



Introduced by Senator Miriam Defensor Santiago

RESOLUTION
DIRECTING THE PROPER SENATE COMMITTEE TO INVESTIGATE, IN AID OF
LEGISLATION, THE REPORT THAT BUREAU OF JAIL MANAGEMENT AND
PENOLOGY (BJMP) INMATES MAY BE ALLOWED TO VOTE IN THE 2010
ELECTIONS

WHEREAS, the Constitution, Article 5, Section 1 provides: Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year, and in the place wherein they propose to vote, for at least six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage;

WHEREAS, the Constitution, Article 5, Section 2 provides: The Congress shall provide a system for securing the secrecy and sanctity of the ballot, as well as a system for absentee voting by qualified Filipinos abroad [xxx];

WHEREAS, ABS-CBN News, in a report dated 16 March 2009 titled "BJMP Wants Inmates to Vote in 2010", claimed that thousands of inmates may soon exercise their right to suffrage once the Commission on Elections (Comelec) issues an *en banc* resolution that would allow them to vote in the coming 2010 elections;

WHEREAS, it was reported that Chief Superintendent Serafin Barretto Jr., regional director of the Bureau of Jail Management and Penology-National Capital Region (BJMP-NCR), said Department of Interior and Local Government (DILG) Secretary Ronaldo Puno has talked to Comelec Chairman Jose Melo to issue an *en banc* resolution allowing the BJMP's 61,000 inmates to vote;

WHEREAS, aside from the Comelec and the DILG, the BJMP also allegedly said that it is also coordinating with the Commission on Human Rights (CHR) Chairperson Leila de Lima and various non-government organizations on the proposal;

WHEREAS, Barretto allegedly said during a press conference that the Constitution allows a person to vote even if he or she is in jail;

WHEREAS, Barretto also reportedly cited the Davao City and Pagbilao, Quezon provincial jails of having previously allowed inmates to vote inside the jails; he also allegedly added that the passage of the Comelec resolution would allow prisoners all over the country to vote in the 2010 elections;

WHEREAS, BJMP records reportedly show there are around 61,000 inmates nationwide, of which 18,582 are in Metro Manila; the BJMP only handles the city, municipality and district jails and most of the inmates there have yet to be convicted;

WHEREAS, Barretto reportedly said that only inmates who are not yet convicted would be allowed to register provided that he or she passes the same guidelines that qualify any Filipinos to vote under the Constitution;

WHEREAS, the BJMP-NCR chief allegedly urged Comelec to allow inmates to vote in both the national and local elections, adding that the elections should be held inside the jails to lessen the security risk;

WHEREAS, Barretto also allegedly added that inmates want to participate in the elections to let local officials become aware of their conditions while inside the detention cell;

WHEREAS, Barretto claims that he is confident that inmates would not be influenced by anyone to vote against their will;

WHEREAS, the official finally said that more than 1,000 jailguards on duty during elections may also be given the chance to exercise their right to vote on election day;

WHEREAS, such report, if true, involves not only the security and sanctity of the ballot and of the entire electoral process, but more importantly, the duties, rights and privileges of these BJMP inmates and prisoners;

WHEREAS, the proposition shall have far-reaching repercussions as to how the local and national elections will be conducted, including its results, which is why measures imposing the conduct of voting inside jail cells should be recommended;

WHEREFORE, be it hereby resolved by the Philippine Senate, to direct the proper Senate committees to investigate, in aid of legislation, the report that BJMP inmates may be allowed to vote in the 2010 elections.

Adopted,


MIRIAM DEFENSOR SANTIAGO