

Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
Manila

**EN BANC**

IN THE MATTER OF THE PETITION FOR  
ACCREDITATION AS CITIZENS' ARM OF THE  
COMMISSION ON ELECTIONS TO ASSIST IN  
THE CONDUCT OF THE 2013 NATIONAL AND  
LOCAL ELECTIONS AND THE AUTONOMOUS  
REGION IN MUSLIM MINDANAO ELECTIONS  
ON MAY 13, 2013

SPP NO. 12-200

NATIONAL CITIZENS' MOVEMENT FOR FREE  
ELECTIONS (NAMFREL),

Petitioner.

X-----X

**NOTICE**

1. **ATTY. RICARDO J. ROMULO**  
**ATTY. REYNALDO G. GERONIMO**  
**ATTY. EILEEN ROSARIO C. BATAK**  
Romulo Mabanta Buenaventura Sayoc & De Los Angeles  
Counsel for the Petitioner  
21<sup>st</sup> Floor, Philamlife Tower  
8767 Paseo de Roxas, Makati City
2. **MS. CORAZON S. DE LA PAZ-BERNARDO**  
**MS. CORAZON H. IGNACIO**  
C/o NAMFREL – National Headquarters  
Room 601, DMG Center D.M. Guevara cor.  
Calbayog Extension Sts.,  
Brgy. Mauway, Mandaluyong City
3. **THE EXECUTIVE DIRECTOR**  
This Commission
4. **THE EDUCATION AND INFORMATION DEPARTMENT**  
This Commission

**GREETINGS:**

Attached is a certified true copy of the **RESOLUTION** of the Commission  
(**EN BANC**) in the above-entitled case promulgated 21 December 2012.

Manila, December 27 2012

**FOR THE COMMISSION:**

**MA. JOSEFINA E. DELA CRUZ**  
Clerk of the Commission

  
**CONSUELO B. DIOLA** 12/27/12  
Asst. Clerk of the Commission



Republic of the Philippines  
**Commission on Elections**  
 Manila

EN BANC

IN THE MATTER OF THE PETITION  
 FOR ACCREDITATION OF THE  
 NATIONAL CITIZENS' MOVEMENT  
 FOR FREE ELECTIONS AS CITIZENS'  
 ARM OF THE COMMISSION ON  
 ELECTIONS FOR THE CONDUCT OF  
 THE MAY 13, 2013 NATIONAL, LOCAL  
 AND ARMM ELECTIONS

SPP NO. 12-200

BRILLANTES, SIXTO S. JR. *Chairman*  
 SARMIENTO, RENE V. *Commissioner*  
 TAGLE, LUCENITO N. *Commissioner*  
 VELASCO, ARMANDO C. *Commissioner*  
 YUSOPH, ELIAS R. *Commissioner*  
 LIM, CHRISTIAN ROBERT S. *Commissioner*  
 PADACA, MARIA GRACIA CIELO M. *Commissioner*

NATIONAL CITIZENS' MOVEMENT  
 FOR FREE ELECTIONS (NAMFREL)  
*Petitioner*

X-----X

PER CURIAM

Promulgated on:

DEC 21 2012

**RESOLUTION**

Before the Commission *en banc* is the Petition for Accreditation<sup>1</sup> as citizens' arm of the Commission on Election (COMELEC) for the purposes of the May 13, 2013 National, Local and ARMM Elections filed by the National Movement for Free Elections on September 28, 2012.

Petitioner avers, among others, the following salient information:

"xxx

xxx

xxx

1. Petitioner NAMFREL is seeking for their joint accreditation, as a Citizen's Arm of the Commission in connection with the May 13, 2013 National and Local Elections, pursuant to Section 2 (5) of Article IX (C) of the 1987 Constitution and Section 52 (k) of the Omnibus Election Code, as amended and other election laws in connection with the May 13, 2013 National and Local Elections and the Autonomous Region in Muslim Mindanao (ARMM) Elections, to perform, subject to the direct and immediate control of the Commission and in compliance with all applicable laws and regulations, the functions mentioned herein.

<sup>1</sup> Records, Pp. 1-8

2. Petitioner constitutes a broad-based non-partisan group or organization of volunteer citizens from the civic, youth, professional, educational, business, social services and labor sectors who are known for their probity, impartiality and integrity with membership and capability to undertake a coordinated operation and activity to assist the Commission in the implementation of the provisions of the law relating to the coming May 13, 2013 National and Local Elections and the Autonomous Region in Muslim Mindanao (ARMM) Elections for the purpose of ensuring free, orderly and honest elections. xxx.
3. NAMFREL has in the past spearheaded and organized the nationwide Operation Quick Count during the May, 1984 elections of the Batasang Pambansa, in the February 7, 1986 Snap Presidential Elections, in the national plebiscite on the proposed constitution held on February 2, 1987, in the May 11, 1987 Congressional elections, in the January 19, 1988 local elections, in the regular elections held on May 11, 1992 in coordination with the Media Citizen's Quick Count, in the May 8, 1995 General Elections, in the September 9, 1996 Autonomous Region in Muslim Mindanao (ARMM) elections, in the April 9, 1997 Kalookan Recall Elections, in the May 11, 1998 synchronized elections; in the April 15, 2000 Recall elections in Pasay City and Mercedes, Camarines Norte; in the May 12, 2000 Recall elections in Lucena City, Quezon; in the May 14, 2001 National and Local Elections; in the May 10, 2004 Presidential Elections, and the elections on May 14, 2007.
4. That in the past elections since the May, 1984 elections for the members of the Batasang Pambansa, in the February 7, 1986 Snap Presidential Elections, in the national plebiscite on the constitution which was held on February 2, 1987, in the May 11, 1987 Congressional election, in the January 19, 1988 local elections, in the November 19, 1990 plebiscite on the Organic Act of the Autonomous Region in Muslim Mindanao (ARMM), in the plebiscite on the Organic Act of the Autonomous Region in Muslim Mindanao on February 17, 1990, in the May 11, 1992 General Elections as a support group under the Media Citizen's Quick Count (MCQC), in the May 8, 1995 General Elections, in the August 19 and 20, 1995 General Registration in the Autonomous Region in Muslim Mindanao, in the September 9, 1996 elections in the Autonomous Region in Muslim Mindanao, in the April 9, 1997 Kalookan Recall Elections, 1998 General Elections, in the April 15, 2000 Recall elections in Pasay City and Mercedes, Camarines Norte, and in the May 12, 2000 Recall elections in Lucena City, Quezon; in the May 14, 2001 National and Local Elections; in the May 10, 2004 elections; in the May 14, 2007 elections; and in the May 10, 2010 National and Local Elections, petitioner consistently applied for all and was granted accreditation in all the aforesaid electoral exercises as Citizen's Arm of the Commission, except in 2010. (In the 1992 elections, it did not seek accreditation but was a provider of technical support to the Media-Citizens Quick Count).
5. NAMFREL is the pioneer in citizens' election monitoring in the world. It started with the establishment of the Operations Registration Committee in 1957. In the 60's and early 70's, the Citizens National Electoral Assembly (CNEA) was organized by then Comelec Chairman Jaime Ferrer with Bishop Mariano Gaviola as chairman together with Jose Concepcion, Jr. of NAMFREL and Charito Planas as secretary general. NAMFREL's commitment to clean elections was best shown during the 1986 snap presidential elections with over 500,000 volunteers who offered their time, energy and even their lives, to preserve the sanctity of the ballot.
6. As a pioneer citizen-led election monitoring organization, NAMFREL's commitment and crusade to strengthen democratic institutions,

particularly the electoral process, has been recognized by election experts such as Eric C. Bjornlund, as a model and inspiration in the formation of similar election watchdogs in more than 140 countries.

7. NAMFREL's involvement in the international electoral scene include invitations by the United Nations and UNDP to work as trainers, observer team members, election administrators and resource persons in 34 countries namely: Afghanistan, Argentina, Bangladesh, Bulgaria, Cambodia, Chile, Cote D'Ivoire, Denmark, Egypt, Haiti, Hong Kong, Indonesia, Kazakhstan, Lebanon, Mexico, Mongolia, Mozambique, Nepal, Pakistan, Papua New Guinea, Peru, Portugal, Romania, Russia, South Africa, South Korea, Sri Lanka, Taiwan, Thailand, Timor Leste, U.S.A., Uzbekistan and Zambia as well as receiving several nominations to the prestigious Nobel Peace Prize from notable organizations such as the Carnegie Endowment for International Peace and the International Human Rights Law Group, both based in Washington, D.C.
  
8. As elections are part of good governance, NAMFREL has also participated in anti-corruption, procurement and budget monitoring programs such as the medicine and health services monitoring programs with the Department of Health; textbook and education infrastructure monitoring programs with the Department of Education; budget consultations with the Department of Budget & Management; and participation in the bids and awards committees of various government agencies, including the Commission on Elections.

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xxx<sup>2</sup>

Petitioner commits further that: 1) It shall submit to the direct and immediate control and supervision and comply with the orders of the Commission in the performance of functions and activities provided by law, and such other functions and activities which the Commission may assign; 2) It shall strictly remain non-partisan and impartial during the election and election periods; 3) It does not seek to achieve its objectives, goals or programs through violence and unlawful means; 4) It does not aim to propagate any ideology opposed to the principles of a republican and democratic government; and 5) It will undertake to police its ranks and prevent infiltration by persons or groups of persons who may, directly or indirectly, destroy its character of non-partisanship and impartiality.<sup>3</sup>

Acting on the petition, the Commission *en banc* issued on October 4, 2012 an Order<sup>4</sup> directing the petitioner to cause the publication of the petition together with the aforesaid Order in a newspaper of general circulation at its own expense. Hearing on the petition was set on October 10, 2012.<sup>5</sup>

During the scheduled hearing, Atty. Reynaldo Geronimo appeared on behalf of NAMFREL. Ms. Corazon H. Ignacio, the Corporate Secretary and Project Committee Chairperson of the Petitioner was presented as witness. After some clarificatory questions were answered by the witness, the Commission gave the counsel a period of ten (10) days to file its Memorandum. The counsel complied with the Order.

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<sup>2</sup> *Ibid*, Pp. 1-4

<sup>3</sup> *Ibid*, Pp. 4-5

<sup>4</sup> *Ibid*, P. 14

<sup>5</sup> *Ibid*, P. 13.

The petition and notice were published in the October 9, 2012 issue of People's Tonight.<sup>6</sup>

We now rule.

Section 1, Rule 33 of the COMELEC Rules of Procedure, provides:

Sec. 1. *Who May Be Accredited as Citizens' Arms of the Commission.* - Any bona fide non partisan group, association or organization from the civic, youth, professional, educational, business or labor sectors with identifiable leadership, membership and structure, and with demonstrated capacity to promote the public interest and assist the Commission in the performance of its functions and activities as mandated by the Constitution and by law, may be accredited as citizens' arms of the Commission. (Emphasis supplied)

Petitioner NAMFREL has been the Commission's constant partner in most elections in the past years. Its track record shows that that it has been continuously assisting the Commission in its mandate to make sure that the conduct of elections is clean, orderly, peaceful and honest.

Considering that Petitioner has complied with all the requirements set forth under Rule 33 of the COMELEC Rules of Procedure, this Commission cannot find any reason not to accredit the **NATIONAL CITIZEN'S MOVEMENT FOR FREE ELECTIONS (NAMFREL)** as citizen's arm of the Commission in accordance with Section 2(5) of Article IX © of the Constitution, Section 52 (k) of the Omnibus Election Code and other election laws in connection with the May 13, 2013 National and Local Elections.

We hereby set the following duties and responsibilities of the NAMFREL in coordination and cooperation with the other duly accredited citizens' arm and subject to the limitations as may be provided by the Commission:

1. It may conduct poll watching in various precincts;
2. It may provide assistance to the voters on election day most especially to the senior citizens, persons with disabilities, pregnant women, detainees, indigenous peoples and other member of the vulnerable sectors; and
3. It may assist the Commission in voters' information and education drives in every municipality, city and provinces most especially in far-flung areas and to sectors which experience inaccessibility in getting information from the Commission.

In coordination and cooperation with the duly accredited citizens' arm and subject to such conditions required and to such other limitations as this Commission may still impose, the Commission shall undertake the following subject to reasonable procedures as may be promulgated by the Commission:

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<sup>6</sup> *Ibid*, P. 26.

1. To furnish NAMFREL with the electronic copies of the following: (a) the Computerized Voters' List; and (b) the Project Precincts for the effective discharge of its responsibilities;
2. To furnish NAMFREL with any of the twenty seventh (27<sup>th</sup>) to the thirtieth (30<sup>th</sup>) copies of the ERs printed by the PCOS machines after transmission for the conduct of an unofficial count by any of its local units;
3. To furnish NAMFREL with the audit logs and/or audit trails of the PCOS machines for the effective discharge of its poll watching activities;
4. To allot to NAMFREL a work station directly connected to the transmission server for access to firsthand vote count/transmission, and other automated election system (AES) related provisions to assist petitioner in its poll watching activities and the conduct of its unofficial parallel count;
5. To allow NAMFREL to witness the examination and testing of the equipment or device to be used in the voting and counting on the day of the electoral exercise before voting starts as provided by Section 10 of Republic Act No. (R.A. No.) 8436 as amended by Section 12 of R.A. No. 9369;
6. To authorize NAMFREL to undertake a widespread stakeholder education and training program to educate the public and fully inform the electorate about the AES provided that the modules to be used in these undertakings should first be approved by the Education and Information (EID) of this Commission; and
7. To provide a copy of following to NAMFREL: (a) permanent list of voters per precinct in each city and/or municipality consisting of all registered voters residing within the territorial jurisdiction of very precinct indicated by the precinct maps; (b) the national central file under the custody of the Commission consisting of the third (3<sup>rd</sup>) copies of all the approved voter registration records; and (c) list of deactivated, reactivated and/or cancelled voters.

**WHEREFORE**, premises considered, this Petition for Accreditation as citizens' arm for the May 13, 2013 National, Local and ARMM Elections of the NATIONAL CITIZEN'S MOVEMENT FOR FREE ELECTION (NAMFREL) is hereby granted, subject to the following conditions:

1. That it shall be subject to the direct and immediate control and supervision of the Commission and it shall comply with the Commission's lawful orders in the performance of its specific functions and activities provided for by law, and such other functions;
2. That it is not supporting any candidate, political party, organization, or coalition of political parties;
3. That it shall strictly remain non-partisan and impartial in the performance of all its duties;
4. That it is not supported by or under the influence of any foreign government or any of its agencies or instrumentalities, or from any foreigner, whether natural or juridical person;
5. That it shall not solicit, receive, directly or indirectly, any contribution or aid of whatever form or nature from any foreign government, or any of its agencies or instrumentalities, or from any foreigner, whether natural or juridical persons;
6. That it does not seek to achieve its objectives, goals, or programs through violence or other unlawful means, nor aim to propagate any ideology opposed to the principles of a republican and democratic government;
7. That it undertakes to police its ranks and prevent infiltration by persons or group of persons who may, directly or indirectly, destroy its character of non-partisanship and impartiality;

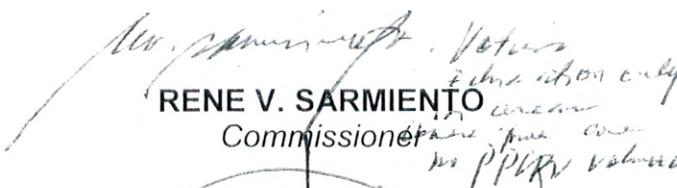
8. That it shall submit to the Commission a list of its responsible officials and other officers constituting its board and there shall be no changes therein without the approval of the Commission;
9. That it shall make available to the Commission, its personnel, facilities, equipment, papers and effects;
10. That it shall coordinate its activities with other duly accredited citizens' arm of the Commission;
11. That it shall submit a written report of its activities/operations and its observations of the May 13, 2013 National, Local and ARMM Elections within one (1) month after said elections;
12. That the Commission may delegate other duties and responsibilities as it may deem necessary; and
13. That this accreditation shall be deemed automatically revoked in case it violates any of the conditions herein set forth.

The Executive Director of the Commission in coordination with the Clerk of the Commission shall implement this Resolution immediately upon its promulgation, furnishing copies thereof to all field officers nationwide including the candidates and the political parties or coalition of political parties.

The Education and Information Department shall cause the publication of this Resolution in two (2) daily newspapers of general circulation.

**SO ORDERED.**

  
**SIXTO S. BRILLANTES, JR.**  
CO00014187  
 Chairman

  
**RENE V. SARMIENTO**  
 Commissioner  
*Voters Education only*  
*no PPRV volunteers*

  
**LUCENITO N. TAGLE**  
 Commissioner

  
**ARMANDO C. VELASCO**  
 Commissioner

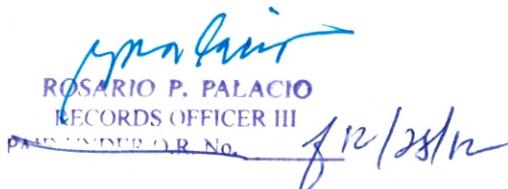
  
**ELIAS R. YUSOPH**  
 Commissioner

  
**CHRISTIAN ROBERT S. LIM**  
 Commissioner

  
**MARIA GRACIA CIELO M. PADACA**  
 Commissioner

COMMISSION ON ELECTIONS  
 OFFICE OF THE CLERK OF THE COMMISSION  
 CERTIFIED TRUE COPY

MA. JOSEFINA E. DELA CRUZ  
 CLERK OF THE COMMISSION

  
**ROSARIO P. PALACIO**  
 RECORDS OFFICER III  
 PAPER NUMBER (P.R. No.) *12/28/12*

**CERTIFICATION**

I hereby certify that the conclusions in the above resolution were reached in consultation among the members of the Commission before the case was assigned to the writer of the opinion of the Commission (*En Banc*).

  
**SIXTO S. BRILLANTES, JR.**  
Chairman

COMMISSION  
OFFICE OF THE  
CERTIFIED TRUE COPY

**MA. JOSEFINA E. DELA CRUZ**  
CLERK OF THE COMMISSION

  
ROSARIO P. PALACIO  
RECORDS OFFICER III  
PAID UNDER O.R. No. 12/28/12