



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

EN BANC

**IN THE MATTER OF ACCREDITATION AS
CITIZEN'S ARM OF THE COMMISSION
ON ELECTIONS IN THE AUTONOMOUS
REGION IN MUSLIM MINDANAO ON
AUGUST 11, 2008,**

**LEGAL NETWORK FOR TRUTHFUL
ELECTIONS (LENTE),**

Petitioner.

SPP No. 08-007

Promulgated:

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LEONARDO L. LEONIDA, Commissioner.

RESOLUTION

This resolves the Petition filed by **LEGAL NETWORK FOR TRUTHFUL ELECTIONS (LENTE)** on June 16, 2008 seeking its accreditation as a Citizen's Arm of this Commission in the forthcoming August 11, 2008 Regional Elections in the Autonomous Region in Muslim Mindanao (ARMM).

Petitioner alleged in its initiatory pleading that:

"Petitioner is a nation-wide organization composed of a network of lawyers, law students, paralegals, and volunteers devoted to the task of monitoring elections and working towards eliminating widespread and systematic election fraud with principal office at Room 408 4th Floor APS Building, Rockwell Drive, Rockwell, Makati City;

1. *This petition is being filed before this Honorable Commission pursuant to Article 9 (C), Section 2 of the 1987 Constitution where it states that the Commission on Elections has the following powers:*

(5) Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government; and accredit citizen's arms of the Commission on Elections.

2. *Petitioner was founded in March 2007.*

3. *The coalition is duly registered with the Securities and Exchange Commission (SEC);*

4. *The principal objective of the coalition is to form a citizen's arm that will engage in election monitoring activities in pursuit of honest, clean, orderly, and fair elections in the ARMM.*

5. *During the last May 2007 elections, LENTE was able to deploy around 6,000 volunteers in majority of the provinces around the country;*

6. *The petitioner's members include the following organizations: Integrated Bar of the Philippines (IBP), Caucus of Development NGO Networks (CodeNGO), National Movement for Free Elections (NAMFREL), OneVoice, Inc., Ateneo Human Rights Center, Catholic Bishops Conference of the Philippines-National Secretariat for Social Action (CBCP-NASSA), Parish Pastoral Council for Responsible Voting (PPCRV), Ateneo Law Student Council, Puwersa sa Ganap na Demokrasya Labang Wagas para sa Inang Bayan (Pugadlawin), Upholding Life and Nature (ULAN), Philippine Council for Islam and Democracy (PCID), Sentro ng Alternatibong Lingap Panligal (SALIGAN), and Lawyers' League for Liberty (LIBERTAS).*

7. *The governing body of the petitioner are its Executive Committee and Board of Trustees composed of nine (9) members, namely:*

- | | | |
|---------------|---|----------------------|
| 1. Chairman | - | Carlos Medina, Jr. |
| 2. Secretary | - | Rosario Reyes |
| 3. Treasurer | - | Luie Guia |
| 4. BOT Member | - | Christian Monsod |
| 5. BOT Member | - | Feliciano Bautista |
| 6. BOT Member | - | Jose Vicente Salazar |
| 7. BOT Member | - | Nasser Marohomsalic |
| 8. BOT Member | - | Ronaldo Gutierrez |
| 9. BOT Member | - | Marlon Manuel |

8. *Pursuant to its objectives and the public interest, the petitioner hereby manifests its interest in assisting the Commission on Elections in the performance of its functions and activities, as mandated by the Constitution as a Citizens' Arm for the Autonomous Region in Muslim Mindanao on August 11, 2008, specifically in the Six (6) provinces of the Autonomous Region in Muslim Mindanao (ARMM) and in the two cities of Marawi and Lamitan;*

9. *Particularly, petitioner seeks to be accredited as a Voter Education and Election Monitoring organization, with specific authorities:*

1. *To conduct Voter Education activities in preparation for any and all electoral exercises, in general, and in the forthcoming ARMM elections, in particular; and,*

2. *To observe and monitor the forthcoming elections in the Autonomous Region in Muslim Mindanao on August 11, 2008, particularly in the 6 provinces of the ARMM and in the cities of Marawi and Lamitan;*

10. *The petitioner:*

a. *Is NOT supporting any candidate, political party, organization or coalition of political parties, in the ARMM where it seeks accreditation;*

b. *Has the capability to undertake coordinated operations and activities to assist the Commission;*

c. *Shall submit itself to the direct and immediate control and supervision of the Commission and comply with its orders in the performance of its functions and activities and such other functions and activities which the Commission may assign;*

d. Shall strictly remain non[-]partisan and impartial during the entire electoral exercise;

e. Is NOT a political party, organization, coalition or candidate receiving financial contributions from any foreign government or their agencies as provided under Article IX-C, Section 2 (5), 2nd paragraph of the Constitution,

Article IX-C, Section 2 (5), 2nd paragraph of the Constitution provides:

'Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections, constitute interference in national affairs, and, when accepted, shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law.'

f. Shall not seek to achieve its objectives, goals, or program through violence or other unlawful means, or aim to propagate any ideology opposed to the principles of a republican and democratic government; and

g. Shall undertake to police its ranks and prevent infiltration by persons or groups of persons who may, directly or indirectly, destroy its character of nonpartisanship and impartial[ity].

Petitioner then prayed for the following, to wit:

"a. Accreditation as a Citizen's Arm of the Commission on Election[s] for the 2008 Autonomous Region in Muslim Mindanao Election and any other electoral exercises in the provinces of Maguindanao, Shariff Kabunsuan [sic], Lanao del Sur, Basilan, Sulu, Tawi-Tawi, and in the cities of Lamitan and Marawi, and as Election Monitoring and Voters Education organization;

b. That petitioner be allowed to conduct Voter Education activities; and

c. During the election period, to have access to polling places, counting, canvassing and consolidating centers and others, to witness all the phases of the elections, to take note and to report incidences of irregularities and violence thereon, and to allow our lawyers to make the necessary manifestations and objections, and have such included in the minutes."

On July 17, 2008, the Commission *En Banc* issued an Order directing the Petitioner to cause the publication of its petition in a newspaper of general circulation, to wit:

"Acting on the verified petition of 'LEGAL NETWORK FOR TRUTHFUL ELECTIONS (LENTE)' FILED ON July 16, 2008 for accreditation as citizen's arm of the Commission on Elections in connection with the August 11, 2008 Autonomous Region for Muslim Mindanao (ARMM) Elections, pursuant to Section 4, Rule 33 of the COMELEC Rules of Procedure, petitioner is hereby ordered to cause the publication of herein petition, together with this order in a newspaper of general circulation at its own expense.

Let this case be set for hearing on Thursday, 24 July 2008 at 8:30 o'clock in the morning, at the Session Hall of the Commission, 8th Floor, Palacio del Gobernador, Intramuros, Manila.

SO ORDERED.

Given this 27th day of May 2008, Manila, Philippines.

FOR THE COMMISSION:

(Signed) JOSE A. R. MELO
Chairman"

In the July 24, 2008 hearing, Counsels Carlos Medina, Luie Tito Guia and Howard Calleja appeared for the Petitioner. No oppositor or intervenor was present.

The Commission delegated to the Clerk of the Commission the reception of Petitioner's evidence. Accordingly, Petitioner through counsels presented and caused for marking the following exhibits, to wit:

Exhibit	Description
A	Front Page, People's Balita dated 21 July 2008
A-1	Page 13, People's Balita dated 21 July 2008
A-1-a	Actual publication, Petition for Accreditation and Order for Publication
B	Affidavit of Publication of Edwin Valera, advertising manager of People's Balita, dated July 22, 2008
C	LENTE's Articles of Incorporation
D	LENTE's Constitution and By-Laws
E	LENTE's List of Member Organizations and their respective officers
F	List of Law Student Volunteers
G	Minutes of LENTE Executive Meeting dated 4 October 2007
H	Minutes of LENTE Executive Meeting dated 13 February 2008
I	Minutes of LENTE Executive Meeting dated 15 July 2008
J	Manifestation Regarding Need for Separate Accreditation of LENTE

Atty. Carlos Medina and Atty. Luie Tito Guia, Petitioner's Chairman and Treasurer, respectively, were presented as witnesses and testified among others, to Petitioner's composition, manner of organization, including its sources of funding, as

well as its extent of participation in previous electoral exercises. There being no other witnesses, Petitioner was given until 25 July 2008 within which to submit their written formal offer of exhibits together with all the other exhibits which they reserved for marking.

In its July 29 2008 Order, the Commission admitted Petitioner's Exhibits "A" to "J" and considered the petition submitted for resolution.

Based on the evidence on record, LENTE participated in the past electoral exercises and further noted its commitment towards clean, honest, orderly and fair elections. It had displayed a capacity and the capability to achieve its goals in pursuit of its set objectives.

Considering that Petitioner has complied with the requirements for accreditation prescribed in Rule 33 of the COMELEC Rules of Procedure, it is hereby **RESOLVED**, as it hereby **RESOLVES** to **ACCREDIT** the **LEGAL NETWORK FOR TRUTHFUL ELECTIONS (LENTE)** as a citizens' arm under the direct and immediate control and supervision of the Commission for the August 11, 2008 Regional Elections in the Autonomous Region in Muslim Mindanao pursuant to Section 2 (5) of Article IX (C) of the 1987 Constitution of the Republic of the Philippines and Section 52 (k) of P. D. No. 881, otherwise known as the Omnibus Election Code, as amended.

Pursuant thereto, Petitioner **LEGAL NETWORK FOR TRUTHFUL ELECTIONS (LENTE)** is charged with the following function, duties and responsibilities, to wit:

1. Conduct voters' orientation/education and poll watching in each voting precinct, as well as information drive activities on the modern election system adopted by this Commission for the August 11, 2008 Regional Elections in the Autonomous Region in Muslim Mindanao;
2. In addition, Petitioner is hereby authorized or designated to:
 - a. Collect a printed hard copy of the election returns, statements of votes and certificates of canvass by the municipal/city precinct;

- b. Collect a printed hard copy of the legislative district /province certificates of canvass for the assemblyman, vice-governor and governor and supported by their respective statements of votes by city/municipality in each legislative district/province;
- c. Collect a printed hard copy of the regional certificates of canvass for the ARMM governor and vice-governor supported by statements of votes by legislative district/province; and
- d. Receive free of charge, the Computerized Voters List (CVLs) for the effective discharge of its duties, functions and responsibilities particularly on the aspect of voters assistance.

Accordingly, the accreditation herein granted to the Petitioner is subject to the following conditions, to wit:

1. That it shall be subject to the direct and immediate control of the Commission on Elections and it shall comply with all the lawful orders of the Commission in the performance of its specific functions and authorized activities as provided under Section 52 (k) of the Omnibus Election Code, as well as with the other functions and activities which the Commission may assign;
2. That it shall be non-partisan and impartial during the election period;
3. That it shall not be under the influence whatsoever of any foreign government, corporation or entity, and it shall not solicit or receive, directly or indirectly, any contribution or aid of whatever form or nature from any foreign government, corporation or entity, and neither shall it or any of its members seek to achieve its objectives or programs through violence, or aim to propagate any ideology opposed to the principles of a democratic and republican government;
4. That it shall undertake to police its ranks in all its undertakings and activities and prevent infiltration by persons or group of persons who may, directly or indirectly, affect its character of impartiality;
5. That it shall submit to the Commission the present list of its responsible officials and other officers constituting its board, and that there shall be no changes or substitutions therein without the prior approval of the Commission;

6. That it shall make available to the Commission its personnel, facilities, equipments, papers and effects, as well as coordinate its activities with the other accredited citizens' arm of the Commission;
7. That it shall submit a weekly written report of its operations during the period of the August 11, 2008 Regional Elections in the Autonomous Region in Muslim Mindanao, as well as its overall report within thirty (30) days after the end of the election period; and
8. That this accreditation shall be deemed automatically revoked in case Petitioner violates any of the conditions set forth herein.

The Executive Director of this Commission, in coordination with the Clerk of the Commission, shall implement this Resolution immediately upon its promulgation, furnishing copies thereof to all field election officers in the Autonomous Region in Muslim Mindanao including the candidates and political parties or coalition of political parties participating in said regional elections.

The Education and Information Department is directed to cause the publication of this Resolution in two (2) daily newspapers of general circulation.

SO ORDERED.

JOSE A. R. MELO
Chairman

RENE V. SARMIENTO
Commissioner

NICODEMO T. FERRER
Commissioner

MOSLEMEN T. MACARAMBON, Sr.
Commissioner

LEONARDO L. LEONIDA
Commissioner

LUCENITO N. TAGLE
Commissioner

CERTIFICATION

THIS IS TO CERTIFY that the conclusions in the above Resolution were reached in consultation among the members of the Commission *En Banc* before the case was assigned to the writer of the opinion of the Commission.

JOSE A. R. MELO
Chairman