

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

SENATE
OFFICE OF THE SECRETARY

5 MAR -1 AIO:44

SENATE
S. B. No. 1937

RECEIVED BY:

Introduced by **SENATOR JINGGOY EJERCITO ESTRADA**

EXPLANATORY NOTE

The ballot is the physical manifestation of a voter's sovereign act of choosing a representative for the purpose of good governance. Thus, the sanctity of the ballot must at all cost be ensured in any electoral exercise. It is unfortunate that modern day elections are marred by irregularities and anomalies brought about by twisted means, methods, schemes and machinations beyond what is legally allowed purposely for the advancement of the interests of a few and not of the electorate.

This Representation believes that such acts should be met with the full force of the law and in order to do so our election laws should be amended accordingly.

Premises considered, this proposed legislative measure seeks to amend Article XXII, Section 261(dd) of BP 881 to include other forms of electoral fraud and prescribing penalties for their commission.

Immediate passage of this bill is thus earnestly recommended.


JINGGOY EJERCITO ESTRADA
Senator

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**AN ACT
TO AMEND ARTICLE XXII, SECTION 261 (dd) OF BATAS PAMBANSA BLG. 881,
OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE OF THE PHILIPPINES,
AS AMENDED, TO INCLUDE OTHER FORMS OF ELECTORAL FRAUD,
PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES**

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

1 **SECTION 1.** Article 261(dd) of Batas Pambansa Blg. 881, otherwise known as
2 the Omnibus Election Code, as amended, is hereby further amended to read as
3 follows:

4
5 (dd) Other prohibitions:

6 (1) Any person who sells, furnishes, offers, buys, serves or
7 takes intoxicating, liquor on the days fixed by law for the
8 registration of voters in the polling place, or on the day
9 before the election or on election day: *Provided*, That hotels
10 and other establishments duly certified by the Department of
11 Tourism as tourist oriented and habitually in the business of
12 catering to foreign tourists may be exempted for justifiable
13 reasons upon prior authority of the Commission: *Provided*,
14 *further*, That foreign tourists taking intoxicating liquor in said
15 authorized hotels or establishments are exempted from the
16 provisions of this subparagraph.

17

- 1 (2) Any person who opens in any polling place or within a radius
2 of thirty meters thereof on election day and during the
3 counting of votes, booths or stalls of any kind for the sale,
4 dispensing or display of wares, merchandise or
5 refreshments, whether solid or liquid, or for any other
6 purposes.
- 7
- 8 (3) Any person who holds on election day, fairs, cockfights,
9 boxing, horse races, jai-alai or any other similar sports.
- 10
- 11 (4) Refusal to carry election mail matter. – any operator or
12 employee of a public utility or transportation company
13 operating under a certificate of public convenience, including
14 government-owned or controlled postal service or its
15 employees or deputized agents who refuse to carry official
16 election mail matters free of charge during the election
17 period. In addition to the penalty prescribed herein, such
18 refusal shall constitute a ground for cancellation or
19 revocation of certificate of public convenience or franchise.
- 20
- 21 (5) Prohibition against discrimination in the sale of air time. –
22 Any person who operates a radio or television station who,
23 without justifiable cause discriminates against any political
24 party, coalition or aggroupment of parties or any candidate in
25 the sale of air time. In addition to the penalty prescribed
26 herein, such refusal shall constitute a ground for cancellation
27 or revocation of the franchise.
- 28

1 (6) VOTE SHAVING/VOTE PADDING. – IN ADDITION TO THE
2 OFFENSE PENALIZED UNDER ARTICLE 261 (bb) (1), ANY
3 PERSON WHO INDUCES OR ATTEMPTS TO INDUCE ANY
4 MEMBER OF THE BOARD OF ELECTION INSPECTORS OR
5 BOARD OF CANVASSERS TO TAMPER, INCREASE OR
6 DECREASE THE VOTES RECEIVED BY ANY CANDIDATE IN
7 ANY ELECTION IN CONSIDERATION OF ANY PROMISE,
8 OFFER, GIFT OR PRESENT, PECUNIARY OR OTHERWISE,
9 FOR THE PURPOSE OF BENEFITING ANY CANDIDATE AND
10 ENSURING HIS ELECTION TO A PUBLIC OFFICE SHALL BE
11 GUILTY OF THE CRIME OF VOTE SHAVING/VOTE PADDING.

12
13 VOTE SHAVING/VOTE PADDING OCCURS WHEN, FOR
14 THE PURPOSE OF BENEFITING AND ENSURING THE
15 ELECTION OF ANY CANDIDATE TO A PUBLIC OFFICE, ANY
16 MEMBER OF THE BOARD OF ELECTION INSPECTORS OR
17 CANVASSERS IN CONSIDERATION OF ANY PROMISE, GIFT,
18 OFFER OR PRESENT, PECUNIARY OR OTHERWISE, FROM
19 ANY PERSON, WILL ALTER, MODIFY OR CHANGE THE VOTES
20 OBTAINED BY ANY CANDIDATE EITHER BY:

21
22 (1) REDUCING THE VOTES OBTAINED BY ANY OR ALL
23 CANDIDATES AND ADDING IT TO THE VOTES OBTAINED BY
24 THE FAVORED CANDIDATE;

25 (2) KNOWINGLY ADDING VOTES TO THE ACTUAL
26 VOTES OBTAINED BY THE FAVORED CANDIDATE;

27 (3) KNOWINGLY REDUCING THE ACTUAL VOTES
28 OBTAINED BY ANY CANDIDATE EXCEPT THAT OF THE
29 FAVORED CANDIDATE;

1
2 ANY PERSON FOUND GUILTY OF THE OFFENSE OF
3 VOTE SHAVING/VOTE PADDING SHALL BE PUNISHED WITH
4 IMPRISONMENT OF *RECLUSION PERPETUA*; *PROVIDED*,
5 THAT, IF THE OFFENDER IS A PUBLIC OFFICIAL OR
6 EMPLOYEE, THE PENALTY SHALL BE DEATH; *PROVIDED*,
7 *FURTHER*, THAT IN ADDITION TO THE PENALTY IMPOSED
8 HEREIN, THE OFFENDER SHALL LIKEWISE SUFFER THE
9 ACCESSORY PENALTY ATTACHED TO THE PRINCIPAL
10 PENALTY IMPOSED AND THE DEPRIVATION OF THE RIGHT
11 OF SUFFRAGE.
12

13 **SEC. 2. Separability Clause.** - If any provision or part of this Act is held to be
14 invalid or unconstitutional, other provisions hereof which are not effected thereby shall
15 continue to be in full force and effect.
16

17 **SEC. 3. Repealing Clause.** - All provisions of law, presidential decrees or
18 issuances, orders, including rules and regulations inconsistent herewith are hereby
19 repealed or modified accordingly.
20

21 **SEC. 4. Effectivity.** - This Act shall take effect after fifteen (15) days following its
22 publication in the *Official Gazette* or in at least two (2) newspapers of general
23 circulation.
24

25 Approved,