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SENATE  
P. S. Res. No. 1002

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INTRODUCED BY SENATOR ALAN PETER "Compañero" S. CAYETANO

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**RESOLUTION**

**AUTHORIZING THE COMMISSION ON ELECTIONS TO ALLOCATE ONE HUNDRED MILLION PESOS (PHP100,000,000.00) FROM THE P11.3 BILLION APPROPRIATION FOR AUTOMATED ELECTIONS IN 2010, TO BE UTILIZED IN AN INCENTIVE /REWARD SYSTEM IN FAVOR OF ANYONE, INCLUDING INFORMATION TECHNOLOGY EXPERTS, WHO CAN CONVINCINGLY DEMONSTRATE THE WEAKNESS OF THE SAID SYSTEM AND ESTABLISH THAT THE SAME IS NOT SECURE FROM FRAUD, TAMPERING AND MANIPULATION. AND THEREAFTER, CANCEL THE CONTRACT AND SUE FOR DAMAGES. OTHERWISE IT WILL SHOW THAT AUTOMATION IS THE ANSWER TO ELECTION FRAUD AND THAT THE COMELEC PURCHASED/LEASED SYSTEM IS NOT VULNERABLE TO FRAUD, TAMPERING AND MANIPULATION**

WHEREAS, Section 1, Article II of the Constitution provides that: "The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them.";

WHEREAS, such sovereignty of the people can only be realized in a free, fair, honest and orderly election where every voter has the opportunity to vote and have their votes counted correctly;

WHEREAS, the Commission on Election (COMELEC) was given a supplemental appropriation of ELEVEN BILLION, THREE HUNDRED MILLION PESOS (P11.3 billion) to automate the May 2010 national and local elections;

WHEREAS, Resolution 8591 of the COMELEC *en banc*, approved the Terms of Reference/Request for Proposal (TOR/RFP) for the Solutions, Terms and Conditions of the said National and Local Elections;

WHEREAS, COMELEC Executive Director Jose Tolentino, was quoted by the media to have declared that "By the time a hacker gets into our system, the election is over.";

WHEREAS, Executive Director Tolentino also reportedly said that the winning bidder's software will be open to inspection by the public and that the COMELEC will also open the system and the machines to "ethical hackers" or information and

technology (IT) experts who would be allowed by the agency to test the system. He also said that the COMELEC would welcome cyber-security experts who wish to check the system for weaknesses;

WHEREAS, there are fears that automated elections, though it promises to significantly curb cheating present in the manual electoral system and shorten the waiting time for results from weeks or months to mere two days, it may actually induce a bigger and more sophisticated method of election cheating if the system is vulnerable to fraud, tampering or manipulation;

WHEREAS, there is a need to assure our people that their right of suffrage would be properly safeguarded, if and when we will resort to an automated May 2010 national and local elections;

WHEREAS, the best viable way to erase fears is to create a sufficient incentive to whoever would like to test the system and to the winning bidder also, that their system would be free from tampering, fraud and manipulation, otherwise the winning bidder will not only suffer the cancellation of their contract, but shall likewise be liable for other damages resulting therewith;

WHEREAS, the most effective way to test if indeed a system is credible, reliable and tamper-proof or fraud-proof is to offer an attractive enough monetary reward to whoever can convincingly show the weaknesses of the system to either internal or external manipulation or tampering or vulnerability to any means of fraud;

WHEREAS, to make the said incentive system work, there is a need to authorize the Commission on Elections to allocate the amount not exceeding ONE HUNDRED MILLION PESOS (PhP100,000,000.00) to be utilized as an incentive or reward for any one who can successfully demonstrate that the system being offered to the COMELEC is vulnerable to fraud, tampering or manipulation;

WHEREAS, there is also a need to authorize the Commission on Elections to do everything to protect the people's interest including but not limited to cancelling the contract and suing the supplier for damages, in the event that the system can be effectively proven to be vulnerable to fraud, tampering or manipulation.

**NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED,** that the Commission on Elections is hereby authorized to allocate an amount not exceeding ONE HUNDRED MILLION PESOS (PhP 100,000,000.00) to be utilized in an incentive system or reward system in favor of anyone who can convincingly demonstrate the weakness of the system and establish that the same is not secure from fraud, manipulation or tampering and to thereafter, do all acts to protect the peoples interest including but not limited to cancelling the contract and suing for damages. Furthermore, the Commission on Elections is hereby authorized to promulgate rules and regulations for a reward system and establish categories of the different phases or part of the system to be tested, with no reward in any category being tested being less than TEN MILLION PESOS (PhP 10,000,000.00).

Adopted,



**ALAN PETER "Compañero" S. CAYETANO**  
Senator