



NATIONAL CITIZENS' MOVEMENT FOR FREE ELECTIONS (NAMFREL)

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STATEMENT

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NAMFREL Statement on Restrictions to the Public on Observing Closing of Voting and Taking Pictures of the Posted Election Returns

NAMFREL raises concern on reports it received stating that the public has been barred from entering voting centers to observe the closing of voting, and to take pictures of the posted Election Returns, which contain the results of the election for every polling place in the voting center. In addition, some NAMFREL volunteers have reported that they have not been given a copy of the Election Returns, even if NAMFREL has been accredited as a citizen's arm by the Commission on Elections En Banc in February 2022.

I. Barring the public from entering voting centers is not consistent with the mandate under Article IX-C of the Constitution for a free, orderly, honest, peaceful, and credible elections. Nor is this provided for under Section 21, Republic Act No. 8436 as amended by Sec. 18, RA 9369:

"SECTION 21. Counting Procedure. - The Commission shall prescribe the manner and procedure of counting the votes under the automated system: Provided, That apart from the electronically stored result, thirty (30) copies of the election return are printed."

Section 77, COMELEC Resolution No. 10727 also does not state that the public may be barred from entering voting centers and observing the closing process.

"SEC. 77. Closing of Polls; Counting of Votes and Transmission of Results; Printing of Reports and Shutting Down the VCMs; Procedure.—After the voters have cast their votes, PDL and EAPP ballots if any have been batch fed, the EB shall close the voting by performing the procedures laid in the VCM Technical Manual."

II. Meanwhile, the law allows any person to take a picture of the Election Returns posted within the premises of the polling place. Section 22, Republic Act No. 8436, as amended by Sec. 19, RA 9369, mandates:

"Immediately after the eighth copy is printed, the poll clerk shall announce the posting of said copy on a wall within the premises of the polling place or counting center, which must be sufficiently lighted and accessible to the public. Any person may view or capture an image of the election return by means of any data capturing device such as, but not limited to, cameras at any time of the day for forty-eight (48) hours following its posting. After such period, the chairman of the board of election inspectors shall detach the election return from the wall and keep the same in his custody to be produced as may be requested by any voter for image or data capturing or for any lawful purpose as may be ordered by competent authority."

Section 84, COMELEC Resolution No. 10727 reiterates this legal requirement:

"SEC. 84. Disposition of Election Returns - After printing the election returns (ERs), the EB shall sign and affix their thumbmarks in the certification portion of all copies of the ERs. Thereafter, the EB shall post one (1) copy of the ERs in a conspicuous place inside the polling place. The EB shall individually fold the ERs. The first eight (8) copies of the ERs shall be sealed with serially numbered paper seals and placed in their respective envelopes (CEF No. A17). All envelopes containing the ERs shall be sealed with serially numbered paper seals."

III. Accredited citizen's arms have the right by law to a copy of the Election Returns. Section 22, Republic Act No. 8436, as amended by Sec. 19, RA 9369, provides:

"Thereafter, the copies of the election returns shall be sealed and placed in the proper envelopes for distribution as follows:

A. In the election of president, vice-president, senators and party-list system; [...]

13) The twenty-seventh to the thirtieth copies, to the major citizens' arms, including the accredited citizens' arm, and other non-partisan groups or organizations enlisted by the Commission pursuant to Section 52(k) of Batas Pambansa Blg. 881. Such citizens' arms, groups and organizations may use the four certified copies of election returns for the conduct of citizens' quick counts at the local or national levels;

B. In the election of local officials and members of the House of Representatives: [...]

13) The twenty-eighth to the thirtieth copies to the major citizens' arms, including the accredited citizens' arm, and other non-partisan groups or organizations enlisted by the Commission pursuant to Section 52(k) of Batas Pambansa Blg. 881. Such citizens' arms, groups and organizations may use the five certified copies of election returns for the conduct of citizens' quick counts at the local or national levels."

Section 84 of COMELEC Resolution No. 10727 also repeats this provision of law:

"A. In the election of president, vice-president, senators and for the party-list system of representation; [...]

14. Four (4) major citizens' arms, including the accredited citizens' arm, and other non-partisan groups or organization enlisted by the Commission pursuant to Section 52(k) of Batas Pambansa Blg. 881. Such citizens' arm, groups and organization may use the four certified copies of election returns for the conduct of citizens' quick counts at the local or national levels; and

B. In the election of local officials and members of the House of Representatives: [...]

13. Three (3) major citizen's arms, including the accredited citizen's arms, and other non-partisan groups or organization enlisted by the Commission pursuant to Section 52(k) of Batas Pambansa Blg. 881. Such citizens' arm, groups and organization may use the four certified copies of election returns for the conduct of citizens' quick counts at the local or national levels."

NAMFREL urges the COMELEC to enforce these laws and resolutions. The right of the people to a free, orderly, honest, peaceful, and credible elections should be upheld.

NAMFREL is the first citizens-led, national election monitoring organization in the world. Since 1983, it has been accredited by the COMELEC as its citizens' arm. For the 2022 elections, NAMFREL has again been accredited, and has fielded volunteers across the country to observe the pre-election, Election Day, and post-election periods. NAMFREL encourages Filipinos to continue to be vigilant and to help ensure that the vote count will be transparent by downloading and using the NAMFREL app:

Android (Google Play Store): <https://bit.ly/NAMFRELApp>

iPhone (App Store): <https://apple.co/3MEKB40>