



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
Intramuros, Manila

July 26, 2010


MS. EVITA L. JIMENEZ
Executive Director
Center for People Empowerment in Governance (CenPEG)
Room 304 CSWCD Building
U.P. Diliman, Quezon City

Dear Ms. Jimenez,

Please find attached Minute Resolution No. 10-0650 entitled: *"IN THE MATTER OF THE REQUEST OF MS. EVITA L. JIMENEZ, EXECUTIVE DIRECTOR, CENTER FOR PEOPLE EMPOWERMENT IN GOVERNANCE (CENPEG), FOR VARIOUS DOCUMENTS FOR USE IN THEIR ONGOING STUDY OF THE AUTOMATED ELECTION SYSTEM (AES) OF THE MAY 10, 2010 ELECTIONS."*

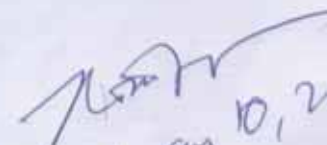
For your information.

Very truly yours,


JOSE M. TOLENTINO, JR.
Executive Director

Encl: As Stated

- All Commissioners
- DEDO Bartolome J. Sinocruz, Jr.
- DEDA Estrella P. de Mesa


Received July 10, 2010
for signed.

**EXCERPT FROM THE MINUTES OF THE REGULAR EN BANC
MEETING OF THE COMMISSION ON ELECTIONS
HELD ON JULY 6, 2010**

COMMISSION ON ELECTION
OFFICE OF THE EXECUTIVE DIRECTOR
RECEIVED
JUL 26 2010
BY: KIT TIME: 9AM
CC-710-110

Present:

Commissioner	Rene V. Sarmiento
Commissioner	Nicodemo T. Ferrer
Commissioner	Armando C. Velasco
Commissioner	Elias R. Yusoph
Commissioner	Gregorio Y. Larrazabal

On Official Business:

Chairman	Jose A.R. Melo
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On Leave:

Commissioner	Lucenito N. Tagle
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10-0650. IN THE MATTER OF THE REQUEST OF MS. EVITA L. JIMENEZ, EXECUTIVE DIRECTOR, CENTER FOR PEOPLE EMPOWERMENT IN GOVERNANCE (CENPEG), FOR VARIOUS DOCUMENTS FOR USE IN THEIR ONGOING STUDY OF THE AUTOMATED ELECTION SYSTEM (AES) OF THE MAY 10, 2010 ELECTIONS

This pertains to the Memorandum dated June 19, 2010 of Executive Director Jose M. Tolentino, Jr. forwarding the letter of Ms. Evita L. Jimenez, Executive Director, Center for People Empowerment in Governance (CenPEG), requesting various documents for use in their ongoing study of the Automated Election System (AES) of the May 10, 2010 Elections.

The Memorandum of Executive Director Tolentino reads:

"Respectfully forwarded herewith is the Letter dated June 3, 2010 of Ms. Evita L. Jimenez, Executive Director, Center for People Empowerment in Governance (CenPEG), requesting for various documents listed therein, for use in their ongoing study of the Automated Election System, (AES) that was prepared and implemented for the May 10, 2010 Synchronized National and Local Elections.

For Your Honor's consideration."

The Letter of Ms. Jimenez states:

"As Congress winds up the national canvassing next week, amidst unresolved objections from political parties and losing candidates, the Center for People Empowerment in Governance (CenPEG) as a policy study and research center would like to renew its call for greater transparency and humbly requests from the Comelec the following documents to help in its ongoing study of the Automated Election System (AES) that was prepared and implemented for the May 10, 2010 synchronized elections nationwide:

1. Systest Full Complete Report
2. The Source Code Walk Through Plan

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3. Source Code of the PCOS program
4. Source Code of the CCS Programs
5. File formats of all data files used or produced by the PCOS program
6. File formats of all data files used or produced by the CCS program
7. Public keys used by all the PCOS computers
8. Public keys used by all the CCS computers
9. User manual of the PCOS program
10. User manual of the CCS program
11. Smartmatic-Comelec Contract with the complete Annexes
12. Finance and Budget Plan of the AES-Smartmatic
13. Contract of the Smartmatic Voters' Education
14. Contract between Smartmatic and the Dominion Voting Systems
15. Contract on Transmission and Deployment Plan of the Transmission facilities
16. Report on the PCOS Transmission on May 10 and thereafter
17. Report on the Customization
18. Old ballot faces (national and local) matching the faulty CF cards
19. New ballot faces (national and local) actually used for the May 10 elections
20. Report on the Training of BEIs and Technicians
21. Inventory of Compact Flash Cards – used in the Final Testing and Sealing, and the Re-configured CF Cards for May 10

CenPEG is requesting these in order to be further enlightened and to gain deeper understanding of the workings of the first electronic elections in the country as provided by the chosen technology provider, Smartmatic-TIM.

Long after the initial euphoria over the speed of the technology, we believe there is a need among various stakeholders to help find answers to many questions that affect the credibility of the elections, especially with [regard] some rather unusual incidences occurring with the PCOS of the Smartmatic-propelled automated system that even Filipino IT experts have yet to fully comprehend to this day.

An objective study can only be done if pertinent data and information, relevant to the study at hand, shall be accessible and available to researchers and scholars, so that a no-nonsense body of knowledge can be developed in the interest of public service and good governance.

We have sent a letter last May 21 urging the Joint Congressional Oversight Committee (JCOC) where CenPEG and AES Watch had been active citizen resource groups to help us gain access to needed information on the AES and in the formation of an independent, non-partisan, and impartial citizens' body to review and assess the conduct of the May 10, 2010 automated elections, including the processes and procedures undertaken for the May 10 elections. xxx

May we now ask the Comelec and Smartmatic to provide or at least make available to every interested voter, candidate or entity engaged in electoral advocacy, all documents – electronic and hardcopy – by which this study could be accomplished with reasonable accuracy and transparency.



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We pledge to treat all these with utmost confidentiality and care as we always do with our various research informants and materials. We request the same degree of latitude, if not greater, as that granted to SysTest Labs and the Technical Evaluation Committee, in the access of documents and all necessary information to be able to help clear up questions and issues in the process of study.

In the immediate period and in the interest of truth and transparency, we sincerely hope that your office would help facilitate our sincere request to be furnished the aforementioned public documents.

We hope for your positive response in the interest of the public's right to information and state policy of full public disclosure of government transactions.

We shall furnish your good office with the final draft of the study as well as recommendations as we continue in our journey to institute meaningful change in the election system and electoral governance.

x x x"

The Commission **RESOLVED**, as it hereby **RESOLVES**, to **deny** the foregoing request of Ms. Evita L. Jimenez, Executive Director, Center for People Empowerment in Governance (CenPEG), for various documents for use in their ongoing study of the Automated Election System (AES) of the May 10, 2010 Elections.

Let the Executive Director implement this Resolution.

SO ORDERED.

(On Official Business)

JOSE A.R. MELO

Chairman


RENE V. SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner

(On Leave)
LUCENITO N. TAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner


ELIAS R. YUSOPH
Commissioner


GREGORIO Y. LARRAZABAL
Commissioner

Cc: Chairman
All Commissioners
Executive Director
Deputy Executive Director for Operations

