

Republic of the Philippines

PRESIDENTIAL ELECTORAL TRIBUNAL

Manila

FILE COPY

**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

CONSOLIDATED REPLY

Protestant **FERDINAND "BONGBONG" R. MARCOS, JR.** ("protestant Marcos"), through the undersigned counsels, unto this Honorable Presidential Electoral Tribunal ("PET"), most respectfully submits the foregoing *Consolidated Reply* in compliance with PET *Resolution* dated **4 December 2018**, and further alleges the following:

1. On **10 December 2018**, protestant Marcos thru the undersigned counsels received a copy of PET *Resolution* dated **4 December 2018**, which directed him, among others, to file a *Reply* to the Commission on Elections' (Comelec) *Comment* dated **27 November 2018** in connection with the protestant's *Manifestation of Appreciation for Sustaining Rule 43(L) of the 2010 Rules of the Presidential Electoral Tribunal with Omnibus Motion*.

2. Protestant Marcos was given by this Honorable Tribunal a period of *ten (10)* days to file his *Reply* to the above *Comment* of the Comelec.

3. A copy of the Comelec's *Comment* was received by protestant Marcos thru the undersigned counsels on **5 December 2018**.

4. On the other hand, a copy of protestee Robredo's *Comment/Opposition* to protestant's *Omnibus Motion* was received by the undersigned counsels for the protestant on **22 November 2018**.

5. Hence, this *Consolidated Reply* to the respective *Comments* of the protestee and the Comelec.

6. Contrary to the denunciations of the protestee, protestant Marcos did not present confusing and misleading arguments in his *Manifestation of Appreciation with Omnibus Motion*.

7. A review and examination of his *Manifestation of Appreciation with Omnibus Motion* would easily reveal that the premise thereof is based on the declaration of this Honorable Tribunal that "**the threshold used by the Vote Counting Machines (VCMs) is not the final determinant of whether a vote will be counted in favor of the protestant or the protestee**" considering that "*the ballots will still undergo appreciation by the Tribunal in order to determine the true will and intent of the voters, taking into consideration the respective objections and claims of the parties.*"

8. In fact, in paragraph 14, page 5 of protestee Robredo's *Comment*, she highlighted the following quotation from this Honorable Tribunal which clearly echoes the premise asserted by the protestant in his *Manifestation of Appreciation with Omnibus Motion*, thus:

"The purpose of the revision proceedings is simply to conduct a physical recount of the ballots and thereafter provide both parties the opportunity to register their objections and claims thereon. As already stressed in the Tribunal's Resolution dated April 10, 2018, during the revision proceedings, there is yet no final deduction or addition of votes. There is merely a preliminary segregation and classification in order to facilitate the recording of objections and claims, if any. It is only after the Tribunal has deliberated and ruled on the validity of the objections or claims that a deduction or addition of votes will take place.

For this purpose, the Tribunal relies on how the Vote Counting Machines (VCMs) counted the votes in order to segregate the ballots during the revision stage. **The**

threshold used by the VCMs is not the final determinant of whether a vote will be counted in favor of the protestant or protestee. Again, the segregation of ballots resulting from the revision process is not conclusive as the ballots will still undergo appreciation by the Tribunal in order to determine the true will and intent of the voters, taking into consideration as well the respective objections and claims of the parties."

9. Based on the foregoing, it is crystal clear that the threshold used by the VCMs is only applicable in the **preliminary segregation of the ballots during the revision proceedings**. However, it is not the final determinant on whether a vote will be counted in favor of the protestant or the protestee because the objected and claimed ballots will still undergo appreciation by the Tribunal in order to determine the true will and intent of the voters.

10. Indeed, the threshold used by the VCMs as per the Random Manual Audit (RMA) Guidelines of the Commission on Elections (Comelec) is **NOT CONTROLLING** in determining whether a vote will be counted in favor of the protestant or the protestee.

11. In an election protest such as the instant case, the objected and claimed ballots of the parties shall be appreciated by this Honorable Tribunal in accordance with its prevailing rules of procedure, specifically the express provision of **Rule 43 (I) of the 2010 PET Rules (A.M. No. 10-4-29-SC)** which categorically provides that **MARKS OR SHADES WHICH ARE LESS THAN 50% OF THE OVAL SHALL NOT BE CONSIDERED AS VALID VOTES**, thus:

(I) In looking at the shades or marks used to register votes, the RC shall bear in mind that the will of the voters reflected as votes in the ballots shall as much as possible be given effect, setting aside any technicalities. Furthermore, the votes thereon are presumed to have been made by the voter and shall be considered as such unless reasons exist that will justify their rejection. **HOWEVER, MARKS OR SHADES WHICH ARE LESS THAN 50% OF THE OVAL SHALL NOT BE CONSIDERED AS VALID VOTES.** Any issue as to whether a certain mark or shade is within the threshold

shall be determined by feeding the ballot on the PCOS machine, and not by human determination.¹

12. Protestee Robredo's contention that Rule 43 (I) of the 2010 PET Rules is irrelevant as to the issue on whether the shades or marks on the oval is less than fifty percent (50%) is obviously **DELUDED** given that **Rule 43 (I) of the 2010 PET Rules** was actually **RESTATED AND CONFIRMED** by the prevailing *Revision and Preliminary Appreciation Guidelines of the Senate Electoral Tribunal (SET)*, which provides that "**BALLOTS WITH MARK OR SHADE LESS THAN 50% OF THE OVAL WERE SEGREGATED AND CLASSIFIED AS STRAY.**".

13. Protestant Marcos maintains that the presence of sparsely-shaded ovals on the contested ballots strongly suggests that these ballots were already **PRE-SHADED** before the elections.

14. Contrary to the claims of the protestee and the Comelec, the presence of pre-shaded ballots is not a mere assumption or speculation on the part of the protestant.

15. As stated in his *Manifestation of Appreciation with Omnibus Motion*, the voters were given a substantial amount of time to fully shade the ovals of their chosen candidates during the actual voting period last elections.

16. Moreover, it is pertinent to note that the markers used during the last elections disperses its black ink easily such that the entire oval is immediately covered by its pigment. Hence, it is very unlikely for the oval beside the chosen candidate of the voters to be thinly, lightly or sparsely-shaded.

17. That is why the presence of sparsely-shaded ovals on the official ballots found during the revision proceedings is **SHADY and highly SUSPECT.**

18. As for the amendment of **Rule 62** of the **PET Revisor's Guide**, protestant Marcos humbly maintains that the simplistic approach of this Honorable Tribunal on the manner of conducting the segregation and classification of ballots by just referring to the results

¹ Emphasis and underscoring supplied.

reflected in the Election Returns (ERs) generated by the VCMs is a **GRAVE MISTAKE**.

19. The above methodology contradicts and defeats the very nature and purpose of an election protest **as it will render FUTILE the judicial recount and revision proceedings.**

20. In the landmark case of *Rosal v. Comelec*,² the Honorable Supreme Court categorically declared that "[t]he purpose of an election protest is to ascertain whether the candidate proclaimed elected by the board of canvassers is the true and lawful choice of the electorate. **Such a proceeding is usually instituted on the theory that the election returns**, which are deemed prima facie to be true reports of how the electorate voted on election day and which serve as the basis for proclaiming the winning candidate, **do not accurately reflect the true will of the voters due to alleged irregularities that attended the counting of ballots.** In a protest prosecuted on such a theory, **the protestant ordinarily prays that the official count as reflected in the election returns be set aside in favor of a revision and recount of the ballots,** the results of which should be made to prevail over those reflected in the returns pursuant to the doctrine that **"in an election contest where what is involved is the number of votes of each candidate, the best and most conclusive evidence are the ballots themselves."**³

21. The above pronouncement of *Rosal* was in fact reiterated by the Honorable Supreme Court in the fairly recent case of *Eriguel vs. Commission on Elections*.⁴

22. Since the election protest filed by Marcos is precisely challenging, impugning and assailing the election results reflected in the ERs generated by the VCMs during the last elections, it is a **SERIOUS ERROR** on the part of this Honorable Tribunal to direct its Head Revisors to simply refer to the results reflected in the Election Returns (ERs) generated by the VCMs to verify the total number of votes as read and counted by the VCMS for the Vice-Presidential position during the last elections.

² G.R. Nos. 168253 & 172741, March 16, 2007, 518 SCRA 473

³ *Id.*, emphasis and underscoring supplied.

⁴ 613 SCRA 809, G.R. No. 190526 February, 26, 2010;

23. As discussed earlier, the directive of this Honorable Tribunal to its Head Revisors to simply mimic or copy the results reflected on the VCM-generated ERs to their respective revision reports will render **USELESS** the re-opening of the protested ballot boxes and the conduct of a manual recount and judicial revision of the ballots subject of this election protest.

24. How can the Recount/Revision Committees verify the legitimacy, accuracy and integrity of the election results reflected on the VCM-generated ERs if the Head Revisors will be compelled by the directive of this Honorable Tribunal to simply mimic the results stated on the ERs?

25. Besides, the election returns are only material in a judicial recount and revision proceeding in cases where the protested ballots cannot be produced or are not available.

26. In the case of *Lerías v. Comelec*,⁵ the Honorable Supreme ruled that "in an election contest where what is involved is the correctness of the number of votes of each candidate, **the best and most conclusive evidence are the ballots themselves. But where the ballots cannot be produced or are not available, the election returns would be the best evidence.**"⁶

27. In the election protest of Marcos, it would appear that except for certain instances, majority of the ballot boxes of the pilot protested precincts contain the contested ballots, hence, there is **NO NEED TO REFER TO THE ELECTION RETURNS** in determining the actual physical count, classification and segregation of the ballots during the judicial recount and revision proceedings.

28. As stated in the case of *Lerías*, **the best and most conclusive evidence are the ballots themselves.** The election returns may only be used in cases where the ballots cannot be produced or are not available.

29. Based on the foregoing discussion, protestant Marcos humbly maintains his submission that there is an imperative need for this Honorable Tribunal to **REVERSE** its *Resolution* dated 18

⁵ Lerías vs. House of Representatives Electoral Tribunal, 202 SCRA 808, G.R. No. 97105 October 15, 1991

⁶ Emphasis supplied.

September 2018; **REVOKE** its directive to the Head Revisors to simply refer to the results reflected in the ERs generated by the VCMs to verify the total number of votes as read and counted by the VCMS for the Vice-Presidential position during the last elections; and to **DELETE and MODIFY** the amendment to **Rule 62** of the **PET Revisor's Guide** with regard to the use of the ERs as reference in the segregation and classification of ballots during the judicial recount and revision proceedings.

30. Now as for the denial of protestant's *Strong Opposition* [On the Use of Decrypted Ballot Images for the Judicial Revision and Recount of Ballots for the Pilot Protested Precincts Subject of this Election Protest], protestant Marcos moved for its reconsideration on the ground that the decrypted ballot images are **COMPROMISED**, hence cannot be used as substitutes of the original paper ballots.

31. As proof thereof, protestant Marcos cited the presence of squares on the decrypted ballot images, which are not found on the original paper ballots.

32. As discussed in protestant's *Manifestation of Appreciation with Omnibus Motion*, the decrypted ballot images which contain squares are **NOT FAITHFUL IMAGES OF THE ORIGINAL PAPER BALLOTS USED DURING THE 2016 ELECTIONS** since it is undisputed that the original paper ballots used during the 2016 elections **DO NOT CONTAIN SQUARES**.

33. The explanation of the Comelec with respect to the presence of the squares on the decrypted ballot images is not worthy of belief and credence.

34. Contrary to the claim of the Comelec that the squares on the decrypted ballot images are intended to facilitate the determination by the VCM of the ballot shading, the presence of the squares on the ovals for protestee Robredo actually proves the claim of protestant Marcos that the VCMs used during the last elections are **SUSCEPTIBLE TO TAMPERING AND MANIPULATION**.

35. The presence of these squares on the decrypted ballot images, *where none appears on the official paper ballots*, indicates that **there was an intrusion/interference on the VCM while the official paper ballots used during the last elections were being**

fed into the machines. That is why, the decrypted ballot images and the original paper ballots are **no longer identical.**

36. Besides, if the squares on the decrypted ballot images are truly intended to facilitate the determination by the VCM of the ballot shading then why did the Comelec withheld the information from the public before the conduct of the last 9 May 2016 National and Local Elections.

37. Protestant Marcos came to know of the presence of these squares only after he received the copies of the decrypted ballot images for his pilot protested precincts.

38. As a matter of fact, even the lead counsel for the protestee, Atty. Romulo B. Macalintal, is initially **UNAWARE** of the presence of these squares on the copies of the decrypted ballot images during his interview conducted on 30 January 2018. He even doubted the veracity of the ballot images containing the squares shown by protestant Marcos during his press conference conducted on 29 January 2018.

39. Aside from the questionable presence of squares on the decrypted ballot images, another ground to deny the use thereof is the **FLAWED SEQUENCING OF THE DECRYPTED BALLOT IMAGES** pertaining to the pilot protested areas, specifically the province of Camarines Sur.

40. This Honorable Tribunal should review the sequencing of the original copies of the printed ballot images in its possession because an examination thereof would clearly reveal the **FLAWED SEQUENCING OF THE DECRYPTED BALLOT IMAGES** pertaining to the pilot protested areas, specifically the province of Camarines Sur.

41. Each decrypted ballot image contains an assigned sequence number which is found just above the ballot image. Now, the sequence numbers found on the decrypted ballot images are supposed to be chronologically arranged and sequentially numbered from beginning to end.

42. The sequence number assigned to every decrypted ballot image actually represents the order in which the official paper ballots

were fed into the VCMs during the elections. To illustrate, decrypted ballot image with assigned sequence number 1 pertains to the very first official paper ballot that was fed to the VCM during the elections.

43. That is why, the assigned sequence numbers found on the decrypted ballot images should be chronologically arranged and sequentially numbered from beginning to end because these represent the order or progression in which the official paper ballots were fed into the VCMs during the elections.

44. Curiously, in the case of the pilot protested precincts of Camarines Sur, an examination of the printed copies of the decrypted ballot images generated therefrom would easily reveal that there is a **DISCREPANCY** in its sequencing and chronology.

45. To illustrate, in **Clustered Precinct No. 19 (38A/B and 39A/B) of Gata, Caramoan, Camarines Sur**, out of the **Five Hundred Fifty-Four (554)** registered voters, there are a total of **Four Hundred Seventy-Nine (479)** voters who actually voted in the said clustered precinct. Hence, the sequence numbers that should be reflected on the decrypted ballot images for this clustered precinct should bear **Sequence Nos. 1 to 479** as the same represents the 479 voters who voted in this precinct.

46. However, a review and examination of the decrypted ballot images generated in **Clustered Precinct No. 19 (38A/B and 39A/B) of Gata, Caramoan, Camarines Sur** would reveal that **Sequence Nos. 16 to 89** or a total of **Seventy-Four (74)** decrypted ballot images are **MISSING**.

47. On the other hand, several decrypted ballots images are erroneously arranged and improperly sequenced.

48. Decrypted ballot image with **Sequence No. 10** was found between **Sequence Nos. 101 and 102**.

49. Decrypted ballot image with **Sequence No. 11** was found between **Sequence Nos. 111 and 112**.

50. Decrypted ballot image with **Sequence No. 1** was found between **Sequence Nos. 119 and 120**.

51. Decrypted ballot image with **Sequence No. 12** was found between **Sequence Nos. 123 and 124**.

52. Decrypted ballot image with **Sequence No. 13** was found between **Sequence Nos. 133 and 134**.

53. Decrypted ballot image with **Sequence No. 14** was found between **Sequence Nos. 142 and 143**.

54. Decrypted ballot image with **Sequence No. 15** was found between **Sequence Nos. 155 and 156**.

55. Decrypted ballot image with **Sequence No. 2** was found between **Sequence Nos. 234 and 235**.

56. Decrypted ballot image with **Sequence No. 3** was found between **Sequence Nos. 348 and 349**.

57. Decrypted ballot image with **Sequence No. 4** was found between **Sequence Nos. 442 and 443**.

58. Decrypted ballot image with **Sequence No. 5** was found between **Sequence Nos. 523 and 524**.

59. Protestant Marcos also discovered that in **Clustered Precinct No. 19 (38A/B and 39A/B) of Gata, Caramoan, Camarines Sur**, there are **Seventy-Four (74)** decrypted ballot images bearing sequence numbers in **EXCESS** of **479** which is supposedly the last sequence number for the said precinct given that there are only 479 voters who actually voted therein.

60. It is pertinent to note that the total number of missing decrypted ballots images which is **Seventy-Four (74)** is **EQUIVALENT** to the total number of decrypted ballot images bearing sequence numbers in **EXCESS** of the last sequence number for the said precinct. Below are scanned images of the relevant decrypted ballot images from **Clustered Precinct No. 19 (38A/B and 39A/B) of Gata, Caramoan, Camarines Sur**.

OFFICIAL BALLOT
May 9, 2016 National and Local Elections
GATA, CARAMOAN, CAMARINES SUR

Ballot ID: 17110019
Precinct in Cluster:
0038A, 0038B, 0039A, 0039B



PARAAN NG PAGBOTO

- (1.) Iliman ang loob ng oval: ☒ sa tabi ng pangalan ng kandidatang napili.
(2.) Gumamit lamang ng "marking pen" sa pagmarka.
(3.) HUWAG bumoto ng labis sa nakatalagang bilang sa napiling posisyon.

Signature of Chairman

PRESIDENT / Vote for 1			
1. BINAY, JOJO (UNA)	3. DUTERTE, RODY (PDPLN)	<input checked="" type="radio"/> 5. ROXAS, MAR DAANG MATUWID (LP)	
2. DEFENSOR SANTIAGO, MIRIAM (PRP)	<input checked="" type="radio"/> 4. POE, GRACE (IND)	6. SEÑERES, ROY (VPPPMM)	
VICE-PRESIDENT / Vote for 1			
1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	<input checked="" type="radio"/> 5. ROBREDO, LENI DAANG MATUWID (LP)	
2. ESCUDERO, CHIZ (IND)	4. MARCOS, BONGBONG (IND)	6. TRILLANES, ANTONIO IV. (IND)	

OFFICIAL BALLOT
May 9, 2016 National and Local Elections
GATA, CARAMOAN, CAMARINES SUR

Ballot ID: 17110019
Precinct in Cluster:
0038A, 0038B, 0039A, 0039B



PARAAN NG PAGBOTO

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(2.) Gumamit lamang ng "marking pen" sa pagmarka.
(3.) HUWAG bumoto ng labis sa nakatalagang bilang sa napiling posisyon.

Signature of Chairman

PRESIDENT / Vote for 1			
1. BINAY, JOJO (UNA)	3. DUTERTE, RODY (PDPLN)	<input checked="" type="radio"/> 5. ROXAS, MAR DAANG MATUWID (LP)	
2. DEFENSOR SANTIAGO, MIRIAM (PRP)	4. POE, GRACE (IND)	6. SEÑERES, ROY (VPPPMM)	
VICE-PRESIDENT / Vote for 1			
1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	<input checked="" type="radio"/> 5. ROBREDO, LENI DAANG MATUWID (LP)	
2. ESCUDERO, CHIZ (IND)	4. MARCOS, BONGBONG (IND)	6. TRILLANES, ANTONIO IV. (IND)	

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May 9, 2016 National and Local Elections
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Signature of Chairman

PRESIDENT / Vote for 1			
1. BINAY, JOJO (UNA)	3. DUTERTE, RODY (PDPLN)	<input checked="" type="radio"/> 5. ROXAS, MAR DAANG MATUWID (LP)	
2. DEFENSOR SANTIAGO, MIRIAM (PRP)	4. POE, GRACE (IND)	6. SEÑERES, ROY (VPPPMM)	
VICE-PRESIDENT / Vote for 1			
1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	<input checked="" type="radio"/> 5. ROBREDO, LENI DAANG MATUWID (LP)	
2. ESCUDERO, CHIZ (IND)	4. MARCOS, BONGBONG (IND)	6. TRILLANES, ANTONIO IV. (IND)	

OFFICIAL BALLOT
May 9, 2016 National and Local Elections
GATA, CARAMOAN, CAMARINES SUR

Ballot ID: 17110019
 Precinct in Cluster:
 0038A, 0038B, 0039A, 0039B



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Signature of Chairman

PRESIDENT / Vote for 1			
1. BINAY, JOJO (UNA)	3. DUTERTE, RODY (PDPLN)	5. ROXAS, MAR DAANG MATUWID (LP)	
2. DEFENSOR SANTIAGO, MIRIAM (PRP)	4. POE, GRACE (IND)	6. SEÑERES, ROY (WPPMM)	
VICE-PRESIDENT / Vote for 1			
1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	5. ROBREDO, LENI DAANG MATUWID (LP)	
2. ESCUDERO, CHIZ (IND)	4. MARCOS, BONGBONG (IND)	6. TRILLANES, ANTONIO IV (IND)	

OFFICIAL BALLOT
May 9, 2016 National and Local Elections
GATA, CARAMOAN, CAMARINES SUR

Ballot ID: 17110019
 Precinct in Cluster:
 0038A, 0038B, 0039A, 0039B



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Signature of Chairman

PRESIDENT / Vote for 1			
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VICE-PRESIDENT / Vote for 1			
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Signature of Chairman

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VICE-PRESIDENT / Vote for 1			
1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	5. ROBREDO, LENI DAANG MATUWID (LP)	
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OFFICIAL BALLOT
May 9, 2016 National and Local Elections
GATA, CARAMOAN, CAMARINES SUR

Ballot ID: 17110019
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0038A, 0038B, 0039A, 0039B



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Signature of Chairman

PRESIDENT / Vote for 1			
1. BINAY, JOJO (UNA)	3. DUTERTE, RODY (PDPLBN)	<input checked="" type="radio"/> 5. ROXAS, MAR DAANG MATUWID (LP)	
2. DEFENSOR SANTIAGO, MIRIAM (PRP)	4. POE, GRACE (IND)	6. SEÑERES, ROY (WPPPM)	
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PRESIDENT / Vote for 1			
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Signature of Chairman

PRESIDENT / Vote for 1

<input checked="" type="radio"/> 1. BINAY, JOJO (UNA)	3. DUTERTE, RODY (POPLBN)	5. ROXAS, MAR DAANG MATUWID (LP)
2. DEFENSOR SANTIAGO, MIRIAM (PRP)	4. POE, GRACE (IND)	6. SEÑERES, ROY (VFPFMM)

VICE-PRESIDENT / Vote for 1

1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	<input checked="" type="radio"/> 5. ROBredo, LENI DAANG MATUWID (LP)
2. ESCUDERO, CHIZ (IND)	4. MARCOS, BONGBONG (IND)	6. TRILLANES, ANTONIO IV (IND)

OFFICIAL BALLOT
May 9, 2016 National and Local Elections
GATA, CARAMOAN, CAMARINES SUR

Ballot ID: 17110019
Precinct in Cluster:
0038A, 0038B, 0039A, 0039B



PARAAN NG PAGBOTO

- (1.) Itinan ang loob ng oval: ☒ sa tabi ng pangalan ng kandidato ng napili.
(2.) Gumamit lamang ng "marking pen" sa pagmarka.
(3.) HUWAG bumoto ng labis sa nakatalagang bilang sa napiling posilyon.

Signature of Chairman

PRESIDENT / Vote for 1

1. BINAY, JOJO (UNA)	3. DUTERTE, RODY (POPLBN)	5. ROXAS, MAR DAANG MATUWID (LP)
2. DEFENSOR SANTIAGO, MIRIAM (PRP)	4. POE, GRACE (IND)	6. SEÑERES, ROY (VFPFMM)

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1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	5. ROBredo, LENI DAANG MATUWID (LP)
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PRESIDENT / Vote for 1

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VICE-PRESIDENT / Vote for 1

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Signature of Chairman

PRESIDENT / Vote for 1			
1. BINAY, JOJO (UNA)	3. DUTERTE, RODY (PDPLBN)	5. ROXAS, MAR DAANG MATUWID (LP)	
2. DEFENSOR SANTIAGO, MIRIAM (PRP)	4. POE, GRACE (IND)	6. SEÑERES, ROY (WPPMM)	
VICE-PRESIDENT / Vote for 1			
1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	5. ROBREDO, LENI DAANG MATUWID (LP)	
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PRESIDENT / Vote for 1			
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2. DEFENSOR SANTIAGO, MIRIAM (PRP)	4. POE, GRACE (IND)	6. SEÑERES, ROY (WPPMM)	
VICE-PRESIDENT / Vote for 1			
1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	<input checked="" type="radio"/> 5. ROBREDO, LENI DAANG MATUWID (LP)	
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1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	<input checked="" type="radio"/> 5. ROBREDO, LENI DAANG MATUWID (LP)	
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2. DEFENSOR SANTIAGO, MIRIAM (PRP)	4. POE, GRACE (IND)	6. SEÑERES, ROY (WPPPM)	
VICE-PRESIDENT / Vote for 1			
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VICE-PRESIDENT / Vote for 1			
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PRESIDENT / Vote for 1			
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2. DEFENSOR SANTIAGO, MIRIAM (PRP)	4. POE, GRACE (IND)	6. SEÑERES, ROY (WPPMM)	
VICE-PRESIDENT / Vote for 1			
1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	5. ROBREDO, LENI DAANG MATUWID (LP)	
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VICE-PRESIDENT / Vote for 1			
1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	<input checked="" type="radio"/> 5. ROBREDO, LENI DAANG MATUWID (LP)	
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VICE-PRESIDENT / Vote for 1			
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2. DEFENSOR SANTIAGO, MIRIAM (PRP)	4. POE, GRACE (IND)	6. SEÑERES, ROY (WPPMM)	
VICE-PRESIDENT / Vote for 1			
1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	<input checked="" type="radio"/> 5. ROBREDO, LENI DAANG MATUMD (LP)	
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2. DEFENSOR SANTIAGO, MIRIAM (PRP)	4. POE, GRACE (IND)	6. SEÑERES, ROY (WPPMM)	
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1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	<input checked="" type="radio"/> 5. ROBREDO, LENI DAANG MATUMD (LP)	
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2. DEFENSOR SANTIAGO, MIRIAM (PRP)	4. POE, GRACE (IND)	6. SEÑERES, ROY (WPPMM)	
VICE-PRESIDENT / Vote for 1			
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2. DEFENSOR SANTIAGO, MIRIAM (PRP)	<input checked="" type="radio"/> 4. POE, GRACE (IND)	6. SEÑERES, ROY (WPPPM)	
VICE-PRESIDENT / Vote for 1			
1. CAYETANO, ALAN PETER (IND)	3. HONASAN, GRINGO (UNA)	<input checked="" type="radio"/> 5. ROBREDO, LENI DAANG MATUMID (LP)	
2. ESCUDERO, CHIZ (IND)	4. MARCOS, BONGBONG (IND)	6. TRILLANES, ANTONIO IV (IND)	

OFFICIAL BALLOT
May 9, 2016 National and Local Elections
GATA, CARAMOAN, CAMARINES SUR

Ballot ID: 17110019
Precinct in Cluster:
0038A, 0038B, 0039A, 0039B



PARAAN NG PAGBOTO

- (1.) Itiman ang loob ng oval: ☒ sa tabi ng pangalan ng kandidatong napili.
(2.) Gumamit lamang ng "marking pen" sa pagmarka.
(3.) HUWAG bumoto ng labas sa nakatalagang bilang sa napiling posisyon.

Signature of Chairman

PRESIDENT / Vote for 1			
1. BINAY, JOJO (UNA)	3. DUTERTE, RODY (PDPLBN)	5. ROXAS, MAR DAANG MATUMID (LP)	
2. DEFENSOR SANTIAGO, MIRIAM (PRP)	<input checked="" type="radio"/> 4. POE, GRACE (IND)	6. SEÑERES, ROY (WPPPM)	
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PRESIDENT / Vote for 1			
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Signature of Chairman

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2. DEFENSOR SANTIAGO, MIRIAM (PRP)	4. POE, GRACE (IND)	6. SEÑERES, ROY (WPPMM)
VICE-PRESIDENT / Vote for 1		
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Signature of Chairman

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61. Aside from **Clustered Precinct No. 19 (38A/B and 39A/B) of Gata, Caramoan, Camarines Sur**, there are a total of ***One Thousand Eight Hundred Sixteen (1,816)*** clustered precincts in the Province of Camarines Sur which are found to have **flawed sequencing**.

62. Below is a tabular presentation showing in summary the total number of decrypted ballot images from the different cities and municipalities of the Province of Camarines Sur which are found to have **flawed sequencing**, thus:

	MUNICIPALITY	TOTAL CP NO.	REG. VOTERS	ACT. VOTED	MARCOS	ROBREDO	TOTAL MISSING BALLOTS	TOTAL EXCESS BALLOT IMAGES / PRE-SHADED / SUBSTITUTED BALLOTS	VOTES REFLECTED ON THE EXCESS BALLOTS IMAGES/PRE-SHADED/SUBSTITUTED BALLOTS			
									MARCOS	ROBREDO	OTHERS	STRAY
1	BAAO	53	28,242	24,223	1,296	18,555	3,523	3,523	215	2,690	392	226
2	BALATAN	30	16,579	13,376	715	9,471	2,973	2,973	275	1,939	365	294
3	BATO	50	26,430	21,928	1,382	16,363	3,684	3,684	249	2,736	388	311
4	BULA	55	33,450	28,219	1,186	21,784	4,771	4,771	213	3,704	432	422
5	BUHI	72	40,572	33,447	1,300	25,750	6,811	6,811	246	5,232	612	721
6	GARCHITORENA	30	14,461	12,020	400	8,247	2,077	2,077	69	1,454	171	382
7	PRESENTACION	25	13,520	11,653	636	8,131	1,538	1,538	102	1,074	107	255
8	TIGAON	46	27,880	22,504	1,080	17,572	4,628	4,628	226	3,693	344	365
9	DEL GALLEGO	36	14,135	11,973	799	7,709	1,506	1,506	86	979	235	206
10	SAGNAY	30	16,602	13,967	577	10,771	2,013	2,013	86	1,519	162	246
11	SIRUMA	25	10,898	9,117	431	6,702	1,483	1,483	74	1,087	103	219
12	GADIZA	15	7,458	6,626	258	5,418	652	652	21	516	51	64
13	PAMPLOHA	33	18,048	15,695	553	13,147	2,315	2,315	83	1,972	132	128
14	SAH JOSE	43	23,647	20,563	764	16,908	2,828	2,828	99	2,322	167	233
15	MILAOR	38	18,687	16,541	856	13,560	1,958	1,958	108	1,638	106	106
16	LIBMANAN	104	57,013	48,130	2,619	37,536	7,907	7,907	549	6,104	682	572
17	TINAMBAC	62	33,137	28,038	985	22,709	4,174	4,174	148	3,418	159	449
18	LUPI	43	16,643	13,913	657	9,624	2,241	2,241	134	1,528	353	226
19	GOA	57	33,896	24,467	1,024	20,325	3,536	3,539	219	2,911	192	217
20	IRIGA CITY	90	55,791	48,417	3,060	38,261	6,126	6,126	397	4,869	534	326
21	PASACAO	42	25,412	21,054	1,498	15,444	3,500	3,500	267	2,589	368	276
22	CABUSAO	20	11,268	9,532	589	7,505	1,420	1,420	93	1,123	88	116
23	SAH FERNANDO	36	20,279	16,695	503	14,267	3,090	3,090	139	2,589	182	180
24	CARAMOAN	59	26,544	22,787	757	16,257	5,880	5,880	201	3,720	481	1,795
25	LAGOYO	58	31,456	26,814	1,026	21,201	3,286	3,286	141	2,521	219	405
26	MIHALABAC	45	26,311	22,560	864	18,923	3,177	3,177	159	2,616	212	189
27	HABUA	71	39,357	32,307	1,563	25,579	5,799	5,799	297	4,643	638	233
28	RAGAY	62	31,460	26,565	2,016	17,128	4,403	4,396	372	2,810	827	387
29	SIPOCOT	63	33,223	27,472	1,806	19,601	4,723	4,721	419	3,254	598	450
30	PILI	68	43,856	35,112	2,318	28,746	7,894	7,894	582	6,522	504	284
31	CAMALIGAN	25	13,449	11,205	503	9,744	1,707	1,707	184	1,364	103	56
32	MAGARAO	30	16,859	14,125	483	12,122	2,502	2,502	87	2,160	124	130
33	CALABANGA	78	43,855	36,513	1,111	31,897	6,176	6,176	205	5,426	246	299
34	OCAMPO	39	22,834	19,392	730	16,087	2,850	2,850	292	2,154	154	250
35	CANAMAN	36	16,643	14,515	655	12,117	5,451	5,451	233	4,629	342	247
36	BOMBON	17	9,685	7,327	1,214	7,297	1,189	1,189	26	1,046	49	68
37	HAGA CITY	130	83,396	68,499	3,890	59,268	13,384	13,382	763	11,375	728	352
	TOTAL:	1,816	1,002,976	837,291	42,104	661,726	143,175	143,167	8,059	111,926	11,550	11,685

63. As shown above, there are a total of ***One Hundred Forty-Three Thousand One Hundred Seventy-Five (143,175)*** MISSING and/or IMPROPERLY SEQUENCED BALLOT IMAGES and ***One Hundred Forty-Three Thousand One Hundred Sixty-Seven (143,167)*** EXCESS DECRYPTED BALLOT IMAGES in the pilot protested precincts of the Province of Camarines Sur alone. Attached to this *Consolidated Reply* is a detailed tabular presentation of the pilot protested clustered precincts of the Province of Camarines

Sur found to have **FLAWED SEQUENCING OF DECRYPTED BALLOT IMAGES**.

64. As discussed in protestant's *Manifestation of Appreciation with Omnibus Motion*, this anomaly raises very serious questions on the integrity of the decrypted ballot images missing or unaccounted sequence numbers could have been actually assigned to the original ballot images captured on election day **but have since been erased or tampered with and replaced with pre-shaded ballots.**

65. **That is why the numbering sequence of the decrypted ballot images are no longer chronological, instead, there are missing sequences of decrypted ballot images which remain to be unaccounted for.**

66. The feeding of pre-shaded ballots in replacement of the original ballots actually fed by the legitimate voters of the precincts concerned resulted to an **adjustment in the assigned/designated sequence number for the decrypted ballot images.** Unfortunately for these election syndicates, their efforts in manipulating the decrypted ballot images fell short since they were not able to change the total number of decrypted ballot images which were read by the VCMs. That is why the sequence number assigned for the last decrypted ballot image is in excess of the total ballots cast for the concerned precinct.

67. In view of the foregoing, protestant Marcos humbly maintains his position that there is an imperative need to reconsider the *Resolution* dated 18 September 2018 insofar as the denial of protestant's *Strong Opposition* [On the Use of Decrypted Ballot Images for the Judicial Revision and Recount of Ballots for the Pilot Protested Precincts Subject of this Election Protest] is concerned.

68. The use of the decrypted ballot images as substitute for the original paper ballots during the judicial revision and recount proceedings should be **PROHIBITED** and **DISALLOWED** as these are not faithful reproductions and representations of the original paper ballots used during the last 9 May 2016 elections.

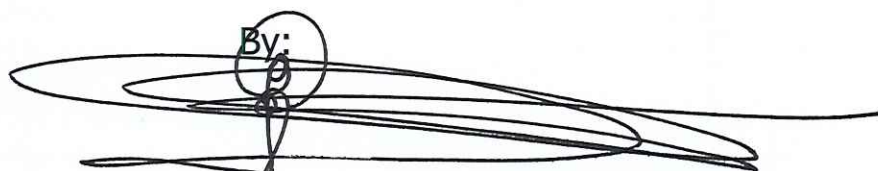
PRAYER

ACCORDINGLY, it is most respectfully prayed of this Honorable Tribunal to **ADMIT** the foregoing *Consolidated Reply* and **CONSIDER** the said submission in resolving protestant's **Manifestation of Appreciation with Omnibus Motion** dated 5 October 2018; **GRANT** the foregoing *Omnibus Motion*; **REVERSE** its *Resolution* dated 18 September 2018; **REVOKE** its directive to the Head Revisors to simply refer to the results reflected in the ERs generated by the VCMS to verify the total number of votes as read and counted by the VCMS for the Vice-Presidential position during the last elections; **DELETE and MODIFY** the amendment to **Rule 62** of the **PET Revisor's Guide** with regard to the use of the ERs as reference in the segregation and classification of ballots during the judicial revision and recount proceedings; **RECONSIDER and REVERSE** the denial of protestant's *Strong Opposition* [On the Use of Decrypted Ballot Images for the Judicial Revision and Recount of Ballots for the Pilot Protested Precincts Subject of this Election Protest]; and finally, to **PROHIBIT** the use of the decrypted ballot images as substitute for the original paper ballots during the judicial revision and recount proceedings.

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

City of Manila, Philippines, **20 December 2018.**

G.E. GARCIA LAW OFFICE
Lead Counsel for the Protestant
Ground Floor, LAIKO Building
Cabildo St., Intramuros, Manila 1002
Tele/Fax No. (02) 527-7261
Email: geglaw.office@gmail.com

By: 

GEORGE ERWIN M. GARCIA
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PTR No. 6993946; 01-04-18; Manila
IBP Lifetime No. 02652; Cavite Chapter
MCLE Compliance No. VI-0006563; 12-19-18



JOAN M. PADILLA

Roll of Attorneys No. 54079

PTR OR No. 5526177; 01-04-2018; Quezon City

IBP Lifetime Membership No. 07416; Makati Chapter

MCLE Compliance No. VI-0005694; 01-10-2018

Copies furnished:

ATTY. ROMULO B. MACALINTAL

Lead Counsel for Protestee Robredo

c/o Sardillo Sardillo Salom Law Office

Unit 802, Taipan Place, F. Ortigas Avenue

Ortigas Center, Pasig City

THE SOLICITOR GENERAL

134 Amorsolo Street

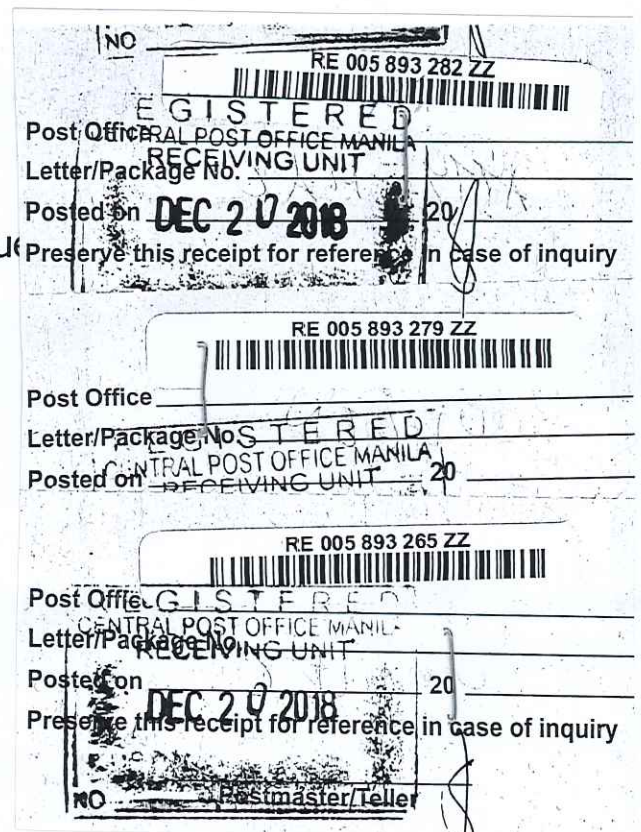
Legaspi Village, 1229 Makati City

COMMISSION ON ELECTIONS

Law Department

8th Floor, Palacio Del Gobernador

Intramuros, Manila



NO _____

RE 005 893 282 ZZ

REGISTERED

Post Office _____

Letter/Package No. _____

Posted on DEC 20 2018

Preserve this receipt for reference in case of inquiry

NO _____

RE 005 893 279 ZZ

REGISTERED

Post Office _____

Letter/Package No. _____

Posted on DEC 20 2018

Preserve this receipt for reference in case of inquiry

NO _____

RE 005 893 265 ZZ

REGISTERED

Post Office _____

Letter/Package No. _____

Posted on DEC 20 2018

Preserve this receipt for reference in case of inquiry

NO _____

Postmaster/Teller _____

EXPLANATION

[Pursuant to Rule 30 and 31 of the PET Rules in relation to Section 11, Rule 13 of the 1997 Rules of Civil Procedure]

Copies of the foregoing *Consolidated Reply* were served to the above-mentioned parties by registered mail, personal service being impractical due to time, distance and manpower constraints.



GEORGE ERWIN M. GARCIA

AFFIDAVIT OF SERVICE

(Revised as of April 1, 1994)

I, **Jerry C. Guevarra**, a clerk of the G.E. GARCIA Law Office with office address at Ground Floor, LAIKO Bldg., Cabildo St., Intramuros, City of Manila, after being duly sworn, do hereby depose and say:

That on December DEC 20 2018, 2018, I served a copy of the following pleading/paper.

NATURE OF PLEADING/PAPER

"CONSOLIDATED REPLY"

In **PET Case No. 005** entitled "**FERDINAND 'BONGBONG' R. MARCOS, JR., Protestant, -versus- MARIA LEONOR 'LENI DAANG MATUWID' G. ROBREDO, Protestee**", pursuant to Sections 3, 4, 5 and 10, Rule 13 of the Rules of Court, as follows:

By Registered Mail:

R. R. Nos.

ATTY. ROMULO B. MACALINTAL

Lead Counsel for Protestee Robredo
c/o Sardillo Sardillo Salom Law Office
Unit 802, Taipan Place, F. Ortigas Avenue,
Ortigas Center, Pasig City

RE 005893282 ZZ

THE SOLICITOR GENERAL

134 Amorsolo Street
Legaspi Village, 1229 Makati City

RE 005893279 ZZ

THE COMMISSION ON ELECTIONS

Palacio Del Gobernador Building
General Luna St., Intramuros
Manila

RE 005893265 ZZ

By depositing a copy at the post office in Manila, as evidenced by Registry Receipt(s) No(s) and indicated after the name(s) of the addressee(s), and with instructions to the postmaster to return the mail to the sender after ten (10) days if undelivered.

December DEC 20 2018, 2018, Manila, Philippines.

JERRY C. GUEVARRA
Affiant

SUBSCRIBED AND SWORN to before me this DEC 20 2018 at Manila, Philippines, affiant exhibiting to me his Tax Identification No. 300-192-753-000. Issued by Bureau of Internal Revenue.

Doc. No. 1262
Page No. 53
Book No. xli
Series of 2018.

ATTY. RAUL R. MONTINO
Notary Public
Until December 31, 2019
PTR No. 6979843-2018
Pd 12/28/17 Manila
IBP Lifetime No. 011
SC Roll No. 57289
MCLC No. V-0019704
Unit 2-A., 681 Beaterio
cor. Magallanes Sts.
Intramuros, Manila 1002

VERIFIED DECLARATION

I, **JERRY C. GUEVARRA**, a clerk of the G.E. GARCIA Law Office with office address at Ground Floor, LAIKO Bldg., Cabildo St., Intramuros, City of Manila, hereby declare that the document/s (and annexes thereof) hereto submitted electronically in accordance with the Efficient use of Paper Rule is/are complete and true copy/ies of the document/s "**CONSOLIDATED REPLY**" in **PET Case No. 005** entitled **FERDINAND 'BONGBONG' R. MARCOS, JR., Protestant, - versus- MARIA LEONOR 'LENI DAANG MATUWID' G. ROBREDO, Protestee**, filed with the Presidential Electoral Tribunal.

Signature: _____
Printed Name: **Jerry C. Guevarra**
Position: Staff
Date: December 20, 2018

SUBSCRIBED AND SWORN to before me this DEC 20 2018 at Manila, Philippines, affiant exhibiting to me his Tax Identification No. 300-192-753-000. Issued by Bureau of Internal Revenue.

Doc. No. 1263 ;
Page No. 53 ;
Book No. XII ;
Series on 2018.

ATTY. RAUL A. MONTINO
Notary Public
Person Administering Oath
PTR No. 5979843-2015
Fd 12/28/17 Manila
IBP Lifetime No. 01
SC Roll No. 57289
MCLC No. V-0019704
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cor. Magallanes Sts.
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