

SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



'18 MAY -8 AM 11:32

SENATE  
S. NO. 1796

RECEIVED \_\_\_\_\_

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Introduced by **SENATOR LEILA M. DE LIMA**

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**AN ACT  
CREATING AN ELECTION CODE RECODIFICATION COMMITTEE TO  
RECODIFY THE ELECTION LAWS**

**EXPLANATORY NOTE**

The Constitution, Article II, Section 15 provides:

**Section 1.** The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them.

Article V likewise provides:

**Section 1.** 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.

**Section 2.** 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.

The Congress shall also design a procedure for the disabled and the illiterates to vote without the assistance of other persons. Until then, they shall be allowed to vote under existing laws and such rules as the Commission on Elections may promulgate to protect the secrecy of the ballot.

As a republican democratic country, election is the greatest means in which our citizens express their sovereignty. It goes without saying that the conduct of free and orderly election is essential to the very survival of our country.

It is thus important that we make sure that a reliable election system is in place to ensure that the will of our people is seasonably expressed and properly appreciated so as to avoid a government that serves without sufficient mandate.

The first effort to codify the election laws resulted in the enactment of Commonwealth Act No. 357 on 1939, which empowered the Secretary of the Interior to supervise all types of election. The 1935 Constitution was then amended on 1940 to create the Commission on Elections to insulate the elections from partisan politics.

During the effectivity of the 1973 Constitution, the National Assembly enacted Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code on 1985.

Our present 1987 Constitution, following the People Power Revolution on 1986, has, in turn, inspired various other pieces of legislation, as follows:

(a) Republic Act No. 6646 (The Electoral Reforms Law of 1987);

(b) Republic Act No. 6735 (The Initiative and Referendum Act);

(c) Republic Act No. 7166 (An Act Providing For Synchronized National and Local Elections and For Electoral Reforms, Authorizing Appropriations Therefor, and For Other Purposes), as amended;

(d) Republic Act No. 7941 (Party-List System Act);

(e) Republic Act No. 8189 (The Voter's Registration Act of 1996);

(f) Republic Act No. 8295 (An Act Providing for the Proclamation of a Lone Candidate for Any Elective Office in a Special Election, and for Other Purposes);

(g) Republic Act No. 8436 (An Act Authorizing the Commission on Elections to use an Automated Election System in the May 11, 1998 National or Local Elections and in Subsequent National and Local Exercises and For Other Purposes);

(g) Republic Act No. 9006 (Fair Elections Act); and

(h) Republic Act No. 9189 (The Overseas Absentee Voting Act of 2003).

These pieces of legislation were brought about by the ever-changing election landscape, as well as emerging election-related technologies.

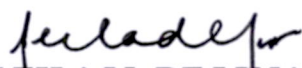
The 1987 Constitution introduced the party-list system, the initiative and referendum, and the absentee voting. These are all new concepts on suffrage, which were introduced in the Constitution to make our elections more inclusive and our democracy more participative.

The technological advances, on the other hand, gave us biometric registration and the automated election system. We now live in the time when the technological advances gave us better ways to ascertain voter identities through biometrics. We are now also able to receive and tabulate votes nationally in ways much faster than ever through the automated system of elections.

Taking into consideration the significant evolution of our system of suffrage since the enactment of the 1987 Constitution, we should again initiate efforts to recodify the election laws to make sure that all existing legislation are in harmony with each other and that our election laws address all possible scenarios given the current realities. In doing so, we will also be able to simplify the process in which we learn our election laws by reducing all of them to one cohesive code.

As this is a highly technical or specialized matter, it is best if a multi-sectoral consultative committee of experts be convened to prepare the draft code which will then be the basis for deliberations in Congress. This way, our legislature, and in turn our country, will benefit from the expertise of the legal luminaries or technical experts on election laws and processes.

This bill seeks to establish a multi-sectoral Election Code Recodification Committee, under the administrative supervision of the Commission on Elections, which shall be responsible for preparing the draft of the new election code.

  
LEILA M. DE LIMA



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**AN ACT**  
**CREATING AN ELECTION CODE RECODIFICATION COMMITTEE TO**  
**RECODIFY THE ELECTION LAWS**

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

1 **SECTION 1.** *Creation and Mandate.* - There is hereby created an Election Code  
2 Recodification Committee (ECRC) under the administrative supervision of the  
3 Commission on Elections, which shall study, conduct consultations, and review the  
4 provisions of all the existing election laws including, but not limited to, the Omnibus  
5 Election Code, the Initiative and Referendum Act, the Absentee Voting Act, the  
6 Automated Election Law and the voter registration laws.

7 The ECRC shall submit its report, recommendations and proposal to Congress.

8 **Sec. 2.** *Composition.* - The ECRC shall be composed of ten (10) members, including  
9 a Chairperson, who shall preside over its deliberations. The members, who shall be  
10 appointed by COMELEC, shall be composed of one retired COMELEC  
11 Commissioner/Chairperson, who shall act as Chair, three (3) experts on the field of  
12 election law or electoral processes or technologies to be determined by COMELEC, a  
13 representative nominated by the Integrated Bar of the Philippines, a representative  
14 nominated by accredited election watchdog organizations, and four (4)

1 representatives to be nominated by Congress. For purposes of nomination, the  
2 Majority and Minority blocs from the Senate and the House of Representatives shall  
3 nominate one each. At least six (6) of the ten (10) members shall be lawyers.

4 **Sec. 3. *Qualifications of Members.*** – No person shall be appointed or designated a  
5 Member of the ECRC unless he/she is a natural-born citizen and a resident of the  
6 Philippines, at least thirty-five years of age, a qualified voter, and of recognized  
7 probity, independence, nationalism, patriotism, and expertise in his/her field. Lawyer  
8 Members must be members of the Philippine Bar who have been engaged in the  
9 practice of law for at least ten (10) years.

10 **Sec. 4. *Filing of Vacancies.*** – Whenever a vacancy occurs in the ECRC, the COMELEC  
11 may appoint or designate a new member to fill the vacancy.

12 **Sec. 5. *ECRC Secretariat.*** – There shall be a secretariat under the administrative  
13 supervision of COMELEC which shall be headed by a Director who shall provide the  
14 needed technical, administrative, and staff support to the ECRC.

15 **Sec. 6. *Venue of Meetings and Offices.*** – COMELEC shall determine the venue for the  
16 offices of the ECRC Secretariat and the regular venue for the ECRC Meetings and  
17 Sessions. The cost of rent, set-up, and maintenance for the same shall be included in  
18 the budget for ECRC.

19 **Sec. 7. *Internal Rules and Procedures.*** – The ECRC shall formulate and adopt its  
20 internal rules and procedure within fifteen (15) days from the date it is convened.

21 **Sec. 8. *Technical and Staff Support.*** – Each Member of the ECRC may hire or engage  
22 not more than two (2) technical personnel to assist in the performance of his/her

1 duties under this Act. The ECRC, through its Chair, may also engage consultants on  
2 matters requiring specialized expertise.

3 **Sec. 9. Compensation.** – Each Member shall receive a reasonable monthly  
4 honorarium, *per diem* for every day of attendance in the ECRC sessions, and necessary  
5 travelling expenses to and from his residence when attending the sessions of the ECRC  
6 in such amounts to be determined by the Department of Budget and Management  
7 (DBM).

8 **Sec. 10. Completion.** – The ECRC shall endeavor to complete its work on or before  
9 the lapse of one year from the date it is convened. After its presentation to Congress of  
10 its report, recommendations and proposals, the ECRC shall wind up its operations.

11 All the records, documents, and proceedings of the ECRC shall be delivered to the  
12 National Library for preservation in accordance with law. The other properties of the  
13 ECRC shall be disposed of in accordance with existing Commission on Audit rules and  
14 applicable laws. The unexpended balances of its funds shall revert to the  
15 unappropriated general fund of the National Treasury.

16 **Sec. 11. Implementing Rules.** – COMELEC shall formulate and adopt the rules  
17 necessary for the implementation of this Act.

18 **Sec. 12. Funding.** – The DBM shall determine and provide the funding requirements  
19 for the operational expenses of the ECRC, and the funds necessary for the hiring of  
20 technical personnel, in accordance with applicable budgetary and auditing laws, rules  
21 and regulations.

22 **Sec. 13. Appropriations.** - The amount necessary for the initial implementation of  
23 this Act shall be charged against the available appropriations of the COMELEC under



1 the current General Appropriations Act. Thereafter, such sums as may be necessary  
2 for its continued implementation shall be included in the annual General  
3 Appropriations Act.

4 **Sec. 14.** *Repealing Clause.* - All laws, decrees, executive orders, and rules and  
5 regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby  
6 repealed or modified accordingly.

7 **Sec. 15.** *Separability Clause.* - If, for any reason, any section or provision of this Act  
8 is held unconstitutional or invalid, the other sections or provisions hereof shall not be  
9 affected and thereby remain in full force and effect.

10 **Sec. 16.** *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its  
11 complete publication in at least two (2) national newspapers of general circulation.

*Approved,*