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JUL 22 1954

SENATE  
S. No. **1945**

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The Omnibus Election Code, the law governing elections in the Philippines, specifically provides that all citizens of the Philippines qualified to vote, who shall have resided in the city or municipality wherein they propose to vote for at least six (6) months immediately preceding the election, may be registered as a voter. However, the laxity attendant to the registration of voters where the basic proof of legal residence to determine that one has actually resided in the place where he proposes to vote within the prescribed period is not required to be presented, making a mockery of this residency requirement of the law. This situation mainly contributed to the registration of a great number of registered electors by listing even the non-existing residence which had notoriously become a vast source of flying voters. Certainly, the registration officers have no way of knowing whether the registrant is a legitimate resident or not of the dwelling unit he declared as his residence or they will not even bother to do some verification even if in doubt. The imposition of harsh penalties on flying voters has not been proven to be an effective tool in deterring the commission of this election offense. It is now high time to introduce a new method that will prevent the commission of the offense for indeed, "an ounce of prevention is better than a pound of cure." Hence, this bill seeks to require the presentation of some proof of legal residence for the purpose of registration to be a voter to prevent the perennial problem of flying voters.

There were numerous instances in the past where the number of election registrants in a particular residential or dwelling unit even far exceeds the ideal or reasonable number of residents for each of them to live comfortably in such dwelling place. This anomalous practice will be minimized, if not totally eradicated, because, under this bill, the Punong Barangay shall

not only attest the certification issued by the landowner or lessor but shall verify and keep a record of the actual number of residents in a particular property or dwelling unit. Moreover, this proposed legislation does not impose any property requirement on the exercise of the right of suffrage in consonance with the express mandates of the Constitution because a mere certification from the landowner or lessor of any dwelling unit like condominium, apartment, dormitory, etc. will suffice to prove his legal residence as attested by the Punong Barangay of the place where he proposes to vote if one has no property.

This is a Senate counterpart bill to one filed in the House of Representatives by Rep. Emilio C. Macias II.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
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<sup>1</sup> This was originally filed during the 14<sup>th</sup> Congress 1<sup>st</sup> Regular Session

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1 AN ACT  
2 REQUIRING PERSONS WHO MAY REGISTER AS VOTERS TO  
3 PRESENT ANY PROOF OF LEGAL RESIDENCE, AMENDING FOR THE  
4 PURPOSE REPUBLIC ACT NO. 8 189, OTHERWISE KNOWN AS THE VOTERS  
5 REGISTRATION ACT OF 1996 AND PROVIDING PENALTIES THEREFOR

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

6 SECTION 1. Section 9 of Republic Act No. 8189 is hereby amended to read as follows:

7 "SEC. 9. *Who May Register.* - All citizens of the Philippines not otherwise  
8 disqualified by law who are at least eighteen (18) years of age, and who shall have  
9 resided in the Philippines for at least one (1) year, and in the place wherein they  
10 propose to vote for at least six (6) months immediately preceding the election,  
11 may register as a voter; PROVIDED, HOWEVER, THAT IN NO CASE SHALL  
12 ANY PERSON RESIDING IN A PROPERTY BELONGING TO ANOTHER,  
13 BE ALLOWED TO REGISTER WITHOUT PRESENTING ANY PROOF OF  
14 LEGAL RESIDENCE ATTESTED BY THE PUNONG BARANGAY OF THE  
15 PLACE WHEREIN HE PROPOSES TO VOTE; PROVIDED, FURTHER,  
16 THAT THE PUNONG BARANGAY SHALL VERIFY AND KEEP THE  
17 RECORD OF THE ACTUAL NUMBER OF RESIDENTS IN A PARTICULAR  
18 PROPERTY OR DWELLING UNIT.

19 AS USED IN THIS SECTION, THE TERM PROOF OF LEGAL  
20 RESIDENCE SHALL REFER TO A CERTIFICATION FROM THE  
21 LANDOWNER OR LESSOR OF A RESIDENTIAL UNIT, APARTMENT,  
22 CONDOMINIUM, DORMITORY OR SIMILAR DWELLING UNITS WHERE  
23 HE HAS RESIDED FOR A PERIOD PRESCRIBED UNDER THIS SECTION.

1           Any person who temporarily resides in another city, municipality or  
2           country solely by reason of his occupation, profession, employment in private or  
3           public service, educational activities, work in the military or naval reservations  
4           within the Philippines, service in the Armed Forces of the Philippines, the  
5           National Police Forces, or confinement or detention in government institutions in  
6           accordance with law, shall not be deemed to have lost his original residence.

7           Any person, who, on the day of registration may not have reached the  
8           required age or period of residence but, who, on the day of the election shall  
9           possess such qualifications, may register as a voter.”

10          SECTION 2. Any person found guilty of violating the provision of this Act shall suffer  
11          the same penalties imposed under Republic Act No. 8189.

12          SECTION 3. The Commission on Elections shall promulgate the necessary rules and  
13          regulations to implement the provisions of this Act within sixty (60) days upon its approval.

14          SECTION 4. This Act shall take effect fifteen (15) days after its publication in at least  
15          two (2) newspapers of general circulation.

Approved,