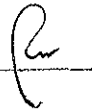


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

'11 AUG -1 P5:14

SENATE
P. S. Res. No. 543

RECEIVED BY: 

INTRODUCED BY SENATOR ALAN PETER "Compañero" S. CAYETANO

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS (BLUE RIBBON) TO CONDUCT AN INQUIRY IN AID OF LEGISLATION AND TO EXERCISE ITS OVERSIGHT FUNCTIONS INTO THE ALLEGATIONS OF ORGANIZED AND MASSIVE POLL FRAUD AND ELECTORAL SABOTAGE IN THE 2004 AND 2007 NATIONAL ELECTIONS, COMMITTED THROUGH MALFEASANCE, MISFEASANCE AND NON-FEASANCE IN PUBLIC OFFICE BY PUBLIC OFFICERS AND EMPLOYEES OF VARIOUS BRANCHES AND INSTRUMENTALITIES OF THE NATIONAL AND LOCAL GOVERNMENT, THEREBY DEPRIVING THE FILIPINO PEOPLE OF THEIR RIGHT TO CHOOSE THEIR LEADERS, WITH THE END IN VIEW OF CRAFTING LEGISLATIVE MEASURES TO STRENGTHEN ELECTORAL PROCESSES, CURTAIL CORRUPTION, AND PROMOTE TRANSPARENCY AND ACCOUNTABILITY IN GOVERNMENT

WHEREAS, Electoral Fraud is the parent of corruption where **STEALING** and LYING follows CHEATING.

WHEREAS, electoral candidates spend huge amounts of money to frustrate the will of the people and thereafter seek to recover their expenses or a return on their investment by committing graft and corruption in public office;

WHEREAS, the "Hello Garci" controversy was one of the major scandals that tainted the political history of the country, specifically of the administration of then President Gloria Macapagal Arroyo;

WHEREAS, the "Hello Garci" scandal involved an alleged taped phone conversation between President Arroyo and former Comelec Commissioner Virgilio Garcillano on a purported plan to rig the 2004 elections;

WHEREAS, commission of fraud and cheating in national and local elections are made possible with the indispensable cooperation of not only COMELEC officials but also of various entities and officials in the national government agencies, offices, constitutional bodies, government owned and controlled corporations and local governments;

WHEREAS, the cheating was allegedly done before, during, and after elections including use of government funds to campaign for the benefit of the former President;

WHEREAS, a political administration installed by sham not only rules on its self-proven principle of conspiracy, dishonesty, and fraud but breeds a string of acts of deception in order to perpetuate itself in power;

WHEREAS, the House of Representatives of the 12th Congress, realizing the implications of electoral fraud in our system of democracy, conducted a series of hearings on the “Hello Garci” controversy focusing on the alleged wiretapping issue and did not adequately discuss and cover the issues on accountability of public officers involved in electoral fraud;

WHEREAS, the House of Representatives’ Committee Report stated “The controversy over the alleged wiretap was so tightly and vehemently focused on the tapes possible provenance, which was never established- and on their contents, which were arguably inadmissible in evidence, that the question was never asked let alone answered whether any fraud actually took place that might be linked to the alleged wiretapped conversation”;

WHEREAS, the same Committee Report also noted that “the Joint Committee hearing was never able to determine how named Comelec officials allegedly committed fraud in the last election at the alleged behest of the President”;

WHEREAS, the Senate’s own inquiry into the “Hello Garci” controversy during the 14th Congress was not concluded;

WHEREAS, the criminal and administrative liabilities of the suspected perpetrators of the “Hello Garci” scam and all other acts of electoral fraud for that matter, cannot be diminished nor erased by the mere end of the term of office of the previous administration that benefitted from the suspected electoral fraud;

WHEREAS, it was ascertained during the last hearing of the Commission on Appointments that Ray Somalipao, a Comelec official who was implicated in the “Hello Garci” poll cheating controversy, still holds a key position in the said agency as Director for the Autonomous Region of Muslim Mindanao (ARMM);

WHEREAS, COMELEC Law Department Head, Atty. Ferdinand Rafanan had admitted in media interviews that there are no records to show that an investigation was conducted by the COMELEC against the so called “Garci boys”;

WHEREAS, former Autonomous Region in Muslim Mindanao (ARMM) Governor Zaldy Ampatuan and former Maguindano election supervisor Lintang Bedol recently presented startling revelations and confirmations purporting to the alleged involvement of the former President in electoral fraud further warranting the need to reopen the “Hello Garci” investigation;

WHEREAS, some fourteen (14) new witnesses are said to be ready to testify in hearings called to investigate the “Hello Garci” scandal, and that others are believed to follow suit if a credible and sincere investigation is conducted;

WHEREAS, the revelations of Senior Supt. Rafael Santiago, former head of the National Intelligence Division of the Special Action Force (SAF) who, together with his men, presented several official elections returns that were switched with fake returns in the 2004 elections in the Batasan Pambansa, implicating more former high government officials in the commission of electoral fraud in the 2004 elections;

WHEREAS, the aforementioned circumstances and events that described the incidents of fraud during the 2004 and 2007 national elections show that despite the automation of the Philippine election system, there is a great risk that electoral cheating may still take place in the forthcoming 2013 midterm elections and beyond unless corrective measures are instituted to fully establish the accountabilities and liabilities of public officers who are tasked to guard, uphold and ensure an honest, clean and credible elections;

WHEREAS, the reported scandalous involvement of public officers both in the national and local governments in the commission of malfeasance, misfeasance, and non-feasance in public office to engineer massive election fraud has shown the vulnerability of public office to become a tool for deceiving the Filipino people thereby undermining the fundamental tenets of democracy;

WHEREAS, there is an increasing number of witnesses who can attest to electoral fraud and witnesses who can and are willing to shed light on other investigations being conducted by the Senate Blue Ribbon Committee. This is a clear manifestation of the renewed trust of the people in the present government which the Senate and other key institutions of government must acknowledge by conducting inquiries in pursuit of good governance;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED to direct the Senate Blue Ribbon Committee to conduct an inquiry in aid of legislation and to exercise its oversight functions into the serious allegations of poll fraud and electoral sabotage during the 2004 and 2007 national elections in order to undertake remedial measures to curtail electoral fraud and promote transparency and accountability among public officials.

Adopted,



ALAN PETER "Compañero" S. CAYETANO
Senator