Senate
Office of the Secretary

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BY:

SENATE

S. B. No. 1013

Introduced by Senator JOEL VILLANUEVA

AN ACT
STRENGTHENING THE PROCEDURE FOR REGISTRATION OF VOTERS DURING BARANGAY ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8189, ALSO KNOWN AS THE "VOTER'S REGISTRATION ACT OF 1996"

EXPLANATORY NOTE

Article V, Section 1 of the 1987 Constitution provides that *"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."*

This provision was patterned after the provision of the 1973 Constitution. The deliberations of the 1971 Constitutional Convention reveal that the residence requirements of at least one (1) year in the Philippines and at least six (6) months in the place where the voter proposed to vote must be followed strictly.

During barangay elections, vote buying is still a rampant practice. One way of doing vote-buying is inducing voters who registered and voted in a particular city or municipality during national or local elections to register anew in another city or municipality so they can participate in the next barangay elections. Unless, the barangay elections will take place at the same time with the national or local elections, the widespread problem of vote-buying during barangay elections in the form of inducing voters to register again in another city or municipality will continue even if they have not complied with the 6-month residency requirement. If this problem is not addressed, the sanctity of the ballots cast during barangay elections will always be questionable.

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Furthermore, Article V, Section 2 of the 1987 Constitution provides that the Congress shall provide a system for securing the secrecy and sanctity of the ballot. The Omnibus Election Code aims to protect the secrecy and sanctity of the ballots cast during elections. However, the current provisions of the Omnibus Election Code and the Voter's Registration Act of 1996, as well as the date when barangay elections are held, provide opportunities for those running during barangay elections to take advantage of the situation which allows them to engage in vote-buying by inducing voters who registered and voted in the previous national or local elections to register anew in another city or municipality where they have not resided for at least six (6) months immediately preceding the election, without penalty.

Therefore, it is necessary to fill in the gaps in our current election laws to ensure that voters for barangay elections comply with the requirement that they have resided in the place wherein they propose to vote for at least six (6) months immediately preceding the election pursuant to Article V, Section 1 of the 1987 Constitution. Several provisions of the Republic Act No. 8189 must be amended. These amendments will be a barangay anti-hakot bill.

In view of the foregoing, immediate passage of the bill is earnestly sought.
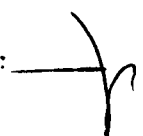
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1.** Section 9 of R.A. 8189, is hereby amended to read as follows:

2 **Section 9.** *Who may Register.* All citizens of the Philippines not
3 otherwise disqualified by law who are at least eighteen (18) years of
4 age, and who [shall] have resided in the Philippines for at least one (1)
5 year, and in the [place] **BARANGAY, CITY OR MUNICIPALITY,**
6 **DISTRICT OR PROVINCE**, wherein they propose to vote, for at least
7 six (6) months immediately preceding the election, may register as a
8 voter.

9 Any person who temporarily resides in another **BARANGAY,** city[,] **OR**
10 municipality, **DISTRICT, PROVINCE** or **IN ANOTHER** country solely by
11 reason of [his] occupation, profession, employment in private or public
12 service, educational activities, work in the military or naval reservations
13 within the Philippines, service in the Armed Forces of the Philippines,
14 the National Police Forces, or confinement or detention in government
15 institutions in accordance with law, shall not be deemed to have lost
16 [his] **THE** original residence.

17 Any person[,] who, on the day of registration may not have reached the
18 required age or period of residence but, who, on the day of the election
19 shall possess such qualifications, may register as a voter.

1 **SECTION 2.** Section 12 of the same Act is hereby amended to read as follows:

2   **Section 12.** *Change of Residence to Another City, [or] Municipality* **OR**
3   **BARANGAY.** Any registered voter who has transferred residence to
4   another city [or], municipality **OR BARANGAY** may apply with the
5   Election Officer of [his] new residence for the transfer of [his]
6   registration records.

7   **NO TRANSFER OF RESIDENCE SHALL BE ALLOWED DURING**
8   **THE PERIOD STARTING ONE HUNDRED EIGHTY (180) DAYS**
9   **BEFORE A BARANGAY OR REGULAR ELECTION AND NINETY**
10   **(90) DAYS BEFORE A SPECIAL ELECTION.**

11   The application for transfer of registration shall be subject to the
12   requirements of notice and hearing and the approval of the Election
13   Registration Board, in accordance with this Act. Upon approval of the
14   application for transfer, and after notice of such approval to the Election
15   Officer of the former residence of the voter, said Election Officer shall
16   transmit by registered mail the voter's registration record to the Election
17   Officer of the voter's new residence.

18   **IN CASE THE COMMISSION FINDS THAT THERE IS A VIOLATION**
19   **OF ELECTIONS LAWS, IT SHALL EXERCISE ITS POWER TO**
20   **INVESTIGATE AND PROSECUTE.**

21 **SECTION 3.** Section 13 of the same Act is hereby amended to read as follows:

22   **Section 13.** *Change of Address in the Same City or Municipality.* Any
23   voter who has changed [his] address in the same city or municipality
24   **WHICH SHALL NOT FALL UNDER A CHANGE IN BARANGAY AS**
25   **PROVIDED IN SECTION 12,** shall immediately notify the Election
26   Officer in writing. If the change of address involves a change in
27   precinct, the Board shall transfer [his] **THE** registration record to the
28   [precinct] book of voters of [his] **THE** new precinct and notify the voter
29   of [his] **THE** new precinct. All changes of address shall be reported to
30   the office of the provincial election supervisor and the Commission in
31   Manila.

32 **SECTION 4.** Section 24 of the same Act is hereby amended to read as
33 follows:

34   **Section 24.** *National Central File.* There shall be a national central file
35   under the custody of the Commission in Manila consisting of the third
36   copies of all approved voter registration records in each city or
37   municipality. It shall be compiled by precinct in each city[/] **OR**
38   municipality and arranged alphabetically by surname so as to make the
39   file a replica of the books of voters in the possession of the Election
40   Officer. Thereafter, a national list shall be prepared following the
41   alphabetical arrangements of surnames of voters.

There shall be a national file consisting of the computerized voters' list (CVL), both in print and in diskette, submitted by the Election Officers in each city and municipality concerned, under the custody of the Commission in Manila.

The computerized voters' list shall make use of a single and uniform computer program that will have a detailed storing capability to list voters alphabetically by the precincts where they vote, by the barangays, municipalities, cities or provinces where they reside and by their voters identification number (VIN).

THE COMMISSION IN MANILA SHALL ENSURE THAT THE COMPUTERIZED LIST OF VOTERS MUST BE UPDATED WITHIN THREE (3) MONTHS FROM THE DAY OF REGULAR ELECTION AND SHALL CONTAIN THE NAMES OF THE VOTERS WHO ACTUALLY VOTED DURING THAT ELECTION, FOR PURPOSES OF THIS SECTION, THE COMPUTER PROGRAM MENTIONED IN THE PRECEDING PARAGRAPH SHALL INCLUDE THE DATE A PARTICULAR REGISTERED VOTER LAST VOTED. THIS INFORMATION MUST BE ACCESSIBLE TO ALL ELECTION OFFICERS WHO ARE RESPONSIBLE FOR THE REGISTRATION OF VOTERS.

SECTION 5. *Separability Clause.* - If any provision of this Act is declared invalid, the other provisions not affected thereby shall remain valid.

SECTION 6. *Repealing Clause.* - All laws, proclamations, executive orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed, modified or amended accordingly: *Provided,* That no person shall be deemed to be vested with any property or other right by virtue of the enactment or operation of this Act.

SECTION 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,