



*Republika ng Pilipinas*  
**Komisyon ng Karapatang Pantao**  
*(Commission on Human Rights)*

**HUMAN RIGHTS ADVISORY**  
 CHR-A2004-001

**“ON THE RIGHT TO SUFFRAGE”**

Who should win in an election?

“Suffrage as conferred by the constitutional provision is not a natural right of the citizens, but a political right intended to enable them to participate in the process of government to assure it derives its powers from the consent of the governed. (Pungutan vs. Abubakar, L-33541, 20 June 1972.)”<sup>1</sup> Both international and domestic laws protect and guarantee its effective exercise by the people so that their sovereign will can be manifested.

Universal Declaration of Human Rights

**“Article 21**

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of 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.”

International Covenant on Civil and Political Rights

**Article 25**

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

- a) To take part in the conduct of public affairs, directly or through freely chose representatives;
- 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;
- c) To have access, on general terms of equality, to public service in his country.”

<sup>1</sup> 43 SCRA p.1.



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Article V, Suffrage, Philippine Constitution

*"Sec. 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.*

*Sec. 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."*

Who should, therefore, win in an election?

As envisioned under international and domestic laws, it is clear that the sovereign will of the people should win in an election. It is this will to participate in the election of officials that determines the kind of democratic government that will eventually be established. It is by reason of the votes cast that duly elected candidates may assume the office they wish to hold.

Since the inception of elections in the country, the electoral process has been generally characterized by irregularities such as fraud, terrorism, violence, vote-buying, ballot snatching, permit to campaign, and the like. These do not reflect the true will of the Filipino people, thus, a gross violation of the right to suffrage. All these infringe on the right of Filipinos to self-determination.

For this reason, it is imperative that an enabling environment be provided for an effective electoral process that reflects the political will of the people. Under a democratic rule, this may not be difficult to attain if the following considerations are observed:

1. Non-partisan civic education should aim to inform voters as to the "WHO, WHAT, WHEN, WHERE and HOW" of registration and voting. It should also help to inform the public on issues such as why they should participate and what guarantees are in place to protect their right to participate confidently in the process.

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2. Voter information should be accessible to all members of society, regardless of their language or level of literacy. As such, voter education materials should be multimedia and multilingual, and culturally appropriate for various social groups.
3. Civil education activities should also include specially targeted training for certain professional groups in order to prepare them for their respective votes in the electoral process. These may include such groups as registration and polling officials, police and security personnel, the media, political parties, etc.<sup>2</sup>

4. Support to administrative, legislative and civil society efforts in ensuring that the practice of demanding financial and other valuable considerations in exchange for the so called "permits to campaign" is criminalized as it violates Articles 19 and 25 of the International Covenant on Civil and Political Rights (ICCPR) on the freedom of expression and the right of political participation, respectively and Article IX, C, section 10 of the Philippine Constitution.<sup>3</sup>

In the midst of clamors for clean, honest, orderly, credible and genuine elections, the will of the voting Filipinos should be exercised freely, safely and intelligently, whether inside or outside the voting precincts. There is much to be done in this respect and instrumentalities of government, particularly the Commission on Elections (COMELEC), the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) must play their critical roles, as duty holders, for the full and free exercise of the right to suffrage by all Filipino voters.

The observance of these international and national standards on the roles of both the government instrumentalities as duty holders and the Filipino electorate as claim holders in the exercise of the right to suffrage shall ensure that the sovereign will of the Filipino people is truly and effectively manifested in this upcoming electoral exercise.

To the Commission on Human Rights of the Philippines, winning in an election does not stop when the duly elected candidates shall have officially taken their respective oath of office. Winning the election is the effective governance within the tenure of the elected and the quality of public service.

<sup>2</sup> Human Rights and Election, a Handbook on the Legal, Technical and Human Rights Aspect of Elections, Professional Training Series No. 2, United Nations Centre for Human Rights, Geneva, p.3

<sup>3</sup> CHRP Position Paper on HB No. 6581 entitled "An Act Amending Section 261 of Batasan Pambansa Bilang 881, Otherwise Known as the Election Code of the Philippines, as amended, and for other purposes."

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The right to suffrage, therefore, is not limited to the outcome of the electoral process.

In short, the electoral process is crucial for the Filipinos to come out victorious in the process of governance of the elected.

**Now**, it is incumbent upon every voting Filipino to be vigilant and united in ensuring an honest election for his/her right to suffrage to be protected.


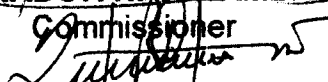
In the same vein, the Commission on Human Rights of the Philippines calls upon every instrumentality of the government to secure the sanctity of the ballot. The Commission, likewise, exhorts

- 1) The CHRP Central and Regional Offices, the agencies of government and their instrumentalities, the state colleges and universities, the civil society organizations, the peoples organizations, the non-government organizations, the media and even the informal organized groups to conduct continuing electoral education to enlighten voters, candidates and the general public of the importance of the cooperation of all in the conduct of an honest, orderly, peaceful, and credible elections in the exercise of the right to suffrage.
- 2) The COMELEC, as the official poll body of the government, to:
  - i. See to it that all election laws, rules and regulations are implemented and observed in the May 2004 exercise.
  - ii. Conduct specific electoral education on non-partisan civic education to inform the public on the issues of the participation in the exercise and the guarantees in place to protect their right to participate confidently in the process.
- 3) The Philippine National Police to see to it that the law enforcement agency under its supervision must do its work towards the attainment of an orderly and honest electoral process.
- 4) The Armed Forces of the Philippines to cooperate in the maintenance of peace and order by reason of the electoral process, especially in the insurgency infested territories.

Done in Quezon City on this 12<sup>th</sup> day of February 2004.

  
**ELIGIO P. MALLARI**  
Commissioner  
  
**WILHELM D. SORIANO**  
Commissioner

  
**PURIFICACION C. VALERA QUISUMBING**  
Chairperson

  
**DOMINADOR N. CALAMBA II**  
Commissioner  
  
**QUINTIN B. CUETO III**  
Commissioner

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