

PHILIPPINES 2010

AUTOMATED NATIONAL AND LOCAL ELECTIONS



Report of the International Election Observation Mission
The Asian Network for Free Elections (ANFREL Foundation)

The Philippines

Automated National & Local Elections

10 May 2010

**Final Report of the International Elections Observation Mission
The Asian Network for Free Elections - ANFREL Foundation**

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Philippines 2010

Automated National and Local Elections

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Foreword

Asian Network For Free Elections (ANFREL) serves to promote democracy in particular free and fair elections in the effort of establishing cooperation with its member organizations and partners across the world. ANFREL has also concentrated all its strength on supporting the process of democratization in different parts of Asia. We realize free and fair elections are a necessary prerequisite of democracy. ANFREL continues to devote great efforts to promoting democratic and genuine elections towards strengthening democracy in the region.

Since establishment in 1997, ANFREL has undertaken over 45 election observation missions across the Asian region and the first. ANFREL has the experience to monitor a technology supported electoral process, more popularly known as the Automated Election System (AES) in the 2010 Philippine elections. The Philippines is the first country in South East Asia has decided to conduct a nationwide automation, which had given rise to several concerns and challenges. There had been questions raised about the preparedness of the election management body and all other stakeholders, including the civil society about the elections. There was a general apprehension that the elections are not completely inclusive and sufficient time has not been provided to the voters to learn about the new technology or to trust it completely.

As with previous missions, ANFREL is to produce a final report seeking to advance the debate on the promotion of free and fair elections in the Philippines. This report includes findings, analysis, assessment and recommendations, as a compilation of ANFREL's reports and statements published prior to polling, as well as an analysis of the political situation and pre election environment.

We wish to extend our appreciation for the courtesy and cooperation extended to us by the Commission on Elections of The Philippines (COMELEC) and other authorities related to elections at all levels. We also wish to thank media organizations, political parties, candidates, and groups as well as other election stakeholders.

On behalf of ANFREL, we wish to express our special gratitude to partners and donors: the Kingdom of Netherland Embassy in the Philippines, the USAID through a project implemented by the Asia Foundation of the Philippines, and Taiwan Foundation for Democracy and acknowledge the effective cooperation of NAMFREL (National Citizen's Movement for Free Elections), PPCRV (Parish Pastoral Council for Responsible Voting) and IPER (Institute for Political and Electoral Reform).

Special acknowledgement goes to the head of mission *Mr. Hassan Ariff* and our team working on the reports, made up of the members: Joe Anthony Serrany, Ichal Supriadi, Amy Hsieh, Moh. Tadzrul bin Adha, Dr. Gopal K. Siwakoti, Attorney Luie Guieu, and Paolo Maligaya. Finally we express our special thanks to Mr. Bidhayak Das and Ichal Supriadi for editing and writing part of the analysis of the report.

KOUL Panha

Vice President of ANFREL Foundation

Acknowledgement

We thank the donors who funded 27 out of 47 international observers of ANFREL to participate in the Philippines' historical election. The observation would not have been possible if the COMELEC did not accredit us and we frankly admire the hard work of the Chairman of such an independent body and his team.

Even though most ANFREL members are experienced observers yet the May 10th Election observation threw up tremendous challenges, which constantly kept us on our toes. Our responses to the use of sophisticated machine as against the traditional electoral practice vis-à-vis people's voting behavior are mixed.

No doubt local organizations like NAMFREL, PPCRV and IPER deserve to get applauds from the international and local civil society as it would not have been possible to conduct the election in a transparent manner if not for their efforts to explain the new system of election and warnings about.. Compact Flash cards, the Precinct Count Optical Scan (PCOS) machines and so on and so forth. Also the fact that there was no 'Dag Dag Bawas' to bother our mind this time is appreciable.

Aside from technical stuff, people may not deeply understand the philosophy of the election, which on one hand requires the process to be transparent but on the other hand voter's secrecy has to be maintained. It is common practice to inject as much as information when the electoral process is underway but on Polling Day we prohibit people to feed/remind voters with information or carry out campaigns. However, we were very happy to see more than 70 per cent Filipinos turning out to vote. We thank them for the enthusiasm shown.

Usually during election in a developing country is it common to see various groups encouraging poor people to come to the precincts (the more voter turn out the better) but the law does not allow them to be transported by any rich people to bring them to vote and we did not see much of these activities in Mindanao and the ARMM this time. We thank our friends from the Muslim and Catholic faiths as well as priests and nuns who assisted us while working on the ground.

We appreciate the leadership of Mr. Hassan Ariff who led the mission impartially and sincerely. His long experience as an electoral expert along with his legal background made the mission meaningful.

Last but not the least we thank our observers from 14 countries, interpreters and local staff for their courage and contribution in this mission and thank to God to bring them back safely.

Somsri Hananuntasuk

Executive Director of ANFREL

Abbreviation

AFP	Armed Forces of the Philippines
ARMM	Autonomous Region in Muslim Mindanao
ASG	Abu Sayyaf group
Barangay	Village
BE	Bantay Elections (Elections Watch)
BEI	Board of Election Inspectors (Polling Staff)
BOC	Board of Canvassers (counting officer)
CA	Court of Appeals
CAPP	Coalition of Administrative Political Party
C-Care	Citizens Care
CenPeg	Center for People Empowerment in Governance
CER	Consortium on Electoral Reform
CF card	Compact Flash Card
CHAMP	Clean Honest Accurate Meaningful Peaceful
CIC	Commissioner in-Charge
CIDA	Canadian International Development Agency
COAV	Committee on Overseas Absentee Voting
COMELEC	Commission on Elections
CSO	Civil Society Organization
DepEd	Department of Education
EASTMINCOM	Eastern Mindanao Command
En Banc	A plenum/assembly of the Comelec to take important decision.
EO	Election Officer
ER	Election return (the conuting forms/certificates)
EVM	Electoral Voting Machine (voting and counting machines)
GI	COMELEC's General Instructions (regulation on the conduct of electoral process)
GRP	Government of the Republic of Philippines

HOPE	Honest Orderly and Peaceful Elections
IPER	Institute for Politic and Electoral Reform
Lakas-CMD	Lakas-Christian Muslim democrats
LDP	Laban ng Demokratikong Pilipino
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
NAMFREL	National Citizen's Movement for Free Elections
NLRV	National List of Registered Voters
NP	Nationalista party (Nationalist Party)
OMR	Optical Mark reader (counting scaneer machine)
PAGs	Partisan Armed Groups (Private Armed Groups)
PAP	Pera at pulitika (money and Politic monitoring)
PCIJ	Philippine Center for Investigative Journalism
PCOS	Precinct Count Optical Scan
PDSP	Philippine Democratic Socialist Party
PES	Provincial Election Supervisor
PMP	Pwersa ng Masang Pilipino (Power of the Philipines)
PNP	Philippine National Police
PPCRV	Parish Pastoral Council for Responsible Voting
Precincts	Polling stations
RMA	Random Manual Audit
RPDB	Regional Planning and Development Board
RPDO	Regional Planning and Development Office
RRUC	Regional Reconciliation and Unification Council
TAF	The Asia Foundation
VP	Vote Peace
WESMINCOM	Western Mindanao Command
TWG-RMA	Technical Working Group on Random Manual Audit

Maps¹



¹ http://www.surftrip.com/destinations/islands/pacific/philippine_islands.html

1. EXECUTIVE SUMMARY

The 2010 automated elections, which were held on May 10, will be always regarded as one of the most important chapters in the electoral history of The Philippines. The experiment with automation which started some 17 years back finally saw the light of day this year, notwithstanding the loads of skepticism and doubts that came along with it from various quarters of the society. The fact that the first nationwide automated elections has provided results that have been largely acceptable makes room for justification for continuing with the system at least in the next elections. In the meantime all the loose ends that emerged during the elections can be tightened during the next few years by involving electoral and technical experts. So in a nutshell it may be said that the outcome of the elections in the Philippines provides a good reason to believe that automated elections may be acceptable provided it's technical aspects are understood by the masses and information is accessible to all. The elections perhaps are also an indication of increasing use of technology in the future in conducting elections not just in The Philippines but also in the region as a whole. India of course has been using Electronic Voting Machines (EVMs) for over two decades with a relatively decent amount of credibility.

The elections provided a great opportunity for every stakeholder in The Philippines to decide on whether the experiment with technology in managing elections can succeed in controlling frauds and cheating which has been a feature of elections in The Philippines in the past. It also allowed international observer groups like ANFREL to take a very close look at the transition from a manual to an automated system and make its own analysis on whether such a system can be sustained over a period of time.

A few important highlights that need to be mentioned about the automated election process are its management, preparation of the voters (voter education) and the political class for the switch over to the PCOS from the manual system of voting and counting. Questions that need to be asked at this point of time does the automation provide an solution to checking frauds and cheating and are the voters', candidates and political groups comfortable and satisfied with this system? These questions are perhaps difficult to answer as allegations

and counter allegations from different parties continue to surround the automation process.

In the backdrop of the political commotion that preceded the May 19 elections in The Philippines, on a very positive note automation was seen as a way to arrest all the ills and move forward. For instance, there was a general belief that if the election system was not reformed, the political class in the Philippines, in this case incumbent President Gloria Macapagal-Arroyo would continue to wield power and rule the country against the popular will of the people. But no one was sure if automation would be able to make any change and bring to the forefront better a more people friendly administration under a more acceptable leadership. The dissatisfaction ratings for the president of the Philippines, Gloria Macapagal-Arroyo, had dropped to record levels and the Philippines was seen as falling behind its neighbors in terms of economic growth and other key benchmarks.

The automation of the electoral process in The Philippines came along with various types of interests, which magnified the importance of the elections. On the one hand Arroyo was contesting the elections as a candidate for the Congress representing the second district in Pampanga allegedly to succeed in her plans to change the Constitution and covert the federal structure from a presidential republic with a bicameral legislature to a parliamentary government with a unicameral legislature. Should the constitutional changes come to pass, Arroyo's hand would be significantly strengthened, improving her chances of avoiding any charges of wrongdoing while president.

The other major interest was the fact that the legacy of the Aquinos would be back in the form of Benigno Aquino III who on September 9, 2009 announced that he would run for the presidency. The contest for the presidential campaign in itself was a subject of great interest amongst the Filipinos with a number of well-known personalities like Manny Villar spending heavily on campaigns.

However, the obvious interest was on how the Comelec would manage the first automated elections across the country. Since the beginning the Comelec has had to answer questions regarding the reliability of the new system.

The automation project was implemented nationwide under the technical supervision of the Smartmatic-Total Information management, a private company that had been engaged by the Comelec through a contract worth 7.2 billion pesos to operate the Precinct Count Optical Scanning (PCOS) machines all over the Philippines. The PCOS functions using an Optical Mark Reading (OMR), which captures data by scanning and recognizing a set of, predetermined marks on sheets of paper.

On January 23, 2007, Republic Act 9369 was enacted “authorizing the Commission on Elections to use an automated election system.”

The automation process was similar to the OMR technology used in the five provinces of the Autonomous Region of Muslim Mindanao (ARMM) during the August 2008 ARMM elections.

In this present system paper ballots where names of the candidates to be voted are pre-printed in the ballot were used. After voting, ballots are fed in an Automated Counting Machine (ACM). It is said to have a 99.99999% reading accuracy rate.

According to Comelec the change to automation provided an opportunity for the more than 50 million eligible voters to cast their votes at 76,000 polling centers servicing voters of over 350,000 precincts.

There was hope and also large-scale skepticism on the functioning of the AES. Though, elections were held and the machines were made to respond, at times by resorting to crude ways like banging the machines, there remains a lot to be desired. Even till this day the outcome based on the AES has not been fully accepted, with candidates and their coalitions, civil society groups, election watch and even the media contesting the outcome, so much so that the integrity of the system has been questioned.

The election results kept coming until much after the elections were over and at one point of time it appeared that the counting process would go on and on. The long delays in the announcement of results became a cause of worry for the candidates as the case in the verdict for the vice-presidential candidate. Liberal party candidate Manuel Roxas II who ran opposite Jejomar Binay has claimed that he was a

victim of “automated mysteries,” and therefore he should the results favouring the latter should not be accepted.

Not just Roxas or politicians, there are others who are questioning the veracity of the AES and the people involved in managing this system. The Pagbabago! People’s Movement for Change has revealed several contradictions raising doubts on whether the results of the AES can be trusted. A case in point is Comelec's own admission regarding discrepancies between the electronic election results and their printed versions. A report shows the discrepancies affecting some 150,000 voters from 196 precincts in different provinces.

There were all kinds of reports about possible manipulation of the flash cards, or the reconfigure flash cards, which could have possible, affected the results of the vice-presidential and senatorial contests.

ANFREL on its part found several discrepancies on the Election Day. Before even delving into alleged attempts to manipulate the results, what must be reflected is the lack of cohesive willingness amongst the Comelec and the Smartmatic to increase the confidence of the voters by taking pain to explain the so called “bug induced minor errors.” The approach of both these organizations was to adopt a defensive posture and conceal all information relating to the machine malfunction or technical snags.

The Comelec on its part tried to justify the automation saying that most of problems arose due to human errors. Comelec Spokesperson James Jimenez spent a considerable time to come on Television and media to proclaim that the AES had been a success and that the errors were less compared to the manual system and that the speed of the results tally was much faster.

The Comelec went on record to say “a lot of the discrepancies that cropped up were not due to inconsistencies in the automated elections system, but human error.” The election management body is still confident that the system itself worked perfectly, which is the reason why there are significantly fewer errors and significantly more results available from the precinct transmission.

On Election Day, there was also an unforeseen delay in randomly selecting the precincts that would undergo the Random Manual Audit. Prior to this, election watchdogs like NAMFREL had recommended

that the selection of precincts be done one or two hours prior to closing of the polls to preclude the possibility of unscrupulous parties tampering with only those PCOS machines not selected for the audit. However, in its report, the TWG-RMA explains: *“while the manual selection process used in choosing the 1,145 clustered was very transparent and visible...(it) took close to twelve hours, the transmission of the results (of the selection) to the Provincial Election Supervisors (PES) in all provinces was, as a consequence, also delayed. Many of the RMATs waiting for their assignments had gone home. Many local Comelec offices no longer had their staff on duty, It was only in a few nearby places, or in precincts where voting ended early, that the Random Manual Audit took place on election day itself.”*

Therefore, in conclusion it can be said that all the features from automation, to control of electoral politics by political families, Rido, warlordism and arms made up the May 10 elections in The Philippines. The elections no doubt were an important step in strengthening the democratic order through electoral politics. However, a number of issues that has been highlighted as being areas of major concern for ensuring a free and fair election process need to be introspected by the authorities, especially the Comelec and also the political class. Automation is only a step in the process to ensure credible elections. What perhaps is more important is genuine intent from every stakeholder to make the system cleaner and transparent with the involvement of voters.

2. POLITICAL OVERVIEW

Political Context

Elections in the Philippines have always played a significant role in determining the future of the country's governing systems and the process of its metamorphosis into a democratic nation state. The history of elections in this Archipelago is replete with tumultuous events and incidents concerning the electoral process and its management by the Election Commission. This year, the May 10 national and local elections were no different.

The highly anticipated national and local elections of May 10, 2010 were preceded by years of political commotion in the Philippines. The

dissatisfaction ratings for the president of the Philippines, Gloria Macapagal-Arroyo, had dropped to record levels and the Philippines was seen as falling behind its neighbors in terms of economic growth and other key benchmarks. The political class that had ruled the country for many years continued to wield power and was unwilling or unable to spread the benefits to their poor fellow countrymen. Added to this was the controversial decision by the Commission on Elections (Comelec) to implement a complete nationwide automated election. Despite all of this, the Filipino people largely remained resilient and hopeful that change for the better was on the horizon.

Philippine politics has long been tumultuous, not unlike most countries. Nearly 400 years of colonial rule, first by the Spanish (1565-1898) then by the Americans (1898-1946), ended in 1946 with independence from the United States. The colonial period witnessed a number of mutinies and insurrections against the foreign ruling powers, no doubt due in part to injustices perpetrated against the people of the Philippines. Independence from the United States was somewhat nominal at first due to a near complete reliance on the United States for trade, finances for the rebuilding of the country after occupation by the Japanese during World War II and the destruction that occurred, and the ongoing presence of US military bases. Nonetheless, independence and sovereignty were achieved and the long path of nation building had begun.



*G.M Arroyo*²



*Fidel Ramos*³



*Joseph Estrada*⁴

² <http://www.toinks.info/2010/06/farewell-address-of-president-gloria-macapagal-arroyo/>

³ <http://www.charleskeng.com/president.htm>

⁴ <http://filipinofirst.org/estrada.php>

Before colonial rule, the history of the area now known as the Philippines goes back 30,000 years when the first people arrived in the area. These first people are known as the orang asli, Malay for “original people”. The orang asli were later displaced by the Austronesians who developed increasingly complex social organization over the years. Eventually, starting as early as the 10th century, kingdoms, sultanates, rajahnates, principalities and various confederations developed. Some of the most important include the Rajahnate of Butuan and Cebu, the Tondo dynasty and the Sultanates of Sulu and Maguindanao, to name a few. Trade was practiced with the major regional powers of the times, based in China, India, Japan, Thailand, Vietnam and Indonesia. Although complex political and social organization was achieved prior to European colonization, none of the various kingdoms was able to consolidate rule of the entire archipelago.

After the arrival of the Spanish, first in 1521 of Ferdinand Magellan and then in 1565 with the establishment of the permanent settlement of San Miguel in Cebu, consolidation of the region gained momentum. Over time nearly the entire region today known as the Philippine Republic came under the unified political rule of the Spanish. The Spanish introduced Christianity, a code of law and more efficient printing. Towns were founded, schools and infrastructure were built and new crops and livestock were introduced. Christian missionaries were active and somewhat successful, particularly in the northern islands. Universal education was introduced in 1863 for all Filipinos, which led to the establishment of an educated class that would later lead calls for Philippine independence.

The Philippines Revolution, starting in 1896 and aided by the United States, proved to be a short-lived success. After the establishment of the First Philippine Republic in 1898, the United States, through the Treaty of Paris at the end of the Spanish-American War, took control of the Philippines. This was unacceptable to the leaders of the First Republic, which declared war on the United States in 1899. The official end of the bloody war was in 1902, but fighting continued for a decade more. Altogether, over one million Filipinos died from the fighting, disease and famine, many of them civilians. The brutality of the United States efforts at control began with the first battle and lasted through the course of fighting. A British witness to the first battle

conducted by General Dewey of the United States was recorded as saying, “This is not war; it is simply massacre and murderous butchery.”⁵



Ferdinand Marcos⁶

The United States initially allowed limited local control of Filipino affairs. Over the years under the United States the structures of modern government were set up. An elected Philippine Assembly was established in 1907 as the lower house of a bicameral legislature. Laws setting out terms for a judicial, civil service and local government system were passed. The 1913 Jones Act⁷ was the framework, which led to partial autonomy under commonwealth status granted in 1935 and paved the way for full independence achieved in 1946. During United States control of the Philippines English began to be taught in schools in

order to create a lingua franca for the islands 170 linguistic groups and means to communicate with the outside world, particularly for trade. During the period of United States control, Filipino desire for independence was a prominent element driving push for full sovereignty.

The period of the “Third Republic” (1946-1972) saw six presidents voted into power. The psychological scars and physical damage resulting from World War II were significant hurdles for the young republic. The first president of the Republic of the Philippines, Manuel Roxas (1946-1948), granted a general amnesty to those who

⁵ Zinn, Howard. *A People’s History of the United States* (New York: HarperCollins Publishers, 2005), 316.

⁶ <http://jojosoriadeveyra.blogspot.com>

⁷ Also called the Philippines Autonomy Act of 1916

collaborated with the Japanese during occupation.⁸ Another obstacle to development of the new republic was the Hukbalahap⁹ Insurrection, which lasted from 1946-1954. Originally formed in 1942 to fight against the Japanese occupation, the Huk movement leadership took an anti-Western stance and aspired to instill Marxist ideals in the people and start a communist revolution. Years of guerilla warfare finally ended in 1954, though the roots causes of insurrection would remain and motivate future communist causes.

Under the presidency of Ramon Magsaysay (1953-1957), who previously as Secretary of Defense had led the campaign that finally defeated the Huks, land reform was the focus of his populist policies. This was intended to address the root causes of unrest, that of exploitation of the peasantry and economic inequality. Under land reform policies many people from the northern islands, who were mainly Catholic, were resettled in the southern islands, which was mainly Muslim. This was a popular move for the resettled, but led to increased religious hostilities between the two religions.

The administration of Carlos P. Garcia (1957-1961), because of over reliance on the business and trade with United States, initiated a “Filipino first” policy that sought bring more economic opportunity and control to the Filipino people. Diosdado Macapagal administration’s (1961-1965) foreign policy sought after improved relations with the countries neighbors and promoted nationalism. Whoever, corruption and ineffective government left many Filipinos in poverty and wanting a better deal.

Elected in 1965 by defeating Macapagal, the Ferdinand Marcos administration initially brought some needed change to governance. Infrastructure projects were initiated in larger numbers, which was paid for by better tax collection. More roads were constructed than by all the administrations before and more schools were built than in any

⁸ The general amnesty excluded those who had committed violent crimes. See Wikipedia: History of the Philippines

⁹ Hukbalahap is a contraction of the Tagalog phrase “Hukbong Bayan Laban sa mga Hapon”, meaning “People’s Anti-Japanese Army.” See <http://www.encyclopedia.com/topic/Hukbalahap.aspx>. Commonly known as the “Huks”, the group has its roots in agrarian peasant grievances under the exploitive system of landlordism. Its emphasis on land reform attracted many rural peasants. See Wikipedia: Hukbalahap.

administration. This led to improved economic conditions during the later 1960s and 1970s. Marcos achieved a second term in 1969, becoming the first president to be re-elected in the independent Philippines.

However, things quickly turned for the worst during Marcos second administration. Corruption grew and the Philippine Legislature was largely ineffectual in further developing the country. Economic growth slowed, crime increased and civil disobedience became more commonplace. The Communist Party of the Philippines reorganized and the Moro National Liberation Front (MNLF) continued fighting for an independent nation in Mindanao.

Marcos declared martial law in September of 1972 in the face of lawlessness, communist and Muslim insurgencies. Freedom of the press was curtailed and presses shut down, civil liberties were limited, Congress was closed and the arrests of opposition leaders and militants ensued, including Benigno Aquino, Jr. Initially successful at restoring a semblance of order, Marcos claimed that martial law was an attempt to usher in a “New Society”. His argument was helped by a buoyant economy that grew fourfold from a GNP of P55 billion in 1972 to P193 billion in 1980. Meanwhile, Marcos and his wife Imelda Romualdez-Marcos were plundering the country through unchecked corruption.

By the 1980s corruption, incompetent governance and growing unhappiness of the restrictions under martial law began to take their toll. The economy began to decline and development projects declined in number. Due to an opposition boycott of elections in 1981, Marcos was able to win by 16 million votes, which allowed a third term. Soon an unstoppable series of events began that led to the overthrow of the Marcos regime. In 1983 Benigno Aquino, a longtime staunch Marcos critic and opposition leader, returned from forced exile in the United States and was promptly assassinated at the Manila airport. Popular dissatisfaction with Marcos consolidated and was spurred on by the United States, a former ally of Marcos. This resulted in the snap elections of February 1986, pitting Marcos against the new opposition leader Corazon Aquino.

The Commission on Elections (Comelec) declared Marcos the winner of the election, despite the poll watchdog organization National Citizens' Movement for Free Elections (Namfrel) claiming large differences in the vote count. General Fidel Ramos and other key civil servants and politicians withdrew their support for Marcos. Corazon Aquino and allies rejected the Comelec results as well. This eventually led to a peaceful civilian-military revolt and the forced exile of Marcos to the United States.

The People Power Revolution of 1986¹⁰ ended 20 years of authoritarian rule by Ferdinand Marcos and led to the current period of democratic governance. The first government after the fall of Marcos was led by Corazon 'Cory' Aquino, wife of the assassinated opposition leader Benigno 'Ninoy' Aquino, Jr. Corazon Aquino's six years in office was filled with the work of restoring democracy to the Philippines. She established the current constitution, enacted in 1987, which created a bicameral legislature and curtailed the powers of the presidency. Aquino's administration also created the autonomous region of Muslim Mindanao. Nonetheless, members of the armed forces attempted several coups; politics was fractious and natural disasters such as the eruption of Mt. Pinatubo limited the success of her administration in implementing democratic change and development.

The government of Fidel V. Ramos (1992-1998) declared that "national reconciliation" would be its main goal. Political divisiveness was shunned in order to build coalitions that could pass legislation. Communist insurgents, Muslim separatists and military rebels were co-opted through legalizing the Communist Party, declaring amnesty and signing peace agreements with the MNLF. The Ramos administration helped to modernized power generation, opened the economy and aided the enactment of the Overseas Workers Act, which sought to guarantee some fundamental rights for migrant workers.

Joseph Estrada (1998-2001) came to office amidst the Asian Financial Crisis and promised to help the poor. The former movie star had wide appeal among the poor and attempted to implement economic change that would allow more foreign investment in the economy, but was

¹⁰ Also known as EDSA Revolution, EDSA standing for Epifanio de los Santos Avenue, where the main protests took place.

largely unsuccessful. He increased military pressure on the Moro Islamic Liberation Front (MILF), which achieved significant success. However, Estrada was accused of corruption in accepting payments from illegal gambling businesses in 2000 and began to lose support. He was impeached by the House of Representatives and large-scale street protests began demanding his resignation. Estrada was eventually forced from office in 2001. He was eventually charged with plunder but was later pardoned by President Gloria Arroyo-Macapagal in 2007.

Gloria Arroyo-Macapagal assumed the presidency on the day of Estrada's removal. From the beginning, her presidency was called into question, first by Estrada's lawyers and later by a military mutiny known as the Oakwood mutiny, which claimed massive corruption by the Arroyo administration and the imminent imposition of martial law. When she reversed her position and decided to run for the 2004 presidential election her support further eroded for not keeping her word.

The 2004 presidential election was won by Arroyo, but in the face of allegations of election fraud. Discrepancies in election returns and cheating continued into 2005 and culminated in the "Hello Garcie" controversy. The controversy revolved around taped conversations supposedly between Arroyo and Virgilio Garcillano, a former Comelec commissioner. The tapes were offered as proof that Arroyo ordered the rigging of the national elections to ensure she would win the presidency by one million votes, which conformed to poll predictions. Despite massive protests and cabinet resignations, Arroyo remained in office and only admitted to poor judgment in speaking with commissioner Garcillano. Three separate impeachment cases were brought against Arroyo in 2004, 2005 and 2007, but none were successful.

Arroyo's second term was plagued by numerous other issues. In 2006, a one-week state of emergency was declared by Arroyo to deal with threats to her administration. A military mutiny led by General Danilo Lim, an increase in lawlessness and other perceived threats to stability were sought to be controlled by Presidential Proclamation 1017 (PP 1017), the emergency law decree. However, PP 1017 was also used to issue warrantless arrests and to take over private utilities companies. Public demonstrations were put down (particularly those along EDSA) by the military and police and other forms of public dissent were

suppressed throughout the country. Several high profile suspect mutineers and protestors, including military personnel and politicians, were arrested. The Daily Tribune was raided, primarily for being critics of Arroyo, and journalism guidelines were issued, which amounted to government orders of self-censorship. The international journalism watchdog, Reporters Without Borders (*RSF-Reporters sans frontières*), criticized the move to censor the press. Another rebellion was tried in 2007 by detained General Lim and Senator Antonio Trillanes IV called the Peninsula Manila Rebellion. Gen. Lim and Sen. Trillanes IV walked out of their trial for the previous mutiny, marched to the Peninsula Manila Hotel and seized a room. They were joined by some prominent politicians, military personnel and civilians. They called for the overthrowing of President Arroyo but later surrendered.

On the human rights front, the Arroyo administration has been thoroughly criticized. A 2006 Amnesty International report noted a troubling rise in killings of militant activists and community workers. A special police unit that investigates extra-judicial killings and human rights groups monitoring the situation widely disagreed on the total number of killings, the former having a much low number than the latter. An independent commission was later set up in 2006 and tasked with investigating the killings. Led by former Supreme Court Justice Jose Mello, the commission concluded that most of the killings were the work of the Armed Forces of the Philippines (AFP). While Arroyo was in office, the Philippines also became one of the most dangerous places to report the news with RSF recording a total of 137 journalists killed during the Arroyo administration.¹¹

A controversial anti-terrorism law, known as the Human Security Act of 2007 or RA 9372, was passed with Arroyo's support. The law legalized police surveillance, the "surreptitious search" of homes and offices and the electronic recording of communications of suspects and members of groups identified as "terrorist organizations." Furthermore, the police could now examine and seize bank deposits and assets without notice to the person concerned. The law also legalized arrest and detention without a judicial warrant and allowed holding a person

¹¹ See the RSF report "Need for press freedom reforms".

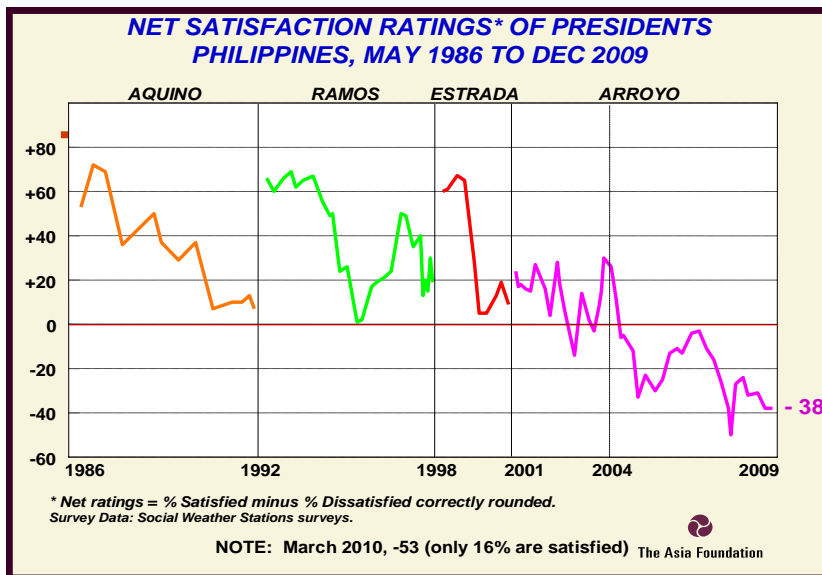
under house arrest, during which all forms of communication could be prohibited.

A number of presidential pardons were issued by President Arroyo, the most controversial pardon being that of former president Joseph Estrada. She also pardoned many people convicted of being involved in the assassination of Benigno Aquino, Jr.

The economy under President Arroyo was another area the former economist achieved disagreeable results. Despite apparent GDP growth rates higher than her predecessors, the benefits were not seen by most of the people of the Philippines. Reports by the UN indicated that poverty levels increased and polls by the Social Weather Station (SWS) revealed that record numbers of households suffered from hunger. Corruption under Arroyo's presidency remained an ever-present aspect of life, despite promises to curb the practice.

Throughout President Arroyo's second term the people's satisfaction with her performance plunged. The National Broadband Network scandal of 2007, which involved President Arroyo's husband Mike Arroyo and Comelec Chairman Benjamin Abalos and the corrupt awarding of a government contract to a Chinese firm for the construction of a national broadband network, further damaged the President's ratings. By the end of her term in office in 2010, President Arroyo had lower satisfaction ratings than any other president since the poll was started.

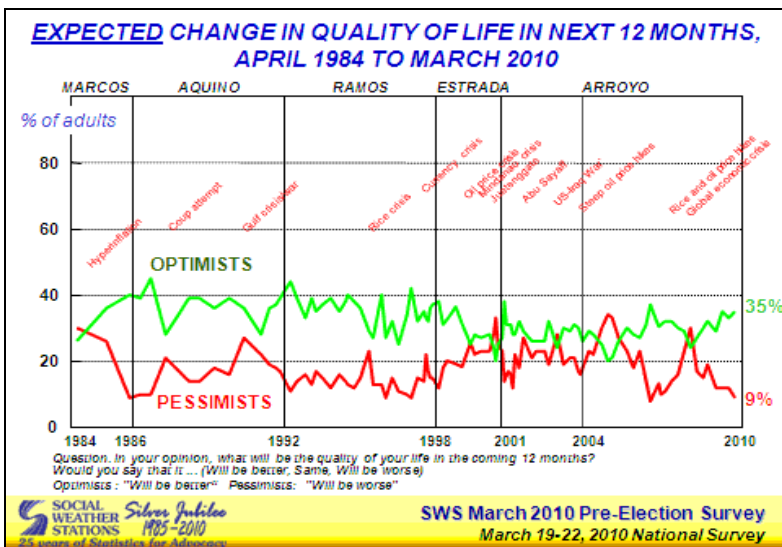
Given the disapproval ratings for the Arroyo administration and the fact that she was unable to be re-elected because of term limits, there was significant voter interest in the elections and to a lesser degree the campaigns themselves. The fact that President Arroyo was a candidate for Congress representing the second district in Pampanga added further interest in the elections because of Arroyo's plans to change the constitution. The constitutional changes she has been advocating include changing the federal structure from a presidential republic with a bicameral legislature to a parliamentary government with a unicameral legislature. She is advocating this position presumably to weaken the presidency and strengthen her position in parliament and head of her party. Should the constitutional changes come to pass, Arroyo's hand would be significantly strengthened, improving her chances of avoiding any charges of wrongdoing while president.



Courtesy of Dr. Stephen Rood, The Asia Foundation of the Philippines¹²

Early campaigning and heavy spending by many candidates, particularly Manny Villar for president, further ensured the election would be forefront in the public's mind. An early lead in polls for the presidency by Villar was quickly eliminated upon the announcement by Benigno Aquino III on September 9, 2009 that he would run for the presidency. Aquino III announcement came approximately one month after the death of his mother, democracy icon Corizon Aquino, on August 1, 2009. There was a national outpouring of grief for the passing of Corizon Aquino and soon after calls from many quarters for her son Benigno to run for the presidency.

¹² Presented during STOs briefing. Manila 3rd of May, 2010.



Despite the unpopularity of the Arroyo presidency and increasing rates of poverty, hunger and impunity for violent groups, the optimism of the Filipino in their expected change in quality of life, while dipping a bit, remained relatively steady. It should be noted that optimism increased as the Arroyo presidency was nearing its end. The hope for positive change by electing a new government is a testament to opportunities in a democracy and the resiliency of the Filipino people.

Political dynasties

Electoral politics and political allegiances in the Philippines have long been dominated by family or kinship, instead of policies or ideologies. This is evidence of the immense power a small number of families has acquired and maintained and the strength of family ties. It is also symptomatic of the weakness of the government in creating a just, equitable and truly democratic society. The political dynasties of the Philippines are thoroughly entrenched and seem to be on the rise. As Ramon Casiple, the head of the Institute for Political and Electoral

Reform (IPER) put it, “The political dynasties are at the heart of our political system.”¹³

The root of the current political dominance by a handful of family’s dates back to the time of Spanish rule. The Spanish, and later the Americans, cultivated a Filipino elite class, called the *Ilustrados* by the Spanish, to assist in running the country. A feudal system developed with the elite owning large amounts of land and business interests with many peasants toiling under them. This was further ingrained in the 20th century when voting was limited to the rich and landed Filipinos.¹⁴ These families ruled the government and promoted their families through appointments and government contracts, not to mention corruption.

There are an estimated 250 political families across the nation.¹⁵ They occupy positions in all levels of the government and present in every province. According to the Center for People Empowerment in Governance, an organization that advocates more open participation in politics, 160 members of Congress [in 2007] out of a total of 265, were members of these political families.¹⁶

This is despite the 1987 Constitution having a provision that prohibits political dynasties. Section 26 Article II of the 1987 Constitution states: “The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.” In reality, this law has no teeth as there is no enabling legislation. Every attempt to pass any such enabling legislation has not gotten far,¹⁷ presumably because the law would directly diminish the power of the people passing it.

¹³“All politics is family in the Philippines,” Agence France-Presse. 13 May, 2010 <<http://www.abs-cbnnews.com/nation/05/13/10/all-politics-family-philippines>>.

¹⁴ Simbulan, Roland G. *Political Dynasties in Mindanao*. Western Mindanao State University, 23 October, 2007 < <http://www.yonip.com/main/articles/Misc-Doc0001.html>>.

¹⁵ Conde, Carlos H. “Family dynasties bind politics in Philippines.” *New York Times* 11 May, 2007 < <http://www.nytimes.com/2007/05/11/world/asia/11iht-philis.1.5665416.html>>

¹⁶ Ibid.

¹⁷ Simbulan.

Power is maintained by the politically dynastic families by various means. Most importantly for the maintenance of political dynasties is wealth. While in office, members of political dynasties use their authority to pass favorable and protection laws for their family business. They also use government loans, government licenses and contracts and low taxes for their businesses or personal wealth, called rent-seeking.¹⁸ When political dynasties are also warlords in an area, they can also control local elections through intimidation, violence and electoral fraud.

Fully spelling out how political dynasties come to be or maintain their existence, the Philippine Center for Investigative Journalism (PCIJ) has come up with “The seven Ms of dynasty building”. The seven Ms are money, machine, media, marriage, murder and mayhem, myth and mergers.¹⁹ Through a combination of these elements families’ fortunes are made and maintained.

Since the post-Marcos era the proportion of politicians with relatives in elective positions has been approximately the same up until 2001 and as a result of more recent elections. An example of this is the Gloria Arroyo-Macapagal. Her father is a former president and her sister, brother-in-law, sons and other relatives hold or formerly held elective office. Similar scenarios of multiple family members holding or having held office can be described for all of the top candidates for president in 2010 elections. Results from the 2010 elections show some 270 political families have each two or more elective positions and of the country’s 80 provinces, at least 53 governors and 26 vice governors’ come from these political families.²⁰ In fact, these 270 families dominate both houses of Congress, holding approximately one third of the seats in the House of Representatives and the Senate.

¹⁸ Ibid.

¹⁹ Coronel, Sheila S. “The seven Ms of dynasty building.” Philippine Center for Investigative Journalism, 14 March 2007 <<http://pcij.org/stories/the-seven-ms-of-dynasty-building/>>.

²⁰ “What’s New and What’s Old in Philippine Politics,” Center for People Empowerment in Governance, 1 July 2010 <http://www.cenpeg.org/IA%202010/IA%20HTML/IA_06_s2010.html>.

House	Number	Percentage	Percent Without Party List
8th Congress (1987-1992)	122	62%	62%
9th Congress (1992-1995)	128	64%	64%
11th Congress (1995-1998)	136	62%	65%
12th Congress (1998-2001)	140	61%	66%

Colonel, Chua, Rimban, & Cruz, The Rulemakers Philippine Center for Investigative Journalism (2007); p.47.

The endemic nature of the political families in the Philippines makes it extremely difficult to reform the system. One can little expect the very people who benefit from the current arrangement to pass legislation that would put into practice the anti-dynasty provision (Section 26 Article II of the constitution). The Constitution does not define what exactly a political dynasty is, but left it to Congress to perform that role. Until Congress passes legislation that implements the provision in a reasonable manner, political dynasties will continue to dominate Philippine politics.

Rido and Warlordism and Arms

Rido²¹ and warlordism have a much larger impact on the lives of Filipinos than terrorism, although the threat of terrorism receives more attention, particularly in the international media. Rido “refers to a state of recurring hostilities between families and kinship groups characterized by a series of retaliatory acts of violence carried out to

²¹ *Rido* is the popular term in the Philippines for the practice of feuding or clan conflict. Feuding or clan conflict in the Philippines is known by various terms, depending on the region, ethnic group and language.

avenge a perceived affront or injustice.”²² Warlordism is the phenomenon of warlords²³ becoming the center of power in a given area because of a weak central state. Warlordism and rido are huge challenges for the government of the Philippines in establishing peace and the rule of law, particularly in the Southern Philippines.

Feuding or clan conflicts have been a common practice in human societies throughout history and can be traced back to pre-Islamic times in the Philippines²⁴ and warlordism pre-dates the establishment of a Philippine Republic.²⁵ Thus, both rido and warlordism are fundamental aspects of the way of life for many Filipinos and not easily changed. This obviously presents a challenge to holding free and fair elections, which greatly depend on the rule of law and essential freedoms and not the rule of a clan or warlord. Furthermore, family and kinship alliances affect voters’ independence, especially if rido is at play because of the risk of alienation from the clan for not towing the line can be perilous.

The voter in Mindanao has expressed that rido is like a prison without walls and that it can dictate all aspects of one’s life. Further, there is very real threat of retaliatory violence for defying the wishes of the local warlord or his clan members.

It is estimated that there are 100 warlords in 79 provinces in the Philippines and roughly 200 private armies spread across 1,495 municipalities.²⁶ Added to the volatile mix of rido, warlordism and private armies is the proliferation of small arms and light weapons (SALW), not to mention more powerful weaponry. Current estimates by various source put the number of illegal weapons in the country at 1.1 million in addition to the 1.8 million legally held weapons. The Philippine National Police (PNP) data for 2004-2008 records that 97% of reported crimes are committed using illegal weapons.

²²Torres III, Wolfredo Magno (ed), *Rido: Clan Feuding and Conflict Management in Mindanao*, The Asia Foundation, Makati City, 2007, 12.

²³ Individuals who control military and civil affairs in a sub-national area because the loyalty of the armed forces to the warlord and not the state

²⁴ Torres III, 11-12.

²⁵ *Massacre in Maguindanao*, Philippine Institute of Peace, Violence and Terrorism Research, Paper Series, 15 December, 2009.

²⁶ Ibid.

The prospects for warlords, current and potential, were considerably enhanced under the Arroyo administration. In 2006 President Arroyo issued Executive Order 546 (EO 546), which allowed the PNP to hire and train extra forces to assist in anti-terrorism efforts. Many critics of the EO 546 viewed it as an attempt to legalize private armies predicted an increase in violence and intimidation by politicians with rivals. This is recipe for increasingly lethal confrontations between antagonistic groups. An infamous example of this is the Maguindanao massacre where 57 people were murdered on November 23, 2009. The massacre is significant not only for the number killed, but for the fact that 21 women, some of whom were pregnant, were also killed. Women and children are traditionally excluded from the ultimate rido revenge of murder for various reasons. A number of the slain were journalist and their support staff.

Compiled studies of rido have documented a total of 1,266 cases that occurred between the 1930s and 2005.²⁷ More than 5,500 people were killed in these cases of rido and thousands more were displaced, yet only 36% of the documented cases were resolved.²⁸ Studies show that rido conflicts have risen steadily from the 1980s to 2004 with 50% of the rido cases having occurred between 2000 and 2004.²⁹ The rido conflicts also result in destruction of property, stifle local economies and create an overwhelming culture of fear.

The volatile mix of rido, warlordism and politics has been disastrous for the people of the Philippines. Elections in the Philippines are often said to involve “goons, guns and gold.” The “gold” is used to buy votes and pay for “goons” and “guns”, which refers to the recruiting and hiring of a private army. Thus rival candidates engage in violence and intimidations as a means to win office and the local voters, with no form of protection other than their clan, are forced to vote along clan lines. This process perpetuates itself, with one elite faction of a clan winning out over another clan and unresolved cases of rido fueling the next confrontation. One of the leading causes of rido is political disputes, which presents a considerable barrier to free expression of political will through elections.

²⁷ Torres III.

²⁸ Ibid.

²⁹ Ibid.

As rido violence escalates, in large part do to the prevalence of arms, the political stakes are correspondingly raised. When rival clans challenge each other for political space, the losing clan could face years of retaliation and abuse by the winning clan who has the state resources at their disposal. Despite the obstacles to peace in the cycle of rido, some progress has been had in resolving cases of rido and restoring peace. The Asia Foundation has long been involved in investigating the causes and consequences of rido and developing conflict resolution mechanisms to resolve and prevent cases of rido. The Imam and Macapeges families of Matanog municipality of the Autonomous Region of Muslim Mindanao (ARMM) had long been engaged in rido deriving from disputed election results in 2001. The conflict resulted in 11 killed, 13 wounded, property damage and the disruption of the day-to-day functioning of government. After careful study and consultation with local partners and the aggrieved clans, a resolution to the feud was accomplished in 2008.³⁰ This effort underlines the peace that can be achieved when all stakeholders work together and the ensuing peace benefits all.

³⁰ Philippines Elections: From Rido Resolution to Peaceful Elections. Wilfredo Magno Torres III. May 12, 2010.

Main Candidates & Profile

Benigno Simeon “Noynoy” Cojuangco Aquino III

Liberal Party



The son of two democracy icons, Aquino had no intention of running for President before the death of his mother, former President Corazon Aquino, in August 2009. After Liberal Party standard-bearer Sen. Manuel Roxas gave way, Aquino decided to carry the torch and he was declared the standard-bearer presidential bet of the party. During 1998–2007, He ran and won as representative of the 2nd district of Tarlac. In the same election year, two relatives—second cousin and Lakas-Kampi-CMD presidential candidate Gilberto Teodoro and uncle, former education secretary Jesli Lapus—won as representatives in the other districts of Tarlac. Aquino was re-elected in the 2001 and 2004 elections. In 2004, he became Deputy House Speaker until he was stripped of the position when he joined calls for President Gloria Macapagal-Arroyo to resign during the height of the “Hello Garci” scandal in 2005. After serving three terms in the Lower House, Aquino joined the senatorial race in 2007. He placed 6th. In his first term, he chaired the committee on Local Government and was the vice chair of the Committee on Justice and Human Rights. He was also the oversight committee chair on the Autonomous Region in Muslim Mindanao Organic Act.

John Carlos “JC” Gordon de los Reyes

Ang Kapatiran Party



JC de los Reyes’s presidential bid came as a surprise even to his family who were supporting his uncle, fellow presidential bet and Sen. Richard Gordon. In the 2007 polls, he was the lone winner among the local and national bets of the Ang Kapatiran Party, a non-traditional and church-based political party. He is a two-term councilor in Olongapo City. He comes from a long line of politicians—his grandfather is Olongapo’s first elected mayor; his grandmother, who first convinced him to run, is a former mayor of

Olongapo and an assemblywoman. Olongapo's incumbent mayor is James Gordon, Jr., the brother of Sen. Gordon.

He first entered politics as a councilor under the Nacionalista Party in 1995. He ran alongside family members. He would later become an active member and advocate of the National Renewal Movement and the Ang Kapatiran National Political Party or the Alliance for the Common Good, a registered political party. De los Reyes was re-elected councilor under the Ang Kapatiran Party in 2007. At the present, De los Reyes is executive director of Breaking the Yoke of Poverty Foundation, which oversees Jubilee Homes for the Poor, a housing project for 60 families in Olongapo City. He is also the lead animator of Solidarity Philippines, an organization that pushes for the social justice agenda of the Catholic Church.

Joseph Marcelo “ERAP” Ejercito Estrada

Pwersa Ng Masang Pilipino



Born in 1937, Joseph Estrada gained fame as a film actor in a 33-year career where he played the lead role in over 100 films. He entered politics as mayor of San Juan, a post he held for 17 years. He served as senator for one term, from 1987-1992, and then as vice-president under president Fidel Ramos from 1992-1998. He was elected President of the Philippines in 1998 by a wide margin.

Estrada was ousted from power as president in 2001 during People Power II. He was later imprisoned and charged with graft and corruption. Estrada has denied all charges and says he never resigned and thus did not recognize the Arroyo presidency. Arroyo later pardoned Estrada of all charges. Estrada was the standard-bearer for his political party, Party of the Filipino Masses, and campaigned with the motto “Erap for the masses”. Estrada's running mate was Jejomar Binay, the former mayor of Makati City.

Richard “DICK” Juico Gordon

BAGUMBAYAN-VNP



Richard Gordon is banking on his long experience in public service—as a local official, lawmaker, former tourism secretary, former chairman of the Subic Bay Metropolitan Authority, and chairman of the Philippine National Red Cross—to convince voters in the 2010 polls. A latecomer in the presidential race, Gordon is also running under a newly formed

Bagumbayan Party with former Metro Manila Development Authority (MMDA) Chairman Bayani Fernando as running mate.

The former trial lawyer has stood out in presidential debates for his eloquence and no-nonsense stand on various issues. However, he has lagged in pre-election surveys.

Gilberto "GIBO" Cojuangco Teodoro, Jr.

Lakas-Kampi-CMD



Gilbert Teodoro stands out among the top 4 presidential candidates in 2010 as the most eloquent and well-educated. Despite being the standard bearer of the ruling Lakas-Kampi-CMD, however, his rankings in the pre-election surveys, largely attributed to the overhang of President Gloria Arroyo’s low popularity, have stayed at single digits.

Teodoro comes from a privileged background. He is the “political son” of tycoon Eduardo “Danding” Cojuangco who mentored him in business and politics. Teodoro, however, bolted Cojuangco’s party, the Nationalist Peoples Coalition, in 2009 after he headed the impeachment complaint against then Supreme Court Chief Justice Hilario Davide in 2007. The rift between Cojuangco and Teodoro continues to swirl among political and business circles.

Teodoro is the cousin of the Liberal Party presidential bet, Benigno “Noynoy” Aquino III. The clan, known as the majority owners of Hacienda Luisita, hails from Tarlac.

Maria Ana Consuelo “JAMBY” Abad-Santos Madrigal

Independent



Sen. Jamby Madrigal belatedly joined the 2010 presidential race. She announced her candidacy on 31 July 2009 and filed her certificate of candidacy (COC) on December 2009 as an Independent candidate without a vice-president and a senatorial slate. Sen. Madrigal comes from an old-rich clan. Previous to joining the presidential race, she was an ardent critic of fellow Senator and presidential aspirant Manuel Villar, Jr. She played a key role in the 2009 Senate ethics investigation on the C-5 road extension project that benefitted the real estate projects of Villar's firms.

Eduardo “Bro. Eddie” Cruz Villanueva

Bangon Pilipinas



Villanueva, since 1978, founded the Jesus Is Lord Movement with just over a dozen members. He took special Bible courses in the Philippines and abroad. The church claims to have grown to over 3 million in 2007. Most members are overseas Filipino workers based in over 30 countries. In 2001, he founded ZOE Broadcasting Network Inc., which airs on Channel 11. The media arm airs programs with religious content, some of which Villanueva himself hosts.

After that, he organized the political party, Bangon Pilipinas (Rise, Philippines), in 2004, as a “movement for national transformation.” The party launched his presidential bid in 2004. He lost with only around 1.9 million votes.

Manuel Bamba “MANNY” Villar, Jr

NACIONALISTA PARTY



Sen. Manuel Villar Jr. is the only presidential candidate who claims to have personally experienced what it's like to be poor—a deviation from the usual roster of popular candidates who come from upper class families but claim to be pro-poor. His success in his previous real estate ventures fueled Villar's rags-to-riches story, which has inspired voters who elected him to national posts. As he pursues the country's highest political position, however, ethical issues on how he conducted his business have emerged.

In 2003, he was sworn in as a member of the Nacionalista Party and became President and proclaimed standard-bearer in 2004. Then, he became Senate President in 2006 but resigned in 2008 after Sen. Panfilo Lacson raised the double insertion issue on the C-5 road project, which provided access to different properties of the Villar Group.

Nicanor Jesus “NICK” Pineda Perlas III

Independent



Environmentalist and civil society leader Nicanor Perlas surprised his peers when he expressed that he is joining the 2010 presidential race. He told his 50-or-so friends and supporters present at the Bantayog ng mga Bayani Park in Quezon City on June 17, 2009 that he made the “painful” decision after growing tired of waiting for change in the Philippines. The Independent candidate is trailing behind in pre-election surveys.

Electoral Positions

POSITION	NUMBER TO BE ELECTED NATIONWIDE
PRESIDENT	1
VICE-PRESIDENT	1
SENATORS	12
MEMBER, HOUSE OF REPRESENTATIVES	230
GOVERNOR	80
VICE-GOVERNOR	80
MEMBER, SANGGUNIANG PANLALAWIGAN	766
CITY MAYOR	137
CITY VICE-MAYOR	137
MEMBER, SANGGUNIANG PANLUNGSOD	1,524
MUNICIPAL MAYOR	1,497
MUNICIPAL VICE-MAYOR	1,497
MEMBER, SANGGUNIANG BAYAN	11,980

3. ELECTORAL OVERVIEW

*Automation Histories*³¹

The genesis of automation in the Philippines is connected to combating frauds and cheating in the elections, which continues to plague the shaping and reshaping of a democratic order in this part of the world. Automation or simply speaking to involve technology as a tool to make elections cleaner and credible, the think tanks responsible for conducting elections decided to introduce a computerized backed election management 17 years ago. It took three Presidential administrations of Fidel Ramos, Joseph Estrada, and Gloria M. Arroyo with various challenges and controversy before it could be implemented in the 2010 elections.

The process of election modernization and automation was pioneered by Commissioner Christian Monsod, the then chairman of COMELEC. Soon after the 1992 general elections, during President Fidel Ramos Administration Commissioner Monsod launched a program called “MODEX-modernization and excellent” to reform the elections through eight operation components which were; (1) flexible legal background, (2) systemization of the present method of registration, (3) modernization of the electoral process, (4) continuing election education campaign, (5) establish databank with the design and operations of a management information system, (6) upgrading of facilities and equipment, (7) decentralization and reorganization of Comelec structure and (8) development and motivation of COMELEC personnel.

1993- The COMELEC began by searching various technologies that could be used in consultation with international experts, inviting bidder from various countries, sending of inspections team to United States, to meet IT specialist and manufacturers for 15 long days.

³¹ Summarize from <<http://www.abs-cbnnews.com/features/07/01/09/timeline-long-road-poll-automation>>

1994 – The COMELEC secured the technology for automation, and was waiting for the approval from the congress for converting the bill into law.

1995 – Commissioner Monsod resigned, but the effort to move forward for the automation was pursued, by Bernardo Pardo in his position as an acting Chair. President Ramos who was also very supportive signed a law, the RA. No. 8046, 7 June 1995, which authorized the COMELEC to conduct nationwide demonstration of computerized elections system and pilot test during the March elections in the ARMM in 1996. Ramos postponed the elections to September 9 through the RA 8176 on December 29, 1995, in order to give COMELEC more time to prepare for the first computerized elections.

1996 – COMELEC finally choose the AIS machine models and began the technical preparations for the ARMM elections, which included training for the operators. The automation also covered the modernization of voter registration under Republic Act No 8189. The ARMM automation elections pilot testing was declared successful.

1997 – The COMELEC's confidence was increased with the success of the ARMM's pilot automation. It decided to move further its ambition for nationwide automation. President Ramos also supported and signed the RA 8436 on December 22, 1997. An Act authorizing the Commission on Elections "to use an Automated Election System in the May 11, 1998 national or local elections and in subsequent national and local electoral exercises, providing funds therefore and for other purposes," was made.

Estrada Administration

1998-1999 -The efforts for modernization continued. President Joseph Estrada appointed Harriet Demetriou as Comelec chair on February 1999. In April, AIS became Election Systems and Software, Inc (ES&S) and with local partner, Telecommunications and Computer Technologies, Inc. (TCTI) conducts technical assessment of all 68 machines. According to the inspection, several machines needed replacement while majority needed minor tune-up. The action was followed up by Comelec with the issuance of invitation to pre-qualification and bid for supply and installation of information technology in September 9, 1999. PHOTOKINA's bidded P6.16

Billion and garnered the highest total weighted score and was declared the winning bidder.

2000- In October 2000 an independent group Eclipse Laboratories, Inc., in Minnesota, discovered that the cards could be tampered easily. According to the findings heat is supposed to weaken the adhesion of the top laminate on the card core. When the top is removed data such as birth date on the card can be erased by scratching it with a knife and cleaning the surface with alcohol. New data can be entered using dry letter transfer material. Original photograph can be covered by another person's photograph.

COMELEC Chairman Harriet Demetriou issued a memorandum to Comelec en banc expressing objections to the contract between Comelec and PHOTOKINA because it lacked "provision on tamper-proof securities."

Arroyo Administration

2001- Commissioner Alfred Benipayo who took over the position of the Chairperson continued the deal with PHOTOKINA, who requested a formal execution of contract. Unfortunately Chairman Benipayo replied with announcement to re-design the entire modernization with his own plan and declared that the VRIS project had been scrapped. As a consequence the poll automation for the May 2001 election was cancelled. PHOTOKINA took legal action and filed a case at the Regional Trial Court, Branch 215, Quezon City. The petition was for mandamus: prohibition and damages against COMELEC and all its Commissioners. (Docketed as Special Civil Action No. Q-01-45405). PHOTOKINA applied for writs of preliminary prohibitory and mandatory injunction during the hearing of its application for the issuance of a temporary restraining order.

On December 19, Judge Ma. Luisa Quijano-Padilla issued a resolution granting PHOTOKINA's application for a writ of preliminary prohibitory injunction. The controversy did not stop and on January 2002, 'News Break' found out that cost-effectiveness is another factor that needs to be clarified in the PHOTOKINA deal. The cost of manufacturing 40 million voters' ID cards under the five-year VRIS project of Comelec with PHOTOKINA is \$147.89-M or P7.39-B (P50 exchange rate)—triple the cost of SSS card, but they use the same card

core which is Teslin. Photokina has increased the amount from P6.16-B (1999 bidding price) to 7.39 B for “project contingency.” This led to replacement of the chairman. Benjamin Abalos, former Metro Manila Development Authority Chair, was appointed as the new Comelec Chair on June 5 2002. However the case did not stop there, since NAMFREL and other civil society organizations filed an impeachment complaint against Comelec Commissioner Luzviminda Tancangco for alleged graft and corruption, betrayal of public trust and culpable violation of the constitution. But the House of Representatives voted to dismiss the impeachment complaint of Rep. Puentevella against Commissioner Tancangco on February 3, 2003

October 29, 2002 – Comelec adopted in its Resolution No. 02-0170, a modernization program or Automated Elections System (AES) Project for the 2004 elections consisting of three phases, first: Computerized system of registration and voters validation (biometrics system) of registration, two: Computerized voting and counting of votes, Three: Electronic transmission of results.

On April 15, 2003 Comelec promulgated Res. No. 6074 awarding the contract for Phase 2 to Mega Pacific and entered into a contract with the latter to implement the AES project even after the Technical Working Group (TWG) and the Department of Science and Technology (DOST) submitted a report to BAC noting that MP consortium obtained failed marks in their technical evaluation. On the same day, Comelec also entered into a separate contract with Philippine Multi-Media System, Inc. (PMSI) called the “Electronic Transmission, Consolidation and Dissemination of Election Results Project Contract,” which is the Phase 3 of the AES project. Comelec was bound and obliged to pay PMSI P298,275,808.90 for the leased 1,900 units of satellite-based Very Small Aperture Terminals (VSAT), other equipments and services. And on May 16 COMELEC made Res. No. 6074 available to the public,

The decision was challenged by The Information Technology Foundation of the Philippines (ITFP) and continues with another legal action by ITFP which filed a petition for certiorari and prohibition for the nullification of Res. No. 6074 approving the contract for Phase II of the AES project to the Mega Pacific Consortium to the Supreme Court. (This is docketed as Information Technology Foundation of the Philippines, et al. vs. COMELEC, et al., G.R. No. 159139) in August

5, 2003. The petition is successful where the Supreme Court nullifies the P1.3-billion poll automation contract awarded by the Commission on Elections (Comelec) to the private consortium of Mega Pacific e-Solutions. In a decision penned by then Chief Justice Artemio Panganiban, the SC ruled that the Comelec's bidding process was tainted, raising questions on the eligibility of the consortium. The High Court also ordered the Ombudsman to determine the criminal liability of Comelec officials and asked the office of the Solicitor General to help the government recover the P800 million-initial payment given to the Mega Pacific in January 13, 2004.

With all the mess in bidding process once again the planned automated May Presidential elections did not push through.

2007, in January 9 – The bicameral conference committee sent its consolidated bills to Pres. Arroyo for signing. President Arroyo signed the bill into law, now known as RA 9369 on January 23. A request from COMELEC for Information for automated election systems was made, which would be used in the 2008 elections in the Autonomous Region of Muslim Mindanao on August 24th.

2008 in February 8 – The Comelec issued Resolution No. 8415 where it ordered the automation of the elections in Maguindanao. Use of the Direct Recording Electronic (DRE) technology was recommended for Maguindanao and Optical Mark Reader (OMR) technology in other parts of the region. The DRE system is a touch-screen voting machine, while the OMR is a ballot-counting machine. On February 12- the Department of Budget and Management released a P800 million-budget to the Comelec for the automation of the ARMM election, gave the authorization to COMELEC to open the bidding process where Smarmatic-Sahj Joint Venture cleared the eligibility requirements for the DRE technology on March 15.

However, The Joint Congressional Oversight Committee suspended the bidding requirements under the Government Procurement Reform Act to enable the automation of ARMM elections. This forced the Comelec to open fresh bids, and after back and forth processes finally the COMELEC decided to push through with the automation after the Senate warned to revoke the budget of the agency on April 29. On May 9 the Comelec awarded the ARMM automation project to Smartmatic Sahj Joint Venture for the DRE technology and Active Business

Solutions Inc and Avante International (Avante) for the OMR technology, which amounted to P 135 million signed with Smarmatic-Sahi on May-9

August 11 – Comelec conducted the ARMM elections. Problems were encountered in the electronic transmission of the poll results in Maguindanao, forcing election officials to resort to manual (USB) transmission. Poll results were announced in August 14, three days after the Election Day. In Maguindanao, which used the DRE, 99 percent of the votes were reportedly transmitted to Manila in less than 24 hours. For areas, which used OMR, 99.5 percent of the votes in Shariff Kabunsuan came in, 61.80 percent in Lanao del Sur, 73.20 percent in Basilan, 30.95 percent in Sulu and 42.70 percent in Tawi-Tawi hours after the elections. Comelec Commissioner Rene Sarmiento said that election was delayed in Tawi-Tawi and Sulu because bad weather slowed down the transport of ballot boxes from voting centers to the municipalities. Meanwhile, votes from Ditsaan-Ramain in Marawi City were transmitted in three days due to technical problems.



Touch screen voting machine and Counting machine for 2008 ARMM election.



Set of PCOs machine 2010 elections, include the box

ANFREL EOM, which was deployed to the ARMM, identified problems in the DRE and OMR, and the system could not prevent frauds. The perpetrators learned the weakness in the system and found new cheating techniques.

2009 January 7 – The Comelec submitted a P13.9 billion-budget for the automation of the 2010 elections to the DBM. The senate passed P11.3 billion-supplementary budget for the automation of the 2010 elections on 5 March, continued by signing of the RA 9295 which allocated funds for the automation of the elections on March 24

On May 14 – The Comelec Special Bids and Awards Committee (SBAC) reconsidered four bidders: Indra Sistemas (Strategic Holdings, Inc./Hart Intercivic); Smartmatic/Total Information Management Corp. (Smartmatic-TIM); AMA group of companies/Election System and Software and Gilat/F.F. Cruz and Company, Inc./Filipinas Systems. Finally the COMELEC awarded the contract to Smarmatic-TIM on June 9, 2009.

On May 20, 2010 the automation elections for the first time was conducted in the Philippines, despite controversy surrounding the process.

An Overview of Philippine Election Laws

Context

A basic understanding of the legal framework of the Philippines elections a short introduction to the political and government structure, as well as the legal system, of the country is mandatory. The basic law of the Philippines' is enshrined in its Constitution. It has been ratified and adopted by the Filipino people on February 2, 1987. The 1987 Constitution mandated the establishment of a government opposite to that of the authoritarian regime of Ferdinand Marcos.³² The driving

³² Ferdinand Marcos was elected President in 1965 and was re-elected in 1969. The latter is said to be one of dirtiest elections in Philippine history. The Philippine Constitution then, which was adopted in 1935, allowed only a maximum of two four-year term of office for President. Marcos would then have to relinquish the presidency in 1973. However, on September 1972, he proclaimed a state of Martial Law using as basis the supposed incipient leftist and rightist

force of the Constitution therefore is to bring back real sovereign power to the people, and this highlights the significance of elections in the Philippines political processes.

Government Structure

Essentially, governmental power is shared by three co-equal government branches: the Legislative, the Executive, and the Judiciary. The Legislative branch defines government policies through the enactment of legislations and statutes called “Republic Acts“ or RAs; the Executive branch implements laws and policies; while the judicial branch interprets laws and resolves conflicts between and among the other branches of government.

Legislative power is exercised by a Congress which consists of two houses: the Senate, with twenty-four members, and the House of Representatives, twenty percent of whom should be elected through a party-list system of representation.³³ Members of both houses of Congress are elected. The President, who is the Chief Executive, and the Vice-President are also elected. The Judiciary, on the other hand is composed of the Supreme Court and lower courts, whose members are appointed by the President from a set of recommendation by another constitutionally created body called the Judicial and Bar Council.

rebellions. He abolished the bicameral legislature, and ruled by Presidential Decree. In 1973, he caused the questionable ratification of a Constitution replacing the 1935 Charter. The 1973 Constitution established a semi-presidential, semi-parliamentary form of government, but retained the President’s law making power. There were National Assembly elections in 1978 and 1984; a local government election in 1980 and token Presidential elections in 1981, but all these did no substantially diminish the authoritarian powers of Marcos. The assassination of leading opposition figure Benigno Aquino, Jr. in August 1983 and the resulting demonstrations and political pressure led Marcos to call for a snap (un-scheduled) presidential election in February 1986. The opposition pitted Corazon Aquino (Benigno’s widow) against Marcos in the election. Because of the perceived massive fraud favoring Marcos, the election was followed by daily demonstrations and protests, which eventually caused the ouster and overthrow of Marcos and his government. The events came to be known worldwide as the People Power Revolution. Upon the assumption of Corazon Aquino to the Philippine presidency, one of her first decrees was the adoption of a “Freedom Constitution” which took effect while a new Constitution was being drafted. The new Constitution was ratified in a plebiscite on February 2, 1987.

³³ Section 5 (1) and (2), Article 6, Constitution

Local governments are created by law pursuant to the standards provided by the Constitution and by a Local Government Code, which, in itself, is a legislation mandated by the Constitution.³⁴ The local government leaders are elected and are under the supervision of the President.

There are other government instrumentalities that are independent from the three main branches of government, but nevertheless owe their existence to the Constitution. Having been created by the Constitution, they cannot be abolished by mere legislations or statutes. The three so-called independent constitutional commissions are the Commission on Civil Service, the Commission on Audit, and the Commission on Elections or the “COMELEC.” Their independence is assured by a requirement in the Constitution that they shall have fiscal autonomy in their budget allocation and that the Commissioners can only be removed by impeachment.

Philippine legal system

As stated above, Philippine Congress enacts legislations, including election laws. Bills or proposed legislations need to separately pass through the Senate and the House of Representatives in order for them to become laws or “Republic Acts.” These laws, on the other hand, are to be executed or implemented primarily by the Executive branch of government. In the process of implementation of laws, government entities enact rules, regulations and implementing guidelines. Similarly, the COMELEC, being the agency empowered to enforce and administer all laws relating to elections, is likewise authorized to enact rules or “Resolutions” to implement election laws.

The Supreme Court on the other hand, decides disputes that are brought before it and, in the process, interprets or construes the meaning and application of laws. Part and parcel of judicial power is the authority to come up with “rules of procedures” governing the process of resolving cases or disputes brought before them.

³⁴ Republic Act No. 7160

In sum, Philippine laws consist of: the Constitution as the supreme law of the land upon which all governmental powers are defined; the statutes or legislations passed by Congress; implementing rules and regulations enacted by administrative agencies, including that of the COMELEC, and judicial interpretation of laws and rules, which are also considered as laws.

Election Laws

When Philippine election law is referred to, it must necessarily include the Constitution, the various legislations and statutes governing elections enacted by the Philippine Congress, the “Resolutions” and “Instructions” of COMELEC, and the decisions of the Courts in election-related cases brought before them, particularly those that involve interpretation and applicability of specific election law and legal principles. The rules of procedures adopted by election tribunal in hearing election disputes also form part of Philippine election law.

The Constitution as the supreme “Election Law”

The source of all election laws in the Philippines is the Philippine Constitution. It enunciates the basic principle upon which the Philippine government is organized. It declares the Philippine state to be democratic and republican, and that sovereignty resides in the people and all government authority emanates from them.³⁵ This declaration provides the basis why Filipinos have to elect their government leaders.

³⁵ Section 1, Article 2, Constitution

As already stated above, the Constitution created the offices of those who would lead the government. It also defines the qualifications of the holders of the office³⁶ as well as provides the manner of their election.

The President and the Vice President are directly elected for a six-year term by qualified voters nationwide.³⁷ A president cannot be re-elected,³⁸ while a vice-president may be re-elected once for a succeeding term.³⁹ As to how the winners for said positions are determined, the Constitution also provides a guideline. The returns of every election for President and Vice-President are transmitted to Congress for canvass, which is to start no later than thirty days after the day of the elections. The candidate having the highest number of votes is proclaimed elected.⁴⁰ The Supreme Court, sitting en banc as the Presidential Electoral Tribunal (PET), is the sole judge of all contests relating to the election, returns, and qualifications of the President or Vice- President, and may promulgate its rules for the purpose.⁴¹

In so far as the Senate is concerned, the Constitution prescribes the election of twenty-four Senators, twelve of whom are elected nationwide every three years for a six-year term of office. A Senator can serve for no more than two consecutive terms.⁴²

³⁶ The President and Vice President should be natural-born citizens of the Philippines, registered voters, able to read and write, at least forty years of age on the day of the election, and residents of the Philippines for at least ten years immediately preceding such election ^[Article VII, Section 1, Philippine Constitution]. A Senator should be a natural-born citizen of the Philippines, at least thirty-five years of age on the day of the election, able to read and write, a registered voter, and a resident of the Philippines for not less than two years immediately preceding the day of the election [Article VI, Section 3, Philippine Constitution]. A member of the House of Representatives should be a natural-born citizen of the Philippines, at least twenty-five years of age on the day of the election, able to read and write, and, except the party-list representatives, a registered voter in the district in which he/she shall be elected and a resident thereof for a period of not less than one year immediately preceding the day of the election [Article VI, Section 6, Philippine Constitution].

³⁷ Section 4, Article 7, Constitution

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Section 4, Article 6, Constitution. The reckoning point for the scheduling of Philippine elections is May 11, 1992, when the first ever synchronized national election was held. In this initial

In the House of Representatives, members are either elected by legislative districts or constituencies, or by being nominees of parties or organizations that participated in the party-list system of representation and have obtained the necessary proportion of votes. District representatives are elected in the particular district or constituencies they seek to represent. For parties and organizations under the party-list system, whoever obtains the plurality of votes wins and gets to have their nominees sit in office depending on the proportion of votes obtained. Twenty percent of the total membership of the House of Representatives should be those from the party-list system of representation. The Constitution also requires that there must be not more than 250 members in the House of Representatives unless otherwise fixed by law. After the passage of several laws that created additional legislative districts there are now 230 districts, each being entitled to its own district representative. As a result, there can be 57 party-list representatives, making the total membership of the House to be 287. The party-list system of representation was first applied in 1998 pursuant to a law that was passed in 1995, Republic Act No. 7941.⁴³

The Constitution established the Senate and the House of Representatives Electoral Tribunals, which are the sole judge of all contests relating to the election, returns, and qualifications of their respective Members. The Tribunals are composed of nine Members (three Justices of the Supreme Court, and six Members of the Senate or

election, twenty-four Senators were elected, but with the bottom twelve vote getters having only three-year terms. In the succeeding elections every three years thereafter, twelve are elected to serve for a full six-year term of office.

⁴³ Party-List System of Representation, as defined in the law, is actually a mechanism of proportional representation in the election of representatives to the House of Representatives from registered parties or organizations, or coalitions thereof.⁴³ Because of the party-list system, a voter is entitled to two (2) votes to elect members of the House of Representatives: the first is a vote for candidate in his/her legislative district, and the second, a vote for the party represented in the House of Representatives.⁴³ Parties and organizations must belong to the marginalized and underrepresented sector of the society in order that they may participate in the party list elections. They can nominate at least five names by submitting a list not later than 45 days before elections.⁴³ Essentially, the parties are ranked after the election according to the number of votes they have obtained. Those with at least two percent of the votes will automatically obtain one seat. The remaining available seats for the party-list will be filled-up according to the proportion votes obtained by the parties or organization. A party or organization can only have a maximum three seats.

the House of Representatives, as the case may be), with the most senior Justice of the Supreme Court in each Tribunal as the respective Chair.⁴⁴

The Constitution also provides the standards by which local government officials are to be elected. Article 10 is devoted to the broad standards on establishing local government units and defines the territorial and political subdivisions of the Philippines to be provinces, cities, municipalities, and *barangays* (villages). For the qualification and election of local government officials, the Constitution requires that they shall serve for a three-year term and that they can only have a maximum of three consecutive terms of office. Congress is mandated to enact a local government code that will in turn provide, among others, for the additional law governing their qualifications and election.⁴⁵

The Constitution likewise defines who may exercise the Right of Suffrage. The Right may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year, and in the place wherein they propose to vote, for at least six months, immediately preceding the election.⁴⁶ The Constitution adopts the principle of universal suffrage, as it does not impose limitations on the right merely by reason of lack of literacy, property and other substantial requirements. Additionally, Congress is tasked to provide a system of absentee voting for overseas Filipinos and is enjoined to ensure that even persons with disabilities and illiterates are assured of their right to vote.⁴⁷ Similarly, equality of opportunity for public service and to run for public office is ensured by the Constitution. In other words, the Constitution guarantees the exercise of suffrage by all Filipinos without discrimination.

⁴⁴ Section 17 Article 6, Constitution

⁴⁵ A Local Government Code was passed in 1991 (Republic Act No. 7160)

⁴⁶ Section 1, Article 5, Constitution

⁴⁷ Section 2, Article 5, Constitution

The Constitution, as already emphasized earlier in this paper, created Philippines' election management body, the Commission on Election or COMELEC, and mandates and empowers it to enforce and administer all laws and regulations relative to the conduct of an election and other allied electoral exercises.⁴⁸ Its other powers include the following:

- (1) To hear and decide all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials, and take appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or involving elective *barangay* officials decided by trial courts of limited jurisdiction.
- (2) To decide, except those involving the right to vote, all questions affecting elections, including determination of the number and location of polling places, appointment of election officials and inspectors, and registration of voters.
- (3) To deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the Government, including the Armed Forces of the Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful, and credible elections.
- (4) To register, after sufficient publication, political parties, organizations, or coalitions, and to accredit citizens' arms to assist it in running the election.⁴⁹
- (5) During election period, to supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges, or concessions granted by the Government or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation or its subsidiary.⁵⁰

⁴⁸ Section 1, Article 9 (A), Constitution

⁴⁹ Section 2 (5), Article 9 (C), Constitution

⁵⁰ Section 4, Article 9 (C), Constitution

- (6) To recommend to the President the grant of pardon, amnesty, parole, or suspension of sentence for violation of election laws, rules, and regulations, without which recommendation, the President cannot grant the request.⁵¹

As regards the organization of COMELEC, the Constitution states that it should consist of a Chairman and six Commissioners, who must all be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five years of age, holders of a college degree, and must not have been candidates for any elective position in the immediately preceding elections. In addition, a majority thereof, including the Chairman, must be Members of the Philippine Bar who have been engaged in the practice of law for at least ten years. The Chairman and the Commissioners are appointed by the President for a term of seven years without reappointment.⁵² The Commission on Elections may sit *en banc* or in two divisions in hearing and deciding election cases.⁵³

Basic principles and policies on Philippine election are also enshrined in the Constitution, among which are that:

- (1) Religious denominations and sects and those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government cannot be registered as political parties.⁵⁴
- (2) Equal opportunity, time, and space, and the right to reply, including reasonable and equal rates for public information campaigns and forums among candidates.⁵⁵

⁵¹ Section 5, Article 9 (C), Constitution

⁵² Section 1 (2), Article 9 (C), Constitution

⁵³ Section 3, Article 9 (C), Constitution

⁵⁴ Section 2 (5), Article 9 (C), Constitution and Section 61, Article 8, OEC

⁵⁵ Section 4, Article 9 (C), Constitution

- (3) A free and open party system.⁵⁶
- (4) Political parties, or organizations or coalitions registered under the party-list system, shall not be represented in the voters' registration boards, boards of election inspectors, boards of canvassers, or other similar bodies.⁵⁷
- (5) *Bona fide* candidates for any public office shall be free from any form of harassment and discrimination.⁵⁸
- (6) Synchronized national and local elections.⁵⁹

Election Statutes

The Omnibus Election and the amending laws

The principles and policies on elections having been set forth and defined in the Philippine Constitution, Congress passed legislations and statutes intended to implement and actualize those declared principles and policies. Although adopted in December 1985 prior to the adoption of the 1987 Constitution, the Omnibus Election Code (OEC) is still the country's basic election law.⁶⁰ Being an omnibus code, it is a compilation of all election laws into one single law. All aspects of election, namely, the basic principles of the conduct of all elections, powers and functions of the COMELEC, qualifications of candidates, qualifications of voters and voter registration system, policies on candidacies and registration of political parties, campaigning and campaign financing, preparing and organizing elections including establishment of precincts, polling places, and canvassing bodies, conduct of voting, counting of votes, canvassing or aggregation of results, proclamation of election winners, election disputes, and defining criminal election offenses, are all in the OEC.

⁵⁶ Section 6, Article 9 (C), Constitution

⁵⁷ Section 8, Article 9 (C), Constitution

⁵⁸ Section 10, Article 9 (C), Constitution

⁵⁹ Section 5, Article 18, Constitution

⁶⁰ The Omnibus Election Code is also known as Batas Pambansa Bilang 881 (National Law No. 881) which was passed by the past Legislature, then called Batasang Pambansa (National Assembly) whose members are known as called Assemblymen.

As already stated above, the OEC was passed not within the framework of the 1987 Constitution. It was adopted less than three months before the fall of Ferdinand Marcos and was first applied in the “snap” presidential elections in February 1986. The framework by which the OEC was drafted was the previous Constitution (1973), which provided for a unicameral legislature. Thus, some of its major provisions are not consistent with the 1987 Constitution. Nonetheless, many other provisions of the OEC are still good law and remain effective.⁶¹

Necessarily, there were series of amendments to the OEC. Significant amendatory laws were the Electoral Reforms Law of 1987 (Republic Act No. 6646) and the Synchronized Election Law of 1991 (Republic Act No. 7166). RA 6646 reconstituted the membership of the Board of Election Inspectors (BEI)⁶² and the Board of Canvassers (BOC)⁶³ to make it consistent with the requirement of the new Constitution for a non-partisan membership to those boards. RA 7166 on the other hand provided for the procedure by which synchronized elections are to be implemented. Both laws also contain provisions that updated procedures on the conduct of elections and the counting of votes and canvass of election results, as well as those that relate to candidacies, campaign financing regulations, and the prosecution of certain election offenses.

In January 2007, Congress passed another law that provided further amendments to the OEC. This law, known as the Automated Election Law of 2007 or RA 9369, is actually just partly about automated elections. Sections 1 to 30 of the law are amendments to RA 8846, which is the first Automated Election Law, passed in 1997, while sections 31 to 40 are about the changes to the OEC, RA 6646 and RA 7166 governing manual elections.

Therefore, the OEC, supplemented by RAs 6646 and 7166, and Sections 31 to 40 of RA 9369, provides the primary statutory standard for the conduct of the elections from the preparation, up to voting, canvassing, and proclamation of winners, in a manual election. It

⁶¹ Section 3, Article 18, Constitution

⁶² Section 13, RA 6646

⁶³ Section 20, RA 6646

called for a write-in system of voting, wherein the voters are to write the names of the candidates on the proper blanks on the ballots.

In a synchronized national and local election under a manual system, where there are 22 to 36 contested positions (President down to the last municipal council members), Filipino voters may write up to 36 names. Counting of votes is done by reading of the votes written on the ballots and tallying them in an election return. The precinct results as contained in the election return will then have to be canvassed in the municipal or city levels. The municipal or city results, in turn, will be canvassed at the provincial level, while the provincial results will be canvassed at the national level either before the COMELEC, for the election of Senators, or before Congress, for the election of President and Vice President. At both the municipal or city and provincial levels, the respective candidates for municipal or city and provincial positions who obtained the plurality of votes will be proclaimed winners. The winning district representatives are proclaimed, in most instances, at the provincial level. The foregoing procedure will vary a little for highly urbanized cities, including those in the Metro Manila area, where the city results are directly sent to the national canvass level.

Automated Election Laws

Much of the manual process of election provided under the OEC and its amendatory laws, however, have changed with the passage of the automated election laws. In December 1997, Congress enacted the first Philippine automated election law, RA 8846. This law authorized COMELEC to use an Optical Mark Reading (OMR) machines in counting votes. It was however, implemented once and only in one region, the Autonomous Region in Muslim Mindanao, in the 1998 National and Local Elections. In 2007, RA 9369 was enacted amending substantially all of RA 8436. The recent law expanded the coverage of Automated Election System (AES) to include voting, counting, transmission, canvassing and consolidation of election results. It also allowed the use of Direct Recording Electronic (DRE) voting system.

Under RA 9369, it is COMELEC's mandate and authority to decide and choose an AES which it may deem appropriate and practical for the process of voting, counting of votes and canvassing/consolidation and transmission of results in an election.⁶⁴ The law requires COMELEC to create an Advisory Council that is tasked to recommend to it the most appropriate, secure, applicable and cost-effective technology in an election.⁶⁵ The Chairperson of the Commission on Information and Communications Technology chairs it.⁶⁶ Its members include one representative each from the Department of Science and Technology, Department of Education,⁶⁷ and from the academe. In addition, the council also includes three representatives from private information technology associations and two from electoral reform non-governmental organizations.⁶⁸

The recommendation of the Advisory Council will be adopted, rejected, or adopted with modification by the COMELEC. Once it has chosen a technology, COMELEC will then procure the technology through competitive bidding.⁶⁹ There is also a Technical Evaluation Committee under the law whose task is to certify as to the readiness of the AES for use in an election. Other statutory requirements before an AES can be used include the conduct of field-testing, mock elections, and final testing of all machines that will be used. The source code of the machine is also required to be made available for examination. The law provides minimum requirements for the kind of AES that COMELEC will choose

When an automated election is used, the multi-stage canvassing or consolidation of election results remains. In addition, the law requires the generation of at least 30 copies of election returns from each precinct. These will be distributed to different recipients.

After the election, the law requires the conduct of a Random Manual

⁶⁴ Please see Section 6, RA 9369

⁶⁵ Section 9, RA 9369

⁶⁶ The Commission on Information and Communications Technology or CICT is a government agency tasked to coordinate information technology projects of the government.

⁶⁷ The Department of Science and Technology and the Department of Education are two cabinet level government entities.

⁶⁸ Section 9, RA 9369

⁶⁹ See Section 10, RA 9369

Audit in one precinct per congressional district randomly chosen by the COMELEC in each province and city. Any difference between the automated and manual count will start the determination of the root cause of the discrepancy, and initiate a manual count for those precincts affected by the computer or procedural error.⁷⁰

Finally, the law requires COMELEC to come up with a continuity plan, which is actually a series of contingency measures to be adopted in case of a systems failure. This is to assure that the election will continue notwithstanding unforeseen technical and procedural problems.⁷¹

To serve as a guide in the implementation of the AES it has chosen, COMELEC is endowed with statutory authority to promulgate rules and regulations in voting, counting of votes, transmission, canvassing or consolidation of results consistent with the AES it has adopted.⁷² These rules and regulations come in the form of General Instructions or GIs. The most significant GIs are the GI for the Board of Election Inspectors and the GI for the Board of Canvassers. The GI for BEI is actually the set of rules outlining the procedure for voting, counting of votes, and transmission of election results to the BOC, while the GI for the BOC is the set of rules providing the procedure for the canvass and consolidation of election results at the different levels of canvassing.

In May 2010, the Philippines conducted its first ever nationwide “automated” election system. It has chosen as an election technology, what COMELEC called the Precinct Count Optical Scan or PCOS system, wherein the voters are to register their votes by marking a space on the ballot corresponding to the names of the candidates they are voting for. The ballots will then be inserted into the PCOS machine, which will then record and count the votes. After voting time, the PCOS machine will be made to print 30 copies of the election returns and electronically transmit the digital version of the results to the Boards of Canvassers at the cities or municipalities, which in turn are to print and electronically transmit their consolidated results to the provincial canvassing boards. The GI for BEI and the GI for BOC,

⁷⁰ Section 25, RA 9369

⁷¹ Section 11, RA 9369

⁷² Sections 15, 16, 18, and 30, RA 9369

which outline the procedure for the elections, are promulgated by the COMELEC as Resolutions 8786 and 8809, respectively. These resolutions have been modified several times to supplement the then existing rules in order to address issues that were not earlier anticipated. Resolution 8837 is the rule on the conduct of Random Manual Audit while Resolution 8839 lists down the contingency measures of the system. These resolutions were also amended and supplemented by latter resolutions.

COMELEC also came up with Resolutions related to all the other aspects of the election. There were resolutions governing the registration of voters,⁷³ filing of certificates of candidacies,⁷⁴ disqualification of candidates,⁷⁵ campaigns,⁷⁶ filing of statement of election contribution and expenditures,⁷⁷ and on election disputes,⁷⁸ among others. Every election year COMELEC comes up with these resolutions using the pertinent statutes as guides.

Voter Registration Act of 1996

The Voter Registration Act of 1996 or RA 8189 is an amendment to the portion of the OEC on voter registration and precinct establishment (Sections 113 to 150). It is the law that now governs the process and the system of voter registration. It requires, as a pre-condition to the exercise of the right to vote, that qualified voters must be registered in the Permanent List of Voters in the municipality where they reside. To be registered however a qualified voter must not only possess the qualifications provided under the Constitution, he or she must also not have the disqualifications defined by this law namely: conviction and having been sentenced to imprisonment of not less than one year, or for a crime involving disloyalty, sedition, violation of the firearms laws or any crime against national security, and having been declared insane or incompetent.⁷⁹

⁷³ Resolution 8514

⁷⁴ Resolution 8678

⁷⁵ Resolution 8696

⁷⁶ Resolution 8758

⁷⁷ Resolution 8944

⁷⁸ Resolution 8804

⁷⁹ Section 11, RA 8189

Under the OEC, voters can register only in specific dates before election. In the system of continuing registration under RA 8189 however, qualified voters can apply for registration anytime during regular office hours before the local office of COMELEC. Their application for registration will then be considered by a municipal or city Election Registration Board (ERB), which meets every quarter for this purpose. When an application for registration is approved by the ERB, the voter is assigned a precinct corresponding to his/her residence. The names in the Permanent List of Voter in a municipality are arranged by precinct.

This law also introduced the use of a “computerized voters list”, which is actually a national database of voter registration data, the objective being to facilitate the maintenance of the integrity and the cleansing, of the voters list. In a system of continuing registration, cleansing of voters list may be done even outside of the election period.

The application for registration of a voter who is not qualified may be challenged before the ERB. But if the ERB decides to include said voter just the same, the remedy of Petition for Exclusion of Voter to be filed before the Municipal Trial Court is available to any qualified voter and representative of a political party. On the other hand for those whose registration have been wrongly disapproved by the ERB can initiate a Petition for Inclusion as Voter also before the Municipal Trial Court of his/her residence. Petitions for Inclusion and Exclusions may be initiated 105 and 100 days, respectively, before elections.

As stated above, the requirement of the Constitution that overseas Filipinos must be afforded their right to vote is fulfilled with the passage of RA 9189 or the Overseas Absentee Voting Act of 2003. Through said law, all citizens of the Philippines, of legal age, residing abroad, not otherwise disqualified by law, may exercise their right to vote for the election of president, vice-president, senators and party-list representatives.⁸⁰ Registration as an overseas absentee voter must be done in person, except in the case of seafarers by reason of the nature of their work.⁸¹

⁸⁰ Section 4, RA 9189

⁸¹ Section 6, RA 9189

Law on Candidacies and Political Parties

The procedure governing the process relating to candidacies and registration of political parties are still contained in the OEC, except in relation to campaigning, which is now essentially governed by the Fair Election Act or RA 9006.

The term "candidate" refers to any person aspiring for, or seeking, an elective public office, who has filed a certificate of candidacy personally or through his political party.⁸² To be eligible for any elective public office, a person must file a sworn certificate of candidacy within the given period. Filing two or more certificates of candidacy for more than one office will disqualify the person for all positions unless he/she chooses one and cancels the others.⁸³ A candidate can be nominated or supported by a political party or can run independently.⁸⁴

Under RA 9369, a person is legally considered a candidate, although his or her certificate of candidacy is already filed, only upon the start of campaign period for which the certificate of candidacy is filed. Thus, before said period, he/she is not subject to prosecution for the unlawful acts or omissions applicable to a candidate, including limitations on campaign expenses and unfair campaigning activities, and other acts proscribed by election laws.⁸⁵

A "political party", on the other hand, is defined as an organized group of persons pursuing the same ideology, political ideas, or platforms of government. It must be registered with the COMELEC for it to be accorded a juridical personality.⁸⁶ It can nominate candidates and it has priority in the designation of precinct watchers or monitors in the various phases of election preparation.

⁸² Section 79 (a), BP 881

⁸³ Section 73, BP 881

⁸⁴ Section 70, Article 9, OEC

⁸⁵ Section 13, RA 9369

⁸⁶ Section 60, OEC

Campaign Rules

Campaign rules are basically governed by RA 9006, otherwise known as the Fair Election Act. It allows candidates to use any election propaganda to promote their candidacies, subject to limitation on size (for posters and printed materials), air time (for radio and television advertisement) and print space (for print media advertisements), and to the ceiling on election expenses. It also regulates the conduct of surveys, including exit polls.

Campaign Finance Rules

The OEC, as amended by RA 7166, provides the basic law on campaign finance.⁸⁷ It fixed the maximum limit of expenses for every candidate to three pesos per registered voter for members of political parties, five pesos per registered voter for independent candidates or those not supported by political parties. Political Parties are allowed up to five pesos per registered voter. For candidates for president and vice president, the maximum that they can spend is ten pesos per registered voter.⁸⁸ Exceeding the amount allowed by law is a criminal offense. However, while there is a limit as to how much a candidate can spend, there is no limit as to how much a person or corporation can contribute to a candidate or a party.

Candidates and political parties are required to submit to the COMELEC within 30 days after election reports of their expenses and the contributions that they received.⁸⁹ Contributors are also required by law to submit a report of their donations within the same period.⁹⁰ Even contractors, firms, and media entities are duty bound to file a report to the COMELEC.⁹¹ COMELEC, in turn is mandated to examine all these reports⁹² to ensure the candidates actually comply with the laws.

⁸⁷ Section 94 to 112, OEC, as amended by Section 13, of RA 7166

⁸⁸ Section 13, RA 7166

⁸⁹ Section 14, RA 7166

⁹⁰ Section 99, OEC

⁹¹ Section 112, OEC

⁹² See Sections 110 and 112, OEC

Election Complaints and Adjudication Process

The Constitution, laws and rules also govern the process by which complaints relating to elections are addressed and adjudicated. For clarity, it is necessary to classify the types of election disputes into the following issues: 1) Right to Vote; 2) Qualification of Candidates and Political Parties; 3) Problems on the Conduct of Elections; 4) Violation of Election Laws; and 5) Correctness of the election results.

On the issue on Right to Vote, the general principle is that it is a judicial issue, meaning disputes relating to it should be taken cognizance of and resolved by judicial authority. Under RA 8189, it is the first level courts that hear petitions for inclusion or exclusion of voters. However, only in instances when the Election Registration Board or the ERB has already decided on an application for registration can the courts take jurisdiction of a petition for inclusion or exclusion.⁹³ But disputes can also take place before the ERB when an application for registration is opposed.⁹⁴

On the issue of candidate and political party qualification, as well as those related to the conduct of elections, it is COMELEC, which has jurisdiction over them. This is by virtue of COMELEC's power under the Constitution to decide all questions relating to election.⁹⁵ This includes deciding whether a candidate should be disqualified for violation of certain conduct required of a candidate.⁹⁶ This also includes the so-called pre-proclamation controversies, which concerns questions relating to the authenticity of election returns or certificate of canvass or of the validity of the canvass proceedings.⁹⁷ All these are within the COMELEC's power to hear and decide.

⁹³ See Sections 32 to 35, RA 8189

⁹⁴ See Section 17, RA 8189

⁹⁵ Section 2 (3) Article IX (c), Constitution

⁹⁶ The acts enumerated in Section 68 of the OEC can lead to the administrative disqualification of a candidate from continuing his or her candidacy, without prejudice to possible criminal prosecution.

⁹⁷ Section 68, OEC. The acts that may result in the disqualification of a candidate include vote-buying,

Criminal violation of election laws were investigated and prosecuted by or under the authority of COMELEC in the OEC.⁹⁸ When RA 9369 was passed however, the prosecutorial arm of the government, supervised by the Department of Justice, was given concurrent jurisdiction with the COMELEC to investigate and prosecute violation of election laws.⁹⁹ Nevertheless when these criminal cases go to trial, they are tried just like other criminal cases, before second level courts called the Regional Trial Courts.¹⁰⁰

Questions relating to the results of the election, as well as the issue of the eligibility of winning candidates to occupy the seat they won, are heard by different tribunals depending on the position contested. These types of cases are generally referred to as election contests and are initiated after the formal proclamation or certificate of winners. As provided under the Constitution, contests involving the position of President and Vice President are within the exclusive jurisdiction of the Supreme Court sitting as the Presidential Electoral Tribunal (PET).¹⁰¹ Election contests involving Senators and Representatives, also pursuant to the Constitution are to be taken cognizance of by the Senate Electoral Tribunal (SET)¹⁰² and the House of Representatives Electoral Tribunal (HRET),¹⁰³ respectively.

The Constitution also grants to COMELEC original jurisdiction to hear and decide election contests involving provincial and city positions. For contests involving all other local government positions, COMELEC has appellate jurisdiction. Election contests covering municipal seats are within the original jurisdiction of second level courts or Regional Trial Courts, while those relating to village or *barangay* positions are within the first level court's (Municipal or Metropolitan Trial Court) jurisdiction.

⁹⁸ See Section 265, OEC. Criminal offenses are enumerated in Sections 261 and 262 of the OEC. However, each law contained its own "penal provisions."

⁹⁹ Section 42, RA 9369

¹⁰⁰ Section 268, OEC

¹⁰¹ Section 4 Article VII, Constitution

¹⁰² Section 17, Article VI, Constitution

¹⁰³ *Ibid.*

The decision of the COMELEC and the electoral tribunals are final and not appealable. However, the Supreme Court can take cognizance of petitions questioning the decision of COMELEC or the tribunals, not on the ground of error in the decision or judgment, but on error of jurisdiction or grave abuse of discretion.

As their guide in the hearing and resolution of election disputes, COMELEC, the Tribunals, and the Courts, have the authority to come up with their own rules of procedure. COMELEC and the Supreme Court recently came up with Rules of Procedure governing election protests under a PCOS system and it is now being used in election contests initiated after the conduct of the “automated elections.”¹⁰⁴

Epilogue

As the Philippines transitions to the age of automated election, core issues remain. Sovereignty resides in the people and all government power emanates from them. At the heart of good governance is still the election of persons who truly represent the aspirations of the people, and the only protection that can give these chosen representatives the mandate to serve, are election laws.

This paper is not intended to make the reader an expert in Philippine election law; it is for those who are to observe and understand Philippine elections. At best it is a road map or an initial reference on Philippine election law, keeping in mind the political and legal system in which it operates, and the hard-earned democracy that it seeks to maintain and protect.

Philippine election law continues to evolve as laws are being proposed and passed, rules and regulations are enacted by administrative agencies, and as these laws and rules are interpreted by the courts. All these efforts at improving the electoral system are anchored on the basic principles in the Constitution which is the primary source of election law: free and fair elections, regular and periodically conducted through a secret ballot, where the right to vote and be voted on is accessible to all, under a republican and democratic state of government.

¹⁰⁴ COMELEC promulgated the rules as Resolution 8804.

Electoral System

In the 2010 elections as many as 13 positions in the national and local (provincial, municipal, and district) level were contested by candidates representing different political and party affiliations. The elections for these positions were held through a single ballot.

A plural majority system or single majority system designed for a single position of President/Vice-President; Senator, Governor and Vice-Governor; Mayor and Vice-Mayor. In the parliament (members of House of Representatives) the seats were allocated by a system of proportional quota basing on the population size in each constituency within the provinces.

The *President and Vice-president* elected by plurality vote in multi-member constituency have to remain in office for a 6-year term. *Senators* are also elected by a plurality count vote system in a multi-member constituency and also have to remain in office for a 6-year term. One half of the members are elected every three years. The voter will vote one time for President and vote 12 times for the Senator in a ballot paper. In the House of Representatives (Kapulungan Ng Mga Kinatawan) 274 members are elected by a similar plurality vote system in single-member constituencies for a 3-year term and 57 members are elected through a closed-list proportional representation system for the same period.

Constitutional provisions specify 20 percent of the total seats for the PR tier. The Constitution also provides for a 250 member House, but at the same time it also provides for a change in that size by the legislature. Numbers above reflect the current apportionment. In the PR tier, members generally represent special "sectoral" minorities, though this constitutional provision was set to expire after three terms from 1987. (The 1987 constitution reserved half of these seats to said groups.) Under a 2009 court ruling related to the 2007 legislative elections, a party represented in one tier may not hold seats in the other, effectively reserving all PR seats to minor parties. The threshold in the PR tier is 2 percent, but no party may hold more than three seats in it. Prior to the 2009 ruling, elections would not necessarily fill all PR seats.

Governors and Vice Governors are elected from a single plural majority vote in the provincial level; City Mayor and Vice-City Mayor are elected from the same system. The same system is also applicable for the Municipal Mayor to be elected from within a municipal constituency.

Table- List of contested positions

No	Position	Available Position
1.	PRESIDENT	1
2.	VICE-PRESIDENT	1
3.	SENATORS	12
4.	MEMBER, HOUSE OF REPRESENTATIVE	230
5.	GOVERNOR	80
6.	VICE-GOVERNOR	80
7.	MEMBER, SANGUNIANG PANLALAWIGAN	766
8.	CITY MAYOR	137
9.	CITY VICE-MAYOR	137
10.	MEMBER, SANGGUNIANG PANLUNGSOD	1,524
11.	MUNICIPAL MAYOR	1497
12.	MUNICIPAL VICE-MAYOR	1497
13.	MEMBER, SANGUNIANG BAYAN	11,980

*Electoral Administration*¹⁰⁵

The COMELEC (Commission on Elections) of the Republic of the Philippines is an institution that manages the elections across the country. The Comelec is an independent constitution body created by 1940 amendment to the 1935 constitution. Since then, its membership was enlarged and its powers expanded by the 1973 and 1987 Constitutions. The Commission exercises not only administrative and quasi-judicial powers, but judicial power as well. The creation of COMELEC ended the government control on the electoral management body, which was vested in the Executive Bureau, an office under the Department of the Interior, and later directly vested in the Department itself. The close official relationship between the President and the Secretary of the Interior and the perceived compelling influence of the former over the latter bred suspicion that electoral exercises were manipulated to serve the political interest of the party to which they belonged.

The National Assembly was impelled to propose the creation by constitutional amendment of an independent commission on elections. The amendment was ratified by the Filipino people in a plebiscite on June 17, 1940 and approved on December 2, 1940.

There are seven commissioners headed by a chairman of the commissioners, to constitute the policymaking body for guidelines and regulation for elections, referenda, plebiscites, initiatives and recalls. The Commission sits either en banc or in two divisions in order to expedite disposition of election cases including pre-proclamation controversies. The chairman also acts as Chief Executive of the Commission and supported by an Executive Director (ED) whose duty is to implement policies and decisions and to take charge of the administrative affairs of the Commission. Assisting the Executive Director are two deputies, a Deputy Executive Director for Administration (DEDA) and a Deputy Executive Director for Operations (DEDO).

The Comelec Sub-ordinates are comprised of 16 regional election directors (RED), 79 provincial election supervisors (PES), 1,609

¹⁰⁵ http://www.comelec.gov.ph/aboutus_/background.html

election officers (EO) and their staffs. The election officers are based in every city and municipality. Their main function is to supervise the conduct of electoral activities within their areas of responsibility as field representatives of the Commission.

The main mandates of COMELEC are:¹⁰⁶

- 1) Enforce and administer all laws and regulations relative to the conduct of and elections, plebiscite, initiative, referendum, and recall.
- 2) Exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or involving elective barangay official decided by trial courts of limited jurisdiction.
- 3) Decide, except those involving the right to vote, all questions affecting elections, including determination of the number and location of polling places, appointment of election officials and inspectors, and registration of voters.
- 4) Deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the Government, including the Armed Forces of the Philippines, for the exclusive purposes of ensuring free, orderly, honest, peaceful credible elections.
- 5) Register, after sufficient publication, political parties, organizations, of coalitions which, in addition to other requirements, must present their platform or program of government; and accredit citizens arms of the Commission on Elections.
- 6) File, upon a verified complaint, or on its own initiative, petitions in court for inclusion or exclusion of voters; investigate and, where appropriate, prosecute cases of

¹⁰⁶ http://www.comelec.gov.ph/aboutus_/functions.html

violations of elections laws, including acts or omissions constituting election frauds, offenses, and malpractices.

- 7) Recommend to the Congress effective measures to minimize election spending, including limitation of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidates.
- 8) Recommend to the President the removal of any officer of employee it has deputized, or the imposition of any other disciplinary action, for violation or disregard of, or disobedience to its directive, order, or decision.
- 9) Submit to the President and the Congress a comprehensive report on the conduct of each election, plebiscite, initiative, referendum, or recall.

Region	Establish Precincts	Registered Voter	No. of clusters Precincts
Total	333,270	50,723,733	76,347
National Capital Region	39,635	6,137,728	7,555
CAR	5,939	898,696	1,785
REGION I	18,958	2,800,508	4,560
REGION II	12,166	1,823,666	3,097
REGION III	38,109	5,648,686	7,640
REGION IV-A	44,027	6,736,126	9,318
REGION IV-B	9,669	1,465,555	2,346
REGION V	18,673	2,857,925	4,767
REGION VI	26,002	3,936,639	6,406
REGION VII	24,728	3,921,867	5,561
REGION VIII	16,873	2,431,584	5,110
REGION IX	11,876	1,856,826	2,854
REGION X	15,274	2,404,247	3,624
REGION XI	17,073	2,555,783	3,431
REGION XII	13,616	1,987,427	2,769
ARMM	11,686	1,882,338	3,379
CARAGA	8,966	1,378,132	2,145

4. ELECTORAL PROCESSES

Pre Elections

Campaign

The May 10 election campaign was the most expensive and prolific in the Philippines history. Overall spending during the official campaign period was easily the most ever, and this excludes the “unofficial” campaigning that occurred before this period. It was the most prolific campaign in the sense that new forms of campaigning emerged, while tried and true methods, of the legal and illegal variety, were maintained. There was high voter interest in the campaign, which was a reflection of the dissatisfaction with the Arroyo government and a strong hope for positive change. Campaigning on the Election Day itself was also a prominent factor in the elections. Overall, campaigning was mostly peaceful, although violence and intimidation were problematic issues in some areas, most notably in ARMM.



Campaign in Davao, Mindanao



Providing snacks during campaign in Baguio city

Voters throughout the islands expressed deep skepticism to ANFREL observers in the ability of candidates to deliver on their campaign promises. This fact magnified the opinion that large amounts of money and effort were being wasted during the campaign process. As a result of this situation, campaigning seemed to be simply a popularity contest and a show of a candidate’s ability to mobilize supporters and money. Regardless of voter interest in the campaign promises, candidates carried out their campaign strategies in earnest.

The impact and largesse of campaigning was amplified by “unofficial” campaigning prior to the official campaign period, which started on February 9. The Supreme Court ruled on November 25, 2009 that a candidate for election only becomes such once the official campaign period begins.¹⁰⁷ This overturned an earlier ruling in 2007 and in effect legitimized all campaigning prior to the campaign period. The discrepancy lies in the difference between the older Omnibus Election Code and the newer Elections Modernization Act, the former prohibiting campaigning before the campaign period and the latter allowing it. The Supreme Court ruling seriously undermined the efficacy of campaign limitations during the campaign period and clearly favors candidates and political parties with larger financial resources. Candidate platforms and records were easily overshadowed by shallow attempts at name recognition.



Poster around polling centres

All sources of media were used extensively during the campaign. Television advertising took the lion’s share of campaign spending, with roughly 94% of advertising spending.¹⁰⁸ Radio and newspapers were also widely used during the campaign, even though this is not reflected in monetary terms because of their much lower cost.

¹⁰⁷ <http://sc.judiciary.gov.ph/news/courtnews%20flash/2009/11/11250901.php>

¹⁰⁸ PCIJ PowerPoint presentation, May 4, 2010.

Electronic campaigning, such as the Internet and text messaging, were also used in this election. Some 24 million Filipinos use the Internet and more than 63 million have a mobile phone,¹⁰⁹ which makes for a large electronic audience. Sometimes termed “new media”, the Internet and text messaging offered a potentially cost effective method of campaigning. Many websites are free, not to mention popular, and require only minimum of technological knowledge. Web sites such as YouTube, Facebook, Twitter, Yahoo! Groups and others are totally free and are regularly used by many Filipinos. Text messaging remains relatively inexpensive in the Philippines and can cover a wide audience through “text-blasting” (the mass sending of unsolicited texts).

There is debate over the usefulness of these new forms of campaigning. Some argue they appeal only to candidate supporters. Others argue that electronic campaigning is interactive and thus more personal and effective. Regardless of the debate, this “new media” was embraced by many candidates. Candidates with deep pockets, including most presidential candidates, used paid online advertisements as well as free forms, which is certainly an advantage in exposure. Electronic media was also used to organize and inform voters of other campaign activities, such as campaign rallies.

Comelec has yet to issue any regulations regarding the use of electronic media campaigning. One reason may be that is more difficult to supervise because of its diffuse and personal nature. Yet this election has demonstrated its wide and increasing importance to the campaign process. Most importantly, many forms of online advertising and text messaging are not free and therefore fall under campaign spending rules. According to election lawyer Luie Tito Guia of Libertas, a candidate must declare expenses concerning “everything that is used by the candidate to promote his election or the defeat of his opponent.”¹¹⁰ Other reasons include negative campaigning and critical commentary that occurred online and possibilities of anonymity that exist for online users.

¹⁰⁹ PCIJ, <http://pcij.org/stories/online-bets-wage-war-sans-rules-cap-on-costs>.

¹¹⁰ Ibid.

The most enduring characteristic of the campaign was the rampant use of posters, banners, streamers, tarpaulins, pamphlets, flyers and a host of other campaign paraphernalia. ANFREL observers reported seeing posters and banners in all of the most useful places, regardless of campaign rules. Campaign paraphernalia was seen along roads, in trees, on houses, walls, bridges, automobiles of kinds, buildings (both public and private) and many other locations. It should be noted that campaign rules, under the Fair Election Practices Act and related laws, are rather explicit as to the exact nature of legal campaign paraphernalia and placement.¹¹¹ Some of these regulations include the exact size, material and the timing of their placement and removal.

It is difficult to monitor this aspect of the campaign because of the profuse use of campaign paraphernalia by all political parties and candidates. Research by CER indicates that most candidates were violating rules related to common poster areas.¹¹² The two organizations primarily responsible for enforcing campaign rules, Comelec and the PNP, appear to have been unwilling and to some extent unable to perform their duty. Despite repeated warnings by Comelec that punitive action would be taken against offenders of campaign poster rules, including formal letters to presidential candidates and their running mates, no action was forthcoming.¹¹³ Possible punishment under Resolution 8758 regarding the implementation of the Fair Election Practices Act includes one to six years imprisonment, disenfranchisement, and disqualification from holding public office.

The Fair Election Practices Act also allows for citizens to file a complaint regarding violations of campaign rules. It also allows for

¹¹¹ Fair Election Practices Act, Section 3. Pamphlets, leaflets, cards, decals, stickers or other written or printed materials the size of which does not exceed 8 1/2 inches in width and 14 inches in length. Handwritten or printed letters urging voters to vote for or against any particular political party or candidate for public office. Posters made of cloth, paper, cardboard or any other material, whether framed or posted, with an area not exceeding 2 feet by 3 feet. Streamers not exceeding 3 feet by 8 feet in size displayed at the site and on the occasion of a public meeting or rally. Mobile units, vehicle motorcades of all types, whether engine or manpower driven or animal drawn, with or without sound systems or loud speakers and with or without lights. Paid advertisements in print or broadcast media.

¹¹² <http://www.abs-cbnnews.com/nation/metro-manila/04/27/10/mmda-says-noynoy-tops-poster-violations>

¹¹³ <http://www.gmanews.tv/story/188000/bets-continue-to-defy-campaign-rules-on-posters>

citizens to take down any poster or campaign materials found to be in violation. However, Comelec advised the public to refrain from taking anything down, including on their private property. The main reason for this was the possibility of retaliation from supporters. The public was advised to file a charge of vandalism or obstruction of private property instead.

Voter Registration

Voter registration is primarily governed by Republic Act No. 8189, called “The Voter’s Registration Act of 1996”. The declaration of policy in section 2 states that, “It is the policy of the State to systemize the present method of registration in order to establish a clean, complete, permanent and updated list of voters.” While this is surely a necessary policy of any free and fair election process, the realities of implementation have raised serious doubts as to the cleanliness of the voter list. However, it appears likely that Computerized Voter List (CVL) for the 2010 elections is significantly cleaner than in previous elections.

Registration for voters in the May 2010 election began December 2, 2008 and continued until October 31 or December 15, 2009. Overseas voter registration was carried out from December 1, 2008 to August 31 2009. Despite the lengthy registration period, reports from the field indicate that many voters waited until the last months and weeks to register. This created the problem of long lines and waiting times, discouraging some voters from completing the registration process or even registering at all. Comelec extended registration hours to 9 p.m. from October 22, 2009 and allowed registration in December 21-23, 28 and 29 to accommodate the flood of late registrants.

Comelec continued gathering biometric data from every eligible voter, a process that began in 2004.¹¹⁴ The biometric data taken for each voter included facial features (with a photograph), signature and fingerprint. Comelec deployed one Data Capturing Machine in every office of the City or Municipal Election Officer to facilitate the registration of the biometric data for the May 2010 election. The gathering of the

¹¹⁴ Comelec Resolution 8514

biometric data has significantly aided in creating a CVL free of multiple voters, ghost voters and other voter list irregularities. "The continued use of biometrics technology in the registration process proves that the Commission is determined to purge the voters list," said Comelec spokesman James Jimenez.¹¹⁵



Voter registration MANILA, Philippines¹¹⁶

Despite the improvements to the CVL, Comelec claimed to have discovered and removed 43,000 multiple registrants.¹¹⁷

All these cases of multiple registrants came from either ARMM or Calabarzon (the Cavite-Laguna-Batangas-Rizal-Quezon) areas.

Comelec said it would file the appropriate charges

against the 43,000 multiple registrants to send a strong signal to people who may have similar plans. The penalty for registering multiple times is one to six years imprisonment and a ban on holding public office. Comelec's Education and Information Department later stated that they had identified 705,000 multiple registrants across the country and put these registrants in a "Watch List."¹¹⁸ As this announcement came in April 2010, there was little time to investigate or prosecute these cases further, which would not have been a problem had Comelec made the CVLs public.

The cleanliness of the CVL was thrown into further doubt by NAMFREL, who carried out an independent investigation into voter registration. The investigation revealed that the number of registered voters increased by 12.7% from the last election, from 45.03 million to 50.74 million voters.¹¹⁹ The investigation was based on CVLs from the 2004, 2007, and 2010 CVLs and the National Census and Statistics

¹¹⁵ <http://www.gmanews.tv/story/136877/Biometrics-highlights-resumption-of-voter-registration>. December 2, 2010.

¹¹⁶ <http://www.ftchronicle.com> (photo credit: Mindanao Magazine)

¹¹⁷ Comelec statement, January 22, 2010.

¹¹⁸ NAMFREL press release, April 6, 2010

¹¹⁹ *Ibid.*

Board annual average population growth rates of 1.95%. NAMFREL estimates that there may be as many as 3 million multiple registrants based on these findings. Most notably, the area with the highest increase in population was ARMM with an alarming increase of 42% from the 2007 elections. Additionally, random inspections by NAMFREL's Bantay ng Bayan teams showed that CVLs in different parts of the country contained flaws including voters with identical names, names of deceased persons, and towns with unusually large numbers of centenarian voters.¹²⁰



ANFREL Observers interviewing voters

ANREL observers reported incomplete CVLs throughout the country on Election Day. A typical CVL in clustered precincts had dozens of registrants with missing biometric data, usually photographs and fingerprints. It was also noted that old CVLs were used in many clustered precincts as backup if a voter's name was missing from the new CVL. This duplication of voter lists, while helping to ensure enfranchisement, complicated and slowed voting and could have led to voter fraud.

Qualified voters must be “any citizen of the Philippines, not otherwise disqualified by law, eighteen years of age or over, who has resided in the Philippines for at least one year and in the city, municipality or municipal district where the proposes to vote for at least six months immediately preceding the election.”¹²¹ It should be noted that qualified voters include those who turn 18 years old as late as the day

¹²⁰ Ibid.

¹²¹ <http://rp2010.com/2008/12/voters-registration-starts-today.html>

of the election it self. Other countries in Asia have disenfranchised numbers of young voters who were 18 years old on or before Election Day, but were not allowed to vote for any number of reasons.

It is commendable that Comelec has started issuing ID cards to voters registered with biometric data. Since the 2007 elections, Comelec has issued 21.27 million ID cards.¹²² The remaining registrants with biometric data will be issued their ID cards after the 2010 elections to give Comelec time to prepare for the elections (the ID cards are not necessary to vote). It will greatly aid the work of BEIs and assist in preventing voter fraud if there is a simplified list of acceptable IDs that must be shown when voting.

It is very helpful that voters have the ability to check their names and respective precincts online.¹²³ This reduces the chance for mistaken registration and eases the burden of finding or verifying the precinct where a voter is registered to vote. Comelec also had clear procedures for re-registration if there was an error with a voter's registration or if a voter had been deactivated from the CVL. Nonetheless, ANFREL observers noted that on Election Day a small number of voters arrived to vote at their clustered precinct to find that their name was not on the list. It is likely that some voters simply made the mistake of falsely believing they were correctly registered; it is also possible that mistakes were made in the registration process itself.

- 50,086,054 registered voters (as of Nov. 16 ERB Hearing)
- 258,691 additional reg. voters (as of Jan 9 ERB Hearing)¹²⁴

¹²² Comelec to issue voter's ID after 2010 polls, Anna Valmero, Inquirer, July 15, 2010

¹²³ <http://www.comelec.gov.ph/precintfinder/precintfinder.aspx>

¹²⁴ Courtesy of Consortium on Electoral Reform (CER) and Bantay Eleksyon

Voter Education

Voter education was a major issue in the 2010 Elections because of the nationwide switch to an AES with the use of the PCOs machines. Practically every voter in the Philippines had never experienced the use of an automated counting machine. Educating the public presented a giant challenge for Comelec and the nation. Although the AES used was a significant improvement on past, fully manual voting system, where voters had to write in every candidate they chose, the newness of the process called for thorough voter familiarization.

Voter education was carried out in numerous ways. Voter education videos, available online, played on television and other venues, were a valuable educational tool. The Voters Education Animation Project (VEAP) provided a voter education video in a number of languages including English, Tagalog, and Cebuano. The video is available online at Comelec's election website¹²⁵, on Youtube and a number of other election related websites. A number of other videos were produced, all of which proved useful.

Various mock elections were held by Comelec in the run-up to Election Day. A simultaneous nationwide mock election was held by Comelec on February 6th. The mock election, which was required by law, was held in Metro Manila, Luzon, Visayas and Mindanao and was



Voter education in the church, by PPCRV



Voter education PPCRV in Baguio City

¹²⁵ <http://www.ibanangayon.ph>

intended to “to simulate the process of the voting, counting and canvassing, which includes transmission,” said Comelec commissioner Gregorio Larrazabal.¹²⁶ This mock election was deemed a general success, despite some problems including a “flying voter”, a few rejected ballots and an instance of a ballot jamming in a PCOs machine. Other voter education aids included a pull-out supplement in the Inquirer newspaper on March 1 that gave instructions on how to hold your own mock elections, as well as information on the automation process, counting and transmission. Voter education at the polling stations was prevalent on May 10 through the use of large posters, flyers and stickers.

However, most people did not have contact with the Precinct Count Optical Scan (PCOS) machine for practice and it was evident from ANFREL observers’ reports that voters in rural barangays had considerably less voter education. Even if people know how to vote, many appeared apprehensive about the reliability of the new AES.

Security and nature of its incidents

The Philippines has surprisingly become a country with high incidents and violence related with elections. It is considered as having one of the highest records of violence in the South East Asian region. Security has become a serious concern that has been a major problem for holding credible elections for decades. The nature of synchronized elections in the Philippines also acted as a stimulant to the growing conflict and contributed to the security problems during the May 10 elections.

The massive use of 3-G powers (goons, gun and gold) affirmatively reflects the administration of incumbent President Gloria Macapagal Arroyos and its ability to maintain law and order. The security systems involving the police and the military under different chains of command devised well thought out plans to provide protection to people, especially from political conflicts during the pre election phase when different individuals and groups were out in the field to

¹²⁶ <http://www.gmanews.tv/story/183087/comelec-to-hold-simultaneous-mock-elections-on-saturday>

campaign for votes. In some areas the situation got particularly bad owing to lack of control on weapons possession by powerful groups and clans as was the case in Mindanao. What perhaps made the situation more complicated is the space provided for creation of Personal Armed Guards (PAGs) by local biggies and ‘lords’ belonging to a certain ‘ruling’ clan. Security was challenged tremendously by such activities and in some cases a mutual understanding between groups and the authorities added to the complexities.



Surrendered Fire Arm at Masbate City



Advance vote in Samar

Most of the time during the elections reports from different parts in the north and Mindanao was about use of force by powerful groups mostly influenced by the ‘Rido’ culture that dictates the course and outcome of political rivalries. Some of the violent activities, which are said to be carried out to settle political rivalries, are also connected to Rido and insurgencies.¹²⁷ The use of the 3-G has proven to be an effective way to terrorise the voters forcing them to think about their safety before making any decision on which candidate or political group to support.

A case in point when a complete lack of confidence on security forces was on open display was

after the Maguindanao massacre in which 57 civilians were killed, most of them being journalists. The massacre was allegedly

¹²⁷ Few of the famous rebellion groups in the country are known as NPA (New People Army, which is communist base group), MILF (Mindanao Islamic Liberation Front, which is demanding liberation of Moro peoples), and Abu Sayaaf who is accused terrorist activities..

orchestrated by Ampatuan's brothers¹²⁸ with involvement of the authorities. This incident has gone down as one of the worse election related incident in the region and earned condemnation from the civil society around the world. Although the authorities categorized the incident as not related to elections, but it was obvious from the way things unfolded that there was a well-planned attempt to prevent Maguinda-datu¹²⁹ family members to register his candidacy for the regional governor's position.

Realizing the threat potential from the PAGs, the Police had identified 68 private armies nationwide and aimed to neutralize them before the May 10 elections besides committing to monitor the activities.

The areas that were identified to have become the base of private armies of powerful clans are 11 in the Ilocos, Calabarzon region and Northern Mindanao with nine and Eastern Visayas with eight. Western Visayas has seven private armies, Cagayan Valley, six; Bicol five; Cordillera Autonomous Region has four; Central Visayas three; and Central Luzon, Mimaropa Region and Caraga Region, two partisan armed groups each. These groups are organized by unscrupulous politicians during elections to further their political ambitions.

To deal with the emerging security challenges, especially to contain excesses by private armies in the areas mentioned in the above paragraph, the COMELEC initiated a Joint Security Control Centre (JSCC) involving top ranked COMELEC, Philippine National Police (PNP) and Armed Forces of the Philippines (AFP) officials. The JSCC was tasked to work out a practical plan to be implemented in all regions of the country.

¹²⁸ Ampatuan Jr. is regional governor of ARMM and believed as the strong political alliance of President Gloria Macapagal Arroyo.

¹²⁹ Maguinda-datu is know as a strong man in Mindanao

The JSCC was made to undertake the following functions¹³⁰:

- 1) Formulate and implement a plan for intensified law enforcement and security operations to thwart nefarious activities of criminals targeting loose firearms with threat groups and neutralize/dismantle private armed groups within respective jurisdiction;
- 2) Only Regional JSCCs shall accept and process all applications for security detail by candidates for House of Representatives and local candidates and provide temporary security detail to the concerned applicants for a maximum period of thirty (30) days;
- 3) Provide and supervise security details duly approved / deputized by the COMELEC;
- 4) Determine strategic locations of joint COMELEC-AFP-PNP strong points/checkpoints in accordance with reference c;
- 5) Direct the deployment of PNP and AFP personnel to secure polling centers, COMELEC offices and officers and the members of the Board of Election Inspectors (BEIs);
- 6) Assess and direct the deployment of equitable area/route security at the request of candidates;
- 7) Direct the arrest or apprehension of violators of COMELEC Resolution 8714, other COMELEC Resolutions and Omnibus Election Code caught in *flagrante delicto*;
- 8) Assess and recommend areas to be placed under COMELEC control in accordance with reference d;
- 9) Maintain a record/roster of all authorized security details in respective areas of jurisdiction and register all visiting personalities/candidates and their security details;
- 10) Determine the government agency that will provide the security details to a requesting political candidate;

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http://www.pnp.gov.ph/cms/index.php?option=com_joomdoc&task=cat_view&gid=51&Itemid=80

- 11) Prepare threat assessment on request for security;
- 12) Initiate appropriate measures to ensure the safety of identified high-risk elected and appointed government officials; and
- 13) Act on any and all security matters not covered by the provisions of this JLD upon final disposition by the COMELEC en banc.

As soon it was activated, that is on January 19th, 2010 the JSCC began to act, first by taking immediate action to disarm the PAGs by issuing a nationwide order, including groups which had access to use and transporting the weapons, banning carrying of firearms, The PNP, AFP and 35 others law enforcement agencies of the government would also have to strictly abide the regulations and the requirement to carry weapons as specified under several provision. Security personnel would be allowed to carry weapons only during duty and possess clear identification badges and uniforms.



Security alert on Election day in Basilan

The JSCC also imposed restrictions on the provision allowing privately owned or operated security. Such activities would have to be duly authorized by the PNP, provided that when in the possession of firearm, the security personnel is: (1) in the agency-prescribed uniform with his agency-issued identification card prominently displayed and visible at all times, showing clearly his name and position; and (2) in the actual performance of duty at his specified place/area of duty. The issued firearms of security guards shall be left/deposited in respective posts when on off duty. While all persons in civilian attire carrying

firearms shall be presumed unauthorized to carry the same and subject for arrest and investigation;

The PNP had served warrants against members of partisan armed groups wanted by the law, while the gun ban was strictly enforced in areas where private armies were operating,

On the other hand a Task Force called HOPE (Honest, Orderly, Peaceful Elections) was also formed by PNP and AFP earlier in response to some pre-election violence that may have erupted early on and to prevent the escalation of political rivalry. HOPE had been in close coordination with domestic observers to challenge the potential threat that might occur during the elections, including protecting national and international election observers.

Elections Hot Spot

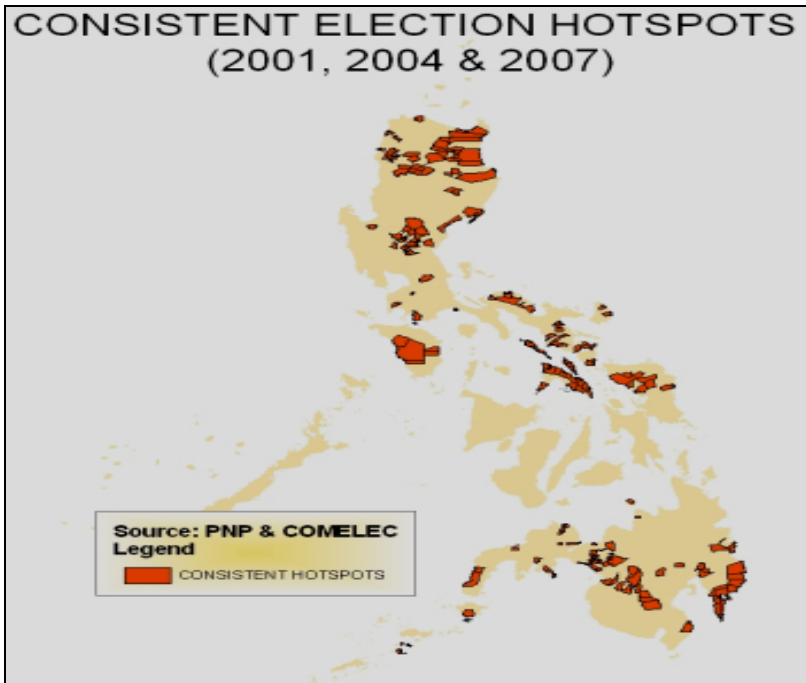


Table-1. Consistent election hotspots

No	Municipality	Province	Region
1	Bangued	Abra	CAR
2	Boliney	Abra	CAR
3	Danglas	Abra	CAR
4	Dolores	Abra	CAR
5	Lacub	Abra	CAR
6	Lagayan	Abra	CAR
7	Langiden	Abra	CAR
8	Malibcong	Abra	CAR
9	Tayum	Abra	CAR
10	Tubo	Abra	CAR
11	Trento	Agusan Del Sur	XIII
12	City Of Ligao	Albay	V
13	Jovellar	Albay	V
14	Libon	Albay	V
15	Pio Duran	Albay	V
16	Casiguran	Aurora	III
17	Dipaculao	Aurora	III
18	Sumisip	Basilan	ARMM
19	Batangas City	Batangas	IV-A
20	Tuy	Batangas	IV-A
21	Amulung	Cagayan	II
22	Buguey	Cagayan	II
23	Claveria	Cagayan	II
24	Enrile	Cagayan	II
25	Gattaran	Cagayan	II
26	Gonzaga	Cagayan	II
27	Iguig	Cagayan	II
28	Lal-Lo	Cagayan	II
29	Lasam	Cagayan	II
30	Peñablanca	Cagayan	II
31	Piat	Cagayan	II
32	Rizal	Cagayan	II
33	Santa Teresita	Cagayan	II
34	Santo Niño (Faire)	Cagayan	II
35	Tuao	Cagayan	II
36	Tuguegarao City	Cagayan	II
37	Jose Panganiban	Camarines Norte	V

38	Labo	Camarines Norte	V
39	San Lorenzo Ruiz (Imelda)	Camarines Norte	V
40	Santa Elena	Camarines Norte	V
41	Buhi	Camarines Sur	V
42	Sagnay	Camarines Sur	V
43	Mambajao	Camiguin	X
44	Bagamanoc	Catanduanes	V
45	Gigmoto	Catanduanes	V
46	Carmona	Cavite	IV-A
47	Maco	Compostela Valley	XI
48	Mawab	Compostela Valley	XI
49	New Corella	Davao Del Norte	XI
50	Talaingod	Davao Del Norte	XI
51	Don Marcelino	Davao Del Sur	XI
52	Baganga	Davao Oriental	XI
53	Caraga	Davao Oriental	XI
54	Governor Generoso	Davao Oriental	XI
55	Lupon	Davao Oriental	XI
56	Manay	Davao Oriental	XI
57	Mati	Davao Oriental	XI
58	San Isidro	Davao Oriental	XI
59	Tarragona	Davao Oriental	XI
60	Can-Avid	Eastern Samar	VIII
61	Dingras	Ilocos Norte	I
62	Laoag City	Ilocos Norte	I
63	Cabugao	Ilocos Sur	I
64	Alicia	Isabela	II
65	Angadanan	Isabela	II
66	Delfin Albano (Magsaysay)	Isabela	II
67	Ilagan	Isabela	II
68	Mallig	Isabela	II
69	San Pablo	Isabela	II
70	Lubuagan	Kalinga	CAR
71	Pasil	Kalinga	CAR
72	Pinukpuk	Kalinga	CAR
73	Tanudan	Kalinga	CAR
74	Tinglayan	Kalinga	CAR
75	Kauswagan	Lanao Del Norte	X
76	Munai	Lanao Del Norte	X
77	Bacolod-Kalawi (Bacolod Grande)	Lanao Del Sur	ARMM

78	Balabagan	Lanao Del Sur	ARMM
79	Bayang	Lanao Del Sur	ARMM
80	Binidayan	Lanao Del Sur	ARMM
81	Butig	Lanao Del Sur	ARMM
82	Calanogas	Lanao Del Sur	ARMM
83	Ganassi	Lanao Del Sur	ARMM
84	Kapai	Lanao Del Sur	ARMM
85	Lumba-Bayabao (Maguing)	Lanao Del Sur	ARMM
86	Madamba	Lanao Del Sur	ARMM
87	Malabang	Lanao Del Sur	ARMM
88	Masiu	Lanao Del Sur	ARMM
89	Mulondo	Lanao Del Sur	ARMM
90	Pagayawan	Lanao Del Sur	ARMM
91	Piagapo	Lanao Del Sur	ARMM
92	Poona Bayabao (Gata)	Lanao Del Sur	ARMM
93	Pualas	Lanao Del Sur	ARMM
94	Saguiaran	Lanao Del Sur	ARMM
95	Sultan Gumander	Lanao Del Sur	ARMM
96	Tugaya	Lanao Del Sur	ARMM
97	Sultan Kudarat (Nuling)	Maguindanao	ARMM
98	Aroroy	Masbate	V
99	Baleno	Masbate	V
100	Balud	Masbate	V
101	Batuan	Masbate	V
102	Cataingan	Masbate	V
103	Cawayan	Masbate	V
104	City Of Masbate	Masbate	V
105	Claveria	Masbate	V
106	Dimasalang	Masbate	V
107	Mobo	Masbate	V
108	Monreal	Masbate	V
109	Palanas	Masbate	V
110	Pio V. Corpuz (Limbuhan)	Masbate	V
111	Placer	Masbate	V
112	San Fernando	Masbate	V
113	San Jacinto	Masbate	V
114	San Pascual	Masbate	V
115	Uson	Masbate	V
116	Baliangao	Misamis Occidental	X
117	Clarin	Misamis Occidental	X

118	Sapang Dalaga	Misamis Occidental	X
119	Lagonglong	Misamis Oriental	X
120	Arakan	North Cotabato	XII
121	Banisilan	North Cotabato	XII
122	Carmen	North Cotabato	XII
123	Kabacan	North Cotabato	XII
124	Midsayap	North Cotabato	XII
125	M'lang	North Cotabato	XII
126	Pigkawayan	North Cotabato	XII
127	Pikit	North Cotabato	XII
128	Tulunán	North Cotabato	XII
129	Lope De Vega	Northern Samar	VIII
130	Silvino Lobos	Northern Samar	VIII
131	Cabanatuan City	Nueva Ecija	III
132	Carranglan	Nueva Ecija	III
133	Gabaldon (Bitulok & Sabani)	Nueva Ecija	III
134	Gapan	Nueva Ecija	III
135	General Mamerto Natividad	Nueva Ecija	III
136	Guimba	Nueva Ecija	III
137	Jaen	Nueva Ecija	III
138	Lupao	Nueva Ecija	III
139	Nampicuan	Nueva Ecija	III
140	Palayan City	Nueva Ecija	III
141	Pantabangan	Nueva Ecija	III
142	Quezon	Nueva Ecija	III
143	Rizal	Nueva Ecija	III
144	San Isidro	Nueva Ecija	III
145	San Jose City	Nueva Ecija	III
146	Santa Rosa	Nueva Ecija	III
147	Santo Domingo	Nueva Ecija	III
148	Calintaan	Occidental Mindoro	IV-B
149	Sablayan	Occidental Mindoro	IV-B
150	Sablayan	Occidental Mindoro	IV-B
151	Sablayan	Occidental Mindoro	IV-B
152	Santa Cruz	Occidental Mindoro	IV-B
153	Bansud	Oriental Mindoro	IV-B
154	Gloria	Oriental Mindoro	IV-B
155	San Carlos City	Pangasinan	I
156	Pagbilao	Quezon	IV-A
157	City Of Antipolo	Rizal	IV-A

158	Calbayog City	Samar (Western Samar)	VIII
159	Matuguinao	Samar (Western Samar)	VIII
160	San Jorge	Samar (Western Samar)	VIII
161	San Jose De Buan	Samar (Western Samar)	VIII
162	Santa Margarita	Samar (Western Samar)	VIII
163	Tarangnan	Samar (Western Samar)	VIII
164	Bacon	Sorsogon	V
165	Castilla	Sorsogon	V
166	City Of Sorsogon	Sorsogon	V
167	Matnog	Sorsogon	V
168	Santa Magdalena	Sorsogon	V
169	Cumbio	Sultan Kudarat	XII
170	Siasi	Sulu	ARMM
171	Siasi	Sulu	ARMM
172	Lingig	Surigao Del Sur	XIII
173	La Paz	Tarlac	III
174	Kalawit	Zamboanga Del Norte	IX
175	La Libertad	Zamboanga Del Norte	IX
176	Sibuco	Zamboanga Del Norte	IX
177	Sirawai	Zamboanga Del Norte	IX
178	Dimataling	Zamboanga Del Sur	IX
179	Josefina	Zamboanga Del Sur	IX
180	Kumalarang	Zamboanga Del Sur	IX
181	Tabina	Zamboanga Del Sur	IX
<i>Source: Philippine National Police, Commission on Elections</i>			

Elections Related Violence

Local NGOs like Vote for Peace recorded a total of 130 incidents during the pre and post elections (January 10-May 13th), 119 incidents recorded during January 10 to May 10, 2010, while 11 incidents recorded during the post elections (May 11 to 13 of May, 2010). The incidents recorded are considered lower than that recorded from almost the same period in 2007 with 181 incidents. The drastic decrease is said to have resulted from the cooperative approach of the various elections stakeholders. It has proven significantly effective and helped in reducing the level of violence in the customary areas, with critical hot-spot area, e.g. Abra, Nueva Ecija, Masbate, Samar, Lanao Del Sur,

and Sulu. The decrease in incidents in these areas added to the overall reduction of violence throughout the country.¹³¹

A various nature of the violence involved are shooting, ambush, and clashes between two rival supporters, explosive bomb, assault and kidnap. The cases of shooting and explosion bomb have marked the top 2 incidents, which are showed the gun ban was not efficient. Most of the shooting happened in the early hours of the polls to threat the voters and candidates. (See table: 2). 104 persons were killed and 112 were injured/wounded as the result of incidents throughout the country.



Table2:¹³²

Victim of election violence in La Union

NATURE OF INCIDENTS	Jan10 – Mar25	Mar26 – May9	May 10	May 11-13	TOTAL
Shooting	23	16	6	4	49
Assassination	2				2
Ambush	2	11	2	1	16
Shootout	1	4	8		13
Strafing	1	3		5	9
Explosion	2	10	10	1	23
Burning	1	2			3
Abduction/murder		3			3
Armed threat		2			2
Clashes		2			2
Street fight			1		1
Mauling			1		1
TOTAL	32	53	28	11	124

¹³¹

http://www.votepeace.bantayeleksyon.org/index.php?option=com_content&view=article&id=69:peace-defied-election-violence&catid=1:latest-news&Itemid=18

¹³² Ibid

Table 3: Types of Victim¹³³

TYPES OF VICTIMS	Jan 10 – Mar 25		Mar 26 – May 9		May 10		May 11-13	
	Killed	Wounded/ Injured	Killed	Wounded/ Injured	Fatalities	Wounded/inj ured	fatalities	Wounded /Injured
Candidates	12	2	6			1	1	
Political/Campaign Leaders	9		15		2			
Bgy Officials	2		2					
Security Escort/Driver		3	4	3				
Election Officers								
Supporters	1		7	59	7	9	1	4
Civilian	2	6	11	7	8	8	1	2
Assailant	2							
Suspected PAG member			2					
Poll watchers					1		1	
Policeman					1	2		
Military						1	4	12
Media						2		
Security aide/driver								1
Election Officer (BEI)							2	
TOTAL	28	11	47	69	19	23	10	19

¹³³ Ibid

Below is a break-up of the election related violence during the election period:¹³⁴

REGIONS	Pre Elections periods						Election Day			Post Elections		
	Jan 10 – Mar 25			March 26 – May 9			May 10			May 11-13		
	Inc	Fat	W/I	Inc	Fat	W/I	Inc	Fat	W/I	Inc	Fat	W/I
CAR	1			5	1	4						
I (ILOCOS)	2	1	1	3	4	1	1					
II (CAGAYAN)	1			4	3	5						
III (CL)	4	5					1	1				
IV-A (CALABARZON)	5	4	1	4	4	1	2	3	3	1	1	
IV-B (MIMAROPA)				1			1	1	1			
V (BICOL)	6	6		5	1	2	1			6	1	6
VI (WEST VISAYAS)	2	1		9	10	3				1		
VII (CENTRAL VIS)				1								
VIII (EAST VISAYAS)				2	2							
IX (ZAMBO PEN)	1	1		4	6	33	1	3	8			
X (NORTH MINDA)				2	2	4	1		2			
XI (DAVAO)	1	1		4	3					1	6	12
XII (SOCCSKSARGERN)	2	3	1	2	1		1	1	1	1	1	1
XIII (CARAGA)	1	1		2	5		2	1	1			
ARMM	4	3	6	6	3	13	18	9	7			
Cotabato City	2	2	2	1	1					1	1	
NCR	1			2	1	2						
TOTAL	33	28	11	57	47	69	29	19	23	11	10	19

¹³⁴ ibid

Human Rights Situation

The right of suffrage is a fundamental human right and the genuine and periodic elections are the core essence of universally accepted norms under the International Covenant on Civil and Political Rights (ICCPR-1966) and the Universal Declaration of Human Rights (UDHR-1948) to ensure freedom of elections. Violation of human rights infringes the basic fabric of election process and democratic values. With this consideration, the ANFREL-EOM looked into the human rights aspect as one of the cross-cutting components during the May election and its impact on sanctity and integrity of the electoral process.

The Bright Side

- Freedom of speech and of the press and the right to information, the most essential components of electoral freedom, has been generally respected throughout the electoral cycle. Majority of the voters expressed about their informed choice concerning their right to vote, right to be elected as well as the right to change the government peacefully. Periodic elections are convened on the basis of universal suffrage as enshrined in the UDHR and the ICCPR to which the Philippines is a party.
- Freedom of assembly and unhindered imparting of election manifesto by the political parties and candidates has been generally respected. Also, the freedom of association and movement during the election campaign is generally unrestricted except in the conflict-prone zones due to security reason. Although the law requires that groups obtain a permit to hold a rally, the government at times considered following an unwritten policy of allowing rallies to occur without the filing of a request. The police generally have exhibited professionalism and restraint in dealing with political demonstrations, rallies and mass meetings.
- In general, political parties could register and operate without undue restriction. However, the Commission on Elections had denied Ang Ladlad's registration twice in four years — first for a lack of members and then on moral grounds. In its latter

dismissal, the commission cited Ang Ladlad's tolerance for "immorality which offends religious beliefs" and then quoted the Bible, the Koran and then the Law Department's definition of the civil code. The case reached the Philippine Supreme Court, which on April 8, 2009 ruled in favor of Ang Ladlad and ordered COMELEC to grant accreditation for the May 10 election. "The denial of Ang Ladlad's registration on purely moral grounds amounts more to a statement of dislike and disapproval of homosexuals, rather than a tool to further any substantial public interest," the court said in its ruling.

- There are no other discriminatory provisions or restrictions in law or practice on participation by women and members of minorities in politics. Many women, including the immediate past president have held positions of leadership and authority. On August 14, 2009, the outgoing president signed into a law the "Magna Carta for Women," which requires government agencies to hire more women over the next five years in different tiers of the government and administration as an affirmative action.

The Dark Side

- Human rights violations during elections have been numerous and varied and no sector of society remained un-exempted. Extrajudicial killings and involuntary disappearance were the issues of critical concern prior, during and after the elections along with alleged vilification campaign and filing of trumped up and politically motivated charges against leaders and activists. The CHR, an independent government body, also revealed that there was a high rate of election-related violence in the country with the continuation of a culture of impunity. The body has investigated several complaints of politically motivated killings in the course of the May election. Human rights activists have encountered occasional harassment, from security forces and insurgents particularly in the ARMM.

- Throughout the election campaign period and after, the media actively exercised and expressed diverse political views without restriction but are often criticized for lacking rigorous journalistic ethics particularly at the time of election campaign. Slanting towards particular political or economic orientations of owners, publishers, or patrons has been evident to the public perception as some of whom are allegedly close associates of present or past political top brasses. Meanwhile, in the course of the electoral campaign, many journalists faced harassment and threats of violence from individuals and groups critical of their reporting.
- The worst pre-election violence in Philippine history – the Maguindanao massacre – focused global attention on the human rights situation in the country. Despite the mass killing of 57 civilians on 23 November, 2009 in Maguindanao, members of state-armed local During the election campaign period, security forces and insurgents committed a number of arbitrary and unlawful killings, including in connection with an increase in fighting between government forces and Muslim rebels in central Mindanao. The CHR investigated several complaints of politically motivated killings in the run up to the May election and beyond. The agency suspected personnel from the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) in some killings of political activists operating in rural areas.
- Groups and private armies are still free to operate in other parts of the country. The government's inability to establish accountability for members of these armed groups has undermined the rule of law resulting in denial of human rights protection for civilians.
- Although the right of voters on the polling day was generally ensured, secrecy of the voters remained a critical problem in the Election Day. In several precincts, the secrecy of voters was compromised since voters easily could see each other while shading the ballot papers. On several accounts, observers

witnessed the incidences of one voter or a family member assisting or even directing another about how and where to vote. Also, the secrecy envelop provided to the voters was not long enough to cover the ballot paper thereby undermined the fundamental principle of confidentiality of ballot. The concerned authorities in most of the precincts showed indifference to such practice.

The first ever automated elections in the Philippines have been an important chapter in the history of the electoral process which will probably impact all other countries in South East Asia. Though the outcome of the Automated Election System (AES) has not been very encouraging—the process was filled with anomalies and technical let ups—it could add to the process of technology becoming a key feature of election management in South East Asia. Technology has become an integral part of the elections in India and this has encouraged many other countries to experiment with automation.

The May 10, 2010 election in the Philippines was a very crucial process to determine whether technology can actually help in upholding the values of democratization and furthering democracy. Preparations to hold the elections has gained significant momentum, though a number of questions needs to be answered pertaining to the efficacy of the whole process and how international monitoring/observers groups respond to the changing dynamics in the electoral process in the Philippines.

For the first time in its electoral history the whole nation experienced a technology supported electoral process, more popularly known as the AES. The fact that the Election Commission of the Philippines known as the Commission on Elections (or Comelec) had decided to conduct a nationwide automation had given rise to several concerns. There have been questions raised about the preparedness of the election management body and all other stakeholders, including the civil society for the elections. There is a general apprehension that the elections are not completely inclusive and sufficient time had not been provided to the voters to learn about the new technology or to trust it completely.

Automated Election System Review

The automation project was implemented nationwide under the technical supervision of the Smartmatic-Total Information management, a private company that had been engaged by the Comelec through a contract worth 7.2 billion pesos to operate the Precinct Count Optical Scanning (PCOS) machines all over the Philippines. The PCOS functions using an Optical Mark Reading (OMR), which captures data by scanning and recognizing a set of, predetermined marks on sheets of paper.

On January 23, 2007, Republic Act 9369 was enacted “authorizing the Commission on Elections to use an automated election system.”

Its purpose was to ensure the secrecy and sanctity of the ballot and all election, consolidation and transmission documents in order that the process shall be transparent and credible and that the results shall be fast, accurate and reflective of the genuine will of the people

The automation process was similar to the OMR technology used in the five provinces of the Autonomous Region of Muslim Mindanao (ARMM) during the August 2008 ARMM elections.

In this present system paper ballots where names of the candidates to be voted are pre-printed in the ballot were used. After voting, ballots are fed in an Automated Counting Machine (ACM). It is said to have a 99.99999% reading accuracy rate.

According to Comelec the change to automation provided an opportunity for the more than 50 million eligible voters to cast their votes at 76,000 polling centers servicing voters of over 350,000 precincts.

The AES on the Election Day and the Post Election period

There was hope and also large-scale skepticism on the functioning of the AES. Though, elections were held and the machines were made to respond, at times by resorting to crude ways like banging the machines, there remains a lot to be desired. Even till this day the outcome based on the AES has not been fully accepted, with candidates and their coalitions, civil society groups, election watch and even the media

contesting the outcome, so much so that the integrity of the system has been questioned.

For instance according to the Philippines Online Chronicles, “the election results may have been “fast” to cite Comelec and Smartmatic but this claim should not gloss over the fact that over and above the poll outcome is the need to establish the integrity of such results and to determine whether automation did promote democracy and address the systemic problem of fraud. Seven days after May 10, reports of incidents on the automated elections are now coming in.”

The election results kept coming until much after the elections were over and at one point of time it appeared that the counting process would go on and on. The long delays in the announcement of results became a cause of worry for the candidates as the case in the verdict for the vice-presidential candidate. Liberal party candidate Manuel Roxas II who ran opposite Jejomar Binay has claimed that he was a victim of “automated mysteries,” and therefore he should the results favouring the latter should not be accepted.

A 102-page protest letter was filed by Roxas in the Supreme Court, which is also a tribunal that decides protests in presidential and vice-presidential races. Roxas who was the running mate of President Aquino has made it clear that he would continue to seek for legal redresses so that a manual recount of the three million votes for the vice president which were either not counted or considered stray or null by the Comelec.

Not just Roxas or politicians, there are others who are questioning the veracity of the AES and the people involved in managing this system.

For instance the Pagbabago! People’s Movement for Change has revealed several contradictions raising doubts on whether the results of the AES can be trusted. A case in point is Comelec's own admission regarding discrepancies between the electronic election results and their printed versions. A report shows the discrepancies affecting some 150,000 voters from 196 precincts in different provinces.

There were all kinds of reports about possible manipulation of the flash cards, or the reconfigure flash cards, which could have possible, affected the results of the vice-presidential and senatorial contests.

The most astounding accusation so far has been questions' raised by former President Joseph Estrada's lawyer George Garcia regarding the "hasty delivery of reconfigured cards," a week prior to the elections.

"Were the 76,000 flash cards really returned and reconfigured or were the so-called substitutes already prepared and ready for delivery in the short period of three days. And if there was really nothing irregular going on, why is it that the Comelec did not allow the presence of media and party watchers during the reconfiguration?"

ANFREL on its part found several discrepancies on the Election Day. Before even delving into alleged attempts to manipulate the results, what must be reflected is the lack of cohesive willingness amongst the Comelec and the Smartmatic to increase the confidence of the voters by taking pain to explain the so called "bug induced minor errors." The approach of both these organizations was to adopt a defensive posture and conceal all information relating to the machine malfunction or technical snags.



CF Cards

This somewhat arrogant attitude of the Comelec officials did not do much to win the confidence of the voters and this resulted in the chaos that was witnessed throughout the day in most polling stations. No doubt Comelec Spokesperson James Jimenez spent a considerable time to come on Television and media to proclaim that the AES had been a success and that the errors were less compared to the manual system and that the speed of the results tally was much faster.

A newspaper report quotes Mr. Jimenez as saying that “a lot of the discrepancies that cropped up were not due to inconsistencies in the automated elections system, but human error.” It continues that, “Automation was never really autonomous from human participation... That’s [human participation] where the errors are cropping up... The system itself worked perfectly, which is the reason why there are significantly fewer errors and significantly more results available from the precinct transmission.”

However, what is surprising to note is that firstly in most of the polling stations, the problems were consistently similar and in all these the element of human error was minimal. Secondly, even it was human error which the Comelec spokesperson claims as the reason for the inconsistencies, then the obvious question that arises is why the Comelec not spent sufficient time to train their human resources.

If a process, as was the case with the AES is studded with so much complications, then in all fairness the human element should be given sufficient time to familiarize with the technical aspects of operations and also learn trouble shooting. Otherwise, the AES will continue to operate in an atmosphere of doubt and no amount of sophistication will help or prove that this is a better system to check fraud and make for a free and clean elections.

What also needs to be realized by the Comelec is that the idea behind the experimentation and modernization was to emerge as a democracy with a credible electoral system as compared to the tainted manual voting system of the past. There is nothing wrong with the idea. In fact it is welcome if implemented properly. The Comelec must accept the fact that the process was not honest and beyond the understanding of the common person.

There are a number of things that needs to be considered to make the system more accountable and transparent. First any electoral process has to be kept simple for the people to understand and use. Second considering that the system is new and technology driven there must be adequate safeguards to make the system credible and accurate. There must also be a way to determine that the AES is free from tampering once it has been configured and the ballot reads zero before start of the polling process. There needs to be a technology as is the case in India where once the system is locked it cannot be tampered with.

Moreover, what is crucial is to train the Board of Election Inspectors (BEI), who staff polling places so that the Comelec does not have look for “human errors,” as reasons to defend its experiments with technology to make its elections completely automated.



Campaign material snowing around the polling centre

ANFREL observers who spent considerable time observing the unfolding of the automated system are of the opinion that the Comelec must accept suggestions from various sources to plug the loopholes that exist. A somewhat common suggestion has been to increase the Random Manual Audit (RMA) sampling from one for each municipality to be as much as possible so that it is able to win the confidence of the people.

From its experience in the Philippines as one of the most visible observer groups, ANFREL senior members like Somsri Hananuntasuk believes

that under any condition, old or new, “voter education is a must.” She categorically stated in her pre and post election analysis to the media that the new system can only start to operate effectively if people are made aware of its functions and how it can, if at all, bring about more accountability.

It goes without saying that what these seasoned observers have expressed is of great significance if the AES is to stay and make any difference to the management of elections in the Philippines. Voters’ have to be taken into confidence and this would entail a thorough planning to educate the masses about different aspects of the new system, like the design and layout of the ballot paper and its sensitiveness to water, moisture and dirt. Any form of smearing or

staining from wet or unclean hands may cause rejection of the ballot paper by the PCOS.

The Comelec must ensure that there is elaborate plan of action to educate the voter through demonstrations and simulations. The voter has a right to know about the technology and the onus is on the election management body and the SMARTMATIC to keep its explanations and simulations simple for the average voter to understand the system.

Everything said and done about the first experiment with the AES in the Philippines, what must be admitted is that expectations were partly met by the AES performance. Though it is debatable on whether the levels of expectations that were set by both local and international election experts were met or not, many election analysts believe that the system functioned with the expected the expected margins of error. Institute of Political and Electoral Reforms (IPER) Director Ramon Casiple in his assessment (Bantay Eleksyon 2010) says that the AES “contributed to the speed, accuracy, and security of the whole electoral process. The observed errors related to the PCOS machines fall within the expected margins or error and did not prevent from the count to take place.”

The count did take place and it also provided the results for all the seats that went to the polls. There will continue to be disputes over whether the AES functioned accurately and ballots were properly counted as in no election the losing side has ever accepted the verdict. In the Philippines this even more pronounced and why not when since the history elections in this country the counting has always decided on who comes out winner.

That may also be the general rule in many other parts of the globe where election outcomes depend heavily on how fair and clean the counting would be. This phenomenon can perhaps be best described in Playwright Tom Stoppard’s words, “It’s not the voting that’s democracy; it’s the counting.”

Elections Day / polling day

Notwithstanding the controversies surrounding the AES, there was tremendous amount of excitement the voters who queued up in the polling stations since very early in the morning. All over the country

voters' were not only keen to vote but were also largely curious to test the PCOs machine. This was perhaps a reason that saw a high turnout in almost all the precincts across the country. In a number of places precincts had to keep open till late, for instance in most part of the Autonomous Region of Muslim Mindanao (ARMM), to allow voters' to cast their franchise.

However, many voters' were disappointed and left after hours of wait in the queue, which was caused primarily by inefficiency of polling management, set up by the COMELEC. The other reasons are mostly technical, related mainly with PCOs performance. Technicians provided by the COMELEC were inadequately trained and in most cases could not handle the problems. Interviews revealed that most of the technicians were students who received only a day's training to operate and fix errors or problems in the machines.

Some problems with this year's electoral administration are not new to Philippines elections. First and foremost, secrecy of the ballot was virtually impossible, due to the arrangement of the polling stations. Voters sat in close proximity to each other in crowded rooms with open windows, and although each voter was given a secrecy folder, it was too small to cover the entire ballot. Another fundamental problem was the laxity in checking voters' identity against the registered voters' list, though it should be noted that the inclusion of voters' biometrics data (photo and fingerprint) in the voters list, where possible, is a significant improvement from past practice. The order in which BEIs administered the signing and fingerprints of the voters and the issuance of the ballot also varied from one polling station to another. Other issues included improper or lack of sealing of the ballot box and PCOs machine.

Other factor in the polling management that were highlighted by the observers as a problem are impartiality of the BEIs member. There were many allegations especially in the ARMM about BEIs favoring a certain "strong men" intentionally or under duress. There were problems regarding transmission of the results, which were subject to delays in some of the precincts owing to technical errors. The delay in transmission continued until May 12, 2010.

However, the BEIs who managed the electoral process should be commended for their diligent efforts. There were with many

difficulties, which made it extremely challenging for the Comelec to hold the elections on May 10, 2010. The PCOs handling involved plenty of energy and human resources in every stage of deployment, starting from training, employment of the BEIs and many other technical aspects concerning the PCOs .

The most worrisome part of the PCOs was reports of large number of errors during its testing, delivery and operation. Initial testing revealed that the CF cards containing the software program for the PCOs machines were not working, which undermined public confidence in the AES. With less than a week left to replace them with newly programmed CF cards, some precinct did not have the proper CF cards even by May 10. Moreover, procedures on how to conduct polling without functioning PCOs machines was unclear. Although the reported number of clustered precincts without functioning PCOs machines by voting day was only 0.5%, voters in these areas might have been disenfranchised.

In the new system of marking voter are required to make an “oval shade” in his/her candidates of choice. This is done manually, where the voter could not vote more than what it is required under the electoral law established by the Comelec.¹³⁵ The system of voting therefore was clearly a mixed one where marking on the ballot is completely manual with automation being more about receiving the ballot and then counting the total number of votes cast in a polling station.

There was no sign of COMELEC or SMARTMATIC or education department officials to ensure that the BEIs were following the manual and also to assist them to handle errors in the machines. COMELEC/Education department seemed to trust the BEIs to do their job diligently and expected them to know what to do.

The provinces in the ARMM are likely to become vulnerable in terms of electoral management and irregularities.

¹³⁵ 1 (one) casted mark for each position, except for senator, its allowed to vote within not more than 12 mark.

Polling Process

The opening of the polls is largely smooth and peaceful though incidents and delay in opening of precincts, mainly in the ARMM due to logistics and security related incidents. The observers witnessed a huge number of voter turn-out in the morning lined up outside the precinct for their turn to vote. Party agents and poll-watchers observed the polling process since early morning with maximum appearances of the PPCRV, C-Care (in ARMM).

The environment at the precincts was like a fiesta, colorful with not only voter but also candidates/party agent workers who were seen distributing campaign materials inside and outside the polling premises. The main campaign material that is banners, leaflets, etc was still on display on every main road and in front of polling centers. In some provinces e.g. in Basilan the leaflets were given together with cash money in average of P100-P150. In many precincts observers witnessed cases of use of transportation organized by political parties/candidates to take voters to the precinct in Maguindanao. Flying voters from other cities was also observed.

First emerging issue in the morning as witnessed by observers is inconsistency of procedures by the BEIs to the PCOs, The first of these issues is about seals as was found in many precincts where the PCOs were used without proper sealing of the cover/lid. A few prominent areas where such cases were recorded are Cotabato, Lanao Del Sur, Tawi-Tawi, Basilan, etc. When BEI's in charge were asked why the machines had no sealing, they simply said "it's ok."

Long queues of voter led to long waits from two to four hours, which discouraged some peoples from voting. The clustering of precincts was the main reason for changing the number of voters, with a maximum of one thousands voters per cluster. Yet only three BEIs were provided to handle many more voters per polling stations than in previous elections. This situation was exacerbated whenever there were any technical problems with the PCOs machine. The precinct set-up as mandated by the General information (GI) of Comelec also contributed to the chaotic situation inside.



Crowds in front of the Precincts in Illocos



Chaotic Precincts



Checking the voter list



Inking processes



Voting situation in the precincts



Insert the ballot to PCOs



Checking ballot paper by UV lamp



Destroy unused Ballot paper

The chaotic situation in the precincts was observed across the country from the entry point throughout the polling process upto voting and casting of ballots. The set up of the precincts was not adequate to ensure smooth flow of voters. Moreover, the chairman of the precincts seemed to be overloaded from issuing ballots to monitoring the process of feeding ballots to the PCOs. In most cases the Chairman had to assist with the insertion of ballot papers in the PCOs machines besides also ensuring that the registration and identity of voters' was progressing without any hitch.

The operation of PCOs machines encountered numerous technical glitches, ranging from minor one that lasted for a few minutes, to others that led to suspension of polling for hours. Rejections of the ballots while being fed into the PCOs were also reported in almost all clustered precincts. It was observed that most rejections were from over-shading.

The elections administration in the Philippines once again failed to protect the sanctity of the balloting by ignoring the most fundamental element in the elections, which is "secrecy." The equipment (secrecy folder) provided by the COMELEC is not sufficient enough to protect the secrecy of the balloting process and the choice of voter can be easily seen by others. Article 21(3) of Universal Declaration of Human Rights (UDHR) (1948) stipulates, "*the will of the people shall be.....this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot or by equivalent free voting procedures*". Therefore, this is a serious concern and has to be addressed for future improvement.¹³⁶

Closing and printing the electoral result

In response to the delay in the voting process the Comelec announced an hour's extension of the voting period, which meant that the precincts would remain open for voting extent till 5 pm. This provided sufficient space to increase the voter turnout as well as to reduce

¹³⁶ ANFREL EOM in ARMM 2008 has given a recommendation to the COMELEC to this matter, and keep campaign for secrecy ballot to the Philippines elections.

tensions in many precincts caused primarily by voters becoming impatient owing to the delays.

Delay and failure of the transmission of the elections results was widely reported. For example, in Negros-occidental there were 2 modems for 16 PCOs machines while in Masbate, only 7 out of 550 clustered precincts could transmit ballot tallies by 11 pm. Technical glitches aside, some areas simply did not have the infrastructure required by an AES, namely access to the internet. In Lanao Del-Sur, 7 of 39 municipalities failed to send the result on May 10 and almost all Mayoral candidates called for manual count. At least 15 cluster precincts in Basilan also suffered the same.

Irregularities

There were other kinds of irregularities as well which have been in use in the past to disrupt and manipulate the voting, the intension being to take control of elections in particular areas. The use of Goons, Guns and Golds also referred to popularly as the 3-G by powerful groups in most part of the Philippines to grab local positions and win elections is still rampant. Strong candidates would use their best resources, power to influence the elections officials by distributing money and goods during the polls.

There was outbreak of violence and in some areas clan rivalries translated into open fights using arms and guns. These incidents occurred mostly in the ARMM, which were identified as hotspot areas while some others occurred in Abra and Masbate. In Basilan, 2 army personnel were injured by attempts to attack the polling centres, while in Marawi city a high number of the attacks by armed men and bomb blasts were carried out to create an environment of fear during the polls.

The intension of the attack and intimidation is quite clearly to take control of the polling centre and allowing the perpetrator to indulge in manipulating the elections by ballot stuffing etc. ARMM recorded the highest number of incidents and irregularities, though comparatively lower than the previous 2008 election.

07:45hrs, Mindanao State University Gymnasium (MSU) - 3 (three) homemade bombs exploded: homemade bombs placed inside bottles exploded 20 meters from MSU PC where there were 17 (seventeen) clustered precincts for 7 (seven) barangais. No one hurt. Precincts moved to scattered locations to nearby schools where voting was reconvened and continued without further incident.

09:40hrs, Sadu Central Elementary School – Car bomb exploded. Bomb inside a SUV vehicle exploded 15 – 20 meters from a Polling Centre. Vehicle number: KCG-925 ISUZU 25Di dark blue/almost black in color. No one injured. Voting continued without any further incidents.

11:15hrs, Amai PakPak Central Elementary School – 3 (three) launcher bomb exploded: Three bombs were launched from nearby neighborhood targeting the largest, the most central and the most Media concentrated PC in the city. It had clustered precincts for 19 (nineteen) barangais. All 3 bombs landed in and around the PC. No one injured. Voting continued without any incident.

15:55hrs, Banggolo Elementary School, Lilod Madaya Barangay (Cluster precinct 1A, 1B & 2A) – fistfight and shooting. Observers witnessed fist hand fistfight between 2 candidate agents inside the precinct. One of the agents was in the precinct since the opening of the poll, We were just about to enter the precinct when argument started and within seconds brutal fistfight ensued. There were screams and punches. Voters gathered around the precinct scattered in panic and started running away from the scene. Please note that the precinct was located in a very awkward location with a narrow lane of about 3 feet wide and about 20 meters long. We (Tenzing, Khopipah, Interpreter and driver) ran towards the road. Some people fell in the alley and were almost stampeded. Within 5 seconds of the fist fight a gun shot was fired as we were running. We didn't know either it was fired in the air or was intentional shooting. We got to the main road and saw combat military personals (whom we almost brushed running) cocking heavy machine guns and was taking position for combat. Within minutes we got inside our vehicle and left the scene and went to a safe location.

Municipalities in Lanao Del Sur

In Bayang Municipality: 2 (two) injured in gun shooting.

In Tugaya Municipality: 2 (two) killed in civilian conflict.

In apai Municipality: 1 (one) killed. In the morning two political parties/candidates factions engaged in conflict. In the conflict the incumbent mayo's son was killed. In the afternoon conflict inflated and it turned into fight between military and armed men. The killer who killed the Mayor's son fled to Balindong municipality where the conflict ensues.

Tawi-Tawi:

In some Island municipalities like South Ubian voting closed at 10:15 am after the incumbent Governor's wife and supporters' interference. Reports have it that the incumbent Governor's wife drove out all watchers of opposition candidates and took over the polling station. South area is categorized as a "command area," in Tawi Tawi.

There were clashes in Simunul Island and a gun battle in Sapa Sapa. However no one was injured or any casualty reported. The marines were deployed to these areas soon after reports of violence broke out.

In a few precincts in Bongao, like Sanga Sanga, Tubig Tanah, flying voters were assembled towards evening to cast their votes in favour of a chosen candidate.

Observers and watchers were denied access to some "controlled areas," in Bongao and other municipal islands of Tawi Tawi.

Masbate:

On election day, violence happened in 3 barangays at San Pascual Municipality (1 day by boat from Masbate provincial city). People in that 3 barangays got harassed and one got gun shot on his leg.



Clockwise: The man distributed the money in front of polling centre, and evidence in Lamitan-Basilan and transporting of voter from Maguindanao to Shariff-Kabunsuan



Other common irregularities detected are distribution of money, P100-P150, during the polls to influence the voter. Such incidences were detected in almost all existing polling centres in the Philippines. The presence of party agents and citizen monitoring groups did not stop them from carrying out their acts.

‘Flying voters’ (a term used to denote voters’ brought from other cities and villages) were detected in the morning of the polls as trucks loaded with voter were seen roaming around from one polling centre to the other. Observers clicked photos from a kilometer away at Datu Unsay Central Elementary School, Barangay Meta of Datu Unsay municipality. At least 60 people were waiting by a truck (assuming it was used to transport flying voters) to get their money. Asked how much they get, the answer was 400p. Asked where they are from, the answer was they were not from the area. The whole place was taken over by the supporter of a candidate belonging to the Ampatuan family. Poll watchers from PPCRV, C-Care alike could not do anything except to be part of the whole set-up.

Random Manual Audit

Section 29 of Republic Act 9369 – the amended Philippine Election Automation Law – provided for the use of the Random Manual Audit, which is stipulate “*Where the AES (Automated Election System) is used, there shall be a random manual audit in one precinct per congressional district randomly chosen by the Commission in each province and city. Any difference between the automated and manual count will result in the determination of root cause and initiate a manual count for those precincts affected by the computer or procedural error.*”

In a paper on post-election audit sampling methods originally published in 2009, a Ph.D candidate from New York named Kathy Dopp defined post-election audit as “*a check of the accuracy of reported election results done by manually counting all the voter-verifiable paper ballots associated with randomly sampled reported initial vote counts, and checking such additional records as necessary to ensure the integrity of the electoral process.*”

For the Philippines, the random manual audit, so called RMA – was seen as a procedure that would check the accuracy of the automated election system (AES) in the May 2010 presidential elections.

Election observers, political analysts, and many among the general public saw the RMA as a crucial measure to ensure the accuracy of the count, since it would be the first time that elections in the country would be fully automated. It did not help that there was a lot of skepticism regarding the credibility of the machines, as well as that of the agencies entrusted to carry out the automated elections. As election day neared, the random manual audit only grew in significance, as many of the promised security features of the counting machines were disabled in the interest of having a faster voting process. This was compounded by a hasty nationwide recall of the machines' storage cards (compact flash cards) about ten days before election day – supposedly due to a programming error discovered during the final testing and sealing of machines – as well as controversies regarding the printing of the ballots, like the use of reportedly the wrong kind of UV ink that would have helped ensure count accuracy. With all the challenges to the AES count's credibility, the random manual audit had to work.



Observing the random manual audit results canvassing in the Comelec office.

The RMA Team (RMAT)

In November 2009, the Commission on Elections (Comelec) created the Technical Working Group on Random Manual Audit (TWG-RMA), tasked to study and recommend procedures on how the audit will be conducted, a big challenge since the automation law was silent on specifics of the audit. For the TWG-RMA, the Comelec appointed the chairperson of PPCRV – then its sole accredited citizens' arm – as head, with a representative each from the Comelec's internal audit office and the Commission on Audit (COA) as members (COA later withdrew its membership from the group and was replaced by a representative from the National Statistics Office less than a month before the elections). In March, the TWG-RMA finally submitted its recommendations to the Comelec.

On April 30, 2010, or ten days before Election Day, the Comelec finally came out with its general instructions for the conduct of the random manual audit, and grounded its policies to the following key points:

- Instead of one precinct per congressional district as stipulated by the law, the Comelec decided to expand coverage to five clustered precincts for each of the country's 229 districts, or a total of 1,145 RMA teams
- Each team will have three members, plus one reserve member (3,345 members, plus 229 reserves). *“RMA members shall be public school teachers, giving preference to those who served in the May 14, 2007 Elections but excluding those who are assigned to serve in the May 10, 2010 National and Local Elections.”*
- Random selection of the 1,145 precincts will be done publicly starting at noon of Election Day in the capital, Manila. Only after which would the different RMA teams all over the country be informed of their exact precinct assignments.
- *“The RMA shall be conducted on May 10, 2010, immediately after the shut down of the PCOS machine after completion of all its functions.”* It shall be conducted continuously – in the presence of poll watchers, party agents, media, and the public – until finished once started, allowing only 15-30 minute breaks.
- *“In no way shall the results of the RMA delay the proclamation of the winning candidates based on the results reached by the AES.”*

Methodology

The general idea of the RMA as laid out in the general instructions is to manually count the votes indicated in the AES ballots for the following five positions only: President, Vice President, Member of House of Representatives, Governor, and Mayor. This will be done by the RMA team on Election Day immediately after the Comelec agents (called Board of Election Inspectors or BEIs) in that particular precinct had officially closed the polls. In counting the votes, the RMA team shall observe the AES rules on over-voting (i.e., if the voter selected more than the allowed number of candidates for a particular position, then all votes for that position shall not be counted, without invalidating the whole ballot). After the manual count, the RMA team

shall compare the results with the results of the machine count. If the difference – or variance – is statistically too large, then as per the automation law, there shall be a “*determination of root cause*” of said discrepancy.

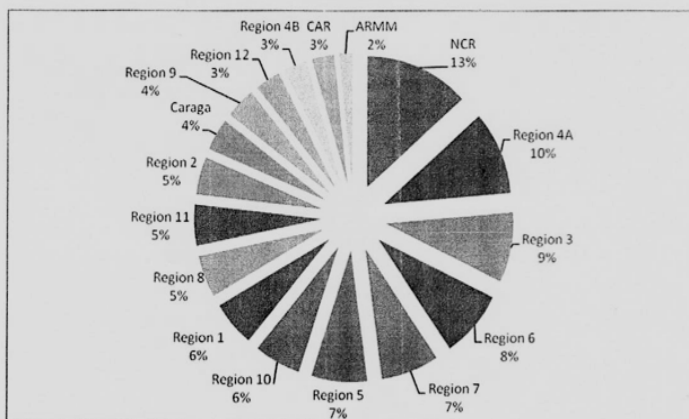
The Comelec's general instructions, which detailed the RMA procedure, was similarly silent on how such discrepancy could be resolved should it occur. There was also no stipulation in the instructions on what variance – defined in the TWG-RMA's post-election report as “*the absolute difference between the number of votes per AES and per RMA*” – was deemed acceptable, although in the same report, it was mentioned that the allowed margin of variance was set at 1% of the total number of votes for each precinct.

Findings

The TWG-RMA came out with the Random Manual Audit report on July 20, 2010, or two months and 10 days after Election Day. A summary of the results:

- 1) The Random Manual Audit, as contained in the report, was able to cover only **91.3%**, the TWG-RMA having received complete reports from only 1,046 out of the 1,145 total sample clustered precincts – totaling 540,942 voters – from the period May 10 (election day) until July 7, 2010. Figure 1 shows the percent distribution of sample clustered precincts with complete report by region (source: TWG-RMA report)
- 2) Setting the allowable margin of variance at 1 percent, the TWG-RMA determined that the total cumulative discrepancy based from the sample of 1,046 clustered precincts (out of 1,149 as originally intended) – with 540,942 voters – should be less than 5,049 votes.

Figure 1. Percent Distribution of Sampled Cluster Precincts with Complete Report by Region: Philippines 2010



Variances were recorded. The TWG-RMA classified discrepancies into two categories:

- a. Single-digit discrepancies
- b. Double-digit discrepancies (“large variances”)

Table 2. Variance Summary Results for National and Local Positions: Philippines 2010

Position	Before Validation of Large Variances		After Initial Validation of Large Variances		After Final Validation of Large Variances	
	June 4		June 17		July 7	
	Total Variance	Percentage Variance	Total Variance	Percentage Variance	Total Variance	Percentage Variance
President	3,787	0.70	3,528	0.65	2,653	0.49
Vice President	2,835	0.52	2,529	0.47	2,180	0.40
Total (National)	6,622	0.61	6,057	0.56	4,833	0.45
Mayor	3,042	0.56	2,808	0.52	2,182	0.40
Member, House of Representatives	2,605	0.48	2,642	0.49	1,947	0.36
Governor	2,766	0.51	2,467	0.46	1,510	0.35
Total (Locals)	8,413	0.52	7,917	0.49	6,039	0.37

Table 2 from the TWG-RMA report shows the summary of computed variance by stage of consolidation by the National Statistics Office:

Single-digit discrepancies between the AES and RMA counts were attributed to clerical errors (errors in transposition), and/or mathematical errors (errors in manually tabulating the results), and were addressed immediately and cleared.

However, for double-digit discrepancies, extensive validation was carried out, necessitating the retrieval and re-opening of the ballot boxes. Some of the cases were ruled out as manual count errors and were cleared, but other cases were elevated by the TWG-RMA to the Comelec for further investigation. Some of the cases, as enumerated in the addendum to the TWG-RMA report, include inexplicably large variances, low valid votes (as opposed to high number of voters who voted), and another case that seem to point to machine error.

3. Setting the standard accuracy rate at 99%, the TWG-RMA concluded that based on the results they received, *“accuracy rate at the national level for all positions was at 99.60 percent.”* Table 3 of the TWG-RMA report shows the regional breakdown of accuracy rate:

Area	Sample Clustered Precincts*	Accuracy Rate (In Percent)					Average
		President	Vice-President	Member, House of Representative	Mayor	Governor	
Philippines	1,046	99.51	99.60	99.64	99.60	99.65	99.60
NCR	139	99.53	99.61	99.60	99.51		99.56
CAR	30	99.55	99.74	99.70	99.77	99.74	99.70
Region 1	59	99.55	99.62	99.62	99.69	99.72	99.64
Region 2	49	99.64	99.67	99.87	99.65	99.70	99.71
Region 3	90	99.57	99.64	99.75	99.57	99.70	99.64
Region 4A	108	99.60	99.65	99.73	99.70	99.34	99.60
Region 4B	31	99.17	99.15	99.15	99.68	99.53	99.34
Region 5	74	99.58	99.49	99.66	99.64	99.66	99.61
Region 6	87	99.43	99.56	99.56	99.62	99.56	99.55
Region 7	77	99.38	99.58	99.60	99.52	99.60	99.53
Region 8	54	99.33	99.40	99.36	99.36	99.28	99.35
Region 9	40	99.40	99.57	99.59	99.57	99.57	99.54
Region 10	62	99.45	99.73	99.65	99.54	99.54	99.58
Region 11	53	99.65	99.70	99.76	99.64	99.79	99.71
Region 12	34	99.60	99.53	99.59	99.57	99.46	99.55
ARMM	18	99.51	99.66	99.64	99.59	99.53	99.58
Caraga	41	99.35	99.62	99.72	99.67	99.72	99.62

4. The TWG-RMA made several recommendations to the Comelec in their report. These include early preparation, more adequate training and information materials for RMA personnel, and a standardized program of an automated random selection of precincts to be audited.

Contentious Issues

By Election Day, stakeholders had pegged the Random Manual Audit as the last line of defense against fraud in the automated election system. Due to the importance of the procedure, the Comelec had received criticism for its handling of many aspects of the Random Manual Audit even before a single vote was cast.

1. Speed vs. Accuracy

The Comelec's insistence on proclaiming candidates before the Random Manual Audit results are released drew flak from many stakeholders. For national candidates, a difference in results in a handful of precincts may not affect whether they win or lose, but the same is not true for local candidates. Election protests in the Philippines could last for years without being resolved; indeed, literally days before Election Day, the Comelec rendered null and void several local officials' victory three years prior resulting from protests from political rivals against said officials' victories¹³⁷.

In a news article that came out a month prior to the election, a Comelec official was quoted as saying that waiting for the RMA results before proclamation *“might defeat the purpose of poll automation.”* AESWatch, an election watchdog that focused on the implementation of the AES, commented if *“the Comelec are giving premium to speed over credibility.”*

2. Delays

The Comelec came out with its governing rules for the conduct of the Random Manual Audit a mere 10 days before Election Day. In its report, the TWG-RMA recommended that the Comelec *“designate early enough the members of the TWG-RMA so that they can*

¹³⁷ Note: In the Philippines, Congressional and local officials hold office for only three years.

familiarize themselves not only with all aspects of the RMA, but especially with the AES, as well as to come up with the General Instructions on the RMA months before elections.” The TWG-RMA recommended further for future elections the printing of a handbook containing instructions and procedures for the RMA teams; this was impossible due to the very short period between the release of the Comelec instructions and Election Day. The TWG-RMA also recommended “*wider information and promotion of the Random Manual Audit.*” Indeed, in its Terminal Report on the May elections, election watchdog NAMFREL claimed that “*at selected random manual audits that NAMFREL volunteers had witnessed, there were no representatives of political parties or of the accredited citizens’ arm (except in Surigao del Sur) to witness the procedure.*” Longer preparation could have ensured much wider awareness of the RMA.

On Election Day, there was also an unforeseen delay in randomly selecting the precincts that would undergo the Random Manual Audit. Prior to this, election watchdogs like NAMFREL had recommended that the selection of precincts be done one or two hours prior to closing of the polls to preclude the possibility of unscrupulous parties tampering with only those PCOS machines not selected for the audit. However, in its report, the TWG-RMA explains: “*while the manual selection process used in choosing the 1,145 clustered was very transparent and visible...(it) took close to twelve hours, the transmission of the results (of the selection) to the Provincial Election Supervisors (PES) in all provinces was, as a consequence, also delayed. Many of the RMATs waiting for their assignments had gone home. Many local Comelec offices no longer had their staff on duty...It was only in a few nearby places, or in precincts where voting ended early, that the Random Manual Audit took place on election day itself.*”

3. No RMA?

Indeed, there were reports of no RMA conducted in selected precincts on Election Day. In the Congressional report on the investigation on the alleged fraud and manipulation of counting machines in the May elections, the Chairperson of the House Committee on Suffrage recounted that a computer operator in Manila – who stood as one of the witnesses during the investigation – said under oath that “*Random Manual Audit was conducted in his area only two days after the*

election.” Nineteen days after the election, economist and University of the Philippines professor Solita Collas-Monsod wrote in her newspaper column, *“Of the 1,145 clustered precincts selected for random audit, 870, or 76 percent had submitted complete audit tallies (both AES results and manual results); another 93 or 8 percent submitted incomplete tallies (no AES tallies, only manual); and 182, or 16 percent, had no report at all. Nineteen days, and only 76 percent complete. Why so slow?”* The TWG-RMA post-election report covered RMA results from only 91.3% of expected precincts, with 8.7% (or 99 clustered precincts) unaccounted for. We also note that the TWG-RMA report of July 20 did not list down the specific precincts that were audited, or how the percentages regarding variance were arrived at.

4. Methodology and acceptable variance

From only one precinct per congressional district as stipulated in the automation law, the Comelec expanded the coverage to five precincts per congressional district, as recommended by the TWG-RMA. Prior to the release of the RMA guidelines, several Philippine IT organizations, watchdogs, statistics experts, and pollster groups, had formally recommended – after a roundtable discussion in March – the use of a stratified sampling method: different sampling rates will be used in election “hot spots” and non-hot spots and in urban areas presumed to have larger number of voters per precinct. The group argued that the one-machine-per-district requirement was insufficient and *“assumes a uniform situation in the different clustered precincts around the country...Different conditions are present in different clustered precincts. Some are inside hot spots, while some are considered non-hotspots. There are also varying numbers of voters per clustered precincts.”* NAMFREL also recommended that 5% of all machines per district be covered, instead of only 5 machines per district.

Critics also took issue with the TWG-RMA's 99% standard accuracy rate. In 2009, the Comelec required in its Request for Proposal for the bidding of the AES's technology that the machines should have a 99.995% accuracy rate. As this was a requirement, this became a basis for choosing Smartmatic's machines. With the RMA considered a measure of the accuracy of the AES count, and with the TWG-RMA's finding that the accuracy rate at the national level for all positions was at 99.60 percent (much lower than the Comelec requirement), many

stakeholders viewed the RMA result as a reflection of the accuracy of the automated election system. However, in its report, the TWG-RMA cautioned against comparing the AES and RMA counts like so, as it would be a *“test between man and machine...The manual count will always be subject to the discretion of the auditor in trying to interpret and/or appreciate voter's intent. The machine will only count in the way it is programmed to.”*

5. Deviations from the instructions

It is clear that the conduct of the Random Manual Audit was not able to adhere religiously to the set of instructions set by the Comelec due to realities in the field, which might have been prevented through better planning. After the RMA precincts had been randomly chosen, the Comelec received communication from the provincial election supervisor in Occidental Mindoro, as well as from an RMAT trainer in Tawi-Tawi, both saying that certain precincts that were chosen for the RMA were in *“far-flung areas/island municipalities.”* On May 18, or 8 days after the election, the Comelec finally responded to the concern through Resolution no. 8930 (posted on the Comelec website), authorizing the TWG-RMA to *“randomly select other precincts from other highly accessible municipalities as substitutes.”* The resolution further authorized the TWG-RMA *“to act on future similar concerns provided that the Commission is properly informed.”* The matter of this authorization was not mentioned in the TWG-RMA report.

6. Trustworthiness

There was mistrust among the Philippine IT community on the machines that were used to count votes since they were not subjected to proper stress test or dry run prior to Election Day; Election Day was the first time the AES was fully tested. There were also doubts regarding the software used since its source code was never made available to scrutiny, as prescribed by law¹³⁸. In the March roundtable discussion of IT and election experts, NAMFREL explained that the RMA is done *“to have some assurance that the PCOS counted what*

¹³⁸ (In a statement in February, the Center for People Empowerment in Governance (CenPEG), AES Watch, and several political parties issued a joint statement denouncing the Comelec's “walk-through” of the source code instead of a genuine review.)

it's supposed to count because we were not able to audit the source code. We wouldn't know what happens inside the PCOS. But once we examine the actual ballots and audit with manual count, then compare it with the PCOS results, then we would have some level of assurance or confidence that the PCOS was not tampered with or the PCOS did what it's supposed to do to arrive at an honest, credible, accurate elections."

With the level of significance of a technical process such as the Random Manual Audit, some stakeholders also complained why the Comelec chose to appoint somebody with no previous technical experience as head of the TWG-RMA. More significantly, the credibility of the TWG-RMA to conduct an audit of the AES was questioned. In a statement posted in its website, CenPEG wrote: *"The Random Manual Audit Committee (RMAC) created by Comelec is being chaired by PPCRV chair, Ambassador Henrietta de Villa. (PPCRV) is part of the Comelec Advisory Council (CAC) and is the sole accredited citizens' arm of Comelec. This puts RMAC's credibility in question as an independent auditor."* AESWatch added, *"The auditee cannot be the auditor."* This extends to all the members of the RMA teams. Prior to Election Day, YouthVote Philippines urged that even the local auditors should be kept in check. *"How would it look if an auditor was found to have an unexplained sum of money in his account after proclaiming a winner in a controversial local election? In something as critical as this, it's important to their credibility that they will not personally benefit from the activity."*



ANFREL present finding to diplomatic communities in Manila

5. RECOMMENDATIONS

Based on the observations of this mission, ANFREL suggests the following to make elections in the Philippines more free and fair:

Legal framework

- Create a system to review each election held that includes a wide-range of stakeholders. A thorough analysis should point out strengths and weaknesses in the entire electoral system, including the legal framework, and recommends appropriate changes that are implemented in time for the next election.
- Introduce the provision for a ‘no vote.’ This would allow voters the full opportunity to express their desire and inform political parties and candidates as to their true appeal to the electorate.
- Issue all laws and regulations well in advance of the elections and make them widely available. This will permit all stakeholders in the election to ample time to prepare and conform to any legislation.

Election administration

- Ensure the selection of Comelec commissioners is done in a transparent, inclusive and objective manner. This may include public interviews of candidates for the commission, a list of criteria, approval by one or both houses of Congress and other measures that reduce the possibility of appointment for political reasons. The political neutrality of Comelec commissioners and officials must be an essential criterion of their selection.
- All aspects of the bidding process for election related business should be done in a transparent and inclusive manner. Bid winners should operate in an equally transparent manner. This includes all contracts for delivery of materials, equipment, and services related to the election.

- Increase the supervisory capacity of Comelec in regards to all outsourcing of election related work. Set clear benchmarks for performance, which are tied to related payments.
- Make all applicable software and programming (hash and source codes) of AES equipment transparent so that technical experts from the public can independently monitor and evaluate their performance.
- Create more transparent and inclusive administrative practices that include a greater number of NGOs and CSOs that have active roles in the elections. Encourage and actively seek the assistance of organizations that have expertise in election related matters and that offer greater effectiveness and efficiency in carrying out free and fair elections.
- The Omnibus Election Code (OEC) and Fair Election Act (FEA) and related legislation should be fully enforced and all penalties imposed on those who violate the law.
- Develop and implement new methods for increasing the number of overseas voters.
- Carryout more thorough training of BEIs to minimize Election Day problems and maximize secrecy in voting by ensuring the polling environment is orderly and peaceful. Standardize polling procedures and increase the number of BEIs. Standardization should include procedures for accommodating people with disabilities, the elderly, and the illiterate.

Voter registration and identification

- Continue attempts to clean and strengthen the voter list. Provide ample time and opportunity for all voters to register their biometric data so that the EVL is complete. This may include starting voter registration earlier and sending mobile teams to rural, remote and other difficult to reach communities to ensure full enfranchisement.
- Simplify and strengthen voter identification, particularly on Election Day. This should include limiting the number of ID cards and papers that can be used on Election Day to identify a

voter. Implementing a national ID card that combines civil and electoral registration should be strongly considered for the efficiencies it would provide in terms of cost and administrative work.

- Strengthen and promote absentee voting to accommodate the large number of Filipinos who live and/or work overseas.
- Ban the role of political parties in voter assistance on Election Day. This not only gives advantages such as undue influence to political parties, it is a form of campaigning. Furthermore, it undermines the role of the civil administration and opens way voter intimidation and other illegal practices.
- Improve public access to voter lists so that corrections can be identified and made in time for the elections.
- Provide a method for identifying voters who require physical assistance while entering the polling center and voting. This will allow BEIs to be appropriately prepared to assist these voters.

Security;

- Security forces should comprehensively enforce the law to ensure a secure environment. This includes enforcing all gun bans, disarming private armed groups, maintaining neutrality, and protecting the public. Mechanisms should be strengthened to internally investigate and punish officers found to be negligent or in the pay of others. Reforms aimed at creating a security apparatus that is effective, neutral, and devoted to the safety of the public is integral to elections and progress of the country.
- Security provided to political parties and candidates should be equitable and sufficient.
- Political parties should unequivocally condemn violence and intimidation in all forms and prohibit and sanction any party member and supporters who engage in such practices.

- Political parties should refrain from employing private security. This complicates the role of public security forces and too often leads to abuse of power.
- Election-related violence, as well as incidents of political violence, should be thoroughly investigated in a timely manner. All perpetrators must be brought to justice and punished equally under the law.
- Warlords and armed groups (terrorist, leftists, bandits, etc) should be dealt with in a manner that protects human rights, achieves peace, and highly restricts the number and type of arms in the country.

Party registration and candidate nomination

- The party-list system should be reformed so that it closely adheres to its original purpose of representing the marginalized and underrepresented. Stricter criteria for candidates of party-list groups should be defined to eliminate political parties and individuals who undermined the system for their benefit.
- A fuller set of criteria for a party-list group to be accredited for elections should be promulgated so that the truly marginalized benefit from the system. The criteria should be made in accordance with international human rights standards.
- Party-list group affiliation with political parties should be limited during campaigning to prevent unfair campaign practices.

Campaigning

- Pass clear regulations covering campaigning that eliminate the ambiguity between “pre-campaign” and “campaign”. There should be a clear campaign period with permissible activities and spending rules and equally clear “pre-campaign” activities that are illegal and punishable.
- Children should not be used in any part of the campaign process. Comelec should pass a regulation banning political

parties from employing children in their campaigns and on Election Day.

- Comelec should require that campaign spending reports of political parties and candidates are submitted at regular intervals before Election Day, including a complete spending report submitted in a short period of time after Election Day. This should be a necessary measure that must be completed for a winning candidate to assume office.
- Comelec should include any media campaigning where a candidate appears as a part of their campaign spending and inclusive in airtime limits, regardless of who sponsors or pays for the advertisement. Many candidates in the elections were a prominent part of media advertising supposedly for other members of their party and even other parties.
- Political parties should provide detailed accounts of their party platform, policies, and promises and make these the centerpiece of their campaigns. This will help voters assess a parties' performance in office and promote accountability.
- Political parties should promote the rule of law and follow FEA. Political parties should incorporate their adherence to FEA in their campaign as a sign of their honesty and integrity.
- Political parties should limit or end any activities that might be perceived as vote buying. Political parties should focus on delivering on their campaign promises and the long-term needs of the public, not giving out food, drinks and other items of a limited impact.
- Cooling day and Election Day campaigning must be completely banned. Political parties should be held responsible for any campaigning on these days. Cooling day(s) should be used as clean-up days to remove all campaign materials from public spaces.
- Pass clear regulations limiting further the use of posters, flyers, banners, and other election paraphernalia during the campaign period. Clearly delineate those responsible for implementing the law and provide ample resources for enforcement. Hold

candidates and political parties responsible for abiding by the law and have appropriate penalties in place for those that do not, including removing excess paraphernalia before and all after elections.

Complaints investigation and adjudication

- Create a separate institution to collect, investigate and adjudicate electoral complaints. This will strengthen the credibility of the Comelec and the new institution by preventing conflicts of interest and politicization in administering election law.
- Increase the capacity of Comelec or provide the new investigative and adjudicative institution with sufficient resources to effectively monitor compliance with the FEA and related election laws.
- Fully and transparently investigate cases of electoral fraud and campaign malpractice. Make all investigations and findings easily accessible by the public.
- Set a clear timeframe for investigations and adjudication of election related violations in order to minimize interruptions in the electoral process.



ANFREL Press Conference

Election Day and polling procedures

- Ensure the secrecy of the ballot. This can be implemented in practical and cost effective ways, such as using simple cloth curtains and cardboard booths. Windows into voting rooms should be properly blocked or made inaccessible and should not be allowed to talk while voting.
- Modify the polling procedure and precinct districting and clustering to eliminate crowding and long lines and waits. This can be done by increasing the number of BEIs and clustered precincts, streamlining polling procedures and establishing clear contingency plans for technical and other problems.
- Increase the training and number of technical assistants so that technical problems with any part of an AES can be quickly remedied. Technical assistants should meet minimum criteria and be selected and trained in a transparent manner.
- Strengthen the training of BEIs so that they implement the requirement that each voter presents a valid and acceptable form of ID.
- Prohibit political party supporters from assisting voters inside and near polling centers and define penalties that will be imposed for violating the prohibition. Comelec or approved NGOs should be the only organization allowed to establish help or information desks and these should be available at a larger number of polling centers.
- Prohibit political party watchers from assisting voters or BEIs in any part of the process of voting. As a part of polling process standardization, all party watchers should be located in a space and limited to a number that does not infringe on the secrecy of the voter or the actions of BEIs. Clear procedures for sending any party watcher out of the voting room should be made in the event the party watch violates an established code of conduct.
- Campaign materials and campaigning of any sort should be prohibited on Election Day. Campaigning on Election Day

often included children, who should be prohibited from assisting in all election activities.

- Provisions should be made for security personnel, BEIs, and domestic observers to be allowed to vote, either at the polling center they are working in on Election Day or by some other means.
- Implement procedures to minimize the number of rejected ballots, such as conducting a manual count of rejected ballots with necessary safeguards in place to prevent fraud.
- Allow for more polling precincts in rural and remote areas to minimize the distance people must travel on Election Day.

Counting and Random Manual Audit

- Publish data on the electoral process as soon as possible to increase transparency of the electoral process and allow for post-election monitoring by all stakeholders.

Voter education

- Provide better coordination of voter education activities between CSOs, NGOs, business, Comelec and other stakeholders to ensure fuller coverage of the public, especially rural voters, and to limit overlap.
- Extend and intensify voter education in rural and remote areas.
- Employ attention getting and entertainment oriented voter education activities, such as mini-concerts and street theatre, to appeal to a wider audience.
- Provide much greater access to any machine used in the elections prior to Election Day. Voter should have first hand experience with the voting machine, its limitations and processes before using it.
- Integrate civic and voter education into the school curriculum.

Media

- Streamline and enforce laws related to media reporting of contracts with political parties. Requirements for media firm reporting of campaign related business should not be onerous, such as requiring new layers of paperwork, but utilize existing methods media firms have for recording their activities.

Observation

- Include a larger number of domestic observer organizations in the electoral process. Their observations, investigations, and findings should be considered an integral part of the electoral process and considered carefully.
- Local observer organizations should coordinate activities to minimize overlap, effectively utilize fields of expertise, and share valuable information and experiences.
- Local observer organizations should strengthen the training given to observers to maximize their effectiveness and minimize conflicts of interest.

6. ANNEXES:

Annex-1: Basic Elections observation overview

The elections observation mission (EOM) to the Philippines synchronized covering national and local elections are the first ever conducted to cover the automation system within region and involving huge number of observers. Utilizing the machine is important to combating the frauds throughout the country and its also become the stepping board to other country within the region to learnt how the automation worth to strengthen the democratic elections.

The mission consists of:

- 5 long term observers (LTOs), deployed from 15 April – 13 May 2010;
- 34 short term observers (STOs), deployed from 5 May – 14 May; and
- ANFREL's Secretariat team of foreign observers and a number of local assistants.

Observers hail from 13 different countries and 16 different organizations, predominantly Asian NGOs working on election and human rights issues, while the participants is funded by ANFREL and Self-Fund supporting program. The mission also attended by the delegation of STAE (Secretariat Technical Administration of Elections) and the Commission National of Elections (CNE) the Republic Democratic Timor-Leste which is mixture with ANFREL Asian NGOs.

Observers will be deployed in mix- pairs and single to the existing provinces in the country. STO teams will be deployed closer to Election-Day ensuring comprehensive coverage of the observation on pre-election environment and polling procedures.

The LTOs and STOS separately were briefed in capital Manila prior deployment and they scheduled for periodic report to selective topics that assign by the mission. Both LTOs and STOs will return back to capital Manila after the polls to report the findings of the observation.

The Head of Mission will be Mr. Hassan Ariff, the former of deputy ANFREL from Bangladesh. Other senior observers include: Mr. Koul Panha, Executive Director of the Committee for Free and Fair Elections in Cambodia and ANFREL Vice Chair; Mr. Sakool Zuesondham, a former elections commission in Bangkok; Dr. Gopal Siwakoti from the National Electoral Monitoring Alliance in Nepal; Ms., Somsri Hananuntasuk, the executive Director of ANFREL Foundation; The mission management is directing by Ichal Supriadi, a former chairman of KIPP Jakarta, a board member of a leading election monitoring in Indonesia; the board member of INDEPTH Indonesia.

The mission is supported by the Royal Netherlands Embassy, the Asia Foundation in the Philippines (TAF) and the Taiwan Foundation for Democracy (TFD).

Observation Methodology

The implementation of the mission based on the standard accepted methodology used in the International Election Observation Mission (EOM). It is a continuing support to democratic, transparent and accountable elections by assessing the *pre-election*, *polling day*, and the *post election* period.

The deployment of the EOM to the Philippines Elections 2010 consists of 3 (three) mandates. *Firstly*, to assess the election management and implementation of rules and regulations against the laws provided and the existing international best practices. *Secondly*, to promote and boost the confidence of local stakeholders for the conduct of a fair and democratic election. *Thirdly*, to study the potential of the automation system as a possible future alternative to combating fraud, which can be replicated in other Asian countries.

The observers will carryout the observation work by interviewing different stakeholders, random field visits and observation of the campaign process, including monitoring the polling during the Election Day. The Election Day observation will be conducted by a roaming system (random and mobile). The reports from the observation will be periodic and scheduled on a weekly and daily basis. The initial report will be published 48 hours after the closing of the poll. The full narrative report shall be published two months after the end of the mission.

A comprehensive briefing will be set up prior to the deployment to allow the observers to understand the election and issues concerning the political set up of the country. The observers also will be equipped according to the IOMs standard with monitoring tools such as maps, checklists, etc. Observers are bound by a strict code of conduct to maintain neutrality and professionalism.

The missions will not interfere with the electoral process and does not have authority to change, improve or correct any shortcomings or to request changes during the election process. The observation mission has only the mandate to collect and verify information concerning the election process, to analyze the observations and, then, after the elections, to publish its findings. As a rule, an EOM never operates in a country against the will of the host government.

The head of the mission will be Mr. Hassan Ariff, a former Adviser (Minister), Ministry of Law Justice & Parliamentary Affairs, Ministry of Land and Ministry of Religious Affairs in the Caretaker Government of Bangladesh (CTG), a deputy Mr. Koul Panha; the chairman of the Committee for Free and Fair Election in Cambodia (COMFREL)

The ANFREL mission is planned and implemented with the support of the Kingdom of Netherlands Embassy in Manila, The Asia Foundation in the Philippines, and Taiwan Foundation for Democracy (TFD).

Deployment Plan

The observers will deploy in mixed-teams of pairs and single observers and cover sensitive hot-spot areas in the islands, with a higher distribution percentage in ARMM areas, while the rest will be assigned to the central and upper part of the islands.

Reporting and findings disclosure

Four report series are scheduled for the LTOs (Long Term Observers) on a weekly basis, while the STOs (Short term Observers) are obligated to deliver two reports on the pre-election (containing campaign and cooling periods) and polling day (containing polling day experiences).

The ANFREL mission will equip the observers with various checklists which are designed to cover the activities of pre-elections, a

monitoring checklist, a cooling day checklist, and an Election Day checklist to standardize the monitoring format.

Prior to the disclosure of findings, the head of the mission will lead a group of selected persons and call a drafting committee comprising senior experts and LTOs which shall assemble to draw up the final statement and judgment based on the summary reports of both LTOs and STOs. The mission will release the findings through a press conference, including polling day observations, to the public 48 hours after the close of the polls.

The final mission report containing the reporting of pre-elections, Election Day and post elections will be finalized from Bangkok, and shall be released two months after the end of the mission.

Profile of senior observers



Mr. Hassan Ariff (Bangladesh), Head of the Mission

He is currently a senior advocate in the Supreme Court of Bangladesh. Previously He served as Adviser (Minister), Ministry of Law Justice & Parliamentary Affairs, Ministry of Land and Ministry of Religious Affairs, on the Caretaker Government from 2008- January 2009. He was also served as Attorney General for Bangladesh. At the very beginning of ANFREL establishment he was with ANFREL and serve as deputy chairman, he was experienced in monitor the elections in Pakistan, Cambodia, Indonesia, Thailand and Eat Timor.



Mr. Koul Panha (Cambodia), Deputy Head of Mission

He is vice-chair of ANFREL and executive director of the Cambodian Committee for Free and Fair Elections (COMFREL). He represented ANFREL at the endorsement of The Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, on October 27, 2005 at the United Nations headquarters in New York. Mr Panha has attended nearly 30 international observation missions in Asia and other continents.



DR. Gopal Siwakoti

The President of INHURED International and the Secretary General of National Election Observation Committee (NEOC), He is also the International Advisor of the Hague Appeal for Peace and the co-chair of the Asia-Pacific Refugee Rights Network. He has been instrumental in coordinating both international and domestic observers during the historic election of the Nepal Constituent Assembly in 2008. He served as an international observer and a trainer on election observation in many Asian countries including the recently held presidential elections in Afghanistan. Dr.

Siwakoti's were honored by the Swiss Bureau of Statistics under "who is who-2000" on "Refugee Protection in South Asia" and as a person of the year-2008 by Summit Nepal, he is also the recipient of "Krishna-Nudup National Peace Award-2010". He has also guest-lectured on Transitional Justice, Forced Migration and Freedom of Elections at Columbia University, Washington College of Law, AU; New School University, New York, Oxford University, Mahidol University (Thailand) and Sung Kong Hoe University (South Korea).



Mr. Sakool Zuesongdham, He is one of the board members of ANFREL, and also serve as director-secretary of Open Forum for Democracy Foundation, Thailand. His past experiences include being a trade union leader for more than two decade which gave him good respect among civic movements in several countries dealing with trade union rights and democratization. He was also an active member of Election Commissioners for Bangkok during Thai democratic reform in 2000s.



Ms. Somsri Hananuntasuk, She is the Executive Director for Asian Network for Free Elections (ANFREL). She graduated MA on Human Rights Studies from Mahidol University in Thailand. She used to serve as Chair of Amnesty International, Thailand, a board member of Campaign Committee for Human Rights (CCHR) and Thai Action Committee for Democracy in Burma (TACDB). During the last ten years, she has observed elections in more than 15 countries in Asia and has organized about 35 election observation missions for observers to work in different parts of Asia. Somsri recently went to observe the elections in Mozambique and Sri Lanka. She has also written a blue print (road map) on Democracy, Free and Fair Election to submit the Association for Southeast Asian Nations at the ASEAN summit in October 2009.

Annex-2: Observers list and Deployment Sites

Team	Areas	Coverage	No	Observers Name	Country	Ref
1	NCR	Quezon & Mandaluyong	1	Mr. Hassan Ariff	BD	F
			2	Mr. Koul Panha	CAM	F
2	NCR	Taguig city	3	Mr. Anthony Joseph Serrani	USA	F
			4	Mr. Chen Li Kanz	TW	F
			5	Mr. Hung Yao Nan	TW	SF
			6	Mr. Chen Chien Fu	TW	SF
3	NCR	Marikina & Antipolo	7	Ms. Somsri Hananuntasuk	THA	F
			8	Mr. Hiromu Misyashita	JPN	F
4	NCR	Bulacan	9	Ms. Kazumi Abe	JPN	F
			10	Ms. Amy Hsieh	USA	F
			11	Mr. Ichal Supriadi	INA	F
5	NCR	Cavite	12	Mr. Arif Abdullah Sagram	RDTL	SF
			13	Ms. Joana Maria Dulce Vitor	RDTL	SF
			14	Mr. Lucas De souza	RDTL	SF
6	Pampanga	Mandaluyong	15	Mr. Gopal Siwakoti	NPL	F
			16	Mr. Acilino Manuel Branco	RDTL	SF
			17	Ms. Romenia Madoira Pereira	RDTL	SF
7	Laguna	Mandaluyong	18	Mr. Silvester Xavier Sufa	RDTL	SF
			19	Ms. Noronha Maria Casrdoso	RDTL	SF
8	Tawi-Tawi	Bongao	20	Mr. Bidhayak Das	IND	F
9	Basilan	Lamitan and Tipo-Tipo	21	Mr. Pongsak Chanon	THAI	F
			22	Ms. Margaretha	INA	F
10	Zamboanga	Zamboanga	23	Ms. Taskin Fahmina	BD	F
			24	Mr. Aung Naing	BUR	F
11	Maguindanao	Shariff Aguak	25	Mr. Tadzrul bin Adha	MAL	F
12	Cota bato	Cotabato	26	Mr. Rasidan in Ramly	MAL	F
			27	Ms. Lola Luis Freitas	RDTL	SF
			28	Mr. Eduardo CasimiroDeus	RDTL	SF
13	Lanao Del Sure	Marawi	29	Mr. Tenzing Paljor	IND	F
			30	Ms. Siti Khopipah	INA	F
14	Davao	Davao City	31	Mr. Sakool Zuesongdham	THAI	F
			32	Mr. Lucio Salvador Freitas	RDTL	SF
			33	Mr. Komine Sugetsugu	JPN	SF
15	Manila	San Jose	34	Mr. William Tedard	USA	SF
16	Abra	Benguet City	35	Ms. Aulina Adamy	INA	F
17	Isabela	Illagan	36	Mr. Sanjeeb Ghimire	NPL	F
			37	Mr. Srey Sopheak	CAM	F
18	Ilocos Norte	Laoag City	38	Mr. Rohana Hettiarachchie	SL	F
			49	Mr. Yuichi Sugara	JPN	SF
19	Samar	Samar	40	Ms. Chompunut Cheliobun	THAI	F
20	Negros Occidental	Bacolod City	41	Ms. Chen Hsuang Lan	TWN	F
			42	Mr. Ho Tsung Hsu	TWN	F
21	Masbate	Masbate City	43	Ms. Lestari Nurhajati	INA	F
22	Ops Room	Mandaluyong	44	Mr. Kazi Himel Mahmood	BD	F

Note: SF= Self Funded, F=Funded

Annex 3: Example of Ballot Paper

OFFICIAL BALLOT

MAY 10, 2010 NATIONAL AND LOCAL ELECTIONS
ASUNCION (BAUG), DAVAO DEL NORTE

PARANAN NG PAGBOTO

- (1) Isman ang loob ng oval sa tabi ng pangalan ng kandidatang napili.
(2) Cursive'tong lantong ng "harking don't" sa pagpapakita.
(3) HAWAG tumutong ng itaas sa re-natalang lantong sa napiling posisyon.

Ballot ID: 1
Clustered Precinct:

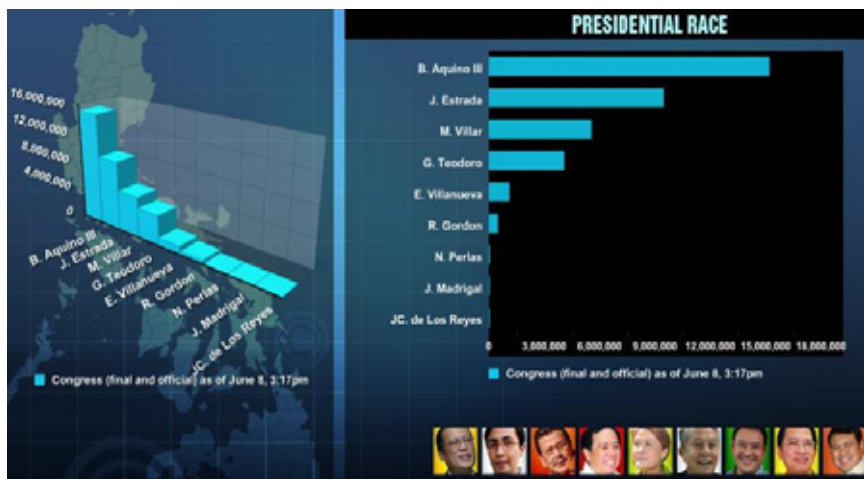


Signature of the Chairman

PRESIDENT			
Vote for not more than 1			
1. ACOSTA, Venerato S. "TODAY" en	4. ESTRADA, Eusebio F. "TODAY" en	7. PERLAS, Jesus Rianon "TODAY" en	10. VILLAR, Manuel Jr. B. "TODAY" en
2. AQUINO, Benigno Simon "TODAY" en	5. GORDON, Richard J. "TODAY" en	8. TEODORO, Gilberto Jr. "TODAY" en	11. VILLANUEVA, Eduardo C. "TODAY" en
3. DEL ROSA, John Carlo "TODAY" en	6. MANGALANG, Jamley A. "TODAY" en	9. VILLANUEVA, Eduardo C. "TODAY" en	
SENATOR			
Vote for not more than 2			
1. BINAY, Joseph C. "TODAY" en	5. FERNANDO, Eusebio F. "TODAY" en	9. MANZANO, Eduardo B. "TODAY" en	13. SONZA, Jose Y. "JAY" "SONZA" en
2. CHINGCO, Conrado Jr. "TODAY" en	6. LEGASPI, Loren B. "TODAY" en	10. ROSAS, Manuel A. "TODAY" en	14. VASAY, Florentino R. "TODAY" en
3. JURY, Jose	7. LOREN, Eric	11. "MAY" en	
SENATOR			
Vote for not more than 2			
1. ACOSTA, Jr. Narciso O. "NERC" en	11. ESTRADA, Eusebio F. "ESTRADA" en	21. MAZA, Jose "TODAY" "MAZA" en	31. REMILLA, Gilbert Oscar "REMI" en
2. ALBANI, Ismael Ibrahim "ALBANI" en	12. GARCIA, Ramon, Jr. N. "GARCIA" en	22. MITRA, Ramon B. "MITRA" en	32. RICOJADO, Mada Gilda "RICO" en
3. ALONSO, Zephaniah M. "ALONSO" en	13. GUINCO, Rodolfo III "GUINCO" en	23. NIKABULIN, Azar G. "NIKABULIN" en	33. RICO, Sonia M. "SONY" "RICO" en
4. BAUTISTA, J.V. L. "J.V." "BAUTISTA" en	14. HERNANDEZ-SARAQUEL "HERNANDEZ" en	24. "COUNTRY" en	34. SISON, Adrian O. "SISON" en
5. BAUTISTA, Martin D. "BAUTISTA" en	15. MORALES, Jr. Aurora M. "MORALES" en	25. OCAMPO, Saturnino C. "OCAMPO" en	35. SOTTO, Vicente III C. "SOTTO" en
6. BELLO, Siroteo II, H. "BELLO" en	16. NACSON, Val Katherine "NACSON" en	26. "SALUTE" en	36. TAMAYO, Adol A. "TAMAYO" en
7. BACON, Ismael Rufino "BACON" en	17. NACSON, Alexander L. "NACSON" en	27. "TODAY" en	37. "TODAY" en
8. BONG REVILLA, Ramon "BONG" en	18. NACSON, Raul L. "NACSON" en	28. "TODAY" en	38. "TODAY" en
9. CAUNAN, Henry B. "CAUNAN" en	19. LANGIT, Roy M. "REY" "LANGIT" en	29. "TODAY" en	39. "TODAY" en
10. CAVETANO, Plar Juliana "CAVETANO" en	20. LAO, "Lao" B. "YAS" "LAO" en	30. "TODAY" en	40. "TODAY" en
11. DAVID, Ricardo Y. "DAVID" en	21. LAPID, Manuel M. "LAPID" en	31. "TODAY" en	41. "TODAY" en
12. DE VENECIA, Jose III "DE VENECIA" en	22. LIMA, Emilio D. "LIMA" en	32. "TODAY" en	42. "TODAY" en
13. DEFENSORISANTO "DEFENSORISANTO" en	23. "LOCO, Alma A. "ALMA" "LOCO" en	33. "TODAY" en	43. "TODAY" en
14. DRILON, Franklin M. "DRILON" en	24. "LOCO, Alma A. "ALMA" "LOCO" en	34. "TODAY" en	44. "TODAY" en
15. ENRIQUE, Juan Ponce "ENRIQUE" en	25. "LOCO, Alma A. "ALMA" "LOCO" en	35. "TODAY" en	45. "TODAY" en
16. ESPINOSA, Nemesio M. "ESPINOSA" en	26. "LOCO, Alma A. "ALMA" "LOCO" en	36. "TODAY" en	46. "TODAY" en
17. "LOCO, Alma A. "ALMA" "LOCO" en	27. "LOCO, Alma A. "ALMA" "LOCO" en	37. "TODAY" en	47. "TODAY" en
PARTY LIST GROUPS			
Vote for not more than 1			
1. ANG PAMILYA FORMERLY Y. ANG	41. AGBIAG	95. ANG TRABAHANTE	142. DIWA
2. T-ANG	42. AGHAM	96. ANG TRINITY	143. EMMANUEL
3. T-ABBA	43. AGILA	97. ANUPA	144. FFW
4. T-ARAP	44. AGRI	98. APELA	145. FILMUS
5. T-AK	45. AION	99. APELA	146. PRIM 24-K
6. T-ADRE	46. AK	100. APO	147. GAMBIRA
7. T-NET	47. AKAP	101. APOI	148. GREEN FORCE
8. TUBBO (FORMERLY AAWAS)	48. AKAP BATA	102. ARAL	149. RNP
9. T-UTAK	49. AKAP TAO	103. APARDO	150. KAAGAPAY
10. YGAMAGUARDIANS	50. AKB	104. ARC	151. KAKKABAY
11. TET KALIBIG	51. ABAYAN	105. ARCAPP	152. KABATATAN
12. 1ST PRISA	52. AKI	106. AS	153. KABAYAN
13. A BLESSED PARTY- LIST	53. AKMA-PTM	107. ASAHAN MO	154. KAKUSA
14. A TAMBAY	54. AKO	108. AT	155. KALAH
15. A TEACHER	55. AKO AGILA	109. ATING KOOP	156. KALINGA
16. A-IPRA	56. AKO BAHAY	110. ATM	157. KASAPI
17. AA-KASOSYO PARTY	57. AKSI	111. ATONG PAGLAUM	158. KATRIBU
18. AMMA	58. ALAGAD	112. ATS	159. KATUTUBO
19. AMBIS-OWA	59. ALAY BUHAY	113. AVE	160. KLBP
20. ANI	60. ALE	114. AVAP	161. LOMA
21. AAPB	61. ALIF	115. AWAT	162. LYPAD
22. ANSCA	62. ALIM	116. BABAE KA	163. NCCP
23. ABA	63. ALLUMAD	117. BAGO	164. OPO
24. ABA ILONGGO	64. ALMA	118. BANAT	165. ORAGON
25. ABAKADA	65. ALMANA	119. BANDILA	166. PACYAW
26. ABAMIN	66. ALNA	120. BANGON TRANSPORT	167. PBA
27. ABANG LINGKOD	67. ALON	121. BANTAY	168. PCL
28. ABANTE KA	68. ALUM	122. BAYAN MUNA	169. PEP
29. ADAY PARAK	69. ALYANSA NG ORW	123. BAYANI	170. PFF
30. ADGA-AMA	70. AMA	124. BR	171. PM (MANGAGAWA)
31. ABC	71. AMANA	125. BIDA (BAYANG INAS)	172. PM (NASDA)
32. ABO	72. AMANG	126. BIDA (BINIGS)	173. KAKOD
33. ABONO	73. AME	127. BIKSIS	174. BAGIP
34. ABOT TANAW	74. AMRI	128. BINBI	175. SB
35. ABP-BIGLON	75. AMS	129. BRYAHENG PINOY	176. SENIOR CITIZENS
36. ABROAD	76. AN WIRAY	130. BUHAY	177. SMART
37. ABS	77. ANAD	131. BUKID	178. TLUCP
38. ACMA	78. ANAK	132. BUKLOD FILIPINA	179. UCAP
39. ACT TEACHERS	79. ANAKALUSUGAN	133. BUTIL	180. UFS
40. ACTS	80. ANAKPAWIS	134. CHINGY	181. UNI-MAD
41. ADA	81. ANG KASANDAGA	135. CIBAC	182. UNLAD PILIPINAS
42. ADAM	82. ANG LADLAD	136. COCOFED	183. VENDORS PARTY LIST
43. ADD	83. ANG MINERO	137. COFA	184. VFP
44. ADD-TRIBAL	84. ANG NICP	138. CONSILA	185. WOMENPOWER
45. APPRECO	85. ANG PADER	139. COOP-NATCCO	186. YACAP
46. AG	86. ANG PDR	140. CPM	187. YES WE CAN
47. AGAP	87. ANG SAMAKA	141. DAMAYAN	

Annex 4: Election Result¹³⁹

Presidential result



¹³⁹ <http://politics.inquirer.net/eleksyon2010/>

SENATORIAL RACE			PPCRV as of May 17, 08:43am COMELEC (partial, official) as of May 17, 4:10pm		
1. REVILLA, RAMON BONG	PPCRV: 17,832,835	Comelec: 19,414,795	8. RECTO, RALPH	PPCRV: 11,400,671	Comelec: 12,344,675
2. ESTRADA, JINGGOY	PPCRV: 17,425,103	Comelec: 18,842,717	9. SOTTO, VICENTE III	PPCRV: 10,957,739	Comelec: 11,838,317
3. DEFENSOR SANTIAGO, MIRIAM	PPCRV: 15,934,917	Comelec: 17,230,051	10. OSMENA III, SERGIO	PPCRV: 10,599,314	Comelec: 11,563,854
4. DRILON, FRANKLIN	PPCRV: 14,598,639	Comelec: 15,764,639	11. LAPID, MANUEL	PPCRV: 10,070,090	Comelec: 10,971,045
5. ENRILE, JUAN PONCE	PPCRV: 14,411,072	Comelec: 15,577,837	12. GUINGORA, TEORISTO III	PPCRV: 9,475,014	Comelec: 10,200,293
6. CAVETANO, PILAR	PPCRV: 12,615,704	Comelec: 13,583,810	13. HONTIVEROS-BARAQUEL, ANA THERESIA	PPCRV: 8,417,654	Comelec: 9,041,494
7. MARCOS, FERDINAND JR	PPCRV: 12,162,061	Comelec: 13,098,254	14. BIAZON, ROZZANO RUFINO	PPCRV: 7,955,063	Comelec: 8,566,631
			15. DE VENEZIA, JOSE III	PPCRV: 7,713,762	Comelec: 8,317,528

Annex 5: Selected Press Statement

Statement-1: Pre elections, released 2 May, 2010

INTERNATIONAL OBSERVERS CALL FOR CLEAN AND PEACEFUL ELECTIONS IN THE PHILIPPINES

A team comprising of six International Long-Term Observers (LTOs) and as many as 35 Short-Term Observers (STOs) administered by The Asian Network for Free Elections (ANFREL) representing 14 countries have arrived in the Philippines as part of its Election Observation Mission (EOM) for the May 10, 2010 elections. ANFREL believes that the upcoming General Elections could be a new chapter of clean and credible election for the country and an admiring initiative for the Asian people towards ensuring freedom of elections in the region.

ANFREL appreciates the endeavour undertaken by civil society groups and the media regarding civic and voter education campaign and encourages all the eligible voters to be acquainted with the new Automated Election System (AES) and duly exercise their franchise in the upcoming elections.

The acts of unabated threat and intimidation to voters and candidates will undermine the sanctity of the elections and the prime time of Philippines' democratic advancement. We hope that the government and the concerned authorities will leave no stone unturned to create a conducive atmosphere for

free, fair and peaceful elections by curbing the potential incidences of violence and other election related irregularities across the country with zero tolerance to impunity. We also urge the political parties and the candidates to redouble their efforts to fully comply with the relevant election laws, regulations and code of conduct during the campaign and beyond.

Even though the Philippines is the first country in Asia to attempt a synchronised nationwide election using an automated machine, ANFREL expects that other electoral performance will be taken into account i.e. strict maintenance of law and order, ensuring of the secrecy of voters and the prevention of election related irregularities such as underage voting, vote buying, rigging and campaign during cooling hour and the polling day.

The Short-Term Observers will be deployed on the 5th of May to the selective sensitive areas in Luzon, Visayas, NCR and Mindanao to join the six Long-Term Observers who have been deployed earlier in these regions. The ANFREL observation mission will be led by **Mr. Hassan Ariff** from Bangladesh along with **Mr. Koul Panha** from Cambodia and **Dr. Gopal Krishna Siwakoti** from Nepal.

Established in 1997 as Asia's first regional network of civil society organizations, ANFREL strives to promote and support democratization at national and regional levels across Asia. From its very inception, ANFREL has concentrated all its strength in supporting the process of democratization in different parts of Asia.

For further inquiries, please contact:

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Statement-2: Preliminary statement, released during press conference on, 2010

PRELIMINARY STATEMENT

“PROGRESS ON THE LONG ROAD TO INTERNATIONAL STANDARDS”

The 10 May 2010 elections in the Philippines demonstrated notable progress in ensuring freedom of elections with a reasonably acceptable procedure yet significant room for attaining international commitments and standards.

The authorities made commendable efforts to administer this election in a noble and professional manner and generally displayed the collective political will to conduct democratic elections. The introduction of the automated election system in this context was successful in contributing to enhanced public confidence in the electoral process. Despite the intense heat, the serpentine queues and inevitable unfamiliarity with the automated machine, the Filipino people deserve praise for their active participation in the election.

However, the Election Day was also marred by incidences of violence and electoral fraud particularly in ARMM, though other parts of the country were not spared. Instances of vote buying, “flying voters”, violations of the gun ban by private armed groups, breaches of the campaign code of conduct, including the abuse of state resources for election campaigning were observed. Above all, discrepancies in the voter registration and the complete lack of ballot secrecy seriously undermined the sanctity of the elections.

The colossal task of changing from a fully manual to an automated system presented multiple challenges, including training, testing, operation and transmission. Training and testing were insufficient, machines malfunctioned and transmission of election results was unnecessarily stressful. Nevertheless, the automated system is a significant improvement in the counting and canvassing process, reducing the potential for post-election manipulation.

ANFREL encourages all stakeholders to respect the will of the voters and address the problems that are still prevalent in the electoral process. Furthermore, the incidences of political violence must be investigated thoroughly and the perpetrators brought to justice. We hope that this election produces a real avenue to strengthen democracy and safeguard human rights in the Philippines.

For Further Information please contact:

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Ms. Somsri Hananuntasuk at anfrel@anfrel.org, +63-9064978155

The report has been released together with interim report that can be review below:

Annex 6: Interim Report

International Election Observation Mission Philippines National and Local Elections 2010 Interim report

Report date: May 13, 2010

The Asian Network for Free Elections (ANFREL) deployed 39 long-term and short-term observers from 13 countries to Mindanao, Visayas and Luzon to observe and assess the Philippines 2010 National and Local Elections. The following is a summary of the mission's main findings, which will be published later in a detailed report.

Introduction

The May 10 election was the first ever nationwide automated election in the history of the Philippines. The election was widely viewed as a potential watershed in the Philippines' democratic consolidation, in light of a history of elections marred by electoral fraud and irregularities.

ANFREL deployed 5 long-term observers to: Mindanao, Visayas and Luzon from April 18 to May 11. In addition, 34 short-term observers were deployed to Basilan, Zamboanga, Tawi-tawi, Maguindanao, Davao, Abra, Illocos Norte, Samar, Bacolod, Pampanga, Masbate, Lanao del Sur, and Isabela from May 5 to 11. On polling day, ANFREL observers covered approximately 500 clustered precincts, including 207 in the Autonomous Region of Muslim Mindanao.

Voter Education

Extensive voter education was done by NGOs using mainstream media, face to face meetings, PSAs, and posters appeared reach voters all over the country. Citizens in the National Capital Region (NCR) and provinces generally seem to be well aware of the election and polling center locations. Despite this, most people did not have contact with the Precinct Count Optical Scan (PCOS) machine for practice. It was evident that voters in rural barangays considerably less voter education. Voter education at the polling stations was prevalent on May 10. However, even if people know how to vote, many appeared apprehensive about the reliability of the new AES.

Voter Registration

Despite the late start in some localities, and significant resource and infrastructure challenges in the far-flung areas, the election administration should be commended for their substantial efforts to improve public confidence on this important aspect of the automated election, especially with the ability of voters to check their names and their respective precincts online. The other important feature of the process that was introduced was the relatively simpler procedure for both absentee and overseas voters. The early detection of some of the ghost polling stations by the COMELEC could be considered an excellent achievement to curb the problem of multiple, fake and flying voting.

However, the voter lists must be considered incomplete as a number of inadequacies raised concerns regarding accuracy and inclusiveness. Although verification safeguards did exist, incidences of multiple registrations occurred. An efficient administrative measure to register voters is to combine the preparation of a voters roll with the civil registration and/or the issuance of a national ID card. Linking civil registration with voter registration is costly, but on the other hand duplication of workload for the electoral commission and institutions dealing with civil registry can be avoided and the registry can be used for a number of other purposes. Furthermore, incomplete voter registration, where pictures and thumbprints were missing, must be rectified in for future elections.

Campaign Activities

The campaign expenses for this election were observed to be costlier than previous elections. The entire nation seemed painted with multi-color posters, banners, pamphlets, leaflets and other literature. Nevertheless, several candidates stated that they had insufficient funds to prepare campaign materials and organize events. It was noted that state administrative resources were used in support of some candidate whereas other candidates did not benefit similarly. In a few instances, some candidates used the state-owned establishments for the purpose of their campaign. Such examples underlined the ongoing concern that there is a lack of distinct separation between the state administration and party structures at the apex of the election campaign and which was abused by incumbents.

Even before the campaign period began, a lot of candidates broke the rules right away. Though the campaign period for candidates for national positions such as president, vice-president, and senators was from February 9 to May 10, 2010, there were already a number of candidates showing up on TV advertisements before that date. Similarly, for local candidates, the beginning of their campaign period was from March 26 to May 8, 2010 but there were

already a number of local candidates who had their tarpaulins, posters and banners on the streets, even during Christmas season. They may not have explicitly said to vote for them but it was a way for them to be visible to the public since the election period was just around the corner. COMELEC seemed powerless to stop this, or simply lacked the political will. Even when NGOs pointed out this issue, there was still no solution.

Political hopefuls peacefully drove in motorcades, organized last-minute mass meetings often with free distribution of food, drink, shirts and other goods to win over undecided voters around Manila and in the provinces. Similarly, most of the precincts throughout the country were full of campaign materials, leaflets and pamphlets even on the Election Day and in many instances, the posters, banners and leaflets were found hung on top of each other thereby violating the campaign code of conduct. The widespread use of children in the election campaign and on Election Day characterized a distinct but an unacceptable aspect of the campaign. Vote buying continues to be a serious issue in Philippine elections. ANFREL observed that the going rate for a voter is between 300-1000 pesos.

The Media Campaign

In connection with the elections, the media continued to enjoy a high degree of freedom of expression, except in the ARMM. Incidents of random violence on media outlets and constraints on media in ARMM raised serious concerns. Both print and electronic media mainly focused on covering the stories of party standard-bearers, whereas local candidates were largely absent from the national media.

Media generally complied with the legal provisions on allocation of airtime to candidates during the election period. However, candidates fully utilized the lack of regulations covering media campaigning prior to the official election period. There seemed to be biases for certain candidates by the media outlets. Most importantly, it was obvious that media campaigning completely favored wealthier candidates, creating a very unbalanced playing field and virtually eliminating the possibility of potential candidates of moderate means.

Election Day Administration

The Board of Election Inspectors (BEIs) who administered the electoral process in each polling station should be commended for their diligent efforts. Nonetheless, several important aspects of electoral administration were flawed, which compromised the integrity of the electoral process.

Some problems with this year's electoral administration are not new to Philippine elections. First and foremost, secrecy of the ballot was virtually impossible, due to the arrangement of the polling station. Voters sat in close

proximity to each other in crowded rooms with open windows, and although each voter was given a secrecy folder, the folder was too small to cover the entire ballot and in any case was underused. Another fundamental problem was the laxity in checking voters' identity against the registered voters list, though it should be noted that the inclusion of voters' biometrics data (photo and fingerprint) in the voters list, where possible, is a significant improvement from past practice. The order in which BEIs administered the signing and fingerprinting of the voters list and the issuance of the ballot also varied from one polling station to another. Other issues included improper or lack of sealing of the ballot box and PCOS machine.

Distribution of campaign materials was also observed outside every polling compound visited by ANFREL observers, and in many instances inside the polling premises as well. Oftentimes the campaign leaflets were being distributed by children. Voters often brought party leaflets and other paraphernalia into the clustered precincts (CP), often for the ready made sample ballots with party candidates names shaded in, but plenty of other campaign materials were seen inside clustered precincts.

Other problems can be attributed to new practices in this year's electoral administration. Long queues to vote resulted in waiting times that ranged from two to four hours, which discouraged some people from voting. The combination of precincts into clustered precincts allocated a maximum of one thousand voters per clustered precinct, yet only three BEIs were provided to handle many more voters per polling station than in previous elections. This situation was exacerbated whenever there were any technical problems with the PCOS machine. In response, COMELEC prolonged the close of voting from 6 p.m. to 7 p.m. Still, ANFREL observed that in some rural areas, voters were still waiting as late as 10:30 p.m. The understaffing of the polling station also gave an excuse for party poll watchers to assist with the electoral administration, which clearly violated the principle of neutrality.

In all the precincts we observed distribution of the candidate picture leaflets and in some provinces in ARMM cash was given with the leaflets. Observers also witnessed cases of use of transportation organized by political parties/candidates to take voters to the precincts. For example in Magindanao the political parties provided vehicles and brought flying voters. In many places candidate numbers and names were posted on jeepneys and tricycles indicating to supporters that free transportation was available to them.

Majority of election materials, including PCOS machines, reached respective precincts on time for the election and ready to use, however there were many cases where the PCOS CF cards arrived late and cases of PCOS machines not arriving until sometime on Election Day itself. The sealing of the CF cards was not consistently done from precinct to precinct. All the precincts

including PCOS machine were set up with no secrecy of the ballot. Except for few isolated precincts, polling started on time. In many precincts we visited we saw political party agents and independent election monitors and they were allowed to observe both inside and outside the precincts and entire the electoral processes. For instance the Help Desk of PPCRV in some places was useful to assist the voters to find their name and the corresponding precinct.

In most of the precincts, we observed that BEIs were not consistent in checking the fingers for ink before handing over the ballot papers. The voters who were not on the list were not allowed to vote, however in some precincts registered voters complained about not finding their name in the voter list. For example in Mandaluyong city more than 50 eligible voters did not have their names in the voter lists, and went to lodge complain with COMELEC at the city hall.

In most precincts, closing of the polls convened on time according to the extension announced by the COMELEC. Printing of the Election Returns (ERs) after the closing was done, however transmitting the results faced delays in some of the precincts. For example, in Lano del Sur province, as of May 12th there were only two local election results received. Treatment of the rejected ballots was done inconsistently. Posting and announcing of the results was not done in consistent manner, observers found the results posted inside or outside the precincts.

Automated Election System

While the automated election system (AES) is credited for improving the counting and canvassing process, there were problems with the testing, delivery and operation of the PCOS machines and its component parts. Initial testing revealed that the CF cards containing the software program for the PCOS machines were not working, which undermined public confidence in the AES. With less than a week to replace them with new CF cards, some precincts did not have the proper CF cards even by May 10, and the procedure for how to conduct polling without functioning PCOS machines was unclear. Although the reported number of clustered precincts without functioning PCOS machines by voting day was only 0.5%, voters in these areas might have been disenfranchised. In at least one barangay, ANFREL observed that the BEIs expected to conduct the vote count manually if the new CF card still had not arrived.

On Election Day, the operation of the PCOS machines encountered numerous technical glitches, ranging from minor ones that lasted for a few minutes, to other technical problems that suspended polling for hours. As aforementioned, this severely delayed the electoral process, prolonged waiting times and discouraged voting. The on-site technical staff person, if present at all, often

did not know how to solve the problem and had to call for external assistance. It was noted by ANFREL observers that these technicians reported that they had received very little training, two days at most.

The PCOS machines rejected ballots for improper markings, stains, or damage to the paper. Based on ANFREL observations, it appears that the rejection rate of ballots was approximately 1.3%, based on data from 29 out of the total 496 PCOS machines observed by ANFREL. The voters who cast these ballots were disenfranchised, but this rate is significantly lower than that in previous Philippine elections.

Delay or failure of the transmission of the election results was widely reported. For example, in Negros Occidental, ANFREL observed in one polling center that there were only 2 modems for 16 PCOS machines. In Masbate province, only 7 out of 550 clustered precincts could transmit ballot tallies by 11:00pm. Technical glitches aside, some areas simply did not have the infrastructure required by an AES, namely access to the internet.

In Lanao del Sur, 7 of 39 municipalities has been failed to send the results on May 10; almost all mayoral candidates called for manual count. At least 15 CPs in Basilan also suffered the same.

Security

Overall, these elections were observed to be relatively peaceful and calm. It is regrettable that violence and an atmosphere of fear were serious issues in some areas, particularly in the ARMM. Furthermore, COMELEC Resolution 3328 on the gun ban during the election period was not implemented in a meaningful way. For the most part, Private Armed Groups (PAGs) maintained their weaponry and used it for security, intimidation and actual conflict.

According to the Philippine National Police (PNP), the number of the election-related violent incidents was lower than in recent elections (2004 and 2008). However, the Philippines still has one of the highest rates of political violence in Asia. Moreover, ANFREL's field observations noted that election-related violence is not necessarily documented as such by the police, apparently in an attempt to downplay the problem.

On election day, the Armed Forces of the Philippines (AFP) and the PNP were stationed at appropriate distances from the polling centers and did not behave in an intimidating manner.

ANFREL sent observers to several key areas that had been identified as hotspots during the election cycle. This deployment plan was based on findings from ANFREL's 2008 ARMM Election Observation Mission, the findings of this mission's long-term observers, and PNP and media reports.

Incidences of violence were reported, documented and verified where possible to determine whether they were election-related.

ANFREL observers took advice from the AFP and PNP to assess the security situation, and remained cautious about our presence in order not to attract unnecessary attention. In general, ANFREL's position as a non-partisan election organization enabled us to be received warmly on the ground. We also took advice from various stakeholders and coordinated our fieldwork with them to enable our neutrality and ensure sound judgment on security precautions.

ANFREL teams in the field upheld the confidentiality and anonymity of the people and organizations we interviewed for their safety. The very sensitivity of speaking to our observers underlines the climate of fear that exists in the hotspot areas. Nearly everyone that was interviewed in Maranao City, Lanao del Sur said they were scared to talk with ANFREL and feared for their lives.

In Marawi on election day, multiple incidents of violence occurred. ANFREL was informed of a 7:45 a.m. bombing at Mindanao State University that forced the 17 clustered precincts to be moved to scattered locations. At 9:40 a.m. a car bomb exploded near Sadu Central Elementary School, and then three bombs were launched at Amai PakPak Central Elementary School at 11:15 a.m. The latter was the largest polling center with 19 clustered precincts. Fortunately no one was injured in the above three incidents and eventually polling was able to continue. Other election-related violence killed two people in Bayang municipality and two people in Tugaya municipality. In Kapai municipality, the incumbent mayor's son was killed that morning. In the afternoon the conflicting parties continued the fight in Balindong municipality.

ANFREL observers were present when a fistfight between rival party supporters broke out at Banggolo Elementary School in Lilod Madaya Barangay, at 3:55 p.m. on election day. Voters ran from the scene and a gunshot was heard, and military personnel soon arrived with guns cocked.

In Abra province, ANFREL observed that there were a large number of PAGs deployed near several polling centers in Bangued, Dolores and Lagangilang municipalities. This created an atmosphere of fear. Voters said they could not freely vote for the candidate of their choice, especially regarding the candidate for governor, the incumbent Cecilia Luna. As it turned out, Luna was reported to have received 99.9% of the votes in some precincts. There were a considerable number of violent incidents in other areas, including Samar, La Union, and in Maguindanao. ANFREL was able to verify and investigate these incidents.

In contrast, ANFREL teams deployed to other areas generally reported a peaceful and calm election environment.

Human Rights

This election also marked the first time in the Philippines that detainees were allowed to vote, a significant step in the country's human rights development. ANFREL hopes that in future elections, detainees' right to vote will be guaranteed through improved voter registration for them.

In election administration, it was commendable that BEIs generally made an effort to prioritize voting for the physically challenged, elderly and pregnant women. The set up of polling stations, however, were not wheelchair accessible.

Recommendations

Based on the observations of this mission, ANFREL suggests the following to make elections in the Philippines more free and fair:

1. Implement the regulations on campaign financing and spending.
2. Make all necessary efforts to end the culture of vote buying.
3. Eliminate campaigning on polling day, both inside and outside the polling stations.
4. Improve the voter registration process to ensure an authentic and reliable voters list.
5. Explore ways to modify the polling procedure or precinct districting in order to help maximize voter participation and public confidence in the election.
6. Ensure the secrecy of the ballot.
7. Strengthen training of BEIs and poll watchers to ensure that polling procedures are implemented in a uniform manner, and that the polling environment is orderly and peaceful.
8. Accredited a broad and representative range of civil society organizations, so that civil society can engage with and monitor the electoral process.
9. Design procedures to minimize the number of rejected ballots, such as conducting a manual count of rejected ballots.
10. Establish clear contingency plans for PCOS machine failure or transmission failure.

11. Publish data on the electoral process as soon as possible to increase transparency of the electoral process and allow for post-election monitoring by all stakeholders.
12. Thoroughly investigate election-related violent incidents as well as incidents of political violence, and bring the perpetrators to justice.

Annex 7: Selected News Clipping

http://businessmirror.com.ph/index.php?option=com_content&view=article&catid=28%3Aopinion&id=25399%3Aeditorial-truth-seeking-not-sour-grapes&Itemid=64

Editorial: Truth-seeking, not sour grapes Opinion

WEDNESDAY, 19 MAY 2010 21:15

THE House Committee on Suffrage and Electoral Reforms opened on Wednesday hearings into allegations of irregularities in the May 10 elections, mostly the result of human manipulation of what should otherwise have been an exhilarating and peaceful—because speedy—exercise. It's just as well that the House panel clearly laid down the spirit guiding the effort to uncover the truth, in order to keep out those who have “no real or helpful evidence to offer, only their grief [at losing],” as the panel's very articulate chairman, Makati Rep. Teodoro Locsin Jr., put it.

This is important to stress at the outset, because those who are genuinely interested in the truth—and by so doing help perfect the conduct of poll automation in the future—deserve to be heard, not just for their own sake, but, more important, for voters who pinned their highest hopes for democracy on a modern way of electing their leaders—and paid handsomely for it by shouldering the bill and enduring the ordeal of three to four hours at the voting line.

The House inquiry is also being presented as something that is not a case of sour grapes, but a venue for those interested to present precinct-specific, detailed evidence of manipulation of the vote by monkeying with the Precinct Count Optical Scan (PCOS) units—not spouting vague, massive conspiracy theories. We note this because, from all indications so far, the votes for President seem convincingly solid as to quell public fears that the wrong person may sit in Malacañang come June 30. But the inquiry into scattered reports of apparent cheating is still necessary because they could indicate that some of those “syndicates” associated with the “Garci” of old may still be around and have found creative ways of tampering with the vote under the

automated setup. That the Commission on Elections has not exactly succeeded in plugging all the holes in the entire election process (the vote counting by PCOS being just one segment) makes it even easier for “election operators” to monkey with the system.

To gloss over these scattered cases of manipulation, and be lulled into complacency—just because, after all, we finished the elections in record time and produced, presumably, the next president in 48 hours—is a dangerous course of action because it would allow all the detritus of past elections to hitch a ride on automation when the next polls are conducted. As Representative Locsin put it in dwIZ’s Karambola talk show, Filipinos were lucky this time because the margin of the front-runner was “so huge” as to quickly inject some stability into national life. But if it were a close fight—as the battle for the vice-presidential race is now shaping up—such gaps in the conduct of automation, thanks to human folly, could give rise to volatility.

It’s sad that the initial, nearly universal congratulations we all got for the holding of the historic May 10 polls has been followed by the reports of discrepancies. The various observer missions have spelled out well some of the gains and lapses of the May 10 exercise. According to the Asian Network for Free Elections (ANFREL): “The authorities made commendable efforts to administer this election in a noble and professional manner and generally displayed the collective political will to conduct democratic elections. The introduction of the automated election system in this context was successful in contributing to enhanced public confidence in the electoral process. Despite the intense heat, the serpentine queues and inevitable unfamiliarity with the automated machine, the Filipino people deserve praise for their active participation in the election.

“However, the Election Day was also marred by incidences of violence and electoral fraud, particularly in ARMM [Autonomous Region in Muslim Mindanao], though other parts of the country were not spared. Instances of vote-buying, ‘flying voters’, violations of the gun ban by private armed groups, breaches of the campaign code of conduct, including the abuse of state resources for election campaigning, were observed. Above all, discrepancies in the voter registration and the complete lack of ballot secrecy seriously undermined the sanctity of the elections.”

Apparently, what happened here is that, in the transition from a fully manual to an automated system, ANFREL said, “training and testing were insufficient, machines malfunctioned and transmission of election results was unnecessarily stressful.”

To make matters worse, the random manual audit (RMA) that the Comelec had kept touting to allay fears of manipulation—in response to a pre-election clamor for a parallel manual count—did not proceed as fast as hoped for, because the reports of the randomly selected precincts trickled into the Parish Pastoral Council for Responsible Voting (PPCRV). This prompted PPCRV chairman Henrietta de Villa to elevate the matter to the Comelec, so it would, in turn, prod its Provincial Election Supervisors to hasten and prioritize the RMA.

While automation, therefore, has sped up the counting process to a record of only a day or two after the election, that is only one part of the entire process of ensuring free, honest, credible, and fair election.

The disfranchisement of an estimated five million people who were unable to vote as a result of the long lines triggered by clustered, unwieldy precincts—in some places suspected as part of a sabotage plot by candidates who resorted to vote buying—was also a big blot on the success of the automated polls.

All these factors—the clustering of precincts, the procedures used by the election tellers, and what happened after the voting ended at 7 p.m.—all make for a full account of the election, beyond our newfound sense of wonder with the PCOS. It's good to thoroughly look back at all these kinks and demand accountability—and hopefully, real reforms when the next automated polls come around.

Asian observers say Philippine polls acceptable

<http://www.reuters.com/article/idUSTRE64C1C020100513>

Manny Mogato

MANILA

Thu May 13, 2010 4:34am EDT

(Reuters) - The Philippines' first automated national election this week was largely fair although there were irregularities in the remote southern regions, international election observers said on Thursday.

WORLD

Unofficial tallies from the election commission show Senator Benigno Aquino with a lead of 15 percentage points in the presidential race. Nearly 18,000 local and national positions were on offer in Monday's election.

The Asian Network for Free Election (ANFREL) said voting in remote Muslim communities in the southern Philippines was marred by incidents of violence and fraud, including vote-buying, multiple voting, intimidation and harassment.

"There are glitches, there are some problems which should be rectified, but the election is reasonably acceptable," Nepalese monitor Gopal Siwakoti told a news conference.

"The May 10 elections in the Philippines demonstrated notable progress in ensuring freedom of elections with a reasonably acceptable procedure, yet significant room for attaining international commitments and standards."

Two presidential candidates, who between them have less than 100,000 of the more than 30 million votes counted, have refused to concede to Aquino, saying they doubted the accuracy and credibility of the automated results.

"We are getting the results fast, but fast does not mean accurate," said Nicanor Perlas. "It is premature to say that the elections were fair and honest."

John Carlos de los Reyes rescinded an earlier concession to Aquino after getting reports of possible electoral.

The outgoing Speaker of the House of Representatives said he had asked the congressional oversight panel to conduct random audits of Monday's vote to detect any fraud, separate to the election commission's audit of 1.5 percent of the voting machines.

Allegations of fraud surfaced after transmission of results from provincial tallies was delayed, and following the discovery of dozens of machines at the residence of a technician in a city east of the capital on Thursday.

The ANFREL observers showed pictures of voters filling in multiple ballots, children handing out campaign materials and ward leaders distributing cash to people after casting their ballots.

ANFREL sent nearly 40 observers from 16 non-government groups coming from 13 countries to violence-prone provinces across the country, focusing on the Autonomous Region of Muslim Mindanao.

Breaking News

Foreign observers call for clean, peaceful elections in RP

<http://www.philstar.com/Article.aspx?articleId=572735&publicationSubCategoryId=200> philstar.com) Updated May 05, 2010 10:01 PM

MANILA, Philippines (Xinhua) - A group of foreign poll observers called on the government of President Arroyo today to ensure clean and peaceful elections in the Philippines and to curb potential incidence of violence and other election-related irregularities across the country with zero tolerance of impunity.

The Asian Network for Free Elections (ANFREL), which deployed 41 international observers from 14 countries to observe the Philippine election on May 10, said the government and concerned authorities should "leave no stone unturned to create a conducive atmosphere for free, fair and peaceful elections."

"The upcoming elections could be a new chapter of clean and credible elections for the country and an admirable initiative for the Asian people towards ensuring freedom of elections in the region," the ANFREL said.

However, the unabated acts of threat and intimidation to voters and candidates "will undermine the sanctity of the elections and a prime time in the Philippines democratic advancement," it said.

The ANFREL also urged the country's political parties and the candidates to redouble their efforts to fully respect the relevant election laws, regulations and code of conduct during the campaign and beyond.

Filipinos are preparing for a historic election in which they will vote by using machines for the first time amid rising fears that the experiment could fail and trigger deep political chaos.

More than 82,000 automated machines will be used across the country with results expected to be known in just two days instead of several weeks under the former hand-counted manual system.

But electricity supply problems, data transmission complications, the reliability of the machines themselves and the potential for the system to be manipulated could lead to a failure of elections, analysts said.

The automated polls are being introduced to reduce the risk of cheating, which has plagued elections in the past, as well as to make the process of counting 50 million votes more reliable and efficient.

But if machines break down or information cannot be transmitted, there may be no clear winner within 48 hours as planned, with some saying the confusion could last for months.

Foreign poll observers start arriving Nation

Written by Estrella Torres / Reporter

http://businessmirror.com.ph/index.php?option=com_content&view=article&id=24910:foreign-poll-observers-start-arriving-&catid=26:nation&Itemid=63

FRIDAY, 07 MAY 2010 09:53

FOREIGN election observers from 14 countries on Wednesday urged the Commission on Elections (Comelec) to ensure public confidence in the first automated national elections after all the compact flash drives for the Precinct Count Optical Scan (PCOS) machines were recalled as test runs showed they were wrongly configured.

The Asian Network for Free Elections (Anfrel), which will deploy 41 international observers from 14 countries in various poll precincts in the Philippines on May 10, said the country can make history by making the region's first automated election clean and credible. The automated poll is also first for the Philippines after more than 100 years.

Hassan Ariff, head of Anfrel from Bangladesh, said testing and performance of the PCOS machines should be more transparent to ensure public confidence of the machine.

He said Anfrel expects other electoral concerns to be taken into account, including strict maintenance of law and order, ensuring the secrecy of voters, and the prevention of election-related irregularities such as underage voting, vote-buying, rigging and campaigning during cooling hour and the polling day.

“The unabated acts of threat and intimidation to voters and candidates will undermine the sanctity of the elections and a prime time in the Philippines’ democratic advancement,” said Ariff.

“We hope that the government and the concerned authorities will leave no stone unturned to create a conducive atmosphere for free, fair and peaceful elections by curbing potential incidences of violence and other election-related irregularities across the country with zero tolerance for impunity,” said the Anfrel head.

He also urged the political parties and the candidates to redouble their efforts to fully respect the relevant election laws, regulations and code of conduct during the campaign and beyond.

How to catch cheats in automated polls

Carmela Fonbuena, abs-cbnNews.com/Newsbreak

Posted at 05/09/2010 6:27 PM | Updated as of 05/09/2010 10:43 PM

<http://www.abs-cbnnews.com/nation/05/09/10/how-catch-cheats-automated-polls>

MANILA, Philippines - The automated polls in the Autonomous Region in Muslim Mindanao (ARMM) in August 2008 is proof that automation does not guarantee clean and honest elections. The purpose, clearly, is to speed up the counting and canvassing of votes, so cheats wouldn't have the opportunity to manipulate the numbers.

The ARMM exercise almost 2 years ago indeed put a stop to the notorious dagdag-bawas or padding and shaving of votes in the region notoriously known as the country's cheating capital. However, the exercise saw the return to pre-election fraud and to retail cheating on Election Day--things that can possibly happen in the 2010 nationwide automated polls.

In a 49-page report on the ARMM election, the regional poll watchdog Asian Network for Free Elections (ANFREL) says: "Observers were surprised to see the ARMM's polling day so much different from the practices in other Asian countries. The standards fell below what they expected as international best practice, although the polling itself went smoothly and without any major disruption or accidents."

(Read the complete Anfrel Report on the ARMM automated polls.)

The group was most concerned with vote buying, which the report said happened even on election day. "Authorities took no action to stop this practice, with some stakeholders acknowledging to ANFREL observers that vote buying is a common practice in the Philippines."

The ANFREL report identified other forms of cheating and manipulation that occurred on election day in 2008 that watchdogs and candidates' poll watchers can expect and guard against on Monday.

The technology used in 4 provinces in the ARMM, the Optical Mark Reader (OMR), is very similar to the system using Precinct Count Optical Scan (PCOS) machines. OMR also employed manual voting and automated counting. The difference is the board of election inspectors (BEIs), not the voters, fed the ballots to the OMR after the polls closed. On Monday, it's the voters who will feed the ballots onto the PCOS machines.

Smartmatic, the supplier of the PCOS machines for Monday, also won the bid to count the votes in the ARMM elections in 2008. It was in charge of over all transmission on results from the OMR and receiving the results in the Comelec headquarters.

The report cited the following problems in the ARMM elections: biased BEIs; underage voting; underage voters being instructed to vote in a certain way; vote buying; exposed voting booths (making it hard to vote in secret); distributing food and drink to voters; and transporting voters to polling stations.

ANFREL also spotted a new problem due to voters' ignorance of how the machines operate: "The lack of confidence and familiarity using the [machines] created a new kind of irregularity, that of votes being cast by BEIs or electoral assistants on behalf of voters. ANFREL is concerned that many voters did not vote by themselves."

Worst, ANFREL observers were suspicious that some BEIs were pre-marking ballots in favor of some candidates. ANFREL believes this is the reason why some voters were obstructed from voting—because the BEIs have already voted for them.

Twenty-two ANFREL observers visited a total of 442 precincts. The group, which pushes for electoral reforms in the region, was inspired by the Philippines' National Movement for Free Elections or NAMFREL.

ANFREL observers are in country to monitor Monday's polls.

Election Day manipulation

The ANFREL report divided the Election Day into 5 stages: pre-opening the precincts, opening the precincts, voting process, closing the poll, and the counting process.

Watchdogs and candidates' poll watchers should guard against the following concerns that happened during the ARMM elections. Anfrel said these concerns could disturb the conduct of elections or manipulate the results.

One province, Maguindanao, used another machine, the Direct Recording Equipment. We did not include Anfrel's findings on the machine on this report.

1. Pre-opening the precincts

- Election materials arriving late
- Incomplete delivery of elections materials, such shading pens
- Local violence that could force the Comelec to move the venue of the polling center or, worst, declare a failure or election in the area
- Road blockades that could curtail people's access to polling centers
- Illegal mobilization or hakot of voters or worse, flying voters and underage voters. ANFREL also saw in the ARMM candidates' supporters were distributing breakfast to the voters.
- Children were used to distribute campaign materials

2. Opening the precincts

- Precincts opening late
- Failure to activate election machines so that voting would start on time
- Voters could not find their names in the voters list

3. Voting Process

- Identification of voters—failure of board of election inspectors to check the identification of voters claiming ballots
- Secrecy of votes was not guaranteed. Even the media showed how the people were voting.
- BEIs allowed unauthorized people to enter the precincts, sometimes assisting or intervening with people casting their votes
- Voters were not warned that the barcode on their ballot paper was delicate. Many inadvertently smudged the barcode with their fingers, meaning the machine could not read it and their vote was invalidated

- BEIs were folding ballot papers in half so that ink from voters' thumb prints transferred to other parts of the paper, invalidating the ballot. Some BEIs were not aware that such ballot papers would be invalid
- Party poll watchers pre-marking ballot papers to indicate particular candidates and asking voters to follow the sample ballots. ANFREL observers in many precincts witnessed this practice.
- Voter confusion was also observed in Parang Elementary School, where the observers witnessed a party poll watcher standing outside the precinct teaching a group of voters how to vote for their candidates. Other voters approached ANFREL observers asking how to vote.
- Pre-marking of ballot papers and obstructing voters from voting
- BEIs failure to apply the indelible ink properly. There are cases when voters were not applied indelible ink at all.

4. *Closing the Poll*

- Unused ballot papers believed to be marked in favor of some candidates
- Early closing of polls, obstructing voters from voting

5. *Counting Process*

- Most counting centers were unable to cope with the high number of ballot boxes. As a result, many people were found aimlessly carrying their ballot boxes. (In the ARMM elections, the ballots were only counted after the polling centers have closed. But a similar problem may arise when the PCOS machines could not cope with the high number of voters arriving at the polling center at the same time.)
- Many delays slowed the automated process. Human assistance was necessary to insert the ballot papers into the OMR, and confusion was caused by the absence of an orderly queue of people waiting to access the machine. (abs-cbnNews.com/Newsbreak)

PR: International Observers Call for Clean and Peaceful Elections in the Philippines

<http://www.bulatlat.com/main/2010/05/09/pr-international-observers-call-for-clean-and-peaceful-elections-in-the-philippines/>

News Release

May 5, 2010

The Asian Network for Free Elections (ANFREL) has deployed 41 international observers from 14 countries to observe the Philippines election, which is scheduled for the May 10, 2010. ANFREL believes that the upcoming General Elections could be a new chapter of clean and credible elections for the country and an admirable initiative for the Asian people towards ensuring freedom of elections in the region.

ANFREL appreciates the endeavor undertaken by the civil society groups and the media regarding civic and voter education campaigns to encourage all the eligible voters to be acquainted with the new Automated Election System (AES) and duly exercise their franchise in the upcoming elections.

Disclaimer | What you are reading is either a press release/ statement or a manifesto. These materials do not go through our editorial process and do not reflect our policy or position.

The unabated acts of threat and intimidation to voters and candidates will undermine the sanctity of the elections and a prime time in the Philippines' democratic advancement. We hope that the government and the concerned authorities will leave no stone unturned to create a conducive atmosphere for free, fair and peaceful elections by curbing potential incidences of violence and other election related irregularities across the country with zero tolerance of impunity. We also urge the political parties and the candidates to redouble their efforts to fully respect the relevant election laws, regulations and code of conduct during the campaign and beyond.

Even though the Philippines is the first country in South East Asia to attempt a synchronized nationwide election using an automated machine, ANFREL believes that the testing and performance of the Precincts Count Optical Scan (PCOS) should be more transparent to ensure public confidence of the machine. ANFREL expects that other electoral concerns will be taken into

account i.e. strict maintenance of law and order, ensuring the secrecy of voters and the prevention of election related irregularities such as underage voting, vote buying, rigging and campaigning during cooling hour and the polling day.

The ANFREL observation mission will be led by Mr. Hassan Ariff from Bangladesh together with Mr. Koul Panha from Cambodia and Dr. Gopal Krishna Siwakoti from Nepal.

Established in 1997, as Asia's first regional network of civil society organizations, ANFREL strives to promote and support democratization process at national and regional levels in Asia. From its very inception, ANFREL has concentrated all its strength on supporting the process of democratization in different parts of Asia. (Bulatlat.com)

Observers deployed for Philippines polls

<http://gulfnews.com/news/world/philippines/observers-deployed-for-philippines-polls-1.623435>

The May 10 political exercise will be the first automated poll in Southeast Asia and ANFREL is optimistic Filipinos will hold the flame for Asians by showing that they are capable of holding clean and credible elections.

- By Gilbert P. Felongco, Correspondent
- Published: 00:00 May 7, 2010

Manila: A regional poll watchdog announced on Thursday that it has deployed international observers for the May 10 general elections.

The Asian Network for Free Elections (ANFREL), in a statement, said it has fielded 41 international observers from 14 countries for the Philippine general elections.

The May 10 political exercise will be the first automated poll in Southeast Asia and ANFREL is optimistic Filipinos will hold the flame for Asians by showing that they are capable of holding clean and credible elections.

"ANFREL believes that the upcoming general elections could be a new chapter of clean and credible elections for the country and an admirable initiative for the Asian people towards ensuring freedom of elections in the region," the regional poll watchdog said.

Concerns

Elections in the Philippines are often tense and characterised by fraud. This is true especially in far-flung areas where political friction between armed followers of candidates, often result in violence. Even in the run up to the actual election day, several incidents of election-related political killings have already been recorded.

ANFREL said unless election administrators address these concerns, such negative acts could sabotage the peaceful conduct of the poll and impact on the overall credibility of the vote.

"The unabated acts of threat and intimidation to voters and candidates will undermine the sanctity of the elections and a prime concern in the Philippines' democratic advancement," ANFREL said.

"We hope that the government and concerned authorities will leave no stone unturned to create a conducive atmosphere for free, fair and peaceful elections by curbing potential incidences of violence and other election related irregularities across the country ... We also urge the political parties and the candidates to redouble their efforts to fully respect the relevant election laws, regulations and code of conduct during the campaign and beyond," the regional poll watchdog said.

ANFREL said that it expects that other electoral concerns will be taken into account such as strict maintenance of law and order, ensuring the secrecy of voters. The prevention of election related irregularities such as underage voting, vote buying, rigging and campaigning during cooling hour and the polling day will also be paramount.

ANFREL, praised the efforts of the civil society groups and the media in educating voters on the automated elections and calling on the electorate to exercise their right to vote

http://www.atimes.com/atimes/Southeast_Asia/LE11Ae01.html

Southeast Asia

May 11, 2010

Philippines votes in the shadow of gunmen

By Simon Roughneen

MANILA - The ever-present shadow of violence and intimidation hangs over the 50 million voters going to the polls at the Philippines' presidential, legislative elections and local elections on Monday. The prospect of a fully free and fair election is also in question, with well-documented worries over a new partially automated voting and counting system and vote-buying seemingly omnipresent - boxing champion Manny Pacquiao last week offered 500,000 pesos (US\$10,980) to a village in Mindanao if it backed his campaign for a congress seat.

The number of political killings has surged during the electoral campaign, with local clans and politicians eliminating their electoral rivals. The single worst incident came last November, when an unprecedented 57 civilians were murdered in Maguindanao in the restive southern Philippines.

By April 14, the latest date for which figures are available, 38 election candidates had been killed during the January to mid-April campaign period, according to Felix Vargas, spokesman for the government's task force on elected government officials. The figure does not include campaign workers and candidates' assistants who were killed.

Professor Rommel C Banlaoi, the director of the Philippine Institute for Peace, Violence and Terrorism Research (PIPVTR), told Asia Times Online that "cases of election related killings from the use of illegally armed groups have been recorded and to date numbers more than 100".

The Maguindanao atrocity made international headlines due to its grisly details, but also because it was the largest recorded mass killing of journalists in a single incident. The massacre was carried out to deter an opposition clan, the Mangudadatu family, from running in the elections against the government-backed Ampatuan clan. This case and less well-known clashes in the southern Philippines and elsewhere illustrate how elections raise the stakes for volatile local bigwig rivalries. With patronage links to the center at stake, the prospect of elections intensifies *rido*, the term for honor-driven violence and vengeful clan feuding in the region.

The fallout from the Maguindanao case continues, highlighting links between political violence and the powers that be. Justice Secretary Alberto Agra sparked a massive public outcry when he cleared Zaldy and Akmad Ampatuan of involvement in the massacre. In a statement last Wednesday, he reversed his decision.

"I am now convinced that there is probable cause in so far as Zaldy Ampatuan and Akmad Ampatuan are concerned," he said after officials at his department confronted him with fresh evidence. The about-turn might be linked to the elections, with the unpopular outgoing President Gloria Macapagal-Arroyo possibly seeking to distance her administration from the Ampatuans as she prepares for an expected career in congress.

After the massacre, the Ampatuans were booted out of Arroyo's Lakas-Campi party, whose former presidential candidate, Gilberto "Gibo" Teodoro, is languishing with only 9% of popular support according to latest opinion surveys. That figure puts him well behind third-placed Manuel "Manny" Villar (19%), former president Joseph "Erap" Estrada on 20%, and clear leader Benigno "Noy" Aquino III on 42%.

Elections in the Philippines have a history of unpredictability, and some candidates say they will take to the streets if there are question marks over the new computerized voting process.

While there may be immediate post-election violence in the longer term it seems unlikely that the election will reverse the proliferation of private armed militias. The number of private armies jumped from 68 in December to 117 in February, according to Dante Jimenez, a member of the Zenarosa Commission, which was established by Arroyo a month after the Maguindanao incident to address the issue of private armed groups.

Jessica Evans, a Human Rights Watch fellow based in Manila, said Villar has ruled out curbing these groups if he is elected, citing the need to improve social spending in one of Asia's most unequal, poverty-stricken countries. She said Aquino has been non-committal on the issue, despite the apparent animus between him and incumbent Arroyo, who has clear links to the Ampatuans and other clans.

Since it was established, the Zenarosa commission has had mixed appraisals. "The commission is only a fact-finding commission. Its mandate to dismantle private armies is only recommendatory and it does not have operational powers. Dismantling private armies rests largely on the capabilities of the police and the military to disarm them," said Banlaoi.

The second possibility seems unlikely, given reportedly strong links between the police and army and the private militias.

Money plays a part in sustaining the system. Some of the militias are in the pay of the country's dominant 250 or so political dynasties - a figure given by the Manila-based Center for People Empowerment in Governance (CENPEG). These clans enjoy almost total control over their constituencies and many have access to a steady flow of funds from Manila. Irrespective of who wins, these well-entrenched dynasties are likely to dominate the Philippines' political landscape. CENPEG director Bobby Tuazon told ATol that "those expected to win come mostly from old and emerging political dynasties at the national and local levels".

The state has been downplaying the realities of political or electoral violence. A police report issued in the days leading up to Monday's vote noted a reduced level of electoral violence compared with recent elections, omitting the Maguindanao incident which occurred before the official campaign period. Thirty-eight candidates killed seems little cause for celebration, but the deaths did little to dampen the carnival-like rallies and presence of dancing girls, a staple in the country's celebrity-oriented political campaigns.

Blurred lines

In the Philippines, militias are either military controlled Citizen Armed Forces Geographical Units (CAGFU), police-controlled Civilian Volunteers Organizations (CVO), or private armies recruited and maintained by businessmen and politicians. Better-known ideologically driven rebel groups such as the Moro Islamic Liberation Front (MILF) and the communist New People's Army (NPA) are not classed as militias, though their existence is often used as a justification for private armies.

For example, Tauzon cites the now-notorious example of how the Ampatuans were armed and funded partly as a bulwark against the MILF in the south. The

picture is blurred, however, as MILF or NPA personnel have been hired by some local politicians as "bodyguards", according to Banlaoi.

Links between the private militias and state security forces raise questions about the veracity of the term "private armed groups", since many are linked to the police or the military and often feature security forces doubling up as guns for hire. Many acquire weapons from the police and/or army, or are better-armed than their official counterparts.

It all adds to a culture of impunity and violence that observers say is undermining democracy in the Philippines. Arroyo, the Armed Forces of the Philippines (AFP) and government-backed paramilitaries have been directly linked to a wave of political killings across the Philippines throughout the past decade. "Forced disappearances and illegal detentions remain all too common, as does the bringing of trumped up charges against Filipino activists and human-rights abuse victims," the UN Human Rights Council wrote in 2009. Since Arroyo took office in 2001, over 1,000 political murders have taken place nationwide, few of the cases ever made it to court.

Many of the victims were killed due to perceived links - often tenuous at best - with the NPA, which is also accused of political violence. While the AFP and MILF signed an electoral peace pact back in February - the MILF refuses to recognize the constitution and is boycotting the elections - the NPA has said it will attack AFP troops at polling stations. On Sunday, it was reported on Philippine TV news that the NPA destroyed five vote-counting machines in the north of Luzon.

Undaunted, millions of Filipinos will line up today in the blazing heat to cast their votes, which will then be run through the contentious computerized scanning machines. Without polling booths, voters are susceptible to intimidation in the classroom-setting of most polling stations, according to Somsri Hannanuntasuk, who is in Manila as an election observer with the Asian Network for Free Elections (ANFREL). "There is no privacy, and it is possible to see how people are voting," she told ATol on the eve of voting.

The nullification of the secret ballot has made voters more vulnerable to the hired guns likely to be guarding precincts in many remote areas, according to Ava Avila, a researcher at the International Center for Political Violence and Terrorism Research in Singapore. "There is a possibility that some will harass voters not supporting their candidates," she said. And in an already volatile atmosphere, rural and remote areas might see worse than harassment. Five

more people were shot dead on Sunday in attacks involving gunmen loyal to local candidates in the southern Mindanao region.

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News

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<http://www.gmanews.tv/story/190862/climte-of-fear-fraud-observed-in-rp-poll-hot-spots-intl-watchdog82338233>

Climate of fear, fraud observed in RP poll hot spots — int'l watchdog

SOPHIA M. DEDACE, GMAnews.TV

|(Updated 1:22 p.m.)

In the morning of election day, a bomb exploded at the Mindanao State University in Marawi City, Lanao del Sur, prompting the transferring of 17 precincts stationed at the polling center.

In Abra province in northern Philippines, private militiamen of local candidates in Bangued, Dolores and Langangilang towns proliferated near precincts. In portions of the Autonomous Region in Muslim Mindanao (ARMM), politicians provided transportation for voters, bags of rice, and envelopes with money.

These were only a few observations of international watchdog Asian Network for Free Elections or ANFREL, which deployed at least 39 foreign watchers to 500 clustered precincts nationwide, 207 of which are in the ARMM.

The group noted threats and intimidation to voters in election hot spots, even as it acknowledged the reduction of poll-related violence in the first nationwide automated polls.

"The very sensitivity of [voters] talking to our observers underlines the climate of fear that exists in the hot spot areas. Nearly everyone interviewed in Marawi City said they were scared and feared for their lives," ANFREL said in its observation report released to the media on Thursday.

ANFREL member and Indian observer Bidhayak Das also noted that in ARMM provinces like Sulu and Tawi-Tawi, ANFREL watchers had to take extra precaution because of clan wars or *rido*, which could result in violence.

ANFREL likewise disclosed that in Mindanao, supporters of candidates surrounded and accompanied voters while they cast their ballots and forced them to vote quickly — a clear violation of the voter's right to the secrecy of his vote.

Children were used to distribute leaflets on election day even if the ban on campaigning was in place. Nonetheless, observers from other areas that are not hotspots concluded the elections were “generally peaceful.”

The group’s executive director, Somsri Hananuntasuk, showed samples of campaign paraphernalia from a councilor bet in Maguindanao with a P20 bill stapled with it.

"In all precincts we observed the distribution of the candidate picture leaflets and in some provinces in ARMM, cash was given with the leaflet. Observers also witnesses cases of use of transportation organized by political parties or candidates to take voters to precincts," the group’s report said. Vote-buying is prohibited in cash and kind, but this general policy was obviously set aside.

Worse, the group also showed photos of ARMM voters holding chunks of ballots, where they are to cast their votes. Each voter is only entitled to one ballot.

Glitches mar conduct of polls

In its observations, ANFREL highly emphasized the loopholes in the conduct of the May 10 polls, such as the disenfranchisement of voters due to missing names on voters’ list and the long queues that discouraged people from voting. In some areas, those who are not on voters’ lists were allowed to vote.

The crowded precincts prompted the Commission on Elections to extend the voting period until 7 p.m. However, the group noted that in some rural areas, voters still waited as late as 10:30 p.m.

"The understaffing of the polling station also gave an excuse for party poll watchers to assist with the electoral administration, which clearly violated the principle of neutrality," it said.

The sanctity of the ballot was not protected, the group said, due to the close proximity of one voter to another in small precincts. Ballot secrecy folders were too small to cover ballots.

Precinct Count Optical Scan (PCOS) machines encountered glitches that resulted in minor delays to major ones that suspended polling hours. For instance, leading presidential contender Sen. Benigno Aquino had to line up for hours in his precinct in Tarlac City due to a problematic PCOS machine.

"In Negros Occidental, ANFREL observed in one polling center that there were only two modems for 16 PCOS machines. In Masbate, only seven of about 550 clustered precincts could transmit ballot tallies by 11 p.m. [on May 10]," the group also said.

Despite these reported troubles, ANFREL still said more PCOS machines in the country's 76,000 precincts worked than malfunctioned.

Based on its observations in 496 precincts nationwide, only 1.3 percent of ballots were rejected.

'Breakthrough'

Amid these incidents of violence, fraud, and other irregularities, ANFREL still said the conduct of the polls was "relatively acceptable."

It also lauded Filipinos for the 75 percent turn out of voters in the elections and the increase in number of civic groups and local watchdogs to deter election fraud and violence.

"The authorities made commendable efforts to administer this election in a noble and professional manner and generally displayed the collective political will to conduct democratic elections," it said.

Hananuntasuk said ANFREL would submit its observations and recommendations to the Comelec in the coming days.

"These issues need to be addressed. A lot need to be done and there is a big room for improvement," added Bangladeshi observer Hassan Adriff. — RSJ, GMA News.TV

Annex 8: Seat Allocation Annexes (Resolution No. 8670)

Number of Seats of Members, House of Representatives

REGION/PROVINCE		No. of Legislative Districts
TOTAL		222
NATIONAL CAPITAL REGION		30
1	City of Manila	6
2	Quezon City	4
3	Caloocan City	2
4	City of Makati	2
5	City of Parañaque	2
6	City of Valenzuela	2
7	City of Pasig	1
8	Pasay City	1
9	City of Las Piñas	1
10	City of Mandaluyong	1
11	City of Marikina	2
12	City of Muntinlupa	1
13	Malabon City	1
14	Navotas City	1
15	Taguig City (2nd councilor district)	1
16	Taguig City (1st councilor district) - Pateros	1
17	San Juan City	1
CORDILLERA ADM. REGION		7
1	ABRA	1
2	APAYAO	1
3	BENGUET	1
	<i>Baguio City</i>	1
4	IFUGAO	1

5	KALINGA	1
6	MOUNTAIN PROVINCE	1
REGION I		12
1	ILOCOS NORTE	2
2	ILOCOS SUR	2
3	LA UNION	2
4	PANGASINAN	6
REGION II		10
1	BATANES	1
2	CAGAYAN	3
3	ISABELA	4
4	NUEVA VIZCAYA	1
5	QUIRINO	1
REGION III		22
1	BATAAN	2
2	BULACAN	4
	<i>Malolos City</i>	1
	<i>San Jose del Monte City</i>	1
3	NUEVA ECIJA	4
4	PAMPANGA	4
5	TARLAC	3
6	ZAMBALES	2
7	AURORA	1
REGION IV-A (CALABARZON)		19
1	BATANGAS	4
2	CAVITE	3
3	LAGUNA	4
4	QUEZON	4
5	RIZAL	2

	<i>City of Antipolo</i>	2
REGION IV-B (MIMAROPA)		7
1	MARINDUQUE	1
2	OCCIDENTAL MINDORO	1
3	ORIENTAL MINDORO	2
4	PALAWAN	2
5	ROMBLON	1
REGION V		14
1	ALBAY	3
2	CAMARINES NORTE	1
3	CAMARINES SUR	4
4	CATANDUANES	1
5	MASBATE	3
6	SORSOGON	2
REGION VI		18
1	AKLAN	1
2	ANTIQUE	1
3	CAPIZ	2
4	GUIMARAS	1
5	ILOILO	5
	<i>Iloilo City</i>	1
6	NEGROS OCCIDENTAL	6
	<i>Bacolod City</i>	1
REGION VII		15
1	BOHOL	3
2	C E B U	6
	<i>Cebu City</i>	2
3	NEGROS ORIENTAL	3
4	SIQUIJOR	1

REGION VIII		12
1	BILIRAN	1
2	EASTERN SAMAR	1
3	LEYTE	5
4	NORTHERN SAMAR	2
5	SAMAR	2
6	SOUTHERN LEYTE	1
REGION IX		9
1	ZAMBOANGA DEL NORTE	3
2	ZAMBOANGA DEL SUR	2
	<i>Zamboanga City</i>	2
3	ZAMBOANGA SIBUGAY	2
REGION X		12
1	BUKIDNON	3
2	CAMIGUIN	1
3	MISAMIS OCCIDENTAL	2
4	MISAMIS ORIENTAL	2
	<i>Cagayan de Oro City</i>	2
5	LANAO DEL NORTE	2
REGION XI		11
1	COMPOSTELA VALLEY	2
2	DAVAO DEL NORTE	2
3	DAVAO DEL SUR	2
	<i>Davao City</i>	3
4	DAVAO ORIENTAL	2
REGION XII		7
1	SARANGANI	1
2	NORTH COTABATO	2
3	SULTAN KUDARAT	2

4	SOUTH COTABATO	2
AUTONOMOUS REGION IN MUSLIM MINDANAO		8
1	BASILAN	1
2	LANAO DEL SUR	2
3	MAGUINDANAO	2
4	S U L U	2
5	TAWI-TAWI	1
CARAGA		9
1	AGUSAN DEL NORTE	2
2	AGUSAN DEL SUR	2
3	SURIGAO DEL NORTE	2
4	SURIGAO DEL SUR	2
5	DINAGAT ISLANDS	1

Number of Seats of Sanguaniang Panlalawigan

REGION/PROVINCE		Classification of Province 2008	District Apportionment						
			TOTAL	1 st District	2 nd District	3 rd District	4 th District	5 th District	6 th District
CAR									
1	Abra	3rd Class	8	4	4				
2	Benguet	2nd Class	10	4	6				
3	Ifugao	3rd Class	8	4	4				
4	Apayao	3rd Class	8	4	4				
5	Kalinga	3rd Class	8	4	4				
6	Mountain Province	4th Class	8	4	4				
REGION I									
1	Ilocos Norte	1st Class	10	5*	5				
	*including Laoag City								
2	Ilocos Sur	1st Class	10	5*	5**				
	* including Vigan City								
	** including Candon City								
3	La Union	1st Class	10	5*	5				
	* including San Fernando City								
4	Pangasinan	1st Class	12	2*	2	2**	2	2***	2
	*including Alaminos City								
	**including San Carlos City								
	***including Urdaneta City								
REGION II									
1	Batanes	5th Class	6	3	3				
2	Cagayan	1st Class	10	3	3	4*			
	*including Tuguegarao City								
3	Isabela	1st Class	10	3	2	3*	2		
	*including Cauayan City								
4	Nueva Vizcaya	2nd Class	10	5	5				
5	Quirino	3rd Class	8	4	4				
REGION III									
1	Aurora	3rd Class	8	4	4				
2	Bataan	1st Class	10	5	5*				
	*including Balanga City								

3	Bulacan	1st Class	10	3*	2	2	3**		
	*including Malolos City								
	**including San Jose Del Monte City and Meycauayan City								
4	Nueva Ecija	1st Class	10	3	2*	2**	3***		
	*including San Jose City & Science City of Munoz								
	**including Cabanatuan City and Palayan City								
	***including City of Gapan								
5	Pampanga	1st Class	10	2	3	3*	2		
	*including San Fernando City								
6	Tarlac	1st Class	10	3	4*	3			
	*including Tarlac City								
7	Zambales	2nd Class	10	3	7				
REGION IV – A									
1	Batangas	1st Class	10	2	3*	2**	3***		
	*including Batangas City								
	**including Tanauan City								
	***including Lipa City								
2	Cavite	1st Class	10	3*	4**	3***			
	*including Cavite City								
	**including Trece Martirez								
	***including Tagaytay City								
3	Laguna	1st Class	10	3*	3**	2***	2		
	*including Santa Rosa City								
	**including Calamba City								
	***including San Pablo City								
4	Quezon	1st Class	10	2	3*	2	3		
	*including Lucena City								
5	Rizal	1st Class	10	4	4				
	Antipolo City (2 seats allocated			1	1				
	for Sangguniang Panlalawigan)								
REGION IV – B									
1	Marinduque	4th Class	8	4	4				
2	Occidental Mindoro	2nd Class	10	5	5				
3	Oriental Mindoro	1st Class	10	5*	5				
	*including Calapan City								

4	Palawan	1st Class	10	5	5				
5	Romblon	3rd Class	8	4	4				
REGION V									
1	Albay	1st Class	10	3*	3**	4***			
	*including Tabaco City								
	**including Legaspi City								
	***including Ligao City								
2	Camarines Norte	2nd Class	10	5	5				
3	Camarines Sur	1st Class	10	3	2	2	3*		
	*including Iriga City								
4	Calanduanes	3rd Class	8	4	4				
5	Masbate	1st Class	10	2	4*	4			
	*including Masbate City								
6	Sorsogon	2nd Class	10	5*	5				
	*Sorsogon City								
REGION VI									
1	Aklan	2nd Class	10	5	5				
2	Antique	2nd Class	10	5	5				
3	Capiz	1st Class	10	5*	5				
	*including Roxas City								
4	Guimaras	4th Class	8	4	4				
5	Iloilo	1st Class	10	2	2	2	2*	2	
	*including Passi City								
6	Negros Occidental	1st Class	12	2*	2**	2***	2****	2*****	2*****
	*including Escalante City and San Carlos City								
	**including Cadiz City and Sagay City								
	***including Silay City, Victorias City and Talisay City								
	****including Bago City and La Carlota City								
	*****including Himamaylan City								
	*****including Kabankalan City and Sipalay City								
REGION VII									
1	Bohol	1st Class	10	3*	3	4			
	*including Tagbilaran City								
2	Cebu	1st Class	12	2*	2	2**	2	2***	2****
	*including Talisay City								

	**including Toledo City								
	***including Danao City								
	****including Mandaue City								
3	Negros Oriental	1st Class	10	3*	4**	3***			
	*including Canlaon City								
	**including Bais City, Dumaguete City and Tanjay City								
	***including Bayawan City								
4	Siquijor	5th Class	6	3	3				
REGION VIII									
1	Biliran	4th Class	8	4	4				
2	Leyte	1st Class	10	2	2	2	2	2	
3	Eastern Samar	2nd Class	10	5	5				
4	Northern Samar	2nd Class	10	5	5				
5	Samar	1st Class	10	5*	5				
	*including Calbayog City								
6	Southern Leyte	3rd Class	8	4*	4				
	*including Maasin City								
REGION IX									
1	Zamboanga del Norte	1st Class	10	2*	4**	4			
	*including Dapitan City								
	**including Dipolog City								
2	Zamboanga del Sur	1st Class	10	5*	5				
	*including Pagadian City								
3	Zamboanga Sibugay	2nd Class	10	5	5				
REGION X									
1	Bukidnon	1st Class	10	3	4*	3			
	*including Malaybalay City and Valencia City								
2	Camiguin	5th Class	6	3	3				
3	Lanao del Norte	2nd Class	10	4	6				
4	Misamis Occidental	2nd Class	10	5*	5**				
	*including Oroquieta City								
	*including Ozamis City and Tangub City								
5	Misamis Oriental	1st Class	10	5*	5				
	*including Gingoog City								
REGION XI									

1	Compostela Valley	1st Class	10	5	5				
2	Davao del Norte	1st Class	10	5*	5**				
	*including Tagum City **including Island Garden City of Samal & Panabo City								
3	Davao Oriental	1st Class	10	5	5				
4	Davao del Sur	1st Class	10	5*	5				
	*including Digos City								
REGION XII									
1	North Cotabato	1st Class	10	5	5*				
	*including Kidapawan City								
2	Sarangani	2nd Class	10	4	6				
3	South Cotabato	1st Class	10	3	7*				
	*Koronadal City								
4	Sultan Kudarat	1st Class	10	5*	5				
	*including Tacurong City								
ARMM									
1	Basilan	3rd Class	8	4*	4				
	*including Isabela City								
2	Lanao del Sur	1st Class	10	5*	5				
	*including Marawi City								
3	Maguindanao	1st Class	10	5	5				
4	Sulu	2nd Class	10	5	5				
5	Tawi-tawi	3rd Class	8	4	4				
CARAGA									
1	Agusan del Norte	3rd Class	8	1	7				
2	Agusan del Sur	1st Class	10	5	5				
3	Surigao del Norte	2nd Class	10	5	5*				
	*including Surigao City								
4	Surigao del Sur	1st Class	10	5	5*				
	*including Bislig City								
5	Dinagat Islands	2nd Class	10	5	5				

Number of Seats of Sanguaniang Panglunsod

REGION	PROVINCE	Cities whose voters do not participate in the election for provincial officials	Cities whose voters participate in the election for provincial officials							
				DISTRICT APPORTIONMENT						
					1 st	2 nd	3 rd	4 th	5 th	6 th
NCR										
		City of Manila		36	6	6	6	6	6	6
		Quezon City		24	6	6	6	6		
		Caloocan City		12	6	6				
		Pasay City		12	6	6				
		Mandaluyong City		12	6	6				
		Pasig City		12	6	6				
		Marikina City		16	8	8				
		Las Piñas City		12	6	6				
		Valenzuela City		12	6	6				
		Malabon City		12	6	6				
		Navotas City		12	6	6				
		Makati City		16	8	8				
		Muntinlupa City		16	8	8				
		Parañaque City		16	8	8				
		San Juan City		12	6	6				
		Taguig City		16	8	8				
CAR										
	BENGUET									
		Baguio City		12						
REGION I										
	ILOCOS NORTE									
			Laoag City	10						
	ILOCOS SUR									
			Candon City	10						
			Vigan City	10						

	LA UNION									
			San Fernando City	12						
	PANGASINAN									
		Dagupan City*		10						
			Alaminos City	10						
			San Carlos City	10						
			Urdaneta City	10						
REGION II										
	CAGAYAN									
			Tuguegarao City	12						
	ISABELA									
		Santiago City*		10						
			Cauayan City	10						
REGION III										
	BATAAN									
			Balanga City	10						
	BULACAN									
			San Jose del Monte City	12	6	6				
			City of Malolos	10						
			City of Meycauayan	10						
	NUEVA ECUIJA									
			Cabanatuan City	10						
			Gapan City	10						
			Palayan City	10						
			San Jose City	10						
			Science City of Muñoz	10						
	PAMPANGA									
		Angeles City*		10						
			San Fernando City	10						

	TARLAC									
			Tarlac City	10						
	ZAMBALES									
		Olongapo City*		10						
REGION IV-A										
	BATANGAS									
			Batangas City	10						
			Lipa City	10						
			Tanauan City	10						
	CAVITE									
			Cavite City	10						
			Tagaytay City	10						
			Trece Martires Ci	10						
	LAGUNA									
			Calamba City	10						
			San Pablo City	10						
			Santa Rosa City	10						
	QUEZON									
			Lucena City	10						
	RIZAL									
			Antipolo City	16	8	8				
REGION IV-B										
	ORIENTAL MIN DORO									
			Calapan City	10						
	PALAWAN									
		Puerto Princessa City*		10						
REGION V										
	ALBAY									

			Ligao City	10						
			Legaspi City	10						
			Tabaco City	10						
	CAMARINES SUR									
			Iriga City	10						
		Naga City*		10						
	MASBATE									
			Masbate City	10						
	SORSOGON									
			Sorsogon City	12	4	4	4			
REGION VI										
	CAPIZ									
			Roxas City	10						
	ILOILO									
		Iloilo City		12						
			Passi City	10						
	NEGROS OCC.									
		Bacolod City		12						
			Bago City	10						
			Cadiz City	10						
			Escalante City	10						
			Himamaylan City	10						
			Kabankalan City	10						
			La Carlota City	10						
			Sagay City	10						
			San Carlos City	10						
			Silay City	10						
			Sipalay City	10						
			Talisay City	10						
			Victorias City	10						

REGION VII										
	BOHOL									
			Tagbilaran City	10						
	CEBU									
		Cebu City		16	8	8				
			Danao City	10						
		Lapu-Lapu City*		10						
			Mandaue City	10						
			Talisay City	10						
			Toledo City	10						
	NEGROS ORIENTAL									
			Bais City	10						
			Bayawan City	10						
			Dumaguete City	10						
			Canlaon City	10						
			Tanjay City	10						
REGION VIII										
	LEYTE									
		Ormoc City*		10						
		Tacloban City*		10						
	SAMAR									
			Calbayog City	12	6	6				
	SOUTHERN LEYTE									
			Maasin City	10						
REGION IX										
	BASILAN									
			Isabela City	10						
	ZAMBOANGA									

	DEL NORTE									
			Dapitan City	10						
			Dipolog City	10						
	ZAMBOANGA DEL SUR									
			Pagadian City	10						
		Zamboanga City		16	8	8				
REGION X										
	BUKIDNON									
			Malaybalay City	10						
			Valencia City	10						
	MISAMIS OCCIDENTAL									
			Oroquieta City	10						
			Ozamis City	10						
			Tangub City	10						
	MISAMIS ORIENTAL									
		Cagayan de Oro City		16	8	8				
			Gingoog City	10						
	LANAO DEL NORTE									
		Iligan City*		10						
REGION XI										
	DAVAO DEL NORTE									
			Tagum City	10						
			Island Garden City Samal	12	4	4	4			
			Panabo City	10						

	DAVAO DEL SUR									
		Davao City		24	8	8	8			
			Digos City	10						
REGION XII										
	COTABATO									
			City of Kidapawa	10						
	MAGUINDANAO									
		Cotabato City*		10						
	SOUTH COTABATO									
		Gen. Santos City*		12						
			Koronadal City	10						
	SULTAN KUDARAT									
			Tacurong City	10						
ARMM										
	LANAO DEL SUR									
			Marawi City	10						
CARAGA										
	AGUSAN DEL NORTE									
		Butuan City*		10						
	SURIGAO DEL NORTE									
			Surigao City	10						
	SURIGAO DEL SUR									
			City of Bislig	10						
* does not participate in the election for provincial officials but vote for member of the House of Representative										

Number of Seats of Sanguaniang Bayan				
REGION/PROVINCE/	Classification 2008	District Apportionment		
MUNICIPALITY		Total	1st District	2nd District
NAT'L CAPITAL REGION				
Pateros	1st Class	12	6	6
<p><i>NOTE: All other municipalities outside Metro Manila including the newly created municipalities namely, Hadji Muhtamad and Tabuan-Lasa of Basilan, Omar, Sulu and Datu Hoffer Ampatuan, Shariff Saydona Mustapha and Datu Salibo of Maguindanao shall each have 8 councilors to be elected at large.</i></p>				