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Center for People Empowerment in Governance

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Comelec should answer for sham source code review

Unless Comelec allowed an independent and thorough review of the computer software that will run the May 10 automated elections, any source code review done at this point is a sham. Any mishaps or risks arising from the lack of an independent and thorough source code review of the poll automation will have to be explained by the Comelec later.

The Center for People Empowerment in Governance (CenPEG) said this today on the heels of the Comelec preparations for a source code activity inside its offices under close guard.

Prof. Bobby Tuazon, CenPEG Director for Policy Studies, said Comelec's release of the source code for review by interested parties and groups is not only long delayed but the conditions it has set make any review useless. Among the ground rules set by Comelec are limiting the review to only one per group and conducting it under Comelec's controlled conditions.

An independent and thorough review needs at least 30 competent computer programmers and analysts working in shifts for at least three months.

Aside from the time limit and controlled environment, any malicious codes and "Easter eggs" found during the limited review will not be subject to modifications anymore, based on Comelec ground rules.

Dr. Pablo Manalastas, CenPEG IT Fellow and Ateneo professor, on the other hand, said the way Comelec has imposed restrictions that prevent an independent and thorough review makes it appear that the review is a privilege offered by the poll body and not a right of the Filipino people under RA 9369.

In his comment, Manalastas said Comelec "seems to be putting all possible barriers to reviewers to make the review as difficult as possible." That source code review is a right of the people is subsumed in the right to information guaranteed by the Constitution, he said.

Section 14 of the automated election system (AES) law as revised "mandates Comelec...to make the source code available and open to reviewers to conduct their own review, independent of Comelec's

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review done by the (Colorado-based) Systest Labs.” (See http://pmana.multiply.com/journal/item/113/COMELEC_ALLOWS_SO URCE_CODE_REVIEW_A_COMMENTARY_eb_04_10)

The Comelec, in an en banc resolution, approved CenPEG’s request for the release of the source code in June 2009 for the review by the UP-based think tank’s 20 IT consultants and volunteers. The center had offered the review service pro bono as early as July 2009.

Instead of making the source code available under RA 9369, Comelec had Systest Labs review it and conduct systems tests, for a whopping fee of P70 million, Tuazon said. Comelec, through the Office of Solicitor General, has asked for time extension several times to reply to CenPEG’s petition for mandamus on the source code filed with the Supreme Court last Oct. 5.

Manalastas also said that Comelec’s “non-disclosure agreement” rule is against public transparency given that the source code being used for a public political exercise is an open source and should be accessible to the Filipino voters.

“In the absence of public counting in the computerized election, the source code review reports of independent programmers not under control or under the payroll of Comelec should be more believable than any source code review done by Systest Labs,” he said.

The AES Watch, a citizens’ alliance monitoring the automated election, had earlier rated Comelec’s source code review as required by law a “failure” for failing to disclose it earlier, among other reasons.

Using studies done on the AES by CenPEG and other groups, the poll watchdog has raised 20 concerns related to the poll automation with the source code review as one. (See www.cenpeg.org) It has rated the Comelec’s readiness as in “danger” and asked the poll body to set in place its contingency plan immediately.

CenPEG is a policy institute based at the University of the Philippines in Diliman, Quezon City. It is engaged in policy research, analysis, and advocacy as well as education and training on governance, elections and political parties, foreign policy, Moro, and other issues. It has published several books and journals since its founding in 2004.

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