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New Comelec commissioner appointed

President Aquino has appointed Atty. Christian Robert Lim as new Comelec commissioner, taking the post left by Gregorio Larrazabal who retired from the election commission in February. This leaves one more position vacant in the Comelec en banc, the one left by Nicodemus Ferrer when he retired also in February.

According to reports, Atty. Lim was part of the campaign team of President Aquino and former Senator Manuel Roxas III during the May 2010 elections. In the same election, he was also said to be part of the legal team of Quezon City congressional candidate Vivienne Tan, eldest daughter of business tycoon Lucio Tan. Atty. Lim also served as private prosecutor in the plunder trial of former President Estrada, and a deposition officer during impeachment proceedings against him. He is also a private prosecutor in the murder case "People of the Philippines versus Parfilo M. Lacson et al" the Kuratong Baleleng case from January 2004 to present.

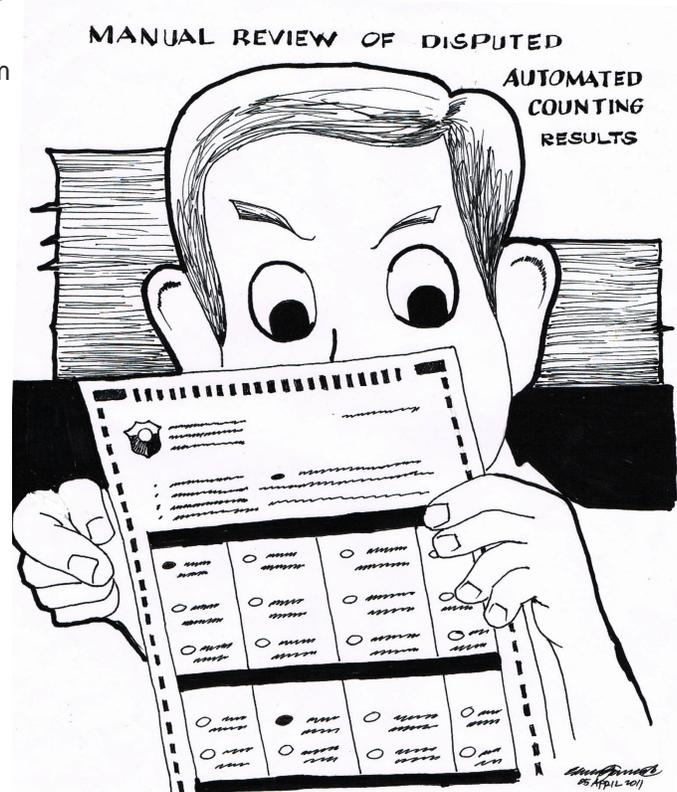
At 37 years old, Lim is among the youngest commissioners ever appointed to the Comelec, and has said that he was surprised to be chosen for the position. "I didn't even know that was the position they were looking at for me. It just happened that I had some election experience during the 2010 election so I guess they looked at my qualifications based on that," he said. Lim obtained his Bachelor of Arts in Interdisciplinary Studies from the Ateneo in 1994. He went to the Sacred Heart School for Boys in Cebu for high school and grade school. Lim obtained his law degree from Ateneo de Manila University, then worked as an Associate of the Carpio Villaraza & Cruz Law Offices upon graduation. He is currently managing partner of Lim & Leynes Law Offices.

Lim told the media that he wants to focus on making election automation even more transparent. "That is how I would like to focus my work on," Lim told ABS-CBN News Channel (ANC). (Various news sources)

Commissioner Brillantes reappointed as Comelec Chairperson by Eric Jude O. Alvia (NAMFREL Secretary General)

President Aquino has reappointed Comelec Chairperson Sixto Brillantes after Congress went on recess on March 25.

The ad interim appointment of Brillantes, who was named on Jan. 15, 2011 in an acting capacity while Congress was in recess and the Committee on Appointments (CA) not convened, was necessary. Those appointed by the President ad interim, if not confirmed by the CA during the succeeding session of Congress, will have to be re-appointed. Otherwise, their terms would automatically end. Even before the March 25 Congress break, the President had verbally conveyed his appointment as Comelec Chair.



Brillantes could not perform his duties if not appointed in an acting capacity without CA confirmation. The other day, President Aquino named Atty. Christopher Robert S. Lim as the new Comelec Commissioner to replace the position vacated by the Comelec Commissioner Gregorio Larazzabal who retired February 2, 2011. The President is expected to name one more Comelec Commissioner during the congressional break.

Article VII Section 16 of the 1987 Constitution states that:

“The President shall nominate and, with the consent of the Commission on Appointments, appoint the heads of the executive departments, ambassadors, other public ministers and consuls, or officers of the armed forces from the rank of colonel or naval captain, and other officers whose appointments are vested in him in this Constitution. He shall also appoint all other officers of the Government whose appointments are not otherwise provided for by law, and those whom he may be authorized by law to appoint. The Congress may, by law, vest the appointment of other officers lower in rank in the President alone, in the courts, or in the heads of departments, agencies, commissions, or boards.”

“The President shall have the power to make appointments during the recess of the Congress, whether voluntary or compulsory, but such appointments shall be effective only until disapproved by the Commission on Appointments or until the next adjournment of the Congress.”

While in Article IX, C. Commission on Elections, Section 1, paragraph (2) reads,

“The Chairman and the Commissioners shall be appointed by the President with the consent of the Commission on Appointments for a term of seven years without reappointment.”

If the appointment of Brillantes is not acted upon officially by the CA or the President, then the Chairman's seat could be considered vacant. In January 5, 2011, various CSOs and EMOs [sent President Aquino a letter](#) to have an open, transparent, and inclusive selection process in the appointment of the vacancies in the Comelec Chairperson and Commissioners positions.

Tangibles and Intangibles of a Poll Recount (Part 3 of 4) by [Telibert C. Laoc](#) (Member, NAMFREL National Council)

We did not expect to lose and we do not know why we lost. This was what lawyer Romulo Macalintal, of Manila mayoral candidate Lito Atienza, said when we spoke last Friday at the Commission on Elections (Comelec). April 1st marked the third day of the recounting of ballots from the 200 clustered precinct-sample (of over 130,000 ballots) of the 1,441 clustered precincts in Manila, which the Atienza camp brought before the Comelec. The recount was estimated to be completed in seven more days.

The Atienza camp had asked for a recount because they suspected that pre-determined results may have been programmed into the ballot-counting machines before the voting took place on May 10, 2010. Adding to their suspicion, according to Macalintal, were the two-digit variances that were shown when the machine count was checked manually through the post-election random audit. In last year's contest, candidate Alfredo Lim (with 395,910 votes) bested Atienza (181,094 votes) by over 214,000. (Philippine Daily Inquirer, <http://bit.ly/hjqRh3>)

In the resolutions it passed last year (discussed in the previous blog at: <http://telibert.blogspot.com/2011/03/recount-redux.html>), the election management body specified that the precinct count optical scan (PCOS) machines were to be used in recounts. These machines counted the ballots from each of the over 76,000 clustered precinct (composed of between five and seven precincts in cluster or an average of over 600 voters per cluster) throughout the country in the May 2010 polls. However, protester Atienza objected to their use because they suspect that the machines may not have counted accurately; and as Macalintal cited, the evidence that they hope to come out with can only be obtained through a manual review of the votes on each ballot. On 16 March 2011, the Comelec passed resolution 9164 (<http://bit.ly/fjVXjx>) completely making the recount a manual process.

Contributing to their resistance against the PCOS, according to Macalintal, were the Comelec's charges of PhP700,000



Ballots inside a just-opened box.

(USD16,000) for rental of the PCOS, and PhP300,000 (USD7,000) for the purchase of IT equipment and to pay for IT experts.

At the recount, Macalintal pointed out that the PCOS machines, had they been used, would have rejected many ballots. This is because some ballots were crumpled while inside the ballot boxes during storage, and some were stuck to each other crumpled and soiled when they dried after being water-logged. With the manual counting, shading on the ovals to show votes were clearly appreciable.

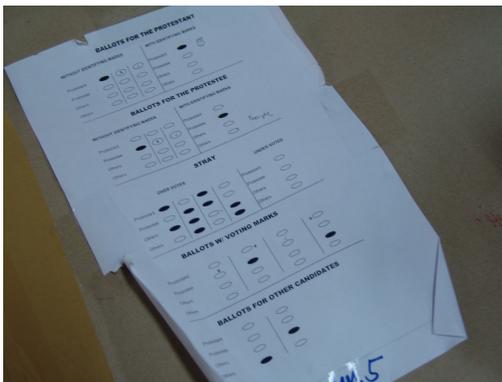
Section 3 of Comelec resolution 8804 (<http://bit.ly/dVP8KR>) puts the recount expenses at PhP1,424 per clustered precinct. However, it has charged PhP500 per precinct; and the protesting camp has reportedly made a cash deposit of PhP10 million (USD232,000) to the Comelec. The media reported last week that the Atienza camp is expecting to recover a portion of that deposit because they have been erroneously charged by the precinct instead of by the clustered precinct.

My estimate is that Atienza and sitting mayor Lim expend between PhP25,000 and upwards to PhP35,000 for each day of the recount. From the information gathered from their representatives present at the recount, each revisor (in the recount committee representing the contesting parties) are paid at least PhP1,000 per day, and each lawyer at least PhP5,000 daily. There are 10 recount committees working each day, so each camp needed to field 10 revisors. Alongside them are between three and five lawyers on each camp who are on standby for any issues that may arise, and ready to take the place of any revisor just in case s/he could not make it that day. This cost excludes the amount that their counsels charge for handling the case.



Recount committee sorting ballots before examining each vote.

During my observation a revisor pointed out that a group of ballots did not contain the same signatures of the chair of the board of election inspectors (or polling station committee). In the Philippines, the poll station chair affixes his/her signature on the ballot right in front of and before it is handed to the voter to attest that the ballot was given at the polling station on the day of the voting. These ballots, which were not listed in the resolution as among those that can be contested, will be submitted to Comelec en banc for them to rule on.



Guidelines for appreciating the vote. This sheet is posted on each of the recount committee tabletop.

Early signs indicate that the process is going smoothly and neither party sees any issues associated with it. One of the lawyers commented that the Comelec recount committee members seem to know what they are doing.

It is certainly good to note that the recount process is going well. But like many other processes the monetary costs are not all there is to it. There are indeed other underlying and intangible costs of the recount. The cost of getting elected, if one includes the cost to bear a possible recount, as this is a form of redress guaranteed in the election law, seems to become more and more unaffordable to ordinary individuals even if s/he is more qualified than others to serve for elective office. Looking at the elections in a systemic manner, it is obvious that the contests are meant only for the rich. Inefficiencies in the system continue to extract significant costs, not just to the candidate, but also to the voter, whose taxes are eventually taken away from other services in order support the conduct of (inefficient) elections.

Part 1: [Recount Redux](#)

Part 2: [Circular Reference Error and a Rule Change](#)

Volunteerism in the Philippines

In celebration of the 10th anniversary of the International Year of Volunteers, the Volunteer Service Organization (VSO-Bahaginan) held its first Volunteering Expo on March 29, 2011, which showcased best practices and successful programs that shaped the volunteer sector in the country.

NAMFREL Founding Chairman Jose S. Concepcion, Jr. was among the invited speakers for the said event. JoeCon, as he is commonly known, discussed elements that provide an enabling environment for volunteerism to thrive not only in civil society, but also in the private sector as part of a company's Corporate Social Responsibility. He also shared with the participants and guests his experiences in volunteering during his days with the Student Catholic Action and Pasay Citizens' League for Good Governance.

JoeCon also emphasized the important role that NAMFREL volunteers played and continue to play as Bantay ng Bayan ("sentinels of the people") in serving the country through safeguarding the electoral process, and how past volunteers continue to inspire succeeding generations of volunteers. JoeCon paid tribute to the [NAMFREL heroes](#), who sacrificed their lives while upholding their commitment to guarding the sanctity of the ballot. It was a fitting tribute in this event where volunteers, community leaders, business executives and academicians gathered together to promote and celebrate volunteerism in the Philippines. (report filed by **Kristine Marie D. Tapiz, NAMFREL Bantay ng Bayan Coordinator**)



National Citizens Movement for Free Elections (NAMFREL)

Unit 601 DMG Center,
Domingo M. Guevara St. corner Calbayog Ext

Mandaluyong City, Philippines 1550
Website: www.namfrel.org.ph
Email: secretariat@namfrel.com.ph
T/F: 63-2-470.4151



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