



Bantay Eleksyon '07

PEOPLES' COalition to Monitor 2007 ELECTION

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Midterm Philippine Elections: A Preliminary Report

Introduction

This is the third report of the *Bantay-Eleksyon 2007* or the **People's Coalition to Monitor the 2007 Elections**. It covers the May 14, 2007 election day and immediate events leading to it. As such, this constitutes a preliminary report, based only on the available data obtained through media and field reports of monitoring. The full report, with an exhaustive analysis of the election process from start to finish, will be issued in one month's time.

This preliminary report covers the following areas of the May 14 elections:

- a. Final preparations for the elections
- b. Final election campaigns
- c. Actual holding of the May 14 elections
- d. Electoral violence
- e. Electoral anomalies at the precinct level
- f. Municipal-level canvassing
- g. Election monitoring

A. Final preparations for the elections

The final preparations of the Commission on Elections mainly consists of the following: 1) Transportation and shipping of election forms and paraphernalia to municipalities and to the Board of Inspectors; 2) Final constitution of the Board of Inspectors and Board of Canvassers; 3) Reshuffling of election officers and other deputized government personnel; 4) Posting of and information on the certified voters list; and 5) Final determination of projects of precincts.

In the main, these preparations were made and completed in time for the holding of the elections, except in several places, mostly remote, where these preparations were made even up to the day of elections. The Comelec itself, through Chairman Benjamin Abalos, declared “95% of the preparations were completed.” The entire Comelec is to be commended in this regard.

However, troubling instances of irregularities regularly occurred nationwide that created uncertainty—and even suspicion—about the political will and capacity of the Comelec to conduct clean and honest elections. The following major irregularities occurred and reported:

1. Possession of seemingly genuine accountable forms, ballot boxes, and other election paraphernalia with unauthorized persons. This was already reported in Laguna and in Mindanao. The report by ABS-CBN reporter Ricky Carandang on the existence of seemingly genuine election returns (ERs), complete with security markings, is particularly disturbing.

2. Widespread irregularities in the certified voters list (CVL). Despite the Comelec announcement of the cleansing of 1.13 million unqualified persons from the CVL, there are numerous reports of inclusion of dead people, overseas workers and other manifestly unqualified persons in the CVL. The CVLs in many cities and towns also reflect unbelievable increases or decreases in the number of voters, amounting from at least 10% up to more than 100% of the 2004 CVLs.

3. Confusion in the project of precincts. The last-minute practice of precinct rearrangement has added confusion to voters who already are coping with the difficulty of finding their names in the CVL. This also posed problems to candidates and their campaign people.

4. Irregularities in assigning and reassigning of Comelec personnel, police deputies, and members of Board of Inspectors (BEIs) and Board of Canvassers (BOCs). There were reports of last-minute rejection of teachers from BEI duties and their replacement by non-teachers. There were also concerns raised regarding promotion and assignment of Comelec personnel named or implicated in the Garcillano tapes affair.

5. Partisan activities, illegal or irregular conduct by Comelec and deputized personnel. There were reports of officials of the Comelec and deputized agencies such as the PNP, AFP, DepEd, and DILG giving instruction to lower officials for partisan activities. There were also reports of Comelec officials tampering with voter lists and other official forms for partisan ends.

B. Final election campaigns

The senatorial and local campaigns ended on midnight of May 12, 2007 with *miting de avance* and last-minute sorties. Some senatorial candidates also intensified the use of the mass media, particularly the television ads. In this case, more than 85 percent of their media budget went to television.

However, a darker side of the homestretch campaign was reported from all over the country—the frenzied negotiations for votes in exchange for money or endorsement of candidates.

1. **Vote-buying and vote-selling.** This involved both the vote-buying of individual votes and block of votes controlled or influenced by political candidates or brokers at the local level. There were reports of vote-pricing ranging from PhP 500 to as high as PhP 7,000 per vote.

2. **Junking of partymates and cross-endorsement of opposing candidates.** Junking of partymates and cross-endorsement of candidates from opposing parties abounded and reflected on the different “sample ballots” distributed just before and on election day.

C. Actual holding of the May 14 elections

The May 14, 2007 elections were successfully held. Comelec declared a failure of election in at least 10 municipalities in Lanao del Sur, Lanao del Norte, and Sharif Kabungsuwan due to electoral violence. Comelec also initially estimated that 75% of registered voters voted, with about 14% among overseas absentee voters and 85% among domestic absentee voters.

Widespread reports of electoral violence, problems in precinct-hunting, voter disenfranchisement, and illegal electioneering marred an otherwise peaceful and orderly conduct of the elections.

1. **Voter confusion and disenfranchisement.** There are reports of *bona fide* voters losing their names in the CVL—with early estimates of at least 100,000 voters being disenfranchised. Hunting of precincts and names in the CVL frustrated many voters. There were accusations of a pattern in the mix-up of voters and precincts favoring certain candidates.

2. **Illegal electioneering.** There were reports of widespread production and distribution of sample ballots to voters even in the vicinity of polling places. There were also reports of candidates or their supporters campaigning or conducting election propaganda during election day.

3. **Partisan activities of election officers and deputies.** There were reports of members of BEIs or watchers giving instructions on who to vote to voters in the precincts. There were also reports of members of BEIs, police, or election watchers shutting the precincts after the voting period ends and preventing watchers and independent observers from observing the preparations for counting.

D. Electoral violence

As of May 14, 2007, the Philippine National Police (PNP) reported to the media 114 deaths and 132 wounded victims in 191 election-related violent incidents (ERVIs). Of the 114 deaths, 59 were identified to be candidates, 55 were supporters. The PNP

issued statements on election day that, despite the reported incidence of violence “the situation is generally peaceful except for some untoward incidents” and “only 30% of the incidents are election related.”

The PNP also reported that 52 out of the 90 private armies or partisan armed groups (PAGs) had been dismantled. PAGs' activities in Abra and Masbate, among others have been prominent in the various election-related incidents.

A gun ban was implemented by the Comelec. However, only 2,176 have been recovered in addition to the 195 explosives, and 325 bladed weapons. Most cases of confiscation and arrest for gun ban violation are reported to be from the CALABARZON region. Regions 6, 10, and 3 are the other regions which figured high in the cases of gun ban violation.

There are a lot of questions on these statistics and assessments by the PNP.

1. Misclassification of cases already reported in the media as election-related.

Three general categories are used by PNP to classify ERVIs: politically motivated, not politically motivated, and for validation. The data released by PNP as of April 25, 2007, when compared with media and BE area monitoring reports did not include more than half of the incidents which happened during the same period covered by the PNP report.

In some instances, what can be clearly classified as election related cases were classified by the PNP report as “not politically motivated.” Notable examples were the murder case of Kalinga Vice Governor and gubernatorial candidate Rommel W. Daisen and the two incidents of ambush of journalists in Nueva Ecija and Laguna.

There is also an observed increase in the number of local officials targeted who are either incumbent or are running for a post in this midterm election. Meanwhile, most supporters of politicians who were subjected to election violence are also barangay officials.

2. Ineffective presence of police and military forces in hot spots. In Abra, Masbate, Nueva Ecija and other places tagged as “areas of immediate concern,” the police were not able to prevent nor control the continuing violence in these areas. In some incidents, police units, especially the regional and provincial mobile groups were involved or suspected to be involved.

E. Electoral anomalies at the precinct level

While many precinct-level voting and counting were conducted in accordance with electoral laws and correct procedures, there were also many cases of irregularities at the precinct level. Some examples are the following:

1. **Vote buying.** In Manila, two men were arrested Monday for allegedly selling their votes to a congressional candidate. Charged for violation of the Omnibus Election Code were Rolando Acosta and Armando de Guia. Superintendent Joveth Asayo, Manila Police District Station 4 Commander, said the two were caught on camera accepting bribes in exchange for their votes. The votes were allegedly for congressional candidate Boots Bacani, wife of outgoing Manila Rep. Rodolfo Bacani. Police, however, failed to arrest Bacani's alleged "operator."

In Tacloban, Police arrested a supporter of mayoralty candidate Alfred Romualdez for reportedly distributing money "to buy votes." Arrested was Jarby Martinez, a casual employee of the Tacloban City government. He was reportedly seen in Barangay 62-A Kalipayan while handing a plastic bag to his contact. The plastic bag reportedly contained several envelopes containing money and sample ballots of Romualdez. Romualdez, however, denied having to do anything with the aborted vote-buying.

In Bacoor, Cavite, police caught an alleged supporter of Mayor Jessie Castillo reportedly in the act of distributing money and sample ballots at the eve of the elections. Police arrested Elvie Telmo inside her house in Barangay Talaba 1 where she was reportedly distributing envelopes containing cash to voters. Enclosed with the money are sample ballots from the camp of Mayor Castillo. Seized from her possession were 50 envelopes, several sample ballots and list of voters. Also arrested were two of Mayor Castillo's poll watchers. Mayor Castillo, meanwhile, refused to comment on the arrest. He said he has nothing to do with Telmo's activities. Police nabbed two supporters of Caloocan City congressional candidate Egay Erice who were caught distributing rice along Macabalo Street. Ana Urbano and Fe Esperet admitted to police that they were supporters of Erice. Erice, however, said the rice distribution was meant for his poll watchers.

In Basilan, congressional candidate Wahab Akbar complained that his rival political group is engaged in vote-buying. A certain "Juny" ,not his real name, told ABS-CBN that a supporter of Akbar's rival congressional bet Jim Saliman handed him an envelop containing money 11 a.m. Sunday in Tuburan, Basilan. Aside from the cash amounting to P39,000 in P1,000 and P500 denomination, Saliman's supporter only identified as "Daks" also gave him three cell cards with a picture of Saliman. Akbar's camp said they plan to take legal action against Saliman.

In Pampanga, reelectionist Gov. Mark Lapid reported alleged vote-buying in Floridablanca, Sta. Rita, San Simon and Magalang towns, and the City of San Fernando. The wife of a barangay captain was reported to have also distributed five kg of rice and P500 in Alasas, also in San Fernando. Power outages were reported in Guagua and Sasmuan. The Lapid camp traced all these to the camp of his rival, Board Member Lilia Pineda and some candidates in her slate.

In Benguet, missing names became the biggest headache of voters in the elections. This time, though, the confusion was aggravated by disputes over election procedures. Protests over the placement of voter secrecy folders were aired. Others argued over who should place ballots in the ballot box—the chair of the BEI or the voter.

Gregorio Taag, coordinator of the Parish Pastoral Council for Responsible Voting (PPCRV) in La Trinidad, said the group's field volunteers reported that many voters decided to go home since they could not find their names.

2. **Coaching of voters.** Coaching of voters inside election precincts were rampant in Marawi City, said Jessica Tulloch, IOM spokesperson for the Lanao del Sur team. Tulloch said they saw poll watchers sit beside voters and dictate candidates' names to be written on the ballots.
3. **Inclusion of names of the dead.** In Isabela, some voters complained of missing names and the inclusion of the dead in the list, among others. And even the name of the late Philippine Star publisher Max Soliven was still on a voters' list in San Juan.
4. **Harassment.** In Cagayan, reelectionist Gov. Edgar Lara asked Comelec officials to check the harassment of poll watchers in Alcala and Gattaran towns.
5. **Abduction.** A poll watcher of a mayoral candidate escaped an abduction in Sto. Domingo at 11:30 a.m. Erwin Gregorio, a poll watcher of mayoral candidate Herbie Aguas, reported that unidentified men tried to force him into a Honda Civic car. The abductors did not succeed when some bystanders came, forcing the suspects to flee.
6. **Bomb scare.** A cardboard box left under a lamp post beside the Sangguniang Panlungsod ng Cotabato triggered a bomb scare at a canvassing center in Cotabato City.
7. **Bombing & shooting.** At least six election-related violence incidents occurred in the last 12 hours up to the close of polling precincts at 3 p.m. today. At around 12:30 am, Eliseo Comawas, 32, a supporter of reelectionist Mayor Santiago Barcelona, was shot in the head near his house in Escalante, Negros Occidental. A bomb exploded about three hours later at the campaign headquarters of Vicente Sese, a candidate for councilor, in Guadalupe Viejo, Makati City.

In Basilan, a shooting incident between rival mayoralty candidates Hajarun Jamiri and Alih Sali killed one person and wounded five at around 8:30 am. At around 9 am, a rocket-propelled grenade exploded near the Balanagan Elementary School in Zamboanga del Sur, wounding two.

At around 10:30 a.m., three unidentified gunmen fired upon 80 voters in Tupi, South Cotabato. No one was wounded in the attack. An hour later, unidentified suspects hurled two grenades near the Maguindanao Elementary School, a voting precinct in Pagalungan, Maguindanao, where one was wounded.

8. **Disenfranchisement.** The son of senatorial bet Gregorio Honasan couldn't vote in Marikina since his name was nowhere on the voters' list. In Las Piñas, it's the bets who have been "disenfranchised." Election watchdog Halalang Marangal said that the names of senatorial candidates Ralph Recto (Team Unity) and Antonio Trillanes IV (Genuine Opposition) were missing in the voting lists in certain precincts in the city.

9. **Fake money.** Various media organizations have also reported that there have been various incidents of vote-buying all over the country. Akbay Pinoy has been accused by an anonymous source of vote buying. A vote for the said party-list organization was being offered in exchange for cell phone credits.

In an interview with a source from Bukidnon, Newsbreak also found out that sample ballots with a fake peso bill bearing the face of Virgilio Garcillano circulated near polling precincts.

10. **Ballot snatching.** ABS-CBN regional and radio reports said unidentified armed men snatched ballot boxes in the provinces of Shariff Kabunsuan and Lanao del Sur. In Shariff Kabunsuan, DZMM reported that a shooting ensued between two policemen guarding ballot boxes in Barangay Gambar and an undetermined number of armed men. The armed men were able to escape with two ballot boxes.

ABS-CBN also bared another incident of ballot snatching in Calanogas town in Lanao del Sur. Pictures shot by a National Movement for Free Elections volunteer revealed that ballot boxes in a village in Calanogas were destroyed while documents inside them were torn. Three ballot boxes were reported missing while some ballot boxes arrived in Calanogas without election returns.

F. Municipal-level canvassing

The municipal canvassing is ongoing as of press time. There are already reports of various problems and anomalies that cropped up. These included the delayed transmission of election results to the canvassing centers, delay in starting of canvassing, prevention of watchers during certain parts of the canvassing process, replacement or attempts to replace election returns, and brown-outs in canvassing areas.

Preliminary Findings

1. The midterm Philippine elections, in so far as the voting process was conducted in a largely peaceful and orderly manner, can be termed a qualified success. However, there are widespread confusion among voters, significant level of electoral violence, and increasing signs of electoral fraud.

2. The Commission on Elections, in so far as it undertook the preparations for and supervision of actual electoral processes, did its job adequately. Unfortunately, this is overshadowed by its failings in terms of transparency, implementation of election laws, independence and non-partisanship, and efficiency. Its various immediate attempts at institutional reforms so far have not produced any significant improvement. This basically guarantees that its problem of credibility will not be solved nor alleviated by its conduct in these elections.

3. Urgent and comprehensive electoral reforms are called for, starting with the total revamp of the Commission on Elections. Electoral modernization, revision of the Omnibus Election Code, political party reform and campaign financing regulation, citizen-voter education, electoral administration reforms, and party-list system reforms

are just some of the more urgent ones. The post-election Comelec needs to embrace these reforms and actively implement them.