

SIXTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session



'14 MAY 26 P5:06

SENATE
P.S. Res 670

RECEIVED BY: *ju*

Introduced by Senator Poe

RESOLUTION
URGING THE SENATE COMMITTEES ON ELECTORAL REFORMS AND PEOPLE'S PARTICIPATION AND CONSTITUTIONAL AMENDMENTS AND REVISION OF CODES AND LAWS TO CONDUCT A STUDY, IN AID OF LEGISLATION, ON THE EFFECTIVENESS OF THE ANTI-WIRE TAPPING LAW UNDER REPUBLIC ACT NO. 4200, TO COMBAT ELECTION FRAUD AND SIMILAR ELECTORAL VIOLATIONS

WHEREAS, the 1987 Constitution of the Philippines, provides:

*“The Philippines is a democratic and republican State. **Sovereignty resides in the people and all government authority emanates from them;***

WHEREAS, it is only through elections, wherein the Filipino people exercise their sacred right to suffrage, both in national and local, regular or special, can the above-cited sovereignty, which resides in the people, could be vested to elected public officials who would in turn represent the people as they carry out their mandates, functions and tasks;

WHEREAS, the Filipino people, the real sovereign, deserve no less than the best public servants or representatives amongst all of candidates seeking public posts during elections;

WHEREAS, the framers of the 1987 Constitution, recognizing the sanctity and sacredness of elections, enshrined in said Constitution, particularly in Section 2 of Article V, that the *secrecy and sanctity of the ballot*, among others, must be secured through an electoral system to be provided by Congress;

WHEREAS, despite our existing election laws, wrong-doers and cheaters continuously bastardize the sacred process of election through various fraudulent tactics and schemes;

WHEREAS, one of the most recent blatant and shameful incidents of the electoral process in the Philippines is the infamous “Hello, Garci!” scandal, in which a wiretapped phone call conversation between President Arroyo and then Election Commissioner Virgilio Garcillano, allegedly about the rigging of the 2004 national election results, revealed said scandal to public knowledge and spurred a wide array of issues as to the legitimacy of the presidency back then;

WHEREAS, the existing law on wiretapping, Republic Act (R.A.) No. 4200, otherwise known as "*An Act to Prohibit and Penalize Wire Tapping and Other Related Violations of the Privacy of Communication, and for Other Purposes,*" prohibits the admissibility as evidence of unauthorized wiretapped conversations;

WHEREAS, considering the recent automation of elections, as well as the modernization of technologies involved, we ought to be vigilant against modern, ingenious, technical and highly skilled new ways to be carried out by cheaters and defrauders;

WHEREAS, detection and prosecution of election offenses have been such a very daunting task for the proper authorities, the recent automation of elections might have made it even more difficult;

WHEREAS, it cannot be denied that a conduct of free, orderly, honest, peaceful and clean elections is a huge matter of public concern and is undoubtedly a matter of public interest, and even of greater importance in relation to the right to privacy of communications;

WHEREAS, pursuant to the 1987 Constitution's mandate that Congress should ensure the security and sanctity of the ballot, there is a need to consider the amendment of R.A. No. 4200, to include any and all election offenses as part of the crimes in which a court order authorizing wiretapping for the purposes of crime prevention, investigation, detection and/or prosecution may be obtained, thus, surely increasing the proper authorities' capabilities in battling cheaters and defrauders during elections;

NOW, THEREFORE BE IT RESOLVED, as it is hereby resolved by the Philippine Senate, to urge the Senate Committees on Electoral Reforms and People's Participation and Constitutional Amendments and Revision of Codes and Laws to conduct a study, in aid of legislation, on the effectiveness of the Anti-Wire Tapping Law under R.A. No. 4200, to combat election fraud and similar electoral violations.

Adopted,


GRACE POE