



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.

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RESOLUTION NO. 16 - 123

In a *Motion* dated 16 May 2018 filed by registered mail and received by the Tribunal on 31 July 2018, Protestant Tolentino prayed for the recall of Messrs. Roderick Ilagan and Felimon Enrile to the witness stand. He alleged that on 06 July 2018, Ms. Jeannie V. Flororita, Acting Director IV of the Information and Technology Department of the Commission on Elections (COMELEC – ITD) testified that she has no personal knowledge and competence to testify on the following: a) Identification of ballot images as they are fed and the allocation of the file and the 3-digit suffix; b) Data coming from the Secure Digital (SD) cards of the Vote Counting Machines (VCMs); and c) The document regarding protocol concerning the authentication of SD cards. Protestant claimed that based on Ms. Flororita's testimony, it was Mr. Felimon Enrile, Chief of the Systems and Programs Division of the COMELEC-ITD, who has personal knowledge of the aforesaid matters.

Protestant further alleged that during the 09 July 2018 hearing, Ms. Flororita stated under oath that she cannot authenticate the compact disc (CD) purportedly containing the logs of the Central and Transparency servers and the Domain Name System (DNS) server, presented to the Tribunal by Mr. Roderick Ilagan on 05 April 2018 in compliance with the *subpoena duces tecum* issued on 20 March 2018. Ms. Flororita also declined to authenticate the CD she brought on 09 July 2018 and pointed out that she cannot testify on the contents of the said CD as it was Mr. Ilagan who made the back-up and obtained the logs from the aforementioned servers.

Indeed, Ms. Flororita, in her testimony on 06 July 2018, declared that she was not conversant with the Ballot ID numbers appearing in the ballot images that were printed from decrypted SD cards, including the audit logs and ballot lists which were printed by the COMELEC during the decryption of the SD cards. Neither was she knowledgeable with the procedure on the authentication and decryption of the SD Cards.

Be that as it may, a review of the transcript of stenographic notes (tsn) disclosed that on 02 April 2018, Ms. Ester Villaflor-Roxas, Director IV of the Election Records and Statistics Department (ERSD) of the COMELEC, already testified on the guidelines in the decryption of ballot images in connection with the 09 May 2016 National and Local Elections.¹ On 10 April 2018, Ms. Norbelyn Manalo, also of the COMELEC-ERSD, testified on the actual decryption process, the ballot ID numbers, the data from the SD cards, and other matters related to the decryption process.² Thus, the Tribunal is not inclined to recall Mr. Felimon Enrile to the witness stand.

Further, the Tribunal agrees with the observation of the counsel for Protestee de Lima that the parties herein, as well as the Tribunal, were duly represented during the decryption proceedings conducted by the COMELEC.³ As such, there is no necessity to require further testimony on the matter.

With respect to Mr. Roderick Ilagan, he may be recalled to the witness stand only for the purpose of:

1. Authenticating the data contained in the CD which he brought to the Tribunal on 05 April 2018, as well as the CD presented by Ms. Jeannie Flororita on 09 July 2018; and
2. Testifying on the logs of the Central, DNS and Transparency servers during the 2016 National and Local Elections as contained in the said CDs.

¹ Tsn, 02 April 2018 hearing, pp. 64-93.

² Tsn, 10 April 2018 hearing, pp. 38-76.

³ Tsn, 10 April 2018 hearing, pp. 60-61; Tsn, 06 July 2018 hearing, pp. 39-40.

WHEREFORE, the Executive Committee of the Tribunal Resolves to partially GRANT the *Motion (to Call Again Messrs. Roderick Ilagan and Felimon Enrile)* only with respect to Mr. Roderick Ilagan and only for the purposes aforestated. The Hearing Commissioner is directed to issue the *subpoena ad testificandum* to Mr. Ilagan and schedule his presentation on 23 August 2018 at 9:00 o'clock in the morning.

SO ORDERED.

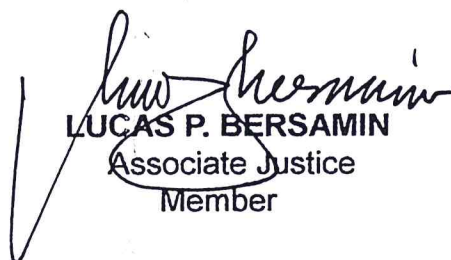
10 August 2018.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member



LUCAS P. BERSAMIN
Associate Justice
Member