



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

BARANGAY IDENTIFICATION SYSTEM  
AND NATIONAL SYSTEM

**POSITION PAPER**

Referred to the Commission is the request by the Committee on Civil, Political and Human Rights as to its comment on the human rights implication arising from the setting up of Barangay Registration and Identification System by the local government units.

For lack of factual basis in the absence of any law mandating and/or allowing the enactment of an ordinance setting up Barangay Registration and Identification System by the local government, this position paper is specifically directed on Ordinance No. 123, Series of 1996 in the Municipality of Marikina.

The pertinent provisions of the Constitution of the Philippines provide:

"Section 11, Article II. - The State values the dignity of every human person and guarantees full respect for human rights."

"Section 1, Article III. - No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws."

Section 6, Article III. - The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired except upon lawful order of the court. Neither shall the right to travel be impaired except in the interest of national security, public safety or public health, as may be provided by law. (underlining ours)

Article 12 of the International Covenant on Civil and Political Rights provides:

"1. Every one lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence."

2. Everyone shall be free to leave any country, including his own. *hm*

**Tungkulin ng Komisyon ng Karapatang Pantao na tulungan ang lahat ng pinagkaitan ng katarungan.**

*Integrated Bar of the Philippines Building, Julia Vargas Avenue, Pasig, Metro Manila, Tel. No. 631-15-95 to 98 (Connecting All Departments)*

Re: Brgy. ID System  
Position Paper

Page 02

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3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals, or the right and freedom of others, and are inconsistent with the other rights in the present covenant." (underlining ours)

4. No one shall be arbitrarily deprived of the right to enter his own country."

In both the Constitution of the Philippines and in the International Covenant on Civil and Political Rights, to which the Philippines is a signatory, will show that the only limitation and/or impairment of the right to locomotion, the liberty of abode, the right to travel, the right to liberty or movement and freedom to choose his residence are when said impairment and/or limitations are necessary to protect national security, public order, public health or morals, or to protect the rights and freedom of others.

There is nothing in Ordinance 123 to show that there is a national situation and/or condition necessitating the mandatory registration and identification system to protect national security, or to protect public health, public order or public morals. Neither is there a situation and/or condition justifying the institution of the compulsory registration under payment of a fine in order to protect the rights and freedom of others.

Let it be said that, generally, instituting a barangay registration and identification system is not questionable per se. The validity of such system will depend upon the purpose for which it is installed and the prevailing circumstances in the community. For, the system could be a tool for efficiency or at the same time, a weapon of repression. If the purpose is to facilitate transaction and improve government's operation and providing citizens with certain benefits, then it can be sustained on constitutional ground. A case in point is the U.S. ID system in the form of social security system procured by citizens and residents to be used as identification to facilitate transactions and dealings with government.

On the other hand, a registration and ID system which has for principal purpose of keeping track of every person's whereabouts and literally requires a person to justify his presence in a community run counter with the very basic human rights to liberty of abode and of changing the same, his right to travel and move wherever he wants. Other than requiring registration for "whatever use by the municipality", there are no other purposes of national import. Section 1 (e) of Ordinance No. 123 provides that this system of registration and identification can "perform such other functions that may be provided by law, executive circular or ordinance" *Jwd*

Re: Brgy. ID System  
Position Paper


Page 03

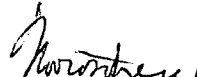
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
The Commission feels that the "exemption" provided by the Constitution of the Philippines and the International Covenant on Civil and Political Rights is not satisfactorily met.

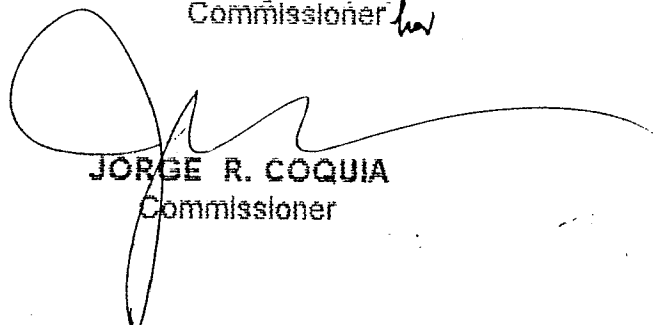
Another thing, the authority of local government to enact this so-called barangay registration and identification system is doubtful, nay, unauthorized. It is submitted that a national enabling law authorizing local government to enact this kind of system is necessary. Otherwise, it will come to a point that the 1,540 municipalities and 65 cities, more or less, will have different ordinances denying the equal protection of law.

  
AURORA P. NAVARRETE-RECINA  
Chairperson *fm*

  
NASSER A. MAROHOMSALIC  
Commissioner *fm*

  
MERCEDES V. CONTRERAS  
Commissioner *fm*

  
VICENTE P. SIBULO  
Commissioner *fm*

  
JORGE R. COQUIA  
Commissioner

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