

**By Ado Paglinawan**

***“Crisis of Sovereignty” Series, Part 13***

The day before the inauguration of our first digital President installed by Smartmatic, I joined Bono Adaza and other patriotic Filipinos in filing for this case, which when the Supreme Court sustains, will return to us the people of the Philippines, the sovereignty guaranteed by our Constitution.

Simply put, the legal theory after everything has been said and done are two-fold:

1) The Comelec outsourced the conduct of the 2010 national and local elections to a foreign corporation in violation of the Constitution of the Philippines, a blatant act of treason.

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2) The Comelec violated the Omnibus Election Code, the Automated Election Systems (AES) Law, the E-Commerce Act and various other laws of the Republic to tailor-fit to and accommodate a system of unabashed fraud that has been masterminded by the former President and the Secretary of Interior and Local Government.

The objective of the conspiracy is not only to decide electronically which candidates were to win but also to erase any and all documentary traces of the heinous crime against the people's sovereignty. The masterminds removed verification of authentic ballots as early as the precinct level by disabling the UV ray reader and completely removed digital signatures that would identify the source machines that were sending transmissions to the Comelec servers.

Digital signature is the very essence of the E-Commerce Act, and any computer system that employs the transmission of data.

This means that all documents used in the 2010 elections were "unofficial". Congress became a direct participant in this fraud when it proclaimed "winning" President and Vice President on the basis of unofficial returns.

## **The Constitutional Crisis that Comelec and GMA Created, So Help us God! - MabuhayRadio**

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This means that there is no legal proof standing that can substantiate the election of anyone – from the President down to the lowliest councilor, thus a failure of elections.

The constitutional crisis that Comelec, in conspiracy with the former President and Secretary of Interior and Local Government, and the Joint Houses of Congress acting as National Board of Canvassers, has dealt upon the Republic is so heinous that evidences a failure of government forebodes virtual anarchy in our country today.

As a result of this, the Solidarity for Sovereignty (S4S), a consolidation of various non-partisan civil society and NGOs and peoples organizations, has appealed to the Armed Forces of the Philippines to exercise its due Constitutional mandate in Article 2 Section 3, as "the protector of the people and the State," and assume its rightful role as the transitional regime to usher us into a new election.

**Transcript of the Case files by Adaza, et al, vs. Comelec and Congress**

**REPUBLIC OF THE PHILIPPINES**

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**SUPREME COURT**

**Manila**

□

**HOMOBONO A. ADAZA,**

**HERNAN TIU LAUREL,**

**ADOLFO □ PAGLINAWAN,**

**MYRLEON “LEON” PERALTA**

**DON EMILIO DE CASTRO, DON**

**EMIL DE CASTRO and PATRICIA □□□□□□□□ □□ □□ □□ □□□□ ILAGAN, □□□□□□□□□□□□□□**  
□□□□□□□□□□□□□□

□□□□ **Petitioners,**

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**G.R. L No. 192561**

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**FOR: CERTIORARI and PROHIBITION with prayer of TRO or a Writ of PRELIMINARY INJUNCTION**

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**X ----- X**

□

**PETITION**

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□□□□□□□□□□ **Petitioners most respectfully manifest:**

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**PARTIES**

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□□□□□□□□□□ **1. Petitioners are Filipinos, tax payers, of legal age with residence in Metro Manila and □□□ maybe served with notices and other processes of this tribunal at Suites 209 - 210 Richmack Building , 72 Mindanao Avenue , Quezon City ;**

□□□□□□□□□□ **2. □ Respondent Commission □ on □ Elections (hereinafter referred to as COMELEC) is an independent constitutional □ commission □ in charge □ of □ the □ conduct □ of elections in the Philippines and maybe served with summons, notices and other□□ □ processes through CHAIRMAN JOSE A. R. MELO, Filipino and of legal age, at its offices in Intramuros, Manila while respondent Congress of the Philippines, the legislative branch of the Philippine government, represented here by SENATE PRESIDENT JUAN PONCE ENRILE of the Senate,**

**Filipino and of legal age, maybe served with summons, notices and other processes at his offices in the Philippine Senate, Pasay City and □ SPEAKER PROSPERO NOGRALES of the House of Representatives, Filipino and of legal age, □ and maybe served with summons, notices and other processes at his offices at the House of Representatives, Batasan Hills, Quezon City;**

□

## **NATURE and TIMELINESS OF THE ACTION**

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□□□□□□□□□□ **3. This is an action questioning the manner of holding the May 10, 2010 elections in violation of the law and the Constitution as well as the subsequent action of the COMELEC in allowing proclamations of so-called winning candidates on the local level and by proclaiming the so-called winning senatorial candidates. This action also questions the act of Congress in proclaiming the so-called winning presidential and vice-presidential candidates in violation of the election laws and the Constitution.**

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□□□□□□□□□□ **3.1. Under these circumstances, the present action is filed pursuant to sections 1 and 2 of Rule 65 of the Rules of Court (hereinafter referred to as the Rules) there being no appeal or any adequate remedy in the regular course of law from these illegal and unconstitutional actions of respondents Comelec and Congress.**

□□□□□□□□□□ **3.2. This action is timely as this is filed within sixty (60) days from May 10, 2010**

□ **the day of the elections;**

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□ **STATEMENT OF FACTS AND OF THE CASE**

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□□□□□□□□□□ **4. Congress of the Philippines passed Republic Act No. 9369 (hereinafter referred to as RA 9369) on January 22, 2007 which amended Republic No. 8436 (hereinafter referred to as RA 8436) that authorized respondent COMELEC to conduct an automated election system (hereinafter referred to as AES) for the May 10, 2010 elections. It was signed by President Gloria Macapagal Arroyo (hereinafter referred to as PGMA), thus it became a law.**

□□□□□□□□□□ **4.1. Due to the passage of RA 9369, respondent COMELEC proceeded to prepare for the AES. In the preparation of the AES, COMELEC did the following acts in violation of the said law, namely:**

□□□□□□□□□□ **a. COMELEC entered into a contract (hereto attached as Annex A) □ with**



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**SMARTMATIC TIM CORPORATION** (hereinafter referred to as **SMARTMATIC**), a domestic corporation organized in the Philippines in 2008, though the same does not have the necessary qualification as mandated by section 12 of RA 9369 amending section 8 of RA 8436, to wit:

**“Sec. 12. Procurement of Equipment and Materials. – With respect to the May 10, 2010 elections and succeeding electoral exercises, the system procured must have DEMONSTRATED CAPABILITY AND HAS BEEN SUCCESSFULLY USED IN A PRIOR ELECTORAL EXERCISE HERE OR ABROAD. Participation in the 2007 pilot exercise shall not be conclusive of the system’s fitness.”** (Capital and bold letters supplied.)

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□□□□□□□□□□ a.1. The ineptitude of corporations similarly labeled as Smartmatic in various countries abroad and its machines were well echoed by lawyer **LOIDA NICOLAS LEWIS** in an open letter through the internet on April 27, 2010 detailing that it □ was □ a Smartmatic corporation that was being □ investigated in the United States of America for its questionable activities; (hereto attached as Annex B)

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□□□□□□□□□□ b. **COMELEC** did not comply with the following minimum system capabilities as provided by section 6 of RA 9369, to wit:

**“Sec. 6. Minimum System Capabilities. – The automated election system must AT LEAST have the following functional capabilities:**

**(a) □□ Adequate security against unauthorized access;**

**(b) □□ Accuracy in recording and reading of votes as well as in the □ tabulation**



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xxx  
xxx xxx

(n) Provide the voter a system of verification to find out whether or not the machine has registered his choice;

Xxx  
xxx xxx

.....The Commission shall develop and adopt an evaluation system to ascertain that the above minimum system capabilities are met....”

□

c. Among the security arrangements to insure that the votes cast by the voters are those of their own choices consistent with section 6 (n) of RA 9369, the Precinct Count Optical Scanner (hereinafter referred to as PCOS) was provided with voter verification feature which showed on the window of the machine the candidates voted for by the voters;

c.1. Respondent COMELEC without legal authority from Congress amended the afore-cited provision of RA 9369 by disabling the said voter verification feature and, instead, replaced it with the words “Congratulations” every time a voter cast his vote;

c.2. “Congratulations” is in violation of section 6 (n) of RA 9359 since the voter could not determine whether the machine recorded his choices for the various candidates he voted for as required by the said provision;

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□□□□□□□□□□ **d. Part of the security arrangement required by section 6 “(j) accurate ballot counters” and section “6 (m) utilize or generate official ballots as herein defined” of RA 9369; □□**

**d.1.□ Among such other requirement was the installation □□ ultra violet lamps (UV) in the PCOS machine for the purpose of determining whether the ballots used are genuine or not but the same was disabled by COMELEC, in effect amending the election law;**

**d. 2. To remedy this serious legal infirmity, COMELEC bought portable UV lamps valued at THIRTY MILLION (P30,000,000.00) PESOS which could not be used as the members of the Board of Election Inspectors (hereinafter referred to as BEI) did not know how to use them;**

**e Section 12 of RA 9369 amending section 10 of RA 8436, the pertinent section of which reads as follows.**

**“SEC. 14 Examination and Testing of Equipment or Device of the AES of the Source Code for Review....Once an AES**

**technology has been selected for implementation, the Commission shall promptly make the source code of that technology available and open to any interested political party or groups which may conduct their review thereof.”(Bold letters supplied.)**

□

**e.1.. Contrary to the provision of the law, the respondent COMELEC did not make the source code available to the political parties or groups which could have tested the same to determine the purity of the source code, thus protecting the sanctity of the ballot and the electoral process;**

**f. The following pertinent provision of section 19 of RA 9369 which amended section 18 of RA 8436 provides, to wit:**

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**“SEC. 22. Electronic Returns.-....The election returns transmitted electronically and DIGITALLY SIGNED shall be considered as OFFICIAL ELECTION RESULTS and shall be used AS THE BASIS FOR THE CANVASSING OF VOTES and THE PROCLAMATION OF A CANDIDATE.”**

**Xxx**  
**xxx** (Bold and capital letters supplied.)

□

**f. 1. In violation of this provision of the law, respondent COMELEC issued on March 4, 2010 Resolution No. 8786, the pertinent section of which provides, thus:**

**“Section 40. Counting of ballots and transmission of results; Procedure. (Renumbered as revised)**

**xxx**  
**xxx**

**f. Thereafter, the PCOS shall automatically count the votes and immediately display a message a message “WOULD YOU LIKE TO DIGITALLY SIGN THE TRANSMISSION FILES WITH A BEI SIGNATURE KEY?”, with a “YES” or “NO” option;**

**g. Press “NO” option. The PCOS will display “ARE YOU SURE YOU DO NOT WANT TO APPLY A DIGITAL SIGNATURE?” with a “YES” and “NO” option**

**h. Press “YES” option. A message shall be displayed “PRINTING EIGHT COPIES OF NATIONAL RETURNS. PLEASE WAIT”; (Bold and capital letters supplied.)**

□

**f.2 This is clear and unadulterated evidence that the election returns were not digitally signed in violation of section 22 of RA 9369 and respondent COMELEC amended illegally the law passed by Congress and usurped the powers of Congress under Section 1, Article VI of the Constitution which states that legislative power shall be vested in the Congress of the Philippines” NOT in the COMELEC;**

**f.. 3. Confronted with these violations of the election laws, petitioner HOMOBONO A. ADAZA (hereinafter referred to as ADAZA) sent a letter on May 21, 2010 to the Co-Chairpersons on the Committee on Suffrage and Electoral Reforms (hereto attached as Annex C) which was conducting hearings in Congress about possible violations of the election laws and the claimed massive fraud and the malfunctioning of the PCOS machines resulting to the perversion of the electoral process, attaching therein the complaint of ADAZA before the Office of the Ombudsman charging the COMELEC Commissioners of violating section 3(e) of the Anti-Graft and Corrupt Practices Act (RA 3019) and section 4 of the Code of Conduct and Ethical Standards for Government Officials and Employees (hereto attached as D);**

**5. When the “canvassing” of votes garnered by the presidential and vice-presidential candidates took place before the Joint Committee of Congress (hereinafter referred as JCC) at the Batasan, Batasan Hills, Quezon City took place petitioner ADAZA raised the following issues before the JCC ;**

**5.1. That the JCC can only count the votes but not canvass since section 4 paragraph of Article VII of the Constitution is very specific providing that “Upon receipt of the certificates of canvass, the President of the Senate shall, not later than thirty days after the day of the election shall open all the certificates in the Senate and the House of Representatives in JOINT PUBLIC SESSION, and the Congress upon DETERMINATION OF THE AUTHENTICITY AND DUE**

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**EXECUTION THEREOF in the MANNER PROVIDED BY LAW, CANVASS THE VOTES.”**  
**(Capital and bold letters supplied)**

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**5.2. That in the joint public session of Congress in the process of canvassing and determining the “authenticity and due execution thereof in the manner provided by law” there must be a quorum of Congress not just a quorum in the JCC;**

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**5.2. That Congress in joint public session cannot canvass the votes as reflected in the certificates of canvass (hereinafter referred to as COC) as the same are NOT BASED ON OFFICIAL DOCUMENTS, the basis of such COCs ARE NOT OFFICIAL DOCUMENTS AS REQUIRED BY section 22 of RA 9369, the election returns (hereinafter referred to as ERs) NOT BEING DIGITALLY SIGNED;**

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□□□□□□□□□□ **6. Instead of ruling on these objections, Senate President Juan Ponce Enrile (hereinafter referred to as ENRILE) overruled petitioner ADAZA stating that the JCC was not the proper forum to entertain these objections and told ADAZA to go to this Honorable Court;**

□□□□□□□□□□ **7. Even the rules of the JCC was violated by the respondent Congress since Rule III on Quorum, provides, to wit:**

**“ SEC 2.Quorum. – A MAJORITY OF EACH HOUSE shall constitute a quorum and in its**

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**absence in the Senate or in the House of Representative, a smaller member may adjourn from day to day and the House affected may compel the attendance of absent members in accordance with its Rules.”(Hereto attached as Annex E; Bold and capital letters supplied.)**

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□□□□□□□□□□ **7.1. When confronted with this issue by petitioner ADAZA, the presiding officer of the JCC answered that this has been the continuing practices in the past;**

□□□□□□□□□□ **7.2. Petitioner ADAZA replied that rules and □ practice cannot amend or derogate a provision in section 4, paragraph 4 of Article VII of the Constitution that requires a JOINT PUBLIC SESSION OF CONGRESS to be able to canvass the votes and proclaim the winners in a presidential and vice-presidential contest;**

□□□□□□□□□□ **7.3. □ Insisting on this illegal and unconstitutional conduct, respondent Congress represented by ENRILE and SPEAKER OF THE HOUSE OF REPRESENTATIVES PROSPERO NOGRALES, without canvassing the votes and determining the “authenticity and due execution THEREOF IN ACCORDANCE WITH LAW”,□ illegally and unconstitutionally proclaimed as “winners” SENATOR BENIGNO AQUINO III and MAYOR JEJOMAR as the “elected” President and Vice-President on the May 10, 2010 elections(copy of the proclamation is hereto attached as Annex F) relying merely on the illegal and unconstitutional report of the □ JCC (copy of the report hereto attached as Annex G);**

□□□□□□□□□□ **7.4. The “proclamation” was also legally and unconstitutionally infirm since it was obvious on physical count that there was no quorum only colorum of the JOINT PUBLIC SESSION OF CONGRESS the day they proclaimed the so-called winners in the presidential and vice-presidential race;**

□□□□□□□□□□ **8. Senator AQUILINO PIMENTEL, JR.□ on the floor of the House of Representatives, on the day of the “proclamation”, confirmed many of the infirmities of respondent COMELEC relating to the May 10, 2010 elections and the machines that it used for the May 10, 2010 elections using the AES (copy of speech hereto attached as**





□

## **2 Accuracy**

**2.1 Metric: the final vote count should reflect the intent of the voter**

**2.2. Verdict: Failed. Accuracy of the results is doubtful. All measures to assure accuracy were blocked**

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## **3 Security**

**3.1.Metric: measures were supposed to be in place to protect the integrity of the process**

**3.2 Verdict: Failed miserably. All layers of security were removed.**

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## **4.Secretcy**

**4.1 Metric no vote could be traced to the voter**

**4.2. Verdict: Failed. The long ballot made this difficult**

□

## **5 Verifiability/auditability**

**5.1.Metric: The vote results could be verified and the veracity proven after the initial count**

**5.1. Verdict: Miserably failed. The Random Manual Audit was a farce. Wrong methodology. Almost a month after the elections, still no clear results have been reported.**

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## **6 Privacy/confidentiality**

**6.1. Metric: information collected on voters should be used for election purposes only and within the scope for which it was collected**

**6.2. Verdict: Undetermined**

□

## **7 Transparency**

### **7.1 Metric: the process should be open to outside scrutiny**

**7.2. Verdict: Failed miserably. All avenues for reviewing system such as the source code review were blocked. Voter verification feature was removed. CF cards were flying all over.**

□

## **8. Accessibility**

**8.1. Metric: the reasonable, specific needs eligible voters should have been taken into account so that none are disenfranchised**

**8.2 Verdict: Failed miserably as attested □ by the kilometric voter queues and the super delicateness of the ballot and the difficulty to register votes as attested by 2.6 million null votes**

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## **9. Neutrality**

**9.1. Metric: electoral process or materials should not favor or party over another**

**9.2. Verdict: Failed. The reconfiguration of the ballot may have given favorable edge over some candidates....”**



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**10. In the Final Report of the Joint Forensic Team to both Houses of Congress through President of the Senate ENRILE and Speaker of the House of Representatives NOGRALES (copy of the report hereto attached as Annex I), the team submitted the following pertinent findings:**

**A. “However, a thorough comparison with the official document posted in the website of the COMELEC revealed that the published hash code is not the same as the extracted has code.” (page 2 of the report; bold letters supplied)**

**B.”Examination of the PCOS machines revealed that there were no evidence found to prove the existence of digital certificates in the PCOS machines, contrary to the claims of Smartmatic. The technicians of Smartmatic were not able to show to the forensic team the machine version of digital signature, alleging that they dot have the necessary tool to show the same. More so, they were at a quandary as to how to extract the said machine signatures – to the dismay of the forensic team.**

**If there are digital certificates then these were supposed to be revealed. The forensic team tried to extract the digital signatures but to no avail. Hence THE FORENSIC TEAM IS OF THE OPINION THAT THERE EXISTS NO DIGITAL SIGNATURE IN THE PCOS MACHINE.” (page 3 of the report; bold and capital letters supplied.)**

**C. “The PCOS machine contains a console port, which Smartmatic claimed is only a one-way output port used for diagnostic purposes only. The forensic team, with the allowance of Smarmatic technicians, was able to connect an ordinary laptop to the console port of a PCOS machine.**

**To the surprise of everyone, the serially connected laptop was able to access the operating system of the PCOS machine. Furthermore, the connection was done in an UNSECURE MANNER – meaning NO USERNAME and PASSWORD WAS REQUIRED BY THE PCOS MACHINE.**

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XXX  
XXX XXX

**This discovery was (and still is) a MAJOR VULNERABILITY OF THE PCOS MACHINE – which could be exploited to manipulate the actual operations of the PCOS MACHINE – and which should be an utmost concern for election critics and watchdogs.” (page 4 of the report; bold and capital letters supplied.)**

**D. “The Joint Forensic Team accommodated the request of Hon. Anne Susano (Congresswoman, Quezon City ) to subject the CF cards in her possession to forensic analysis.**

**The Forensic Team copied her three (3) CF cards and analyzed its file contents. The Forensic Team is of the opinion that the three (3) CF cards, one of which is a main CF card, are all authentic CF cards, meaning they are all originals and duly issued by Smartmatic or COMELEC.**

**This finding WOULD THEN BELIE THE ANNOUNCEMENT OF COMELEC NCR Director that all the CF cards within Metro Manila HAS ALL BEEN ACCOUNTED FOR and turned over to COMELEC.”(page 5 of the Forensic Report; bold and capital letters supplied,)**

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□□□□□□□□□□ **Thus, this petition.**

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## **ALLEGATIONS ON THE PRAYER FOR THE**

### **ISSUANCE OF A TRO OR WRIT OF PRELIMINARY INJUNCTION**

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□□□□□□□□□□ 11. The petitioners reproduce by reference all the preceding allegations of this petition showing that the petitioners as well as the people of this country are entitled to the relief demanded and the whole or part of such relief consists of restraining those who were illegally and unconstitutionally proclaimed elected public officials as a result of the unofficial documents on the May 10, 2010 elections used in the proclamation, the violation of the COMELEC of election laws as well as Congress of the Philippines□ similarly violating the election laws and the Constitution□ from spending□ public funds for any purpose except for salaries of non-elected government employees, maintenance for the operations of government offices, amounts necessary to maintain national security□ and to make the same permanent as soon as this case is finally decided in favor of the petitioners and the Filipino people;

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### **GROUNDS FOR THE PETITION**

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1□

### **BY THE NON-OBSERVANCE AND DISREGARD**



**OF FUNDAMENTAL PROVISIONS OF THE ELECTION**

**LAWS AND THE CONSTITUTION BY THE COMELEC,**

**THE MAY 10, 2010 ELECTIONS SHOULD BE NULLIFIED**

**AND ALL PROCLAMATIONS VOIDED**

□

**II**

**PROCLAMATIONS BASED ON UNOFFICIAL**

**DOCUMENTS ARE NULL AND VOID AB INITIO**

□

**III**

**CANVASSING AND PROCLAMATION**

**WITHOUT DETERMINING AUTHENTICITY AND DUE EXECUTION**

**OF DOCUMENTS IN THE MANNER PROVIDED BY LAW**

**ARE NULL AND VOID AB INITIO**

□

**IV**

**CANVASSING AND PROCLAMATION WITHOUT**

**A JOINT PUBLIC SESSION OF CONGRESS OR**

**WITHOUT A QUORUM ARE NULL AND VOID AB INITIO**

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□

**DISCUSSION AND ARGUMENTS**

□

**I**

**□ BY THE NON-OBSERVANCE AND DISREGARD**

**OF FUNDAMENTAL PROVISIONS OF THE ELECTION**

**LAWS AND THE CONSTITUTION BY THE COMELEC, THE**

**MAY 10, 2010 SHOULD BE NULLIFIED AND ALL PROCLAMATIONS VOIDED**

**□**

**II**

**PROCLAMATIONS BASED ON UNOFFICIAL DOCUMENTS**

**ARE NULL AND VOID AB INITIO**

**□**

**□□□□□□□□□□ Under section 2 (1), C of Article IX of the Constitution, COMELEC shall “enforce and administer all laws and regulations relative to the conduct of an election”. In section 1 of RA □ 9369,”it is the national policy of the State to insure free, orderly, honest, peaceful, credible and informed elections.”**

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□□□□□□□□□□□□ **As recited under the heading of “STATEMENTS OF FACTS AND OF THE CASE”, the following provisions have not been observed by the respondent COMELEC in the conduct of the May 10, 2010 elections:**

**1. Section 12 of RA 9369 which provides for qualifications of the contracting party to supply machines and materials to the COMELEC for the purpose of holding the May 10, 2010 elections, COMELEC entered into a contract for that purpose with SMARTMATIC TIM CORPORATION which has no qualifications as required by the said provision of law;**

**2. Section 6 of RA 9369 which requires minimum system capabilities which COMELEC was unable to provide;**

□□□□□□□□□□□□ **3. Section 22 of RA 9369 which requires that the Election Returns be electronically transmitted and digitally signed by all the members of the Board of Election Inspectors. They are the only official documents which could be the basis for canvassing and proclamation. All the ERs were NOT DIGITALLY SIGNED AS admitted and confirmed by all the members of the BEI in obedience to COMELEC Resolution 8786 and shown by the official comments of Senator Pimentel, Jr. (see Annex G of this petition) on the floor of Congress, the observation of official foreign observers (see Annex H of this petition) and the final report of the Joint Forensic Team convincing evidence that the PCOS machines have NO IMBEDDED DIGITAL SIGNATURES contrary to the claim of SMARTMATIC and respondent COMELEC. (see Annex I)**

□□□□□□□□□□□□ **With all these legal infirmities, it is our humble submission that the May 10, 2010 election was illegal and the proclamations based on unofficial documents are null and void ab initio.**

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**III**

**CANVASSING AND PROCLAMATION WITHOUT DETERMINING**

**AUTHENTICITY AND DUE EXECUTION OF DOCUMENTS IN**

**THE MANNER PROVIDED BY LAW**

**ARE NULL AND VOID AB INITIO**

**IV**

**CANVASSING AND PROCLAMATION**

**WITHOUT A JOINT PUBLIC SESSION OF CONGRESS**

**OR WITHOUT A QUORUM ARE NULL AND VOID AB INITIO**

**As adverted to earlier in the statements of facts and of the case, to have a valid canvassing and proclamation of winning presidential and vice-presidential, the**

**following are the constitutional requirements, namely:**

**1. Under section 4, paragraph 4 of Article VII, there must be joint public session of the Senate and the House of Representatives;**

**2. For the joint public session to be constitutionally valid there must be a quorum of both Houses of Congress;**

**2.1. Without a quorum of both Houses of Congress there cannot be a joint public session of Congress;**

**3. When a quorum exists in the joint session of Congress, the joint session of Congress must canvass the votes by first determining the authenticity and due execution of the certificates of canvass “IN THE MANNER PROVIDED BY LAW”;**

**3.1. “The manner provided by law” refers to section 22 of RA 9369 which provides that “That the election returns transmitted ELECTRONICALLY and DIGITALLY SIGNED shall be considered as OFFICIAL ELECTION RESULTS and shall BE USED AS THE BASIS FOR THE CANVASSING OF VOTES and the PROCLAMATION of a candidate.” (Bold and capital letters supplied.)**

**In all election returns, there are NO digital signatures, therefore, ALL THE ELECTION RETURNS are UNOFFICIAL and they all could not be the basis of canvassing and proclamations.**

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**CONCLUSION AND PRAYER**

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**Elections are the bedrocks of democracy. They are anchored on the constitutional declaration of policy well defined in section I, Article II of the Philippine Constitution that “the Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them” Trample that authority by raping the electoral process is a betrayal of the people on the highest despicable level.**

**We should never allow anyone, citizen or foreigner alike, to derogate the rights of the people in the manner it was trampled upon in the last May 10, 2010 elections. Never again without subjecting violators to capital punishment.**

**This case should be expeditiously and decisively resolved considering that every person who ran in the last election for any elective office is involved. Likewise, 92 million Filipinos are interested in the resolution of the issues raised in this petition. Without a definitive ruling from this Honorable Court, we run the risk of a weird historical precedent – that for the first time in history of our country we will have the whole elective officialdom operating on the perception that they were not elected**

**Why we have gone into an automated election system despite the negative experience of other countries of automated election deserves very serious study. Germany has declared unconstitutional the automated election system which it had for ten (10) years.**

**The United States of America**

**had undergone automated election which resulted to the election of a Democratic Party President thanks to the machines of Chicago**

**, Illinois**

**and a Republic Party President with credit to the machines of Florida**

**It is more important for people to vote and see who they voted for instead of allowing erring machines to misread their votes.**

**WHEREFORE, it is most respectfully prayed that pending the final resolution of this case that a TRO or writ of preliminary injunction be issued against all officials who have**

**been illegally and unconstitutionally proclaimed to desist from spending public funds except those needed to pay for the salaries of non-elective employees and officials, for the necessary operation of government and for funds needed for public safety and security and ,after which, judgment be rendered:**

**1. Declaring the May 10, 2010 elections null and void, thus call for new elections for all elective offices which were due to be legally elected on the May 10, 2010 elections pursuant to provisions of the Constitution;**

**2. Declaring all elective positions which would be occupied by persons illegally proclaimed vacant;**

**3. As an alternative remedy, to order respondent COMELEC to conduct a manual count of all ballots in all precinct throughout the country in the presence of the public and representatives of candidates and political parties;**

**4. As still another alternative, order the COMELEC to conduct a manual count of all the ballots where there are existing protests;**

**5. Thereafter, order the respondents COMELEC and CONGRESS to proclaim the winning candidates under their respective jurisdiction.**

**Other just and equitable remedies are also prayed for.**

**Quezon City for Manila , June 28, 2010.**

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Written by Ado Paglinawan  
Thursday, 15 July 2010 06:19 -

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██ **BY:**

█

**HOMOBONO A. ADAZA**

**PTR NO. 0986851 B-10.30.09-CDO**

████████████████ **IBP OR NO. 749536-10.30.09-CDO Chapter**

**ROLL NO.14118**

████████ **MCLE Application of Exemption under process**

**REPUBLIC OF THE PHILIPPINES**

**SUPREME COURT**

**Manila**

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