

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



Senate
Office of the Secretary

'16 JAN 26 P2 57

SENATE
S. No. 3138

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
REQUIRING PERSONS WHO MAY REGISTER AS VOTERS
TO PRESENT ANY PROOF OF LEGAL RESIDENCE, AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 8189, OTHERWISE KNOWN AS THE VOTERS
REGISTRATION ACT OF 1996 AND PROVIDING PENALTIES THEREFOR

EXPLANATORY NOTE

The Omnibus Election Code, the law governing elections in the Philippines, specifically provides that all citizens of the Philippines qualified to vote, who shall have resided in the city or municipality wherein they propose to vote for at least six months immediately preceding the election, may be registered as a voter. However, no basic proof of legal residence to determine that one has actually resided in the place where he proposes to vote within the prescribed period is required for registration. This is a mockery of the residency requirement of the law.

This situation mainly contributed to the registration of a great number of registered electors by listing even the non-existing residence which had notoriously become a vast source of flying voters. Certainly, the registration officers have no way of knowing whether the registrant is a legitimate resident or not of the dwelling unit he declared as his residence or they will not even bother to do some verification even if in doubt. The imposition of harsh penalties on flying voters has not been proven to be an effective tool in deterring the commission of this election offense. It is now high time to introduce a new method that will prevent the commission of the offense for indeed, "an ounce of prevention is better than a pound of cure."

This bill seeks to require the presentation of some proof of legal residence for the purpose of registration to be a voter to prevent the perennial problem of flying voters.

There were numerous instances in the past where the number of election registrants in a particular residential or dwelling unit even far exceeds the ideal or reasonable number of residents for each of them to live comfortably in such dwelling place. This anomalous practice will be minimized, if not totally eradicated, because, under this bill, the Punong Barangay shall not only attest the certification issued by the landowner or lessor but shall verify and keep a record of the actual number of residents in a particular property or dwelling unit. Moreover, this proposed legislation does not impose any property requirement on the exercise of the right of suffrage in consonance with the express mandates of the Constitution because a mere certification from the landowner or lessor of any dwelling unit like condominium, apartment, dormitory, etc. will suffice to prove his legal residence as attested by the Punong Barangay of the place where he proposes to vote if one has no property. This is a Senate counterpart bill to one filed in the House of Representatives by Rep. Emilio C. Macias II.¹


MIRIAM DEFENSOR SANTIAGO
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¹ This bill was originally filed during the Fifteenth Congress, First Regular Session

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

1 SECTION 1. Section 9 of Republic Act No. 8189 is hereby amended to read as
2 follows:

3 SEC. 9. *Who May Register.* - All citizens of the Philippines not
4 otherwise disqualified by law who are at least eighteen (18) years of age,
5 and who shall have resided in the Philippines for at least one year, and in
6 the place wherein they propose to vote for at least six months immediately
7 preceding the election, may register as a voter; **PROVIDED, HOWEVER,**
8 **THAT IN NO CASE SHALL ANY PERSON RESIDING IN A**
9 **PROPERTY BELONGING TO ANOTHER, BE ALLOWED TO**
10 **REGISTER WITHOUT PRESENTING ANY PROOF OF LEGAL**
11 **RESIDENCE ATTESTED BY THE PUNONG BARANGAY OF THE**
12 **PLACE WHEREIN HE PROPOSES TO VOTE; PROVIDED,**
13 **FURTHER, THAT THE PUNONG BARANGAY SHALL VERIFY**
14 **AND KEEP THE RECORD OF THE ACTUAL NUMBER OF**
15 **RESIDENTS IN A PARTICULAR PROPERTY OR DWELLING**
16 **UNIT.**

1 AS USED IN THIS SECTION, THE TERM PROOF OF
2 LEGAL RESIDENCE SHALL REFER TO A CERTIFICATION
3 FROM THE LANDOWNER OR LESSOR OF A RESIDENTIAL
4 UNIT, APARTMENT, CONDOMINIUM, DORMITORY OR
5 SIMILAR DWELLING UNITS WHERE HE HAS RESIDED FOR A
6 PERIOD PRESCRIBED UNDER THIS SECTION.

7 Any person who temporarily resides in another city, municipality or
8 country solely by reason of his occupation, profession, employment in
9 private or public service, educational activities, work in the military or
10 naval reservations within the Philippines, service in the Armed Forces of
11 the Philippines, the National Police Forces, or confinement or detention in
12 government institutions in accordance with law, shall not be deemed to
13 have lost his original residence. Any person, who, on the day of registration
14 may not have reached the required age or period of residence but, who, on
15 the day of the election shall possess such qualifications, may register as a
16 voter.

17 SECTION 2. Any person found guilty of violating the provision of this Act shall
18 suffer the same penalties imposed under Republic Act No. 8189.

19 SECTION 3. The Commission on Elections shall promulgate the necessary rules
20 and regulations to implement the provisions of this Act within sixty (60) days upon its
21 approval.

22 SECTION 4. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
23 portions thereof, which are inconsistent with the provisions of this Act, are hereby
24 repealed, amended or modified accordingly.

1 SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
2 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/fd 25Nov2015