

SoD Summary

Philippine Democracy Assessment: Free and Fair Elections and the Democratic Role of Political Parties

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The Philippine political system is a highly complex scene: the minimal role of political parties, characterized by personality-oriented and patronage relations; the strong role of money, media, and influence; and the use of violence all coexist with institutionalized regular and competitive elections, and high popular commitment to democracy. Several reforms are recommended in the assessment, including constitutional changes and electoral administration institutions review and redesign.

Key Recommendations

- Constitutional and Omnibus Election Code reform is necessary.
- The first-past-the-post electoral system should be replaced by an alternative system that better reflects multiple constituencies.
- The COMELEC should be reformed and professionalized, and its mandate be clearly defined.
- Interaction with civil society groups favouring electoral reforms could legitimize the COMELEC and electoral procedures.
- Voter and citizen education must be extended, and the position of the youth, marginalized and the under-represented must be improved.
- More programme-based, effective and cohesive parties must be created to reduce and prevent client-like behaviour.
- Party and campaign finance laws must be reviewed, reformed and strictly enforced.

Origins: Why perform a SoD assessment?

The 2004 national elections were supposed to signal the transformation of the electoral system, as well as be an accomplishment in the democratization process started in the Philippines after 1986.

Yet the failure of the modernization process revealed some of the defining traits and features of the Philippine electoral and party system.

It was in this context, and conscious of the crucial relevance of political parties and the electoral system for the consolidation of democracy, that the assessment team decided to launch the present study.

The Assessment on Representative and Accountable Government

Free and Fair Elections

How far is appointment to government and legislative office determined by popular competitive election, and how frequently do elections lead to change in the governing parties or personnel?

Since 1998, the Philippine [electoral system](#) contains both [first-past-the-post](#) and [proportional representation](#) components. Executive and legislative offices at the national, provincial, municipal/city, and *barangay*/local levels are determined through competitive elections. As a consequence of synchronized elections, every six years about 17500 vacancies are filled. The top executive authorities, President and Vice-President, are elected by simple majority through direct popular vote for a period of six years. Presidents cannot be re-elected nor can they run again for the same office, while Vice-Presidents cannot serve more than two consecutive periods in office. The bicameral legislature is composed of the Senate, which has 24 members elected through simple plurality, who serve six year terms, and cannot serve more than two consecutive terms; and the House of Representatives, which has 250 members, elected both on district-level and party lists, who serve three year terms, and cannot serve more than three consecutive terms.

The proportional party-list representation system applied in the House of Representatives election accounts for 20% of these

representatives, has an entry threshold of 2% of the national vote, and a limit of three seats per party or sectoral organization. Party switching is common, due to the absence of legislation on the matter, and party loyalty is frequently replaced for President-elect loyalty. Ultimately, coalition building in Congress depends on the Presidency, who frequently uses appointments and disbursements to reward new allies, favourite groups and leaders. Political dynasties, on the other hand, are strongly consolidated in the Philippines, and family ties replace party organizations. Political control of the state is concentrated in these few families, and outsiders have limited space.

Popular initiative and referendum are also provided by the Constitution, but no secondary laws enabling these mechanisms have been enacted. Strictly speaking, major electoral system reforms would require cumbersome constitutional changes. However, certain loopholes allow space for manoeuvring, particularly in terms of introducing secondary laws and regulations.

How inclusive and accessible for all citizens are registration and voting procedures, how independent are they of government and party control, and how free from intimidation and abuse?

Elections are ruled by the Omnibus Election Code and administered by the [COMELEC](#), an independent body responsible for electoral management with jurisdiction over all electoral disputes. These administrative and judicial arrangements appear to conflict with each other, and accusations of partisanship have been raised against COMELEC: the President, together with the Commission on Appointments of the Congress, appoints COMELEC'S senior officers.

The assessment team focused on the 2004 national elections in order to portray the major features and shortcomings in Philippine electoral procedures. In these elections, an intended electoral modernization, mainly oriented to establish electronic voting and automated counting procedures, ultimately resulted in disenfranchised citizens and failed to ensure the legitimacy of the election results. Some of the problems hindering the intended reforms included inadequate registration and validation procedures; lack of appropriate infrastructure and resources; undue delays in the

finalization of computerised lists; questioned and nullified contracts, and failed computerization of counting and canvassing procedures. Moreover, canvassing had to be done manually, which required almost six weeks, and the determination of results was performed by an *ad hoc* political committee composed of congressional representatives. On the other hand, this national election was plagued by other, more common problems such as: lack of secrecy in voting; vote denial; vote buying; vote shaving and padding; and election related violence ranging from intimidation to murder, arson and bombings. According to the assessment team, the underlying problem is the mistrust governing electoral procedures, which is reinforced by the cumbersome post election protest and appeal mechanisms.

How fair are the processes of registration for parties and candidates, how far is there fair access to the media and other means of communication with the voters, and how free are they from government and party control, intimidation and abuse?

Candidacy requirements are fairly reasonable and include nationality, voter registration, basic literacy, and specific age and years of residency for certain positions. Disqualification of candidates includes bribery of public electoral officials and citizens, involvement in terrorist acts, excess spending during a campaign, and acceptance of prohibited funds and contributions. Despite these provisions, there are some persistent deficiencies, mainly due to the arbitrary nature of registration procedures. Furthermore, due to a widespread perception of incompetence and partisanship, the COMELEC seems unable to enforce regulations and ensure proper registration procedures.

Media, particularly electronic, has become crucial in elections, as it provides information about candidates and their platforms to almost 73% of the population. Despite being free from overt government regulation, the role of mass media in determining relevant news and events in the Philippines is mediated by ratings and profit considerations. Government and private owned media must provide equal time, duration, and quality of exposure to all candidates. Contracts for advertisement with candidates and parties must be registered with the COMELEC. Campaign spending limits are specified by law. However, these provisions are not thoroughly implemented, and there is a lack of effective punitive mechanisms and accountability systems. Moreover, during the 2004 elections, the restrictions on media were significantly lifted, increasing candidate exposure. This favoured candidates and parties with more resources, and further consolidating personality and entertainment oriented politics.

Violence is a crucial element in Philippine elections, particularly at the local level, which appears to be partly motivated by the effects of the first-past-the-post electoral system. Thus, intimidation and abuse are frequently used to ensure the least possible competition. Paramilitary groups also seek to profit from campaign periods, and frequently extort tolls from campaigning parties and candidates. Electoral legislation and the COMELEC are not significant deterrents for violence, as there are no substantive enforcement mechanisms, and pre- and post-electoral campaign episodes of violence fall outside its jurisdiction.

How effective a range of choice does the electoral and party system allow the voters, how equally do their votes count, and how closely does the composition of the legislature and the selection of the government reflect the choices they made?

The highly contested nature of elections further diffuses party identity, as voter choices are mobilized around personalities rather than qualifications for office. This is reinforced by the dynamics and effects of mass media. The Philippines lacks coherent and sustainable party identities, and majorities are constantly shifting. Party switching and patronage tend to undermine the principles of representation and accountability. According to studies and surveys comparing political attitudes between 1995 and 2003, voters became more cynical about Philippine politics and tended to base their vote on personal gain, preferring the functionality of a personal relationship with politicians over broader social concerns. This in turn sustains the acceptance of money offered by candidates.

According to demographic data, female turnout is slightly higher than male turnout in the Philippines. However, this does not translate into equal or broader representation of women in political office. Most of the elected women are members of political clans and wives or daughters of

important political personalities. According to the assessment team, the weaknesses of COMELEC have allowed widespread voter disenfranchisement, which has also weakened the female voter base. On the other hand, representation of marginalized groups tends to be symbolic, and executive and legislative politics are based on patronage and articulation in favour of elite interests.

How far does the legislature reflect the social composition of the electorate?

Philippine elections and legislation reflects the socioeconomic contradictions and unequal relations within the country. Most legislators have several family members within the political structures, and two thirds of the House of Representatives are members of political clans. Well connected business interests are increasingly joining these traditional landlord families. The inequality between the average Philippine citizen and a representative is extreme, further isolating and marginalizing lower classes. The party-list system was designed to ensure representation of labour, peasants, urban poor, Indigenous communities, women and other sectors; yet, it is also seen as a bypass mechanism for special interests, and doubts are cast over the effectiveness of representation due to limitations on the number of representatives in total and for each party. Furthermore, presenting genuine and attractive programme platforms is not sufficient to ensure electoral success, so party-list groups must also rely on patronage and personality based coalition building. Although women are represented, female representatives are usually not autonomous and are dependent upon male personalities within the political clan.

To what extent do political forces in and outside the country accept the electorate votes and the election results?

In general, the electorate sees the conduct of elections as an orderly process, and has tended to notice fewer instances of electoral fraud. Focus group study results challenge the notion of the “dumb” mass vote. Poor Filipinos appear to take voting seriously, seeing election processes as the only legitimate way to bring about changes. However, poor people also know that there is a tendency towards cheating and fraud, and therefore elections are considered a sort of gamble. In this sense, vote buying is understood to be an important part of the process and an income source for the poor, which comprises 93% of the national population.

In the 2004 national elections, Philippines citizens working abroad were given the right to vote for president, vice-president, senators and party-list representatives. It was a peaceful and clean process. Nevertheless, problems with registration procedures and voting centres, as well as the lack of citizen preparation and public information, produced low registration and turnout rates.

Civil society organizations have been crucial in the push towards electoral modernization and reform. Among them, the [*Consortium on Electoral Reforms*](#), responsible for the elaboration of a reform package including the overseas absentee vote; the [*National Citizen's Movement for Free Elections*](#), electoral watchdog crucial in putting into question the 1986 elections; and the [*Parish Pastoral Council for Responsible Voting*](#), established by the Archdiocese of Manila in 1991, dedicated to provide voter education and, during the 2004 national election, contributed in the development of voter lists. Several polling organizations operate in the Philippines and, together with the media, have been able to provide accurate electoral predictions; yet, until recently, these organizations faced opposition by the COMELEC and certain politicians.

In general, the international perception of electoral processes has improved: while noting the flaws and irregularities, processes are seen as relatively peaceful, high turnouts are commended, and the overall festive environment is impressive. International participation has been relevant for democratic institutions in the Philippines: for example, during the 1986 elections, US-led representatives exposed the electoral fraud organized by the Marcos administration, which contributed to bringing about democratization during the next decades. Nowadays, civil society groups from neighbouring democracies take Philippine elections as a site for learning. Legal provisions limiting the scope of assistance that can be extended by multilateral agencies have been enacted out of fear of the negative impact such organizations could have on electoral processes.

Democratic Role of Political Parties

How freely are parties able to form, recruit members, and engage with the public?

The Philippine party system is enabled by the 1987 Constitution, the Omnibus Election Code, and the Party-List Law. The Constitution, through the Party-List Law, allows marginalized sectors and groups to have a genuine voice and comprise up to 20% of the House of Representatives. This gives citizens the option to participate in policy making process bypassing the established political forces. However, the Party-List Law also restricts party representation and empowerment. The definition of an eligible party or organization is vague: the three-representatives-per-party limit in spite of the percentage of votes attained, seriously misrepresents political support; and the use of a 2% vote threshold for access to seats provides incentives for fierce antagonism between parties, as disqualification of one organization from the party list increases the possibilities for other groups to increase their participation. On the other hand, the Omnibus Election Code does not appear to strengthen the accountability and transparency of political parties and their candidates, as the implementation of adequate legal provisions has not been effective. Moreover, the Code allows for representatives to switch party affiliation or run as guest candidates of other parties. This undermines any possible party identity and cohesion, and negatively affects the consolidation of democracy in the Philippines.

How effective is the party system in forming and sustaining governments in office?

In general, parties are formed as matter of convenience and necessity, for the purposes of vote maximization. Members of Congress often switch party allegiances favouring the President-elect, giving the latter effective majority control over the legislature. In exchange, the president dispenses political appointments and pork barrels funds to those representatives. Political parties become the mechanisms that render and sustain this exchange, consolidating elite power structures and patronage-oriented relations. Class, gender, sectoral or local interests are not articulated by party leaders unless required to attain and secure votes. Moreover, party platforms are conceived and launched by candidates themselves, who use their programmes to accommodate demands and interests of their constituencies. When major party caucuses are effectively held, and programme or policy resolutions are taken, party members in Congress are not compelled to support them. On the other hand, "all-party caucuses" are held in the House of Representatives, which dilutes even further the importance of party organization. National candidates are selected by party leaders, although endorsement by mass media personalities has gained currency, and access to mass media increasingly determines success in elections.

How free are opposition or non-governing parties to organize within a legislature, and how effectively do they contribute to government accountability?

Party positions during campaigns and legislature are indistinguishable and unstable; personal leadership shifts continuously, and the definition of dominant ruling and opposition groups depends mainly on which political formation possesses the majority of seats in Congress. Opposition parties derive strength from the capacity to attract individuals rejected by other parties. Parties have weak capacities to hold the executive accountable. While the legislature has budget approval powers, the President exercises the power to disburse funds - those same funds that allow the re-election of representatives. Despite party-list elected representatives becoming increasingly organized around

Funding and Form

This is the first in a series of focused assessments of democracy carried out by the Philippine Democracy Network and covers two of the 14 indicators contemplated by the International IDEA Assessment Framework.

This strategy was consciously adopted by the team in order to achieve richer, more focused analysis, while simultaneously reducing the resources needed. The assessment was initiated by academics from the University of the Philippines, and undertaken with support of Friedrich Ebert Stiftung.

issues and generating strategies to obtain more seats in congress, they lack the capacity to pass laws and have very limited influence.

How fair and effective are the rules governing party discipline in the legislature?

Party discipline is superficial and is not strictly observed. Members of Congress are not accountable to their parties, but see themselves accountable to their electorate. Party decisions are not transparent, and are taken without consultation with members. On the other hand, members can simply abandon the party without sanctions, which undermines party decisions. Holding key positions and chairmanships in Congress, very attractive due to the amount of resources and appointments that these yield, depends more on ruling coalition negotiations than on party decisions. Squabbling over these positions is frequent.

How far are parties effective membership organizations, and how far are members able to influence party policy and candidate selection?

In the Philippines, political parties are catch-all parties formed by and for prominent individuals and depend on the leader's prestige and patronage. Political parties are organized along the same lines throughout the country, starting from the municipal level up to provincial committees, right through to the national directorate or convention. The directive bodies are composed of prominent leaders, former and incumbent elected officials, and their residences or offices are usually the party headquarters. Candidate selection and decision-making processes are not transparent or democratic: decisions are made secretly, and party conventions are held to merely legitimize those decisions. Ordinary party members have no substantive role to play in decision-making processes. Ideology usually plays no role in candidate selection: generating support, media popularity, and name recognition are far more important factors. Local party sections have a free hand in implementing party decisions as long as support for national candidates is secure. Thus, selection of local candidates normally differs from the choice of the mass of the local party or the nation-wide party organization. By obtaining party sponsorship, candidates ensure support in the form of poll-watchers, electoral machinery, and campaign funding.

How far does the system of party financing prevent the subordination of parties to special interests?

Material and financial contributions during campaigns are seldom channelled to political parties. Individuals and candidates acting on behalf of the candidate receive them. Few candidates receive campaign contributions from their respective parties, and there is no correlation between financial support from the party and electoral success. Usually, to ensure loyalty from lower ranks, higher office candidates subsidize lower ones, strengthening patronage relationships. National party organizations act as conduits for fund raising and distribution to local candidates, although the latter usually depend on political "kingpins" to obtain funding. Elections are very expensive in the Philippines. In order to win an election, a candidate must pay three times: to get the party nomination, to get the votes, and to have votes counted and added up while trying to get the opponents' votes reduced. Besides that, media exposure and support are crucial factors for victory, which are also very expensive. Major fund providers are family, friends and the candidates themselves. Business enterprises and elites also provide funds and resources to certain candidates. Contributions coming from illegal gambling, prostitution, and organized crime are frequent. Access to government resources give a decisive advantage to members of the ruling coalition parties. Existing mechanisms to ensure compliance with campaign and financing regulations are scant and ineffective.

To what extent do parties cross ethnic, religious, and linguistic divisions?

As the Philippine party system is based on client-based and oligarchical groups: membership is drawn from the politically active elite and the influential families and clans throughout the country, as well as from those gravitating around the influence and personality of the party leadership. From

the party-list representatives, few were actually representative of minorities, as these parties lack the capacity to mobilize key sectors and constituencies.

This summary was prepared by International IDEA. Views expressed in this summary do not necessarily represent the views of International IDEA, its Board or its Council of Member States, or the local State of Democracy assessment team.