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Your **VOTE** equals one
BRIGHT future.
Exercise your **RIGHT**.

ENHANCING
CITIZEN-VOTER EDUCATION
FOR A **BRIGHTER NATION**.



VIII. Action Points for Citizen-Voters

Below are some action points for the citizen-voters in his/her exercise of the right of suffrage.

General

- Set up voters' assistance desks
- Link volunteers to existing groups working on different aspects of electoral reform
- FAQ's on poll automation

Pre-Elections

Engage in preparatory activities that would enable him/her to exercise the right of suffrage and the right to an informed and free choice.

- Register during the period allotted for voter registration
- Be informed of the issues, platforms, and personalities of the political candidates
- Set specific guidelines in choosing government leaders in terms of the candidates' social affiliations and interests, competence, lifestyle, and performance records.
- Conduct/participate in public debates that would inform citizens and gain the commitment of the candidates to integrate foremost the interests and welfare of the citizens in their program of government. This process can be used to remind and hold the elected leaders accountable to the promises made during the campaign.

During Elections

Exercise vigilance and the right to vote

- Vote according to your conscience
- Practice vigilance by protecting the integrity of your own vote from any undue influence, volunteering in organizations that work for clean and peaceful elections, watching out for instances of cheating in the elections, and informing the rest of the electorate of such activities.

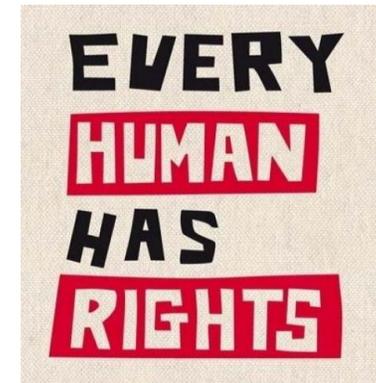
Post-Elections

Practice continued vigilance and participate in governance

- Be vigilant in the counting and canvassing of votes.
- Another arena of participation is open to the citizen-voter once the candidates they have voted for assume office.



The Right of Suffrage



The people's right to suffrage is an important part of democracy. If people are not allowed to vote freely, then the whole process becomes meaningless.



VII. Vision of Good Government, Leaders, and Citizen-voters

The UN Handbook on the Legal, Technical, and Human Rights Aspect of Elections (1994) defines "suffrage" as more than the right to vote during elections. It identifies "four essential and interlocking rights: the right to take part in government, the right to vote and be elected, the right to equal access to public office, and the right to self-determination." (Commission on Human Rights 2008)

Ideally, an electoral system should never be tainted with fraud, rigging, violence etc. in order to produce a legitimate result. The legitimacy of the next government resides in the honest and free exercise of the peoples' right to suffrage and in the Commission on Elections' open management of the system.

The government, the leaders, and the citizen-voters are now faced with the challenge of advancing various reforms in the system and change in attitudes and perceptions towards a system of wider and genuine participation of the grassroots in politics and governance, and towards citizen's political maturity.

Government

- ✓ Advancing democratization and good governance
- ✓ Making available a meaningful and accessible election process
- ✓ Maximizing the benefits of democratic mechanisms for the interest and welfare of all sectors of society, particularly the marginalized and underrepresented sectors.
- ✓ Ensuring that the government agenda and programs of action are genuinely reflective of the peoples' agenda
- ✓ Advocating new politics and new kinds of leaders that engage the participation of citizen-voters in running the affairs of the government

Leaders

- ✓ Capitalizing on the program of action and public service rather than on popularity in winning elections
- ✓ Promoting the envisioned government and engaging the citizens' stake in governance

Citizen-Voters

- ✓ Exercising the right to vote and the duty of guarding the integrity of the vote itself from any fraudulent maneuvering
- ✓ Using conscience in choosing the right leader
- ✓ Safeguarding and defending the democratic mechanisms and institutions

(Suffrage: "The right to vote, or the exercising of that right."
 —Andrew Heywood; Politics (Second Edition); p. 432.)

The right to suffrage, as a human right, is related to the concept of democracy and people's sovereignty.

Sovereignty is often defined as the principle of absolute and unlimited power. Under the democratic 1987 Constitution, it is the people alone who can exercise sovereignty. They can therefore make decisions that are binding on all individual citizens, groups, and institutions—including the selection of leaders who will run the government.

(Art. II, Sec. 1 of The 1987 Philippine Constitution: "The Philippines is a
 democratic and republican State. Sovereignty resides in the people and
 all government authority emanates from them.")

Qualifications and Disqualifications of a Voter

All citizens of the Philippines, eighteen years of age or over, and residents of the Philippines for one year and for at least six months in the city or municipality wherein he/she proposes to vote immediately preceding the election are qualified to vote.

The following shall be disqualified from voting:

- ☒ Any person who has been sentenced by final judgment to suffer imprisonment for not less than one year. However, he/ she may reacquire the right to vote upon expiration of five years after service of sentence.
- ☒ Any person who has been adjudged by final judgment by a competent court or tribunal of having committed any crime involving disloyalty to the duly constituted government such as rebellion, sedition, violation of the anti-subversion and firearms laws, or any crime against national security, unless restored to his/her full civil and political rights in accordance with law: Provided, That he/she shall regain his right to vote automatically upon expiration of five years after service of sentence.
- ☒ Insane or incompetent persons as declared by competent authority.

In addition, RA 9189 or the Overseas Absentee Voting Law entitles all Filipino citizens overseas, not otherwise disqualified by law, and immigrants, and permanent residents with affidavit of intent to resume residence in the Philippines, to vote for elective positions on the national level: President; Vice-President; Senators; and Party-List Representatives.



- For the poor, giving their support to a candidate is seen as an investment so that they can depend on the politician for help, e.g. donations, medicine, school fees. Campaign supporters view their help as a personal favor that the elected official should perceive as *utang na loob*. In return, they expect the official to accept personal invitations from their organizations, to comply with personal requests for donations, to award them perhaps with a government position upon electoral victory.
- In preparation for a coming election, people with plans of running for public office would be seen attending public functions from the barangay (community) to the provincial level. For constituents at the national level, candidates engage themselves in media exposure.
- Conversely, voting has always been determined by popularity of the candidate and financial and party machinery, which enhances the popularity of a candidate. Elections now become a high-spending process to the detriment of the candidates who have neither the financial resources nor the machinery, which can provide for posters and airtime in mass media.
- Consequently, the electoral system becomes bereft of the real issues affecting the electorate. Venues to seriously discuss programs of action and performances of candidates become less relevant in determining who gets elected to office.
- The traditional guns, goons, and gold element of Filipino politics continue to be a real phenomenon in certain districts, provinces, and regions particularly at the local level.
- Massive election fraud and violence are employed in order to win elections. Instances of cheating range from use of flying voters, registration of disqualified voters, vote-buying, ballot and ballot box switching, padding of votes through *dagdag bawas* and other forms, tampering the canvass of votes, etc. Again, these practices become more detrimental to candidates who have neither the financial nor political machinery to guard the integrity of the votes and election results. However, the most powerful safeguard against election fraud is the awareness and vigilance of every voter.
- Voters tend to be responsive to audio-visual tools and experiential discussions in voters' education forums. Recipients of voter education programs become more socially aware and are able to realize their stake in the electoral process.
- There is a general observation by voters' education trainers/educators that voters are seemingly more intelligent and critical now, but their motivations remain highly incentive-driven (What will be their personal gain in voting for this person? It may not exactly be a monetary value, but as earlier stated, voters tend to go for someone who has the economic power to aid them in whatever means possible).

II. History of Elections

A system of election was first practiced in the Philippines during the Spanish and American colonial period. The process, however, was limited only to male, educated, and landed voters and was more ceremonial rather than a genuine democratic mechanism.

Sectoral representation and political participation were only realized in 1937: when Act 4112, granting women the right of suffrage, was implemented; and when the peasant movements gained meaningful participation in political parties and in actually filling government positions.

The first democratic election after World War II was the 1946 election for President and Vice-President of the Republic, members of the Senate, and of the House of Representatives. From then on, the country operated on a two-party system wherein two major political parties, the Nacionalista Party and the Liberal Party, figured in succeeding elections.

When Marcos declared Martial Law in 1972, the 1935 Constitution was scrapped, an Interim Batasang Pambansa was created and a new (1973) Constitution was adopted. Marcos ruled as both president and prime minister, with legislative powers, under transition provisions—a one-man dictatorship.

Under popular pressure, he called for the election of an Interim Batasang Pambansa in 1978. The *Kilusang Bagong Lipunan (KBL)* became the administration party. The election claimed to restore Philippine democracy but Marcos' intent was to gain legitimacy for his undemocratic administration and to create a rubber stamp legislature. The exercise defied democratic procedures, and was characterized by rampant electoral manipulation by the Marcos government to ensure victory.

Local elections in 1980 were characterized by widespread terrorism, violence, and wholesale fraud. Intense opposition came from both the urban and rural citizenry.

In 1981, Marcos submitted himself to the electoral process to regain legitimacy. The event was boycotted by the political opposition, which instead launched a broad-based anti-dictatorship movement.

The Aquino assassination in 1983 resulted in waves of protest forcing the creation of a wider democratic space. Marcos, in a bid to defuse the protests, held the Batasang Pambansa elections in 1984 to replace the Interim Batasang Pambansa. The exercise was intended to divert the people's attention away from the Aquino assassination and was once again boycotted by the political opposition. Still, the period was marked by the weakening popularity of Marcos and the people's growing political movement against the Marcos dictatorship.

Under domestic and international pressure, Marcos called for snap presidential elections in 1986. The widespread election manipulations and irregularities and the worsening social, political and economic order triggered the EDSA uprising in the same year. The mass action known as the People Power Revolution of 1986 led to the ouster of Marcos, the collapse of KBL and the installation of Corazon Aquino as President.

Voter Behavior and Elections



While President Arroyo was able to stay in power, she was not able to endear herself to the majority of the people, resulting in a resounding victory for the opposition in the senatorial elections of 2007.

However, the 2007 elections also signaled the entry of “trapos” into the party-list system, which drew significant votes away from the top performers in the party-list elections. This sudden interest of traditional politicians in the party-list system was ironically brought about by the success of party-list representatives to gain equal treatment from their district colleagues.



Meanwhile, the untimely demise of democracy icon, former President Corazon Aquino in 2009 gave hope to the people’s yearning for change. The Filipino people themselves urged then Senator Benigno “Noynoy” Aquino III to run for the presidency as he was seen to be a symbol of hope. Noynoy Aquino answered the heed of the people and contested under the Liberal party with “anti-corruption” as his major platform. He won a landslide with more than 15 Million votes.

The 2010 National Elections also marked the conduct of the first nationwide automated elections in the country using the Precinct Count Optical Scan (PCOS) technology. The automated election system (AES) performed as expected. It contributed to the speed, accuracy, and security of the whole electoral process. The observed errors related to the PCOS machines fall within the expected margins of error and did not prevent the count to take place. There is already an acceptance by the voters of the system and this basically closes the door to a return to the manual system. However, it is obvious that AES implementation needs a lot of fine-tuning, particularly with regard to interfacing the system to the non-AES side of the electoral process

However, time and again, the struggle for our independence and for democratic governance resulted in a kind of political system, political leaders, and the electorate that we have right now. Elections have been a major feature and mechanism in practice and through a more informed electorate are hoped to continue to serve as vehicles towards genuine democratic governance. Genuine reforms are called on the areas concerning election administration and rules, strengthening of the political party system, and steps to empower the electorate, among others.



V. Powers and Functions of Public Servants

The Philippines is a republican and democratic state. The constitution provides the basic right of suffrage, and recognizes the people as the only source from which sovereignty and all government power come from.

There are three branches in the Philippine Government namely, the executive, the legislative, and the judiciary.

Executive power is vested in the President of the Republic. This power covers:

- control of all executive departments and all implementing agencies of the government;
- appointment of high officials in the government (heads of executive departments/cabinet members, ambassadors, public ministers, consuls, officers of the armed forces);
- seeing to the execution and implementation of laws and policies that the legislative branch has created

Local government units also exercise executive functions through the governors of provinces, municipal, and city mayors.

Legislative power is lodged in the Congress of the Philippines: the Senate and the House of Representatives. Legislative functions include:

- Statute making, constitution making, and amending of constitution;
- Appropriations/financial function – power of the purse;
- Oversight function;
- Informational or the power to conduct inquiries in aid of legislation.

Legislative functions are carried out at the local level by the different “*sanggunians*” or local legislative bodies.

In the law-making process, the president can either approve or veto a law passed by Congress. It would require 2/3 vote by the legislative body to finally pass a bill into law. At the local level, chief executives can also veto any ordinance on the ground that it is prejudicial to the public. In turn, the *sanggunian* or the local legislative body can override the veto, also by 2/3 vote of the whole *sanggunian*.

The Judiciary, on the other hand, is tasked to resolve the conflicts that may arise from the interpretation of the laws created by congress and is seen as the ultimate arbiter between the executive and the legislative branches of the government, with the Supreme Court being the highest Court of the land. Members of the Judiciary are appointed by the President.

III. Elections and Democracy



The Constitution guarantees that we are a sovereign people, from where *all* government authority derives. Sovereignty or the power to govern is exercised directly through suffrage and direct democracy instruments, and indirectly through officials elected by the people as their public servants. The will of the people, then, is expressed in clean, orderly, and honest elections.

Elections are part of the system of representative democracy, complemented by the system of direct democracy.

The representative democratic structure, in which the people govern through elected representatives, is based on the principle of the “consent of the governed.” Thus, government officials chosen and elected by the people become servants and not masters of the people from whom and for whom these officials exercise their power and authority.

Citizen-voters in a representative democracy are entitled to free and informed choices for whom to vote and the choices must be dictated by the genuine welfare of the majority. Every individual political choice and decision made by the citizen-voters will determine the kind of government that will serve them.

Studies have indicated that people enjoy a higher degree of freedom if direct democracy mechanisms are put in place.

Direct Democracy may take various forms and categorizations of direct people’s participation in governance. Among these are plebiscites, referenda, people’s initiatives, recall, and *barangay* assemblies.

Direct Democracy mechanisms in a representative form of government, becomes a corrective mechanism for the excesses or the lack of the electoral process.



- ❖ After collecting the transmitted election returns, the MBC starts its canvassing the results by undergoing the same precinct process: The MBC prints its own Initialization or “Zero” Report; prints eight (8) copies of Municipal Certificate of Canvass (MCOC); attaches transmission cable/modem to the machine; transmits data to the Provincial Board of Canvassers (PBC); and prints the remaining 22 copies of MCOC. The MBC then proclaims the winners.
- ❖ From the municipal level, the data will be transmitted to the Provincial Board of Canvassers which will print a Zero Report, print eight (8) copies of Provincial COC (PCOC), attach transmission cable/modem, transmit to the National Board of Canvassers (NBC), and print the remaining six (6) PCOC.
- ❖ The electronically transmitted results will be used as basis for canvassing/consolidation and proclamation of winning candidates for: city/municipal officials; provincial officials; district and party-list representatives; and senators.
- ❖ Congress will receive electronically transmitted results and will use either the transmitted results or the printed results as basis for the proclamation of the President and Vice-President. The 1987 Philippine Constitution authorized the Congress to promulgate rules for canvassing of results for President and Vice-President
- ❖ The data from the COMELEC database will appear in the COMELEC Quick Count in real time as unofficial and partial results.

- The Constitution and the 1991 Local Government Code (LGC) mandated **local sectoral representation** in the legislative bodies of local governments. However, there is still no enabling law to exercise this provision.
- There is also the LGC-mandated **barangay assembly** (*peoples’ assembly or meeting of all over-15-year-old-residents of the barangay*). It is a plenary body that has the power to hear and pass upon the report of the Sangguniang *Barangay’s* (SB) performance. It can also recommend measures for legislation by the SB. The *Barangay* Assembly is one manifestation of people’s power and a (truly) direct and participatory democratic exercise.
- **People participation** is also provided for by the Local Government Code through representation in consultative bodies such as the local health boards, local school boards, local peace and order councils, and local development councils at all local levels.
- The **role of non-government organizations** in governance is also recognized.



The **Overseas Absentee Voting (OAV)** Law applies the mechanics in RA 8189 of personal registration either with the Election Board of Inspectors in their place of residence before their departure or with the representative of the Commission in the Philippine embassies, consulates, and other foreign service establishment in their temporary residence overseas.

With the implementation of AES, the regular or “established” precincts identified in previous elections will now be grouped into “**clustered**” precincts, i.e. up to seven (7) established precincts comprise a clustered precinct which will be assigned one (1) Precinct Count Optical Scan (PCOS) machine each.



Testing and Sealing of Machine

At least three (3) days before Election Day, the public shall accomplish **test ballots**, which in turn will be manually counted. After which, election returns from the manual count shall be accomplished.

The same set of ballots that underwent manual counting shall be fed into the counting machine. Results generated from the manual count shall be compared with the results indicated in the automated count/print-out of the election returns.

Once the public is satisfied that the manual count is the same as the automated count, the print-out and manually prepared election returns shall be signed-off by the witnesses. The PCOS Machines shall be sealed without any connection to transmission links.

The public shall be allowed to secure the polling places where the PCOS machines are installed and shall be opened only on Election Day in the presence of watchers.

Election Day

On Election Day, the voter proceeds to the polling place to cast his/her vote. The Board of Election Inspectors (BEI) will administer the conduct of elections. The BEI will now include, as member, an information technology-capable person, who is trained or certified by the Department of Science and Technology (DOST) to use the AES.

All voters – as many as 10 voters at a time – whose name appear on the list of voters, will be allowed to vote. Official candidates, registered political parties and party-list groups, and accredited election observers and monitors are represented in the precincts by watchers.

IV. Election Process in 2010 and Beyond

This section will guide the citizen-voter not only in the exercise of the right to vote but also in monitoring the electoral process, in an automated election system (AES).

Modernization and automation of the electoral process dates back to the 1992 COMELEC’s Modernization and Excellence Project or Operation MODEX, which includes development in eight (8) components: *legal framework; registration; election process; education campaign; information technology system; facilities; institutional structure; and, personnel.* Election modernization and automation generally aims to speed up the election process and come up with results; and reduce the risk for human error or fraud.

Republic Act 9369, enacted in 2007, amended Republic Act 8436 or the Election Automation Law, which mandated the use of an automated election system (AES) in the country. This system will comprise the use of appropriate technology for registration, voting, counting of votes, and canvassing/transmittal of election results.

Previous attempts at modernization in terms of automating the election process include: (1) a pilot test of Optical Mark Reader (OMR) technology in the 1996 Autonomous Region in Muslim Mindanao (ARMM) Elections; (2) the partial automation using OMR technology in the ARMM provinces during the 1998 national and local Elections; (3) the halted nationwide implementation of a centralized automated counting system for the 2004 elections; (4) the pilot test of a fully automated election system in the 2008 ARMM Elections.

In the 2010 national and local elections, the citizen-voters actively participated in the country’s first nationwide fully Automated Election System (AES) – from **shading marks in the official ballot, counting of votes to transmission and canvassing of election results.**

