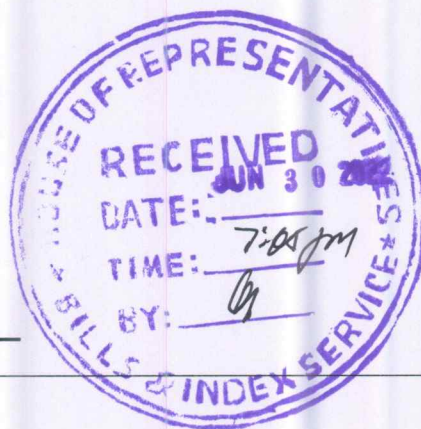


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

**NINENEENTH CONGRESS**  
First Regular Session

HOUSE RESOLUTION NO. 16



Introduced by  
**KABATAAN PARTY-LIST Representative Raoul Dannel A. Manuel**

### RESOLUTION

**URGING THE COMMITTEES ON SUFFRAGE AND ELECTORAL REFORMS AND ON GOOD GOVERNANCE AND PUBLIC ACCOUNTABILITY TO INVESTIGATE IMMEDIATELY, IN AID OF LEGISLATION, THE IRREGULARITIES AND THE FAILURE TO ACHIEVE FREE AND FAIR ELECTION STANDARDS IN CONDUCTING THE MAY 9, 2022 POLLS, WITH SPECIAL ATTENTION TO THE PARTICIPATION OF SMARTMATIC PHILIPPINES AND CONCERNED PUBLIC SERVANTS INCLUDING THE COMMISSION ON ELECTIONS**

**WHEREAS**, the 1987 Constitution declares the Philippines as a democratic and republican country;

**WHEREAS**, free, fair, and regular elections are critical to the functioning of our democracy—our right to vote lies at the heart of our constitutional democracy and that the right of every Filipino to choose the leaders who will lead the country and participate, to the fullest extent possible, in every national and local election is zealously guarded by the fundamental law of our land—that the 1987 Constitution devoted an entire article solely for suffrage (Article V);

**WHEREAS**, it is the mandate of the Commission on Elections (COMELEC) to ensure the conduct of free, fair, and regular and special elections;

**WHEREAS**, the 2022 National and Local Elections were conducted last May 9; however, according to the International Observer Mission (IOM) that monitored the 2022 Philippine polls, the said election did not meet free and fair election standards; findings indicate that it was “marred by a higher level of failure of the electronic voting system than ever before”;<sup>1</sup>

**WHEREAS**, the IOM was launched on February 7, 2022, by the International Coalition for Human Rights in the Philippines (ICHRP), a global network of organizations that are concerned about the human rights situation in the Philippines, to provide independent monitoring and assist in safeguarding the right to vote amid the “worsening human rights situation” under President Rodrigo Duterte’s rule;

**WHEREAS**, the same IOM also monitored the widespread corruption and violence present in the past Philippine elections, and had monitored the 2022 elections since the start of the 90-day campaign period by deploying observers especially in Metro Manila, Central Luzon, Southern Luzon, Central Visayas, Western Visayas, and Mindanao to document the election process;

<sup>1</sup><https://newsinfo.inquirer.net/1600309/intl-observers-may-9-ph-vote-falls-short-of-free-fair-election-standards>

**WHEREAS**, Séverine De Laveleye, a Belgian parliamentarian, presented the May 19, 2022 interim report of the IOM on the May 9 elections and shared that rampant vote-buying, disturbing levels of state and military-orchestrated red-tagging, and incidents of deadly violence were likewise observed<sup>2</sup>;

**WHEREAS**, in the same report, the IOM said that the election “did not meet the standard of free and fair elections because of prevailing conditions that robbed the voters of access to reliable information, access to the voting places without intimidation, and a credible vote-counting system”;

**WHEREAS**, De Laveleye said further that the widespread irregularities and violence undermined the democratic process that “took place in the most repressive context since the time of the late dictator Ferdinand Marcos”;

**WHEREAS**, massive problems were encountered in the Automated Election System on election day itself, such as the malfunction of thousands of vote-counting machines upon the very opening of polls;

**WHEREAS**, Kontra Daya, IOM’s local partner, shared that they have received more than 9,000 reports involving machine errors, illegal campaign activities, vote-buying, and red-tagging<sup>3</sup>;

**WHEREAS**, from over 9,000 reports, Kontra Daya said that 2,927 are verified reports with pieces of supporting; of the verified reports, 2,683 are election-related reports, 224 are campaign reports, and 1,318 are vote-counting machine (VCM) errors;

**WHEREAS**, machine failures include machines rejecting the ballots, failing to issue receipts and breaking down completely, resulting in long lines and significant delays in voting; by COMELEC estimates, machine failures affected around 1,800 VCMs;

**WHEREAS**, Kontra Daya maintained that the massive amount of reports it received proves the failure of the automated election system in guarding the sanctity of the ballot, and noted that the propriety of source code of the VCMs and the lack of genuine source code review process cast more doubt on the accuracy of the election results, especially as the software and hardware of the machines are both owned and protected by Smartmatic;

**WHEREAS**, on vote-buying, the IOM noted that two local candidates expressed their conviction that “corruption was widespread and systematic,” asserting that vote-buying has been a “common practice”. A local candidate in Metro Manila shared that “never in the history of the city has vote-buying been so rampant as in 2022 wherein one candidate was spending P5 to P7 million a day”. The IOM said that in Calabarzon, a local alternative media described vote-buying as a “last-minute activity” on the evening of May 8, with 80 to 90 percent of people taking part in it and with the amount distributed increasing from P200 in past elections to P2,000 to P4,000 in the 2022 election;

**WHEREAS**, on red-tagging, some teacher-leaders have resigned from the Alliance of Concerned

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<sup>2</sup><https://newsinfo.inquirer.net/1600309/intl-observers-may-9-ph-vote-falls-short-of-free-fair-election-standards>

<sup>3</sup><https://www.gmanetwork.com/news/topstories/nation/832256/kontra-daya-claims-fraud-in-eleksyon-2022/story/>

Teachers while local candidates who have previously expressed their support have done so quietly. The IOM shared that an activist, who was visited by Vice President Leni Robredo, was “red-tagged and harassed”. Likewise, fishermen who were expressing their problems on displacement because of infrastructure projects were vilified and presented as surrendered rebels. Furthermore, a local candidate recognized that red-tagging and killing took place all over the province and were really bad in one of the towns that were visited by the IOM. The locals did not want to be visited and most local candidates were also scared even if the main targets were the leaders of the Makabayan partylist groups;

**WHEREAS**, IOM added, on red-tagging, that the Armed Forces of the Philippines (AFP) offers P5,000 to the locals who, upon accepting, will be marked as a New People’s Army (NPA) member. Partylist members who refuse the money are threatened with torture or killing. Furthermore, last March 25, red-tagging posters from the “Patriotic Filipinos of Baguio City” against Kabataan and Gabriela partylist groups were seen at Barangay St. Joseph Village despite the existence of a directive from Baguio City mayor Benjamin Magalong which prohibited red-tagging posters. Even Robredo and Magalong, a former top intelligence police officer, were red-tagged by National Task Force to End Local Communist Armed Conflict spokesperson Lorraine Badoy, for alleged links or sympathy for the Communist Party of the Philippines (CPP). Last March 28, as Robredo’s campaign event started, signs linking her to the CPP-NPA-National Democratic Front (NDF) were seen near the government center in Palo, Leyte;<sup>4</sup>

**WHEREAS**, with regards to military and police presence, the IOM said that on Election Day, it personally witnessed and received reports regarding the massive military presence at voting places in two different cities in Mindanao. “Military and police presence was heavily visible in one of the visited areas. It was the site of a five-month bombing and artillery campaign by the AFP. This heavy military presence did not succeed in the stated aim of ensuring a safe voting process,” IOM said. They have shared that in one of the cities visited, the borders were heavily guarded and closed because of fears of “fly-in” voters. Military units were at all polling centers. Observers even noticed members of the military scuba diving unit deployed to guard polling stations. Multiple tanks were seen throughout the city and at primary polling centers. Military helicopters were heard overhead; this starkly contradicts the International humanitarian law requiring clear distinctions between military combatants and non-combatants as the polling sites throughout the region, police appeared wearing highly militarized combat gear, including camouflage uniforms and helmets, combat boots, and carrying large semi-automatic weapons. IOM asserts that “while police serve as civilian non-combatants, in this attire, police at polling sites were hardly distinguishable from the military. Further, tanks were present at polling places in and around the city. The presence of tanks makes such sites potential targets of war, violating basic international humanitarian law”;

**WHEREAS**, dubious last-minute staffing changes were also observed by the IOM. COMELEC made last-minute staffing changes to local electoral boards, which are tasked with operating the vote-counting machines (VCMs) on Election Day and are often staffed by teachers.<sup>5</sup> Assigned local teachers receive specialized advance training to complete the task bit less than a week before the election, the COMELEC told teachers in one of the visited cities in Mindanao that their roles would be shifted, sparking protests that replacement VCM operators would be insufficiently trained;

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<sup>4</sup><https://newsinfo.inquirer.net/1600309/intl-observers-may-9-ph-vote-falls-short-of-free-fair-election-standards>

<sup>5</sup><https://newsinfo.inquirer.net/1600309/intl-observers-may-9-ph-vote-falls-short-of-free-fair-election-standards>

**WHEREAS**, particularly on election fraud, the IOM said that in Calabarzon, teachers, despite the suspension of classes from May 2 to 13 because of the elections, were being forced to report to the offices. Because there were already voting machines in the rooms, they were afraid that they would be charged with manipulating these machines. Some local politicians insinuated that the teachers would do this, and wanted to use this to declare an election failure. Interviewed elementary school teachers said there is no signal or internet connection. In the transmission of journal actions for the electronic election machines, they don't know where the voting machines are being located during the election and there is no internet connection or signal in the area. In terms of manpower, unlike in the past where all teachers serve during the elections, this time it's only said to be the 5th and 6th-grade teachers, depending on how the Comelec sets up the election;

**WHEREAS**, according to IOM, violence against local officials also transpired. The IOM shared that four barangay officials who were interviewed on their experiences of election violence said there were police coming en masse into the community harassing them, planting weapons in homes, and checkpoints set up outside communities. "Party officials and members having their homes strafed by automatic weapons; having vehicles set on fire and in one case the murder of a husband and wife in front of their children. Sometimes police appear to have been drafted into the area from other provinces," they said. This violence in 2019 has had a serious impact on their ability to campaign in the 2022 elections: "A climate of fear already existed and many officials had gone into hiding or become inactive.";

**WHEREAS**, IOM also included in its report the recorded election-related violations of human rights since early March, noting the first political killings related to the elections took place in Sorsogon on January 15. Last April 19, in Barangay San Jose in Quezon, Bukidnon, five farmers were shot and injured as they gathered to claim their ancestral lands. Presidential candidate Leody de Guzman was there when the incident took place. In General Santos City, Bayan Muna Party-list coordinator Larry Villegas was shot while cleaning his tricycle outside his home last March 13;

**WHEREAS**, all things considered, there are indeed bases to claim lack of transparency in the automated election system (AES), lack of expert oversight and measures to ensure integrity, and problems with COMELEC such as its attitude that seems to be not accountable and downplays all complaints held against them, on top of the massive, systematic and sustained disinformation favoring presumptive President Ferdinand "Bongbong" Marcos Jr. to deceive the electorate; rampant and unchecked vote-buying; and intimidation and red-tagging or terrorist-labeling and other forms of harassment against the opposition;

**WHEREAS**, we enjoin the public to hold the COMELEC, Smartmatic, and logistics-provider F2 accountable for the failure to achieve free and fair election standards; to continue the fight against disinformation, historical denialism, and distortion; to find creative means to raise political awareness of the hundreds of thousands who were mobilized; to develop these new democratic forces, and to continue forming movement for civil liberties, human rights, social justice, economic upliftment of the poor and marginalized;

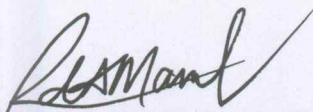
**WHEREAS**, the May 9, 2022 polls marred by widespread irregularity and violence which undermined the democratic process subverting the will of the electorate at the national and local should really be investigated and swiftly acted upon;

**NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED**, that the Members of the House of Representatives urge the Committees on Suffrage and Electoral Reforms and on Good Governance and Public Accountability to immediately investigate, in aid of legislation, the irregularities and the failure to achieve free and fair election standards in conducting the May 9, 2022 polls with special attention on the participation of Smartmatic Philippines and concerned public servants including the COMELEC, et al.

**RESOLVED FURTHER**, that the COMELEC shall replace the current AES with one that is transparent, open-source and locally made. An election system that maximizes local talent and allows greater public scrutiny will allow others to be confident that their votes are correctly cast and counted.

**RESOLVED FINALLY**, that the public shall hold the COMELEC, Smartmatic, and logistics-provider F2 accountable for the massive irregularities in the conduct of the May 9, 2022 National and Local Elections.

*Adopted,*



**REP. RAOUL DANNIEL A. MANUEL**  
*Kabataan Party-list*