



ELECTION MONITOR

**National Citizens' Movement
for Free Elections
(NAMFREL)**

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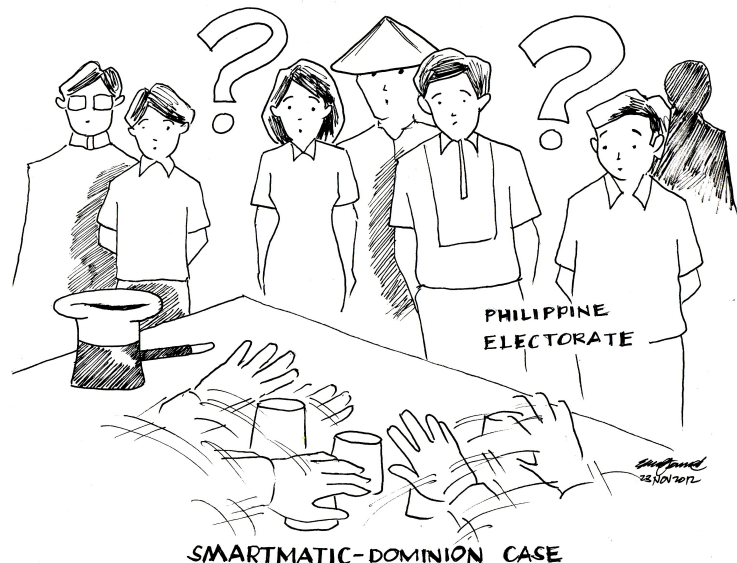
Did we ever have the PCOS source code? Can we still use the 82,000 machines we purchased?

A lawsuit filed by Smartmatic in September against Dominion Voting Systems in the state of Delaware in the United States has recently surfaced and covered by Philippine media. In the lawsuit, Smartmatic seeks compensation from Dominion for allegedly withholding technology and services licensed to them. Smartmatic, which is the Comelec-contracted technology provider for the Philippine automated election system, acts as system integrator and provides election automation solutions using technologies it has licensed from other companies. According to Smartmatic's complaint (which can be accessed [HERE](#)), in 2009, or a year prior to the 2010 Philippine presidential elections, Dominion granted Smartmatic "a worldwide license to market, make, use, and sell precinct count optical scan ('PCOS') voting systems utilizing Dominion's optical scan voting system technology." According to Smartmatic, the license agreement required Dominion to provide Smartmatic with the hardware, software, firmware, and technical support needed to enable Smartmatic to deliver its services to its clients, which include the Republic of the Philippines.

However, in the complaint, Smartmatic alleges that Dominion breached its obligations under the agreement between the two companies by, among other things:

- "failing to deliver fully functional technology for use in the 2010 Philippines national election;
- "failing to provide timely technical support during and after the Philippines election;
- "failing to place in escrow the required source code, hardware design, and manufacturing information."

It will be recalled that prior to the 2010 election, Philippine IT groups and civil society organizations raised concerns regarding the vulnerabilities of the automated election system chosen by the Comelec to be used for the 2010 polls. One of the main points of contention is the access to the machines' source code. The source code, as the Philippine election automation law (RA 9369) defines it, is the "human-readable instructions that define what the computer equipment will do." The source code tells the machine how to function. The automation law further requires the Comelec to have the machines certified as operating properly, securely and accurately after subjecting them to rigorous field tests, and, among other things, a successful completion of a source code review, and a certification that the source code is kept in escrow at the Bangko Sentral ng Pilipinas. The law further stipulates that "Once an AES technology is selected for implementation, the Commission shall promptly make the source code of that technology available and open to any interested political party or groups which may conduct their own review thereof."



In February 2010, after disputes on the procedure to allow interested groups to review and test the source code, the Comelec announced that SysTest Labs, a U.S. firm based in Denver, Colorado, had completed the source code review and certified it for use in the 2010 election. SysTest Labs was awarded by the Comelec in 2009 a Php 70 million contract to conduct the testing and certification of the automated election system. In September this year, the Comelec awarded the contract to do the same to the same company, now renamed SLI Global

Solutions. In a short ceremony covered by the media on February 9, 2010, the Comelec turned over the source code to the Bangko Sentral ng Pilipinas for safekeeping. According to reports, the source code was brought to the Philippines by SysTest Labs, "encoded in two compact discs, placed in a small black safety box with the hash codes, locked, and sealed with four Comelec stickers." The box was to be kept at the BSP in escrow for over a year, according to then-Comelec Chairman Jose Melo.

According to Smartmatic, their 2009 agreement with Dominion requires Dominion's authorization and participation in the event that the technology needs to be modified. It also requires Dominion to make available and put in escrow all relevant materials in connection with the licensed technology, which includes the source code. Their license agreement states, "In the event Dominion breaches its obligations to provide the products or support it is obligated to provide under this Agreement...such escrowed materials shall be released to Smartmatic for the sole purpose of providing such products or services that Dominion failed to provide."

In March 2012, in the context of the Philippines exercising its option to purchase the Smartmatic's machines, the Comelec requested enhancements and modifications to the system as conditions for the eventual purchase. Smartmatic would then need Dominion's approval and participation. However, according to Smartmatic, Dominion "purported to terminate the Agreement on May 23, 2012;" this was one of the main reasons for the lawsuit. Smartmatic would then need the escrowed materials to modify the licensed products. However, according to Smartmatic, when they checked with the escrow agent, they "confirmed that Dominion International has not deposited a complete set of these materials: Dominion did not place in escrow any of the required materials until May 2012, despite its prior representations to the contrary, and even then only deposited with Iron Mountain (the escrow agent) an older version of them, although the License Agreement requires Dominion to deposit in escrow the current version and the immediate prior version of its Source Code and relevant intellectual property." In a footnote, Smartmatic said in the complaint that "in March 2010, Dominion provided a certificate of deposit stating that the escrowed materials had been deposited with Iron Mountain. Smartmatic relied upon this representation and further believed that Dominion continued to place in escrow new versions of these materials as they were developed."

Smartmatic's statements in its complaint against Dominion now raise the question of whether the Philippines truly got a copy of the machines' source code in 2010. What did the Comelec receive from Smartmatic and SysTest Labs? Could Smartmatic give the source code to a client without Dominion's consent? Could the source code have been tested without Dominion's prior approval? With the termination of the agreement between the two companies, albeit unilaterally it seems, what does this mean for the automation of the 2013 Philippine elections? It should be noted that the Comelec's contract is with Smartmatic only; any dealings with Dominion is solely Smartmatic's responsibility.

Smartmatic's complaint also sheds some light to the hasty recall of PCOS storage cards mere days before the 2010 election, well after the AES system and the source code were certified as sound: "During a test of the automated voting system conducted shortly before the Election, Comelec and Smartmatic discovered a defect in the Licensed Technology -- Dominion International's software failed to correctly read and record the paper ballot. Once Dominion acknowledged the problem with the software and proposed a solution, Smartmatic International had to obtain, load, distribute, and install new memory cards with the reprogrammed software to over 76,000 PCOS voting systems, most of which had already been delivered to the various polling stations. These steps were necessary to ensure the correct interpretation of votes cast on approximately 50,000,000 paper ballots that had already been printed and were ready for use." The problem was discovered during field tests of the PCOS machines less than a week before the elections. At that time, Smartmatic said the error occurred because when the local election ballots were being printed, there was a change in the formatting of the ballots that the machines were not programmed to read. Comelec and Smartmatic then replaced the memory cards with cards that they have on hand, and had to order more memory cards from local and international suppliers in record time. Further testing and sealing of PCOS machines--required by law to be conducted three to seven days before the elections--were canceled pending the replacement.

In its [response](#) in October to Smartmatic's complaint, Dominion Voting System denies most of the allegations and statements of Smartmatic, including those referring to the nature of their license agreement as stated by Smartmatic in its complaint. Some important points from Dominion's response are:

- that Smartmatic did not provide Dominion with a copy of the Comelec option to purchase the voting products and systems, the terms of the option, and that "Dominion was not told and did not understand that any such option would provide Comelec with the 'perpetual right to use and modify the Licensed Technology in all future elections'"

- that, in connection with the 2010 election, "Smartmatic failed to control processing and delivery timelines and as a consequence failed to conduct standard and routine industry-wide testing of the voting system prior to deployment despite the fact that Dominion International had told Smartmatic that it was standard and routine in the industry and needed to be done, and despite the fact that Smartmatic had known the necessity of such testing and conducted such testing in prior elections in other countries"

- pertaining to the 2013 Philippine elections, that "the requested work for the 2013 election did not fall within the initial SOW (Statements of Work) and would require a new SOW, but that Smartmatic International and Dominion International did not finalize a new SOW prior to May 23, 2012. Dominion further admits that Dominion International terminated the License Agreement on May 23, 2012"

- pertaining to Dominion's obligation to assist Smartmatic in modifying the software and Smartmatic having access to the source code in escrow, Dominion states that "Dominion lacks knowledge or information sufficient for forming a belief as to whether Smartmatic International could make the requested modifications and enhancements with the use of source code materials in escrow with the escrow agent ("Escrow Agent"). Dominion further states that, due to the valid termination of the License Agreement by Dominion International and the expiration of the initial SOW, Dominion International has no obligation to provide such assistance and Smartmatic is not entitled to access the Escrowed Materials"

- that "Smartmatic International refused to provide information to Dominion International about payments by Comelec, even though Comelec payments triggered Smartmatic International's obligations to pay Dominion International," and that "Smartmatic International breached the License Agreement by not disclosing payments by Comelec and by not paying Dominion International as specified in the initial SOW"

- pertaining to the agreement between Comelec and Smartmatic-TIM regarding the purchase of 81,000 PCOS machines in March 2012, in addition to the 920 machines already purchased in 2010, that "the sales contract required upgrades, which would involve revisions to Dominion's software, not previously provided to Smartmatic International. Only Dominion has the expertise necessary to perform the required upgrades," and that "on June 14, 2012, Dominion International, through counsel, wrote to Smartmatic International to advise it that, due to the termination of the License Agreement, Smartmatic International was no longer licensed to provide those 81,000 machines to COMELEC, and that Dominion had no obligation to undertake the upgrades."

- that "neither Smartmatic International nor Smartmatic-TIM is licensed to provide such upgrades to Comelec"

- "Smartmatic's continued efforts in the Philippines to sell 81,000 prospectively- upgraded Dominion PCOS voting machines to Comelec without a license from Dominion International and without a new SOW violates Dominion Canada's and Dominion International's ownership rights in the voting machines and associated technology"

The Philippines has already decided to purchase Smartmatic's PCOS machines for use in future elections; the Supreme Court even declared it legally sound. As of early November, the Comelec is still looking for suitable warehouses to stock the 82,000 machines, after Smartmatic's agreement with the warehouse in Cabuyao, Laguna had expired. Two public bids for a three-year lease of warehouses have failed.

(Source: Smartmatic complaint; Dominion response; various news sources)

Senate passes electoral reform measures

The Senate recently approved several bills that seek to improve Philippine elections. Approved on third and final reading was Senate Bill no. 1030, which seeks to require Comelec to capture voters' biometrics data: photograph, fingerprint, and signature. Capture of said data started more than 10 years ago, but since up to now there is no law requiring previously registered voters to have these data captured, an estimated 8 to 10 million voters still do not have said data stored in Comelec's database. When passed into law, the records of voters without biometrics data shall be deactivated. However, Senators clarified that for the purpose of the 2013 election, all voters without biometrics data captured will still be allowed to vote; they would need to go back to the Comelec though before the 2016 national elections. Registration of voters for the 2013 polls ended in October. Biometrics data capture is seen as a deterrent to flying voters; election watchdogs and other stakeholders have expressed that potential flying voters for the 2013 elections might come from the 8-10 million voters still without biometrics data.

Senate Bill No. 3287 was also approved, requiring the Comelec to conduct satellite or special registration, and designate special polling places for, persons with disabilities (PWDs) and senior citizens. The polling places "shall be located at the ground floor, preferably near the entrance of the building, and is free of any physical barriers and provided with necessary services, including assistive devices." The bill also allows Comelec to maintain existing precinct assignments, establish a separate precinct for PWDs and senior citizens, or combine them with other voters, for as long as the voting area is located on the ground floor of the assigned building. The Comelec shall likewise keep an updated record of PWDs and senior citizens who are duly registered to vote, indicating the type of disability of each and everyone, and the assistance they need.

Earlier in November, the Senate also approved a bill allowing members of the media, including their technical and support staff, to vote earlier than others starting in the 2013 polls, but only for national positions - president, vice president, senators, and party list representatives. The members of the media who wish to exercise this privilege would have to be accredited by the Comelec though, upon recommendation by the media outfits that employ them. They could also only vote on days that would be determined by the Comelec.

The Senate bills will undergo a bicameral conference committee with counterpart versions having already been approved by the House of Representatives.

One Senate bill that has not been finalized is the proposal to amend the Overseas Absentee Voting Act, that seeks to repeal Section 5 (d) of the law which states that an immigrant or a permanent resident must execute upon registration an affidavit prepared by the Comelec declaring that he or she shall resume actual physical permanent residence in the Philippines not later than three years from approval of his or her registration. This particular provision has been cited by overseas Filipinos as a reason why they did not want to register to vote. The bill also proposes that there be alternative ways of voting that would make it easier for working Filipinos overseas to cast their votes instead of taking a leave of absence to be able to travel to the nearest embassy or consulate to vote.

The Comelec's proposed Php8.4-billion budget for the 2013 elections was also approved by the Senate Committee on Finance on November 12.

(Various news sources)

Comelec to become more strict on campaign spending

In an interview, Comelec chairman Sixto Brillantes, Jr. said the commission will strictly monitor campaign contributions and expenses of candidates in the May 2013 polls. He also said that the Comelec might tap the help of election watchdogs to help monitor the campaign expenses and verify documents that will be submitted by the winning and losing candidates after the election pertaining to their actual expenses.

Under election rules, all candidates are required to file their statement of contributions and expenses (SOCE) 30 days after the polls. Failure to do so will prevent a winning candidate from taking office and make him or her liable for administrative charges and fines of up to Php 30,000. Senatorial, congressional and other local candidates registered under a political party are authorized to spend only Php 3 for every voter, while independent candidates without any support from any political party are only authorized to spend Php 5 for every registered voter. Political parties and party-list groups may spend only Php 5 for every voter in their constituency.

Over the decades, the Comelec has been limited to just receiving reports from candidates with regard campaign contributions and expenses, and reviewed by the Comelec's Law Department that is severely understaffed to undertake the process in a timely manner. In a forum last week organized by the Ateneo School of Government, Comelec commissioner Christian Robert Lim said that under-reporting of campaign expenses is prevalent among candidates and easily got past the Comelec. For the 2010 elections for example, the Bureau of Internal Revenue collected only Php 200 million from tax on campaign contributions. Going by this figure, it means that all candidates in the 2010 national elections only got Php 2 Billion in total campaign contributions, a figure that is hard to believe.

In July this year, the Comelec created a Campaign Finance Unit, headed by Commissioner Lim, that will go beyond receiving and keeping reports filed by candidates, political parties, contributors and election contractors and advertising contracts of media entities. The unit is also supposed to audit and publish these reports and monitor fund raising and spending activities. The Comelec has deputized 14 government agencies to assist the Campaign Finance Unit to carry out its tasks. However, Commissioner Lim considers the Campaign Finance Unit a start-up, saying that new and existing civil society initiatives are needed to put campaign finance reform in place.

In the same forum, participants identified other problems tied to election spending and fund raising besides overspending and under-reporting; Premature campaigning; Dynastic and patronage politics; Vote buying and selling; Anonymous contributors; No limit on campaign contributions; Unrealistic spending limits; No limits on spending for counsel and printing sample ballots; Lack of regulations on online campaigning; Increased State spending as elections near, especially on public works; Failure to file statements of campaign expenditures; Need for disclosure of campaign expenses; No post-audit of declarations; Need to include violations of the Election Code in the Anti-Money Laundering Act, similar to graft and corruption; Quid pro quo resulting from campaign contributions, in the form of policy favorable to donors; Failure to prosecute violators; Weak political party system; Personality-based politics.

(Sources: Vera Files; Manila Standard Today; forum notes)

Updated unofficial list of Party-list organizations approved by Comelec to run in the 2013 polls

The Comelec has not issued any official list of organizations that the Comelec en banc has approved so far to run in May 2013, but based on media statements by the Comelec, here is an updated list as of November 20:

1. Agapay sa Matatanda
2. Akbayan
3. Ang Nars Inc.
4. Ating Agapay Sentrong Samahan ng mga Obrera (Aasenso)
5. Bayan Muna
6. Pilipinos with Disabilities
7. PISTON (Pinagkaisang Samahan ng mga Tsuper at Operator Nationwide)

Meanwhile, here is an updated list of organizations that were previously disqualified by the Comelec to run as Party-list organizations in the 2013 elections, but for whose petitions the Supreme Court has issued a status quo ante order (SQAQO). The SC orders do not automatically make the organizations qualify to run in 2013. With the SQAQO, the accreditation of the groups are restored temporarily by the SC, until the final resolution based on the merits of their cases. The Comelec was ordered to comment on the petitions of said organizations within a non-extendable period of 10 days from receipt of the notice of SQAQO.

A. November 20 SQAQO

1. 1Guardians Nationalist Phil. Inc, (GANAP/GUARDIANS),
2. Agapay ng Indigenous People Rights Alliance (A-IPRA)
3. Alliance for Nationalism and Democracy (ANAD)
4. Bantay
5. Kaagapay ng Nagkakaisang Aguilang Pilipinong Magsasaka (KAP)
6. Philippine Guardian Brotherhood Inc. (1BRO-PGBI)

B. November 13 SQAQO

1. 1st Consumers Alliance for Rural Energy, Inc. (1-CARE)
2. Ako Bicol Political Party (AKB)
3. Alliance for Rural and Agrarian Reconstruction, Inc. (ARARO)
4. Alliance for Rural Concerns (ARC)
5. Association for Righteousness Advocacy on Leadership (ARAL)
6. Association of Philippine Electric Cooperatives, Inc. (APEC)
7. Aksyon Magsasaka-Partido Tinig ng Masa (AKMA-PTM)
8. Kapatiran ng mga Nakulong na Walang Sala, Inc. (KAKUSA)

There are petitions filed by other Comelec-disqualified organizations that have pending decisions at the Supreme Court.

(Various news sources)

Election hot-spots being monitored

As the election period draws near, incidence of election-related violence were noted in many regions and provinces in the country. The Philippine National Police (PNP) and the Comelec are assessing the areas that are considered as election hot-spots and places where private armies might be present. Among the areas that are considered hot-spots by the commission are the provinces of Abra and Iloilo, and the town of Danao in Bohol.

Comelec chair Sixto Brillantes Jr. pointed out though, that their list shows fewer areas. He said that PNP's list of hot-spots differ from that of the Comelec's as the latter's list has fewer identified areas.

Brillantes was reported as saying that the PNP could have consulted them first as far as election hot-spots are concerned, and added that even though they have not deputized the PNP yet, Comelec will still consider the "high risk" areas as identified by the PNP.

The places that were tagged by the PNP as “high risk” areas are: Abra, Pangasinan, Ilocos Sur, La Union, Cagayan, Pampanga, Nueva Ecija, Batangas, Cavite, Masbate, Samar, Misamis Occidental, Maguindanao, Lanao Del Sur and Basilan. These provinces are known to have a history of intense rivalry among their political clans as well as the proliferation of firearms and private armed groups.

Apart from the provinces mentioned, the PNP also reported that they are monitoring 508 cities and municipalities all over the country, and 315 specific barangays in the Western Visayas area (Region VI).

In Abra, one of the identified election hotspots, representatives from various government agencies and civil society organizations were called together to discuss issues and relevant matters in preparation for the elections in 2013. The participants in this consultation meeting were representatives of the PNP, the Philippine Army, Comelec, Department of Education (DepEd), religious groups, NAMFREL, PPCRV, local media, academe, and the business sectors including the farmers. Atty. Mae Richelle Belmes, Abra provincial election supervisor (PES), said that the issues and recommendations that will be culled from the consultation will be forwarded to Comelec for their evaluation and consideration.

(Various news sources)

COMELEC bid out goods and services for the 2013 elections

The Commission on Elections’ (Comelec) Special Bids and Awards Committee (SBAC) has conducted public bidding for a total of nine lots for the goods and services that will be employed or used for the 2013 elections. Following are the items that the Comelec has bid out for and the status of the procurement:

Warehouse lease with Configuration Facilities

The Comelec has conducted two bidding conferences for this service, and both failed. The first was held on July 23, 2012, where only one bidder, the joint venture of Bodega Site IT Solutions, Inc. and RV Marzan International Forwarders, Inc., submitted their offer, but was declared ineligible by the SBAC for insufficient documents. The budget for the project is Php 112,000,000.00.

The second bidding was held on August 29, 2012 with an increased budget of Php 400,000,000.00. The suppliers that participated in this bidding were the joint venture (JV) of Smartmatic-TIM Corp. and European Apparel Corp., and the JV of Storage Solutions Inc. (SSI) and Asa Color and Chemicals, Inc. The Smartmatic JV was declared ineligible also due to insufficient documents. The SSI JV was declared eligible during the bidding, but was disqualified during the post-qualification evaluation after the technical working group (TWG) of the Comelec-SBAC learned that the property in Cavite will be sub-leased by the joint venture. The SBAC specified in the bidding documents that subcontracting (or sub-leasing) is prohibited.

After the two failed bidding conferences, the SBAC will enter into negotiations with potential suppliers.

PCOS-related Consumables

1) Thermal paper – There were three companies that participated in the bidding. The first JV of SPH International Corp. and Advance Paper Corp. was initially declared as the lowest calculated bidder, but was post-disqualified after the TWG found out some insufficiencies in their technical requirements. The second lowest calculated bidder for thermal paper, Consolidated Paper Products, Inc. (CPPI), qualified for the project for complying with all the requirements by the SBAC. The approved budget for the project is Php 129,494,400.00. The third company was Smartmatic-TIM Corp. that was also declared eligible. However, their bid offer was higher than that of CPPI, hence the SBAC declared CPPI as the winning bidder.

2) Marking Pens – The JV of LDLA Marketing, DTM Prints and Labels Specialists, Inc. and Accent Micro Technologies; the JV of SPH International Corp. and Advance Paper Corp.; and Smartmatic-TIM Corp. were the prospective suppliers that participated in the bidding for marking pens. The LDLA JV failed in the bidding for insufficiency of documents required, resulting in the SBAC declaring the SPH JV as the winning bidder for this project. Comelec required 1,640,000 units of pens that will be used to mark the ballots in the 2013 polls, and the budget was pegged at Php 36,736,000.00. The winning bidder’s offer is Php 27,355,200.00.

3) CF Cards-Main and CF Cards WORM – In the first bidding for compact flash (CF) cards (the storage device for the counting machines), only the JV of LDLA submitted its bid offer. The JV was declared ineligible for failing to provide the statement of their single largest contract sworn with a notarial seal, thus the failure of the first bidding. In the second bidding, two suppliers participated. The first was the JV of LDLA, which passed the bid evaluation but was later on post-disqualified due to insufficiencies in their submitted requirements. The second bidder was Unison Computer Systems, Inc. but was later post-disqualified for “failure to comply with the

technical specifications and with the authentication of certifications" (SBAC resolution no. 5, promulgated 12 November 2012). Since there were two failed bidding for the CF Cards, the SBAC is preparing to enter into negotiations with any supplier for this project.

Smartmatic-TIM did not participate in the bidding for CF cards claiming that the budget allotted by the Comelec for this project is insufficient. In the 2010 polls, some of the CF cards used with the counting machines were supplied to Smartmatic-TIM sourced from LDLA Marketing.

4) Toner – Comelec allotted Php 9,968,000.00 for 2,200 units of toner. Two companies submitted their bid offers for Comelec's toner requirements. These companies are Optimal Systems Distributors, Inc., and Smartmatic-TIM Corp. The SBAC declared Optimal Systems as the winning bidder with their offer of Php 9,776,800.00, as Smartmatic's offer was higher at Php 9,868,320.00

5) External Rechargeable Battery – For the external rechargeable batteries, three companies submitted their bid offer, they are: 1) the JV of Fumaco Inc. and Light Core Technologies Systems, Inc. (LCTSI); 2) Accent Micro Technologies, Inc.; and 3) Smartmatic-TIM Corp. The Fumaco JV was declared as the winning bidder, 'Accent' was declared ineligible for insufficient documents submitted, and Smartmatic's offer was higher than Fumaco's.

The Comelec's budget of Php 152,546,240.00 was allocated for its 82,000 unit requirement. Smartmatic's offer was Php 147,896,630.57, while Fumaco's offer was Php 137,760,000.00.

Provision for Electronic Results Transmission Services

Two bidding conferences were held for the electronic results transmission services (ERTS). The first bidding was held on August 28, 2012. The lone bidder, Blue Media Communications, Inc. was declared ineligible for documentary insufficiencies.

A second bidding was held on October 10, 2012, where no company submitted their proposal. Smartmatic-TIM Corp. on the same day submitted their letter addressed to the SBAC explaining the reason for their non-participation. In their letter, Smartmatic explained that the budget, amounting to Php 405,423,200.00, is not sufficient for the project considering the extent of the services required.

After two failed bidding conferences, Comelec is preparing to enter into negotiations for the project.

Electronic Results Transmission Modems

Smartmatic-TIM Corp. and Mega Data Corporation submitted their bid offers for the project. Only Smartmatic was declared eligible as Mega Data failed to satisfy all the documentary requirements. The budget for the contract is Php 154,576,800.00. The Comelec will need 15,000 units for the 2013 elections.

For the other requirements such as the ballot papers for the 2013 elections, the Comelec has delegated the task of procuring ballot printing to the National Printing Office (NPO). The JV of Canon Marketing Philippines and Holy Family Printing Corp. won the bidding for the supply and printing of ballot papers. For the deployment of the ballots to the different precincts all over the country, a bidding conference is set on November 26, 2012 for ballot packaging.

Prior to these procurements, Comelec has engaged the services of Asa Color and Chemical Industries for the indelible ink that was used for the voters' registration in the Autonomous Region in Muslim Mindanao (ARMM). The contract amount for the ink was Php 3,023,003.24

Comelec approves NPO procurement of ballot printing services

For the supply and printing of official ballots for the 2013 elections, the Comelec upheld the awarding of the contract to the Holy Family Printing Corp. (HFPC) and Canon Marketing Philippines by the National Printing Office (NPO).

NPO was criticized by other suppliers, Smartmatic-TIM Corp. and ePDS (a consortium of Philippine Long Distance Telephone Company, PLDT) for awarding the contract to HFPC despite the latter's alleged false declaration of its single largest contract during the opening of bids. The suppliers, particularly Smartmatic-TIM, also lambasted NPO for awarding HFPC the contract in spite of the negative result of the sample ballot test.

Comelec, on the other hand, said that there are no irregularities with NPO's procurement process, from the bidding up to the awarding of the contract. The poll body further affirmed that the NPO ballot test yielded a

positive result. Comelec spokesperson James Jimenez stressed that they are allowing the NPO, being the expert, to take charge in the printing of ballots. Should issues be encountered in relation to the official ballots, the poll body will then “intervene,” he added.

(Various news sources)

A roundup of regional election news

Former Dapitan City mayor disallowed to run for public office

Former Dapitan city mayor Dominador Jalosjos lost his privilege to run for public office as the Supreme Court (SC) affirmed its previous ruling which provides that the former mayor is ineligible to run due to his past criminal conviction.

In 2010, the Comelec issued two resolutions dated May 10 and August 11 canceling Jalosjos’ candidacy for “false material representation” after he submitted a faked certification of his probation and parole. The resolutions were backed by an SC ruling that denied Jalosjos’ appeal.

Jalosjos was convicted with final judgment for robbery and was sentenced to imprisonment in the 1970s. In the 1980s, he filed a petition for probation, but was later on revoked by his probation officer.

Prior to his election victory in 2010, Jalosjos submitted a certification of compliance for probation to the Comelec to fulfill his requirements to run for public office, but the certification was proven to be falsified.

The SC ruled that Jalosjos should have never qualified to run for elections as his past criminal conviction rendered him “perpetually” disqualified.

Dominador is the brother of former Zamboanga congressman and convicted child rapist Romeo Jalosjos.

Couple running for mayor face obstacle

A husband and wife who are running for the same position failed to appear before the Comelec for the hearing of their disqualification case. The case was filed by lawyer Antonio Jordan Tabares, Jr. against the incumbent mayor of San Pascual, Batangas, Antonio “Tony” Dimayuga, and his wife Brenda Kenrick Dimayuga. The case filed alleges that Tony’s wife filed her certificate of candidacy (CoC) using a different name, Ma. Brenda.

A group called the Kilusang Kabataan at Kinabukasan (KKK) said that the non-appearance of the couple is an act of discourtesy, and urged the poll body to act on the case with expediency.

Tony Dimayuga was reported to have said that he will no longer seek candidacy, but later on joined his wife and filed their individual CoC for the mayoralty race in the said town.

Supporters call for mayor’s stay in office

Pending the removal of their mayor in Lucena City, supporters flocked to call for the reversal of the Supreme Court decision to oust Barbara ‘Ruby’ Talaga from office.

The ‘protest’ in support of Ruby Talaga went peacefully, according to news reports, and despite the inclement weather, participants stayed until the rally ended at around 8:00 pm on November 9, 2012.

According to reports, Talaga earlier said that her lawyers will file a motion for reconsideration so she can continue to serve her constituents.

Talaga’s candidacy was invalidated before when she filed as a substitute candidate for her husband Ramon Talaga after the latter was barred from running for exceeding his term limits. Despite her disqualification, Ruby Talaga still won in the 2010 elections.

The SC decision that invalidated and ousted Talaga also provides that Roderick Alcala, the town vice-mayor, should be declared mayor. Alcala on the other hand said that he will not employ any force to get to take the office over.

Blast hits a town in Sultan Kudarat

Residents of Tacurong City were rattled as an explosion took place in the residence of a mayor in the evening of Nov. 8, 2012. The blast hit the residential compound of Emilio Salamanca, mayor of the municipality of President Quirino.

Authorities said that the blast was caused by a grenade called high-explosive dual purpose (HEDP). The incident occurred a day after a grenade exploded in Tacurong City's public market.

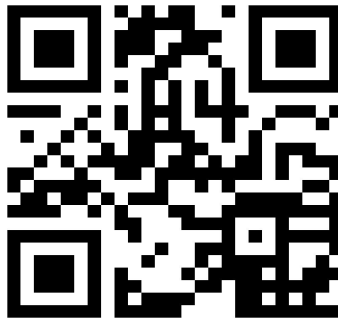
Salamanca said in a radio interview that he may be the target in the explosion, as he observed some unfamiliar people roaming around his residence prior to the incident.

The police investigation is still ongoing to establish if Salamanca is indeed the target in the blast.

(Various news resources)



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