

- This article is intended to show the significance of the decision of the Senate Electoral Tribunal ousting 3 Filipino Senators for spending more than what the law permits in their election campaigns in 1961.

MONEY AND ELECTIONS

The decision of the Senate Electoral Tribunal on May 22, 1967, ordering the ouster of three Senators — Mr. Antonino, Mr. Manglapus, and Mrs. Kalaw-Katigbak — from their seats in the Senate for spending in their election campaign sums of money much in excess of what the law permits, has aroused adverse comments in the Manila press. The legal limit is the yearly salary of a Senator fixed by the Constitution at ₱7,200, which may, however, be increased by Congress but in that event the new salary will not take effect "until after the expiration of the full term of all the Members of the Senate and House of Representatives approving such increase." These three Senators were charged in a complaint presented in the Senate Electoral Tribunal by a candidate for a Senate seat who received less than two thousand votes in the elec-

tions of 1961, a number representing but an insignificant fraction of the votes cast for any one of the victorious candidates.

Under the constitutional provisions the Electoral Tribunal of the Senate is composed of nine members, three of whom are Justices of the Supreme Court, three Senators from the majority party in the Senate, and three Senators from the party having the second largest number of votes in the Senate. The Constitution makes this body *the sole judge* of all contests relating to the *election, returns, and qualifications* of the Senators. It is thus evident that the Electoral Tribunal, having exclusive authority over cases on these questions, has the final and unappealable authority in these matters.

The decision of the Electoral Tribunal is a significant landmark in the politi-

cal and legal history of this country. It is a bold and unprecedented step towards a firmer growth of political democracy which is being dangerously threatened into becoming a meaningless phrase by the money power among others. It gives an increased measure of assurance to greater freedom and fairer equality in the contest for votes in elections for public positions. Its effect may be to improve the opportunities of the people to choose candidates on the basis of their personal merit, ability, and character rather on their capacity to distribute thousands and even million of pesos to add to their personal possessions the powers of public office. This statement is not intended to mean that rich men and women running for public office are necessarily incompetent or dishonest. It is rather a reference to the power of wealthy candidates and their well-known propensity to use excessive sums in their ambition to win that need to be effectively curbed if democracy is to grow in our country.

In the interest of freedom and equality, and for the

security of our democratic institutions, this decision of the Senate Electoral Tribunal should be accepted by our people as a social and political blessing which, if strictly and faithfully observed in principle and action, may bid fair to undermine the propensity of both the old caciques and the new rich to monopolize public elective positions in order to acquire the power, prestige, and honor that they inordinately desire primarily for their personal benefit and enjoyment.

In a serious discussion of this momentous action, we should take care that we do not confuse our idea of the law and our understanding of the value of the Electoral Tribunal's judgment. This has been assailed by a number of commentators as a tragic application of what they call an *antiquated and unrealistic law* which fixes the amount of ₱7,200 as the maximum figure for the election campaign expenses of a senatorial candidate. It is claimed that this is too meager to cover all supposedly needed items of election expense. This kind of criticism is a thoughtless simplifica-

tion and misconception of the fundamental object of the law and an incorrect understanding of the Electoral Tribunal's action.

Any loose talk against a law of this nature could only be based on the idea that an election in a democracy must of necessity involve an expenditure large enough to cover all the needs of a candidate. But we should not forget that the salary of a public official should properly serve as an acceptable basis of what he should personally spend in his own campaign for his election. To spend more than that is to place himself under some suspicion that he has some ulterior motive in his desire to occupy the position; and he is most likely to exploit his office, if elected, to recover his expenses or to pay back his rich supporters in one way or another through the use of his official influence.

We have to admit that some people think that an election is really a political skirmish for a chance to enrich in public office. With that thought in mind, they believe that there should be

no prudent limitations on expenditures and no sensible restraints of any kind on methods to win, including character assassination, except that, if they can help it, candidates and their bodyguards should not go to the extent of openly killing each other for their partisan cause.

We have to admit that a considerable number of our public officials have had to invest large sums of money to get themselves elected. According to a veteran Filipino legislator, a candidate for the position of representative in the last 10 or 12 years needs at least ₱200,000 to put up a good election fight for that post. Without that kind of money, it is useless to run for a seat in the House. In the case of Senators, one has to spend much more. We have to admit that such expenditures are not merely for a candidate's personal trips and moderate publicity in the radio and newspapers. Everybody knows that they include payment for transportation and meals for his supporters, advances to voters, salaries of candidates' bodyguards, assistants, watchers, and all

sorts of election-day workers. Most Filipinos above 25 years are personally aware of these. As to the American practice, Prof. McKean has extensively treated it in his work on *Party and Pressure Politics*

The value of the law and its application by the Senate Electoral Tribunal may be keenly felt and appreciated when it is remembered that corruption, the canker that could destroy a republic, is usually the effect of the abuse of financial power. In the case of the criminal prosecution against Senator Newberry of Michigan who ran for the Senate against the car manufacturer Henry Ford and was accused of spending more than what the law provided for primary elections, the United States Supreme Court quoted in its decision a celebrated statement of the erudite Justice Miller in a previous case which pointed out the need of every republican government to secure its elections from the influence of "violence, of corruption, and of fraud." The eminent Justice went on say: "If it (the government) has not this power it is helpless before the two great natural

and historical enemies of all republics, open violence and insidious corruption." (Quoted in *Newberry vs. U.S.*, 256 U.S. 323). Newberry, however, was not convicted on the ground that the congressional statute on state primary elections was at that time still considered outside the federal authority; it is no longer so today.

To consider as unrealistic a limitation on a candidate's election expenses is to ignore the ethical nature of a public office as a public trust; it is not property in any sense of the term. Hence, it is not simply illegal but incredibly immoral to buy it in any form under a democratic government and in a republican state. To say that under the present law in this country one has to spend much larger than ₱7,200 for a campaign without any reference to the compensation attached to the office or to some reasonable and pertinent factor is to continue leaving the door wide open for wealthy candidates or for candidates supported by large vested interests as political patrons not only to use vast sums for all kinds of publicity, clean

or filthy, but even to buy voters under various devious modes and pretenses. This could be the realism which some people refer to when they condemn the decision of the Electoral Tribunal as *unrealistic*.

The realism we should be concerned of should be the realism of democracy, rather than the so-called realism of expensive propaganda, expensive private army of bodyguards for the candidate, expensive procedure of recruiting voters, and expensive methods of beguiling the electorate in a country in which most voters are not quite aware of the significance and value of their ballots.

American instances of excessive spending to secure elective positions should be of interest to us in this country. In his recent book on *Our Changing Constitution*, the writer Charles Leedham tells us about John Edward Sullivan Addicks, a financial baron at the turn of the century who acquired a massive personal fortune thru corporate manipulations and government contracts from state legislatures. After netting an

extra million dollars from a Siberian railroad contract, he decided to run for the U.S. Senate in Delaware. Feeling sure of the power of his wealth he hired agents to secure votes for him, offering to pay voters' taxes and personal obligations, and providing men with money to get themselves elected in the State legislature. Unfortunately, his efforts failed to get himself elected in spite of the fact that a Senator at that time was elected only by members of the state legislature. All attempts at bribery and corruption failed to convince the Delaware legislators to elect a man as their Senator simply because he was rich and a liberal spender. Could such a thing happen in another country where democratic institutions are not yet firmly understood and entrenched? Our honest answer is no.

Some more decisions of the kind handed down by our Senate Electoral Tribunal, specially when arrived at and released more expeditiously and promptly, will make democracy in this country more alive, vital, vigorous, real,

and respected than a thousand speeches on democracy by public officials, lectures by learned professors on freedom and equality, sermons on the sacredness of the right of suffrage, and campaigns of clubs and associations of independent and so-called free voters. The only way to make the proud and irresponsible politicians in this country respect the rule of law is to remove them from the pedestal of power once they are caught to have placed themselves above the law. This is the realism our country and people must insist on.

The problem of reducing the influence of wealth in the election of public officials is not an easy one. It has seriously faced republics from the time of the ancient Greeks and Romans to the present. It should be met with a practical solution that should recognize the inevitable need of expenditure. The common practice in the United States and England is for the party of the candidate to spend for his election campaign. Contribution to the party's fund for this purpose are permitted; but they

have to be reported and published as required by law. The Federal and State Corrupt Practices Acts require that party committees and candidates should file reports of their receipts and expenditures before and after election or on certain dates before a general election. The Federal Law requires that the names and addresses of all contributors as well as the amounts they contribute must be filed and reported.

Under our Constitution the enforcement of similar requirements, if adopted by our government, could perhaps be placed under the Commission on Elections in the case of the elections of all public officials except perhaps those affecting members of Congress which should be placed under the proper Electoral Tribunal of each House. In order to give equal chances to all qualified candidates, rich and poor alike, limitations on propaganda materials in the form of newspaper advertisements, radio broadcasts, T.V. announcements, handbills, billboards, and other forms of publicity should be adopted. The cost of all these should

be borne by the party, the candidate, and the government. A limited franking privilege for each candidate for a national office has been suggested by students on the subject for the purpose of a more equitable use of the mails.

The reason behind the suggestion that some sort of public subsidy be provided for election campaigns is that elections are in fact part of the procedure for the organization and operation of a democratic government. If the government provides offices for the use of legislative lobbies, if it maintains offices for the regulation of private businesses, such as a sugar board, an abaca corporation, a coconut corporation, and the like, there is no reason why there should not be provided funds for better information and guidance of voters in the selection of their officials, for greater stimulation of interest in public affairs, and for assisting "capable but impecunious persons to engage in political activity." Professor McKean gives us the following information:

"Oregon and North Dako-

ta now publish candidate's pamphlets, although not entirely at public expense. One student of these pamphlets, who believes that they 'have performed a valuable public service in providing information to the voters helpful to them in the performance of their duties,' recommends that the device be carried even further:

It would seem that if a state makes its election machinery available to a candidate for public office, it is justified in requiring every candidate to cooperate by furnishing a portrait cut, simple biography, platform, and other information needed to give the voters an understanding of his qualifications. To require every candidate, except those whose nomination or election is not opposed, to take at least one page in the candidates' pamphlet, would be reasonable."

But something else should be considered: It is the indifferent or ignorant voter who needs urging and sometimes asks for transportation to go to the polling place.

For him a number of countries have laws imposing a penalty for failing to comply with his civic obligation to cast his vote. In a sense, this is part of his duty as a citizen to defend the state, the democratic state, which he may be required to perform. — *V. G. Sinco.*

SALUTATION TO THE DAWN

Look to this day
For it is life, the very life of life.
In its brief course
Lie all the verities and realities of your existence;
 The bliss of growth
 The glory of action
 The splendor of beauty,
For yesterday is but a dream
And tomorrow is only a vision,
But today well lived makes every yesterday
 a dream of happiness
And every tomorrow a vision of hope.
Look well, therefore, to this day!
Such is the salutation to the dawn.

— *Kalidasa.*