

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )



24 MAY -8 P4:16

**SENATE**  
**S. No. 2664**

RECEIVED BY:

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Introduced by Senator Grace Poe

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**AN ACT**  
**FURTHER PROTECTING THE INTEGRITY OF THE RIGHT TO SUFFRAGE BY**  
**AMENDING SECTION 261 OF BATAS PAMBANSA BLG. 881, s. 1985,**  
**OTHERWISE KNOWN AS THE "OMNIBUS ELECTION CODE," AS AMENDED,**  
**DEFINING THE CRIME OF CYBER VOTE-BUYING AND VOTE-SELLING, AND**  
**PROVIDING PENALTIES THEREOF**

EXPLANATORY NOTE

Our right to suffrage is enshrined in Article V of the 1987 Philippine Constitution, Article 21 of the Universal Declaration of Human Rights, and Article 25 of the International Covenant on Civil and Political Rights. The right to vote or the exercise of the right to vote reinforces the constitutional foundations of the Philippines as a "democratic and republican State" where "sovereignty resides in the people and all government authority emanates from them" (Article II, Section 1 of the 1987 Philippine Constitution). Therefore, any attack to the integrity of the Filipinos' right to suffrage is an insult to the country's democracy. It is for this reason that Batas Pambansa Blg. 881, s. 1985, or the Omnibus Election Code, as amended, has defined (Section 261) and punished (Section 264) the crime of vote-buying and vote-selling.

It has been more than three decades since the Omnibus Election Code passed into law and the bounds of vote-buying and vote-selling as a prohibited act remains unchanged despite the historic evolution of the electoral process from manual counting to electronic and automated elections.

Alongside this digital shift is the penetration and proliferation of cybercriminals in vote-buying and vote-selling schemes through money mules. These money mules


use electronic money transfer methods to facilitate vote-buying and vote-selling. Unlike traditional vote-buying where the candidates physically give out money, it is a challenge to detect the source of these digital schemes.

In view of the limitations of the existing law, this measure proposes an amendment to the definition of vote-buying under Section 261 of the Omnibus Election Code to cover criminal developments exploiting the use of technology and/or computer devices, software, and applications in the electoral sphere. It defines the offense of cyber vote-buying and seeks the same punishment commensurate to the gravity of this crime.

Hence, the immediate passage of this measure is earnestly sought.

  
GRACE POE  


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

1 Section 1. Section 261(a)(1) of Batas Pambansa Blg. 881, s. 1985, is hereby  
2 amended as follows:

3 "Section 261. *Prohibited Acts.* - The following shall be guilty of an  
4 election offense:

5 (a) Vote-buying and vote-selling. -

6 (1) Any person who gives, offers or promises money or anything of  
7 value, gives or promises any office or employment, franchise or grant, public  
8 or private, or makes or offers to make an expenditure, directly or indirectly, or  
9 cause an expenditure to be made to any person, association, corporation,  
10 entity, or community in order to induce anyone or the public in general to vote  
11 for or against any candidate or withhold his vote in the election, or to vote for  
12 or against any aspirant for the nomination or choice of a candidate in a  
13 convention or similar selection process of a political party.

14 **THIS SHALL ALSO COVER VOTE-BUYING AND/OR VOTE-**  
15 **SELLING THAT IS COMMITTED THROUGH ELECTRONIC MEANS OR**  
16 **WITH THE USE OF INFORMATION AND COMMUNICATIONS**  
17 **TECHNOLOGIES, INCLUDING BUT NOT EXCLUSIVE TO WEBSITES,**

