

Malacanang and the AFP supports Comelec's plan to reopen "Hello Garci" probe

The Malacañang and the military expressed their support for the plan of Commission on Elections (Comelec) Chairman Sixto Brillantes Jr to reopen the investigation on the "Hello, Garci" poll fraud scandal. The incident raised doubts on the legitimacy of the election of former President Gloria Macapagal-Arroyo in 2004 when a taped conversation surfaced emerging that she connived with a Comelec official to rig the poll results. Armed Forces of the Philippines (AFP) said that the probe would give military personnel and rebel soldiers the opportunity to disclose what they know about the controversy. In 2005, some military generals were accused of poll fraud after their names were mentioned in the "Hello, Garci" recordings. Malacanang supported the plan since despite various investigations conducted in the past on the issue, the Aquino administration expressed belief that it was still unresolved. The Palace will leave it to the Comelec Chairman to determine how to investigate the issue.

Reopening the investigation on the "Hello Garci" issue is a long overdue move to resolve the issue with finality and to reform the Comelec especially now that the election body is faced with the challenges of conducting the Autonomous Region for Muslim Mindanao (ARMM) on August 2011. Past ARMM elections have been marred with fraud and violence. However, such investigation should also not affect and be an excuse for haphazard preparations and delays for the ARMM polls. To guarantee impartiality and thoroughness in the fact finding investigations, a separate body (such as the Truth Commission) should be tasked to conduct the probe since the Comelec is a party to the allegations in the 2004 controversy.

Comelec gears up for a tentative ARMM polls

Comelec Chairman Sixto Brillantes Jr. said that the poll body is prepared to hold elections in the ARMM region on its original schedule in August 2011 despite moves to postpone it. Learning from recent Barangay/SK poll fiasco, transpired when preparations were supposedly derailed by proposals to postpone the elections. Brillantes expressed this readiness during the initial deliberation of the House of Representatives Committee on Suffrage and Electoral Reform on House Bill 3542 (or an act resetting the 2011 ARMM elections and synchronizing with the 2013 elections). Chairman Brillantes further said that they have been preparing for months for the ARMM polls. The Comelec is inclined to purchase 5000 PCOS machines amounting to Php 125 million (Php 25,000 per unit). Through the "option to purchase" provision in the lease contract between the Comelec and Smartmatic- TIM which option was extended until March 2011.

On one hand, Muslim leaders and civil society organizations remain divided over the issue on whether to postpone the elections in ARMM in August 2011. Those who agree that elections should be postponed are split between two succession options: extending the term of the incumbent officials or President Benigno Aquino III appointing a new set of officials who will serve until new elections shall have been conducted. This would not be the first time the ARMM elections are postponed. ARMM elections have been postponed 8 times. In fact, all ARMM elections, except the 2008 regional elections, were postponed.

This lack of consensus became clear during a roundtable discussion among Muslim leaders and other stakeholders Monday at Club Filipino, moderated by Amina Rasul. Joining the forum were 37 Muslim leaders led by former Senator Santanina Rasul, former ARMM governor Parouk Hussin, Atty. Paisalin Tago and Ismael Abubakar, who both served as speaker of the Regional Legislative Assembly (RLA) of ARMM,

former Western Mindanao Command Chief Lt. Gen. Muhammad Benjamin Dorlorfino, former partylist Representative Mujiv Hataman, and, Fr. Eliseo Mercado, Jr. Namfrel participated in the forum by presenting its position of conducting the regional polls as scheduled on August 2011.

The forum was organized by the Philippine Center for Islam and Democracy (PCID) and The Asia Foundation.

Options for Conducting the ARMM Elections

Concerned election monitors, civil society groups, academics and IT professionals met with the Comelec and its IT consultant on January 28 to discuss options to conduct the ARMM elections. According to Comelec Chairman Jose Brillantes Jr., the poll body has decided to automate the conduct of the ARMM polls and is inclined to purchase 5,000 Precinct Count Optical Machines (PCOS) leased from Smartmatic-TIM during the May 2010 Elections. This decision was influenced by the Commission on Elections Advisory Council (CAC) recommending to the Comelec the ARMM elections should be automated and the use of PCOS machines in the Aug. 8 regional elections for practical reasons. However, as of this writing, a CAC draft resolution on this issue has not been circulated among its members for their signature.

The Comelec and the CAC argue that whether the ARMM polls would be postponed or not, the poll body should now be preparing and recommended the use of the machines that are already available. In doing so, the technical assessment through the Joint Oversight Committee on Poll Automation & the bid process as required by the Procurement Law (GPRA 9184) will be dispensed to ensure that Comelec is prepared to conduct the polls by August 8, 2011. The Comelec claims that they would be pressed for time if it would look for other technologies for the ARMM elections.

Comelec and the CACs expedient choice may be practical but this violates the principle of transparency and competitiveness in government procurement as guaranteed by the Oversight Committee and the Procurement Law. Besides, the concern of Comelec being unprepared by August may be unfounded as gleaned in the run-up for the 2008 ARMM elections. In that period, the election technologies (OMR-optical mark reader, DRE-direct recording equipment, and manual) to be adopted for the elections was decided on March 2008.

Granted that the decision is to fully automate the ARMM polls, there are other choices available besides the OMR based PCOS machines – whose auditability and safeguard features have been questioned. Among the other systems that could be considered and adopted for use this August are: the Open Election System (OES)- where manual voting is done but encoding at the municipal or voting center (school) level, the Central Count Optical Scan (CCOS) – where optically marked ballots are fed to a machine then canvassed at the voting center level, the Direct Recording Equipment – where voters marked their choices through a touch screen enabled voting machine.

While Namfrel realizes the Comelec's concern of being prepared come August, this is not enough reason to set aside the requirements which would ensure that the ARMM voters and the taxpayers will get the most efficient and appropriate technology to be used for the polls. Besides, use of various election systems in the upcoming ARMM elections will be an opportunity for the Comelec and various stakeholders to assess and prepare for the next 2013 elections. (EOA)

[Source: Philippine Star, Abs Cbn news, GMA news, Business World, PCID data, Namfrel data]

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