

**Consultative Commission to Propose the Revision of the 1987 Constitution
COMITTEE ON SUFFRAGE, ELECTORAL REFORMS/
POLITICAL PARTY REFORMS**

Meeting No. 2
Wednesday, 19 October 2005

CALL TO ORDER

At 10:08 am, Chairman Cecilio T. Seno called the meeting to order.

ATTENDANCE

The following Commissioners were present during the session:

Abarico, Angelo M.
Abueg Jr., Alfredo E.
Garcia, Pablo P.
Gonzalez, Nelia T.
Marohombsar, Emily M.
Naval, David C.
Sarmiento, Mel Senen S.
Seno, Cecilio T.
Tabanda, Betty Lourdes F.
Villanueva, Jose D.

The invited guests from the Commission on Elections (COMELEC) include:

Com. Resurreccion Z. Borra
Com. Mehol K. Sadain
Mr. James Jimenez
Mr. Ernesto del Rosario

START OF THE SESSION

Chairman Seno requested Com. Borra to give his insights on the country's need for and actions toward electoral reforms.

Com. Borra informed the Committee that there are three phases in the COMELEC modernization project: Phase I – Voter's Validation System; Phase II – Automated Counting and Consolidation System. He said he is in-charge of Phase I and Com. Sadain is in-charge of Phase II.

Com. Borra requested Mr. James Jimenez and Mr. Ed del Rosario of the COMELEC to present a status report on the agency's modernization project.

HIGHLIGHTS ON COMELEC MODERNIZATION

Phase I – Voters' Validation System

- Biometrics of 18.5M registered voters now in Comelec database
- 130,000 multiple registrants initially uncovered
- Over 10,000 complaints filed by its law department
- Continue the capture of voter biometrics via continuing registration
- Resume validation to complete the capturing of voters by end of 2006
- Start finger print matching

Phase II – Automated Counting and Consolidation System

- Design and development of the automation system
- 1,991 automated counting machines (ACMs) fully tested
- Resolve impasse on unused ACMs
- Amend laws (i.e. RA 8436) to allow use of appropriate technologies
- Scan market for alternative solutions such as the direct recording elections

Phase III – Electronic Transmission, Consolidation and Dissemination System

- Design and development of a system using Very Small Aperture Terminal (VSAT) satellite dishes
- Resolve SC position nullifying a Comelec resolution for the electronic transmission of uncanvassed election results
- Secure adequate funding

ON THE VOTER REGISTRATION PROCESS

Com. Garcia recounted the traditional voter registration system at the precinct level, held two Saturdays before the elections, where the residents themselves identify the voters. He said the list of voters became a permanent one.

He noted that the continuing voter registration in municipal Comelec offices inadvertently registers unqualified or “ghost” voters. He said that political parties were active only during elections period when political leaders herd voters to register. He wondered who are responsible for checking voter’s IDs and whether machines can do this.

Com. Sadain said that voter registration is bound by law and that the present system allows only comparison of voter’s photo; there is no voting machine as yet that recognizes signatures.

Com. Garcia suggested doing away with registration just a few weeks before the elections. He asked whether inclusion/exclusion of names can be done administratively, even without amending a law. Com. Tabanda agreed to this suggestion.

ON THE NEED FOR SUFFICIENT FUNDING

On Com. Sarmiento’s query on the budgetary requirement for the fingerprint matching system, Com. Sadain estimated the budget to be around US\$ 25-30M or PhP1.8B. However, he informed the Committee that DBM has not allocated funds for this. Com. Borra confirmed that the Comelec budget proposals for 2005-2006 on AFIS matching were disapproved by DBM.

Com. Tabanda suggested amendments toward making it mandatory for Congress to provide for an automatic annual appropriation for Comelec. [as well as for sectoral representatives.]

Com. Borra acknowledged that this will give the agency fiscal autonomy or independence.

ON ELECTION FRAUD

Com. Marohombsar noted that although the Comelec’s modernization project was slowly being tested in the country, particularly in the ARMM, she continues to receive accounts of election irregularities, i.e., one voter being able to vote as many as 12 times, and usually in connivance with election officials. She urged the Comelec to cleanse itself of “bad eggs.”

Com. Sadain replied that, of the three components of elections --- people, process and methodology, it is the “people” factor that is most difficult to supervise/control. He said that some election personnel would opt to “cooperate” with local officials rather than be threatened by them.

He cited the ARMM case wherein Comelec was able to cleanse its database in 2003; re-opened registration in 2005 to accomodate new

voters, but also enabled some personalities, particularly local election officers, to manipulate the voters' list.

Com. Borra also cited a case filed by Comelec against a mayor in Mindanao for threatening election officers in the area. He reiterated that although the Comelec has often been accused of irregularities, he maintained that there are still honest election officials that observe due process.

Com. Abueg recommended a mass re-shuffling of Comelec personnel for election purposes.

Com. Garcia believed that the problem lies with the politicians, however, these politicians cannot be "re-shuffled". He added that Comelec has been unjustly charged of being a tool in election fraud.

Nonetheless, he strongly urged the Comelec to restore party representation starting from the barangay level up to the Comelec; there should be three representatives at all levels, from inspectors to canvassers, one each from the two majority party and one from the minority.

He added that a two-party system must necessarily evolve to achieve the goal of acceptability of election results by the public. In our country, he said, there are no losers --- one either wins or is cheated.

[At this point, Com. Seno announced a working lunch for the Committee.]

MODERN SYSTEMS

Com. Borra cited the case of India, which uses electronic voting, or "touch button" in choosing candidates. He said that India implemented its modernization program by phases, starting in 1977, then in 1998, 2001 and finally towards

its completion in 2004. He stated that this system uses very inexpensive machines which generate much savings since there is no need for ballots anymore; this technology enables illiterates to take part in the country's electoral process/exercise.

Com. Borra also mentioned the Direct Recording Election System, which is now on the rise in Europe.

ON COMELEC PERSONNEL

Com. Gonzalez suggested that automatic protection be given to election personnel who risk their lives just to be able to execute the law.

Com. Abarico believed that a commendation is in order for Comelec officials who go beyond the call of duty.

However, Com. Abarico asked whether Comelec has strong control over its personnel and if local officials can easily bribe them. He wondered how Com. Garcillano was able to operate almost independently.

While recognizing that these are valid observations, Com. Borra opted to reserve his comments and would rather wait for the proper time or until Com. Garcillano is found.

Com. Garcia recalled that the so-called Garci tapes are totally unfounded. He believed that in this case, Com. Garcillano was the "victim" because he was illegally taped, as he pointed out that the playing and transcription of the tape by anyone is a criminal offense.

He opined that the public apology of President Arroyo was ill-advised and that there is no law against calling a Comelec official for a progress report on the elections. He surmised that Comelec cannot possibly change the results of an election.

Com. Sadain informed the Committee that Comelec prosecutes erring election officers; complaints are acted upon unless the complainant himself loses interest, in which case, the complaint is then dismissed.

He then recommended a method of appointing Comelec Commissioners in which no one is appointed just before an election year. He further suggested that the appointment of Comelec Commissioners must be made formal and final way ahead of any election exercise.

ON PARTY LIST SYSTEM

Com. Tabanda endorsed Com. Sadain's proposal on Comelec appointments. She also asked Com. Sadain on his thoughts about the party list system in relation to parliamentary system.

Com. Sadain maintained that he is not against the party list system and the rationale of having sectoral representatives in Congress. But he suggested that only marginalized sectors be identified to ensure that they are represented in Congress.

Com. Garcia said that the party list system which is now known as sectoral representation, is for a sector that does not cover any district, thus, only the marginalized sector should be considered.

ON THE NEED FOR EDUCATIONAL CAMPAIGN

Com. Villanueva inquired on Comelec jurisdiction over election complaints as well as the progress of its task of educating the public on election laws. He suggested incorporating election digests in the high school

curriculum to make the students voter-literate.

Com. Borra replied that Comelec does have jurisdiction over election cases.

Com. Sadain on the other hand said that one case involved hacking of a voters' list in Mindanao where all the names in one precinct were nullified when a hacker maliciously changed the nationality of all the names in the list from "Filipino" to "Muslim." He added that cleansing of voters' lists continues.

Com. Garcia suggested that Comelec just refer election cases to ordinary courts to avoid being swamped with complaints.

The Comelec has been working in the direction suggested by Com. Villanueva in terms of public education on electoral process, assured Com. Borra, adding that by using the cold-to-hot approach, Comelec will be working with DepEd/CHED to make election laws conform to high school and college curricula.

Com. Garcia affirmed that present laws do not allow electronic voting.

ON POLITICAL PARTIES

Com. Garcia stressed that it is the role of the political party to announce its candidates.

Com. Abueg added that each candidate is required to submit his platform of government.

Com. Sarmiento said that recognizing only three party representatives --- one each for the two majority parties and one for the minority party --- will discourage too many small parties from taking part in an election.

Com. Abarico proposed that turncoatism be banned to keep candidates from changing their party affiliations too often, especially during their incumbency.

Com. Borra replied that there can be a coalition if there are no majority parties, with the identity of each party maintained.

Com. Villanueva reiterated that what is important is acceptability of election results.

But Garcia observed that the Comelec has often been charged of rigging election returns.

Com. Gonzalez urged the Comelec to put up its own PR office because one can never win against politicians.

Com. Borra believed that the truth will always come out and that propaganda should be matched by performance, as he believes in being pro-active, not reactive.

Com. Abueg inquired whether COMELEC is allowed by law to do fund-raising activities similar to the practice in the US, to which Com. Borra replied in the affirmative.

Com. Borra mentioned a model for a strong ID system which is based on a national census where an individual will undergo lateral registration for the electoral process as soon as he reaches 18 years of age.

ADJOURNMENT OF THE MEETING

The Chairman announced that the next meeting will be on Wednesday, November 9 at 10 a.m.

The meeting was adjourned at 1:05 p.m.

Certified correct

CECILIO T. SENO

Committee Chairman