



Center for People Empowerment in Governance

8TH STATE PRESIDENCY



July 28, 2016, 8:30 – 12noon
Assembly hall, National College of Public Administration and Governance (NCPAG),
Emilio Jacinto St., UP Diliman, Quezon City

DUTERTE: PRESIDENCY OF CHANGE?

Building opportunities of
people empowerment
for social change

A Roundtable Discussion
with CenPEG Fellows and Panel of Reactors
In cooperation with the Dean's Office of NCPAG;
and Integrated Development Studies Institute (IDSI)

Welcome Remarks: **Maria Fe V. Mendoza**,
Dean, NCPAG

Keynote Speaker: **Liza Maza**, Lead Convener,
National Anti-Poverty
Commission (NAPC)

Moderator: **Evi L. Jimenez**, Executive Director
CenPEG





REFORMING OUR FLAWED VOTING SYSTEM

Background

- 1996 – ARMM elections
- 1997 – RA 8436
- 1998 – Presidential elections
- 1999 - PCS
- 2001 – Midterm elections
- 2004 – Presidential elections
- 2005 – “Hello Garci”
- 2006 - PCS as TWG
- 2007 – RA 9369/Midterm elections
- 2008 – 2016

Smartmatic spread disorder in the Philippine elections.



REFORMING OUR FLAWED VOTING SYSTEM

Background

Philippine Constitution (1987)

ARTICLE V

Suffrage

Section 1. Suffrage may be exercised by all citizens of the
Philippines x x x
Section 2. The Congress shall provide a system for securing the
secrecy and sanctity of the ballot x x x





REFORMING OUR FLAWED VOTING SYSTEM

Background

- AES Watch already warned COMELEC in 2009 re the impending disorder that Smartmatic would bring to our 2010 elections.
- On May 3, 2010, the FTS nationwide proved to be a typical evidence re the defective Smartmatic PCOS machines.
- AES Watch filed criminal and administrative cases in the Ombudsman in 2010 and 2013.





REFORMING OUR FLAWED VOTING SYSTEM

Background

- Problems emerged on May 10 onwards. Root cause: non-compliance with RA 9369 as safeguards were disabled.
- But as early as 2008, it was already reported that Smartmatic was able to change the results of ARMM elections remotely.





REFORMING OUR FLAWED VOTING SYSTEM

Background

- PNoy became the first elected President of the Philippines using the dubious Smartmatic PCOS machines
- The Advisory Council recommended in 2010 not to use the PCOS machines in succeeding elections. It also recommended to use the Digital Signing facilities of DOST in 2013 and 2016 but Comelec ignored it.
- There was no pro-active JCOC-AES from 2010-2012.



REFORMING OUR FLAWED VOTING SYSTEM

Background

- The FIT4E was launched in 2011 to correct the failure of COMELEC to implement RA 9369 in 2010. Its concept follows the tradition of DOST's *National Search for Product Excellence in IT*.
 - It was initially supported by COMELEC but was later opposed.
 - DOST didn't lift a finger to support FIT4E but it helped in the development of the COMELEC's CCS project



REFORMING OUR FLAWED VOTING SYSTEM

Background

- The Option-to-purchase Smartmatic's PCOS machines in 2012 was allowed by the Supreme Court.
- There was no final assessment of the 2013 elections.
- Filipino-made AES (i.e., TAPAT & PATAS) were demonstrated in mock elections in 2015. Comelec said that TAPAT may be used in 2019.



REFORMING OUR FLAWED VOTING SYSTEM

Background

- COMELEC is still an inefficient agency.
 - Non-compliant with RA 8792 & RA 9369 (Celis, 2014)
 - Failed to determine the reasons why the COMSTRAT 1116 was not pursued
 - Failed to promulgate the IRR of RA 9369

Nineteen years of inaction...and counting!

July 26, 2016 8:26 pm

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by **NELSON CELIS**

Believe it or not, Republic Act (RA) 9369, or the Automated Election System (AES) Law, is the most neglected election-related act by the Commission on Elections (Comelec). Section 37 of RA 9369 stipulates that the Comelec shall promulgate the implementing rules and regulation (IRR) for the implementation and enforcement of the AES Law. From the enactment of the original version of AES Law or RA 8436 in 1997, to its amendment to become RA 9369 in 2007, and

Fearless Forecast: Comelec will not comply with the AES law in 2016

The Manila Times, December 30, 2015

Fearless forecast: Comelec will not comply with the AES law in 2016



Fearless Forecast: Comelec will not comply with the AES law in 2016

The Manila Times, January 13, 2016

Fearless forecast: Comelec will not comply with the AES law in 2016

Last of two parts



Fearless Forecast (Episode II): Comelec will not comply with the e-Commerce law in 2016

The Manila Times, February 10, 2016

FEARLESS FORECAST (EPISODE II):

Comelec will not comply with the e-Commerce law in 2016

First of two parts



<http://www.manilatimes.net/comelec-will-not-comply-with-e-commerce-law-in-2016-elections/244064/>

Fearless Forecast (Episode II): Comelec will not comply with the e-Commerce law in 2016

The Manila Times, March 2, 2016

FEARLESS FORECAST (EPISODE II):

Comelec will not comply with the e-Commerce law in 2016

Last of two parts

FEARLESS



FORECAST



REFORMING OUR FLAWED VOTING SYSTEM

What to do?

- For the 17th Congress to totally scrap RA 9369 and revert back to conventional Public Counting but use technology in transmitting results
- President Duterte needs an objective selection process for the appointment/s of Top Official/s of Comelec
- President Duterte should reform the internal organization of Comelec as what he planned to do with BOC, BIR, LTO, etc.





REFORMING OUR FLAWED VOTING SYSTEM

What to do?

Should automation would still be preferred in 2019:

- Approval of IRR
- More responsive JCOC
- Outsourced bidding process
- Implementation of AES by DICT
- Use the existing facilities of DICT (e.g., Digital Signing)
- Strict implementation of AES law, ARTA, e-Commerce Law, EO on FOI, & Cybercrime Law



REFORMING OUR FLAWED VOTING SYSTEM

What to do?

Should automation would still be preferred in 2019:

- Use Filipino-made AES system
- Draft and Implement COMSTRAT 1722
- Implement a transparent RMA
- Take PPCRV out of the AES equation
- Activate all LGU websites to reflect all ERs instantaneously
- Active participation of all IT organizations
- Take over of public utilities including Telcos





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REFORMING OUR FLAWED VOTING SYSTEM

THANK YOU!





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