

Poll fraudsters open an electoral "Pandora's box"

by Eric Jude O. Alvia, NAMFREL Secretary General

Like in the story of the mythical Greek character Pandora - the first woman on earth - who unleashed evil contained in a jar which was forbidden to be opened, so too had scourge abound after revelations and renewed accusations from former ARMM Governor Zaldy Ampatuan and his cohort Maguindanao Province Election Supervisor Atty. Lintang Bedol of poll fraud perpetrated during the 2004 and 2007 elections.

Ampatuan and then Bedol belatedly claim poll cheating in the 2004 and 2007 elections

In a twist in development during the investigation on the November 2009 Maguindanao massacre, suspended ARMM Governor Zaldy Ampatuan implicated former President and now Pampanga Representative Gloria Macapagal-Arroyo. He said the plan, spearheaded by then First Gentleman Mike Arroyo, was hatched four months before the mid-term elections.

A day later, Maguindanao election supervisor and chairman of the board of election canvasser in Sultan Kudarat province Lintang Bedol alleged that massive fraud was committed in the 2004 general elections and that former President and now Pampanga Rep. Gloria Macapagal-Arroyo was the principal beneficiary.

In an exclusive TV interview, Bedol claimed that vote padding and shaving (commonly known as *dagdag-bawas*) activities were conducted in the 2004 elections. He then urged that investigation on poll fraud in 2004 be revived, to include the "Hello, Garci" vote rigging scandal. The controversy arose when an audio recording surfaced alleged to be of former President Arroyo, who was compelled by public outrage to apologize for phoning then elections commissioner Virgilio Garcillano, who is believed responsible for the purported poll fraud that resulted in Arroyo's presidential victory in 2004. Bedol expressed willingness to testify on the alleged anomalies that resulted in Arroyo's election as president even as Garcillano denied any involvement in the 2004 election fraud. The "Garci tapes" scandal was the focus of impeachment complaints filed against Mrs. Arroyo during her term.



Furthermore, other witnesses have surfaced to corroborate both statements. A cover up was also allegedly perpetrated for the 2004 fraud when ballot boxes stored at the House of Representatives were switched and that original ballots were replaced with fake ones. An actual video footage of the January 2005 break-in has been circulating in public and has been attested to by then PNP-SAF SSupt. Rafael Santiago, who acted as security escort during that time. Other witnesses who have surfaced in recent days to corroborate and dispute the alleged fraud in both elections are Pagalugan, Maguindanao BEI Faizal Kalantugan, and Namfrel Lanao del Sur Chairman Hadji Abdullah Lacsaman Dalidig. In 2004, opposition lawyers moved to set aside the canvass results of Maguindanao during the national canvassing in PICC using the testimonies of Kalantugan and Musa Dimasidsing, a DepEd District Supervisor for Maguindanao. However, Comelec canvassers continued to canvas the results upon instructions of senior Comelec officials.

Bedol claimed he wanted to surface after hiding for almost four years so that he could expose the anomalies, but he feared for his safety, believing he could suffer the same fate as Comelec law department director Alioden Dalaig, who was shot dead on Nov. 10, 2007. A few months earlier, Dimasidsing was also shot dead in June 2007 after he exposed the fraud in his province. These incidents have deterred witnesses to surface to corroborate the allegations of fraud.

Comelec has since arrested and detained Bedol who is facing six months imprisonment for failing to produce election documents supposedly in his custody such as election returns, certificates of canvass and statements of votes in the 2007 midterm elections in Maguindanao.

Poll probe body formed

A joint Department of Justice (DOJ) – Comelec fact-finding committee was formed last week to investigate allegations of fraud in the 2004 and 2007 elections. The investigation will pursue only the criminal aspect of information arising from these new testimonies. It will not determine the results of these elections since this is the jurisdiction of the Presidential Electoral Tribunal (PET) and the Senate Electoral Tribunal (SET).

Once the pieces of evidence and facts are established, the DOJ will take over the case and prosecute those found to be involved. Any adverse finding on the results of the 2004 elections would be ineffectual since then-presidential candidate Fernando Poe Jr. died in December 2004 and the substitution petition of his wife, Susan Roces, did not prosper. Moreover, the findings would be sufficient to correct historical facts for posterity purposes.

The formation of the body settles an earlier debate on whether Congress should be the main body to conduct the probe as Rep. Neri Javier Colmenares and Rep. Teddy Casino filed a manifestation to investigate the 2004 and 2007 elections. Despite the formation of the poll probe body, this would not hamper the conduct of separate inquiries by the Senate and the House.

Both Chairman Sixto Brillantes and DOJ Secretary Leila de Lima had inhibited themselves from the investigation as both were legal counsels for the opposition candidates during the past election period.

Among the implicated individuals to be summoned during the hearings besides Ampatuan and Bedol are the Arroyos, former Comelec Chairman Benjamin Abalos, former Comelec Commissioners Nicodemo Ferrer and Virgilio Garcillano, retired General Francisco Gudani, and alleged "bag man," former Sha'riah Court Judge Nagamura Moner.

Victims of election fraud and the Maguindanao massacre cautioned against accepting the offer of Ampatuan to divulge information since they view this as a move towards a plea bargain and to absolve him from his alleged involvement in the Maguindanao massacre.

Futility of investigating the 2004 fraud was raised since it is beyond the five year prescriptive period for filing of an election fraud case based on the Election and Penal Code. However, Comelec Chairman Brillantes opined that the prescriptive period starts once the term of former President Arroyo ended in 2010 since during her term in office, she was immune from any suit. The election sabotage law, which extends this period to 20 years, only covers violations committed after the law was passed in 2007.

Zubiri resignation provides relief

Last week's resignation of Sen. Miguel Zubiri and his subsequent withdrawal of his motion with the SET renders moot the plans of Aquilino "Koko" Pimentel III to file an election sabotage case against him but not over the people involved in the cheating during the 2007 elections. The SET is expected to release its promulgation and declaration of Pimentel as Senator this week.

Ampatuan and Bedol claimed that Zubiri was the main beneficiary of the 2007 election fraud. Zubiri was proclaimed as the 12th and last winning senator after questionable Maguindanao votes were included in the national tally for senatorial bets (Pimentel was 13th).

Namfrel and other non-government organizations have also alleged widespread poll fraud in Maguindanao in the 2007 senatorial elections. In 2007, Namfrel did not include any tally from Maguindanao since volunteers there were prevented from obtaining the sixth copy of the election return and from performing their tasks to conduct their monitoring and the parallel count.

(Read Namfrel-Maguindanao's statement of May 19, 2007 [HERE](#) and the 2007 Namfrel Senatorial Count Results [HERE](#)).

Proceeding with caution and seeking justice

It is noteworthy that the Palace reacted with caution to assess and verify these poll fraud revelations. Namfrel welcomes that it has coursed the fact-finding inquiries through appropriate means with the formation and appointment of a joint DOJ-Comelec panel to investigate the poll fraud. However, appointees to the panel must pass probity and be beyond reproach to ensure the credibility of the results from the probe body's work. DOJ Sec. de Lima is correct when she instructs the legal team to "carefully assess these two people's allegations for their probative value, plausibility, verifiability, quality and their being capable of being corroborated".

And like what was left in Pandora's jar – Hope – it is with hope that the voting public would realize that the these revelations would lead to the reform and strengthening of electoral institutions and that justice would be served to those who violate the sanctity of our vote.

Cleansing the Computerized Voters List (CVL)

by Eric Jude O. Alvia, NAMFREL Secretary General

A forum was conducted by the Comelec - Election and Barangay Affairs Department (EBAD) on "Cleansing the Computerized Voters' List" on July 11, 2011. Four major concerns were cited by COMELEC on assessing the quality of the voters registry. These are: 1) Multiple registrants, 2) Deceased registered voters still in the list, 3) Illegal registrants such as minors or non/illegible-residents, and 4) Missing names in the CVL.

Biometrics at the forefront

Currently, the problem on multiple registrants is being addressed through the poll body's biometric-capture voters registration program which ends in October 2012. The voters registry generated will then be sifted for multiple entries by subjecting it to a test using an Automated Fingerprint Identification System (AFIS).

Among the causes cited for the multiple registration problems are intentional registration, inducement by local & other officials, the voters' transfer of residence, and incorrect demographic information such as the use of the same address by various individual registrants. Remedial measures adopted to address these concerns include: 1) the adoption of the AFIS, 2) improvement of stakeholders vigilance on fraudulent registration, and 3) intensifying deterrence of fraudulent registration through a renewed information campaign.

The biometric-capture registration program has been adopted and implemented by the Comelec in the past years but was plagued by controversy, from questionable bidding-procurement, improper project implementation, to spotty results (read the article on biometrics registration in the next issue). The latest registration program seeks to make a clean break from these unfavorable experience.

Other factors unaddressed

However, the round table-discussion failed to convincingly address purging the CVL of deceased, illegal, or missing persons. Factors attributed by Comelec to the presence of deceased registered voters are: 1) the non-submission or the lack of coordination in accessing the list of deceased by the Local Civil Registrar (LCR) to the Office of the Election Officer (OEO), 2) relatives who do not report the death of family members, and 3) the death is registered in a city/municipality other than the place where the deceased was a registered voter

So far an ad-hoc, unsystematic and crude manner of cleansing based on a submitted list of names and reports from election watchdogs, is one of those attempts being adopted.

Missing names in the lists has been a perennial election day problem leading to voter disenfranchisement. Causes attributed by Comelec to these problems are: 1) deactivation due to the failure of the registered voter to vote in the preceding two consecutive regular elections, 2) voter's name has been deleted for having double/multiple registration records, and 3) the voters' reluctance to locate their designated precinct assignment. Solutions being explored by Comelec and some stakeholders to address these problems include: 1) posting of certified list of voters ninety (90) days before election day, 2) an online precinct finder, 3) distribution of the voter information sheet (30 days before election), 4) help desks set up by the accredited citizens arms, and 5) eliciting voters vigilance.

However, the manner of delisting/deactivating voters from the list for failure to vote in two successive elections is unique to the Philippines. This practice results to confusion and chaos at the voting centers on election day. The

voters end up burdened with unnecessary and tedious procedures of re-registration by submitting through inclusion and exclusion proceedings only when the local Election Registration Board (ERB) convenes. A review of these procedures and requirements and the corresponding legislative amendments may be necessary to improve and enhance access to voting.

Inconsistent CVL data

The presentation on updates to the CVL data revealed some inconsistencies. Comelec reported canceling 6.9 million voters from the list in the period between the May 10, 2010 National Elections and the October 25, 2010 Barangay & SK Elections. However, the Comelec data of 4 million new registrants for the Barangay & SK Elections during its registration campaign is less than the 5.2 million calculated new registrants if the latest CVL data is to be considered.

Lack of transparency in accessing CVL data

Another concern raised by NAMFREL during the forum was the Comelec's refusal to publish the list and to provide copies to election watchdogs at a cost of Php 15 pesos per precinct (even for a soft copy). This lack of transparency and posting hurdles to access the list undermines the confidence of the voting public in the CVLs integrity and contributes to disenfranchisement of voters.

The current efforts to clean the voters' list are inefficient and ineffective. Hopefully, legislation filed mid-July by Sen. Manuel Lapid in the Senate (SB 1030 Biometrics Bill) mandating biometric data capture for all voter registrants and the utilization of its database to cleanse the voters list would provide a solution. The Senate Bill proposes an overhaul of the voters list through compulsory voter re-registration by the use of biometrics devices.

To arrive at a much sought after solution, a new general registration has to be conducted months prior to the 2013 elections and consider a shift from an "opt-in" to a "state-initiated" registration. It may also be advantageous for the Comelec to consider joining the consortium of government agencies included in the recently issued "Multiple Identity System" card to allow this shift.

Finally, to fully complement the proposed biometrics law, there is a need to amend the Voters Registration Law (RA 8189) and the Overseas Absentee Voters Act (RA 9189), which could allow online registration and possibly in the near future, voting.

Updates on the List of Registered Voters & Cleansing of the CVL (as of July 11, 2011)

Registered voters: 52,720,603
Registered voters with biometrics: 34,938,758
Registered voters without biometrics: 15,823,342
Double/multiple entries based on AFIS results – 1,021,154
With "999" AFIS findings – 705,916
Less than "999" but verified by ERSD fingerprint examiner to be double/multiple registrants – 315,238
Records deleted – 360,049 (per ERB Aug. 2010)

Unaccounted for – 1,958,503

Deactivated and cancelled voters since the start of partial biometrics & AFIS

Deactivated – 6,405,455
5,466,252 – deactivated before 05/10/10 NLE (Jan. 2010 ERB)
939,203 – deactivated before 10/25/10 BSKE (Aug. 2010 ERB)

Due to: Death
97,255 – before 05/10/10 NLE
333,415 – before 10/25/10 BSKE

Due to: Double entries
32,281 -before 05/10/10 NLE
91,210 - before 10/25/10 BSKE

(Source: Comelec)

Medicine Monitoring Project Update

As of July 2011

by Edgar E. Camenting, NAMFREL Project Coordinator

Ten months since the implementation of Medicine Monitoring Project 2, NAMFREL was able to help ensure transparency in the procurement and contract implementation in selected DOH managed hospitals and regional health offices. With active participation of NAMFREL in the BAC procurement proceedings and in the implementation of contract, irregularities were minimized to make the procurement process more transparent and acceptable.

A. Procurement Monitoring

As of July 29, 2011, NAMFREL monitored a total of **Php 1.7 billion** out of **Php 2.7 billion pesos** worth of the Approved Budget for the Contract (ABC) both for pharmaceutical and non-pharmaceutical products.

Year	Number of Biddings Recorded	Number of Biddings Attended	ABC Monitored	ABC Unmonitored
2010	57 recorded	36 attended	1.0 billion	667.0 million
2011	79 recorded	67 attended	748.3 million	379.7 million
Total			Php 2.7 billion	

These data were culled from 103 out of 136 public bidding activities in 28 DOH hospitals and Center for Health Development (CHD) directly monitored by NAMFREL volunteers.

B. Delivery Monitoring

NAMFREL has monitored a total of Php 163.0 million worth of drugs and medicines out of Php 426.6 million worth of procurement contract in 22 out of 28 DOH hospitals and CHDs. Monitoring in the 22 project sites are still ongoing. Delivery reports are expected from NAMFREL observers at Bicol Medical Center (BMC), Corazon Locsin Montelibano Memorial Regional Hospital (CLMMRH), Cagayan Valley Medical Center (CVMC) and Southern Philippines Medical Center (SPMC).

Year	Approved Budget for the Contract	Amount Awarded	Amount Monitored	No. of Sites Included in this Report	%
2010	905.4 million	426.6 million	163.0 million	26	38%
2011	248.4 million	90.4 million	2.1 million	2	.03%

(For 2011, NAMFREL initially monitored in two project sites amounting to Php 2.1 million worth of medicines out of Php 90.4 million worth of contract from 20 out of 28 DOH hospitals and CHDs. These data were taken from actual evaluation of Delivery Monitoring Report (DMR), Delivery Receipts (DR) and Inspection Acceptance Report (IAR) from the Supply Office.)

C. Inventory Monitoring

As of July 29, 2011, NAMFREL has monitored a total of Php 54.3 million worth of drugs and medicines in 12 project sites comprising of 10 hospitals and 2 CHDs. The data were based on the Requisition Issuance Slip (RIS) and the Monthly Inventory Report (MIR) that were obtained from the hospitals and CHDs' Pharmacy Office.

Year	Amount Awarded	Amount Monitored	Amount Dispensed	No. of Sites Included in this Report	%
*2010	426.6 million	163.0 million	54.2 million	13	13%
2011	90.4 million	2.1 million	0	0	0%

Monitoring of the distribution and dispensing of drugs and medicines in respective hospitals and regional health offices is still ongoing. NAMFREL chapters in the following areas are expected to submit their report on the 2010 inventory of drugs and medicines:

- 1) Bicol Medical Center (BMC), Naga City, Camarines Sur
- 2) Corazon Locsin Montelibano Mem'l Reg'l Hospital (CLMMRH), Bacolod City, Negros Occidental
- 3) Cagayan Valley Medical Center (CVMC), Tuguegarao City, Cagayan
- 4) Dr. Jose Fabella Memorial Hospital (DJFMH), Manila City, Manila
- 5) Jose Reyes Memorial Medical Center (JRMMC), Manila City, Manila
- 6) Mariano Marcos Memorial Hospital Medical Center (MMMhmc), Batac, Ilocos Norte
- 7) Margosatubig Regional Hospital (MRH), Margosatubig, Zamboanga del Sur
- 8) Northern Mindanao Medical Center (NMMC), Cagayan de Oro City, Misamis Oriental
- 9) CHD for Northern Mindanao (CHD-X), Cagayan de Oro City, Misamis Oriental
- 10) Southern Philippines Medical Center (SPMC), Davao City, Davao del Sur
- 11) CHD for Southern Mindanao (CHD-XI), Davao City, Davao del Sur
- 12) CHD for Bicol (CHD-V), Legazpi City, Albay
- 13) CHD for Central Luzon (CHD-III), City of San Fernando, Pampanga

NAMFREL chapters and their partner organizations are also expected to submit their inventory reports until September 15, 2011 before the project ends in October 2011.

GALLERY



Director Teopisto Elnas of Comelec's Election & Barangay Affairs Department (EBAD) discusses concerns on cleansing the voters list in a forum conducted with election monitoring organizations on July 11, 2011.



ABS-CBN news anchor Alex Santos interviews NAMFREL Secretary General Eric Alvia for “Umagang Kay Ganda” on poll irregularities in the 2004 and 2007 elections (July 13, 2011)



NAMFREL-NCR chapter heads meet on updates on plans and programs on July 16, 2011

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