

Our Right to Vote: A Century After¹

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A cornerstone principle and bedrock of our 1987 Constitution is that the Philippines is a republican and democratic state. One of the hallmarks of democracy is the people's right to vote. With the rising temperature of the election fever during these cold February days, allow me to speak on this crucial topic, even though it may have lost its appeal to many who now view elections as merely a chimerical episode of democracy amidst the political realities in our country.

In ancient times, the great thinkers did not easily subscribe to democracy. Dismissing it as a riotous rule by the masses, Plato disapproved of democracy. He cautioned that if all the people would rule, those of low quality would dominate the state by mere superiority in numbers. He expressed the fear that the more numerous masses would govern with meanness and usher the "tyranny of the majority." Plato predicted that democracies would be short-lived, as the mob would inevitably surrender its power to a single tyrant and put an end to popular government.

Plato's prophecy did not come to pass. Democracy meandered through the Middle Ages in Europe, which elevated the importance of the equality of all men and sparked a revival of interest in democracy. It migrated to the United States of America, whose Founding Fathers espoused its liberal ideas.

In the Philippines, democracy and suffrage had a glacial growth until the onset of American rule at the dawn of the 20th century. During the 300 years of Spanish regime, the Filipinos did not enjoy a general right to vote.² It was only in the Malolos Constitution of 1899 that the right to vote was recognized.³ The right was reiterated in the Philippine Bill of 1902. Our first general elections were held in 1907⁴ under the first Philippine Election Law, Act No. 1582, which took effect on January 15, 1907. This law was elitist and discriminatory against women. The right of suffrage was carried into the Jones Law of 1916. Previously, the right was granted only by the Philippine Legislature and thus subject to its control, but the 1935 Constitution elevated suffrage to a constitutional right. On April 30, 1937, the right to vote was extended to women. In the 1973 Constitution, suffrage was treated both as a right and as

¹ Originally, a speech delivered on February 8, 2007, Manila Hotel, Constitution Day, PHILCONSA.

² Bernas, J., *The 1987 Constitution of the Republic of the Philippines: A Commentary* (2003), p. 631.

³ Pangilinan, M.F., "The Changing Meaning of Suffrage", 57 *Philippine Law Journal* 136 (1982).

⁴ Bernas, J., *supra*, p. 631.

a duty. The voting age was lowered, the literacy requirement abolished, and absentee voting legalized.⁵ The 1987 Constitution likewise enshrines the right of suffrage in Article V.

It was in 1907 when we held our first general election; now, after 100 years, it is interesting to study whether our people have exercised the right to vote in accord with its democratic purpose. Sadly, scholars of Philippine politics take the view that our elections have little to do with the voters' weighing issues and scrutinizing the qualifications of candidates. One view, the patron-client, factional interpretation of Philippine politics, states that our politics is all about personal relations and networks linked by kinship, friendship, exchange of favors, influence and money. A second view, the patrimonial or elite-democracy interpretation, stresses the elites' use of force, intimidation and violence to sway elections. A third view, the neocolonial interpretation, concludes that foreign interests swing our elections their way when they want to.⁶ Let me delve into some details of their studies, which do not speak kindly of how we have exercised our right to vote after a century of experience.

The first view: patron-client, factional interpretation. Our American colonizers introduced the first general elections in the Philippines during the Philippine Assembly elections of 1907. To be sure, that political exercise was a gigantic step towards the political empowerment of the masses. But easily recognizable were the undemocratic strains of the electoralism introduced by the Americans. Linguistic, property and literacy qualifications were set so high that the small percentage of the voting population was limited to those who commanded English or Spanish and held substantial property. With these high hurdles in the way of the right to vote, the caciques had little difficulty acquiring political power. Power was dispersed horizontally across the archipelago, but concentrated vertically: the provincial caciques were assured of more or less equal representation in Manila.⁷ The Americans introduced suffrage, but the power intended for the people through suffrage was quickly hijacked by the landowning oligarchs.⁸

From then on, the elite has ruled our elections, even if on paper the masses are sovereign. The local elites successfully organized their political campaigns around extended family and patron-client networks.⁹ More, they invented the political machines to churn out votes. These well-oiled machines are run by politically skilled leaders of elite families and by "new men" from less wealthy and less known families who have the necessary savvy for the age of mass electoral politics.¹⁰

The elite had also at its beck and call political power brokers who hold political office in the rural areas. These power brokers can deliver "solid votes" from their bailiwicks, mostly from hundreds of thousands of people who depend on them. They provide them with cradle-to-grave benefits. They shoulder the hospital bills of the newly born. They give their wards jobs through public works projects. They put up rural health centers, basketball courts, barangay halls and feeder roads. They provide caskets so poor families can bury their dead. Ward leaders of power brokers ensure that votes of entire barangays or municipalities are delivered for a particular candidate.¹¹

The political machine is fueled not only by the power of the lords of politics, but also by the money of the gods of business. Votes that cannot be captured by the political lords are secured by the resources of business. These votes are usually found in cities or urbanized provinces where voters are influenced not so much by patronage, but by media.¹² Nowadays, a 30-second television plug on primetime TV will cost a candidate Php 200,000 while a spot on non-primetime costs Php 50,000. For effective recall, the ad should be aired at least every other day, supplemented by radio and print ads and aired at least twice a day when nearing the end of the campaign period.

Simple arithmetic will tell us that media expense alone amounts to millions of pesos. If, about fifteen years ago, studies showed that average electoral expenditures for the position of mayor was Php 1 million; for governor, Php 3 million; for congressman, Php 3 to 4 million; for senator, Php 10 million; and President, Php 1 to 2.8 billion,¹³ one cannot imagine the staggering amounts of money that go into present-day election expenditures. Needless to say, both the business and the political power brokers expect protection of their economic, political, or personal interests.¹⁴ And when private interests clash with public interest, the result is oftentimes disastrous especially in countries where the democratic institutions are still in their embryonic stage.

Let us go to the second view: the patrimonial or elite-democracy interpretation of our elections. This view emphasizes that our elections are won and lost by how effectively dominant families' minions and private armies intimidate voters, tamper with voting procedures, and violate the sovereign will of our electorate. One observer described "[a] Philippine election [as] a rich man's civil war fought in the public marketplace."¹⁵ The worst victim of this war in the last 50 years is the sanctity of our people's right to vote.

Fraud has taken many faces in our elections: bribery; intimidation; the use of indelible ink to prevent a voter from voting; the delisting or transfer of voters

Politics," *Asian Survey* 11 (December 1971): 1182-99 and other works of K.S. Macado.

¹¹ Isagani de Castro, Jr., "Money and Moguls: Oiling the Campaign Machinery" in 1992 and Beyond: Forces and Issues in Philippine Elections, Philippine Center for Investigative Journalism and Ateneo Center for Social Policy and Public Affairs (1992), pp. 36-37.

¹² *Id.*, p. 37.

¹³ Miriam Defensor-Santiago, *How to Fight Election Fraud* (1991), p. 54.

¹⁴ De Castro, Jr., *supra*, p. 37.

¹⁵ Kerkvliet, *supra*, p. 143, citing Eugene Gibbs, "Family and Politics: A Study of a Filipino Middle Class Family" (Ph.D. dissertation, Claremont Graduate School, 1971), 127.

⁵ *Ibid.*

⁶ Benedict J. Tria Kerkvliet, "Contested meaning of elections in the Philippines," *The Politics of Elections in Southeast Asia*, ed. by R.H. Taylor (1996), pp. 136-137.

⁷ Benedict R. Anderson, "Elections and participation in Southeast Asian countries," *The Politics of Elections in Southeast Asia*, ed. by R.H. Taylor (1996), pp. 21-22.

⁸ Jeff Haynes, *Democracy in the Developing World* (2001), p. 88.

⁹ Kerkvliet, *supra*, pp. 138-139.

¹⁰ *Id.*, p. 141. The term "new men" is from Kit Macado who has done the most work on the evolution of Philippine political machines. See K.S. Macado, "Changing Aspects of Factionalism in Philippine Local

from voters' lists; the snatching of ballot boxes; the destruction or alteration of ballots, election returns and other election paraphernalia; the misreading of the contents of ballots or election returns, and so on.¹⁶ For instance, the May 1992 synchronized national and local elections were considered to be relatively peaceful and orderly. Yet, the Commission on Elections (Comelec) reported that, eight months after the elections, it had already disposed of 1,357 cases arising from the May 1992 electoral exercise and it still had numerous other pending cases.¹⁷

Let us go to the third view: the neocolonial interpretation of our elections. This view laments that foreign intervention has influenced the exercise of the right to vote of our people. Our nationalists, led by Claro M. Recto, have raised foreign intervention as an evil in our politics. Foreign business and military interests in the Philippines have made foreign intervention in Philippine elections endemic.¹⁸ They point out that raw economic interests of foreigners pushed the Parity Amendment into the Philippine Constitution. For the passage of the Parity Amendment to be assured, our nationalists charged that some progressive legislators had to be unseated, on allegations of electoral fraud.¹⁹ Needless to state, the right of the people who voted for them as their representatives was negated by the greed for profits by foreign business.

On the other hand, the second half of the last century saw the Cold War between democracy and communism. The technology of war at that time demanded the establishment of foreign bases to surround the enemy as strategies of offense and defense. Countries with strategic location like the Philippines, had to be the sites of these foreign bases. Necessarily, these countries became the battlegrounds of these contending ideological powers. Unsympathetic governments were hardly tolerated in this global battle between the giants of the East and the West. Again, it is evident that where military and security interests of the most powerful states are at stake, the right to vote will be given respect that is as little as nil.

There are other factors and influences that have diluted the effectiveness of the constitutionally protected right to vote of our people. Lamentably, some of our voters are to blame for this tragedy. Some of them have an instrumental approach toward elections, viewing the process as a shameless opportunity to get something for themselves and their families. Some voters can be unconcerned about the issues and do not expect long-term returns for their vote, but seek mainly to extract what they can by participating in a

nominal way -- to please friends or win personal favors from candidates -- or by selling their votes.²⁰ Some voters also perceive elections as a means to fulfill clientele obligations, not only by voting but also by campaigning for candidates supported by one's patron and calling on family members and close friends to do the same. Likewise, plain regionalism, common dialect and shared cultural values sometimes determine the way they vote.²¹ Worse, the mere popularity of personalities -- devoid of the ideology, program and qualities necessary for an effective elected leader -- can blind an uninformed or undiscerning voter not only to vote, but also to campaign for a candidate.

An astute student of politics, Resil Mojares, concludes that all these facts explain in large part why voters seek "short-term goals and benefits for oneself, one's family, or small group, rather than one's class or nation," and why Philippine politics consists largely of "quick returns, personalistic leadership, and visible impact-projects."²² The cumulative results of such "destructive immiserizing" political practices are "orchestrated 'mandates' rather than genuine participation, manipulation of needs and rewards rather than a process of democratic 'bargaining,' the perpetuation of 'false consciousness' instead of purposive political education, and a continuing powerlessness of the people instead of empowerment through politics."²³

Finally, a weak administrative machinery to enforce laws that guaranty fair elections also erodes the right to vote.²⁴ A pliant administrative structure that cannot safeguard the election process from abuses deters our transition from a paper democracy to real democracy. It is not enough to have laws that assure honest voting and counting. They have to be enforced if we are to recognize the importance of the right to vote of our people; and if we are to accord sanctity, and not sanctimoniousness, to their sovereignty.

Still and all, despite the faults of elections and politicians' and other election participants' taking advantage of these faults, many Filipinos view elections as still the best available way to decide who will hold office, as compared with appointments from on high and violent struggles.²⁵ Studies show that most ordinary Filipinos favor democracy; and large percentages have regularly turned up at the polls, averaging about 70% in presidential and legislative polls since 1986.²⁶ One development after the 1986 People Power revolution and into the 1990s, a development that has helped contribute to the democratic

¹⁶ Defensor-Santiago, *supra*, pp. 70-73.

¹⁷ Report of the Commission on Elections to the President and Congress of the Republic of the Philippines on the Conduct of the Synchronized National and Local Elections of May 11, 1992, Vol. 1.

¹⁸ Kerkvliet, *supra*, p. 144, citing Stephen R. Shalom, *The United States and the Philippines: A Study of Neocolonialism* (1981), 86-83; Raymond Boner, *Waltzing with a Dictator: The Marcoses and the Making of American Policy* (1987), 39-40, 408. Other sources omitted.

¹⁹ Anderson, *supra*, p. 23.

²⁰ Kerkvliet, *supra*, p. 145. See chapters in Kerkvliet and Mojares (eds.), *From Marcos to Aquino*; also

Ando, "Elections in the Philippines," 147, 149; and Lande, *Leaders, Factions and Parties*, 62, 68.

²¹ *Id.*, citing Ando, "Elections in the Philippines," 77-80, 89; Lande, *Southern Tagalog Voting*, 73-98; Lande and Cigler, "Social Cleavage," 38, 41. See also Hirofumi Ando, "A Study of Voting Patterns in the Philippine Presidential and Senatorial Elections, 1946-1965," University of Michigan, reprinted from the *Midwest Journal of Political Science*, Vol. XIII, No. 4, Nov. 1969, p. 581.

²² *Id.*, citing Mojares, *The Man Who Would Be President*, 159.

²³ *Id.*, p. 147, citing Mojares, *supra*, 161-162.

²⁴ Kerkvliet, *supra*, pp. 162-163.

²⁵ *Id.*, p. 145.

²⁶ Haynes, *supra*, p. 100, citing IDEA (International Institute for Democracy and Electoral Assistance), *Voter Turnout from 1945 to 1997: A Global Report on Political Participation* (Stockholm: IDEA, 1998).

²⁷ Kerkvliet, *supra*, p. 163.

character of our elections, is the sudden mushrooming of nongovernmental organizations that passionately advocate positions on major issues and exert efforts to make political institutions -- including elections -- more open to non-elite voices and interests.²⁷

Let me conclude by stressing what Mencken calls the obvious of obviousities: the stakes in our upcoming elections are high. We have witnessed twice in our history how elections corrupted by the power of the few or corrupted by the power of ignorance of the many created tension that ended in eruptions on EDSA. We can no longer afford these social and political upheavals. We cannot look down at our elections as mere personal contests among candidates. In truth, it is not the unsuccessful candidate who loses the battle in a manipulated and fraudulent election, but we, the people who have enshrined the republican and democratic soul of our nation in our Constitution. We ought to heed Plato's caution, lest our treasured democracy become simply a "tyranny of the powerful who manipulate the majority."

