



ELECTION MONITOR

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COMELEC urged to purge voters' list

Malacañang and the House of Representatives are gearing for and have made initial steps to cleanse the voters' list in time for the 2013 elections.

The House of Representatives approved a bill ([HB 3469](#), with Rep. Susan Yap as principal author) seeking to have the voters' list purged. Under the bill, registered voters will just have to go to the election officer in their city/municipality to validate their registration. The voters' biometrics will then be captured using Data Capturing Machines (DCMs), after which the Commission on Elections (Comelec) will produce the list with biometrics data as a security measure.

Apart from the clean list, the Comelec will have another list for multiple and illegal registrants with biometrics as well for reference. The House further asserted that by referring to this list, those who cheat by resorting to multiple or illegal registration can be prosecuted in the future.

The Palace on the other hand has committed to push for the cleansing of voters' list, particularly in the Autonomous Region in Muslim Mindanao (ARMM). A Palace official said that this is in response to the clamor of various concerned groups in the region to have a clean list of registered voters to ensure that elections are done in an honest and credible manner. "The ARMM election was postponed so we can purge the voters' list of the ARMM and make sure that those who are in the list that are actually residents and voters", reiterated Presidential Spokesperson Edwin Lacierda.

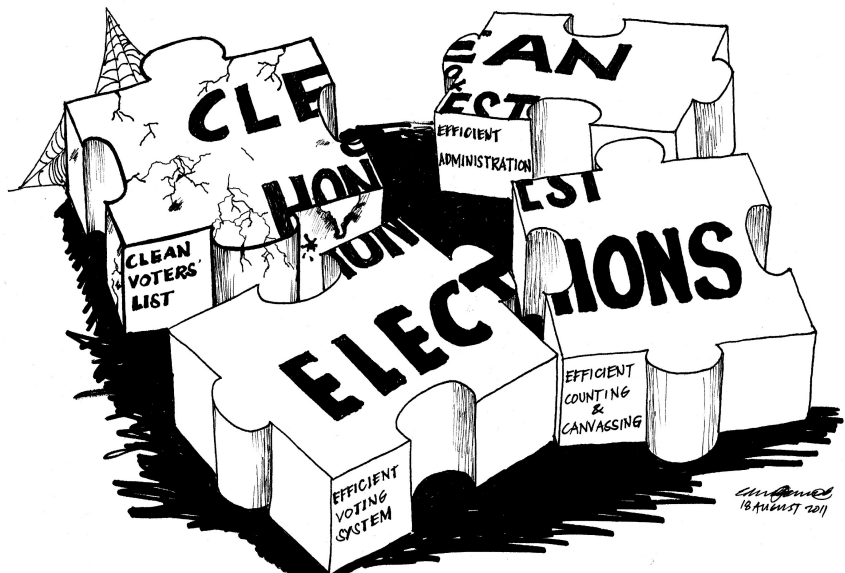
On annulling the existing voters' list in Maguindanao

Comelec Chairman Sixto Brillantes said that the poll body is not inclined to grant the request by Maguindanao Governor Esmel Manguadatu to trash the existing voters' list and to conduct a new registration of the voters to obtain a fresh and clean one. He stressed that such process would entail unpleasant precedents, aside from being costly.

"If we would annul the voters' list in Maguindanao, other areas in ARMM like Sulu, Basilan, Lanao del Sur would also ask for the nullification of the voters' list in their province," Brillantes said. He further added, "Every time you go to an annulment and new registration, it's a very expensive process."

Overseas absentee voters' registration

The Comelec in August 3, 2011 has promulgated [Resolution no. 9269](#) that sets the general instructions for the resumption of the continuing registration of overseas absentee voters in time for the May 2013 elections. The period for filing applications is from October 31, 2011 to October 31, 2012. Applicants may process their registration before the Comelec's representatives at the designated posts that have jurisdiction over the place where the registrants are temporarily based.



Et Tu “Hintuturo” – the Biometrics Voters Registration Law a finger away from a clean voters list? (Part 1)

by Eric Jude O. Alvia, NAMFREL Secretary General

Initiatives towards improving the integrity and quality of the Philippines' voting registry run parallel to efforts in automating Philippine elections. Using fingerprint biometrics in building and sustaining a cleansed voters' database has been around for many years. The effort has spanned four administrations and six national elections and is still currently being pursued.

History of the voters database cleansing project

In July 1992, Operation MODEX (Modernization & Excellence) was initiated under then Comelec Chairman Christian Monsod to include the “systemization of the present method of registration”. Four years had lapsed before President Ramos signed into law in June 1996 Republic Act (RA) no. 8189 or the Voter's Registration Act of 1996. The act provided for the modernization and computerization of the voters registration list and the appropriation of funds to “establish a clean, complete, permanent, and updated list of voters.” As a result of the law, Comelec embarked on implementing the Voter's Registration and Identification System (VRIS) project.

Seeing an opportunity with the conduct of the September 1996 ARMM elections, the Comelec's Management Information Systems (MIS) group piloted the registration of ARMM voters using digital photos of registrants to be used as a feature in the voters registration card and attempted to establish a digital registry for the ARMM.

Although the pilot for automated voting using AIS (later ES&S) Model 150 machines was considered a success, this did not hold true in attempts to systematize and cleanse the ARMM voters list using digital photographs and distribute voters registration cards to address the problem of ineligible voters and multiple registrants.



A Polaroid Studio Express camera seen in this August 1995 file photo, used in piloting the voter's identification card for ARMM voters.

It took a year and a half after the signing of the Voters Registration Law when things got moving again as President Ramos signed Republic Act 8436 or the Act Authorizing the Comelec to Use an Automated Election System in the May 11, 1998 Elections and subsequent national and local elections. Among the key components of the law which aimed to address the problem of multiple registrants and voters, locally known as “flying voters,” include the: 1) implementation of the VRIS project, 2) National Precinct Mapping, and the 3) the implementation of the Automated Counting and Consolidation of Results System (ACCoRS) project and a Certified Voters' List Verification. The ACCoRS was eyed by Comelec then as a solution to screen multiple voting.

In September 9, 1999, Comelec issued invitations to pre-qualify and bid for the supply and installation of information technology equipment and ancillary services for its VRIS project. The project was bid out in 2000. Photokina Marketing Corporation (Photokina's) bid of Php 6.16 billion garnered the highest total weighted score and was later declared the winning bidder.

In spite of the choice of a winning bidder, it took almost a year to award the purchase. In September 28, 2000, Comelec issued Resolution No. 3252 approving the Notice of Award to Photokina.

A month later (October 2000), an independent US-based group Eclipse Laboratories, Inc., tested how resistant the core of driver's license cards made of “Teslin” was. Teslin was intended to be used by Photokina as it was being used in the Social Security System (SSS) cards. Upon testing, it discovered that the cards can be easily tampered with when heat was applied to the top laminate on the card core resulting in the weakening of the adhesion. This would allow the easy replacement of pertinent personal data through dry letter transfer & a photograph switch before the card was re-laminated.

Just after the test was conducted, then-Namfrel executive director Telibert Laoc alleged that the Comelec Committee on Modernization, headed by former Commissioner Luzviminda Tancangco, deliberately delayed implementation of the ACCoRS project.

A few days later on November 3, Comelec opened the bids for the ACCoRS project but the bid was later rejected

in December. Comelec Commissioner Mehol Sadain then submitted a draft of the contract providing a price that did not exceed the certified available appropriation but only covering Phase I of the VRIS project which specified limiting the issuance of registration cards to 1 million voters in pre-selected areas only. The draft contract provided that subsequent completion of the whole project shall be agreed upon in accordance with the annual funds available for it. Later, then-Comelec Chairman Harriet Demetriou issued a memorandum to the Comelec en banc expressing her objections to the contract citing, among others, that the VRIS IDs lacked "provision on tamper-proof securities."

Other objections covered problems in the VRIS project that were not addressed such as the wrong data on gender, age, erroneous photos in the IDs, and wrong addresses. Most were attributed to encoding error. It was estimated then that at least 20% of the registrants had errors in their registration records.

In February 2001, Photokina wrote to the Comelec requesting formal execution of the contract but then-newly appointed Chairman Benipayo scrapped the VRIS project in May 2001 and announced plans to "re-engineer" the entire modernization program replacing the VRIS project with another version. At this point, it was inevitable that due to the failed biddings, sub-par performance and lack of time, poll automation for the May 2001 elections would be cancelled.

With the assumption as Chair of the Senate Committee on Electoral Reform, Senator Edgardo J. Angara directed in October 2, 2001 the creation of a Technical Working Group (TWG) to assist the Comelec in evaluating all programs for election modernization to include the Photokina contract.

However, this did not dissuade Photokina from filing with the Regional Trial Court, Branch 215, Quezon City a petition for mandamus (Special Civil Action No. Q-01-45405): prohibition and damages against Comelec and all its Commissioners. It cited three reasons for filing the petition. These were: 1) deliberate refusal of Comelec to formalize their contract, 2) accusing Benipayo of committing grave abuse of discretion by junking the VRIS project and implementing his plans to re-engineer Comelec's entire modernization program, 3) Comelec's failure to perform its duty under the contract causing it to incur damages since it has spent substantial time and resources in preparation of the bid and the draft contract. Photokina then applied for writs of preliminary prohibitory and mandatory injunction during the hearing of its application for the issuance of a temporary restraining order (TRO). On December 19, 2001, Judge Ma. Luisa Quijano-Padilla issued a resolution granting Photokina's application for a writ of preliminary prohibitory injunction.

Other groups subsequently raised concerns on the deal. In January 2002, investigative journalists were unconvinced of the cost-effectiveness of the deal claiming the cost of manufacturing 40 million voters' ID cards under the five-year VRIS project was US\$147.89 million or Php7.39 billion (US\$1 : Php 50) or triple the cost of the SSS cards, while using the same card core material made from "Teslin". Moreover, Photokina increased the amount from Php 6.16 billion (1999 bid price) to Php 7.39 billion for "project contingency."

Intense wrangling for this contract and the modernization was said to be one of the reasons for Benipayo's unsuccessful attempt to be confirmed as Comelec chair. In June 5, 2002, Benjamin Abalos -former Metro Manila Development Authority Chair, was appointed as Comelec Chair.

In August 2002, Namfrel and other civil society organizations filed an impeachment complaint against Comelec Commissioner Tancangco for alleged graft and corruption, betrayal of public trust and culpable violation of the constitution. The complaint was endorsed by Rep. Monico Puentevella. This was followed by ex-Comelec Chair Benipayo and Commissioners Borra and Florentino Tuason Jr. questioning the decision of the QC RTC Judge Quijano-Padilla before the Supreme Court in September 2002. However, on February 3, 2003 the House of Representatives voted to dismiss the impeachment complaint of Rep. Puentevella against Commissioner Tancangco.

Despite this stalemate, Comelec finally gained some ground when it adopted through Resolution No. 02-0170, a modernization program or the Automated Elections System (AES) Project for the 2004 elections consisting of three phases. These were: 1) Computerized system of registration and voters validation (biometrics system) of registration, 2) Computerized voting and counting of votes, and 3) Electronic transmission of results.

The VRIS project remained suspended and in limbo for three years. In 2003, it was resurrected as the VVS (Voters Verification System) supplied by a French company Sagem but with limited functionality having no plastic IDs and AFIS capability. The VVS was adopted issuing only a paper ID and VRR (Voters Registration Receipt) but without an AFIS.

Through the years, moves to cleanse the voters list almost grounded to a halt. Between 2004 and 2009, only a biometric capture was conducted covering about 50% of registered voters (about 25+ million voters). No AFIS cleansing was done until late 2009 or early 2010. Attempts of cleansing completion did not make it for the May 2010 elections resulting to the use of a hybrid biometric cum manual CVL database.

In those years, there were attempts to introduce innovative and unconventional solutions to cleanse the voters

list. For instance, a recommendation was made by a former Comelec IT official to outsource through AFIS vendors with the incentive of a success-based fee for each record matched regardless of the amount of matching processors that was put to the job to meet the completion deadline for use for the May 2010 elections. However, this proposal was rejected by certain Comelec officials for still unclear reasons.

In September 2009, the Sagem system was abandoned due to its poor performance. Comelec then replaced and awarded a new AFIS contract to the joint venture of Unison Computer System, Inc., Lamco Paper Products Co., Inc., and NEC Philippines, Inc. The Japanese NEC-based system which was installed for both field capture and central database, can now capture the voters' photographs and the digital images of their signatures and fingerprints. Using AFIS cross-matching machines, Comelec could compare the data allowing the identification of double and multiple registrants. However, IT experts believe that the Comelec's new Php 1.6 billion NEC system AFIS facility has a 90% excess capacity once all the 52 million voter records subjected to an AFIS is completed. This estimated excess capacity assumes the country's annual population growth rate of 2.5% as similar to the increase in the voting population or an increase of 1.3 million per year.

In early 2010, Comelec embarked on subjecting the 35 million biometrically captured voters records through AFIS; however, by then the total registered voters had grown to more than 51 million voters. A partial match is a futile exercise to cleanse the entire voters registry database as gleaned from its experience of spotty results. There were partial success with the Comelec IT department's identification of 43,000 multiple registrants in the ARMM & CALABARZON in January 2010 and the 704,542 voters multiple registrants stricken off from the voters list in March 2010; however, this performance pales in comparison to the estimated 130,000 out of the 1.7 million multiple voter registrants detected in a VVS pilot in 2003. These results do not inspire confidence in the accuracy and capability of the current AFIS system.

The VVS or Voters Registration System rolled out in August 2003 was able to capture nationwide close to 20 million biometric and demographic voter records in 120 days. Despite mixed results, work continued with biometric voters registration reaching 35 million. However, the absence of a law mandating obligatory biometric capture for the remaining 17 million or so voters hampers this completion.

While there is a slew of pending legislation to improve voters registration and cleanse the voters list, the draft bills mainly address the biometric capture and compulsory voter re-registration aspect but falls short in modes to cleanse the voters list and augment the capacity and capability of Comelec to take on this task.

Samar recall elections likely to push through

On August 5, 2011, the Commission on Elections (COMELEC) signed a ruling dismissing the motion for reconsideration filed by Samar Governor Sharee Ann Tan, and her younger brother Vice Governor Stephen James Tan, in connection with the recall petitions filed by concerned registered voters in the province.

One Aurelio Bardaje filed the petition against Gov. Sharee Ann Tan while Elvisa Lopez initiated the petition against Vice-Governor Stephen Tan. The petition against Gov. Tan, which was filed on December 7, 2010, contained 73, 889 signatures of the province's voters and cited lack of leadership and graft as the reasons for the recall. The petition against Vice-Gov. Tan had 73,250 signatures.

The dismissal of the motion would pave the way for the holding of recall elections in the province. The siblings, however, vowed to hold their ground and engage in a legal fight with the poll body if the need arises. They claimed that they have already consulted their lawyers on their next moves.

The Comelec en banc previously declared the petitions for recall elections against the Tans sufficient in form and substance. The poll body's ruling became official on January 12, 2011.

The siblings were reported to have belittled the petitions and the governor claimed that they still have the support of their constituents. They filed their motion for reconsideration on February 23, 2011. Their motion cited that the petitions filed against them are not sufficient in form and substance, and added further that the signatures of voters were obtained by giving out some amount in exchange for signing the petitions.

Samar Provincial Election Supervisor Corazon Montallana said that a copy of the August 5, 2011 en banc resolution will be given to the Tans' camps at the soonest possible time. "I received a copy of the en banc resolution this Friday, suggesting that the petition for recall against the governor and the vice governor of Samar is sufficient. This means this will continue," Montallana was quoted as saying in a newspaper report.

The Local Government Code of 1991 provides that "no recall shall take place within one (1) year from the date of the official's assumption to office or one (1) year immediately preceding a regular local election." But gathering of signatures which would cause holding of special elections is not prohibited, as pointed out by Comelec regional

director Jose Nick Mendros.

This is also the provision that Montallana cited when asked when the recall elections would be held. She further added that the recall elections can also take place one year before another regular election is conducted.

The Comelec is expected to come out with a resolution setting the date for the recall elections.

Namfrel's copies of election returns help resolve protest cases

by Nestor Malapajo, Jr., NAMFREL volunteer

Four years after the 2007 elections, Atty. Aquilino “Koko” Pimentel III was proclaimed on August 11, 2011, the winner for the 12th senatorial slot in the 2007 elections. The Senate Electoral Tribunal (SET) decision was hastened with the resignation of Sen. Juan Miguel Zubiri. Sen. Pimentel will serve Zubiri's unfinished term of one year and two months.

Based on the SET's recount, Pimentel got 10,898,786 votes in the 2007 elections while Zubiri got 10,640,620, or a difference of 258,166. The SET figures were reached after the revision and appreciation of ballots and election returns from Sultan Kudarat, Shariff Kabunsuan and Maguindanao. In Namfrel's Operation Vote Count final tally in 2007, with coverage of 88.5% or 198,898 over 224,748 tabulated election returns, Sen. Pimentel was in 12th place with 9,173,819 votes, compared with Zubiri's 8,949,451 or a difference of 224,368 votes.

When then-candidate Pimentel was preparing his protest case before the SET, he asked Namfrel, through a formal request, for copies of election returns in the provinces of Lanao del Norte, Lanao del Sur, Basilan, Sultan Kudarat, Sulu, and Maguindanao. Except for Maguindanao, where Namfrel publicly announced during the Vote Count that it had not received a single election return, the rest of the ERs were provided to Mr. Pimentel. In one hearing of the SET, Namfrel Maguindanao chairperson Fr. Eduardo Tanodtanod, OMI, even testified to Namfrel's zero ERs in the province.

Sen. Pimentel said that his protest case can be used as reference for electoral protest cases in the future. In one forum, he revealed that the ERs he presented and those of the Comelec manifested errors that one cannot imagine, which led to so-called “dagdag-bawas.”

The case of Sen. Pimentel was not the first instance wherein Namfrel's 6th copy of the election returns were subpoenaed. Here are some of them:

MAY 14, 2007 ELECTIONS

SHARIFF KABUNSUAN GUBERNATORIAL CASE: DATU TUCAO MASTURA VS DATU BIMBO SINSUAT

On February 1, 2008, the Comelec issued a resolution (SPC No. 07-267 and SPC NO. 07-268) ordering the Municipal Board of Canvassers of Datu Odin Sinsuat, Shariff Kabunsuan to immediately re-convene after due notice and re-tabulate all the election returns in the said municipality using Namfrel's copy. The MBOC, on February 19, 2008 re-convened and re-tabulated the 203 Namfrel copies of election returns.

The en banc ruled upon the report of the Provincial Board of Canvassers (PBOC) that the several manifest errors were found in the Comelec copies of the statement of votes and election returns, hence, the Namfrel copies were used during the re-tabulation and preparation of certificate of canvass.

MARTINEZ VS SALIMBANGON: 3RD DIST., CEBU

On 7 and 9 July 2007, Father Mar Balili of Namfrel-Cebu Chapter was ordered to appear before the Comelec pursuant to the directives of Atty. Eddie G. Aba, Chairman of the Special Board of Canvassers for Bogo, Cebu. Fr. Balili was requested to bring with him Namfrel-CCIMPEL's copies of the ERs, needed by the Board to determine the true winner between Benhur Salimbangon and Celestino Martinez III, candidates for the position of 3rd district representative of Bogo, Cebu. Namfrel-CCIMPEL's copies were used by the Board in canvassing the votes in view of the alleged submission of tampered and falsified election returns.

Thereafter, the Board compared Namfrel- CCIMPEL's copy of the election returns with the Comelec's copy and yielded the same results whereby Benhur Salimbangon won by a margin of 104 votes over Celestino Martinez III. On the basis of the said returns, Benhur Salimbangon was proclaimed accordingly by the Board of Canvassers as the winning candidate for the said position.

With help from Namfrel's copies of the ERs, these election protest cases were resolved.

Focus on West Papua (Part 1)

by Paolo B. Maligaya, NAMFREL Senior Operations Associate

(Mr. Maligaya was in West Papua to observe the July 20, 2011 gubernatorial election for the Asian Network for Free Elections - ANFREL)



Two time zones away from the Indonesian capital Jakarta, Western Papua is the Indonesian half of the island of New Guinea, the world's second largest island next to Greenland. Rich in natural resources, most of western Papua is composed of dense forests, with a high degree of biodiversity, home to many endemic species like the cenderawasih (bird of paradise) that Papua is known for. Western Papua (the eastern part of New Guinea being Papua New Guinea, which used to be under Australia), though one of Indonesia's biggest regions in terms of land area, is the country's least populated. The original inhabitants are ethnic Papuans, Melanesians, and Austronesians, coming from different tribes, some of which still practice their traditional way of life; reportedly, there are tribes in the mountains that remain uncontacted. Culturally, Papuans are very distinct from the rest of Indonesia, and almost 80% of the population are Christians.

Of the 3 million population of Western Papua, an increasing percentage is composed of transmigrants: families, professionals and other individuals, including those affected by natural calamities, from other (populous) parts of Indonesia -- like Java and Sumatra -- who take advantage of government incentives to avail of its transmigrant program. The transmigrant program remains one of the contentious issues surrounding Papua: while the Indonesian central government in Java sees the program as a way to alleviate social problems in some areas and to redistribute human resources where they are needed, many Papuans see this as a threat to their culture and to their very existence as a people. In the 1960s, when Indonesia annexed Papua, transmigrants comprised 2% of the population; this figure jumped to 35% in 2000, and in 2011, transmigrants comprise more than 50% of the population. Many Papuans fear that in the near future, they will be the minority in their homeland.

The details of the integration of Western Papua into the republic of Indonesia is still being hotly debated. The former Netherlands New Guinea was part of the colonial Netherlands Indies (Dutch East Indies). When Indonesia was granted independence, the Netherlands seceded all of Dutch East Indies to Indonesia, except Netherlands New Guinea. Historical accounts offer several reasons, from the Dutch wanting to retain the region as a home for Eurasians, to the reason that Papua and its people are just too distinct to be part of Indonesia. (Indonesian nationalists maintain to this day that Papua should have been ceded to the new republic along with the rest of the Dutch East Indies, and -- in response to the argument that Papuan culture and appearance are too distinct from the rest of Indonesia -- are of the opinion that Indonesia is supra-ethnic, composed of people of diverse cultures.) After World War II, when the Dutch East Indies became the Republic of Indonesia, the Netherlands retained Papua, and prepared it for independence by promoting nationalism among the Papuans, holding an election for members of the New Guinea Council, who then commissioned and adopted a national anthem, and also a national flag, the Morning Star. In 1961, Indonesia attempted unsuccessfully to invade Western Papua, resulting to violence and casualties to both Indonesian and Dutch forces. In 1962, Netherlands entered into the UN-led "New York Agreement" seceding authority over the region to the UN, and then to Indonesia in 1963, after which Indonesia would have to allow Papuans to decide for themselves whether they want independence or annexation. It was around this time that the Papuan independence movement was born, the most high profile among the militant organizations being the Organisasi Papua Merdeka (OPM), or the Free Papua Movement, which exists to this day. In 1969, Indonesia, upon supervision of the UN, held the "Act of Free Choice," but it was done through a council of Papuan elders -- the members of which were said to have been handpicked by the Indonesian central government -- instead of a referendum. The council voted unanimously that Papua be integrated to Indonesia.

The call for independence did not die. The three decades that followed saw conflict between Papuan militants and the Indonesian military, resulting to much violence and deaths, with both camps accusing each other of human rights violations that up to now have not been fully investigated and the perpetrators prosecuted. Though Indonesia granted "special autonomy" to Western Papua in 2001, calls for full independence continue. Many Papuans still believe that they were not given a fair chance to decide for themselves when Papua was annexed. As recent as early this month, rallies were held in Papua calling for a referendum for Papuan independence.

Social problems in the region seem to have exacerbated over time. Violent conflict continues in some parts between the militants and the Indonesian military. Inter-tribe conflict remains. Corruption in the local government is said to be rampant, with the traditional "big man" form of leadership still in existence, elitist and feudal in nature that would make efforts for good governance difficult at the least. Despite being rich in natural resources, most Papuans remain poor, with many still practicing subsistence farming. Natural resources are being depleted fast, especially in the large area occupied by the powerful US company Freeport-McMoran, which runs the world's largest gold mine in Papua. There is a lack of health facilities in the region, with HIV/AIDS and malaria as main health issues. The level of education remains low, making many Papuans unable to compete with their transmigrant counterparts. Many ethnic Papuans are said to feel marginalized – with the arrival of transmigrants, the lack of opportunities, and inability to fully express and display their native culture lest it be misconstrued as encouraging separatism – and dissatisfied with the central government's efforts to address the different problems in Papua, deemed insufficient. (While many Papuans feel that the central government has not done enough for the region and its people, there are also many who believe that the Indonesian government has wielded too much influence over the political affairs within western Papua, undermining the special autonomy status it has given the region.) It also does not help that the rest of Indonesia are largely unaware of the goings-on in western Papua due to lack of coverage by the national media, and access to Papua remains highly restricted, especially to media, NGOs, even religious organizations, and foreigners, who are said to be subject to surveillance.

(To be continued)

GALLERY



Namfrel, Comelec & Lente officers meet with members of Kenya's Interim Independent Electoral Commission, led by Commissioner Davis Chirchir, during a round table discussion organized by IFES to discuss Elections & Electoral Reform on August 9, 2011 in Quezon City



TV5 News Public affairs program Duelo hosted by former Sen. Gordon with guests, among them Namfrel National Council member & IT Systems Head Maricor Akol, discussing electoral fraud in an automated election environment on July 21, 2011



Sec. Florencio Abad of the Department of Budget and Management (DBM) addressing the launch of the Bantay Budget Program held July 20, 2011 . Namfrel is among the CSOs engaged by the DBM to monitor the national budget and that of various government agencies



On-site inspection on July 29 at the office of Vicarish Publishing in Sta. Ana, Manila, part of the Procurement Post Qualification process for Math and English textbooks. Namfrel volunteers have been involved in observing the Department of Education's procurement of textbooks, services, and non-textbook items since September 2010.

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