

Philippines



header1 Overview

The Philippines hosts a vibrant political landscape and elections are free from overt restrictions. However, established political elites benefit from structural advantages, and highly organized disinformation campaigns and widespread vote buying undermine fair competition. Corruption is endemic, and anticorruption bodies struggle to uphold their mandates. Journalists and activists perceived as critical of the government or other powerful interests can face criminal cases, and in some cases violent and even deadly attack. Terrorist and separatist activity persists in Mindanao. Violence, including extrajudicial killings, by police and military personnel remains a problem.

header2 Key Developments in 2022

- Authorities eased strict COVID-19-related restrictions in March, allowing the resumption of public assemblies and other gatherings.
- Ferdinand “Bongbong” Marcos Jr., the namesake of the former Philippine dictator, won the year’s presidential election with a decisive 58 percent of the vote. Concurrent legislative elections returned a supermajority for Marcos’s UniTeam alliance in both the upper and lower house.
- The year’s election campaign was skewed by organized disinformation campaigns that generally favored Marcos or sought to discredit his opponents. Nevertheless, Vice President Maria Leonor “Leni” Robredo gained considerable grassroots support, finishing second in the presidential race with 28 percent of the vote.
- In October, the Court of Appeals upheld the 2020 criminal conviction of journalist Maria Ressa of the news website Rappler for cyberlibel. The ruling prompted a rebuke from the UN Special Rapporteur on freedom of opinion and expression and press freedom groups.

PR Political Rights

A Electoral Process

A1 1.00-4.00 pts0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

3.003
4.004

The president is both head of state and head of government and is directly elected to a single six-year term. Ferdinand “Bongbong” Marcos Jr. won the May 2022 presidential election with a 58 percent vote share in the Philippines’ plurality-rule electoral system. Vice President Maria Leonor “Leni” Robredo, a progressive candidate and a prodemocracy activist, finished second with 28 percent.

The vice president is directly elected on a separate ticket and may serve up to two successive six-year terms. Sara Duterte, the running mate of Marcos and daughter of outgoing president Rodrigo Duterte, won with 61 percent of the vote. She defeated Senator Francis Pangilinan, Robredo’s running mate.

While elections in the Philippines are free from overt restrictions on voting, the campaign landscape was skewed by rampant disinformation on social media; the phenomenon involves public relations firms and a highly organized, lucrative infrastructure. Twitter removed a coordinated network of accounts promoting Marcos in December 2021, while fact-checkers identified widespread networks spreading false or misleading content and negative messages about Robredo. Vote buying and selling remains rampant.

A2 1.00-4.00 pts0-4 pts

Were the current national legislative representatives elected through free and fair elections?

3.003
4.004

The 24 members of the Senate are elected on a nationwide ballot and serve six-year terms, with half of the seats up for election every three years. The 299 members of the House of Representatives serve three-year terms, with 241 elected in single-member constituencies and the remainder elected through party-list voting. May 2022 elections returned a supermajority for Marcos, Jr.’s UniTeam alliance in both houses.

Legislative elections feature the same relatively free campaign environment as presidential elections, as well as the same problems with rampant disinformation and vote buying. Candidates who challenge incumbents risk serious intimidation, including death threats.

A3 1.00-4.00 pts0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

3.003
4.004

The Commission on Elections (Comelec) performs both election management and adjudication functions, and has working relationships with a number of civil society groups. Members are appointed by the president, confirmed by a congressional working group, and serve nonrenewable seven-year terms. Election monitors have noted that in practice this process has few safeguards against partisan appointments, and that the president may anyway circumvent legislative scrutiny by appointing Comelec members when Congress is not in session.

Comelec’s performance in recent years has been satisfactory, though it has been criticized for technical glitches and procurement issues. Commission leaders have at times responded to criticism of Comelec’s operations with vitriol, including, in 2022, threats to jail critics.

The Asian Network for Free Elections (ANFREL) described Comelec’s administration of the 2022 elections as “highly capable,” but noted problems such as a slow response to and poor contingency plans for significant technical issues that occurred on election day. Postelection protests took place in several cities at which participants criticized what they saw the authority’s sloppy performance.

B Political Pluralism and Participation

B1 1.00-4.00 pts0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

3.003

4.004

The Philippines has a strong record of open competition among multiple parties, though candidates and parties typically have weak ideological profiles. Legislative coalitions are exceptionally fluid, and politicians often change party affiliation, typically to join the dominant bloc or the incumbent president’s party.

B2 1.00-4.00 pts0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

2.002

4.004

The risk of becoming a victim of political violence and a lack of access to state resources for those not in power hinder the opposition’s ability to challenge incumbents. Campaign finance rules, which make elections very costly, impede the ability of grassroots movements to mobilize, participate in, and win elections. Robredo’s 2022 campaign gained considerable grassroots support, however, with some rallies attracting hundreds of thousands of people.

Opposition candidates at times encounter politically motivated criminal charges that can result in imprisonment. Leila de Lima, who was elected to the Senate in 2016, campaigned for the 2022 elections from her detention center but lost. Since 2017 she has been detained on charges of accepting money from drug dealers and is recognized as a prisoner of conscience by international rights groups. Walden Bello, a vocal critic of the Marcoses and Dutertes, and the running mate of presidential candidate Leody de Guzman, was arrested in August on criminal libel charges. (The United Nations Human Rights Committee (UNHRC), international rights groups, and most democratic governments consider criminal penalties for libel cases a grossly disproportionate restriction on free speech.)

Senior government officials have openly “red-tagged” opposition figures, prompting serious harassment. Red-tagging is the tactic of alleging that an individual harbors communist—

and thus terrorist—sympathies or connections, resulting in stigmatization and increased risk of physical attack.

Campaign events sometimes feature violence. One month before the 2022 elections, in April, shots were fired during a campaign event for de Guzman. Five people were injured.

B3 1.00-4.00 pts0-4 pts

Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

2.002

4.004

Distribution of power is heavily affected by patronage and kinship networks. Election-related funding also contributes to the concentration of power: there are no limits on campaign

contributions, and a significant portion of political donations come from a relatively small number of donors.

Social media platforms have been exploited to disseminate disinformation on a grand scale, and hyperpartisan online news outlets routinely amplify misleading content. In 2022, the Marcos campaign used social media extensively to spread false information regarding economic development and human rights during Ferdinand Marcos's dictatorship. In a 2022 survey by Pulse Asia, 86 percent of respondents said that fake news was a problem and that the public was exposed to it.

B4 1.00-4.00 pts0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?	3.003 4.004
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No law limits the participation of specific groups in the political process, and the constitution guarantees equal access to opportunities for public service. However, the dominance of political dynasties is an obstacle to the exercise of political rights for some groups, and electoral opportunities are limited to those who can afford the cost of running for public office.

While women make up about 29 percent of the Senate and 27 percent of the House, most are members of politically powerful families. Muslims and Indigenous groups are not well represented. Perceptions of relative socioeconomic deprivation and political disenfranchisement, along with resentment toward Christian settlements in traditionally Muslim areas, have played a central role in the Philippines' Muslim separatist movements.

In June 2022, Risa Hontiveros, the lone opposition candidate who won a seat in the year's Senate elections, said she would push for the approval of an antidiscrimination bill in Congress that has been pending for a number of years.

C Functioning of Government

C1 1.00-4.00 pts0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?	3.003 4.004
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While elected government officials and legislative representatives determine state policies, the president dominates policymaking due to a political system that grants significant powers to the executive branch. A few dozen families continue to hold a disproportionate share of political authority.

C2 1.00-4.00 pts0-4 pts

Are safeguards against official corruption strong and effective?	1.001 4.004
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Government corruption and impunity remain serious problems, and the courts and other anticorruption institutions have struggled to hold powerful politicians and their associates to account. The Office of the Ombudsman, tasked with investigating and filing complaints against government workers and officials, is poorly resourced. Currently headed by a Duterte appointee, the Ombudsman's performance has received criticism for the significant decrease in the number of cases filed since 2018. During a Senate hearing on the office's budget, the Ombudsman in September 2022 admitted that there is corruption even in his office.

The Presidential Anti-Corruption Commission (PACC), established by the Duterte administration, was one of the first agencies abolished by Marcos, by executive order in July 2022.

C3 1.00-4.00 pts0-4 pts

Does the government operate with openness and transparency? | 2.002 4.004

Government transparency remains limited despite some positive initiatives. The country's first freedom of information directive was issued in 2016, but it mandates public disclosure only in the executive branch and allows major exemptions.

Since 2021, the Ombudsman has restricted public access to elected and government officials' statements of assets and liabilities, asserting they were being "weaponized." The office has also announced it would no longer conduct "lifestyle checks" that investigate officials' unexplained wealth.

Like Duterte's administration, in 2022 Marcos's office requested tens of millions of dollars' worth of "confidence and intelligence" funds, a budget category intended for surveillance and military intelligence-gathering operations. (The administration of their predecessor, the late Benigno Aquino III, has asked for dramatically less.) Due to the classified nature of such operations, comprehensive audits of these funds are difficult and the potential for graft is high.

CL Civil Liberties

D Freedom of Expression and Belief

D1 1.00-4.00 pts0-4 pts

Are there free and independent media? | 1.001 4.004

The constitution provides for freedoms of expression and the press, and private media are vibrant and outspoken. However, the Philippines remains one of the most dangerous places in the world for journalists. Journalists experience physical attacks; threats, including death threats and bomb threats; smear campaigns claiming they conspire against the government; red-tagging; and distributed denial-of-service (DDoS) attacks. According to the Committee to Protect Journalists (CPJ), four journalists were killed in 2022.

In October 2022, the Court of Appeals upheld the 2020 guilty conviction of journalist Maria Ressa of the news website Rappler for cyberlibel. The ruling prompted a rebuke from the UN Special Rapporteur on freedom of opinion and expression and press freedom groups. At year's end, the case, involving a 2012 article linking a businessman to illegal activities, was in its last cycle of appeal before the Supreme Court.

D2 1.00-4.00 pts0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private? | 4.004
4.004

Freedom of religion is guaranteed under the constitution and generally respected in practice. Previously, there were instances where priests critical of Duterte's drug war were killed. During the COVID-19 lockdown, churches were not allowed to hold public religious services, even as Duterte and his supporters held political rallies.

D3 1.00-4.00 pts0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

3.003
4.004

Academic freedom is generally respected, though in recent years authorities have criticized or taken steps to intervene in the operations of educational facilities. The Duterte administration scrapped limits on military and police operations at the University of the Philippines, red-tagged graduates of the university, and pushed several universities to purge their libraries of books associated with communist ideology. It further closed dozens of Indigenous primary schools in the Davao Region following allegations that the schools taught leftist ideology.

In August 2022, under the new administration, five books were labeled subversive in a memorandum issued by the Commission on the Filipino Language on grounds that they might be in violation of the Anti-Terrorism Act, and ordered them pulled from schools and libraries. One month later, the commission withdrew the memorandum, stating that censorship is not part of its mandate. Historians who talk about the martial law period experience online bullying, and academics who are critical of the government have been threatened with harm online.

Security forces have monitored Islamic schools and schools attended by Indigenous peoples in areas of the southern Philippines where the military conducts counterinsurgency and antiterror missions.

D4 1.00-4.00 pts0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

3.003
4.004

People are generally able to speak their minds freely, though organized disinformation campaigns and harassment—including red-tagging linked to the Marcos administration, the military, and the police—are rampant in the Filipino internet space. Rights groups continue to express concern about the use of criminal libel laws against legitimate expression.

E Associational and Organizational Rights

E1 1.00-4.00 pts0-4 pts

Is there freedom of assembly?

3.003 4.004

Citizen activism is robust, and demonstrations are common. However, permits are required for rallies, and police sometimes use violence to disperse antigovernment protests.

Authorities eased strict COVID-19-related restrictions in March 2022, allowing the resumption of public assemblies. During the year's campaign period, opposition candidate Leni Robredo held well-attended campaign rallies throughout the country.

Score Change: The score improved from 2 to 3 because stringent COVID-19-related limitations on gatherings were lifted.

E2 1.00-4.00 pts0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights— and governance-related work?

2.002
4.004

Civil society has historically been robust in the Philippines, which hosts a range of active human rights, social welfare, environmental, and other groups. However, nongovernmental organizations

(NGOs) and activists experience harassment and legal harassment, and a number of assassinations of civil society activists and human rights defenders have taken place in recent years. Outgoing president Duterte's public threats against those who opposed his policies exacerbated an already dangerous atmosphere of impunity. Red-tagging of activists continues under the Marcos administration. In October 2022, Jesus Crispin Remulla, the secretary of the Filipino Justice Department, justified red-tagging as "part of democracy" at a meeting of the UN Human Rights Committee.

Among recent criminal cases targeting activists was that against Natividad Silva, a community health advocate and human rights activist. In February 2022 she was arrested, flown to Butuan, and detained for purportedly being a high-ranking member of the Communist Party of the Philippines (CPP). She was released after the charges were dismissed, but ordered rearrested in June. In December the Anti-Terrorism Council (ATC) found probable cause to label her a terrorist.

E3 1.00-4.00 pts0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	2.002 4.004
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Trade unions are independent, though less than 10 percent of the labor force is unionized. Collective bargaining is common among unionized workers, however, and strikes may be called as long as unions provide notice and obtain majority approval from their members.

Trade union members and labor and professional groups continue to be targets of red-tagging, stigmatization, and violence, and membership has declined in recent years. In October 2022, two high-ranking leaders of the labor group Kilusang Mayo Uno (May First Movement) were arrested for allegedly assaulting a police officer during a 2020 protest rally. In a separate case, both were also charged with robbery. Filipino labor groups said the crimes were fabricated and characterized the cases as political persecution.

Union leaders have been targeted amid a broader increase in extrajudicial killings that has taken place in the Philippines over the past decade. In March 2021, a labor leader was shot dead in Calamba, Laguna, three weeks after nine people were killed by police in various raids targeting political activists.

F Rule of Law

F1 1.00-4.00 pts0-4 pts

Is there an independent judiciary?	2.002 4.004
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Judicial independence deteriorated during the Duterte administration, during which authorities launched several attempts to remove Supreme Court justices seen as political opponents. One such attempt involved claims that Chief Justice Maria Lourdes Sereno, a critic of the former president, had failed to disclose assets—and was successful in achieving her removal. Judicial independence is also hampered by inefficiency, low pay, intimidation, corruption, and high vacancy rates. Since 2016, at least nine retired or former judges and justices and 14 former and current city prosecutors have been killed.

In 2022, several courts displayed increased independence from the executive branch. In September, Judge Marlo Magdoza-Malagar of the Manila Regional Trial Court dismissed a case brought by the Justice Department that sought to declare the CPP a terrorist organization. In response, the former spokesperson of the National Task Force to End Local Communist Armed Conflict, created under the Duterte administration, threatened Magdoza-Malagar with violence and death. The Supreme Court denounced the threat and further ordered the spokesperson to explain why she should not be cited for contempt. Courts have also recently returned corruption convictions against police officers and other public officials, and invalidated a broadly worded section of the Duterte administration's

much-criticized Anti-Terrorism Act. Despite these positive developments, some courts continue to deliver politicized verdicts favoring the executive.

Score Change: The score improved from 1 to 2 because key courts displayed increased independence from the government.

F2 1.00-4.00 pts0-4 pts

Does due process prevail in civil and criminal matters?	1.001 4.004
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The Anti-Terrorism Act that took effect in July 2020 provides the state significant powers, including for the warrantless arrest and detention of people designated as terrorists by the Anti-Terrorism Council (ATC), which is appointed by the president. Rights advocates have sharply criticized the law's broad definition of terrorism and warned of the potential for misuse, and dozens of lawsuits have challenged the law's constitutionality. In 2021, the Supreme Court declared the section of the Anti-Terrorism Act that defined "terrorism" unconstitutional, saying it was overbroad and could result in the criminalization of legitimate actions like protests and strikes.

In 2022, a number of lower courts, the Court of Appeals, and the Sandiganbayan (anticorruption court) convicted or upheld the convictions of police officers, including the former chief of police, for involvement in kidnapping, murder, and graft in procurement contracts. Separately, in August 2022, the Supreme Court issued an order to the military to submit documents proving that two activists who had gone missing in May had not been illegally arrested or detained. In September, the Court of Appeals found the military accountable for the disappearance of the two.

Score Change: The score improved from 0 to 1 because of an increase in investigations, prosecutions, and convictions of military officials and police officers implicated in rights abuses and criminal activity.

F3 1.00-4.00 pts0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	1.001 4.004
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The Philippines remains affected by insurgencies and violent extremism, notably in Mindanao.

During his administration, Duterte waged a violent war on drugs that involved extrajudicial killings, arbitrary detention, and torture of detainees. President Marcos has stated that he intends to take a different approach to the war on drugs. In August 2022, he appointed Rodolfo Azurin Jr.—who was not among the high-ranking officials associated with Duterte's drug war—as chief of the Philippine National Police (PNP), while PNP generals believed to be implicated in extrajudicial killings were reassigned to less-important positions. Azurin in September 2022 publicly stated that police should investigate crimes and identify suspects rather than resorting to violence to address the country's drug problems. The statement came shortly after Vice President Sara Duterte had met with leaders of national security forces while Marcos was in Indonesia, and announced that the government should crack down on criminality.

Nevertheless, according to a November 2022 HRW report, extrajudicial killings under the Marcos administration persist and the PNP has underreported deaths during police operations, and the level of impunity for state actors remains the same. Human rights appear to be a low priority for the Marcos administration. In his inaugural state-of-the-nation address in July 2022, the president did not mention human rights at all. In September he appointed two commissioners to the Commission on Human Rights, and left three seats unfilled.

F4 1.00-4.00 pts0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	1.001 4.004
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Provisions mandating equal treatment are upheld inconsistently, and some groups lack legal protection. LGBT+ people face bias in employment, education, and other services, as well as societal discrimination. An antidiscrimination bill that passed the lower house in 2017 has not yet become law, though Senator Hontiveros renewed her call to pass it in 2022. Several cities, including Manila, have passed ordinances recognizing LGBT+ rights and prohibiting acts of discrimination. In the absence of national legislation, transgender and gender-nonconforming individuals cannot alter birth identification documents.

According to the World Economic Forum, the Philippines features one of the smallest gender-pay gaps in the world. Women’s educational attainment outpaces men’s, and women are well represented in professional roles. However, women still face some credit constraints and employment discrimination, and the political realm remains dominated by men, with women occupying less than 30 percent of national and local elective positions.

Indigenous rights are generally upheld, but land disputes and local development projects regularly cause friction and sometimes lead to violence. Indigenous people often live in conflict areas and are targeted by combatants for their perceived loyalties.

The law mandates that at least 1 percent of public jobs be reserved for people with disabilities, but this is poorly upheld.

G Personal Autonomy and Individual Rights

G1 1.00-4.00 pts0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?	3.003 4.004
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Citizens enjoy freedom of travel and choice of residence, except for in areas affected by violent conflict. Although martial law in Mindanao ended at the start of 2020, the military continued its counterterrorism measures, which included checkpoints and a curfew.

In 2022, COVID-19-related restrictions were eased. People’s ability to move freely around the country increased, schools reopened, and large meetings including religious, sports, and education conventions were once again allowed.

G2 1.00-4.00 pts0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	2.002 4.004
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Private business activity is often dependent on the support of local power brokers in the complex patronage system that extends throughout the country. Outside of conflict zones, individuals are generally able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors, notwithstanding the domination and corruption of economic dynasties.

G3 1.00-4.00 pts0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?	3.003 4.004
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Most individuals enjoy personal social freedoms. However, divorce is illegal in the Philippines, though annulments are allowed under specified circumstances, and Muslims may divorce via Sharia (Islamic law) courts. Same-sex marriage is illegal. Domestic violence is a significant problem, and while spousal rape is a crime, very few cases are prosecuted. Abortion is illegal in nearly all circumstances, though unregulated abortions are frequent.

G4 1.00-4.00 pts0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

2.002

4.004

The Philippines is a source country for human trafficking, with some Filipinos taken abroad and forced to work in the fishing, shipping, construction, or other industries, or forced to engage in sex work. The country's various insurgent groups have been accused of using child soldiers.

Children have been reported working as domestic laborers. There is a shortage of labor inspectors; authorities have acknowledged the problem but say they have limited funds to address it. The Philippines is a global center of online child sexual abuse, and reports indicated an increase of such abuse during the COVID-19 lockdowns. Children engaging in forced begging on the streets remains a problem.

The legal minimum wage in the agricultural sector in some regions falls far short of what is necessary for a family to avoid poverty. Violation of minimum-wage standards is fairly common.