

Nelson Celis Presents Incontrovertible Forensic Findings

***“Crisis of Sovereignty” Series (Part 17)***

By Ado Paglinawan

The Philippine Computer Society filed on June 29, 2010, with the Office of the Ombudsman, criminal and administrative complaints against the chairman and six commissioners of the Commission of Elections (Comelec) and six other public officials who were part of the technical-evaluation committee.

The complaint also covered six private persons, including Cesar Flores and Heider Garcia, president and electoral systems manager of Smartmatic respectively; and Jose Maria Antunez and Nilo Cruz,

The respondents have been sued for violation of the Constitution, the anti-graft and corrupt practices law (RA 3019), the code of conduct and ethical standards (RA 6713) and the government procurement

Together with Comelec Chairman Jose Melo, the commissioners included in the suit were Gregorio Larrazabal, Rene Sarmiento, Nicodemu Ferrer, Armando Velasco, Elias Yusoph and Lucenito Tagle.

Also charged were Jose Tolentino, Ester Roxas, and James Arthur Jimenez, all from the Comelec, and Ray Anthony Roxas-Chua III, chairman of CICT; Timoteo Angelo Diaz de Rivera, director-general of NCC and Dennis Villorente, director of ASTI.

The complaint included, among others, the following violations:

- 1) Failure to comply with the 60-40 Filipino-foreign ownership requirements;

- 2) Violation of transparency and accountability of the entire procurement process;
  
- 3) Grave abuse of discretion in
  - a) Disabling digital signatures of the Board of Election Inspectors;
  
  - b) Disabling of the UltraViolet security mask sensor of the PCOS machines;
  
  - c) Continuing to pay Smartmatic despite its breach of Contract
  
  - d) Disenfranchisement of thousands of voters.
  
- 4) Compromising source and hash codes;
  
  
- 5) Perjuring for clarifying under oath that PCOS machines had digital certificates;

- 6) Allowing the PCOS machines to have “controlling port” opening them to manipulation and fraud;
  
- 7) Claiming ignorance as to the absence and failure of security of PCOS machines and integrity of all CF cards;
  
- 8) Distribution of contingency CF cards to different provincial election supervisors.

According to the complainant, it filed the case “in the interest of truth, justice and to expose grave acts that have resulted in the circumvention of the true will of the electorate, not to mention the waste of billions of public funds in complete violation of the law.”

The Philippine Computer Society also asked the Ombudsman to investigate the charges and preventively suspend the public respondents.

Meanwhile, Mary Ann Reyes, business columnist of the “palakpak” newspaper owned by Sonny Belmonte, recently elected Speaker of the fake House of Representatives, dismissed the vigilant move of the Society as “peddled only by sore losers from among those who have either ran for elective posts or had financial stakes in the public bidding for the computerized balloting system.”

She said that “the complaint has no legal leg to stand as the PCOS machines that Comelec had leased . . . were embedded with numerous hack-free security features to ensure clean voting and canvassing.”

Ms. Reyes said many more things not deserving of our time here because owing to this last sentence, and the ad hominem attack she dealt on the computer society a quick context analysis can readily show that what she “wrote” was what we call in public relations as a column feed.

It is obvious that she has not even read the complaint and yet she was commenting on it. As the forensics of various PCOS machines had already bolstered, the complaint precisely calls the attention of the Ombudsman that it is hackable.

Written by Ado Paglinawan  
Sunday, 01 August 2010 07:33 -

---

The PCOS machines had precisely become hackable (sic) because the Comelec itself legislated that most of the minimum system requirements or safeguards be removed to accommodate Smartmatic requests, assumably for a faster count but more and more prone to manipulation.

I doubt if she even knows what a digital signature is.

Ms. Reyes is of course one of the many naïve election participants who were wowed by the PCOS machines message of “Congratulations” without herself being told by the machine whether those that she voted for were really the ones that it counted. She is also one of those who have gaga of the fast speed at which the system produced the election count.

She brags of figures showing the public acceptability of the recent automated elections. Yes of course, but that is before the general voting public could even come to know that they have been taken for a ride. What do you think will the public think when they find out the truth? It took a year before the people repudiated Gloria Macapagal Arroyo for the “Garci” scam.

I think this wholesale Hocus PCOs will take less than that if journalists like Mary Ann Reyes will just do just a little bit of sleuthing and report their findings in their newspaper. I bet you however that even if she discovers what really happened last May 10, she will fear losing her job writing about it, that is if Sonny Belmonte will allow her to put in print in the first place.

But enough of Mary Ann, and let us segue to the real- independent business daily.

**BusinessWorld** ☐ ☐ <http://www.bworldonline.com/main/content.php?id=14547>

Thursday, July 22, 2010 | MANILA, PHILIPPINES

Strategic Perspective -- by René B. Azurin

## **A Howl of Outrage**

E lections are what distinguish democratic political systems from "selective" ones.

It is never ever assured, of course, that we powerless citizens can always preserve the privilege of electing our leaders but if we stand idly by and let powerful interests muck up our election processes then it is like voluntarily giving that valuable privilege away.

We might as well abandon then any pretense we might have of living in a democracy. We might as well agree to auction off public offices to the highest bidders and just share in the proceeds.

Thus, we cannot stand idly by and let the mucking up of our May 2010 elections slip by into regrettable history without a piercing howl of outrage.

Thankfully, a group of outraged citizens – the Philippine Computer Society through its president, Nelson Celis – has taken angry talk of the Commission on Election's and technology provider Smartmatic-TIM's apparently deliberate bungling of the 2010 automated polls to the next level by filing criminal and administrative cases against top Comelec and Smartmatic officials.

They charge these officials with "illegal acts that caused irreparable damage to the government and ultimately to the Filipino people." The rest of us should do what we can to vigorously support this action.



{xtypo\_quote} The respondents, according to the complaint, were guilty of 'gross negligence and incompetence' and they 'committed grave abuse of discretion resulting in the commission of "corrupt practices" and "unethical conduct".' {/xtypo\_quote}

The PCS and Mr. Celis particularly deserve our applause because other notables in the information technology sector – who have a fuller appreciation of the extent of the bungling than the public in general – appear to have chosen a more diplomatic, less confrontational stance toward Comelec and Smartmatic in the belief – presumably – that such an approach will prove more effective in getting government to scrap the flawed Smartmatic system and introduce improvements in the automation of our future elections.

The problem with this approach, however, is that it impliedly sweeps under the rug what was done in the elections just past.

It effectively sets aside the fact that the botching of the 2010 poll automation exercise is a monstrous crime that has already been perpetuated against the Filipino people and those responsible must, in any notion of justice, be made to pay for that crime.

Taking a less aggressive stance against them only gives them room to eventually wiggle off the hook. It is naive to think that anything less than public, in-your-face accusations in formal legal proceedings ever works to even just get their attention, much less get them to, heavens, atone for their sins.

The respondents, according to the complaint, were guilty of "gross negligence and incompetence" and they "committed grave abuse of discretion resulting in the commission of 'corrupt practices' and 'unethical conduct'."

"Computers are programmable," Mr. Celis has been heard to say in answer to questions on whether electronic ***dagdag-bawas*** occurred in the May 2010 elections.

Less enigmatically, PCS director Edmundo Casiño states, "These are grounds to doubt the accuracy and integrity of results. From a technical standpoint, given the disabling by Comelec of some important security features, we really can't tell if the votes canvassed actually reflected what was in the precinct election returns."

Said disabling of security features in the automated election system implemented by Comelec

Written by Ado Paglinawan  
Sunday, 01 August 2010 07:33 -

---

and Smartmatic-TIM – as ventilated in recent public forums and discussed in several of my columns – is highlighted in the PCS complaint.

Cited, for example, was Comelec Resolution 8804 that implemented the "disabling and denying [of] the 'BEI DIGITAL SIGNATURES' requirement [as] stipulated in the AES Law" by specifically directing the Board of Election Inspectors to "push the option 'NO'" when asked if they wanted to digitally sign the election return they were transmitting.

In this connection, the PCS complaint charges the respondents also with perjury because they claimed in Congress, under oath, that "all PCOS machines had Digital Certificates as signatures when in fact the technicians of Smartmatic failed to show or present proof of the machine version of digital signatures."

Also cited was the "disabling of the Ultra-Violet (UV) Security Mark Sensor of the PCOS machines which was a safeguard feature to determine the authenticity of the ballots being used . . . thereby opening the opportunity for electoral fraud using 'fake' or unofficial ballots."

Proof was attached in the complaint of an even more serious breach of security when the respondents, "contrary to law," accepted PCOS machines with a publicly accessible "controlling Console Port which allowed...the unsecured vulnerability of the PCOS machine...and rendered the recent elections completely open to malicious control and fraud."

Also mentioned was the decision of the respondents to keep the source and hash codes of the PCOS machines in an unsecured location on the first floor of the Comelec office instead of "safe and secured at the vault of the Bangko Sentral ng Pilipinas" as required by law.

As pointed out in the PCS complaint, "This negligence resulted in the ability of unscrupulous individuals to maliciously tamper with the PCOS machines." In the final report of the Joint Forensic Team submitted to both Congress and the Senate, the complaint said that this was presented as a "reality."

Given the nature and number of these faults and violations, it is difficult to conclude that such were the consequence merely of "vivid negligence and sheer incompetence."

One is almost forced to presume deliberateness and malicious intent.

The PCS complaint points out that the Automated Election System law, R.A. 9369, was enacted "to ensure TRANSPARENCY, CREDIBILITY, FAIRNESS, and ACCURACY of both national

and local elections." That objective was certainly not met in the 2010 polls.

The question now is - what are those of us who claim we are concerned citizens going to do about it? # # #