



**NATIONAL DEMOCRATIC INSTITUTE  
FOR INTERNATIONAL AFFAIRS**

**REFORMING THE PHILIPPINE  
LECTORAL PROCESS:  
DEVELOPMENTS 1986-88**

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## NOTE

This report was completed in January 1989, following three years of extensive work by the National Democratic Institute for International Affairs (NDI) in the Philippines. It is being reissued now in anticipation of the upcoming Philippine elections, which are scheduled for May 1992. NDI believes this report provides a useful introduction to various aspects of the Philippine election system and will help the reader better understand the conditions under which the 1992 elections are occurring.

*June 1991*

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## *PREFACE*

This report describes the reconstruction of the Philippine electoral process from 1986-88. It does so from the unique perspective of the National Democratic Institute for International Affairs (NDI), which sent representatives to observe the four most recent Philippine electoral exercises, beginning with the presidential election in February 1986. The thesis of this report is that, despite continuing problems facing the Philippines, much can be learned by democrats in other countries from studying the Philippine experience.

The first chapter provides the historical context for the four elections that occurred between February 1986 and January 1988, and summarizes the findings and conclusions of the NDI delegations that observed them. As will be seen, even after President Corazon Aquino assumed office, elections in the Philippines have not been free from controversy. Following the May 1987 legislative elections, for example, opposition forces, led by former Defense Minister Juan Ponce Enrile, organized demonstrations to publicize what they claimed to be a massive fraud orchestrated by the ruling party. Also, violence continues to plague the conduct of Philippine elections; more than 100 people were reported killed in election-related incidents during the period preceding the January 1988 local elections. Nonetheless, most Filipinos have accepted the post-Marcos election results as reflecting the collective choices of the populace, and appear convinced that the electoral process has improved dramatically under the Aquino government.

The second chapter describes the role of the Commission on Elections (COMELEC) in the Philippine electoral process.

COMELEC, whose credibility was ruined by its performance in the 1986 election, has been substantially reformed. Nonetheless, as described below, serious administrative problems still plague the work of the commission.

The third chapter considers the role that nongovernmental institutions play in the conduct of Philippine elections. Since 1986, political parties have reorganized, although it is not yet clear whether the new constitution's attempt to encourage a multi-party system will succeed. The National Citizens Movement for Free Elections (NAMFREL), which has been emulated by organizations in several countries, faces an identity crisis: is it an electoral watchdog organization that was needed only to monitor a corrupt COMELEC or does it have a continuing role in the evolving Philippine democracy? The role of a military force that has engaged in an ongoing conflict with an insurgency and some of whose members have participated in unsuccessful coup attempts is also considered in the context of the electoral process.

The Philippines is ethnically and geographically very diverse. Focusing on events in Manila, the capital, often leaves the observer with a skewed perspective. The fourth chapter reports the election-related observations of NDI representatives in the provinces of Cagayan in Northern Luzon and Negros in the Visayan Islands.

As a result of the Philippine experience, there has been increased attention on the role of the international community in supporting democratic development in different countries. Chapter five reviews the role of international observers in the Philippines both before and after the 1986 revolution, and highlights the lessons that democrats in other countries have learned from the Philippine experience.

This report was written by Larry Garber, who participated in each of the NDI election observer missions to the Philippines. Garber, who now serves as NDI senior consultant for electoral processes, is the author of *Guidelines for International Election Observing*, published in 1984. In preparing this report, Garber also drew on his experiences observing elections in Chile, Haiti, Korea, Pakistan, Panama, Paraguay and elsewhere.

Several other individuals deserve mention for their contributions to the success of the NDI observer effort in the Philippines. Elaine Shocas, counsel to the American Federation of Teachers and the Democratic National Committee, participated in each of the NDI-sponsored Philippine election observer missions. Curtis Wiley, formerly NDI's deputy director and now Michigan's Deputy Secretary of Transportation, was a participant in three of the missions. Patricia Keefer, NDI senior consultant, Karen Clark, NDI program officer, and Glenn Cowan, a special advisor to NDI, also were active participants in the Philippine project. NDI President J. Brian Atwood and Executive Vice President Kenneth Wollack were the NDI spokespersons, respectively, for the 1986 and 1987 international delegations, and also edited this report. The report also was edited by NDI Research Director Mahnaz Ispahani and NDI Public Information Director Sue Grabowski.

*January, 1989*

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## INTRODUCTION

Developments in the Philippines have fascinated the international community since February 1986 when the Philippine people restored democracy in their country. In the ensuing years, those seeking to challenge other oppressive, nondemocratic regimes have sought to learn from the 1986 "People Power Revolution." As Jaime Cardinal Sin, the Archbishop of Manila who played such a key role in the events surrounding the revolution, explained:

...preference for what is known as passive resistance or active nonviolence..., solid ethical doctrine that it may be, would have remained suspended on the level of theory if not for their confirmation by the peaceful revolution that took place in the Philippines.<sup>1</sup>

The story of the Philippine revolution, however, did not end in February 1986. President Corazon Aquino assumed power facing a host of challenges. The economy was in shambles; during the last years of President Ferdinand Marcos' rule, the economy actually contracted. The insurgency was raging, with the military badly in need of reform. Finally, many of the institutions associated with a functioning democracy — such as an independent judiciary and a neutral election commission — had been discredited by the years of martial law and by the corruption of the Marcos regime.

On some issues, the new president acted quickly. As promised during her campaign, she immediately released all political prisoners,

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<sup>1</sup> Jaime Cardinal Sin, speech in Washington, D.C., May 13, 1986.

overruling the objections of her military advisers. She sought to dismantle the government-controlled monopolies and to return property confiscated by the Marcos regime to its original owners. She also sought to negotiate an end to conflicts with the New Peoples Army (NPA) and with the Muslim insurgents on the southern island of Mindanao.

Despite the impressive start, three years after the revolution many of the original challenges remain. Negotiations with the NPA broke down in February 1987, and the conflict has intensified since that time. Instability in the military, evidenced by several coup attempts, also has shaken the Aquino administration. At the same time, the government came under fire for the rising number of human rights violations, many the result of armed vigilantes that have been formed in different regions of the country. The government also proved slow in enacting many of the social and economic reforms promised by Aquino during the 1986 campaign.

Nonetheless, amid all of the problems and vocal criticism, the restoration of a democratic form of government stands as a major achievement. Within two years of the "Revolution," the Philippines drafted a new constitution, which was approved in a plebiscite held in February 1987; elected a national legislature in May 1987; and elected local governors, mayors and members of provincial and municipal councils in January 1988.

As part of this democratic restoration, the electoral process has been substantially reformed. Upon assuming office, the Aquino government immediately appointed new commissioners to the Commission on Elections (COMELEC), and instructed them to restore faith in a process critical for any democracy. Through the efforts of the National Citizens Movement for Free Elections (NAMFREL) and other civic and human rights organizations before and after 1986, Filipinos have come to understand the importance of free and fair elections in institutionalizing a democratic system.

Elections are only one, albeit an important, aspect of a democracy; when conducted fairly, they provide the population with an opportunity to participate in the selection of their leaders, a right

recognized in all the major international human rights instruments.<sup>2</sup> In addition, elections provide an opportunity to examine how other institutions critical for the success of a democracy are performing. Thus, for an election to be meaningful, the following conditions must exist: political parties must be permitted to organize and operate freely; the press must be free to criticize the government and to report fairly on political developments; the military must assume a professional, nonpolitical role in society; the police must guarantee law and order while remaining strictly neutral; and an independent judiciary must be capable of reviewing challenges to the electoral process and of ensuring that political freedoms and human rights are respected.<sup>3</sup>

The strong desire of a population to participate in the selection of their leaders is exemplified in the Philippines where the passion and commitment toward the electoral process at times defies rational explanation. The administration of Philippine elections requires the mobilization of upwards of three-quarters of a million people; in its inclusiveness and intensity it is akin to a wartime mobilization of society. Given this level of involvement, it is not surprising that an election can provide, as indeed occurred in the Philippines in 1986, the impetus for a dramatic change in government.

Ultimately, the broader significance of the Philippine revolution will depend on other developments. Its role as a model for countries seeking to accomplish a peaceful transition to a democratic form of government will endure only if there is an improved economy, social reform, a reformed military and an end to the insurgency.

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<sup>2</sup> Universal Declaration of Human Rights, Article 21 (1948); International Covenant on Civil and Political Rights, Article 25 (1966).

<sup>3</sup> See L. Garber, *Guidelines for International Election Observing* (International Human Rights Law Group, 1984).

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## *Chapter 1*

### *NDI ACTIVITIES IN THE PHILIPPINES*

The National Democratic Institute initiated its efforts in the Philippines in January 1986, soon after President Ferdinand Marcos' surprise announcement that he planned to call a snap presidential election. At the time of the announcement, Marcos pledged that the election would be free and fair, and that international observers would be welcome. Within a month, the Philippine Congress, then called the Batasan Pambansa, enacted Cabinet Bill No. 7, setting February 7, 1986 as the election date and establishing the legal framework for the election.

Considerable skepticism developed concerning the proposed election. Some members of the Philippine opposition immediately set conditions for their participation. Salvador Laurel, then leader of the opposition UNIDO party, for example, stated that an opposition boycott would ensue unless several conditions were met, including reform of COMELEC and greater access to television. Other opposition activists challenged Cabinet Bill No. 7 before the Philippine Supreme Court on the ground that it was inconsistent with the constitutional provision authorizing a snap election only in cases of a vacancy; since Marcos refused to resign prior to the election, the requisite vacancy did not exist.

Despite these concerns, within a month sufficient momentum for participation developed. The opposition, to the surprise of many, unified behind the candidacies of Corazon Aquino and Salvador Laurel, and the Philippine people appeared enthusiastic regarding the prospect of participating in their first meaningful presidential election

in 17 years. Given these circumstances, a majority of the Supreme Court rejected the legal challenge to Cabinet Bill No. 7, noting that the:

...events that have transpired since December 3...have turned the issue into a political question which can be truly decided only by the people in their sovereign capacity at the scheduled election, which hopefully will be clean, fair and honest....The court cannot stand in the way of letting the people decide through their ballot, either to give the incumbent president a new mandate or to elect a new president.<sup>4</sup>

International interest in the snap election also was evident from the moment of Marcos' announcement. In mid-November, a bill was introduced in the U.S. Senate by Senator Edward M. Kennedy (D-MA) calling for a commission to monitor all aspects of the Philippine election. Although the bill was not enacted, a parallel initiative by the Senate Foreign Relations Committee, under the chairmanship of Richard Lugar (R-IN), resulted in an extensive and, at the time, unprecedented monitoring of a foreign election.<sup>5</sup>

Between December 8-15, a six-member delegation organized by the U.S.-based Center for Democracy visited the Philippines at the request of Senator Lugar and Senator Claiborne Pell (D-RI), the ranking minority member of the Foreign Relations Committee. At the suggestion of NDI, Robert Bauer, who serves as NDI's counsel, and Elaine Shocas, counsel to the Democratic National Committee, participated in the delegation. The Center report listed eight requirements and conditions that would be critical in evaluating the fairness of the February 7 election, including: the accreditation of NAMFREL as a pollwatching organization; the appointment of two additional, nonpartisan members to COMELEC; and the recognition

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<sup>4</sup> *Philippine Bar Association v. COMELEC*, No. L-72915, December 1985 (J. Teehankee).

<sup>5</sup> R. Lugar, *Letters to the Next President*, pp. 95-168 (Simon and Schuster Inc., 1988).

of UNIDO, under whose banner Aquino and Laurel were running, as the dominant opposition party.<sup>6</sup>

### A. The Pre-Election Mission

With this as background, a six-member delegation from NDI and its Republican counterpart, the National Republican Institute for International Affairs (NRIIA), visited the Philippines from January 5-11, 1986 to determine the feasibility of sending a high-level international delegation to observe the February 7 election, and to assess the political situation and administrative preparations a month prior to the scheduled election. The delegation included the heads of the two institutes, Brian Atwood and Keith Schuette, their deputies Robert Henderson and Curtis Wiley, and two experts in the process of election observing, Larry Garber and Howard Penniman.

Several of the initial problem areas identified by the first delegation had been resolved before the NDI/NRIIA delegation arrived. UNIDO was designated as the dominant opposition party on December 20, 1985 and NAMFREL was accredited as COMELEC's citizen arm on December 24, 1985. Further, COMELEC had released a schedule providing both major parties access to free television time. While other campaign-related problems identified by the earlier delegation remained, the NDI/NRIIA-delegation focused its attention on procedures established to protect against election-day and post-election fraud, and on the monitoring capabilities of indigenous Philippine organizations.

At an initial meeting with COMELEC commissioners, which was open to the Philippine media, several commissioners explicitly warned against "foreign interference." The commissioners indicated that the Philippines was not El Salvador, Nicaragua, Guatemala or other countries where observers had been welcomed. The delegation members assured COMELEC that they were not seeking to intervene,

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<sup>6</sup> Center for Democracy, *The Presidential Election Process in the Philippines: A Report to the Committee on Foreign Relations*, S. Prt. 99-113, pp. 5-6, (January 1986).

but hoped that the presence of an international delegation, which had been invited by President Marcos, would contribute to a free and fair election process.

The delegation subsequently held several productive meetings with individual commissioners. Nonetheless, before the delegation left Manila, COMELEC promulgated a resolution entitled "Rules and Regulations against Foreign Intervention." This resolution provided that observers could not approach within 50 meters of a polling site, and warned observers against engaging in any "partisan political activity." The delegation interpreted the resolution in the most positive light possible, in large measure because both presidential candidates and representatives of NAMFREL were encouraging the presence of international observers.

In addition to meetings in Manila, the delegation visited three provinces where problems were expected during the election.<sup>7</sup> These visits highlighted the determination of the Philippine people to proceed with the election, despite the lack of conditions for a truly fair election.

In a report released on January 20, 1986 and in testimony before the Senate Foreign Relations Committee that same day, the delegation identified many problem areas that raised questions concerning the government's commitment to a fair election campaign.<sup>8</sup> The problems areas included intimidation of voters and the partisanship of the electronic media. In addition, the delegation reviewed the

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<sup>7</sup> The provinces visited were: Isabela in northern Luzon, which was a Marcos stronghold; Negros in the Visayan region, where the New Peoples Army (NPA) had made considerable inroads; and Batangas in southern Luzon, which was the home province of UNIDO vice presidential candidate Laurel.

<sup>8</sup> National Democratic Institute for International Affairs/National Republican Institute for International Affairs, *Report on the Feasibility of an International Delegation to Observe the February 7 Philippine Election*, pp. 1-5 (January 1986).

procedures in place for the actual conduct of the election, highlighting those areas where fraud could, and indeed did, occur.

Notwithstanding their concerns regarding the likelihood of fraud, the institutes proceeded to organize a 44-member international delegation for the February 7 election. As explained in the institutes' preliminary report, it was hoped that such a delegation would "contribute to the conduct of a free and fair election, [would] be instrumental in determining international opinion about such an election, and [would] serve to underscore the vital role a credible electoral process can play in bringing about political stability in the Philippines."<sup>9</sup>

### **B. The February 7 Election**

By the time NDI/NRIIA staff began arriving in the Philippines on January 26, 1986, the campaign was nearing completion. Corazon Aquino and Salvador Laurel were in the process of visiting more than 60 of the Philippines 73 provinces. They were welcomed in most cases by large crowds. The Marcos campaign, on the other hand, was somewhat handicapped by Marcos' illness, which made it difficult for him to travel; Marcos' wife, Imelda, and vice presidential candidate, Arturo Tolentino, assumed the bulk of the campaign responsibilities.

Based on the enthusiasm and size of the crowds at Aquino/Laurel rallies, those opposed to Marcos were convinced that he would not receive more than 30 percent of the vote, barring any election-day fraud. At the same time, they complained bitterly about the bias of the mass media, and their inability to purchase time or space to counter the pro-Marcos perspectives presented on government-controlled television and in the major newspapers. As later conceded by then-COMELEC Commissioner Froiglan Bacugnan, COMELEC was simply unwilling to address any of the

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<sup>9</sup> *Ibid.*, p. 5.

complaints formally presented by the opposition concerning the media.<sup>10</sup>

Disputes between COMELEC and NAMFREL remained unresolved throughout the pre-election period, with the former threatening to revoke the latter's accreditation unless an agreement was reached placing NAMFREL's Operation Quick Count under COMELEC's authority. The quick count, which relied on NAMFREL volunteers recording the results from every polling site and transmitting those results to NAMFREL headquarters in Manila, was viewed as critical to preventing delays and manipulation in the reporting of the results. At the very last minute, NAMFREL compromised its position by agreeing to submit the precinct tally forms collected by its volunteers, which formed the basis of its quick count, to COMELEC election registers for authentication. As feared by NAMFREL leadership, this authentication process significantly delayed the quick count operation.

The NDI/NRIIA-sponsored international observer delegation included nationals from 19 countries. It was led by John Hume, a member of the British and European parliaments, and Misael Pastrana, former president of Colombia. Other delegation members were high-ranking political leaders in their respective countries.

The delegation's objectives were fourfold: 1) to evidence support for those committed to the democratic process in the Philippines; 2) to deter fraud on election day and during the counting phase by being present in key provinces; 3) to detect and report incidents of fraud and other violations of the election code; and 4) to disseminate broadly an independent evaluation of the electoral process. On February 5, the delegation divided into 10 teams to observe the electoral process in 15 provinces throughout the country.

On election day, more than 1,500 precincts (out of a total 85,000 in the country) were visited by delegation members. Particular attention was directed at activities that took place after the

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<sup>10</sup> M. Von Brevern, *The Turning Point: Twenty-Six Accounts of the February Events in the Philippines*, p. 93 (Lyceum Press, Inc., 1986).

polls closed, *i.e.* the transfer of ballot boxes to canvassing centers and the actual canvassing of votes. This necessitated the teams remaining in their assigned provinces two days after the election.

While several teams observed a relatively well-administered election, delegation members in other provinces observed massive vote-buying by Marcos supporters, the exclusion of UNIDO and NAMFREL pollwatchers from polling stations, and the failure of COMELEC officials to investigate complaints. To the surprise of many, some of the worst problems, including the intimidation of pollwatchers and voters by gun-wielding thugs, occurred in the Metro Manila region, where much of the international media was based.

The delegation reported its preliminary findings on February 9.<sup>11</sup> The delegation statement noted that incidents of "vote buying, intimidation and lack of respect for electoral procedures" had been observed by delegates in several regions of the country. The statement also confirmed that "delays [in the counting of votes] are taking place that have no basis in law."

In response to a question, delegation leader John Hume stated bluntly that the wrongdoings observed "were largely carried out in local areas by local officials who were supporters of the government." Because the ballot counting was still underway, the delegation declined to offer a final assessment of the electoral process. Instead, it was announced that a small team would remain in the Philippines to monitor the vote count and to investigate the allegations of fraud. As the first public assessment of the process by an observer team, the statement was widely-reported in the international media, and helped shape perceptions throughout the world regarding the electoral fraud that had been, and was being, perpetrated.

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<sup>11</sup> The delegation statement and the press conference questions and answers are included as Appendix IX in National Democratic Institute for International Affairs/National Republican Institute for International Affairs, *A Path to Democratic Renewal: A Report on the February 7 Presidential Election in the Philippines (NDI/NRIIA Report)*, pp. 117-125 (1986).

Later that night, several members of the delegation attended a press conference at the Baclaran Church where more than a dozen COMELEC computer operators had taken refuge. The operators had left their posts at the Computer Center where COMELEC was tabulating the results earlier that evening to protest the manipulation of results to support a Marcos victory.

During the week following the election, violence erupted in the provinces, as UNIDO supporters were attacked and, in some cases, killed. The most prominent casualty was Evelio Javier, a pro-Aquino former governor, who was assassinated outside the provincial capital in Antique, where he had been observing the canvassing of the votes.

The Batasan, meanwhile, met to tabulate the canvassed votes. Virtually all of the objections presented by the opposition were ignored by the pro-Marcos legislators. On February 15, the Batasan declared Marcos the winner.

The Batasan, however, was not the only voice heard that week in the Philippines. On February 14, the Catholic Bishops Conference issued a statement denouncing the election as "the most fraudulent in Philippine history," commending the brave NAMFREL volunteers and honest computer operators, and calling on the Philippine people to correct the evil by waging a nonviolent struggle for justice.<sup>12</sup> NAMFREL's chairman, Jose Concepcion, issued a statement similar in tone: "Never has a more vigilant populace witnessed a more pervasive travesty upon the sanctity of the ballot in our history."<sup>13</sup> And on February 16, a day after the Batasan proclamation, pro-Aquino forces organized a massive rally in Manila during which Aquino called for a boycott of businesses, banks and media owned by Marcos and his cronies.

International condemnation of the election also sought to discredit the Batasan's proclamation. Members of the NDI/NRIIA delegation, as well as members of the official U.S. observer

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<sup>12</sup> *Ibid.*, Appendix X (pp. 126-129).

<sup>13</sup> *Ibid.*, Appendix XI (pp. 130-132).

delegation led by Senator Lugar, in interviews with the news media and in resolutions submitted to their respective legislatures, denounced the electoral fraud that had been perpetrated by the Marcos government. After initially stating that fraud was occurring on both sides, U.S. President Ronald Reagan issued a statement criticizing the Marcos government for its conduct of the election.<sup>14</sup>

### **C. The February Revolution and Its Aftermath**

During the afternoon of February 22, Defense Minister Juan Ponce Enrile and Armed Forces Vice Chief of Staff Fidel Ramos held a press conference at which they announced that they had broken with the Marcos regime. Together with approximately 500 soldiers, Enrile and Ramos barricaded themselves in the armed forces headquarters at Camp Aguinaldo in Manila, and prepared to defend themselves. In a televised response, Marcos accused Enrile and Ramos of attempting a coup, and ordered Chief of Staff Fabian Ver to arrest the two leading rebels. Government forces moved toward Camp Aguinaldo to carry out the order.

Catholic Bishops Conference President Ricardo Cardinal Vidal and Cardinal Sin offered to mediate between Marcos and the rebels. Cardinal Sin also appealed to the public to send food and other supplies to Camp Aguinaldo, and to surround the camp to block movement of the military forces. By the next day, seemingly all of Manila and its environs had poured onto EDSA Boulevard, which divided the troops loyal to Enrile and Ramos from those that remained loyal to Marcos. Priests and nuns, and men and women of all ages, thus formed the first line of defense against Marcos' tanks.

There followed three days of uncertainty, in which the international community's attention focused on the Philippines. Rival inaugurations for Marcos and Aquino took place within hours of each other. Finally, following a series of telephone conversations with U.S. Senator Paul Laxalt (R-NV), a close confidant of President

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<sup>14</sup> Lugar *supra* note 5, pp. 149-69.

Reagan, Marcos decided to leave the Philippines on February 25 for exile in Hawaii. The rebellion had succeeded with surprisingly little loss of life.

Although Aquino was recognized by the Philippine people and by the international community as the nation's president, she was soon under pressure to announce the legal basis by which she proposed to rule. One option was for her to claim victory in the February 7 election and to rule under the 1973 Constitution, at least until it could be amended. The second option was for the president to declare a revolutionary government that would rule by decree until a new constitution could be adopted. Because the question of legitimacy was raised by Aquino's political opponents,<sup>15</sup> and because it is an issue faced by other transition governments, it is worth examining the considerations that led Aquino to choose the second option.

The first option provided a semblance of immediate legitimacy to an Aquino presidency; after all, if not for the fact that she was assumed to have received the most votes on February 7 then, following Marcos' departure, there would have been a strong argument in favor of a collective leadership and new elections. Indeed, upon taking the oath of office, Aquino referred explicitly to the "people's mandate clearly manifested last February 7."

At the same time, treating the February 7 election results as the exclusive basis of President Aquino's authority posed several practical problems. First, while the Batasan tabulation was easily challenged, no alternative count existed that included reliable data from the entire Philippines and that demonstrated an Aquino victory. NAMFREL's quick count, although showing Aquino ahead, comprised results from only 73.8 percent of the precincts.<sup>16</sup>

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<sup>15</sup> Grand Alliance for Democracy, *Philippine Report (GAD Report)*, pp. 5-7 (July 1987).

<sup>16</sup> NAMFREL, *The NAMFREL Report on the February 7, 1986 Philippine Presidential Elections (NAMFREL Report)*, p. iii (1986).

The final NDI/NRIIA report highlights the ambiguities surrounding the February 7 election. The delegation concluded:

- 1) that the election was not conducted in a free and fair manner; and
- 2) that the February 15 Batasan proclamation of Marcos and Tolentino as the winners was invalid in that it was inconsistent with the specific provisions of Philippine law.<sup>17</sup>

Yet, the delegation did not purport to establish that Corazon Aquino and Salvador Laurel would have been elected president and vice president respectively had there been no fraud.

It was not until a year later that two Philippine political scientists were able to postulate six possible counts for the February 7 election, based on a comprehensive analysis of data obtained from COMELEC and NAMFREL. In these counts, Aquino's margin of victory ranged from 954,753 votes to 2,931,194 votes (or in percentages from a 52-48 margin to a 57-43 margin).<sup>18</sup>

A second problem in relying on the election results is that it meant accepting the legitimacy of the 1973 Constitution and the continued existence of a Batasan dominated by Marcos supporters. Aquino feared that the Batasan would prevent her from enacting necessary reforms and from promoting her policy of reconciliation.

Aquino resolved the controversy on March 25 when she issued Proclamation No. 3, more popularly known as the Freedom Constitution. Among other points, the proclamation: abolished the Batasan; dismissed various local officials and permitted their replacement with acting officers-in-charge (OICs); created presidential commissions to investigate corruption and the abuse of human rights; granted political amnesty to rebels and insurgents;

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<sup>17</sup> NDI/NRIIA Report, *supra* note 11, p. xii.

<sup>18</sup> R. de Guzman and L. Tancangco, *An Assessment of the 1986 Special Presidential Elections: A Summary of Findings*, pp. 17-27 (University of the Philippines, 1986).

guaranteed respect for fundamental human rights; and established a Constitutional Commission (ConCom) to draft a new constitution for the Philippines.

The proclamation was criticized — predominantly, but not exclusively, by those who supported Marcos — on the ground that it provided the president with a wide array of dictatorial powers.<sup>19</sup> It also was challenged before the reconstituted Supreme Court. On May 22, 1986, the Court rejected the challenge, explaining that the "people have accepted the Aquino government, the government exercises effective control over the country and the international community has recognized the government's legitimacy."<sup>20</sup>

Aquino designated 50 individuals to serve on the Constitutional Commission; two designees ultimately chose not to participate. Former Supreme Court Justice Cecilia Muñoz Palma, an Aquino advisor during the campaign, was unanimously elected Commission Chairperson. The commission included individuals with diverse backgrounds: many had been longtime opponents of Marcos; six were members of Marcos' party; and six were identified with various activists groups that were critical of the traditional politics practiced in the Philippines.

In appointing the commission members, Aquino urged that they complete their task within three months. She also announced that the draft constitution would be subject to a plebiscite. Finally, the president obtained promises from the commission members that they would not compete for office in the initial elections conducted under the constitution.

The commission began public meetings in June 1986. Heated debates arose over provisions relating to several issues: the future of the U.S. military facilities and the introduction of nuclear weapons onto Philippine territory; the structure of the legislature (bicameral

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<sup>19</sup> *GAD Report*, *supra* note 15, p. 7.

<sup>20</sup> *Lawyers League for a Better Philippines v. President Aquino*, G.R. 73748 (May 22, 1986).

v. unicameral); and limits on foreign investments. Also arousing some controversy were the transitory provisions; one such provision authorized Aquino to remain in office through June 30, 1992.

An NDI team, including the Institute's Vice-Chair Madeleine Albright, board members Kenneth Melley, Marvin Weissberg and Lewis Manilow, and President Brian Atwood, visited the Philippines in August 1986, while the debate was underway. In discussions with the NDI team, Aquino stressed her commitment to democratic values. She also indicated interest in seeing the development of ideologically-based political parties, as opposed to the personality-oriented parties that had traditionally dominated Philippine politics. She expressed the hope of remaining above the fray of partisan politics, although she acknowledged that if necessary she would once again "get out and campaign."

The commission ultimately approved a 24,000-word draft constitution by a vote of 45 to two, with one abstention. The draft was presented to the president on October 15, 1986. A plebiscite was scheduled for February 2, 1987.

#### **D. The Constitutional Plebiscite**

A small NDI team returned to the Philippines in late January to observe the plebiscite. They arrived just as a coup attempt against the Aquino government — involving the takeover of a Manila television station — was being subdued by military forces loyal to the president. Earlier in the month, Aquino faced another crisis when military forces killed 16 peasants protesting the government's failure to initiate a land reform program as they approached Mendiola Bridge, not far from the presidential palace.

Despite the many controversial provisions in the draft constitution, the plebiscite was converted almost exclusively into a referendum on the Aquino presidency. Her supporters campaigned on the slogan "A vote for the constitution is a vote for Cory." As part of the campaign, Aquino travelled throughout the country, appearing at public rallies and urging voters to support the constitution. Aquino also used her visits to announce the release of funds for various public works projects. To some, this form of

campaigning was reminiscent of the previous regime. One political scientist noted with regret that "Mrs. Aquino's campaign for ratification had become tainted with the use of government resources and bureaucracy to gain the people's adherence to the 'yes' vote."<sup>21</sup>

Opposition to the constitution was led by former Defense Minister Juan Ponce Enrile, who had been dismissed from the cabinet several months earlier amid allegations that he was planning a coup attempt against Aquino. Enrile and his allies argued that the constitution's primary deficiency was that it authorized Aquino to remain in power for six years without benefit of an election.

The NDI team observed the plebiscite in the Metro Manila area and in the provinces of Cagayan and Misamis Oriental. In view of the previous year's debacle, the team was impressed with the peaceful and administratively fair manner in which the plebiscite was conducted. At the same time, the team reported that many Filipinos believed that the upcoming May elections would be more problematic because of the number of offices being contested and because of the intensely competitive and often violent nature of Philippine elections at the local level.<sup>22</sup>

The constitution ultimately was supported by 78 percent of the voting population, with a turnout of approximately 89 percent. The results represented a resounding endorsement of Aquino. Those opposed to the constitution readily conceded defeat, and began planning for the May legislative elections.

### **E. The May Legislative Elections**

Accepting the recommendation of the NDI plebiscite observer team, NDI organized a 24-member international delegation to observe the May 11 legislative elections. The delegation included nationals

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<sup>21</sup> L. Tancango, *Political Neutrality and Public Accountability*, p.27 (University of the Philippines, 1987).

<sup>22</sup> National Democratic Institute for International Affairs, *Report on the Philippines Constitutional Plebiscite - February 2, 1987*, pp. 22-25 (1987).

from Bangladesh, Chile, Haiti, Korea, Northern Ireland, Pakistan, Panama, Paraguay and Taiwan, all countries [or provinces] seeking to overcome a legacy of nondemocratic rule. A primary purpose of this mission, therefore, was to learn from the successful electoral reform program since 1986 and the NAMFREL election monitoring operation. The delegation was led by Senator B.A. Graham of Canada, who participated in the 1986 international observer delegation; three other delegation members from the United States also participated in the previous year's delegation.

At stake in the May elections were 24 Senate seats chosen on a nationwide basis, and 200 seats in the House to be elected from single-member districts. Originally, voters were also to elect 25-members of the House on a party-list basis, as part of an attempt by the constitutional framers to provide small parties with representation in the Congress. However, due to administrative obstacles the party-list elections were postponed.

Given the Senate's historical prestige in the Philippines, the Senate elections were the focus of attention. After some initial hesitation, Aquino endorsed a full slate of Senate candidates, many of whom were well-known Philippine politicians.<sup>23</sup> The slate ran as a coalition of several established parties and various activist groups under the Tagalog rubric of *Lakas ng Bansa*.

Opposed to the Aquino-endorsed slate was the Enrile-led Grand Alliance for Democracy (GAD), which also designated 24 Senate candidates. The remnants of Marcos' KBL party designated 17 Senate candidates. The *Partido ng Bayan*, a left-oriented group whose registration as a legal party had initially been denied by COMELEC on the ground that the party was anti-democratic in nature, designated four Senate candidates. Rounding out the field were 15 candidates competing as representatives of small parties or

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<sup>23</sup> Among those endorsed by President Aquino were former Senators Salonga and Manglapus, Butz Aquino (the president's brother-in-law), Leticia Shahani (sister of Chief of Staff Fidel Ramos) and former ministers Alvarez, Gonzalez, Maceda, Pimental, Saguisag and Sanchez.

as independents. In addition to the 84 Senate candidates, more than 1,600 candidates competed for the 200 congressional seats.

As expected by both Filipino and outside electoral experts, the May elections were marred by numerous administrative problems. In some regions, the voting paraphernalia arrived late, forcing election officials to improvise. More problematic was the time required to count the ballots at the precinct and provincial levels. An expeditious count was precluded by the nature of the balloting. Voters, instead of marking their preferences from among a roster of printed names, handwrote as many as 25 names on each ballot. Processing 300 such ballots per precinct was a difficult task. Not surprisingly, in many places the counting process required election officials to work through the night before the precinct tabulation was complete. A similar slow-moving process then began at the provincial canvassing centers.

The arduous counting process at the precinct level affected NAMFREL's ability to implement its Operation Quick Count. Consequently, it was not until several days after the elections that the Senate results were fully tabulated. Thereafter, legal disputes prevented COMELEC from proclaiming the winners in two Senate seats and in several congressional seats until months later.

The election results once again demonstrated the enormous popularity of Corazon Aquino. Twenty-two of the Senate candidates she had endorsed were elected. Only two opposition candidates withstood the onslaught, Enrile and Joseph Estrada, a popular movie actor. In the Congress, candidates supportive of Aquino were the winners in more than 160 of the 200 contested seats. Turnout was approximately 85 percent.

When it became clear that GAD would receive two Senate seats at most, its leaders denounced the election results, claiming massive fraud. A protest rally was quickly organized. GAD leaders

announced that 100,000 people had participated, while independent observers reported a turnout of no more than 25,000.<sup>24</sup>

GAD's indictment of the elections as fraud appeared in a report published in July 1987. The report alleged, among other things, that NAMFREL "programmed an additional 10,000 votes per congressional district for each of the administration's senatorial candidates. Given the 200 districts all over the country, it would mean that each administration senatorial candidate received an additional 2 million votes as a gift from NAMFREL."<sup>25</sup> The evidence for this alleged manipulation was provided by two brothers, Pacifico and Ferdinand de Guzman, who worked on NAMFREL's Operation Quick Count. NAMFREL officials responded that the brothers were GAD plants and offered to compare the NAMFREL computer printouts with those allegedly taken by the de Guzman brothers.

Notwithstanding these allegations, most Filipinos appeared to accept that the elections were generally free and fair. This also was the view of NAMFREL, although it identified 12 districts where "the conduct of the elections or the results, or both, were considered questionable."<sup>26</sup> In these cases, NAMFREL urged COMELEC to take appropriate action in investigating the allegations.

For its part, the NDI delegation observed the elections in Metro Manila and in the provinces of Cagayan and Isabela in the north, Negros Occidental in the Visayas region, and Misamis Oriental in the northern part of the island of Mindanao. The delegation, in the words of its leader, Senator Graham, did not "observe any irregularities that would have any effect on the outcome of the

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<sup>24</sup> "Moans and Groans," *Far Eastern Economic Review*, June 4, 1987, p. 42.

<sup>25</sup> *GAD Report*, *supra* note 15, p. 27.

<sup>26</sup> NAMFREL, *Report to the COMELEC*, p. 6 (July 1987).

election."<sup>27</sup> For those who had observed the presidential election of the previous year, "the difference between 1986 and 1987 was like night and day,"<sup>28</sup> with the "absence of violence and intimidation at polling sites" being particularly notable.<sup>29</sup>

## F. Municipal Elections

Notwithstanding various legal challenges pending before the Philippine Supreme Court, Congress convened in mid-July facing a full agenda. Jovito Salonga, a veteran politician who had received the most votes of any Senate candidate in May, was elected as president of the Senate, and Ramon Mitra, a former minister of agriculture, was elected as president of the lower house.

In August, Colonel Gregorio "Gringo" Honasan, one of the heroes of the February 1986 revolution, led a coup attempt against the government. Unlike previous coup attempts, this one involved reformist elements in the military, many of whom had contributed to the removal of Marcos. Ultimately, the coup failed as a majority of the military remained loyal to Aquino.

Aquino promised to deal sternly with those involved in the coup. At the same time, she acknowledged and acted upon various grievances of the military. Thus, within two months of the coup attempt, the president agreed to raise the pay of the military and dismissed several Cabinet ministers, who were viewed with suspicion by some in the military because of their alleged "leftist" leanings. Among those dismissed were Aquino's executive secretary and long-time friend Joker Arroyo. The military also was given a green light to confront the insurgents in a more aggressive manner causing concern among human rights activists who documented increasing

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<sup>27</sup> Debates of the Senate (Canada), speech on situation in the Philippines, vol. 131, no. 61, p. 1331 (June 22, 1987).

<sup>28</sup> *Ibid.*, p. 1330.

<sup>29</sup> Garber and Shocas, Correspondence, *The New Republic*, September 14 & 21, 1987, p. 6.

numbers of abuses, many of them committed by vigilante groups organized with the support of the military.

A four-member NDI team returned to the Philippines in January 1988 to observe, in selected regions, the elections for provincial governors, mayors, and provincial and municipal assemblies. These elections initially had been scheduled for August 1987. However, soon after the May legislative elections, COMELEC recognized that it could not organize another round of elections within three months, and requested that the elections be postponed until November. This was readily granted, as was an additional postponement; thus, the municipal elections in most provinces, did not occur until January 18, 1988.

The period preceding the municipal elections was turbulent. In some provinces, where difficulties were expected, COMELEC postponed the municipal elections an additional week to permit the military to concentrate its forces in these areas on a separate election day.

The major political issue that preceded the municipal elections related to the so-called "political dynasties." To avoid the continuation of such dynasties, a proposed bill would have prevented relatives of elected officials from competing for other public offices. The bill, however, did not pass before the January elections.

Violence was the major problem during the campaign, as several candidates for office were slain and many others were seriously injured. Local rivalries often were blamed for the killings, although the military attributed the assassination of 22 candidates to the New Peoples Army (NPA). The NPA also reportedly used the elections to improve their finances, "taxing" candidates who sought to campaign in NPA-dominated areas, and kidnapping and holding for ransom several other candidates.

While the voting took place in a relatively orderly manner, complaints again were heard about delays in the counting of ballots. In some provinces, there appeared to be deliberate attempts to delay the canvassing process. For the most part, however, COMELEC was

credited with having administered elections whose results were accepted as representing the will of the people.

Given the number of offices being contested on January 18, it was difficult to draw firm conclusions about the political implications of the results. For example, while most of the Aquino-endorsed candidates won their elections, a sufficient number of upsets suggested that some of the president's electoral appeal was fading.

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## Chapter 2

### ADMINISTERING PHILIPPINE ELECTIONS

Formal electoral exercises are a relatively recent phenomena in the Philippines. Prior to the colonial period, according to one Philippine political scientist, "elections, as a mechanism for leadership selection, were unknown."<sup>30</sup> Instead, the Philippine people "worked out a leadership selection process that elicited consent from the led, [and] a process of accountability to ensure responsiveness to the needs and problems of the governed."<sup>31</sup> The Spanish, who ruled the Philippines from 1521 to 1898, permitted the election of a few local government officials "but only by a very small number of privileged Filipinos in each town."<sup>32</sup>

Experience with formal electoral processes occurred in a few provinces and towns in 1899, during the First Philippine Republic. It developed extensively during the period of U.S. colonial rule; the first elections for provincial governors were held in February 1902. A general election law, providing for elections by direct and secret

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<sup>30</sup> L. Tancangco, *Elections in the Philippines: Giving Democracy a Second Chance*, p. 9 (University of the Philippines, 1988).

<sup>31</sup> *Ibid.*, p. 17.

<sup>32</sup> *Ibid.*, p. 9.

vote of a unicameral Philippine Assembly and of provincial and municipal officials, was adopted in 1907.<sup>33</sup>

The franchise was initially limited to males, 23 and older, who owned real property or who worked for the local government. As in other countries, the franchise was gradually extended, with 1939 marking the inclusion of women into the electoral process.<sup>34</sup> The 1986 Constitution enfranchises all Philippine citizens 18 and older, and requires that Congress devise a system enabling that illiterates, the disabled and Filipinos living abroad to vote.<sup>35</sup>

From their inception, Philippine elections have aroused controversy, and the issue of election reform has often been the subject of intense political debate. In 1940, five years after the adoption of the first Philippine Constitution, an amendment establishing an independent Commission on Elections (COMELEC), with responsibility for supervising and administering elections, was approved in a plebiscite.

During the period from independence in 1946 until 1969, corrupt electoral practices notwithstanding, Filipinos exercised "their sovereign right of electing their chosen representatives into office with predictable regularity. Unpopular leaders were rejected in favor of more popular or at least less unpopular candidates. Palace coups had no place in Philippine politics perhaps because the electoral process worked, albeit imperfectly."<sup>36</sup>

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<sup>33</sup> *Ibid.*, p.10.

<sup>34</sup> The 1935 Constitution extended the right of suffrage to women if more than 300,000 of them voted affirmatively for the grant of this right. In a 1939 plebiscite, women voted overwhelmingly for the right to participate in Philippine elections.

<sup>35</sup> 1986 Philippine Constitution, Article V.

<sup>36</sup> C. Hernandez, "Constitutional Authoritarianism and the Prospects for Democracy in the Philippines," *Columbia Journal of International Affairs*, p. 244 (1984).

Under the 1973 Constitution, adopted following the declaration of martial law, COMELEC continued to serve as the principal institution responsible for the proper conduct of elections. The constitution, however, also increased the president's control over COMELEC. Consequently, electoral reform became a major rallying point for those opposed to Marcos.

The 1986 electoral fiasco resulted in COMELEC's total loss of credibility. The newly constituted COMELEC, therefore, had to regain the trust of the Philippine people by acting as an independent and impartial election administrator. This chapter reviews the history of COMELEC and describes the reforms initiated by COMELEC since February 1986.

#### **A. The Philippine Commission on Elections**

Prior to 1940, Philippine elections were supervised by the secretary of interior. Responding to criticism concerning the partisanship of the secretary, an independent Commission on Elections was established in 1940 to supervise all Philippine elections. COMELEC was vested with "the exclusive charge of enforcing all laws relating to elections and the power to decide all questions affecting elections."<sup>37</sup> COMELEC also was granted the authority to accredit political parties and to deploy the armed forces, as necessary to ensure the conduct of free and fair elections.

Initially, COMELEC was composed of three individuals appointed for nine-year terms by the president with the consent of a bipartisan Commission on Appointments. The 1973 Constitution enlarged the membership to nine members and provided the president with the exclusive power to appoint members.

The specific powers of COMELEC have been delineated in the various Philippine election codes. For example, the code adopted in December 1985, two months before the snap election, provided COMELEC with authority: to deploy the military; to designate a

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<sup>37</sup> *Commission on Elections Handbook*, p. 3 (1984) (Published by COMELEC on the occasion of its 44th anniversary).

dominant opposition party; to accredit one or more citizens' arms; to certify candidates; to regulate campaign activities and campaign finance; to prepare a list of registered voters; to designate local polling officials; to prepare the ballots and other election paraphernalia; to count and tabulate votes; and to adjudicate election contests.

## **B. COMELEC and the 1986 Snap Election**

A major aspect of the controversy surrounding COMELEC's performance in 1986 related to its alleged partisanship and lack of independence. Critics specifically cited COMELEC's handling of complaints following the 1984 legislative elections, when it dismissed most complaints and otherwise ruled in favor of the ruling party. In addition, critics saw in COMELEC's composition — all seven commissioners had been appointed by Marcos — a highly biased panel. Under pressure from a variety of sources, Marcos named two additional commissioners on January 31, one week before the snap election. Their influence, however, was limited.

Other matters clouding COMELEC's reputation during the 1986 pre-election period included: harassment of NAMFREL, which involved threats to disaccredit the organization unless it agreed to a joint quick count; unwillingness to act on opposition complaints concerning such issues as media access; and failure to ensure that the registration lists were purged to protect against multiple voting.

COMELEC's performance with respect to the snap election convinced most Filipinos and outside observers that it had failed to fulfill its constitutionally prescribed role of ensuring fair elections. As an institution, COMELEC did nothing to prevent the massive disenfranchisement of voters, the intimidation of voters and NAMFREL volunteers, and the deliberate tampering with election returns. COMELEC refused to act because, in the words of one of its members, Commissioner Ramon Felipe, "[the other Commissioners] are for the president. They talk about it." Felipe

concluded that the election was "the dirtiest, most fraudulent election I have ever participated in."<sup>38</sup>

In a post-revolution interview, another commissioner sought to deflect blame from COMELEC: "If there were some [pro-Marcos] people at the lower levels who said: 'Let us disenfranchise the voters,' we would not know. The supervision of the nine COMELEC members is really a very limited one."<sup>39</sup> At the same time, he acknowledged that COMELEC could have been more aggressive in ensuring that the elections were free and fair.

### C. Reorganizing COMELEC

By the time Aquino assumed the presidency, it was a moot point whether COMELEC actively conspired to ensure a Marcos victory or simply lacked the political will to act in an independent manner. Everyone agreed that COMELEC needed urgent reorganization in order to restore public confidence. Thus, following the February revolution, all COMELEC commissioners submitted their resignations. These were accepted, with the exceptions of Felipe, who was designated acting chairman, and Bacugnan, who was permitted to remain until August 1986.

Before naming new commissioners, Aquino consulted with a number of organizations, including NAMFREL, seeking individuals respected for their integrity and independence. Nonetheless, the opposition Grand Alliance for Democracy (GAD) questioned the commissioners' independence by noting that they were all Aquino-appointed. In the period following the 1987 constitutional plebiscite, GAD presented as one of its demands having the "opposition [GAD] represented in COMELEC."<sup>40</sup>

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<sup>38</sup> U.S. Senate Committee on Foreign Relations and Center for Democracy, *Report to the President of the United States on the February 7, 1986 Presidential Election in the Philippines*, p. 6 (June 1986).

<sup>39</sup> V. Brevern, *supra* note 10, p. 92.

<sup>40</sup> *GAD Report*, *supra* note 15, p. 15.

Consultations between Aquino and Felipe were inevitable on such matters as the timing of elections and proposed revisions to the election code. However, contrary to the situation under the previous regime, no evidence was presented that the president tried to influence Felipe in a partisan manner. More important, it is doubtful that such attempts would have succeeded. The new commissioners insisted that all decisions be made collegially, thus weakening the opportunity for a single commissioner, even the chairman, to dominate COMELEC upon orders from the presidential palace.

#### **D. The 1986 Constitution**

COMELEC is one of three constitutional commissions established by the 1986 Constitution; it is guaranteed independence and enjoys fiscal autonomy. Seven COMELEC commissioners are appointed for a maximum seven-year nonrenewable term each. COMELEC's functions, as prescribed by the constitution, do not vary much from previous commissions. COMELEC retains its dual role as administrator of elections and, with a few exceptions, as the sole adjudicator of all election cases.<sup>41</sup>

#### **E. COMELEC Performance in the 1987 and 1988 Electoral Exercises**

The new commissioners not only had to restore the reputation of COMELEC as an institution, but also faced the daunting task of preparing for and administering three elections in a 12-month period between February 1987 and January 1988. They confronted these responsibilities in a manner that, while not free from controversy,

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<sup>41</sup> The constitution requires the Senate and the House of Representatives to establish separate Electoral Tribunals "which shall be the sole judge of all contests relating to the election, returns, and qualifications of their respective members." 1986 Philippine Constitution, Article VI. 17. Obviously, since the legislature was not in place prior to the 1987 elections, there were no Electoral Tribunals to resolve disputes over the contested congressional elections. Instead, the GAD challenged the May election results before the Supreme Court.

deserves acclaim. Below are described some of the more successful COMELEC initiatives; the subsequent section focuses on the continuing problems COMELEC faces.

### *1. Preparing new registration lists*

Prior to the February 1987 plebiscite, COMELEC recognized the need to revise the voter registration lists, which have been a source of continued controversy in the Philippines. The 1986 election highlighted the inaccuracy of these lists, in this case caused by the massive disenfranchisement effort implemented by Marcos supporters, and by the failure of COMELEC to purge the lists of deceased individuals and those who had moved to different regions. Rather than attempting piecemeal reform, COMELEC requested that the entire country be reregistered. Aquino acceded to this request, and December 6, 7, 13, and 14 were set aside for registration.

The process required a prospective voter to appear at a polling site, and to sign an affidavit establishing his or her eligibility to vote and place of residence. Once approved, a voter was given an identification card, although the card did not necessarily have to be presented on election day.

This effort proved quite successful as more than 25 million Filipinos (more than 90 percent of those eligible) registered during the four-day period. The total number registered, however, marked a decrease of 1.25 million from the number registered for the 1986 election. Three of the Philippines' 12 regions — I, II, and XII — all of which overwhelmingly supported Marcos in 1986, accounted for approximately 40 percent of the decrease.

### *2. Eliminating corruption*

A second major initiative of COMELEC involved rooting out corruption both in the central office and among the more than 50,000 subordinate election officials in provincial and local offices. Soon after assuming office, Chairman Felipe instituted a public bidding process for all COMELEC contracts. The process resulted in a savings of millions of *pesos*, according to Felipe, who viewed this as one of the most important achievements of his tenure. Critics

charged, though, that the private firms awarded the contracts for preparing the election paraphernalia were incompetent and not properly supervised.<sup>42</sup> The administrative problems engendered by the May 1987 legislative elections gave some credence to this complaint.

Rooting out corrupt provincial and municipal election officials was a more delicate task. COMELEC was committed to providing due process to all government employees subject to its control. Thus, COMELEC employees were provided a chance to prove themselves during the 1987 plebiscite, with the proviso that any evidence of corruption would result in the employees' dismissal. While no official statistics are available, the NDI observer teams present for the legislative and municipal elections noted that in a number of provinces, election registrars and other officials either had been removed from their positions or had been transferred following the plebiscite.

COMELEC also sought to ensure that the polling officials were better trained. As part of this effort, the University of the Philippines School of Public Administration conducted seminars for election officials in the 12 regions of the country before the legislative and local elections. The seminars emphasized the need to ensure neutrality by election officials and by the teachers, who for the most part are responsible for administering Philippine elections at the local level.<sup>43</sup>

### 3. *New election procedures*

COMELEC also promulgated several resolutions designed to deal with problems identified in previous Philippine elections. For example, for the local elections, COMELEC sought to enforce an election code provision requiring a Common Poster Area. Although such a provision had been part of the 1985 election code, it had been

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<sup>42</sup> *GAD Report*, *supra* note 15, p. 18

<sup>43</sup> See L. Tancangco, *Political Neutrality and Public Accountability* (University of the Philippines, 1987).

ignored during the 1986 presidential election as well as during the two 1987 electoral exercises. To the surprise of many, the COMELEC resolution implementing this provision was respected in most regions, as local COMELEC officials removed posters placed outside authorized areas. This had the effect of reducing the clutter of posters associated with previous elections and also evidenced that, with sufficient political will, illegal electoral practices could be eliminated.

A second reform prohibited appointing *barangay* officials as members of the Board of Election Inspectors (BEI) or as official pollwatchers. A *barangay* is the smallest administrative unit in the Philippines; each *barangay* has its own *barangay* captain. In past elections, many complaints alleged that *barangay* captains interfered with the electoral process and applied undue pressure on members of the BEI.

#### 4. *Adjudicating complaints*

The controversial nature of Philippine elections requires that careful consideration be given to the resolution of election-related disputes. During the Marcos era, few believed that COMELEC would adjudicate fairly complaints filed by the opposition, and the 1986 election underscored the logic for this belief. Despite criticism by the opposition GAD, which sought to bypass COMELEC in challenging the May 1987 elections before the Supreme Court,<sup>44</sup> the current COMELEC ruled against the government and the ruling party on several occasions. Divisions among the commissioners, resulting in a number of four-to-three decisions, also evidenced a degree of independence not seen under the prior COMELEC.

The Supreme Court, which since 1986 has battled to regain its previous reputation for independence, was called upon to review several COMELEC decisions. In December 1987, the court lifted a restraining order that COMELEC had issued enjoining Junie Cua from assuming his seat in the House of Representatives. The court

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<sup>44</sup> *GAD Report, supra* note 15, p. 40.

implicitly criticized COMELEC for the seemingly interminable delays that left "a considerable number of our people...unrepresented in the House of Representatives despite the fact that the congressional elections were held more than seven months ago."<sup>45</sup>

Another controversial case involved former Minister Bobbit Sanchez, an Aquino Senate designee. The Supreme Court reversed a COMELEC decision ordering a recount of all ballots. In this case, former Defense Minister Enrile was the beneficiary of the Court's decision as he was proclaimed the 24th and final senator.<sup>46</sup>

#### **F. Future Problems Confronting COMELEC**

Notwithstanding the generally favorable assessment offered above, there have been significant problems regarding the administration of the elections. Probably the most egregious problems occurred during the May 1987 legislative elections. One example involved the untimely distribution of election paraphernalia to all regions; in several provinces, instructions to be provided to the teachers administering the BEI had not been received by the time the polls opened.

More serious was the slow pace of counting at both the precinct and canvassing sites. These delays in the official counting process inevitably led to allegations of fraud. Thus, in May 1987, the opposition GAD charged that there was a conspiracy between the COMELEC and NAMFREL in which "NAMFREL's perverted count was meant to condition the people's mind to accept a fraudulent official count, and that overall there was premeditated collusion among all groups administering and policing the elections to manipulate the election results."<sup>47</sup> The evidence of a conspiracy provided by the GAD has convinced neither Filipinos nor most

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<sup>45</sup> *Cua v. COMELEC and Puzon*, Nos. 80518-21, December 17, 1987.

<sup>46</sup> *Sanchez v. COMELEC*, Nos. 78461, 79146 and 79212, August 12, 1987.

<sup>47</sup> *GAD Report*, *supra* note 15, p. 28.

outside observers, but the very slow counting process poses a real challenge to COMELEC's future credibility.

At the same time, it is important to understand the constraints under which COMELEC operates. The Philippines is a predominantly rural country spread out over thousands of islands, with many areas lacking electricity. Instituting a mechanized electoral system is a practical challenge. Care must be exercised when choosing a new system, and fraud-prevention safeguards should be an integral part of such a system or the potential for fraud could increase significantly.

Nonetheless, to maintain faith in the process, COMELEC is considering the introduction of a new system, before the next national elections now scheduled for 1992, that would permit more rapid ballot counting. As things now stand, if no changes are made voters may be asked to write up to 40 names on a ballot. Another slow count would be inevitable, and voter cynicism undoubtedly would increase.

The January 1988 local elections highlighted another negative feature of Philippine elections — their violent nature. More than 100 individuals were reported killed in election-related incidents during the period preceding the elections. While some of the incidents may be attributable to the ongoing insurgency, many involved supporters of rival candidates.

In particularly violent areas, COMELEC was forced either to postpone the elections or to place a province under "COMELEC control." The latter subjects all provincial and military officials to the dictates of COMELEC. Postponing the elections in certain provinces proved controversial, although the military supported COMELEC's decisions.

For the future, COMELEC, working with other organizations, must encourage more peaceful elections. This will require a massive civic education program, which must be initiated well before the 1992 elections.

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### *Chapter 3*

## *THE ROLE OF OTHER INSTITUTIONS IN THE ADMINISTRATION OF PHILIPPINE ELECTIONS*

Free and fair elections require more than just honest election administrators. Other institutions often play critical roles in assuring that the will of the people is expressed through the election process. This chapter focuses on three institutions whose roles in Philippine elections, particularly in recent years, has been pivotal: political parties; a civic organization; and the military.

In addition to their classic role as competitors for power, political parties historically have actively participated in the administration of Philippine elections. In the aftermath of the 1986 election, however, some argued that the system would benefit if parties played a reduced role in the administration of elections. A constitutional mandate achieved this change. The first section of this chapter reviews the new system and the criticism it has generated.

The NAMFREL phenomenon has been much admired by many in the international community; indeed, NAMFREL-like organizations have been formed in many countries where those committed to democratic government are seeking to remove repressive or corrupt regimes (see Chapter 5). Yet to learn from the NAMFREL experience, one has to understand the organization in the context of Philippine electoral history. Section two reviews NAMFREL's history and describes some of the problems NAMFREL has confronted as it seeks to define its role in a post-Marcos Philippines.

As is true in many countries, but particularly in the Philippines, the military performs an important function in ensuring the conduct of free and fair elections. The final section of this chapter considers developments since 1986 that have affected the role of the military in elections.

### **A. Political Parties**

Under the pre-1986 election law, each Board of Election Inspectors (BEI), which administers elections at the precinct level, was composed of two teachers designated by the ministry of education, culture and sports; an individual designated by the ruling party; and an individual designated by the dominant opposition party. Individuals designated by the ruling party and the dominant opposition party also served as members of the Boards of Canvassers, which canvassed election returns at the municipal and provincial level. These party-designated individuals were paid a nominal sum by the government for their election-related efforts. In addition, parties were authorized to designate pollwatchers to monitor election-day activities.

Under the 1986 Constitution, "[p]olitical parties, or organizations or coalitions registered under the party list system, shall not be represented in the voters' registration boards, board of election inspectors, board of canvassers, or other similar bodies. However, they shall be entitled to appoint pollwatchers in accordance with law."<sup>48</sup> This change proved one of the more controversial aspects of the new constitution.

#### *1. Background*

From independence in 1946 until the declaration of martial law in 1973, Philippine politics were dominated by two parties: the Liberal Party and the Nacionalista Party. Because of their nonideological nature, political leaders often switched allegiances from one party to another. Ferdinand Marcos, for example, began

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<sup>48</sup> 1986 Philippine Constitution, Article IX.C.8.

his career as a Liberal Party legislator, before changing to the Nacionalista Party in 1964 and becoming the party's presidential candidate in 1965.

Following the declaration of martial law, all political parties were disbanded and many opposition leaders were imprisoned or exiled. In 1978, Marcos formed his New Society Movement (popularly known by its Tagalog initials as the KBL) to compete in elections that were held in April 1978 for an Interim Batasan Pambansa. While initially denominated a movement, the KBL developed into a full-fledged political party, dominated by Marcos and his wife.

In 1982, Salvador Laurel organized the United Nationalist Democratic Organization (UNIDO) as an umbrella party for opposition groups. Its main components included remnants of the Nacionalista Party, the Liberal Party, the National Union for Liberation, and later the Pilipino Democratic Party (PDP); other smaller parties also joined UNIDO. In this form, UNIDO competed in the 1984 legislative elections and was recognized at the time by COMELEC as the dominant opposition party.

For the 1986 election, Marcos ran as the candidate of the ruling KBL Party. Aquino was the choice of many opposition groups, including the PDP-Laban Party. After intense negotiations between Aquino and Laurel, and just before the filing deadline, an agreement was reached whereby Aquino would run for president as the candidate of UNIDO, with Laurel as her running mate. After some hesitation, COMELEC designated UNIDO as the dominant opposition party, thus again providing the party with the opportunity to designate representatives to the BEIs and Boards of Canvassers.

## *2. Political developments in the aftermath of the revolution*

Aquino assumed the presidency with a broad range of popular support. Her first cabinet reflected this diversity. It included: Vice President Laurel, who was designated minister of foreign affairs; Juan Ponce Enrile, who had served Marcos loyally for many years as minister of defense; and political leaders from UNIDO, PDP-Laban and the Liberal parties, and several human rights activists. Partisan

politics, however, reemerged soon thereafter, both between Marcos loyalists and Aquino supporters and among the broad range of factions within the Aquino coalition. In what was to become the most notable split, Laurel sought to use his position to build an opposition base within the Aquino administration.

Soon after the Cabinet was installed, Minister of Local Government Aquilino Pimental replaced virtually all elected local officials, many of whom were corrupt, with officers-in-charge (OICs). The controversy surrounding this decision highlighted the extent to which partisan conflicts continued to affect the process of governance. Members of the Aquino coalition accused Pimental of appointing only members of his party, PDP-Laban, as local officials. Subsequently, Pimental was replaced as minister, but he nonetheless was elected to the Senate as one of Aquino's designated candidates.

### *3. The constitutional architecture*

The constitution provides that "[a] free and open party system shall be allowed to evolve according to the free choice of the people."<sup>49</sup> Nonetheless, as noted above, the constitutional framers were not completely agnostic as to the type of party system they sought to encourage. By setting aside 25 seats in the House of Representatives to be elected on a party-list basis and by eliminating an institutional role for the ruling and dominant opposition parties in the administration of elections, the framers sought to encourage the development of a multi-party system.

With respect to the former innovation, a party that did not win a seat under the first-past-the-post constituency system but demonstrated broad national support could win one or more seats in the party-list elections. This was designed to help ideologically based parties. Small parties could also develop stratagems to work the system to their advantage. For instance, a small party could designate just a few candidates for Senate and urge its supporters to vote only for those candidates (bullet voting), leaving the rest of their

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<sup>49</sup> 1986 Philippine Constitution, Article IX.C.6.

ballots blank; this too would increase the chances for more parties to be represented in the Senate.

The second innovation, eliminating the role of parties in administering elections, was implemented by COMELEC prior to the 1987 constitutional plebiscite. Under the new system, three teachers were designated to serve on the BEI, while the Boards of Canvassers were composed of five government bureaucrats. The 1986 Constitution enshrined the innovation and made it difficult to change.

There is much to be said in favor of encouraging the formation of a neutral bureaucracy that enjoys the respect of the population. In addition, the new system did not eliminate political parties from the electoral process completely. Political parties were permitted, indeed encouraged, to appoint pollwatchers and to assign party representatives to the counting and canvassing phases.

GAD, however, criticized this new procedure: "For the first time in Philippine history, the administration of the entire electoral process...was placed entirely in the hands of government officials and employees, with no opportunity given for political parties and candidates to verify the integrity of the process at any stage."<sup>50</sup> As GAD candidly admitted, the real difference between the previous and current systems was that in the past the party representatives on the BEIs were paid for their services by the government. Under the current system, the party workers "could not be expected to be present in the precincts longer than the resources of the parties allowed them to be remunerated [sic]."<sup>51</sup> In addition, there was a significant psychological effect in introducing so radical a change after decades of utilizing a different system. This is particularly true in a society where the fairness of every election is the subject of heated controversy. Thus, it was not only the GAD that sought restoration of the previous system.

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<sup>50</sup> *GAD Report*, *supra* note 15, p. 16.

<sup>51</sup> *Ibid.*, p. 34.

There is no obvious correct choice concerning the utilization of party representatives as election administrators. Both the previous and current Philippine systems are used in other countries. It remains to be seen whether the current system can accomplish what its proponents had hoped for or whether internal political pressures will force changes, ultimately requiring a constitutional amendment.

#### *4. Partisan political developments*

Before the constitutional plebiscite, Enrile had been dismissed from the cabinet and was emerging as the nominal leader of the opposition. He suffered a major defeat by opposing the constitution, although his defeat was ascribed to the enormous popularity of Aquino whose legitimacy was at stake. Even after the plebiscite, the Enrile-led opposition believed it was in a strong position to obtain a majority in one or both houses of the new Congress.

The vehicle for Enrile and his supporters was the Grand Alliance for Democracy (GAD), which comprised several political parties. Although the party refused to include Marcos loyalists, many of its leaders had been allied with Marcos at some point in their careers; as such, they were still associated in the public's mind with Marcos. For the May elections, GAD fielded a full slate of 24 candidates for the Senate and designated candidates for most of the House seats. The May 1987 results shocked the GAD leaders. When it became obvious that the population did not believe their allegations of massive fraud, GAD began dissolving. Its presence as an organized and effective political party during the local elections was minimal.

Many expected some of the constitutional innovations to benefit the left-oriented Partido ng Bayan, which ran in the May elections as the Alliance for New Politics (ANP). However, due to administrative problems, COMELEC scrapped the elections for party-list candidates and the ANP's attempts to elect at least one of its seven candidates to the Senate failed; one ANP supporter was elected to the House of Representatives. The Alliance kept a relatively low profile for the January 1988 elections, although candidates affiliated with or supported by the ANP were elected for several local positions.

The withering away of the GAD, the KBL and the ANP also has affected the broad-based Aquino coalition. While divisions within the coalition were obvious during the May elections, Aquino's endorsement of 24 Senate candidates from a variety of parties forestalled a split at that time. However, there were several very bitterly contested congressional races among candidates affiliated with different parties belonging to the Aquino coalition.

During the local elections, the coalition disintegrated as the different parties in the coalition competed at all levels. The results seemed to portend the emergence of two major parties: the Liberal Party, with long-time politician and Senate President Jovito Salonga as its leader; and the PDP-Laban, which was dominated by relatives of the president, including her brother Peping Cojuangco and brother-in-law Paul Aquino.

## **B. NAMFREL**

The National Citizens Movement for Free Elections (NAMFREL) has provided a model for those in other countries who are seeking to initiate peaceful democratic transitions. Yet, in the aftermath of the February revolution, NAMFREL has been forced to consider the organization's future role in a democratic Philippines.

### *1. Origins of NAMFREL*

The Philippines has a history of free election movements. In 1953, the National Movement for Free Elections, also called NAMFREL, contributed to the conduct of a relatively fair election in which Ramon Magsaysay, one of the country's most popular political figures, was elected president. Critics charge, however, that this previous NAMFREL was a creation of the U.S. Central Intelligence Agency (CIA) designed to support the Magsaysay campaign.<sup>52</sup>

Subsequent free election movements included the Citizens National Assembly Election (CNEA), which formed for the 1971

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<sup>52</sup> R. Bonner, *Waltzing with a Dictator*, p. 40 (Random House, Inc., 1987).

elections. Many of the leaders of the modern NAMFREL participated in CNEA's efforts. The existence and importance of such nonpartisan organizations are recognized in the Philippine election code, which authorizes COMELEC to designate one or more "citizens arms" to help in assuring free and fair elections.

## *2. Origins of the modern NAMFREL*

In its present incarnation, NAMFREL formed several months after the assassination of Benigno Aquino. It grew out of an October 1983 meeting held at the home of Morris (Mars) Quesada, a Philippine businessman. The meeting was attended by, among others, Jose Concepcion, who had made clean elections a personal crusade for 17 years; Vincente (Ting) Jayme, a leader of the Bishop's Business Council; and a representative of Jaime Cardinal Sin, the archbishop of Manila.

At the time, Concepcion's efforts were concentrated on reforming the election code. After the meeting, it was agreed that the reform effort should include a mobilization of the general population on the importance of free and fair elections. The NAMFREL leaders soon recognized that they also would have to convince wary politicians to participate in the upcoming legislative elections if their effort was to be meaningful.

Adopting the motto "it is better to light a candle than to curse the darkness," NAMFREL organized formally in November 1983, with Concepcion as chairman and Quesada as secretary-general. For the next six months, the two traveled around the Philippines, designating provincial and municipal chairs, and urging them to organize volunteers for the legislative elections scheduled for May 1984. They were greatly assisted by the Catholic Church, whose leadership provided many of the NAMFREL provincial chairs.<sup>53</sup> Often there would be two collections during a mass, with the second being specifically earmarked to support the work of NAMFREL.

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<sup>53</sup> Subsequently, Bishop Antonio Fortich of Negros Occidental was appointed as NAMFREL's co-chair, thus further identifying the Church with NAMFREL's efforts.

For the 1984 elections, NAMFREL mobilized more than 200,000 volunteers, who were present at designated polling sites in areas where NAMFREL was sufficiently well organized. Their presence was designed to provide confidence to the population and to deter violent or fraudulent behavior. The volunteers also were responsible for reporting the results from their assigned polling sites to NAMFREL headquarters as part of Operation Quick Count. The idea behind this independent and parallel vote tabulation was that the quicker NAMFREL could tabulate and announce results of specific contests, the more difficult it would be for the government to attempt wholesale manipulation.

NAMFREL received a great deal of credit for its efforts during the 1984 elections. Many believed that opposition candidates would have won far fewer seats had NAMFREL volunteers not been present at polling and counting sites, and had the organization not conducted a quick count. While encouraged by the 1984 effort, NAMFREL leaders also were cognizant of the organization's limited ability to assure free elections throughout the country. NAMFREL's assessment of the 1984 elections was that only "65 percent of the seats were sufficiently free from anomalies to be considered valid."<sup>54</sup>

### *3. The 1986 snap election*

NAMFREL continued its mobilization efforts during the period between 1984 and November 1985, when the snap election was announced. Local meetings, emphasizing the importance of fair elections and honest government, were held throughout the country. This ongoing effort permitted NAMFREL to mobilize quickly for the snap election.

NAMFREL sought to raise funds throughout the country, although it relied heavily on the Philippine business community and the donations made at Church services. To avoid a nationalist

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<sup>54</sup> C. Monsod, "NAMFREL - Testing Democracy at the Grassroots," *Fookien Times Philippines Yearbook 1984-85*, p. 76.

backlash, NAMFREL maintained that it did not solicit funds from outside the country. Nonetheless, Marcos supporters and some independent observers believed that NAMFREL relied on funds obtained from abroad, particularly from the United States.<sup>55</sup>

NAMFREL's insistence on the need for election reform bore fruit with the passage of a new election code on December 3, 1985. The new code included many of the reforms that NAMFREL had advocated, although it did not guarantee their implementation by the election officials.

For the 1986 election, NAMFREL mobilized volunteers in all regions of the country, conducted a quick count, and strived to maintain a nonpartisan image in the eyes of Filipinos, international observers and the media. In accomplishing these goals, NAMFREL had to overcome major obstacles, including the reluctance of individuals in some areas to join NAMFREL because they feared retaliation by local political leaders who supported Marcos. Ultimately, NAMFREL mobilized more than 500,000 volunteers. Due to intimidation and violence, some areas, particularly in the Marcos strongholds of northern Luzon, were devoid of a NAMFREL presence.

On election day, the NAMFREL operation was not limited to pollwatching in a traditional sense. NAMFREL information booths were established near polling stations to direct voters to the specific location of their polling site. To handle problems, NAMFREL developed a quick response capability, relying on ham radio operators to communicate messages regarding trouble spots and the use of helicopters to reach polling sites where problems were reported.

In some provinces, NAMFREL volunteers were forced out of polling stations by Marcos supporters. A particularly dramatic

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<sup>55</sup> Bonner, *supra* note 52, p. 408. Bonner acknowledges that NAMFREL leaders claimed that they refused funding from the United States government, but concludes that funds were provided to several constituent organizations that comprised NAMFREL in support of NAMFREL's election-related activities. *Ibid.*

confrontation occurred in Manila when the NAMFREL leadership, accompanied by several foreign journalists and international observers, visited an area where NAMFREL volunteers had been forced from polling sites at gunpoint. As a result of this visit, NAMFREL's presence was reestablished. In other parts of the country, the situation could not be reversed as easily (see Chapter 4). All told, three NAMFREL volunteers were killed and scores injured as they tried to protect the integrity of the balloting process. Yet, despite the intimidation and violence of election day, NAMFREL persevered.

A key component of NAMFREL's plan of action in 1986, as it had been in 1984, was the quick count. In implementing this effort, NAMFREL relied on its volunteers throughout the country, who recorded and transmitted the results from individual polling sites to a provincial office and, ultimately, to the NAMFREL election-day headquarters, which was set up in a gymnasium at Lasalle University in Manila. COMELEC managed to slow, but not preclude, the NAMFREL quick count by requiring NAMFREL volunteers to obtain an official verification of the polling site results from a provincial COMELEC official. In many cases, NAMFREL volunteers relayed the results to Manila prior to obtaining the necessary authentication, thus expediting the NAMFREL vote tabulation process considerably.

As the results reached Manila, they were entered into computers and posted on large blackboards that were arranged throughout the gymnasium. Journalists and observers were allowed unrestricted access to the NAMFREL headquarters, thus enhancing the credibility of the operation. In the end, the quick count showed Aquino leading Marcos by approximately 550,000 votes, thus providing one basis for Aquino's legitimacy in the aftermath of Marcos' departure, despite the fact that the count covered only 70 percent of the polling sites.

The government's efforts to discredit NAMFREL failed, despite the fact that most knowledgeable observers assumed that an overwhelming majority of NAMFREL volunteers would cast their votes for Aquino. In a statement issued two days after the election, the NDI/NRIIA international observer delegation endorsed the

NAMFREL effort stating "that the vast majority of NAMFREL volunteers in the regions we have covered have acted in a nonpartisan, professional manner."<sup>56</sup> In the final report, despite citing several "instances in which NAMFREL volunteers exceeded the limits of what might be termed 'nonpartisan' activity," the delegation concluded "that allegations of massive partisan activity were unfounded. NAMFREL volunteers risked a great deal in the exercise of their constitutional rights, and nearly all did so in a nonpartisan fashion."<sup>57</sup> More important from the Philippine perspective, the Catholic Bishops Conference, in its post-election statement, praised "the thousands of NAMFREL workers and volunteers who risked their very lives to ensure free and fair elections."<sup>58</sup> Consequently, NAMFREL's criticism of the election carried great weight both with the Filipino people and with the international community.

#### 4. NAMFREL in the post-Marcos era

NAMFREL volunteers were among the first to respond to Cardinal Sin's call for Filipinos to descend upon the military camps for the purpose of protecting the troops loyal to Defense Minister Enrile and Chief of Staff Ramos. In the aftermath of the revolution, Aquino tapped many of NAMFREL's leaders for key positions in her first cabinet. NAMFREL Chairman Concepcion was designated as minister of trade and industry, and the organization's vice-chair, Vicente Jayme, was appointed president of the Philippine National Bank (and later joined the cabinet). Other NAMFREL activists who joined the Aquino government as ministers or deputy ministers included: Solita Monsod, Vicente Paterno and Carlos Dominguez. Christian Monsod, who served as NAMFREL secretary-general during the snap election period, and Ricardo Romulo, another

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<sup>56</sup> *NDI/NRIIA Report*, *supra* note 11 at Appendix IX.

<sup>57</sup> *Ibid.*, p. 17.

<sup>58</sup> *Ibid.*, Appendix X, p. 128.

prominent NAMFREL leader, were named to serve on the Constitutional Commission.

To many Marcos supporters, the profile of NAMFREL in the Aquino government demonstrated beyond doubt that NAMFREL had never been a nonpartisan organization. Even some NAMFREL volunteers felt betrayed by the fact that their leaders had entered the government and had not remained firm in their commitment to the nonpartisan and independent character of the organization. NAMFREL leaders, in defending their decision, cited the tremendous crisis facing the country. The situation, they argued, required a positive response when Aquino requested their assistance.

In the period since 1986, NAMFREL has sought to expand its activities beyond election-day monitoring. It has worked with COMELEC on various election administration issues, conducted public education programs on "how to vote," organized forums for political leaders and candidates, trained party pollwatchers, and monitored public works projects as part of its commitment to good government.

Despite this multitude of activities, NAMFREL probably will always be judged by its election-day performances. For the constitutional plebiscite, NAMFREL mobilized approximately 150,000 volunteers. Its quick count proved quite successful; three days after the closing of the polls, NAMFREL had received the results from nearly 75 percent of the country's 90,000 precincts.

The May congressional elections posed greater challenges for the organization. First, some of its former leaders at both the national and provincial levels were candidates for Senate and House seats, including Edgardo Angaro, who had served as NAMFREL chair during the constitutional plebiscite, and Vincente Paterno and Ernesto Herrera, who were members of NAMFREL's National Council; all three were endorsed by Aquino. All told, "35 provincial and city chairmen resigned or were replaced either because they decided to be candidates, or to engage in partisan political activity,

or wanted to be replaced for personal reasons."<sup>59</sup> Second, the logistics of conducting a quick count, upon which much of NAMFREL's reputation had been built, were complicated by the number of candidates competing for the Senate and the House. Third, many former NAMFREL volunteers sought to channel their efforts for a better Philippines through other organizations with broader mandates, thus depriving NAMFREL of some of its more effective supervisors and coordinators.

Despite these factors, NAMFREL mobilized 300,000 volunteers who monitored the balloting in approximately 74 percent of the precincts. In many provinces, NAMFREL volunteers played a critical role in providing logistical support and advice to the COMELEC officials, who had to handle the many administrative problems that developed on election day. Consequently, the opposition charge that NAMFREL volunteers "took part in the official reading of the contents of the ballots and in the tabulation and preparation of the election returns"<sup>60</sup> was somewhat surprising. NAMFREL readily admitted that some of its volunteers, upon instructions of the local BEI, actively assisted in the counting of ballots at the precinct level. The charge demonstrated a total lack of understanding of what was happening at the polling site level. BEI officials, who had been reading ballots for hours, sought whatever help they could obtain; the NAMFREL volunteers, who had not left their posts through the long night, were ready and available as substitute ballot readers, subject of course to the supervision of the BEI members.

Given the large number of candidates and the handwritten ballots, the NAMFREL quick count was indeed slower than in the previous elections. In addition, NAMFREL officials made a major mistake in their release of election results. NAMFREL figures appeared to show that there were more votes counted for some candidates than there were ballots cast, raising obvious questions

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<sup>59</sup> NAMFREL, *Report to COMELEC*, p. 2 (July 1987)

<sup>60</sup> *GAD Report*, *supra* note 15, p. 27.

about possible vote padding for these candidates. Admitting that it had made a mistake, NAMFREL explained on May 13, two days after the polls closed, that the figures it was releasing for "votes cast" were understated because some NAMFREL field volunteers did not provide information on this subject when they reported the precinct results. While this seemed plausible, the mistake provided a major basis for the opposition charges that NAMFREL helped Aquino-supported candidates win lopsided victories.<sup>61</sup> Indeed, according to GAD, the administration's grand design for an election sweep in the Senate was dependant on "the preemptive role assigned to NAMFREL as election watchdog."<sup>62</sup>

The many challenges filed by opposition forces following the May elections raised questions in the minds of some regarding NAMFREL's future effectiveness as an independent election monitor. During the January 1988 elections, the NAMFREL National Council left to local leaders the decision as to the level of activities to be undertaken. Some responded by organizing a major effort reminiscent of the previous four election exercises, while in other provinces only a skeleton organization was in evidence, with few resources or committed volunteers.

What does the future hold for NAMFREL? Even among its former proponents, there are many who believe the organization has outlived its purpose. Marcos is gone and COMELEC appears committed to restoring a credible electoral process. Others believe that the organization still has an important role to play both in helping the government strengthen the electoral process and in undertaking other functions relative to eliminating corruption and fostering good government.

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<sup>61</sup> H. Henares, Counting Votes with Magic the NAMFREL Way," *Philippine Daily Inquirer*, June 30, 1987; NAMFREL's reply to the charge of Mr. Henares, *Philippine Daily Inquirer*, July 2, 1987.

<sup>62</sup> *GAD Report*, *supra* note 15, p. 21.

## C. The Military

The Philippine military, which includes the army, navy, and air forces and the constabulary, plays a significant role in Philippine elections on three levels: first, as protectors of the peace; second, in providing logistical support to COMELEC; and third, as voters and, more broadly, as participants in the political process. Given the problems in the 1986 election, to which the military contributed both by omission and commission, some election reformers sought to minimize the military's role in future elections.

### 1. Background

Until 1972, the Philippine military enjoyed a reputation for professionalism and incorruptibility. Once martial law was declared, however, soldiers close to Marcos and his Chief of Staff Fabian Ver were favored, while those without the proper connections or who challenged the government found their careers stunted. It was in this environment that the insurgency organized by the New Peoples Army (NPA) grew in strength; by the end of the Marcos-era, it controlled much of the rural areas.

### 2. 1986 elections

Prior to the snap election, the opposition charged that the military was pressuring voters to support Marcos and would contribute to the electoral fraud. These fears proved prescient as, in many regions, the military either was complicit in the abuses committed on election day or failed to prevent intimidation of voters and volunteers. The military's role as a neutral guarantor of the peace during the election period had been compromised. There also was evidence that some military officers received "instructions" regarding the final vote count Marcos wanted in a particular region.<sup>63</sup>

The military, however, was not monolithic. Junior officers, increasingly frustrated over corruption in the military and in

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<sup>63</sup> *NDI/NRIIA Report, supra note 11, p. 79.*

Philippine society generally, were concerned that corruption was contributing to the success of the insurgency. They also felt the resentment of the people who feared the military, rather than appreciating its contribution to Philippine society.

A number of these junior officers organized a reform movement, which eventually adopted the acronym RAM (Reform Armed Forces Movement). Prior to the announcement of the 1986 election, the reformists recruited sympathetic officers and made plans for a coup if one became necessary.<sup>64</sup> Once elections were announced, the reformists put aside their coup plans and concentrated on contributing to a free and fair electoral process.

In January 1986, in coordination with NAMFREL, RAM publicly announced its program for the pre-election period. The program included visits to military bases to inform soldiers of their duties in a democratic society and, more concretely, with respect to the February election. Not surprisingly, many military commanders denied the reformists entry onto their bases. Still, the reformists were able to use the election process to identify those officers who would be responsive should more dramatic action become necessary.

### 3. *The Aquino era*

The military's image was greatly enhanced in the immediate aftermath of the revolution because of its role in contributing to the ouster of Marcos. Upon assuming office, Aquino declared the formation of the New Armed Forces of the Philippines, retired the generals who had remained in the service past the retirement age, and announced her profound commitment to human rights.

Although there was no immediate purge, several key Aquino advisers maintained that there would be investigations into the military's alleged involvement in human rights abuses. One goal was to produce a report similar to the *Nunca Mas* report prepared in Argentina, which documented in great detail the human rights abuses

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<sup>64</sup> V. Brevem, *supra* note 10, pp. 96-98 (account of Col. Gregorio Honason).

committed by the military regime prior to the restoration of democracy under President Raul Alfonsin. However, the Presidential Committee on Human Rights, which was appointed immediately after the revolution and which included several well-respected human rights activists, proved unable to produce such a report. There also were no major prosecutions of military officers for human rights abuses committed during the Marcos era.

With respect to preventing future abuses, reformers focused on the new constitution. It provides strong guarantees for the protection of human rights<sup>65</sup> and mandates the establishment of an independent Commission on Human Rights. The 1986 Constitution also contains specific provisions concerning the role of the armed forces, and its separation from a civilian police force.<sup>66</sup> Further, the constitution mandates the dismantling of the Civilian Home Defense Forces (CHDF) and other private armies,<sup>67</sup> and prohibits the military from engaging in any form of partisan political activity, except voting.<sup>68</sup>

Despite these constitutional provisions, human rights activists and others believe that the government and the military have tolerated, and indeed encouraged, the formation of vigilante groups in various regions. These groups, in effect, have replaced the CHDF units and, in many provinces, have been responsible for serious human rights violations.<sup>69</sup> The Commission on Human Rights, meanwhile, disappointed those who expected it to be aggressive in challenging the military for alleged involvement in continued human rights abuses. Part of the commission's problems centered on the

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<sup>65</sup> 1986 Philippine Constitution, Article III.

<sup>66</sup> *Ibid.*, Article XVI, Sections 4-6.

<sup>67</sup> *Ibid.*, Article XVIII, Section 24.

<sup>68</sup> *Ibid.*, Article XVI, Section 5(3).

<sup>69</sup> Amnesty International, *Philippines: Unlawful Killings by Military and Para-Military Forces* (1988). Lawyers Committee for Human Rights, *Vigilantes in the Philippines: A Threat to Democratic Rule* (1988).

personality of original chairwoman, but more important was the commission's uncertainty over how far it could go in challenging the military.

Several RAM leaders, meanwhile, became frustrated with the government's military reform efforts and the perceived constraints placed on military action by human rights activists advising Aquino. Ultimately, some RAM activists participated in the 1987 coup attempt. Notwithstanding the coup's failure, many of the reforms and changes sought by these officers subsequently were adopted by the government.

#### *4. Military role in elections*

In the elections since 1986, the military's contribution to the process, according to both COMELEC and independent observers, was significant. It worked with COMELEC in identifying trouble areas and in ensuring that elections took place even in areas most affected by the insurgency. Further, the military helped distribute election paraphernalia to remote parts of the country. The military also participated in COMELEC-organized programs designed to encourage fair and peaceful elections.

On an administrative level, COMELEC sought to ensure that those serving in the military be allowed to exercise their franchise in a manner that did not disrupt the overall process. In 1986, COMELEC had authorized soldiers to vote at the polling sites nearest to their bases. Since soldiers were not necessarily registered at these polling sites, this created mass confusion on election day. Not surprisingly then, prior to the 1987 plebiscite, COMELEC revoked the permission previously granted the military to vote wherever they were serving on plebiscite day, instead requiring soldiers to register anew if they could not return home on election day.

The issue of military participation in partisan politics also emerged in the recent elections. During the plebiscite campaign, the provincial commander in at least one region was actively campaigning for a "no" vote. The commander in question, Colonel Rodolfo Aguinaldo, subsequently resigned from the military and won

election as the governor of Cagayan Province (see Chapter 4). Other former military officers also competed in local elections with mixed results.

Many Filipinos have expressed concern over the military's growing role in domestic politics. The various coup attempts between July 1986 and August 1987 increased the military's influence with the Aquino government. The appointment of Chief of Staff Fidel Ramos as minister of defense provided the military with an even higher profile in the political arena, and increased speculation that Ramos would be a presidential candidate in the 1992 elections.

Whether the military's growing involvement in partisan politics will hinder the development of a viable democracy in the Philippines remains to be seen. Certainly, the record in other countries is mixed. For every country where the military as an institution dominates politics, there are countries where military officers are assimilated into the political culture and, in this way, weaken the identification of the military institutionally as a partisan political actor.

#### **D. Summary**

The future direction of the institutions described above — together with other institution such as the media, the judiciary, the legislature, local governments and civic organizations — are critical to the evolution of democracy in the Philippines. The experiences gained during the transition from Marcos to Aquino provide unique building blocks, but as is the case with all countries undergoing transitions this foundation must be constantly reinforced.

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## *Chapter 4*

### *A VIEW FROM THE PROVINCES*

The Philippines comprises more than 7,000 islands, although many of the islands have small populations or are uninhabited. The Philippines also is ethnically and linguistically diverse. For political purposes, the Philippines is divided into 12 regions, which are subdivided into 73 provinces and Metro Manila; the latter accounts for approximately 15 percent of the population and includes 19 cities.

This geographic, ethnic and political diversity creates obvious challenges for the central government. While Metro Manila continues to dominate national politics, understanding Philippine electoral politics requires observing its operation at the provincial level. It is here that old dynasties reign, that local "warlords" operate, that the military and the insurgents battle and that the average Filipino seeks to subsist. It is also at the provincial level that the difficulties in administering an election in the Philippines become most obvious.

During their visits to the Philippines, NDI representatives observed elections in several very different regions. This chapter describes some of the more significant aspects of the elections covered by this report from the perspective of two provinces.

#### **A. Cagayan**

Cagayan is an economically underdeveloped province located in northern Luzon. It is part of Region II, which covers six provinces in the Cagayan Valley. Former Minister of Defense Juan Ponce

Enrile is from Apari, a small town in the northernmost part of the province.

During the 1986 election, according to the Batasan figures, Cagayan provided Marcos with a 230,000-vote margin (86 percent for Marcos versus 14 percent for Aquino). NAMFREL, which was not well-organized in the province at the time,<sup>70</sup> concluded that the margin was the result of the "reign of terror that gripped the province where local officials together with military men intimidated and harassed voters, opposition supporters and NAMFREL volunteers.... NAMFREL's presence was denied by local officials in over...50 percent of [the precincts] it covered."<sup>71</sup> After the revolution, Enrile conceded that more than 350,000 votes were stolen in Region II by pro-Marcos forces.<sup>72</sup>

### *1. Constitutional plebiscite*

An NDI representative visited Cagayan in February 1987 to observe the constitutional plebiscite. Enrile, who had been dismissed from the cabinet three months earlier, was campaigning for a "no" vote. His popularity in his home province was expected to result in a defeat for the constitution in Cagayan.

Enrile's effort in Cagayan was supported by the provincial commander, Rodolfo Aguinaldo, who openly campaigned for a "no" vote in the province. Aguinaldo was an active member of RAM prior to the revolution. On the eve of the February revolution, he led a group of soldiers from Cagayan to Manila. He participated in one of the few armed encounters of the revolution, leading a unit that seized a television station from loyalist forces.

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<sup>70</sup> Interview with Bishop Diosdado Talamayan, January 16, 1988. Bishop Talamayan served as NAMFREL's provincial chairman until after the May 1987 elections.

<sup>71</sup> *NAMFREL Report*, *supra* note 16, Part V.

<sup>72</sup> L. Simons, *Worth Dying For*, p. 258 (William Morrow and Company, Inc., 1987).

Following the revolution, Aguinaldo returned to Cagayan. He assumed the provincial command when his predecessor died in an accident. While successful against the NPA, Aguinaldo was criticized by human rights activists for his brutal tactics. In July 1986, representatives of the Philippine Commission on Human Rights (PCHR) visited Cagayan to investigate allegations of human rights abuses. Aguinaldo greeted the PCHR representatives at the airport and harangued them for interfering with his efforts against the insurgents. Subsequently, he failed to appear when summoned to testify before the PCHR in Manila.

Aguinaldo opposed the constitution because he believed it would weaken the military.<sup>73</sup> In particular, he criticized the constitutional provision requiring the dissolution of the Civil Home Defense Forces (CHDF) and the placing of the military under civilian control; Aguinaldo preferred to have the army chief of staff elected by the military officers. Aguinaldo believed that most of the officers in the army opposed General Ramos and predicted that there would be another coup attempt organized by the RAM officers within several weeks of the constitution's approval.<sup>74</sup> NAMFREL complained to COMELEC about Aguinaldo's activities during the plebiscite campaign and on plebiscite day. For his part Aguinaldo rejected the notion that it was inappropriate for him to campaign against the constitution, but denied leaving his base on the day of the plebiscite.

Overall the campaign and plebiscite in Cagayan were relatively peaceful. Seventy percent of the population voted against the

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<sup>73</sup> Interview with Colonel Rodolfo Aguinaldo, February 1, 1987, Tuegegaro, Cagayan.

<sup>74</sup> *Ibid.* It appears that the coup attempt in August 1987, which was led by Colonel Honasan, was the one contemplated by Aguinaldo several months earlier. According to Aguinaldo, he planned to join Honasan but had a change of heart when he learned that there had been fighting between rebel and loyalist troops. Interview with Colonel Aguinaldo, January 16, 1988, Tuegegaro, Cagayan.

constitution in Cagayan Province, one of the highest negative percentages recorded anywhere in the country.

Administratively, too, there were few problems. The December 1986 registration resulted in the deletion of multiple names, the names of the deceased and those who had left the region from voter registries. Consequently, there were 60,000 fewer registered voters (15 percent) in 1987 than were listed as registered for the snap election.

NAMFREL was well-organized in the major cities of the province with pollwatchers located at virtually all precincts, although it had a sparse presence in the more rural areas. The NAMFREL quick count in the provincial capital was quite successful; by 11 p.m. on the day of the plebiscite, results from more than 90 percent of the precincts had been transmitted to Manila.

## *2. Legislative elections*

Four members of the international delegation observed the May 1987 legislative elections in Cagayan. With Enrile heading the GAD ticket, it was expected that those opposed to Aquino would do very well in the province. At the same time, there were hotly contested races in the province's three congressional districts. Because of the threat of violence, one town was placed under COMELEC control.

For Congress, the voters elected Enrile-endorsed candidates in the two northern districts. In the third district, which covers the provincial capital, Tuegeguro, Tito Dupaya, the husband of the former governor and the then-provincial officer-in-charge (OIC), defeated two other candidates, including Tony Carag, a businessman-turned-politician who served on the executive committee of the Nacionalista Party.

The results were accepted by the candidates despite administrative problems. Instructions for the election inspectors and other election paraphernalia did not arrive in some areas of the province until late in the day. Fortunately, most of the teachers administering the elections were experienced and improvised where necessary. The municipal and provincial canvassing forms also were

not delivered until the day after the elections, thus delaying the counting of the election returns at the municipal level.

### 3. Local elections

Two NDI representatives returned to Cagayan on January 16, 1988 to observe preparations for the local elections. The main focus of attention were the races for provincial governor and mayor of Tuegegaro.

In the governor's race, the two major candidates were former provincial commander Aguinaldo and former governor/OIC Teresa Dupaya. Aguinaldo had resigned from the military in October 1987 after governing the province *de facto* in the months following the aborted August coup attempt.<sup>75</sup> Although nominally-listed as a UNIDO candidate, he was campaigning throughout the province as an independent populist. Explaining his decision to compete, Aguinaldo charged that nothing had changed since the revolution — the politicians all remained corrupt and only he could restore integrity to the system. He was convinced of his popularity, and thus appeared unwilling to accept that he could lose in a fair election. In case he lost, he threatened to assume power anyway and believed that he would receive the support of many other military officers who were similarly disenchanted with developments during the past two years.<sup>76</sup>

Dupaya, meanwhile, received the endorsement of Aquino. Enrile, after being rebuffed by Aguinaldo, endorsed Domingo Tuzon, whose father was a congressman. The candidates traded charges regarding vote-buying and intimidation. Aguinaldo won an overwhelming victory, garnering more than 60 percent of the vote.

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<sup>75</sup> *Washington Post*, "Philippine Province Ruled by Renegade," September 12, 1987; *Washington Post*, Letters ("Contempt for Civilian Rule in the Philippines,") October 5, 1987.

<sup>76</sup> Interview with Colonel Rodolfo Aguinaldo, January 16, 1988, Tuegegaro, Cagayan.

Administratively, the major development was the reduced role of NAMFREL. Bishop Talamayan resigned as NAMFREL provincial chair after the May elections because of a perceived conflict with his spiritual role. After the May elections, several candidates requested that he provide affidavits stating the elections were fair or unfair.<sup>77</sup> Priests in the archdiocese, who had formed the backbone of NAMFREL, were given the option of continuing their NAMFREL activities, but many took a lower profile or declined to be involved at all.

Father Dante de la Cruz was named the new provincial chair, having previously served as the municipal coordinator for Tuegegáro. He indicated that NAMFREL's credibility in the province was quite low because of the involvement of NAMFREL national officials in partisan politics.<sup>78</sup> Because there were few volunteers available, NAMFREL saw its role as encouraging peaceful elections, rather than monitoring the polling sites.

## **B. Negros**

The island of Negros is located in the central Visayan region. It is known for its large sugar plantations, which, until a downturn in the world sugar market, were financially quite successful. In recent years, it also has been the site of a strong NPA presence that feeds off the extreme poverty affecting the majority of the population. The polarization in the province is so great that even the residence of Bishop Antonio Fortich has not been immune from attacks by those opposed to his outspoken positions on land reform and social justice.

### *1. The 1986 election*

NDI visited the province of Negros Occidental for the first time in January 1986, a month before the snap election. The province had

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<sup>77</sup> Interview with Bishop Talamayan, January 16, 1988, Tuegegáro, Cagayan.

<sup>78</sup> Interview Father Dante de la Cruz, January 16, 1988, Tuegegáro, Cagayan.

recently been divided, with a new province, Negros del Norte, formed in the northern part of the island at the behest of Armando Gustillo, a local warlord. A visit to Cadiz City, the capital of Negros del Norte, highlighted the tensions in the province; armed guards were stationed above the municipal hall, their guns aimed menacingly at the populace below. Three months earlier, in Escalante, a town on the northeastern coast, 21 people participating in a peaceful demonstration had been killed, allegedly by armed men operating under Gustillo's control.

Despite the presence on the island of NAMFREL co-chair Bishop Fortich, NAMFREL was experiencing difficulties mobilizing volunteers outside of Bacolod City, the capital of Negros Occidental. As explained by NAMFREL's provincial chair, Dr. Patricio Tan, people were simply afraid to become involved.<sup>79</sup> As was true with other NAMFREL provincial chairs, Dr. Tan, a surgeon, had been involved with free elections movements since 1965; he was recruited as the NAMFREL provincial chair in 1984.

Most of the NAMFREL leadership in the region was drawn from the middle and upper middle classes. They were frustrated with the corruption of the Marcos regime, but unwilling to become actively involved in opposition politics. Their goal was to act as watchdog while also creating an environment in which Marcos could be defeated in an election.<sup>80</sup>

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<sup>79</sup> Interview with Dr. Patricio Tan, January 8, 1986, Bacolod City, Negros Occidental.

<sup>80</sup> Interview with Dr. Patricio Tan, January 12, 1988, Bacolod City, Negros Occidental.

Five members of the international delegation observed the 1986 election in Negros.<sup>81</sup> On election day, armed guards, operating as part of the local CHDF, were seen escorting NAMFREL volunteers from polling places in Negros del Norte; Gustillo had issued an order early that morning barring NAMFREL pollwatchers from all precincts in the province.<sup>82</sup> NAMFREL volunteers also were excluded from the canvassing process, often after being physically threatened. Thus, it was not surprising that Marcos won the vote in Negros del Norte by a 65 to 35 percent margin and that NAMFREL, using its categorizations, considered the election in the province to have been a "complete failure."<sup>83</sup>

In Negros Occidental, where both the opposition and NAMFREL were better organized, Marcos received a small majority of the votes. NAMFREL's conclusion regarding the election in this province was that incidents of violence and intimidation were not as massive and grave as in other provinces in the region, but nonetheless resulted in a "failure of election."<sup>84</sup> NAMFREL blamed Roberto Benedicto, a Marcos supporter and sugar baron, for much of the problems in the province

## 2. *The May 1987 elections*

Most of the population stayed at home during the revolution, listening to the radio or attending church services; a few, like

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<sup>81</sup> Prior to the election, an NDI representative met a young lawyer from Cadiz City who had come to the COMELEC office in Manila to file a complaint against Marcos supporters. The lawyer urged NDI to send a large international presence to Cadiz City to help ward off the expected violence. Following the revolution, the lawyer, Rowena (Bing) Guanzon, was appointed the officer-in-charge of Cadiz City and subsequently was elected mayor.

<sup>82</sup> *NAMFREL Report*, *supra* note 16, Part I.

<sup>83</sup> *Ibid.*, Part V.

<sup>84</sup> *Ibid.*

Dr. Tan, flew to Manila on Sunday morning soon after he heard news of the rebellion. Following Marcos' departure, a new political order was established in Negros Occidental. Benedicto went into exile in Spain and Gustillo died within the year; consequently, their private armies began disintegrating. Daniel Lacson, a businessman, was appointed the provincial OIC.

Following a Supreme Court challenge, the separate province of Negros del Norte was abolished. The court noted that the law establishing a separate province was adopted "in deep secrecy and inordinate haste by the Batasan Pambansa, and that in administering a plebiscite thirty days after its promulgation, the COMELEC had ignored the specific provisions of the Act."<sup>85</sup>

For the May elections, four members of the international delegation visited the province. Compared to the previous year, the May elections were conducted in a peaceful atmosphere, with the military adopting a low profile. A new COMELEC provincial supervisor was appointed in April 1987, and there was some reshuffling of municipal election registrars. NAMFREL's coverage was complete and unimpeded.

At the same time, the observers noted a dearth of political party activity. Individuals competed on personality and, according to many, on their ability to buy votes. Six of the seven elected congressmen were landowners thought to oppose land reform under any circumstance.

### 3. Local elections

An NDI representative returned to Negros Occidental a week before the January local elections. As was true elsewhere, local antagonisms had resulted in increased tensions. At least three candidates were reported killed in the province during the campaign period. According to Bishop Fortich, the killings represented both an effort to regain power by the old elite and a demonstration by the

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<sup>85</sup> *Tan v. COMELEC*, G.R. 71355, July 11, 1986.

NPA that the current politics were worthless.<sup>86</sup> In an attempt to ameliorate such tensions, the new COMELEC provincial supervisor, the Bishop, the army provincial commander, the NAMFREL provincial coordinator and the OIC attended candidates meetings in different cities and appealed to the candidates and voters to conduct a peaceful campaign.

There were several new COMELEC officials; many of their predecessors had been dismissed because of alleged partisanship. NAMFREL was satisfied with the changes and appeared confident in the ability of the COMELEC to conduct fair elections. For the elections, NAMFREL found it difficult to recruit volunteers, in part, because many former volunteers were running for office. Nonetheless, NAMFREL in Bacolod City successfully conducted a quick count on election night.

#### 4. *Future prospects*

Problems continue to plague the province of Negros Occidental. Contrary to the expectations of many, the departure of Marcos, Benedicto and Gustillo did not result in large numbers of NPA insurgents laying down their arms. Indeed, in many respects, the NPA became more brazen, reaching arrangements with landowners throughout the province that permit it to operate and to collect 'taxes' on some plantations.

Meanwhile, some landowners have organized vigilantes, which have been accused of killing suspected NPA sympathizers. This category often includes anyone seeking to encourage changes in the current order. The military has been accused of aiding and abetting the vigilantes and, in some cases, participating in their activities.<sup>87</sup>

The issue of land reform remains on the front burner in the province. Many believe that an effective land reform program would

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<sup>86</sup> Interview with Bishop Antonio Fortich, January 12, 1988, Bacolod City, Negros Occidental.

<sup>87</sup> Amnesty International, *Philippines: Unlawful Killings by Military and Paramilitary Forces*, pp. 22-24 (1988).

eliminate the NPA's support in the population, but the members of Congress from Negros appear adamant in their opposition to any type of land reform. As one NAMFREL leader stated: "the only solution to the insurgency problem is economic."<sup>88</sup>

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<sup>88</sup> Interview with Dr. Patricio Tan, January 12, 1988, Bacolod City, Negros Occidental.

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## *Chapter 5*

### *LEARNING FROM THE PHILIPPINE EXPERIENCE*

International delegations have observed many of this decade's most controversial elections. The 1986 Philippine election was no exception. Two large delegations — one sponsored by NDI and its Republican counterpart and the other an official U.S. delegation led by Senator Richard Lugar — were present for the event.

Marcos had invited observers either believing that he would win a relatively fair election or that the observers would not be in a position to denounce whatever fraud occurred. Before the election, however, Marcos, his colleagues in the ruling party and COMELEC wavered over the role to be played by observers. On the one hand, the presence of observers was denounced in the government-controlled media as a form of intervention in the internal affairs of the Philippines, and COMELEC sought to discourage the presence of observers by adopting a resolution entitled "Rules and Regulations Against Foreign Intervention." On the other hand, Marcos felt obliged to permit the presence of observers to obtain international legitimacy for his regime.

The opposition and NAMFREL, meanwhile, sought the presence of observers to provide moral support for those participating in the process, to deter fraud on election day and, if fraud was rampant, to denounce the election to the international community. Despite their own concerns regarding the prospects of election-day fraud and violence, the observers considered their presence as warranted in

view of the significance of the election. Reflecting on his decision to lead the official United States delegation, Senator Lugar has written: "[h]aving come this far in our hearings and public utterances, we had a commitment to the democratic process — and to the Filipinos who would be risking their lives and fortunes on February 7 — to observe the election."<sup>89</sup>

The observers were less than successful in deterring fraud. However, their presence encouraged the Philippine people to persevere in organizing and sustaining, despite tremendous obstacles, a massive monitoring effort. The observers also contributed to the delegitimization of the Marcos regime in the aftermath of the election.

In addition, the 1986 Philippine experience demonstrated that election observing is a two-way affair. Many of the observers returned from the Philippines with their faith in the democratic process reconfirmed and with a commitment to supporting the democratic aspirations of peoples throughout the world.

Writing in an American legal periodical, two members of the 1986 international observer delegation, one Democrat and one Republican, commented on their Philippine education:

In the past we were often cynical about political matters; our experience in the Philippines has provided us with a lifetime's antidote for such cynicism. Our teachers were Filipino people who risked everything for the right to live in a democratic nation. Their actions were more eloquent than any essay or speech in praise of the virtues of democracy.<sup>90</sup>

Another member of the delegation expressed similar sentiments: As an observer at the Philippine election, I got a chance to witness something rare and beautiful: a triumph of

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<sup>89</sup> Lugar, *supra* note 5, p. 118.

<sup>90</sup> M. Braden and E. Shocas, "The Day before Democracy," *Barrister Magazine* (Summer 1986).

democracy. In a cynical world, it's tough to talk about such things without sounding corny. But I can assure you it was something wonderful. The people of the Philippines have won the right to experience the pleasures and problems of democracy. It may not mean a whole lot to you, but you didn't have to work as hard for it.<sup>91</sup>

The responsibilities of being an observer during the 1986 election are reflected in the following comment:

My walk into the *barrio* turned my cynicism into a faith that something good was going to come out of the election, for the Filipinos and for us. The people who lived in these houses expected something very special from us. They expected us to be courageous and to expose the fraud that we would inevitably discover, even if it meant risking our nation's ties with the Philippines.<sup>92</sup>

One year later, the NDI team that observed the 1987 constitutional plebiscite recognized that the Philippine experience — both in its use of an electoral process as a vehicle for encouraging peaceful change and in the initiation of reforms in the electoral process to sustain a democratic polity — could provide valuable lessons for those seeking to establish democratic forms of government and respect for the rule of law in their countries.<sup>93</sup>

This chapter identifies several lessons of the Philippine experience particularly relevant to those seeking to initiate democratic transitions. The chapter then describes how these lessons have been applied by some of the individuals who participated in the NDI-sponsored 1987 observer delegation.

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<sup>91</sup> E. Weidenfeld, "The Thrilla in Manila," *Regardie's Magazine* (April 1986).

<sup>92</sup> *Ibid.*

<sup>93</sup> National Democratic Institute for International Affairs, *Report on the Philippines Constitutional Plebiscite - February 2, 1987*, pp. 26-29 (1987).

## A. The Lessons of the Philippines

Many factors contributed to the manner in which the Philippine people power revolution unfolded. From among these factors, the individuals participating in the 1987 international delegation considered the following particularly relevant:

- the decision to participate in the electoral process;
- the ability to present a united front;
- the maintenance of contact with reform elements in the military;
- the establishment of a nonpartisan organization to pressure for free and fair elections;
- the development of alternative media outlets; and
- the mobilization of international support for the democratization process.

They are considered in turn below.

### *1. Participating in the electoral process*

Deciding to participate in an electoral process dominated by a corrupt and repressive regime is not an easy one. Thus, during the period between Benigno Aquino's assassination in August 1983 and the legislative elections in May 1984, there was considerable debate within the opposition camp over whether to participate in the upcoming elections. The arguments against participation included the general repressive nature of the regime, the fact that Marcos would use the elections to legitimize further his reign, the physical dangers faced by candidates and political activists, and the partisanship of the government-controlled COMELEC. For many in the opposition, the only principled option was to organize an election boycott.

Countering this position were those who saw elections as providing an opportunity to pressure the regime and to organize the opposition for future elections. Those favoring participation drew inspiration from Benigno Aquino's decision to contest the 1978 elections from his prison cell. There also was an element of political opportunism motivating many opposition leaders, as a decision to

boycott could leave a political organization in disarray for future electoral contests. Perhaps the most poignant argument in favor of participation was that a call for a boycott would place great pressure on the ordinary citizens of the country, who might otherwise cast their ballot against the incumbent regime.

When Marcos announced his decision to hold a snap presidential election, many in the opposition sought to link participation to the enactment of specific conditions. Yet, as is often the case, even before any of the conditions had been met, pressures in favor of participation pushed the opposition to contest the February 1986 election. Despite the fraud and violence on election day, few Filipinos believed then (or believe now) that the decision to participate was a mistake.

## *2. Presenting a united front*

At meetings and seminars throughout 1984 and 1985, the necessity of a unified opposition was a major theme. Two groups formed during this period to encourage a united ticket for any presidential election, whether it be the regularly scheduled 1987 election or a snap election called by Marcos to shore up support for his failing regime. Despite the groundwork that had been laid, the ultimate formation of a united ticket still required intense negotiations and, finally, a decision by Salvador Laurel to forego a race for president and to run as the vice-presidential candidate on a ticket with Corazon Aquino. Confronted by a unified opposition, the Marcos forces could achieve an electoral majority only by engaging in a massive and blatant fraud, which was rejected by the Filipino people and by the international community.

## *3. Encouraging reform in the military*

In a 1987 book, Philippine Foreign Minister Raul Manglapus notes that between 1975 and 1986, 15 countries moved from right-wing dictatorships to more stable constitutional democracies. In each case, Manglapus reports "peaceful or relatively bloodless transition became irreversible only when the Armed Forces decided

to 'join' the people and withdraw support of the dictatorship."<sup>94</sup> While a military decision to join a popular uprising is often an autonomous one, civilian political leaders can help create an environment in which such a military decision becomes more probable.

The Philippine experience is telling. The removal of Marcos became a reality only when he lost the support of his defense minister and chief of staff. However, their decisions to rebel were not preordained, but the consequence of efforts by reform elements in the military.

The reformists within the military began organizing soon after the Aquino assassination. Once elections were announced by Marcos, the reformists put aside plans for a coup and began concentrating on ensuring that the military contributed to a fair election process. Then, in the aftermath of the controverted election, the reformists put in motion their plan for a coup, which they scheduled for the weekend of February 22. When Marcos discovered the plot, the reformists convinced Minister of Defense Enrile, out of whose office they had been operating, that the time was right for him to break publicly with Marcos. Enrile then convinced the armed forces chief of staff, General Fidel Ramos, to join the rebellion.<sup>95</sup> Before long, much of the armed forces had lined up behind the rebels and Marcos had no choice but to flee the country.

#### 4. *Organizing a nonpartisan organization for free and fair elections*

The role of NAMFREL in the events of 1986 has intrigued many who have sought to learn from the Philippine experience. The modern NAMFREL began forming in October 1983, two months after the Aquino assassination. Its efforts were greatly assisted by the Catholic Church in the Philippines. NAMFREL represented a

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<sup>94</sup> R. Manglapus, *Will of the People*, p. xiv (Freedom House, 1987).

<sup>95</sup> Enrile's and Ramos' accounts of the events on the day the revolution began are included in V. Brevern, *supra* note 10, pp. 26-31, 33-40.

vehicle by which the Church could respond to the political decay in the Philippines without becoming openly partisan. NAMFREL also provided an alternative to the growing influence of the more radical priests, who were identified with liberation theology and who were feared by the more conservative hierarchy. In addition to providing many NAMFREL leaders, the Church served to legitimize participation in NAMFREL by ordinary Filipinos and helped with raising funds.

NAMFREL contributed significantly to the political and psychological dynamics that permitted the revolution to unfold in as peaceful a manner as it did. The lesson for other countries, however, is not that there is always a need to form a nonpartisan organization specifically for the purpose of election monitoring. Rather, NAMFREL serves as a model for organizing individuals who are not politically active and sensitizing them to political issues in a manner that will not arouse their fears. While in some cases this may involve focusing on free and fair elections, in other cases the emphasis could be on the need for constitutional change or on the elimination of corruption. Obtaining the support of the established church and leaders of the business community, whatever their previous political positions, often will be critical for the organizing effort.

##### *5. Developing alternative media outlets*

In the period preceding the 1986 election, opposition leaders complained bitterly about biased media coverage of the Aquino campaign. They claimed that the television networks, which were either government-controlled or subject to government influence, would not sell them advertising time and that television covered only news of the Marcos campaign. Similar complaints were heard about the government-dominated newspapers. Despite this control, the opposition was able to spread its message through the energetic efforts of its candidates, who visited virtually all 73 Philippine provinces in a period of less than 60 days; through radio, particularly the Church-controlled Radio Veritas, which played such a critical role both on election day and during the revolution; and through the so-called "alternative" media.

In the aftermath of the Aquino assassination, several newspapers critical of the government began publishing. While they faced legal problems in their early days, for the most part they were allowed to operate. By reporting on issues that were not covered in the major newspapers, these alternative dailies developed a readership. Their existence also encouraged the government-dominated media to be more comprehensive in its coverage.

For many Filipinos, the alternative media became the more trusted source of information, notwithstanding the fact that it often was no less partisan than the government-controlled media in reporting the news. The alternative media served as the outlet for many opposition stories and ensured the dissemination of critical reports on the conduct of the election. In particular, alternative media stories contributed to the mobilization of the population in the period between February 7, the date of the election, and February 22, when the revolution began.

#### *6. Mobilizing international support*

In cultivating public opinion in the United States and elsewhere, the Philippine opposition focused on the issue of free and fair elections. This issue found appeal with both those committed to an aggressive human rights policy and those more sympathetic to geopolitical concerns. The opposition then encouraged the presence of international observers for the election, expecting a fraud so blatant that it would upset even the most intrepid Marcos supporter. The approach succeeded as the international community of democrats denounced the fraud in unequivocal terms.

### **B. Applying the Lessons of the Philippine Experience**

In Chile, Haiti, Korea, Pakistan, Panama, and other countries, individuals committed to peaceful change and democratic values have sought to apply lessons from the Philippine experience to their own situations with mixed results. Several of these individuals were members of the NDI-sponsored delegation that observed the 1987 Philippine congressional elections. This section briefly reviews their respective experiences.

### *1. Korea*

In 1987, when he participated in the observer delegation, Hong Sa Duk was an opposition party member of the Korean National Assembly. At the time, many believed that Korea was the country most likely to be affected by the Philippine revolution. The country is geographically proximate to the Philippines, and the most recent disruption of Korea's democratic processes occurred in 1972, several weeks before Marcos declared martial law in the Philippines. Like the Philippines, Korea also shares a unique relationship with the United States; in both countries, the United States fought to expel invaders, but its continued and very significant military presence often arouses nationalist ire.

During June 1987, massive rallies in Korea forced the government to accept the people's demand for a direct presidential election. The election was scheduled for December 16, 1987.

In the period preceding the election, an attempt was made to form a NAMFREL-type monitoring organization under the auspices of the National Coalition for Democracy. Several NAMFREL activists visited Korea to advise on such an operation and to describe, in a more general manner, the Philippine experience. Meanwhile, Hong Sa Duk and others sought to convince the two opposition leaders, Kim Dae Jung and Kim Young Sam, that only a unified front could defeat the ruling party's candidate, Roh Tae Woo. When the two Kims failed to agree on a single presidential candidate, and each decided to contest the election independently, Hong and several colleagues in the National Assembly declined to endorse either of the two Kims.

Ultimately, the position of Hong and his colleagues was vindicated when Roh Tae Woo won the election with 36 percent of the vote. Despite claims of massive electoral fraud, the Korean people accepted the announced results, in many cases blaming the

two Kims for their failure to follow the example of Aquino and Laurel.<sup>96</sup>

Hong was a candidate in the April 1988 Korean National Assembly elections. Competing as an independent, he lost a close race, in large measure because both major opposition parties sought to punish him for his disloyalty. The three leading opposition parties, meanwhile, surprised everyone, including themselves, by winning enough seats in the National Assembly to deprive the ruling party of a majority.<sup>97</sup>

## 2. Haiti

Leopold Berlangier and Jean Claude Roy of Haiti were members of the 1987 international observer delegation. Both returned to Haiti profoundly impressed by what they had observed in the Philippines. Berlangier, as director of the Haitian Institute for Research and Development, helped organize civic education programs and training of pollwatchers in the period preceding the November 29, 1987 elections and thereafter. He also continued to encourage the various political leaders to cooperate.

Roy was active in organizing Model-H, a nonpartisan organization modeled on NAMFREL, and as a technical adviser to the independent election commission established by the 1987 Haitian Constitution. In the latter role, he sought to convince the commission members to initiate a nationwide registration effort, citing the Philippine experience of registering more than 20 million people in four days. Roy argued that the registration exercise would not only help reduce fraud, but would serve as a civic education device for many Haitians who had not previously participated in an election. These arguments ultimately prevailed; to the surprise of many

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<sup>96</sup> International Human Rights Law Group, *The 1987 Korean Presidential Elections* (1988).

<sup>97</sup> International Human Rights Law Group, *The April 26, 1988 National Assembly Elections in the Republic of Korea* (1988).

Haitians and outside experts, more than 2 million people were registered over a two-week period.

In the end, the efforts of Berlangier, Roy, and millions of Haitians were dashed on November 29, 1987, when government-sponsored violence prevented the elections of a civilian president and national legislature. Former NAMFREL Secretary-General Quesada was a member of an NDI-sponsored international observer delegation for the November elections.<sup>98</sup> Commenting on the differences in outcome between the Philippines and Haiti, Quesada noted the lack of a democratic culture in Haiti, the divisions among Haitian politicians, and their inability to establish contacts with elements in the military.

### 3. Panama

Aurelio Barria, president of the Panamanian Chamber of Commerce, Father Fernando Guardia, a leading Church activist, and Luis Chen, a magistrate on the Supreme Electoral Tribunal, were the Panamanian participants in the 1987 international delegation. Panamanians had experienced a much-controverted election in May 1984, the first in almost 16 years. According to the official results, the ruling party candidate, Nicholas Barletta, defeated opposition candidate, Arnulfo Arias, by less than 1,800 votes. Despite massing considerable evidence of fraud, the opposition failed to convince the international community that the new government had been fraudulently elected and that supporting such a government would only perpetuate the corruption and other problems facing Panama.

In writing about his experience in the Philippines, Father Guardia commented:

Among the miracles of the Philippines is NAMFREL,...a civic organization that could serve as a model for all the world....This movement symbolized the hope of the

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<sup>98</sup> See National Democratic Institute for International Affairs, *Haiti's Presidential/Legislative Elections: Report of the International Observer Delegation* (1988).

Filipinos who wanted to participate in public life of their country, but not through partisan activities. They proclaimed that it was possible to have free and honest elections, in spite of the existing corruption.<sup>99</sup>

Barria also was impressed with the NAMFREL effort. Upon returning to Panama from the Philippines, he, with the support and encouragement of Guardia, began organizing a new civic organization modeled on NAMFREL. An initial organizational meeting in Panama City was attended by more than 200 individuals. However, events in Panama soon overtook Barria's plan to build a nonpartisan organization that would focus on the 1989 elections.

In June 1987, the former second-in-command of the Panamanian Defense Forces, Colonel Roberto Diaz Herrera, broke with General Noriega and accused him of having fixed the 1984 elections and of involvement in the murder of a leading political opponent. In response to the new situation, Barria and several colleagues transformed their nascent election-monitoring organization into the National Civic Crusade, which began organizing street demonstrations and other forms of public protest. The government responded by arresting some of the Crusade's leaders and by closing all opposition-oriented media outlets.

Despite the exile of many Crusade leaders, including Barria, the Crusade remained a force on the Panamanian political scene. It was expected to play a critical role, together with the political parties, in organizing an independent counting operation for the May 1989 elections. Free and fair elections, however, would be possible in Panama only if Panamanian officials, including the Luis Chens of the world, permitted them to occur.

#### 4. Chile

Four Chileans — Andres Allamand, Jose Miguel Barros, Carlos Figueroa and Heraldó Muñoz — participated in the May 1987

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<sup>99</sup> F. Guardia, "The Philippine Experience," *Panorama Catolica* # 60 (May/June 1987).

observer delegation, and all played key, but varied, roles in Chile's historic October 5, 1988 plebiscite. The Philippine influence was particularly evident in the Chilean drama during the year preceding the plebiscite, notwithstanding the profound political and historical differences between the two countries.

The differences seemed obvious to the Chileans. For example, Muñoz, a political scientist and a leader in the Socialist Party, commented upon returning from the Philippines:

...the greatest difference between the free election movement in the Philippines and the Chilean electoral campaign lies in the political neutrality of the Philippine experience. In Chile,...given the high level of existing ideologies and due to the strong nature of the party structure, there is a movement which cannot be considered neutral."<sup>100</sup>

Muñoz also commented on the Philippine business community's support for the movement for free elections; in Chile, President Augusto Pinochet had neutralized the business community. Nonetheless, Muñoz recognized that, in demonstrating the importance of social mobilization, there were lessons to be learned from the Philippine experience:

...it should be a peaceful mobilization towards the achievement of an anti-dictatorial attitude which must be closely tied to the parties. Free elections must go beyond parties. They must include the unions, social organizations and Christian grass-roots communities. An effective campaign, as the Philippine leaders pointed out, requires going into the streets and a lot of sweat and even blood. You have to visit the entire country.<sup>101</sup>

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<sup>100</sup> H. Munoz, "Lesson From the Philippines: Organization and Participation in Free-Elections," *Fortin Mapocho*, May 18, 1987.

<sup>101</sup> *Ibid.*

Despite some initial debate over tactics, Chilean political leaders ultimately heeded these exhortations. A voter registration drive resulted in the registration of more than 7.4 million individuals out of an eligible population of 8.1 million. Ninety-seven percent of those registered voted on the day of the plebiscite.

Another lesson of the Philippine experience for Chilean democrats was the importance of opposition unity. Both Figueroa, a Christian Democrat, and Muñoz, a Socialist, were leaders in the Command for the No, a coalition of 16 opposition parties that worked together to defeat Pinochet in the plebiscite. The Command also drew on the NAMFREL experience in developing an independent, comprehensive count of all of the country's voting tables as a mechanism for deterring possible fraud.

Not all Chileans opposed to Pinochet, however, worked through the Command for the No. For example, Barros, a former Chilean ambassador to the United States and a professor of law, was a key figure in the Committee for Free Elections (CEL). Inspired by the NAMFREL example, CEL sought to emphasize the importance of fraud-free elections, while remaining officially neutral in the plebiscite. In this manner, it obtained the support of the Church. On the night of the plebiscite, CEL conducted a quick count that produced accurate results within five hours of the closing of the polls.

The quick count conducted by CEL and the results reported by the Command for the No encouraged Allamand, a leader of the National Renovation Party, and others who supported a "yes" vote in the plebiscite to concede that the "no" forces had won the plebiscite and to encourage government recognition of the outcome. These preemptive actions helped thwart any attempt by the government to announce a "yes" victory or to seek nullification of the plebiscite.

Individual Filipinos contributed to the process by sharing their experiences with Chilean colleagues. Then-NAMFREL Chairman Christian Monsod participated in an NDI-sponsored 1987 meeting in Caracas, Venezuela for Chilean opposition leaders. He impressed upon them the importance of unity at a time when the National Accord was threatened by internal divisions. Patricia and Luis Sison,

NAMFREL leaders from the Metro Manila region, participated in a November 1987 NDI-sponsored workshop in Santiago that addressed issues relating to voter registration and mobilization.

Six weeks prior to the plebiscite, NAMFREL's computer specialist Gus Lagman and Bishop Antonio Tobias visited Chile to review the monitoring operations established by CEL and the Command for the No. They also gave several press interviews in which they sought to explain exactly what had happened in the Philippines and how it might be relevant to the situation in Chile. Lagman returned to Chile for the plebiscite as part of a 55-member NDI-sponsored international observer delegation. Also participating in the delegation was COMELEC Commissioner Haydee Yerac.

Despite defeating Pinochet in the plebiscite, Chileans did not achieve an immediate transition to a democratic form of government. Indeed, Pinochet was to remain as president at least until 1990. In these circumstances, Chilean political leaders, even after the plebiscite, continued to confront the challenges of initiating a peaceful transition.<sup>102</sup>

### 5. Pakistan

Abida Hussein, an independent legislator, and Nabi Dad Khan, an activist in the Pakistan People's Party, were the Pakistani representatives on the 1987 observer delegation. While in the Philippines, they asserted that there were fundamental political and social differences between Pakistan and the Philippines. However, there can be no doubt that the 1986 Philippine experience considerably influenced political developments in Pakistan during the 1988 election period, which culminated in the designation of Benazir Bhutto as the first woman head of government in a predominantly Islamic country.

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<sup>102</sup> See generally, National Democratic Institute for International Affairs, *Chile's Transition to Democracy: The October 5, 1988 Plebiscite* (1988).

Bhutto acknowledged the inspiration she drew from Corazon Aquino's courage and strength of personality. In 1985, Bhutto and others in the opposition refused to participate in non-party elections. However, despite the alleged unfairness of the process in 1988, the Pakistan opposition decided to participate in the November elections and to mobilize international support for free and fair elections. These decisions were influenced, at least in part, by the 1986 events in the Philippines.

To the surprise of many, the 1988 elections were relatively peaceful and fair, with the Bhutto-led Pakistan People's Party winning a large plurality of the National Assembly seats.<sup>103</sup> The military supported the electoral process and the Supreme Court reasserted itself during the period immediately preceding the elections as a major protector of constitutional rights.

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<sup>103</sup> See generally, National Democratic Institute for International Affairs, *Foundations of Democracy: The November 1988 Elections in Pakistan* (1989).

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## *Chapter 6*

### *CONCLUSION*

The last chapter described the impact of the 1986 Philippine experience on several different countries. However, what about the Philippines? How important is the institutionalization of the electoral process in a country that faces a host of serious internal problems? Moreover, given these problems, will the Philippine experience become increasingly ignored and thus irrelevant?

More than 200 years ago, another nation began the process of institutionalizing a democratic system. A constitution was adopted that sought to balance a host of regional and political interests. The first president was a very popular leader who played a key role during the country's revolution. He sought to remain above partisan politics during his eight-year tenure as president, although within his cabinet, and in the legislature, factions and then-nascent parties soon emerged. The central government surmounted both internal rebellions and foreign threats during this period of nation building.

The president, George Washington, left office after two terms. While there is no political ideology associated with Washington's name, his legacy is the development of the institutions and practices necessary for a democratic government to survive and thrive: a balance between executive and legislative authority; an independent judiciary; political parties committed to respecting the will of the people as expressed through free and fair elections; and a vigilant press. These institutions have helped the United States confront internal strife, including a bitter civil war, and external conflicts,

while remaining true to the democratic values of the nation's founding fathers.

The problems facing the Philippines are not easily overcome, but they are also not insurmountable. Despite the expectations created by the 1986 revolution and the current frustrations, patience may be a necessary virtue. At the same time, restoring faith in the electoral process and the establishment of institutions that have the potential of sustaining Philippine democracy through difficult times are significant developments, which offer hope for the future.