

## Module 2: Elections and Political Parties

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As defined in Black's Law Dictionary, election is the process of selection of one person from among several candidates to discharge certain duties in a state, corporation, or society. Stated in the context of the Philippines, it is the process by which the people choose the leaders entrusted with the powers of government, serving for a definite and fixed time period.

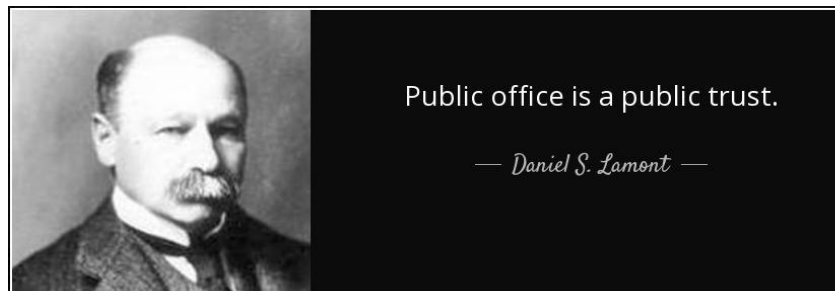
Philippine election law is a highly technical legal field, covered by a variety of laws. This includes, but not limited to, the following:

- a. the 1987 Constitution
- b. B.P. Blg. 881 (Omnibus Election Code)
- c. R.A. No. 6735 (1989 Initiative and Referendum Act)
- d. R.A. No. 7160 (1991 Local Government Code)
- e. R.A. No. 7166 (1991 Electoral Reforms Act of 1991)
- f. R.A. No. 7941 (1995 Party-List Act)
- g. R.A. No. 8189 (1996 Registration of Voters Act)
- h. R.A. No. 9006 (2001 Fair Elections Act)
- i. R.A. No. 9189 (2003 Overseas Absentee Voting Act)
- j. R.A. No. 9225 (2003 Repatriation Act), and;
- k. R.A. 8436, as amended by R.A. 9369 (Automated Election System).

The 1987 Constitution, as the supreme law of the land, makes it clear that the Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them.<sup>1</sup>

In addition, Art. XI, Sec. 1 highlights that:

Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.



<sup>1</sup> Sec. 1, Art. II

Source: [https://www.azquotes.com/author/30433-Daniel\\_S\\_Lamont](https://www.azquotes.com/author/30433-Daniel_S_Lamont)

In *Villegas v. Subido*<sup>2</sup>, the Supreme Court reminds that:

A public officer exercises delegated powers: **A public official exercises power, not rights.** The government itself is merely an agency through which the will of the state is expressed and enforced. Its officers therefore are likewise agents entrusted with the responsibility of discharging its functions.

A public office is not the property of the public officer. **Public officers are mere agents and not rulers of the people.**<sup>3</sup> Unlike royalty, the right to occupy a particular public office is also personal, and their heirs do not have the right to do so by virtue only of familial relations.<sup>4</sup>

There are different modes of acquiring public office. These include appointment, direct provision of law, succession by operation of law, and election.

Appointment is when an individual is designated by a duly authorized officer, board, or body to exercise the powers and functions of a given office. Direct provision of the law is when a particular piece of legislation gives direct authority to a given individual to assume particular tasks, duties, and responsibilities, and is usually related to ex officio duties. Succession by operation of law is when a public office is obtained due to the vacancy in the latter. Lastly, election is the choice or selection of candidates to public office by popular vote through the use of the ballot.<sup>5</sup>

Elections are important because they allow citizens to democratically choose public officers to represent their interests and ensure that government services are properly delivered.

## | Most Essential Learning Competencies

This module aims to:

- Analyze the nature of elections and political parties in the Philippines; and
- Explain the concept, relationship and importance of politics, governance, and government.

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<sup>2</sup> G.R. No. L-26534 (1969)

<sup>3</sup> [Cornejo v. Gabriel, G.R. No. 16887 (1920)

<sup>4</sup> Abeja v. Tañada, G.R. No. 112283 (1994)

<sup>5</sup> Rulloda v. COMELEC, G.R. No. 154198 (2003)

## | Content Standards

By the end of this module, learners are expected to demonstrate an understanding of:

- Politics and political science, governance, political ideologies, power, states, nations, and globalization;
- The elementary requirements of exercising the right of suffrage for Filipinos, both residents and overseas;
- The general procedure of elections in the Philippines, including electoral requirements, code of conduct, and failures of election, and;
- The Philippine political party system.

## | Performance Standards

By the end of this module, learners are expected to:

- Clearly identify a specific political phenomenon and how it can be studied;
- Be an advocate of the importance of elections and participation therein in a democratic society like the Philippines;
- Explain the basic electoral processes, including qualifications, disqualifications, procedural requirements and electoral protests, and;
- Be able to share their thoughts regarding the challenges in Philippine political systems that can undermine democracy.

## Lesson 1: Elections

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### | Lesson Objectives

At the end of the lesson, the student is expected to be able to:

- Highlight the idea that public office is a public trust;
- Explain why elections are an essential cornerstone of good governance; and
- Discuss an overview of the election process, voting system, legal procedures and statutory requirements in the Philippines.

### | Study Guide Questions

- What is suffrage and when is it exercised?
- Can everyone vote?
- Is there a procedural requirement prior to voting?
- Who can run for public office?
- Do political parties exist in the Philippines?
- What is the process of running for public office?

### | Key Concepts

- Election — the process by which the people choose the leaders entrusted with the powers of government
- Appointment — when an individual is designated by a duly authorized officer, board, or body to exercise the powers and functions of a given office
- Suffrage — the right to vote
- Political Party — an organized group of citizens advocating an ideology or platform, principles and policies for the general conduct of government

### | Self-Evaluation Form (Part I)

Answer:

1. How do you think elections affect the conditions in the country?

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### | Sub-lesson 1: What is suffrage and when is it exercised?

Defined simply, suffrage is the right to vote. It can be for elections, to choose leaders of the people or to determine the majority's will in questions submitted for the decision of the people like plebiscites, referendums, initiatives, and recall.

Regular elections are those provided by law to fill certain positions after the expiration of the full term of former officers. It can be local or nationwide. Special elections, on the other hand, refers to those elections held before the expiration of the full term of the officer concerned.

Suffrage may also be exercised for plebiscites, referendums, initiatives, and recall.

- Referendums** refer to the power of the people to approve or reject a legislation through an election [Sec. 3(c), R.A. No. 6735].
- Initiatives** propose and enact legislation through an election called for that purpose [Sec. 3(c), R.A. No. 6735].
- Plebiscites** refer to initiatives concerning amendments to the Constitution [Sec. 3(e), R.A. No. 6735].

- d. **Recall** is the termination of official relationship of a local elective official for loss of confidence prior to the expiration of their term through the will of the electorate [Sec. 69, Local Government Code].

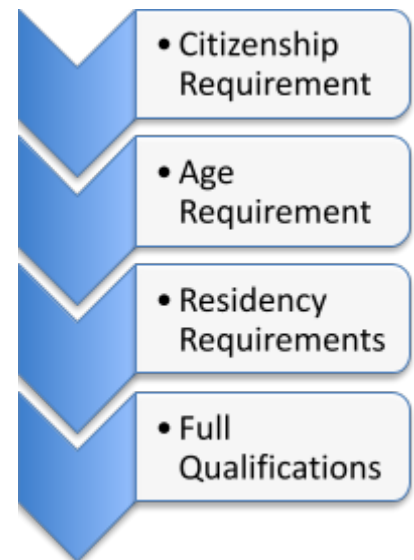
All of these involve the right to vote of citizens.

### | Sub-lesson 2: Can everyone vote?

No, it is only for qualified citizens of the Philippines. Foreigners living in the Philippines, despite the length of time they may be residents in the country, are not allowed political participation.

Filipino citizens have to pass the qualifications provided in Article V, Sec. 1 of the 1987 Constitution before they can exercise their right to vote. According to this section, suffrage may be exercised by:

- a. *All citizens of the Philippines*, by birth or naturalization
- b. *Not disqualified by law*
- c. *At least eighteen years of age*, to ensure that voters make mature decisions in choosing political leaders, as well as vote on social issues based on a sufficiently experienced perspective
- d. *Shall have resided in the Philippines for at least one year immediately preceding the election*, AND
- e. *Shall have resided in the place wherein they propose to vote for at least six months immediately preceding the election*, to guarantee that they are situated in the community and are aware of local and national issues prior to the elections



Congress may impose additional requirements on the right to vote. However, they are not allowed to impose those related to literacy, property, or other substantive requirement, as these usually translates to socioeconomic conditions which can affect poor people and underprivileged communities disproportionately, when it has little to do with “the right of a citizen to intelligently cast his vote and to further the public good”.<sup>6</sup>

Even if one has all the qualifications to vote, one must also not be disqualified to vote.<sup>7</sup> These disqualifications can be temporary, meaning once a person has all of the qualifications and none of the disqualifications, they can vote again. The following are disqualified from exercising their right to suffrage:

- a. An individual sentenced by final judgment to suffer imprisonment of not less than 1 year. However, after 5 years, said individual



<sup>6</sup> Kabataan Partylist v. COMELEC, G.R. No. 221318 (2015)

<sup>7</sup> Sec. 11, R.A. 8189, Voter’s Registration Act of 1996

reacquires the right to vote after service of sentence, or unless pardoned or enters into amnesty

b. An individual who commits crimes against national security and patrimony, including rebellion, sedition, et cetera. Similarly, after five years of service of sentence, the individual can now submit their registration again to vote

c. Insane or incompetent persons. In this instance, incompetence refers to people who are incapacitated to make decisions for themselves, including people with severe psychological or developmental disorders and disabilities.

Real-life examples of those disqualified to vote include:

- Those in prison for crimes including murder, rape and robbery
- Those in mental asylums and psychiatric hospitals suffering from severe disorders which impair their ability to make decisions for themselves

Filipinos abroad can vote too by virtue of R.A. 9189 or the 2003 Overseas Absentee Voting Act. In addition to being citizens, they must also be at least 18 years old, abroad on the day of the election, and not otherwise disqualified by law.<sup>8</sup> Note, however, that they can only vote in elections for president, vice president, senators, and party-list representatives, as well as in all national referenda and plebiscites, but not in local elections, referendums, and initiatives.<sup>9</sup>

### | Sub-lesson 3: Is there a procedural requirement prior to voting?

The Supreme Court notes, in *People v. Corral*<sup>10</sup>, that:

The right to vote is not a natural right but is a right created by law. **Suffrage is a privilege** granted by the State to such persons or classes as are most likely to exercise it for the public good.



It also states that registration “does not confer the right to vote but it is a condition precedent to the exercise of the right.”<sup>11</sup>

This means that the individual seeking to vote must first be registered with the Commission on Elections. They do this in the city or municipality where they reside. If they are found to possess all of the qualifications and none of the disqualifications, their names are approved by the Election Registration Board and entered into the book of registered voters.<sup>12</sup>

<sup>8</sup> Sec. 3(f)-4, R.A. 9189]

<sup>9</sup> Sec. 4 , R.A. 9189, as amended by R.A. 10590

<sup>10</sup> G.R. No. L-42300 (1936)

<sup>11</sup> Yra v. Abano, G.R. No. L-30187, 1928

<sup>12</sup> [Sec. 3a, R.A. 8189]

Source: <https://mb.com.ph/wp-content/uploads/2021/08/AUG-01-2021.jpg>

With R.A. No. 10367 or the Biometrics Law of 2013, registered voters must first comply with biometrics validation requirements.<sup>13</sup> This means taking their fingerprints to match their identity.

Registration is generally open at any time<sup>14</sup>, except

- a. 120 days before a regular election
- b. 90 days before a special election

Special provisions are also in place for illiterate or physically disabled voters, to be assisted by the Election Officer or any member of an accredited citizen organization. For the latter, they can also be assisted by any relative within the 4th civil degree of consanguinity or affinity.<sup>15</sup> For example, a blind person can be accompanied by their brother or sister in order to cast their vote.

Registered voters can also be “deactivated” upon a number of grounds. This includes acquiring any of the disqualifications as mentioned above, as well as:

1. failure to exercise the right to vote in the 2 successive preceding regular elections;
2. registration has been ordered excluded by the Courts, and;
3. loss of Filipino citizenship.

However, once the grounds for the deactivation no longer exist, the individual can file for reactivation again.

#### | Sub-Lesson 4: Who can run for public office?

Every elective position has certain requirements for its aspiring candidates.

For example, the **President** and **Vice President** must be:

- a. a natural-born citizen
- b. a registered voter
- c. able to read and write
- d. at least 40 years old on the day of the election
- e. a resident of the Philippines for at least 10 years immediately preceding election day<sup>16</sup>

For **Senators**, they must be:

- a. a natural-born citizen

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<sup>13</sup> [Kabataan Partylist v. COMELEC, G.R. No. 221318 (2015)]

<sup>14</sup> [Sec. 8, R.A. 8189]

<sup>15</sup> Sec. 14, R.A. 8189

<sup>16</sup> [Sec. 2-3 Art. VII]

- b. at least 35 years old on election day
- c. able to read and write
- d. a registered voter
- e. a resident of the Philippines for at least 2 years immediately preceding election day<sup>17</sup>

**Members of the House of Representatives** must be:

- a. a natural-born citizen
- b. at least 25 years old on election day
- c. able to read and write

In addition, for representatives of legislative districts, they must be a registered voter in the district in which they shall be elected, and also a resident thereof for not less than one year immediately preceding election day. This requirement does not apply to party-list representatives.<sup>18</sup>

Local government officials also have different qualifications and requirements depending on their position.

As long as individuals can comply with these basic requirements, COMELEC should consider their certificates of candidacy. **Discrimination based on the amount of winnability of a candidate, especially based on perceived lack of financial capability to campaign, is prohibited.**

The Supreme Court reminds us thus:

Since sovereignty resides in the people, it is necessarily implied that the right to vote and to be voted should not be dependent upon a candidate's wealth. Poor people should also be allowed to be elected to public office because social justice presupposes equal opportunity for both rich and poor. [...] No person shall, by reason of poverty, should be denied the chance to be elected to public office.<sup>19</sup>

Interestingly, there are also no educational requirements to run for public office in the Philippines. This is why famous individuals who have no prior education or experience related to public administration and management have managed to gain nationally-elected positions. This include actors and athletes such as former Presidential frontrunner Fernando Poe Jr. and Senator Manny Pacquiao, among many others.

### **| Sub-Lesson 5: Do political parties exist in the Philippines?**

The 1987 Constitution authorizes the existence of political parties.

Sec. 6, Art. IX-C. A free and open party system shall be allowed to evolve according to the free choice of the people.

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<sup>17</sup> [Sec. 3 Art. VII]

<sup>18</sup> [Sec. 6, Art. VI]

<sup>19</sup> Maquera v. Borra & Aurea v. COMELEC, G.R. Nos. L- 24761 & L-24828 (1965)



After all, political parties ideally help provide a framework of ideologies by which individuals can identify with particular political beliefs. R.A. 7941 defines political parties as “an organized group of citizens advocating an ideology or platform, principles and policies for the general conduct of government and which, as the most immediate means of securing their adoption, regularly nominates certain of its leaders and members as candidates for public office.”<sup>20</sup> B.P. Blg. 881 defines it more simply as “an organized group of persons pursuing the same ideology, political ideas or platforms of government and includes its branches and divisions.”<sup>21</sup>

As an example, below is a list of the Presidential candidates for the 2022 elections and their respective political parties throughout their careers in public service.

 <b>MARCOS JR.</b>	 KILUSANG BAGONG LIPUNAN 1980-2009	 NACIONALISTA PARTY 2009-2021	 PARTIDO FEDERAL NG PILIPINAS 2021-present			
 <b>LACSON</b>	 LABAN NG DEMOKRATIKONG PILIPINO 2001-2004	 SERBILINE OPPOSITION 2007-2010	 PARTIDO PARA SA DEMOKRATIKONG REFORMAS 2021-present			
 <b>DOMAGOSO</b>	 NACIONALISTA PARTY 2006-2012	 UNITED NATIONALIST ALLIANCE 2012-2014	 PWERSA NG MASANG PILIPINO 2012-2016	 NATIONAL UNITY PARTY 2016-2021	 AKSYON DEMOKRATIKO 2021-present	
 <b>PACQUIAO</b>	 KABALUKIT NG MALAYANG PILIPINO (KAMP) 2007-2008	 NACIONALISTA PARTY 2009-2010	 LIBERAL PARTY 2010-2012	 UNITED NATIONALIST ALLIANCE 2012-2016	 PARTIDO DEMOKRATIKO PILIPINO (LAKAS NG BAYAN) (PDP-LABAN) 2016-present	 PROMDI PROGRESSIVE RURAL DEVELOPMENT INITIATIVE 2021-present
 <b>ROBREDO</b>	 LIBERAL PARTY 2013-present					
 <b>DE GUZMAN</b>	 PARTIDO LAKAS NG MASA 2009-present					

Only the most quantitatively and qualitatively significant presidential candidates are listed.

SOURCE: IBON compilation from various sources



Source: <https://www.ibon.org/wp-content/uploads/2022/02/20221-party-switching-1000x1000.png>

Interestingly, the Constitution also notes that:

<sup>20</sup> Sec. 3, R.A. 7941

<sup>21</sup> Sec. 60, B.P. Blg. 881

Sec. 7, Art. IX-C. No votes cast in favor of a political party, organization, coalition shall be valid, except for those registered under the party-list system.

The party-list system proposes a similar-sounding, but technically different, concept. Party-lists exist independently of political parties. The party-list is a technical term, enabling groups and coalitions to become members of the House of Representatives.<sup>22</sup> It was originally envisioned to represent Filipino citizens belonging to marginalized and underrepresented sectors, organizations, and parties, and who lack well-defined political constituencies.

Political parties, whether they be national, regional, or sectoral, must be registered with the COMELEC in order for them to be recognized as legal entities and have rights and duties under the law.

Groups which cannot be registered as political parties include religious denominations and sects, those which seek to achieve their goals through violence or unlawful means, those which refuse to uphold and adhere to the Constitution, or those supported by foreign governments.<sup>23</sup> Additional grounds for refusal to be registered with the COMELEC are also prescribed by law.<sup>24</sup>

The general rule is that membership in a political party is not required for public office.<sup>25</sup>

The participation of political parties are banned in the barangay elections, due to the potential partisan bias in the impartial discharge of duties in the most basic of the Philippine political and social structure.<sup>26</sup>

The political party system in the Philippines has many criticisms, being described as weak due to intra-party competition, shifting alliances and no real political and social stance.<sup>27</sup> An example is illustrated above, where some politicians change political parties with relative ease. This has been called a danger to democracy and one of the greatest challenges of Philippine politics today.<sup>28</sup> This poor system is credited with stunted governance leadership and an insult to democracy, hence the call for reforms.

## **| Sub-Lesson 6: What is the process of running for public office?**

### **Filing of Certificate of Candidacy**

First, aspiring public officials must file a sworn certificate of candidacy any day during the election period but before the commencement campaign period, personally or through a duly authorized representative.<sup>29</sup>

<sup>22</sup> Sec. 2, R.A. 7941

<sup>23</sup> Art. IX-C, Sec. 2 (5), Constitution

<sup>24</sup> Sec. 6, R.A. 7941

<sup>25</sup> Art. VI, Sec. 17, Constitution; Art. VI, Sec. 18, Constitution ; Sec. 45(b), Local Government Code

<sup>26</sup> *Occeña v. COMELEC*, G.R. No. L-60258 (1984)

<sup>27</sup> <https://asiafoundation.org/wp-content/uploads/2019/02/Strong-Patronage-Weak-Parties-Briefer.pdf>

<sup>28</sup> <https://library.fes.de/pdf-files/bueros/philippinen/07131.pdf>

<sup>29</sup> Sec. 73, B.P. Blg. 881.

Politicians cannot run to more than one office at a given election. Filing for more than one makes them ineligible for either unless they duly cancel it before the expiration of the period to file certificates of candidacy.

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If the person who files is an appointive public officer, member of the Armed Forces of the Philippines or an executive of a government-owned and controlled corporation, then they shall be automatically considered resigned from their office.<sup>31</sup> The same is not true for elective officials, who continue to exercise their right of office until the expiration of their term.<sup>32</sup>

Interestingly, any mass media columnist, commentator, announcer, reporter, on-air correspondent, or personality who is a candidate for any elective public office, or works with one, shall be deemed resigned or is forced to take a leave of absence during the entirety of the campaign period.<sup>33</sup>

COMELEC can also refuse to give due course or cancel a certificate of candidacy for individuals who make a mockery of the election process, causing disrepute or confusion due to similarity of names. The same is true for people who are shown to have no true intention to run for the public office for which their candidacy has been filed. These are known as nuisance candidates.<sup>34</sup>

Those who make false and material misrepresentations affecting the right of the candidate to run for public office, with intent to deceive, shall also have their certificate of candidacy not given due course or cancelled.<sup>35</sup>

### **Campaigning**

The general rule is that the campaign period shall begin 90 days before the day of the election and shall end 30 days thereafter [Art. IX-C, Sec. 9, Const.] The exception applies only in special cases, whereby COMELEC shall assign the dates. This rule applies to the President, Vice President, and Senators, while for the Members of the House of Representatives and elective local government officials, they are given 45 days to campaign.<sup>36</sup>

The election campaign is otherwise known as partisan political activity.<sup>37</sup> People are prohibited from engaging in this are the following:

1. civil service officers and employees<sup>38</sup>
2. members of the military<sup>39</sup>

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<sup>30</sup> Sec. 73, B.P. Blg. 881

<sup>31</sup> Sec. 66(1), B.P. Blg. 881

<sup>32</sup> Quinto v. COMELEC, G.R. No. 189698 (2010)

<sup>33</sup> Section 6.6, R.A. 9006

<sup>34</sup> Sec. 69, B.P. Blg. 881

<sup>35</sup> Jalover v. Osmeña, G.R. No. 209286 (2014); Salic Maruhom v. COMELEC, G.R. No. 179430 (2009)

<sup>36</sup> Sec. 5, R.A. 7166

<sup>37</sup> Sec. 79, B.P. Blg. 881

<sup>38</sup> Art. IX-B, Sec. 2 (4), Const

<sup>39</sup> Art. XVI, Sec. 5 (3), Const.

3. members of the board of election inspections <sup>40</sup>
4. foreigners<sup>41</sup>

Before the campaign period, partisan political activity is prohibited, and if committed is considered an election offense.<sup>42</sup> At the same time, campaigning is banned on the following days:

1. Maundy Thursday;
2. Good Friday;
3. Eve of Election Day, and;
4. Election Day<sup>43</sup>

The law also provides that candidates be given equal access to media time and space, hence media companies must submit their logs to COMELEC for review.<sup>44</sup>

Private individuals, institutions, organizations, and corporations can contribute to political campaigns. However, a number of them are generally prohibited<sup>45</sup>, including financial institutions, contracted government suppliers, public utility operators, grantees of franchises (including GOCCs), et cetera, in order to avoid conflict of interest. Foreigners and foreign corporations, officials or employees in the Civil Service, and members of the Armed Forces of the Philippines are also prohibited from contributing to campaign funds.

A number of fund-raising activities are also banned, including lotteries, dances, games, cockfights, beauty contests, and the like.<sup>46</sup>

The Presidential and Vice Presidential candidates can spend only a maximum of Php10.00 per every registered voter, with other candidates limited to either Php5.00 or Php3.00 per every registered voter, usually anchored on the locality where they filed.<sup>47</sup>

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<sup>40</sup> Sec. 173, B.P. Blg. 881

<sup>41</sup> Sec. 81, B.P. Blg. 881

<sup>42</sup> Sec. 80, B.P. Blg. 881

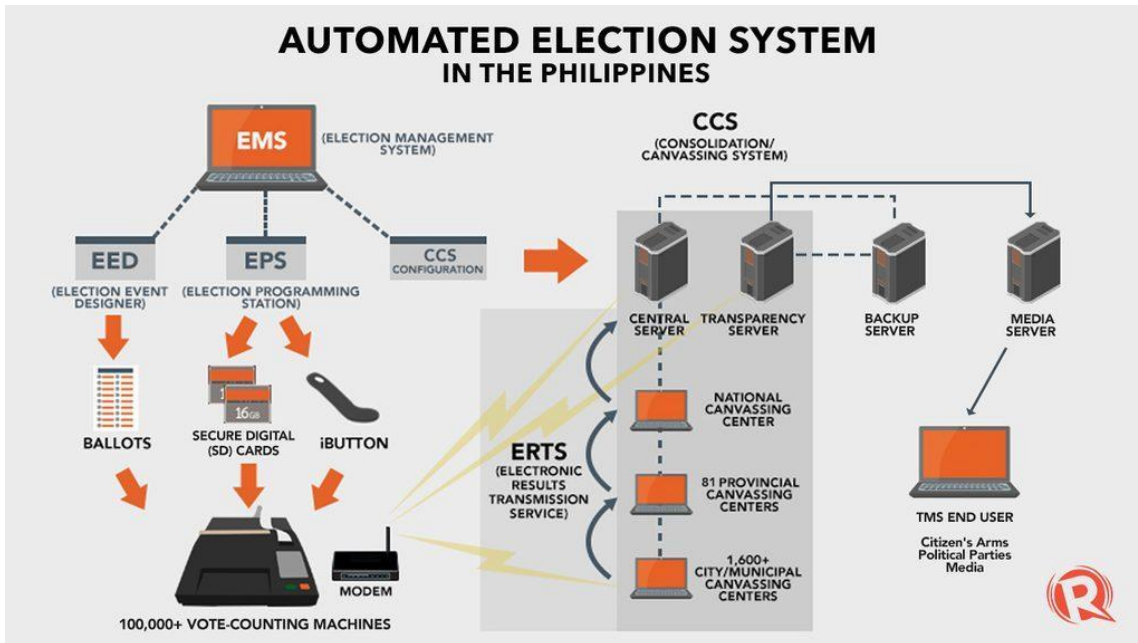
<sup>43</sup> Sec. 3, COMELEC Resolution 8758

<sup>44</sup> Section 6, R.A. 9006

<sup>45</sup> Sec. 95 and 96, B.P. Blg. 881

<sup>46</sup> Sec. 97, B.P. Blg. 881

<sup>47</sup> R.A. 7166



Source: <https://www.rappler.com/tachyon/2022/05/AUTOMATED-ELECTION-SYSTEM-revised2.jpeg?fit=1024%2C720>

## Post-Elections

Within 30 days after the election, the candidate and treasurer of the political party must file with COMELEC a complete Statement of Contribution and Expenses, to ensure that the candidate did not overspend.<sup>48</sup>

Should a violation of election laws occur, generally it is COMELEC which has exclusive jurisdiction to investigate and prosecute cases involving election laws<sup>49</sup>, while Regional Trial Courts have exclusive original jurisdiction to try and decide criminal actions related to elections.<sup>50</sup>

Two observations.

First, thus far, there are no specific initiatives from the government to prevent the spread of misinformation. This has given specific individuals extreme advantage over fellow candidates through well-placed propaganda machinery.<sup>51</sup> This undermines the Philippine election process, especially the more recent ones, taking advantage of the poorly-educated populace to propel incompetent politicians and convicted plunderers to power.

<sup>48</sup> R.A. 7166

<sup>49</sup> Sec. 2 (6), Art. IX-C, Constitution

<sup>50</sup> Sec. 268, B.P. Blg. 881

<sup>51</sup> <https://www.rappler.com/newsbreak/iq/stories-tracking-marcos-disinformation-propaganda-machinery/>

Second, there is no publicly available data on the rate of conviction of election-related offenses. Unfortunately, criminal laws related to elections, if they are not strictly implemented, shows how democratic processes can be abused, to the extreme disadvantage of the Filipino people.

**| Sub-Lesson 7: What is a failure of elections?**

A failure of elections means that elections have not been held, or that is has been suspended, due to *force majeure*, violence, terrorism, fraud, or other analogous causes.<sup>52</sup> An example would be a strong typhoon, or a volcanic eruption, which prevented people from a specific locale from voting. Extreme gun violence and threats of danger which make people afraid to go out and vote can also be considered to determine failure of elections.

In this case, the COMELEC en Banc will call for a special election as provided for in the Omnibus Election Code.<sup>53</sup> This shall be held as close to the original date as possible, and within 30 days from the cessation of the cause of the postponement or suspension.<sup>54</sup>

A failure of elections is not the same as a pre-proclamation controversy and an election protest.

A pre-proclamation controversy involves questions regarding the composition and procedure of the board of election canvassers, including canvassed election returns with material defects. COMELEC will investigate the matter and issue rulings as required. Note that this is not applicable to the President, Vice-President, Senators, and Members of the House of Representatives, considering that they have their respective independent electoral tribunals.<sup>55</sup>

On the other hand, an election protest is:

...a contest between the defeated and winning candidates on the ground of frauds or irregularities in the casting and counting of the ballots, or in the preparation of the returns. It raises the question of who actually obtained the plurality of the legal votes and therefore is entitled to hold the office.<sup>56</sup>

<b>Failure of elections</b>	<b>Pre-proclamation controversy</b>	<b>Election protest</b>
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<sup>52</sup> Sec. 6, B.P. Blg. 881

<sup>53</sup> Sec. 4, R.A. 7166

<sup>54</sup> [Sec. 6, B.P. Blg. 881

<sup>55</sup> [Sec. 15, R.A. 7166]

<sup>56</sup> Samad v. COMELEC, G.R. No. 107854 (1993)].

<p>The election did not happen, or was suspended or delayed, due to external factors</p>	<p>The election happened, but there are questions with the Board of Canvassers, including their members and the actions that they’ve undertaken</p>	<p>The election happened, and there is now a contest in how the votes have been counted</p>
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The table above is an oversimplification of terms. In reality, they are highly technical terms in election law which are in place aiming to ensure that there are legal checks and balances in the election process, and that all candidates are given due process before, during and after this period.

### | Sub-Lesson 8: What happens after the elections?

National elections for the President, Vice President, and Senators happen every six years. The election for Members of the House of Representatives and all local government officials occurs every three years.

Losing candidates cannot be appointed to any governmental office within one year after such an election.<sup>57</sup> Elected officials during their tenure are ineligible for appointment or designation in any capacity to any public office or position, unless they forfeit their seat.<sup>58</sup> This means, for example, that a Senator cannot be a Member of the Presidential Cabinet, or a Governor of a province the head of a Constitutional Commission. They must only choose one.

In most cases, politicians are preparing for the next cycle of elections, lending a new color to the concepts of ‘sustainability’ and ‘resiliency’ in public office. Meanwhile, the system remains with all its glaring legal flaws, including provisions which allow those in power to remain in power and escape liability.

Only time can tell if the electoral reforms currently being forwarded hold the key to the potential of the Philippines that only true democratic processes can unlock.

### | Synchronous Activities

#### **Activity 1: What does it take to be an official?**

*Instructions: The teacher will the students ask what are the qualifications of the following elective local government officials:*

- Governor
- City Councilor
- Mayor
- Barangay Captain

<sup>57</sup> Sec. 6, Art. IX-B, Consti

<sup>58</sup> Sec. 7(1), Art. IX-B, Consti

Create a table for the four public officials comparing citizenship, age and residency requirements, as well as other qualifications required for holding the position.

**Activity 2: Tally this**

*Instructions. The teacher will ask the students to create a table of five (5) different election offenses, including ones which are not mentioned here. In the first column, write which particular offense. In the second column, the law which was violated. In the third column, a link to a news report, either audiovisual or written, which illustrates this example.*

Election Offense	Particular Law Violated	News Report
1		
...		
5		

**| Asynchronous Activities**

**Activity 1: Observations**

*Instructions. Identify a challenge in the election process which potentially interferes with Philippine democracy and write a 250-word essay on the topic. How does it influence the minds of voters, and what are its effects on the general direction of the country?*

**| Self-Evaluation Form (Part 2)**

Answer:

1. How can you say that elections are successful or have failed?

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2. What societal issues do you observe in the Philippines, and how do you think the party-list system address these?



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3. Based from the module and your personal insights, what are your suggestions in improving the party-list system?

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**| Rubric for Discussions**

	Excellent	Above Average	Developing	Needs Improvement
<b>Content:</b> The central theme/idea/argument of the student's output is focused and supported by evidence which indicates mastery of the content.				
<b>Organization:</b> The flow of the discussion of the central theme/idea/theme is coherent.				
<b>Presentation:</b> The form and presentation of the central theme/idea is clear,				

persuasive, polite, and easy to understand.				
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**| Rubric for Written Outputs**

	Excellent	Above Average	Developing	Needs Improvement
<b>Content:</b> The central theme/idea of the paper is focused and supported by evidence which indicates mastery of the content.				
<b>Organization:</b> The flow of the discussion of the central theme/idea is coherent.				
<b>Presentation:</b> The form and presentation of the central theme/idea is clear and easy to understand..				

**| Learning Material**

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