

The Failed Computerization of the National Elections and the Nullification of the Automated Election Contract

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SUBJECT(S): CONSTITUTIONAL LAW, ELECTION LAW

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This Comment focuses on the decision of the Supreme Court in nullifying the Automated Election Contract awarded by the COMELEC to the Mega-Pacific Consortium (MPC) (*Information Technology Foundation of the Philippines v. COMELEC*). The Comment first lays down the facts of the case, where pursuant to R.A. No. 8436, the COMELEC invited interested vendors to apply for eligibility to bid for the procurement of supplies and services needed for a comprehensive Automated Election System (AES). The petitioners in the case questioned the award to MPC on grounds of irregularity. The Court found the petition meritorious and nullified the contract because it had been awarded in violation of law and jurisprudence and in reckless disregard of the rules and regulations of the COMELEC. The Comment then discusses in-depth the decision regarding *locus standi* and exhaustion of administrative remedies. It then discusses the substantive issues. The Comment concludes that if the electorate does not think well of the procedure and the security of the process, it is but proper to re-examine and to modify. The decision of the Court, according to the Comment, left the country in the same position as before.