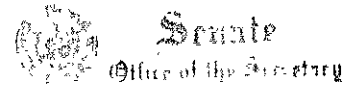


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



13 JUL 22 19:17

SENATE

Senate Bill No. 966

RECEIVED BY: *ja*

INTRODUCED BY SEN. 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.

Indeed such acts should be met with the full force of the law and in order to do so, our election law 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

13 JUL 22 11 17

SENATE

Senate Bill No. 966

ja

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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 THEREFORE AND FOR OTHER
PURPOSES

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

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

“(dd) Other prohibitions:

- (1) Any person who sells, furnishes, offers, buys, serves or takes intoxication, liquor on the days fixed by law for the registration of voters in the polling place, or on the day before the election or on election day: Provided, That, hotels and other establishments duly certified by the Department of Tourism as tourist oriented and habitually in the business of catering to foreign tourist may be exempted for justifiable reasons upon prior authority of the Commission: Provided further, That foreign taking intoxication liquor in said authorized hotels or establishments are exempted from the provisions of this subparagraph.
- (2) Any person who opens in any polling place or within a radius of thirty (30) meters thereof on election day and during the counting of votes, booths or stalls of any kind for the sale, dispensing or display of wares, merchandise or refreshments, whether solid or liquid, or for any other purposes.
- (3) Any person who holds on election day, fairs, cockfights, boxing, horse racing, jai-alai or any other similar sports.
- (4) Refusal to carry election mail matter. Any operator or employee of public utility or transportation company operating under a certificate of public convenience, including government-owned or controlled postal service or its employees or deputized agents who refuse to carry official election mail matters free of charge during the election period. In addition to the penalty

prescribed therein, such refusal shall constitute a ground for cancellation or revocation of certificate of public convenience or franchise.

- (5) Prohibition against discrimination in the sale of air time. Any person who operates a radio or television station who, without justifiable cause, discriminates against any political party, coalition or aggroupment of parties or any candidates in the sale of air time. In addition to the penalty prescribed herein, such refusal shall constitute a ground for cancellation or revocation of the franchise.
- (6) VOTE SHAVING/VOTE PADDING. IN ADDITION TO THE OFFENSE PENALIZED UNDER ARTICLE 261 (bb) (1), ANY PERSON WHO INDUCES OR ATTEMPTS TO INDUCE ANY MEMBER OF THE BOARD OF ELECTION INSPECTORS OR BOARD OF CANVASSERS TO TAMPER, INCREASE OR DECREASE THE VOTES RECEIVED BY ANY CANDIDATE IN ANY ELECTION IN CONSIDERATION OF ANY PROMISE, OFFER, GIFT OR PRESENT, PECUNIARY OR OTHERWISE, FOR THE PURPOSE OF BENEFITTING ANY CANDITE AND ENSURING HIS ELECTION TO A PUBLIC OFFICE SHALL BE GUILTY OF THE CRIME OF VOTE SHAVING/VOTE PADDING.

"VOTE SHAVING/VOTE PADDING OCCURS WHEN, FOR THE PURPOSE OF BENEFITTING AND ENSURING THE ELECTION OF ANY CANDIDATE TO A PUBLIC OFFICE, ANY MEMBER OF THE BOARD OF ELECTION INSPECTORS OR CANVASSERS IN CONSIDERATION OF ANY PROMISE, GIFT, OFFER OR PRESENT, PECUNIARY OR OTHERWISE, FROM ANY PERSON, WILL ALTER, MODIFY OR CHANGE THE VOTES OBTAINED BY ANY CANDIDATE EITHER BY:

- (1) REDUCING THE VOTES OBTAINED BY ANY OR ALL CANDIDATES AND ADDING IT TO THE VOTES OBTAINED BY THE FAVORED CANDIDATE;

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

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

"ANY PERSON FOUND GUILTY OF THE OFFENSE OF VOTE SHAVING / VOTE PADDING SHALL BE PUNISHED WITH IMPRISONMENT OF RECLUSION PERPETUA; *PROVIDED, THAT* IF THE OFFENDER OS A PUBLIC OFFICIAL OR EMPLOYEE, THE PENALTY SHALL BE RELUSION PERPETUA; *PROVIDED FURTHER,* THAT IN ADDITION TO THE PENALTY IMPOSED HEREIN, THE OFFENDER SHALL LIKEWISE SUFFER THE ACCESSORY PENALTY IMPOSED AND THE DEPRIVATION OF THE RIGHT OF SUFFRAGE."

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

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

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

Approved,