



# ELECTION MONITOR

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for Free Elections  
(NAMFREL)

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## Law postponing ARMM election delayed

President Aquino has been accused of delaying the signing into law of the bill postponing the election in the Autonomous Region in Muslim Mindanao (ARMM), originally scheduled for August 8. The President is set to sign four bills into law on June 21, but not among them is the law deferring the polls. In a press briefing, Communications Secretary Ramon Carandang said "We're waiting for the right time to pass that."

House minority leader Rep. Edcel Lagman said the motive is to deny the Supreme Court enough time to rule on expected petitions challenging the validity of the eventual law deferring the ARMM polls and authorizing the President to appoint officers-in-charge (OICs) in the region until the 2013 mid-term elections. "As long as the enrolled bill remains unsigned by the President, any petition before the Supreme Court will be premature in the absence of a covering statute." Lagman said there will be no material time to file the petition and for the Supreme Court to stop the postponement because the signing ceremony is reportedly scheduled on June 30 or only a month and eight days from the postponement date.

Early this month, the Senate, voting 13-7, passed the bill deferring the ARMM polls to be synchronized with the 2013 elections. Those who voted "yes" were Senators Drilon, Enrile, Cayetano, Estrada, Guingona, Honasan, Lacson, Lapid, Pangilinan, Recto, Santiago, Sotto, and Trillanes. Those who voted "no" were Senators Marcos, Angara, Arroyo, Escudero, Osmeña, Revilla, and Zubiri. (Senators Cayetano, Legarda, and Villar were absent during the voting). The bill was later approved by the bicameral committee, after which it was endorsed to the Office of the President where it remains unsigned.

On the issue of appointing an officer-in-charge (OIC) for the ARMM, Comelec chairperson Sixto Brillantes, Jr. has said that there is nothing in the bill postponing the elections that says that the President cannot appoint a non-Muslim for the post. Reports came out that the President has already picked former Anak Mindanao party-list representative Mujiv Hataman as possible OIC. Both the Palace and Hataman deny that the OIC has been chosen.

The approved Senate version of the ARMM postponement bill establishes a screening committee to choose the OICs. Senator Franklin Drilon has proposed an executive order (EO) providing guidelines in the selection of the OICs. In the draft EO, Drilon is eyeing the creation of a screening committee composed of 15 representatives from the provinces and cities in the ARMM, which should recommend, in consultation with the Senate President and Speaker of the House of Representatives, the nominees for the vacant elected positions in the ARMM. The committee, Drilon said, should recommend to the President at least three nominees for each vacancy in the ARMM. "We have recommended that the ethno-linguistic, geographical, sectoral, educational and cultural factors be considered in appointing the members of the screening committee," Drilon told the media last week. A total of 26 positions – one governor, one vice governor and 24 members of the



regional assembly – will be vacant when the term of the incumbent officers expire on September 30.

(Sources: PDI, SunStar, other news sources)

## **Anti-Political Dynasty bill finally tackled in Congress; would cover all national and local elective positions**

Before Congress went on recess last week, the House Committee on Suffrage and Electoral Reforms conducted for the first time on June 1 a hearing on the anti-political dynasty bill filed by Rep. Teddy Casiño, et al. House Bill 3413, filed in October 2010, originally sought to only ban dynasties in the provincial, city and municipal levels where they are most commonly experienced. Casiño said when the bill was formulated, political dynasties had yet to infiltrate the party-list system.

After the hearing, Casiño said the bill will be amended to expand its scope not only to national electoral posts but also to positions at the barangay and Sangguniang Kabataan (SK) levels. "The consensus so far is to expand the scope of HB 3413 to cover all elective officials from the president, vice president, senators, district and party-list representatives, local government positions from governor down to the barangay level and even the SK," he said in a statement.

The proposed amendments to HB 3413 stemmed from a recommendation by Commission on Elections (Comelec) Commissioner Rene Sarmiento to include all elective posts in the bill against political dynasties. "The prohibition on political dynasty must also include barangay and SK positions [so] as to give strength to the letter of the law. As the basic political unit, the barangay serves as the primary planning and implementing unit of government policies," Sarmiento said in a position paper submitted to the House panel. Sarmiento, on behalf of the poll body, also expressed support for HB 3413, which he said will "distribute power to as many people and avoid concentration to selected few."

HB 3413 defines Political Dynasty as "the concentration, consolidation or perpetuation of public office and political power by persons related to one another" and a Political Dynasty Relationship as "a) when a person who is the spouse of an incumbent elective official or a relative within the second civil degree of consanguinity or affinity of an incumbent elective official holds or runs for an elective office simultaneously with the incumbent elective official; and b) when two (2) or more persons who are spouses or are related within the second civil of consanguinity or affinity run simultaneously for elective public office, even if neither is so related to an incumbent elective official."

Article II, Section 26 of the 1987 Constitution expressly provides: "The State shall guarantee equal access to public service and prohibit political dynasty as may be defined by law."

Bayan Muna started filing its anti-dynasty bill in the 12th Congress (2001) and no anti-dynasty bill has ever passed the Committee level so far. Casiño commended the Committee on Suffrage for making "history by finally starting discussions on the measure."

However, Casiño expressed disappointment that no political party attended the committee hearing. "It is quite disturbing that none of the country's political parties were present during the hearing as this measure will in fact strengthen them. It is as if these political parties are only present during election time but are not interested in fundamental political reforms," Casiño said.

Casiño said the changes will be introduced to the bill once a technical working group formed by the Committee meets on the measure during the legislative break.

Read House Bill 3413 here: <http://bit.ly/ljkxo7>

(Sources: GMA News, ABS-CBN News, Bayan Muna website)

## **COMELEC acts on election protests in Sarangani and Pangasinan**

The Commission on Elections (Comelec) is set to act on the election protest filed by a losing candidate for mayor in Maasim, Sarangani.

Mayoralty candidate Arturo Lawa filed a petition before the Comelec alleging that there was an error in the transmission of results during the May 2010 elections. In his petition filed in May 2010, Lawa stated that the "Municipal Board of Canvassers (MBOC) erroneously counted the votes cast during the mock elections," as the testing and sealing of the counting machines, or PCOS (precinct count optical scan) were conducted in the precinct where the machine was deployed.

Lawa, who got 5,306 votes trailed by a measly 15 votes behind proclaimed mayor Jose Zamorro with 5,321 votes. Based on the statement of votes presented by Lawa, precinct number 21 yielded only nine votes, as what was counted by the MBOC during the mock elections in the same precinct. The protestant's camp claimed that they have the unofficial final count showing that Lawa garnered 5,440 votes as against Zamorro's 5,381 votes, based on the copy of the election returns (ER).

The cited precinct covered four barangays with a total of 800 registered voters. Lawa's camp further informed that 616 voters actually voted in said precinct during the May 10, 2010 polls, and Lawa got 136 votes while Zamorro received 62, as evidenced by the ERs generated by the counting machines.

The Comelec, in response to Lawa's protest, ordered the MBOC to reconvene and resolve the error allegedly committed in the municipality's canvassing of votes that resulted in the proclamation of incumbent mayor Jose Zamorro. However, due to issues with its membership, the MBOC was not able to comply with the order. Election Officer Teresita Lucero, who served as chair of the MBOC in the May, 2010 elections already filed for retirement from the government effective May 31, 2010, while the vice chair, municipal treasurer Moises Magallona, Jr., no longer qualifies for MBOC membership as he has changed employment status.

Comelec Region 12 said that they have already requested the En Banc to convene a special MBOC to settle the dispute and has likewise requested to delay the start of Atty. Lucero's retirement so she can still assume her duties as MBOC chair. The Comelec en banc is yet to issue a resolution on the matter.

Meanwhile, the Comelec commenced the manual revision of the ballots that were transported from Pangasinan. Losing gubernatorial candidate Victor Aguedo Agbayani filed an election protest against incumbent Governor Amado Espino, Jr. Agbayani's camp explained that they just want to establish if the people really elected Espino in the May 2010 elections. Espino said that Agbayani has all the right to file a protest, but added that this move could prove to be futile especially if the big margin of votes that he garnered is to be considered. Reports said that the incumbent governor has led the polls in practically all the towns in the province.

Some 199 ballot boxes were retrieved from the different municipalities and cities in all four legislative districts in Pangasinan. COMELEC Second Division informed that they already have the ballots in their custody and have started the manual revision of the ballots on June 15, 2011.

(Source: COMELEC, various news sources)

## **On the confirmation of the chairmanship of Atty. Brillantes**

**by Damaso G. Magbual**  
**Member, NAMFREL National Council**

On arrival from the conclave in Rome to elect a new Pope, Jaime Cardinal Sin was reported to have said that had the Philippines' Commission on Elections presided over the conclave, he would have been elected Pope. While it was obviously said in jest, this story underlies the lack of trust the public has on the COMELEC. The issue of credibility has persistently haunted the COMELEC through the years. The executive branch of government is partly responsible for failing the "Caesar's wife test" in the selection of appointees to the COMELEC. The choice of election lawyer Sixto Brillantes may yet be another misguided choice of the appointing power.

The credibility of an election hinges largely on the credibility of the people running the election. When the credibility of an election body is put into question, the degree of legitimacy of the election suffers. The results of an election are much easier to accept when all the political actors and the voters as well accept the legitimacy of the election body. Unfortunately, the appointment of Brillantes to the COMELEC does not enhance the credibility of the election body.

Philippine elections have been for so long the battlegrounds of bitter family and clan rivalries. Through the years, Brillantes has acted as lawyer to many of these competing families and clans. These same families and clans

will again go to the COMELEC for settlement of disputes considering that our politicians “either win or they are cheated”. If confirmed to be the Chairman of the COMELEC, he in effect becomes the chief arbiter of electoral disputes. Will the decisions of the COMELEC be perceived as impartial and non-partisan? Will the existing dispute resolution mechanism in place, which has been tarnished by what he himself referred to as “the notorious second division” operate in an impartial and non-partisan manner with him at the helm?

The COMELEC has in the past been faulted, for its lack of transparency – a hallmark of a democratic election. Brillantes’ refusal to name the notorious commissioner of the second division during the Commission on Appointments hearing, gives us an indication of the degree of transparency we can expect under his leadership. As a citizen and more importantly, as an officer of the law, he ought to denounce wrongdoing when he finds one. His silence does not augur well for the cause of free and fair elections. Or is it because he has become a part of the “system”, taking the more pragmatic stance of “you-win-some, you-lose-some”, after all there are other cases before the commission.

The issues and concerns raised by Sen. Alan Peter Cayetano say a lot. The appointing power has failed the “Caesar’s wife test”. The Commission on Appointments must not condone this failure. It must not confirm Brillantes’ appointment.

Let us start to build public trust in our electoral system. The first step is to place people in the COMELEC who are independent, impartial and non-partisan and are perceived as such.

*(CAVEAT: These are my personal views and do not necessarily reflect those of the National Council of NAMFREL)*

## **Princeton University writes about Namfrel's good governance efforts in the DepEd's Textbook Count project**



**INNOVATIONS FOR  
SUCCESSFUL SOCIETIES**

In one of its latest policy notes for its “Innovations for Successful Societies” program, Princeton University has written about the Department of Education's Textbook Procurement and Delivery project, in which Namfrel volunteers played a significant role in monitoring.

The paper, entitled “Promoting Accountability, Monitoring Services: Textbook Procurement and Delivery, The Philippines, 2002-2005,” focused on the challenges faced by the DepEd, Government Watch (G-Watch), Namfrel, and other participants, as well as how they were surmounted, to ensure the success of the project.

Namfrel's partnership with DepEd to ensure transparency and enhance access to education services started with its participation in the National Textbook Delivery Program: “Textbook Count” in 2003, when DepEd through Undersecretary Juan Miguel Luz sought the support of Namfrel through its extensive network of volunteers at the local level. Over 37 million copies of textbooks amounting to P1.3 billion pesos have been monitored from pre-bidding, printing, to delivery both at the district and the school level nationwide. In 2010, Namfrel started deploying observers to the DepEd Central Office BAC to cover procurement of textbooks and non-textbook related items such as infrastructure, seats & desks, personal services, catering and sporting equipment. Simultaneously, Namfrel chapters were tapped to participate in consultations to help craft the 2012 DepEd budget.

The Innovations for Successful Societies (ISS) program is hosted jointly by the Woodrow Wilson School of Public Policy & International Affairs and the Bobst Center for Peace and Justice. According to its website, the program started on a pilot basis in 2006 and became a research program in 2007. Princeton faculty members direct the program under the guidance of an advisory panel.

Princeton writes: “Often the most innovative ideas are internally generated, framed by people who have deep knowledge of local conditions, including traditions and specific needs. ISS is an idea bank. Through its interviews, profiles, case studies and analytic briefs, ISS enables leaders from a wide variety of countries and backgrounds to learn from each other and to tap global experience. It supplements these resources with reflections based on working group discussions and research.”

Visit Princeton's ISS website here: <http://www.princeton.edu/successfulsocieties/>

Read the paper here: <http://bre.ad/093j7m>



## GALLERY



Comelec chairman Sixto Brillantes, Jr., commissioners Rene Sarmiento, Robert Lim, and Augusto Lagman, together with Philippine IT experts and election monitoring groups, onstage at the first **Filipino IT for Automated Elections (FIT4E) Conference** at the University of the Philippines-Diliman on June 13. The aim of the event was to start the discussion for a “transparent, secured, and auditable election technology” to be used in the 2013 national elections. The National Search for Technology Excellence for Automated Election System was also launched during the event. In a speech by Chairman Brillantes, the Comelec accepted to co-sponsor the competition, “the search for the real Filipino election technology.”



In the cocktails at the UP Executive House which followed the FIT4E conference, Comelec commissioners Lucenito Tagle and Armando Velasco likewise expressed full support to the initiative of the Philippine IT community.

Read more about the FIT4E conference at the UP ITTC website: <http://ittc.up.edu.ph/fit4e/>



NAMFREL Projects Committee chair Corazon Ignacio visits a young candidate in his office in northern Thailand. Namfrel volunteers are in Thailand as part of the observation mission delegation of the Asian Network for Free Elections (ANFREL) to the country's July 3 parliamentary election.



NAMFREL would like to welcome the Ayala Young Leaders Alumni Association (AYL-AA) to the National Council of NAMFREL as institutional member. The AYL-AA is composed of alumni of the annual Ayala Young Leaders Congress (AYLC), committed to honing the leadership skills of young leaders and nurturing their commitment to integrity and principled leadership. Alumni of the AYLC, comprising the most outstanding student leaders across the country, have been volunteering with NAMFREL in past elections. Welcome guys!

#### National Citizens Movement for Free Elections (NAMFREL)

Unit 601 DMG Center,  
Domingo M. Guevara St. corner Calbayog Ext.

Mandaluyong City, Philippines 1550

Website: [www.namfrel.org.ph](http://www.namfrel.org.ph)

Email: [secretariat@namfrel.com.ph](mailto:secretariat@namfrel.com.ph)

T/F: 63-2-470.4151



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