

FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
*First Regular Session* )

8 APR 15 2007

**SENATE**

RECEIVED BY: \_\_\_\_\_

S. No. 2157

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Introduced by Senator Manuel "Lito" M. Lapid

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### **EXPLANATORY NOTE**

The call for Congress to enact a legislative measure that would increase the penalties for election-related violence has been echoed in the 2007 State of the Nation Address of President Gloria Macapagal-Arroyo. This advocacy is also being mainstreamed by various none-government organizations, people's organizations and various stakeholders in the country.

In every election in the country, violence escalates nationwide, reinforcing the notoriety of this country's politics as one of the deadliest in Southeast Asia. Indeed, elections are notoriously violent in the Philippines, particularly in the provinces, where a feudal type of politics still reigns and where private armies maintained by powerful individuals are common. In the Philippines, feuds among political families often turn deadly. During elections, the country's peace and order situation is also rapidly deteriorating along with the plight of civil, political and human rights. Hired killers are running amok and taking advantage of the government's lame duck stance when it comes to going after shoot and run criminals. This election-related violence is even more prevalent during elections of officials for local seats - members of Congress, governors, mayors and councilors, with nearly 87,000 candidates running for more than 17,000 positions.

Aggravating the problem of election-related violence is the proliferation of what the police call "loose firearms" that are being used by the private armies. Based on recent data from the PNP, more than 2,000 violators of a gun ban have been arrested since the start of the campaign in 2007 National Election and more than 1,700 weapons have been seized. Moreover, the perceived failure on the part of our law enforcement officers to put an end to the killing of members and officials of the progressive party-lists and militant people's organizations has created a culture of impunity which is now being taken full advantage of by hired guns of traditional politicians. The seeming failure to solve the killings of activists serve to encourage hired killers to peddle their trade with less worry and fear that they will be apprehended and brought to justice.

It is hoped that this proposed measure would address calls to provide stiffer penalties to election-related violence in order to put an end to the countless killings and violence being perpetrated by lawless individuals during elections in the country.

In view of the foregoing, approval of this bill is earnestly requested.

  
**MANUEL "LITO" M. LAPID**  
Senator

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**AN ACT**  
**INCREASING THE PENALTIES FOR ELECTION OFFENSES ATTENDED**  
**BY VIOLENCE, COERCION, INTIMIDATION, FORCE OR THREATS AND**  
**FOR OTHER ELECTION OFFENSES**

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

**SECTION 1. Declaration of Policy.** – In order to help ensure fair, honest, orderly and peaceful elections, safeguard the integrity and sanctity of the ballot and uphold the sovereign will of the electorate, graver penalties shall be imposed for election offenses attended by violence, coercion, intimidation, force or threats.

**SEC. 2. Penalty for Election Offenses Attended by Violence.** – Any person found guilty of an election offense or prohibited act under Sections 261 and 262 in relation to Section 264 of the Omnibus Election Code of the Philippines, as amended, and Section 45 of Republic Act No. 8189, which by its nature is committed through or with violence, coercion, intimidation, force or threats, or where the commission of which is attended by such violence, coercion, intimidation, force or threats, shall be punished with imprisonment of not less than twelve (12) years and one (1) day but not more than twenty (20) years, with the accessory penalties of perpetual disqualification to hold office and deprivation of the right of suffrage.

If the guilty party is a foreigner, he/she shall be sentenced to deportation which shall be enforced after his/her service of the imposed prison term. The political party, political coalition, party-list or aggrupation organized for political purpose to which the guilty party is a member shall be sentenced to pay a fine of Five Hundred Thousand pesos (Php500,000.00) as part of the civil liability in connection with the election offense.

**SEC. 3. Aggravating Circumstance.** – If any of the crimes defined in the Revised Penal Code is committed in connection with an election or political exercise, such election-related element shall be appreciated as an aggravating circumstance in imposing the appropriate penalty.

**SEC. 4. Separate and Concurrent Prosecution.** – Any person who commits an election offense or prohibited act under the Omnibus Election Code and under Section 45 of Republic Act No. 8189, which act or acts also constitute a felony under the Revised Penal Code, shall be prosecuted separately and concurrently under the Omnibus Election Code and the Revised Penal Code.

**SEC. 5. Penalty for Other Election Offenses.** – Section 264 of Batas Pambansa Bilang 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 [one year] **SIX (6) YEARS AND ONE (1) DAY** but not more than [six years] **TWELVE (12) YEARS** [and shall not be subject to probation]. In addition, the guilty party shall be sentenced to suffer **PERPETUAL** 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] **IF THE GUILTY PARTY IS A FOREIGNER, HE/SHE SHALL BE SENTENCED TO DEPORTATION WHICH SHALL BE ENFORCED AFTER HIS/HER SERVICE OF THE IMPOSED PRISON TERM.** Any political party [found guilty], **POLITICAL COALITION, PARTY-LIST OR AGGRUPATION ORGANIZED FOR POLITICAL PURPOSE TO WHICH THE GUILTY PARTY IS A MEMBER** shall be sentenced to pay a fine of not less than [ten thousand] **FIVE HUNDRED THOUSAND pesos (PHP500,000.00)** [which shall be imposed upon such party after criminal action has been instituted in which their corresponding officials have been found guilty] **AS PART OF THE CIVIL LIABILITY IN CONNECTION WITH THE ELECTION OFFENSE.**

“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 [*prision mayor* in its maximum period] **RECLUSION PERPETUA** if the prisoner or prisoners so illegally released commit any act of intimidation, terrorism [*of*] **OR** interference in the election[.], **AND THE SUBJECT PRISONER OR PRISONERS SHALL LIKEWISE BE SENTENCED TO RECLUSION PERPETUA.**

“[Any person found guilty of the offense of failure to register or failure to vote shall, upon conviction, be fined one hundred pesos. In addition, he shall suffer disqualification to run for public office in the next succeeding election following his conviction or be appointed to a public office for a period of one (1) year following his conviction.]

**“ANY OFFICER OR EMPLOYEE OF THE COMMISSION ON ELECTIONS, OR ANY OFFICER, EMPLOYEE, OR MEMBER OF THE ARMED FORCES OF THE PHILIPPINES, OR ANY POLICE FORCE, SPECIAL FORCES, HOME DEFENSE FORCES, BARANGAY SELF-DEFENSE UNITS AND ALL OTHER PARA-MILITARY UNITS THAT NOW EXIST FOUND GUILTY OF ANY ELECTION OFFENSE UNDER THIS ACT SHALL BE PUNISHED WITH THE MAXIMUM PENALTY THEREOF.”**

**SEC. 6. *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 other election offenses listed in Section 262 of the same Code, and to election offenses provided for under Section 45 of Republic Act No. 8189.

**SEC. 7. *Other Persons Criminally Liable.*** – In addition to the provisions of Section 263 of the Omnibus Election Code, as amended, the persons liable for the abovementioned 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 Elections who aid, assist or participate, directly or indirectly, in the commission thereof.

**SEC. 8. *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. 9. Separability Clause.** – If any provision or part of this Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

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

***Approved,***