



## **Report No. 1**

### **August 25, 2009**

#### **Introduction**

This is the first report of the *Bantay-Eleksyon 2010* or the **People's Coalition to Monitor the 2010 Elections**. This covers the period from the November 2007 when the Nacionalista Party and the Liberal Party held major party events aiming at the 2010 elections to August 2009. This period forms part of the 2010 elections as pre-election period inasmuch as election-related events were already occurring. This report can also be seen as the baseline report for the *Bantay-Eleksyon 2010* monitoring.

This first report contains the following areas:

- a. Assessment of *Bantay-Eleksyon 2007* ten-point recommendations
- b. Election laws
- c. The Melo Commission on Elections
- d. Election automation
- e. Early campaigning
- f. Pre-election violence
- g. Party-list system
- h. Civil society 2010 election initiatives

#### **A. Assessment of BE 2007 Ten-Point recommendations**

1. *The need to revamp COMELEC and professionalize its organization.* - After NEDA Chief Romulo Neri's testimony in the Senate probe linking him to the NBN- ZTE controversy, then COMELEC Chairman Benjamin Abalos resigned from his post. Former Supreme Court Associate Justice Jose R. Melo was sworn in as the new Chairman. Melo's appointment is welcomed by different sectors including the opposition, although some have reservations.

The critical test for clearing the tainted image of the COMELEC lies on the success and credibility of the fully automated 2010 elections.

2. *Election modernization should be implemented in time for the 2010 elections.* – As of this date, the COMELEC finally sealed the deal with the winning consortium SMARTMATIC and TIM. This marks the first ever automated national elections in the Philippines. In line with this, the COMELEC is set to tap around 80,000 IT personnel to assist the Board of Election Inspectors.

However, the Supreme Court has still to rule on a petition to stop the election automation.

3. *The political party reform bill should be passed by congress.* –Although House Bill 3655 or “The Political Party Development Act of 2007” was approved on third reading on August 2009, the same was moved back for reconsideration to accommodate more discussions, particularly on the oppositions brought up by some representatives. The main objection to its passage is that the creation of a “state subsidy fund” would be an additional burden to the already overtaxed Filipinos. The Act would have banned political turncoatism, penalize violators and provided for state subsidy to qualified political parties.

There is only a very slim chance that the law can be passed in time for the 2010 elections.

4. *The party list law (RA 7941) must be amended to cure the defects that manifested in the 2004 and 2007 elections.* - The vital suggestion in the Veterans Federation case with regard to “unavoidable distortions because the formula merely reflects the distortion in the Party List Law”, is for Congress to revise the law to cure the distortions. The Supreme Court in BANAT vs. COMELEC may have exceeded the bounds of its power when it amended the parameters stated in the Constitution and the law. The SC ruled that the 20-percent allocation set by the Constitution was “merely a ceiling”, thus filling up the 55 seats. It likewise declared unconstitutional the second clause of the 2% threshold section because said clause “makes it mathematically impossible to achieve the maximum number of available party list seats when the number of available party list seats exceeds 50.” Further, to fill up the additional seats, the Court awarded slots to those that secured less than two percent of the total votes cast but it limited the topnotchers to a maximum of three seats.

It is also very difficult at this stage to pass the amendments to the Party-List Law.

5. *The overseas absentee voting law must be revisited.* - Out of 503,896 registered overseas voters in the 2007 Elections only 81,732 actually voted, resulting to 16% voter's turn out. The major reasons for the low turn out of voters were apathy of voters towards the non-presidential nature of the elections and the mobility of the Filipino work force abroad. One of the significant amendments proposed in HB 3209 is to take off one of the requirements needed for registration, specifically the affidavit of intent to return which is required of Filipino immigrants. This takes away the fear of Filipino green card holders that their residency will be affected by submitting this affidavit.

Since there is already an almost identical bill in both Houses and these are in the plenary, there may be a chance that it can be passed, at least in time for voting in the 2010 elections.

6. *The Omnibus Election Code must be amended to reflect the requirements of modernization.* - On February 2009 the House chairman on the committee on suffrage and electoral reforms announced a plan to amend Section 31 of RA 9369 providing for “manual counting simultaneous with the automated counting of voting results”, to conform to the poll automation plans of the COMELEC. On the other hand, the Senate blue ribbon committee aims to amend Section 261 of the same code, which currently prohibits the release of public funds 45 days before a regular election and 30 days before a special election.

These have slim chances of passing since there is no more time to get consensus in the little time left for effective legislation. At the same time, RA 9369 itself already amends affected provisions of the Omnibus Election Code.

7. *COMELEC should have the capability to enforce election laws and prosecute election violations.* - On April 11, 2007 former Senate president Jovito Salonga in a Forum held in Siliman University emphasized the exclusive power of the COMELEC to conduct preliminary investigation of all election offenses punishable under the election laws and to prosecute the same, and may exercise the Continuing Delegation of Authority to Other Prosecution Arms of the Government. In addition, the COMELEC may issue resolutions wherein it will exercise direct operational supervision and control over the PNP for a specified period of time. During said period, decisions, directives, orders and instructions of the COMELEC shall prevail over those emanating from any other authority except the President of the Philippines.

This depends largely on the political will of the present Commission on Elections.

8. *There must be a major initiative to address the issue of anomalous election practices in ARMM.* - The automated 2008 ARMM Elections is believed to have minimized fraud, cheating and violence in the ARMM. The presence of poll watchdogs, emergence of non-partisan monitoring and advocacy groups, extensive media coverage and public vigilance have contributed to the fruition of an automated and less violent election. This development paves the way for ultimately changing the face of election conduct in ARMM.

The Commission on Elections has proposed a bill to advance by two weeks the ARMM elections. This still has to be acted upon by Congress although initial reaction was positive.

9. *The problem of election violence needs to be addressed immediately.* - The creation of monitoring and advocacy groups which monitor, inform, educate, document and instill vigilance on the public; coordination with the international community

espousing electoral reforms; and to some extent the success of a fully automated elections may minimize, if not totally eradicate the incidence of election related violence.

Again, this is largely a question of political will on the part of the COMELEC and the police authorities since the laws are already in place addressing this issue.

10. *Citizen participation in the electoral process should be heightened.* - Aside from the non-partisan *Bantay Election* monitoring group, there is now a significant number of emerging monitoring groups from different sectors, such as the youth, overseas Filipino workers, ARMM poll watchdogs, major television networks, pastoral/religious organizations, colleges and universities, the civil society, and partnership/consortium of said groups. All these groups share the same goal of achieving a credible and peaceful election.

The participation of citizens in the 2010 elections, particularly in monitoring and watchdog roles, is generally expected.

## **B. Election laws**

The 2010 national and local elections basically will be governed by election laws that are unchanged since the 2007 elections. The only major election law that was enacted by Congress is RA 9369 or the Election Automation Law of 2007.

The other more significant applicable election laws include: the Omnibus Election Code (BP 881), the Party List System Act of 1995 (RA 7941), the Continuing Registration Act of 1996 (RA 8189), the Fair Elections Act of 2001 (RA 9006), and the Overseas Absentee Voting Act of 2002 (RA 9189). Still pending in Congress are the various amendments to the Omnibus Election Code, the Political Party Development Act and the Anti-Political Dynasty Act which are equally important laws.

### *Batas Pambansa 881 or the Omnibus Election Code*

This is by far the most comprehensive election law, consisting of 280 articles. Since its passage in 1985, it has undergone several amendments to conform to the needs of every election period. The most significant amendment to date is RA 9369 which basically changed various provisions to conform to the requirements of the automated election system to be implemented in the 2010 elections.

Pending proposals to amend include: the extension of the period of prohibition of release of public funds to all farm implements, farm inputs and post-harvest facilities under the Department of Agriculture and funds under the Agriculture and Fisheries Modernization Act; that higher penalties be imposed for election offenses and that penalty of imprisonment be restored for said offenses, and; that certain periods be fixed for regular courts to decide election cases, in exercise of its original and appellate jurisdiction.

Republic Act 9189 or the Overseas Absentee Voting Act of 2002

The experience of the OAV law revealed that some provisions deter its successful implementation, specifically the requirement for overseas Filipino voters to execute an affidavit to return to the Philippines within three years and the requirement for personal appearance in Philippine embassies and consulates for registration and voting. Significant amendments proposed to RA 9189 include the extension of the three-year period to seven years to issue an Affidavit of Intent to Return and the application of postal voting to more countries.

However, the amendments still have to pass Congress.

Republic Act 7941 or the Party List System Act

Passed in 1995, The Party List law is considered as a compromised piece of legislation. The Supreme Court identified its major defects, to wit: 1) the prohibitive existing threshold of two percent leaving congressional seats vacant, and; 2) its lack of any clearly defined eligibility criteria. Ironically, the same Court in *Banat vs. COMELEC* (Gr No. 179271, April 21, 2009) upheld the two-percent threshold in the first clause of Sec. 11 (b) insofar as it allowed the grant of an initial one seat to a party-list that garnered, to quote the law, “at least two percent of the total votes cast for the party list system. However, it held as unconstitutional the second clause of the same section that states, “those garnering more than two percent of the votes shall be entitled to additional seats in proportion to their total number of votes” because this clause “makes it mathematically impossible to achieve the maximum number of available party list seats when the number of available party list seats exceeds 50.” To fill up the additional seats, the Court awarded slots to those that secured less than two percent of the total votes cast, but it limited the topnotchers to a maximum of three seats.

As opined by retired Chief Justice Artemio Panganiban: “The Supreme Court also ruled that the 20-percent allocation set by the Constitution was merely a ceiling. On this basis, Congress can float a range of party-list seat allocation, provided it does not exceed 20 percent at any time. Why then was the Court fixated on the election of 55<sup>1</sup> solons to reach the ceiling? In fact, under the *Banat* formula, reaching the ceiling is mandatory.”

Panganiban stressed further the problem he foresees of the recent decision: “that the piece-meal legislation of additional districts has created 220 districts in total, thereby allegedly necessitating a new formula to give party-lists a total of 55 seats. By increasing the party-list solons from 22 to 55, the Court has ballooned the total number of representatives beyond the 250 authorized by the Constitution.”

The Supreme Court’s ruling besides having advertently or inadvertently usurped Congress’ law-making powers may have created unpopular scenarios which would reflect a great deal on the result of the 2010 election.

---

<sup>1</sup> Only 54 are allotted at present due to the reduction to 219 of the total legislative seats. This was the result of the Supreme Court decision rejecting the creation of the province of Shariff Kabunsuan.

### Republic Act 9369 or the Automation Law of 2007

With the signing of the president of RA 9295 which allocates funds for the automation of the elections (PhP 11.3 billion supplemental budget) and the awarding of the contract by the COMELEC to winning bidders SMARTMATIC and local counterpart TIM, this may be considered as the most major breakthrough of all electoral reforms. Although negotiations between SMARTMATIC and TIM nearly collapsed and threatened the fruition of an automated election, both eventually patched up their differences sometime in July 2009.

Primarily automation will attempt to sanitize the perennial stain of fraud in our electoral system, thus the probability of a credible election. It will also expedite and render efficiency to the whole electoral process: from counting, to transmission, and to proclamation, with lesser margin of error on account of minimal human intervention factor. Further, it will be a welcome relief to public school teachers who are mandated beyond their tour of duty to assist in the elections.

Since the 2010 Election will be a level playing field for all participants due to the novel nature of automated polls in our country, the level of incidence of election related violence could not be certain – whether it will be heightened or lessened. As it is, vigilance would be a very valuable asset from the start to the end of election period.

### The Political Party Development Act

This act is “what political and electoral reform advocates consider as the most essential piece of legislation.” The Political Party Reform Act was first introduced in 2003 in the 12<sup>th</sup> Congress, although an anti-turncoatism bill was first filed as early as the 8<sup>th</sup> Congress. The intent of the law is for the development of parties through platforms and programs as opposed to individuals, influence and popularity. It aims to: ban political turncoatism or the rampant practice of switching political affiliation that weakens party structures, confuses voters, and undermines the concept of a viable opposition, and thereafter penalize violators; provide for state subsidy to qualified political parties; regulate campaign financing and spending, including restricting individual campaign contributions, and regulating the conduct of political parties including the selection of leaders by party congress.

Although House Bill 3655 or “The Political Party Development Act of 2007” was approved on third reading on August 2009, the same was moved back for reconsideration to accommodate more discussions, particularly on the oppositions brought up by some representatives. The main objection to its passage is that the creation of a “state subsidy fund” would be an additional burden to the already overtaxed Filipinos.

The bill languishes at the Senate Committee on Constitutional Amendments, Revision of Laws and at the second reading in the House of Representatives.

### The Anti-Dynasty Act

While no less than the Constitution prohibit political dynasty as enshrined in Sec 26 Article 2 in the Declaration of Principles and State Policies [*The State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law.*], there has yet to be an enabling law to give life to this practically ineffectual provision.

It was Senator Aquilino Pimentel, Jr. who was first unsuccessful in his bid to sponsor an anti-dynasty bill in the 11<sup>th</sup> Congress, followed by his counterpart in Congress, Representative Arthur Defensor who filed House Bill 783 in the 13<sup>th</sup> Congress. The main and obvious reason why the passage of this bill is virtually close to impossible is because of self interest by influential politicians and their respective clans. For to approve this would mean signing their death warrants in so far as retaining power in their turfs (and even encroached neighboring provinces) are concerned.

Recently however, the Senate has passed in the committee level the Anti-Dynasty Bill without amendments and was endorsed for plenary deliberations. The bill is sponsored by Senator Panfilo Lacson which “prohibits spouses, parent-son and siblings from running to immediately succeed each other. It also prohibits two or more persons who have political dynasty relationship from running simultaneously for an elective office within the same municipality, city, legislative district or province. If the constituency of the incumbent elective official is national in character, his or her spouse, children and siblings are disqualified from running only within the same province or legislative district where the national official is a registered voter.” The bill further compels all candidates to execute a sworn statement before the COMELEC that he/she does not have a political dynasty relationship with any incumbent public official running for an elective public office in the same municipality/city, legislative district and/or province.

Another development was had in the House of Representatives when Representative Edno Josen of Nueva Ecija declared that he will quit politics if only to give way to the filing of an enabling law for the Anti-Dynasty bill. This prompted the filing of two separate anti-dynasty bills sponsored by Representatives Satur Ocampo and Teodoro Casino (House Bill 2493) and Arthur Defensor (re-filed), respectively. The bills are now set for committee action.

There is almost no chance of the bill passing the dynasty-controlled Congress, much more in time for the 2010 elections.

### **C. The Melo Commission on Elections**

The May 14, 2007 midterm elections turned out to be generally successful due to the many hardworking COMELEC career officials/deputies in the regions together with the responsible voters ensuring the credibility of the electoral processes and results despite the burden of poor leadership.

The most common assessments of the 2007 midterm elections, aside from the public statement of distrust and disgust over the PGMA administration, were the clamor for genuine electoral reforms that should begin with the revamp of the Commission on Elections from top to bottom. The call for COMELEC revamp must start with the appointment of one (1) chairman and three (3) new commissioners who should be competent, with reputation of integrity, and have known skills in systems and management and with capability to undertake reforms. The vacancies would be created by the unfilled slot of Commissioner Mehol Sadain, and the slots of Commissioners Resurreccion Borra, Florentino Tuazon and Chairman Benjamin Abalos whose terms will end on February 2008.

Barely 5 months left in his term, COMELEC Chairman Abalos tendered his resignation on October 1, 2007 after his alleged involvement in the NBN-ZTE controversy was exposed and that public has clamored for him to step down. Chair Abalos' alleged link to the said multimillion-controversy has dragged down the already beleaguered credibility and reputation of the Commission on Elections that all the commissioners were asked by electoral reform advocates for a courtesy resignation. Chair Abalos' resignation and the unfilled slot of Commissioner Sadain have created two vacancies in the Commission. Civil society electoral reforms and good governance advocates (including the Consortium on Electoral Reforms) pushed for the appointment of persons with competence, integrity and independence as an initial step to reform the COMELEC and regain its credibility.

Despite civil society endorsement of qualified candidates, Malacañang appointed Commissioner Moslemen Macarambon on October 30, 2007 to fill the slot of Commissioner Sadain. Aside from the tradition of having one Muslim commissioner in COMELEC, the reasons and criteria used by Malacañang in appointing Commissioner Macarambon to the position is unknown to the public. His main expertise centers on his being a Regional Trial Court judge.

With Chairman Abalos' resignation, Commissioner Resurreccion Borra acted as COMELEC Chairman by virtue of being the most senior among the commissioners. Being in the retirement mode, Acting Chairman Borra's COMELEC did not leave an impressionable legacy as he has not implemented any significant reforms in the Commission.

On December 2007, the civil society search committee submitted to Malacañang the names of Atty. Carlos Medina and retired Justice Jose Melo as nominees for COMELEC Chairman. President Arroyo appointed Melo as Chairman on February 3, 2008 immediately after the term of Acting Chairman Borra ended on February 2 together with Commissioner Tuazon. However, Melo decided not to assume the post until confirmed by the Commission on Appointments (CA). Melo's appointment went past the Congress recess without being confirmed. He was reappointed on March 13, 2008 by the president and was confirmed on June 11, 2008. His appointment was widely accepted because of his track record in heading an investigating commission on extrajudicial killings though some sectors have their reservations on his independence, being Arroyo's appointee.

Prior to Melo's assumption, Commissioner Brawner took over the acting position of Commissioner Borra being the next senior commissioner and brought new hope in the COMELEC's desire to regain its credibility. He crafted his own 10-point agenda centering on the cleansing of voters' list, implementation of election automation, professionalization of COMELEC and strengthening its tie with the civil society partners in pushing for electoral reforms. However, Acting Chair Brawner died of heart attack on May 30, 2008. His initiatives though, were adopted by Chairman Jose Melo.

On July 2, 2008, Malacañang appointed Commissioners Leonardo Leonida and Lucenito Tagle to occupy the slots of Commissioners Brawner and Tuazon. Their appointment raised issues concerning the reasons and criteria used by Malacañang in choosing the two because a lot of individuals were far more qualified than them like those being endorsed by the civil society search committee. Before their appointment, there were clamors for Malacañang to appoint commissioners who have management and information technology (IT) background in preparation for the election modernization. But, both Commissioners Leonida and Tagle are not competent on said areas. The recent appointments challenged the President as the appointing authority to really institute genuine reforms in the COMELEC. More questions have been thrown at the President's appointing authority when she replaced Commissioner Macarambon with Commissioner Yusof, and Commissioner Borra with Commissioner Velasco. All four appointees are lawyers by profession with no systems and management as well as IT background.

The current COMELEC *en banc* has only a few who are perceived to be reforms-oriented. So far, the newcomers have proven that they have what it takes to be true and credible guardians of electoral democracy, particularly in relation to decisions on election modernization. The Abalos COMELEC is already gone. The new COMELEC *en banc* has conducted themselves well during the automation of the 2008 ARMM elections despite attempts to sabotage its implementation. Their true test however is ensuring the credibility of the coming 2010 presidential elections, particularly with the automated election system. This can only be achieved through the depolitization of the COMELEC ranks especially from the director level down to the lowest position, and the professionalization of the COMELEC organization in relation to the challenges of modernization.

#### **D. Election automation**

The COMELEC Advisory Council (CAC) was formed on February 2007 to provide advice and assistance to COMELEC in choosing, procuring and implementing an automated election system (AES) for the upcoming national and local elections immediately after Republic Act 9369 was signed into law on January 23, 2007. As required by RA 9369, the CAC is chaired by Commission on Information and Communications Technology (CICT) Chairman and its members are composed of the representatives from the Department of Science and Technology (DOST), Department of Education (DepEd), academic institution (University of the Philippines), information and communications technology professional organizations (Philippine Computer Society, Philippine Electronics and Telecoms Federation, Chief Information Officers Forum), and

non-governmental electoral reform organizations (Parish Pastoral Council for Responsible Voting and Consortium on Electoral Reforms).

With the passage of the new election automation act (RA 9369), the first challenge for the CAC and COMELEC is the requirement to pilot the automation in the May 14, 2007 midterm elections. During the February 14 meeting, CAC and COMELEC both agreed that it was impossible to pilot the automation in the 2007 midterm elections due to time constraints. To be able to automate the said midterm elections, all the activities involving the requesting of information from the providers, preparing the terms of reference, conducting the bidding, awarding of contract, testing the AES and securing the certification of the AES will have to be done prior to March 19, 2007. The timeline is based on the requirement that the international certification should be issued eight (8) weeks prior to the electoral exercise; notwithstanding the six (6) months-before-the-actual-elections deadline in conducting stakeholder education and training program and other timelines required by law.

The COMELEC's decision not to pursue the automation for the 2007 midterm elections based on the recommendation of the CAC was accepted by the Joint Congressional Oversight Committee (JCOC).

Given the unpreparedness of the COMELEC and the voting public, as well as the remote possibility of finding a service provider for the automation of the May 14, 2007 elections, the CAC recommended in its 12 July 2007 Resolution a parallel/non-binding automated election to be held together with the Barangay Elections on October 2007 to pilot the available election technologies. However, the COMELEC en banc, through Commissioner Borra, informed the CAC that the COMELEC is not inclined to conduct a non-binding pilot test for the Barangay elections of whatever technology. Knowing this, the CAC resolved to conduct a mock election/technology fair after the Barangay Elections. The mock election/technology fair shall cover a system/technology that includes the voting, counting, transmission and consolidation. A CAC Research Committee was formed to lay out the parameters and framework of the mock election/technology fair in on the basis of cost estimate, user-friendliness, and social acceptability. The proposed activity would serve as a preparation for the selection of technology for the automation of the ARMM 2008 elections.

It is worthy to note that during the September 7, 2007 meeting of the CAC where observers from the National Movement for Free Elections (NAMFREL) attended, its Chairman Edward Go manifested that Former COMELEC Chair Christian Monsod will be designated by NAMFREL as its official observer to the CAC.

In view of the proposed mock election/fair activity, the CAC came up with a research design and met with the different AES vendors to present the research design and invited them to showcase their automated election systems. The process went as far as the selection of participating vendors. The actual research study which was supposed to start in November 2007 did not materialize this year because of budgetary constraint.

As early as October 2007, the CAC already worked on the time table for the ARMM 2008 elections and the 2010 presidential elections. Schedules for the preparation have already been set but some of the items for the ARMM 2008 election have been pushed back since the research study did not push through. Also, some questions were raised on the necessity of automating the ARMM election in so far as RA 9369 is concerned, the possibility of having full automation in May 2010 without prior pilot testing, the reduction of period required to educate and train stakeholders for the automated ARMM elections, etc. These concerns were brought to the attention of the Office of the Solicitor General (OSG) and the Department of Justice (DOJ) for legal opinion. But the CAC and COMELEC failed to secure categorical answers from the said legal bodies. Both offices invoked the provision on COMELEC discretion in interpreting and implementing RA 9369 so as long as it does not violate other election laws.

On November 27-29, 2007 the Technical Evaluation Committee and COMELEC Information and Technology Department (ITD) conducted a Vendors' Demo participated by nine (9) AES providers showcasing their DRE and OMR technologies. The different AES technologies were assessed based on cost efficiency, customizability for the Philippine elections, auditability and security of the system. In relation to the automation of the ARMM 2008 election, the TEC recommended the use of the different technologies (DRE and OMR) depending on the condition of the area in terms of the availability of the electricity, communication lines and geographical set of the areas. Such recommendation on a hybrid solution was adopted by the CAC provided that the dominant technology will be the OMR and that the integration of the two technologies has to be secured through the use of EML standards. The CAC also expressed its preference for a dedicated DRE over PC-based one on the basis of security. It has also expressed the necessity that the system to be used in ARMM will have the capacity for a nationwide implementation anticipating possibility of having the same technology for the 2010 election. Thus, in the preparation of the Terms of Reference (TOR) for the ARMM elections, components of the AES will be divided into lots (front-end and back-end) and the mode of procurement will be through lease with option to purchase.

## **2008**

In the January 31, 2008 Resolution of the CAC, it recommended the full automation of the ARMM 2008 election using DRE technology for the two (2) major cities or town in ARMM and OMR technology for the rest of the areas in the region. The decision was based on the presence of stable electricity, reliable telecommunications connectivity and cost. The COMELEC, while being receptive of the CAC recommendations, refused to adopt two-city advice for DRE but extended the use of DRE to the entire Province of Maguindanao. The reason being is that the two-city set up will not be a good pilot for DRE in terms of a representative sampling and experience-building. With the proposed extended used of the DRE in the Province of Maguindanao, the required timelines in the law and the late release of the SARO for the ARMM elections, the CAC and COMELEC felt the need for additional preparation time to successfully automate the ARMM 2008 election. Thus, both appealed to the JCOC for a 3-month postponement of the ARMM election but both also failed to get a support from the JCOC.

Working on a very tight schedule, the CAC and COMELEC committed to automate the ARMM 2008 elections in order to serve as beneficial pilot for the automation of the 2010 national and local elections. The bidding was conducted from February 12, 2008 to May 2008. On the whole, the procurement of AES for the 2008 ARMM elections was successful, owing to the determination of the COMELEC en banc and the CAC to fully automate the 2008 ARMM elections prior to the 2010 national and local elections, despite the COMELEC Bids and Awards Committee's (BAC) attempt to disqualify all the bidders and possibly stop the automation due to the difficulty in determining the technical capability of the system and equipments (case against CD versus USB and logical WORM versus physical WORM). Moreover, the participation of the CAC in the procurement process was also limited as the CAC members were only invited to a few activities of the COMELEC Bids and Awards Committee (BAC) despite being designated as non-voting members of the COMELEC BAC as per RA 9369.

As recommended by the CAC, the COMELEC used two types of technologies for the 2008 ARMM elections—DRE and OMR. The DRE system, provided by Smartmatic-SAHI, allowed voters to select their choice of candidates by touching selected areas of a touch pad and confirm their vote on a touch screen. The DRE system was deployed in the entire province of Maguindanao. On the other hand, the OMR system, provided by Avante International Technology Inc., allowed voters to select their candidates on a paper ballot by shading the circles next to the candidate/s of their choice, which will be fed to, read and counted by the OMR central counting machines deployed in the provinces of Lanao del Sur, Shariff Kabunsuan, Basilan, Tawi-Tawi and Sulu. The canvassing and consolidation system however, was provided by Smartmatic-SAHI as well which will follow the tiered or hierarchical level of transmitting election results.

On July 2, 2008, COMELEC informed the CAC that despite the list of the certification entities provided by the latter, COMELEC will forego the international certification process due to time constraints. The CAC was opposed to this but nevertheless respected the COMELEC decision as the latter has taken the initiative of informing the JCOC with its position on the matter.

During the ARMM Election Day, various monitors from DOST, PPCRV and CER were deployed by CAC to observe the usability of the technologies used in the election as well as observe the electoral process in general. It was observed that the elections were generally successful and orderly. However, some technical problems in the operation and use of the DRE and OMR machines contributed to some delays. The most glaring problem was the failure of the transmission system that caused significant delays in the transmission of results to COMELEC's head office. Another cause of delay was the physical transportation of the OMR ballots from the precincts to the counting centers, and the printing of the 30 copies of ERS and COCs which resulted to long queues of the BEIs in the counting and canvassing centers.

On the usability of the two technologies used in the 2008 ARMM elections, there was general feedback from the users of the DRE technology that they found the system easy

to use despite not having been exposed to it before. The OMR technology, being paper-based and having been used in prior election automation exercises, was also easy for the voters to relate to. Even though the two technologies were tagged as user-friendly, several problems were also observed during the actual Election Day. There was hardly any opportunity to see and test the DRE before the elections and the secrecy of voting was compromised, while votes shaded in the OMR ballot were vulnerable to tampering.

COMELEC will have to assess and evaluate the performance of Smartmatic and Avante in automating the ARMM 2008 elections. Liquidated damages including non-delivery of service will be subtracted from the 10% retention as provided in the contract.

Based on the problems and issues encountered during the 2008 ARMM elections, the CAC proposes several recommendations on the areas of Procurement Process, Automated Election System and Changes in Legislation. See attached ANNEX-A.

As early as May 2008, COMELEC has already asked the CAC to recommend a technology for the 2010 elections and finalize the timelines for the drafting of the 2010 automated election TOR. CAC however responded that it will be in better position to recommend the technology for the 2010n elections after the implementation of the research study and the completion of the ARMM 2008 election report. Due to budgetary constraint of conducting a full research study on the election technologies, CAC decided to tie up with the International Foundation for Election Systems (IFES) in their upcoming Technology Conference and Vendor's Fair on November 17-19, 2008. The CAC commissioned PPCRV to conduct a focus group research study during the Vendors' Fair. The PPCRV research study findings showed that both the DRE and OMR technology are acceptable to the public on the basis of user-friendliness, speed and accuracy.

In CAC's November 28, 2008 Resolution, it recommended to COMELEC the use of DRE or Precinct Count Optical Scan (PCOS) for all areas subject to COMELEC budget prioritizing problem areas determined by COMELEC, Metro Manila, highly urbanized areas and major urban cities/municipalities. It also recommended the use of Central Count Optical Scan (CCOS) to areas not covered by DRE or PCOS. Learning from the ARMM election automation experience, CAC saw the value of bringing the counting at the precinct level and the relevance of a paper ballot for auditability of the system. It also emphasized the use of the public transmission line for security and reliability.

## **2009**

The COMELEC adopted the recommendation of the CAC to use PCOS in priority areas and CCOS in areas not covered by PCOS deployment. COMELEC disregard using DRE because it is more expensive than to PCOS and CCOS. Upon further consultation with CAC, COMELEC decided to use PCOS nationwide provided the proposed Php11.3 billion budget will be approved by Congress. The advantage of the use of PCOS nationwide is the assurance of a more secured of the system because there will be no systems integration required and that the counting will be done in the precinct level minimizing the possibilities of election fraud. CAC had been actively involved

supporting COMELEC in the budget hearing in both Houses (Senate and House of Representatives) until the budget was finally approved adopting PCOS technology for the 2010 presidential elections.

In the preparation of the TOR/RFP, the CAC differs from COMELEC on some issues: a) ballots that are precinct identified and not municipality identified because it is more secured, but it is a logistical nightmare for COMELEC; b) automatic rejection of the invalid of fake ballots by the PCOS machine and not feed it in and segregate in a compartment because it will create an impression that the fake ballot has been counted; etc. In most cases though, COMELEC agrees to the CAC in securing the AES for 2010 automated elections.

Bidding for the procurement of the 2010 AES was conducted from May 4 to June 10, 2009. The entire process was transparent and stringent that even the losing bidders attested to its credibility. The COMLEC Special Bids and Awards Committee (SBAC) even went beyond the procedure of RA 9184 (Procurement Law) and RA 9369 in its hope to make the process transparent and credible. There were 10 bidders who bought the bid documents but only seven vendors actually submitted their bid. In the end, Smartmatic-TIM won the bid. However, it is worthy to note that the process was at times inconsistent especially that the post-qualification was not done thoroughly and meticulously at the opening and evaluation of bids.

The major challenges that the 2010 election automation faces are: a) ability to maintain transparency and credibility in the implementation process of the AES for 2010 elections, b) the pending request for a temporary restraining order (TOR) at the Supreme Court by those against the 2010 automation, and c) the on-going battle on raising public opinion and awareness for or against th2 2010 automation.

### **E. Early campaigning**

There is no literal definition of premature campaigning in any of the election laws promulgated in the past 30 years or so. At the most, some provisions provide for **prohibited activities outside the campaign period**. Section 4 of COMELEC Resolution No. 7767, promulgated November 30, 2006 provides: It is unlawful for any person, or for any political party, or association of persons to engage in an election campaign or partisan political activity outside of the campaign periods. Similarly, RA 7166 (November 26, 1991) states: Any election campaign or partisan political activity for or against any candidate outside of the campaign period herein provided is prohibited and shall be considered as an election offense punishable under Section 263 and 264 of the Omnibus Election Code.

What then constitutes election campaign or partisan political activity? Sec. 1.1 of COMELEC Resolution No. 7767 enumerates:

*The term “election campaign” or “partisan political activity” refers to any act designed to promote the election or defeat of a particular candidate or candidates to a public office which shall include any of the following:*

- a. Forming organizations, associations, clubs, committees or other groups of persons for the purpose of soliciting votes and/or undertaking any campaign for or against a candidate;*
- b. Holding political caucuses, conferences, meetings, rallies, parades or other similar assemblies for the purpose of soliciting votes and/or undertaking any campaign or propaganda for or against a candidate;*
- c. Making speeches, announcements or commentaries, or holding interviews for or against the election of any candidate for public office;*
- d. Publishing or distributing campaign literature or materials designed to support or oppose the election of any candidate; or*
- e. Directly or indirectly soliciting votes pledges or support for or against any candidate.*

The law thus fixes the campaign period as follows: for President, Vice-President and Senators, ninety (90) days before the day of the election and for Members of the House of Representatives and elective provincial, city and municipal officials, forty-five (45) days before the day of the election. Simply put, any election campaign or partisan political activity prior to February 9, 2010 (national positions), or March 26, 2010 (local positions) is considered prohibited, hence a punishable offense.

Roughly six months before the start of official campaign period, several petitioners have filed complaints regarding television and radio advertisements and infomercials of politicians who have one way or the other conveyed their intentions of running in the 2010 elections, most of whom, are gunning for the presidency. Among the heavy political ad investors, according to a media research group study that monitors political advertising in television (from October 2008 to June 2009) are: Senator Manuel Villar, the highest in ad placements at P321.4 million, Senator Mar Roxas at P256.7 million, Makati Mayor Jejomar Binay P115.1 million, Vice President Noli de Castro P45.8 million, Senator Loren Legarda P42 million, and Defense Secretary Gilberto Teodoro with P30.7 million.

In connection, the Senate committee on economic affairs chaired by Senator Miriam Santiago has summoned national and local government officials who appeared on government funded infomercials “to explain the legal basis of allegedly using public funds to advertise themselves.” The following government officials who appeared on government funded commercials this year (and summoned by Senate): Vice President Noli De Castro, DILG Secretary Ronaldo Puno, DOH Secretary Francisco Duque III, Finance Secretary Margarito Teves, Defense Secretary Gilberto Teodoro, DPWH Secretary Hermogenes Ebdane, DECS Secretary Jesli Lopus, Agrarian Reform Secretary Nasser Pangandaman, PAGCOR chairman Ephraim Genuino, TESDA chairman Augusto Syjuco, MMDA chairman Bayani Fernando, and Makati Mayor Jejomar Binay.

Further, former Senator Franklin Drilon raised the issue of potential candidates doing product endorsements and television appearances on soap opera, whether said acts constitute premature campaigning. He is seeking clarification from the COMELEC on account of the earlier set deadline of filing of certificate of candidacy ( November 30, 2009), where the candidates might take advantage of the two month period prior to the official campaign period by engaging in said activities. Drilon urged the COMELEC to issue a resolution on the matter. Similarly, Senator Miriam Santiago filed in 2008 a petition, for COMELEC to investigate politicians who are endorsing products and appearing on television and print advertisements.

At first glance, there is nothing amiss with advertising one's qualities, achievements, advocacies, and even talents to the public, save for the fact that it is extremely costly. This in fact serves as a testament that a citizen may easily exercise his freedom of expression. However, as some observers comment, the timing of showing said advertisements which coincides with the approach of the election period raises not only legal issues but ethical questions as well, to say the least. To some, this prevalent practice violates the principle of social justice which guarantees equality of opportunity for public service for it certainly puts the less moneyed candidates at a great disadvantage early on in the race.

Another drawback of premature campaigning would be the proliferation of posters, tarpaulins and other campaign materials ingeniously disguised as fiesta greetings, congratulatory gestures and "friendly" public service reminders of incumbent officials. The indiscriminate posting of said materials have proven to be every barangay's nightmare come cleaning up time, and to some extent some homeowners' as their private properties are not spared from the posting frenzy.

On the other hand, some quarters view early or premature campaigning in a positive light. The saturation of print and broadcast media with political ads serves as persistent information tool to the public, thus it subconsciously builds a pressure that the election must proceed as scheduled. To quote Conrado de Quiros: *"The more the campaign goes into high gear, the more the anticipation among the electorate grows. And the more the effort that will be required to stop it."*

At this point, given all the arguments, it is proper to say that it is "premature" to charge a person with premature campaigning. The Commission on Elections thru its spokesperson James Jimenez referred to a provision on Republic Act 9369, or the poll automation law, which states: persons running for the 2010 elections "will only be recognized as candidates at the start of campaign period and not after filing their Certificates of Candidacy on November 2009." Plainly stated, **premature campaigning applies only to those who have already filed their certificates of candidacy for an elective office.**

## **F. Pre-election violence**

Violence is already part and parcel of the Philippines' electoral process and system. The rate of incidence seems to continually point upwards as it never fails to increase every

election period. Several decades ago when candidates vying for elective posts belong to either of the two legitimate parties, election violence was attributed to bursts of passion on account of loyalty to the party or its candidate. Today, the face of election violence takes on many angles and considerations.

One of the primary motives for political violence is the refusal to relinquish power or the lust to grab power. To a poor country like us, power is everything. Another is the surfacing of mercenaries or killers for hire. Indeed, even election violence is considered a fair trade in the Philippines. Next is revenge, “an eye for an eye, a tooth for a tooth” they say. Last is passion and loyalty for the party or candidate. Greed, selfishness and immorality are given motives.

The provinces of Abra, Masbate and Nueva Ecija consistently seize the center stage of a bloody political arena. Their common denominators are private armies, political dynasty and business interests.

The 2010 Elections will be the benchmark for the future of the country’s government and governance. The dawn of a fully automated election will spell the conduct of the electoral process. Since full automation is a novel experience for the Philippines, it would be a level playing field for parties, candidates, supporters, veteran cheaters, vote-buyers, and stakeholders. It would indeed be very interesting to note how the frauds will be committed and up to what extent election cheaters would perpetrate their schemes.

### Initial Data on Election Violence (2009)

Incident	Victim(s)	Perpetrators	Date/Time	Place	Remarks	Source
Beaten up	Supporters of Suspended Mayor Ignacio Taruc of Buguey, Cagayan	Followers of a rival politician	May 19, 2009	Buguey, Cagayan	The Mayor cried foul after his force removal from office due to his suspension	STAR 5/27/09
Shooting (Fired shots)	3 <sup>rd</sup> District Rep. Rizalina Seatchon-Lenete	Two Motorcycle-riding men	May 27, 2009/ 2:30 AM	Masbate	Motorcycle-riding men fired shots to the house of 3 <sup>rd</sup> district rep. Rizalina Seatchon-Lenete in Masbate.	STAR 5/27/09
Killing	Councilor Michael Silvelleno, 47	Two unidentified men	July 5, 2009	Placer Town, Masbate	The victim was shot in different parts of the body with .45 cal pistol by two unidentified men at the victims	PDI 7/6/09

Incident	Victim(s)	Perpetrators	Date/Time	Place	Remarks	Source
					Barangay Pasiagon	
Ambush 1 killed, 2 wounded	Killed = David Emralino, 54, a former mayor of Candelaria; Freddie C. Acebron, 41; Ramil G. Casila, 42	Two unidentified men	July 26, 2009 10:50am	Inside the compound of St. Peter the Baptist parish church in Candelaria	The shooting happened near the guardhouse of the Church compound of St. Peter the Baptist parish.	PDI 7/27/09
Shooting: 1 killed; 1 wounded	Killed: Carlos de la Crus, town mayor of Matuguinao, Samar Wounded: Joel Adel, nephew	Two unidentified men	July 16, 2009	Matuguinao Catbalogan, Samar	Shot in front of his residence in Matuguinao Catbalogan, Samar	Star 7/18.09
Shooting: 1 dead	Senior Insp. Ramonchinto Chavez, 38 Chief of Police in Malvar town, Batangas	Two unidentified men	June 10, 2009 7:30 a.m.	Barangay Sambat, Tanuaan City	Shot when he came home, alighted from his vehicle to talk to someone.	PDI June 11, 2009
Ambush	Killed – broadcaster allied with the City mayor		January '09	Roxas, Capiz		
Ambush	Killed- Vice Mayor Milagros and two of his security escorts		Feb. 9, 2009	Milagros, Masbate		
Ambush	Killed – election registrar of Tulunan		April 16, 2009	Tulunang, North Cotabato		
Ambush	Wounded – Election officer of the City		April 22, 2009	Cotabato City		
Ambush	Killed – political officer of rep. del rosario		May 2009	Roxas, Capiz		
Bombing	Wounded – former Shariff Kabunsuan Gov. Andal Ampatuan; Killed – one of his security escorts		May 16, 2009	Shariff Aguak, Maguindanao		
Killing	Killed – vice		May 22,	Ajuy,		

Incident	Victim(s)	Perpetrators	Date/ Time	Place	Remarks	Source
	Mayor of Ajuy		2009	Iloilo		
Killing	Killed – barangay official cum journalist with plan to run for mayor next year		June 27, 2009	Bayugan, Agusan del Norte		

### G. Party-list system

Passed in 1995, The Party List law is considered as a compromised piece of legislation. In the 2000 case of Veterans Federation Party vs. Commission on Elections [GR No. 136781, October 6], the Supreme Court laid down the four parameters of the Philippine Party List System:

*First*, the twenty percent allocation — the combined number of *all* party-list congressmen shall not exceed twenty percent of the total membership of the House of Representatives, including those elected under the party list;

*Second*, the two percent threshold — only those parties garnering a minimum of two percent of the total valid votes cast for the party-list system are “qualified” to have a seat in the House of Representatives;

*Third*, the three-seat limit — each qualified party, regardless of the number of votes it actually obtained, is entitled to a maximum of three seats; that is, one “qualifying” and two additional seats;

*Fourth*, proportional representation— the additional seats which a qualified party is entitled to shall be computed “in proportion to their total number of votes.

The same High Court opined that because the formula in Veterans has flaws in its mathematical interpretation of the term "proportional representation," the SC felt compelled to revisit the formula for the allocation of additional seats to party list organization. Thus, in BANAT vs. COMELEC (GR. No. 179271, April 21, 2009) the Court upheld the two-percent threshold in the first clause of Sec. 11 (b) insofar as it allowed the grant of an initial one seat to a party-list that garnered, to quote the law, “at least two percent of the total votes cast for the party list system.

Hence, the 13 qualified party-list groups who have garnered at least two percent of the total votes for the party-list system are the following:

	<b>Party-List</b>	<b>Projected total number of votes</b>
1	BUHAY	1,178,747
2	BAYAN MUNA	977,476
3	CIBAC	755,964
4	GABRIELA	621,718
5	APEC	622,489
6	A TEACHER	492,369
7	AKBAYAN	462,674
8	ALAGAD	423,190
9	BUTIL	409,298
10	COOP-NATCO	412,920
11	ANAKPAWIS	370,165
12	ARC	375,846
13	ABONO	340,151

However, it held as unconstitutional the second clause of the same section that states, “those garnering more than two percent of the votes shall be entitled to additional seats in proportion to their total number of votes” because this clause “makes it mathematically impossible to achieve the maximum number of available party list seats when the number of available party list seats exceeds 50.” To fill up the additional seats, the Court awarded slots to those that secured less than two percent of the total votes cast, but it limited the topnotchers to a maximum of three seats. Thus:

<b>Rank</b>	<b>Party</b>	<b>Votes Garnered</b>	<b>Votes Garnered over Total Votes for Party List, in % (A)</b>	<b>Guaranteed Seat (1st Round) (B)</b>	<b>Additional Seats (2<sup>nd</sup> Round) (C)</b>	<b>(B) plus (C), in whole integers (D)</b>
1	BUHAY	1,169,234	7.33%	1	2.79	3
2	BAYAN MUNA	979,039	6.14%	1	2.33	3
3	CIBAC	755,686	4.74%	1	1.80	2
4	GABRIELA	621,171	3.89%	1	1.48	2
5	APEC	619,657	3.88%	1	1.48	2
6	A Teacher	490,379	3.07%	1	1.17	2
7	AKBAYAN	466,112	2.92%	1	1.11	2
8	ALAGAD	423,149	2.65%	1	1.01	2

Rank	Party	Votes Garnered	Votes Garnered over Total Votes for Party List, in % (A)	Guaranteed Seat (1st Round) (B)	Additional Seats (2 <sup>nd</sup> Round) (C)	(B) plus (C), in whole integers (D)
9	COOP-NATCCO	409,883	2.57%	1	1	2
10	BUTIL	409,160	2.57%	1	1	2
11	BATAS	385,810	2.42%	1	1	2
12	ARC	374,288	2.35%	1	1	2
13	ANAKPAWIS	370,261	2.32%	1	1	2
14	ABONO	339,990	2.13%	1	1	2
15	AMIN	338,185	2.12%	1	1	2
16	AGAP	328,724	2.06%	1	1	2
17	AN WARAY	321,503	2.02%	1	1	2
18	YACAP	310,889	1.95%	0	1	1
19	FPJPM	300,923	1.89%	0	1	1
20	UNI-MAD	245,382	1.54%	0	1	1
21	ABS	235,086	1.47%	0	1	1
22	KAKUSA	228,999	1.44%	0	1	1
23	KABATAAN	228,637	1.43%	0	1	1
24	ABA-AKO	218,818	1.37%	0	1	1
25	ALIF	217,822	1.37%	0	1	1
26	SENIOR CITIZENS	213,058	1.34%	0	1	1
27	AT	197,872	1.24%	0	1	1
28	VFP	196,266	1.23%	0	1	1
29	ANAD	188,521	1.18%	0	1	1
30	BANAT	177,028	1.11%	0	1	1
31	ANG KASANGGA	170,531	1.07%	0	1	1
32	BANTAY	169,801	1.06%	0	1	1
33	ABAKADA	166,747	1.05%	0	1	1
34	I-UTAK	164,980	1.03%	0	1	1
35	TUCP	162,647	1.02%	0	1	1
36	COCOFED	155,920	0.98%	0	1	1
<b>Total</b>				<b>17</b>		<b>55</b>

As opined by retired Chief Justice Artemio Panganiban: *“The Supreme Court also ruled that the 20-percent allocation set by the Constitution was merely a ceiling. On this basis, Congress can float a range of party-list seat allocation, provided it does not exceed 20 percent at any time. Why then was the Court fixated on the election of 55 solons to reach the ceiling? In fact, under the Banat formula, reaching the ceiling is mandatory.”*

Panganiban stressed further the problem he foresees of the recent decision: *“(T) hat the piece-meal legislation of additional districts has created 220 districts in total, thereby allegedly necessitating a new formula to give party-lists a total of 55 seats. By increasing the party-list solons from 22 to 55, the Court has ballooned the total number of representatives beyond the 250 authorized by the Constitution.”*

The Constitution provides that the House *“shall be composed of not more than 250 members, unless otherwise provided by law”* and out of that membership *“the party list representatives shall constitute 20 percent.”* To illustrate the prescribed 80-20 ratio, this translates to 200 district and 50 party list representatives, respectively. Prior to the BANAT vs. COMELEC ruling, the House has 220 district representatives and 22 party list representatives. But because the House has created additional legislative districts after 1995, this has jeopardized the 20% membership allocation for the party list representatives.

In *Sema vs. COMELEC* [GR No. 177597 & 178628, July 18, 2006], the Court held: *“in the present 14th Congress, there are 219 district representatives out of the maximum 250 seats in the House of Representatives. Since party-list members shall constitute 20 percent of total membership of the House, there should at least be 50 party-list seats available in every election in case 50 party-list candidates are proclaimed winners. This leaves only 200 seats for district representatives, much less than the 219 incumbent district representatives. Thus, there is a need now for Congress to increase by law the allowable membership of the House, even before Congress can create new provinces.”* In view of this, both the Senate and House of Representatives passed H.B. No. 5962 and S.B. No. 3123 authored by Senate President Juan Ponce Enrile, increasing the House membership so that the congressional districts will not encroach on the 20 percent seats earmarked for party-list members.

The Supreme Court’s ruling besides having advertently or inadvertently usurped Congress’ law-making powers may have created unpopular scenarios which would reflect a great deal on the result of the 2010 election. At this juncture, it may be proper to state that all arguments regarding the BANAT vs. COMELEC case is moot and academic as almost all of the new representatives have already taken their oaths.

The following 25 of the 33 new Party List Representatives took their oath before the House of Representatives on April 28, 2009:

1. Rep. Ulpiano P. Sarmiento III - A Teacher
2. Rep. Daryl Grace J. Abayon - Aangat Tayo
3. Rep. Leonardo Q. Montemayor - Aba Ako

4. Rep. Jonathan A. Dela Cruz - Abakada Guro
5. Rep. Francisco Emmanuel R. Ortega - Abono
6. Rep. Catalina G. Leonen-Pizzaro - ABS
7. Rep. Cesar A. Cobrador - Agap
8. Rep. Walden F. Bello - Akbayan
9. Rep. Pastor M. Alcover Jr. - Anad
10. Rep. Neil Benedict A. Montejo - An Waray
11. Rep. Joel B. Maglunsod - Anakpawis
12. Rep. Ariel C. Hernandez - Anak Mindanao
13. Rep. Lourdes T. Arroyo - Ang Kasangga
14. Rep. Oscar D. Francisco - ARC
15. Rep. Salvador B. Britanico - Banat
16. Rep. Jovito S. Palparan - Bantay
17. Rep. Neri J. Colmenares - Bayan Muna
18. Rep. Agapito H. Guanlao - Butil
19. Rep. Cresente C. Paez COOP - NATCCO
20. Rep. Ranulfo P. Canonigo - Kakusa
21. Rep. Godofredo V. Arquiza - Senior Citizen
22. Rep. Raymond Democrito C. Mendoza - TUCP
23. Rep. Teodoro L. Lim - UNI MAD
24. Rep. Estrella De Leon Santos - VFP
25. Rep. Haron D. Omar - Yacap

## **H. Civil society 2010 election initiatives**

Five years after the 2004 elections, the country is still nursing the stigma left behind by the infamous “Hello Garci” scandal involving no less than the President, Gloria Macapagal Arroyo. The advent of full election automation for the 2010 Presidential Election is considered as a turning point for the future of politics and government in the Philippines. This has renewed the sparks of interest and probably, even hope among the more civic minded citizens to exercise their constitutionally guaranteed right of suffrage.

We now see the emergence of different monitor groups and organizations in consortium with the media, academe, religious groups, professional organizations, youth, different societies, institutes, and associations and volunteers from the different sectors of our society.

As early as 2009, several monitoring groups/ entities have convened and made known to the public their intent to monitor the 2010 elections. The two giant networks, GMA 7 and ABS-CBN launched their monitoring programs with the expected hype, glitz and extravaganza fit for their caliber. Of course there are the “veterans” in the field like the NAMFREL and the PPCRV.

Below are some of the major civil society initiatives for the 2010 elections, so far:

*Bantay-Eleksyon 2010*: It aims to independently monitor the 2010 elections based on the international standards for free and fair elections. It is a domestic monitoring mission established by the Consortium on Electoral Reforms (CER), with non-partisan members coming from both CER and non-CER organizations.

*Vote for Peace Campaign*: Undertaken under the auspices of the *Bantay-Eleksyon*, this initiative proposes to monitor and address the issue of election violence, particularly the various election hotspots in the country. Human rights organizations and religious organizations form the bulk of its participants.

*Pera at Pulitika Working Group*: This is an initiative to monitor and document the election campaign finance obtaining in the 2010 elections. The working group is composed of the Consortium on Electoral Reforms (CER), the Philippine Center for Investigative Journalism (PCIJ), *Libertas* lawyers group, and the Association of Schools of Public Administration in the Philippines (ASPAP).

*GMA 7 Network's "Eleksyon 2010"*: This initiative aims at monitoring election-related developments and provides the public information on candidates, electoral process, election issues, election results, and election news and other election-related matters.

The consortium includes GMA Network, RGMA Network, Inc. /DZBB, GMA New Media, Inc., GMANews.TV, GMA Pinoy TV, the Philippine Long Distance Telephone (PLDT) Company, Smart Communications, Inc., the Philippine Daily Inquirer (PDI), Inquirer.net, Catholic Media Network (CNM), Solar Entertainment Corporation, AMA Education Systems (AMAES) Holding, Inc., Ateneo de Manila University (ADMU) School of Government, De La Salle University (DLSU), San Beda College of Law, University of the Philippines (UP) School of Economics, University of Santo Tomas (UST), Solar Entertainment, Commission on Elections (COMELEC), Philippine Pastoral Council for Responsible Voting (PPCRV), National Citizens' Movement for Free Elections (NAMFREL), Youth Vote Philippines, Rock Ed Philippines, the Philippine Center for Investigative Journalism (PCIJ), Institute for Political and Electoral Reform (IPER) and the Philippine Bar Association (PBA).

*ABS-CBN Network's "Boto Mo iPatrol Mo: Ako ang Simula"*: This has basically the same aims as the GMA Network initiative. Additionally, it recruits volunteers for its monitoring initiative. Partners include Artist Revolution, the Institute for Popular Democracy, and Youth Vote Philippines; the campaign will also be made in cyberspace, especially the social networking sites such as Multiply, YouTube, Twitter, and Facebook.

*National Movement for Free Elections or NAMFREL*: It is a COMELEC-accredited citizen arm and tasked before for a parallel quick count. However, it still has to firm up its role in the 2010 automated elections.

*The Legal Network for Truthful Elections or LENTE:* This initiative aims at monitoring and providing legal services at the counting and canvassing levels of the electoral process. It is also a COMELEC-accredited citizen arm.

*Parish Pastoral Council for Responsible Voting or PPCRV:* It is a Catholic Church-supported lay organization aiming at providing voter education, monitoring of the electoral process, and assisting the COMELEC in election voter information. This is also a COMELEC-accredited citizen arm.

*Task Force 2010:* It aims at providing support to the voter registration process and helps cleanse the voter list. It is composed of the following organizations - Simbahang Lingkod ng Bayan (SLB), National Secretariat for Social Action, Justice and Peace (CBCP-NASSA), First Time Voters Project (FTV), Citizen's Coalition for ARMM Electoral Reforms (C-CARE), Center for Migrant Advocacy (CMA), La Sallian Justice and Peace Commission (LSJPC), Catholic Educational Association of the Philippines (CEAP), Teachers & Employees for Change, Education Reforms and Solidarity (TEACHERS, Inc.), Philippine Society of NSTP Educators, Inc. (PSNEI), Philippine Rural Reconstruction Movement (PRRM), Association of Major Religious Superiors in the Philippines (AMRSP), Confederation of Independent Unions in the Public Sector (CIU), Parish Pastoral Council for Responsible Voting (PPCRV), Christian Convergence for Good Governance (CCGG), VOTE-Net, Philippine Council of Evangelical Churches (PCEC), Caucus of Development NGO Networks (CODE-NGO), and Institute for Political and Electoral Reform (IPER). It is working with the COMELEC in accordance with a memorandum of agreement.

*Citizens Coalition for ARMM Electoral Reforms or the Citizens CARE:* This is a poll watchdog accredited by the Commission on Elections and aims at providing voter education and election monitoring in the ARMM region. It has poll volunteers from the five provinces of the Autonomous Region in Muslim Mindanao (ARMM).

*Cebu Citizen's Involvement and Maturation in People Empowerment and Liberation (C-Cimpel):* This aims to undertake election monitoring in the Cebu province. It is the political education arm of the Commission on Service of the Archdiocese of Cebu and is accredited by the local Comelec.

*Movement for Good Governance:* One of its goals is "to encourage and empower Filipinos, at the grassroots level and including those overseas, to monitor election results and use available technology (e.g. mobile phones and the Internet) to help protect the sanctity of the vote." It is composed of group of local officials who teamed up with civic and youth organizations for the establishment of a national movement for good governance and people empowerment. Convenors include Isabela Governor Grace Padaca and Pampanga Governor Eddie Panlilio.

*People's Movement for Change:* It is an election advocacy group which, among other objectives, aims to monitor the elections. Headed by spokesperson Father Joe Dizon, the group is composed of activists during martial law who are now in the academe, media, Church and other sectors.