

Law and politics

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Elections are integral to democratic governance. Through the mechanism of elections, politicians are held accountable for their actions, and are compelled to introduce policies that are reflective of and responsive to public opinion. Ideally, elections serve as a 'major source of political recruitment, a means of making government, and of transferring government power, a guarantee of representation, and a major determinant of government policy' (Heywood, 2000: 200). These do not, however, prevent the distortion of the will of the electorate in a 'flawed democracy'.

In the Philippines, the plurality system has been enshrined in the 1935, 1973, and 1987 constitutions. Under the 1987 constitution, all elective officials – president, vice-president, senators, members of the House of Representatives, local chief executives and local legislators – are chosen by a direct vote of the people through a 'first-past-the-post system' (Agra, 1997b: 1).

The Philippine electoral system has generally been consistent throughout history. 1 The Philippine experience with electoral politics is instructive in the process of democratic development in the Asia-Pacific region. Nearly a century since American colonial authorities introduced electoral and party politics, the quality of democratic representation as an outcome of elections has always been held in doubt. Clientelism, nepotism, fraud and violence, among others, have reinforced the elitist nature of Philippine electoral politics. This was exacerbated during the period of Marcos' authoritarian rule as democratic elections were briefly replaced by 'demonstration elections' held under duress. The ouster of the Marcos dictatorship in February 1986 has ushered in a period of redemocratization. Nonetheless, the election and

subsequent removal of President Joseph Estrada in January 2001 remains a constant reminder of the continuing ‘defects’ of Philippine democracy.

This chapter will investigate the relationship between elections and democratic development in the Philippines. It will trace the emergence and

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However, the mode of electing members of the legislature in its several historical incarnations has had some variations in terms of constituency (from single to medium to large) and voting (write-in single to multiple to block voting). The 1987 constitution also introduced a party-list system for electing 20 per cent of the lower house.

Electoral Politics in Southeast and East Asia institutionalization of electoral politics at various junctures in Philippine history. Essentially, it will determine the degree of proportionality in which votes are translated into political mandates. Lastly, it will explore the modalities of reforming the electoral system in order to enrich the democratization process.

Historical Development Elections and other democratic institutions were primarily imported into the Philippines from Western models. The emergence of institutions such as constitutional law, the secret ballot, the referendum, political parties and legislature in the Philippines was a product of American colonialism. Hence, colonialism became the defining force in the emergence of democracy in the Philippine nation-state. The Philippines as a conquest colony underwent political development predicated on the interest, influence and power of the colonial authorities (Paredes, 1989: 2-4).

After establishing total control of the Philippines by 1901, the American colonizers governed their newly acquired territory through the appointive Philippine Commission under the supervision of the United States governor general. The commission performed both executive and legislative functions, with token Filipino participation, until 1907. Soon after, the Americans introduced elections to allow greater participation of the Filipino elite in colonial governance (Caoli, 1989; McCoy, 1994; Franco, 2000).

Taking a cue from the elite experience at limited municipal elections during the last days of Spanish colonial rule, the American colonial government proceeded to lay down the foundation for municipal, provincial and national elections (Paredes, 1989). Initially, the Americans conducted municipal elections in areas pacified under military rule. The first election in the country was held in Baliwag, Bulacan on May 1898 under American supervision. This was followed by four Cavite municipalities, in compliance with General Order No. 40, Series of 1900, issued by the military governor, for establishing municipalities in the Philippine Islands. The military government first granted wide rights of suffrage but later limited the franchise (Maambong, 1992; Hutchcroft, 2000).

Upon the establishment of civilian government in 1901, the Philippine Commission passed Act No. 60 to serve as the organic law for all municipal governments in the country.

The Act required voters to be:

1. Male, aged 23 and above;
2. A resident of the municipality where they were to vote for a period of six months immediately preceding the elections;

and 3. Any of the following three classes: individuals who speak, read and write English/Spanish, own real property worth at least P500, or have held local.

Philippines: Julio Teehankee government positions prior to the occupation of the country in 1898 (Tancangco, 1988: 81). These provisions effectively restricted participation in the early electoral exercise to the educated and landowning members of the traditional elite. As a result, factional rivalries and personality issues among the local influential families marked these elections (Caoli, 1989).

Nonetheless, the Philippine Commission continued to place the legal framework for a more systematic organization of local governments. It enacted Acts No. 82 and No. 83, providing for the organization of municipal and provincial local governments. A limited electorate was given the right to elect the municipal president (mayor), vice-president and the council. Provinces were governed by a three-member board, headed by a governor who was indirectly elected by the municipal councillors in the province.

Thus, the provincial elections of 1902, 1904 and 1906 were reflections of municipal politics (De Guzman, Reforma and Panganiban, 1988; Franco, 2000; Hutchcroft, 2000). Consequently, 'from local elections in 1901, to legislative elections in 1907, and presidential elections in 1935, the Americans built electoral politics from the municipality upwards, thereby entrenching provincial families in both local and national offices' (McCoy, 1994: 12).

Colonial Elections The first legislative election was held on 30 July 1907 and was administered under the first General Election Law of the Philippines (Act No. 1532), enacted on 9 January 1907. It provided for the election of members of the unicameral Philippine Assembly, elective provincial officials, and all municipal officials, by direct vote of qualified electors. The law created a Board of Election Inspectors to direct, administer and supervise elections in the polling places to prevent fraud. A system characterized by strict secrecy in balloting was also adopted (Tancangco, 1988: 82).

The total number of registered voters was 104, 966 or only 1. 15 per cent of the total population at that time. From this number, a turnout of 98, 251 went to the polls and cast their ballots (Liang, 1970: 67). Philippine party politics, at that period, was characterized by clientelist interactions between the Filipino politicians and their American colonial patrons. Characteristic of most colonial regimes, the Americans implemented a system of indirect administration utilizing dependable native clients. The measure of success for an American colonial official was their ability to cultivate and manipulate effective local clients in implementing American policies. Thus, electoral campaigns were neither venues for the discussion of social issues nor mass appeals for voters, but negotiations between national political personalities and the provincial landowning elites (Grossholtz, 1964; Tancangco, 1988; Paredes, 1989).

Electoral Politics in Southeast and East Asia There were two major parties – the Partido Nacionalista and the Partido Nacional Progresista. The Nacionalista Party (NP) was formed on 12 March 1907 as a merger of several

nationalist movements and organizations pushing for Philippine independence.

The Progresista Party was formerly the Partido Federalista – the country’s first political party organized in 1900 by a group of prominent, mostly Manila-based ilustrados² to push for the annexation to and statehood within the United States (Liang, 1970; Tancangco, 1988; Lande, 1996). The Federalistas were the original recipients of American colonial patronage who initially gravitated around the clientelist ties between Governor General William Howard Taft and party founder Commissioner T. H. Pardo de Tavera. However, this support shifted to the younger, provincially based political leaders of the Nacionalistas – Sergio Osmeña and Manuel Quezon – despite their nationalist posturing. Ironically, the Partido Progresista would later merge with a nationalist party to form the Partido Democrata in 1917 (Liang, 1970).