

Bill postponing ARMM election approved by House; faces opposition in the Senate

Just before it went into recess this week, the House of Representatives on March 22 approved on third reading House Bill no. 4146, postponing the election in the Autonomous Region in Muslim Mindanao (ARMM) scheduled for August of this year, to synchronize it with the 2013 national and local elections. With 191 votes against 47 and 2 abstentions, the House also voted to authorize President Aquino to appoint caretakers in elective positions for the ARMM until May 2013.

The bill was already transmitted to the Senate on Wednesday; however, the earliest possible date that the Senate could deliberate on the proposed postponement will be on May 9 when it resumes its session, which is also a week after the May 2 deadline for filing of certificates of candidacy for the ARMM elections. The President has already said that he need not call for a special session for this priority bill before May 9.

However, in spite of the President's confidence that the Senate will also approve of the postponement, it is expected that the bill will face opposition from the Senators. Several senators have already voiced out through the media their disapproval of the ARMM election postponement, especially during the lead up to the House voting. Sharing the sentiments of civil society organizations opposed to the postponement, some senators contend that the idea of the national government appointing a caretaker government in the ARMM runs counter to the idea of autonomy. Senator Miriam Defensor-Santiago questions the constitutionality of the proposal. "If we are going to empower the executive branch of government to appoint so-called officers-in-charge starting this year to 2013 in the next elections then, in effect, Mindanao is not autonomous to the national government," she said. Senators Santiago and Francis Escudero also share the view that any amendment resetting the ARMM election can only be made effective and valid through a plebiscite duly called for that purpose.

"It is my opinion that the bill postponing the ARMM election, including appointing OICs, is an amendment of the ARMM Organic Law, which requires two-thirds vote of Congress, with both chambers voting separately," Escudero said in an interview. In another interview, Senator Joker Arroyo said, "My position is very simple. The Autonomous Region in Muslim Mindanao is autonomous. Why is the national government interfering with its affairs?...When will we ever let them alone? To judge and decide for themselves? Again they will use the guise of synchronized elections so that they can appoint an OIC. OIC would not be the choice of the ARMM people." Senator Miguel Zubiri, in a privilege speech, went even further to say that the postponement not only means "the temporary suspension of the people's right to suffrage but... the suspension of the democratic process of which people have the right to choose their leaders who then decide the fate of 4.5 million people." With regard the synchronization of polls, the author of the ARMM Organic Act, former Senator Aquilino Pimentel, Jr., said in a forum, "The ARMM law was created to have their own elections, independent to the regular national elections." He maintained that any deferment of the August 8 election would constitute an amendment of the ARMM charter, which would need approval in a referendum to be legal.



Sen. Bongbong Marcos said there are many issues involved in the proposed postponement, including the legality of appointing officers in charge. Marcos, who heads the Senate Committee on Local Governments, also said that his committee would need to hold a series of consultations in the ARMM to know the sentiments of the people. Senate Majority Leader Vicente Sotto III said they have very limited time to act on the measure, with the Senate expected to prioritize the impeachment of the Ombudsman when it resumes session.

On the same day the approved House bill was transmitted to the Senate, Sen. Franklin Drilon filed before Sen. Marcos' committee Senate Bill 2756, calling for the deferment of elections in the region's five provinces, and giving President Aquino the power to appoint officers-in-charge until new officials are elected in 2013. Drilon said postponing the ARMM elections will make the government save up to P1.8 billion, which he said can be used "for urgent social services and physical infrastructures needed in the region." "It is opportune time for the new administration to be more prudent and discerning in its current expenditures...The synchronization will allow for government to reduce its expenditures on the frequent conduct of various elections," the measure read.

Meanwhile, Comelec chairman Sixto Brillantes urged the Senate to expedite the holding of deliberations on the postponement so that the Comelec will be guided whether to go full blast in preparing for the ARMM elections in August, although he said the Comelec is operating as if the election will take place as scheduled. However, as the days and weeks pass, the Comelec would need to spend more money on its preparations and resources may go to waste if the elections are postponed. Brillantes clarified that they have not spent for anything major for the ARMM elections yet.

On March 21, the Comelec started a 10-day special registration of voters in the ARMM provinces. Reports said the registration has been peaceful so far, but the turn-out has been low. Comelec spokesperson James Jimenez said that "even if the elections were deferred, the registration will not be an exercise in futility because the registered voters could still cast their ballots in other elections." (Various news sources)

NAMFREL hosts international videoconference on automated elections

On February 24, the [Global Network of Domestic Election Monitors \(GNDEM\)](http://www.gndem.org), a coalition of more than 140 regional networks and non-partisan election monitoring organizations from 60 countries on five continents, hosted its first GNDEM Exchange. The first in a series of video conference was hosted by NAMFREL, through National Council members Damaso Magbual (also Chair of the Asian Network for Free Elections – ANFREL), Telibert Laoc, and Eric Alvia. The Exchange, entitled **"Testing for the World: Use of Modern Technology in the 2010 Philippine General Elections,"** focused on the use of technology in election administration and how it impacts electoral transparency.

GNDEM recently released the audio transcripts of the said conference, which you may stream through this link: <http://bit.ly/gWUuix>



Circular Reference Error and a Rule Change (Part 2 of 4) by Telibert C. Laoc (Member, NAMFREL National Council)

Recently the new chairperson of the (Philippine) Commission on Elections (Comelec) said that a manual recounting procedure would be "in uniform" with the system already put in place by other courts" and tribunals handling election protests. ([Philippine Daily Inquirer](http://www.philippinedailyinquirer.com)) The Comelec has the details of this new procedure in [resolution 9164](#), passed on March 16, 2011.

The officers of the Philippine Judicial Academy, in my meeting with them in mid-March 2010, said that they were then awaiting Comelec's guidelines in order to train judges on handling disputes in the automated election system. It is interesting that the Comelec's most recent guidelines on recounts is the one now being presented as consistent with those that were in place with the courts.

If this form of argument were in an electronic spreadsheet there would be a prompt saying "circular reference error".

While some argue that the presidential (PET), senatorial (SET), and the house of representatives (HRET) electoral tribunals are independent of the Comelec and may promulgate their own rules, it will be untenable to have a situation where one loses in the Comelec count but wins in the tribunals' own by virtue of difference in the rules.

Therefore, did the Comelec avert a potential contentious situation with the latest revision of the recount rules? Looks like they did indeed. Instead of being the ones to set the rules, it looks though that the tribunals had instead prevailed upon them.

To my knowledge, the first ever recount of protested ballots in the 2010 polls will be conducted next week or 10 months after the winners have been proclaimed. Contestant Lito Atienza sought a recount of ballots of the May 10, 2010 election won by Alfredo Lim in the mayoralty race for the city of Manila. Recounting will start on March 29 for ballots coming from 200 polling stations. I look forward to observing this one and the National Citizens' Movement for Free Elections' (Namfrel) request for an observer status has been sent to the Comelec.

But before then the question becomes, what orientation or training did the Comelec give to the members of the recount committee and candidates' representatives to ensure proper and uniform appreciation of the ballot and the votes?

Item (h) of Rule 15 of resolution 9164, distinguishes between "voting marks" and "identifying marks." The former are "markings placed beside the ovals that may appear to show intent of the voter to vote for a party," while the latter is supposed to be "intentionally placed to identify the ballot or the voter". Voting marks may be subject to claims, while identifying marks could be subject to objections. Does the Comelec have clear guidelines on these for the recount participants?

The precinct count optical scan (PCOS) machines were not programmed to read voting marks outside the ovals unless that mark smudges the timing tracks or the bar code on the ballot. In both cases the machine will reject the ballot because it can neither locate the mark on the oval nor authenticate it. Accidentally smudging or soiling any other part of the ballot, however, will not cause it to be rejected and the voter will not be disenfranchised.

In the same news article (above), the Comelec chairman said that a manual recount of the ballots "will be a tool to validate the results of the PCOS count last May, if they are correct or not".

By allowing voting marks to be possibly counted as a vote, using the principle of honoring voter intent, when this could not have been determined with the use of the PCOS machine, the Comelec has changed the rules. Therefore, expect different results between the count of May 10, 2010 and that of the recount. Whether issues concerning voting marks will be many enough to change the result would be anybody's take though.

(Part 1: Recount Redux - <http://telibert.blogspot.com/2011/03/recount-redux.html>)

NAMFREL engages the DepEd, DILG & the DOH for the 2012 National Budget Preparation consultations **by Eric Jude O. Alvia, NAMFREL Secretary General**

The fresh mandate of the Aquino government presents opportunities for civil society organizations (CSO) and citizens groups to set its social accountability agenda and help revitalize the advocacy for good governance in the country. This opportunity calls for a calibrated response, which can only be crafted if like-minded advocates and champions of social accountability come together and discuss the appropriate course of action.

Over the past few months, CSOs have been meeting and coordinating efforts alongside counterpart government agencies in budget advocacy towards contributing to reforms in the country's public financial management. There has been optimism noted and positive developments in terms of CSO engagement and partnership with

these agencies especially with the Department of Budget and Management (DBM).

Primarily, transparency in government is a cornerstone policy that President Aquino has promised to uphold. With President Aquino at the helm, the public sees a great opportunity in making the budget more open to the public. Specifically, the DBM has made an effort to widen public access to government documents, starting with those on the budget. Since late July 2010, the DBM has spearheaded this effort by promising full transparency and active citizens' participation in the budget preparation process. Recently, it has issued National Budget Memorandum No. 109 which sets guidelines for CSO participation in the budget process.

The issuance has far-reaching implications than just institutionalizing citizens' participation. Budget transparency empowers citizens and enables them to have a buy-in on decisions being made by government. This along with public participation can enhance the credibility of policy choices and the effectiveness of policy interventions. The absence or lack of it can lead to the selection of unpopular and inappropriate programs, and corrupt and wasteful spending.

For that purpose, NAMFREL-Bantay ng Bayan Foundation Inc. (NAMFREL) and other civil society and citizens groups have convened and committed to engage the DBM and select government agencies in crafting the FY 2012 budget.

In mid-February 2011, in line with the DBM's invitation for citizens groups to participate in the FY 2012 budget preparation process, NAMFREL signified its intention to participate in the DBM, Department of Education's (DepEd), Department of Health's (DOH), Department of Public Works and Highways's (DPWH) effort in preparing the fiscal year (FY) 2012 national budget.

NAMFREL is no stranger to good governance monitoring work such as this. Since the late 1980's various NAMFREL provincial chapters in Abra and in the Bicol region have participated in project contract monitoring and as members of the bids and awards committee of their regional DPWH. Currently, NAMFREL is expanding its participation to include the monitoring of major infrastructure projects where it has a regional and local presence.

NAMFREL has also partnered with government agencies responsible for the delivery of basic services such as education and health. In 2003, it entered into a partnership with the DepEd as a civil society consortium member for the text book count monitoring (Text Book Count 1 to 5) conducting national warehouse inspections and delivery monitoring in the district school and high school levels. Since 2007, NAMFREL has provided resource persons to conduct trainings for the Text Book Walk (delivery from district school to elementary school). Last year, NAMFREL commenced participation as observers in monitoring the proceedings of the departments' Bids and Awards Committees.

In partnership with the DOH since 2004, NAMFREL volunteer observers have been deployed in monitoring ten out of 17 Center for Health Development and 54 out of 71 Retained Hospital level nationwide on the full cycle of procurement, contract implementation (inspection & acceptance) for drugs and medicines, and participation in the departments national & regional Integrity Development Councils.

To complete and fully complement these activities, NAMFREL saw it fit to participate in evaluating as well as providing inputs to the DBM, DOH, DILG, and DepEd's adoption of a zero –based budgeting for FY 2012. Since the budget process is a cycle, it intends to engage these select government agencies on all aspects from budget preparation, legislation, execution and monitoring and evaluation.

But beyond improving access to key budget documents as well as providing greater opportunities for the public to participate, other ways in which the Philippine budget process can be made more open and responsive include: ensuring the existence of an independent and strength of legislative and audit institutions such as the Congress and the Commission on Audit (COA).

As of this writing, local NAMFREL chapters have participated in seven (Regions 3, 6,7, 8, 11, & NCR) DOH and DepEd national's budget consultations. It has expressed its commitment to engage with these select government agencies in the national budget process, to achieve budgetary efficiency and enhance the impact of public expenditure in reducing poverty and improving each Filipinos quality of life.

Medicine monitoring update

by Edgar E. Camenting, NAMFREL Project Coordinator

Under the implementation of NAMFREL and the Department of Health's (DOH) Medicine Monitoring Project 2, NAMFREL monitored a total of Php 1.3 billion pesos worth of the Approved Budget for the Contract (ABC) both for pharmaceutical and non-pharmaceutical products. This procurement monitoring results were taken from the Observers Diagnostic Report (ODR) from the 22 projects sites, whose Bids and Awards Committees (BACs) have directly monitored by NAMFREL volunteer-observers.

BAC monitoring

Data from four project sites were not included in the 2010 procurement report (Table 1) as the observers in said sites were able to attend only the the pre-bid conference. These sites were Corazon Locsin Montelibano Memorial Regional Hospital (CLMRH) in Bacolod, Dr. Jose Fabella Memorial Hospital (DJFMH), Center for Health Development (CHD) for Mimaropa, and Gov. Celestino Gallares Memorial Hospital in Bohol. Similarly, observer were not able to cover at all six project sites due to late participation of volunteers in said areas. These were in Cagayan Valley Medical Center (CVMC), National Center for Mental Health (NCMH), CHD for Central Luzon, Northern Mindanao, and Southern Mindanao as well as in Western Visayas. All these hospitals will be covered in 2011.

Table 1	2010 Procurement Report		
Area of Assignment	2010	2011 (so far)	Total
ARMC	12.0 million	0.00	12.0 million
BGHMC	143.5 million	0.00	143.5 million
BRH	1.5 million	101.0 million	102.5 million
BMC	29.5 million	19.1 million	48.6 million
CVMC	00.00	125.1 million	125.1 million
CRH	20.6 million	00.00	20.6 million
CLMMRH	00.00	00.00	00.00
DJFMH	00.00	11.1 million	11.1 million
EVRMC	9.9 million	00.00	9.9 million
GCGMH	00.00	00.00	00.00
JRMMC	104.0 million	00.00	104.0 million
MRH	26.0 million	00.00	26.0 million
MMMHMC	190.8 million	00.00	190.8 million
NCMH	00.00	14.7 million	14.7 million
NMMC	39.7 million	3.5 million	43.2 million
PJGMRMC	30.0 million	30.0 million	60.0 million
PCMC	1.6 million	8.7 million	10.3 million
RITM	57.4 million	9.3 million	66.7 million
RMC	114.7 million	00.00	114.7 million
SPMC	205. 8million	00.00	205.8 million
VRH	1.0 million	00.00	1.0 million
CHD-Bicol	4.9 million	1.9 million	6.8 million
CHD-Central Luzon	00.00	00.00	00.00
CHD-Metro Manila	27.8 million	9.9 million	37.7 million
CHD-Mimaropa	00.00	00.00	00.00
CHD-N Mindanao	00.00	00.00	00.00
CHD-S Mindanao	00.00	00.00	00.00
CHD-W Visayas	00.00	00.00	00.00
	1.0 B	334.3 M	1.3 Billion

Delivery monitoring

On the delivery monitoring tasks, NAMFREL monitored a total of Php 61.4 million worth of drugs and medicines out a total of Php 155.5 million monitored in 10 from the 14 project sites monitored for delivery monitoring. The figures were based on actual evaluation of Purchase Orders, Delivery Receipts and the Inspection and Acceptance Report obtained from the Property Office of each hospital and CHD. The delivery monitoring was

made in the following hospitals: (see table 2)

Table 2. 2010 Delivery Report (Drugs)			
Area of Assignment	ABC	Awarded	Monitored
ARMC	7.0 million	5.1 million	5.1 million
CRH	10.3 million	5.8 million	1.0 million
EVRMC	9.9 million	6.5 million	1.7 million
JRMMC	36.5 million	9.4 million	4.3 million
NCMH	0.0	28.7 million	21.4 million
PJGMRMC	30.0 million	26.8 million	10.4 million
PCMC	35.3 million	24.3 million	2.6 million
RITM	39.1 million	38.1 million	11.0 million
RMC	34.9 million	19.7 million	1.7 million
CHD-Mimaropa	3.1 million	2.2 million	2.2 million
		155.5 M	61.4 Million

The delivery report only covers reports submitted completely to NAMFREL project team. Other deliveries of medicines in the 2010 period have yet to be completed by the suppliers. The delivery report only covers deliveries of medicines procured through public bidding. Medicines purchased by other modes of procurement (like direct contracting, negotiated procurement, shopping) were not included in the delivery monitoring.

Inventory monitoring

NAMFREL monitored the allocation of a total of Php 11.7 million worth of drugs and medicines initially in 6 of the project sites comprising of 5 hospitals and 1 CHD. The report was based on the document assessment of the Requisition Issuance Slip (RIS) and the Monthly Issuance Slip obtained from the Hospital Supply and Pharmacy Offices.

- Eastern Visayas Regional Medical Center / Php 1.4 million
- Research Institute for Tropical Medicines / Php 7.1 million
- Philippine Children's Medical Center / Php 1.3 million
- Rizal Medical Center / Php 168,033
- Dr. Paulino J. Garcia Research Memorial Medical Center / Php 2.0 million
- CHD for Mimaropa / Php 91,982.48

The results were from partial reports submitted to the NAMFREL of 6 from the total of 14 hospitals. (The other 8 hospitals have not submitted data on inventory).

ANFREL calls for end to harassment of Bangladesh human rights organization

In a [letter](#) to the UN Office of the High Commissioner for Human Rights, the Asian Network for Free Elections (ANFREL) calls attention to the harassment of members of Odhikar – an organization in Bangladesh composed of lawyers, university professors, journalists, social and development activists committed to human rights. Odhikar is one of ANFREL's member-organizations.

“On multiple occasions in the past two weeks, unknown figures apparently connected to the government have appeared outside Odhikar's office and Mr. Khan's (Odhikar Secretary Advocate Adilur Rahman Khan's) home. They have harassed staff, followed Mr. Khan, and demanded personal information about Mr. Khan as well as the records of Odhikar. Their questioning included asking very specific questions about Mr. Khan's family, questions no doubt intended to intimidate and scare him into discontinuing his work,” the letter said.

According to reports, acts of harassment against members of the organization have taken place particularly after Odhikar's third Annual Human Rights Defenders conference held in the capital Dhaka early this month.

ANFREL calls on the government of Bangladesh to investigate and end the intimidation of the organization and

to “do more to protect those working to strengthen democracy and human rights in Bangladesh...in accordance with the duties of States found in the UN’s Declaration on Human Rights Defenders.”

Comelec NCR Director passes away

NAMFREL condoles with the family of Comelec NCR director Michael Dioneda, who succumbed to kidney cancer last Saturday at the age of 42. His remains lie in state at the Heritage Park mortuary in Taguig, Fort Bonifacio. Interment will be on March 30 at 3pm.

His passing is a loss not only to the Comelec but also to the civil service. Director Dioneda encouraged participation of all sectors in all aspects of the electoral process. We honor Director Dioneda for his efforts in initiating electoral reforms particularly in improving voters registration and cleansing the voters list in NCR, and in instituting procurement reforms in the Comelec's Bids and Awards committee.



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