



ANFREL Interim Statement
2022 Philippine National and Local Elections

Manila, Philippines
10 May 2022

The Asian Network for Free Elections (ANFREL) congratulates the people of the Philippines for their mass participation in the 2022 National and Local Elections, domestic election observer groups including PPCRV, LENTE, and NAMFREL, media and civil society organizations for their contributions to an inclusive and transparent election landscape, as well as the Commission on Elections (COMELEC) for holding the largely peaceful polls.

On Election Day, 9 May 2022, 15 international observers from ANFREL visited 197 clustered precincts across the Philippines to watch the opening, voting, and counting processes as 65,831,792 registered voters were invited to cast ballots in 106,174 clustered precincts. During the campaign period, ANFREL observers visited 14 regions to cover rallies and interview a diversity of election stakeholders. 1,697,202 overseas Filipino citizens were also invited to vote in 96 diplomatic posts from 10 April to 9 May and observers from ANFREL monitored the overseas voting process in Kuala Lumpur, Malaysia, Bangkok, Thailand, and Taipei, Taiwan.

ANFREL is the largest regional election observation group in Asia and has observed over 70 elections since its establishment in 1997. The interim statement below will be followed by a comprehensive mission report, to be tentatively published in July 2022. Our observers were supposed to be deployed in the Philippines for a period of at least 21 days but were not all able to due to a delayed accreditation process from COMELEC.

Technical Issues and Announcement of Results

ANFREL deems the transmission of preliminary results to COMELEC's transparency server to be timely and seemingly representative of the will of the Filipino people, although concerns about their trustworthiness have arisen that need to be urgently addressed. We also express concerns vis-à-vis the failure of at least 1,867 vote counting machines (VCMs) or related SD cards on Election Day, a much greater number than in the 2016 or 2019 elections. This led to long queues as machines were repaired or replaced, to some voters having to wait over 12 hours in some cases to cast their ballots, most often in the National Capital Region, and to possible disenfranchisement.

While only 1.76% of clustered precincts were affected by these technical issues, the voting experience of many citizens will damage the perception of the 2022 elections for a long time to come. Communication and contingency measures on the COMELEC's part were unfitting to the circumstances as some precincts were not provided with replacement devices for many hours despite assurances that the issues were "minor" and would be addressed shortly. Instead of dismissing calls to extend voting hours, COMELEC should also have taken the opportunity to emphasize that any voters who arrived at their precincts by 7 PM would be allowed to cast their ballots no matter how late, as they are entitled to by law.

We understand the rationale behind contingency measures of the COMELEC which offered the option for voters to leave their ballot papers with polling staff to be cast at a later time when

technical issues were resolved. However, we salute the voters who decided to hold on to their ballots for hours as they were waiting for the arrival of a new VCM and find their dedication truly inspiring. It would also be healthy for Philippine democracy to hold a conversation on the right of access to a VCM and voter receipt (voter verifiable paper audit trail or VVPAT), which must also include persons with disabilities (PWDs) and persons deprived of liberty (PDLs), who are usually unable to cast their ballots themselves.

Automating parts of the election process comes with a great impetus of transparency and reliability. Any failure to deliver these will surely damage the perception of the process among voters and stakeholders, and result in protests and calls for actions like those we have seen since Election Day. COMELEC can and should do better to establish a relationship of trust with voters.

As we wait for the consolidated results for national and local elections, we call on voters, political parties and media to remain vigilant to the canvassing of election returns and resolution of election disputes, even though no indications of fraud have been reported at this time. ANFREL also appreciates COMELEC's declaration that the current generation of VCMs will be retired before the 2025 elections and emphasizes the need for greater contingencies in the material to be used moving forward.

Election Day Environment and Polling Process

ANFREL observers noted that voters were eager to cast their ballots at all the precincts visited. Long queues formed early in the morning and in many cases remained throughout the day. Nevertheless, the process was generally smooth and transparent. All precincts observed opened at 6:00 AM as planned or shortly after; in almost all, poll watchers from political parties or observers from PPCRV were present as well, which ensured scrutiny of the voting process.

Polling staff by and large did a good job but their numbers were insufficient to properly manage the crowds and enforce applicable guidelines against COVID-19. Out of all the pandemic-specific rules set out by the COMELEC for the elections, the wearing of face masks was the only rule mostly followed, although compliance was largely voluntary. In almost all of the polling precincts observed, social distancing guidelines were not enforced.

The use of temperature scanners and hand sanitizer stations, though present in most polling precincts, was not enforced systematically and was often left to the discretion of the voter. As a result, the isolation polling places (IPP) devised by COMELEC for use by voters who displayed COVID-19 symptoms were rarely used. While we appreciate the difficulties of enforcing such measures, especially with the small number of polling staff assigned to precincts, the Philippines has not provided the same level of protection to voters as some other Asian countries that have held elections in the past two years.

A majority of the voting centers visited by ANFREL observers were also surrounded by campaign posters and flyers distributed to voters, despite the prohibition of any election propaganda within 30 meters of a voting center's entrance. Campaign material was also found inside precincts, often brought in with the voters for use as *kodigos* (cheat sheets) or as fans to counter the heat, and were rarely removed from the premises. Stricter enforcement of campaign guidelines is required to prevent the unacceptable routine use of children by political parties to disseminate campaign materials outside the polling centers.

Concerns regarding the secrecy of the ballot were also raised in over half of the polling stations visited by ANFREL observers. Indeed, the arrangement of voting precincts and the placement of desks in close proximity with each other resulted in voters often being unable to cast their ballots in

full secrecy. The secrecy folders were also underused and insufficient to ensure the secrecy of the ballot paper as the voters were casting their votes or were feeding their ballots into the VCMs. Moreover, the placement of the VCM in some polling precincts also undermined the secrecy of the ballot.

There were also instances where poll watchers or bystanders, inside and outside the precinct, could clearly read ballots, as well as situations when PWD voters were forced to mark their ballots outside in plain view of a crowd. There is no reason that the Philippines lag so far behind other Asian countries when it comes to protecting the fundamental right to secret voting. At the very least, a better and more uniform layout for polling stations and privacy folders or voting booths are needed in order to guarantee that each vote remains secret. A comprehensive training program that is consistent across the country, must be conducted for all polling staff, in order to prevent such a phenomenon from occurring again.

64% of the polling precincts visited were found to be accessible to wheelchair-bound voters, who were also able to have a person of their choosing assist them in voting. However, in a few polling centers, our observers raised concerns that the Accessible Polling Places (APP) were not, in fact, accessible to wheelchair-bound voters. It is imperative that voting centers are designed with accessibility in mind, in order to ensure an inclusive electoral process where the secrecy of every ballot is guaranteed.

More voter information and orientation in the run up to the election would have helped in addressing the confusion as voters sometimes struggled to identify their assigned clustered precinct. The process of verification of the voters' identity by election officials, despite the inclusion of biometric data (photo and fingerprint) in the voters' list, could also be strengthened as voters were often not requested to show their face before ballot papers were issued to them.

ANFREL's overseas observers also reported a transparent and reliable personal voting process, conducted in the presence of party agents and with extended hours to best accommodate overseas Filipino workers (OFWs).

Campaign Environment

The 2022 Philippine National and Local Elections saw a vibrant campaign environment, as streets across the country were covered with multi-colored posters, banners, and other propaganda. Small and large campaign activities were conducted by political hopefuls across the country, and thousands of volunteers mobilized for their preferred candidates.

Major campaign rallies were often star-studded entertainment events, where free distribution of food, drinks, clothing, and other goods was also found to be rampant in violation of both the Omnibus Election Code and COVID-19 campaign regulations by COMELEC. Interviewees highlighted that the lack of action on the part of the election and law enforcement bodies in enforcing guidelines on vote buying and that the continued impunity spurred further violations by political parties and candidates.

The exchange of money for votes was also found to be commonplace during campaign events and from conversations with voters. ANFREL observers reported that the going rate for a voter was between 100 and 2,000 pesos (roughly USD2 to 40) in the areas they were deployed depending on the position and competitiveness of each election. In most instances, the persons interviewed did not report the vote-buying for fear of reprisal and because of the difficulty obtaining sufficient evidence.

Stakeholders have reiterated the need for COMELEC to proactively address these issues as enabled to by the Constitution and the Omnibus Election Code. As of 7 May, COMELEC's task force was investigating only 10 cases of alleged vote buying, despite widespread pictures and videos spreading on social media alleging wrongdoing from major national candidates. It is unclear however in what proportion the rampant vote buying was successful in swaying the opinions of Filipino voters, who are used to such practices.

State resources were also found to be used in support of some candidates, usually incumbents or their relatives, further skewing the playing field. In several instances, ANFREL directly observed candidates using state-owned facilities and resources or benefiting from the support of uniformed police officers for campaigning purposes, whereas some candidates were prevented from accessing public spaces, as local government units denied or delayed granting campaign approvals.

The lack of a rigorous enforcement of existing campaign finance laws enables candidates to spend large sums of money undisclosed, spurring a spending race between competitors. As in other areas, without adequate oversight and accountability it is the candidates who do follow the law who place themselves at a disadvantage.

Online, the election campaign was marked by disinformation and attacks on high-profile candidates, especially against the few women competing for national positions. While social media companies have vowed to take measures against such phenomena, it would be difficult to argue that it was enough given how toxic the online environment has been in the run-up to the elections. More effective regulation, or preferably self-regulation, is needed in order to ensure a more level and honest playing field for candidates in the online space.

The election campaign also took place in the backdrop of severely curtailed freedom of press and widespread red-tagging, two violations of freedom of expression that undermine any electoral and political processes taking place under such a context.

ANFREL also regrets the COMELEC's delays in addressing the petitions for disqualification against Ferdinand "Bongbong" Marcos, Jr. Two and half months between issuing rulings on such important issues in both the first instance and the appeal is not appropriate in the midst of an election cycle, even more so given that the ruling on the appeals came out the day following Election Day. In the same spirit of transparency and timely due process, COMELEC also should release its criteria for the acceptance or dismissal of party-lists that filed for candidacy in order to improve a process that seems opaque, inconsistent, and hardly understandable to voters.

Election Violence

While the polling precincts observed by ANFREL were peaceful and free of poll violence, 15 incidents suspected to be poll-related violence were recorded on Election Day according to the Philippine National Police (PNP), adding to the 16 cases that have been confirmed to be related to elections since the beginning of the election period on 9 January 2022.

These incidents include the shooting of a Barangay captain on 27 April in Bangued, Abra, as well as a shooting incident on 7 May, involving supporters of mayoral candidates in Magsingal, Ilocos Sur, where four people died in the lead up to Election Day. On the eve of Election Day, a teacher who was set to serve as a Board of Election Inspectors (BEI) member was killed in Himamaylan, Negros Occidental. In Quezon province, a campaign organizer for presidential candidate Leni Robredo, Dante Gatdula, has been missing since 23 April.

On Election Day itself, six people were killed in three separate poll-related incidents of violence. In Buluan, Maguindanao, three members of the Barangay Peacekeeping Action Team (BPAT) were killed while helping guard a polling precinct. In Lanao del Sur, three persons were killed and others injured when supporters of local candidates fired inside a polling center. The Department of Education also reported that they had received 33 cases of harassment against teachers by 4:30 PM on Election Day.

Incidents of election-related violence intimidate and create an environment of fear for the voters, and must be addressed in a timely manner to prevent escalation. ANFREL condemns any and all acts of violence, and calls on the relevant institutions to thoroughly investigate and prosecute perpetrators of violence.