

SENATE OF THE PHILIPPINES)
SIXTEENTH CONGRESS)
First Regular Session)



Senate
Office of the Secretary

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SENATE

Senate Bill No. 1224

Introduced by **SENATOR JOSEPH VICTOR G. EJERCITO**

EXPLANATORY NOTE

The orderly and peaceful conduct of elections is essential in any democratic country such as ours. During the electoral process, all eligible voters are given the chance to select candidates who are capable of becoming efficient political leaders. Most of all, it is an avenue of selecting individuals who are seeking public office to serve the best interest of the people and promote common good.

In this regard, it is of vital importance to ensure that election results represent the sovereign will of the people and not manipulated by individuals who desire the seat of power to protect their personal interests.

Cases of electoral fraud and election-related offenses have become common during elections. In the recent years, there have been cases involving members of the Board of Election Inspectors or Board of Canvassers and even officials of the Commission on Elections (COMELEC) who are supposed to ensure free, orderly, honest, peaceful and credible elections.

This measure seeks to prevent the occurrence of electoral fraud and election-related offenses by increasing the penalties thereof and by imposing criminal liabilities against any member of the Board of Election Inspectors, Board of Canvassers and/or official of the Commission on Elections who aid, assist or participate, directly or indirectly to the commission of electoral fraud and other election-related offenses.

The passage of this measure will reinforce the stability of the political community through transparent elections and nationally sustainable electoral process. Hence, immediate passage of the bill is earnestly sought.

JOSEPH VICTOR G. EJERCITO

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Senate Bill No. 1224

Introduced by **SENATOR JOSEPH VICTOR G. EJERCITO**

AN ACT IDENTIFYING OTHER PERSONS CRIMINALLY LIABLE FOR ELECTION OFFENSES AND INCREASING THE PENALTIES FOR ELECTION-RELATED OFFENSES, AMENDING SECTIONS 263 AND 264 OF BATAS PAMBANSA BILANG 881, AS AMENDED OR THE "OMNIBUS ELECTION CODE OF THE PHILIPPINES", AND SECTION 46 OF REPUBLIC ACT NO. 8189 OR "THE VOTER'S REGISTRATION ACT OF 1996", AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. The State shall ensure fair, honest, orderly and peaceful elections, safeguard the integrity and sanctity of the ballot and uphold the sovereign will of the electorate. It shall impose greater penalties for election offenses, more so when attended by violence, coercion, intimidation, force or threats.

SECTION 2. Section 263 of Batas Pambansa Bilang 881, as amended, is hereby further amended to read as follows:

"SEC. 263. Persons criminally liable. - The principals, accomplices, and accessories, as defined in the Revised Penal Code, shall be criminally liable for election offenses. If the one responsible be a political party or an entity, its president or head, the officials and employees of the same, performing duties connected with the offense committed and its members who may be principals, accomplices, or accessories shall be liable, in addition to the liability of such party or entity. **PERSON WHO MAY BE HELD CRIMINALLY LIABLE FOR ELECTION OFFENSE SHALL INCLUDE THE MEMBERS OF THE BOARD OF ELECTION INSPECTORS, THE MEMBERS OF THE BOARD OF CANVASSERS AND/OR OFFICIALS OF THE COMMISSION ON ELECTIONS WHO AID, ASSIST OR PARTICIPATE, DIRECTLY OR INDIRECTLY, TO THE COMMISSION THEREOF.**"

SECTION 3. Section 264 of Batas Pambansa Bilang 881, as amended, is hereby further amended to read as follows:

"SEC 264. Penalties. - **(A)** Any person found guilty of any election offense under this Code shall be punished with imprisonment of not less than [one year] **SIX YEARS AND ONE DAY** but not more

than [six] **TWELVE** years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer **PERPETUAL** disqualification to hold public office and deprivation of the right of suffrage. If [he] **THE GUILTY PARTY** is a foreigner, [he shall be sentenced to] **THE SENTENCE SHALL BE ONE OF** deportation, which shall be enforced after the prison term has been served. Any political party, [found guilty] **POLITICAL COALITION, PARTY-LIST, OR AGGRUPATION ORGANIZED FOR POLITICAL PURPOSE TO WHICH THE GUILTY PARTY IS A MEMBER** shall be sentenced to pay a fine of not less than [ten thousand] **FIVE HUNDRED THOUSAND** pesos, [which shall be imposed upon such party after criminal action has been instituted in which their corresponding officials have been found guilty] **AS PART OF THE CIVIL LIABILITY IN CONNECTION WITH THE ELECTION OFFENSE.**

“(B) In case of prisoner or prisoners illegally released from any penitentiary or jail during the prohibited period as provided in Section 261, paragraph (n) of this Code, the director of prisons, provincial warden, keeper of the jail or prison, or persons who are required by law to keep said prisoner in their custody shall, if convicted by a competent court, be sentenced to suffer the penalty of [prison mayor in its maximum period] if the prisoner or prisoners so illegally released commit any act of intimidation, terrorism [of] **OR** interference in the election, **AND THE SUBJECT PRISONER OR PRISONERS SHALL LIKEWISE BE SENTENCED TO RECLUSION PERPETUA.**

[Any person found guilty of the offence of failure to register or failure to vote shall, upon conviction, be fined one hundred pesos. In addition, he shall suffer disqualification to run for public office in the next succeeding election following his conviction or be appointed to a public office for a period of one year following his conviction.]

“(C) ANY OFFICER OR EMPLOYEE OF THE COMMISSION ON ELECTIONS, OR ANY OFFICER, EMPLOYEE OR MEMBER OF THE ARMED FORCES OF THE PHILIPPINES, OR ANY POLICE FORCE, SPECIAL FORCES, HOME DEFENSE FORCES, BARANGAY SELF-DEFENSE UNITS AND ALL OTHER PARAMILITARY UNITS THAT NOW EXIST FOUND GUILTY OF ANY ELECTION OFFENSE UNDER THIS ACT SHALL BE PUNISHED WITH THE MAXIMUM PENALTY THEREOF.

“(D) ANY PERSON FOUND GUILTY OF AN ELECTION OFFENSE OR PROHIBITED ACT UNDER SECTIONS 261 AND 262 IN RELATION TO SECTION 264 OF THE OMNIBUS ELECTION CODE OF THE PHILIPPINES, AS AMENDED, WHICH BY ITS NATURE IS COMMITTED THROUGH OR WITH VIOLENCE, COERCION, INTIMIDATION, FORCE OR THREATS OR WHERE THE COMMISSION OF WHICH IS ATTENDED BY SUCH VIOLENCE, COERCION, INTIMIDATION, FORCE OR THREATS, SHALL BE PUNISHED WITH IMPRISONMENT OF NOT LESS THAN TWELVE YEARS AND ONE DAY BUT NOT MORE THAN TWENTY YEARS WITH THE ACCESSORY PENALTIES OF PERPETUAL DISQUALIFICATION TO HOLD PUBLIC OFFICE AND DEPRIVATION OF THE RIGHT OF SUFFRAGE. IF THE GUILTY PARTY IS A FOREIGNER, HE/SHE SHALL BE SENTENCED TO DEPORTATION, WHICH SHALL BE

ENFORCED AFTER HIS/HER SERVICE OF THE IMPOSED PRISON TERM.

“THE POLITICAL PARTY, POLITICAL COALITION, PARTY-LIST OR AGGRUPATION ORGANIZED FOR POLITICAL PURPOSE TO WHICH THE GUILTY PARTY IS A MEMBER SHALL BE SENTENCED TO PAY A FINE OF FIVE HUNDRED THOUSAND PESOS AS PART OF THE CIVIL LIABILITY IN CONNECTION WITH THE ELECTION OFFENSE.”

SECTION 4. Section 46 of Republic Act No. 8189 is hereby amended to read as follows:

[SEC. 46. *Penalties.* – Any person found guilty of any Election offense under this Act shall be punished with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage. If he is a foreigner, he shall be deported after the prison term has been served. Any political party found guilty shall be sentenced to pay a fine of not less than One hundred thousand pesos (P100,000) but not more than Five hundred thousand pesos (P500,000).]

“SEC. 46. PENALTIES. – (A) ANY PERSON FOUND GUILTY OF ANY ELECTION OFFENSE UNDER THIS CODE SHALL BE PUNISHED WITH IMPRISONMENT OF NOT LESS THAN SIX YEARS AND ONE DAY BUT NOT MORE THAN TWELVE YEARS AND SHALL NOT BE SUBJECT TO PROBATION. IN ADDITION, THE GUILTY PARTY SHALL BE SENTENCED TO SUFFER PERPETUAL DISQUALIFICATION TO HOLD PUBLIC OFFICE AND DEPRIVATION OF THE RIGHT OF SUFFRAGE. IF THE GUILTY PARTY IS A FOREIGNER, THE SENTENCE SHALL BE ONE OF DEPORTATION, WHICH SHALL BE ENFORCED AFTER THE PRISON TERM HAS BEEN SERVED. ANY POLITICAL PARTY, POLITICAL COALITION, PARTY-LIST OR AGGRUPATION ORGANIZED FOR POLITICAL PURPOSE TO WHICH THE GUILTY PARTY IS A MEMBER SHALL BE SENTENCED TO PAY A FINE OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS, AS PART OF THE CIVIL LIABILITY IN CONNECTION WITH THE ELECTION OFFENSE.

“(B) ANY PERSON FOUND GUILTY OF AN ELECTION OFFENSE OR PROHIBITED ACT UNDER SECTION 45, WHICH BY ITS NATURE IS COMMITTED THROUGH OR WITH VIOLENCE, COERCION, INTIMIDATION, FORCE OR THREATS OR WHERE THE COMMISSION OF WHICH IS ATTENDED BY SUCH VIOLENCE, COERCION, INTIMIDATION, FORCE OR THREATS, SHALL BE PUNISHED WITH IMPRISONMENT OF NOT LESS THAN TWELVE YEARS AND ONE DAY BUT NOT MORE THAN TWENTY YEARS WITH THE ACCESSORY PENALTIES OF PERPETUAL DISQUALIFICATION TO HOLD PUBLIC OFFICE AND DEPRIVATION OF THE RIGHT OF SUFFRAGE. IF THE GUILTY PARTY IS A FOREIGNER, HE/SHE SHALL BE SENTENCED TO DEPORTATION, WHICH SHALL BE ENFORCED AFTER HIS/HER SERVICE OF THE IMPOSED PRISON TERM.

“(C) ANY OFFICER OR EMPLOYEE OF THE COMMISSION ON ELECTIONS, OR ANY OFFICER, EMPLOYEE OR MEMBER OF

THE ARMED FORCES OF THE PHILIPPINES, OR ANY POLICE FORCE, SPECIAL FORCES, HOME DEFENSE FORCES, BARANGAY SELF-DEFENSE UNITS AND ALL OTHER PARAMILITARY UNITS THAT NOW EXIST FOUND GUILTY OF ANY ELECTION OFFENSE UNDER THIS ACT SHALL BE PUNISHED WITH THE MAXIMUM PENALTY THEREOF."

SECTION 5. *Aggravating Circumstance.* – If any of the crimes defined in the Revised Penal Code is committed in connection with an election or political exercise, such election-related element shall be appreciated as an aggravating circumstance in imposing the appropriate penalty.

SECTION 6. *Separate and Concurrent Prosecution.* – Any person who commits an election offense or prohibited act under the Omnibus Election Code of the Philippines and under Section 45 of Republic Act No. 8189 which act or acts also constitute felony under the Revised Penal Code, shall be prosecuted separately and concurrently under the Omnibus Election Code of the Philippines and the Revised Penal Code.

SECTION 7. *Repealing Clause.* – The pertinent provisions of the Omnibus Election Code of the Philippines, other laws, presidential decrees and issuances, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 8. *Separability Clause.* – If any provision of this Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation which shall not be later than seven (7) days after the approval thereof.

Approved,