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FOR THE ELECTIVE OFFICIALS OF THE
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Republic of the Philippines
Congress of the Philippines
Metro Manila
Eleventh Congress
Second Regular Session

File
Election Law
Philippines

Begun and held in Metro Manila, on Monday, the twenty-sixth day of July, nineteen hundred and ninety-nine.

[REPUBLIC ACT NO. 8753]

AN ACT RESETTING THE REGULAR ELECTIONS FOR THE ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO PROVIDED FOR UNDER REPUBLIC ACT NO. 8746 AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. The regular elections for the regional governor, regional vice governor and members of the regional legislative assembly of the Autonomous Region in Muslim Mindanao set for September 13, 1999 is hereby reset to the second Monday of September 2000. Elections shall be held every three (3) years thereafter pursuant to Republic Act No. 6734, otherwise known as the Organic Act for the Autonomous Region in Muslim Mindanao.

SEC. 2. The term of office of the regional governor, regional vice governor and members of the regional legislative assembly shall begin at noon of the Thirtieth of September next following their election and shall end at noon of the Thirtieth of September three (3) years thereafter.

SEC. 3. All incumbent elected officials of the autonomous region shall hold office until September 30, 1999 pursuant to Republic Act No. 8746: *Provided*, That the incumbent regional governor, vice governor and members of the regional legislative assembly shall continue in office in a holdover capacity until their successor shall have been duly elected and qualified: *Provided, further*, That while acting in a holdover capacity, the regional governor and vice governor shall not make appointments, including promotions, transfers and/or assignments of personnel and shall be subject to all the restrictions and/or prohibitions mandated by Section 261 of the Omnibus Election Code more particularly, but not limited to, paragraphs (k), (m), (o), (r), (u), (v) and (x); paragraph (g) which shall apply as to period but shall not otherwise apply to the appointments of teachers and health workers; and paragraphs (h) and (w) which shall apply during the election periods of the plebiscite and the election.

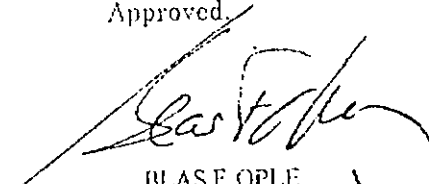
SEC. 4. Certificates of candidacy filed with the Commission on Elections in accordance with Republic Act No. 8746 shall cease to be valid and effective. Candidates who were considered *ipso facto* resigned from their public office by virtue of the filing of their certificates of candidacy are hereby reinstated.


SEC. 5. If any provision of this Act is held unconstitutional, other provisions not affected thereby shall remain valid and binding.

SEC. 6. All laws, decrees, rules and regulations, and all other issuances or parts thereof, which are inconsistent with this Act are hereby repealed, amended or modified accordingly.


SEC. 7. This Act shall take effect upon approval by the President.

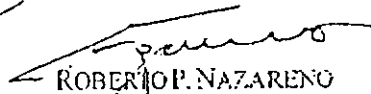
Approved.


BLAS F. OPLE
President of the Senate

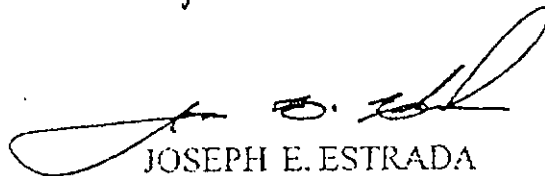

MANUEL B. VILLAR JR.
Speaker of the House of Representatives

This Act which originated in the House of Representatives was finally passed by the House of Representatives and the Senate on September 6, 1999.


HEZEL P. GACUTAN
Secretary of the Senate


ROBERT P. NAZARENO
Secretary General House of Representatives

Approved: Sept. 08, 1999


JOSEPH E. ESTRADA
President of the Philippines



**NEW
DOCUMENT**

~~SECRET - DIRECTIONS~~

COMMISSION ON ELECTIONS
OFFICE OF THE SECRETARY

RECEIVED
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TIME: 6:20 PM
BY: [Signature]

CS-1999-086

Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

IN THE MATTER OF THE
COMELEC POLICY DIRECTIONS
AND NEW PROGRAM THRUSTS
FOR A MODERNIZED
ELECTORAL SYSTEM

DEMETRIOU, Harriet O., Chairperson
GOROSPE, Manolo B., Commissioner
DESAMITO, Julio F., Commissioner
FLORES, Teresita Dy-Liacco, Commissioner
JAPAL, Guiani M., Commissioner
TANCANGCO, Luzviminda G., Commissioner

X-----X

PROMULGATED: 4 October 1999

MINUTE-RESOLUTION NO. 99-1740

On 23 August 1999, the Commission called for a Special Session for purposes of clarifying the policy of the Commission for a modernized electoral system for presentation in the budget hearing in Congress.

A draft of the "Concept Paper" prepared by Commissioner Luzviminda G. Tancangco, CIC of the Modernization Project of the Commission was circulated among the members of the Commission, emphasizing among others, a new direction and program thrusts towards a more comprehensive modernized electoral system. Discussed succinctly are some clarifications of the attributes of a modernized electoral process anchored on the following values:

- Transparency** - stakeholders' (candidates, electoral watch groups) access to information and basic electoral data on the number of registered voters, precincts, voters who actually voted, and election results documents.
- Meaningful and active participation** of all stakeholders, voters, candidates, political leaders in key stages of the process
- Honesty** - systems and procedures have adequate safeguards conducive to nurturing honesty of election officers
- verifiability of election data
- Sustainability** - simplification of complex procedures to make them user friendly, affordability and adaptability of technology

Policy

Accordingly, to improve the administration of elections, the implementation of the redefined Comelec Modernization policy will focus on the following areas for development:

ELECTORAL PROCESS	INDICATORS		
	Transparency	Honesty	Sustainability
REGISTRATION	<ul style="list-style-type: none"> - ease and accessibility of registration centers and voters' lists - participation not only of the registrants but also of citizens' arms and political parties - awareness about registration procedures 	<ul style="list-style-type: none"> - availability of precinct maps that show the addresses of legitimate voters - forms distributed only to legitimate registrants - continuing verification to purge the list of double/multiple and spurious entries 	<ul style="list-style-type: none"> - simple and adaptable procedures - continuing build up of reliable voters' list interfaced with established precincts - staggered production of tamper-proof voters ID - training and transfer of technology - use of locally available inputs - availability of spare parts locally
VOTING	<ul style="list-style-type: none"> - voting centers near people's residence - security and freedom of voters to cast their ballot - voters, citizen's groups, political parties are not alienated from the process 	<ul style="list-style-type: none"> - security of ballots and minutes of voting - speedy and orderly voting - integrity of the BEIs 	<ul style="list-style-type: none"> - simple procedures - affordability of voting materials/technology - adaptability of voting technology given the objective and subjective conditions in the country
COUNTING	<ul style="list-style-type: none"> - counting is witnessed by voters, citizens' groups, party representatives, media, and the concerned public - accessibility of election result forms to party watchers and candidates 	<ul style="list-style-type: none"> - secure process (election returns, ballots, and other documents) - speedy and accurate tabulation of results - integrity of people involved in counting of votes - built-in verification process of the count 	<ul style="list-style-type: none"> - user-friendly procedures - affordability and adaptability of counting technology given the objective and subjective conditions in the country - training and transfer of technology - use of locally available inputs - availability of spare parts locally

<p>CANVASSING</p>	<p>canvassing witnessed by all concerned sectors, particularly political parties and candidates</p> <p>- media/citizens' groups have access to relevant information for dissemination</p>	<p>- speed and accurate release and dissemination of results</p> <p>- secure process and easy verification of count</p> <p>- integrity of people who canvass results</p> <p>- use of precinct level election returns for consolidation of local and national totals</p>	<p>- simple and secure procedures for consolidation of results</p> <p>- use of existing networking with other agencies for monitoring transmission of election results nationwide</p> <p>- availability of resources for acquisition or leasing of equipment for electronic transmission of precinct level results</p> <p>- continuing value re-orientation and training of people on modernized canvassing for national consolidation</p>
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Based on the above indicators, the ranking of phases of the electoral process is as follows;

- 1) **Registration** ranks first on the criteria of transparency, honesty and overall impact on the integrity of the electoral process and vote count; however, on the technical and procedural requirements, it is ranked second in terms of sustainability;
- 2) **Canvassing** ranked second because the transparency and accuracy of election results is for the most part dependent on the cleanliness and accessibility of the basic electoral data generated during the registration phase. The magnitude of fraud is limited by the extent of padding of the voters' list and the number of disenfranchised voters. In terms of sustainability, it is ranked first because the infrastructure needed to get election results quickly and accurately can be put up in relatively short period given the availability or adaptability in different parts of the country. To avoid post-election tension the Comelec has to eliminate the delays that breed doubts on the integrity of the overall vote count;
- 3) **Counting** is ranked third in terms of transparency because the use of counting machines, based on the two pilot tests, alienated the voters and political watchers from the electoral process. Automated counting limits the access of party watchers to the process and worse, it denies their participation in the counting process. Moreover, the software program operating in the

counting machines does not encourage honesty in counting because basic electoral data like the number of registered voters and voters turnout are not provided in the computer generated election returns, statement of votes and certificates of canvass. In addition, a copy of the audit trail which records all the transactions of the counting machines is not provided to parties/candidates and it may even be possible for counted ballots to be again counted by the AIS 150 machines. In terms of sustainability, the automation of counting is likewise ranked third because of the users heavy dependence on foreign technology and inputs without full disclosure of the configuration of the counting machines and the operating software and codes. Besides newer and better machines come out in a very short time span

- 4) Voting is ranked fourth since the use of machines can facilitate automated wholesale fraud which is difficult to detect. Since most voters/party watchers have low level of computer literacy, automated voting can be utilized by those who have the technical know-how to favor certain candidates

Premises considered, the Commission RESOLVES to approve and adopt the foregoing new COMELEC policy directions and program priorities for a Modernized Electoral System.

Per reconsultation on 30 September 1999, Chairman Demetriou and Commissioners Gorospe, Guiani and Tancangco voted to approve this resolution.

Let the Committee on Modernization Project of the Commission cause the implementation of this resolution.

SO ORDERED.


HARRIET O. DEMETRIOU

Chairperson


MANOLO B. GOROSPE

Commissioner


JULIO F. DESAMITO


Commissioner


TERESITA DY-LIACCO FLORES

Commissioner


JAFAL M. GUIANI

Commissioner


LUZVIMINDA G. TANCANGCO

Commissioner

Cc: The Chairperson
The Commissioners
The Executive Director
The Department Heads
N/policy-modernized

**NEW
DOCUMENT**

SPEECH OF
CHAIRPERSON HARRIET O. DEMETRIOU
AT THE LAUNCHING OF **PEOPLE'S POW-ER** –
People's Political Website for Elections and Electoral
Reforms

23 July 1999
Casa Marinero, NYK-Filship Management Bldg.
Sta. Potenciana St., Intramuros, Manila

Distinguished Guests,
Ladies and Gentlemen:

A pleasant morning to all of you!

I am greatly honored as your guest and keynote speaker today at the public launching of a noble initiative – the voice of civil society which advocates to go into cyberspace, a website for electoral reforms.

This is an invitation I graciously accepted. I feel I should be the last person to speak before you because I have been here in the Commission on Elections (Comelec) for only six months. My expertise is more on convicting felons and sending them to the slammer. But I welcome this opportunity to speak about electoral reforms because, like you, I am also concerned about changes and advances in our electoral procedures and processes.

We are all moving toward the next millenium which we could surmise will give more emphasis on democratic processes and economic globalization. These twin developments may be possible through advances in information technology.

The modernization of the electoral process is a policy borne out of these realities.

The modernization program began with the Monsod Commission's "Operation Modex" or "Modernization and Excellence". The Monsod Commission concentrated on computerization of the voters' list. Despite the efforts exerted, the same problems of disenfranchisement, confusion of voters on election day, and vote-padding have persisted.

The succeeding Pardo Commission did not stay long enough to implement significant strides in modernizing the electoral system except for the purchase of automated counting machines. Republic Act No. 8436 provides for the use of an automated election system. However, the experience during the two pilot tests done in the

Autonomous Region of Muslim Mindanao (ARMM) shows that problems continued unabated.

I trust that under my Chairmanship, along with the present crop of Commissioners, we will be successful than our predecessors. We are now in the process of cleansing the voters' list through the establishment of permanent precinct maps. We are also studying ways to make good use of the automated counting machines. Furthermore, we are also looking at the possibility of electronically transmitting election results from the precinct level to the central office.

The process of modernizing our election system entails a lot of hardwork and cooperation. We need to establish a network of allies from both the government and private sectors. The People PoW-ER website, envisioned to promote and advocate for electoral reforms, will surely complement our efforts to modernize.

We in the Comelec recognize the importance of a having website within the context of modernizing the electoral process. But let me clarify that we are not doing this for the sake of modernization. **We will not adopt every technology unless it corresponds to our people's**

social and cultural experiences. At the same time, we will also opt for the kind of applicable technology that is efficient, yet cost-effective. In this light, I must admit that our experience in ARMM about technology applications have been disturbing -- we have encountered the same problems with regard to the voters' list. This means that not all technology are applicable to our situation.

The partial computerization of the electoral system will commence with the May 8, 2001 congressional, local and party-list polls. We are designing appropriate systems and procedures to promote transparency and integrity of the electoral process. Confronting us now is the challenge of selecting the most appropriate technology to solve our perennial electoral problems. It is important for Comelec to first lay the foundations before taking further steps. We are determined to be successful in these endeavors.

Early this year, the Commission pilot-tested the drawing of precinct maps and verification of the Computerized Voters' List (CVL) in the ARMM. Instant cameras during the ARMM registration were also used to make sure that they are real voters. The precinct maps, together with an updated voters' list, serve as a sound database of a modernized election system which Comelec

strives to install. They are important components in the preparation of tamper proof voter's identification cards. We will have a library of precincts where the precinct maps are digitized to help voters easily locate their precincts.

We are now preparing for the **National Precinct Mapping Project – from Tawi-Tawi to Batanes, a giant step towards meaningful electoral reforms!** This will be formally launched in early August 1999. The National Capital Region will be the project's showcase.

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This national mapping project is an important activity in our determination to cleanse the voters' list. We have started to verify and update the voters' list in the ARMM. We are now moving to Metro Manila to purge its voters' list of flying voters and multiple registrants. Eventually, we will cover the rest of the country's regions. These are part of our efforts to computerize the registration system, along with the preparation of the voter's ID.

Meanwhile, we are upgrading the competence and proficiency of the Comelec personnel through a professionalization program. Part of this is the conduct of continuous in-house trainings and workshops to cultivate

firm commitment to democratic values and service to the people among election officials.

The Commission's desire to pursue a more rational modernization program is keeping us on our toes. We have begun to pick up the trend. Yet, we continue to place emphasis on doing "more with less" and exploring innovative, cost effective and strategically planned measures. We have come to recognize that modernizing the electoral system does not necessarily mean purchasing computers and voting machines only. More importantly, we want to veer away from the present dependence on foreign technology and imported inputs.

Our current thrust is to find ways and means on how to modernize without much expense. Along this line, negotiations for institutional support from various government agencies are underway on certain areas such as:

(1) On communication infrastructure nationwide, the Department of Transportation and Communication (DOTC) has committed to provide technical assistance. We only need to find location sites and install dedicated Comelec channels. DOTC offered to share with us their existing hub

and trunklines. What we will procure are additional equipment. We need to assure the Comelec of reliable communication network at the right time and place.

(2) On installing of Comelec's ID production system, Commissioner Beethoven Rualo of the Bureau of Internal Revenue signified the possibility of cost sharing and pooling of technical expertise with the Comelec. This will include not only the Voter's Identification Number (VIN) but also the individual Tax Identification Number (TIN) in the voter's tamper proof I.D.

(3) On the counting machines, the Department of Electrical and Electronics Engineering (DEEE) of the University of the Philippines has also committed its facilities and the expertise of its young faculty members in helping us develop customized software and hardware. These are some of the components and logical steps toward achieving our modernization program.

Furthermore, we cannot complete this modernization without renovating our old building that housed us for 59 years. The Central Comelec offices are dilapidated, stinking and fire-hazardous. Existing Comelec offices in the field situated elsewhere or sharing with local municipal

offices also need to be replaced with modest and secured buildings to house the machines. We have to assure a stable power supply for these computers and modern machines. It is only after these requirements are put in place that we can proceed to procure computers and electronic hardware.

As head of the electoral agency, these are but a few legacies I dream of achieving before my retirement from the Comelec. I am only staying for three years in the Commission to complete the term of office left by Justice Bernardo P. Pardo who is now in the Supreme Court. I wish that by then I would have contributed something worth remembering and not just the person who convicted Calauan Mayor Antonio Sanchez.

The visions enumerated are precious legacies for all, not only for the benefit of the Comelec but for all people especially the powerless. That is the main concern of this present Administration.

As we have said,

**“We dare to do it,
we dare to succeed.”**

Good day and thank you!