

## **Policy Study on Government's Response to Election-Related Violence SYNTHESIS**

### **Political Democracy and Reforms (PODER) Ateneo School of Government**

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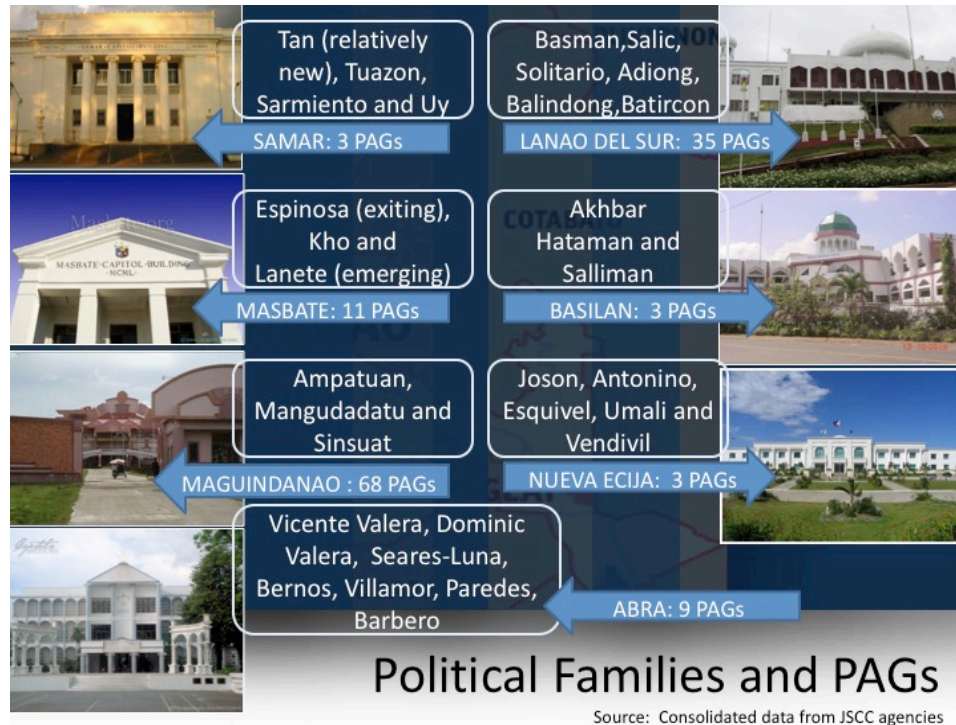
*This policy study is part of the project of the Political Democracy and Reforms (PODER) program of the Ateneo School of Government, with support from The Asia Foundation, that monitors and assesses response of civil society and government to election-related violence (ERV). It is a follow-up to two cause-and-effect studies of PODER on election-related violence, one in Abra and the other in Nueva Ecija. The project involves scanning of ERV in selected hotspots, documentation of successful civil society initiatives to prevent ERV and policy assessment study of government response to election-related violence, particularly its major perpetrators: loose firearms, partisan armed groups and political dynasties. The policy study employed mixed study method. Quantitative methods utilized include statistical analysis and rough correlation and spatial mapping; while qualitative methods employed are key informant interview, focus group discussion, document review, archival analysis and field observation.*

### **The ERV Problem**

The first step in solving election-related violence (ERV) is the identification of key agents that enable its occurrence and therefore what government response must address. Based on the findings of this study, there are two primary agents of ERV identified, namely: warlordistic clans and private armies.

In the commission of an ERV act, warlordistic clans, who have the primary stake, power and resources, employ their client private armies to execute ERV schemes. As shown in the PNP records of total ERVI (election-related violence incidents) from the national elections of 2004 to 2010, most ERV cases implicate members of ruling clans in a locality as suspect, either by being directly involved in the execution of an ERV act or by being employers of armed groups.

Suspects of any ERVI shall naturally implicate certain politicians as any ERV act is always pre-meditated for accruing electoral gain to certain politicians. It is no coincidence but rather a state of causality that provincial election hotspots which regularly experience high frequency of ERVI are also the local polities which are ruled by entrenched clans, as shown in the table below (areas are those covered by the study).



More than the association of the members of these elite clans to cases of electoral violence, what ultimately determines these clans warlordistic tendencies is the identification of their clan members as boss-patron of private armies. Of the 123 personalities identified by the Independent Commission against Private Armies (ICAPA) as leaders of the 107 groups of private armies existing in the country as of 2010, 76% (a total of 93 personalities) are local politicians belonging to traditional political dynasties. Most of these alleged 93 local political warlords actually ran in the 2010 elections and won, proving the usefulness of ERV as an electoral tactic.

Private armies have been thriving persistently since the fall of the Marcos dictatorship alongside the democratization of the modern Philippine state. Following the declaration of Martial Law in 1972, the government has claimed disbanding 145 private armies (Sidel, 1989). However, in present time, 107 groups of private armies, which totals to 4600 members (Zenerosa Commission), operate at large. The causal relation between an ERV act and private armies as its direct implementer underpins the observed correlation wherein election hotspots also happen to be the localities where private armies thrive.

To generate the desired social outcome, key actors and their interactions alone will not suffice; they need material and non-material tools to realize plans for a social outcome. As seen in the ERVI records of PNP, most ERV cases are executed through tactics of shooting and harassment which are always firearm-mediated. This trend connotes firearms as a key instrument in the execution of ERV schemes because, unlike other tools of violence such as bombs or physical force, it has the capability to selectively eliminate personalities threatening the warlords' hold onto power.

A political warlord can acquire firearms for his private armies from multiple sources, illegitimate and legitimate. Firearms acquired through illegitimate means are known as loose firearms. Out of the 1,110,277 total loose firearms estimated by PNP in 2009, 50% was held by unexpired license holders, while 48% was unregistered firearms circulating among the general population particularly located in conflict areas of insurgency and political rivalries.

On the other hand, political warlords do not necessarily need to hassle their way in acquiring loose firearms. Acquiring licensed firearms from legitimate sources is another alternative once political warlords have captured local security institutions. Especially in cases where security institutions are politically captured by a warlord, legitimate government mechanisms of purchasing and distributing firearms to security forces can be circumvented and abused by political warlords to arm their private armies.

While it is difficult to pinpoint which type of firearm-unregistered, unexpired or licensed contributes to the bulk of a warlord's largest supply, this study argues that these are all feasible sources of firearms for a politician's private army. The study further argues that loose firearms demands more policy attention for restricting the number and circulation of loose firearms in a society will highly decrease the propensity for political warlords to commit acts of ERV.

But as the research progresses, the study found out that these three enabling factors of ERV operate even before and after election period in generating political violence, to which ERV is only but a subset; that their function is not limited to the election period but entrenched throughout the life-cycle of a local political system. Such observation made this study hypothesize and later on prove that these three factors are not simply the exclusive enablers of ERV but rather pillars of a local warlordistic regime which manifests itself to ERV as one of its symptoms. Local warlordism is a variant of authoritarianism within a local political order, which rests not on any impersonal rule, tradition or value system but on the command and coercion of an elected leader.

## **Review of Policies**

The following sections reviews the policies of the government in responding to political monopoly and in addressing loose firearms and partisan armed groups and the problems in implementing these policies and achieving their desired results.

### **Policies in Preventing Political Monopoly**

Though there is no specific legal document pertaining to prevention of political monopoly as a mandate of the Philippine State, given the democratic system of the country, the institutional-legal order is supposed to prevent monopoly of power to ensure equal access to power by the people. There are two ways by which this is achieved: through accountability and through political competition.

Exercise of power in the government is supposed to be checked and balanced by accountability. As such, the powers of the local chief executive (LCE), for instance, are checked through existing accountability mechanisms. For one, the Sanggunian serves as a check-and-balance to the power of the LCE. The power of the purse of the LGU is also checked through accounting systems either internally through the local auditor, or externally through the Commission on Audit (COA). The Department of Interior and Local Government (DILG) also establishes certain rules and regulations as well as corresponding sanctions that serve to discipline local government officials. Mechanisms for citizen participation such as the Local Development Councils (LDC), Local Sectoral Boards (LSB), Local Health Board (LHB), and Project Monitoring Committee (PMC) are also supposed to provide transparency to the operations of the local government and thus provide a basic system for social accountability. Elections also provide a system for barring access to underperforming and corrupt officials.

In an effort to discourage concentration of power, the 1987 Constitution of the Republic of the Philippines states that "The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law." The established term limits, also indicated in the Constitution, further aims to prevent a single politician from occupying an office for an unreasonable breadth of time. The universal right to suffrage is also ensures that every single citizen can vote and run for office, thereby ensuring accountability and equal access to power.

Lastly, policies that promote political competition include primarily the elections as a venue for periodic contestation of power. Further democratizing the electoral process are mechanisms for broader participation of the marginalized sectors, like the Party-List System of 1998. Citizenship education, through state and non-state programs, also provides training for more responsible voting and also supposedly for development of future political leaders who may serve as alternatives to traditional political players.

These policies prove that prevention of political monopoly is indeed part of the legal order of the country, though it is largely implied and procedural. However, the legal mechanisms prove to be ineffective and insufficient.

At the local level, part of the problem lies in the fact that the power of the LCEs, instead of being curbed by a policy environment that establishes checks and balances, is in reality coopting and compromising other mechanisms, rendering them powerless with the substantial power and resources available to the local official. Other policies are not well-implemented, while institutions mandated to perform them are ill-equipped in performing their duties and achieving their desired goals.

For instance in the case of accountability institutions, the capacity and resources of COMELEC as accountability institution proves to be highly insufficient when compared to the actual demands of exacting legal accountability on the election offenses of warlordistic political dynasties. The Prosecution and Preliminary Investigation Division is understaffed while regional offices have limited resources. Such weaknesses of COMELEC is even compounded by the external threats and actual violent schemes coming from political warlords to prevent their law enforcement functions.

There are also weak efforts for collaboration between PNP and COMELEC in investigation and prosecution that could have been used in mitigating the high transaction cost of exacting legal accountabilities over political warlords. Further, the design of political education program of COMELEC is too limited on procedural and technical aspect of election, rather than the citizenship values and ideas for political modernization.

One of the more critical policy gaps is the pending lack of enabling law for the constitutional provisions on the prohibition of political dynasties, which leads to the absence of an institutional system to implement the state policy of diffusing political monopoly in the country. Since the ratification of the Constitution in 1986, the Congress failed to enact a legislative law to operationalize and implement such State policy.

Meanwhile, term limits is circumvented through rotation of power in the family. At any one time, one can observe families and family members exchanging posts in local office. At a more systematic level, the economic base of political dynasties remain in tact with redistributive policies such as agrarian reform unable to democratize economic resources.

In terms of political competition, the Party List Law is not maximized to enable the marginalized segments of the population to politically organize and be a significant player in mainstream politics. Instead, in the past elections, it has been used by existing powers-that-be to further expand their power base. The recent allegations that some new Party-Lists sprouted as political machinery of family members of the former president illustrates the vulnerability of the Party-List System to abuse and misuse.

Lastly, the country lacks clear institutional-legal framework for the promotion of political competition, at best what we have is indicative. Elections itself has persistently been a compromised institution which has legitimized the reign of a number of political families both at the local and national level. There is also no sustained and comprehensive political education available for all Filipinos.

### **Policies on Partisan Armed Groups**

The Independent Commission Against Private Armies or more popularly known as the Zenarosa Commission, the fact-finding body on private armies established by the Arroyo Administration, defines private armies as “an organized group of two or more persons with legally or illegally issued or possessed firearms, utilized for the purpose of sowing fear or intimidation for the advancement and protection of vested economic and/or political interests.”

In response to the danger of PAGs, the State has adopted measures to curb the growing problem. Looking at the list of policies the State has enforced, most of the efforts fall under two categories: (1) short-term measures and (2) long-term approaches.

Short term measures refer to those actions that sought to dismantle existing private armies and regulatory mechanism on the partisanship of security forces. Particularly, short-term approaches

were operationlized through the forming of several task forces that sought to dismantle private armies and enforcement of accountability mechanisms on the security sector.

The responsibility of dismantling private armies falls under the responsibility of the PNP and with support from the AFP. This was a manifestation of Administrative Order 81, promulgated by former President Fidel Ramos. It sought to strengthen government efforts to disband PAGs. The first task force created was in 1993 named Task Force Paglalansad. Since 1993 to 2007, there have been eight different task forces formed to dismantle PAGs throughout the country. At present Oplan Paglalansag is enforced for the purpose of dismantling PAGs.

In terms of accountability mechanisms, there are administrative accountability mechanisms external and internal to the security institutions. External to the security institutions and on the basis of grave misconduct, NAPOLCOM can decide and administer three administrative penalties to partisan police ranks in the form of suspension, demotion and dismissal from service. Internal to the security institution, the police chief serves as the disciplining authority.

On the other hand, long-term measures highlight institutional reform policies that basically correct aspects of existing institution. Long-term approaches also refer to alternative formal policies and informal practices where local governance interfaces with political and security institutions.

Despite adopting measures that sought to address the problem of PAGs, the issue continues to proliferate not only because of the resilience of PAGs, but also due to the inherent weakness of these measures making them inadequate to function as expected.

One clear hindrance is how task forces are hindered by resource limitations that render them almost incapable of delivering the demanding features of dismantling PAGs. Another problem is the political capture of local PNP leadership as the disabling threat to task forces against private armies.

The critical existing mechanism that needs to be reviewed include:

- Extent of selection powers of the LCE over the security forces and its auxiliaries,
- Extent of supervision, control and disciplinary authority that PNP have over security forces and its auxiliaries,
- Financial responsibility and accountability of LGU over the operational and administrative expenses of the security forces for projects on counter-insurgency and peace and order,
- Improvement of line of command over security force multipliers,
- Recruitment, education and training of security force multipliers, and
- Arming police and military auxiliaries.

Another policy problem is the lack of long-term program for dismantling private armies. Existing programs tend to be reactive without a systematic program that recognizes and deals with the embeddedness of PAGs in the country's political system.

There are also problems in the existing accountability mechanism. Accountability agencies lack the resources and capacity to implement effective monitoring and disciplinary measures over security forces. It is aggravated with the lack of clear line of accountability and command responsibility from leadership ranks of security agencies over force multipliers. There is no comprehensive, institutional development program that strengthens the capacity of the security sector against warlordism despite political pressures

On long-term measures, there are actually no comprehensive, institutional development program that can strengthen security institutions against political capture of the elite. What exists are fragments of new efforts, which is only based on certain initiatives of specific government agency units rather than being a formal, national policy of the state, that has to be further tested and assessed for mainstreaming.

### **Policies on Loose Firearms**

As a member State and signatory to the UN PoA (Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons or SALW in all Its Aspects) and the UN Firearms Protocol, the Philippines utilizes the UN PoA as a framework to address its own issues on SALW proliferation.

Three complex stages are involved in these disarmament framework prescribed by UN PoA. These are (1) *supply control* through regulation of arms transfers and enforcements of restrictions on SALW ownership and use, (2) stocks recovery held by the population and destruction of those arms, as well as surplus government weapons, and (3) *demand reduction* by ensuring public safety, enforcing the law, providing economic opportunities and promoting equal participation.

Existing Philippine policies under supply control of firearms centers on solid licensing regulations, stiffer penalties on illegal possession, and trade controls. In response to these UN PoA on supply control, Republic Act No. 8294, otherwise known as the Firearms Law of 1991, and Republic No. 9516, were crafted to amend Presidential Decree No. 1866 and provide stiffer penalties for the criminalized acts of manufacturing, purchasing, possession and use of illegal firearms.

During elections, the Commission on Elections (COMELEC) implements a Gun Ban Policy per COMELEC Resolution No. 2735 that includes the suspension of issuance of firearms during the election period. No person shall be allowed to carry or transport firearms or other deadly weapons in public places even if the gun holder is licensed to possess or carry the firearm as called for by COMELEC Resolution Number 8714.

On the other hand, in terms of monitoring supply, the Firearms and Explosive Division (FED) of PNP is the sole repository of all imported and locally-manufactured firearms and ammunition. Moreover, PNP has specific guidelines on the import and export of firearms and ammunition components such as the PNP Circular No. 10, s. 2008, which provides guidelines for the processing of applications, importation, exportation, monitoring by the FED-PNP and administrative sanctions for violators to manufacturers. Meanwhile for licensing and registration

of firearms and ammunition for the end-user, the PNP abides by the Standard Operating Procedure No. 13, Licensing of Firearms, series of 1991 and revised October 2008. This guideline basically says that each individual may hold under license a maximum of only one low-powered rifle caliber .22 or shotgun not heavier than 12 gauge and one pistol or revolver, not higher than caliber .38.

In the assessment of supply regulation policies, penalties and sanctions in the Philippines for the possessions of loose and illegal firearms appears too low for deterrence when compared to international practices. Weak implementation of the existing system of supply regulations, particularly in terms of actively detecting unlawful supply transactions and penalizing the concerned actors, contributes largely to the heightening problem of loose firearm proliferation. Likewise, there are yet no accountability mechanisms operating upon PNP that can prompt the institution to achieve a more credible licensing regulation and more active program for loose firearms reduction.

Meanwhile in the policy area of stock recovery, the major instruments are firearm amnesties and disarmament operations. Policy mapping shows that every presidential administration issues executive orders to implement gun amnesty programs and recover some of the many loose firearms circulating in the country.

For disarmament operations, Executive Order No. 817 recently created a National Firearms Control Program (NCFP) that aims to create a comprehensive and robust mechanism for the accounting of loose firearms. This resolves the problem of loose firearms proliferation (target of 3% monthly) and reduces chances of these being used in election-related crimes. It also created a National Law Enforcement Coordinating Committee (NALECC) composed of AFP, NBI, BOC, the Philippine Ports Authority, etc. to review existing laws and regulations and propose necessary amendments to institute a National Firearms Control Program. Sub-programs of PNP's NCFP are: (1) LOI Bilang Boga to account for all legitimate firearms with government agencies and expired licenses, (2) LOI Kontra Boga to confiscate firearms from criminal and threat groups and prevent their illegal acquisition of loose firearms, (3) OPLAN BAKAL and OPLAN KAPKAP to conduct surprise on-the-spot checking of loose firearms in the possession of persons who are in public places and (4) LOI BAWI to recover firearms not returned by active, retired or dismissed PNP personnel.

The institutional assessment of stock recovery of loose firearms shows that policies of firearms accounting and amnesties have proven to be weak and limited in effect. The recent firearm accounting system of the government under the National Control Firearms Program (NFCP) has lapses inherent in its program design which makes it incapable of accounting firearms possessed by private armies. Since the existing database of the NCFP only covers law enforcement agencies, the NCFP accounting system can only account holders of unexpired loose firearms within those agencies and not the holders of unregistered loose firearms which are mostly possessed by insurgents and some sections of private armies. The weak collaboration between AFP and PNP even compounds the limited outcomes of the NCFP accounting system. Moreover, political warlords sometimes avail of the firearm amnesties to legitimize their unlawful acquisition of loose firearms. The amnesty can provides a free-for-all-registration opportunity for

those illegal holders of firearms without necessarily undergoing the corresponding gun ownership training that PNP and AFP formally provide.

Of all the policy area addressing loose firearms, reducing demand may be the most difficult step in loose firearms reduction as it requires the enforcement of the rule of law, increased political participation, recognition of universal human rights, and the provision of economic opportunities to create a situation of sustainable peace that can drastically reduce the demands for gun. The Philippine's efforts to reduce the demand for the use of arms comes in the form of peace-building programs. The Office of the Presidential Adviser on the Peace Process (OPAPP) was tasked precisely to lead these efforts through its core values—active non-violence, public trust, adherence to truth and justice, and respect for diversity. OPAPP was also provided the responsibility to ensure that the three principles of the peace process are followed, as provided for in Executive Order No. 3, series of 2001.

The government's efforts to advocate for peace and security in popular election hotspots in the Philippines are limited to the election period. It ignores the fact that gun violence is already embedded in that society's culture and that the violence extends beyond the elections. Although programs led by the PNP and AFP such as Task Force HOPE-2100 Bravo, a call for Honest, Orderly and Peaceful Elections, contributed much in the decline of ERVIs during the past 2010 national and local elections, it fails to address the fact that the use of violence has become normal and/or necessary for the citizens. Therefore, there is a need for a stronger campaign that is implemented not only during election time and is specifically geared towards changing the attitude and values of the citizens. It should also be in line with poverty reduction programs by the government in recognition of the fact that people succumb to illegal gun manufacturing, illegal gun-owning and joining of private armies to survive.

On a final note, at a systemic assessment of these three phases of addressing loose firearms, there appears to be a lack of integration of among policies on supply restriction, stock recovery, and demand reduction to create a comprehensive, life-cycle regulation on loose firearms. Even the PNP recognizes the need to integrate all policies together and tie them up with sustainable and effective programs aimed to address the proliferation of loose firearms in the Philippines. Despite the gun amnesty and disarmament programs launched by the government, data from the PNP clearly shows that there is no correlation between the implementation of the National Firearms Control Program and an improvement of the accounting system of firearms nationwide. It has no direct relationship on the crimes committed using firearms while local gun manufacturing and gun smuggling remains operational.

## **Explaining Policy/ Institutional Failures and Limits**

There are three critical reasons why legal mechanisms to curb the three enabling factors of ERV (guns, partisan armed groups and warlordistic political families) fail in the context of local warlordism, namely: (1) embeddedness of ERV in the social system, (2) generation of various forms of political violence over the entire life-cycle of a local polity and, (3) capacity for system reproduction.

First, on features of its embeddedness, these three factors have shown to be institutionalized deep into state and non-state structures of the country. On the one hand, warlordistic clans are entrenched into local polities through constant election of their clan members. On the other hand, private armies, originate from government structure, non-government entities and, worse, a combination of both. Government sources of private armies are all found at various institutions of the security sector, such as the regular police units, police auxiliaries, regular military units, CAA (CAFGU Auxiliaries), CVO (Civilian Volunteer Organizations) and local correctionals.

Meanwhile, non-government sources of private armies can be found at the insurgents, industry of hired goons and private security firms. But at the most unholy configuration, there are reported cases in Isabela, Abra, Masbate, Davao City, Davao del Norte, which show the coagulation of police, military, force auxiliaries, goons and insurgents into a composite team of private army all driven by tactical interests at the expense of ideological lines and political principles. Amidst the multitude of sources of private armies between state and non-state sources, this study however treats government-affiliated private armies with more extensive problem analysis and more policy attention than non-government-affiliated private armies due to several reasons.

First, compared to the long-standing campaign of the government against insurgents and hired goons, government programs addressing government-affiliated private armies are weak or inexistent and usually stricken with conflict of interests. Moreover, the capability of government-affiliated private army to use the cloak of legitimacy as a shield against criminal liabilities and administrative penalties demands further research. Lastly, cross-referencing statistical data from key informants indicate that the largest bulk of private army members originate from the security sector of the government rather than non-state entities.

But more critical than the respective institutional base of the said agents are the institutional mechanisms that sustain the warlordistic relation between ruling clans and their private army for one cannot stand without the other. This study located the institutional backbone of such relations at the interface between local government units and local security units. At this interface is the power structure that subjugates local security forces under authority of local government.

The specific powers and mandates of an LGU, particularly of the local chief executive, over the local security forces are the (1) selection powers of the LCE of security officers such as police chiefs and jail wardens, (2) operational supervision and control of LCE over local security units, (3) the influence of an LCE to the designation of a security unit to a certain jurisdiction and (4) the financing of the operational expenses of a local security forces.

The inherent design of this institutional interface is not the problem because its underpinning, intended democratic principle, is the assertion of civilian authority over military force. Such power structure was actually a reaction against the former authoritarian structure of the national institution of police and military during the Marcos dictatorship which trampled upon the autonomy and jurisdiction of local governments. However, the problem in this current set-up arises when these specific powers are abused by a warlord to capture local security units as their sources of private armies. Political warlords convert the powers of an LCE over local security units as patronage and debt of gratitude owed by leadership ranks of a security force that he can

later on use to demand concession from favoured officers of a security unit. As a caveat, since the relations between warlords and private army are mediated by a mixture of inducement and intimidation, their relation cannot be simply represented as patron-client or as mutual interests satisfying both parties under a levelled bargaining table, but rather this study perceives these relations in terms of interest determined by asymmetry of power and coercive instruments.

Based in the multiple case studies, coercion, in simple terms of threat to one's life and one's relatives, is a determining motivation prompting partisan security units to execute schemes of political violence. As a by-product of the capture of security sector as an organized machinery of political violence for a warlord, the external and internal accountability mechanism of a co-opted law enforcement agency is expected to collapse. Such breakdown of accountability system translates to weakening of a layer of deterrence to political warlords and his private army in committing violence and undermining the laws.

In the case of loose firearms, it is much simpler since its embeddedness is largely determined by its established sources and demand from political warlords. As already discussed, the demand of a warlord for loose firearms as instruments of his political violence sustain its acquisition from established sources in smuggling, illegal trade and government stock diversion and its circulation throughout society particularly in the hands of private armies.

Second, on its features of the generation of various forms of political violence throughout the life-cycle of a political system, the study came up with this proposition after observing that the presence of warlords and private armies in localities do not necessarily translate to high incidence of ERV, although all high occurrence of ERV cases with emerging trend on political outcome always involve warlords. For instance, even though there are private armies operating in some localities such as Pangasinan, Camarines Sur, Compostela Valley and Davao del Norte, these did not translate to high ERV frequency in the province. A striking case is Abra, which has experienced a low frequency of two ERVI last 2010 elections despite its abundance of private armies and its reputation as a consistent election hotspot.

Such observation made this study hypothesize that private armies perform dormant and active functions aside from electoral purposes in the politics and economy of a locality before and after elections. For example, there are reported cases which show the use of private armies for the protection or imposition of property rights over a contested economic resource. From a hindsight, it can be argued that whether an incidence of political violence occurs during or beyond election period, one way or another, it will always have an effect on electoral outcomes as it affect the power resources of competing elite clans in varying degrees.

Meanwhile, loose firearms do not only serve as key instrument of ERV but also the material backbone of the overall conditions of crime in the country. As PNP reports, loose firearms consistently account for more than 95% of total firearm-related crimes for each year from 2006 to 2008.

Third, on its capacity for system reproduction, political violence is ultimately used to reproduce the local warlordistic regime which grants the power and resources to its key agents. The heart of the reproduction of the local warlordism lies in the defence and expansion of the political

monopoly possessed by warlordistic clans. The more frequent the re-election of a clan member and the more positions held by various members of a clan, the larger the aggregate volume of political monopoly possessed by a political dynasty. Political monopoly grants warlordistic dynasties the power resources, such as public finances, mandates and access to national state apparatus, which they reinvest in schemes of political violence to gain further power.

Such importance of political monopoly points to ERV as the most central mechanism of system reproduction because it has the most direct, expedient effect in defending political monopoly against its dilution in electoral competition. Through ERV schemes, political warlords can coercively skew the choice of voters towards clan members of warlordistic dynasties, leading to the election or re-election of its clan member through the (1) elimination or discouragement through intimidation of political rivals and their supporters, (2) prevention from their own disqualification from electoral participation by capturing and coercing accountability institutions such as COMELEC and PNP, and (3) electoral manipulation. No wonder political warlords reinvest all their power resources in attacking the institution of election though ERV schemes because it is the only institution that has the capability, through the backing of larger organized violence of the national state and the constitutional legitimacy, to expose the political monopoly of the warlordistic dynasties into the light of political contestation and competition, threatening the very lifeline of these entrenched political dynasties and their clients.

As a caveat, the analysis of ERV as a symptom of local warlordism assumes certain social exogenous conditions of internal security, poverty and poor level of education in a locality. Local warlordism is located in the territorial borders of state sovereignty where armed actors of state and non-state entities gravitate, where state power is feeble and violently contested. The state sovereignty-gap at these localities is precisely what a warlord capitalizes on to bargain concessions with the national state to buttress their local power. Moreover, poverty inherent with the localities of warlordism underlies the motivation of armed actors from the state and non-state entities to render their services of violence to warlords in return for financial and other economic rewards. Likewise, the state of political education, which is also a derivative of the state of poor politics and economy in the area, explains the persistent electoral/political preference of the electorate towards ruling warlordistic clans that leads to the political monopoly of these warlords.

## **Policy/ Institutional Reform Proposals**

In analyzing why mechanisms of the government in preventing and addressing ERV do not work, one glaring conclusion is the underdevelopment and mal-development of democratic institutions, particularly elections, political parties and justice system—such that powerful politicians who abuse their power are able to stay in power, with little to no consequences and cost. ERV is both a symptom and a cause of an underdeveloped/ maldeveloped political order.

Given the structural roots of ERV to local warlordism, corresponding policy responses should then be systemic and programmatic in orientation as short-term measures will end-up simply as band-aid solution. A systemic, long-term program of institutional development is needed to

eradicate the resurgence of political violence particularly ERV at every cycle of the political system.

Specific guidelines of a systemic approach that the subsequent analysis on policy assessment and recommendations observes are the following. First, policy responses should come in the form of integrative package of measures that can generate the desired systemic effects. Addressing only few aspect of a local warlordistic system through piecemeal policies will only end up being neutralized by the adaptations of the system. For instance, warlordistic clans can adapt to piecemeal efforts to make local security forces less partisan by diversifying its sources of private armies between state and non-state actors. On another example, even if political monopolies in some localities are diluted by the enhancement of electoral competition, clientelistic security officers will always find a patron among the competing clans to whom they can trade their armed services. Hence, the integrative package of policies entails its simultaneous implementation to optimize the effects of complementation and synergy of these measures.

Second, policy responses should be in the form of institutional reform measures that can weed out the structures of warlordism and replace it with stronger democratic alternatives. Third, policy package should be able to balance short-term measures and long-term programs, actor-oriented and system-oriented measures to address the dualistic relations between the agency and structures of warlordism.

To comprehensively respond to election-related violence, there are two main objectives:

- Abolish existing warlords and prevent emergence of new ones; and
- Foster an environment for a healthy political competition that addresses and prevents monopoly of power.

Political development is a comprehensive response in addressing election-related violence. This involves development of key institutions of democracy such as the elections, political parties and justice system to make elections truly democratic.

## **I. Strengthening the Justice System and Security Forces**

**In abolishing existing warlords and preventing the emergence of new ones, there is a need to enhance the capacity of security forces and the justice system in exacting accountability from the exercise of power of politicians.**

There are two clusters of policy actions on justice and security reform that can bolster our country's response to ERV, particularly in diffusing and preventing violent political monopolies from emerging, namely:

- Legalislatve reform in the justice system that will make it more responsive and effective in addressing election-related violence, particularly in addressing PAGs and loose firearms; and
- Strengthening the accountability of the justice system, particularly the security institutions; and improving its insulation from particularistic pressures as it responds to ERV.

## **A. Legislative reform in the justice system that will make it more responsive and effective in addressing election-related violence**

The definition of election-related violence is missing in the penal laws. Election-related violence could not be prosecuted as a crime in itself. If ever pursued in court, it would be persecuted based on the existing crimes in the penal laws that were committed in the act of committing violent acts during elections, e.g. homicide, murder, physical injury, etc. Even laws that seek to remedy the situation like HB3292 still anchors the prosecution upon the existing crimes in penal laws but makes the crimes relation to the election as an aggravating circumstance.

The concept of political killings use by Task Force Usig and quoted by the Supreme Court could not also be used as a resort since it only covers killings of actual candidates excluding supporters who are the more vulnerable. Even the concept of extrajudicial killings does not find any legal definition in the Philippine legal system. It gained currency only because the term is being used in the United Nations who conducted a study on such killings in the Philippines.

### **▪ Legislating election-related violence as a crime**

There is a need to augment the penal laws in the country by legislating election-related violence. This will allow a more appropriate response of security institutions and justice system in ERV cases. It will also provide a more fitting penalty for such a crime.

To expedite the resolution of cases involving election-related violence , special courts could be designated to provide for speedy justice. Such special status of the courts is deemed necessary given the complexity and political burden of the case implicating politicians and their private armies.

### **▪ Anti-Private Army Act**

As a response to the absence of a holistic, long-term and sustainable program of the government in addressing the existing groups, origins and causes of private armies, this study proposes a legislative bill that can address both the existing private armies and their underlying structures rooted from state and non-state entities.

At a broader stroke, this bill shall secure the needed resources for short-term and long-term measures against private armies and the institutional-legal environment for these responses to withstand pressures and resistance from affected political interests and to facilitate its synergy with other accountability mechanisms. Critical provisions under this bill are the following:

- Mandating criminal penalties on private armies and persons involved in the creation and maintenance of private armies

Because there is no special law which punishes the maintenance of private armed groups or membership therein, private armies and their coddlers may only be charged

of penalties not proportional to social hazards they inflict such as the illegal possession of firearms under PD No. 1866. This law then mandates higher criminal penalties to members and coddlers of private armies as better deterrence against their preparation for or commission of political violence.

- Instituting a formal DDR (Dismantling, Demobilization and Reintegration) program

Current dismantling efforts of private armies are usually focused on the disarmament stage, but less on the demobilization and reintegration of the private armies. The absence of integration and follow-through programs makes dismantling efforts unsustainable as dismantled private armies returns to their old ways of political violence schemes as their habits and livelihoods.

Cognizant of the international standards on DDR approach, this bill shall formally institute DDR dismantling existing private armies. Cognizant of the international standards on DDR approach, the program design for DDR should be (1) integrative among the phases of disarmament, demobilization and reintegration, (2) secured with the needed resources, (3) carried-out by a specialized government agency and (4) operating within a long-term timeframe. The three critical phases that the DDR program must effectively integrate are:

- Disarmament: Establishment of reception centers for the surrendering and registration of firearms held by these non-state armed groups
  - Demobilization: Demobilized units have to register at reception center for their profiling as requirement for availing reintegration benefits from the government.
  - Reintegration: Presence of extensive and comprehensive compensation and assistance packages which includes monthly allowance, training, education, psychosocial services, livelihood development, and opportunities to join the security sector
- Formation of special government body addressing private armies

Given the findings of the study that self initiatives of most security agencies for dismantling private armies and system reform are disabled by conflict of interest, there is a need to create a special government body that is distant from the influence of local governments to prevent its cooptation and has the sufficient state resources to carry out its function. It shall be invested with the mandate, resources and legitimacy to countervail the resistances from warlords given the political implications of the commission's work.

The primary task of the government body is to be the:

- Enabler and implementer of the DDR program on existing private armies;
- Central data-gathering and fact-finding facility on the warlordistic activities of partisan security forces and their employers from both public and private sector

in support the preliminary investigation, evidence gathering and case-build-up of other accountability agencies;

- Recommendatory body for specific actions of respective accountability agencies; and
- Reviewing body on the institutional mechanisms of the security sector for system reform.

On the composition of the body, one of the better options is to have an inter-agency body that operates even beyond elections in addressing PAGs, where the PNP serves as coordinator and secretariat

### ▪ **A Comprehensive Firearms Code**

A Comprehensive Firearms Code may be the solution to the currently dispersed laws and policies pertaining to the handling of SALW. It should be able to organize policies on definition of terms, criminalized acts, penalties and sanctions and administrative procedures, including transparency/accountability measures on the procurement of guns by government agencies and provision of capacity-building programs for law enforcement agencies. Likewise, it should be able to weave all life stages of loose firearms together, beginning from the firearm's birth in the manufacturing plant until it lands to the appropriate end-user. The specific policy proposal corresponding to the stages of supply restriction, stock-recovery and demand-reduction of loose firearms are specified below.

- Adopt stricter laws on gun ownership by increasing the penalties for illegal possession, acquisition, manufacture and sale and/or restricting the provision of licenses to those with "real need" to own arms

H.B. 6776 entitled "An Act Providing for Stiffer Penalties for Firearms-Related Crimes" responds to the urgent need to amend P.D. No. 1866 and increase penalties for illegal possession, acquisition, manufacture, sale and carrying of firearms outside of residence without a license. Enacting this law shall prompt firearm owners to register their guns especially if this law is implemented alongside a stricter regulation system and effective accounting by the FED-PNP. Having a penalty of reclusion temporal, for instance, for those who have been found guilty of unlawfully possessing or acquiring three or more firearms or ammunition, should be able to deter gun holders from keeping their weapons without getting the appropriate permit from the police.

- Strengthen laws on the exportation/importation of guns and ammunition for an improved accounting system of arms coming in the country and monitoring mechanisms on smugglers

The study recommends the adoption of the Senate Bill No. 2449 called "An Act Preventing the Proliferation of Weapons of Mass Destruction by Regulating the Transfer of Strategic Goods and Items Providing Penalties for their Violations Thereof and for other Purposes" as there is currently no law on how to handle the export/import of guns and ammunition. This will place stricter mechanisms for intended exporters/importers by

going through the Department of Trade and Industry and formalize the requirements necessary to acquire a license.

- Applying more stringent monitoring mechanisms on licensed guns and post-licensing requirements

Japan's post-licensing requirements and monitoring mechanisms may be adopted by the Philippines to regularly check on their licensed gun holders and see if the firearm is in place and its proper storage, and if the individual is still fit and qualified to possess a gun. In Japan, an annual gun inspection is conducted by the police at his convenience and home visits are one of the most important duties of police officers there.

## **B. Strengthening the accountability of the justice system, particularly the security institutions; and improving its insulation from particularistic pressures as it responds to ERV**

- **Strengthen the National Police Commission to effectively and appropriately act as the “check and balance” mechanism over the Firearms and Explosive Division of the Philippine National Police**

The National Police Commission, created by virtue of Republic Act 6975 on December 13, 1990, should be strengthened and developed further to address issues and concerns relative to the Firearms and Explosive Division of the PNP. At this point, NAPOLCOM has not been active in watching over the FED-PNP and/or charging PNP officials, in both the national and local level, who are not abiding religiously to their function and are abusing their power in guarding over the government arsenal. There should be mechanisms to hold police officers accountable for whatever loss or missing arms and ammunition in the stockpile and those not following the strict requirements in licensing process.

- **Executive order to institutionalize command responsibility over the ranks of the security forces from leadership down to force auxiliaries**

To strengthen internal accountability mechanisms that can deter partisanship, the study supports the proposals of the Zenarosa Commission to institutionalize the principle of command responsibility and apply it on the chief and unit commanders of the PNP, AFP and other law enforcement agencies.

Moreover, in this EO, the line of command and accountability on force multipliers such as Special CAFGU Auxiliaries (SCAA) and Civilian Volunteer Organizations should be clearly delineated.

- **Modification on the recruitment process for force auxiliaries**

There is a problem that most force auxiliaries shifts their loyalty from the communities they are intended to protect to the political warlords who has the influence on the selection of the members of a force auxiliary unit. The study therefore recommends that the recruitment of

force auxiliaries, which not limited to PAU, CVO, BPAT, CAFGU and SCAA, should require consultation of the majority of the members of the community in Barangay Assembly. This is to ensure community rapport with force auxiliaries deployed in their localities.

- **Strengthen accountability in the Implementation of Section 63 of RA No. 8551**

The powers of the LCE over local police units granted by Sec. 63 of RA. No. 8551 specifically refers to the power of the LCE to (a) choose the chief of police; (b) discipline members of the PNP, (c) recommend the transfer, reassignment or PNP members outside the city/town where they reside; and (d) recommend whom to appoint as new members of the PNP. There is a need to strengthen the accountability in the exercise of this power as this tends to be abused in perpetuating election-related violence.

One possible measure, in order to prevent political warlords from abusing this power to capture local police units, is to suspend this power of LCEs in election hotspots to make the police force outside the LCEs' operational supervision and control. The Department of Interior and Local Government (DILG) as the institution responsible for monitoring LGUs must be given a more proactive role in revoking or suspending the deputation rights of the LCEs.

Another possible action is to strengthen the capacity of the Napolcom to revoke the deputation power of the LCEs. To date, this power of the Napolcom has not been maximized. Since 1990, only around five (5) mayors were stricken with deputation.

The study recommends also that the Peace and Order Council be strengthened as an accountability mechanism in checking the operational supervision and control of LCEs over the PNP.

- **Institutional development of security institutions and courts**

Finally, there is a need to attend comprehensively to the institutional development and organizational strengthening of security institutions and courts for them to withstand pressures from particularistic interests and be effective in performing their functions. Given the grave situation of security institutions and courts, especially in violence-stricken areas, institutional development that aims to strengthen institutions in dealing with particularistic pressures should be a national policy with corresponding support and resources from the topmost political leadership. This should be sustained and reinforced regularly in order to fully bolster the capacity of security institutions and courts to make the exercise of power accountable.

Part of institutional development is to enhance the support system for these institutions by developing their capacity to build partnership with other government agencies, reform champions and civil society organizations. This is also a way of addressing the gaps in resources and other legal instruments necessary for them to build their capacities. This will also assist in insulating these institutions from pressures of particularistic interests.

- **Expanding of performance monitoring of DILG to include political development**

## **standards such conduct of elections and citizen participation in elections**

Monitoring of LGU performance being conducted periodically by DILG must include standards on the level of credibility and peacefulness of the conduct of elections in the LGU and the extent of quality of participation of citizens in elections. This will also make LCEs accountable for ensuring quality and peaceful elections in their locality as part of the overall development mandate of the LGU. This will also serve as additional bases for assessing whether deputation powers must be suspended in an area where there is prevalent election-related violence. This also clarifies the mandate of DILG and LGU in preventing and addressing election-related violence, which surprisingly remains vague formally.

## **II. Reforming the Elections and Development of Political Parties**

### **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:

- 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*

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

- 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*

- 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*

## **A. Regulating Political Dynasties**

Despite the Constitutional provision that gives the State the mandate to regulate political dynasties, political dynasties continue to be the main feature of politics in the country. It is a complex problem to solve. In the context of election-related violence, it is clear that concentration of power to a family, which the public cannot make accountable, tends to be abusive. This is one of the reasons it needs to be regulated.

Presence of political dynasties also disrupts political competition as it results to unlevelled playing field in favor of those with relatives in government. Especially in the context of family-oriented cultural context and in the history of Philippine politics where “anarchy of families” prevails, absence of stricter regulation in how a family can participate in elections will surely result in the same few families staying in power.

There are two critical counter-arguments against anti-political dynasty: not all political dynasties are abusive (some are even effective); and the right of an individual (a member of the family) to run for elections. There is also one major constraints in passing a legislation regulating political dynasty: many of the legislators are from political dynasties.

The proposals of the study try to be responsive to these counter-arguments and challenges in pushing for the regulation of political dynasties.

- **Anti-ERV Political Dynasty Law**

Instead of generalizing political dynasties, we propose to focus on the worst kind, political dynasties where election-related violence is prevalent. Since dynasties render political families more powerful, they should have more responsibilities and accountabilities, including being regulated or suspended if election-related violence continues to be prevalent in their area. If ERV is prevalent, the entire accountability system breaks down; hence a powerful political dynasty can no longer be made accountable, leading to a strong prospect for abuse of power. This should be a ground for a political dynasty to be regulated or suspended. As earlier pointed out, “the more frequent the re-election of a clan member and the more positions held by various members of a clan, the larger the aggregate volume of political monopoly possessed by a political dynasty. Political monopoly grants warlordistic dynasties the power resources, such as public finances, mandates and access to national state apparatus, which they reinvest in schemes of political violence to gain further power.”

One example of a regulation that can be explored is that in a locality where election-related violence is prevalent, there should be a regulation on political dynasties where families up to the second degree of consanguinity and affinity cannot run simultaneously in overlapping constituencies. This is to prevent one political family from occupying all the critical posts in the government that endangers accountability

The law will define what constitutes a political dynasty and will clarify what “prevalent election-related violence” means. This piece of legislation should also guarantee a more rigid and systematic monitoring and recording of ERV cases and situation and the kind of regulation to political dynasties that will be employed.

- **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.

Most proposals in Congress extend the restriction up to the second degree of consanguinity and affinity. 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. This means that the spouses, parents and children of incumbents cannot run simultaneously with them in overlapping constituencies nor run in any elective position within the constituency of the parent, spouse, or child after the latter has been prohibited from seeking office due to term limits. The weakness of this formulation is that the incumbents' siblings, nephews, and nieces could replace them in power. Also, siblings can run simultaneously in overlapping jurisdictions (e.g. the Cayetano senators) and uncles/aunts and nephew/niece tandems could be fielded. But at least this provides for a wider dispersal of power compared to the present system.

- **Extend the timeframe of term limits, but extend the application to family**

What is the purpose of term limits? It is essentially to prevent political monopoly. It prevents one politician from occupying similar post because of the assumption that the longer one politician occupies the same post, the more the position will be vulnerable to be abused by the politician.

The purpose of term limits in the country is usually not served. It is circumscribed by politicians fielding in their family members, which defeats the purpose of term limits, especially in a family-oriented cultural context. Meanwhile, especially at the local level, terms limits are too short, making elections too frequent, which further perpetuates dynastic behaviors of political dynasties as they turn elections into a market to broaden their franchise.

The proposal is to 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.

How does this proposal address the counter-argument on anti-political dynasty of violating the right of an individual to run for public office. One way of framing the law is to show how political monopoly constrains the rights of others to participate in politics. This will then justify the regulation of rights of political dynasties for rights can only be exercised if it does not deprive others of exercising their rights.

Besides, if term limit is not operationalized to cover the family, given our context, it will be rendered useless and it is perhaps better off abolished as it only makes elections costly.

However, one major challenge in getting this proposal approved is that it will require Constitutional Change.

## **B. Reform of the political party system**

The political party system supposedly serves as the mediating mechanism between the leaders and the citizens, particularly in selecting leaders, aggregating diverse interests and agenda to form programmatic options and in building governance consensus among different programmatic options.

The Philippine party system, while hardly existent, works precisely to undermine these critical functionalities in the government. It facilitates patronage- and personality-based politics. It is a pretention of diversity among political personalities whose difference is largely based on vested interests, and not based on programmatic agenda they pursue, which most of them do not have at all.

If political dynasties cannot be regulated through an anti-dynasty law, the best way to end dynastic politics is to ensure that an alternative political mechanism that is programmatic and effective in winning seats exists.

Hence, there is a need to develop and reform the system by which parties relate with one another and by which parties are made accountable for the performance of their functions.

#### ▪ **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, such as:

- conduct of political education,
- grassroots mobilization and organizing,
- development and screening of leaders,
- aggregation of interests and agenda of citizens,
- development of long-term governance and development programs and strategies, to name the most critical ones.

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. In other words, there will be set of obligations for individual parties and set of obligations for all the political parties as a collective.

However, the State cannot oblige parties to behave in a particular manner if the State will not invest in the performance of these functions. It is a worthwhile investment because these are functions critical to democratic elections. Another reason why the State should take the lead in investing in the performance of functions is that no politician will invest in it for lack of immediate returns that will benefit them. On the contrary, effective performance of these functions could even endanger politicians' control over their parties and their patronage-based ways of running politics.

The State support to parties will only be a subsidy, particularly for operations of parties that are

strategic. It is only a subsidy because part of the functions of parties will be to mobilize their resources following regulations that will prevent one person or company to have monopoly over the party. The party system law or a campaign financing law shall spell out mechanisms to make campaign financing accountable.

The framing of the proposed bill will spell its difference from the past proposal that failed. One of the biggest critique to the past party law proposal is the provision of a subsidy. Why give resources to parties that are ineffective and corrupt, as usually raised by critiques. The proposed party law will be reframed as a way of making political parties accountable, of democratizing political parties to enhance citizen participation in elections and as a component of a bigger agenda to develop and democratize elections.

#### ▪ **Financing party system development**

The question is how will the funds be allocated?

There are three possible options to be explored in allocating State subsidy for political parties.

The first option is the common practice abroad. The State allocates a separate fund in the budget to be allocated according to the seats won by parties. At the onset, the majority party benefits from this, but this will serve as a push for other parties to coalesce, hence facilitating a less fluid configuration in the party system.

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. In other words, the allocation of budget is proportional to votes. This will allow minor parties to also access fund to strengthen themselves and will address the problem of the first option where it is the majority party that immediately benefits from the funds.

The third option is more innovative and it also addresses the lack of a more defined relation between parties and politicians. The State allocates through the discretionary funds of politicians, which should no longer be discretionary but with definite type of spending according to the development agenda of the government. In this case, one of which will be political development through contribution to party subsidy.

Politicians will be mandated to contribute a certain portion of their fund to their parties. Parties will not be beholden to politicians because the contribution is State-mandated and there will be many politicians with the same contribution to the party.

How about independents or those who would opt to be independent later? To date, there are very few independent politicians because Comelec requires party membership before a candidate gets a copy of election returns and because party affiliation also serves as a basis in determining the candidate's capacity to run, which is a criteria for eligibility used by Comelec. But for the few independent, their mandatory contribution will go to the monitoring and accountability component of the party system law. If the system works, being an independent will no longer be politically-attractive as this would mean being excluded from programmatic dialogues across

parties, which should be another feature of the law.

- **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. The possible composition of the Council includes a representative of the Integrated Bar of the Philippines (IBP), representative of law schools, representative of the PICPA (Philippine Institute of Certified Public Accountants), a COA Commissioner, and the chair of COMELEC as ex-officio chair. The membership could be modified in such a way that it has the capacity necessary to competently assess the claims of applicant parties.

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

Fortunately or unfortunately, party-based politics can be best realized if certain conditions exist in the electoral system. Therefore, reform in the electoral system needs to be pursued as well to ensure the development of a programmatic and accountable party system.

The electoral system of plurality promotes a winner-take-all mentality and is not facilitative of compromise-building and coalitional politics. If you win, you get all the power. This is one of the reasons politicians try to win elections at all cost. If they lose, they get nothing even if they get a significant percentage of votes. This is also another reason composition of leadership in governance is not fully representative of the general sentiment of the voters, for it simply considers plurality (the highest number of votes), which in the case of a multi-party system like the Philippines, is often not the majority.

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. Even if a politician loses, depending on his votes, he will still have seats in the government and he can form coalitions and may even be the majority.

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. It is also established in cross-country studies that countries with proportional electoral system tends to have a more developed political party system.

This is an important reform, but it has a major drawback in terms of feasibility. It also requires Constitutional Change.

### **C. Building the Capacity of Comelec**

The Comelec is often criticized for its lack-luster performance during elections and in resolving electoral protests. The management of its units is hardly performance-based, with no clear and measurable outputs and outcomes. Its budget and management is not closely linked to its strategy and performance targets. Comelec, especially at the local level, is undermanned and with no sufficient resources to perform its mandate, making it vulnerable to influence by local government units where they get support from. Its education program is not sustained and comprehensive and there is a lack of capability in coordinating a widespread and comprehensive information dissemination and education drive with support of varied stakeholders. Its monitoring of election law compliance remains weak and limited, with focus on basic procedures in the conduct of elections and hardly on substance. Its decision-making process is not at all transparent and accountable, with the public not aware of the basis of its decisions, like in screening candidates and political parties.

#### **▪ 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.

#### **▪ Amendment on its Mandate**

One of the major factors affecting the performance of Comelec is its dual mandate. Aside from being responsible for managing the elections, it also has an adjudication function mandating it to attend to electoral protests. Attending to both difficult and demanding functions spreads the Commission too thinly.

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. This will also allow the Commission to have a holistic and comprehensive approach to electoral management to include reforms needed in the electoral system and the political system as a whole.

For its adjudication function, there should be another body that will perform it.

This will also require Constitutional Change.

## **D. Citizenship Education**

As earlier stated, citizenship skills and knowledge of the citizens must be honed as well. This is one of the critical components of political development, which is left out in development planning and work of the country. It involves building and strengthening of key political institutions like elections, political parties and honing of capacity of the citizens in performing their role and understanding of how they can contribute to the development of the country.

Political education is most effective especially if aimed among the young people. The COMELEC should work with concerned agencies for the integration of political education in the curriculum of schools. But the perennial issue has always been the source of funding. COMELEC with its problems in administering the electoral system has less to spare for an effective political education.

In the curriculum for basic education, Araling Panlipunan (Social Studies) is lumped together with Music, Arts, Physical Education and Health (MAPEH), Technology and Livelihood Education (TLE), and Citizens Army Training (CAT) in one subject, Makabayan. This gives little time for political education. Even the Social Studies component does not devote all of its time on political education and focuses more on history (Philippine, Asia, World) and economics. The curriculum is wanting of a purely civics course.

At the tertiary level, there is a course on Philippine Government and the Constitution which is mandated by the Constitution. The National Service Training Program (NSTP) also provides for a Civic Welfare and Training Service option aside from the Reserved Officers Training Corps (ROTC) and Literacy Training Service (LTS). But because of the academic freedom that institutions of higher learning enjoy there is great possibility that course content is not standardized. Also, in most higher educational institutions these courses are service courses (not a major course) and would not come out in licensure examinations, there is a possibility that teaching of these courses are not given equal resources (course materials, latest readings, etc.)

Meanwhile, outside the formal education system, there is no comprehensive and sustained citizenship education program in the country.

### **▪ 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.

The proposed Commission will act as a think-tank that will:

- examine and analyze the kind of education related to citizenship that the people is getting from various mediums, such as formal education, media, etc. and assess its impact,
- 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,
- monitor and develop intervention to ensure access to citizenship education of all citizens.

The Commission should give attention and priority to areas where democracy is in great peril, like election hotspots. This is where citizenship education drive should include nurturing a culture of peace and strengthening the capacity of citizens to make their government accountable. At the moment, no agency of the government supports this very critical initiative.

### ▪ **Financing Political Development**

Aside from the creation of a commission that should serve as an investment of the government in citizenship education, investment in political development as a whole should be accounted for. What are our objectives and targets in developing our political institutions and how much are we investing in it? The usual excuse not to answer this difficult questions is that political development is too broad and is already mainstreamed in all developmental areas like economic, social and cultural development. Perhaps there is a need to define where is political development exactly and what it is. At the end of the day, the idea of political development is to improve our political order, particularly how power is accessed and allocated. What are our agenda in improving this and how much are we spending for it?

The State will only have to spend for facilitating or steering citizenship education in the country. The rest can be mobilized from donor partners, diplomatic corps and civil society.

If we leave our political institutions underdeveloped, it will remain in the hands of those who have already captured it. It is time the State facilitates and takes the lead in creating a political system that democratizes access to power, a system that corrects existing disparity and provides mechanisms of support to ensure a leveled playing field.

### **Final Words**

Election-related violence is one of the worst symptoms of the poor political order in our country. It makes our electoral process undemocratic, perpetuates violation of rights and is therefore a threat to our development. While there are efforts by the government and civil society to curb it, there are gaps and limitation to the response, particularly in terms of policy measures and policy implementation mechanisms. If the country wants to have a good chance of addressing and ending election-related violence, there is a need to strengthen its response through political development, i.e., strengthening of the key institutions such as elections, political parties and the justic system particularly security forces and the courts in performing their mandate in advancing democracy and development.

Since election-related violence is a systemic problem, the appropriate and effective response to it is comprehensive and structural. This makes it really demanding. It will require leadership action, political will, commitment of all stakeholders and perseverance to get the job done. As

always, this requirement in addressing and resolving long-standing and most complicated problems in our country is the toughest.

But just imagine our elections without violence and with empowered citizens casting informed ballots for the best leaders who the rest of the citizens can trust and work with to move the country forward. Isn't that worth all the trouble, including the first step of believing all of this can be done?