

10 JUL -7 P5:10

SENATE

Senate Bill No. 778

RECEIVED IN

---

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

---

EXPLANATORY NOTE

Article II , Section 3 of the 1987 Constitution mandates: "*...The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory.*"

In relation to this mandate, the Constitution specifies that this duty extends to the protection of the sanctity of the ballot as enunciated in Article IX, Paragraph c, Section 2, (4):

*"Sec. 2. The Commission on Elections shall exercise the following powers and functions:*

*(4) Deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the Government, including the Armed Forces of the Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful, and credible elections."*

While the AFP may be deputized as such our fundamental law also stipulates in Article XVI, Section 5 (3) which states:

*"...The armed forces shall be insulated from partisan politics. No member of the military shall engage directly or indirectly in any partisan political activity, except to vote."*

This bill seeks to do just this by defining the role of the AFP during elections not only to make it an instrument in moving this country forward but also to maintain professionalism among its ranks. Allegations regarding the involvement of certain members of the AFP affecting the results of elections have been plaguing this country for quite some time and reached its pinnacle in 2004 when the so-called "Hello Garci Tapes" came out. The passage of this proposed measure is envisioned to lessen if not totally stop this malady affecting the conduct of our elections.

With the foregoing, passage of this bill is earnestly sought.

  
JINGGOY EJERCITO ESTRADA  
Senator

10 JUL -7 P5:10

SENATE

Senate Bill No. 778

RECEIVED BY



---

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

---

AN ACT  
TO DEFINE THE ROLE OF THE ARMED FORCES OF THE PHILIPPINES  
(AFP) DURING ELECTIONS

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

**SECTION 1. Declaration of Policy.** - It is hereby declared a policy of the State to maintain a free, orderly, honest, peaceful, credible and efficient elections. The State shall insulate its armed forces from politics and that no member of the military shall engage in any partisan political activity, except to vote.

**SEC. 2. Role of the Armed Forces of the Philippines (AFP).** - The Armed Forces of the Philippines or any of its units or members thereof shall only be deputized to maintain peace and order during elections when there are no available units or members of the Philippine National Police (PNP) or when there is a need to augment the PNP units in a certain area as determined by the Commission on Elections (COMELEC) through a resolution approved by a majority of its Commissioners.

In no manner shall the AFP be deputized in activities related to the *handling and opening of ballot boxes; counting, tallying, and canvassing of votes; and proclamation during any electoral exercise.* Whenever a unit or a member of the AFP is deputized in the transportation of ballots, such role shall be limited to providing security to ensure the safety of election personnel tasked to transport these ballots and the integrity of election paraphernalia.

For purposes of this Act, the word "elections" shall include all national, regional and local elections as well as referenda, plebiscites and recall and initiatives.

**SEC. 3. Implementing Rules and Regulations.** -The COMELEC and the Department of National Defense (DND) shall promulgate the necessary rules and regulations within sixty (60) days upon the effectivity of this Act.

**SEC. 4. Repealing Clause.** - All laws, decrees, executive issuances, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

**SEC. 5. Separability Clause.** - The provisions of this Act are hereby declared to be separable, and in the event one or more of such provisions is held unconstitutional, the validity of the other provisions shall not be affected thereby.

**SEC. 6. Effectivity.** . - This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in at least two newspapers of general circulation, whichever comes earlier.

*Approved,*