



NATIONAL CITIZENS' MOVEMENT FOR FREE ELECTIONS (NAMFREL)

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NAMFREL Report on the Observation of the 2022 Baliwag Plebiscite January 17, 2023

Introduction

On December 17, 2022, a Plebiscite was held in Baliwag, Bulacan, during which 23,562 out of 108,572 registered voters from 27 barangays went to 200 clustered precincts in 26 voting centers to decide whether or not to ratify the conversion of the municipality into a component city. A YES vote meant agreement to cityhood status, while a NO vote meant disagreement. The plebiscite was done manually, with voters writing their answer on a paper ballot, and the votes counted manually in the polling places by members of Plebiscite Committees or PlebComs.

Republic Act No. 11929 (RA11929) entitled “An Act Converting the Municipality of Baliwag in the Province of Bulacan into a Component City to be Known as the City of Baliwag” lapsed into law on July 30, 2022. The law provides for the city charter of Baliwag.

The move for cityhood started in the 1970s under then Mayor Tino Vergel de Dios but this did not progress. The move to cityhood was seriously pursued starting in 2018 when the municipality managed to meet two of the three requirements (land area, population, and income) for conversion to cityhood under the Local Government Code of 1991, Republic Act No. 7160 as amended by Republic Act No. 9009. While its land area of 45 sq km is way below the 100 sq km requirement, its population as of the 2020 census was 168,470 (vs. the 150,000 requirement) and its 2017 revenue of PHP491.54 million is way above the PHP100 million requirement. Cityhood also means a larger share in the allotment (formerly called “internal revenue allotment”) leading to improvement in a local government unit’s fiscal status.

Baliwag has been transformed into a major commercial, transport, and educational hub in the province of Bulacan. It has been ranked second among 512 1st and 2nd class municipalities in the 2022 national competitiveness index¹ with the corresponding ranks in 5 pillars: economic dynamism – 8th, government efficiency – 4th, infrastructure – 6th, resiliency – 4th, and innovation – 7th.

The Sangguniang Bayan of the then municipality of Baliwag passed a resolution for the conversion of the municipality into a component city of Bulacan. The resolution was forwarded to Bulacan 2nd District Representative Gavini Pancho, with a request to file a bill to convert Baliwag into a city² during the 18th Congress.

House Bill 7362 seeking to convert Baliwag into a city in Bulacan filed on August 12, 2020 was authored by ACT-CIS Partylist Representative Eric Go Yap and Davao City 1st District Representative Paolo Duterte. House Bill 10444 filed on November 4, 2021 was authored by various Members of the House of Representatives in addition to ACT-CIS Partylist Representative Eric Go Yap and Davao City 1st District Representative Paolo Duterte, and

¹ <https://cmci.dti.gov.ph/lgu-profile.php?lgu=Baliwag&year=2022>

² <https://baliwagcity3006.wordpress.com/2018/08/01/mayor-ferdie-sb-27-kapitan-sk-at-sectoral-groups-pormal-na-isinalin-ang-cityhood-documents-kay-cong-apol-pancho/>

included Bulacan 2nd District Representative Gavini Pancho. The counterpart Senate Bill No. 2462 on Baliwag's proposed cityhood was authored by Senator Joel Villanueva.

The bill lapsed into law on July 30, 2022 as Republic Act No. 11929.

Section 69 of RA11929 provides that "The City of Baliwag shall acquire corporate existence upon the ratification of its creation by a majority of the votes cast by qualified voters in a plebiscite to be conducted in the present Municipality of Baliwag within ninety (90) days from the approval of this Act [RA11929]."

In accordance with said mandate but considering that the preparations for the Barangay and Sangguniang Kabataan Elections (BSKE) originally scheduled for December 5, 2022 were already underway, the Commission on Elections (COMELEC) promulgated Resolution No. 10834 on September 7, 2022 setting the date of the plebiscite to January 14, 2023. However, owing to the postponement of the BSKE, the COMELEC promulgated Resolution No. 10849 on October 12, 2022 resetting the date of the Baliwag plebiscite to December 17, 2022, amending for the purpose Resolution No. 10834.

NAMFREL set out to participate in the December 17 plebiscite not only to assist the COMELEC in ensuring that the Plebiscite would be transparent and credible, but also to help COMELEC achieve its goal of ensuring that Philippine electoral processes are safe from COVID-19. Participation in the plebiscite would be an opportunity for NAMFREL to be able to formulate recommendations based on actual on-the-ground observations to help COMELEC improve forthcoming electoral processes, especially in the areas of conducting the different procedures, and in ensuring that voters, election staff, and other stakeholders are adequately protected health-wise.

NAMFREL Accreditation

On August 26, 2022, NAMFREL filed its Petition for Accreditation as COMELEC citizen's arm, not only for the December 5, 2022 Barangay and Sangguniang Kabataan Elections (BSKE), but also for upcoming electoral exercises. On September 6, 2022, NAMFREL filed before the COMELEC a Motion to Admit Supplemental Petition as citizen's arm for all electoral exercises, including special elections, plebiscites, initiatives, referendums, and recall elections (but not including regular elections), until the May 12, 2025 National and Local Elections, subject to the availability of resources, manpower, and reasonable time to organize and deploy.

COMELEC heard NAMFREL's Petition for Accreditation on September 13, 2022. A day later, COMELEC granted NAMFREL the Accreditation as citizen's arm for all electoral exercises, including special elections, plebiscites, initiatives, referendums, and recall elections (but not including regular elections).

NAMFREL applied/prayed to be authorized to do the following, among others, for all electoral exercises, including the Baliwag Plebiscite:

- To provide informational assistance to the voters;
- To observe the activities during the electoral exercise period, including but not limited to the delivery and reception of materials; barangay assemblies, fora or "pulong pulongs"; and other information and campaign activities;
- To observe the activities on voting day;
- To assist the COMELEC in ensuring that the electoral exercises would be transparent and credible;
- To perform all other activities as the COMELEC may deem necessary.

NAMFREL Election Expert Mission (EEM)

The National Citizens' Movement for Free Elections (NAMFREL) deployed an Election Expert Mission (EEM) to look into the issues surrounding the exercise, as well as to observe the process on plebiscite day. The NAMFREL EEM Team was led by NAMFREL National Chairperson Angel Averia, Jr. (Lito Averia) and was composed of NAMFREL Secretary General Eric Jude Alvia, and NAMFREL National Council Members Corazon Ignacio and Fernando Contreras, Jr. They were also joined by some members of the NAMFREL National Secretariat Team and NAMFREL Youth volunteers.

NAMFREL Observation

The team observed the Plebiscite activities from December 15 to 17, 2022. The NAMFREL EEM observed not only the conduct of the plebiscite. They also set out to study and observe the political underpinnings of the proposed cityhood, the process of engaging stakeholders, and any voters' education efforts conducted. The team interviewed key interlocutors from barangays, the Comelec, the business sector, and ordinary citizens.

On Plebiscite Day, the members of the team carried out a mobile observation of the conduct of the plebiscite in various voting centers. The NAMFREL EEM Team divided itself into two groups to cover the northern and southern sectors of Baliwag. The teams were guided by forms prepared by NAMFREL HQ in accordance with internationally accepted standards on election observation. NAMFREL observed the different processes on plebiscite day: opening, voting, closing, counting, and canvassing. The observers also had separate observation forms for the voting center and its immediate environment, for campaign-related activities, and for election-related incidents. During the observation, aside from looking at the transparency and credibility of the process, NAMFREL focused on highlighting the effectiveness of the implementation of COMELEC's anti-COVID protocols, to be able to identify areas that could be further strengthened, and to recommend measures to help ensure that forthcoming elections and electoral exercises will be conducted in a safe manner. Questions on the forms related to procedures and anti-COVID protocols were based on COMELEC published guidelines for the Baliwag Plebiscite, as contained in COMELEC Resolution No. 10851.

Observations

Pre-Plebiscite Day

The NAMFREL EEM Team met with various parties and conducted interviews with Baliwag residents to gather insights and comments about the plebiscite.

An official of the neighboring town of Pulilan commented that his town may benefit when Baliwag is converted into a city, since investments intended for the city may spill over to his town and other neighboring municipalities.

An official of the municipality of Baliwag said agricultural lands would still be preserved and there is focus on innovation and technology advancements in farming. There is still the need to address arterial roads through widening, but properties will have to be acquired, which in turn requires budgetary support. The official further noted that Baliwag is a transport convergence point and Baliwag is looking into a transport modernization plan. There are about 5,000 registered tricycle and jeepney drivers, and there are plans to avoid displacement of transport

workers. The challenge remains on how transport workers can engage in other industries through training and skills development for them to acquire new jobs or start a business.

Business leaders aired concern on the possible impact to business such as increase in real property taxes and business licenses and fees. While they commented that the requirements for cityhood have been met, there is fear of not meeting expectations set by the proponents.

A farmer interviewed expressed concern that real property taxes on farmlands will increase.

Citizens interviewed generally said that they fear increases in prices of commodities and generally do not understand the implications of Baliwag cityhood in spite of the strong campaign for a YES vote.

Comments were received that some voters may not vote because (1) although plebiscite day was a Saturday, it was still a workday for the private sector; and (2) their workplaces are outside of Baliwag. Similarly, some youth voters who were studying in schools outside Baliwag may not participate in the plebiscite.

Staff members at a café/restaurant were aware of the campaign for a YES vote but added there is still a lot to fix, including traffic within the municipality.

A service van driver who was a registered voter said he decided not to vote. He said he believes that voting will only favor the rich and people in power and that the outcome had already been predetermined to favor the “yes” vote. He further added that those who would benefit from a cityhood are the municipal employees since their salaries and benefits will increase. He was also worried that it will make Baliwag a more expensive place to live and to conduct business which will eventually hit regular residents like him. He also believes that being a small business owner (bed space rental business), there will be more taxes and regulations to be imposed on people like him once Baliwag becomes a city.

Campaign – The NAMFREL EEM Team observed that there was a strong campaign for the YES vote for the cityhood of Baliwag. Campaigns conducted by the municipal LGU in barangays with the Municipal Chief Executive explaining the benefits of cityhood. Barangay officials reportedly went house-to-house, campaigning for the YES vote. There was no obvious campaign nor a leader for NO votes.

The COMELEC conducted an information campaign for the townspeople to participate through social media and house-to-house campaigns and had coordinated with various government agencies, including but not limited to the Department of Education, the Philippine National Police, Armed Forces of the Philippines, Bureau of Fire Protection, and others.

Readiness – Election Officer, Ms. Edna Gener, in an interview with the NAMFREL EEM Team declared that the local COMELEC was ready to conduct the plebiscite. Ms. Gener relayed that there were 200 clustered precincts in 26 voting centers and 27 Barangays, canvassing would be held at the municipal hall, 94 Persons Deprived of Liberty would vote in the upcoming plebiscite, and a budget of PHP24 million was allocated for the conduct of the plebiscite.

A check with the Municipal Treasurer, Mr. Marty Javier, showed that preparations were well underway, with his office having received the plebiscite ballots and paraphernalia. At the time of the NAMFREL EEM Team’s visit, Mr. Javier was leading the meticulous process of conducting inventory of ballots and packing the various plebiscite paraphernalia to ensure that they were ready for distribution to Plebiscite Committees. Distribution of the election paraphernalia was scheduled to start at 2 am of December 17, 2022.

Mr. Javier also showed the NAMFREL EEM Team the canvassing area. The NAMFREL EEM Team noted that the room of about 120 square meters would host the Municipal Plebiscite Board of Canvassers (MPBOC), five (5) Sub-Canvassing Groups, Reception and Custody Group and Audit and Verification Group. An area was allocated for observers. The NAMFREL EEM Team noted that there were no canvassing boards, electronic or otherwise, that would be used to display the plebiscite results from the clustered precincts as they were being canvassed. This concern was raised to the Election Officer and the Municipal Treasurer.

The contingent from the COMELEC Main Office led by COMELEC Chairman George Erwin Garcia arrived in Baliwag in the afternoon of December 16, 2022 and held a command conference and press briefing which was attended by various government agencies including the Armed Forces of the Philippines and the Philippine National Police. A briefing on the preparations for the plebiscite was conducted during the said command conference and press briefing.

Plebiscite day processes and procedures

A. Pre-opening, opening, and voting

The rain early in the morning of plebiscite day had an impact on the arrival of voters. The turnout was low in the morning, probably because of difficulty in travelling to the voting centers.

The NAMFREL EEM Team noted the presence of coordinators and watchers who were municipal employees tasked to assist and monitor voters, check their names in the voters' list, and to conduct a survey.

The NAMFREL EEM Team observed that, in general, the conduct of the plebiscite was smooth and peaceful, with most polling places opening on time, and with plebiscite paraphernalia and members of the different Plebiscite Committees (PlebCom) complete in most polling places observed.

The NAMFREL EEM Team noted that the voting center maps showed only the clustered precinct numbers and did not show the component established precincts. Re-clustering of the established precincts led to the confusion among some voters.

The NAMFREL EEM Team observed that senior citizens were among the early voters.

Observers noted that the morning's activities were characterized by a low turnout of voters. NAMFREL volunteers reported a turnout of only 2% to 10% in polling places observed as of 10:30 am. However, members of PlebComs believed that more voters would come after lunchtime.

Inside voting centers and polling places, NAMFREL volunteers reported that there were no voters' assistance desks in most of the voting centers observed. The few that were there were being manned by barangay officials. It took voters 2 to 10 minutes to secure their precinct numbers and sequence numbers. Once inside their polling places, NAMFREL volunteers reported that it took voters only 2 to 5 minutes to vote.

With regard to Covid-related protocols, 85% of reports received from observers in the morning of plebiscite day indicated that Covid-related protocols were being consistently enforced and followed. The protocols that were not being strictly followed were the proper wearing of face masks and disinfection of hands and materials. Only half of the voting centers reported had Isolation Polling Places (IPPs) and had medical personnel present.

There were no Emergency Accessible Polling Places (EAPPs) in the voting centers observed, and not all voting centers had express lanes for senior citizens, PWDs, and the pregnant. In the Engr. Vicente Cruz Memorial School in Barangay Tibag, a NAMFREL observer noted that an entrance to a polling station was very steep, and that "some of the PWDs and seniors had to be carried to vote." NAMFREL volunteers also noted that some voters, especially senior citizens, had difficulty not only in finding their names on the list, but also in finding the location of their polling places inside the voting center. There was lack of assistance to senior citizens in this part of the process in some of the voting centers observed. Observers noted also that not all voting centers had proper signages, precinct maps, and directional signs, hence voters had a hard time searching for their rooms. NAMFREL volunteers reported that some voters who could not find their polling place opted to go home instead, leading to disenfranchisement.

Observers noted that there were some voters who came to vote wearing plebiscite campaign shirts for the YES vote. In Barangays Concepcion, Matangtubig, Pinagbarilan, and Sto. Cristo, NAMFREL observers reported seeing LGU watchers conducting a survey among voters asking how they voted. Observers reported seeing Libheng Sakay services offered to voters in some voting centers. However, in at least one voting center, a campaign tarp for the YES vote was attached to the service vehicle. The same kind of campaign tarp was also found attached to the gate of another voting center. Campaign tarps for the YES vote could still be found along the main roads in Baliwag on Plebiscite Day.

B. Poll Closing and Counting

In general, the NAMFREL EEM Team described the conduct of the closing and counting processes as smooth and peaceful. Observers also noted that watchers had an unimpeded view of the ballots as they were read, as well as the plebiscite returns and tally board. However, while the counting was transparent, there were very few observers, who could have further strengthened the process by being able to ascertain that what was being read was accurate.

In a polling place in Tiaong Elementary School in Brgy. Tiaong, the PlebCom did a recount of votes when the recorded number of voters who actually voted did not tally with the number of valid ballots. According to a NAMFREL observer there, the said PlebCom also did not use a Tally Board and recorded the votes being read directly onto their paper form.

In a polling place in Mariano Ponce National High School in Brgy. Bagong Nayon, members of the PlebCom appeared not to know how to consider a blank ballot (not containing a YES or NO vote). They admitted that the training they received may not have been enough, and the procedure was not explained properly. According to a NAMFREL observer, the PlebCom members also found it difficult to fill out certain forms manually because they were used to the automated system in which the vote counting machine performed said part of the process.

C. Canvassing

The Municipal Plebiscite Board of Canvassers (MPBOC) was scheduled to convene not later than 6 pm of plebiscite day to receive the plebiscite returns and to immediately canvass those that may have already been received.

PlebComs started to arrive at the Baliwag Municipal Hall before 5 pm for the turnover of the election paraphernalia to the Municipal Treasurer's Office and the plebiscite returns to the MPBOC.

The NAMFREL EEM Team observed that there was no clear protocol and procedure for receiving the ballot boxes and election paraphernalia from the various voting centers. Since the MPBOC had not officially convened, most of the 200 PlebComs had to wait outside the building where the canvassing of the plebiscite returns were to be conducted. There was not enough space at the ground floor of the building and at the area just outside the canvassing hall at the second floor. It was disorderly and chaotic.

The MPBOC finally convened at around 5:15PM.

The MPBOC did not provide the means to make the count visible and open to the public for monitoring and scrutiny. No tally board at the canvassing hall or a digital screen was adopted to display the canvassing and running count of the votes read. This was a concern already raised to the Election Officer and the Municipal Treasurer on the eve of the plebiscite day. This was immediately raised to COMELEC officials present during the canvass.

PlebComs had to wait for the verification of the plebiscite return by the Sub-Canvassing Group to whom the plebiscite return was assigned. There were instances where PlebComs were required to explain discrepancies or missing signature or seals in the plebiscite return. The PlebComs were provided the opportunity to provide such explanation and to complete the required signatures on the plebiscite return and the envelop and seal.

The canvassing of plebiscite returns was completed at around 10:30 pm

Canvass Results³ –

Total Number of Registered Voters	108,572
Total Number of Voters Who Actually Voted	23,562
Voter Turnout	21.7%
Total YES Votes	17,814
Total NO Votes	5,702
Number of Plebiscite Returns Canvassed by the Municipal Plebiscite Board of Canvassers	200

Unrecorded Votes –

Total Number of Voters Who Actually Voted	23,562
The sum of the YES votes and the NO votes: 17,814 + 5,702	23,516
The difference between the number of voters who actually voted and the sum of the YES votes and the NO votes	46

To what can these 46 unrecorded votes be attributed to? A NAMFREL observer noted that in a polling place in Mariano Ponce National High School in Brgy. Bagong Nayon, members of the PlebCom appeared not to know how to consider a blank ballot (no YES or NO vote). At canvassing, in at least one instance a Sub-Canvassing Group found that there was a discrepancy between the sum of the “YES” and “NO” votes vis-à-vis the number of used ballots. The PlebCom concerned explained that there was a ballot without a “YES” or “NO” vote, that is, the voter simply left the ballot blank. The PlebCom did not know how to record the instance since there was no provision for this in the plebiscite return.

³ <https://www.facebook.com/comelec.ph/videos/913721009794134> Accessed on January 15, 2023

Conclusions and Recommendations

In the visit to the Election Officer, the NAMFREL EEM Team noted that Voters' Lists were posted in a glass-covered bulletin board just outside the Office of the Election Officer, in compliance with Section 30 of Republic Act No. 8189 or The Voters' Registration Act of 1996. The design, materials used, and the manner of displaying the list of voters in the bulletin board may be a model that may be adopted by other local election offices.

The conduct of the Baliwag Plebiscite was generally peaceful with no untoward incident reported. Operations were smooth and organized.

There was a strong campaign for a YES vote but there were no visible proponents for a NO vote.

Owing to the limited number or absence of watchers and observers from citizen monitoring groups, including NAMFREL's, inside polling places, the votes of the people were largely unprotected.

The NAMFREL EEM Team observed certain lapses in the preparation and conduct of the Baliwag Plebiscite and puts forward the following findings and recommendations to address those lapses:

1. the absence of the Emergency Accessible Polling Places (EAPP). It is recommended that the EAPP be made available in all electoral exercises. The NAMFREL EEM Team further recommends the conduct of a detailed study to address voters' concerns such as being able to personally cast his/her ballot while availing of the EAPP.
2. the absence of the Voter Assistance Desk (VAD) in voting centers. The Team noted that barangay officials in some voting centers had hurriedly set up the VAD to provide assistance to the voters in seeking the location of their assigned clustered precinct. It is recommended that VAD be made available in all electoral exercises.
3. the clustered precinct map in voting centers indicated only the clustered precinct numbers and not the component established precinct numbers. It is recommended that component established precinct numbers be indicated in the clustered precinct map.
4. some Plebiscite Committee members commented that they were unfamiliar with the manual process of counting the votes since they had served in exercises where the automated system were used. It is recommended that adequate training on the manual process, particularly in the manual counting of votes, be provided.

It is anticipated that the coming Barangay and Sangguniang Kabataan Elections (BSKE) will be manually conducted where voters will write the names of their chosen candidates for certain elective posts. It is recommended that the training program for Electoral Boards include the rules of appreciation of the (manual) ballot as provided for in Section 211 of Batas Pambansa Bilang 881 or the Omnibus Election Code.

5. there were no canvassing tally boards provided at the canvassing center for observers to track the canvass of plebiscite returns as has been the practice in prior plebiscite exercises like the Maguindanao and Ormoc Plebiscites, during which electronic displays of plebiscite returns were provided. For purposes of transparency, it is recommended that canvassing tally boards be always provided in all election related exercises.

6. the unrecorded votes which probably stems from the lack of knowledge on how to handle or process a blank ballot, that is, the voter did not indicate nor write a YES or NO vote. It is recommended that: (a) abstention be defined – Is leaving a ballot blank an abstention?, (b) a spoiled or marked ballot be defined or described, (c) provide for the recording of abstention and spoiled or marked ballots in the plebiscite or election returns, (4) include the matter in the training of the members of the Plebiscite Committees and Electoral Boards.
7. the low voter turnout of 21.7% which is indicative of low voter participation in the electoral exercise. Questions arise: Is it perhaps related to the strong campaign for a YES vote in the plebiscite exercise? Is there a lack of emphasis on the voter's right of participation in electoral exercises? These questions need to be carefully addressed. It is recommended that in electoral exercises such as plebiscites, information campaign on the voter's right of participation be emphasized.
8. In relation to #7 above, NAMFREL recommends a review of Section 10 of Republic Act No. 7160 or the Local Government Code for possible reform. The said section provides:

Section 10. Plebiscite Requirement. - No creation, division, merger, abolition, or substantial alteration of boundaries of local government units shall take effect unless approved by a majority of the votes cast in a plebiscite called for the purpose in the political unit or units directly affected. Said plebiscite shall be conducted by the Commission on Elections (COMELEC) within one hundred twenty (120) days from the date of effectivity of the law or ordinance effecting such action, unless said law or ordinance fixes another date.

Should a minimum threshold of voters participating in the exercise be required?

9. In further relation to #7 above, for possible electoral reform, NAMFREL recommends that a study be conducted on granting election day holiday for workers and/or students who are qualified to vote to enable such workers and students to participate in the electoral (plebiscite) exercise, especially those whose places of work or school are outside the jurisdiction of the local government unit.
10. NAMFREL reiterates its recommendations made in previous plebiscite exercises, to wit:
 - a. COMELEC to consider adopting internet voting and other technologies that would allow more voters, especially those currently outside their place of registration (such as those mentioned in #9), to participate in similar plebiscites. If a law is necessary, NAMFREL would be ready to support such law.
 - b. To provide more opportunities for people to know more about the issues surrounding plebiscites not only by conducting -- or requiring barangays to conduct -- more pulong-pulong or orientations, but also ensuring that proponents or champions of both the YES and NO votes, including subject matter experts, are invited and given equal time to discuss their stance for people to understand more what they are voting for.

NAMFREL also recommends that any such orientations pertaining to plebiscites should include ample discussion on possible repercussions on indigenous peoples (if any) and other vulnerable sectors living in the concerned areas.

- c. Ensure the consistency in implementation of anti-COVID measures. COMELEC should target 100% adherence, because a slight lapse could mean infection, especially in areas where vaccination rates are low. A commitment to 100% safety and protection would also

further encourage the electorate to go out and participate in COMELEC's forthcoming electoral exercises.

- d. Involve the youth sector beyond the participation of the SK Federation in LGU-led efforts for such electoral exercises.

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