

POLITICS OF CHANGE AND MEANINGFUL ELECTIONS

A Voter's Guide for ELECTIONS 2013



National Council of Churches in the Philippines

To the Discerning Voter:

Consistent with the mandates of the 23rd NCCP General Convention under the theme “Holding High the Tapestry of Justice and Peace in a Broken World,” we are called to task by our faith to consistently persevere and respond prophetically to the challenges of the day. As a response to the forthcoming elections, this primer is shared for the proper information and guidance of all and sundry.

This primer consists of 2 major parts: 1) a biblico-theological reflection; and, 2) a guide for politics of change and meaningful elections.

Please feel free to reproduce this primer and to circulate it widely among your friends and neighbors. Should you wish to conduct an electoral education session in your church or community and would need facilitators and more materials, please do not hesitate to contact us at telephone numbers 922-8141, 926-9760, 925-1765, and 929-3745. You may also visit us at 879 Epifanio delos Santos Avenue, West Triangle, Quezon City.

We sincerely hope that this primer will be of help.

NCCP Voters’ Education Secretariat

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The elections may not bring about desired changes because it is still a contest primarily of the elite.

What is important is that in season or out of season, the people's journey towards SHALOM must continue.

Prayerfully and unafraid, let us denounce the evils in our society and announce God's good news of transformation!

Love Uphold Serve

A Biblico-theological Reflection on Elections

By: Rev. Rex R.B. Reyes, Jr.

It is certain that in our churches, we pray for our local and national officials: a) to be always mindful of their calling to serve; b) that they may love the truth; and, c) that they may uphold justice and peace.

The calling to serve, to love truth and uphold justice and peace are resounding themes of the Christian faith especially with regard to those who are elected into office. These are also the meaning of the pledge in baptism when we are asked to promise that we will respect the dignity of all human beings at all times. Hence, the Voter's Guide of the NCCP considers these important for all voters to reflect upon each time there is an election. The Voter's Guide is a call for responsible citizenship especially at a crucial time when each and every qualified Filipino exercises the right to choose their leaders. Within Christian praxis, voting is not only a right but an exercise of one's prophetic responsibility as a Christian.

In an ideal situation, **the call to serve the people is a mandate** of every candidate who wins in an election. It also gives the winning candidate the authority and power to live out that service by putting the interest of the majority at the center of his or her duty. We say ideal when candidates do not use the so-called guns, goons and gold and other forms of deception to ensure their victory.

In the Old Testament **justice and peace, righteousness and service are not separate elements of a leader's vocation**. From the beginning, God calls leaders to "set my people free" from all bonds of enslavement. It is God's will that all people lead abundant lives in order that they can "worship in spirit and in truth". This is the covenant between God who calls and those who are chosen. It is when the chosen leaders betray this covenant that the anointment is withdrawn. In some cases, the rulers repent of their actions. But their repentance does not necessarily mean they will continue in office. God makes the changes not only because God's will has been violated by the one who was anointed but also because of the **greater interest of the people** whom God calls his own people. In some cases, the rulers refuse to recant and they perish in a process they would never imagined to be their end. This is the reason why we say the position seeks out the person through the collective discernment of the people in a community for their common good. This is also the reason why the prophetic ministry of Christians is important. This ministry tells leaders and rulers that when they betray the trust of the electorate the people suffer. Election is an opportune time to convey this to candidates.

In our country the pursuit of justice and peace, good governance and service-oriented leadership can be brought about through the understanding of the use of authority and power. **Authority** is generally a positive value because it **asks for obedience without using force and coercion**, while power is generally associated with the use of force and the fear factor. Such qualitative change in the use of power can come about largely through vigilant communities that work together.

When Jesus told James and John "You do not know what you are asking for" (Mark 10.35-45), Jesus was stating a definition of the right use of power. It is not like the way the Gentiles do it, referring to the pagans. Jesus was giving a **new understanding of power** in terms of servant-power. "But whoever would be great among you must be your servant" (vs. 43) and goes further to say that "whoever would be first among you must be slave of all" (vs. 44). To Jesus, servant power does not play favorites. Power, like electricity

is to be used for the best interest of all. **Servant power neither seeks to dominate nor manipulate** others, by plotting to pit one group against another if only to remain in power. The life and teachings of Jesus shows us a good example of the ends of power. Primarily, power is shared. He taught his disciples to share whatever power they have been given out of obedience to Christ. In the life of the early Church, recorded in the first three chapters of Acts, it was through the exercise of shared power that the problems of the people were resolved. If Peter usurped his being first among equals it could have led to disastrous ends as it usually does with authoritarianism. Secondly, **power is inclusive**. The problems of our nation today are also due to the fact that many people are marginalized. They are excluded from decision-making on matters that concern them most. Resources are controlled by the few, opportunities are only for those who have influence or connections, and democracy is defined by those in power. Thirdly, **power comes with accountability** to those whom it is entrusted.

Can these principles set forth by Jesus be turned into reality in our country where the story of elections has been under the control of the elites and the abuse of power can be traced from the beginning?

The answer is **yes**. Even now, there are communities who have succeeded. Even now, there are young people, women and men who are willing to work to bring about genuine change. Even now, there are people who hope and pray for a better Philippines and cooperate with God, using their talents and skills to keep this hope alive and make that prayer within our reach.

“Above all let us be guided by the Holy Spirit, by Christian principles and by the vision of our Church for our people – a vision of society where justice flows like a river and righteousness as a mighty stream.”¹

It is that time again. A time when politicians dish out grand promises left and right while flashing their sweetest smiles; a period when politicians dazzle the electorate with all sorts of gimmicks to gain their precious votes; and, an occasion when politicians show off every endearing trait except their true personalities.

Politics in our country is dominated by a powerful few. It is almost always the case that the rich, powerful and traditional politicians and their kin emerge as the winners through guns, goons and gold. Patronage politics continues to hold sway. Seldom is the instance when genuine representatives of the poor and the marginalized set foot on the corridors of power as elected officials.

On May 13, 2013, the Filipino people will troop to polling places to choose their lawmakers and local leaders.

THE VICIOUS CYCLE

Even with a myriad of problems, majority of Filipinos still believe that elections can bring about positive changes. But one has to be a discerning voter and one must keep in mind that elections can be a tool for democratic change only if the people can discern the best choices and vigilant in guarding their choice.

The discerning voter should not be swayed by candidates whose promises remain promises. If we let ourselves be influenced by these people, we will remain trapped in this vicious cycle:

“Sadly, the promises of reform have not been addressed, let alone fulfilled. The Philippines remains a country with stark divisions between the haves and the have-nots. Political power is still exercised by a ruling elite supported by the military.”²

¹ Lifted from the Statement on the 1987 Elections issued by the Executive Committee of the National Council of Churches in the Philippines, April 25, 1987

² “Statement on Extra-judicial killings in the Philippines” World Council of Churches-Central Committee, September 5, 2006.

Present day politics will remain rotten if we will let the elections be ruled by politicians with self-serving interests. This old type of electoral politics will continue if we, the ordinary voters, will not unite, pray and work for a meaningful election. Thus, churches and church people, as beacons for moral guidance, must participate in the politics of change and meaningful elections! The passage in the Book of Proverbs is true: *“When the righteous are in authority, the people rejoice; but when the wicked rule, the people groan”* (29:2).

It is common to hear politicians give sugarcoated promises while mouthing calls for a new type of politics. But do they mean it?

THE POLITICS OF CHANGE

The discerning voter must work and pray for the Politics of Change in order to break this vicious cycle. **Let us all work and pray for the Politics of Change!** What does new politics or politics of change really mean?

The **POLITICS OF CHANGE** champions true service for and accountability to the people. This is in contrast to personality-based politics tainted with corruption, patronage, the distribution of special favors and political dynasties. It responds to the issues of the marginalized and the oppressed. This is opposed to the politics of empty promises, deception and self-serving politics. It stands and works for national sovereignty. This is against the politics of interference by and subservience to foreign interests and dictates.

THE STATE OF THE COUNTRY

The following issues show that Filipinos are still very far from enjoying the fullness of life. The statement of the World Council of Churches (WCC) and Christian Conference of Asia (CCA) Pastoral Delegation Visit in 2005 still rings true:

“Among the root causes of the current turmoil in the country are: the inadequacies of state institutions such as the judiciary, inequitable distribution of resources which traps many Filipinos in abject poverty, and the monopoly of transnational corporations and other foreign interests in resource exploitation. These shortcomings remain pervasive and the promise of full enjoyment of human rights is still far distant.”

The 2013 elections are set against the backdrop of a global economic crisis that has resulted in massive poverty and job scarcity. Despite the 6.6% GDP growth being trumpeted by the government³, the situation for the majority of the people remains bleak. *“The government’s... actions and pronouncements so far has shown no signs of fundamental policy shifts and still subscribes to the same policy prescriptions of globalization... As the US and other developed countries are reeling from the current economic stagflation and debt crisis, the economic plunder of developing countries like the Philippines shall intensify and will further push to the margins a vast majority of people already mired in grinding poverty.”*⁴

Public-Private Partnership (PPP) projects are currently at the center of the administration’s economic program. However, the term PPPs or adding a public stake to the scheme is a mere rehash of discredited privatization. Among PPP projects for rollout by the government are in the sectors of water, power, transport and health, showing that privatization is wont to more deeply affect basic service utilities and even social services that are supposed to be affordable if not readily or freely accessible to the people. For poverty alleviation, the government has implemented the conditional cash transfer (CCT) which critics dismiss as mere dole-out.

Worse, the latest poverty measure has reduced the number of poor people through sheer statistical magic⁵.

³ According to IBON, what accounts for the 6.6% so-called spectacular GDP growth was increased government consumption and a huge increase in the construction sector. The so-called growth affected and benefited a portion of the economy which is at the most detached – and at the very least rather superficially connected to – the economic well-being of ordinary Filipinos. The construction that experienced growth is not construction in strategic industries. It is construction driven by speculation, as in property development where residential buildings are continuously being built assuming that our huge population of overseas Filipino workers will be investing in them. It is construction driven by enthusiasm in business process outsourcing office spaces which are practically not Filipino-owned nor oriented. Relatedly, the growth in financial intermediation involves debt-driven real estate loans, showing that to start with, Filipinos could not automatically afford properties being developed, such that they need to avail loan packages offered by banks which would be connected to, if not owned per se, by the property developers themselves.

⁴ Lifted from the statement “Detoxifying Baal from our System” issued by the 23rd General Convention of the National Council of Churches in the Philippines, November 25, 2011.

⁵ The 2011 poverty methodology pegs the poverty threshold – or the minimum amount required to meet a family’s basic food and non-food needs – at PhP 46 per Filipino per day, or Php6 lower than with the earlier methodology in use. This is the third revision to date (the first being in 1992, the second in 2003). The 2011 methodology yielded a lower increase in the number of poor by 970,000 or from 22.17 in 2006 to 23.14 in 2009. The new count also reduced the number of hungry Filipinos

At a cursory glance, the following shows the state of the country⁶...

- approximately 65 million Filipinos (i.e. those in poorest 70% of families) struggle to survive on P104 or less (US\$ 2.50) a day;
- there is a huge gap between the rich and poor in terms of control of resources. In 2011 the 40 richest families listed on Forbes magazine accounted for 76% of the country’s Gross Domestic Product. This was the highest in Asia compared with Thailand where the Top 40 accounted for 33.7%, 5.6% for Malaysia and 2.8% for Japan. In contrast, about 25 million people, or one quarter of the population, lived on \$1 (PhP 41) a day or less in 2009⁷.
- the number of unemployed and underemployed Filipinos increased to 11.9 million in 2012⁸. IBON estimates the unemployment rate at 10.5%, counting in discouraged work-seekers which government has chosen not to include in the count. The 10.5% unemployment figure would be the highest in Philippine history. Five out of 10 employed are in poor quality work, pertaining to unpaid family work or own account work which are both informal, low-earning if not altogether non-earning in the case of unpaid family workers, insecure and irregular if

by 58,000 families or around 290,000 individuals. As a result, the Philippines was deemed closer to reaching the Millennium Development Goal (MDG) of reducing poverty by half by 2015 than if the old poverty methodology were used. At the very least this makes the country’s economy appear to be improving, which is supposed to be good news for businesses here and abroad. The 2011 poverty methodology comes under fire for reducing the number of poor by sheer term and method redefinition and not by employing substantial programs and policies that would physically and strategically address the causes of poverty. Without using statistical magic, actual poverty incidence has not changed since the 1990’s. (http://www.ibon.org/ibon_features.php?id=250).

⁶ The economic indicators were provided by IBON Foundation Inc. unless stated otherwise.

⁷ This was according to former economic planning secretary, Cielito Habito (Philippine Daily Inquirer, March 4, 2013, pp. A1 and A11).

⁸ IBON estimates that the number of unemployed Filipinos increased by 48,000 to reach 4.4 million and the number of underemployed by 349,000 to reach 7.5 million in 2012 – for a total of 11.9 million unemployed and underemployed. The unemployment rate remained at 10.5% while the underemployment rate increased significantly to 20.0% from 19.3% the year before. These figures are based on IBON’s estimates on official data correcting for the change in methodology that now underreports unemployment. The official government unemployment figure for 2012 is 7.0% but which is also unchanged from the year before. As it is, the Philippines still has the worst unemployment in East Asia compared for instance to Thailand (0.6%), Singapore (1.7%), Malaysia (3.0%), Korea (3.0%), China (4.1%), Taiwan (4.3%), Vietnam (4.4%), and Indonesia (6.5%).

not short-term. Recently, according to the Department of Labor and Employment (DOLE), the number of employed Filipinos went down to 37.668 million in October 2012 from 38.55 million a year earlier or a million lost their jobs⁹. Moreover, most of the available jobs in the country are in the services and business process outsourcing (BPO) sectors. This indicates that the more important sectors like agriculture and industry are left behind¹⁰;

- companies with a workforce of 99 or less workers have experienced high instances of closure and retrenchment. More than half of the 1,452 establishments that closed down due to economic reasons were small to medium enterprises, further proving rather dwindling prospects for local businesses;
- the minimum wage of PhP 456.00 has been eroded by inflation and its real value is only PhP 363.64 compared to 2006 prices;
- runaway prices of commodities and social services that are becoming more inaccessible to the poor. A family of six in the NCR need PhP 1,033 everyday in November to have decent shelter, food, clothing, and a small amount of savings and money for leisure. But the Php456 minimum wage only comprises 44% of decent living costs, and a family of six need an additional PhP 577 to cover decent standards¹¹;
- some **54% of Filipinos rate themselves as poor**¹²;
- an ongoing reality that the government and the country is deeply

⁹ <http://www.gmanetwork.com/news/story/295974/economy/business/a-million-filipinos-lost-their-jobs-in-2011-2012-says-dole>.

¹⁰ IBON stresses that growth would have mattered to ordinary Filipinos if it occurred in manufacturing and agriculture, covering roughly 15% and 70% of the Philippine population, respectively. While our country remains largely agricultural, its growth rate of 1.8% up to the 3rd quarter of 2012 would be its lowest growth rate in 56 years. Meanwhile, the 5.3% industry growth rate in the first 3 quarters of 2012 is at the same rate that it was in the 1950s.

¹¹ Worse, the two-tier wage system which allows regional wage boards to assign a lower-than-minimum-floor wage and managements to add to that, an optional productivity allowance. As in the case of CALABARZON, a floor wage of P255 was set by the regional wage board, while a productivity pay of P12.50 may be added for companies giving below P255 daily wage.

¹² A Social Weather Stations (SWS) survey on self-rated poverty conducted from December 8 to 11, 2012, showed some 54 percent of the respondents rated themselves as poor while there were 44 percent who said they were food poor. (<http://www.mb.com.ph/articles/389825/palace-address-selfrated-poverty>).

indebted with each Filipino owing PhP 53,715¹³, and a huge chunk of the national budget goes to debt servicing instead of basic social services; for example IBON estimates that for the 2013 budget, government allots PhP 9.30 per Filipino per day for debt servicing while **only PhP1.30 per Filipino per day is allotted for health**;

- a bleak future for the nation's youth¹⁴. Data from the Department of Education (DepEd) shows that out of 100 Grade 1 students, only 66 are able to continue through elementary and finish Grade 6. Of that number, 58 get to enroll in high school, but only 43 finish it. Of the 43 only 23 are able to enroll in college while 10 enroll in a vocational course. Only 14 out of the 23 higher education enrollees and 7 out



¹³ The National government's debt is P5.16 trillion as of July 2012. With the latest population estimated at 96 million, according to the National Statistical Coordination Board, the amount of total outstanding debt represented a share of P53,715 for each citizen. (<http://business.inquirer.net/81780/govt-debt-burden-rose-8-6-to-p5-16t-in-july>).

¹⁴ http://www.ibon.org/ibon_features.php?id=232

of the 10 vocational course enrollees get to finish their degree. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommends that 6% of gross national product (GNP) must be spent on education. The Philippine government, however, is spending only 2% of GNP on this social service, lagging behind Malaysia, Indonesia and developed countries for primary education;

- **electricity¹⁵ and water¹⁶ rates are among the highest in the region.** Despite this, the Energy Regulatory Commission (ERC) gave the green light for the Power Sector Assets and Liabilities Management Corp (PSALM) to recover so-called stranded contract costs worth PhP 53.58 billion at the expense of consumers. Maynilad and Manila Water also have petitions to increase rates by a whopping PhP 10.30/cubic meter and PhP .83/ cubic meter, respectively;
- even though the price of diesel has shot up by 12-17% compared to yearend 2011 and the household fuel LPG (11 kilo) now costs PhP 16 to PhP 99 higher per tank compared to 2011 prices, local oil companies recently announced an increase in gasoline prices by a peso;
- an **unabated exodus of Filipinos numbering 4,500 leave the country daily to foreign lands -- there to risk life and limb** because employment is very difficult to come by and homeland salaries cannot keep body and soul together¹⁷. Luckier people take their families to foreign lands as

¹⁵ According to a study by International Energy Consultants, Manila has one of the most expensive power rates in the region and it rates Meralco as the 9th most expensive out of 44 distributors. (<http://www.interaksyon.com/business/40664/ph-electricity-rates-among-10-highest-in-survey-of-44-countries>). In 2011, the Philippines has the most expensive electricity rates in Asia. (<http://www.mb.com.ph/node/305841/philippine#.USZ6uh2Tgsc>).

¹⁶ Since water privatization in 1997, water rates soared by as much as 1,000 percent. Metro Manila's water rates are among the highest in the region, just behind Singapore, Jakarta and Cebu according to a 2011 survey of the Japan External Trade Organization.

¹⁷ In 2010, the Philippines sent 1,644,439 migrant workers overseas. There are now 12-15 million Filipinos in more than 230 countries and territories around the world, with concentrations in North America, Middle East, Asia-Pacific and Europe. This migration which started by waves in the course of Philippine history has become an almost daily phenomenon since the government initiated its Labor Export Program (LEP) in the 1970s. What was initially meant as a temporary

a result of frustrations in the Philippines. The result is a brain drain in the country as many of those who take flight are our brightest and best. Migrante International estimates that more than 30% of the total Filipino population is now Overseas Filipino Worker (OFW) remittance-dependent;

- land reform has been subverted. The Supreme Court decision to distribute Hacienda Luisita to the farmers has not been implemented as the Cojuangcos are demanding up to PhP 1 billion in compensation. Numerous haciendas all over the country are still in the hands of the hacenderos. Farmers and agricultural workers from across the country continue to rally for genuine land reform as the extended Comprehensive Agrarian Reform Program (CARP) is already five years behind schedule, with land distribution at 14,942 hectares of land per month, the slowest in any post-Marcos government;
- landgrabbing continues unabated as certificates of land ownership award are cancelled to give way to commercial projects. The Aurora Pacific Economic Zone and Freeport Authority or APECO is under fire since 3,000 indigenous people's families up will be displaced, and the zone will rake through hectares upon hectares of productive agricultural land. There is also the pending sale of thousands of hectares to foreign buyers such as China with the countries' food security being endangered. Farmers have also recently drum-beated their call to return the coco-levy funds collected under the Marcos dictatorship and reportedly used by then crony and current big businessman Danding Cojuangco for his own commercial projects;
- a **pervading culture of impunity resulting to no less than 137 victims of extrajudicial killings** (including four church people), 14 cases of enforced disappearances, 498 victims of illegal arrests, among others¹⁸. Under *Oplan Bayanihan* (*patterned after US Counter-insurgency Guide*), killings continue and a disturbing human rights situation remains to this day¹⁹;

measure to address the country's unemployment problem has become a regular fixture, massive and systematic in scope, and bruted about as a tool for national development" (Migrante International, presentation to the assembly of the World Council of Churches-Global Ecumenical Network on Migration, November 4-11, 2012).

¹⁸ <http://www.karapatan.org/No+change%2C+impunity+prevails+under+Aquino>.

¹⁹ The new government of President Benigno Aquino III continued the implementation of his

- The prevailing climate of impunity is also a major contributing factor to the continuing pattern of extrajudicial killings. Only a handful of cases have been successfully investigated and prosecuted. According to a report²⁰ by Al Parreno, lawyer of the Asia Foundation, who conducted an audit of 364 cases of extrajudicial killings from 2001 up to the present, only 1.37% of the 364 extrajudicial killings audited are solved as of August 21, 2011. According to the report, 100% of perpetrators of enforced disappearances have not been jailed while only 5.88% of journalist killings have resulted in convictions. The 6.31% of the 206 victims of disappearances have surfaced dead. While these figures include years prior to the period in review, the failure of the government to seriously address these cases results to the continuing climate of impunity²¹;
- What is also a very disturbing trend under the administration of Pres. Aquino is the killing of environmental activists²². There are already 28 environmental activists killed under the present dispensation²³.

predecessor's counter-insurgency program until December 2010. A new counter-insurgency program called Oplan Bayanihan still includes the vilification campaign against human rights defenders and the filing of fabricated charges against those who are being tagged as the government's enemies. (As stated in the Submission by the National Council of Churches in the Philippines Related to the PHILIPPINES for the Universal Periodic Review on the Philippines by the United Nations Human Rights Council last May 2012).

²⁰ Report on the Philippine Extrajudicial Killings (2001-August 2011), by Atty. Al A. Parreno.

²¹ As stated in the Submission by the National Council of Churches in the Philippines Related to the PHILIPPINES for the Universal Periodic Review on the Philippines by the United Nations Human Rights Council last May 2012

²² Last July 9, 2012, two UN Special Rapporteurs on human rights defenders and extrajudicial executions called on the Government of the Philippines to adopt urgent measures to protect the life of rights defenders and to ensure they are able to carry out their important work. The two Special Rapporteurs underscored the fact that a number of cases have been reported to them involving death threats and killings of human rights defenders since the killing of Fr. Fausto Tentorio in Mindanao in 2011. Margaret Sekaggya, Special Rapporteur on human rights defenders stated that "many of the cases (of HRVs) involve individuals and organizations working to defend the right to a healthy environment". She further stated that disputes over land rights and campaigns against mining and dam projects infringing on the rights of local communities tend to be sensitive. She stated that those "...defending such rights are often met with violence." Both Rapporteurs called on the government to urgently implement the recommendations of Mr. Heyns' predecessor, Prof. Philip Alston's 2007 report on his visit to the Philippines (<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12333&LangID=E>).

²³ Data provided by Kalikasan-People's Network for the Environment.

- an **all-consuming culture of bureaucratic corruption in high places** while the people wallow in poverty and in want;
 - the Philippines ranked 65th on the list of most corrupt countries in 2012 with a score of 34 out of 100, according to the world corruption watchdog Transparency International's annual report²⁴;
 - over the decade, the Philippines ranks 6th among the 20 biggest exporters of illicit financial flows (at \$13.8 billion avg or \$138 billion cum.) and 9th among the top exporters of illegal capital (at \$16.62 billion) - above Indonesia whose population is more than double that of the Philippines and above India with a population many, many times over the Philippines²⁵.
- a servility to foreign powers and an acquiescence to decidedly unfair agreements such as the US-RP Visiting Forces Agreement and the Mutual Logistics Support Agreement²⁶. The US drone that crashed in Masbate and the recent grounding of the USS Guardian, a US Navy minesweeper, on the Tubbataha Reef, a UNESCO World Heritage site, show easy and unrestrained access to Philippine territory – land, sea and airspace - by the US military war machinery. The US-RP Balikatan (literally "shoulder to shoulder") **Exercises under the Visiting Forces Agreement have spawned violations committed by members of the US military** or violations related to the exercises. Bishop

²⁴ Source: <http://www.bazics.net/2012/12/philippines-ranked-21st-in-2012-most-corrupt-countries-up-by-30-ranks-from-2011.html#ixzz2L0npxy7P>.

²⁵ From the report, "Illicit Financial Flows from Developing Countries: 2001-2010 < <http://iff.gfintegrity.org/iff2012/2012report.html> >," by the Global Financial Integrity (GFI), a Washington-based research and advocacy organization. The is GFI's annual update on the amount of money flowing out of developing economies via crime, corruption and tax evasion, and it is the first of GFI's reports to include data for the year 2010.

²⁶ The VFA and MLSA allow the stationing of US troops and war materiel in Philippine territory with very little regulation and oversight. The VFA also has an unspecified duration and does not specify or limit the number of troops allowed entry into the Philippines. It does not specify or limit the areas in the Philippines that the "visiting" troops can access. It also does not specify or limit the activities of the "visiting" troops. There is an urgent need to review and eventually abrogate the VFA because it violates Philippine sovereignty and provides the legal framework allowing human rights abuses.

Felixberto Calang of the Iglesia Filipina Independiente, on behalf of the Initiatives for Peace in Mindanao (INPEACE Mindanao), submitted a list of violations committed by US Troops to representatives of the Philippine Senate and Congress in September 2008, during a public hearing that was supposed to review the US-RP Visiting Forces Agreement²⁷. However, until now no adequate legislative, executive, or judicial actions had been done to make the perpetrators of these violations be taken to account for their crimes;

- a frequent scuttling of the peace talks between the government and insurgent groups. The last formal peace talks between the government and the National Democratic Front of the Philippines (NDFP) were held in February 2011. According to the Philippine Ecumenical Peace Platform²⁸ “...at the crux of the recent impasse, concerns the detained consultants of the NDFP that they (NDFP) claim are covered by the Joint Agreement on Safety and Immunity Guarantees (JASIG). The NDFP called for a postponement of the talks last June 2011 to give time for the GPH to release the consultants. While the GPH already released some consultants, the NDFP is demanding that the GPH honor the February 21, 2011 Joint Statement by releasing most if not all consultants covered by the JASIG. The GPH recently stated that until the reciprocal working committees on the Comprehensive Agreement on Social and Economic Reforms (CASER) shall have completed the common tentative agreement on social and economic reforms, the talks may not resume. They also stated that there will be no formal talks on issues concerning the JASIG. This in turn was seen by the NDFP as a move to scuttle the negotiations.”²⁹;
- an environment ravaged by years of abuse. A decade ago, only 18% of our forest cover remained. Today, it is down to an estimated 6% of the original forest habitat, and is further threatened by an

average loss of 157,400 hectares per year. Our forests are being destroyed to make way for the mining operations of trans-national corporations (TNCs)³⁰, commercial logging, geothermal explorations, dam construction and other so-called development projects. Forests which make up the focal ecosystem and is responsible for ecological balance and climate regulation, is being decimated at an alarming



rate³¹. In mining 89% of production are exported – and this amounted to US\$43.3 million in 2011. There has been more than \$30 billion in mineral exports since the '70s;

- an unfortunate distinction of being one of the most disaster-prone countries in the world. Over the last ten years, there have been increasing disaster occurrences leaving thousands of victims in their wake... the Philippines was declared by the United Nations as the third

²⁷ From the Powerpoint presentation of Bp. Calang for the US tour of the Philippine UPR Watch delegation.

²⁸ The Philippine Ecumenical Peace Platform (PEPP) is a platform for five religious groups to support the peace negotiations between the government and the NDFP. It is composed of church leaders representing the Catholic Bishop's Conference of the Philippines (CBCP), National Council of Churches in the Philippines (NCCP), Association of Major Religious Superiors of the Philippines (AMRSP), Philippine Council of Evangelical Churches (PCEC) and the Ecumenical Bishops' Forum (EBF).

²⁹ Statement of the 2nd Ecumenical Church Leaders' Summit on the GPH-NDFP Peace Negotiations, Betania Retreat House, Lahug, Cebu City, February 6-8, 2012. This activity was sponsored by the Philippine Ecumenical Peace Platform.

³⁰ The much-anticipated executive order 79 or the new mining policy did not resolve to take jurisdiction over the people's environmental and livelihood concerns in relation to destructive, large-scale mining by mostly big local and foreign companies. Instead, government merely demanded a higher share of mining revenues. Although the implementing rules and regulations of the EO were suspended last year, exploration permits have also been granted that continue to impact on people's livelihood, environment and health.

³¹ "On Environmental Protection and Climate Change Adaptation", 23rd NCCP General Convention, November 25, 2011.

THE CRITERIA

JUSTICE PEACE SOVEREIGNTY

RIGHTEOUSNESS INTEGRITY OF CREATION

"(do not) judge unjustly and show partiality to the wicked... Give justice to the weak and the fatherless; maintain the right of the afflicted and the destitute. Rescue the weak and the needy; deliver them from the hand of the wicked."

Psalms 82:1-4

"...'Keep justice, and do righteousness, for soon my salvation will come and my deliverance be revealed..."

Isaiah 56:1

"...deal wisely...execute justice and righteousness in the land"

Jeremiah 23:5

"...what does the LORD require of you but to do justice, and to love kindness, and to walk humbly with your God?"

Micah 6:8

most vulnerable country to the effects of climate change³²;

- the constant moves to push Cha Cha (Charter Change) by those who equate economic development with further liberalization of the economy and divest the present Constitution of its nationalist provisions.

THE CRITERIA

The following set of criteria is suggested as means of discerning whether the candidates and party-list groups will uphold the politics of change and keep the interests of the people above all else: Justice; Peace; Righteousness; National Sovereignty; Integrity of Creation³³.

³² "Policy Paper On Relief And Rehabilitation" 23rd NCCP General Convention, November 25, 2011.

³³ The criteria is based on the "The

1. JUSTICE

A candidate or political party is working for SOCIAL JUSTICE if he/she/they is/ are upholding and pushing for:

- Genuine land reform – those who toil the land are given their due as responsible stewards, thereby effecting a primary redistribution of land, the source of food for life. Rampant land grabbing and the cancellation of Certificates of Land Ownership Awards (CLOA) and Certificates of Land Transfer must be stopped as well as conversion of agricultural lands into golf courses, big foreign plantations, etc.
- Just wages and job security as opposed to low wages and labor contractualization – those who work in industries are given an equitable share in the fruits of their labor as well as participation in management and decision-making. The recognition of workers' rights to form unions to effectively address their grievances is a basic right.
- Housing, education, health care and other basic social services – people are guaranteed their right to life and enjoy provision for basic human needs. These can be done by strengthening basic services like housing and decent relocation sites for the urban poor, free or affordable health services, and low and reasonable prices of goods. Likewise, yearly or semestral increases in matriculation fees must be regulated if not stopped. The increase in the national budget for education and other basic social services as stipulated in our Constitution should be enforced. Moreover, the increasing trend to privatize public hospitals should be opposed.
- Equal opportunities for women – women are recognized and empowered as co-equals of men in nation building. Laws regarding violence against women must be strictly enforced.

National Council of Churches in the Philippines: Towards a Common Vision and Mission" (March 1998).

- Self-determination – our brothers and sisters who are national minorities are empowered to chart their own course as a people by being equally represented in organs of governance. Likewise their culture and traditions including their claims to ancestral domains should be respected.

2. PEACE

A candidate or political party is working for PEACE if he/she/they is/are upholding and pushing for:

- Peace Negotiations - principled peace negotiations between the government and the National Democratic Front of the Philippines (NDFP) and the government and the Moro Islamic Liberation Front (MILF) based on mutually agreed upon conditions to help end the decades-old armed conflict must be pursued.
- Respect for human rights – there is interplay of views and strong adherence to the protection and promotion of human rights, encompassing both civil liberties as well as the rights of people in responsible and responsive community. To address the problem of extra-judicial killings and enforced disappearances and other human rights violations, the recommendations during the Universal Periodic Review on the Philippines by the United Nations Human Rights Council³⁴ should be followed especially the recommendation to prevent HR violations by the AFP and the PNP. International rights covenants that the country is a signatory to should be followed to the letter also. Those imprisoned for their political beliefs should be freed. Laws against torture and enforced disappearances should be strictly enforced. In addition, he/she should work to:

- Scrap the counter-insurgency program, Oplan Bayanihan, in particular the spate of extrajudicial killings and the practice of labeling of activists as enemies of the state, and the filing of fabricated charges against those who are being tagged as the government's enemies³⁵.

- Render justice to the victims of human rights violations committed by State security forces through proper investigation and prosecution of perpetrators; that the principle of command responsibility with respect to the military hierarchy as basis for criminal liability for extrajudicial killings, enforced disappearances, and torture be upheld. Government and military officers found to perpetrate human rights violations should not be entitled to any form of immunity.

- Reform the criminal justice system to address the pervading climate of impunity centered,

³⁵ These three calls were adapted from "A Clarion Call To End The Climate Of Impunity", 23rd NCCP General Convention, November 25, 2011.

"....they shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation; neither shall they learn war any more; but they shall sit every man under his fig tree, and none shall make them afraid; for the mouth of the Lord of hosts has spoken"

Micah 4:1-4

"But how are men to call upon him in whom they have not believed? And how are they to believe in him of whom they have never heard? And how are they to hear without a preacher? And how can men preach unless they are sent? As it is written, 'How beautiful are the feet of those who preach good news'"

Romans 10:14-15

"For the kingdom of God is not food and drink but righteousness and peace and joy in the Holy Spirit; he who thus serves Christ is acceptable to God and approved by men. Let us then pursue what makes for peace and for mutual upbuilding."

Romans 14: 17-19

"For he is our peace, who has made us both one, and has broken down the dividing wall of hostility, by abolishing in his flesh the law of commandments and ordinances, that he might create in himself one new man in place of the two, so making peace."

Ephesians 2:14-15

³⁴ In 2008, a mechanism called the Universal Periodic Review (UPR) was initiated in the UN Human Rights Council. The UPR is a new mechanism under the UNHRC where member states' fulfillment of its obligations to international rights treaties will be assessed by their peers. The Philippines was subjected again to the Universal Periodic Review (UPR) last May 2012. Around 69 countries quizzed the Philippine government on its human rights record during the UPR session. One after the other, at least 22 countries expressed concerns on the continuing spate of extrajudicial killings, enforced disappearances and torture in particular, and impunity in general. Several countries also called on the Philippine government to dismantle all paramilitary groups and militias. For a copy of the full Report of the Working Group on the Universal Periodic Review, please visit: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/136/75/PDF/G0813675.pdf?OpenElement>.

in particular, on the enhancement and protection of human rights through the speedy and proper investigation, arrest, prosecution, and conviction of perpetrators.

- An end to rampant militarization – the social costs of increasing military deployment in many places in the rural areas, not to mention the money that pours into it, has resulted to unbridled human rights violations and internal displacement. It has also bred unpeace in our midst. Thus civilian rights must always be upheld and military reforms must be introduced.

3. RIGHTEOUSNESS

A candidate is RIGHTEOUS and is for GOOD GOVERNANCE if he/she treats the public office as a public trust and not as a means to enrich oneself, and if he/she:

- Has a clean track record in public service – the candidate should not have any record of corruption and of giving special favors to relatives and friends. The candidate should not have any record of human rights violations and oppression to women and the poor.
- Is ready to stand for the prosecution of the Marcoses and other plunderers (or the “big fishes” so to speak) of the different administrations – the candidate should uphold the law that everyone should face the consequences of their wrongdoings especially those who have plundered the nation’s coffers and who have abused their power through oppression.
- Is willing to let the voices of our powerless sectors comprising the majority of our society – the peasantry, workers, fisherfolk, urban poor and national minorities – be heard in decision making.
- is against the perpetuation of political dynasties as these stifle democracy and undermine the sanctity of the electoral as well as the integrity of the people’s participation in this sacred act of public decision making. Political dynasties are ingredients for oligarchy and elitist politics thus subverting genuine democracy. The enabling law to implement the Constitutional ban on dynasties should be passed.
- Has integrity and is not involved in cheating and influencing the results of the people’s choices by stealing their votes through coercion, intimidation, manipulation and other “slights of hands”.

“Someday there will be a king who rules with integrity and national leaders who govern with justice. Each of them will be like a shelter from the wind and a place to hide from storms. They will be like streams flowing in a desert, like the shadow of a giant rock in a barren land. Their eyes and ears will be open but they will act with understanding and will say what they mean. No one will think that a fool is honorable or say that a scoundrel is honest. A fool speaks foolishly and thinks up evil things to do. What he does and what he says are an insult to the Lord, and he never feeds the hungry or gives thirsty people anything to drink. A stupid person is evil and does evil things; he plots to ruin the poor with lies and to keep them from getting their rights. But an honorable person acts honestly and stands firm for what is right. Then justice will dwell in the wilderness, and righteousness abide in the fruitful field. And the effect of righteousness will be peace, and the result of righteousness, quietness and trust for ever. My people will abide in a peaceful habitation, in secure dwellings, and in quiet resting places.

Isaiah 32



“Seek the LORD, all you humble of the land, who do his commands; seek righteousness, seek humility....”

Zephaniah 2:3

“For if any one thinks he is something, when he is nothing, he deceives himself. But let each one test his own work, and then his reason to boast will be in himself alone and not in his neighbor. For each man will have to bear his own load. Let him who is taught the word share all good things with him who teaches. Do not be deceived; God is not mocked, for whatever a man sows, that he will also reap. For he who sows to his own flesh will from the flesh reap corruption; but he who sows to the Spirit will from the Spirit reap eternal life. And let us not grow weary in well-doing, for in due season we shall reap, if we do not lose heart. So then, as we have opportunity, let us do good to all men, and especially to those who are of the household of faith.”

Galatians 6:3-10

4. NATIONAL SOVEREIGNTY

A candidate or political party is working for the NATION'S INTEREST AND SOVEREIGNTY if he/she/they is/are working for:

- National Industrialization – basic and vital industries are under the effective control of the national community. A primary example for this is the nationalization of our oil industry by working for the repeal of the Oil Deregulation Law in order to prevent the continuous increase in the price of oil.
- Review and scrapping of agreements and treaties that infringe on our national sovereignty – The Philippine Constitution safeguards our national sovereignty, this should be upheld and treaties and agreements that are decidedly unfair to the Philippines and can bring unpeace like the Visiting Forces Agreement (VFA), the Balikatan exercises, the Mutual Logistics Support Arrangement (MLSA), Mutual Defense Treaty (MDT) and the like, should be reviewed and scrapped.
- Prioritization of economic sovereignty over globalization - impositions and dictates of the International Monetary Fund (IMF), World Bank (WB), General Agreements on Tariffs and Trade-World Trade Organization (WTO) wreak havoc on our economy by allowing the unrestrained entry of foreign goods in our market which affect our local production. Likewise, laws that support and promote globalization like the Retail Trade Liberalization Law, Oil Price Deregulation Act, Electric Power Industry Reform Act (EPIRA), and other similar laws should be repealed or scrapped. The plans to further privatize our water resources and public hospitals should also be stopped.
- Non-payment of onerous loans – onerous loans should not be paid especially those loans used to fund environmentally destructive projects like the Bataan Nuclear Power Plant, the Chico River Dam Project, and such, which are a bane to the people. Foreign debts, which are burdens to us, will most likely be burdens of the coming generations. The automatic appropriation of our national budget to debt servicing must also be stopped. Likewise, the people's money plundered and/or lost to graft and corruption should be pursued with astute political will.

“if my people who are called by my name humble themselves, and pray and seek my face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land.”

2 Chronicles 7:14

“For freedom Christ has set us free; stand fast therefore, and do not submit again to a yoke of slavery.”

Galatians 5:1

“...be of the same mind, have the same love, be in full accord and of one mind. Do not be selfish nor conceited, but in humility count others better than yourselves.

...look for the interests of others.

...be like Christ Jesus, who, though he was in the form of God, did not count equality with God a thing to be grasped, but emptied himself, taking the form of a servant, being born in the likeness of men.

And being found in human form he humbled himself and became obedient unto death, even death on a cross...”

Philippians 2:1-10

- Defense of the nationalist provisions in the Philippine Constitution – the Philippine Constitution is by no means perfect. It still has many loopholes but its positive provisions like Bill of Rights, the ban on the entry of foreign troops, bases and nuclear weapons, and restrictions in terms of not allowing 100% ownership of land and patrimony serve as our safeguard to the complete onslaught of globalization and unrestrained intervention. Thus moves for Charter Change to tailor fit globalization likewise must be opposed.
- Foreign relations based on equality and mutual respect – the foreign relations policy of our country is to echo the pronouncements of the most powerful nation on earth even to the detriment of our national interest. Thus there is a need to work for the drafting of new rules that is based on equality not on “big country-small country” and mutual respect for the sovereignty of each country.

5. INTEGRITY OF GOD'S CREATION

A candidate or political party is working for the INTEGRITY OF GOD'S CREATION if he/she/they is/are upholding and pushing for the protection and nurture of the physical environment to ensure ecological balance and inter-generational equity. This can be measured if he/she/they is/are calling for:

- The repeal of environmentally destructive laws like the Philippine Mining Act of 1995 which gives big foreign mining companies the license to freely disembowel our environment³⁶ and EO 79. Push *"for a mining policy that places the primacy of the industrial development of this country and benefits for the people of this republic... a Mining Bill that places serious regard to the defense of our national sovereignty and patrimony as our Constitution so declares"*³⁷.
- The scrapping of the plan to recommission the mothballed Bataan Nuclear Power Plant which "poses incalculable and unacceptable risks to the health and safety of the people and the environment" (12th NCCP General Convention, 1985). Instead, alternative sources of energy that are indigenous, less costly, and guarantee the safety and well-being of the people and the environment, should be developed.
- The ban on illegal fishing and the encroachment of big foreign commercial fishing vessels on fishing grounds traditionally reserved for small fisherfolk.



- The ban on commercial logging until sufficient rainforest cover for the country has been achieved. Promote the use of indigenous tree species in reforestation.
- A stop or minimization of the construction of geothermal plants and big dams.
- A sustainable solid waste management policy that shuns incinerator plants, landfills and dumpsites while promoting waste segregation, composting and recycling in communities and the prevention of the entry of hazardous wastes from foreign countries in exchange for so-called economic benefits.

- The demand for justice, social compensation and remediation for all victims of environmental negligence, such as the Payatas garbage slide, Leyte mudslides, typhoons Sendong and Pablo and the Marcopper/Philex mine tailings spills and the toxic wastes dumped in the former US Bases.

- A stop to the commercialization of genetically-engineered products and the prevention of the appropriation of Philippine flora and fauna by private and foreign corporations through intellectual property conventions such as patents and licenses. Repeal the Philippine Plant Variety Protection

Act. Promote native agricultural varieties and indigenous agricultural practices.

- The ban on the land-use conversion of agricultural lands and natural ecosystems like mangrove areas.
- The promotion of the conservation of our biodiversity by enforcing the ban on illegal wildlife trade and a stop to biopiracy.
- The amendment of the Clean Air Act by instituting mechanisms

³⁶ "Affirming Our Call To Repeal The Mining Act Of 1995", 23rd NCCP General Convention, November 25, 2011.

³⁷ NCCP Statement on Executive Order 79

that will safeguard the livelihood of low-income workers and to ban oil companies from passing on the burden of paying for cleaner oil products to consumers.

- The rehabilitation and protection of watershed areas and the promotion of community forestry management.
- The immediate rehabilitation of biologically dead rivers and the immediate upgrading, expansion and development of a national sewage system.

“The LORD God took the man and put him in the garden of Eden to till it and keep it.”

Genesis 2:15

*“In his hand are the depths of the earth;
the heights of the mountains are his also.*

The sea is his, for he made it; for his hands formed the dry land. O come, let us worship and bow down, let us kneel before the LORD, our Maker! For he is our God, and we are the people of his pasture, and the sheep of his hand.”

Psalms 95:1-7

“...because the creation itself will be set free from its bondage to decay and obtain the glorious liberty of the children of God.”

Romans 8:21

“Then I saw a new heaven and a new earth; for the first heaven and the first earth had passed away, and the sea was no more. And I saw the holy city, new Jerusalem, coming down out of heaven from God, prepared as a bride adorned for her husband; and I heard a loud voice from the throne saying, “Behold, the dwelling of God is with men. He will dwell with them, and they shall be his people, and God himself will be with them; he will wipe away every tear from their eyes, and death shall be no more, neither shall there be mourning nor crying nor pain any more, for the former things have passed away.”

Revelations 21:1-4

THE PARTY LIST SYSTEM

For parties and organizations running under the party list system.

The party list system was made into a law so that the marginalized sectors of our society can join the elections in order for them to be proportionally represented in congress, particularly in the lower house. A total of 50 party list representatives can be a part of congress.

In the party list system, it is the organization or the political party and not the individual that is voted upon. Only one party list voted on. The name of the party list organization is the one chosen on the ballot and not the nominees. The name of the party list organization is the one written on the ballot. There is a minimum of one and a maximum of three representatives from the winning party that will sit in the congress based on the number of votes or the percentage of votes garnered from the total voting population.

At present, there is a loophole in the party list system because big, old traditional politicians and the powerful few in the country can form parties to join the party list bandwagon. Because of this, even the party list system, which is supposed to ensure the representation of the marginalized sectors, is dominated by the rich and the powerful.

To address this problem, Kontra Daya, an electoral watchdog, embarked on a serious campaign in 2102 to clean up the partylist system of groups that are neither marginalized nor underrepresented. Unfortunately, the efforts of Kontra Daya and various stakeholders were undermined by Comelec because of its consistent basis in disqualifying some groups and accrediting others. According to Kontra Daya in its statement on the start of the campaign period “some groups identified with Malacanang, including those with former government officials among their nominees, were even allowed to run in the partylist system”³⁸. They added that the situation was “made even more untenable when the Supreme Court issued a status quo ante order in favor of disqualified partylist groups, thus allowing their names to be printed in the ballot, even if they still face possible disqualification by the High Court”³⁹. Instead of truly cleaning up the partylist system, both the Comelec and SC have made it again more difficult for legitimate groups of the marginalized and underrepresented to gain seats as they are now up against the partylist groups of the rich and powerful.

³⁸ <http://kontradaya.org/?p=831>

³⁹ Ibid.

Kontra Daya noted that Comelec retained or approved the accreditation of at least fifteen partylist groups included in its Omnibus Complaint⁴⁰:

1. Ang Mata’y Alagaan of the Family of SC Justice Presbiterio Velasco
2. Bagong Henerasyon of Quezon City Councilor Bernadette Herrera
3. Kasosyo of former Secretary Nasser Pangandaman
4. Ang Kasangga currently represented by big businessman Rep. Teodorico T. Haresco
5. Agrarian Development Association (ADA) of the Singson family in Ilocos
6. AAMBIS-OWWA of Sharon Garin of the Garin political clan
7. Alay Buhay of Weslie Gatchalian
8. Agbiag! of Rep. Patricio Antonio
9. Association of Labor and Employees (ALE) of Rep. Catalina Bagasina, known as the richest partylist congressperson with a net worth of more than P100 million
10. A Teacher with nominees Rep. Piamonte, Rep. Cortuna
11. Agricultural Sector Alliance of the Philippines (AGAP) of Rep. Briones
12. 1JAMG of Homero Mercado, also a multimillionaire
13. Buhay – linked to the Velardes of El Shaddai, has former Manila Mayor Lito Atienza as nominee
14. Yacap of Rep. Lopez
15. Arts Business and Science Professionals of Rep. Catalina Pizarro
16. Abante Retirees of former representative Plaridel Abaya, father of DOTC secretary Jun Abaya

Thus for the party list system, analyze and measure if the contenders:

1. are truly independent and are not created or funded/ bankrolled party list organizations (in a sense dummy organizations) of big traditional political parties and **politicians** as well as party-list groups closely identified with the current administration like Akbayan.
2. are truly representing the poor and the downtrodden and not the rich and the powerful.

In truth, the party list system offers a small window of opportunity and may

⁴⁰ <http://kontradaya.org/?p=829>.

be seen as a mere token. It provides a small portion of the “power pie” to marginalized sectors as opposed to the much larger piece in the hands of the elite. It can yet be maximized for the Politics of Change.

Let us make this coming election a meaningful one by following these practical tips:

- Let us not sell our votes. Reject those who are trying to buy their way into power.
- Let us form watch groups to safeguard against cheating and to make sure that our votes are counted properly. “Hello Garci” must not happen again.
- Be vigilant about the automation of the elections so that it may not lead to wholesale electronic cheating.
- If rampant cheating and violence ensues in the elections, let us guard the true will of the people by announcing and denouncing the mockery that has happened by taking to the streets and shaking the foundations of traditional politics ruled by Guns, Goons, and Gold.
- Take note of electoral promises. After the elections, critically monitor the actions of elected officials and hold them accountable to their campaign promises.

THE AUTOMATED ELECTORAL SYSTEM⁴¹

What is the automated election system (AES)?

Since the country started holding electoral exercises, the manual system of voting, counting and canvassing has been the norm. The 2004 and 2007 elections, just to cite current examples, saw the nation waiting for an agonizingly slow tabulation of election results. Moreover, there were many cases of dagdag-bawas (vote shaving). To address this, RA 9369 or the election modernization law was passed. This requires an automated election

⁴¹ This whole portion was primarily adapted from “**SMARTMATIC PCOS 2013, A Primer on the Automated Election System in the Philippines**” by the **Automated Election System Watch (AES Watch)**, Second Release: February 18, 2013. For further information and full copy of the primer, please contact: Acting Secretariat Office, 304 CSWCD Bldg., Magsaysay Avenue, UP Diliman 1101 Quezon City; TelFax +9299526; email address: aeswatch2012@gmail.com

system (AES) to “encourage transparency, credibility, fairness and accuracy of elections”⁴².

SEC. 1 of RA 9369: It is the State policy to ensure free, orderly, honest, peaceful, credible and informed elections, plebiscites, referenda, recall and other similar electoral exercises by improving on the electoral process and adopting systems that will ensure the secrecy and sanctity of the ballot and all election, consolidation and transmission documents in order that the process shall be transparent and credible and the results fast, accurate and reflective of the genuine will of the people.

In a nutshell, AES is the use of a computer to record the ballot, count, transmit, and canvass votes. Thus, for the 2010 Presidential Elections the Precinct Count Optical Scan (PCOS) or Optical Mark Reader (OMR) technology system was used by the consortium Smartmatic-TIM under contract from the Commission on Elections (Comelec). Instead of writing the names of candidates on the ballots, the voters shaded small ovals opposite the names of their candidates on ballots 2.5 feet long, and fed the ballots into the PCOS-OMR machines.

After the voting period, the machine itself will count the votes and produce the election returns or ERs. With a modem, the PCOS will transmit through the internet the election return to the canvassing center (municipal board of canvasser, national central server) and KBP server. The Consolidation/Canvassing Server or CCS (REIS: Real-time Electoral Information System) will be used to canvass the votes.

What are the critical issues and problems in the automation of the 2013 elections?

In the AES, the need to put *internal safeguards* is guaranteed under RA 9369. However, despite calls from different groups desirous of a clean and honest elections, Comelec did not put the necessary *safeguards to ensure the integrity and secrecy of the vote*, and a *transparent, accurate and credible* vote count. What is also very glaring is the fact that the implementation of the AES is over-dependent on a foreign company - Smartmatic.

Thus, various groups have already pointed out that the AES is vulnerable to mistakes and the chances are high for wholesale cheating. This is because

Comelec has denied the *independent source code review to ensure the integrity of the software running the PCOS machines*. Comelec also did away with the *digital signing* by the Board of Election Inspector (BEI) thereby rendering the PCOS machines vulnerable to unauthorized transmission of election results. *Random manual audit is almost insignificant after the counting because only a handful of precincts out of the 88,000 precincts will be subjected to it*. The various bugs and glitches observed in the 2010 Elections were also not fixed.

The voting process is sped up by AES but the process of *secret voting and public counting is disregarded*. After the voter marks the ballot at the precinct, the rest of the process from scanning, storing, and counting to transmission, canvassing, and consolidation is left with the machine without being seen by the naked eye. Yet election mandates secret/private voting and public counting and the voter has the right know how his/her vote is processed.

An editorial by the Philippine Daily Inquirer (PDI) entitled “Troubling, frightening”⁴³, tackled the issues raised by critics who continue to question the Comelec’s capability to conduct automated elections this year. The editorial noted that Comelec Chair Sixto Brilliantes practically dismissed critics by saying that “...it’s either PCOS machines or manual polls”. It pointed out that the issue “...has never been about technology versus manual counting but whether the technology that the Comelec has procured for the 2013 elections, at great expense and with sky-high expectations, is indeed the right one”.

PDI cited Bobby M. Tuazon, director for policy studies of the Center for People Empowerment and Governance (CenPEG): “The Comelec will end up with pirated technology if it uses Smartmatic’s PCOS voting system”. The reason is that Dominion Voting Systems, the owner of the technology used with the automated election system, terminated its License Agreement with Smartmatic last May 23, 2012. This has serious and far reaching implications as certification by an international certification entity continues to be denied.

With regards to the source code - the human-readable set of computer program instructions used to specify the internal actions to be performed by the PCOS – the Comelec continues to deny access to it for review by interested groups. This is a right granted under RA9369.

Aside from those mentioned above, in the mock elections conducted before the Committee on Suffrage and Elections last May 23, 2012, the same

⁴² Republic Act 9369.

⁴³ Opinion, Philippine Daily Inquirer, February 6, 2013, p. A12.

problems observed in the May 2010 elections surfaced again. These were: ballot rejections, transmission failures, inaccuracy of the vote count, Election Returns and Certificates of Canvass not digitally signed as required by law⁴⁴.

Chair Brillantes on the other hand, stated that "...the Philippines is the legal and true owner of the PCOS machines, including the software installed therein." He pointed out that the purchase of the PCOS was made in March 30, 2012 while the cancellation of Smartmatic's contract by Dominion happened on May 23, 2012. He said that under the law, contractual obligations acquired prior to a cancellation bind all parties. He further said that the Philippines became the legal owners of the machines and software even before the cancellation and even after⁴⁵.

Still, the issue remains that the PCOS machines were bought even though there were many defects or problems. The most critical and fundamental issue is the fact that Comelec has entrusted the elections primarily to a foreign company with a technology that has so many problems. In the end, the people's right to suffrage may be compromised and we may end up with leaders that are not democratically chosen by the people. Automation does not guarantee clean elections but it can be achieved or errors minimized with proper safeguards and security measures, and full citizens' engagement in the whole exercise.

How will the people guard their votes?

The next section is a reprint of the "12 Alerts for May 2013 Automated Elections"⁴⁶ -- practical things that can be done to safeguard the will of the people.

Whether modernized or not, no election system will bring democracy to the people and a just government elected unless the systemic problem of fraud and violence which is run by powerful politicians and dynasties in and out of government is addressed decisively and comprehensively. In any electoral exercise, an organized and vigilant citizenry is the paramount requirement.

⁴⁴ "Comelec Must Stop Committing the Same Mistakes; Voters' Rights are at Stake", Statement of Concern, Automated Election System Watch (AES Watch), February 18, 2013.

⁴⁵ <http://newsinfo.inquirer.net/360991/brillantes-cries-poll-sabotage>.

⁴⁶ Prepared by CenPEG Election Team with AES Watch- Filipino IT 4 Elections (FIT4E) and Biliran Kawsa, February 18, 2013.

12 ALERTS

FOR May 2013 Automated Elections

1. THE PRECINCT

Each clustered precinct is at the center stage on Election Day. All activities therein must be monitored and if possible covered live by CCTV and made available to the public via internet live streaming. Alternatively, if cost consideration makes it impractical to implement, organize youth and other groups in each barangay to monitor. During Election Day, they can upload pictures taken at the precincts to watch dogs' websites for viewing by the public on real time basis.

2. BALLOTS

When the BALLOTS of "kilometric size" arrive in the Provincial Treasurer's Office, MONITOR them in the premises 24 hours a day until the actual distribution on Election Day. Watch out for PRE-SHADED BALLOTS. Require the BEI (Board of Election Inspectors) to exhibit every ballot to the public or the watchers before giving it to the voter. Any pre-shaded ballot is prima facie evidence of fraud on the part of the BEI. With the long-size BALLOT (the longest in the world!), secrecy of voting is compromised.

3. BALLOT BOXES

These boxes are the reservoir of all materials after voting, namely, the used and unused ballots, printed ERs (election returns), CF card, all reports designed for Comelec, and other accountable documents. Before the start of voting, the ballot box must be shown to watchers to be empty. The transparent plastic peek holes on the sides must be thoroughly inspected to be well-glued/riveted and not easy to remove. After PCOS unit installation on top, the cover must be placed/sealed with the assigned official sealing strips and verified/recorded in the BEI's precinct report. The ballot box should never be opened until the conduct of RMA and/or part of a protest. Record and report unusual opening of the box.

4. VOTERS' LIST

VOTERS' lists in 2010 came in three kinds: CVL (certified voters list), CCVL (computerized certified voters' list) and PVL (provincial voters' list). In many cases, there were discrepancies in the said lists from the list posted outside the polling center. The CCVL should be considered as the official. Check out the copy posted on the wall or door of the precinct for presence or absence (alive, dead, absent, and unidentified) of any person in your respective barangay. Check out the biometrics list of registered voters. If there are discrepancies, make a manifestation with the election officer and have him/her signed your manifestation and show proof that there are discrepancies. Watch out for flying voters. Make a citizens' arrest if discovered and verified.

5. PCOS, THE HARDWARE

The PCOS machine and the BEI with the technicians are the MAIN observation posts on Election Day at the precinct. Every activity revolves around them.

- Watchers must position themselves close to the PCOS and the BEI as well as technicians.
- Check that the protective counter of the PCOS which is controlled by the CF card, starts at ZERO.
- Watch out for delaying tactics inside the Polling precinct as a pretext to justify extension of voting time including surreptitious shutting down of the PCOS.
- In case of sudden shutdown, voters must check the electrical connection and ensure this incident is recorded and reported to monitors.
- Try to distinguish the official precinct-assigned PCOS from the fake and/or contingent PCOS. Because certification and testing are anything but arbitrary, there is no way to know if the PCOS machine at the precinct is the authorized Precinct-assigned PCOS machine. Get an inventory and the serial numbers/ identifying marks of PCOS machines delivered to your province and precinct from the Provincial Treasurer's office and check this against the inventory in the national – Comelec project management office.

PCOS buying or PCOS control is a new form of modern-day cheating that everybody must be wary of

6. TECHNICIANS, BEI & BOC (Board of Canvassers)

No BEIs should ever be allowed to institute the delaying tactic of allowing only 10 voters to vote at any given me. Voting must proceed freely and continuously. No BEIs should ever be allowed to break the voting process for any length of time and for any reason. Watcher should be alerted about undue delay in the voting and transmission process. Warn them that no extension of voting will ever be allowed and that steps are taken to determine beforehand if deliberate delays are made especially with the operation of the PCOS like bogging down and shutting the PCOS down. Technicians on the other hand must not tinker with the PCOS machines and other paraphernalia UNLESS technical trouble arises. Record every activity by the technician especially in entering passwords, inserting CF cards or any external device. BOCs must be guarded as well.

7. CF CARDS

SWITCHING OF CF CARDS PRIOR TO OR IN THE COURSE OF VOTING: Record the serial number of the CF card. The use of CF card should not have been allowed in automated elections. But Comelec and Smartmatic insisted. CF Card is not WORM (write once-read many). New data can be supplanted on the device and thus tampered with especially in the absence of industry-prescribed safeguards like digital signature. If the CF card is attempted to be switched by the BEIs or Smartmatic personnel prior to or in the course of voting for any reason, precinct watchers must have all BEIs or Smartmac personnel sign a form stating the reasons thereof and taking note of any identification marks or

numbers both of the original and replacement CF cards. State boldly and clearly the corresponding penalty for the appropriate criminal offense.

TRANSPORT OF CF CARDS TO MBOC: There should be plastic transparent boxes of a size sufficient to guarantee visibility during transport. This is to prevent switching of CF cards while in transit. If not done, one will never know if the same CF card had been successfully transported.

CF card buying is a new form of modern-day wholesale cheating in automated elections that everybody must be wary of.

8. TRANSMISSION & SERVERS

Testing of the transmission is a necessary action that should have been addressed after the 2010 elections. The February 2, 2013 mock elections using a few PCOS machines in only 12 areas showed dismal transmission problems. Conflicting DOCUMENTED data in May 2010 on transmission-transmission successfully sent at the national level but record as failed transmission at the precinct level- is an opening for FRAUD. Identify each clustered precinct site for presence or absence of signal with representatives of stakeholders. Compare this data with actual situation on Election Day to determine presence or absence of jamming of signals as an indication of fraud. The SERVERS at the national level, for political parties, citizens' arm/KBP must be vigilantly watched for discrepancies of data transmission.

Jamming transmission is a new form of modern-day cheating that everybody must be wary of.

9. PUBLIC WEBSITE

In 2010, the Comelec website was found to contain incomplete and erroneous data entries as confirmed by a report by Dr. Pablo Manalastas, IT Fellow of CenPEG and Ateneo IT Department faculty, submitted to the Comelec and Congress. It was eventually pulled out from the internet (after only a few weeks when RA 9369 prescribes it should be in full public view on election day and up to three (3) years) after the election. The May 2013 election results should be posted on the Comelec website continuously.

10. RANDOM MANUAL AUDIT (RMA)

A competent party with expertise in election audit should be authorized to do it. Things to remember: 1) Know ahead which clustered precincts are subject to RMA; 2) watch closely that no ballot switching happens during voting until poll closing time; 3) watch closely the opening of the ballot box; 4) Ensure complete accounting of all ballots allocated for the clustered precinct; 5) Ensure that RMA starts at once after polling closes; 6) Get a copy of the printed ER; 7) review the BEI's report on the activities during polling period. If possible get a copy of the printed audit log; 8) Watch closely the hand counting preparation process from retrieving from the ballot box, their batching,

checking for fake ballots before start of hand-counting; 9) Watch closely the actual appreciation of each ballot and tallying of each vote; 10) Ensure that hand-counts are properly recorded and the process for matching the ER count with hand-count are done properly and signed by BEI members; 11) Get a copy of the CP RMA report if possible.

11. THE COMELEC

So far, the Comelec as the prime election manager has been inconsistent, un-transparent and tolerant of noncompliance and violations of the law by the technology provider, Smartmatic, on the quality of PCOS technology to be used in local conditions. It has allowed the preparations of the system to proceed without an independent source code review by political parties/interested groups; no updated SLI certification and owner authorization; no corrections of programming errors and no digital signature, among others. The Comelec and its provincial offices are the primary agency to be watched. It is compromising the quality of preparations for automated elections in the country, to the point of circumventing the laws.

12. SMARTMATIC

The company providing the voting technology to the Philippines, Smartmatic no longer has the trust of and the license to operate the PCOS technology in the Philippines from the software owner, Dominion Voting System. What it does and continues to do with the voting technology has dragged the Philippines into a vicious corporate war that compromises the integrity and transparency of the elections and the sovereignty of the country.

Political parties, election watchdogs and other citizens' groups advocating transparent and accountable automated election system must ask the COMELEC to include in the General Instructions, the right to access the following:

1. Printed Precinct audit logs
2. Printed MBOC (Municipal Board of Canvassers) audit logs
3. Continuing Comelec Public Website which according to RA 9369 should be posted on election day and remain posted for three years
4. Copy of the Full Report of Transmission Results whether successful or not
5. Random Manual Audit (RMA) results immediately after elections

The right to public information on the PCOS activities on Election Day is important in the light of non-compliance of RA 9369 and IT industry standards like the absence of an independent source code review, lack of industry -- prescribed digital signatures, no international certification, and most of all, without the operating license for Smartmatic to use the PCOS technology for 2013 polls from the real owner of the technology, Dominion Voting System.

Protect our votes against modern-day wholesale cheating!