



ELECTION MONITOR

**National Citizens' Movement
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(NAMFREL)**

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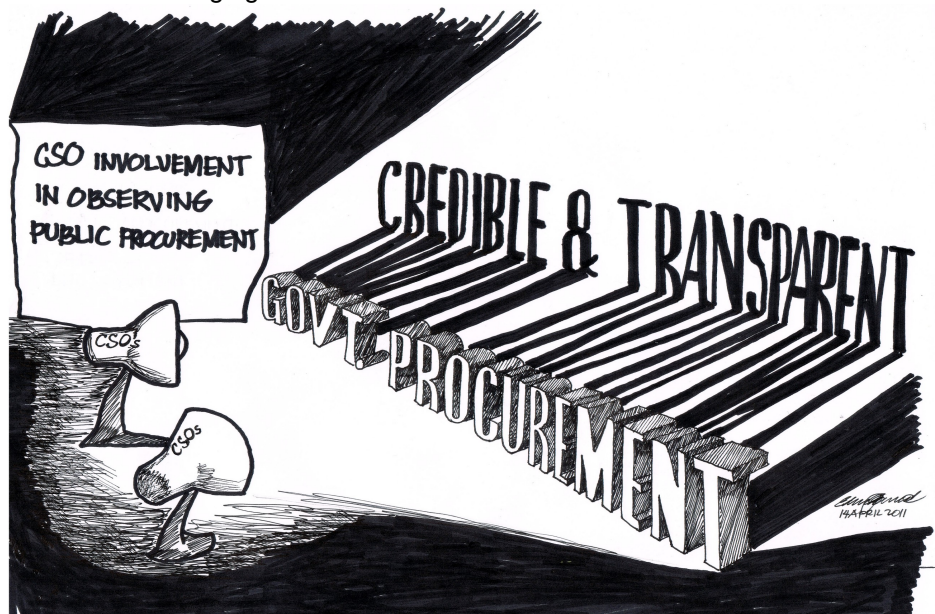
CAC report recommends not to purchase Smartmatic's AES by Eric Jude O. Alvia (NAMFREL Secretary General)

Last week, AESWatch members were provided a copy by the Joint Congressional Oversight Committee on Electoral Reform & the AES (JCOC) of a previously inaccessible Comelec Advisory Council (CAC) post-election report on the Use of the Automated Election System (AES) in the 2010 National and Local Elections. The June 2010 report findings and conclusion contradict the CAC's recommendation and Comelec's decision and action to purchase the PCOS for the still to be decided holding of the 2011 ARMM elections. This report is among the various documents and reports being requested by AESWatch from the Comelec which has yet to comply despite repeated requests and a decision from the Supreme Court to provide access to them.

Written a month after the May 2010 elections, the report lacks coverage on the technical, project management, systems integration and election management assessment components in adopting the AES in the preparation and conduct of the 2010 elections. However, the report reveals some technical and management inadequacies of the Comelec, inconsistent election laws & regulations and problems encountered in the adoption of the AES. Given the CAC's adverse findings on the PCOS and its recommendation for the 2013 elections of a "paper-based solution with automated counting and scanning features" there should be inclusive discussions and a thorough analysis of the different alternatives for automating future elections. Similar technologies with these features are the Open Election System (OES) and the Central Count Optical Scan (CCOS). Both require fewer units to operate compared to the PCOS.

If the ARMM elections proceed this year, the choice of technology or its automation must be studied intently. Among IT community circles, there is even an emerging sentiment that the elections need not be automated

since only three positions are to be contested (Governor, Vice-Governor, and Assemblyman) in each ballot and an estimated six to twelve candidates for each position to be tabulated. The estimated cost to automate the ARMM elections is between Php 1.8 to Php 2.1 billion covering around 1.7 million voters in five provinces. IT experts claim that due to the limited scope, the ARMM elections precinct level counting need not be automated. However, electronic transmission and canvassing would ensure that results would be known faster, but secure, transparent, credible, and much more affordable.



Based on Comelec pronouncements, it appears that the decision to adopt and purchase the PCOS as its AES technology of choice for the ARMM election has been made. This despite the CAC's findings and recommendation not to exercise the adoption to purchase Smartmatic's PCOS and the absence of the JCOC's review and recommendation. Recently, Comelec contracted Systest Labs to re-certify the AES software after applying remedies and fixes to problems identified.

Section 33 of the Automated Election Law (RA9369) states that the JCOC shall conduct a comprehensive assessment and evaluation of the performance of the different AES technologies implemented and shall make appropriate recommendations to Congress. Given the CAC report and the requirements of the law, Comelec should not purchase the PCOS machines used in the May 2010 elections without prior approval of the JCOC. This is contrary to the recommendation of the current CAC and the Comelec deciding to proceed with the purchase of the PCOS.

To access the full report go to: <http://bit.ly/fRcVnH>

When do we see the Comelec in court? (Part 4 of 4)

by [Telibert C. Laoc](#) (Member, NAMFREL National Council)

The automation of the 2010 polls had many other benefits, which the Philippine electoral management body failed to appreciate. The efficiencies that could be had in using machines, instead of having humans do, to count ballots and consolidate results, were many and strategic, and easy and cost-effective to implement. Yet they were not capitalized on. In migrating from the manual to the automated process, the metrics of performance have changed. The inability to tap the efficiencies inherent in the modernized process, that could have been used to improve the administration of the elections, is an inefficiency. For this, we are penalized.

Let me just use the current ballot recount process (discussed in first three parts of this four-part piece) to reveal some of the burden upon the various election actors that the Commission on Elections (Comelec) themselves have caused.

Because the actual accuracy of the precinct count optical scan (PCOS) machines significantly differed from that which the Comelec had committed, it egged election contestants to call for a recount. The random manual audit done by the Comelec showed that the machine was accurate to only 99.6 percent as against the 99.995 percent promised. Even the number of individual ballots counted, which is a basic test of accuracy, differed. The protester in the recount for mayor of Manila cited unreliability of the PCOS as reason why they had asked that the ballots be reviewed manually.

The impact is that there are close to 100 election protest cases questioning the results before the Comelec and before the House of Representatives Electoral Tribunal. There are surely others with the trial courts.

Each protester provides a list of 20 percent of the polling stations in her/his jurisdiction, a sample number with which after the recount, to prove that a total recount would be merited. If there are over a thousand polling stations, 200 would be the maximum sample size. The protester bears all the recount cost, including honoraria for the recount committees. The protestee, too, as a result is penalized because s/he has to pay for his/her own representatives in the recount committees, as well as for her/his counsels.

There is no logic behind the 20 percent-of-polling stations recount sample because fewer precincts could have achieved the purpose using statistics. The Comelec could use a random sample of less than five percent of polling stations to establish cause for a jurisdiction-wide recount. Unfortunately, Comelec sees the recount as a fight between contestants even if they themselves had provided the *raison d'être* for such fight. This is inefficiency and neglect of responsibility.

Because the automated system failed to make a report on the rate of over votes, no votes (abstentions), under votes and rejected ballots, election contestants and others are deprived of crucial information. Without this information, the non-winner who has reason to believe that s/he might have won, is better off calling for a recount to play safe. If the Comelec had provided these pieces of information, the contestants would have been able to apply basic tests of statistics to determine if there is indeed a chance to recover votes and change the results. These pieces of information would have been easily captured by the PCOS if Comelec had really appreciated what automation was capable of doing. Who, therefore, pays for this inefficiency? Everyone does.

Because the automated election system used by the Comelec does not have a 100 percent accuracy, then, there should be an automatic recount when the difference between winning and losing is outside of the committed accuracy rate. In this case the Comelec should pay for the cost of the recount. By not having an automatic recount provision, the Comelec is neglectful of the fact that they are responsible to verify results that fall outside of the accuracy rate of the system that they commissioned.

It looks like there are a lot that the Comelec needs to be made accountable for. They do contribute to unnecessarily increasing the cost of getting elected. So, when do we see them in court?

Part 1 – [Recount Redux \(http://bit.ly/e8wzpB\)](http://bit.ly/e8wzpB)

Part 2 – [Circular Reference Error and a Rule Change \(http://bit.ly/hAjcXK\)](http://bit.ly/hAjcXK)

Part 3 – [Tangibles and Intangibles of a Poll Recount \(http://bit.ly/dMHJWV\)](http://bit.ly/dMHJWV)

NAMFREL holds training on government procurement monitoring

As part of its involvement in advocating good governance, NAMFREL facilitated a training on GPRA 9184, or the Procurement Law, on April 8-9, 2011 at the New Horizon Hotel, Mandaluyong City. The training was held to equip volunteer observers with the skill set to monitor procurement activities, especially in the designated Department of Health (DOH) Retained Hospitals and Centers for Health Development (CHDs) all over the Philippines.

Dr. Irene Fariñas of the DOH-NCPAM (National Center for Pharmaceutical Access and Management) delivered a presentation on the projects that the department is currently undertaking to make medicines more accessible to the general public. This made the participants realize the value of NAMFREL's involvement in the procurement activities of various DOH agencies. The presentations delivered by Mr. Apolinar Dichoso of the Bishop's-Businessmen's Conference (BBC) were to make the participants aware of the salient features of the Procurement Law and to point out the areas where intervention of the observers will help ensure that the procurement proceedings are transparent. Mr. Edgar Camenting of NAMFREL presented the items and important details to look out for during the procurement activities.



The training was initiated upon the request of NAMFREL Pangasinan since they are in partnership with various organizations in Northern Luzon that support good governance, of which observing the conduct of procurement in different agencies in the region, including the Region I Medical Center, is an important component. They felt the need to make themselves more familiar with the different aspects of public procurement so that they can be more effective in monitoring these bidding activities. The event was also attended by representatives from Pampanga for the monitoring of procurement activities in Center for Health Development Region III, and from Misamis Oriental to more effectively monitor the procurement activities in Northern Mindanao Medical Center (NMMC) and Center for Health Development for Northern Mindanao.

In the two days of sessions that also served as trainers' training seminar, the participants committed to conduct trainings in their respective areas for potential volunteer observers who will be assisting them in covering all the procurement activities in the hospital/ agencies that they are in partnership with.

Participants shared some of their experiences in the field. Mr. Nestor Banuag, a volunteer observer from Misamis Oriental who monitors procurement of goods and services in CHD-DOH Region 10 and in Northern Mindanao Medical Center in Cagayan de Oro, reported that the BACs (bids and awards committees) in both agencies welcome the presence of NAMFREL observers, providing opportunities to share inputs during procurement activities and giving copies of pertinent documents related to bidding. He cited the open communication between the BAC secretariats and NAMFREL observers on concerns related to the bidding process. This was echoed by Mr. Emmanuel Sakay, a long-time NAMFREL volunteer, who observes procurement activities in Amang Rodriguez Memorial Medical Center in Marikina City, citing transparency in the conduct of their activities.

However, participants also noted that observers are not consistently being invited in all activities throughout the

procurement process. In some cases, invitations to observe procurement activities are sent late by procuring agencies (sometimes on the day itself) that observing said activities become impossible due to scheduling conflicts.

Through the years, procuring entities under the DepEd (Department of Education) and DOH have become more open to observers from NAMFREL and other civil society organizations (CSOs), both at the national and local levels. There was resistance at first, but perhaps they have started to recognize that CSO involvement in procurement activities help achieve transparency, credibility, and efficiency of the process, improve their ranking in performance surveys for government agencies, and make them more effective in the delivery of services to the general public. It is NAMFREL's hope that all other government agencies would be open to civil society participation, to help promote transparency and accountability in the public sector, to encourage trust from the citizens.

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