

Diaspora and Democracy: Overseas Absentee Voting, Elections, and the Challenges for a Working Democracy in the Philippines

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Abstract

The practice of democracy, through the overseas absentee voting (OAV) law, by overseas Filipinos is a function of their material conditions abroad, the existence and actions of working institutions, as well as the dominant ideas among the migrants themselves. This paper will argue that despite the promise of the OAV law and the migrants as transformative political force, due to the problems besetting its implementation as well as the overall structure within which it operates, the current situation has fallen short of expectations of the government and the advocates, and has therefore failed to manifest clear change in Philippine politics.

Keywords : *overseas absentee voting, procedural and substantive democracy, patronage politics, 3Cs, 3Gs*

“It is absolutely essential that the oppressed participate in the revolutionary process with an increasingly critical awareness of their role as subjects of the transformation.” — Paulo Freire

Introduction

Democracy is one elusive concept to pin down. Various models of democracy exist, highlighting the multiplicity of ideas on the subject (Held 1999). As an ideal for people bounded by the particular territories of the national state, achieving a working democracy has been shown to be difficult to realize and maintain. Huntington (1991) showed that democracy had been gained and lost in the last two centuries by many countries. Drawing strength from the sacrifices of people from the center and left of the political spectrum, Filipinos, through the 1986 Revolution, known as the People Power/EDSA Revolution I, reestablished a liberal form of democracy after 20 years of dictatorship. Part of completing the realization of democracy, at that time, involved ratifying a constitution with, from the perspective of those who drafted it, enough anti-dictatorship provisions. Among these were the explicit containment of presidential or executive powers, strengthening of the legislature, ensuring of the independence of constitutional commissions and the autonomy of the judiciary, incorporation of civil society organizations in local development councils,

institutionalization of term limits, and mandating congress to enact laws allowing for a party-list/sectoral representation, decentralization of powers, and absentee voting.

This paper will focus on overseas absentee voting (OAV) and the prevailing political set-up in the Philippines. It will try to address the following questions: In what ways has the overseas absentee voting (OAV) law contributed to Philippine democracy? What were the challenges or problems related to its implementation? How were these challenges addressed by agencies in charge of the process? Towards this end, materials from official (constitutional and electoral laws, and websites of the election commission and relevant government agencies) and secondary sources (academic papers and books, as well as reports of interested parties, and other sources) were used. It will be argued that the OAV law provided a possibility for expanding the avenues for political participation in terms of voting in the Philippines. However, due to the limitations of the law and the problems associated with its implementation, its potential to positively contribute to substantive democracy and the changing of the nature of Philippine politics has been severely limited.

The paper is divided into four parts. The first clarifies the idea of democracy relevant to the paper as well as provides a background on Philippine politics. The second deals with the salient provision of the OAV law while the third deals with the reported migrant experiences concerning the law's implementation and assessment by various sectors. The last part is the analysis and conclusion.

CLARIFYING DEMOCRACY

Defining democracy?

Etymologically, democracy, coming from the Greek words “demos” and “kratos,” meant rule of the people or the many.¹⁾ Through time, several other related meanings were attached to the term, prompting Bernard Crick (1993) to say that it “perhaps is the most promiscuous word in the world of public affairs.”²⁾ Heywood (2002) noted seven meanings of the term corresponding to how people understood the link between the people and government.³⁾ David Collier and Steven Levitsky pointed out that there are around 550 subtypes of democracy.⁴⁾ These conceptions diverge on the range and extent of political properties encompassed by democracy.⁵⁾ Huntington (1991) argued that “as a form of government, democracy has been defined in terms of sources of authority for government, purposes served by government, and procedures for constituting government.”⁶⁾

For our purposes here, we are only going to focus on two of them. The first, following Abueva (1997), is the minimal or procedural one where the political system is seen as democratic to the extent that the most powerful decision makers are chosen through “fair, honest, and periodic elections in which candidates freely compete for votes, and in which virtually all the adult population is eligible to vote.”⁷⁾ This procedural type of democracy counts among its basic criteria

the holding of competitive elections, having broad or nearly universal citizenship and suffrage, as well as respect for basic liberties.⁸⁾ Diamond (1999) also noted that this Schumpeterian minimalist notion of democracy is actually focused on competitive struggle for effective power. Otherwise known as electoral democracy, Diamond also pointed out that this form privileges election over other dimensions of democracy and in a way ignores the degree to which multi-party elections may exclude significant portions of the populations. The second form is the optimal or substantive democracy which involves a political system that is democratic to the extent that “the people’s will is being effected in the process of governance”⁹⁾ and where “the declared constitutional and legal purposes and policies are being achieved through the functioning of governmental and political institutions, in relation to democratic norms and expectations.”¹⁰⁾

A long and winding road: a Brief Backgrounder on Elections and Democracy in the Philippines

Numerous scholars have described the Philippines as having an elite or cacique democracy, where an entrenched oligarchy, through patronage politics, as well as the use of 3Gs (guns, goons, and gold) or 3Cs (capital, crime, and coercion), uses the electoral process to maintain itself in power. (Sidel; Stauffer 1990; Hutchcroft 1991; Linantud 1998; Hutchcroft and Rocamora 2003; Quimpo 2005). Sidel noted that the “predominance of patron-client relations and the persistence of a landowning elite” dominate Philippine politics.¹¹⁾ Linantud (1998) argued also that despite a relative decline in election-related violence incidents (ERVI), media reports still reflect a high incidence of violence during an election year.¹²⁾

Manacsa (2000) noted how different colonial and post-colonial policies affected, and skewed towards the elite, the elections and the conduct of democracy in the country since 1945.¹³⁾ He noted that the 1945-1954 post-war political reconstruction highlighted the restoration of cacique democracy marked by the return of pre-war politicians at the national level¹⁴⁾ followed by the period 1954-1972 dominated by two elite parties.¹⁵⁾ A year before his final year in office ended, Ferdinand Marcos declared martial law and institutionalized a centralized authoritarian rule which ended only in 1986.¹⁶⁾ The assassination of Marcos’ main political archrival in 1983 led to greater anti-dictatorship campaigns. Though a product of a popular “revolution,” the post-EDSA 1986 condition, however, did not signal a radical break from old politics (Timberman 1990; Magno 1990). Even with a more active civil society in the years leading to and after the ouster of the dictator, once the smoke cleared up, however, it was the pre-1972 elites that led the way in controlling the state apparatus, especially the legislature.¹⁷⁾ Looking at democratization in the Philippines, Stauffer (1990) noted that “oligarchic’ elite has used democracy to prevent change, to resist needed reform, to use government to further personal and familial aggrandizement.”¹⁸⁾

In the post-1986 era, the Philippines have had four presidential (1992, 1998, 2004, and 2010), eight senatorial (1987, 1992, 1995, 1998, 2001, 2004, 2007, and 2010) and eight local elections (1988, 1992, 1995, 1998, 2001, 2004, 2007, and 2010).¹⁹⁾ Structurally, the Philippines, under the 1987 Constitution, is a unitary and presidential system where executive power is put under check by the

invigorated legislature, primarily, and an independent judiciary.²⁰⁾

Absentee voting and the political system

Dark (2003), looking at the different challenges having a globalized electorate pose, noted the difficulty for the US government in “ascertaining the true size and geographic characteristics of the overseas population.”²¹⁾

Oliver (1996), looking at the effects of liberalizing the absentee voting system, hypothesized that “liberalizing absentee eligibility reduces the ‘cost’ of voting while giving political interests a new way of mobilizing supporters and stimulating overall turnout.”²²⁾ According to Dubin and Kalsow (1996), it seems “liberalizing absentee voting policies may have actually increased political participation in primaries.”²³⁾ However, Oliver noted that on its own, absentee voting liberalization “does not ... increase overall turnout.”²⁴⁾

Correlating mailed votes and absentee voting results, Patterson and Caldeira (1985) noted that “partisan candidates are likely to harvest votes in the very localities where their party is otherwise strong.”²⁵⁾ Berinsky, Burns, and Traugott (2001), assessing the impact of Oregon voting-by-mail (VBM), claimed that VBM “does increase voter turnout in the long run, by making it easier for current voters to continue to participate, rather than by mobilizing nonvoters into the electorate.”²⁶⁾ They argued that despite this, “it does so without making the electorate more descriptively representative of the voting-age population.”²⁷⁾

Looking at the process involving RA9189, Moon (2009) identified internal and external factors that affected the outcome.²⁸⁾ Among the external ones are presidential support, a sympathetic sectoral party, the economic downturn, and the use of internet, while internal ones involve lobbying strategies.²⁹⁾ Overseas Filipinos as OAV advocates, he added, adapted their lobbying strategies to given situations.³⁰⁾ He noted that with the internet, dispersed advocates were able to unite.³¹⁾ In 2001, the International Coalition for Overseas Filipinos’ voting rights (ICOFVR) was formed.³²⁾ This umbrella organization lobbied intensively for the bill’s passage, riding on the greater realization of the migrants’ role in Philippine development following the Asian financial crisis.³³⁾ Within ICOFVR, the Center for Migrant Advocacy (CMA) and the Akbayan party list organization played a critical role.³⁴⁾ The confluence of these factors, he argued, made the OAV dream possible.³⁵⁾

RA9189 and RA9225: RELEVANT LAWS FOR OVERSEAS ABSENTEE VOTING

Republic Act (RA) 9189 or the OAV law was enacted in February 2003 “to restore the right of suffrage to Filipinos overseas who have been denied it due to physical absence” in the Philippines.³⁶⁾ It was enacted to fulfill one of the prime duties of the State, that of providing “a system of honest and orderly overseas absentee voting that upholds the secrecy and sanctity of the ballot” and ensure “equal opportunity to all qualified citizens of the Philippines abroad in the exercise of this fundamental right.”³⁷⁾ OAV advocates saw the law as a way out of being a neglected

sector and as a mechanism by which they can install a government “that will protect and not exploit” them.³⁸⁾ They saw in it a way to bargain with the government for effective and good governance in exchange for the economic benefits their remittance is giving to the national economy.³⁹⁾ The law enacted 16 years after the 1987 Constitution mandated it and after almost two decades of lobbying, marked a milestone for those advocating for the welfare of overseas Filipinos. On the part of the government, the law was seen as a fulfillment of a mandate to overseas Filipinos and as part of the effort to empower them in recognition of their role of “keeping the country’s economy running over the past years.”⁴⁰⁾ Legislative leaders expected that formerly disenfranchised Filipinos abroad will now begin to exercise their right of suffrage.⁴¹⁾ Analysts hoped that “the huge number of Filipinos abroad could become a major political force that could decide presidential contests.”⁴²⁾ It was previously assumed that migrant Filipinos can be potentially a positive force in transforming Philippine politics.

The law covers all Filipino citizens “abroad, who are not otherwise disqualified by law, at least eighteen (18) years of age on the day of elections.”⁴³⁾ Filipino permanent residents of another country are also required to execute an affidavit of intent to return.⁴⁴⁾ The said affidavit must “also state that he/she has not applied for citizenship in another country.”⁴⁵⁾ To register, the individual must make a personal appearance at the appropriate embassy or consulate, at the Election Registration Board (ERB) near their residence in the Philippines before departure, or at the Commission on Elections (COMELEC) office in Manila.⁴⁶⁾ One should present his or her passport and the accomplished COMELEC registration form with the following information: applicant’s last known residence in the Philippines before migrating, applicant’s address abroad or forwarding address (for seafarers).⁴⁷⁾

Voting is done by voting personally at the embassies/consulates and other designated voting centers or by mail.⁴⁸⁾ The counting and canvassing of the ballots, on the other hand, is to be done on-site at the same time that it is being done in the Philippines.⁴⁹⁾

Aside from conducting the election exercise and handling OAV registration, the COMELEC, “in coordination with agencies concerned, shall undertake an information campaign to educate the public on the manner of absentee voting for qualified overseas absentee voters.”⁵⁰⁾ It can tap for support and assistance the “Department of Foreign Affairs, through the embassies, consulates and other foreign service establishments, Department of Labor and employment, Department of Transportation and Communications, Philippine Postal Corporation, Philippine Overseas Employment Administration, Overseas Workers’ Welfare Administration and the Commission on Filipinos Overseas.”⁵¹⁾ The Commission is also in charge of the production and distribution of information materials and its approval is needed by all other governmental agencies and accredited organizations for the preparation, printing, distribution or posting of any related materials.⁵²⁾

Follow-up Law

Republic Act 9225 or the dual citizenship law was enacted to supplement RA9189 especially on

the issue of immigrant status. Its main essence is to allow Filipinos abroad otherwise disqualified by the RA9189 the right of suffrage by allowing them to retain or reacquire their Philippine citizenship subject to the new law's conditions.⁵³⁾ Filipinos who are now naturalized citizen of another country are deemed to have re-acquired Filipino citizenship upon taking the oath of allegiance to the Republic of the Philippines.⁵⁴⁾ Upon retaining or regaining their citizenship, these Filipinos abroad can now "enjoy full civil and political rights and be subject to all attendant liabilities and responsibilities under existing laws of the Philippines"⁵⁵⁾ as well as other conditions.⁵⁶⁾

OAV in practice: Reported OAV Experience of Migrants and the implementation of RA9189

From 2004 to 2010, election results at the national level showcased continuity in the voting behavior and a lack of change in the elite-dominated Philippine politics. The winners were mostly scions of long-entrenched political families, television and movie celebrities, and old-time politicians. Money politics remained to be the rule of the game.⁵⁷⁾ Election violence remained rampant.⁵⁸⁾ Electoral problems, despite the recent automated exercise, remained.⁵⁹⁾

2004 elections: First try at OAV

Teehankee (2006), evaluating the 2004 elections, the first time the OAV law was implemented, argued that it "served to highlight institutional continuity in the Philippines" but was a failure as a legitimizing mechanism due to election-related problems that diminished its credibility.⁶⁰⁾ Supposedly, the election reinforced a "fundamental paradox of Philippine politics and governance" where, despite having a history and tradition of popular struggle and democratic practices, a clientilistic elite democracy has become embedded in an underdeveloped economy.⁶¹⁾ Teehankee noted that despite a relatively high overall voter turnout,⁶²⁾ the election's openness was still limited by the inaccuracies and the incompetence in voter registration administration.⁶³⁾

Writing on the maiden implementation of the law, Rivera (2005) noted that "lack of information and strict requirements for overseas registration resulted in low voter turnouts."⁶⁴⁾ For the first OAV exercise, only 358,660 voters registered or about 35% of those eligible to vote.⁶⁵⁾

In the forum organized by the Center for Migrant Advocacy Philippines (CMA), Department of Foreign Affairs (DFA), Overseas Absentee Voting Secretariat (OAVS), and Consortium for Electoral Reforms (CER), reports assessing the first OAV registration were presented from various countries around the world indicated the following as factors for the low turnout in the OAV registration: delays in the enactment of the OAV law relative to the COMELEC registration target and in the promulgation of the implementing rules and regulations; shorter registration period (from three to two months); lack of enough and timely OAV information; disillusionment with the political system; OAV law's flaws; and delays in setting up registration centers.⁶⁶⁾

Of the approved registered voters abroad, the overall OAV turnout was 65.31%.⁶⁷⁾ OAV

advocates' assessments noted that, supposedly, the requirement for personal appearance to vote (Canada, Japan, and the United Kingdom being the sole exceptions), limited number and/or inaccessible voting centers, security concerns, voter ID confusion, errors in the certified list of OAV (CLOAV), and "serious flaw" in the information campaign led to the lower than expected voter turnout.⁶⁸⁾ Furthermore, in the case of voting-by-mail (VBM), it was noted that many migrants were itinerant.⁶⁹⁾ On manual counting and canvassing, Sana (2004) noted the difficulty with this as volunteers suffered from exhaustion.⁷⁰⁾

Salas (2004), providing an ethnographic account of VBM, noted the lack of urgency in sending the vote since the migrants were given a full month to mail their ballot.⁷¹⁾ He also noted the dissatisfaction with reading the same old names in the list of candidates, giving a sense of an absence of choice, and felt overwhelmed by the number of party-list organizations to choose from.⁷²⁾ The absence of sufficient information about each of these groups compounded the problem.⁷³⁾ Furthermore, unlike in precinct voting where staffs can assist you, postal voting's other challenge is its do-it-yourself nature.⁷⁴⁾

2007 elections: sharp decline

In 2005, then President Gloria Macapagal-Arroyo's administration was rocked by an election-scandal that severely damaged the credibility of her 2004 victory.⁷⁵⁾ Dubbed as the "Hello Garci scandal," it involved the "vote rigging" discussion between Arroyo and COMELEC Commissioner Virgilio Garcillano.⁷⁶⁾ This proved to be the turning point in the anti-Arroyo campaigns culminating in three coup attempts, a united opposition front in 2007 senatorial elections, and the election later of an anti-Arroyo senator into the presidency in 2010.⁷⁷⁾

During the preparation for the 2007 OAV exercise, and reflecting on the ongoing registration at that time, then Senate Minority Floor Leader Aquilino Pimentel Jr "expressed dismay" over the low OAV registration turnout especially from US-based migrant Filipinos.⁷⁸⁾ He attributed this to certain misconceptions such as the need to reestablish a Philippine residence before voting and the fear of a possible double taxation.⁷⁹⁾ In the end, the OAV turnout for the 2007 senatorial elections was a dismal 16.22%.⁸⁰⁾ It was noted by OAV advocates that the problems identified in the previous election remained unresolved in 2007. Among them were as follows: insufficient voter information and education, personal registration difficulties, limitations/restrictions on migrant suffrage, CLOAV errors, wasted VBM ballots, cynicism and a growing apathy among the migrant electorate.⁸¹⁾

2010 elections: First automated counting

The 2010 polls was the first to use automated counting and data transmission in the history of the country. Elections pushed through "as scheduled in more than 80% of the country, with minor glitches and incidents that were negligible."⁸²⁾

Despite proposals to improve the OAV turnout⁸³⁾, the government failed anew in addressing

the recurring problems of the system.⁸⁴⁾ Henry Rojas, CMA's legal counsel, noted that previous OAV problems remained.⁸⁵⁾ Rojas also noted that in addition to the still inaccurate CLOAV, COMELEC was "focused on increasing voter registration but had no plans on how to increase voter turnout, and expanded postal voting without addressing wastage of postal ballots."⁸⁶⁾ Furthermore, migrant advocacy groups also noted the failure to improve voter education and unresolved issues with the several voting methods that led to OAV disenfranchisement.⁸⁷⁾ While both the COMELEC and the DFA admitted they lack the manpower to efficiently implement the OAV they also pointed to other contributory factors. Foreign Affairs Undersecretary Rafael Seguis, OAV Secretariat head, blamed migrant mobility for the low turnout.⁸⁸⁾ The COMELEC OAV committee chair, Commissioner Armando Velasco, noted that the lack of an agency focused only on OAV implementation is one of the problems too.⁸⁹⁾ Aside from these concerns, it was noted in the Senate inquiry on the zero votes in the canvassing of some overseas absentee voting documents that "no registered Filipino voter from those countries took the time to vote."⁹⁰⁾

Analysis and Conclusion: Limited Gains within the Structure of Philippine Politics and Governance

Philippine elections remain exclusivist, elite-dominated type of democracy. The prevalence of the use of the 3Gs/3Cs and the structural requisites to partake in governance is enormous limiting ordinary citizens' participation to voting. With continuous Filipino labor migration, though, even this avenue became unusable for OFWs until the OAV law's passage.

Through RA9189, a limited form of suffrage was restored to the overseas Filipinos. Although this was potentially good for electoral democracy, in reality, not all of the 10 million Filipinos overseas were eligible to vote. For the eligible voters, many have not registered (for those who did, not everyone voted). These diminished the law's potential. There are various reasons for the failure of the law to live up to the expectations of the legislative framers and the government in general as exemplified by the low voter registration and turnout. Similar to the US case that Dark (2003) was talking about, the Philippine government, through COMELEC and DFA, found it difficult to ascertain the exact size of the overseas voting population. These contributed to wastage of resources and the inability of the government to pinpoint problems exactly and address them effectively. Later attempts to liberalize its implementation also fell flat. Reflecting Oliver's (1996) point about liberalizing the absentee voting system, the tedious and sometimes confusing process during the early part of the law's implementation has tempered participation by migrant Filipinos. Efforts to change them were in itself not enough to affect voter turnout.

For the OAV advocates, a combination of old and new structural and ideological problems hinder the full appreciation and implementation of the law both in the Philippines and in the destination countries. Among these are those related to registration and voting difficulties, voter education, wasted ballots, as well as, level and kind of embassy-migrant group relation and

coordination, and overall voter cynicism. Related to these and to many advocates and analysts' hope, while, as Moon (2009) argued, migrant Filipinos' activism abroad may have been important in the passage of the OAV law in 2003, we cannot be optimistic anymore about the possibility of the law and its implementation effecting a transformation of Philippine politics due to low voter turnout and the kind of politics the votes reflected. Looking at table 5-1 and 5-2 for instance, the results for the pilot automated OAV elections in Hong Kong and Singapore last year, will show not just the same overall winners of the elections at the domestic vote but also reflect the dominance of oligarchs, old names, and celebrities. Perceived progressive candidates never made it even just to the bottom six of the 12 winning senatorial line up. This is not surprising considering that money politics remain an integral part of the game. If it is difficult for non-elite/non-traditional political forces to campaign nationally due to the needed logistical requirements, it is even more so if they want to reach the overseas Filipino electorate. The last three OAV exercises have shown that the OAV expands the electorate but, due to its current flaws (both in letter and practice), have yet to show its true potential as an instrument of democratic governance. Furthermore, structural factors favoring a clientilistic elite democracy remain, and as such, limit the potentials for change and deeper democratization through the OAV.

Efforts to address the problems so far have not been that effective and targets only the government and advocates' turn-out expectations. Not much focus has been given to addressing the issue of how to harness any potential transformative politics one can get from the OAV. While most in the migrant group networks are highlighting the importance of voter education, which is a key to addressing not just voter turnout but also resource wastage, the key to lies in politicizing the electorate. This means making them aware not just of the dos and don'ts of the system of election but more importantly making them aware and conscious of their interests and those of the various candidates and parties vying for their votes. Until then, overseas absentee voting will just remain a routine exercise of legitimizing the status quo of elite-dominated Philippine democracy.

Notes

- 1) Heywood, Andrew, *Politics*, 2nd edition (NY: Palgrave, 2002), 68.
- 2) Heywood, *Politics*, 68.
- 3) In his book, Heywood listed the following meanings of democracy: a system of rule by the poor and disadvantages; a form of government in which the people rule themselves directly and continuously; a society based on equal opportunity and individual merit; a system of welfare and distribution; a system of decision-making based on the principle of majority rule; a system of rule that secures the rights and interests of minorities; a means of filling public offices through a competitive struggle for popular vote (Heywood, *Politics*, 68).
- 4) Diamond, Larry. "Defining and Developing Democracy" in L. Diamond, *Developing Democracy Toward Consolidation*. Baltimore: Johns Hopkins University Press, 1999, 1.
- 5) Diamond, *Developing*, 1.
- 6) Huntington, Samuel P. *The third wave: democratization in the late twentieth century*. US: University of Oklahoma Press, 1991, 6.

- 7) Abueva, Jose V., "Philippine Democratization and the Consolidation of Democracy since the 1986 Revolution: An Overview of the Main Issues, Trends and Prospects" in Felipe B. Miranda, ed. *Democratization: Philippine Perspectives*. Diliman QC: University of the Philippines Press, 1997, 2.
- 8) Abueva, *Philippine*, 2.
- 9) Abueva, *Philippine*, 2.
- 10) Abueva, *Philippine*, 2.
- 11) Sidel, John T. "Bossism and Democracy in the Philippines, Thailand, and Indonesia: Towards an Alternative Framework for the Study of 'Local Strongmen'"
- 12) The number one broadsheet in 1998 pre-election violence showed 71 cases involving 39 dead. Furthermore, 37 Election Day incidents of fraud were also reported. Overall, pre-election cases usually involve attacks on certain individuals, clashes between partisan supporters, intimidation, weapons violation, kidnapping, and arson, Linantud observed that Election Day cases were related to voting precinct blockades, intimidation, ballot snatching, and blackouts while post-election day involve arson. Linantud, John L., "Whither Guns, Goons and Gold? the Decline of Factional Election Violence in the Philippines" in *Contemporary Southeast Asia*, No. 20, 1998.
- 13) Manacsa, Rodelio C. "The Formal Structures for Political Participation: The Electoral and Party Systems in the Philippines" in Dianne Mendoza, ed. *Politics and Governance*. (QC: Ateneo De Manila University, 2000).
- 14) Manacsa, *Formal*
- 15) Manacsa, *Formal*
- 16) Manacsa, *Formal*
- 17) Coronel, Sheila S., Yvonne T. Chua, Luz Rimban, and Boomba B. Cruz. *The Rulemakers: How the Wealthy and well-born Dominate Congress*. Philippines: PCIJ, 2004.
- 18) Stauffer, Robert B., "Philippine Democracy: Contradictions of Third World Democratization" in *Kasarinlan* 3rd-4th Quarters 1990, 10.
- 19) COMELEC data
- 20) Caoili noted that all three branches are co-equal in theory but due to the anti-dictatorship milieu, the constitution shaved executive and enhanced legislative powers. (Caoili, Olivia C. *The Philippine Congress: executive-legislative relations and the restoration of democracy*. QC: UP CIDS and UP Press, 1993.)
- 21) Dark, Taylor, III, E. "Americans Abroad: The Challenge of a Globalized Electorate" in *PS: Political Science and Politics*, Vol. 36, No. 4 (Oct. 2003), 733.
- 22) Oliver, J. Eric, "The Effects of Eligibility Restrictions and Party Activity on Absentee Voting and Overall Turnout" in *American Journal of Political Science*, Vol. 40, No. 2 (May 1996), 498.
- 23) Dubin, Jeffrey A. and Gretchen A. Kalsow, "Comparing Absentee and Precinct Voters: A View over Time" in *Political Behavior*, Vol. 18, No. 4 (Dec., 1996), 369-392.
- 24) Oliver, *Effects*, 510.
- 25) Patterson, Samuel C. and Gregory A. Caldeira, "Mailing in the Vote: Correlates and Consequences of Absentee Voting" in *American Journal of Political Science*, Vol. 29, No. 4 (Nov., 1985), 785.
- 26) Berinsky, Adam J., Nancy Burns, and Michael W. Traugott, "Who Votes by Mail? A Dynamic Model of the Individual-Level Consequences of Voting-by-Mail Systems" in *The Public Opinion Quarterly*, Vol. 65, No. 2 (Summer 2001), 178.
- 27) Berinsky, *Who*, 178.
- 28) Moon Jae Seung, "Overseas Filipino Workers Activism and its influence on Philippine Politics: A Case study of the Overseas Absentee Voting Act of 2003. National University of Singapore, 2009,2
- 29) Moon, *Overseas*,2

- 30) Moon, *Overseas*,2
- 31) Moon, *Overseas*,5
- 32) Moon, *Overseas*,6
- 33) Moon, *Overseas*,13
- 34) Moon, *Overseas*,14
- 35) Moon (2009) noted how despite three bills being filed in the 8th Congress (1987-92), none were passed as lawmakers were not too keen to pass the bill. During the Ramos administration (1992-98), OAV bills were supposedly derailed by the Contemplacion case as the event in Singapore focused the legislature's attention instead on migrant welfare, enacting instead the Migrant Workers and Overseas Filipino Act of 1995. Under the Estrada presidency (1998-2001), a bill was sent to the third reading, only to be sidetracked by the impeachment proceedings in late 2000 and early 2001, culminating in the president's ouster. Only in Arroyo's time that the political opportunity became available for advancing the OAV bill.
- 36) Center for Migrant Advocacy Philippines. OAV: 2004 and Beyond. Presentation in the Second National Electoral Reform Summit. Quezon City, Philippines (September 2004).
- 37) RA9189, Sec.2.
- 38) David, Rafael, "From a Distance: A Migrant's Aspirations for the Coming Polls" in <http://ercof.com/studies-and-papers/papers/93-from-a-distance-a-migrants-aspirations-for-the-coming-polls>
- 39) David, From a Distance
- 40) Villanueva, Marichu and Jose Rodol Clapano, "Absentee voting signed into law" in the Philippine Star, Feb.14, 2003
- 41) Villanueva and Clapano, "Absentee voting"
- 42) Villanueva and Clapano, "Absentee voting"
- 43) RA9189 Sec.4
- 44) RA9189 Sec.5d.
- 45) RA9189 Sec.8.
- 46) RA9189 Sec.6
- 47) RA9189 Sec.8.
- 48) RA9189 Sec.16
- 49) RA9189 Sec.18. Before the May 2010 presidential elections, all were done manually. While the counting for the recent national and local elections were automated, for the overseas absentee votes, only Hong Kong and Singapore conducted automated counting.
- 50) RA9189 Sec.20.
- 51) RA9189 Sec.20.
- 52) RA9189 Sec.20.
- 53) RA9225 Sec.2
- 54) RA9225 Sec3.
- 55) RA9225 Sec5
- 56) RA9225 Sec5
- 57) Political ads monitoring for Feb9-May8, 2010 period by Pera't Pulitika showed Sen. Manuel Villar spent P333.9 million worth of unique ads, followed by then Sen. Benigno Aquino III with P309.5 million and former President Joseph Estrada with P181 million. Among the vice presidentiables, former Sen. Manuel Roxas spent P204.5 million worth of unique ads, followed by Sen. Loren Legarda with P180 million, and then Makati City Mayor Jejomar Binay with P167. (Consortium on Electoral Reforms (CER). "Successful Automated Election Leads to an Essentially Fair and Free 2010 Philippine Elections: A Bantay Eleksyon

- 2010 Final Report” in http://iper.org.ph/CER/resolution/BE2010_Final_Monitoring_Report.pdf, 16)
- 58) Cases ranged from intimidation to murder, with the total reaching 150 for the period January 10-June 9. Of these, there were 113 dead and 128 wounded. The PNP record for the same period involved 180 cases with 155 casualties. (CER, 24)
- 59) The Consortium on Electoral Reforms, monitoring the 2010 elections, noted that there were problems with the indelible ink, cases of ballot rejection, and sufficiency of protection of the secrecy of the ballot. Just like in the old days, claims of being cheated still abound. There were unsubstantiated claims of automated electoral fraud and vote buying. They also reported that “several violations had been committed by either the voter or the BEI” with regards to the COMELEC Resolution No. 8986 or the General Instructions to the Board of Election Inspectors (BEIs).
- 60) Teehankee, Julio. “Consolidation or Crisis of Clientelistic Democracy? The 2004 Synchronized Elections in the Philippines” in Aurel Croissant and Beate Martin (eds.), *Between Consolidation and Crisis: Elections and Democracy in Five Nations in Southeast Asia*. Lit Verlag: Berlin, 2006, 215.
- 61) Teehankee, Consolidation, 215.
- 62) There were 43,536,028 registered voters of which 32,347,269 (74.3%) voted on the May 10, 2004 polls (Teehankee, *Consolidation*, 221)
- 63) Looking at the level of exclusion, Teehankee observed that around 900,000 voters failed to vote, according to Social Weather Station (SWS), with 2.1% “were unable to find their names on the voters’ list.” However, as in the previous polls, violence and intimidation were the “most pervasive exclusionary element” in the elections with the police recording 192 incidence of violence.⁶³⁾ Aside from this, 600 places were identified as areas of concern and another 49 as “hot spot” areas by authorities with 120 villages being placed under direct COMELEC control on Election Day. (Teehankee, *Consolidation*, 221.)
- 64) Rivera, Temario C. “The Philippines in 2004: New Mandate, Daunting Problems” in *Asian Survey*, Vol. 45, No.1 (Jan-Feb., 2005), 128.
- 65) Teehankee also noted that supposedly, 1/6 of the six million OFWs have met the OAV requirement that demands that registrants declare their intent to resume residence in the Philippines not later than three years after the registration. Teehankee, *Consolidation*, 222.
- 66) Sana, Ellene, “OAV Registration: An Initial Assessment” in *The Migrant Watch*, Vol. 2 No. 3, September 2003
- 67) Sana, Ellene A., “The OAV Law: Defend and Amend, Guarantee its Continued Exercise” in *Kasama* Vol. 18, No.2 (April-May-June 2004) <http://cpcabrisbane.org/Kasama/2004/V18n2/OAV.htm>
- 68) Sana, OAV Law
- 69) Sana, OAV Law
- 70) Sana, OAV Law
- 71) Salas, Vicente S. “Voting by Post: one Pinoy’s UK Experience” in *Kasama* Vol. 18, No.2 (April-May-June 2004) from <http://cpcabrisbane.org/Kasama/2004/V18n2/PostalVote.htm>
- 72) Salas, *Voting*
- 73) Salas, *Voting*
- 74) Salas, *Voting*
- 75) “Hello Garci scandal” in <http://www.gmanews.tv/story/27477/Hello-Garci-scandal> (Jan 1, 2008)
- 76) “Hello Garci scandal” in <http://www.gmanews.tv/story/27477/Hello-Garci-scandal> (Jan 1, 2008)
- 77) Every year from 2005, opposition congressmen file an impeachment complaint against the president.
- 78) Senate of the Philippines Press Release (August 27, 2006)
- 79) Senate PR (08-27-06)

- 80) Rojas, Henry S., "Post 2010 OAV Reflections." Center for Migrant Advocacy, Inc., (May 14, 2010).
- 81) Rojas, *Post*.
- 82) CER. *Successful*, 17
- 83) Before the 2010 elections, Senator Pimentel also emphasized the importance of amending the OAV law to attract more overseas Filipinos to vote. Pimentel noted the need to require embassies and consulates abroad "to put up mobile registration centers in areas with huge concentration" of OFWs and to conduct pre-departure registration in international airports and seaports across the country. These, he noted, will benefit Filipinos in countries where their residences or workplaces abroad are too far from cities where Philippine consulates and embassies are located. Related to this, Pimentel and former Senate President Manuel Villar introduced Senate Bill (SB) 2333 to rectify the flaws in the RA9189. This bill allows qualified overseas Filipinos to also vote by other possible means that the law may allow. It also called for "the creation of a Resident Election Registration Board to process, approve or disapprove all applications for registration or certification of overseas absentee voters." (Senate of the Philippines Press Release for May 29 and July 10, 2009)
- 84) Abella, Jerrie M., "2010 OAV bugged with old problems, groups say" in <http://www.gmanews.tv/story/197333/2010-oav-bugged-with-old-problems-groups-say> (July 7, 2010)
- 85) Abella, *OAV*
- 86) Abella, *OAV*
- 87) COMELEC records showed that as of August 2009, 4,302 OAV applicants have been disqualified for failing or refusing to submit the affidavit required by the law. It was also reported that names were missing from the CLOAV, machines experienced glitches, and COMELEC, for the nth time, failed to issue voter's ID on time. Furthermore, ABS-CBN News reports from US, Canada, and Italy also noted problems over undelivered postal ballots due to the difficulty in finding the migrants' current residence. (Abella, *OAV*)
- 88) Seguis argued that workers do not inform the embassies or consulates general about their new address when they transfer. (Abella, *OAV*)
- 89) Abella, *OAV*
- 90) Meruenas, Mark Dalan, "Zero vote in overseas COCs piques Pimentel's curiosity (see Table 3)

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Republic Act 9006

Republic Act 9189

Republic Act 9225

ABS-CBN News.Com

GMA News.TV

Acronyms

3Gs	guns, goons, and gold
3Cs	capital, crime, and coercion
ABS-CBN	Alto Broadcasting System-Bolinao Broadcasting Network, one of the two major television companies in the Philippines
BEIs	Board of Election Inspectors
CMA	Center for Migrant Advocacy
COMELEC	Commission on Elections
CLOAV	Certified list of OAV
CER	Consortium for Electoral Reforms
OFWs	overseas Filipino workers
DFA	Department of Foreign Affairs
EDSA	Epifanio Delos Santos Avenue, the major thoroughfare that became the venue for two successful (EDSA 1 or 1986 revolt and EDSA 2 or 2001 revolt) and a failed (EDSA 3) political uprisings
ERB	Election Registration Board
ERVI	election-related violence incidents
GMA Network	one of the two major television companies in the Philippines
HB	House bill
Lakas-CMD	Lakas-Christian Muslim Democrats
ICOFVR	International Coalition for Overseas Filipinos' voting rights
OAV	overseas absentee voting
OAVS	Overseas Absentee Voting Secretariat
RA	Republic Act
SB	Senate bill

SWS Social Weather Station, a polling company
 VBM voting by mail

TABLES

Table1. Comparison of registered versus actual overseas absentee voters total

Election Year	Registered Voters	Actual Voters
2004	359,297	233,092 or 65%
2007	503,896	81,732 or 16%
2010	589,830	153,323 or 26%

Source: GMA News, July 7, 2010

Table 2. Registered overseas absentee voters

Region	2007 registered voters	Deleted	2009 registered voters
Asia Pacific	191,761	47,219	144,542
North and South America	27,247	4,886	22,361
Europe	48,462	12,233	36,229
Middle East and Africas	218,250	68,482	149,768
TOTAL LANDBASED	485,720	132,820	352,900
SEAFARERS	18,404		
OVERALL TOTAL	504,124	132,820	371,304

Source: Committee on Overseas Absentee Voting 2009 Statistics on number of registered voters

Table3: Countries with zero votes

Country	Congo	Fiji	Lithuania	Mauritius	Mozambique	Namibia	Nepal	Portugal	Tonga and Samoa	Swaziland	Zambia	Zimbabwe
Number of registered voters	7	3	2	1	44	41	2	14	6	11	2	2
Number of actual votes cast	0	0	0	0	0	0	0	0	0	0	0	0

Source: GMA News TV May 29, 2010

Table4. 2004 presidential tally showing domestic and OAV results

2004 Election for President	Arroyo	Poe	Lacson	Roco	Villanueva
Philippines	12,799,750	11,735,978	3,480,826	2,056,407	1,960,583
OAV	106,058	46,254	29,254	26,355	27,635

Source: COMELEC

Table 5-1. OAV results in Hong Kong*

Hong Kong		
President	Vice-President	Senators
Aquino	Roxas	Revilla
Villanueva	Legarda	Recto
Villar	Yasay	Drilon
Teodoro	Binay	Estrada
Estrada	Fernando	Santiago
Gordon	Manzano	Marcos
Acosta	Sonza	Enrile
Madrigal	Chipeco	Sotto
Delos Reyes		Cayetano
Perlas		Osmena
		De Venecia
		Guingona

Source: COMELEC and 2010 Results Iphone Application

Table 5-1. OAV results in Singapore*

Singapore		
President	Vice-President	Senators
Aquino	Roxas	Recto
Villar	Legarda	Santiago
Gordon	Fernando	Drilon
Teodoro	Binay	Cayetano
Vilanueva	Yasay	Revilla
Estrada	Manzano	Osmena
Madrigal	Sonza	Marcos
Perlas	Chipeco	Enrile
Acosta		Guingona
Delos Reyes		Sotto
		Estrada
		Roco

Source: COMELEC and 2010 Results Iphone Application

*- those in bold letters are the declared winners overall