

It's official: Supreme Court upholds automation of 2010 polls

by ED PUNAY
Philstar.com

MANILA – The Supreme Court upheld on September 10 the legality of the automation of next year's elections.

In dismissing the petition of a group of concerned citizens to void the P7.2-billion automation contract, the SC said the Commission on Elections and Smartmatic Corp.-Total Information Management Inc. did not violate Republic Act 9369, the Poll Automation Law.

Voting 11-3, the SC justices ruled that the automation deal was properly documented and that the petition of the Concerned Citizens Movement had no factual basis.

The SC said the law's requirement for the Comelec to automate in at least 12 areas "was not a prerequisite for the automation of next year's elections."

Republic Act 8436, as amended by RA 9369, indicates the legislative intent for the May 2010 elections to be automated, regardless of whether pilot testing was done in the 2007 elections, the SC added.

The SC took into consideration the Senate's position that the law does not require the system chosen by the Comelec to be tested in a local election.

It also upheld the government's argument that

Congress has allowed the full automation of next year's polls even without pilot testing.

Chief Justice Reynato Puno concurred with the majority decision.

In his separate opinion, Puno said: "Absent any capricious and whimsical exercise judgment on the part of the Comelec, its determination of the appropriate election technology, as well as the procedure for its procurement, should be respected. The fear of automation failure should not overwhelm us."

The nine other justices who concurred with the ruling were Consuelo Ynares-Santiago, Renato Corona, Minita Chico-Nazario, Antonio Eduardo Nachura, Teresita Leonardo-de Castro, Diosdado Peralta, Lucas Bersamin, Mariano del Castillo, and Roberto Abad.

Associate Justices Antonio Carpio, Conchita Carpio-Morales and Arturo Brion dissented.

Senior Associate Justice Leonardo Quisumbing was on leave during deliberations last Tuesday.

The SC decision was written by Associate Justice Presbitero Velasco Jr.

Comelec ready to pay Smartmatic P360M

Following the SC decision, the Comelec is ready to initially pay Smartmatic P360 million for the counting machines.

Comelec Chairman Jose Melo said they will pay five percent of the P7.2-billion contract, although

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ROOT CAUSE. In this photo released by the Philippine Coast Guard Tuesday Sept. 8, a fishing boat with Coast Guard personnel onboard, right, tows the shore a life boat with four Koreans and 15 Filipino crewmen of the ill-fated Panamanian-registered cargo ship who abandoned their ship that stalled and lost power in rough seas in the central Philippines Monday, Sept. 7. Coast Guard Chief Admiral Wilfredo Tamayo said the M/V Hera, enroute to China from Papua New Guinea with a cargo of logs, encountered engine trouble forcing all the crewmen to abandon the vessel. The accident followed Sunday's sinking of a passenger ferry which left nine passengers dead.

AP Photo by Philippine Coast Guard

Binay, too, gives up presidential ambition

by ALLISON LOPEZ
Inquirer.net

MANILA – Welcoming the declaration of Senator Benigno "Noy" Aquino III to run for the presidency in 2010, Makati Mayor Jejomar Binay said he was dropping his presidential bid and was willing to broker talks between the senator and former president Joseph Estrada on a coalition candidate.

Binay, president of the United Opposition (UNO) and a close friend of the Aquino family, said Aquino's decision to run signaled that opposition parties should start unity talks.

"There is all the more reason to pursue negotiations among the parties identified with the opposition for a possible coalition. As president of UNO, this is an obligation I am taking on," Binay said in a statement.

Binay said his own decision to no longer to run for president would make him an "honest broker."

"I have always said that if my bid for the presidency will be an obstacle in achieving unity within the opposition, I am willing to give way," he said. ■

Estrada busts opposition's hopes of unity

by GIL C. CABCAUNGAN JR. AND NORMAN BORDADORA
Inquirer.net

MANILA – Sen. Benigno "Noy" Aquino III's decision to run for president in 2010 boosted the hopes of his supporters that opposition and business groups would unite behind his candidacy—but deposed President Joseph Estrada immediately dashed their dream.

"It doesn't change a thing. My plan is unchanged," Estrada, who has said he might make a second run for president, told Agence France-Presse shortly after Aquino's declaration. "Let us let the people decide, not the elites and the bourgeois ... All of them are from the rich set."

A political analyst, University of the Philippines political science professor Clarita Carlos, said it was too premature to conclude that Noy could bring together personalities and parties to support his campaign in the "afterglow" of the death of his mother, former President Corazon "Cory" Aquino.

Carlos said Noy had to deal with the "realpolitik forces in the country" and many "imponderables," such as political realignments and campaign funds.

"Everything is in the realm of conjectures. The election is 10 months away. A lot of things can happen," she said by phone, asking: "Will the afterglow be sustained and translated into votes? Will it galvanize the collective consciousness to support this person?"

Liberal Party chair Franklin Drilon was hopeful the "Cory magic" would carry her son to victory in May next year.

"It's Cory magic, that's the only explanation I can think of, you can see the genuine affection of the people (for Noy)," Drilon said in a phone interview.

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