachable) resolving 'ari.delta.aridns.net.au/A/IN':  
2001:dcd:1::2#53  
Apr 17 04:14:56 localhost named[24408]: error (network  
unreachable) resolving 'ari.delta.aridns.net.au/A/IN':  
2001:dcd:2::2#53  
Apr 17 04:14:56 localhost named[24408]: error (network  
unreachable) resolving 'ari.gamma.aridns.net.au/A/IN':  
2001:dcd:1::2#53  
Apr 17 04:14:56 localhost named[24408]: error (network
```

<sup>34</sup> Screenshot of the first page of the DNS Server system log file denominated as messages-20160424 is printed and is hereto attached as *Annex "BB"* and made an integral part hereof.

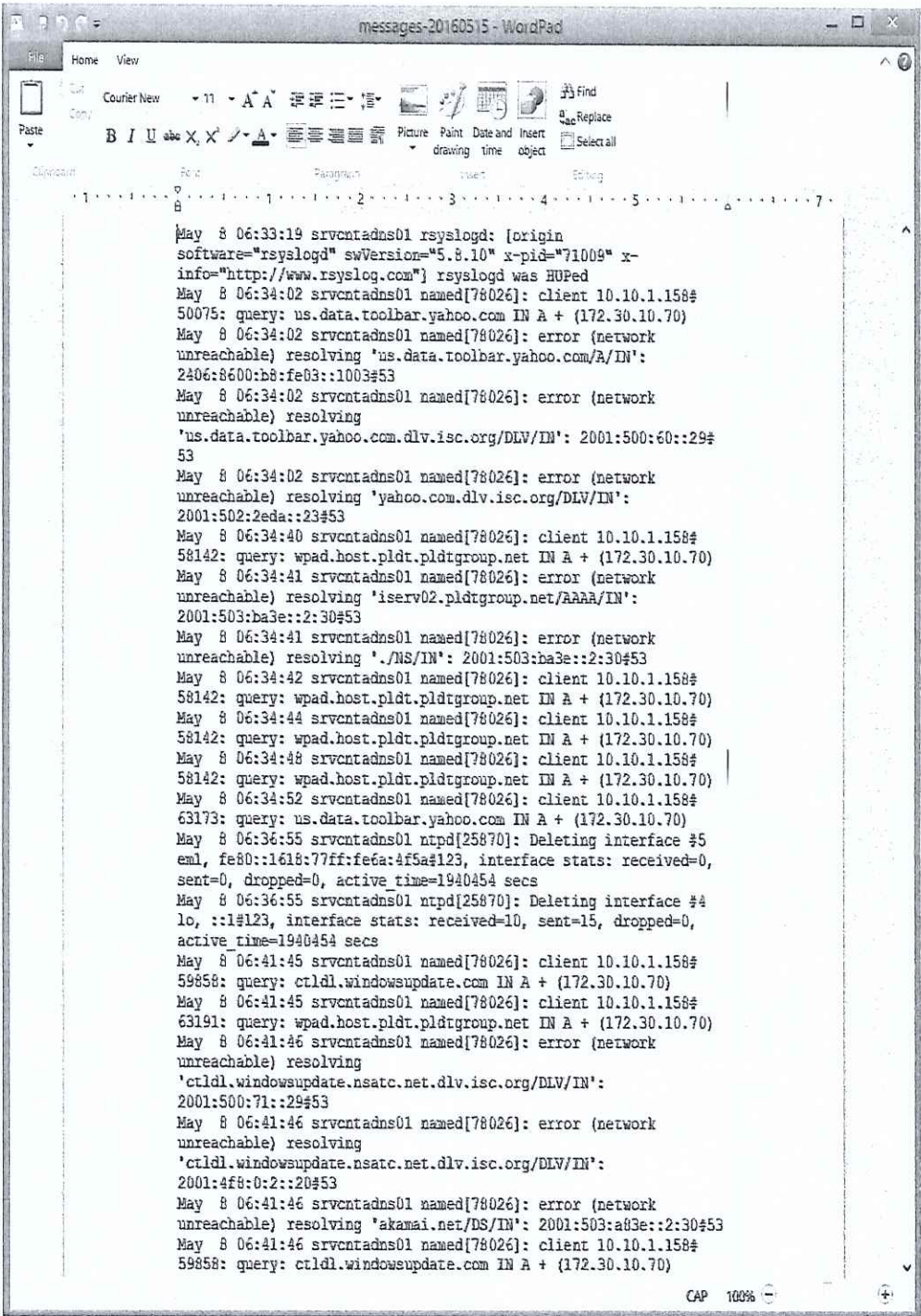
113.3. Screenshot of the system log of the DNS Server  
pertaining to log entries from 24 April, 2016 to 1 May, 2016.<sup>35</sup>



<sup>35</sup> Screenshot of the first page of the DNS Server system log file denominated as messages-20160501 is printed and is hereto attached as *Annex "CC"* and made an integral part hereof.



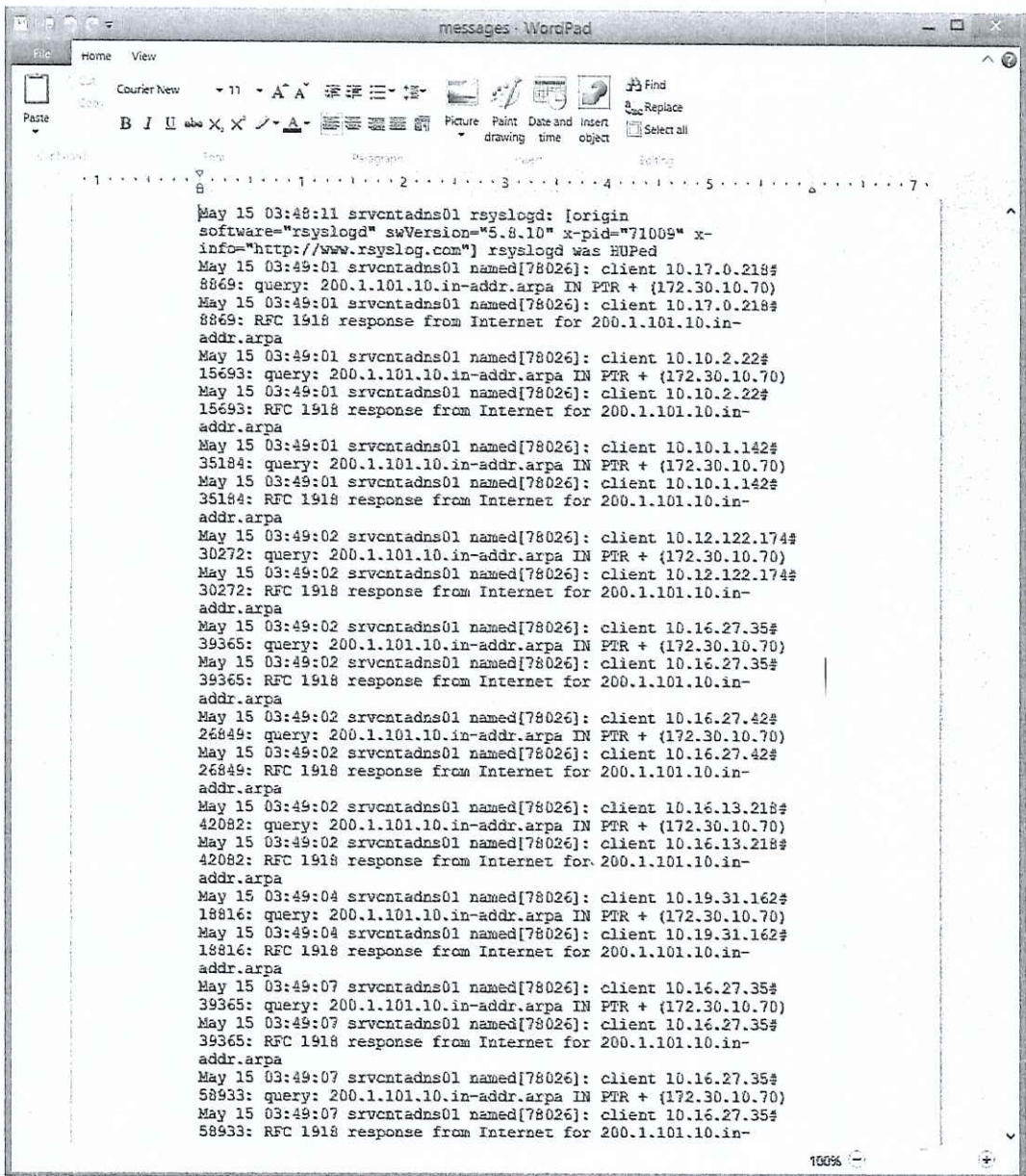
113.4. Screenshot of the system log of the DNS Server  
pertaining to log entries from 8 to 15 May, 2016.<sup>36</sup>



```
May 8 06:33:19 srvcntadns01 rsyslogd: [origin
software="rsyslogd" swVersion="5.8.10" x-pid="71009" x-
info="http://www.rsyslog.com"] rsyslogd was HUPed
May 8 06:34:02 srvcntadns01 named[78026]: client 10.10.1.158#
50075: query: us.data.toolbar.yahoo.com IN A + (172.30.10.70)
May 8 06:34:02 srvcntadns01 named[78026]: error (network
unreachable) resolving 'us.data.toolbar.yahoo.com/A/IN':
2406:8600:b8:fe03::1003#53
May 8 06:34:02 srvcntadns01 named[78026]: error (network
unreachable) resolving
'us.data.toolbar.yahoo.com.dlv.isc.org/DLV/IN': 2001:500:60::29#
53
May 8 06:34:02 srvcntadns01 named[78026]: error (network
unreachable) resolving 'yahoo.com.dlv.isc.org/DLV/IN':
2001:502:2eda::23#53
May 8 06:34:40 srvcntadns01 named[78026]: client 10.10.1.158#
58142: query: wpad.host.pldt.pldtgroup.net IN A + (172.30.10.70)
May 8 06:34:41 srvcntadns01 named[78026]: error (network
unreachable) resolving 'iserv02.pldtgroup.net/AAAA/IN':
2001:503:ba3e::2:30#53
May 8 06:34:41 srvcntadns01 named[78026]: error (network
unreachable) resolving './NS/IN': 2001:503:ba3e::2:30#53
May 8 06:34:42 srvcntadns01 named[78026]: client 10.10.1.158#
58142: query: wpad.host.pldt.pldtgroup.net IN A + (172.30.10.70)
May 8 06:34:44 srvcntadns01 named[78026]: client 10.10.1.158#
58142: query: wpad.host.pldt.pldtgroup.net IN A + (172.30.10.70)
May 8 06:34:48 srvcntadns01 named[78026]: client 10.10.1.158#
58142: query: wpad.host.pldt.pldtgroup.net IN A + (172.30.10.70)
May 8 06:34:52 srvcntadns01 named[78026]: client 10.10.1.158#
63173: query: us.data.toolbar.yahoo.com IN A + (172.30.10.70)
May 8 06:36:55 srvcntadns01 ntpd[25870]: Deleting interface #5
eml, fe80::161b:77ff:fe6a:4f5a#123, interface stats: received=0,
sent=0, dropped=0, active time=1940454 secs
May 8 06:36:55 srvcntadns01 ntpd[25870]: Deleting interface #4
lo, ::1#123, interface stats: received=10, sent=15, dropped=0,
active time=1940454 secs
May 8 06:41:45 srvcntadns01 named[78026]: client 10.10.1.158#
59858: query: ctldl.windowsupdate.com IN A + (172.30.10.70)
May 8 06:41:45 srvcntadns01 named[78026]: client 10.10.1.158#
63191: query: wpad.host.pldt.pldtgroup.net IN A + (172.30.10.70)
May 8 06:41:46 srvcntadns01 named[78026]: error (network
unreachable) resolving
'ctldl.windowsupdate.nsatc.net.dlv.isc.org/DLV/IN':
2001:500:71::29#53
May 8 06:41:46 srvcntadns01 named[78026]: error (network
unreachable) resolving
'ctldl.windowsupdate.nsatc.net.dlv.isc.org/DLV/IN':
2001:4f8:0:2::20#53
May 8 06:41:46 srvcntadns01 named[78026]: error (network
unreachable) resolving 'akamai.net/DS/IN': 2001:503:a83e::2:30#53
May 8 06:41:46 srvcntadns01 named[78026]: client 10.10.1.158#
59858: query: ctldl.windowsupdate.com IN A + (172.30.10.70)
```

<sup>36</sup> Screenshot of the first page of the DNS Server system log file denominated as messages-20160515 is printed and is hereto attached as *Annex "DD"* and made an integral part hereof.

113.5. Screenshot of the system log of the DNS Server pertaining to log entries from 15 to 20 May, 2016.<sup>37</sup>



114. Curiously, the system log of the DNS Server corresponding to the most crucial dates of 2 to 7 May, 2016 are blank or were not provided by the Comelec to the SET.

To repeat, the FTS was officially scheduled by the Comelec between 2 to 6 May, 2016.

<sup>37</sup> Screenshot of the first page of the DNS Server system log file denominated as message is printed and is hereto attached as *Annex "EE"* and made an integral part hereof.



115. Because of the absence of any record or entry in the system log of the DNS Server in the crucial dates of between 2 and 7 May, 2016, no comparison between the VCM audit log and the DNS Server system log can be made to match the log details of the transmission from the sending VCM with the log details of the same transmission by the receiving DNS Server.

116. To be clear, the VCM audit logs may be available from their respective SD cards. However, the DNS Server system log is lacking making it impossible to make a comparison and match with respect to the "TRANSMISSION DIAGNOSTIC TEST"

However, there are two (2) separate "TRANSMISSION DIAGNOSTIC TEST" made by the Comelec as cited in Paragraph 108 of this *Comment*.

116.1. The "TRANSMISSION DIAGNOSTIC TEST" conducted during the FTS is actually the second "TRANSMISSION DIAGNOSTIC TEST" of the VCM when the same were already deployed in the polling precincts.

116.2. The first "TRANSMISSION DIAGNOSTIC TEST" was conducted by the Comelec and Smartmatic while the VCMs were still in its warehouse in Sta. Rosa, Laguna and prior to their deployment.

116.3. This first "TRANSMISSION DIAGNOSTIC TEST" was conducted between 12 to 16 April, 2016 as shown by the entries in the various VCM audit logs examined so far.

116.4. Thus, a comparison can be made between the VCM audit log and the DNS Server system log to match the log details of the transmission from the sending VCM with the log details of the same transmission by the receiving DNS Server because both audit log data of the VCM and DNS Server are available.

116.5. The VCM audit log from Clustered Precinct 17240030, Brgy. Balatas, Naga City, Camarines Sur<sup>38</sup> will show that the first "TRANSMISSION DIAGNOSTIC TEST" was conducted on 16 April 2016 at 17:08:12 as shown by audit log Entry No. 54 (Executing the diagnostic: "Transmission") and ended at Entry No. 58 (Transmission finished successfully) at 17:09:13 or 1 minute later.

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<sup>38</sup> Excerpts of the soft copy of the VCM audit log from Clustered Precinct 17240030 is printed and hereto attached as *Annex "FF"* and made an integral part hereof.

The network interface is available.  
53 Apr 16/2016 17:08:09  
System :  
Ethernet finished successfully.  
54 Apr 16/2016 17:08:12  
System :  
Executing the diagnostic: 'Transmission'.  
55 Apr 16/2016 17:08:13  
Chairman :  
Executing: Network interface test  
56 Apr 16/2016 17:08:15  
Chairman :  
The network interface is available.  
57 Apr 16/2016 17:08:16  
Chairman :  
Executing: Transmission test  
58 Apr 16/2016 17:09:13  
System :  
Transmission finished successfully.  
59 Apr 16/2016 17:09:16  
System :  
Executing the diagnostic: 'Printer'.  
60 Apr 16/2016 17:09:17  
Chairman :  
Executing: Print test  
61 Apr 16/2016 17:09:17  
Chairman :  
Printing image...  
62 Apr 16/2016 17:09:21  
Chairman :  
An image has been printed.  
63 Apr 16/2016 17:09:21  
Chairman :  
Executing: Confirmation  
64 Apr 16/2016 17:09:21  
Chairman :  
Asking for confirmation.  
65 Apr 16/2016 17:09:27  
Chairman :  
The user has selected 'yes'.  
66 Apr 16/2016 17:09:31  
System :  
Printer finished successfully.  
67 Apr 16/2016 17:09:34  
System :  
Executing the diagnostic: 'Power'.  
68 Apr 16/2016 17:09:36  
Chairman :  
Executing: Power sources test  
69 Apr 16/2016 17:09:39  
Chairman :  
The battery is charging.  
70 Apr 16/2016 17:09:39  
Chairman :  
Executing: Battery source test  
71 Apr 16/2016 17:09:44  
Chairman :  
The battery is not charging.  
72 Apr 16/2016 17:09:44  
Chairman :  
Executing: Battery removal test  
73 Apr 16/2016 17:09:56  
Chairman :  
The battery is disconnected.  
74 Apr 16/2016 17:10:03  
System :  
Power finished successfully.  
75 Apr 16/2016 17:10:06  
System :  
Executing the diagnostic: 'Touchscreen'.  
76 Apr 16/2016 17:10:07  
Chairman :  
Executing: Top-left  
77 Apr 16/2016 17:10:07  
Chairman :  
Testing the touchscreen.  
78 Apr 16/2016 17:10:09  
Chairman :  
Test passed.  
79 Apr 16/2016 17:10:10  
Chairman :  
Executing: Top-right  
80 Apr 16/2016 17:10:10  
Chairman :  
Testing the touchscreen.

116.6. A comparison with the relevant DNS Server system log to determine if this first 'TRANSMISSION DIAGNOSTIC TEST' recorded in the audit log of Clustered Precinct 17240030, Brgy.



Balatas, Naga City, Camarines Sur as having been successfully completed on 16 April 2016 at 17:09:13 is also recorded therein will show that the DNS Server never received any transmission query.

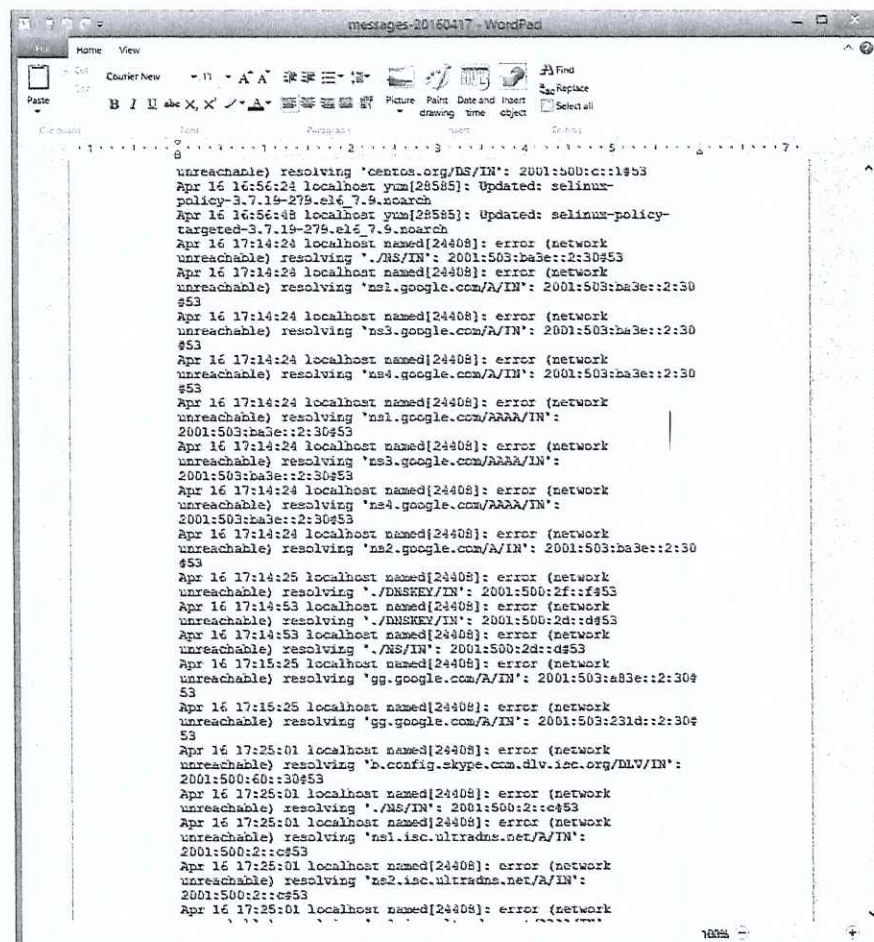
116.6.1. The chronological record of the DNS Server system log shows that from the line –

Apr 16 16:56:48 localhost yum[28585]: Updated:  
selinux-policy-targeted-3.7.19-279.el6\_7.9.noarch

116.6.2. The next line is –

Apr 16 17:14:24 localhost named[24408]: error  
(network unreachable) resolving './NS/IN':  
2001:503:ba3e::2:30#53

As shown by the excerpts of the DNS Server system below:<sup>39</sup>



```
unreachable) resolving 'centos.org/NS/IN': 2001:500:c::1#53
Apr 16 16:56:24 localhost yum[28585]: Updated: selinux-
policy-3.7.19-279.el6_7.9.noarch
Apr 16 16:56:48 localhost yum[28585]: Updated: selinux-policy-
targeted-3.7.19-279.el6_7.9.noarch
Apr 16 17:14:24 localhost named[24408]: error (network
unreachable) resolving './NS/IN': 2001:503:ba3e::2:30#53
Apr 16 17:14:24 localhost named[24408]: error (network
unreachable) resolving 'ns1.google.com/A/IN': 2001:503:ba3e::2:30
#53
Apr 16 17:14:24 localhost named[24408]: error (network
unreachable) resolving 'ns3.google.com/A/IN': 2001:503:ba3e::2:30
#53
Apr 16 17:14:24 localhost named[24408]: error (network
unreachable) resolving 'ns4.google.com/A/IN': 2001:503:ba3e::2:30
#53
Apr 16 17:14:24 localhost named[24408]: error (network
unreachable) resolving 'ns1.google.com/AAAA/IN':
2001:503:ba3e::2:30#53
Apr 16 17:14:24 localhost named[24408]: error (network
unreachable) resolving 'ns3.google.com/AAAA/IN':
2001:503:ba3e::2:30#53
Apr 16 17:14:24 localhost named[24408]: error (network
unreachable) resolving 'ns4.google.com/AAAA/IN':
2001:503:ba3e::2:30#53
Apr 16 17:14:24 localhost named[24408]: error (network
unreachable) resolving 'ns2.google.com/A/IN': 2001:503:ba3e::2:30
#53
Apr 16 17:14:25 localhost named[24408]: error (network
unreachable) resolving './DNSKEY/IN': 2001:500:2f:f#53
Apr 16 17:14:53 localhost named[24408]: error (network
unreachable) resolving './DNSKEY/IN': 2001:500:2d:d#53
Apr 16 17:14:53 localhost named[24408]: error (network
unreachable) resolving './NS/IN': 2001:500:2d:d#53
Apr 16 17:15:25 localhost named[24408]: error (network
unreachable) resolving 'gg.google.com/A/IN': 2001:503:a83e::2:30#
53
Apr 16 17:15:25 localhost named[24408]: error (network
unreachable) resolving 'gg.google.com/A/IN': 2001:503:231d::2:30#
53
Apr 16 17:25:01 localhost named[24408]: error (network
unreachable) resolving 'b.config.skype.com.dlv.isc.org/DLV/IN':
2001:500:60:30#53
Apr 16 17:25:01 localhost named[24408]: error (network
unreachable) resolving './NS/IN': 2001:500:2::c#53
Apr 16 17:25:01 localhost named[24408]: error (network
unreachable) resolving 'ns1.isc.ultradns.net/A/IN':
2001:500:2::c#53
Apr 16 17:25:01 localhost named[24408]: error (network
unreachable) resolving 'ns2.isc.ultradns.net/A/IN':
2001:500:2::c#53
Apr 16 17:25:01 localhost named[24408]: error (network
```

<sup>39</sup> Screenshot of the relevant page of the DNS Server system log file denominated as messages-20160417 is printed and is hereto attached as *Annex "GG"* and made an integral part hereof.

117. Thus, it is very clear that the first 'TRANSMISSION DIAGNOSTIC TEST' of Clustered Precinct 17240030, Brgy. Balatas, Naga City, Camarines Sur which was successfully completed on 16 April 2016 at 17:09:13 never reached the DNS Server because the system log bears no entry on or about 16 April 2016 at 17:09:13.

This first 'TRANSMISSION DIAGNOSTIC TEST' never reached the DNS Server because it was simply a TEST.

This only proves that the excuse provided by the Comelec and Smartmatic at the Senate hearings to explain the early transmission anomaly as being mere transmission tests or FTS is a blatant lie.

118. This is very much unlike the case of the early transmission anomaly wherein the DNS Server system log duly received and recorded a transmission query from a VCM as shown in the following examples with each query coming from different VCMs<sup>40</sup>:

```
May 9 01:12:17 srvcntadns01 named[78026]: client 10.12.0.1#
60301: query: 9702.ccs.pili2016pinas.net IN A + (172.30.10.70)
May 9 01:12:17 srvcntadns01 named[78026]: client 10.12.0.1#
60301: query: 9702.ccs.pili2016pinas.net IN AAAA + (172.30.10.70)

May 9 01:14:23 srvcntadns01 named[78026]: client 10.12.0.1#
45910: query: 9702.ccs.pili2016pinas.net IN AAAA + (172.30.10.70)
May 9 01:14:23 srvcntadns01 named[78026]: client 10.12.0.1#
45910: query: 9702.ccs.pili2016pinas.net IN A + (172.30.10.70)

May 9 01:17:10 srvcntadns01 named[78026]: client 10.12.0.1#
51669: query: 9701.ccs.pili2016pinas.net IN A + (172.30.10.70)
May 9 01:17:10 srvcntadns01 named[78026]: client 10.12.0.1#
51669: query: 9701.ccs.pili2016pinas.net IN AAAA + (172.30.10.70)

May 9 01:24:01 srvcntadns01 named[78026]: client 10.12.0.1#
51650: query: 3629.ccs.pili2016pinas.net IN A + (172.30.10.70)
May 9 01:24:01 srvcntadns01 named[78026]: client 10.12.0.1#
51650: query: 3629.ccs.pili2016pinas.net IN AAAA + (172.30.10.70)

May 9 01:26:49 srvcntadns01 named[78026]: client 10.12.0.3#
42029: query: 9702.ccs.pili2016pinas.net IN A + (172.30.10.70)
May 9 01:26:49 srvcntadns01 named[78026]: client 10.12.0.3#
42029: query: 9702.ccs.pili2016pinas.net IN AAAA + (172.30.10.70)
```

---

<sup>40</sup> Screenshots of the relevant pages of the DNS Server system log file denominated as messages-20160515 are hereto attached as *Annexes "HH" to "HH-9"*, inclusive of sub-markings, and made integral parts hereof.



```
May 9 01:29:36 srvcntadns01 named[78026]: client 10.12.0.3#  
58932: query: 9701.ccs.pili2016pinas.net IN A + (172.30.10.70)  
May 9 01:29:36 srvcntadns01 named[78026]: client 10.12.0.3#  
58932: query: 9701.ccs.pili2016pinas.net IN AAAA + (172.30.10.70)  
  
May 9 01:36:30 srvcntadns01 named[78026]: client 10.11.5.6#  
56965: query: 3629.ccs.pili2016pinas.net IN A + (172.30.10.70)  
May 9 01:36:30 srvcntadns01 named[78026]: client 10.11.5.6#  
56965: query: 3629.ccs.pili2016pinas.net IN AAAA + (172.30.10.70)  
  
May 9 04:38:19 srvcntadns01 named[78026]: client 10.12.0.2#  
34454: query: 9701.ccs.pili2016pinas.net IN A + (172.30.10.70)  
May 9 04:38:19 srvcntadns01 named[78026]: client 10.12.0.2#  
34454: query: 9701.ccs.pili2016pinas.net IN AAAA + (172.30.10.70)  
  
May 9 04:43:26 srvcntadns01 named[78026]: client 10.12.0.4#  
40570: query: 9701.ccs.pili2016pinas.net IN A + (172.30.10.70)  
May 9 04:43:26 srvcntadns01 named[78026]: client 10.12.0.4#  
40570: query: 9701.ccs.pili2016pinas.net IN AAAA + (172.30.10.70)  
  
May 9 04:48:17 srvcntadns01 named[78026]: client 10.12.0.4#  
53150: query: 2103.ccs.pili2016pinas.net IN A + (172.30.10.70)  
May 9 04:48:17 srvcntadns01 named[78026]: client 10.12.0.4#  
55297: query: ntp.ubuntu.com IN A + (172.30.10.70)  
May 9 04:48:17 srvcntadns01 named[78026]: client 10.12.0.4#  
53150: query: 2103.ccs.pili2016pinas.net IN AAAA + (172.30.10.70)
```

These are what a transmission query appeared in the DNS Server system log. These were duly received and recorded because these were not simply TESTS.

119. Unfortunately, a comparison of these DNS Server system log entries cannot be made with the audit log of the relevant legitimate VCMs because the audit logs are contained in the SD cards which have not been decrypted OR no comparison can actually be ever made because these transmission queries originated from cloned or fake VCMs, most especially those bearing Transmission Codes 9701 and 9702 as previously discussed.

120. Finally, assuming arguendo that the BEIs did not follow the instructions in Section 33 (ff) of Comelec *Resolution No. 10057*, that in the FTS, "no transmission of election results will be performed," it is incredulous to posit that these BEIs were conducting their FTS at the wee hours of election day as shown by the examples in Paragraph 118 of this *Comment*.

***Concluding remarks.***

121. All these are not mere imagined irregularities as Protestee Robredo is wont to portray. These are hard and real evidence of irregularities, anomalies and fraud.

122. Evidently, the Comelec and Smartmatic miserably failed in their concocted excuse to escape from the fact that four hundred fifty-nine (459) clustered precincts were already transmitting queries to the DNS Server as to which canvassing systems they will transmit their respective results beginning in the early morning of May 8, 2016 and continuing all through the day and up to the early morning hours just before the polls opened on election day, May 9, 2016.

123. Election fraud is the paramount issue that Atty. Chong has persistently sought over the last eight (8) years to expose, not only in the Senate hearings but in all available fora, to bring to the fore of public attention and discussion in the hopes that the "mortal wounds" of the automated election system be corrected and to bring to justice those responsible for manipulating the automated elections.

124. All circumstances considered, Atty. Chong asserts that the corruption of our election system is an issue of paramount public interest which Protestee Robredo seeks to override on the basis of mere conjectures and suspicions.

**PRAYER**

**WHEREFORE**, based on the foregoing, **ATTY. GLENN CHONG** hereby prays that the instant *Comment* be considered as full **COMPLIANCE** with the subject *Resolution* of this Honorable Presidential Electoral Tribunal.

Such other relief and remedies, as may be deemed just and equitable under the premises, are likewise prayed for.



RESPECTFULLY SUBMITTED.

Makati City for City of Manila, October 22, 2018.

  
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*(Pursuant to Sec. 11, Rule 13 of the 1997 Rules of Civil Procedure, the foregoing pleading was served upon the above parties by registered mail or courier due to the distance involved and the lack of personnel.)*

  
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