

House assures Ombudsman of fairness in impeachment proceedings

by DELON PORCALLA
Philstar.com

QUEZON City Rep. Matias Defensor, chairman of the House justice committee, assured Ombudsman Merceditas Gutierrez of impartial proceedings in the impeachment complaint filed against her.

"This I can assure the Ombudsman, we will give equal treatment to both the prosecution and defense," Defensor said. "I think an impeachment complaint against the President or any other impeachable official should be treated equally."

The impeachment process against Gutierrez started last April 15 after the House of Representatives decided to refer the 33-page complaint filed by a group headed

by former senator Jovito Salonga to the committee on justice.

The verified impeachment complaint, which was endorsed by five militant opposition lawmakers, has been included in the official order of business of the House, and was turned over to the justice committee of Defensor.

Defensor said he has five working days to inform his members about the referral. He added they might not be able to schedule the hearings next week, but probably on the last week of the month.

The panel, to which the complaint will be referred and will undergo scrutiny for sufficiency in form and substance, would

decide whether the complaint is meritorious, and eventually turn it over to the plenary for voting and transmittal to the Senate for trial.

"Of course we cannot say that we would give too much attention here. The Ombudsman is a minor official so I think the sense of importance would not be there, but I guess we should give it top priority," he told newsmen in the weekly Ayes and Nays forum in Quezon City.

To point out the degree of importance, Defensor cited the case of impeaching an incumbent President, whose impeachment trial will be presided over by no less than the chief justice of the Supreme Court, who represents the third branch of government—the

judiciary.

In the case of the Ombudsman, Defensor said the presiding judge in the impeachment trial would be the Senate president.

Defensor expects to officially receive the complaint, but doubted if he could calendar it for hearing next week, especially since House rules provide that he has five working days to inform other members of the House justice committee.

"I doubt whether we could schedule it by next week. You see we have to inform all the members. If we can inform the members soon then we could schedule it the next week," he said. Lawmakers only have three session days every week, Monday to Wednesday. ■

SAYS COMELEC EXEC

'Poll automation won't solve all cheating'

by ERIKA SAULER
Inquirer.net

THE spokesman of the Commission on Elections (Comelec) admitted that some forms of electoral cheating could not be addressed by poll automation and that the most vulnerable aspect would be the control of the ballot.

James Jimenez, who is also the director for education and information of Comelec, said automating the 2010 elections aims to prevent the wholesale form of cheating that is *dagdag-bawas* (vote-padding and -shaving) but the problems of flying voters, vote-buying, and coercion could not be directly solved.

"We are focusing on the security of the ballot because (on a scale of 1 to 10, it would rate 15 in importance," Jimenez said at the National Press Club's No Holds Barred forum

The bidding for the supply of 80,000 counting machines is set on April 27 and of the 10 prospective bidders, only one is a purely Filipino company while the others have foreign counterparts, Jimenez said. He added that it's possible that they would divide the contract among several qualified suppliers.

Jimenez said the automation, which was granted P113-billion supplemental budget, would speed up the counting of votes, which would cause less fatigue on teachers/poll watchers and would eliminate moves to influence or coerce them.

With the planned Precinct Counting Optical Scanner (PCOS) system, Jimenez said the voter would directly feed the special ballot to the counting machine. "Nobody else should touch it [to ensure its integrity]," he said.

The authenticity of the ballot must then be ensured from the time it was printed until it reaches the voter's hand. He said not all problems could be worked out technologically. "The type of special paper and ink are technological. But the handling of the ballot is procedural."

When all the votes are in, the machine would print out 30 election results and simultaneously, send the data electronically to six destinations—city/municipal canvassing, Comelec, Kapisanan ng Brodkaster ng Pilipinas, citizen's arm, and dominant majority and dominant minority political parties.

Jimenez said this should dispel concerns that the system might be hacked.

The problem would lie in vote-buying and other coercive practices. "If you voted wrongly, the machine would still correctly count it," he said.

Jimenez also called on voters to register before the October 30 deadline. ■

SAYS COMELEC EXEC

No law vs presidential bets appearing on TV

by ANNA VALMERO
Inquirer.net

OFFICIALS of the Commission on Elections (Comelec) admitted there are no laws banning aspiring presidential candidates from appearing on bulletin boards or in TV commercials.

"Mahirap kontrolin yan [It is difficult to control that], they can find ways to go [around] the law," said Comelec chairman Jose Melo amid the increasing political figures appearing on bulletin

boards and on TV.

Section 80 of the Omnibus Election Code and Section 4 of Comelec Resolution 7767 indicates that "it is unlawful for any person or for any political party or association of persons to engage in an election campaign or partisan political activity outside the campaign periods."

This is also described as premature campaigning.

Premature campaigning is an offense that can disqualify a candidate because it results to

an unequal playing field for candidates, according to election laws.

"In my opinion as a lawyer, there are two conditions to be satisfied to declare an act of early campaigning: a person is a candidate and the political activity is done outside the campaign period," Commissioner Rene Sarmiento said.

Quoting section 13 of Republic Act 9369, also known as the poll automation law, Sarmiento said: "Any person who files his certifi-

cate of candidacy within this period specified by Comelec shall only be considered as a candidate at the start of the campaign period for which he filed his certificate of candidacy; provided, that, unlawful acts or omissions applicable to a candidate shall effect only upon that start of the aforesaid campaign period."

"Prior to RA 9369, a person is considered a candidate if he has filed his certificate of candidacy, or any registered national, re-

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