



## Electoral Reform as a Litmus-Test

*An administration's reform-mindedness or reform-orientation will be determined by its demonstrated commitment to reform the ways by which power in government is constituted, with the elections being the most basic formal mechanism to give and enable such power.*

### What does political reform mean?

In the broadest sense, political reform in the Philippine context means a shift (incremental or radical) from the old ways of patronage-based, personality-oriented politics and corrupt, unaccountable governance.

In this light, the theory and concept of political reform in the Philippines could be broadly informed by modernization discourse, which simply put, is the development of rational, effective and efficient government institutions. Political reform has also been shaped by the pursuit and practice of good governance, which values transparency, accountability, participation, the rule of law and responsiveness.

Therefore, to pursue political reform means to establish rational public institutions and processes that are governed by good governance principles.

The context of this basic and rough definition of political reform substantiates the discourse and agenda of reform in the country. The Philippines has been described as having weak institutions captured by particularistic interests. These particularistic interests have remained in power through the use and perpetuation of patron-client relationships, which is fueled by corruption. This dependency and highly disempowering arrangement is perpetuated through elections.

### What is the context of reform work in the Philippines?

The Philippines has been hailed as one of the countries that have the most vibrant and active civil society. Civil society is considered

to be critical in a democracy. Associational civil society is considered to be critical in the formation of social capital, which facilitates cooperation and joint civic, non-partisan, collective actions. Counterweight civil society is critical in checking the use of public power, "guarding against a tyrannical or predatory state." In the last decade, there has been an increasing number of civil society groups that promote social accountability (SAC), which gained international recognition as sources of best practices of SAC. SAC groups monitor government programs and projects, and the utilization of public funds to ensure that these are implemented and used properly.

It can be said that the state of democracy in the Philippines could have been worse without this vibrant and active civil society. Still, despite the strong presence of civil society, political clans and dynasties still persist, many tracing their origins back to colonial times. New names and faces may have emerged, but they generally fit a distinct profile: coming from the upper class, predominantly male, from Luzon and Visayas, Christian, and without a clear and solid platform for governance and development. Thus, the "trapos" (traditional politicians) remain in power. There are a few from non-mainstream political parties and social movements who have entered government through the Party-List System, but they have yet to become a strong and game-changing force.

Because of this power structure, Philippine democracy remains weak, limiting, elitist, oligarchic and contested. Particular interests are upheld, patron-client relationships are perpetuated, and corruption remains prevalent.

For rational public institutions and processes to emerge, and for good governance to be

mainstreamed and sustained, the use of power and the actors wielding it have to change.

### The Role of Electoral Reform

There are several paths that can be taken towards political reform.

Some would argue economic empowerment is the way to go. This is where social protection and welfare programs become critical in liberating the poor from the bondage of the patron-client relationship. Gaining higher real income and increasing economic independence affect political attitudes and behaviors, which, in turn, affect collective decisions that determine and define power.

Others would contend that citizen engagement in governance can change the way public institutions are defined, operationalized, and used, and makes governance open, accessible, transparent and participatory. This redefines the expectations and demands from the holders of power, which serves as pressure through constant engagement in varied forms.

The last is the classic participation in the formal contestation of power, fielding alternatives in the electoral arena. Several non-mainstream parties have attempted this through the Party-List System and are now branching out to field new candidates in local and national positions. We have also seen a number of independent individual candidates running in elections.

The limitation of the first (economic empowerment) is the length of time it requires for it to happen. Sustainability is key, and this remains to be a major challenge. And in a situation where institutions remain largely captured by a few interest groups, and patron-client arrangements remain prevalent, how

can economic empowerment programs of government be truly effective and sustainable?

The second option (citizen engagement) can work only with the assumption that power-holders will respond positively to public pressure. The possible counter-response by power-holders is not to squarely deal with the issues and problems raised, not consider the recommendations or alternatives offered, or worse, not do anything at all.

The limits of the two could be best addressed if they are complemented by the third option (formal contestation of power). However, mechanisms that will allow complementation of the three approaches are still problematic. These mechanisms are still largely undefined; and if there is any semblance of these mechanisms, they are underdeveloped and underutilized.

More importantly, the third option is perhaps the most challenging largely because of the state of our electoral and party system. By and large, it is not designed and is not functioning in a way that is facilitative and supportive of the intake of new politicians and political actors. It is still governed primarily by money politics and patron-client ties; still personality-oriented with popularity playing a major factor in winning seats; and the electoral system is too huge (i.e., in terms of frequency of the conduct of elections and the number of seats to be filled in an election) that it tends to disempower ordinary voters.

While significant progress has been made in modernizing processes and procedures of the electoral exercise, and on how they are being managed by the Commission on Elections, significant reforms have yet to be seen to enable that shift in power-holders. Ironic as it may sound, the system has yet to be democratized in order to regulate political monopoly and promote competitiveness in the political arena.

Such reforms in the electoral and party system are critical not only in having the potential of changing the composition of power, but also in sustaining the other ways power structure could be changed. In other words, electoral and party reforms are most important because it is central in ensuring the success of economic empowerment and citizen engagement in achieving political reform.

This issue of Pop2013 presents the achievement of the current administration on the field of electoral reform and presents the PODER electoral reform agenda that promote political competition and regulate political monopoly.

## Key electoral reforms have been achieved under Aquino

Electoral reform is the heart of the reform agenda, and it is critical to ensure that all the reforms instituted by this administration can be sustained beyond 2016. The next presidential election, therefore, and the results thereafter, is crucial, and will be an opportunity to install a new set of leaders that will promote and further reforms work, deepen democracy, and enable more inclusive development.

The primary goal of electoral reforms is to restore the electoral system. The deeply embedded culture of patronage politics in the country continues to weaken our institutions, exacerbate poverty, and disempower the majority, as power becomes concentrated in a few. As a formal battleground for power, the electoral system is at the core of a representative democracy; hence, all efforts must be made to ensure that elections are conducted fairly and effectively.

The significance of every electoral reform won lies in its ability to challenge patronage politics by increasingly exacting accountability from those in authority, and be a reminder of the main reason why government officials and personnel are there in positions of power — to serve the Filipino people. The electoral reforms gained so far during this Administration is envisioned to be the foundation for further reforms that will strengthen democratic institutions, and promote the rights and well-being of all.

There are minimal key electoral reform gains under Aquino so far, which signals that need to further push this area of reform and prioritize it in the succeeding years. These are the reform gains that must be sustained and can be built on to achieve more reforms:

### Reforming Electoral Management, especially in the ARMM

In the past, the best that was done in terms of ARMM electoral management was the postponement of the ARMM elections. This time, Congress was able to synchronize the ARMM election with the Midterm national election, with provisions that cater to the region's concern in electoral management. This nullified the list of voters in the ARMM, and facilitated the conduct of a General Registration.

The following bills have also been passed: Mandatory Biometrics Voter Registration; Accessible Polling Places exclusively for PWDs and SCs; Local Absentee Voting for Media; and the Amendment to the Overseas Absentee Voting Act (i.e. deletion of the provision on the affidavit re: intention to return).

### Cleaning of the Party-List System List

It has been observed in the past administration that there were accredited party-lists whose nominees do not belong to the sector they supposedly represent. This defeats the purpose of electing party-lists to enable representation of marginalized sectors in legislation. It has also become a means used by non-qualified or questionable personalities to get elected into Congress. These unfortunate developments pushed the Commission on Elections to carefully review and assess aspiring party-lists groups to ensure their integrity and competence to be the voice of the sectors they represent.

### Strengthening of accountability in institutions through appointment of credible officials

The President exercised much of the power under his disposal to demand accountability from prominent personalities accused of corruption. The appointment of former Supreme Court Justice Conchita Carpio-Morales has been crucial in making sure that the Office of the Ombudsman performs its mandated duty to go after corrupt and erring government officials. The Ombudsman has since conducted investigations on high profile cases, and filed charges against big names such as former President Gloria Macapagal-Arroyo, former Supreme Court Justice Renato Corona, and former COMELEC Commissioner Benjamin Abalos.

### The extensive discussion on the Political Party System Act in both Chambers of Congress, and the approval of the Anti-Political Dynasty Bill during its initial deliberation at the Lower House

Although the Anti-Political Dynasty Bill only at the initial stage of legislation, its current status is the closest it has come to being passed. There had been several attempts to move the bill forward but it was slow-going, given that its approval depends on lawmakers who belong to long-standing political dynasties, and the controversial issue of how political dynasty is to be defined. This bill, if passed, will put into question the legitimacy of the system of patronage politics in the country.

The Political Party System Act has been tackled closely to further increase its chances of being passed into law. This is in recognition of the need for the people to be organized in order to strengthen and push forward the call for reforms that can continue from one administration to the next. A political party serves as the training ground for principled and credible candidates to arise, with the party carrying the responsibility of fielding candidates identified and supported by its constituency. This bill will shift the paradigm of power contestation from being personality-based, to party-based, which is more dependable and sustainable.

### Promotion of institutional reforms in COMELEC

The appointment of reform-oriented officials in COMELEC is important in the reform process. The adoption of automated elections counter traditional electoral fraud, and increases accuracy, efficiency and credibility in the counting and canvassing of votes. The goal of COMELEC is to promote inclusive elections, wherein all qualified voters are able to vote, and proper mobilization and use of campaign funds is practiced. Competence and integrity in election management is crucial, which is articulated in the COMELEC's strategic plan to be implemented in the years to come.

The kind of electoral reforms being pushed for and won during the Administration signals that this is an opportune time for critical electoral reforms. With electoral reforms slowly being mainstreamed in the discourse of reforms in the country, the gains of this Administration can hopefully be sustained, and become the pillars that will reinforce and strengthen our political institutions.

# PODER Electoral Reform Agenda

## Reforming the Elections and Development of Political Parties

(Lifted from the Report on Policy Study on Election-Related Violence Response Conducted by Political Democracy and Reforms in 2010)

In fostering a conducive environment for a healthy political competition that prevents creation of political monopolies, the objectives are to:

- ensure quality participation of citizens in elections, whereby votes are informed and leaders to choose from are those who have good track record in pursuing programmatic agenda attuned to the needs and concerns of the people;
- ensure that no one is privileged in accessing power by leveling the playing field, mindful of the existing disparities in the level of power.

In the context of the Philippines, these objectives can be achieved if:

### *A. There is a corrective/regulating mechanism for access to power*

Those who run for office in the country are hardly those who have long-term and programmatic agenda for the country. Aside from the personality-orientedness of our politics, one of the reasons for this is that the means to access power is highly concentrated among a few political families. There is a need for the government to be more conscious in correcting the unlevelled playing field through stricter regulation that breaks monopoly in access to power.

### Proposed policy agenda: Regulation of political dynasties

*Policy recommendations:*

#### **1. Anti-ERV Political Dynasty Law**

Instead of generalizing political dynasties, we propose to explore focusing on the worst kind, political dynasties where election-related violence (ERV) is prevalent. The law will define what constitutes a political

dynasty and will clarify what “prevalent election-related violence” means.

#### **2. Anti-Political Dynasty Law (With Narrow Definition of Dynasty)**

The other possible option that will be more political feasible in regulating families from monopolizing is to make the definition of dynasty less encompassing. In order to improve political feasibility, political dynasty can be defined in a narrow way, which could mean restricting simultaneous candidacy or succession only within the nuclear family unit or up to the first degree of consanguinity/affinity. At least this provides for a wider dispersal of power compared to the present system.

#### **3. Extend the timeframe of term limits, but extend the application to family**

Make the timeframe of term limits longer (hence making elections less frequent) but extend its application to family members. The longer timeframe of term limits could serve as a carrot in getting the support of politicians.

### *B. There is a mechanism for the development and a screening process for leaders.*

### *C. There is a consensus-building mechanism for long-term/ programmatic development options for the people and a mechanism for healthy and productive interaction of these programmatic options.*

One of the major problems of governance in the country is the lack of long-term and sustained development strategy, hence the difficulty of sustaining economic gains. One of the major reasons for this is that electoral outcomes are hardly program-based, but personality-based, turning governance captured by personalities instead of guided by programs that allow long-term solutions to problems. It is a given that personality-oriented politics is ingrained in the culture of Filipinos, hence the need for its political system to exert more effort to develop leaders with programmatic orientation. These programmatic options need also to be

distinct from one candidate to another for the people to have real choices. After elections, there should be a way for these programmatic options to relate to one another in order to build consensus on the country's direction.

The problem of concentration of power in the hands of a few is because prospect in political leadership is highly determined by which family one is born in. There is no other mechanism to develop leaders and to facilitate the electoral victory of new players in elections that is not dependent on existing powers-that-be.

### Proposed policy agenda: Reform of the political party system into a programmatic and accountable system

*Policy Recommendations:*

#### **4. Legal framework on party system development**

There should be a law that specifies functions and accountabilities of parties critical in ensuring the conduct of democratic elections. The law should particularly specify how the parties will be made accountable for these functions and how they relate with one another, in particular in ensuring their distinctness from one another as representations of ideas and programs, not personalities.

#### **5. Financing party system development**

There are two possible options to be explored in allocating State subsidy for political parties. The first option is that the State allocates a separate fund in the budget to be allocated according to the seats won by parties. The second option is that the State allocates a separate fund in the budget to be allocated according to number of votes garnered by parties per seat.

#### **6. Monitoring and accountability of parties**

The Comelec will be the main implementer of the party system law. It shall ensure accountabilities of parties

and other actors, particularly in monitoring performance of parties (if parties follow their obligations). The Department of Budget and Management (DBM) and the Commission on Audit (COA) will have their usual function in releasing and accounting the party subsidy funds, like any other development funds. It is also advisable to explore setting up a multi-sectoral council that will monitor political parties that will determine their eligibility in accessing State subsidy and even for the process of accreditation.

### **7. Reform of the electoral system that promote party-based politics**

The electoral system of plurality promotes a winner-take-all mentality and is not facilitative of compromise-building and coalitional politics. A proportional electoral system is more conducive for power-sharing and ensures a leadership composition in government that is directly proportionate to the number of votes. Aside from it addressing the winner-take-all attitude that usually leads to use of violence, proportional electoral system is more conducive for the growth of party-based politics for it promotes coalitional politics and it neutralizes the emergence of one strong political boss or bosses.

#### ***D. There is an effective accountability of the actors to ensure the integrity of the vote.***

It is critical that the main actors in elections are made accountable for their functions and the limits of what they can do. COMELEC should be able to manage the conduct of elections well from the preparation to the assessment of its outcome. It should be able to disseminate information about the elections and educate voters critical to ensure informed votes. It should be able to coordinate with other government agencies to ensure all election laws are followed and address violation of laws. Political parties and candidates are supposed to follow laws, although parties at the moment are hardly accountable for anything with no clear substantive mandate stipulated in any laws, thus the need for a party law. There should be a conducive environment for citizen groups to assist in monitoring elections and in voters' education.

For all of these functions and responsibilities to be observed to ensure the integrity of

the vote, Comelec must provide effective leadership by being a strong and effective institution.

### **Proposed policy agenda: Strengthening and reform of Comelec**

*Policy Recommendations:*

#### **8. Organizational Development Agenda**

There is a need to invest in modernizing Comelec to build its organizational capacity and insulate it from particularistic influence of politicians. Its management must be reformed to be performance-based, clarifying its target outcomes in ensuring credible and meaningful elections. There is a need to review support of LGU to Comelec local offices. Its education program and monitoring system must be improved, including its information management and communication system. There is a need to strengthen its coordinative/ steering capacity to maximize the different stakeholders, particularly in the civil society that are interested in assisting the Commission. Its decision-making process should be made more transparent and accountable with standards and bases for its decisions made accessible to the public. Lastly, Comelec should have a comprehensive and sustained human resource development for it to have a solid roster of professionals as its backbone.

#### **9. Amendment on its Mandate**

There is a need to review the mandate of Comelec. The Comelec should be made to focus on electoral administration because that alone would be a handful for one organization to handle. For its adjudication function, there should be another body that will perform it. This will require Constitutional Change.

#### ***E. There is capacity-building for the citizens as voters.***

Like any responsibilities, responsibilities as a citizen need set of skills, knowledge and orientation to be performed effectively in a given polity. The government sometimes forget that not only that citizens must develop economically, socially and spiritually; they also have to develop politically. This means their capacity for citizenship must be honed as well in terms of how they relate with their government—how they choose their

leaders, how they make their government accountable, how they constructively engage their government and how they become leaders themselves. This ensures that the government and its leaders do not abuse their powers and that governance remains responsive to the people.

### **Proposed policy agenda: Citizenship Education**

*Policy Recommendations:*

#### **10. Creation of a Commission on Citizenship Education**

While citizenship education is mainstreamed in formal education, with the worsening situation of diluted sense of nationalism and weak stakeholdership in nation-building, there should be a more conscious effort to be facilitated by the State to improve the country's citizenship through education. This can be achieved through the creation of Commission on Citizenship Education that will develop a strategy to enhance people's stakeholdership in nation-building and to capacitate them as responsible and effective citizens of the country, develop materials for citizenship education, mobilize resources for citizenship education and monitor and develop intervention to ensure access to citizenship education of all citizens.

#### **11. Financing Political Development**

What are our objectives and targets in developing our political institutions and how much are we investing in it? Broadly, political development can refer to efforts that facilitate and enable (1) citizen engagement in politics and governance through mechanisms such as civil society organizations and political parties; (2) reform and strengthening of basic democratic institutions such as elections, Constitution, accountability institutions; (3) conduct of political education. There is a need to account this and invest in it if it is insufficient in achieving the desired political changes.

Editorial Board

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