

STATEMENT OF CONCERN ON THE CONFIRMATION OF ATTY. SIXTO BRILLANTES JR. AS CHAIRMAN OF COMELEC

We concerned civil society organizations (CSOs), election monitoring organizations (EMOs) and other election stakeholders pose strong and unequivocal objection to the confirmation of Atty. Sixto S. Brillantes Jr. as Chairman of the COMELEC. As the National Democratic Institute (NDI), an international organization promoting clean elections throughout the world, has said *"The consolidation of democracy requires that the institution that manages the electoral process be independent, competent, and perceived as completely fair by all the candidates and parties participating in the process."* In contrast, Atty. Brillantes is too controversial, too involved in lawyering for politicians, and too compromised to be a Chairman Commissioner:

Objectivity

Atty. Brillantes' immediate profession as an election lawyer before being named as Chairman of the COMELEC raises questions on his capacity to be objective in the internal affairs of the COMELEC. His past association with officials of the COMELEC makes him too familiar with the game play, the intrigues, and the personalities in the institution: he may have accumulated favors to return, debts to settle, and accounts to collect. His recent appointment of one who was implicated in the Ballot Secrecy Folder case is possible example of how his objectivity can be impaired.

Conflict of Interest

Atty. Brillantes has lawyered for many competing families through the years and this past association necessarily drew him into a complicated web of political and judicial issues. Even if he were to try to always act in the best interest of truth and justice, his decisions will always be seen as colored by his past association.

Instead of enhancing the credibility of the COMELEC, his leadership will likely impair it.

Transparency and Genuine Will to Reform COMELEC

Concerned citizens were informed that Pres. Aquino's reason for naming Atty. Brillantes to the post (aside from political reasons) is because he is confident that an outsider lawyer can reform the COMELEC, knowing its weaknesses, vulnerabilities, and the bad elements that give the institution its bad name and image. He has failed to measure up to the President's expectations. And instead of naming and initiating disciplinary action against the culprits and bad elements he claimed he knew from his being an election lawyer, he turned his ire on an official who had recommended the filing of cases against erring commission officers and personnel and he was reported to have tried to intervene to reduce the six-month suspension of three of these six officials in the Ballot Secrecy Folder Scam at the Office of the Ombudsman.

Acceptability to the public and election stakeholders

In other countries where elections are credible and are accepted by the public (and where the results are not questioned by losing candidates), the commissioners / key officials of the election management body are either selected from the professional ranks within the institution or from extensive consultation with political parties, civil society organizations, professional groups, human rights groups, election observer groups, women groups, religious groups, i.e., by a broad cross-section of society.

Atty. Brillantes is said to have been backed by a political wing of the ruling party, and he had not come out to deny it, nor at least distanced himself from its support.

Conclusion

While we have the highest respect for the legal skills and other attributes of Atty. Sixto Brillantes as he had shown while lawyering for candidates and political parties, they have no place in the Commission, much less in the post of Chairman of COMELEC.

October 4, 2011

Signed:

Bishop Broderick S. Pabillo (Auxiliary Bishop of Manila)



Automated Election Systems Watch (AES Watch)

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