

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



'16 JAN 28 P1:33

SENATE

RECEIVED BY: *[Signature]*

COMMITTEE REPORT NO. 444

Submitted by the Committees on Electoral Reforms and People's Participation; and on Constitutional Amendments and Revision of Codes on JAN 28 2016.

Re: Senate Bill No. 1224 taking into consideration HBN 4111.

Recommending its approval with amendments.

Sponsor: Senator Pimentel III

MR. PRESIDENT:

The Committees on Electoral Reforms and People's Participation; and on Constitutional Amendments and Revision of Codes, to which were referred Senate Bill No. 1224, introduced by Senator Ejercito, entitled:

**"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**

and taking into consideration House Bill No. 4111, introduced by Representatives Rodriguez (R), Rodriguez (M), Abayon, Agllipay, Erice, entitled:

**"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"**

have considered the same and have the honor to report it back to the Senate with the recommendation that it be approved with the following amendments; to wit:

1. On page 1, line 4 – after the phrase "for election offenses" delete the punctuation mark comma "," and the phrase "more so when";
2. On page 1, line 12 – after the word "responsible" delete the word "be" and in lieu thereof replace it with the word "IS";
3. On page 1, line 15 – after the phrase "accessories shall be" insert the word "SEPARATELY";
4. On page 1, line 16 – after the phrase "party or entity." insert the article "THE";
5. On page 1, line 20 – before the phrase "OFFICIALS OF THE COMMISSION" delete the phrase "AND/OR" and in lieu thereof replace it with the word "OR";
6. On page 2, line 5 – after the word "deprivation" delete the punctuation mark comma ",";
7. On page 2, line 16 – after the phrase "in case of" insert the article "A";
8. On page 2, lines 21 to 22 – delete the brackets "[]" enclosing the phrase "prison mayor in its maximum period";

9. On page 2, line 23 – put a space between the words "OR" and "interference";


10. On page 2, line 23 – after the phrase "in the election" delete the punctuation mark comma "," and the phrase "AND THE SUBJECT PRISONER OR PRISONERS SHALL LIKEWISE BE SENTENCED TO RECLUSION PERPETUA";


11. On page 3, line 4 – put a space between the phrases "POLITICAL COALITION," and "PARTY-LIST OR";

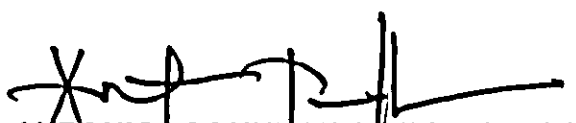
12. On page 3, line 24 – after the phrase "ELECTION OFFENSE UNDER THIS" delete the word "CODE" and in lieu thereof replace it with the word "ACT";

13. On page 4, line 17 – after the number "No. 8189" insert the punctuation mark comma "," and the phrase "AND OTHER EXISTING ELECTION LAWS,"

Respectfully submitted


MIRIAM DEFENSOR SANTIAGO
Chairperson
Committee on Constitutional
Amendments and Revision of Codes


AQUILINO "KOKO" PIMENTEL III
Chairperson
Committee on Electoral Reforms and
People's Participation;
Vice Chairperson
Committee on Constitutional
Amendments and Revision of Codes

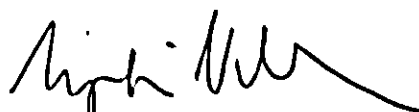

ANTONIO "SONNY" F. TRILLANES IV
Vice Chairperson
Committee on Constitutional
Amendments and Revision of Codes;
Member, Committee on Electoral
Reforms and People's Participation

GRACE POE
Vice-Chairperson
Committee on Electoral Reforms
and People's Participation

Members:



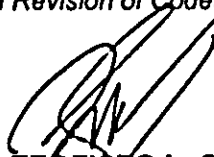
FRANCIS "CHIZ" G. ESCUDERO
*Committee on Electoral Reforms
& People's Participation*



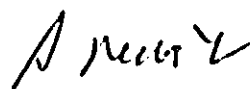
CYNTHIA A. VILLAR
*Committee on Electoral Reforms &
People's Participation
Committee on Constitutional Amendments
and Revision of Codes*



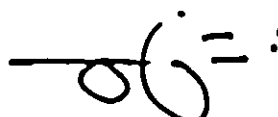
LOREN B. LEGARDA
*Committee on Electoral Reforms
& People's Participation*



TEOFISTO L. GUINGONA III
*Committee on Electoral Reforms
& People's Participation
Committee on Constitutional Amendments
and Revision of Codes*




SERGIO R. OSMENA III
*Committee on Electoral Reforms
& People's Participation*



JOSEPH VICTOR G. EJERCITO
*Committee on Electoral Reforms
& People's Participation*

GREGORIO B. HONASAN II
*Committee on Electoral Reforms
& People's Participation
Committee on Constitutional Amendments
and Revision of Codes*



VICENTE C. SOTTO III
*Committee on Electoral Reforms
& People's Participation
Committee on Constitutional Amendments
and Revision of Codes*



SONNY ANGARA
*Committee on Constitutional Amendments
and Revision of Codes*

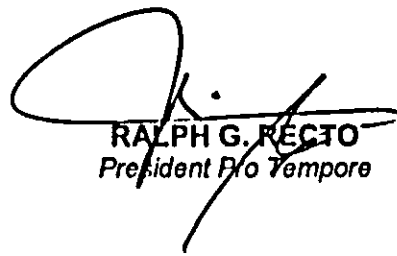
MANUEL "LITO" M. LAPID
*Committee on Constitutional Amendments
and Revision of Codes*



FERDINAND R. MARCOS, JR.
*Committee on Constitutional Amendments and
Revision of Codes*

JINGGOY EJERCITO ESTRADA
*Committee on Constitutional Amendments and
Revision of Codes*

Ex-Officio Members:



RALPH G. RECTO
President Pro Tempore

ALAN PETER "COMPANERO" S. CAYETANO
Minority Leader

JUAN PONCE ENRILE
Minority Leader

HON. FRANKLIN M. DRILON
President
Senate of the Philippines

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

RECEIVED BY: 

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:

1 **SECTION 1.** The State shall ensure fair, honest, orderly and
2 peaceful elections, safeguard the integrity and sanctity of the ballot and
3 uphold the sovereign will of the electorate. It shall impose greater
4 penalties for election offenses, more so when attended by violence,
5 coercion, intimidation, force or threats.
6

7 **SECTION 2.** Section 263 of Batas Pambansa Bilang 881, as
8 amended, is hereby further amended to read as follows:
9

10 "SEC. 263. Persons criminally liable. - The principals, accomplices, and
11 accessories, as defined in the Revised Penal Code, shall be criminally
12 liable for election offenses. If the one responsible be a political party or
13 an entity, its president or head, the officials and employees of the same,
14 performing duties connected with the offense committed and its
15 members who may be principals, accomplices, or accessories shall be
16 liable, in addition to the liability of such party or entity. **PERSON WHO
17 MAY BE HELD CRIMINALLY LIABLE FOR ELECTION OFFENSE
18 SHALL INCLUDE THE MEMBERS OF THE BOARD OF ELECTION
19 INSPECTORS, THE MEMBERS OF THE BOARD OF CANVASSERS
20 AND/OR OFFICIALS OF THE COMMISSION ON ELECTIONS WHO
21 AID, ASSIST OR PARTICIPATE, DIRECTLY OR INDIRECTLY, TO THE
22 COMMISSION THEREOF.**"
23

24 **SECTION 3.** Section 264 of Batas Pambansa Bilang 881, as
25 amended, is hereby further amended to read as follows:
26

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

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

15
16 **"(B)** In case of prisoner or prisoners illegally released from any
17 penitentiary or jail during the prohibited period as provided in Section
18 261, paragraph (n) of this Code, the director of prisons, provincial
19 warden, keeper of the jail or prison, or persons who are required by law
20 to keep said prisoner in their custody shall, if convicted by a competent
21 court, be sentenced to suffer the penalty of [prison mayor in its
22 maximum period] if the prisoner or prisoners so illegally released commit
23 any act of intimidation, terrorism [of] **OR** interference in the election, **AND**
24 **THE SUBJECT PRISONER OR PRISONERS SHALL LIKEWISE BE**
25 **SENTENCED TO RECLUSION PERPETUA.**

26
27 [Any person found guilty of the offence of failure to register or failure to
28 vote shall, upon conviction, be fined one hundred pesos. In addition, he
29 shall suffer disqualification to run for public office in the next succeeding
30 election following his conviction or be appointed to a public office for a
31 period of one year following his conviction.]

32
33 **"(C)** **ANY OFFICER OR EMPLOYEE OF THE COMMISSION**
34 **ON ELECTIONS, OR ANY OFFICER, EMPLOYEE OR MEMBER OF**
35 **THE ARMED FORCES OF THE PHILIPPINES, OR ANY POLICE**
36 **FORCE, SPECIAL FORCES, HOME DEFENSE FORCES,**
37 **BARANGAY SELF-DEFENSE UNITS AND ALL OTHER PARAMILITARY**
38 **UNITS THAT NOW EXIST FOUND GUILTY OF ANY ELECTION**
39 **OFFENSE UNDER THIS ACT SHALL BE PUNISHED WITH THE**
40 **MAXIMUM PENALTY THEREOF.**

41
42 **"(D)** **ANY PERSON FOUND GUILTY OF AN ELECTION OFFENSE OR**
43 **PROHIBITED ACT UNDER SECTIONS 261 AND 262 IN RELATION**
44 **TO SECTION 264 OF THE OMNIBUS ELECTION CODE OF**
45 **THE PHILIPPINES, AS AMENDED, WHICH BY ITS NATURE IS**
46 **COMMITTED THROUGH OR WITH VIOLENCE,**
47 **COERCION, INTIMIDATION, FORCE OR THREATS OR WHERE THE**
48 **COMMISSION OF WHICH IS ATTENDED BY SUCH VIOLENCE,**
49 **COERCION, INTIMIDATION, FORCE OR THREATS, SHALL BE**
50 **PUNISHED WITH IMPRISONMENT OF NOT LESS THAN TWELVE**
51 **YEARS AND ONE DAY BUT NOT MORE THAN TWENTY YEARS WITH**
52 **THE ACCESSORY PENALTIES OF PERPETUAL DISQUALIFICATION**
53 **TO HOLD PUBLIC OFFICE AND DEPRIVATION OF THE RIGHT OF**
54 **SUFFRAGE. IF THE GUILTY PARTY IS A FOREIGNER, HE/SHE**
55 **SHALL BE SENTENCED TO DEPORTATION, WHICH SHALL BE**

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

3
4 "THE POLITICAL PARTY, POLITICAL COALITION, PARTY-LIST OR
5 AGGRUPATION ORGANIZED FOR POLITICAL PURPOSE TO WHICH
6 THE GUILTY PARTY IS A MEMBER SHALL BE SENTENCED TO PAY A
7 FINE OF FIVE HUNDRED THOUSAND PESOS AS PART OF THE CIVIL
8 LIABILITY IN CONNECTION WITH THE ELECTION OFFENSE."
9

10 SECTION 4. Section 46 of Republic Act No. 8189 is hereby
11 amended to read as follows:
12

13 [SEC. 46. *Penalties.* - Any person found guilty of any Election offense
14 under this Act shall be punished with imprisonment of not less than one
15 (1) year but not more than six (6) years and shall not be subject to
16 probation. In addition, the guilty party shall be sentenced to suffer
17 disqualification to hold public office and deprivation of the right of
18 suffrage. If he is a foreigner, he shall be deported after the prison term
19 has been served. Any political party found guilty shall be sentenced to
20 pay a fine of not less than One hundred thousand pesos (P100,000) but
21 not more than Five hundred thousand pesos (P500,000).]
22

23 "SEC. 46. PENALTIES. - (A) ANY PERSON FOUND GUILTY OF ANY
24 ELECTION OFFENSE UNDER THIS CODE SHALL BE PUNISHED WITH
25 IMPRISONMENT OF NOT LESS THAN SIX YEARS AND ONE DAY BUT
26 NOT MORE THAN TWELVE YEARS AND SHALL NOT BE SUBJECT TO
27 PROBATION. IN ADDITION, THE GUILTY PARTY SHALL BE
28 SENTENCED TO SUFFER PERPETUAL DISQUALIFICATION TO HOLD
29 PUBLIC OFFICE AND DEPRIVATION OF THE RIGHT OF SUFFRAGE.
30 IF THE GUILTY PARTY IS A FOREIGNER, THE SENTENCE SHALL BE
31 ONE OF DEPORTATION, WHICH SHALL BE ENFORCED AFTER THE
32 PRISON TERM HAS BEEN SERVED. ANY POLITICAL
33 PARTY, POLITICAL COALITION, PARTY-LIST OR AGGRUPATION
34 ORGANIZED FOR POLITICAL PURPOSE TO WHICH THE GUILTY
35 PARTY IS A MEMBER SHALL BE SENTENCED TO PAY A FINE OF
36 NOT LESS THAN FIVE HUNDRED THOUSAND PESOS, AS PART OF
37 THE CIVIL LIABILITY IN CONNECTION WITH THE ELECTION
38 OFFENSE.
39

40 "(B) ANY PERSON FOUND GUILTY OF AN ELECTION OFFENSE OR
41 PROHIBITED ACT UNDER SECTION 45, WHICH BY ITS NATURE IS
42 COMMITTED THROUGH OR WITH VIOLENCE,
43 COERCION, INTIMIDATION, FORCE OR THREATS OR WHERE THE
44 COMMISSION OF WHICH IS ATTENDED BY SUCH VIOLENCE,
45 COERCION, INTIMIDATION, FORCE OR THREATS, SHALL BE
46 PUNISHED WITH IMPRISONMENT OF NOT LESS THAN TWELVE
47 YEARS AND ONE DAY BUT NOT MORE THAN TWENTY YEARS WITH
48 THE ACCESSORY PENALTIES OF PERPETUAL DISQUALIFICATION
49 TO HOLD PUBLIC OFFICE AND DEPRIVATION OF THE RIGHT OF
50 SUFFRAGE. IF THE GUILTY PARTY IS A FOREIGNER, HE/SHE
51 SHALL BE SENTENCED TO DEPORTATION, WHICH SHALL BE
52 ENFORCED AFTER HIS/HER SERVICE OF THE IMPOSED PRISON
53 TERM.
54

55 "(C) ANY OFFICER OR EMPLOYEE OF THE COMMISSION
56 ON ELECTIONS, OR ANY OFFICER, EMPLOYEE OR MEMBER OF

1 THE ARMED FORCES OF THE PHILIPPINES, OR ANY POLICE
2 FORCE, SPECIAL FORCES, HOME DEFENSE FORCES,
3 BARANGAY SELF-DEFENSE UNITS AND ALL OTHER PARAMILITARY
4 UNITS THAT NOW EXIST FOUND GUILTY OF ANY ELECTION
5 OFFENSE UNDER THIS ACT SHALL BE PUNISHED WITH THE
6 MAXIMUM PENALTY THEREOF.”
7

8 **SECTION 5. *Aggravating Circumstance.*** – If any of the crimes
9 defined in the Revised Penal Code is committed in connection with an
10 election or political exercise, such election-related element shall be
11 appreciated as an aggravating circumstance in imposing the appropriate
12 penalty.
13

14 **SECTION 6. *Separate and Concurrent Prosecution.*** – Any person
15 who commits an election offense or prohibited act under the Omnibus
16 Election Code of the Philippines and under Section 45 of Republic Act
17 No. 8189 which act or acts also constitute felony under the Revised Penal
18 Code, shall be prosecuted separately and concurrently under the
19 Omnibus Election Code of the Philippines and the Revised Penal Code.
20

21 **SECTION 7. *Repealing Clause.*** – The pertinent provisions of the
22 Omnibus Election Code of the Philippines, other laws, presidential
23 decrees and issuances, executive orders, rules and regulations, or parts
24 thereof inconsistent with the provisions of this Act are hereby repealed or
25 modified accordingly.
26

27 **SECTION 8. *Separability Clause.*** – If any provision of this Act shall
28 be held to be unconstitutional or invalid, other parts or provisions hereof
29 which are not affected thereby shall continue to be in full force and
30 effect.
31

32 **SECTION 9. *Effectivity.*** – This Act shall take effect fifteen (15) days
33 after its publication in the Official Gazette or in at least two (2)
34 newspapers of general circulation which shall not be later than seven (7)
35 days after the approval thereof.
36

37 Approved,



HOUSE OF REPRESENTATIVES

II. No. 4111

BY REPRESENTATIVES RODRIGUEZ (R.), RODRIGUEZ (M.), ABAYON, AGLIPAY,
ALIPING, ERICE, LAGMAN, REYES, GERONA-ROBREDO, SALVACION,
TINIO AND CHIPECO, PER COMMITTEE REPORT NO. 137

**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"**

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

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

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

8 "SEC. 263. *Persons criminally liable.* – The principals,
9 accomplices, and accessories, as defined in the Revised Penal
10 Code, shall be criminally liable for election offenses. If the one
11 responsible be a political party or an entity, its president or head,
12 the officials and employees of the same, performing duties

1 connected with the offense committed and its members who may
2 be principals, accomplices, or accessories shall be SEPARATELY
3 liable, in addition to the liability of such party or entity. THE
4 PERSON WHO MAY BE HELD CRIMINALLY LIABLE FOR ELECTION
5 OFFENSE SHALL INCLUDE THE MEMBERS OF THE BOARD OF
6 ELECTION INSPECTORS, THE MEMBERS OF THE BOARD OF
7 CANVASSERS AND/OR OFFICIALS OF THE COMMISSION ON
8 ELECTIONS WHO AID, ASSIST OR PARTICIPATE, DIRECTLY OR
9 INDIRECTLY, TO THE COMMISSION THEREOF.”

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

12 “SEC. 264. *Penalties.* – (A) Any person found guilty of any
13 election offense under this Code shall be punished with
14 imprisonment of not less than [one year] SIX YEARS AND ONE DAY
15 but not more than [six] TWELVE years and shall not be subject to
16 probation. In addition, the guilty party shall be sentenced to suffer
17 PERPETUAL disqualification to hold public office and deprivation
18 of the right of suffrage. If [he] THE GUILTY PARTY is a foreigner,
19 [he shall be sentenced to] THE SENTENCE SHALL BE ONE OF
20 deportation which shall be enforced after the prison term has been
21 served. Any political party, [found guilty] POLITICAL COALITION,
22 PARTY-LIST, OR AGGRUPATION ORGANIZED FOR POLITICAL
23 PURPOSE TO WHICH THE GUILTY PARTY IS A MEMBER shall be
24 sentenced to pay a fine of not less than [ten thousand] FIVE
25 HUNDRED THOUSAND pesos, [which shall be imposed upon such
26 party after criminal action has been instituted in which their

1 corresponding officials have been found guilty] AS PART OF THE
2 CIVIL LIABILITY IN CONNECTION WITH THE ELECTION OFFENSE.

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

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

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

1 “(D) ANY PERSON FOUND GUILTY OF AN ELECTION
2 OFFENSE OR PROHIBITED ACT UNDER SECTIONS 261 AND 262 IN
3 RELATION TO SECTION 264 OF THE OMNIBUS ELECTION CODE
4 OF THE PHILIPPINES, AS AMENDED, WHICH BY ITS NATURE IS
5 COMMITTED THROUGH OR WITH VIOLENCE, COERCION,
6 INTIMIDATION, FORCE OR THREATS OR WHERE THE COMMISSION
7 OF WHICH IS ATTENDED BY SUCH VIOLENCE, COERCION,
8 INTIMIDATION, FORCE OR THREATS, SHALL BE PUNISHED WITH
9 IMPRISONMENT OF NOT LESS THAN TWELVE YEARS AND ONE DAY
10 BUT NOT MORE THAN TWENTY YEARS WITH THE ACCESSORY
11 PENALTIES OF PERPETUAL DISQUALIFICATION TO HOLD PUBLIC
12 OFFICE AND DEPRIVATION OF THE RIGHT OF SUFFRAGE. IF THE
13 GUILTY PARTY IS A FOREIGNER, HE/SHE SHALL BE SENTENCED
14 TO DEPORTATION WHICH SHALL BE ENFORCED AFTER HIS/HER
15 SERVICE OF THE IMPOSED PRISON TERM.

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

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

24 [SEC. 46. *Penalties.* – Any person found guilty of any
25 Election offense under this Act shall be punished with
26 imprisonment of not less than one (1) year but not more than six (6)
27 years and shall not be subject to probation. In addition, the guilty
28 party shall be sentenced to suffer disqualification to hold public
29 office and deprivation of the right of suffrage. If he is a foreigner,

1 he shall be deported after the prison term has been served. Any
2 political party found guilty shall be sentenced to pay a fine of not
3 less than One hundred thousand pesos (P100,000) but not more
4 than Five hundred thousand pesos (P500,000).]

5 "SEC. 46. *PENALTIES.* - (A) ANY PERSON FOUND GUILTY
6 OF ANY ELECTION OFFENSE UNDER THIS ACT SHALL BE
7 PUNISHED WITH IMPRISONMENT OF NOT LESS THAN SIX (6)
8 YEARS AND ONE (1) DAY BUT NOT MORE THAN TWELVE (12)
9 YEARS AND SHALL NOT BE SUBJECT TO PROBATION. IN
10 ADDITION, THE GUILTY PARTY SHALL BE SENTENCED TO SUFFER
11 PERPETUAL DISQUALIFICATION TO HOLD PUBLIC OFFICE AND
12 DEPRIVATION OF THE RIGHT OF SUFFRAGE. IF THE GUILTY
13 PARTY IS A FOREIGNER, THE SENTENCE SHALL BE ONE OF
14 DEPORTATION WHICH SHALL BE ENFORCED AFTER THE PRISON
15 TERM HAS BEEN SERVED. ANY POLITICAL PARTY, POLITICAL
16 COALITION, PARTY-LIST OR AGGRUPATION ORGANIZED FOR
17 POLITICAL PURPOSE TO WHICH THE GUILTY PARTY IS A MEMBER
18 SHALL BE SENTENCED TO PAY A FINE OF NOT LESS THAN FIVE
19 HUNDRED THOUSAND PESOS (P500,000), AS PART OF THE CIVIL
20 LIABILITY IN CONNECTION WITH THE ELECTION OFFENSE.

21 "(B) ANY PERSON FOUND GUILTY OF AN ELECTION
22 OFFENSE OR PROHIBITED ACT UNDER SECTION 45 OF REPUBLIC
23 ACT No. 8189, WHICH BY ITS NATURE IS COMMITTED THROUGH
24 OR WITH VIOLENCE, COERCION, INTIMIDATION, FORCE OR
25 THREATS OR WHERE THE COMMISSION OF WHICH IS ATTENDED
26 BY SUCH VIOLENCE, COERCION, INTIMIDATION, FORCE OR
27 THREATS, SHALL BE PUNISHED WITH IMPRISONMENT OF NOT
28 LESS THAN TWELVE (12) YEARS AND ONE (1) DAY BUT NOT MORE
29 THAN TWENTY (20) YEARS WITH THE ACCESSORY PENALTIES OF

1 PERPETUAL DISQUALIFICATION TO HOLD PUBLIC OFFICE AND
2 DEPRIVATION OF THE RIGHT OF SUFFRAGE. IF THE GUILTY
3 PARTY IS A FOREIGNER, HE/SHE SHALL BE SENTENCED TO
4 DEPORTATION WHICH SHALL BE ENFORCED AFTER THE SERVICE
5 OF THE IMPOSED PRISON TERM.

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

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

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

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

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

8 **SEC. 9. *Effectivity.*** – This Act shall take effect fifteen (15) days after
9 **its publication in the *Official Gazette* or in at least two (2) newspapers of**
10 **general circulation.**

 Approved,

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