

## ONLINE PAPERS

### Election Violence in the Philippines

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The 1986 “People Power” Revolution that caused the fall of the Marcos dictatorship was an inspiration to pro-democracy forces the world over. Televised images of human chains blocking military tanks became powerful symbols of peaceful resistance against brute force. However, “People Power” and the restoration of formal democratic institutions mask the real state of Philippine democracy. Indeed, fraud and turmoil have been part and parcel of every election after 1986. “Guns, gold and goons” continue to cast a dark shadow on what is supposed to be a “free and fair” exercise.

This paper focuses on the practice and prevalence of election-related violence in the Philippines. Electoral violence here takes many forms: killings; abductions; terrorism; physical attacks on rallies, homes, offices and vehicles of candidates and supporters; and any other acts that result in deaths, physical injuries and/or damages to properties. For the purposes of this paper, election-related violence will also refer to intimidation, coercion and non-physical forms of harassment. These are not strictly incidents of violence per se. However, Philippine election laws include these as election offences since they curtail voters’ decision-making and are preliminary acts to violence.

The first two sections of the paper provide an overview of the electoral system and the conduct of elections in the Philippines. The second section in particular also provides data on election-related violence and describes how such acts are committed. The third section details legal measures dealing with such offences, followed by a section that looks into the roots of election violence. By depicting the actors and stakes involved in election-related violence and locating the phenomenon within contemporary political culture and processes, we hope to provide a broad context for understanding why and how electoral violence persists. The effect of violence on elections is discussed in the subsequent section. In the conclusion, we put forward some trends and recommendations.

It is interesting to note that while election-related violence involving national candidates and their supporters (Marcos vs. Macapagal in 1965, Marcos vs. Osmeña in 1969, or Marcos vs. Aquino in 1986) has diminished, violence related to local elections persists. As this paper will show, various factors contribute to this situation: the highly personalistic nature of Philippine elections, factional rivalry among political families, ‘bossism’ as the predominant local political culture, and a weak state.

#### I The Philippine Electoral System

The 1987 Constitution restored the pre-martial law presidential form of government and an electoral system that essentially follows the first-past-the-post system. The president and vice president are separately elected by a direct vote of the people, with both officials serving a term of six years. The president is not eligible for re-election, while the vice-president can be re-elected for another six-year term.

The bicameral legislature is composed of the Senate (the Upper House) and the House of Representatives (Lower House). The 24 members of the Senate are directly elected nationally, with the top 12 winners enjoying a six-year term while the other half is elected every three years. Senators can hold up to two consecutive terms. Two hundred nine (209) single-member districts and 51 nationally elected party-list seats make up the Lower House. Congressional representatives can be elected for a maximum of three terms, with each term good for three years.

Local government officials (executive and legislative officials) also have three-year terms, with a three-term limit. The governor, vice-governor, city mayor and vice mayor, municipal mayor and vice mayor and members of the local legislative assemblies such as the provincial board, city and municipal councils are elected by district and plurality vote. The same process takes place in the Autonomous Region in Muslim Mindanao (ARMM) and among local *barangay*[\[iii\]](#) governments.

The forthcoming May 2004 elections will synchronize national and local elections. This means that there will be 17,500 positions at stake:

#### **National and District levels:**

- President
- Vice president
- 12 senators
- 51 party-list seats
- 209 congressional district representatives

#### **Provincial and Local levels:**

- 79 provincial governors and vice governors
- 722 provincial board seats
- 84 city mayors and vice mayors
- 816 city council seats
- 1,535 municipal mayor and vice mayors
- 12,308 municipal council seats.

This glimpse into the intricacies of the Philippine electoral system not only serves as a general introduction to the topic, but also illustrates two defining features of Philippine elections: the highly competitive nature of the exercise, and the importance of name recall.

Assuming that, on the average, there are five contenders for every post in the synchronized national and local elections, then there would be around 87,500 candidates. The number of candidates alone shows how highly competitive elections are.

The huge number of candidates tends to preclude informed choice. In synchronized elections, for example, voters individually write the names of 32 to 44 candidates on the ballot (depending on whether they are registered in cities, municipalities or rural districts) and choose one party-list group from among hundreds of organizations and political parties. . The highly personalistic nature of Philippine politics is evident in that electoral campaigns are primarily designed to ensure name recall of candidates, not to advertise a platform.

Another important insight gained from examining the electoral system is that, synchronized local and national elections make local candidates significant players. National-level candidates depend on the vote-mobilizing capacity of allies at the local level, since they cannot rely on political parties to do so. The characteristic structure of Philippine politics consists of a 'coalitional pyramid' (Rocamora, 1995). Votes are delivered from the bottom up, while patronage rewards flow from the top down. This

is why violence motivated by national politics has been on the decline after martial law (after 1986), while local contests of power are where the election “hot spots” are found, as we will see in subsequent sections.

## II Elections Philippine Style

Article X, Section 79b of the Omnibus Election Code refers to an “election campaign” or “partisan political activity” as an act “designed to promote the election or defeat of a particular candidate or candidates to a public office.”

Such a definition of elections reduces the process of political leadership selection into the simple objective of winning. In a “first-past-the-post” contest, the candidate must exert all effort to garner the most number of votes. And because a battle of margins most often determines the result, eliminating the opponent through violent means sometimes becomes an efficient option, especially when competitors have parity in resources and campaign machine.

The Commission on Elections (COMELEC) is the agency constitutionally mandated to administer the conduct of elections. The commission records violence during the start of the campaign season until election day. Election-related harassment and violence can range from intimidating and threatening persons with bodily harm, to kidnapping and murder, as well as arson and bombings of strategic locations. Victims and perpetrators are not limited to the candidates and their campaign staff. Hired goons, private armies, the police and military, as well as armed rebel groups, also figure prominently. Caught in the crossfire, usually, are the ordinary voters.

The forms and incidence of electoral violence vary according to the different election phases, as shown in Table 1:

*TABLE 1: Violent incidents and deaths across election periods*

	<b>1988</b>	<b>1992</b>	<b>1995</b>	<b>1998</b>
<b>Pre-election period</b>	23 incidents, 11 deaths	16 incidents, 3 deaths	37 incidents, 7 deaths	44 incidents, 7 deaths
<b>Campaign period</b>	268 incidents, 149 deaths	87 incidents, 73 deaths	127 incidents, 80 deaths	188 incidents, 53 deaths
<b>Election day</b>	91 incidents, 14 deaths	43 incidents, 11 deaths	59 incidents, 16 deaths	71 incidents, 9 deaths
<b>Counting- Canvassing- Proclamation period</b>	23 incidents, 14 deaths	11 incidents, 2 deaths	21 incidents, 5 deaths	19 incidents, 8 deaths

Data compiled from the COMELEC and the Philippine Daily Inquirer

The Omnibus Election Code defines three stages in the conduct of election. For national-level candidates (president, vice president and senators), the election period covers 90 days before the pre-scheduled election day and 30 days after. The official campaign period lasts 60 days and ends two days before election day. The same process applies to local elections, except that the campaign period is reduced to 45 days.

In practice, however, political parties and politicians have developed campaign technology that manages to circumvent the parameters set by the Omnibus Election Code. Parties and candidates commonly plan in five stages: (1) the pre-campaign period, (2) the campaign period, (3) the “ora-de-peligro,” (4) election day itself, and (5) the period of counting, canvassing of votes and proclamation of the winners.

The pre-election period starts as early as a year before elections. This is when parties and candidates build their campaign machinery, launch public relations campaigns, map the political terrain, organize networks and generate resources.

During the pre-election period, violence is usually targeted at incumbent officials or potential opposition candidates. The objective is either to eliminate or intimidate a prospective rival or to paralyze the machinery of an opponent early on. In the 1998 national and local elections, pre-election violence alone recorded 71 incidents with 39 fatalities. On rare occasions, pre-election violence is motivated by blood-debts. This happens in districts or provinces where rival political clans monopolize the political scene.

In recent elections, there were also indications that unscrupulous politicians resort to kidnapping for ransom in order to raise funds. Police Director General Hermogenes Ebdane hinted at the possibility that some kidnapping incidents in 1998 and 2001, both election years, were motivated by the need to finance the campaign of cash-strapped candidates.

Another manifestation of electoral violence is when opposing camps threaten each other's supporters, and destroy or seize the other's campaign paraphernalia like posters and streamers.

During the campaign period, parties and candidates use various modes of campaigning that fall within, as well as outside, the bounds of the Election Code. The common forms of electoral violence are: threats or attacks on candidates or supporters; attacks on rallies, headquarters or homes of candidates; clashes between supporters; kidnapping; tearing or seizure of posters; unauthorized carrying of firearms, etc. Table 1 shows not only that the campaign period has the highest record of violent incidents, but also that it is the period when most deaths occur.

The "ora de peligro" (literally, "hour of danger") is the most intense and anxiety-filled period, when last minute interventions take place. This begins two days before the actual election day. Here parties and candidates are concerned with defending their vote base while trying to break the voter base and machinery of their opponents.

Vote buying and coercion intensify during the ora de peligro. Voters may be threatened to vote for a candidate or not to vote at all. Bailiwicks are assaulted or homes of ward leaders strafed or burned, and candidates or their campaign managers may be ambushed while doing the last rounds of negotiations. As counter-measures, the COMELEC bans liquor drinking and gambling, and strictly enforces the gun ban during this period.

While election day is about the actual delivery of votes and poll watching, it is also characterized by a high incidence of death and violence, usually triggered by real or suspected fraud. Election day itself records high incidence of deaths and violence. On this day, many violent incidents are triggered by real or suspected fraud. In the 1998 elections in Maguindanao, for example, COMELEC technicians from Manila hurriedly left the province even before the winning candidate could be proclaimed, after receiving death threats from relatives of losing candidates. There have also been cases where polling stations are forcibly blocked off to prevent voters from casting their vote.

During the counting, canvassing and proclamation period, candidates and their supporters are preoccupied with ensuring that counting and canvassing is orderly and fair. This is done through the hiring of "poll watchers," who are tasked to monitor the process and file the necessary complaints. Ensuring that votes cast are properly accounted for is crucial since the process of counting and canvassing votes is prone to human error and fraud. Votes are manually counted at the precinct level, where votes are read aloud and posted on a tally sheet. The precinct returns are first canvassed at the municipal level, and the aggregate results from each municipality are canvassed again at the provincial level. Finally, the COMELEC adds up all the votes and proclaims the winner. In the case of national candidates, it is the Congress that canvasses the votes and proclaims the winner. This long process can take over a month for national positions.

During the counting of votes, poll watchers of opposing parties sometimes clash with one another. It has even happened that watchers are harassed or kidnapped by the other camp. Worse, some groups deliberately create a situation of “failure of elections” by sabotaging the electricity supply to stop the counting, or burning down the polling place. Snatching of ballot box usually occurs during the counting or transport of ballot boxes to the canvassing area. Public school teachers, who are tasked with administering the polling places, are often coerced into signing blank tally sheets or surrendering the ballot boxes, and often get killed in trying to protect the ballot boxes. During the canvassing, violence takes the form of attacks on election officials or poll watchers, dispersal to disrupt the canvassing or arson to destroy the canvassing results altogether.

Comparing incidences of violence across years gives little signs of hope, as Table 2 shows. Although the number of violent incidents was much less in the 2001 elections compared to the 1998 elections (152 in 2001 compared to 322 in 1998), the 2001 elections were noticeably bloodier, with 98 deaths compared to “only” 77 in 1998.

*TABLE 2: Incidence of election violence from 1986-2001*

<b>Type of Election</b>	<b>Year</b>	<b>Violent Incidents</b>	<b>Deaths</b>
Snap presidential	1986	364	153
Local	1988	405	188
National & local	1992	157	89
Congress & local	1995	244	108
National & local	1998	322	77
Congress & local	2001	152	98

*Data compiled from media reports (Philippine Daily Inquirer, Business World etc.)*

### **III Legal Provisions on Election Offenses**

The Omnibus Election Code’s provisions on election offences cover only those occurring during the campaign period, the day before elections and election day itself. Election-related or politically motivated offences outside the said period are not explicitly covered by the Code and thus not monitored by the COMELEC. Cases of physical injury, killing and murder are covered under the Revised Penal Code on Criminal Acts. The Election Code makes reference to election offences that would influence the outcome of an election. The Code makes no explicit reference to offences that prevent orderly and peaceful campaigning.

Article XXII, Sec. 261 of the Code defines election offenses related to coercion, intimidation and harassment as follows:

- a. Conspiracy to bribe voters;
- b. Coercion of subordinates;
- c. Threats, intimidation, terrorism, use of fraudulent device or other forms of coercion;
- d. Coercion of election officials and employees;
- e. Use of undue influence;
- f. Appointment or use of special policemen, special agents or the like during the campaign period, on the day before and on the election day;
- g. Illegal release of prisoners 60 days before and 30 days after the election;

- h. Carrying deadly weapons in the polling place and within a radius of 100 meters during the days and hours fixed by law for the registration of voters in the polling place, voting, counting of votes, preparation of the election returns.
- i. Carrying of firearms outside residence or place of business during the election period, unless authorized in writing by the COMELEC;
- j. Acting as bodyguard or security guard of any member of the Philippine National Police, the Armed forces of the Philippines, special forces, home defense forces, barangay self-defense units and any other para-military units to any public official, candidate or any other person unless assigned by the COMELEC when the life and security of the candidate is in jeopardy;
- k. Organization or maintenance of reaction forces, strike forces, or other similar forces

In areas where heavy violence is anticipated, the COMELEC may declare electoral "hot spots." This designation allows the COMELEC to supervise election security in the area by deploying personnel of the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP).

The foregoing prohibitions and guidelines are clearly intended to prevent coercion, intimidation, harassment and terrorism that would influence the election outcome. It is also clear that the prohibitions are equally addressed to any party besides the candidates, their supporters and the police, military and uniformed personnel.

Any person found guilty of any election offence under the Code shall be punished with imprisonment of not less than one year but not more than six years, and shall not be subject to probation. In addition, the guilty party shall be disqualified from holding office and deprived of the right to suffrage.

The Code also provides that any political party found guilty shall pay a fine of not less than *ten thousand pesos* [\[iii\]](#) , which shall be imposed upon such party after criminal action has been instituted in which their corresponding officials have been found guilty.

It is obvious, however, that the legal provisions against election offences are only as effective as the mechanism for implementing and monitoring them. While the media and the police usually report alleged election offences and violence, much depends on the COMELEC's willingness and capability to use its exclusive powers to conduct preliminary investigations of all election offences punishable under the Code, and to prosecute the same.

On the other hand, election-related violence that involves killings, physical injuries, shooting and any criminal acts are under the exclusive jurisdiction of regional trial courts. These courts try and decide any criminal action or proceedings for violation of the Code. Again, the question of capability of said courts to try and decide on criminal election cases becomes critical. Most election-related violent crimes have been "frozen" in courts, with the perpetrators nowhere to be found by the police. Except in sensational cases wherein national attention forced the police and courts to act fast, politicians involved in such crimes have gone into hiding in other countries.

#### **IV Actors and stakes involved in election violence**

Besides the politician-candidates and their supporters, other forces figure in electoral violence: goons, private armies and ward leaders; the police and military establishments; and, armed rebel groups.

##### **Politician-candidates**

The rewards of public office are sizeable enough to drive local politicians to cheat and kill. Contracts and licenses, subsidized loans from government-controlled corporations, allocation from legislators' countryside development funds (also known as "pork barrel") and infrastructure projects, where a certain percentage of the contract price is skimmed off as a matter of standard operating procedure.

With the passage of the 1991 Local Government Code, public office has become even more attractive, as it substantially increases the resources at the disposal of local officials. Besides mandating an automatic internal revenue allocation of 40% for local government units, the Code also broadens local governments' power to tax and raise revenues. In an industrializing province like Cavite, south of the capital Manila, this can amount to substantial sums. Local councils here have passed zoning ordinances converting agricultural land for the development of housing estates and industrial parks, thus raking in millions in additional income (Coronel, 1995).

Electoral violence is also the observable manifestation of gang wars over illegal economic activity. Public office allows warlord politicians to profit from or protect their interests in unlawful activities such as illegal gambling, drug trading, logging, smuggling, etc.

Patronage alone, however, is an insufficient explanation for understanding local political culture, for "if the machine worked perfectly, it would not be necessary to use violence" (Rocamora, 1995). The predominance of, and highly antagonistic relations between, political dynasties can turn elections into a season for vengeance. Long-standing family feuds between oligarchic clans are the source of much political violence across the country.

In the province of Masbate, for instance, the Espinosa clan has politically dominated the province for decades. Their challengers felt that they can only break this dominance through violence. In the middle of his term in Congress, Representative Espinosa was killed. His brother Tito Espinosa took the vacant seat in the 1992 elections. In February 1995, a few weeks before the start of the campaign period, Tito himself was killed. Tito's widow, Vida, substituted for the deceased in the campaign and won the congressional seat. Most people in Masbate believe that the subsequent murder of political opponent Jolly Fernandez was political revenge.

Many analysts also evoke the "weak state" theory when discussing politically motivated violence and bossism in the Philippine context. One of the defining characteristics of a state is its monopoly over the legitimate uses of violence. The prevalence of violence in local Philippine politics is thus an indication of how weak the Philippine state is.

In the province of Sulu, the southernmost part of the archipelago, for example, no one knows who the power wielders are in this "ungovernable" and "lawless" territory—the military, the Moro National Liberation Front (MNLF), the Abu Sayyaf or the assortment of political clans and warlords (Gutierrez, 1995). This co-existence appears to be made possible by family ties that bind guerrillas to elected local officials.

This extreme example shows that although the Philippine state is weak, it is an important source of instrumental power. Linantud (1998) thus observes: "Filipino anarchy thus consumes a state too weak to monopolize legitimate violence, but too strong to ignore as a reward and tool of political success."

For administration officials, it may not be necessary to hire private goons to show political muscle. With the police and armed forces at the government's disposal, incumbent or pro-administration candidates can diminish the strength of the opposition by simply implementing the law, such as when conniving local COMELEC officials strongly enforce restrictions (e.g., gun ban) in areas where administration candidates are considered weak.

Selective enforcement of election rules not only helps the administration party to minimize the advantage of certain opposition politicians, but also allows them to directly harass rival candidates. For instance, the COMELEC at its discretion can place a locality under its control, allowing law enforcers to nab oppositionists who horde guns or those who carry weapons for personal protection.

A case in point is the 1995 gubernatorial elections in Cavite where Epimaco Velasco, the director of the National Bureau of Investigation, challenged re-electionist Governor Juanito Remulla. Velasco was the candidate of President Ramos, who had an axe to grind against Remulla since the latter campaigned against Ramos's presidential bid three years earlier. The Ramos administration deployed two battalions of the Armed Forces in Cavite. The COMELEC strictly enforced the gun ban and disarmed the private armies of Remulla. The police set up random checkpoints, which succeeded in limiting the movement of armed goons, and raided the houses of suspected Cavite warlords (including the house of the security officer of Remulla) and confiscated weapons. These favorable conditions no doubt helped Velasco emerge as the new governor of the province.

### **Goons, Private Armies, Ward Leaders**

Politicians usually hire goons and build up private armies not only for their protection but also for intimidation of opponents. According to military reports in 2001, some 100 private armies were behind about 80% of election-related violence. A special military task force estimates that these private armies are responsible for 68 of the 98 deaths recorded in the 2001 elections.

Goons have also been employed to steal blank forms and to procure excess ballots for use in the manufacture of votes, to destroy lists of voters or election materials, and disrupt the transportation of voters for the purpose of disenfranchising non-supporters. In addition, goons have snatched ballot boxes to make tampering or switching possible. In some cases, they instigate disorder in the polling precincts so that they can unnoticeably substitute actual ballots with rigged ones.

Goons and private armies usually come from various backgrounds, although many initially began their "career" as security guards or policemen assigned to the politician. Others are former military or police personnel who had gone absent without official leave (AWOL) due to involvement in crimes and syndicates, and who subsequently attached themselves to local politicians for protection. In some cases, private armies also include local community leaders with shadowy reputations who are feared in the community. These leaders are hired to consolidate a candidate's electoral base by bullying supporters of rival candidates. But when it comes to highly sensitive "special operations" against rivals, politicians only trust their closest relatives to do the job.

There have also been cases where prison inmates were suspects in election violence. Through the connivance of politicians and prison officials, prison inmates are released temporarily for "special operations" to harass or attack rivals or ward leaders.

In areas where bossism and warlordism characterize politics, one cannot be a politician if one has no goons, i.e. a politician's stature depends on the number of guns in his possession and the armed men in his control. In these localities, control of the means of violence legitimizes the politician's power.

### **Police and the Military**

One of the key contributing factors to election disorder is the state itself, particularly its police and military apparatus. Public trust in the police and military is very low, since they are perceived to be corrupt or even accessories to crimes. News reports indicate that between 1995 and 1998, more than two thousand active or former



military and police personnel participated in organized crime. There are persistent suspicions that soldiers and police work for politicians as mercenaries and private security guards. In some areas, partisan behavior of military personnel has also diminished trust in election security.

### **Communist and Muslim Rebels**

The Communist insurgency and the Muslim separatist movements in southern Philippines add another dimension to the “guns, goons and gold” character of Philippine elections. Both insurgency movements have contributed to electoral violence and the disruption of elections since the late 1980s. Their aim is to undermine state authority by sabotaging the exercise. According to military records in 2001, the New People’s Army (NPA) of the Communist Party of the Philippines was responsible for 23 election-related deaths, while the separatist Moro Islamic Liberation Front (MILF) was responsible for seven of the 98 deaths recorded.

The communist insurgency through its armed group, the New Peoples Army, has established credence in elections by assassinating candidates who have participated in the military’s counter-insurgency operations. Extorting fees for safe access to rebel territory (popularly called the PTC or “permit to campaign”) has also become a practice in many territories. Conversely, there have been allegations that NPA guerrillas have snatched ballot boxes to ensure the victory of their allies. But, typically, the communist insurgents take advantage of the election period to launch tactical offensives meant to weaken the political system.

## **V Effect on Elections**

Violence disrupts the election process and, at worst, causes a failure of elections in a given locality. Where violence creates disruption, it constitutes an additional factor influencing the decision-making of a voter or particular community of voters. Where the elections are declared a failure, violence de-legitimizes the entire process of citizen participation in a particular area.

For many Filipinos, their image of election is that of “guns, goons and gold” or as a “riotous fiesta.” In areas where violence is not an issue, voters choose among the best performers. Where violence proliferates, voters either cast their vote in view of ensuring their survival, or stay away from elections altogether. With violence and fraud, election loses credibility as a democratic exercise. Elections merely become a venue for exchange between politicians and the voters, and citizenship and the right to suffrage are fundamentally undermined.

It may be argued that a locality’s level of development is inversely related to the level of electoral violence. The southern island of Mindanao and the Autonomous Region of Muslim Mindanao (ARMM) routinely register high rates of election violence. In the 1998 elections where there were 71 violent incidents and 39 fatalities in the pre-election period, 16 of the fatalities were from Mindanao and ARMM. On election day, 10 of the 37 deaths were from Mindanao. Also, provinces in Mindanao and the ARMM accounted for 11 of the 16 COMELEC-designated “controlled areas” since 1988.

The ARMM also happens to be the region with the lowest social indicators and the highest misery index. Its vulnerability to machine politics is therefore also high. Machine politics means that the battle of the politicians’ organization i.e. networks, alliances, and bailiwicks and campaign structure determines the election outcome. In the ARMM and other areas where the political culture thrives on bossism and warlordism, the battle of the machines perpetuates violence.

However, while violence has its particular effect on the conduct of elections, it is not the primary determinant of election results. It is the political machine, instead, that decides elections especially at the local level. For example, in the province of Nueva Ecija in Central Luzon, when aspiring governor Tomas Perez was murdered, his wife

replaced him as candidate against re-electionist Tommy Josen III. The Josen's political machinery was so strong that even the vice governor allied with the Perezes lost to the Josens by a wide margin.

## **VI Trends and Recommendations**

The potential for electoral violence in local contests is unlikely to decrease in the short term. The death toll in the last local elections stood at 98, one of the highest since the 1986 snap elections. In the barangay elections of 2002, there were 125 violent incidents that left 75 persons dead and 26 injured [\[iv\]](#). As mentioned earlier, this propensity for politically motivated violence is related to the spoils awarded to the winners of local contests for public office. These spoils continue to become more substantial, as the potentials of fiscal decentralization are coming to fruition. As local governments depend less and less on patronage from the central government, national candidates, nevertheless, remain as dependent as ever on the vote-mobilizing capacities of their local allies. This makes local power wielders even more influential.

Another factor intensifying the competition in local elections is that the electoral terrain is getting narrower. Unlike in the past when only the patriarchs of political clans competed with each other, now even their wives, children and close relatives are getting interested in politics. As the saying goes, 'politics runs in the family'. Moreover, there are increasing numbers of political "newcomers" challenging the dominance of local political elites. Most of these newcomers come from a non-traditional political background and espouse new politics (as opposed to old-style patronage) and good governance. How this new dynamic will affect election-related violence remains to be seen.

The communist insurgency will also continue to intervene in elections—not only to further its armed revolution and to "punish counter-revolutionaries," but also to enhance its tactical position. In the 2001 elections, a new party-list organization identified with the communist movement was able to win three seats in Congress. Some quarters allege that the NPA raised substantial funds for the campaign through revolutionary tax and fees in exchange for permits to campaign. The guerrillas also successfully negotiated with traditional politicians and harassed, intimidated and even eliminated organizers of competing, unarmed left formations—much like how traditional political bosses conduct their "campaigns." The NPA is likely to "campaign" again for the electoral party in forthcoming elections.

Recommendations are, above all, addressed to the state and its institutions in ensuring fair, honest, peaceful and orderly elections. Stricter rules, stiffer penalties and swift action on election offences should be prioritized to salvage the image of Philippine elections. Laws that prohibit or at least diminish the influence of political dynasties in elections could also help in curbing violence.

With regard to effective implementation, much depends on the people and institutions in charge of administering the elections. It seems no coincidence that the 1992 and 1995 elections saw relatively low levels of election violence compared to other elections. This can be attributed to the leadership of the national government and COMELEC at the time. In the 1992 elections, the administration of President Corazon Aquino mobilized various government agencies to collectively assist the COMELEC in the conduct and administration of the election. The administration also provided avenues for religious and citizens' movements to fully participate in voters' education, poll watching, and monitoring of election offences and violence. Aquino's successor, President Fidel V. Ramos, continued these policies in the 1995 elections.

Under both administrations, the COMELEC not only strictly enforced election laws but also introduced innovative measures to deter violence, such as the five-month gun ban and the three-day liquor ban around election day. The COMELEC also facilitated dialogues and came out with peace treaties between rival candidates to prevent

volatile situations from deteriorating. The agency also restricted and disarmed civilian militias, government-assigned bodyguards as well as partisan military personnel. In areas perceived to be particularly prone to violence, military troops replaced teachers as election officials.

The lack of continuity in sustaining reforms within the commission needs to be addressed. The institutional design and mandate of the COMELEC should be enhanced in such a way that a change in officials would not affect reform programs initiated by previous commissioners. The COMELEC should also become pro-active and collaborate with civil society organizations that advocate electoral reform. The commission might also explore the viability of forming a special body during elections that would share the burden of dealing with election offences. This body could be composed of representatives from the government, accredited civil society groups and political parties with the authority to monitor, investigate and bring to justice cases of election-related violence.

As long as the lack of effective regulation and swift sanctions remains, the Philippines will be far from achieving truly peaceful and orderly electoral exercises.

**BOX:**

In 1995, the Philippine Congress enacted Republic Act No. 7941 or "The Party-list System Act. The law defines the party-list system as a mechanism of proportional representation in the election of representatives to the House of Representatives from among the national, sectoral and regional parties, organizations or coalitions registered with the Commission on Elections (COMELEC). The party-list law also allocates 20% of total Congressional seats (equivalent to 51 seats) to party-list representatives. To qualify, a party or organization must obtain two per cent of the total votes cast for the party-list in order to get one seat. Each party or organization is entitled to a maximum of three seats.

The first party-list election was held in May 1998. Unfortunately, voter turnout was low due to the novelty of the system and the insufficiency of information dissemination. Out of 123 parties and organizations that competed, only 13 were able to garner two per cent of the total votes. Among the parties that obtained one seat in the House of Representatives was the Akbayan! Citizens' Action Party or Akbayan! The Party is a democratic left party that was founded in 1996 by different political formations and citizens' organizations. A number of leaders and members of Akbayan! were former leaders and members of the Communist Party of the Philippines (CPP) and the New People's Army (NPA) who bolted from these formations because of undemocratic organization, sectarianism and left fundamentalism. The different progressive and left political formations within Akbayan! were henceforth considered "reformist and revisionist" by the communist movement.

In the 2001 elections, turnout for the party-list increased despite the lack of systematic information campaign by the COMELEC. But unlike in the 1998 elections, a problematic feature surfaced in the new election system—election-related violence. This is attributed to the participation of a new party, Bayan Muna ("country first"), which is identified as a front organization of the CPP for electoral politics.

During the course of the 2001 election campaign, the leaders and campaigners of Akbayan! met various forms of harassment and violence from activists and guerrillas of the communist movement. Other party-list entries also had their complaints, but Akbayan! felt that it was the principal target of attacks.

In the province of Sorsogon, for example, campaigners of the Akbayan! were threatened by a group of guerrillas belonging to the New Peoples Army. The NPA, which had been campaigning for Bayan Muna in the province, ordered the campaigners to leave their "territory," under pain of "arrest." The campaigners left but returned after a few days, hoping that the armed group was not around. When

they chanced upon the guerrillas, they were able to escape except for one man who was caught. The next day, with police assistance, they found their companion, who had been tied to the trunk of a tree for the whole night.

In Nueva Ecija, a peasant leader and member of Akbayan! was killed. He was found tied to a tree, with a placard on his chest bearing a warning to one of the key Akbayan! leaders in the area. Witnesses claimed that the perpetrators were NPA guerrillas organizing in the area. In one of the municipality of Nueva Ecija, a vice mayoralty candidate allied to Akbayan! was forced to give a monetary amount equivalent to the price of a gun the guerrillas in exchange for his liberty to go around and campaign. He was also explicitly told not to campaign for Akbayan!. A couple of weeks before election day, the candidate was forced to conduct his campaign from his house for the fear that mere suspicion that he was campaigning for Akbayan! would be met with serious reprisal.

Other parties also suffered the same fate, although on a lesser scale than Akbayan!. In Northern Luzon, NPA guerrillas prevented some campaigners of Coop-Nattco from campaigning among local cooperatives in the area since, the NPA claimed, the cooperatives were already supporting Bayan Muna. Supporters of Sanlakas, another party-list organization with a strong following among workers, clashed with Bayan Muna activists over posters.

The party-list system of representation was enacted in the spirit of ensuring the representation of marginalized groups in national policy-making, toward infusing mainstream politics with progressive reform proposals. Yet, the past elections show that even the party-list election has become a venue for old-style politics that uses brute force, instead of platforms and programs, to achieve victories.

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[\[i\]](#) The authors are Research Associates at the Democracy Watch Department of the Institute for Popular Democracy, Quezon City, Philippines.

[\[ii\]](#) The barangay is the lowest government unit in the Philippines, which roughly corresponds to a rural village or urban neighborhood.

[\[iii\]](#) Ten thousand Philippine Pesos are roughly equivalent to less than 200 US Dollars (at exchange rate of 1US\$: 52PHP).

[\[iv\]](#) Of the 75 fatalities reported, five were candidates, 18 government officials, three enlisted personnel, 29 civilians, four militia men, one barangay watchman, four police personnel, seven dissidents, two lawless elements and three Aby Sayyaf terrorists. The Armed Forces of the Philippines had dispatched 174 officers and 2,947 enlisted personnel, along with 2,470 reservists to perform election duties. ("Some violence, but generally it was peaceful", Manila Times, 16 July 2002).

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