



NATIONAL CITIZENS' MOVEMENT FOR FREE ELECTIONS (NAMFREL)

Unit 601, DMG Center, D.M. Guevara Streets,
Mandaluyong City, Philippines 1550

Telephone

+63(2) 4511586; 736-0969

Telefax:

+63 (2) 470-4151

E-Mail:

secretariat@namfrel.com.ph

Website:

www.namfrel.org.ph

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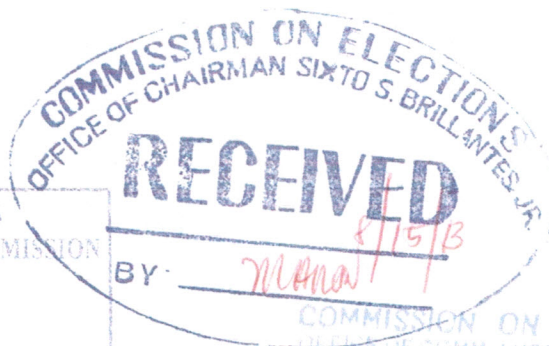
THE HONORABLE COMMISSIONERS

Commission on Elections *ASH 11/10*
Intramuros, Manila

Attention: **HON. SIXTO S. BRILLANTES, Jr.**
Chairman

Dear Sirs,

COMMISSION ON ELECTIONS
OFFICE OF THE CLERK OF THE COMMISSION
RECEIVED BY: *[Signature]*
DATE: *8/16/13* TIME: *10:25 Am*



In compliance with one of the requirements of the Commission on Elections (COMELEC) in granting the National Citizens' Movement for Free Elections (NAMFREL) petition for accreditation as citizens' arm for the May 13, 2013 National, Local and ARMM Elections, we hereby submit to the Commission NAMFREL's full report on the conduct of its projects and activities in connection with the said Elections.

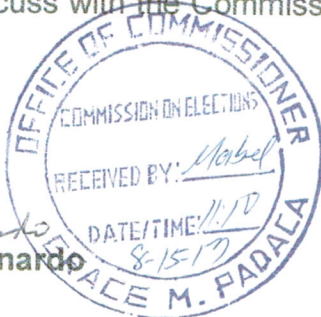
The report presents observations and findings of our volunteers all over the country, including those made during the pre-election and post-election periods.

As in past elections, and as is customary for worldwide election monitoring organizations accredited to observe elections, NAMFREL also presents recommendations on improving further the different aspects of the elections, based on our observations and findings. Included also herein are our observations specific to the conduct of the Random Manual Audit in selected polling stations, and other poll watching observations, some of which were already mentioned in NAMFREL reports earlier submitted to the COMELEC.

As one of your accredited citizens' arms, we hope that NAMFREL has been able to contribute to the improved conduct of the 2013 National, Local and ARMM Elections. NAMFREL is willing to discuss with the Commission the findings and recommendations contained in this report.

Very truly yours,

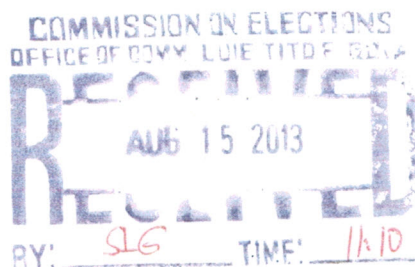
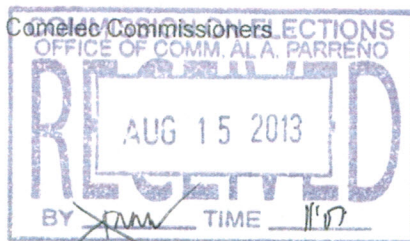
Corazon S. de la Paz-Bernardo
Corazon S. de la Paz-Bernardo
National Chairperson

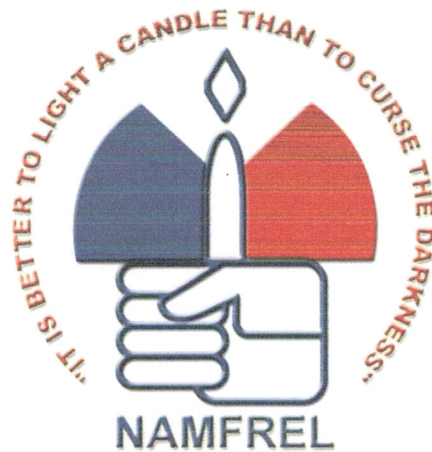


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**NAMFREL Report
on the 2013
National, Local, and
ARMM Elections**



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I. Executive Summary

The National Citizens' Movement for Free Elections (Namfrel) received its accreditation as a citizens' arm of the Commission on Elections (Comelec) for the 2013 Elections on January 2, 2013. This report is a culmination of its engagement in connection with the May 2013 elections.

To pursue its role, Namfrel implemented seven projects: 1) support and augment Comelec's voter information and education programs, 2) review and validate the computerized voters' list (CVL), 3) track the delivery of the precinct count optical scan (PCOS) machines and other key accountable election paraphernalia, 4) monitor the compliance of rules on electoral finance, 5) pre-election and election day mobile poll watching, 6) random manual audit monitoring and 7) systems support to the six core projects.

Namfrel mobilized its network of volunteers in 94 provincial and city chapters to carry out the seven projects. This was also supported by its partners like the Catholic Bishops Conference of the Philippines – National Secretariat for Social Action Justice & Peace (CBCP-NASSA), Philippine Institute for Certified Public Accountants (PICPA), Junior Chamber of Commerce & Industry-Manila (JCI-Manila), Legal Network for Truthful Elections (LENTE), One Vote, Task Force-Honest Orderly & Peaceful Elections (TF-HOPE), Pugad Lawin, C-Care, Islamic Movement for Electoral Reform and Good Governance (IMERGG), C-Cimpel, Financial Executives of the Philippines (FINEX), the Social Security System (SSS), the Civil Service Commission (CSC), academic institutions and its usual supporters from the business community. The CSC issued a resolution authorizing government employees to render 100 hours of volunteer service to Namfrel on official time.

There were many commendable initiatives of the Comelec in the conduct of the May 2013 Elections. They include the serious effort to implement the provisions of the law on campaign finance, strict implementation of the law on allowable campaign materials, rationalized screening and registration of parties for accreditation in the party list system, cleansing of the voters list in the ARMM,

relatively more peaceful elections, better management of the elections at the precinct level by the Board of Election Inspectors on election day, conscious effort to enfranchise detainees, and the 75.72 % voters' turnout.

However, the elections were still attended by perennial problems such as erroneous voters' list in certain provinces, widespread vote buying, administrative lapses in the deployment of critical election paraphernalia, low turnout of overseas absentee voters, pending issues on the PCOS machines (the source code review, security features, and transmission capability), and the perception, rightly or wrongly, of manipulation of election results. Namfrel submitted periodic pre-election and election day reports to the Comelec on some of the above issues.

Additionally, new concerns emerged on the manner of proclamation of winning senatorial candidates (using a new instrument called the Group Canvass Report instead of the official Certificates of Canvass), the management of the Comelec database [the 39.9 million voter turnout per the National Board of Canvassers (NBOC) official count vis-à-vis the 31.6 million voter turnout as posted in the Comelec website], and not fully maximizing the contribution of the Comelec Advisory Council (CAC).

This report presents findings and recommendations along the 7 projects cited above, the more salient of which are for Comelec:

1. to seriously consider adopting a different AES technology in 2016 elections;
2. to propose to the legislative bodies the simplification and streamlining of election laws and the adoption of much needed electoral reforms;
3. to engage in continuing voters' education even during off election years;
4. to consider any of these measures to cleanse the voters' list: institute a civil registry-based voters' list, initiate a general registration or conduct a voters' registration audit;
5. to improve election management specifically on improved deployment of election equipment and paraphernalia, conduct of an end to end mock elections, using a clustered precinct-based

- voters' list, responsive facilities and convenient alternative voting procedures for persons with disabilities, improving turnout of overseas absentee voters, etc.;
6. to develop clearer and simpler procedures in the conduct of the random manual audit;
 7. to digitize the report requirements of campaign expenses by candidates and political parties and submission of these reports before and after the campaign period; and
 8. to exert more effort at promoting transparency to generate goodwill from the public and even from its harshest critics.

Namfrel believes that based on the experiences and reports of its nationwide volunteers before, during and after the elections, the May 2013 elections were relatively free, fair and orderly. It reserves judgment however on the propriety of the process that attended the proclamation of the winning senatorial candidates and the overhang that continues to hound the integrity of the PCOS machines.

II. Introduction

On September 28, 2012, the National Citizens' Movement for Free Elections (Namfrel) submitted a petition for accreditation as citizens' arm of the Commission on Elections (Comelec) for the elections in May 2013. It prayed that the accreditation would allow Namfrel to perform such functions as: (a) participate and assist the Comelec in the implementation of the random manual audit under Sec. 29 of R.A. 9369; (b) assist the Commission in reviewing the computerized voters list (CVL); (c) provide assistance to voters in exercising their right to vote; and (d) perform, such other functions, publicly and with utmost transparency, as the Commission may from time to time assign to "Namfrel" as citizens' arm or as Namfrel may pursue in accordance with rules and regulations.

On December 27, 2012, the Comelec granted Namfrel's petition for accreditation under Comelec Resolution SPP No. 12-200 and

designated Namfrel the following “duties and responsibilities” to be performed “in coordination with other duly accredited citizens’ arm and subject to the limitations as may be provided by the Commission:

1. It may conduct poll watching in various precincts;
2. It may provide assistance to the voters on election day most especially to the senior citizens, persons with disabilities, pregnant women, detainees, indigenous peoples and other members of the vulnerable sectors; and
3. It may assist the Commission in voters’ information and education drives in every municipality, city and provinces most especially in far-flung areas and to sectors which experience inaccessibility in getting information from the Commission.”

To support Namfrel’s task as its citizens’ arm, the Comelec agreed to ... undertake the following subject to reasonable procedures as may be promulgated by the Commission:

1. To furnish Namfrel with the electronic copies of the following:
(a) the Computerized Voters’ List; and (b) the Project (sic) Precincts for the effective discharge of its responsibilities;
2. To furnish Namfrel with any of the twenty seventh (27th) to the thirtieth (30th) copies of the ERs printed by the PCOS machines after transmission for the conduct of an unofficial count by any of its local units;
3. To furnish Namfrel with the audit logs and/or audit trails of the PCOS machines for the effective discharge of its poll watching activities;
4. To allot to Namfrel a work station directly connected to the transmission server for access to firsthand vote count /

transmission, and other automated election system (AES) related provisions to assist petitioner in its poll watching activities and the conduct of its unofficial parallel count;

5. To allow Namfrel to witness the examination and testing of the equipment or device to be used in the voting and counting on the day of the electoral exercise before voting starts as provided by Section 10 of Republic Act No. (R.A. No.) 8436 as amended by Section 12 of R.A. No. 9369;
6. To authorize Namfrel to undertake a widespread stakeholder education and training program to educate the public and fully inform the electorate about the AES provided that the modules to be used in these undertakings should first be approved by the Education and Information Department (EID) of this Commission; and
7. To provide a copy of the following to Namfrel: (a) permanent list of voters per precinct in each city and/or municipality consisting of all registered voters residing within the territorial jurisdiction of every precinct indicated by the precinct maps; (b) the national central file under the custody of the Commission consisting of the third (3rd) copies of all the approved voters registration records; and (c) list of deactivated, reactivated and/or cancelled voters.”

III. Political and Electoral Context

Commonly referred to as a mid-term election, the May 13, 2013 polls saw a renewal of mandate or change in leadership. Twelve senatorial posts, or half of the senate, 234 congressional seats, party list organizations, and heads of provincial and municipal local government units were up for elections.

A total of 52,695,140 registered voters, which include 737,759 overseas absentee voters (or 1.4 % of total registered voters), were expected to cast their votes for more than 18,000 positions, most of these comprised of local officials for 143 cities, and 1,491 municipalities.

The reused precinct count optical scan (PCOS) machines, first deployed in the 2010 polls, receive filled out ballots, count votes and employ an electronic canvassing system to consolidate the results. Using a ratio of at most five precincts to a PCOS machine to be clustered but not to exceed 1,000 voters per clustered precinct, averaging about 670 voters, the poll body grouped the 344,529 established precincts throughout the country into 78,166 clustered precincts.

In using the PCOS, voters marked ovals corresponding to the candidates of their choice on a paper ballot. Once voted on, each ballot was fed into the machine to record and store the vote count. When the polls closed at 7:00 p.m. on May 13, the PCOS machines printed results on Election Returns and electronically transmitted the data. These data were transmitted to the municipal or city local canvassing boards, to the central server of the Comelec, and to the transparency server, from where media and local groups, including Namfrel, accessed their data.

Consolidating the results for the different elective positions were the canvassing boards. In a "ladderized" fashion, the municipal canvassing boards aggregated results within their respective jurisdictions, declared the winners of the local races and sent the results of the higher posts to the provincial canvassing boards. The provincial boards in turn aggregated the results, and after declaring the winners at the provincial level, sent the results of the national races to the national canvassing board.

Three hundred four (304) canvass reports were consolidated by the Comelec, acting as a national board of canvassers (NBOC), to

generate the results for the senatorial and party-list positions. One hundred twenty nine (129) were local provincial, chartered city and local absentee voting canvass reports and one hundred seventy five (175) were from overseas voting stations. There had been earlier reports that the May 13 polls saw 39,898,992 voters cast their votes, a turnout of 75.72 percent.

While given 12 choices from among 33 candidates, voters opted to vote for an average of 7.6 senators (297,655,797 votes cast for senators per Comelec NBOC Resolution No. 0010-13 divided by the number of actual voters). Namfrel had noted almost the same fill up rate in past elections using manual and automated systems.

The Constitution mandates that 20 percent of the members of Congress, or 58 seats, should be filled by party-list representatives. However, a party-list organization could only assume a maximum of three seats. In the party-list race, 38 organizations of the 123 contesting are likely to sit in Congress.

Data gleaned from Namfrel's workstation connected to Rappler's mirror server and from Comelec show that 38,149,371 votes were cast for the party-list race. This is a fill up rate of over 95 percent (percentage of 38,149,371 divided by 39,898,992). However, only 28,310,100 of these votes or 75 % were declared valid, and 9,839,271 or over 25 % were invalidated.

NAMFREL

IV. Overview of the Projects in the May 2013 Elections

As earlier stated, Namfrel identified and implemented seven projects in pursuance of its role as a citizens' arm. Projects supporting and augmenting voter information programs and checking the veracity of the computerized voters list (CVL) at the various local levels were carried out before the election. The projects encompassing the pre-election and post-election phases are the tracking of the delivery of the precinct count optical scan (PCOS) machines and other key

accountable paraphernalia, and monitoring the compliance of rules on electoral finance. The projects related to the monitoring of the conduct of the voting and counting were mobile poll watching and observing the conduct of the random manual audit. A Systems Group was organized to provide collection, documentation and storage, retrieval of data to support the various core projects.

The outputs from these projects will be used as inputs to proposals for future legislation, suggestions to the Comelec for procedural changes in the various election processes, and methods to enhance non-partisan citizen participation in elections.

Under the voters' education program, chapters ran a common set of training modules, customized content according to their needs, and conducted the programs based on the needs of their audience.

Municipal chapters conducted random checks of names of voters from a sample, verified the integrity, currency and completeness of the CVL in the CVL Monitoring Project.

Namfrel paid special attention to the deployment and retrieval of ballots, the precinct count optical scanning (PCOS) machines, and the compact flash (CF) cards, in the logistics tracking program.

On the day of the voting, mobile district- or city-based teams observed and reported the conduct of the voting and counting in various centers. Volunteers at the district level observed and reported the conduct of the random manual audit by the Comelec. Through the voting data gathered from the Comelec's transparency server, Namfrel reported the results and other information related to the status and completeness of the count.

Volunteers at the local level liaised with local Comelec officials, candidates, and with media and business firms that did propaganda

work, to see how they complied with the legal reporting requirements on election finance.

Ninety-three chapters with over 52,000 volunteers covered 90 percent of the country actively engaged in working on the seven enumerated projects.

Namfrel was supported nationwide by various public and private agencies and organizations such as the Catholic Bishops Conference of the Philippines – National Secretariat for Social Action Justice & Peace (CBCP-NASSA), Philippine Institute for Certified Public Accountants (PICPA), Junior Chamber of Commerce & Industry-Manila (JCI-Manila), Legal Network for Truthful Elections (LENTE), One Vote, Task Force-Honest Orderly & Peaceful Elections (TF-HOPE), Pugad Lawin, C-Care, Islamic Movement for Electoral Reform and Good Governance (IMERGG), C-Cimpel, Financial Executives of the Philippines (FINEX), the Social Security System (SSS), the Civil Service Commission (CSC), academic institutions and its usual supporters from the business community. The CSC issued a resolution authorizing government employees to render 100 hours of volunteer service to Namfrel on official time (**Annex A**).

Briefing materials, checklists, reporting forms, and other learning materials for each of the above projects were provided to the chapter heads to ensure uniform implementation across the country.

V. Project Report Findings & Summary

A. Voter Education Programs (VEP)

Namfrel engaged its chapters in a nationwide Voters' Education Program to serve the public's demand for voters' education and abide by the terms of accreditation as a citizens' arm. A Namfrel VEP team prepared and distributed to its chapters

several ready-to-use training modules in Power Point Presentation, to be used in local voters' education programs. These modules were:

Module #	Title of Modules	Content
1.	Ensuring Clean and Honest Elections	<ul style="list-style-type: none"> *Why are elections important *Standards of free and fair elections *Election malpractices *What citizens can do
2.	The Filipino Voter Goes to the Precinct	<ul style="list-style-type: none"> *Facts about the May 13 Elections *Preparing to vote *How to vote *Prohibitions in voting
3.	Principles in Observing Automated Elections (some slides borrowed from COMELEC AES training package)	<ul style="list-style-type: none"> *Manual vs. Automated Election System *The AES Technology *Legal framework *Security *Possible technical concerns *Pollwatchers' observation points
4.	Critical Voting in Philippine Elections	<ul style="list-style-type: none"> *Character of Philippine elections *Worrisome patterns *What is critical voting *Guides in selecting candidates
5.	Inviting Volunteers for Clean, Honest and Peaceful Elections	<ul style="list-style-type: none"> *Citizens' involvement in elections *Brief history of Namfrel *First time voters *Schools and organizations' engagement in elections *Tasks of Namfrel Volunteers
6.	Making your own Voters' Education Module	<ul style="list-style-type: none"> *Facts about the May 13 elections *International criteria of free and fair elections *Stakeholders in Philippine Elections *Knowledge, Skills, Facilities in preparing a customized Voters' Education Module

Additionally, Namfrel directed its chapters to visit the following information sources to complement their local VEPs.

- Comelec website: <http://www.comelec.gov.ph>
- Comelec directory:
<http://www.comelec.gov.ph/?r=ContactUs/MainOfficeDirectory>
- List of Candidates:
<http://www.comelec.gov.ph/?r=Elections/2013natloc/ListOfCandidates/CertifiedListOfCandidates>
- Comelec latest releases: <http://comelec.wordpress.com/>
- Comelec Press releases:
<http://www.comelec.gov.ph/?r=Elections/2013natloc/VoterReg/PressReleases/toc>
- Comelec resolutions:
<http://www.comelec.gov.ph/?r=Elections/2013natloc/VoterReg/Resolutions/TOC>
- Comelec precinct finder:
http://www.comelec.gov.ph/?r=precinct_finder

Namfrel conducted local voters' education programs either solely or in partnership with other organizations from January 2013 up to the days leading to the elections.

The VEP sessions were attended by the general public, but mostly by volunteers and first time voters. These were conducted either solely as Namfrel programs, or in partnership with other organizations such as parishes, PICPA, NASSA-SAC, JCI-Manila, LENTE, TF-HOPE, C-Gare, C-Cimpel, IMERGG, the local PNP, colleges and universities, or with the local Comelec.

The modules were either stand alone training sessions or as part of bigger activities like assemblies, candidates' forums, peace covenants, unity walks, conferences, youth activities, and radio programs. Some innovative VEPs that were introduced in this election season may be noted, specifically: the mobile VEP stage mounted on a truck that was brought around Marikina City by the local chapter; the drama "Boboto si Juan" written and acted by student volunteers in Isabela featuring events before and after elections; and street VEPs on

the automated election system conducted by the Makati chapter that drew the interest of first time and transferee voters.

To reach out to young voters, Namfrel also engaged in an online voter's education campaign in the form of picture messages conceived and illustrated by in-house staff. These were public service messages on voters' duties, the right way to vote, what are the stakes in the coming elections, etc. The picture messages were posted in major social networks, namely: Facebook, Twitter, Instagram, and Tumblr, and also on the Namfrel website. The idea behind the campaign was to spread awareness about election-related issues in a manner that would entice people to share said messages in their own social networks.

The most popular picture message based on both number of views and shares was the one on the importance of not selling votes. Also popular were the posts on over-voting, guidelines on how to choose whom to vote for, and the accountability of elected officials.

Local Namfrel chapters were encouraged to reproduce the picture messages as leaflets and posters and use these locally in their voters' education activities. Samples of these picture messages are shown in **Annex B**.

Namfrel chapters also organized candidates forum which featured local candidates who articulated their positions on various national as well as local concerns. Others took this as an opportunity to initiate a code of conduct and covenant among political parties, candidates and their supporters.

Some NCR chapters also participated as panelists in a co-organized Radio-Veritas candidate's forum. The event was covered by radio, cable TV and web stream featured lesser known Senatorial candidates and their positions on various issues.

B. Computerized Voters List Monitoring

Namfrel asked its provincial chapters to check the **Computerized Voters' List (CVL)** which was used in the May 13, 2013 elections to validate its completeness, accuracy and currency, and as provided in the Comelec calendar, if these were posted at the local Comelec offices.

The methodology for validation included securing the official CVL of the town or city from the local Comelec, reviewing and validating the CVLs of at least three clustered precincts, and subjecting the list to three checks: familiarity, systematic, and ocular inspection of the posted CVLs. The methodology of the familiarity and systematic checks are generally accepted international practices on validating voters' lists. They are known as list-to-voters and voters-to-list tests.

The following are the summary findings from the reports of 18 provincial and 6 NCR city chapters (a total of 24):

1. The local Comelec Election Officers provided Namfrel volunteers copies of the CVL for free, upon presentation of Namfrel's accreditation document.
2. Twenty (20) of the twenty four (24) local chapters which submitted reports on the Voters' List Monitoring project indicated that YES, the CVLs were posted in the Office of the local Election Officers.
3. Three provincial chapters, Benguet, Northern Samar and Siargao, Surigao stated that the CVLs of these provinces were complete, accurate and updated.
4. Eighteen (18) chapters reported erroneous entries in the CVL, as follows:

- 4.1 The inclusion of deceased persons in the CVL (whose dates of death are before October 31, 2012 or the cut-off date before the last deliberation of the local Election Registration Boards) by as much as three hundred forty two (342) names in five municipalities in Ilocos Sur, thirty eight (38) in five barangays in Mandaluyong, twenty eight (28) in two towns in Guimaras; eighteen (18) in Malabon, fifteen (15) in Camarines Sur, thirteen (13) in Mt. Provinces, thirteen (13) in Aklan, and other lower figures for the remaining provinces and cities.
- 4.2 Voters who were based abroad during the last two elections, hence, whose names should have been excised in the list but were still there: sixteen (16) in Mountain Province, three (3) in Southern Leyte, three (3) in Agusan del Norte, one (1) in Mandaluyong.
- 4.3 There were twenty-six (26) centenarian registrants (between 100 to 112 years old) coming from 12 barangays in Mandaluyong City;
5. There were sixty five (65) registrants with missing information on birthdates to which the computer assigned a common birthdate of January 1, 1900, rendering all of them one hundred and thirteen (113) year old registrants, in Mandaluyong City;
6. There were sixty six (66) registrants sharing one address in Mandaluyong City: 10 Kalinisan St., Plainview, Mandaluyong City; and

7. There were registered voters whose names were not included in the CVL, e.g. 8 voters in Aklan, 2 in Siquijor, 2 in Lanao del Norte, and 1 in Taytay, Rizal.

Other findings

1. On the **Voters' Information and Instruction Sheet (VIIS)**

The **VIIS** is a 5" x 13" newsprint sheet that is sent to voters days before the elections, pursuant to RA 7904. It contains information on the Precinct Assignment, Name and Location of the Polling / Voting Center. On the right hand portion of the sheet is a box that says *"Election Matter Free under Section 9 of Batas Pambansa Blg. 881"*.

This is a very important information material to voters so they will know firstly that they are in the voters' roll, and secondly, where they will proceed on election day.

In informal surveys that Namfrel conducted nationwide, the consistent finding was that only 4 out of every 10 voters received their VIIS.

2. **On checking the name of the voter in the Comelec website**

Comelec made available to the voters the information on their precinct assignment via www.comelec.gov.ph but this was not always accessible, specially on days close to the elections.

3. **Continuing initiatives to clean the CVL**

Two recent Comelec initiatives were introduced for the cleansing of the CVL: the enactment of Republic Act No. 10367

signed on February 15, 2013 requiring voters to register under the biometric system, and the representation made by Comelec requesting the National Statistics Office (NSO) to provide it with the National List of Deceased Persons of Voting Age from 2010 to 2013, with additional provision for quarterly update. Pursuant to RA 10367, Comelec promulgated Resolution No. 9721, requiring all registered voters with incomplete biometrics data to submit themselves to registration validation. On July 10 however, Comelec postponed its implementation by issuing Resolution No. 9741 suspending the capturing of biometrics to focus on the registration for the Barangay and SK elections.

C. Tracking the delivery of the precinct count optical scan (PCOS) machines and other key accountable paraphernalia

The project focused on tracking deviations in the deployment of the ballots, PCOS and the CF cards -- more than others, key to the successful holding of the automated election system. Through this activity, Namfrel volunteers appreciated the logistical challenges of election administration.

The project assumed that logistics would be deployed regularly as this was the second time that the Comelec had deployed these materials, and it had the entire government machinery behind it to do so. Namfrel opted for exception-reporting because in most, if not all cases, the window within which the Comelec could correct a deviation was relatively long. For example the final sealing and testing of the PCOS was a week-long period from May 6 to 10, so that it would not really be a cause for alarm if machines did not arrive in the polling centers. Namfrel crafted guidelines for its volunteers to monitor the deployment of these materials and chain of custody.

Two sample exception reports

Namfrel received two reports about ballots that were missent and interchanged. The 664 ballots from one precinct cluster in the Graciano Elementary School in Odiongan, Romblon were mistakenly delivered to the Lacayon Elementary School in Barangay Lacayon, Bugasong, Antique. This was reported on the day of the election.

On May 6, 2013, Namfrel observers, along with other observers at the City Treasurer's Office in Cagayan de Oro (CDO) city in the province of Misamis Oriental, where election paraphernalia and the official ballots were being kept, reported having seen four sealed carton boxes taken out from the office. As a precaution, they wanted to know what were inside the boxes.

A review was conducted by CDO Acting City Treasurer Engr. Marilyn Legaspi on the inventory of the election paraphernalia received by the treasurer's office.

CDO Election officer Atty. Palmer Palamine clarified that the incident was not a cause for alarm because the contents were later identified to be personal belongings of the city administrator. He informed all concerned that the election paraphernalia had already been allocated earlier per voting center to avoid supplies shortfall that could delay or derail the election.

During the review, deputized officers of the city treasurer presented the inventory receipts from Manila, and provided a copy for each group represented. As the election paraphernalia were already segregated by schools and grouped together by districts so the inventory would be by districts. The watchers were requested to assign one or two persons by shift, so that there will be no overcrowding in the process that would take until the following day to complete. Each representative was

required to sign in the cleared inventory report as they proceeded.

Namfrel volunteers requested to have all the election materials centralized in one storage room, which was supported and approved by Comelec. The local Comelec also agreed that the parties, including Namfrel, install their own set of padlocks as a security mechanism.

Other Logistics tracking reports

On April 25, the provincial chapter of Negros Oriental reported that the delivery of PCOS machines had started but some municipalities had not received their machines. Their coordination with the provincial election supervisor was accommodated but the Comelec could not provide any more information. The Namfrel Secretariat made inquiries with the Comelec and the information received was that the delivery was in progress.

At 5:30 am on May 8, 2013 the re-inventory was completed. The Comelec and Namfrel found that all election paraphernalia were accounted for.

A machine non-delivery was reported on May 8 by Namfrel Zamboanga City volunteers at the receiving site. Apparently, the delivery vehicle of the PCOS machines for the east coast of Zamboanga City met an accident when the Air 21 vehicle carrying them fell into a ditch. This feedback prompted a quick response from the logistics company to secure the PCOS machine and materials and ensure their delivery.

Other Findings

The delivery window was considerably long that it was costly for observers to be present for the entire period. While local level coordination between Comelec and Namfrel was good, in most cases the former could not provide definite dates and time

for the deliveries to take place. *"The only concern is that we never knew when it [materials] will be delivered/deployed to the islands and other municipalities"*, according to the Namfrel representative in Basilan. Fr. Joraype Flores, Namfrel provincial chairperson for Romblon reported *"Volunteers are now very hungry waiting for the PCOS"*.

Namfrel wrote to the Comelec on March 25 requesting for a copy of the delivery or deployment flowchart, attached as **Annex C**. However, the Comelec on April 18, in a letter signed by Atty. Jose M. Tolentino Jr., Executive Director of Comelec and 2013 Election Project Management Team Head, denied the request saying, *"accrediting Namfrel as an accredited citizens' arm of the COMELEC does not provide that Namfrel shall be given information regarding the deployment of accountable materials, form, and supplies, except those expressly enumerated therein, and recommends the denial of your request."*

D. Monitoring the compliance for reporting electoral (campaign) finance

The basic purpose of doing the Electoral Finance monitoring is to determine if the candidates and political parties are submitting the required reports to the Comelec stating the contributions and expenses they have incurred. Aside from parties and candidates, contributing service providers were required to provide information on donations or fees for services rendered related to a candidate's campaign.

On February 24, 2013, Namfrel submitted to Comelec a proposal to improve the conduct and enforcement of campaign finance regulations (**Annex D**). However, none of these was adopted in a revised resolution (Comelec Resolution no. 9616) issued. The proposals in the said letter remain to be Namfrel's

recommendations in improving the conduct of campaign finance.

Of the 7 projects of Namfrel for the 2013 Elections, Campaign or Electoral Finance Monitoring is the newest of all. Because of Namfrel volunteers' unfamiliarity, a number of them encountered difficulty in executing the project. In response, Namfrel crafted a short guide from the experiences and challenges of the chapters and distributed it as part of their monitoring education and training manual.

The project mobilized volunteers to check with candidates and parties, and businesses (like media establishments and tarpaulin printers) with propaganda contracts on elections, if reports had been submitted and received by the Comelec. It also aimed to look at the behavior of the different players with the imposition of electoral finance regulations. The results from these reports would be used to input into legislation, possible procedural changes to be recommended to the Comelec, and enhancing citizens' involvement in promoting transparency and accountability in political finance.

Namfrel tasked the local chapters to conduct a forum on election finance between May 1 to 11. In this forum, chapter chairs, coordinators and volunteers presented their experiences, problems and concerns about the Electoral Finance project. Basically, the findings are:

- 1) Low awareness of electoral finance within Comelec, among political parties, candidates and even among member of Election Monitoring Organizations (EMOs).
- 2) It was observed that candidates with limited resources supported this initiative for Comelec to pursue because this ensures more fair competition in an election and promotes a level playing field.
- 3) It is about time that Comelec implements the law on electoral finance.

E. Mobile Poll Watching

The last election was a manifestation of the people's commitment to democracy. Voters patiently lined up and waited for their turn to vote. Most braved the summer heat and the occasional drizzles on election day. The 39 million voters' turnout, as reported by Comelec, is an indication of interest in the elections.

Worth commending for maintaining peace and order are the Comelec and the security forces of the country (AFP and the PNP). Admittedly, the incidence of election related violence was much less than in previous elections.

While it was only the second time that the Philippines used an Automated Election System, the polling staff at the precinct levels, were adequately trained and performed admirably.

Many election officers were reshuffled for election duties outside their home cities/municipalities. This greatly contributed to their neutrality and independence in the performance of their tasks.

Campaigning throughout the country took place peacefully with much voter interest. The so-called "private armies" failed to dampen the enthusiasm of the voters in the affected areas and failed as well to subvert the will of the voters.

For the most part, the Namfrel field volunteers were satisfied with the cooperation of the local Comelec Officials.

Incident Reports obtained from our volunteers are posted in the Namfrel 2013 Elections website (www.elections.org.ph).

1. Pre-Election Findings

1.1 Mock Elections Observation

The Comelec conducted “mock elections” in 20 areas across the country on February 2, 2013. Namfrel fielded observers in 17 precincts. It submitted its findings, observations and recommendations to the Comelec in a letter to the Comelec Chairman dated February 20, 2013. The significant findings were:

1.1.1 Problems with initialization or start-up that consequently delayed the exercise by more than two hours. (Baseco, Tondo, Manila)

1.1.2 Failure of the machines to function (UPIS, Quezon City; Bato, Camarines Sur; EDSA Elementary School, Manila)

1.1.3 Delay in transmission of results (Cagayan de Oro; UPIS, Quezon City; Bato and Iriga City in Camarines Sur)

1.1.4 Total failure to transmit (Bongao, Tawi-Tawi; Dumaguete City; Iriga City)

1.1.5 The only precinct subjected to a Random Manual Audit was at the UPIS, Quezon City. The variance noted was 15, way above the “allowable threshold” despite only 158 voters participating in the exercise.

1.2 Final Testing and Sealing Observation

Most of the chapters observed the Final Testing and Sealing of the PCOS machines which took place from May 3 to May 11, 2013. In a letter to the Comelec Chairman on May 11, 2013; detailing the positive points as well as the areas of improvement. The primary concerns were:

1.2.1 A number of machines did not function (Paranaque, Siargao Islands, Albay, Romblon,

Cotabato, Nueva Ecija, San Juan, Iloilo and Manila)

1.2.2 The late arrival of machines and other election materials necessary for the exercise (Rizal, Leyte, Albay, Zamboanga City, Valenzuela and Sulu)

1.2.3 Machines were not properly sealed because the proper sealing materials to be used were missing.

1.2.4 While transmission was not part of the exercise, the absence of modems among the materials shipped to a number of precincts proved to be crucial on election day as a number of precincts were not able to transmit.

1.3 **Vote Buying**

Namfrel observed and received numerous reports on vote buying in the 2013 elections, more than in any other year. Widespread vote buying is best illustrated by the words of a Barangay Kagawad in Cagayan de Oro City who admitted that he was involved in the practice, saying that *"It is already a way of life in the local setting, and it is the only means for a candidate to win even if he or she is not deserving of the position."*

The Chairman of the Comelec himself gave a possible explanation -- that the candidates and their supporters have yet to learn how to manipulate the vote count in an automated system, hence they resorted to vote buying to ensure their 'election'.

Giving out cash in exchange for votes is still the most common type of vote buying, based on reports received. However, it seems vote buyers have also

become more creative in courting the votes of "sellers." Based on reports from Namfrel volunteers, some other things used to buy votes were the following:

- 1.3.1 Cash with other items of value to the voter such as groceries, canned goods, rice, articles of clothing, mobile phone load, t-shirts, umbrellas, eyeglasses, ball pens etc. (Pangasinan, Rizal, Negros Oriental, Surigao del Sur)
- 1.3.2 Cash and a job at the local government unit in an on-going or proposed project (Aurora)
- 1.3.3 "Donations" in kind (Rizal, Tawi-Tawi, Romblon)
- 1.3.4 Side car for pedicabs (Manila)
- 1.3.5 Farm equipment (Palawan)
- 1.3.6 Boat engines and pipes (Romblon)
- 1.3.7 Free entrance into a private swimming pool (Malabon)

Some of the means employed in vote buying include the following:

- 1.3.8 Going house-to-house to distribute money, in all areas where vote buying reportedly took place. To ensure that the persons being given money were registered voters, the vote buyers were guided by their copy of the voters list.
- 1.3.9 Cash and goods given under the guise of "financial assistance to a poor community" (Rizal, Negros Oriental, Romblon and Pandumas, Tawi-Tawi to mention a few)

1.3.10 Voters gathered at intervals at the residence of a candidate or supporter in a “caucus” after which money was distributed. (Sta. Maria, Ilocos Sur. This incident was caught on video and posted on YouTube)

1.3.11 Networking. A ward leader or supporter of a candidate was tasked to gather at least ten names to be submitted. He was rewarded with Php 300 for every name in the list submitted. (Zamboanga Sibugay)

1.3.12 During rallies, snacks were served to attendees with an envelope that contains cash attached to a ‘sample ballot’. (Negros Oriental)

1.3.13 Bidding War. “*Pataasan ng mabibigay na pera*” they called it in Ilocos Norte while in Abra, one candidate aimed to surpass the amount given by another candidate in a “*pataasan*” bid.

1.3.14 To sustain the ‘loyalty’ of the buyer, amounts were given in tranches, at different times before the elections. (Tawi-Tawi, Ilocos Norte, Abra)

Amounts given varied depending on the position the giver was running for. In Tawi-Tawi, it was as low as Php 20 (initial release) for a candidate for the municipal council and the amount grew correspondingly as the position became higher, Php 300 for a mayor. The rate in a number of towns in Ilocos Norte was reportedly Php 3,000.

It is difficult to quantify the value of goods distributed in kind. In Dagupan City where two candidates happen to own supermarkets, a voter

said “*paubusan ng groceries*.” One simply had to have his/her name in the voters’ list to avail of the ‘bonanza’.

1.4 Threat and Intimidation

Like in the past elections, Namfrel received reports of threat and intimidation directed to voters, candidates, members of the media, and local Comelec officials. In some areas, Namfrel volunteers also received threats (in Albay, Capiz, Pangasinan, Camarines Sur, Aurora, Masbate, to name a few). Threat and intimidation were done in various forms and from various sources; often, the sources were not identified.

The most common form of delivering threat was through text messages. As example, Namfrel Provincial Chair of Zamboanga Sibugay, Fr. Arnold Hingone received a text message to warn the Municipal Chair of Payao. The text message read, “*Gud pm, may info target for kidnapping si father billantes, advise subject person to be extra vigilant and take appropriate measures, request acknowledge ...tnx*”.

In Bani, Pangasinan, the deployment, for no apparent reason, of men in uniform with high calibre guns from the Special Action Forces (SAF) of the PNP scared many voters. The incumbent mayor used to be a general at the PNP. In Aurora, local government employees were warned of losing their jobs if they did not vote for the incumbent. In Surigao del Sur, threats were reported as coming from the NPA to candidates that had not paid their “Permit to Campaign”. A libel suit (later on dismissed by the court) was filed against a media personality in Capiz, who may have been critical of particular candidates.

1.5 Private armies and electoral violence

A positive development in the last election is the much reduced incidence of electoral violence as well as the seeming inactivity of private armies. Two provinces were noted to have experienced intimidation of voters by private armies. These were in Escalante, Negros Occidental and in Dinagat Island. The reported private army in Dinagat Island was identified with a religious organization called the "Philippine Benevolent Missionaries Assn." founded and ran by the Ecleo family.

A few incidents of electoral violence were reported, notably on April 25, 2013. In Lanao del Norte, father (Abdul Malik Manamparan) and son (Abdul Malik Jr.) ran against each other. While heading for a campaign sortie Manamparan Sr. was ambushed resulting in the death of three, including his daughter and the wounding of seven. "Rido" or clan war (family feuds) was given as the reason for the ambush with the son as the alleged perpetrator of the crime.

In Hilongos, Leyte two separate incidents of shootings were reported on April 24 resulting in the death of one. A similar incident was reported on May 3, 2013 in Victoria, Northern Samar wherein the incumbent mayor and son suffered injuries from gunshot wounds that required medical attention in the local hospital.

1.6 Unlawful use of government resources

There were reports of government facilities and resources being used for the campaign. Government properties and facilities belong to the

people and may not be used for partisan ends by any group or party. Government vehicles were used for the campaign in Aurora, Surigao del Sur, Camarines Norte, and Aklan, to mention a few areas. Local government unit (LGU) employees were also reportedly utilized in campaigning. Office premises were used as headquarters; telecommunication facilities used for the campaign; campaign materials brazenly displayed in government buildings.

2. Election Day Findings

Election Day was relatively peaceful and orderly, with isolated incidents of violence that were much fewer than in past elections. Namfrel volunteers also observed the following on Election Day:

2.1 CVL Causing Confusion

2.1.1 Clustered Precinct CVL

The ED CVL as well as the Precinct CVL were dispersed by established precincts, not integrated into 1 clustered precinct CVL.

The effect of this is there were between 3 to 6 CVLs posted outside the precinct which the voter had to check for his name if he/she was in the right precinct (especially those who did not receive any VIIS). This partly explains the crowding outside the precincts. Once inside the precinct the BEI had to look for the voter's name from 3 to 6 Precinct CVL folders, which again took time.

2.1.2 Consistent PCVL and EDCVL

The precincts were provided with two lists of voters. One was the "Precinct Computerized

Voters' List" (PCVL) which is normally posted outside the precinct on election day which the voters check before they vote; and the "Election Day Computerized Voters' List (EDCVL) which is used by the Board of Election Inspectors in determining who are the registered voters of the precinct.

Unfortunately, the two were not necessarily identical. There were discrepancies where some names were in the PCVL but not in the EDCVL and vice-versa. (Tampakan, Sta. Cruz, South Cotabato; Brgy. T.S. Cruz, Moonwalk, Las Pinas; San Pedro, Laguna; San Miguel Elementary School, Pasig; Brgy. Mandarapat, Puerto Princesa, Palawan)

2.2 Voter disenfranchisement for various reasons.

2.2.1 The long queues in precincts especially in the morning to midday were caused by various factors: the PCOS machines malfunctioned, sheer number of voters, BEI had to look for voters' names from 3-6 folders, etc. Some voters could not stand the morning heat and the afternoon rains. Their patience ran out and they simply left without voting.

2.2.2 Ballots were sent to the wrong places / precincts. Ballots for a precinct in Romblon went to Antique and vice-versa; ballots for a precinct in Lobo Elementary school were sent to Quilate Elementary School, both in Davao City; ballots for a precinct in Compostela Valley were sent to Baguio and vice-versa.

Compostela Valley had to hold a special election after one week because the number of voters in the precinct that failed to conduct an election was decisive in the resolution of the winners for the local candidates.

2.3 Unauthorized persons were present in polling centers

Some barangay captains, candidates, security forces, were allowed to enter polling centers even beyond the exception when they would enter to cast their votes.

2.4 Underage voters (15 to 17 years old) managed to register and showed up on Election Day. Thirteen of them attempted to vote but only three were able to cast their ballots. (Tampakan, South Cotabato)

2.5 Vote buying and campaigning persisted even on Election Day.

2.6 A few cases of election related violence were reported in Basilan; Surigao del Norte; Libmanan, Camarines Sur and Pagadian City.

3. PCOS Machines

The performance of the PCOS machine was the focus of attention, if not scrutiny, on Election Day. As of 7:00 pm (closing of polls), 1,182 machines malfunctioned as reported from only 34 provinces and 9 cities and municipalities of the NCR. In some areas, the number of machines that malfunctioned were more than half of the total precincts for the area like in Kabankalan City which has 112 precincts; 68 machines did not function on Election Day.

There were at least five main cases of PCOS malfunction encountered:

3.1 The machines failed to initialize / start and the problem remained unresolved. Hence, no PCOS

was used for the day. (F. Ma. Guerrero School, precinct 3066, Manila; Sagrada, Tinambac, Camarines Sur)

- 3.2 Some machines started well but after a few ballots, the **machines just stopped**. (CP 111, Mandaluyong; CP 1355, Manila)
- 3.3 **Paper jamming**. (CP 400 Caloocan)
- 3.4 The back-up **memory cards simply did not work**. (CP 669, La Paz, Iloilo)
- 3.5 The **machines rejected the ballots** fed. (CP 932, Jaro, Iloilo; CP 43, Sultan Kudarat; CP 0005, Naujan, Mindoro) Namfrel field volunteers also reported that many of the areas did not have a certified technician present.

4. Transmission Failures

It can be said that the biggest flaw of the last elections as well as its greatest disappointment was the failure of the PCOS machines to transmit results to the Central Server and Transparency Server of the Comelec. More than 20 % of the expected ER's to be transmitted were not received. A number of reasons were given by Namfrel field volunteers. Among these are:

- 4.1 Insufficient number of modems were delivered to the polling centers. Navotas reported that three barangays had to share one modem.
- 4.2 "Lack of or poor signal" was the main reason given by many. Maitum, South Cotabato has 19 clustered precincts but only 14 were able to transmit results.
- 4.3 Laguna, despite its proximity to NCR, reported the highest incidence of transmission failure. In the

municipality of Binan, all precinct results were “manually transmitted”. This was verified by some local Namfrel volunteers who were able to monitor the actual delivery of the PCOS and CF cards from the school voting centers to the BOC municipal canvassing areas such as in Sta. Cruz, Laguna.

4.4 In a number of instances, the machines “spoke” for themselves and gave the reasons. On the PCOS machines’ screen came these messages:

- a. “Technical application terminated”
- b. “Election file loading error”
- c. “Please press the Shut Down button”

4.5 In places where the machine was not used at all, no electronic transmission took place. (San Enrique Elementary School, Iloilo City; West City Central School, Cagayan de Oro City; Tinamboc, Camarines Sur to mention a few)

5. Detainee Voting Monitoring

Namfrel city chapters observed the conduct of Detainee Voting in Manila, Paranaque, Caloocan and Zamboanga City, with more than 1,500 detainees able to cast their votes. The ballots used by the detainees were taken from the polling places where the detention centers were located or where the current inmates were registered as voters. After accomplishing the ballots, these were then returned to the respective precincts to be included in the counting.

Generally voting was delayed because of the extra preparations and travel time of the SBEIs. Illiterate detainees were assisted by the SBEIs.

Findings

The secrecy of the voting was compromised due to:

1. lack of space in the voting area
2. the transport of the ballots from the detention center to the precincts
3. it was the regular BEIs who fed the ballots one by one to the PCOS

6. Overseas Absentee Voting (OAV) Observation

Case Study of Doha, Qatar

A former Namfrel staff member based in Doha, Qatar was able to observe the month-long conduct of overseas voting. The following are her observations and recommendations.

The voting was conducted from April 13 to May 13, 2013 at the Philippine Embassy in Doha. There are 23,260 registered voters in Qatar, or only 11% of the estimated 200,000 Filipinos in the Emirate. Field voting was conducted on April 26 at the Catholic Church of Our Lady of the Rosary located 26 kms. away from the Philippine Embassy. Counting took place at the Embassy premises. The turnout was very low, at 10%.

The low voter turnout was attributed to:

- Low voters' interest being a mid-term election.
- Restrictions imposed by employers of Filipina domestic helpers for them to take a leave or depart from their working premises.

- Difficulty in seeking approval for a request for a day off especially those based outside of Doha.
- Most voters cannot afford the transportation expense
- Limited transportation access especially for those based in Ras Laffan, Al Khor and Mesaieed. Available transport every Friday follows a strict schedule.
- Personal chores and errands is a priority over exercising their right to vote.
- Only election related transactions are available during weekends for Filipinos who wish to vote and transact visa / travel documents business. Embassy consular services are available only on week days. Employers usually do not allow a day-off during week days.
- Others mistakenly assumed that they could cast their votes since they were already registered voters in the Philippines.

Other Findings

- Limited voters information dissemination on the overseas absentee voting. Most relied on ABS-CBN's -The Filipino Channel (TFC), social network posts, friends & relatives.
- Shortage of election paraphernalia supplied by Comelec.
- The number of Certified List of Overseas Voters (CLOAV) was insufficient. The list of voters for Qatar was just downloaded by the embassy staff

from the Comelec website.

- Some voters were not on the CLOAV despite voters registering at the POEA prior to their deployment.
- Canvassing took place at the embassy's premises.
- Observed presence of shirt campaign materials by supporters of a Senatorial candidate. However, the Vice-Consul requested the group to remove / change their shirts before entering the polling station.
- Campaigning by party-list supporters distributing campaign flyers near the embassy. However, embassy personnel could not do anything about it since they were outside the embassy premises.
- Party list supporters electioneering sought refuge with the embassy's security detail when accosted and that his violation would be reported.
- A solution to the limited transportation problem encountered by registrants or voters would be to offer free shuttle services from the Central Bus terminals to the embassy. However, proper coordination with local authorities is needed to avoid being mistaken as an "illegal taxicab operation."

F. Random Manual Audit Monitoring

Namfrel submitted an earlier report on RMA Monitoring to the Comelec on July 5, 2013. This portion of the report on RMAM is excerpted from the said report, with an amendment to our previous report.

F.1. Role of NAMFREL Volunteers

Namfrel organized teams of volunteers (including members of the Philippine Institute of Certified Public Accountants and Jaycees) for RMA Monitoring (RMAM) after the elections on May 13.

The RMA is required under Section 29 of Republic Act (RA) 9369 which states that *“Where the AES is used, there shall be a random manual audit in one precinct per congressional district chosen by the Commission in each province and city. Any difference between the automated and manual count will result in the determination of root cause and initiate a manual count for those precincts affected by the computer or procedural error.”*

The RMAM volunteers were deployed primarily to observe if the RMA was conducted by the COMELEC's RMA Team (RMAT) in accordance with the general instructions on the conduct of RMA as provided in the COMELEC Resolution No's. 9595 and 9647 implementing the aforementioned Section 29 of RA 9369 and to submit a report on the results of the manual count vis a vis the PCOS count.

Prior to Election Day, the RMAM volunteers were briefed on the purpose of the RMA as well as the salient features of the general instructions (RMAT composition and when, where and how the RMA shall be conducted, etc).

To enable the volunteers to do their tasks, they were provided with the necessary materials consisting of briefier/guidelines, Checklists / Observation Report Form and RMAM Tally Form. The Checklist / Observation Report Form contained the detailed questions (answerable by Yes or No, with a provision for exceptions

or findings) relating to the conduct of the RMA. The RMAM Tally Form is the equivalent of the RMA Minutes used by the RMAT. In other words, the first Form captures the qualitative aspect of the RMA while the second Form covers the quantitative (automated versus manual) results of the RMA. In this regard, it is to be noted that for May 13, 2013 elections, it being a Midterm Elections, the RMA is limited to the positions of Senators, Member House of Representatives and Mayor pursuant to Section 10 of Resolution No. 9595.

F.2. Parameters of the Evaluation

Out of the total 234 Clustered Precincts (CPs) chosen by COMELEC for the RMA (i.e., one precinct per congressional district as stated in the afore-quoted Section 29 of RA 9369) NAMFREL volunteers submitted RMAM Tally Forms for 144 CPs. However, only 130 CPs were included in the analysis because these were only the CPs with complete data on both the automated and the manual counts.

In summarizing and analyzing the RMAM Tally Form data, we focused on the variances between the Automated Count and the RMA Count considering three metrics contained in official documents and directives coming from COMELEC, as follows:

1. the expected accuracy (99.995%) of the PCOS machines under the Terms of Reference and Request for Proposal for the AES contract and as published in the daily papers;
2. discrepancies of ten votes per candidate per position stated in Section 12 of Resolution No. 9595, (see citation below); and

3. aggregate difference of ten votes under Section 13 of the same Resolution (No. 9595, as amended), (see citation below).

“SECTION 12, *Closing Procedure*. --- The following procedure shall be observed:

XXX

(e) Chairman shall turnover the ballot box to the City/Municipal Treasurer for safekeeping. XXX

However, in case the discrepancy exceeds the allowable margin of ten (10) votes per candidate per position, the ballot box in question shall be turned over by the RMA to the Office of the Coordinator.

XXXX. The Coordinator shall authorize a representative to personally deliver the said ballot box to the RMA Committee for verification within twenty-four (24) hours from receipt thereof.”

(emphasis ours)

SECTION 13, *Discrepancy Between AES and RMA*. ---

In the event the discrepancy between the AES and RMA results still exceeds the allowable margin of an aggregate difference of ten (10) votes, the RMA Committee, with the assistance of the Validation Personnel, shall:

XXXX

d. Perform manual counting of ballots or receipts for the position with discrepancy in the RMA and the AES count XXXX;

f. Turnover the ballot box to the Technical Evaluation Committee for technical determination of the root cause in case the finding is that the discrepancy is valid; XXXX”

In brief, Section 12 states that if the discrepancy exceeds the allowable margin of ten votes per candidate per position, the ballot box in question shall be turned over to RMAC for verification. On the other hand, Section 13 provides that if the discrepancy between the AES and RMA results still exceeds the allowable margin of an aggregate difference of ten votes, the RMAC, with the assistance of the Validation Personnel, shall perform manual counting of ballots for the position with the discrepancy in the RMA and AES count and if the discrepancy is valid (i.e., the discrepancy exists or is not a mere mathematical error), the ballot box shall be turned over to the Technical Evaluation Committee for technical determination of the root cause.

In view of the conflicting or different metrics in Sections 12 and 13 (insertion of the word “aggregate” and the deletion of the phrase “per candidate per position” in Section 13 by virtue of the amendment introduced by Resolution 9647), we clarified the matter with Ms. Agnes Carreon (RMA Committee member). She explained that the aggregate difference of ten (10) votes referred to in the above-quoted SECTION 13 was interpreted and applied by the RMAC as the absolute value of the variances for the 33 Senatorial Candidates per Clustered Precinct or Ballot Box. (The variances for the local candidates, ie. Congressman and Mayor, were not included).

F.3. RMAM Results

Using the thresholds discussed above, hereunder are our findings. It must be noted, however, that as Namfrel has no access to the source documents (ballots), since it was not among those to be notified to observe the validation of the variances to be done by the RMAC, validation personnel and Technical Evaluation Committee, per Resolution no. 9595 as amended by Resolution no. 9647, these findings are presented without the benefit of an analysis of the nature or evaluation of the causes of the variances. Thus, any variances noted between the PCOS machine count (AES result) and the manual count (RMA Result) are treated as machine errors for the purpose of this report. This treatment of variances is consistent with the universally accepted election practice whereby "in cases of discrepancy between the paper record and electronic record, the paper record should be taken as the legal representation of the voter's choice and should be determinative unless there is adequate evidence that the paper records were corrupted for example, altered, substituted or "stuffed" as has been done with paper ballots" (quoted from "Monitoring Electronic Technologies in Electoral Processes" by Vladimir Pran and Patrick Merloe).

1. On Applying the 99.995 % Expected Accuracy Rate of PCOS Machines

- 1.1 Under this threshold, the allowable margin of error is one (1) for every 20,000 votes (marks in the ballot). Using the RMA data NAMFREL volunteers gathered, for the total votes or marks of 633,297 obtained from 130 CPs, the allowable error is only 32 marks (633,297

divided by 20,000 equals 31.66). However, the total absolute value of variances reported in the 130 CPS was 7,210 or 225 times (7,210 divided by 32) more than the allowable error.

Stated differently, a total variance of 7,210 in a field of 633,297 translates to an error rate of 1.14% or conversely, an accuracy rate of 98.86 %. Clearly, this is way below the 99.995 % expected accuracy of the PCOS machines.

1.2

If the 99.995 % accuracy rate were to be strictly applied on a per PCOS machine basis (one CP has one PCOS machine), the maximum variance that can be allowed is .2421 per machine. This is so because the average total votes or marks in the PCOS machines used in 130 CPs is only 4,843 per CP (629, 581 total PCOS counted marks divided by 130 CPs), or barely 24.21 % of 20,000 marks (4,843 divided by 20,000). A hundred per cent (100 %) accuracy of a machine means zero (0) variance. Since there can be no variance between zero (0) and (1), or a fraction of one (1) in any instance, a variance of one (1) per PCOS machine or 4,843 marks is reasonable under a liberal interpretation of an accuracy rate of 99.995 %, which translates to 99.98 % (100% minus [1 divided by 4,843]).

Out of the 130 Clustered Precincts, 15 had zero (0) and one (1) variance. This means that only 11.54 % of the CPs had PCOS machines meeting the relaxed

interpretation of the accuracy rate of 99.995 % (or 99.98 %). Conversely, there are 115 CPs or 88.46 % with more than one variance each, which means the PCOS machines in these CPs did not pass the relaxed interpretation of the accuracy rate of 99.995 % (or 99.98 %).

2. Applying the Margin of ten (10) votes per candidate per position (SECTION 12) threshold.

Out of 130 CPs, there are 118 CPs or 90.77 % where the variances between the AES and the RMA counts did not exceed ten (10) votes per candidate per position. Twelve (12) CPs or 9.23 % had variances exceeding the above threshold. This shows that even with this very liberal threshold (error of 10 votes per candidate per position), only 90.77 % of the 130 PCOS machines passed.

As stated earlier, any variances between the PCOS machine and the manual count are treated as machine errors in this analysis. For the variances exceeding the threshold, the ballot box and its contents shall be turned over to the RMAC for verification as provided in Sec. 12 of Comelec Resolution no. 9595.

3. Applying the Margin of an aggregate difference of ten (10) votes (SECTION 13) threshold:

3.1 Only to the 33 Senatorial Candidates per Clustered Precinct as interpreted by the RMAC.

Forty three (43) Clustered Precincts or 33.08 % of 130 CPs had variances which did not

exceed the margin of an aggregate difference of ten (10) votes for the Senatorial candidates. On the other hand, there are eighty seven (87) CPs or 66.92 % where the aggregate discrepancy or total absolute value of the variances for the 33 Senatorial candidates per Clustered Precinct exceeded the threshold of ten (10) votes. In other words, only 33.08 % of the 130 PCOS machines passed this metric.

3.2. To all the Positions (Senator, Congressman and Mayor) Subjected to RMA.

Thirty two (32) Clustered Precincts or 24.62 % of 130 CPs had variances not exceeding the aggregate difference of ten (10) votes for all the positions, while there are ninety eight (98) CPs or 75.38 % where the aggregate discrepancy or total absolute value of the variances for the three positions (Senator, Congressman, and Mayor) exceeded ten (10) votes. In brief, only 24.62 % of the 130 PCOS machines passed this metric.

As in no. 2 above, any variances between the PCOS machine and the manual count are treated as machine errors for both 3.1 and 3.2.

For the variances exceeding the threshold, the RMAC shall perform manual counting of the ballots for the position with discrepancy. If the discrepancy is valid, the ballot box and its contents shall be turned over to the Technical Evaluation Committee for root cause determination as provided in Sec. 13 of Comelec Resolution no. 9595 as amended.

A summary of the above findings on 130 CPs/PCOS machines is presented in tabular form, as follows:

<u>Metric 1</u>	<u>Metric 2</u>	<u>Metric 3</u>
99.995 % accuracy of the PCOS machines	Margin of ten (10) votes per candidate per position (SECTION 12 of Res. 9595) Note: 10 or less is allowed	Aggregate variance of 10 votes (SECTION 13 of Res. 9595, as amended by Res. 9647) Note: 10 or less is allowed
1.1) Allowable error of one (1) for every 20,000 marks or 32 errors for 633,297 marks for the 130 PCOS machines Results: Total of 7,210 variances or (225 times more than the allowed 32 errors) out of 633,297 marks. This translates to an accuracy rate of 98.86 %.	Results: Met the allowed margin - 118 PCOS or 90.77 %. Exceeded the allowed margin – 12 PCOS or 9.23 %	3.1) For the 33 Senatorial Candidates per Clustered Precinct or Ballot Box Results: Met the allowed margin - 43 PCOS or 33.08 % Exceeded the allowed margin – 87 PCOS or 66.92 %
1.2) Allowable error of one (1) per PCOS – Results: Met the allowed margin - 15 PCOS or 11.54 % Exceeded the allowed margin - 115 PCOS or 88.46 %		3.2) For All Positions: Results: Met the allowed margin – 32 PCOS or 24.62 % Exceeded the threshold – 98 PCOS or 75.38 %

F.4. Observations

Our RMAM volunteers who observed the conduct of the RMA submitted observation reports on 59 Clustered Precincts.

In most cases, the volunteers reported that the prescribed guidelines/procedures for the conduct of the RMA were followed. There were, however, a number of deviations. The most common exceptions noted relate to the delay in the conduct of RMA due primarily to the following reasons:

1. Transmission problems mostly due to:
 - i. poor signal in twelve (12) areas so some PCOS machines had to be brought to another location to be able to transmit Election Returns (Tondo, Manila; Manggahan, Pasig; Dagupan City; Rosales, Pangasinan; Morong, Rizal; Lemery, Batangas; Jovellar, Albay; Medellin, Cebu; Cagayan de Oro City - Barangay Poblacion and Bulua; Balingoan, Misamis Oriental; Catuanan, Quezon) ;
 - ii. PCOS machine defect/malfunction (Sampaloc, Manila and Barangay 36 in Caloocan City)
2. Need to transfer to different location due to poor light and ventilation (Morning Breeze Elementary School, Caloocan City District 1) and security and safety (Del Gallego, Camarines Sur; Zamboanga City)

3. RMAT untrained (Pasay City), not familiar with or unsure of their tasks (Medellin, Cebu; Zamboanga City)

The other observations reported by the RMAM volunteers include the following deviations from the prescribed procedures for RMA and/or areas for improvements:

1. RMAT counted ballots without any Election Returns (Sampaloc, Manila; Barangay 36, Caloocan City)
2. The RMAT declared recess about 5 times during the process due to fatigue. (Dagupan City, Pangasinan)
3. AES results not entered in the audit returns, hence, not compared with the RMA results (Sampaloc, Manila)
4. Incomplete seal on the ballot box (only 4 instead of 5); this was reported in the minutes by the chairman (Mandaluyong)
5. The BEI's brought the torn, unused ballots instead of putting half of the batch inside the ballot box (Mandaluyong)
6. Insufficient envelopes for undervotes, hence, the one for disputed ballots was used (Mandaluyong)
7. No padlocks used in locking the ballots, only fixed-length seal (Daraga, Albay)
8. Serial number of seals not indicated in the minutes (Zamboanga City)

Namfrel volunteers made the following positive observations:

1. Las Pinas – Pamplona Uno

The RMA team meticulously conducted the manual count and verification of ballots cast in the clustered precinct 76010111. The RMA procedures were followed and complied with as provided under the electoral law and printed in their RMA booklet. According to the RMA Minutes, the reasons for variances are as follows: not perfect shading, questionable ballots, and error in recounting. The audit showed the accuracy of the PCOS machine counting in this particular precinct.

2. Kalayaan, Palawan

The team followed the guidelines in the manual in counting votes. After the manual audit, it was observed that almost all votes were counted by the machine except for some candidates' votes that resulted to minimal discrepancy.

3. Baao, Camarines Sur

The RMA started at 8:45 a.m. (May 14, 2013). It was very organized.

4. Cagayan de Oro City, Misamis Oriental (006A)

There was an instance when a properly shaded oval and a check mark were put on both candidates for a congressional seat. The machine counted properly shaded vote.

G. Systems Group Support

The Systems Group operated from the Pius XII Center in gathering data from the Transparency Server and from Namfrel's Base of Operations at the PICPA National Headquarters along Shaw Boulevard, Mandaluyong City.

The initial connection agreement as granted by Comelec through Namfrel's accreditation was directly to the Transparency server as in the case of the other Citizen's Arm. However, this was relegated to a connection to the mirror image of the Rappler Server which was directly connected to the Transparency Server. This change in arrangement barely two weeks from Election Day disrupted initial negotiations with a media outfit on deployment of equipment for the Systems Group's operations. The resourcefulness and resilience of the Systems Group enabled it to overcome this unexpected downgraded connection.

As of May 28, 2013 when the connection to the Transparency Server was severed, Namfrel was able to get 59,681 Election Returns (ER) Transmissions out of the total 78,166 possible ERs or 76.35%. Data inflow came in trickles from May 21 to May 28, 2013. Namfrel still maintained its connection to the Transparency Server during this period to be able to receive the unaccounted for 18,485 ERs.

It was further observed that data transmitted to the Namfrel workstation from the Rappler Server was not limited to ER Data Transmissions from the PCOS. Also included were lumps of data which were untitled. These data sets were not included in the briefing given by Comelec on the Data Structure Specifications to the groups with access to the Transparency Server. Namfrel isolated and archived these data.

The ER data obtained in comma separated value (csv) format were converted to portable document files (PDF). These data files were distributed to the public through postings at Namfrel's

2013 election dedicated website (www.elections.org.ph) for easy access and viewing

In support of the other Projects, reports generated by the Random Manual Audit Team and the Incident Reports from Volunteers in the field have also been placed in Namfrel's Web site.

Together with these reports are the following Tables which could be accessed at:

<http://www.elections.org.ph/2013/results/index.php>:

- A) Namfrel Report on ERs Received from the Rappler Server connected to the Comelec Transparency Server (with Senators Ranked by Province)
- B) Namfrel Report on ERs Received from the Rappler Server connected to the Comelec Transparency Server (with Senators ranked by Region)
- C) Namfrel Report on ER Status (Transmitted or pending) by Location (Precinct, City/Municipality, Province)
- D) Namfrel Report on Voters Who Voted per Province and Municipality Received from the Rappler Server connected to the Comelec Transparency Server
- E) Regional Reports and Analysis
(Note: Tables can be drilled down to the Precinct Level)

To maintain accuracy of its reports, generation of PDF reports of ERs processed were released at regular intervals only upon validation of ER data received. Since May 14, Namfrel Systems had released 23 ER Data Transmission Reports.

1. In building the Data Base in support of the six projects of Namfrel, the Systems Group asked Comelec for the following:

- 1.1 permanent list of voters per precinct in each city and/or municipality consisting of all registered voters residing within the territorial jurisdiction of every precinct indicated by the precinct maps;

- 1.2 the national central file under the custody of the Commission consisting of the third (3rd) copies of all the approved voters registration records; and
- 1.3 list of deactivated, reactivated and/or cancelled voters.

The Systems group wanted to maintain an electronic copy of the above-mentioned data to print and/or distribute to its volunteers in the field. However, even after continuous follow-ups with the Comelec, the Systems Group was unable to get the above-listed data and therefore was unable to provide this service successfully to its volunteers nationwide

Provincial chapters which were able to conduct their CVL monitoring relied on CVL's provided by the local Comelec officer for free and in a few instances for a fee (in Paranaque and Surigao).

2. The Systems group had IT volunteers who designed and developed a System to help voters find their voting precincts through text messaging (sms – short messaging system) using the simple ordinary feature mobile phones, not necessarily the more expensive Smart phones. The reason for this is because almost everyone has a cell phone but not everybody has a computer and internet connection to access Comelec's website.

Since the CVL data mentioned were only given on May 3, the Systems Group had to resort to another solution to provide an sms-based “Find Precinct” to the general public. This project was pursued by tying up with **Oks Pinoy**, an Applications Service Provider recommended by

one of Namfrel's supporters, Globe Telecom. **Oks Pinoy** was able to give Namfrel this Service for about three weeks until the weekend before Election Day. **Oks Pinoy's** Mobile Application was linked to the Comelec website, which, together with other Government web sites, reportedly suffered a DDOS attack from hackers of a foreign country. The disadvantage of this arrangement was that Namfrel's "Find Precinct" Project heavily relied on Comelec's website and its performance. When "traffic" on the Comelec website was heavy, response from **Oks Pinoy** was slow, and when the Comelec website was down, the SMS service likewise went down with it.

3. Although Namfrel was accredited by Comelec, our volunteers were not given by some BEIs and Comelec officials the 27th to 30th copies of the printed Election Returns (ER). These election officials either did not receive the Comelec resolution on Namfrel's access to these copies or if they received the memorandum, it was ignored. Namfrel Secretariat sent letters of introduction and endorsement to all provincial and select city/municipal election officers. The Systems Group wanted to use these ER printouts to randomly compare these with their corresponding ER received through the Transparency Server.

4. **On the Alleged Pre-determined allocation of Votes (60-30-10)**

The Systems Group reviewed and analyzed the ER data obtained from the Transparency Server to study the controversial "60-30-10 Pattern" alleged on the distribution and ranking of Senatorial Candidates.

Upon thorough scrutiny of ERs obtained per Precinct, per City/Municipality, per Province and per Region, this

pattern was observed on **all levels** (Senators, Governors, Representatives & Mayors). No conclusion however can be derived with certainty without a review of the Source code of the PCOS machine, the Consolidation and Canvassing System (CCS), and the Election Management System (EMS) to determine if indeed this pattern was computer-generated.

5. **Data Discrepancies**

There were some discrepancies noted in the transmission and processing of data sent to the Rappler Server. To illustrate this: the Namfrel Systems personnel noticed that the file transmitted on May 16, 2013 at 09:40H from the following Voting Precincts: 0102A, 0103A, 0104A, 0105A, and 0106A of Matalin, Malabang, Lanao del Sur had "*no data*". The file sent was empty. But two hours later, on May 16, 2013 at 11:40:45H a Systems personnel was able to receive a file of these same above-mentioned Precincts, and this time around, the file "*had data*" contents that were processed. Similar instances were noted in more than one transmission recorded in the Namfrel Server connected to the Rappler Server.

6. **Incomplete ER Transmission Results and the Manner of Proclamation of Winners**

Comelec proclaimed the winning 12 senators in batches of six (Poe, Legarda, Cayetano, Escudero, Binay, and Angara), three (Aquino, Pimentel, Trillanes), and three (Villar, Ejercito, and Honasan) on May 16, 17, and 18, respectively. The basis for the proclamation was a new canvassing instrument called "Grouped Canvassing Report"(GCR) which Comelec invoked in Resolution No. 9701. GCR's are aggregated Election Return (ERs) manually or on-hand transmitted and received by the Board of Canvassers (BOC). Invoking the Resolution,

Comelec authorized itself to proclaim the winners of the senatorial race based not on actual but on “projected number of votes”. The GCR is a contingency measure to address the problem of slow transmittal of the supposed to be 304 Certificates of Canvas (COCs) from the provincial, city and overseas Board of Canvassers. The slow transmittal of COCs in turn is due to incomplete or unaccounted Election Returns (ERs).

The following COC and ER data received at periodic intervals from May 16 to 18, 2013 illustrate the sequence of Senatorial proclamation.

Batches of Senators Proclaimed, Date and Time	# of COCs* Received (out of expected 304) *based on “group canvassed reports”	# of ERs Reported (out of expected 78,166 Clustered Precincts)	# of Voters Covered (assuming 70% turnout and 472 voters per clustered precinct)
1st (six senators), 16 May at 7:40 PM	72 or 23.68 %	59,525 or 76.15 %	28,087,899
2nd (three senators) 17 May at 8:00 PM	109 or 35.85 % (Rappler figure)	59,664 or 76.32 %	28,150,603
3rd (three senators) 18 May at 5:37 PM	129 or 42.43 %	59,676 or 76.34 %	28,157,980

Assumptions: *Average Clustered Precinct Size is 472 voters (36,884,963

divided by 78,166 clustered precincts)
*70% voters' turnout rate is 36,884,963 voters

The following observations arise:

1. Comelec proclaimed the 12 senators-elect even if less than 50% of the COCs had been received.
(note : many of the COCs not received were from overseas, which had a very low turnout of overseas voters).
2. Comelec proclaimed the 12 senators-elect even if 23% of the ERs was still untransmitted / unaccounted for.
3. The receipt of the ERs remained almost static until May 18 or 5 days after the close of the polls.
4. The Comelec proclaimed the Senatorial winners without official canvassed figures.

Apprehensions or suspicions of wrong doing are enhanced by Comelec's conflicting figures that appeared in the website (www.2013electionresults.comelec.gov.ph). The total number of voters who actually voted for Senatorial candidates as May 29, 2013 8:26:06 a.m. was at 31,568,679 compared to the official voter turnout of 75.72 % or 39,898,992 voters.

7. Mapping of Election Data and Reports

The Systems Group made available to the public the electoral landscape in a visual presentation with the following information in Namfrel's 2013 Election website (www.elections.org.ph):

- Voter cannot find poll station or name on list
- Vote buying
- Proxy voting (others voting for others)
- Voter intimidation
- Illegal campaigning
- Security threat/ issue

- Election-related violence
- Unavailability of election personnel
- Lack of supplies
- PCOS initialization issue
- PCOS not accepting ballots
- PCOS stopped operating
- PCOS needs replacement
- PCOS delay on transmission of results
- PCOS ER printing issues
- Namfrel or other observers barred from observing voting/counting /RMA

8. **Digital Signatures**

The provisions of the law (RA 8436 and RA 9369) that the election returns and certificates of canvass be digitally signed prior to transmission be signed were not implemented. Further Comelec's RFP for the Automated Election System for the 2010 National Elections, as clarified in Bid Bulletin No. 10.

Local IT experts, the Joint Congressional Forensic Team in 2010 and the Systest Labs Source Code Review all concurred on the absence or "no trace of any encryption using SSL (Secure Socket Layer), therefore no digital signing".

9. **Source Code Review**

Comelec was caught in the legal battle between Dominion Voting Systems and Smartmatic International Corporation. Consequently, the Source code was not made available until one week before Election Day which did not make it possible to conduct a proper review by interested parties as authorized by law. It was not possible to make a proper review due to limited time, the stringent rules and required qualifications for parties who will be allowed to review the source code.

As a consequence, a basic feature to ensure transparency in elections was compromised. Comelec may consider taking legal action against the responsible parties.

10. CF Cards

The storage device used by the PCOS machines was the Compact Flash (CF) Card. The CF Card is a mass storage device used in portable electronic devices. Recording of data on the Compact Flash (CF) Cards is done electromagnetically, and therefore the CF Cards are re-writable and are not compliant. Apparently, the CF cards are not “write once- read many” (WORM) storage technology but are re-writable (RW) storage technology.

VI. Conclusions and Recommendations

A. Voter's Education

1. Voters' Education has to be a continuing program of the Comelec even during off election periods. Two particular issues need to be addressed: citizen engagement in the elections and the ill effects of vote buying / vote selling. The focus of the Comelec's voters' education has been on the proper way of shading the ballots or on how to vote, whereas, the more pernicious practice of selling votes is not being addressed.
2. There is a bill in the House of Representatives sponsored by then Representatives Elpidio F. Barzaga Jr. (4th District, Cavite) and Edwin L. Olivarez (1st District, Paranaque). Namfrel supported this move when it was opened for public

consultation, furthering the proposal to start incorporating voters' education to as early as the secondary education. Comelec and other election monitoring organizations should lobby for this bill's passage.

B. On Improving the Voters List

Comelec may select from any of the following options:

1. It is observed that the best voters' lists are those that are civil-registry based like those existing in Taiwan, Thailand, and New Zealand. This means that a citizen is automatically a qualified voter upon reaching the legally required voting age and that his or her name is automatically excised from the list upon his/her death. The advantages are that it does not require extra expense to maintain, it is tamper proof, and it is administratively convenient.
2. Conduct a general voters registration that disregards the current list to arrive at an entirely new voters list.
3. Continue with the current practice provided that the Comelec conduct a voters registration audit as practiced in a number of countries like Indonesia, Cambodia, Bangladesh. Comelec may engage a private group or a citizens' arm to conduct the voters registration audit.

A methodology exists and is employed by other countries (Indonesia, Cambodia, Bangladesh to mention a few) known as "Voter Registration Audit". The International Foundation for Electoral Systems (IFES), a group assisting the Comelec has the technology and know-how. The Comelec may consider doing a Voter Registration Audit to determine the accuracy, currency and completeness of the voters' list.

Regardless of any system Comelec may adopt, it is suggested that it strengthens the implementation of the VIIS. Comelec should make greater effort to distribute the VIIS to registered voters using the Post Office facilities and government's franking

privileges. The non-delivery of the VIIS misses the opportunity to inform the voters of their precinct assignment way before the elections and to avoid crowding in front of the Election Day CVL when voters check out their names.

C. On PCOS machines and other key accountable paraphernalia deployment

The Comelec has to plan and prepare for elections much earlier. The constant revisions of its Calendar of Activities are an indication of the state of preparedness of the COMELEC in the past elections.

Hold responsible the personnel who mismanaged the following in the 2013 election: wrong delivery of ballots and PCOS machines, inadequate supplies & equipment, distribution of damaged accountable forms and election paraphernalia.

D. On the compliance on reporting electoral finance

The following are recommendations that will facilitate the monitoring, audit, and examination of the reports submitted by the candidates.

1. The periodic (weekly or biweekly) submission of the reports in electronic Excel templates during the pre-election period.
2. The submitted periodic reports must be posted on the websites of the Comelec or its citizens' arms.
3. Maintain the 30 days after the election reporting period. The final report should be electronically submitted using Comelec-prescribed templates.

4. Require that the final report be audited by an independent auditor accredited by the Securities and Exchange Commission. One of the large auditing firms in the country, or the Philippine Auditing Standards Council, may be requested to provide the audit work program and the standard audit/examination reports that the auditor can issue, depending on the results of the audit.

E. Recommendations Arising from Mobile Poll Watching

Computerized Voters List

1. There has to be only one list on Election Day. The discrepancies between the Precinct CVL and the Election Day CVL disenfranchised a number of voters.

Mock Elections

2. For future “Mock Elections”, an end-to-end (from PCOS to national canvassing to include transmission) test run has to be done that simulates actual conditions on Election Day. This way, the Comelec can anticipate potential problems and introduce remedies.

Persons With Disabilities Voting

3. Our field volunteers reported the ordeals the Persons with Disabilities (PWDs) went through to vote. While there is now a law that provides a precinct for PWDs at the ground floors of polling centers, the laws do not go far enough to assist them. The Comelec may consider very popular and tested alternative voting procedures practiced in other countries for PWDs and detainee voting such as Mobile Ballot Boxes (it has been done when a former President was in detention) as well as Postal Voting (introduced already in a few countries for

OAV). The Philippines has the advantage of knowing the safeguards the other countries employed to prevent fraud.

Queuing Management in Voting Centers

4. Comelec can adopt a ticketed number queuing system to assist voters locate their designated polling precinct.

Overseas Absentee Voting (OAV)

The 2013 Elections had the lowest turnout of overseas voters at 15% of 750,000 registered voters (out of 10 million potential voters). To be able to increase the turn out:

1. The Comelec may consider alternative voting procedures (eg. postal voting, advance voting) considering the cost and inconveniences in voting at embassies and consulates.
2. Comelec will have to make representations with embassies or consular services in Middle Eastern countries to give consideration to voters who have official business (such as renewing or collecting passports) to transact with the embassy when they go to vote.

F. Random Manual Audit Monitoring

1. Clearer and simpler procedures for conducting the audit have to be designed to minimize the possibility of errors on the RMA. Also, the instruction or program to the machine should be consistent with the criteria for the manual appreciation of the ballot.
2. Consideration should be given to doing the random selection of Clustered Precincts for RMA on the day of the Election at least for precincts located in places which are easily accessible.

3. The prescribed guidelines/procedures for the conduct of the RMA should be strictly implemented.
4. “Root cause determination” for variances should be done at the precinct level in the interest of transparency. The RMA has to be trained for this purpose.
5. Sufficient election materials/supplies (envelopes, seals and padlocks) should be provided to the RMA.
6. The COMELEC should determine a statistically significant number of precincts to be audited. This means increasing the number that will build confidence in the machine.
7. Include accredited Citizens’ Arm (e.g. Namfrel) among those authorized to observe the validation of variances to be conducted by the RMA and the Technical Evaluation Committee of the Comelec.

G. Recommendations from the Systems Group

1. PCOS Machines and the AES

In view of the extent of the problems encountered in the use of the PCOS machines for the second time, COMELEC should seriously consider the propriety of reusing the same PCOS machines and selecting other voting technologies in the next elections. The law requires that the voting machine provide a mechanism by which the voter can verify what he voted. The PCOS machine is not able to provide this information.

Among the other deficiencies of the PCOS are: the unsecured communication ports, the disabled security features, and the inability to generate digital signatures.

A study on new technologies available in the market now as well as looking into Filipino-developed home-

grown solutions should be considered by Comelec to provide a more transparent, credible, efficient and easy-to-use System.

2. Access to Data

- 2.1 Comelec should make data on the Voter's List and Project of Precincts (POP) available to the Citizen's Arm at least two (2) months before Election Day to enable the Citizen's arm to distribute data to its volunteers. This will also allow the Citizens' Arm to augment Comelec's efforts to disseminate this information to the Public via the Citizen's Arm's web site and through Text Messaging (Find Me Precinct Project).
- 2.2 The actual data specifications of the output from the Transparency Server should be shared with all accredited Citizen's Arms. All modifications / adjustments to these specs should likewise be shared.
- 2.3 ER Data coming from PCOS Machines, as shown in the Systems Diagram given by Comelec, should be the "unprocessed" data transmitted to the Transparency Server. If the same set up will be used in 2016, the mirror site should receive the same ER data of the PCOS machines transmitted to the Comelec and Transparency Servers and not "scrubbed data".
- 2.4 Comelec should allow early access to required data specifications (schema) and the Master File (reference file or static file), i.e. not only the PoP but also the List of Candidates to include Candidates Codes, and List of Contest Codes. Namfrel requested for these data but was given access to this data only a few days before Election Day.

3. Digital Signature Required By Law

Sections 22, 25 and 30 of RA 9369 on the Digital Signature should be implemented.

The Omnibus Election Code or Batas Pambansa 881 (BP881) mandates that the election returns be signed by the Board of Election Inspectors (BEI) and the certificate of canvass be signed by the Board of Canvassers (BOC). Republic Act 9369 did not repeal or amend this required provision.

It is recommended that Comelec follow the AES Law (RA 9369) on the inclusion of the Digital Signatures of the BEIs in the transmission of Election Results and should demand this from its Supplier of technology for proper accountability and monitoring.

4. Source Code Review as mandated by RA 9369

Comelec should follow the provisions of the law that provides that the source code be made available for review by interested parties within a reasonable time before the elections.

5. CF Cards

The Comelec should adopt the proper “write once – read many (WORM)” technology for a storage device as required by the RFP and Bid Bulletin no. 10

H. Recommendations for future legislation

There is a need to simplify and streamline Philippine election laws. The Philippines has the most voluminous election laws in

the whole world. In addition to these, the Comelec is enjoined to initiate or lobby for the passage of the following:

1. **Voters Education**

Introduce voters education at the secondary and tertiary levels

2. **Voters List**

New general voters registration or adoption of a civil registry-based electoral roll.

3. **Party List**

Revise and clarify the party list law consistent with the intent and spirit of the Constitution.

4. **Campaign Finance**

Review the provision on the limit to election spending; redefinition of who is a candidate (upon filing of candidacy or upon start of campaign period) for purposes of election spending.

Election Offense Penalty

5. Rationalize the penalty for election offenses. The violation and corresponding penalties should be categorize according to graveness of offense.

Amend AES Law

6. It is recommended that the AES law be amended to define in clearer terms the purpose of the random manual audit to consider among others the following questions:

6.1 What is the role of the audit in the resolution of electoral protests?

6.2 Can the audit trigger a manual recount in a closely

contested race?

- 6.3 If it has been determined that the error was caused by the software/machine, may the manual recount be done without cost to the protesting candidates?

VII. Annexes

Annex A – Civil Service Commission Memorandum to Government Agencies and Personnel

Annex B – Namfrel VEP picture message

Annex C – Namfrel Letter to Comelec requesting for a copy of Deployment Plan

Annex D – Namfrel Campaign Finance proposal to Comelec





M.C. No. ¹⁴⁷09, s. 2013

MEMORANDUM CIRCULAR

TO : HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS with Original Charter; AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : Public Sector Volunteerism for Honest, Orderly and Peaceful Elections (HOPE) 2013

Pursuant to CSC Resolution No. 1300619 dated April 3, 2013, the Civil Service Commission activated the Public Sector Volunteerism for HOPE (Honest, Orderly and Peaceful Elections) 2013.

All government officials and employees are invited to participate in the said project in accordance with the attached implementing guidelines.

Likewise, all heads of departments and agencies are enjoined to allow the participation of volunteers in accordance with the same guidelines.


FRANCISCO T. DUQUE III, MD, MSc
Chairperson

APR 04 2013

In a Race to Serve: Responsive, Accessible, Courteous and Effective Public Service



**Re: Public Sector Volunteerism for Honest,
Orderly and Peaceful Elections (HOPE) 2013**

x ----- x

Number: 1300619
Promulgated: 03 APR 2013

RESOLUTION

WHEREAS, the May 13, 2013 election marks a turning point in the Philippine governance landscape;

WHEREAS, the National Movement for Free Elections (NAMFREL) which has been accredited by the Commission on Elections as citizen's arm for the May 13, 2013 national and local elections and which espouses non-partisan involvement of concerned citizens is calling for volunteers to protect the sanctity of the ballot in the said elections;

WHEREAS, Section 12 (c) of Republic Act No. 9418 (An Act Institutionalizing A Strategy for Rural Development, Strengthening Volunteerism and For Other Purposes) provides that "national government agencies and local government units shall establish volunteer programs in their respective offices to promote and encourage volunteering in government";

WHEREAS, Section 15.1 of the Implementing Guidelines of Republic Act No. 9418 states that the Philippine National Volunteer Services Coordinating Agency, in collaboration with the Civil Service Commission, shall identify and develop modalities and schemes for government agencies and/or employee volunteering an issue corresponding guidelines for their implementation";

WHEREAS, the Civil Service Commission (CSC) promotes volunteerism in government through its Spirit of 100 Hours: Alay sa Bayan project by enjoining government officials and employees to render at least 100 hours of voluntary service within and outside their work areas;

WHEREFORE, the Civil Service Commission resolves as it is hereby resolved to activate the Public Sector Volunteers for HOPE (Honest, Orderly and Peaceful Elections) 2013 through the Spirit of 100 Hours: Alay sa Bayan project;

RESOLVED further to invite government officials and employees to participate in said project in accordance with the attached implementing guidelines;

Y

In a Race to Serve: Responsive, Accessible, Courteous and Effective Public Service

RESOLVED finally to enjoin all heads of departments and agencies to allow the participation of volunteers in accordance with the project's implementing guidelines.


Quezon City.


FRANCISCO T. DUQUE III
Chairman


ROBERT S. MARTINEZ
Commissioner

VACANT
Commissioner

Attested by:


DOLORES B. BONIFACIO
Director IV
Commission Secretariat and Liaison Office

IMPLEMENTING GUIDELINES FOR PUBLIC SECTOR VOLUNTEERS FOR HOPE 2013

I. Rationale

In view of the significance of May 13, 2013 elections, the Civil Service Commission under its Spirit of 100 Hours: Alay sa Bayan project is inviting all government officials and employees to volunteer their services to ensure that it will be honest, orderly and peaceful.


II. Description of the Program

Through the PSV for HOPE 2001, government officials and employees will be called upon to participate in the elections as volunteers in non-partisan activities and venues which will be the perfect opportunity for them to show their concern for the future of their country as Filipino citizens. Under this program, they can sign up as volunteers under the National Citizen's Movement for Free Elections (NAMFREL) which has been accredited by the Commission on Elections as citizen's arm for the May 13, 2013 national and local elections.

III. Duration of the Program

April – May 2013

IV. The Role of Volunteers

1. All employees of government agencies and institutions regardless of status and rank may volunteer under this program.
 2. To signify their intent to be a volunteer, interested employees must submit their names to or sign up with their agency coordinator who will ask them to fill out application forms for NAMFREL. Sign up period is April 1 to April 20, 2013.
 3. Volunteers are encouraged to attend the volunteer orientation meetings in their agency and undergo training under NAMFREL prior to their actual volunteer work.
 4. NAMFREL expects their volunteers to be NON-PARTISAN and willing to perform the task expected of them during the time they are volunteers.
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5. Volunteers must observe proper decorum in dress, speech and behavior at all times during their volunteer work as expected by the public of an ideal civil servant.
6. Volunteers will be enjoined to attend a post-election debriefing during which they will share their experience and insights of their volunteer work under PSV for HOPE 2013.

V. The Types of Volunteer Work Under NAMFREL

Volunteers under NAMFREL will mainly be involved in the five projects covering the election cycle. These five projects are:


1. Voters' Education Program
2. Voters' List Monitoring
3. Campaign Finance Monitoring
4. Pollwatch
5. Random Manual Audit Monitoring

VI. The Role of NAMFREL

Upon receipt of the application forms, NAMFREL shall process these and inform the agency coordinators all the necessary information, i.e. schedule of orientation/training, place of assignment and other matters for their volunteers.

NAMFREL shall provide their volunteers orientation/training prior to being fielded. It shall undertake precautionary measures to ensure the safety and security of volunteers. NAMFREL shall provide volunteer accreditation (e.g. IDs and/or other forms of visible identification during their actual volunteer work) and document the participation of the public sector under it through a certificate of appearance.

VII. Administrative Concerns on Volunteer Work

1. Rendering volunteer work during official time will be the advocacy and discretion of the agency head.
 2. Additional coverage under the GSIS insurance of the employees for their volunteer work shall be submitted for study by the GSIS and the outcome will be announced at a later date.
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ANNEX B

Namfrel On-line Voters Education Program Most popular picture messages on Facebook based on Facebook data



Responsibilidad, hindi pabor.

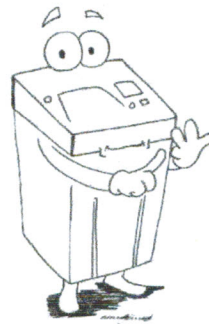


Kapatid, mahaba ang listahan sa Local Government Code ng mga katungkulan ng mga elected officials. Kaya hindi mo utang na loob sa kanila na ginagawa nila ang mga pinangangako nila 'pag eleksyon, kasi dapat lang. So ngayong kampanya, dapat 'wag kang masyadong magpadala sa mga pangako. Kung dati na siyang na-elect, anuman ang sinasabi ng mga tarapal niya, nagawa ba niya ang mga dapat niyang ginawa? Kung baguhan siya, may kakayahan ba siyang gawin ang mga yun? Yun lang, simple.

Share mo 'to!



TANDAAN: Sa pagboto, HUWAG MAG-OVERVOTE!



Sa posisyon ng Senador, mag-shade ka lang sa balota ng LABINGDALAWA (12). Huwag mag-sosobra. Sa Party-List, ISA LANG. Applicable ito sa lahat ng posisyon. Pwede ang under-vote, pero hindi ang overvote.

Kapag ikaw ay nag-overvote, **HINDI BIBILANGIN** ang boto mo para sa posisyon na iyon. Eh di sayang lang ang ipinunta mo sa presinto, ang init pa naman...

Share mo 'to!



Sa pagpili ng iboboto, ISAISIP ang mga ito:

1. ISYU, hindi personalidad
2. KAKAYAHAN, hindi popularidad
3. May pagpapahalaga sa FILIPINO VALUES
4. May TRACK RECORD ng magandang performance
5. Hindi naiimpluwensiyahan ng iba't ibang interest groups
6. May maliwanag na PLATAPORMA
7. Nakakapagbigay-INSPIRASYON sa mga tao, at may kakayahang pagkaisahin ang sambayanan



Share mo 'to!



Bakit ba bibilhin ng isang kandidato ang boto mo?



Dahil "investment" niya ito para kumita pa siya ng mas marami. Hindi lang ito insulto sa proseso ng pagboto. Higit sa lahat, insulto ito sa iyong pagkatao, at lalo na sa iyong pamilya at mga anak.

Huwag kang magpapagamit sa mga mapagsamantala. Huwag mong ibenta ang iyong boto. Pabayaang mo siyang matalo, kung pera lamang ang kaya niyang ipalit sa iyong pagtitiwala.

Share mo 'to!



NATIONAL CITIZENS' MOVEMENT FOR FREE ELECTIONS (NAMFREL)

Unit 601, DMG Center, D.M. Guevara corner
Calbayog Extension Streets, Mandaluyong City
Philippines 1550

Telephone +63(2) 4511586 with fax (2) 470-4151
E-Mail: secretariat@namfrel.com.ph
Website: www.namfrel.org.ph

25 March 2013

Atty Jose Tolentino Jr

Executive Director

Commission on Elections (Comelec)

Dear Atty Tolentino,

Thank you for taking my phone call last Friday. At that call we put forth a request for information on the deployment of accountable materials and forms for the elections.

The National Citizens' Movement for Free Elections (Namfrel) is going to set up a system where volunteers would be able to track the deployment of sensitive materials like the PCOS machine, ballots, CF cards, materials and equipment used in the canvassing, and others, before and after the elections.

The objective of the project is to look at deviations in the process (exception reporting) on which we would need information from the Comelec in order to know what would be considered deviations. If and when a deviation is noted, Namfrel would approach the appropriate Comelec official to seek information and inquire on the remedy, if any is needed. Namfrel volunteers would also check if other stakeholders like the candidates, media, and other accredited citizens' arms, were aware of the deviation. With the information from the Comelec and from the other stakeholders, Namfrel would assess the impact of the deviation. After which the volunteers will render a report to Namfrel, which we would also like to share with the Comelec.

In conducting the logistic deployment monitoring project, Namfrel assumes regularity in the deployment process by the Comelec. We are also inspired by the actions of the Comelec in doing its best to enforce election laws like those regarding the posting of election propaganda and tracking electoral expenses and contributions. To this we would like to put in our support and Namfrel's project is set up to contribute to the general interest of achieving credible elections in 2013.

At the onset, we would like to respectfully request for a copy of the Comelec flowchart of deployment of accountable materials. But we would also like to seek your inputs on other pieces of information that will allow us to execute the project well. We understand that confidentiality is observed at some points in the deployment of the PCOS machine before they arrive at the clustered precincts prior to the final sealing and testing. In this case, we are not interested in knowing information that is supposed to be kept confidential.

A colleague of mine from Namfrel will call your office this afternoon or tomorrow morning for your response. I will also make myself available for a phone call or a meeting with you as regards this request, should you wish to.

Thank you very much. We hope to secure your support for the project.

Sincerely yours,

Telibert Laoc
Volunteer, member of the National Council
National Citizens' Movement for Free Elections (Namfrel)
M: 0916 518 4313
E: telibert@namfrel.com.ph

Copy furnished:

Cora dela Paz-Bernardo, chairperson, Namfrel
Eric Alvia, secretary general



NATIONAL CITIZENS' MOVEMENT FOR FREE ELECTIONS (NAMFREL)

Unit 601, DMG Center, D.M. Guevara corner
Calbayog Extension Streets, Mandaluyong City
Philippines 1550

Telephone

+63(2) 4511586

Telefax:

+63 (2) 470-4151

E-Mail:

secretariat@namfrel.com.ph

Website:

www.namfrel.org.ph

February 24, 2013

The Honorable Commissioners
Commission on Elections
Republic of the Philippines
Intramuros, Manila



Attention: **Commissioner Christian Robert S. Lim**
Commissioner-in-Charge, Campaign Finance Committee

1 MAR 2013 11:56AM
RECEIVED
COMLEC-COM. LIM

**Re: Proposed Recommendation on the Campaign Finance Rules and Regulations for
the 2013 National, Local and ARMM Elections**

Dear Honorable Commissioners,

May we furnish the Honorable Commission with NAMFREL's recommendations to enhance
Comelec Resolution No. 9476 (Rules and Regulations Governing Campaign Finance and
Disclosure in Connection with the 13 May 2013 National and Local Elections and Subsequent
Elections Thereafter). Most of these points have already been suggested by NAMFREL in a
stakeholder consultation forum conducted by the PCIJ and the Comelec last December 19, 2012.

The following are additional points recommended for adoption to improve the observance of and
compliance with the rules and regulations on campaign finance. NAMFREL believes that once
adopted by the Comelec, these would facilitate the monitoring, audit, and examination of the
reports submitted by the candidates.

- 1) The periodic (weekly or biweekly) submission of the reports in electronic Excel templates.
- 2) The submitted periodic reports must be posted on the websites of the Comelec or its citizens' arms.
- 3) Require the candidate and his/her treasurer to attest under oath to the completeness and accuracy of their submissions.
- 4) Within 30 to 45 days after the elections, the final report should be submitted to the Comelec, again electronically and using Comelec-prescribed templates.


- 5) Require that the final report be audited by an independent auditor accredited by the Securities and Exchange Commission. One of the large auditing firms in the country, or the Philippine Auditing Standards Council, may be requested to provide the audit work program and the standard audit/examination reports that the auditor can issue, depending on the results of the audit. The audit fee may be prescribed as a certain percentage of the total campaign contributions received.

In past elections, campaign finance issues have been abused or totally ignored for lack of rules and guidelines, as well as focus on the part of the Comelec regarding their implementation. We would like to commend the Commission for issuing this resolution which is a milestone in the Philippine election process as it provides to lay the rules and regulations governing electoral contributions and expenditures.

We hope the above mentioned recommendations merit your consideration. Please do not hesitate to get in touch with us if you wish us to clarify or elaborate on it.

Respectfully submitted,


Corazon S. de la Paz-Bernardo
National Chairperson


David L. Balangue
National Co-Chairperson
Head, Campaign Finance Committee