



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 – 122

Protestant Tolentino, in his *Motion* dated 22 May 2018, prayed that the Tribunal (a) direct the Commission on Elections (COMELEC) to issue the necessary orders to access the *raw audit log* files of the Consolidation and Canvassing System (CCS) Laptops covering the protested precincts and/or (b) order Smartmatic, if necessary, to assist the COMELEC in accessing such files. In Resolution No. 16-115 dated 01 June 2018, the COMELEC was required to Comment thereon within five (5) days from receipt of the Resolution.

After two Motions for Extension of Time to File Comment which were granted by the Tribunal in Resolutions Nos. 16-117 and 16-119, the COMELEC filed its *Comment* on 06 July 2018 alleging that:

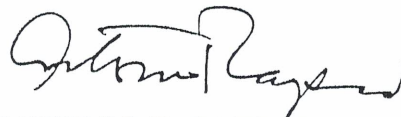
1. Upon verification with Mr. Alvin V. Genota, there was no categorical statement on the existence of a "*raw audit log*" and that the term "*raw audit log*" came from the Protestant's counsel and not from Mr. Genota;
2. Mr. Genota's statement on the need of an order from COMELEC *En Banc* for him to access what Protestant's counsel referred to as the "*raw audit log*" was merely to inform and emphasize that the authority granted to him was limited to the demonstration and printing relative to the proposed system date change;

3. Upon coordination with key personnel of its Information Technology Department and Election Records and Statistics Department, there is a difficulty in ascertaining what Protestant meant by "*raw audit log*";
4. In order for the COMELEC to be guided and to act accordingly, there is a need for the Protestant to clarify, define and specify what exactly he meant by "*raw audit log*" of the CCS laptop, the scope of the access requested, and the purpose of such access in relation to the instant election protest.

CONSIDERING the allegations and arguments raised by the Commission on Elections in its *Comment (On Protestant Francis N. Tolentino's Motion dated 22 May 2018)*, the Executive Committee of the Tribunal Resolves to **REQUIRE** Protestant Tolentino to file a **REPLY** to the said *Comment* within three (3) days from receipt of this Resolution.

SO ORDERED.

10 July 2018.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member



LUCAS P. BERSAMIN
Associate Justice
Member