



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 - 124

In his *Motion* dated 22 May 2018, Protestant Tolentino 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.

The COMELEC, in its *Comment* dated 05 July 2018, asserted that 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.

In compliance with Resolution No. 16-122 dated 10 July 2018, Protestant Tolentino submitted his *Reply* dated 16 July 2018 which was filed by registered mail and received by the Tribunal on 31 July 2018. Protestant explained that the term "*raw audit logs*" refers to the complete direct logs or list of transactions, tasks/actions, without being formatted, performed by a machine.¹ Tolentino expounded further that what is needed is the information extracted from the database of the CCS, or the files under the "/var/log folder" or its equivalent, in cases where the logging system was diverted from the default file "var/log". The said folder allegedly includes the "messages.log and security.log" files.²

¹ Reply (to COMELEC's Comment dated 5 July 2018), paragraph 4, p. 3.

² Ibid, paragraph 7, p. 3.

The Protestant clarified that the request for the *raw audit logs* stemmed from the testimony of Ms. Norbelyn Manalo on 10 April 2018 that the audit report file of the Vote Counting Machines (VCMs) in portable document format (pdf) were, at times, incomplete, hence the need to obtain the very source of relevant and significant data or information from where the pdf files or printed files are culled. He likened the "*raw audit log*" to a black box that records and preserves, which thus, serves as ultimate reference in case of missing data or information.³

The Amended Preliminary Conference Order dated 09 May 2017, listed the system logs of the Municipal Board of Canvassers servers⁴ as among the documentary evidence to be presented by the Protestant. It may be recalled that the Tribunal, in Resolution No. 16-113 dated 30 May 2018, directed the Protestant to coordinate directly with the COMELEC for the audit logs of the CCS laptops used by the Municipal or City Board of Canvassers (MBOC/CCOC). The said Resolution did not qualify whether the audit logs are "*raw*" or formatted.

Be that as it may, what was contemplated in the term "audit log" as stated in the said Resolution is "the document that records an event in an information technology (IT) system"⁵ which in the instant case is the Consolidation and Canvassing System. With the aforesaid submission of the Protestant, the COMELEC may now be able to determine the scope of the requested CCS access. From the Tribunal's standpoint, it cannot dictate to the COMELEC the folder or directory where the said audit logs are located as it has no knowledge thereof. Neither can it dictate the kind or format of the CCS audit logs that the COMELEC can provide.

Protestant's attention is invited to the fact that during the printing of the reports from the CCS laptop of the Basco, Batanes MBOC as demonstrated by the COMELEC on 10 April 2018, the CCS audit log could not be printed completely using the CCS user interface as the file would continuously update with every system-related event or user-triggered event. Neither could the report be copied into a Universal Serial Bus (USB) Flash Drive. Nevertheless, the audit log entries were displayed on the multimedia projector during the said demonstration.

³ Ibid, pp. 1-3.

⁴ Resolution No. 16-45-A, p. 14.

⁵ What is Audit Log? Definition from WhatIs.com, <https://searchcompliance.techtarget.com/definition/audit-log-AL>

Further, with the information that COMELEC already exercised on January 2018 the option to purchase the Vote Counting Machines (VCMs) and other related equipment which were used during the 2016 National and Local Elections, the Tribunal was reminded that only six (6) CCS laptops were retained by the COMELEC upon the request of Protestant. These six CCS laptops are supposed to have Intel Core i5 processing units which were used in the areas covered by the pilot precincts of Protestant Tolentino.⁶

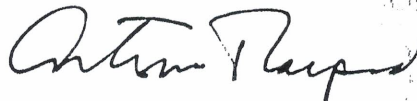
In view of the foregoing circumstances, the Tribunal leaves it to the COMELEC to determine the kind or form of CCS audit logs it can provide the Protestant and the number of CCS laptops which it can still access. Protestant Tolentino is directed to coordinate directly with the COMELEC and shoulder whatever cost that may be incurred relative to the said audit logs.

WHEREFORE, the Executive Committee of the Tribunal Resolves to:

1. **REQUIRE** the Commission on Elections (COMELEC) to release to Protestant Tolentino the audit logs, in the format that is feasible and legally permissible, within fifteen (15) days from receipt of this Resolution and manifest to the Tribunal its compliance within three (3) days from the release of the audit logs to the Protestant; and
2. **DIRECT** Protestant Tolentino to coordinate directly with the COMELEC for the audit logs and shoulder whatever cost that may be incurred relative thereto.

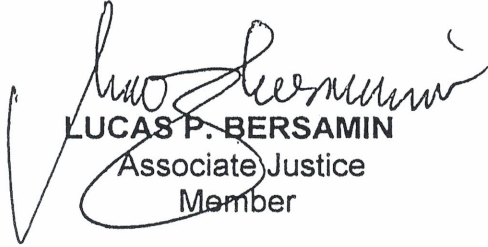
SO ORDERED.

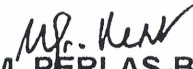
05 September 2018.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson

⁶ Protestant Tolentino's Manifestation dated 27 March 2017.


LUCAS P. BERSAMIN
Associate Justice
Member


ESTELA M. PERLAS-BERNABE
Associate Justice
Member