

Aquino lays down criteria for next Comelec chief

High competency and integrity are among the qualities that President Benigno Aquino III expects from the people who will be appointed chairman and commissioners of the Commission on Elections (Comelec). In a recent interview, the President also was partial to a candidate of high independence as a Chairman. Justice Secretary Leila de Lima reiterated on November 30 after learning she has been eyed to be nominated for the post that she would rather stay at the Department of Justice (DOJ) amid reports that she is being considered to replace retiring Comelec Chairman Jose Melo. She is also sceptical that her name is being floated to ease her out of the DOJ. There are others who have personally floated their names in media in a not so subtle manner to make their aspiration (interest) known. Comelec Commission Lucenito Tagle mentioned that Supreme Court Associate Justice Antonio Nachura may also be appointed to the post. Tagle, however, said that Nachura will not be able to immediately serve with the Comelec because he is due for retirement in June.

Comelec releases rules of procedure for the recount of ballots subject to protest

On November 30, the Commission on Elections (Comelec) released Resolution No. 9014 as the rules of procedure for the recount of ballots subject of election protest cases filed with the Comelec in connection with the May 10, 2010 national and local elections. The new resolution is pursuant to rule 15 of Comelec Resolution No. 8804 known as "Comelec Rules of Procedure on Disputes in an Automated Election System in connection with the May 10, 2010 Elections". Among the salient features of the Resolution are: 1) the Compact Flash (CF) cards, PCOS machines, election returns and other election paraphernalia of clustered precincts shall be in the custody of the Comelec Recount Committees, 2) each Recount Committee shall have 1 PCOS machine for the refeeding of the physical ballots being contested 3) the chairman of the Recount Committee shall compare the recently-generated election returns with the election returns generated during the May 10, 2010 elections and show the same to the representatives of the protestant and protestee 4) the necessary expenses for the protest shall be shared proportionately by the protestant and protestee based on the number of precincts respectively contested by them.

However, some parts of the said resolution should be subjected to review and scrutiny as it raises doubts in the integrity, authenticity and credibility of the recount procedures. Among these are:

- "Section 8. If the Division Committee finds that the integrity of the ballot box and the ballots of the precinct being contested were compromised, it shall order the Recount Committee to utilize the picture image files corresponding to the physical ballots contained in the tampered ballot box for recount purposes." – The Comelec shall clarify what they meant in this provision. The resolution stated that the recount process is by means of re-feeding physical ballots in another PCOS machine to generate new election results and comparing it to the election results in the May 10, 2010 elections. What does the Comelec mean in utilizing the picture image files of the tampered and substituted physical ballots in recount purposes? If the integrity of said ballots have been proven compromised then there is no valid ballots to re-feed and to regenerate results, how will these picture image files be used in recounting if no comparison can be done for recount procedures?
 - "Section 11. The May 10, 2010 CF card shall in no way be used in the recounting of ballots." – The Comelec should provide forensic experts to examine the CF cards used in contested precincts to determine whether the information saved was tampered or not. This is to provide authenticity of the picture image files to be used in recounting purposes.
 - "Section 11. If there is still a discrepancy between the total number of picture image files of ballots in the ballot image CF card and the physical count of ballots, the total number of picture image files of ballots in the ballot image CF card shall prevail. If there are physical ballots that have no corresponding picture images, such physical ballots shall not be included in the recount proceedings. On the other hand, if there are picture images with no corresponding physical ballots, the picture image files shall still be included in the recount proceedings. . Xxx the recorder must compare the physical ballots oval by oval against the picture image to see where the discrepancy lies. In case of such a discrepancy, the picture image of the ballot and the results shown at the bottom-right of the picture image shall prevail"
- There is a clear disenfranchisement of votes if the picture image files of ballots will prevail over the actual ballot. Failure of the machine to record such vote should not put at stake the right of the votes to be counted. This is an act of double disenfranchisement of votes considering that rejected ballots are also not included and reconsidered in recounting the result.
- "Section 11. In case a ballot accepted by the PCOS machine on May 10, 2010 is rejected by the PCOS machine during the recount, the recorder of the Recount Committee shall re-feed the ballot into the PCOS machine in four (4) different orientations. If it is still rejected, the rejected ballot should be fed into the contingency PCOS machine" – How many contingency machine will be used? If there is only 1 PCOS machine that will be used as the contingency machine, what if a certain ballot is still rejected by this machine?

NAMFREL INFORMAL SURVEY ON IMPENDING COMELEC VACANCIES

With Comelec Chairman Jose Melo's early retirement in January 31, 2011, and the end of terms of two Commissioners in the first quarter of 2011, we would like to ask our readers to suggest who could fill these very important positions. Article IX, Section 1 of the Philippine Constitution stipulates that "There shall be a Commission on Elections composed of a Chairman and six Commissioners who shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five years of age, holders of a college degree, and must not have been candidates for any elective positions in the immediately preceding elections. However, a majority thereof, including the Chairman, shall be members of the Philippine Bar who have been engaged in the practice of law for at least ten years."

Who do you think should fill these positions? What qualities are you looking for in the next Comelec chair and commissioners? Take our informal survey at <http://www.namfrel.com.ph/inamfrel/survey.htm>

[Source: Abs cbn news, Comelec data, NAMFREL data]