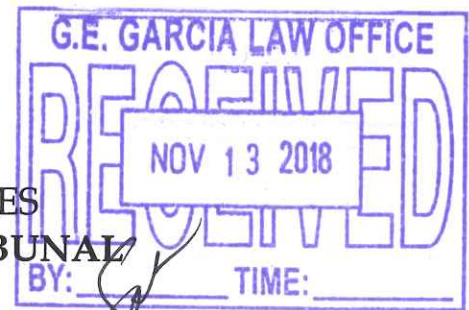


REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL ELECTORAL TRIBUNAL
Manila



FERDINAND "BONGBONG" R.
MARCOS,

Protestant,

-versus -

PET Case No. 005
For: Election Protest
Vice-President

MARIA LEONOR "LENI DAANG
MATUWID" G. ROBREDO,

Protestee.

X-----X

MANIFESTATION WITH MOTION

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

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

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

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

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

3. On 29 August 2017, this Honorable Tribunal, partially Granted protestant's Motion for Retrieval only insofar as all the precincts in the provinces of Camarines Sur, Iloilo, and Negros Oriental are concerned.

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

5. Notwithstanding the PPO Modification, the Consolidated Canvassing System (CCS) Laptops and the Memory Configuration Room located in the COMELEC Sta. Rosa Warehouse subject of the PPO are still covered thereof.

6. The CCS Laptops and Memory Configuration Room are indispensable part to complete the Automated Election System (AES).

7. The CCS Laptops and Memory Configuration Room used in the May 9, 2016 National and Local Elections, subject to this Honorable Tribunal's PPO, are intended to be used in the coming May 13, 2019 Automated National and Local Elections.

8. This Honorable Tribunal, in PET Case No. 004 entitled "*Manuel A. Roxas vs. Jejomar C. Binay*" previously granted Comelec's request to re-use the EMS server and the **Consolidation and Canvassing System (CCS) laptops** used in the May 10, 2010 Automated National and Local Elections for the May 13, 2013 Automated National and Local Elections.

9. Hence, COMELEC most respectfully moves to this Honorable Tribunal that COMELEC be allowed to use all the CCS Laptops and the Memory Configuration Room located at the COMELEC Sta. Rosa, Laguna Warehouse.

10. Without such permission, COMELEC will be constrained to purchase new CCS Laptops and establish a new Memory Configuration Room to use in the upcoming elections.

11. Purchase of new CCS Laptops, and establishment of a new Memory Configuration Room, would be very impractical due to cost considerations, and not feasible due to the time element involved not only in the procurement process, but also in making the configurations necessary for the conduct of a nationwide election.

12. Corollary thereto, COMELEC respectfully moves for the to this Honorable Tribunal to allow the data contained in the CCS Laptops and Memory Configuration Room be backed-up and/or cloned in the presence of the representatives of the Presidential Electoral Tribunal and of both parties, to ensure that the integrity of said data are preserved, allowing the use of the laptops and room as cost-saving and material-efficient ways of use of government funds.

13. To reiterate, the government will be able to save a considerable amount of money, and will be able to prepare for the elections accordingly, if COMELEC will be allowed to use the CCS Laptops and Memory Configuration Room subject of the PPO for the coming May 13, 2019 Automated National and Local Elections.

PRAYER

WHEREFORE, the COMMISSION ON ELECTIONS respectfully prays:

1. That the **Precautionary Protection Order (PPO)** on all CCS Laptops and the Memory Configuration Room located at the COMELEC Sta. Rosa, Laguna Warehouse be **LIFTED**; and
2. COMELEC be **ALLOWED** to use for the 2019 Automated National and Local Elections all the CCS Laptops and the Memory Configuration Room located at the COMELEC Sta. Rosa, Laguna Warehouse, subject to a.) backing up all data contained therein in the Presence of the representatives of the Presidential Electoral Tribunal and of all parties, and b.) storage and safe-keeping of the same back-up electronic data.

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

City of Manila, 05 November 2018.

COMMISSION ON ELECTIONS:

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By:

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PET Case No. 005

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PUBLIC INFORMATION OFFICE
Supreme Court, Manila

NOTICE

CLERK OF TRIBUNAL

Presidential Electoral Tribunal

Padre Faura, Manila

Greetings:

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

City of Manila, 02 November 2018.


MARIA NORINA S. TANGARO-CASINGAL
Director IV

EXPLANATION OF SERVICE

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


MARIA NORINA S. TANGARO-CASINGAL
Director IV

SUBMISSION OF DIGITAL COPIES

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


MARIA NORINA S. TANGARO-CASINGAL
Director IV

