

Comelec prepares for a special election in the 2nd district of Cagayan

The Commission on Elections (Comelec) Regional Office and the Provincial Office are now preparing for a special election for the second congressional district of Cagayan Province which was made vacant when Rep. Florencio Vargas died of a heart attack late last year. Comelec Regional Director Ederlino Tabilas said the elections will be done manually. Under Comelec Resolution 9109 which was promulgated last January 4, the election will be held on March 12, 2011, Saturday, 7:00 am to 3 pm. The election period will start on February 10 and will end on March 22, 2011, 30 days before and after the election. During this period, the following acts are prohibited: issuance of appointments, promotions, creation of new positions, filling of new positions, or giving of salary increases in government offices, agencies or instrumentalities based on Sec. 261 (g) of the Omnibus Election Code. Other prohibited acts include transfer and detail of officers and employees in the Civil Service Commission, use of security personnel or bodyguards by candidates, whether or not such bodyguards are regular members or officers of the Philippine National Police, Armed Forces of the Philippines and other law enforcement agencies. Candidates are required to use lawful election propaganda. The campaign period will start on February 26 and it will end on March 10, 2011. During the period, the following acts are prohibited: making any donation or gift in cash or in kind, appointing or using special policemen, special/confidential agents or the like, construction or maintenance of provincial, city, municipal or barangay-funded roads and bridges, among others. The second district of Cagayan comprises the municipalities of Abulog, Allacapan, Ballesteros, Calayan, Claveria, Lasam, Pamplona, Piat, Rizal, Sanchez Mira, Sta. Praxedes and Sto. Nino. Based on the National Statistical Coordination Board website, the second district of Cagayan has 166,939 registered voters last year. Late last year, House Speaker Feliciano Belmonte appointed Cagayan province 1st District Representative Juan Ponce Enrile as caretaker for the second district while the house seat is vacant. (KZR)

Comelec officials suspension upheld

The Court of Appeals has upheld the suspension by the Office of the Ombudsman of five Commission on Elections (Comelec) officials involved in the purchase of overpriced ballot secrecy folders worth P690 million. In denying the petition for certiorari filed by the suspended Comelec officials, the appellate court's Special 15th Division said the preventive suspension meted out by the anti-graft body was "not a penalty."

"Such an order when issued by the Ombudsman is accorded the highest deference unless the order violates Section 24 of... the Ombudsman Act of 1989," stated in their 12-page decision. The ruling was written by Associate Justice Magdangal de Leon with Associate Justices Mario Lopez and Michael Elbinias concurring. The decision was dated Dec. 21, 2010. The petitioners Ma. Leah Alarkon, Francis Abaya, Norina Tangaro-Casingal, Martin Niedo and Antonio Santella were members of the Bids and Awards Committee that granted the multimillion-peso contract to OTC Paper Supply Inc. to supply the ballot secrecy folders for the 2010 automated elections. They sought relief from the appellate court after the Comelec implemented the Ombudsman's suspension order on July 29, 2010. Comelec Executive Director Jose Tolentino Jr. was also suspended from his post, but he did not join the petitioners in their pleading. The suspension stemmed from the complaint filed by Comelec's Field Investigation Office (FIO) which found the election officials to have violated the anti-graft law for awarding the contract to the supplier without proper public bidding. In their petition, suspended Comelec officials argued that they were deprived of their right to due process when the Ombudsman ordered their suspension without pay for six months. They also

assailed the failure of the Ombudsman to notify them of the complaint before ordering their preventive suspension.

In addition, the embattled Comelec officials said the FIO failed to prove that their continued stay in office would prejudice the case against them.

The court even said “it was immaterial that no evidence has been adduced to prove that their continued stay in office might prejudice the case against them. It is sufficient that there exists such a possibility. Neither could the court agree with the petitioners’ claim that the issuance of the order of preventive suspension without a hearing constitutes a deprivation of property without due process of law”. The court then reminded the petitioners that of the “unbending rule that there is no such thing as a vested right or an estate in an office, or even an absolute right to hold it. “Public office is not property, but a public trust or agency,” (KZR)

Brillantes as newly appointed Comelec chief

President Benigno Aquino III has appointed Atty. Sixto Brillantes Jr. on January 14, 2011 as the new Comelec Chairman. Former Comelec Chairman Jose A. R. Melo has advanced the effectivity of his resignation from January 31, 2011 to pave the way for an early ad-interim appointment. January 15, 2011. Election lawyers Romulo Macalintal and Sixto Brillantes have been interviewed by President Aquino as early as last week narrowing the choice to this two veteran election lawyers. On January 14 Friday afternoon, Macalintal withdrew his nomination by writing President Aquino asking his exclusion from the list of nominees as Comelec chair. Later that day, President Aquino signed Brillantes appointment paper as announced by Brillantes himself but official Palace statements were released on Monday, January 16. Aside from the two, various Civil Society Organizations and Election Monitoring Organizations also presented their nominations in a letter to President Aquino dated January 5, 2011.

In the run-up to the actual vacancies, a lot of names have been put forward for consideration by the President. One such group that has made recommendations is actually a consortium composed of schools, non-government organizations, the Church, and business organizations : Ateneo School of Government, Bishops-Businessmen's Conference, CBCP-NASSA, Coalition Against Corruption, Financial Executives Institute, Integrated Bar of the Philippines, LENTE, Makati Business Club, Management Association of the Philippines, NAMFREL, Pugadlawin of Ateneo, Social Weather Station, and the Transparency and Accountability Network.

The group has given two nominees for Chairman : Carlos Medina, Jr and Antonio Pastelero. Medina is a human rights lawyer and election reform advocate. He is the Convenor of the Legal Network for Truthful Elections (LENTE) and a Member of the Truth Commission. Pastelero is a private lawyer with 35 years of experience and is also an electoral reform advocate. He represented a group of citizens which successfully blocked the awarding of an election automation contract to eMegapacific some years ago after charges of anomalies in the bidding process.

The group has also given three nominees for the remaining two vacancies for Commissioner. Interestingly, they have advocated the appointment of non-lawyers as Commissioners, arguing instead that experts in management, information technology, and public governance be appointed to the COMELEC. By law, the majority of Commissioners, including the Chairman, must be lawyers.

The three nominees are Ma. Caridad Manarang, Baltazar Endriga, and Edna Co. Manarang and Endriga have both IT and management backgrounds, mainly from their private sector careers. Edna Co is presently the dean of UP-National Center for Public Accountability and Governance (UP-NCPAG).

More information on all these nominees, including their detailed bio-datas can be found on www.namfrel.org.ph.

As I earlier stated, elections seem so distant so it is difficult to sometimes grasp the importance of the appointment and the process itself. However, history tells us that these are important appointments and that the building blocks to honest elections take time to build. I would urge people to look at the issue closely and to let the President know how you feel. After all, elections are really not all that far away. There are elections scheduled in 2011 (ARMM) and 2013 (Local, Congressional, and Senatorial).

Namfrel respects the President's prerogative to appoint these vacancies however the recent appointment was done in a hasty manner to avoid Congress resumption and benefit of an inclusive non-transparent process. (GML, EOA)

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

[Source: PIA data, Philippine Daily Inquirer, Comelec data, Namfrel data]

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