



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. 16-39

On 13 March 2017, the Commission on Elections (COMELEC), through its Law Department by authority of the COMELEC *En Banc*, filed a *Manifestation* dated 07 March 2017, informing the Tribunal that the Information and Technology Department of the COMELEC (COMELEC-ITD) was unable to conduct the diagnostics of the Election Management System (EMS) Server in the Memory Configuration Room (MCR) of the COMELEC Warehouse in Sta. Rosa, Laguna scheduled on 24 February 2017 because the two Uninterruptible Power Supply (UPS) units of the EMS Server failed to function.

In the Memorandum/Technical Report of Mr. Felimon R. Enrile III, Information Systems Analyst III, Systems and Programs Division of the COMELEC-ITD, supported by photographs,¹ it was reported that:

- "2. Uninterruptible Power Supply (UPS) with 3KVA output failed to power-up. Electric current was present when the COMELEC electrician conducted an electric current test using a multi-tester from the Electrical breaker to the electric input of the UPS. But, from the output source of

¹ Attached to the *Manifestation* and submitted as integral parts thereof as Annexes "A" to "A-9".

the UPS to the Power Distribution Unit (PDU), there is no electric current. (See Image 3,4,5 and 6)

"3. Uninterruptible Power Supply (UPS) with 5SKVA output was able to power up with an error message indicated 'Bad Battery' on the LCD display of the UPS. (See Image 6 and 7)

"4. Also noted, five (5) servers having no light indication in off-line mode. Further diagnostics was not performed due to the issues on the UPS. (See Image 8 and 9)

"As a result of the two (2) failed UPS, the conduct of Power-Up, Diagnostic and Power-Down of Election Management System (EMS) Server is incomplete. It is therefore recommended to replace or repair the two (2) UPS before continuing the procedure in order to prevent damages to the servers."

Consequently, the COMELEC prayed that the *Manifestation*, including the Memorandum/Technical Report and supporting photographs be admitted and noted; leave of the Tribunal be granted to the COMELEC to: (a) reschedule the conduct of diagnostics, (b) therein replace the two (2) defective UPS, (c) proceed with the previously authorized proceedings and (d) remove the replacement UPS units once diagnostics have been completed.

ACTING on the *Manifestation* dated 07 March 2017, filed by the Commission on Elections on 13 March 2017, the Executive Committee of the Tribunal Resolves to:

- a) **ADMIT** and **NOTE** the said *Manifestation*, including the Memorandum/Technical report and Supporting Photographs (Annexes "A" to "A-9"); and
- b) **GRANT** the requested authority for the Commission on Elections to:
 1. Reschedule the conduct of the diagnostics;
 2. Replace the two (2) defective Uninterrupted Power Supply (UPS) units;
 3. Proceed with the previously authorized diagnostic proceedings; and

4. Remove the replacement UPS units once the diagnostics have been completed.

The Commission on Elections shall give due notice to the Tribunal and the parties herein at least a week before the rescheduled diagnostic procedure to enable them to send their representatives to witness and observe the procedure.

SO ORDERED.

21 March 2017.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member

Lucas P. Bersamin
LUCAS P. BERSAMIN
Associate Justice
Member