



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 – 137

In a *Manifestation with Urgent Motion* dated 05 November 2018, the Commission on Elections (COMELEC), thru its Law Department, prayed for the lifting of the Tribunal's Precautionary Order on all the CCS Laptops and the Memory Configuration Room located at the COMELEC Warehouse in Sta. Rosa, Laguna, which were used during the 2016 National and Local Elections and that COMELEC be allowed to use the same for the 2019 Automated National and Local Elections. Further, COMELEC moved that it be granted permission to back-up and/or clone the data contained in the said CCS Laptops and Memory Configuration Room.

The COMELEC explained that without clearance from the Tribunal, it will be constrained to purchase new CCS Laptops and establish a new Memory Configuration Room which is very impractical due to cost considerations and not feasible due to the time element involved not only in the procurement process but also in making the configurations necessary for the conduct of a nationwide election. With the use of the aforesaid equipment and facility in the forthcoming 2019 elections, the government will be able to save a considerable amount of money.

It may be recalled that in Resolution No. 16-125, dated 05 September 2018, the Tribunal already lifted the Precautionary Order with respect to the Election Management System (EMS). The Tribunal finds no reason not to do the same with respect to the CCS Laptops and Memory Configuration Room. Considering the

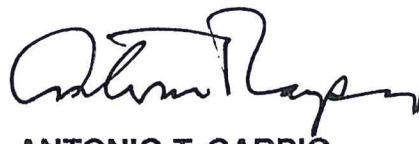
purpose of the proposed course of action, the Tribunal grants the COMELEC's request, subject, however, to the same conditions imposed with respect to the EMS, to wit: (a) The COMELEC shall have the data cloned and/or backed-up in the presence of representatives of the Tribunal and the parties; and (b) The COMELEC shall maintain custody, and preserve the integrity of the backed-up or cloned data.

WHEREFORE, the Executive Committee of the Tribunal Resolves to:

1. **LIFT** the Precautionary Order on all CCS Laptops and the Memory Configuration Room located at the COMELEC Warehouse in Sta. Rosa, Laguna which were used during the 2016 National and Local Elections;
2. **ALLOW** the COMELEC to back-up the data contained therein in the presence of representatives of the Tribunal and the parties;
3. **DIRECT** the COMELEC to maintain custody and preserve the integrity of the backed-up data; and
4. **ALLOW** the COMELEC to use the said CCS Laptops and Memory Configuration Room in the 2019 Automated National and Local Elections.

SO ORDERED.

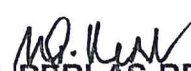
14 November 2018.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



LUCAS P. BERSAMIN
Associate Justice
Member



ESTELA M. PERLAS-BERNABE
Associate Justice
Member