


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE
OFFICE OF THE SECRETARY

'04 SEP 15 P4:30

SENATE
1786

RECEIVED BY: 


S. B. No. _____

Introduced by SENATOR JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The political exercise of suffrage is the express manifestation of an individual's sovereign act of choosing a representative for the purpose of delegating the powers, functions and duties related to governance. As such, violations of any character that tend to destroy the sanctity of this act of sovereignty must be dealt with the full force of the law. Unfortunately, current penalties provided for by our election laws are inadequate in order to deter violators from committing acts that undermine the sovereign will. It is thus imperative that certain election offenses be classified as heinous while other offenses be given the appropriate penalty with the end in view of ensuring the sanctity of one's sovereign will in the selection of our nation's public servants.

Immediate passage of this bill is thus earnestly recommended.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
INCREASING THE PENALTY FOR ELECTION OFFENSES AND
CLASSIFYING CERTAIN ELECTION OFFENSES AS HEINOUS
CRIMES AND FOR OTHER PURPOSES

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

SECTION 1. Declaration of Policy. It is hereby declared the policy of the State to ensure fair, honest, orderly and peaceful elections, as well as to protect and safeguard the integrity and sanctity of the ballot so that the will of the people is truly manifested. In order not to undermine the exercise of the right of suffrage by every citizen, penalties for certain election offenses are hereby increased while those that are grievous and odious, aside from being inherently depraved, repugnant and outrageous to the common standards of decency and morality, are hereby declared as heinous crimes.

SEC. 2. Penalty for election offenses. - Section 264 of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code of the Philippines, as amended, is hereby further amended to read as follows:

"SEC. 264. Penalties. - Any person found guilty of any election offense under this Code shall be punished with

imprisonment of not less than **TWELVE YEARS** [one (1) year] **AND ONE DAY** but not more than **TWENTY** [six (6)] years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer **PERMANENT** disqualification to hold public office and deprivation of the right of suffrage. If he is a foreigner, he shall be sentenced to deportation which shall be enforced after the prison term has been served. Any political party found guilty shall be sentenced to pay a fine of not less than **FIVE HUNDRED THOUSAND** [ten thousand (Php10,000.00)] pesos, which shall be imposed upon such party after criminal action has been instituted in which their corresponding officials have been found guilty.

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 **RECLUSION PERPETUA TO DEATH** [*prision mayor* in its maximum period] if the prisoner or prisoners so illegally released commit any act of intimidation, terrorism, or interference in the election."

SEC. 3. Application of penalty for election offenses. The penalty herein provided shall be applied to election offenses enumerated in Section 261 of the Omnibus Election Code, as amended, to the other election offenses listed in Section 262 of the same Code, and to election offenses provided for under Section

45 of Republic Act No. 8186, except for those election offenses which are hereinafter classified as heinous crimes.

SEC. 4. Election offenses declared as heinous crimes. - The following election offenses, as defined and provided for in Sec. 261 of the Omnibus Election Code, as amended, are hereby declared as heinous crimes:

- (i) conspiracy to bribe voters;
- (ii) threats, intimidation, terrorism, use of fraudulent device or other forms of coercion before, during and after the election period;
- (iii) coercion of election officials and employees;
- (iv) appointment or use of special policemen, special agents, confidential agents or the like during the election period;
- (v) illegal release of prisoners before and after election;
- (vi) use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign;
- (vii) use of armored land, water or aircraft during the election period;
and,
- (viii) organization or maintenance of reaction forces, strike forces, or other similar forces during the election period;

SEC.5. Other persons criminally liable. In addition to the provisions of Section 263 of the Omnibus Election Code, as amended, the person liable for the above-mentioned crimes shall include the members of the board of election inspectors, the members of the board of canvassers and/or officials of the Commission on Election who aided, assisted or participated, directly or indirectly, to the commission thereof.

SEC. 6. 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.

SEC. 7. Separability Clause. - If, for any reason, any provision or part of this Act shall be held to be unconstitutional or invalid, other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 8. Effectivity. - This Act shall take effect after fifteen (15) days following the completion of its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation. Such publication shall not be later than seven (7) days after the approval hereof.

Approved,