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# PHILIPPINES: ADVANCING REFORMS IN PHILIPPINE ELECTION ADMINISTRATION

## IFES FINAL PROJECT REPORT



October 2005 - November 2008

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Final Project Report  
Philippines: Advancing Reforms in Philippine Election Administration

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## I. INTRODUCTION

This final report concludes the implementation of IFES' activities carried out under the program "***Advancing Reforms in Philippine Election Administration***" with funding from the United States Agency for International Development (USAID). The program was implemented from October 1, 2005 through November 30, 2008.

IFES is an international NGO that supports development of democracy around the world. Since 1987, IFES has been engaged in a broad range of democracy and governance programming, including elections assistance, in more than 100 countries. IFES is widely known for the nonpartisan role it maintains in elections and for the consistent quality of the technical electoral assistance services it provides.

The ***Advancing Reforms in Philippine Election Administration*** program was built on the recommendations proposed by a team of IFES consultants who traveled to the Philippines in March 2004 to assess the political situation, at the invitation of the President of the Republic of the Philippines. The team found that the 2004 election cycle was plagued by operational and political deficiencies, such as the use of manual election methodologies, and a deficient level of training of election officials by the COMELEC<sup>1</sup>. The final report recommended supporting modernized electoral reform in many areas, including voter education, legal framework and institutional change within the election administration itself.

As a result, IFES designed this project to address the immediate and long-term electoral reform agenda by working through civil society and directly with the COMELEC. Over the 3.2 years of the project, IFES achieved important results such as:

1. Enhancing the professional capacity of COMELEC through the establishment of standardized training resources, including an Election Handbook and Training Guide and the Election Resource and Training Center<sup>2</sup> (ERTC);
2. Establishing Citizens CARE, the only volunteer and wide-reaching election monitoring and voter education network in the Autonomous Region for Muslim Mindanao (ARMM); and,
3. Assisting key local partners to build Philippine election capacity to conduct modern elections and increase confidence in the electoral process, closing the knowledge gap in the areas of election adjudication, the appointment of COMELEC Commissioners, political finance, election automation, and more.

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<sup>1</sup> The Philippine Commission on Elections, abbreviated as "COMELEC."

<sup>2</sup> COMELEC named this the Bagongbotante Knowledge Base Center.

## II. PROJECT CONTEXT

The overall goal of the *Advancing Reforms in Philippine Election Administration* program was to strengthen the key foundations of democratic governance in the Philippines. IFES proposed to meet this overall goal by a) increasing the capacity of the COMELEC and thereby improving election administration and management; b) engaging civil society in the electoral reform movement; and c) providing technical assistance to both civil society groups and the COMELEC in encouraging comprehensive legal reform.

Throughout the course of the program, IFES navigated a volatile political and electoral environment. The May 2007 Synchronized National and Local Elections<sup>3</sup>, the main electoral exercise conducted during this program, was deemed an overall success by most international and domestic observer groups. However, IFES observers who were deployed around the country with local partner organizations documented notable exceptions, such as vote-buying, underage voting, “flying” voters and a lack of secrecy of the ballot. Furthermore, the delayed signing of the automation bill into law by President Arroyo pushed COMELEC to postpone automation of the elections to 2010, sparked furious debate between COMELEC, Congress and technical experts on COMELEC’s ability to automate as required by law.

After the May 2007 elections, corruption allegations led to recurring changes in the leadership of COMELEC. This affected IFES’ ability to work with the electoral body until the last month of this program, when IFES was able to implement its two long-awaited programs, the Election Technology and Vendor Fair Exhibition (ETCVE) and the inauguration of the Election Resource and Training Center (ERTC)<sup>4</sup>. These achievements were particularly remarkable, given that, for most of 2007, IFES’ relationship with the COMELEC was put on hold due to concerns by some Commissioners that IFES’ assistance to the COMELEC violated the ‘foreign intervention’ section of Article 9 of the Constitution on Constitutional Commissions. Under the leadership of current COMELEC Chairman Jose Melo, this issue was resolved and IFES’ cooperation with the COMELEC was re-invigorated.

Also of great concern during this period was the assassination of two of COMELEC’s legal department heads. Attorney Alioden Dalaig was shot and killed outside of a Manila casino in November 2007 and Attorney Wynne Asdala subsequently suffered the same fate outside of the COMELEC offices in March 2008. These tragic events and the subsequent leadership vacuum severely impaired IFES’ ability to work with the legal department on reform initiatives and campaign finance detection and enforcement trainings. However, the appointment of a new, reform-minded director of the legal department bodes well for future efforts.

As 2010 approaches, politicians continue to position themselves for a presidential run. Three of the COMELEC Commissioners remained unconfirmed and one vacancy remained in the Commission, thus making it vital for election watchdogs to stay vigilant to ensure that appropriate appointments are made prior to the 2010 elections. As COMELEC moves

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<sup>3</sup> On May 14, 2007, the Philippines successfully held Synchronized National and Local Elections where more than 45 million voters cast their ballots for 12 Senators, 212 Representatives, party-list organizations, governors, provincial and municipal councilors, mayors, and other key national and local positions.

<sup>4</sup> Officially known as the *Bagongbotante Knowledge Base Center*.



steadily to automate the upcoming elections, civil society groups will also play a key role in promoting a climate of transparency and encouraging professionalism in the Commission.

### III. PROJECT COMPONENTS/ACTIVITIES

#### A. PROGRAM COMPONENT I: IFES' WORK WITH THE COMMISSION ON ELECTIONS OF THE REPUBLIC OF THE PHILIPPINES (COMELEC)

**Building and institutionalizing COMELEC's administrative and management capacity to improve the conduct of fair and transparent elections based on modern information technology, professionalized staff and applicable legal codes.**

##### • COMELEC STRATEGIC PLANNING WORKSHOP

During the early months of the program, IFES advised COMELEC to undertake a strategic planning workshop, the results of which eventually became known as Operation MERIT (Modernization and Electoral Reform with Integrity and Transparency). The last time COMELEC conducted a similar strategic planning exercise was in the early 1990s. Ultimately, the new COMELEC action plan closely dovetailed with IFES' current program description targeting critical areas of need, including legal reform, training and voter education.

COMELEC career officials attending the strategic planning workshops in 2006 met to define major problem areas and identify priority capacity-building activities and solutions for the 2007 to 2010 period. Illustrating ownership of the process, COMELEC covered the majority of the program costs, including food, lodging and transportation during the course of the three planning exercises attended by over 200 COMELEC senior staff. IFES provided training expertise through its local partner, the National College of Public Administration and Governance of the University of Philippines (UP-NCPAG) and additional technical assistance during the development and implementation stage.

Through this workshop series, IFES' objective was to facilitate COMELEC's effective performance of its constitutional mandate to conduct timely, accurate, fair, honest, orderly and credible elections. The trainings were directed at enhancing the capacity of participants in strategic planning and monitoring, enabling critical thinking on the factors that have strategic impact on COMELEC's institutional direction, and assisting participants in the formulation of a Five Year Strategic Action Plan (2006-2010). The workshop series was held in three phases to allow maximum participation, solicit input from field personnel and guarantee broad ownership in the process to ensure subsequent institutionalization of the results. Output from each preceding phase was used as input during the subsequent sessions, and the results were ultimately integrated and presented to the COMELEC en banc<sup>5</sup>.

Recurring themes presented by the working groups included decentralizing the organization's structure, strengthening the independence of the Commission and increasing outreach to external stakeholders. Key activities identified for intervention included updating the voter list, developing the human resources department, prioritizing voter

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<sup>5</sup> The Commission on Elections formally adopted OPERATION MERIT as the strategic plan for 2006 to 2010 in Comelec Resolution No. 7669, dated May 24, 2006.

education, restructuring logistics procedures and improving the basic infrastructure of the COMELEC. Specifically, seven critical areas were identified as requiring immediate attention: professionalization and human resource development, modernization (automation), codification of electoral laws, voter education, policy advocacy, organizational restructuring, and networking with external stakeholders. Action and corresponding monitoring plans were drafted to define specific activities that should be put into effect to respond to these key challenges.

Despite suffering from one of the lowest levels of credibility in the history of the organization, COMELEC personnel kept a positive and focused outlook. COMELEC leaders revised the COMELEC vision, mission and value statements. The workshop series provided an opportunity for the participants to receive presentations on the current status of the modernization and voter education programs, which was particularly important for field personnel. Teambuilding was another positive outcome from bringing various COMELEC staff members together. Participants left at the end of the week with a renewed sense of confidence and direction, and committed personally to implementing the necessary internal reforms to improve efficiency and ethics.

As a result of this exercise, feedback from the strategic planning series was prepared as an input into the COMELEC's 2007 planning and budgeting exercise undertaken in February of 2007. Inclusion of these well-structured action plans and their corresponding budgets strengthened COMELEC's request to the funding authority for support of their priority programs.

#### • COMELEC ELECTION HANDBOOK AND TRAINER'S GUIDE

In November of 2006, IFES deployed international training expert Ian Smith to the Philippines to assist COMELEC on the development of an election manual for COMELEC election officers, the first such effort to provide uniform guidance to election officers on election rules and procedures. Smith first conducted a training needs assessment with COMELEC Commissioners and senior staff, representatives of the COMELEC National Pool of Trainers (CNPT), and UP-NCPAG. Based on this feedback, Smith worked closely with the Planning Department of COMELEC to draft training materials and develop a viable training program for the May 2007 elections.

During spring 2007, IFES and its local training partner UP-NCPAG provided significant technical support to COMELEC by conducting trainings and workshops on training effectiveness, the Election Trainer's Guide, values training, and election processes monitoring. The training effectiveness module developed adult learning training methods to build the capacity of COMELEC trainers. The training guide workshop introduced COMELEC staff to draft versions of the COMELEC Election Handbook and lead to the development of a draft training guide and election handbook. The values training included the signing of a code of conduct aimed to govern the behavior of COMELEC staff as part of an effort to improve the perception of COMELEC as a trustworthy institution, reduce corruption, and instill a renewed institutional emphasis on values and ethics. Finally, the election processes monitoring trainings built the capacity of COMELEC head office staff to conduct specific project monitoring and evaluation and to conduct internal monitoring of the election period processes.

The Handbook, available in hardcopy at IFES' Philippines office, was published in binder form both for readability and for ease of modification, and came with a trainer's guide that was used for the COMELEC regional trainings. The election manual consists of three sections: Ethics and Values, Laws and Regulations, and Operations and Procedures.

The development of this manual will be key to the future success of COMELEC's regional training programs, marking beginning efforts by COMELEC to provide standardized training through all levels of the electoral process, and contributing to the significant improvement in the training process for Board of Election Inspectors (BEIs). Election Officers were extremely impressed by the handbooks and were eager to use them for future training with BEIs. They pointed out that such a publication was the first resource they had been given during their service as officers. IFES was thanked by COMELEC for its role in the process<sup>6</sup>.

#### • COMELEC PROFESSIONALIZATION TRAININGS IN ELECTION ADMINISTRATION AND MANAGEMENT

IFES and UP-NCPAG continued to closely monitor and provide support to COMELEC to ensure the implementation of the strategic plan's recommendations. With the support of key Commissioners, staff members pushed forward to institutionalize the new mission, vision and values statement from the strategic workshops.

COMELEC began its regional training program utilizing the new Election Handbook and Trainer's Guide. In the spring of 2007, 18 trainers were selected from among COMELEC staff to participate in a train-the-trainer program developed and implemented by UP-NCPAG for the new COMELEC National Pool of Trainers (CNPT).

UP-NCPAG and IFES provided the CNPT with feedback on the trainers' subsequent use of comprehensive training and adult learning methodologies. The trainings cascaded from the COMELEC National Pool of Trainers/Resource Persons to election officers (EOs), to the school principals and finally to the board of election inspectors (BEI). These trainings were monitored by IFES and UP-NCPAG based on a monitoring plan drafted prior to the training roll-out.

In March, IFES printed and delivered approximately 2,000 copies of the Handbook (together with training guides described above) to the COMELEC, which were provided to all election officers in preparation for the May 2007 electoral process. Cascade trainings successfully reached the municipal level, but due to time and agency coordination constraints leading up to the election, principal and BEI level trainings fell short of their expected target.

*In my 22 years being a part of COMELEC family, it is the first time that offices in the field were provided with a very excellent Handbook filled with detailed information about all phases of our work. A Handbook simplified and subjective in presentation, very easy to digest and vividly displayed in color according to topic specified. It is an exciting transformation from a mere newsprint guide before, into state of the art, hard bound covered BOOK FORM to last forever. It is a complete guide very much vital to be mastered. – Janet F. Besing, Election Officer II, Province Agusan del Sur, Talacogon municipality.*

<sup>6</sup> The feedback of the COMELEC officers and staff on the manual is contained in the Regional Assessment/Evaluation on Handbooks, Demo-Video and Training Set-Up on Voting, Counting, and Canvassing.

In January 2008, IFES, UP-NCPAG and COMELEC conducted a three-day capacity enhancement program evaluation workshop to examine the results of the cascade trainings and identify areas for improvement. With the assistance of UP-NCPAG facilitators and IFES training expert Ian Smith, 36 participants shared and analyzed experiences in managing trainings, evaluated results, and examined challenges and opportunities for implementing trainings across the COMELEC. They discussed the future of these trainings in light of the 2010 elections and ongoing modernization initiatives by the COMELEC.

The recommendations from the workshop were well-received by the six Commissioners at the time (Resurreccion Borra, Florentino Tuason, Romeo Brawner, Rene Sarmiento, Nicodemo Ferrer and Moslemen Macarambon), which led to further meetings with COMELEC senior staff and the development of a more refined training needs assessment survey. This assessment will be used as an input in IFES' continuing capacity building programs with COMELEC.

Since then, CNPT have served as the capacity-building resource for the professionalization of COMELEC staff. In 2008, COMELEC drew on these personnel to conduct training programs leading up to the August ARMM elections, thus showing the sustainability of this initiative.

#### • COMELEC EXPOSURE TO INTERNATIONAL STANDARDS AND PRACTICES

##### Commissioner's Retreat

On January 26 – 28, 2007, IFES brought together COMELEC Commissioners and their Chiefs of Staff for a Commissioners' retreat. In attendance were Commissioners Tuason, Borra and Sarmiento with their Chiefs of Staff, along with the Chiefs of Staff of Chairman Abalos and Commissioner Brawner. Retreat topics included Interaction with External Electoral Stakeholders; Electoral Technology; Reaching out to the Public and Educating the Voters; Organizational Development; Legal Reform and Electoral Dispute Resolution; and Training of BEIs and BOCs.

The retreat gave the Commissioners an opportunity to become familiar with the work of the planning department, the Election Manual, and various election technologies—all topics the Commissioners needed to understand to be able to speak on authoritatively in the lead up to, and conduct of, the May elections. The goal of the retreat was to conduct a program that followed on the strategic plans embodied in Operation MERIT and strengthened the COMELEC as an election administration and management body. IFES' primary facilitator was Peter Erben, an international election administration and management expert, with presentations by Marcin Walecki, Ian Smith and Hank Valentino.

The materials and information provided during the retreat were of particular interest to Commissioner Rene V. Sarmiento, who repeatedly used them in subsequent speeches and for advocacy within the Commission (duly attributed to IFES). Because of his positive experience, he encouraged the holding of a second retreat in 2008 with the current Commission, which was held under the IFES' Philippines Election Reform Project.

Observation of the July 2, 2006 Mexican Elections and Participation at the 35th Annual IACREOT Conference

As part of IFES' capacity-building program with COMELEC, Jose M. Tolentino, then Deputy Executive Director for Operations at COMELEC, was deployed to observe the July 2, 2006 general elections in Mexico as an accredited electoral observer. Mexico was chosen because it is similar to the Philippines in terms of geography, population, education levels and cultural diversity. Following his trip, Tolentino presented his experience and lessons learned to the COMELEC at a staff briefing.

Jose Tolentino also participated in the 35<sup>th</sup> annual International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT) meeting in San Francisco. His participation at IACREOT exposed him to various kinds of election equipment and the experiences of other countries' election officials, primarily from the United States.

Tolentino's subsequent promotion to Executive Director in January 2008 increased the impact of his experiences in Mexico and San Francisco. In this position, he has been able to implement many of the lessons learned from his travels abroad.

• **POLITICAL FINANCE – TRAINING IN DETECTION AND ENFORCEMENT EVALUATION (TIDE)**

In December 2007, IFES' political finance expert, Marcin Walecki, traveled to the Philippines to evaluate COMELEC's capacity to detect and enforce campaign finance regulations and to work with the COMELEC on designing a training program to enhance the same. Following Walecki's presentation before the COMELEC on IFES' Money and Politics (MAP) and Training in Detection and Enforcement (TIDE) programs, the Commissioners openly discussed the challenges that COMELEC faces in asserting its independence and transparency. They expressed great interest in the program, and Commissioner Sarmiento promised to introduce a resolution en banc to support its implementation.

During Walecki's visit, IFES also met with personnel from the COMELEC law department and discussed the possibility of publishing campaign finance reports submitted by candidates on the COMELEC website. Although some law department staff were open to the idea, all noted that it would require a resolution from the COMELEC en banc to implement it, which IFES promised to actively pursue.

This activity was placed on hold until 2009 given the appointments of new Commissioners, the precedence of the automation effort, the killing of two COMELEC law department officials and the pending political party bill, which will affect the legal framework surrounding campaign finance in the Philippines. Additionally, COMELEC informed IFES that campaign finance is a low priority for the Commission right now, and would prefer to wait until late 2009 to concentrate on the issue.

- **COMELEC ELECTION RESOURCE AND TRAINING CENTER (ERTC)**

*Trainings on Modernized, User-friendly Library Techniques*

IFES also worked with the University of the Philippines School of Library and Information Science (SLIS) to conduct a five-day library training in January 2008 to encourage modernization of COMELEC's public website. Trainees included three COMELEC librarians, and two people each from the COMELEC Education and Information Department (EID), Election Records and Statistics Department, and IT departments. Participants toured libraries and knowledge centers within Metro Manila that were modern or fully-automated in an effort to showcase modernized systems of cataloguing and classifying print and non-print materials. The US Library of Congress website was used as a hands-on practical exercise for how user-friendly websites can be, encouraging staffers to emulate these practices in their work. IFES compiled and transferred materials to the COMELEC library to sustain this initiative.

The librarians have since begun to develop their own electronic database of the resource center materials and will eventually upload it to the web for access by COMELEC staff and the general public.

*Establishment of the Election Resource and Training Center*

On November 14, 2008, as a culmination of several years' efforts, COMELEC launched the Election Resource and Training Center. USAID and State Department representatives participated in the turnover to COMELEC Commissioners and officials. The officially named "*Bagongbotante* [First Time Voter] Knowledge Base Center" is located on the ground floor of the main office of the Commission on Elections in Intramuros, Manila. The launch was held to disseminate information and inform the public of future voter education activities that the Education and Information Department has planned.



COMELEC Chairman Jose Melo reviews materials at the November 2008 inaugurated Election Resource and Training Center. (Photo: COMELEC)

IFES formally turned over to COMELEC more than 100 books and journals, both local and international on topics such as electoral systems, election management, election technology, democracy, political systems, parties and public sector reform. Other materials provided were election maps, library materials and supplies. Books were shipped, free of charge, from Stockholm to the COMELEC by IFES' training resource partner, the International Institute for Democracy and Electoral Assistance (International IDEA). Equipment, such as a computer, a wireless adapter and router, a television and DVD player, were likewise donated to the Commission.

The Bagongbotante Knowledge Base Center website will assist the Commission, particularly the Education and Information Department, to maximize the reach and use of technology to a wider public by providing online access to election resources on references, laws, resolutions and news. It has already helped to increase COMELEC staff and public access to training and education materials - by the end of the project, the Center received 141 visitors, 118 of whom were field and central office employees of COMELEC and 23 were from other government agencies, private institutions and civil society organizations.

- **LAUNCHING THE ELECTION TECHNOLOGY CONFERENCE AND VENDOR EXHIBITION (ETCVE)**

After repeated delays in the early stages of implementation of this activity (see Project Context section), following a September 1, 2008 hearing of the Joint Congressional Oversight Committee (JCOC), then-Chairman Senator Richard J. Gordon encouraged COMELEC and the COMELEC Advisory Council (CAC) to pursue a vendor fair to expose the Philippine electorate to a wider selection of equipment and technical solutions, an activity IFES had been proposing since 2005.

Subsequently, in the first week of September, the CAC approached IFES to request assistance in organizing such an event. IFES launched the Election Technology Conference and Vendor Exhibition (ETCVE) on November 17-19, 2008, a week before the CAC deadline for submitting its recommendations to COMELEC. In response to IFES' invitation, COMELEC Chairman Jose Melo sent a memo to the entire Commission and senior staff directing them to attend the ECTVE.

Over three days, 253 conference attendees viewed the latest election equipment and supplies from seventeen international vendors representing nine countries as well as local election supply vendors. Participants listened to presentations on international standards in the application of technology to electoral processes from IFES' leading experts on election administration and management: IFES Pakistan Chief of Party Peter Erben, IFES voter registration and information technology expert Michael Yard, IFES election administration expert Linda Edgeworth, and IFES Indonesia Chief of Party Adam Schmidt.

The conference featured international perspectives from ten election Commissioners and officers visiting from Nepal, Malaysia, Republic of Korea, Maldives, and Bhutan. International guests of regional Election Management Bodies and local election monitors strongly emphasized the importance of training and voter education in the successful introduction and implementation of an automated system.

The COMELEC Chairman, all Commissioners, and the majority of the senior staff came to listen not only to the Chairperson address the conference, but also to the plenary presentations that followed. They took advantage of the opportunity to visit the various vendor exhibitions and tested the different equipment on display. On the second day, the COMELEC IT Department sent approximately 20 staff members to the conference and later divided themselves into groups that toured the exhibits to gain hands-on experience with the latest election technology. A total of 53 COMELEC officers and staff attended and actively participated in the event.

Additionally, COMELEC Commissioner Rene V. Sarmiento, a self-funded participant in IFES' U.S. Election Observation Program in November of 2008, presented his paper entitled "Ten Lessons from the 2008 US Presidential Election" as a contribution to the Lessons Learned in Applying Technology panel. COMELEC Director James Jimenez of the Education and Information Department (EID) also presented the new COMELEC resource [www.bagongbotante.ph](http://www.bagongbotante.ph) (discussed in the previous section).



Media participation and coverage was active and strengthened by the involvement of a highly-respected journalist and Executive Director of the internationally-renowned Philippine Center for Investigative Journalism (PCIJ), Maria Lourdes Mangahas, as conference moderator. The event received significant and positive news coverage from all the major TV networks and newspapers, which contributed to an overall rise of awareness amongst policy makers and the general public on automation and the issues surrounding its implementation.

As expected, the vendor fair provided an important venue for lively and productive discussions where the introduction of new ideas and differing points of view stimulated critical thinking and aroused interest in, and awareness of, the complexity of automating the electoral process. For example, former COMELEC Chairman Christian S. Monsod introduced the concept of an Open Election System (OES) for the rapid transmission of results, which he and several other local IT experts believe is the best solution for the Philippines. It sparked lively debate that continued even after the session ended. Another new idea that elicited interest among participants was that of early or ‘advance’ voting as a form of discouraging trending<sup>7</sup> and vote-buying practices. The session on Best Practices on Procurement, with Linda Edgeworth as the main speaker, and Government Procurement Policy Board (GPPB) member Ruby Alvarez and Clarito Magsino, of the Chief Information Officers Forum, Inc., as reactors, generated excitement among COMELEC staff and civil society as they realized the different potential solutions surrounding the procurement process.

The last day of the ETCVE was devoted to the conduct of focus group discussions to evaluate the selected technology options for automated voting for the upcoming 2010 synchronized presidential, national and local elections. The Parish Pastoral Council for Responsible Voting, a member of the CAC mandated to recommend the most appropriate voting technology to the COMELEC, facilitated the discussions. A total of 150 randomly selected individuals of varying ages and educational backgrounds participated in a unique, hands-on experience with the various election technologies that participating international and local vendors demonstrated. The demonstrations served as a basis for the focus group event. PPCRV submitted the results of the focus group discussions to the CAC in time for the latter’s submission of recommended election technology options for the 2010 elections.



A blind voter testing a direct electronic recording (DRE) machine at the November 2008 Election Technology Conference and Voter Exhibition (Photo: IFES/Philippines)

Ultimately, not only did the event raise awareness about the different types of technology available and the need to consider all options before embarking on an automation process, it also helped to identify the pitfalls and dangers presented by automation and lessons learned from similar processes around the world.

Following the event, IFES continued to respond to requests for materials and video documentation from numerous stakeholders, including regional COMELEC officials, vendors, participants and other interested parties. Conference papers are available for downloading and public viewing on the IFES Philippine website <http://www.ifes.org.ph/>.

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<sup>7</sup> “Trending” refers to the practice of results being released early (through exit polls or other mechanisms) leading to accusations of fraud.

- **IFES' TECHNICAL ASSISTANCE TO THE COMELEC**

Early in the project, the IFES Chief of Party engaged COMELEC technical advisory group on the subject of election automation. Great interest was expressed by the committee regarding the systems used in the United States and the voter education initiatives that accompanied automation and modernization efforts. IFES provided COMELEC with requested information on election automation, which imparted both valuable lessons (both best and worst practices) and a reality check for the Commission members on how much time modernization and automation efforts took in the U.S.

In 2007, IFES attended the House Committee on Suffrage and Electoral Reform (CSER) meetings on revising the electoral code regarding automation of the election process. Linda Edgeworth, the resource person for this activity, provided recommendations to the committee, several of which were incorporated in the new draft and were supported by members of the information technology community working group. They advocated the phasing in of any new technology and ensuring that voter education and training is given priority prior to implementation of any new system.

Ultimately, in February 2007, RA 9369, or the Automated Election Systems law was passed by the Philippine Congress and signed into law by President Arroyo.

Prior to the May 2007 elections, IFES helped COMELEC achieve important strides in improving its voter education and media outreach processes by developing a series of voter education TV and radio ads as part of a voter education/outreach strategy. Within seven days, the five TV ads were aired 191 times on seven different stations. KBP (Philippine Broadcaster's Association) and the TV stations donated the air-time at a market-value cost of 15-20 million pesos. IFES also developed ten radio commercials which were distributed to 400 radio stations nationwide. All four major advertising agencies waived their creative fees and their usual 17.6% agency fees, exemplifying a positive example of private sector involvement in improving the electoral process. IFES shouldered all of the production costs for the commercials. The ads reached millions of people, and may provide a model for COMELEC to follow in the future, in addition to increasing the positive links between COMELEC and the media.

## **B. PROGRAM COMPONENT II: STRENGTHENING CIVIL SOCIETY**

**Enhancing civil society's involvement in election reform in the areas of voter education, domestic monitoring, transparency in the nomination of electoral commissioners, political financing monitoring and election complaints adjudication.**

- **CITIZENS CARE**

Citizens CARE is a consortium of non-governmental organizations in the Autonomous Region of Muslim Mindanao (ARMM) to advance electoral reforms in the region. The

founding of Citizens CARE resulted from an IFES sponsored-event in 2005 where six member organizations initially comprised the organization. Over time, Citizens CARE has grown to a consortium of 36 organizations from all five provinces in the ARMM. Since its establishment, it has conducted four election monitoring activities. COMELEC accredited Citizens CARE as a citizen's arm for the August 2005 ARMM regional elections, the May 14, 2007 synchronized national and local elections, the October 29, 2007 Barangay and Sangguniang Kabataan elections and the most recent August 11, 2008 ARMM regional elections.

*Strengthening Election Processes through Voters Education and Election Monitoring (SEPVEEM)*

After its founding, Citizens CARE developed an ambitious project entitled "Strengthening Election Process through Voters Education and Election Monitoring in the Autonomous Region in Muslim Mindanao (SEPVEEM)." SEPVEEM aims to empower disadvantaged community members with knowledge and skills that will enable them to improve their lot by actively participating in the decision making processes and exercising their right to suffrage responsibly. From May 1, 2006 to May 31, 2008, Citizens CARE implemented SEPVEEM Phase 1. SEPVEEM has three modes of intervention: Pulong Tayo/PT (Let's Meet), Ugnayan Tayo/UT (Let's Link Up), and Election Monitoring.

Pulong Tayo is the community-based voter education activity of Citizens CARE. It entails mobilizing and training the extensive staff and volunteers of Citizens CARE throughout the ARMM, including its Provincial Management Committee members, partner organizations, full-time provincial coordinators, and municipal and barangay (village) election gurus (or trainers). The methodology used in holding PTs involved the development of voter education materials with technical support and assistance from IFES voter education experts and the conduct of Training of Trainers for Citizens CARE facilitators (also called election gurus). The strategy employed cascade training, which starts at the provincial level, and is then replicated at the municipal level (where the municipal election gurus, or MEGs, are trained) and the barangay level (where the barangay election gurus, or BEGs, are trained). The barangay is the smallest politico-administrative unit of the Philippines, and it is in the barangay where BEGs would deliver important voter education messages to the community.

So far, Citizens CARE has conducted three types of PTs since it began roll out of its voter education activities in 2006. The modification of the contents and methods for conducting PTs is driven by the need to continuously update the voter education messages in response to the need of the voters, given the number of electoral exercises held in the region, continuing problems with cleansing the voters list of multiple registrants and the piloting of automated equipment in the 2008 ARMM regional elections.



For its pioneering PT (called PT1) project, Citizens CARE's voter education focused on the history of the ARMM and the responsibilities of and interaction between authorities of the various levels of government. The developed flipcharts and script materials also stressed the importance of exercising civic responsibility by registering to vote and taking an active role in reversing years of irregular electoral practices. PT2, on the other hand, focused on

how a voter should relate to the elections and voting process in general, instructing voters on election day procedures, the roles of various actors, and promoting the values of free and fair elections to the population of the ARMM. PT3 involved the development of a manual that incorporates a participatory mock election exercise that produced a list of scenarios that deal with election-day related conflicts and strategies or solutions that will address these situations.

Moreover, various templates of materials or “props” were developed for the mock election exercise, including a functional ballot box, ballots, election returns, secrecy folders, voter lists, IDs, tally sheets and various sundry stamps, envelopes and forms. There were some government line agencies that requested the PT materials that Citizens CARE developed, which they used in educating their personnel and staff on elections, democracy and governance. Among these were the Armed Forces of the Philippines (AFP), which integrated the materials into the AFP Army Literacy Patrol System curriculum; the Department of Social Welfare and Development (DSWD), which allowed Citizens CARE gurus to conduct PT as part of DSWD’s literacy classes, and the Philippine National Police. A private, non-profit organization, the Notre Dame Foundation for Charitable Activities Inc.-Women in Enterprise Development (NDFCA-WED), also integrated the PT materials into the NDFCA-WED literacy curriculum. This adoption of Citizens CARE’s voter education materials and methodology resulted in an unforeseen multiplier effect that reached thousands of additional citizens in the ARMM as indirect beneficiaries of the SEPVEEM program. This is one indication of the widespread acceptance of, and support and commitment to, the voter education activity and other electoral reform activities that Citizens CARE has been trailblazing in the region.

For its PT1 roll out, Citizens CARE conducted a total of 231 training programs (32% of the targeted 710) with 5,062 participants. For PT2, it conducted 630 (or 89% of the target 710), with 14,011 participants. For PT3, as of November 30, 2008, Citizens CARE was able to reach its target of 1,000 (100% of the target) training programs with 15,346 participants. As Citizens CARE conducts its voter education activities, it considers the potential multiplier effect<sup>8</sup> of the PTs. Citizens CARE facilitators and trainers believe that community members pass on important Citizens CARE voter education messages and what they have learned to others after attending a PT.

Pre-and post-tests of PT participants showed a significant increase in knowledge on the topics addressed in each PT. This was particularly marked in more rural areas, where before the sessions many participants had little or knowledge of elections and democratic principles. Data from the pre-and post-tests were entered into the Citizens CARE database (see below for more details).

The increase in the number of PT’s conducted through time can be attributed to the expansion of the organization from originally having six member organizations to having more than 30 members in less than three years. Since the organization was able to expand its membership, it was able to increase its areas of coverage. Under SEPVEEM 1, Citizens CARE was able to cover 59 municipalities (or close to 50% of the total number of municipalities in the ARMM). Under SEPVEEM 2, however, Citizens CARE was able to cover 80 municipalities in the region (or more than 70% of the total ARMM municipalities).

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<sup>8</sup> Citizens CARE pegs the multiplier effect of its voter education activities at 7, based on estimated household size.

Citizen's CARE's Ugnayan Tayo, on the other hand, is a province-wide stakeholders meeting organized to discuss election and democracy issues and, consequently, to come up with unified solutions to the different challenges every election period. In this component of the SEPVEEM project, the gathering serves as a venue to increase awareness on the objectives and purpose of Citizens CARE and to elicit support for the promotion of electoral reform by entering into partnerships with public and private sectors. At every UT, key election stakeholders in the ARMM meet to share information and to coordinate election-related activities. Among those stakeholders include representatives from the COMELEC and its deputized government line agencies, media, academe, and private sectors. UTs were designed to contribute to an atmosphere of better inter-agency communication and cooperation. Previous topics that were discussed at the UTs include peace and order during elections, security of election actors, automation of elections, and election-related issues such as multiple registration, "flying voters," padded voter's lists, to name a few.

Under SEPVEEM 1, which was implemented for 24 months, a total of 37 UTs (82% of the target) were conducted out of a targeted total of 45 for all provinces in the ARMM. In all 37 UTs, close to 900 participants took part. These included representatives from Citizens CARE partners and member organizations; COMELEC and its deputized government agencies such as the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), Philippine Marines, Department of the Interior and Local Government, Department of Education, National Statistics Office; some media reporters; and representatives from the academe and interested private organizations. Approximately 60-70% of UT participants came from civil society groups.

Election monitoring is the final major component of SEPVEEM. It involves the actual observation of election day activities such as the distribution of election materials, the opening of the polling stations, voting proper, closing of the polls, counting and canvassing, and the transmission and consolidation of election results.

To date, COMELEC has accredited Citizens CARE as citizens' arm in the ARMM in four elections: August 2005 ARMM regional elections, May 14, 2007 synchronized national and local elections, October 29, 2007 Barangay (Village) and Sangguniang Kabataan/SK (Youth Council) elections, and the August 11, 2008 ARMM regional elections. In all four elections, Citizens CARE actively deployed its members and volunteers as election monitors. Citizens CARE deployed 429 monitors for the August 2005 ARMM regional elections, 5,544 monitors for the May 14, 2007 synchronized national and local elections and 2,358 monitors for the October 29, 2007 Barangay (Village) and Sangguniang Kabataan/SK (Youth Council) elections. Monitoring of the 2008 ARMM elections took place under IFES' continuing Philippine Electoral Reform Project (PERP).

Throughout the life of this project, there has been an increasing recognition of Citizens CARE's role in regard to monitoring election day activities. Media reporters (radio, newspaper, and TV) sought the opinion of Citizens CARE officers to get their perspective on, and assessment of, every electoral exercise which the organization monitored. Citizens CARE also organized post-election press conferences immediately following each election. These conferences enabled Citizens CARE to give a preliminary report on the conduct of elections as observed and reported by its wide network of volunteers and monitors deployed in the field. Lastly, Citizens CARE also made a point to present copies of its election monitoring observation reports to interested parties, especially the COMELEC.

Some of IFES' local partners also requested copies of Citizens CARE election monitoring reports.

A more detailed matrix of the breakdown of PTs, UT and monitors and volunteers for each Citizens CARE province is available as attachment to this report, along with the full monitoring reports from the three elections observed under this project.

#### *Complementary ARMM Citizen's CARE Civil Society Strengthening Activities*

In the course of implementing SEPVEEM 1, Citizens CARE also introduced activities that were integral to the projects and complemented their successful execution. These activities further strengthened Citizens CARE foothold in the ARMM as the leading electoral reform advocate, as manifested by media reports on the organization (which include regional and national broadsheets and television networks). In fact, Citizens CARE is increasingly seen by other civil society organizations as the primary voter education and election monitoring organization in the ARMM, and as such is being approached by Manila-based organizations such as the Consortium for Electoral Reforms (CER), the Parish Pastoral Council for Responsible Voting (PPCRV), Legal Network for Truthful Elections (LENTE) and other nationwide organizations to request its assistance for their election monitoring efforts. Citizens CARE is the only organization with the ability to field sufficient numbers of election monitors and access all voter precincts in the ARMM.

Among the other activities that Citizens CARE initiated were radio programs, a newsletter, development of an information database, election security summits, and monitoring of the continuing registration and organization of the Regional Coordinating Council.

#### *Radio Program*

To supplement the voter education activities of the organization, Citizens CARE also embarked on media/radio programs in all five provinces of the ARMM to discuss pressing electoral reform matters in order for people to be updated and well-informed. Expanding people's knowledge on issues is seen to improve their decision making ability and will help the public develop more sound and objective decisions during elections when they go to the polling stations to vote for the right candidates. Through the radio programs, Citizens CARE received queries from listeners on what they should do to become election monitors and volunteers. Citizens CARE member also received SMS/text messages expressing appreciation for the effort of the organization in advocating for electoral reforms in the ARMM.

#### *Newsletter*

Citizens CARE produced the first issue of its newsletter titled "Citizens CARE Update," which covers activities from January to June 2008. Citizens CARE officers, staff, and member organizations contributed news articles for the pioneering issue. Initially, 1,000 copies were reproduced and were distributed widely to member organizations in the region, COMELEC local officials and deputized COMELEC agencies such as the PNP, AFP, Department of Education, Department of the Interior and Local Government, Philippine Marines, and other local partners. The newsletter is a good social marketing tool of Citizens CARE. It was able to provide information on on-going and past activities to Citizens CARE partners. The

newsletter also helped to maintain the relationship that the organization established with its members and local partners.

#### *Database development training for Provincial Management Committee staff*

To maintain a complete record of its extensive network of trainers and volunteers, Citizens CARE also created a database that enables the organization to keep track of its members and volunteers in all five provinces of the ARMM. A series of training programs, with the assistance of IFES' local information technology expert, were conducted for the Citizens CARE provincial coordinators. The database provides information on the number of training programs/PTs conducted, geographical distribution, data on participants (including gender breakdown) and other key details needed for accurate monitoring and evaluation of SEPVEEM 1.

#### *Election Security Summits*

On March 30, 2007, Citizens CARE took the lead in organizing an Election Security Summit in Cotabato City. With technical assistance from IFES through USAID and event funding from the Canadian Embassy, the summit served as a venue for Filipino stakeholders to meet and share information on the preparations that were being undertaken by the Commission on Elections and security forces (i.e., the Armed Forces of the Philippines and the Philippine National Police) to ensure an orderly and peaceful May 2007 election. As a result of the Summit, a Memorandum of Agreement establishing specific roles and responsibilities was finalized among civil society monitors, security forces and COMELEC.

More than a year after the Summit was convened, and after two elections (May 14, 2007 synchronized national and local elections and October 29, 2007 Barangay and Sangguniang Kabataan elections), Citizens CARE held a one-day follow-up activity to assess the outcome of the resolutions that resulted from the 2007 Elections Security Summit. The second summit was a timely endeavor in light of the then forthcoming August 11, 2008 ARMM elections. The second summit, just like the first, underscored the strong cooperation, collaboration, coordination and commitment among various election stakeholders in the ARMM to develop concrete strategies for maintaining peace and order during the electoral period, and helping to ensure the safety of all actors. As previously, technical assistance was provided with USAID funding and the event itself was funded by the Canadian Embassy.

#### *Monitoring of the Continuing Registration*

While IFES worked with Citizens CARE on the design of the manual and training during the first quarter of 2008, the COMELEC Education and Information Department (EID), demonstrated interest in collaborating with Citizens CARE monitors and volunteers to help COMELEC with its continuing voter registration drive in the ARMM.

Towards the end of March 2008, the provincial Citizens CARE staff briefed and oriented COMELEC EID Teams assigned to their respective provinces of the ARMM. Citizens CARE staff also provided assistance such as manpower and logistical support to COMELEC. Citizens CARE took the lead in inviting civil society organizations, locally elected officials and other



IFES voter education and training consultant Ian Smith reviews mock election materials with Citizens CARE at a voter education session (Photo: Citizens CARE).



government agencies to participate in the COMELEC Information Drive scheduled from April 1-10, 2008. In turn, COMELEC provided materials to Citizens CARE staff to assist them in reproducing, distributing and disseminating materials to the grassroots level as part of COMELEC's information drive. COMELEC also gave Citizens CARE the authority to monitor the continuing registration. During the monitoring, some problems regarding continuing registration procedures were identified by the Citizens CARE monitoring teams. These were properly documented and shared with COMELEC for immediate action.

Additionally, COMELEC EID has indicated to Citizens CARE that it wishes to have a sustained and continuing partnership with the coalition to ensure that its voter education materials reach the greatest possible number of voters in the region through its extensive network.

#### Regional Coordinating Council

The Regional Coordinating Council (RCC) is a council of nine non-government organizations, religious groups, and legal associations based in the ARMM that are engaged in electoral reform activities. The RCC is the brainchild of the current Citizens CARE Chairperson, Salic Ibrahim, and was officially convened in time for the August 11, 2008 ARMM regional elections. Citizens CARE acts as the lead convener of the Council.

Through the RCC, electoral reform activities in the region were properly coordinated and harmonized, thus avoiding the overlap of electoral reform activities in the region. The RCC coordinated several initiatives, including the advocacy, capacity and constituency building for electoral reforms; oversaw the implementation of planned activities at the regional and local level; facilitated and advocated policy measures that democratized elections; and advocated for the understanding of why elections in the ARMM needs to be responsive to the people in the region. Ultimately, this coordinated effort resulted in a more efficient and effective use of resources of RCC member organizations and showcased Citizens CARE as the leading electoral reform champion in the region.

#### **• PHILIPPINE CENTER FOR CIVIC EDUCATION AND DEMOCRACY (PCCED) AND PHILIPPINE RURAL RECONSTRUCTION MOVEMENT (PRRM)**

Beginning in 2007, IFES' voter education and media experts Hank Valentino and Javier Calero met with the COMELEC, the Department of Education, and other organizations that have on-going and/or past civic education activities such as the Institute for Political and Electoral Reform (IPER), PRRM, and PCCED to discuss and secure support for a pilot civic education project modeled after Kids Voting USA. The pilot civic education program was to be introduced to selected fourth year high school students and out-of-school youth group. These groups were chosen as targets as they will be voting for the first time in 2010.

In May 2008, IFES met with Attorney Geronimo Sy, Asst. Secretary for Special Concerns of the Department of Education. Eventually, the Department of Education referred IFES to the University of Asia Pacific's Philippine Center for Civic Education and Democracy (PCCED), which had an existing international program on civic education that had been tried in more than 60 countries worldwide, called Project Citizen. In addition, IFES extended an invitation to the Philippine Rural Reconstruction Movement (PRRM) to be part of the project. After receiving feedback and clarification on what IFES expects from the project, PRRM and



PCCED submitted their proposal and identified pilot areas. The project commenced in June 2008.

*Philippine Center for Civic Education and Democracy (PCCED)*

PCCED conducted the pilot run of the Kids Voting Philippines project in two urban schools in Caloocan City, Metro Manila and two rural schools in Laguna province.

In September 2008, IFES provided PCCED with Kids Voting materials from Arizona and Minnesota. With these materials as a guide, PCCED developed lesson plans and questionnaires with the help of Calero and Valentino to measure the participants' knowledge of democratic principles and ideas; knowledge of Philippine government structures; and likelihood to vote in a presidential election. PCCED then conducted a teacher training workshop using seven lesson plans designed around three themes: foundational ideas (lessons 1 to 3), classroom applications (lessons 4 and 5) and process simulations (lessons 5 and 7). These lessons were validated and pilot-tested, coupled with 15 handouts which served either as conceptual readings or activity sheets. Lessons were implemented in the four pilot schools which included mock debates, simulated *miting-de-avance* (the final pre-election campaign rally that candidates hold the night before an election), and simulated elections in all pilot schools. The participants were fourth-year high school students (16-17 years old), a group specifically targeted as they will reach voting age in the 2010 elections.

PCCED subsequently evaluated the Kids Voting Philippines pilot project conducted in four schools with 227 students.

To evaluate its success, PCCED used a pre- and post-activity evaluation questionnaire that was administered to participating students before and after the Kids Voting activities. Findings indicated that knowledge increased of democracy-related concepts, such as republicanism, constitutionalism, branches of the Philippine government, and branches where officials are elected. In one school<sup>9</sup>, the percentage of students correctly identifying the three branches of government went from 0 to 98%. Students' likelihood to participate in a presidential election also increased by a high of 30%<sup>10</sup>. While some students were still conditional about the likelihood that they would vote (for example, will vote if they find the candidates worthy), responses showed a clear movement from uncertainty to certainty after the activity.

The pilot program's success is particularly important given that youth voters comprise a sizeable portion of the electorate<sup>11</sup>. Through the various activities outlined above, students were able to better understand and appreciate elections. According to evaluation forms and random interviews conducted by PCCED, students who participated felt more informed on perennial election issues, including vote buying, flying voters and *dagdag-bawas* (vote padding and shaving). In general, students agreed that Kids Voting made them aware that the right of suffrage is an opportunity that should not be wasted and a duty that should be carried out responsibly.

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<sup>9</sup> Talangan National High School in Laguna province.

<sup>10</sup> The "unconditional yes" response increased from 33% to 63% at Ma. Clara High School in Manila.

<sup>11</sup> Based on COMELEC records, voters under 30 comprise close to 30% of the voting population.

### *Philippine Rural Reconstruction Movement (PRRM)*

While PCCED pilot-tested the Kids Voting Philippines in high schools, PRRM adapted materials to work with out-of-school youth leaders from 17-23 years old, a significant population sector in the Philippines<sup>12</sup>. Topics included voter education, participatory local governance, political reform issues and organizational management and leadership. PRRM selected Quezon City, in Metro Manila, and the municipality of Ternate, in the province of Cavite, to implement the project because PRRM could tap existing community-based youth organization partners. The partnership with local, barangay-based organizations immediately gave legitimacy to the project.

In the first module on democracy sequence, participants ordered and examined the history of voting rights and democratic institutions in the Philippines to gain a better understanding of the right to vote and participate. The second module used meta-cards to help participants distinguish between those who are eligible and not eligible to vote using different scenarios. The third module consisted of a hypothetical “if elected...” question, where participants were asked to arrive at decisions as an elected leader. In the fourth module, participants targeted problems in their local community, identifying common issues besetting the youth. Participants ranked the identified issues based on the urgency of the problem, and brainstormed how they could make a difference. In the body of information module, participants considered all the ways that democracy impacts their lives by understanding government institutions and the democratic processes, different types of governance (e.g. democratic, consensus-based, consultative, etc.), qualities of a good leader, and so forth. Finally, participants were invited to play a game of koosh ball catch to discover the power of group dynamics in a democracy.

PRRM held two capacity building seminars in Quezon City and in Ternate with leaders of community-based youth organizations and Sangguniang Kabataan<sup>13</sup> officials<sup>14</sup>. The seminars and training modules were designed to allow participants to replicate trainings in their own organizations and communities to multiply the project’s impact.

PRRM found that the modules helped deepen the knowledge of participants on the history of Philippine democracy, increased familiarity in governance issues, and laid the foundation to establish a youth advocacy and action plan. PRRM project officers found that the democracy sequence module, for instance, was mentioned as a fun and interactive way of discussing the history of democracy. The You Can Vote/You Cannot Vote module was also noted as an accessible way of discussing the legal boundaries involved in exercising the right to suffrage. Officers also noted the modules demanded teamwork, collective participation and decision-making. They provided participants with an opportunity to not only work within their own organizations, but also to welcome the perspectives and proposals of those coming from other organizations.

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<sup>12</sup> The high-school drop-out rate in the Philippines is estimated to be over 40%, according to the Philippine National Statistical Coordination Board ([www.nscb.gov.ph](http://www.nscb.gov.ph)).

<sup>13</sup> The Sangguniang Kabataan or youth council is the governing body of the youth assembly or Katipunan ng Kabataan of every barangay. They are elected by the members of the Katipunan ng Kabataan in elections conducted by the COMELEC.

<sup>14</sup> There were 59 total participants in the seminars – 23 in Ternate and 36 in Quezon City.

Complementing the training seminar activity, PRRM also met with Barangay and Sangguniang Kabataan officials to initiate and strengthen interactions between local officials and grassroots youth organizations. The meetings led to discussions on youth developmental concerns, on developing potential partnerships for youth voter registration and securing support for succeeding project activities. This initiative helped to facilitate engagement of project participants with their local government officials and understanding their roles and responsibilities. In addition, these interactions encourage continued civic participation collaboration amongst the youth and local government bodies.

At the project's conclusion, youth groups in both target areas organized community events to campaign for voter registration and civic participation in general. In Quezon City, a dance contest and voter registration drive attracted more than 500 people from the community. In Ternate, a concert and voter registration drive gathered more than 300 participants. These activities engaged project participants in their communities and put in practice many of the lessons learned in Kids Voting Philippines.

Overall, the civic education program was considered a success, and both PCCED and PRRM are eager to replicate it on a larger level prior for the May 2010 national elections.

#### • **TRANSPARENCY AND ACCOUNTABILITY NETWORK (TAN)**

##### COMELEC Appointments Watch

In accordance with the law, COMELEC Commissioners are appointed by the President and confirmed by a bi-cameral Commission on Appointments. However, the nomination process has not been transparent to the public. With IFES' funding and technical support, the Transparency and Accountability Network (TAN) sought to bring greater transparency to the nomination and confirmation process of COMELEC Commissioners, while promoting accountability for their actions once they take office.

The TAN COMELEC Appointments Watch involved a consortium of non-governmental organizations that included Alternative Law Groups, Concerned Citizens of Abra for Good Government, Institute of Political and Electoral Reform, Konsensyang Pilipino, La Salle Institute of Governance, Lawyers' League for Liberty (LIBERTAS), Citizens CARE, and the Philippine Association of Law Schools. Through the use of public information and education programs, dialogues for reform, public research, and monitoring activities, the coalition believed that if the process were open and credible using clearly defined criteria, then appointees would be acceptable to the public.

In one of its first activities, TAN held a videoconference event linking nearly 50 civil society and media organizations in Manila, Baguio, Cotabato and Cebu. This opening event included the participation of IFES' Chief of Party, Beverly Hagerdon Thakur, then Senator Franklin Drilon and then Commissioner Borra, who responded to questions from the four sites for nearly an hour. A press conference held earlier the same week highlighted the importance of the COMELEC appointments watch activity and raised public awareness of the same.

TAN also conducted a study that revealed patterns of appointment practices for COMELEC Commission positions. Since 1987, 20 of the 33 (nearly two-thirds) of the COMELEC appointments were made on an *ad interim* basis. Such appointments become opportunities

for abuse, as the Executive had power over whether to continue supporting their appointment or allowing it to expire.

By June of 2006, TAN completed the first phase of the COMELEC Appointments Watch activity. TAN held workshops in Cotabato City and Cebu City where community leaders discussed ways of becoming more involved in this process and initiated “Dialogues for Reform” between TAN civil society organizations and various electoral reform leaders, including former COMELEC Chairman Christian Monsod and former Chief Justice Hilario G. Davide, Jr. TAN also launched a web page on the COMELEC Appointments Watch at [www.tan.org.ph/proj\\_caw.asp](http://www.tan.org.ph/proj_caw.asp) and created an e-group ([comelec-watch@yahoogroups.com](mailto:comelec-watch@yahoogroups.com)) to facilitate a broader discussion on issues related to the COMELEC Appointments Watch, as follow-up to the video conference and workshop events. TAN’s research and monitoring component also included attending the confirmation hearings of appointed COMELEC commissioners and reporting on the hearing procedures.

In September 2007, TAN held a civil society forum that aimed to set criteria and a model design for the selection of candidates. As a result of that forum, a “Civil Society Search Committee” (CSSC) was formed by workshop participants, some of which included OneVoice, Inc. (VforCE), the Makati Business Club, the Parish Pastoral Council for Responsible Voting (PPCRV), NAMFREL, CER and LENTE. Using the criteria developed during the activity, the CSSC called for applications and nominations for the then-vacant positions of Chairman and two Commissioners. The CSSC then interviewed all nominees and came up with a shortlist that was submitted to the President for consideration.

Once the list was submitted, the CSSC began an aggressive public information campaign that involved numerous media appearances and news articles. As a result, the Office of the President called all nominees from the CSSC list for interviews. More importantly, the eventual appointee for the Chairmanship, Jose A.R. Melo was one of the nominees from the CSSC list. He was confirmed by the Commission on Appointments and took office in early 2007.

Overall, the project raised public awareness of the importance of the appointments process, as seen by the increase in media coverage of the appointments process over the life of the project. In addition, the work of TAN and the CSSC familiarized the public with their goals for restoring trust in the Commission and encouraged greater transparency in the process by publicizing the qualifications of the nominated candidates.

- **LAWYERS’ LEAGUE FOR LIBERTY (LIBERTAS)**

*IFES Develops Electoral Adjudication Project*

IFES provided a sub award on election adjudication to LIBERTAS (Lawyers’ League for Liberty, Inc.) to assess the system and processes of adjudicating election complaints and disputes in the Philippines. The primary objective of the project was to gather and identify gaps and weaknesses in the current system governing election adjudication and design proposals and recommendations to correct these issues.

The project began in 2007 with a round table discussion to develop and refine a research paper regarding different adjudication bodies and how effectively they deal with election

disputes. The findings of the discussion pointed to prohibitive costs of election contests, the slow adjudication process, questionable credibility of tribunals, and the poor record keeping of decisions as significant problems in election adjudication.

While preparing for the forum, LIBERTAS project research staff continued to obtain the latest available data from the various election adjudication tribunals. Interviews were also conducted with other resource persons such as regional trial court judges Quilala and Vasquez who preside over special election courts in Ilocos Norte and Nueva Ecija. All these were done to provide the latest and most accurate picture of the state of election adjudication process in the country.

The election adjudication forum was held on December 12, 2007 in Manila. It was well attended by representatives from all sectors of the election adjudication stakeholder community. Representing the government were then COMELEC Commissioner Nicodemo Ferrer and former COMELEC Commissioner and Court of Appeals Justice Regalado Maambong, as well as other responsible COMELEC executives and members of Congress. Others present included noted election practitioner Leila de Lima, various civil society groups, such as the Integrated Bar of the Philippines (IBP), the Parish Pastoral Council for Responsible Voting (PPCRV), and LIBERTAS members. Members of the academia and former judges also attended the forum.

At the forum, the paper's findings were presented and an executive summary of the paper was distributed to the participants. Lively discussions were held afterward which stretched well beyond the time allotted for the activity by the organizers. The forum ended on a high note and with a promise that this was the beginning of efforts at election adjudication reform in the Philippines.

After examining the process for adjudicating election disputes, LIBERTAS submitted a final *Baseline Study on Election Adjudication*, a compilation of numerous focus groups and reviews by election lawyers and stakeholders. The paper was subsequently provided to key stakeholders, including the COMELEC and the Supreme Court. LIBERTAS held a well-attended December 2007 forum to present the paper's findings followed by lively debate on the future of election adjudication reform in the Philippines. The forum also provided an opportunity for stakeholders to come together and discuss strategies for advocating for needed reforms, efforts that will continue past the end of the project.

- **CENTER FOR MEDIA FREEDOM AND RESPONSIBILITY (CMFR) AND NATIONAL UNION OF JOURNALISTS OF THE PHILIPPINES (NUJP)**

*Journalist Training on Election Coverage*

With a grant from IFES, the National Union of Journalists of the Philippines (NUJP) expanded the area of coverage of seminars on election reporting to several new cities and provinces, notably in Cebu and throughout the ARMM, training nearly 200 journalists. The goal of the trainings was to impart information to provincial journalists on the proper conduct of elections and best practices on election coverage. The trainings aimed to improve election reporting by journalists in the Philippines and to help ensure that more in-depth and interesting stories were published or broadcast, thereby providing voters with more comprehensive and useful information.

The training included modules on election procedures, integrity and ethics, story approaches, sources of information, security and other topics. The training included a large number of participatory activities, with participants taking an active role. Adult learning methods and energizing activities were given great attention in the trainings. Additionally, NUJP endeavored to work with COMELEC and to invite their representatives to present on election day procedures. Journalists who attended the training expressed interest in further trainings from NUJP.

The project had several key impacts. National television network GMA 7 officials, upon seeing the module, decided to adapt the module for their own training program for Manila-based reporters. Three major news organizations also requested special training workshops for their staff (Philippine Daily Inquirer, ABS-CBN News.com, MBC Aksyon Radyo), and Inquirer and GMA7 correspondents were also sent to the provincial workshops conducted. When Inquirer publisher Isagani Yambot contacted NUJP, he congratulated them on the organization of the module and project concept. In addition, DXND, one of the biggest stations in ARMM, said it used the materials in its voters' education program.

Furthermore, NUJP-Capiz (whose chairperson was in the Cebu workshop) filed a case against a Capiz election officer who banned journalists from entering the canvassing area. Also, according to Ryan Rosauo of Ozamis (Inquirer correspondent), reporters who attended the Zamboanga training conducted a "clean" election (meaning they refused to accept bribes from candidates).

While other media groups have conducted media election coverage monitoring in 2007 and previous elections, none conducted training on election reporting. This project therefore had great impact because it was the first of its kind, had a national scope, and gave journalists both from major and small news outlets the opportunity to improve their skills and knowledge on election reporting.

### Media Monitoring

IFES also provided a grant to the Center for Media Freedom and Responsibility (CMFR) to monitor the media coverage of the 2007 national and party list elections beginning in February 2007. With 30 trained volunteers, CMFR monitored the coverage of the elections by selected Manila newspapers, tabloids and AM radio stations during a ten-day period from April 16-27. CMFR also monitored selected public affairs programs aired during the same period. CMFR's final report summarizes the coverage of selected broadcasts and TV news programs throughout the campaign process as well as the final three weeks before the elections. The nine reports released throughout the campaign period are available on CMFR's website ([www.cmfr-phil.org](http://www.cmfr-phil.org)).

CMFR also reviewed the preparedness of the press in covering the 2007 elections. To complement its reports on the pre-election coverage of the newspapers and TV programs, CMFR drafted an analytical report on the special coverage by the TV stations on Election Day, May 14. In an in-depth report, finalized on May 31, CMFR also provided an update on a 2004 study by the Philippine Center for Investigative Journalism (Cockfight, Horserace, Boxing Match: Why Elections are Covered as Sport) which looked into how prepared reporters were to cover the national elections that year.

CMFR's monitors found that during the May election period, the media was more proactive in finding stories and gathering information, marking a notable improvement in coverage from the 2004 elections. Additionally, CMFR was able to use their monitoring data to disprove claims by the administration-backed political party that the media was airing biased information against them.

The 264-page "Monitor on New Media Coverage of the 2007 National Elections" was launched in August 2007 at the CMFR Roundtable Discussion. In attendance were print and broadcast media people from Cebu, Palawan, Bicol, Baguio, Davao, Sulu, Zamboanga, Batangas, among others, who shared their experiences in election coverage.

The CMFR Deputy Director, Dean Luis V. Teodoro, presented and discussed the findings of their monitoring. Their stories gave substance to the CMFR report with accounts of how local radio stations in Palawan and Davao, for instance, assume that any mention of a candidate's name is a paid advertisement and thus management takes a cut from the reporter or anchor's salary. Many recounted how reporters were tasked by their bosses to solicit political ads from the candidates they covered. In the end, it is presumed that these business arrangements affected the way local media covered the elections. It brought to fore, also, ethical issues and industry standards including self-regulation.

It is apparent that there is a clamor to widen the coverage of monitoring for the coming 2010 Presidential Elections, and that this can only be done in coordination with the local media associations who will carry it out. A great need for CMFR to continue providing the necessary trainings to these local groups was expressed during the roundtable discussions, which were well-covered by the media.

Following the elections, CMFR published a handbook on monitoring media coverage of elections that can be used in the future by other groups who wish to monitor election coverage.

- **LEGAL NETWORK FOR TRUTHFUL ELECTIONS (LENTE)**

- Canvass Monitoring*

- In 2007, a coalition of organizations that included the Integrated Bar of the Philippines, the Lawyer's League for Liberty, the Parish Pastoral Council for Responsible Voting, the National Movement for Free Elections, CODE-NGO and the Philippine Center for Islam and Democracy, recognized a gap in the citizen monitoring efforts in the Philippines. This gap was in the so-called "canvassing process," a particularly legalistic aspect of the elections where election returns are consolidated in the presence of lawyers and candidate representatives who are entitled to object to the process based on perceived or real errors. As a result, with a grant from IFES, they came together to form the Legal Network for Truthful Elections (LENTE).

- The LENTE canvassing monitoring movement recruited 6,339 volunteers from the ranks of lawyers, paralegals and law students. These volunteers underwent election laws and processes training which equipped them with knowledge on sources of election laws, candidates and parties, voting and counting process, canvass process and post election

issues. They were then deployed to municipal and provincial canvassing centers throughout the country following the elections to monitor the canvassing process.

LENTE volunteers were very successful in their first monitoring effort. First, they were able to call attention to election fraud, particularly in Maguindanao, where they found a whistleblower who shed light on the lack of free and fair elections throughout the province. In addition, LENTE officials and volunteers were able to successfully mediate disputes between candidates and canvassers which led to peaceful negotiations for all parties involved.

Following the successful monitoring of the May 14, 2007 elections, IFES provided additional funding to LENTE to strengthen its institutional development, advocate for reforms in electoral legislation, conduct public education activities, and prepare to monitor the 2008 ARMM election monitoring process.

#### *Institutional development and strengthening*

Under this activity, LENTE worked to strengthen the coalition as an organization, improve networking and collaboration with various citizens' arms engaged in electoral reform and strengthen institutional ties among pertinent organizations. With IFES' support, LENTE was formally organized and duly registered with the Securities and Exchange Commission.

In addition, LENTE held a series of workshops in law schools throughout the Philippines in an effort to establish local chapters that will ensure the sustainability of LENTE. These chapters were formed in Western Mindanao State University in Zamboanga city, Mindanao State University, Xavier University, and Notre Dame University. Chapters were also formed in Ateneo de Manila University, University of the East and San Beda College. All chapters underwent training activities in election monitoring and other key topics.

LENTE also established a national secretariat among law students of the Ateneo de Manila University, most of whom worked with LENTE during the May 2007 elections. The national secretariat has been organized into subsets, including a Research Committee which provides research support on election-related laws; a Communications and Public Information Committee which develops public information materials and looks for venues to advance public education (web, press etc.); an Education and Training Committee which trains trainers who are subsequently deployed to local areas, and provides materials to trainers; an Advocate Committee which lobbies for reforms in legislation and provides secretariat support to law reform activities; and, a Special Projects Committee that organizes special projects and provides support for other committee activities.

#### *Advocating and lobbying for reforms in electoral legislation*

Under the direction of the Executive Committee, LENTE decided to prioritize revisions to the automation law, the absentee voting system law and the party-list system law. The need for orientation on the Automation law was also discussed extensively, given that there was no experience in monitoring an automated election process.

As a result, on March 14, 2008, a focus group discussion was organized to tackle the legal and implementation issues of the automation law. Questions were raised of how canvassing would be conducted in the ARMM, and the role of LENTE in this context. At the conclusion of



the event, LENTE reached the following determinations: LENTE should be able to get the electronic copy of the election returns in order to be able to conduct canvass monitoring; LENTE can provide legal advice to election monitoring groups; LENTE should train volunteers on the law and how to gather evidence; and, LENTE should strengthen its networking to ensure security of its volunteers. Pursuant of these goals, several plans were agreed upon, including application of LENTE for accreditation from the COMELEC, initiation of similar focus group discussions in local areas and designing a broad education campaign on automation.

### Public Education Activities

The media played a key role in establishing LENTE's identity and increasing public support for their advocacies during the May 2007 elections. In turn, LENTE worked to increase media partnerships by regularly involving and updating media organizations on LENTE activities, and establishing an effective campaign strategy to promote the LENTE brand, and establish a clear direction and definition of LENTE's future through publicizing its vision, mission, goals and specific plans. Additionally, LENTE also registered a domain name for its website during this project period ([www.lente.org.ph](http://www.lente.org.ph)). Information and campaign materials were likewise developed and have been used in mobilization activities in the ARMM and the national capital region.

Public awareness of LENTE also increased through their outreach in meetings with other organizations and networks. In July 2007, LENTE met with the Voters for Clean Elections (VforCE) network to develop a statement for the Catholic Bishops' Conference of the Philippines' (CBCP), who subsequently incorporated many of the submitted statements into their own statement, thus shaping public and government opinion on the state of the electoral process. In 2008, LENTE also paid a courtesy visit to the then-recently appointed COMELEC Chairman Jose Melo to forge a close partnership between the COMELEC and the various attending civil society organizations, such as representatives of Caritas Filipinas Foundation (CBCP-NASSA), NAMFREL and PPCRV. Chairman Melo expressed his desire to maintain the close working relationship with civil society groups.



LENTE member participates at voter education stakeholder meetings.  
(Photo: IFES/Philippines)

### ARMM election monitoring

In anticipation of the August 2008 ARMM elections, which was to be the pilot test for automation of the 2010 national elections, LENTE established a close working relationship with Citizens CARE. LENTE had previously worked with Citizens CARE during the Lanao Special Elections in May 2007. LENTE Executive Director Carlos Medina and LENTE's Administrative and Operations Officer attended initial coordination meetings in Cotabato City April 15-16 and May 6-7, 2008. In these meetings, the efforts of various players in the ARMM elections were harmonized.

In the lead up to the August 2008 elections, LENTE also organized and conducted a series of volunteer trainings on election monitoring given the new automation pilot process. Participants included lawyers, law students and paralegals. It was during this period that

LENTE, for the first time, obtained accreditation as a citizens' arm from the COMELEC, thus establishing itself further as a key monitoring organization.

- **PHILIPPINE JUDICIAL ACADEMY (PHILJA)**

*Training for Judges and Clerks of Court on Election Cases*

In April and May 2007, the Philippine Judicial Academy (PHILJA) held a series of seminars on election laws for judges and clerks of court of regional trial courts with a grant provided by IFES. The four seminars, which were designed to equip judges and clerks of court with the latest laws, rules and jurisprudence on elections to handle election cases, were held in Manila, Baguio, Davao and Cebu.

The seminars trained 923 judges and clerks of court from across the Philippines on election contests and election offenses. The lectures were given by expert judges and attorneys with experience in election adjudication, including former COMELEC Consultant Rogelio Benjamin and Court of Appeals justice and former COMELEC Commissioner Teresita Dy-Liacco Flores. They shared their experiences with the participants and provided them with significant information to help them in adjudicating election disputes that are presented before their Courts. During these seminars, participants were also given a manual on adjudicating election disputes.

At the end of the seminars, participating judges and clerks of court rated the activities very highly, noting that it enhanced their knowledge of election laws and recent jurisprudence. Participants also noted that the seminar learning would be useful in assisting them with their decision-making, and were timely given the then forthcoming May 2007 elections. As a result of this activity, the knowledge and confidence they gained helped increase the efficiency of the proceedings and reduce the possibility of decisions being reversed on appeal.

- **INSTITUTE FOR POLITICAL AND ELECTORAL REFORM AND CONSORTIUM FOR ELECTORAL REFORMS (IPER/CER)**

*Promoting the Passage of the Political Party Law*

In 2007, IFES provided a grant to the Institute for Political and Electoral Reform (IPER) in conjunction with the Consortium for Electoral Reforms (CER) to undertake baseline research and develop resource materials on Philippine political party system and electoral campaign financing; conduct a participative review of the current bills with legislators and civil society stakeholders; and carry out advocacy activities with the members of the 14<sup>th</sup> Congress.

In the course of this project, IPER/CER's project team met with civil society partners to review their position on the current bills, and address with Senator Gordon and his assigned staff the matter of possible amendments and the process of passing the bill in the Senate. As a result of this meeting, an agreement was reached to jointly sponsor a scheduled workshop on the political party reform bill and undertake a technical working group process towards a committee report with the participation of IPER/CER. The workshop was held shortly before Congress resumed its April 2008 session.

In the House of Representatives, IPER/CER's efforts led to an early move by the House Committee on Suffrage and Electoral Reforms, chaired by Rep. Teodoro Locsin, Jr., to approve and transmit the committee report to the plenary session which passed it on second reading. Senator Gordon relayed to the IPER/CER-convened Summit on Electoral Modernization held on December 2007 that his office would tackle the bill as an immediate priority and assigned a staff lawyer to focus on the bill. On March 13, 2008, IPER/CER met with his office to review the current senate bills on political party reforms.

During March and April 2008, IPER/CER convened a series of focus group discussions on the political party law with political parties and civil society organizations. These advocacy efforts culminated in a political party development conference held on April 22-24, 2008, convened by both IPER/CER and the House of Representatives Committee on Electoral Reforms. As a result of this conference and other advocacy activities, the bill (which was initially filed in the 13<sup>th</sup> Congress), reached the Third Reading in the 14<sup>th</sup> Congress in the House of Representatives in early May 2008. This was the final stage before a counterpart bill filed in the Senate was passed, and bills were to be reconciled prior to its passage into law. However, the Senate Committee delayed the process by failing to present their counterpart bill.

Although the IPER/CER grant for this project ended on June 30, 2008, continuing work is underway through IFES' USAID-funded "Philippine Election Reform Project."

IPER/CER's final report and the text of the bill passed by the House of Representatives are available upon request.

#### *Election Modernization Summit*

On December 5-7, 2007, IPER/CER conducted an Electoral Modernization Summit. Nearly 100 participants included high-caliber delegates from several legal, information technology and civil society organizations, such as Ramon Casiple for IPER/CER, COMELEC Commissioner Rene Sarmiento, and Elaine Marie Collado, Director for Legal Affairs for the Office of Senator Gordon, who read Senator Gordon's speech on behalf of the Senate. CER also invited the Senate Committee on Constitutional Amendments and Revision of Laws and Codes, the House Committee on Suffrage and Electoral Reforms, and the Commission on Elections to co-convene the Summit. Media reports covered opening day activities and the summit itself.

During the Summit, various experts discussed several aspects of electoral modernization, including the role and function of the COMELEC Advisory Council, election automation technologies, and proposals on election modernization. Other topics included election modernization law and the COMELEC experience in election automation pilot testing.

Following discussions and workshop deliberations, group participants defined recommendations and reached a common set of resolutions.

The recommendations recognized the complexity of election modernization and the need for expert assistance to stakeholders to understand the intertwining legal, technical, security, and system management issues involved. There was also recognition that civil society intervention is vital to ensuring the correct and effective handling of election

modernization projects, and highlighted the need to support the capability of civil society electoral reform organizations to conduct activities on voter education, election monitoring, and engaging government and electoral administration on election modernization issues. Four hundred copies of the Election Modernization Summit resolutions were subsequently distributed to participants, including those organizations that were not able to send representatives.

### *Bantay Eleksyon*

Following the success of the Bantay Eleksyon 2007 (Election Watch 2007) project<sup>15</sup>, IPER/CER decided to re-establish Bantay Eleksyon for the 2010 elections. With a grant from IFES, CER established the Bantay Eleksyon 2010 (BE 2010) Secretariat and began planning trainings for its national and regional monitor coordinators, considered Phase I of the project. Phase II will be funded under IFES' Philippine Election Reform project, which continues through September 30, 2009.

The initial project activity took place in October 2008 in Baguio City. The three-day activity built a positive working relationship among the members of the newly created Bantay Eleksyon Secretariat, enabling them to draft a work plan for the BE 2010 monitoring. Discussions also revolved around the concept and objectives of the 2010 monitoring, the lessons learned during the 2007 elections, the definition of the duties and responsibilities of each Secretariat member, the mapping of its network organizations and identification of possible stakeholders in the regions, and studying and analyzing the current national situation and its possible impact on the 2010 elections. The planning workshop also resulted in the decision to expand the scope of the Bantay Eleksyon monitoring effort from 7 regions in 2007 to 10 regions for the 2010 elections.<sup>16</sup> The regions considered to be "problematic" areas during elections were prioritized. The presence of an active civil society network in the region was also taken into consideration.

After the formation of the secretariat, IPER/CER proceeded to work on convening a planning and training conference with regional coordinators. The secretariat also began working on a draft of a trainers' manual that was to be presented at the training conference. This manual was a revised and updated version of the previous monitoring manual incorporating the lessons learned in the 2007 Bantay Eleksyon domestic observation.

The Bantay Eleksyon 2010 training conference was held in Manila on November 6-8, 2008. Attendees included 20 area coordinators, including some partner organizations in the 10 priority regions. The conference provided an opportunity for regional coordinators to comment on the draft trainers' manual and to give feedback on the proposed scope of the monitoring effort. Possible problems that may be encountered on the ground were raised in areas that are geographically challenging, such as the ARMM. There was also an opportunity to discuss current national and local political situations, to exchange contacts for expansion and recruitment activities in 2009, and to draft regional work plans.

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<sup>15</sup> The Bantay Eleksyon 2007 project was an IPER/CER-led long-term election monitoring program designed to observe the electoral process to determine whether elections are free, fair and credible.

<sup>16</sup> The ten target regions are: Region 1 and Cordillera Administrative Region, Central Luzon and Region 2, National Capital Region and Palawan, Region 4-A and Region 4-B, Bicol Region, Western Visayan, Central Visayas and Eastern Visayas, Northern Mindanao and Caraga Region, Southern Mindanao and Region 12, and Autonomous Region of Muslim Mindanao and Zamboanga Peninsula

The IPER/CER Executive Council convened meetings and consultations with various organizations and participants to continue providing updates on the progress of COMELEC's automation project.

## • VOTER EDUCATION SUMMIT

IFES and key conveners of the 2003 National Voter Education Summit also sponsored a timely Voter's Education Stakeholder's Summit in June 2008 to revisit the 2003 resolutions on citizen's voter education agreements, and recommend improvements on voter education outreach for the 2010 elections. The one day event aimed to: provide an overview of current initiatives in voter education since the last 2003 voter education summit; bring together practitioners and stakeholders for a dialogue to share experiences, lessons and explore possible collaborations; and, agree on a general voter education plan of action for the 2010 elections.

Participants included the heads of COMELEC, the Department of Education, the Committee of Electoral Reforms and Suffrage from the House of Representatives, the Committee of Constitutional Reforms and Amendments from the Senate, and the Committee on Higher Education (CHED). The Chairman of CER provided an overview of the conference and reported on the voter education summit of 2003. Initiatives from 2003 to the present, particularly from PPCRV, COMELEC, Philippine Society of NSTP Educators and Implementers (NSTP/PSNEI), and Citizens CARE were reported to the plenary.



Mon Casciple addresses the audience at the Voter Education conference  
(Photo: IFES/Philippines)

Based on the workshop outputs, participants preferred topics on voting procedure, values, electoral fraud, automated elections, and citizens' participation and engagement after election day. The workshop on methods proposed that, for the younger audience, story telling, games, outdoor activities, role playing, mock elections, group dynamics, lecture discussion, social artistry, research and documentary film showing be applied. For the adult audience, it would be preferable to use dialogue, film showing, forums and formal training. The target participants as proposed in the workshop will be youth and the middle class, due to the fact that youth (ages 18 to 32) comprise the biggest segment of the voting population and the population at large. It was determined the middle class sector could represent the opinion makers, and their participation in these activities would have a multiplier effect among other sectors in society.

By the end of the Summit, the workshops served to renew networks, exchange experiences and align initiatives in preparation for the 2010 elections. CER and other civil society groups have begun utilizing the proceedings to prepare for the 2010 elections.

### C. COMPONENT III: POLITICAL AND FINANCIAL REFORM

**Enhance lasting accountability in political reform and finance by building a coalition of stakeholders and mechanisms, and providing timely, impartial and expert advice to stakeholders engaged in political reform.**

#### • LEGAL REFORM

##### *IFES Philippines Meets with President's Senior Advisor on Electoral Reform*

In February of 2006, IFES Chief of Party Beverly Hagerdon Thakur met with Former Chief Justice Hilario Davide, the President's Senior Advisor on electoral reform and a widely respected authority on the matter. At the time, Davide was tasked with making an assessment of the electoral situation and presenting his report and recommendations to the President, particularly concerning the nomination process for COMELEC Commissioners. The meeting provided an opportunity for Davide to gain awareness of the IFES Philippines electoral reform program. Representatives from USAID, including Mission Director Jon Lindborg, participated in this meeting. At this meeting, IFES offered assistance to Davide with the implementation of his recommendations as outlined in an electoral reform report as submitted to President Gloria Macapagal Arroyo.

##### *IFES Hires Legal Reform Specialist*

Early in 2006, IFES contracted Linda Edgeworth to provide technical assistance on electoral reform legislation. Edgeworth analyzed the new draft electoral code governing automation of the election process to provide feedback regarding any remaining gaps or weaknesses. Later in 2006, while the Senate and House technical working groups pushed for the passage of legislation on election automation during the May 15-June 9 legislative session, IFES submitted Edgeworth's papers for the consideration to both the COMELEC and the Congressional working groups on election automation (including the Commission on Information and Communication Technology, CICT, which was heading the relevant technical working group in the Senate). IFES continued to develop partnerships with the information and communication technology community in the Philippines to discuss ways that guaranteed a good basis for electoral reforms in the area of election automation, including incorporation of international standards in the application of technology in election processes and support for holding a vendor fair.

##### *Automation of the Electoral System Legislation*

In October 2006, the Automation of the Electoral System (AES) bill passed the Senate (Bill 2231). The bill, sponsored by Senator Richard J. Gordon, was one of the priority bills of the majority party, but gained little media coverage until after its passage, when the then-COMELEC Chairman Benjamin S. Abalos and Senator Richard J. Gordon, Chairman of the Committee on Constitutional Amendments and Revision of Laws, debated whether automation was possible for the May 2007 elections.

To assist Bicameral Committee members with a tool to analyze and finalize the automation legislation, IFES consultant Linda Edgeworth developed a matrix comparing provisions of

House Bill 5253 and Senate Bill 2231. In early December, the joint Automation of the Electoral System Bill was passed by the Bicameral Committee and ratified by both houses of Congress. The law was signed by the President on January 25, 2007, mandating the pilot-testing of new technology in the May 2007 elections in 12 cities and 12 provinces across the Philippines.<sup>17</sup>

## • POLITICAL FINANCE REFORM

During the course of this project, IFES worked with the Pera't Pultika (PAP) working group to raise awareness and develop initial baseline data on political finance issues in the Philippines. Pera't Pultika's initial membership comprised the Transparency and Accountability Network (TAN), the Consortium on Electoral Reforms (CER), the Lawyers' League for Liberty (LIBERTAS) and the Access to Information Network (ATIN).

For the May 2007 elections, Pera't Pultika was able to train and deploy 55 volunteers to monitor campaign spending in four key districts: District 4 in Quezon City (Congressional race)<sup>18</sup>; Pasig (Congressional and Mayoralty race); Navotas (Congressional and Mayoralty race) and Langiden, Abra (Mayoralty race). The Municipality of Langiden is in a remote area of Abra, with only 2,261 registered voters.

The information gathered by these monitors was complemented by data provided by the AC Nielson media monitoring firm on media spending by senatorial candidates. The data was then analyzed by an academic group led by Dr. Edna Co, a political science professor at the University of the Philippines and the Ateneo de Manila University. Periodic press releases were sent throughout the course of the monitoring period, in an effort to raise public awareness of the levels of spending by candidates and potential violations of campaign finance laws. This effort marked the first time that campaign spending had been tracked in the Philippines and resulted in significant media coverage.

After the elections, Pera't Pultika worked to draft a final report on the baseline data gathered. To this end, in October of 2007, PAP group members met to discuss the methodology to be used, as there was recognition that discrepancies in figures reported to the COMELEC versus figures Pera't Pultika was collecting through its research would raise controversy. To address this issue, IFES brought in political finance expert, Marcin Walecki, in January of 2007 to advise the group on the effective tracking and reporting of campaign expenses, and steps to lay the foundation for future monitoring on this important issue. Walecki suggested improvements to the report, such as coming up with three versions—one report to be used internally (for IFES and Pera't Pultika), another report for public consumption, and another one for funding institutions that may be interested in supporting future undertakings by the group.

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<sup>17</sup> Due to lack of time following the enactment of the law in February 2007, the pilot test wasn't conducted until the August 2008 ARMM elections.

<sup>18</sup> District 4 in Quezon City represents the "large" voting population sample. Pasig City represents the "medium" or middle-range voting population sample while Navotas and Langiden, Abra represent the "small" voting population size for samples. The competition in Pasig had been predicted to be bitterly contested and politically charged.

In the summer of 2008, and under the leadership of the newly-appointed Director Ferdinand Rafanan of COMELEC's law department, COMELEC finally provided copies of candidate reports to Pera't Punitika after more than a year of repeated requests. This initiative allowed the group to greatly strengthen its final report and compare its findings with the officially reported expenditures of candidates.

In 2008, Pera't Punitika convened a forum attended by 70 participants, including Director Rafanan, to release its final report and discuss the issue of political finance with an eye towards 2010. A comparative table between the Pera't Punitika report and the figures which the candidates reported to COMELEC predictably showed there was a wide variation between the two versions. While the COMELEC figures did not exceed spending limits, the Pera't Punitika report showed that most of the candidates did exceed their spending limits. In addition, AC Nielsen reports showed that some candidates exceeded the air time limits imposed by law. In response, Director Rafanan confirmed that COMELEC is limited by what is submitted to them, but also reported that COMELEC plans to look into the matter to investigate if violations have been committed, including overspending and non-submission of reports. The COMELEC representative also expressed a willingness to make the reports public, possibly through publication on the internet. To follow up on this commitment, IFES plans to work with the Commission during 2008 to increase public accessibility of this information in the future and conduct a needs-assessment with COMELEC's law department to determine their capacity-building needs before 2010.



Pera't Punitika members meet to discuss the final report (Photo by IFES/Philippines)

The findings of the Pera't Punitika's report received considerable media coverage and ignited debate on premature campaigning. For example, a former Director stated that the limitations of the law have been clarified by the Supreme Court, which affirmed that candidates are those who have filed certificates of candidacy and that only candidates can be guilty of premature campaigning. In other words, if a person declares their intention to run for office and has started appearing in media ads, but has not yet filed their certificate of candidacy, under the law the person should not be held responsible for campaigning.

As a result of this debate, news articles that followed the event focused on the list of senators who violated campaign spending and air time limits. These senators have vehemently denied the Pera't Punitika findings. However, opponents would be hard pressed to come up with reasons to explain the discrepancies, as these figures are based on Nielsen Media Research reports as well.



## **IV. CONCLUSION/NEXT STEPS**

IFES successfully achieved the intermediate results of this project as outlined in the monitoring and evaluation plan. The increased management capacity of the Commission on Elections was demonstrated through the drafting and implementation of the strategic plan, Operation MERIT, as well as through the successful roll-out of the training program for the 2007 elections and the continued involvement of the COMELEC National Pool of Trainers in training initiatives. Furthermore, the Election Technology Conference and Vendor Exhibition provided COMELEC with international best practices and lessons learned that has helped them to select the appropriate technology for the 2010 elections and will continue to inform their decision-making surrounding the automation process.

Civil society involvement in election issues was also enhanced through IFES' partnerships with a number of non-governmental organizations in the Philippines. Their successful implementation of several key projects and monitoring of the 2007 elections called attention to and educated the public on a number of election issues, such as the COMELEC appointment process, campaign finance, election adjudication, media monitoring and the importance of an engaged citizenry. In particular, LENTE's innovative approach to monitoring the canvassing process called attention to irregularities in the May 2007 polls and gave the public more confidence in the results. Finally, IFES helped to increase accountability and promote electoral reform through the work of the Pera't Pulitika Working Group, who piloted the first-ever campaign finance monitoring in the Philippines and heightened public attention to the detrimental role that unaccountable money can play in politics.

IFES will continue to build on these past successes in upcoming programs that will focus on ensuring a transparent and credible election process for the critical May 2010 Presidential, National and Local Elections.

## **V. ATTACHMENTS**

Attachment A	COMELEC Election Handbook and Trainer's Guide <ol style="list-style-type: none"><li>1. Handbook and Trainer's Guide (available in hardcopy, through IFES' Manila office)</li><li>2. BEI Handbook</li><li>3. BOC Handbook</li><li>4. COMELEC field staff comments on Trainer's Guide per region</li></ol>
Attachment B	Citizens CARE Election Monitoring Reports <ol style="list-style-type: none"><li>1. 2005-2008 Summary of Citizen CARE Accomplishments</li><li>2. May 2007 Synchronized National and Local Elections</li><li>3. October 2007 Barangay Elections</li><li>4. Final Project Report</li></ol>
Attachment C	TAN COMELEC Appointments Watch Final Report
Attachment D	LIBERTAS Baseline Study on Election Adjudication
Attachment E	Pera't Pulitika "Developing Baseline Data on Campaign Spending in the Philippines"
Attachment F	LENTE Canvass Monitoring Report

## **Attachment A**

# **COMELEC Handbook and Trainer's Guide**

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Available in hardcopy through the IFES' Philippines office.



# **Election Handbook**

**For COMELEC Staff  
Election Inspectors  
and Canvassers**

May 2007

# foreword

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**Comm. Benjamin Abalos**

The Election Handbook for COMELEC Staff, Election Inspectors and Canvassers for the first time, incorporates the principal laws, general instructions and procedures regulating the “three C’s” of elections in the Republic of the Philippines: Casting, Counting and Canvassing. The Handbook is designed as a resource material for COMELEC field staff, Boards of Election Inspectors and Canvassers and all interested stakeholders of the electoral process in the Philippines, including voters and civil society organizations.

This Handbook is a collaborative effort of the COMELEC National Pool of Trainers, COMELEC senior staff from the Planning Department and Education and Information Department (EID)—as well as international election experts from the International Foundation for Election Systems (IFES). Valuable feedback and inputs were received from participants and facilitators of three “Train the Trainer” workshops organized by the University of Philippines National College of Public Administration and Governance (UPNCPAG), under the expert facilitation of Ma. Oliva Z. Domingo, Director and Jean Nicolas, University Extension Specialist, both from the Center for Leadership, Citizenship and Democracy.

The ToT workshops and the drafting and printing of the Handbook were made possible by a grant from the United States Agency for International Development (USAID). COMELEC acknowledges the USAID and IFES for their continuing support of the electoral process in the Philippines through their program: Advancing Reforms in Philippine Election Administration and Management.

It is my hope that this Election Handbook be used as a powerful tool to assist all interested election stakeholders and COMELEC staff in the conduct of their respective duties. I encourage everyone to give feedback on this Handbook. By demystifying the electoral process and making it more accessible to all, it is our goal to ensure that COMELEC remains an independent and impartial body committed to peaceful, honest and credible elections in which the universal franchise of all eligible voters is protected.

I wish everyone and all good luck and success in our endeavours toward free and fair elections.

Benjamin S. Abalos, Chairman  
COMELEC

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# introduction

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The forthcoming 2007 national and local elections will be a litmus test for the COMMISSION ON ELECTIONS (COMELEC) to prove that it can ensure the conduct of credible elections. As the sole legally constituted electoral management body of the Republic of the Philippines, COMELEC is responsible for implementing national and local elections, plebiscites, and referenda.

The COMELEC has been conducting continuous programs to enhance its capacity to fulfill its mandate. Early in 2006, it came up with a Strategic Plan for 2006-2010 specifying its mission, policy thrusts and priority areas for intervention. Dubbed Operation Merit (Modernization and Electoral Reforms with Integrity and Transparency).

Operation Merit focuses on the following key areas: (1) institutional strengthening, (2) rationalization and codification of election laws, (3) modernization of the electoral processes, (4) effective and continuing voter education, and (5) advocacy and networking. There are currently simultaneous efforts to pursue these priority areas.

To support these priority areas, particularly that of institutional strengthening, there was a need to consolidate, organize and update materials related to the preparation and conduct of elections. This process of consolidation culminated in the creation of the COMELEC Elections Handbook, which will be an invaluable training tool, guide and reference for the training of field staff and an important product of the newly created Election Resource and Training Center (ERTC) and the National Pool of Trainers (NPT).

To adapt the newly drafted COMELEC Elections Handbook to the training needs of COMELEC, a complementary training guide was required. This challenge was met by a working group of COMELEC field staff, election legal experts, and educators from the COMELEC National Pool of Trainers and the University of the Philippines National College of Public Administration and Governance (UPNCPAG). International input was also provided by IFES. The output of this group is the Trainer's Guide for COMELEC Election Handbook.

Used together, the COMELEC Elections Handbook and the accompanying Trainer's Guide are both comprehensive and multi-use documents that meet the needs of election field workers in the Philippines – answering many of their questions and providing them the tools to effectively cascade the COMELEC Election Training Program from COMELEC Manila down to the Boards of Election Inspectors and Canvassing. The documents synthesize the applicable laws governing elections in the Philippines, while emphasizing best practices and experiences from election workers in the field and considering international standards for free and fair elections.

## Its mission statement is:

We, at the COMELEC, are the institution of professional election workers committed to empowering the electorate through the administration of clean, honest, orderly and peaceful electoral exercises aimed at sustaining a vibrant Philippine democracy.

In pursuit of our mission, we shall be guided by the highest standards of integrity, honesty, fairness and transparency. We are driven by the values of competence, achievement, and teamwork.

## Objective of the Election Handbook

The objective of this Election Handbook is to develop a comprehensive compilation of excerpts of applicable laws, international standards, ethical principles, logistical preparations and procedures which will provide guidance and support to election workers. The Handbook was designed as both a tool for training and a reference guide—thus, it contains language, which is accessible and not excessively legalistic.

## Target Audience



The primary audience for this Handbook will be the COMELEC field staff conducting the registration, polling, counting and canvassing exercises, primarily the Boards of Election Inspectors (BEIs), Boards of Canvassers (BOCs) and Election Officers.

The secondary audience for this Handbook will be COMELEC managers, Provincial Election Supervisors (PESs), trainers, parties, candidates, lawyers, media and watchers (observers).

Finally, the Handbook should be a public document available to any other interested stakeholder, particularly voters.

## Development Process

A working group, in consultation with COMELEC field staff, lawyers, and commissioners drafted the Handbook through a consultative process from December 2006 to February 2007. Adult education experts from the University of Philippines were consulted regularly to ensure that the Handbook made optimal use of appropriate adult education techniques and built upon the training already delivered to COMELEC trainers by UPNCPAG. The Handbook also benefited enormously from the feedback of the National Pool of Trainers during their three-day “Writeshop” for the Trainer’s Guide, which took place from January 17-19, 2007.

## Components of Handbook

This Handbook consists of three sections: 1) Ethics and Values; 2) Laws and Regulations; and 3) Operations and Procedures.

The Ethics and Values section discusses the Code of Conduct that governs the behaviour of every election worker and guarantees their impartiality, honesty and integrity. The broader ethical standards governing the institution of COMELEC in its implementation of elections and the protection of the sanctity of universal franchise of every eligible Filipino is also discussed. Finally, this section presents universally accepted standards for free and fair elections.

Laws and Regulations provides a very brief overview of the constitutional and legal framework governing elections in the Philippines. This section is not meant to replace or reproduce the Omnibus Election Code, but rather to give an overview of applicable election laws. The section explains the mandated function of the COMELEC as a constitutionally created independent body. Types of elections and the schedule of elections are also outlined.

Operations and Procedures is the third and largest section of the Handbook, which provides practical information, outlines, checklists and summaries of the main electoral processes of voter registration, candidate registration, campaigning, polling, counting, canvassing and proclamation. In addition, operational planning is discussed, particularly communications, coordination, logistics and security. Finally, there is a discussion of contingencies and how to resolve them. Parts of this section are meant to act as stand alone documents for Boards of Election Inspectors and Boards of Canvassers.

There are also a number of useful annexes, including an election calendar, a glossary, jurisprudence for canvassing and a summary of applicable election laws.

### Your Obligations as a COMELEC Election Official

As a member of a Board of Election Inspectors, Board of Canvassers, Election Officer or other staff person employed or deputized by COMELEC, you are one of the few election officials with whom Voters, Watchers and Candidates will have direct contact during the course of the election. It is therefore of utmost importance that you maintain the highest level of professional conduct and integrity as you fulfil your duties in serving the voters of the Philippines. This includes your pre-election tasks such as attending training and setting up your Polling Place or Canvassing Center, as well as your responsibilities during voting, counting, canvassing and reporting of election results.

This commitment will work towards building a sustainable level of trust that voters and political entities expect in their electoral system. They will look to you, as will Watchers and members of the international community who will be observing this election.

Our shared objective is to ensure that together, our professional conduct, integrity, impartiality and accuracy demonstrated in carrying out this election will withstand the closest public scrutiny.

### Common Courtesies when Serving Voters

Always provide polite, courteous, patient and friendly service to all voters, election officials and watchers.

When serving elderly voters, those with literacy or physical impairments, or language or communication difficulties, take the necessary time to explain the process and direct them to the designated person responsible for assisting them through each step of voting.

Speak directly to a person with a disability rather than addressing his or her companion. Do not shout if the voter is hearing impaired.

### Code of Conduct

All COMELEC employees are governed by a CODE OF CONDUCT, a copy of which is attached (see Annex I) as a reminder of the Election Official's commitment to the provisions of the Code. In addition, there is a simplified CODE OF CONDUCT FOR ELECTION INSPECTORS and a CODE OF CONDUCT FOR CANVASSERS to be read and signed by all deputized Election Inspectors and Canvassers ' at the time of their training.

These Codes of Conduct are based on the following principles:

1. Elections are the embodiment of the popular will and the expression of the sovereign power of the people, which every democratic society holds sacred;
2. The COMELEC is tasked with the enforcement and administration of all laws relative to the conduct of any election, plebiscite, initiative, and referendum.
3. In carrying out its special task, COMELEC performs administrative, judicial and quasi-judicial functions and recognizing that its employees and deputized personnel are the guardians of the sovereign will of the people involved, participate in this task of enforcing and administering election laws and insuring free, orderly and honest elections; and
4. COMELEC employees and deputized personnel shall be guided by the highest standards of integrity, honesty, accountability, impartiality and transparency and, in performing their duties, they serve as the guardians and enforcers of the sovereign will of the electorate.

### Importance of the Code of Conduct

COMELEC staff (including Election Inspectors and Canvassers) have a special position of trust. There is an expectation that they will adhere to all relevant rules and regulations, and faithfully and professionally undertake their duties to provide election outcomes of high integrity.

While this is particularly true of the Election Inspectors conducting voting and counting of ballots, it also applies to all connected with the election process, from voter educators, materials dispatchers to canvassers, election officers and senior electoral managers. For the bulk of staff involved in elections, this is an infrequent and short-term employment, which will make greater demands for ethical behaviour and impartiality than their usual activities.

### Need to Develop Codes of Conduct

The Codes of Conduct for COMELEC staff, election inspectors and canvassers provide them with the knowledge of the expectations of their behaviour and the basis for sanctions against them in case of breach.

The Codes of Conduct are:

- An integral part of the legislative framework for elections, backed by the sanctions contained in this framework;
- An administrative direction from COMELEC backed by reference to sanctions in the Omnibus Election Code and other election laws and General Instructions for Voting, Counting and Canvassing.

#### Provision of Code to Officials

The Code, together with examples of how it is maintained in practice, and information on disciplinary mechanisms and penalties for proven breaches, should be provided to all elections staff.

The simplified version of the Code of Conduct provided in the primers should be fully explained to all BEIs and BOCs during their training from the Election Officer or his designate. Officials should also be provided with extracts from electoral legislation or regulations that provide the legal framework for their particular duties and that underpin the requirements of the Code.

#### Content of Codes Of Conduct

International standards establish that codes of conduct for election staff generally deal with the following major issues:

- Impartiality, integrity, and professionalism in dealing with electoral matters;
- Maintaining security of election materials and secrecy of voting;
- Standards of service to be provided. The wording of the codes is such that they are applicable to all elections staff.

Content of codes of conduct for elections staff would usefully include requirements that they:

- Undertake to maintain the secrecy and integrity of voting at all times by not disclosing any knowledge of a voter's voting intentions or observed voting behaviour;
- Maintain impartial and non-partisan conduct at all times—including not attempting to influence or communicate with any voter on political issues; doing nothing, either in a personal or official capacity that could be seen to indicate by action (including the wearing of any politically associated apparel), attitude, manner, or speech support for any political participant or tendency; not undertaking activities that could be perceived to involve conflict of interests, and reporting any relationships that could be perceived as potential conflicts of interests;
- Not commit or attempt any act of corruption—including a ban on accepting inducements to act in a particular way, on accepting any gifts, favours or promise of reward from political participants or their supporters (the code may also require an active stance against corruption—to report, oppose, and combat any act of corruption discovered in the course of their duties);
- Accept the authority and direction of the electoral management body over officials' actions;
- Perform all duties and functions with care, competence, accuracy, and courtesy;
- Maintain secrecy of the voting operations and respect the confidentiality of the voters;
- Treat all members of the public with dignity;
- Reject and report any form of discrimination, in relation to voting operations administration or political activity for the elections, based on race, gender, ethnicity, language, class, or religion;
- Respect the rights of an accredited party or candidate;
- Allow representatives and watchers to observe voting operations processes, and the respect the rights of voters, political participants and accredited observers to object to irregular procedures, and investigate such objections with courtesy, tact, integrity, and timeliness;
- Undertake to safeguard all electoral paraphernalia entrusted to their care; and
- Undertake, unless good cause can be shown, to attend all training sessions or meetings in connection with their duties, and report for duty as directed.

#### Declarations by Election Inspectors and Canvassers

Before being formally appointed to the position of Election Inspector or Canvasser, all staff are required to make a declaration that they will follow the rules contained in their Code of Conduct.

There are other stakeholders in the electoral process to whom elements of the election staff codes of conduct should also formally apply. Official visitors to and watchers in polling places may observe the act of voting. Before accreditation to visit polling places, they should also confirm that they will maintain the secrecy of voting. Contractors, who supply election materials or are contracted for logistics, should also sign brief declarations binding them to maintain election materials security and voting secrecy.

Civil society groups, such as the Citizen's Arm, which are providing electoral services, such as voter information activities, should also be bound by the impartiality, service, secrecy, and security aspects of the election official's code.

### Enforcement

COMELEC is empowered to enforce penalties for breaches of the Code of Conduct. Substantiated breaches will result in swift, effective, and impartial disciplinary action, which may be either administrative, criminal or both.–

### International Standards for Free and Fair elections

“With all rights there are associated responsibilities”

The primary sources for the international standards that govern the obligations of the Republic of the Philippines to uphold the universal rights to suffrage and free and fair elections are the Universal Declaration of Human Rights (United Nations 1948) and the International Covenant on Civil and Political Rights (United Nations 1966).

Article 21 of the Universal Declaration states in clauses (1) and (3) that

‘Everyone has the right to take part in the government of his country, directly or through freely chosen representatives’ and ‘The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures’.

Article 25 of the Covenant specifically deals with elections and suffrage and states:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:

- a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- c) To have access, on general terms of equality, to public service in his country.

In addition to the above legal obligations, the Republic of the Philippines has a political commitment to uphold generally accepted “international standards” of rights, responsibilities and best practices that are based on various international and regional standards that countries have voluntarily agreed to adhere to. International standards reflect best practices, basic human rights and at their core, ethics and values.

The following is adapted from international standards identified by Professor Guy S. Goodwin-Gill in his work, “Free and Fair Elections: International Law and Practice”, published by the Inter-Parliamentary Union, Geneva in 1994. An additional checklist for assessing “free” and “fair” elections can also be found in Annex II.

### Rights of Individuals and Political Parties

The State must recognise and make provision for:

- The right of the individual to vote, on a non-discriminatory basis, in elections of legislative bodies
- The right of the individual to access an effective, impartial and non-discriminatory procedure for the registration of voters
- The right of every eligible citizen to be registered as a voter, subject only to disqualification in accordance with clear criteria established by law, that are objectively verifiable and not subject to arbitrary decision
- The right of the individual whose right to vote or to be registered is negatively affected by an action or omission

of the State or its officials to have access to a procedure competent to review such measures or to correct such errors promptly and effectively

- The right of the individual to have equal and effective access to a polling place in order to exercise his or her right to vote
- The right of the individual to exercise his or her right equally with others and to have his or her vote accorded equivalent weight to that of others
- The right of the individual to vote in secret, which right shall not be restricted in any manner whatsoever, and to respect the integrity of his or her choice
- The right of the individual to present himself or herself as a candidate for election
- The right of the individual to join, or together with others to establish, a political party for the purpose of competing in an election
- The right to express political opinions without interference otherwise than as permitted under international law
- The right to seek, receive and impart information and to make an informed choice
- The right to move freely within the country in order to campaign for election
- The right to campaign for an equal basis with other political parties, including the party representing the existing government
- The right to have access to the media, particularly the electronic media, in order to put forward their political views
- The right of candidates, political parties and party members to security with respect to their lives and property
- The right to the protection of the law and to a remedy for violation of political and electoral rights

#### Responsibilities of Individuals and Political Parties

National legislation should recognise:

- The obligation of the individual and of political parties not to engage in or incite violence
- The obligation of candidates, political parties and party members to respect the rights and freedoms of others
- The obligation of candidates, political parties and party members to accept the outcome of a free and fair election

#### Rights and responsibilities of Governments

The State is obliged to:

- Provide for the holding of legislative elections at regular intervals
- Establish a neutral, impartial and/or balanced mechanism for the management of legislative elections
- Establish an effective impartial and non-discriminatory procedure for registration of voters
- Lay down by law clear criteria for the registration of voters, such as age, citizenship and residence, and ensure that such criteria are applied without discrimination
- Lay down by law the regulations governing the formation, registration and functioning of political parties
- Provide for or regulate the funding of political parties and electoral campaigns, with a view eventually to promoting equality of opportunity, where appropriate
- Ensure the separation of party and State
- Establish the conditions for competition in legislative elections on an equitable basis
- Ensure that electors have a free choice by maintaining the viability of political parties, e.g. by public funding and/or free time in the media
- Ensure, through national programmes of civic education, that the population become familiar with both election procedures and issues

The State should establish a neutral, impartial or balanced mechanism for the management of elections. Such an agency should:

- Ensure that those responsible for the administration of the election are trained or act impartially
- Ensure that coherent voting procedures are established and made known to the voting public
- Ensure the registration of voters, updating of voter lists and voting procedures, with the assistance of national and international observers (watchers), as appropriate
- Encourage parties, candidates and the media to accept and adopt a Code of Conduct to govern the election campaign and the polling period
- Ensure the integrity of the ballot through appropriate measures to prevent double and multiple voting and

fraud

- Ensure the integrity of the process for counting votes and tabulating (canvassing) results
- Announce the election results and facilitate any transfer of authority

In protecting the secrecy of the ballot, the State should ensure that:

- Voters are able to cast their ballots freely, without fear or intimidation; the authorities should take such steps as are necessary to protect voters from threats or other violence
- The secrecy of the ballot is maintained
- The ballot is designed to avoid fraud or other illegality, and so ensure its own security
- The integrity of the process is maintained, and that the ballot counting is undertaken by trained personnel, subject to monitoring and/or impartial verification

Critical to the respecting and ensuring of human rights during elections, the State should ensure:

- That freedom of movement, assembly, association and expression are respected, with particular reference to the holding of political rallies and meetings
- That parties and candidates are free to communicate their views to the electorate, and that they enjoy equality of access to State and public service media, which should also provide non-partisan coverage of election campaigns
- That parties and candidates, so far as practicable, enjoy reasonable opportunities to present their electoral platform
- That parties, candidates and supporters enjoy equal security, and that authorities take the necessary steps to prevent electoral violence

In protecting the rights and freedoms of citizens, the State has the right and obligation to limit the rights and activities of those whose conduct incites violence or undermines the democratic process. In doing so, however:

- Election rights should only be subject to such restrictions of an exceptional nature which are in accordance with law and reasonably necessary in a democratic society in the interests of national security or public order, the protection of public health or morals or the protection of the rights and freedoms of others and provided they are consistent with State's obligations under international law; and
- Permissible restrictions on candidacies, the creation and activity of political parties and campaign rights should not be applied so as to violate the principle of non-discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Finally, a free and fair electoral system should ensure:

- That the complaints and challenges in electoral matters be determined by an independent and impartial authority, such as an electoral commission (COMELEC) or the courts, that decisions be reached promptly, within the timeframe of the election, and that procedures be open and known to the electorate and the parties.

Adapted from international standards identified by Professor Guy S. Goodwin-Gill in his work, "Free and Fair Elections: International Law and Practice", published by the Inter-Parliamentary Union, Geneva in 1994.

The legal framework for elections in the Republic of the Philippines refers to all legislation and pertinent legal and



quasi-legal material or documents related to the elections. Specifically, the legal framework refers to the applicable provisions of the 1987 Constitution of the Philippines, the electoral laws as passed by the legislature primarily Batas Pambansa Blg 881, Omnibus Election Code; and Republic Acts 6646, 7166, 7904, 7941 and 8189 and all other laws that impact on the elections. It also includes the resolutions and instructions related to the election laws issued by the Commission on Elections, as well as related Codes of Conduct. International documents, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, also provide a framework from which to derive legislation for elections.

The legal framework for elections in the Republic of the Philippines includes the following levels of authority. Each successively inferior authority cannot make provisions, which contradict or are inconsistent with those of a superior authority.

#### Constitutional Framework for Elections in the Philippines

Type of Legislation	Formal Authority	Flexibility
Universal Declaration of Human Rights (Art 21); International Covenant on Civil and Political Rights (Art 25)	International documents to which RP is a signatory	None
Constitution of the Republic of the Philippines, 1987	Constituent Assembly or Congress exercising its legislative powers Constitutional Convention and People's Initiative	Can be amended by: 1) The Congress, upon a vote of three-fourths of all its Members; or 2) A Constitutional Convention
Omnibus Election Code and related Republic Acts (RAs 6646, 7166, 7904, 7941, 8189) and 9369	President and Congress exercising their constituent powers	Passing of bills into law requires 2/3 majority of House of Representatives + 2/3 majority of Senate + Presidential approval
COMELEC Rules of Procedure, 1993	COMELEC	Can be amended by COMELEC En Banc
Resolutions	COMELEC	Flexible: COMELEC En Banc can change these to achieve the desired objective
Instructions or Directives	COMELEC	Flexible: COMELEC Directors can change these to achieve the desired objective, subject to changes by En Banc
Codes of Conduct for BEIs and BOCs	COMELEC	COCs not part of the formal legal framework

The laws and regulations governing elections in the Philippines and the nomination and operation of the independent electoral management body, the Commission on Elections (COMELEC) are based on the detailed provisions of the 1987 Constitution of the Philippines. The most relevant constitutional articles and sections are listed below and their full text can be found in Annex III:

Art. II. Sec. 1	The Philippines is a democratic and republican state
Art. II. Sec. 26	Political dynasties
Art. III. Sec. 5	Civil and Political Rights
Art. V. Sec. 1	Suffrage
Art. V. Sec. 2 (1 & 2)	Sanctity of the Ballot
Art. VI. Sec. 2	Election of Senators



Art. VI. Sec. 5 (2)	Party List
Art. VI. Sec. 7	Election of the Members of the House of Representative
Art. VI. Sec. 17	Electoral Tribunals
Art. VII. Sec. 4	Election of President and Vice President
Art. IX-C. Sec. 2 (1)	Plebiscite, initiative, referendum and recall
Art. IX-C. Sec. 2 (9)	Report on Conduct of Elections
Art. IX-C. Sec. 4	Election Propaganda
Art. IX-C. Sec. 10	Bona fide candidates
Art. IX-C. Sec. 11	Expenses for Regular, Special Elections
Art. IX-C. Sec. 26 (1)	Election Report to the President & Congress
Art. X. Sec. 8	Local Officials' Term of Office
Art. X. Sec. 9	Sectoral Representation
Art. X. Sec. 18 (1)	Election of Executive and Legislative Officials of the Autonomous Region
in	
	Muslim Mindanao (ARMM)
Art. XVIII. Sec. 1 & 2	Term of Office for Senators and Members of House of Representatives
Art. XVIII. Sec. 5	Synchronized Elections
Art. XVIII. Sec. 7	President's interim appointment

### Applicable Election Laws

All of the laws and regulations governing elections in the Philippines are derived from the preceding constitutional articles and provisions. The full text of these laws is available at the COMELEC website or from the Omnibus Election Code of the Republic of the Philippines. Following is a list of the most relevant laws for election field workers:

- **Batas Pambansa Bilang 881 – Omnibus Election Code (OEC) of the Philippines.** This is the principal legislation on elections and it contains provisions on the powers and functions of the COMELEC; registration of voters, political parties and organizations, qualifications of elective officials; conduct of campaign, election, counting, canvassing and proclamation and conduct of referenda and plebiscites.
- **Republic Act 6645 - An act prescribing the manner of filling a vacancy in the Congress of the Philippines**
- **Republic Act 6646 - An act introducing additional reforms in the electoral system and for other purposes**
- **Republic Act 6735 - An act providing for a system of initiative and referendum and appropriating funds therefor**
- **Republic Act 7160 - An act providing for the qualification of local elective officials (Sec 39) and the disqualification of local elective officials (Sec 40) Local Government Code of 1991.**
- **Republic Act 7166 - An act providing for synchronized national and local elections and for electoral reforms, authorizing appropriations therefore, and for other purposes.**
- **Republic Act 7887 - An act instituting reforms for the purpose of amending section 3 paragraph c) and d) of R.A. 7166.**
- **Republic Act 7904 - An act amending Section 185 of the Omnibus Election Code, by requiring the COMELEC to furnish every registered voter at least 30 days before elections with an official sample ballot, voters information sheet and list of candidates.**
- **Republic Act 7941 (Party List System Act) - An act providing for the election of party list representatives through the party-list system, and appropriating funds therefore.**
- **Republic Act 8171 (Repatriation Law) - An act providing for the REPATRIATION of Filipino women who have lost their Philippine citizenship by marriage to aliens and of natural born Filipinos.**
- **Republic Act 8189 (The Voter's Registration Act of 1996) - An act providing for a general registration of voters, adopting a system of continuing registration, prescribing the procedures thereof and authorizing the appropriation of funds therefore.**
- **Republic Act 8295 - An act providing for the proclamation of a lone candidate for any elective office in a special election, and for other purposes.**
- **Republic Act 8436 - 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.**
- **Republic Act 8046 - An act authorizing the Commission on Elections to conduct a nationwide demonstration of a computerized election system and pilot-test it in the March 1996 elections in the Autonomous Region in Muslim Mindanao (ARMM) and for other purpose.**
- **Republic Act 9006 (Fair Elections Act) - An act to enhance the holding off free, orderly, honest, peaceful, and credible elections through fair election practices.**
- **Republic Act 9164 - An act providing for synchronized barangay and Sangguniang Kabataan elections, amending**

Republic Act No. 7160, as amended, otherwise known as the “Local Government Code of 1991”, and for other purposes.

- Republic Act 9189 (Overseas Absentee Voting Act 2003) - An act providing for a system of overseas absentee voting by qualified citizens of the Philippines abroad, appropriating funds therefore, and for other purposes
- Sec. 10 Lawful Election Propaganda:
  - a) Pamphlets, leaflets, cards and decals
- Sec. 11 Prohibited Election Propaganda
- Sec. 13 Requirements and/or Limitations on the Use of Election Propaganda through Mass Media
- Sec. 18 COMELEC Space and Time for Announcement of Candidates
- Republic Act 9225 - An act making the citizenship of Philippine citizens who acquire foreign citizenship permanent, amending for the purpose of Commonwealth Act. No. 63, as amended and for other purposes.
- Republic Act 9369 - An act amending Republic Act 8436 or the Election Automation Bill
- COMELEC Rules of Procedure, 1993  
A set of rules governing pleadings, practice and procedure before it or any of its offices.

## Background of COMELEC

The Commission on Elections of the Philippines, or COMELEC, is mandated to give life and meaning to the basic principle that sovereignty resides in the people and all government authority emanates from them. It is an independent constitutional body created by a 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.

Before the creation of the Commission, supervision over the conduct of elections 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.

## Mandated Functions of COMELEC

1. Enforce and administer all laws and regulations relative to the conduct of 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, and 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, petition in court for inclusion or exclusion of voters; investigate and, where appropriate, prosecute cases of violations of elections laws, including acts or omissions constituting election frauds, offences, 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, offences, malpractices, and nuisance candidates.
8. Recommend to the President the removal of any officer or 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.

## Types of Elections in the Republic of the Philippines

1. Regular elections are those held regularly over a period of time as mandated by the Constitution:
  - a. National Elections, for President and Vice-President, every 6 years, and for Senators and Party List Representatives, every 3 years, synchronized with Local Elections.
  - b. Local Elections, for Members of House of Representatives, and Provincial, City and Municipal Officials, every 3 years, synchronized with National Elections.
  - c. Barangay Elections, every 3 years, synchronized with the SK elections.
  - d. Sangguniang Kabataan (SK) Elections, every 3 years, synchronized with the Barangay Elections.
  - e. ARMM Elections, for Regional Governor, Regional Vice-Governor, and Regional Assemblymen for the Autonomous Region in Muslim Mindanao (ARMM), every 3 years.
2. Special elections are elections not regularly held, to supply a vacancy in a particular office before the expiration of the full term for which the incumbent was elected. It also refers to an election held when there is a failure of elections.
  - a. Plebiscite is the name given to a vote of the people expressing their choice for or against a proposed law or enactment submitted to them. In the Philippines, the term is applied to an election at which any proposed amendment to, or revision of, the Constitution is submitted to the people for their ratification.
  - b. A referendum is the submission of a law passed by the national or local legislative body to the voting citizens for their ratification or rejection. Power of referendum is the right reserved to the people to adopt or reject any act or measure, which has been passed by a legislative body, which would become a law without action on the part of the electors.
  - c. An initiative is the process whereby the people directly propose and enact laws. Amendments to the Constitution may likewise be directly proposed by the people through initiative.
  - d. Recall is a method by which a local elective official may be removed from office during the official's tenure or before the expiration of the official's term by a vote of the people after registration of a petition signed by a required percentage of the qualified voters.

#### How often are Elections Held?

- a. National elections: From the second Monday of May 1992 for President and Vice-President: Every six (6) years, and for Senators: Every three (3) years. The next National Elections are planned for May 14, 2007
- b. Local elections for House of Representatives, and for provincial, city and municipal officials: Every three (3) years from the second Monday of May 1992. The next Local Elections are planned for May 14, 2007
- c. Barangay elections: Every three (3) years after July 2002, to be held on the last Monday of October, synchronized with the SK elections. Due to postponements, the next Barangay Elections are planned for October 29, 2007.
- d. SK elections: Every three (3) years after July 2002, to be held on the last Monday of October, synchronized with the barangay elections. Due to postponements, the next SK Elections are planned for October 29, 2007
- e. ARMM elections: Every three (3) years from March 1993. Due to postponements, the next ARMM elections are planned for August 2008

#### May 14, 2007 Synchronized National and Local Elections

In accordance with State policy to conduct synchronized national and local elections every three years, on May 14, 2007 there shall be an election for twelve (12) Senators, all elective Members of the House of Representatives, and all elective provincial, city and municipal officials. The Senators are elected for a six-year term, while Members of the House of Representatives and provincial, city and municipal officials are elected for a three-year term.

#### Organizational Structure of COMELEC

The Commission is under the over-all control of the Chairman and the Commissioners, who constitute the

policymaking body that lays down the guidelines and regulations 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 is the Chief Executive of the Commission. Under him is the 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).

In the field, there are 17 regional election directors (RED), 1,609 election officers (EO) and their staff. 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.

### Role and Responsibility of the Regional Election Director (RED)

Under the direction of the Chairman and the Executive Director:

1. Perform functions delegated by the Commission;
2. Implement laws, policies, rules, regulations, decisions and guidelines of the Commission in the regional area;
3. Plan, direct, supervise and coordinate all official activities of provincial, city and municipal election offices of the Commission in the region;
4. Represent the Commission in the region;
5. Coordinate with regional offices of other government agencies as well as with local government units in the regional area;
6. Subject to review, render legal opinion and advice on provisions of election or referendum laws and decrees and the implementing resolutions of the Commission for the guidance of field personnel, government officials and employees charged with election and/or referendum functions and duties and other interested parties;
7. Maintain an effective reporting and information system for effective communication with the central office and in the regional area;
8. Perform personnel and planning functions delegated by the Commission;
9. Perform functions related to financial operations, as preparation of budget, disbursement of funds, and related matters, as delegated by the Commission;
10. Approve requisitions and procure supplies, materials, and equipment and other items for the region, subject to approval of a supply procurement program in the Commission, as delegated by the Commission;
11. Coordinate and conduct information drives and educational programs regarding elections and referendum;
12. Provide general housekeeping functions in the regional area; and
13. Perform other related functions.

### Role and Responsibility of the Provincial Election Supervisor (PES)

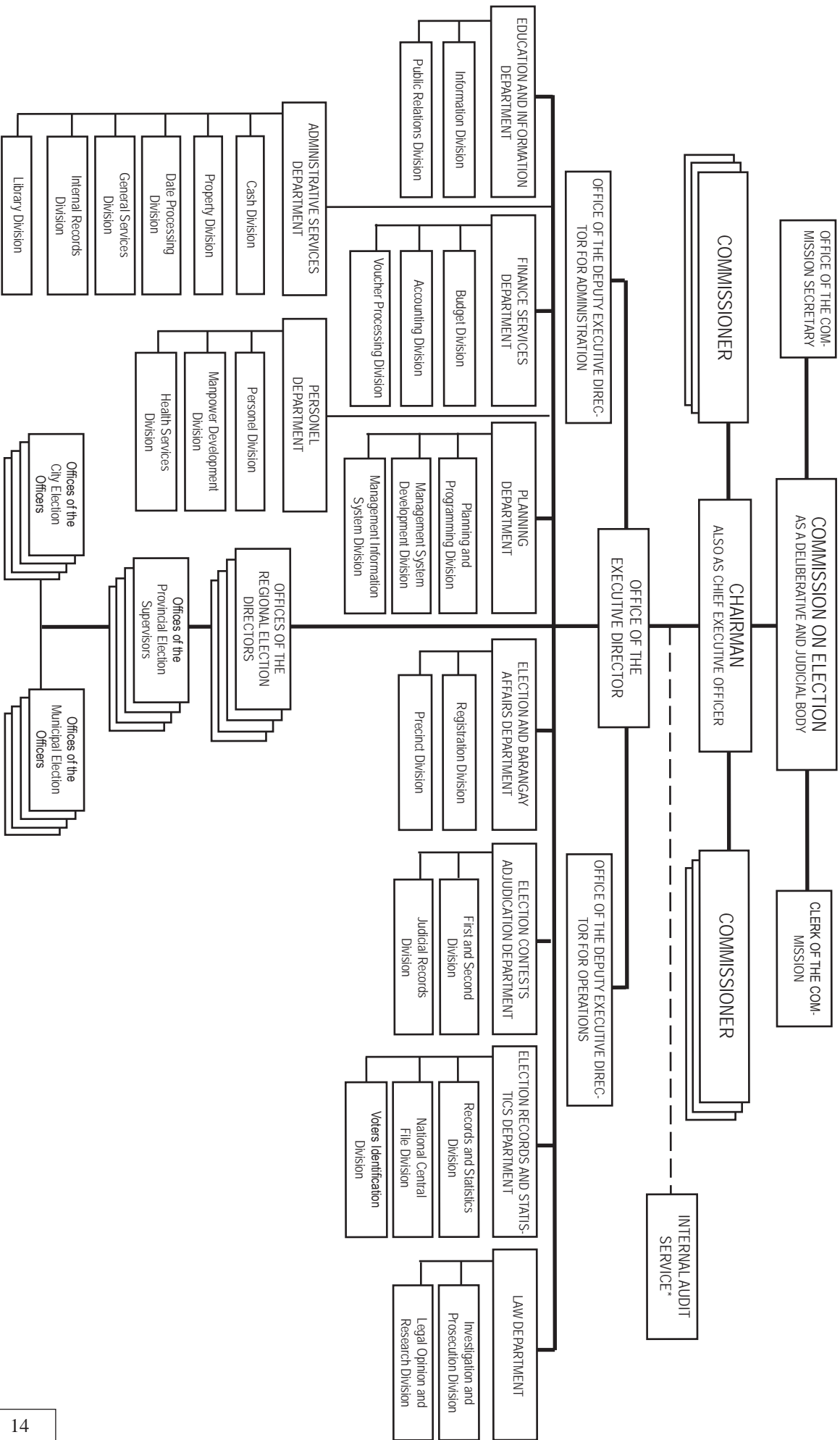
Under the direction of the Regional Election Director:

1. Represent the Commission on Elections in the province;
2. Supervise all city and municipal election offices under the jurisdiction of the office of the Provincial Election Supervisor;
3. Implement policies, rules, resolutions, decisions and other guidelines promulgated by the Commission;
4. Maintain effective liaison between the Commission and other government offices as well as local government offices on matters relative to the conduct of elections, the registration of voters and the holding of referenda, the implementation of the Commission's education and information program, and other related matters;
5. Keep and maintain the provincial central file of registered voters; and
6. Perform other related functions.

### Role and Responsibility of the Election Officer (EO)

Under the direction of the Provincial Election Supervisor:

1. Represent the Commission in the city/municipality or municipal district of assignment;
2. Implement policies, rules, regulations, decisions and other guidelines promulgated by the Commission;



3. Supervise the registration of voters and the holding of elections, referenda, plebiscites and other political exercises in the city/municipality;
4. Keep and maintain the municipal file of registered voters;
5. Keep, maintain, and update the registration records in the city/municipality;
6. Issue voter's identification card, in case of loss, to registered voters;
7. Implement the education and information program and other programs of the Commission in the city/municipality;
8. Maintain effective liaison with other government offices in the city/municipality; and
9. Perform other related functions.

## Election Facts

Synchronized National and Local Elections are to be held in the Philippines on May 14, 2007. Positions being contested include half the seats in the Senate, all the seats in the House of Representatives, Local Elective seats, namely: provincial governors/vice governors, provincial board members, city/municipal mayors and vice mayors, and city/municipal councillors. The 2007 Elections are sometimes known as the Philippine Midterm Elections as the election date falls midway in the president's term of office.

### Number of Elected Offices:

#### National Offices:

- ✓ Senate (12 Senators; 6-year term)
- ✓ Party List Representatives of the House of Representatives  
(Sector/Organization/Coalition: 54 seats; (3-year term)

#### Local Offices:

- ✓ Single-Member District Representatives of the House of Representatives (196 seats; 3-year term)
- ✓ Governors (81)
- ✓ Vice Governors (81)
- ✓ Provincial Board Members
- ✓ Mayors (1,609)
- ✓ Vice Mayors (1,609)
- ✓ Municipal Councillors

Voting Hours: 7:00 a.m. — 3:00 p.m.

Number of Registered Voters Nationwide : 43.52 million<sup>1</sup>

Type of Ballot: Manual Ballots for all 80 provinces

Number of Election Inspectors: 700,000

### What Documents Do Voters Have To Bring?

Region	Total City/Municip	Total Precincts	Reg. Voters	Turnout %
Philippines	1,615	216,725	43,522,634	77.0%
NCR	17	29,375	5,931,572	68.0%
CAR	77	3,863	762,238	78.2%
Region I	125	11,403	2,322,803	84.2%
Region II	93	7,501	1,498,501	77.9%
Region III	130	24,524	4,953,027	77.1%
Region IV-A	142	27,123	5,525,334	75.9%
Region IV-B	73	5,953	1,191,482	79.3%
Region V	114	12,291	2,431,397	82.6%
Region VI	133	17,580	3,601,807	79.7%

<sup>1</sup> As at May 10, 2004.



Region VII	132	16,536	3,299,070	82.0%
Region VIII	143	10,554	2,073,753	82.3%
Region IX	71	8,157	1,617,649	75.2%
Region X	93	10,382	2,047,523	78.0%
Region XI	48	10,459	2,143,186	72.5%
Region XII	49	8,516	1,746,920	72.2%
ARMM	102	6,549	1,215,914	77.7%
Caraga	73	5,932	1,160,458	81.3%

Voters should bring their Voter's ID issued after registration. Any other forms or documents of identification with picture will also be accepted as proof of identity, except Community Tax Certificate (Cedula) and certification from Barangay Officials.

### Who May Vote in This Election?

Any person who has filed their application for registration at their respective Office of the Election Officer (OEO) before the December 31, 2006 deadline (including transfers of registration records to another district/city/municipality/precinct, reactivation, and changes/ corrections of entries in the registration records) shall be permitted to vote in their assigned precinct—provided that the application has been approved by the Election Registration Board (ERB).

In order to register to vote, the person must be a Filipino citizen who is:

- At least eighteen (18) years of age on Election Day;
- A resident of the Philippines for at least one (1) year and in the place wherein he proposes to vote for at least six (6) months on or before the day of the election;
- Not otherwise disqualified by law.

The following are disqualified from registering or voting:

- Any person who has been sentenced by final judgment to suffer imprisonment of not less than one (1) year;
- Any person who has been convicted by final judgment of a competent court or tribunal of having committed any crime involving disloyalty to the duly constituted government, such as rebellion, sedition, violation of the firearms laws, or any crime against national security; and
- Insane or incompetent persons as declared by competent authority unless subsequently declared by proper authority that such person is no longer insane or incompetent.

Any person disqualified to register under paragraphs (a) and (b) above shall automatically reacquire the right to vote upon expiration of five (5) years after service of sentence.

### Key Activity Plan

The Key Activity Plan is the operational plan based on the Election Calendar of Key Activities as approved by the Commission En Banc. The Election Calendar has been developed based on the Key Activity Plan. The Election Calendar outlines all of the major activities and key dates of the electoral process (see Annex IV). The KAP is meant to be a guide and template for field operations. Detailed planning is required at the regional and city/municipal level in order to ensure that all of the key activities are accomplished in time for implementation of elections.

### Registration of Voters (as provided in R.A. No. 8189)

Registration refers to the act of accomplishing and filing of a sworn application for registration by a qualified voter before the Election Officer of the city/municipality wherein s/he resides. After such application is approved by the Election Registration Board (ERB), the name of the applicant is included in the book of registered voters. Requirements and procedures for the registration of voters are provided under RA No. 8189 or "The Voter's Registration Act of 1996." The ERB is composed of the Election Officer as chairman and as members, the public school official most senior in rank and the local civil registrar, or in his/her absence, the city/municipal treasurer.

The personal filing of application of registration of voters is conducted daily in the Office of the Election Officer during regular office hours. No registration will be conducted during the period starting 120 days before a regular election day and 90 days before a special election day.

The System of Continuing of Voters Registration will include:

- New registrants (first-time voters)
- Transfer of registration records from other cities and municipalities
- Application for Reactivation
- Application for change of name by reason of marriage or court order or order by the civil registrar or consul general; and
- Correction of entries in the registration records that contain erroneous entries, including wrong or misspelled name, birth day, birth place or typographical errors

Venue for Filing Application

Office of the Election Officer in the city/municipality where the applicant resides, from 8:00 am to 5:00 pm. There is no registration in the barangays.

Requirements for Applicants of Registration

In order to register to vote in elections in the Philippines, an applicant must meet the following criteria:

- Filipino citizen
- Eighteen (18) years old on or before Election Day
- Resident of the Philippines for at least one year and a resident of the barangay where s/he wishes to vote for at least six months immediately preceding the election.
- Not disqualified by law (see above)
- Applicant must register only once. Registration more than once is punishable under the law with imprisonment of not less than one year but not more than six years and shall not be subject to probation.
- Applicant must personally appear before the COMELEC Election Officer. Applicant will be required to present any of the following identification documents with signature and picture:
  - ☐ Current employee's ID card with the signature of his/her employer or authorized representative
  - ☐ Postal ID card
  - ☐ Student's ID or library card, signed by the school authority
  - ☐ Senior Citizen's ID card
  - ☐ Driver's Licence
  - ☐ NBI/PNP clearance
  - ☐ Passport, or
  - ☐ SSS/GSIS ID card
- Community Tax Certificate (cedula), certification or identification cards issued by barangay officials will not be honoured as valid documents.
- In the absence of any of the above-mentioned identification documents, applicant may be identified under oath by any registered voter of the precinct, or by any of his/her relatives within the fourth civil degree of consanguinity or affinity (up to first cousin, including first-degree aunts, uncles, etc.)

How to Register:

- Applicant will be interviewed regarding his/her personal information. Applicant will complete two (2) copies of the prescribed application form.
- Applicant's biometrics will be captured live: fingerprints, picture, and signature are captured digitally and will play a crucial role in the cleansing of the list of voters.
- Applicant will receive proof of his/her application for registration.

For Illiterate or Disabled Applicants

Illiterate or disabled persons may be assisted in the preparation of their application forms by relative within the fourth civil degree of consanguinity or affinity or if he has none, by any person of his confidence who belongs to the same household, or by the Election Officer (EO). Except the EO, an assistor cannot assist more than three times. All assistants must be of voting age.

**IMPORTANT REMINDER:** The application form of an applicant who fails to submit himself/herself for the live capture of his/her biometric data or to take the oath before the BIBLE or KORAN shall not be accepted and deemed not valid.



### Challenges to Applications for Registration:

1. All applications for registration shall be heard on a quarterly basis. For this purpose, the ERB shall convene every third Monday of January, April, July and October.
2. Upon receipt of applications, the Election Officer will set them for hearing. Notice of which is posted in the city/municipality bulletin board and in his/her office one week before the hearing, and furnish copies thereof to the applicant concerned, the heads or representatives of political parties, and other accredited organizations.
3. On the date of the hearing, the Election Officer shall receive evidence for or against the applicant. Physical presence of the applicant is necessary in all cases where a challenge against his/her application have been filed with the ERB.
4. Any voter, candidate or representative of a registered political party may challenge in writing any application for registration, stating the grounds therefore. The challenge shall be under oath and be attached to the application, together with the proof of notice of hearing to the challenger and the applicant. Challenges must be filed not later than the second Monday of the month of the hearing of the ERB.
5. The Election Officer will submit to the ERB applications for registration filed, together any relevant evidence received. The ERB shall, by majority vote, approve or disapprove the applications.
6. If the ERB disapproves an application, the applicant shall be furnished with a certificate of disapproval stating the grounds therefore. Any aggrieved party may file a petition for exclusion or inclusion, as the case may be, with the proper Municipal or Metropolitan Trial Court.

Within five days of approval or disapproval, the ERB shall post a notice on the bulletin board of the city/municipal hall and in the Office of the Election Officer, stating the name and address of the applicant, the date of the application and the action taken. The EO shall furnish a copy of the notice personally, or by registered mail or special delivery to the applicant and representatives of the registered political parties in the city/municipality.

### Media and Watchers

This chapter describes the rights and responsibilities of media representatives and Poll Watchers who are authorized to be present in the Polling Place.

#### COMELEC Media Policy

COMELEC believes in the value of good relations with the media and in the importance of ensuring accurate reporting on Election Day and during Canvassing. There are certain guidelines that all Board of Election Inspectors and Board of Canvassers must follow.

Three principles should be kept in mind: be friendly, be open and be factual. The BEI Chairperson is exclusively responsible for informing media representatives of the election results, which may be announced after the ballots are counted. These are to be clearly referenced as "preliminary results".

The BEI Chairman is not obliged to talk to journalists. However if questions are of a nature that you are not authorized to respond to, direct the journalist to the Election Officer.

#### You MAY respond to general questions such as:

- Polling, counting and canvassing procedures
- Voter turnout at the Polling Place
- Polling Place provisional results, after the completion of the count
- Your duties as an Election Official and any training you received
- Your Election Official's Code of Conduct

#### You MAY NOT:

- Interpret results on a local, regional or Philippine-wide basis
- Comment on voting trends, expected outcomes, or how the election is expected to proceed in other areas
- Offer opinions on policy, compliance, or speculate on other issues
- Comment on rumours

#### Rights of the Media

- ~~Authorized representatives of local and foreign international~~ media accredited by COMELEC may also be present inside the Polling Place during the preparations for the opening of the polls, polling, counting and canvassing. Media representatives are allowed inside the Polling Place and may, with the approval of the BEI Chairperson obtain general footage and photographs.
- Representatives of the media may move around inside the Voting Center or Polling Place quietly as long as their movements do not interfere with, or obstruct the flow of voters or the work of the BEI, or the privacy of a voter.

#### Accreditation of Media

Upon accreditation, media representatives shall be issued a COMELEC Media Card, which must be claimed in person. The COMELEC Media Card shall be strictly non-transferable and is valid only for the purpose for which it was issued. Any abuse thereof shall result in revocation.

The Media Card shall be worn prominently whenever the media representative is covering or observing a COMELEC or electoral event.

#### Media Access to the Electoral Process

Duly accredited domestic and foreign media shall be allowed maximum access to all stages of the electoral process subject only to conditions essential for the protection of COMELEC personnel, property, and privileged information.

#### Media Rules of Conduct

All media representatives shall observe the following conduct:

- a) Not more than three (3) media representatives shall be allowed inside the polling place at any one time;
- b) Upon entry into the polling places, media representatives shall immediately identify themselves to the Board of Election Inspectors by presenting their COMELEC Media Cards;
- c) Unprofessional activities shall not be tolerated. Any media representative found to be engaging in unprofessional activities shall have their Media Cards revoked immediately. Unprofessional activities include:
  1. Any behaviour deemed disruptive of the conduct of voting, counting, or canvassing, such as, but not limited to, conducting interviews inside the Polling Place or Canvassing Center;
  2. Engaging in partisan political activities;
  3. Any behaviour intended to unduly influence the choice of voters, such as, but not limited to, directly trying to sway the voter or speaking for or against a candidate;
  4. Violating the secrecy of the vote by photographing or filming individual voters as they are in the process of completing their ballot;
  5. Use of mobile phones or communication radios in the Polling Place.
  6. Distributing campaign materials; and
  7. Any behaviour deemed unlawful.

Insert graphic of COMELEC Media Card

## Watchers

Transparency is an important part of a democratic election process. The Electoral Rules provide for the presence of Watchers who are authorized to monitor the electoral process and report their findings. Watchers may represent domestic non-governmental organizations or political entities, or in a small number of cases, foreign (international) organizations. Each candidate, political party or coalition of political parties and the accredited Citizens' Arm may

appoint two watchers to serve alternately in every Polling Place and at every Canvassing Center (or Canvassing Committee if it is a Canvassing Centre with more than one committee). \_

However, candidates for Sangguniang Panlalawigan, Sangguniang Panlungsod or Sangguniang Bayan, belonging to the same ticket or slate, and other civic, religious, professional, business, service, youth, and any other similar organizations, with prior authority of the Commission, shall collectively be entitled to two watchers to serve alternately in every polling place.

If because of limited space, all watchers cannot be accommodated in the polling place, preference shall be given to the watchers of the six (6) accredited major political parties as determined by the Commission and the watcher of the citizens' arm, with the latter being given preferential position closest to the BEI.

To help them fulfil their important role fairly and objectively, the Chairperson of the BEI or BOC should follow these guidelines:

- \_Refrain from imposing special or unreasonable restrictions on Watchers except as necessary to maintain order or to preserve the secrecy of the vote.
- Openly share information about the procedures to keep Watchers informed.
- Ensure that no more than one Watcher each from the same domestic organization, from candidate or from foreign (international) organization is present inside the Polling Place or Canvassing Center.
- Reduce the number of Watchers, if absolutely necessary to protect the integrity of the electoral process, but be sure to:
  - ❑ Retain some balance between Political Entity, NGO and Foreign (International) Watchers allowed to remain;
  - ❑ Be fair in the allotment of time that the various Watchers may remain present; and
  - ❑ Arrange a time when those being asked to leave may return to the Polling Place/Canvassing Center.

#### Watchers must:

- Visibly display their official accreditation at all times.
- Introduce themselves to the BEI or BOC Chairperson upon their arrival at the Polling Place or Canvassing Center and deliver their appointments as watchers.
- Remain impartial and politically neutral while observing.
- Refrain from wearing or carrying any visible insignia or mark that identifies them with a particular political entity.
- Turn off mobile phones or communication radios before entering the Polling Place or Canvassing Center.

#### Watchers are entitled to be present during:

- \_The display and sealing of the empty Ballot Box before polling begins and pre-poll opening preparations.
- \_Polling hours.
- \_The closing of the polls, preparations before counting begins, the counting of votes and the completion of the Election Returns.
- \_The delivery and hand-over of Polling Place materials and Election Returns to the Election Officer or Board of Canvassers.
- \_Canvassing at the Canvassing Center.

#### Rights of Watchers

In carrying out their observations, all Watchers have the right to:

- \_Witness and inform themselves of the proceedings of the BEI
- \_Take note of what they see or hear.
- \_Take photographs of the proceedings and incidents.
- \_File a protest against any irregularities or violation of law, which they believe may have been committed by the BEI or any of its members, or any person.
- \_Obtain from the BEI a certificate as to the filing of protest.

#### No Watcher has the right to:

- \_\_\_Speak to any member of BEI, or any Voters, or among themselves in such a manner as would disturb the proceedings of the BEI.
- \_\_\_Conduct themselves in a disorderly manner as to disturb or interrupt the proceedings of the BEI.

The BEI Chairperson can remove any Watcher from the Polling Place who is disrupting the proceedings, intimi-

dating voters or BEI staff, or violating the secrecy of the vote.

Watcher Accreditation ID (Badge)

<<<<< Insert Graphic of Badge Here >>>>>

- a. Lack of inner and outer paper seals.
- b. Failure to close the entries with the signature of the BEI's
- c. Lack of date and time of receipt by the Board of Canvassers of the election returns
- d. Lack of authority of the person receiving the returns.
- e. Lack of signatures of petitioners' watchers – Sec. 12 of R.A. 6646 provides that a watcher shall sign the election returns if he is available. If he is not or is unwilling to sign them, any other watchers present may be required to sign (Baterina).

# The Board of Election Inspectors



## **Election Day Guidelines**

**May 14, 2007 National & Local Elections**



**The Board of Election Inspectors**  
**Election Day Guidelines**

May 2007

## Election Day Guidelines for Boards of Election Inspectors

CONTACT PERSONS (Complete this table during training)			
Organization	Name	Mobile	Landline
Election Officer			
Election Officer Assistant			
PNP Local			
Voter Assistance Supervisor (DepEd)			
Municipal Treasurer's Office			
Local Hospital			
BEI Chairperson			
BEI Poll Clerk			
BEI Member			



## COMELEC Code of Conduct For Election Inspectors

In accepting my appointment as BEI member of Precinct No. \_\_\_\_\_,

I \_\_\_\_\_

Print Name

of \_\_\_\_\_

Precinct

City/Municipality

Hereby agree to commit myself to:

1. Uphold the Constitution of the Republic of Philippines that bestows the people with the right to free and fair elections (Article II Sec. 1, 1987 Constitution of the Philippines).
2. Uphold the right of all citizens of Philippines to have the right to participate in the political life and state administration directly or through (the election of) representatives (Article V, Suffrage, 1987 Constitution of the Philippines).
3. Comply with all laws and regulations of the Republic of the Philippines.
4. Treat all persons, national authorities, candidates, political parties and other bodies with respect and impartiality.
5. Not engage in any behaviour that would favour, or appear to favour, or to provide advantage to any political party or candidate.
6. Conduct all activities with transparency.
7. Respect the rights of watchers, media, candidates and political parties and candidate proxies to monitor the process.
8. Refrain from making personal or political comments to voters, the media or to other interested parties.
9. Ensure that the principles governing fair and free election activity are upheld at all times.

IN WITNESS WHEREOF

I hereby affix my signature on this \_\_\_\_\_ day of May 2007

---

Printed Name and Signature



# Welcome Letter to the Board of Election Inspectors

## **Welcome and Congratulations!**

Of the millions of qualified Filipino voters, you join the few who have been chosen to help safeguard and strengthen the democratic institutions of our country through the conduct of honest, orderly, peaceful and credible elections! No amount of monetary or financial reward can easily and sufficiently pay the magnitude of your responsibility to manage the elections at the precinct level bearing in mind the aforementioned standards and objectives.

Be that as it may, let it be said with all pride and dignity, that we have a number of highly committed Filipino citizens who are ready to ensure our electoral process as expressed through the ballot, truly express the collective will and aspiration of the Filipino voters. After all, elections are the bedrock and foundation of a strong democratic and republican nation. By your active and selfless cooperation, you form part of this foundation of a strong and vibrant Philippine democracy.

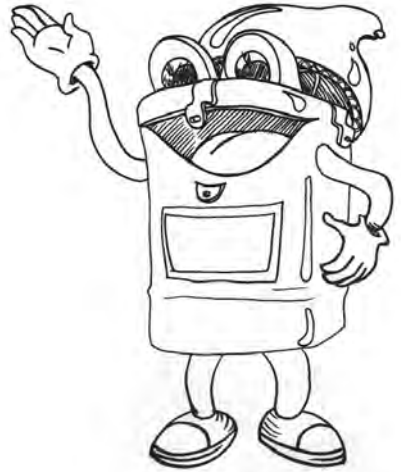
Again, congratulations and welcome! Let's all make the May 14, 2007 election an electoral exercise we can all be truly proud of.

**Benjamin S. Abalos**  
*Chairman*

# About these Guidelines

This section of the COMELEC Election Handbook is a ***step-by-step guide*** for you, the Board of Election Inspectors member, to use on Election Day. It contains a number of checklists and sample forms and materials, which are quick reference guides to help you handle special situations and perform your responsibilities correctly, precisely, and accurately. Using the handbook and reference materials, you will be able to do your job and handle any situation, which may arise on Election Day.

It is important to remember that your responsibility is limited to your assigned precinct(s). The Election Officer or Voter Assistance Supervisor shall be responsible for other problems.



## These Guidelines will help you to:

- ✓ Set up your Polling Place
- ✓ Verify Voters' eligibility to vote
- ✓ Organize and conduct polling
- ✓ Close the polls
- ✓ Accurately appreciate votes and ballots
- ✓ Accomplish all required forms
- ✓ Prepare the Ballot Box for delivery to the Canvassing Center
- ✓ Handle special situations

## Election Day Team

Besides the voters and the BEIs, many other stakeholders will be involved in the electoral process on Election Day. All are important to administering the election, while maintaining transparency and confidence in the electoral process.



### Election Officer and Municipal Treasurer

Each municipality has an Election Officer and a Treasurer who are responsible for providing your supplies, ballots, and documents required on Election Day. In addition, the Election Officer is your main point of contact for any problems during the preparation of your Polling Place or on Election Day itself. The Election Officer will also receive and check all polling materials after the completion of counting by the BEI.

### COMELEC Assistance Center

The COMELEC shall designate staff who will monitor and supervise the elections. Your Election Officer will be your direct link to the COMELEC Assistance Center. You should not be directly contacting the COMELEC Assistance Center except in emergencies and when the Election Officer or his staff are unreachable.

### Voter Assistance Group (VAG)

The VAG team consists of a Voter Assistance Supervisor and two Assistants for every 10 Polling Places at a Voting Center. The Supervisor and Assistants are normally DepEd staff, however they may also be from an accredited Citizen's Arm. Partisan workers, i.e. party representatives, should **never** be involved in Voting Center management. Before Election Day the Voter Assistance Supervisor should organize layout of the Voting Center and determine the location of the Polling Places, Voter Assistance Table, signs and lists with the input of the BEI Chairpersons

### Authorized Poll Watchers

Poll Watchers are required to present their appointments to the BEI and must wear their IDs while in the Polling Place at all times. They will have an assigned space in the Polling Place. They have the right to observe the election process, take notes, photographs and file protests. Poll Watchers cannot speak to any BEI members or Voters in such a manner that will disturb the proceedings.



### Polling Place Security

The Philippine National Police or Armed Forces of the Philippines and other deputies designated by the COMELEC to maintain peace and order during the conduct of elections will provide security. No security official should stay within 50m radius of the Polling Place, unless called in by the BEI Chairperson to restore order.

### Media

Accredited representatives of the media have an important role in ensuring the transparency of the electoral process—however they must be sure to respect the secrecy of the vote and refrain from interviewing voters, watchers or BEI members in the Polling Place, or interfering in the voting process in any way. Media representatives cannot film anyone without their permission and must silence cell phones while in the Polling Place.

If interviewed by the media, you can discuss the nature of your work and your training – do not speculate on the results, discuss voter turnout or express any personal opinions.



# Board of Election Inspectors

## Composition

The Board of Election Inspectors (BEI) is composed of three members: Chairperson, Poll Clerk and Member. The Election Officer for the respective city/district/municipality appoints these three members in writing, not later than February 28, 2007. Working as a team, the BEI ensures the conduct of free, orderly, peaceful and credible elections in their precincts.

### Qualification of Members of the BEI

To be appointed to a BEI, members must have the following qualifications:

- a) Be of good moral character and irreproachable reputation and be willing to abide by the COMELEC Code of Conduct for Election Officials
- b) Be a registered Voter of the city or municipality where he or she will be working;
- c) Have never been convicted of any election offence or any other crime punishable by more than six (6) months imprisonment;
- d) Be able to speak and write English or the local dialect
- e) No pending information for an election offense; and.
- f) In addition, it is required that the Chairperson be a public school teacher.



## Overall Duties of the BEI

The general duties and responsibilities of the BEI are as follows:

- ✓ Conduct voting and counting in their assigned Polling Place
- ✓ Maintain order within the Polling Place and its premises
- ✓ Complete the Tally Board and Election Returns simultaneously during the counting of votes
- ✓ Carry out all instructions issued by the COMELEC

## Main Duties of Chairperson

- ✓ Supervise all activities in the Polling Place and the duties of the Poll Clerk and Member
- ✓ Takes custody of **Election Day Computerized Voters' List** (CE Form No. 2) and one copy of the Posted Computerized Voters' List (Report 1B)
- ✓ Ensures that the Polling Place is properly prepared before voting starts
- ✓ Checks and acknowledges receipt of all polling materials received from the Municipal Treasurer and Election Officer
- ✓ Opens the Polling Place at 7:00 am
- ✓ Accomplishes Minutes of Voting and Counting of Votes
- ✓ Authenticates ballots before issuing it to a voter
- ✓ Issues ballots to Voters
- ✓ Applies indelible ink on voters' right index fingernail after they cast their ballot (can also be done by the Third Member)
- ✓ Closes the Polling Place at 3:00 pm
- ✓ Organizes counting of votes
- ✓ Reads the ballots during counting
- ✓ Maintains order in the Polling Place, with the assistance of law enforcement officials, if necessary
- ✓ Delivers Election Returns to the Election Officer
- ✓ Performs such other duties as tasked by the Election Officer

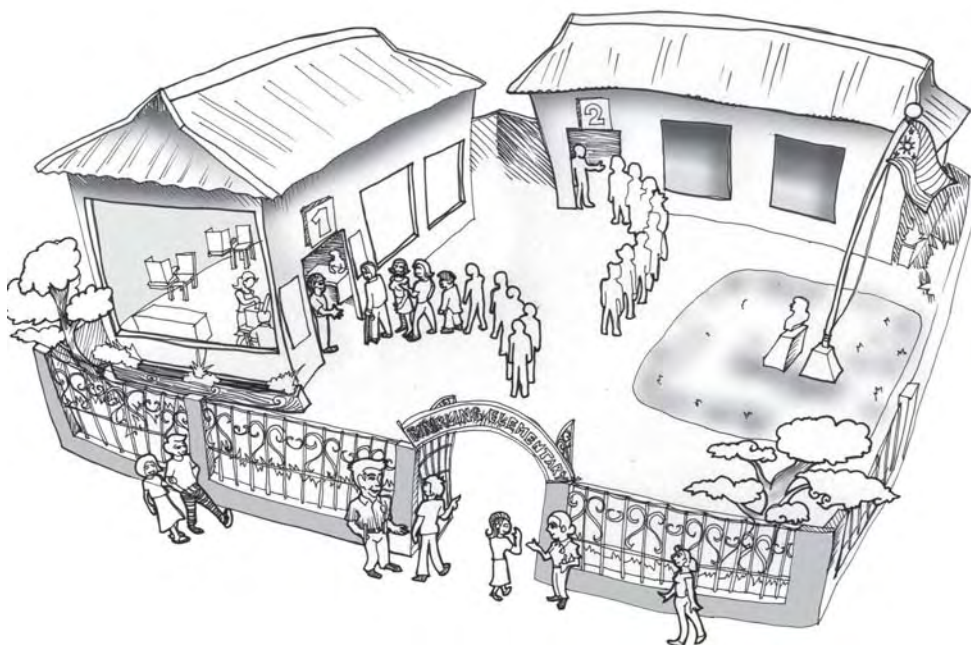
## Main Duties of Poll Clerk

- ✓ Ensures that the Polling Place is properly prepared before voting starts
- ✓ Takes custody of the **Book of Voters**
- ✓ Accomplishes the Election Returns as the ballots are being read by the Chairman
- ✓ Records in the Minutes of Voting and Counting of Votes all challenges, oaths taken and decisions of the BEI
- ✓ For statistical purposes, maintains a tally of male/female and illiterate/disabled voters who actually voted; a form for this purpose will be provided by the EO.
- ✓ Performs other duties as tasked by the Chairman

## Main Duties of Third Member

- ✓ Ensures that the Polling Place is properly prepared before voting starts
- ✓ Takes custody of 1<sup>st</sup> copy of **List of Deactivated Voters**
- ✓ Posts 2<sup>nd</sup> copy of the **Posted Computerized Voters' List**, together with the 2<sup>nd</sup> copy of the **List of Deactivated Voters** at the door of the Polling Place.
- ✓ Ensures that Voters are queued in an orderly manner outside entrance to polling place
- ✓ Accomplishes Tally Board as the ballots are being read by the Chairman
- ✓ Acts as the Secretary of the Board
- ✓ Provides general instructions to voters on how to vote

- ✓ Ensures that voters leave after voting
- ✓ Ensures that only accredited staff, watchers or Voters enter the Polling Place
- ✓ Assists Chairman and Poll Clerk in the counting of votes
- ✓ Performs other duties as tasked by the Chairperson



## Voting Centres and Polling Places

A **Voting Center** is the building or structure where Polling Places are located. The Voting Center also includes the area within 30 metres of the entrance to the building. In most cases the buildings used as Voting Centers will be schools or community facilities.

A **Polling Place** is a designated space within the Voting Center where the voting will be conducted. Typically this is a classroom. Each Polling Place is assigned to accommodate all Voters from a specific geographical area, or **Precinct**.

Polling Places will be numbered as Precinct 1A, 2A, 3A... unless a "daughter" precinct has been created from a larger precinct, in which case it will be numbered, for example, 1b.

In the Philippines, there are approximately 38,000 Voting Centers comprised of over 300,000 Polling Places.

Each Polling Place has a maximum of 200 voters. When two precincts are clustered, the cluster will have a maximum of 300 voters or as may be fixed by the Commission.





## Polling Place Location

The **Election Officer**, with the assistance of the **Voter Assistance Supervisor**, determines Polling Place locations. In most cases, the Polling Place location will not change from election to election. Prior to Election Day, the BEI should visit the Polling Place and ensure that it is suitable to voting and counting. If it is not suitable, the Election Officer must be notified at least two weeks prior to Election Day so that a suitable location can be found.

Polling Places must meet the following standards:

- ✓ Have sufficient **light/electricity** to ensure that voting and counting can take place without interruption
- ✓ Provide sufficient **space** for ten (10) desks (placed far enough apart so that the secrecy of the ballot is protected), desks for BEI members, counting tables and chairs for watchers
- ✓ Where possible, are on the **ground floor** and accessible to wheelchairs and disabled Voters
- ✓ Have a **door**, which can be locked

During the Voter Registration period, Voters are registered in a particular precinct. This precinct has a designated polling place in a particular Voting Center. The Polling Place number is written on the **Voting Registration Record (VRR)** given to the Voter.

<p style="text-align: center;"><b>COMMISSION ON ELECTIONS</b> NOVELETA, CAVITE</p> <p>Dear Mr./Mrs./Miss : GEN LI GUIB</p> <p>VIN 2116-0080A-F1475LGG22116-8</p> <p>Please acknowledge receipt of your voter's ID by signing on the space provided for.</p> <p style="text-align: center;">_____ Signature of voter</p>	<div style="display: flex; justify-content: space-between;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);"> VRR_ENR_377317 April 12, 2006 </div> <div style="text-align: right;"> <p>Republic of the Philippines <b>COMMISSION ON ELECTIONS</b> NOVELETA, CAVITE VIN : 2116-0080A-F1475LGG20000-8</p> </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p><b>GEN LI GUIB</b></p> <p>Date of Birth : June 8, 1974 Civil Status : Single Citizenship : Filipino Address : TIP SAN RAFAEL II SAN RAFAEL Precinct No. : 0880A</p> <p>_____ Signature of Voter :</p> </div> <div style="width: 45%; text-align: center;">  <p>Right thumb</p> <p><i>Benjamin S. Angeles</i> <b>BENJAMIN S. ANGELES</b> Chairman</p> </div> </div>
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As far as possible, all family members with the same surname will be voting at the same Polling Place, however this is not always the case. For this reason, and because there can be many Voters assigned to the same Voting Center, it is important to plan and **organize the Voting Center for the convenience of the Voter**. COMELEC has assigned a Voter Assistance Supervisor and two Assistants for every 10 Polling Places at a Voting Center. The Supervisor and Assistants may come from DepEd or the Citizens' Arm. Before Election Day the Voter Assistance Supervisor should organize the Voting Center, with the input of the BEI Chairpersons.

## Voting Center Management

The **Voter Assistance Supervisor** is responsible for organizing and planning all the activities relating to the Voting Center—which is exterior to the Polling Place

The **BEI Chairperson** is responsible for organizing the activities of the Polling Place.

The Voter Assistance Supervisor and his or her staff will work in partnership with BEI members to assist in the following areas:



- ✓ Organize crowds and maintain orderly queues;
- ✓ Organize a Voter Assistance Table with the task of directing Voters to their correct Polling Places within the Voting Center
- ✓ Provide any required material assistance to the BEIs
- ✓ Liaise with the Office of Election Officer, the Municipal Treasurer, DepEd and with the PNP, if necessary

The number of management staff allocated to a Voting Center will depend on the number of Polling Places located within the same location.

## BEI Preparations Before Election Day

Prior to Election Day, you will need to prepare your Polling Place in coordination with your Voter Assistance Supervisor and to pre-check all of the required materials at your Distribution Center with your Election Officer and Municipal Treasurer.

BE PREPARED. Remember you have a full day ahead of you.

- ✓ Carefully **check** all forms, documents and paraphernalia **at least four days before Election Day**. If there is a need for an early delivery request, make sure that this is arranged with the Election Officer long before Election Day.

- ✓ **Bring** any necessary medications or special needs required on Election Day, such as a flashlight, enough food, water and drinks for the entire day and evening.

- ✓ **Sleep** early and have a good rest.

The **BEI Chairperson** is responsible for the general operation of the Polling Place. In addition to operational tasks on the day of the election, the BEI Chairperson has other duties outlined in the General Instructions issued by COMELEC.

## BEI Chairperson Checklist of Activities

### At the Polling Place Before Election Day

- ❑ Review physical preparation of Polling Place set-up with BEI members and Voter Assistance Supervisor
- ❑ Review roles and duties of BEI members
- ❑ Review steps to polling and counting with BEI members
- ❑ Check that you have sufficient tables and chairs for Voters, Watchers and BEI members
- ❑ Confirm time of meeting at the Polling Place on Election Day (before 6:30am) and share contact information with BEI members and the Polling Center Supervisor

### At the Office of the City/Municipal Treasurer Before Election Day

- ❑ Using CE Form No. 14 *Certificate of Receipts of Official Ballots, Other Forms and Supplies by the BEI*, check all items at the office of the Distribution Center with your City/Municipal Treasurer or Election Officer at least four days before Election Day. Deposit them in your ballot box. Lock the ballot box. Bring your respective keys.
- ❑ Together with your City/Municipal Treasurer, determine what non-sensitive items (if any) can be received before Election Day and arrange a time on Election Day morning when you can pick up the remaining sensitive items.
- ❑ Arrange a time on Election Day morning when you can pick up the remaining sensitive items.
- ❑ Make sure that the Contact List in the front cover of these guidelines is complete.

### At the Distribution Center On Election Day

- ❑ Early on Election Day (at the prearranged time), go to your respective designated Distribution Center for your election forms and supplies.
- ❑ Re-check all forms, documents and supplies and their corresponding serial numbers and quantity handed to you by the City/Municipal Treasurer and Election Officer (see *BEI List of Forms and Materials* below).



## BEI List of Forms and Materials

<i>Items Collected from the Office of the City/Municipal Treasurer on Election Day</i>		
CE Form No.	Item	Quantity
3	Poster indicating number and location of precinct	1
6	Official Ballots	1/voter + 3/precinct
10	Tally Board	1
11	Minutes of Voting and Counting of Votes	4
12	Paper Seals for Election Returns	25
13	Certificate of Votes	20
14	Certificate of Receipt of Official Ballots	3
15	Envelope for Counted Ballots	1
16	Envelope for Excess Ballots	1
16-A	Envelope for Marked Ballots	1
16-B	Envelope for First Half of Torn Unused Official Ballots	1
16-C	Envelope for Second Half of Torn Unused Ballots for EO	1
17	Envelope for Election Returns: Copy for City/Municipal BOC	1
17-B	Envelope for Election Returns: Copy for COMELEC	1
17-C	Envelope for Election Returns: Copy for Provincial BOC	1
17-D	Envelope for Election Returns: Copy for Dominant Majority party	1
17-E	Envelope for Election Returns: Copy for Dominant Minority party	1
17-F	Envelope for Election Returns: Copy for Citizens' Arm	1
17-G	Envelope for Election Returns: Copy for Ballot Box	1
18	Envelope for Minutes of Voting and Counting of Votes: Copy for COMELEC	1
18-A	Envelope for Minutes of Voting and Counting of Votes: Copy for Ballot Box	1
19	Envelope for Ballot Box key for Election Officer	1
19-A	Envelope for Ballot Box key for Provincial Election Supervisor	1
19-B	Envelope for Ballot Box key for Provincial Treasurer	1
27	Receipt of Election Returns: Copy for the Election Officer	2
28	Envelope for Official Ballots	1
	Ballot Box	1
	Padlock with keys	3
	Self-locking numbered fixed length seals (plastic)	2

	Ball-point pen	13
	Sheets of Bond Paper (long)	30
	Ink pad for thumbprints	2
	Sheets of carbon paper	5
	Rubber Bands	10
	Bottles of Indelible Ink Stain	2
	Ballot Secrecy Folders	12
	Watcher's ID	2/Cand.
	COMELEC Pass	2/Muni.
	General Instructions for BEI	3
<i>Items Collected from the Office of the Election Officer on Election Day</i>		
CE Form No.	Item	Quantity
	Book of Voters	1
	Certified List of Deactivated Voters	2
1-B	Posted Computerized Voters List (PCVL)	2
2	Election Day Computerized Voters' List (EDCVL)	1
4	Certified List of Candidates for Senators	12
	Certified List of Candidates for Party Lists	12
9	Certified List of Candidates for the House of Representatives	12
	Certified List of Candidates for Local officials	12
	Election Returns	Set of 8
	Temporary Appointment of BEI Chairperson Form	10
31	Oath of Temporary BEI Chairman/Poll Clerk/Member Form	10
33/35	Certificate of Challenge or Protest and Decision of the Board	10
39	Oath of Voter Challenged for Illegal Acts	10
40	Oath to Identify a Challenged Voter	10

Upon receiving the election forms, supplies and materials, the BEI Chairperson shall:

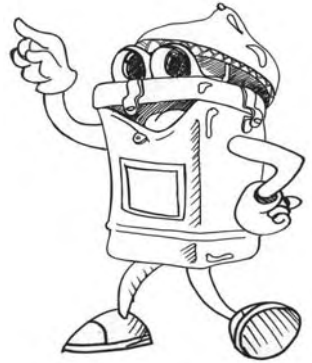
1. Sign Certificate of Receipt (CE Form No. 14) in three copies. One copy stays with the BEI and the two copies are for the Municipal Treasurer;
2. Place all forms, supplies and envelopes in the Ballot Box;
3. Lock the Ballot Box with three (3) padlocks and give one key to each BEI member;
4. Go directly to the Polling Place.

## Setting up the Polling Place on Election Day

Reminder: **Arrive at the Polling Place before 6:00 am**

### BE SURE TO BRING THE FOLLOWING\*:

- ☐ All election forms and supplies (see preceding checklists);
- ☐ Scissors to cut the Detachable Ballot Coupons
- ☐ Enough food and drink for the entire day; and
- ☐ Any necessary medications or special needs/products.

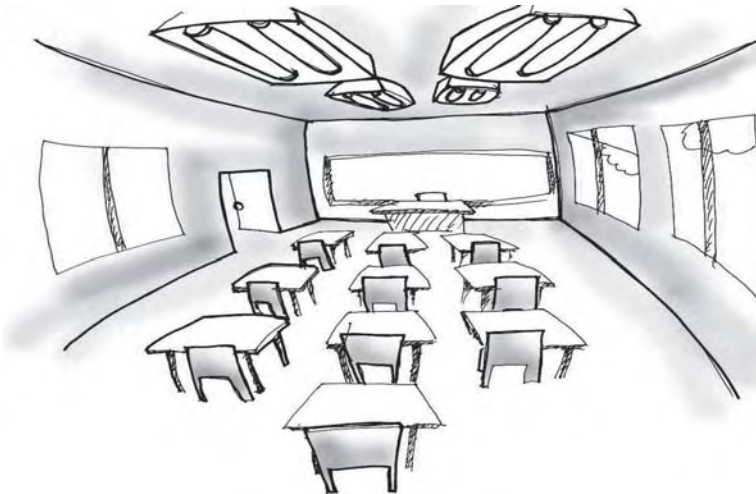


Once you arrive at the Polling Place, you cannot leave until the voting and counting is finished and you have prepared all materials for delivery to your Election Officer.

Follow the steps below to prepare your Polling Place before opening at 7:00 am.

#### 1. Arrange the Polling Place (BEI):

- ☐ Refer to suggested layout of Polling Place in the following diagram. If necessary, you may change the layout to improve the flow of Voters;
- ☐ Set up tables and chairs, according to diagram so that Voters can move easily in and out of voting area; and
- ☐ Provide an area for Watchers to sit



2. Unpack and prepare all supplies and documents (Chairperson).



3. Using the Certified List of Deactivated Voters provided by the Election Officer, remove voters excluded by court order from the PCVL and the EDCVL by crossing out their names and add any voters required by court orders.
4. Post all necessary notices and signs as follows (BEI Member):
  - a. On the wall near the entrance to the Polling Place:
    - ☐ **Voters List** (PCVL Report 1-B) – Note: paste each page separately in a horizontal line so that voters can easily inspect the list.
    - ☐ **Certified List of Deactivated Voters**
    - ☐ **Poster** indicating precinct number – Note: place the poster high enough and away from the voters list for maximum visibility
  - b. On the **bulletin board** (or wall) outside of the entrance to the Polling Place:
    - ☐ Instructions on how to vote (issued by the COMELEC)
  - c. Staple, paste or post the **Certified Lists of Candidates** (CE Form No. 4) and **Registered Parties, Organizations or Coalitions** participating under the Party List System (CE Form. No. 4-A) inside each Ballot Secrecy Folder.
5. Place **Ballot Secrecy Folders** on the table of the Chairperson (BEI).
6. Check/verify the identity and authority of **Watchers** present (Chairperson):
  - ☐ Get and file all copies of the **Appointment of Watchers**
  - ☐ Record the names of Watchers in the **Minutes of Voting and Counting of Votes** (Chairperson)

- ☐ Advise the Watchers where they may sit
  - ☐ If necessary, **prioritize space** to the Watchers of the six (6) accredited major political parties and the Citizen's Arm
7. Open **Ballot Box**, empty both compartments and show to voters, members and Watchers that it is empty (Chairperson).
  8. Lock inner compartments of the **Ballot Box** with all three (3) padlocks (make sure you return the keys to the BEI members and safeguard them during the day) - Chairperson.
  9. Show sealed envelope containing the **Official Ballots** and sealed **Book of Voters** (Chairperson).
  10. Break paper seals of package containing the **Official Ballots** and **Book of Voters** (Chairperson).
  11. Check serial numbers on the **Ballot Stubs** against the **Certificate of Receipt of Official Ballots** (CE Form No. 14) and verify that they are correct (Poll Clerk).
  12. Place Ballots, secrecy folders and marking pens on the Chairperson's table.
  13. Enter all required information in the **Minutes of Voting and Counting of Votes** (Poll Clerk).

#### Reminders

- ✓ Only the following persons are allowed in the Polling Place:
  - BEI Members
  - Watchers
  - COMELEC Representatives
  - Authorized Media
  - Voters who are voting (during voting hours)
  - Voters being processed (during voting hours)
- ✓ If any supplies are missing or if there is a problem with the supplies, locks or Ballots contact your Election Officer or Voter Assistance Supervisor immediately
- ✓ During Election Day, BEI Members should check all Ballot Secrecy Folders to make sure they are free of candidate propaganda or other campaign materials
- ✓ Make sure that voters do not queue inside the Polling Place! There should never be voters waiting to vote inside the Polling Place.



## Rights and Responsibilities of Watchers

*Every registered political party, coalition of political parties and every independent candidate shall each be entitled to one watcher in every Polling Place. (R.A. 6646, Sec 178 and 179). Political parties, coalitions and candidates can have two watchers, however, only one can be present in the Polling Place at a time.*



All Watchers have the right to:

- ✓ Witness and inform themselves of the proceedings of the BEI
- ✓ Take note of what they see or hear.
- ✓ Take photographs of the proceedings and incidents.
- ✓ File a protest against any irregularities or violation of law, which they believe may have been committed by the BEI or any of its members, or any person.
- ✓ Obtain from the BEI a certificate as to the filing of protest and/or resolution thereof.
- ✓ Read the ballots and election return
- ✓ Be furnished, upon request, a copy of the Certificate of Votes
- ✓ Accompany the Ballot Box and Election Returns to the office of the city/municipal treasurer and observe their handover and storage

No Watcher has the right to:

- ✓ Speak to any member of BEI, or any Voters, or among themselves in such a manner as would disturb the proceedings of the BEI.
- ✓ Conduct themselves in a disorderly manner as to disturb or interrupt the proceedings of the BEI.
- ✓ Touch any ballot or the election return

**The BEI Chairperson can remove any Watcher or Candidate Representative** from the Polling Place who is disrupting the proceedings, intimidating voters or BEI staff, violating the secrecy of the ballot, or using delaying tactics to disrupt polling and counting

## Responding To Watcher and Voter Concerns

Treat Watchers and Voters courteously and answer their questions promptly and accurately.

Watchers and Voters should express their questions or concerns to the BEI or BOC Chairperson.

Be responsive to complaints brought to your attention. Determine if the complaints are justified and take appropriate steps to make corrections as quickly and efficiently as possible.

If you believe a complaint is without basis, explain why and be prepared to make reference to the General Instructions issued by COMELEC.

The BEI Chairperson should note all complaints raised by Watchers and Voters in the Minutes of Voting and Counting of Votes. These complaints are reviewed post-election and form an important part of lessons learned for future elections. The notation should include information about the nature of the complaint, how it was resolved, the name and organization of the person making the complaint and the time the complaint was made.

If the BEI Chairperson cannot find an immediate solution to a concern, problem or complaint, the office of their Election Officer should be contacted immediately so that advice can be sought from an appropriate authority.

# Voting Procedures

## Opening the Polls

At precisely 7:00 a.m. the Chairperson will **OPEN THE POLLS**

**If any BEI member is absent** at 7:00 a.m., the BEI members present may appoint a substitute from the List of Substitutes submitted by DepEd. In case of non-availability, the members shall appoint any non-partisan registered voter of the precinct not otherwise disqualified.

There are six steps to processing Voters to be carried out by the Chairperson, Poll Clerk and Member:

- Step One : Demonstrate the voting procedure to the Voter
- Step Two : Authenticate Voters' eligibility to vote
- Step Three : Issue a Ballot to the Voter
- Step Four : Voter completes the Ballot
- Step Five : Verification of Ballot; and
- Step Six : Voter casts Ballot into the Ballot Box



### Step One: Demonstrate the Voting Procedure to the Voter

One BEI member should be controlling the queue of Voters to make sure that there is only one Voter in front of the Chairperson's desk at a time. In addition, while organizing the voting queue, the BEI member can explain the voting process to waiting Voters with the following instructions:



- ✓ **Greet** the Voter;
- ✓ **Show** the demonstration ballot;
- ✓ **Explain** that the Voter will receive a folded ballot;
- ✓ **Remind** the Voter to enter only one choice for each elected position—choosing from the Certified Lists of Candidates and copying the name exactly as written in the lists;
- ✓ **Tell** the Voter when they finish voting to re-fold the Ballot with serial number facing out and bring it to the Chairperson;
- ✓ **Inform** the Voter that if they make a mistake while completing the ballot they may return it to the Chairperson and receive a new ballot;
- ✓ **Explain** that the Chairperson will tear off the Detachable Ballot Coupon and verify that the serial number is correct;
- ✓ **Tell** the Voter they will be told to put their Ballot in the Ballot Box;
- ✓ **Ask** the Voter if they have any questions; and
- ✓ **Direct** the Voter to the Chairperson.

**Step Two: Authenticate Voters-Eligibility to Vote**

Voter approaches the Chairperson and gives name &

The Chairperson shall:

- ✓ Request a valid ID document from Voter if there is any doubt to his or her identity or eligibility to vote
- ✓ Check the Voter's fingernails for indelible ink
- ✓ If satisfied with the Voter's eligibility, announce the Voter's name



**Valid ID** includes: Passport, Driver's License, Current Employment or Student ID or any other ID with a photo, except for a cedula or barangay certificate.

**Step Three: Issue a Ballot to the Voter**



The Chairperson shall:

- ✓ Announce the serial number of the ballot to be issued to the Voter
- ✓ Record the serial number of the Detachable Ballot Coupon in the space provided on the EDCVL
- ✓ Authenticate the ballot by signing in the space provided
- ✓ Require vote to sign on the corresponding space in the EDCVL
- ✓ Fold the Ballot with the Detachable Ballot Coupon showing the serial number
- ✓ Hand the Ballot to the Voter with the instruction to refold it in the same manner when returning it to the Chairperson for verification
- ✓ Direct the Voter to one of the chairs assigned for voting

### Step Four: Voter Completes the Ballot

The Voter:

- ✓ Shall use the Ballot Secrecy Folder with the Lists of Candidates to complete the ballot without assistance (see procedures for assisting voters below).
- ✓ May use a mock ballot to help them fill in the official ballot.
- ✓ May return to the Chairperson to get another ballot if he or she makes a mistake while completing the ballot. (In this case the Chairperson will **spoil the first ballot** by writing "SPOILED" across the back, signing it, and placing it in the compartment of the Ballot Box for spoiled ballots. A new ballot will be issued with the Ballot Serial Number duly entered into the EDCVL. No voter may change his or her ballot more than once.)
- ✓ Shall return to the Chairperson with the refolded ballot.



### Step Five: Verification of the Ballot



The Chairperson shall:

- ✓ Direct the Voter to affix his/her thumbprint in the corresponding space on the Detachable Ballot Coupon
- ✓ Verify that the Ballot Serial Number is the same as the serial number on the EDCVL
- ✓ Direct the voter to affix his/her thumbprint in the corresponding space on the EDCVL
- ✓ Apply indelible ink to the nail of the Voter's right forefinger
- ✓ Sign the EDCVL

If **Voter refuses to be stained**, he shall not be allowed to drop his Ballot in the Ballot Box and his Ballot shall be marked “spoiled”

The Chairperson shall:

- ✓ Remove the Detachable Ballot Coupon – being careful not to tear or damage the ballot
- ✓ Drop the Detachable Ballot Coupon in the compartment of the Ballot Box for spoiled ballots

If the **Ballot Serial Number** of the returned ballot does not match what was recorded in the EDCVL, or the **Detachable Ballot Coupon was removed** not in the presence of the of the BEI, the ballot shall be marked “spoiled”.

#### Step Six: Voter Casts Ballot into the Ballot Box

The Chairperson shall:

- ✓ Drop the ballot into the compartment for valid ballots.
- ✓ Direct the Voter to leave the Polling Place.



**BEI members may vote** in the precinct where they are assigned provided they are registered voters in the respective province, city or municipality. Voting by a BEI member shall be noted in the Minutes of Voting and Counting of Votes.

## Assisted Voting for Illiterate or Disabled Voters

A Voter whose record in the PCVL indicates that he or she is illiterate or disabled, or whose disability is apparent, is permitted to receive assistance during voting. In these cases, the Voter has the right to ask any of the following to be an Assistor:

- ✓ A relative (up to the 4th civil degree of affinity or consanguinity, or first cousin);
- ✓ A person belonging to same household or a person belonging to the same household; or
- ✓ A member of the BEI

An Assistor can assist no more than three (3) voters (except for BEI members who can assist as many voters as necessary). The Assistor shall swear under oath to fill the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot. The Assistor must also sign in the appropriate place in the Minutes of Voting and Counting of Votes. The Assistor completes the ballot in the Voting Booth and in the presence of the illiterate or disabled Voter.

The Election Officer shall ensure that all Polling Places can accommodate disabled voters, for example by being easily accessible to wheelchairs and are located on ground floors.

## Challenges Against Voters

A Watcher or Voter may challenge the (registration) eligibility of a person wishing to vote the grounds that the Voter is:

- ✓ Not registered; or is
- ✓ Using the name of another; or is
- ✓ Suffering from an existing disqualification; or is
- ✓ A double/multiple registrant

In order to vote, a Voter whose (registration) eligibility has been challenged must show proof of his/her registration and identity.

A Watcher or Voter may also challenge the eligibility of a person wishing to vote on the grounds that he or she has committed an illegal act, specifically that the Voter:

- ✓ Received, paid, offered or promised to pay, contributed money or anything of value in exchange for his/her vote
- ✓ Made or received a promise to influence the giving or withholding of such vote
- ✓ Made a bet on the results of the election

In such cases, the challenged Voter must take an Oath before the BEI that he or she has not committed the alleged acts. If the Oath is taken, the challenge is dismissed and Voter will be allowed to vote. Refusal to take an Oath sustains the challenge and Voter shall not be allowed to vote.

The BEI will make a decision in each case and the Poll Clerk will record in the Minutes of Voting and Counting of Votes all challenges, oaths taken, and decisions of the BEI.



## Closing of Polls at 3:00 pm

The Poll Clerk will determine who is the last person in line and prepare a list of all voters still waiting to vote at 3:00 pm. The Poll Clerk lists all names of voters within the 30-meter radius who shall be called one by one to vote. When a voter whose name is called does not appear after the third call, he or she forfeits their vote. After the last person on the list has voted, the Chairperson will declare polling to be completed and counting will begin.



## Preparing for Counting

Before opening the ballot box, the Poll Clerk of the BEI shall:

- ✓ Complete the data required under the Minutes of Voting and Counting of Votes
  - Number of Voters who actually voted
  - Serial number of the Self-Locking Numbered Fixed Length Seal to be used in sealing the Ballot Box
  - Number of the unused and spoiled Ballots
- ✓ Tear unused Ballots in half lengthwise without removing the Ballot Stubs and Detachable

Ballot Coupons

- ✓ Place Half of Torn Ballots with serial numbers in Envelope 16-B
- ✓ Place other Half of Torn Ballots in Envelope 16-C
- ✓ Staple/tack Tally Sheet on the blackboard

In the event of **imminent danger of violence, terrorism or other similar causes**, counting may be transferred to the nearest barangay or school building within the municipality (but not to a military camp or prison compound). The transfer must be by unanimous decision of the BEI with the concurrence of a majority of Watchers and will be noted in the Minutes of Voting and Counting of Votes and signed by BEI members and Watchers.

## Counting

Counting consists of three steps: 1) **Reconciling the Ballots** cast with the ballots issued; 2) **Counting the Votes**; and 3) **Accomplishing the Election Return**.

### Step One: Reconciling the Ballots

The BEI shall begin by clearing the table for counting of any unnecessary writing paraphernalia and moving it to a place in the room with the best illumination.

The Chairperson or Poll Clerk shall:

- ✓ Unlock the padlocks of the inner compartment of the Ballot Box and remove the ballots from the compartment for valid ballots.
- ✓ Detach any Ballot Coupons attached to the ballot found in the compartment for valid ballots and deposit them in the compartment for spoiled ballots
- ✓ Count the ballots in the compartment for valid ballots and compare with the number of voters who actually voted
- ✓ Remove any Spoiled Ballots from the compartment for valid ballots and put them in the compartment for spoiled ballots

If there are excess ballots, the Poll Clerk shall check for and remove any ballots:

- ✓ Folded together before they were deposited in the box, they shall be placed in the envelope for excess ballots
- ✓ Ballots not authenticated by the Chairman are valid ballots but the Chairman is liable for an election offense.

If, after removing the above categories of ballots, there are still excess ballots, the following procedure shall be followed:

- ✓ All the remaining ballots shall be returned to the valid ballot compartment of the ballot box
- ✓ The Poll Clerk, without seeing the ballots and with his back to the Ballot Box, shall draw out as many ballots as may be equal to the excess, and without unfolding them, place them in the Envelope for Excess Ballots.

These Excess Ballots will be placed in Envelope No. 16.

### Step Two: Counting the Votes

The BEI Chairperson shall:

- ✓ Unfold the ballots and form separate piles of 100 each bound by rubber bands.
- ✓ Take the ballots from the first pile and read one by one the names of candidates in the position they are voted for; and party/organization/coalition under the Party-List System.
- ✓ Poll clerk and the third member shall record simultaneously in the election returns and the tally board respectively each vote as it is read. Each vote shall be recorded by a vertical line, except every vote which shall be recorded by a diagonal line crossing the previous four vertical lines.
- ✓ Repeat the same procedure for the succeeding piles of ballots.

The Third BEI Member shall:

- ✓ Record each vote on the Tally Board by a vertical line, except the fifth vote, which is recorded by a diagonal line crossing the previous four (4) vertical lines.

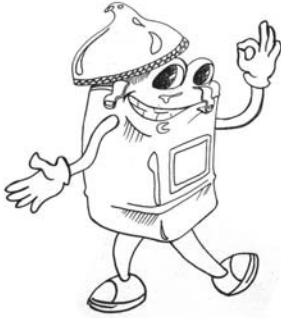


The Poll Clerk shall:

- ✓ At the same time as the Third BEI Member, keep a tally of the votes for each candidate on the Election Return in the space provided.
- ✓ Compare the Election Return tally with the Tally Board figures of the Third BEI Member after the completion of each pile of 100 ballots. A sub-total of votes received for each candidate should be recorded after each pile of 100 ballots is counted. If there is a discrepancy between the Tally Board and the Election Return, a recount should be made.

## Ballot Appreciation Guidelines<sup>2</sup>

Ballot appreciation is one of the most important functions of the BEI. It is important that BEI members act impartially and appreciate Ballots according to the standards established by COMELEC. Before votes can be appreciated, it must be determined that the Ballot is valid.



Every ballot shall be presumed to be valid unless there is a clear and good reason to justify its rejection.

A Valid Ballot must:

1. Be **filled in by the Voter** OR his or her officially designated assistor.
2. Be an **official ballot** issued by COMELEC (see General Instructions for official ballot guidelines)
3. Maintain the **secrecy of the voter**. Any mark or writing which indicates the identity of the Voter will invalidate the entire ballot and be placed in the Envelope for Marked Ballots (16-A)
4. Be free of any **candidate names pasted or affixed** through mechanical process
5. Be **signed by the BEI Chairperson**. (However, the absence of a signature will not invalidate the ballot unless there is additional evidence that it is not an official COMELEC ballot and/or is an excess ballot.)

The Ballot is valid, even if:

1. It is completed in **ARABIC** in localities where the Arabic is in general use
2. It has been **torn or perforated** accidentally
3. The **Detachable Ballot Coupon has not been removed** from the ballot.
4. It has been completed in **pen, pencil, crayon** or any other writing instrument

A Valid Vote must:

1. Clearly demonstrate the **Intent of the Voter**. Provided that the Voter's intent is clear, misspellings or unofficial versions of the candidate's name (i.e. nicknames) shall be counted as a valid vote.

The following are examples of **VALID** votes, provided that there is no possible confusion with another candidate of similar or same name: <sup>3</sup>

- a. There is an error in the first name initial, but the surname is correct

<sup>2</sup> For further information on Ballot Appreciation, refer to Section 45 of the General Instructions.

<sup>3</sup> In such cases, the vote shall be counted in favour of the incumbent.

- b. There is an error in the surname initial, but the first name is correct
- c. Additional prefixes (e.g. "Sr.", "Mr.", "Datu", "Don", "Gob."), or suffixes (e.g. – "Hijo", "Segundo" or "Jr.") or nicknames are used
- d. A nickname alone is used
- e. Surname alone is used and there is no other candidate with the same surname.
- f. Initials of a party corresponding to the certified Party List are used
- g. The name or surname is misspelled but it has a similar sound to the name of a candidate when read out loud (e.g. "Sansor" for Samson)"Idem sonans".

The following are examples of INVALID votes:

- a. Two (2) or more names of candidates, political parties, organizations or party-list groups are written in the space provided
- b. The candidate, political party, organization or party-list group chosen by the Voter is NOT participating in the election or is not a candidate for the position in question
- c. The intention of the Voter is not clear
- d. Pre-printed stickers or typed entries are used (invalidates entire ballot)
- e. Initials only are used for the candidate
- f. The correct first name with a different surname or the correct surname with a different first name

An **invalid or stray vote** does not invalidate the entire ballot. Each vote should be considered on its own merits, provided that the ballot is valid.

**Sample Ballot Appreciation for Candidates:**

For example, the following candidates are contesting an election:

- 1. Carlos P. Gomez (popularly known by the nickname "Kulot")
- 2. Jose R. Flores
- 3. Linda M. Carlos

Below are examples of valid and invalid votes for the candidate Carlos P. Gomez.

Valid Votes for Carlos P. Gomez	Invalid Votes for Carlos P. Gomez
<i>C. P. Gomez</i>	<i>Carlos Flores</i>
<i>"Don Carlos M. Gomez</i>	<i>Jose Flores &amp; Carlos P. Gomez</i>
<i>Carlos M. Gomez</i>	<i>Linda P. Gomez</i>
<i>K. Gomez</i>	<div>CARLOS P. GOMEZ (printed sticker)</div>
<i>Gomez</i>	<i>Carlos</i> (valid vote for Linda Carlos)
<i>Carlos P. Gommex</i>	<i>C.G.</i>
<i>"Kulot"</i>	

The **Neighborhood Rule** states that a vote for a candidate for a position written near the line/space for such position, which is left vacant, is a valid vote for such candidate. Where the name of the candidate is written so far away from the proper space for the position for which he is a candidate, the neighborhood rule does not apply, for the voter's intention to vote for him is not reasonably clear, except where the candidate's name is preceded by the name of the office for which he is a candidate.

### Step Three: Accomplishing the Election Return

Upon completion of the ballot appreciation, the BEI Chairperson shall publicly announce the total number of votes received by each candidate in their respective offices voted for and for party, organization or coalition under the party-list system.



The Poll Clerk shall:

- ✓ Use the Election Return to record in words and figures the total numbers of votes obtained by each candidate, party, organization or coalition, after all the ballots have been read.
- ✓ Complete Election Returns by hand. All entries on first copy must be firmly impressed for the other copies.

- ✓ Immediately after entering the number of votes, close the total for each candidate, party, organization or coalition under the party-list system with signatures and clear imprints of thumbprints by all members of BEI. Signing and thumb printing must be done in full view of the Watchers.
- ✓ Place counted ballots in the envelope provided for the purpose.
- ✓ Deposit Tally Board and envelope with counted ballots in the compartment for valid ballots.

Watchers representing the six (6) accredited major political parties, if available, shall also sign and thumbprint the Election Returns.

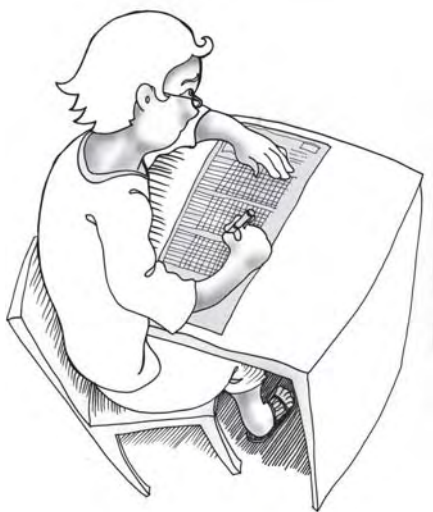
After accomplishing the Election Returns, the Chairperson shall place each copy in the appropriate security envelope for distribution. Envelopes are labelled and color coded (matching colors with election returns).

### Distribution of Copies of Election Returns

The **seven** copies of the official Election Return are to be distributed as follows:

- 1<sup>st</sup> copy, to City/Municipal Board of Canvassers (deliver to the Election Officer)
- 2<sup>nd</sup> copy, to the COMELEC (deliver to the Election Officer)
- 3<sup>rd</sup> copy, to the Provincial Board of Canvassers (deliver to the Election Officer)
- 4<sup>th</sup> copy, to the Dominant Majority Party (distribute at the Polling Place)
- 5<sup>th</sup> copy, to the Dominant Minority Party (distribute at the Polling Place)
- 6<sup>th</sup> copy, to the Citizens' Arm (distribute at the Polling Place)
- 7<sup>th</sup> copy, to the Ballot Box

If the copies of the Election Return for the Dominant Majority Party, Dominant Minority Party and The Citizens' Arm cannot be delivered at the Polling Place, they should also be delivered to the Election Officer.



**Authority of the BEI -**  
Decisions of the BEI Chairperson are final and binding. No person has the right to intimidate a BEI member for the execution of their duties. Credible challenges or complaints shall be duly noted in the Minutes of Voting and Counting and ruled upon.

## Certificate of Votes

Before leaving the Polling Place, the BEI must issue a Certificate of Votes to all duly accredited watchers upon request. Each Certificate of Votes will contain the following information:

1. Total number of votes obtained by each candidate, or Party/Organization/ Coalition under Party-List System, written in words and in figures.
2. Precinct number
3. Name of barangay, city or municipality and province.
4. Total number of Voters who voted in the precinct.
5. Date and time of issuance, signed and thumb printed by each member of the BEI.

The BEI shall require requesting Watchers to acknowledge receipt.

### Corrections and Alterations to the Election Return

The BEI may, on its own, make corrections or alterations to Election Returns of a mathematical nature BEFORE announcing the results. The members of the BEI shall initial all corrections and alterations.

Corrections and alterations AFTER announcing the results can only be made upon orders of the COMELEC.

Candidates affected by correction or alteration may object by filing a petition with the COMELEC.

**Do not leave the Polling Place** until all forms are completed. Incomplete or inaccurate forms will require the BEI to provide this missing information to the Board of Canvassers.

### Packing up the Ballot Box

You have almost completed your duties as an Election Inspector! However, now is the time to be extra careful, as past experience has shown that most mistakes occur at the end of the Election Day when election workers are tired and thinking about the finish line. Follow these simple steps to ensure that all important materials are packed correctly and you won't have to return to the Polling Place or the Canvassing Center at a later time.





1. Record the serial numbers of the inner and outer self-locking numbered fixed length seals to be used to seal the compartments of the Ballot Box in the Minutes of Voting and Counting of Votes.
2. Place the following documents inside the compartment for valid ballots in the Ballot Box.
  - ☐ Envelope (No. 15) containing Counted Ballots;
  - ☐ Envelope (No. 16) containing Excess Ballots
  - ☐ Envelope (No. 16-A) containing Marked Ballots
  - ☐ Envelope (No. 16-B) containing Torn Half of Unused Official Ballots;
  - ☐ Envelope (No. 17-G) containing copy of Election Returns for the Ballot Box;
  - ☐ Envelope (No. 18-A) containing *second copy* of Minutes of Voting and Counting of Votes;
  - ☐ Tally Board; and
  - ☐ Stubs of used pads of Official Ballots.
3. Close inner compartments, lock with the inner self-locking numbered fixed length seal.
4. Lock outer cover with three (3) padlocks and the outer self-locking numbered fixed length seal.

The BEI **shall not open the Ballot Box under any circumstances**, once it has been sealed and locked, except to retrieve copies of the Election Return for canvassing.



Place the three (3) padlock keys in separate envelopes, sealed and signed by the three (3) members of the BEI and labelled with the Precinct No. and Voting Center.

**NOTE:** Do not place thumb print taker and indelible ink together with the ballots inside the Ballot Box

## What to Deliver to the City/Municipal Treasurer

- ❑ Sealed Ballot Box containing envelopes listed above, tally board and stubs of used ballots

## What to Deliver to the Election Officer

- ❑ Book of Voters
- ❑ EDCVL (No. 2)
- ❑ Two copies of PCVL Report (No. 1-B)
- ❑ Two copies of Certified List of Deactivated Voters
- ❑ Three (3) envelopes (Nos. 19, 19-A and 19-B) each containing a key to padlock of the Ballot Box
- ❑ Envelope (No. 18) with the *original* of Minutes of Voting and Counting of Votes
- ❑ Thumbprint takers and all bottles of indelible ink, used or unused; and
- ❑ Envelope (No 16-C) containing other Half of Torn Unused Official Ballots
- ❑ Copies of the **Election Return for National Officials** and the **Election Return for Local Officials** intended for:
  - City/Municipal Board of Canvassers (Envelope No. 17)
  - Commission on Elections (Envelope No. 17-B), and
  - Provincial Board of Canvassers (Envelope 17-C)

Upon receiving the **envelopes of padlock keys** from the Chair of the BEI, the Election Officer shall issue a receipt to the Chair and divide the keys as follows:

1. One to be retained by the Election Officer
2. One to be delivered to the Provincial Election Supervisor
3. One to be delivered to the Provincial Treasurer



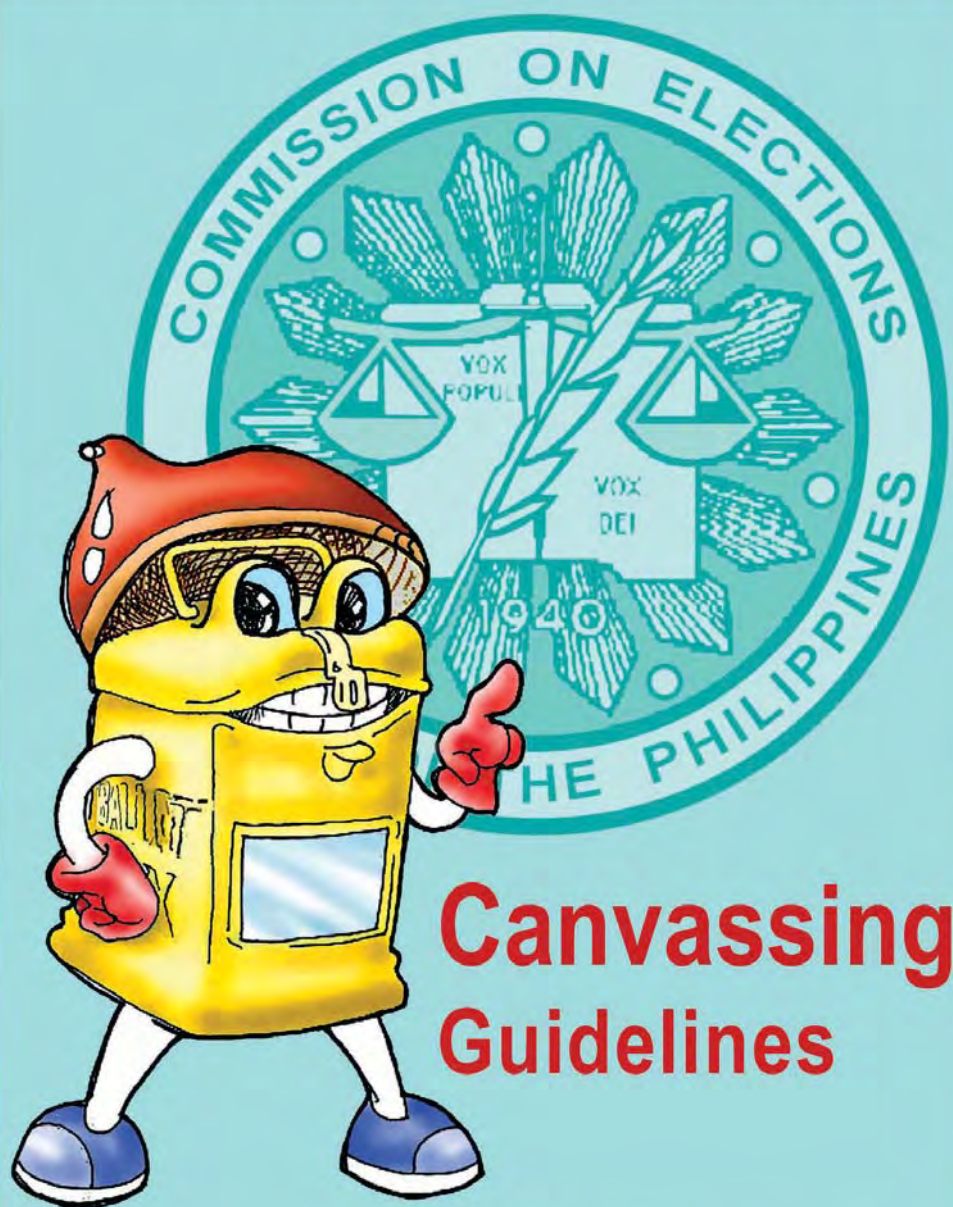
### Transporting the Ballot Box

When transporting the Ballot Box, supplies and pertinent papers and documents to the designated offices of the City/Municipal Treasurer and Election Officer, the BEI shall be escorted by prearranged security and if available, Watchers of the Citizens' Arm, political parties and candidates.

**Important!** Deliver the Election Returns and other election forms to the City/Municipal Board of Canvassers DIRECTLY from the Polling Place. Do not leave the Office of the Election Officer until all items have been checked and received to the satisfaction of the Election Officer and the City/Municipal Treasurer.



# The Board of Canvassers



## Canvassing Guidelines

May 14, 2007 National & Local Elections





The Board of Canvassers

# Canvassing Guidelines

May 2007

# COMELEC Code of Conduct For Members of the Boards of Canvassers

In accepting my appointment as BOC member of Municipality/City/District/Province

\_\_\_\_\_  
I \_\_\_\_\_  
Print Name

Hereby agree to commit myself to:

1. Uphold the Constitution of the Republic of Philippines that bestows the people with the right to free and fair elections (Article II Sec. 1, 1987 Constitution of the Philippines).
2. Uphold the right of all citizens of Philippines to have the right to participate in the political life and state administration directly or through (the election of) representatives (Article V, Suffrage, 1987 Constitution of the Philippines).
3. Comply with all laws and regulations of the Republic of the Philippines.
4. Treat all persons, national authorities, candidates, political parties and other bodies with respect and impartiality.
5. Not engage in any behaviour that would favour, or appear to favour, or to provide advantage to any political party or candidate.
6. Conduct all activities with transparency.
7. Respect the rights of watchers, media, candidates and political parties and candidate proxies to monitor the process.
8. Refrain from making personal or political comments to voters, the media or to other interested parties.
9. Ensure that the principles governing fair and free election activity are upheld at all times.

IN WITNESS WHEREOF

I hereby affix my signature on this \_\_\_\_\_ day of May 2007

\_\_\_\_\_  
Printed Name and Signature



# Overview of Canvassing

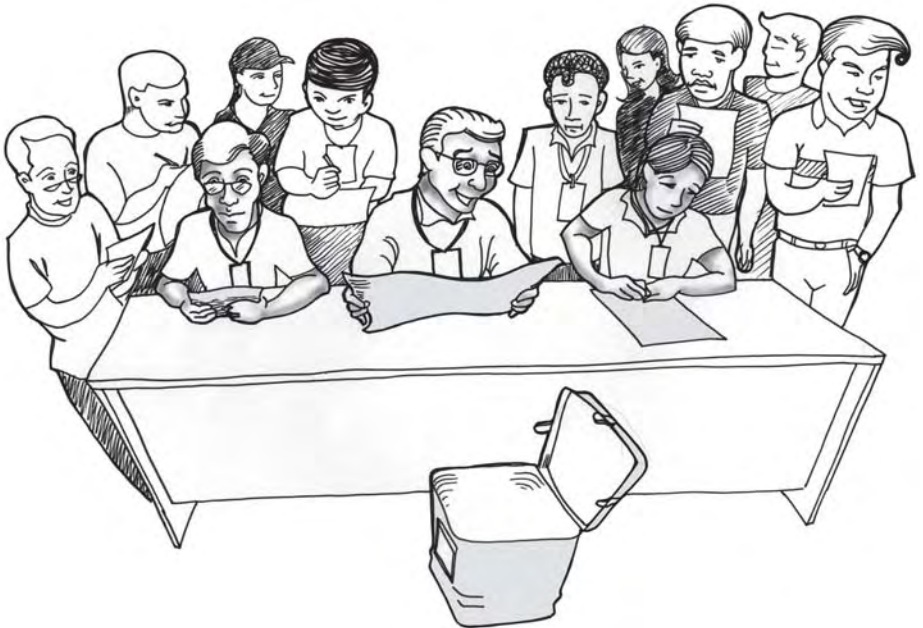
## What is Canvassing?

Canvassing is the act of manually counting and tabulating the election results from official Election Returns or Certificates of Canvass submitted by the Boards of Election Inspectors or Municipal/ City/District Boards of Canvassers to their respective Boards of Canvassers. COMELEC canvasses and proclaims winners for the Senate and House of Representatives, while Congress, sitting jointly, has final canvass and proclamation responsibilities for the Presidential and Vice Presidential races.

The two guiding principles of canvassing are:

1. Canvass of proceedings is administrative and summary in nature.
2. All Election Returns/Certificates of Canvass are accepted as valid and shall automatically be included in the canvass unless there is convincing proof of tampering, alteration or falsification.

Boards of canvassers are legally created bodies, which canvass all votes on Election Returns/ Certificates of Canvass submitted to it by the respective BEIs. Their powers are generally limited to adding the vote tallies from the Election Returns and declaring the resulting winners of the election. This primer deals with normal procedures, problems and legal challenges typically encountered during canvassing. However, more difficult legal challenges do occur, which are not clearly covered by these procedures. For these cases, the examples of jurisprudence provided in Annex VIII should be used as a guide for Election Officers. When in doubt, refer to the two guiding principles, above!



## Why Do We Canvass?

Canvassing tabulates the results of the precincts/municipalities/cities/districts/provinces in an open and transparent manner in order to ensure accuracy of results and as a safeguard against manipulation, fraud or errors during the counting process. By being open to candidates and their watchers and allowing objections to be raised and ruled upon, the act of canvassing provides maximum transparency and legitimacy to the vote counting process.

## Who Does the Canvassing?

Boards of Canvassers are established in the following hierarchy:

1. Municipal/City Board of Canvassers (1,609)
  - a. Chairperson (Election Officer)
  - b. Vice-Chairperson (Municipal/City Treasurer)
  - c. Member (most senior district school supervisor)
2. District Boards of Canvassers (legislative districts of Metro Manila only)
  - a. Chairperson (lawyer from the COMELEC)
  - b. Vice-Chairperson (ranking prosecutor of the district)
  - c. Member (most senior district school supervisor).
3. Provincial Board of Canvassers (80)
  - a. Chairperson (Provincial Election Supervisor)
  - b. Vice-Chairperson (Provincial Fiscal)
  - c. Member (Provincial Superintendent of Schools)
4. COMELEC En Banc (1)

Congress, in joint public session, also serves as a Board of Canvassers for the Presidential and Vice-Presidential contests.

## Substitutions

In case of non-availability, absences, disqualification or incapacity of:

- Chairperson – Commission shall appoint a ranking lawyer of the Commission.
- Other members of the Board as follows:

### 1. Municipal Board of Canvassers

- a. Municipal administrator
- b. Municipal assessor
- c. Clerk of Court nominated by the Executive Judge
- d. Any other available appointive municipal official

### 2. City Board of Canvassers

Officials in the city corresponding to those enumerated as substitutes for the members of the Provincial Board of Canvassers (below).

### 3. Provincial Board of Canvassers

- a. Provincial Auditor
- b. Register of Deeds
- c. Clerk of Court nominated by the Executive Judge of the Regional Trial Court.
- d. Any available appointive provincial employee

### When and Where Does Canvassing Take place?

The Board of Canvassers shall convene at 6:00 pm of Election Day at the place designated by the Commission, which is usually the session hall of the respective Sanggunians, and as such the Board of Canvassers and the support staff should meet at the session hall by 5:00 pm in order to prepare for canvassing.

Subject to reasonable exceptions, the Board of Canvassers must complete their canvass within **thirty-six hours in municipalities, forty-eight hours in cities and seventy-two hours in provinces** (Sec. 231, Art. XIX, B.P. 881).

### Composition and Duties of BOCs

Boards of Canvassers have three members: Chair, Vice Chairperson and Member. Their duties are as follows:

#### *Chair*

- Organize the work of the BOC and supporting committees
- Issue the Notices to the Candidates, citizen's arm, political parties, and other members of the Board five days prior to Election Day
- Read out the results of the Election Returns
- Announce the Board's decisions on objections raised

#### *Vice Chair*

- Support the Chairperson in all of his or her duties as required

#### *Member/Secretary*

- Support the Chairperson and Vice Chairperson as required
- Keep the minutes and record the proceedings of the Board and any incidents during canvassing

## Supporting Committees to the BOC (to be hired 15 days before E-Day)

Fifteen days before canvassing, the Chairperson of the BOC shall determine the human resources required to support the work of the BOC. In all cases, additional staff are under the supervision of the Board and cannot be an employee of the Office of the Provincial Governor, City/Municipal Mayor or their corresponding Sanggunians. For every one hundred (100) Election Returns, the Board may appoint the following support staff:

1. **Canvassing Committee** (3 members; appointed by the BOC). Description of Duties: To conduct canvassing for up to 100 Election Returns under the supervision of the Board
2. **Reception and Custody Group** (3 members; appointed by the BOC). Description of Duties: The Reception and Custody Group receives the ballot boxes and records seal serial numbers and Precinct numbers of the security envelopes in the Logbook
3. **Tabulators** (2 members; appointed by the BOC). Description of Duties: Prepare the Statement of Votes (as described below)

In addition to the above staff, the Board may also want to consider employing staff to carry out the following functions and duties:

- Audit and Verification
- Custody of ballot boxes
- Tally Board or Multi Media Operators
- Stenographer

Note: The above duties can be combined in different staff members.

## Duties of Chairman of the BOC Before Election Day

### Fifteen (15) days before E-Day

1. Hire all staff needed to support the BOC (see guidelines for hiring above).
2. Inspect the session hall, which is usual venue for canvassing, ensuring that the following standards are met:
  - a. Size of the hall – Will it provide sufficient space for all watchers and candidates to observe the canvassing, without compromising the process or crowding the BOC and its support staff?
  - b. Lighting facilities – Is there sufficient and reliable lighting to canvass during evening hours?
  - c. Electrical outlets – Are outlets conveniently positioned for all necessary equipment? Are they sufficient in number? Are extension cords or multiple outlets required?

- d. Power supply – Can it carry the electrical load of all required equipment (should be assessed by a qualified electrician). Is a back-up energy source required?
- e. Contact Security Personnel

(Remember: Requests for change of venue are addressed to the COMELEC En Banc directly.)

3. If the session hall is satisfactory:

Inform the Secretary of the Sanggunian in writing, that you will be using the session hall for canvassing and that the same should be available beginning one day before Election Day until canvassing and proclamation is completed.

**No Later than Five (5) days before E-Day, the Chairman of the BOC shall:**

1. Brief all support staff in their roles and responsibilities
  - a. Organize the layout of the canvassing venue, which shall be held in the session hall of the Sangguniang Panlalawigan/Panlungsod/Bayan, unless otherwise stated by the Commission (produce layout sketches for seating, tables, ballot boxes, etc.)
2. Send written notices of the meeting of the board to:
  - a. All members of the Board
  - b. All Candidates and political parties fielding candidates whose votes will be canvassed
  - c. Citizens' Arm
3. State in the notice the following information:
  - a. Composition of the BOC
  - b. Date, time and place of canvassing
  - c. Number of sub-canvassing committees – so that they can have sufficient watchers
  - d. That the candidate has the right to be present and to counsel during the canvass
4. Obtain proof of notice to each member, candidate, party and citizen's arm organization.

**Modes of Service of Notice:**

Notice of meetings of the Board may be served in a number of ways (personal services or by registered mail). However it is mandatory that proof of service of notice to each member, candidate, party and organization be attached to records of the canvassing board meetings.

**Public Notification**

Notices of canvassing shall be posted in the Office of the Election Officer or Provincial Election Supervisor, and in conspicuous places in the building where the canvass will be held. Similar notices shall also be given for subsequent meetings unless notice has been given in open session. If notice is given in open session, it shall be noted in the minutes of the proceedings by the Secretary.

### Personal service

Service of notice may be hand-delivered to the member, candidate, chairperson of political party and citizen's arm. Recipients shall sign and date the receipt.

### Service by mail

Service of notice may be sent by registered mail. Be sure to attach the registry receipt and copy of the notice to the minutes of the proceedings.

## Duties of Board of Canvassers During Canvassing

### Duties of City/Municipal/District Board of Canvassers

1. Canvass the Election Returns/Certificate of Canvass (COC) for President, Vice-President, Senators, Members of the House of Representatives, Party-List and for elective provincial and city or municipal officials
2. Prepare in seven (7) copies, the **Certificates of Canvass (CEF No. 20)** for the President, Vice-President, Senators, Members of the House of Representatives, Party-List and elective provincial officials and distribute them as follows:
  - a. 1<sup>st</sup> copy to the Provincial Board of Canvassers
  - b. 2<sup>nd</sup> copy to the Election Records and Statistics Department of COMELEC
  - c. 3<sup>rd</sup> copy to the Chairman of the Board
  - d. 4<sup>th</sup> copy to the Citizen's Arm
  - e. 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> copies to the top three political parties in the respective constituency
3. Prepare the **Certificate of Canvass and Proclamation of Winning Candidates for City/Municipal/District Offices (CEF No. 24 & 25)** and distribute as follows:

#### City/District Offices

- a. Secretary of the Sangguniang Panlungsod
- b. Chairman of the Board
- c. Election Records and Statistics Department of COMELEC
- d. City Treasurer
- e. Provincial Election Supervisor
- f. Regional Election Director
- g. Each of the winning candidates proclaimed; and
- h. One copy for posting on the bulletin board of the city hall

#### Municipal Offices

- a. Sangguniang Bayan

- b. Chairman of the Board
- c. Election Records and Statistics Department of COMELEC
- d. Secretary of the Sangguniang Panlalawigan
- e. Provincial Election Supervisor
- f. Regional Election Director
- g. Municipal Treasurer
- h. Each of the winning candidates proclaimed; and
- i. One copy for posting on the bulletin board of the city hall

4. Proclaim the winning candidates for city/municipal/district offices.

## Duties of Provincial Board of Canvassers

1. Canvass the Certificates of Canvass for President, Vice-President, Senators, Members of the House of Representatives, Party-List and for elective provincial officials
2. Prepare in seven (7) copies, the **Certificates of Canvass (CEF No. 21)** for the President, Vice-President, Senators, and Party-List and distribute them as follows:
  - a. 1st copy to the Congress (only for Presidential and Vice-Presidential contests)
  - b. 2nd copy to the COMELEC
  - c. 3rd copy to the Chairman of the Board
  - d. 4th copy to the designated Citizen's Arm
  - e. 5th, 6th, and 7th copies to the top three political parties in the respective constituency
3. Prepare the **Certificate of Canvass and Proclamation of Winning Candidates for the House of Representatives and Provincial Offices (CEF No. 22 & 23)** and distribute as follows:
  - a. 1<sup>st</sup> copy to the Election Records and Statistics Department of COMELEC
  - b. 2<sup>nd</sup> copy to the Chairman of the Board
  - c. 3<sup>rd</sup> copy to the Candidate proclaimed
  - d. 4<sup>th</sup> copy for posting on the bulletin board of the provincial capital
4. Proclaim the winning candidates for the House of Representatives and Provincial Offices.

## Canvassing Rights and Responsibilities of Candidates/Parties and Watchers

Candidates, or their designated representatives (watchers and/or legal counsel) have the following **rights**:

- To be informed of the date and time of canvassing and composition of the BOC five days prior to the Canvassing Day through notification in the local newspaper or personal service by mail.

- To have one watcher with alternate per independent candidate or party per Canvassing Committee
- To observe the canvassing process in a manner that does not interfere with the work of the BOC
- To raise objections to the BOC to any irregular Election Returns/COCs.
- To submit a written objection to the BOC simultaneous to the oral objection to any irregular Election Returns/COCs and to have a written ruling within 24 hours.
- To obtain a certified copy of the Certificate of Canvass.

Candidates, or their designated representatives (watchers and or legal counsel) have the following **responsibilities**:

- To respect the summary and administrative nature of the work of the BOC and not make trivial or spurious objections
- To provide evidence to support all objections or allegations of impropriety
- To respect the decisions of the BOC
- To graciously accept the legitimate results of the canvass

Candidates, or their designated representatives **may not**:

1. Falsely accuse any member of the BOC
2. Interfere in the proceedings of canvassing
3. Commit any act or utterance with the intent of disturbing the proceedings
4. Handle any Election Return/COC

### **BOC Checklist of what to bring to Canvassing**

1. Omnibus Election Code, RA 6646, RA 7166, COMELEC General Instructions on Canvassing, and Election Handbook (these notes)
2. Project of Precincts
3. Certified list of the serial numbers of the Election Returns given by the treasurer to the different precincts.
4. Empty ballot boxes with three padlocks and a self-locking fixed length seal (one ballot box set for every 15 Election Returns).
5. Two (2) copies of Logbooks
6. Manila envelopes (for copies of notice, appointments of watchers and lawyers)
7. Copies of form for "Appointment of Watchers and Entry of Appearance of Lawyers". Entry of appearance should be with conformity of client.
8. Folders containing Proof of Service of notice (COMELEC form).
9. Forms containing spaces for Data of voters and ballots, serial no. of paper seals, etc (from Election Officer; see Annex VII)
10. Ruler – to help accurately complete the Statement of Votes
11. Pentel pens – red and blue
12. Empty cartons for the Reception Committee for general storage purposes
13. Liquid eraser, stamp pad, ballpoint pens, paper clips, paste, masking tape



14. Flashlights, rechargeable lamp, coffee, face towel, wet tissue
15. Canvassing forms (Statement of Votes – CE Form No. 20-A, Certificate of Canvass – CE Form No. 25, and Certificate of Canvass and Proclamation – CE Form No. )
16. Adding machine with tape

### House Rules

1. Candidates or their counsel may examine election returns but not touch them. (Sec. 25, R.A. 6646)
2. Legal objections must be brief, concise and specific.
3. Only one counsel can speak for any candidate. (Sec. 25, R.A. 6646) (Secretary should record the name of the lead counsel)
4. Remember that canvassing is summary and administrative in nature. The Board will not countenance dilatory tactics.
5. Everybody is requested to stay in the places assigned to them.
6. The Board will not tolerate any act or utterance, which would interrupt or disturb the proceedings
7. Security personnel (PNP, AFP or any other governmental or private security agency) must remain at least 50m from the canvassing room unless ordered by the Board in writing to stay within the immediate premises. (Emergencies do not require a written order.)

### **Prohibited Act**

"Any person who in the presence or within the hearing of any board of election inspectors or board of canvassers during any of its meetings, conducts himself in such a disorderly manner as to interrupt or disrupt the work or proceedings to the end of preventing said body from performing its functions, either partly or totally" *(Sec. 261, (bb) (4), B.P. 881)*

**In no instance shall the ballot box be reopened** to place therein or take out therefrom any document or article except to retrieve copies of the election returns which will be needed in any canvass. In such excepted instances, the members of the Board of Election Inspectors and watchers of the candidates shall be notified of the time and place of the opening of said ballot box: (Sec. 220, B.P. 881)

## Canvassing Procedures

Organize the Canvassing Room before the start of the official work of the BOC – prior to Election Day, if possible. All members of the BOC, Canvassing Committees and support staff should be in the canvassing room at 5:00 pm of Election Day.

1. The Board shall maintain a **logbook** of all election returns/certificates of canvass received and canvassed, including time of receipt, date of canvass and condition of envelope.
2. Canvassing shall commence at 6:00 pm on Election Day at the designated canvassing site with the following official statements by the Chairperson of the BOC:

"The municipal/city/district board of canvassers is now convened to canvass the election returns coming from the different precincts of this municipality/city/district."

(For the PBOC, substitute Election Returns with "Certificate of Canvass.")

"The Board of Canvassers is composed of (names of Chairperson, Vice Chairperson and Secretary/Member). The Board is assisted by (number) Canvassing Committees and a support staff."

"May we request the lawyers to submit their "Entry of Appearance" and the Watchers, their Appointment to the Secretary/Member of the Board."

"Candidates, please have your names recorded by the Secretary."

**Each Election Return is to be canvassed in turn, as they are received by the BOC. The BOC will meet every day until the canvass is completed.**

3. The Reception Committee receives the envelopes containing the Election Return or Certificate or Canvass, as the case may be, and checks its serial number against the List of Serial Numbers.
4. Upon receipt of the envelopes containing the ER/COC, the BOC will examine the condition of each envelope and its paper seal. The Secretary will record this in the Logbook.
5. The Chairperson from the BOC will now read from each envelope for Election Return all of the data listed on the envelope (see Annex VII). The Secretary will record this information in the Minutes of Canvassing.
6. The Chairperson of the BOC will open the envelope and examine the condition of the ER/COC. The Secretary will record this in the Minutes of Canvassing.
7. The BOC will then canvass the ER/COC and the Secretary will enter in the Minutes of Canvassing the following information:
  - Election Return serial number

- Precinct number
  - Name of Barangay
  - Number of registered voters, voters actually voted, ballots in compartment for valid ballots, excess ballots, marked ballots, spoiled ballots, unused ballots
8. The Chairman of the BOC now reads out the number of votes obtained for each candidate by precinct/municipality/city. This data is recorded by the Tabulators in the Statement of Votes.
  9. Immediately after an ER/COC has been canvassed, the Chairperson will write the word "canvassed" in red pentel pen on the right top margin of the election returns and the date and time when it was canvassed and sign it. (Subject to change by a resolution of the Commission.)
  10. Return the canvassed returns to its envelope and deposit it in the ballot box intended for the purpose. When the ballot box is filled up, label it indicating the precinct nos. of the Election Returns in said ballot box.

**The BOC shall meet continuously from day to day until the canvass is completed, and may adjourn only for the purpose of awaiting the other ERs or COC.**

11. After all of the ERs/COCs have been canvassed, the Tabulator(s) will prepare a summary of the votes obtained by each candidate by entering therein all the sub-totals contained in each page of the Statement of Votes, record the grand total of votes obtained by each candidate by adding all the sub-totals, and accomplish the certification portion of the Statement of Votes.
12. Based on the Statement of Votes, the BOC will prepare either a Certificate of Canvass (COC) or Certificate of Canvass and Proclamation of the Winning Candidate, as the case may be, and distribute the copies in the manner prescribed.
13. During temporary adjournment of the BOC, furnish the Commission in Manila by the fastest means of communication a provisional total of votes canvassed so far for each candidate for each office, and making available the data contained therein to the mass media and other interested parties.
14. After completion of the canvass and the preparation of the Certificate of Canvass of Votes and/or Certificate of Canvass of Votes and Proclamation of the Winning Candidate, proclaim the winning candidates.
15. If applicable, the Certificate of Canvass with the Statement of Votes attached will be forwarded to the provincial BOC.

## Grounds for Pre-Proclamation Controversies: (Sec. 17 of RA 7166)

Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Commission. However, matters raised under Sections 233, 234, 235 and 236 of the Omnibus Election Code in relation to the preparation, transmission, receipt, custody and appreciation of the election returns, and the certificates of canvass shall be brought in the first instance before the board of canvassers only.

**(Sec. 233 OEC). When the election returns are delayed, lost or destroyed.** – In case its copy of the election returns is missing, the board of canvassers shall, by messenger or otherwise, obtain such missing election returns from the board of election inspectors concerned, upon prior authority of the Commission, may use any of the authentic copies of said election returns or certified copy of said election returns issued by the Commission, and forthwith direct its representative to investigate the case and immediately report the matter to the Commission.

The board of canvassers, notwithstanding the fact that not all the election returns have been received by it, may terminate the canvass and proclaim the candidates elected on the basis of the available election returns if the missing election returns will not affect the results of the election.

**(Sec. 234 OEC). Material defects in the election returns.** – If it should clearly appear that some requisites in for or data had been omitted in the election returns, the board of canvassers shall call for all the members of the board of election inspectors concerned by the most expeditious means, for the same board to effect the correction: *Provided*, That in case of the omission in the election returns of the name of any candidate and/or his corresponding votes, the board of canvassers shall require the board of election returns and affix therein their initials: *Provided, further*, That if the votes omitted in the returns cannot be ascertained by other means except by recounting the ballots, the Commission, after satisfying itself that the identity and integrity of the ballot box have not been violated, shall order the board of election inspectors to open the ballot box, and, also after satisfying itself that the integrity of the ballots therein has been duly preserved, order the board of election inspectors to count the votes for the candidate whose votes have been omitted with notice thereof to all candidates for the position involved and thereafter complete the returns.

The right of a candidate to avail of this provision shall not be lost or affected by the fact that an election protest is subsequently filed by any of the candidates.

**(Sec. 235 OEC). When election returns appear to be tampered with or falsified.)** – If the election returns submitted to the board of canvassers appear to be tampered with, altered or falsified after they have left the hands of the board of election inspectors, otherwise not authentic, or were prepared by the board of election inspectors under duress, force, intimidation, or prepared by persons other than the member of the board of election inspectors, the board of canvassers shall use the other copies of said election returns and, if necessary, the copy inside the ballot box which upon previous authority given by the Commission may be retrieved in accordance with Section 220 hereof. If the other copies of the returns are likewise tampered

with, altered, falsified, not authentic, prepared under duress, force, intimidation, or prepared by persons other than the members of the board of election inspectors, the board of canvassers or any candidate affected shall bring the matter to the attention of the Commission. The Commission shall then, after giving notice to all candidates concerned and after satisfying itself that nothing in the ballot box indicate that its identity and integrity have been violated, order the opening of the ballot box and, likewise after satisfying itself that the integrity of the ballots therein has been duly preserved shall order the board of election inspectors to recount the votes of the candidates affected and prepare a new return which shall then be used by the board of canvassers as basis of the canvass.

**(Sec. 236 OEC). Discrepancies in election returns.** – In case it appears to the board of canvassers that there exists discrepancies in the other authentic copies of the election returns from a polling place or discrepancies in the votes of any candidate in words and figures in the same return, and in either case the difference affects the results of the election, the Commission, upon motion of the board of canvassers or any candidate affected and after due notice of all candidates concerned, shall proceed summarily to determine whether the integrity of the ballot box had been preserved, and once satisfied hereof shall order the opening of the ballot box to recount the votes cast in the polling place solely for the purpose of determining the true result of the count of votes of the candidates concerned.

## Common problems and actions to be taken to resolve them

*Problem:* Documents and articles omitted or erroneously placed inside the ballot box by the BEI.

*Solution:* The missing documents or articles should be delivered to the BOC together with the Ballot Box to the Election Officer or BOC, with a written explanation of the problem. The ballot box shall be not be opened.

*Problem:* ALL Copies of the Election Return are locked in the ballot box.

*Solution:* In this case, the members of the BEI and watchers of the candidates shall be notified of the time and place of the opening of the ballot box to remove the required copy of the Election Returns.

*Problem:* Election Return is **delayed, lost or missing**.

*Solution:* The BOC's Reception Committee should immediately contact the Election Officer to investigate any delayed or missing Election Returns. Unless there are transportation problems, all Election Returns should be received on Election Night. Election Officers will have to explain any unreasonable delays and should have all necessary arrangements in place to ensure speedy delivery of Election Returns.

*Problem:* There is a **material defect** in the Election Return.

*Solution:* This will not affect canvassing unless the defect is such that the Election Return is illegible or it is not an original copy. In these cases, the copy of the Election Return from the BEI Chairperson should be retrieved.

*Problem:* The Election Return appears to be **tampered** with or **falsified**.

*Solution:* In these cases, the copy of the Election Return from the BEI Chairperson should be retrieved.

*Problem:* There are **discrepancies** in the Election Return.

*Solution:* If the discrepancy is an obvious error of math, it will be corrected by the designated BOC member neatly crossing out the error and writing in the correction beside the former number (so that the original error is still legible). The BOC member shall initial beside the correction. This correction shall be done in full view of all watchers present. If the discrepancy is not an error of math, the Chairperson of the BEI shall be called to resolve the situation.

## Examples of Spurious or Trivial Complaints

The following problems are minor in nature as they do not demonstrate deliberate malfeasance or significantly affect the result:

- a. Lack of inner and outer paper seals.
- b. Failure to close the entries with the signature of the BEI's
- c. Lack of date and time of receipt by the Board of Canvassers of the Election Returns
- d. Lack of authority of the person receiving the returns.
- e. Lack of signatures of petitioners' watchers – Sec. 12 of R.A. 6646 provides that a watcher shall sign the election returns if he is available. If he is not or is unwilling to sign them, any other watchers present may be required to sign (Baterina).
- f. Absence of the required number of padlocks of the ballot box containing the election return.

These problems should be noted in the Minutes of Proceedings, but do not require further action.

## Disposition of Contested Election Returns

Election Returns may be challenged if there are reasonable grounds to doubt their legitimacy. Within twenty-four hours of submitting an objection to an Election Return, the **objecting party shall submit evidence** in support of his/her objection to be attached thereto.

Within twenty-four-hours of the presentation of the objection, any party may file a **written verified opposition** to the objection in the form prescribed by the Commission attaching supporting evidence.

The Chairperson of the Board shall **enter evidence into the records** of the Board by signing the back of each page thereof.

The steps to contesting election returns are as follows:

1. **Oral objection** to the Chairperson of the Board at the time the questioned election return is

presented for inclusion in the canvass. The objection should be recorded in the minutes and the time it was made indicated.

2. **Simultaneous with the oral objection**, the objecting party shall submit his written objection in the form prescribed by the Commission.
3. **The canvassing of the contested return may be deferred** if there are alleged (serious) material defects, such as the Election Return was produced under duress, statistical improbability of results, or manifest errors. The Board will proceed to canvass uncontested returns.
4. The Board shall summarily rule on the objection. Either ruling on prescribed form.
5. The Party adversely affected shall immediately inform the Board if he **intends to appeal**. The Board shall set aside contested returns.
6. After all uncontested returns have been canvassed and the contested returns ruled upon, the Board shall suspend the canvass. **Within forty-eight hours** there from, the party adversely affected shall file with the Board a **written and verified notice of appeal**; within an inextensible period of **five (5) days** thereafter, appeal may be taken to the Commission.
7. **Upon receipt of notice of appeal**, the Board shall make a **report to the Commission**. Elevating records and evidence submitted. The Board shall furnish parties copies of the report.
8. **The Commission shall decide summarily** the appeal **within seven (7) days** from the receipt of records and evidence.
9. The decision is **executory after a lapse of seven (7) days from receipt by losing party**.
10. The Board shall not proclaim any winner unless authorized by the Commission.

Contested composition or proceedings of the Board must be filed immediately when the Board begins to act as such or at the time of the appointment of the member whose capacity to act as such is objected to. (Sec.5 (b). COMELEC Rules of Procedure). The Party adversely affected by the ruling of the Board may appeal the matter to the Commission within **three (3) days** from ruling. The Commission shall summarily decide within **five (5) days** from filing.

## Petition to correct manifest errors

Manifest errors are those that are gross procedural mistakes, such as:

- a. A copy of the election return or certificate of canvass was tabulated more than once
- b. Two or more copies of the election returns of one precinct or two or more copies of certificate of canvass were tabulated separately.
- c. There had been a mistake in the copying of the figures into the statement of votes or into the certificate of canvass.
- d. So-called returns from non-existent precincts were included in the canvass.

Petitions for manifest errors must be filed not later than five (5) days following the date of proclamation and must implead all candidates who may be adversely affected thereby (Sec. 5 (b) COMELEC Rules of Procedure). This has been qualified by the Supreme Court when it said in the case of *Aguam vs. COMELEC*, G.R. No. L-28955, May 28, 1968, *dela Llena vs. COMELEC*, G.R.

No. 152080, January 28, 2003, that the phrase “date of proclamation” means the date when a **valid** proclamation was made.

If a proclamation was made despite a manifest error, which would alter the results, then the proclamation is not valid.

## **Partial Proclamation**

Notwithstanding the pendency of any pre-proclamation controversy, the Commission may summarily order the proclamation of other winning candidates whose election will not be affected by the outcome of the controversy.

## **Effect of Commencement of Term**

“All pre-proclamation cases pending before the Commission shall be deemed terminated at the beginning of the term of the office involved and the rulings of the Boards of Canvassers concerned shall be deemed affirmed. However, proceedings may continue when on the basis of the evidence thus presented, the Commission determines that the petition appears meritorious and accordingly issues an order for the proceeding to continue or when an appropriate order has been issued by the Supreme Court in a petition for certiorari.” – Sec. 16, R.A. 7166.

The Commission normally issues an Omnibus Resolution listing of the cases, which would continue despite the commencement of term.

## **Procedure for Resolving Petitions**

The Board may *motu proprio* or upon verified petition by any candidate, political party etc. after due notice and hearing, correct the errors committed. Order for correction must be in writing. Aggrieved party may appeal to the Commission within 24 hours from promulgation.

If the manifest error is discovered after proclamation, the Board or any interested/ affected candidate, political party, etc. shall file a verified petition to correct manifest error with the Commission.



## Jurisprudence for Canvassing Objections Frequently Raised

1. **Illegal composition of the Board** – Refer to Sec. 20, R.A. 6646 and Sec. 8, Rule 27 Comelec Rules of Procedure
2. **Illegal Substitution** – Refer to Sec. 21, R.A. 6646
3. **Lack of notice**

"It is of judicial notice that candidates will post watchers from the time the polls open to observe the voting and counting of votes. With more reasons that they will post watchers, during the canvassing with or without notice." (Quilala vs. Comelec, G.R. No. 82726, August 13, 1990)

This ruling will not apply if the venue of canvassing is transferred to another town or city.

Lack of notice is an election offence. – Sec. 261 (aa) (1) B.P. 881

### 4. Material defects in the election returns

- a. Lack of inner and outer paper seals.
- b. Failure to close the entries with the signatures of the BEI's
- c. Lack of date and time of receipt by the Board of Canvassers of the election returns.
- d. Lack of authority of the person receiving the returns.

These are not material defects but formal defects. They do not affect the genuineness and authenticity of the Election Returns. (Baterina vs. Comelec, G.R. Nos. 95347-49, January 6, 1992)

- e. Lack of signatures of petitioners' watchers – Sec. 12 of R.A. 6646 provides that a watcher shall sign the election returns if he is available. If he is not or is unwilling to sign them, any other watcher present may be required to sign (Baterina)

It is very clear that the signature of the watcher is not indispensable.

- f. Absence of the required number of padlocks of the ballot box containing the election returns.

"A losing candidate's allegation that the absence of the required number of padlocks puts into question the integrity of the election returns is not tenable where she did not allege or prove that the election returns showed on their face tampering or alteration" (Navarro v. Comelec, G.R. No. 150799, February 3, 2003).

## 5. Obviously manufactured or not authentic

"The returns in this case shows nothing on its face from which the canvassers might conclude that it does not speak the truth. It is only when it is compared with the certificate of the election registrar that a discrepancy appears as to the number of registered voters. The return therefore is by no means "obviously manufactured" so as to justify its exclusion. (*Demafiles vs. Comelec*, 21 SCRA 1462)

"Returns are obviously manufactured where they show a great excess of votes over what could have been legally cast." (*Ututalum v. Comelec*, 181 SCRA 335)

However in the case of *Anni vs. Izquierdo*, the Supreme Court said, "where a candidate received 14,195 votes in 147 precincts involved and his maximum possible number of votes was 10,863 of which 5,407 were positively identified as valid votes and the remaining 6,525 votes on which experts could not give an opinion must also be counted concededly as valid votes for him, the differential of 3,332 votes cannot be said to be greatly excessive to justify the rejection of the returns."

A conclusion that an election returns is obviously manufactured or false and consequently should be disregarded in the canvass must be approached with extreme caution and only upon the most convincing proof lest innocent voters might be disenfranchised. (*Anni vs. Izquierdo*, 57 SCRA 692).

Please emphasize to your Board of Election Inspectors that: "any member of a board of election inspectors who has made possible the casting of more votes than there are registered voters," commits an election offense. (Sec. 261 (z) (10) B.P. 881)

## 6. Statistical Improbability

Where there is a uniformity of tally in favor of candidates belonging to one party and the systematic blanking of the opposing candidates such as to make the fraud palpable from the return itself, there is no other reasonable conclusion than that the returns were obviously manufactured, contrary to all statistical probabilities and were as utterly improbable and clearly incredible as to win the sweepstakes ten times." (*Lagumbay vs. Comelec*, 16 SCRA 175)

It does not apply where a candidate simply obtains an overwhelming majority as against another. (*Ilarde v. Comelec*, 31 SCRA 1970)

Petitioner claimed that the returns were obviously manufactured because he garnered zero votes in three precincts, which was allegedly statistically improbable. To this claim, the case of *Sanki v. Comelec*, 21 SCRA 1392 is worth reiterating: "The bare fact that candidates for public office had received zero votes is not enough to make the returns statistically improbable. (*Ocampo v. Comelec*, G.R. 136282, February 15, 2000)

The Supreme Court warned that the doctrine on statistical improbability must be viewed restrictively, the utmost care being taken lest in penalizing the fraudulent and corrupt practices, which indeed is called for, innocent voters become disenfranchised, a result which hardly commends itself. (Velayo vs. Comelec, G.R. No. 135613, March 9, 2000)

## **7. Discrepancies between word, figures and tallies**

"In case of discrepancies between words and figures, words will prevail by force of law. In case of discrepancies between tallies and words, tallies will prevail, not by force of law but by the logic of the situation. (Ruben Canoy vs. Comelec, and the City Board of Canvassers of Cagayan de Oro City)

However, Section 8(m) Rule 27 of the Comelec Rules of Procedure, provides among others:

In case it appears that there exists discrepancies in the votes of any candidate in words and figures and the difference affects the results of the elections, the Commission upon motion of the Board with notice to the candidates affected shall order the re-opening of the ballot box and conduct a recount.

I submit that the ruling of the Supreme Court in the case of Ruben Canoy vs. Comelec should prevail not only because it has the force of law, but logic and reason would show that the first record of the votes obtained was thru the "taras".

## **8. Omission of requisites in form or data**

Board shall call the BEI to effect the correction or supply the missing data, affix their initials.

If what is omitted is the name of the candidate and/or his corresponding votes, board shall make a report to the Commission. Commission shall order the board to open the ballot box and recount the votes with notice to all candidates affected. (Sec. 9(k) of Comelec Rules of Procedure) (Lee vs. Comelec, G.R. No. 157004, July 4, 2003.)

If there is an incomplete data, e.g. number of registered voters, number of votes cast, number of valid votes, the Board shall summon the BEI to supply the missing data. (Sec. 234, B.P. 881)

A canvass and proclamation made notwithstanding such patent defects in the returns which may affect the result of the elections without awaiting remedies is null and void. (Purisima vs. Salonga, 12SCRA 704, Lee vs. Comelec, G.R. No. 157004, July 4, 2003)

It is hereby recommended that the BEI shall be present during the canvassing and that they shall be paid by the treasurer their per diems upon certification by the board that their election returns have been canvassed.

## 9. Preparation of election returns under duress, threats, and intimidation....

"A pre-proclamation controversy is limited to an examination of the election returns on their face. There must be "tell-tale signs of the threats on the face of the election returns." (Dipatuan vs. Comelec, 185 SCRA 86, 93)

The board need not go beyond the face of the returns, and investigate alleged irregularities. Where the resolution of the issues would require the board "to pierce the veil of the election returns that appear prima-facie regular, the remedy is an election protest.





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## Regional Assessment/Evaluation on Handbooks, Demo-Video and Training Set-up on Voting, Counting, Canvassing

### REGION I

*“The handbook used during the May 14, 2007 National and Local Elections was very helpful and effective. The different resolutions were easier to understand because they presented in a simpler manner and the step by step presentation of procedures was very effective.” - Janita C. Brillo, Election Officer II, Bantay, Ilocos Sur*

*“The following are my comments/suggestions on the Handbook in connection with the May 14, 2007 Synchronized National and Local Elections:*

- 1. It was an easy access resource material.*
- 2. It was a useful guide (especially us, field workers) specifically on election laws.*
- 3. It is a powerful tool to assist us, Election Officers and Election Assistants in the performance of our duties.*
- 4. Another set of handbook be issued before the October 29, 2007 Barangay and SK Elections.” - Raquel B. Digay, Election Officer, Banayoyo, Ilocos Sur*

*“This regards to our comments and suggestions regarding the canvassing handbook in connection with the 2007 National and local Elections.*

- 1. It is a handbook which was easily read and understood by the Members of the Municipal Board.*
- 2. It is more detailed than the General Instructions in the conduct of the elections.*
- 3. The paper quality is more expensive than the G.I. but almost the same contents with the canvassing hand book.*

*I would suggest that the other information and instructions from the Canvassing Hand Books be incorporated to the General Instructions on voting and canvassing of votes.” - Purita E. Caban, Election Officer II, Burgos, Ilocos Sur*

*“... consider the Canvassing Hand Book very helpful. Especially so, that it was my first time to act as Chairman of the Municipal Board of Canvassers in my area of responsibility. Furthermore, the Hand Book was well organized from the preparation until the segregation of copies for submission to different offices concerned.*

*The Canvassing Hand Book really helped me to be confident enough to handle the new task assigned to me.” - Veronica B. Agcanas, Acting Election Officer II, Cabugao, Ilocos Sur*

*“I found the Handbook to be a very important guide for the Board of Canvassers. It is a very helpful, useful and very effective. I suggest therefore that the Board be furnished with this handbook comes every election.” - Delfin H. Altura, Acting Election Officer, Lidlidda, Ilocos Sur*

#### “COMMENTS AND SUGGESTIONS RE CANVASSING HANDBOOK IN CONNECTION WITH THE 2007 NATIONAL AND LOCAL ELECTIONS

- *The Handbook was very helpful and effective*

- *The Different Resolutions were easier to understand because they were presented in a simpler manner*
- *The step by step presentation of procedures was very effective” - **Babelyn Guirnalda, Election Officer, Narvacan, Ilocos Sur***

**“COMMENTS/SUGGESTIONS RE-CANVASSING HANDBOOK IN CONNECTION WITH THE MAY 14, 2007 NATIONAL AND LOCAL ELECTIONS**

**I. COMMENTS:**

- It contains the necessary instructions to follow during the canvassing*
- It is easy to understand*
- Activities are clearly emphasized in every chapter*
- Instructions are made in details*
- Effective reference for orderly, fast and credible canvassing*
- Over-all rating — excellent”- **Leonida C. Alibuyog, Election Officer, Salcedo, Ilocos Sur***

*“The guidelines is very beneficial to us, who are newly appointed as Election Officer. It guides us how to handle situations especially on the part of the BEIs, Candidates and Watchers during the canvassing. It was prepared in such a way that it can be easily followed and understand, only there are some typographical error*

*On page 63, on BOC Checklist of what to bring to Canvassing, why not add as No. 17 a Mike with the amplifier outside so that the figures being read by the chairman is overheard by the people outside the canvassing room. And also add as No. 18, a computer, for automatic encoding of votes garnered by each candidate to be handled by one of the support staff as encoder.*

*I understand that the mere presence of the BEI and watchers is enough to open the ballot box. But how about if all the seven (7) copies of election returns were locked in the ballot box with the inner and outer metal seal, can we open the ballot box by destroying the metal seals just by mere presence of the BEI and watchers and without authority from the Commission?...*

*On the grounds of pre-proclamation controversies, there are many cases mentioned, but only the titles, how about if you could provide us also a sample copy of important cases which were resolved in connection with canvassing, I mean the text of the case, not only the titles.*

*In general, such guidelines, not only the canvassing guidelines but the whole Election Handbook is very detailed and helpful to us in the field. Thanks for the effort of the planning department for providing us a handbook like this which serves as our bible not only during elections but the whole duration of our stay in the Commission....”- **Josefina D. Tabios, Election Officer I, San Emilio, Ilocos Sur***

*“We would like to state that these handbooks were very useful to the BEIs as well as to the MBOC. We would like to suggest that such materials would be given to again to the BEIs and the MBOC in succeeding political exercises.” - **Balbino L. Roc, Jr., Election Officer II, San Vicente, Ilocos Sur***

*“...our comments and suggestions re Canvassing Handbook in connection with the National and Local Elections all I can say is, I find it very informative and easy to understand as to the contents.”- **Gregoria R. Racho, Election Officer II, Santiago, Ilocos Sur and Elmer C. Labor, Election Officer II, Sinait, Ilocos Sur***



*“... This is a very good resource material for us in the field. This is a powerful tool that helps us conduct our duties and responsibilities and helps us reach our main goal which is to remain independent and impartial body committed to peaceful, honest and credible elections.*

*Hopefully, the Commission will continue on providing us a compilation of excerpts of applicable laws, international standards, ethical principles, logistical preparations and procedures that could update our knowledge in the field offices.” - **Emalyn C. Gonzales, Election Officer II, Sto. Domingo, Ilocos Sur***

*“... our comments and suggestions re Canvassing Handbook in connection with the National and Local Elections all I can say is, I find it very informative and easy to understand as to the contents.” - **Elmer C. Labor Election Officer II, Sinait, Ilocos Sur***

*“... the Handbook served useful and it helped a lot those who are first time EOs and Acting EOs. It supplemented the knowledge and know-how to all concerned.*

*Aside from providing the officers in the field of such handbook, the undersigned suggests that if it is possible, every Election Officer be provided a compilation of rules and regulations duly promulgated by the Commission in order for field personnel to learn more about their functions and duties.” - **Atty. Joel J. Gines, Provincial Election Supervisor, Vigan City, Ilocos Sur***

*“The Election Handbook for COMELEC Staff, Election Inspectors and Canvassers was helpful to canvassers, especially first time canvassers, like the undersigned. However, the Handbook should have also included as its Annex the General Guidelines for Board of Canvassers to serve as a guide.*

*Further, undersigned is hoping that a similar handbook be provided to all the members of the board of canvassers as well as the members of the canvassing sub-committees.” - **Atty. Rhodora A. Gines, Regional Election Attorney and Concurrent Acting City Election Officer, San Fernando City, La Union***

*“It’s good the Commission has come out with a handbook for its frontliners. It served as a very useful and powerful tool in assisting the members of the different Municipal Boards of Canvassers in the discharge of their duties during the canvassing. It gave answers to some questions in order to attain a Clean, Honest, Accurate, Meaningful and Peaceful Election.*

*I suggest for more situational problems and actions to be taken to resolve them. The handbook must be reviewed thoroughly in accordance with existing laws. The same must be delivered earlier together with the handbooks for the BEIs to give us ample time in the field to review and familiarize ourselves with its contents.” - **Cristituta N. Popes, Acting Election Officer, Bagulin, La Union***

*“Comments — the handbook is well-prepared and very functional.*

*Suggestions:*

*There should be thorough study of the matter. Lecturers during seminar on this Rules and Regulations should be headed by lawyers and people who propose amendments to the same.*

*The handbook should be distributed at least two months before every election to give ample time for the COMELEC people to study the rules.*

*There should be more seminars conducted for the education of the COMELEC personnel.” - Nimfa G. Basa, Election Officer, Bauang, La Union*

*“The canvassing handbook served as a very useful guide to all the members of the Municipal Board of Canvassers. It was made as a very easy reference for us to be able to perform our duties.*

*It was intended to guide the members of the Board in arriving at solutions to questions that may arise during the canvassing.” - Cherry Ann M. Lacamento, Election Officer II, Caba, La Union*

*“Comments:*

- 1. That the Handbook is very useful especially to those who have no experienced in canvassing work.*
- 2. That it is easily understood even without referring to the Resolutions of the Commission regarding canvassing and counting of votes.*

*Suggestions:*

- 1. Aside from providing the field personnel of such handbook, it is respectfully suggested that every office of the Election Officer be given a compilation of the rules and regulations duly promulgated by the Commission.*
- 2. Compilation of Commission on Elections rulings or cases decided by competent court and the Commission, in order to provide every field personnel a chance to study or learn more about their work.*
- 3. Education is a continuing process, hence there is a need for each and every employee in the field to be updated thru seminars/meeting or materials which is beneficial to all concerned.”- Sadiri D. Lacamen to, Election Officer, Naguilian, La Union, Araceli B. Suyat, Election Officer, Pugo, La Union, Shirlyn B. Diza, Election Officer II, San Gabriel, La Union, Estrella P. Reybuenan, Election Officer, Santol, La Union, Elizabeth B. Cerezo, Election Officer Tubao, La Union*

*“...herein are my comments/suggestions regarding the Seminar handbook as follows:*

- 1. The handbook must contain recent amendments on election matters.*
- 2. The rules stated in the handbook should be brief and concise.*
- 3. The handbook should be as handy as the Board of Election Inspectors Instruction.”- Patricia A. Bautista, Election Officer II, Rosario, La Union*

## REGION II

*“The Demo-Video on Voting and Counting as well as in the canvassing seminar held at the Ivory Lodge, Tuguegarao City last April 2007 was considerably effective that gave a very good result for the May 14, 2007 synchronized National and Local Elections. The said training with the help of the demo-video had contributed a lot especially to those who are in the field offices or employees and personnel in the frontline.*

*Every step tackled in the training meant so much in the fulfillment of peaceful, orderly and credible elections. The procedures shared and shown gave much enlightenment to the new officers as to how election is being made and the proceedings thereof. It was not a waste of time, money and effort instead a great help that equip everyone which resulted with smooth flow of work in a specific endeavor.*

*Programs of this Commission such as this Training upgrade skills and awareness to anticipate every undertaking for the welfare of our country as a whole. And in like manner, the services we ought to give shall be given in the light of this methods and procedures prescribed hereon.” - Verlitho N. Bata, Election Assistant I, Itbayat, Batanes*

*“The handbook about canvassing was a big help to the MBOC.” - Teresa T. Llopis, Election Officer II, Ivana, Batanes*

*“The Demo-Video shown to the Election Officers during the Seminar-Workshop was very timely. It clearly illustrates the proper and legal procedures of Canvassing and Counting of Votes. I myself is a newly and first time to be appointed as an acting election officer, and I could appreciate very much the conducting of said demo-video.*

*The demo-video was also helpful to the board of election inspectors (BEIs) in the conduct of voting and counting. It reduced the commission of errors of the BEIs. However the non-availability of gadgets in the use of power point is something that the Commission should address.” - Catherine R. Salas, Election Officer II, Aurora, Isabela*

*“Since the Commission issued the Election Trainers Guide both for the MBOC and BEIs, I strongly recommend that the Commission should continue issuing such pamphlet because it helps in informing the concerned parties of their duties and responsibilities during the elections.”- Catherine H. Salas, Acting Election Officer II, San Pablo, Isabela*

*“The demo-video and setup presented during the Seminar Workshop for all Election Officers was perfect timing for the conduct of the May 14, 2007 synchronized National and Local Elections. The videos revealed the real scenario. We must show this video for the BEIs the way it is presented to the field officers, especially in the Canvassing and Counting of votes.” - Antonio M. Diaz, Election Officer II, Benito Soliven, Isabela*

*“The video which was shown during the seminar last April 2007 was very comprehensive and substantial in content and attracting attention to the audience. It was very interesting and appreciating.” - Josephine Z. Mallanao, Election Officer II, Cabagan, Isabela*

*“The demo-video shown to the Election Officers during the Seminar-Workshop was timely and proper. It clearly illustrated the proper and legal procedures of canvassing and on voting and counting votes. The Election Officers have their own style on method in canvassing and tend to forget/forgot some important aspects in the course of canvassing.*

*The demo-video was also helpful to the board of election inspectors (BEIs) in the conduct of voting and counting. It reduced the commission of errors of the BEIs. However the non-availability of gadgets in the use of power point is something that the Commission should address.*

*As the handbook, it was a must see reading material to both the Election Officers and the Board of Election Inspectors. The presentation of the actual procedures to be followed was a great help.”- Francisco M. Macabangun, Election Officer II, Ilagan, Isabela, Obdulia Emerita P. Gomez, Election Officer III, Roxas, Isabela, Teresita B. Angangaan, Election Officer II, San Mariano, Isabela*

*“The demo-video shown to the Election field officials in the region during the seminar-workshop was successfully done, it clearly demonstrated the proper and legal procedures of Canvassing and Counting of votes, it was very beneficial for both the Municipal Board of Canvassers (MBOC) and Board of Election Inspectors (BEIs).*

*It is one of a kind, never this seminar had happened on the past. May on the 2010 National and Local Elections, it will happen again in a more updated and technical manner conducive to the needs of the BEIs in terms of what would they learn.”- Romel M. Valerozo, Election Officer II, Maconacon, Isabela, LeonestorA. Maximo, Election Officer II, San Isidro, Isabela*

*“The demo-video shown to the Election field officials in the region during the seminar-workshop was successfully done, it clearly demonstrated the proper and legal procedures of Canvassing and Counting of votes, it was very beneficial for both the Municipal Board of Canvassers (MBOC) and Board of Election Inspectors (BEIs).*

*The entire period of seminar demonstrated the legal duties and function of Election Officials and that is absolutely needs to address different problems especially during election period.” - Mario S. Pagatpatan, Acting Election Officer II, Quirino, Isabela*

*“The TRAINING/SEMINAR (on voting, counting and canvassing and election laws) which was held on April 2007 was a reminder of our Herculean tasks and mandated functions as an election officer.*

*Notwithstanding the very limited and compressed period of the training/seminar, the facilitators were able to attain their objectives i.e., to present a clearer view of the substance and procedure of various election laws.*

*To put in words or described the training/seminar means to limit its beneficial effect. SUPERB, EDUCATIONAL AND ENTERTAINING would be the best words to describe the effect.” - Dennis Augusto C. Sanchez, Acting Election Officer II, Ramon, Isabela*

#### ***A. Lecture of the Speakers per department:***

*All speakers coming from the main office, Manila are well prepared to lecture before the participants. All the speakers are intelligent and we learned much from them.*

#### ***B. Training Kits of the lecturers:***

*Well prepared and complete with Demo video easy to understand the participants need not to take down notes*

#### ***C. Evaluation and Assessment:***

*The training setup is very successful and orderly and generally peaceful.” - Inocencia D. Saquing, Election Officer II, San Pablo, Isabela*

*“The video which was shown during our seminar last April 2007 was very comprehensive and substantial in content and attracting attention to the audience. It was very interesting and appreciating.”- Rowena M. Lopez, Election Officer II, Santo Tomas, Isabela*

*“The May 14, 2007 National and Local Elections was a great success because of this visualization and paraphernalia. It helped me a lot in managing my time frame and my queries for the last election.*

*When I briefed the BEIs before the elections, I managed to show the needed*

information because of the PowerPoint presentation that was well presented, with the help of the Demo Video on voting and counting of votes. Some mistakes were avoided because of the effectiveness of these said paraphernalia for election.

*On the other hand, my duties as the Election Officer were done in a right and legal way because of these. I see to it that I followed the rules and the guidelines that were set. I easily reviewed these guidelines with the help of this demo videos and training set-ups.*

*During the briefing [of the BEIs], the undersigned used the PowerPoint as means of my presentation, compliments to the Planning Department of this Commission for sharing with us in the field, the Videodisc, for brief and concise briefing.” - Agnes A. Pantaleon, Acting Election Officer, Reina Mercedes, Isabela, OIC Election Officer Solano, Nueva Vizcaya*

*“The handbook is very good but it is better if recent Supreme Court Decisions on Election Laws be included, giving emphasis on pre-proclamation controversies.”- Abraham Johnny C. Asuncion, Provincial Election Supervisor, Nueva Vizcaya*

*“The Demo-Video shown to us during the Regional Seminar Workshop was clearly illustrated the proper and legal procedures regarding the canvassing and counting of votes.*

*It was very useful also to the BEI because the errors committed by them was reduced.” - Ma. Agnes V. Prudencio, Election Officer II, Quezon, Isabela*

*“1. Provides the Elections Officer, Election Assistant and Election Workers and overview of their respective roles and responsibilities.*

*2. Commendable processes and procedures for the proper conduct of voting, counting and canvassing.*

*3. Easily refreshes and updates the knowledge on the provision and applicable laws of Elections.*

*4. Training set-up focuses generally to reinforce the ethics and values for free and fair elections.” - Felibiano S. Pil, Jr., Election Officer II, San Guillermo, Isabela*

*“1. The Demo video which was provided by the office of the Planning Department is a very important change in providing information to the Board of Election Inspectors considering its format which was very entertaining and informative;*

*2. The demo video should be provided with the necessary accessories like overhead projector, laptop computers, and other peripherals needed for the effective playing of such videos in the future;*

*3. Considering that majority of the employees of the Commission on Elections in the field has no formal training on computers and its operations and that considering further that the technology is indispensable in our work, a seminar or series of trainings should be conducted by the Commission to have a more effective application of the technology.” - Francisco A. Cadiente, Election Officer II, San Manuel, Isabela*

*“The methodology being presented was so impressive meaningful enough and served as our guidance for COMELEC field personnel in the performance of our duties and responsibilities. This was a new and very innovative aspect which has a very meaningful and direct involvement of our duties.*

*Expecting for more very potential and positive foresight which will enhance and*

*help a lot for the implementation of all COMELEC Rules and Regulations. MORE POWER AND MAY YOUR TRIBE INCREASE.” - Andres S. Pascua, Election Officer II, Angadanan, Isabela*

*“During the Seminar-Workshop, the Demo-Video presented to the field offices of Region 2 was timely and proper for the conduct of the May 14, 2007 National and Local Elections. The Video is clearly illustrated; the presentation and actual procedures of canvassing, voting and counting of votes greatly help and had minimized mistakes.*

*The Demo-Video should also be shown to the BEIs/BET in order to improve their knowledge of serving in the conduct of elections so that they can perform well and make them strong and effective in the performance of their duties and responsibilities.*

*The handbook on the guidelines for BEIs issued during the Seminar Workshop held in Region 2 on April 21-22, 2007 was very effective, concise, orderly and very informative. It contributed much to the BEIs and very organized in the setting up from the polling places, what to place inside the ballot boxes up to the submission to canvassing to the Election Officer. It gives quick reference guide to the BEIs especially during the counting of votes and preparation of Election Returns which make it very effective in the performance of their duties and responsibilities.” - Celia P. Aguilar, Election Officer II, Dinapigue, Isabela*

*“The handbook of the BEIs was very brief and easy to understand together with the handbook of the Municipal Board of Canvassers.” - Inocencia F. Saquing, Election Officer II, Benito Soliven, Isabela*

*“The handbooks were really of great help to the BEIs, the MBOC and the EOs in connection with the duties and responsibilities in the conduct of the elections. May the tribe of those who have helped in producing this kind of materials increase. I look forward for more materials, especially in decided cases by the supreme court to serve us as our guide in all that we do that pertains to elections and related matters with our work.” - Ma. Francisca M. Aragon, Tumaliuan, Isabela*

*“The COMELEC manual that was provided to us Election Officers made our work easier. Even if we are non-lawyers, we were able to address problems through our guide. This was our bible in the recently concluded May 14, 2007 Elections. In behalf of our colleagues in Isabela, we would like to thank the Commission for giving us a more simplified manual for our reference not only in the May 14, 2007 Elections but also for the next elections to come.” - Claribel M. Zipagan, OIC Election Officer, Angadanan, Isabela*

*“The Election Handbook given to the Election Officers was very useful and served as our guide in the whole electoral process. I really appreciate the efforts made by the Planning Department in conceptualizing this book, without which could have given us much confusion.” - Atty. Jerbee Anthony R. Cortez, Election Officer III, Cabarroquis, Quirino, Miriam T. Ualat, Election Officer II, Santiago City, Isabela*

*“The handbook was very useful. It would be better if this kind of handbook will be distributed to all Dep-Ed District Offices in every municipality.” - Mirriam T. Bacud-Tumaliuan, Election Officer III, Gattaran, Cagayan*

*“It is also helpful, but still a learned and experienced Election Officer is most advantageous.” - Election Officer, Solano, Cagayan*

*“The handbook for the May 14, 2007 National and Local Elections is well prepared and must be maintained all throughout, but must be given earlier so as to be given enough time to read, understand and to raise queries on issues to be clarified.” - Edna R. Tacazon, Election Officer II, Sta. Ana, Cagayan*

*“The handbook for Election Officers was just purely a reminder.”-Emmanuel P. Barreyro, Election Officer II Camalaniugan, Cagayan*

*“The handbook is very useful. It would be nicer if the same handbook will be given to every Office of the District in every municipality and the City/Municipal Treasurers Office for their reference.” - Ligaya Aresta-Singun, Election Officer III, Baggao, Cagayan*

*“A good reference for the EOs - very useful especially during the briefing of BEIs.” - Bella B. Telav, Election Officer II, Gonzaga, Cagayan*

## REGION III

### PROVINCE OF BULACAN

#### *Baliuag, Bulacan*

*The handbook given to the Comelec field officer of the Commission served as a powerful tool and a resource material in the conduct of their duties especially during the May 14, 2007 Synchronized National and Local elections. It provided them with information, useful annexes, jurisprudence for canvassing, summary of applicable election laws and discussion of contingencies/how to solve them have helped them a lot. - Maria B. Bautista, EO III*

#### *Province of City of Malolos, Bulacan*

*Highly impressed of the handbook. Though it reached their end three (3) days before the May 14, 2007 election. Yet, your deliveries of the seminar we have digested the most salient techniques in canvassing. In their area with 51 barangays and 104,595 registered voters, they finished their finished their canvassing for three (4) days only. The Election Officers extend their heartfelt gratitude for the noble task in supplying this handbook. - Segundo P. Barte, EO IV*

#### *Plaridel, Bulacan*

*He's very much thankful of the receipt of the Canvassing Guidelines last May 14, 2007 elections. It helped him a lot in handling the canvassing in this field station.*

*As a matter of fact vis-à-vis the handbook and your outstanding mentor in the seminar, with 19 barangays and 226 clustered precincts, he finished his canvassing for two (2) and half days.- Reynaldo T. Serafln, EO III*

## **PROVINCE OF BATAAN**

*It was the first time in her 13 years as an employee in the Commission that this particular Election Handbook was introduced, objective/mission of which is to educate the so called front-liners. With this on hand, really made their job so easy and for the BEI as well, The handbook was truly an effective training tool in the sense that all the general instructions, electoral laws and related resolutions issued by the Commission are all incorporated in it for easy reference. The handbook was a comprehensive compilation of excerpts of applicable laws, jurisprudence, ethical principles, logistical preparation and procedures that truly guides and supports them in their assigned tasks during election period. - Abucay, Bataan, Chamberlin A. Pajares, EO*

### **Balangqa, Bataan**

*This operational handbook played a crucial role in the engagement of field officials in all stages of electoral processes in and out of polling centers while implementing partisan political activity.*

*In general, it was relevant and served its purpose. It was a very essential tool in observing participants behavior in electoral events like in soliciting votes, recording and gathering election results, as well as in acts of complaints, in the decision making of boards of election officials.- Angelina V. Garrido*

### **Orani, Bataan**

*The effective management of Election Officers was based on trainings and its audio-visual materials used in electoral activities.*

*The election handbook guided them election officials in the field work with competence and energy because they were trained in all stages of electoral process.*

*It is a necessity to have handed in certain election handbook like this to justify our actions and decisions as well.*

*For further information, this election handbook served as additional power point in order that field officials remain confident on tasks to perform, and become transparent in the conduct of electoral process.*

*The training manual assisted field officials the right procedures to meet the standard of transparency and impartiality.- Rossana N. Cruz*

## **REGION V**

### **A) HANDBOOK**

*The Election handbook for COMELEC Staff, Election Inspectors and Canvassers incorporates the principal laws, general instructions and procedures regulating the casting, counting and canvassing.*



*It served as our **powerful** tool to conduct our respective duties on the May 14, 2007 National and Local Elections that resulted in honest, orderly, peaceful and credible elections.*

## **B) DEMO-VIDEO**

*The used of multi-media projector inspired us to listen and grasped easily the topics discussed.*

## **C) TRAINING SET-UP**

*The COMELEC National Pool of trainers (CNPT) was very organized and prepared. Resource person were very appropriate, they have mastery on their assigned topics. We enjoyed their prepared energizer to a given period that makes us active, attentive and awake. We love the songs and action songs*

# **REGION VI**

## **PROVINCE OF AKLAN**

*“The Election Handbook for COMELEC Staff, Election Inspectors and Canvassers and video tape relative thereto provided to all COMELEC field personnel for the May 14, 2007 National and Local Elections were so valuable as the concepts, ideas and presentations are well organized. With the said materials, it served as a very useful tools to help guide all COMELEC field personnel in administering effectively a credible elections.*

*The same materials also supplied all of us the much needed resource that comes easy during election day particularly on voting and canvassing.”- Lorena B. Tumbagahan, Acting Provincial Election Supervisor*

## **PROVINCE OF GUIMARAS**

*“In line with the handbooks, demo-video and our training set-up (on voting, counting, canvassing, etc.), it helps us a lot in the conduct of our briefing seminars on Board of Election Inspectors to address problems being encountered and problems to be encountered before, during and after elections.*

*“It is very useful for our reference what are the do’s and don’ts in the conduct of elections.”- Deo A. Golez, Officer-In-Charge, Office of the Provincial Election supervisor*

# **REGION VIII**

## **TRAINING OF COMELEC FIELD PERSONNEL AND BEIs**

*For the first time in years many BEIs had a real honest-to-goodness briefing. The issuance of the BEIs handbooks complemented by powerpoint presentation of the general*

*instructions to many BEIs, proved very helpful in making the poll managers effectively perform their duties. Thirty-five (35) municipalities and three (3) cities availed of LCD powerpoint presentation in the briefings of BEIs. The province of Biliran had a 100% LCD-powerpoint- assisted BEI briefing (8 out of 8 municipalities). (Page 12 of the Report on the Conduct of the National and Local Elections last May 14, 2007 in Region VIII)- Adolfo A. Ibañez, RED, Jose Nick A. Mendros and ORED Staff*

## **SEMINAR OF BEIs**

*To better equip the members of the Board of Election Inspectors (BEIs) in the conduct of election at the precinct level, the Office of Provincial Election Supervisor (OPES) in coordination with the Office of the Election Officer (OEO) conducted a series of seminars involving the BEIs. The seminar includes the topic on Values and the General Instruction for the 14 May 2007 National and Local Elections. The briefing conducted was a little bit improved compared to the previous one conducted. The conduct was more colorful and participative using the Multimedia Projector. (Page 25 of the Post Election Evaluation Report on the Conduct of the National and Local Elections last May 14, 2007 and Page 4 of the 2007 Mid Year Accomplishment Report)- Sabino C. Mejarito, PES , Province of Biliran*

## **BRIEFING OF THE BOARD OF ELECTION INSPECTORS**

*The Power Point presentation of the Genera! Instructions, the EHEMPLO song and EHEMPLO commercial and the Video footage on Things to Suing and What to do on Election Day made a great transformation in the traditional type of COMELEC Briefing of the BEIs. (Page 19 of the Post Election Evaluation Report on the Conduct of the National and Local Elections last May 14, 2007)- Joelibeth Marciriga-Ong, Acting EQ, Biliran, Biliuan*

## **TRAINING OF COMELEC FIELD PERSONNEL**

*April 12-13, 2007, training was conducted by the Commission for the field personnel. The Speakers were Dir. Ibañez, Dir. Ladra, Dir. Ausan, ARED Mendros and Comm. Ferrer. Venue: Ritz Tower de Leyte, Tacloban City, with the theme: Training of Comelec Field Personnel on the Conduct of the May 14, 2007 National and Local Elections. It was such a worthwhile enhancement activity that we had, I learned a lot on that training. (Page 11 of the Comprehensive Post Election Evaluation Report for the May 14, 2007 National and Local Elections for the Municipality of Culaba)- Salud Vida D. Donaldo, Election Officer, Culaba, Biliran*

## **BEI ORIENTATION**

*The orientation of BEIs in Kawayan were scheduled in different dates and venues purposely first to provide better learning and absorption of knowledge. In order to give a nice presentation of Topics on the part of the speakers the Election Officer provided them*

*multi-media projector. The participants were so attentive and participated a lively discussion.*(Pages 17-18 of the Post Election Evaluation Report-May 14, 2007 Elections-Municipality of Kawayan, Biliran Province)- **Deogracias S. Salas, Jr., Election Officer II, Kawayan. Biliran**

## **REGIONAL CONFERENCE**

*The Seminar Workshop in preparation for the May 14, 2007 elections at Ritz Tower de Leyte on December 14-15, 2006. The training was participated in by all the EOs and OICs from the Province of Samar and Northern Samar. Said seminar was very fruitful. (Page 3 of the Consolidated Pre-Election Day and Post Election Period Report on the Conduct of May 14, 2007 Synchronized National and Local Elections for the Province of Samar)-* **Salvador T. Cruz, Acting PES, OPES Staff, Province of Samar**

## **CONSULTATIVE TRAINING OF EOs IN TACLOBAN CITY**

*It was on December 14 and 15, 2006 that the Consultative Training was held in Tacloban City. Trainings are good. But the venue seems to be tiring and boring. Because ever since I've got connected with the Commission in 1993, it's always been Ritz Tower de Leyte (except for one moment in Ormoc City) that the Election Officers, OICs or Election Assistants went up to. (Page 6 of the Comprehensive Post Election Report on the Synchronized May 14, 2007 National and Local Elections)-* **Ludgemma Alfaro-Asumbrado, Election Officer II, Saint Bernard, Southern Leyte**

## **REGION IX**

### **ZAMBOANGA DEL NORTE**

*The election handbook, demo-video and the training set up on voting, counting, canvassing, etc., helped our filed workers a lot, and therefore they are a must in every electoral activities*

*I strongly suggest you continue your good work and implement the best plans you have for our cause, the Comelec and our country.*

*We, the frontline soldiers in the filed, are all behind you. -* **Charlito A. Tan, Election Officer II, Salug, Zamboanga del Norte**

*The handbooks provided during the seminar were useful not only during the seminar but also during the Election Day and during the canvassing of votes. We recommend that the Commission will again make another handbook on election cases for ready reference b our EOs.-* **Wilfredo E. Balisado, Provincial Election Supervisor II, Dipolog City, Zamboanga del Norte**

### **1. Election Handbook**

*This tool was very effective in giving aid to the undersigned on matters concerning the conduct of the Election arid Canvassing, most specially since the undersigned is a*

*newly-appointed Election Officer and the May 14, 2007 Elections is the first Election performed under his office. On the downside though, there were some errors discovered by the undersigned but most of it were typographical errors. In the future, I am expecting a much accurate handbook that will be given to the filed officers. The handbook is very helpful and effective means of providing information to us.*

## 2. **Demo Video**

*This could have been a great help in orienting the members of the BEI's but unfortunately, copies sent out to the filed offices were not the right one. Instead of a video showing the proper way of conducting the elections, the CD given to us contained an anti-graft and corruption presentation and the COMELEC hymn... in the end, we had to conduct our orientation in the traditional manner, using the printed guidelines and manually explaining to our BEIs the entire process. Another one of the tools which has a great potential in making the orientation process much faster and effective, I am hoping that next time around the actual video will be sent to us on time.*

## 3. **Training**

*On this matter, I personally feel that more trainings to the EOs should be actually implemented. A single seminar before an election is too insufficient and even dangerous because there maybe some important matters which are not quite properly explained during the said seminar. An ill-informed EO can cause great misinformation to the candidates as well as to the constituents within his/her jurisdiction. The training/seminars given would have been more effective had it been conducted with ample time and consideration. - **Atty. Jossil R. Macute, Election Officer III, Dipolog City, Zamboanga del Norte***

# REGION X

*As regards to our demo-video, handbooks and training set-up, undersigned finds the same to be excellent and useful in the performance of his duties especially in Elections.*

*Such, must be reduced into a handy book to be known as "The Election Guard's Toolbox". Thanks to Dir. Ladra.*

*Likewise, Atty. Dennis Ausan's Compendium on Pre-Proclamation Controversy is a must for all Election Canvassers.- **Amer R. Bazer Election Officer II, Tubod. Lanao del Norte***

*Atty. Esmeralda Amora-Ladra, I wish to convey my thanks and gratitude to your effort in helping Election Officers in the field by providing us with **the Handbook for the Board of Canvassers and other related documents which have personally helped me much.** As I returned back to my station from the recently concluded Special Election in Lanao del Sur, particularly in Kapatagan to where I was assigned, I saw to it to write you this letter full of wishes that our Lord will grant you more power and strength through which could continue your relentless effort in bringing out the best in us by providing us with legal framework and jurisprudence relative to our duties and function as Chairman of the Municipal Board of Canvassers. Mabuhay ka! - **Diosdado L. Gaeusan Acting Election Officer II, Magsaysay, Mis. Oriental***

*Regarding the Video-Demo. Okay naman siya, nakakatuwa kaya lang medyo*

*mabilis.*- **Joan D. Abucejo Election Officer II, Lagonlong, Mis. Oriental**

*The handbooks that we have received was a big help to us. Thank you and more power to Planning Department, most especially to Atty. Esmeralda A. Ladra.*- **Magsalin B. Mao Election Officer II, Magsaysay, Lanao del Norte**

*My assessment to the handbooks and demo-video was a good contribution to us because it guide us to pursue our functions and undertakings.*- **Maria Elena Talaver, Election Officer II, Kadingilan, Bukidnon**

*It was a great help to us. Thank you very much!*- **Arsenio C. Egar Election Officer II, Kibawe, Bukidnon**

*We learned and gain more knowledge to the handbooks that we have received. It really help us a lot. Thank you.*- **Ruben C. Odchimar Election Officer I, Binuangan, Mis. Oriental**

*The handbook and the training we attended boosted our self confidence to perform our duties and functions more easily.*- **Anahella M. Omnilla Election Officer II, Damulog, Bukidnon**

*It was a great leap and help to us. Thanks to the Comclec Main Office people. I praised also our Lord in this endeavor.*- **Divina B. Abarca Election Officer II, Mambajao, Camiguin**

## REGION X

*Handbooks - It helps vastly to educate and understand how the electoral proceedings being done:*

- *It helps the BEIs' guided properly during the proper election day as well as to the voters';*
- *It enhance the BEIs' to be more dependable, reliable and courage.*
- *Anticipating that the above-mentioned audio-visual materials is a medium of quick — step*
- *Answers if there is a country's electoral exercise.*- **Adalia Lopez-Tambuang, Election Officer IV, Panabo City, Davao del Norte (18 September 2007).**

*That the handbooks and demo-video received were very useful tool to be used in the briefing of the BEIs' since it is presented in a clear and comprehensible manner, COMELEC guidelines and resolutions were imparted in easy to digest words. As to the training conducted, it was of great help, as it enhances more our capabilities and knowledge in the different phases of our works, equipping us the necessary wisdom to impart during the training of the BEIs', candidates and other concerned individuals.* - **Norma S. Candol, Election Officer II, Babak District, Island Garden City of Samal, Davao del Norte (14 September 2007).**

*The Video demonstration and the Election flay guidelines manual proved to be*

*effective ways of educating members of BEIs in the performance of their duties and functions at the polling place sans report of errors. Mistakes and human lapses ever committed by them.-* **Rodolfo L. Nituda, Election officer II, Kaputian District, Island Garden City of Samal, Davao del Norte** (19 September 2007).

*Handbooks and demo-video — the COMELEC guidelines and resolutions were presented in a clear and comprehensible manner.*

*Training set-up — was of great help in the conduct of the different phases of electoral activities, it enhanced our knowledge on latest COMELEC laws, rules and procedures, making us efficient and productive in performing our duties and responsibilities.-* **Samuel P. Clase, Election Officer II, Samal District, Island Garden City of Samal, Davao del Norte** (14 September 2007).

*The handbooks and demo-video were received by this office few days before the election days, and it was very useful during the conduct of the briefing of BEIs, COMELEC guidelines and resolutions were imparted in easy to digest words, and presented in a clear and comprehensible manner.*

*The training conducted for us, Election Officers, enhances more our capabilities and knowledge in the different phases of our works, equipping us with the necessary information needed to make us efficient in performing our duties and responsibilities.-* **Marcelino J. Cortez, Jr., Election Officer III, Asuncion, Davao del Norte**

*Training set up — voting, counting, canvassing — it was really a great help, it increases our knowledge in doing the different phases of electoral activity.-* **Girlye P. Iluis, Acting Election Officer, Braulio E. Dujali, Davao del Norte** (14 September 2007)

*Election handbooks, demo-video — very informative complete with detailed guidelines and examples from the start based on the general instructions for the BEIs. Its provides quick answer for the BEIs to the most common problems and issues encountered before, during and after Election Day. –* **Ester P. Sison, Election Officer III, Carmen, Davao del Norte** (14 September 2007).

*Handbooks — useful in the conduct of briefing*

*Demo—Video - received on time and was shown during the briefing of the members of the Board of Election Inspectors.*

*Training set up on voting ,counting and canvassing — it was of great help in the conduct of the different phases of the electoral activities as we were able to make tise of the methodology and knowledge imparted to us to make the briefing more comprehensive to the BEIs.-* **Virginia C. Parnas, Election Officer III, Kapalong, Davao del Norte** (12 September 2007).

*Handbooks — clear, easy to read format, comprehensible and by merely looking on the illustrations a seasoned BEI can easily grasp the ideas on what a BEI should do phase by phase.*

*Demo-video — it was also a great aid during our BEIs briefing, although the Commission should have provided each Municipalities/Election Officer with the audio visual equipments; laptop, screen and powerpoint projector. Election Officers must be also trained on powerpoint program presentation.*

*Training set-up on voting, counting, canvassing — on counting it depends on the floor area of a classroom and the accessibility to the voters, on counting and canvassing, it depends on the location of lighting facilities and ventilation of the room or canvassing ball wherein the BEIs and or the Board of Canvassers and support staff feels comfortable with their set-up.* — **Concepcion O. Vallejo, Election Officer II, New Corella, Davao del Norte** (11 September 2007).

*Please be informed that the handbooks, demo-video and our training set upon voting, counting, canvassing generally informative and very concise in nature.*— **Zoraida Nor-Cariaga, EA II/Acting Election Officer, San Isidro, Davao del Norte** (13 September 2007).

*Training Program for Election Officers — It enhance the abilities of Election Officers in the performance of their mandated duties and responsibilities. It explains the requirements in managing effective capacity building programs, specifically for the training of COMELEC Staff aside from operational requirements in preparing and conducting elections. The trainings provide ways which encourage participation thus enriching our learning experience.*

*The Comelec Election Handbook for the Board of Election Inspectors in particular, outlined the core areas of the electoral processes. As an Election Day Guidelines, it helps them handle special situations and performs their responsibilities correctly, precisely and accurately. The handbook informs them of their respective role as Board of Election Inspectors, thus, they carry out all instructions issued by COMELEC.*

*Video-demo — provides us effective training especially on the conduct of voting and counting of votes as based on our General Instructions. It is therefore very informative and for an experienced Election Officer with adequate preparation there is no need for a resource person.*— **Ma. Jandelie B. Espanola, Election Officer III, Sto. Tomas, Davao del Norte**

*I therefore conclude that prepared handbooks and conducted seminars before the Election Day by the Planning Department headed by Atty. Esmeralda Amora- Ladra help me a lot to perform my duties as Election Officer and I commend the Planning Division for conducting such a very nice preparation.*— **Lolita A. Ardina, Election Officer III, Maco, Compostela Valley** (18 May. 2007).

## REGION XII

*The demo video that was used by the EO of Mabel, Sarangani as tool in her briefing of BEI's was sort of "bitin," the demo was very short. Only part of the voting process was shown to the BEI's Sometimes it's boring to he always listening.*

*She recommended that the demo video be improved and prolong more by the facilitator/trainer*

## CARAGA REGION

### **PROVINCE: SURIGAO DEL SUR**

#### **MUNICIPALITY: BAROBO**

*The election handbook greatly assist us in the preparations of the May 14, 2007 National and Local Elections, much more on the conduct of canvassing wherein election returns were the center of concentrations on both the candidates and its counsels as well as supporters who were around the canvassing center. By this handbook our apprehensions on being ridiculed inside the canvassing center was reduced because we were guided on how to handle said situations. House rules were being set-up based on the handbook's guideline of which canvassing was done in a very peaceful manner.-* **Carlito G. Gubaynon, Acting Election Officer**

#### **MUNICIPALITY: BAYABAS**

*The election handbook contributed much to us in implementing election activities. Details have been arranged and made easier for us to understand and follow. Guidelines on BEI's are very much effective. For me, I was able to answer some queries and pre-proclamation controversy, which a lawyer of a certain candidate filed before the board. So my great thank and congratulations to the people behind for making this handbook a good reference.-* **Florecita L. Dagaang, Election Officer I**

#### **CITY BISLIG**

*The Handbook helped us field personnel more so that the resolution on the General Instructions for the Board of Election Inspectors came out later than the handbook. The book presentation of the sequencing of all work activities to be undertaken for the whole duration of the Election period is very commendable. –* **Alma L. Acosta, City Election Officer III**

#### **MUNICIPALITY: CARMEN**

*It gives me additional knowledge and it contributes a lot toward a clean, honest, peaceful and credible elections.-* **Nenita A. Esmero, Election Officer II**

#### **MUNICIPALITY: CARRASCAL**

*The Election Handbook given guided us a good idea on election matters especially dealing with problems and decision making that we encountered during the May 14, 2007 elections.-* **Allan R. Resullar, EA II/ Acting EO**



### **MUNICIPALITY: CORTES**

*The Handbook is very useful to us, we gain more knowledge, treasuring an ideas and improve our skills and ability. The effort and endeavor whose foresight determines the mission to regain the image of the commission to fulfill the vision this very fruitful contribution.* – **Gorconio T. Bongcaya, Election Officer II**

### **MUNICIPALITY: HINATUAN**

*The handbook given was great help both for the commission and the Board of Election Inspectors. Its presentation was simplified making it easy to comprehend the general instruction. The package was presentable and informative making it really a good reference for field people. The illustrations embodied in the handbook aided much in grasping of ideas. Somehow it was a new approach of learning deviating from the routine resolutions.*

*The preparation is highly appreciated as people in the field learned a lot from it. It was complete and concise.* – **Marilyn D. Megarbio, Election Officer II**

### **MUNICIPALITY: LANUZA**

*The handbook has helped us a lot. The book presentation of the sequencing of all work activities to be undertaken for the whole duration of Election period is very clear and self-explanatory.*– **Erlinda G. Lawi, Election Officer II**

### **MUNICIPALITY: LIANGA**

*This handbook is an important tool of the commission. It guides or helps field personnel in doing the task related to registration and elections. It is a useful reference to everyone.*

*However, there are some resolutions that need further corrections, refinements for better interpretation and understanding.*– **Jocelyn N. Pandi, Acting Election Officer**

### **MUNICIPALITY: LINGIG**

*The distribution of handbook changed our outlook and eased our worries and fears. We feel equipped, prepared and empowered.*– **Emraida B. Plaza, Election Officer II**

### **MUNICIPALITY: MADRID**

*The Election Handbook has provided guidance and support to Election Officers as it covers the entire electoral process on voting, counting and canvassing of election returns. Its objective have really develop the EO's as it consists the Ethics and values, Laws and Regulations and the Operations and Procedures to equip the EO's in preparing the conduct of Election to achieve its goal –which is to have an Honest, Peaceful, Free and*

*Credible Elections in their area of responsibility.*- **Ma. Judy I. Plaza, Election Officer II**

### **MUNICIPALITY: MARIHATAG**

*The Handbook material is really presentable and attractive because topics are carefully organized. They are great relevance to the election activities because it completely covers the whole electoral exercise, simplified for easy comprehension, brief and concise.*- **Eutemio L. Estose, Election Officer II**

### **MUNICIPALITY: SAN AGUSTIN**

*The Handbook is informative does remind the work to be accomplished on every activities conducted not only for the COMELEC employees but also to Dep-Ed teachers, candidates and political parties. It contributed additional learning especially on legal basis and updates on election laws and its amendments.*- **Evelyn M. Bato, Election Officer II**

### **MUNICIPALITY: TAGBINA**

*My comment on the handbook given was very much comprehensive. It gives more knowledge to us not only during canvassing but also to the whole process. It enlightened/make up our minds and gives us encouragement in our work with the commission to serve the people as a worker of the commission.*- **Lorena P. Jaictin, EA II/ Acting EO**

### **MUNICIPALITY: TACO**

*The handbook contributed a lot because it was our tool and guide towards clean, honest, peaceful and credible elections.*- **Sercano C. Cabuga, Election Officer II**

### **CITY: TANDAG**

*We enjoyed reading the handbook for it is very informative. That is, from casting to canvassing of votes. It enhances our knowledge particularly on any election problems, controversies and discrepancies. It served us our guide and tool in achieving honest, orderly, peaceful and credible elections. Our sincerest thank and appreciation to the contributors of this handbook. We salute to you Ma'am and Sirs. –* **Elvis M. Mojica, EA / Acting EO**

## **PROVINCE DINAGAT ISLANDS**

### **MUNICIPALITY: BASILISA**

*I appreciated very much the Handbook because everything is already entered in this book. This is the first time I handled this kind of handbook and I will treasure in my heart because this is like a bible that will guide us in our every endeavor. The contents of Ethics and Values are very indispensable.* – **Nelly O. Sombrado, Election Officer II**

**MUNICIPALITY: CAGDIANAO**

*The printing of handbook is commendable however, some of its procedures are contradicting compared with that of the GI. Confusing in the sense that there are highlighted phrases which are “incomplete.”* – **Jenita B. Enoya, Election Officer II**

**MUNICIPALITY: DINAGAT**

*It was a great help to COMELEC field officials in handling voting, counting and canvassing because election laws, and Supreme Court decisions on election cases are being condensed with in such manner that it could easily be understood. It made easy for the MBOC and BEI's to understand its application.* – **Manuel L. Felicidad, Election Officer III**

**MUNICIPALITY: LIBJO**

*It really help us a lot in the implementation of the election laws, rules and regulations on the conduct of the May 14, 2007 Elections. It guides us on how to brief the BEI's and MBOC and trained to be always ready on the assigned task given us. We are grateful to the staff who extended their effort on this behalf Thank you so much.* – **Doris A. Langit, Election Officer II**

**MUNICIPALITY: TUBAJON**

*It is just timely that the handbook was printed because it serves as the Bible of the EO's during the election. It helped us in briefing the BEI's and MBOC during the canvassing of election returns. We appreciate very much the efforts of the COMELEC officials who made this handbook in realization.* – **Helen B. Daytoc, Election Officer I**

**MUNICIPALITY: SAN JOSE**

*The handbook was useful in a way that it simplified the provisions in the Resolutions disseminated for the purpose of the May 14, 2007 Elections. It was very illustrative and as such it conveyed the principles provided for in the resolutions.* – **Avelino J. Edillo, Election Officer II**

**PROVINCE AGUSAN DEL SUR**

**CITY: BAYUGAN**

*The handbook is practical, useful and easy to understand by us. Useful in the sense that it really helps us better and productive result in the conduct of the latest elections.*

*I am hoping more plans to be implemented in the future for the welfare of the COMELEC Personnel and to the Commission, and for the progress and development of our country.* – **Frederico A. Blanco, City Election Officer**

### **MUNICIPALITY: ESPERANZA**

*The newly created Election Handbook is very useful, comprehensive training tool, guide and references. It is a simplified material and I don't see any reason if the primary audience who read the handbook can't absorb the three (3) sections of this component; namely, Ethics and Values, Laws and Regulations and Operations and Procedures.* – **Benedict H. Chee, Election Officer II**

### **MUNICIPALITY: LA PAZ**

*The Handbook provided to us is very useful and easy to understand. For a first timer who handled elections like me, the handbook is really a big help. It has all the guide and giving us the productive result in the conduct of elections.* – **Esther O. Rama, EA II/OIC**

### **MUNICIPALITY: LORETO**

*The Election Handbook helps me a lot in performing my duties and responsibilities as an Election Officer and Chairman of the MBOC. It emphasizes that every government employee should have the ability to deal with all kind of people that will be encounter while performing a mandated task. The rights of every individual/party must be respected at all times and to be accurate in making decision which should always be based on existing election laws.*

*The handbook specifies that mandated function of the commission where every employee should know and be guided. It also provided information on all applicable election laws. The simplified guidelines on the voting and counting procedure made it easy for EO's to discuss during the briefing. The canvassing procedure for the MBOC was thoroughly explained. It includes the different methods in handling objection by party watchers/representatives and to make decisions in a fair manner and in accordance with law.* – **Jay A. Salinas, Election Officer II**

### **MUNICIPALITY: PROSPERIDAD**

*The Election Handbook served as an excellent reference and guide to us in making our decision concise. Furthermore, it is a comprehensive training guide for us to make sound and lawful decisions.*

*We thanked the head of the Planning Department and the staff in formulating this*

*Handbook, to be able to enhance the values, laws and regulations, operation and procedures and with this, we commit to the COMELEC in achieving a honest, orderly, peaceful and credible elections. – Normalita G. Callanta, Election Officer III*

### **MUNICIPALITY: ROSARIO**

*The Election Handbook is nice and useful guide for us front-liners of the Commission to conduct a honest, peaceful, and credible elections. It provides appropriate skills for every EO's and feels easy to execute their mandated task. It enables us to equip our knowledge on proper procedures of voting, counting and canvassing and provide effective result in the performance of our duties and functions.*

*Finally the handbook is really a great help for us in attaining our mission and vision. We will be guided by the highest standard of integrity, honesty, impartiality and transparency. – Modesta R. Maestrado, Election Officer II*

### **MUNICIPALITY: SAN FRANCISCO**

*The Election Handbook is very useful, practical, concise training guide and references. It is also easy to understand and helps us obtain best result on the conduct of the May 14, 2007 Elections.*

*CONGRATULATIONS! Hope for some additional plans for the future political exercises. – Judith R. Serrano, Election Officer II / OIC*

### **MUNICIPALITY: SAN LUIS**

*The election Handbook was of great help especially the applicable procedures presented during the conduct of registration, voting, counting and canvassing. The three (3) components of the Handbook help us a lot in the exercise of our functions as field personnel.*

*It was a comprehensive medium that provides us the practical information regarding the electoral process. It is an informative reference on our daily routine activities in the field.*

*CONGRATULATIONS and more power. – Nenita C. Arguta, Election Officer II*

### **MUNICIPALITY: STA. JOSEFA**

*The Election Handbook is very informative and useful resource material designed as our guide and reference for effective implementations of COMELEC laws, rules and regulations set forth during electoral exercise. It provided us with applicable procedures during the conduct of registration, voting, counting and canvassing, in dealing with members of the BEI, Canvassers and Stakeholders.*

*It was made to equip us with relevant basic information to regain the integrity of the Commission and enable us to conduct a clean, credible, free, honest and orderly election in strong partnership with an enlightened citizenry. - Suzy C. Vargas, Election Officer II*

## **MUNICIPALITY: SIBAGAT**

*The Election Handbook serves as a very durable guide and reference to all EO's. It is comprehensive and concise training guide for us to function well and able to give sound and healthy decision.*

*CONGRATULATIONS to the head of the Planning Department and its staff for being able to come up with a very adaptable and mass friendly handbook. - **Teresita B. Catingan, Election Assistant / OIC***

## **MUNICIPALITY: TALACOGON**

*The Handbook was a splendid achievement!*

*In my 22 years being a part of COMELEC family, it is the first time that offices in the field were provided with a very excellent Handbook filled with detailed information about all phases of our work. A Handbook simplified and subjective in presentation, very easy to digest and vividly displayed in color according to topic specified. It is an exciting transformation from a mere newsprint guide before, into state of the art, hard bound covered BOOK FORM to last forever. It is a complete guide very much vital to be mastered. – **Janet F. Besing, Election Officer II***

## **MUNICIPALITY: TRENTO**

*The Election Handbook serves as my guide, reference and of great help for me because it incorporates the principal laws, general instructions and procedures regulating the three C's of election: Casting, Counting and Canvassing. It serves as my guide in the effective performance of my duties and equipped me with all the knowledge to achieve the mission and vision of the Commission. I reminded of the code of conduct, the values that an employee should observe and maintained.*

*As a whole, the content of the handbook is very important in every undertakings of a field officer. – **Elma A. Mellomida, Election Officer II***

## **MUNICIPALITY: VERUELA**

*Honestly and practically speaking, the Election Handbook is a very useful and big help as a reference and guide for us field officers. The guidelines, COMELEC Resolutions and Laws were simplified and stated in understandable words for us to implement it properly.*

*I hope this is not the last. Keep it always.*

*More power and CONGRATULATIONS !!! – **Ma. Soccorro S. Saballa, Acting Election Officer***

## **PROVINCE SURIGAO DEL NORTE**

### **MUNICIPALITY: ALEGRIA**

*The Election Handbook given really help us a lot in the implementation of the election laws, rules and regulations on the conduct of the May 14, 2007 Elections. It guide us on how to brief the BEI's and MBOC and trained to be always ready on the assigned task tasked given to us. Although there is some confusion on the implementing laws of COMELEC Resolutions with the Handbook, still we benefited more because of the Handbook guidelines.*

*Thank you so much for the efforts of the staff who made this handbook and for giving us the opportunity to have a copy. – Elena A. Mendiola, Election Officer II*

#### **MUNICIPALITY: BURGOS**

*In compliance of memorandum received by this office re Comments on Handbook, I have NO COMMENT.- Proserfina F. Goña, Election Assistant I/OIC*

#### **MUNICIPALITY: CLAVER**

*Contents of the Handbook were all very important. It helps us because said handbook was illustrative, comprehensive and informative, very easy to understand who wish to read it. Basic information and knowledge were included in that handbook.*

*We would like to thank the efforts made directly or indirectly, especially to Atty. Esmeralda Amora-Ladra, Director IV of Planning Department and to those who sponsor the printing of the handbook. – Maria N. Dador, Election Officer II*

#### **MUNICIPALITY: DEL CARMEN**

*The Election Handbook given for the COMELEC Staff really help us a lot in the implementation of the election laws, rules and regulations on the conduct of the May 14, 2007 Synchronized National and Local Elections. It guides us on how to brief the BEI's and MBOC and trained to be always ready on the assigned task given to us.*

*Thank you so much for the efforts of the staff who made this handbook and the Commission for giving us the opportunity to have a copy. – Apolinario C. Asilo, Election Officer II*

#### **MUNICIPALITY: GIGAQUIT**

*The Handbook is good and added more knowledge to the Election Officers. – Carlo C. Gonzaga, Election Officer II*

#### **MUNICIPALITY' MALIMONO**

*The Election Handbook given during the seminar-workshop is a great help to us, as field representative of the Commission. It guide us in the implementation of election laws, rules and regulations on the conduct of the May 14, 2007 Elections.*

*We thank you for the efforts given by the staff who made this handbook and to the Commission for giving us a copy.* – **Erlinda L. Plaza, Election Officer II**

### **MUNICIPALITY: MAINIT**

*The Election Handbook given really help us a lot in the implementation of the election laws, rules and regulations on the conduct of the May 14, 2007 Elections. It guides us on how to brief the BEI's and MBOC and trained to be always ready on the assigned task given to us.* - **Lydia P. Mahinay, Election Officer II**

### **MUNICIPALITY: PLACER**

*The Election Handbook helped me a lot and widens my knowledge regarding election laws, rules and regulations but somehow it confused me also because of some errors being made.*

*I was impressed because this was the first time that the commission reproduced this hardbound handbook. I hope that this will be the continuing process to refresh our knowledge in the coming elections.* - **Christopher L. Besande, Election Officer II**

### **MUNICIPALITY: SAN FRANCISCO**

*The Election Handbook really helps us a lot in the implementation of the election laws, rules and regulations on the conduct of the May 14, 2007. It guides us on how to brief the BEI's and MBOC and trained to be always ready on the assigned task given to us. We benefited more because of the Handbook guidelines. Thank you so much who made this Handbook and the Commission for giving us the opportunity to have a copy.* - **Socorro P. Tripoli, Election Officer II**

### **MUNICIPALITY: SAN ISIDRO**

*The Election Handbook given really help us a lot in the implementation of the election laws, rules and regulations on the conduct of the May 14, 2007 Elections. It guides us on how to brief the BEI's and MBOC and trained to be always ready on the assigned task given to us.* – **Liborio C. Zamora, Election Officer I**

### **MUNICIPALITY: SISON**

*The handbook distributed was timely as reference for the May 14, 2007 Elections. The quality of the printed material was good and its bookbinding. Its contents were very much useful. It served us guide in the performance of our duties and responsibilities during elections but there were items on the said Handbook which don't coincide with some election laws and COMELEC resolutions. To me it seemed that there was conflict of ideas of the writers of the said handbook. But anyway, part and partial of it was very useful to me.* - **Mercedes C. Cañeda, Election Officer II**



**MUNICIPALITY: TAGANAAN**

*The efforts of the Planning Department through the leadership of **ATTY. ESMERALDA AMORA-LADRA** to publish a hard bound, glossy handbook to be used by the front liners of the commission on the performance of their election duties, is highly commendable.*

*Generally the handbook although it's the duplication of the General Instructions, is still very much useful in the conduct of peaceful and credible elections. The illustrative, step-by-step procedures in the casting and canvassing of votes are very useful to the beginners. – **Norma M. Germio, Election Officer II***

**CITY: TUBOD**

*General observations of the handbook were illustrative, comprehensive and informative, very easy to understand to everyone who wishes to read it. Basic information and knowledge were included in that handbook. The effort in producing the handbook is well appreciated since there is that intention to simplify the instructions that is easy to understand and memorize. – **Virgilio M. Garcia, Jr., Election Officer II***

**PROVINCE: AGUSAN DEL NORTE****MUNICIPALITY: BUENA VISTA**

*The COMELEC Handbook is a great help and advantageous to the field personnel. It equipped us with more knowledge to carry out the duties, functions and responsibilities. It gives a brief, easy to digest with the guidelines about some principal laws, rules and regulations on the conduct of the elections. Generally speaking it provides the general instructions and procedures regarding the voting, counting and canvassing of votes.*

*The COMELEC Handbook is a compilation of laws, rules and regulations and procedures which give us guidance and full support which are materials to carry out our Vision and Mission for a Clean, Honest, Orderly and Peaceful Elections. – **Apeles M. Luyahan, Election Officer III***

**MUNICIPALITY: CARMEN**

*The Election Handbook distributed to us is of great help since its my first time to act as Chairman of the MBOC. It is a great advantage to us and equipped ourselves with armor of knowledge necessary to do our duties and functions. It gave a brief and easy guideline on the procedures regarding casting, counting and canvassing of votes. It is an itemize compilation of laws and procedures which is necessary to give guidance and support to field personnel. – **Neil A. Fudalan, Acting Election Officer II***

**CITY: CABADBARAN**

*The printing of Election Handbook is a great help and advantageous to the field employees. It equipped us more knowledge to carry out the duties, functions and responsibilities. It gives a brief, easy to digest with the guidelines about some principal laws, rules and regulations on the conduct of the elections. Generally speaking it provides the general instructions and procedures regarding the voting, counting and canvassing of votes. It is a compilation of laws, rules and regulations and procedures which give us guidance to carry out our Vision and Mission for a Clean, Honest, Orderly and Peaceful Elections.* – **Estrella O. Luyahan, Election Officer III**

**MUNICIPALITY: KITCHARAO**

*COMELEC aims to make elections as fast as 1, 2, 3 and as easy as A, B, C. Honest, Orderly, Peaceful and Credible Elections is the heartbeat of all COMELEC employees.*

*The BEI's, as the front liners, play an important role in this great event. The Handbook given was made simple and easy to understand. It's detailed instructions on what to do and what to bring before, during and after Election Day. Pictures were drawn as illustrations. The Handbook is complete and important to BEI's.* – **Patricia S. Palarca, Election Officer II**

**MUNICIPALITY: LAS NIEVES**

*The Handbook distributed made the members of the BEI's quite more interested in preparing for the May 14, 2007 Election, as it was detailed and not boring to read. With the illustrations, it added more knowledge that made each and every member equipped with the armor of knowledge, as they get on with their assignment except those who work without dedication with their job.* – **Carmelita P. Demain, Election Officer II**

**MUNICIPALITY: MAGALLANES**

*First and foremost, my salute to the collaborative efforts of untiring Director of the Planning Department, **ATTY. ESMERALDA AMORA-LADRA** together with the USAID and IFES for making/providing the Election Handbook which was of great help to us.*

*In general, the Election handbook was very beneficial. Being illustrative in form, it equipped us with the armor of knowledge. It gave us direction in our individual tasks and functions in the field in order to attain Honest, Peaceful and Credible Elections.*

*In this regard, we are expecting again that kind of handbook in any future electoral exercises.* – **Tarcisia C. Baloyot, Election Officer II**

**MUNICIPALITY: NASIPIT**

*At the outset, I would like to extend my most profound gratitude for the*

*collaborative efforts for this Handbook spearheaded by ATTV. ESMERALDA AMORALADRA of the Planning Department and also the USAID and IFES for its reproduction.*

*The handbook as whole is very beneficial to us considering that it incorporates the principal laws, general instructions and procedures that govern the casting, counting and canvassing of votes. It serves as the powerful tool that enables us to see our direction in the performance of our individual tasks and functions thus **HONEST, ORDERLY, PEACEFUL AND CREDIBLE ELECTIONS** is at stake.*

*Every topic of the handbook is geared towards the Mission and Vision of the Commission and equips its field workers with sufficient knowledge in the enforcement and administration of all laws relative to the conduct of elections. – **Osea S. Makiling, Election Officer III***

### **MUNICIPALITY: SANTIAGO**

*The Election Handbook is a good source of information, reference and instructions to the users in performing their election duties and functions, in addition to the General Instructions. The Handbook contains implementing rules and guidelines on the conduct of elections.*

*The instructions are presented in a very simple way and in detail. It helps the users to follow steps easily and to quickly address common problems and issues with the handbook as their ready reference. – **Diega L. Dela Cena, Election Officer II***

### **MUNICIPALITY: JABONGA**

*The Election Handbook was indeed a great help and a powerful aid in our task of conducting an Honest, Orderly, Peaceful and Credible Elections. It incorporates the overall scenario in an Election. It gives us more confidence. – **Geronimo B. Calingin, Election Officer II***

### **MUNICIPALITY: TUBAY**

*The Election Handbook gives us more knowledge on how to handle a clean, honest, peaceful and credible election. – **Edeltrudez D. Mira, Acting Election Officer***

## **NATIONAL CAPITAL REGION**

*The Video-Demo was highly appreciated by the BEI's and that the Election Handbook was highly effective. - **Jesusa L. Dela Cruz, Acting EO, 2<sup>nd</sup> District, Manila***

*The handbooks, demo tape and training set on voting, counting and canvassing were helpful to the BEI's, Voters and Comelec as a whole. – **Rosalinda A. Albia-Radin, EO, 3<sup>rd</sup> District, Manila***

*The training, handbook and demo-video were understandable to everyone concerned. – **Narciso M. Arabe, EO, 4<sup>th</sup> District, Manila***

*The handbooks, demo-video and training greatly helped the BEI's in understanding their duties and functions.* – **Villamor C. Igne, EO, 6<sup>th</sup> District, Manila**

**Attachment B**  
**Citizens CARE Election Monitoring Reports**

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**SUMMARY OF ACCOMPLISHED ACTIVITIES OF CITIZENS CARE FROM OCTOBER 1 2005 TO NOVEMBER 30, 2008****Pulong Tayo 1**

ToT of MEGs				ToT of BEGs				Pulong Tayo				
Target	Male	Female	Total	Target	Male	Female	Total	Target	Accomplished	Male	Female	Total
78	47	44	91	710	273	262	535	710	231	1,981	3,081	5,062

**Pulong Tayo 2**

ToT of MEGs				ToT of BEGs				Pulong Tayo					UT				
Target	M	F	Total	Target	M	F	Total	Target	Accomplished	M	F	Total	Target	Accomplished	M	F	Total
78	44	43	87	710	358	395	753	710	630	5,873	8,138	14,011	45	37	482	322	804

**Pulong Tayo 3**

ToT of MEGs				ToT of BEGs				Pulong Tayo					UT				
Target	M	F	Total	Target	M	F	Total	Target	Accomplished	M	F	Total	Target	Accomplished	M	F	Total
80	70	76	146	1,500	909	776	1,685	1,000	1,000	9,065	6,281	15,346	12	11	148	82	230

**Number of Citizens CARE Monitors during Elections**

August 2005 ARMM Election			May 14, 2007 Elections			October 29 2007 Barangay Election			August 8 2008 ARMM Election		
Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
		429	3,579	1965	5,544	1,164	1,194	2,358	2,827	2,404	5,231



Citizens CARE

## **CITIZENS COALITION FOR ARMM ELECTORAL REFORMS, INC.**

*SEC. Registration No. CN200626305*

Cotabato City, Philippines

Tel. No. (064) 421-9345

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### **Election Monitoring Report during the May 14, 2007 Synchronized National and Local Elections covering the six (6) Provinces of ARMM and Cities of Marawi, Cotabato and Isabela including Special Elections in various towns in ARMM set by COMELEC**

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#### **I. INTRODUCTION**

The Citizens Coalition for ARMM Electoral Reforms, Inc. (Citizens CARE) is a coalition of non-governmental organizations, people's organizations, sectoral organizations, and electoral reform advocates committed to work for electoral reforms in the ARMM. It was established in June 2005 and was also accredited as a citizen's arm of the COMELEC during the August 2005 ARMM Elections.

During the May 14, 2007 Synchronized National and Local Elections, Citizens CARE was given COMELEC Accreditation Number SPP – 07 – 014 to carry out the following activities: (1) to conduct voters education activities in preparation for any and all electoral exercise targeting a total of 710 barangays in 6 provinces of ARMM; and (2) to conduct election monitoring during the 2007 National Elections in particular.

**During its monitoring of the last May 14, 2007 Elections, Citizens CARE covered six (6) provinces of Autonomous Region in Muslim Mindanao (ARMM): Maguindanao, Shariff Kabunsuan, Lanao del Sur, Basilan, Sulu and Tawi-Tawi including Cities of Marawi, Cotabato and Isabela covering a total of 68 municipalities of its 114 towns with 739 barangays and covering 2,520 polling precincts out of more than 8,891 clustered precincts of the ARMM including cities of Cotabato and Isabela. On Election Day, Citizens CARE fielded a total of 5,544 volunteer election monitors in the covered 68 municipalities and cities.**

Citizens CARE has also established a partnership with thirty four (34) empowered civil society organizations, people's organizations, academe, civic groups, media and communication groups including the Parish Pastoral Council for Responsible Voting (PPCRV) throughout the 6 provinces of ARMM to volunteer themselves as election monitors during the May 14, 2007 elections.

In its initial findings, Citizens CARE monitors reported irregularities such as election violence, intimidations, vote buying, disenfranchisement of voters, non-posting of the Computerized Voter Lists (CVL) in some polling precincts, proliferation of election propaganda in polling centers, children were utilized to distribute campaign materials, indelible ink in most polling precincts were not applied to voters forefinger, some voters could not vote as their names were already voted upon, some ballot boxes were not padlocked, disorder inside the polling precincts, non-secrecy of voting, and massive vote padding and shaving.

Citizens CARE found that election actors in the May 14 Synchronized National and Local Elections were not free from intimidation and harassment. A significant number of BEIs did not observe proper procedures in the handling of election materials and committed irregularities during the conduct of both the voting and the counting. Citizens CARE monitors were prevented from observing the counting and canvassing in many instances, and monitors were subject to threats and harassment from candidates and officials. Overall, the results of the elections in the ARMM failed to meet the standards of a clean and credible election and were therefore unacceptable.

With the above findings and with a view to help foster electoral reforms, Citizens CARE proposes the following: (1) immediate prosecution of all election cheats, violators and offenders. The Rule of Law must be upheld at all times; (2) implement the law on campaign spending, discourage campaign overspending and demand disclosure of sources of campaign funds; (3) professionalize the Commission on Elections; (4) intensify voters education in the ARMM especially in the far flung communities; (5) review and revise political and electoral systems and procedures; and (6) modernize the election processes.

In order to achieve its mission of serving as a catalyst for change and electoral reforms, Citizens CARE is committed to continue and intensify its task of voter education, especially in far flung areas, and to mobilize the public to get involved in the conduct of their elections.

## **II. ELECTION MONITORING DEPLOYMENT**

### **A. Maguindanao Province:**

The Citizens CARE Election Monitoring Mission covered the following seven (7) out of 22 municipalities of Maguindanao: (1) South Upi; (2) Talitay; (3) Datu Saudi Ampatuan; (4) Shariff Aguak; (5) Ampatuan; (6) Sultan sa Barongis and (7) Rajah Buayan. During the May 14, 2007 Synchronized National and Local Elections, it fielded 123 volunteer election monitors in 245 clustered polling precincts out of 1,744 polling precincts or a percentage of 14% equivalent to 41 covered barangays out of 279 barangays in Maguindanao or an equivalent to 15%. Maguindanao Province has 336,774 total registered voters.

Of the 22 towns in Maguindanao, majority of the candidates for Governor, Vice Governor, Board Members, Congressman, Mayors and Vice Mayors were unopposed. Only the Municipalities of Talitay (CCARE project site) and Pagalungan had contesting political candidates.

Breakdown of 123 Volunteer Election Monitors:

▪ Provincial Staff	-	3
▪ Municipal Gurus	-	7
▪ Barangay Gurus	-	45
▪ Volunteers recruited by Mun./Brgy. Gurus	-	42
▪ Supra Base	-	10
▪ Electoral Reforms Advocates	-	5
▪ Suara Mindanao – RMN	-	5
▪ Bangsamoro Council for Justice and Peace	-	6

### **B. Shariff Kabunsuan Province and Cotabato City:**

The Citizens CARE Election Monitoring Mission covered ten (10) out of 11 municipalities of Shariff Kabunsuan: (1) Buldon; (2) Barira; (3) Matanog; (4) Parang; (5) Sultan Mastura; (6) Sultan Kudarat; (7) Upi; (8) Northern Kabuntalan; (9) Datu Odin Sinsuat; (10) Datu Blah Sinsuat; and (11) Cotabato City. During May 14, 2007 Synchronized National and Local Elections it fielded 1,309 volunteer election monitors for Shariff Kabunsuan (please see complete details below) in 603 clustered polling precincts out of 1,003 polling precincts or a percentage of 60%; equivalent to 108 covered barangays out of 247 barangays or 44%. Shariff Kabunsuan Province has 198,280 total registered voters.

For Cotabato City, it fielded 148 volunteer election monitors in 345 clustered polling precincts out of 628 polling precincts with a percentage of 55%, also equivalent to 23 barangays out of 37 barangays or 62%. Cotabato City has 123,853 total registered voters.



Breakdown of 1,309 Volunteer Election Monitors:

▪ Provincial Staff	-	7
▪ Municipal Gurus	-	11
▪ Barangay Gurus	-	113
▪ Volunteers recruited by Mun./Brgy. Gurus	-	601
▪ Al – Hidayah Foundation	-	135
▪ Independent Citizens for Clean Elections	-	126
▪ Alliance for Free Election Movement	-	120
▪ Karancho	-	64
▪ Regional Commission on Bangsamoro Women	-	33
▪ Supra Base	-	20
▪ Mindanao State University – Maguindanao	-	21
▪ Electoral Reforms Advocates	-	15
▪ FOROM	-	20
▪ Suara Mindanao – RMN	-	9
▪ Bangsamoro Council for Justice and Peace	-	4
▪ Mindanao Integrated Muslim Association, Inc.	-	10
▪ Gold Star Daily	-	1

**C. Basilan Province and Isabela City:**

The Citizens CARE Election Monitoring Mission covered nine (9) out of 11 municipalities of Basilan: (1) Isabela City; (2) Lamitan; (3) Maluso; (4) Akbar; (5) Tuburan; (6) Al-Barka; (7) Akbar; (8) Mohammad Ajul; Ungkaya and (9) Pukan. During the May 14, 2007 Synchronized National and Local Elections it fielded 333 volunteer election monitors in Basilan (please see complete details below) in 234 clustered polling precincts out of 931 polling precincts or 25%, equivalent to 69 barangays out of 255 barangays or 27%. Basilan Province has 182,027 total registered voters.

For Isabela City, it fielded 41 volunteer election monitors in 25 clustered polling precincts out of 226 polling precincts or 11%, equivalent to 11 barangays out of 45 barangays or 24%. Isabela City has 42,673 total registered voters.

Breakdown of 333 Volunteer Election Monitors:

▪ Provincial Staff	-	3
▪ Municipal Gurus	-	4
▪ Barangay Gurus	-	80
▪ Volunteers recruited by Mun./Brgy. Gurus	-	265
▪ United Youth of the Phils. – Basilan	-	8
▪ Tipo-Tipo Professional Organization	-	3
▪ Consortium of Bangsamoro Civil Soc.–Basilan	-	5
▪ Basilan Women Initiative Foundation	-	4
▪ Mga Alyansa ng mga Kabataan na Naghahangad ng Magandang Kinabukasan	-	2

#### **D. Lanao del Sur Province and Marawi City:**

The Citizens CARE Election Monitoring Mission covered nineteen (19) out of 39 municipalities of Lanao del Sur: (1) Pagayawan; (2) Wato Balindong; (3) Ditsaan Ramain; (4) Buadi Poso Bontong; (5) Madalum; (6) Butig; (7) Lumbayanague; (8) Lumbaca a Unayan; (9) Bubong; (10) Sultan Dumalundong; (11) Masiu; (12) Saguilaran; (13) Taraka; (14) Bayang; (15) Molando; (16) Balabagan; (17) Madamba; (18) Ganasi; (19) Pualas; and (20) Marawi City. During the May 14, 2007 Synchronized National and Local Elections it fielded 2,587 volunteer election monitors in Lanao del Sur (please see complete details below). There were 1,994 clustered polling precincts out of 2,624 polling precincts or 17%, equivalent to 524 covered barangays out of 1,158 barangays or 23%. Lanao del Sur Province has 396,913 total registered voters.

For Marawi City, it fielded 96 volunteer election monitors in 96 clustered polling precincts out of 342 polling precincts or 36%, equivalent to 53 barangays out of 96 barangays or 55%. Marawi City has 56,476 total registered voters.

However, during May 14, 2007, COMELEC declared failure of elections in 13 towns of Lanao del Sur which were rescheduled for last May 26, 2007.

Breakdown of 2,587 Volunteer Election Monitors:

▪ Provincial Staff	-	5
▪ Municipal Gurus	-	20
▪ Barangay Gurus	-	320
▪ Volunteers recruited by Mun./Brgy. Gurus	-	204
▪ PPC for Responsible Voting (PPCRV)	-	1,915
▪ National Movement for Free Election	-	50
▪ ABS – CBN & STI Halalan 2007	-	76

#### **E. Sulu Province:**

The Citizens CARE Election Monitoring Mission covered nine (9) out of 18 municipalities of Sulu: (1) Panamao; (2) Jolo; (3) Indanan; (4) Patikul; (5) Parang; (6) Panglima Tahil; (7) Luuk; (8) Maimbung; and (9) Talipao. During the May 14, 2007 Synchronized National and Local Elections it fielded 125 volunteer election monitors in Sulu (please see complete details below) in 198 clustered polling precincts out of 1,360 polling precincts or 15%, equivalent to 55 barangays out of 410 barangays or 13%. Sulu Province has 251,223 total registered voters.

Breakdown of 125 Volunteer Election Monitors:

▪ Provincial Staff	-	3
▪ Municipal Gurus	-	9
▪ Barangay Gurus	-	55
▪ Volunteers recruited by Mun./Brgy. Gurus	-	33
▪ Parhimpunan sin Kababaihan pa Kasambuhan sin Lupah Sug	-	10
▪ Muslim Women Peace Advocates	-	5
▪ Lupah sug Bangsamoro Women Association	-	10

#### **F. Tawi – Tawi Province:**

The Citizens CARE Election Monitoring Mission covered all eleven (11) municipalities of Tawi - Tawi: (1) Bongao; (2) Simunul; (3) Languyan; (4) Panglima Sugala; (5) Sibuto; (6) Sapa-Sapa; (7) Island of Mantabuan; (8) Tandubas. During May 14, 2007 Synchronized National and Local Elections it fielded 782 volunteer election monitors in Tawi - Tawi (please see complete details below) in 435 clustered polling precincts out of 715 polling precincts or 61%, equivalent to 112 barangays out of 201 barangays or 56%. Tawi – Tawi has 140,238 total registered voters.

#### Breakdown of 782 Volunteer Election Monitors:

▪ Provincial Staff	-	2
▪ Municipal Gurus	-	8
▪ Barangay Gurus	-	97
▪ Volunteers recruited by Mun./Brgy. Gurus	-	358
▪ Tawi-Tawi Youth Organization	-	64
▪ Samahan at Lingap Angat sa Mahihirap	-	12
▪ Tawi – Tawi Family Life Foundation / CCF	-	160
▪ Tawi – Tawi Alliance for Good Governance	-	6
▪ Darussalam Multi – Purpose Cooperative	-	12
▪ Languyan Healthy Families Association	-	5
▪ Panglima Sugala Women's Federation	-	25
▪ Bato – Bato Islamic Foundation	-	15
▪ LGSP ARMM – Tawi – Tawi	-	2
▪ Students Initiative for Governance Achievement & Welfare	-	8
▪ United Youth of the Phils. – Tawi – Tawi	-	8

### III. CONSOLIDATED MONITORING RESULTS (covering 6 ARMM Provinces, 58 municipalities with 1,603 monitoring checklists)

#### A. Pre – Election Day and Polling Place Opening:

		Yes	%age	No	%age	Total	%age
<b>Environment</b>							
A1	Is the area around the polling place free from any propaganda or campaign?	831	52%	766	48%	1,597	100%
A2	Is the polling place easily accessible to all voters, including those who are disabled?	1,243	78%	344	22%	1,587	100%
A3	Are the election officials, watchers, and waiting voters free from threats on intimidation?	1,014	63%	591	37%	1,605	100%
A4	Were you and the other watchers given space in the polling place to observe the opening preparations?	1,393	88%	196	12%	1,589	100%

#### Key observations:

- Almost half of the monitored polling places in ARMM were not free from campaign materials and propaganda.
- 22% or 344 reports stated that polling places were not accessible to voters; this was compounded by conflict between candidates over the placement of the polling stations, as most candidates wanted polling stations located in their respective bailiwicks (strongholds).
- 37% or 591 reports mentioned that most election officials, watchers and voters in ARMM were not free from threats and intimidation.
- Only 12% or 196 responses said that in most polling centers, observers were not provided space to observe the opening preparations.

**ANALYSIS:**

*As a general analysis, Commission on Elections in different provinces and cities of the ARMM failed to provide a safe environment free of intimidation for election actors such as BEIs, watchers, voters, monitors and political candidates prior to the conduct of the Synchronized National and Local elections last May 14, 2007. Candidates and parties were able to campaign in and around the polling stations immediately prior to and during the actual conduct of the elections. Watchers were not given space in the polling places, and the location of the polling stations made them difficult for voters to access in many instances.*

<b>Preparations</b>		<b>Yes</b>	<b>%age</b>	<b>No</b>	<b>%age</b>	<b>Total</b>	<b>%age</b>
A5	Were all three members of the BEI present for the preparation	1,438	90%	153	10%	1,591	100%
A6	Has the BEI been given all the proper election materials?	1,360	86%	221	14%	1,581	100%
A7	Did the BEI post a copy of the voter's list at or near the door to the polling for all to see?	1,145	72%	442	28%	1,587	100%
A8	Did the BEI Chair show the empty ballot box to the watchers?	1,312	82%	291	18%	1,603	100%
A9	Did the BEI Chair properly lock the ballot box?	1,387	87%	209	13%	1,596	100%
A10	Did the BEI show the sealed ballot packets to the watchers?	1,181	74%	419	26%	1,600	100%
A11	Did the BEI record the serial numbers of the ballots in the Minutes?	1,271	80%	324	20%	1,595	100%
<b>Opening</b>		<b>Yes</b>	<b>%age</b>	<b>No</b>	<b>%age</b>	<b>Total</b>	<b>%age</b>
A12	Did the polling place open on time?	946	60%	628	40%	1,574	100%

**Key observations:**

- A majority of reports noted that all three BEI members were present at the opening of the precincts.
- 14% or 221 respondents mentioned that BEI were not given all the proper election materials from COMELEC.
- 28% or 442 respondents said that polling centers failed to post Voters List near the door of the polling centers. Additionally, some of these had discrepancies, such as the names of legitimate voters being omitted.
- A majority of monitors observed that the empty ballot box was shown to watchers.
- A majority of BEIs (87%) properly locked the ballot box prior to the start of voting. However, a significant number (13%) did not.
- 26% or (419 respondents) observed that BEIs did not show the sealed ballot packets to watchers.
- 20% or 324 respondents claimed that BEIs did not record the serial numbers of ballots in the minutes.
- A significant number (40% or 628) of monitors observed that most of the polling place in 6 provinces of ARMM did not open on time.

**ANALYSIS:**

*As a general analysis, the major concerns for the preparations and opening of the polling places in 6 provinces and 3 cities in ARMM was that the COMELEC did not respond properly to the needs of the polling places, including providing complete election materials and paraphernalia, such as a copy of the computerized voter's list, failure of the BEIs to show the empty ballot boxes to watchers, failure of a significant number of BEIs to properly lock the ballot box prior to voting, and a failure to record the serial number of the ballots in the minutes. Overall, this demonstrates a failure of the BEIs to observe the proper procedures for handling election materials.*

## B. Conduct of the Polling

		Yes	%age	No	%age	Total	%age
<b>Environment</b>							
B1	Is the area around the polling place free from any propaganda or campaigning?	863	55%	702	45%	1,565	100%
B2	Is the polling place easily accessible to all voters, including those who are disabled?	1,292	81%	294	19%	1,586	100%
B3	Are the election officials, watchers, and waiting voters free from threats on intimidation?	1,002	63%	579	37%	1,581	100%
B4	Were you and the other watchers given space in the polling place to observe the opening preparations?	1,372	87%	209	13%	1,581	100%

### Key observations:

- 45% or 702 respondents observed that polling places were not free from election propaganda or campaigning during the conduct of the voting.
- A majority of observers – 81% - noted that polling places in the region were accessible to voters and to the disabled. However, 19% were not, representing a significant number.
- 37% or 579 reports claimed that COMELEC officials, including BEIs, watchers and voters were not free from threats or intimidations from political candidates, including barangay officials.
- 13% or 209 respondents mentioned that Citizens CARE monitors and watchers were not given space in the polling place to observe the opening preparations.

### ANALYSIS:

*A general observation of the atmosphere during the conduct of polling in the May 14, 2007 elections, was that a majority of COMELEC officials at the provincial and municipal levels failed to maintain a conducive environment during the conduct of the polling as they did not address the issue of the proliferation of election propaganda outside and inside the polling centers. Election actors such as BEIs, voters and watchers did not feel comfortable during the conduct of the polling because of threats and intimidations from supporters of political candidates, including barangay officials.*

<b>Preparation</b>		Yes	%age	No	%age	Total	%age
B5	Did the BEI maintain proper order in the polling place and prevent overcrowding?	995	63%	578	37%	1,573	100%
B6	Is the polling place and surrounding area free from unauthorized people?	901	57%	676	43%	1,577	100%
<b>Conduct of Polling</b>		Yes	%age	No	%age	Total	%age
B7	According to watchers and BEI members, did this polling place open on time?	987	62%	599	38%	1,586	100%
B8	Did the BEI post a copy of the Voters List at or near the door to the polling place for all to see?	956	68%	451	32%	1,407	100%
B9	Were all voters who appeared to vote and whose names were on the voters' list permitted to vote?	1,300	83%	275	17%	1,575	100%

B10	Were all voters who were not on the list or in the Book of Voters sent away and not permitted to vote? (If not see, leave it)	1,104	76%	346	24%	1,450	100%
B11	If any voters were challenged, was the challenged handled properly by the BEI and was it recorded in the minutes? (If not see, leave it)	902	65%	482	35%	1,384	100%
B12	Did the BEI Chair clearly announce the name of each voter?	1,119	74%	386	26%	1,505	100%
B13	Was indelible ink properly applied to each voters	1,084	69%	489	31%	1,573	100%
B14	Were the stubs and coupon (with serial numbers) correctly removed from all ballots before the ballots were placed in the box?	1,280	81%	292	19%	1,572	100%
B15	Did all voters (except those needing assistance) vote in secret?	926	60%	606	40%	1,532	100%
B16	If the voters needed assistance, did a qualified assistor provide assistance and did the assistor sign an oath in the Minutes?	1,111	70%	468	30%	1,579	100%

- 37% or 578 respondents noted that BEIs in many polling places in the ARMM did not maintain proper order or prevent overcrowding in polling places.
- 43% or 676 respondents said that polling places and their surrounding areas in many municipalities in the ARMM were not free from unauthorized people such as political candidates, barangay officials, PNP and AFP personnel and other supporters.
- 38% or 599 monitors noted that BEIs did not open the polling places on time.
- 32% or 451 respondents observed that BEIs did not post a copy of the CVLs outside the polling centers.
- 17% or 275 respondents claimed that voters whose names appeared in the CVL were not permitted to vote.
- 76% or 1,104 respondents said that all voters who were not on the CVL or in the Book of voters were sent away and not permitted to vote. However, 24% noted that those voters were allowed to vote.
- For the voters who were challenged, 35% or 482 respondents mentioned that BEIs failed to handle them properly and did not record the challenge in the Minutes.
- 26% or 386 respondents mentioned that BEI chairs in most of the polling centers did not clearly announce the name of each voter during conduct of the polling.
- 31% or 489 respondents claimed that indelible ink was not properly applied to voters in the polling centers they observed.
- 19% or 292 respondents mentioned that stubs and coupon were not correctly removed from all ballot boxes.
- Approximately 40% or 606 respondents observed that voters inside the polling centers did not vote in secret because of overcrowding.
- 30% or 468 respondents said that no qualified assistants in many of the polling centers provided assistance for those voters who needed assistance.

#### **ANALYSIS:**

*As a general observation during the conduct of the polling, election irregularities were committed by most of the BEIs in many polling centers in ARMM such as the non-posting of CVL outside the polling centers, no indelible inks were put on the voter's fingers, disenfranchisement of many registered voters in various towns in the ARMM, presence of unauthorized people inside the polling centers, non-secrecy of votes, and the presence of non-qualified assistants. Furthermore, BEIs failed to include these irregularities in the minutes but they instead were documented by Citizens CARE monitors throughout the ARMM. Additionally, COMELEC did not recognize the right of some Citizens CARE monitors to observe the elections in some areas in the ARMM.*

### C. Closing, Counting and Canvassing

		Yes	%age	No	%age	Total	%age
<b>Environment</b>							
C1	Are the election officials and watchers free from threats or intimidation?	1,103	69%	491	31%	1,594	100%
C2	Were you and other watchers given a space in the polling place to observe the closing?	1,267	80%	326	20%	1,593	100%
<b>Closing</b>		Yes	%age	No	%age	Total	%age
C3	Did the polling place close at 3pm and were those voters in line at 3pm allowed to vote?	1,131	71%	464	29%	1,595	100%
C4	After the close, did the BEI tear the unused ballots in half?	1,134	72%	448	28%	1,582	100%

- 31% or 491 respondents throughout the ARMM noted that election officials, poll watchers and Citizens CARE monitors were not free from various forms of threats and intimidation from supporters of political candidates, barangay officials, and some PNP and AFP personnel with close links with some candidates.
- 20% or 326 respondents observed that during Citizens CARE monitors were not given a space in many polling centers to observe the closing.
- 29% or 464 respondents noted that most of the polling centers did not close at 3 pm and some voters were allowed to vote after the polls should have closed.
- 28% or 448 respondents observed that BEIs in many of the polling centers did not tear the unused ballots in half as required by the election rules.

#### ANALYSIS:

*Citizens CARE monitors observed closing procedures were not properly carried out in many polling stations throughout the region. A significant number of BEIs failed to safeguard the election materials, and election actors were subject to threats and intimidation from the supports of political candidates.*

<b>Counting</b>		Yes	%age	No	%age	Total	%age
C5	Counting for the precinct was conducted?						
C5-1	at the polling place	659	49%	694	51%	1,353	100%
C5-2	at the counting center	685	59%	484	41%	1,169	100%
C6	If the counting was conducted at a counting center, were you permitted to accompany the BEI and the election materials to the counting centers?	683	49%	701	51%	1,384	100%
C7	Were you and other watchers permitted to view the entire counting process?	892	61%	577	39%	1,469	100%
C8	Was the number of valid ballots equal to or less than the number of votes who voted in the precinct?	840	57%	646	43%	1,486	100%
C9	Was the appreciation of ballots completed properly?	866	58%	618	42%	1,484	100%
C10	Were you (or another citizens' arm watcher) given a copy of the ER? Other group: PPCRV & NAMFREL	460	39%	709	61%	1,169	100%

<b>Canvassing</b>		<b>Yes</b>	<b>%age</b>	<b>No</b>	<b>%age</b>	<b>Total</b>	<b>%age</b>
C11	Were all the election materials properly packaged, sealed and delivered to the proper officials?	929	64%	530	36%	1,459	100%
C12	Did you accompany the box of election returns to the provincial board of canvasser? If NO, do not answer C-13 – C-16.	270	22%	943	78%	1,213	100%
C13	Are you and any other watchers permitted to observe the canvassing?	283	23%	930	77%	1,213	100%
C14	Are the election officials and watcher free from threats and intimidation?	269	22%	944	78%	1,213	100%
C15	Did the canvas appear to be conducted properly?	277	23%	936	77%	1,213	100%
C16	Did the candidate tally on your copy of the Election Return (If you received one) match the candidate tally recorded by the PBC?	253	21%	953	79%	1,206	100%

- During the counting, only 51% or 694 respondents observed that counting was done at the polling place while 41% or 484 respondents observed that counting was done at the centralized counting centers in some municipalities in ARMM.
- 51% or 701 Citizens CARE monitors were not permitted to accompany the election materials to the counting centers.
- 39% or 577 respondents noted that watchers and Citizens CARE monitors were not permitted by the COMELEC to observe the entire counting process.
- Approximately 43% or 646 respondents said that number of valid ballots was NOT equal to the number of voters who voted in the precincts.
- 61% or 709 respondents mentioned in their reports that COMELEC did not give a copy of election returns to PPCRV and NAMFREL. Although Citizens CARE was not accredited to receive a copy of the ER, some monitors were able to obtain them from the BEIs.
- During the canvassing of votes, 36% or 530 respondents mentioned that election materials were neither properly packaged nor sealed and delivered to COMELEC officials.
- Approximately 78% or 943 respondents reported that Citizens CARE monitors were not allowed to accompany the election returns to the provincial canvassing center.
- A majority of the respondents (77%) said that Citizens CARE monitors were not permitted to observe canvassing either at the municipal or the provincial level.
- 78% or 944 of monitors reported that election officials and watchers were not free from threats or intimidation.
- 77% or 936 respondents asserted that the canvassing did not appear to be conducted properly.
- 79% of 953 respondents noted that the candidate's tally of the Citizens CARE monitors did not match with the candidate's tally recorded by the Provincial Board of Canvassers.

#### **ANALYSIS:**

*During the counting and canvassing of the votes at the municipal and provincial level, a significant number election irregularities were committed by election actors such as the BEIs, political candidates, COMELEC officials and PNP and AFP personnel. Among these were preventing Citizens CARE monitors from observing the canvassing and threatening and intimidating watchers. Significantly, the official vote tallies did not match the tallies of the Citizens CARE monitors in many instances.*



#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

With the above findings and with a view to help foster electoral reforms, Citizens CARE proposes the following:

- (1) Immediate prosecution of all election cheats, violators and offenders. The Rule of Law must be upheld at all times;
  - (2) Implement the law on campaign spending, discourage campaign overspending and demand disclosure of sources of campaign funds;
  - (3) Professionalize the Commission on Elections;
  - (4) Intensify voter education in the ARMM especially in the far flung communities;
  - (5) Review and revise political and electoral systems and procedures;
  - (6) Modernize the election processes;
  - (7) Election for Autonomous Region in Muslim Mindanao should be held separately from the regular date of election for National to give more attention by the COMELEC and its deputies, the media, the civic-minded citizenry and poll-watchers and monitors to safeguard the integrity of the electoral process;
  - (8) Dismantling of political dynasties and their private armies;
  - (9) COMELEC should have the political will to enforce rules on spending and campaigning and penalize violators with disqualification, among others;
  - (10) COMELEC officials who committed violations in the previous elections should be barred and delisted from the Commission.
  - (11) List of voters should be cleansed of double-registrants and ghost names.
- 

Submitted by:

#### **The Citizens CARE Technical Working Committee**

Salic Ibrahim  
Committee Chair – Lanao Del Sur

Marjiya Mamang  
Committee Member - Basilan

Jumda Saba-ani  
Committee Member - Sulu

Bashit Imam  
Committee Member – Shariff Kabunsuan

Musa Aming  
Committee Member – Tawi-Tawi

Noted by:

**MR. ROMIE M. GUIALEL**  
Former Chairman, Citizens CARE

**Date : July 26, 2007**

**ATTACHMENT A**  
**ELECTION OBSERVATION REPORT PER PROVINCE**

**A. MAGUINDANAO PROVINCE**

**Observations:**

1. Twenty out of twenty-two municipalities had candidates running unopposed.

**B. SHARIFF KABUNSUAN PROVINCE**

**Observations:**

1. Some BEIs were influenced by the politicians / candidates running for a higher position (Governor) through the mayors and barangay officials, and others were partisan. They were involved in anomalies such as vote padding and filling in of ballots by BEIs and watchers.
2. Computerized Voter Lists (CVL) were not posted in some polling precincts
3. Election propaganda were visible near the polling precincts though those mentioned precincts were not identified by COMELEC as common posting areas
4. Disenfranchisement of voters
5. Voters could not vote as their names had already been used to vote
6. Ballot boxes were not padlocked
7. Multiple voter registrants
8. Duration of voting time was shortened (delayed opening of polling precincts and closed at 3:00pm)
9. Election propaganda was observed while the voting was going on
10. Children were used to distribute election propaganda on Election Day
11. Improper and over-crowding inside the polling place were observed during the conduct of the voting
12. Presence of unauthorized people inside the polling precincts was observed.
13. Presence of military inside the polling centers
14. Presence of intimidation of BEIs, watchers, voters and monitors by local officials
15. Disregard of election rules by the BEI in the conduct of voting and counting
16. Non secrecy of voting
17. Vote buying
18. Failure of Election in Barira, Shariff Kabunsuan
19. Two (2) bombings in Datu Odin Sinsuat
20. One (1) bombing in Simuay, Sultan Kudarat
21. Six (6) grenade launchers fired in Sultan Kudarat Municipal Gym
22. Truck barricades along Quirino Bridge at Brgy. Bulalo, Sultan Kudarat
23. Gunshots fired in Matanog and Kabuntalan, Shariff Kabunsuan
24. Ballot Snatching in Kabuntalan
25. Human Barricade (supporters of Matanog mayoralty candidate Kahir Macapeges) in Parang, Shariff Kabunsuan but later on settled and dispersed

## **C. LANA DEL SUR PROVINCE**

### **A. Pre-Election & Polling Place Opening**

#### **2. Environment**

- Polling places were not free from campaign materials and propaganda. Most polling centers in District 1 & 2 had campaign paraphernalia all over the place
- Most polling places were accessible to voters; however, some of these were controversial and became source of conflict as most mayoral candidates wanted to conduct the voting in their respective bailiwicks
- Most Monitors noted that BEIs in District 1 & 2 were not free from threats and intimidation
- In most polling centers, observers were provided space but not inside the voting center.

#### **3. Preparations**

- Almost all polling centers had the presence of 3 members of the BEIs, except for a few who did not show up
- Election materials were also made available, however, for some precincts, there were insufficient ballots
- Very few polling centers had posted Voters List near the door of the polling center. Some of these have discrepancies- names of legitimate voters were omitted
- A majority of the monitors observed that empty ballot boxes were shown to watchers, but for some precincts, watchers had to insist that empty boxes be shown
- Most BEIs properly locked ballot boxes
- In some polling centers, sealed ballot packets were shown to watchers, but in some other polling centers, no.
- Most BEIs recorded the serial numbers of ballots in the minutes

#### **4. Opening**

- Majority of the polling centers in District 1 & 2 did not open on time

### **B. Conduct of the Polling**

#### **1. Environment**

- Areas inside voting centers and around polling places were not free from propaganda or campaigning. This was observed in both districts.
- Poll places were accessible
- Harassments, threats and violence happened in most polling centers. BEI officials, watchers and voters were all affected
- Space was provided for observers but in most cases, it was overcrowded

#### **2. Preparation**

- Most BEIs could not control the crowd and could not maintain order inside the voting center
- Unauthorized persons were observed all around the polling place, including flying voters, candidates' leaders and campaigners, excess watchers of different parties

#### **3. Conduct of Polling**

- Most polling places did not open on time
- Most BEIs did not post copy of Voters' List on the door or near the polling center

- Eligible voters were allowed to vote, but in some centers, there was harassment to prevent them from voting
- Some voters not on the list were sent away, but in some precincts, they were made to vote using names of those who did not show up to vote – this is with the consent of BEIs influenced by candidates
- Some BEIs were not able to handle challenges properly, nor record these on the minutes. BEIs who recorded challenges on the minutes did so because of the insistence of monitors and watchers
- There were BEIs who clearly announced names of voters, but in most cases, they did it hurriedly or only once. Other BEIs announced it based on the rules.
- Only a few voters allowed BEIs to mark indelible ink on their finger, citing that it could not be erased easily; other BEIs did not strictly impose this rule, hence many voters had no indelible ink marked on their finger
- Stubs and coupons were correctly removed from all ballots in most polling centers
- Secrecy in voting was not properly observed in most polling centers
- Assistors could just be anybody; in most cases, they assisted more than three voters

#### 4. Closing

- Even until closing period, election officials were not free from harassment and intimidation of various forms
- Some observers were provided space to observe the closing; but others were not. Some watchers did not observe the closing period
- Most polling centers closed around 3 pm, others even earlier.
- BEIs tore unused ballots in half after closing; others were not seen doing this at the polling centers

### **Poll Watching & Monitoring per Municipality**

#### 1. Bubong

- BEIs did not allow some Poll Monitors to enter
- Bubong, Dimaptoy- Assistors assisted even those who knew how to read and write; assistors assisted more than 3 voters; the chairman was heard as saying that that it is alright as long as the voter wants to be assisted and chose who he/she wanted to assist him/her

#### 2. Ditsaan Ramin

- Precinct 47-A - Lots of voters were assisting other voters as the basis for getting inside the voting area and campaigning their own candidates; there was fighting between parties in this precinct, no proper arrangement of the area voting; there were also candidates campaigning inside the voting place showing their names to voters to be included
- “BEIs did not recognize non-partisan Monitors; they did not allow us to enter the precincts ; BEI did not give us their names”
- “Voting started around 7:30 Am; lots of women enter the voting area to campaign for their candidates; I reported the incident to the BEI, the Chairman told them to get out but one of them did not listen, so the BEI decided that everybody should get out including me”
- “BEI Chairman did not recognize us, and when I asked her name, she locked the door; they started voting around 8:00Am and ended around 4:00 PM; voters lack discipline”
- Brgy Raya Buayaan 17A/18-B –Campaign manager of candidate Wahid was giving P50 to voters inside the voting place

#### 3. Madalum

- Ballot boxes were not yet released because there was no authorization paper from the COMELEC
- Gun firing happened as threat or intimidation to the people- to disrupt the election process and no election will happen

- miscommunication among voters led to fist fight; in another precinct, the election was postponed because people were afraid- loud shots of firearms were heard; conflict between opposing candidates was intense
4. Pualas
    - Election was not conducted because Mayoral candidates could not come to an agreement; the 3 mayoral candidates did not agree on the clustering of barangays because of rido; there was no PNP personnel around for security and only few AFP personnel were present in the municipality. Mayoral candidates agreed that the election should be postponed; they forged an agreement for the postponement of the election.
  5. Wato-Balindong
    - Relatively peaceful; no poll watchers were around
    - Voting started at 8:30am; PNP personnel and some local government officials were found in the vicinity
    - Only few barangays followed the “first come first serve” rule, the rest made use of alphabetical order
    - Despite the late opening of voting period, they closed it at 3:00PM.
  6. Bayang
    - No election was held due to problem on clustering- people from upper Bayang did not agree with the clustering because of rido
  7. Taraka
    - Election failed in Brgy's Burua, Cadayonan & Sundeg- there was gun firing heard in these 3 barangays; but the rest of the barangays peacefully voted
    - There was fist fighting; military securing the gate did not allow the BEI carrying ballot boxes to enter with no valid reason; coordinators and a Chief of police was barred from entering. Loyalists of mayoral candidates were fighting with each other
  8. Lumbaca Unayan
    - Relatively peaceful election, but in one barangay (Lumbac), one voter ran away with the ballot box; some people voted for other's names
    - A grenade was found under the car of Vice Mayor Candidate (Apolo Tadua) vehicle (Plate #GTG 659 DMAX, color black); this happened in Marawi City
  9. Ganassi
    - There is a gun firing in the area. However, the election continued.
    - In Brgy. Pindolonan, electors control the election process; they forcefully get the official ballots from the BEI; voters did not check the CVL- they just voted without confirming their names on the CVL. Voting ended and closed at 10:am; at 4:00am that day, an M79 gunfire was heard twice.
  10. Buadipuso Buntong
    - There was gunfire because names of some voters were not on the lists; the BEI Chairman destroyed the ballot box; Areas affected are Tarik, Cadayunan and some other Barangays
    - There were 100 plus missing official ballots; failure of election happened in these precincts; in some barangays, election was delayed; two of the councilor candidates fought inside the polling area. The voters inside the polling area stopped the voting; voting was done under the table; voter had no privacy in voting
    - Polling area not free from propaganda and campaign materials
  11. Molundo
    - BEI in Brgy Ilian did not post the list of voters outside the polling area. the areas were not free for propaganda/campaign materials; BEI chairman of Dimaraw was campaigning to the voters

12. Madamba
  - No untoward incident
13. Lumbayanague
  - Voting in Lumbayanague was cancelled; BEI did not allow election to proceed due to few number of AFP assigned to the polling place. BEIs were afraid to serve
14. Sultan Dumalondong
  - Election postponed because the PNP Capt. Jimenez is not confident to secure the election process because most of the designated PNP are interns and/or under training
  - Gun fighting happened at the polling place with PNP & other officials around
  - Failure of Election
15. Saguiran
  - Polling center not free from campaign paraphernalia and *taritas* stapled with money
16. Masiu
  - Election as did not push through because of conflict between one of the candidates and the electorate. There was no clear instruction from the BEI
  - Failure of Election
17. Pagayawan
  - AFP was requested by the COMELEC (Fahad Taratingan) to secure the BEIs in the polling precincts due to overcrowding and inconvenience
  - Gun firing happens at the polling place while voting is on process. Thus, waiting voters run away
  - AFP told CCARE monitors to give them P500.00 for 3 persons to be able to enter the counting place;
  - incumbent mayor threatened the monitors and watchers of other candidates and chased them away from the polling place; monitors changed t-shirts so that they will not be identified, otherwise, they will be chased out;
  - at 10:42 am, there was gun firing, voters ran away; a pregnant woman (sister of a mayoral candidate) was mauled by loyalists of the incumbent mayor
  - After the voting, COMELEC brought the ballot boxes to brgy Bubong and brgy Linindingan; AFP voted for the remaining ballots because they were paid by the incumbent mayor;
  - BEI and some watchers are identified with the incumbent mayor; BEI also voted, they were also paid by the incumbent mayor
  - Failure of election happened in the following barangays: Ilian, Rangiran, Madang, Paigoay, Guiarong, Mapantao, Kamalig, & Bandara-ingud
18. Balabagan
  - The barangay chair of Lumbac was shot dead by the son of running candidate (councilor) because of misunderstanding.
19. Butig
  - Voting was cancelled in Butig because of the designation of acting supervisor (Rizalina Magarang) who was on side of Pansar, a mayoral candidate; some people insisted Vicky Panolong who happened to be on side of Romato, the opponent; another reason is that opposing candidates (Pansar and Romato) wanted the voting to be done in their respective bailiwicks
  - Lack of security
  - Dimaongen Pundamdag (PNP assigned), Mayor Pansar, the Brgy. Chairman, and the AFP assigned decided to postpone the election (Poblacion) because they feel that if they will conduct the election many civilians will be in danger
  - Assorted firearms (estimated to be about 40) were heard to be brought near the polling area
  - Failure of Election

## 20. Marawi City

- South Madaya Proper- ballots arrived at 9:50am; election started at 10:00am; vote buying was observed, but candidate-buyer could not be identified
- Rorogagos East & Rorogagos Proper - voting delayed due to gunfire (M79) heard; no reported casualties; many voters ran away holding their official ballots; after the BEI wrote the incidents on their minutes of voting, they left the precinct together with the watchers
- Bubong Pagalamatan - polling place was not free from propaganda
- Caloocan - 2 ballot boxes were snatched from the BEI by unidentified man
- Saduc Proper Precinct 210-A - most voters are waiting for money from the candidates that's why they are still waiting near the polling place; even the Prof is getting money but not in the polling place
- Saduc Proper- Precinct #211-A - some voters insisted that the rule of voting is "1<sup>st</sup> come 1<sup>st</sup> serve" but other voters persisted and got angry at the BEIs and other voters
- Brgy Madaya Lilod - Precinct 45/117A/117B- "no untoward incident happened, but the only thing that I observed is that, some voters are campaigning their candidates and giving tarita. I observed that voters that would get inside the polling place were not limited, it was very crowded; there was no secrecy in filling the ballots"
- Precinct # 114-A/114-B/115A/116A-
- Bito-, no rule and policies followed by the BEIs and voters; there were some people campaigning some candidates inside the polling place

## Counting & Canvassing

Physical facilities inside the counting and canvassing centers were neither adequate nor conducive for canvassers, watchers, and monitors observing the counting of hundreds of ballots boxes: Manifestations of deplorable condition are:

1. Inadequate tables and chairs – BEI members in-charged of counting had to spread out canvass forms on the floor and sit on it while tallying. Watchers and monitors also squatted on the floor or walked around
2. No comfort rooms inside the center – In case of personal necessities, canvassers, watchers, and monitors either go out of the counting center or answer the "call of nature" just around the corner
3. No prepared emergency lights – it is common knowledge that power blackout is a perennial problem in Lanao del Sur and Marawi City; and yet nobody from concerned authorities such as COMELEC took note of this important need
4. Inadequate space for all watchers, monitors, and canvassers

The following are some reports from monitors who were able to witness the counting and canvassing of votes:

- Tally sheets were not properly posted for watchers to see.
- Tally sheets were removed or finished without putting the figures
- Request of other monitors and watchers to sign the COV by the BEIs was not granted.
- During canvassing, each room has 4-8 barangays to be canvassed where in, only one or 2 watchers were allowed to enter. Each barangay finished the counting almost at the same time, meaning that some monitors were not able to copy all the results in the tally sheets due to time deficiency because most of the BEI members removed the tally sheet before the watchers & monitors had copied the result of counting.
- During the municipal canvass, COMELEC started only from Congressman down to the Councilors; they did not canvass the Senators & Party List
- Some precincts conducted counting in open space
- One appointed third member did not possess basic knowledge on arithmetic, so when they began counting the tallied votes, they used their cell phones

- Cabangan, Wawalayan - BEIs make their tally sheets as mat. They lied down on it; BEI's refused to sign the COVs of Watchers; tally sheets were not transparent to viewers and watchers; most of the ballots that monitors read did not have votes for Senators
- Watchers did not mind the counting of votes. Other watchers left the area and when the counting was through, they returned and secured their COVs from the Chairmen; they appreciated the ballots properly;
- Ambolong/MSU - Some watchers didn't mind so much on the counting believing that opposing candidates have no votes for that precinct; tally sheets were not posted on the wall, these were rolled down on the floor
- Cabasaran- 3 BEIs received money from a leader of Vice Governor Arimao

Other irregularities that happened during the tabulation of votes:

1. Discrete vote selling for highest bidder – some election officers and canvassers were overheard as saying that there is no need to count votes for senatorial candidates; that they will take charge of it later
2. Harassment from loyalists and followers of candidates – BEI members and voters alike were subject to harassment and intimidation by some candidates who wanted to win the electoral race
3. Intimidation of BEI members by candidates
4. Gunfire – done by either hired militia men or private armies of candidates to create fears among voters and discouraged them to vote
5. Fist fighting between watchers and followers of opposing candidates
6. Election Returns (ERs) brought elsewhere instead of bringing it to the Municipal Treasurer for custody
7. Numbers of votes read were not the numbers written on the tally sheet or tally board.

In brief, the following incidents were common during the conduct of election:

1. Delayed opening of polling centers
2. No-show of BEI members during election day – BEI members because of fear did not show up during election day; hence no election conducted in some precincts
3. Campaign paraphernalia all over the polling areas
4. Presence of individuals carrying firearms
5. Open & discrete vote buying – money in different denominations were enclosed to candidate's sample ballot form and given to voters in precincts
6. Harassment from loyalists and followers of candidates – BEI members and voters alike were subject to harassment and intimidation by some candidates who wanted to win the race
7. Gunfire – done by either hired militia men or armed men of candidates to create fears among voters and discouraged them to vote
8. Fistfights – among watchers and followers of opposing candidates either to divert attention of voters, and or create chaos to stop the voting
9. Voting ended early – around 12:00 noon or at 2:00 pm
10. In some precincts in the municipalities, Monitors were not allowed to observe the election process

Failure of Election in 13 municipalities was generally caused by:

1. Security reasons:
  - a. Squabble between candidates and electorate
  - b. Lack of PNP personnel to secure the polling places
  - c. PNP afraid secure the voters having heard and seen that assorted firearms were brought near the polling area
  - d. Conflict over polling centers between opposing candidates specifically mayors; each one wanted centralized voting done in their respective bailiwick
  - e. Harassment and intimidation to voters; gun firing orchestrated to threat people so that voting will not take place
  - f. Gun shooting between relatives and followers of opposing candidates - PNP personnel hesitant to secure the area



2. BEIs were no-show on Election Day; they were afraid to serve with less or no PNP personnel around
3. Ballot boxes not released by BEIs because there was no authorization paper from the COMELEC
4. Names of registered voters not found on the list; many were not able to cast their votes

### **May 26 Special Election**

#### **A. Poll Watching & Monitoring**

1. Bayang
  - Failure of election was declared in Barangay Bagoingud because of a discrepancy between the numbers of registered voters as against Official Ballots
  - In some precincts, preliminaries like posting of Computerized Voters' List (CVL), were not totally exercised
  - In almost all precincts in Bayang, one assistor assisted more than three voters with the consent of Board of Election Inspectors (BEI) Chairmen.
2. Butig
  - Preliminaries of voting were definitely not exercised; in some precincts, no secrecy folder found inside voting center; no privacy in voting; overcrowded
  - Voting in eight barangays was done in a Public Market
  - Outside the windows of polling centers, people were giving and receiving money, lighters, soap, cologne, and other propaganda materials
  - Flying voters were observed
  - Some BEI Chairs were hesitant and afraid to give their names to Monitors
  - Helicopter air surveillance was observed around 11:00 am; the Municipal Hall compound was closed, only AFP and PNP, COMELEC and Treasurer were inside where they held meeting, after which, the PA conducted inspection of the polling vicinities
  - Special Election in May 26 failed; another special election held in May 27- BEIs were mostly partisan, so both opposing parties did not agree to hold the special election; the number of those willing to serve was not enough
  - After the announcement of the failure of election, one civilian pretended to be in trouble so the people got tense- a result of their trauma from the past "all out war"; everyone left the place in fear.
3. Madalum
  - AFP personnel did not allow monitors to observe the election process unless their ID was signed by the COMELEC official assigned
  - Vote buying happened openly in polling areas
  - Voting is alphabetical; not on "first come first serve basis"
  - Towards the end of voting, watchers filled up ballots
  - Some SB members entered the precincts (Dilausan); watchers of the Mayor always stayed near the ballot boxes; some watchers assisted the electors; sometimes, they campaign inside and stayed near the electors; Chair would not give the serial numbers of boxes and presumed busy arranging the ballots; some voters did not agree to mark indelible ink to their fingers stating that it would be dirty and hard to erase
  - Towards the end of voting, there was fist fight among voters – caused by presence of flying voters
4. Lumbayanague
  - Vote buying is obvious in polling areas
  - No serious incident happened so far
5. Masiu
  - Vote buying obviously done in the polling place which cause conflict among watchers of both candidates

- Polling areas are crowded; there was no proper voting; no privacy of voters; first come first serve was not applied.
- BEIs were at odds with each other
- Gun firing heard in some barangays

#### 6. Pualas

- Turn out of voters from remaining 5 brgys in Pualas was very low
- Security were heavy, but still there was shooting incident in brgy Danugan because watchers forcefully entered polling centers - there was no casualty
- Vote buying was evident, the BEI was the one giving the money herself
- An identified man shot down one AFP personnel aboard the vehicle carrying ballot boxes in one cluster precinct in Brgy Yaran - election in 5 barangays postponed (instead of May 26, it was set May 27)

#### 7. Sultan Dumalondong

- BEIs are AFP and PNP personnel under Lt. Col. PSupt. Alex Lenesis (Atty. Arsenio, Comelec)
- Minors were allowed to vote; names of absent voters were voted by somebody else.
- Vote buying and influencing voters done in the precincts. There was chaos because voters received money from both opposing candidates
- Watchers were definitely not allowed; PA allowed only watchers of 6 mayoralty candidates
- Party List watchers was overheard as saying that “if our Party List will win in this area that’s the time we will release our money”
- PNP personnel did not recognize the Monitors citing that they only receive orders from the COMELEC
- Monitors were not able to list all the serial numbers of ballots because BEIs are strict
- Watchers bought votes for councilors amounting to P20, P50 & P100.

In brief, irregularities that transpired at precincts level during the May 14 regular election also happened in the conduct of Special Election. These include:

1. Delayed opening of polling centers
2. No-show of BEI members because of fear
3. Campaign paraphernalia all over the polling areas
4. Presence of individuals carrying firearms
5. Harassment and intimidation from different groups identified with candidates
6. Ambush (in Pualas)
7. Squabbles between followers and loyalist of opposing candidates
8. Gun shooting from unidentified groups and individuals

### **B. Counting & Canvassing**

Three counting centers were designated for the purpose of counting and canvassing of votes. These are Marawi City National High School (for Kapai, Binidayan, & Madalum), Amai Pakpak Central Elementary School or APCES (for Lumbatan, Lumbayanague, & Sultan Dumalondong), Provincial Capitol Gym (for Pualas, Lumba Bayabao, Butig & Masiu), and People’s Park (for Bayang, Marogong, & Kapatagan)

#### At the Provincial Capitol Gym

- In Butig, a watcher named Gigi Usman complained that the PNP assigned was reading names of candidates that were not on the list. It was also observed that most PNP Chairmen were confused about the names of candidates and were not able to read names properly; most of the time, succeeding names were called even though the previous name was not yet located.
- In Pualas, counting of votes for national candidates were altered - figures written on the ballots were not the ones written on the tally board/sheets
- BEIs did not read out votes for national positions because majority of the voters only voted for local candidates; watchers for national positions were hardly found during the counting and canvassing

#### At Peoples Park

- Votes cast for Board Members and Municipal Councilors for Bayang municipality were interchangeably read that caused suspension of counting; watchers and followers of incumbent mayor wanted the counting of votes for mayors; but opposing candidate disagree; There was a big discrepancy between our canvass result (COVs) as against that of the Municipal Board of Canvassers (MBOC)

#### At Marawi City National High School

- At around 6:30 pm, there was power blackout until 7:25 pm. Counting did not start because partisan watchers crowded inside; there was chaos- a former councilor entered the counting area and looked on while the BEI read the votes- conflict arose because the BEI read same names written differently (in Arabic & English) and in different color of pen

#### At APCES

- Lumbayanague- ballot boxes from one precinct had to be destroyed because watchers who hold the key did not arrive
- Some BEIs were observed covering the Election Returns (ERs) they were writing on
- Some BEIs filled up votes for National positions like Party List and Senators

Manipulations, harassments and violence happened in counting and canvassing centers. Some of these are:

1. Dropping indelible ink to ballot boxes to stop the counting
2. Forceful opening/destruction of ballot boxes
3. Firing warning shots to pacify watchers, followers, and “outsiders” who created scenes or chaos inside the counting area
4. Some monitors were not allowed to enter canvass areas by military guards citing that it is already very crowded inside, and that there should only be one watcher or monitor to enter. Many were not allowed simply because the military refused to recognize their identification.
5. 6<sup>th</sup> copies of Election Returns that given to NAMFREL cannot be read
6. COMELEC asks P10,000 for every councilor proclaimed; and P100,000.00 to P200,000.00 for every Mayor proclaimed (as in the case of Pualas)

### **D. BASILAN PROVINCE**

#### **Observations:**

##### Pre-Election

1. Rampant Vote Buying (Voters ID were being sold for the amount of P250;P1,000;P3,000).
2. Flagrant violation of Gun Ban.
3. Disruption of campaign by partisans ( strafing incident )

##### Election Day

1. Maluso monitors reported that some Barangay captains manipulated the election by having ballots filled up in favor of their candidates.
2. Presence of candidates or their representatives at the precincts intimidated the BEIs and other independent monitors preventing them from doing their work properly. They were afraid to speak out.
3. Some voting precincts did not open on time due to COMELEC delay in distributing materials.

4. In far flung precincts secrecy of voting was not observed.
5. Violation of Election rules such as wearing of campaign T-shirts was rampant.
6. Before proclamation of the winning candidates, COMELEC officials asked them to give Php 10,000.00.

## **E. SULU PROVINCE**

### **Observations:**

1. All rumored cases that circulated in Sulu were not isolated cases in the conduct of voting in the entire Philippine Election. The vote buying involving military officials and COMELEC officials only became rumors since nobody had openly come out to complain this mal-practiced. In this recent election, only in one precinct, in Seit, Panamao where every voter was handed with white envelope and a list of names of recommended candidates.
2. The “***Straight Voting***” was the casting of votes that was done by one or two persons to vote for all the voters of the entire municipality however, it happened in remote island municipality’s registered polling places. These cases were spread out through the mouth of relatives of the involved politician in the provincial and municipal levels. However, C-CARE volunteer had only seen one case right inside the polling place in Seit, Panamao.
3. The only “salient” point in Sulu was the open participation of military personnel in the polling places. No one from the monitors was permitted to accompany the ballot boxes to the canvassing areas. This is in the guise of safeguarding the ballot boxes and the conduct of the election.
4. Another salient case in Sulu for this election was the shooting to death between the supporters of both candidates for congressman of first district, particularly: Jikiri and Loong. These two supporters were first cousins by blood relation.
5. Relatively, the conduct of the latest election was fair compared to the past elections, were violations of the conduct of election were almost public everywhere.
6. The relatively fair conduct of recent election can be attributed to the presence of monitors and observers that have circulated by those participants to the Voters Education and that all government agencies are informed of the “Cleansing” move.
7. So that, cases of violating the election codes are as much as possible discreetly done now.

### Pre-election and Polling Place Opening Environment

1. Environment of the monitored polling place and precincts were not free from propaganda and campaigning, some even are within the 21 polling centers.
2. Eleven (11) of the monitored precincts or polling centers are not easily accessible to all voters, much more those physically indifferent persons.
3. Twelve (12) out of 53 polling centers were not free from threats and intimidations.
4. Twenty three (23) of those polling centers failed or did not give space in the polling place to observe the opening preparation.

### Preparation

1. Twenty three (23) out of 198 precincts didn’t have complete BEIs present for the preparations.
2. Sixteen (16) out of 198 precincts did not give all the proper election materials
3. Forty eight (48) out of 198 precincts did not post a copy of Voters Lists; 12 of these 198 precincts BEI chair did not show the empty box to the watchers.

4. Twenty two (22) of the total precincts, BEI chair did not properly lock the ballot boxes.
5. Twenty eight (28) of the total precincts, BEI chair did not show the sealed ballot pockets to the watchers.
6. Thirteen (13) of the total precincts, BEI's did not record the serial numbers of the ballots in the minutes.
7. Sixteen (16) of the polling places did not open on time.

#### Conduct of the Polling

1. Twenty four (24) of the 198 polling places were not free from any propaganda or campaigning.
2. A barangay captain was slapped in the face in by supporting the candidate.
3. Eleven (11) of the polling centers are not easily accessible to all voters, much more those physically indifferent persons.
4. Twenty four (24) of the polling places, where election officials, watchers and voters were not free from threats or intimidation. In Budtaran, C-Care monitors were followed closely by supporters of one of the congressman candidates, who prevented the volunteer to take photo.
5. Twenty (20) precincts/polling places did not give space in the polling place to observe the polling procedures.
6. Twenty four (24) polling places showed that BEI did not maintain proper order in the polling places to prevent overcrowding either because of the threats or she/he is a part of the plan.
7. Thirty three (33) of the polling places and surrounding areas were not free from unauthorized people. There were soldiers inside the polling places particularly #0111A, Tumangging, Panamao the soldiers were inside the precinct.
8. In precinct #003A, Seit Lake, majority of the voters were handed w/ white envelope and list of candidate/s to be voted.
9. Many the supporters were campaigning outside the polling places during the election time.
10. In precinct #0068A a candidate for councilor has closer to watchers and was seen talking to a man inside the precinct.
11. Fifteen (15) of the polling places were not open on time: from 15 minutes to more than an hour late.
12. Sixteen (16) of the BEIs did not post the Voters List near the door of polling places, some of the voters had spent more time looking for their names.
13. In Budtaran, inside the Pasil Elementary School many of the eligible voters were not allowed to vote. In Cagay precinct, according to the voter informant, 87 ballots that voted for Tulawi were changed to Jikiri, both candidates for congressman.
14. Nineteen (19) of the total precincts monitored, the BEIs did not properly handle the challenged voters nor recorded in the minutes. BEIs seemed deaf-mute they let the incidents passed without any question.
15. Seventeen (17) of the monitored precincts, the BEIs did not announced clearly the names of each voter
16. Fifteen (15) of the monitored precincts, the indelible ink were not properly applied in the finger of the voters.
17. Fifteen (15) of the monitored precincts, the stubs and coupons with serial numbers were not properly removed from the all ballots before the ballots were placed in the box.
18. In 21 of the monitored precincts, voters did not secretly vote, whether they were in need of assistance or not.

19. Fourteen (14) of the monitored precincts, voters needing assistance was not provided with qualified assisters.

#### Closing, Counting and Canvassing

1. Twenty four (24) of the monitored precincts, election officials and watchers were not free from threats and intimidations.
2. Four (4) of the monitored precincts did not give space for the monitor to observe the closing.
3. Five (5) of the monitored precincts did not close at 3:00 p.m. but there few precincts that continued voting after the official closing time.
4. Five (5) of the monitored precincts, the BEIs did not tear the unused ballots in half.
5. The counting was all done in Jolo town particularly: SSC – Sulu State College for District I and at the Mindanao State University Compound for District II. However, Jolo municipality, counted the ballots in the polling places.
6. The ER for two districts including that of Jolo municipality were not given to BEIs in the guise of securing clean ER, however, these forms were distributed late that started at 8:00-9:00 in the evening. All election paraphernalia were supposed to be given to the BEIs, day before the election. In this case, ER forms were kept in the COMELEC provincial office.
7. The canvassing for Jolo municipality was transferred to SSC due to the disturbance caused by the reactions from candidate mayor Amin of Jolo. Transfer of all ballot boxes were escorted by one military tank and a truck loaded with members of the Armed Forces of the Philippines.

#### F. TAWI – TAWI PROVINCE

##### Observations:

##### 1. MUNICIPALITY OF BONGAO:

##### Pre-Election Period:

- May 11, 2007 at 5:35P, Panglima Annao Elementary School, Pasiagan – Hja. Ruby Sahali, vice-gubernatorial candidate arrived. She went inside the room where the District III teachers, with their principal and district supervisor are waiting. Her staff started distributing envelopes containing Php 2,000 & Php 1,500 for the BEI Chairmen and Poll Clerks/Third Members, respectively while Hja. Ruby announces that this amount will be doubled **if they will find out that they led or garnered the highest votes**, after the counting in their respective precincts, for some of her staff would be checking out in all the precincts of Bongao. She also announced that they should not be jealous with their principal who received Php 5,000, being their superior, and with their supervisor (who is her uncle) who received Php 10,000.
- May 12, 2007 at 5:00PM, motorcade/parade of LAKAS-CMD Candidates was spearheaded by the PNP Vehicle with PNP men on it.

##### Election Period:

- Precinct No. 95A of Brgy. Poblacion – the BEIs arrived at around 9:30 and the irritated voters who have been waiting since 7:00AM demanded that they put up the precinct immediately. When the BEI chairman put out the contents of the ballot box, she found out that the PCVL was not included in the materials given her.
- The voters started to murmur and the Citizens CARE monitor asked the Chairman as to why she did not check the election materials she received the fact that she arrived late. The BEI Chair answered

that the list was not included in their package and it was lost at the municipal treasurer's custody. Citizens CARE went to the municipal treasurer's office who explained that the election materials are already incomplete when he received them from the EO. And he already instructed the BEIs of Precinct 95A that COMELEC will deliver to them the lost list.

- When DC Musa Aming together with Aidin Esmael arrived at around 10:45AM, the monitor informed them of the problem. Aidin texted Arlene Aming at 10:58AM to call PES Talipan for voters have started to go home saying that they have waited long enough from 7:00AM to 11:00AM and they have wasted so much time. Mr. Aming and Aidin left the precinct to look for PES Talipan, to facilitate the turn-over of the PCVL.
- Arlene called up PES Talipan at 11:28AM who answered that Mr. Aming is already with him and they are looking for the PCVL in his office. At around 12:00noon, the PCVL was turned over to the municipal treasurer of Bongao. At exactly 12:52, voting started but with lesser number of voters.
- Precinct No. 0051 A, 52 A, 53 A, 54 A, 55–A & 55B of Brgy. Nalil – delayed in the opening of polling places; Precinct 55 B had a shortage of Official Ballots, out of the 159 registered voters only 62 voters were able to cast their votes and 97 voters were not able to exercise their rights of suffrage including the wife and family members of one of the KAMPI Councilor Candidate, Hji. Timbassal Luddin who is a resident of Nalil.
- Precinct 79A of Brgy. Pahut – At 2:45PM, a marine soldier escorted a police officer and went inside the precinct and publicly handed the amount of Three Thousand Pesos to the BEI Chairman, who refused to receive the money.
- At 3:10PM, the BEIs started packing the election materials, but did not tear the remaining official ballots. Citizens CARE Monitor inquired as to why she did not tear the ballots, she answered that the excess ballots will be torn when they will be in Dep-Ed. The monitor insisted that the ballots must be torn lengthwise but the chairman refused, for this is the order of the barangay chairman.
- Precinct 80A of Brgy. Pahut – A girl approached and told the poll clerk that she is voter # 79. Seeing the picture in the EDCVL, the BEI Chair and poll clerk looked at each other and the BEI Chair started to remove and hand the ballot to the “voter”. Sensing something is fishy; Citizens CARE monitor approached the BEIs and directly looked at the picture in the EDCVL. She found out that #79 is a male voter and publicly told the “impostor” that the number she is claiming is not her. The BEI then scolded the voter to go out and look properly for her name. The impostor went out but did not come back anymore.
- At 3:08PM, a voter named Damsani, Julmiya Sani who just arrived in the precinct that very moment was allowed by the BEIs to cast her vote.
- Precinct 81A of Brgy. Pahut – at 11:45AM, a voter was guarded closely by a LAKAS CMD watcher. The ballot was inspected by the watcher and was given a red rubber band. When the voter went out, a man followed her. Citizens CARE monitor was curious and followed the two. The monitor saw that the voter was given a Php 500 bill.
- At 2:45pm, wife of re-electionist Board Member Renil Samsuya, Tita Tutor-Samsuya together with her sister-in-law, Dr. Aripin arrived and went inside Precincts 80A & 79A giving Php 500 each BEI members, with the request not to forget her husband in the counting.
- Precinct 76A of Brgy. Pag-asinan – 10:17AM, a watcher was trying to help a voter to write the names of the candidates that the voter wants but the BEI told them to stay on their seats because the voter had told them that she can read & write. It was a little discussion between the BEI and the
- Precinct 46A of Brgy. Masantong was placed in the TRAC Gym. When Citizens CARE Monitor asked the BEI Chairman why the polling is done in the gym, she answered that it is the order of the brgy.

Chairman. Abdunnajar asked the BEI again how sure is she that the people brought to the gym are residents of the brgy? Advised the BEI to check pictures at the PCVL. Heard the BEI telling the voters to just write 2-3 senators for it is tiresome to read.

## **2. MUNICIPALITY OF PANGLIMA SUGALA:**

- The election is very peaceful and no irregularities for there were no other candidates except the Lakas-CMD Administration candidates.
- All ballots of Panglima Sugala arrived Bongao at 6:35PM, and the municipal treasurer announced that all of the ballot boxes will be deposited inside the stock room of the old DTI Office. All the BEIs must do is to go to Lomboy, Nalil for them to have dinner. They have to rest for the night and after taking their breakfast, they must return to the ground at 6:00AM the following day (Tuesday, May 15, 2007) to receive their ballot boxes, Tally Boards & ERs for the counting.
- As counting goes on the stage, surprisingly, the watchers of KAMPI and Lakas did not even exert efforts to monitor the counting, and as observed by Rajah Lakandula S. Aming, Abdel-aziz D. Hairol and Musa M. Aming, some BEI chairmen did not even look at what the third member and the poll clerk are writing on the tally board & the ERs. They just read & read the ballots and the two just mark & mark on the tally sheet.
- Precinct # of Brgy. Tongbangkaw, Board Candidate Ledesma Mangona approach the BEI Chairman while counting is going on at the DepEd Stage.

## **3. MUNICIPALITY OF TANDUBAS:**

- On May 14, 2007, there was a failure of election at Barangay Naungan due to some threats to the BEI. The BEIs were sprayed with bullets to frightened them, thus, the BEIs did not disembark from the motor launch they were boarding. This was made a reason of the barangay chairman for the transfer of the venue where the voting shall be conducted to his own area/place. Unfortunately, the BEI chairman did not agree to the proposal of that barangay chairman because, this is one way to manufacture votes in favor of the other party.
- MEO Abdurasa Umami refused the request of the barangay for the request was done on E-Day. Secondly, on that same day, there was a snatching of 94 official ballots at Lahay-Lahay by the group of Alano Sali, one of the three candidates for mayor. The precinct has 228 registered voters.
- Surprising that Barangays Sapa, Sibakloon & Himba got a 100% turned out of voters when the election started late.
- In Brgy. Tangngah, Hji Salihim took out the ballot of his relative when he learned that the one assisting (the relative) is from the other party. There was exchanged of heated arguments between the Hji. And Naaya Sulayman.
- In Brgy. Tandubatu, the BEIs decided not to go to their assigned precinct because armed men were already there waiting. The BEIs decided to have the polling at the wharf which turned out to be successful. Precinct 31A, the BEI did not allow Citizens CARE Monitor to enter her polling precinct. As the BG, Denmark went to the MEO and was given a GI underlining citizens arm as one of the watchers allowed inside. This made the BEI Chairman to let the monitor enter the precinct.
- On May 16, 2007, Precinct 12A, monitor Abdel-aziz Hairol saw with his own two eyes that senatorial candidate got four votes (4) only as marked on the tally board. However, when the result was written on the ER, it became 100. The monitor asked the chair why she did it, the answer was that, there is no problem, for locals are not concerned with who national candidates. The monitor insisted that it is a violation and she must not do it. What the BEI Chair did was scold him and shooed him out.



- On May 19, 2007 @ 5:00PM, the Vice-Mayor and the eight (8) councilors were proclaimed winners by MEO Ummih at Beachside Inn.

#### **4. MUNICIPALITY OF SIBUTU:**

- Brgy. Ungus-Ungus inside the polling center, a heated argument transpired between the administration poll watcher who did not allow the poll watcher of the opposition who is not a registered voter of the barangay. The opposition watcher insisted that he is allowed to be a watcher of the precinct but the BEI Chairman could not decide.
- When Ms. Kuraiza Usman entered the precinct, she told the BEI Chair that per explanation of PES Talipan in the UTs of Citizens CARE, an individual is only allowed to become a watcher in any barangay of a certain municipality if he/she is a registered voter of that municipality. Clarified with this, the BEI Chair allowed the opposition's watcher to monitor polling activities inside the precinct.
- Precinct 45A, Brgy. Talisay – as observed, there are campaign managers who still are campaigning on Electionj Day when it is clearly not allowed. They do not observe rules.
- Precinct 4A of Brgy. Hji. Taha – the monitor witnessed the incident that a policeman went inside the precinct when he knew that it is not allowed, being a brother of one of the candidates. The campaign manager of the opposition approached him and quarreled. A heated argument transpired and the observers to this incident were afraid and scared.
- Precinct 43A, Brgy. Talisay – before 3:00PM, there was a number of voters who arrived and went inside the precincts but instead of allowing them to vote, the BEI Chairman tore all the remaining official ballots when it is not yet time to close.
- Precinct 47A, Brgy. Talisay – There are still names listed in the CVL posted outside the precinct when these persons were already dead, but whose names are still voted by the relatives of the deceased.
- May 15, 2007, Clustered Precincts 59A & 60A (after counting) @ 11:58PM. At one of the rooms of the counting center of Bongao Central School, a heated argument transpired between the supporters of the two mayoralty candidates.
- After the counting, the BEIs folded the election returns and placed them inside the labeled folders for ERs. Lakas CMD watchers signed the Minutes of Election Proceedings but there was no KAMPI around, thus, they could not close the ballot box.
- Supporter of Mayoralty candidate Aring Joe arrived and inquired from the BEIs why they started closing the envelopes when there was no watcher from the other party around to witness the activity. Ms. Imelda Usman hurled harsh words such as thieves, robbers, and that this thieves and robbers are waiting for this moment where vote padding happens.
- Supporters of mayoralty candidate, Koyo Nami asked Ms. Usman to pinpoint the thieves she is referring to for they are the only supporters around that very moment and they are not thieves. It was only pacified when Arlene Aming arrived for she knew the supporters of the two candidates. She requested Ms. Usman to send in a KAMPI watcher so that the watcher could scrutinize the ERs before the final sealing of the envelopes for the Sibutu BEIs had complained to Ms. Aming that they are already very tired and sleepy and they could not stand any longer.
- After five (5) minutes, a KAMPI watcher arrived, scrutinized the ERs and seeing that the entries are the same with his COV, affixed his signature. The BEIs finally closed the envelopes and stashed the remaining election materials inside the ballot box while leaving Copy # 2 of the ER posted on the walls. Inside that room, there were 4 other ERs posted in compliance with the COMELEC Order of posting ER # 2 in the counting precincts.

## **5. MUNICIPALITY OF MAPUN:**

- Precinct 17A – Polling area was overcrowded, unauthorized persons manage to enter, voters not called entered the polling area which led to an instance that one of the BEI's backed out from the polling area. However, with the interference of the PNP, things were brought into order.
- Precinct 34A – Discussion between assistors – a relative protested that his relative should not be assisted by a certain guy because the latter was identified that not belong to their party and protested that the voter was literate Finally, the voter herself voted after the discussion.
- A Lakas Party Campaign Leader assisted an illiterate voter who happened to have sons and daughters who are literates and they (campaign leaders) forced voters to be assisted.
- Precinct 37A – A volunteer heard and witnessed a discussion between two persons about the returning of money. One asked the other to return the money given to the other one because the latter refused to vote the candidate of the former.

## **6. MUNICIPALITY OF LANGUYAN:**

### Pre-Election Period:

- A volunteer reported that a week prior to election, the speed boat of Gubernatorial Candidate, Rashidin H. Matba was stopped by a naval boat on its way to South Ubian for report of violating the fire arm ban. However, they found nothing except the certified arms allowed for the candidate.

### Election Period:

- Precinct 17A of Brgy. Bas-Bas Likud – Voter Abdu (victim) was beaten by Abi (suspect) who got mad because Abdu did not vote for Abi's candidates.
- Sitio Sugbay, Brgy. Adnin – keys to the ballot box was lost, which was claimed to be misplaced by the BEIs. This was supported by an affidavit of loss.

Brgy. Adnin Proper – BG Lyne Ruego reported that the Brgy. Chairwoman, wife of the former mayor (who is now running as vice-mayor, for he already finished his three-terms) and sister of the former vice-mayor (who is now running for mayor) went inside the precinct and snatch the ballot box, poured out its contents and replaced it with new ballots.



Citizens CARE

**CITIZENS COALITION FOR ARMM ELECTORAL REFORMS, INC.**

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**Election Monitoring Report during the October 29, 2007 Synchronized Barangay and Sangguniang Kabataan Elections covering the six (6) Provinces of ARMM and Cities of Marawi, Cotabato and Isabela including Special Elections last December 15, 2007 in various towns in ARMM set by COMELEC**

**I. INTRODUCTION**

After various calls for a third postponement, the Barangay and Sangguniang Kabataan Elections finally pushed through as scheduled on October 29, 2007. In the ARMM, a total of 978,545 voters went to the polls to choose their local leaders or 65% of total registered voters in the Region. At stake were 2,552 positions for Barangay Chairman, 17,864 for Councilors and 20,416 for Sangguniang Kabataan in the six provinces and four cities of the Region.

As in the previous elections in August 2005 for the ARMM Regional Governor and the May 14, 2007 Synchronized National and Local Elections, Citizens CARE once again served as the accredited citizens arm of the Commission on Elections (COMELEC) with dual task of providing voter education and eventually monitoring the elections in the **ARMM. This activity of Citizens CARE is part of the "Strengthening the Electoral Process through Voter Education and Election Monitoring in the ARMM (SEPVEEM Project)"** with technical assistance from IFES through funding from USAID.

The Citizens Coalition for ARMM Electoral Reforms, Inc. (Citizens CARE) is a coalition of **non-governmental organizations, people's organizations, sectoral organizations, and electoral reform advocates** committed to work for electoral reforms in the ARMM. It was **established in June 2005 and was also accredited as a citizen's arm of the COMELEC** during the August 2005 ARMM Elections.

During the October 29, 2007 Synchronized Barangay and Sangguniang Kabataan Elections, Citizens CARE was given COMELEC Accreditation Number SPP – 07 – 027 to carry out the following activities: (1) to conduct voters education activities in preparation for any and all electoral exercise targeting a total of 710 barangays in 6 provinces of ARMM; and (2) to conduct election monitoring during the 2007 Barangay and Sangguniang Kabataan Elections in particular.

**During its monitoring of the last October 29, 2007 Elections, Citizens CARE covered six (6) provinces of Autonomous Region in Muslim Mindanao (ARMM): Maguindanao, Shariff Kabunsuan, Lanao del Sur, Basilan, Sulu and Tawi-Tawi including Cities of Marawi, Cotabato, Isabela and Lamitan covering a total of 68 municipalities of its 114 towns with 743 barangays. On Election Day, Citizens CARE fielded a total of 2,358 volunteer election monitors in the covered 68 municipalities and cities.**

Citizens CARE has also established a partnership with thirty six (36) empowered civil society organizations, people's organizations, academe, civic groups, media and communication groups including its 24 partner NGOs and the Parish Pastoral Council for Responsible Voting (PPCRV) throughout the 6 provinces of ARMM to volunteer themselves as election monitors during the October 29, 2007 elections.

In its initial findings, Citizens CARE monitors reported irregularities such as election violence, intimidations, vote buying, disenfranchisement of voters, non-posting of the Computerized Voter Lists (CVL) in some polling precincts, proliferation of election propaganda in polling centers, children were utilized to distribute campaign materials, indelible ink in most polling precincts were not applied to voters forefinger, some voters could not vote as their names were already voted upon, some ballot boxes were not padlocked, disorder inside the polling precincts, non-secrecy of voting, and massive vote padding and shaving.

Citizens CARE found that election actors in the October 29, 2007 Synchronized Barangay and Sangguniang Kabataan Elections were not free from intimidation and harassment. A significant number of BETs did not observe proper procedures in the handling of election materials and committed irregularities during the conduct of both the voting and the counting. Citizens CARE monitors were prevented from observing the counting and canvassing in many instances, and monitors were subject to threats and harassment from candidates and officials. Overall, the results of the elections in the ARMM failed to meet the standards of a clean and credible election and were therefore unacceptable.

With the above findings and with a view to help foster electoral reforms, Citizens CARE proposes the following: (1) immediate prosecution of all election cheats, violators and offenders. The Rule of Law must be upheld at all times; (2) implement the law on campaign spending, discourage campaign overspending and demand disclosure of sources of campaign funds; (3) professionalize the Commission on Elections; (4) intensify voters education in the ARMM especially in the far flung communities; (5) review and revise political and electoral systems and procedures; and (6) modernize the election processes.

In order to achieve its mission of serving as a catalyst for change and electoral reforms, Citizens CARE is committed to continue and intensify its task of voter education, especially in far flung areas, and to mobilize the public to get involved in the conduct of their elections.

## II. ELECTION MONITORING DEPLOYMENT

### A. Maguindanao Province:

- Provincial Profile:

Number of Registered Voters: 212,921  
Number of Established Precincts: 1,600  
Number of Clustered Precincts: 1,116  
Number of Municipalities: 22  
Number of Barangays: 279

- Citizens CARE Maguindanao

Member Organizations:

1. Alliance of Bangsamoro for Sustainable Peace & Development
2. Bangsamoro Center for JustPeace
3. United Youth of the Philippines – Maguindanao

Actual Number of Monitors Mobilized: 165  
Number of Municipalities Monitored: 9  
Number of Barangays Monitored: 45

<b>Municipalities</b>	<b>Number of Barangays</b>	<b>Covered Barangays</b>
Sultan sa Barongis	12	5
Rajah Buayan	11	5
Ampatuan	11	5
Gen. Salipada Pendatun	19	5
Datu Paglas	23	5
Paglat	8	5
Buluan	7	5
Pandag	8	5
Mangudadatu	8	5

## **B. Shariff Kabunsuan Province and Cotabato City:**

### ■ Provincial Profile:

Number of Registered Voters:	322,133
Number of Established Precincts:	2,366
Number of Clustered Precincts:	1,631
Voter Turn-out:	
Number of Municipalities:	11
Number of Cities:	1
Number of Barangays:	247

### ■ Citizens CARE Shariff Kabunsuan

Member Organizations:

1. Sindaw Ko Kalilintad Alliance of Peace Advocates
2. Mindanao Integrity of Muslim Association
3. Kadtabanga Foundation for Peace and Development, Inc.
4. Mindanao Sustainable Economic Development Foundation
5. Maguindanao Foundation for Good Governance & Development, Inc.

Actual Number of Monitors Mobilized:	380
Number of Municipalities Monitored:	11
Number of Barangays Monitored:	113

<b>Municipalities</b>	<b>Number of Barangays</b>	<b>Covered Barangays</b>
Cotabato City	37	15
Sultan Kudarat	39	14
Sultan Mastura	13	9
Parang	24	10
Matanog	8	8
Barira	14	8
Buldon	15	9
Datu Odin Sinsuat	34	15
North Upi	23	10
Datu Blah Sinsuat	12	5
Kabuntalan	11	10

### **C. Lanao del Sur Province and Marawi City:**

- Provincial Profile:

Number of Registered Voters: 396,913  
Number of Established Precincts: 2,642  
Number of Clustered Precincts: 2,015  
Number of Municipalities: 39  
Number of Cities: 1  
Number of Barangays: 1,158

- Citizens CARE Lanao del Sur

Member Organizations:

1. **Maranao People's Development Center, Inc.**
2. AI – Amen, Inc.
3. Ompongan o mga Taribasok sa Ranao
4. Ranao Socio – Economic Upliftment Foundation, Inc.

Other Organizations participated in the Election Monitoring:

1. Bantay Ceasefire

Actual Number of Monitors Mobilized: 1,022  
Number of Municipalities Monitored: 20  
Number of Barangays Monitored: 320

<b>Municipalities</b>	<b>Number of Barangays</b>	<b>Covered Barangays</b>
Marawi City	91	52
Wato Balindong	38	23
Ditsaan Ramain	34	18
Buadi Poso Bontong	30	19
Madalum	37	12
Butig	16	6
Lumbayanague	22	7
Lumbaca a Unayan	9	9
Bubong	36	22
Sultan Dumalundong	9	7
Masiu	35	18
Saguiaran	30	16
Taraka	43	13
Bayang	47	12
Molondo	22	13
Balabagan	27	16
Madamba	24	8
Ganasi	32	17
Pualas	23	12
Pagayawan	18	15

#### **D. Basilan Province and Cities of Isabela and Lamitan:**

- Provincial Profile:

Number of Registered Voters: 182,027  
Number of Established Precincts: 1,069  
Number of Clustered Precincts: 931  
Number of Municipalities: 9  
Number of Cities: 2  
Number of Barangays: 255

- Citizens CARE Basilan

Member Organizations:

1. Basilan Women Initiative Foundation
2. Nagdilaab Foundation, Inc.
3. Mga Alyansa ng Kabataan na Naghahangad ng Magandang Kinabukasan, Inc.
4. Mindanao Autonomous College Foundation, Inc.

Actual Number of Monitors Mobilized: 265  
Number of Municipalities Monitored: 10  
Number of Barangays Monitored: 80

<b>Municipalities</b>	<b>Number of Barangays</b>	<b>Covered Barangays</b>
Isabela City	45	10
Lamitan	45	45
Maluso	20	10
Tipo-Tipo	11	5
Al-Barka	16	5
Unkaya Pukan	12	5
Sumisip	14	10
Akbar	9	5
Muhammad Ajul	11	5
Tuburan	10	3



## **E. Sulu Province:**

### ■ Provincial Profile:

Number of Registered Voters:	251,223
Number of Established Precincts:	1,969
Number of Clustered Precincts:	1,360
Number of Municipalities:	18
Number of Barangays:	410

### ■ Citizens CARE Sulu

#### Member Organizations:

1. Muslimah Resource & Integrated & Development Center, Inc.
2. Parhimpunan sin Kababaihan pa Kasambuhan sin Lupah Sug
3. Kasambuhan Sin Kababaihan
4. SAHAYA

#### Other Organizations participated in the Election Monitoring:

1. Partabangan Ha Kasambuhan Sin Raayat
2. Lupah Sug Bangsamoro Women Association

Actual Number of Monitors Mobilized:	201
Number of Municipalities Monitored:	9
Number of Barangays Monitored:	55

<b>Municipalities</b>	<b>Number of Barangays</b>	<b>Covered Barangays</b>
Jolo	8	8
Indanan	34	11
Parang	40	13
Patikul	30	8
Maimbung	27	3
Panglima Tahil	5	3
Tlipao	52	3
Luuk	20	3
Panamao	31	3

## **F. Tawi – Tawi Province:**

### ■ Provincial Profile:

Number of Registered Voters:	140,238
Number of Established Precincts:	814
Number of Clustered Precincts:	715
Number of Municipalities:	11
Number of Barangays:	203

### ■ Citizens CARE Tawi - Tawi

#### Member Organizations:

1. Tarbilang Foundation, Inc.
2. Professional Women Association
3. Panglima Sugala Women Association
4. Tawi-Tawi Outreach & Development Foundation, Inc.
5. Tawi – Tawi Youth Parliament

#### Other Organizations participated in the Election Monitoring:

1. PARMATA
2. CCF-TFLF
3. TAYO
4. TTASYA
5. UNYPHIL
6. SALAM
7. ATYA
8. ZAFKEV

Actual Number of Monitors Mobilized:	325
Number of Municipalities Monitored:	11
Number of Barangays Monitored:	112

<b>Municipalities</b>	<b>Number of Barangays</b>	<b>Covered Barangays</b>
Bongao	35	21
Simunul	14	14
Languyan	20	20
Panglima Sugala	17	17
Sibutu	10	10
Sapa-Sapa	22	5
Island of Mantabuan	5	5
Tandubas	20	5
Mapun		15
Sitangkai		25
South Ubian		31

### III. CONSOLIDATED MONITORING RESULTS (covering 6 ARMM Provinces, 68 municipalities/cities with 1,268 monitoring checklists)

#### A. Pre – Election Day and Polling Place Opening:

		Yes	%age	No	%age	Total	%age
<b>Environment</b>							
A1	Is the area around the polling place free from any propaganda or campaign?	827	66%	427	34%	1,254	100%
A2	Is the polling place easily accessible to all voters, including those who are disabled?	1,106	88%	145	12%	1,251	100%
A3	Are the election officials, watchers, and waiting voters free from threats or intimidation?	996	79%	262	21%	1,258	100%
A4	Were you and the other watchers given space in the polling place to observe the opening preparations?	1,198	96%	55	4%	1,253	100%

Key observations:

- Almost 34% of the monitored polling places in ARMM were not free from campaign materials and propaganda.
- 12% or 145 reports stated that polling places were not accessible to voters; this was compounded by conflict between candidates over the placement of the polling stations, as most candidates wanted polling stations located in their respective bailiwicks (strongholds).
- 21% or 262 reports mentioned that most election officials, watchers and voters in ARMM were not free from threats and intimidation.
- Only 4% or 55 responses said that in most polling centers, observers were not provided space to observe the opening preparations.

#### ANALYSIS:

As a general analysis, Commission on Elections in different provinces and cities of the ARMM failed to provide a safe environment free of intimidation for election actors such as BETs, watchers, voters, monitors and political candidates prior to the conduct of the Synchronized Barangay and Sangguniang Kabataan elections last October 29, 2007. Candidates and parties were able to campaign in and around the polling stations immediately prior to and during the actual conduct of the elections. Watchers were not given space in the polling places, and the location of the polling stations made them difficult for voters to access in many instances.

<b>Preparations</b>		<b>Yes</b>	<b>%age</b>	<b>No</b>	<b>%age</b>	<b>Total</b>	<b>%age</b>
A5	Were all three members of the BET present for the preparation	1,234	98%	28	2%	1,262	100%
A6	Has the BET been given all the proper election materials?	1,212	97%	33	3%	1,245	100%
A7	Did the BET post a copy of the <b>voter's list at or near the door to</b> the polling for all to see?	1,181	94%	71	6%	1,252	100%
A8	Did the BET Chair show the empty ballot box to the watchers?	1,228	97%	33	3%	1,261	100%
A9	Did the BET Chair properly lock the ballot box?	1,251	99%	17	1%	1,268	100%
A10	Did the BET show the sealed ballot packets to the watchers?	1,233	98%	25	2%	1,258	100%
A11	Did the BET record the serial numbers of the ballots in the Minutes?	1,206	97%	42	3%	1,248	100%
<b>Opening</b>							
A12	Did the polling place open on time?	966	77%	290	23%	1,256	100%

Key observations:

- A majority of reports noted that all three BET members were present at the opening of the precincts.
- Only 3% or 33 respondents mentioned that BET were not given all the proper election materials from COMELEC.
- 6% or 71 respondents said that polling centers failed to post Voters List near the door of the polling centers. Additionally, some of these had discrepancies, such as the names of legitimate voters being omitted.
- A majority of monitors observed that the empty ballot box was shown to watchers.
- A majority of BETs (99%) properly locked the ballot box prior to the start of voting. However, a significant number (1%) did not.
- Only 2% or (25 respondents) observed that BETs did not show the sealed ballot packets to watchers.
- Only 3% or 42 respondents claimed that BETs did not record the serial numbers of ballots in the minutes.
- A significant number (23% or 290) of monitors observed that most of the polling place in 6 provinces of ARMM did not open on time.

### **ANALYSIS:**

As a general analysis, the major concerns for the preparations and opening of the polling places in 6 provinces and 3 cities in ARMM was that the COMELEC did not respond properly to the needs of the polling places, including providing complete election materials and paraphernalia, such as a **copy of the computerized voter's list**, failure of the BETs to show the empty ballot boxes to watchers, failure of a significant number of BETs to properly lock the ballot box prior to voting, and a failure to record the serial number of the ballots in the minutes. Overall, this demonstrates a failure of the BETs to observe the proper procedures for handling election materials.

## B. Conduct of the Polling

		Yes	%age	No	%age	Total	%age
<b>Environment</b>							
B1	Is the area around the polling place free from any propaganda or campaigning?	867	71%	356	29%	1,223	100%
B2	Is the polling place easily accessible to all voters, including those who are disabled?	1,092	88%	152	12%	1,244	100%
B3	Are the election officials, watchers, and waiting voters free from threats or intimidation?	999	82%	226	18%	1,225	100%
B4	Were you and the other watchers given space in the polling place to observe the opening preparations?	1,150	92%	99	8%	1,249	100%

Key observations:

- 29% or 356 respondents observed that polling places were not free from election propaganda or campaigning during the conduct of the voting.
- A majority of observers – 88% - noted that polling places in the region were accessible to voters and to the disabled. However, 12% were not, representing a significant number.
- 18% or 226 reports claimed that COMELEC officials, including BETs, watchers and voters were not free from threats or intimidations from barangay officials.
- 8% or 99 respondents mentioned that Citizens CARE monitors and watchers were not given space in the polling place to observe the opening preparations.

### ANALYSIS:

A general observation of the atmosphere during the conduct of polling in the October 29, 2007 elections, was that a majority of COMELEC officials at the provincial and municipal levels failed to maintain a conducive environment during the conduct of the polling as they did not address the issue of the proliferation of election propaganda outside and inside the polling centers. Election actors such as BETs, voters and watchers did not feel comfortable during the conduct of the polling because of threats and intimidations from supporters of political candidates, including barangay officials.

<b>Preparation</b>		<b>Yes</b>	<b>%age</b>	<b>No</b>	<b>%age</b>	<b>Total</b>	<b>%age</b>
B5	Did the BET maintain proper order in the polling place and prevent overcrowding?	1,080	90%	126	10%	1,206	100%
B6	Is the polling place and surrounding area free from unauthorized people?	964	78%	266	22%	1,230	100%
<b>Conduct of Polling</b>							
B7	According to watchers and BET members, did this polling place open on time?	1,014	81%	231	19%	1,245	100%
B8	Did the BET post a copy of the Voters List at or near the door to the polling place for all to see?	1,145	94%	68	6%	1,213	100%
B9	Were all voters who appeared to vote and whose names were on <b>the voters' list permitted to vote?</b>	1,144	94%	73	6%	1,217	100%
B10	Were all voters who were not on the list or in the Book of Voters sent away and not permitted to vote? (If not see, leave it)	795	90%	84	10%	879	100%
B11	If any voters were challenged, was the challenged handled properly by the BET and was it recorded in the minutes? (If not see, leave it)	798	94%	48	6%	846	100%
B12	Did the BET Chair clearly announce the name of each voter?	1,128	91%	118	9%	1,246	100%
B13	Was indelible ink properly applied to each voters	1,145	93%	85	7%	1,230	100%
B14	Were the stubs and coupon (with serial numbers) correctly removed from all ballots before the ballots were placed in the box?	1,193	97%	41	3%	1,234	100%
B15	Did all voters (except those needing assistance) vote in secret?	965	76%	305	24%	1,270	100%
B16	If the voters needed assistance, did a qualified assistor provide assistance and did the assistor sign an oath in the Minutes?	1,080	88%	150	12%	1,230	100%

- 10% or 126 respondents noted that BEIs in many polling places in the ARMM did not maintain proper order or prevent overcrowding in polling places.
- 22% or 266 respondents said that polling places and their surrounding areas in many municipalities in the ARMM were not free from unauthorized people such as political candidates, barangay officials, PNP and AFP personnel and other supporters.
- 19% or 231 monitors noted that BEIs did not open the polling places on time.
- 6% or 68 respondents observed that BEIs did not post a copy of the CVLs outside the polling centers.
- 6% or 73 respondents claimed that voters whose names appeared in the CVL were not permitted to vote.
- 10% or 84 respondents said that all voters who were not on the CVL or in the Book of voters were sent away and not permitted to vote. However, 90% noted that those voters were allowed to vote.
- For the voters who were challenged, 6% or 48 respondents mentioned that BETs failed to handle them properly and did not record the challenge in the Minutes.
- 9% or 118 respondents mentioned that BET chairs in most of the polling centers did not clearly announce the name of each voter during conduct of the polling.
- 7% or 85 respondents claimed that indelible ink was not properly applied to voters in the polling centers they observed.
- 3% or 41 respondents mentioned that stubs and coupon were not correctly removed from all ballot boxes.
- Approximately 24% or 305 respondents observed that voters inside the polling centers did not vote in secret because of overcrowding.
- 12% or 150 respondents said that no qualified assistors in many of the polling centers provided assistance for those voters who needed assistance.

## **ANALYSIS:**

As a general observation during the conduct of the polling, election irregularities were committed by most of the BETs in many polling centers in ARMM such as the non-posting of CVL outside the polling centers, **no indelible inks were put on the voter's** fingers, disenfranchisement of many registered voters in various towns in the ARMM, presence of unauthorized people inside the polling centers, non-secrecy of votes, and the presence of non-qualified assistors. Furthermore, BETs failed to include these irregularities in the minutes but they instead were documented by Citizens CARE monitors throughout the ARMM. Additionally, COMELEC did not recognize the right of some Citizens CARE monitors to observe the elections in some areas in the ARMM.

## C. Closing, Counting and Canvassing

		Yes	%age	No	%age	Total	%age
<b>Environment</b>							
C1	Are the election officials and watchers free from threats or intimidation?	967	81%	229	19%	1,196	100%
C2	Were you and other watchers given a space in the polling place to observe the closing?	1,179	97%	34	3%	1,213	100%
<b>Closing</b>							
C3	Did the polling place close at 3pm and were those voters in line at 3pm allowed to vote?	1,056	86%	167	14%	1,223	100%
C4	After the close, did the BET tear the unused ballots in half?	1,097	94%	69	6%	1,166	100%

- 19% or 229 respondents throughout the ARMM noted that election officials, poll watchers and Citizens CARE monitors were not free from various forms of threats and intimidation from supporters of political candidates, barangay officials, and some PNP and AFP personnel with close links with some candidates.
- Only 3% or 34 respondents observed that during Citizens CARE monitors were not given a space in many polling centers to observe the closing.
- 14% or 167 respondents noted that most of the polling centers did not close at 3 pm and some voters were allowed to vote after the polls should have closed.
- 6% or 69 respondents observed that BEIs in many of the polling centers did not tear the unused ballots in half as required by the election rules.

## ANALYSIS:

Citizens CARE monitors observed closing procedures were not properly carried out in many polling stations throughout the region. A significant number of BETs failed to safeguard the election materials, and election actors were subject to threats and intimidation from the supports of political candidates.



<b>Counting</b>		<b>Yes</b>	<b>%age</b>	<b>No</b>	<b>%age</b>	<b>Total</b>	<b>%age</b>
C5	Counting for the precinct was conducted at the polling place	816	98%	15	2%	831	100%
C6	If the counting was conducted at a counting center, were you permitted to accompany the BET and the election materials to the counting centers?	986	94%	58	6%	1,044	100%
C7	Were you and other watchers permitted to view the entire counting process?	1,038	94%	62	6%	1,100	100%
C8	Was the number of valid ballots equal to or less than the number of votes who voted in the precinct?	1,044	93%	76	7%	1,120	100%
C9	Was the appreciation of ballots completed properly?	1,046	94%	65	6%	1,111	100%
C10	Were you (or <b>another citizens'</b> arm watcher) given a copy of the ER? Other group: PPCRV	465	70%	204	30%	669	100%
<b>Canvassing</b>							
C11	Were all the election materials properly packaged, sealed and delivered to the proper officials?	932	95%	53	5%	985	100%
C12	Did you accompany the box of election returns to the municipal board of canvasser? If NO, do not answer C-13 – C-16.	603	92%	53	8%	656	100%
C13	Are you and any other watchers permitted to observe the canvassing?	674	97%	20	3%	694	100%
C14	Are the election officials and watcher free from threats and intimidation?	671	95%	36	5%	707	100%
C15	Did the canvas appear to be conducted properly?	688	98%	14	2%	702	100%
C16	Did the candidate tally on your copy of the Election Return?	561	92%	51	8%	612	100%

- During the counting, 98% or 816 respondents observed that counting was done at the polling place.
- 6% or 58 Citizens CARE monitors were not permitted to accompany the election materials to the counting centers.
- 6% or 62 respondents noted that watchers and Citizens CARE monitors were not permitted by the COMELEC to observe the entire counting process.

- Approximately 7% or 76 respondents said that number of valid ballots was NOT equal to the number of voters who voted in the precincts.
- 6% or 65 respondents mentioned in their reports that COMELEC did not give a copy of election returns to Citizens CARE and PPCRV. Although Citizens CARE was not accredited to receive a copy of the ER, some monitors were able to obtain them from the BETs.
- During the canvassing of votes, 5% or 53 respondents mentioned that election materials were neither properly packaged nor sealed and delivered to COMELEC officials.
- Approximately 8% or 53 respondents reported that Citizens CARE monitors were not allowed to accompany the election returns to the provincial canvassing center.
- Only 3% or 20 respondents said that Citizens CARE monitors were not permitted to observe canvassing either at the barangay and municipal level.
- 5% or 36 of monitors reported that election officials and watchers were not free from threats or intimidation.
- 2% or 14 respondents asserted that the canvassing did not appear to be conducted properly.
- 8% of 51 respondents noted **that the candidate's tally** of the Citizens CARE monitors did not **match with the candidate's tally recorded** by the Provincial Board of Canvassers.

## **ANALYSIS:**


During the counting and canvassing of the votes at the municipal and provincial level, a significant number election irregularities were committed by election actors such as the BETs, political candidates, COMELEC officials and PNP and AFP personnel. Among these were preventing Citizens CARE monitors from observing the canvassing and threatening and intimidating watchers. Significantly, the official vote tallies did not match the tallies of the Citizens CARE monitors in many instances.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**


With the above findings and with a view to help foster electoral reforms, Citizens CARE proposes the following:

1. Immediate prosecution of all election cheats, violators and offenders. The Rule of Law must be upheld at all times;
  2. Implement the law on campaign spending, discourage campaign overspending and demand disclosure of sources of campaign funds;
  3. Professionalize the Commission on Elections;
  4. Intensify voter education in the ARMM especially in the far flung communities;
  5. Review and revise political and electoral systems and procedures;
  6. Modernize the election processes;
  7. COMELEC should have the political will to enforce rules on spending and campaigning and penalize violators with disqualification, among others;
  8. COMELEC officials who committed violations in the previous elections should be barred and delisted from the Commission.
  9. List of voters should be cleansed of double-registrants and ghost names.
- 

Prepared by:

  
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Noted and Approved by:

  
**SALIC B. IBRAHIM**  
Chairperson, Citizens CARE

**Date: January 10, 2008**

## **ATTACHMENT A**

### **ELECTION OBSERVATION REPORT PER PROVINCE**

#### **A. MAGUINDANAO PROVINCE**

##### **Observations:**

- Datu Ali Sakilan, candidate for Barangay Kagawad of Pidsandawan, Rajah Buayan and his brother were shot by an unidentified gunman in front of the Barangay Hall.
- October 29, 2007, at 4:30 pm 2 M79 mortar struck inside Paglat National High School but no casualty was reported. Because of this incident, counting of votes was transferred to the Provincial Capitol in Shariff Aguak, Maguindanao
- On Election Day, there was tension in the towns of Paglat, Datu Abdullah Sangki, and Sultan sa Barongis because of political candidates heatedly contesting the elective positions.
- Citizens CARE monitors noted that voter turnout was very low in many barangays because the candidates in these barangays were running unopposed. Some monitors observed that only one or two people cast their votes in some precincts.
- A former Citizens CARE volunteer who served as a member of the BET this election shared the information that the BET chair in her assigned precinct filled up the ballots and affixed her fingerprints on them in order to achieve a semblance of election in her precinct and to finish early.
- During mobile monitoring, military personnel along a national highway accorded Citizens CARE due courtesy and cooperated with them fully.
- Citizens CARE volunteers in some barangays were given copies of Election Returns.

#### **B. SHARIFF KABUNSUAN PROVINCE**

##### **Observations:**

- In Cotabato City, a majority of the polling precincts opened late (between 8:00-9:00 am) due to reshuffling of BET and delayed distribution of election paraphernalia at the City Treasurer's Office. **As of 10:00 am, 8 ballot boxes were unclaimed because** the assigned BET did not show up, thus forcing a failure of election in these polling precincts. However Municipal Election Officer Arlan Mangelen commented that if this will not affect the result of election then there will be no special election.
- In a one room inside the City hall, the Computerized Voter List (CVL) and book of voters were scattered like garbage on the floor. Thus many of the polling precincts did not have CVL and book of voters.
- In some polling precincts in Cotabato City, there was tension due to snatching of the official ballots while counting was going on. This incident was referred to the City Election Officer Mangelen but according to him this is common scenario in every election and did nothing.

- There was a massive disenfranchisement of voters including the IFES-Philippines Field staff, who were unable to vote despite being duly registered.
- **Some assigned BET allowed flying voters to vote using other people's names.** Thus even some Citizens CARE volunteers failed to vote because somebody already voted for them. In order to compensate, the assigned BET told them to cast their votes for other persons who did not yet vote.
- Some Citizens CARE volunteers heard from the BET, voters and observers that the delayed distribution of election materials resulting in late opening of polling precincts had never happened before in Cotabato City.
- Crowding in some precincts was due to clustering of precincts and combining barangay and SK elections.
- In Barangay Campo Islam, Parang, Shariff Kabunsuan, some supporters of a candidate demanded to close the polling precincts at around 11:00 am and waited for the instruction from Mayor Talib Abo to resume the elections
- In Barangay Making, Parang, Citizens CARE volunteers observed that many of SK voters were underage. Some of these voters could not be more than nine or ten years old.
- Three barangays of Sultan Mastura town were highly contested causing tension due to candidates being heavily armed.
- Newly proclaimed Barangay Chairman Samsudin Timan Lumbos of Barangay Balut, Sultan Mastura was gunned down right after his proclamation at around 11:00 pm a few meters away from Municipal Hall of Sultan Kudarat
- Barangay Chairman Hadji Akmad of Barangay Senditan, Sultan Kudarat was shot by an unidentified gunman outside his Barangay Hall a week before Election Day.
- In Barangay Bugasan Norte, Matanog, there were 3 candidates for Barangay Chairman; 2 of them were very influential and because of this there was high tension in the polling precincts. In order to relieve this tension, Vice Gov. Ibrahim Ibay of Shariff Kabunsuan and Mayor Imam agreed to divide the Internal Revenue Allotment or IRA of the said barangay of these 3 candidates.
- In Barangay Sapad, Matanog, Executive Director Zamsamin Ampatuan of SPDA helped to settle the conflict of two opposing candidates by encouraging one candidate to withdraw to avoid violence.

#### General Observation:

- Higher-level politicians interfered with the elections by convincing or buying off some candidates to withdraw from the elections. Thus, in many places there were many candidates who ran unopposed. It is believed that the politicians were motivated by their desire to gain political control over the barangay leaders in view of the upcoming 2008 ARMM election and 2010 Presidential Election.

- In places where Barangay officials have become ineligible to run because they have already served the allowable term of office, their local mayors, with consent from the Governor, threw their support to the immediate family member of the ineligible barangay officials. Qualified Barangay Councilors were not given an opportunity to run for Barangay Chairman.
- At the barangay level, it was also observed that candidates for SK positions were sons and daughters of Barangay officials.

## **DECEMBER 15, 2007 SPECIAL ELECTION MONITORING**

### **Cotabato City**

- The conduct of special election in Cotabato City was generally peaceful. No untoward incidents were reported in the conduct of special election in the said barangays.
- However, there was an abrupt tension in Barangay Poblacion 7 due to alleged bomb in the area but this was immediately settled.
- Majority of the polling precincts in the said barangays started their voting beyond 8 in the morning and ended at exactly 3 pm. Counting was done at the precinct level. After the canvassing and proclamation, all election paraphernalia were secured at the COMELEC Office in Cotabato City.
- Per information from COMELEC Cotabato City, only 2 barangays did not have their proclamation – from Brgy. Chairman up to Barangay Councilors - because of the pending protests from opposing candidates : Brgys of Bagua 2 and Kalanganan 2.
- Personnel from Philippine National Police – Cotabato City had served as the Board of Election Tellers in all polling precincts.
- Though the polling precincts were crowded by registered voters, PNP personnel had managed to make the special election very orderly and peaceful.
- To ensure the real identification of the registered voters, PNP – BET asked primarily the voters ID, then another ID of the voter and then asked among poll watchers who could identify the said voter before he / she could cast their vote.

### **Shariff Kabunsuan**

- Per information gathered from Mobile Monitoring team, MEGs, and PNP Office, special election was generally peaceful and majority of the brgys. had their election conducted except for Kabuntalan town.
- There was no special election occurred in Brgy. Barira in Barira Municipality because this was already negotiated and arranged by Barira town mayor Alexander Tomawis to appoint OIC Chairman in the name of Ali Tomawis Jr. This was done to ease tension and when this barangay will be divided into 2, those opposing candidates shall be appointed as Brgy. Chairman.

- Failure of election in 2 brgys. of Kabuntalan town due to non-arrival of ballot boxes and election paraphernalias. As reported by Tuna Langalan, Citizens CARE partner organization, he said that the failure was declared by Municipal Election Officer of COMELEC – Kabuntalan Mary Ann Mangudadatu. However, Kabuntalan Mayor Salaban Diocolano had appointed OIC Chairmen for the said brgys. – both were religious leaders. In Brgy. Liong, there were 3 polling precincts affected - 31A, 32A, 33A / 33B. In Brgy. Matilak, 2 polling precincts affected – 43A, 43B. However, no untoward incident occurred because of the presence of military personnel from Philippine Army.

### **C. LANA DEL SUR PROVINCE**

Marawi City:

- In most barangays, ballot boxes were not distributed because Comelec did not yet release the List of Voters
- Mayor Pre Salic of Marawi City ordered Eric Dimaapao to declare Failure of Election in some barangays but suggested to release ballot boxes of barangays where conflict were settled and wait for Dayana of Comelec before starting the election
- 41 barangays with settled conflict were proclaimed; 55 barangays no election; 39 barangays confirmed to have received ballot boxes according to Comelec Pangandaman, Solaiman
- In Lilod Saduc, gun shots were heard at 2:15 pm; incumbent barangay Chair shot dead the son of his opponent H. Amer; in retaliation, H. Amer also killed the incumbent barangay Chair
- In Raya Saduc and Pangao Saduc- people waited until 4:00 pm but no ballot boxes arrived

Sultan Dumalondong:

- Failure of Election in all barangays; at 1:30 pm gun shots were heard; only few marines were seen at the vicinity; teachers were afraid to serve; There was fighting inside the precincts; voters could not be controlled

Ditsaan Raman:

- Election was chaotic; somebody was shouting and there was fighting;
- In Bayabao, the barangay Chair would not release the ballot boxes
- In Brgy. Buadidingan, BEIs were afraid to serve; one running candidate for barangay Chair moved out his family to safety because anytime they would be fighting with the opponent
- Vote buying ranges from P1,000 to P1,500 per voter

#### Taraka

- Centralized voting at Taraka Elementary Central School
- Election in some barangays were negotiated by the mayor and well done with the help of BEIs.
- Election in barangay Caramat was delayed due to fist fighting inside the precinct
- At 2:35 pm, polling precincts for barangays Caramat, Supangan, Jalaludin and Salamatan were transferred at the Municipality; election started with the help of the Army

#### Tamparan

- Names of some voters were not found in the Master List; people suspected that the COMELEC was behind this irregularity.

#### Masiu:

- Centralized voting at the municipal hall; voters could not be controlled; there was fighting inside the precincts- loyalists of former Mayor were claiming the ballots; armies fired warning shots to pacify voters; when gun shots were heard, people panic and ran everywhere for safety, many got hurt; election was disrupted; monitors were not allowed to enter
- Out of 35 barangays only 8 conducted election: Pantao, Tuano Araca, Langi Talub, Arana, Alabat, Damapatoy, Sawir Gubat, Lacadun; while three barangays were negotiated: Dalug Balt, Unda Dayawan, & Bago-a-inged
- There was no opposing candidate in barangays Bago-a-inged, Dalog, Balt, and Unda Dayawan
- In Lacadun and Alabat, conflict arise because flying voters and those not on the CVL were allowed to vote
- Only MGs were able to enter the canvassing area
- Indelible ink was not applied to voters
- Barangays with conflict: Lakadun & Manalacon Talub; Reason: presence of flying voters, and insistence of those who wanted to vote but whose names are not on the Master List; there was fist fighting; women were clawing each other
- BEIs did not serve in M-Talub; they do not want to die
- Incumbent barangay Chair in Lacadun would not accept defeat until the winner was proclaimed; opposing candidates were shooting at each other at Sawir.
- In barangay Lacadun- the Macatingag Elem. School was burnt down by relatives of incumbent barangay Chair and the three persons who burned the school was also burnt because the fire easily eats up the place where they stood; days later one of them died
- In district 1, the military did not allow the barangay Chair to enter the polling place; In district 2, anybody could enter but during the canvassing they were told to get out by 8:00pm; at 10:00pm only Amer was able to enter.



- Barangays with failure of election: Abdullah Buisan, Alim Raya Caramian, Alip Mimbalay, Amai Ditimbang Balindong, Buntalis Maranat, Casim Lumbaingud, Asa Digao, Dalug Balt, Moriatao Bae, Laila Lumbac, Lomigis Sugod, Macabangun Imbaba, Talagian, Macalumbang Caramian, Bago-a-ingud, Apa Mimbalay, **Calilangan, Marandacan Putad, Moh'd Tangul, Buadialmaloy, Sambuanga Tawa,** Tamboro Cormatan, and Tomambling Lumbacangud.

#### Lumbac-Unayan

- Election failed in all barangays because the paraphernalia was incomplete, the Comelec representative decided to return it in Marawi City
- 1,800 ballot forms were lost; a daughter of the Mayor was the suspect in this incident.
- Flying voters arrived in the municipality day before the election

#### Lumbayanague:

- Nanagun: opposing candidates disagreed over polling place
- Kasalayan: ballot boxes were kept pad locked buy one party
- Dalaon: opposing parties nearly shoot each other- one party insisted on buying the right to vote of the other party, but the latter refused
- Pitatanglan: voting had started but was halted when its was observed that ballot boxes already had ballots inside
- Amicable settlement between opposing parties conducted in 5 barangays (Kadayonan, Cabasaran, Kadingilan, Nanagun, & Dalaon); no election was conducted

#### Pagayawan:

- Failure of election in 3 barangays
- In Barangay Camalig, election was conducted but AFP personnel beat the nephew of former barangay Chair over a discussion on Election Code, they also called a CCARE monitor for the discussion but the latter got frightened and went home
- The military were aggressive, they would confront anyone reported to them
- In barangays where there is failure of election, the Mayor decided whom to place as barangay Chair
- In barangay Lumbac, ballot box was hidden
- Canvassing was done on October 30, 2007
- During the casting of votes was their the monitors could not easily enter the municipal hall; even BEIs not controlled by the municipal mayors were not allowed
- In barangay Pagalongan, two influential families came out with an agreement to ensure peaceful conduct of election.

## Molundo

- Generally peaceful (Adawiyah Mala-Lumbac Bubong)
- Incumbent barangay Chair has no opponent (Abdul Rauf of Mala- Lumbac-inged)
- Election started late (around 10:00 am) because BEIs were frightened by earlier gun shootings associated to a rido in Barangay Rayabalay,

## Balabagan:

- Election started late (11:00 am) because of lack of BEIs. to serve
- **Poblacion Balabagan was considered "hot spot",** all of the BEIs are afraid to serve in this barangay; Municipal Mayor H. Amer Sampiano requested the C-CARE MG Farida Sampiano) to serve in this barangay
- 23 barangays conducted elections namely: Macao, Matampay, Barorao, Purakan, Molimoc, Lorenzo, Banago, Poblacion, Batuan, Pindolonan, Lumbac, Tataya, Bago-ingud, Buisan, Igabay, Upper Itil, Lower Itil. Magolaleng Oriental, Plazan, Matanog, and Narra.
- Barangay Narra was negotiated because until now no winner was proclaimed; no counting was done because one party did not want to open the ballot box
- Conflict rise in almost all barangays especially during voting
- Causes of conflict:
- During the distribution of ballot box in Barangay Poblacion there were fist fighting among party rivals because they did not agree whom to place as BEIs, but it was settled when the Mayor intervened; election was pushed through
- In Barangay Matampay conflict arise but nobody was hurt; during election, many wanted to vote but their names were not found in the Masters List; watchers of both parties agreed to allow ten voters at a time to enter the polling place, but this was not followed that caused the delay; one BEI got angry and stopped the voting; many voters went home
- In Barangay Matanog, when ballot boxes was about to be opened, there was uproar because the other camp would not want it to be open. When voting started, voters were supposed to enter the polling place by tens but exceeded; this caused commotions: there was striking of benches; many were hurt and bled; only few were able to vote; voting was stopped
- During the canvassing at Barangay Banago, smashing and beating, throwing of cell **phones, and striking among voters and candidates' followers repeatedly happened;** they were exchanging derogatory words with each other; there were fist fighting among men when they saw a watcher placing official ballots in the ballot box
- In Barangay Poblacion, violence happened because the defeated barangay Chair ambushed the son of his opponent who assumed that the losing candidate was proclaimed winner; until now negotiation is still going on between the two opponents
- In most barangays, voters could not find their names in the Masters List, that was why only few voted.

- The Maypor controlled who can vote and who could not vote
- Campaigning inside the polling place and vote buying was evident during election
- Election started late because distribution of ballot boxes was delayed until 10:30 am; voting started at 12:00 noon.
- Some BEIs have favored candidates

#### Butig:

- Failure of Election in most barangays
- Six (6) barangays were having conflict (Dolangan, Pindulunan, Sundig, Poctan, Tiwi, & Dilabayan).
- 3 barangays failed to conduct election (Dolangan, Pindulunan, Dilabayan); other barangays had negotiated election
- Dilabayan & Pindulunan were up against each other
- Tiwi: voting was always halted because of squabbles between parties; ballot box was released around 8:00 am; they changed the third member of the BEI in the said barangay because some of the candidates believe that the third member was one sided; there was gun shooting because of the trouble; some voters were hurt, military troops arrived by the time the incident was already settled.
- In Barangay Dulangan a barangay chair candidate tried to threaten voters using his 45 caliber, the PNP and AFP did not react to that incident
- In barangay Dilabayan the election was arranged and settled when the paraphernalia arrived in the polling place- the Datu settled the election peacefully

#### Tamparan

- Generally peaceful election (Tatayawan South, Tatawayan South B Pob 1A; Pob 1B, Talog D-A & D-B); not so many flying voters around; no conflict
- No election in Lalabwan because there was no opponent
- Election monitors were organized, responsive and informative in giving reports.
- In Pikarabawan Lalabuan election paraphernalia not yet released until 10:45 am

#### Buadipuso Buntong:

- The day before the election (around 11:30 am), empty ballot boxes arrived at the municipality; Comelec brought the election paraphernalia in their house
- Lumbatan- Failure of election due conflict brought about by additional registrants

#### Bubong

- Very peaceful (Polayagan, Dimayon Proper)
- In Panawalan, election was halted because of disagreements among running candidates
- Election is well conducted in Bansayan, Miabalawag (All datu & baes negotiated the election) and in Guigikun (the Mayor facilitated the negotiation)
- Parents guided the conduct of organized election in Dibarosan 12-A

#### Ganassi

- Barangays Pindolonan, Panggao-a-Lupa and Baya were declared “hot spot” barangays, centralized voting center for these barangays were conducted in the Gymnasium in Poblacion Ganassi; Military officers were serving the election; after the voting the military brought the ballot boxes in the municipal hall; they did not allow anybody to get inside; after few minutes when parties were already allowed inside, they noticed that the padlock and official ballots were changed.
- In barangay Pindolonan some parties objected to the counting and canvassing of votes due to suspected anomalies.
- In Barangay Barrit voting started late because BEIs were afraid of intimidations; they believe that this barangay election is more critical compared to the synchronized national and local election.
- In barangay Panggaw-a-lupa voting very late because the two brgy Chairs did not agree on the decision of the BEIs.
- In Barangay Taga-Nonok, a voter, Halid Bayang told the people to clear the room, and un-authorized person to leave the precinct to avoid crowd inside the polling places, his brother Amanola Bayang challenged him and it leads to big trouble; the PNP fired warning shots to stop the commotion.
- In barangay Pagalongan the election was conducted but it was observed that the rules were not properly implemented.
- In Brgy Gui, amicable settlement was done; the two opponents draw lot; the winner will be the brgy Chair on condition that he will give P50,000 and P5,000 every **month to the loser; the four kagawads who won will also give to the loser’s party**
- 14 barangays with election: Pindulonon, Taganonok, Panggana-Lupa, Baya, Barit, Pagalongan, Campong Raya, Pagalungan Malabao, Parayaba, Gadungan, Lumbac, Lumbaca-ingud, Baro baro.
- Clash between the running barangay Chair and his sister because the latter, the wife of his opponent and incumbent barangay Chair (Halid Bayang) of Taganonok supports his husband-candidate; when people around could not pacify them, the military fired warning shots to stop the commotion; nobody was hurt
- In Barangay Pindulonon, there was an agreement among candidates that they will conduct proper election; but in actual this was not followed; irregularities still happened; ballot forms were changed, hence there was chaos

#### Wato-Balindong

- In Lumbaca-Lalan some candidates opposed the election because of illegal inclusion of voters in the Master List
- In brgy Bualan failure of election was due to misunderstanding among candidates
- 15 barangays agreed to appoint barangay Chair and Kagawads (Lilod, Bubong, Tuca a Bubong, Paigo-ay, Tomarongpong, Dimarao, Limbo, Latin, Salipongan, Cadayonan, Darusalam Cadapaan, Balinsong, Dado Kaluntay)
- 21 barangays properly conducted the election while only two barangays failed (Bualan & Lumbac a lalan)

- In one barangay, conflict between opponents cause failure of election; the incumbent Chair was forced to use firearm just to let flying voters get out of the polling place but the opposing candidate insisted that they should vote.
- In Brgy Tuca Bubong, one SK Party challenged the votes of two brothers of opposing SK candidate; because of this, the BEI Chair asked the IDs from their mother who became hysterical and accused the BEI Chair of lying and one-sided; she cited that the BEIs only challenged that of his sons but not the other voters; the BEI explained that nobody challenged other voters because voted for their names
- **Voting is not on “first come first serve basis” but alphabetically; accordingly, this is** to prevent the delay because every voter wishes to vote first; it was also noticed that the brgy Chair candidate stood beside the BEIs, this maybe to protect the BEI members since this candidate has no opponent; polling places did not open on time because releasing of ballot boxes was delayed; no indelible ink applied on voters
- Campaigning inside the voting area was evident; voters campaigned to another voter; they even made sure that the names of their candidates are written on the **ballot by looking at the voter’s ballot especially when BEI members are not** observing them.
- During the closing, all things seemed to be proper; the BEI Chair decisions were respected by the people; no intimidations were observed even if military officials were not around
- In Barangay Bubong, one of the parties snatched the ballot box and ran it away; other parties were shocked and did nothing to get back the ballot box; election was stopped.
- Number of barangays having election: 21
- Indelible ink was not applied to voters
- Administration became one sided, majority of the barangays did not start on time

#### Madalum

- 20 out of 30 barangays had election; five have conflict; 3 were negotiated: Dandamun (by Comelec), Bobong (by the Mayor), and Abagan (by relatives)
- In barangay. Padian Torogan one party candidate filed a case against the opponent barangay Chair because the latter slapped a woman (alleged flying voter) identified with his group
- In barangay Poblacion fist fighting took place when a voter was told by his brother not to vote because he took P500 from one candidate; after the fight and shouting, the voter collapsed because of high blood
- In brgy. Dilausan, BEI closed at 2:30 pm upon instruction of one party candidate whose electors had already voted, when other electors arrived to vote, watchers of the other candidate will not permit them to vote
- In brgy. Bubong election was not pushed through because re-electionist barangay Chair distributed the ballots without the knowledge of the other party; because of this, the latter raised objection, so election was stopped
- In brgy. Dandamun, conflict arise when one party observed that all electors belong to the other party; the former insisted to halt the lection

- Issues & concerns: presence of flying voters, vote buying; distribution of tarita enclosed with money; once candidate for barangay Chair did not agree to hold election knowing he would be defeated
- Election was delayed because BEIs arrived late; an elector collapsed because of waiting; during the canvassing, some watchers were changed; one assistor in an attempt to assist her sister, collapsed due to anger and hypertension- the other party would not allow her sister to vote
- The polling place is overcrowded; because of this, the conduct of voting slowed down and ballot box was closed due to commotions inside; there was no secrecy (freedom of choice) in voting
- 17 barangays had failure of election Bubong, Abaga, Dandamun, Padian Torogan, Sugod, Salungga Banding, Pagayawan, Paridi Kalimodan, Gorain, Rakutan,

#### Saguiran

- Election was centralized in Poblacion Saguiran.
- Barangay Lumbayanague started 9:30am; counting was delayed because the incumbent barangay Chair wanted the counting be held in the brigade camp; conflict happened during the voting because two voters misunderstood each other that leads to chaos- their relative fired warning shots but the military have no reaction.
- In Sungod, a Kagawad candidate was shot ten days before election; this was the reason for the failure of election
- A barangay Chair candidate in Alinun announced the formal withdrawal of their opponents including the incumbent Chair in the middle of voting.
- In Barangay Pantao a-Raya, Talib Amaikurot was appointed as a barangay Chair because his two opponents formally withdraw on condition that the position of the Treasurer is given to them.

#### Bayang

- In barangay Tumungcal Ligi Lalapung, the aspirant barangay Chair had misunderstanding with a supporter of his opponent; the Chair went home to get his gun and a gallon of gasoline; he planned to burn the house of his opponent supporter but before he arrived in his target, a relative of his target blocked his way that successfully diverted his intention to kill his opponent.
- In Sumbag, there was a previous agreement in the place that for this election, barangay leadership will be in the hands of Taha family (a big family in the barangay)
- In barangay Gandamato, more than 70 voters were not able to vote because a watcher of H. Usop Guro family locked the ballot box. Supervisor Sood Datudacula was one of the supporters of H. Usop Guro Family; he ordered the watcher to lock the ballot box even it was not yet time to close; according to him there was no law violated because his intention was to protect the voters from people disrupting the precinct; that day, no counting and canvassing happened.

## **DECEMBER 15, 2007 SPECIAL ELECTION MONITORING**

### 1. Buadipuso Buntong

- In Lumbatan National High school where the two barangays Pindolonan and Tuca were centralized, in barangay Pindolonan, one of the close relative of the incumbent barangay chairman create trouble in order to disturbed the barangay election, one of the elector in the said barangay says that, the troubles was only a propaganda, her intention is only to close the voting because their relatives already finished to vote.

### 2. Bubong

- There was as gun firing happen in the municipal hall reported

### 3. Butig

- The election in barangay Pindolonan was failure, one of the Barangay chairman candidate (Otingan Lao-on) ask the COMELEC to failure the election, but the COMELEC try to continue the election in spite of the intimidations herd in the different candidates,
- At around 11am the COMELEC decided to bring the ballot boxes in the polling place but one of the candidates supporters approach the police man together with the BETs to return the ballot box in the municipal hall and around 11:10am the brother of Mr. Lao-on **give alarm firing so that's the time where the election finally failure.**
- Pick up car STRADA model was one of the damages in the firing, it was hit by gun bullets

### 4. Ditsaan Ramain

- In Barangay pangadapun and pagalungan were failed to conduct election because this barangays were consider as hot spot barangays.
- In Barangay Buadiolok, the election was peacefully conducted and Taony Banocag was won as barangay chairman in the said barangay

### 5. Ganassi

- In barangay lumbac was negotiated by the municipal mayor

### 6. Lumbac A Unayan

- The election in this municipality was one of the very critical election happen in the said municipality because as we have observed the military soldiers and the PNP were out number to the civilian carrying fire arm in the polling place.

- The four barangays including Lumbac, poblacion, dimapaok, and bangon was centralized in dilausan elementary school. This four barangays was identified hot spot in the area, in barangay lumbac where the incumbent barangay chairwoman try to disturb the polling places in order to manipulate the voting, his husband who are the former barangay chairman in that barangay get the m60 riffle and finally fire it in the polling place drop to the AFP and PNP, only one of the PNP officers hit with a splinter of the M60 riffle. Now the COMELEC finally decided to close the ballot box in lumbac and including the three barangays ( poblacion, dimapaok, and bangon ). All the ballot boxes was brought to Barangay Beta where the new appointed mayor was also their.
- The election was finally close at around 9:30am and only 20 to 50% of the electors vote

#### 7. Lumbatan

- The election was centrally conducted in the Lanao Agriculture College in order to control the election
- In barangay Lonay where the incumbent barangay chairman suspected that he put filled up ballot forms in the ballot box, the opposing barangay chairman complained in this case so the election were closed and never be started until such time that the mayor ask both side to arrange it so that the trouble will be stop finally. so the negotiation was accepted to the vote sides with a also a conditions
- One Cafgo (Alyas Renegade) carrying hand grenade to alarm the police assigned in the polling place.

#### 8. Lumbayanague

- Two barangays were failure (Barangay Kasalayan and Dilimbayan) because the BEIs opposed to serve the election.
- The election in lumbayanague was centralized in municipal hall, and so far the election was partly peaceful, only in barangay nanagun where the incumbent chairman did not go to the polling places together with their relatives because accordingly they are afraid to their Family Rido.
- The incumbent chairman want to failure the election, the COMELEC delivered three time notice to report in the polling center but he refuse to come, the COMELEC decided to have the election in that barangay with out the presence of the incumbent barangay chairman

#### 9. Madamba

- The election was centralized in MADAMBA CENTRAL ELEMENTARY SCHOOL



10. Marantao

- Barangay & SK Election Voting was conducted at the Elementary School the other barangays was at the municipal hall.
- These are the following precinct of the two barangays conducted in the Da-ana ingud Bacong Elementary School

11. Masiu

- The election was centrally conducted in barangay Buadialmaloy where the municipal hall was held.

## **D. BASILAN PROVINCE**

### **Observations:**

- Nor-aiam Asmawil, BEG of Barangay San Rafael, Isabela City witnessed an incident wherein a candidate running for Barangay Chairman slapped a lady supporter of a candidate aspiring for the same position. The incident happened outside the door of the precinct.
- In Tampalan Barangay, Malamawi Island, a candidate running for barangay chairman and his supporter were ambushed and died in the premises of the polling center after casting his vote. This case was reported to Isabela City Police Station and the suspects were apprehended and detained pending investigation.
- In Bohe-Ibu barangay it was observed that there was no secrecy of voting. Same situation in Baas Barangay in Lamitan City. (More reports will be submitted by the Barangay Election Guru (BEG) in the area).
- In Tipo-tipo municipality there were five (5) barangays clustered namely; Bangcoang, Bohe-Baca, Danapah, Banah and Bohe lebbeng and Badja Elementary School served as their polling centers. The polling center was crowded as observed by the PMC. The voters were not free from intimidation and there was no secrecy of voting.
- In sitio Langarey, Barangay Manaul, Sumisip Municipality reported by our monitor, no election took place in the area. The ballot boxes were brought to the municipal hall accompanied by the BET, poll watchers and military. This incident was witnessed by the PMC as they monitored and this was evidenced by the pictures taken.

- In Maluso municipality, so far the election went smoothly except for two (2) barangays, namely Barangay Fuente and Barangay Upper Port Holland wherein the supporters of both aspiring candidates for Barangay Chairman fought with one another.
- In Muhammad Ajul Municipality particularly in Barangay Candiis, there was no Board of Election Teller reported to the area. The election proper started at 10:10 a.m. and the Philippines National Police (PNP) served as the Board of Election Teller (BET).

### **DECEMBER 15, 2007 SPECIAL ELECTION MONITORING**

- In Barangay Tumakid, Lamitan City, when the PMC went there to monitor at around 9am in the morning there were no elections that happen. Then for confirmation we went to the house of the barangay captain, and he told me that there was already an internal arrangement between the 2 parties involve.
- In Lamitan City only SK elections
- In Maloong- San Jose, according to our volunteers, the mother of a candidate for SK Chairman is manipulating the conduct of the election that is why a discussion happened.
- In Tuburan Municipality the election for the two barangay was clustered in Colonia Elementary School, lamitan City.
- According to the voters of the two Barangay in Tuburan, good that the election was clustered because if not there will be a tendency that same stories will happened
- PNP and AFP to include the COMELEC was doing their task well.

## **E. SULU PROVINCE**

### **Observations:**

- Rampant vote buying in the polling centers.
- Out of 31 barangays in Panamao municipality, failure of elections was declared in 17 barangays.
- A majority of the barangays in Jolo municipality were controlled by the present mayor.
- Majority of the running candidates of all parties were relatives by blood.
- Majority of the precincts cast their votes in the morning and only few in the afternoon.
- Some of the PNP knew their role during Election Day. They did not enter inside the precinct if there were no disturbances.
- In Talipao at Barangay Pantao, a voter was shot and killed by policemen when he refused to surrender his gun upon entering the polling precinct.

- In Barangay Tagbak in the municipality of Indanan at around 9:38 am the precinct was already closed because of the conflict between the brothers of the running candidates from both parties and they fought inside the precinct so the police fired a warning shot. The BET and the watchers did not open the precinct until 3:00 pm
- In Barangay Bus-bus in Jolo municipality, the BET were observed to be preparing the tally board and other materials for counting as early as 1:30 pm even though not everyone had voted yet.

## **F. TAWI – TAWI PROVINCE**

### **Observations:**

Tandubas: 9:14AM

- Bad weather, almost all precincts start voting process at 8:00AM
- Slow turn out of voters due to heavy rain

Bongao:

Before election:

- Overcrowding of BEIs for the distribution of election paraphernalia and materials
- Confusion on deployment of escorts; MBLT 2 promised to cover nine (9) barangays. The problem was that **they didn't know that one (1) barangay has more than one (1) polling center** such as Karungdong with three (3) polling centers; and Pababag – two (2) polling centers; and failed to deploy escorts to Luuk Tulay, thinking the PNP will deploy their own men there.
- Montay-Montay BETs could not leave their precincts because their PNP escorts were not around even though it was already late.
- At 7:58AM, Barangays Pababag, Karungdong (Sitios Patal & Luuk Siabon), Mandulan and Luuk Tulay are still waiting for their escorts
- Marine escorts of the Paniongan BETs were left behind and PES Talipan requested the Citizens CARE Secretary General to facilitate their transport to the said barangay. Col. Arturo Larin requested Citizens CARE to escort and introduce the team of Sgt. Dellese to the BETs assigned there.
- Pahut: 9:45AM, same voters have been voting not only once but twice, thrice due to no pictures in the EDCVL

- Sanga-Sanga: 11:19AM Busing of voters noted in barangays Nalil and Tubig Basag
- Tubig Tanah: 12:08 a policeman fired his gun in the air causing voters to panic
- Nalil: communication gap re: a candidate went to COMELEC to inquire about the **basis of the BETs who allowed a son to vote for his father's behalf, BETs panicked** thinking the candidate will get a firearm, voters panicked and run in all directions
- Pag-asa: 1:12PM Citizens CARE volunteers discovered that other people had voted in their name
- Karungdong: 2:33PM No limit to number of times assistants can vote for illiterate voters
- Citizens CARE noted that ERA-PPCRV volunteer served as a member of the BET but did not strictly observe the 3:00 PM closing time of precincts.
- Citizens CARE noted that BETs were part of election irregularities

Tandubas: 12:40noon

- Squabble between voter and watcher who was seen receiving money from both candidates but did not vote for the barangay position. As a result a fistfight ensued injuring both parties.

Sitangkai:

- Vote buying outside precinct is rampant

Sapa-Sapa:

- Average opening time of precincts 8:30AM

Simunul:

- Average opening time at 8:00AM

Tabawan:

- Failure of elections in Barangays Nusa and Bintawlan due to heavy rain and big waves; marines advised the BETs not to proceed to said Barangays.



**Citizens Coalition for ARMM Electoral Reforms, Inc. (Citizens CARE)**

**Strengthening Electoral Process through Voter's Education  
and Election Monitoring in the ARMM Project  
(SEPVEEM ARMM Phase 1 Project)**

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**FINAL REPORT**

**June 15, 2008**

**Sub-Agreement # 1664-100-06-01  
Inclusive dates from May 01, 2006 to May 31, 2008**

**Total Budget: \$162,045.79**

**Expenses Recorded to Date: \$160,514.98**

**I. IMPACT STATEMENT**

The Citizens Coalition for ARMM Electoral Reforms, Inc. (Citizens CARE), with technical assistance from IFES through funding from USAID, implemented the "Strengthening the Election Process through Voters' Education and Election Monitoring in the Autonomous Region of Muslim Mindanao (SEPVEEM-ARMM) Project over a period of 24 months from May 01, 2006 May 31, 2008.

As originally envisioned, Citizens CARE would conduct voter education activities and organize the ARMM people to monitor elections, particularly the May 14 Synchronized National and Local Elections and October 29 Synchronized Barangay and Sangguniang Kabataan Election in the six provinces of the ARMM by training Municipal Voter Education Gurus and Barangay Voter Education Gurus. With these gurus, the project hoped to reach approximately 300,000 ARMM voters (from a voting population of around 1.2 million) teaching them how to make their vote count and ensuring greater involvement of women in the process.

Among the specific goals of the Project were the following:

1. To raise awareness of Citizens CARE's vision, mission, goals, program and services;
2. To increase the ARMM residents' awareness of their suffrage rights and the importance of elections;
3. To increase people's involvement in working for electoral reforms and in clean and honest elections;
4. To increase women's participation in elections, either as voters or as elective office seekers; and
5. To develop and promote linkages, cooperation and collaboration among Local Government Units, Line agencies, non-government organizations, and community members.

In order to achieve its objectives, Citizens CARE conducted the following activities:

1. A comprehensive "training of trainers/gurus" workshop for volunteers who facilitated the voter education and election monitoring in the 6 Provinces of ARMM;

2. Pulong Tayo trainings (voter education and election monitoring training) for 710 participants from the six (6) provinces of the ARMM, of which 60-70% were women. The trainings eventually reached an estimated 300,000 indirect beneficiaries;
3. **Voters' education through** local radio stations wherein Citizens CARE speakers talked **about people's** right on governance and community development and the significance of elections;
4. Monitored two (2) local elections with 710 monitors, of which 52% were women. The monitors were assisted by other volunteers from the 300,000 indirect beneficiaries of the voter education activities;
5. Developed a media marketing plan to publicize Citizens CARE activities and air its views and positions on election matters and issues; and
6. Conducted Ugnayan Tayo (Networking Meetings) with the LGUs, LGAs, and NGOs in the 6 provinces of the ARMM.

Initially the enormous challenges faced by Citizens CARE as a fledgling organization negatively impacted its ability to keep with up with its target work plan and implementation schedule. Among these challenges were the vast geography of the ARMM, communication, transportation and inadequate leadership and organizational skills. However, through IFES assistance and stewardship, Citizens CARE was able to surmount these challenges and closely meet its objectives.

Thus at the end of SEPVEEM Project, Citizens CARE was able to accomplish the following:

- Conducted 1,371 trainings of trainers for Provincial, Municipal and barangay gurus;
- Conducted 861 Pulong Tayos, reaching a combined total of 19,073 participants in the entire ARMM;
- Conducted 37 UTs in the ARMM and engaged a total of 75 CSO, POs, government line agencies to work with Citizens CARE on different aspects of the election based on the election calendar;
- Performed as the COMELEC-accredited election watchdog by recruiting and organizing 5,544 volunteers to monitor the May 14, 2007 Synchronized National and Local Elections; 2,358 organized volunteers during the October 29, 2008 Barangay and Sangguniang Kabataan Election and
- Helped facilitated, together with the PNP and COMELEC, 5 Candidates Education Forum and Peace Covenant Signing in 5 provinces of ARMM for numerous political candidates to work for a honest, orderly and peaceful elections.

In detail, following are the accomplished activities of Citizens CARE:

#### **A. Training of Trainers of Municipal Gurus**

In preparation for the implementation of the SEPVEEM Project, Citizens CARE had attended and participated the training workshop on Planning and Materials Development held at Green Heights Business and Convention Center, Buhangin in Davao City and Japan-Philippines Literacy Resource Training Center in Cotabato City last April 06-19, 2006 . This training was conducted by IFES Consultant Mr. Foster K. Tucker, who also developed the voter educational materials used by Citizens CARE for its Pulong Tayos.

After the provincial training of Gurus, Citizens CARE ExeCom members and District Coordinators in the provinces initiated and conducted trainings of Municipal Gurus. These trainings were participated in by qualified people who would then conduct TOTs for qualified Barangay Gurus. For the TOT of MGs during PT1, a total of 91 MGs were trained out of a targeted 78 participants. Of these, 47 were males and 44 were females.

Meanwhile, for the TOT of MGs for PT2, a total of 87 MGs were trained out of a targeted 78 participants, 44 of whom were males and 43 were females. Topics covered in this training included the Brief History ARMM, Election Basis & Values Building, Election Monitoring and Role of Monitoring. The Municipal Gurus were required to convene and conduct trainings of Barangay Gurus in their respective municipalities.

During the TOT of Municipal Gurus in PT1 & PT2, different government line agencies were invited to give and share their inputs. These government agencies included the Commission on Elections (COMELEC), Department of Interior and Local Government (DILG), Department of Education (DepED), and other non-

government organizations. With their participation, they not only shared their knowledge but also boosted the MGs' morale in advocating for electoral reforms in ARMM.

**Table 1: Summary of Accomplished Pulong Tayo 1 TOT for Municipal Gurus**

Province	Target	Actual	%age	No. of Participants			
				Female	Male	Total	Multiplier effect (times 7)
Magdn, Shariff Kab. & Cot. City	23	25	100%+	9	16	25	175
Lanao del Sur & Marawi City	24	28	100%+	14	14	28	196
Basilan & Isabela City	6	7	100%+	5	2	7	49
Sulu	12	13	100%+	11	2	13	91
Tawi-Tawi	12	18	100%+	5	13	18	126
<b>TOTAL</b>	<b>78</b>	<b>91</b>	<b>100%+</b>	<b>44</b>	<b>47</b>	<b>91</b>	<b>637</b>

**Table 2: Summary of Accomplished Pulong Tayo 2 TOT for Municipal Gurus**

Province	Target	Actual	%age	No. of Participants			
				Female	Male	Total	Multiplier effect (times 7)
Magdn, Shariff Kab. & Cot. City	24	25	100%+	9	16	25	175
Lanao del Sur & Marawi City	24	28	100%+	14	14	28	196
Basilan & Isabela City	6	7	100%+	4	3	7	49
Sulu	12	13	100%+	11	2	13	91
Tawi-Tawi	12	14	100%+	5	9	14	98
<b>TOTAL</b>	<b>78</b>	<b>87</b>	<b>100%+</b>	<b>43</b>	<b>44</b>	<b>87</b>	<b>609</b>

In identifying MGs for the TOTs, care was taken to choose ARMM areas with a relatively peaceful security situation.

Chosen MGs were trained on the use of flipcharts, handbooks and pictures for their echo down training to the Barangay Gurus.

## B. Training of Trainers of Barangay Gurus

After the TOTs for Municipal Gurus, the MGs with the support from their respective District Coordinators conducted trainings for Barangay Gurus. These trainings were participated in by qualified residents of the barangays concerned. Their task was to carry out the Pulong Tayos in their barangays.

For the TOTs of BGs during PT1, a total of 535 participants attended out of 710 targeted. Of these, 273 were males and 262 were females. For the TOTs of BGs during PT2, a total of 753 participants attended out of 710 targeted. Of these, 358 were males and 395 were females.

Like in the training of MGs, officials from LGUs and the local COMELEC offices were invited to lecture on certain topics in the training agenda, to answer questions of volunteers and to encourage the volunteers.

**Table 3: Summary of Accomplished Pulong Tayo 1 TOT for Barangay Gurus**

Province	Target	Actual	%age	No. of Participants			
				Female	Male	Total	Multiplier effect (times 7)
Magdn, Shariff Kab. & Cot. City	158	158	100%	78	80	158	1,106
Lanao del Sur & Marawi City	320	187	58%	100	87	187	1,309
Basilan & Isabela City	80	80	100%	26	54	80	560
Sulu	55	48	87%	31	17	48	336
Tawi-Tawi	97	62	64%	27	35	62	434
<b>TOTAL</b>	<b>710</b>	<b>535</b>	<b>75%</b>	<b>262</b>	<b>273</b>	<b>535</b>	<b>3,745</b>

**Table 4: Summary of Accomplished Pulong Tayo 2 TOT for Barangay Gurus**

Province	Target	Actual	%age	No. of Participants			
				Female	Male	Total	Multiplier effect

							(times 7)
Magdn, Shariff Kab. & Cot. City	158	162	100%+	82	80	162	1,134
Lanao del Sur & Marawi City	320	344	100%+	185	159	344	2,408
Basilan & Isabela City	80	90	100%+	36	54	90	630
Sulu	55	60	100%+	41	19	60	420
Tawi-Tawi	97	97	100%	51	46	97	679
<b>TOTAL</b>	<b>710</b>	<b>753</b>	<b>100%+</b>	<b>395</b>	<b>358</b>	<b>753</b>	<b>5,271</b>

### C. Pulong Tayo 1 and 2

During PT1, the trained Barangay Gurus conducted 231 PTs out of 710 targeted PTs (35% of target). Of the participants,, 3,081 were female participants and 1,981 were male. In all, there were a total of 5,062 participants. For PT2, the BGs conducted a total of 630 PT2 out of 710 targeted PTs (89% of target). Of the participants, 8,138 were female and 5,873 were male for a total of 14,011 participants in the 6 provinces of the ARMM.

The PTs provided opportunities for people in communities, especially in relatively far flung and isolated areas, to have direct access to information and education particularly on election processes, practices, & electoral reform. For many of the participants, this was a first time for them to engage in a meaningful discussion of their right to suffrage I.

Through the PTs, some eligible voters who were not registered learned of the COMELEC Voter Registration undertaking and were able to file their registration. Others were able to have their registration corrected and updated.

As much as possible, the Citizens CARE Secretariat and EXECOM observed the conduct of the PTs which also generated plenty of public support. On many occasions, barangay officials and even some local community organizations showed support by not only participating in the PTs but also in providing venues and facilities during the PTs.

A component of both PTs is values education wherein participants were taught the importance of choosing a good leader despite the prevailing culture of vote buying, command voting and warlordism.

**Table 5: Summary of Accomplished Pulong Tayo 1**

Province	Target	Actual	%age	No. of Participants			
				Female	Male	Total	Multiplier effect (times 7)
Magdn, Shariff Kab. & Cot.City	158	137	87%	1,699	1,041	2,740	19,180
Lanao del Sur & Marawi City	320	32	10%	370	302	672	4,704
Basilan & Isabela City	80	13	16%	188	137	325	2,275
Sulu	55	2	4%	37	19	56	392
Tawi-Tawi	97	47	48%	787	482	1,269	8,883
<b>TOTAL</b>	<b>710</b>	<b>231</b>	<b>35%</b>	<b>3,081</b>	<b>1,981</b>	<b>5,062</b>	<b>35,434</b>

**Table 6: Summary of Accomplished Pulong Tayo 2**

Province	Target	Actual	%age	No. of Participants			
				Female	Male	Total	Multiplier effect (times 7)
Magdn, Shariff Kab. & Cot.City	158	143	91%	1,888	1,258	3,146	22,022
Lanao del Sur & Marawi City	320	295	92%	3,184	2,446	5,630	39,410
Basilan & Isabela City	80	80	100%	1,144	936	2,080	14,560
Sulu	55	15	27%	292	147	439	3,073
Tawi-Tawi	97	97	100%	1,630	1,086	2,716	19,012
<b>TOTAL</b>	<b>710</b>	<b>630</b>	<b>89%</b>	<b>8,138</b>	<b>5,873</b>	<b>14,011</b>	<b>98,077</b>

### D. Ugnayan Tayo (UT)

The UT is a continuing series of meetings of election stakeholders initiated by Citizens CARE to bring together responsible persons and decision-makers involved in the elections. These include



representatives from the COMELEC, LGUS, Line Agencies, AFP, PNP and CSOs. The purpose of the UT is to bring to the table issues and problems concerning the elections in the hope of arriving at agreed upon solutions and getting commitment of action by the respective organizations.

Throughout the 24-month implementation of the program a total of 37 UTs out of a target of 45 were conducted. This translates to 82% achievement rate based on the work plan. Of the total UTs conducted, Maguindanao / Shariff Kabunsuan had 8, Lanao del Sur had 9, Basilan had 9, Sulu had 4 and Tawi-Tawi had 7 UTs. Of the total UTs conducted in the 6 provinces of the ARMM, a total of 804 participants attended, of which 482 were female and 322 were male.

The Ugnayan Tayo (UT – Lets Link Up) meetings were held in the 6 provinces of ARMM by the District Coordinators and Executive Committee members with the support from the member organizations. During UTs, partner agencies in some provinces provided venues and facilities as part of their commitment to support the project. Through these UTs, AFP, DSWD and some partner CSOs had **conducted their own voters' education program using the Citizens CARE materials such as Flip charts and scripts.**

Citizens CARE also increased the participation or attendance of government line agencies and civil society organizations in the Ugnayan Tayo meeting and participated in activity planning of the provinces pertaining to advocating electoral reform.

During the UT meetings, Citizens CARE was able to get the following commitments and support from other participating line agencies, NGOs, private institutions and donor agencies:

- Tie-up with Local Governance Support Program for ARMM (LGSPA) of CIDA in conducting voters education;
- Sponsoring venue for succeeding UTs;
- Allowing Citizens CARE to conduct PTs in the literacy classes under the ARMM Social Fund Project in partnership with the DSWD – ARMM;
- Willingness to work with Citizens CARE in conducting voters education at the grassroots level;
- Integration of voters education in the Army Literacy patrol system (ALPS) of the Philippine Army wherein materials were provided by Citizens CARE;
- Free airtime for Citizens CARE to do voters education on Community Radio Stations installed by NDFCAI-WED; and
- Pledge of support of field facilitators of NDFCAI-WED as Municipal Gurus and integration in their literacy classes.
- Ugnayan Tayo became a venue for COMELEC Manila officials to inform the electorates on their planned ongoing registration for new registrants in different provinces in ARMM which resulted to massive information drive campaign on the importance of their initiatives.

**Table 7: Summary of Accomplished Ugnayan Tayo**

Province	Target	Actual	%age	No. of Participants			
				Female	Male	Total	Multiplier effect (times 7)
Magdhn, Shariff Kab. & Cot.City	9	8	89%	54	124	178	1,246
Lanao del Sur & Marawi City	9	9	100%	69	140	209	1,463
Basilan & Isabela City	9	9	100%	99	106	205	1,435
Sulu	9	4	44%	52	14	66	462
Tawi-Tawi	9	7	78%	48	98	146	1,022
<b>TOTAL</b>	<b>45</b>	<b>37</b>	<b>82%</b>	<b>322</b>	<b>482</b>	<b>804</b>	<b>5,628</b>

**Table 8: Breakdown of Ugnayan Tayo Meetings per Province**

Date	Activity	Venue	No. of Participants		
			Female	Male	Total

<b>1. Maguindanao, Shariff Kabunsuan and Cotabato City</b>					
June 29, 2006	1 <sup>st</sup> Ugnayan Tayo	Aling Precy Restaurant, Cot. City	6	14	20
Aug. 29, 2006	2 <sup>nd</sup> Ugnayan Tayo	Aling Precy Restaurant, Cot. City	3	10	13
Dec. 07, 2006	3 <sup>rd</sup> Ugnayan Tayo	Aling Precy Restaurant, Cot. City	4	14	18
Feb. 01, 2007	4 <sup>th</sup> Ugnayan Tayo	Conf. Hall, RLA-ARMM, Cot. City	6	12	18
March 27, 2007	5 <sup>th</sup> Ugnayan Tayo	City Hall, Cot. City	3	12	15
April 04, 2007	6 <sup>th</sup> Ugnayan Tayo	City Hall, Cot. City	7	13	20
October 25, 2007	7 <sup>th</sup> Ugnayan Tayo	Sardonyx Restaurant, Cot. City	12	12	24
March 27, 2008	8 <sup>th</sup> Ugnayan Tayo	Kitoks Restaurant, Cotabato City	13	37	50
		<b>Sub-total</b>	<b>54</b>	<b>124</b>	<b>178</b>
<b>2. Lanao del Sur and Marawi City</b>					
July 05, 2006	1 <sup>st</sup> Ugnayan Tayo	Noramis Trng Center, Marawi City	13	9	22
Sept. 15, 2006	2 <sup>nd</sup> Ugnayan Tayo	Noramis Trng Center, Marawi City	6	11	17
Jan. 23, 2007	3 <sup>rd</sup> Ugnayan Tayo	Noramis Trng Center, Marawi City	8	9	17
Feb. 14, 2007	4 <sup>th</sup> Ugnayan Tayo	Noramis Trng Center, Marawi City	13	20	33
Feb. 26, 2007	5 <sup>th</sup> Ugnayan Tayo	Noramis Trng Center, Marawi City	5	24	29
April 25, 2007	6 <sup>th</sup> Ugnayan Tayo	Noramis Trng Center, Marawi City	8	18	26
May 10, 2007	7 <sup>th</sup> Ugnayan Tayo	Noramis Trng Center, Marawi City	4	18	22
October 22, 2007	8 <sup>th</sup> Ugnayan Tayo	Noramis Trng Center, Marawi City	7	8	15
March 13, 2008	9 <sup>th</sup> Ugnayan Tayo	Noramis Trng Center, Marawi City	5	23	28
		<b>Sub-total</b>	<b>69</b>	<b>140</b>	<b>209</b>
<b>3. Basilan and Isabela City</b>					
July 02, 2006	1 <sup>st</sup> Ugnayan Tayo	Lolo Jose Rest., Isabela City	6	14	20
Sept. 23, 2006	2 <sup>nd</sup> Ugnayan Tayo	Lolo Jose Rest., Isabela City	6	14	20
Nov. 2006	3 <sup>rd</sup> Ugnayan Tayo	Lolo Jose Rest., Isabela City	14	5	19
April 15, 2007	4 <sup>th</sup> Ugnayan Tayo	Lolo Jose Rest., Isabela City	4	7	11
May 02, 2007	5 <sup>th</sup> Ugnayan Tayo	Lolo Jose Rest., Isabela City	6	8	14
June 08, 2007	6 <sup>th</sup> Ugnayan Tayo	Lolo Jose Rest., Isabela City	15	7	22
Nov. 21, 2007	7 <sup>th</sup> Ugnayan Tayo	Jollibee, Isabela City	5	13	18
March 23, 2008	8 <sup>th</sup> Ugnayan Tayo	Lolo Jose Restaurant, Isabela City	28	17	45
March 25, 2008	9 <sup>th</sup> Ugnayan Tayo	ABC Hall, Oval Site, Lamitan City	15	21	36
		<b>Sub-total</b>	<b>99</b>	<b>106</b>	<b>205</b>
<b>4. Sulu</b>					
July 21, 2006	1 <sup>st</sup> Ugnayan Tayo	MURID Day Care Center, Jolo	11	3	14
May 09, 2007	2 <sup>nd</sup> Ugnayan Tayo	De Mazenod Formation Ctr., Jolo	14	3	17
October 27, 2007	3 <sup>rd</sup> Ugnayan Tayo	De Mazenod Formation Ctr., Jolo	12	3	15
March 24, 2008	4 <sup>th</sup> Ugnayan Tayo	Area Coord. Center, Capitol, Jolo	15	5	20
		<b>Sub-total</b>	<b>52</b>	<b>14</b>	<b>66</b>
<b>5. Tawi – Tawi</b>					
May 15, 2006	1 <sup>st</sup> Ugnayan Tayo	TRAC Gym, Nalil, Bongao	4	11	15
July 01, 2006	2 <sup>nd</sup> Ugnayan Tayo	Rachel's Place, Lamion, Bongao,	2	11	13
Feb. 22, 2007	3 <sup>rd</sup> Ugnayan Tayo	Porch Bay Hotel & Rest., Bongao	8	23	31
March 10, 2007	4 <sup>th</sup> Ugnayan Tayo	Porch Bay Hotel & Rest., Bongao	4	10	14
April 17, 2007	5 <sup>th</sup> Ugnayan Tayo	Porch Bay Hotel & Rest., Bongao	6	21	27
October 19, 2007	6 <sup>th</sup> Ugnayan Tayo	Beachside Inn, Bongao	11	8	19
Feb. 21, 2008	7 <sup>th</sup> Ugnayan Tayo	Beachside Inn, Bongao	13	14	27
		<b>Sub-total</b>	<b>48</b>	<b>98</b>	<b>146</b>
		<b>Grand Total</b>	<b>322</b>	<b>482</b>	<b>804</b>

## E. Candidates Education Forum and Peace Covenant Signing

### ▪ May 14, 2007 Synchronized National & Local Elections

As part of its effort to ensure a peaceful and orderly election, Citizens CARE carried out a Candidates Education Forum and Peace Covenant Signing in the 6 provinces of ARMM. This activity was incorporated in one of the UTs of each of the respective provinces. The PNP-ARMM, AFP, the COMELEC and participating CSOs fully supported these activities.

**Table 9: Summary of Candidates Education Forum and Peace Covenant Signing**

Dates	Provinces
April 13, 2007	Shariff Kabunsuan
April 17, 2007	Basilan
April 18, 2007	Tawi – Tawi
April 19, 2007	Sulu
April 20, 2007	Lanao del Sur

## **F. Voters Education through Radio Program**

### **▪ May 14, 2007 Synchronized National & Local Elections**

Citizens CARE, through its member organizations at the provincial level, conducted voter education through radio programs in the Provinces of Maguindanao, Shariff Kabunsuan, Lanao del Sur, Sulu and Tawi-Tawi. Citizens CARE Basilan, however, was not able to resort to this facility because there was no radio station in the island province.

In all the radio programs, selected Citizens CARE personnel discussed topics based on the voter education manual developed by Citizens CARE. When possible, the agenda discussed during Ugnayan Tayo were also aired so that listeners would have a clear idea of the electoral reform advocacy that Citizens CARE had undertaken. Further to this, partner government line agencies and NGOs were also invited at the radio program to participate in live discussions and debates on election related topics.

In the last three months before the May 14, 2007 elections, the use of the radio was intensified to reach out to as many people as possible in reminding them of their right and duty to exercise their right to suffrage.

### **▪ October 29, 2007 Synchronized Barangay and Sangguniang Kabataan Elections**

Citizens CARE through its member organizations at the provincial level conducted voters' education through radio programs in preparation for the forthcoming Barangay and Sangguniang Kabataan Election in the Provinces of Maguindanao, Shariff Kabunsuan, Lanao del Sur and Tawi-Tawi. Citizens CARE Sulu and Basilan however were not able to resort to this program because of the non-availability of radio station in the island provinces.

In all the radio programs, chosen Citizens CARE officers discussed topics based on the voter education manual developed by Citizens CARE and other important issues related to the election and calling all the electorates in the region to fully exercise their rights of suffrage.

**Table 10: Summary of Radio Program per Province**

Provinces	Dates	Time	Radio Station
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Maguindanao	October 23, 2007-October 30, 2007	9:00 am – 10:00 am	DXCM – Am, Cotabato City
Shariff Kabunsuan	October 31, 2007 – November 06, 2007	9:00 am – 10:00 am	DXCM – Am, Cotabato City
Lanao del Sur	November 13, 2007	1:00 pm – 3:00 pm	DXSA-Am, Marawi City
Tawi-Tawi	October 21, 2007 – November 10, 2007	8:00 pm – 9:00 pm	Power Mix 92.5
Sulu	February 28, 2008 March 24, 2008	9:00 am – 10:00 am 9:00 am – 10:00 am	DXMM – TV10

## **G. Election Monitoring Orientation**

### **▪ May 14, 2007 Synchronized National & Local Elections**

Citizens CARE Execom members and District Coordinators facilitated the conduct of Election Monitoring Orientation for 768 Monitors/volunteers and partners organizations in the 6 provinces of ARMM. These were conducted prior to May 14 Elections.

The participants' orientation involved thoroughly discussing with them the contents of the Election Monitoring Checklist which was originally developed by International Election Specialist James Heilman and which was adjusted for the May 14 Elections by Mr. Ian Smith, another international election expert working as an IFES consultant.

Trainees were taught how to accomplish monitoring forms including the Serious Incident Report Form which later showed promise as a predictive instrument in mapping out violence prone areas if properly used.

### **▪ October 29, 2007 Synchronized Barangay and Sangguniang Kabataan Elections**

Citizens CARE PMCs, hired provincial staff and partner organizations facilitated the conduct of Election Monitoring Orientation for 769 election gurus excluding numerous election volunteers and partner organizations members in the 6 provinces of ARMM from October 27-28, 2007. These were conducted prior to October 29, 2007 Barangay and Sangguniang Kabataan Elections.

During the orientation participants thoroughly discussed the contents of the Election Monitoring Checklist from Casting to Canvassing including Serious Incident Reports. The monitors/volunteers were oriented on how to properly fill up the forms and document their election observations. This election monitoring orientation was first done at the municipal election gurus by the PMC/provincial staff then the MEGs were the one conducted the election monitoring to their barangay election gurus.

In this election, Citizens CARE had decided to concentrate on the previous project sites under SEPVEEM Phase 1 in 59 municipalities and 710 barangays of the 6 provinces of ARMM.

During this orientation that the election supplies like t-shirts, folder bags, notebooks, ballpens, identification cards with lace and jacket, envelopes including funds for election monitoring were distributed to them and for distribution to BEGs and other election volunteers. In the case of Maguindanao, they instead conducted a mass orientation to all BEGs and election volunteers since they had only small number of BEGs and wanted to maximize the funds they had.

## **H. Accreditation as the COMELEC Citizens Arm for ARMM**

- **May 14, 2007 Synchronized National & Local Elections**

For the May 14, 2007 Elections, Citizens CARE again applied for a petition for accreditation at COMELEC and was granted status as a an official citizens arm in the ARMM by virtue of **accreditation number SPP – 07 – 014** given last May 10, 2007.

For the May 14, 2007, Citizens CARE partnered with other election stakeholders like Parish Pastoral Council for Responsible Voting (PPCRV) and National Movement for Free Election (NAMFREL) and other empowered civil society organizations, academe, government line agencies, civic groups, media and communication groups in ARMM to volunteer themselves for election monitoring on May 14, 2007 elections.

- **October 29, 2007 Synchronized Barangay and Sangguniang Kabataan Elections**

Mr. Salic Ibrahim as Chairperson of Citizens CARE together with Atty. Mentang Kabagani, the Citizens CARE legal counsel, submitted the necessary requirements for the accreditation of Citizens CARE as **COMELEC's Citizens arm during the** October 29, 2007 election. Mr. Ibrahim had appeared at COMELEC en banc to personally request the approval of the petition. This petition was published on October 20, 2007 in Philippine Daily Inquirer. Publication of the petition is among **COMELEC's requirement** for accreditation. With the assistance of IFES Philippines, the accreditation was granted with **accreditation number SPP – 07 – 027** given last October 27, 2007.

This approved accreditation paper was immediately transmitted to provincial Citizens CARE for their perusal and information and presented to those individuals or groups who would question the election monitoring being conducted by Citizens CARE. With this election on October 29, 2007, Citizens CARE entered into partnership with other election stakeholders like the Parish Pastoral Council for Responsible Voting (PPCRV), including other empowered civil society organizations, academe, government line agencies, civic groups, media and communication groups in ARMM to volunteer themselves for election monitoring on October 29, 2007 elections.

## **I. ELECTION MONITORING**

- **May 14, 2007 Synchronized National & Local Elections**

Citizens CARE monitored the elections in six provinces of the ARMM and the three cities of Marawi, Cotabato and Isabela covering a total of 68 out of 114 municipalities (59.70%), and 739 barangays out of 2,728 barangays (27.09%). In all, 2,520 polling precincts out of more than 8,891 precincts (28.34%) of the ARMM were covered.

On Election Day, Citizens CARE fielded a total of 5,544 volunteer election monitors in 68 municipalities and cities. For this activity Citizens CARE partnered with at least thirty four (34) partner NGOs in the ARMM.

All election monitors, volunteers and partner organizations were provided with the following election materials: Citizens CARE Election Monitoring ID, Election Monitoring Supplies such as notebook, folder, ballpen, and Election Monitoring Checklists, food, communication and transportation. Only the MGs were provided with t-shirt and bag, while BGs had their Citizens CARE Election Monitoring t-shirt

Monitors/volunteers of Citizens CARE and partner organization submitted the completed Election Monitoring Checklist and Serious Incident Reports to their respective District Coordinators for consolidation and analysis.

**Table 11: Summary of Election Monitoring**

	No. of		No. of		No. of Polling	%age	No. of	No. of
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PROVINCES	Municipalities		%age	Barangays		%age	Precincts			Volunteers	Registered Voters
	Total	Covered		Total	Covered		Total	Covered			
Maguindanao	22	7	32%	279	41	15%	1,744	245	14%	123	336,774
Shariff Kabunsuan	11	10	91%	247	108	44%	1,003	603	60%	1,309	198,280
Lanao del Sur	39	19	49%	1,158	267	23%	2,015	339	17%	2,587	396,913
Marawi City	1	1	100%	96	53	55%	269	96	36%	96	56,476
Basilan	10	9	90%	255	69	27%	931	234	25%	333	182,027
Sulu	18	9	50%	410	55	13%	1,360	198	15%	125	251,223
Tawi – Tawi	11	11	100%	201	112	56%	715	435	61%	782	140,238
Cotabato City	1	1	100%	37	23	62%	628	345	55%	148	123,853
Isabela City	1	1	100%	45	11	24%	226	25	11%	41	42,673
<b>TOTAL</b>	<b>114</b>	<b>68</b>	<b>59.70%</b>	<b>2,728</b>	<b>739</b>	<b>27.09%</b>	<b>8,891</b>	<b>2,520</b>	<b>28.34%</b>	<b>5,544</b>	<b>1,728,457</b>

▪ **October 29, 2007 Synchronized Barangay and Sangguniang Kabataan Elections**

Citizens CARE monitored in six (6) provinces of Autonomous Region in Muslim Mindanao (ARMM) namely: Maguindanao, Shariff Kabunsuan, Lanao del Sur, Basilan, Sulu and Tawi-Tawi including Cities of Marawi, Cotabato, Isabela and newly established city of Basilan, Lamitan City covering a total of 68 municipalities of its 114 towns or 59.70% with 743 barangays out of 2,728 barangays or 27.24%. During election day, Citizens CARE fielded a total of 2,358 volunteer election monitors of the covered 68 municipalities and cities. Citizens CARE had tapped the assistance of at least thirty six (36) partner NGOs in various provinces in ARMM during the preparation, during and post-election monitoring last October 29, 2007 Synchronized Barangay and Sangguniang Kabataan elections.

**Table 12: Summary of Covered Municipalities and Barangays during Election Monitoring**

PROVINCES	No. of Municipalities		%age	No. of Barangays		%age	No. of Partner Organization
	Total	Covered		Total	Covered		
Maguindanao	22	7	32%	279	45	16%	3
Shariff Kabunsuan	11	10	91%	247	108	44%	5
Lanao del Sur	39	19	49%	1,158	267	23%	5
Marawi City	1	1	100%	96	53	55%	-
Basilan	10	9	90%	255	69	27%	4
Sulu	18	9	50%	410	55	13%	6
Tawi – Tawi	11	11	100%	201	112	56%	13
Cotabato City	1	1	100%	37	23	62%	-
Isabela City	1	1	100%	45	11	24%	-
<b>TOTAL</b>	<b>114</b>	<b>68</b>	<b>59.70%</b>	<b>2,728</b>	<b>743</b>	<b>27.24%</b>	<b>36</b>

All election monitors, volunteers and partner organizations were provided with the following election materials: Citizens CARE Election Monitoring ID, Election Monitoring Supplies such as notebook, folder bags, ballpen, and Election Monitoring Checklists, food, communication and transportation. Only the MEGs were provided with t-shirt and folder bags, while BEGs had their Citizens CARE Election Monitoring envelope with complete election supplies.

Monitors/volunteers of Citizens CARE and partner organization submitted the Filled-up Election Monitoring Checklist and Incident Reports related to election to their respective PMCs and provincial staff for consolidation and analysis and submitted the same to Secretariat for final consolidation with analysis.

**Table 13: Summary of Election Volunteers during Election Monitoring**

PROVINCES	PMCs	Sub-To	Mun. Election	Sub-To	Brgy. Election	Sub-To	Election Volunteer	Sub-To	Total
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			tal	Gurus		Tal	Gurus		Tal			Tal	
	M	F		M	F		M	F		M	F		
Maguindanao	2	1	3	6	1	7	29	16	45	64	46	110	165
Shariff Kabunsuan	5	-	5	7	4	11	56	57	113	133	118	251	380
Lanao del Sur	4	3	7	10	10	20	148	172	320	327	348	675	1,022
Basilan	1	2	3	3	1	4	32	48	80	91	87	178	265
Sulu	-	4	4	-	9	9	19	36	55	48	85	133	201
Tawi – Tawi	1	3	4	4	4	8	59	38	97	115	101	216	325
<b>TOTAL</b>	<b>13</b>	<b>13</b>	<b>26</b>	<b>30</b>	<b>29</b>	<b>59</b>	<b>343</b>	<b>367</b>	<b>710</b>	<b>778</b>	<b>785</b>	<b>1,563</b>	<b>2,358</b>

▪ **Special Election Monitoring Activities Conducted last December 15, 2007 for the Synchronized Barangay and Sangguniang Kabataan Elections**

Citizens CARE participated in conducting election monitoring on the special election set by COMELEC last December 15, 2007 for the Synchronized Barangay and Sangguniang Kabataan elections. Citizens CARE mobilized the organized Provincial Management Committees and their election monitors in the Provinces of Shariff Kabunsuan, Lanao del Sur, Basilan and Sulu with a total of 47 municipalities, 2 cities (Marawi and Cotabato) with a total of 326 barangays in the area of ARMM to conduct election monitoring in targeted project sites.

**Table 14: Breakdown of Number of Municipalities and Barangays during Special Election last December 15, 2007**

Provinces / Cities	No. of Municipalities	No. of Barangays	No. of Election Monitors
Shariff Kabunsuan / Cotabato City	8	17	15
Lanao del Sur/ Marawi City	31	229	44
Basilan / Lamitan City	4	12	15
Sulu	8	70	21
<b>TOTAL</b>	<b>51</b>	<b>328</b>	<b>95</b>

With strong coordination and partnership exerted by Citizens CARE on the PNP ARMM, their office had provided Citizens CARE the result of failure of elections in the some areas in Lanao del Sur for documentation purposes.

The general observations of the Citizens CARE during their monitoring on the special elections were the following : (1) the conduct of special election was generally peaceful. No untoward incidents were reported in the conduct of special election in the areas where Citizens CARE monitored; (2) majority of the polling precincts in the barangays started their voting after 8 in the morning and ended at exactly 3 pm. Counting was done at the precinct level. After the canvassing and proclamation, all election paraphernalia were secured at the COMELEC Office; (3) personnel from Philippine National Police had served as the Board of Election Tellers in all polling precincts; (4) though the polling precincts were crowded by registered voters, PNP personnel managed to make the special election very orderly and peaceful; and (5) to ensure the real identification of the registered voters, PNP – BET asked primarily the voters ID, then another ID of the voter and then asked among poll watchers who could identify the said voter before he / she could cast their vote.

However, there were still barangays that did not have their elections like in the Municipalities of Kabuntalan and Barira in Shariff Kabunsuan Province and some barangays in Lanao del Sur. The COMELEC was responsible again for holding any special elections, if any, in those barangays that had failed to have election. Citizens CARE would closely coordinate with COMELEC – PES of Shariff Kabunsuan and Lanao del Sur in scheduling again any election in order that Citizens CARE PMCs could conduct election monitoring.

**J. Debriefing of Municipal Gurus**

▪ **May 14, 2007 Synchronized National & Local Elections**

After the elections, volunteer monitors and partner organizations were given a chance to share their monitoring experience in a debriefing conducted by the Citizens CARE monitors or by the respective District Coordinators per province. Through these debriefings important information were gathered from the participants such as the (1) number of volunteers per municipality; (2) status of election checklist; (3) status of certificate of votes; (4) election observations and highlights; (5) problems encountered; and (6) actions taken.

▪ **October 29, 2007 Synchronized Barangay and Sangguniang Kabataan Elections**

Debriefing on the outcome of the October 29, 2007 Election was conducted by respective Citizens CARE PMCs and provincial staff to the MEGs, partner organizations. Important information were gathered from them such as on the (1) number of volunteers per municipality; (2) status of election checklist; (3) status of certificate of votes; (4) election observations and highlights; (5) problems encountered; and (6) actions taken.

**K. IFES - Citizens CARE Capacity-Building Training Workshops Conducted**

The following were the series of capacity-building training workshops conducted by Citizens CARE for its officers and members:

1. **Training Workshop on Planning and Materials Development and Trainers Training** held last April 6-19, 2006 in 2 separate venues: Green Heights Business and Convention Center, Buhangin in Davao City and Japan-Philippines Literacy Resource Training Center in Cotabato City. The purpose of the training workshops to inform participants about Project Planning – and to increase their ability to assess the internal and external environment using the SWOT analysis, identify strategic options using SWOT analysis, develop Provincial Work and Financial Plan and develop Citizens-CARE Work and financial Plan. Participants were able to develop the agenda for the 2 day training of Gurus, develop the agenda for Pulong Tayo (PT) 1 and 2, develop materials such as flip charts, pictures, and posters to be used during the conduct of the Pulong Tayo (PT), develop forms like PT tracking, GURU Membership, and Volunteers, and develop criteria in selecting Gurus and disqualification of Gurus.

A total of 20 participants from the 6 provinces of ARMM attended the training workshop. Resource speakers were Mr. Foster Tucker, International Civic Education Specialist from USA and as Lead Resource Speaker and Facilitator on the 14-day Training Workshop, Mr. Emmanuel Poronda, Senior Program Officer of Mindanawon Initiatives for Cultural Dialogue, Inc., Ateneo de Davao University Campus, Davao City as Resource Speaker on Planning, Mr. Jeremy Philippe T. Nishimori, Advocacy and Development Cooperation Specialist of Philippine Rural Reconstruction Movement - Quezon City as Resource Speaker on Materials Development and Ms. Sarida Matug, Education Supervisor 2 & ALS Coordinator of Department of Education XII in Sultan Kudarat, Province as Resource Speaker on Training of Trainers.

On April 19, 2006, the pilot testing of materials developed by the participants was done successfully at Barangay Making in Parang, Shariff Kabunsuan. This was attended by 75 community members including the barangay officials, barangay justice advocates, public school teachers and the local COMELEC officer. In the afternoon, the activity was reviewed and critiqued by the group following the guide provided by the facilitator and comments and observations from the participants were solicited.

The Citizens Coalition for ARMM Electoral Reform (Citizens CARE) and SEPVEEM Project were simultaneously launched on April 20, 2006 at NDFCAI-WED Literacy Resource Training Center in Cotabato City. These were attended by invited LGU officials from different provinces of ARMM, partner government line agencies such as CHED, DepEd, COMELEC, RLA and Bureau of Public Information – ARMM and media people.

2. **Executive Committee–District Coordinators Meeting and Monitoring & Evaluation Workshop** conducted last November 04-08, 2006 at Crystal Inn, Iligan City. The organizational meeting and capability building training workshop was initiated by IFES with financial support from



USAID. There were 19 participants coming from the 6 provinces of ARMM. The participants were District Coordinators and Finance Officers of the Provinces of Basilan, Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi. IFES provided inputs on financial documentation and the group also made a concrete plan on how to continuously implement the SEPVEEM Project. Afterwards, Atty. Vidzpar A. Julie, PES-Sulu and Assistant Regional Director of COMELEC – ARMM was invited to speak on the electoral process. She talked about the election processes and some important information which helped the group in monitoring the elections. Meanwhile, Mr. Gerry Porta, Senior Civic Participation Specialist of USAID discussed the important topics on Monitoring and Evaluation.

3. **Citizens CARE Meeting and Second General Assembly** held last February 06-09, 2007 at Garden Orchid Hotel in Zamboanga City. The activity was facilitated by Mr. Emmanuel Poronda with the assistance of Ms. Beverly Hagerdon – Thakur, IFES Philippines Chief of Party. Each province was requested to report its accomplishment activities on PT 1. After which, they discussed important issues and concerns regarding the implementation of SEPVEEM project particularly on PTs and UTs and preparations for the upcoming elections in May 14, 2007. They also planned on the following issues such as the COMELEC accreditation, creation of Provincial Management Committee, forms of engagement with other partner organizations, media talking points by the designated spokespersons and hiring of external auditor to review the financial documents of SEPVEEM Project.
4. **Training of Trainers for Citizens CARE Election Monitors** conducted last March 31 – April 01, 2007 by IFES – Philippines for Citizens CARE officers and volunteer staff with a total number of 26 participants composed of Executive Committee (3), District Coordinators (5), Municipal Gurus from **Maguindanao Province (3), Barangay Gurus and support staff of Citizen's CARE (10), 3 members of IFES-Philippines**, in addition to the trainer/ consultant were also present. The two-day training of trainers was conducted by Mr. Ian Smith, International Election Specialist and IFES consultant. The activity was held at Cabana, Estosan Garden Hotel in Cotabato City. The purpose of the training was **to strengthen Citizen's CARE coordinators' knowledge and understanding of the basic principles and techniques of election monitoring**, while providing specific instruction in the use of monitoring forms, and coordinating monitoring teams during the election, including pre- and post-election periods.

By training the EXECOM and District Coordinators of Citizen's CARE, District Coordinators could then "re-echo" the training to the Municipal Gurus, who would in turn echo it to the Barangay Gurus and Volunteer Monitors. During this activity, participants did a Mock Election using the election procedures. Through this, participants were able to use the election monitoring checklist and serious incident reports. The participants were tasked to re-echo the learnings gained to their respective provinces and municipalities.

5. **The Post-Election Assessment and Planning Workshop** conducted by Citizens CARE with technical assistance from IFES was held at the Grand Men Seng Hotel in Davao City last June 19-23, 2007. A total of 24 participants (13 males and 11 females) attended the activity broken down into the following: Maguindanao - 2; Shariff Kabunsuan - 1; Lanao del Sur - 5; Basilan - 4; Sulu - 3; Tawi-Tawi - 4; and Citizens CARE Secretariat – 5. Five (5) officers from IFES – Philippines also participated during the conduct of the activity. Mr. Emmanuel Poronda was hired to be the over-all facilitator of the activity.

The purpose of the activity was to consolidate and report on SEPVEEM ARMM accomplishments and the outcome of the election monitoring checklist during the last election per province and for Citizens CARE to plan for the next activity starting July 2007 – June 2010. During this period, three elections were scheduled to be held, namely the barangay election in October 2007, ARMM election in August 2008 and National election in May 2010. A series of workshops were conducted by the participants such as the identification of SWOT analysis work and financial plan for each province, press release regarding the just concluded election and finalization of Constitution and By-Laws.

Failing to conduct an election of new officers, the Citizens CARE body agreed to create an Ad-hoc Technical Working Committee (TWC) with one representative per province and represented by the

following: Muslimin Dalimbang (Maguindanao), Bashit Imam (Shariff Kabunsuan), Salic Ibrahim (Lanao del Sur), Marjiya Mamang (Basilan), Jumda Saba-ani (Sulu) and Musa Aming (Tawi-Tawi).

**The TWC's main task was to ensure the continuity** of Citizens CARE functions given that the term of the current leadership had lapsed. The TWC existed only up to September 7, 2007 when a new set of Citizens CARE officers were elected. During its existence the TWC managed to prepare the project proposal for SEPVEEM 2 and to plan for the upcoming General Assembly and Election Monitoring Orientation in September 2007.

Last July 23-25, 2007, the TWC members convened at IFES Manila Office to discuss the following important agenda: finalization of SEPVEEM 2 project proposal, scheduling and preparations for the General Assembly and finalization of COMELEC Election Report. The tasks of the TWC were very significant in planning and implementing the remaining activities that Citizens CARE needed to accomplish while the Secretariat was completing the financial documentation.

6. **Citizens CARE General Assembly and Election Monitoring Orientation**, through the technical assistance of IFES, was conducted last September 05-07, 2007 and held at Garden Orchid Hotel in Zamboanga City. This was participated by 41 participants (18 males and 23 females) from 24 partner organizations from the following provinces in ARMM : Maguindanao - 6; Shariff Kabunsuan - 7; Lanao del Sur - 8; Basilan - 7; Sulu - 6; Tawi-Tawi- 7. The objectives of the activity were to : expand Citizens CARE membership; elect new set of Board of Trustees and Executive Committee; finalize and approve the Citizens CARE Constitution and By-Laws including its Operational Policies; present the SEPVEEM Phase 2 Project Proposal; and orient the General Membership on Election Monitoring in preparation for the forthcoming Elections. A total of 24 non-government organizations from 6 provinces of ARMM had joined and participated in the Citizens CARE General Assembly.

During the opening program, different invited guests and partner government line agencies had witnessed the occasion such as Mr. Gerry Porta Senior Civic Participation Specialist of USAID-Philippines and at the same time the Guest Speaker of the said activity, Atty. Paisal A. Padate, Provincial Election Supervisor of COMELEC – Basilan, Col. Andre Mark Costales, Chief of Staff, of Western Mindanao Command-AFP, Dir. Abdulhabil A. Saudi of DILG – ARMM and Brig. General Bensali Jabarani, Deputy Regional Director of PNP PRO – ARMM. Ms. Beverly Hagerdon – Thakur of IFES Philippines was also present during the whole duration of the activity.

Technical Working Group of Citizens CARE had presented to participating organizations the project accomplishments, the result of election monitoring observations during the May 14, 2007 Synchronized National and Local Elections and the proposed SEPVEEM Phase 2 project. After which, the founding and new organizations had presented themselves in order to recognize and know their own organizations by other participating organizations. Then the guidelines and mechanics of election of new officers were also presented.

Their election was facilitated by IFES officers and the Citizens CARE Secretariat. As a result of their election, the following were elected in various positions : Salic Ibrahim as Chairperson, Thaiba Anwar as Vice Chairperson, Arlene Aming as Secretary General and Jumda Saba-ani as Treasurer. The position for Auditor was still vacant and the elected officers would determine who would be their Auditor. The following officers were appointed as Provincial Representatives : Bobby Taguntong for Maguindanao, Romie Guialel for Shariff Kabunsuan, Solaiman Natangcop for Lanao del Sur, Rahman Sabito for Basilan, Rahima Kauto for Sulu and Catherine Hassan for Tawi-Tawi. All of them were then took their oath of office afterwards.

Arlene Aming and Salic Ibrahim facilitated the giving of Election Monitoring Orientation particularly to new organizations using the manual developed by IFES. This half-day activity discussed the overview

of the elections, a brief background of Citizens CARE, why were we monitoring elections, the rights and responsibilities of monitors, a glossary of terms, and election procedures before the voting begins, during the voting, closing, counting, and canvassing. The **General Information for Citizen's CARE Monitors** was also discussed including their organizational structure of monitors, qualifications for monitors and election monitoring checklists.

7. **Citizens CARE First Board of Trustees Meeting** was held on September 07, 2007 after the General Assembly and held at the function room. The meeting was facilitated by Mr. Salic Ibrahim as the newly elected Chairperson. Important agenda items were discussed during the meeting such as the creation of working committees, election preparation, and staffing for SEPVEEM 2. Since there were no IFES representative in the meeting, the minutes of the meeting was written down by Ms. Aming as the newly elected Secretary General. IFES requested her to furnish them a copy of the minutes of the meeting. The activity ended with giving of insights from the participants and distribution of certificates of participation.
8. **Citizens CARE Second Board of Trustees Meeting.** The officers of Citizens CARE had conducted their Second BOT Meeting last October 06-07, 2007 held at Marcian Garden Hotel in Zamboanga City **to discuss the important agenda related to their organization's operation, implementation structure of SEPVEEM Phase 2 project and preparation on October 29, 2007 Barangay and SK Elections.** Salic Ibrahim facilitated the meeting with the participation from IFES Philippines officers – Fidel Guidote and Mariam Ali and from Citizens CARE Secretariat Joel Cadelina. Absent during the meeting were Rahman Sabito of Basilan and Solaiman Natangcop of Lanao del Sur.

Agenda discussed were the **creation of 5 standing committees, Citizens CARE's official business address, change of signatories on bank account of SEPVEEM ARMM Phase 1 and opening of new bank account for SEPVEEM Phase 2; discussion and approval on Citizens CARE's Operations Manual; turn-over of Citizens CARE's equipment and other important documents to new leadership; SEPVEEM ARMM Phase 2 project - finalization of Work and Financial Plan for SEPVEEM ARMM Phase 2; SEPVEEM 2 Implementing Guidelines and staff hiring and Scope of Work for Project Secretariat and Provincial Staff.**

They also discussed their plans for the forthcoming Barangay and Sangguniang Kabataan Elections on October 29, 2007 such as COMELEC Accreditation, budget for Election Monitoring, conduct of Election Monitoring Orientation and mobilization/deployment of new partner NGOs for Election Monitoring. Other important agenda discussed were presentation of Salic to COMELEC Manila regarding SEPVEEM 2 and discussion regarding plans for Musa Dimasidsing tribute

The meeting had resulted to the approval of four resolutions : Board Resolution No. 02-003 to close the existing Land Bank of the Philippines Savings Account No. 0371-2108-30 of the Citizens CARE; Board Resolution No. 02-004 to open a new account with Land Bank of the Philippines – Cotabato City Branch; Board Resolution No. 02-005 to open a Account for Citizens CARE General Fund with Land Bank of the Philippines- Cotabato City Branch and Board Resolution No. 02-006 to pay tribute to the commendable act of the late Musa Dimasidsing. The officers agreed to furnish copy of the minutes of the meeting to IFES for their favorable actions on issues related to the project.

9. **Citizens CARE Regional Post-Election Assessment and Financial Management and Database Development Training Workshop.** The above-mentioned activity was conducted last November 14-17, 2007 and held at Lantaka Hotel in Zamboanga City. This was attended by at least thirty (30) Citizens CARE officers, PMC heads, provincial staff and partner organizations, with 16 females and 14 males, broken down into: Maguindanao – 3, Shariff Kabunsuan – 5, Lanao del Sur – 6, Basilan – 5, Sulu – 4, Tawi-Tawi – 6, and Secretariat – 1 excluding four (4) officers from IFES Philippines namely Fidel Guidote – ARMM Desk Officer, Mariam Ali – ARMM Coordinator, Ma. Stella Platon – Administrative/Finance Officer, and Artemio Romasanta – IT Administrator. The objectives in conducting the said post-election assessment were to: consolidate and report on SEPVEEM Phase 2 project initial accomplishments and the outcome of the election monitoring

checklist during the October 29, 2007 elections and plan for the next project activities for a one year period from January 2008 – December 2008. For the training workshop, its objectives were to: understand the importance of a sound accounting and internal control system and procedures; develop skills in the recording and reporting of grant fund transactions; understand the counterpart criteria as well as the valuation, recording and reporting requirements; and provide basic inputs and knowledge and develop skills on the importance of database development for Citizens CARE officers and staff and partner organizations.

Citizens CARE secretariat and officers with the assistance from IFES Philippines facilitated the preparation and actual conduct of the 4-day activity in which during its first 2-day were allotted for reporting of accomplishment by each PMCs using the format given to them : on Ugnayan Tayo, Voters Education thru Radio Program, Election Monitoring Orientation to MEGs & BEGS, and actual Election Monitoring, member organizations participated during Election Monitoring, actual number of monitors mobilized, and consolidated results of Election Monitoring Checklists including Election Incident Related Reports. Reports were included on their activities such as the provincial-level Post-Election Assessment & Debriefing Activity, success stories, problems encountered, actions taken / recommendations and financial reports. Part of activity was the reports accomplished by the Secretariat through its Chairperson.

This reporting was followed by brief planning session and BOT meeting of the officers to discuss important agenda that pertain to the SEPVEEM project and organizational directions. Copy of the minutes of the meeting was agreed by the officers to provide the same to IFES for their favorable actions on the issues affecting the SEPVEEM project.

On the following 2 days were allotted to Ms. Platon of IFES Philippines to present important reminders and inputs on the financial operations of the Citizens CARE particularly the PMCs including some disallowed reimbursements committed by some PMCs. Important workshop was made to intensify learning from the participants, thus, each province was assigned a given particular activity such as Ugnayan Tayo, election monitoring orientation, voter education through radio program and provincial debriefing.

Mr. Romasanta had provided basic information on computer usage and internet operations to the participants instead of database training purposely to prepare them in the next training on database which would be more complex and needed more time and skills on computer operations. To inculcate more ideas and learning to the participants, the lecturer provided workshop to them on what should be inputs to be integrated in making their own respective websites of PMCs under Citizens CARE websites.

10. **Citizens CARE Third Board of Trustees Meeting.** The officers of Citizens CARE had conducted their Third BOT Meeting after the Post-Election Assessment on November 16 and 17, 2007 held at Lantaka Hotel in Zamboanga City. Agenda discussed were PMC mobilization, office rental and representation, official provincial alternate – representative, PMC signatories, UT invitation letter template, transportation allowance for CSO representatives to UT meetings and SEPVEEM Staffing. At the end of the meeting, they have made 3 BOT resolutions – (1) to grant each member of the Board a representation allowance in the amount of Php1,000 per Board meeting held; (2) approving and granting full membership rights to PUSAKA Mindanao; and (3) expanding the Provincial Management Committee membership to six (6) member-organizations per province.
11. **Training Workshop on Database and Voters Education Materials Development for Pulong Tayo 3 (Mock Election) for Citizens CARE.** Some 25 officers and members partner organizations of Citizens Coalition of ARMM Electoral Reforms, Inc. (Citizens CARE) coming from 6 provinces of Autonomous Region in Muslim Mindanao (ARMM) completed the week-long Training Workshop on Database and Voters Education Materials Development on Mock Pulong (Pulong Tayo 3) and had the field testing of voters' education materials held in one of the villages in a town in Lanao del Sur. Both training workshops were held at Crystal Inn in Iligan City from January 21-27, 2008.  
The training workshop was part of the project titled, "Strengthening the Election Process through Voter Education and Election Monitoring (SEPVEEM) in ARMM Project Phase 2" with funding support

from United States Agency for International Development (USAID) through IFES. The first batch training workshop on Database held on January 21-22 was facilitated by Mr. Artemio Romasanta, IFES IT Administrator and was participated by 7 provincial coordinators including the Project Secretariat Staff. The objective of the said training was to provide basic inputs and knowledge and develop skills on the importance of database development for Citizens CARE. Overriding of that goal was to develop Citizens CARE databank of information of each province and integrated them in Citizens CARE website.

The 2-day database training workshop included also hands-on training for the PCs who were computer literate in which they were trained to familiarize the operations of doing database and how to integrate the information to their website. One major task that all PCs should have to do after the training workshop was to put in the database the current profiles of MEGs and BEGs who served as volunteers last Barangay and SK elections. Included in the database were the information about the PMCs, partner organizations and activities undertaken like Ugnayan Tayo, Radio Program, TOT for MEGs and BEGs and other significant activities of Citizens CARE. Mr. Romasanta, after he finalized the database format, provided them in a CD format to respective PCs including to the Secretariat who was in-charged to consolidate all the reports.

After the database training workshop, the 2<sup>nd</sup> **batch training workshop on voter's education materials** development on mock election (Pulong Tayo 3) followed and facilitated by Mr. Ian Smith, IFES Consultant. He was assisted in the discussions by IFES Philippines officers who were present during the training such as Ms. Mariam Ali, ARMM Coordinator and Mr. Garie Briones. The 5-day training workshop was participated by selected officers and partner organization members of Citizens CARE who had very wide **experience and knowledge on voter's education materials development. Thus, not** all partner organizations and PMC members were invited in the training workshops.

The over-all objectives of the workshops were to articulate the basic principles and importance of **effective Mock Election process in the context of Philippines's practice on conducting election; to** develop contents of the Mock election including its learning materials for Pulong Tayo 3 like flipcharts, pictures and posters and to develop efficient strategies with highest level of professionalism on conducting Mock Election at the community level in accordance to international best practices. To support with the above objectives, the participants were tasked to facilitate return demonstration of the **newly developed voter's education materials and afterwards, they had to train** at the community level a similar training program for the volunteer MEGs and BEGs in 80 municipalities and 1,500 barangays under SEPVEEM 2 project.

Mr. Smith used various strategies and methodologies during the training workshop in order to generate inputs and feedbacks coming from the participants which led to the finalization of the **voter's education manual. Group discussion was intensified also to support learning for the** participants. He also encouraged also in using role playing to deepen more the meaning of mock election especially when this activity was done at the community level.

The participants had also the opportunity to provide comments and critiques on the text and illustrations on the draft Citizens CARE Mock Election Materials as provided earlier by IFES. As a result, more refined manual was developed with the integration of their comments including the illustrations that showed the culture of Bangsamoro in Mindanao. As planned, the developed materials should be translated to Pilipino. A pilot testing of the said developed mock election materials was done in Barangay Pantaragoo of Balindong, Lanao del Sur with strong coordination from MARADECA through Salic Ibrahim. On January 26, more than 50 community members had participated in the pilot testing wherein the Citizens CARE participants who acted as actors showed to the community members through role playing the election process during casting of votes, counting and canvassing.

Before the training workshop ended, Mr. Smith facilitated the short-term plan of activities related to **the finalization of the voter's education materials in which it was targeted to be completed before he**

went back to his hometown. The group had decided that the necessary preparations and reproduction of the materials were coursed through the Project Secretariat with close supervision by Citizens CARE Board. This was followed by the presentation of plan of activities by 6 PMCs as part of the project implementation of the SEPVEEM 2 phase project like the conduct of Ugnayan Tayo, recruitment of MEGs and BEGs, finalization of SEPVEEM 2 project sites, Trainors Training for MEGs on Mock Election, radio program and among others. The training workshop ended with some insights given by participants and followed by giving of certificates of participation and filling up of training evaluation.

12. **Training Workshop on Website Content, Database Administration and Photoshop Application for Citizens CARE Secretariat personnel** by IFES' IT Administrator Artemio Romasanta held at Citizens CARE office in Cotabato City last May 20-22, 2008. Participants were secretariat personnel – Joel Roa Cadelina and Vainna Lynn Mustapha including Salic Ibrahim on the first day. Mr. Romasanta provided enough knowledge and learnings to secretariat personnel by introducing first the Citizens CARE website, then he discussed the contents on where to put on the website.

He also provided lecture on how to use the front-end and back-end system and how to update the website. He also discussed how to operate and consolidate the database of the provinces including its trouble shooting if error would occur. He also provided inputs on how to use the Photoshop application for the website and photo documentation of the Citizens CARE for the SEPVEEM Project.

#### **L. Citizens CARE BOT, PMCs and Secretariat Undertakings**

As part of efforts, initiatives and promotion of the project, the Citizens CARE undertook the following activities:

##### **1. Plebiscite Monitoring**

The conduct of plebiscite in the Province of Maguindanao was based on Resolution No. 7727-A promulgated by the Commission on Election last October 10, 2006, otherwise known as the rules and regulations governing the conduct of the October 28, 2006 plebiscite to ratify the creation of the Province of Shariff Kabunsuan comprising the 11 towns from the Province of Maguindanao pursuant to Muslim Mindanao Autonomy Act No. 21 dated August 28, 2006. With this, Citizens CARE monitored the proceedings of the electoral events.

Citizens CARE worked together with *Halalang Marangal* to pilot test a quick count monitoring system using cell phone texting. The experiment revealed that while the idea was good, there were logistical considerations such as providing cell phones or at least cell phone load to monitor volunteers and providing adequate training to monitors which must be considered and addressed. In its report, Citizens CARE observed that the official results of the plebiscite indicating a high voter turnout and participation did not match their observation of a low voter turnout.

##### **2. Monitoring of the Continuing Registration**

Citizens CARE members and officers monitored the Voter Registration on September 18-28, 2006 and October 31-December 31, 2006. Streamers and posters in tarpaulins stated that **"May Voters ID Ka Na Ba?"** were printed and hang in strategic areas in the Provinces of Basilan, Sulu and Tawi-Tawi to inform the citizens of the voter's registration.

##### **3. First Election Security Summit**

The Election Security Summit was conducted last March 30, 2007 at the Lorenzo Lounge, Estosan Garden Hotel, Gov. Gutierrez Boulevard, Cotabato City and participated by 89 participants (58 males and 31 females) composed of Armed Forces of the Philippines – 6; Philippine National Police – 4; Commission on Election – 3; Media – 8; Academe – 5; Government Line Agencies–12; Civil Society Organizations–33; PPCRV–1; IFES – 3 and Citizens CARE – 14.

The Election Security Summit was funded by the Canadian Embassy – Philippines through the efforts of IFES Philippines and complimented the USAID funded Voter Education work of Citizens CARE. It was convened as a forum for Filipino stakeholders to share information on the latest

measures undertaken by COMELEC and law enforces like AFP and PNP to ensure the orderly, peaceful and security of elections on May 14, 2007.

The goal of the conference was to draft an Action Plan or a Memorandum of Agreement between the Civil Society Monitors, Security Forces and COMELEC on their specific roles and responsibilities during the election period. Citizens CARE took the lead as implementing group in inviting various organizations to participate in the Election Security Summit with technical assistance from IFES.

During the Election Security Summit, invited key officials from COMELEC, PNP and AFP presented their plan of activities related to election security and preparation. Before the Election Security Summit ended, a Manifesto for Election Security was crafted and signed by the participants and government officials.

#### **4. Conferences and Seminars**

Following are the major conferences and for a Citizens CARE members and representatives attended between May 01, 2006 to May 31, 2008:

- National Video Conference on Commissioner Appointment held in Manila;
- National Stakeholders Conference held in Manila;
- International Seminar on Electoral Observation held at Cocoyoc, Cuautla, Morelos State in Mexico last December 05-07, 2006;
- Inter-NGO Forum in Cotabato City;
- National Stakeholders Summit on 2007 Elections last January 12-13, 2007 at Bayview Park, in Manila;
- Inter-Faith Dialogue on Human Rights in Cotabato City;
- Trainers Training Workshop on Radio Production held on January 19-21, 2007 at Shrine Hills Park, Davao City;
- PPCRV Tri-partite Meeting held last February 02, 2007 at Bishop Palace, Cotabato City; and
- Two-day Conference on the Prospects of ARMM of the May 2007 Election for Good Governance and Peace in ARMM held last May 02-03, 2007 in Cotabato City.
- Conference on Islam, Elections and Democracy held last March 11, 2008 at Grand Regal Hotel in Davao City sponsored by The Asia Foundation.
- Coordination meeting with COMELEC, NGOs, and Academe last March 26, 2008 held at Pius XII Catholic Center in Manila
- Seminar – Workshop on Voters Education Materials sponsored by PPCRV National last April 21-23, 2008 held in Manila.
- Trainers Training sponsored by LENTE held last May 10, 2008 at Ateneo Law School in Rockwell, Makati City.

#### **5. Citizens CARE EXECOM Members Post-Election Meeting with IFES Philippines**

A week after the May 14, 2007 elections, the officers of the Citizens CARE Executive Committee, including Romie Guialel, Salic Ibrahim, Marjiya Mamang, Jumda Saba-ani and Arlene Aming, convened at IFES Manila office from May 21-25, 2007 to finalize the election monitoring checklist and consolidate the SEPVEEM Accomplishments to be presented to Mr. Chad Vickery, IFES Program Director for Asia and to Ms. Beverly Hagerdon – Thakur, IFES Philippines Chief of Party. The Execom members also planned for the upcoming Post-Election Assessment and Planning Workshop in June 2007 in Davao City.

#### **6. Initiated the holding of Peace Caravan in Cotabato City**

A day before the May 14, 2007 Election, Citizens CARE initiated and led a Peace Caravan which was participated in by more than a hundred volunteers from Maguindanao, Shariff Kabunsuan and Cotabato City area including Citizens CARE partner organizations such as (1) Supra Base; (2) Alliance for Free Election Movement; (3) Karancho; (4) Supra Base; (5) FOROM and (6) Suara Mindanao.

The Peace Caravan covered the whole areas of Cotabato City, part of Barangay Awang, Datu Odin Sinsuat and Barangay Simuay in Sultan Kudarat Municipality. The Peace Caravan made many people aware of Citizens CARE as a major electoral reform body in the ARMM.

## **7. Participation of Salic Ibrahim as Citizens CARE Chairperson to observe elections in Thailand last December 23, 2007**

Mr. Salic Ibrahim, as the Chairperson of Citizens CARE and through the help of IFES, was invited by the Asian Network for Free Election (ANFREL) as International Observer during the election in Thailand last December 23, 2007. He arrived in Thailand on December 7 to observe pre-election preparations and stayed through December 26, 2007.

He was assigned at Song Khla Province, in southern part of Thailand together with another international observer from Indonesia, Thaiba Estikama. ANFREL assigned one Thai interpreter for them in order to communicate and interview with different officials from government particularly the Election Commission of Thailand (ECT) and civil society organizations including the electorates of Thailand.

Mr. Ibrahim and his companion was hosted by a local group, also a partner of ANFREL, Poll Watch Foundation and People's Network for Elections in Thailand

## **8. Second Election Security Summit : Follow-up Activity and SEPVEEM ARMM Phase 2 Project Launching**

More than eighty (80) participants coming from different civil society organizations, non-government organizations, government line agencies, academe, media, COMELEC, PNP, AFP, accredited citizens arm like Citizens CARE and PPCRV and IFES Philippines including the Ambassador of Canada to the Philippines His Excellency Robert Desjardins had attended the Second Election Security Summit : Follow-up Activity and at the same time, the project launching of SEPVEEM ARMM Phase 2 held at Lorenzo's Lounge, Estosan Garden Hotel in Cotabato City last February 25, 2008.

The follow-up activity underscored the strong cooperation, collaboration, coordination and commitment among various election stakeholders to develop concrete strategies for maintaining peace and order during the electoral period and to help ensure the safety of all election actors.

This whole day activity was conducted purposely for the COMELEC, AFP, PNP, DepEd and Citizens CARE to report on what has been accomplished so far based on the Resolutions and Manifesto agreed upon by the participants, in the last Election Security Summit held on March 30, 2007.

Among the recommendations from the 2007 Summit that was realized was the establishment of closer coordination between and among participating concerned government agencies in conducting election-related fora and voter education activities by civil society organizations, and the peace covenant signing among representatives from COMELEC, AFP, PNP and political parties/candidates in time for the May 14, 2007 National and Local Elections. The Summit had strengthened the 2007 Summit resolutions, and will identify what still needs to be done, as well as the lessons learned.

## **9. ARMM Elections Multi-Stakeholders Coordination Conference**



Almost one hundred thirty one (131) participants : male – 51 and female – 40, coming from different civil society organizations, non-government organizations, government line agencies, academe, media, college students from Notre Dame University, COMELEC, PNP, AFP, accredited citizens arm like Citizens CARE and PPCRV and IFES Philippines including LENTE and Institute for International Dialogue had attended the ARMM Elections Multi-Stakeholders Coordination Conference held at Bai Labi Hall, El Manuel Hotel and Restaurant in Cotabato City last April 15 – 16, 2008.

Salic B. Ibrahim presented the Citizens CARE initiatives and plans in the preparation for the upcoming ARMM elections in August 11, 2008. Ms. Mary Ann Mangudadatu, Election Officer III of COMELEC Shariff Kabunsuan Province presented the election calendar of COMELEC wherein on April 27, 2008, the Election Registration Board of each municipality would convene and have a public hearing to determine the final listing of the newly registered voters if qualified or not to vote. Lt. Col. Julieto Ando, Head of G7, 6<sup>th</sup> Infantry Division expressed his gratitude and appreciation to the prime movers of this coordination meeting, the officers and members of Citizens CARE including the participants and stakeholders, who in one way or the other, were present here today, to give their fair share to attain our mutual vision –to have a honest, orderly and peaceful ARMM elections this coming 2008 ARMM elections.

Police Senior Supt. Paisal Umpa, Deputy Regional Director of Philippine National Police PRO-ARMM mentioned in his response that the PNP PRO ARMM had prepared a concrete plans and programs for the upcoming 2008 ARMM Elections. He mentioned that once the ARMM Elections would be held on August 11, 2008, as in previous elections, the COMELEC deputized the PNP and other law enforcement agencies and instrumentalities of the government to ensure the holding of free, orderly, honest, peaceful and credible election.

Major highlights of the activity were the signing of Memorandum of Agreement of 43 organizations for the coordination mechanism during the August 11, 2008 ARMM Election and the establishment of the Regional Coordinating Council (RCC) wherein Citizens CARE was the lead convenor.

## **10. Establishment of the Regional Coordinating Council (RCC)**

The Regional Coordinating Council is a council of nine (9) non-government organizations, civil society organizations, religious groups, and legal associations who are electoral reforms advocates in six (6) provinces in Autonomous Region in Muslim Mindanao (ARMM) namely in Maguindanao, Shariff Kabunsuan, Lanao del Sur, Basilan, Sulu and Tawi-Tawi including the Cities of Cotabato, Marawi, Isabela and Lamitan to help attain genuine electoral reforms in ARMM and in Mindanao.

The Lead Convenor of this RCC is Citizens Coalition for ARMM Electoral Reforms, Inc. (Citizens CARE). Other co-convenors are Parish Pastoral Council for Responsible Voting (PPCRV), Consortium of Bangsamoro Civil Society (CBCS), Bangsamoro Women Solidarity Forum, Inc. (BWSF), Legal Network for Truthful Election (LENTE), Bangsamoro Lawyers Network (BLN), National Movement for Free Election (NAMFREL), Bishop Ulama Council (BUC), and Federation of United Mindanawan Bangsamoro Women MPC (FUMBWMPC). This was formally established during the ARMM Stakeholders Coordination Conference held last April 15-16, 2008 in Cotabato City. Salic Ibrahim, Citizens CARE Chairperson, was chosen as the Coordinating Team Leader of the RCC.

**The RCC's main tasks are to** coordinate initiatives relative to the advocacy, and capacity and constituency building for electoral reforms; oversee implementation of planned activities at the regional and local level; facilitate and advocate any policy measure that democratize elections to the election stakeholders (COMELEC, Policy Makers, and CSO Partners); advocate for the understanding of the context why elections in ARMM needs to responsive to the people in the region; and actively participate in the implementation of automation pilot testing, assess, evaluate and provide a collective report.

## **11. COMELEC Coordination and Registration Information Drive Campaign**

Citizens CARE in all provinces including the Secretariat Office had initiated the coordination mechanism with COMELEC in preparation for the registration of new registrants in ARMM. This was happened from March 22 – 31, 2008. Citizens CARE officers met with the personnel from COMELEC Education and Information Department in Manila and COMELEC Province to discuss and plan for the preparation of the conduct of massive information drive campaign for the upcoming continuing registration from April 01-10, 2008.

COMELEC Team thanked the assistance of Citizens CARE for arranging the meeting and the group discussed thoroughly the plans of COMELEC on how to conduct their massive information drive in the Provinces of Maguindanao and Shariff Kabunsuan wherein they had not yet established any contacts with civil society groups. In this case, Citizens CARE could help them in gathering the civil society groups where they could provide significant information for the continuing registration.

Information drive campaigns were done through Ugnayan Tayo and school-based activities as initiated by Citizens CARE in different areas in ARMM provinces.

## **12. Citizens CARE Monitoring during COMELEC Registration**

Citizens CARE PMCs and Secretariat Office, together with IFES Coordinator Mariam Ali, were able to monitor the registration proceedings of the continuing registration of the Commission on Election in different areas in 6 provinces of ARMM from April 01 to 10, 2008. This registration was initiated in preparation for the August 11, 2008 ARMM Election. Partner organizations were requested to observe the registration proceedings in the all provinces.

During the monitoring, some important highlights and problems were identified by the monitoring team and were documented properly in order to share information with COMELEC on the outcome of the registration activities.

During monitoring, election officers were present and interviewed by the Citizens CARE Team. Some municipalities had set-up a systematic flow of mechanism on registration because before somebody could register, he/she must verify themselves on the list of registered voters to know if registered or not. These procedures helped the COMELEC in scratching out the cases of double and multiple registrations.

The monitoring team had learned that the EOs had closely coordinated with Local Civil Registrar of the said municipality and barangay officials on the list of the dead persons in their area so that she could also delete them in the book of voters. The monitoring team observed that the list of dead persons and double and multiple registrants were posted outside the COMELEC office for notice and information. Most of the new registrants were young and first time voters, then for the adults were applying for the transfer of polling precincts.

Some problems were also monitored by the Citizens CARE during the registration like the Biometric system was slow in capturing photos, underage registrants are noted, low memory that resulted to delay processing of documents, Barangay chairman are required to registered names dictated by politician in power.

In some provinces like Lanao del Sur, problems encountered were very minimal number of registrants compared to the previous registrants, the registration was scheduled by barangay in order to avoid the tendency of gathered with family conflict case or RIDO, some of the applicants were below 18 years of age in spite of affirming and witnessed of Holy Qur-an and double registrants could not easily trace up when they are using the same names.

## **13. First Regional Coordinating Council (RCC) Meeting**

There were twenty four (24) participants : male – 15 and female – 9, coming from different civil society organizations and non-government organizations that are members of the Regional Coordinating Council: Citizens CARE (11) including its members from Shariff Kabunsuan, Maguindanao, Lanao del Sur and Basilan; PPCRV (2); LENTE (3); BWSF, Inc. (2); Bangsamoro Legal Network (1); FUMBWMPC (1); LGSPA (1); IFES (1); CBCS (1); and TAF (1) who had attended the First Regional Coordinating Council (RCC) Meeting held at El Manuel Hotel and Restaurant in Cotabato City last May 06 – 07, 2008.

The First RCC meeting had resulted in revisiting the Electoral Reform Realities and Options in ARMM. They had also crafted a well defined coordination structure and the corresponding functions, roles and responsibilities of participating and support organizations and made a proposed electoral reform road map in ARMM in relation to the 2010 elections. Also they had listed some administrative and technical commitments to the electoral reform road map in ARMM in relation to the 2010 elections

The final result of the first meeting had identified three key areas for intervention for the forthcoming August 11, 2008 and beyond based on the lessons learned in the past elections – 1) Organizational Strengthening of CSOs and Poll Monitors Engaged in Elections; 2) Electoral Reform Advocacy; and 3) Administration of Elections. During the meeting the plan of actions were formulated for these areas of interventions, which the coordinating team has coordinated for implementations.

#### **14. Second Regional Coordinating Council (RCC) Meeting cum ARMM Election Automation Orientation**

The Citizens CARE, the lead convenor of the Regional Coordinating Council (RCC) for the 11 August 2008 ARMM Elections, organized the first-ever provincial public forum on poll automation held at the Estosan Garden Hotel in Cotabato City last June 3-4, 2008. This was attended by 75 participants (male - 53 and female - 22) and they represented Citizens CARE, other RCC conveners, COMELEC, academe, funding institutions, media and from both Smartmatic and Avante, suppliers of machines to be used in the upcoming ARMM election.

Also in attendance during the public demonstration were representatives from various funding agencies such as the International Foundation for Electoral Systems (IFES), LGSPA, Oxfam, JICA, and Asia Foundation to explore possible assistance for the implementation of RCC activities between June up to August 11 ARMM elections.

Helping Citizens CARE were other key co-convenors of the RCC, including the Consortium of Bangsamoro Civil Society (CBCS), Legal Network for Truthful Elections (LENTE), Bangsamoro Lawyers Network (BLN), National Movement for Free Election (NAMFREL), Parish Pastoral Council for Responsible Voting (PPCRV), Bishops-Ulama Council (BUC), Bangsamoro Women Solidarity Forum (BWSF), and Federation of United Mindanawan Bangsamoro Women Multi-Purpose Cooperative (FUMBWMPC).

Meanwhile, ARMM Regional Director Ray Sumalipao has urged the public, especially to election watchdogs, including Citizens CARE, to help COMELEC educate the voters on the automated system and to monitor the conduct of the upcoming regional elections. Sumalipao stressed that the collaboration and partnership between COMELEC and Citizens CARE with other civil society organizations in ARMM should be sustained and strengthened.

Technical experts from Smartmatic-Sahi Technologies Inc. and Avante International Technology, Inc. took part in the public demonstration of the two types of the technologies for the automated ARMM elections. Smartmatic is the provider of the Direct Recording Electronic (DRE) technology, which will be used for the entire province of Maguindanao while Avante will provide the Optical Mark-sense Reader (OMR) technology for the rest of the ARMM provinces (Shariff Kabunsuan, Lanao del Sur, Basilan, Sulu, and Tawi-Tawi).

The DRE system uses touch-screen or touch-pad technology and is fully automated from the voting to counting and final transmission of results to the canvassing centers at the provincial and regional

levels. OMR Technology, on the other hand, requires voters to fill out a paper ballot which is scanned by specially-designed machines.

Aside from automation orientation, the RCC had again conducted an inventory and pooling of resources among the RCC members and its partners and generated commitments and re-affirm roles and responsibilities of the RCC members and support organizations in terms of the administrative and technical requirements of the envisioned electoral interventions not only for the upcoming ARMM elections but the 2010 National elections as well.

## **15. Continuing Team-Building of the Secretariat and Provincial Management Committee**

After the Provincial Management Committee was established during the General Assembly held September 05-07, 2007 in Zamboanga City, the member organizations which comprised the PMCs had conducted their organizational meetings up to present date to discuss important pressing issues affecting their organization.

The Citizens CARE Secretariat and IFES personnel had always joined the PMC meetings of Maguindanao and Shariff Kabunsuan in Cotabato City to provide important information related to project implementation. In all provinces, the provincial representative and other BOT officers chosen during the General Assembly is the PMC head of the province and the one who facilitated the meetings.

The PMC head is assisted by their provincial coordinator in the province in terms of coordination, mobilization and report preparation. All PCs were receiving their monthly honorarium of P6,000 and P1,000 for the office space rental where PMC office is housed.

**Table 15: Summary of PMC Head and Provincial Coordinators**

<b>Provinces</b>	<b>PMC Head</b>	<b>Provincial Coordinators</b>
Shariff Kabunsuan	Romie Guialel	Norodin Manalao
Maguindanao	Pendatun Pangadil	Abusama Taguntong
Lanao del Sur	Solaiman Natangcop	Jamael Datudacula Nadjeba Maruhom
Basilan	Thaiba Anwar	Marjiya Mamang
Sulu	Jumda Saba-ani	Saliha Kali
Tawi – Tawi	Catherine Hassan	Glenda Abdul

Citizens CARE, after posting for vacancy at Mindanao Cross last December 2007 and short-listed few applicants and interviewed them, had hired secretariat staff to help them implement the project including the continuing coordination among PMCs and BOT, partner organizations and other electoral reform groups in the region.

Mr. Joel Roa Cadelina is hired as Administrative and Finance Officer but also acting as Project Director since the position is still vacant, and Ms. Vainna Lynn Mustapha as Administrative Assistant and helped the Admin/Finance officer in financial report preparation and other office works. Salic Ibrahim, Citizens CARE Chairperson had regularly supervised the office operations of the Secretariat including the PMC organizational matters in the provinces.

## **16. Media Marketing**

Press releases about Citizens CARE activities were published both local and national newspapers.

- a. During the Launching of SEPVEEM Phase 1 in last April 20, 2006 in Cotabato City which the activity was published in Mindanao Cross, Mindanao Star and Gold Star. Mr. Romie Guialel was also interviewed by local radio station, DXMS and DXMY;
- b. During the Election Security Summit held last March 30, 2007 at Estosan Garden Hotel in Cotabato City;
- c. Observation during the May 14, 2007 elections were published and aired over the local radio station. Mr. Romie Guialel, Citizens CARE Chairman and Mr. Salic Ibrahim, Citizens CARE Vice Chairman had been regularly interviewed in both radio and television local and national. Mr. Ibrahim was also part of the TV documentary of the Probe Team of ABS-CBN and ANC Channel in relation to election observation; and
- d. For Lanao del Sur, Electoral Reform Episode in Probe Team for two times. ABS CBN & GMA Exposure (MARADECA Initiatives). Interviewed by Philippine Daily Inquirer and Mindanao News many times.
- e. News write-ups were published in the local newspaper, Mindanao Cross in Cotabato City on the activity conducted during the General Assembly. Media personnel in Zamboanga City such as ABS-CBN also covered the activity and interviewed Ms. Hagerdorn and Mr. Salic and were aired at the local TV Station.
- f. During the Ugnayan Tayo held last October 25, 2007 in Cotabato City sponsored by PMCs Maguindanao and Shariff Kabunsuan, Mr. Salic Ibrahim as Chairperson was invited to attend the said activity and media personnel from ABS-CBN Cotabato City and DXMY – RMN .The interview with ABS-CBN was then aired over the local TV station. The activity was also published at the local newspaper, The Mindanao Star, with photos.
- g. The Regional Post-Election Assessment in Zamboanga City was covered by ABS-CBN Zamboanga during the opening ceremony and was aired the same in the afternoon. News write-ups from various local and national newspapers covering the above mentioned was published such as in Mindanao Cross, The Mindanao Star, at the Mindanews including at The Manila Bulletin, a national newspaper.
- h. The participation of Salic Ibrahim as International Observer during the Thailand election last December 2007 was published in Mindanao Cross, Mindanao News Star, Manila Bulletin and online news outlet, Mindanews.
- i. News write-ups were published in the local newspapers - Mindanao Cross and Mindanao News Star in Cotabato City and Manila Bulletin including the online news outlet, Mindanews, on the activity conducted during the training workshop on Database and Voters Education Material Development held last January 21-27, 2008 in Iligan City.
- j. During the holding of Second Election Security Summit, the activity was featured at Mindanao Cross and Mindanao News Star in Cotabato City and online news in Mindanews and also aired at ABS-CBN local TV station. Also, the activity was featured at IFES newsletter last February 28, 2008.
- k. The activity story of ARMM Multi-Stakeholders Coordination Conference was published at Mindanao Cross and Mindanao News Star in Cotabato City including at national tabloid, Manila Bulletin.

## **II. QUANTITATIVE INDICATORS AND RESULTS**

<b>Activities</b>	<b>Objectives</b>	<b>Result</b>	<b>Indicator</b>	<b>Baseline</b>	<b>Data Source</b>
<b>Pulong Tayo 1 and 2</b>	PT 1 and 2: - Enhance the awareness citizens of Structure of ARMM Government, Duties and Responsibilities of Barangay officials, Peoples Participation in ARMM, Election Calendar of Activities, Application for Registration, and Voter's Identification Card.	Increased citizens faith and involvement in election processes	1. Higher post activity survey test results as compared to pre-activity survey test scores  2. Increased number of Citizens CARE volunteers evidenced by the number of accomplished volunteer forms at least 50% of whom should be women  3. Increased the number of volunteers and beneficiaries	CCAIE Provincial Voters Education on 2005	1. PT 1 and PT 2 report form  2. Volunteer form  3. Flip Chart and Voters
<b>Ugnayan Tayo (Local Democracy Council)</b>	1. Bring stakeholders together to discuss issues and seek common resolutions  2. Establish linkages and cooperation among stakeholders towards a peaceful and orderly election	1. Increased consensus among election stakeholders  2. greater coordination in addressing identified common election problems	1. Peace Covenant signing  2. Survey indicating positive consensus of participants about problems they have identified  3. Increase number of NGOs and other government line agencies attended the Ugnayan Tayo Meeting	CCAIE partners on 2005	1. Attendance Sheet  2. Signed Peace Covenant
<b>Election Monitoring</b>	1. Ensure a clean and honest election through vigilance. 2. Encourage more people to participate in the election process	Greater credibility of the election process	1. Credibly high voter turn-out results 2. More help desk and visible assistance to handicaps 3. Higher number of women volunteers in Election monitoring.	CCAIE Monitoring Election Report on 2005 ARMM Election	Citizens CARE Monitoring Election Report on May 14 and Oct. 29, 2007
<b>Media/ Radio Program</b>	1. To supplement the voters' seminars and trainings 2. Reach out to more women by inviting women speakers to serve as resource speakers	More people are informed of their voters rights	Larger volunteer base and wider monitoring coverage area	2005 radio and television coverage	Press Releases, Press Conference and Radio Interview

### **III. REASONS WHY ESTABLISHED GOALS WERE NOT MET AND PROBLEMS ENCOUNTERED DURING THE IMPLEMENTATION**

Although Citizens CARE exerted efforts to follow its work plan to the greatest extent possible, some factors, foreseen and otherwise, still prevented it from achieving a 100% accomplishment of its targets. Below were the factors identified that affected the conduct of the activities:

- a. Start up problems such as absence of a financial and administrative system especially on matters concerning fund disbursements. This problem was ultimately addressed as Citizens CARE gained experience in working with each other and as it established working protocol on how to do things;
- b. Delayed downloading of fund from IFES DC due to delayed submission of required deliverables and financial report from Citizens CARE Secretariat;
- c. Delayed printing of PT1 voter education materials. This delayed conduct of PT 1 at municipal and barangay levels;
- d. Planned activities for a certain period were not followed due to conflict of time and availability of the concerned persons despite availability of funds;
- e. Re-scheduling of the activities in some provinces in ARMM due to peace and order situation;
- f. Radio programming in some provinces were not done due to high cost of payment for radio program **on voters' education**;
- g. Minimal participation of some election stakeholders particularly from line agencies during UT due to lack of interest;
- h. **Delayed approval of COMELEC Accreditation for Citizens CARE as citizen's arm. Due to this delay,** Citizens CARE was not able to firm up its role with its partners until the last minute; and
- i. **Conflict of interest in Maguindanao. It turned out that the Citizens CARE chairman's wife is a member** of the BEI in Maguindanao where command voting was practiced. Maguindanao volunteers reported nothing and stopped monitoring at close of election at 3 pm.

#### **IV. SEPVEEM PROJECT HIGHLIGHTS**

During the project implementation of SEPVEEM in the 6 provinces of ARMM, Citizens CARE reached out and managed to deliver voter education in all its target areas. Throughout the course of the project implementation of SEPVEEM, the following were some of the project highlights achieved through the joint efforts of Citizens CARE and IFES:

- Contributed to easing political tensions through Candidates Forum and UTs in ARMM;
- Provided an opportunity to citizens to have an active participation in running their elections;
- Mediated between warring political parties;
- Facilitated the 2007 and 2008 Election Security Summits participated by 90 and 80 participants, respectively, from various election stakeholders;
- Became recognized as the COMELEC Accredited citizens arm partner in ARMM on POLL WATCHING;
- Recruited 5,540 individuals to serve as volunteers in 6 ARMM provinces last May 14, 2007 Election and 2,358 volunteers during the October 29, 2007 elections;
- Signed partnership of collaborative efforts through MOA with PPCRV & LGSP ARMM to join resources & manpower on May 14, 2007 election;

- Used local Radio Programs to spread its advocacy and message of electoral reform;
- Conducted Election Orientation in all project sites in ARMM days before election on May 14, 2007 and October 29, 2007;
- Initiated Peace Caravan together with various NGOs, civil society partners and government line agencies;
- Developed and reproduced Voters Education Materials which were used also by other organizations and govt. line agencies (AFP, PNP & DSWD);
- Citizens CARE provided the public an instrument to report their election observations through the serious Incidents reports;
- For Lanao del Sur, conducted **voter's education forum to Mindanao State University and women's organization** In Marawi City. Hosted 4 International Observer ANFREEL to observe the Election process in LANAOS. Invited PPCRV Chairperson and NAMFREL chairperson to observe Lanao Special Election;
- Conducted Post Election Assessment and Planning Workshop held in Davao City and Citizens CARE General Assembly and Election Monitoring Orientation in Zamboanga City.
- Assisted the COMELEC in organizing fora and conferences to gather election stakeholders for their massive information drive on continuing registration in all provinces of ARMM.
- Monitored the continuing registration of COMELEC from April 1-10, 2008 in all provinces of ARMM by mobilizing the PMCs and Secretariat.

## **V. SEPVEEM PROJECT IMPACT AND SUCCESS STORIES**

In taking on the difficult and dangerous challenge of electoral reform in the ARMM, Citizens CARE is aware of the gargantuan task that it has set for itself. The problem that it is confronting is deep rooted both in time and in space.

Citizens CARE is aware that it cannot solve the problem overnight or even in just one or two elections. What it has done however is to make the first step – a giant stride nonetheless– towards the thousand mile journey it has go to reach its goals. Thus in its year long existence, Citizens CARE, with the unstinting support from IFES had accomplished the following:

- Strong and continuing partnership with funding agencies and among government line agencies, NGOs, academe, media and volunteer election monitors;
- Encouraged the greater involvement and participation of women in the exercise of their suffrage rights;
- Community of voters showed trust and confidence and commitment to all project activities;
- Community and partner government line agencies provided resources and manpower in support for electoral reforms;
- Citizens CARE had gained recognition from international and local organizations as an advocate for electoral reforms: (a) participation on International Election Conference and (b) voters education materials used by both government and private institutions;



- More activities were achieved beyond the required target to implement through strong support from funding agencies and local partner organizations;
  - Number of volunteer election monitors exceeded in monitoring the election;
  - International election consultants provided technical support to Citizens CARE in developing voters education materials and capability building trainings;
  - Citizens CARE had attended and participated in various capability building training workshops sponsored by local partner organizations in enhancing their knowledge and skills on electoral reform activities; and
  - During the May 14, 2007 and October 29, 2007 Elections, majority of the Muslim women went out to their houses and exercised their rights of suffrage to freely choose their political leaders.
  - Facilitated the signing of Memorandum of Agreement among 43 non-government organizations and other electoral groups in ARMM to coordinate among themselves for the better mechanism of effective monitoring for the upcoming ARMM elections.
  - Citizens CARE activities and initiatives have been published and aired in different media outfits at local and national levels which recognize the efforts in electoral reform activities in the region.
  - Citizens CARE became the lead convenor of the Regional Coordinating Council (RCC) and Salic Ibrahim was chosen as the Coordinating Team Leader among other 8 NGOs in ARMM engaged in electoral reforms.
  - Citizens CARE is recognized as the only NGO and champion that devoted its efforts since 2005 in electoral reforms in ARMM.
- 

Submitted by:

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**Date: June 11, 2008**

**Attachment C**  
**TAN COMELEC Appointments Watch Final Report**

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**TRANSPARENCY AND ACCOUNTABILITY NETWORK**

**Fiscal Year 2008**

**Project:** COMELEC Appointments Watch (Extension)  
**Support from:** International Foundation for Electoral Systems  
**Project Period** August 3, 2007 – September 30, 2007

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## **FINAL REPORT**

March 27, 2008

### **ABOUT THE PROJECT**

In May 2006, the Transparency and Accountability Network (TAN) began its Comelec Appointments Watch (CAW) project aimed at increasing public awareness and involvement in the selection and appointments of commissioners to the Commission on Election through the advocating for a transparent and accountable process. TAN's initiative had contributed to creating pressure for responsible appointments to the Comelec.

With the end-goal of increasing public awareness on the Comelec appointments, TAN developed a CAW supplemental module for voters' education and forged a Memorandum of Understanding with electoral advocates to adopt the Module and urge voters not just to cast their votes and make sure that these votes are properly counted, but to likewise help in ensuring an effective and efficient electoral system through a competent and credible Commission on Elections.

Since 2004, various electoral reform advocates strongly pushed and called for both immediate and long term reforms at the Comelec, and that a change in leadership is the first step towards true and genuine electoral reform.

With the vacancy of the retirements of the three commissioners in February 2008, namely Chairman Benjamin Abalos, Jr., Commissioners Florentino Tuazon, and Resurreccion Borra, there is an unprecedented opportunity to revamp the Comelec by appointing four more honest, credible, and independent people to the beleaguered Commission. Such appointments could only be ensured through a

pressure from the general public for a transparent and inclusive appointment process in the Comelec.

In this interim period between the end of CAW1 and the start of CAW2 (July-September 2007), the project seeks to keep the public and media attention focused on the opportunity of having a revamp at the Comelec through a transparent and inclusive selection process that would lead to the appointment of credible and independent women and men of integrity at the Commission. The effort also aims to build a wider civil society and public constituency for this advocacy.

The project has the following components: 1) *Symposia and Press Conference*; 2) *Dialogue for Reform (CSO with Comelec)*; 3) *CSO Workshop on the Appointment Process*; and 4) *Meetings/Networking*.

## **ACCOMPLISHMENTS**

The Transparency and Accountability Network had initially proposed for separate events for each of the project components. However, in the course of its dialogue with electoral reform advocates, TAN decided to hold one large event that would include all the project components (see Programme) to maximize the participation of all the different stakeholders attending the event.

On 28 September 2007, TAN held a forum entitled “Creating An Independent Commission on Elections: A Civil Society Forum-Workshop on the Comelec Appointments” that sought to raise public awareness on the appointment process; set the criteria and the design for CSO selection of the candidates; strategize on public intervention in the selection and appointment process; and propose amendments to the Commission on Appointments (CA) rules (see Invitation). The event was attended by 79 registered participants, 59 from the various civil society organizations (CSOs) and 20 from the non-CSOs (see Attendance Sheets).

### **Forum**

The forum, open to all stakeholders both from civil society organizations as well as to non-CSOs, was held during the morning session. Ms. Beverly Hagerdon Thakur, Chief of Party of IFES-Philippines delivered the welcome remarks and emphasized the need to institutionalize an open and transparent appointment process that

would ensure quality appointments, regardless of who the appointing power is (see Opening Remarks).

The forum featured the following topics (see Forum Presentations):

- CSO Involvement in the Appointment Process by Mr. Vincent Lazatin, TAN
- Commission on Appointments Process and the Presidential Power to Appoint by Atty. Luie Guia, LIBERTAS
- The PPCRV Experience and Lessons in the 2007 Mid-Term Elections by Atty. Howard Calleja, PPCRV
- The LENTE Experience in the Mid-Term Elections by Atty. Carlos Medina, LENTE
- Priorities on Electoral Reforms by Atty. Christian Monsod, VForCE

The forum sought to educate the participants about the imperative of good appointments to the Comelec and provide a venue for discussions on the various problems and challenges in ensuring an open and transparent appointment process. The forum also highlighted a call for election modernization. Atty. Christian Monsod emphasized the need for commissioners who are IT and management experts to constitute a competent and effective Commission on Elections on the verge of modernizing the electoral systems

### ***Press Conference***

A Press Conference was held right after the CAW forum. The panel of speakers was composed of Atty. Christian Monsod of VForCE, Ms. Beverly Hagerdon-Thakur of IFES, Atty. Luie Guia of Libertas, and Mr. Vincent Lazatin of TAN.

The press conference emphasized the call for a transparent and inclusive appointments process to the Comelec given the unprecedented opportunity to revamp the Commission through the appointment of one chair and three new commissioners in February 2008 (see Press Release).

Atty. Christian Monsod stressed that the appointment of honest, competent and independent chairman and commissioners to the Comelec is the most important reform that would restore the integrity and trust in the Commission.

Atty. Monsod also added that politicians should never be appointed in Comelec since it would be difficult to expect a partisan person to behave in a non-partisan

manner as in the case of the current Comelec under Chair Benjamin Abalos' regime.

This advocacy during this interim period of the project has really served its purpose of keeping the public discussion and media attention active on the Comelec appointments process. TAN's persistent call for a transparent and inclusive process resulted in media write ups, news articles (see news clippings), and news video coverage (see video footage in CD).

### ***Dialogue for Reform***

The dialogue for reform was made possible in the Civil Society Forum-Workshop through the invitation of Comelec Commissioner Rene Sarmiento who delivered a keynote speech on "The Comelec Reform Agenda on the Election Modernization". Commissioner Sarmiento pointed out the modernization of the electoral process is one of the Comelec's priorities based on its strategic plans labelled as "Operation MERIT" or Modernization and Electoral Reform with Integrity and Transparency (see Comm. Sarmiento's presentation).

He presented the different aspects of automating the election systems, their relevance and the current status of the Comelec's preparation. He also emphasized that side by side with the Comelec's plan to modernize the electoral process is its plan to strengthen the Comelec as a Constitutional Institution.

Such desire to strengthen and professionalize the Comelec is a recognition of the very need to appoint competent and independent women and men of integrity to the Commission to properly carry out its duty as a vanguard of the democracy especially that the Comelec is moving towards modernizing the electoral systems.

### ***The Workshops***

The workshops were held in the afternoon and were only intended for the participants from civil society organizations. There were two workshops (see Workshop Design) conducted: 1) Criteria-setting for Comelec appointment, and 2) Designing the process for the CSO selection of candidates which also includes mapping out of CSO strategies for intervention and proposed amendments to the CA rules.

The first activity prompted the participants to deliberate and come up with common definitions on probity/integrity, competence, and independence as additional criteria for Comelec chairman and commissioners, in addition to the constitutionally mandated requirements. This activity also enabled participants to identify different indicators that would better define the additional criteria and provide corresponding weights for each. (see Workshop 1 Output).

Workshop 1 provided the participants a venue to level off on the qualities that the candidates for the Comelec position should possess and to set their priority criteria in considering the right person for the post who could help rebuild the integrity in the institution.

The second workshop was divided into two subtopics: 2a) Designing of the CSO selection process and 2b) Identifying strategies for intervention and proposed amendments to the CA rules.

Workshop 2-a enabled the participants to identify a selection process that they would like to implement in coming up with nominees for the Comelec chair and commissioners. As a result, a proposed formation of a CSO Selection Committee and a design of selection process were drafted (see Workshop 2-a Output). TAN decided not to be an official member of the CSO Selection Committee because its primary advocacy is to work on increasing the transparency in the appointment process. However, TAN volunteered to serve as the Secretariat of the proposed Committee and help facilitate the nomination and selection process.

Workshop 2-b succeeded in subjecting the Commission on Appointments Rules to public scrutiny for amendments in view of increased transparency and inclusiveness in the appointments process. This activity generated a considerable list of amendments to the CA rules. The activity also allowed the participants to identify a menu of possible interventions to create pressure and push for a transparent and inclusive appointment process both to the appointing authority and the Commission on Appointments (see Workshop 2-b Output).

## **ANALYSIS AND CONCLUSIONS**

Aside from the continuous building of public awareness, monitoring of appointments hearings, and the conduct of a dialogue with Comelec and stakeholders, the project already move towards exposing the various stakeholders to what ought to be the ideal appointment process and mobilizing them to concretely intervene in the appointment process. The workshops were

instrumental in setting the standards of what the criteria for candidates to the Comelec should be, how the selection process be conducted in a transparent and inclusive way, and how should the loopholes in the CA rules be plugged.

It should be put on record that on October 1, few days after the Civil Society Forum-Workshop, the electoral reform advocates who participated in the event formally created its Search Committee based on the design proposed in the workshop 2-a output and adopted the criteria identified in the workshop 1 output (see Minutes of the Meeting). While the unfolding of the events were directed towards greater public participation on the appointments process, it should also be recognized that the resignation of Benjamin Abalos as Chair of the Comelec on that same day, who was allegedly brokered the ZTE-NBN deal, was an important factor that moved the CSOs to immediately draw its plan of action to constructively engage in the appointments process.

The controversy over the ZTE-NBN deal that implicated Chairman Abalos, has on the other hand, validated and resonated the need to revamp the Comelec through the appointments of credible and independent women and men of integrity to the Commission. Chair Abalos' resignation has created a momentum advancing the Comelec appointments advocacy and prompted the different sectors in the society including the businesses and religious sectors to join the clamour for a transparent and responsible appointment process. Because of this, the public has been critically observing the kind of appointments that the President would make for the Comelec.

TAN believed that its continuous effort to raise public awareness and its dialogues with the different stakeholders has, in one way or another, contributed to the growing clamour for a transparent and inclusive appointment process. Thus the appointment of Judge Moslemen Macarambon as Comelec Commissioner was met with resistance from different groups, Muslims and Christians alike, because of the absence of transparency in the process. It should be noted that a list of nominees containing the names of persons both friendly and unfriendly to the President that does not include Macarambon's name had been floated before the appointment of Judge Macarambon.

Alarmed by the public's opposition to the Macarambon appointment, the President tried to appease the public by creating a Selection Panel headed by Sec. Bernardino Abes to search for and shortlist the nominees for the Comelec Chairman. However, it turned out that even if the said panel accepted names endorsed by the stakeholders, they refused to publish the names they have



shortlisted and criteria they used in selecting the candidates. It was only the name of Justice Jose Melo that reached the public's awareness as he was appointed by the President as Chairman of the Comelec.

The Search Committee, which was formed by the electoral reform advocates before the Malacañang Selection Panel, was essentially created to set an example of a transparent and inclusive selection process, and to offer the President an alternative list of nominees that have passed the public scrutiny and acceptability based on the candidates competence, independence and integrity. The Search Committee started to conduct its search by calling for public nomination, and subjecting the candidates to interviews and reviews of their credentials. The Search Committee came up with its short lists of nominees for the Comelec chair and commissioners which were submitted to the President for consideration (see the Lists of Search Committee Nominees). Whether or not the President will consider the Search Committee's initiative, a clear and simple message has already been conveyed: that it is possible to conduct a transparent and inclusive process that could eventually result into good and credible appointments to the Comelec.

With the formulation of the Search Committee composed of individuals of known reputation and from the different organizations advocating electoral reforms, there has been an improvement in the coordination of information dissemination between TAN as the Search Committee's Secretariat and the CA Secretariat, particularly in including the Search Committee in the CA's communication loop.

TAN recognized the greater need to keep the public discussions and media attention active regarding the upcoming appointments for two more vacancies in the Comelec. Being the Secretariat of the Search Committee, TAN has in some instances experienced the difficulty of releasing a statement on Comelec appointments-related issues without consulting the entire Committee since its actions could be attributed to the Committee itself. TAN should be clear in identifying its own initiative and come out with its own position vis-à-vis issues concerning Comelec appointments, if needed.

After constructively engaging in the selection process of the CSO nominees, TAN saw the need to closely monitor the appointments made to the Comelec as well as the hearings conducted by the Commission on Appointments.

TAN also acknowledged the need to strategically push for the amendments to the CA rules as identified by the stakeholders during the workshop. This is one of the next big steps that would increase greater transparency and inclusivity to the appointment process given that the Office of the President has remained adamant

in opening its search process to the public. Pushing for amendments to the CA rules, though a tough job, is essential as this would not only open the doors for good appointments to the Comelec but to all the institutions that subscribe to the appointments process.

**Attachment D**  
**LIBERTAS Baseline Study on Election Adjudication**

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# ***BASELINE STUDY ON THE STATE OF ELECTION ADJUDICATION IN THE PHILIPPINES***

**LIBERTÀS**

In partnership with

**IFES Philippines**

and with funding support from the

**United States Agency for International  
Development  
[USAID]**



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## **Chapter 1**

### **INTRODUCTION**

Popular election is one of the cornerstones of modern democracy. It is the means by which a government is legitimized and enfranchised with powers to affect life, liberty and property. An opportunity that gives the governed the rare chance to directly participate in the affairs of government, its primary purpose is to determine the true will of the electorate.

The process of determining the popular will, however, does not end with the proclamation of the presumptive winners. Legal remedies are available to those who feel aggrieved, with procedural rules designed to correctly and expeditiously resolve all doubts clouding the results of an election.<sup>1</sup>

The importance of resolving election disputes as credibly and as efficiently as humanly possible cannot be overemphasized. Election cases are imbued with public interest<sup>2</sup> in as much as “it involves not only the adjudication of the private interests of rival candidates, but also the paramount need of dispelling the uncertainty which beclouds the real choice of the electorate with respect to who shall discharge the prerogatives of the offices within their gift.”<sup>3</sup>

With this backdrop, the credibility of the process of election adjudication is as crucial in a democracy as the conduct of the election itself. The perception that no just, fair, and expeditious relief can be expected to correct a perceived wrong breeds public distrust in the whole electoral exercise. Public distrust in the electoral system can sow the seeds for political destabilization; it is an invitation to military adventurism and can be the linchpin for a successful revolution.

Our history as a democracy is a living testimony to these propositions. On the eve of allegations of massive cheating during the 1986 snap presidential elections, the Filipino people marched to the streets to protest what they perceived was the blatant disregard of their will. This event sealed the fate of former President Ferdinand E. Marcos, who was forced to flee to the United States after 21 years in power.

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<sup>1</sup> *Gementiza v. COMELEC*, G.R. No. 140884, March 6, 2001.

<sup>2</sup> *De Castro v. COMELEC*, 267 SCRA 806 (1997).

<sup>3</sup> *Vda. De Mesa v. Mencias*, 18 SCRA 533,538 (1966); *Yason v. COMELEC*, 134 SCRA 371 (1985).

In the same vein, the continuing volatility of the Arroyo presidency can be attributed to the lingering questions on the legitimacy of her assumption to office.<sup>4</sup>

An opinion survey conducted by the Social Weather Station immediately after the May 10, 2004 elections reveals that 55% of the Filipino people doubt the official results<sup>5</sup> that showed Gloria Macapagal-Arroyo winning over her closest rival, Fernando Poe, Jr., by a million votes.<sup>6</sup> In an effort to unravel the truth about the alleged massive cheating which attended the 2004 elections, Poe filed a protest case before the Presidential Electoral Tribunal (PET).<sup>7</sup> However, before the said election protest even passed the revision stage, PET dismissed the same due to Poe's sudden death.<sup>8</sup>

Subsequently, Poe's supporters thrice tried the impeachment route to prove Arroyo's complicity in suspected election anomalies.<sup>9</sup> But thrice, Arroyo's allies in the House of Representatives unceremoniously killed these efforts. The dismissal of Poe's protest case and the demise of the impeachment proceedings against Mrs. Arroyo sealed all avenues for the Filipino people to know the truth concerning the alleged cheating. Without any closure to the controversy, the Arroyo presidency is constantly under threat—not only from opposition leaders and civil society groups, but from disgruntled military and former military officials, as well.<sup>10</sup>

The still unanswered questions on Arroyo's legitimate assumption to office, coupled with numerous scandals that plagued the country's election administrator, the Commission on Elections (COMELEC), contributed to the declining public perception regarding the credibility of the electoral system. Under Chairman Benjamin Abalos, the Comelec registered -17 (March 2006) and -10 (September 2006) net trust ratings

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<sup>4</sup> See Alecks P. Pabico, "Arroyo's legitimacy: An issue that simply won't go away," Nov. 29, 2007. Electronic copy of the article may be accessed thru: <<http://www.pcij.org/blog/?cat=12>>.

<sup>5</sup> "SWS 3rd Quarter Survey: PGMA's Rating Declines to Net +12, As 55% Say Opponents Were Cheated in the May Election", Aug. 25, 2004. Electronic copy of the SWS Report may be accessed thru: <<http://www.sws.org.ph/>>

<sup>6</sup> Official results showed Macapagal-Arroyo garnered 12,905,808 votes while Poe garnered 11,782,232 votes.

<sup>7</sup> PET Case No. 002, Ronald Allan Poe *aka* Fernando Poe, Jr. v. Gloria Macapagal-Arroyo.

<sup>8</sup> Poe died of complications from a stroke he suffered on December 14, 2004.

<sup>9</sup> Impeachment complaints were filed in 2005, 2006, and 2007.

<sup>10</sup> Since 2004, there have been several attempts by disgruntled military and former military officials to oust Arroyo from office; the latest being the siege of the Manila Peninsula Hotel by the *Magdalo* soldiers led by Sen. Antonio Trillanes IV on November 29, 2007.

from a high of +49 (February 2004) in surveys done by the Social Weather Stations.<sup>11</sup>

Another survey shows the judiciary experiencing the same crisis of credibility, although the reforms it has instituted are gradually gaining ground.<sup>12</sup> There are no similar surveys conducted among the other bodies involved in election adjudication, but experts concede that the Filipino people generally distrust the process of election adjudication due to, among others, issues of incompetence, partisanship, corruption, and the unreasonably long delays in the resolution of election cases.

## **A. Rationale of the Study**

The primary purpose of this baseline study is to identify the factors which in one way or the other affect people's perception of the system of election adjudication. In the process, this study analyzes the perceived problem areas in election adjudication and identifies whether these are: (1) systemic in character; (2) institutional in origin; (3) procedural or "policy" based; and (4) personal in nature.

Based on the perceived gaps and weaknesses in the system of election adjudication, this study draws recommendations which shall then be presented to the different election adjudicative bodies and other policy makers to serve as a roadmap towards concrete and lasting reforms in the system of election adjudication.

## **B. Methodology**

This study combines library research with interviews of experts, a focused group discussion (FGD), and a public forum.

Library research includes (a) Survey of Supreme Court decisions from 1987 to June 2007;<sup>13</sup> (b) Review of Pertinent Election Laws and Rules of Procedures adopted by the different adjudicative bodies; (c) Newspaper reports; (d) Related studies; and (e) Status Reports from the

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<sup>11</sup> See Alecks P. Pabico, "The Abalos COMELEC: A legacy of scandals, credibility gone shot," Oct. 5, 2007. Electronic copy of the article may be accessed thru: <<http://www.pcij.org/blog/?p=1997>>.

<sup>12</sup> "New SWS Study of the Judiciary and the Legal Profession sees some Improvements, But also recurring Problems," January 25, 2005. Electronic copy of the SWS Report may be accessed thru: <<http://www.sws.org.ph/>>.

<sup>13</sup> Decisions of the Commission on Elections, the House of Representatives Electoral Tribunal, and of the Senate Electoral Tribunal in Election Disputes may be questioned before the Philippine Supreme Court on grounds of grave abuse of discretion.



different adjudicative bodies. The basic statistics used are all from official sources, except in instances indicated.

To validate initial findings based on research, a focused group discussion was held on August 29, 2007 with the participation of some election law practitioners, professional ballot analysts, and former officials of the Commission on Elections and of the House of Representatives Electoral Tribunal. Some gaps in the research were also supplemented by interviews with Regional Trial Court judges, current and former officials of the COMELEC, and election practitioners.

Based on the combined results of the research, the focused group discussion and the interviews, recommendations were drawn and presented to a public forum held on December 12, 2007 at the Pan Pacific Hotel in Manila.

In all, this study probes into the factors affecting people's perception on the credibility of the bodies engaged in election adjudication using the following key indicators:

1. Independence and Impartiality

This study looks into the following factors that influence the independence and impartiality of the adjudicative bodies involved in resolving election disputes: (a) operational and fiscal independence; (b) composition; (c) manner of selection and appointment of officials; (d) level of exposure to politics; and (e) mechanisms to check the conduct of the officials.

2. Accessibility

This study focuses on the following problem areas encountered in obtaining relief from the adjudicative bodies: (a) location of the hearings or proceedings; and (b) costs of pursuing election cases.

3. Efficiency

This study gauges the efficiency of the adjudicative bodies in resolving election contests, taking into account the following: (a) the rules of procedure, as well as the internal mechanisms adopted to timely resolve election disputes; (b) the number of election disputes

raised; (b) the number of election disputes resolved prior to the expiration of the terms of the offices contested; and (d) the length of time it takes the adjudicative bodies to resolve election disputes.

#### 4. Acceptability and Soundness of Decisions

This study measures the level of acceptability and soundness of the decisions promulgated by the adjudicative bodies, using the following indicators: (a) the percentage of disputes appealed; (b) the rate of reversal or affirmation of the questioned decisions/resolution promulgated by the adjudicative bodies.

#### 5. Transparency of the Proceedings and Records

This study looks into the procedures employed by the tribunals to ensure the transparency of the proceedings and the mechanisms used to ensure preservation of their records.

#### 6. Preservation of Integrity of Evidence

This study examines the procedures employed by the adjudicative bodies to preserve the integrity of evidence, as well as, the ability of the adjudicative bodies to identify when the integrity of evidence is compromised.

### **C. Scope and Limitations of the Study**

This study looks into the following adjudicative bodies involved in resolving election disputes: (1) the trial courts; (2) the Commission on Elections; (3) the House of Representatives Electoral Tribunal (HRET); (4) the Senate Electoral Tribunal (SET); and (5) the Presidential Electoral Tribunal (PET).

Cases reviewed are limited to election contests, *i.e.*, petitions for *quo warranto* and election protests, filed and resolved by the different adjudicative bodies from the 1987 elections to the 2007 elections, including *barangay* elections, in as much as available records exist. Other election-related cases are discussed merely to illustrate the expanse of election related issues, and to emphasize the need for a more thorough study on the subject.

The rationale for limiting this study to election protest cases and petitions for *quo warranto* rests on the fact that these two types of cases directly involve the determination of popular will after a presumptive winner has already been proclaimed. In other words, these types of cases involve the capacity of the election adjudication system to resolve issues pertaining to who should be the rightful occupant of the position contested when the official proclamation of election results by COMELEC is disputed.

Moreover, petitions for *quo warranto* and election protests cases are common to all the adjudicative bodies, thus enabling this paper to identify the common problem areas in the process of resolving these types of cases, and to compare the procedures these bodies have adopted to efficiently resolve the cases.

It is noteworthy to add that a complete picture of the state of election adjudication in the Philippines is severely limited by the unavailability of some data. These inadequacies, however, are supplemented by interviews from key informants from the different adjudicative bodies, as well as from election law practitioners in the country.

#### **D. Organization of the Study**

The study is divided into five (5) chapters. The introductory chapter lays down the framework of the study, the methodology used, and the objectives sought to be accomplished. Chapter 2 provides a glimpse of the Philippine electoral system as contextual backdrop to the problems encountered in the adjudication of election disputes. Chapter 3 is an overview of the types of election disputes and of the jurisdiction of the various adjudicative bodies. Chapter 4 assesses the different adjudicative bodies based on the indicators identified as affecting public perception on their credibility. Chapter 5 discusses the concrete proposals and recommendations for electoral reforms based on the identified gaps and weakness in the system of election adjudication.

## **Chapter 2**

### **THE ELECTORAL PROCESS IN PHILIPPINES**

Popular election is an American legacy in the Philippines. During the Spanish colonial period, which spanned three centuries, there was no recorded history of elections in the Philippines.<sup>14</sup>

The first election was held in May 1899 in Baliwag, Bulacan followed by four municipalities in Cavite.<sup>15</sup> However, the first general election was held under the auspices of Act No. 502, enacted on November 10, 1902 by the Philippine Commission under the authority of the United States.<sup>16</sup> Several amendatory laws then followed until the enactment of the Batas Pambansa Blg. 881,<sup>17</sup> otherwise known as “The Omnibus Election Code of 1985.”

To date, Batas Pambansa Blg. 881 remains the basic election law in the country, albeit amended by other recent special laws,<sup>18</sup> and in some respect, by the 1987 Constitution. In all, the basic objective of Philippine election laws is to secure honest, orderly, peaceful, credible and fair elections and to give the Filipinos equal opportunity for public service.

#### **A. Administrative Supervision over Elections**

In the beginning, the supervision over the conduct of elections 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 as well as 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.<sup>19</sup>

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<sup>14</sup> See Concurring/Dissenting Opinion of Justice Reynato S. Puno in *Macalintal v. COMELEC*, 405 SCRA 614 (2003)

<sup>15</sup> Regalado Maambong, “New Technologies of Modernization in Electoral Administration: The Philippine Experience”

<sup>16</sup> COMELEC’s 52<sup>nd</sup> Anniversary Program (1992), p. 2.

<sup>17</sup> Enacted on July 19, 1985.

<sup>18</sup> See Rep. Act No. 6646 (1988), “Electoral Reforms Law of 1987”; Rep. Act No. 7056 (1991), “An Act Providing for the National and Local Elections In 1992, Pave the Way for Synchronized Elections Beginning 1995, And Authorizing Appropriations Therefor”; Rep. Act No. 7166 (1991), “An Act Providing for Synchronized National and Local Elections And For Electoral Reforms” ; Rep. Act No. 7941 (1995), “Party-List Act”; Rep. Act No. 8189 (1996), “The Voter’s Registration Act”; Rep. Act No. 8295 (1997), “The Lone Candidate Law”; Rep. Act No. 8436 (1998), “Election Automation Law”; Rep. Act No. 9006 (2001), “Fair Election Act”; Rep. Act No. 9189 (2003), “Overseas Absentee Voting Act of 2003”.

<sup>19</sup> “COMELEC: History, Organization and Functions.” Electronic copy of the article may be accessed thru: <<http://www.comelec.gov.ph>>.

This perception prompted the National Assembly to propose the creation, through a constitutional amendment, of an independent Commission on Elections. The amendment, which became Article X of the 1935 Constitution, was ratified by the Filipino people in a plebiscite on June 17, 1940 and approved on December 2, 1940.<sup>20</sup> Both the 1973 and the 1987 Constitutions retained the concept of a constitutional Commission on Elections as the office mandated to supervise the conduct of elections in the Philippines.

Pursuant to Article IX-C, section 2 of the 1987 Constitution, the following are the powers of the COMELEC:

1. Enforce and administer all laws and regulations relative to the conduct of an election, 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* officials decided by trial courts of limited jurisdiction.

Decisions, final orders, or rulings of the Commission on election contests involving elective municipal and *barangay* offices shall be final, executory, and not appealable.

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 purpose of ensuring free, orderly, honest, peaceful, and credible elections.

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<sup>20</sup> *Id.* In the interim, the National Assembly enacted Commonwealth Act No. 657 creating a statutory COMELEC, with same powers and functions, to supervise the December 10, 1940 elections pending the organization of the Const.al body.

5. Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government; and accredit citizens' arms of the Commission on Elections. Religious denominations and sects shall not be registered. 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 shall likewise be refused registration.
6. Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections, constitute interference in national affairs, and, when accepted, shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law.
7. 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 violations of election laws, including acts or omissions constituting election frauds, offenses, and malpractices.
8. 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 candidacies.
9. Recommend to the President the removal of any officer or employee it has deputed, or the imposition of any other disciplinary action, for violation or disregard of, or disobedience to, its directive, order, or decision.
10. Submit to the President and the Congress, a comprehensive report on the conduct of each election, plebiscite, initiative, referendum, or recall.

Apart from the foregoing, the COMELEC is also empowered to promulgate its rules and procedure in order to expedite resolution of election disputes.<sup>21</sup> During the election period, COMELEC may

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<sup>21</sup> 1987 Const., Art. IX-C, sec. 3. "The Commission on Elections may sit *en banc* or in two divisions, and shall promulgate its rules of procedure in order to expedite disposition of election cases, including pre-proclamation controversies. All such election cases shall be heard and

“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.”<sup>22</sup>

In short, COMELEC is mandated by the Philippine constitution both to enforce and administer elections, and to take cognizance and resolve election controversies and disputes. It is both an administrative body and an election tribunal.

## **B. Right of Suffrage**

The right of suffrage may be exercised by all Filipino citizens, not otherwise disqualified by law, who are at least eighteen (18) years of age, and who shall have resided in the Philippines for at least one (1) year, and in the place wherein they propose to vote, for at least six (6) months immediately preceding the election.<sup>23</sup>

For the purpose of exercising the right of suffrage, any person who temporarily resides in another city, municipality or country solely by reason of his occupation, profession, employment in private or public service, educational activities, work in the military or naval reservations within the Philippines, service in the Armed Forces of the Philippines, the National Police Forces, or confinement or detention in government institutions in accordance with law, are deemed not to have lost his original residence.<sup>24</sup>

Moreover, under Republic Act No. 9189, otherwise known as the “Overseas Absentee Voting Act,” a Filipino citizen who has obtained immigrant or permanent residence status in another country may exercise the right of suffrage provided, among other requirements, that he/she executes an affidavit that he/she will return and resume actual physical permanent residence in the Philippines not later than three (3) years from the approval of his/her registration.<sup>25</sup>

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decided in division, provided that motions for reconsideration of decisions shall be decided by the Commission *En Banc*.”

<sup>22</sup> 1987 Const., Art. IX-C, sec. 4.

<sup>23</sup> 1987 Const., Art. V, sec. 1.

<sup>24</sup> Rep. Act No. 8189, sec. 9.

<sup>25</sup> Rep. Act No. 9189, sec. 5(d).

Meanwhile, under the Rep. Act No. 9225, otherwise known as the “Citizenship Retention and Reacquisition Act of 2003,” dual citizens are allowed to vote regardless of the non-fulfillment of the residency requirement.<sup>26</sup>

In all instances, registration is a condition precedent for the exercise of the right to suffrage. In this connection, any person who, on the day of registration may not have reached the required age or period of residence but, who, on the day of the elections shall possess such qualifications, may register as a voter.<sup>27</sup>

### **C. Registration of Voters**

The Philippines has employed the system of continuing registration since the enactment of Rep. Act No. 8189 in 1996.<sup>28</sup> Prior to the enactment of this law, registration of voters is done on specified dates only. Today, first time voters<sup>29</sup> can register daily during office hours in the office of the Election Officer in their municipality of residence, except one hundred twenty (120) days before a regular election and ninety (90) days before a special election.<sup>30</sup>

All registered voters are supposed to have a Voter’s Identification Number (VIN) and a Voter’s Identification Card (VIC).<sup>31</sup> Their names are also supposed to be listed in a Permanent List of Voters. Each precinct, composed of no more than 200 voters and comprising of contiguous and compact territories, has a Permanent List of Voters. Only those whose names are in the precinct list of voters are considered registered voters in said precinct.<sup>32</sup>

Qualified citizens abroad who fail to register under Republic Act No. 8189 may personally apply for registration with the Election Registration Board of the city or municipality where they were domiciled immediately prior to their departure from the Philippines, or with the representative of the COMELEC at the Philippine embassies, consulates and other foreign

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<sup>26</sup> *Nicolas-Lewis v. Commission on Elections*, 497 SCRA 649 (2006).

<sup>27</sup> Rep. Act No. 8189, sec. 9.

<sup>28</sup> Otherwise known as “The Voters Registration Act of 1996.” The law approved on 11 June 1996 and took effect fifteen (15) days after its publication in at least two newspapers of general circulation.

<sup>29</sup> Rep. Act No. 8189, sec. 27.

<sup>30</sup> *Id.*, sec. 7.

<sup>31</sup> *Id.*, sec. 25.

<sup>32</sup> However, because of confusing policies on the registration process, COMELEC, in previous elections, allowed voters who are not in the list to vote, if they can show other proof of their being duly registered voters.



service establishments that have jurisdiction over the locality where they temporarily reside.

#### **D. Manual System**

To date, the Philippines still employs the manual system of elections notwithstanding the passage of two laws allowing the use of automated election processes. Under this manual system, voters have to personally write the names of their chosen candidates opposite the printed position on the ballots.

In late 1997, Republic Act No. 8436, otherwise known as “The Election Modernization Act of 1997,” was enacted authorizing the Commission on Elections (COMELEC) to implement an automated election system for the voting, counting, and canvassing of precinct results stages of the elections.<sup>33</sup> A little less than ten years after, or in January 2007, Philippine Congress passed another election automation law, Rep. Act No. 9369, authorizing the COMELEC to choose from different automated election technologies for the automation of succeeding elections.

COMELEC was supposed to automate the May 11, 1998 elections. However, due to time constraints (Republic Act No. 8436 was just passed in late 1997), the COMELEC decided against its full implementation. Instead, it limited the coverage of the automation of the polls to the Autonomous Region of Muslim Mindanao (ARMM), where automated elections were pilot-tested in an earlier exercise. However, the counting machines used<sup>34</sup> failed to correctly read some ballots, prompting the COMELEC to resort to manual counting for the entire province of Sulu as a fall back remedy.<sup>35</sup>

In October 2002, the COMELEC, using Republic Act No. 8436 as basis, adopted Resolution 02-0170 setting forth a modernization program for the 2004 elections. Three phases made up the Automated Election System: (1) voter registration and validation, which involves cleaning up and updating the list of voters by capturing voters’ biometrics and personal data; (2) automated counting and canvassing; and (3) electronic

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<sup>33</sup> Rep. Act No. 8436, sec. 6.

<sup>34</sup> Optical Mark Reader machines were used in the whole of the ARMM during the elections.

<sup>35</sup> In *Loong v. COMELEC*, G.R. No. 133676, April 14, 1999, the decision of the COMELEC to resort to manual counting was questioned before the Supreme Court. The High Court, however, ruled that the COMELEC did not commit grave abuse of discretion stating that COMELEC was justified by the circumstances to order the manual counting of the ballots when the counting machines failed to correctly read the votes therein.

transmission. In 2003, President Arroyo authorized the release of Three Billion Pesos for the modernization program.

Despite these efforts, the full automation of the electoral process did not materialize due to several legal issues concerning the awarding of contracts for the projects. Phase 1 was awarded to a French company, Sagem SA, which, according to the Commission on Audit, was not eligible to bid for the project because it was not 60% owned by Filipinos.<sup>36</sup> Phase 2 was awarded to Mega Pacific eSolutions, Inc. However, the Supreme Court voided the contract in its decision in the 2004 case of *Information Technology Foundation, et al. v. COMELEC, et al.*<sup>37</sup> The Supreme Court noted that the COMELEC awarded the contract in “inexplicable haste” and without adequately observing mandatory technical and legal requirements. The Court also noted that the COMELEC accepted the delivery of the computer hardware and software from Mega Pacific even though it had failed to pass eight “critical requirements designed to safeguard the integrity of the elections.” In voiding the contract, the Supreme Court remarked that the COMELEC’s actions “cast serious doubts upon the poll body’s ability and capacity to conduct automated elections.”

Phase 3 was awarded to Multi-Media Systems, Inc for Php298 million, of which more than Php260 Million had been paid. The COMELEC was supposed to lease Dream VSAT satellite transmission equipment from the company for electronically conveying the election results. Two days before the May 10, 2004 elections, however, the Supreme Court barred the COMELEC from using the system, pending resolution of a case accusing the poll body of violating the 30-day notice rule on the use of new technology before an election.<sup>38</sup>

In her recent State of the National Address (SONA), President Arroyo reiterated her call to fully implement the election modernization law, committing the release of another Php3 billion.<sup>39</sup>

## **E. Direct Voting**

In the Philippines, each and every elective position is directly voted upon by the electorate from the *barangay* officials to the President, with only a plurality of votes needed to win a seat, except in the case of

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<sup>36</sup> Lakambini A. Sitoy, “P 3-B poll modernization goes wrong,” Nov. 2, 2004. Electronic copy of the article may be accessed thru:

<<http://www.manilatimes.net/others/special/2004/nov/02/20041102spe1.html>>.

<sup>37</sup> G.R. No. 159139, January 13, 2004.

<sup>38</sup> *Supra* note 36.

<sup>39</sup> Electronic copy the President Arroyo’s State of the Nation Address for 2007 can be accessed thru: < <http://www.news.ops.gov.ph/sona2007.htm>>.

representatives of party-list groups. In the latter, only the name of the party is written on the ballots, and the party-list representative occupies a seat when the party garners at least two percentum (2%) of the votes cast. A party participating in the party-list system of representation can have, at the most, three (3) seats in the House of Representatives.

**Table 1**  
**National and Local Elective Positions**

	<b>National Level</b>	<b>Provincial Level</b>	<b>Municipal/City Level</b>	<b>Barangay Level</b>
Executive	President  Vice President	Governor  Vice-Governor	City/Municipal Mayor	<i>Punong Barangay</i> (barangay chair)
Legislative	12 Senators 1 district representative 1 party list	Vice Governor  <i>Sangguniang Panlalawigan</i> (provincial board) Member	City/Municipal Vice-Mayor  Members of <i>Sangguniang Panlungsod</i> (city councilors) / <i>Sangguniang Pambayan</i> (municipal councilors)	Members of the <i>Sangguniang Barangay</i> (barangay <i>kagawad</i> and <i>Sangguniang Kabataan</i> chair)

## **F. Synchronized Elections**

Synchronized national and local elections are held every three years. The President, Vice President, and Senators all serve terms of six years, while members of the House of Representatives and all other local officials serve a term of three (3) years.<sup>40</sup>

The 24 senators first elected under the 1987 Constitution served only for five (5) years, from May 2, 1987 to June 30, 1992. In the first synchronized elections in 1992, the senators who obtained the first twelve (12) highest number of votes served for six (6) years, and the remaining 12, three (3) years. Every 3 years thereafter, 12 Senators are elected, together with the elections of district representatives and parties under the party-list system of representation, as well as that of local

<sup>40</sup> The terms of the *barangay* officials were extended twice.

government officials. Presidential elections, on the other hand, are held every six (6) years.

## **G. Registration and Accreditation of Political Parties**

All political parties<sup>41</sup> must first register with the COMELEC to acquire juridical personality, qualify for subsequent accreditation and be entitled to the rights and privileges granted to political parties. For this purpose, each political party is required to file a verified petition attaching thereto its constitution and by-laws, platform or program of government, and such other relevant information as may be required by the COMELEC. After due notice and hearing, the COMELEC must resolve the petition within ten days from the date it is submitted for decision.<sup>42</sup> The Philippine Constitution prohibits the registration, as a political party, of a religious sect, and the accreditation of a political party which seeks to achieve its goals through violence.<sup>43</sup>

For purposes of participating in the party-list system of representation in the House of Representatives any organized group of persons may register as a party, organization, or coalition by filing with the COMELEC a petition verified by its president or secretary stating its desire to participate in the party-list system as a national, regional or sectoral party or organization or a coalition of such parties or organization, attaching thereto its constitution, by-laws, platform or program of government, list of officers, coalition agreement and other relevant information as the COMELEC may require.

## **H. Filing of Candidacy**

All persons who wish enter the political arena must file a sworn certificate of candidacy in the COMELEC offices<sup>44</sup> within the fixed period

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<sup>41</sup> BP 881, sec. 60 defines a political party as “organized group of persons pursuing the same ideology, political ideas or platforms of government and includes its branches and divisions.”

<sup>42</sup> *Id.*, sec. 61.

<sup>43</sup> 1987 Const., Art. IX-C, sec. 2 (5).

<sup>44</sup> Rep. Act No. 7166, sec. 7.

“(a) The certificate of candidacy of any person running for the Office of the President, Vice-President and Senator shall be filed in the COMELEC office in Manila;

(b) The certificate of candidacy for the Members of the House of Representatives shall be filed with the provincial election supervisor if the province concerned. Those for legislative districts in the National Capital Region shall be filed with the regional election director of said region and those for legislative districts in cities outside the National Capital Region which comprise one or more legislative districts shall be filed with the election registrar concerned.

designated by the Commission. The certificate of candidacy must be personally filed by the candidate or by his authorized representative. Candidates are not allowed to file certificates of candidacy by mail, telegram or facsimile.<sup>45</sup>

The COMELEC has the ministerial duty to receive any certificate of candidacy and immediately acknowledge receipt thereof.<sup>46</sup> A person can only file one certificate of candidacy. If he files more than one certificate of candidacy for more than one office, he shall not be eligible for any of them. However, before the expiration of the period for the filing of certificates of candidacy, the person who has filed more than one certificate of candidacy may declare under oath the office for which he desires to be eligible and cancel the certificate of candidacy for the other office or offices.<sup>47</sup>

### *Nomination of Party-List Representatives*

In the party-list system, the duly authorized representative of a registered party, organization or coalition submits to the COMELEC a list of at least five (5) nominees, from which party-list representatives shall be chosen in case it obtains the required number of votes.<sup>48</sup>

In a recent case,<sup>49</sup> the Supreme Court ordered the COMELEC to disclose the names of the party-list nominees participating in the 14 May 2007 elections, following a petition filed by civil society organizations questioning the poll body's initial refusal to divulge such names. The High Court ruled that the people's right to information on matters of public concern creates a "constitutional duty" on the part of the COMELEC to release the names of the nominees of the party-list groups.

## **I. System of Voting**

Voting is conducted in about 225,000 polling places all over the country. As a general rule, a polling place is where voters from one precinct vote. However, several precincts may be clustered so much so

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(c) The certificate of candidacy for provincial offices shall be filed with the provincial election supervisor concerned; and

(d) The certificate of candidacy for the city or municipal offices shall be filed with the city or municipal election registrar concerned."

<sup>45</sup> Rep. Act No. 7166, sec. 7.

<sup>46</sup> *Alvear v. COMELEC*, 103 Phil. 643 (1958).

<sup>47</sup> BP 881, sec. 73 (3).

<sup>48</sup> Rep. Act No. 7941, sec. 8.

<sup>49</sup> *Rosales v. COMELEC*, G.R. No. 177314, May 4, 2007.

that voters in these clustered precincts will have to vote in only one polling place.

In a manual election, voters write the name/names of candidates in their ballots to cast their votes. In the recent May 14, 2007 elections, around 17,888 vacancies were contested<sup>50</sup> for the different national positions, and local posts in 81 provinces, 118 cities and 1,510 municipalities.<sup>51</sup> Thus, a typical voter has to fill up an average of 27 to 35 names in a single ballot.<sup>52</sup> On the other hand, although an absentee voter can only vote for the positions of President, Vice President, Senator, and Party List, an individual still has to fill up around 15 names. It is understood, of course, that the procedure will drastically change should an automated process of voting be implemented.

There are several safeguards to ensure the secrecy and integrity of the ballot. “Ballot secrecy folders” are placed in polling precincts, and watchers from different political parties and other accredited citizen’s arms are on guard to ensure that only the registered voters in their respective precincts can vote. Filled ballots are deposited in designated ballot boxes which are locked for protection. The index finger of a registered voter whose vote has been cast is inked to ensure that the voter votes only once. The voter is also required to place a thumbmark in the voter’s list and at the ballot receipt.

**Table 2**  
**Total Number of Seats by Elective Position (May 14, 2007 Elections)**

	Total	Senate	Party List	Congress	Governor	Vice Governor	Provincial Board	Cities			Municipalities		
								Mayor	Vice Mayor	Councilors	Mayors	Vice Mayors	Councilors
All Regions	17,888	12	55	219	81	81	770	118	118	1,322	1,510	1,510	12,092
ARMM				8	6	6	54	3	3	30	111	111	888
CAR				7	6	6	50	1	1	12	76	76	608
NCR				29				14	14	224	3	3	36
Region I				12	4	4	42	8	8	82	117	117	936

<sup>50</sup> Data from COMELEC Election Records and Statistics Department, November 2007.

<sup>51</sup> *Id.* The *barangay* elections held last October 29, 2007, on the other hand, involved 41,995 *barangays*

<sup>52</sup> For elections in highly urbanized areas, voters write 20 to 25 names in their ballots.

Region II				10	5	5	44	3	3	32	90	90	720
Region III				21	7	7	68	13	13	132	117	117	936
Region IV-A				19	5	5	50	11	11	116	131	131	1,048
Region IV-B				7	5	5	46	2	2	20	71	71	568
Region V				14	6	6	58	7	7	72	107	107	856
Region VI				18	6	6	60	16	16	164	117	117	936
Region VII				15	4	4	40	12	12	126	120	120	960
Region VIII				12	6	6	56	4	4	42	139	139	1,112
Region IX				9	3	3	28	4	4	46	67	67	536
Region X				12	5	5	46	8	8	86	85	85	680
Region XI				11	4	4	40	5	5	66	44	44	352
Region XII				7	4	4	40	4	4	42	45	45	360
Region XIII				8	5	5	48	3	3	30	70	70	560

## J. Appreciation and Counting of Votes

Under the manual system, the members of the Board of Election Inspectors (BEI) in every precinct have to orally read the names written in each and every ballot and count the votes received by each candidate at the closing of the voting hours. Section 211 of the Omnibus Election Code guides the Board of Election Inspectors in the proper appreciation of votes in each ballot, to wit:

Sec. 211. *Rules for the appreciation of ballots.* — In the reading and appreciation of ballots, every ballot shall be presumed to be valid unless there is clear and good reason to justify its rejection. The board of election inspectors shall observe the following rules, bearing in mind that the object of the election is to obtain the expression of the voters' will:

1. Where only the first name of a candidate or only his surname is written, the vote for such candidate is valid, if there is no other candidate with the same first name or surname for the same office.
2. Where only the first name of a candidate is written on the

- ballot, which when read, has a sound similar to the surname of another candidate, the vote shall be counted in favor of the candidate with such surname. If there are two or more candidates with the same full name, first name or surname and one of them is the incumbent, and on the ballot is written only such full name, first name or surname, the vote shall be counted in favor of the incumbent.
3. In case the candidate is a woman who uses her maiden or married surname or both and there is another candidate with the same surname, a ballot bearing only such surname shall be counted in favor of the candidate who is an incumbent.
  4. When two or more words are written on the same line on the ballot, all of which are the surnames of two or more candidates, the same shall not be counted for any of them, unless one is a surname of an incumbent who has served for at least one year in which case it shall be counted in favor of the latter.
  5. When two or more words are written on different lines on the ballot all of which are the surnames of two or more candidates bearing the same surname for an office for which the law authorizes the election of more than one and there are the same number of such surnames written as there are candidates with that surname, the vote shall be counted in favor of all the candidates bearing the surname.
  6. When on the ballot is written a single word which is the first name of a candidate and which is at the same time the surname of his opponent, the vote shall be counted in favor of the latter.
  7. When two words are written on the ballot, one of which is the first name of the candidate and the other is the surname of his opponent, the vote shall not be counted for either.
  8. A name or surname incorrectly written which, when read, has a sound similar to the name or surname of a candidate when correctly written shall be counted in his favor;
  9. When a name of a candidate appears in a space of the ballot for an office for which he is a candidate and in another space for which he is not a candidate, it shall be counted in his favor for the office for which he is a candidate and the vote for the office for which he is not a candidate shall be considered as stray, except when it is



- used as a means to identify the voter, in which case, the whole ballot shall be void.
10. If the word or words written on the appropriate blank on the ballot is the identical name or surname or full name, as the case may be, of two or more candidates for the same office none of whom is an incumbent, the vote shall be counted in favor of that candidate to whose ticket belong all the other candidates voted for in the same ballot for the same constituency.
  11. When in a space in the ballot there appears a name of a candidate that is erased and another clearly written, the vote is valid for the latter.
  12. The erroneous initial of the first name which accompanies the correct surname of a candidate, the erroneous initial of the surname accompanying the correct first name of a candidate, or the erroneous middle initial of the candidate shall not annul the vote in favor of the latter.
  13. The fact that there exists another person who is not a candidate with the first name or surname of a candidate shall not prevent the adjudication of the vote of the latter.
  14. Ballots which contain prefixes such as "Sr.", "Mr.", "Datu", "Don", "Ginoo", "Hon.", "Gob." or suffixes like "Hijo", "Jr.", "Segundo", are valid.
  15. The use of the nicknames and appellations of affection and friendship, if accompanied by the first name or surname of the candidate, does not annul such vote, except when they were used as a means to identify the voter, in which case the whole ballot is invalid: Provided, That if the nickname used is unaccompanied by the name or surname of a candidate and it is the one by which he is generally or popularly known in the locality, the name shall be counted in favor of said candidate, if there is no other candidate for the same office with the same nickname.
  16. Any vote containing initials only or which is illegible or which does not sufficiently identify the candidate for whom it is intended shall be considered as a stray vote but shall not invalidate the whole ballot.
  17. If on the ballot is correctly written the first name of a candidate but with a different surname, or the surname of the candidate is correctly written but with different first name, the vote shall not be counted in favor of any candidate having such first name and/or surname but the ballot shall be considered valid for other candidates.

18. Any ballot written with crayon, lead pencil, or in ink, wholly or in part, shall be valid.
19. Where there are two or more candidates voted for in an office for which the law authorizes the election of only one, the vote shall not be counted in favor of any of them, but this shall not affect the validity of the other votes therein.
20. If the candidates voted for exceed the number of those to be elected, the ballot is valid, but the votes shall be counted only in favor of the candidates whose names were firstly written by the voter within the spaces provided for said office in the ballot until the authorized number is covered.
21. Any vote in favor of a person who has not filed a certificate of candidacy or in favor of a candidate for an office for which he did not present himself shall be considered as a stray vote but it shall not invalidate the whole ballot.
22. Ballots containing the name of a candidate printed and pasted on a blank space of the ballot or affixed thereto through any mechanical process are totally null and void.
23. Circles, crosses or lines put on the spaces on which the voter has not voted shall be considered as signs to indicate his desistance from voting and shall not invalidate the ballot.
24. Unless it should clearly appear that they have been deliberately put by the voter to serve as identification marks, commas, dots, lines, or hyphens between the first name and surname of a candidate, or in other parts of the ballot, traces of the letter "T", "J", and other similar ones, the first letters or syllables of names which the voter does not continue, the use of two or more kinds of writing and unintentional or accidental flourishes, strokes, or strains, shall not invalidate the ballot.
25. Any ballot which clearly appears to have been filled by two distinct persons before it was deposited in the ballot box during the voting is totally null and void.
26. Any vote cast in favor of a candidate who has been disqualified by final judgment shall be considered as stray and shall not be counted but it shall not invalidate the ballot.
27. Ballots wholly written in Arabic in localities where it is of general use are valid. To read them, the board of election inspectors may employ an interpreter who shall take an oath that he shall read the votes correctly.
28. The accidental tearing or perforation of a ballot does not

annul it.

29. Failure to remove the detachable coupon from a ballot does not annul such ballot.
30. A vote for the President shall also be a vote for the Vice-President running under the same ticket of a political party, unless the voter votes for a Vice-President who does not belong to such party (*superseded by the 1987 Constitution*).

These general rules are supplemented by COMELEC resolutions, especially with the increase in number of candidates having the same surnames running for the same position. It is well to note that the issues relating to the correctness of the appreciation of votes in the ballots are the most common ground raised in cases questioning the results of elections.

The counting of votes is open to the public. Each party or candidate may designate poll watchers, apart from the poll watchers from accredited citizens' arms like the Parish Pastoral Council for Responsible Voting (PPCRV) and the National Movement for Free Elections (NAMFREL), to observe and register their observation to the appreciation and counting votes at the precinct level.

In manual elections, only 20 ballots are counted per hour, with each election precinct having approximately 200 ballots.<sup>53</sup>

## **K. Election Returns and Certificates of Votes**

Once all the ballots have been counted, the Board of Election Inspectors accomplishes the Election Returns, where votes of each and every candidate are tallied and the final votes are written both in figures and in words. The members of the Board of Election Inspectors, as well as the watchers, then sign and place their respective thumb marks in the Election Return.

In the last elections, each Election Return consists of seven (7) copies, which are distributed as follows:

**Table 3**  
**Distribution of Election Returns**

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<sup>53</sup> IFES Report: 2004 Philippine National Election, p. 22.

<b>Copy</b>	<b>Recipient</b>
First Copy	City or Municipal Board of Canvassers
Second Copy	Commission on Elections
Third Copy	Provincial Board of Canvassers
Fourth Copy	Dominant Majority Party
Fifth Copy	Dominant Minority Party
Sixth Copy	Accredited Citizen's Arm
Seventh Copy	Ballot Box

The duly-accredited watchers may also request the Board of Election Inspectors to issue a certificate of votes containing the votes received by each candidate written in figures and words, the number of precinct, the name of the city or municipality and province. Said certificate of votes must be signed and thumbmarked by each member of the board.<sup>54</sup>

## **L. Canvassing**

In municipalities and non-highly urbanized cities, the Election Returns are canvassed by the Municipal/City Board of Canvassers (MBoC or CBoC) by reflecting the precinct results in a tally sheet called the Statement of Votes by Precinct (SOV). The precincts results in the SOV are then added and the municipal/city results are reflected in the Certificate of Canvass (CoC).

These CoCs in turn are forwarded to the Provincial Board of Canvassers for its own canvassing. The PBoC writes the municipal results in an SOV by municipality and the total of the entries are reflected in the provincial CoC.

The provincial CoCs are the ones transmitted to the COMELEC for canvassing of the votes for Senators and Party-List Groups, and to Congress, for the canvassing of votes for President and Vice President. In highly urbanized cities, the City Board of Canvassers canvasses the Election Returns and prepares the CoCs for delivery to the COMELEC and the Congress.

The Municipal/City Certificate of Canvass is prepared in seven (7) copies while the Provincial Certificate of Canvass is prepared in six copies and distributed as follows:

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<sup>54</sup> Rep. Act No. 6646, sec. 16.

**Table 4**  
**Distribution of Provincial Certificate of Canvass**

Copy	City/Municipal CoC	Provincial Coc
First Copy	Provincial Board of Canvassers	Commission on Elections
Second Copy	To be posted on the wall within the premises of the canvassing center	To be posted on the wall within the premises of the canvassing center
Third Copy	Commission on Elections	Chairman of the Board
Fourth Copy	Chairman of the Board	Citizen’s Arm
Fifth Copy	Accredited Citizen’s Arm	Representative of the two of the six major political parties
Sixth Copy	Representative of the two of the six major political parties	
Seventh Copy		

## **M. Proclamation of Results**

On the average, the winners for the local elective positions are proclaimed two (2) or three (3) days from the start of the canvassing, but in some closely contested areas, canvassing and proclamation may drag on to more than a week. For national elective positions, it takes around two (2) weeks after elections to proclaim the winning senators, while canvassing and proclamation of the winners for the positions of President and Vice President may take a month.

In the May 10, 2004 elections, COMELEC proclaimed the first 11 winning Senators fifteen days after the election on May 25, 2004. The battle for the 12<sup>th</sup> slot was resolved a week later, on June 2, 2004, with Rodolfo G. Biazon winning over Robert Z. Barbers. President Gloria Macapagal-Arroyo and Vice President Noli M. De Castro were proclaimed six (6) weeks after the elections, on June 20, 2004.

In the 2007 elections, on the other hand, the winning senatorial candidates were proclaimed on July 14, 2007, or two (2) months after the elections.

The length of time between election day and the dates when election winners were proclaimed has raised doubts on the integrity of the election results.

### **Chapter 3**

## **OVERVIEW OF ELECTION-RELATED CASES IN THE PHILIPPINES**

There are a number of potential election-related disputes that may arise at every step of the electoral process. To give a backdrop on the great responsibility faced by the election adjudicative bodies, this Chapter presents a bird's eye view of these potential cases and the common procedures and pieces of evidence needed to resolve these potential issues.

For simplicity, these cases may be categorized into: (1) Disputes requiring administrative determination; and (2) Disputes requiring judicial determination.

The first class refers to disputes arising out of the administrative conduct of elections, for which the COMELEC is recognized as possessing the competence and expertise to determine. These include questions on whether to give due course to candidacies, registration of political parties, registration and accreditation of citizen's arms, determination of the grounds for postponement or failure of elections, pre-proclamation controversies, and determination of probable cause for filing election offense cases.

The second class pertains to disputes requiring judicial determination such as: (a) petitions for inclusion and exclusion of voters; (b) petitions for *quo warranto*; (c) election protests; and (d) prosecution of election offenses. Petitions for *quo warranto* and election protest cases may be lodged before trial courts, the COMELEC or the electoral tribunals depending on the position contested. On the other hand, petition for inclusion and exclusion of voters and prosecution of election offenses are lodged before first level regular trial courts.

### **A. Pre-Election Cases**

There are four classes of pre-election cases that may arise: (1) with regard to the qualification of voters; (2) questions on whether to give due course to candidacies; (3) with regard to registration and accreditation of political parties; and (4) with regard to the accreditation of the citizen's arm. This section will deal only with the first two types of pre-election cases.

## 1. Qualification of voters

In connection with the determination of the qualification of voters, two possible cases may arise. The first is essentially administrative in nature and concerns the challenges to the qualification of a voter to be registered based on the information he has given in his application for registration. If the application for registration is not contested, the applicant need not appear in the hearing called for the purpose. If the application for registration is contested, then the applicant's presence in the administrative hearing is necessary. The Election Officer forwards to the Election Registration Board (ERB) all applications for registration filed together with the evidence received in connection therewith. The ERB approves or disapproves the applications by a majority vote.

The second type of case concerning the qualification of voters is the petition for inclusion or exclusion of voters, which is essentially a judicial function. Jurisdiction is lodged before the Municipal/Metropolitan Trial Court. A person who has been refused registration by the Election Registration Board or whose name has been stricken out from list may file a petition for inclusion of his name in the Permanent List of Voters. Meanwhile, any interested party may file a petition for the exclusion of any person who has been registered in the Permanent List of Voters.

The importance of resolving these issues before elections cannot be overemphasized. Involving as it thus the sovereign right of the people to vote, an MTC is required to decide a petition for inclusion or exclusion of voters within 15 days from its filing. The aggrieved party may appeal the decision to the Regional Trial Court within five (5) days from receipt of notice thereof. The RTC has 10 days within which to decide the appeal. The decision of the regional trial court in inclusion and exclusion case is final and unappealable but such a decision, nonetheless, does not acquire a nature of *res judicata*. The decision will neither be conclusive on the voter's political status nor bar subsequent proceedings on his right to be registered as a voter in any other election.<sup>55</sup>

## 2. Questions relating to whether to give due course to candidacies.

The second type of pre-election cases touch upon the question on whether to give due course to candidacies, which may be in the form of: (a) petition for disqualification; (b) petition to deny due course or to cancel certificate of candidacy; and (c) petition to declare a candidate a

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<sup>55</sup> Domino v. COMELEC, 310 SCRA 546 (1999).

nuisance candidate. All these cases are lodged, at the first instance, with the Commission on Elections.<sup>56</sup>

### *Petition to Deny Due Course/Cancel Certificate of Candidacy*

Prior to the conduct of election, the COMELEC hears and decides petitions to deny due course to or cancel a certificate of candidacy<sup>57</sup> based on material misrepresentation of information required under sec. 74 of the Omnibus Election Code. The Code requires that the petition to deny due course or cancel a certificate of candidacy be decided, after due notice and hearing, not later than 15 days before the election.<sup>58</sup>

### *Disqualification Cases*

Disqualification cases may be filed against any candidate who is declared by final judgment of a competent court of, or is found by the COMELEC to have (a) given money or other material consideration to influence, induce or corrupt the voters or public officials performing electoral functions; (b) committed acts of terrorism to enhance his candidacy; (c) spent in his election campaign an amount in excess of that allowed; (d) solicited, received, or made any prohibited contribution;<sup>59</sup> (e) committed specific election offenses;<sup>60</sup> or is a permanent resident of or an immigrant to a foreign country unless said person has waived his status as permanent resident therein. When no final and executory judgment has been rendered prior to the election and the candidate sought to be disqualified has been elected and proclaimed winner, the case may be converted into an investigation proceeding to determine the candidate's criminal liability.

### *Nuisance Candidate*

A candidate may be declared a nuisance candidate *motu proprio* by the COMELEC or upon verified petition of an interested party if it is shown that (a) the certificate of candidacy is filed to put the election process in mockery or disrepute, or (b) to cause confusion among the

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<sup>56</sup> In the previous elections, COMELEC came out with resolutions delegating the reception of evidence in these cases to its field offices. It will, however, decide these cases on the basis of the findings submitted by its field lawyers.

<sup>57</sup> BP 881, sec. 78.

<sup>58</sup> *Ibid.*

<sup>59</sup> See BP 881, secs. 89, 95, 96, 97, and 104.

<sup>60</sup> Such as violation of BP 881, secs. 80, 83, 85, 86, and 261, paragraphs d, e, k, v, and cc subparagraph 6.



voters by the similarity of the names of the registered candidates, or (c) by other circumstances or acts which clearly demonstrate that the candidate has no bona fide intention to run for the office for which the certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate.<sup>61</sup>

## **B. Pre-Proclamation Controversy**

A Pre-Proclamation Controversy happens before the proclamation of election winners. It is basically a type of dispute that relates to the determination of who would be declared as winner/s in the elections. It refers to any question relating to the preparation, transmission, receipt, custody, and appreciation of the election returns or certificates of canvass and pertaining to or affecting the proceedings of the board of canvassers. It does not concern itself with any other election fraud, which may properly be raised in a regular election protest. Its main purpose is to ascertain that the returns being canvassed are authentic and duly prepared. A pre-proclamation controversy may be initiated by any candidate or by any registered political party or coalition of political parties before the board of canvassers or directly with the Commission.

### 1. Scope of a Pre-proclamation Controversy

The scope of a pre-proclamation controversy is limited to the issues enumerated under sec. 243 of the Omnibus Election Code, as follows:

- illegal composition or proceedings of the board of canvassers;
- the canvassed election returns are incomplete, contain material defects, appear to be tampered with or falsified, or contain discrepancies in the same returns or in other authentic copies thereof;
- The election returns were prepared under duress, threats, coercion, or intimidation, or they are obviously manufactured, not authentic; and
- When substitute or fraudulent returns in controverted polling places were canvassed, the results of which

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<sup>61</sup> BP 881, sec. 69.

materially affected the standing of the aggrieved candidate or candidates.

The enumeration therein of the issues that may be raised in a pre-proclamation controversy is restrictive and exclusive.<sup>62</sup>

## 2. When Pre-proclamation Controversy Allowed

For local offices, pre-proclamation controversies which refer to questions affecting the composition or proceedings of the board of canvassers may be initiated in the Board of Canvassers or directly with the Commission on Elections. However, matters concerning the preparation, transmission, receipt, custody, and appreciation of the election returns and the certificates of canvass can be brought in the first instance before the board of canvassers only.<sup>63</sup>

In contests involving the positions of President, Vice President, Senator, and Members of the House of Representatives, no pre-proclamation controversy relating to the preparation, transmission, receipt, custody, and appreciation of the election returns or certificates of canvass is allowed. But the appropriate canvassing body may, *motu proprio* or upon written complaint of an interested person, correct manifest errors in the certificate of canvass or election returns before it.<sup>64</sup>

## 3. Summary Disposition of Pre-Proclamation Controversies

In accordance with Rep. Act No. 7166, all pre-proclamation controversies on election returns or certificates of canvass must, on the basis of the records and evidence elevated to it by the board of canvassers, be disposed of summarily by the COMELEC within seven (7) days from receipt thereof. Its decisions shall be executory after the lapse of seven (7) days from receipt by the losing party of the decision of the Commission.<sup>65</sup>

Meanwhile, parties adversely affected by a ruling of the board of canvassers on questions relating to the composition or proceedings of the board may appeal the matter to the COMELEC within three (3) days from

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<sup>62</sup> *Ibid.*

<sup>63</sup> Rep. Act No. 7166, sec. 17.

<sup>64</sup> Rep. Act No. 7166, sec. 15.

<sup>65</sup> Rep. Act No. 7166, sec. 18.

a ruling thereon. The COMELEC shall summarily decide the case within five (5) days from the filing thereof.

By the start of the term of office all pre-proclamation controversies pending before the COMELEC are deemed terminated and the rulings of the canvassing board are considered affirmed and proclamation of the presumptive winner will then ensue. The remedy of the losing candidate who would claim to have been cheated would be to question the results in an election protest. If, however, the COMELEC finds the evidence thus far presented to be meritorious, it may choose to continue with the proceedings. In the last elections, 90 out of 293 pre-proclamation controversies have been allowed to continue by COMELEC.

In any case, notwithstanding the pendency of any pre-proclamation controversy, the Commission may summarily order the proclamation of other winning candidates whose election will not be affected by the outcome of the controversy.<sup>66</sup>

### **C. Election contests**

For purposes of this study, an election contest may either be an election protest or a petition for *quo warranto*. An election protest is a contest between the defeated and winning candidates on the ground of frauds or irregularities in the casting and counting of the ballots, or in the preparation of the returns. It raises the question of who actually obtained the plurality of the legal votes and therefore is entitled to hold the office.<sup>67</sup>

On the other hand, a petition for *quo warranto* refers to an election contest relating to the eligibility of elective officials to hold the office to which they were elected. The issue is whether the respondent possesses all the qualifications and none of the disqualifications prescribed by law.

**Table 4**  
**Jurisdiction over Election Contests**

Elective Office	Adjudicative Body	Period to File Action	
		Election Protest	<i>Quo warranto</i>

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<sup>66</sup> *Id.*, sec. 21.

<sup>67</sup> *Dumayas v. COMELEC*, G.R. Nos. 141952-53, Apr. 20, 2001.

<i>Barangay</i> Officials	Municipal Trial Court / Metropolitan Trial Court	10 days from proclamation	10 days from proclamation
Municipal Officials	Regional Trial Court	10 days from proclamation	10 days from proclamation
Regional, Provincial, and City Officials	COMELEC	10 days from proclamation	10 days from proclamation
Members of House of Representatives	House of Representatives Electoral Tribunal	10 days from proclamation	10 days from proclamation
Members of Senate	Senate Electoral Tribunal	15 days from proclamation	10 days from proclamation
President and Vice President	Presidential Electoral Tribunal	30 days from proclamation	10 days from proclamation

Considering that the meat of the study refers to election contests, the subject will be discussed in more detail in the subsequent chapter.

## **D. Election Offenses**

A host of election offenses are listed in the Omnibus Election Code, and still others are defined and punished under special laws. These offenses cover prohibited activities prior, during, and after elections. Some of the most common offenses are as follows:

- Vote buying and vote-selling;
- Conspiracy to bribe voters;
- Wagering on the results of the elections;
- acts of coercion;
- prohibition on personnel movement in Government service;
- transfer of officers and employees;
- partisan political activity;
- use of undue influence;
- dismissal of employees, laborers, or tenants;
- electioneering;
- release of prisoners;
- carrying of deadly weapons;
- wearing of uniform;
- use of special policemen, special agents, confidential agents;
- use of public funds and facilities;
- prohibitions relating to registration of voters;
- prohibitions relating to manner of voting, counting of votes, false reports, integrity and security of the ballots, etc.;
- prohibition relating to canvassing;

- prohibitions common to boards of election inspectors or canvassers; and
- prohibition relating to candidacy and campaign.

The COMELEC has the constitutional mandate to prosecute election cases. Republic Act No. 9369, however, gave COMELEC and the Department of Justice concurrent jurisdiction to investigate and prosecute election offenses cases. Election Offense cases that have become full-fledged criminal cases are heard before the Regional Trial Courts.

## **E. Other Special Cases**

By a majority vote of the COMELEC sitting *en banc*, they may, *motu proprio* or upon verified petition by any interested party and after due notice and hearing, postpone an election, declare a failure of election or call for special elections.

### 1. Postponement of election

An election may be postponed when there is violence, terrorism, loss or destruction of election paraphernalia or records, and other analogous causes which make the holding of a free, orderly, and honest election impossible in any political subdivision.

### 2. Declaration of failure of elections

To declare a failure of elections, two requisites must concur: (a) no voting has taken place in the precinct or precincts on the date fixed by law, or even if there was voting, the election nevertheless results in failure to elect; and (b) the votes not cast would affect the result of the election.<sup>68</sup> The term “result of the election” means that net result, i.e., the margin of the leading candidate over that of his closest rival in relation to the total number of votes in the precinct/s where there was failure of election.<sup>69</sup>

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<sup>68</sup> Mitmug v. COMELEC, 230 SCRA 54 (1994).

<sup>69</sup> Lucero v. COMELEC, 234 SCRA 280 (1994).

## **Chapter 4**

### **SYSTEM OF ELECTION ADJUDICATION IN THE PHILIPPINES**

There is as yet no comprehensive study on the system of election adjudication in the Philippines beyond the opinion surveys conducted by the Social Weather Stations (SWS) and Pulse Asia. Admittedly limited in scope, these opinion surveys paint but a general landscape of the Filipino people's perception on the credibility of the electoral system. There are other studies pertaining to the institutional independence of the judiciary, but none so far has focused on the role of the judiciary as an adjudicator of election contests. There is also a dearth of materials analyzing the performance of the country's Electoral Tribunals.

This Chapter attempts to draw the lines and the curves, the hills and the valleys, as well as the rivers and the lakes comprising the tricky terrain of election adjudication. This task is by no means easy. There are different bodies, constitutionally independent of each other, involved in resolving election contests. While there is a discernible pattern in resolving election contests, these bodies promulgate their own rules of procedure. Hence, although they follow a common set of legal principles, these bodies differ in the manner of hearing and deciding election contests.

This Chapter identifies the factors that contribute or hinder in the effective and credible performance of the adjudicative bodies in resolving election contests. It dissects the points of convergence and divergence, between and among these adjudicative bodies, in the hope of finding the right institutional or procedural mechanism that will enhance the credibility of the system of election adjudication in the Philippines.

#### **A. Independence and Impartiality**

People's perceptions of the credibility of the election adjudication processes primarily rest on the perceived independence and impartiality of the bodies involved in resolving election contests. By its very nature, an election contest invites public debate and participation, with the supporters of both camps intimately—and more often, emotionally—involved. As an election contest concerns nothing less than the exercise of sovereignty by the people, it is important that the adjudicative bodies maintain their independence and impartiality, both in perception and in reality.

Theoretically, the adjudicative bodies enjoy institutional independence calculated to insulate them from corruption and political pressures. However, both the party litigants and the general public profess a common feeling of distrust with these bodies. Anecdotal reports of impartiality, bribery, and corruption abound; some have been proven, others remain mere speculation. This section does not intend to prove or disprove these allegations, but looks into the gaps in the institutional mechanisms that may compromise the independence and impartiality of the various adjudicative bodies.

### 1. Trial Courts

As stated earlier, election contests involving elective municipal and *barangay* officials are taken cognizance of, at the first instance, by the Regional Trial Courts (RTC) and the Metropolitan or Municipal Trial Courts (MeTC/MTC), respectively. Their decisions are, however, appealable to the COMELEC, whose decisions, in turn, are considered final and executory.

#### *Selection Process and Appointment in the Judiciary*

The impartiality and independence of RTC and MTC judges hinges on the stringent selection process in their appointment. Aspirants to the judiciary undergo rigorous screening by the Judicial and Bar Council (JBC) prior to their appointment by the President.<sup>70</sup> Devised as a constitutional check on the appointing powers of the President to lessen partisanship in the selection of the members of the judiciary, the JBC's recommendations should only be the source of the President's appointees to the judiciary.

Despite the rigorous screening process undertaken by the JBC, a survey conducted by the SWS reveals that 63% of the lawyers and 53% of the judges expressed dissatisfaction with the process of selecting appointees to the judiciary.<sup>71</sup> This dissatisfaction may be rooted in the procedures employed by the JBC. Some critics accuse JBC of politicizing the courts; they contend that nominees still need "*padrinos*" (backers) to be nominated.<sup>72</sup> Recently, the JBC sought to address this issue by opening up the nomination process; it now conducts public interviews to screen applicants.

#### *Selection of Special Election Courts*

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<sup>70</sup> 1987 Const., Art. VIII, sec. 8 (5) & sec. 9.

<sup>71</sup> *Supra* note 12.

<sup>72</sup> "Judicial Independence Overview and Country Level Summaries," The Asia Foundation (2003). Electronic copy of the article may be accessed at [http://www.adb.org/Documents/Events/2003/RETA5987/Final\\_Overview\\_Report.pdf](http://www.adb.org/Documents/Events/2003/RETA5987/Final_Overview_Report.pdf)

There is no rigid mechanism involved in the selection and appointment of judges in the newly-designated special election courts. From available sources, it appears that the Supreme Court handpicked the trial court judges from a list submitted by the Office of the Court Administrator (OCA). The judges were selected based on their track record in resolving the criminal and civil cases within the prescribed period, and on their current case loads.<sup>73</sup> After identifying the judges based on the said criteria, the concerned judges were officially informed of their new assignments.

Admittedly, the selection process centers on the trial courts' efficiency in resolving civil and criminal cases. There is no indication that experience in handling election cases was required. With this procedure, the judges selected to sit in the newly designated special election courts are, expectedly, of mixed variants. At least one judge appointed is a Judicial Excellence Awardee and a veteran in resolving election cases,<sup>74</sup> while another one was fairly new in the judiciary, and had no prior experience in resolving election cases.<sup>75</sup>

Aware of this disparity in the knowledge and experience, Chief Justice Reynato S. Puno tasked the Philippine Judicial Academy (PHILJA), the Supreme Court's education arm, to convene the selected judges "so that they can receive the appropriate upgrading of their knowledge" in light of the new rules.<sup>76</sup>

To be sure, a thorough assessment on the manner and selection and appointment of judges in designated special election courts is imperative, so as to thresh out the possible quirks in the process. In the latest status report submitted to the Supreme Court, at least 4 judges inhibited themselves from further hearing election contests,<sup>77</sup> delaying the resolution of at least 13 cases.

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<sup>73</sup> Jay B. Rempillo, "SC to Create Special Election Courts," April 20, 2007. Electronic copy of the article may be accessed at

<<http://www.supremecourt.gov.ph/news/courtnews%20flash/2007/04/04>>.

<sup>74</sup> For instance, Judge Francisco Roberto O. Quilala of Laoag City, RTC Branch 14.

<sup>75</sup> In an interview, Judge Racquelen Abary-Vasquez admitted that she was quite surprised by the designation of her court as a special court to handle election cases.

<sup>76</sup> *Ibid.*

<sup>77</sup> RTC Branch 5, Lemery Batangas; RTC Branch 44, Mamburao, Occidental Mindoro; RTC Branch 33, Calbiga, Samar; RTC Branch 33, Bauang, La Union.



### *Susceptibility to Political Pressure*

Allegation of corruption is also one of the serious issues confronting the judiciary. In the same SWS survey quoted earlier, around 25% of the lawyers say that in general, many/very many judges are corrupt, and 49% of them say they know a case in their own city or province where a judge took a bribe.<sup>78</sup>

An election lawyer ventured an opinion as to why judges handling election cases may be susceptible to pressure and corruption. He explained that from among the bodies involved in election adjudication, only the first level courts do not decide collegially. Thus, from the point of view of party-litigants, it is easier and cheaper to bribe a trial court judge, as a determined politician with pending election case has to deal only with one person.<sup>79</sup>

Another factor is the fact that trial courts handle election cases concerning parties which are in their territorial jurisdiction. This proximity naturally breeds familiarity, and solicitation of favors here and there is not farfetched. In politically volatile environments, threats of violence may even force trial court judges to rule for or against a party litigant.

### *Fiscal Independence and Corruption*

The Philippine Constitution grants fiscal autonomy to the judiciary. However, just like other government offices, the annual budgetary allotment for the judiciary is still dictated by Congress, and, to some degree, by the Executive Branch. On the average, the budget for the entire judiciary represents less than 1% of the total national budget.<sup>80</sup> For the longest time, judges' wages have suffered the most from this low budgetary allotment, and have been blamed for the susceptibility of judges to corruption.<sup>81</sup> In a survey conducted in 1995-1996, only 17% of the judges said that their salaries were "adequate," while 81% of judges characterized their compensation as "inadequate."<sup>82</sup>

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<sup>78</sup> *Supra* note 12. The survey concerns perception of lawyers on the members of the judiciary in general. It was conducted prior to the designation of special election courts.

<sup>79</sup> Focused Group Discussion, August 29, 2007.

<sup>80</sup> Supreme Court 2005 and 2006 Annual Reports.

<sup>81</sup> Corruption in the Judiciary: Causes and Remedies. Electronic copy of the article may be accessed thru: <[http:// www. transparency.org/](http://www.transparency.org/)>

<sup>82</sup> Madeleine U.V.G. Avanzado, "SWS Survey: More Judges Satisfied with Compensation." Electronic copy of the article may be accessed at <<http://www.supremecourt.gov.ph/publications/benchmark/2006/12/16>>.

In 2003, Congress enacted Rep. Act No. 9227 granting special allowances to judges equivalent to 100% of their basic salary.<sup>83</sup> In two surveys conducted thereafter, a considerable increase in the proportion of the judges characterizing their salary as “adequate” was observed; the percentage rose to 22% in the 2003-2004 survey, and then to 36% in 2005-2006. A decrease of twenty percentage points was also recorded in the number of judges calling their salaries “inadequate;” from 81% in 1995-1996 survey, the proportion decreased to 61% of the judges surveyed in 2005-2006.<sup>84</sup> The impact of the increased satisfaction of judges in their salaries on the level of corruption in the judiciary has yet to be ascertained, though.

The practice among local government units of providing allowances to trial court judges within their jurisdiction<sup>85</sup> is also another potential source of political pressure and corruption as it makes judges beholden to the local officials. The decreasing funds given to the judiciary further exacerbates the situation, as judges and court personnel are forced to solicit money from local governments for basic court needs.<sup>86</sup>

### *Monitoring the Conduct of Judges*

Even with the allegations of corruption and bribery, the court system still has the most effective checking mechanism to correct perceived partiality in decision making.

Among all the adjudicative bodies involved in resolving election contests, only members of the judiciary are bound by a strict code of discipline. Under the close watch of the Supreme Court, judges must strictly follow the Code of Judicial Conduct,<sup>87</sup> requiring them to uphold the integrity and independence of the judiciary at all times.<sup>88</sup> Being the “visible representation of the law and the embodiment of the people’s sense of justice,”<sup>89</sup> a judge is expected to adhere to the “highest tenets of judicial conduct and should constantly keep away from any act of impropriety, not only in the performance of his official duties but also his

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<sup>83</sup> Rep. Act No. 9227, sec. 2.

<sup>84</sup> *Supra* note 82.

<sup>85</sup> *Supra* note 72.

<sup>86</sup> Melvin Gascon, “Judges slam House cut of court’s budget,” Phil. Daily Inquirer, Dec. 1, 2007. For electronic copy of the article, see: [http://newsinfo.inquirer.net/inquirerheadlines/regions/view\\_article.php?article\\_id=104144](http://newsinfo.inquirer.net/inquirerheadlines/regions/view_article.php?article_id=104144).

<sup>87</sup> Promulgated on Sept. 5, 1989 and took effect on Oct. 20, 1989.

<sup>88</sup> Code of Judicial Conduct, Canon 1.

<sup>89</sup> *Yu v. Leanda*, Adm. Matter No. RTJ-99-1463, January 16, 2001.

everyday actuations.”<sup>90</sup> The Supreme Court constantly reminds that “no other position exacts a greater demand on moral righteousness and uprightness of an individual” than a seat in the judiciary.<sup>91</sup> Thus, a judge “should always be a symbol of rectitude and propriety, comporting himself in a manner that will raise no doubt whatsoever about his honesty.”<sup>92</sup>

Trial court judges who may be found to have acted with impropriety in deciding election cases may be subject to disciplinary action by the Supreme Court. They can be meted with penalties that include reprimands, warnings, fines, suspensions, or even dismissal from service. The salaries and retirement benefits of erring judges may also be forfeited.

In one case, an RTC judge handling an election case in Pangasinan was dismissed from service for manifest partiality and gross ignorance of the law.<sup>93</sup> The dismissed judge was seen privately meeting with a litigant in a resort and was later seen with the said litigant waving to the public while his judgment in favor of the said litigant was being implemented. Furthermore, he was found to have deliberately applied not only patently inapplicable but also long-repealed laws. For these acts, the Supreme Court said that the judge had “tainted the image of the judiciary to which he owes fealty and the obligation to keep it at all times unsullied and worthy of the people's trust.” Thus, apart from dismissal from service, all his retirement benefits and privileges were also forfeited, and he was barred from being reemployed in any government agency or instrumentality.

Another judge was fined for unduly delaying the resolution of an election protest.<sup>94</sup> From the time the election protest was filed on May 22, 1998, until the said judge inhibited herself on May 30, 2000, only the appointment of revisors had been done. The Supreme Court observed that the said judge “unreasonably procrastinated in dealing with complainant's election protest” and this “unreasonable procrastination certainly aggravated her gross ignorance of the law.” However, considering that said judge has already retired and there being no record of previous serious administrative infractions, the Court became lenient in applying the corresponding penalty.

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<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.*

<sup>93</sup> *De Guzman v. Judge Sison*, 99731 RTJ, 26 March 2001.

<sup>94</sup> *Jaucian v. Espiras*, AM RTJ-01-1641, 9 May 2002.

Meanwhile, a judge in Pampanga was fined for gross ignorance of the law when he considered the election protest case submitted for decision upon his receipt of the report of the revision committee, over the objections of the counsel for protestee.<sup>95</sup> In issuing the order considering the case submitted for decision based on a mere report, the Supreme Court added that the respondent judge was clearly guilty of violating due process, tantamount to gross ignorance of the law. The Supreme Court said that the respondent judge should have known that “revision is merely the first stage, and not the *alpha* and *omega*, of an election contest.”

In Pasig City, a trial court judge was found guilty of serious misconduct, partiality, and inexcusable negligence, and was ordered to pay a fine of Twenty Thousand Pesos (Php20,000.00), “with the stern warning that any similar misconduct on his part in the future will be dealt with more severely.”<sup>96</sup> The Supreme Court opined that judge's demeanor during the entirety of the trial was clearly wanting. He merely relied on the report from the National Bureau of Investigation, and did not examine the questioned ballots as prescribed by the Omnibus Election Code “despite the wrong figures, computations, and typographical errors and mistakes present in the NBI Reports.” Records show that there was no hearing on the NBI reports, and gave copies of them, consisting of 53 and 17 pages, respectively, five minutes before the promulgation of judgment. Even worse, respondent judge granted the motion for execution pending appeal filed by the winning party on the day of promulgation of judgment. “What is disturbing” according to the Court, “is that said motion was dated day before the scheduled promulgation, indicating that Papa had prior knowledge of a decision favorable to him.”

There are other cases of similar import wherein the judges were imposed varying degrees of disciplinary actions.<sup>97</sup> However, only a few take advantage of this checking mechanism. Of the lawyers who said that they knew of some judges who took a bribe, only 8% reported the bribery.<sup>98</sup>

The designation of special courts to handle election contests is seen as further bolstering the capacity of the Supreme Court to check on the conduct of judges involved in election adjudication. Unlike before, these judges can no longer hide behind the cloaks of anonymity. The more proactive stance of the Supreme Court in monitoring their progress is also

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<sup>95</sup> Manalastas v. Judge Flores, AM MTJ-04-1523, Feb. 6, 2004.

<sup>96</sup> SB Taguig v. Estrella, AM No. 01-16008 RTJ, 16 January 2001.

<sup>97</sup> Yu v. Leanda, AM No. RTJ 99-1463, 16 January 2001; Baldado v. Bugtas, AM RTJ 00-1586, October 24, 2003.

<sup>98</sup> *Supra* note 12.

expected to enhance the overall performance of the special election courts.

## 2. Commission on Elections

Among the election adjudication bodies, the most crucial is the Commission on Elections, or COMELEC, not only because it takes cognizance of election contests involving elective city and provincial officials—as well as regional officials from the Autonomous Region in Muslim Mindanao—but more importantly because it also functions as the election administrator. The COMELEC's dual role as an agency tasked to administer elections while at the same time acting as a tribunal for election contests is perceived as one of the contributing factors to its susceptibility to political pressure. As the agency tasked with the administration of elections, COMELEC officials have to deal with politicians, both in the national and local level, on a consistent basis. In the context of these realities, it is said that COMELEC officials inexorably develop relationships with politicians. This constant contact with politicians supposedly contributes to the difficulty of the Commissioners to act as neutral adjudicators of election cases.<sup>99</sup>

Furthermore, the people's perception of the COMELEC as an adjudicator of election cases is invariably linked with COMELEC's administrative functions. The COMELEC's credibility rises and falls depending on the people's perception of the poll body's performance in the elections, and the scandals that accompany it. Consequently, its ability to fairly and objectively resolve election disputes is inevitably affected by its performance in running the elections.

In a report released in May 2004, the SWS revealed that the COMELEC was more trusted as an institution in 1991.<sup>100</sup> However, the trust rating of COMELEC plummeted to -17 (March 2006) and -10 (September 2006) net trust ratings from a high of +49 (February 2004).<sup>101</sup> From among the post-EDSA COMELEC chairs, Benjamin Abalos, Sr., has received the lowest satisfaction rating. Meanwhile, based on a Pulse Asia survey released on 6 April 2006, 52% of Filipinos agree that incumbent COMELEC Commissioners should resign because of

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<sup>99</sup> Interview with former Comelec Commissioner Mehol K. Sadain, October 25, 2007.

<sup>100</sup> Mahar Mangahas, "SWS March and April Surveys: 60% Trust Comelec, But Only 26% Trust Abalos," May 5, 2004. Electronic copy of the article may be accessed thru: <  
<http://www.sws.org.ph/>>.

<sup>101</sup> *Supra* note 11.

controversies in the conduct of the May 2004 elections.<sup>102</sup> The 2006 SWS survey conducted from February to April 2006 indicated that the COMELEC suffers a -59% net sincerity rating in fighting corruption.<sup>103</sup>

It is well to remember that the COMELEC under the 1935 Constitution was primarily charged with the administrative supervision of the elections; its quasi-judicial function is limited on deciding administrative questions affecting elections.<sup>104</sup> The regular courts and the electoral tribunals were vested original jurisdictions over election contests. The 1973 Constitution abolished the Electoral Tribunals and transferred their functions to the COMELEC. Thus, apart from its administrative functions, COMELEC was designated as “the sole judge of all contests relating to the elections, returns, and qualifications of all members of the National Assembly and elective provincial and city officials.”<sup>105</sup> The 1987 Constitution restored the Electoral Tribunals, delineated the jurisdiction of the first level courts, and defined the original as well as the appellate jurisdiction of the COMELEC with respect to election contests. The new Constitution likewise strengthened the COMELEC’s administrative functions.

At present, there is a growing clamor from within and outside COMELEC to separate its administrative and adjudication functions.

#### *The rotational scheme of appointing Commissioners*

The COMELEC enjoys several constitutional safeguards intended to insulate the institution from political pressure. The Commissioners have a fairly long term of seven years.<sup>106</sup> The 1987 Constitution employs the rotational scheme such that no President can appoint all members of the Commission during his or her term.<sup>107</sup> Theoretically, this guarantees that there would always be Commissioners not appointed by the incumbent

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<sup>102</sup> Yvonne Chua, “52% say Comelec Commissioners should resign-Pulse Asia,” April 6, 2006. Electronic copy of the article may be accessed thru: <<http://www.pcij.org/blog/?p=785>>.

<sup>103</sup> Social Weather Station, “The 2006 SWS Survey of Enterprises on Corruption: MOSTLY GOOD NEWS ON THE BUSINESS SECTOR, BAD NEWS ABOUT GOVERNMENT,” July 6, 2006. Electronic copy of the article may be accessed thru: <<http://www.sws.org.ph/pr060706.htm>>.

<sup>104</sup> 1935 Const., Art. X, sec. 2. “The Commission on Elections shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections and shall exercise all other functions which may be conferred upon it by law. It shall decide, save those involving the right to vote, all administrative questions affecting elections, including the determination of the number and location of polling places, and the appointment of election inspectors and of other election officials. All law enforcement agencies and instrumentalities of the Government, when so required by the Commission, shall act as its deputies for the purpose of insuring free, orderly, and honest election. The decisions, orders, and rulings of the Commission shall be subject to review by the Supreme Court.”

<sup>105</sup> 1973 Const., Art. XII-C, sec. 2.

<sup>106</sup> 1987 Const., Art. IX-C, sec. 1 (2).

<sup>107</sup> *Ibid.*

president, and therefore ensures the appointment of independent Commissioners unsusceptible to the influence of the president. Despite this safeguard, President Arroyo has the unique opportunity to appoint all seven (7) members of the Commission as a result of her serving out the remaining portion of deposed President Joseph Estrada's presidency plus her own six-year term; she will therefore serve as President a total of nine years, from 2001 to 2010,<sup>108</sup> effectively circumventing this formula.

### *Selection and appointment of Commissioners*

There are no fixed rules governing the screening and selection of COMELEC Commissioners by the President. The 1987 Constitution merely requires that the Chairman and the Commissioners be: (a) natural born citizens of the Philippines; (b) at the time of their appointment, at least 35 years of age; (c) holders of a college degree—but a majority, including the Chairman, must be members of the Philippine Bar who have engaged in the practice of law for at least ten years; and (d) must not have been candidates for any elective position in the immediately preceding elections.<sup>109</sup> Beyond these minimum requirements, the President has free reign to appoint COMELEC Commissioners.

The only checking mechanism on the power of the President to appoint COMELEC Commissioners is through congressional confirmation. The 1987 Constitution requires the appointed Commissioners to be confirmed by the Commission on Appointments (CA),<sup>110</sup> composed of members of both Houses of Congress.<sup>111</sup> Under the Constitution, the CA must act, by a majority vote, on all appointments submitted to it within thirty (30) session days of the Congress from their submission.<sup>112</sup> In other words, the CA must either affirm or reject the appointments made by the President. However, in the past, the CA had the habit of merely bypassing the appointments of some Commissioners without definitive action thereon. Meanwhile, the President had renewed

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<sup>108</sup> In January 2001, then Vice President Gloria Arroyo assumed the presidency to serve until 2004 after the then sitting president Joseph Estrada was deemed to have constructively resigned from his office. The Const. allowed her to run for the presidency in 2004, which she won, albeit in doubtful circumstances.

<sup>109</sup> 1987 Const., Art. IX-C, sec. 1 (1).

<sup>110</sup> 1987 Const., Art. IX-C, sec. 1 (2).

<sup>111</sup> 1987 Const., Art. VI, sec.18. "There shall be a Commission on Appointments consisting of the President of the Senate, as ex-officio Chairman, twelve Senators and twelve Members of the House of Representatives, elected by each House on the basis of proportional representation from the political parties and parties or organization registered under the party-list system represented therein. The Chairman of the Commission shall not vote, except in case of tie."

<sup>112</sup> *Ibid.*

her *ad interim*<sup>113</sup> appointments to those who had been by-passed by the CA.<sup>114</sup> Thus, even without having been confirmed by the CA, the appointed Commissioners were able to execute their duties and functions. Needless to emphasize, a functioning Commissioner whose appointment has not yet been confirmed by the CA would find it hard to assert his or her independence as his or her constitutionally guaranteed security of tenure would then be dependent upon the members of the CA. It is not far-fetched to imagine CA members exerting pressure on a COMELEC appointee to decide one way or the other on an election protest involving an ally in their constituencies in return for their vote on the latter's confirmation.

Without departing from the current system, however, there is an effort now to make the selection process more open and participative. President Arroyo formed a Search Committee that will search for prospective appointees to the existing vacancies. But as to whether this Search Committee will seriously consider nominations coming from the broader sectors of the society, or whether the President would actually follow the recommendations of her own Search Committee, remains to be seen. Conventional wisdom says that she—as well as succeeding presidents—would most likely decide on the basis of political expediency and consideration.

#### *Checking Mechanism on the Conduct of Commissioners*

Unlike in the judiciary, there is no effective mechanism to check the conduct of appointed COMELEC Commissioners. As they are strictly not members of the judiciary, the COMELEC Commissioners are not bound by the Code of Judicial Conduct. The only mechanism that checks the conduct of the Commissioners acting as judges of election contests is the process of impeachment. It is doubtful, however, whether the process of impeachment is adequate to check the conduct of COMELEC Commissioners acting as judges of election contests. By its nature, impeachment is a political process, which makes its success or failure dependent upon the whims and caprices of politicians. An impeachment proceeding may yet again be a venue of political horse-trading that would most likely involve pending election protests handled by the subject

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<sup>113</sup> *Ad interim* appointments are those that are made during congressional recess, when the CA cannot convene. *Ad interim* appointees are allowed to occupy their posts until the next congressional recess.

<sup>114</sup> The Transparency and Accountability Network (TAN) noted that all nine of Arroyo's appointments to the COMELEC have been *ad interim*, with six of them eventually being confirmed by the CoA. Virgilio Garcillano and Manuel Barcelona were bypassed several times and never confirmed by the CoA, while Alfredo Benipayo was not reappointed after he was bypassed once. Electronic copy of the article may be accessed thru: <[http://www.tan.org.ph/files/proj\\_caw.asp](http://www.tan.org.ph/files/proj_caw.asp)>



commissioner. Moreover, the grounds for impeachment are specifically enumerated in the Constitution.<sup>115</sup> Simple misdemeanors which may subject a trial court judge handling election case to disciplinary action may not constitute an impeachable offense.

Despite the many anecdotal reports concerning alleged partiality of some COMELEC Commissioners in the course of adjudicating election disputes, no COMELEC Commissioner has been successfully impeached on account of his or her perceived partiality in deciding election cases.<sup>116</sup> Recently however, impeachment cases were filed against two incumbent Commissioners<sup>117</sup> in connection with their decision in a dispute involving the rightful nominee of a party participating in the party-list system of representation in Congress.<sup>118</sup>

### 3. Senate and House of Representatives Electoral Tribunals

Both the Senate and the House of Representatives Electoral Tribunals are independent constitutional bodies, with power to create their own set of rules.<sup>119</sup> They are not under the supervision or control of Congress.<sup>120</sup> Hence, the employees of the Tribunals are not considered employees of Congress. The tribunals are also independent of the COMELEC. They are governed by their own rules of procedure, not by rules prescribed by COMELEC.<sup>121</sup> Finally, since the Constitution constituted the tribunals as the “sole judge” of election contests relating to their respective members, their decisions are not subject to appeal to the Supreme Court. Nonetheless, the Supreme Court may review the decisions of the Tribunal when there is grave abuse of discretion, amounting to lack or excess of jurisdiction.<sup>122</sup>

#### *Susceptibility to Political Pressure*

Like the other adjudicative bodies, the electoral tribunals’ capacity to decide independently and impartially is also subject to public suspicion.

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<sup>115</sup> The following are the grounds for impeachment: (a) culpable violation of the Const.; (b) treason; (c) bribery; (d) graft and corruption; (e) other high crimes; and (f) betrayal of public trust.

<sup>116</sup> Impeachment cases were filed against former Commissioner Luzviminda G. Tancangco and resigned Chairman Benjamin Abalos. However, the allegations concern their conduct as administrators of elections and not as judges of election cases.

<sup>117</sup> Commissioners Resurreccion Z. Borra and Romeo A. Brawner.

<sup>118</sup> See Delon Porcalla, “House Tackles impeachment of Borra, Brawner,” *The Philippine Star*, December 5, 2007.

<sup>119</sup> II Records 87-88.

<sup>120</sup> *Angara v. Electoral Tribunal*, 63 Phil. 139.

<sup>121</sup> *Lazatin v. Electoral Tribunal*, 168 SCA 391 (1988).

<sup>122</sup> *Robles v. House Electoral Tribunal*, 181 SCRA 780 (1990); *Co v. House Electoral Tribunal*, 199 SCRA 692 (1991).

This suspicion can be traced to the composition and appointment of members of the tribunals and the lack of mechanism to check the conduct of its members.

Unlike the other bodies involved in adjudication election cases, only the HRET and the SET have incumbent elected officials as members. These members are selected by the political parties in proportion to the number of seats they obtained in the elections.<sup>123</sup> The presence of three Supreme Court justices in each of the Tribunals, intended to ensure the impartiality of the tribunals,<sup>124</sup> did not totally obliterate the doubts as to the ability of the tribunals to arrive at a fair and impartial decision. This is because politician-members of the HRET and SET outnumber the Justice-members by 2:1 ratio.<sup>125</sup>

This doubt is not without any basis. The case of *Bondoc v. Pineda*<sup>126</sup> shows the danger of entrusting the election adjudication in the hands of the politicians. By sheer number, party politics may spell the difference in a pending election case.

In this particular case, the dominant political party requested that party's representation in the Tribunal be changed in an apparent move to thwart the promulgation of a decision reached by the Tribunal which was adverse to Pineda, a member of the majority party. On the eve of such promulgation, Congressman Camasura, who sided with the rest of the Justices in the Tribunal, was expelled from the majority party on grounds of "disloyalty to the party and breach of party discipline." Consequently, his designation as member of the Tribunal was revoked and he was replaced by another representative of the majority party. With the change in the composition of its members, the decision eventually went in favor of Pineda. The Supreme Court reversed such decision, stressing that the expulsion of Congressman Camasura was not for a lawful and valid cause, but to unjustly interfere with the tribunal's disposition of case. It stressed that "[A] s judges, the members of the tribunal must be non-partisan. They must discharge their functions with complete detachment, impartiality, and independence, even independence from the political party to which they belong."

### *Checking Mechanism on the conduct of the Tribunals*

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<sup>123</sup> 1987 Phil. Const., Art. VI, sec. 17.

<sup>124</sup> *Ibid.*

<sup>125</sup> *Ibid.* Each electoral tribunal is composed of nine members, 6 of which are members of congress and 3 are Justices of the Supreme Court.

<sup>126</sup> G.R. No. 97710, Sept. 26, 1991.

Due to the mixed composition of the Electoral Tribunals, there is an uncertainty as to the procedural mechanisms to check the conduct of its members. Strictly speaking, members of Congress are subject to disciplinary procedures of either the House or the Senate<sup>127</sup> while the Justice-members are impeachable officers.<sup>128</sup> However, there is no clear checking mechanism that would effectively hold the members of the tribunal accountable for their actions.

#### 4. Presidential Electoral Tribunal

The 1935 Constitution was silent as to what body would have jurisdiction on questions relating to the election of the President and Vice President. This omission was interpreted to mean that any candidate for president or vice president who believed that he was cheated, had no legal right to demand by election protest a recount of the votes cast for the office concerned, to establish his right thereto. In other words, controversies or disputes relating to the election of the president or vice-president are not justiciable.<sup>129</sup>

To fill this gap, Congress enacted Republic Act No. 1793 in 1957 and created the Presidential Electoral Tribunal composed of all Supreme Court Justices. This statute was challenged before the Supreme Court in *Lopez v. Roxas*,<sup>130</sup> but the constitutionality of the law was upheld.

Rep. Act No. 1793 was deemed impliedly repealed with the subsequent shift to a basically parliamentary form of government under the 1973 Constitution.<sup>131</sup> With the subsequent adoption of modified parliamentary system whereby the posts of president and vice-president were restored, the Batasang Pambansa enacted Batas Pambansa Blg. 884,<sup>132</sup> establishing the Presidential Electoral Tribunal composed of the nine (9) members. The first three (3) members come from the Supreme Court, consisting of the Chief Justice and two other Justices to be designated by the Chief Justice. The other six (6) members are from the Batasang Pambansa; three (3) of whom are chosen by the majority party and the remaining three (3) members are from the minority party.<sup>133</sup>

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<sup>127</sup> 1987 Const., Art. VI, sec. 16 (3). "Each House may determine the rules of its proceedings, punish its Members for disorderly behaviour, and with the concurrence of two-thirds of all its Members, suspend or expel a Member. A penalty of suspension, when imposed, shall not exceed sixty days."

<sup>128</sup> See 1987 Const., Art. XI, sec. 2.

<sup>129</sup> 17 SCRA 756, 761 (1966).

<sup>130</sup> *Id.*

<sup>131</sup> See *Tecson v. COMELEC*, G.R. No. 161434, March 3, 2004.

<sup>132</sup> Approved on December 3, 1985.

<sup>133</sup> Batas Pambansa Blg. 884, sec. 1.

The 1987 Constitution restored the presidential system of government and lodged the jurisdiction of all contests relating to the election, returns, and qualifications of the President or Vice-President to the Supreme Court sitting *en banc*.<sup>134</sup> However, it is the sitting president who is empowered to appoint justices to the Supreme Court.

Although Justices of the Supreme Court have no fixed terms,<sup>135</sup> as they remain in office until they reach the age of 70, it may be possible for a sitting President to actually appoint a majority of the Supreme Court Justices who shall compose the Presidential Electoral Tribunal. This scenario is especially true in the case of President Gloria Macapagal-Arroyo. As she rose to presidency the first time via succession in 2001, she was eligible to run and in fact obtained a fresh mandate in 2004. To date, the Arroyo-appointed Justices comprise 12 of the 15 sitting members of the Supreme Court.<sup>136</sup>

But any doubt as to the impartiality of the predominantly Arroyo-appointed Supreme Court is dispelled by the fairly strong independent-mindedness it has exhibited on recent issues involving Arroyo's policies and actions.<sup>137</sup>

## **B. Accessibility**

Accessibility to the adjudication process is a significant source of distrust. Only those who have adequate resources can access or avail of the protest remedy. A known election law practitioner in the country describes the cost of pursuing election contest as “prohibitive”. While she agrees that the high cost may serve as a deterrent in filing unmeritorious cases, it also seriously impairs the accessibility of resorting to the legal system to determine the true will of the electorate.<sup>138</sup>

All the different adjudicative bodies require the payment of docket fees and cash deposits. Cases may be summarily dismissed for failure on the part of the protestant to pay the required filing fees,<sup>139</sup> or the required deposits within the specified time.<sup>140</sup>

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<sup>134</sup> 1987 Const., Art. VII, sec. 4.

<sup>135</sup> 1987 Const., Art. VIII, sec. 11.

<sup>136</sup> Justices Antonio T. Carpio, Ma. Alicia Austria-Martinez, Renato C. Corona, Conchita Carpio Morales, Adolfo S. Azcuna, Dante O. Tinga, Minita V. Chico-Nazario, Presbiterio J. Velasco, Jr, Antonio Eduardo B. Nachura, Ruben T. Reyes, Teresita J. Leonardo-de Castro, and Arturo D. Brion

<sup>137</sup> *Supra* note 12.

<sup>138</sup> Interview with Atty. Leila de Lima, Oct. 25, 2007.

<sup>139</sup> Rule 2, sec. 13 (d).

<sup>140</sup> Rule 2, sec. 13 (e) and Rule 7, sec. 2 (b).

Noticeably, the amount of basic fees collected by the different adjudicative bodies varies in proportion to the position contested. The higher the position, the higher the filing fee becomes.

**Table 5**  
**Comparative Basic Fees Collected by Different Adjudicative Bodies**

<b>Nature</b>	<b>MTC/RTC</b>	<b>COMELEC</b>	<b>HRET</b>	<b>SET</b>	<b>PET</b>
<i>Quo warranto</i>	Php3,000.00	Php5,000.00	Php10,000.00	Php10,000.00	Php50,000.00
Election Protest	Php3,000.00	Php5,000.00	Php5,000.00	Php10,000.00	Php50,000.00

The basic filing fee does not cover other legal fees,<sup>141</sup> legal research fees, and additional fees when the petition is accompanied by claims for damages and attorney's fees. At present, the trial courts, the SET and the PET follow the same schedule of additional fees, as follows:

**Table 5.1**  
**Schedule of Additional Fees**

<b>Amount of Attorney's Fees/Damages Claimed</b>	<b>Additional Fee</b>
Not more than Php20,000.00	Php120.00
More than Php20,000.00 but less than Php40,000.00	Php150.00
Php40,000.00 or more but less than Ph60,000.00	Php200.00
Ph60,000.00 or more but less than Php80,000.00	Php250.00
Php80,000.00 or more but less than Php100,000.00	Php400.00
Php100,000.00 or more but less than Php150,000.00	Php600.00
Php150,000.00 or more	Php600.00 plus Php50.00 for each Php1,000.00 in excess of Php150,000.00

Apart from these fees, the parties are required to make cash deposits. If the action requires the transport of ballot boxes, the adjudicative bodies charge the following as deposit fees:

<sup>141</sup> Such as certified copies of transcripts of records or copies of any record, decision, resolution; certified transcript of notes taken by stenographers; every search for anything above a year's standing and reading the same; certificate not on process.

**Table 5.2**  
**Amount of Deposit Required by the Adjudicative Bodies**

<b>Body</b>	<b>Amount of Deposit</b>
MTC/RTC	<p>Php1,000.00 per precinct but in no case less than Php25,000.00. If the amount does not exceed Php100,000.00, then it must be paid in full within 10 days from filing of the protest.</p> <p>If the amount exceeds Php100,000.00, a cash deposit of Php100,000.00 is required to be paid within 10 days from filing of the protest; the remainder shall be paid in such installments as may be required by the court.</p>
HRET	<p>Php1,000.00 per precinct but in no case less than Php20,000.00. If the amount does not exceed Php150,000.00, then it must be paid in full within 10 days from filing of the protest.</p> <p>If the amount exceeds Php150,000.00, a cash deposit of Php150,000.00 is required to be paid within 10 days from filing of the protest; the remainder shall be paid in such installments as may be required by the Tribunal.</p>
SET	<p>Php500.00 per precinct. If the amount does not exceed Php100,000.00, then it must be paid in full within 10 days from filing of the protest.</p> <p>If the amount exceeds Php100,000.00, a cash deposit of Php100,000.00 is required to be paid within 10 days from filing of the protest; the remainder shall be paid in such installments as may be required by the Tribunal.</p>
PET	<p>Php500.00 per precinct. If the amount does not exceed Php100,000.00, then it must be paid in full within 10 days from filing of the protest.</p> <p>If the amount exceeds Php100,000.00, a cash deposit of Php100,000.00 is required to be paid within 10 days from filing of the protest; the remainder shall be paid in such installments as may be required by the Tribunal.</p>
COMELEC	Php5,000.00 plus Php350.00 per precinct involved.

To illustrate, it is estimated that approximately Php2,326,560.00 will be spent to pursue an election protest for the position of governor in the province of Pampanga, which has 4,847 precincts. The amount is divided as follows: Php1,066,340.00 will go to the COMELEC personnel who will act as chairs of the revision committees, Php484,700.00 to the recorder; and Php 387,760 to the typist.<sup>142</sup> This does not cover the professional fees for lawyers and other incidental expenses such as photocopying and

<sup>142</sup> Tonette Orejas, "Pineda gets COMELEC nod to recount votes" Philippine Daily Inquirer, Aug. 6, 2007, p. A 17.

transportation expenses. Some top known election lawyers charge Php1 million for their acceptance fees alone.<sup>143</sup>

The group of lawyers interviewed expressed the view that the high cost of pursuing an election protest directly correlates with the manual system of elections. The process of examining each and every ballot contested entails hiring of professional ballot revisors, who charge at a current market rate of Php750.00 to Php1,250.00 per day during the revision stage. In election protests involving city or municipal elective officials, over-all expense for revisors alone ranges from Php250,000.00 to Php500,000.00. This figure may double or even triple for election protests in the COMELEC, HRET, SET, and the PET, where a greater number of precincts are contested. In certain instances, photocopying expenses alone may balloon to Php350,000.00.<sup>144</sup>

#### *Location of the proceedings*

The location of hearings or proceedings is yet another contributing factor in the high cost of pursuing election cases. Since election cases involving city, provincial and regional elective officials are filed and heard in the COMELEC office in Manila, parties in far-flung provinces have to contend with additional costs for transporting the ballot boxes, aside from personal transportation and incidental expenses.

It is significant to note that the rules of procedure of the Electoral Tribunals allow the holding of hearings in other locations, other than their offices in Manila.<sup>145</sup> But none has so far deviated from the usual practice of holding meetings and proceedings in their main offices. This is, of course, understandable as the offices of the positions involved in election contests within the electoral tribunals' respective jurisdictions are also in Metro Manila.

In contrast, contested positions within the COMELEC's jurisdiction involve city, provincial, and regional elective offices. This means that both parties, as well as, the election paraphernalia needed may be located in the provinces outside Metro Manila. The 1993 Revised COMELEC Rules of Procedure does seem to allow the holding of proceedings outside its central office in Manila, *viz.*:

“Sec. 9. Venue of Revision.- The revision of ballots shall be made in the office of the clerk of court concerned or at such places as

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<sup>143</sup> Focused Group Discussion, Aug. 29, 2007.

<sup>144</sup> *Id.*

<sup>145</sup> See Revises Rules of the PET, Rule 4;

the Commission or the Division shall designate and shall be completed within three (3) months from the date of the order, unless otherwise directed by the Commission.”<sup>146</sup>

Despite this provision, COMELEC has consistently turned down requests from party litigants to hold the revision of ballots in the area involved in a election protest. However, in a protest case involving the governorship of Aklan province,<sup>147</sup> the COMELEC’s First Division departed from its previous rulings and issued an Order designating Aklan as the venue for the revision of ballots. The protestant challenged the Order, alleging the “imperative need to maintain the venue of the revision of ballots in Manila, a neutral place xxx to insulate the (said) revision xxx from disorderly partisan activities which could delay and/or disrupt the proceedings.” The COMELEC *En banc* affirmed the challenged Order stating that “the Commission is granted wide latitude of discretion to determine the proper venue, the only material consideration in such selection being that the integrity of the proceedings be ensured and protected.” Finding grave abuse of discretion, the Supreme Court declared null and void the challenged Order on the ground that the COMELEC did not give any plausible reason for departing from its previous rulings.

### *High Cost and Dismissal of Election Cases*

The high cost for pursuing election protest has been the major reason for the termination of election cases. In the Senate Electoral Tribunal, for example, of the eleven (11) electoral protest cases filed since 1987, four (4) cases were dismissed at the instance of the protestants who complained of the high cost of pursuing their electoral protests. In the House of Representatives, on the other hand, at least 11% of the cases filed from 1998 to 2004 were dismissed for failure of the protestant to make cash deposits. Another 17 % were subsequently dismissed at the instance of the protestant due to inability to sustain the proceedings. Protestants in the Presidential Electoral Tribunal likewise complain of high costs of pursuing the protest. In the COMELEC, of the 62 election protest cases filed in the connection with the 2004 elections, 15 were dismissed due to failure to pay cash deposits; 9 were eventually withdrawn and another 9 cases were not pursued by the protestants.

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<sup>146</sup> 1993 Revised Rules of COMELEC Procedure, Rule 20, sec. 9.

<sup>147</sup> Cabagnot v. COMELEC, G.R. No. 124383, Aug. 9, 1996.



### C. Efficiency in Resolving Cases

One common source of distrust in election adjudication is the snail-paced resolution of election contests. Delay in itself signifies injustice, especially to voters. While the case is pending, they remain unsure as to whether the proclaimed candidate has the right to govern them. Delay may also cause injustice to the party-litigants with the rising cost of pursuing the case.

To be sure, the problem of delays in resolving election contests is not a recent phenomenon. In the 1966 case of **Lagumbay v. Climaco**,<sup>148</sup> the Supreme Court made a pointed observation regarding the delays in the adjudication of election protests, *viz.*:

The well-known delay in the adjudication of election protests often gave the successful contestant a mere pyrrhic victory, *i.e.*, a vindication when the term of office is about to expire, or has expired. And so the notion has spread among candidates for public office that the “important thing” is the proclamation; and to win it, they or their partisans have tolerated or abetted the tampering or the “manufacture” of election returns just to get the proclamation, and then let the victimized candidate to file the protest, and spend his money to work for an empty triumph.”<sup>149</sup>

In the same case, the Supreme Court noted the link between electoral fraud and the problem of delays in adjudicating election cases. The Court observed that it has been the practice of a candidate to commit electoral fraud so as to be proclaimed the winner, and to delay the proceedings once an election protest is filed. In a rare expression of dismay, the Supreme Court called for the end of the “pernicious ‘grab-the-proclamation-prolong-the-protest’ slogan” of some candidates or parties.<sup>150</sup>

Forty years and several elections thereafter, the Supreme Court reiterated its observations in the 2006 case of *Tan v. COMELEC*,<sup>151</sup> and repeated its marching call for electoral reform. It declared that “all efforts should be strained — as far as is humanly possible — to take election returns out of the reach of the unscrupulous; and to prevent illegal or fraudulent proclamation from ripening into illegal assumption of office.”<sup>152</sup>

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<sup>148</sup> 16 SCRA 175 (1966).

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> G.R. No. 166891, November 20, 2006.

<sup>152</sup> *Id.*

There are several factors affecting the speedy disposition of cases; most of which, however, can be resolved through strict observance of the rules of procedure, and enhancement of the administrative capabilities of the adjudicative bodies. There are those who claim that delays in the resolution of election contests are the handiwork of lawyers. In the end, though, the adjudicative bodies control the proceedings and they have the power to discipline lawyers who cause undue delays.

But there are delays that are inherent in the electoral system. First, there is a high incidence of election contests that clog the dockets of adjudicative bodies, especially the COMELEC and the trial courts. This is attributed to the “culture of mistrust” in the results of the elections and the seeming inability of the candidates and their supporters to accept defeat.

Secondly, some cases are delayed because of the simultaneous filing of election protests involving different positions. In this scenario, considering that there is only one ballot for local and national elective officials, the ballots needed to resolve issues pertaining to municipal elective officials lodged before the trial court would be the same ballots needed to resolve election contests in the other adjudicative bodies, assuming that there are also pending protest relative to the positions within their jurisdiction. Relative to the 2004 elections, for instance, at least five (5) cases pending before the COMELEC were rendered because the ballot boxes could not be retrieved as they were in the custody of other adjudicative bodies.<sup>153</sup> At least 5 contests from the 2007 elections currently pending in the regional trial courts have not moved for the same reason.<sup>154</sup>

### *Common Procedures*

The rules of procedures employed by the adjudicative bodies have slowly come to a convergence over the years. Except for minor divergence, these adjudicative bodies almost have a uniform system of hearing and deciding election contests.

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<sup>153</sup> The concerned ballot boxes in the case of Daan v. Sanchez, Case No. 2004-62 and Martinez v. Garcia, Case No. 2004-68 were in the custody of the Presidential Electoral Tribunal. Meanwhile, the concerned ballot boxes in the following cases are with the House of Representatives Electoral Tribunal: Narrudin v. Matolo, Case No. 2004-48; Matba v. Sahali, Case No. 2004-53; and Balanon v. Plaza, Case No. 2004-05.

<sup>154</sup> EC No. 2007-01, RTC Br. 69, San Carlos City, Pangasinan; EC 04-015, RTC Br. 54, Macabebe, Pampanga; EC 04-016, RTC Br. 54, Macabebe, Pampanga; CV 07-0294, RTC Br. 64, Camarines Norte; EC 07-05-01, RTC Br. 11, Bukidnon.

#### a. Summary Dismissal

In general, the rules of procedure of all the adjudicative bodies specifically provide for the following common grounds for the summary dismissal of an election protest, counter-protest or petitions for *quo warranto*: (a) the court has no jurisdiction over the subject matter; (b) the petition is not sufficient in form and contents; (c) the petition is filed beyond the period prescribed; (d) the filing fee is not paid within the period for filing the election protest or petition for *quo warranto*; and (e) in case of protest where a cash deposit is required, the cash deposit is not paid within the prescribed period.<sup>155</sup>

One innovation of the new rules governing election contests pending before first level courts include the requirement that the petition must not only contain the following facts: (a) the position involved; (b) the date of proclamation; and (c) the number of votes credited to the parties per proclamation, but also the following information: (a) the total number of precincts of the municipality or the *barangay* concerned; (b) the protested precincts and votes of the parties in the protested precincts per the Statement of Votes By Precinct or, if the votes of the parties are not specified, an explanation why the votes are not specified; and (c) a detailed specification of the acts or omissions complained of showing the electoral frauds, anomalies or irregularities in the protested precincts; otherwise, the petition will be considered insufficient in form and contents.<sup>156</sup> The rationale for requiring these data is to discourage the filing of “shot-gun” protest cases absent any proof of the alleged irregularities.

Meanwhile, in the PET and the SET, a case may also be summarily dismissed “when the protest or petition or copies and their annexes filed with the Tribunal are not clearly legible.”<sup>157</sup>

#### b. Preliminary Conference

Save the COMELEC, all the adjudicative bodies also require the holding of a preliminary conference to aid in the prompt disposition of the case.<sup>158</sup> Matters that may be discussed during the preliminary conference include (a) a summary of admitted facts and proposed

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<sup>155</sup> AM. No. 07-4-15-SC, Rule 2, sec. 13; 2005 Revised Rules of the PET, Rule 20; Revised Rules of the HRET, Rule. 21; Revised Rules of the SET, Rule 19.

<sup>156</sup> AM. No. 074-15-SC, Rule 2, sec. 11 (f).

<sup>157</sup> Revised Rules of the SET, Rule 19 (5).

<sup>158</sup> AM No. 074-15-SC, Rule 9, sec. 1.

stipulation of facts; (b) the issues to be tried or resolved; (c) the pre-marked documents or exhibits to be presented, stating their purpose; (d) a manifestation of their having availed or their intention to avail themselves of discovery procedures or referral to commissioners; (e) the number and names of the witnesses, their addresses, and the substance of their respective testimonies; the testimonies of the witnesses shall be by affidavits in question and answer form as their direct testimonies, subject to oral cross examination; (f) a manifestation of withdrawal of certain protested or counter-protested precincts, if such is the case; (g) the proposed number of revision committees and names of their revisors and alternate revisors; and (h) in case the election protest or counter-protest seeks the examination, verification or re-tabulation of election returns, the procedure to be followed.

The rules governing first level courts, the HRET, and PET all require the filing of preliminary conference briefs.

In contrast, the holding of a pre-trial conference is specifically prohibited under the Revised COMELEC Rules of Procedure. In lieu of this, the parties are required to submit their respective position papers summarizing their legal positions.<sup>159</sup>

### c. Revision of Ballots

Revision of ballots refers to that stage in an election protest when the actual recount and re-examination of contested ballots is made. The COMELEC resorts to a re-appreciation of votes to determine whether the Boards of Election Inspectors were correct in their reading of the ballots during the counting stage of the election, and thus to determine whether or not the ballots truly reflect the will of the voters.

Theoretically, the revision of ballots can be resorted to only when there are allegations in the petition of a protestant that fraud involving the ballots themselves were committed, so much so that if only valid ballots are counted the protestant would be declared the winner. Under the prevailing law—particularly Section 255 of the Omnibus Election Code—and practice, mere allegations in the protests suffice to have the courts, COMELEC, or the electoral tribunals order the revision of ballots. But as will be discussed hereunder, the trial courts taking cognizance of election cases now require certain specific allegations in the petition before a revision of ballots can take place.

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<sup>159</sup> Rule 15, 1993 Revised Rules of COMELEC Procedure.

Revision Committees or Teams are constituted depending on the number of election precincts that are contested. Each committee or team is composed of a Head Revisor or a Committee Chair, who is designated by the adjudication body, and two party revisors representing the two contending candidates. In the HRET, there are usually 20 such revision teams, while in the COMELEC there are usually only 6 committees. The trial courts only have 1 to 3 revision committees depending on the number of contested precincts, the availability of personnel and space. The revision committees or teams revise ballots from different precincts at the same time so that the more revision teams there are, the faster the process will be. The reason provided by COMELEC for having only 6 committees is space limitations, a reason that is not without basis as there is indeed an absence of dedicated areas for revision purposes in the COMELEC office.

The HRET revision teams' head revisors are contractual employees whose main function would merely be to record the proceedings and watch the party revisors examine the ballots. The revision process is supervised by revision supervisors. In so far as the COMELEC is concerned, the chairs of the revision committees are lawyers assisted by utility personnel and secretaries. In the courts, the clerks of courts and the other senior court personnel act as revision team heads.

Revisions usually start with the examination of the condition of the ballot boxes, the locks and seals, and the election paraphernalia inside them, including the ballots, to determine whether they have been tampered with. These observations are recorded. Next comes the physical count of the ballots and their segregation according to the votes of the parties appearing thereon. The data as to the number of ballots and the votes of the contestants, together with the votes appearing in the election return copy for the ballot box and in the Tally Board deposited in the box, are recorded.

The party-revisors would then be given the opportunity to examine the ballots and note their observations or objections thereon. No decision is made on the merits of these observations or objections. The contested ballots are simply marked so that they may easily be referred to at the time that the judge, the commissioners, or the members of the tribunals would rule on the observations and objections.

The Rules of Procedure of the adjudicative bodies provide for continuous revision of ballots, which may not be delayed or postponed by

reason of the absence or tardiness of any party-revisor as long as the chairperson and one of the party revisor is present.<sup>160</sup>

In the trial courts, the absence of the revisor of any party or his tardiness for thirty (30) minutes shall be deemed a waiver of the right to appear and to object to the ballots in the precincts.<sup>161</sup> Additionally, if the revisors of both parties are absent and the alternates fail to appear for no justifiable reason within one (1) hour after fixed hours from the start of the revision, the ballot boxes scheduled for revision that day shall no longer be revised.<sup>162</sup>

In the COMELEC, revision of ballots is required to be completed within three (3) months from the date of the Order of Revision.<sup>163</sup> While there is no similar time frame in the HRET for the completion of the revision, a time limit of two (2) hours is required for the completion of the revision of the contents of one ballot box from the time the parties register their objections and claims to the ballots.<sup>164</sup>

After the revision, the objected ballots are separated from the uncontested ballots and are stored in supposedly more secure space until the judge, commissioners, or the tribunal members would retrieve them after the case has been submitted for decision. In the meantime the parties may decide to photocopy the contested ballots.

#### d. Presentation of Evidence

Just like in the trial of ordinary cases, election protests require a separate process for presentation of evidence. It is at this stage when the ballots, along with other documentary and testimonial proofs, are formally offered as evidence for the parties.

The rules of procedures of the adjudicative bodies, with the exception of the COMELEC, all provide for a continuous trial, with fixed time limits for the party-litigants to present their evidence. For election contests involving *barangay* and municipal elective officials, it is provided that the entire period for reception of evidence must not exceed ten successive days for each party from the first day of such reception, unless authorized by the Supreme Court.<sup>165</sup> No motion for postponement is allowed, except for clearly meritorious reasons, in no case to exceed three

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<sup>160</sup> AM No. 074-15-SC, Rule 10, sec. 4; Revised Rules of the SET, Rule 36; Revised Rules of the HRET, Rule 39; Revised Rules of the PET, Rule 39.

<sup>161</sup> AM No. 074-15-SC, Rule 10, sec. 4 (c).

<sup>162</sup> AM No. 074-15-SC, Rule 10, sec. 4 (d).

<sup>163</sup> 1993 Revised Rules of the COMELEC, Rule 20, sec. 9.

<sup>164</sup> Revised Rules of HRET, Rule 39.

<sup>165</sup> AM No. 074-15-SC, Rule 13, sec. 3.

times, of three calendar days interval each. The filing of dilatory pleadings or motions constitutes direct contempt of court and shall be punished accordingly.<sup>166</sup>

In the HRET, each party is given a period of twenty (20) working days, preferably successive within which to complete the presentation of his evidence including the formal offer thereof. This period is terminated within two (2) months counted from the first date set for the presentation of the party's evidence either before the Tribunal or before a Hearing Commissioner.<sup>167</sup>

In the SET, the protestant, counter-protestant, or cross protestant is given a maximum of five (5) hearing days to present his evidence for a particular contested province and a maximum period of two (2) hearing days to present his evidence for a particular contested municipality or city as the case may be. On the other hand, the protestee, counter-protestee or cross-protestee shall each then have a maximum period of three (3) hearing days within which to present evidence for that particular province and a maximum of one (1) hearing day to present defenses for that particular municipality or city, as the case may be. Where less than five (5) municipalities are contested, the presentation of protestant's evidence in chief must be done within a maximum period of three (3) hearing days and the presentation of the evidence in chief for the adverse party, within one (1) hearing day.<sup>168</sup>

Last, in the PET, each party is given a period of thirty (30) working days to complete the presentation of his evidence, including its formal offer. This period shall begin from the first date set for the presentation of the party's evidence, either before the Tribunal or a Hearing Commissioner. The hearing for any particular day or days may be postponed or canceled upon the request of either party. The delay caused by such postponement shall be charged to the period for presenting evidence of the movant.<sup>169</sup>

#### e. Preliminary Determination

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<sup>166</sup> AM No. 074-15-SC, Rule 13, secs. 4.

<sup>167</sup> Revised Rules of the HRET, Rule 59.

<sup>168</sup> Revised Rules of the SET, Rule 54.

<sup>169</sup> Revised Rules of the PET, Rule 59.

All the adjudicative bodies, except the COMELEC,<sup>170</sup> provide for a preliminary determination of the merits of an election protest based on a certain percentage of all contested ballots.

In the trial courts, the initial determination is done after the revision of all contested ballots, or the examination, verification, or re-tabulation of election returns in all the precincts questioned by the protestant. The latter is required to pinpoint a number of precincts, corresponding to twenty percent (20%) of the total revised protested precincts, that will best attest to the votes recovered or will best exemplify the fraud or irregularities pleaded in the protest.

In the meantime, the revision of ballots or the examination, verification, or re-tabulation of election returns in the counter-protested precincts is suspended for a period not exceeding fifteen (15) days, during which the court will determine, through appreciation of ballots or election documents, the merit or legitimacy of the protest relative to the twenty percent (20%) pinpointed precincts. Based on the results of such post-revision determination, the court may rule to dismiss the protest without further proceedings, if and when no reasonable recovery was established from the twenty percent (20%) pinpointed precincts, or proceed with revision of the ballots or the examination, verification, or re-tabulation of election returns in the counter-protested precincts. In the case of the latter, the protestee shall be required to pay the cash deposit within a non-extendible period of three (3) days from notice.

The rule on initial determination is slightly different in the HRET, the SET and the PET. In these tribunals, revision starts with the designated precincts, of such proportion required by their respective rules,<sup>171</sup> which protestant or counter-protestant deems best as exemplifying or demonstrating the electoral irregularities or fraud pleaded by the protestant. Upon the termination of such initial revision and initial presentation of evidence and based upon what reasonably appears therefrom as affecting or not the officially-proclaimed results of the

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<sup>170</sup> Rule 20, sec. 7 of the 1988 COMELEC Rules of Procedure contain similar provision on partial determination as that presently contained in the HRET and the SET Rules of Procedure. This was subsequently abandoned in the 1993 Revised Rules of COMELEC Procedure.

<sup>171</sup> In the case of the HRET, the protestant or counter-protestant is required to designate at most twenty-five percent (25%) of the total number of precincts involved in the protest or counter-protest. See Rule 68 of the Revised Rule of the HRET. In the SET, the protestants, counter-protestants and cross-protestants are required to designate the provinces, with their municipalities or cities, which correspond to at most twenty-five percent (25%) of the total number involved in the protests, counter-protest, or cross-protests. See 2003 Revised Rules of the Senate Electoral Tribunal, Rule 79. In the PET, Like the other tribunals, the PET also adopted the rule on initial revision. Thus, it may require the protestant or counter-protestant to indicate, within a fixed period, the province or provinces numbering not more than three, best exemplifying the fraud or irregularities alleged in his petition. See Revised Rules of the PET, Rule 63.



contested election, the Tribunal concerned may dismiss the protest or counter-protest, as the case may be, or require the party to show cause why the protest or counter-protest should not be dismissed without further proceedings.

In all these instances, the objective of “preliminary determination” is to respond to the pernicious practice of election litigants of indiscriminately filing election protest cases. The protestant usually contests all the precincts in the constituency involved and merely asserts “template” allegations of ballot fraud, as the protestant is not really sure whether fraud was indeed committed in these precincts. When it is time to pay the deposit, the protestant usually withdraws the contest on several precincts but retains those precincts where the protestant’s opponent has more votes.

This “shot gun” approach unduly delays the resolution of cases. But the mischief is not limited to the protestant. The protestee can likewise choose to counter-protest all the precincts, just to delay the proceedings by lengthening the revision process. The revision that would ensue would then become mere fishing expeditions, if not obviously costly exercises in futility.

It would seem, though, that the rules adopted by the Supreme Court for the trial courts have provided a bright prospect for reform in this area. At this stage, it may well be said that the other adjudicative bodies would find it helpful to consider these rules for possible reforms of their own procedures.

#### f. Period to Decide Cases

Among all the adjudicative bodies, only the trial courts are given definite time frames to decide the election contest from their filing. Hence, under the new rules, the trial courts are required to render a decision within thirty (30) days from the date it is submitted for resolution.<sup>172</sup> However, this should not be beyond beyond six (6) months from the date of filing, unless the Supreme Court authorizes an extension in writing.<sup>173</sup>

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<sup>172</sup> A.M. No. 07-4-15-SC, Rule 14, sec. 1. “An election protest is deemed submitted for decision after completion of the reception of evidence or, if the parties were allowed to submit memoranda, upon submission of such memoranda or the expiration of the period for their filing, whichever is earlier.”

<sup>173</sup> A.M. No. 07-4-15-SC, Rule 14, sec. 1.

The aggrieved party may appeal trial court decisions to the COMELEC<sup>174</sup> within five (5) days from promulgation of the decision.<sup>175</sup> The decision of the COMELEC in the appeal is final, unappealable, and executory. Nonetheless, the aggrieved party may file a petition for certiorari in the Supreme Court questioning the decision of the COMELEC on the ground of grave abuse of discretion within 30 days from receipt thereof.<sup>176</sup>

For COMELEC, according to Republic Act No. 7166, it has to decide appealed cases from the Regional Trial Court within 60 days from submission for resolution, but in no case more than 6 months from the filing of the appeal.

In its original jurisdiction involving city, provincial, and regional elective officials, the 1993 Rules of Procedure require the COMELEC division to decide the case within ten (10) days from the date it is submitted for resolution.<sup>177</sup> The aggrieved party may file a Motion for Reconsideration within 5 days from receipt of the copy of the decision of the COMELEC division. The COMELEC *en banc*, which must take cognizance of motions to reconsider division decisions, must decide within thirty (30) days from the date of the decision is deemed submitted for decision or resolution.<sup>178</sup>

Recently, the COMELEC promulgated Resolution No. 7808.<sup>179</sup> Under this resolution, the Commissioner to whom the case is assigned submits a written report thereon to the other members of the Division or the Commission *En banc* for consultation. The *ponente* or the designated writer of the decision will come up with the decision within 15 days from the last date of deliberation, and forthwith furnish all the other Commissioners copies of the draft for their review. Any separate opinion, concurring, or dissenting opinion will have to be submitted within seven (7) days from receipt of a copy of the draft resolution. In case a dissenting opinion is subsequently adopted by the majority, the dissenters will then decide who shall write the new majority opinion, while the original *ponencia* becomes the dissenting opinion. After the members of the Commission have reviewed the final draft of a resolution, it shall be scheduled for signing. The *ponencia* shall be signed by the members of

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<sup>174</sup> 1987 Const., Art. IX-C, sec. 2 (2).

<sup>175</sup> A.M. NO. 07-4-15-SC, Rule 14, sec. 8.

<sup>176</sup> Aratuc v. COMELEC, 88 SCRA 251.

<sup>177</sup> 1993 COMELEC Rules of Procedure, Rule 18, sec. 8.

<sup>178</sup> *Id.*, sec. 7.

<sup>179</sup> Promulgated on 16 January 2007. Electronic copy of the resolution may be found at <<http://www.comelec.gov.ph>>

the Division or the Commission *En Banc*, as the case may be, in the presence of each other.

Meanwhile, the HRET Rules provide that the Tribunal must decide within 90 days from the date the case is submitted for resolution.<sup>180</sup> The Rules of Procedure of the SET and the PET are both silent on period within which these Tribunals should decide election contests.<sup>181</sup>

## 1. Trial Courts

As of the writing of the report, there is no aggregate data concerning the cases filed and decided by the municipal trial courts in the previous elections. Relative to the 2007 national and local elections however, data shows that the regional trial courts designated to handle election contests received a total of 224 election related cases,<sup>182</sup> of which 10 were petitions for *quo warranto* and 203 were election protests.

**Table 6**  
**Election Cases Filed with the RTCs relative to the 2007 elections**

<b>Nature</b>	<b>Number of Cases</b>
Petition for <i>Quo warranto</i>	10
Election Protest	203
Double Registration	8
Inclusion of Voter	1
Nullification of Election	1
Others	1
<b>Total</b>	<b>224</b>

In an interview, election lawyer Atty. Leila de Lima expressed optimism that the designated special courts will be able to finish their election cases within the six (6) month period required by the new rules promulgated by the Supreme Court. Dispelling doubts on the feasibility of this rule, Atty. De Lima stressed that the computation of the timeline from filing of the case to its resolution was based on reasonable

<sup>180</sup> Revised Rules of the HRET, Rule 71.

<sup>181</sup> Rule 82 of the 2003 Revised Rules of the SET provides: “In rendering its decisions, the Tribunal shall follow the procedure prescribed for the Supreme Court in Article VIII, sections 13 & 14 of the Const.” The same provision appears in Rule 65 of the Revised Rules of Procedure of the PET. Note that these Const.al provisions do not fix the period for deciding cases. Meanwhile, section 15, Art. VIII of the Const. states: “(1) In all cases or matters filed after the effectivity of this Const. must be decided within twenty-four months from date of submission for the Supreme Court, and unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.”

<sup>182</sup> List as of July 31, 2007.

assumptions culled from the long experience of election lawyers and former COMELEC Commissioners<sup>183</sup> involved in the crafting of the rules.

This optimism is shared by at least two RTC judges designated by the Supreme Court to handle election contests. Judge Francisco Roberto O. Quilala, presiding judge of the RTC Branch 14, Ilocos Norte revealed that he has already promulgated decisions for two of the four election protest cases filed in his sala. He is trying his best to promulgate the two other cases by the second week of December.<sup>184</sup> Judge Racquelen Abary-Vasquez of RTC Branch 29, Cabanatuan City also thinks that the six-month period required to finish an electoral case is feasible, and she is determined to beat this deadline in the election protest case lodged in her sala. However, when she denied the motion to dismiss filed by the Protestee based on the initial appreciation of the 20% of the contested ballots, her Order was questioned via a petition for certiorari with the COMELEC. An indefinite Temporary Restraining Order (TRO) was issued by the First Division of the COMELEC ordering her to desist from further continuing with the case.<sup>185</sup>

Currently, a complete picture of the effectiveness of the new rules cannot as yet be ascertained. The Supreme Court is awaiting the status reports from the special courts handling election contests filed in connection with the 2007 elections. But based on the status report as of July 31, 2007, around 69 election contests have already been terminated, 9 were submitted for resolution, while 46 cases were at the revision stage. Proceedings on at least 13 cases were delayed due to the inhibition of the judges assigned, while the ballot boxes for 4 cases are in the custody of the other tribunals.

## 2. COMELEC

### *Cases Filed and Decided*

It has been observed that some election protest cases that pass through the COMELEC, either in its original or appellate jurisdiction, do not reach their logical conclusions. By and large, delays in the COMELEC have been attributed to the large volume of other election-related cases which the Commission has to hear and decide as administrators of elections. Relative to the 2007 elections alone,

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<sup>183</sup> Former Commissioners Regalado E. Maambong, Remedios Salazar Fernando, and Teresita Dy Liaco Flores.

<sup>184</sup> Phone Interview dated December 7, 2007.

<sup>185</sup> Interview dated November 9, 2007.

COMELEC has received 291 pre-proclamation cases, of which 90 survived beyond June 30, 2007.<sup>186</sup>

**Table 7**  
**Other Relation-Related Cases filed in the COMELEC (1998-2004)**

CASES	YEAR OF ELECTIONS		
	1998	2001	2004
SPA	441	455	441
SPP	263	39	47
EM	85	67	63
REF	205	74	55
SPC	346	392	311

A former COMELEC Commissioner shared that during his tenure, there was no conscious effort on the part of the Commissioners to observe a particular time-frame in resolving cases. COMELEC Commissioners appreciated contested ballots individually, unlike in the HRET where appreciation is done collectively. As ballot boxes rotated around the Commissioners' offices, the pace of resolving cases became dependent on the good faith of the individual Commissioners concerned.

Furthermore, it has been observed that there is no transparent checking mechanism in the COMELEC that would track the progress of cases. In the HRET, for instance, a status report of all pending cases is automatically included in the agenda whenever the Tribunal is in session. Without a similar mechanism, the enthusiasm of the party litigants to follow-up their cases becomes a major factor in the early disposition of cases in the COMELEC.

Finally, without built-in administrative support, re-assignment of pending cases due to the retirement of a Commissioner and the appointment of a new one has been singled out as one of the leading causes of delays in the COMELEC. It has been observed that pending cases are re-assigned without any advice or notice as to the deadline for resolving such cases.

#### a. Appealed Cases from the Trial Courts

The team did not find a complete record of the number of election contests filed with the MTC/MeTCs in connection with the previous

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<sup>186</sup> As per COMELEC Resolution No. 8212, June 28, 2007.

*barangay elections*. Hence, there is no way to assess the manner and length of time these cases were resolved.

From available records, there are around 414 cases appealed to the COMELEC in connection with the 1997 *barangay* elections and 434 such cases appealed in relation to the 2002 elections. 93% of the cases elevated to the COMELEC involving the 2002 *barangay* elections cases have been terminated while 7% were unresolved despite the extension of the term of office of the *barangay* officials, from three (3) to five (5) years.<sup>187</sup>

**Table 7 .1**  
**Status of Election Appeal Cases involving *Barangay* Elective Officials**

Year of Election	Filed	Resolved	%	Unresolved	%
1997	414	No data	No data	No data	No data
2002	434	404	93%	40	7%

Likewise, there are 103 cases appealed from the regional trial courts in connection with 2001 elections and 92 such cases in relation to the 2004 elections. There is no data available relative to the dates when the regional trial courts rendered their respective decisions, or the dates when such decisions were appealed to the COMELEC. However, from the records of the COMELEC, 63% of the appealed cases from the RTC in 2001 and 33% of such cases in 2004, remain unresolved at the expiration of the term of office of the contested positions.

**Table 7.2**  
**Status of Election Appeal Cases involving Municipal Elective Officials**

Year of Election	Filed	Resolved	%	Unresolved	%
2001	103	38	37%	65	63%
2004	92	61	66%	31	33%

#### b. Election Contests involving Elective City, Provincial, and Regional Officials

More than a quarter of the election contests filed directly with the COMELEC since 1998 became moot due to the expiration of the term of

<sup>187</sup> *Barangay* officials elected in 2002 should have a term of three years. However, the scheduled elections in 2005 were reset to Oct. 29, 2007.

office contested, without decisions having been made. The percentage of unresolved cases increased from 26% in the 1998 elections, to 35% for the 2001 elections. However, the percentage dropped to 9.23% in the 2004 elections, which shows a remarkable improvement in the efficiency of COMELEC in handling election protests.

**Table 7.3**  
**Status of Election Contests filed before the Comelec**

<b>Year of Election</b>	<b>Filed</b>	<b>Resolved</b>	<b>%</b>	<b>Unresolved</b>	<b>%</b>
1998	101	75	74%	26	26%
2001	65	42	65%	23	35%
2004	65	59	90%	6	9.23%

*Length of Disposition of Cases in COMELEC Division*

In its Status Report, COMELEC lists only 65 election contests relative to the 2004 elections, although there is a notation that 3 *ad cautelam* petitions were filed. Officially therefore, there were 68 election contests filed before the COMELEC. Of these, only six (6) were for petitions for *quo warranto*; the rest were regular election protests. The COMELEC divisions favorably decided only two (2) petitions for *quo warranto* and five (5) election protest cases; the rest were dismissed for various reasons. It is to be noted however that records of four (4) cases could not be found when the project team was asking from them.

**Table 7.4**  
**Summary of COMELEC Disposition of Cases 2004**

<b>Reason for Termination of Cases</b>	<b><i>Quo warranto</i></b>	<b>Election Protest</b>	<b>Total</b>
Petition Granted	2	5	7
No Record Found	-	4	4
Failure to Pay Cash Deposit	-	15	15
Lack of Interest/Failure to Prosecute	-	9	9
Mooted due to Expiration of Term of Office	-	6	6
Insufficiency in Form and Substance	1	1	2
Filed Out of Time	-	1	1
Withdrawn	-	9	9
Lack of Merit	2	10	12
No reason stated	-	2	2
Others	1	-	1

<b>Total</b>	<b>6</b>	<b>62</b>	<b>68</b>
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From the maze of case records, the team was able to plot the total length of time for the COMELEC divisions to decide election contests.

**Table 7.5**  
**Length of Disposition of Cases 2004 (COMELEC divisions)**  
**From Filing to Resolution**

<b>Length of Disposition</b>	<b><i>Quo warranto</i></b>	<b>Election Protest</b>	<b>Total</b>
0-6 months	-	5	5
6-12 months	3	4	7
12-18 months	2	18	20
18-24 months	-	5	5
24-30 months	-	10	10
Beyond 30 months	1	16	17
No record	-	4	4
<b>Total</b>	<b>6</b>	<b>58</b>	<b>68</b>

Based on the data for the 2004 elections, a petition for *quo warranto* can be resolved by a COMELEC division between 6 to 18 months. One noteworthy fact, however, is that the COMELEC's First Division took an exceptionally long time to resolve the controversial case of *Villafuerte v. Robredo*, which was decided only ten (10) days before the succeeding 2007 elections.

Meanwhile, 18 election protests were disposed between 12 months to 18 months from filing. However, of these cases, only three (3) were resolved on the merit; the rest were either withdrawn by the protestants or were dismissed for failure to pay cash deposits. In all, data show that most election protests decided on the merit were resolved more than two (2) years after elections.

Of the election protests decided by the COMELEC divisions, the team found only 13 cases which have ready indications of the date when they were submitted for resolution. Even from these limited data, it is readily discernible that appreciable time is spent in deciding cases already submitted for resolution. One case was submitted for resolution a year before the 2007 election but was not acted upon until it had been rendered moot and academic by the expiration of the term of office of the contested position.<sup>188</sup> Another case, which was submitted for resolution more than two years before the 2007 elections, suffered the same fate.<sup>189</sup>

<sup>188</sup> Anni v. Sahidulla, Case No. 2004-67.

<sup>189</sup> Angeles v. Marco, Case No. 2004-24.



**Table 7.6**  
**Length of Time a COMELEC Division Decides EPCs**  
**From Submission for Resolution to Decision (Sample of 13 Cases)**

Case No.	Case Title	Submitted	Decided	Length
2004-1	Perez v. Cuaresma	3/4/2005	1/31/2006	10 months
2004-3	Domingo v. Rodriguez	8/23/2005	6/20/2006	10 months
2004-18	Segura v. Montilla	6/20/2005	2/21/2007	20 months
2004-19	Garcia v. Banzon	4/19/2006	1/23/2007	9 months
2004-21	Lagman v. Rodriguez	8/23/2005	6/20/2006	10 months
2004-24	Angeles v. Marco	12/18/2004	7/17/2007	Mooted
2004-26	Yambao v. Oreta	6/16/2005	7/19/2006	13 months
2004-30	Sandoval v. Oreta	6/30/2005	7/19/2006	13 months
2004-32	Olivarez v. Bernabe	4/29/2005	10/25/2005	6 months
2004-35	Abraham v. Abrigo	9/15/2004	10/11/2005	13 months
2004-4	Matba v. Sahali	2/22/2007	7/17/2007	Unresolved
2004-64	Goni v. Villanueva	6/23/2006	3/6/2007	9 months
2004-67	Anni v. Sahidulla	6/23/2006	7/17/2007	Mooted

#### *Length of Disposition by COMELEC En Banc*

Of the cases decided by the concerned divisions of the COMELEC in connection with the 2004 elections, three (3) decisions involving petitions for *quo warranto* and twenty one (21) cases involving election protests were elevated to the COMELEC *En banc* via a Motion for Reconsideration. Of these, only one (1) decision by the COMELEC division concerned was reversed; six (6) Motions for Reconsideration became moot due to the expiration of the term of the contested office; and the rest of the questioned decisions of the concerned COMELEC division were affirmed.

There is considerable disparity in the period of time election protest cases elevated to the Commission *En Banc* were decided. But more noticeable is the length of time the COMELEC *En Banc* disposes these cases. The team found records of 22 of these cases elevated to the COMELEC *En Banc* disposed as follows:

**Table 7.7**  
**Length of Time Spent from Resolution of COMELEC Division to Resolution of COMELEC *En banc***

Length of Disposition	<i>Quo warranto</i>	Election Protest	Total
0-6 months	1	1	3
6-12 months	1	3	6
12-18 months	-	1	1
18-24 months	-	10	11
Unresolved	1	4	1
<b>Total</b>	<b>3</b>	<b>19</b>	<b>22</b>

### 3. House of Representatives Electoral Tribunal

From the 1987 elections to the 2007 elections, 247 election contests were filed with the HRET; 193 of which were election protest cases, while the remaining 54 were petitions for *quo warranto*. The most number of election contests involving members of the House of Representatives was recorded in the 1987 elections (50 cases). The least number of election contests, on the other hand, was recorded in the 2004 elections.

**Table 8**  
**Election Contests Filed with the HRET (1987-2007)**

Year of Election	Election Protest	<i>Quo warranto</i>	Total
1987	40	10	50
1992	22	6	28
1995	27	8	35
1998	27	8	35
2001	33	10	43
2004	16	3	19
2007	28	9	37
<b>Total</b>	<b>193</b>	<b>54</b>	<b>247</b>

Of the 210 election contests filed with the HRET from the 1987 elections to the 2004 elections, only 13 petitions (or about 5%) were resolved in favor of the protestants.

**Table 8.1**  
**Summary of HRET Disposition (1987-2004)**

	1987-1992		1992-1995		1995-1998		1998-2001		2001-2004		2004-2007		Total	
	Q	P	Q	P	Q	P	Q	P	Q	P	Q	P	Q	P
Dismissed	10	37	4	19	7	27	8	26	10	31	3	15	42	155
Granted	-	3	2	3	1	-	-	1	-	2	-	1	3	10
<b>Total</b>	<b>10</b>	<b>40</b>	<b>6</b>	<b>22</b>	<b>8</b>	<b>27</b>	<b>8</b>	<b>27</b>	<b>10</b>	<b>33</b>	<b>3</b>	<b>16</b>	<b>45</b>	<b>165</b>

From the data gathered from the 1998, 2001, and 2004 elections, around 50% of the cases terminated were dismissed on their merits. The rest were dismissed based on technicalities. The most common reasons for the dismissal of cases involve the withdrawal by the protestant and failure of the protestant to pay the cash deposit, which jointly account for around 30% of the dismissed cases.

**Table 8.2**  
**Reasons for Dismissal (HRET Cases)**

	<b>1998-2001</b>	<b>2001-2004</b>	<b>2004-2007</b>	<b>Total</b>
Filed Out of Time	4	-	-	4
Failure to Make Cash Deposit	6	4	-	10
Withdrawn	8	4	4	16
Lack of Cause of Action/Improper Grounds	-	6	-	6
Lack of Interest/Failure to Prosecute	1	4	-	5
Insufficiency In Form and Substance	-	-	1	1
Dismissed based on the Merits	15	22	10	47
Mooted	-	1	-	1
Others	-	-	3	3
<b>Total</b>	<b>34</b>	<b>41</b>	<b>18</b>	<b>93</b>

Notably, since 1998, when the 25% rule was first adopted, most cases undergoing revision had been dismissed at this stage. However, it appears that the 25% rule has not significantly shortened the process; the average length of disposition remains the same.

**Table 8.3**  
**Dismissal based on the 25 % Rule**

<b>Term</b>	<b>Number of Election Protest</b>	<b>Cases that Underwent Revision</b>	<b>Cases Dismissed after 25% Revision</b>	<b>Cases Dismissed After 100% Revision</b>	<b>Cases Ruled in Favor of the Protestant</b>
1998-2001	27	12	9	2	1
2001-	33	8	6	2	-

2004					
2004-2007	16	9	3	5	1

So far, the HRET was able to resolve all the electoral cases filed before the expiration of the three-year term. However, majority of the cases were resolved more than mid-way of the three-year term of office. During the first congressional elections held under the 1987 Constitution (1987-1992), almost half of the cases were resolved two years after the proclamation of winners.

**Table 8.4**  
**Length of Disposition (HRET Cases)**

	1987	1992	1995	1998	2001	2004	Total
0-6 months		4	9	12	2	6	33
6-12 months	6	1	2	4	6	2	21
12-18 months	6	8	5	7	3	3	32
18-24 months	15	8	6	5	11	6	51
Beyond 24 months	23	7	13	7	21	2	73
<b>Total</b>	<b>50</b>	<b>28</b>	<b>35</b>	<b>35</b>	<b>43</b>	<b>19</b>	<b>210</b>

#### 4. Senate Electoral Tribunal

Since 1987, only twelve (12) election contests have been initiated with the Senate Electoral Tribunal. None of these cases have so far been decided on the merits. Ten (10) of these were terminated without any resolution as to the substantive allegations of the protests. The only case filed in connection with the 2004 elections (SET Case No. 001-04 [John Henry R. Osmena v. Rodolfo G. Biazon, Robert Z. Barbers, and Ernesto M. Maceda]) remains pending at the time of the preparation of this study.

The only case that has gone so far as the opening of the ballot boxes and the re-appreciation of the ballots is SET Case No. 001-95 filed by Aquilino Q. Pimentel, Jr. against Gregorio Honasan, Marcelo B. Fernan, Juan Ponce Enrile, Anna Dominique Coseteng, Ramon V. Mipra and Rodolfo G. Biazon. It is the most telling of all the electoral protest thus filed with SET. For the first time, the SET collected, revised and examined the ballots and other election documents from the designated

pilot areas of protestant Pimentel, consisting of 7,659 electoral precincts in twenty (20) provinces. The preliminary results of the revision and appreciation of the ballots pertaining to the designated pilot areas reveal that “Dagdag-Bawas” indeed marred the 1995 elections.

Despite the initial findings, however, Pimentel’s protest was subsequently dismissed after he filed his candidacy, then actively campaigned for, won, and eventually assumed office as Senator of the 11<sup>th</sup> Congress.

**Table 9**  
**Table of SET Cases 1987- 2007**

<b>Year of Election</b>	<b>Electoral Protest</b>	<b>Reason for Termination</b>
<b>1987</b> (2 cases)	<u>SET Case No. 001-87</u> Augusto Sanchez v. Juan Ponce Enrile and/or Santanina Rasul	Inability of the protestant to make a showing of his readiness to shoulder and defray the cost
	<u>SET Case No. 002-087</u> Firdausi Abbas, <i>et al.</i> , v. Heherson Alvarez, <i>et al.</i>	Dismissed for failure of the protestants to identify their pilot areas
<b>1992</b> (4 cases)	<u>SET Case No. 001-92</u> John Osmeña v. Freddie Webb	Protestant withdrew his protest
	<u>SET Case No. 002-92</u> Santanina Rasul v. Freddie Webb and Blas Ople	Protest dismissed for insufficiency of form and substance
	<u>SET Case No. 003-92</u> Alfredo Bengzon v. Wigberto Tañada, Francisco Tatad, John Osmeña and Agapito Aquino	Protestant withdrew citing the “interminable delays and open-ended imposition of fees and deposits.”
	<u>Undocketed</u> Gloria Macapagal v. Freddie Webb	Filed motion for extension to file protest but eventually withdrew without filing the said protest
<b>1995</b> (1 case)	<u>SET-Case No. 001-95</u> Aquilino Pimentel v. Gregorio Honasan, Marcelo B. Fernan, Juan Ponce Enrile, Anna Dominique Coseteng, Ramon V. Mitra and Rodolfo G. Biazon	Despite initial finding supporting protestant’s claim, the protest was dismissed due to abandonment of protest when he filed his candidacy, campaigned and won as Senator of the 11 <sup>th</sup> Congress
<b>1998</b> (2 cases)	<u>SET Case No. 001-98</u> Roberto M. Pagdanganan v. Teresa Aquino-Oreta	Protestant withdrew to enable COMELEC to use the ballot boxes for the <i>barangay</i> elections
	<u>SET Case N. 002-98</u> Edcel Lagman v. Teofisto Guingona, Jr., Teresa Aquino Oreta, Roberto Pagdanganan and Ruben Torres	Protestant withdrew to enable COMELEC to use the ballot boxes for the <i>barangay</i> elections

<b>2001</b> (1 case)	SET Case No. 001-01 Juan Ponce Enrile v. Ralph Recto and Gregorio Honasan	Protestant withdrew after being informed of the estimated amount of money needed for the collection, revision and return of the ballots and other election documents and paraphernalia
<b>2004</b> (1 case)	SET Case No. 001-04 John Henry R. Osmeña v. Rodolfo Biazon, Robert Z. Barbers and Ernesto M. Maceda	Pending
<b>2007</b> (1 case)	SET Case No. 001-07 Aquilino Pimentel III v. Juan Miguel Zubiri	Pending

As of the present, the pending case of *Pimentel vs. Zubiri* is now at its revision stage.

## 5. Presidential Electoral Tribunal

The Presidential Electoral Tribunal (PET) has so far received and heard only three (3) election contests.<sup>190</sup> But none of these cases have so far prospered beyond initial revisions. The protest filed by Miriam Defensor Santiago against President Fidel V. Ramos was dismissed on account of her assumption to office as Senator. The protest case filed by Fernando Poe, Jr. against President Gloria Macapagal Arroyo was dismissed on account of Poe's death. The protest case filed by Loren Legarda against Vice President Noli de Castro was dismissed by the PET "for lack of legal and factual basis."<sup>191</sup>

## **D. Acceptability and Soundness of Decisions**

In an ideal world, cases are filed only when there are genuine legal issues involved, and the decisions are anchored on the applicable laws and sound legal principles. In this utopian world, a decision of an adjudicative body is respected by well-meaning parties and the soundness of its decisions is validated by the Supreme Court, which is considered as the final arbiter of all legal disputes.

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<sup>190</sup> PET Case No. 001 Miriam Defensor-Santiago v. Fidel Valdez Ramos, PET Case No. 002-Ronald Allan Poe *aka* Fernando Poe, Jr. v. Gloria Macapagal-Arroyo, PET Case No.003 – Loren Legarda v. Noli de Castro.

<sup>191</sup> Jay B. Rempillo, "PET Junks Legarda's Poll Protest against VP De Castro," January 18, 2008. Electronic copy of the article may be accessed at <http://www.supremecourt.gov.ph/news/courtnews%20flash/2008/01/01180801.php>.

But ours is not an ideal world. Retired Commissioner Regalado Maambong<sup>192</sup> of the COMELEC commented that at the most, election protest cases are “insincere and are intended to save face, or as a campaign tactic for the next elections.”<sup>193</sup> The groups of lawyers interviewed agree with this proposition. The lawyers opined that it is the lawyers’ responsibility to appraise the politician-clients as to the propriety of filing election protests. However, they also agree that politicians are the most difficult types of clients to handle.

Atty. Leila de Lima lamented that quite a number of politicians file election protests and elevate their cases all the way to the Supreme Court as a way of either assuaging their supporters, or keeping themselves in the limelight in preparation for the next elections.<sup>194</sup>

The high rate of dismissal of cases appears to support this observation. In the COMELEC, for instance, only 5 of the 62 election protest cases filed in connection with the 2004 elections were resolved in favor of the protestant. Of the 210 election contests filed with the HRET since 1987, only 12 petitions were granted.

The high rate of dismissal of election protest cases, however, does not mean that no fraud attended the elections. This is especially so considering that majority of the cases filed were dismissed, not based on the merits or the actual re-counting of votes, but due to other factors such as the failure to make cash deposits, withdrawal of protests, and the like.

Likewise, some election fraud like vote-buying and acts of terrorism may not be reflected in the ballot, which is considered as the best evidence in any election protest case. For these types of electoral fraud, the proper remedy would be to initiate election offense cases. However, candidates are unwilling to file cases of this nature considering that in the event they win the case, they will still be unable to replace the proclaimed candidate. In other words, the primordial aim of a candidate in questioning election fraud is to be proclaimed the winning candidate, and not exactly to cleanse the electoral process.

Also, considering that election protests cases are resolved based on the plurality of votes, there may be instances where fraud may have been proven, but the number of votes discarded were not enough to overturn

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<sup>192</sup> Now an Associate Justice in the Court of Appeals.

<sup>193</sup> IFES Final Report: 2004 Philippine National Elections, p. 28.

<sup>194</sup> *Supra* note 138.

the lead of the proclaimed candidate. The cases decided by the HRET and the COMELEC are replete with examples of such.

### 1. Trial Courts

There are no available records from trial courts tracking the percentage of cases elevated to the COMELEC, as well as the percentage of the affirmation or reversal. But there is a considerable number of appealed cases relating to *barangay* elections: 414 cases in 1997 elections and 434 in the 1992 *barangay* elections.

Meanwhile, 103 decisions of the Regional Trial Courts in connection with 2001 elections cases were appealed to the COMELEC, while 93 such decisions were appealed in the 2004 elections.

### 2. COMELEC

In the 2004 elections, the COMELEC divisions rendered, based on merits, 40 decisions involving election contests; 24 of which were elevated to the COMELEC *En Banc*. Of these, 16 cases were affirmed, 1 was reversed, and 7 were mooted.

Meanwhile, the COMELEC *En banc* does not keep track of resolutions/decisions which are elevated to the Supreme Court. In light of this, the research group had no recourse but to search Supreme Court decisions to identify which from the thousands of cases elevated to it concern resolutions and decisions of the trial courts and the COMELEC. In contrast, the House of Representatives Electoral Tribunal keeps a record of all its decisions elevated to the Supreme Court.

From 1987 to 2007, the research group found around 171 resolutions and decisions of the COMELEC which were questioned before the Supreme Court. Forty five (45), or roughly 26.31% of these resolutions and decisions, were reversed.

**Table 10**  
**List of COMELEC Decisions/Resolutions Reversed by the Supreme Court (1987 to June 2007)**

G.R. Number	Title	Date of Decision	Date of Election
79212	Enrile vs. COMELEC,	12-Aug-87	May-87



	Sanchez		
80519-21	Cua vs. COMELEC	17-Dec-87	May-87
80007	Lazatin vs. COMELEC	25-Jan-88	May-87
88004	Abella et al vs. Larrazabal et al.	21-Dec-89	Jan-88
97440-42	Agbayani vs. COMELEC	13-Jun-90	Jan-88
94173	Bocobo vs. COMELEC	21-Nov-90	Jan-88
86645	Tatlonghari vs. COMELEC	31-Jul-91	Jan-88
88158	Garcia vs. De Jesus	4-Mar-92	Jan-88
94771	Veloria vs. COMELEC	29-Jul-92	Jan-88
105717	Ong vs. COMELEC	23-Dec-92	May-92
106291	Bince vs. COMELEC	9-Feb-93	May-92
110170	Pahilan vs. Tabalba	21-Feb-94	May-92
120823	Patoray vs. COMELEC	24-Oct-95	May-95
120193	Malaluan vs. COMELEC	6-Mar-96	May-92
124383	Cabagnot vs. COMELEC	4-Aug-96	May-95
121331	Garay vs. COMELEC	28-Aug-96	May-95
124089	Hassan vs. COMELEC	13-Nov-96	May-95
126298	Gutierrez vs. COMELEC	25-Mar-97	May-95
122013	Ramirez vs. COMELECet al.	26-Mar-97	May-95
125798	Patoray vs. COMELEC	19-Jun-97	May-95
127311	Lindo vs. COMELEC	19-Jun-97	May-95
128165	Roquero vs. COMELEC	15-Apr-98	May-95
126221	Asmala vs. COMELEC	28-Apr-98	May-95
133840	Bautista vs. COMELEC	13-Nov-98	May-98
135716	Trinidad vs. COMELEC	23-Sep-99	May-98
133927	Villarosa vs. COMELEC	29-Nov-99	May-98
138969	Dagloc vs. COMELEC	17-Dec-99	May-98
133509	Pimentel vs. COMELEC	9-Feb-00	May-95
139853	Soller vs. COMELEC	5-Sep-00	May-98
141249-50/141534-35	Manara vs. COMELEC	13-Dec-00	May-98
144197	Ong vs. COMELEC	13-Dec-00	May-98
152163	Macabago vs. COMELEC	18-Nov-02	May-01
151216	Milla vs. Balmores-Laza	18-Jul-03	May-01
153991-92	Balindong vs. COMELEC	16-Oct-03	May-01
150946	MBC et al vs. COMELECet al.	23-Oct-03	May-01
150540	Namil vs. COMELEC	28-Oct-03	May-01
148575-76/152882-83	Tan vs. COMELEC	10-Dec-03	May-01
154442-47	Salipongan Dagloc vs. Comelec	10-Dec-03	May-01
159369	Bandala vs. COMELEC	3-Mar-04	May-01
159713	De Guzman vs. COMELEC	31-Mar-04	May-01
160465	Estrella vs. COMELEC	28-Apr-04	May-01
161418	Repol vs. COMELEC	28-Apr-04	May-01

163302	Albana vs. COMELEC	24-Jul-04	May-01
168253	Rosal vs. COMELEC	16-Mar-07	May-04

### 3. HRET

Of the 210 cases decided by the HRET from 1987 to 2007, fifty-two (52) cases were elevated to the Supreme Court. Of these, forty nine were (49) affirmed while only three (3) were reversed.

**Table 11**  
**Summary of HRET Cases Elevated to the Supreme Court**

	<b>1987- 1992</b>	<b>1992- 1995</b>	<b>1995- 1998</b>	<b>1998- 2001</b>	<b>2001- 2004</b>	<b>2004- 2007</b>	<b>Total</b>
Affirmed	13	3	10	5	18	No data	49
Reversed	1	1	0	0	1	No data	3
<b>Total</b>	<b>14</b>	<b>4</b>	<b>10</b>	<b>5</b>	<b>19</b>	<b>No data</b>	<b>52</b>

### **E. Transparency of Proceedings and of Records**

An open system of governance is an essential prerequisite for the fullest blossoming of democracy. The free flow of information from the Government to the people will not only create an enlightened and informed public but also render those in authority accountable to those they serve.

The collective history of mankind has proven that democracy cannot work without a transparent government that is accountable to the people. In the Philippines and elsewhere, the lack of transparency in government dealings has been singled out as one of the leading causes of corruption. The barrier to information is observed to facilitate clandestine deals, arbitrary decisions, manipulation, and graft.

In this context, the transparency of the proceedings and of the records of the adjudicative bodies are crucial factors affecting public perception vis-à-vis the credibility of the process of adjudication. No less than the Philippine Constitution guarantees the right of the people to information on matters of public concern.<sup>195</sup>

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<sup>195</sup> 1987 Const., Art. III, sec. 7. "The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen subject to such limitations as may be provided by law.

So far, there is considerable openness with regard to how the adjudicative bodies conduct their proceedings, albeit due to limited spaces and the demands of security, access to some stages of the proceedings such the revision stage is limited to the party litigants and their lawyers, the staff of the adjudicative bodies, and the members of the revision teams.

In terms of the transparency of records, all the electoral tribunals (the HRET, SET, and PET) have excellent systems for keeping records of cases. Aside from the individual case folders, the tribunals regularly release status reports of cases during their meetings. The HRET has even published a compilation of its decisions and resolutions. Moreover, the HRET keeps track of the cases elevated to the Supreme Court.

Meanwhile, prior to the designation of special courts to hear and decide election contests involving municipal and *barangay* officials, it is difficult—if not downright impossible—to trace the aggregate number of election cases filed and decided in the Municipal Trial Court and the Regional Trial Courts. However, anyone interested in the study of election adjudication may access the individual case folders kept intact in the said courts. Under the leadership of Chief Justice Reynato S. Puno, the designated special courts are now required to submit status reports on pending election contests.

In contrast, the COMELEC does not publish its decisions, and important statistical data are either missing or incomplete. Worse still, individual folders of some cases cannot be found, while some were gutted by a fire which ravaged the Commission's offices early this year.

## **F. Preservation of Integrity of Evidence**

Beyond the personal credibility of the persons involved in election adjudication, one factor affecting the credibility of the processes involved in our elections is the preservation of the integrity of evidence, and the ability of the adjudicative bodies to assess when the integrity of the evidence has been compromised.

The lawyers interviewed highlighted recent trend towards committing “post-election fraud.” This means tampering with the ballots or with the election returns after the elections. Tampering with the evidence may be committed: (a) prior to the delivery of the ballot boxes to the different adjudicative bodies while the ballots are still stored at the local treasurer's office, (b) during the transport of the ballots to the

adjudication body, (c) while the ballots are in the custody of the adjudication body but before revision, (d) during revision, or (e) after revision but before the ballots are re-appreciated and the objects ruled upon by the adjudication body. The purpose of this devious operation is to make the evidence (usually the ballots or election returns) conform to the allegations in the protest or to the defense.

In an article published in Newsbreak<sup>196</sup>, it was alleged that starting September 2004, or three months after President Arroyo was proclaimed the winner of the 2004 presidential elections, a group hired by the administration reportedly started printing election returns that they intended to fill up, and subsequently switch with genuine election returns that were in some of the ballot boxes being kept in the House of Representatives. The supposed targets of the operations were the election returns from the Muslim Mindanao area and surrounding provinces, where the alleged vote padding was done only in the Certificates of Canvass. The scheme was meant to fix the records to pass future scrutiny. The figures in the manufactured ERs, when added up, would now be consistent with the totals in the COCs.

The fabricated ERs in the custody of the House of Representatives were virtually confirmed by no less than former COMELEC Chairman Benjamin Abalos.<sup>197</sup> Testifying in the continuation of the hearing at the Presidential Electoral Tribunal on the electoral protest filed by Senator Loren Legarda against Vice President Noli de Castro, Abalos confirmed that the ERs found in the House Representatives, specifically those from the towns of Taraka and Balindong in Lanao del Sur, were obviously manufactured. He testified that the said ERs had thicker paper and the printing of his name and the word “COMELEC” differed from the genuine ERs. Notably, the “fabricated ERs” from the House of Representatives differed from the COMELEC and the NAMFREL copies.

Meanwhile, COMELEC election supervisor Marino Salas, stationed in the province of La Union, reported to the police the tampering of ballot boxes containing the certificates of canvass<sup>198</sup> from several towns in the province.<sup>199</sup> Salas claimed that the ballot boxes were forcibly opened and the certificates of canvass were replaced with spurious copies. What is alarming, Salas alleged, is that the door of the COMELEC office was

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<sup>196</sup> Miriam Grace A. Go, “Cheats Inc.”, Newsbreak, Sept. 11, 2005. Electronic copy of the report may be accessed thru: <[http://www.newsbreak.com.ph/index.php?option=com\\_content&task=view&id=639&Itemid=88889080](http://www.newsbreak.com.ph/index.php?option=com_content&task=view&id=639&Itemid=88889080)>

<sup>197</sup> “Comelec chief: Congress ERs obvious forgeries”, The Daily Tribune, October 26, 2006.

<sup>198</sup> Romeo T. Supnad, “La Union poll papers tampered, official says”, Manila Standard Today, Aug. 3, 2007, p. A8.

<sup>199</sup> Bangar, Luna, Agoo, Aringay, Bauang, Rosario, Sto. Tomas, and San Fernando City.

neither destroyed nor forcibly opened, raising suspicions that it was an inside job.

Even the HRET has been a victim of an attempt to tamper with the ballots in the custody of the tribunal. Karla Guia, formerly connected with the Tribunal, cited an incident some years back where several employees of the HRET were found to have tampered three ballot boxes also involved in election protest cases in the local level.

Atty. Leila de Lima stressed that with the trained eye, tampering of evidence can be successfully proven, as she successfully did in one of her cases before the HRET. She even demonstrated that the padlocks and the self-locking seals can be opened without any trail of evidence visible to a layman's eyes. In other words, she was able to prove that ballots inside ballot boxes can be tampered with even after elections for purposes of a favorable decision in a protest case.

Former Commissioner Sadain agrees with Atty. de Lima's observations. In one case he decided<sup>200</sup>, Commissioner Sadain found that fake ballots were stuffed inside the ballot box. He commented, though, that the appreciation procedure will eventually show any attempt to tamper with the ballots, provided that the Commissioner not turn a blind eye to these. Despite some reports on tampering of evidence, however, no one has ever been charged and held liable, in view of lack of evidence, as to the perpetrators of the act. Commissioner Sadain believes that substitution and tampering of ballots could be done at the local level especially considering that the boxes are stored in the treasurer's office and not in the custody of COMELEC yet. The problem is the security of ballot boxes while they are not under the custody of COMELEC. If parties do not manifest before COMELEC that there is a danger of tampering, the COMELEC will not send guards to the storage site—and there is little an election officer can do to help secure the ballot boxes. More often than not, the parties themselves post guards to secure the ballot boxes.

#### *Problem areas in securing the ballot boxes*

One common problem area in adequately securing the ballot boxes is the lack of storage facilities. By law, local government units are required to provide offices to the COMELEC, and this presents a problem when the local government units themselves have no capacity to build their own offices. Former Commissioner Sadain laments that in the provinces, especially in Mindanao, COMELEC offices are located in the local

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<sup>200</sup> Olivarez v. Bernabe, Case No. 2004-32.

executives' residence. Concomitantly, the COMELEC field offices in these areas are also housed in the local chief executive's residence.

COMELEC also experiences problems in its central office in Manila due to lack of storage space. Currently, COMELEC is renting space in the Maxilite Building located some two (2) kilometers away from its main building. Security is provided by an organic staff and Special Forces of the Philippine National Police. Party litigants are also allowed to have watchers. As an added measure, there is a proposal to install surveillance cameras and to allow party watchers to walk around the storage area several times a day.<sup>201</sup>

The problem of "post election operation" continues to haunt the credibility of the election adjudication process up to the present. While recent jurisprudence and decisions have presumably made judges, commissioners and tribunal members aware of the operation and receptive to the efforts by victims of this pernicious practice to prove that the "operation" actually took place, the perpetrators of these anomalies remain scot-free indicating that the operation may yet take place, albeit in more sophisticated schemes. Atty. De Lima, in the team's interview and during the election adjudication forum, is emphatic in stressing that "post election operation" remains the most serious problem facing election adjudication. It is widely believed within election circles that underground syndicates of election "operators" abound, ready to offer their services to those who are willing to manipulate election results, and pay for it. Therefore, unless those involved in these syndicates—as well as their patrons—are caught and prosecuted, this problem may continue to plague our elections. It is bad enough when problems like these are not addressed; it is far worse when election adjudication bodies refuse to even acknowledge that "operations" such as these exist.

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<sup>201</sup> Interview with Atty. Allen Abaya, Sept. 8, 2007.

## **Chapter 5**

### **RECOMMENDATIONS FOR REFORM**

It may seem a little presumptuous to make recommendations merely on the basis of a baseline study that admittedly did not include other important areas of election adjudication. As disclosed, the project team purposely limited the scope of this baseline study to election adjudication initiated by a losing candidate, and which relates to the validation of election results as determined by election canvassing bodies. Stated otherwise, the subject of this study pertains to judicial adjudication, as distinguished from the administrative adjudication. Hence, disqualification cases, disputes involving registration of political parties and accreditation of party-list groups, and pre-proclamation controversies are excluded from this study. Cases involving investigation and prosecution of election law offenders, and those issues relating to voter registration and precinct boundaries, are also not included. These limitations are not without purpose. One objective of this study is to provoke and trigger other works on these excluded areas of election adjudication.

Needless to state, there are some basic problems in Philippine election adjudication that are made obvious even by the limited scope of this baseline study. From these identified problems can spring concrete recommendations for reform. The data and other findings generated by the study either validated or clarified the perceptions and anecdotal opinions on the problems of Philippine election adjudication. For instance, the figures presented in various tables illustrated the problems concerning delays in resolving disputes, and the extent which these problems permeated the different adjudicative bodies.

One basic issue, however, needs to be highlighted at this point. The identified problems of delays in resolving election disputes, *i.e.*, those involving the security of evidence—and those relating to the conduct of the proceedings by the different adjudicative bodies—are all based on a manual election framework, well-exemplified by the system of writing of the names of the candidates of choice by the voters on the ballots.

From all indications, there is a greater likelihood of automated elections in the near future. The basic laws (Rep. Act Nos. 8436 and 9369) authorizing COMELEC to adopt an automated election system from voting, up to the aggregation of election results, are in place. More importantly, despite the scandals of previous efforts by past COMELEC, there is a strong public clamor for the COMELEC to finally move towards automated elections. While election automation for the 2010 elections

may not be on a national level or in all the stages of elections, still, the probabilities are high that some areas of the country or certain phases of the election may be automated.

The shift to election automation is expected to drastically change the system of election adjudication. Once election automation is realized, handwriting legibility would no longer be an issue. Voting might be done by shading a hole, as required under the old Rep. Act No. 8436, or even by direct recording, through keypad or touch screen input which electronically sends votes to a counting terminal. In practical terms, this would mean that there would only be a recount of the votes in the ballots; the re-appreciation of votes aspect of ballot revision may be unnecessary. Under an automated election, the dispute regarding the ballots would most probably be limited to ballot authenticity. Moreover, there might not be any pre-proclamation controversies relating to the ERs, COCs, or SOVs, unless copies generated by machines show discrepancies—a most unlikely scenario.

This, however, is not to say that there would no longer be any need for election adjudication to address issues as to the determination of the true winners. Hence, while election contests are expected to decrease, an automated election should nevertheless provide for some kind of an adjudicative process that would address concerns and questions that may be raised, especially with the unsurprisingly suspicious and distrustful nature of the Filipino electorate.

The reform recommendations offered hereunder have considered those that were given during the focus group discussion. The comments and criticisms during the December 12, 2007 election adjudication forum were also taken into consideration. For easy perusal, the recommendations shall be presented according to the institutions to which they are addressed.

#### **A. To the Commission on Elections**

As stated above, the COMELEC is the most crucial among the different election adjudication bodies in the country, not only because it is responsible for resolving election disputes involving most elective posts, but more so because of its dual role as a judicial tribunal on election disputes and as the administrator of elections. Atty. De Lima calls this dual character the “schizophrenic” nature of COMELEC. Literally, this means that the COMELEC sometimes lives in one world (administrator of elections) and sometimes in another (election



adjudicator). Fraud and anomalies, on which election protests are based, are often alleged to be the results of the defects, mistakes, negligence, or even deliberate acts of COMELEC officials. This readily presents a conflict of interest wherein the COMELEC is, in effect, made to decide whether or not it—as an institution, or its personnel—is guilty of negligence or fraud as alleged in the protests. The most effective solution to this untenable situation would, of course, be to separate the administrative and judicial functions of COMELEC—which would, however, necessitate an amendment to the Constitution. At this juncture, the recommendations would have to be under the existing constitutional framework.

*Delegation by the COMELEC of the majority of its administrative functions to its Department and Field Officials*

The first recommendation would relate to a management policy which COMELEC needs to consider in addressing the concerns brought about by its dual nature. It would be best for COMELEC to delegate much of its administrative and operational work to its career officials. The Commission proper must limit its functions to that of a policy and oversight body as regards administration and operations of elections.

The Commissioners have fixed terms of 7 years, but career officials in good behavior stay in COMELEC until they retire. The latter, therefore, are presumed to be more experienced and knowledgeable in the specifics of election operations and the administrative aspects of running the agency. Thus, it makes more sense to put more reliance on their capability. It goes without saying that the COMELEC must adopt sound qualification standards for the appointments of middle level and senior level managers in the COMELEC to assure that only competent, capable, and honest individuals fill the appropriate positions. Moreover, there should be an open and competitive appointment process to prevent perceptions that favored persons are given undue preference by Commissioners in the appointment of COMELEC Directors and other personnel.

Delegating much of the administrative and operations function to career COMELEC officials would also give the Commissioners more time to hear, study, and decide election disputes before them. Undoubtedly, this would enhance the efficiency and the quality of evaluating the cases. More importantly, limiting the Commissioners' role in election operations to mere oversight would provide them an arm's length perspective when looking at election anomalies. Not involved in the specifics of election operations, the Commissioners can therefore be freer to hold accountable

those who might be responsible for fraud, even if they are from the COMELEC.

*Management audit of the Election Contest and Adjudication Department, the Clerk of the Commission, the Law Department, and the offices of the Election Commissioners*

There is a need to conduct a management audit of the various departments within COMELEC involved in election adjudication aimed at evaluating and analyzing the existing process flow and personnel structure in those offices, thereby determining whether the Commission is responsive to the requirements and standards of its constitutional duties. The management audit should include the offices of the Commissioners, particularly concerning the process of evaluation of evidence, the preparation of orders and resolutions, and the routing of draft resolutions up to their promulgation. The result of the audit would give the COMELEC the opportunity to reorganize the offices, to recommend the creation of necessary personnel items, to collapse unnecessary *plantilla* positions, and to adopt a management system that would make it easier for the Commissioners to monitor the progress of cases and, accordingly, alert them to problem areas that can be addressed on a real time basis.

*Specific Recommendations as to the handling of protest cases under a manual system of election*

- (1) COMELEC should consider adopting the rules adopted by the Supreme Court for election cases before trial courts, particularly the appreciation of votes on the ballots from twenty (20) percent of the protested precincts that have been revised, to determine the merit of the protest and to decide whether the case should continue.
- (2) The COMELEC must provide in its rules the conduct of a preliminary conference, which, among others, should make the parties agree on a definitive schedule or time line as to how the protest case should proceed up to its final termination. The schedule should be made dependent, however, on the allegations in the protests—that is, the number of contested precincts and the necessity of: (a) revision of ballots, (b) technical examination, and (c) testimonial evidence. It should include the time when the Commission would conduct appreciation of the ballots and evidence, as well as the period for it to come out with the decision. The schedule, which should

be reflected in an order to be issued after the preliminary hearing, should be strictly followed by the Commission and by the parties. No postponements should be allowed, except in extremely meritorious cases.

- (3) The conduct of revision of ballots, technical examinations of ballots, election paraphernalia and documents, taking of testimonial evidence, etc. should be resorted to only when the allegations in the protest call for it.
- (4) The Rules of the COMELEC should allow for the introduction of electronic evidence.
- (5) COMELEC should follow the practice in the HRET to constitute as many as twenty revision committees, if revision is found to be necessary, and should be headed not necessarily by lawyers. In relation to this, the COMELEC should provide for a permanent revision room sufficient to accommodate as many as committees as possible, and this should be well secured.
- (6) COMELEC should strive to procure a sufficiently large and well-secured storage space for contested ballots and adopt a system whereby parties are allowed to post guards and watchers, who should be given sufficient visual access to where the ballots actually are. This would help prevent tampering of ballots and other election paraphernalia.
- (7) COMELEC should recognize that “post election operation” or post election tampering of ballots exists, is being practiced, and that its objective is to mislead Commissioners into invalidating otherwise valid ballots, usually of the proclaimed winner. It should allow evidence to prove the existence of the operation, if an allegation to this effect is made.
- (8) COMELEC divisions should constitute technical committees composed of representatives of each of the members of a division to conduct preliminary appreciation or analysis of ballots after cases shall have been submitted for resolution. This committee would then submit their report to the Commissioners in the division.

- (9) COMELEC should consider prohibiting the issuance of execution pending appeal by the court of origin in its rules and that such order may be issued only by COMELEC when there is a strong reason therefore, during the appeal proceedings. In any case, COMELEC should endeavor to resolve all appeals immediately. This is to address the issue of indiscriminate issuance of order of execution pending appeal by lower courts, which accounts for most of the special civil actions pending before the COMELEC.
- (10) COMELEC's power to issue Temporary Restraining Orders and Writs of Preliminary Injunctions should be the same as those granted the trial courts under the Revised Rules of Court. The TRO should be limited to 20 days.
- (11) In resolutions and decisions, where election anomalies are discovered, investigation towards criminal prosecution against the offenders should automatically follow. The investigation and the criminal proceedings should be closely monitored as if it were a continuation of the protest case.

#### *Recommendations under an Automated Election System*

One issue that must be squarely addressed is the acceptability of the kind of automated system to be used in light of the Filipinos' basic suspicion regarding the integrity of the election results. The following initial recommendations, therefore, are proposed:

- (1) The automated system should provide some kind of a physical or documentary proof of the results of the election at the base or precinct level, which can be made available to the parties, the COMELEC citizens' arms, and possibly even to the public, upon request. This proof may not be the primary basis for the election results, but should nevertheless be useful in confronting the correctness of the official results.
- (2) There must be a clear rule as to which between the printed and digital copies of the results should be followed in case of discrepancies. In any case, there should be documents available that can be used as a fall back source in case of machine failure.

- (3) The COMELEC should devise rules and mechanisms in the use of electronic evidence and technical expertise in resolving election disputes that are grounded on the correctness of machine count. It is absolutely necessary to involve technical experts in the process of coming up with new Rules of Procedure in adjudicating election disputes. The worst thing that can happen is for lawyers alone providing solutions to problems that are basically technology-based.

*Recommendations for both manual and automated election regime*

- (1) COMELEC, through the ECAD, should have a bimonthly progress report of all the cases before it and this report should be considered as public document and thus, made available to the public upon request. This report should be specific enough as to reflect all information as to when the protest cases have reached each milestone in the life of an election protest case.
- (2) COMELEC should have some kind of a COMELEC Report, where all of its final decisions and resolutions are published. This should also be made available to the public, i.e., posted online on its website. This hopes to assure that COMELEC does not issue conflicting decisions, as was observed by the Supreme Court in some cases.

**B. To the HRET and the SET**

- (1) The HRET and SET should take as second look at the effectiveness of the 25% rule. Instead, the tribunals should consider the rules adopted by the Supreme Court for election cases before trial courts, particularly the appreciation of votes on the ballots from twenty (20) percent of the protested precincts that have been revised to determine the merit of the protest and to decide whether the case should continue.
- (2) The HRET and the SET, during the preliminary conference or hearing of each and every case, should come up with a definitive schedule or time line as to how protest cases should proceed up to their final termination and a means to have the parties agree and commit to the schedule. The schedule should, however, depend on the allegations in the protests, that is, the number of

contested precincts and the necessity of: (a) revision of ballots, (b) technical examination, and (c) testimonial evidence. It should include the time when the tribunal would conduct appreciation of the ballots and evidence, as well as, the period for it to come out with the decision. The schedule, which should be reflected in an order to be issued after the preliminary hearing, should be strictly followed by the tribunal and by the parties. No postponements should be allowed, except in extremely meritorious cases.

- (3) The conduct of revision of ballots, technical examinations of ballots, election paraphernalia and documents, taking of testimonial evidence, etc. should be resorted to only when the allegations in the protest call for it.
- (4) HRET and SET should strive to procure a sufficiently large and well-secured storage space for contested ballots, and should adopt a system whereby parties are allowed to post guards and watchers who should be given sufficient visual access to where the ballots actually are.
- (5) HRET and SET should recognize that “post election operation” or post election tampering of ballots exists, is being practiced, and that its objective is to mislead tribunal members into invalidating otherwise valid ballots, usually of the proclaimed winner. It should allow evidence to prove the existence of the operation, if an allegation to this effect is made.
- (6) In all decisions where election anomalies are discovered, the same should, as a rule, be referred to the COMELEC for criminal investigation and prosecution.
- (7) HRET and SET should have a bimonthly progress report of all the cases before it and this report should be considered as public document and thus, made available to the public upon request. This report should be specific enough as to reflect all information as to when the protest cases have reached each milestone in the life of an election protest case.

## **C. To Congress**

### *Legislative Reforms*

- (1) Congress should consider amending Section 255 of the Omnibus Election Code in order to afford the election adjudicative body the opportunity to make a preliminary assessment of the merit of protest cases especially on the enumerated precincts where election anomalies have allegedly taken place. The present law mandates that examination and recount of ballots be automatically done merely on the basis of allegation in the protest. As it is right now, protest litigants are not really sure of the merit of their own allegations of fraud in the precincts they identify. The practice is for them to protest all precincts and withdraw some of them later, leaving only those where the other party won. It is also a practice for protest defendants to protest all the other precincts just to delay the resolution of the case. This can also invite opportunity for “post election operation.”
- (2) Congress should also consider a law that would require as a jurisdictional requirement that in every protest case filed, allegations of fraud in each precinct must be specified in the complaint, or even accompanied by affidavit of persons who have personal knowledge of specific fraud in each precinct. If need be, the period to file protest may be lengthened just to afford parties enough time to document their complaint. This should also apply to counter-protest. This will also address issues of unmeritorious complaints that are couched in templates, but are actually mere fishing expeditions.
- (3) Congress should come up with a new set of codified laws on election, already incorporating therein the recent laws and reform legislations being proposed. This is to address perceived problems relating to insufficient familiarity with election laws, not only by the general public, but even by lawyers and election adjudicators. One reason for this is that elections laws are scattered in different pieces of legislation.

### *Congressional Budget Powers*

- (1) There should be more budgetary allotment to the COMELEC so as to enable the agency to provide storage areas for counted and contested ballots and other election paraphernalia. One problem cited in the study is the security of contested ballots. They are

prone to tampering in a scheme termed as “*post-election operation*.” Ballots are tampered after election in order to support allegations in an election protest. Under the present system, ballots are stored in the municipal or city treasurer’s office, which is usually under the control of incumbent officials. The reason for this is that COMELEC does not have its own secured storage area. More importantly, adequate resources at the COMELEC head office and in the field offices where vital election materials, particularly contested ballots, should be secured, would make it easier for COMELEC to assert its independence.

- (2) There should be increased budgetary allotment to special election courts to provide them with the necessary storage space for contested ballots and other election materials.
- (3) Congress should revisit the existing automated election law and come out instead with a more efficient and transparent automated system of voting and counting, and canvassing of election results that would give confidence to the people of the results of the elections.

#### *The Commission on Appointments*

Through both houses of Congress, the Commission on Appointments, must, as a policy, decide on all *ad interim* appointments to the COMELEC within the session during which said appointment was referred. The decision should either be to confirm or deny the appointment and not just to bypass it.

#### **D. To the President**

- (1) The President should endeavor to institutionalize a broad multi-sectoral presidential search committee that would recommend to her appointees to the COMELEC. This could be done by an Executive Order. The search committee that she created at present is a step in the right direction, although it should have been better had it been more expansive in membership. A transparent and participative process of appointment to the COMELEC would greatly enhance the credibility of the election body, and thus, as a consequence, the elections in general.
- (2) The President, as an act of statesmanship, should avoid making *ad interim* appointments to the COMELEC, except in cases of extreme



necessity. The COMELEC's credibility would improve if Commissioners assume office only after their qualifications have already been publicly scrutinized by the Commission on Appointment of Congress. This would also give them the confidence to be independent in their judgment in the course of their work, as they would then have a secure 7-year term.

#### **E. To the Supreme Court**

- (1) The Supreme Court should initiate a more thorough assessment of the performance of the newly designated special election courts. The objectives of the assessment must not only be centered on the effectiveness of the new rules, but on the suitability of the appointed judges.
- (2) The Supreme Court must require the special election courts to submit not only a status report, but also a copy of their decisions.
- (3) The Supreme Court, thru the Philippine Judicial Academy, should continuously provide training to the designated special election courts.

#### **F. Election Adjudication Reforms that Would Involve Amendments to the Constitution**

- (1) Election adjudication and election administration functions should be separated and given to two different entities.

As already adverted to above, one basic flaw in Philippine election system concerns putting election administration and election adjudication under one agency, the COMELEC. In this study, several sources have cited the fact that many of the woes of COMELEC can be traced to its dual nature. A Commissioner, when asked why it was difficult for COMELEC to address some basic mandated duties like examining the statement of contributions and expenditures of candidates, cited that more than 80 percent of their time is devoted to resolving election disputes and that they barely have time for their administrative work. Having the COMELEC perform both election administration and election adjudication functions may be too much for one agency to bear. One former Commissioner even went on to say that it was hard for COMELEC Commissioners to maintain their

independence in adjudicating disputes, because in the course of performing their administrative functions, they would necessarily be dealing with politicians, especially as regards the agency's budgetary and other logistical needs.

- (2) The creation of a Special Election Tribunal that would resolve election contests and a COMELEC that would only administer elections.

The Special Election Tribunal, just like, and at the level of Sandiganbayan [anti-graft court], should be created, and shall take cognizance at the first instance of all election contests involving the President, Senators, and House of Representatives. It would also act as an appellate election court over cases decided by trial courts involving local government positions. The Special Election Tribunal should be part of the country's court system and its judges or justices should go through a process of appointment similar to that of other judges or justices. Its jurisdiction, as well as that of special trial courts, would include resolving pre-election disqualification cases, election offense cases, and right to vote cases.

On the other hand, the new COMELEC would only be mandated to administer the conduct of elections, *i.e.* to accept candidates, register parties, monitor election campaign expenses, determine the number precincts and location of polling places, design ballots and other election forms, designate election officials, count and canvass the votes, take cognizance of pre-proclamation controversies, and declare election winners.

- (3) Review of the appointment requirements for COMELEC Commissioners. The feasibility of introducing a multi-party and multi-sectoral institution similar to the Judicial and Bar Council that would recommend nominees to the President for the appointments to the COMELEC and to limit the choice of the President to the recommended nominees should be examined.

## **G. To Filipino civil society**

Filipinos should recognize that election adjudication is part and parcel of the whole election system. It is the stage through which official election results are audited and verified. It is the stage where the performance of COMELEC and its officials can be assessed, and

evaluated, and could be the basis to hold them accountable. It can even be said to be the last hope of cheated candidates and voters to rectify errors and the results of fraudulent schemes, and thereby come up with a result reflective of the true will of the people. This is therefore an invitation to well-meaning citizens to continue their vigilance in monitoring the election process even beyond the voting and the counting stages. A sound and effective election adjudication system should be the concern not only of the COMELEC, HRET, SET, Judges, and election lawyers; it should also be the concern of all citizens who would want to promote a just and free democratic Philippine society.

## **EPILOGUE**

There are those who blame the woes of election adjudication to the Filipino's "culture of mistrust." Much of the problems, they say, can be easily resolved once this "culture of mistrust" is eradicated. For them, the perennial problem of delays in resolving election cases stems from the "culture of mistrust" as it brings about an overload of election cases that clog the dockets of the adjudicative bodies. They argue that if only the party-litigants would be more trusting with the election system, case loads of the adjudicative bodies will be reduced to a manageable level. This in turn will enhance the efficiency of these bodies in resolving election cases.

First, this way of thinking misleads the adjudicative bodies from confronting the real issues plaguing the election adjudication system. It mistakes the symptoms for the disease. The real issue is not that the Filipinos have little faith in the election system. The problem is why this "culture of mistrust" has developed in the first place, and why this thinking continues to gain a foothold in our collective consciousness.

Mistaking the "culture of mistrust" as the main problem of the election adjudication system has produced clashing philosophies in the way adjudicative bodies adopt policies and resolve election cases. Foremost, this thinking creates an unarticulated assumption that election cases are unmeritorious. For instance, the adjudicative bodies impose exorbitant fees to discourage the filing of "unmeritorious cases." The rationale behind this that party-litigants will be discouraged to file election cases due to the high costs involved. The expected outcome is that only those who are sincere and have proof of alleged fraud will pursue election protests to the end. While this measure has its merits, it has also prevented sincere litigants from pursuing otherwise meritorious cases.

In the same light, the different adjudicative bodies have devised ways to weed out "unmeritorious claims" by enlarging grounds for the summary dismissal of election cases. This trend clashes with the long standing philosophy of placing election cases over and above criminal or civil cases as they involve the sovereign will of the people. As this study has shown, most cases were terminated, not based on the merits, but on mere technicalities. This is not to say that the adjudicative bodies should not altogether dismiss election cases based on technicalities. Rather, it is suggested that the grounds for dismissal based on technicalities be

restricted, and in view of the public interest involved, be construed liberally in favor of resolving the merits of the case.

Second, blaming the “culture of mistrust” obliterates the cause of the problem. To be sure, the problem of delay cannot be simply eradicated by discouraging party litigants from pursuing election cases. Delays will continue to be a problem so long as the adjudicative bodies do not employ measures to improve their system of handling cases. No amount of dilatory tactics can frustrate the speedy resolution of election cases, if only the adjudicative bodies will it. These bodies have control over their proceedings; they can penalize the party-litigants, if they want to. Moreover, for so long as electoral fraud and corruption exists, the people will always question the official results and file election protests.

Finally, blaming the “culture of mistrust” is simply casting a blind eye on the problem, and consequently, refusing to act on them. It also engenders societal paralysis, as there is no miracle drug that will obliterate overnight a deeply ingrained belief in the national consciousness.

This baseline study pierces the veil of this social malaise, as a necessary first step to find concrete solutions to the problems besetting the Philippine election adjudication system. By dissecting the bases of the Filipino’s distrust, this paper encourages a paradigm shift. In the end, the “culture of mistrust” is but a product of the actions or inactions of the adjudicative bodies. The small steps suggested herein may not altogether address the problems besetting the election adjudication system, but they can surely enhance the electorate’s confidence in the processes involved in settling election disputes.

LIBERTAS would like to thank and acknowledge the following groups and individuals for their invaluable input:

*Forum Speakers*

Justice Regalado E. Maambong ♦ Commissioner Nicodemo T. Ferrer ♦ Atty. Leila De Lima

*Resource Persons and Advisers*

Commissioner Mehol Sadain ♦ RTC Judge Roberto O. Quilala, Br. 14, Laoag City ♦ RTC Judge Racquelen Abary-Vasquez, Br. 29, Cabanatuan City ♦ Atty. Leila de Lima ♦ Atty. Allen Abaya ♦ Atty. Emil Santos ♦ Dr. Saga Mabaning ♦ Atty. Josie dela Cruz ♦ Atty. Soyh Diola ♦ Atty. Frances Aguindadao ♦ Atty. Edwin Carillo ♦ Ms. Aileen Tangonan

*Forum Participants*

From the Commission on Elections

Commissioner Nicodemo T. Ferrer ♦ Atty. Zacarias Zaragosa (Regional Election Director, Region V) ♦ Atty. Jose Nick Mendros (Acting Regional Election Director, Region VIII) ♦ Atty. Noel Pipo (Acting Regional Election Director, Region I) ♦ Atty. Rogelio Benjamin (consultant) ♦ Atty. Josef Leroi Garcia (consultant) ♦ Atty. Magellan Ferrer (Office of Comm. Nicodemo T. Ferrer) ♦ Atty. Glynnis Tamondong (Office of Comm. Nicodemo T. Ferrer) ♦ Atty. Jonathan Bagadiong (Office of Comm. Rene Sarmiento) ♦ Atty. Abigail Lilagan (Office of Comm. Rene Sarmiento) ♦ Atty. Erwin Caliba (Office of Comm. Rene Sarmiento) ♦

From the Senate Electoral Tribunal

Atty. Irene Guevarra ( Secretary of the SET) ♦ Atty. Crisanta V. Valera ♦ Atty. Lamberto B. Delleva

From the House of Representatives Electoral Tribunal

Atty. Daisy B. Panga-Vega (Secretary of the HRET) ♦ Atty. Josephine Olais (Director III, Legal Service)

From the Integrated Bar of the Philippines

Atty. Feliciano Bautista (National President) ♦ Atty. Marcial Magsino (Governor, Greater Manila Area) ♦ Atty. Bonifacio Barandon (Governor, Bicolandia)

Election Law Practitioners

Atty. Leila de Lima (De Lima Law office) ♦ Atty. Juanito Arcilla (Brillantes & Arcilla Law Office) ♦ Atty. Edwin Carillo (Creencia and Carillo Law Office) ♦ Atty. George Erwin Garcia (Garcia Law Office), Atty. Frances Aguindadao (Aguindadao, Garcia and Assoc. Law office) ♦

Other attendees

Mr. Steve Edminster (Governance Officer, USAID) ♦ Ms. Beverly Hagerdon-Thakur (Chief of Party, IFES Philippines) ♦ Atty. Lawrence Fortun (City Councilor, Butuan City) ♦ Atty. Danny Pondevilla (City Legal Officer, Bacolod City) ♦ Ret. Judge Manuel Victorio (Makati RTC) ♦ Atty. Eugene Kaw (Office of Senator Manuel Roxas III) ♦ Prof. Masataka Kimura (University of the Philippines, Asian Center) ♦ Ms. Saya Kiba (Researcher, Political Section, Japanese Embassy), Dean Froilan Bacungan (PROCESS, Inc) ♦ Atty. Howard Calleja (Legal Counsel, Parish Pastoral Council for Responsible Voting) ♦ Mr.

Aries Rufo (NEWSBREAK) ♦ Atty. Malones (Office of Senator Edgardo Angara) ♦ Ms. Rebecca Tejada (PROCESS, Inc.) ♦ Mr. Andy Lasala (Transparency and Accountability Network) ♦ Ms. Chyn San Juan (IFES)

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Bryan Tan ♦ Cris Cabanilla ♦ Ceasar Bruan ♦ Amelia Maik Villegas ♦ Alma Mendoza ♦  
Lenny Estrada ♦ Carmela Bucad ♦ Our families and friends ♦

**Attachment E**  
**Pera't Pilitika "Developing Baseline Data on Campaign  
Spending in the Philippines"**

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26 August 2008

## DEVELOPING BASELINE DATA ON CAMPAIGN SPENDING IN THE PHILIPPINES (PILOT TEST: 2007 NATIONAL AND LOCAL ELECTIONS)

*Pera't Pulitika (PAP)*

### I. INTRODUCTION

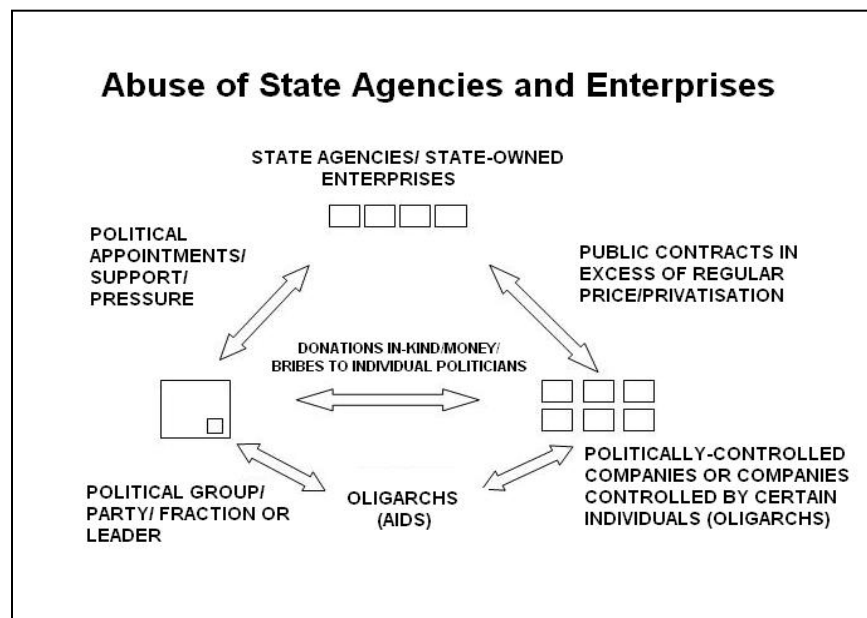
The violation of political campaign spending laws is a critical democratic reform issue in the Philippines. How much candidates spend in an election campaign strongly influences electoral results, oftentimes even corrupting the electoral process itself. The rampant violation by candidates of, and the failure of the Commission on Elections to properly enforce, campaign spending laws have largely turned Philippine elections into a personal contest among those who have the most money to spend, and not necessarily among those who have the most resolve to serve the public interest. Indeed, for not too few candidates, political office has become a business; campaign spending, a worthy investment. This situation has led to a general undermining of our democratic system; specifically, it has engendered political compromises, public distrust in political processes, and corruption.<sup>1</sup>

<sup>1</sup> Walecki, Marcin. IFES Political Finance White paper Series: Political Money and Corruption, page 12.

The purpose of monitoring campaign finance is not merely to establish if campaign spending limits are being violated, but, more importantly, to determine whether or not there exists a level-playing field in the electoral contest. Further, although beyond the scope of this report, understanding funding for campaigns is also critical in determining the relationships between the funders of the campaign and the political behavior of candidates.

When candidates are virtually allowed to spend for their campaigns as much money as they have the ability to collect and assemble, they become susceptible to illegally using their public office to recoup their campaign expenses and to compensate their benefactors, to the detriment of good governance. Corrupt electoral processes beget corrupt public servants. And, whether it is that or the other way around, once the vicious cycle has been established, it is no longer important to pinpoint which is the chicken and which the egg. (See the following table, which shows the process by which abuse of state agencies and enterprises occurs.<sup>2</sup>)

In order to understand the evils of unmitigated, unregulated campaign finance, we must begin with an earnest effort to monitor campaign spending.



Local and foreign experiences have already demonstrated that monitoring campaign finance can be an effective tool in exposing corrupt practices, such as abuse of state

<sup>2</sup> Based on a presentation by Dr. Marcin Walecki on International Perspectives on Political Finance, Sofitel Hotel, Manila, Philippines, January 22, 2007.

resources, demanding contributions from public servants, buying and selling votes, and such other nefarious practices. Monitoring campaign spending is useful in generating information valuable to regulators and legislators in establishing a legal framework for creating a level playing field for the different political players. An estimate of actual campaign expenditure can serve as a sound basis for sensible election campaign regulation.<sup>3</sup> Regulating campaign finance is not new to the Philippines.

The Philippines has a whole set of laws regulating campaign finance; whether they are enforced or not is another story.

## **MONITORING CAMPAIGN SPENDING: A PILOT TEST BY *PERA'T PULITIKA***

The Transparency and Accountability Network (TAN)<sup>4</sup>, Access to Information Network (ATIN)<sup>5</sup>, **Lawyers' League for Liberty (LIBERTAS)**,<sup>6</sup> Consortium on Electoral Reform (CER),<sup>7</sup> and an analyst group led by Dr. Edna Co of the Ateneo School of Government and the UP National College of Public Administration and Governance came together to form the *Pera't Pulitika* (Money and Politics) Working Group. It is the first group in the Philippines that aims to monitor political campaign finance and its relationship to political corruption. The International Foundation for Electoral Systems (IFES) supported the initiative.

## **PROJECT PARAMETERS**

*Pera't Pulitika* (PAP) members have come together to pilot-test a campaign spending monitoring project for the 2007 Philippine elections.

It monitored senatorial elections based on data collected by Nielsen Media Research (Nielsen) and did a large scale monitoring on the local elections of:

- 1) *District 4 in Quezon City (Congressional race)*<sup>8</sup>
- 2) *Pasig (Congressional and Mayoralty race).*
- 3) *Navotas (Congressional and Mayoralty race).*
- 4) *Langiden, Abra (Mayoralty race).* The Municipality of Langiden is in a remote area of Abra, with only 2,261 registered voters.

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<sup>3</sup>Open Society Justice Initiative. Justice in Action Series: Monitoring Election Campaign Finance: A handbook for NGOs. New York: Open Society, 2005, page 20.

<sup>4</sup> TAN is a coalition of multi-sectoral organizations, which seeks to contribute significantly to the reduction of corruption in the Philippines. TAN has 25 member organizations

<sup>5</sup> ATIN is a network of multi-sectoral civil society organizations concerned with the proper implementation of the public's right to information as enshrined in the constitution. ATIN's participation in this project is through one of its members, the CCJD.

<sup>6</sup> LIBERTAS is an organization and network of young and reform minded lawyers and law professionals advocating reforms in the judiciary and legal profession, public ethics and anti-corruption, good governance and promotion of civil liberties.

<sup>7</sup> CER is a coalition/ network of organizations and individuals committed to the strengthening of Philippine democracy through electoral reforms and activities that would broaden people's participation and representation in democratic governance and enhance free, orderly, honest, peaceful and credible elections.

<sup>8</sup> District 4 in Quezon City represents the "large" voting population sample. Pasig City represents the "medium" or middle-range voting population sample while Navotas and Langiden, Abra represent the "small" voting population size for samples. The competition in Pasig had been predicted to be bitterly contested and politically charged.

District 4 in Quezon City represents the “large” voting population sample. Pasig City represents the “medium” or middle-range voting population sample while Navotas and Langiden, Abra represent the “small” voting population size for samples. The competition in Pasig had been predicted to be bitterly contested and politically charged.

Data on political ads in this report are based on the Nielsen-generated data of political advertisements during the stipulated campaign period. The peso amounts reported by Nielsen are based on the rate cards provided by the media networks for commercial advertisements. The spending reported here may not be the actual cost incurred by candidates as the applicable discounts were not reflected in the computations. *(Details explained in the Methodology for Monitoring Broadcast Media Expenditures, page 9 of this report.)*

The monitoring conducted by PAP was confined to the official campaign period only (February 13, 2007-May 12, 2007). Although monitors noted pre-campaign period advertisements by certain candidates that were clearly political in nature, the group did not conduct any formal monitoring of the **candidates’** pre-campaign advertisements.

- It is important to note that the project was not designed to *single out* candidates, *nor* to initiate or provoke the filing of complaints against them for violations of election spending laws. Rather, the object was to identify the areas where reforms can be proposed and considered by policy makers and to recommend ways and means by which compliance with election laws can be enforced. Additionally, the data generated by this monitoring project can be used as a basis for discussions with political parties, political candidates, and enforcers of electoral law with the objective of enhancing transparency, public information, and discourse all in the spirit of democracy .
- The figures presented in this report may differ from the figures presented in other publications on political ads which may be due to the differences in sources of information and the methodologies used.

As a pilot project, the *Pera’t Pulitika* monitoring and analysis has its limitations:

- The findings do not reflect the entire picture of the **candidates’** campaign expenses. However, it indicates the expenses of some candidates relative to each other.
- On media ad spending, the law mandates that candidates must receive discounted rates of 30% for television, 20% for radio and 10% for print. The raw data obtained from Nielsen do not reflect these discounts. However, we assumed that the full discounts were applied uniformly across all candidates.
- For the senatorial race and party-list groups, the estimates do not include costs outside of media spending, such as costs of producing the political ads, costs of campaign paraphernalia, personnel and administrative costs of operating the campaign machinery, and other campaign-related expenses.
- The geographical coverage of the monitoring is also limited. Aside from the senatorial candidates and party list-groups, the consortium focused only on the expenditures of candidates in four local campaign areas, namely Navotas, Pasig, the fourth district of Quezon City, and Langiden in Abra.

This project has the following objectives:

- 1) To generate baseline data on campaign spending as part of election monitoring;
- 2) To heighten public awareness of the importance of monitoring campaign expenditures of parties and candidates;
- 3) To identify areas where reform can be proposed and considered by policy makers;
- 4) To prepare for the larger monitoring initiative on campaign spending in the 2010 elections.

The following table summarizes the details of the coverage of the monitoring:

Area/Locality	Electoral Race	No. of Candidates	No. of Registered Voters
Quezon City, District 4	Congressional	1	188,423
Pasig	Mayoral	3	358,300
	Congressional	4	358,300
Malabon-Navotas	Congressional	3	305,011
Navotas	Mayoral	2	122,541
Langiden, Abra	Mayoral	2	2,261

## ELECTION CAMPAIGN SPENDING: A LOOK AT THE LAWS<sup>9</sup>

The Lawyers' League for Liberty, in their *Basic Guide to the Laws and Rules Governing Election Finance in the Philippines*, provides a summary of the salient provisions of Philippines laws on campaign finance, such as the Synchronized Election Law, the Fair Election Act, and the Omnibus Election Code of the Philippines.

Under the Fair Election Act, election propaganda, whether on television, cable television, radio, newspapers, or any other medium, is allowed for all bona fide candidates and parties, subject to the limitation on authorized expenses of candidates. During election period, bona fide candidates shall be charged discounted rates of thirty percent (30%) for television, twenty percent (20%) for radio, and ten percent (10%) for print over the average rates charged during the first three quarters of the calendar year preceding the elections.<sup>10</sup> Also, **"each candidate or political party running for national office is entitled to not more than 120 minutes of television advertisement and 180 minutes of radio advertisement for the entire duration of the campaign period (90 days), whether by purchase or donation."** The Omnibus Election Code of the Philippines, on the other hand, sets a cap on election expenditures, spells out prohibited contributions, especially from those with connections to government, and prescribes the rules and process for accepting donations, recording contributions and expenditures, reporting, as well as penalties.

The table below summarizes the candidates' and parties' expenditure limits per registered voter:<sup>11</sup>

<sup>9</sup> Lawyers League for Liberty (Libertas). *Basic Guide to the Laws and Rules Governing Election Finance in the Philippines*. International Foundation for Electoral Systems and British Embassy, May 2007

<sup>10</sup> Libertas 2007, p. 11.

<sup>11</sup> Libertas 2007, p. 10.

Candidate	Limit
Individual candidate supported by political party	P3.00
Individual candidate not supported or nominated by political party	P5.00
Political parties	P5.00
Candidates for President or Vice President	P10.00

Other relevant provisions of Philippine election laws include the allowable expenses for candidates, such as: lawful election propaganda; traveling expenses of the candidates and campaign personnel and personal expenses incident thereto; compensation of campaign workers; telegraph and telephone tolls, postage, freight, and express delivery charges; stationery, printing, and distribution of printed matters relative to candidacy; employment of watchers at the polls; rent, maintenance, and furnishing of campaign headquarters, office, or place of meetings; political meetings and rallies and the use of sound systems, lights and decorations during said meetings and rallies; newspaper, radio, television, and other public advertisements; employment of counsel; copying and classifying list of voters, investigating, and challenging the right to vote of persons registered in the; or printing sample ballots in such color, size, and maximum number as may be authorized by the Commission.<sup>12</sup>

Also during the campaign period, a person cannot (for the purpose of inducing someone to vote for or against a candidate or to withhold his or her vote), directly or indirectly: give money or anything of value to any person, association, corporation, entity, or community; offer money or anything of value to any person, association, corporation, entity, or community; spend money in favor of any other person, corporation, or entity; offer to spend money to the same person, corporation, or entity; cause expenditure to be made upon any person, corporation, or entity; give employment to any person; offer to give employment to any person; promise employment to any person; give franchises and grants to any person; offer to give franchises and grants to any person.<sup>13</sup>

Our laws are likewise clear in that no person can solicit or receive money, gifts, or anything of value from any candidate for election. During the election period, any person is prohibited from soliciting and/or accepting from any candidate for public office, or from any person acting in their behalf, any gift, food, transportation, contribution or donation in cash or in kind.<sup>14</sup>

On the recording and reportorial requirements of expenditures of candidates, contributors or donors must submit to Comelec a report under oath of all contributions they made to candidates and political parties within 30 days after the elections. Candidates and treasurers of political parties must submit to the proper Comelec offices, within 30 days after elections, a report, subscribed and sworn to, containing a full, true, itemized statement of contributions and expenditures.<sup>15</sup>

## **ELECTION CAMPAIGN SPENDING: A LOOK AT THE FACTS**

<sup>12</sup> Libertas 2007, p. 10.

<sup>13</sup> Libertas 2007, p. 11.

<sup>14</sup> Libertas 2007, p. 12.

<sup>15</sup> Libertas 2007, p. 13.

Recognizing the usefulness of monitoring the election expenditures of candidates and parties, various groups in the past have tried to monitor major campaign finances. What they have managed to unearth is distressing, to say the least. For instance, in an article written by Glenda Gloria in *Spin and Sell* (2004), the media alone is reported to have earned over a billion pesos from political advertisements from January to May 2004.<sup>12</sup>

The popular figures used to estimate political campaign expenditures indicate that candidates spend well in excess of the statutory limit of P3.00 per registered voter in the area where they intend to run. For example, the third district of Quezon City has, according to the September 2006 data of the Comelec<sup>13</sup>, 505,181 registered voters. According to the law, a candidate running in this district should spend no more than P1,515,543 (not including what his or her party can contribute to the campaign). Yet, the popular figure for running a congressional campaign, according to some political campaign specialists, is upwards of P25 million, or over 16 times the limit. A mayor running in Quezon City, which has a total voting population (again, according to September 2006 Comelec data) of just over 1 million should not spend more than P3 million. But estimates for a mayoral campaign are more than three times that, or as much as P10 million. The tale of the pocket in Philippine elections will also tell us that running a gubernatorial campaign will cost P5 million to P150 million, while running for a senatorial post will range from P150 million to P500 million. For the presidency, the range is reportedly within P2.5 billion to P5 billion.<sup>14</sup>

No political candidate has ever been cited by Comelec for overspending and yet it is common knowledge that candidates routinely exceed statutory limits on campaign spending.

Evidently, the enforcement of election laws is weak. The Comelec itself has shown remarkable weakness in its audit and supervision of political parties and candidates. **It has become a victim of manipulation by politicians due to the institution's "absence of clear sense of purpose, coherent strategy, short attention span, and fast action for improvement."**<sup>16</sup> Moreover, the **electorate's** lack of awareness of the laws governing elections makes it difficult for ordinary citizens to monitor candidates' campaign behavior during elections and campaign periods.

But the election laws themselves are partly to blame. Current laws on campaign finance provide no effective, systematic means for exposing problems. Existing laws also contain no mechanisms for preventing violations. On the contrary, our laws tend to provide incentives to disobey rules.<sup>17</sup> For instance, there is no ceiling on campaign contributions, and there are either light or no penalties for infractions or violations of campaign finance and election laws. There is tremendous room for reform here.

Genuine political campaign finance reform cannot be achieved overnight. It is a long process that requires a good understanding of the various mechanisms that allow

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<sup>12</sup> Gloria, Glenda M, "Selling A Candidate", in *Spin and Sell: How Political Ads Shaped the 2004 Elections*. Manila, Philippines: Foundation for Communication Initiatives and Konrad Adenauer Foundation, 2004, page 20.

<sup>13</sup> Also referred to in this report as the Commission.

<sup>14</sup> Based on a presentation made by Ramon Casiple, Executive Director of the Institute for Political and Electoral Reform during the Money and Politics Conference in January 2007 held at Sofitel Hotel.

<sup>16</sup> Gonzales (2003), p. 286

<sup>17</sup> Gonzales (2003), pp. 285, 286

political corruption to prosper through corrupt or unbridled campaign finance activities.

The PAP Working Group was created precisely to give impetus to this process.

## **PROJECT DESCRIPTION**

This project was implemented from February 15, 2007 to October 31, 2007 with components of *Training, Research Control and Analysis*, and *Media Advocacy and External Relations*.

**Training.** The PAP Working Group conducted training among site monitors covering the following: 1) monitoring objectives, scope, and methodologies, 2) legal framework for campaign expenditure monitoring, 3) network building and support for local monitoring, 4) code of conduct and behavior, 5) investigative tools and personal safety techniques, and 6) levels of responsibility and accountability as monitors and relationship to the PAP working group.

The training was held at the PRRM Building on March 27, 2007 and was attended by the PAP monitors, researchers/analysts, journalists, and members of the PAP Working Group.

**Research Control and Analysis.** As a pilot test, this monitoring project has been limited in scope and coverage and methodology was kept within the capacity and resources of the project implementers. Nevertheless, the monitoring employed a triangulated approach to data-generation through the following:

- 1) Data and statistics from a major media house and media network;
- 2) Field monitoring by trained monitors of campaign materials, events and costing in selected sites;
- 3) Official documents sourced with permission from Comelec;
- 4) Case studies and unstructured interviews with key informants in selected areas.

The data were collated and encoded by trained monitors assigned to the respective sites, aided by assistant monitors with the technical competence for data organizing. The data were examined by a team, led by Dr. Edna Co, of research analysts composed of academics and researchers coming from diverse disciplinary backgrounds and who have track records in research and advocacy work.

The PAP Working Group was in charge of determining whether midstream monitoring reports were ready for public dissemination through a media conference or similar articulation mechanism. Likewise, the decision on report dissemination was the principal responsibility of the PAP Working Group.

**Campaign Expenditure Monitoring.** The monitoring covered the following areas of campaign spending:

*For senatorial candidates and party list groups:* TV, newspaper, and radio ads;



***For local election campaign:*** posters, streamers, and other printed materials; rallies and other public meetings.

Monitoring of campaign spending of senatorial candidates and party-lists used the data made available by Nielsen Media Research (Nielsen). The local monitoring was done through the Consortium on Electoral Reform (CER) network, which mobilized monitors/volunteers.

The data, based on pre-set forms, were collected and stored at the secretariat level. These were forwarded to the analysts group for appropriate action.

The CER-led monitoring teams were headed by a coordinator who was assisted by a deputy. Two staff members helped in the data encoding and administration components of the project. Area coordinators were designated for each of the three areas to assist in the handling of the three teams assigned to the area.

In some instances, unreceipted expenses were also monitored such as the mobilization of political machinery.

***Media/Advocacy and External Relations.*** This component includes releasing the results of the monitoring to the general public in the hope that the concerned bodies would then be compelled to respond to them by initiating the necessary reforms.

This component also included the arrangement for the media guestings (radio and television) of PAP spokespersons/ representatives to explain the importance of the project, to share the findings of the project and to heighten public awareness of campaign finance issues in relation to political corruption. Media events were arranged and coordinated by the Center for Community Journalism and Development. Throughout the life of the project, members of the PAP Working Group were guested in programs both on radio and television such as the following:

DATE	PROGRAM/ STATION
February 3, 2007	DZRH
February 5, 2007	Talk Back with Tina Monson-Palma
February 19, 2007	ANC with Ricky Carandang
March 5, 2007	DZMM
March 7, 2007	<b>GMA Reporters' Notebook</b>
March 10, 2007	Prime News with Pinky Webb
March 13, 2007	ANC with Korina Sanchez
May 4, 2007	Top Story with Twink Macaraig
May 24, 2007	Talk Back with Tina Monson-Palma
June 9, 2007	DWIZ with Jarius Bondoc

The impact of these media guestings was not only the raising of public awareness of campaign finance and its links to political corruption; they also put pressure on the candidates identified in the PAP reports and press releases as being big spenders, obliging them to publicly address the issue.

During the project implementation, the PAP Working Group conducted a series of press conferences on the campaign spending of all senatorial candidates. The releases were picked up and published in the Philippine Daily Inquirer, Manila Standard, and Manila Times, among others.

## II. ANALYSIS

### THE STRATEGY FOR COLLECTING CAMPAIGN SPENDING DATA

The project monitored partial electoral campaign spending at two different levels using two different approaches. At the national level, campaign spending for political advertisements by senatorial candidates and Partylist groups was estimated using data collected by Nielsen Media Research.<sup>18</sup> Nielsen records all advertising (not just political ads) placed on television (TV), radio, and print (newspapers).<sup>19</sup> It computes the value of these ads based on length for TV and radio and size for newspapers using the rate cards published by the relevant TV network, radio station and newspaper.

On the other hand, partial campaign spending for area-based elections (that is, for mayoral (city) and congressional (district) posts), was estimated using data gathered by field monitors. Monitors gathered data on two types of activities: *the production and distribution of posters, pamphlets, leaflets, and similar materials by candidates (hereinafter referred to as propaganda materials); and the holding of public events such as rallies, meetings, caucuses and similar activities organized by candidates (hereinafter collectively referred to as rallies)*. Estimates were produced based on the prevailing market rates of producing propaganda materials and organizing the rallies from April 1, 2007 to May 14, 2007.

### Methodology for Monitoring Broadcast Media Expenditures

To get a sense of how much candidates spend in running for a senatorial post, the consortium decided to look at how much they spent for their political ads in print and the broadcast media (TV and radio). At the very least, these figures will provide the minimum amounts expended by the subject aspirants for their senatorial campaigns. To generate these data, the PAP work group partnered with Nielsen Media Research.

This section of the report contains the Nielsen generated data of political advertisements during the stipulated campaign period. The peso amounts reported by Nielsen are based on the rate cards provided by the media networks for commercial advertisements. The Fair Election Law (RA No. 9006) states that media networks should charge political candidates discounted rates of 30 percent for TV ads, 20 percent for radio ads and 10 percent for print ads. The discounts are applied on the average of the rates charged for the first three quarters of the year preceding the elections. These discounts were applied to the current rate cards from Nielsen in a straightforward manner. Although these rate cards from Nielsen did not reflect the average rates as mandated by law, these amounts should be indicative of the relative spending of the candidates.

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<sup>18</sup> Also referred to in this report as Nielsen

<sup>19</sup> Nielsen is a media research institution which offers an integrated suite of market information gathered from a wide range of sources, advanced information management tools, sophisticated analytical systems and methodologies (<http://asiapacific.acnielsen.com/company/what.shtml>).

The Nielsen data also includes TV and radio airtime for each candidate. The law states that each candidate for a national position is allowed 120 minutes on TV and 180 on radio, and the same number of minutes applies for each political party fielding candidates, divided equally among all its member candidates. A candidate who is the lone party representative in an election may be entitled to a maximum of 240 minutes on TV and 360 minutes on radio.

The same approach was used to estimate the media campaign spending of Partylist groups.

It should be noted that spending for print and broadcast advertising is a mere fraction of the total campaign budget of candidates and we have not been able to gather enough information to determine how large the total campaign spending of the subject candidates were.

## ESTIMATED MEDIA CAMPAIGN SPENDING BY CANDIDATES

### II. A. Estimated Media Campaign Spending by Senatorial Candidates

#### How much did the Political Groups Spend on Political Ads in Media in 2007?

Based on the Nielsen data, and discounted by PAP according to the discount rates mandated by law, Team Unity (TU) <sup>20</sup> candidates together are estimated to have spent over Php1.1 billion for political ads in media. They accounted for more than half (59%) of the overall spending of Php1.86 billion, larger than the combined expenditures of Genuine Opposition (GO) <sup>21</sup> and other candidates.

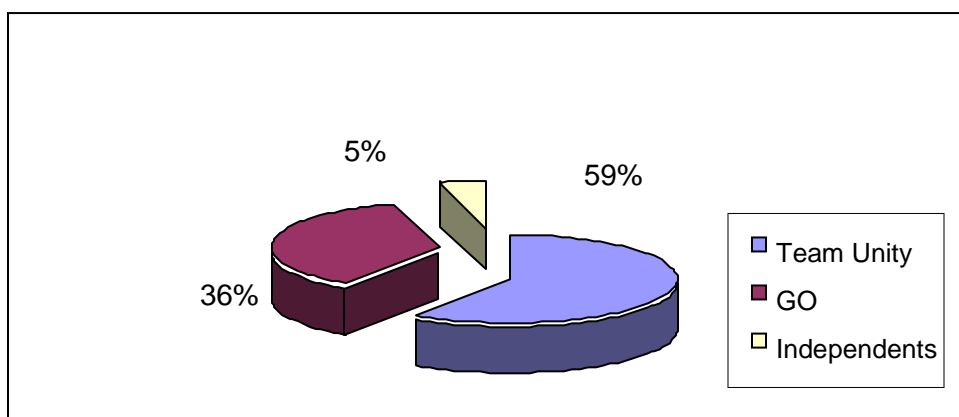


Figure 1: Estimated Overall Spending per Political Group

*Table 1: Estimated Overall Spending on Media Advertisements, by Candidate Group, 2007*

Political Group	Media Values, Undiscounted	Overall Spending, Discounted
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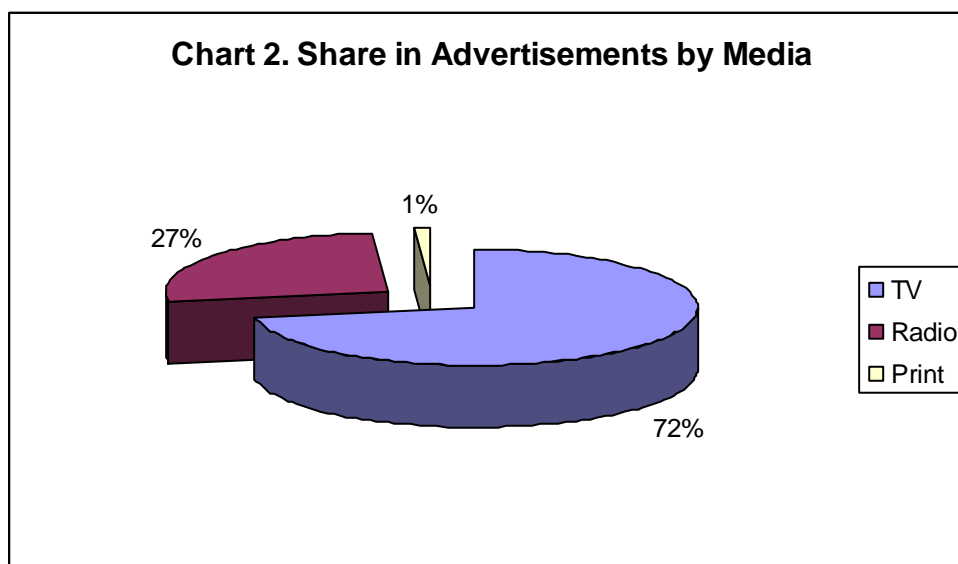
<sup>20</sup> The listing of Team Unity's members is attached as an appendix

<sup>21</sup> The listing of Genuine Opposition's members is attached as an appendix

	(Php, 000s)	<b>(Php, 000s)</b>
Team Unity Candidates	1,524,290	<b>1,105,911</b>
Genuine Opposition Candidates	918,718	<b>668,010</b>
Independents/Others (Pangilinan, Honasan, Gomez, Paredes)	116,775	<b>83,754</b>
GRAND TOTAL	2,559,222	<b>1,857,675</b>

### **How was the Money Spent?**

Out of the total expenditures on media advertisements, 72% were spent for ads in TV, 27% in radio and 1% in print. This is, of course, an acknowledgment of the tremendous public exposure and impact made possible by national television. Ads in radio and print come in as poor second and third in terms of reach and are accorded with less regard by the candidates and their media consultants. It is also an indication of the cost of placing an ad on TV, which in the case of both TU and GO candidates averaged more than Php400,000 per minute even at discounted rates.



This overall pattern of spending was more or less similar among the different groups shown here. Team Unity candidates put 73% of their money on TV ads while GO candidates spent 71% on TV. The independent and other candidates, with the least to spend, put more money on TV as a group at 82% of overall media expenditures, apparently hoping to maximize exposure on a tight budget.

***Table 2: Estimated Spending on TV Advertising, by Candidate Group, 2007***

Political Group	TV Advertising as a Percentage of Total Media Spending	TV Media Values, Undiscounted (Php, 000s)	<b>TV Spending, Discounted (Php, 000s)</b>
Team Unity	73	1,148,838	<b>804,186</b>

Genuine Opposition	71	673,071	<b>471,150</b>
Independent/Others	82	97,829	<b>68,480</b>

*Table 3: Estimated Spending on Radio Advertising, by Candidate Group, 2007*

Political Group	Radio Advertising as a Percentage of Total Media Spending	Radio Media Values, Undiscounted (Php, 000s)	<b>Radio Spending, Discounted (Php, 000s)</b>
Team Unity	26	361,821	<b>289,457</b>
Genuine Opposition	28	237,357	<b>189,886</b>
Independent/Others	17	17,591	<b>14,073</b>

**Table 4: Estimated Spending on Print Advertisements, by Candidate Group, 2007**

Political Group	Print Advertising as a Percentage of Total Media Spending	Print Media Values, Undiscounted (Php, 000s)	<b>Print Spending, Discounted (Php, 000s)</b>
Team Unity	1	13,361	<b>12,268</b>
Genuine Opposition	1	7,749	<b>6,974</b>
Independent/Others	1	1,334	<b>1,201</b>

### **Who were the Biggest Spenders on Political Ads?**

Prospero Pichay was consistently the top spender on political ads throughout the campaign period, accounting for 8.7% of total spending by all candidates. In fact, his spending was more than twice that of Benigno Aquino III who had the lowest spending among the top spenders. Manuel Villar, Joker Arroyo and Ralph Recto **followed Pichay, in that order, with only Villar coming close to Pichay's expenditures.** Recto intensified his TV spending during the last days of the campaign, as did Aquino who joined the biggest TV spender list only during the last week of the campaign.

Other candidates chose not to spend significantly in campaign advertisements. Escudero, Vicente Magsaysay, and Francis Pangilinan had individual media campaign values just below 4.0% of total expenditures with Lacson close behind at 3.6%. **The values for Aquilino "Koko" Pimentel III, Sergio Osmeña, Cesar Montano, Alan Cayetano, and Sonia Roco range from 2.9 to 1.4 percent.** Spending below 1.0 percent of their total were Anna Dominique Coseteng, Gregorio Honasan, Antonio Trillanes III, Richard Gomez, and Zosimo Jesus Paredes. Some candidates did not place any ads at all.

**Table 5. Top 12 Individual Spenders on Political Advertisements, 2007[Estimates]**

Candidate	Candidate Spending on Media as a Percentage of Total Media Spending for all candidates	Overall Media Value, Undiscounted (Php, 000s)	<b>Media Spending, Discounted (Php, 000s)</b>
Pichay	8.7	223,571	<b>162,371</b>
Villar	8.4	212,389	<b>156,012</b>
Arroyo	6.9	178,551	<b>128,247</b>
Recto	6.5	164,080	<b>120,532</b>
Angara	6.4	164,116	<b>118,825</b>
Legarda	5.8	146,872	<b>108,285</b>
Defensor	5.6	142,686	<b>103,960</b>
Sotto	5.0	128,899	<b>92,985</b>
Oreta	5.0	128,468	<b>92,738</b>
Zubiri	4.9	125,225	<b>91,125</b>
Singson	4.3	109,765	<b>80,060</b>
Aquino	4.1	107,192	<b>76,108</b>

*Table 6. Other Candidates with Spending on Political Advertisements [Estimates]*

Candidate	Candidate Spending on Media as a Percentage of Total Media Spending for all candidates	Overall Media Value, Undiscounted (Php, 000s)	Media Spending, Discounted (Php, 000s)
Escudero	3.9	100,249	<b>73,336</b>
Magsaysay	3.9	99,881	<b>72,616</b>
Pangilinan	3.8	97,391	<b>69,826</b>
Lacson	3.6	94,579	<b>67,190</b>
Pimentel	2.9	73,012	<b>54,472</b>
Osmena	2.8	71,062	<b>52,464</b>
Montano	2.3	59,048	<b>42,453</b>
Cayetano Alan	1.7	45,585	<b>31,953</b>
Roco	1.4	37,200	<b>26,879</b>
Coseteng	0.7	19,242	<b>13,754</b>
Honasan	0.6	14,613	<b>10,545</b>
Trillanes	0.4	10,796	<b>7,557</b>
Gomez	0.2	4,413	<b>3,147</b>
Paredes	0.0	337	<b>236</b>

### **Who were the Biggest Spenders on TV Ads?**

Pichay held the number rank among the biggest spenders with 71% of his media campaign spending going to ads on TV, but all that exposure failed to get him elected. Legarda, who topped the election, put 61% of her advertising money on TV. Francis Escudero, who took second place in the voting results, was not even in the top 12 list of overall spenders and top spenders on TV. He was only fifth among GO candidates in spending for TV ads.

Four GO members made it to the list of top 12 TV ad spenders while eight were TU candidates. Of these eight from TU only three made it to the Senate. As noted **earlier, Recto's and Aquino's spending** surged during the last week of the campaign and most of these expenditures were for TV ads. In doing so, Recto overtook three other candidates who had previously outspent him, finally claiming the fifth spot of top spenders. Aquino, on the other hand, overtook party mates Loren Legarda and Panfilo Lacson in a last ditch bid for election.

**Table 7: Top 12 Individual Spenders on TV Advertisements, 2007 [Estimates]**

Candidate	Candidate Spending on TV Ads as a Percentage of Total TV Ad Spending for all candidates	TV Media Values, Undiscounted (Php, 000s)	<b>TV Spending, Discounted (Php, 000s)</b>
Pichay - TU	8.6	164,860	<b>115,402</b>
Arroyo - TU	7.6	145,942	<b>102,159</b>
Villar - GO	7.4	142,580	<b>99,806</b>
Angara - TU	6.6	126,740	<b>88,718</b>
Recto - TU	5.6	107,320	<b>75,124</b>
Defensor - TU	5.5	106,395	<b>74,476</b>
Sotto - TU	5.3	102,447	<b>71,713</b>
Oreta - TU	5.3	100,851	<b>70,596</b>
Aquino - GO	5.0	96,759	<b>67,731</b>
Legarda - GO	5.0	95,073	<b>66,551</b>
Zubiri - TU	4.7	91,168	<b>63,818</b>

#### Who were the Biggest Spenders on Radio?

Villar dominated the radio airwaves, having consistently topped spending for radio throughout the campaign. Some candidates increased their radio ads significantly in the last weeks of the campaign, particularly Recto who had not been in the previous top 12 list and Escudero.

**Table 8: Top 12 Individual Spenders on Radio Ads, 2007 [Estimates]**

Candidate	Candidate Spending on Radio Ads as a Percentage of total Radio Ad Spending	Radio Media Values Undiscounted (Php, 000s)	<b>Radio Spending, Discounted (Php, 000s)</b>
Villar - GO	10.7	66,220	<b>52,976</b>
Pichay - TU	9.5	58,712	<b>46,970</b>
Recto - TU	9.2	56,760	<b>45,408</b>
Legarda - GO	7.9	48,846	<b>39,077</b>
Angara - TU	5.7	35,315	<b>28,252</b>
Zubiri - TU	5.4	33,434	<b>26,747</b>
Pimentel - GO	5.4	33,057	<b>26,446</b>
Arroyo - TU	5.3	32,605	<b>26,084</b>
Defensor - TU	5.2	31,792	<b>25,434</b>
Escudero - GO	5.1	31,272	<b>25,018</b>
Singson - TU	4.5	27,844	<b>22,275</b>
Osmeña - GO	4.4	27,203	<b>21,762</b>



### Who were the Biggest Spenders on Print?

As far as estimated individual spending was concerned, Defensor was on top with four million pesos spent, or almost 20% of total ad spending for print. Villar, Legarda, Magsaysay, Luis Singson, and Edgardo Angara also spent significantly on print ads.

**Table 9: Top 12 Individual Spenders on Print Ads, 2007,[Estimates]**

Candidate	Candidate Spending on Print Ads as a Percentage of total Print Ad Spending	Print Media Values, Undiscounted (Php, 000s)	<b>Print Spending, Discounted (Php, 000s)</b>
Defensor – TU	19.8	4,500	<b>4,050</b>
Villar – GO	15.8	3,589	<b>3,230</b>
Legarda – GO	13.0	2,953	<b>2,657</b>
Magsaysay – TU	11.5	2,610	<b>2,349</b>
Singson – TU	9.7	2,201	<b>1,981</b>
Angara – TU	9.1	2,061	<b>1,855</b>
Sotto – TU	4.9	1,105	<b>995</b>
Pangilinan – IND	4.4	1,000	<b>900</b>
Zubiri – TU	2.7	622	<b>560</b>
Oreta – TU	2.1	488	<b>439</b>
Coseteng – GO	1.9	420	<b>378</b>
Aquino – GO	1.3	298	<b>268</b>

### Who Got The Most Exposure on TV and Radio?

As mentioned in the Methodology section of this report, the law states that each candidate for a national position is allowed 120 minutes on TV and 180 on radio, and the same respective minutes for each political party fielding candidates, divided equally among all its member candidates. A candidate who is the lone party representative in an election is entitled to a maximum of 240 minutes on TV and 360 minutes on radio.

TV airtime was the most valued way of getting public exposure for the candidates, but it was also the most expensive. Team Unity candidates as a group bought 1,993 minutes (60%) of airtime on TV while Genuine Opposition candidates had 1,115 minutes (34%). Independent/other candidates as a group booked a mere 218 minutes of airtime on TV (6%).

As the list below shows, candidates sought as much TV exposure as was allowed by the law with some apparently exceeding the limits set.

**Table 10: Top 12 Candidates with Most Minutes on TV, 2007**

Candidate	Minutes	Variance over the 120 Minutes Limit set by Law
Arroyo	289	169
Angara	251	131
Villar	243	123
Pichay	239	119
Defensor	210	90
Pangilinan	181	61
Recto	177	57
Sotto	173	53
Oreta	171	51
Aquino	165	45
Zubiri	153	33
Legarda	146	26

The same pattern was exhibited in terms of minutes on radio. Team Unity candidates accounted for 59% of spending on radio, Genuine Opposition candidates 38%, and independent/other candidates a mere 3%. Biggest radio spender Villar bought 7,883 minutes while Pichay had just over 6,262 minutes.

Villar bought the most number of minutes on radio, followed by Pichay, Recto and Zubiri.

**Table 11: Top 12 Candidates with Most Minutes on Radio, 2007**

Candidate	Minutes in all Regions	No. of Regions w/ Radio Ad	Ave. Minutes per Region	Variance over the 180 Mins. Limit set by Law (in minutes)
Villar	7,883	12	657	477
Pichay	6,262	11	569	389
Recto	5,614	11	510	330
Zubiri	5,315	11	483	303
Legarda	4,371	11	397	217
Angara	4,170	12	348	168
Escudero	3,983	11	362	182
Pimentel	3,456	11	314	134
Arroyo	3,061	10	306	126
Defensor	2,941	9	327	147
Magsaysay	2,550	11	232	52
Singson	2,352	11	214	34

**Notes:** (1) The regions being reflected are based on the location of the radio station where their ads were aired; (2) The variance was arrived at by getting the average number of minutes per region where the candidate had their ads and then subtracting this from the 180 limit.

The above table shows that all candidates, on the average, went beyond the set limit of 180 minutes of airtime per region allowed by law. This is true even when the 15 minutes of extra time per candidate for party ads are added to each candidate's time.

Data from Nielsen show that almost half of the total radio minutes of most candidates aired in the National Capital Region. As with TV, the candidates' primary consideration was the radio stations' reach. NCR is followed by Regions 6 and 7.

*Table 12: Top Twelve Spenders, Estimated Media Spending and Votes Received, 2007*

Candidate	Rank in Expenditures	Media Values, Undiscounted (Php, 000s)	Media Spending, Discounted (Php, 000s)	Rank in Votes Received	Comelec Count (as of July 14, 2007)
Pichay	1	223,571	<b>162,371</b>	16	9,798,355
Villar	2	212,389	<b>156,012</b>	4	15,338,249
Arroyo	3	178,551	<b>128,247</b>	8	11,802,870
Recto	4	164,116	<b>120,532</b>	14	10,721,088
Angara	5	164,080	<b>118,825</b>	7	12,657,538
Legarda	6	146,872	<b>108,285</b>	1	18,501,209
Defensor	7	142,686	<b>103,960</b>	15	9,938,816
Sotto	8	128,899	<b>92,985</b>	19	7,638,260
Oreta	9	128,468	<b>92,738</b>	23	4,361,969
Zubiri	10	125,225	<b>91,125</b>	12	11,004,099
Singson	11	109,765	<b>80,060</b>	24	4,353,556
Aquino	12	107,192	<b>76,108</b>	6	14,309,093

*Table 13: Non-top Twelve Spenders, Estimated Media Spending and Votes Received, 2007*

Candidate	Rank in Expenditures	Undiscounted Media Values Undiscounted (Php, 000s)	Media Spending, Discounted (Php, 000s)	Rank in Votes Received	Comelec Count (as of July 14, 2007)
Escudero	13	100,255	<b>73,336</b>	2	18,264,889
Magsaysay	14	99,881	<b>72,616</b>	21	6,357,769
Pangilinan	15	97,391	<b>69,826</b>	5	14,534,322
Lacson	16	94,579	<b>67,190</b>	3	15,508,966
Pimentel	17	73,025	<b>54,472</b>	13	10,984,807
Osmeña	18	71,062	<b>52,464</b>	20	7,266,905
Montano	19	59,048	<b>42,453</b>	18	7,800,179
Cayetano, A.	20	45,585	<b>31,953</b>	9	11,787,475
Roco	21	37,200	<b>26,879</b>	17	8,457,710
Coseteng	22	19,242	<b>13,754</b>	22	5,274,570
Honasan	23	14,613	<b>10,545</b>	10	11,605,433
Trillanes	24	10,796	<b>7,557</b>	11	11,189,467
Gomez	25	4,413	<b>3,147</b>	25	2,725,618
Paredes	26	337	<b>236</b>	29	713,812

### **Inordinate campaign spending by some candidates for TV ads**

The largest expenditures were for TV ads for obvious reasons – the expense of placing the ad and the huge amount of public exposure that TV provides. Every candidate valued this exposure but not all the candidates could spend as much as they wanted to for TV ads.

***Table 14: Estimated Spending per Vote Received, Top Twelve Spenders, 2007***

Candidate	Media Value, Undiscounted (Php, 000s)	<b>Media Spending, Discounted (Php, 000s)</b>	Votes Counted (Comelec Count As of July 14, 2007)	Amount Spent per Vote (Php)
Pichay	223,571	<b>162,371</b>	9,798,355	16.57
Villar	212,389	<b>156,012</b>	15,338,249	10.17
Arroyo	178,551	<b>128,247</b>	11,802,870	10.87
Recto	164,116	<b>120,532</b>	12,657,538	11.24
Angara	164,080	<b>118,825</b>	10,721,088	9.39
Legarda	146,872	<b>108,285</b>	18,501,209	5.85
Defensor	142,686	<b>103,960</b>	9,938,816	10.46
Sotto	128,899	<b>92,985</b>	7,638,260	12.17
Oreta	128,468	<b>92,738</b>	4,361,969	21.26
Zubiri	125,225	<b>91,125</b>	11,004,099	8.28
Singson	109,765	<b>80,060</b>	4,353,556	18.39
Aquino	107,192	<b>76,108</b>	14,309,093	5.32

***Table 15: Estimated Spending per Vote Received, by Non-top 12 Spenders, 2007***

Candidate	Media Values, Undiscounted (Php, 000s)	<b>Media Spending, Discounted (Php, 000s)</b>	Votes Counted (Comelec Count As of July 14, 2007)	Amount Spent per Vote (Php)
Escudero	100,255	<b>73,336</b>	18,264,889	4.02
Magsaysay	99,881	<b>72,616</b>	6,357,769	11.42
Lacson	97,391	<b>69,826</b>	15,508,966	4.80
Pangilinan	94,579	<b>67,190</b>	14,534,322	4.33
Pimentel	73,025	<b>54,472</b>	10,984,807	4.96
Osmena	71,062	<b>52,464</b>	7,266,905	7.22
Montano	59,048	<b>42,453</b>	7,800,179	5.44
Cayetano	45,585	<b>31,953</b>	11,787,475	2.71
Roco	37,200	<b>26,879</b>	8,457,710	3.18
Coseteng	19,242	<b>13,754</b>	5,274,57	2.61
Honasan	14,613	<b>10,545</b>	11,605,433	0.91
Trillanes	10,796	<b>7,557</b>	11,189,467	0.68
Gomez	4,413	<b>3,147</b>	2,725,618	1.15
Paredes	337	<b>236</b>	713,812	0.33

To put the above figures into some perspective without being able to do a direct comparison, we also looked at the media spending by senatorial candidates during

the 2004 elections through Nielsen monitoring data. We noted that the expenditure amounts provided by Nielsen for the 2004 elections were not adjusted for discounts and, therefore, no real comparison can be made to the discounted expenditures of the 2007 elections. However, since the discounts are more or less uniform for all the 2004 candidates, the data can be taken as indicative of the level of expenditures and shares among them.

### **A Note on Premature Campaigning**

The Omnibus Election Code of the Philippines bans any person from campaigning **outside the Comelec's prescribed campaign period, which is 45 days** for senatorial candidates and 90 days for vice presidential and presidential candidates. Section 79 of the same law likewise limits the scope of prohibited election activities to **"candidates" or people who have filed certificates of candidacy.**

Campaigning by candidates prior to the official start of the campaign period was beyond the scope of the PAP monitoring project. However, prior to the official start of the campaign period, PAP noticed a proliferation of messages from would-be candidates, both in the print and broadcast media. Although the messages deftly avoided actual solicitation of votes by the politicians involved, they were clearly intended to project these people as viable candidates for the upcoming elections. PAP strongly believes that these candidates violated the spirit of the law prohibiting pre-campaigning activities.

A specific example of this were the advertisements of Mike Defensor prior to his formal declaration of candidacy. When viewed against his subsequent, official campaign ads, it was clear that the purpose of the earlier ads was to campaign ahead of the official campaign period. Defensor violated no laws with these ads but clearly, he was involved in pre-campaigning.

Many questions may, likewise, be raised as to the source of funds used for these media placements. Extending the campaign activities of candidates outside the campaign period unnecessarily escalates campaign expenses, creates an unlevel playing field, and highlights the evils of unregulated, unbridled campaign spending.

### **Estimated Media Spending by Senatorial Candidates in the 2004 Elections**

The estimated total media spending by candidates for the Senate (this includes twelve members of the administration coalition called the K4, twelve members of the opposition coalition called KNP, and candidates represented by candidates of the Aksyon Demokratiko party and four independent candidates) in 2004 amounted to Php754.9 million. The administration party candidates accounted for almost 60 percent of these expenditures while the opposition coalition contributed 35 percent. The other major candidates outside of these main coalitions accounted for the rest, or 5 percent of the total. Administration candidates significantly upped their share of expenditures in 2007 (to 71 percent) as compared to the 60 percent in 2004.

*Table 16: Estimated Spending by Major Candidate Groups, 2004*

	<b>Media Spending, Discounted (Php)</b>	Percentage of the Total Spending of all Major Candidate Groups
K4	<b>452,401,596</b>	59.9
KNP	<b>268,150,898</b>	35.5
Others	<b>34,377,194</b>	4.6
TOTAL	<b>754,929,688</b>	100.0

Who were the Biggest Individual Spenders on Political Ad Placements in 2004?

Mar Roxas was by far the biggest spender, followed by Maria Ana Consuelo Madrigal and Richard Gordon. Roxas' spending was over twice that of Madrigal's, the next highest spender, and over four times more than Pimentel's, at the bottom of the totem pole of the 12 biggest spenders. Seven administration candidates and five opposition candidates comprised the top 12 spenders' list.

Roxas' relative share of the spending in 2004 (16.0%) was nearly twice that of biggest spender in 2007, Pichay (8.7%). This means that spending was a lot more even in 2007 than in the previous election. Therefore, while the lowest in rank among the 12 biggest spenders in 2004 (Pimentel) accounted for less than a fourth (24%) of the amount spent by Roxas, in 2007, Aquino, at the bottom of the top spenders' list, spent an amount that was almost half (47%) that of Pichay's.

*Table 17. Top 12 Spenders on Political Advertisements, 2004 [Estimates]*

Candidate	Media Values, Undiscounted (Php, 000s)	<b>Media Spending, Discounted Rates (Php, 000s)</b>	Candidate Spending as a Percentage of the Total Spending of all Senatorial Candidates
Mar Roxas (K4)	162,542	<b>120,447</b>	16.0
Jamby Madrigal (KNP)	80,192	<b>58,823</b>	7.8
Dick Gordon (K4)	77,077	<b>55,743</b>	7.4
Juan Ponce Enrile (KNP)	71,555	<b>51,413</b>	6.8
John Osmena (K4)	64,787	<b>46,643</b>	6.2
Miriam Santiago (K4)	60,470	<b>43,546</b>	5.8
Jinggoy Estrada (KNP)	56,884	<b>40,541</b>	5.4
Ernesto Maceda (KNP)	49,346	<b>38,163</b>	5.1
Ramon Revilla, Jr. (K4)	48,334	<b>34,893</b>	4.6
Pia Cayetano (K4)	46,059	<b>32,570</b>	4.3
Robert Jaworski (K4)	41,316	<b>30,281</b>	4.0
Nene Pimentel (KNP)	38,703	<b>28,683</b>	3.8

Average Spending on Media Placements, 2004 and 2007

Given the disparities in individual spending by candidates, it might be instructive to look at average spending for both periods. Average expenditure data might also give a clue to the level of spending that candidates ought to expect in the next elections.

**Table 19. Average Estimated Spending by Senatorial Candidates, 2004 and 2007**

2004 Elections			2007 Elections			% increase 2007 vs. 2004
Candidate	Media Values, Undiscounted (Php, 000s)	Media Spending, Discounted (Php, 000s)	Candidate	Media Values, Undiscounted (Php, 000s)	Media Spending, Discounted (Php, 000s)	
K4 (Admin.)	51,883	<b>37,686</b>	TU (Admin.)	138,572	100,537	167%
Winning K4 candidates	61,930	<b>45,130</b>	Winning TU candidates	155,964	112,732	150%
KNP (Opposition)	30,582	<b>22,346</b>	GO (Opposition)	83,471	60,728	172%
Winning KNP candidates	50,879	<b>36,939</b>	Winning GO candidates	102,523	74,349	101%
Others			Winning Independents	56,002	56,002	
Ratio of opposition <b>winners'</b> spending to admin. <b>winners'</b> spending	59%	<b>82%</b>		60%	66%	

In general, winning candidates' **average spending was** more than the average spending by all candidates in each coalition or group. This was true in both 2004 and 2007 elections. In 2004 winning administration candidates spent on average about 20% more for media placements than the average for the entire administration coalition; in 2007, this figure was only 12% more. For the opposition, winning candidates in 2004 spent 65% more on average compared to total opposition coalition average spending, but this also fell to just 22% in 2007. Given everything else to be equal, the data show that spending more apparently improves **one's** chances of winning. The data also show that spending among candidates was more comparable in 2007 than in 2004, where the highest spender (Roxas) spent 100% more than the second highest spender.

Overall, the average spending of administration candidates tended to be higher than comparable spending by opposition candidates in the two elections. This is probably because administration candidates tend to have more resources to spend in the first place.

Average spending increased by a factor of greater than two-and-a half times between 2004 and 2007. This does not bode well for candidates in the next round of senatorial elections who, if this represents a trend, may have to spend at least twice the amount of average media spending in 2007.

## **II. B. Estimated Campaign Spending by Partylist Groups**

How Much Did the Partylist Groups Spend on Political Ads?

The Partylist System requires that 20% of the members of the House of Representatives come from Partylist groups that represent marginalized sectors of society. They are to be elected through a national ballot, unlike district representatives who are elected at the congressional district level. Each Partylist group needs to muster 2% of the total votes cast in a national election in order to get a seat in the House. Campaigning, therefore, under the Partylist system is like campaigning for a Senate seat.

Based on Nielsen data for 2007 elections, the Partylist groups were estimated to have spent a total of Php92.5 million for campaign ads in broadcast (TV and radio) and print media during the campaign period. Of the 93 Partylist groups that ran in the 2007 elections, sixty-two spent for campaign ads placed in the media. The top 20 spenders accounted for close to 90% of these expenditures or an amount of Php82.9 million. The top two (BANAT and KAKUSA) accounted for over 44% of the total spending for political advertisement. CIBAC, AHON PINOY, and BUHAY completed the top five. Fourteen of the Partylist groups in the top twenty spent over a million pesos in political ad placements.

**Table 20. Top 20 Partylist Groups Spenders, 2007 [Estimates]**

Partylist Group		Media Values, Undiscounted (Php, 000s)	<b>Media Spending, Discounted (Php, 000s)</b>	Partylist Spending as a Percentage of Total Partylist Spending
	BANAT	35,264	<b>26,147</b>	24.3
1.	KAKUSA	22,329	<b>15,638</b>	14.5
2.	CIBAC	9,595	<b>6,716</b>	6.3
3.	AHON PINOY	6,081	<b>5,318</b>	4.6
4.	BUHAY	6,884	<b>4,955</b>	4.4
5.	ALAGAD	6,586	<b>4,677</b>	5.0
6.	AVE	5,098	<b>4,187</b>	3.9
7.	KASANGGA	4,005	<b>3,604</b>	3.4
8.	TUCP	2,660	<b>1,941</b>	1.8
9.	COOP-NATCCO	2,251	<b>1,843</b>	1.7
10.	GABRIELA WOMEN'S	2,024	<b>1,595</b>	1.5
11.	KABATAAN	1,839	<b>1,519</b>	1.4
12.	APEC	1,329	<b>1,196</b>	1.1
13.	AKAPIN	1,209	<b>1,083</b>	1.0
14.	ANC	1,032	<b>909</b>	0.9
15.	PARTIDO NG MANGGAGAWA	1,056	<b>950</b>	0.8
16.	BUTIL	1,011	<b>910</b>	0.9
17.	ABS	956	<b>860</b>	0.8
18.	ASAP	936	<b>842</b>	0.8
19.	AGAP	914	<b>718</b>	0.7
Total Top 20 Spending		111,210	<b>84,049</b>	78.2
Total Spending of Other Partylist Groups		29,137	<b>23,483</b>	21.8
Total Partylist Spending		140,347	<b>107,532</b>	100.0



### Where was the Money Spent?

The candidate groups placed ads in all available media. TV ads accounted for the largest share with 60% of the total expenditures. Spending for radio ad placements made up 33% of expenditures while print ads made up 7%.

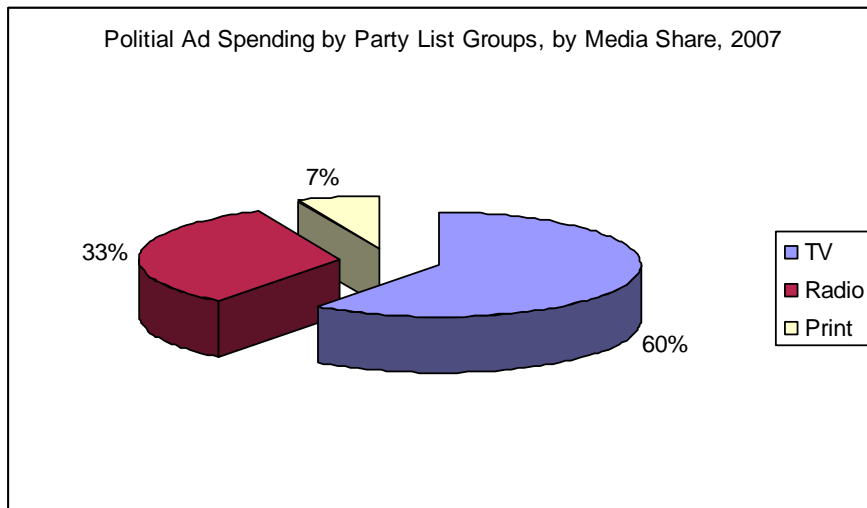


Figure 6: Placement of Political Ad Spending

Looking at the Comelec Official Tally, one sees that among the top 20 spenders, only eight got the requisite number of votes. BUHAY, which ranked first in the Comelec count, received 1,169,150 votes, with each vote costing the group Php4.18. BANAT, the top spender on media ads, got only 175,902 votes and did not win a seat in the House. Moreover, each vote cost the group Php145.46, giving it the honor of having incurred the highest cost per vote in this election campaign.

Other high spending Partylist groups that incurred significant cost per vote figures were AHON PINOY at Php90.91, KAKUSA at Php68.34, AVE at Php35.56, KASANGGA at Php18.79, AKAPIN at Php13.03, and TUCP at Php11.70, and all without the consolation of a win. ALAGAD incurred a cost of Php10.98 a vote but at least got itself elected. In fact it was the least efficient among those who won the required 2 percent of votes cast for a seat in the House. All other winning party list groups incurred a cost per vote that were well below Php10.

*Table 21. Top 20 Partylist Groups Spenders and Votes Received, 2007*

Partylist Group	Media Values, Undiscounted (Php, 000s)	Media Spending, Discounted (Php, 000s)	Votes Received (Official Result as of Aug. 8, 2007)	Cost per Vote (Php)	Rank (won at least a seat in the House)
BANAT	35,264	<b>25,587</b>	175,902	145.46	
KAKUSA	22,329	<b>15,645</b>	228,921	68.34	
CIBAC	9,595	<b>6,716</b>	755,597	8.89	<b>3</b>
AHON PINOY	6,081	<b>4,955</b>	54,501	90.91	
BUHAY	6,884	<b>4,887</b>	1,169,150	4.18	<b>1</b>
ALAGAD	6,586	<b>4,643</b>	423,090	10.98	<b>8</b>
AVE	5,098	<b>3,920</b>	110,233	35.56	
KASANGGA	4,005	<b>3,204</b>	162,577	18.79	
TUCP	2,660	<b>1,901</b>	110,233	11.70	
COOP-NATCCO	2,251	<b>1,721</b>	409,795	4.20	<b>9</b>
GABRIELA	2,024	<b>1,506</b>	620,881	2.43	<b>4</b>
AGRI'AL SECTOR ALLIANCE OF PHIL	914	<b>1,483</b>	328,650	4.51	<b>16</b>
KABATAAN	1,839	<b>1,403</b>	228,437	6.14	<b>5</b>
APEC	1,329	<b>1,063</b>	619,413	1.72	
AKAPIN	1,209	<b>973</b>	74,654	13.03	
ANC	1,032	<b>846</b>	98,971	8.55	
PARTIDO NG MANGGAGAWA	1,056	<b>845</b>	117,362	7.20	
BUTIL	1,011	<b>809</b>	409,133	1.98	<b>10</b>
ABS	956	<b>765</b>	234,994	3.25	
BANGSA MORO SUARA	903	<b>723</b>	104,597	6.91	

In fact, those who chose to spend much less and still won enjoyed a cost per vote of under Php1. The BATAS Partylist group apparently did not place any political advertising in the media at all.

## **II. C. Estimated Campaign Spending in Local Elections**

### **Methodology for Monitoring Local Election Campaign Spending**

For estimating candidates' expenditures at the local level, the project decided to use field monitors to gather data through systematic observation and recording of campaign materials and campaign related events (collectively referred to as rallies). Using the inductive approach, field monitors counted the number of propaganda materials posted, displayed, and distributed by candidates from week one to week six of the campaign period. They attended rallies, sorties, meetings, and other activities organized by the candidates or their supporters to determine what the cost items associated with these events were.

To monitor the propaganda materials, the field monitors kept a close watch on selected streets per barangay over the campaign period (April 1, 2007 to May 14, 2007). For rallies, on the other hand, they attended as many of these in different barangays in order to gather as much information as possible (e.g., the kinds of **materials being distributed, how much "allowance" was given** to participants, food to feed the attendees, the use of celebrities, etc).

The barangay, therefore, was the key to data gathering and the aggregation of costs. It was assumed that determining these costs for a sample barangay would constitute an adequate basis for calculating the costs that candidates incurred for the whole campaign area, the town or city in the case of those running for mayor and the district in the case of those running for Congress. The field monitors filled out monitoring sheets (also referred to as the template) every week and submitted these to data encoders for input into a computer program for aggregating the costs.

The details of these different approaches to computing campaign expenditures are presented below in the individual reports from each local area. Only in the case of the mayoral campaign in the town of Langiden in Abra was there no supplementary activity necessary to complete the estimation of campaign expenditures by candidates. Base estimates were computed over five days of actual field monitoring in Langiden. These were then projected over the entire campaign period from March to May while taking into consideration the break during Holy Week.

Aside from the monitors, journalists were likewise assigned in each area. Their primary goal was to write a story in relation to campaign expenditure so that data from the monitors will be better appreciated. Their accounts appear as sidebars in this report.

### Campaign Spending in Pasig City

#### Methodology

Election campaign spending in Pasig City was estimated using two methods. For determining the cost of propaganda or campaign materials used, the main source of data was the information provided by field monitors. Field monitors used a checklist cum survey instrument to record all the data observed.

As field monitors lumped together propaganda paraphernalia made from different materials, analysts had to pick a material to represent the lot in order to be able to put a value to them. Data collection for Pasig was done only until May 2. Hence, processing and analysis do not cover sightings of other campaign materials posted and given out after May 2.

The other methodology used was interviewing key informants to determine the cost of barangay operations, particularly the rallies and events organized by each candidate. Most of those interviewed were campaign leaders of each candidate. The interviews revealed information costs during campaigning and during actual elections and to a certain extent campaign materials that were given to the interviewees for distribution within their immediate vicinity.

While the field monitoring covered all the candidates for both the Mayoral and Congressional elections as shown in Table 22, the interviews of key informants were

confined to campaigners of the top two candidates for each position. The interviews were done when the elections were over.

**Table 22. Summary of Estimated Election Related Expenses, Pasig City, 2007**

Candidate	Barangay Operations* (Php, 000s)	Propaganda Materials** (Php, 000s)	TV and Radio Ads *** (Php, 000s)	HQ costs	Total Spending (Php, mil)	Cost per Voter (358,300) In Php	Rank
Candidate P-M1	36-40	12-14	5.0-7.0	45,000-55,000	53-65	148-181	1
Candidate P-M2	9-11	10-12			19-23	53-64	3
Candidate P-C1	1.6-2	9-11			11-13	30-36	4
Candidate P-C2	23-28	10-13			34-41	95-114	2

NOTE:

\* - Data gathered from key informants

\*\* - Data provided by PAP monitors

\*\*\* -Nielsen report

Data from monitors and the interviewees were processed further by assigning a cost for each activity or items spent. Price quotations were requested for the various materials or items posted and the lowest cost quoted was selected for each type and size (since publication prices are usually depressed during elections). The interviewees were mostly able to provide costs for the items and activities covered.

To estimate expenditures for barangay operations, rallies and events, one barangay, Pinagbuhatan, was chosen to be the benchmark. Pinagbuhatan has the largest number of registered voters in Pasig. The cost of rallies in Pinagbuhatan incurred by each candidate monitored was calculated from information provided by key informants, who were mostly campaign leaders of the candidates. The total cost per candidate was then divided by the number of registered voters in Pinagbuhatan in order to get a cost per voter for each candidate. This was then applied to all the other barangays in the city based on the number of registered voters in each of them.

### The Candidates

#### Congressional Candidates Profile:

1. Candidate P-C1 is a real estate magnate, the owner of Fil-Estate Realty. This was his third attempt to run for the congressional seat in Pasig. He became congressman during the 13th Congress replacing Henry P. Lanot as per House Electoral Tribunal decision on June 10, 2004. His term, however, was only for a few days as the 13th Congress soon ended its session after his taking over the post.
2. Candidate P-C2 is affiliated with Lakas-CMD. He is the son of the former Department of Foreign Affairs Secretary.
3. Candidate P-C3 is on his last term as a city councilor. An independent, this was his first time running for Congress.
4. Candidate P-C4 comes from an old family in Pasig. He is a criminal lawyer **and is Dennis Roldan's lawyer. This was his first-time** to run for any political post.

#### Mayoral Candidates Profile:

1. Candidate P-M1 comes from a family that has long been involved in Pasig politics. His father was the incumbent mayor before these elections. Candidate P-M1 is affiliated with Kampi Partido.
2. Candidate P-M2 is affiliated with the Lakas party. A congressman in 2004-2007, he decided to run for mayor in this election.
3. Candidate P-M3 is in real estate.

As previously mentioned, estimates were completed only for the top two candidates for each post, that is Candidate P-M1 and Candidate P-M2 for mayor and Candidate P-C1 and Candidate P-C2 for Congress. Candidate P-M1 and Candidate P-C1 won the elections for Mayor and Congress, respectively.

**Table 23. Pasig City Campaign Spending, 2007 [Estimates]**

Candidate	No. of Barangays	No. of Registered Voters	Estimated Overall Spending (Php, mil)	%age of Total Spending of All Candidates per Position
Mayoralty	30	358,300	72-88	100
Candidate P-M1			53-65	74
Candidate P-M2			19-23	26
Congressional	30	358,300	44-54	100
Candidate P-C1			11-13	24
Candidate P-C2			34-41	76

The table above shows the result of the monitoring based on the methodology employed. As the data shows, Candidate P-M1 apparently spent the most in the recent elections in an estimated amount of more than Php53 to 65 million (Table 23). Included in his expenses are his TV and radio advertisements amounting to

Php6.0 million. He is the only candidate in Pasig City who placed political ads on national television and radio.

Meanwhile, Candidate P-M2 spent an estimated total of Php19 to 23 million. His expenditures were equally distributed between his rallies and propaganda materials at around Php10 million each (Table 20).

Although vying for the same constituencies in the same areas, the congressional candidates spent less than the mayoral hopefuls. Candidate P-C1, who ran under the same ticket as Candidate P-M2, spent the least among the four candidates estimated at between Php11-13 million. He preferred to spend for posters and propaganda materials with Php9-11 million rather than for rallies with a relatively measly Php1.6-2.0 million. Candidate P-C2, who ran under the same ticket as Candidate P-M1, far outspent Candidate P-C1 with some Php34-41 million in estimated expenditures.

On a cost per voter basis, Candidate P-M1 spent Php148-181, Candidate P-C2 Php94-114, Candidate P-M2 Php53-64, and Candidate P-C1 Php30-36. This means that all candidates spent more than the Comelec rule allows which, according to the Omnibus Election Code, is Php3.00 per voter.

The journalist also found out that both parties maintained counsels; four lawyers for Candidate P-M1 at that. This may have affected their total campaign expenditure. This was not, however, included in the computation done by the monitors.

Campaign Spending in Quezon City

#### Methodology

To augment the information from field monitoring, interviews with respondents closely involved in the campaign were conducted. The data from the monitors were cross-referenced with the results of the key informant interviews to come up with the final and more realistic cost estimates shown in Table 21. The main informant interviewed was Candidate QC-C1's **brother and campaign manager**.

**Table 24. Summary of Spending (Monitors and Interview)**

Item	Details	Subtotal
House to house	44 days @ 1,800-2,200 per jeepney	79,000-97,000
<b>Campaign "Angels"</b>	8 angels x 225-275/day x 44 days	79,000-97,000
Campaign Staff	30 staff x 6,300-7,700/month x 1.5 months	280,000- 346,000
Barangay Coordinators	3 barangay coordinators x 38 barangays x 2,700-3,300	307,000-376,000
Headquarters	13,500-16,500 x 1.5 months	20,000-25,000
Rallies	(details at the end of the paper)	123,427
<b>Total</b>		<b>864,927</b>

The estimate of expenditures reported here does not represent all actual costs incurred by Candidate QC-C1 as it only covers those costs for which data were available. Hence, the estimate might be lower than Candidate QC-C1's **actual** expenditures. Moreover, the computation of the estimate did not include expenses incurred before the official campaign period, such as costs related to the giving out of promotional materials, prizes for games, and others, although these undoubtedly **counted towards raising the candidate's popularity among the voting public.**

The Candidate

Candidate QC-C1 ran virtually unopposed. She was campaigning for her last term as **representative for the city's fourth congressional district, having already served two** successive terms (2002-2004 and 2004-2007). She started her political career in 1989 when she was elected Barangay Captain of Barangay Central. In 1995, she was elected to the city council and was councilor until 2001. Candidate QC-C1 ran under Sonny Belmonte, the incumbent and dominant political personality in Quezon City. Candidate QC-C1 was reelected with 89,009 votes and was officially sworn into office on July 2, 2007.

Estimated Campaign Expenditures

**Table 25. Campaign Spending in Quezon City (4<sup>TH</sup> District), 2007**

Candidate	No. of Barangays	No. of Registered Voters	Estimated Overall Spending (Php, mil)	%age of Total Spending of All Candidates per Position
Congressional	38	188,423	1.2-1.4	100
Candidate QC-C1			1.2-1.4	100
<b>No Contender</b>				

Candidate QC-C1's **total expenditures were estimated** to be around Php1.2-1.4 million. This estimate is roughly Php0.70 million or over two times higher, than what Candidate QC-C1 officially reported to the Comelec (Table 28).

The components of Candidate QC-C1's **expense were the house-to-house campaigns with her eight "Angels" accompanying her on her sorties, allowance of campaign staff** and barangay coordinators, rentals of headquarter, propaganda, and the cost of rallies.

Candidate QC-C1's **brother who headed her campaign, said that his sister's** expenditures this time were much less than the two previous ones because she ran unopposed and, moreover, campaigned with incumbent Quezon City Mayor Sonny Belmonte.

#### Side Bar 2: Journalists' Account

NATURE OF EVENT	VENUE / DATE	REMARKS
<ul style="list-style-type: none"> <li>Candidates Forum</li> </ul>	<p>For the Parish of Immaculate Conception Cathedral, New York-Lantana Streets, Quezon City</p> <p>Sunday, May 6</p>	<ul style="list-style-type: none"> <li>Yellow-colored van donated by the Congresswoman to Barangay Immaculate Conception was seen parked around the cathedral, probably used to bring to the rally the people seated in these vans</li> </ul>
<ul style="list-style-type: none"> <li>Rally, with appreciation dinner for 500 barangay coordinators and 200 other guests.</li> </ul>	<p>Amoranto Sports Complex, Roces Avenue, Quezon City</p> <p>1:00 – 8:00 p.m., Monday, May 7, 2007</p> <p>(Venue Rental: P2,000 for the first hour on weekdays and P2, 500 on week-ends; P600 per succeeding hour, plus maintenance fee of P2,000 and rental of plastic chairs at P8 each. Use of lights / aircon included.)</p>	<ul style="list-style-type: none"> <li>The Sports Complex officer said requests for use of Amoranto Sports Complex go to the Office of the (Q.C.) Mayor. *Candidate QC-C1 belongs to the SB Performance Team headed by Quezon City Mayor Sonny Belmonte*</li> <li>Cross-checked with the Office of the Mayor; not given access to records.</li> <li>500 barangay coordinators lined up by 50s for T-shirts and brown mini-envelopes.</li> <li>Personally saw envelope with one thousand peso-bill when one man opened his envelope in front of writer. Attendance sheets were also signed by coordinators after receiving the shirts and envelopes.</li> </ul>

Campaign spending in Navotas-Malabon



## Methodology

In the case of Malabon-Navotas, instead of treating all barangays equally, a unilateral classification of all barangays was made based on the number of registered voters in each. This was used to classify each barangay according to size as shown in table below.

*Classification of barangays according to number of registered voters*

No. of registered voters	Classification
3,000 and below	extra-small (XS)
3,001-6,000	Small (S)
6,001-10,000	Medium (M)
10,001 -20,000	Large (L)
20,001 above	extra-large (XL)

All the barangays of Navotas and Malabon were then classified according to size using the above standard.

Estimates for the cost of rallies and of propaganda materials were computed separately but using a similar approach. A base-amount was determined from barangays that had the most number of cases or data collected and computed per cost venue.

For propaganda materials, the sum of all the reported propaganda materials and rallies of each candidate per barangay was multiplied by six (for the six weeks of the campaign period), and subsequently multiplied by the total number of same-size barangays (using the size-classification) . The data reported for each barangay size (extra-small, small, medium, large, extra-large) are, most often than not, sufficient, and if there is/are missing value(s), data are adequate to allow for uncomplicated computations. The researcher chose to be conservative in the estimation and simply added or subtracted 10%, depending on the missing value per barangay size, to the nearest available value.

Similar to how the propaganda materials expense was computed, the sum of all reported expenses for rallies in a given barangay was used as the approximate expense for the corresponding barangay size. It was then multiplied with the number of barangays of the same size.

Cost of rallies/propaganda materials= [P20,000 (cost of propaganda materials/rallies) x 6 (weeks of campaign) x 3 (3 extra small barangays)] +  
or - 10% (depending on the missing value/barangay)

### The Candidates

The candidates for the lone congressional seat in Navotas-Malabon were Candidate NM-C1, Candidate NM-C2, and Candidate NM-C3. NM-C3 was the administration candidate and hails from Navotas. Candidate NM-C1 and NM-C2 both represented the opposition and are both from Malabon. Candidate NM-C2 was endorsed by opposition senatorial candidate Francis Escudero, while Candidate NM-C1's hand was raised by no less than the opposition leader, Joseph Estrada. While Navotas-Malabon is generally considered an opposition stronghold, NM-C3 managed to split the opposition and took over the congressional seat vacated by his brother, Candidate N-M2.

Those who ran for Mayor of Navotas were Candidate N-M2 and Candidate N-M1. Sandoval was already on his third term as Congressman and therefore could no longer run for reelection. He hoped to trade his congressional seat for the position of Mayor of Navotas. However, he had to run against the incumbent mayor, Candidate N-M1, and lost.

### Estimated Campaign Expenditures

**Table 26. Campaign Spending in Navotas/Malabon, 2007**

Candidates	No. of Barangays	No. of Registered Voters	Estimated Overall Spending (Php, mil)	%age of Total Spending of All Candidates per Position
Mayoralty (Navotas)	14	122,541	272-277	100.00
Candidate N-M2			195-238	78.97
Candidate N-M1			52-63	21.03
Congressional (Nav/Mal)	35	305,011	322-390	100.00
Candidate NM-C1			111-135	34.38
Candidate NM-C2			92-114	29.01
Candidate NM-C3			118-144	36.61

Candidate N-M1 spent approximately Php52.0-63.0 million for his campaign. Data gathered by the monitors showed that the bulk of his expenses went to produce propaganda materials and for rallies.

Candidate N-M2 spent approximately Php195.0 to 238.0 million. The bulk of which went to rallies according to the records gathered by the monitors.

With regard to the congressional candidates, Candidate NM-C1, Candidate NM-C2, and Candidate NM-C3 each incurred around Php100 million in expenses for their respective campaigns.

## Campaign Spending in Langiden, Abra

### Methodology

The methodology used for Langiden was different from the methodologies used in the other local campaigns. There were no monitors fielded in Langiden. The basis for the figures was the journalist's account based on his five-day stay in the area where he observed both the legally allowed campaign expenses as well as vote buying and violence.

The data for estimating campaign spending was gathered during a five-day monitoring visit of the town and its six barangays.

### The Candidates

The incumbent mayor is widely regarded as a drug lord of sorts in the province of Abra. PDEA operatives in conjunction with the regional PNP command raided the **mayor's** house in Bangued in December of 2006 while a shabu session was allegedly taking place. Candidate LA-M2, along with other members of his family present during the raid, was arrested for possession of illegal drugs as well as unlicensed firearms. Candidate LA-M1's son, an incumbent councilor, filed his own candidacy for **mayor along with that of his father's so that they both ran for the same post.** Candidate LA-M1, a former ally of the Candidate LA-M2's, also filed his candidacy for the mayoralty post.

The Municipality of Langiden is in a remote area of Abra with 2,261 registered voters. Due to its underdeveloped landscape, politicians in Langiden had to rely on their established groupings to do house-to-house campaigning and on small caucus meetings which started even before the election period. The major cost components for these activities consisted of the hiring of jeepneys, tricycles, and motorbikes, rental for a sound system, and wages for campaign staff. There were very few propaganda materials that were posted and distributed. Table 27 shows the estimated campaign spending in Langiden, Abra.

***Table 27. Estimated Campaign Spending in Langiden, Abra***

Candidate	No. of Barangays	No. of Registered Voters	Estimated Overall Spending (Php, mil)	%age of Total Spending of All Candidates per Position
Mayoralty	13	2,261	1.9-2.4	100.00
Candidate LA-M1			0.9-1.1	47.34
Candidate LA-M2			1.0-1.2	52.66

Both Candidate LA-M1 and Candidate LA-M2 spent about the same amount of money for their respective campaigns, a little over a million pesos each. In these kinds of frontier towns where various armed groups seem to operate, security is a big issue and both candidates had to devote considerable funds for bodyguards and their "tools of the trade."

**A Journalist's Account of his five-day stay in Abra during the campaign period, 2007**

**Langiden, Abra.** There is nothing in this quiet and isolated municipality to indicate the violent and disheartening nature of elections in this area of the country. Nestled within the crook of the pristine Abra River and surrounded by majestic mountains of granite, it could very well pass for a tourist destination if not for the fact that development has yet to reach its estimated 25,000 residents.

Located some fifteen kilometers from the provincial capital of Bangued, the face of elections in Langiden is embodied in the two-way mayoralty race between Candidate LA-M2 and Candidate LA-M1. Candidate LA-M2's son, a councilor, was initially running for the same position, pending his father's release from detention on drug and illegal weapons charges.

Campaign spending here appears minimal if one was to judge it by the number of campaign paraphernalia visible across six of its barangays. Visits to four of the most populous barangays reveal only a handful of photocopied 8 x 11 posters and hand-lettered streamers.

### **A sad reality**

Comelec figures reveal only 2267 registered voters in Langiden, which seems to justify the seemingly frugal nature of elections here. The relative calm however belie the violent and frightening reality that has become the stigma of elections in this municipality.

Langiden parish priest Fr. Tony Ruyan says vote-buying and intimidation are regular fixtures in Langiden elections.

"The people here already expect it (vote-buying). It's already a way of life." Ruyan reveals.

Ruyan says votes go for as little as 500 pesos during the first weeks of the campaign period, with prices climbing to around 700 pesos two days before the elections.

Langiden's limited arable land and isolated location make it one of the poorest municipalities in the province in the way of income generation. Ruyan says this makes the people all the more susceptible to vote-buying come election time.

"I've given up on voter's education. It's no use. If they don't take the money, their lives will also be in danger." Ruyan says resignedly.

If Ruyan's vote-buying figures are to be believed, a candidate here needs roughly 1.5 million pesos to secure a sure win via vote-buying; a marginal amount compared to election spending in other parts of the country. But the relatively low cost of securing a win here, Ruyan believes, fuels the need for violence and intimidation.

"Staunch supporters of a particular candidate are simply intimidated by armed men and offered money shoved into the barrel of a gun." Ruyan adds, recalling some of the stories his parishioners have told him throughout the three elections he has been here.

We interviewed some of the barangay officials to confirm the incidence of vote-buying yet they refused to confirm or deny the allegations.

"I've heard people say that there are some who take the money." One barangay secretary mumbled vaguely, averting his eyes.

### **A culture of violence**

Langiden's culture of election violence and vote-buying is sadly not unique in the province of Abra. Indeed, it seems it is a microcosm of the bigger plague that hounds the province.

A total of eight political supporters, many of whom were barangay officials were killed in election-related violence in the province in what many view as a proxy war between the powerful Valera and Bersamin political clans.

Late last year, the incumbent congressman Luis Bersamin was gunned down outside a church in New Manila, Quezon City in what many believe was an election-related assassination. Bersamin was planning to run for the gubernatorial position held for years by the Valeras.

"It is abnormal in Abra to have no violence during the elections." Says a local Comelec official who asked not to be named.

"Peace and quiet during elections is not normal" offers a local reporter from the church-run radio station DZPA.

## **Tales of Vote Buying**

Republic Act 7166 limits campaign spending to three pesos for every voter for a candidate who is a member of a political party and five pesos for an independent candidate.

The existing documentation and monitoring system of the Comelec, however, only relies on the submitted report of campaign expenditures by the candidates themselves. Activities subject to expenditures are clearly set in election laws. **However, clear violations which are not in the "lawful expenditures" commonly branded as "vote buying" have been observed both by the monitors and the journalists.**

Among the four localities monitored, vote-buying was allegedly carried out in Pasig City, Navotas, and Langiden in Abra.

### Pasig

In Pasig, key informants and some residents, that Candidate P-M1's main electoral machinery relied on the eight organizations created previously by his father. They were tasked to recruit voters as members who were later on given membership cards. Only the card-bearers had access to the **candidate's** headquarters where the supposed vote-buying took place. Each member supposedly received Php500, while their leaders, 22 per organization, received Php1,000. Coordinators got Php1,500 each. Aside from giving cash, Candidate P-M1's **group provided free shirts, caps,** and food to those who attended their caucuses. During such events, games were likewise held with prizes given out -- Php500 for the winner and Php200 for the four runners-up. These activities are clearly prohibited under the Omnibus Election Code.

Similarly, Candidate P-M1's **partymate for Congressman** reportedly did the same thing. Candidate P-C2's **machinery at the ground was supported by around thirty** leaders who each recruited ten area leaders.

### Navotas

**In Navotas, people talked about "allowances" being given out during rallies and sorties,** supposedly by a mayoral candidate who also engineered carrying out infrastructure projects (e.g., pipe laying, street paving, etc.) during the campaign period.

### Langiden, Abra

**Langiden's small voting population makes it an easy target for vote-buying.** Politicians theoretically need to raise only less than two million pesos to secure a win if they were to pay each and every voter. Former Langiden priest Tony Ruyan says it has become a way of life for residents to take money during the elections. **After the previous three elections, Ruyan said that he had effectively given up on voter's** education saying it does not make any difference. Votes cost about Php500 each, the going average nationwide, going up to Php700 as election day nears.

Besides vote-buying, intimidation by the armed thugs of the local politicians also come into play during the election period. Known supporters of rival candidates are often threatened at gunpoint if their supported candidate fails to post armed men to protect them. Hence the need of local politicians to have armed men in their pay, fueling a mini-arms race, no doubt at the expense of municipal funds.

Come election day, precincts are closely monitored by poll-watchers from rival camps to ensure the votes they bought tally with the final results.

### **Comparison of Officially Reported and Monitored Election Expenditures**

The figures reported by the candidates as their official total election expenditures based on the report they submitted to Comelec are way below the level of the election spending estimates produced by the PAP monitoring group. Some of the reported expenditures are so low that they can hardly be considered credible. For instance, in Baac Langiden, mayoralty candidate Candidate LA-M2, reported that his total expenditure in the recent elections was at Php 6,300.00 only. However, based on the reports of our monitoring team, PAP's estimate of Candidate LA-M2's electoral spending in the said municipality was at Php 1.1 – 1.3 million.

***Table 28: Comparison of Reported and PAP Monitored Election Expenditures of Selected Candidates, 2007 Elections***

Post/Area	Candidate	Election Expenditure based on Comelec Report (Php)	Estimated Election expenditure monitored by PAP (Php, mil)
Congressional Representative/District IV, Quezon City	Candidate QC-C1	576,541.99	1.2-1.4
Mayor Langiden, Abra	Candidate LA-M2	6,300.00	1.0-1.2
Congressional Representative Malabon Navotas	Candidate NM-C2	848,084.28	92-114
Congressional Representative Malabon- Navotas	Candidate NM-C1	840,609.57	115-135
Congressional Representative Malabon- Navotas	Candidate NM-C3	845,197.00	118-144
Congressional Representative- Pasig	Candidate P-C1	1,058,640.13	11-13
Congressional Representative- Pasig	Candidate P-C2	966,827.15	34-41

***Source: Comelec and PAP Reports, 2007***

The wide gap between the reported and monitored costs was evident in all the areas covered by the PAP monitoring project. In fact, the highest campaign expenditure

reported and filed, that by Pasig congressional Candidate P-C1, at Php 1.05 million pesos, was still considerably lower than the partial cost monitored by PAP which is Php 11.0-13.0 million. Among those covered by the project, Candidate P-C1 was the only candidate who reported election expenditures exceeding Php 1 million.

The candidate with the smallest gap between reported and partially-monitored election expenditures was Candidate QC-C1. Based on Candidate QC-C1's **official** submission to the Comelec, her election spending was at Php 576,541.99 pesos compared to PAP's monitored partial election spending at Php 1.2- 1.4 million pesos. As mentioned earlier, Candidate QC-C1's **relatively smaller electoral spending is** understandable in view of the fact that, apart from being the incumbent congresswoman of District IV in Quezon City, she also ran unopposed during the recent elections.

Table 30 shows candidates' reported election expenditures versus the estimated partial expenditures monitored by PAP. The fact that the PAP figures only covered monitored costs and did not include all costs suggests that the gap between reported and actual election spending is even bigger.

The wide disparity between the candidate-reported and the PAP partially-monitored expenses serves to underscore the need to institute a mechanism that can effectively monitor and check expenses and validate the accuracy of candidates' reported expenditures. In the meantime, the election and campaign expenditures incurred by candidates remain difficult to establish.

### III. CONCLUSIONS AND RECOMMENDATIONS

- In summary, the results of the May 2007 elections showed that large spending on political ads did not ensure victory in the national race. Six of the top 12 senatorial candidate spenders on political ads in media did not make it to the Senate.
- Monitoring political ad spending gave a meaningful indication of the magnitude of expenses required to aspire for a national political post.
- Team Unity (TU) spent on political ads more than their opponents did and party list groups allegedly aligned with the Administration also spent more.
- The monitoring showed clear violations by certain candidates of the limits on media airtime, and possible violations of campaign spending limits.
- The aspiration to acquire public office through overspending cannot be reconciled with **the candidates' stated desire to serve.**
- The Comelec is both undermanned and seemingly lacking in political will to enforce campaign finance regulatory laws. There is, thus, a need to improve the capacity of Comelec to fulfill this important mandate, as well as an urgency on the part of CSOs to support the Comelec along this area.

Findings in the local election campaign showed that:

- There was significant overspending in the electoral contests in the monitored areas, especially in hotly contested campaigns, indicating that elections continue to be an economic investment for the candidates.



- Of the estimated expenditures monitored, big chunks went to regular operational expenses (i.e. allowances of organizers and volunteers, food, etc.) **and to “special operations”, including alleged vote buying.**
- The incumbents have access to state resources such as barangay offices, equipment, vehicles, government buildings, etc.
- Also, part of the observations include the view that barangay officials, rather than being non-partisan, were only too willing to be ward leaders for local candidates.

It is also disappointing to note that the Comelec exhibited a poor ability to enforce campaign finance regulations. PAP, as a civil society group, was obliged to step in and tried to **fill the gap created by Comelec’s inability to** monitor and lackluster attitude towards monitoring campaign expenditures and auditing reports filed by candidates and political parties. PAP was easily able to identify clear violations of campaign finance rules and regulations with regard to airtime for candidates, along with other possible violations that could and should have been acted on by COMELEC. Reforms must include the review of the campaign finance laws, including the spending limits; and the **Comelec’s capability to enforce such laws must be strengthened**

On the relationship between spending and winning an election, evidence from both national and local elections confirms the contention that there is no positive relationship between level of campaign **spending and a candidate’s chances of** winning an election contest. There are many other factors that need to be taken into account when assessing the probability of victory and the factors differ if one is contesting a nationally elected post from one that is locally contested.

Monitoring expenditures on media placements gives a good indication of the level of spending that candidates for such posts should be ready to make if they want to make any realistic impact on voters. However, other factors may be just as significant as money spent for getting elected and these include the level of public support for the sitting president and whether the candidate allies with her or is in the **opposition, and probably to a lesser extent, the candidate’s platform, or** lacking that, at least her promises on how to deal with the problems and issues central to the voters.

At the local level, rallies and other such public spectacles seem to make a significant impact on the voting public. While some media exposure might help, doing public appearances and meeting with people may be more decisive in acquiring public favor. Candidates also understand that people favor someone who can actually deliver the goods, whether this is done legitimately (i.e., ensuring access to government services) or not (i.e., vote buying and patronage). Incumbency is also a **big positive factor for a candidate’s chances as it allows access to certain resources** unavailable to the opposition.

## RECOMMENDATIONS

1. The Comelec should issue a public disclosure policy declaring all documents **public, under the principle of the people’s right to know and the state’s duty to** disclose.

The PAP Working Group through the Transparency and Accountability Network officially requested for the Statements of Contributions and Expenditures

submitted by the candidates starting 13 July 2007. TAN was informed that the request had to be deliberated in one of **Comelec's** En Banc Meetings. After almost three (3) months of continuous follow-ups, the Comelec, through its Secretariat, forwarded to TAN Comelec Resolution No. 07-1411 entitled **"Excerpt from the Minutes of the Regular En Banc Meeting of the Commission on Elections held on 28 August 2007."** This Resolution refers to two matters that are not directly related to TAN's request: (1) the creation of the Comelec Committee to examine and evaluate the contents of the Statement of Contributions and Expenditures of the candidates, and (2) reminder to all the radio and television stations and advertising agencies to submit reports on the expenditures of candidates.

2. A unit dedicated to ensuring compliance with and enforcement of existing campaign finance laws and regulations in Comelec should be created.
3. The Comelec **should clarify spending rules regarding "party" spending and "candidate" spending. Again, the allowable amount that can be spent by the candidate and that which can be contributed by the candidate's political party is another point of clarification that should be made by Comelec.** The inability of the Commission to provide clear and consistent explanations and interpretations of this particular provision posts doubts and reservations about the **Comelec's** resolve to monitor and enforce their own rules on spending limits. For a more strengthened and improved enforcement of election rules and regulations, Comelec could provide information on the amount ceiling which a candidate running for a national/local post can spend at the start of the campaign period. This will avoid misinterpretations and confusions and will help build a common understanding as to the allowable amount of money that a candidate can spend during campaigns.
4. The Comelec **should clarify "airtime" limits. One of PAP's major findings is the candidates' clear violation of allowable airtime limit.** Confusion arises due to **Comelec's** release of inconsistent and varying interpretations of this provision from one election to another. This, together with other ambiguous provisions in the law, should be clarified by the Commission to effectively facilitate not only compliance but also enforcement of election regulations.
5. The Comelec **should address the issue of "pre-campaigning," or campaigning** before the official campaign period begins.
6. There should be a reassessment of the campaign spending limits in local contests (e.g. P1.8 million for congressional candidates in QC District 4) because the low and unrealistic ceilings may invite violations.
7. The enactment of a political party and electoral reform bill are critical steps in improving relations between money and politics in the country through better regulations of campaign finance. The political party and electoral reform bills aim to address the issue of realizing equal opportunity for all in electoral races and having political leadership positions attainable by all qualified candidates, among other important objectives.<sup>22</sup>
8. The Comelec should make a real effort to assess if political candidates accurately disclose the source and use of their political campaign funds.

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<sup>22</sup> Ramon Casiple, "The Politics of Money and the Economics of Politics: the Philippine Case"

**-- E N D --**

**Attachment F**  
**LENTE Canvass Monitoring Report**

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**TERMINAL REPORT**  
**For the Period Covering 10 April 2007 to 30 June 2007**

## **PART ONE: Background and Rationale**

The experience from the 2004 elections saw the “hello Garci” incident and many allegations of systematic cheating, high levels of campaign spending and violence. This has resulted in the people’s lack of trust in the electoral system, political system and democracy.

These coming elections in May 2007 are especially important. Many of our current political problems, which have hindered fuller economic development and social justice, especially for the poor, can be traced to unresolved questions concerning the conduct of past elections. As a nation, we cannot afford yet another controversial exercise that further aggravates social distrust and hopelessness.

Catholic Bishops Conference of the Philippines  
January 28, 2007

The organization LENTE was borne out of the initiative of OneVoice Inc. convenors and other citizens’ arms involved in election monitoring activities. More than ensuring that the May 2007 elections was credible, LENTE was formed to address the bigger issue of the growing distrust of the people in the political institutions. Specifically, it became the response to the need for monitoring the canvassing process where wholesale cheating such as ‘dagdag-bawas’ (vote padding and shaving) took place in the past elections.

Recognizing that a credible 2007 election is a major building block toward a meaningful democracy, LENTE was to be part of a larger effort and would serve as the common legal group for the different citizens’ arm involvement.

In his March 2007 speech during the joint general membership meeting of the Makati Business Club, Federation of Filipino-Chinese Chambers of Commerce and Industry, and Management Association of the Philippines, One Voice convenor Atty Christian Monsod stressed the importance of citizens’ arms engaging in the elections:

“... the high distrust level of the government cannot be ignored with perceptions that, to stay in power, the government is disposed to misuse government resources (pork barrel allocations, the passing of campaign vouchers to government-owned and -controlled corporations, “intelligence” funds), or commit wholesale fraud in canvassing , or use the military and police for partisan politics. Hence, the criticality of citizens’ groups protecting the ballot and validating the process and the results of the elections.”

LENTE aimed to engage greater citizens participation in the elections by recruiting, training and deploying lawyers, paralegals and other volunteers as monitors in the canvassing process. In doing so, LENTE established its significance as an organization and raised awareness on the importance of having a legal group for election watchdog groups.

## **PART TWO: Objectives and Project Strategy**

### **A. MOBILIZING 10,000 VOLUNTEERS IN THE 2007 ELECTIONS**

#### **A.1 Recruitment**

The recruitment of volunteers was conducted utilizing the vast network of the member-organizations of LENTE and through VforCE which LENTE is a part of. VforCE is the coalition of citizens' arms involved in election monitoring activities. The central VforCE hotline was set-up from May 1 to 15 where interested parties were asked to call 101-49 to enlist as volunteers in any of the non-partisan election initiatives. The callers are placed in the different organizations, which includes LENTE, according to their interest and capabilities. The contact information of the volunteers were then sent to the LENTE secretariat.

Recruitment in the local areas was also done with the Integrated Bar of the Philippines, CODE-NGO and NASSA/NAMFREL and PPCRV, among others. The Social Action Centers served as the local secretariat and coordination point. In many instances, NAMFREL/NASSA and even PPCRV volunteers are LENTE volunteers at the same time.

LENTE co-convenor Atty. Carlos P. Medina, Jr. was able to secure a partnership with the Commission on Human Rights through Chairperson Purification Quisumbing. Formalized in a Memorandum of Agreement, the CHR agreed to work with LENTE and have provided lawyer and paralegal volunteers in the field. Some 107 volunteers in CAR, Region II, Region III, Region V, Region VI, Region VIII, CARAGA and NCR were deployed by the CHR.

Lawyers and paralegals from Ateneo Human Rights Center, ULAN, SALIGAN together with IBP lawyers from each region made up the core of volunteer lawyers. CODE-NGO mobilized and organized its volunteers in more than 197 municipalities and cities around the Philippines. CODE-NGO has provided funds for mobilization of its volunteers during the canvassing process. LENTE provided the coordination support, training, materials and the identification cards.

Many of the NASSA, NAMFREL and PPCRV volunteers were volunteers for the canvassing work of LENTE. The local volunteers provided secretariat support and some did canvass monitoring work. Those trained during the regional and provincial trainings were tasked to provide instructions and guidance to local volunteers.

Law schools and law student councils were tapped to volunteer especially in areas where there were few volunteers from the local NASSA/NAMFREL/PPCRV. The National Capital Region and ARMM were among the areas that LENTE had to do mobilization work outside the three major organizations. The organization Bantay Ceasefire has agreed to work with LENTE in Mindanao during the canvassing process.

**Table Total number of Volunteers**

Training, Secretariat Volunteers and Quick Reaction Team Volunteers	74
NCR Volunteers	71
NASSA List	4141
CODE NGO	644
LENTE	747
Commission on Human Rights	108
Integrated Bar of the Philippines	315
<b>TOTAL</b>	<b>6100</b>

## **A.2 Training**

### **A.2.1 National Training**

The LENTE National Trainers' Training was held at the Ateneo Law School on 14 April 2007 which was attended by 41 representatives from the various member-organizations. Experts on the electoral system from among the member-organizations developed the training module and materials. The Election Situationer by former COMELEC chairperson and OneVoice, Inc.'s lead convenor, Atty. Christian Monsod, explained the current issues particularly on restoring the integrity of the electoral process. The Election Situationer was likewise a call for volunteer lawyers and legal groups to work together in these times of nation building.

LIBERTAS President, Atty. Luie Guia, developed the material on Election Laws. The relevant election laws were discussed as an overview for the national trainers on the relevant election laws on election monitoring and canvassing. Former IBP president Atty. Joel Cadiz, discussed the canvassing process.

The operational aspect of interfacing among the major non-partisan election monitoring groups was facilitated by former NAMFREL Secretary General, Eddie Nuque.

A planning session to operationalize the mobilization of volunteers and regional trainings ended the training. Trainers and host archdioceses for each region were identified. Some slight revisions on the materials and the module were recommended. It was decided that the Regional Training would have the following:

1. Briefing on LENTE and the May 14 Elections
2. Overview of Election Laws
3. Procedures and Issues regarding Canvassing
4. LENTE Operational Procedures
5. Planning for Local Trainings and Identification of Provincial Heads

### A.2.2 Regional Training

Sixteen (16) Regional Trainings were conducted simultaneously on April 22, 2007 except for Region VII which was held on April 23, 2007 and ARMM which was conducted on April 28, 2007 in Iligan, City Lanao del Norte. Some 176 volunteers were trained for the Regional trainings. Lectures on the topics, open forum and planning were conducted. The plans included recruitment of volunteers, provincial trainings and the organization of the LENTE work on the local level.

The table below lists the regional trainings conducted for Bantay Canvass:

**Table 1 LENTE Regional Trainings**

<b>Region</b>	<b>Host Archdiocese</b>	<b>Venue</b>	<b>Date</b>
CAR	Baguio City	Social Action Center, Baguio City	April 22, 2007
Region I	Vigan, Ilocos Sur	Aula de Nuestra Senora de Caridad Archbishop's Compound, Vigan City	April 22, 2007
Region II	Bayombong, Nueva Viscaya	Clergy House, Social Action Center, Bayombong	April 22, 2007
Region III	Iba, Zambales	AVR Room St. Joseph's College, Olongapo City	April 22, 2007
Region IV	Lipa, Batangas	Archbishop's Residence, Lipa City	April 22, 2007
Region V	Legazpi, Albay	Social Action Center Conference Room, Legazpi City	April 22, 2007
Region VI	Jaro, Iloilo	AVR St. Vincent Seminary, Jaro, Iloilo City	April 22, 2007
Region VII	None- IBP hosted training	Cebu City	April 23, 2007
Region VIII	Palo, Leyte	Archdiocesan Pastoral Center, Palo, Leyte	April 22, 2007
Region IX	Zamboanga	MCIC Cathedral, Zamboanga City	April 22, 2007
Region X	Cagayan de Oro	Xavier University, Cagayan de Oro City	April 22, 2007
Region XI	Digos	Home of Clergy, Digos City	April 22, 2007
Region XII	Marbel	Christ the King Spiritual Center, Marbel, South Cotabato	April 22, 2007
CARAGA	Butuan	Bishop's House, Butuan City	April 22, 2007
NCR	None- IBP hosted training	IBP National Office, Pasig City	April 22, 2007
ARMM	None- IBP hosted training	Gaspachos Restaurant, Iligan City	April 28, 2007



### A.2.3 Provincial Training

After the conduct of Regional Trainers' Trainings, the following Provincial trainings were organized and conducted as follows:

**Table 2 Provincial Trainings**

<b>Date</b>	<b>Area</b>	<b>Venue</b>	<b>No. of Participants</b>
May 2, 2007	Baguio/Benguet	Baguio City	102
May 3, 2007	Metro Manila	IBP Pasig	157
May 5, 2007	Albay	Legaspi City	32
	Camarines Norte		36
	Sorsogon	Sorsogon, Sorsogon	39
	Ilocos Norte	Laoag City	94
	Nueva Ecija		117
	Zambales		50
	Iloilo	Jaro	40
	Zamboanga Sibugay		100
	Leyte		
May 6, 2007	Cagayan de Oro		24
May 7, 2007	Masbate		25
	Digos		139
	Tagum		188
	Guimaras	Jordan, Guimaras	36
	Negros Occidental	Kabankalan	75
May 8, 2007	Camarines Sur	Naga City, Cam Sur	22
	Bacolod and San Carlos	Bacolod City	45
	Zamboanga del Sur	Pagadian	99
	Jolo	Sulu	51
May 9, 2007	Camarines Sur	Libmanan	33
	Ilocos Sur	Vigan City	120
	La Union	San Fernando	85
	Davao City	Davao City	50
	Antique	San Jose	25
	Southern Leyte	Maasin	42
	Dipolog City	Sicayab	49
	Boac	Marinduque	19
	Bukidnon	Malaybalay	27
	Nueva Viscaya	Nueva Viscaya and Quirino	62
May 10, 2007	Cagayan de Oro	Cagayan de Oro	24
	Pangasinan	Alaminos	
	Ifugao	Lagawe	30
	Metro Manila	IBP Pasig	62
	Aurora	Baler	119
	Iligan	Iligan City	50
	North Cotabato	Midsayap	147
	General Santos City		35
	Gumaca	Quezon	16
May 11, 2007	Leyte	Tacloban	23
	Eastern Samar	Borongan	77
	Datu Odin Sinsuat	Maguinadanao	306
	Infanta	Quezon	44
May 12	Pampanga		23
	Camiguin		24

<b>TOTALS</b>		<b>2963</b>
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### **C. INFORMATION AND EDUCATION**

As part of the united effort of citizens' arms, LENTE has been part of the campaign by the VforCE network. VforCE is a nationwide movement of volunteer individuals and organizations that coordinates efforts to protect the integrity of the elections. LENTE has been included extensively in newspaper, internet and television ads of VforCE. Description of the work for LENTE on the internet website <http://multiply.vforce.com> and <http://www.ateneo.edu>.

Media and communication services have been tapped for LENTE purposes. Several articles have been generated in major dailies. LENTE have set-up 2 mobile phone hotlines (Globe and Smart network) to receive messages from volunteers from the field. Volunteers from the Ateneo Human Rights Center are also working on media releases and maintaining a blog on updates regarding LENTE work. The site is <http://truthfulelections.wordpress.com>.

Ads

## **PART THREE: Lanao Special Elections**

### **A. INTRODUCTION**

On May 26, 2007, special elections were held in 13 municipalities in the Province of Lanao del Sur, ARMM namely, Kapatagan, Marogong, Bayang, Kapai, Madalum, Binidayen, Lumbatan, Lumbayanagi, Sultan Dumalondong, Pualas, Masiu, Lumba-Bayabao, and Butig. A team of 13 lawyers and 6 paralegals were deployed to monitor the special elections in Lanao del Sur. The team was composed of lawyers and paralegals from the Ateneo Human Rights Center, the Integrated Bar of the Philippines and Saligan.

The first team members arrived in Marawi City on Friday, May 25, 2007 and stayed in the area until May 31, 2007. LENTE volunteers were asked by PPCRV and C-Care pollwatchers in the province to help monitor the counting of votes as they were having difficulties entering the counting centers. Namfrel-Lanao del Sur Chapter also requested LENTE's help in securing the election returns. Hence, LENTE volunteers monitored the counting of votes, secured elections returns, and observed the canvassing process during the special elections.

LENTE volunteers, together with PPCRV and C-Care pollwatchers, were deployed to observe the counting process in four counting centers in Marawi City: Lanao People's Park, Marawi City National High School, Amai Pak Pak Elementary School, and the Provincial Capitol. Three LENTE lawyers and one paralegal were assigned to each counting center and worked closely with members of PPCRV and C-Care.

### **B. Observations:**

#### **General**

- Pollwatchers, including LENTE volunteers, were not allowed access to the counting centers, at least initially. Military guards refused to recognize their PPCRV IDs without a

special signature of the top Comelec official (Mr. Jose Tolentino) in the area. LENTE was able to meet Mr. Tolentino only on May 29 to report the problem, and it was only after Mr. Tolentino himself talked to the military commanders that pollwatchers were allowed easy access to the counting (and canvassing) areas.

- Counting centers were not well lighted, unsanitary, and very crowded. At the Provincial Capitol, for instance, many BEIs were counting in dark areas in the gym (i.e., the bleachers), and there were frequent brownouts during the counting process. Armed military personnel were present everywhere.
- There were not enough LENTE-PPCRV/C-Care pollwatchers to monitor all the precincts in the counting centers.
- Counting was very slow. BEIs often took breaks. For instance, Binidayan votes were counted in batches of 10 ballot boxes at a time.
- The counting of votes from Marogong, Bayang, Lumbatan, Pualas, and Butig was delayed by at least two days. The Election Officer for Marogong did not show up at the counting center for two days. Pualas and Butig votes were counted late for lack of a venue, since their original venue, i.e. Provincial Capitol, was already crowded, unsanitary, and hazardous to health (due to trash and human waste everywhere). Lumbatan votes were not counted immediately because of a pending disqualification case. Bayang votes were not counted immediately because the election was hotly contested and the situation was very tense.
- The counting of Madalum votes was never witnessed by LENTE and PPCRV/C-Care volunteers. They were not informed of the time and venue of the counting despite diligent efforts to find out from the office of the Provincial Election Supervisor. Not even the provincial Comelec officials knew where the counting was to take place. When LENTE finally talked to the official who was in charge of the counting, he informed LENTE that the counting was finished.
- Some keys to padlocks of ballot boxes were missing. The padlocks were opened either with the use of a saw or a hammer. (E.g., Lumba-Bayabao)
- Many watchers for Namfrel and PPCRV also carried Team Unity and Lakas IDs. There were also watchers wearing unrecognized PPCRV IDs.
- The BEIs did not fill up the election returns (ERs) simultaneously with the tally sheets. ERs were filled up only after all the votes have been counted, i.e., tally sheet figures were then transferred to the ERs. This practice was done in full view of Comelec officers who allowed the practice to proceed despite the objection of LENTE volunteers. In one counting center (Provincial Capitol), LENTE volunteers prevailed upon the BEIs in two precincts from Masui to fill up the forms simultaneously. Later, however, a local Comelec official (Mr. Anduli Guro) told them not to do it simultaneously. He said this was to avoid ink being spilled on the ERs, which was the practice before of losing candidates.
- In a number of instances, LENTE pollwatchers caught BEI members adding votes for certain party list groups (e.g., NELFI and ALIF) and local candidates during the transfer of tally sheet figures to the ERs. Upon objection, one LENTE volunteer watching the

counting of Masui votes was asked by a BEI member if he wanted votes to be added in favor of any group or candidate. Another LENTE volunteer who objected to the adding of votes for ALIF while watching the counting of Pualas votes was warned by another watcher to leave it alone ("Hayaan mo na at mainit na kayo."). A LENTE volunteer for the Masui counting observed that before entering the tally of ERs, BEI members would often check their cell phones first and would receive notes from unidentified persons.

- In some counting centers, it was observed that BEIs would count and tally votes for local positions first and only after all votes for local positions have been counted were votes for national positions tallied. It was also observed that in the counting for Pualas votes, one precinct did not have a tally for national positions.
- The general observation was that ballots for senatorial positions were left mostly blank.
- During the counting of Lumba-Bayabao votes for senators, it was observed that SISON votes were counted in favor of SINGSON.
- BEIs did not keep minutes of the counting process. BEIs refused to receive and note down objections for fear of being held accountable.

## **Election Returns**

LENTE volunteers were requested by Namfrel-Lanao del Sur Chapter to help secure ERs since Namfrel was having problems getting the ERs. For this purpose, local Namfrel Chair Lacs Dalidig issued the necessary IDs to LENTE volunteers.

The following are their observations:

- In many counting centers, the 6<sup>th</sup> copy of the ER was not automatically given to LENTE-Namfrel volunteers after the counting of votes. BEIs were instructed by Comelec officials to deliver the ERs to the Comelec officials themselves.
- In one instance, after votes for Masui were counted in two precincts and the tally sheet figures transferred to the ERs, BEI members refused to hand the ERs over to LENTE-Namfrel volunteers even after instructions of the national Comelec officer in the counting area because they were instructed by the Provincial Comelec Supervisor to only give out the ERs to the local Comelec officials. They said they were afraid to disobey their local Comelec officials. When LENTE volunteers talked to the national Comelec officers present in the counting center about it, they were told that they (the national Comelec officers) could not do anything about it since the BEIs follow their own procedures in Lanao del Sur, and that the teachers said they will not count if they were not allowed to follow their counting procedure. One national Comelec official told a LENTE volunteer: "Welcome to the shocked club!"
- ERs were given out to LENTE-Namfrel not on the same day the counting of votes were finished but on the following day. In the meantime, the ERs were either in the possession of the BEIs or the Comelec. As of May 31, 2007, the ERs from three municipalities (Lumba-Bayabao, Pualas and Marogong) which have finished counting have not yet been given to LENTE-Namfrel.

- In one counting center (Amai Pak Pak Elementary School), ERs for Lumbayanage were loaded into a private van by Comelec officers instead of being distributed in the counting center. The van sped out of the counting center escorted by two truckloads of soldiers. LENTE volunteers and pollwatchers of different parties and candidates pursued the van around Marawi City until it stopped in one gym (Dimaporo Gym). The ERs were immediately distributed to representatives of the groups entitled to get ERs outside the gym. Namfrel was able to get the ERs only because LENTE volunteers who pursued the van were present during the distribution.

## **Canvassing**

The canvassing of tallied votes started only on the third day (May 29) after the special elections on May 26, 2007, and continues as of the writing of this report. In monitoring the canvassing, LENTE volunteers made use of whatever ERs were secured by LENTE-Namfrel at the time.

The following are the observations on the canvassing process:

- LENTE volunteers were allowed access to the canvassing centers only after LENTE met with Mr. Jose Tolentino on May 29 to discuss access problems of LENTE and PPCRV/C-Care volunteers.
- The canvassing of votes did not take place immediately after the counting of votes. Canvassing took place the following day after votes were counted.
- LENTE and PPCRV/C-Care were not immediately informed of the time and venue for the canvassing of tallied votes for Kapai and Madalum.
- LENTE did not observe the canvassing of Madalum votes because by the time LENTE was informed of the venue and secured the ERs for Madalum, the canvassing was finished.
- The 6<sup>th</sup> copy of the ERs which LENTE-Namfrel were able to secure were 99% unreadable. Many were unsigned and did not have thumbprints. Because the Namfrel ERs were unreadable, it was difficult to determine the correctness or authenticity of the figures in the ERs used by the Board of Canvassers (BOC).
- In one instance, during the canvassing of votes from Kapai municipality, one precinct did not have an ER for the national positions. The reason given by the BEI was that there were no votes for the senatorial candidates.
- In another instance, one precinct (Dumalondong municipality) also did not have an ER for national positions. The ER was prepared on the spot. LENTE's objections were not recognized.
- During the canvassing of Lumba-Bayabao votes, a LENTE volunteer was warned by an unidentified watcher not to object too much and to be careful since he was still young. ("Huwag ka masyadong mainit; bata ka pa; mag-ingat ka.")

To be continued with the LENTE report of replacement team.

## **PART FOUR: Impact Assessment**

### **A. MOBILIZATION AND DEPLOYMENT**

The Regional Desk Officers were designated to assess their respective areas in terms of three criteria. First is the coverage of LENTE monitoring in the provinces that is ranked according to three levels: full, partial and none. Second, the RDOs ranked the electoral process in each province as to whether this was i. fair- relatively peaceful and few reports on fraud ii. tolerable – some incidents of violence and irregularities iii. questionable – the process was highly irregular and the results doubtful. Attached as Annex [REDACTED] is a consolidation of the coverage, process and results in all areas covered.

#### **A.1 Cordillera Administrative Region**

The location and the lack of a coordinating organization in Apayao prevented LENTE from canvassing in the said area. Moreover, the province has a low number of voters and has not been known to be a hot spot. The social action center could not field any volunteers for the canvassing. In general, there was a dearth in volunteer lawyers. In Abra, priests and the religious had to be mobilized instead of lawyers for security purposes. In Kalinga, there were times when communicating to the lawyer was difficult.

##### **a. Coverage**

LENTE was present in five (5) out of six (6) provinces of CAR namely, Benguet, Ifugao, Mt. Province, Abra and Kalinga and in the component City of Baguio. The location and the lack of a coordinating organization in Apayao prevented LENTE from canvassing in the said area. Moreover, the province has a low number of voters and has not been known to be a hot spot.

##### **b. Process**

Abra was singled out as the area where the process was questionable due to a lot of election-related violence and irregularities.

The process Benguet and Ifugao were considered tolerable while those of Baguio, Mt. Province and Kalinga were fair.

##### **c. Results**

Results in all areas were considered credible.

#### **A.2 Region I**

##### **a. Coverage**

There was LENTE present in all Region I provinces namely, Ilocos Sur, Ilocos Norte, Pangasinan and La Union.

##### **b. Process**

The process was fair for La Union and Ilocos Norte while the process for the rest of the provinces were considered tolerable.

### **c. Results**

Results in all the provinces in Region I were assessed as credible.

## **A.3 Region II**

### **a. Coverage**

Coverage for Region II was only for the provinces of Cagayan and Nueva Viscaya. LENTE did not cover Batanes due to logistics concerns given its distance and location and the fact that there are very few voters there.

### **b. Process**

The process in Cagayan was considered questionable. In Nueva Viscaya, the assessment of the process was that it was fair.

### **c. Results**

Results in both provinces were credible.

## **A.4 Region III**

One of the problems noted in Region 3 was the lack of volunteers willing to be designated in areas where logistics (i.e. difficulty of transportation to coastal areas). The partnerships of LENTE with other organizations differ from province to province. Although in coordination with all the organizations, LENTE worked closely with the respective organization(s) that was more cooperative in that particular area. LENTE was not able to provide lawyers in all areas because some of those deployed by IBP were not present. Nevertheless, PPCRV deployed its own lawyer and his legal staff.

In Bataan, no LENTE training was conducted because the trainings of the partner organizations have already been conducted and they were not willing to organize a separate one for LENTE. An issue that arose was the fact that the lawyers provided by IBP were already supporting some candidates.

Nueva Ecija was covered by the CODE-NGO Bantay Canvass project where 4 volunteers for each municipality/city were deployed. The CODE-NGO operations were done in coordination with the Social Action Centers. Due to the limited manpower, many of the lawyer-volunteers provided legal assistance on-call during the municipal canvassing. However, during the provincial canvassing the lawyers were present.

LENTE was not able to smoothly operate in areas where the partner organizations were not well-organized as was the case in Tarlac. LENTE did not conduct a regional training even if a trainer was very willing to do so. The point person instead requested to be sent copies of Lente kits for the municipal coordinators' perusal and gave word that he would try to brief the coordinators as to the objectives and operations of LENTE.

In some areas, there was good coordination among the partner organizations. In the case of Zambales, the Social Action Center was able to properly act as the coordinating body so that work for LENTE was properly carried out.

Out of 7 provinces, IBP was able to provide only 1-2 lawyers to 4 (Nueva Ecija, Pampanga, Tarlac, and Zambales). IBP provided a long list of lawyers but most of them were partisan. IBP-Bulacan likewise provided a list of lawyers but the same were found affiliated with certain candidates.

### **a. Coverage**

All provinces in Region III were covered by LENTE namely, Aurora, Bataan, Bulacan, Nueva Ecija, Pampanga, Tarlac and Zambales.

**b. Process**

The process in Tarlac was considered tolerable while all the process in all other provinces of the said region were deemed fair.

**c. Results**

Results in all provinces were credible.

**A. 5 Region IV-A**

In Region IV, the problems experienced were mostly related to the fact that LENTE is a new player and that coordination with partner organizations came very late. Issues such as the conflict between the IDs issued by NAMFREL or by the PPCRV or by LENTE arose. This was due in part because the volunteers for the said organizations are the same person volunteering for LENTE. Comelec official canvassers did not recognize LENTE lawyers' privilege to raise motions during the canvassing. Media people were also not allowed to enter the canvassing area.

The biggest problem in the region was the lack of manpower for deployment, whether lawyers or paralegals. LENTE was not able to have one lawyer per municipality/city in Region IV. There were lawyers in each province, but those lawyers were not stationed per municipality. The lawyers had to be roving in order to make sure that the entire province was covered.

Reports from the region showed that the usual cheating methods observed in the past elections were still used in the 2007 elections. Vote-buying, illegal detention and other irregularities were observed in Region IV..

**a. Coverage**

The provinces fully covered for Region IV-A were Cavite, Rizal, and Quezon. In Laguna, there was partial coverage although only one municipality was not covered.

**b. Process**

In general, the process in Region IV-A was considered fair except for two municipalities in Laguna where the process was questionable.

**c. Results**

Results in all provinces were credible.

**A. 6 Region IV-B**

**a. Coverage**

The provinces fully covered for Region IV-B were Occidental Mindoro, Oriental Mindoro, Marinduque, Romblon and Palawan.

**b. Process**

The process was considered fair for the Region IV-B provinces except Occidental Mindoro. The latter's process was questionable.



### **c. Results**

Results in all provinces were credible except for Occidental Mindoro.

## **A. 7 Region V**

One problem encountered in Region 5 was the issue of organization and clarity on operationalizing Bantay Canvass on the ground. Institutional agreements were not clear during the initial stages thus, the problems and confusion encountered during the operations. Mobilization work was a little late and many lawyers have already been engaged by partisan politicians.

On the ground, problems were encountered during the canvassing with some of the COMELEC officials requiring a letter of appointment and not recognizing the PPCRV IDs for volunteers to enter the canvassing centers.

In region V, there was a lack of trainers during the provincial training. The trainings also suffered from the lack of cohesiveness. Regional Desk Officers had a difficult time having to coordinate with several local organizations. The frequent changes in the mechanisms to be used during the canvassing further made it difficult for the undermanned RDOs.

### **a. Coverage**

LENTE was present in all provinces of Region V. There was full coverage for Camarines Norte, Iriga City, Naga City and Sorsogon City. All other provinces and cities had partial coverage.

### **b. Process**

Except for Sorsogon and Sorsogon City where the respective processes were seen as tolerable, the process in all the other provinces was rated fair.

### **c. Results**

The results in Masbate are not credible. All the other provinces and cities had credible results.

## **A.8 Region VI**

The main problem in Region 6 is the lack of manpower. Recruitment of more volunteers would have made the process more efficient and effective because they would not have to take on several roles (i.e. NASSA/NAMFREL volunteer, PPCRV volunteer and LENTE volunteer). In Region 6, the organization has satisfactorily achieved its objectives because despite all issues encountered

### **a. Coverage**

LENTE was present in all provinces of Region VI. LENTE had full coverage of all provincial canvassing in the region except for Guimaras where there was partial coverage.

### **b. Process**

Except for Guimaras where the process was seen as tolerable, all the other provinces were rated fair.

**c. Results**

All results were credible as far as the provinces in Region VI are concerned.

**A.9 Region VII**

**a. Coverage**

There was LENTE full coverage in Cebu, Negros Oriental and Siquijor. Bohol province had partial coverage.

**b. Process**

The process in all the provinces was fair.

**c. Results**

Results in all the provinces in Region VII were assessed as credible.

**A.10 Region VIII**

In Region 8, there was good coordination between NASSA-NAMFREL and PPCRV in terms of the conduct of pollwatching duties of the volunteers. LENTE was integrated in the above organizations' structure for the provinces of Leyte, Southern Leyte, and Eastern and the canvassing monitoring operations went smoothly.

In the provinces of Biliran, Samar, and Northern Samar, training for volunteers were not conducted as LENTE the partner organizations have finished their respective trainings where LENTE was supposed to be integrated. During the elections and canvassing process, however, LENTE was updated and untoward incidents were reported to the lawyer-volunteers.

**a. Coverage**

Eastern Samar, Northern Samar, Southern Leyte and Leyte were fully covered by LENTE in Region 8. There was partial coverage of Biliran. Although a lawyer was sent by IBP to Samar, LENTE was not really able to mobilize volunteers and monitor the canvassing there.

**b. Process**

The assessment of the process in all the provinces was generally fair.

**c. Results**

The results of the electoral process in Region 8 were credible.

**A.11 Region IX**

The general issues in Region 9 consist of the lack of volunteer lawyers and paralegals. There was also some hesitation of organizations to partner with LENTE especially at the time when it was crucial to build linkages for coordination and operations. Another issue is the lack of sufficient funds for the volunteers' food and transportation.

**a. Coverage**

The respective provinces of Zamboanga Sibugay, Zamboanga del Sur and Zamboanga del Norte were partially covered in Region 9.

**b. Process**

The three provinces all had fair rating as to the process.

**c. Results**

The results were credible in Region IX.

**A. 12 Region X**

The main problems and issues encountered in Regions X and XI pertain to recruitment of lawyers to be deployed to the various municipalities. Due to the shortage of lawyer-volunteers, volunteers were assigned to the provincial level of canvassing. Institutional issues among the partner organizations NASSA, NAMFREL and PPCRV resulted in slightly strained working relationships which in turn affected LENTE operations. Lastly, media support and exposure for LENTE started out very slowly, and visibility about the group was attained during election week itself.

**a. Coverage**

Lanao del Norte, Misamis Oriental, Camiguin and Bukidnon were fully covered. There was no LENTE presence in Misamis Occidental

**b. Process**

The process in Lanao del Norte was questionable. The respective provinces of Misamis Oriental and Camiguin had fair processes. In Bukidnon, the process was deemed tolerable.

**c. Results**

Save for Lanao del Norte, all results in the above provinces were credible.

**A. 13 Region XI**

See Region X

Significantly, Davao City presented the most troublesome scenario among the provinces handled. There was no Operation Quick Count in the city, as the diocese refused to cooperate beginning from the regional trainings up until elections.

**a. Coverage**

Davao City, Davao del Sur, Compostella Valley, Davao del Norte and Davao Oriental were fully covered.

**b. Process**

The process in Davao City was tolerable while that in Davao del Sur was questionable. All the other provinces were assessed as having fair processes.

**c. Results**

Results in Davao del Sur were not credible. All the other provinces had credible results.

**A. 14 Region XII**

One of the difficulties encountered by the provinces was the recruitment of lawyers. Mobilization for LENTE was implemented at a time when most lawyers were already commissioned by

candidates. Furthermore, many of the IBP lawyers recommended by the IBP National Office had already been hired by local candidates.

The IDs for canvassing were sent out too late and were not used by volunteers. It was fortunate that some provinces did not require proper identification of canvass watchers, thus, LENTE volunteers were permitted access to the canvassing areas.

Specific to the Province of North Cotabato and Dioceses of Kidapawan and Cotabato, organizational links were not clarified among the different participating agencies. Most of the coordination between NASSA-NAMFREL and Bantay Ceasefire was done over the phone, through the Regional Desk Officer. The parties on the ground were not willing to transact with each other. The provincial training should have been the best venue to sort out the roles of each organization and to ensure their cooperation with each other and with LENTE.

Particular to the Province of Sultan Kudarat, our LENTE lawyers were not recognized as having sufficient legal personality to enter their objections. Accreditation guidelines were not clear with the COMELEC and it did not help that LENTE was a new player in the citizens' arm monitoring work.

**a. Coverage**

North Cotabato and Sultan Kudarat were partially covered. Sarangani and South Cotabato had full LENTE coverage.

**b. Process**

Only Sarangani had a fair process rating. South Cotabato had a tolerable process. North Cotabato and Sultan Kudarat had questionable processes.

**c. Results**

Respective results in Sarangani and South Cotabato were credible. Those of North Cotabato and Sultan Kudarat were not credible.

**A. 15 ARMM**

The two major problems in ARMM are the limited number of lawyer-volunteers and cultural differences. Candidates already engaged most of the lawyers and law students in ARMM when LENTE began mobilizing volunteers in the region.

Cultural differences was also a problem because BANTAY CEASEFIRE, the local organization engaged by LENTE to be paralegals in the areas of MAGUINDANAO and SHARIFF KABUNSUAN and NASSA-NAMFREL refused to work together

**a. Coverage**

There was full coverage of LENTE in Marawi City. Maguindanao, Lanao del Sur, and Shariff Kabunsuan had partial coverage. LENTE was not present in Basilan and Tawi-Tawi.

**b. Process**

The process in all areas where LENTE was present in ARMM had questionable processes.

### **c. Results**

The results in all covered ARMM areas were not credible.

## **A. 16 CARAGA**

See Region 12

### **a. Coverage**

Agusan del Norte, Agusan del Sur, Surigao del Norte, Surigao del Sur were partially covered during the 2007 elections. There was no LENTE presence in the Dinagat Islands.

### **b. Process**

The respective processes in Agusan del Norte, Agusan del Sur and Surigao del Sur were tolerable. The process in Surigao del Norte was questionable.

### **c. Results**

The results in Agusan del Sur and Surigao del Sur were credible while those in Agusan del Norte and Surigao del Norte were not credible

## **PART FIVE: Summary of Issues**

### **I. Institutional Issues**

On the national level, LENTE worked with partner organizations to facilitate the implementation of Bantay Canvass on the field. From the very beginning, it was acknowledged that in order for LENTE to carry out its mission, it was necessary to obtain the cooperation of election monitoring organizations like NAMFREL, NASSA and PPCRV. OneVoice was the main facilitator of VforCE in forging institutional agreements, coordinated media efforts and worked in raising funds for certain activities, particularly for LENTE.

In addition to the abovementioned organizations, LENTE was part of a network called Volunteers for Clean Elections (VforCE) which was organized among the major non-partisan citizens' arms involved in various activities as voter education, election monitoring, resource mobilization and others. VforCE's main task was to coordinate the member-organizations' activities and project a unified front in electoral monitoring work on a national scale.

The agreements were hoped to be communicated to the local levels to facilitate work in the election monitoring process. Social Action Centers were identified as the local secretariat and coordination points for all volunteers. In other areas where the SAC coordination mechanism was not applicable, other organizations were mobilized.

Institutional agreements were not immediately clarified in the national level, however. This led to delays in communicating instructions to field volunteers as regards the mechanism for cooperation in the local level. There were also varying arrangements and coordination in the local level depending on the respective local dynamics.

Among the organizations, there were varying levels of cooperation and communication. Because LENTE was a newcomer in the election-monitoring work, it met resistance in some areas where the process was aimed to be integrated in the other organizations' work.

Coordination among existing organizations was not entirely problem-free due to some institutional and personality problems in the local areas.

## **II. Recruitment**

One of the limitations faced during the recruitment of lawyer volunteers is the fact that many are engaged with politicians during the elections. IBP facilitated the identification of lawyers in the areas. It helped that the Commission on Human Rights was able to provide lawyers for the areas. Moreover, LENTE tapped more law students to make up for the limitations in the number of lawyers. Alternative law groups have also provided valuable manpower by sending its lawyers for the trainings and have committed to work during the canvassing process.

The main problems and issues encountered pertain to recruitment of lawyers to be deployed to the various municipalities. Due to the shortage of lawyer-volunteers, LENTE had to settle for one lawyer per province instead of the planned one-lawyer-per municipality. There was also a problem in engaging paralegals and law student volunteers. Most of them have already been engaged in partisan politics. Many recruits trained did not register on the day of operations. Issues regarding recruitment can be attributed to the late mobilization of volunteers and lack of proper networks at the given time.

## **III. Process Issues**

There were many procedural issues arising from the 2007 elections. The COMELEC's refusal to recognize PPCRV identification cards used by LENTE volunteers hampered operations. Paralegals and lawyers were refused entry into canvassing areas in many instances. Some incidents saw COMELEC officials indiscriminately removing watchers from canvassing areas.

The manualized counting of votes and canvassing process posed a big challenge to LENTE volunteers. Moreover, there was no proper application of election rules and legislation. There was no standard procedure in conducting the canvass and how the citizens arms participate in the canvassing process. Some candidates employed delaying tactics to prolong the canvassing in some areas which made the process prone to irregularities

It was planned that LENTE volunteers will use ERs as their basis for monitoring the canvassing process. However, there were problems such as tampering, COMELEC refusal to release the ERs and missing ERs, among others. As such, most of the volunteer lawyers and paralegals monitored the canvassing process without any document from which they could base their manifestations.

## **PART SIX A: Summary of Recommendations**

### **I. Institutional**

There is a need to build and strengthen institutional ties in order to have a well-coordinated and effective networking. The partnerships between LENTE-PPCRV-NAMFREL-NASSA-IBP should be strengthened and respective roles clarified. Coordination among the national secretariat and national organizations and with the respective local groups should be improved.

### **II. Recruitment and Training**

The preparations for mobilization of volunteers should start early. More time should be allotted for the recruitment and training of volunteers. This will ensure that areas will be properly covered. Emphasis should be given on recruitment of lawyers.

More law students should be recruited in coordination with the respective Deans and Law Student Councils of each law school.

### **III. Process**

It is imperative to build on the momentum created by LENTE and to continue to engage the citizenry in issues concerning the exercise of true democracy. LENTE, through Bantay Canvass, has begun a movement where lawyers, paralegals and volunteers from other backgrounds have demonstrated how much can be achieved by actively participating in the country's elections. The May 2007 exercise has validated the various calls for the immediate implementation of electoral reforms. There is a need, on one hand, to dialogue with those who are in power to make electoral reforms a top priority as the nation moves forward. On the other hand, much advocacy work needs to be done to engage the citizenry in the discussions regarding electoral reforms.

## **PART SIX B: Summary of Lente Evaluation Recommendations**

### **A. To lobby and advocate for electoral reforms that would ensure the credibility of the electoral process and restore the citizen's trust in Philippine democracy.**

#### **Lobby for quality appointments to the COMELEC**

This will involve lobbying for quality appointments to the vacancies in the COMELEC commissioners' posts. Quality appointments will mean the officials have a credible track record, are independent and would have expertise in various disciplines other than law, such as information technology and management systems, to be able to keep up with the evolving demands of the electoral process.

#### **Lobby for electoral reform legislation**

- Lobby and advocate for electoral reform legislation
  - Revisions to the Automation law
  - Revisions to the Party-list system law
  - Revisions on the Absentee voting system law
  - Omnibus election code on campaign finance
  - Turncoatism

A thorough review is on the related legislation regarding the automation law, party list system, absentee voting system (registration and voting), turncoatism, and the Omnibus Election Code on campaign finance. LENTE needs to push for the implementation of constitutional provisions on anti-dynasty and representation of civil society in local government legislative bodies. Lobbying for other legislative and COMELEC IRR (Implementing Rules and Regulations) reforms should likewise be pursued. The country has fallen behind in implementing the much-needed automation law and this has to be addressed. The 2010 elections should already be the venue for pilot testing of the automated system that the COMELEC will adopt.

A review of the party list system is needed so that the real intent and spirit of the Constitution are put into effect. The Absentee Voting Act of 2003 should be reviewed given the low turn-out in the 2007 elections. Under-registration is a bigger problem in the Absentee Voting. There is a potential vote of about 3 million overseas workers. There is a need to put mechanisms in place to increase the registration of OFWs, with such measures as requiring a voter's registration when acquiring a passport.

Consultations with various groups will also be done regarding the proposals for electoral reform legislation. Voter education and awareness-raising to rally support on the needed legislation to the amendments will be conducted.

#### **Advocate for procedural improvement in manual voting and counting**



Experience from the implementation of the Bantay Canvass project in many areas around the Philippines during the 2007 elections, the manual voting and counting of votes has been subjected to many forms of cheating and fraud. It is important that procedural improvements to the system are proposed. This should be done through consultations with organizations involved in the electoral process to determine procedural improvements that can be suggested to the COMELEC or which citizens' arms can take up.

**B. To build and strengthen institutional ties among various citizens' arms and other organizations for improved networking, collaboration and coordination of projects and activities**

The 2007 elections saw different citizens' arms working in different fronts but towards the common goal of ensuring that the process was credible as far as possible. LENTE should build institutional ties among organizations and further strengthen the existing tie-ups.

Activities will necessarily include coordination and consultation with organizations to identify and clarify institutional roles and to draw up partnership agreements, where necessary.

For LENTE in particular, partnership with law groups, law schools and other organizations in the national and local levels should be sought. It will also be necessary to draw up an organizational manual for LENTE to clarify organizational roles and serve as guidelines for the organization.

**C. To conduct public education activities on voter registration, voting, electoral reform and other issues concerning our democracy and democratic institutions (i.e. charter change and other issues)**

LENTE should conduct public education and awareness campaigns on participation in democratic processes and other issues. This can be done through various symposia, participation in discussions and media campaign on relevant political issues.

**D. To pursue criminal and administrative cases against violators of election laws**

As the Legal arm of various citizens' arms, LENTE will file necessary criminal and administrative charges against those who have violated election