



NAMFREL Statement on proposals to postpone the Barangay and Sangguniang Kabataan (SK) elections and appoint Barangay officials

Elections should be conducted with certainty and regularity. Doing otherwise undermines a democratic process instituted to ensure every citizen's right to choose their leaders and make them accountable. Regularity of elections is important to establish this mandate, legitimacy and moral authority.

Namfrel does not think that the current anti-drug campaign is enough reason to postpone the Barangay and SK elections, a second time since October 2016, and urges that it push through as scheduled this Oct. 23, 2017.

Figures being quoted that 40% to 50% of barangay officials are involved in the illegal drug trade is alarming, however, this data has yet to be validated. While there is a need to rid the communities of drug-linked barangay officials, due process must be observed and charges must be filed and penalties meted out instead of sacrificing the elections entirely penalizing citizens' right to vote.

Conducting the elections may even enhance the government's anti-drug campaign and aid in putting a stop to narco-politics by not re-electing those compromised & entrenched local leaders using narco-money to get themselves elected and/or perpetuate themselves in office. This is part of continuing effort on campaign and election finance reform.

There are concerns and apprehensions of not having elections regularly and opting to appoint village officials. Going by the criteria: what is their mandate, legitimacy and moral authority? Those appointed may be prone to abuse their office and may form a misplaced debt of gratitude to their appointing authority instead of to their constituents.

Another unintended casualty to a postponement is the SK elections, since existing laws mandate the simultaneous conduct of these polls. This may be a missed opportunity for the youth to test the SK Reform Act enacted in February 2016.

Constitutional and related legal impediments also make this difficult and impractical. First, the plan to appoint officials would violate Sec. 41 of the Local Government Code (RA 7160), which ensures that the electorate has the right to choose their village leaders and contravene Sec. 2.2, Article 9 and Sec. 8, Article 10 of the 1987 Constitution.

Second, there is a need to first deliberate these proposals in the Electoral Committees of the House and Senate then pass a postponement law and pass another law to allow for their appointment. They have to do it now since the Commission on Elections (Comelec) is in the thick of preparations for the scheduled manual elections.

To address the drug-problem in the barangay, Comelec can partner with agencies such as the Philippine National Police (PNP), Philippine Drug Enforcement Agency (PDEA), Department of Justice (DoJ) & the Department of Interior and Local Government (DILG) to vet applicants and screen candidates who have documented links in illegal drug trade as they file their candidacy.



Those found guilty of criminal offenses or have a string of administrative complaints, especially if these are drug related, should be flagged and his/her application be rejected.

While the Comelec may not have the power to disqualify those with suspected drug links without a guilty ruling, those guilty with final judgment for criminal acts - among them drug-related, can be disqualified from running. This will ensure that the final list of candidates contain upright and qualified candidates. While tedious due to the number of applicants, the Comelec can utilize its intelligence funds and can crowd source this vetting by involving their local Comelec offices in partnership with the local community/groups for validation.

Namfrel thinks this is a better alternative.

In the latest resolution of Comelec on the Barangay/SK candidacy filings (CR# 10162) promulgated 8/16/16, Sec. 3g. Qualification for Chairpersons and Members, SK; specifically states that they "must not have been convicted by final judgment of any crime involving moral turpitude". However, this provision is vague and allows for loophole interpretations.

The loophole have been exploited due to the huge number of candidates filing, the limited resources and inadequate vetting process. Undesirable candidates pass through the gaps ("nakakalusot") and end up in the final candidates list. Some even get elected. Thus an inclusive vetting and weeding out process and finally elections can ensure that our elected local executives are not involved in the illegal drug trade.

Regular elections is a vital exercise in a democracy. In a youth-laden society and the Barangay comprising the most basic political unit, the importance of the polls is more apparent. Postponing elections on a whim could undermine the democratic process of ensuring every citizens' right to choose their leaders and make them accountable.