

Consequences of Disclosure: The Case of  
*Bantay-Republic Act No. 7941 and Rosales v.  
Commission on Elections*

*Rita Marie L. Mesina*

52 *ATENEO L.J.* 176 (2007)

SUBJECT(S): CONSTITUTIONAL LAW, ELECTIONS

KEYWORD(S): PARTY-LIST SYSTEM,

The cases of *Bantay-Republic Act No. 7941* and *Rosales v. Commission on Elections* both sought to compel the Commission on Elections (COMELEC) to disclose the names of the nominees of various party-list groups. The Supreme Court eventually ruled that the COMELEC committed grave abuse of discretion in refusing to release the names of said candidates based on the right to information.

That the right to information is being sought after in the context of the electoral climate and the controversial Party-List system under Republic Act No. 7941 or the Party-List System Act highlights the uniqueness of these cases. The Author first surveys the right to information under present laws and jurisprudence, including the requisites and scope for invoking said constitutional right, but more importantly its limitations.

The Author then goes to examine the context of the cases in the electoral setting and attempts to reconcile the constitutional right with Philippine electoral reality.