

Petitioners vs poll automation project file Motion for Reconsideration

MANILA—Lawyer Harry Roque recently filed a Motion for Reconsideration (MR) at the Supreme Court seeking to nullify the earlier decision denying his petition to junk the Commission on Election's (Comelec) 2010 poll automation project, which was awarded to the joint venture of Total Information Management Inc. (TIM) and Smartmatic International Corp. (Smartmatic).

Roque filed a motion last Sept. 28 urging the Court to reconsider its Sept. 10, 2009 ruling wherein the justices decided by an 11-3 vote to deny the petition of Roque.

In the decision penned by Justice Presbitero Velasco Jr., the Court upheld the poll automation contract and ruled that the Comelec did not commit grave abuse of discretion.

It stressed that the joint venture of Smartmatic and TIM was properly documented.

"Had petitioners only bothered to undertake the usual due diligence that comes with good judgment and examined the eligibility envelope of the Smartmatic-TIM joint venture, they would have discovered that their challenge to and arguments against the joint venture and its JVA (Joint Venture Agreement) have really no factual basis," the Court said.

Concurring were Chief Justice Reynato Puno and Justices 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. Justice Antonio Carpio dissented and wrote a separate opinion, which was joined by Justice Conchita Carpio-Morales. Justice Arturo Brion also wrote a dissenting opinion.

Senior Justice Leonardo Quisumbing was on official leave.

Roque said in his latest motion that the award by the Comelec of the elections automation project to TIM and Smartmatic was made with grave abuse of discretion amounting to an excess or lack of ju-

isdiction, it being in violation of the Constitution, of statutes, and of jurisprudence.

He reiterated his prayer to the SC to permanently prohibit the commission, the Comelec-Special Bids and Awards Committee (SBAC), TIM and Smartmatic from implementing the contract.

Roque also asked the SC to declare the contract null and void for violating the Constitution, statutes, and jurisprudence.

He asked the Court to enjoin all respondents from implementing the contract and the respondent Secretary of the Department of Budget and Management (DBM) from releasing funds for the project.

Aside from Roque, other petitioners are lawyers Joel Butuyan and Romel Bagares, and private citizens Allan Jones Lardizabal, Gilbert Andres, Immaculada Garcia, Erlinda Mercado, Francisco Alcuaz, Ma. Azucena Maceda, and Alvin Peters.

"This patent misrepresentation by respondent Smartmatic-TIM is evidence of bad faith and intent to defraud the government," the petitioners stressed.

The petitioners further argued that the consortium did not include Jarltech as a member of the alleged joint venture even if the Precinct Count Optical Scan (PCOS) machines are to be procured from it, which is a violation of the Court's ruling in ITFP vs. Comelec, which mandated the latter to determine the full identity of the entity it is dealing with.

The group said Smartmatic also did not include Dominion and 2Go Corp. as members of the joint venture even if these companies are responsible for the software and the distribution of the PCOS machines, respectively.

"Since Jarltech, Dominion, and 2Go are not privy to the contract to be entered between Comelec and the alleged Smartmatic-TIM joint venture, these three entities are obviously not jointly and severally liable with respondents Smartmatic and TIM," the petitioners complained. (*Philstar.com*)

Villarama tops list of Supreme Court bets

by NORMAN BORDADORA
Inquirer.net

COURT of Appeals Justice Martin Villarama Tuesday topped the voting among justices of the Supreme Court as to who among the applicants for the tribunal should be in the Judicial and Bar Council's (JBC) short list for the President's consideration.

The voting is for the seat that will be vacated by Senior Associate Justice Consuelo Ynares-Santiago when she retires on Oct. 5.

Villarama got eleven votes while Sandiganbayan Justice Francisco Villaruz and private

lawyer Rodolfo Robles received 10 votes each.

The JBC rules state that the council "shall give due weight and regard to the recommendees of the Supreme Court."

The JBC is expected to meet on Oct. 5 to draw up a short list of at least three names from which the President will choose the next Supreme Court Justice.

Aside from Ynares-Santiago, Senior Associate Justice Leonardo Quisumbing and Associate Justice Minita Chico-Nazario will also retire before the year ends.

There were seven scheduled retirements from the tribunal this year.

Four—Ruben Reyes, Adolfo Azcuna, Alicia Martinez and Dante Tinga—have already retired and have been replaced by Diosdado Peralta, Lucas Bersamin, Mariano del Castillo and Roberto Abad.

When all seven vacancies are filled, all the Supreme Court justices except Chief Justice Reynato Puno shall have been President Gloria Macapagal-Arroyo's appointees. ■

Cordillera cashes in on strawberries, coffee

by DESIREE CALUZA
Inquirer.net



BAGUIO CITY—The next time you savor brewed native coffee or spread strawberry jam on your toast, remember that these are Cordillera grassroots products that are finally getting some attention from the government.

The recent Cordillera OTOP (One-Town-One-Product) Congress revealed that coffee, strawberry and bamboo products and organic rice produced by Benguet, Ifugao, Mountain Province, Abra, Kalinga and Apayao have created 14,967 jobs, boosted exports sales to a high of \$3.6 million, and raised domestic sales by P295.18 million since the OTOP concept was adopted in 2005.

OTOP was not an invention of President Gloria Macapagal-Arroyo, but congress participants

credited her administration for making OTOP a primary program that helped enliven entrepreneurship, increase job creation and make the most of the resources of local governments and micro, small and medium enterprises (MSMEs).

The congress' key concern now is how to sustain OTOP after 2010, since the program could fall by the wayside after the Arroyo administration, said Myrna Pablo, director of Department of Trade and Industry-Cordillera.

"The DTI will lobby to the next administration to sustain the OTOP program after 2010," she said, adding that the next administration can continue the program, although it can be under a different name. ■

Salceda proposes P86-billion economic perk-up package

by CELSO AMO
Philstar.com

LEGAZPI CITY—Albay Gov. Joey Salceda yesterday proposed an P86-billion economic perk-up package to ward off the social and economic damage brought by tropical storm "Ondoy" to the National Capital Region (NCR) and 27 provinces in the country.

Salceda, one of the economic advisers of President Arroyo, said the package would come from government finance institutions like the Government Service Insurance System (GSIS), the Social Security System (SSS), Pag-Ibig, Philhealth and the Bangko Sentral ng Pilipinas (BSP) which will grant emergency loans to members affected by Ondoy.

Salceda said the economic package is designed to inject liquidity

into the system that has sustained both temporary disruption in incomes and permanent damage to capital assets.

"Once supply chains have been restored and survival needs have been provided, cash is the best form of social and economic relief after a disaster since victims know better their needs, beneficiaries would be more judicious in their procurement, benefit is direct and immediate," Salceda said in proposing a comprehensive package of demand-side measures.

"This (the demand-side liquidity package) is a decisive response to mitigate the widespread social damage and overturn the potential economic drag of typhoon Ondoy," he said.

Salceda said the GSIS should grant P4-billion worth of emergency loans to members and the SSS

P28 billion using a one-year global repayment moratorium scheme for their members at a concessional five percent interest.

He said the moratorium will help members cope with the crisis and is a sure way to provide widespread relief.

"This is in lieu of current proposals of the SSS and GSIS," Salceda said, arguing that the global repayment moratorium scheme is more pervasive and direct in impact – more take-home pay, easier to execute, less effort for members and less paper work for SSS/GSIS.

SSS currently proposes an option of incremental P24,000 salary loans payable in 24 months. The GSIS, meanwhile, proposes an emergency loan of P20,000 payable in 24 months and an incremental home loan improve-

ment of P150,000 for loan-eligible members of Pag-Ibig whose homes suffered damage.

Pag-Ibig, for its part, should grant a P15-billion loan to members by providing incremental loans of P150,000 for eligible members. Salceda said Pag-Ibig could spend P15 billion if it would grant loans now to its 100,000 members.

Philhealth, on the other hand, could grant a three-month advance of monthly average reimbursement to its accredited outlets including the Department of Health-retained hospitals, provincial hospitals, city health offices and RHUs to help its members. Salceda said the fund could reach P4 billion.

Lastly, the BSP could set up a P35-billion five-year special rediscounting window for banks to refinance loan exposures to individuals, entrepreneurs and SMEs at 91-day T-bill plus 2 percent. ■

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for the immediate relief efforts in the wake of Typhoon Ondoy that hit the Philippines recently.

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Guidelines:

- Donations can be received online through: **www.abcbsnoundation.org** (the North American website - including Canada).

- Donations can be made here through credit card or through PayPal.

- Donations can also be received through mailed checks.

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- Pledges & inquiries can be made through the toll free number **1-800-527-2820**

The ABS CBN Foundation is a registered 501 (c)(3) organization in the United States. All donations for Sagip Kapamilya (Saving Family Members) will be used for immediate relief and rescue operations. Photo courtesy of the Associated Press

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