

Leni's new fake victory

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BY JOJO ROBLES ON JULY 28, 2018 OPINION ON PAGE ONE

Twitter



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THERE are just some writers who, once they've weighed in on an issue, make everyone else's opinion seem trite and unimportant. I intend to attempt the impossible anyway, as I start today's column with a recent tweet from the inimitable Teddyboy Locsin, commentator extraordinaire and our current permanent representative to the United Nations.

"Yes," Teddyboy wrote. "When I vote I do it lovingly, filling up the circle like my whole life depended on it. After all, I only have one ballot to fill, not 1,900 per precinct after the polls close."

Locsin, of course, was talking about the battle for 25 percent, the minimum shading of the ballots allowed by the Commission on Elections. The campaign for 25 percent shading is being waged exclusively by the camp of Vice President Maria Leonor Robredo before the Supreme Court, sitting as the Presidential Electoral Tribunal that is hearing the electoral protest of former senator Ferdinand Marcos Jr. against Robredo.

As Locsin insinuates, the whole controversy is about who benefits from the incomplete shading of ballots cast in the 2016 elections – the first time that Comelec allowed the threshold lowered to just one-fourth of the space allotted. If, after all, you had an army of cheaters paid to mark as many ballots as possible after the close of the polls, it's natural to expect that these characters would, in their great haste, make incomplete marks.

But the poll body, in its recent comment on the motion for reconsideration of Robredo seeking to allow 25 percent shading, borrowed the argument of the vice president when it said that it allowed the lowered threshold so as not to disenfranchise voters who may have made incomplete marks. However, the Comelec also admitted that it continued to tell voters through its information campaigns to completely shade the allotted spaces in their ballots in the last elections, as Locsin does, without informing him and the rest of the voting public that it had already lowered the threshold without the "cover" of an official resolution.

In fact, the poll agency confirmed that it only issued a resolution after the PET asked it to comment on the protest, specifically on the amount of allowable shading, since the tribunal already knew that a 2010 Comelec resolution set the threshold at 50 percent. As most people who have been following the issue already know, the PET ruled in favor of Marcos by upholding the 50 percent shading requirement; what's being waged here by Robredo is a battle to reverse that ruling.

The shading issue once again made the headlines because some quarters have been claiming that the Marcos protest has now been resolved in Robredo's favor through the issuance of the new Comelec opinion. Robredo propagandists used a combination of misleading headlines in the mainstream press and out-and-out falsehoods distributed in social media to spread this blatant falsehood.

The truth is, the protest case will not be resolved by Comelec but by the PET, which is also the Supreme Court. And what Comelec did was merely to express its opinion on an issue that the PET has already decided.

Like Cynthia Patag, the once-reclusive Yellow social media warrior, Comelec is merely attempting to sway the PET into reversing itself on the shading issue by backing Robredo's motion for reconsideration. Why the poll body is making a last-ditch pitch for Robredo's case after the tribunal has already ruled on the matter is a matter of conjecture — and all conjectures on the shading issue are understandably unflattering to Comelec at this point.

And anyone who knows anything about the Supreme Court knows how rare a reversal is for the tribunal. But I guess that for Robredo, this apparent exercise in futility still has an upside, if it succeeds in delaying the recount once again.

As I've written before, the PET must not allow this dead issue on allowable shading to keep resurfacing by ruling immediately and with finality on Robredo's motion for reconsideration. Every day that the tribunal sits on the matter of the already decided shading threshold is an injustice not only to Marcos and those who voted for him but also to all those who want to see the protest case resolved — Robredo herself included.

Of course, there's still the matter of the ponencia in the protest case — Associate Justice Alfredo Caguioa, who has been assigned it through a raffle soon after the protest was filed. Caguioa — whose only real claim to fame is having gone to grade school, high school and college with Noynoy Aquino, the president who appointed him to the high court — seems in no hurry to resolve the case more than two years after it was filed.

Perhaps what's really needed is not more back-and-forth arguments about how much shading on the ballot is really required for a vote to count, an issue that seems important only to Robredo. (Why no other candidate, Marcos included, seems worried about losing votes if the threshold is kept at 50 percent remains one of the great mysteries of the protest case.)

Perhaps what's required is a new Supreme Court justice to handle the case. Then we won't get bogged down in matters like measuring the amount of shading on the ballot, the number of court personnel who were chaperoned by a Robredo operative to a hot-spring resort or even the reconstruction through cosmetic surgery required on the face of Patag. We need this protest case resolved, either way, and Caguioa doesn't seem to understand that at all.