



## **NATIONAL CITIZENS' MOVEMENT FOR FREE ELECTIONS (NAMFREL)**

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### **PRESS STATEMENT**

**22 August 2022**

#### **NAMFREL Counters Arguments for BSKE Postponement and Urges COMELEC to Exercise Power to Decide When to Hold BSKE**

NAMFREL repeats its call for the holding of the Barangay and Sangguniang Kabataan Elections (BSKE) on 5 December 2022, as mandated under Republic Act No. 11462, and takes this opportunity to counter the arguments in favor of postponement as raised during the 16 August 2022 hearing of the House of Representatives Committee on Suffrage and Electoral Reforms.

As to the argument of savings that could instead be used for economic recovery and COVID-19 response, neither the President nor Congress can transfer any savings from any BSKE postponement for those purposes. Article VI, Section 25 of the Constitution states, *"No law shall be passed authorizing any transfer of appropriations; however, the President, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the heads of Constitutional Commissions may, by law, be authorized to augment any item in the general appropriations law for their respective offices from savings in other items of their respective appropriations."*

The Constitution is clear. No law shall be passed authorizing any transfer of appropriations. As regards the use of savings, the head of COMELEC, the Chair, is the one authorized to augment any item for the Commission from savings in other items.

As to the argument of stability and continuity offered by incumbent barangay and SK leaders, this stability and continuity has no worth if not backed by a renewed mandate from the people. A lot has changed since the 2018 BSKE. After the last four years, incumbents have shown whether they could be trusted in carrying out their programs and projects. Let the people decide now if they have earned that trust and so deserve to continue.

As to the need to recover from the divisiveness of the 9 May 2022 National and Local Elections, every election is inherently divisive, because candidates campaign why they should lead their communities. Even if the BSKE is postponed to May 2023, December 2023, or even to 2024, it will still be divisive.

As to the argument that elected leaders have to undergo training first, thus delaying the delivery of basic services, this would only be the case for newly-elected officials. Reelected incumbents already have the knowledge and experience to carry out the duties of their positions.

Lastly, NAMFREL urges the COMELEC to exercise its power under Paragraph (3), Section 2, Article IX-C of the Constitution to *"[d]ecide, except those involving the right to vote, all questions affecting elections, including determination of the number and location*

*of polling places, appointment of election officials and inspectors, and registration of voters.”* The phrase “all questions affecting elections” is broad enough to include setting the date of the BSKE. After all, the COMELEC is an independent Constitutional Commission, under Article IX, Section 1 of the Constitution.

Article X, Section 8 of the Constitution grants to Congress the power to determine by law the term of office of barangay officials: *“The term of office of elective local officials, except barangay officials, which shall be determined by law”*. Only the term of office is expressly stated as that which should be determined by law, not the decision when to hold the elections for barangay and SK officials.

Given these points, NAMFREL once again calls for the holding of the BSKE on 5 December 2022. The voice of the people should always be heard, never deferred.

*NAMFREL is the first citizens-led, national election monitoring organization in the world. Since 1983, it has been accredited by the COMELEC as its citizens' arm. For the 2022 BSKE, NAMFREL has been monitoring procurement activities and providing information through its social media channels and open data platform, Vote For Us, at <https://voteforus.org.ph> ###*