

# Some Notes on the Current Philippine Situation

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## IT'S ELECTIONS' TIME: COMELEC'S MISSION IMPOSSIBLE?

Since the last quarter of 2009, the country has been on election mode. Politicians from traditional to the so-called new politics advocates have been spending millions of pesos in packaging and selling themselves to the people thru the tri-media. They have to do the campaigning in so many ways and means so as not to be accused of premature campaigning only to find out lately that the Commission on Elections (COMELEC) has declared that there could never be premature campaigning for politicians who have not officially declared themselves as candidates.

The May 2010 national and local elections will be the most awaited political event not only because a new President will be elected after the long nine years but also because for the first time the elections will be automated on the national scale. But today, less than four months to Election Day, it seems that the long wait will be filled with anxieties and fear. People have been worried that an automated election will be not realized because signs have shown that the COMELEC will have "mission impossible" in implementing them. There are eighty-two thousand (82,000) machines needed for the automated counting of votes. As of today, there are only 30,000 machines which have arrived and have not been tested for their performance and accuracy. In one of the performed tests, one machine was able to read/accept sixty (60) ballots out of 600 ballots fed into the machine.

Today, there are forty seven (47) million voters which should be counted and which will be will be further multiplied in one thousand six hundred thirty (1,630) municipalities with the untested and unproven machines for the automated counting on top of only around 30% of them have arrived yet. At this period, the number of people who are raising questions on the capability and feasibility of COMELEC in having the automated election nationwide has been increasing. The worst thing is, there is no alternative option being prepared by the COMELEC just in case the automated counting machines will not work out.

## FAILURE OF ELECTIONS: AN OPTION FOR A SOLUTION

This fearful scenario had led to more and more people to think that indeed a "Failure of Elections" is a serious option among others entertained by the current dispensation to stay longer after nine years in power.

On the same frame of mind, many have understood the controversy on the retirement of the Chief Justice and the Judicial Bar council (JBC). The important role that the Supreme Court will play in results if the election and is more vital role if failure of election will be declared.

It has started from the allies of Mrs. Arroyo to initiate the nomination for the next Chief Justice of the Supreme Court since the sitting Chief Justice will be retiring on May 17, 2010, ten days after the elections. The controversy stems from the violation of the 1987 constitution of the country if Mrs. Arroyo appoints the chief Justice it will be considered as midnight appointment, besides for those who do not agree with allowing Mrs. Arroyo to appoint the Chief Justice, they believe that it will be

appropriate to let the new President to do the job and the 1987 Constitution gives ninety (90) days for the appointment or filling in of the vacant seat which is more than enough time after June 30, 2010. Mrs. Arroyo had already appointed all the sitting Associated Chief Justices in the Supreme Court in the period of nine years except for the current Chief Justice.

The role of the chief Justice of the SC is important especially in the context of the coming elections where the position of the President, Vice president, Senate President, and the Speaker of the House of Representatives will be vacant. But everybody knows that the Supreme Court is a collegial body and therefore the CJ has only one vote just like the rest.

The maneuver from the allies of Mrs. Arroyo would want the people to think that the issue is for Arroyo to eagerly appoint the CJ but it can also be a camouflage or a cover up of affecting change in the Constitutions especially so that the JBC and the SC justices would agree to the power of Mrs. Arroyo to appoint the CJ disregarding the important part of the constitution (Section 15 of Article VII). Mrs. Arroyo and her allies have tried all means and ways to change the Constitution but these failed because they were opposed by the people.

Again this leads many people to think that Mrs. Arroyo's unprecedented running for the 2<sup>nd</sup> district of Pampanga in May 2010 elections is a diversionary move to make us believe that she is indeed leaving the Presidency but signs have been manifested that a possible hold over capacity on presidency can be created by the unfolding situation. This scenario can only be possible with the support of the military and police institutions. Mrs. Arroyo has already planted seeds in these institutions to prepare for such situation. The occupation of PMA class of 1978 of the strategic positions in both the police and the military clearly point to this direction. Mrs. Arroyo is an adapted daughter of PMA class 1978.

## **THE MINDANAO FACTOR**

Another disturbing trend is the events silently unfolding in Mindanao. The talks between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) have been going on in Kuala Lumpur, Malaysia with an objective of signing a Peace Agreement before the term of Mrs. Arroyo expires.

US Secretary of State Hillary Clinton had delivered a strong message to Mrs. Arroyo that the US wants a Peace Agreement signed before the latter goes out of office and the US will have a new and veteran ambassador to the Philippines to ensure that its interest will be carried out the soonest.

The urgency of the US agenda in the GRP-MILF peace agreement is not so much on its genuine interests on the tri-people in Mindanao but on the fast emerging influence on the Philippines by China. Surely there will be multi-conflict of interests in the process of achieving a signed Peace Agreement. The core issue which should be given qualitative consideration here is the Bangsamoro Juridical Entity (BJE) which was the main reason of the failure of the first Memorandum of Agreement on ancestral domain (MOA-AD) between the GRP-MILF in 2008. It has been said that there are reformulations of concepts and territorial scopes but the essence is the same only the participation of the Bishops-Ulamas have been added to the previous process. The role of the Bishops and Ulamas at present is to conduct genuine consultations in all the communities of the tripeople

stakeholders which will be affected by the new BJE. To date, we have not heard of such consultations much less the results of the consultations aside from the attempts to negotiate with some tribal leaders and groups from the affected part of the Indigenous peoples in Mindanao.

The MILF will seemingly like to have a Peace Agreement signed with the Arroyo government

because

at present the failed state situation of the Philippines, they can extract the maximum gains from a weak and seemingly powerless government and prepare for legitimacy of an armed option if the next government will not recognize the peace agreement and with the full backing of the International Community which had witnessed the peace process and its ultimate signing.

The Arroyo government will surely like to have a peace agreement signed with the MILF to have a legacy for the Arroyo government that indeed they are sincere in having peace in the island of Mindanao in particular and the country in general. But then again, activities on the ground show the contrary is happening. People led by prominent Christian/Migrant politicians have prepared themselves to oppose the new MOA-AD by all means including armed opposition. And if the signing of the MOA-AD happens before the May 2010 election, one could not just imagine the situation in Mindanao. Surely, Mindanao voters can easily comprise 30% of the total votes of the country. And the law says that if there will be failure of elections in at least 30% of the total voting population then a national failure of elections can be declared.

### **THE CLASH of the TITANS**

But the worst thing which can happen as a direct result of the peace process between the GRP and MILF will be the clash of the geopolitical interests of the US and China.

The US with its allies will like to have more influence in Mindanao via the MILF-GRP talks because of

their perception that China has gained ground in the Arroyo administration and even beyond through its huge investments and control of the country's economy. To date, there is a free trade agreement which was signed by China and the 10 Asian Nations which includes the Philippines in the

early part of this year. This is called China-Asean Freetrade Agreement or CAFTA in which one of the

main points in the agreement is to lower the tariff set by China and ASEAN of their products.

Everybody knows that China has been flooding the world market with its cheap products. CAFTA will

be clearly a one sided agreement in favor of China. Currently, with the economic crisis being experienced by the US, it could not cope up with these Chinese initiatives. The US tends to consider the Philippines with the occupants in Malacanang a failed state and it will take a long time even for a new government to correct such situation. It prefers therefore to have a change in the constitution (aside from a regime change) to let a dynamic Mindanao develop together with its neighboring islands and countries. A federal form of government in the country will be more than enough to suit such arrangement which the US hopes to isolate China in the process.

In the event that a MOA-AD will be signed between the GRP and the MILF and an armed reactions from the traditional Christian politicians with different Christian families against the government and

the MILF aside from the direct effects of these armed reactions on the national elections, it will be interesting to know the reactions of the two super powers: the US and China.

One can almost see which of the global powers will be helping whom that is GRP or the MILF. It will be good for us to study what happened in Sri Lanka especially during the period with the government of Sri Lanka and the Tamil Tigers (LTTE) were about to sign a peace agreement - a very bloody war broke up which caused thousands of deaths and millions of Tamil people have been dislocated. And not surprisingly, the same global powers were involved. Only that China has gotten

the upper hand with the SRILankan government and the US and its allies got an empty bag with the defeat of the LTTE.

### **The “Must” That We Should Do!**

With May 2010 fast approaching so many possible and complicated events can evolve. We cannot rely much on our leader politicians because by the time the official campaign period will start next month everybody has pulled down anybody who would be above them in surveys or in popularity.

We expect these mudslinging's to intensify as the elections time gets nearer. Each one will be busy depending and attacking anyone that they could not notice the maneuver of Mrs. Arroyo. Everybody is talking about the failure of elections scenario but very few are talking about what can be our concrete alternative.

We should first get our acts together and prepare to manually count the filled in automated ballots so that a failure of elections can never be made an option. This act needs volunteers on the national and local levels. We should also continuously expose those politicians who are only minding their own interests. First and foremost they should not be elected. Those who are running for re elections in different levels should be voted or not voted on the merits of their tract records.

Let us keep our eyes watchful on the appointment of the Supreme Court Chief Justice. The next President should be the appointing authority.

Let us call all the Stakeholders to actively participate in the Peace building process in Mindanao. This is not only about the GRP and MILF. This is not only about the Bangsamoro. This is not only about the three peoples of Mindanao. This is for building sustainable peace in Mindanao and the whole country.

Let us build Peace in Mindanao and  
Let us help develop our country.