



ELECTION MONITOR

National Citizens' Movement
for Free Elections
(NAMFREL)

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Comelec starts preparing for Random Manual Audit for the 2013 elections

The Commission on Elections (Comelec), through [Resolution no. 9538](#), reappointed the members of the 2010 Random Manual Audit Committee (RMAC) to carry out the random manual audit for the 2013 automated elections:

1. Ambassador Henrietta T. de Villa, PPCRV Chair, and Member, Comelec Advisory Council (CAC), as Chair;
2. Ms. Agnes T. Carreon, Officer-in-Charge, Internal Audit Office, Comelec, as member; and
3. Ms. Carmelita N. Ericta, Administrator, National Statistics Office (NSO), as Member.

The Commission on Audit (COA) was originally named a member of the 2010 random manual audit committee, until COA withdrew their membership from the said auditing committee less than two months before the May 2010 elections.

The Random Manual Audit is an integrity feature in the 2007 Automated Election Law to check the accuracy of the automated election system. Section 29 of Republic Act 9369 -- the amended Philippine Election Automation Law -- provided for the use of the Random Manual Audit (RMA): "Where the AES (Automated Election System) is used, there shall be a random manual audit in one precinct per congressional district randomly chosen by the Commission in each province and city. Any difference between the automated and manual count will result in the determination of root cause and initiate a manual count for those precincts affected by the computer or procedural error."

There were many issues raised against the RMA for the 2010 elections, including: late release of general instructions for the RMA (10 days before election day); delay or non-conduct of RMA in selected precincts; RMA report not specifying which precincts were audited and how accuracy rate per region was arrived at. Local and foreign academic, professional, election monitoring and IT organizations also raised issues with the methodology used by the RMAC as well as the variance in the machine vs. manual count deemed acceptable by the committee.



A national movement of citizens for free elections.

29 Years

The Comelec resolution was signed on October 9, 2012, a day before the scheduled Comelec hearing of Namfrel's petition for accreditation for the 2013 elections. Namfrel is petitioning the Comelec to allow it to officially assist the Commission as accredited citizens' arm in the conduct of the Random Manual Audit, on the strength of its decades of experience in conducting parallel vote counts, and the qualifications of its members and [officers](#) that include some of the country's top accounting, management, and IT experts.

(Various sources)

COMELEC-Smartmatic contract upheld by high court

On October 23, 2012, the Supreme Court (SC) ruled with finality that the contract between the Commission on Elections (COMELEC) and Smartmatic-TIM Corp. for the counting machines to be used for the 2013 elections is valid. The contract, amounting to PHP 1.8 billion, is for the option to purchase (OTP) availed by the Comelec which is a component of its contract with Smartmatic for the 2010 automated elections.

Reports said that the majority of the SC justices maintained that the option to purchase is legal as this was forged while the contract between the poll body and Smartmatic was still in effect.

The SC denied the motion filed by the election group Automated Election System Watch (AES Watch) appealing the high court to impede the implementation of the contract. The ruling was signed by eleven SC justices.

AES Watch, headed by former Vice President Teofisto Guingona, Jr., filed their motion on the ground that the contract for the 2010 elections between Smartmatic and Comelec expired on December 31, 2010, thus the exercise of the OTP, which is a component of that expired contract, is illegal. This position was consistent with the opinion made by the Government Procurement Policy Board (GPPB), an independent inter-agency body which formulates and interprets public procurement policies, on the OTP issue. Furthermore, the group emphasized that the technology for the 2013 automated elections should have been procured through public bidding, as provided for by the Government Procurement Reform Act (GPRRA) RA no.9184, or the Procurement Law, considering the amount of the contract.

Other groups that opposed the implementation of the contract were Davao Archbishop Fernando Capalla, former Marawi City mayor Omar Ali, former Quezon City congresswoman Mary Anne Susano, and Ma. Linda Montayre, head of Solidarity for Sovereignty.

(Various news sources)

Ballot samples test conducted as short-listed suppliers are questioned

One thousand (1,000) ballot samples were tested at the National Printing Office (NPO) on October 11 and 12, 2012, through the recommendation of the Comelec. The NPO was instructed to have the ballot samples tested if they will be read and accepted by the Precinct Count Optical Scan (PCOS) machines. Comelec required this testing before the contract is awarded to the winning bidder for paper ballots and security printing.

The budget for the project is PhP 784,000,000.00.

Prior to the testing, the NPO conducted a bidding conference for the supply of ballot papers, and the winning bidder was the joint venture of Holy Family Inc. and Canon Marketing Philippines. Other suppliers that participated in the bidding were Smartmatic-TIM Corp., and the joint venture consisting of ePDS (a PLDT subsidiary) for security printing ; Advance Group of Companies for paper supply; Hewlett Packard for digital printers; and ASA Color Inks for the ultraviolet security ink of the ballots.

Protest

Two disqualified bidders, Smartmatic and PLDT Consortium, were reported to have filed their protest against the NPO - Bids & Awards Committee (BAC) decision, and to declare the Canon-Holy Family Inc. joint venture as ineligible. Smartmatic said that the joint venture falsified statements on its single largest contract with the Maritime Industry Authority (MARINA), after securing a communication from the latter that it has not entered into a contract that amounted to PhP 100,000,000.00, specifically with Holy Family, Inc. The NPO-BAC required the bidders to present their single largest contract that is not lower than PhP 192 million.

House approves bill providing for insurance coverage for poll workers

Individuals serving as members of the Board of Elections Inspectors (BEI), Special Board of Election Inspectors (SBEI), Board of Election Tellers (BET) as well as their support staff may likely receive insurance coverage, on top of the usual honoraria given election workers. The House of Representatives approved last week House Bill no. 6528 -- the Election Officer/Staff Insurance Act of 2012 -- giving insurance coverage to said personnel "from the time the insured is exposed to any election-related risk, starting from, but not limited to, the acquisition of election paraphernalia and...terminated upon the proper turnover of the same to the appropriate receiving officer or until any election-related risk is not present anymore."

According to the bill, the Government Service Insurance System (GSIS) will be the implementing agency, while the Comelec is tasked to furnish the GSIS with the list of all personnel assigned to the election boards mentioned, as well as those who actually served during the election. Members of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) deputized by the Comelec for the election will not be covered by the insurance coverage, unless they were appointed to act as members of the BEI, SBEI, and BET.

The bill mandates that the death benefits shall include the awarding of PhP 200,000 to the beneficiaries on the first year of implementation of the proposed law and the insurance coverage shall also include hospitalization and medical expenses of the injured beneficiary until his/her recovery notwithstanding benefits provided for by the Government Service Insurance System (GSIS) or any institution granting the same to the insured.

The Senate is expected to approve a similar measure before this is made into law.

(Source: Philippine Congress)

Updated list of Senatorial candidates approved by Comelec

As of October 30, 2012:

AKBAYAN

1. Hontiveros, Ana Theresia N.

Ang Kapatiran

1. De Los Reyes, John Carlos G.
2. Llasos, Marwil N.
3. David, Rizalito Y.

Democratic Party of the Philippines

1. Belgica, Greco Antonious Beda
2. Falcone, Baldomero
3. Señeres, Christian

Laban ng Demokratikong Pilipino (LABAN)

1. Angara, Juan Edgardo M.

Liberal Party

1. Aquino, Paolo Benigno IV A.
2. Madrigal, Maria Ana Consuelo A.
3. Magsaysay, Ramon Jr., B.

Makabayang Koalisyon ng Mamamayan (Makabayan)

1. Casino, Teodoro A.

Nacionalista Party

1. Cayetano, Alan Peter S.
2. Trillanes, Antonio IV F.
3. Villar, Cynthia A.

Nationalist Peoples Coalition

1. Enrile, Juan Ponce Jr., C.
2. Legarda, Lorna Regina B.

Partido Demokratiko Pilipino – Lakas ng Bayan (PDP- LABAN)

1. Pimentel, Aquilino Martin III D.

Social Justice Society

1. Alcantara, Samson

United Nationalist Alliance (UNA)

1. Binay, Maria Lourdes Nancy S.
2. Cojuangco, Margarita R.
3. Ejercito, Joseph Victor G.
4. Gordon, Richard J.
5. Honasan, Gregorio B.
6. Maceda, Ernesto M.
7. Magsaysay, Maria Milagros Esperanza H.
8. Zubiri, Juan Miguel F.

Independent Candidates

1. Escudero, Francis Joseph G.
2. Llamanzares, Mary Grace P.
3. Hagedorn, Edward S.
4. Montaño, Ramon E.
5. Penson, Ricardo

(Source: ABS-CBN)

Comelec doubled OAV registrants

A year after the registration of overseas Filipinos resumed for the May 2013 elections, the Commission on Elections and the Department of Foreign Affairs nearly doubled the number of registered overseas Filipino voters, to about 915,000. This is, however, still below the target of 1 million voters, a very low figure considering the number of qualified Filipinos overseas estimated to be more than 9 million. For the 2010 elections, only 590,000 overseas Filipinos registered, while only 152,000 of this number actually voted.

According to Comelec Chairman Sixto Brillantes, Jr., the DFA requested for a month-long extension of OAV registration, but the Comelec en banc decided to stick to the original deadline of October 31.

(Various news sources)

A roundup of regional election news

Davao del Sur governor pleads to have private armies in the province disbanded

Governor Douglas Cagas of Davao del Sur revealed to the members of the media that private armies with political backing is prevalent in their province, thus placing the province under Comelec might prove to be futile to maintain order.

Cagas, who will also run as mayor of the city of Digos in 2013 stressed that the military and the police should pay more attention to help make the province more orderly, especially during elections, by pushing efforts to disband these private armies.

Jalosjos fights for right to vote

Former Zamboanga del Norte representative Romeo Jalosjos, through his counsels filed his appeal with the Regional Trial Court (RTC) after his application to become a registered voter in Zamboanga City was disapproved by the Election Registration Board (ERB), and the disapproval was upheld by the Municipal Trial Court (MTC) later on.

Jalosjos filed his registration with the Comelec office in the city, where he also intends to run as mayor in the 2013 elections.

In a report, Comelec Election Officer Joseph Ian Tria said that Jalosjos' registration was rejected based on a provision of RA 8189, which states that "any person who has been sentenced by final judgment to suffer imprisonment of not less than one (1) year" may only reacquire their right to vote five years after he or she has served his/her sentence. Jalosjos was convicted of raping an 11-year old girl in 1996, and was released from prison in 2009 after completing his sentence.

Lanao poll protest pushed to be resolved

Losing Lanao del Sur congressional candidate Salic Dumarpa urged the House of Representatives Electoral Tribunal (HRET) to take further action on the protest case he filed against Lanao Del Sur Rep. Mohammed Hussein Pangandaman.

Dumarpa, a lawyer, appealed to the HRET to issue warrants of arrest against election officers (EO) Guibon Matanong, Tindos Baute, Mandayan Sumagayan, Aragasi Sumpingan, Amerah Hadji Sasrip, Paisal Manding and Macaombao. He said that despite the order of the HRET to Comelec to produce documents such as the Voter Registration Records (VRRs), the EOs involved "deliberately" failed to produce the same, which are needed by the HRET to resolve the protest case.

Dumarpa added that his camp has already submitted all the necessary evidence and has presented their witnesses to testify.

Comelec Cebu provincial head appealed to be transferred

The Provincial Election Supervisor (PES) of Cebu asked the Comelec main office to have him transferred from his office in the province, and emphasized that the request has nothing to do with allegations that he is favoring some candidates.

Cebu PES Lionel Marco Castillano confirmed that in a meeting with Comelec officers and supervisors on October 8, 2012, he offered himself to be transferred, after Comelec Chair Sixto Brillantes Jr. informed them that there will be a reshuffling of officers and supervisors.

Castillano also said that the reshuffling is done when an officer's capability is needed in another area of assignment, or that officer/ supervisor has a relative who is a candidate and has submitted his/her certificate of candidacy (COC) under that office. But a month after the election, that officer/ supervisor will be assigned back to his/her office.

On October 5, 2012, a photo of Castillano posing with Cebu Rep. Pablo John Garcia when the latter filed his COC in the PES' office came out in a local paper. In the photo, Castillano was seen smiling with Garcia and family, as Castillano raised his index finger signaling the symbol for number one.

This gesture sparked controversies, especially when Vice Gov. Agnes Magpale saw the photo and later on said that she has information about the PES' partiality. The PES explained that the index finger was a playful gesture to comfort the representative's son who was then crying.

Camarines Sur mayor shot dead

Mayor Raul Matamorosa, of Lupi, Camarines Sur was shot in the head by a gunman on October 27 and died at 1:20 am on October 28, 2012. Doctors at the Mother Seton Hospital where the mayor was brought were operating on him for almost eight hours, but the procedure did not save his life.

The town's chief investigator reported that Matamorosa was shot in the back of his head as he was getting in his vehicle. The motive of the killing is still being determined

Cabanatuan City plebiscite set

The Comelec en banc has ruled out the motion for reconsideration of the oppositors of the conversion of Cabanatuan City into a Highly Urbanized City I (HUC) and has set the plebiscite on December 1, 2012. This is in accordance with Proclamation no. 418 signed by President Aquino on July 4, 2012 which gave way to the conduct of a plebiscite to convert the city to an HUC.

High court ousts incumbent mayor

Lucena City mayor Barbara "Ruby" Talaga of Lakas-Kampi party was replaced by her Vice Mayor Roderick Talaga (Liberal) pursuant to an SC decision released on October 25, 2012. The decision affirms the decision of the Comelec annulling Talaga's proclamation as mayor of the city. Ruby Talaga was removed from office on the basis that the candidacy of the person whom she became a substitute candidate is illegitimate.

Talaga ran as a substitute candidate for her husband, then incumbent mayor Ramon Talaga, for the 2010 elections. Ramon Talaga's candidacy was disapproved by the Comelec for being the mayor of the city for three consecutive terms.

SC upholds case against Zambales mayor

The Supreme Court ordered the proclamation of Estela Antipolo as the new mayor of San Antonio, Zambales replacing current mayor Romeo Lonzanida after voiding his certificate of candidacy (COC). The order was based on the resolution of the Commission on Elections dated Feb 2, 2011 ordering the cancellation of Lonzanida's certificate of candidacy. By voiding the COC of Lonzanida, the SC said that votes for him are considered stray votes. "Lonzanida's disqualification is two-pronged. He violated three-term limit imposed by the Constitution; and as early as Dec. 1, 2009, he is known to have been convicted for 10 counts of falsification of public documents, according to the Comelec. Antipolo lost to Lonzanida in the final tally in May 2010.

The SC has also then ordered Efren Racel Aratea, currently occupying the mayoralty post in San Antonio, Zambales, to "cease and desist from discharging the functions of the Office of the Mayor of San Antonio, Zambales." Lonzanida and Aratea garnered the highest number of votes and were respectively proclaimed as mayor and vice mayor in the the May 2010 polls. But while the case against Lonzanida was being deliberated on by the High Court, Aratea had himself declared as mayor by the Department of Interior and Local Government (DILG).

(Various news sources)

NAMFREL stalwart Christian Monsod to receive international award for electoral reforms in the Philippines

Former Comelec Chairman and NAMFREL pioneer Christian Monsod is this year's recipient of the Joe C. Baxter award. The award, given by the International Foundation for Electoral Systems (IFES), is presented annually to a professional committed to the principles of ownership, transparency and sustainability of electoral administration. According to IFES, Mr. Monsod throughout his career has built a track record upholding rule of law and claiming social justice for the Philippine's marginalized sectors.

Mr. Monsod was former Secretary General (1986) and National Chairman (1987) of NAMFREL. In 1991, he was appointed Chairman of the Commission on Elections, a position he held until 1995. Under his tenure, the Comelec began its efforts to modernize Philippine elections through Operation MODEX (Modernization and Excellence), the components of which included the computerization of voters lists, as well as other initiatives to make the Philippine electoral system more transparent, efficient, and inclusive. Mr. Monsod is currently the honorary chairman of the Legal Network for Truthful Elections (LENTE), the first nationwide network of lawyers, law students, paralegals and other trained volunteers set up by various non-partisan groups engaged in election monitoring work, and Vice Co-Chairman of the Bishops-Businessmen's Conference (BBC).

"This year's Baxter Award is of special significance as IFES celebrates 25 years of success and recognizes Monsod's lifetime achievements in the field of election administration," said IFES President and CEO Bill Sweeney. "We couldn't be honoring a more fitting and deserving individual who fully epitomizes our mission of democracy building and passionate dedication to giving a voice to the underrepresented in the way they are governed."

In response to the award, Monsod said in a statement: "I am deeply honored at being the 2012 recipient of the Joe C. Baxter Award of the International Foundation for Electoral Systems. I consider it an affirmation by an acknowledged international expert institution of the pioneering efforts taken by the Philippines to modernize its election system. We look forward to a continuing association with IFES in the ongoing reforms to further strengthen and broaden the choices of the voters by addressing such problems as dysfunctional political parties, the improper use of money including government resources, and of warlordism and political dynasties in a number of constituencies."

The awarding ceremony will be held on November 5 at the Ritz-Carlton hotel in Washington, D.C.

The National Citizens' Movement for Free Elections proudly congratulates Mr. Monsod for this award.

(Source: IFES)

NAMFREL council members participate in world assembly of democracy experts and advocates

Three members of NAMFREL's National Council participated in the recently concluded Seventh Assembly of the World Movement for Democracy in Lima, Peru from October 14-17. The World Movement for Democracy is a non-government effort initiated by the Washington-based National Endowment for Democracy (NED), and is a global network of democrats, including activists, practitioners, academics, policy makers, and funders, who have come together to cooperate in the promotion of democracy. The assembly in Peru was convened "to develop new forms of cooperation to promote the development of democracy...to strengthen democracy where it is weak, to reform and invigorate democracy even where it is longstanding, and to bolster pro-democracy groups in countries that have not yet entered into a process of democratic transition." The invitation-only Seventh Assembly was participated in by 450 experts from around the globe. The three NAMFREL members

invited to participate were Mr. Damaso Magbual, Ms. Amina Rasul-Bernardo, and Ms. Maxine Tanya Hamada.

Mr. Damaso Magbual, NAMFREL membership committee chair, and Chairperson of the Asian Network for Free Elections (ANFREL), gave a presentation on "How Networks Promote Shared Principles and Best Practices in Domestic Election Monitoring." During his presentation, he shared NAMFREL's experiences through the years; how to observe the entire electoral process; the efforts made to introduce reforms in the electoral process; and promoting good governance through NAMFREL's monitoring of government procurement and budget . In another workshop, Mr. Magbual shared his thoughts on how civil society in Myanmar (Burma) can prepare for the 2015 elections; the opportunities and challenges; lessons learned from the previous elections and recommendations for the 2015 election in Myanmar. On December 4-7, Mr. Magbual will be heading a group of Burmese civil society leaders to observe the Indian Parliament to familiarize themselves on how to observe their members of parliament and hold them accountable.

Ms. Amina Rasul-Bernardo, representing the Philippine Center for Islam and Democracy (PCID), gave two presentations: "From Leading Civil Society to Serving in Government: What are the Challenges and Opportunities," and "Using Citizen-Led Assessments of Local Democracy to Advance Reforms."

NAMFREL council member Ms. Maxine Tanya Hamada, representing INCITEGov (International Center for Innovation, Transformation and Excellence in Governance) presented on the Impact of Democracy Research. During the assembly, Ms. Hamada was also elected to the International Steering Committee of the World Movement for Democracy.

The National Citizens' Movement for Free Elections (NAMFREL) salutes its members and volunteers recognized and respected in the global community of democracy promoters. For almost thirty years, NAMFREL volunteers and personnel from different sectors of Philippine society have served as trainers, observer team members, administrators and resource persons in more than 30 countries around the world, in the promotion of democracy and citizens participation in nation building.

An update on NAMFREL's participation in the Medicine Monitoring Project

NAMFREL-MMP (Medicine Monitoring Project) continues to implement monitoring in areas where the local chapters are also performing voluntary work to promote good governance. Currently, monitoring is limited only to public bidding. Outside Metro Manila, 14 hospitals and CHDs (Centers for Health Development) are currently being monitored: 7 in Luzon, 2 in the Visayas, and 4 in Mindanao.

In the National Capital Region (NCR), NAMFREL secretariat continuously sends observers to monitor the public bidding activities in various hospitals and CHDs to ensure that the Bids and Awards Committees (BACs) are performing their duties pursuant to the Government Procurement Reform Act 9184. NAMFREL secretariat's monitoring at the moment is limited to procurement activities. 14 hospitals and CHDs in Metro Manila are currently being monitored.

From January 2012 to October 2012, NAMFREL monitored a total of PhP 2.7 billion worth of various pharmaceutical and non-pharmaceutical products including infrastructure projects, janitorial and security services. NAMFREL volunteer-observers testified that BAC employs a non-discretionary pass/fail criterion to determine eligible bidders. The bidding process complies with the provisions of the procurement law to make the bidding process fair and transparent.

The DOH through its Integrity Development Committee (IDC) has responded proactively to NAMFREL's findings and recommendations to counter corruption practices within the agency. For instance, in 2006 when NAMFREL reported an unadvertised procurement worth PhP 11 million at Margosatubig Regional Hospital (MRH) in Zamboanga del Sur, the DOH-IDC issued an order to the Chief of Hospital to declare bidding failure due to disregarding Section 21 of the GPRA 9184. In the same year, NAMFREL reported that there were members of the HBACs who were not trained on the procurement law. These prompted the DOH to conduct a nationwide training on the provisions of the GPRA 9184 making the HBAC members more competent in handling fair and transparent

procurement process.

After the MMP2, NAMFREL made recommendations to the DOH-IDC, based on reports made by volunteer observers:

- Reiterate the need for the presence of observers in all stages of the procurement process, including the pre-procurement and post-qualification, apart from the pre-bid conference and opening of bids.
- Advise the BAC and the Supply/Pharmacy Officer to furnish NAMFREL with copies of the same procurement-related documents that they forwarded to the COA.
- Advise the Procuring Entity of both RH and CHDs to publish their Annual Procurement Plan (APP) in their respective website for public reference and transparency.
- Advise the Supply Officer to provide NAMFREL with the schedule of delivery specifically for pharmaceutical products.

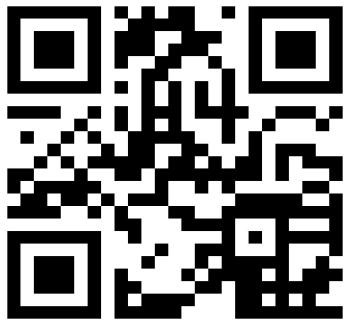
Since the MMP was implemented, NAMFREL noted that the bidding process and transactions in the health agency became more transparent. The following were the observations made by volunteer observers:

- HBACs are now more open and receptive to the participation of NAMFREL observers in all of the public bidding activities conducted by the hospitals;
- Prices offered by the bidders/suppliers during the bidding are actually competitive;
- Pharmaceutical products are more accessible now at the hospital level as compared to the past.
- Pharmaceutical products were actually delivered and received on time by the hospitals in accordance to the awards and specifications.
- Under the watch of observers during post- delivery monitoring, pharmaceutical products were delivered promptly to hospitals and CHDs, as stipulated in the contracts awarded to the suppliers.

In the latest Social Weather Station (SWS) corruption perception survey, two of the three government agencies NAMFREL currently monitors are placed in the top three institutions of government seen as least corrupt, namely the Department of Health (DOH) and Department of Education (DepEd).



**NAMFREL's official website has been
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<http://m.namfrel.org.ph>, or scan this QR
code using your mobile device:**



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