

# No Simple Fix:

Bribes, Bullets & Breakdowns  
In the 2010 Philippines Elections



Report of the  
National Lawyers Guild  
Delegation to the Philippines

**NO SIMPLE FIX:  
Bribes, Bullets and Breakdowns in the 2010 Philippines Elections**

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## EXECUTIVE SUMMARY

On May 10, 2010, the Philippines held nationwide elections which have been internationally acclaimed as exceptionally clean by historical Filipino standards. A delegation of seven members of the National Lawyers Guild (NLG) convened in Manila at the invitation of the People's International Observers' Mission (PIOM) to observe that election in regions throughout the archipelago. The NLG delegation found more than ample evidence of election misconduct. Specifically, the delegation witnessed:

- Vote buying
- Ballot stuffing
- Automated machine failure
- An open gun battle at the polls
- Party-sponsored poll watchers instructing voters on how to vote or filling out ballots for voters
- Inadequate testing and piloting of automated election system (AES) technology
- Insufficient training of Board of Elections Inspectors (BEI)
- Blatant disregard of electoral protocol
- Military and paramilitary intimidation
- Lack of ballot privacy
- Long lines and delays
- Voter disenfranchisement

Over all, the delegation observed that many of the problems that have historically plagued Philippine elections remained, despite the new automation of vote counting. For example, a large number of people reported that candidates engaged in vote buying, offering between 30 and 400 pesos and/or kilos of rice for a vote. Electoral violence in the Autonomous Region of Muslim Mindanao (ARMM) included a gun battle as well as bombings. Political dynasty politics, where entire families dominate local politics, remained rampant, and military persecution of pro-land redistribution candidates was apparent in parts of the countryside that the delegates visited.

The delegation's findings suggest that the problems with Philippine elections are unlikely to be remedied with simple policy solutions. Rather, they are rooted in economic and political inequality that is ingrained in the country's colonial heritage. Accordingly, the NLG Philippines' Election Observation Delegation recommends that the new government of the Republic of the Philippines:

1. Invest in social infrastructure so that people's basic needs are met, which among other things, would reduce the people's need to sell votes in exchange for basic necessities.
2. Restructure the appointment of COMELEC commissioners, so that they are less indebted to incumbents.
3. Fully investigate and prosecute politically-motivated human rights violations, including those committed by police, the military and private militias. By ending impunity, the Republic can deter attacks against progressive candidates and their supporters, as well as provide voters with a wider range of candidates to consider.
4. Improve logistics on election day, including:
  - enhancing voter privacy;
  - utilizing more polls;
  - providing better training for officials;
  - increasing bathroom and water facilities;
  - improving accessibility for the elderly and disabled; and
  - providing more civilian officials to assist in making the election run as smoothly as possible.

5. Evaluate the Automated Election System (AES) with a critical eye and consider expanding the number of precincts, so as to avoid the long lines in the 2010 elections.

6. Enforce prohibitions on military and police presence near the polls, as well as rules against campaigning on election day.

The delegation also recommends that U.S. community organizations develop and maintain more extensive solidarity with Filipino community organizations to restrain military and government abuses and repression.

## INTRODUCTION

In early May, 2010, a seven member delegation from the National Lawyers Guild (NLG) in the U.S. traveled to the Philippines to observe their 2010 elections. This trip was part of a broader effort by the NLG to work in solidarity with human rights lawyers and people's organizations in the Philippines.

The NLG Philippines subcommittee has been working towards holding both the U.S. and Philippine governments to international human rights standards. In 2006, NLG members traveled to the Philippines at the invitation of GABRIELA, a progressive women's organization, to investigate the prosecution of progressives, extrajudicial killings, targeting of women leaders, and the Philippine and U.S. Governments' roles in these human rights violations.<sup>1</sup>

Similarly, the People's International Observers' Mission (PIOM) has a well-established record of documenting election irregularities and pressing for reforms. The PIOM convened delegations of international election observers for the 2004, 2007, and the 2010 elections in the Philippines.<sup>2</sup> Among the conveners of the PIOM was the National Union of Peoples Lawyers (NUPL),<sup>3</sup> Bishop Elmer M. Bolocon of the United Church of Christ in the Philippines and Pagbabago (People's Movement for Change).

## BACKGROUND

### PHILIPPINES - UNITED STATES HISTORY

Connections between the U.S. and the Philippines run deep. Approximately 4 million Filipino-Americans live in the U.S., and those with Philippines citizenship can register to vote by mail at Filipino consulates in the U.S. The U.S. "purchased" the Philippines from Spain as part of the Treaty of Paris in 1898, and instituted various forms of colonial rule until 1946. Thereafter, U.S. bases remained in the Philippines, and were used to launch incursions into Indochina during the Vietnam War. The U.S. also supported the Marcos Dictatorship from 1965-1986 under a cold-war strategy of supporting right wing opponents of communism, regardless of their human rights record. Opposition to U.S. bases by the Filipino people led to their removal, which was enshrined in the new Constitution in 1992. In 1999, however, the Senate of the Philippines ratified the Visiting Forces Agreement under heavy pressure from the U.S. This agreement authorizes U.S. troops to carry-out "joint" training and "defensive" military operations, and has generated widespread public opposition in both the Philippines and the U.S.

In 2009, the U.S. gave \$28 million in military assistance to the Philippines, making it the largest recipient of U.S. military aid in Southeast Asia. The U.S. government has consistently placed its perceived short-term geo-political interests ahead of human rights in its foreign policy toward the Philippines. This trend began with the U.S. colonial period, continued through cold war and persists today in the war on terror.

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<sup>1</sup> There are links to copies of the delegations report and special update available at <http://www.nlginternational.org/com/main.php?cid=9> and a copy of the NLG International Committee resolution following the delegation is available at: <http://www.nlginternational.org/news/article.php?nid=48>.

<sup>2</sup> The PIOM report and press releases are available at: [piom2010.wordpress.com](http://piom2010.wordpress.com).

<sup>3</sup> The NUPL is an association of Filipino human rights attorneys that frequently partners with the NLG through the International Association of Democratic Lawyers (IADL).

## THE PHILIPPINES: A NATIONAL SNAPSHOT

The Philippines is made up of more than 7,000 islands. First colonized by Spain in the 16th century, then conquered by the United States in 1898, the archipelago finally achieved independence in 1946, following a bloody Japanese occupation during World War II. Often described with the slogan “three centuries in a convent and 50 years in Hollywood”, the Philippines is a unique Southeast Asian country. It has the ethnic diversity and mixed identities one would expect in a long-populated archipelago, overlaid with Latin American social structures such as the *latifundia* and the Catholic Church, blended with American cultural practices and political institutions.

A legacy of colonialism still influences the economic organization of the Philippines. The 19th century witnessed an influx of foreign interest in Philippine tropical produce. The resulting land grab resulted in the creation of the severe land inequality that persists today. For instance, the families that happened to be favored by the Catholic Friars wound up obtaining enormous economic and political power, and they still remain powerful.

Economically, the Philippines is poor, ranking 162nd in GDP per capita. Thirty-four percent of the population works in agriculture, and 55% work in the services sector. This does not include the large migrant worker population, which is particularly dense in North America and the Middle East. The Philippines also contains a high degree of economic inequality. The Gini Index of income distribution<sup>4</sup> is 45.2, the highest in Southeast Asia, and agricultural land remains concentrated in the hands of a small number of local landowners.

## ELECTORAL INSTITUTIONS OF THE PHILIPPINES

Philippine political institutions were initially patterned after those in United States, but rewritten following the demise of the undemocratic Marcos regime in 1986, and then periodically amended since then. The basic political and administrative unit is the *barangay*, which are then aggregated up into municipalities, then provinces, then finally the national government. Presidents and senators serve for six year terms, while congressional and local elections are held every 3 years. Fifty percent of the Senate is up for re-election every 3 years. Elections are largely first past the post, whereby a politician that receives the highest number of votes is elected. However, 20% of congressional seats are elected by national proportional representation. These proportional seats are termed “party-list” seats.

Despite the reintroduction of elections after the fall of the Marcos dictatorship in 1986, the system is far from a consolidated democracy. The electoral commission, COMELEC, is, by virtue of having politically appointed leaders, often suspected of being partisan and corrupt. Locally, this has meant that the officials who count the votes have often been bribed or influenced to alter vote counts (a practice known as *dagdag bawas*, literally “add-subtract,”).

Fraudulent vote counting was one of the key motivations for the introduction of the AES in the 2010 elections. Instead of paper ballots tallied by hand at the precinct, the AES requires that voters fill in bubbles on a sheet of paper next to the candidate or party they are voting for. A Precinct Count Optical Scanner (PCOS) machine then reads the bubble sheets and transmits the tallies to the next highest level of vote aggregation. For example, results from a *barangay* go to the municipality, then to the province, and finally to [COMELEC](#).

While the initial AES law had a number of clauses guaranteeing security of the vote and providing for pilot projects, COMELEC has ignored most of these in implementing the AES. For example, Section 12

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<sup>4</sup> The Gini Index is a standard measure of income inequality, which ranges between 0 to 100, with 100 being the most unequal.

of Republic Act 8436 states: "Once an AES technology is selected for implementation, the Commission shall promptly make the source code of that technology available and open to any interested political party or groups which may conduct their own review thereof." However, not only has the code not been made public, it has not even been made available to [AESWatch](#), a highly-qualified federation of local groups. Concerns about the functioning of the new system were thus paramount.

Philippine politics on the eve of the 2010 elections were also charged. The incumbent Gloria Macagapal-Arroyo administration, clinging to power for almost a decade, has notoriously resorted to fraud and violence to keep its allies in power. In 2004, the president was recorded on a telephone conversation frankly demanding election rigging from her allies in COMELEC. Besides having an unusually long term, owing to inheriting the presidency after Joseph Estrada was ousted in 2001, Arroyo has also gerrymandered municipalities to ensure her allies seats. She has also packed the Supreme Court and COMELEC with her allies and intensified military persecution of political opponents. In the months and days leading up to the election, therefore, there was substantial tension across the country, with some people fearing that martial law would be declared.

Other issues include violence leading up to and during the election, as well as military interference with election processes (in the name of counter-insurgency). At the same time, logistical and technical issues had the potential of causing the 2010 elections to be deemed a failure, which would have continued the mandate of the incumbent president. Our delegation went into the field anticipating everything from vote-buying to violence; still, we were surprised by the extent of official indifference to substandard electoral conditions.

## PHILIPPINE POLITICAL VIOLENCE

The economic and political structures of the Philippines have given rise to multiple armed insurgencies as well as military repression and dictatorship. The left-wing New People's Army (NPA) has been waging a nation-wide rebellion against the Philippine military since 1969. The Moro Islamic Liberation Front (MILF) has fought for an independent Muslim territory in Mindanao since 1981. Despite intermittent peace talks with the Philippine Government, neither conflict has been resolved.

The government's response to these armed rebellions has escalated these conflicts. Under a U.S.-aided counterinsurgency program, called "Oplan Banda Laya" and its successor, "Oplan Banda Laya II", the Philippines military has been persecuting not just insurgents, but also trade unionists, journalists, and progressive candidates and activists. United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, reported that the Philippine government was responsible for between 100 to 800 killings of civilians from 2001 until 2007.

Despite international condemnation, the Philippine Government's policy of casting a wide political net, consistently equating activists with guerillas, has continued. In February, 2010, 43 health care workers, including nurses and doctors, were arrested while conducting a training in Morong in Rizal Province. The 43 are being held under suspicion of being tied to the New People's Army. The case against them has suffered from many defects, including a faulty arrest warrant, torture of the accused, and the military refusing to allow the Philippine Government's own Commission on Human Rights to visit the detainees.

Adding to corruption on the national scale, local elites, too, have used violence and coercion to maintain their power. The most egregious instance of this in recent months was the infamous Ampatuan massacre in Maguindanao, where a candidate's entire 57 person entourage (including his wife, sisters, lawyers and 34 national journalists) was killed, allegedly by the incumbent mayor's allies. Studies show that the Philippines is among the most dangerous countries in the world for journalists and human rights lawyers. Political activists, including advocates associated with land occupations,

labor organizing and indigenous rights have also been the subjects of intense repression, persecution and violence.<sup>5</sup>

## POVERTY AND POLITICS

The interaction of economic inequality, corrupt political institutions, and rampant violence warp the Philippine electoral process. Elites have substantial incentive to control politics, given the patronage opportunities and importance of repression for maintaining economic control. The high degree of rural poverty makes people quite willing to offer their vote to the highest bidder. For the same reason, the wealthy are able to parlay their economic resources into political clout, creating a cycle that perpetuates a nearly feudal class structure.

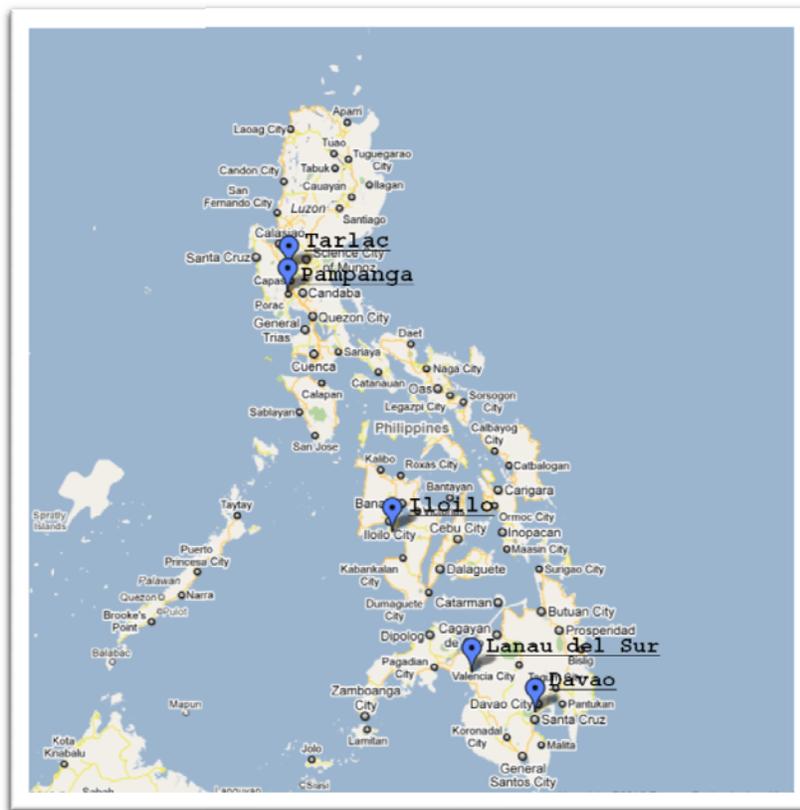
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<sup>5</sup> See Karapatan. *Oplan Bantay Laya: Blueprint for Terror and Impunity*. Karapatan 2009 Report on the Human Rights Situation in the Philippines. available at: <http://www.karapatan.org/2009-HR-Report>

# OBSERVATION OF THE ELECTIONS

NLG delegates went to five locations, shown on the map below. Tarlac and Pampanga in Central Luzon in the Northern Philippines, Iloilo in the Visayas, and Davao and Lanao del Sur in Mindanao.

The observations of the delegation can be broken down into six major categories: vote delays; compromised precinct environment and AES issues; vote buying; intimidation and violence; military/paramilitary involvement; and general political culture.



## VOTE DELAYS AND DENIALS

Throughout the provinces of Pampanga and Tarlac in Central Luzon, the delegation observed numerous challenges to voter participation. These included lack of preparation at polling sites in advance of election day, widespread polling machine malfunction and a lack of on-site technical assistance on election day, inadequate equipment available to meet the large voter turnout, and poor logistical support for teachers trying to manage voting precincts. This created widespread voting delays, with waiting times of up to 8 hours, as well as delays in tallying election results in the days immediately following the elections.

Aside from the long queues due to the clustering of five to seven precincts in one PCOS-operated precinct, the delay in the casting of votes was also due to the long duration of voting. Our findings from Pampanga and Tarlac were that a voter spent 5-20 minutes inside the precinct, taking longer when the PCOS rejected the ballot and it had to be tried many times more. With this rate, there were just 18 to 25 voters per hour casting their votes in a polling place with only three PCOS machines and a few thousand registered voters.

In Iloilo, in the Visayas, the logistics of the voting process were found to be ineffective, causing extremely prolonged waiting periods for voting. Based on interviews with Board of Election Inspectors (BEIs) and observations on election day, the delegation found that training prior to the election did not establish uniform logistics for the voting process. Thus there was no regulated method for admitting voters into the precinct. Procedures varied widely and election officials were generally unable to facilitate the volume of voters. The delegation observed that BEIs appeared confused by the voting process during the testing and sealing of the machines, machine start up on the morning of May 10th, and finally, during transmission of the results. The BEIs were often arguing over what was to be done and referring to the manual repeatedly.

Voting in Iloilo was prolonged in part due to ballots with small print, written only in English and with instructions that made voting difficult to understand for voters with limited English. For example, the instruction to: "Vote for no more than 12 [the maximum number allowable] Senators" caused some voters to vote for more candidates than is allowed and subsequently have their ballots declared invalid.

Voters also reported that the electronic system took far longer than the manual system used in previous elections. For one, COMELEC clustered multiple precincts together under the assumption that mechanization of the election would speed the voting process up. This caused up to five times more voters being assigned to each polling place. Despite the delays, voters seemed to be determined to vote and tolerated a high degree of physical discomfort while doing so. This included conditions of extreme heat; and, often a total lack of food, water and seating. The location of the polling precincts in the schools caused many to line up in the school yard under the direct sun with no shade while waiting in temperatures that approached 100 degrees Fahrenheit. There was one reported death of a waiting voter in Estancia due to heatstroke.

The majority of voters in Iloilo waited for 4 to 5 hours with the longest waiting periods encountered between 10 and 11.5 hours, extending beyond 11pm. One woman interviewed had been waiting non-stop since 7:00 am, and had still not voted at 7:00 pm. Some voters left in hopes of returning in the afternoon to fall back in shorter lines. However, voting lines got increasingly longer causing some voters to become increasingly angry and leave without casting their ballots. A majority of the precincts saw lines of 50-150 people for most of the day with average voting times from 7-15 minutes. Significant lines were still seen at almost all precincts up to the official close of the voting period at 7:00 pm.

Observers in Davao also saw extensive vote delays. In one precinct station, election officials' unfamiliarity with technical issues delayed the opening of the polls for approximately 45 minutes. In another, two AES machines broke down, with one breaking down twice in one precinct and causing lengthy delays. By far the most common complaint around the Davao precincts was the long waiting times, from two to five hours in some cases. Long and unclear lines, overcrowding, and insufficient staff resulted in an absence of ballot privacy and even occasional fights and scuffles.

Similarly, the delegates in Davao witnessed one man's altercation with election officials after finding out that his entire family of three could not vote despite appropriately following poll procedures. The prospect voter related to the delegates that he had obtained the priority numbers, with the expectation of having their voting processed in the order received. However, their respective priority numbers had already been used by other voters.

In Lanao del Sur, elections were declared a failure in two of the eight municipalities the delegation visited. In the Sultan Dumalondong municipality of Lanao del Sur, no election was held because all of the BEIs were challenged by rival parties who alleged a conflict of interest because of family relations of the inspectors. Despite advance notice of this conflict and failure of elections in 2007 for the same reason, COMELEC made no contingency plans to address this problem. In fact, by the morning of election day, COMELEC had sent no ballots, election materials, or PCOS machines. At least 7,180 registered voters were denied their right to cast a ballot on election day in Sultan Dumalongong.

In the Masiu municipality of Lanao del Sur no election was held due to the absence of BEIs to conduct the election. Delegates heard conflicting accounts from various sources: that Inspectors failed to arrive without explanation at the clustered polling location of 30 precincts at the Masiu Municipal Building; that ten BEIs arrived but were turned away by members of the AFP; that the BEIs did not show up out of fear; and that the BEI's did not approve of the centralized voting and feared the likelihood of cheating under this arrangement. In any event, no election was held in Masiu, and more than 15,000 registered voters there were denied their right to participate in the 2010 election.

## COMPROMISED PRECINCT ENVIRONMENT AND AES ISSUES

In barangay Central, Tarlac, an "Official Ballot" made to appear like the real one, was handed to voters lining up in queues. A voter also informed the team that the pre-shaded ballots had been distributed the previous night during a community voting education session. Also in barangay Central, the delegation noticed a man who, under the guise of "Precinct Leader" was guiding people to their respective voting centers. COMELEC regulations do not provide for such a position and this man appeared to be designated by the Liberal Party to help the voters. This man also had a stack of "sample ballots" with chosen candidates that he selectively handed out in order to persuade voters. When observers noticed his illegal conduct, the man attempted to shield the papers from them.

Another problem the team observed was the poor working conditions of the teachers, who were not allowed to participate in absentee voting, despite serving as BEIs in the election. The team witnessed how the under-preparedness of the teachers resulted in their inability to serve as adequate stewards of the election process. Numerous "flash" cards, which contained backup records of the machines recorded votes, were missing (in Angeles, 7 of 10), only to be found still inside the PCOS machines. Many teachers worked well into the night and early morning without adequate breaks or staff relief.

During an interview with the PIOM on May 11, the day after election day, attorney Emmanuel Ignacio, Tarlac COMELEC director, admitted weaknesses in the AES. Ignacio said that there was a limited budget for the AES. This resulted in the limited number of PCOS machines (cost: Php 300,000 (\$6,666.7 USD)) and modems. As a result, there were as many as 956 voters in a clustered precinct, when the ideal should be a maximum of 600 voters.

NLG delegates in Iloilo observed several accounts of PCOS failures. On election day, the wrong ballots were delivered to one precinct, delaying voting by an hour as BEIs waited for COMELEC to deliver the correct ballots. In another precinct, voting was halted by a paper jam in the PCOS machine. The PCOS technician was not available, as he himself had left to vote. In Iloilo, an average of one to two percent of ballots were rejected with the reason for invalidity unclear. Some precincts saw “power downs,” complete loss of electricity and significant trouble transmitting the results when voting had finished. In San Roque, BEIs faced a number of failed transmissions delaying transmission for more than two hours and finally forcing officials to physically transport the memory card to the Municipal Hall. Broken seals were witnessed on at least five PCOS machines with the yellow security ties absent.

Also in Iloilo, machines showed clear signs of tampering with tape necessary on some machines to hold the compartment closed. One PCOS machine was left totally unattended and unsecured overnight. Reports were received that only 11/50 ballots at Lumbia were accepted as of 9:10 am by the AES machine. In several locations, voters were allowed to wait within the precinct amidst those voting. Cell phones were seen in use within the voting rooms. Further, many precincts had voters lined up against walls allowing others to lean in through windows to observe ballots and communicate with voters. Pre-filled sample ballots as well as hats, fans, umbrellas and other materials with candidates’ names on them were also present within most precincts. Meanwhile, delegates saw that children were being used to hand out sample ballots (filled-in to support certain candidates) at the entrance of several precincts

In Davao, NLG delegates found further evidence of compromised precincts. Delegates observed that partisan poll watchers routinely performed tasks that should have been conducted by BEI staff, such as helping voters fill out their ballots and distributing voters’ priority numbers. In addition, these partisan watchers would help voters get to the front of the line, often pushing them forward in front of other voters, and then watched how “their people” voted.

AES issues in Davao included delays in initialization, machine breakdowns, ballot rejections, insufficient technical support, paper jams, failures in transmission, memory card failure, and inadequate training of staff. In one location, the AES also rejected nearly 3% of ballots. In one precinct station, election officials’ unfamiliarity with technical issues delayed the opening of the polls for approximately 45 minutes. In another station, two AES machines broke down, with one breaking down twice in one precinct, causing lengthy delays. BEI staff also appeared severely undertrained: some forgot to enter PINs into the machine, whereas others read the wrong instructions (which, incidentally, were all in English) when attempting to troubleshoot. BEI staff on site dealt with these invalid ballots inconsistently, ranging from placing rejected ballots in a plastic bag to strewing them about the polling site.

The Lanao del Sur delegates observed rampant violations of the electoral laws. Meanwhile, they also noted a culture of impunity for violators: delegates observed only a few isolated attempts by BEIs or COMELEC officials to stop or even admonish violators. Access to polling rooms was not strictly controlled. As a result of the crowded conditions in most polling rooms for much of the voting period, ballot secrecy was compromised, and “wrongful voter assistance” was facilitated. NLG delegates commonly observed poll watchers, family members, and others discussing the ballot with voters, in some cases filling in the ballot for the voter. Delegates also observed voters sitting shoulder to shoulder while filling in their ballots, often discussing their voting choices. All the while, people outside the polling room were shouting names and handing electoral selections to voters inside the room. Further, those on the outside could observe the ballots being filled in by voters sitting near the lattice wall.

Lanao del Sur delegates observed voters being given ballots which were already filled in. In most cases, these ballots were fed into the machine by BEIs. Candidates’ election materials were found in all of the polling rooms, including sample ballots already filled in to form a “who to vote for” guide.

Also in Lanao del Sur, NLG delegates documented lack of access to electricity, inadequate battery capacity, untrained BEI and Smartmatic-TIM technicians, PCOS machines not present in precincts, PCOS boxes unopened, PCOS machines arriving with broken seals, as well as more than a dozen machines which did not transmit results and CompactFlash (CF) card results which could not be downloaded. In Tugaya, a PCOS machine rejected 3 ballots, which were put aside, rather than being reinserted into the machine. This is in violation of the established procedure; four insertion attempts are to be provided. In Butig, delegates were told PCOS machines were not used because the local COMELEC official did not want immediate election results available to be announced at the close of polls, for fear that the volatile community would erupt in violence. In Ragain, PCOS machines were in use, but poll watchers were observed taking completed ballots from voters and feeding them into the machines themselves. In Taraka, where PCOS machines were not being used, some completed ballots were stuffed into the ballot box while others were collected in a file folder. In addition to the two failures of election that the NLG witnessed, newspapers reported that COMELEC declared failure of elections in at least 17 municipalities out of a total of 39 municipalities in Lanao del Sur.

## VOTE BUYING

When examining the problem of vote-buying, the delegates took into account the complex interplay between the general political culture and economy. Interviews of community members of Prado Siongco, in Central Luzon, revealed a political culture of corruption and how it affected the community participation in democratic processes. Local farmers reported that although not all farmers were willing to sell their votes, many did because of their dire economic needs. According to these farmers, “the barangay captains<sup>6</sup> did the dirty work of buying votes.”

Consistent with the community reports, the delegation received various accounts that certain political parties engaged in vote-buying in Central Luzon days before the election day. One person stated that the night before the elections, a number of candidates and their supporters made house-to-house visits and handed out cash and gifts to prospective voters. Another individual reported that several weeks before elections, participants to a voters’ education forum received \$6 from the political party that sponsored the forum.

On the day of elections, in Iloilo, the delegates documented large scale vote buying that was concentrated around the precincts. Despite, the obvious signs of fraud, BEIs, COMELEC officials and police failed to stop the violations. The vote-buying conduct included candidate supporters passing out campaign materials and food and drinks to voters on election day directly across from the precincts in Estancia. Interviews in Estancia revealed that in the days leading up to the election some voters were given bags of groceries or cash in exchange for their vote for the incumbent mayor. In other places in Iloilo, interviews with campaign supporters and even COMELEC officials present at the precincts, confirmed that before proceeding to cast their ballots, voters were identified and directed to dwellings where they offered to exchange cash for their votes. For example, in Pa-On, the unlawful conduct took place in the presence of the regional COMELEC Official Mr. Coloso as well as members of the Regional Mobile group (RMG), a division of the Philippine National Police focused on crisis situations and counter-insurgency efforts.

NLG delegates in Davao also received several first-hand reports of vote buying in both Coronon and Zone 1 of the province. One woman reported accepting two 3-kilogram packages of rice, each from the representatives of councilor and the mayor candidates. She noted that the compensation in fact did influence her vote. She added that post election supporters of one of the candidates followed up with her to confirm that she voted in the desired fashion. Further, interviews in the precincts revealed that voters considered vote-buying rampant and common conduct, as one voter stated, “Yes, vote-buying is happening right here in this election.” Moreover, when asked about vote buying from

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<sup>6</sup> Barangay captains are elected neighborhood representatives.

candidates, one voter in Lumbayanague stated that she believed people were also being paid not to vote.

In Lumbayanague, Lanao del Sur, the delegates also found vote buying being practiced. Voters were observed accepting money as they were entering the polling room. Many prospective voters and community leaders indicated that this traditional improper electoral phenomenon was widespread in the current election, beginning some days prior to and continuing up to election day. Consistent with the reported allegations, also in Lumbayanague, the delegation observed that in the precincts, a partisan poll watcher paid voters as they entered the polling room.

## INTIMIDATION AND VIOLENCE

Intimidation and violence experienced by the independent candidates across the country were also not random and isolated occurrences, but instead were part of a larger pattern of abuse.

During the Central Luzon field visits delegates continuously documented that posters of opposition parties were smeared and spray-painted with the letters "NPA". Outgoing president-turned House of Representatives candidate Gloria Macapagal-Arroyo's leading challenger in the 2nd District of Pampanga, Adonis Simpao, also detailed how his posters were torn off and/or smeared. He considered this to be an ongoing intimidation campaign against independent candidates.

Leading up to election day, the Tarlac wing of the Central Luzon delegation interviewed worker-movement leaders in Hacienda Luisita, the site of a brutal 2004 massacre<sup>7</sup> and ongoing political repression. United Luisita Workers Union (ULWU) leaders said that some of their supervisors at the Central Azucarera de Tarlac (CAT) had threatened the leaders that that "if Noynoy wins, you'd better hide."

According to ULWU activists, many of the CAT supervisors were also recruited to the Citizens Armed Forces Geographical Unit (CAFGU). ULWU leaders told the delegation that because of the presence of the military and the CAFGU in the villages, ULWU had not been able to openly campaign for their senatorial candidates and their party-list group.

Moreover, Federico Laza, a leader of MARTYR, a group of victims and family members of victims of 2004 massacre in Luisita, expressed his fear for his life. Laza's son, Jesus, was among the 14 men killed in the 2004 Hacienda Luisita massacre.<sup>8</sup> He explained that soldiers, CAFGU men as well as civilian agents, roamed by his house leading up to the election.

Similarly, the delegates in Iloilo heard accounts of violence and harassment at several voting centers, targeting specific independent candidates. On May 9th, the delegates interviewed Vice Mayor Cathedral of Lambunao, who was running again for office. He detailed a shooting incident from the previous night at his house where he had been strafed by gun fire and reported that the suspects were goons of the incumbent Mayor Gonzales. Despite the fact that the violent incident was reported to the local Chief of Police and covered in the media outlets, the Chief of Police told the delegates that no acts of violence

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<sup>7</sup>Hacienda Luisita is a 6,435-hectare plantation estate located in [Tarlac, Philippines](#), owned by one of the Philippines main dynasties, which includes current Philippine President [Noy Noy Aquino](#). Under the Comprehensive Agrarian Reform Program's stock distribution option scheme, 30 percent of the stock shares of the land was given to farm workers but the other 70 percent remains in control of the landowners. In Nov of 2004, farmers held large protests calling for fair wages, increased benefits and, a greater commitment for national land reform. Former President [Gloria Macapagal Arroyo](#)'s Labor Secretary Patricia St. Tomas ordered the police and soldiers to attack the picket lines. Soldiers opened fire at protesters killing twelve farmers and two children, injuring hundreds of protester.

<sup>8</sup> The Filipino Express. November 19, 2004 . available at: [http://www.filipinoexpress.com/18/47\\_news.html](http://www.filipinoexpress.com/18/47_news.html)

had occurred. Consistent with the prior accounts of harassment and intimidation, the delegates received reports that on the evening following the election, three houses of the Vice Mayor's supporters were burned down.

Likewise, in Estancia, Iloilo the delegates received multiple reports that supporters of both the incumbent mayor, General "Boy" Mosqueda, and his challenger, Rene Cordero had shot opposition supporters. In an interview after his election victory, Cordero confirmed a grenade attack at his home several days prior to the election. The delegation also interviewed a supporter who showed wounds suffered after he was allegedly clubbed by a Philippines National Police officer. The delegates also witnessed a physical altercation at one polling place when an off-duty barangay officer who was campaigning for General Mosqueda began handing out food and drinks to voters waiting in line. One of Cordero supporters approached the officer and the two began to scuffle until onlookers and the other military officers present at the precincts broke the two apart.

Follow up by the delegates revealed that local police failed to investigate or prosecute any of these crimes, and the victims expressed frustration with police indifference to politically motivated violence against the opposition.

The delegates in Lanao del Sur encountered a complex violent situation. The context of the Autonomous Region of Muslim Mindanao area involves kinship allegiances and local family-based authority structures that do not easily combine with the democratic electoral process in its present form.

In this region, delegates had received multiple reports of shooting incidences between the influential political families. In interviews with police and election officials, the delegates were assured that the 2010 election atmosphere was calm and violence free, and that no one had been arrested for election-related prohibited conduct. The officials particularly discounted the shooting incidences and categorized them as "rido" (violent inter-and intra-clan feuds) but not election-related. In reality, the election process exacerbates tensions between rival family groups, which sets in motion the conditions for violence between these parties to surface and escalate around elections. Problems such as lack of electricity and unfamiliarity with AES added to the atmosphere of tension that contributes to violence as many peacefully gathered voters were frustrated with delays and inefficiencies.

In the rural municipality of Tugaya in Lanao del Sur, an incident of gun violence broke out at the Central Elementary School where voting had yet to begin in 14 of 16 precincts at 10:20 am. When voting irregularities were observed in the two precincts which had opened, a journalist with the delegation was threatened with violence if he did not stop documenting abuses, despite wearing his COMELEC-issued media identification authorizing him to be present in the precinct. A fight inside the precinct ensued and a poll watcher was forcibly ejected, bleeding from the head. The scuffle spilled out into the courtyard where an estimated 3,000 voters were still waiting to vote. At that point two non-uniformed men entered the courtyard with handguns drawn, accompanied by a police officer carrying a long gun. In spite of efforts by some in the crowd to restrain the gunmen, shots rang out causing the crowd to flee in panic. During the ensuing panic a member of the delegation photographed an unidentified woman wearing no ID carrying a PCOS machine through the crowd. The gunfire escalated into a running battle consisting of semi-automatic and automatic gunfire, plus the firing of a limited number of rocket-propelled grenades. The firefight continued for approximately one and a half hours until interrupted by the call for noon prayers. Observers left Tugaya at that time. One person had been killed by shrapnel from a grenade and two others wounded during the firefight. Delegates received subsequent reports of additional gun violence later in the afternoon resulting in two deaths, including a 14 year-old visitor to Tugaya.

The police supervisor at the Camalig school in Lanao del Sur told NLG delegates that she had insufficient troops to take action on violations of election law and that in any case her job was to guarantee security, therefore taking action on election violations might contradict that larger goal. The

provincial police commander reported to observers on the eve of the election that he had made no arrests for violations of the election gun ban since the initial 18 arrests in January.

NLG delegates obtained confirmation from the Parish-Pastoral Council for Responsible Voting (PPCRV) Lanao del Sur and Marawi City Chairperson, Rev. Chito Soganub, that there were three additional bombings in Lanao del Sur; these were at Mindanao State University, Tugaya Central Elementary School, and Amai Pakpak Elementary School.

## MILITARY/CAFGU INVOLVEMENT

The Central Luzon team witnessed the presence of security elements illegally within COMELEC's boundaries in multiple barangays. In Asturias, Parang and Mabilog, AFP (Armed Forces of the Philippines) members were posted within the fifty-meter radius from the polling center, despite there not being an actual disturbance of the peace.

In Mabilog, the team observed the presence of three AFP members toting automatic assault rifles illegally within COMELEC precinct boundaries. Upon authorization of the BEI, PIOM team members entered precinct #30 to observe and talk with voters. An armed AFP soldier entered the polling center and attempted to tell observers to leave the polling place.

In direct violation of voting regulations, NLG delegates in Iloilo observed police and military directly outside many polling places and in several cases within school grounds. At one precinct in Daculan, delegates overheard voters being told by unidentified persons that they should leave because the close of voting at 7:00 pm had passed and their votes would not be counted. Shortly after, a PNP officer fully armed with an M16 armalite and accompanied by a group of barangay officers carrying billy clubs rushed into the polling center and surrounded the voters. When questioned, the PNP officer who had entered the actual polling room said that they were there to "pacify" voters who were agitated about the long line. However, delegates present witnessed no sign that the voters were agitated or needed to be "pacified". Each officer had to be personally told by delegates to leave the voting grounds before they would exit. Personal security guards of both mayoral candidates in Estancia were seen entering the voting grounds with guns visible.

When interviewed, the COMELEC director of Estancia (Connie Jaranilla) admitted that she had been having difficulty with Mayor General Mosqueda's influence over the local police and as a result ordered certain police officers to be removed. COMELEC declared Estancia an "Area of Concern" and called in the Regional Mobile Group (RMG) to provide support during elections. A battalion from the 47th infantry was also called into the Municipal Hall to remain until a winner was declared. However, the regiment was still in the Municipal Hall on May 12th, nearly 48 hours after the winner of the election had been declared.

In Davao, NLG delegates also found extensive involvement of the military leading up to the election, as well as on the election day itself. For example, numerous residents of Barangay Zone 1 reported that the military and paramilitaries (CAFGU) harassed and discouraged voters from voting for certain candidates and party lists by conducting house-to-visits, scattering handbills along the main road in the area and personally distributing handbills instructing people not to vote for certain party lists. In addition, May 11, 2010, NLG delegates interviewed two of the Santa Cruz Seven, a group of party-list activists and politicians that has been harassed by the military, who reported long-term intense military harassment of progressive community and organization leaders and their families. NLG observers also witnessed the presence of the military on election day in Barangay Zone 1. The incident took place at approximately 10:30 a.m. when a small white truck filled with a number of soldiers was observed directly behind a building where polling was taking place. Despite the prohibition of military presence within 50 meters of a polling station, soldiers armed with M-16 rifles were witnessed standing

close to the school by PIOM members. When one observer attempted to approach a soldier, the soldier attempted to hide, and then left within five minutes.

Numerous residents of Davao del Sur also reported to delegates that the military extensively campaigned against Lisa Maza, Satur Ocampo and other progressive candidates and party list members by claiming these candidates had ties into the Communist Party of the Philippines (CPP) and the New People's Army (NPA). PIOM obtained a flyer distributed by the military which states, "Huwag iboto mga partylists ng NPA" (Do not vote for party lists of the NPA) and then listed 8 party lists including one disqualified two months before the elections.

Davao del Sur residents in Barangay Zone 1 additionally told NLG delegates that a Katribu (indigenous party list) party member who reportedly aided a wounded soldier was later accused of attempted murder. These party activists believe that an armed encounter between the military (AFP) and communist guerrillas (NPA) in the region on April 30th was given as a pretext for party list organizer repression. They said the military continued to harass the chairperson of a local farmers' organization, asking for a master list of organization members.

## CONCLUSION AND RECOMMENDATIONS

The NLG delegation observed the 2010 vote through two lenses. The first is the ways in which the political culture in the Philippines shapes its capacity for a free and fair democratic process, and the second is how the election itself was implemented. The delegates acknowledge that historical and socioeconomic conditions contribute greatly to Filipino political culture, that the implementation of the election was in fact one of the most ambitious in Southeast Asia in recent history, and that the inter-relationship of these two aspects influenced greatly the setting for the 2010 election.

Our findings show that the Philippine Government and COMELEC should work with Philippine civil society on major reforms that focus on during the pre- and post- election periods. While some problems might be resolved with technological or logistical adjustments, many of the problems we observed run much deeper. Pre-election violence and impunity, intimidation of progressive candidates and structures that privilege incumbents will not be resolved with simple changes in the Automated Election System. Accordingly, we make the following recommendations to the new Government of the Republic of the Philippines:

1. Invest in social infrastructure so that people's basic needs are met, reducing the need to sell votes in exchange for basic necessities.
2. Restructure the appointment of COMELEC commissioners, so that they are less indebted to incumbents and other partisan political interests.

Fully investigate and prosecute politically-motivated human rights violations, including those committed by police, the military and private militias. Ending impunity will deter attacks against progressive candidates and their supporters, and provide voters with a wider range of candidates to consider. Improve logistics on election day, including

- privacy for voters
  - more polls
  - better training for officials,
  - bathroom and water facilities
  - improving accessibility for the elderly and disabled
  - more and better trained civilian officials to assist in making the election run as smoothly as possible
3. Evaluate the Automated Election System with a critical eye, and consider expanding the number of precincts, so as to avoid the long lines in the 2010 elections.
  4. Enforce prohibitions on military and police presence near the polls and campaigning on election day.

However, the Philippine government is unlikely to implement widespread economic and political reform without substantial domestic political pressure. Accordingly, we feel that U.S. organizations would do best to develop and maintain solidarity networks and support with Filipino organizations that demand reform of fundamental institutions. In particular, given the importance of the U.S. government in funding and legitimizing the behavior of the Filipino political elite, it is incumbent on U.S. organizations to demand that continued American support of the Philippine government be conditional on robust democratic reforms. The NLG will continue its efforts to support Filipino civil society in their efforts to advance human rights, democracy, and economic justice.

## DELEGATION MEMBERS' BIOGRAPHIES

**LINCOLN ELLIS** is a third-year law student at University of California, Los Angeles (UCLA). Lincoln is active in his campus National Lawyers Guild (NLG) chapter, frequently working as a Legal Observer and supporting other NLG efforts. Lincoln is enrolled in both the Public Interest Law and Policy and Critical Race Studies Programs at UCLA, and has volunteered in workers' rights and asylum law clinics. Prior to law school, Lincoln was a fellow at the Federal Rural University of Rio de Janeiro, Brazil, where he studied campaigns against domestic violence in Brazil. He speaks Spanish and Portuguese and has worked on human rights documentation, advocacy and litigation across the Americas. Lincoln also worked as a union organizer, helping to improve conditions for migrant farm workers in Canada. While in Canada, he monitored ballot counting for a provincial election in Ontario. Lincoln is originally from Spokane, Washington and is a graduate of the University of Pennsylvania.

**FARNOOSH HASHEMIAN** is a second-year law student in the Public Interest Law and Policy at UCLA School of Law. Prior to starting her legal education, she was a research associate at Physicians for Human Rights, where she led investigations on the consequences of human rights abuses at US detention facilities in Afghanistan, Iraq, and Guantánamo Bay. Her publications include two human rights reports on treatment of detainees entitled *Broken Laws, Broken Lives* and *Leave No Marks* in addition to a two volume book published in Iran in 2001 entitled *The Trial and Diary of Abbass Amir Entezam*, the longest-held prisoner of conscience in the Middle East. Farnoosh received her MPH from Yale University in 2005 and was awarded the Deans Award for Outstanding MPH Thesis.

**CHRISTIAN KURPIEWSKI** is a second-year law student at at UCLA School of Law. Immediately prior to law school, he spent five years working for HomeStart, Inc., a non-profit organization in Boston, MA. There Christian directed a housing search advocacy program for the homeless population of the Greater Boston area. During the 2004 Presidential Election, Christian joined Move.on.org and was involved in a voter mobilization and poll monitoring campaign. Christian is enrolled in the Public Interest Law and Policy program as well as the Critical Race Studies program at UCLA.

**JACQUES MORIAL** is a native New Orleanian and as Co-Director of the Louisiana Justice Institute (LJI), a social justice and legal advocacy organization, Jacques is responsible for LJI's initiatives in healthcare, environmental justice and civic engagement. Jacques is a co-founder of the Louisiana Consumer Healthcare Coalition (LCHC) and Health Law Advocates of Louisiana. Jacques has worked as a legislative assistant on Capitol Hill, financial analyst for a management consulting firm, municipal finance specialist for a Wall Street based investment banking firm, a broadcast holding company executive and as principal of a strategic communications and consulting firm. He has served as an international election observer in Latin America and Africa. Jacques earned a degree in economics from the University of Chicago, attended the University of Chicago Graduate School of Business, and was awarded the John J. McCloy Fellowship in Urban Affairs. He earned a Master of Public Administration degree from the Kennedy School of Government at Harvard University and has completed doctoral studies in management at the Ecole de Management in Grenoble, France. He is a Fellow of the Loyola University Institute of Politics in New Orleans.

**SURESH NAIDU** is an Assistant Professor of Economics and Public Affairs at Columbia University. Suresh specializes in political economy, economic history, and development. He has written extensively on the economic effects of voting restrictions and labor laws in the Jim Crow U.S. South, the diversion of U.S. military aid to Colombian paramilitaries, the economic determinants of Brazilian land occupations, stock market responses to CIA-sponsored coups, and political violence in India. Suresh received a Ph.D. in economics from the University of California Berkeley, a masters in economics from UMass-Amherst and a bachelors in mathematics from the University of Waterloo. Suresh is a visiting scholar at the University of California Los Angeles Center for Labor Research and Education this summer. Suresh was born and raised in Newfoundland, Canada.

**RADHIKA SAINATH** is an attorney at Hadsell Stormer in Pasadena, California. Her practice focuses on both individual and complex class actions cases relating to harassment and discrimination, unlawful search and seizure, prison conditions, human rights and wage and hour law. Radhika received her JD from the University of California Berkeley and her BA in political science and sociology from the University of California San Diego. Prior to practicing law, Radhika lived in the West Bank for a year, where she coordinated actions with the International Solidarity Movement, a Palestinian-led nonviolent resistance movement. She also organized low-wage workers with the union UNITE. Radhika has observed the presidential elections in Mexico (2000) and the United States (2008) in addition to the prospect for fair elections in Pakistan (2008). In February 2009, Radhika traveled to the Gaza Strip to investigate evidence of Israeli war crimes with the National Lawyers Guild (NLG). She is an editor and contributor to *Peace Under Fire: Israel/Palestine and the International Solidarity Movement* (Verso 2004), and has authored numerous reports and essays on international law, nonviolent resistance and anti-colonial movements. Radhika serves on the Executive Board of the NLG Los Angeles.

**KYLE TODD** is a second-year law student at UCLA School of Law and an active member of the student chapter of the National Lawyers Guild. Prior to law school, Kyle worked as a political organizer with a labor union, working on issues like health care reform and union organizing rights. He has long been interested in organizing for working people's rights in the United States and abroad. While pursuing his undergraduate degree, Kyle was active in anti-war organizing and Amnesty International letter-writing campaigns. Now, as a law student, he enjoys legal observing, and volunteering with immigrants and workers as he prepares for his legal career.

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