

The 2007 Polls: **A Resounding Protest Vote Against Unsettled and Unsettling Issues**

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THE MAY 14, 2007 polls was a resounding vote of protest by the people against a long line of unsettled issues: from the dubious count of the 2004 presidential polls, spilling over to the unresolved 2005 congressional inquiry on the 'Garci tapes,' the unsettling moves to change the Charter and declare a state of emergency, and the two impeachment efforts to challenge Arroyo's legitimacy of rule.

It was a protest that voted seven opposition and two independent senators into office, with only three seats won by the administration ticket—the last one hanging on the credibility of a Bedol-administered simulated count of lost certificates of canvass.

It was a vote for moral leadership that catapulted Fr. Ed Panlilio and Grace Padaca as governors of Pampanga and Isabel, respectively, against the traditions of dynastic rule, warlordism and money politics.

It was a vote of rebellion against poll fraud and corruption, ensuring in the process the victory of a controversial young lieutenant, Antonio Trillanes, whose claim to fame was his failed attempt to lead a mutiny of soldiers in Oakwood Hotel in 2003.

It was a vote of militancy and vigilance by the people and by the media. Angered by the deliberate denial of the 2004



Congressional Canvassing Board to address opposition protests by simply “noting” them, the people organized widely into broad watchdog networks to ensure the protection of the citizen’s vote and the integrity of the electoral process.¹ The mass media, for its part, kept the people informed of the vital electoral issues and the levels of campaign before, during and after the elections.

The 2007 mid-term electoral contest was mandated by the Constitution² and Republic Act No. 7056, which synchronizes the holding of national and local elections on the same day. On August 30, 2006, the Commission on Elections issued Resolution 7707 defining the election calendar and periods of prohibited acts for the 2007 polls.

From the perspective of the 1987 Charter, whose written word was inspired by the 1986 People Power of EDSA, there are three major electoral reform measures that have been legislated, and would undergo the tests of the 2007 polls.

All three provisions seek to modernize and democratize the electoral process through automation and the inclusion of qualified overseas Filipinos and marginal groups in the electoral and policy-making process.³

R.A. No. 8436 of 1997 provides for an automated election system (AES) to modernize the historically flawed and fraud-prone electoral exercises by automating the entire process. This has been amended by R.A. No. 9369 which was passed on January 23, 2007, providing for total automation in 2010 and partial automation in the 2007 polls.

R.A. No. 9189 of 2003 provides for a system of overseas absentee voting (OAV) by qualified citizens abroad, considering that an estimated 8.5 million or 10% of the Filipino population now reside overseas.

Guided by the historical reality that Congress has been monopolized by the elite, the party-list system was introduced to democratize policy-making. R.A. No. 7941 provides for a party-

list system of voting on national, regional and sectoral levels to allow the marginal sectors participation in policy-making in Congress. It allots 20% of the total composition of the House to party-list seats.

The principles of automation and overseas absentee voting are derived from Article 5, Section 2 of the Charter on Suffrage which mandates Congress to “provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad”. The party list system, in turn, is provided by Article 6, Section 5 (1) and (2) which provides that 20% of the House composition “shall be elected through a party list system of registered national, regional, and sectoral parties or organizations.”

All three measures are in force at varying levels of implementation. The party list system was first tested in 1998 and has engaged its fourth election in 2007. Overseas absentee voting was first tried in 2004 with dismal participation because of restricting provisions within the law itself. The 2007 Polls has likewise tested its viability. The automation law was first enforced in March of 1996 in the elections of the Autonomous Region of Muslim Mindanao (ARMM)⁴. It was again tried in 1998 in the same region.⁵ The automated system, while far from perfect, reflected a positive step over the manual system of counting and was seen as a move forward. In the ARMM Elections Report, the automated counting machines could average 40 ballots per minute as against manual counting where the appreciation of one ballot would take 5 to 8 minutes on the average.⁶ In Sulu, however, automation had to give way to the manual system as the automated counting machine broke down.

Given its limitations, the 12th Congress saw several bills filed to push for *partial automation* in preparation for full-scale nationwide automation of the electoral process. Akbayan’s House Bill No. 4397 and Rep. Jesli Lapus’s House Bill No. 6441 realized that Comelec was not prepared to go on full-scale automation and therefore proposed automating pilot areas for the 2004 Polls.

The Comelec thought otherwise and on October 29, 2002, it adopted in its Resolution 02-0170 an ambitious modernization



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program for the 2004 Polls made up of three phases of the Automated Election System (AES); i.e., Phase 1, Voter Registration and Verification System; Phase 2, Automated Counting and Canvassing System; and Phase 3, Electronic Transmission. The President issued Executive Order 172 which allocated a sum of P3 billion to fund the AES for the May 10, 2004 Polls.

The Commission chose Mega-Pacific to provide it the automated counting machines (ACMs) for Phase 2 of its modernization program for the 2004 Polls. This was challenged before the Supreme Court by the Information Technology Foundation of the Philippines and other companies. They charged grave abuse of discretion in awarding the contract for the purchase of the ACMs to the Mega-Pacific Consortium, an entity that had not participated in the bidding. The Commission, signed the actual contract with Mega-Pacific eSolutions, Inc., a company that joined the bidding but had not met the eligibility requirements.⁷

The Court then declared as null and void Comelec Resolution No. 6074, which awarded the contract for Phase 2 of the AES to Mega-Pacific Consortium (MPC). It also declared null and void the contract executed between Comelec and Mega-Pacific eSolutions (MPEI). Comelec was further ordered to refrain from implementing any other contract entered into with regard to the project.

The High Court also ruled that the Ombudsman should “determine the criminal liability, if any, of the public officials (and conspiring private individuals, if any) involved in the subject resolution and contract.” It finally ruled that the Solicitor General take measures to “protect the government and vindicate public interest from the ill effects of the illegal disbursements of public funds made by reason of the void Resolution and Contract”⁸.

By 2004, when Congress decided to implement partial automation, it could no longer do so with the High Court ordering the Comelec not to use the illegally-purchased ACMs from Mega-Pacific. The 2004 Polls proceed with the manual system.

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4 The Ombudsman initially recommended for the impeachment of

one of the Commissioners in compliance with the Supreme Court ruling, but later withdrew this and decided that there was no criminal liability after all. In the meantime, between 2004 and 2007, the 1,991 ACMs that were supposed to have been returned to the supplier gathered dust in a warehouse while exacting from government funds millions of pesos in storage fee.

Thus, when Congress finally passed R.A. No. 9369 providing once again for partial automation in 2007 and full automation of the Polls in 2010, the Comelec refused to implement this on grounds that it was too late and it was not prepared, no matter how limited the pilot areas were. Piloting the law in some areas would have helped start the process of cleansing while restoring the public's faith in the fraud-ridden instruments of the entire electoral system. R.A. No. 9369 was set aside, and in place of this, the Key Activity Plan for a manual system of elections was adopted.

There were an estimated 13,950 positions contested⁹. However, two and a half months after the elections, only the 12 national seats of the Senate had been completed and proclaimed. The 12th senator was proclaimed on 14 July, a few days before the opening of the 14th Congress. His proclamation, however, suffers under a cloud of doubt, considering that the Certificates of Canvass that determined his victory got lost and were reconstructed under simulated versions¹⁰.

Déjà vu: Failed elections, padded voters' lists, flying voters, vote buying

Seven provinces, six of them in Mindanao, declared a failure of elections.¹¹ While COMELEC is still unable to provide a report on the results of the special elections of May 26 and 28 held more than two months ago, a study was submitted by field reporters on the special elections of the 13 towns of Lanao del Sur last May 26, 2007.¹²

The special elections are supposed to rectify the failure of the electorate to cast their vote on Election Day in the seven provinces. In retrospect, this phenomenon seems like a historical *déjà vu* where



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the patterns leading to a declaration of a failure of elections in 13 of the 39 Lanao del Sur towns are quite similar, and in fact reflect the same patterns from 7 towns of the same province that declared a failure of elections in the 2004 Polls.

Rey Sumalipao for instance is a factor to consider. He was implicated in the 'Garci Scandal,' yet the COMELEC Chair still appointed him as COMELEC-ARMM Director for the 2007 Polls. He lists down the range of reasons for election failure: kinship and close affinity between political candidates and election officers and inspectors; threats to these election officers (who may have a number of relatives running), preventing them from serving on election day; objections against their functions as BEI members by rival camps. Critics think however that this is sheer excuse to bide time for creative ways of engaging in election fraud.¹³ The fears were well founded, according to the Reporters,¹⁴ as suspected election inspectors identified with Malacañang were suddenly visible in Marawi City and Iligan City, raising questions among watchdog groups that they were there to boost the winning chances of Team Unity senatorial candidates. Former PNP Chief Arturo Lumibao was seen at the Ayala Resort in Mindanao State University at the time, while deals were being made in the coffee shops of Cagayan de Oro City to make Team Unity win, according to Lacs Dalidig, NAMFREL-Lanao del Sur Chief.¹⁵

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The blatant disregard for election laws and procedure was reported by LENTE lawyers in four canvassing centers: Marawi People's Park, Marawi National High School, Amai Pakpak Elementary School and Lanao del Sur Provincial Capitol. Carlos Medina, LENTE Co-Convenor cited the case of BEIs in Masiu and Lumba Bayabao inside the provincial capitol gym who defied orders of the COMELEC officers repeatedly. Asked why they ignored instructions, they answered, "*Iba ang utos sa amin.*" ("We have different orders").¹⁶

For instance, the Omnibus Election Code provides in Sections 210 and 211 that the aggregate sum of votes should be recorded by the BEIs on the tally sheets and on the election returns *simultaneously*. They never did. When Atty. Raissa Jajurie of Saligan-Mindanao questioned this irregularity, she was told by the BEIs, "*Kagawian*

na namin ito. Di kasi kayo tagarito.” (“We’ve always done it this way. You’re not from around here, that’s why.”) LENTE’s Aimee Mendoza of Saligan lawyers suspects that the pattern could only come from COMELEC instructions as the systemized pattern of cheating is uniform in all precincts.¹⁷

The four centers cited above where tabulation and canvassing took place were filled with stench from left-over food and human waste (since there were no portable toilets and garbage bins provided by COMELEC). Poll watchers could not leave to relieve themselves for fear the election returns would disappear.

Instead of staying at a distance as provided by law, police personnel were inside the precincts serving as members of the municipal BEI in Butig and Sultan Dumalondong towns where public school teachers refused to serve for fear of their security against feuding candidates. Police involvement was approved by Supt. Alex Lineses, head of the Sultan Dumalondong team and assigned to the PNP 15th Provincial Mobile Group. Lineses was proud of his men who were “well-trained and experienced,” most of them having graduated from college. Sultan Dumalondong, according to Lineses, always had a failure of elections since 1998. But in the special elections on May 26, Lineses met with the warring factions so that elections were held without a single fire shot. He ascribes this diplomatic skill to his experience as part of the UN police special force assigned to Liberia last year.¹⁸

Flying voters and padded registration voters’ lists were rampant in the Mindanao provinces during the special elections. In fact, in the 2004 polls, there were only 275,072 registered voters in Lanao del Sur, but in 2007, this list suddenly shot up to 396,913.¹⁹

Up in Luzon, all forms and levels of vote-buying were observed by watchdog research teams. There was retail vote-buying at the level of the individual voter, which was rather risky as this was out in the open; there was wholesale vote-buying at the level of teachers serving as BEI and at the level of local COMELEC officers. The transaction, better known as *Dagdag-Bawas*, involves tampering with election returns (ERs) and Certificates of Canvass (CoCs). There



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were pre-campaign and campaign period vote-buying sprees through the distribution of health insurance cards and other types of services and goods.²⁰

Political operators allegedly were advised to carry their trade at retail level, as this would make the job of the COMELEC officer easier in not having to “pad too many votes at the risk of being detected.”²¹ Moncada, Tarlac; Daraga, Albay; Tuguegarao, Cagayan; Masbate, and Quezon Province were observed as lucrative vote-buying areas. In Sto. Tomas, Batangas, rice bags and *tocino* were among the products offered allegedly by AGAP, a new party-list of hog-raisers accredited by COMELEC.

While all the special elections are reported completed,²² their results have not yet been formally announced. Because of this and for other reasons, the COMELEC has not been able to complete the proclamation of all the elected candidates from district and party list representatives down to the municipal councilors. It is safe to assume that the majority have already been elected and proclaimed.

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On the other hand, a harassed COMELEC Records Section Chief reports that they are unable to provide data on the countless pre-proclamation cases that have piled up on their desks with more coming as of this date (August 3, 2007). It is strange that at this day and age, a governor, a mayor, or a municipal councilor is unable to sit because the settlement of pre-proclamation contests is taking all of eternity.²³ One is almost tempted to think certain quarters would rather not settle, if they had their way.

On hindsight, the scheduled May 14, 2007 mid-term elections for congressional and local government officials can perhaps be compared to an unwanted pregnancy. Nobody in the Palace wanted it and the House leadership, treating it like an unwanted baby, did all in its power to abort it.

Aborting the 2007 Elections

8 Aborting the mid-term elections would be the necessary

consequence of a people's decision to amend the Constitution, whether through its representatives in Congress or through a people's initiative. Should either one succeed, this would result in the convening of a Constitutional body that would change the form of government from the presidential to the parliamentary type. Through this process, the mid-term elections would become irrelevant, resulting in its abortion.

The issues on charter change were debated in Congress, in public forums and within the academe. The political concepts involved a series of changes: from a presidential to a parliamentary system; from a bicameral to a unicameral body; from a centralized to a federal system of rule. Proposed economic amendments zeroed in on liberalizing the economy from the protective provisions jealously put in place by the framers who expressed varying levels of reservations to deregulation, liberalization and privatization policies under Marcos.

The change from a presidential to a parliamentary system used as strong argument the system's vulnerability to destabilizing events like people power whenever the people became intolerant of their President. Secondly, given the penchant for electing celebrities in office, to let the people directly elect the President endangers the country to having incompetent, but popular leaders. Thirdly, under a parliament, it becomes less costly, economically and politically, to choose one's state leader, an exercise that would be exclusive to the elected members of parliament.

One argument put forth in favor of a unicameral parliament, meanwhile, showed the hundreds of House bills that always get stuck in the Senate because of the latter's failure to act on them. On the other hand, those who favor a bicameral body would validly expose the history of House subservience to Palace whims, no matter how arbitrary, in post-Marcos Congresses, contradicting the principle of separation of powers among co-equal branches of government.

The argument on federalism was strongly expounded by people from Mindanao, whose political grievances against "Imperial



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Manila” continue to this day. This Mindanao sentiment has found an ally in Charter change with the promise that the right of local governments to a fairer share of local economic development and tax revenue would materialize with amendments towards federal rule.

While discussion on concepts of charter revision excited students of political science and politicians, hardly any effort was invested in explaining how human rights, social justice, a pro-people economy and public accountability were treasured provisions fought for and now enshrined in the law; that such principles reflected the essence of EDSA, a people’s uprising, that caught the world’s imagination in the Filipino people’s struggle to restore freedom and democracy to their country. Discussing these would have touched the hearts of the citizens whose dreams of a decent life have never been realized.

The people thus had other things in mind. They were more concerned with matters of daily survival – food, shelter, health, education, and work. They were not impressed by government policies on attracting foreign investments by molding labor into a timid, uncomplaining, and pliant work force. The P1 25 daily wage increase was never legislated in ways that would benefit the worker without hurting the businesses. Agrarian reform has generally not improved the lives of the rural poor. Those who dare organize and fight for their rights are killed by hired goons of big landowners, a number of whom occupy seats in Congress. Educating the people on how to nurture a healthy and happy family through safe family control methods and reproductive health care is a pending bill that is obstructed by a religious dogma on the unborn inflicted on the House. A P10 billion compensation bill for thousands of martial law victims cannot be passed because the Executive blocks it and the House leadership complies. And in exchange for all these, the people have started fearing for their lives against extra-judicial killings that have become almost daily occurrences ever since Gloria Arroyo assumed the Presidency in 2001.

There were other issues that aggravated public confusion: two impeachment initiatives in the House that called the President a cheat, a liar and a thief; harsh words that could only come from an

angry people who felt cheated in the May 2004 Polls when the 'Garci tapes' scandal exploded in media a year after.

A cursory view of past events may help clear the cobwebs that befuddle us today with the 2007 Polls and its impact on our lives.

Plunder, an unresolved issue across administrations

The case of Ferdinand Marcos

When former Senator Jovito Salonga was appointed as first Chair of the Presidential Commission on Good Government (PCGG), his office listed 261 domestic companies allegedly owned by Marcos and cronies which were affected by sequestration orders.²⁴ In New York, the Marcoses had several Manhattan buildings in 5th and 6th Avenues, and properties in Texas. In Switzerland, the Marcos couple entered into contracts under the names of William Saunders and Jane Ryan in order to stash away huge amounts of money deposited in the Swiss Credit Bank *barely two years after Marcos assumed the presidency on December 30, 1965.*²⁵

This is significant because as early as 1960, the Philippine Congress had passed Republic Act No. 3019, the Anti-Graft and Corrupt Practices Act, when Marcos himself was still a legislator. It gives a list of corrupt behavior of public officials, now reinforced by provisions in the Revised Penal Code, which imposes stiff penalties for such crimes as bribery, fraud in the making of contracts, misappropriation of public funds or property. It would not be surprising if Marcos was one of the principal authors of the law.

The biggest victory of the PCGG against Marcos was the agreement the government had with the Swiss government, transferring \$570 million from Marcos deposits in several dummy foundations to Philippine coffers through an escrow account in the Philippine National Bank.²⁶ The transfer of the money was made possible under two considerations: one, that the money is proven ill-gotten through judicial process and two, that a fair share should be given to the victims of martial law.



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Today, the Arroyo administration continues to fail in passing the P10 billion human rights compensation bill for Marcos victims. The Sandigan Court meanwhile is preoccupied with litigation of cases, including coco levy funds that have resulted in continuing reversals of earlier rulings benefiting government. You also have this bizarre situation where Lucio Tan, a Marcos crony, is now locked in battle with the family over sequestered properties. In sum, there appears a continuing reversal of decisions where suspected compromises are now being negotiated between the Marcos family and the administration, in total violation of why the people rose in concerted force – to oust a dictator and restore the wealth of the nation.

The case of Joseph Estrada

After the case of Marcos, a plunder law was passed under former President Corazon Aquino. Republic Act 7080 or the Anti-Plunder Law defines plunder as a series of criminal acts by a public official which results in at least P50 million in illegally acquired wealth. The plunder charge against Estrada includes allegations that he received P545 million in illegal gambling payoffs, P131 million in tobacco excise taxes, and P3.2 billion “from commissions, gifts, percentages, and kickbacks” that he deposited in the fictitious “Jose Velarde” account.²⁷

The charge before the Sandiganbayan was made after Estrada’s impeachment, which subsequently catapulted Gloria Arroyo into the presidency in January 2001. The impeachment of Estrada had unraveled a style of leadership reminiscent of crony capitalism. It was the kind that had little regard for the institutions of democratic governance. Yet after more than six years, Estrada remains on trial in violation of Republic Act 7080 or the Anti-Plunder Law of 1991.

Estrada’s plunder charge, however, pales before that of Marcos. It had to take a people’s revolt, EDSA 1, to oust the dictator Marcos, on grounds of plunder and repression.

EDSA III: Revolt of the Masses

The 11th Congress impeached the former President, but failed to convict him through the Impeachment Court. The court proceedings were aborted when allies of Estrada in the Senate voted against opening a second envelope, which was suspected to provide new evidence for the court. They won by one vote (12/11). It became obvious to the public glued to their TV sets that court decisions were being motivated less by the rule of evidence than by partisan interests.

With this stalemate, prosecutors walked out of the courtroom, ending the impeachment trial. Within a few days, EDSA II mobilized more than a million people calling for Erap's resignation. AFP Chief of Staff Angelo Reyes and his command were ultimately convinced to withdraw support from Estrada. Estrada left Malacañang and Vice-President Arroyo succeeded him as President of the Republic in January 2001.

The ouster of Estrada from the Palace did not sit well with the masses, which knew little of the ethical standards of public office. By May 1, in uncontrolled rage, the people marched to the Palace, threatening to climb over its gates. It took until early morning to negotiate and appease the masses. Earlier, they had gathered at the EDSA Shrine to express their loyalty to Estrada, whose political allies had a major hand in helping gather and sustain the crowd.

On hindsight, the poorer sector never learned to embrace the new president, Gloria Arroyo. They remained loyal to Estrada up to the end, and this was reinforced when Estrada's bosom pal, actor Fernando Poe, Jr., decided to challenge Arroyo in the 2004 presidential elections.

Gloria Arroyo: Tainted leadership against a backdrop of fraud and violence

When President Arroyo stepped into office in January of 2001, she told the people she did not dream of becoming a great president. She simply wanted to be a good president and help



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bring about reforms. After Estrada's style of governance, this presidential approach encouraged the informed public. By 30 December 2002, Rizal Day, she promised the people she would not run for elections in 2004 but will continue with the reforms she had started. People were comforted by the gesture to be of public service.

On October 4, 2003, the President changed her mind. There was a "higher cause" she could not resist which demanded she run for office in 2004 so she could continue serving her country. Many who held her high on her commitment were utterly dismayed by this turnabout.

The 2004 elections differed from prior post-Marcos presidential elections in many ways. For the first time, Filipinos in over 70 countries were allowed to vote with the first implementation of the Overseas Absentee Voting Act of 2003. This was also the first time after Marcos where an incumbent President ran for election. Since Ms. Arroyo was not elected but merely succeeded an ousted President Estrada in 2001, she was not banned from running for office. Lastly, the 2004 elections were held under a highly volatile and polarized situation.

Even before the eruption of the Garci scandal in 2005, the 2004 polls had been marred by some 200 election-related killings. As a matter of fact, post-Marcos elections have always had as staple, violence in the settlement of electoral dispute.

Nothing could ever be worse than the violence that took place in the 1986 Snap Presidential Polls where a total of 156 people were killed and several hundreds of people were wounded, so goes the argument. This assertion does make sense when we scrutinize the subsequent elections in the post-Marcos period. Election-related incidents of violence under Presidents Ramos and Estrada indeed went down. In 1995 under Ramos, there were 79 casualties; in 1998 under Estrada, this was reduced to 67, but under Arroyo in 2001, the casualties shot up to 111, increased much more to 148 in 2004 and slightly went down to 128 in the 2007 Polls.²⁸ The same pattern was reflected among the wounded.

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Significantly, elections under Arroyo were comparatively bloodier than elections under her predecessors. Firstly, election-related violence among political candidates and their private armies increased under Arroyo's time. Secondly, it was during her administration when extra-judicial killings rose to alarming levels in apparent "coincidence" with the military refocus in counter-insurgency known as the Oplan Bantay Laya Strategy.²⁹

The Philippine National Police, authorized to maintain peace and order, will show in their reports that in every election period, whether presidential or mid-term, the problem of loose firearms and private armies becomes critical. A PNP report shows that there were 125 private armies under the payroll of local warlords during the 2004 elections.³⁰ Despite the gun ban, the PNP reported an estimated number of loose firearms between 200,000 and 300,000. One private army in Mindanao alone had as many as 200 members armed with 120 high-powered firearms.³¹

The Commission on Elections does not allow private armies during elections. In its voluminous list of more than 155 prohibitions in the Omnibus Election Code, it provides three things on private armies. One, it allows only two to three armed escorts; two, armed escorts should come from the police and military deputized by the COMELEC; and three, firearms are banned except for the use of the deputized police escorts.³² An evaluation of election-related violence undertaken by the Armed Forces of the Philippines considered that 80% of this violence came from the engagements of private armies, many of them owned by politicians running for election.

The 2007 elections did not show much difference from earlier polls with respect to the nature of election-related violence that took place. There were 93 private armed groups identified, yet only 23 of them were reported neutralized, and this took place mostly in Abra. Similarly, a paltry 2,403 firearms were confiscated by the authorities end of April 2007. This is embarrassing if one is to consider that three years ago the PNP admitted to a proliferation of loose firearms during the election period estimated at anywhere between 200,000 to 300,000.



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Politics of violence and money: Twin tactics to neutralize the left in the party list system

The last straw that distinguished the 2007 Polls from earlier exercises was the relentless and orchestrated attack on the Party List System in a systematic effort to neutralize independent and strong party list groups, especially those coming from the human rights and Left communities. Akbayan, Bayan Muna, Amin, Partido Manggagawa, Gabriela, and Anak Pawis were party groups that had strong traditions from the left and human rights communities.

The ruling administration has found these left party list groups annoying at the very least and beyond the parameters of control. To neutralize these groups, the administration utilized two tactical methods. First, it froze their project entitlements (Presidential development assistance fund) for the past two years. This discouraged their organizing strength within the communities and left their base vulnerable to other party list groups who in turn were provided with material endowments. Second, in the election campaign, the Commission on Elections accredited 93 party list groups despite the fact that quite a number of them were not qualified for nationwide campaign.

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Local warlords and politicians took hold of these local party list groups and provided them the money that would engage and get the commitment of local governments and their communities. Local candidates would then commit to supporting these obscure party groups who would be financially equipped to undermine organizing efforts by left party list groups. Around 40% to 50% of the local votes of left groups had been taken from them, thus eroding their local base.

In the meantime, some of the left party list groups became specific targets of Oplan Bantay Laya in an effort to neutralize the legal front suspected of supporting the underground left under the CPP/NDF/NPA. The main targets were: Bayan Muna, Anak Pawis, Gabriela, Suara Bangsamoro and Kabataan party groups.³³

candidate Vice-Mayor Juvy Magsino (Lakas-CMD) of Naujan, Oriental Mindoro and her assistant, Leima Fortu, Secretary-General of Karapatan-Oriental Mindoro. Juvy, a human rights lawyer, was accused by the military of helping NPA supporters, according to one version, while another version was that this was simply a case of political rivalry. According to Bayan Muna (BM) Rep. Satur Ocampo, this was the 36th and 37th casualties of his party nationwide since their party began participating in the 2001 elections. There were 18 more slayings of BM members in Mindoro Oriental. President Arroyo immediately ordered an investigation of the killings. Despite the Palace order, the spate of killings continued. There are way over two to three hundred political killings of party list members from Bayan Muna, Anak Pawis and Bayan. The belief is that neutralizing the party list groups would isolate the armed component, the NPA, and thus make it easier for the AFP to deal with these armed groups.

On hindsight, we see a new phenomenon where election-related violence is no longer a monopoly of feuding politicians with private armed groups and loose firearms. Election-related violence has become part of the counter-insurgency program of government. It shows a lack of tolerance for the left, even if its members are non-combatants and do not engage in armed warfare.

It would be less than objective not to mention election-related violence that comes not from politicians, not from state agents, but specifically from the left underground. What they see as competitors to their allies in legal parliament are considered as enemies. Because of this, some of the killings of members of party list groups like Akbayan have come from the underground left.

Another major source of violence comes from a recent force that emerged and played a positive role in the 1986 People Power uprising – the rebel military. From the seven failed coup attempts under Corazon Aquino, the rebel military has once again figured under Arroyo through the failed ‘Oakwood mutiny’ and the successful battle for the Senate by the mutiny leaders, Gregorio Honasan and Antonio Trillanes. Their victory in getting the people’s votes says something of the people’s political sentiments with respect



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to Ms. Arroyo and the institutions she claims to represent.

Today, there is less of the left and more of the loyal and pliant party list groups that have been elected to Congress. They remain loyal to the President. Under this set-up, the President feels confident there will be no impeachment in Batasan. The Senate may belong to the Opposition, but the House belongs to her.

The waters may be still in Batasan for a while, but outside its gates, the people are restive and they cry for change. The days of disquiet and nights of rage³⁴ may after all not be far behind.

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*The author served for three terms as the representative of Akbayan Party-list in the Lower House of Congress. She is now the Chairperson Emeritus of the same party-list group.

FOOTNOTES

- 1 Bantay-Eleksyon '07, Legal Network for Truthful Elections (LENTE), the National Movement for Free Elections (NAMFREL), the National Secretariat for Social Action (NASSA)-VOTE-CARE, and the Parish Pastoral Council for Responsible Voting (PPCRV) were among the most active and steadfast watchdogs. COMPACT- IOM (International Observers' Mission) invited international MPs to observe the polls; KIDH (Kilusang Ibalik ang Dangal sa Halalan) organized people's initiatives in addressing the flawed registered voters' list, among others.
- 2 The 1987 Charter provides the following: Article 5, Suffrage; Article VI, Legislative Department; Article X, Local Government.
- 3 Ibid.
- 4 On June 7, 1995, Congress passed R.A. No. 8046 authorizing COMELEC to conduct a nationwide demonstration of a computerized election system and allowed the poll body to pilot-test the system in the March 1996 elections in ARMM.
- 5 On December 22, 1997, Congress enacted R.A. No. 8436 providing for an automated election system. However, in Comelec's Resolution No. 2985 dated Feb. 9, 1998, Comelec decided to limit automation to the ARMM region.
- 6 Explanatory Note, House Bill No. 4397 Amending R.A. No. 8436, Bills and Index Division, February 13, 2002, 12th Congress, First Regular

Session.

- 7 Supreme Court ruling, G.R. No. 159139, January 13, 2004.
- 8 Ibid.
- 9 12 senatorial seats, 220 congressional district seats, 55 congressional PL seats, 81 provincial governors, 118 city mayors, 770 provincial board members, 1,510 municipal mayors, 1,314 city councilors, and 12,092 municipal councilors. (COMELEC)
- 10 Bantay Election Report
- 11 Lanao del Sur, Tawi-Tawi, Sulu, Batangas, Shariff Kabunsuan, Basilan, Lanao del Norte. This included 13 towns in one part of Lanao del Sur, another 7 towns plus Marawi City, its capital in another part of the same province, one each in Tawi-Tawi and Sulu, two in Lanao del Norte, Batangas, Shariff Kabunsuan, and Basilan. (COMELEC)
- 12 Statement on the Conduct of the 2007 Elections, by the Black & White Movement, CODE-NGO, IPD, GZO, INCITEGov, C4CC (July 7, 2007).
- 13 Ibid.
- 14 Froilan Gallardo and Charina Sanz-Zarate (*Mindanews*)
- 15 Statement on the Conduct of the 2007 Elections, INCITEGov, etc. July 7, 2007.
- 16 Ibid.
- 17 Ibid.
- 18 Ibid.
- 19 Ibid.
- 20 Pangasinan district candidate Jose de Venecia and General Santos district candidate Manny Pacquiao were celebrated candidates covered by media engaged in such campaign activities. The Lakas-CMD President, Speaker Joe de Venecia, simply smiled and patiently explained that this was a party program and tradition in the service of party constituents.
- 21 Statement on the Conduct of the 2007 Elections, July 7, 2007.
- 22 Lanao del Sur, Tawi-Tawi, Indanan, Sulu – May 26-27; Batangas, Lanao del Sur, Shariff Kabunsuan, Basilan – June 20, 2007; Lanao del Norte, Pantar – July 23, 2007, Lanao del Norte, Pantao Ragat – July 26, 2007. Communication with COMELEC has failed to get data regarding the number of pre-proclamation protests and the results of the special elections.



■ The 2007 Polls: A Resounding Protest Vote Against Unsettled and Unsettling Issues



- 23 July 31, 2007 Partial Report, Institute for Popular Democracy: Areas with pending pre-proclamation protests and therefore elective seats remain vacant: Mayoral contests (Cities) = Tuguegarao, Cagayan; Gapan City, Nueva Ecija; Calapan City, Mindoro Oriental; Pagadian City; Surigao City, Surigao Sur. Congressional contests = Abra – Lone District; Kalinga – Lone District; Cebu – 4th District; Lanao del Norte – 1st District. Gubernatorial contests = Cagayan Province; Marinduque; Northern Samar; Shariff Kabunsuan.
- 24 These companies ranged from country golf clubs, hotels, telecommunication, insurance companies, oil, sugar, tobacco, mining, agricultural farming, logging, textiles, cement manufacturing, transport, casino, shipbuilding, realty, hybrid coconut, etc., where Marcos, his family and his cronies were financially involved. See pp. 343–348, *Presidential Plunder*, Jovito R. Salonga, 2000.
- 25 p. 292. Annex C, *Ibid.*
- 26 As cited earlier, as of this writing, the Claimants Compensation bill has not yet been passed; the failure of government to pass this into law is in direct violation of an agreement it made with the Swiss government to give a fair share of the \$570 million to the martial law victims. In the 13th Congress, the Senate ratified the Compensation bill while the House deliberately did not calendar the bill for ratification. Sec. Gabby Claudio from the Office of the President and the Deputy Executive Secretary, Mr. Jake Lagunera, were reported to be in the Speaker's room daily in the last week of session in June to stop the passage of the compensation bill, among other Palace concerns.
- 27 P. 10, *Investigating Corruption*, PCIJ, Sheila Coronel and Lorna Kalaw Tirol (eds.), 2002.
- 28 *Were the 2007 Elections Less Violent?*, Alecks P. Pabico, July 5, 2007.
- 29 Role and Actions of the Military in the May 2007 Elections, by GZO Peace Institute, July 7, 2007.
- 30 PDI, March 18, 2004
- 31 *Ibid.*
- 32 Article 22, Section 261, Par. U: *Organization or maintenance of reaction forces, strike forces, or other similar forces (is prohibited).*
- 33 Role and Actions of the Military in the 2007 Elections, July 7, 2007, GZO Peace Institute.
- 34 Taken from a title of Pete Lacaba's book on the restive days leading to martial rule in the Philippines.