

President Aquino signs ARMM poll postponement law; SC asked to nullify said law

President Aquino [signed](#) on June 30 the law postponing the election in the Autonomous Region in Muslim Mindanao (ARMM). Republic Act No. 10153 synchronizes the ARMM elections with the national mid-term elections in May 2013.

Despite opposition from lawmakers and civil society organizations and citizens both inside and outside the ARMM, the President aggressively pushed in the House and Senate for the passing of the bills that were eventually consolidated and signed into law. Malacañang said the synchronization of the ARMM elections with the national polls would be the first step to ensure peace and stability in the region, allowing the government time and opportunity to implement reforms in the ARMM.

Minutes after the signing, House Minority Leader Edcel Lagman filed a [petition](#) before the Supreme Court to nullify the ARMM poll synchronization law, citing the following reasons:

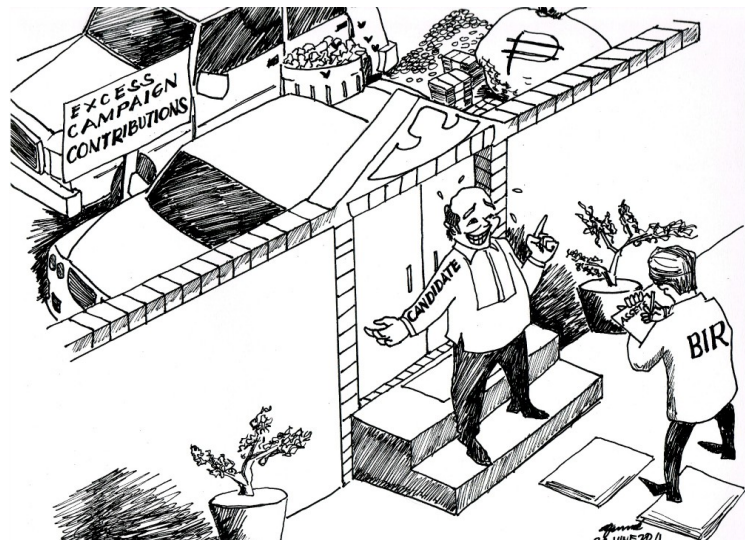
1. Violation of the constitutional guaranty of elective and representative regional officials in ARMM with the deferment of elections for almost two years and the installation of officers-in-charge (OIC);
2. Unconstitutional expansion of the President's limited power of general supervision over ARMM officials to the more potent power of control which is inherent in the appointment and dismissal of OICs;
3. Failure of the Senate to garner a 2/3 vote which is required by the Organic Act, as amended, to make valid the amendments introduced in R.A. No. 10153;
4. Failure to provide for the holding of the mandatory plebiscite for the ratification of the amendments contained in R.A. 10153;
5. Denial of the right of suffrage to ARMM voters for a long period in violation of the safeguard on periodic and popular elections; and
6. Setting aside of the holdover of incumbents until their successors are elected and qualified as provided for in the Organic Act, as amended, in order to give way to officers-in-charge.

Respondents include Executive Secretary Paquito Ochoa Jr. The petition also seeks to have the Commission on Elections (Comelec) resume operations for the preparation of the polls for August.

Last week, former Senator Aquilino Pimentel Jr. had vowed to join others to question before the Supreme Court any ARMM postponement law. In previous weeks, two petitioners filed a petition questioning the constitutionality of moves to postpone the region polls but the high court did not act on it since a law had not been signed.

Given this looming impasse, it would be prudent for Comelec to still prepare and maintain its state of readiness for any eventuality.

(Source: ABS-CBN News, Interaksyon)



Unused campaign contributions to be taxed

The Bureau of Internal Revenue (BIR) issued on June 14 Revenue Regulation No. 7-2011, outlining the agency's policy on unused campaign contributions. Though the BIR upholds that campaign contributions are non-taxable since "such contributions were given not for personal expenditure/enrichment of the concerned candidate, but for the purpose of utilizing such contributions for his/her campaign," it makes an exception for campaign contributions that were unused.

From Section 2:

"Unutilized/excess campaign funds, that is, campaign contributions net of the candidate's campaign expenditures, shall be considered as subject to income tax, and as such, must be included in the candidate's taxable income as stated in his/her Income Tax Return (ITR) filed for the subject taxable year."

It adds: "Any candidate -- winning or losing -- who fails to file with the Commission on Elections (Comelec) the appropriate Statement of Expenditures required under the Omnibus Election Code, shall be automatically precluded from claiming such expenditures as deductions from his/her campaign contributions. As such, the entire amount of such campaign contributions shall be considered as directly subject to income tax.

There was massive spending by candidates in the May 2010 elections. According to Comelec data, Nacionalista Party (with Manny Villar as standard-bearer), spent Php 228.7 million, of which Php 80 million were contributions. President Aquino's Liberal Party spent P158.1 million, with more than a third coming from contributions, while the then-ruling Lakas-Kampi-CMD spent Php 130.68 million, all coming from contributions.

Many believe said expenses filed before the Comelec were underdeclared, to comply with spending caps set by law.

Speaking with BusinessWorld, BIR commissioner Kim Jacinto-Henares said that though they had to rely on documents provided by Comelec to enforce the order, the BIR have other means of checking candidates' campaign funds and expenses. "If the candidates underdeclare their contributions, their excess funds will come out in their assets. If they have no way of backing up their assets with the proper explanations, we can investigate the possibility of tax evasion," she said.

In a related development, Comelec Law Department head Ferdinand Rafanan has said that the Commission has already established a separate campaign finance unit. The Comelec's Law Department -- which is also in charge of investigating election offenses, among other things -- used to be in charge also of monitoring the statement of expenditures and contributions of candidates.

Read the BIR's policy here: <http://bit.ly/mg6LQ9>

(Sources: BIR, BusinessWorld)

Elected lady officials retain their posts

After the Commission on Elections (Comelec) served a Notice of Vacancy at the Lucena City hall, the Supreme Court (SC) issued a status quo ante order stopping Comelec to remove elected Barbara "Ruby" Talaga from the mayoral post. The Comelec on June 28 then recalled its earlier resolution ordering Talaga to vacate the post.

Last week, Comelec proclaimed and swore in Roderick Alcala as the new mayor following the poll body's decision removing Talaga from office. Talaga's camp however held on and elevated the case to the SC. After the SC received comments from the Comelec on Talaga's petition, the high court issued its order in favor of the petitioner. Talaga's husband, former mayor Ramon Talaga, Jr. said that they received a phone call from the SC informing them of the order.

The protest filed by Roderick Alcala alleged that Barbara Talaga's candidacy was invalid. Talaga substituted for her husband who was disqualified by Comelec to run for the May 2010 elections. Since Ramon Talaga, Jr. was disqualified, his candidacy became unofficial, hence Barbara's candidacy was deemed illegitimate since she substituted for an unofficial candidate.

Alcala expressed that he will honor the SC's order and will reassume his post as vice-mayor; however, his counsel said that despite the high court's order, the Comelec's ruling on Talaga's ouster is still in effect until the SC issue a ruling establishing otherwise.

Meanwhile, Rep. Lucy Torres-Gomez remains the representative of the 4th district of Leyte albeit a protest filed by losing candidate Eufrocino Codilla Jr. before the House of Representatives Electoral Tribunal (HRET) for a recount. Torres-Gomez's counsel said that after filing the protest, Codilla no longer appeared in the hearings called by the HRET.

Codilla filed a protest against Torres-Gomez on the ground that the latter's candidacy was invalid. In the 2010 elections, actor Richard Gomez filed his candidacy but was disqualified by the Comelec. His wife, Lucy, subsequently substituted for him. Since Gomez's candidacy did not become official, Lucy's candidacy was deemed unofficial since there was no official candidate to substitute for. This was Codilla's argument in the protest that he filed.

Another losing candidate in Leyte, Silverio Tagolino, filed a quo warranto before the HRET that questioned Torres-Gomez's qualifications to sit as the representative of the district. After the protest was filed, Tagolino did not appear in any hearings set by the HRET. It was reported that Tagolino and Codilla have the same counsels.

Torres-Gomez's lawyers suspect that these protests filed against her were just nuisance suits.

(Various news sources)

Advance voting in the Philippines? **by Jayson V. Sabdilon, NAMFREL Regional Director for Mindanao**

(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. Mr. Sabdilon is currently in southern Thailand.)

Thailand has successfully conducted its Advance Voting Day on June 26, 2011. The idea of having an advance voting day was made into law for the purpose of giving both local residents and non residents of a province/area the chance to exercise their compulsory duty of voting. Local residents include military men and other government officials of a Changwat (province) who will serve as polling staff or who will be under security details on the actual day of elections. They also include private citizens who have scheduled important business matters on election day. Non-residents on the other hand are those from other provinces (military men, officials on official assignment, businessmen, students and others) who cannot go home to their own towns to vote.

This year's election turnout was very high for residents at 90% (of those who applied for advance voting) and a total of 2.64 million votes were cast for the advance voting. However, due to probable misunderstanding, only 55.67% of non residents were able to vote. Now this can create a problem come election day. Previous non residents who are now back in their hometowns cannot vote on July 3 if they have not cancelled their application for advance voting. Due to the very short notice this year (note that this year's election has been hastily scheduled), many may have not cancelled their applications in time. Non-cancelled records are considered active, thus, the Election Commission of Thailand (ECT) assumes that these non-residents retain their statuses as such and will vote in advance voting.

After the advance voting, the Thai books of voters are immediately updated and marked such that those who have already voted cannot vote again on election day. The votes are not counted until election day itself (July 3, 2011). The votes are stored in the administrators' (police) district offices with CCTV cameras focused and made available to the public for inspection anytime. Votes from the non-residents are turned over to the Post Office personnel, sorted and then sent to the provinces of the voters for storage in the same manner.

It helps very much that the Kingdom of Thailand already has an updated and integrated database of all citizens. The data bank is the same source used for major government functions like taxation, health, education and etc. This of course does not guarantee that the system is perfect. It simply illustrates that the system works well.

This idea of an advance voting is to my analysis a very simple and effective mechanism that encourages the participation of more voters. In a country known for strongly valuing and defending democracy, the Philippines, I believe, will do well to adopt a similar strategy. This will allow the other key players (election administrators aka poll staff and military) to really become focused in their areas and assignments while not sacrificing their chance to vote. The same is also especially true of the thousands of students and business people who still wish to actively participate in the elections but could not. Having started giving the chance to our overseas countrymen, our Commission on Elections (Comelec) should rethink and revise the policies to include advance voting.

However, for this to come to fruition, the Philippine government must first institute the necessary conditions that made it possible for Thailand to implement the mechanism. First and foremost, the implementation of a National ID card becomes more and more practical. It makes the record verification and then integration by government

agencies easier and faster. Second is for the Comelec to make sure that the official Lists of Voters are always and immediately updated. One would think that it may be as simple as plugging in with the Civil Registrar's and National Statistical Office to generate a reliable Voter's List and yet, the voter's lists' correctness has always been suspect every election in the Philippines. The Comelec sometimes even have different versions at the national and local level.



Another issue that needs to be addressed is having a reliable and trustworthy mechanism for the transport and storage of advance votes cast at least until election day. This is a very big hurdle because Philippine security officials themselves are even linked to partisan activities, not to mention the absence of simple technological support such as installation of fully working CCTV cameras in all storage places.

Overall, it can be said that the responsibility of building up such a mechanism for voters are in the hands of the very institutions who run the elections. When we have an election management body that can plan, implement and secure a mechanism by seriously studying systems in neighboring countries and engaging in dialogue with civil society and poll watch organizations, we are halfway towards electoral systems reform. This of course must be fully supported and complemented by a government leadership that has the vision and

political will to strengthen democratic institutions by passing legislative measures and implementing them without delay. When this is accomplished, it does not take much to encourage the Filipino citizens to responsibly exercise their right to vote in advance.

NAMFREL's note: The Philippine Overseas Absentee Voting Act ([Republic Act No. 9189](#)) allows advance absentee voting for Filipino citizens residing or working outside the Philippines. Local absentee voting is also allowed as per [Republic Act No. 7166](#) and [Executive Order No. 157](#) for members of the Armed Forces (AFP), police (PNP), and government personnel on duty on election day. Currently, [House Bill No. 4241](#) allowing advance voting for media personnel, is still pending in Congress.

ANSA Global panel meeting & Social Accountability (SAc) ICT Fiesta

The first ANSA (Affiliated Network for Social Accountability) Global advisory panel meeting was held at the Sofitel Philippine Plaza in Manila from June 27 to 29. With the theme One ANSA – learning from the ANSA Experience & Launching a Global Network, the three-day event brought together global social accountability stakeholders from government, civil society, and other development partners. The gathering aimed to convene the ANSA global panel, the equivalent of Executive Committee to launch the ANSA Global hub; share lessons among regional ANSAs; facilitate information exchange among ANSAs and other regional partners; and discuss future ANSA Global initiatives.

Since 2007, regional "ANSAs" have been established in Africa, East-Asia Pacific, South Asia and in the Middle East. These regional ANSAs are hosted by local institutions and act as the secretariat for the regional network. The networks serve as clearing houses of information, facilitate knowledge exchange on social accountability mechanisms and tools and provide opportunities for capacity building and networking amongst practitioners.

ANSA Global was created to support social accountability in regions where ANSAs are not established through providing project grants to civil society organizations and building capacities and competencies within both state and civil society institutions.

During the gathering, sessions were held to discuss: 1) a background on what the ANSA regional networks are doing within their respective region, 2) lessons learned by ANSAs and other citizen groups to establish a broader view of social accountability initiatives, and 3) experiences and lessons of select ANSAs such as CCAGG (Concerned Citizens of Abra for Good Government) of Ms. Pura Sumangil, con-currently the NAMFREL Abra Provincial Chairperson, sharing their experience in infrastructure monitoring.

One of the highlight activities during the meeting was the "SAc.NET: A Social Accountability and ICT Fiesta" which showcased Philippine as well as regional ANSA-EAP initiatives that make use of information and communications technology to promote social accountability. The program included conversations on ICT as an effective platform for social accountability.

The fiesta-themed event feted a new generation of web-based platform for learning and participation in

improving governance. Through the conduct of an “Open-Space” activity, participants were inspired to reflect on the future for social accountability in the field of ICT.



Among the showcased ICT initiatives were: checkmyschool.org – an online and community mobilization project that collects and provides information on Philippine education services and facilities; SAC101.ning.com – an online networking & resource portal on social accountability; checkmypeace.org – an online mapping project that contains measurable and verifiable indicators of conflict and development in Mindanao; Plutopia- a free interactive game where one can role play as a citizen watching government do its job. Others shared initiatives were ansa-eap.net – a portal to connect citizens to improve governance; transparencialegislativa.org - website of the Latin American Network for Legislative Transparency (LALT network) a group of civil society organizations working in Latin America that actively promote legislative transparency, access to information, and accountability; and maps.worldbank.org – an online platform that visualizes the location of World Bank-financed projects to better monitor project impact, improve aid effectiveness and coordination, enhance

transparency and social accountability, and enable citizens to provide direct feedback on project results.

From the use of networked personal computers, citizens/amateur band radios & facsimile machines for the 1984 Parliamentary (Batasang Pambansa) Election to transmit elections returns for it parallel vote tabulation (Operation Quick Count) to its current use of converged technologies in open-source internet based and cellular mobile telephone technology as well social networking sites; NAMFREL has always been an early adapter of information and communication technologies to empower its volunteers in carrying out their election and good governance monitoring tasks.

Read more about NAMFREL and ICT on Election and Governance Monitoring: <http://wp.me/pEoZs-6j>

GALLERY



NAMFREL National Council member and ANFREL chairperson Damaso Magbual with Thailand's Prime Minister Abhisit Vejjajiva (left) and Phue Thai Party chairman Yongyuth Vichaidit (right) at a candidates' debate in Bangkok on June 24. Thailand will hold its parliamentary election on July 3.



Thailand held advance voting on June 26. This photo was taken in southern Thailand on said day. Voters sat outside this hall to wait for their turn. Their names were called by batch and the voters were requested to form a line for identity checks prior to admission into a polling station. Girl/Boy scouts from nearby schools assisted in locating names and precincts. (It should be noted that about a week prior to elections, all citizens were to receive notice by mail from the election commission about their precinct location).



NAMFREL Regional Director for Mindanao Jayson Sabdilon (left) confers with a staff of the Election Commission in southern Thailand. Mr. Sabdilon is in the country as an [ANFREL](#) observer for the July 3 parliamentary election.



NAMFREL Projects Committee chair Corazon Ignacio poses for a photo with a monk in northern Thailand. There are about 300,000 monks among Thailand's population of 68 million. Monks do not vote because they are supposed to be "neutral, peaceful, and detached from worldly concerns."

A staff member of the Young Moro Network for Social Accountability (YMN) discusses the features of their web portal "Check My Peace" during the SAc Net: Social Accountability and ICT Fiesta. The website (www.checkmypeace.org) is a YMN project that aims to create an online map containing indicators of conflict and development in Mindanao.





Former NAMFREL Mandaluyong chair Maribel Ongpin (4th from left) with Center for Media Freedom & Responsibility – CMFR's Melinda Quintos de Jesus (3rd from left), and some of the country's most renowned journalists at the Jaime V. Ongpin Journalism Seminar on June 23. During the event, the Canadian Embassy awarded the 2011 Marshal McLuhan Fellowship to Carolyn Arguillas (center) of MindaNews, while the Aquino Foundation gave the Sandra Burton Nieman Fellowship to the Philippine Daily Inquirer's John Nery (leftmost).

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