



## Qualified Success, But... The Report on the 2007 Elections *July 3, 2007*

### Introduction

*Bantay-Eleksyon 2007* or the **People's Coalition to Monitor the 2007 Elections** started its monitoring of the 2007 midterm Philippine elections on February 1, 2007 up to June 30, 2007. Within that period, it fielded a total of 163 Organized Monitoring Teams (OMTs) and 1,788 individual Citizen-Reporters (CRs) throughout the country, with emphasis on 8 regional areas historically considered as election-sensitive areas.

In addition to field monitoring, it also undertook both media and library researches as well as interviews with key resource persons and representative electoral stakeholders. The data thus gathered were processed into four preliminary reports covering the various phases and components of the 2007 elections. This report is a distillation of all the previous reports and the data gathered by *Bantay-Eleksyon 2007*.

We present this report for the purpose of inputting into the process of undertaking electoral reforms in the Philippines. It addresses the various weaknesses and defects of the electoral system in order to call attention to the urgent need for their correction or solution. Of course, in doing so, *Bantay-Eleksyon 2007* uses the international standards for free and fair elections in assessing the 2007 elections.

The most elaborate description of these standards is contained in the *Declaration on the Criteria for Free and Fair Elections* by the Inter-Parliamentary Council of the Inter-Parliamentary Union (IPU) dated March 24, 1994. It defined free and fair elections as having been achieved when "In any State the authority of the government can only derive from the will of the people as expressed in genuine, free and fair elections held at regular intervals on the basis of universal, equal and secret suffrage."

*Bantay-Eleksyon 2007* presents this report as its contribution towards free and fair elections in the Philippines.

## **A. Electoral Process**

The holding of the 2007 national and local elections this second Monday of May 2007, is mandated by the Constitution and RA 7056, the Election Synchronization Law. To this end, the Commission on Elections issued Resolution 7707 on August 30, 2006 setting forth the election calendar of activities and periods of prohibited acts for the 2007 elections. It also approved the Key Activity Plan for a manual system of elections for the 2007 elections.

The major preparatory activities (with milestones) set by the resolution include the compilation of election laws, cases and jurisprudence, preparation of election manual, creation/reactivation of working committees, inventory of available/serviceable ballot boxes, preparation of electoral forms, voter education and information campaign, drafting/approval of resolutions and guidelines, public bidding of election forms, supplies and other paraphernalia, delivery of supplies and materials, printing, verification of forms, filing of candidacies for all positions, packing and shipping, preparation/posting of computerized voters list, campaign, appointment of the Board of Inspectors and Board of Canvassers, preparation/submission of list of precincts, seminars and trainings, briefings of BEIs and BOCs, and inspection of precincts.

In the main, all these preparations were successfully implemented by the Commission on Elections. Except for the various failures of elections in some areas of Autonomous Region of Muslim Mindanao (ARMM) and in some precincts in Batangas, Cebu, Negros Oriental, and Lanao del Norte, the elections were held as scheduled.

An estimated 30 million voters voted, out of the official list of 45.5 million voters, a 66-percent voting percentage. There were many reports of confusion and difficulties in matching voters to their precincts, the presence of numerous ineligible names in the voters list, disenfranchisement of a significant number of voters, and questions on the abnormally high percentage of registered voters compared to the voting population. There were even reports that the national voters list issued by the Comelec has a high level of inaccuracy. The national voters list has lost a lot of credibility with voters and stakeholders in both 2004 and 2007 elections.

The overseas absentee voting showed a very disappointing result, with only 504,122 registered voters out of the possible three million-plus qualified voters. Of this figure, only 65,699 voted—a measly 14% of total OAV registered voters. A major effort is needed to turn this situation around and render credible the whole OAV concept.

More than 87,000 candidates contested for the following positions: 12 senators, 220 congressional district representatives, 55 party-list representatives, 81 provincial governors, 118 city mayors, 770 provincial board members, 1,510 municipal mayors, 1,314 city councilors, and 12,092 municipal councilors. The vast majority of these positions have been filled up.

The canvassing, for the main part, proceeded and produced proclamations in most places. The election results were accepted by the people in most places, although there were pre-proclamation and post-proclamation protests by losing candidates in many areas.

As expected, there were a lot of problems regarding the technical and procedural conduct. These included printing errors, anomalies in the voter lists, delay in delivery of election documents, loss of (or stolen) election documents, shortage and unilateral transfers of election personnel, including deputies and members of the Board of Inspectors (BEIs) and Board of Canvassers (BOCs), insufficient training of election personnel, and anomalies in handling election documents.

However, a worrying aspect of the conduct of the electoral process is the crescendo of allegations of partisanship of election personnel. These were voiced even before the election period started right up to post-proclamation period. This indicates a very low level of trust and the low credibility of the institution and its personnel not only among the losing parties and candidates but also among the people themselves.

The credibility of the results so far in the senatorial contest (with 11 out of 12 winners proclaimed) is high and nobody contests the results. However, the contest for the 12<sup>th</sup> position is proving problematic for the Comelec, particularly when it chose to canvass the controversial Maguindanao Certificate of Canvass (COC). This particular COC has been rejected by all election monitors for having suspicious provenance and the many questions on the conduct of elections in the province.

The same uncertainty attends the party-list election, with no party-list organization being declared winner as of this time. The announced Comelec decision to use the Supreme Court-decided “Panganiban formula”<sup>1</sup> in ascertaining the party-list seats each winning party-list group is entitled is also facing opposition from some of them.

*Bantay-Eleksyon 2007* recorded 295 incidents of various irregularities in the electoral process and violations of electoral laws in the areas it monitored. Of these, 119 are election law violations, 74 are cases of electoral fraud, 64 are cases of election personnel inefficiency, 43 are cases of electoral violence, 34 are cases of intimidation, 18 are cases of harassment, and 7 are cases of violation of non-election laws.

As a sample, these figures support the projection of much higher incidents of irregularities and violations of election laws. The figures are generally uniform throughout the country, pointing to the deficiencies of the electoral system itself, including the administration of election.

The manual system of election that was implemented in the 2007 elections has failed to stem the tide of electoral fraud and other irregularities. The Commission on

---

<sup>1</sup> The Panganiban formula only allows the full three seats to the number one ranked party-list group. The rest of the winning party-list groups can only get one or two seats.

Election has a big contributing responsibility in its laid-back attitude to prosecution of offenders. The credibility of the entire electoral process is thus compromised.

## **B. Political Parties and Candidates**

The 2007 elections was generally contested at the level of coalition for senatorial election (Team Unity (TU) vs. Genuine Opposition (GO)), at the level of party-list groups for party-list election, and at the level of individual candidate for congressional district election and for local elections. The major national political parties are Lakas-Christian-Muslim Democrats (Lakas-CMD), Kabalikat ng Malayang Pilipino (Kampi), Nationalist People's Coalition (NPC), Laban ng Demokratikong Pilipino (LDP), Liberal Party (LP), Nacionalista Party (NP), Partido ng Demokratikong Pilipino (PDP-Laban), and Partido ng Masang Pilipino (PMP). Independents also ran for various positions at all levels, except in the party-list elections.

However, there was no coherence or strict party-lines in the senatorial coalitions, congressional and local candidacies. The senatorial coalitions are the nearest thing to a well-defined administration vs. opposition line-up. At the local level, a dizzying combination of parties, coalitions, and independents rule the line-up without regard to correlation with the national coalition line-up.

The party system breaks up at these levels. Rampant turncoatism abounds, even as local candidates openly or secretly aligns with higher candidates, usually because of monetary or political support they got.

The party-list system had 93 party-list organizations vying for the 55 party-list seats available.

Only 11 out of 12 senatorial positions have been filled with the proclamation of seven Genuine Opposition (GO) candidates, two Team Unity (TU) candidates, and two independent candidates. The last slot is still a toss-up between GO candidate Aquilino Pimentel III and TU candidate Miguel Zubiri. No winning party-list group has been proclaimed although at least 15 groups have over two percent votes already.

For the congressional district representation, almost all have been filled, except for Lanao del Norte first district. For gubernatorial election, only the Cagayan and Sharif Kabungsuwan position is still being contested with no one proclaimed. At the mayoralty level, almost all towns have a proclaimed mayor already.

The presence of at least 136 media personalities in the election has no impact on the results with only a very few winning in the electoral contest. The era of simple popularity as basis for electoral victory seems to have ended in the 2007 elections. The most notable of the losses are those of movie personalities Tito Sotto, Richard Gomez, and Cesar Montano in the senatorial race.

However, the vast majority of those won or got reelected are members of political dynasties. In Congress, it is estimated that they account for an estimated 75 percent of the seats.

### **C. The Electorate**

The 66-percent turn-out of the electorate is well below the 76-percent turn-out in the 2004 elections. The overseas absentee voting was more disheartening with only an 18-percent turn-out. The party-list voting maintained a 40-percent turn-out. It is also of note that a larger number of domestic absentee voters (75 percent) voted in the 2007 elections.

The lower turn-out usually is related to the midterm character of the 2007 elections. However, there is a possibility that the stricter monitoring by citizen groups prevented the padding of votes in many places. Field observation reports also reported basically the same turn-out compared to earlier elections.

There were widespread reports of problems in precinct-hunting, voter disenfranchisement, and voter harassment. There were reports of *bonafide* voters losing their names in the CVL—with early estimates of at least 100,000 voters being disenfranchised. Hunting of precincts and names in the CVL frustrated many voters. There were accusations of a pattern in the mix-up of voters and precincts favoring certain candidates.

On the whole, a certain level of maturity among the voters was observed. Specifically, there is an unvarying report the failure to win of popular figures who do not have the background or the track record in politics. The era of winnable candidates based on sheer popularity appears to have waned.

Unfortunately, the voters did not make much of a dent on the reign of political dynasties, with the majority of national and local positions—estimated at more than 75%—still in the hands of various dynasties. However, there were telling losses by entrenched dynasties in Nueva Ecija, Pampanga, and other places. In Isabela, Governor Grace Padaca managed to maintain her position against the Dy dynasty.

The voters in the 2007 elections showed a clear partiality against candidates who are identified with the administration, particularly in the senatorial contest. This basically favored the Genuine Opposition slate who won at least 7 of the 12 contested seats and the rest going to independents or administration candidates who are not closely identified with Malacañang.

Though it cannot yet be measures reliably, there are indications that media and civil society efforts on citizen-voter education had an effect on a significant percentage of voters. These efforts were conducted on a continuing basis, particularly by civil society, and continued during the 2007 election period.

## **D. Election Administration**

The Commission on Elections, in so far as it undertook the preparations for and supervision of actual electoral processes, did its job adequately. Unfortunately, this is overshadowed by its failings in terms of transparency, implementation of election laws, independence and non-partisanship, and efficiency. Its various immediate attempts at institutional reforms so far have not produced any significant improvement. This basically guarantees that its problem of credibility will not be solved nor alleviated by its conduct in these elections.

From the start of the 2007 election period, the Commission on Elections labored under a very low level of public trust. The last published survey of the 2006 SWS Enterprises Survey conducted from February-April 2006, indicated that the Comelec suffers a -59% net sincerity rating in fighting corruption.<sup>2</sup>

Its refusal to conduct an investigation into the Garcillano affair has also led to many calls for the resignation of Comelec commissioners, and questions on its fitness to administer elections.

To its credit, the Comelec initiated some reform measures in connection with the 2007 elections, including a code of conduct for its personnel, training seminars, and modules for guidance of the voters and the Board of Inspectors. To a certain extent, it also opened its doors to the public with new websites and accreditation of various monitors and media people.

In relation to its work, the whole organization worked successfully to prepare for and conduct the elections as scheduled in the vast majority of areas nationwide. The overseas absentee voting registration and voting were conducted without a hitch.

However, there are areas where the Comelec failed miserably. The most visible of these is in the areas of enforcement of election laws. Across the archipelago, candidates and their campaign people brazenly posted their campaign materials wherever they see fit, often before blind eyes of local Comelec officials. Whatever grandstanding of Comelec officials regarding the common poster areas, it is a fact that no one has ever been prosecuted, much less convicted, on this particular violation.

The use of media was also supposed to be regulated. Minutes allowed for television and radio had been limited by the Fair Elections Act. Comelec reinterpreted this law in the 2007 elections as on a *per region* basis, effectively expanding the allowed time. Although this is a more restrictive policy than the one in the 2004 election which was on a *per station* basis, still it permitted senatorial candidates to splurge on TV ads, endangering the violation of another law on restrictions on campaign spending. The latter also earned the dubious distinction of another unenforced law by the Comelec.

---

<sup>2</sup> The 2006 SWS Survey of Enterprises on Corruption: MOSTLY GOOD NEWS ON THE BUSINESS SECTOR, BAD NEWS ABOUT GOVERNMENT, July 6, 2006.

The Comelec defended its inaction on election law enforcement even as it recognized its authority to act *motu proprio* on cases of violations. Its spokespersons reason that they require complainants even in *motu proprio* cases. This laid-back attitude basically points to a lack of political will on the part of the Comelec and contributes in a decisive manner to the proliferation of electoral fraud, electoral violence and other electoral anomalies that degrade the free and fair character of the Philippine electoral process and Philippine democracy itself.

Yet, it is a fact that, in the 2007 elections, many cases of protests over electoral fraud involve Comelec officials and personnel. This also contributes in a big way to the minimal credibility of the institution in many areas. This also points to the possible partisanship of Comelec personnel in the actual conduct of the elections, including canvassing. A case in point is the proliferation of “honest mistakes” in the various election documents when questions were raised on their correlation with election documents from precincts and municipal or city canvass.

In many cases, it was only the vigilance of the citizenry that prevented electoral fraud. The Comelec unfortunately did not perform this function in the main and in fact became a target for watchdogs itself.

The Commission on Elections plays a decisive role in all stages of the electoral process. As such, its performance in the 2007 elections impacts on the whole process itself.

## **E. Electoral Fraud**

Reports of accusations of electoral fraud in the 2007 elections are a daily staple and do not surprise anybody. Generally, these accusations come from the protagonists and form part of various contested elections. However, reports of actual or possible fraud have also come from independent monitors from all over the country.

The gravest area for electoral fraud, in terms of all the reports, is the Autonomous Region of Muslim Mindanao (ARMM), particularly the provinces of Maguindanao, Lanao del Sur, Sulu, and Basilan. There were also reports, albeit with lower counts, in the Davao provinces, Cotabato provinces, Batangas, Zambales, Laguna, Nueva Ecija, Ilocos Sur, Pangasinan, Lanao del Norte, Pampanga, Isabela, Cagayan, Negros Occidental, and Cebu.

In most reported cases, electoral fraud affects the local election results, particularly municipal or city elections. These are usually the basis for the numerous election protests that have been filed with the Comelec or the courts.

The level of electoral fraud in the ARMM is such that it is capable of affecting even national electoral results, including presidential contests. Accusation with regards

the ARMM implicates election officers, AFP and PNP personnel, local officials, and even watchdog groups.

The massive “dagdag-bawas” operation on the senatorial election has not materialized. A possible reason is the vigilance of the media, monitors and candidates.

However, there is the lingering question with regards the Maguindanao Certificate of Canvass (COC). There are already two versions in existence, with no other copy available for comparison. It may have a decisive impact on the 12<sup>th</sup> slot for the senatorial election.

The one thing that stands out are the various loopholes of the manual electoral system that favors the current methods of electoral fraud.

## **F. Electoral Violence**

***Bantay-Eleksyon 2007*** aggregated reports on election violence as reported by the Philippine National Police (PNP), media and its own field reports.

It has compiled a total of 300 election-related violent incidents (ERVIs) during the election period as of June 12, 2007. Of these, ***Bantay-Eleksyon 2007*** classified 85 as murder/ambush, 71 as shooting, 53 as intimidation/harassment, and 16 as explosion.

There were a total of 129 persons killed and 177 wounded in these incidents. Of those killed, 34 were incumbents, politicians, or candidates, 62 were political supporters, and 5 were Comelec personnel or deputies. A major percentage of supporters killed were barangay officials.

The official statistics on election violence in the 2007 elections come from the Philippine National Police (PNP). The PNP, through the Task Force Honest, Orderly, and Peaceful Elections (Task Force HOPE), has compiled a total of 226 election-related violent incidents (ERVIs) during the election period as of June 12, 2007. The election period spans the period from January 13, 2007 to June 13, 2007.

Of these incidents, 129 are considered by the PNP as politically-motivated incidents and 97 as non-politically motivated or cases still to be validated. Of the 129 politically-motivated incidents, the PNP classified 8 as murder/ambush, 57 as shooting, 28 as intimidation/harassment, and 5 as explosion.

The PNP also reported a total of 69 persons killed and 116 wounded in these incidents. Of those killed, 23 were incumbents, politicians, or candidates, 35 were political supporters, and 2 were uniformed personnel.

***Bantay-Eleksyon 2007*** earlier issued a report casting doubt on the handling of the PNP of their own issued statistics. As of May 14, 2007, the Philippine National Police (PNP) had already reported to the media 114 deaths and 132 wounded victims in 191

election-related violent incidents (ERVIs). Of the 114 deaths, 59 were identified to be candidates, 55 were supporters. The PNP issued statements on election day that, despite the reported incidence of violence “the situation is generally peaceful except for some untoward incidents” and “only 30% of the incidents are election related.”

Later, they would only issue the statistics on the “confirmed” politically-motivated incidents. This precluded comparison with earlier issuances based on “election-related violent incidents (ERVIs). The latter had always been used in previous elections.

Whatever statistics are used, the level of election violence is alarming. Election violence is rising and increasingly targets election personalities, whether candidates, government officials or election officers. Special mention must also be made of the stifling atmosphere of fear and intimidation in Maguindanao and other areas of ARMM where armed men are often reported in the vicinity of polling places or in connection with election incidents.

Election violence in the 2007 elections is widespread and affected elections in many local areas up to the provincial level. In the ARMM, the level of electoral violence affects elections in the entire region and can affect results in the national elections.

### **General Observations**

1. The midterm 2007 elections were generally in consonance with international criteria for free and fair elections. Credit is due primarily to the people themselves who came out and participated in the process as voters, monitors, media watchdogs, citizen-voter educators, and citizen arms.

However, there are major areas of concern that threatens the very existence of free and fair elections in the Philippines. These are in the areas of election administration, enforcement of election laws, prosecution of election offenders, voter registration, election modernization, political party strengthening, and citizen-voter education.

2. The Commission on Election conducted the 2007 elections adequately as a whole, particularly in the area of technical preparations and actual conduct. However, it sorely lacked the political will to enforce election laws and punish election violators. Many of its officials and personnel are under fire for partisanship and violations of election rules themselves. Its low level of credibility poses a great danger to the credibility of the whole electoral process and of the democratic institutions in general.
3. The ARMM and other specific areas where a concentration of electoral fraud and electoral violence happen constitute a special area of concern. These have developed to the level that they pose a great danger to the national electoral

process in their capability to affect the national vote. They have grown into a Frankenstein of the Philippine elections.

4. Though thwarted by citizen vigilance, the machinery for massive cheating exists on a nationwide scale and has spread its tentacles to various government agencies, including the executive department, the military and police, and even the Comelec itself. This machinery, with tie-ups to power local political dynasties, poses a threat to the whole electoral process.
5. Political dynasties currently control much of the political levers of power in many areas of the country. In the 2007 elections, they have been able to maintain themselves, by fair or foul means, even though there are signs of new non-dynastic politics in some areas. The continued weak condition of the political parties is a main contributor to dynasty rule.
6. The electorate are on the way to political maturity. This translates to more political participation in the electoral process. However, a lot still has to be done in this direction, particularly in citizen-voter education.
7. The manual method of election has shown (again!) its major shortcomings in the context of fiercely-fought Philippine elections. Many of the irregularities and electoral fraud are directly traceable to various loopholes and weaknesses of this system.
8. The party-list election, after four elections since its inception in the 1998 elections, has still to attract the participation of the majority of Filipino voters. A considerable effort needs to be done, both in amending the law and in voter education, in order for this system to be useful in fulfilling its mandated role in bringing marginalized and underrepresented sectors to Congress. As it was in the 2007 elections, the party-list system has become a vehicle for political dynasties and unscrupulous people to enter the halls of power.
9. The overseas absentee voting has progressed backwards in the 2007 elections. Its registration increased by only a small amount and the actual voters of the system has substantially remained the same. These points to the requirement to revisit the law and to measures to educate the overseas Filipinos on the whole system.
10. The political issue of presidential legitimacy overshadowed the 2007 elections. It has affected even the very decision to hold the elections because of frenzied efforts to change the constitution and replace the presidential system with a parliamentary one. It also became a referendum on the issue, particularly with regards the senatorial elections and the election in key local areas. The administration has so far accepted with grace the unequivocal verdict of the people though there are attempts on a lower level to influence the outcome of the elections.

## **Recommendations**

1. The Commission on Elections need to be revamped from top to bottom as the vital first step in bringing back the credibility of the institution and reform the electoral system. Among the first steps here is the appointment of four new, competent commissioners with reputation for integrity, have management skills, and capability for undertaking reforms. It is also necessary to weed out political appointees who do not have the necessary impartiality or skill competency for the work of the Comelec. There is also the need to professionalize the Comelec organization, raise salaries, promote on merits, and conduct necessary trainings of Comelec personnel.
2. Election modernization should be implemented. This means the implementation of an automated election system in time for the 2010 elections, modernization of Comelec infrastructure, and training of Comelec personnel and public education on the modernized system.
3. The political party reform bill should be passed by congress immediately so as to strengthen the political party system.
4. The party-list law should be amended in the light of lessons learned not only in the 2007 elections but in earlier elections.
5. The overseas absentee voting law needs to be revisited to ensure its full implementation in the next elections. Measures to educate overseas Filipinos should also be devised and carried out.
6. The Omnibus Election code should be amended to reflect the requirements of election modernization as well as to address the weaknesses and loopholes of the present electoral laws.
7. The Comelec should be given the necessary capability to enforce election laws and prosecute election violators.
8. There should be a major initiative to address the problems of anomalous election practices in ARMM and elsewhere and the phenomenon of massive and organized cheating.
9. The problem of election violence needs to be addressed and effectively stopped in a systematic manner.
10. Citizen participation in the electoral process should be heightened and made on a continuing basis in order to make effective Philippine democracy.