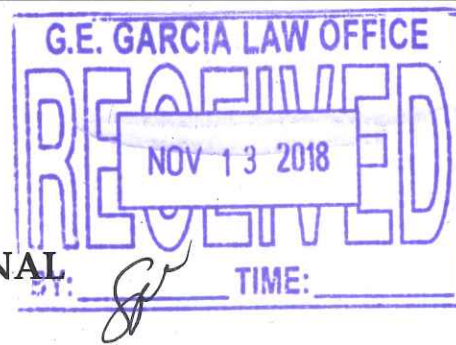


REPUBLIC OF THE PHILIPPINES  
PRESIDENTIAL ELECTORAL TRIBUNAL  
Manila



**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 08 October 2018, the Senate Electoral Tribunal in **SET Case No, 001-16** entitled "*Francis N. Tolentino vs. Leila M. De Lima*" issued Resolution No. 16-134<sup>1</sup>, which provides, among others:

"WHEREFORE, the Executive Committee of the Tribunal resolves to:

1. **REQUIRE** the Commission on Elections (COMELEC) to immediately seek authority from the Presidential Electoral Tribunal (PET) to access all the six CCS laptops which were retained in its custody upon the request of Protestant Tolentino, with proper listing of the areas or municipalities/cities where the said laptops were deployed during the conduct of the 2016 National and Local Elections, copy of the list furnished to the Tribunal, and manifest to the Tribunal its compliance within three (3) days from receipt of this Resolution;

---

<sup>1</sup> Copy of which is hereto attached as Annex "A" and made an integral part hereof.

2. **GRANT** the request of the COMELEC that the period of fifteen (15) days given to it by the Tribunal to comply with Resolution No. 16-124, dated 05 September 2018, be counted from its receipt of the PET approval for the access and generation of the audit logs of the CCS laptops; and

xxx"

2. The Honorable SET required the COMELEC to provide the list of the areas or municipalities/cities where the said Consolidated Canvassing System (CCS) laptops were deployed during the conduct of the 2016 National and Local Elections.

3. In the Manifestation<sup>2</sup> dated 18 November 2016 filed by Protestant Tolentino, he manifested his intention that the COMELEC shall retain custody and possession of the forty-five (45) Votes Counting Machines (VCMs) specifically in the following contested polling precincts:

<i>Precinct No.</i>	<i>City/Municipality</i>	<i>Province</i>
0013A	South Ubian	Tawi-Tawi
0018A	Maimbung	Sulu
0015A	Al-Barke	Basilan
0043B	Sultan Kudarat (Nuling)	Maguindanao
0012A	Marawi	Lanao del Sur
0001A	Picong (Sultan Gumander	Lanao del Sur
0044A	Sultan Naga Dimaporo (Karomatan)	Lanao del Norte
0080A	Pikit	North Cotabato
0077A	Buenavista	Agusan del Norte
0002A	Cortes	Bohol
0001A	Cordoba	Cebu
0001A	Cebu City	Cebu
0001A	Daanbantayan	Cebu

<sup>2</sup> Copy of which is hereto attached as Annex "B" and made an integral part hereof.

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

0001A	Alcantara	Cebu
0001A	Alcoy	Cebu
0006A	Ormoc City	Leyte
0001A	San Jose de Buan	Samar (Western Samar)
0004A	Calbayog City	Samar (Western Samar)
0001A	San Margarita	Samar (Western Samar)
0098A	Maria Aurora	Aurora
0003A	Atok	Benguet
0022A	Aguinaldo	Ifugao
0088A	Angadanan	Isabela
0018A	Balbalan	Kalinga
0013A	San Emilio	Ilocos Sur
0015A	Borongan City	Eastern Samar
0008A	Baliuag	Bulacan
0302A	Marilao	Bulacan
0026B	Balagtas	Bulacan
0001A	Angat	Bulacan
0001A	Bocaue	Bulacan
0001B	Candaba	Pampanga
0020B	Bacolor	Pampanga
0006B	Lubao	Pampanga
0001A	Angeles City	Pampanga
0012A	Atimonan	Quezon
0001A	Agdangan	Quezon
0016A	Cabanatuan City	Nueva Ecija
0013A	Jaen	Nueva Ecija
00045	Aliaga	Nueva Ecija
0005C	Anilao	Iloilo
0029P1	Iloilo City	Iloilo
0013B	Dapitan City	Zamboanga del Norte
0022B	Sindangan	Zamboanga del Norte
0008B	Dipolog	Zamboanga del Norte



As regards the CCS Laptops, protestant intends that the COMELEC retain in its custody the six (6) CCS Laptops.

4. The Honorable SET granted the motion of protestant Tolentino to access the raw audit logs of all the six CCS laptops retained by COMELEC in its custody.

5. Notably, however, and contrary to the 45 VCMS, Protestant Tolentino did not state specifically the precinct numbers, cities/municipalities, and the provinces where the six (6) subject CCS laptops have been deployed in the 2016 National and Local Elections.

6. Also, while the Honorable SET required the list of the areas or municipalities/cities where the 6 CCS laptops were deployed during the 2016 National and Local Elections, COMELEC, at this point, cannot provide the said list because the 6 CCS laptops are being kept at its Warehouse in Sta. Rosa City, Laguna, and cannot be accessed due to the PPO.

7. It is worthy to note that the **Province of Iloilo** is one of the protested provinces of herein Protestant Marcos and covered by the PPO of this Honorable Tribunal.

8. In this regard, authority is sought for the COMELEC's compliance with the aforementioned SET Order.

#### PRAYER

WHEREFORE, the COMMISSION ON ELECTIONS respectfully prays to this Honorable Tribunal that pursuant to Resolution No. 16-134 of the Senate Electoral Tribunal in SET Case No, 001-16 entitled "*Francis N. Tolentino vs. Leila M. De Lima*", COMELEC be authorized to access all the six (6) CCS laptops which were retained in its custody upon the request of Protestant Francis N. Tolentino.


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


City of Manila, 06 November 2018.

**COMMISSION ON ELECTIONS:**


*Law Department*  
*8<sup>th</sup> Floor, Palacio del Gobernador*  
*Intramuros, Manila*  
*Tel. Nos. (02) 527-2768; (02) 527-0843*

By:

  
ATTY. MARIA NORINA S. TANGARO-CASINGAL  
Director IV, Law Department  
Roll of Attorneys No. 41476  
IBP Receipt No.1053376 - 12/6/2016 valid until 2018  
MCLE Compliance No. VI-0004921, 12/18/2017  
Email: [mntcasingal@gmail.com](mailto:mntcasingal@gmail.com)

  
ATTY. JOHN REX C. LAUDIANGCO  
Director III, Law Department  
Roll of Attorneys No. 49597  
IBP Lifetime Member No. LRN 07078  
PTR No. VC4440563, 1/12/2017  
MCLE Compliance No. VI-0004922, 12/18/2017

  
ATTY. AKIA A. CO II  
Attorney VI, Law Department  
Roll of Attorneys No. 51739  
IBP Lifetime Member No. 013045, PPLM  
MCLE Compliance No. VI-0004934, 12/18/2017

  
ATTY. GWIN V. CALIBUYOT  
Attorney IV, Law Department  
Roll of Attorneys No. 59680  
IBP Lifetime Member No. 013044  
MCLE Compliance No. VI-0004928, 12/18/2017

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

*Copy furnished:*

**SENATE ELECTORAL TRIBUNAL**  
COA-NCR Bldg., Batasan Road, Quezon City

**ATTY. GEORGE ERWIN M. GARCIA**  
**ATTY. JOAN M PADILLA**  
*Counsel for Protestant*  
G.E. Garcia Law Office  
Ground Floor Laiko Bldg.  
372 Cabildo Street  
Intramuros, 1002 Manila

**ATTY. ROMULO B. MACALINTAL**  
*Lead Counsel for Protestee*  
Sardillo Sardillo Salom Law Office  
Unit 802, Taipan Place  
F. Ortigas Avenue  
Ortigas Center Pasig City

**THE SOLICITOR GENERAL**  
134 Amorsolo St., Legaspi Village  
1229 Makati City

**PUBLIC INFORMATION OFFICE**  
Supreme Court, Manila

**NOTICE**

**CLERK OF TRIBUNAL**  
Presidential Electoral Tribunal  
Padre Faura, Manila

Greetings:

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

City of Manila, 06 November 2018.

*Maria Norina S. Tangaro - Casingal*  
**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**

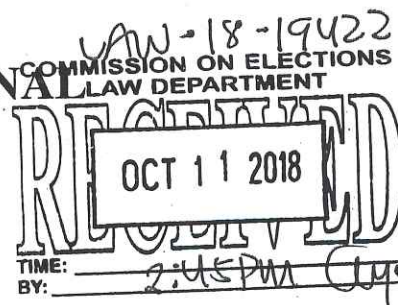
Pursuant to the Efficient Use of Paper Rule, soft copy of this *Manifestation with Motion*, saved in a compact disc is being filed simultaneously with its Tribunal-bound paper.

  
MARIA NORINA S. TANGARO-CASINGAL  
Director IV



ANNEX "A"

REPUBLIC OF THE PHILIPPINES  
**SENATE ELECTORAL TRIBUNAL**



**FRANCIS N. TOLENTINO,**  
Protestant,

- versus -

SET CASE NO. 001-16

**LEILA M. DE LIMA,**  
Protestee.

X-----X

## NOTICE OF RESOLUTION

**SIR/MADAM:**

Attached hereto is a copy of **Resolution No. 16-134** of the Executive Committee of the Senate Electoral Tribunal dated 08 October 2018 in the above-entitled case.

Please acknowledge receipt hereof.

Quezon City, 11 October 2018.

Very truly yours,

*for*   
**ATTY. CRISANTA V. VALERA**  
Acting Secretary of the Tribunal

Copy furnished:

**ATTY. PACIFICO A. AGABIN**  
AGABIN VERZOLA & LAYAOEN  
LAW OFFICES  
Counsel for Protestant  
26<sup>TH</sup> Floor, Pacific Star Building  
Gil Puyat Avenue corner Makati Avenue  
Makati City

**ATTY. TEDDY ESTEBAN F. RIGOROSO**  
RIGOROSO GALINDEZ AND RABINO  
Counsel for Protestee  
901 Fil Garcia Tower 140 Kalayaan Avenue  
Diliman, 1101 Quezon City

**LAW DEPARTMENT**  
Commission on Elections  
Intramuros, Manila

**SET LEGAL SERVICE**

**SET CANVASS BOARD SERVICE**

**SET INFORMATION AND  
COMMUNICATION SYSTEMS AND  
JUDICIAL RECORDS MANAGEMENT  
SERVICE**





**REPUBLIC OF THE PHILIPPINES**  
**SENATE ELECTORAL TRIBUNAL**

COA-NCR Bldg., Batasan Road, Quezon City

**FRANCIS N. TOLENTINO,**  
Protestant,

-versus-

**SET Case No. 001-16**

**LEILA M. DE LIMA,**  
Protestee.

X-----X

**RESOLUTION NO. 16-134**

To complete the presentation of his documentary and testimonial evidence, Protestant Tolentino requested that he be furnished by the Commission on Elections (COMELEC) the *raw audit log* files of the Consolidation and Canvassing System (CCS) laptops covering his pilot protested precincts. Records show that the Protestant identified seven hundred fifty-one (751) clustered precincts as his pilot precincts. However, only six (6) CCS laptops used in the areas covered by his pilot precincts were retained by the COMELEC upon his request. These six CCS laptops are supposed to have Intel Core i5 processing units but no report was submitted to the Tribunal as to the areas where the said CCS laptops were deployed during the 2016 National and Local Elections.

In view of the foregoing discrepancy in number, and considering that the Tribunal is not in the position to dictate on the COMELEC the kind or format of CCS audit logs that should be provided to the Protestant, the Tribunal in Resolution No. 16-124, dated 05 September 2018, resolved to require the COMELEC to release to Protestant Tolentino the audit logs, in the format that is feasible and legally permissible, within fifteen (15) days from receipt of the resolution and to manifest to the Tribunal its compliance within three (3) days from the release of the audit logs to the Protestant.

In a *Manifestation with Motion* dated 24 September 2018, the COMELEC, through its Law Department, declared that it can provide the audit logs of the six CCS laptops that were retained by the COMELEC upon the request of the

Protestant, and prayed that the period of fifteen (15) days given to it by the Tribunal to comply with SET Resolution No. 16-124 be counted from its receipt of the approval by the Presidential Electoral Tribunal (PET) for the access and generation of the audit logs of the CCS laptops chosen by the Protestant. The COMELEC couched its assertions in this wise:

"5. Notwithstanding the discretion given by the Honorable Tribunal to the COMELEC, as courtesy to the Protestant, we respectfully leave to him the choice of whether to access all of the six CCS Laptops or just a number thereof;

6. Upon determination by the Protestant of the CCS Laptops to be accessed, the COMELEC, in deference to the authority of the Honorable Presidential Electoral Tribunal (PET), has to inform and/or seek the latter's approval prior any access and generation of audit logs;"

The COMELEC's prayer for additional time to comply with the Tribunal resolution appears to be premised on the need to seek approval from the PET for it to access the CCS laptops. However, a closer look of the foregoing statements implies that Protestant must first identify his choice whether the six CCS laptops or just a number thereof has to be accessed before the COMELEC seeks authority from PET. The COMELEC seems to have added another requirement prior to its compliance and such additional requirement is made dependent on the action of the Protestant. If such interpretation is correct, the Protestant is being given control of the pace of the proceedings before this Tribunal. This should not be countenanced.

Thus, in order not to further delay the proceedings, the COMELEC is required to forthwith seek authority from the PET to access all the six CCS laptops which were retained in its custody upon the request of the Protestant. The COMELEC must identify the areas or municipalities/cities where the said laptops were deployed during the conduct of the 2016 National and Local Elections, and submit the same to the PET for its perusal, copy furnished this Tribunal.

Similarly, Protestant must communicate to the COMELEC immediately the number of CCS laptops that the latter has to access for the generation of the audit logs. Otherwise, the Tribunal, as well as the COMELEC, shall conclude that all the six CCS laptops must be accessed and their audit logs generated.



**WHEREFORE**, the Executive Committee of the Tribunal resolves to:

1. **REQUIRE** the Commission on Elections (COMELEC) to immediately seek authority from the Presidential Electoral Tribunal (PET) to access all the six CCS laptops which were retained in its custody upon the request of Protestant Tolentino, with proper listing of the areas or municipalities/cities where the said laptops were deployed during the conduct of the 2016 National and Local Elections, copy of the list furnished to the Tribunal, and manifest to the Tribunal its compliance within three (3) days from receipt of this Resolution;
2. **GRANT** the request of the COMELEC that the period of fifteen (15) days given to it by the Tribunal to comply with Resolution No. 16-124, dated 05 September 2018, be counted from its receipt of the PET approval for the access and generation of the audit logs of the CCS laptops; and
3. **DIRECT** Protestant Tolentino to inform the COMELEC as to the number of CCS laptops that the latter must access for the generation of the audit logs, copy furnished the Tribunal, within three (3) days from receipt of this Resolution.

**SO ORDERED.**  
**08 October 2018.**



**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson

**LUCAS P. BERSAMIN**  
Associate Justice  
Member



**ESTELA M. PERLAS-BERNABE**  
Associate Justice  
Member



**FRANKLIN M. DRILON**  
Senator  
Member



ANNEX "B."

REPUBLIC OF THE PHILIPPINES  
SENATE ELECTORAL TRIBUNAL  
QUEZON CITY

LAW-M-16-12700  
COMMISSION ON ELECTIONS  
LAW DEPARTMENT

RECEIVED  
02 DEC 2016  
TIME: 4 pm  
BY: [Signature]

FRANCIS N. TOLENTINO,  
*Protestant,*

- versus -

SET CASE NO. 001-16

LEILA M. DE LIMA,  
*Protestee.*

X-----X

MANIFESTATION

Protestant Francis N. Tolentino (the "protestant"), by counsel, respectfully states:

1. On 15 November 2016, protestant received a copy of this Honorable Tribunal's Resolution No. 16-15, directing him to manifest within a non-extendible period of three (3) days from receipt, or until 18 November 2016, his intended course of action with respect to the 20,263 Vote Counting Machines ("VCM") and the 32 Consolidated Canvassing System ("CCS") Laptops in the custody of the Commission on Elections (COMELEC).

2. In compliance with this Honorable Tribunal's directive, protestant respectfully manifests that he intends have the COMELEC retain custody and possession of forty five (45) VCMs only, specifically the VCMs in the following contested polling precincts, namely:

<i>Precinct No.</i>	<i>City/Municipality</i>	<i>Province</i>
0013A	South Ubian	Tawi-Tawi
0018A	Maimbung	Sulu
0015A	Al-Barke	Basilan
0043B	Sultan Kudarat (Nuling)	Maguindanao
0012A	Marawi	Lanao del Sur
0001A	Picong (Sultan	Lanao del Sur

<i>Precinct No.</i>	<i>City/Municipality</i>	<i>Province</i>
	Gumander)	
0044A	Sultan Naga Dimaporo (Karomatan)	Lanao del Norte
0080A	Pikit	North Cotabato
0077A	Buena Vista	Agusan del Norte
0002A	Cortes	Bohol
0001A	Cordoba	Cebu
0001A	Cebu City	Cebu
0001A	Daanbantayan	Cebu
0001A	Alcantara	Cebu
0001A	Alcoy	Cebu
0006A	Ormoc City	Leyte
0001A	San Jose de Buan	Samar (Western Samar)
0004A	Calbayog City	Samar (Western Samar)
0001A	San Margarita	Samar (Western Samar)
0098A	Maria Aurora	Aurora
0003A	Atok	Benguet
0022A	Aguinaldo	Ifugao
0088A	Angadanan	Isabela
0018A	Balbalan	Kalinga
0013A	San Emilio	Ilocos Sur
0015A	Borongan City	Eastern Samar
0008A	Baliuag	Bulacan
0302A	Marilao	Bulacan
0026B	Balagtas	Bulacan
0001A	Angat	Bulacan
0001A	Bocaue	Bulacan
0001B	Candaba	Pampanga
0020B	Bacolor	Pampanga
0006B	Lubao	Pampanga
0001A	Angeles City	Pampanga
0012A	Atimonan	Quezon
0001A	Agdangan	Quezon
0016A	Cabanatuan City	Nueva Ecija
0013A	Jaen	Nueva Ecija
00045	Aliaga	Nueva Ecija
0005C	Anilao	Iloilo
0029P1	Iloilo City	Iloilo
0013B	Dapitan City	Zamboanga del Norte
0022B	Sindangan	Zamboanga del Norte
0008B	Dipolog	Zamboanga del Norte

3. As regards the CCS Laptops, protestant intends that the COMELEC retain in its custody six (6) CCS Laptops.


Respectfully submitted.

Makati City for Quezon City, 18 November 2016.

**AGABIN VERZOLA & LAYAOEN  
LAW OFFICES**

*Counsel for Protestant Francis N. Tolentino*  
26<sup>th</sup> Floor, Pacific Star Building  
Gil Puyat Ave. cor. Makati Ave., 1200 Makati City  
Telephone No.: (632) 817-7717  
Email: [averheldlaw@yahoo.com.ph](mailto:averheldlaw@yahoo.com.ph)

By:

  
**PACIFICO A. AGABIN**  
Roll of Attorneys No. 16609  
IBP Lifetime No. 251  
PTR No. 5330508; 1/7/2016; Makati City  
MCLE Exempt

**ESGUERRA & BLANCO**

*Collaborating Counsel for Protestant  
Francis N. Tolentino*  
4th Floor, S&L Bldg., Dela Rosa cor. Esteban  
Streets, Legaspi Village, Makati City  
Tel. Nos. 840-3413 to 15  
Fax No. 813-8185  
Email [bleslaw@bleslaw.com](mailto:bleslaw@bleslaw.com)

By:

**RAMON S. ESGUERRA**  
Roll of Attorneys No. 30183  
PTR No. 5324503/1-4-16/Makati City  
IBP No. 09520-Life/1-7-11/Cavite Chapter  
MCLE Compliance No. V-0009667/8-13-15



  
**REEDY ANTHONY M. BALISI**

Roll of Attorneys No. 59672

PTR No. 5324290/1-4-16/Makati City

IBP No. 1016098/1-4-16/Quezon City Chapter

MCLE Compliance No. V-0011884/11-11-15

  
**ALEX FRANCIS VER R. LOPEZ**

Roll of Attorneys No. 61502

PTR No. 1017471/1-4-16/Quezon City

IBP No. 2148191/1-4-16/Quezon City Chapter

MCLE Compliance No. V-0020596/4-28-16

Copy furnished:

**RIGOROSO GALINDEZ AND RABINO**

*Counsel for Protestee Leila M. De Lima*

901 Fil Garcia Tower, 140 Kalayaan Avenue

Diliman, 1101 Quezon City

**COMMISSION ON ELECTIONS**

Palacio del Gobernador Building

Gen. Luna Street

Intramuros, Manila

REPUBLIC OF THE PHILIPPINES)  
MAKATI CITY ) S.S.

WRITTEN EXPLANATION AND  
AFFIDAVIT OF SERVICE

The undersigned messengerial staff of ESGUERRA & BLANCO LAW OFFICES, with office address at 4<sup>th</sup> Floor, S & L Building, dela Rosa corner Esteban Streets, Legaspi Village, Makati City, hereby states under oath:

1. I am assigned to deliver, serve and file papers, pleadings and other documents for the above law office. However, considering the number of pleadings and other papers which require personal delivery, it is impracticable for the affiant to serve and file them all by hand.

2. Upon instruction of ATTY. REDDY ANTHONY M. BAUSI, affiant served today the pleading described below:

Pleading:	<u>MANIFESTATION DATED 18 NOVEMBER 2016.</u>
Case Title:	<u>FRANCIS TOLENTINO V. LEILA M. DE LIMA.</u>
Civil Case No.:	<u>SET CASE NO. 001-16</u>
Venue :	<u>SENATE ELECTORAL TRIBUNAL, QUEZON CITY</u>

3. The pleading described above was served personally or by registered mail to:

Name and Address

☒ Personal Delivery

(1) SENATE ELECTORAL TRIBUNAL, Q.C.

☒ by Registered Mail

Registry Receipt No.

(1) RIGOROSO GALINDEZ AND RABING  
(2) COMMISSION ON ELECTIONS

(Please see attached list for additional parties)

4. The registry receipts issued by the mailing office are attached to the original pleading on file with this court.

Stewart M. Sacayanan  
Affiant's Name and Signature

SUBSCRIBED AND SWORN to before me this 18<sup>th</sup> day of NOVEMBER 2016 at Makati City, affiant, who is personally known to me, and has satisfactorily proven to me his identity through competent evidence, exhibiting his Community Tax Certificate No. 05062380 issued on 11 January 2016 at Makati City and his SSS ID No. 33-8301911-3.

Doc. No. 1347;  
Page No. 61;  
Book No. III;  
Series of 2016.

**MARIA DIORY F. RABAJANTE**  
Commission No. M-125  
Notary Public - Makati City  
Until December 31, 2016  
Esguerra & Blanco Law Offices  
4<sup>th</sup> & 5<sup>th</sup> Floors, S&L Building, De La Rosa corner  
Esteban Sts., Legaspi Village, Makati City 1229  
PTR No. 5324293/1/04/16/Makati City  
IBP No. 1015938/1-04-16/Laguna Chapter  
MCLE: V-0011534-10/6/15  
Roll No. 63699

