# Automation firms may face legal action for contract breach

by MARVIN SY
*Philstar.com*

MANILA—A Malacañang official warned the Netherlands-based Smartmatic Corp. and its local partner Total Information Management Corp. (TIM) that the government would file charges against them if they renege on their contract to implement the poll automation project.

Presidential Adviser on Political Affairs Gabriel Claudio said the government would not hesitate to take all legal remedies against the two firms if they renege on their agreement with the Commission on Elections (Comelec) for the P7.3-billion poll automation project.

The poll automation project hangs in the balance after local partner TIM withdrew from the deal due to differences with the officials of Smartmatic.

The Comelec had called the two firms to a meeting the other day, gave them until tomorrow to decide whether or not they would push through with the project.

Comelec chairman Jose Melo revealed that "control of the money" had strained the relationship of TIM and Smartmatic.

"Poll automation is too crucial to the country and our democracy to allow it to be hostaged by clashing business interests, let alone greed," Claudio added.

Claudio said that it is unacceptable to revert to manual elections.

"Taking weeks to determine election results, when we can have them in a matter of days if not hours, is unacceptable. Exposing the nation to disharmony and high anxiety because of inefficient and fraud-prone elections is unacceptable," Claudio said.

Executive Secretary Eduardo Ermita and Claudio called on Smartmatic and TIM to get their act together and resolve their problems.

Ermita said that while the Palace does not want to interfere in the affairs of the Comelec, the matter of having automated polls next year is one that involves the national interest and must be acted upon with haste.

A worker arranges ballot boxes stored in a Commission on Elections warehouse in Manila. Philstar photo by Jonjon Vicencio

**Lawmakers urge poll automation**

Speaker Prospero Nograles said the Comelec should proceed with the automation of next year's elections.

"Comelec must find a win-win solution to this mess. I believe in the integrity of the Comelec under Chairman Jose Melo and I have high hopes that he can still save the automation program. There is still time. Let's not waste it," he said.

Makati Rep. Teodoro Locsin Jr., House electoral reform committee chairman, said Melo must take the risk of facing legal suits and carry out the automation program.

Locsin said the Comelec could still computerize next year's election in partnership with Smartmatic as a contractor or technology and equipment supplier.

"There's a theory that the Procurement Law allows the participation of a foreign company in cases such as this," he said.

He added that Melo is apparently inclined to take the safe route by abandoning the automation project and going back to manual balloting.

"He should follow the examples of (Senator) Mar Roxas, Quasi (Alberto) Romualdez and Ping (Jose) de Jesus, who risked legal suits and did what they thought was the right thing to do," Locsin stressed.

He recalled that as trade and health secretaries of then President Joseph Estrada, Roxas and Romualdez brought in cheap medicine from India against the strong objection of foreign drug companies operating here.

He said De Jesus, on the other hand, built flyovers in many parts of Metro Manila as public works secretary of then President Cory Aquino despite the risk of lawsuits.

"Chairman Melo's attitude toward those opposed to automation should be, 'Go to hell!' Anyone who challenges him if he proceeds with automation is one of the masters of manual cheating," he said.

Quezon City Rep. Matias Defensor, House justice committee chairman, supported Locsin's call for the Comelec to go ahead with the automation project.

"He should not mind the opponents of automation. He should do what is best for the country," he said.

Rep. Rodolfo Plaza of Agusan del Sur and Teodoro Casiño of Bayan Muna said they would file a resolution seeking an inquiry into Locsin's revelation that Smartmatic's partner TIM demanded P500 million for their partnership to continue.

Senate Minority Leader Aquilino Pimentel Jr. said the report that TIM head Jose Mari Antuñez's demand for P500 million, even if made in jest, must not be taken lightly.

Sen. Manuel Roxas II called on President Arroyo to take responsibility for resolving the crisis involving the poll automation project.

"It's a matter of national security and public interest; President Arroyo should quickly call all parties involved to a meeting and find out why and how this important project hit this snag," he said.

# US envoy: fund row won't stop 'Balikatan'

by CYNTHIA BALANA
*Inquirer.net*

MANILA—The joint military exercise "Balikatan" (shoulder-to-shoulder) between the Philippines and the United States will continue despite allegations of corruption against some Philippine military officials in the handling of funds intended for Filipino troops, US Ambassador Kristie Kenney said.

In a radio interview, Kenney said that funds allotted for US troops in all "Balikatan" exercises were fully accounted for. Both the US and the Philippine governments put in money for their troops for this annual exercise.

Embattled Navy official Lieutenant Senior Grade Nancy Gadian earlier accused her former superior of having pocketed a portion of the funds intended for the RP-US Balikatan exercises in 2007. Gadian herself is under investigation by the Navy's Efficiency and Separation Board for insubordination and desertion.

Gadian claimed that retired Lieutenant General Eugenio Cedo, then chief of the Western Mindanao Command (Westmincom), used the month-long Balikatan in Jolo, Sulu as a "milking cow." She said that of the P46 million provided by the Americans, only P2.3 million was released to Filipino soldiers. Cedo denied the allegations.

But Kenney said she would leave the accounting of funds intended for Filipino troops to the Philippine side.

"We looked back at all of our funds and we're 100 percent confident that they went to exactly where they were supposed to go. I can't speak for the Philippine side because it's obviously not my business to investigate their funds," the ambassador said.

On what exercises to conduct, Kenney said the US Armed Forces would usually submit a recommendation to the US defense secretary for what type of training the troops would need for the next year.

"Balikatan has been a big exercise every year. I assume we will continue but I will let our four-star general to make the recommendation to the defense chief," she said.

"I think we enjoy having exercise here because our troops like to train here with Filipinos," she said.

She pointed out that lots of Filipino soldiers have been in the US studying in the Naval Academy, West Point and the Air Force Academy.

# Mancao to be moved to DOJ safehouse

by EVELYN MACAIRAN
*Philstar.com*

MANILA—Former police senior superintendent Cezar Mancao III will be moved from the National Bureau of Investigation (NBI) headquarters in Manila to an unspecified safehouse now that he has been placed under the Witness Protection Program, Justice Secretary Agnes Devanadera said.

Speaking to reporters at the Bureau of Immigration, Devanadera said Mancao will be taken to an NBI safehouse to protect him and his family.

"To move him (Mancao) from the NBI is not a possibility, it is a certainty because everybody knows he is there," she said.

"So what is required is to put him in a house that would remain confidential and private. Under the WPP, the Department of Justice (DOJ) would choose where they would stay. All the other details would have to remain confidential."

Mancao's family will also be placed under the Witness Protection Program, Devanadera said.

On other hand, NBI Director Nestor Mantaring, who was also at the BI, said that he has not received any official notice from the DOJ about Mancao's transfer to a safehouse.

Devanadera said Mancao is qualified for witness protection.

"The requirement of the law (for the WPP) is that there must be the testimony and it must be very material (to the case)," she said.

"And there should also be a serious threat to his life and his family's life. Mancao has met both criteria."

Mancao to reveal more

Ferdinand Topacio, Mancao's lawyer, told The STAR his client will execute another affidavit to reveal more details on the killing of publicist Salvador "Bubby" Dacer and his driver Emmanuel Corbito in November 2000.

"That (Feb. 14, 2009 affidavit) is not yet the tip of the iceberg," he said.

"He told me he would reveal more information once he is in the witness stand."

It is possible that Mancao would name the person known as "Bigote" whom he mentioned in his last affidavit, he added.

Topacio said they have yet to receive documents that would formally place Mancao under the Witness Protection Program.

"Right now he is an accused," he said.

"It is the role of prosecutors under their executive function to move to discharge Mr. Mancao as state witness before the court."

2010 PRESIDENTIABLES SAY

# Access, quality education vital for RP

by ANNA VALERMO
*Inquirer.net*

MANILA—If the Philippines is to prosper and compete globally, a holistic approach focusing on access and good governance in the local educational system is vital, four presidentiables said Wednesday.

In a forum held by the Movement for Good Governance, Senators Francis Escudero, Richard Gordon, Isabela Governor Grace Padaca and founder of Center for Alternative Deveplopment Nicanor Perlas—four of the identified presidentiables to run in the 2010 elections--concurred that the next leaders of the country should instigate "reform in education."

Escudero lamented that only 12 percent of the country's national budget is allocated for education, while neighboring countries spent at least 20 percent.

"Whereas the government pays P630 billion for debts, only 12 percent of the government budget is spent for education, that is equal to P158 billion when it should stand at about P280 billion (if we should increase it to 20 percent). Access, quality and good governance are important for education reform," added Escudero.

Gordon said that budget issue could be solved using "non-traditional means" and could help fix deficiency in classrooms, school supplies and teachers.

"If we could have 2 million text messages sent everyday at one peso and take at least 10 percent of the total profits to be allocated for education, we could have P73 billion a year that can be pumped into education so we can solve build classrooms and train teachers," Gordon added.

Padaca agreed that a "holistic approach" is important to solve the current dilemma in education.

"The work for education reform is not only for the Department of Education (DepEd) but the whole government system—yung mga estudyante ba ay marong tirahan na panggagalingan at baon bago pumasok sa eskwela? We need teachers na nanalo sa 'wrongking' not ranking. If I talk to my constituents in Isabela, even with my ailment education gave me opportunity—pwedeng meron silang marating sa pamamagitan ng edukasyon," said Padaca.

Padaca said the governor's office, for instance, could allocate P5,000 a month, while the municipal office could add P2,000 a month as supplemental budget for teacher's salary.

"Education should be a learning system for the learner. We have 11 intelligences, according to the multiple intelligence theory but ours focus on two only: linguistic and mathematical intelligences. We haven't taken a look at education as a system for us but we need a critical, strategic, constructive and appreciative system," said Perlas.