



ELECTION MONITOR

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(NAMFREL)**

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Arroyo and company summoned by poll fraud probe team

Former President Gloria Macapagal-Arroyo was served two subpoenas by the Department of Justice (DOJ) as part of the ongoing investigation on the alleged fraud during the 2004 and 2007 elections. The subpoenas were for the election sabotage charges filed by Senator Aquilino "Koko" Pimentel III before the Commission on Elections (Comelec), and for violating the Omnibus Election Code as recommended by the DOJ-Comelec joint panel that was tasked to investigate the election fraud case. Together with Arroyo, thirty-five (35) other people allegedly involved in the poll irregularities were also summoned.

As previously reported, Arroyo's counsel, Raul Lambino, said that the former president will file her counter-affidavit once she receives the subpoena.

The former first couple's names were mentioned in the election fraud complaint filed by Sen. Pimentel. He cited that the previous administration schemed to ensure the victory of the twelve Team Unity candidates in Mindanao in 2007. The complaint was based on the affidavits submitted by the former Comelec election supervisor in Mindanao during the 2007 polls.

Former First Gentleman Mike Arroyo, who was among the respondents in the case, criticized the Comelec for being a "puppet" of the administration and for becoming a component of the joint panel that is currently investigating the poll irregularities. In a statement, Ferdinand Topacio, Mike Arroyo's counsel, said Comelec chair Sixto Brillantes, Jr. should have "opposed this latest assault on the integrity and independence of the Comelec."

Arroyo's camp also censured the palace's move to reinstate Mike Arroyo in the government watchlist as such act is "most cruel and inhuman." Topacio described the watchlist order as a deprivation of moral support from the family for the former president. The watchlist will prevent Mike Arroyo to go abroad to watch over his wife as she is treated for her ailment. Topacio decried the inclusion of Mike Arroyo in the watchlist as "there is lack of evidence" against him.

The other respondents who were also summoned in relation to the case were former Comelec chair Benjamin Abalos Jr., former Comelec commissioner Nicodemo Ferrer, former presidential political adviser Gabriel Claudio, former Justice Secretary and Team Unity lawyer Alberto Agra, and former Maguindanao governor Andal Ampatuan, Sr., among others. Abalos, in his previous appearances before members of the media, has denied the allegations. (Various news sources)



Stricter penalties for poll offenses pushed

A bill proposing stricter penalties for election violations was approved on second reading by the House of Representatives. The bill was authored by Reps. Rufus Rodriguez (Cagayan de Oro), Erico Aumentado (Bohol) and Maximo Rodriguez, Jr. (Abante Mindanao party-list). The bill also intends to amend Section 45 of Republic Act 8189, or the Voter's Registration Act of 1996, and portions of section 264 of the Omnibus Election Code of the Philippines.

House Bill 4145 (<http://bit.ly/udjC2P>) seeks to increase the penalty for committing election offenses, especially when violence, coercion and intimidation are involved in the commission of the offense or violation. Under the proposed law, the prison term of any person found guilty of any election offense will be increased from one year to six years, but not more than twelve years, without probation. Furthermore, the guilty party shall suffer "perpetual disqualification to hold public office and the deprivation of the right to suffrage."

The bill also provides that any political party or aggrupation formed for political purposes of which the guilty person is a member shall be required to pay the fine of not less than Php 100,000.00 but not more than Php 500,000.00 "as part of the civil liability in connection with the election offense." If proven guilty, a prisoner released for the purpose of committing an election offense shall be sentenced with the penalty of reclusion perpetua. The head or the warden of the jail from which the guilty person was released will also suffer from the same sentence as the prisoner. The Omnibus Election Code of the Philippines provides that the warden and/or the inmate who committed the election offense shall "be sentenced to suffer the penalty of prison mayor (imprisonment of up to twelve years) in its maximum period." If the person charged with an election offense is a foreigner, he or she will face deportation after the prison term has been served.

The bill, once it becomes a law, will penalize members or officers of the Commission on Elections (Comelec) such as the members of the Board of Election Inspectors (BEIs), members of the Board of Canvassers (BOCs), or other agencies such as the Armed Forces of the Philippines (AFP), Philippine National Police (PNP) and other paramilitary units who will be found guilty of election offense. They shall suffer the penalty of imprisonment of up to twelve years if proven guilty.

Medicine Monitoring Project 2 concludes this month

by Edgar E. Camenting, NAMFREL Project Coordinator

Namfrel's Medicine Monitoring Project 2 ends this October. The project was implemented in 28 Department of Health (DOH) hospitals and Centers for Health Development (CHDs) across the country with a commitment of support from DOH. The implementation of the project was supported through a grant from the Partnership for Transparency Fund (PTF). The success of the project was due to the participation of Namfrel chapters, partners and individual volunteers in making the process of procurement and contract implementation more transparent and compliant to the provisions of the Government Procurement Reform Act 9184.

As of July 2011, a total of Php 1 billion pesos worth of Approved Budget for the Contract (ABC) for pharmaceutical and non-pharmaceutical products had been observed in 28 select hospitals and CHDs.

Procurement Observations

Based on feedback from volunteers, some volunteer-observers were not invited to the post-qualification stage despite constant coordination with the Bids and Awards Committees (BACs). This was evident in four NCR and a northern Luzon-based hospital.

Namfrel team leaders from these hospitals were just advised to secure specific documents to track the result.

Furthermore, Namfrel observed that the BAC of another northern Luzon-based medical center awarded a contract worth Php 43.9 million for a project with an ABC of Php 40.3 million, a difference of Php 3.6 million. Moreover, in a northern Mindanao hospital, the BAC recommended to award a contract worth Php 3.1 million to a project with an ABC of only Php 2.8 million for the procurement of drugs and medicines. Similar cases were observed in the past.

In addition, despite a letter of request, documents such as minutes of the BAC meeting, Annual Procurement Plan, and Notices of Awards were not immediately provided by several hospitals and took months before they were handed to volunteers.



Contract Implementation Observations

As of July 2011, NAMFREL had monitored a total of Php 230.5 million delivered medicines or 44% of the Php 520.8 million awarded procurement contract in twenty-two (22) DOH hospitals and CHDs.

Meanwhile, Php 124.8 million or 23% of the Php 520.8 million procurement contracts were allocated to DOH hospital beneficiaries based on inventory reports of nineteen (19) DOH hospitals and CHDs.

Based on feedback from volunteers, documents from seven hospitals and CHDs needed in the monitoring were not provided immediately to them resulting to delay in monitoring and submission of reports.

Namfrel observed that hospitals and CHDs had varying forms and practices in dispensing medicines, thus volunteers found it difficult to determine if there was an existing procedure for requesting and dispensing of medicines. Furthermore, these documents were not properly accomplished by the hospital personnel. In one hospital for instance, the purpose of request and issuance of medicines was not indicated in a report.

Moreover, most of the acceptance reports from an NCR-based health institution were not signed by the Chief of the Inspection Unit validating goods inspected by the agency inspector were complete and met the specification.

In past years, Namfrel's medicine monitoring project also played a crucial role in helping the DOH improve its warehousing and logistics system as well as in helping hospitals to come up with reasonable bid prices without sacrificing the quality of medicines.

West Papua election: to be continued

by Paolo B. Maligaya, NAMFREL Senior Operations Associate

After being delayed three times, the West Papua gubernatorial election finally took place on July 20, 2011. However, acting on a lawsuit filed by three losing candidate-pairs in said election, and with voter turnout of only 53% (with the lowest turnouts recorded in West Papua's two major cities - Manokwari and Sorong, with less than 40%), Indonesia's Constitutional Court nullified the results of the election, ordering the holding of another round of election, to be held on November 9, 2011. In the voting that took place in July, the incumbents -- Governor Abraham Octavianus Atururi and Vice Governor

Rahimin Katjong -- won with almost 60% of the votes. The candidate pair led by former Manokwari regent Domingus Mandacan, who is said to have led the call for the disqualification of the incumbents to run for re-election, the boycott of the election, and the nullification of the results, came in second out of four candidate pairs. In the lawsuit filed by the coalition formed by the three candidate-pairs, they sought the annulment of the results of the election as only one candidate-pair (the incumbents) fully participated in it, while they called for the cancellation of said election and refused to campaign.

In the provincial capital of Manokwari, by morning of the day after the election, 18 out of 25 districts were able to deliver all election paraphernalia. However, 12 districts out of these 18 either had failure of elections due to very low turnout, or did not conduct election at all (people "rejecting" the election), returning the materials unused. In Sanggeng sub-district in the capital, the PPS (Panitia Pemungutan Suara di tingkat Desa - ad hoc election commission at the village level) did not distribute the election materials to the polling stations on election day, necessitating the holding of a special election on July 23 on all 25 polling stations in Sanggeng. (The administrator in said PPS office, which was locked on July 20, is said to be related to candidate Mandacan).

Regarding the low turnout of voters, a member of the election commission in the city admitted that voters may have been "intimidated" to vote, because of the [white paper](#) that was circulated prior to election day, signed by representatives of the three candidate pairs -- themselves Papuan tribal elites -- who ran against the incumbents. However, in the context of Papua, where tribal loyalty runs strongly, it may be difficult to ascertain whether it was truly fear that made people avoid the polls, or could it be out of respect for their tribal elites.

Despite the general low turnout of voters, on election day there were suspiciously high turnout of voters (100%) in some precincts where voting actually started late but finished early, possibly due to unscrupulous poll workers doing proxy voting. An extreme case, as reported by the Asian Network for Free Elections (ANFREL) in their report on the July 20 election, was in Maybrat district, which supposedly had a 99.97 turnout, which means that only 5 out of the 19,831 registered voters were not able to vote, a highly unlikely outcome in a province where the voters list is believed to be padded, in an election where there was a generally low turnout. There were also allegations of vote buying: the camp of Mandacan alleged that the Governor gave away sacks of rice and canned goods -- originally donations from the central government for earthquake victims -- with his campaign stickers on them. All throughout the election period, there were reports of intimidation not just of voters, but also of election officials, poll workers and the police, either through direct threats or through SMS. Electoral violence and damage to election commission facilities also occurred in some districts prior to election day.



Since the term of the incumbents expired on July 24, the central government in Jakarta installed a caretaker governor for West Papua, whose term would end when a new governor is elected.

In its terminal report, ANFREL's recommendations for future electoral exercises in West Papua include the following: review the voter list and make it more accessible; modernize the registration system, to be done by independent parties to increase credibility; ensure that all laws are in place and tasking has been clearly identified prior to the election period, to ensure timely conduct of activities and to minimize disputes; investigate and punish poll workers who acted unprofessionally, and to improve the recruitment process; increase and enhance activities related to civic education, penetrating the rural areas of West Papua; strictly enforce proper polling procedures to prevent fraud; invite more election observers, both domestic and foreign; and encourage dialogue between opposing parties.

The case of West Papua clearly demonstrates the fact that, in spite of similar expectations with regard the conduct of elections that adhere to internationally accepted standards of free and fair elections, each place is unique, with differing attitudes and varying degrees of acceptance of democratic principles. This makes looking for solutions always a challenge: there is no uniform strategy that could

be followed since each place and the situations therein are shaped heavily by the local culture. The strong tribal culture in West Papua seems to undermine our concept of democracy, where individuals are supposed to be free to exercise their will and to decide for themselves. The list of problems and proposed solutions for West Papua elections would look familiar to any election observer though, as these are shared by many countries all over the world; indeed, however daunting the situation is, this should not prevent democracy advocates to reach out to said societies to share expertise and give guidance on how best they could be applied. However, in settings such as these, in areas where there is strong local flavor in the way politics is practiced -- like in the Autonomous Region in Muslim Mindanao in the Philippines for example -- it seems the solution to their problems could only come from the people themselves, to make concepts like democracy and freedom work in the context of their own culture. Ultimately, with reinforcement, it is them who will shape their own destiny.

Focus on West Papua

[Part I](#), [Part II](#), [Part III](#)

The Arab Spring hurdles its first test in Tunisia

by Paolo B. Maligaya, NAMFREL Senior Operations Associate

Tunisia successfully held its Constituent Assembly elections on October 24, its first after the Tunisian Revolution in March; some say it was the country's first free election since gaining independence in 1956. Observers hailed the election as free and fair, peaceful and orderly. The election commission that organized the polls peg the voter turnout at 90% of the total 4.1 million registered voters. Campaign started on October 1, and Tunisians overseas got to vote on October 20 to 22 in their respective embassies and consulates to elect 18 members of the 217-seat Assembly. The Constituent Assembly will be tasked to appoint a temporary government, and write a new constitution prior to the planned parliamentary and presidential elections. 11,000 candidates in 27 districts contested the Constituent Assembly election.

Final results show that the well-organized moderate Islamist party Ennahda ("Renaissance Movement") led the polls, winning 90 seats, or 41% of the votes. The party was banned by deposed president Zine El Abidine Ben Ali's secular government, the party seen as a threat by Tunisia's predominantly secularist society. Even during the election, some members of the party were reportedly harassed. However, in the lead-up to the election, the members and officers of the party stressed that should they win, they will not impose fundamentalist values on society, to assuage the concerns of Tunisia's secularists and the West. The performance of Ennahda in this election is being closely watched not only by Western governments but also by neighboring countries. Ennahda is the second Islamist party to gain such victory in the region after the less-moderate Hamas won the 2006 Palestinian elections. It might also have a bearing on the outcome of the series of elections in Egypt that would start in December, where the party touted to win is the Muslim Brotherhood, which has also raised concerns among Egyptians as well as Western countries. In 1991, Islamists won the election in Algeria, triggering years of conflict after the results were annulled by the military.

On October 27, after the final results were announced, more than 2,000 supporters of the Areeedha Chaabiya party, which placed fourth in the polls, held a violent protest in the city of Sidi Bouzid, when the seats won in the city by said party were invalidated by the election commission as penalty for "financial irregularities."

The Constituent Assembly election was brought about by the Tunisian Revolution, a wave of strong protests that started in December 2010 against the regime that had been in power for 23 years, culminating with president Zine El Abidine Ben Ali resigning and fleeing the country less than a month later. The Tunisia protests set off similar demonstrations and unrest in Egypt, Libya, Bahrain, Syria, Yemen, Morocco, and several other countries in the Middle East and North Africa (MENA) region, which continue to this day, the most recent chapter of which was the capture and death of Muammar Gaddafi in Libya.

Western media called it the Arab Spring. The Arab Spring is but the latest in a series of waves of democratization seen in the last thirty years throughout the world. It started in Asia with the Philippine People Power revolt in 1986, followed by the June Democracy Movement in South Korea in 1987, and the less successful albeit historic revolts such as the 8888 Uprising in Burma in 1988, and the Tiananmen protests in China in 1989. The Asian revolts inspired similar uprisings in Europe, starting in 1989 in Poland, spreading to countries such as Hungary, East Germany (fall of the Berlin Wall), Romania, Czechoslovakia (the Velvet Revolution), and in many other countries, culminating in the dismantling of the Soviet Union and the overthrow of communist regimes which continued through the following decade. In the last decade, a similar wave of peaceful protests succeeded in overthrowing governments in Eastern Europe following disputed elections, such as the Rose Revolution of 2003 in Georgia, and the Orange Revolution of 2004/2005 in the Ukraine. There are others, like Burma's monk uprising -- the Saffron Revolution of 2007 -- that, although unsuccessful in overthrowing a military junta, served as a concrete reminder that the desire for democracy is alive and resilient.

Revolts and uprisings (peaceful or otherwise) such as the Arab Spring send a clear message to despots and repressive governments everywhere that democracy cannot be contained. Freedom always finds a way. It knows no boundaries such as ethnicity and faith. Change cannot be prevented by tradition, antiquated laws and systems; we were witness to the role that technology and social media played in the success of the revolts, despite limitations traditionally employed to suppress information. However, the true test of democracy, after all the euphoria of overcoming what was deemed impossible has died down, is if the people could sustain it. Twenty five years after EDSA, the Philippines is still working on it, not just in ensuring the conduct of free and fair elections, but in strengthening democratic institutions and ensuring people's participation in good governance. The Arab Spring countries will have a tough time ahead, not only in picking up the pieces and rebuilding their nations, but also in proving that democracy could indeed thrive and flourish in the context of the Middle East. The huge participation of people in the Tunisia election indicates that the people are up for the challenge; this is a good sign and a good start. Just the same, countries that have gone through the same experience, such as the Philippines, are encouraged to extend a helping hand through sharing of experiences and expertise if it is asked of us, and to reach out to other countries that may be dreaming of an Arab Spring of their own.

GALLERY



Senators Aquilino Pimentel III and Vicente Sotto III during the October 11 joint hearing of the Senate Committees on People's Participation and Electoral Reform. During the hearing, Namfrel presented its position on the proposed biometrics bill (SB no. 1030), special polling place & access to voting to differently-abled persons and the elderly (SB no. 1843), requiring voters proof of legal residence (SB no. 1945) and AES law amendments to audit trail requirements (SN no. 2816)



Information, Communication, and Technology Office (ICTO) Head USec. Louis Casambre during a Philippine Electronics and Telecommunications Federation (PETEF) -sponsored forum and discussion for Broadband for All held on October 21. Also in the event was Namfrel National Council Member & Systems Group Head and PETEF Trustee Ms. Maricor Akol.

Namfrel Treasurer and National Council Member Ms. Evelyn Singson was one of the panel members assessing the Philippine National Police scorecard program in a Public Governance Forum conducted by the Institute for Solidarity in Asia and National Competitiveness Council on October 14.



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