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THE ARROYO IMBROGLIO IN THE PHILIPPINES

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With the exception of Ferdinand Marcos, who held power from 1965 to 1986, no one in Philippine history has had a longer tenure in the presidential palace than Gloria Macapagal-Arroyo. She first assumed the presidency in January 2001, when a “people power” uprising ousted President Joseph Estrada from Malacañang Palace and elevated her from the vice-presidency to the highest office in the land. After serving out Estrada’s remaining term until 2004, Macapagal-Arroyo was elected for another six years. Term-limit restrictions require her to step down in 2010, after what will be nearly a decade in office.

In the midst of this longevity, the Arroyo administration has found political legitimacy to be elusive. President Macapagal-Arroyo’s assumption of office through extraconstitutional means provided a weak initial mandate. Over the course of her seven years in office, an already crisis-prone democracy has faced an unusually high number of travails, including an uprising by the urban poor that nearly breached the walls of the presidential palace on May Day 2001; a botched military mutiny in July 2003; corruption scandals involving the first family; allegations of presidential involvement in fixing the 2004 elections; a failed coup-attempt-cum-popular-uprising in February 2006 that led to the declaration of emergency rule; concerted attacks on the press; an alarming spike in extrajudicial killings; impeachment attempts in 2005, 2006, and 2007; two major bribery scandals in late 2007, one involving the chief election officer and the other, brazen cash payouts from the Palace to congresspersons and governors; and a November 2007 bombing at the House of Representatives that killed a notorious warlord congressman

from Mindanao. Macapagal-Arroyo very effectively wields the substantial powers of the presidency to keep herself in office, and in the process she exhibits no qualms about further undermining the country's already weak political institutions. As the Philippines suffers one political crisis

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after another, its longstanding democratic structures become increasingly imperiled.

No country in Asia has more experience with democratic institutions than the Philippines, dating back to the fledgling Assembly created by the revolutionary republic that declared independence in 1898, after more than three centuries of Spanish rule. The United States' rapid defeat of

Spain in the Spanish-American War led to a protracted colonial conquest of the Philippines, in the wake of which the United States embarked on its first major overseas experiment in "nation-building." Elections proceeded from the municipal level to the provincial level to the October 1907 convening of a Philippine National Assembly, bringing together prominent elites from throughout the lowland Christian Philippines.

Several key elements of Philippine democracy can be traced to the U.S.-colonial era.¹ The first is patronage-infested political parties that rely heavily on pork-barrel public-works projects run through national legislators. Under U.S. governor-general William Howard Taft's "policy of attraction," which was intended to woo the landlord class away from the revolutionary struggle and toward collaboration with the United States, the economic elite of the Spanish-colonial era was transformed into a political-economic elite that continues to wield power today. Because representative institutions in the Philippines emerged before the creation of strong bureaucratic institutions, it was easy for patronage-hungry politicians to overwhelm the nascent administrative agencies of the colonial state. Taft liked to evoke images of New England-style deliberative democracy, but the end result is better thought of as a Philippine version of Tammany Hall.

Second, the colonial political system ensured exclusion of the masses and control by a national oligarchy nurtured by U.S. rule. The franchise was limited to a tiny electorate and did not begin to expand substantially until the late-colonial and early-postcolonial years. By this time, the dominance of the national oligarchy was so well-entrenched that challenges from below faced monumental odds.

A third major legacy is the provincial basis of national politics, as influential provincial elites thrived in the national arenas established by U.S. officials. Finally, the strong presidency of the modern Philippines began with the emergence of the Philippine Commonwealth in 1935, when President Manuel L. Quezon presided over a weak National Assembly and enjoyed largely uncontested executive authority.

These legacies were the foundations from which Philippine politics evolved after independence in 1946. Among the trends of the 1950s and the 1960s were the further expansion of suffrage, the emergence of charismatic appeals, a new prominence for the media, the expansion of civil society, enhanced presidential mobilization of the army and community-development agencies, and the increasing cost of elections. The genius of “cacique democracy,” as Benedict Anderson explains, was its capacity to rotate power at the top without effective participation of those below.² Ferdinand Marcos undermined the system of regular rotation, however, beginning in 1969 when he became the first postwar president to be re-elected to a second term. Three years later, partly in an effort to skirt the two-term limit imposed by the 1935 Constitution, Marcos declared martial law. His personalistic, authoritarian rule, amply rewarded by successive U.S. presidents in exchange for continued unhampered access to U.S. military bases, endured for more than thirteen years until 1986.

When people power confronted Marcos’s tanks on the streets of Manila in February 1986, the Philippines became a beacon of hope for democrats around the world. As Corazon Aquino was propelled from grieving widow to democratic icon and the Philippines began its transition out of authoritarian rule, there was much to celebrate about the exuberance of the country’s democratic spirit. Opposition to Marcos had nurtured the growth of vibrant civil society organizations dedicated to promoting the interests of farmers, the urban poor, women, indigenous peoples, and others who had long been marginalized by the country’s political system. A new breed of investigative journalists, seemingly fearless in their desire to expose corruption, emerged after the country’s transition back to democracy.³ Elections brought forth high turnouts and extensive civic involvement.

The country’s return to democratic structures, however, revealed many underlying problems. First, numerous coup attempts against the Aquino government demonstrated the difficulties of returning the military to the barracks after more than a decade of martial law. Second, the Maoist insurgency of the Communist Party of the Philippines and its New People’s Army continued in many parts of the archipelago, assisted by successive governments’ failures to address immense socioeconomic divides. In the Sulu archipelago and parts of the large, southern island of Mindanao, Muslim secessionists challenged the central government and demanded attention to their longstanding grievances. Third, the effective reinstatement of pre-martial law electoral and representative structures facilitated the restoration of the power of the old local clans, who dominated the newly convened legislature in Manila and used the new democratic dispensation as an opportunity to reinvigorate private armies that had been dismantled under Marcos. Fourth, while political parties expanded in number, they remain today nearly indistinguishable from one another in terms of programmatic and policy positions.

Politicians have little allegiance to party labels, frequently bolting from one party to another in search of the greatest access to patronage resources. Political divides are ever-shifting, uniting former rivals and dividing former allies in a continual process of alignment and realignment almost entirely divorced from coherent positions on policies or programs. At times, it seems as common for candidates to put up parties as it is for parties to put up candidates. Political scientist Nathan Quimpo provides perhaps the best description of contemporary Philippine political parties: “convenient vehicles of patronage that can be set up, merged with others, split, reconstituted, regurgitated, resurrected, renamed, repackaged, recycled, refurbished, buffed up or flushed down the toilet anytime.”⁴

In an environment in which political institutions are weak, differences in leadership styles have a particularly large impact on political outcomes. The four post-Marcos presidents vary enormously in the quality and goals of their leadership. Corazon Aquino (r. 1986–92), widow of a martyred politician, might be characterized as an *elite restorationist*, since her major achievement was to rebuild the elite-dominated democratic structures undermined by her authoritarian predecessor. Former general Fidel Ramos (r. 1992–98) was the *military reformer* who achieved considerable success in bringing about economic reform through deft manipulation of old-style patronage politics. Joseph Estrada (r. 1998–2001), a former movie star, was the *populist self-aggrandizer* who built a strong following among the masses and then redistributed wealth in favor of his family and friends; anger over his corruption led to his downfall via “People Power II” in January 2001. Finally, President Gloria Macapagal-Arroyo (r. 2001–present), a former president’s daughter and the holder of a doctorate in economics, might be called the *great compromiser*, given her willingness to accommodate anyone able to help her retain the presidency.

An Election Scandal and Its Aftermath

On the surface, the 14 May 2007 midterm elections seemed to demonstrate the vitality of Philippine democracy. Some 87,000 candidates contested more than 16,000 local and national posts. Two-thirds of registered voters exercised their right to vote. Hundreds of thousands of citizens mobilized to guard the polls in four-fifths or more of the nation’s precincts, and to monitor the vote count afterward.⁵ In the senatorial elections, widely viewed as a popular referendum on the Arroyo administration, candidates running under an ad hoc label of “Genuine Opposition” ended up winning a majority of the 12 seats at stake, despite large sums expended by those who campaigned under the president’s rival banner of “Team Unity.”

A closer look, however, reveals that the Philippine electoral process is alive but not well. The most recent elections went forward un-

der the shadow of the 2004 presidential election, after which President Macapagal-Arroyo was accused of personal involvement in an attempt to fix the results. Because she came into office in 2001 via people power, Macapagal-Arroyo's first three years in the Palace were dogged by questions of legitimacy—even though the Supreme Court had given its imprimatur to her ascension. The president was determined to correct this at the ballot box, and in the 2004 elections her considerable patronage resources were skillfully deployed to local politicians throughout the archipelago. There were many allegations of improper use of public funds, manipulation of government programs, and tampering with the vote count, but election-monitoring groups were generally happy to declare the results “free and fair.” Many feared the consequences of victory by Macapagal-Arroyo's major opponent, Fernando Poe, Jr., a popular movie star with close ties to deposed president Estrada. The National Movement for Free Elections (NAMFREL), in particular, seems to have been more concerned with giving Macapagal-Arroyo legitimacy than with safeguarding the sanctity of the ballot.⁶

With the help of “free election” monitors, Macapagal-Arroyo managed to weather criticism and enjoy the legitimization of her million-vote margin over Poe. By mid-2005, however, things had started to unravel. In May came accusations that her husband and son were taking monthly payments from gambling lords. This had particular resonance because her predecessor, Joseph Estrada, had been drummed out of office partly due to accusations of heading up a lucrative gambling syndicate. Most damaging, however, was the bombshell that hit the headlines in June 2005. Tapes of wiretapped conversations were released, thought to contain the voice of the president talking to a Commission on Elections (COMELEC) commissioner amid the counting of ballots in the weeks after the May 2004 election. In one oft-quoted segment said to be from late May, a female voice expresses concern for the electoral margin (“So I will still lead by more than one M., overall?”) while a male voice promises to work things out.⁷

These accusations produced a firestorm of anger against the Palace and led to a nationally telecast apology from the president on June 27. She admitted to improper conversations with the commissioner, unsavory COMELEC veteran Virgilio “Garci” Garcillano, but denied that it was her voice on the leaked tapes. In retrospect, it seems that Macapagal-Arroyo had brought upon herself a string of presidential bad luck perhaps unrivaled since Richard Nixon decided to record his conversations in the Oval Office. First, Garcillano had been named a commissioner in February 2004, seemingly to do whatever might be necessary to guarantee a decisive Arroyo victory in May. The Palace then brought the Intelligence Service of the Armed Forces of the Philippines (ISAFP) under its wing to monitor election-related conversations, including those of Garcillano (likely out of concern that he might cut deals for himself

that could be disadvantageous to the administration). ISAFP proceeded to tape these conversations, and the president seemingly had the misfortune of having her *own* conversations with Garcillano leaked to opposition figures by disgruntled military-intelligence officers.⁸

The secret tapes quickly became part of the public domain, and throughout the country the legendary “Hello, Garci?” greeting could be heard as a cell-phone ring tone. The country was riveted by what came to be known as the “Hello, Garci” scandal, and on 8 July 2005 there was a concerted push to force the president from office. First came the resignation of ten members of the cabinet, followed by calls for the president’s resignation by former allies: reformist elements of the Liberal Party, the influential Makati Business Club, and former president Aquino. Opinion polls registered overwhelming majorities in favor of resignation or impeachment. Macapagal-Arroyo survived the crisis with the critical support of former president Ramos and House Speaker Jose de Venecia, Jr., to whom she reportedly promised that she would step down from office and usher in a constitutional shift toward parliamentary government.⁹

In its fight for survival, the Arroyo administration quickly tried to shift the topic from electoral scandal to political reform. In her annual State of the Nation address, in late July 2005, Macapagal-Arroyo declared that “our political system has degenerated to such an extent that it’s very difficult to live within the system with hands totally untainted.” While this statement was no doubt an effort to emphasize systemic rather than personal accountability, it had become clear to many that Philippine democracy was badly in need of reform. While the crises of 1986 and 2001 had been primarily concerned with the legitimacy of individual leaders, the “Hello, Garci” crisis highlighted the legitimacy deficit not only of an individual leader but also of an entire political system. In her speech, the president urged the country to “start the great debate on charter change” and specifically mentioned (but did not explicitly endorse) the possibility of shifting the country’s political structures from presidential to parliamentary and from unitary to federal.

Although the Speaker of the House may have desired more wholehearted support for a shift to parliamentarism, de Venecia nonetheless came to Macapagal-Arroyo’s aid in September by ensuring that an impeachment attempt would not muster the necessary support of one-third of the members of the House of Representatives. This is consistent with historical patterns in Philippine politics: The power of the pork barrel enables presidents to make or break the speaker, who in turn must deliver the loyalty of the overwhelming majority of the House.

Other factors also assisted Macapagal-Arroyo in her fight for survival. First, the late 2004 death of Fernando Poe, Jr., her opponent in the elections, deprived the opposition of an obvious figure around whom it could rally. Second, strong public sentiment against the president did

not translate into a repeat episode of people power. Demonstrations were called, but they failed to draw large crowds. Many at the time spoke of “people power fatigue,” but there was probably a deeper disillusionment at play. This time around, it was difficult for citizens to nurse hopes that a mere change in leadership would fix the problems of the country. Many seemed tired of being pawns in intraelite squabbles that ultimately brought little change. Third, Macapagal-Arroyo was aided by widespread concerns over the possibility that the vice-president, former newscaster Noli de Castro, might come to power. Although strong in terms of mass appeal, de Castro is not highly respected among those in the upper classes and has allegedly profited from unseemly journalistic practices.¹⁰ Finally, the president had done a masterful job of cultivating the loyalty of key generals. Despite significant discontent in the lower ranks, the top brass has up until now remained firmly in her camp.

A Tendency Toward Authoritarianism

The loyalty of the generals became especially valuable in February 2006, when a combination of junior officers on the right and civilian forces on the left wanted to celebrate the twentieth anniversary of the downfall of Marcos with a putsch to bring down Macapagal-Arroyo. When certain top officers were asked to join, they reported the plot to the Palace. This then led to the declaration of emergency rule, coinciding with the anniversary of the country’s transition to democracy two decades earlier. As Sheila Coronel observes, “That morning in February saw the meeting of the two most powerful narratives of recent Philippine history, the declaration of martial law in 1972 and the 1986 popular uprising. What Filipinos got in 2006 were pale versions of both.”¹¹ In the end, the demonstrations were suppressed, but the state of emergency lasted only a few weeks and was later ruled illegal by the Supreme Court.

Macapagal-Arroyo’s dependence on the military, combined with her administration’s own inclination to launch a crackdown, led to the June 2006 declaration of an “all-out war” against the nearly three-decade-old communist insurgency. This came amid mounting concern over the killings of hundreds of leftists, activists, and church personnel. “As senior officials and military officers labeled members of the legal left ‘enemies of the state,’ and failed to condemn the killings consistently at all levels of government,” concludes a 2006 Amnesty International report, “fears grew that elements within the armed forces might interpret this as a tacit signal that political killings were a legitimate part of the antiinsurgency campaign.” According to Human Rights Watch, not a single perpetrator has been successfully prosecuted. President Macapagal-Arroyo’s own investigative commission concludes that “some elements in the military were behind the killing of activists” and that ranking armed-forces personnel have failed in their duty to investigate, punish, and prevent the

killings. After an early 2007 fact-finding mission, a UN special rapporteur expressed concern about the impact of these killings on the democratic process: "It intimidates vast numbers of civil society actors, it sends a message of vulnerability to all but the most well connected, and it severely undermines the political discourse which is central to a resolution of the problems confronting this country."¹²

Further challenges to democratic discourse have come in the form of attacks on the press. In 2006, Reporters Without Borders declared that "[a]fter Iraq, the Philippines is the most dangerous country for journalists." Thirty-two journalists were killed for their reporting between 1991 and 2006, but only two cases have led to convictions. The government commission on media and activist killings points the finger at "local politicians, warlords, or big business interests" driven by a range of mainly local motives. A newer mode of media harassment was launched by the president's husband, "First Gentleman" Jose Miguel Arroyo, who in 2006 filed defamation suits seeking a total of \$1.4 million in damages against 43 journalists. He objected to stories accusing him of involvement in vote rigging and corruption; if convicted of defamation, a criminal offense, the journalists could also face imprisonment for six months to six years. A government attempt to charge other journalists with sedition in the wake of the February 2006 coup attempt was blocked by the Supreme Court. It is not clear to what extent these legal charges will intimidate or embolden the media, particularly given that libel and sedition laws have not in the past been effective means of curbing media criticism of government officials. Combined with the killings, however, these legal charges must be viewed as an attack on one of the major bulwarks of Philippine democracy.¹³

While demonstrating its authoritarian inclinations, the Arroyo government simultaneously stepped up the campaign to revamp the country's democratic structures. As in 2005, this was motivated in part by a need to encourage Speaker de Venecia's active support in quashing a second impeachment attempt. This goal was accomplished in August 2006, just as the Palace was mobilizing tens of thousands of local politicians in the provinces to support charter change via a nationwide "people's initiative." Millions of signatures from throughout the country were solicited in favor of a shift from a bicameral presidential system to a unicameral parliamentary system, but the Supreme Court ruled in October that the campaign fell short of constitutional requirements.

In a desperate year-end move, de Venecia and his allies in the House tried to push for revision of the constitution—creating a unicameral parliament—through the alternative mode of constituent assembly. The already scheduled May 2007 congressional polls would be canceled in favor of November 2007 elections for an interim parliamentary body that would serve until 2010. Macapagal-Arroyo would serve out her term as president until 2010, at which point both she and de Venecia would be

eligible to run for parliament and seek the post of prime minister.¹⁴ The plan was a spectacular failure. Senators, not surprisingly, were opposed to reforms designed to abolish their chamber, and they were joined by the Catholic bishops, anti-Arroyo forces, and those who favored constitutional change but wanted it to come through the more deliberative mode of a popularly elected constitutional convention.

Election Intrigue

As soon as the plan was defeated, the country's political elites refocused their attention on the May 2007 midterm elections. It has already been noted that in the Senate—where half the 24 seats are elected every three years from a single, national district—Macapagal-Arroyo's forces were soundly defeated. The most stunning rebuke to Macapagal-Arroyo was the election of opposition senator Antonio Trillanes IV, accused of being a mastermind of the failed anti-Arroyo mutiny of July 2003. The 35-year-old former navy officer won eleven million votes (for an eleventh-place finish) despite campaigning from his prison cell. In the House, as was to be expected, the president's control over patronage resources ensured that the administration coalition would be successful in gaining an overwhelming majority of the 220 single-member, district-level seats.

In 2007 as in 2004, the elections revealed major shortcomings in the country's democratic structures. The Philippine ballot is probably one of the most archaic in the world, as voters are required to fill in, by hand, the names of all candidates for whom they are voting. The vote tally is then compiled, also by hand. With thirty million ballots cast last May, each containing the votes for roughly 25 to 30 positions, election officials faced the gargantuan task of counting almost a billion preferences in all. This laborious process is highly susceptible to fraud: As official election tallies begin their long migration from local precincts throughout the Philippine archipelago to Manila over the course of several weeks, politicians can use a variety of tactics to supplement retail vote purchases with wholesale manipulation of the vote count.

In each of the last two elections, the Commission on Elections has demonstrated itself to be fabulously incompetent (and often very corrupt) in performing its three basic tasks of preparing for elections, executing the polling process, and counting the votes. NAMFREL reported that in 2004, due to huge errors in COMELEC's voter lists, "disenfranchisement may have run as high as two million voters."¹⁵ There has long been talk of modernizing the ballot, but allegations of corruption have impeded change. Most recently, in 2003, a COMELEC attempt to automate the electoral system was nullified by the Supreme Court due to bidding violations. Finally, the long vote count provides ample opportunities for election officials to solicit payoffs not only from trailing

candidates wanting to pad their votes, but also from leading candidates needing to *protect* their votes against the cheating of others.

After the May 2007 elections, it took almost two months before the twelfth-ranked candidate was proclaimed a victor in the Senate contest. Many of the charges and countercharges focused on Mindanao's remote province of Maguindanao, the details of which illustrate complex interactions between the administration, COMELEC, and local powerholders. In the run-up to the elections, each region of the country was put under the supervision of a particular COMELEC commissioner. Benjamin Abalos, a political ally of the First Gentleman who had been appointed COMELEC chair in 2002, assumed initial responsibility for the polls in Mindanao and then placed key lieutenants in strategic posts. In Maguindanao, his provincial election supervisor was a well-known protégé of Garcillano who had merited frequent mention in the "Hello, Garci" tapes and was linked to suspiciously strong pro-Arroyo results in the 2004 election. Without the effective oversight of either COMELEC or election monitors (who were barred from many localities), Macapagal-Arroyo's political allies in Maguindanao were able to deliver a sweep to her Team Unity senatorial candidates.

The key figure in securing this outcome was Governor Andal Ampatuan, who commands a substantial paramilitary force and has a reputation for using violence against his political enemies. "Whatever the president wants, he will follow," said a family friend to *Newsbreak*. "12-0 is what Ma'am wants." Ampatuan is no doubt well-rewarded by the Palace, but seemingly cuts deals for his own benefit as well. Among the Team Unity hopefuls, it is reported that "the ranking of individual candidates depended on how much they would pay up." Rumor has it that the top senatorial slot in Maguindanao went to a northern Luzon strongman for the sum of 30 million pesos (US\$636,000).¹⁶

Aside from money, violence is also a useful tool for gaining political power. According to police statistics, there were 148 election-related killings in 2004, more than double that of the last general elections in 1998. In 2007, there were 121 election-related killings, marginally more than the 111 persons killed in the last midterm elections, in 2001. According to political scientist Joel Rocamora, the high stakes of the political game encourage candidates to use whatever means possible to achieve victory:

Elections provide the formal expression of local political contests that have historically been mainly about who controls the resources from the central government, and illegal economic activity. . . . The contest over control of these activities gives a premium to leaders with skills in manipulating illegality and the uses of violence.¹⁷

At the least, one can say that the national police and the Philippine armed forces are unable to safeguard the electoral process; far more

disturbing is when their coercive power is deployed in favor of one candidate over another. Another armed force, the communist National People's Army, has used its coercive capacity for a combination of entrepreneurial and political ends: extorting permit-to-campaign fees in the areas that it controls, occasionally hiring itself out for intraelite political assassinations, and intimidating rival opponents on the left.

The analysis thus far has focused on the challenges of democratic *process*, in particular the conduct of free, fair, and safe elections. Equally important is the capacity of a political system to provide the citizenry with the opportunity for democratic *outcomes*, notably clear choices among contending views and programs. Democracy should, after all, involve citizens in their own governance. Philippine democracy as it has developed over the past century, however, privileges personalities and patronage over parties and platforms. Electoral victory thus frequently involves promising voters some short-term gain, whether it be the purchase of a vote or the pledge to construct a health center, road, or neighborhood basketball court.

This produces high-cost politics—costly in monetary terms and in the gross undermining of the democratic ideal. When candidates buy or coerce their way into office, they have little reason to be accountable to the electorate. Their accountability, rather, is to those who have financed the past campaign effort and to those who might be called upon for assistance during the next elections. As Philippine elections have become increasingly costly, they have encouraged politicians to become more creative in raising funds, whether through the promise of legislative and regulatory favors, real-estate scams, involvement in gambling syndicates, or links to drug lords and the underworld. In a surprisingly candid moment, Speaker de Venecia explained the system: “It’s the drug lords and the gambling lords . . . who finance the candidates. So from Day One, they become corrupt. So the whole political process is rotten.”¹⁸

Prospects for Political Reform and Charter Change

The Philippines has now had a longer stretch of life *after* Marcos than life *under* Marcos. As the post-Marcos era enters its third decade, the high hopes for democracy voiced in the mid-1980s have given way to disillusionment with the country's low quality of governance. Polls measuring overall satisfaction with “the way democracy works” were in the range of 46 to 70 percent under Ramos and 42 to 70 percent under Estrada, in each case peaking at 70 percent after their respective victories in the general elections of 1992 and 1998, respectively. Under Macapagal-Arroyo, the range is 33 to 54 percent, peaking at 54 percent in the wake of the 2007 midterm elections that brought opposition victories in the Senate. No other post-Marcos president has had lower

approval ratings than Macapagal-Arroyo, who is the first to plunge into negative numbers in her “net satisfaction rating”: -33 percent in May 2005, improving to -3 percent in June 2007. One major bright spot for Macapagal-Arroyo, however, has been the very respectable economic-growth rates, which have gained her substantial support from elements within the business community. The administration can also point with pride to recent progress in peace negotiations with the major Muslim secessionist group in Mindanao.

These important successes notwithstanding, Philippine democratic institutions are not inspiring faith among the citizenry. In the month prior to the 2007 elections, 69 percent of those surveyed expected vote buying and 53 percent anticipated cheating in the vote count (substantially higher percentages than those registered prior to the 2001 and 2004 elections). In a 2006 survey, COMELEC was among the four agencies that the public rated as “very bad” in terms of “sincerity in fighting corruption.” There have long been problems at COMELEC, but the level of politicization under the Arroyo government is perceived to be particularly grave. Similar stories can be told regarding the decline of other important political institutions, including the House of Representatives (currently subordinated to the Palace even more thoroughly than usual); the judiciary (with the Supreme Court an important and encouraging exception); the Office of the Ombudsman (now headed by the president’s former chief legal counsel); and the military (recall the use of military intelligence for electoral purposes, discussed above).

Many believe that the best way to address this disillusionment is to reform democratic institutions. But those who advocate “political reform” have a range of ideas as to what should be changed and to what extent, as well as how to accomplish the changes. Given current levels of disillusionment, some suggest that whatever political set-up the Philippines presently has should be discarded. If the country is currently under a presidential system, it should shift to parliamentarism. If it is currently unitary, then federalism is the solution.

The bigger the change, however, the greater the risk of unintended consequences, leading some to call for well-targeted incremental reforms, instituted with particular goals in mind. A central, overarching goal should be the fostering of stronger and more programmatic political parties. In these pages nearly a decade ago, Gabriela Montinola argued that “[m]eaningful social change has been inhibited because political parties have failed to structure political competition to allow for the representation of the interests of the poor and marginalized sectors.”¹⁹ A good starting point would be such modest electoral reforms as pre-printed ballots, a consolidated ticket for the election of presidents and vice-presidents, and an option for straight-party voting.

Two somewhat more ambitious electoral reforms, one for the Senate and one for the House, could have much greater impact in promoting

stronger parties. The first would be to scrap the current system in which senators are elected from one nationwide district; this leads to intra-party competition and forces each candidate to cut his or her own deals with local powerholders throughout the archipelago. The second change

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would be to abolish the current party-list system, through which 20 percent of the members of the House are selected. While most standard proportional-representation systems require parties to achieve a certain percentage of the vote in order to have seats in the legislature, the Philippine party-list system is distinguished both by a very low floor (2 percent) and by the presence of a ceiling: Incredibly, no single party is permitted to have more than three seats in the legislature. This entirely undermines the goal of aggregating interests under one party label. Following the example of Japan and South Korea, the Philippines could consider adopting a mixed system involving both single-member-district seats and some element of a more standard proportional-representation system.

Another well-targeted reform, more relevant to process than to outcomes, relates to electoral administration. COMELEC should be restructured from top to bottom—from its central office in Manila to its extensive nationwide field structure—in order to develop the capacity to maintain accurate lists of voters and execute an accurate and expeditious vote count. Allegations of election fraud involving politicians and COMELEC officials need to be investigated by independent prosecutors willing and able to press charges for wrongdoing. The perfect opportunity for leadership change comes in early 2008, as COMELEC chair Benjamin Abalos steps down in the wake of bribery charges, and three additional slots on the seven-member national commission will also need to be filled.

As a practical matter, incremental measures of political reform, rather than a wholesale shift to parliamentarism or federalism, seem to hold greater promise for success. In response to the two late-2007 bribery scandals, the Palace dusted off proposals for charter change in yet another attempt to change the topic to political reform. Such patent political opportunism has turned much of the public against the idea of constitutional revision. After his attempts were spurned in late 2006, even Speaker de Venecia now seeks a moratorium on charter change. Senators continue to oppose the abolition of their chamber, and one can presume that the five senators considering bids for the presidency in 2010 are particularly averse to the parliamentary option. Considering these factors, there is unlikely to be renewed momentum for sweeping constitutional changes until after the 2010 presidential elections.

In the meantime, democratic institutions in the Philippines continue to be under major stress. For some, democracy has lost its appeal and military intervention has become an attractive option. Those who want to see the perpetuation of civilian democratic structures might draw some comfort from the reflection that the Philippine military has never launched a successful grab for power, despite many attempts. Given the current weakness of political institutions, however, it would be a mistake to dismiss the possibility of a coup. After all, the odds that such an attempt might succeed depend not only on the capability of a group of disgruntled soldiers but also upon the nature of the political institutions that are being targeted.

Although the Philippines can boast the oldest democratic structures in Asia, they are currently weak and lacking in legitimacy. Battered by scandal after scandal, these structures need careful and well-considered reform if they are to survive. With particular attention to the goal of strengthening political parties, it is important to build a democracy that can overcome its historical shortcomings and begin to demonstrate responsiveness not just to the privileged few but to the citizenry as a whole.

NOTES

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1. For a more detailed study, see Paul D. Hutchcroft and Joel Rocamora, "Strong Demands and Weak Institutions: The Origins and Evolution of the Democratic Deficit in the Philippines," *Journal of East Asian Studies* 3 (May–August 2003): 259–92.

2. Benedict Anderson, "Cacique Democracy and the Philippines: Origins and Dreams," *New Left Review* 169 (May–June 1988): 3–33.

3. The current exemplars are the Philippine Center for Investigative Journalism (PCIJ) and *Newsbreak* magazine.

4. Nathan Gilbert Quimpo, "The Left, Elections, and the Political Party System in the Philippines," *Critical Asian Studies* 37 (March 2005): 4–5.

5. Bantay Eleksyon (People's Coalition to Monitor the 2007 Elections), "Final Report on the 2007 Elections," www.iper.org.ph/CER/bantayeleksyon2007/reports/final-report-07-election.html.

6. Roberto Verzola, "The True Results of the 2004 Philippine Presidential Election Based on the NAMFREL Tally," *Kasarinlan: Philippine Journal of Third World Studies* Vol. 19, No. 2 (2004): 92–118. For a brief summary of corruption charges against the Palace, see "Shame and Scandal in the Family," "The Queens' Gambit," special edition, *i-Report* (Quezon City, Philippines), July 2005, 28–29.

7. The "Gloria-Garcillano" tapes can be heard at <http://pcij.org/blog/wp-files/tapes.php>; transcriptions from one key tape are printed in "The Queens' Gambit," 39–51.

8. See Sheila S. Coronel, "The Unmaking of a President," in "The Queens' Gambit," 3–5.

9. For polling data, see Social Weather Stations, *www.sws.org.ph*; Macapagal-Arroyo was the vice-presidential candidate on de Venecia's 1998 Lakas Party ticket; she won the office while de Venecia lost badly. De Venecia seems to have concluded that the only way he could become chief executive of the Philippines would be as party leader in a parliamentary system.

10. Luz Rimban, "The Man Who Would Be President," *i-Report*, no. 3 (September 2005), *www.pcij.org/i-report/3/noli.html*.

11. Sheila S. Coronel, "The Philippines in 2006: Democracy and Its Discontents," *Asian Survey* 47 (February 2007): 176.

12. Amnesty International, "Philippines: Political Killings, Human Rights, and the Peace Process," 15 August 2006, 1–2, *http://web.amnesty.org/library/Index/ENGASA350062006?open&of=ENG-PHL*; Human Rights Watch, "Scared Silent: Impunity for Extrajudicial Killings in the Philippines," June 2007, *http://hrw.org/reports/2007/philippines0607web.pdf*, 3; Report of Independent Commission to Address Media and Activist Killings, 22 January 2007, 1; The UN Office at Geneva, "UN Expert Says Extrajudicial Killings in Philippines [sic] Have a Corrosive Effect on Civil Society and Political Discourse," Press Release, 22 February 2007.

13. Reporters Without Borders, "Philippines—Annual Report 2006," available at *www.rsf.org*; Committee to Protect Journalists, "Attacks on the Press in 2006, Philippines," *www.cpj.org/attacks06/asia06/phil06.html*. For fuller analysis of the current state of civil liberties and rule of law in the Philippines, see Hutchcroft, "The Philippines," *Countries at the Crossroads 2007* (New York: Freedom House, 2007), available at *www.freedomhouse.org*.

14. "It's Done: House Set to Convene Constituent Assembly," *Philippine Daily Inquirer*, 8 December 2006.

15. NAMFREL, "The Terminal Report to NAMFREL Operation Quick Count 2004," 30 June 2004, 2. Despite the magnitude of the problem, the report refutes those who allege "massive disenfranchisement," which might be taken as further indication of NAMFREL's eagerness to legitimize the elections.

16. Aries Rufo, "The Sins of Abalos," *Newsbreak*, July–September 2007, 34–36; and Gemma Bagayaua, "Guns, Fealty, and Money," *Newsbreak*, July–September 2007, 51–53.

17. Rocamora, "Equal-Opportunity Violence," *i-Report*, 7 February 2007, *http://pcij.org/i-report/2007/political-violence2.html*; Alecks Pabico, "Were the 2007 Elections Less Violent?" 5 July 2007, *http://i-site.ph/blog/?p=217#more-217*; for a critique of police statistics, see Bantay Eleksyon, "Final Report of the 2007 Elections."

18. See Alfred W. McCoy, "Covert Netherworlds: Clandestine Services and Criminal Syndicates in Shaping the Philippine State," in Tim Lindsey and Eric Wilson, eds., *Government of the Shadows* (London: Pluto Press, forthcoming). "De Venecia calls on Arroyo to set up new administration," *Philippine Daily Inquirer*, 18 October 2007; De Venecia's candid appraisal came amid mounting tensions between him and the president, in the course of which his influence has been curbed.

19. Gabriella R. Montinola, "Parties and Accountability in the Philippines," *Journal of Democracy* 10 (January 1999): 133. On the dangers of unintended consequences, see Allen Hicken, "Party Fabrication: Constitutional Reform and the Rise of the Thai Rak Thai," *Journal of East Asian Studies* 6 (September–December 2006): 381–407. An argument for incremental reform can be found in Jürgen Rüländ, "Constitutional Debates in the Philippines: From Presidentialism to Parliamentarism?" *Asian Survey* 43 (May 2003): 461–84.