

The Right of Suffrage

The human right to vote is embodied in three instruments:
Universal Declaration of Human Rights (UDHR);
the International Covenant on Civil and Political Rights;
and in the 1987 Philippine Constitution.

The Philippines is governed by these three documents which
similarly mandate universality of the right; equality in access
to public service; and secrecy of votes.

U D H R
I C C P R
Constitution

Qualifications in exercising the right of suffrage

- citizens of the Philippines
- 18 years old and above on the day of elections
- a resident of the Philippines for one year and in the city or municipality wherein he proposes to vote for at least six months before the election
- those not disqualified by law

and under the Overseas Absentee Voting Law:

- Filipino citizens abroad
- 18 years old and above on the day of elections
- immigrants with affidavit of intent to resume residence in the Philippines
- permanent residents with affidavit of intent to resume residence in the Philippines

Disqualifications in exercising the right of suffrage

- person sentenced to be imprisoned for not less than one year
 - person found to have committed rebellion, sedition, violation of the anti-subversion and firearms laws, or any crime against national security or involving disloyalty to the government
 - insane or incompetent person
- ## and under the Overseas Absentee Voting Law:
- those who have lost Philippine citizenship
 - those who have renounced their Philippine citizenship and pledged allegiance to another country
 - those found guilty of Disloyalty (under Art.137 of Revised Penal Code)
 - immigrants or permanent residents without affidavit of intent to resume residence in the Philippines

Your Vote.
Our Future.
a module for ■ ■ ■ ■
citizen-voter education



Your Vote. Our Future. , the module, serves to contribute to the efforts at effecting matured and informed political attitudes and decisions of Filipino citizen-voters and eventually meaningful political and electoral exercise. As a core citizens' education module, it covers the broader aspects of the political and electoral system, human rights and governance. Contents of this module are the basic concepts and ideas to be considered in creating messages according to various forms of communication for the education campaign.

This module was a product of *Citizen-Voter Education Module-Building Project* of the Institute for Political and Electoral Reform (IPER) which involved research and scanning of existing voter education curricula and modules, and workshop-consultations with representatives from different groups: leaders from grassroots organization; entities/organizations working and advocating for and with particular focus on citizen and voter education; human rights experts; democracy experts; module-building experts; and communication/information-education experts. The series of workshops-consultations ran from October to November 2002 for the core module and from December 2002 to February 2003 for the specialized or sectoral modules.

With the draft module and a training manual, a pilot-test training was conducted on August 10, 2003 in Brgy. Caniogan, Pasig City. Comments on some concepts, training methods and training time were considered after the pilot training, after which the module was adopted in electoral campaign management trainings conducted nationwide between August and November 2003.

This module was reported to and adopted as a common core module for various voters education courses by the 2003 National Voter Education Summit last May. The same module was presented during the regional echo conferences of the Summit between August to September 2003, as well as during the Conference on the Role of Media in the 2004 Elections.

In time for the 2004 elections, IPER and CER networks will make use of the module in their citizen-voter education campaign.

History Reflections



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

Sectoral struggle 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 of government positions.

The first democratic elections after WW 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 where two major political parties, the Nacionalista Party and the Liberal Party, figure 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.



Election for the Interim Batasang Pambansa was called for in 1978. The *Kilusang Bagong Lipunan (KBL)* became the administration party. The election was claimed to be towards restoration of old political order but Marcos' purpose was to gain legitimacy for his unpopular administration and to create a rubber stamp legislature. The exercise defied democratic procedures, and was characterized by rampant electoral manipulation done by the Marcos government to ensure victory.

Local election in 1980 was characterized by widespread terrorism, violence and wholesale fraud.

Intense opposition coming from the peasant and student sector in the countryside supported peasant and labor unrest. In 1981, Marcos submitted himself to the electoral process to regain legitimacy. This is mandated by the constitutional provision of a parliamentary system.

The Aquino assassination in 1983 resulted in waves of protest forcing the creation of wider democratic space. Batasang Pambansa elections happened in 1984 to replace the Interim Batasang Pambansa. The exercise was

U D H R

Article 21 (1-3)
of the Universal
Declaration of
Human Rights

Right to Take Part in
the Government

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Right to Equal Access to
public Service

2. Everyone has the right to equal access to public service in his country.

Election as Reflection of
People's Will

3. The will of the people shall be the basis of the authority of the government; this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.



intended to divert the people's attention away from the Aquino assassination. Still, the period was marked by weakening popularity of Marcos and the people's growing political will to guarantee that their sentiments are reflected in election results.

Snap elections were held 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 the President.

Aquino's program of restoring democracy, promoting stability and establishing political legitimacy involved three major electoral exercises: national plebiscite for the

approval of the 1987 Constitution in February 1987; election for members of the Senate and House of Representatives in May 1987; and local elections in January 1988. The 1987 Constitution provided for a multi-party system.

During the 1992 synchronized national and local elections, the people voted for president for the first time under the 1987 Constitution. The main campaign issue was doing away with "trapo" or traditional politics. In 1995, congressional and local elections were held. A new form of fraud dubbed as "dagdag-bawas" or the subtraction of votes from one candidate to be added to the contending candidate was in practice during these two major elections.

In 1998, the first party-list elections were held. Joseph Estrada was seated as President of the Republic with popular support. However in January 2001, EDSA



DOS, a repeat of the 1986 People Power removed Estrada from Malacañang and seated Gloria Macapagal-Arroyo as the new president.

Time and again, the struggle for our independence and for democratic governance resulted in a kind of political system, political leaders and electorate that we have right now. Election has been one major feature and mechanism in practice and through a more informed electorate it is hoped that it continues to serve as a vehicle towards genuine democratic governance.

ICCPR

Art.25 (a-c) of International Covenant on Civil and Political Rights, March 1976

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

right to take part in the conduct of public affairs

a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

right to vote and to be elected

b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

right to have access to public service

c) To have access, on general terms of equality, to public service in his country.

Elections and Democracy

The Constitution guarantees that we are a sovereign people, where *all* government authority comes from. Sovereignty or the power to govern is exercised directly through suffrage and indirectly through public officials elected by the people. The will of the people, then, is best expressed in clean, orderly and honest election.

The representative democratic structure, in which the people govern through elected representatives, is based on the idea of “consent of the governed”. Thus, the 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.

The citizen voters are entitled to free and informed choice on whom to vote and must be dictated by the genuine welfare of the majority. Every individual political choices and decisions made by the citizen voters will determine the kind of government that will serve them.

Specific Mechanisms

Regular Elections

Since the enactment of the 1987 Constitution, elections for President and Vice-president are held every six years, while elections for Senators and members of the House of Representatives and local government officials happen every three years.

At the local level, barangay elections and Sangguniang Kabataan elections are also held periodically.

ARMM Elections

In 1993 and 1996, elections for the Autonomous Region of Muslim Mindanao (ARMM) were held. The 1996 ARMM elections also served as pilot-test for automated system of elections.

Aside from voting, our Constitution mandates other mechanisms to advance democratization and citizen's stake in governance.

Initiative and Referendum

The system of initiative and referendum gives the people power to directly enact, propose and reject laws at the local level.

Also through initiative, the people may directly propose amendments to the Constitution by a petition of at least 12% of the total number of registered voters, in which 3% of registered voters is represented in each legislative district.

Plebiscite

Through plebiscites, the people approve or reject the call for a constitutional convention to propose changes to the Constitution, approve or reject proposed changes in the Constitution and, at the local level, express their will with respect to certain local issues.

Sectoral Representation

The party-list system of representation allows for marginalized and underrepresented sectors to be represented in the national legislature. The system serves as an attempt to depart from the personalistic character of political and electoral system by giving focus on the party and its issue-based platform.

The Constitution and the 1991 Local Government Code (LGC) mandate sectoral representation in the legislative bodies of local governments.

Local Consultative Bodies

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 in all local levels.

Barangay Assembly

There is also the LGC-mandated *barangay* assembly (*peoples' assembly or meeting of all over-15-year-old-residents of the barangay*). The assembly has the power to hear and pass upon the report of Sangguniang Barangay's (SB) performance. It can also recommend measures for legislation by SB.

The Barangay Assembly is one manifestation of people's power and a (truly) direct and participatory democratic exercise.

Overseas Absentee Voting

The latest development in upholding the right of suffrage is Republic Act 9189, which provides for a system of absentee voting for qualified Filipinos abroad.

Constitution

Art. V, Sec. 1-2 of
The 1987
Constitution

exercise of
suffrage

1) Suffrage may be exercised by all citizens of the Philippines, not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote, for at least six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage.

the secrecy of
the ballot

2) The Congress shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad.

The Congress shall also design a procedure for the disabled and the illiterates to vote without the assistance of other persons. Until then, they shall be allowed to vote under existing laws and such rules as the Commission on Elections may promulgate to protect the secrecy of the ballot.

modernized
election
process

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However, the succeeding elections in 1998, 2001, and 2002 (except for the 1996 ARMM and the 1998 ARMM regional election which pilot-tested an automated system) came and went but still under manual system of voting and counting. The approaching 2004 elections will again not see through a fully automated system.

Republic Act 8436 or the Election Modernization Act, legislated in 1997, mandates the use of **automated election system** in the country as early as the May 1998 elections. This system will comprise the use of appropriate technology for voting and electronic devices to count votes and canvass/consolidate results.

The law also provides for the following features of the automated system: *a) use of appropriate ballots; b) stand-alone machine which will count and consolidate elections results; c) provision for audit trails; d) minimum human intervention; and e) adequate safeguard and security measures.*

Only Phase I of the modernization program was implemented by the Comelec. According to Comelec officials, voters who were not able to validate can still vote. Phase II will not push through for the 2004 elections because of a Supreme Court Ruling which nullified the contract of the automated counting machines. Phase III will still be implemented during the May 2004 elections, says Comelec.

A review of these phases and the law on automation, however, needs to be done.

Implementation of RA 8436 through Comelec Resolution 02-0170 (Phases of Modernization)

Phase I
Voter Registration and
Validation System



Phase II
Automated Counting and
Canvassing System



Phase III
Electronic Transmission
of Election Results



THE ELECTION PROCESS

1. Registration Day

2. Revision Day

3. List of Voters

4. Casting
of Votes

5. Counting
of Votes

6. Preparation of
Election Returns
and other Reports

7. Distribution of
Election Returns

9. Proclamation of
winning candidates



8a. Board of Canvassers
(For President and Vice-President)

8b. Board of Canvassers
(For Senators)

8c. Board of Canvassers
(Prov'l/City/District/Municipality)

Powers and Functions of Public Servants

Executive

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

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

Legislative

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;
- ✦ Oversight function;
- ✦ Informational or the power to conduct inquiries in aid of legislation.

Legislative functions are carried out in the local level by the different "sanggunians" or local legislative bodies.

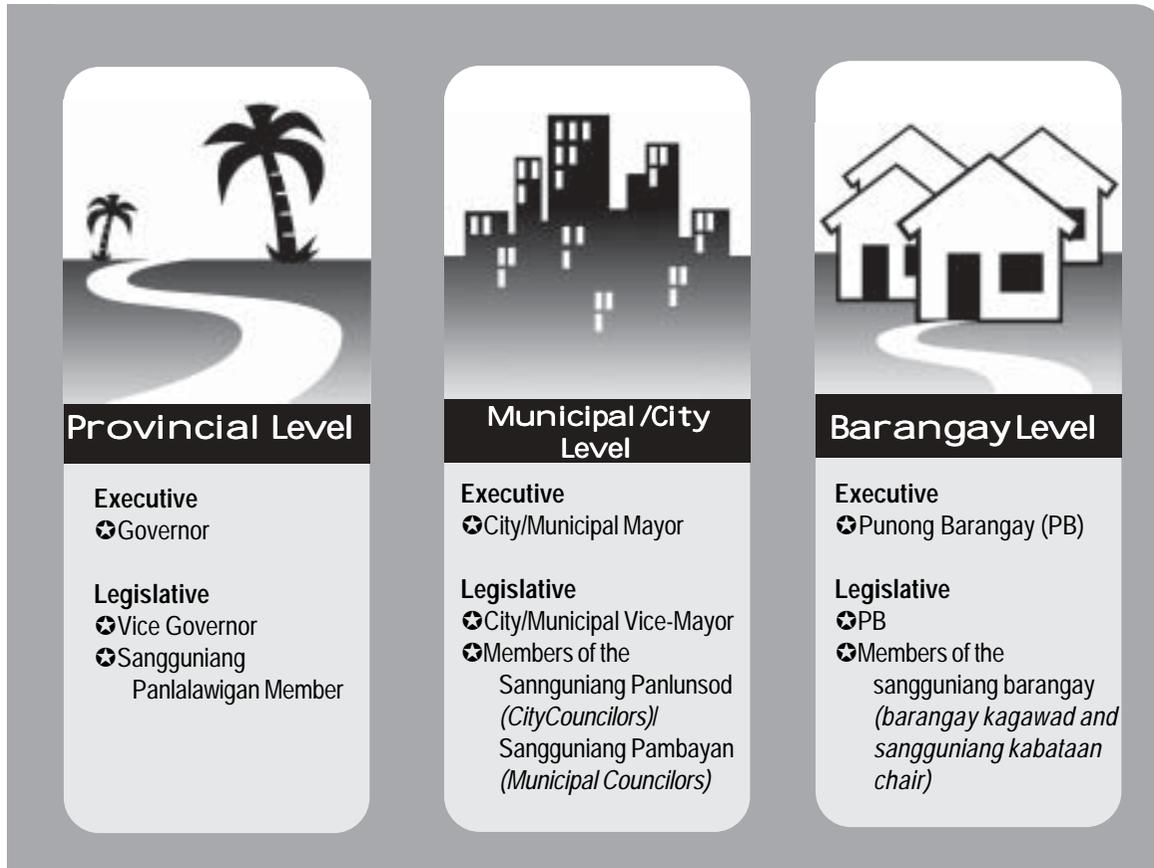


In the law-making process, the president can either approve or veto the law passed by congress. It would require two-thirds vote by the legislative body to finally pass the bill into law. At the local level, chief executives can also veto any ordinance on the ground that it is prejudicial to the public.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

Voter Behavior and Elections

A 2003 update study on voting behavior looks at how Filipino voters choose their candidates:

- **Characteristics of the candidates** that can be of benefit to the voter or characteristics such as *madaling lapitan, malinis na pagkatao, matulungin sa nangangailangan, nagtataguyod ng programang pangkaunlaran.*
- **Political machinery** which includes the political party, being in the opposition, and good campaign strategies
- **Popularity** or being a celebrity or endorsed by a celebrity
- **Endorsement of network and organizations** such as the family, the church, the groups and group leaders.





The conduct of elections is made complex by the practices and values, which in turn are reflective of the behavior and attitudes of the electorate and the politicians and of the actual practices before, during and after elections. Further, voter behavior reflects the personalistic and patronage orientation of traditional Filipino politics or “trapo”.

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 has neither the financial resources nor the machinery, which can provide for posters and airtime in mass media.

Patronage politics, on the other hand, thrive on a culture where the government leader becomes a politician who serves as a patron accommodating special favors to dole out money or provide jobs, recommendations and contracts to only a few in exchange for votes in the succeeding elections or support for a political agenda.

A common element of patronage culture is *utang na loob*. The powers-that-be use this to ensure that their political and economic interests will be served. For instance, a “powerful” politician may invite a candidate to run under his political party and in return, the candidate will feel indebted and eventually



feel pressured to support the political agenda of his benefactor (even if he is opposed to said agenda).

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, food, schooling, medicine. 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.

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 into office.

The traditional guns, goons, and gold element of Filipino politics continue to be a real phenomenon in certain districts, provinces, and regions.

Election fraud is sometimes employed in order to win the 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 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 vigilance of every voter.

Vision: Good Government, Leaders, & Citizen-Voters

The government, the leaders and the citizen voters are now faced with the challenge of advancing various reforms in the system and 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 peoples' agenda.
- ☑ Advocating new politics and new kind 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 leaders
- ☑ Safeguarding and defending the democratic mechanisms and institutions

Before elections <<

Prepare 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, 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 informed conscience
- 🔒 Protect the integrity of your own vote from any undue influence
- 🕊 Volunteer in organizations that work for clean and peaceful elections
- 🚧 Watch out for instances of cheating in the elections and inform authorities and the rest of the electorate of such activities.





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Action Points for Citizen-Voters

After Elections >>

Practice continued vigilance and participate in governance

- 👁 Be vigilant in the counting and canvassing of votes
- 🗣 Attend consultations and public hearings, and participate in local special bodies.
- 🗳 Legislative advocacy- a process where citizens talk with the lawmakers and other implementers in the government to ensure that the concerns and welfare of the general public are included in the discussion and making of laws.
- 🗳 The citizen voter can also engage in the political and electoral process in other ways such as:
 - a.making views known to the elected representatives.
 - b.supporting/campaigning for a political party, candidate or party-list group.
 - c.supporting initiatives of civil society organizations to ensure honest and peaceful elections.
 - d.running for office.

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Citizen-Voter Education Module-Building Project and Voter Education Campaign

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