

Understanding the Election-related Violent Incidence of 2007

Election violence in the Philippines is understood as “*a systematic and premeditated act aimed at monopolizing electoral victories through various coercive means...infringement of liberties, or the freedom to choose...(and) the absence of that freedom is equivalent to violence...(and) may be manifested...also in fear and threat inflicted*”¹.

According to the Philippine National Police (PNP)², it covers certain acts that affect the environment, behavior and conduct of any electoral process, such as abductions, killings, physical attacks, intimidation, and other acts resulting in death, injuries and damage to property. Furthermore, election-related violent incidence (ERVIs) can be classified according to the phases of election, as in (1) pre-election or registration, (2) campaign, (3) election day, (4) counting and canvassing, and (5) proclamation³. This, however, does not preclude the existence of violence in its latent or more subdued form, as in the deliberate destruction of campaign paraphernalia.

The Omnibus Election Code is the authority in all election-related matters. It does not only define measures for mitigation of violence during the election period, but also determines “violent” acts, in relation to intimidation, coercion and harassments, such as:

- coercion of subordinates;
- threats, intimidation, terrorism, use of fraudulent device or other forms of coercion;
- coercion of election officials and employees;
- transfer of officers and employees in the civil service;
- intervention of public officers and employees;
- the use of undue influence;
- appointment or use of special policemen, special agents, confidential agents or the like from campaign period to election day;
- illegal release of prisoners 60 days before and 30 days after election;
- carrying and use of deadly weapons and firearms and use of armored land, water, and air craft;
- wearing of uniforms and bearing arms outside the vicinity of place of work of public and private security and police organizations;
- organization or maintenance of reaction forces, strike forces, or other similar forces;
- suspension of elective provincial, city, municipal or *barangay* officer.

¹ IPER Country Report, *Democracy, Electoral Systems, and Violence in the Philippines*, in UNDP Asia study, 2007.

² The Philippine National Police is the principal monitoring agency for election violence.

³ op.cit.

Bantay Eleksyon 2007 (Election Watch 2007), a domestic election monitoring coalition, defines it “...as any or all acts or incidence that directly or indirectly affects the normal exercise of electoral processes”. The group also uses additional vital parameters in determining Election-Related Violence incidence (ERVIs):

- The election period (and hence monitoring period) starts with preparations one year before election day and ends on June 30 when new terms start; and
- Electoral violence includes acts listed in the Omnibus Election Code.

Historically, the COMELEC deputizes the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) as agencies for the normal conduct of elections in the Philippines. Their primary role is to maintain peace and order in the polling places. In areas of historical violence or voter harassments, the AFP is deputized to secure and protect the Board of Election Inspectors (BEI), the polling precincts, the voters, ballot boxes, and generally the normal conduct of voting during Election Day.

The PNP employed the classification of election-related violence different from the Omnibus Election Code, enumerating only the following incidence categories: shooting, explosion, ambush, harassment, burning/arson, ballot snatching, and gun ban violation. The PNP also considers only those cases with validated political motivation.

In the election of 2007, the PNP was deputized again by the COMELEC to safeguard the peaceful conduct of election, and in the monitoring, documentation and investigation of ERVIs. The AFP was deputized but limited to maintaining peace and order in specific areas that have a history of election violence. This was the offshoot of a controversy in the 2004 elections where there were allegations of involvement of some AFP personnel in electoral fraud in the Autonomous Region of Muslim Mindanao.

Election-related Violent Incidence Statistics

The PNP recorded the cases of election-related violent incidents (ERVIs) during the official election period from January 14, 2007-June 12, 2007. The following comparative PNP statistics showed a continuing high trend of ERVIs, though there is a slight lowering in the 2007 elections.

**Table 1. Comparative Election-Related Violence data,
Year 2001, 2004, and 2007⁴**

	2007 Elections	2004 Elections	2001 Elections
NR of Incidents	229	249	269
-Shooting	105	111	70
-Explosion	16	28	30
-Rebel Atrocity	12	22	34
-Others	96	88	135

⁴ PNP Reports, 2001 and 2004; PNP Directorate for Operations Report, June 13, 2007.

Casualties			
-Killed	121	148	111
-Wounded	176	261	293
Candidates/Politicians			
-Killed	37	40	21
-Wounded	24	18	9

Comparatively, the election of 2007 was the most peaceful according to the PNP's tabulation, as embodied by the number of ERVI documented, or a total of 229 cases, whereas, in the past elections of 2004 and 2001, the total number of documented cases were 249 and 269 respectively (table 1).

A disaggregated data of ERVI cases recorded by the PNP, by nature of ERVI, during the election of 2007, show that shooting incidents was the highest followed by harassments/intimidation, 105 and 50 respectively (table 2).

**Table 2. Disaggregated data of ERVI cases,
of 2007⁵**

Form of ERVI	Number of politically motivated Cases
Shooting	105
Explosion	16
Murder/Ambush	11
Frustrated Homicide/Murder	0
Harassment/Intimidation	50
Burning/Arson	5
Abduction	0
Ballot Snatching	7
Encroachment	1
Rebel Atrocities	12
Others	22
TOTALS	229

It must be noted that the PNP published two succeeding ERVI reports, dated July 12 and July 13. In its July 12 report, the total number of ERVIs was lower by 100, owing to the method of categorizing election-related violence incidents, as *politically motivated* and *non-politically motivated*.

⁵ op.cit

The PNP report also included ERVI victims, and presents a very high number of casualties of incumbents/politicians/candidates, about 61, and which 37 were killed, 24 wounded. Another peculiar feature was that supporters were also assailed by perpetrators, and their numbers were highest amongst ERVI victims in 2007, or a total of 111, of which 49 were killed and 62 wounded (table 3).

**Table. 3 Election-related Violence,
by Types of Victims, 2007⁶**

Type of Victim	Killed	Wounded	Subjected to Violent incident
Incumbent/Politician/Candidate	37	24	2
Supporter	49	62	
Other Government Official	0	0	
Uniformed Personnel	21	36	
Civilian	14	54	
TOTALS	121	176	2

On the other hand, *Bantay Eleksyon*, a independent coalition of electoral reform advocates, simply used parameters that indirectly or directly has affected the normal processes of the election, without prejudice as to whether the incidence are politically motivated or not for its monitoring and recording of ERVIs. Furthermore, it has detailed accounts of ERVI that, in the PNP's perspective, are unrelated or non-politically motivated (see table 4).

In their report, BE found a much higher incidence of election-related violence, as such, the reported cases of murder/ambush, shooting, harassments/intimidation were among the highest, with total incidence of this type of ERVIs summed up to 301 (table 5). According to the report, some cases were documented to have multiple incidence of violence. The group also reported other forms of ERVIs, such as gun ban violation, encounter/police raids, injury, riot, assault, and damage to property, as cases that were deemed to have affected the normal exercise of election in 2007 (table 4).

⁶ PNP Directorate for Operations Report, as of June 13, 2007.

**Table 4. Disaggregated ERVI Cases,
Bantay Eleksyon, 2007⁷**

Form of ERVI	Number of reported Cases
Shooting	71
Explosion	16
Murder/Ambush	85
Frustrated Homicide/Murder	15
Harassment/Intimidation	53
Burning/Arson	4
Abduction	8
Ballot Snatching	7
Encroachment	1
Rebel Atrocities	3
Others-gunban violation	21
Encounter/police raid	3
Injury	6
Riot	5
Assault	1
Damage to property	1
TOTALS	300*

Bantay Eleksyon reported that, as of June 12, 2007, the number of victims totaled 386, and persons killed during the period were about 129, 177 were wounded, and 80 persons were subjected to violence (Table 5).

**Table 5. Election-related Violence Cases, by type of victims,
2007⁸**

Type of Victim	Killed	Wounded	Subjected to Violent incident
Incumbent/Politician/Candidate	34	14	16
Supporter	62	28	43
Comelec personnel/deputy	5	4	1
Uniformed Personnel	14	45	5
Civilian	14	73	12
Property/Groups	-	-	3
Other	-	13	-
Totals	129	177**	80

⁷ Bantay Eleksyon Final Report, June 12, 2007.

⁸ op.cit.

A comparison of data from the BE Report of 2007, COMPACT study on ERVIs (figures by IPD dated 1995, 1998, 2001, 2004) and of the PNP and/or DILG for the years 1995-2004 and 2007, put forward incrementing numbers of persons killed/dead vis-à-vis other incidents of ERVIs..

Table 6. Comparative Data on Election Related Violence Incidents (deaths, injury, wounded, other incidents)⁹

Year	IPD/COMPACT/BE		PNP/DILG	
	Killed/Death	Other Incidents*	Killed/Deaths	Other Incidents*
1995	108	244	83	-no data-
1998	77	322	98	295
2001	111	562	111	562
2004	182	No data	117	332
2007	158	224	121**	176**

Bantay-Eleksyon 2007, in its report, casted doubt on the handling of the PNP of their own issued statistics. As of May 14, 2007, the Philippine National Police (PNP) had already reported to the media 114 deaths and 132 wounded victims in 191 election-related violent incidents (ERVIs). Of the 114 deaths, 59 were identified to be candidates, 55 were supporters. The PNP issued statements on election day that, despite the reported incidence of violence “the situation is generally peaceful except for some untoward incidents” and “only 30% of the incidents are election related.”

Later, it would only issue the statistics on the “confirmed” politically-motivated incidents. This precluded comparison with earlier issuances based on “election-related violent incidents (ERVIs). The latter had always been used in previous elections.

Whatever statistics are used, the level of election violence is alarming. Election violence is rising and increasingly targets election personalities, whether candidates, government officials or election officers. Special mention must also be made of the stifling atmosphere of fear and intimidation in Maguindanao and other areas of ARMM where armed men are often reported in the vicinity of polling places or in connection with election incidents.

Election violence in the 2007 elections is widespread and affected elections in many local areas up to the provincial level. In the ARMM, the level of electoral violence affects elections in the entire region and can affect results in the national elections.

⁹ Note that (*) may include other form of ERVIs; Italized figures are based on BE’s 2007 report with category of killed and wounded; (**) data from PNP’s 2007 report with same category; IPD monitoring, 2004; PNP/DILG, 2004; BE Final Report, 2007; PNP 2007 Final Report.

The reports of the Philippine National Police and Bantay Eleksyon statistically vary, because of the difference in the classification of ERVI cases, the parameters utilized in the determination of ERVIs, as well as the arbitration of “election period” vis-à-vis historical practice on the ground. However, both reports highlight the increments in the number of persons killed during the synchronized election of 2007.

Trend Analysis

Gaps in the Definition of Election-related Violence

The final report of the PNP indicates a decrease in election-related violence in 2007, but even so, its figures do not represent the actual number of occurrences. The disagreement over the authoritative statistics on election-related violence stems not only from the dissimilarity on the operationalization of violence, but also on the determination of the election period. Despite the authority of the Commission on Elections to decide on all questions affecting elections, it has deferred to the PNP’s definition and classification of election violence.

The PNP’s shift to “politically-motivated incidents” from “election-related violent incidents (ERVIs)” in the 2007 elections created confusion and detaches its own statistics from direct comparison from the statistics of previous elections.

Again, the PNP’s definition of election-related violence is anchored on the Omnibus Election Code’s inadequate enumeration of acts of election violence. The latter emphasizes on the more manifest acts of violence, and relegated acts of coercion, intimidation, and harassment to the separate category of “Prohibited Acts.”¹⁰ According to civil society election monitors, this definition fails to include as election violence, the “systematic and premeditated act(s) aimed at monopolizing electoral victories through various coercive ways.”¹¹

Arbitrary Designation of Election Period

The scope of election violence is further limited by the Omnibus Election Code with the setting of the election period as 90 days before the scheduled Election Day and 30 days thereafter. Because the determination of an act as election violence is dependent on the period of occurrence, only those politically motivated violent acts occurring within the said timeframe are considered as such, thereby inevitably distorting the statistics and questioning the accuracy of the PNP ERVI Report.

Moreover, the limitation of monitoring period to the designated election period ignores the political reality that Philippine election campaign—and the violence that goes with it—commences as early as a year into the Election Day. It covers only the formal

¹⁰ Article 22, Section 261 of the Omnibus Election Code.

¹¹ Definition of election violence by participants in the Focus Group Discussions (FGDs) conducted by IPER in Quezon City and Davao City.

campaign period, and consequentially denies the existence, significance, and magnitude of ERVIs in the pre-election campaign period.¹²

Without a clear agreement on a common and adequate definition and classification of election violence, the PNP exercises an arbitrary discretion. In doing so, official statistics become unreliable or underplays the reality of election violence.

Shifting to Higher-Value Targets

Where past elections were marked by attacks on political supporters and ward leaders of political opponents, the 2007 elections saw the emergence of more high-value targets such as candidates, campaign managers, and key allies. The targeted candidates also became higher to include provincial governor candidates, congressional candidates, and town mayoralty candidates.

Some of the attacks against the higher-value targets also happened far from the area of electoral contention, indicating a higher level of organization for the perpetrators. There were reports of rebels and criminal syndicates being utilized for these types of attacks.

Permit to Campaign and Permit to Win Policy of the CPP-NPA

In areas where the New People's Army (NPA), the armed wing of the Communist Party of the Philippines (CPP), is dominant, a new type of election violence was also observable in the 2007 elections. While it has habitually extorted from candidates to gain access in its controlled areas, through the "Permit to Campaign" policy, it reportedly launched a "Permit to Win" campaign for candidates willing to pay. This includes the use of NPA units for election violence and election fraud operations.

Conclusion

In its official report on the 2007 National Elections, the Philippine National Police announced that the recently concluded election was generally peaceful because of an observed drop in election-related violence. The report of independent civil society monitors point otherwise in the opposite direction of increasing and intensifying acts of election violence in Philippine elections.

Election violence and election dispute resolution in the Philippines take place within the context of a fragile democracy struggling to consolidate itself. In the post-Marcos dictatorship period, this democracy has to contend not only with the usual problems associated with the democratic and electoral process of seeking power but also with institutions, practices, and forces left behind by the Marcos regime.

¹² Patino and Velasco, in Croissant and Kneip, *The Politics of Death*, p. 225, 2006.

The main issue in relation to election violence is the persistence of political dynasties and its patronage politics. These dynasties or political clans see political power as the end-all and be-all politics in the country. To this end, they are willing to do all that is necessary—including undemocratic methods—in order to seek and maintain the power.

These dynasties and clans have built a power structure stretching from the national to the community or village level that is unmatched by any political party, insurgency group or other political forces.

A related issue is the inevitable corruption of democratic institutions in such a situation of dominance of dynastic politics. This includes the election administration agency, the military and police, the courts, and various electoral tribunals. Election disputes are often settled without satisfying the losing side and often spill over to election violence.

The third issue is the politicization of the electoral process, including election management and election dispute resolution. The practice of peer judges in the case of senate and congressional election disputes lends itself to political meddling in election disputes. The appointments of COMELEC commissioners and personnel via endorsement or confirmation by political bodies or politicians lead to the political partisanship within the election administration.

The existence of political dynasties effectively excludes marginal groups from participating fully in the elections and other political processes. Exclusion of marginal groups from political participation provides the main political rationale for local insurgencies and undermines the foundations of Philippine democracy.

Gender participation in Philippine elections is also heavily skewed in favor of male dominants who are usually dynastic leaders in a patronage feudal setting. Less than 20% of elective officials are women. Many of the latter are wives or daughters of clan political leaders who are elected within the rationale of maintaining clan political dominance.

Only comprehensive political and electoral reforms can effectively broaden participation in Philippine democracy. Curbing election violence and credible electoral dispute resolution can only be done if these reforms are in place and working.

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