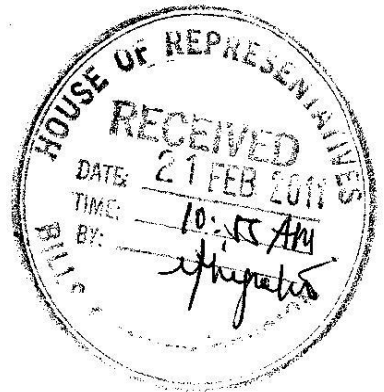


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

983

HOUSE RESOLUTION NO. _____



Introduced by

ACT Teachers Party-List Representative Antonio L. Tinio

**A RESOLUTION URGING THE COMMISSION ON ELECTIONS TO REFRAIN FROM USING THE
AUTOMATED ELECTION SYSTEM PROVIDED BY SMARTMATIC-TIM IN THE AUGUST 8, 2011
AUTONOMOUS REGION IN MUSLIM MINDANAO (ARMM) ELECTIONS**

WHEREAS, the 1987 Constitution mandates the Commission on Elections to enforce and administer all laws and regulations relative to the conduct of all electoral exercises in the country (Section 2 (1) of Article IX-C);

WHEREAS, Republic Act 9369 mandates COMELEC to adopt an automated system of elections conforming to the criteria, standards, and requirements set forth therein;

WHEREAS, according to its chairperson, Jose Brillantes Jr., the COMELEC intends to purchase 5,000 units of the Precinct Count Optical Machines (PCOS) leased from Smartmatic-TIM during the May 2010 elections to automate the elections in the Autonomous Region of Muslim Mindanao (ARMM) to be held on August 8, 2011;

WHEREAS, numerous poll watchdog groups, people's organizations, and concerned citizens have pointed out that the automated election system leased by COMELEC from Smartmatic-TIM, deployed in the May 2010 elections, and intended for use in the upcoming ARMM elections, does not conform to the requirements of R.A. 9369 and the COMELEC Terms of Reference for poll automation;

WHEREAS, Smartmatic-TIM cannot comply with Section 12 of R.A. 9369 mandating an independent source code review of the software used in its AES, having been barred from doing so by the owner of the software, Dominion Voting Systems of the United States, citing its "proprietary interests;"

WHEREAS, according to the Center for People Empowerment in Governance (CenPEG), there are eight major errors in the AES hardware, software, and computerization

procedures, all of which cannot be fixed within the remaining months until the ARMM elections are held and without an independent source code review;

WHEREAS, as pointed out by AESWatch, some of these errors were manifested in the May 2010 elections, such as time and date discrepancies, erroneous Certificates of Canvass in 57 provinces, Election Return transmissions based on faulty Compact Flash cards, questionable voting figures and wrong counts publicized by both Smartmatic and COMELEC;

WHEREAS, as further pointed out by CenPEG, the results of the Random Manual Audit of the May 2010 elections commissioned by COMELEC found that the average accuracy rating of the Smartmatic PCOS count was only 99.6% (or a margin of error of 80 marks out of 20,000), and not the 99.995% (or a margin of error of 1 mark out of 20,000) specified in the COMELEC's Terms of Reference for the bidding of the AES 2010;

WHEREAS, the gross failure of the Smartmatic-TIM system to deliver the specified average accuracy will have a disastrous impact on the determination of election results;

WHEREAS, as noted by the National Citizens' Movement for Free Elections (NAMFREL), COMELEC's plan to purchase Smartmatic-TIM's PCOS machines for the ARMM election dispenses with the technical assessment through the Joint Oversight Committee on Poll Automation and the bid process as required by the Procurement Law (R.A. 9184);

WHEREAS, there are other technologies available which comply with the law, employ the Philippine Information Technology industry, are cheaper, and more applicable to Philippine conditions;

WHEREAS, the citizens in the ARMM have long been clamoring for credible elections that respect the sanctity of the individual ballot and accurately reflect their choice of leaders;

NOW, BE IT RESOLVED, as it is hereby resolved, that the House of Representatives urge the Commission on Elections to refrain from using the automated election system offered by Smartmatic-TIM for the August 8, 2011 elections in the Autonomous Region in Muslim Mindanao.

Adopted,



ANTONIO L. TINIO
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