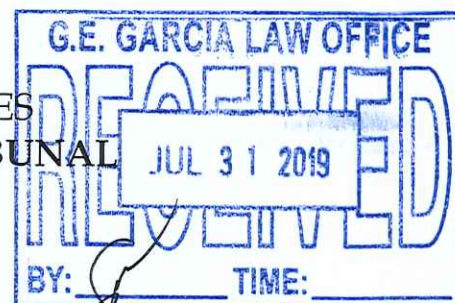


REPUBLIC OF THE PHILIPPINES  
PRESIDENTIAL ELECTORAL TRIBUNAL  
Manila



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**  
**( in lieu of a Comment)**

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

1. On 17 July 2019, the COMELEC, through the Office of the Clerk of the Commission and Law Department, received the Notice of Resolution dated 02 July 2019 of this Honorable Presidential Electoral Tribunal , which provides, among others:

"Xxx

Xxx

c. **DIRECT** THE COMELEC and the Board of Election Inspectors of Clustered Precinct No. 34, in Barangay Niño Jesus, Bato, Camarines Sur, Clustered Precinct No. 13, Barangay Haring, Canaman, Camarines Sur, Clustered Precinct No. 27, Barangay Cubay, San Joaquin, Iloilo, Clustered Precinct No. 118, Tabuco, Naga City, Camarines Sur and Clustered Precinct No. 68, Santiago, Iriga City, Camarines Sur to explain and clarify, within a non-extendible period of ten (10) days from notice, the circumstances regarding the absence of ballot images in the clustered precincts in accordance with this Resolution; and

d. *DIRECT* the COMELEC to submit a *COMMENT* on protestant's Consolidated Reply, particularly, on the non-chronological sequencing of the ballot images and the alleged excess ballot images within a non-extendible period of ten (10) days from notice."

2. Considering that the COMELEC received the Resolution of the Honorable Tribunal on 17 July 2019, the 10-day period for the filing of the required pleading shall expire on 27 July 2019 which falls on a Saturday. Thus, the COMELEC has until 29 July 2019 to comply with the said directive.

3. Further, instead of filing a *Comment*, this Department hereby pleads the content of the *Memorandum* dated 22 July 2019 issued by Ester L. Villaflores-Roxas, Director IV of the Election Records and Statistics Department (ERSD) of COMELEC, considering the explanation needed by the Honorable Tribunal on the subject is already contained in the said document, to wit:

"1. Circumstances regarding the absence of ballot images in the following clustered precincts:

- a. CP 34, Barangay Niño Jesus, Bato, Camarines Sur
- b. CP 13, Barangay Haring, Canaman, Camarines Sur
- c. CP 27, Barangay Cubay, San Joaquin, Iloilo
- d. CP 118 Barangay Tabuco, Naga City
- e. CP 68, Barangay Santiago, Iriga City

The audit logs obtained during the decryption of the SD cards of the above-stated clustered precincts reveal that the Electoral Boards (EBs) used the "REZERO" command before shutting down the Vote Counting Machines (VCMs). As a result, all the reports and ballot images stored in the SD cards were permanently deleted. Due to the nature of the "REZERO" functionality, only the audit logs were retained in the SD cards, and all the reports, including the ballot images, from the SD cards can no longer be retrieved.

Please note that under the General Instructions for the Electoral Boards, the "REZERO" command shall only be used during the **FINAL TESTING AND SEALING** so that all the reports including the ballot images stored in the SD card, except the audit logs, are permanently deleted to ensure that at the start of Election Day, the SD card does not contain any election result/data.

2. Non-chronological sequencing of the ballot images

The Automated Election System (AES) is specifically designed to preserve the secrecy of the ballots by eliminating any possible link between the ballot and the voter.



*Machine information on the actual chronological sequence by which the ballots were inserted into the VCM, when compared with the reports of watchers, will enable the association of the voter with his/her ballots. Accordingly, to ensure ballot secrecy, the sequence of storing the ballot images in the ballots-list.csv report should be scrambled, and not in chronological order.*

*3. Alleged excess ballot images for CP 19 of Gata, Caramoan, Camarines Sur*

*The following is the procedure adopted by this department every time SD cards are decrypted:*

*To determine how many ballot images will be printed, the ERSD personnel shall first verify the total number of voters who actually voted as appearing in the Election Returns. The total number of ballots cast before the close of voting in the precinct is also determined through the audit log. Based on said verification, the total number of voters who actually voted must be equal to the total number of ballots cast before the close of voting.*

*During the decryption and printing of ballot images, no discrepancy was noted since the number of decrypted ballot images was equal to the number of voters who actually voter.*

*To determine the veracity of the alleged excess ballots in CP 19 of Gata, Caramoan, Camarines Sur, authority from this Honorable Tribunal is respectfully requested to enable this department to decrypt and print the ballot images of the subject clustered precinct." (Emphasis Ours)*

A copy of the said Memorandum is hereby attached and marked as Annex "A".

## PRAYER

WHEREFORE, the COMMISSION ON ELECTIONS respectfully prays that:

1. Authorize the Election Records and Statistics Department (ERSD), headed by Director Ester L. Villaflores-Roxas, to decrypt and print the ballot images of CP 19 of Gata, Caramoan, Camarines Sur, to determine the veracity of the alleged excess ballots of the subject clustered precinct; and

2. This Manifestation be duly NOTED and DEEMED AS FULL AND SUFFICIENT COMPLIANCE with the Resolution dated 12 July 2019 of the Honorable Presidential Electoral Tribunal.


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

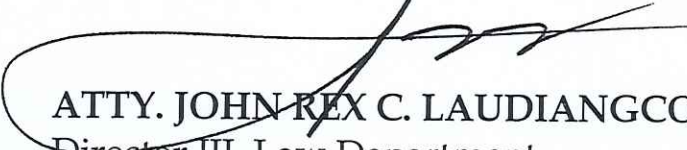
Intramuros, Manila, Philippines, 26 July 2019.


**COMMISSION ON ELECTIONS:**

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

By:

  
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**ATTY. GWIN V. CALIBUYOT**

Attorney IV, Law Department

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IBP Lifetime Member No. 013044

MCLE Compliance No. VI-0004928, 12/18/2017

*Copy furnished:*

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**ATTY. JOAN M PADILLA**

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**THE SOLICITOR GENERAL**

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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* for the consideration of the Honorable Tribunal.

City of Manila, 26 July 2019.

  
**MARIA NORINA S. TANGARO-CASINGAL**  
Director IV

EXPLANATION OF SERVICE

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

  
MARIA NORINA S. TANGARO-CASINGAL  
Director IV

SUBMISSION OF DIGITAL COPIES

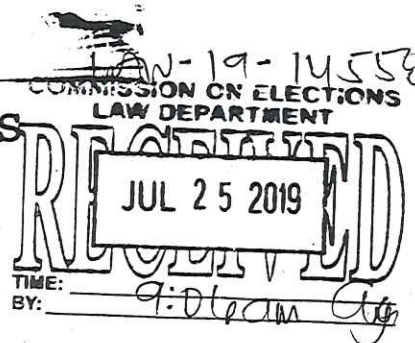
Pursuant to the Efficient Use of Paper Rule, soft copy of this *Manifestation*, saved in a compact disc is being filed simultaneously with its Tribunal-bound paper.

  
MARIA NORINA S. TANGARO-CASINGAL  
Director IV



REPUBLIC OF THE PHILIPPINES  
**COMMISSION ON ELECTIONS**  
Intramuros, Manila

*Election Records and Statistics Department*



**MEMORANDUM FOR :** **ATTY. NORINA TANGARO-CASINGAL**  
**Director IV, Law Department**

**SUBJECT :** **ANSWERS TO PET ORDER** **ANNEX "A"**

**DATE :** **JULY 22, 2019**

This refers to the Order of the Honorable Presidential Electoral Tribunal dated July 2, 2019 but received by this department on July 17, 2019, to explain/comment on the following:

1. *Circumstances regarding the absence of ballot images in the following clustered precincts:*
  - a. CP 34, Barangay Niño Jesus, Bato, Camarines Sur
  - b. CP 13, Barangay Haring, Canaman, Camarines Sur
  - c. CP 27, Barangay Cubay, San Joaquin, Iloilo
  - d. CP 118, Barangay Tabuco, Naga City
  - e. CP 68, Barangay Santiago, Iriga City

The audit logs obtained during the decryption of the SD cards of the above-stated clustered precincts reveal that the Electoral Boards (EBs) used the **"REZERO"** command before shutting down the Vote Counting Machines (VCMs). As a result, all the reports and ballot images stored in the SD cards were permanently deleted. Due to the nature of the **"REZERO"** functionality, only the audit logs were retained in the SD cards, and all the reports, including the ballot images, from the SD cards can no longer be retrieved.

Please note that under the General Instructions for the Electoral Boards, the **"REZERO"** command shall only be used during the **FINAL TESTING AND SEALING** so that all the reports including the ballot images stored in the SD card, except the audit logs, are permanently deleted to ensure that at the start of Election Day, the SD card does not contain any election result/data.



2. *Non-chronological sequencing of the ballot images*

The Automated Election System (AES) is specifically designed to preserve the secrecy of the ballots by eliminating any possible link between the ballot and the voter.

Machine information on the actual chronological sequence by which the ballots were inserted into the VCM, when compared with the reports of watchers, will enable the association of the voter with his/her ballot, in effect establishing how a particular voter cast his/her ballot. Accordingly, to ensure ballot secrecy, the sequence of storing the ballot images in the *ballots-list.csv* report should be scrambled, and not in chronological order.

3. *Alleged excess ballot images for CP 19 of Gata, Caramoan, Camarines Sur*

The following is the procedure adopted by this department every time SD cards are decrypted:

To determine how many ballot images will be printed, the ERSD personnel shall first verify the total number of voters who actually voted as appearing in the Election Returns. The total number of ballots cast before the close of voting in the precinct is also determined through the audit log. Based on said verification, the total number of voters who actually voted must be equal to the total number of ballots cast before the close of voting.

During the decryption and printing of ballot images, no discrepancy was noted since the number of decrypted ballot images was equal to the number of voters who actually voted.

To determine the veracity of the alleged excess ballots in CP 19 of Gata, Caramoan, Camarines Sur, authority from this Honorable Tribunal is respectfully requested to enable this department to decrypt and print the ballot images of the subject clustered precinct.

Respectfully submitted.

  
**ESTER L. VILLAFLORES-ROXAS**  
Director IV