



SENATE

S. No. 625

19 JUL 18 P 3:44

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

RECEIVED

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

**EXPLANATORY NOTE**

As a democratic State, elections are the greatest means in which our citizens express their sovereignty. It goes without saying that the conduct of free and orderly elections 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 in 1939, which empowered the Secretary of the Interior to supervise all types of elections. The 1935 Constitution was then amended in 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 in 1985.

Our present 1987 Constitution, following the People Power Revolution in 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);
- (h) Republic Act No. 9006 (Fair Elections Act); and
- (i) 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 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.

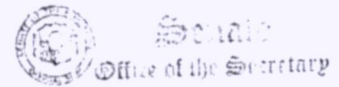
As this is a highly technical or specialized matter, it is best if a multi-sectoral consultative committee of experts be convened to prepare the draft code which will then be the basis for deliberations in Congress. This way, our legislature, and in turn our country, will benefit from the expertise of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

Early approval of this measure is sought.

  
LEILA M. DE LIMA

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*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 (COMELEC), which shall study, conduct consultations, and  
4 review the provisions of all the existing election laws including, but not limited to, the  
5 Omnibus Election Code, the Initiative and Referendum Act, the Absentee Voting Act,  
6 the Automated Election Law and the voter registration laws, with the end in view of  
7 recodifying said laws.

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

9 Sec. 2. *Composition.* — The ECRC shall be composed of ten (10) members,  
10 including a Chairperson, who shall preside over its deliberations. The members, who  
11 shall be appointed by COMELEC, shall be composed of one retired COMELEC  
12 Commissioner/Chairperson, who shall act as Chair, three (3) experts on the field of  
13 election law or electoral processes or technologies to be determined by COMELEC, a  
14 representative nominated by the Integrated Bar of the Philippines, a representative  
15 nominated by accredited election watchdog organizations, and four (4)  
16 representatives to be nominated by Congress. For purposes of nomination, the  
17 Majority and Minority blocs from the Senate and the House of Representatives shall  
18 nominate one each. At least six (6) of the ten (10) members shall be lawyers.

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

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

9           Sec. 5. *ECRC Secretariat.* — There shall be a secretariat under the  
10 administrative supervision of COMELEC which shall be headed by a Director who  
11 shall provide the needed technical, administrative, and staff support to the ECRC.

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

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

18           Sec. 8. *Technical and Staff Support.* — Each Member of the ECRC may hire or  
19 engage not more than two (2) technical personnel to assist in the performance of  
20 his/her duties under this Act. The ECRC, through its Chair, may also engage  
21 consultants on matters requiring specialized expertise.

22           Sec. 9. *Compensation.* — Each Member shall receive a reasonable monthly  
23 honorarium, per diem for every day of attendance in the ECRC sessions, and necessary  
24 travelling expenses to and from his residence when attending the sessions of the ECRC  
25 in such amounts to be determined by the Department of Budget and Management  
26 (DBM).

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

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

6       Sec. 11. *Implementing Rules.* — COMELEC shall formulate and adopt the rules  
7 necessary for the implementation of this Act.

8       Sec. 12. *Funding.* — The DBM shall determine and provide the funding  
9 requirements for the operational expenses of the ECRC, and the funds necessary for  
10 the hiring of technical personnel, in accordance with applicable budgetary and  
11 auditing laws, rules and regulations.

12       Sec. 13. *Appropriations.* - The amount necessary for the initial implementation  
13 of this Act shall be charged against the available appropriations of the COMELEC  
14 under the current General Appropriations Act. Thereafter, such sums as may be  
15 necessary for its continued implementation shall be included in the annual General  
16 Appropriations Act.

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

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

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

Approved,