

REP. PUENTEVELLA. (Continuing) ... Congressman Golez, if done on the next meeting and I seconded it. So with due respect, I hope you can act on it.

THE CHAIRPERSON. Not...yet... Well, I cannot...I am not the COMELEC but, certainly, the request has been made. But...go ahead, would you...can we do it? I mean, Smartmatic takes no responsibility with regard to this particular CF card. Can somebody here do it?

MR. GARCIA. No, Your Honor. With the...the people we have here and the equipment we have here, we can't do that.

THE CHAIRPERSON. You can't o.... What if it was fake? Would it open? I mean, what if it was just something she bought in Virra Mall?

MR. GARCIA. We would just see it as a regular CF card.

THE CHAIRPERSON. That's fine, that's fine. Can we open it now?

MR. GARCIA. I would still not conclude anything.

THE CHAIRPERSON. Why would it conclude?

MR. FLORES. Let me explain that, let me explain.

THE CHAIRPERSON. Would it if...would, if it was a genuine one, if it was a genuine one, would it refuse to open?

MR. FLORES. Mr. Chairman, let me explain again. There are two...

REP. GOLEZ. Mr. Chairman, if it's fake...

THE CHAIRPERSON. Yes.

REP. GOLEZ. ... then the conclusion is it's fake, that somebody gave Congresswoman Susano fake CF cards. If it's genuine...

THE CHAIRPERSON. It will not open.

REP. GOLEZ. ...it still doesn't conclude anything.

THE CHAIRPERSON. Yeah.

REP. GOLEZ. It means that somebody may have stolen it and...

THE CHAIRPERSON. Yes.

REP. GOLEZ. ... given it to... But it doesn't...

THE CHAIRPERSON. Yes.

REP. GOLEZ. ... point at anything...

THE CHAIRPERSON. Yes, but...

REP. GOLEZ. ...that would have a bearing on the conduct of the entire...

THE CHAIRPERSON. In other words, Congressman Golez, you withdraw your request...

REP. GOLEZ. But the moment it's fake, then it's fake.

THE CHAIRPERSON. ...you withdraw your request...

REP. GOLEZ. No, no.

THE CHAIRPERSON. ...that we look into it.

REP. GOLEZ. No, I'm not, I'm not.

REP. PUENTEVELLA. No, no, no.

THE CHAIRPERSON. Ah, okay. So what do you want to do? You just said that it doesn't matter.

REP. GOLEZ. No, no. I'm saying that if it's fake, then it's fake.

THE CHAIRPERSON. Yeah.

REP. GOLEZ. If it's genuine, it still doesn't lead to any particular conclusion.

THE CHAIRPERSON. That's right, that's right. It doesn't mean it was not stolen or misused. So, can...is there a way to open this ordinary, possibly, ordinary CF card? And by the way, why didn't you try that, Congresswoman Susano?

REP. SUSANO. Mr. Chairman, in due time...

THE CHAIRPERSON. In due time.

REP. SUSANO. Because I need expert to actually ...

THE CHAIRPERSON. But we just want to know if it is an ordinary CF card. If it opens, it's ordinary. You just got it in Virra Mall.

MR. FLORES. Not necessarily so, sir.

REP. SUSANO. No, no, no, it bears their name, the logo of Smartmatic.

THE CHAIRPERSON. Sure?

REP. SUSANO. Sure, very sure.

THE CHAIRPERSON. But the thing is, if it opens without an encryption key, then it's...somebody just put the Smartmatic name.

REP. SUSANO. I'm sure there is.

MR. FLORES. Let me explain.

REP. SUSANO. Mr. Chairman, I'm sure there is.

THE CHAIRPERSON. Okay, okay.

MR. FLORES. Let me explain. Okay. People, please listen to me, please. There are two cards in the machine. There is the main card and the backup card. The

main card contains these configuration files which are encrypted, right? If you put that card, right now you bring a PC with a CF card port, you will see a bunch of files that will look like Greek to you because they are encrypted. The backup card is empty, empty, has nothing in it, the backup card. Only after closing of the elections when the BEIs closed and it's ready to transmit, then the backup cards saves information and it cannot be erased. So, if, let's say those cards were removed from the machine before closing, those cards will be empty. And that shows nothing. Okay? If they are indeed backup cards that came after a closing of an election, there will be a file that will be encrypted.

THE CHAIRPERSON. No, no...

REP. SUSANO. Excuse me, Mr. Chairman.

THE CHAIRPERSON. Just a while, I'm getting the...

MR. FLORES. The images that I'm referring to here are only in the main card, not in the backup card.

THE CHAIRPERSON. Yes, all right. The question that was asked, if I get Congresswoman Susano's CF card and we open it with an ordinary computer, and it opened, then obviously she got it in the Virra Mall. But if it doesn't open, then, okay, we have a little problem here...

MR. FLORES. Not necessarily so because ... if it was an original card that was sent...

THE CHAIRPERSON. No, no, that's why, but first, initially...

MR. FLORES. ...but never recorded the back up then the card is empty and you can open.

THE CHAIRPERSON. Okay. So it means any machine can open it.

MR. FLORES. Yeah. Because if there's no data...

THE CHAIRPERSON. But, at least, let's open it. There may be nothing in it. There may be nothing in it, you're saying.

REP. SUSANO. Mr. Chairman, would you like to test now?

THE CHAIRPERSON. Yes.

REP. SUSANO. Yes.

THE CHAIRPERSON. Yes, can you do it?

REP. SUSANO. Yes.

THE CHAIRPERSON. Go ahead, why don't you do it?

REP. SUSANO. I will ask...

THE CHAIRPERSON. Why don't you do it?

REP. SUSANO. Yes. Is there...but I will challenge...

THE CHAIRPERSON. No, don't challenge anybody. You brought it, you open it.

REP. SUSANO. No, no, no. When we open it and we will prove that there is really a data, what will you do?

THE CHAIRPERSON. Don't ask that. First...that's speculative.

REP. SUSANO. No, no, no, I'm asking, Mr. Chairman.

THE CHAIRPERSON. No, that's speculative, I will not allow it.

REP. SUSANO. No, no, no, I will not allow also.

MR. FLORES. If there is data...if there is data...

THE CHAIRPERSON. My God, you have offered to open it! Why don't you open it? Are you afraid there's nothing in it?

REP. SUSANO. No, no, no, I'm not afraid. I just want to know that the COMELEC has been counseling the Smartmatic. So...the way you're speaking of legality here, Mr. Chairman, why are you hiding...

THE CHAIRPERSON. We're not hiding anything, you're hiding your CF card.

REP. SUSANO. No, no, no.

THE CHAIRPERSON. You say you can open it. Open it.

REP. SUSANO. I'm just telling him if I'm going to test now...

THE CHAIRPERSON. Go, go, very good.

REP. SUSANO. ...what will be the outcome if we find out today?

THE CHAIRPERSON. I'll shoot him.

REP. SUSANO. What will you do? You shoot him? Okay.

THE CHAIRPERSON. Go ahead, now, open it.

REP. SUSANO. Thank you. Are you sure, Chairman? Okay.

MR. FLORES. Please, what I was getting to with this explanation is, what I was looking for was to explain to you why, and I understand all...we have been hearing here for days all your concerns, we have been hearing accusation of people offering to tamper with the results, the first thing I want to say is Smartmatic-TIM is in no way linked to any of those alleged offerings. I want to be very clear and emphatic about that. We have never engaged anyone to offer to tamper with results. We will never do that. And it will be foolish to do so because there is always a trail and a proof of what

was read by every PCOS machine. Okay? So we've been getting hit here and what I'm trying to say is that the system allows you to reconstruct, I use the word again, the system will allow you to see what happened. Okay? There is a picture of every ballot in the CF card. And there are ballots inside the ballot box. What I'm trying to say is, if COMELEC allows so, the CF cards can be retrieved, the images can be provided and also the ballot votes can be checked. The possibility of verifying your accusations is there and and I hope that when it's done, our name is cleared because we guarantee that our PCOS are reading the ballots exactly as they were fed into it. So what I'm trying to say here is that there is a way to verify in the CF cards and there's a way to verify through the ballot boxes. Now I don't understand and I'm not a lawyer, I don't understand the legal requirements of what happens when there's a protest or... and that's not our field of expertise. But there's an ultimate proof of how the ballots were read by the PCOS machine. And you can legally, if you follow the procedures which are I am not familiar with. You can verify these and we will more than gladly collaborate to you so we can eradicate these wrong accusations.

Thank you very much.

MR. RUY ELIAS C. LOPEZ. (Former Representative, Third District, Davao City) Mr. Chairman, just a clarification. Mr. Chairman, can I ask a clarification?

THE CHAIRPERSON. Go ahead.

MR. LOPEZ. Yes. To Mr. Flores.

THE CHAIRPERSON. Yes, because then, I believe, you're ready, Congresswoman Susano?

MR. LOPEZ. Just one clarification.

THE CHAIRPERSON. Go ahead.

MR. LOPEZ. Because the way I understood it, the encryption and the data and everything is...data base are there in the COMELEC. And then Mr. Flores said that the photograph of every ballot is in the main memory card. The backup me...backup card does not contain the photographs of the...

THE CHAIRPERSON. No, just the results.

MR. LOPEZ. Just the results. Now, the main memory card is also there with the COMELEC.

THE CHAIRPERSON. Has it been retrieved already? Would we know?

MR. LOPEZ. Yes, yes, that's the procedure, Mr...

THE CHAIRPERSON. Mr. James Jimenez...no, let's ano, do you have an answer to that? Where is this main memory card?

MR. JIMENEZ. Retrieval is ongoing, Your Honor.

THE CHAIRPERSON. Retrieval is ongoing.

MR. LOPEZ. Yes, but the backup memory card is there in the PCOS machine. But the main memory card with the photograph of every ballot is there now with the COMELEC. They're retrieving it.

THE CHAIRPERSON. Mr. James Jimenez, it's there now with you, according to Congressman Lopez.

MR. JIMENEZ. Sir, retrieval is on going, sir, so...

THE CHAIRPERSON. Retrieval is ongoing.

MR. JIMENEZ. Yeah. So it's still in different places ...

MR. LOPEZ. Yes, I just wanted to clarify because the encryption code, the data base and everything there is with the COMELEC, software, the source code and now they also have the memory of the ballots there in the COMELEC.

THE CHAIRPERSON. Okay, yes...well, no, it's coming, it's coming, right, James? Okay?

MR. LOPEZ. Yes.

THE CHAIRPERSON. Okay, Congressman Golez, please.

REP. GOLEZ. Going back to the CF cards of Congresswoman Susano, may we know from Congresswoman Susano whether she has examined the CF cards before she presented it to this Committee?

THE CHAIRPERSON. Okay.

MR. BARBERS. Mr. Chairman.

THE CHAIRPERSON. Good question, by the way.

MR. BARBERS. Mr. Chairman.

THE CHAIRPERSON. Let her answer that.

REP. SUSANO. I cannot answer now cause I would like to present the CF card in view of all these people here in the Committee and the Filipino people. So in the process of examining the CF card in the machine, I will tell you later. And before that, Mr. Chairman...

THE CHAIRPERSON. By the way, we're eating into the time of ...

REP. SUSANO. Mr. Chairman, I would...may we ask...

REP. M. V. DEFENSOR. Mr. Chairman, I move that we terminate our questions insofar as Mr. Flores is concerned so we can proceed now.

REP. SUSANO. But, Mr. Chairman, may I ask..

THE CHAIRPERSON. Mr. Flores...

MR. BARBERS. Just thirty seconds, Mr. Chairman.

REP. M. V. DEFENSOR. And...

THE CHAIRPERSON. Just a while. Mr. Flores has just a short presentation... to finish the presentation, just a few minutes, please.

MR. FLORES. Okay. So we can again do procedure which I am not aware of, the legal procedure, you can take a look...

(MS. LILIA C. LOPEZ-VALENCIA TOOK OVER)