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Comelec resumes voter registration

Registration of voters for the midterm elections in 2013 starts May 2, 2011 and ends on Oct. 31, 2012.

Qualified to enroll is any Filipino citizen, who is at least 18 years of age, a resident of the Philippines for at least one year, and in the place where he intends to vote, for at least six months immediately preceding the election.

Comelec spokesman James Jimenez said they would use biometrics technology or having an automated photograph, fingerprints and signature-taking system.

He said applications for registration, transfer of registration records, change/correction of entries in the registration records, reactivation of registration records, and inclusion of registration records/reinstatement of name in the list of voters, must be filed in person.

Applicants need only bring any valid ID when they register. Community Tax Certificates (cedula) and Certifications from the Barangay will not be honored as valid identification documents.

The Office of the Election Officer of the City/Municipality will receive applications from Monday to Saturday, inclusive of holidays, during regular office hours of 8 a.m. to 5 p.m.

Comelec records show there were about 50,257,540 registered voters in the Barangay and Sangguniang Kabataan elections last October. (Malaya)

ARMM elections still in limbo despite preparations

by Eric Jude O. Alvia (NAMFREL
Secretary General)

Recent developments in past weeks have bolstered the likelihood of the ARMM elections being held as scheduled on August 8, 2011. The first, being the momentary slowdown of legislative action to pass a law to postpone and synchronize the ARMM elections; the second, is the preparations being made by the Comelec to conduct the ARMM elections even as there has been an impasse in the Senate on the decision to hold the regional polls as scheduled as House Bill (HB) no. HB 4146 and Senate Bill (SB) no. 2756 face stiff opposition in the Senate; the third, is the petition filed in the Supreme Court (SC) seeking a temporary restraining order (TRO) on initiatives seeking the postponement of the regional polls.

REGISTERED KANA BA?



Eric Alvia
2011

Legislation held up

Despite these recent events, the Palace remains optimistic that Congress will pass a measure seeking to postpone the ARMM elections. Currently, it awaits the release of a Senate committee report on local governments which would influence the decision to pass a counterpart Senate bill to enact the law. The cancellation of the Ombudsman's impeachment trial has also provided the Congress ample time to resolve this impasse as it resumes sessions on May 9. Postponement advocates believe that the existing ARMM polls setup violates the constitutional provision to have synchronized elections. To avoid a leadership vacuum, the Palace would appoint officers-in-charge (OICs) in view of the expected vacancy when the election is postponed, the planned appointments has loomed as a contentious issue during public hearings and congressional sessions.

Although the proposed bill to postpone the elections had been certified urgent by the Palace and had been passed in the House, its passage in the Senate remains uncertain. It is facing rough sailing in the Senate where even senators allied with the Palace appear reluctant to support it. Moreover, the Senate local government committee claims that the Senate would need time to debate the legal and constitutional issues involved in deferring the polls.

Election activities push & release of guidelines in preparation for ARMM elections

Sensing that pushing the bill postponing the ARMM elections has already run out of time, Comelec recently released resolutions that may indicate that it is not hopeful that the Senate is keen on postponing the ARMM elections. Already, the Comelec has undertaken a registration of new voters in the ARMM provinces and is now in the process of "cleansing" the list of voters.

Based on Comelec Resolution (CR) no. 9211 (supplementing CR no. 9198), candidates would be given one week to file their COCs. The Comelec has set the filing of certificates of candidacy (CoC) for the ARMM polls despite pending House and Senate bills seeking to defer it.

On April 19, Comelec promulgated CR no. 9198 prescribing the period for filing of certificates of candidacy and the holding of political conventions to select and nominate official party candidates from May 9 to 14. However, to bid more time to finish activities related to the preparation for the filing & the holding of conventions, Comelec issued CR no.9211 on April 28 to postpone the filing period to May 14 to 18 while conventions must be held no later than May 18, 2011. The resolution sets the election period to begin on May 10 until September 7 (120 days). The campaign period will be from June 24 to August 6.

Also last week, Comelec promulgated CR no. 9212 which contains rules and guidelines on the filing of certificates of candidacy and nomination of official candidates of registered political parties who intend to run in the ARMM elections. The resolution contains requirements for all candidates to file their CoCs, completing the contents of the CoCs, where to file, requirements for certificates of nomination for official candidates by political parties & independent candidates, receipt and recording of certificates filed, rights of watchers, delivery, distribution, preparation, withdrawal, classifying nuisance candidates, petitions to deny or cancel CoCs, and grounds and effect of disqualification.

The poll body has repeatedly said that it does not want to suffer another delay in their preparations similar to what happened in the Barangay and Sangguniang Kabataan elections on Oct. 25 last year when proposals were also made to postpone the local and youth elections.

Filing of TRO with the SC

To complicate matters in hoping that the legal and constitutional aspects of postponement will be adjudicated by the High Court, the SC has issued a resolution ordering the Comelec, Palace and Congress to file their comments on whether or not the ARMM elections should push through. The order gave the respondents 10 days to file their comments on the petition of some ARMM residents, requesting the SC to issue a TRO on the polls postponement and declare as unconstitutional Republic Act No. 9333 (or the law fixing the date of regular elections in ARMM to second Monday of August) and to declare as invalid HB 4146 seeking to move the ARMM elections to 2013. The SC order was issued after finding the petition "to be sufficient in form and substance."

Two petitions were filed by barangay officials and concerned voters in the ARMM led by Datu Michael Kida of the Maguindanao Federation of Autonomous Irrigators Association and lawyer Alex Macalawi of the Integrated Bar of the Philippines-Marawi City chapter, along with eight others asking the SC for the issuance of a TRO against the Senate, Congress, Comelec, OP, DBM and the Treasury to stop the planned postponement of the ARMM elections. The group proposes to hold it instead on Sept. 12, 2011.

The group contends that the postponement violates the ARMM Organic Act and believes that the region's organic law should take precedence over other laws and further argues that this would deny the voters their right to elect their officials for a period of two years, in the process violating their right to equal protection of the law. This is the first time that a group has questioned in court the postponement of the ARMM polls which has

previously been postponed six times.

Given the legislative process and the tight schedules of filing of COC's, the campaign period, and the advance election related preparations, this leaves little time for the ARMM postponement law to be passed.

Special polls in Ilocos Sur set

The Commission on Elections (COMELEC) has set the special elections in the 1st District of Ilocos Sur to take place on May 28, 2011, after former Rep. Ronald Singson was convicted of prohibited drug possession in Hong Kong and started serving his sentence of 18 months imprisonment. COMELEC promulgated Resolution no. 9169 on April 01, 2011, setting the Calendar of Activities and certain Prohibited Acts for the Special Election. April 28, 2011 marked the start of the election period until June 07, 2011, and from May 09 to 13, candidates may file their COCs.

COMELEC identified the following as prohibited acts within the district during the election period: alteration of territory of a new polling precinct and establishment of a new precinct; carrying of firearms; transfer or detail of officers and employees in government offices, including public school teachers; and the use of bodyguards or security personnel by candidates whether or not they are members of the police, the military and other law enforcement agencies. Furthermore, during the election period, the following activities are not allowed: construction of public works projects, delivery of materials for public works and issuance of treasury warrants or similar devices for future undertaking chargeable against public funds" and fund-raising through "dances, lotteries and cockfights," among others

COMELEC Resolution no. 9169 will be implemented in the ten (10) towns of Ilocos Sur and Vigan City. The towns are: Sinait, Cabugao, San Juan, Magsingal, Santo Domingo, San Ildefonso, San Vicente, Bantay, Santa Catalina, and Caoayan.

The resumption of the continuing registration of voters for the 2013 national and local elections, scheduled for this week throughout the country, will be postponed until July 1, 2011 in the 1st District of Ilocos Sur, more than a month after the special election.

However, as the date for the filing of Certificate of Candidacy (COC) draws closer for the Special Elections, constituents are still on the lookout as to who will run for the position. Earlier news reports told that Vigan City Vice-Mayor Ryan Singson, younger brother of former Rep. Ronald Singson, has been chosen by their local party, Bileg, to run. Running against him could be former Board Member Efren Rafanan or Atty. Beltran Baterina. However, later reports say that Governor Luis "Chavit" Singson will go toe-to-toe with Efren Rafanan to run as Congressman. With all of these rumors spreading, the *Ilocanos* will definitely look forward to the final list of candidates to decide on the fate of their district. (Various news sources)

HRET conducts Biliran recount proceedings

The House of Representatives Electoral Tribunal started on April 27 the recount proceedings for the congressional race in the lone district of Biliran (it finished the following day). In the May 2010 election, former governor Roger Espina won by only 360 votes over his opponent, former Rep. Glenn Chong.

The recount was prompted by the electoral protest filed by Chong, who reportedly accused Espina of rigging the congressional elections in the province by allegedly using a secret precinct count optical scan (PCOS) machine, a charge the lawmaker strongly denied and described as "ridiculous." Rep. Espina (Liberal Party) currently chairs the House Committee on Population and Family Relations.

The HRET manual revision process covered only 42 pilot clustered precincts, or 25% of the total number of precincts involved in the protest (HRET rules) -- in this case all 166 total clustered in the province of Biliran. A more detailed explanation of the Biliran case can be read in Biliran Blogs (<http://biliranisland.com/blogs/?p=2783>). At the conclusion of the revision process, the results in the precincts covered reportedly remain unchanged.

It was the HRET's first recount proceeding under the new election process; the case is one of 48 electoral protests filed before the Tribunal in connection with the May automated elections. The HRET is composed of nine members, three of whom are Supreme Court justices while the remaining six are House members chosen

on the basis of proportional representation from the political parties and the parties or organizations registered under the party-list system. The chairperson of the Tribunal is Supreme Court Associate Justice Conchita Carpio Morales, and the members are: Supreme Court Associate Justices Antonio Eduardo B. Nachura and Arturo D. Brion, Rep. Rodolfo B. Albano, Jr., Rep. Franklin P. Bautista, Rep. Rufus B. Rodriguez, Rep. Joselito Andrew R. Mendoza, Rep. Justin Marc SB. Chipeco and Rep. Ma. Theresa B. Bonoan-David.

The cost of the electoral protest against Espina was reportedly bankrolled by ordinary citizens in Biliran. According to a report in the Philippine Daily Inquirer in February (<http://bit.ly/lbFLRG>), a group called "Manual Recount Fund-Raising Campaign for Truth and Justice" pooled resources and sought contributions from businessmen, "fish vendors, pedicab drivers, students, young professionals and ordinary citizens" to raise money for the electoral process.

HRET denies NAMFREL request

NAMFREL wrote the HRET to be allowed to observe and document the recount proceedings to help ensure that the process will be transparent, credible, and acceptable to the parties concerned. However, in a resolution released by the Tribunal, signed by Associate Justice Eduardo Nachura, the request to observe was denied, saying that "the Tribunal strictly limits access to the revision area only to those persons directly involved in the proceedings." It also says that "the conduct of the revision meets the standards of transparency, credibility and acceptability to the parties concerned, considering that both protestant and protestee are ably represented by their respective counsels and party revisors." You may read the resolution here: <http://scr.bi/lck8Sg>

Augusto Lagman is new Comelec Commissioner

President Aquino appointed veteran IT expert Augusto C. Lagman as the sixth Comelec commissioner. The appointment was announced by deputy presidential spokesperson Abigail Valte in Malacañang on April 27. "He is a known expert in the field of IT and he has been very involved in the automated elections. We know that he has spoken out on so many issues relating to the automated elections when it came to the commission, and we are confident that he can discharge the duties of his office as capably, as confidently as he has in the past," Valte said. She said the competence of Lagman "essentially clinched the decision of [President Aquino] to put him in the Comelec." Mr. Lagman would serve in the Comelec until February 2, 2018.

Lagman is a convenor of the Movement for Good Governance, lead convenor of TransparentElections.org.ph, and former president of Information Technology Foundation of the Philippines (ITFP) and the Philippine Computer Society (CSP). He chairs Vinta Systems, Inc., a developer of artificial intelligence-oriented software products, and is a director of STI College in Recto and Biometrix Technologies, Inc. Mr. Lagman is the founding chairperson of STI and various STI campus colleges.

Mr. Lagman joined NAMFREL as a volunteer in 1983 and became a member of its National Council from 1992 until 2007, and also starting December 2010 prior to his appointment to the Comelec. As head of the Systems Committee, he managed the implementation of NAMFREL's automated parallel counts (Operation Quick Count) from 1984 to 2007 (ten national elections).

In 1993, Mr. Lagman was part of the team organized by then Comelec Chairman Christian Monsod that studied the various options available in automating elections. This led to the use of automation in the 1996 ARMM election and the enactment of the automation law (R.A. 8436) in 1997. During the procurement of voting machines for use in the 2004 elections, Mr. Lagman co-led a group that exposed the anomalous bidding process conducted by the Comelec. He was one of the eight individuals who petitioned the Supreme Court in 2003 to nullify the P1.3 billion Comelec contract for the acquisition of Automated Counting Machines (ACMs). The SC ruled in favor of the group's petition. In 2006, he was part of the Technical Working Group that helped craft the amendments to R.A. 8436, resulting in the enactment of the current election automation law, R.A. 9369.

The appointment of Mr. Lagman completes the seven-member Comelec en banc, with Atty. Sixto Brillantes as chairperson. Among the challenges that the Comelec now faces are the electoral protests currently filed before the commission in connection with the May 2010 automated election; the preparations for the ARMM election scheduled for August 2011, and whether it should be automated or not, using Smartmatic's PCOS machines; the question of whether to use again Smartmatic's machines for the 2013 elections, or replace them with locally sourced technology; and the continuing registration of voters that would involve the use of biometrics.

Being the only non-lawyer in the en banc, Lagman said he would form a legal staff of election law experts to help him in the adjudication of election-related cases. "The [Comelec] is a collegial body. I'm sure there's going to be a healthy discussion, and as I would listen to them when it comes to questions on law, I hope they would listen to me when it comes to questions on technology," he said in a media interview.

Do you need to be a lawyer to be in an election management body? by **Damaso G. Magbual** (Member, NAMFREL National Council)

In an article in the Philippine Daily Inquirer on April 29, 2011 entitled "New poll exec for manual voting," election lawyer Romulo Macalintal was quoted as saying "...that a Comelec commissioner should be a lawyer with at least 10 years practice of law" obviously questioning the appointment of Mr. Augusto Lagman to the Commission on Elections. Macalintal is oblivious of the fact that an election has an administrative component. Voters' lists have to be updated, sensitive materials such as ballots have to be produced and distributed to the various field offices, etc. A number of tasks in running an election have nothing to do with an understanding and appreciation of the election law. Rather, these require administrative and management skills that are best handled by professionals with managerial experience. Mr. Lagman is not only an IT expert but likewise a professional manager.

Apart from the issue of credibility, the COMELEC has also been beset by administrative lapses in past elections. Names that should be in the voters' lists are not there; names that should not be in the list such as dead persons, minors, multiple registrants are found in the list. Accountable materials such as ballots intended for La Union are shipped to Davao. Voting procedures are not uniformly followed at the precincts, an indication of ill-trained poll workers. These are just a few administrative failings that have not been corrected by the lawyer-commissioners.

Let us have a look at well conducted elections in Asia and find out who run the elections in these countries. India is the biggest democracy in the world with more than 750M voters. The Indian Election Commission has gained the respect and admiration of the democratic world for conducting credible elections. In fact, the Indian commissioners have been invited by emerging democracies as consultants during their elections and the Philippines sent a COMELEC Commissioner and a Director to observe the last parliamentary election of India. Unfortunately, our COMELEC officials enjoy the junket but do not learn from the experience.

I mentioned India because none of the last three (the incumbent included) Chief Election Commissioners is a lawyer. N. Gopalaswami is a chemistry graduate with a diploma in Urban Development Planning. S. Y. Quraishi has a Ph.D. in Communications and Social Marketing and came from the Ministry of Sports and Youth Affairs before he was appointed to the Election Commission. Navin Chawla has a degree in History and Social Administration from the London School of Economics. Incidentally, a former Chief Election Commissioner of India, James Michael Lyngdoh was awarded the prestigious Ramon Magsaysay Award. Many of our Asian neighbors do not require their election commissioners to be lawyers - Thailand, Indonesia (now rated the only free country in the ASEAN by Freedom House), Bangladesh, Nepal and others.

The success of an election depends in large measure on the acceptance of the election's legitimacy by the various election stakeholders. This can only happen when the election body is perceived as independent, impartial and transparent because they act in an independent, impartial and transparent manner. This is not brought about by the educational background they bring to the job.

We have had enough lawyers in the mold of Garcillano, Bedol, Sumalipao that have not contributed to improving the quality of our elections. Enough is enough! No more of their ilk!

Mr. Magbual is also the Chairperson of the Asian Network for Free Elections (ANFREL).

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