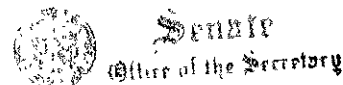


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



75 JAN 12 P4:14

SENATE
P. S. R. No. 1102

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ISSUES CONCERNING THE CONTRACT AWARDED TO SMARTMATIC FOR THE REFURBISHMENT OF THE PRECINCT COUNT OPTICAL SCAN (PCOS) MACHINES

WHEREAS, the Constitution, Article 5, Section 2 provides:

The Congress shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad.

The Congress shall also design a procedure for the disabled and the illiterates to vote without the assistance of other persons. Until then, they shall be allowed to vote under existing laws and such rules as the Commission on Elections may promulgate to protect the secrecy of the ballot;

WHEREAS, the *Philippine Star* reported on 5 January 2015 that the Commission on Elections (Comelec) decided to tap Smartmatic Total Information Management Corp. to refurbish the 80,000 PCOS machines to be used in the May 2016 presidential polls;

WHEREAS, according to the 5 January 2015 report, a Comelec source stated that there will no longer be a public bidding on the contract, and that the refurbishing deal worth ₱1.2 billion covers diagnostic services worth ₱300 million;

WHEREAS, the *Philippine Daily Inquirer* reported on 5 January 2015 that according poll watchdog Citizens for Clean and Credible Elections (C3E), Smartmatic is ineligible to do business due to hanging concerns surrounding the licensing and flaws in the system it developed;

WHEREAS, another *Inquirer* article, published on 6 January 2015, quoted Comelec Chairman Sixto Brillantes as admitting that the cost of refurbishing the machines, bought from Smartmatic in 2012 for ₱1.8 billion, could reach ₱2 billion;

WHEREAS, according to the 6 January 2015 report, some Comelec insiders said that the poll body resorted to the "chop-chop method" to go around Executive Order No. 424, which allows entering into negotiated contracts as long as project costs do not exceed ₱500 million;


WHEREAS, the government should protect the right to suffrage by guaranteeing the integrity of the electoral process;

WHEREAS, Congress, in its exercise of the power of the purse, should ensure that public funds are judiciously used;

WHEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED BY THE PHILIPPINE SENATE to direct the proper Senate committee to conduct an inquiry, in aid of legislation, on the issues concerning the contract awarded to Smartmatic for the refurbishment of the Precinct Count Optical Scan (PCOS) machines.

Adopted,

/aml


MIRIAM DEFENSOR SANTIAGO
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