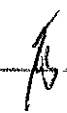


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

8 MAY -7 2008

SENATE
S. No. 2261

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

According to the Philippine National Police's Directorate for Operations, a total of 228 Election Related Violent Incidents occurred from January 14 to June 13, 2007. These ERVI's resulted in 121 deaths, as well as injuries to 176 more people.

The same report stated that majority of those killed were supporters of candidates (49), though the death toll included 26 politicians, 11 candidates, 14 civilians, 20 policemen and a soldier. Candidates' supporters also topped the list of injured at 62.

These incidents happened despite an enforced gun ban. The alarming statistics cited above should be a grave enough reason to revisit the penalties imposed by the Omnibus Election Code and other pertinent laws upon the individuals/groups behind election related violent incidents


This is a senate counterpart bill to one filed in the House of Representatives by Representative Lagman, et al.


MIRIAM DEFENSOR SANTIAGO

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

8 MAY -7 1949

SENATE
S. No. **2261**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 INCREASING THE PENALTIES FOR ELECTION OFFENSES
3 ATTENDED BY VIOLENCE, COERCION, INTIMIDATION,
4 FORCE OR THREATS AND FOR OTHER ELECTION OFFENSES

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

7 SECTION 1. *Declaration of Policy.* – In order to help ensure fair, honest, orderly
8 and peaceful elections, safeguard the integrity and sanctity of the ballot and uphold the
9 sovereign will of the electorate, graver penalties shall be imposed for election offenses
10 attended by violence, coercion, intimidation, force or threats.

11 SECTION 2. *Penalty for Election Offenses Attended by Violence.* – Any person
12 found guilty of an election offense or prohibited act under Sections 261 and 262 in
13 relation to Section 264 of the Omnibus Election Code of the Philippines, as amended,
14 and Section 45 of Republic Act No. 8189, which by its nature is committed through or
15 with violence, coercion, intimidation, force or threats, or where the commission of which
16 is attended by such violence, coercion, intimidation, force or threats, shall be punished
17 with imprisonment of not less than twelve (12) years and one (1) day but not more than
18 twenty (20) years with the accessory penalties of perpetual disqualification to hold office
19 and deprivation of the right of suffrage. If the guilty party is a foreigner, he shall be
20 sentenced to deportation which shall be enforced after his service of the imposed prison
21 term. The political party, political coalition, party-list or aggrupation organized for
22 political purpose to which the guilty party is a member shall be sentenced to pay a fine of
23 Five hundred thousand pesos (P500, 000.00) as part of the civil liability in connection
24 with the election offense.

1 SECTION 3. *Aggravating Circumstance.* – If any of the crimes defined in the
2 Revised Penal Code is committed in connection with an election or political exercise,
3 such election-related element shall be appreciated as an aggravating circumstance in
4 imposing the appropriate penalty.

5 SECTION 4. *Separate and Concurrent Prosecution.* – Any person who commits
6 an election offense or prohibited act under the Omnibus Election Code and under Section
7 45 of Republic Act No.8189, which act or acts also constitute a felony under the Penal
8 Code, shall be prosecuted separately and concurrently under the Omnibus Election Code
9 and the Penal Code.

10 SECTION 5. *Penalty for Other Election Offenses.* – Section 264 of Batas
11 Pambansa Bilang 881, otherwise known as the Omnibus Election Code of the
12 Philippines, as amended, is hereby further amended to read as follows:

13 “SEC. 264. *Penalties.* – Any person found guilty of any election offense under
14 this Code shall be punished with imprisonment of not less than [one year] SIX (6)
15 YEARS AND ONE (1) DAY but not more than [six years] TWELVE (12) YEARS [and
16 shall not be subject to probation]. In addition, the guilty party shall be sentenced to suffer
17 PERPETUAL disqualification to hold public office and deprivation of the right of
18 suffrage. [If he is a foreigner, he shall be sentenced to deportation which shall be
19 enforced after the prison term has been served] IF THE GUILTY PARTY IS A
20 FOREIGNER, HE SHALL BE SENTENCED TO DEPORTATION WHICH SHALL BE
21 ENFORCED AFTER HIS SERVICE OF THE IMPOSED PRISON TERM. Any political
22 party [found guilty], POLITICAL COALITION, PARTY-LIST OR AGGRUPATION
23 ORGANIZED FOR POLITICAL PURPOSE TO WHICH THE GUILTY PARTY IS A
24 MEMBER shall be sentenced to pay a fine of not less than [ten thousand] FIVE
25 HUNDRED THOUSAND pesos (P500, 000.00) [, which shall be imposed upon such
26 party after criminal action has been instituted in which their corresponding officials have
27 been found guilty] AS PART OF THE CIVIL LIABILITY IN CONNECTION WITH
28 THE ELECTION OFFENSE.

1 “In case of prisoner or prisoners illegally released from any penitentiary or jail
2 during the prohibited period as provided in Section 261, paragraph (n) of this Code, the
3 director of prisons, provincial warden, keeper of the jail or prison, or persons who are
4 required by law to keep said prisoner in their custody shall, if convicted by a competent
5 court, be sentenced to suffer the penalty of [*prision mayor* in its maximum period]
6 *RECLUSION PERPETUA* if the prisoner or prisoners so illegally released commit any
7 act of intimidation, terrorism [of] OR interference in the election[.], AND THE
8 SUBJECT PRISONER OR PRISONERS SHALL LIKEWISE BE SENTENCED TO
9 *RECLUSION PERPETUA*.

10 “[Any person found guilty of the offense of failure to register or failure to vote
11 shall, upon conviction, be fined one hundred pesos. In addition, he shall suffer
12 disqualification to run for public office in the next succeeding election following his
13 conviction or be appointed to a public office for a period of one year following his
14 conviction.]

15 “ANY OFFICER OR EMPLOYEE OF THE COMMISSION ON ELECTIONS,
16 OR ANY OFFICER, EMPLOYEE, OR MEMBER OF THE ARMED FORCES OF
17 THE PHILIPPINES, OR ANY POLICE FORCE, SPECIAL FORCES, HOME
18 DEFENSE FORCES, BARANGAY SELF-DEFENSE UNITS AND ALL OTHER
19 PARA-MILITARY UNITS THAT NOW EXIST FOUND GUILTY OF ANY
20 ELECTION OFFENSE UNDER THIS ACT SHALL BE PUNISHED WITH THE
21 MAXIMUM PENALTY THEREOF.”

22 SECTION 6. *Application of Penalty for Election Offenses.* – The penalty herein
23 provided shall be applied to election offenses enumerated in Section 261 of the Omnibus
24 Election Code, as amended, to other election offenses listed in Section 262 of the same
25 Code, and to election offenses provided for under Section 45 of Republic Act No. 8189.

26 SECTION 7. *Other Persons Criminally Liable.* – In addition to the provisions of
27 Section 263 of the Omnibus Election Code, as amended, the persons liable for the
28 abovementioned crimes shall include the members of the Board of Election Inspectors,

1 the members of the Board of Canvassers and/or officials of the Commission on Elections
2 who aid, assist or participate, directly or indirectly, in the commission thereof.

3 SECTION 8. *Repealing Clause.* – The pertinent provisions of the Omnibus
4 Election Code of the Philippines, other laws, presidential decrees and issuances,
5 executive orders, rules and regulations, or parts thereof, inconsistent with the provisions
6 of this Act are hereby repealed or modified accordingly.

7 SECTION 9. *Separability Clause.* – If any provision or part of this Act shall be
8 held to be unconstitutional or invalid, other parts or provisions hereof which are not
9 affected thereby shall continue to be in full force and effect.

10 SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
11 after its publication in the *Official Gazette* or in at least two (2) newspapers of general
12 circulation which shall not be later than seven (7) days after the approval thereof.

13 Approved,