

CITIZEN REFORM AGENDA 2010

Agenda on Political and Electoral Reforms

For Candidates and Political Parties of the Upcoming 2010 Elections

*Power has remained in the hands of a few.
We have to transform politics.*

*We demand political processes that are inclusive, empowering and
pro-poor. Institutional reform is an imperative more than ever.*

Citizen Reform Agenda 2010 or CReforms 2010 is a consultation process initiated by the Ateneo School of Government (ASoG) through its PODER program that aims to bring together the broadest possible representation of citizen organizations in the country to identify key reform agenda or issues that candidates and political parties must address come 2010 elections.

PODER is ASoG's transforming politics program that focuses on reforming and strengthening key democratic institutions such as the Constitution, elections and political parties. PODER provides spaces and produces action-oriented knowledge products that aim to facilitate the engagement of key political players in dialogues that facilitate their common understanding and consensus points on key institutional reform issues.

Executive Summary

The 1987 constitution mandated the attainment of full democracy for the Philippines, encompassing all the people. Since then, however, the political situation is one of a capture of power by a political elite who uses it to maintain itself in power and in making the government work for their own interests. Poverty and powerlessness feeds on each other to undermine the meaningful participation of the vast majority of our people, including the youth, in democratic governance and in the electoral process. We need to undertake major political and electoral reforms to strengthen Philippine democracy and its institutions, including the institution of fair and free election processes.

Urgent and immediate political and electoral reforms encompass the following areas: 1) strengthening and making accountable the political party system, including the party-list system, especially in relation to campaign financing; 2) the implementation of the constitutional provision on political dynasties; and 3) reforming or replacing the *Sangguniang Kabataan* as vehicle for youth participation in electoral and democratic governance.

Aside from these, (4) constitutional reforms are called for in relation to political and electoral provisions, such as in the areas of enlarging local initiatives (federalism), broadening people's participation in legislation and governance (shift to a parliamentary system), limiting the role of the Commission on Elections (Comelec) to election administration and defining a separate system to handle election protests situated in the judiciary, enhancing and guaranteeing the complete autonomy of the Commission on Elections, and ensuring participatory democracy.

Current electoral reform bills that are pending in Congress should be passed. The Commission on Elections should also be professional and rid of partisanship, election modernization should be undertaken, and a vigorous citizen-voter education should be pursued.

Constitutional reforms are remote before the 2010 elections. However, best efforts—particularly of the people themselves—should be exerted to overcome the present deficiencies of the political and electoral system. In ensuring that a fair and free 2010 national and local elections take place, the people, including the youth, are in the forefront.

Background

The 1987 constitution mandated the attainment of full democracy for the Philippines, encompassing all the people. It restored the presidential system with restricted powers for

the president. It also broadened people's participation in governance with a party-list system and increased the role of non-governmental organizations. It also mandated the establishment of a multiparty political system and banned political dynasties.

However, because of the urgent requirement to stabilize the Aquino regime against the strong remnants of the dictatorship, the constitutional framers resorted to quick compromises to finish their tasks. In many important but controversial provisions, they left it to Congress to pass enabling laws.

However, not all constitutional provisions were implemented, particularly those dealing with the dismantling of the Marcos-promoted economic and political elite and the development of a strong political party system. The military also enjoyed continued political favors and remained a distinct political block. Likewise, religious groups grew in power and influence as they substituted for political party bases.

Increasingly, old and new political dynasties took over the reins of power, both in the local and national levels. The restored political party system—destroyed by Marcos—was immediately emasculated and subjected to dynastic control. Personality politics dominated over party- and platform-based politics. Movie actors and other popular figures joined seasoned traditional politicians in government. It reached a high point in the election of Joseph Ejercito Estrada to the presidency.

The electoral system suffered from the continuous assaults on its credibility. The Commission on Elections, as an election administrator, suffered the most. One of its commissioners was implicated in the 2004 electoral cheating charges and was itself embroiled in an anomalous contract regarding the automation of elections.

The 2007 elections reflected this disenchantment when people turned out in droves to watch over the polls (and the Commission!). As *Bantay-Eleksyon 2007*, a new electoral monitoring coalition, concluded in its report:

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

*“However, there are major areas of concern that threatens the very existence of free and fair elections in the Philippines. These are in the areas of election administration, enforcement of election laws, prosecution of election offenders, voter registration, election modernization, political party strengthening, and citizen-voter education.”*²

To be sure, many of these areas of concern can be remedied by law or by judicious actions of the Executive Department and the Commission on Elections. However, many others can be traced to the constitutional provisions on the electoral system and on the Commission of Elections.

Advocacy for electoral reforms cover a broad range of subject matter: from the rules of the electoral process itself, to reforms in the electoral administration, to reforms in the political party system and conduct of electoral contestation, to electorate behavior and choice, and the broadening of meaningful participation of politically-marginalized sections of the body politic.

Political and electoral reforms become urgent in the light of the crucial 2010 national and local elections, especially the presidential election. The current political crisis was a product of the questioned 2004 election of Gloria Macapagal-Arroyo to the presidency.

1 Bantay-Eleksyon 2007. *Qualified Success, But...The Report on the 2007 Elections*. p. 9.

2 *Ibid.*

Nobody wants another political crisis for the next decade as a result of a lack of credibility of the outcome of the 2010 presidential elections.

All the political parties and political leaders are called upon to approve the crucial reform bills and implement crucial reforms in the electoral and political fields. These, in essence, will define the rules for a fair and free electoral contestation in the 2010 elections. As in the 2007 elections, the lack of these substantial political and electoral reforms will force the people to watch—in their numbers—the conduct of the 2010 elections.

Past Political and Electoral Reform Agenda and Efforts

The 2002 Electoral Reform Summit put forward major electoral reform measures within the framework of the constitution. These include the passage of election-related laws enabling constitutional reform provisions, such as the ones on political party reform and campaign financing, local sectoral representation, election modernization, overseas absentee voting and amendments to the party-list law. The summit also put forward an action program centered on election administration reforms, citizen-voter education, constitutional reforms through a constitutional convention, and building of a strong civil society electoral reform stakeholder coalition network.

Most of the above proposals were accepted by the major political parties and included in their own declaration. From this high-level agreement, Congress, the executive department, and the Commission on Elections proceeded to put elements of electoral reform measures in the government's Medium-Term Philippine Development Program (MTPDP), in the presidential and congressional agenda, and in the policies of the electoral administration body.

The electoral reform process would have been fast and easy if the political controversy

surrounding the presidency, highlighted by the questioned 2004 presidential elections, had not overtaken it. The charges of electoral cheating, with the alleged involvement of election officials, effectively derailed the schedule for the passage of crucial electoral reform bills. The other two parties in the tripartite approach—government and electoral administration—became embroiled in the political crisis.

A few bills were processed. The overseas absentee voting bill was passed in time for the 2004 elections. The others were either passed or reached the plenary in the lower House but failed to finish the legislative process in the Senate. When the 12th Congress ended in June 2004, it also ended the entire legislative processing of the electoral reform bills.

These were re-filed in the 13th Congress but the again the unresolved political crisis intervened to delay their passage. A new 2004 electoral reform summit failed to overcome the obstacles. However, there was a reaffirmation of commitment to pursue electoral reforms.

In the 2007 Electoral Reform Summit, only the civil society sector was able to maintain the momentum for reforms as Congress and the Comelec became embroiled in and were handicapped by the continuing political crisis.

The following are considered basic electoral reforms that can be immediately pursued:

Mandating political party system development, citizen-voter education on democracy, participation of people's organizations in the electoral process and in government, and banning of political dynasties. This basically means addressing, at the policy level, the problems of all components of the electoral process, particularly those of the electorate, political parties and candidates, and the over-all quality of participation of the citizens in the electoral process.

Mandating of a permanent voter's list accessible to all citizens, a viable process of registration dispute resolution, and adequate safeguards against voter fraud. This means the strengthening of safeguards for the protection and guarantee of the exercise of the right of suffrage by individual citizen-voters by ensuring the “one voter, one vote” principle.

Establishing the Commission on Elections as an election administration body, and development of professional election personnel with civil service qualifications. This means the clear constitutional delineation of the basic administrative nature of the work of the commission on elections from the requirements of adjudication of electoral protests. The latter is returned to the judiciary, which has the training and background for settling disputes. The Comelec personnel shall be qualified professionals in the civil service and undergo regular evaluation and training.

Appointment of the Commission on Elections through a transparent and democratic process, with participation of all stakeholders, and deputation of reputable citizens for election work. A permanent council composed of representatives of political parties, civil society monitors, academe, private sector, media, and churchpeople may be constituted to agree on a short list of nominees, from whom the President will appoint the members of the Commission on Elections.

Ensuring free and fair elections through provisions on election expenditure limits, auditing of election finances of parties and candidates, strict prohibition against use of government funds, personnel and resources in campaigns, and banning of vote-buying, turncoatism, and use of election violence. This basically means applying constitutional parameters of free and fair elections, the development of a strong political party system, and the implementation of basic rules in the electoral process.

A Political and Electoral Reform Agenda

The reforms forwarded herein are directed at making the democratic system work by opening the electoral system to broader participation, especially for the youth, addressing the issue of political dynasties, and ensuring the integrity and capability of the Commission on Elections.

Establishing genuine political parties and ensuring their accountability

In contrast to prevailing political dynasties, Philippine political parties are comparatively weak. They merely serve as convenient electoral campaign vehicles during elections for the dynasties.

A major political party reform bill has been languishing in Congress for the past seven years. It provides for rules and regulations of political parties, restricts turncoatism, institutes campaign finance regulations, and provides state subsidy to political parties.

Political parties need to be strengthened first vis-à-vis the individual politicians and the political dynasties. Their proper functioning as the mediating institution between the people and government should be secured.

Enabling the Constitutional provision on political dynasties

The banning of political dynasties is already a constitutional provision. However, a Congress composed mostly of members of the same political dynasties has time and again foiled every try to enable this provision.

Political dynasties come in two distinct forms: a horizontal one wherein members of a dynasty simultaneously hold different elective positions; and a vertical one, wherein an incumbent is succeeded to the same office by

another dynasty member. Monopoly of political power thus prevails and the broader sections of the citizenry are left out of the political arena.

Political dynasties are frequently the source of electoral fraud and violence. Increasing disenchantment of the people paralleled by the political clans' own greed for power bring the dynasties to entertain various political options, including undemocratic methods.

Sangguniang Kabataan (SK) reforms

The *Sangguniang Kabataan* is supposedly the major institution for the training of the youth for governance. It is empowered to make decisions on youth matters, has a budget of its own, and generally participates in various aspects of government work as these affect the youth.

However, the whole system has broken down and deteriorated into a training ground for political dynasty successors. It needs to be reviewed if still useful and corrective measures should be undertaken to ensure it remains faithful to its original purpose of providing a necessary venue for the youth to participate in governance.

Constitutional Reforms

The Philippine experience of the post-Marcos democracy points to the crucial role of the 1987 constitution in promoting democracy. It represents the focal point for rebuilding the various institutions of democracy destroyed by the Marcos dictatorship. It also is the constitutional structure for ensuring the growth of democracy even as it removes all vestiges of non-democratic practices.

The Aquino government enjoyed the popular support of the anti-dictatorship forces as well as the people. It also has a very high level of support and recognition from the international community. It has the unenviable opportunity

to correct historical errors and problems besetting the nation and institute the necessary political and social reforms to build and consolidate Philippine democracy.

It and succeeding governments failed to achieve even the constitutionally-mandated reforms. In their own time, many of them succumbed to the temptations of power. Accusations of corruption dogged their every step.

They also failed to go beyond the short-sighted interests of the economic and political elite they represented. As a result, the economic, social and cultural conditions of the lower classes deteriorated even as the whole economy remained weak and subject to the vagaries of the global market.

Whatever constitutional reform that is proposed at this point in time is overshadowed by the fear that any charter change attempt may well result in the extension in power of Gloria Macapagal-Arroyo. This fear basically closes the door to any meaningful initiative for constitutional change before the 2010 elections.

The constitution itself needs to be revisited to pinpoint the weaknesses and loopholes that need to be addressed.

Broadening people's participation in democracy

Constitutional reforms should lead to the nurturing of a democratic culture in society, including the military and police agencies. Disempowered, underrepresented and marginalized sectors should be guaranteed representation and participation in the democratic process. Election of the people's representatives should be made possible while vested or undemocratic interests should be restricted.

To this end, the proposals for a shift to a parliamentary system as well as for the establishment of a federal state need to be seriously studied for their usefulness in broadening participatory democracy.

Reforms should also enable the opening of democratic dialogues with alienated sectors, especially those involved in internal conflicts. The electoral process should guarantee their participation as long as they forego undemocratic and violent strategies and methods.

The constitution should therefore foster loyalty and adherence to democratic ideals and guarantee the broadest people's participation in governance and the electoral process.

Ensuring free and fair elections and other democratic processes

Constitutional reforms should lead to the institutionalization of democratic political processes such as free and fair elections, direct democratic practices of referenda, recall and initiatives, and people's consultations.

Transparency and accountability are at the heart of the democratic order and should permeate all components of the electoral process as well as the governance process.

Consolidating democratic institutions

Constitutional reforms should lead to the building or strengthening of democratic institutions both inside and outside government such as the legislature, the courts, electoral bodies, political parties, anti-corruption agencies, human rights monitors, the mass media, civil society organizations, and local assemblies.

The institution of elections stands as the crucial institution for consolidating Philippine democracy because of its ability to be inclusive

of all the diverging political forces and interests. However, to be able to do this, it must be seen as free and fair, enabling all of these forces and interests to compete for power on an equal basis.

Mobilizing the People for Democratic Reforms

At the end of the day, Philippine democracy will rely for its very life on the sovereign people. This is more so in a situation where traditional politicians, for the most part, do not want to play according to its rules.

The current political crisis revolving around the legitimacy of the results of the presidential elections in 2004 can be directly traced to the breakdown in the rules of the post-Marcos democracy. This is aggravated by the return of many Marcos people—albeit in the form of political dynasties—to power using the same opening that democracy created. They, in turn, were instrumental in widening political arena for contention beyond the boundaries of electoral rules through the classic use of goons, guns, and gold.

These electoral rules need reform and the political will to put these in place finally resides in the people. Increasingly, democratic institutions fail or are failing to defend or reform these democratic rules.

It is therefore incumbent on the citizenry to once again come into the breach—like in 1986—to ensure reforms that would strengthen Philippine democracy. In 2006 and 2007, this citizen reform movement was successful in preventing charter change that would remove term limits for incumbent officials, particularly the president. It also somewhat secured the credibility of the 2007 elections and ensured that it be held as scheduled.

Again in 2010, this reform movement is called upon to ensure the credibility of the electoral process and ensure that presidential elections produce credible results. However, beyond this, this reform movement is called upon to ensure the election of credible leaders who can lead the nation in facing up to the various crises threatening it and thus bring the Filipino people to a brighter future.

In this coming elections, citizens, particularly the youth who fight for their future, may opt to participate in many ways. Most fundamentally, they should vote wisely. They can be teachers and educators to their fellow citizens who still fail to appreciate the benefits of democracy. They can even run and pose as real alternatives to the traditional politicians. They can initiate and sustain organizations of people fighting for democratic reforms. They can practice direct democracy and also advocate for political reform laws.

All these the citizens—as sovereign people—can do. People power is the call of the hour.