

Some Notes on Post Election Philippines Situation

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Contents

- [As Political Dusks are Settlin](#)
- [Protest Against Whom? Protest](#)
- [OPLAN RAFAEL in its Purest](#)
- [Paving the Transition to What?](#)
- [A Need to Review Our Perspecti](#)

As Political Dusks are Settling, New Realities are Emerging

It has been two days after the May 10, 2010 Philippine elections and as the Political dusks seem to settle down, the nation faces a situation of having a new President but continue to be governed by the Arroyo Regime even beyond the June 30, 2010 turning over of power.

A day after the elections the nation was so stunned by the swiftness the votes have been delivered and counted by the Precinct Counting Optimal Scan (PCOS) machine in the designated canvassing centers that nobody has paid attention to the other phases or aspects of the election process where the actual cheating and fraud activities took place.

It was also a day after the elections that Arroyo appointed her favorite Associate Justice to become the Chief Justice of the Supreme Court before she and her sons and relatives were proclaimed winners in the Congressional districts. It is the only time in the Philippine Judiciary history that a situation of having a Chief Justice in waiting has occurred.

And it was a day after the elections too when a new word was added to the Philippine electoral vocabulary – concede. Nacionalista Party Presidential standard bearer Senator Manuel Villar who is running a poor third in the counting of votes for the President immediately called a Press Conference and conceded or accepted the will of the people. This act of early conceding not only made others to follow like Administration bet LAKAS-KAMPI-CMD and former Defense Chief Gilbert Teodoro who placed fourth in the Presidential race, Bro. Eddie Villanueva, Richard Gordon, Jamby Madrigal and JC de los Reyes also but also gave credibility to the COMELEC and the automated elections.

It should be recalled that in the Philippine Politics there are only two types of politicians during and after elections – the winners and those who are cheated. Nobody seem to understand the word concede or defeat. That is why a new political terrain is being drawn by Nacionalista party Presidential standard bearer when he immediately conceded. Or is it a political maneuver to put pressure to former President Joseph Estrada who surprisingly overtook him in the second place to also concede but portraying himself (Villar) as a great state man and a good preparation for the 2016 elections?

Today only the Partido ng Masang Pilipino (PMP) and former President Joseph Estrada and environmentalist presidential candidate Nicanor Perlas (8th rank) are not conceding because of his discovery of fraud and cheating. JC de los Reyes (ranked 9) later got back his concession in unison with Nicanor Perlas' complaints.

And today, facts are beginning to reveal that there are as many as 5 million voters who were disenfranchised (both self and technical) because they could not find their names on their precincts, others already voted for them or they could not stand the long queues under the burning heat of the sun.

Statistically, the number (5 million) can make the difference especially in the tight Vice-Presidential race between Mayor Jejomar Binay and Senator Mar Roxas and the senatorial race from the numbers 10, 11 and 12 places.

While there is a remarkable swiftness in the counting and producing results in the national levels, there is a remarkable slowness in the counting and having results in the local levels as well as in the case of the Vice-Presidential level.

And today protests are beginning to be manifested by different groups about the cleanliness of the latest automated elections. June 30, 2010 is still more than six weeks away and anything can still happen not excluding no proclamation scenario or any of its variations.

Protest Against Whom? Protest Against What?

Benigno "Noy" Aquino III has indeed got the highest number of votes from the Filipino People – higher than what President Joseph Estrada got in 1998 – and highest in Philippine Electoral history. On the almost 90% of the total votes, Senator Noy got 13.6 million votes while the former President Estrada got 8.4 millions and it is expected that the former can get as much as more than 5 million more votes than his closest rival (Estrada) which cannot be affected anymore by the 10% remaining votes to be canvassed and the disenfranchised votes that we made mention earlier.

So if there will be protest with regards to the automated elections it will not be on the results of the level of the Presidential race but rather in the other levels e.g. Vice-presidential and Senatorial as well as local levels . Or it can be about the inclusion of a nuisance candidate *Vitaliano Acosta of the Kilusang Bagong Lipunan (KBL)* presidential candidate who, because his name was placed above Aquino's name in the ballots, got even higher votes than the combined votes of the last three presidential bets (Madrigal, Perlas and de lo Reyes). How can one explain such phenomenon that Acosta did not have a single exposure in any form of media compared to the three and yet he got this phenomenal number of votes (more than 140,000). Or was it part of getting several thousands of votes intended for Noy Aquino which can be destructive to Noy especially if the race is close with his rivals but since Acosta comes first before Aquino many made a mistake of shading Acosta and realize later that it was not Aquino that they have shaded (we verified several cases of such mistakes).

If there are protests these will be on vote manipulation before voters came to the precincts and feed their "pre-shaded" ballots to the PCOS machines. In short followers of the traditional politicians and their private armies pre-filled up the ballots of the voters before letting others (acting as the voter in the name of the ballots) feed the ballots to the machines. Not a few of such cases came with surprises in their lives when they realize that others pre-shaded and voted for them. Sometimes it's a whole municipality which simply means that the Board of Election inspectors (BEIs) have been threatened or had connived (accepted payments) with the candidates to do such fraud. These people

did the voting (shading) for their own candidates and let others go to the precincts where the BEIs did not anymore bother to check whether the voters were really the ones as their names say they were.

The stress of appreciation would be on the swiftness on delivery and counting the votes than the pre-PCOS machine activities would not be noticed. And what had happened to the security ink of the ballots? Since the built in system of the security check was removed from the PCOS machines, one could not hear about the separate machines which were procured separately to check the ultra-violet marking of the ballots to differentiate them from the fake or the manufactured ballots. Nowhere could we see this ultra violet lamps in the display on the televisions and in the actual voting. In short, the machines could not identify genuine ballots from the fake ballots being fed to them. These cases should be objectively identified so that real winners can be segregated from the real losers. Otherwise, there will be delays in the proclamation in June 30, 2010.

Why are Presidential candidates like Erap Estrada, Madrigal, Perlas and de los Reyes would want to make their protes? It cannot be addressed to the unstoppable victory of Senator Noynoy Aquino as the next President of the country. They want to address their protest to the process of the first automated elections of the country. The delay in the proclamation can be the collateral effect of such protest but definitely it can provide excellent conditions for the real objective of the Arroyo regime to delay the proclamation of the newly elected officials forever.

OPLAN RAFAEL in its Purest Form

As events have unfolded now it is as if in the OPLAN RAFAEL - that is the Arroyo regime can continue to hold on to power up to June 30, 2010 and even beyond.

The appointment of the new Chief Justice in the person of her favorite Justice Renato Corona will be best understood in such context. The obvious and overwhelming confidence and thrust of the peoples thru their votes to Noynoy Aquino as the next President did not make Arroyo to reconsider her decision to appoint the new Chief Justice. And further considering that she has only 36 days left in her office while Noynoy (as the new President) has 44 days after June 30, 2010 which is enough time to carefully select and appoint the new Chief Justice during his term as President. Others would say that this is the first sign of Arroyo's declaration of war to Aquino. Noynoy Aquino on the other hand has vowed that he will not recognize the Arroyo appointed Chief Justice because of constitutional considerations. Who will interpret or will be the last arbiter whether one violates or not the country's constitution? It is the Supreme Court and the retiring of the current Chief Justice Renato Puno this coming May 17, 2010 - the Supreme Court is but an Arroyo court and therefore it is very unlikely that the court will decide against itself. In case of delayed proclamation of winners of the May 10, 2010 elections, the Supreme Court with the Arroyo's new Chief Justice will be the Presidential Electoral Tribunal (PET) and it will act whether to proclaim that Presidential and Vice-Presidential winners. Can the Supreme Court acting as PET therefore, proclaimed a President who is not recognizing the Chief Justice of the Court? Surely there will be a constitutional crisis and what will be the role of the GMA camp during this crisis. Indeed very big role especially if this crisis happens on or before June 30, 2010.

Further, Senator Noynoy Aquino - the virtually elected President will not take his oath before the Arroyo Chief Justice - what will happen? Historical precedent would say it is like the past Marcos scenario - where the Marcos Chief Justice Fernando was not the one whom people powered President Corazon Aquino did not honor and took her oath before the then Associate Justice Claudio Teehanke.

Currently, the Arroyo camp has stood strong that it will not back off from its appointment Chief Justice Corona but nothing can be heard from the latter whether he is or he is not accepting the appointment as Chief Justice. In fact on Monday he will be taking his oath as the new Chief Justice – that is if nothing happens in Friday – when the current Chief Justice Puno will give his valedictory address as an outgoing Chief Justice and in which at least he can address the issue.

Meanwhile, as it is clearly shown now, the delay in the canvassing and the counting in the local levels can be a big factor in delaying the proclamation of the winners especially the Vice-Presidential and the Senatorial levels. And it can even affect the proclamation of Senator Noytoy Aquino notwithstanding the historical and highest votes a President can get. Local protests are being launched now questioning the manner and the cleanliness of the so-called synchronized local and national elections. And not so few of these protests are coming from the allies of the Arroyo camp.

With regards to the national canvassing of the votes for the Presidential and Vice-Presidential candidates which the Congress – the Senate and the House of the Representatives in a joint session – is mandated by the constitution to act as the National Canvassers will surely be delayed as express by the current speaker of the house Prospero Nograles (who was heavily defeated in his mayorial bid in Davao City) that the House of Representatives cannot get a quorum in the next few weeks because the members of the House (80% belongs to the Arroyo camp) are having their vacations after a very hectic and tiresome electoral campaigns.

And this early the Arroyo camp has been threatening Senator Noytoy Aquino of the possibility of impeachment if he (as President) will not follow the Constitution – that is the Constitution as interpreted by the Arroyo Supreme Court.

Paving the Transition to What?

While the Arroyo camp is about to leave Malacanang Palace and boasting of preparing to the transition of a new administration, anyone can not expect that this can be a smooth transition because of the opening salvos that the Arroyo camp have been firing towards Senator Noytoy Aquino.

While the President-elect Senator Aquino has been very consistent that he will put closures on the political as well as the economic sins committed by the Arroyo administration against the people, it is clear that the Arroyo camp will not give him a chance to even get closer to such move. Political blockages have been put up by the Arroyo's camp with the sure help from the Arroyo Supreme Court and always ready to lend their hands from the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) to make the Aquino Presidency not so easy.

If Senator Noytoy Aquino can get over with his proclamation as President on June 30, 2010, then he will have big and difficult hurdles to overcome with ahead.

Both houses in Congress will not be friendly to him. In the Lower House the Arroyo camp has the initial number of 80 members who just won in the Lower House of Congress out of 160 they had fielded last May 10, 2010. One can expect of almost 50% of the Party List out of 57 members who had won, that is more than 20 additional members who will be allies of the Arroyo camp. So it is more than 100 members in the Lower House out of 267 total members as their initial political base. That means the Arroyo camp has to convince around 30 members more of the House to their side in addition to what they have to reach a simple majority and elect Representative Gloria Macapagal Arroyo as Speaker.

On the side of the Liberal Party (LP) - Senator Aquino's Party - they have 40 members who just won out of 122 members they have fielded last elections. They can count more from the other parties like the National Peoples' Coalition (NPC), The Nacionalista Party (NP) and even from the Arroyo's camp. They plan to form a CORE Coalition (Conscience and Reform Coalition). They (LP) have the advantage of the power and the influence of the Office of the President to attract and convince members from the other political parties because of the control of the Office of the President through the Department of Budget and Management (DBM) on the release or withholding of the Country Development Fund (CDF) or otherwise known as the pork barrel. Based on how the members of the House of Representatives react to this "pork", the LP will not have difficulty getting their rank increase and get the majority. Another attraction of the LP as the Party of the President is, its capacity to share the chairpersonships of the different committees in the house. And the skills of its (LP-CORE Coalition) potential candidate for the speakership - Representative Sonny Belmonte - a survivor politician from almost all administrations starting from Marcos dictatorship up to the Arroyo administration surely he can easily convince other members of the other parties to join and form the CORE Coalition which in return will elect her as Speaker of the Lower House of the 15th Congress.

With regards to the Senate as to the present and based on those members of the Senate whose term will end on 2013 and those who had just won in the last elections, the LP will likely become the minority party in the Upper House. Over-all the LP will have 8 members in the Senate against 15 by the Nacionalista Party and its allies. So most likely the Senate of the 15th Congress will elect the defeated Nacionalista Party Presidential standard bearer as the Senate President. And if the Lower House will, by great maneuver (which means more than a billion pesos changing hands) have Rep. Gloria Arroyo as Speaker and Senator Manny Villar as Senate President then we will have the Villaroyo in flesh and blood giving hell to Noynoy Aquino Administration. They can even have impeachment upon impeachment cases against Noynoy Aquino while they are initiating moves to change the 1987 Philippine Constitution.

A Need to Review Our Perspective

Almost everybody has been taken in for a ride because of the extra-ordinary swiftness of the results of the automated elections has delivered. Many of us have overlooked that in elections (even in automated ones) there are several processes like voting, canvassing, transmitting and proclaiming which all have contributory role in a successful, democratic exercise. And we were just stunt by the swift transition. Facts have started to reveal that cheating and other forms of fraud happened in the pre-voting and actual voting phases. Again many of us forgot that a new form/method of voting/election if done in the same old context of traditional politics and warlordism, one cannot expect much of a change.

Interventions from all stakeholders should take this reality seriously in order to effect substantial change in expressing our democratic rights through elections.

Meanwhile, our protest movements are geared towards the twin objectives of realizing the change in the regime because the big lead of more than 5 million votes by Senator Noynoy Aquino over his closest rival is enough sign for all to see that the peoples in the Philippines have express their will and no amount of dilatory tactics can stop in it realization and second, making sure that the democratic and sovereign interest of the peoples in the country should be the main considerations of the new elected government.

The twin objectives should always be put into primary considerations especially because this early

on it is becoming obvious that different groups inside the Aquino camps have begun to quarrel over the spoils of victory after this political war.

Only the peoples' movement and vigilance can surely remind and stop them (different groups) from thinking only of their own narrow interests. The peoples have not elected Senator Noynoy Aquino as their president just so as these groups namely Hyatt 10 and the Kamag-anak Inc. will be back in power over the interest of the people.

In the same perspective, the peoples' movement should be aware that the electoral protests against the result of the May 10, 2010 elections would not give the Arroyo camp a chance in the furtherance of its most hated government. These protests should be addressed to the Arroyo camp including its election arm - the COMELEC - and not to the people democratically elected by the overwhelming numbers of the peoples' in the Philippines. The Arroyo camp should be made accountable to all these mess and problems they have created and does not have an intention to bring into positive fruition. The Aquino Presidency and the people should closely work together to correct the system which has created traditional politics and warlordism. Only through this that a genuine democratic exercise such as election can be transparent and credibly reflect the true sentiments of the people.

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