Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

EN BANC


NATIONAL CITIZENS' MOVEMENT FOR FREE ELECTIONS (NAMFREL),

Petitioner.

NOTICE

1. ATTY. RICARDO J. ROMULO
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2. MS. CORAZON S. DE LA PAZ-BERNARDO
   MS. CORAZON H. IGNACIO
   C/o NAMFREL – National Headquarters
   Room 601, DMG Center D.M. Guevara cor.
   Calbayog Extension Sts.,
   Brgy. Mauway, Mandaluyong City

3. THE EXECUTIVE DIRECTOR
   This Commission

4. THE EDUCATION AND INFORMATION DEPARTMENT
   This Commission

GREETINGS:

Attached is a certified true copy of the RESOLUTION of the Commission (EN BANC) in the above-entitled case promulgated 21 December 2012.

Manila, December 27 2012

FOR THE COMMISSION:

MA. JOSEFINA E. DELA CRUZ
Clerk of the Commission

CONSUENO B. DIOLA
Asst. Clerk of the Commission

NATIONAL CITIZENS' MOVEMENT FOR FREE ELECTIONS (NAMFREL)  
Petitioner

SPP NO. 12-200

BRILLANTES, SIXTO S. JR.  Chairman  
SARMIENTO, RENE V.  Commissioner  
TAGLE, LUCENITO N.  Commissioner  
VELASCO, ARMANDO C.  Commissioner  
YUSOPH, ELIAS R.  Commissioner  
LIM, CHRISTIAN ROBERT S.  Commissioner  
PADACA, MARIA GRACIA CIELO M. Commissioner

Promulgated on: DEC 21 2012

PER CURIAM

RESOLUTION

Before the Commission en banc is the Petition for Accreditation as citizens' arm of the Commission on Election (COMELEC) for the purposes of the May 13, 2013 National, Local and ARMM Elections filed by the National Movement for Free Elections on September 28, 2012.

Petitioner avers, among others, the following salient information:

1. Petitioner NAMFREL is seeking for their joint accreditation, as a Citizen's Arm of the Commission in connection with the May 13, 2013 National and Local Elections, pursuant to Section 2 (5) of Article IX (C) of the 1987 Constitution and Section 52 (k) of the Omnibus Election Code, as amended and other election laws in connection with the May 13, 2013 National and Local Elections and the Autonomous Region in Muslim Mindanao (ARMM) Elections, to perform, subject to the direct and immediate control of the Commission and in compliance with all applicable laws and regulations, the functions mentioned herein.

1 Records, Pp. 1-8
2. Petitioner constitutes a broad-based non-partisan group or organization of volunteer citizens from the civic, youth, professional, educational, business, social services and labor sectors who are known for their probity, impartiality and integrity with membership and capability to undertake a coordinated operation and activity to assist the Commission in the implementation of the provisions of the law relating to the coming May 13, 2013 National and Local Elections and the Autonomous Region in Muslim Mindanao (ARMM) Elections for the purpose of ensuring free, orderly and honest elections. xxx.


5. NAMFREL is the pioneer in citizens' election monitoring in the world. It started with the establishment of the Operations Registration Committee in 1957. In the 60's and early 70's, the Citizens National Electoral Assembly (CNEA) was organized by then Comelec Chairman Jaime Ferrer with Bishop Mariano Gaviola as chairman together with Jose Concepcion, Jr. of NAMFREL and Charito Planas as secretary general. NAMFREL's commitment to clean elections was best shown during the 1986 snap presidential elections with over 500,000 volunteers who offered their time, energy and even their lives, to preserve the sanctity of the ballot.

6. As a pioneer citizen-led election monitoring organization, NAMFREL's commitment and crusade to strengthen democratic institutions,
particularly the electoral process, has been recognized by election experts such as Eric C. Bjornlund, as a model and inspiration in the formation of similar election watchdogs in more than 140 countries.

7. NAMFREL's involvement in the international electoral scene include invitations by the United Nations and UNDP to work as trainers, observer team members, election administrators and resource persons in 34 countries namely: Afghanistan, Argentina, Bangladesh, Bulgaria, Cambodia, Chile, Cote D'Ivoire, Denmark, Egypt, Haiti, Hong Kong, Indonesia, Kazakhstan, Lebanon, Mexico, Mongolia, Mozambique, Nepal, Pakistan, Papua New Guinea, Peru, Portugal, Romania, Russia, South Africa, South Korea, Sri Lanka, Taiwan, Thailand, Timor Leste, U.S.A., Uzbekistan and Zambia as well as receiving several nominations to the prestigious Nobel Peace Prize from notable organizations such as the Carnegie Endowment for International Peace and the International Human Rights Law Group, both based in Washington, D.C.

8. As elections are part of good governance, NAMFREL has also participated in anti-corruption, procurement and budget monitoring programs such as the medicine and health services monitoring programs with the Department of Health; textbook and education infrastructure monitoring programs with the Department of Education; budget consultations with the Department of Budget & Management; and participation in the bids and awards committees of various government agencies, including the Commission on Elections.

Petitioner commits further that: 1) It shall submit to the direct and immediate control and supervision and comply with the orders of the Commission in the performance of functions and activities provided by law, and such other functions and activities which the Commission may assign; 2) It shall strictly remain non-partisan and impartial during the election and election periods; 3) It does not seek to achieve its objectives, goals or programs through violence and unlawful means; 4) It does not aim to propagate any ideology opposed to the principles of a republican and democratic government; and 5) It will undertake to police its ranks and prevent infiltration by persons or groups of persons who may, directly or indirectly, destroy its character of non-partisanship and impartiality.

Acting on the petition, the Commission en banc issued on October 4, 2012 an Order directing the petitioner to cause the publication of the petition together with the aforestated Order in a newspaper of general circulation at its own expense. Hearing on the petition was set on October 10, 2012.

During the scheduled hearing, Atty. Reynaldo Geronimo appeared on behalf of NAMFREL. Ms. Corazon H. Ignacio, the Corporate Secretary and Project Committee Chairperson of the Petitioner was presented as witness. After some clarificatory questions were answered by the witness, the Commission gave the counsel a period of ten (10) days to file its Memorandum. The counsel complied with the Order.
The petition and notice were published in the October 9, 2012 issue of People’s Tonight.6

We now rule.

Section 1, Rule 33 of the COMELEC Rules of Procedure, provides:

Sec. 1. Who May Be Accredited as Citizens’ Arms of the Commission. - Any bona fide non partisan group, association or organization from the civic, youth, professional, educational, business or labor sectors with identifiable leadership, membership and structure, and with demonstrated capacity to promote the public interest and assist the Commission in the performance of its functions and activities as mandated by the Constitution and by law, may be accredited as citizens’ arms of the Commission. (Emphasis supplied)

Petitioner NAMFREL has been the Commission’s constant partner in most elections in the past years. Its track record shows that that it has been continuously assisting the Commission in its mandate to make sure that the conduct of elections is clean, orderly, peaceful and honest.

Considering that Petitioner has complied with all the requirements set forth under Rule 33 of the COMELEC Rules of Procedure, this Commission cannot find any reason not to accredit the NATIONAL CITIZEN’S MOVEMENT FOR FREE ELECTIONS (NAMFREL) as citizen’s arm of the Commission in accordance with Section 2(5) of Article IX © of the Constitution, Section 52 (k) of the Omnibus Election Code and other election laws in connection with the May 13, 2013 National and Local Elections.

We hereby set the following duties and responsibilities of the NAMFREL in coordination and cooperation with the other duly accredited citizens’ arm and subject to the limitations as may be provided by the Commission:

1. It may conduct poll watching in various precincts;
2. It may provide assistance to the voters on election day most especially to the senior citizens, persons with disabilities, pregnant women, detainees, indigenous peoples and other member of the vulnerable sectors; and
3. It may assist the Commission in voters’ information and education drives in every municipality, city and provinces most especially in far-flung areas and to sectors which experience inaccessibility in getting information from the Commission.

In coordination and cooperation with the duly accredited citizens’ arm and subject to such conditions required and to such other limitations as this Commission may still impose, the Commission shall undertake the following subject to reasonable procedures as may be promulgated by the Commission:

6 Ibid., P. 26.
1. To furnish NAMFREL with the electronic copies of the following: (a) the Computerized Voters’ List; and (b) the Project Precincts for the effective discharge of its responsibilities;

2. To furnish NAMFREL with any of the twenty seventh (27th) to the thirtieth (30th) copies of the ERs printed by the PCOS machines after transmission for the conduct of an unofficial count by any of its local units;

3. To furnish NAMFREL with the audit logs and/or audit trails of the PCOS machines for the effective discharge of its poll watching activities;

4. To allot to NAMFREL a work station directly connected to the transmission server for access to firsthand vote count/transmission, and other automated election system (AES) related provisions to assist petitioner in its poll watching activities and the conduct of its unofficial parallel count;

5. To allow NAMFREL to witness the examination and testing of the equipment or device to be used in the voting and counting on the day of the electoral exercise before voting starts as provided by Section 10 of Republic Act No. (R.A. No.) 8436 as amended by Section 12 of R.A. No. 9369;

6. To authorize NAMFREL to undertake a widespread stakeholder education and training program to educate the public and fully inform the electorate about the AES provided that the modules to be used in these undertakings should first be approved by the Education and Information (EID) of this Commission; and

7. To provide a copy of following to NAMFREL: (a) permanent list of voters per precinct in each city and/or municipality consisting of all registered voters residing within the territorial jurisdiction of very precinct indicated by the precinct maps; (b) the national central file under the custody of the Commission consisting of the third (3rd) copies of all the approved voter registration records; and (c) list of deactivated, reactivated and/or cancelled voters.

WHEREFORE, premises considered, this Petition for Accreditation as citizens’ arm for the May 13, 2013 National, Local and ARMM Elections of the NATIONAL CITIZEN’S MOVEMENT FOR FREE ELECTION (NAMFREL) is hereby granted, subject to the following conditions:

1. That it shall be subject to the direct and immediate control and supervision of the Commission and it shall comply with the Commission’s lawful orders in the performance of its specific functions and activities provided for by law, and such other functions;

2. That it is not supporting any candidate, political party, organization, or coalition of political parties;

3. That it shall strictly remain non-partisan and impartial in the performance of all its duties;

4. That it is not supported by or under the influence of any foreign government or any of its agencies or instrumentalities, or from any foreigner, whether natural or juridical person;

5. That it shall not solicit, receive, directly or indirectly, any contribution or aid of whatever form or nature from any foreign government, or any of its agencies or instrumentalities, or from any foreigner, whether natural or juridical persons;

6. That it does not seek to achieve its objectives, goals, or programs through violence or other unlawful means, nor aim to propagate any ideology opposed to the principles of a republican and democratic government;

7. That it undertakes to police its ranks and prevent infiltration by persons or group of persons who may, directly or indirectly, destroy its character of non-partisanship and impartiality;
8. That it shall submit to the Commission a list of its responsible officials and other officers constituting its board and there shall be no changes therein without the approval of the Commission;

9. That it shall make available to the Commission, its personnel, facilities, equipment, papers and effects;

10. That it shall coordinate its activities with other duly accredited citizens' arm of the Commission;

11. That it shall submit a written report of its activities/operations and its observations of the May 13, 2013 National, Local and ARMM Elections within one (1) month after said elections;

12. That the Commission may delegate other duties and responsibilities as it may deem necessary; and

13. That this accreditation shall be deemed automatically revoked in case it violates any of the conditions herein set forth.

The Executive Director of the Commission in coordination with the Clerk of the Commission shall implement this Resolution immediately upon its promulgation, furnishing copies thereof to all field officers nationwide including the candidates and the political parties or coalition of political parties.

The Education and Information Department shall cause the publication of this Resolution in two (2) daily newspapers of general circulation.

SO ORDERED.

SIXTO S. BRILLANTES, JR.
Chairman

RENE V. SARMIENTO
Commissioner

LUCENITO N. TAGLE
Commissioner

ARMANDO C. VELASCO
Commissioner

ELIAS R. YUSOPH
Commissioner

CHRISTIAN ROBERT S. LIM
Commissioner

MARIA GRACIA CIELO M. PADACA
Commissioner

MA. JOSEFINA E. DELA CRUZ
CLERK OF THE COMMISSION
CERTIFICATION

I hereby certify that the conclusions in the above resolution were reached in consultation among the members of the Commission before the case was assigned to the writer of the opinion of the Commission (En Banc).

[Signature]

SIXTO S. BRILLANTES, JR.
Chairman

OFFICE OF THE COMMISSION
CERTIFIED COPY

MA. JOSEFINA E. DELA CRUZ
CLERK OF THE COMMISSION

RECORDS OFFICER III
PAID UNDER O.R. 68