

The Politics of Election Administration: The Modernization Program of the Philippine Electoral System

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Modernization, simply stated, is change for the better or for new and improved methods and processes. The same is (hoped) to be said for the modernization of the Philippine electoral system. Interaction of election officials with politicians and interest groups suggests that electoral rules and procedures that seem to be administrative in nature are in truth, political decisions. It serves the purposes of politicians, election officials and interest groups alike to retain defective procedures and loopholes in election laws. This article illustrates how genuine electoral reforms in the Philippines come as results or outcomes of crisis that reached revolutionary proportion rather than of nagging concern for fairness and commitment to democracy by the incumbents.

Arend Lijphart (1985: 4) observes that election administration, as a field of study, is the most underdeveloped branch of psephology. In practice, George Benson (1978: 169) laments: "perhaps, no other phase of public administration is so badly managed as election administration." In view of this disconcerting state of knowledge and practice, it is not surprising that electoral manipulation and fraud persist in the administration of elections in the Philippines and in other countries as well.

To understand the lackluster performance and mounting problems in election administration, this article probes into the relationship between politicians and election administrators starting with the crafting of election laws, through their implementation and up to evaluation. Actually, most studies on election administration, as a specialized area of public administration, tend to subscribe to the separation of election administration from politics. Bryan Keith-Lucas (1960: xi-xii) put it succinctly: "The need for independence and freedom from political pressure is of paramount importance ... to put the management of elections beyond the reach of political manipulators." In this study, the following questions are raised: How useful is the politics-administration dichotomy paradigm in the study of election administration in

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the Philippines? What are the prospects of remedying existing flaws in the election laws and improving the country's electoral process? Why do electoral manipulation and fraud persist?

These three main questions guide the organization of this paper. The first section probes into the popularity of the politics-administration dichotomy paradigm as an analytical tool and a model of reality for election officials and politicians. An alternative view is also presented to clarify the two rival arguments presented in the study.

The second section describes the modernization and excellence program (Operation Modex) of the Commission on Elections (Comelec). Since Operation Modex sets the electoral reform agenda for the 1998 elections, the section highlights several points. One is the element of deliberateness on the part of election officials to remedy or aggravate the flaws of the existing electoral system. Second is the active role of the election officials in policymaking. Equally significant is the strategy employed by the Comelec in selling its electoral "reform" agenda to Congress and the general public.

In view of the multifaceted nature of electoral manipulation and fraud, this paper looks beyond the legal and procedural flaws of election laws and implementing rules and regulations (IRR). To comprehend their sources and persistence, the third section explores the psycho-cultural dimension of manipulation and fraud and the dynamics of authority relations in the poll body.

The Politics Administration Dichotomy Model and the Alternative View

In line with the principle of political independence and the formal status of a constitutional body, top leaders of the political branches of government and the electoral agency declare their independence from one another. When confronted by procedural problems, election officials give a standard answer: "That is the law, we cannot do anything." Lawmakers aver: "We leave the details to the experts at the Commission on Elections." In short, political independence implies not only protection of the poll body from partisan pressure but also complete separation between policymaking and implementation.

The Politics-Administration Dichotomy Paradigm and Its Uses

Filipino politicians and election administrators subscribe to the Wilsonian politics-administration dichotomy paradigm that views election administration

as separate from the political realm in both policy and partisan senses. To ensure fair and honest administration of elections, the electoral agency must be insulated from partisan pressures of the political branches of government. With political independence, rationality, competence and integrity as main attributes of the poll body, the legitimacy function of elections rests on the rationality of the legal processes through which election laws, rules, and procedures are passed and implemented.

From the viewpoint of the legal-rational analytic tradition, the poll body is viewed as a rational, harmonious entity. Associated with the classical organization theories and the Weberian ideal construct of bureaucracy, electoral rules and procedures are supposed to be based on rational and technical criteria. Corollarily, the modernization of election administration eliminates inefficiencies and fraud.

In many countries, it is true that cumulative efforts on electoral reforms have improved electoral procedures, utilized appropriate technology, and institutionalized fair rules of the game. Thus, Lijphart and Grofman's study on the electoral systems in industrialized countries has persuasively refuted the argument that electoral changes are motivated largely by politicians' desire to gain unfair advantage (Lijphart and Grofman 1984).

In the Philippines, however, procedural and technical questions in election administration are far from settled. Unlike in many countries, electoral rules and procedures in the Philippines are becoming more and more confused. Even as early as the 1950s, Coquia (1955) observed that electoral changes are premised on the incumbents' drive to acquire built-in advantage over their competitors. Recently, a book-length study on changes in electoral procedures during the Marcos and Aquino regimes affirms the incumbents' predilection to maximize their chances of winning in introducing changes in election laws and rules (Tancangco 1992).

It would be politically and professionally suicidal to admit partisan motives in enacting and implementing election laws, however. Thus the logical tendency is to clothe partisan motives with lofty and higher values. This makes the element of deliberateness in electoral manipulation and fraud far more complex and implicit rather than definitive and explicit. The dichotomy model resolves the complexity of the phenomenon by overruling human subjectivities. Once human motives are defined as nonexistent, partisan motives are effectively hidden.

There are many instances that prove the theoretical limitations of the politics-administration dichotomy paradigm to study the Philippine situation. Yet, it remains popular among the top echelons as an analytic frame and model of reality. This is because both politicians and top election officials find

important uses for it. For politicians, the paradigm provides those in power the latitude they need to make many self-serving election laws without being conspicuous to rival politicians and the voting public. To the extent that lawmakers are seen as rational actors doing their job competently, partisan motivations are denied outrightly.

On the other hand, the artificial separation of election administration from politics and the accompanying principle of political neutrality has served well election officials in expanding their domain. Their presumed autonomy from the political branches enables them to take over many important policy decisions without having to face the public as candidates. Seen as neutral umpires in electoral contests, their expertise is sought in drafting election bills while the implementing rules that they formulate and implement are regarded as products of their know-how of the nitty-gritty of election administration. As they immerse themselves in policymaking purportedly using technical criteria, they increase their influence in shaping the terms of the competition without evoking deep suspicions from competing political actors, or open resistance from the voting public.

Finally, the formal separation places beyond public scrutiny the bargaining and compromises that transpired between politicians and election officials. The lack of transparency in the process hides the real interests served by election laws and IRRs.

These practical uses of the politics-administration dichotomy model to the powers-that-be inform the overarching theme of this paper. Instead of removing the electoral agency, and election administration from partisan influences, the politics-administration dichotomy model may actually subject election administration to different and more invidious types of political influences that are more difficult to identify. When partisan influences are defined as nonexistent, they become too intricate for the political parties and the citizenry to discern, much less, control.¹

*Bringing in the Subjective Elements of Election Administration:
An Alternative Perspective*

The increasing complexity of the phenomenon of fraud calls for an alternative view to grapple with the rational and subjective elements in election administration. Starting with the notion that politics and administration are two interlocking spheres of governance, the quality of election administration becomes a reflection of the quality of electoral politics (Riggs 1987: 418). This view brings to the fore the notion of power and authority relations in the workings of the electoral agency. From this perspective, "the Comelec becomes a politically negotiated entity rather than a politically neutral, homogeneous, and

rational body" (Bacharach and Lawler 1982). The poll body becomes a site of political action, compromises and continuing coalition and conflicts. This view stresses the dynamic interaction of election officials with politicians and pressure/interest groups. It also points to the dynamics of superior-subordinate relations inside and outside the poll body.

Thus, the Comelec and the Philippine bureaucracy cannot simply be considered as strictly neutral, harmonious, and rational entities celebrated in the classical managerial theory of organizations and the Weberian ideal construct of bureaucracy. Neither is the Comelec regarded as the passive instrument of the ruling class according to Marxists nor the arena of apocalyptic class struggle projected by neo-Marxists. To accept the notion that the electoral agency is an arena for political action is not the same as Poulantzas's view of the public bureaucracy as a site of class struggle (Poulantzas in Bacharach and Lawler 1982). At the core of the analysis of organizational processes and behavior is the notion of authority within the hierarchical structure. This is useful to explain why an open struggle does not transpire within a state bureaucracy like the electoral agency.

Regarding election officials, they are pictured as active actors with their own biases and interests who are continuously involved in political bargaining and influence tactics with politicians and interest groups. Election laws and administrative measures become, in essence, products of political negotiations and bargaining and not solely of competence and technical criteria. This dynamic characterization of poll officials is more realistic than the politically neutral election experts that rationalists paint them to be.

Since administrative and technical measures also constitute hard political decisions, those making administrative decisions may do so for political purposes. Although the politics involved among election officials is primarily the promotion of organizational interests, it assumes partisan color when it serves the interests of certain political factions at the expense of the others. It also degenerates into selfish interests when private gains rather than public interests become the primordial considerations in decisionmaking.

When organizational interests degenerate into partisan and selfish interests, it becomes conceivable that election experts formulate the electoral reform agenda and administer elections in a way that promote their organizational and private interests. The interest of the voting public through fair, orderly, and honest conduct of elections becomes relegated to the backseat. It is also plausible that career election officials, in tandem with some politicians, interest groups, and even foreign interests, obstruct the institution of meaningful reforms. This is particularly true when genuine reforms could mean losing the electoral battle incumbents are likely to win or giving up the privileged position of election officials that grants them control over the process

to the point of predetermining the results of vital electoral competitions (Tancangco 1995: 368).

The notion of interests brings us into other types of administrative-political interactions between the Comelec, on one hand, and the political branches and interest groups, on the other. One variant of such relationship is described as corporatism (Peters 1984: 151-152). In many political systems, pressure and interest groups are accepted facts of political life. They are also legally and officially involved in the process of making and administering public policy. As part of the legitimating process, an examination of their interface will allow us to pierce through the interests at stake usually hidden in determining the content of electoral reforms and how such interests explain the persistence of fraud in election administration.

Competing Arguments

From the two distinct theoretical traditions mentioned above, this paper pursues competing arguments. From the classical organization theories and the politics-administration dichotomy model, *the argument is that the rationality and political independence of the electoral body from the political branches of government guaranteed by the Constitution enables it to propose and implement electoral reforms and to conduct fair, orderly and honest elections.* As a constitutional body, the Comelec is presumed to have the autonomy, power and expertise to promulgate and implement electoral rules and procedures based on legal and technical criteria alone. A logical sequel of this argument is that *the modernization of the electoral system guarantees almost fraud-free elections.*

From the alternative view, we can deduce the counterarguments. The first part of the argument is that *the electoral body is actively engaged in political bargaining and influences tactics with the political branches (Congress and the Executive) in the formulation of the electoral agenda, implementation, and evaluation of election laws, including the modernization of the country's electoral system.* Electoral rules and procedures that appear to be administrative decisions are actually hard political decisions arrived at through day-to-day political bargaining. When carried to the extreme, the utter lack of political independence of the Comelec leads to conspiracy in retaining flawed procedures so as to predetermine the winners.

The sophistication by which fraud is committed and covered up through the years is one thing. To show that fraud is intentional is another. This is because motives may be effectively hidden through varied strategies that attack the subconscious and dampen critical capacities to see through them. In such a case, we need to include the psycho-social processes involved in the crafting and implementation of electoral reforms focusing on Operation Modex. The second part of the argument is thus: *the use of political advertisements borrowed from*

commercial propaganda contributes to the making of the myth that modernization of the electoral system in the Philippines will make it fraud-free.

A common denominator of these competing arguments is the presence of an element of deliberateness to remedy or retain flawed procedures. People who enact electoral laws possess knowledge about the operations of the electoral system and insights into the consequences of certain rules and procedures. Hence, the progressive improvement of electoral procedures and institution of fair rules of the game are well-thought decisions as much as the worsening unfairness of the rules and inefficiency of the procedures. Genuine reforms are manifestations of sincere commitment to democratic processes by the top leadership. Retention of defective procedures prone to fraud is a form of political corruption and indicates human fallibility of the powers-that-be. With this in mind, let us turn our attention to Operation Modex.

Operation Modex: A Product of Deliberate Planning and Implementation

The word "reform" means "change for the better."² Premised on a desire to improve the electoral system, proponents of electoral bills claim that their proposals are reform-oriented. In this study, mere label of reform does not necessarily mean the proposal can improve the electoral process. To avoid confusion, "reform" in quotation marks is used if the bills for adoption may not improve the existing electoral system nor rectify present problems.

Operation Modex: Setting the Electoral Agenda for the 1998 Elections

Immediately after the May 1992 presidential elections, which were marred by protest and counterprotest, the Monsod Commission "gathered together to study the lessons of that political exercise and map out a five-year plan that would address the respective strengths and weaknesses of the present electoral system" (Borra 1995d: 384).³ The product of such strategic planning seminar is the blueprint of what is known as the Modernization and Excellence Program or Operation Modex.⁴ Coming out with a five-year plan culminating in the 1998 presidential elections only three months after the 1992 elections reveals how the Monsod Commission focused its sight on the 1998 political exercise.

Starting with problem analysis, top Comelec officials view the problems in election administration as "inherent in a highly manualized election system from registration to voting, counting and canvassing and to the maneuverings or underhanded tactics employed by candidates and their lawyers" (Borra 1995d: 385). By pinpointing the highly manualized electoral system as the

cause of the problems, the Monsod Commission set the stage for the modernization of the electoral process. The use of computers in the key activities of the electoral process, i.e. registration of voters, counting of votes and canvassing of returns, is considered as the only solution to improve the system and eliminate fraud.

The Monsod Commission's emphasis on developing expertise to attain excellence led to a series of preliminary activities in connection with Operation Modex. These included: (1) getting technical advice through studies conducted by Marie Garber in collaboration with the Philippine Computer Society (PCS) and by the Andersen Consulting firm for a preliminary evaluation of the technology to be used in modernizing the electoral process; (2) sending bidding invitations to local and foreign suppliers of counting and canvassing equipment; (3) sending of a Comelec team headed by Commissioner Regalado Maambong to the United States to survey various manufacturers of the needed equipment; and (4) limiting the possible supplier companies to American Information System (AIS), Business Record System (BRC), and National Computer System Inc. (NCSI) based on the evaluation result of the inspection trip to the United States.⁵

Conceived within a legal-rationalist frame, Operation Modex pins so much hope on the promises of modernization and what they call a "corporate culture of competence and integrity." The main argument is that the "primitive" highly manualized system is not only burdensome but also breeds dishonesty. With so many forms to fill up by so many people, the system employs too many teachers and other civil servants as Comelec deputies at every level of the electoral process. Hinting that the teachers and other Comelec deputies are the main sources of fraud, Executive Director Resurreccion Borra noted: "teachers are only human," and the use of computers for counting and canvassing hopes to limit human discretion by these deputies especially at the precinct level. Borra's emphasis on the integrity of the process at the precinct level is evident in his admission that if the count at the precinct is "polluted," the aggregated counts at the higher levels become inevitably fraudulent (Borra 1995d: 387).

Borra had no comment on the defective procedures the poll body recommended to Congress and the implementing rules promulgated by the Comelec that could make the process at every stage vulnerable to honest mistakes and fraudulent practices. Thus for Comelec, the inefficiencies and fraud occurred because of the teachers, other deputies, and candidates but not the poll body's own personnel.

To give the impression of a broad-based support for its "reform" agenda, the Comelec claimed that it conducted "extensive consultations" with political parties, field officials and NGOs. After careful examination, it appears that the ideas imputed to the conceptualization of the electoral reform agenda and the

modernization program of the Philippine electoral system were very limited to favored consultants and other selected groups associated with Makati-based businessmen and a few church-based organizations.⁶ Within Comelec, a core group of senior staff worked hand in hand with these consultants and nongovernmental organization cum interest groups.

Contrary to Chairman Christian Monsod's avowal of total transparency,⁷ many things were kept not only from public scrutiny but also from the staff of other commissioners. Some insiders complained about the inaccessibility of pertinent documents on the modernization program to all the commissioners for their own study.⁸ As will be shown, the secrecy by which the transactions were conducted was matched by the adoption of strategies borrowed from commercial propaganda to cultivate favorable perceptions on the Comelec's "reform" agenda.

The Politics of Securing "Flexible" Legal Framework for Operation Modex

The first component of Operation Modex is the passage of an omnibus election code to put in place the "flexible" legal framework that the poll body needs to modernize the electoral system. The Comelec submitted to Congress in September 1993 a proposed 1993 code that set the agenda for electoral reforms for the 1998 elections.⁹ The agenda-setting mission of the poll body had the full backing of the executive. President Fidel V. Ramos certified the bill as a priority legislation in November 1993 and as an urgent measure in December 1993. The extraordinary support of the President is evidenced by the inclusion of a P343 million budget for the poll body's modernization program in the 1994 budget. This came even before the necessary legislation that will authorize the modernization of the electoral system is secured.¹⁰

The receptivity and speed with which the President supported Comelec's electoral agenda were not reciprocated by members of Congress. Although Congress has been approving the poll body's budget for modernization for four years now, the passage of the Comelec-drafted election code which was later chopped into separate bills remains uncertain. Notwithstanding the certification of the President as to their urgency, Congress is proceeding with great caution.

To press Congress to act promptly on its electoral "reform" package,¹¹ the Monsod Commission hired three public relations outfits with The Marketing + Communications Group (The Group) as lead agency and Bernardo Communications and Ireland Brothers as suppliers of creative advertising materials to do the lobbying. An initial amount of P20.5 million was allotted including information campaign for the 1994 barangay elections.¹² The poll body set aside another P60.2 million exclusively for advertising the draft election

code but the amount was later reduced to P40.45 million.¹³ The Group is the same public relations (PR) outfit hired by the Monsod Commission to undertake "information campaign and voter's education" for the 1992 synchronized elections for a total of P64 million pesos.¹⁴

Being paid advertisements, the trimedia only carried the official line: *The use of the latest electronic technology in the preparation of the voters' lists, counting, and canvassing, will make elections in the Philippines "almost absolutely fraud free."* The tri-media even raised the people's expectations by its message: The modern electoral system is needed to end almost all electoral woes and ultimately improve the lives of ordinary Filipinos.¹⁵ Any critical view was stifled.¹⁶

In pressuring lawmakers to pass the draft code, the media focused on the "double fear of lawmakers of not knowing how to cheat and how to defend against being cheated" (Sheinbaum, Fremaux and Seiler 1995: 21) and instilled in the public mind the impression that congressmen are irresponsible, incompetent and lazy. The chairman of the House Committee on Suffrage and Electoral Reforms had to ask Comelec to stop the publicity.¹⁷

Piqued by the media offensives funded by the Monsod Commission, Cebu Congressman Pablo Garcia of the Ninth Congress delivered a privilege speech denouncing the P60 million "lobby" fund meant to pressure lawmakers into enacting into law the Comelec-drafted election code. In his privilege speech, Garcia maintained that public funds *can be spent only for dissemination of information on existing election laws, rules and regulations. But, certainly, not on proposed legislations or bills which have not yet ripened into laws, such as the proposed New Election Code submitted by Comelec.*¹⁸ Hence, the use of public funds for advertisements is lobbying which is illegal.

The Monsod Commission denied the charge of illegal use of public funds by arguing that the media coverage was part of the "voter education and information campaign" of the poll body and that Congress allocated the funds for the purpose.¹⁹

One wonders about the Comelec's denial of the lobby fund when all along, lobbying was one of the explicit objectives of the Comelec panel that screened the different PR outfits. To quote from The Group's letter to Chairman Monsod:

... after being informed by the judging panel that the winning agency's work will also involve lobbying in Congress, it becomes imperative that only one agency should plan and manage the delicate operation (Cantero 1994).

If the Monsod Commission's definition of education campaign included lobbying, Congressman Garcia disagreed. He contended that the poll body was

“not educating the people by calling their attention to the provisions of a pending bill in Congress, because said provisions may still be changed, altered or modified or worse, the bill may not be approved at all” (Garcia 1994: 3).

Several congressmen of the Ninth Congress shared Garcia’s dismay about what he calls “wanton use of public funds” for media blitz to pressure them into passing a very complicated election code. To give an indication of its wantonness, Comelec spent P1,199,226.19 for a 30-second TV commercial and another P333,108.05 for a 30-second radio commercial.²⁰

Puno powerfully argued Congressman Garcia’s point when he said:

I submit that if Comelec insists on prosecuting its role as an advocate of legislative proposals at public expense, it should also make the same facilities available to those that oppose the Comelec position (Puno 1994: 7).

At the Senate, the Monsod Commission’s electoral “reform” package was in for a rough sailing. Senator Arturo Tolentino, Chairman of the Committee on Electoral Reforms, maintained that the proposed code contained very glaring flaws while some provisions would even require constitutional amendments. Earlier, Senator Ernesto Maceda criticized Comelec’s approach of hiring media people to implement Comelec’s “voters’ education and information campaign.”²¹

When Tolentino lost control over his committee, the law authorizing the pilot testing of the computerized elections in the Autonomous Region of Muslim Mindanao (ARMM) was passed in haste (Republic Act No. 8046)²² with “extraordinary pressure from the executive branch” (Sheinbaum, Fremaux and Seiler 1995: 21).²³ In yielding to strong pressure from Malacanang, the lawmakers still managed to insert the provision of a tripartite Oversight Committee (three from Comelec, three from the Senate, and three from the House of Representatives) to monitor and evaluate the implementation of the pilot testing. The objectives of the committee are: (1) to determine the speed, accuracy and integrity of modernized or automated elections; (2) to serve as a basis for legislation for the 1998 elections; and (3) to measure nationwide acceptance of the proposed system.²⁴

Tolentino’s objections to computerization haunted his reelection bid. When he lost in the 1995 senatorial elections, a fellow senator viewed his defeat as a “*karma*” for his refusal to pass the electoral “reform” bills.²⁵ Could this be a subtle warning to lawmakers that opposing the planned computerization could mean losing the favor of those who controlled the computers?

In the Tenth Congress, the bills on the modernization of counting and canvassing, the expansion of absentee voting to overseas Filipinos, and the legal and procedural changes focusing on abbreviation of canvassing and pre-

proclamation controversies were still under deliberation. With exactly a year to go, proponents of the modernization package have reasons to worry about the delay in the passage of the modernization bill. For "the ultimate quality of the [computerized] election is directly related to the time allotted to the preparation" (Thayne 1995).²⁶

In explaining the delay,²⁷ Senator Miriam Defensor Santiago who succeeded Tolentino in the Senate committee, stated:

Learning from experience what we want to avoid is the hasty enactment of supposed electoral reform bills only to find out later that in so doing, she would be opening up more problems and opportunities of fraud. Changes cannot be considered reform in any sense because a reform is supposed to improve, not to worsen, the multitude of problems we already have (Santiago 1996).

As a protestant in the 1992 presidential contest, Santiago inherited Tolentino's prudence. Her position was buttressed by the results of the pilot-testing of the computerized elections. She is co-Chair of the tripartite Oversight Committee (OC) tasked to monitor and evaluate the pilot-testing of a computerized electoral system. If Santiago waited for the Comelec's consolidated report on the pilot-testing, this was because the results of the pilot-testing should serve as basis for legislation of the 1998 election laws. Instead of preparing the consolidated evaluation report for submission to Congress and the Office of the President,²⁸ the Comelec senior staff and Congressman Emigdio Tanjuatco of the House Committee on Suffrage and Electoral Reforms jointly drafted the modernization bill with all the defective procedures and questionable features of the computerized system pilot tested in the ARMM elections. As they appeared to be in a great hurry to pass the defective modernization bill in order to become the basis of the law to govern the 1998 elections, the Senate Oversight Committee (SOC) would like to see its findings inputted into congressional deliberations.

The findings reveal that the counting and canvassing machines fell short of the expectations in terms of speed, accuracy, and integrity; and that the computerized election system produced the unintended effect of alienating voters and party watchers from the electoral process. To prove that the performance of the machine was not error proof, concrete instances of automatic *dagdag-bawas* were described in the SOC Report. Far from eliminating *dagdag-bawas*, automated counting coupled with defective procedures, forms, and software program made more efficient vote-addition on a wholesale basis!

When Santiago initially presented the SOC's findings to a roundtable discussion,²⁹ the audience applauded her as top election officials and Congressman Tanjuatco failed to refute her initial assessment. She also drove

home the point that **computerization would succeed only with sincere commitment to improve the electoral process by instituting correct programs, forms, and procedures.** Such a sobering message never saw print in the major dailies, indicating a deliberate media blackout on any objective assessment of the pilot-testing. Apparently, the media had become party to the suppression of ideas that demanded caution, prudence and open debates for enlightenment on any proposed electoral reform.

Going beyond newspaper reports as sources of information, Senators Blas Ople and Vicente Sotto III filed separate resolutions to inquire into the results of the pilot-testing of the computerized elections in the ARMM and to determine the propriety of its nationwide implementation in the coming 1998 national and local elections. The media ignored the two hearings conducted for the resolutions.³⁰ The media did not consider as “newsworthy” the senators’ concern just as they killed any contrary view to the “successful pilot-testing” of the computerized system. For their part, the senators did not show sustained enthusiasm to proceed diligently on the inquiry while the media applied pressure on Santiago to act on the electoral bills pending in her committee (*Manila Times*, 22 March 1997; *Manila Standard*, 11 April 1997).

At the House of Representatives, the prospects of passing the modernization bill and the absentee voting bill seemed brighter. With Congressman Tanjuatco’s chairmanship of the House Committee on Suffrage and Electoral Reforms, the modernization bill and the absentee voting bill may not encounter serious opposition despite its defective features. The Comelec senior staff found a great ally in Tanjuatco in their attempts to speed-up the passage of the modernization bill. In a conference called by the Comelec senior staff and commissioner members of the OC, one of the agenda items was the draft modernization bill which Tanjuatco later filed and sponsored at the House of Representatives (OC 1996). On the part of the Senate Oversight Committee staff, they firmly believe that such an important election bill should go through the rigors of the legislative mill and be subjected to open debates.³¹

In contrast to the critical treatment of Santiago’s efforts to study carefully the proposed electoral bills, the media pictured Tanjuatco in public fora, seminars, and academic gatherings as a crusader of Comelec’s “reform” agenda.³² If we are to believe the newspapers, Tanjuatco is more committed than his Senate counterpart to improve the electoral system, despite the seriously flawed electoral bills he is sponsoring.

In this context, let us look at the costs and consequences of paid advertisements in crafting genuine electoral reforms and in making people believe that defective electoral bills can bring about fraud free elections.

*The Computerization of the Philippine Electoral System:
Costs and Consequences*

Unfazed by the initial setbacks in having the legal framework in place, the Monsod Commission went full speed ahead with its computerization program as its funding requirements were already secured. For a period of four years, from 1994 to 1997, the national government allocated more than P1.3 billion for the Comelec's Operation Modex alone. This is barely P136 million less than its total targetted budget of P1.5 billion for five years from 1994 to 1998. (See Table 1.)

Table 1. Budget for the Comelec's Operation Modex

<i>Year</i>	<i>Budget</i>
1994	P 343,000,000
1995	284,444,000
1996	383,000,000
1997	350,000,000
Total	P1,360,444,000

Acting on the recommendation of Andersen Consulting, the poll body decided on the use of the optical mark reader (OMR) technology for counting and canvassing even before the enabling law of the pilot-testing of the computerized system was passed. With the selection of the Business Records Corporation (BRC) as the supplier of counting machines, the Monsod Commission prepared two contracts for the planned eight demonstration units and for the 492 units to be used for the 1995 pilot project. Although the contracts were already drafted at the end of 1994, they remained unsigned up to the time the Pardo Commission succeeded the Monsod Commission. Meanwhile, the BRC already lent demonstration units to the poll body.

The Monsod Commission did away with the usual bidding procedures and opted for a negotiated contract when it planned to purchase the counting machine. Under the rules, negotiated purchase dispenses with the stringent requirements of public bidding. It is allowed only in extreme circumstances e.g. when the supplies are urgently needed to meet an emergency which may involve the loss of, or danger to life and/or property; when the purchase cannot be delayed without causing detriment to the public service; and when sold by an exclusive distributor or manufacturer (RP 1987). Given the exceptional conditions, the following questions were raised inside and outside of the poll body: Is computerization a matter of life and death? Would it entail loss of

property or enhancement of private property? Who are the gainers and who are the losers? Why bind the Comelec to a single vendor when having choices is generally more advantageous to the buyer?

Contrary to the image of unity and consensus that the Comelec leadership tried to project to the public, some insiders actually doubted the adaptability of the optical scanning technology to Philippine conditions. There were also those who objected to a negotiated contract.

Commissioner Manolo Gorospe did not vote on Minute Resolution (MR) No. 94-4515-A nor on its original version (MR No. 94-4515) selecting the BRC as vendor of choice for Comelec's modernization program and authorizing the negotiated contract between the Comelec and the BRC.³³ Earlier, sources revealed that Commissioner Graduacion Reyes-Claravall and Commissioner Vicente de Lima proposed a lease agreement through public bidding instead of purchase to avoid a situation where the Commission would be stuck with obsolete and useless machines. But the majority's decision to purchase the machine through negotiated contract prevailed.

On the appropriateness of the optical scanning technology, Severo Reyes, a member of the Comelec's in-house Technical Committee (CTC) which was created to assist the Commission *en banc* to implement Operation Modex, noted the sensitivity of the machine to humidity and other conditions. At that time, Reyes (1995) lamented:

... it seems to me that we have blinded ourselves. We talk as though the only way we can speed up the tallying of votes is by using the computer.

True enough, his warning on the technology's inappropriateness to certain objective conditions in the country proved prophetic during the pilot-testing. It is also incorrect to say that the Comelec did not get other suggestions about simple and locally available technology whose effectiveness as electoral safeguards had been proven in past elections and at very reasonable costs. As early as 1992, one Filipino inventor already offered to Comelec the use of invisible ink as security mark of different parties to be printed on the official ballots and other accountable forms. There was also the electronic voting cylinder that could be manufactured locally at affordable prices. These alternatives used technologies that were developed and owned by Filipinos. They were not only cheaper but also adaptable to the climate and culture which made them more effective. However, they were not considered because of a mindset that foreign technology was more desirable. To justify their decision, the poll officials cited the all too familiar reason of "lack of funds."³⁴ For its appeal to a country that cannot provide even the most basic necessities to the majority of its people, the lack of funds argument was enough to end the discussion. But such reason could also be used to hide certain ulterior motives.

Lack of funds was never a problem for the Comelec's electoral reform agenda and modernization program. From the yearly funding support given to the modernization program, Comelec Finance Director Herrera testified that the agency realized ₱800 million as of 1996 as savings from the modernization budgets. After the approval of the ₱350 million modernization budget for 1997, the poll body now has ₱1.15 billion. Herrera estimated that this is the exact amount the Comelec needs to implement a fully computerized election system for the 1998 elections.³⁵

Closely scrutinizing the 1997 budget of the poll body, apart from the ₱350 million budget for modernization, the poll body has another ₱500 million for the computerization of the voters' lists and lately the additional ₱300 million for the general registration (RP 1997). Adding ₱1.15 billion to the ₱800 million savings from the modernization program, the total amount available reaches ₱1.950 billion. If Director Herrera is correct, the Comelec has more than enough resources to undertake the computerization of the voters' lists and to purchase counting and canvassing machines at any time Congress approves the modernization bill that will govern the 1998 elections.

Clearly, "lack of funds" is the usual reason for turning down the use of a simple, homegrown and effective technology. The same reason is also invoked to justify illegal practices. For instance, when the poll body resorts to last-minute clustering of precincts and transfers voters from one precinct list to another without informing those affected in violation of the law, the reason given is cost-saving (*Mindanao Cross* 1996: 3). In reality, last-minute changes in precinct assignments confuse voters and in the end disenfranchise many of them. With enough funds and full knowledge of the consequences of such illegal practice, one can suspect that last-minute clustering of precincts is done purposely to confuse or disenfranchise voters.³⁶

The poll officials sounded convincing in using the "lack of funds" argument to justify any action. Little did they realize the deep contradictions of their position. One example is the preparation of precinct maps. The records show that the poll body had a budget of about ₱40 million for the purpose from 1992 to 1997 (RP 1991-1996). Yet, the senior career staff claimed that there was no fund for updating and completing the precinct maps.

The funding for the evaluation of the pilot-testing is another example. The poll body claimed "lack of funds" as a major reason for cutting the budget of the Oversight Committee (OC) to a meager ₱1.5 million (maximum of ₱250,000 for every member) for an honest-to-goodness monitoring and evaluation of the pilot testing. Originally, the Senate Oversight Committee-Technical Support Staff (SOC-TSS) estimated the cost of monitoring and evaluation covering all municipalities in the four ARMM provinces at ₱5 million. But through maneuverings of the Comelec senior staff and the staff of the House Oversight

Committee (HOC), the amount was jacked up to P16 million. The increase was enough for the Comelec *en banc* to reject the alternative proposed by the SOC-TSS.³⁷ Little did the SOC staff know that the Comelec senior staff had earlier recommended to the Comelec *en banc* to tap a consultancy firm of their choice for P13.5 million (Borra 1995b). In justifying their recommendation, the Comelec senior staff asserted that "the cost is secondary when we talk about the project success of the pilot-testing of the Comelec's modernization program" (Comelec 1995).

To demonstrate further how money can be used against the cause of genuine reforms, we can cite Commissioner Maambong's refusal to give cash advances in connection with the P250,000 budget for every SOC member. The commissioner feared that the SOC-TSS may not liquidate their cash advances (Maambong 1996).³⁸ Commissioner Maambong's distrust is incredulous for he is supposed to be the main proponent of eliminating the culture of mistrust in Philippine electoral politics. Actually, the OC members can take responsibility for the amount of P250,000 and free the commissioners from the administrative burden. But why did the commissioners insist on taking responsibility when they could easily deputize the OC? After all, their activities were mandated by RA 8046 and cash advances are allowed by law.³⁹ From the above, the real intention of the commissioners in denying the OC cash advances becomes discernible. Simply put, the Comelec just wants to prevent the OC from undertaking an honest-to-goodness monitoring and evaluation of the pilot-test.

To understand the Comelec's resistance to an honest-to-goodness evaluation of the pilot-testing, the politics and interests involved in the computerization program of the electoral system can be revealing. When RA 8046 authorizing the pilot-testing of a computerized electoral system was passed, one of the requirements was the holding of a public bidding. This rebuffed the Monsod Commission's decision to enter into a negotiated contract with BRC and compelled the Pardo Commission to identify anew pre-qualification criteria for purposes of the bidding for a scanner machine.

This new development crystallizes another form of politics in the relationship between the outgoing Monsod Commission and Namfrel as an interest group. With Monsod's formal departure from the poll body, Commissioner Maambong and his core group of career election officials assumed the job of continuing the official linkage with Namfrel and began to mobilize their combined network to save the agreement with BRC. Immediately after the passage of RA 8046, Maambong notified the BRC Main Office in Berkeley, California, USA about Mr. Jose Concepcion's visit to discuss the modernization program. Concepcion is a close associate of former Chairman Monsod in the Namfrel which both of them headed at different periods.⁴⁰

Concepcion's letter to Maambong clearly stated the objectives and accomplishments of his visit to the BRC Office. To quote:

I want to express to you my deepest appreciation for advising the executives of Business Records Corporation of my visit to their office in order to have a better understanding of their hardware, software, system and technology in election system.

We had a comprehensive discussion of the necessary safeguards to ensure the effectiveness of the computerized voting, counting and canvassing of the election returns.

I am enclosing herewith the timeline or PERT-CPM prepared by BRC in order to ensure that the system will be in place, tested and certified by March 1996 (Concepcion 1995).⁴¹

So comprehensive was the discussion as can be surmised from his next statement:

There are 21 major activities that have to be accomplished commencing with an agreement of the scope of services to the last activity which is the election wrap up. The milestone dates [sic] to meet the March 1996 Autonomous Region of Muslim Mindanao Elections is the agreement to be entered [into] by 15 July 1995 (Concepcion 1995).

Concepcion's access to vital information is enviable especially if the same information is not even made available to other commissioners, much less to the public. Such limitation is critical to maintain a monopoly of information characteristic of the corporatist arrangement between interest groups and a public agency. His access to such information enabled him to articulate the firm's interests with the commissioner-in-charge. Thus BRC's Vice-President, Stephen Thayne wrote to Concepcion: "Thanks for your help" (Thayne 1995).

Touching base with the new chairman is another tack taken by BRC. Ernest Pope, Senior Vice-President of BRC, congratulated Chairman Bernardo Pardo for the passage of RA 8046 which he considered as an achievement of the Comelec. This had good basis considering the senior election officials' involvement at every stage of the lawmaking process. Then, he politely reminded the new chairman of BRC's selection as vendor of choice for the poll body's computerization program by his predecessor. Hoping that the Pardo Commission would affirm the previous decision, Pope assured the new chairman of BRC's commitment to deliver "accurate, timely, and fraud-free electoral process to the Comelec and the voters of the Philippines" (Pope 1995).

The provision that made public bidding mandatory was a welcome development because even Comelec insiders viewed that the specifications formulated by the Monsod Commission were tailored-fit to favor BRC. Under the new bidding criteria, BRC's chance was in real jeopardy and this was

confirmed when the AIS machine emerged as more advantageous than that of the BRC (OC 1995). Hence, the contract was awarded to AIS. Such reversal was a cause of valid concern among those who pinned so much hope on inking a billion-peso contract deal for the modernization of the country's electoral system.

But all is not lost. As the senior staff and proponents of BRC machine emphatically said: "The machine used for the pilot-test is not necessarily the same that will be used for the 1998 elections." In the pilot test, only 42 AIS machines were purchased costing a little less than P30 million. This was insignificant compared to the more than 170,000 units of BRC machines intended for each of the country's precincts that would easily reach the billion peso mark! This was not all. According to some Comelec people, the memory pack needed to operate the BRC machine could give lifetime royalty to whoever would be given the local distributorship. True or not, the point is that the purchase of such an enormous number of units was no small business deal. It is thus not cause for wonder why the main proponents of the BRC machines are not so secretive in expressing their preference for "appropriate" technology which is the BRC machine.

Under the new chairman, the senior staff provided continuity in the poll body's established contacts with the media. Taking a life of its own, the repetitive nature of the media's message seemed to bear fruit. More and more well-meaning people from the academe, opposition and NGOs agreed that it is hard to argue against computerization of the electoral process. To do so is tantamount to condoning fraud. This line of reasoning is not only fallacious but also highly deceiving.

By banking on technological superiority of computers together with the elimination of human intervention and the discretion that goes with it, computerization of the electoral process becomes "the" only solution to end wholesale fraud. Apart from speed in counting, the new technology boasts of reducing human intervention to the barest minimum because human discretion is regarded as the major source of mistakes and fraud. Given such premises, are the proponents implying that it is the character of candidates, teachers and other deputized agents that is flawed and not the procedures? When the proponents of computerization point to the character and values of individuals as the main explanation for the persistence of fraud, the solutions can be located in the long-term socialization process in the family, church, school, and other institutions. A sort of moral recovery program which takes a long gestation period emerges as the only viable solution.

The deception here lies in the flaws attributed to human character rather than to procedures and programs that Comelec officials promulgate and implement. Consequently, the people's attention is diverted from seeking and

instituting immediate remedial measures to correct defective forms and procedures that have long been proven to be prone to mistakes and fraud.

As found, the weaknesses of the computerized electoral system piloted in the ARMM provinces were attributed to defective procedures and computer software, inappropriate technology or hardware. On top of this was the lack of commitment of the poll officials to improve the process. Yet, the media projected that the pilot-testing was a resounding success. A closer look at the P272 million budget for the pilot-testing was telling. A whopping P108 million or 40 percent was allotted to information campaign. This meant that the information campaign got twice as much the expense intended for the hardware, software and consultancy fund and ten percent more than the funds for the general registration, encoding of about a million registered voters and voter's ID.

This kind of budgetary allocation makes one wonder as to what was pilot tested — a propaganda program or a computerized electoral system or both? Earlier, the Comelec senior staff tried to use public perceptions determined through surveys as basis for gauging the performance of the computerized electoral system. They discouraged full documentation of the process as concrete basis for the evaluation.⁴²

While public opinion may be regarded as a supreme embodiment of political legitimization, one should not forget the process through which it is formed. The problem arises when the political and economic oligarchies are in a position to "create the will of the people" by using propagandist techniques. In such a case, public opinion does not emerge out of dialogues and free discussions but guided by acquisitive and opportunistic criteria. Once public opinion drops the feature of rationality (commitment to rational arguments), the manipulation of the citizens' public opinion becomes an essential part of the democratic process while the psychological techniques employed in determining desired opinions become the essence of politics (Zolo 1992: 146-147). Where this happens, "the essence of democracy would then...lie in the use of civil and political liberties to suppress the autonomy of individuals" (Zolo 1992: 147).

It is in the ambiguity and complexity of the formation of public opinion that the "information campaign and voters' education" of the poll body assumes critical significance. The following examples illustrate the point. The Comelec boasted of having proclaimed the winners in the 1996 ARMM elections within 72 hours after the closing of the polls. This presupposed the completion of the entire count. However, the results in 607 (23%) of the total number of precincts in 52 (60%) out of 83 municipalities in the ARMM could not be made available as of May 1997. This was significant because the unaccounted 607 precincts affected about 40 percent of the total registered voters estimated at an average of 600 voters per precinct. (See Table 2.)

Table 2. Extent of Incomplete Reporting of Results and Significance of the Missing Results 9 September 1996 ARMM Elections

<i>Province</i>	<i>Number of Precincts Affected/Total</i>	<i>Number of Voters Affected/Total Registered Voters</i>	<i>Number of Municipalities</i>
Maguindanao	174/690 (25.2%)	104,400/311,874 (33%)	8/18 (44%)
Sulu	59/574 (10.3%)	35,400/188,592 (19%)	12/18 (67%)
Lanao del Sur	311/1,149 (27%)	187,800/312,315 (60%)	24/37 (65%)
Tawi-Tawi	63/257 (25%)	37,800/86,571 (44%)	8/10 (80%)
Total	607/2,670 (23%)	364,200/899,352 (40%)	52/83 (63%)

Source: Comelec, Records and Statistics Office
Comelec Records on the Precinct-Level Results submitted to the Senate Committee on Constitutional Amendments and Revision of Codes and Laws, 1996.

Not only this. The speed by which the computers generated manufactured vote-counts from "ghost" precincts made cheating on a wholesale basis more efficient and without timely detection by the watchers and the voting public (OC 1996).

Since the General Instructions promulgated by the poll body deprived the candidates of complete electoral data and documents on the transactions of the machine, like the audit trail, the poll body, in effect, prevented them from detecting fraud early enough and from filing pre-proclamation controversies which required the submission of proof to support any pre-proclamation motion within 24 hours. Nonetheless, six electoral protests involving certain seats in the regional assembly were filed after the proclamation of winners. Yet, by harping on the success of the pilot-testing, the media tried to impress upon the people the success of the ARMM political exercise making use of computerized counting and canvassing. This myth of the successful pilot-testing of the computerized system was meant to pave the way for its public acceptance in the 1998 elections.

It is important for the public to know that the making of such a myth is an expensive process. For over a three-year period (1992-1994), the Comelec spent P130 million for media advertisements. The same PR outfits were hired

precisely to mold certain perceptions on the electoral process as part of the poll body's "information and voters' education campaign."⁴³ In the meantime, the same flawed procedures, defective software and electoral forms are still in the proposed modernization bill drafted by Comelec.

The impact of a one-sided media barrage about the electoral reform agenda set by the Comelec is visible from what IFES found in 1995: **the public perceives the Comelec reform agenda not only in a positive light but even necessary to end cheating at every stage or level of the electoral process.** The effectiveness of the (dis)information is surmised from the fact that even church leaders and heads of progressive NGOs adopted easily the Comelec line.⁴⁴

Instead of promoting technical competence and active participation of all competing parties in electoral activities, the poll body resorted to the use of commercial advertisements to carefully limit the ideas inputted to improve the electoral system. While rationality dictated that cost-efficiency, simplicity, transparency, and effectiveness of safeguards should form part of the Comelec's criteria for choosing appropriate technology and genuine procedural reforms, the reality was that they were not.

The media's one-sided presentation of the results of the pilot-testing was part of the political propaganda waged in connection with the propagation of the **Myth** that the modernization of the electoral process will bring about fraud-free elections (Cantero 1994).⁴⁵ By suppressing other ideas, the tri-media were engaged in conditioning the minds of the people into believing that computerization is the only solution to attain speed and accuracy in counting.

The Dynamics of Authority Relations and the Persistence of Manipulation and Fraud

Authority relations inside and between public agencies, as an area of inquiry, are relatively underdeveloped (Quah 1973: 143-144). As attributes of a hierarchical arrangement, authority relations may be formal (viewed within the superior-subordinate relations in an organization like the Comelec) or informal (between election officials and pressure or interest groups). In this section, an examination of the dynamics of decisionmaking processes in key areas of election administration and its modernization bares authority relations not strictly limited to a formal hierarchical setup. Specific decisions in certain areas could crystallize how authority relations contribute to the improvement of the electoral system or the persistence of electoral manipulation and fraud.

Dynamics of Decisionmaking Within the Comelec En Banc

In the electoral agency, the highest decisionmaking body is the Comelec sitting *en banc*. This structure operates as a collegial body with the chairman as *primus inter pares* (the first among equals) among the seven commissioners. In this sense, the superior-subordinate authority relation does not apply strictly. The authority of the chairman comes in the form of influence among peers and not an order that flows down the line. In the spirit of collective decisionmaking, agreements are forged not through simple majority. Consensus-building is usually practiced to ensure that the final decision is a product of open discussions among those who will assume collective responsibility for the decision. Objections from the minority prod the collegial body to rethink the issues seriously and iron out differences.

In practice, decisionmaking is not always rational and harmonious. Conflicts do arise and the intensity differs depending on the stakes and the subjectivities involved. One concrete example is the Comelec's decision to spend considerable amounts of public funds to lobby for the passage of the electoral bills it submitted to Congress. To recall, Congressman Garcia's tirade on the lobby fund led Commissioner de Lima to call for a reopening of the discussion on the resolution appropriating P40 million for "information campaign" in addition to the P20 million that was spent for the media during the 1994 barangay elections. Commissioner Claravall, at the outset, refused to sign the resolution. To save the contract, Commissioner Gorospe suggested limiting the "information campaign" to the modernization program and to exclude other electoral bills to avoid further tussles with some congressmen.

Although three commissioners did not personally agree with paid advertisements to sell the electoral "reform" package and modernization program, they acceded if that would be limited to the latter. They realized that doing so would be tantamount to lobbying in Congress. In striking a compromise with the majority, their main concern was the integrity of the commission by honoring a decision already made. To make sure that the minority's concern was addressed, the minority insisted that the new resolution should be signed by all commissioners before its implementation.

In asserting their independence to act according to what they thought would promote public interest, Commissioners Gorospe and Claravall were at loggerheads with Chairman Monsod. According to the two commissioners, their display of independence of mind was interpreted by the chairman as lack of cooperation. Both believed that it was one of the main reasons why they had been subjected to vilification in the media.⁴⁶

Gorospe proved to be vulnerable. While he was undergoing treatment of an ailment in the United States, a "sexual harassment" case came up against

him. This stemmed from an alleged attempt to kiss a fellow lady commissioner. As the trimedia played up the news, he was referred to as the notorious "kissing Lolo." Landing in the headlines of major dailies and in radio and television programs, Gorospe accused Chairman Monsod as responsible for blowing out of proportion a simple case of "beso-beso" (way of greeting). I do not wish to present the claims and counterclaims, the evidence and counterevidence of such incident. The point is that the timing of the news, the trial by publicity, the charges and countercharges, true or not, only show the human fallibility of the members of Comelec.

*Tension in the Authority Relations Within the Comelec Hierarchy
Caused by the Use of Public Funds for "Information Campaign"*

Not only the three commissioners but also several lower level employees were against spending millions for advertisements. In 1992, concerned Comelec employees filed a complaint in the Ombudsman against Chairman Monsod and Director Barros for entering into a contract with a public relations (PR) outfit for Comelec's "information" campaign without public bidding.

To those who complained, taking such legal action was contentious to the poll body's highest leadership. The courage and sense of independence they displayed were not easy to muster. The Ombudsman sanctioned the practice, however. It ruled that public bidding was not a requirement to educate and inform the public about election laws and other matters relative to the work and duties of the commission and the necessity of clean and honest elections.⁴⁷ Thus the employees not only lost the legal battle but also realized the futility of taking the legal channel in stopping wanton spending for media advertisements.

While it is true that using public funds for "information and education" via a negotiated contract does not make it anomalous, a one-sided treatment of electoral issues is not informative nor educational at all. The Ombudsman missed the point that to highlight only the positive and kill at birth any factual or critical idea is not informative nor educational at all. Puno's viewpoint supports this when he said:

the issue is the use of public money for only one side of the issue while shutting off or unfairly limiting the other. The problem with Comelec acting as an advocate of only one side is that it cannot give equal time at Comelec expense to the other side (Puno 1994: 7).

If some insiders criticized the Monsod Commission's way of "selling the computerization of the electoral process like soap or shampoo," the senior staff did not see anything wrong in the use of millions of pesos for glorifying their accomplishments. Using propaganda techniques, the senior staff lost their analytical faculties in seeing how the trimedia presented the defective electoral

bills as "the" appropriate solutions to eliminate wholesale fraud. Indeed, they performed as key team players *par excellence* of the Monsod Commission.

The appointment of a new chairman drastically changed the situation. According to Comelec Resident Auditor Luisita Pascua, upon assumption of office, Pardo's first promise was to safeguard public funds (Interview with Ms. Lusita Pascua, 7 November 1996).⁴⁸ The aversion to costly information campaign did not make Pardo popular with the PR outfits which used to do business with the Comelec. To curb excessive expenditure for media advertisements, the chairman limited the executive director's authority to sign checks amounting to P50,000 only.

Pardo's prudence in spending public funds did not sit well with the senior staff's order of priority. Continuing the legacy of the Monsod Commission, the senior staff headed by Executive Director Borra wanted to continue the same practice for the 1996 pilot-testing of computerized electoral system. Given the P108 million budget for the purpose, the senior staff were naturally eager to implement the tri-media communications project they had long prepared. However, the unwillingness of the new chairman and commissioner-in-charge of the information and education committee to spend such a huge amount presented a major obstacle.

One option that the senior staff tried was to pass on some activities they would like to pursue to the tripartite Oversight Committee (OC). At the organizational meeting of the OC's Technical Support Staff (TSS), one of the main items discussed was the division of the OC-TSS into three separate committees; namely: (1) Operations, (2) Information and Documentation, and (3) Finance.⁴⁹ The senior staff never convened the TSS by such groupings after the Senate members expressed reservations on the use of political advertisements for "information campaign."

This gave the senior staff no other option but to work on the House members of the OC. In a conference between the senior staff and Congressman Tanjuatco, the former admitted that the major item in their agenda was the information/education campaign component of the pilot project. Finding an ally in Tanjuatco was not hard at all. As TSS members from the House intimated to their Senate counterparts: "You should understand EST's (Tanjuatco) attitude toward the Comelec senior staff. By 1998, he will reach his three-term limit as congressman and he wants a senate post. He cannot afford to displease the Comelec senior staff."

This kind of influence tactics between incumbent politicians and poll officials became even more transparent as the work of the OC-TSS progressed. The "close cooperation" between politicians and the senior staff does not necessarily serve public interest.⁵⁰ During the 27 May 1997 hearing of the

modernization bills, the senators asked about the OC's consolidated evaluation report. This was logical because the report was supposed to be the basis of the modernization bill under discussion. Commissioner Teresita Dy-Liacco Flores informed the body that one of the reasons for Comelec's inability to release its consolidated report so far was that some items in the Senate OC Report were irreconcilable with that of the Comelec and the House Report. Commissioner Remedios Fernando affirmed this during a radio interview (8 May 1997) a day after the hearing. Several questions come to mind. Would the agreement of the Comelec and House report make their observations and findings the correct ones? What could be a more proper venue for raising questions: the media or the public hearing? In a reasoned debate, the pros and cons of the issues are presented. Is Commissioner Fernando afraid of an honest-to-goodness presentation of evidence to back up any claim, finding or conclusion?

Another area of conflict was the printing of election reports. Probably by force of habit, some insiders confided that Borra approved the printing of the barangay elections report (13 volumes and 5,000 copies) for P1.1 million. Despite the advanced stage of the negotiation for the printer, the chairman did not favor the transaction. The chairman's preference was to have a computer-generated report for 500 copies costing P89,000. This meant a saving of more than P1 million. If the reports included complete electoral data, spending for information dissemination was well justified. However, if the voluminous reports did not even have complete basic electoral data, like the two-volume 1992 report, whatever their costs would just be a waste because of the very limited value that could be derived from them. Up to this time, the differences have not been settled.

The Selection of Counting Machine and Consultants Intensified the Tension in the Authority Relations Within the Poll Body

Tension in the authority relations between the Chairman and the senior staff continued to build up as conflicts arose in other key areas of the modernization program. On the selection and purchase of counting and canvassing machine, the Pardo Commission's reversal of its predecessor's decision to buy BRC machine strained further the chairman's relations with the senior staff. As an active party to the decision to use BRC machines, the senior staff were geared in their training towards the requirements of that particular machine. With the two demonstration units that BRC had already lent to the Comelec, the senior staff became more familiar with the BRC machine.

By selecting the AIS machine instead of the BRC, chairman in the senior staff's view was seen as the obstacle towards the attainment of organizational and personal interests defined by the vision of the Monsod Commission and identified with the BRC machine. The situation worsened when the Pardo

Commission ignored the senior staff's recommendations on whom to hire as consultants for the modernization program.

The choice of consultants was important to the senior staff's continuous control over key electoral activities. They admitted: "consultants will be privy to the so-called 'trade secrets' of the computerized election system... including all security features of the hardware and software components and various accountable election forms" (Aguam *et al.* 1995). The senior staff insisted on having a say concerning whom to hire and the scope of their involvement in the modernization program. They obviously preferred consultants who share their views and would not threaten their hold on the process.

Immediately after the passage of RA 8046, the senior staff took initiatives to screen possible consultants. They operated on the basis of the Commission's authorization to the in-house Technical Committee to recommend the consultants they would like for the modernization project (Comelec 1995). The problem arose when they assumed that the Comelec *en banc* was limited to hire only those whom they would recommend.

In July 1995, Borra recommended to the Comelec *en banc* the hiring of Mr. Jaime del Rosario of Andersen Consulting (Borra 1995a). Then came the senior staff's recommendation to tap Andersen Consulting for the Comelec pilot modernization program "after it agreed to reduce the estimated cost of ₱14.8 million to below ₱10 million" (Borra 1995b). Two weeks after, Borra submitted to the Commission *en banc* the final draft of Andersen Consulting's proposal for ₱13.5 million (Borra 1995c).⁵¹ What explains the difference?

While the senior staff's recommendation was still unacted upon, the chairman explored other alternatives like the National Computer Center (NCC). After a month's discussions with both Andersen and NCC, the Commission *en banc* decided in favor of NCC for ₱5 million. In effect, it saved more than ₱8 million from the ₱13.5 million of Andersen. Andersen's higher cost could be explained by the broader scope of its work as compared to that of NCC.⁵²

Even before the Commission *en banc* had finalized the consultancy agreement with the NCC, three directors wrote a memorandum dissuading the commission from getting consultants from the NCC. The reasons given were unprofessionalism and credibility problem due to its previous association with the 1986 snap election. To quote:

It is unfortunate, however, that the NCC is largely perceived by the general public to have been party to, if not directly involved in, an incident of electronic electoral fraud committed in 1986 during the time of President Marcos, and which resulted in the publicly-witnessed and nationally-televised/broadcast walkout of computer encoders from the COMELEC canvassing center at the Philippine International Convention Center (PICC).

During our demo/presentations of the proposed machines in 1994 and this year to the Senate, the House of Representatives, other government agencies, NGOs and media, concern over the possibility of the machines being programmed to cheat was always raised, to be followed inevitably by recollections of the PICC affair, as well as by expressions of fear of a repeat of the 1986 incident under the proposed computerized election system (Aguam *et al.* 1995).

To support the three directors, the majority of the senior staff composing the TC reiterated their concern for professionalism and credibility of consultants. It was obvious that the signatories preferred Andersen Consulting when they wrote: "... we recommend the hiring of a private consulting agency with unquestionable reputation and competence" (Technical Committee 1995).⁵³ The senior staff's strong recommendation of Andersen Consulting and their vehement objections against NCC consultants failed. The Pardo Commission hired the NCC in November 1996.

The tension-filled relations between the new chairman and the senior staff culminated in a mass leave to protest Chairman Pardo's "personal conduct and mishandling of Comelec's affairs."⁵⁴ Borra was correct in saying that their mass leave was not an overnight decision. Their demand for a bigger say in making decisions under the Pardo Commission generated conflicts in authority relations not only inside but also outside the poll body because of informal pressures and interest groups.

On 3 June 1996, seventeen career staff led by Executive Director Borra signed a Manifesto of Concern.⁵⁵ Before the chairman knew it, the group went to the media to dramatize their grievances that, according to Borra, remained unacted for one year already. The protestors drew main support from the media practitioners and NGOs associated with former President Corazon Aquino and former Comelec Chairman Monsod (Lirio 1996: 1).⁵⁶

From actual observations of the event at the Comelec, some senior staff who signed the Manifesto of Concern said they were misled by those who asked them to sign. Deputy Executive Director Pio Joson admitted that he was under the impression that the points raised in the manifesto were mere talking points for an internal dialogue sans the media publicity. Chairman Pardo also admitted that he had information that the senior staff wanted to have a dialogue and not a mass leave as a sign of protest against his leadership.

What was most revealing was the rank and file's reaction on the mass leave of their superiors against Chairman Pardo. Leaders of the rank-and-file employees were not only vocal in their support of Chairman Pardo but even challenged the protestors to make good their threat to file mass leave and even resignation from the poll body. "We love you, Chairman, Rank and File Employees," said the computerized banner at the main stairs of the Comelec

Building. That must have been a big blow to the senior staff's call for the rank and file to join them.⁵⁷

Despite the favorable news coverage of the protesting senior staff and open support from NGOs supported by influential people, the senior staff failed to sustain their "heroic" action. The next day, the newspapers said that the senior staff returned to work because the chairman acceded to their demands after a closed door dialogue in the afternoon of 3 June.

As if to confirm his involvement in the senior staff's uproar, former Chairman Monsod said that the senior staff were so demoralized under the Pardo Commission. He also added that they were only beaten in the media game but the concerns they ventilated publicly were valid. This was a self-serving statement as he proposed a Comelec revamp because the incumbent reversed all the "reforms" and "safeguards" he had put in place (Monsod as quoted in Nuguid 1996: 40). Earlier, a close Monsod associate claimed that the courage of the senior staff to protest against Pardo's leadership was a "fruit of Chairman's Monsod efforts to professionalize the body" (Baltazar as quoted in Locsin 1996: 1).

The incident is the first time the senior staff went on leave in protest against their superiors. A reporter was quick to compare it with the mass walkout of computer experts protesting the cheating in the 1986 snap polls. The premise of the parallelism must be on individual autonomy shown by the two groups in taking a stand and acting according to what they believe in. While the NCC programmers' walkout explicitly served the cause of honest elections, could it be explicitly proven in the senior staff's mass leave? This is the task in the next section.

*Parallelisms and Paradoxes: NCC Programmers' Walkout (1986)
and the Comelec Senior Staff's Mass Leave (1996)*

When the senior staff objected against the hiring of NCC consultants, the reasons given were lack of professionalism and credibility problem. This stemmed from their involvement in the 1986 Comelec advanced tallying fiasco at PICC. While the media took this at its face value, this point needs elaboration for the public to know the features of the NCC system, the last-minute changes in the procedures that enabled top NCC people to manipulate the results, and how computer programmers detected fraud in the vote-count being reported to the public at certain intervals.

Actually, the NCC-designed computerized vote-counting and canvassing system used in the 1986 Comelec quick count incorporated effective safeguards against double counting and inclusion of manufactured results. This involved

preparing a Library of Precincts to make the encoding of results by precinct readily verifiable. The source document for telexes was the advanced copy of the precinct-level election returns. Telexes which contained summaries of precinct results were referred back to their origin for the local election registrar to indicate the exact precinct numbers covered by the summaries. **The safeguard here is that results without clear sources or precinct breakdowns cannot be included in the aggregation to avoid double counting and outright addition of manufactured results.**

The discrepancies between the computer print-out and the tally board figures that the NCC computer programmers discovered were due to the last-minute inclusion of unverified summaries of precinct results in the aggregation of national totals. NCC Director Col. Pedro Baroidan did this upon instructions from the "higher ups."⁵⁸ Borrowing the Lugar Report's phraseology, "this alteration of the basis of computation from individually-listed precinct returns, duly certified by all parties to the election, to summaries of groups of precincts about whose genesis or compilation is uncertain, was a wholesale abuse of honest vote counting" (US Senate Committee on Foreign Relations 1986).

The NCC programmers were able to detect fraud because they had knowledge and access as to the number of precincts in every locality and telexes containing precinct-level results. Without basic data on the number of precincts, the number of registered voters and precinct-level election returns that contained vote counts for all candidates, it was impossible to detect much less prove fraud.

If the reason for the senior staff's opposition to the hiring of NCC consultants was their concern for the integrity of the vote count, then why did they adopt the same defective system that works on summaries of precincts without clear breakdowns the way Col. Baroidan practiced? Even their proposed modernization bill and computerized electoral system institutionalize such wholesale abuse of honest vote counting by designing defective forms for election results at different levels and depriving the candidates of copies of complete precinct-level returns.⁵⁹ Moreover, why do the senior officials insist on a closed system that gives only a false sense of security? As shown, the openness of the NCC-designed system and the effectiveness of its built-in safeguards facilitated timely detection of the first signs of bugs in the system.

It is ironic that the procedures that accompanied the automated counting and canvassing system pilot-tested in the 1996 ARMM elections did not provide the safeguards that the NCC-designed system had. The modernized system being sold by the senior staff was a refinement of Col. Baroidan's defective procedures. Instead of indicating the precinct number in the audit trail along with the total registered voters, voters' turnout and number of votes of all candidates, the modernized system separated these basic electoral data. Their

separation meant greater difficulty in detecting fraud and in conducting an audit of the accuracy of the municipal, provincial and national totals.

Given the stark realization that the defectively-designed computerized electoral system cannot eliminate wholesale type of fraud known as *Dagdag-Bawas*, the questions are: How many among the senior election officials will show their autonomy and professionalism as the NCC computer programmers did in 1986 by devising correct forms, procedures, and software program? How many among the senior election officials would be candid enough to admit the weaknesses of the system they pilot-tested and advise the Commission *en banc* on remedial measures? For all they care, this may be the best way to cultivate the trust and confidence of the new chairman.

In posing this challenge, the personal autonomy that individual NCC programmers displayed is crucial. When they publicly defied their superior and refused to be an instrument of fraud, they had to harness inner strength to assume responsibility for their action. One programmer stated: *Our choices were few: either live with fraud, or do something about it. Many people fault us for choosing the latter.*

For election officials, what choice did they have to make? When confronted by illegal and fraudulent practices, many field officers claimed that they were just obeying orders from the higher ups. In this connection, Milgram's experiments on the psychological dimensions of obedience or disobedience to authority comes to mind. Milgram posits that in a hierarchical system of authority, people suspend their own value system and no longer see themselves as responsible for their actions but as an agent for carrying out the wish of someone of higher position or status. This is known as the *theory of agentic shift* (Milgram 1974: 133-134).⁶⁰ Among those lower-level officials who see them as agents of their superiors to execute what they tell them to do, they feel helpless when asked by superiors to tamper with the results. Consequently, they pass on the responsibility of manipulating the procedures and tampering with election results documents to the higher ups. As they disown their role as originators of the decision, they can live with their conscience.

This does not mean that all field election officials cheat. In this regard, Milgram's qualifications are instructive. First, he does not fully discard the presence of an element of choice for the person to define oneself in a state of agency; hence the shift to the agentic state is not total but partial. If human beings are not perfectly tailored for complete autonomy nor for total submission (Milgram 1974: 153), then disobedience is still a choice. However, only a few disobey the authorities. This is because disobedience is the more difficult path. It is not a negative act but has the character of an affirmative act. It is compliance that carries the passive connotation. The act of disobedience requires a mobilization of inner resources and their transformation beyond

inner preoccupation, beyond merely polite verbal exchange into a domain of action. But the psychic cost is considerable (Milgram 1974: 163).

If the majority of lower-level election officials take the more passive path in order to live with fraud, the theory of agentic shift may be too simplistic an explanation for higher level election officials. As part of the team at the center of power, the great amount of discretion, resources, and rewards at their disposal puts them on what Spiro calls a sound situation of responsibility (Spiro 1969). Alternatively, the benefits and prestige derived from increased powers and huge resources may also enlarge the personal stakes of career officials and thereby enhance the sucking power of the system.

A "team player" is likely to go along with people on top for as long as he identifies his interests with the decision or program and derives professional fulfillment if not prestige for doing so. This happens when delegation of responsibility is backed up by commensurate amount of powers and resources. On the other hand, once such powers and resources are threatened, it is possible for the team player to display autonomy from the top leadership.

What then are the conditions in the central office that are conducive to independence or subservience to higher authorities? To start with, the senior staff's security of tenure enables them to: (1) gain control over key areas of election administration, (2) exercise greater powers in the promulgation of implementing rules and regulations, (3) exert considerable influence in drafting election bills, and (4) prepare budgets, allocate and spend funds. Under this situation, the senior staff cannot simply disown their role in manipulating electoral procedures and committing or concealing fraud. They are not mere agents of the powers-that-be but active partners in crucial decisions.

Furthermore, unlike the commissioners who have limited tenure, the senior staff hold permanent positions and are thus able to acquire expertise in the nitty-gritty of election administration. This alone puts them in a situation where they can influence politicians and other interest groups outside of the formal structure of the poll body. Their security of tenure likewise broadens their option to protest against their superior when their expertise is ignored. They have the capacity to muster purpose, commitment or resolution to pursue the organizational ends with which they identify their personal interests and professional growth.

The point to stress is that the availability of choice to disobey and the clarity of the situation when this choice can be availed of point to certain values essential to democracy. The freedom to exercise such a choice requires acceptance of responsibility for one's action, which in turn, can lead to the conclusion that one ought to exercise freedom. For this reason, an understanding of the conditions under which freedom and responsibility are

exercised or forfeited by top career election officials points to the limitations and possibilities of what individuals can do to protect or subvert the integrity of the electoral process.

Concluding Remarks

This study hopes to have contributed to demystifying modern myths. On the dominant paradigm in public administration, the election officials' increasing political role affirms what Riggs calls the basic fallacy of the politics-administration dichotomy myth (Riggs 1987: 428). The active partnership of election officials with politicians and interest groups implies that electoral rules and procedures that seem to be administrative in nature are in fact hard political decisions. It is to the interests of politicians, election officials and interest groups alike to retain defective forms and loopholes in election laws. The voters are the major losers for elections will no longer be decided by their collective will but by a few who control the process.

Genuine electoral reforms in the Philippines come as products of crisis that reaches revolutionary proportion rather than of nagging concern for fairness and commitment to democracy by incumbents. In the context of highly unequal power relationships within the Philippine government and society, it is the height of naiveté to think that the proposed electoral "reforms" will eliminate fraud.

The second myth is that the application of the latest electronic technology in election administration will bring about fraud-free elections. The simple fact is that there is no technological solution to fraud (Padolina 1997). Technology accompanied by flawed procedures becomes more of an instrument for elite domination rather than a tool for eliciting the people's will through efficient and honest vote counting system.

The deterioration of fairness in the rules and the sophistication of the ways by which electoral fraud is committed and covered up coincide with the growing business in election administration. Borrowing techniques from commercial propaganda premised on opportunistic criteria, public perceptions are being manipulated to promote public acquiescence to new forms of domination without evoking strong resistance. In analyzing the Philippine experience on the computerized electoral system pilot-tested in the 1996 ARMM elections, Zolo's statement is telling.

The sovereignty of the political consumers... is in the end found to be compromised by the ability of political and economic groups to use methods borrowed from commercial propaganda to influence the process by which our political will is formed (Zolo 1992: 146).

For election officials, Milne's (1972: 419) findings on the modernization of the administrative system in the early 1970s have not lost their relevance. Successful modernization can still be a reality only if done correctly and motivated by genuine commitment to improve the electoral system.

Endnotes

¹This major theme is an adaptation from the main thesis expounded by Peters (1984).

²The word "reform" is a positive term generally associated with changes for the better. The following entries are found in The Webster's *Third New International Dictionary*: (a) to restore to a former good state, bring from good to bad; (b) to amend or improve by change of form or by removal of faults or abuses; (c) to put an end to (an evil) by enforcing or introducing a better method or course of action or behavior, change from worse to better; and (d) to correct or rectify errors (in a legal instrument) in accordance with the real intention of the parties to a transaction.

³The strategic planning exercise was held from 13 July to 2 August 1992 in Tagaytay City.

⁴The Comelec listed the following as the components of Operation Modex and its strategy from 1993 to 1998: (1) formulation, together with Congress, of a **flexible legal** framework to operate on a broad constitutional base; (2) systematization of the present registration procedures to create and maintain clean, permanent and updated national voters' list; (3) modernization of the electoral process from voting to proclamation to reduce the risk of human error or fraud and speed up the process of counting; (4) conduct of continuing election education campaign to improve the quality of citizens' participation in electoral processes; (5) design and operationalization of a management information system to facilitate decisionmaking and establish election data bank; (6) upgrading of facilities and equipment to speed up delivery of services; (7) decentralization of functions and reorganization of the structure to enhance efficiency; and (8) professionalization of the personnel to develop a corporate culture of competence and integrity. See Borra (1995): 385.

⁵ The bid by one Danish company was rejected because of late submission of the bid to the Comelec.

⁶ Some of the people consulted in the preparation of the modernization blueprint included the following individuals and NGOs: Guillermo Luz, Augusto Lagman, and Henrietta de Villa, of Namfrel, Philippine Computer Society, and Parish Pastoral Council for Responsible Voting, respectively. The Andersen Consulting headed by Baltazar Endriga and Johnny Zalamea at different times did a technical study apart from Marie Garber, a foreign consultant.

⁷Christian Monsod (1994) Letter to Maximo Soliven, Publisher of *Philippine Star* (1 August). To quote: "If there is anything we in the Commission are scrupulous about, it is the expenditure of public funds, and all our purchases of equipment and services, we are proud to say we adhere strictly to the requirements of public transparency"; also the Chairman's Memorandum for the Commission *en banc* dated 19 August 1994 re: alleged anomalies at the Comelec. ...*The results of the investigation will all be made public pursuant to our policy of total transparency.* Yet, in the same memorandum, the contradiction is apparent when he recommended that all parties should refrain from making press releases regarding charges and counter-charges on their own and that only the commission shall release all the results of the proposed investigation panel.

Moreover, if such declared adherence to transparency were religiously followed, then, why issue a directive that all data from the Commission should be cleared first with the Office of the Chairman before release?

⁸See Reyes (1995). To quote:

All the files, papers and correspondence about the project should be open to examination by any of the Commissioners or the designated members of the staff.

At the least, the project team should make available to each Commissioner a copy of the System Specifications, Analysis and Design of the project for examination by the Commissioners and his [their] staff.

I do not know if Commissioner Maambong and his team have given copies of the System Analysis and Design for Computerization that was made in 1994 to the other Commissioners.

⁹As claimed, the 164-page draft code put together all existing laws contained in separate pieces of legislation, established jurisprudence in election cases, major reforms derived from past election experiences, and implementation of various constitutional provisions. Again, claiming public support of the proposed code, the commission disclosed that it was a product of extensive consultations with its field officers, legislators, and nongovernment organizations.

¹⁰Presidential support was confirmed by Borra's admission that Comelec Chairman Christian Monsod furnished the Office of the President, Department of Budget and Management, and the National Economic and Development Authority copies of the Comelec's budgetary request for the first year of implementation of its modernization program. The executive branch also favorably endorsed the budget proposal to Congress. See "Congress Approved P60-M for Information - Comelec," *Manila Standard* (16 August 1994): 6.

¹¹Beginning the second quarter of 1994, in time for the May 1994 barangay elections, the Comelec went on media blitz to highlight the major provisions of its proposed code, namely, the continuing registration system, the modernization of the electoral process particularly the counting and canvassing stages, procedural safeguards, prohibition of political dynasties, absentee voting for overseas Filipinos, party list system and others.

¹²See Minutes of the Regular Meeting of Comelec *en banc* held on 8 March 1994 where Res. No. 94-0771 was promulgated to implement the Contract of Service with "The Group" for a total amount of P20,505,767.

¹³See The Group (1994) Letter of the "The Group" to Sonia Dipasupil-Barros, Director of the Education and Information Department of the Comelec (16 May). The Group presented a total budget estimate of P60,286,000 for the New Election Code Communications Project. The Group's mailing address is Agustin 18/f, Emerald corner Julia Vargas, Ortigas Center, Pasig, Metro Manila with P. O. Box 2257, Makati Cable Address: THE GROUP Manila. Tel. Nos. 631-7160, 633-4624, 633-4621, 632-7420, fax (632) 631-5825.

Resolution No. 94-2719 dated 25 May 1994 is the formal resolution to Minute Resolution 94-3116 dated 24 May 1994. RN 2719 reduced the advertisement fund for the Modernization and New Election Code from P60.286 million to P40 million. When this was not implemented due to request for reconsultation by Comm. Claravall, another Resolution 94-3467-A was passed regarding the amended Memorandum of Agreement with The Group and other PR outfits.

In lieu of MR 94-3116 that was never released, Minute Resolution 94-3567-B was released on 21 June 1994 to support RN 94-2719. In this and earlier resolution (MR 94-3567-A), the amount was adjusted from P40 million to P40.45 million or P450,000.00 more than what was provided by Minute Res. No.94-2719. If the increase is in accordance with Min. Res. No. 94-3116, it may be recalled that it was not officially released because Commissioner Claravall was listed among those present when she was not. If RN 2719 has already defined the amount as P40 million, who and how was the P450,000 excess inserted?

¹⁴For the P104 million-peso amount, see Gorospe (1995). Commissioner Gorospe took over the chairmanship of the Education and Information Committee upon the assumption of the Pardo Commission.

¹⁶The election woes are summarized in the *Comelec Primer* as follows:

Good-bye, *matagal na pagboto*,
 Good-bye, *overnight na bantayan*,
 Good-bye, *matagal na bilangan*,
 Good-bye, *patagalang paghihintay sa hatol ng bayan*.
Sa bagong vote counting machine,
mas simpleng botohan,
mas mabilis na bilangan.
Bagong bilis, bagong linis na halalan,
Para sa iyo - - makabagong Pilipino.

To generate support from the ordinary masses, the advertisements promised to improve the lives of the children and of ordinary people through clean and honest elections, ensuring that government funds are spent on improved public services. See Comelec (1994). See also Comelec (1996)

¹⁶The slant of the tri-media coverage of the proposed code made it appear as if Congress already adopted the entire package. This was interpreted by lawmakers as a way of pressuring them to pass the Comelec-drafted 1993 Omnibus Election Code.

¹⁷Interview with then Congressman Tito Espinosa, Chairman of the House Committee on Suffrage in the Ninth Congress. He expressed his dismay at the way the Comelec-paid advertisements presented the lawmakers as "lazy, irresponsible lawmakers." According to him, he personally asked the Comelec to stop the media-blitz. This was confirmed by some insiders at Comelec.

¹⁸Congressman Pablo Garcia delivered a Privilege Speech on 8 August 1994 at the Philippine House of Representatives.

¹⁹Congressman Pablo Garcia, in his privilege speech, quoted the amount of P60 million (US\$2.3 million). Upon closer scrutiny, this amount is actually the total budget allotted for paid advertisements as submitted by the advertising agency (The Group) hired for the purpose. The legality of the P20.5 million covering the 1994 barangay elections was settled by an *En Banc* Resolution No. 2672 and implemented by Minute Resolutions 94-0771 and 94-0960. The specific purposes for which the P20 million budget was allocated were: "creative development, execution and production in print, television and radio advertising materials for the Barangay Elections Voter Education and Information Campaign."

According to Executive Director Borra, Congress had been informed as early as September 1993 that a portion of the Comelec's modernization program would be spent for public education. In a letter of the Comelec Chairman to all the 56 members of the House Committee on Appropriations, he said that an itemized breakdown of the modernization budget was attached. These items included (1) purchase of equipment mainly for the computerization of the voters' lists; (2) funding of the transfer of Comelec offices to the old GSIS building; and (3) a continuing education program. According to Borra, the same letter was also sent to the Office of the President, Department of Budget and Management (DBM) and the National Economic and Development Authority (NEDA). The DBM favorably endorsed the requested amount to Congress. Borra added that the chairman even reduced the original proposal of P77 million to P60 million pursuant to the Constitution, Article VI, Section 25 which empowers the head of the electoral agency to realign any item in the General Appropriations Act. See *Manila Standard* (16 August 1994: 6).

A closer scrutiny of the breakdown of the 1994 budget for the modernization program (P343,000,000) after realignment that is on file with the commissioners' offices shows that only P40 million was allocated for advertisements and P192,148,000 for equipment or capital outlay. The question is: Did Chairman Monsod decrease the budget by P17 million as claimed by Borra or increase the budget by P20 million without the knowledge of other commissioners?

²⁰The schedule of obligations incurred payments made to "The Group" for the year ended 31 December 1994 was certified correct by Gideon G. de Guzman, Chief Accountant of the Comelec.

²¹See The Group (1994). Part of the letter reads:

As an aside, at the risk of sounding presumptuous, should THE GROUP be declared the best, there is a special benefit. For the Comelec, it will be a solid vindication of your 1992 decision.

For THE GROUP, it will remove the stigma that was unnecessarily created as a result of the false accusations of Senator Ernesto Maceda.

²²The Conference Committee Report does not bear Senator Tolentino's signature anymore. Senator Tolentino belongs to the National People's Coalition (NPC), the major opposition group in the Senate at that time. He was also the vice-presidential running mate of President Ferdinand Marcos in the 1986 snap election. Tolentino was known for his competence as a constitutionalist and displayed his independence of mind in many policy issues during the Marcos regime. Tolentino's selection as Marcos's running mate was premised on the idea that the Kilusang Bagong Lipunan had a built-in opposition in its ticket as if to impress the need for countervailing forces as an anti-thesis of one-man rule.

The Monsod Commission originally planned for broad based pilot-testing of the computerized counting and canvassing in the 1995 local and congressional elections but this was not acted upon. Unable to secure the necessary legislative authorization, the Comelec had no choice but to pilot-test it in the ARMM elections, the only partisan electoral exercise left before the 1998 target.

²³This was also confirmed by one of the congressmen who was a member of the bicameral conference that prepared the final version of RA 8046.

²⁴See Explanatory Notes of the bills that were enacted into RA 8046.

²⁵Senator Gloria Macapagal-Arroyo's statement was carried by majority of the broadsheets immediately after the 1995 senatorial elections.

²⁶Thayne is a senior official of the Business Records Corporation (BRC) based in Berkeley, USA.

²⁷Much earlier, the Comelec prepared separate bills packaged as the Comelec electoral "reform" agenda to hasten the passage of bills essential to the modernization program. The bills are: (1) continuing registration of voters; (2) computerization of counting and canvassing; (3) legal and procedural changes particularly in the abbreviation of canvassing and total elimination of pre-proclamation controversies; (4) absentee voting for overseas Filipinos; (5) prohibition of political dynasties; (6) operationalization of party-list system in the national Congress and sectoral representation to local and district councils; and (7) lifting of the media ban during the election period. Only the first three are in the critical path of the modernization program. Hence this discussion is limited to these three areas. The significance of the fourth cannot be discounted considering its implications for the integrity of the voters' lists.

As of this writing, only three bills have been enacted into law; namely, the pilot-testing of the computerized counting and canvassing (RA 8046), general reregistration and continuing registration (RA 8189), and the party-list system.

²⁸The deadline was 9 December 1996. The Senate Contingent of the tripartite Oversight Committee submitted its report before the official deadline. As of this writing, 30 May 1997, the Comelec and the House of Representatives have not submitted their respective reports. According to Congressman Tanjuatco's staff, which was confirmed by Commissioner Teresita DyLiacco Flores, the House and the Comelec will have a joint report. This is expected as both assessed one day after election day that the pilot-testing was successful.

²⁹Roundtable Discussion on Electoral Reforms sponsored by the National Movement for Free Elections (Namfrel) and the International Foundation for Electoral Systems (IFES) on 12 October 1996 at the Manila Hotel. In attendance were top Comelec officials, Congressman Emigdio Tanjuatco, co-chair of the tripartite Oversight Committee, Mr. Jose Concepcion of Namfrel, heads of civic organizations, and media practitioners.

³⁰Senator Blas Ople filed SRN 595; Senator Vicente Sotto III filed SRN 575. The hearings were conducted on 19 November and 3 December 1996.

³¹In refusing to take part in the discussion of the defective modernization bill, the Senate Oversight Committee-Technical Support Staff (SOC-TSS) feared that the Comelec and its House counterpart would make it appear that the modernization bill was a product of joint deliberations of the tripartite Oversight Committee and extensive consultations with nongovernment organizations (NGOs) which was reminiscent of the Comelec's claim in the conceptualization of Operation Modex. Such fear was not unfounded because in earlier meetings of the OC, both camps gave the impression to the Senate group that the computerization of the electoral process is a done deal.

Later, Congressman Tanjuatco invited the SOC-TSS to join the staff of the Comelec, House Committee on Suffrage and Electoral Reforms, Namfrel, and IFES in a live-in, out-of-town seminar to "discuss" the electoral reform bills with an end in view of hastening the passage of such laws. Some of them are the modernization bill, the absentee voting, and the "procedural reforms" for canvassing for national positions. See Summary Recommendations of the Conference on Electoral Reforms (16-19 January 1997) Comelec Compound, Baguio City.

In response to Congressman's Tanjuatco's invitation, Senator Santiago requested a one-day preliminary meeting to agree on the electoral agenda to be tackled. Cong. Tanjuatco was not enthusiastic to draw the agenda with Senator Santiago's Technical Staff probably because the agenda was already finalized and no changes could be made anymore. Pre-determined electoral agenda was not acceptable to Senator Santiago so she decided not to join the House and the Comelec in the Baguio Conference. See letter-invitation of Congressman Tanjuatco to Senator Santiago dated 16 December 1996; letter-response of Senator Santiago to Congressman Tanjuatco although dated 20 December was sent only in the first week of January 1997.

³²Congressman Tanjuatco's speaking engagements in the Rotary Club, attendance in conferences and seminars hosted by IFES were covered by the broadsheets and thus communicated to the public.

³³Commissioner Manolo Gorospe did not cast his vote and stood pat on his decision to go against the majority's decision. See Commissioner Gorospe's Memorandum to Atty. Lamberto P. Llamas, Comelec Secretary, dated 5 October 1994 in connection with the recording of the Minutes of the Regular En Banc Meeting of the Commission on 15 September 1994 known as Minute Resolution No. 94-4515.

³⁴According to Mr. Felicisimo C. Arpellida, an inventor of invincible devices, he approached Comelec way back in 1992 elections about the invisible ink which can be used for the printing of the ballots and other accountable forms. The secret security marking could be used by each of the competing political parties as a safeguard against manufactured votes and election documents containing results at each level.

After the demonstration of the effectiveness of the secret security marking, Chairman Monsod wrote him officially citing lack of funds for not being able to adopt his invisible marking and the portable light with violet ray to go with it for detection.

In reply, he made clear that he would solicit the necessary funds from candidates who had expressed their willingness to contribute just to have the safeguard introduced. Comelec never answered his offer anymore. Interview with Mr. Felicisimo C. Arpellida, Quezon City, 15 November 1995.

Severo Reyes of the Office of Commissioner Claravall likewise suggested the use of homegrown alternative technology to ensure effectiveness of the safeguards. As part of a

continuing search for appropriate hardware and software for Comelec's modernization program, he also suggested the use of a large part of the modernization fund for research and development program. See Reyes (1995: 5-8).

³⁵Comelec Director Herrera (1996) Testimony before the Senate Committee hearing on Senate Resolution Nos. 575 and 595 held on 19 November 1996. To quote from the Transcript of Records of the Senate Hearing (1996: 47-50):

Senator FLAVIER: ...Can somebody give me a ballpark figure of the cost that would include both the hardware and the software....

Mr. HERRERA: ... for the 1998 elections where we are to adopt the automated machine nationwide, we estimate a budget of P1,150,000,000. For the additional machines alone, we need about P950 million. And for the preparation of the computerized voters' list because in 1997 we will have a general registration of voters in preparation of the 1998 elections, so that we will have to prepare new computerized list of voters based on the voters who will be registered in the 1997 general registration and for this we will need about additional P300 million. That's why we need, for the automated vote counting machines and for the preparation of the computerized voters list to be used in the 1998 elections, about P1,150,000,000.

SEN. FLAVIER. Including the preparation, hindi, more, more, because you said P1.150 billion na yung una eh tapos mayroon ka pang preparatory 300 million.

MR. HERRERA. No ...

SEN. FLAVIER. Di 1.450 billion.

MR. HERRERA. Your Honor, the total for the modernization aspect of the elections is P1,150,000,000. Of this P1,150,000,000 about 950 million will be for the purchase of additional machines that will be used nationwide and about 200 to 300 million will be for the preparation of the computerized voters' list.

SEN. FLAVIER. How about the training, yung training?

MR. HERRERA. That includes the training, education and information, the acquisition of new computers for the computerization of the voters' list and then, supplies and materials. For the information of your honors, we have estimated funds of about 800 million already. Because from 1994, there has been appropriated for the Commission on Elections for its modernization project certain amounts. In fact, the modernization system of election was supposed to have been pilot-tested in 1995 so that even before that time, Congress and the Department of Budget and Management have already allocated certain sums of money for the Commission on Elections. And as of this date, we have around 800 million already of the funds in the Commission on Elections which will be available for the purchase of equipment and for the funding of the modernization project should the modernization project be implemented nationwide in 1998. In other words, of the 800 million funds available, we will need only about 300 million in order to fund the full modernization process — the funding for the full modernization process in 1998 elections.

SEN. FLAVIER. Do you have 800 million in your hands already?

MR. HERRERA. Yes, your honor. This has already been released to the Commission on Elections. The Commission has set this aside in the eventuality that we will be needing funds for the full implementation of the modernization electoral system nationwide in 1998.

³⁶During the pilot test in the 1996 ARMM elections, the poll body clustered several precincts to increase the number of voters per precinct from 300 to more than 600. As a result, many voters had difficulties finding their names. In addition, the long queues discouraged voters from waiting for their turn for at least 30 minutes to one hour. As a result, many were not able to vote or simply disenfranchised.

Apart from the P272 million initial budget of the pilot test, a top Comelec official admitted that the Office of the President released an additional P170 million sourced from the President's Special Funds a few months before the September 1996 elections. Hence, the Comelec's worn-out line of "lack of funds" was not valid. See Senate Oversight Committee (1996) "Evaluation Report on the Pilot-Testing of the Computerized Electoral System during the 9 September 1996 Elections in the Autonomous Region of Muslim Mindanao." Manila: Senate of the Philippines, Committee on Constitutional Amendments, Revision of Codes and Laws.

³⁷See Appendix C, Senate Oversight Committee (1996).

³⁸For the record, the liquidations submitted by the Office of Senator Santiago amounting to less than P200,000.00 have been with the Comelec for a good five months as of May 1997 but still Comelec was processing them. Meanwhile, the Senate Contingent submitted the evaluation report last 6 December 1996.

³⁹In an interview with Auditor Luisita Pascua, she revealed that all she suggested was for the Comelec to deputize the members of the OC to be entitled to draw cash advances.

In earlier projects with the Comelec way back in 1987, I did not encounter any difficulty getting cash advances and liquidated the same within the prescribed period.

⁴⁰Jose Concepcion, Jr. is a top industrialist whose opposition to Marcos endangered the viability of his family's business empire. During the last two years of Marcos in power, JoeCon as he is popularly known served as Namfrel Chairman with Christian Monsod as the Coordinator for the National Capital Region.

When President Corazon Aquino took over, Concepcion was appointed Secretary of Trade and Industry. The general sentiment of Namfrel volunteers was that the position was a "reward" for his unofficial Namfrel Count that showed Aquino winning over Marcos in the 1986 snap presidential election. Even the Dean of the UP-CPA, Dr. Gabriel U. Iglesias sent a telegram expressing such a sentiment.

⁴¹Jose Concepcion, Jr. wrote this letter to Commissioner Maambong after he returned from his trip to the United States on 20 June 1995. The letterhead bears the National Movement for Free Elections (Namfrel) with the following mailing address: c/o RFM Foundation, Inc. 8th Floor RFM Building, Pioneer cor. Sheridan Sts., Mandaluyong City. The RFM Corporation is the flagship of the family-owned business empires of the Concepcion-Araneta families.

⁴²As head of the SOC-TSS, I proposed to organize a research team composed of faculty members and researchers from the Mindanao State University in order to cover all the municipalities for FULL DOCUMENTATION of the pilot-testing. I started the negotiation upon OC-TSS's go-signal. When the Comelec senior staff knew that the amount was only P5 million, the House and the Comelec TSS took over the preparation of the budget. The original amount of P5 million was jacked up to P16 million, an amount which the Comelec *en banc* found to be very high. So, this was disapproved. See Tancangco (1997: 146).

⁴³Gorospe assumed the chairmanship of the Committee on Information and Education under the Pardo Commission. He is still the chair up to the time of this writing.

⁴⁴Jaime Cardinal Sin was an avid spokesperson of the Monsod Commission's Electoral "Reform" Agenda. Claiming that the topic was close to his heart, there were doubts on whether he seriously studied the provisions of the electoral bills before endorsing them to the flock.

Sanlakas put the blame on Congress for non-passage of necessary electoral reforms. Renato Constantino, Jr. head of Sanlakas admitted that it was very hard to argue against the adoption of advanced technology in the electoral process. On the other hand, Siglaya's list of electoral reforms was largely patterned after Comelec's draft code with special focus on more substantive reforms, which to my mind, were concessions to the progressive NGOs. Little did they

realize that the procedural aspects of the package could undermine the substantive reforms included in the package. Both Sanlakas and Siglaya are factions of the Communist Party of the Philippines which rejected Jose Ma. Sison's leadership.

Within the academic community, a number of colleagues expressed the same argument in discussing the proposed modernization of the electoral system. Leaders of the opposition groups (Gloria Macapagal-Arroyo, Nene Pimentel, Edgardo Angara, Raul Roco, etc.) included the modernization program of the country's electoral system as part of their program of government.

⁴⁶Mr. Cantero is the Chairman and President of The Marketing + Communications Group or "The Group." In this letter, he detailed the purposes of the media campaign and the breakdowns of the ₱60,286,000 budget needed for the project. To quote:

NEW ELECTION CODE COMMUNICATIONS BUDGET

Please find attached the proposed budget for the mass communications efforts of the New Election Code, intended to generate interest down to the grassroots with the end in view of mustering support needed to enable the passage of the New Election Code.

-Allow us to point out several key considerations relative to the budget presented which we believe will facilitate the approval of the total proposed amount.

Salient features are numerous and essential

Upon careful study of the proposed Election Code and the subsequent briefing conducted with the senior staff of the Commission on Elections, seven essential topics have been identified as needing individual materials as follows:

- | | |
|------------------------|----------------|
| 1. Modernization | TV/Radio/Print |
| 2. Political Dynasties | TV/Radio/Print |
| 3. Absentee Voting | TV/Radio/Print |
| 4. Safeguards | Radio/Print |
| 5. Undue Influence | TV/Radio/Print |
| 6. Party List | TV/Radio/Print |
| 7. Candidates | Radio/Print |

Although the strategy is to show the New Election Code as a body of electoral reforms, we have agreed that it is necessary to highlight these topics to drive home the message about the importance of the passage of the New Election Code.

Limited campaign period mandates high levels of exposure and repetition

-There being a set deadline for the passage of the proposed Election Code, it becomes imperative to achieve a higher-than-normal exposure and the repetition level in order to encourage the sequence of actions that we expect from our target audience.

-The contrast of this effort to the two previous national electoral exercises (1992 synchronized national elections and the 1994 barangay elections) is more than obvious.

-Where the task of mass communications was pegged down to specific activities within a scheduled timeframe in both electoral exercises the objectives for the communications program to ensure the passage of the New Election Code are manifold and in a sense, pioneering, this being the first time that the Filipino is being asked to go beyond being a mere voice among the clamor of many.

-For the proposed Code, we are asking citizens to (1) get informed, (2) get involved and (3) get recognized, this last action through a voluntary effort of writing to or talking with his Congressman or any of the Senators. Three major steps that do necessitate heavy and continuous media effort.

Synergy of various communications tools must be harnessed

-The proposed budget incorporates a module on public relations that is envisioned to tackle two specific targets, namely, the legislators who will act

directly on the passage of the proposed Code, and the various civic and non-government organizations who act as our foot soldiers down in the grassroots.

While mass media will definitely inform them as well as all other Filipinos, separate tactics must also be applied on these two groups to ensure that all bases are covered, so to speak. This is where public relations and all its forms are critical. We refer you to our White Book where these tactics are further rationalized.

⁴⁶Commissioner Claravall was pictured as a former Provincial Election Officer from Ilocos Norte who was involved in cheating. Commissioner Gorospe was pictured as a "pedophile" and a kissing "Lolo" after he allegedly attempted to kiss a fellow lady commissioner.

As if to stress the importance of the Comelec's information and education campaign in subjecting them to trial by publicity, the two commissioners chose to co-chair the Committee on Education and Information immediately after the expiry of the term served by then Chairman Monsod. Up to her death, Commissioner Claravall shared the committee with Commissioner Gorospe. Up to this writing, Commissioner Gorospe is the Chairman of the said committee.

⁴⁷See the Resolution of the case Concerned Comelec Employees (complainant) vs. Chairman Christian Monsod and Atty. Sonia Barros of the Commission (respondents) issued by the Office of the Ombudsman docketed as OMB 0-92-1669. The Resolution was prepared by Bernardita G. Erum, Graft Investigation Officer II, recommended for approval by Cesar T. Palana, reviewed by Abelardo L. Aportadera, Jr., and approved by Conrado M. Vasquez on 28 August 1992.

⁴⁸This was a much welcome relief for the resident auditor because for several years, the Commission had been remiss in its duties to comply with the auditing rules and regulations. With the materiality of disallowances, which are not booked, the auditor reported that the validity of recorded assets could not be determined. In view of the incomplete reporting of the result of inventory conducted for furniture and fixtures, equipment, accounts payable, unliquidated obligations, outstanding cash advances and receivables remaining dormant for several years, the auditor concluded that the Balance Sheet does not present fairly the financial position of the commission on Elections as of 31 December 1992. See 1992 Annual Audit Report of the Commission on Elections.

⁴⁹The Operations Group is tasked to monitor and evaluate the implementation of RA 8046. Linda Echavia, Jose Tolentino and Alwin Sta. Rosa are the members from the Comelec, Geraldine Garcia from the Senate, and Erwin Lara from the House.

The Information and Documentation Group is tasked to inform the public about the workings of the Oversight Committee and take care of its general media relations and requirements. The Group is composed of Sonia Dipasupil-Barros from the Comelec, Luzviminda Tancangco from the Senate and Myrna Galvan from the House.

The Finance Group is tasked to address the subject of fund sourcing for the activities of the Oversight Committee. See Minutes of the First Meeting of the Technical Support Staff of the Oversight Committee under RA 8046 held on 10 November 1995.

⁵⁰For instance, Congressman Tanjuatco readily reversed himself from the earlier agreement on the scope of monitoring and evaluation of the pilot testing. One month after the 9 September election day, he presided over the TSS conference to hasten the passage of a defective modernization bill. He tried to pressure the SOC-TSS to submit its report at the time he set without due regard to the post-election data gathering being done by the SOC-TSS. He also suggested that the Comelec and House report on the pilot-testing just be combined.

⁵¹In justifying the increase of the cost from less than P10 million to P13.5 million, Borra (1995c) wrote:

The position of the Technical Committee and the senior staff, considering the limited material time element, the macro dimensions of the Comelec pilot-testing in the 1996 ARMM elections, and in anticipation of the Oversight Committee's review of the implementation of RA 8046, an outside consultant is not only justified but necessary for success.

⁵²Some members of the Technical Committee reacted against the broad scope of work and deliverables of Andersen because to them it is as if the Comelec will surrender their powers and functions to the private consulting firm. Surprisingly, such an "encroachment" on the senior staff's turf was acceptable to them. On the other hand, the majority of the Technical Staff criticized the NCC proposal on the following grounds: (1) so general in nature, that it is extremely difficult to identify their degree of participation; (2) the proposal is so silent about NCC deliverables; (3) silence about any measure of success which is paramount in measuring progress for both Comelec and NCC; and (4) the billing is based on the passage of time and not on the services or deliverables to Comelec.

See Technical Committee (1995) Memorandum for the Commission *en banc* re: NCC Consultancy (25 September). Eleven out of the thirteen members of the Technical Committee are signatories to the memorandum. They are Directors Mamasapunod Aguam, Herrera, Alwin Sta. Rosa, Manuel Gonzales, Danilo Artes, Josefina Muego, Raymond Caustro, Ricardo Labaguís, Jr. and Rommel Cecilio. Severo Reyes and Alex Villanueva from the Office of Commissioner Claravall and Commissioner Desamito, respectively did not sign the memorandum.

Taking into consideration the validity of the TC's last objection, the final agreement of the consultancy retainer with NCC provides:

E.1 In consideration of the above-mentioned consultancy services, the Comelec shall establish a consultant's fund amounting to P5,000,000.00. NCC shall bill Comelec professional fees on the basis of work done (quantum meruit).

⁵³The signatories in the memorandum are: Directors Mamasapunod Aguam, Alwin Sta. Rosa, and Jose Tolentino, Jr.

⁵⁴Actually, the senior staff regarded the proposed engagement of Andersen Consulting as Phase II because of its consultancy services to the poll body in 1993. See Minutes of the Meeting of the Technical Committee on Modernization Program (2 August 1995); also the Andersen Consulting Firm (1993) "Information Systems Planning Study for the Commission on Elections" (20 July).

⁵⁵The 3 June 1996 issue of major dailies had the mass leave of Comelec senior staff in protest against the Pardo Commission as headline or front page story. *The Manila Chronicle, The Manila Times, The Philippine Star, Today, Philippine Daily Inquirer* and *Manila Standard* had it as banner story. *Malaya* and *The Philippine Journal* had it as front page story. *The Manila Times* had it as the subject of the editorial while three other columnists gave their views on the subject.

⁵⁶While the four-page manifesto did not specify the grievances and recent developments that tended to destroy the credibility of the poll body and undermine its capability to conduct the September 1996 pilot-testing of computerized system, the following were deduced from the newscoverage of the event: (1) the U.S. trip of Pardo and his son Victor (Executive Assistant) for medical reason but was made as "official trip;" (2) the P5 million consultancy agreement with NCC; (3) Pardo's hiring of several consultants from other agencies on whose advice he appears to place greater reliance than on the senior staff; (4) filing of charges against Comelec field officials in connection with their involvement in "Operasyon Dagdag-Bawas" during the 1995 senatorial elections; (5) the proclamation of the 12 winning senatorial candidates despite the exclusion of votes from 27 municipalities of Lanao del Sur and Marawi City; (6) Pardo's management style and lack of vision and direction; (7) concern over Pardo's inability to push through with the full automation of the 1998 elections.

During the closed-door dialogue, some of the issues raised by the senior staff with the media were not brought up like the US trip of the chairman and his son, the mishandling of poll fraud cases, the proclamation of the 12 winning senators despite incomplete results. Those touched were the hiring of consultants whose advice the chairman appeared to give more weight. My name was one of those specifically mentioned. For a one-hundred peso-a-year consultancy with the Chairman, the advice and ideas I gave the chairman were practical, simple, inexpensive. Moreover, I also emphasized the need for the meaningful participation of competing parties to make the whole process transparent. Although the suggested changes were by no means novel,

the senior staff's resentment was understandable. My proposed reforms were threatening because they would lose control of the process. In an open and transparent system coupled with correct forms and effective safeguards, any election officer who would dare tamper with the results could be easily convicted especially if all competing parties will possess all the basic data and documents that would facilitate the timely detection of fraud or easy correction of honest mistakes.

⁵⁷See Lirio (1996). To quote:

The People's Action for Clean Elections (PACE) - an organization identified with former President Corazon Aquino - said through one of the group's convenors, Rasti Delizo, it highly supports and welcomes the brave and heroic action of the senior Comelec staff and career people.

Pace also called on the public to support the protesting officials and all efforts for clean and honest elections.

See also Locsin (1996). Quoting Locsin:

Meanwhile, the Konsensiyang Pilipino, a private organization opposing election frauds, rallied behind the protesting officials.

"They need our support," said KP president Teresita Baltazar.

⁵⁸The issue that the chairman just gave bonuses to Comelec employees was raised as a reason for the rank and file's support of Pardo's leadership. When I probed on this issue, many rank and file employees confessed that it was only during the time of Chairman Pardo that they enjoyed fat bonuses and other allowances. Under the previous commission, only the top brass enjoyed fat bonuses. "*Sila-sila lang ang naghahati-hati.*" (Sharing was limited among themselves.)

"The chairman is fair, straight, and honest. But he has also administrative lapses. He is not familiar with the nitty-gritty of our job, *kaya napapalusutan din.*" (Thus they could also make a pass out of him).

⁵⁹This can be gleaned from the statements given by the NCC computer programmers who staged a walkout during the advanced tabulation of the 1986 snap elections at the Philippine International Convention Center (PICC).

During the 1987 and 1992 elections, the Comelec designed a defective format of the Certificate of Votes. This was the only document that should give candidates records of precinct-level results. Without complete precinct tallies, the candidates could not verify the accuracy or honesty of the Comelec's regional count and national summaries. On the other hand, the poll body simply refused to make public the precinct-level breakdowns.

During the canvassing of results for president and vice-president in the 1992 elections, the pro-administration senators and congressmen did their best to prevent opposition lawyers from using and checking on the election returns in light of questionable provincial totals.

⁶⁰Milgram is both specific and precise in the development of his phenomenon of agentic shift:

Specifically a person entering an authority system no longer views himself as acting out of his own purposes but rather comes to see himself as an agent for executing the wishes of another person. Once an individual conceives his action in this light, profound alterations occur in his behavior and his internal functioning. These are so pronounced that one may say that this altered attitude places the individual in a different state from the one he was in prior to integration into the hierarchy. I shall term this the **agentic state**, by which I mean the condition of a person is in when he sees himself as an agent for carrying out another person's wishes. This term will be used in opposition to that of **autonomy** - that is, when a person sees himself as acting on his own.

The state of agency is more than a terminological burden imposed on the reader; it is the keystone of our analysis.... For clarity, let me define what is meant by the state of agency. A person is in a state of agency when he

defines himself in a social situation in a manner that renders him open to regulation by a person of higher status. In this condition the individual no longer views himself as responsible for his own actions but defines himself as an instrument for carrying out the wishes of others (Milgram 1974: 133-134).

References

- Aguam, Mamasapunod, Jose Tolentino, Jr. and Alwin Sta. Rosa
1995 Memorandum for the Commission *en banc* re: hiring of NCC as consultant for the March 1996 ARMM Pilot-Test Project. 15 September.
- Bacharach, Samuel and Edward Lawler
1982 *Power and Politics in Organizations*. San Francisco and London: Jossey-Bass Publishers.
- Benson, George C. with the assistance of Steven A. Maaranen and Allan Heslop
1978 *Political Corruption in America*. Massachusetts and Toronto: Lexington Books.
- Borra, Resurreccion Z.
1995a Memorandum for the Chairman and all the Commissioners re: Observations of Mr. Jaime del Rosario, Managing Director, Andersen Consulting, Anent Comelec's Intent at Automating the Election Process. 24 July.
1995b Memorandum for the Commission *en banc* re: recommendation by the senior staff to tap Andersen Consulting for the Comelec Pilot Modernization Program for the 1996 ARMM Elections. 1 September.
1995c Memorandum for the Commission *en banc*, re: Final Draft of the Andersen Consulting Proposal for Consultancy Services Anent the Modernization Program of Comelec for the 1995 ARMM Elections. 14 September.
1995d Technology and Electoral Reforms: Modernizing the Comelec. In Ledivina V. Cariño, ed. *Conquering Politico-Administrative Frontiers: Essays in Honor of Raul P. de Guzman*. Quezon City: University of the Philippines-College of Public Administration.
- Cantero, Antonio
1994 Letter to Comelec Chairman Christian S. Monsod. 2 February.
- Commission on Elections (Comelec)
1996 *Primer on the New Voting Procedure and the Vote Counting Machine*. Comelec: Manila.
1995 Minutes of the Meeting of the [Comelec] Technical Committee on Modernization. 2 August.
1994 One-page paid advertisement in the *People's Journal*. 2 June: 2.
- Concepcion, Jose, Jr.
1995 Letter to Commissioner Maambong. 20 June.
- Coquia, Jorge
1955 *The Philippine Presidential Election of 1953*. Manila: University Publishing Co.

- Fernando, Remedios
1997 Radio interview. 28 May.
- Garcia, Pablo
1994 Privilege Speech. Philippine House of Representatives. 8 August.
- Gorospe, Manolo
1995 Memorandum to the Commission *en banc* re: media information fund. 28 July.
- Keith-Lucas, Bryan
1960 Introduction. In T. Smith, ed. *Elections in Developing Countries: A Study of Electoral Procedures Used in Tropical Africa, South-East Asia and the British Caribbean*. London: Macmillan & Co. Ltd., xi-xii.
- Lirio, Gerry
1996 Protest Leaves Rock Comelec. *Philippine Daily Inquirer*. 3 June: 1.
- Lijphart, Arend
1985 The Field of Electoral Systems Research: A Critical Survey. *Electoral Studies*. 4.
- Lijphart, Arend and Bernard Grofman
1984 *Choosing an Electoral System: Issues and Alternatives*. New York: Praeger Scientific.
- Locsin, Joel
1996 Comelec execs abandon Pardo. *The Philippine Star*. 3 June: 1.
- Maambong, Regalado
1996 Letter to Senator Miriam Defensor Santiago. 27 August.
- Manila Standard*
1997 Senator Santiago Sits on Major Legislation. *Manila Standard*. 11 April: 13.
1994 Congress Approved P60-M for Information-Comelec. *Manila Standard*. 16 August: 6.
- Manila Times*
1997 22 March.
- The Marketing + Communications Group (The Group)
1994 Letter of The Group to Sonia Dipasupil-Barros, Director of the Education and Information Department of the Comelec. 16 May.
- Milgram, Stanley
1974 *Obedience to Authority: An Experimental View*. New York and London: Harper and Row, Publishers, 133-134.
- Milne, R. S.
1972 Modernization and Over-Elaboration of Administration in Developing Countries. *Philippine Journal of Public Administration*. 16 (4), October.
- Mindanao Cross*
1996 Editorial. 11 September: 3.
- Nuguid, Nati
1996 Revamping the Comelec. *Philippines Free Press*. 7 December: 40.

Oversight Committee (OC)

1996 Conference of the Oversight Committee. Comelec Session Hall. 9 October 1996.

1995 *Minutes of Oversight Committee Meeting*. 21 November.

Padolina, William G.

1997 Testimony at the Senate Hearing on the proposed Modernization Bill. 27 May.

Pascua, Lusita

1996 Interview with Ms. Lusita Pascua, Commission on Audit Resident Auditor assigned to Comelec, 7 November.

Peters, B. Guy

1984 *The Politics of Bureaucracy*. Second Edition, New York and London: Longman.

Philippines, Republic of (RP)

1997 General Appropriations Act, 1997.

1991-

1996 General Appropriations Acts, 1991-1996.

1987 Executive Order 301, Section 441.

Pope, Ernest

1995 Letter of the Senior Vice-President of the BRC to Chairman Bernardo Pardo of the Comelec. 22 June.

Puno, Ricardo V., Jr.

1994 That Comelec Lobby Fund. *Philippine Star*. 14 August: 7.

Quah, Jon S. T.

1973 Organizational Authority: A Critical Review of the Literature. *Philippine Journal of Public Administration*. 18(2): 143-144.

Reyes, Severo

1995 Memorandum For Commissioner Regalado Maambong, Commissioner-in-Charge of the Modernization Program. 17 July: 3-4.

Riggs, Fred W.

1987 The Interdependence of Politics and Administration. *Philippine Journal of Public Administration*. 31(4) (October): 418.

Sheinbaum, Gilbert, Emmett Fremaux, Jr., and Deborah A. Seiler

1995 *Technical Assessment of the Philippines Electoral System*. Washington: International Foundation for Electoral Systems (IFES).

Spiro, Herbert J.

1969 *Responsibility in Government: Theory and Practice*. New York: Van Nostrand Reinhold Company.

Tancangco, Luzviminda G.

1995 Choosing a Suitable Electoral System for the Philippines. In Ledivina V. Cariño, ed. *Conquering Politico-Administrative Frontiers: Essays in Honor of Raul P. de Guzman*. Quezon City: U.P. College of Public Administration and University of the Philippines Press.

1992 *The Anatomy of Electoral Fraud: Concrete Bases of Electoral Reforms*. Quezon City: MAJGM.

Thayne, Stephen

1995 Letter to Mr. Jose Concepcion, Jr.

Technical Committee

1995 Memorandum for the Commission *en banc* re: NCC consultancy signed by the Technical Committee members. 25 September.

United States Senate Committee on Foreign Relations and
The Center for Democracy, Boston University

1986 *Report to the President of the United States of America on the 7 February 1986 Presidential Election in the Philippines*. This is also known as the Lugar Report. Washington: U.S. Government Printing Office, 34.

Zolo, Danilo

1992 *Democracy and Complexity: A Realist Approach*. Cambridge: Polity Press.