

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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Senate
Office of the Secretary

SENATE

S. B. NO. 616

'19 JUL 18 P1:36

RECEIVED

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, OTHERWISE KNOWN AS THE
"VOTER'S REGISTRATION ACT OF 1996" AND FOR OTHER
PURPOSES**

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."

The framers of the 1973 Constitution, from which the current provision was taken from, intended the residency requirements of one year in the Philippines and six months in the place where the voter intends to vote is followed strictly. This presupposes that the voter should be a resident of the same barangay during a national and barangay election.

However, the difference in dates of barangay and regular elections provide opportunities for voters to circumvent this legislative intent by transferring the location of their voter's registration of residence from one barangay to another during the gap between a national and barangay election.

This gap also provides opportunities for unscrupulous candidates to induce voters to change their registration of residence months before the conduct of an election in order to add more potential votes to their roster.

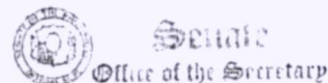
Another reality is that these voters and candidates are not sanctioned for changing their registration of residence, which endangers the electoral process and renders it questionable.

Therefore, it is necessary to strengthen our current election laws to ensure that voters strictly 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. Non-compliance with this rule should be sanctioned appropriately. To this effect, several provisions of the Voter's Registration Act or Republic Act No. 8189 must be amended to make a true and effective barangay anti-*hakot* bill.

The immediate passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA

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REPUBLIC ACT NO. 8189, OTHERWISE KNOWN AS THE
"VOTER'S REGISTRATION ACT OF 1996"
AND FOR OTHER PURPOSES**

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 or the Voter's Registration Act, is hereby
2 amended to read as follows:

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

10 Any person who temporarily resides in another **BARANGAY**, city[,] **OR**
11 municipality, DISTRICT, PROVINCE or IN ANOTHER country solely by
12 reason of his/HER occupation, profession, employment in private or
13 public service, educational activities, work in the military or naval
14 reservations within the Philippines, service in the Armed Forces of the
15 Philippines, the National Police Forces, or confinement or detention in
16 government institutions in accordance with law, shall not be deemed to
17 have lost his/HER original residence.
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19 Any person, who, on the day of registration may not have reached the
20 required age or period of residence but, who, on the day of the election
21 shall possess such qualifications, may register as a voter.
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SEC. 2. Section 12 of the same Act is hereby amended to read as follows:

SECTION 12. Change of Residence to Another City, [OR] Municipality OR BARANGAY. Any registered voter who has transferred residence to another city [or], municipality OR BARANGAY may apply with the election officer of his/HER new residence for the transfer of his/HER registration records.

NO TRANSFER OF A VOTER'S REGISTRATION TO ANOTHER CITY, MUNICIPALITY OR BARANGAY SHALL BE ALLOWED DURING THE PERIOD STARTING ONE HUNDRED TWENTY (120) DAYS BEFORE A BARANGAY OR REGULAR ELECTION AND NINETY (90) DAYS BEFORE A SPECIAL ELECTION.

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

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

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

SEC. 4. Section 24 of the same Act is hereby amended to read as follows:

Section 24. National Central File. There shall be a national central file under the custody of the Commission in Manila consisting of the third copies of all approved voter registration records in each city or municipality. It shall be compiled by precinct in each city[/] **OR** municipality and arranged alphabetically by surname so as to make the file a replica of the books of voters in the possession of the Election Officer. Thereafter, a national list shall be prepared following the 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] SOFT COPY, submitted by the Election Officers in each city and municipality concerned, under the custody of the Commission in Manila.

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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 voter's identification number (VIN), AND BY THE DATE OF THE ELECTION WHEN THEY LAST VOTED.

THE COMMISSION IN MANILA SHALL ENSURE THAT THE COMPUTERIZED VOTERS' LIST IS UPDATED WITHIN THREE (3) MONTHS FROM THE DATE OF THE REGULAR ELECTION AND SHALL CONTAIN THE NAMES OF THE VOTERS WHO ACTUALLY VOTED DURING THE PREVIOUSLY HELD ELECTION.

THE LIST SHALL BE ACCESSIBLE TO ALL ELECTION OFFICERS WHO ARE RESPONSIBLE FOR THE REGISTRATION OF VOTERS.

SEC. 5. Section 45 of the same Act is hereby amended to read as follows:

Section 45. Election Offenses. - The following shall be considered election offenses under this Act:

- a) to deliver, hand over, entrust or give, directly or indirectly, his voter's identification card to another in consideration of money or other benefit of promise; or take or accept such voter's identification card, directly or indirectly, by giving or causing the giving or money or other benefit or making or causing the making of a promise therefore;
- b) to fail, without cause, to post or give any of the notices or to make any of the reports re-acquired under this Act;
- c) to issue or cause the issuance of a voter's identification number or to cancel or cause the cancellation thereof in violation of the provisions of this Act; or to refuse the issuance of registered voters their voter's identification card;
- d) to accept an appointment, to assume office and to actually serve as a member of the Election Registration Board although ineligible thereto, to appoint such ineligible person knowing him to be ineligible;
- e) to interfere with, impede, abscond for purpose of gain or to prevent the installation or use of computers and devices and the processing, storage, generation, and transmission of registration data or information;
- f) to gain, cause access to use, alter, destroy, or disclose any computer data, program, system software, network, or any computer-related devices, facilities, hardware or equipment, whether classified or declassified;

1 g) failure to provide certified voters and deactivated voters list to
2 candidates and heads of representatives of political parties upon
3 written request as provided in Section 30 hereof;

4
5 h) failure to include the approved application form for registration of a
6 qualified voter in the book of voters of a particular precinct or the
7 omission of the name of a duly registered voter in the certified list of
8 voters of the precinct where he is duly, registered resulting in his failure
9 to cast his vote during an election, plebiscite, referendum, initiative
10 and/or recall. The presence of the form or name in the book of voters or
11 certified list of voters in precincts other than where he is duly registered
12 shall not be an excuse hereof;

13
14 i) the posting of a list of voters outside or at the door of a precinct on
15 the day of an election, plebiscite, referendum, initiative and/or recall,
16 and which list is different in contents from the certified list of voters
17 being used by the Board of Election Inspectors; [and]

18
19 J) THE TRANSFER OF A VOTER'S REGISTRATION OF RESIDENCE
20 CONTRARY TO THE PROVISIONS OF SECTION 12 OF THIS ACT;
21 AND

22
23 j) Violation of [the provisions] ANY OTHER PROVISION of this Act.

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25 **SEC. 6. Separability Clause.** – If any provision of this Act is declared invalid,
26 the other provisions not affected thereby shall remain valid.

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28 **SEC. 7. Repealing Clause.** – All laws, proclamations, executive orders, rules
29 and regulations or parts thereof inconsistent with this Act are hereby repealed,
30 modified or amended accordingly: Provided, That no person shall be deemed
31 to be vested with any property or other right by virtue of the enactment or
32 operation of this Act.

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34 **SEC. 8. Effectivity Clause.** – This Act shall take effect fifteen (15) days after
35 its complete publication in the Official Gazette or in at least two (2) national
36 newspapers of general circulation whichever comes earlier.

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38 **Approved,**

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