

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

NOV 11 2007

SENATE
S. No. 1563

Introduced by Senator Miriam Defensor Santiago


EXPLANATORY NOTE

According to the Philippine National Police's Directorate for Operations, a total of 228 Election Related Violent Incidents occurred from January 14 to June 13, 2007. These ERVI's resulted in 121 deaths, as well as injuries to 176 more people.

The same report stated that majority of those killed were supporters of candidates (49), though the death toll included 26 politicians, 11 candidates, 14 civilians, 20 policemen and a soldier. Candidates' supporters also topped the list of injured at 62.

These incidents happened despite an enforced gun ban. The alarming statistics cited above should be a grave enough reason to revisit the penalties imposed by the Omnibus Election Code and other pertinent laws upon the individual/groups behind election related violent incidents

This is a senate counterpart bill to one filed in the House of Representatives by Representative Lagman, et al.¹

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MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the 14th Congress 1st Regular Session

JUL 14 2012

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1 AN ACT
2 INCREASING THE PENALTIES FOR ELECTION OFFENSES
3 ATTENDED BY VIOLENCE, COERCION, INTIMIDATION,
4 FORCE OR THREATS AND FOR OTHER ELECTION OFFENSES

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

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

9 SECTION 2. Penalty for Election Offenses Attended by Violence. - Any person found
10 guilty of an election offense or prohibited act under Sections 261 and 262 in relation to Section
11 264 of the Omnibus Election Code of the Philippines, as amended, and Section 45 of Republic
12 Act No. 8189, which by its nature is committed through or with violence, coercion, intimidation,
13 force or threats, or where the commission of which is attended by such violence, coercion,
14 intimidation, force or threats, shall be punished with imprisonment of not less than twelve (12)
15 years and one (1) day but not more than twenty (20) years with the accessory penalties of
16 perpetual disqualification to hold office and deprivation of the right of suffrage. If the guilty
17 party is a foreigner, he shall be sentenced to deportation which shall be enforced after his service
18 of the imposed prison term. The political party, political coalition, party-list or aggrupation
19 organized for political purpose to which the guilty party is a member shall be sentenced to pay a
20 fine of Five hundred thousand pesos (P500, 000.00) as part of the civil liability in connection
21 with the election offense.

22 SECTION 3. Aggravating Circumstance. - If any of the crimes defined in the Revised
23 Penal Code is committed in connection with an election or political exercise, such election-

1 related element shall be appreciated as an aggravating circumstance in imposing the appropriate
2 penalty.

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

7 SECTION 5. Penalty for Other Election Offenses. - Section 264 of Batas Pambansa
8 Bilang 881, otherwise known as the Omnibus Election Code of the Philippines, as amended, is
9 hereby further amended to read as follows:

10 "SEC. 264. Penalties. - Any person found guilty of any election offense under this Code
11 shall be punished with imprisonment of not less than [one year] SIX (6) YEARS AND ONE (1)
12 DAY but not more than [six years] TWELVE (12) YEARS [and shall not be subject to
13 probation]. In addition, the guilty party shall be sentenced to suffer PERPETUAL
14 disqualification to hold public office and deprivation of the right of suffrage. [If he is a foreigner,
15 he shall be sentenced to deportation which shall be enforced after the prison term has been
16 served] IF THE GUILTY PARTY IS A FOREIGNER, HE SHALL BE SENTENCED TO
17 DEPORTATION WHICH SHALL BE ENFORCED AFTER HIS SERVICE OF THE
18 IMPOSED PRISON TERM. Any political party [found guilty], POLITICAL COALITION,
19 PARTY-LIST OR AGGRUPATION ORGANIZED FOR POLITICAL PURPOSE TO WHICH
20 THE GUILTY PARTY IS A MEMBER shall be sentenced to pay a fine of not less than [ten
21 thousand] FIVE HUNDRED THOUSAND pesos (P500, 000.00) [, which shall be imposed upon
22 such party after criminal action has been instituted in which their corresponding officials have
23 been found guilty] AS PART OF THE CIVIL LIABILITY IN CONNECTION WITH
24 THE ELECTION OFFENSE.

25 "In case of prisoner or prisoners illegally released from any penitentiary or jail during the
26 prohibited period as provided in Section 261, paragraph (n) of this Code, the director of prisons,
27 provincial warden, keeper of the jail or prison, or persons who are required by law to keep said
28 prisoner in their custody shall, if convicted by a competent court, be sentenced to suffer the
29 penalty of [*prison mayor* in its maximum period] RECLUSION PERPETUA if the prisoner or

1 prisoners so illegally released commit any act of intimidation, terrorism [of] OR interference in
2 the election[.], AND THE SUBJECT PRISONER OR PRISONERS SHALL LIKEWISE BE
3 SENTENCED TO RECLUSION PERPETUA.

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

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

14 SECTION 6. Application of Penalty for Election Offenses. - The penalty herein provided
15 shall be applied to election offenses enumerated in Section 261 of the Omnibus Election Code, as
16 amended, to other election offenses listed in Section 262 of the same Code, and to election
17 offenses provided for under Section 45 of Republic Act No. 8189.

18 SECTION 7. Other Persons Criminally Liable. - In addition to the provisions of Section
19 263 of the Omnibus Election Code, as amended, the persons liable for the abovementioned
20 crimes shall include the members of the Board of Election Inspectors, the members of the Board
21 of Canvassers and/or officials of the Commission on Elections who aid, assist or participate,
22 directly or indirectly, in the commission thereof.

23 SECTION 8. Repealing Clause. - The pertinent provisions of the Omnibus Election Code
24 of the Philippines, other laws, presidential decrees and issuances, executive orders, rules and
25 regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or
26 modified accordingly.

27 SECTION 9. Separability Clause. - If any provision or part of this Act shall be held to be
28 unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall
29 continue to be in full force and effect.

1 SECTION 10. Effectivity Clause. - This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or in at least two (2) newspapers of general circulation which
3 shall not be later than seven (7) days after the approval thereof.

4 Approved,