



NATIONAL CITIZENS' MOVEMENT FOR FREE ELECTIONS (NAMFREL)

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NAMFREL Report on the Observation of the 2022 Ormoc Plebiscite November 8, 2022

Introduction

On October 8, 2022, a Plebiscite was held in Ormoc City when 10,209 voters from 29 barangays went to the Ormoc City Central School to cast their vote to ratify the merger of twenty-eight (28) barangays into three (3) and the renaming of one (1) barangay, all located in the city center. This was the ultimate legal requirement in the redistricting of the city center into what will be called four (4) super barangays. Ormoc City has one hundred ten (110) barangays, which will bring down the number to eighty-five (85) if the YES proposition is ratified.

A YES vote in the Plebiscite will lead to the following restructuring:

- Merger of Barangays 14, 20, 21, 22, 19, 26, and 24 into Barangay West;
- Merger of Barangays 9, 10, 11, 16, 18, 25, and 28 into Barangay East;
- Merger of Barangays 1, 2, 3, 4, 5, 6, 7, 8, 12, 13, 15, 17, 23, and 27 into Barangay South; and
- Renaming of District 29 to Barangay North.

A NO vote means that the present configuration of the barangays will stay the same.

The legal and administrative requirements for the conduct of the plebiscite are as follows (available at <https://www.ormoc.gov.ormoc>):

- Sections 7 and 8 of RA 7160 An Act Providing for a Local Government Code of 1991 on the creation, conversion, and merger of local government units
- Ormoc City Ordinance No. 046 or the Ormoc Barangay Redistricting Ordinance of 2020 enacted on November 24, 2020 providing for the merger of District Barangays 1 to 28 and renaming of District Barangay 29; and integration and redistricting of the 29 District Barangays to a total of 4 Barangays
- Ormoc City Ordinance No. 052 enacted on January 19, 2021 providing for the required publication, and information campaign;
- Comelec Resolution No. 10796 dated June 22, 2022 setting the date of the plebiscite and the calendar of activities to ratify the mergers and the renaming of the barangays
- Comelec Resolution No. 10835 dated September 14, 2022 which provides for the rules and regulations on the conduct of the plebiscite

NAMFREL set out to participate in the October 8 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 Ormoc 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)

NAMFREL deployed an Election Expert Mission (EEM) to observe the Plebiscite on the proposed merger of twenty eight (28) Barangays and the renaming of one (1) Barangay in Ormoc City. The NAMFREL EEM team was composed of NAMFREL Chairperson Mr. Angel S. Averia, Jr., NAMFREL National Council Member Corazon H. Ignacio, and NAMFREL Tacloban City Chairperson Dr. Flordeliz Dacuyan, with Ms. Kristine Tapiz of the NAMFREL National Secretariat as coordinator.

NAMFREL Observation

The team observed the Plebiscite exercise from October 5 to 10, 2022. The NAMFREL EEM not only observed the conduct of the plebiscite. They also set out to study and observe the political underpinnings of the proposed mergers, the process of engaging stakeholders, and any voters' education efforts conducted. The team interviewed key interlocutors from the LGU, the PNP, the Comelec, the NGO, the business sector, and ordinary citizens.

On Plebiscite Day, the members of the team 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 put focus 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 Ormoc Plebiscite, as contained in COMELEC Resolution No. 10835.

Observations

Pre-Plebiscite Day

A. Barangay statistics

In the run-up to plebiscite day, the NAMFREL EEM team looked into the rationale for the proposed mergers.

Below are the 2020 figures on the population and land area of the existing Barangays:

Proposed Barangay	Barangay #	2020 Population	2020 Land Area (in hectares)
Barangay South	1	147	2,686
	2	39	7,116
	3	14	1,320
	4	474	2,775
	5	68	1,695
	6	28	2,096
	7	96	1,931
	8	86	2,002
	12	149	10,549
	13	332	2,532
	15	173	1,964
	17	297	1,298
	23	196	2,666
Barangay West	27	209	1,691
	14	53	3,557
	19	228	2,299
	20	146	1,648
	21	224	2,193
	22	318	1,738
	24	131	1,512
Barangay East	26	1,763	10,207
	9	100	1,302
	10	401	2,325
	11	319	2,142
	16	143	1,230
	18	86	7,224
	25	443	1,660
	28	952	4,376
Barangay North	29	4,131	87,469

Source: City Planning Office

The figures show a disproportion in the distribution of population in the 28 barangays, with the smallest one, Barangay 3 having only 14 residents and the most densely populated barangay (Barangay 26) having 1,763 residents. Some barangays cannot even fill up the full slate of the officials allowed in the Local Government Code. Likewise, some barangays have very small

land area than the rest, with Barangay 16 being the least endowed area wise with 1,230 hectares compared to the biggest barangay sitting on 10,549 hectares (Barangay 12). Another trend that called for the merging is the reduction, not expansion of the population in these barangays due to urbanization.

A question arises on how pygmy sized barangays in population and land area came about in the first place. It appears that the present number of barangays in Ormoc was due to the unbridled creation and carving out of barangays before the enactment of RA 7160 or the Local Government Code in 1991. Consequently, smaller barangays cannot meet the Seal of Good Housekeeping (SGH) and reportorial requirements required by the Department of Interior and Local Government (DILG). These barangays are likewise unable to provide basic services because of lack of manpower, unfilled positions, incomplete facilities and equipment, and the perennial issue of lack of funds.

Further drilling down of the population and land area figures will show a more rationalized and equitable distribution, as follows:

Proposed Barangay	Total Population in merged set-up	Total Land Area in merged set-up	Comments
South	2,308	41,023	Merger of 14 brgys
West	2,863	23,154	Merger of 7 brgys
East	2,444	20,259	Merger of 7 brgys
North	4,131	87,469	No change

The Plebiscite was being observed closely by LGUs which have similar political and geographical features like Ormoc, as model for rationalizing their structure.

B. Information materials

The following materials and activities were the primary sources of information on the Plebiscite:

- Ordinances and resolutions available in the Ormoc City Government website
- A 16-page pamphlet titled “Briefer on the Super Barangay”
- Series of Barangay Assemblies initiated by the City Government
- 8 Pulong-pulong or barangay citizens assembly sessions conducted by the Ormoc COMELEC office
- Flyers
- Posting on social media by key supporters of the YES vote

The Briefer Pamphlet was the most useful material for the NAMFREL EEM team as it contains information on the legal bases, the challenges in governance, map of the central district covering the affected barangays, the data on population, and anticipated improvements in service delivery. It appears to be an official publication of the City Government and was used in the series of townhall meetings with stakeholders. The Briefer however can further be improved by using 2020 (already available) instead of 2015 population data and being consistent with LGU and DILG terminologies instead of introducing confusing and contrived words like “Super Barangay” and Barangay Districts.

There was no known public debate that took place about the issue because of lack of proponents for the NO vote. Likewise, there were no open campaigners and no written and openly distributed info materials on the NO vote. Whatever campaign that went on was conducted through a bulong (whisper) campaign.

C. Consultation with chairpersons of affected barangays

On October 6, the NAMFREL EEM team conducted a Focus Group Discussion (FGD) with 18 of the 29 affected Barangay Chairpersons held at Sutowaki Restaurant. The following questions were posed:

1. What inputs, if any, did you give to the City Council or to the Technical Working Group (TWG) when the idea of merging of the barangays was being presented to you?
2. What is your position regarding the merger of the 28 barangays into 3? What is the position of your constituents?
3. What information materials were given to the voters regarding the merger?
4. What are the anticipated improvements in the barangays should the “YES to merger” vote wins
5. Aside from the main area for improvements cited in the primer, what other concerns should have been included?

The general gist of the discussion are as follows:

All the 18 Barangay Chairpersons in attendance said that they were voting YES to the merger and had been campaigning for the same in their barangays. There was a series of consultations and discussion on the proposed merger initiated by City Hall. The initial resistance to the merger were due to: fear of loss of job of the incumbent barangay officials (they are receiving modest honorarium), becoming a minority in the merged set-up, personal relationships will be lost, displacement of residents should the building of barangay infrastructure push through, and voting during elections will become inconvenient if the barangay becomes bigger.

The City Hall provided a safety net to the displaced barangay employees by making an inventory of skills, providing a skills retraining program, and assuring them of priority placement in newly created positions. Another assurance is the operation of the law that incumbent barangay officials will continue to serve until the next barangay elections, hence, will continue to receive remuneration until then.

They claimed that their inputs were not solicited when the City Council crafted the Ordinance, nor were they involved in the work of the Study Groups and Technical Working Groups created by the Executive Orders, which is debunked by the fact that the President of the Liga ng Barangay was either a Co-Chairman or a Member of all the study groups. If there was any disconnect in the dissemination of information, it was between the Chairpersons and their President of the Liga ng Barangay.

Their minds were opened to the inadequacies of the existing barangays when the survey on manpower, services, facilities, and headquarters (conducted by the Study Group) were presented to them. They realized the following: incomplete number of barangay and or Sangguniang Kabataan officials, limited delivery of basic services mandated in the Local Government Code, inability to tap allocated budget for the Barangay due to lack of officials, and some Barangay Chairpersons hosted the Barangay office in their respective houses. The 2-year Covid pandemic further illustrated the lack of capacity to provide “ayuda” or support to the residents, and lack of facilities like quarantine and transportation facilities to Covid-afflicted patients. The Chairpersons saw the value in having a bigger barangay in the provision of basic services such as peace and order, disaster preparedness and response, solid waste management, health care, and livelihood projects.

Plebiscite day processes and procedures

On the eve of the Plebiscite Day, the City Treasurer's Office, following proper procedures, unsealed the ballots and other accountable forms duly observed by representatives of the COMELEC, the Philippine National Police, the Department of Education, Offices of the Mayor and Vice Mayor, Sangguniang Panglungsod, and NAMFREL.

On Plebiscite Day, the NAMFREL EEM team arrived early at the voting center to observe the plebiscite voting process. There were 35 polling places in a single voting center, which is the Ormoc City Central School. More than a hundred public school teachers served as members of the Plebiscite Committees (PlebComs). Each polling place was managed by three members of the PlebCom. There were polling places that opened earlier than 7am; they started the opening of polls as soon as the two political watchers from the Local LGU arrived at the polling place. Voting started at 7am.

From 7am until 3pm, registered voters from the 29 District Barangays of Ormoc City cast their ballots at the polling places where they were registered.

Plebiscite Day was not declared a holiday. Some residents of the covered barangays who had to report to work whether within the covered barangays or outside may have been discouraged to vote and may have impacted the voter turnout.

A. The voting center

- The Voters' Assistance Desk (VAD) manned by DESO personnel was easily missed by incoming voters since the VAD was located at the side of the covered court. The VAD was moved with the desks facing incoming voters to make it more visible.
- The voting center is not senior citizen- and PWD-friendly due to uneven grounds, dark hallways, and pipes crossed some pathways.
- While thermal scanning was done at the entrance of the voting center and rubbing alcohol was provided, Covid protocols such as 1-meter physical distancing and proper wearing of face masks were not observed in some polling precincts.
- There were no Emergency Access Polling Place (EAPP) provided in the voting centers for the elderly, PWD and heavily pregnant.

B. Pre-opening

- The members of the Plebiscite Committees were already at the voting center at or around 5:30am of Plebiscite Day and proceeded to their assigned polling precincts.
- The PlebComs checked and prepared all plebiscite materials and accountable forms to ensure completeness.
- Watchers from the LGU were present to observe the proceedings.
- Before the official poll open time of 7am, the PlebComs opened the ballot boxes to show poll watchers that they were empty and recorded the serial numbers of plebiscite ballots in the minutes of the voting.
- A few voters started to trickle in before the official opening of the plebiscite.
- Preparation prior to the opening of polls ran smoothly and without problems reported.

C. Opening and Voting

- Voting started at 7am in most of the 35 polling places, with a few opening earlier than 7am.

- The political watchers inside the polling places were from the LGU and the YES proponents. They also helped in assisting the voters and in crowd management. One watcher was inside the polling place while the other one was stationed at the entrance of the classroom.
- There were instances that the thumb of the voter was inked instead of the index fingers.
- In polling places where there were more than 300 registered voters, the scene outside the polling places were lively but also chaotic. Some voters argued that they be allowed to vote first.
- There were also food vendors inside the voting center, selling and offering their goodies in each polling place.
- Rubbing alcohol was provided and temperature check done at the entrance of the voting center but this was not echoed inside most polling places. Physical distancing was not observed as well as proper wearing of face mask.
- There were no priority lanes for the elderly, persons with disability, and heavily pregnant voters.
- There were holding areas for voters, but not in all polling places, or some were not used hence the crowding and chaotic scenario outside some of these polling places.
- At Polling Place Nos. 04A to 04D, voters simply crowded along the narrow hallway. Several senior citizens and PWD voters were among those waiting for their turn. A special lane for said voters was not available and the crowd was not managed well but was resolved around 11:20am with PlebComs from adjacent polling precincts volunteering to manage the crowd. The voters were led to a holding room and were called in groups of five to vote.
- At Polling Place Nos. 15A to 15B, voters likewise crowded at the door of the polling place wanting to vote early because they said they had to report for work. The PlebCom said they issued queuing numbers and directed the voters to the holding room. Some voters still insisted that they be given the earlier numbers saying that they were there first.
- At Polling Place Nos. 19A-19B, a lone senior citizen voter was able to cast her ballot within 10 minutes of poll opening. Voters in said precinct came in trickles.
- Voters came in trickles at Polling Place Nos. 3, 5, 6, 11, and 12.
- The voting process was conducted smoothly and orderly without any other reported problems or untoward incidents.

D. Poll Closing and Counting

- The polls closed shortly after 3pm.
- The polling places were prepared for the counting of votes with the furniture rearranged as prescribed in the rules.
- Following procedures, such as opening of the ballot box, counting and separation of ballots into piles, etc., the plebiscite committees prepared to count the votes.
- Watchers and other observers were provided an unimpeded view plebiscite returns and tally board.
- The counting of votes was orderly and conducted smoothly.
- Others present in the counting of votes and the preparation of the plebiscite returns were people from media, COMELEC, the LGU, and barangay citizens

E. Canvassing of votes

There were four (4) Barangay Plebiscite Boards of Canvassers that conducted the proceedings separately and independently. The Plebiscite Boards of Canvassers received the vote counts from respective polling precincts covered by the anticipated Barangay East, West, and South as well as the Barangay 29 that would be renamed to Barangay North.

The Plebiscite Committees started to arrive at the canvassing center at the Ormoc City Hall at or around 4:30pm.

Canvassing of votes started at or around 6:30pm.

The final tally of votes:

Barangay	Registered Voters	Voters who actually voted	YES Votes	NO Votes	Percentage of YES Votes
West	2,453	1,498	1,395	90	93.12%
North	2,290	240	236	3	98.33%
East	2,803	1,817	1,546	227	85.08%
South	2,663	1,781	1,590	280	89.27%
Total	10,209	5,336	4,767	600	89.33%

Voter turnout:

Barangay	Registered Voters	Voters who actually voted	Voter Turnout
West	2,453	1,498	61.07%
North	2,290	240	10.48%
East	2,803	1,817	64.82%
South	2,663	1,781	66.88%
Total	10,209	5,336	52.27%

The canvassing of votes was conducted smoothly, orderly, and without any untoward incident reported.

F. Proclamation the same night

At the end of the canvassing, each of the Barangay Plebiscite Boards of Canvassers proclaimed the following:

- That Barangay District 29 shall be renamed to Barangay North,
- That Barangay District 14, 20, 21, 22, 19, 26, and 24 shall be merged and named Barangay West,
- That Barangay District 9, 10, 11, 16, 18, 25, and 28 shall be merged and named Barangay East;
- And, that Barangay District 1, 2, 3, 4, 5, 6, 7, 8, 12, 13, 15, 17, 23, and 27 shall be merged and named Barangay South,

all pursuant to City Ordinance No. 052, Series of 2021 entitled An Ordinance Merging Barangay District 1 to Barangay District 29 in Ormoc City And Appropriating Funds Therefore, enacted on January 19, 2021.

Key Findings

The NAMFREL Election Expert Mission (EEM) to the 2022 Ormoc Plebiscite focused on two key observation points: that the real impetus for the Plebiscite was to promote good governance through a more rationalized population and area reallocation of the Barangays, and that the voters were well informed of the issues when they participated in the ratification process.

1. The Ormoc City Government was the primary proponent of the merger. The City officials from the Mayor, the Vice Mayor, and the City Council Members had the same stand on the issue, all belonging to the same political party. It co-opted the support and participation of key stakeholders i.e., the officials of the affected barangays, other government agencies like the DILG and the DBM, the business sector, the church, the youth, and the NGOs.
2. A methodical process was followed in studying the benefits of and lobbying for the merger. These were duly supported by surveys, consultations with Barangays, and ordinances and executive orders over a 5-year period.

When this was initially floated around 2017, the City Government was not able to summon enough support from the affected barangays. Only one of 29 barangays (Barangay 13) issued a Resolution Interposing no Objection to the move. It was an idea whose time had not yet come then. Five years after, the affected barangay chairpersons were the champions of the move.

Two studies by a multisectoral team were created by the Office of the Mayor through Executive Order 84 (December 4, 2019) Creating a Study Group to Assess the Capacities of District Barangays in Ormoc City to Meet the Standards Required under the Seal of Good Local Governance (SGLG) and Executive Order 109 (November 3, 2020) amending the composition of the Study Group.

The above was further enhanced by Executive Order 2022-0003 on July 4, 2022, Creating a Technical Working Group for the Determination and Formulation of Measures towards the Implementation of the Provisions of the “Ormoc Barangay Redistricting Ordinance of 2020.”

3. Of the stakeholders in the Plebiscite, the NGOs in the city on the whole were quiet and did not put out any support nor opposition to the proposal. This was probably because the 2-year quarantine imposed by the Covid pandemic which weakened the operations of the NGOs which are finding their bearing only now.

The business sector issued a chamber / association position, but individual members were watching the process and the results considering threats and opportunities to their respective businesses because the 29 barangays are in the city or commercial center.

The Church was invited to participate in the dissemination of the issues to its parishioners, but politely declined by saying that it would listen first to the concern of its Basic Ecclesial Communities (BEC). Until the eve of Plebiscite Day, the church did not receive negative feedback from its BECs and trusted its affected members to vote according to their discernment.

The youth sector was not heard from, except from the participation of the SK Federation President in the Study and Technical Working Groups formed by the City Government. Neither had any women’s group stepped forward to make a stand on the issue. Interestingly, there were about 8 women Barangay Chairpersons among the 29 affected barangay chairpersons.

4. The voters (residents of the 29 Barangays) may be considered fully aware of the issues in the Plebiscite because of the information drive by the City of Ormoc as well as by the eight barangay citizens assemblies or pulong-pulong conducted by the local COMELEC.

5. The victory of the YES votes was not surprising because the Chairpersons of the Barangays were fully accepting of the merger, even if it will eventually displace them. A large part of it is also because the exercise is seen as a rationalization and correction of a bad situation the present LGU leadership had no part in creating.

Recommendations

A. Recommendations to the COMELEC

To help further enhance preparations for the holding of future plebiscites and the 2023 Barangay and Sangguniang Kabataan Elections in a year's time, still amidst the COVID-19 pandemic, NAMFREL would like to offer the following recommendations to the Comelec:

1. To give opportunities to more people to be able to participate in plebiscites by considering the declaration of a Special Non-Working Holiday on plebiscite day, in adjacent areas not covered by the plebiscite, but where residents of municipalities involved in a plebiscite could be working or studying.

Alternatively, COMELEC may consider adopting internet voting and other technologies that would allow voters similarly situated to participate in similar plebiscites. If a law is necessary, NAMFREL would be ready to support such law.

2. 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 that would politically divide or merge areas/territories should include ample discussion on possible repercussions on indigenous peoples (if any) and other vulnerable sectors living in the concerned areas.

3. 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, such as the resumption of voter registration and other upcoming plebiscites.

B. Other Recommendations

1. Other LGUs looking at merging their barangays should involve Barangay officials in the information drive.
2. Initiatives such as merger or split of a local government unit should start with updated, accurate, and indisputable database such as population, land area, filled and unfilled positions in the barangays, facilities and equipment, and other relevant data.
3. Involve other government offices like the DILG, DBM, to lend weight to the proposal.
4. Involve the youth sector beyond the participation of the SK Federation in LGU-led efforts for such electoral exercises. ###