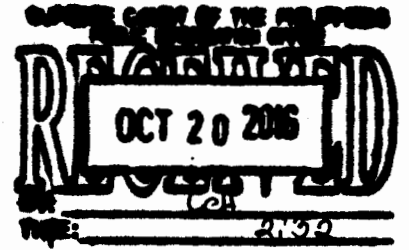




Republic of the Philippines  
Supreme Court  
Manila

EN BANC

NOTICE



Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated **OCTOBER 11, 2016**, which reads as follows:

**“G.R. No. 224027 - Al S. Vitangcol III vs. Commission on Elections, represented by its Chairperson, Hon. Andres D. Bautista;**

**G.R. No. 224116 - Al C. Argosino vs. Commission on Elections, herein represented by its Chairperson, Andres D. Bautista.**

**RESOLUTION**

After a judicious review of the records, the Court resolved to **DISMISS** the instant Petitions for Mandamus on the ground of mootness.

Petitioner Al S. Vitangcol III seeks to compel the Commission on Elections (Comelec) to make an inventory and submit to this Court a list of the Media Access Control (MAC)<sup>1</sup> and Internet Protocol (IP)<sup>2</sup> Addresses of all vote counting machines (VCM), computers, servers, and transmission devices that would be used in the May 9, 2016 elections. Petitioner Al C. Argosino, on the other hand, seeks to compel the Comelec to submit a list of the International Mobile Subscriber Identity (IMSI)<sup>3</sup> of all Subscriber

<sup>1</sup>A MAC address is a unique identifier that is permanent and cannot be changed. MAC addresses are generally assigned by the vendor/manufacturer of every network interface card (NIC) developed. (<https://www.techopedia.com/definition/5301/media-access-control-address-mac-address> visited last June 28, 2016.)

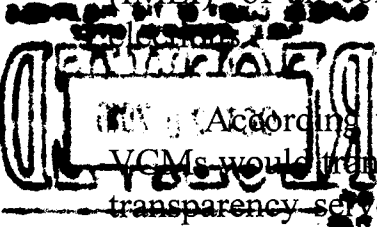
<sup>2</sup>An IP address is a unique address that computing devices such as personal computers, tablets, and smartphones use to identify itself and communicate with other devices in the IP network. (<https://www.iplocation.net/ip-address> visited on June 28, 2016.) It allows digital devices to locate and identify other digital devices that are connected to the Internet. In the same sense that someone needs your mailing address to send you a letter, a remote computer needs your IP address to communicate with your computer. (<http://whatismyipaddress.com/ip-address> visited on June 28, 2016.)

IP addresses, however, are not permanent. Internet Service Providers (ISP) can change it from time to time. Connecting to the internet thru different ISPs also results in the change of IP addresses. Thus, a laptop connected to Supreme Court server will have a different IP address when used and connected to the internet thru Starbucks' Wi-fi. (See also <http://whatismyipaddress.com/ip-basics> visited June 28, 2016.)

<sup>3</sup>An IMSI is a globally unique code that identifies: (i) the subscriber to the network; (ii) the country of the mobile device owner; and (iii) the carrier network within the country. The IMSI is stored in the Subscriber Identity Module (SIM) inside the phone and is sent by the phone to the appropriate network.

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Identity Module (SIM) cards and International Mobile Equipment Identity (IMEI)<sup>4</sup> of all communication devices that would be used during the said

 According to the petitioners, when polls close on May 9, 2016, the VCMs would transmit the election returns to the Comelec central server, the transparency server, and the server at the Joint Congressional Canvassing. Elections results would also be transmitted to the appropriate municipal, provincial and national canvassing centers. During such transmissions, however, data may be compromised. Hackers could intercept (thru sniffing), alter, and send the altered data to canvassing centers and Comelec servers without any traces that such data had already been tampered. To prevent this, petitioners pray to compel the Comelec to make an inventory of all the MAC and IP addresses of all its electronic devices, as well as IMSI and IMEI of all its communication devices, that would be used in the May 9, 2016 elections. That way, the recipients of the data, particularly the Comelec, could crosscheck whether the data they received actually came from Comelec-recognized devices.

The conclusion of the May 9, 2016 elections, however, mooted the issues raised in these Petitions. In addition, it should be noted that IP addresses are not permanent. Internet Service Providers (ISP) can change it from time to time. Connecting to the internet thru different ISPs also results in the change of IP addresses.<sup>5</sup> In other words, the IP addresses used relative to the May 9, 2016 will no longer be the same IP addresses that will be used in the subsequent elections. The same goes true for the MAC address and IMEI. While these identifying codes are permanently embedded on electronic devices, no one knows, at this point, whether the Comelec will utilize the same electronic devices for the same precincts in future elections.

A case or issue is considered moot when it ceases to present a justiciable controversy by virtue of supervening events, so that an adjudication of the case or a declaration on the issue would be of no practical value or use. In such instance, there is no actual substantial relief which a petitioner would be entitled to, and which would be negated by the dismissal of the petition. Courts generally decline jurisdiction over such case or dismiss it on the ground of mootness.<sup>6</sup> This is because the judgment

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(<https://www.techopedia.com/definition/5067/international-mobile-subscriber-identity-imsi> visited June 28, 2016.)

<sup>4</sup>An IMEI is a unique number given to every single mobile phone to identify it. (<http://www.webopedia.com/TERM/I/IMEI.html>) It is hard-coded into device hardware, making it nearly impossible to change without somehow damaging the device. When a carrier knows that a device has been stolen, it can blacklist the IMEI code and lock it out of the network. Later on, it tells other cellular networks to do the same. (<https://www.maketecheasier.com/imei-number/> viewed last June 28, 2016.)

<sup>5</sup>See <http://whatismyipaddress.com/ip-basics> visited June 28, 2016.

<sup>6</sup>*Carpio vs. Court of Appeals*, G.R. No. 183102, February 27, 2013, 692 SCRA 162, 174, citing *Osmeña III vs. Social Security System of the Philippines*, 559 Phil. 723, 735 (2007).

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October 11, 2016

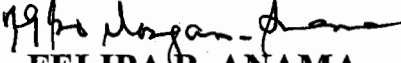
will not serve any useful purpose or have any practical legal effect because, in the nature of things, it cannot be enforced.<sup>7</sup>

**ACCORDINGLY**, the Court **RESOLVED** to **DISMISS** the present Petitions for Mandamus for having become moot.

The Consolidated Comment filed by the Office of the Solicitor General is **NOTED.**"

*Sereno, C.J., on official leave. Velasco, Jr., J., on leave. Leonen, J., on official business but left his vote. (adv70)*

Very truly yours,

  
**FELIPA B. ANAMA**  
Clerk of Court HEBUC

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<sup>7</sup>*Philippine Savings Bank (PSBank) vs. Senate Impeachment Court*, G.R. No. 200238, November 20, 2012, 686 SCRA 35, 37-38, citing *Sales vs. Commission on Elections*, 559 Phil. 593, 596-597 (2007).

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