High Court won’t reverse PCOS ruling

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SEN. Francis “Chiz” Escudero said on Thursday that the possibility of the Supreme Court reversing its ruling on the validity of the Commission on Elections’ (Comelec’s) contract with Smartmatic to purchase Precinct Count Optical Scan (PCOS) machines is very slim.

His statement came as Malacañang and Vice President Jejomar Binay welcomed the High Court’s decision, while the Center for People Empowerment in Governance (Cenpeg) challenged Smartmatic to disclose all the errors it found in the machines used in the 2010 elections and the corrections it supposedly made.

Comelec Commissioner Elias Yusoph inspects a PCOS machine stored at a warehouse in Baseco compound in Tondo, Manila. PHOTO BY RENE DILAN

During the weekly Kapihan sa Senado forum, Escudero said that the 11-3 vote cast by the High Tribunal favoring the deal showed that it was not divided on the case.

He added that the High Court is only divided when it votes 8-7, and if a justice decides to change his or her vote, the decision will be reversed.

The senator said that since the difference between those who voted in favor of the deal and those against it is very wide, the chances of a reversal is statistically slim.

Ruling praised

At Malacañang, deputy spokesman Abigail Valte praised the ruling.

“We welcome the timeliness of the decision, as it now ensures the legal certainty of the automation of 2013 elections,” she said.

Valte added that it has been the Aquino administration’s desire to hold the 2013 midterm polls using PCOS machines so that it would no revert to manual elections, which are vulnerable to manipulation.

Binay also lauded the High Court’s decision, saying that automated polls reflect the Filipinos’ true sentiments.

He expressed confidence that such polls would minimize electoral fraud.

“Kung hindi siguro tayo nagkaroon ng [automated elections], hindi siguro lumabas ang tunay na kagustahan ng ating mga kababayan,” Binay said.

The Vice President said that with automated polls, results are generated faster and chances for cheating have diminished.

No public bidding

In response to the ruling, Prof. Bobby Tuazon, Cenpeg’s director for policy studies, said that it paved the way for Smartmatic’s voting system to be used again in the 2013 polls without public bidding.

He added that the petitioners’ main issue is not the system and that the vendor who provided it failed to comply with technical and legal provisions, as well as on real ownership.

Tuazon cited a contracted evaluation report, as well as former Comelec Commissioner Augusto Lagman’s recent revelations, showing that Smartmatic was yet to resolve 236 problems in its technology. He said that the Colorado-based SysTest Labs International, which certified the system for the 2010 elections, also found many unresolved issues.