



REPUBLIC OF THE PHILIPPINES  
**SENATE ELECTORAL TRIBUNAL**  
COA-NCR Bldg., Batasan Road, Quezon City

**FRANCIS N. TOLENTINO,**

Protestant,

SET Case No. 001-16

-versus-

**LEILA M. DE LIMA,**

Protestee.

X-----X

**RESOLUTION NO. 16 - 80**

In his *Manifestation and Motion* dated 24 October 2017, filed by on 25 October 2017, Protestant Francis N. Tolentino seeks clarification on when the Vote Counting Machines (VCMs) enumerated in Resolution No. 16-17 dated 22 November 2016 will be used to aid in the revision proceedings; and prays that an Order be issued directing the Commission on Elections (COMELEC) to decrypt and authenticate the Secure Digital (SD) cards of his pilot precincts enumerated in Resolution No. 16-64 dated 14 September 2017.

It will be recalled that during the Preliminary Conference held on 26 January 2017, the parties agreed, upon the suggestion of Senior Associate Justice Antonio T. Carpio, Chairperson of the Tribunal, that during the revision proceedings, the ballots would be fed into the VCMs and the results thereof would serve as basis to determine whether or not a forensic audit of the software should be conducted.<sup>1</sup>

<sup>1</sup> TSN, Preliminary Conference dated 26 January 2017.

Before the start of the revision proceedings, however, it was found out that the Election Management System (EMS) of the 2016 National and Local Elections was non - operational. Since all modules of the Automated Election System depended on the EMS, the VCMs could not be used for the aforesaid purpose. Thus, the revision of the pilot precincts proceeded, independently of the proposed feeding of the ballots into the VCMs, in accordance with the SET Rules and Procedures Governing the Revision of Ballots under the Automated Election System (Revision Rules).

It may be worthwhile mentioning that except for the removal and replacement of the defective Uninterruptible Power Supply; the power up and power down of the servers, the COMELEC has not reported on the results of the diagnostics conducted on the EMS, if any.

The prayer of Protestant Tolentino for the decryption and authentication of the SD cards of his pilot precincts is granted. Rule 77 (g) of the Revision Rules, allows such a course of action "*upon motion of any of the parties, if the interest of justice so requires.*" Furthermore, in a Resolution dated 19 September 2017, hereto attached as Annex "A" and made an integral part hereof, the Presidential Electoral Tribunal (PET) has authorized SET to order the decryption of the SD cards pertaining to the pilot precincts of Protestant Tolentino listed in Annex "B".

It is understood, however, that all costs attendant to the decryption and authentication of the SD cards and the printing of the ballot images, Election Returns and Audit Logs shall be shouldered by Protestant Tolentino and paid directly to the COMELEC.

In lieu of the proposed feeding of the ballots into the VCMs, the decrypted SD cards and printed picture images shall be used to aid the Tribunal in appreciating and validating the votes obtained by the parties as reflected in the original paper ballots.

IN VIEW OF THE FOREGOING, the Tribunal Resolves to:

1. **CLARIFY** that in lieu of the proposed feeding of the ballots into the Vote Counting Machines as previously agreed upon by the parties during the Preliminary Conference, the printed picture images of the ballots to be obtained from the Secure Digital (SD) cards shall be used by the Tribunal in comparing and validating the votes obtained by the parties as reflected in the original paper ballots;
2. **REQUIRE** the Election Records and Statistics Department of the Commission on Elections (ERSD-COMELEC) to decrypt the Secure Digital (SD) Cards and print the digital ballot images, Election Returns and Audit Logs of all Clustered Precincts included in Protestant's pilot precincts listed in Annex "B". The ERSD-COMELEC shall notify the Tribunal and the parties herein of the decryption schedule to enable them to send their representatives to witness the same; and
3. **REQUIRE** Protestant Tolentino to settle directly with the Commission on Elections all costs attendant to the decryption of the SD cards and printing of the ballot images, Election Returns and Audit Logs.

SO ORDERED.

22 November 2017.



ANTONIO T. CARPIO  
Senior Associate Justice  
Chairperson



TERESITA J. LEONARDO-DE CASTRO  
Associate Justice  
Member



LUCAS P. BERSAMIN  
Associate Justice  
Member





MARIA LOURDES "NANCY" S. BINAY  
Senator  
Member



GRACE L. POE  
Senator  
Member



RICHARD J. GORDON  
Senator  
Member



JOEL VILLANUEVA  
Senator  
Member



FRANKLIN M. DRILON  
Senator  
Member

ANTONIO "SONNY" F. TRILLANES IV  
Senator  
Member



Republic of the Philippines  
Presidential Electoral Tribunal  
Manila

NOTICE

Sirs/Mesdames:

*Please take notice that the Tribunal issued a Resolution dated SEPTEMBER 19, 2017, which reads as follows:*

**"P.E.T. Case No. 005** (Ferdinand 'Bongbong' R. Marcos, Jr. vs. Maria Leonor 'Leni Daang Matuwid' G. Robredo).- Acting on the Manifestation with Urgent *Ex-Parte* Motion to Resolve the Omnibus Motion ([1] for Clarification; and [2] to be Furnished Copy of the Annexes Attached to the Manifestation/Compliance dated May 25, 2017), dated September 4, 2017 filed by counsel for protestee Maria Leonor G. Robredo, the Court Resolved to

(a) **NOTE WITHOUT ACTION** the Manifestation relative to the liability of protestant Ferdinand R. Marcos, Jr. for the monthly expense incurred by the Commission on Elections (COMELEC) in its Sta. Rosa, Laguna Warehouse, in view of the resolution dated August 29, 2017;

(b) **GRANT** the prayer to direct the COMELEC to furnish protestee Robredo with copies of the annexes attached to the Manifestation/Compliance dated May 25, 2017; and

(c) **DIRECT** the COMELEC to (i) **FURNISH** protestee Robredo with copies of the annexes attached to the Manifestation/Compliance dated May 25, 2017 and (ii) **SUBMIT** proof of compliance herewith, both within five (5) days from notice hereof.

The Tribunal further Resolved to

(a) **NOTE** the Manifestation and Compliance (Re: List of Witnesses for the Third Cause of Action) dated September 8, 2017 filed by counsel for protestant Marcos, Jr., but **REQUIRE** the protestant to **STRICTLY COMPLY** with the resolution dated August 29, 2017 directing him to identify his witnesses and the concerned clustered precincts subject of their testimonies within a **FINAL** and **NON-EXTENDIBLE** period of five (5) days from notice hereof;

*JG for Robredo*



(b) **NOTE** and **GRANT** the Letter dated September 6, 2017 of Atty. Crisanta V. Valera, Acting Secretary of the Senate Electoral Tribunal (SET), in connection with SET Case No. 001-16 (Tolentino vs. De Lima), requesting authority to order the decryption of the Secure Digital (SD) cards that were installed in the Vote Counting Machines deployed during the May 9, 2016 National and Local Elections in the 751 pilot protested precincts of protestant Francis N. Tolentino, subject to the following conditions;

(i) The SET shall give the Tribunal and the parties prior notice of the subject decryption; and

(ii) The parties shall be allowed to observe and participate therein;

(c) **NOTE** the Manifestation and Comment (on the Preliminary Conference Order) dated September 14, 2017 filed by counsel for protestee Robredo in compliance with the resolution dated August 29, 2017;

(d) **REQUIRE** protestant Marcos to **COMMENT** on the above Manifestation and Comment within ten (10) days from notice hereof;

(e) **NOTE** and **GRANT** the Manifestation/Compliance (with the resolution dated August 29, 2017) with Motion dated September 14, 2017 filed by the Office of the Solicitor General for the COMELEC, praying that (i) the manifestations of the COMELEC relative to the procedures, logistics, schedule and estimated costs for the decryption and printing of ballot images for all the precincts in the provinces of Camarines Sur, Iloilo and Negros Oriental be deemed as compliance with the resolution dated August 29, 2017; (ii) the resolution dated August 29, 2017 insofar as it set a non-extendible period of ten (10) days from receipt thereof within which to file a reply to protestant's comment on OFOV Director Maria Lea R. Alarkon's Letter dated July 10, 2017 be reconsidered and the COMELEC be granted an additional seven (7) days from September 15, 2017, or until September 22, 2017, within which to file its reply; and (iii) the manifestations of the COMELEC that it received Hon. Corpus B. Alzate's Manifestation dated August 17, 2017 on September 6, 2017, and that it will comply with the Tribunal's order to show cause on September 18, 2017, be noted; and

(f) **NOTE** the Comment dated September 15, 2017 filed by counsel for protestant Marcos, Jr., manifesting that the Preliminary Conference Order embodied in the August 29, 2017 resolution faithfully reflects the submissions and reservations of the protestant as contained in his Preliminary

*79/31/2017/19/2017*

Conference Brief dated June 15, 2017 and Comment (on the Preliminary Conference Guides) dated July 17, 2017.

Acting on the Partial Motion for Reconsideration (of the resolution dated August 29, 2017), dated September 15, 2017 filed by counsel for protestant Marcos, Jr., the Tribunal Resolved to require protestee Robredo to **COMMENT** thereon within ten (10) days from notice hereof." Sereno, C.J., on official leave. Perlas-Bernabe, Tijam and Gesmundo, JJ., on official business. (1)

Very truly yours,

  
**FELIPA B. ANAMA**  
Clerk of the Tribunal *per se*

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Public Information Office (x)  
Supreme Court



SET Case 001-16 (Tolentino vs. De Lima)  
Pilot Precincts

PROVINCE	CITY / MUNICIPALITY	No. of Contested Clustered Precincts	Clustered Precinct Number	Clustered / Grouped Precincts
TAWI-TAWI	Panglima Sugala (Balimbing)	1	18	43A, 44A, 44B
	Turtle Islands	1	4	8A, 8B
SULU	Indanan	1	7	15B, 16A, 16B, 16C
	Lugus	1	20	46A, 46B, 46C, 46D
	Luuk	1	19	39A, 39B, 40A, 40B
	Maimbung	5	19	18A, 18B
			25	32A, 33A, 34A, 35A, 36A, 37A
			27	39A, 40A, 41A
			31	50A, 51A, 52A, 53A
			41	57A
	Old Panamao	2	23	95A, 96A, 97A, 98A, 99A
			26	105A, 105B, 105C
	Panglima Estino (New Panamao)	1	14	55A, 56A, 57A, 58A, 59A, 60A
	Parang	1	28	76A, 77A
	Patikul	1	15	41A, 42A, 43A, 44A, 45A, 46A
	Pata	7	4	11A, 12A
			5	13A, 14A
			6	15A, 16A, 17A
			7	18A, 19A, 20A, 21A, 22A
			9	29A, 30A
			11	35A, 36A
			15	50A, 51A, 52A
	Siasi	1	45	134A, 134B, 135A
	Tapui	2	4	9A, 9B
			8	17A, 18A, 19A
Tongkil	3	15	44A, 45A, 46A, 47A	
		18	56A, 56B, 57A, 58A, 59A	
		19	60A, 61A, 62A, 63A	
BASILAN	Akbar	3	1	11A, 12A, 12B
			3	50A, 50B, 50C
			11	69A, 70A, 70B
	Al-Baraka	16	1	15A, 15B, 16A, 16P1
			2	28A, 29A, 29B, 30A, 30P1
			3	31A, 32A, 32P1
			4	33A, 33B, 34A, 35A, 35P1
			5	42A, 42B, 43A, 43B, 43P1
			6	63A, 64A, 64B, 65A, 65P1
			7	80A, 81A, 81B, 81P1
			8	82A, 83A, 84A, 84P1
			9	85A, 85B, 86A, 87A, 88A, 88P1
			10	89A, 90A, 90B, 90P1
			11	91A, 92A, 92P1
			12	93A, 93P1



PROVINCE	CITY / MUNICIPALITY	No. of Contested Clustered Precincts	Clustered Precinct Number	Clustered / Grouped Precincts
BASILAN (cont'd)	Al-Barka (cont'd)		13	99A, 100A, 101A, 101P1
			14	104A, 105A, 106A, 106B, 106P1
			15	113A, 114A, 114P1
			35	117A, 118A, 119A, 119P1
	Isabela City	1	109	213C, 213D, 213P1
	Sumisip	8	1	1A, 2A, 2B
			2	3A, 4A
			5	10A, 11A
			10	23A, 23B, 24A
			12	28A, 28B
			17	38A, 39A, 40A, 41A, 41B, 41C
			30	69A, 70A, 71A
	Tabuan-Lasa	5	32	74A, 75A, 76A, 77A, 77B
			2	2A, 2B, 2C, 2D
			7	10A, 10B, 11A
			13	23A, 23B, 24A, 25A, 25B
			14	26A, 27A, 28A
Tuburan	1	8	35A, 35B, 36A	
MAGUINDANAO	Barira	2	12	27A, 27B, 28A, 28B
	Datu Blah T. Sinsuat	4	17	40A, 41A, 42A, 43A
			11	15A, 16A, 17A, 17B, 18A
			16	25A, 25B
			17	26A, 27A
	Datu Hoffer Ampatuan	1	18	28A, 29A
			6	18A, 19A, 20A, 21A
	Datu Odin Sinsuat (Dinaig)	4	9	32A, 32B, 33A
			10	33B, 34A
			24	70A, 70B, 71A
	Mangudadatu	1	7	72A, 73A, 73B
	Matanog	1	7	10A, 10B, 11A
	Pagagawan	1	1	1A, 1B, 2A, 2B
Parang	2	7	32A, 33A, 34A, 35A, 36A, 37A	
		22	49A, 50A, 51A, 51B	
LANAO DEL SUR	Bacolod-Kalawi (Bacolod Grande)	2	26	57A, 57B
			5	6A, 6B
	Buadiposo-Buntong	7	6	7A, 7B
			16	24A
			7	12A
			9	15A
			11	18A
			15	25A, 25B
			16	26A, 27A, 28A
	25	43A, 43B		
Butig	2	32	56A, 56B	
		11	23A, 24A, 25A, 25B	
Calanogas	1	7	18	39A
			7	7A, 7B

