

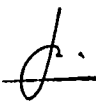
SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
FIRST REGULAR SESSION )



Senate  
Office of the Secretary

'16 AUG 25 A11 :35

SENATE

RECEIVED BY: 

Senate Bill No. 1108

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Introduced by SENATOR JOSEPH VICTOR G. EJERCITO

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AN ACT  
IDENTIFYING OTHER PERSONS CRIMINALLY LIABLE FOR  
ELECTION OFFENSES AND INCREASING THE PENALTIES  
FOR ELECTION-RELATED OFFENSES, AMENDING SECTIONS 263  
AND 264 OF BATAS PAMBANSA BILANG 881, AS AMENDED OR THE  
"OMNIBUS ELECTION CODE OF THE PHILIPPINES", AND SECTION  
46 OF REPUBLIC ACT NO. 8189 OR "THE VOTER'S REGISTRATION  
ACT OF 1996", AND FOR OTHER PURPOSES

#### EXPLANATORY NOTE

The orderly and peaceful conduct of elections is essential in any democratic country such as ours. During the electoral process, all eligible voters are given the chance to select candidates who are capable of becoming efficient political leaders. Most of all, it is an avenue of selecting individuals who are seeking public office to serve the best interest of the people and promote common good.

In this regard, it is of vital importance to ensure that election results represent the sovereign will of the people and not manipulated by individuals who desire the seat of power to protect their personal interests.

Cases of electoral fraud and election-related offenses have become common during elections. In the recent years, there have been cases involving members of the Board of Election Inspectors or Board of Canvassers and even officials of the Commission on Elections (COMELEC) who are supposed to ensure free, orderly, honest, peaceful and credible elections.

This measure seeks to prevent the occurrence of electoral fraud and election-related offenses by increasing the penalties thereof and by imposing

criminal liabilities against any member of the Board of Election Inspectors, Board of Canvassers and/or official of the Commission on Elections who aid, assist or participate, directly or indirectly to the commission of electoral fraud and other election-related offenses.

The passage of this measure will reinforce the stability of the political community through transparent elections and nationally sustainable electoral process. Hence, immediate passage of the bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'JOE EJERCITO', with a horizontal line above the letters.

**JOSEPH VICTOR G. EJERCITO**



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SENATE

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AN ACT

IDENTIFYING OTHER PERSONS CRIMINALLY LIABLE FOR ELECTION OFFENSES AND INCREASING THE PENALTIES FOR ELECTION-RELATED OFFENSES, AMENDING SECTIONS 263 AND 264 OF BATAS PAMBANSA BILANG 881, AS AMENDED OR THE "OMNIBUS ELECTION CODE OF THE PHILIPPINES", AND SECTION 46 OF REPUBLIC ACT NO. 8189 OR "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. The State shall ensure fair, honest, orderly and peaceful  
2 elections, safeguard the integrity and sanctity of the ballot and uphold the  
3 sovereign will of the electorate. It shall impose greater penalties for election  
4 offenses, more so when attended by violence, coercion, intimidation, force or  
5 threats.

6  
7 SECTION 2. Section 263 of Batas Pambansa Bilang 881, as amended, is  
8 hereby further amended to read as follows:

9  
10 "SEC. 263. Persons criminally liable. - The principals, accomplices, and  
11 accessories, as defined in the Revised Penal Code, shall be criminally liable for  
12 election offenses. If the one responsible be a political party or an entity, its  
13 president or head, the officials and employees of the same, performing duties  
14 connected with the offense committed and its members who may be  
15 principals, accomplices, or accessories shall be liable, in addition to the  
16 liability of such party or entity. PERSON WHO MAY BE HELD  
17 CRIMINALLY LIABLE FOR ELECTION OFFENSE SHALL INCLUDE THE  
18 MEMBERS OF THE BOARD OF ELECTION INSPECTORS, THE  
19 MEMBERS OF THE BOARD OF CANVASSERS AND/OR OFFICIALS OF  
20 THE COMMISSION ON ELECTIONS WHO AID, ASSIST OR

1 PARTICIPATE, DIRECTLY OR INDIRECTLY, TO THE COMMISSION  
2 THEREOF.”

3  
4 SECTION 3. Section 264 of Batas Pambansa Bilang 881, as amended, is  
5 hereby further amended to read as follows:  
6  
7  
8

9 “SEC 264. Penalties. -

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

26 “(B) In case of prisoner or prisoners illegally released from any penitentiary  
27 or jail during the prohibited period as provided in Section 261, paragraph (n)  
28 of this Code, the director of prisons, provincial warden, keeper of the jail or  
29 prison, or persons who are required by law to keep said prisoner in their  
30 custody shall, if convicted by a competent court, be sentenced to suffer the  
31 penalty of [prison mayor in its maximum period] if the prisoner or prisoners  
32 so illegally released commit any act of intimidation,  
33 terrorism [of] **OR** interference in the election, **AND THE SUBJECT**  
34 **PRISONER OR PRISONERS SHALL LIKEWISE BE SENTENCED**  
35 **TO RECLUSION PERPETUA.**  
36

37 [Any person found guilty of the offence of failure to register or failure to vote  
38 shall, upon conviction, be fined one hundred pesos. In addition, he shall  
39 suffer disqualification to run for public office in the next succeeding election  
40 following his conviction or be appointed to a public office for a period of one  
41 year following his conviction.]  
42

43 “(C) **ANY OFFICER OR EMPLOYEE OF THE COMMISSION**  
44 **ON ELECTIONS, OR ANY OFFICER, EMPLOYEE OR MEMBER OF**  
45 **THE ARMED FORCES OF THE PHILIPPINES, OR ANY POLICE**  
46 **FORCE, SPECIAL FORCES, HOME DEFENSE FORCES,**  
47 **BARANGAY SELF-DEFENSE UNITS AND ALL OTHER PARAMILITARY**

1 UNITS THAT NOW EXIST FOUND GUILTY OF ANY ELECTION  
2 OFFENSE UNDER THIS ACT SHALL BE PUNISHED WITH THE  
3 MAXIMUM PENALTY THEREOF.

4  
5 "(D) ANY PERSON FOUND GUILTY OF AN ELECTION OFFENSE OR  
6 PROHIBITED ACT UNDER SECTIONS 261 AND 262 IN RELATION  
7 TO SECTION 264 OF THE OMNIBUS ELECTION CODE OF  
8 THE PHILIPPINES, AS AMENDED, WHICH BY ITS NATURE IS  
9 COMMITTED THROUGH OR WITH VIOLENCE,  
10 COERCION, INTIMIDATION, FORCE OR THREATS OR WHERE THE  
11 COMMISSION OF WHICH IS ATTENDED BY SUCH VIOLENCE,  
12 COERCION, INTIMIDATION, FORCE OR THREATS, SHALL BE  
13 PUNISHED WITH IMPRISONMENT OF NOT LESS THAN TWELVE  
14 YEARS AND ONE DAY BUT NOT MORE THAN TWENTY YEARS WITH  
15 THE ACCESSORY PENALTIES OF PERPETUAL DISQUALIFICATION  
16 TO HOLD PUBLIC OFFICE AND DEPRIVATION OF THE RIGHT OF  
17 SUFFRAGE. IF THE GUILTY PARTY IS A FOREIGNER, HE/SHE SHALL  
18 BE SENTENCED TO DEPORTATION, WHICH SHALL BE ENFORCED  
19 AFTER HIS/HER SERVICE OF THE IMPOSED PRISON TERM.

20  
21 "THE POLITICAL PARTY, POLITICAL COALITION, PARTY-LIST OR  
22 AGGRUPATION ORGANIZED FOR POLITICAL PURPOSE TO WHICH  
23 THE GUILTY PARTY IS A MEMBER SHALL BE SENTENCED TO PAY A  
24 FINE OF FIVE HUNDRED THOUSAND PESOS AS PART OF THE CIVIL  
25 LIABILITY IN CONNECTION WITH THE ELECTION OFFENSE."

26  
27 SECTION 4. Section 46 of Republic Act No. 8189 is hereby amended to  
28 read as follows:

29  
30 [SEC. 46. *Penalties.* - Any person found guilty of any Election offense under  
31 this Act shall be punished with imprisonment of not less than one (1) year but  
32 not more than six (6) years and shall not be subject to probation. In addition,  
33 the guilty party shall be sentenced to suffer disqualification to hold public  
34 office and deprivation of the right of suffrage. If he is a foreigner, he shall be  
35 deported after the prison term has been served. Any political party found  
36 guilty shall be sentenced to pay a fine of not less than One hundred thousand  
37 pesos (P100,000) but not more than Five hundred thousand pesos (P500,000).]

38  
39 "SEC. 46. *PENALTIES.* - (A) ANY PERSON FOUND GUILTY OF ANY  
40 ELECTION OFFENSE UNDER THIS CODE SHALL BE PUNISHED WITH  
41 IMPRISONMENT OF NOT LESS THAN SIX YEARS AND ONE DAY BUT  
42 NOT MORE THAN TWELVE YEARS AND SHALL NOT BE SUBJECT TO  
43 PROBATION. IN ADDITION, THE GUILTY PARTY SHALL BE  
44 SENTENCED TO SUFFER PERPETUAL DISQUALIFICATION TO HOLD  
45 PUBLIC OFFICE AND DEPRIVATION OF THE RIGHT OF SUFFRAGE. IF  
46 THE GUILTY PARTY IS A FOREIGNER, THE SENTENCE SHALL BE  
47 ONE OF DEPORTATION, WHICH SHALL BE ENFORCED AFTER THE

1 PRISON TERM HAS BEEN SERVED. ANY POLITICAL  
2 PARTY, POLITICAL COALITION, PARTY-LIST OR AGGRUPATION  
3 ORGANIZED FOR POLITICAL PURPOSE TO WHICH THE GUILTY  
4 PARTY IS A MEMBER SHALL BE SENTENCED TO PAY A FINE OF NOT  
5 LESS THAN FIVE HUNDRED THOUSAND PESOS, AS PART OF THE  
6 CIVIL LIABILITY IN CONNECTION WITH THE ELECTION OFFENSE.

7  
8 "(B) ANY PERSON FOUND GUILTY OF AN ELECTION OFFENSE OR  
9 PROHIBITED ACT UNDER SECTION 45, WHICH BY ITS NATURE IS  
10 COMMITTED THROUGH OR WITH VIOLENCE,  
11 COERCION, INTIMIDATION, FORCE OR THREATS OR WHERE THE  
12 COMMISSION OF WHICH IS ATTENDED BY SUCH VIOLENCE,  
13 COERCION, INTIMIDATION, FORCE OR THREATS, SHALL BE  
14 PUNISHED WITH IMPRISONMENT OF NOT LESS THAN TWELVE  
15 YEARS AND ONE DAY BUT NOT MORE THAN TWENTY YEARS WITH  
16 THE ACCESSORY PENALTIES OF PERPETUAL DISQUALIFICATION  
17 TO HOLD PUBLIC OFFICE AND DEPRIVATION OF THE RIGHT OF  
18 SUFFRAGE. IF THE GUILTY PARTY IS A FOREIGNER, HE/SHE SHALL  
19 BE SENTENCED TO DEPORTATION, WHICH SHALL BE ENFORCED  
20 AFTER HIS/HER SERVICE OF THE IMPOSED PRISON TERM.

21  
22 "(C) ANY OFFICER OR EMPLOYEE OF THE COMMISSION  
23 ON ELECTIONS, OR ANY OFFICER, EMPLOYEE OR MEMBER OF  
24 THE ARMED FORCES OF THE PHILIPPINES, OR ANY POLICE  
25 FORCE, SPECIAL FORCES, HOME DEFENSE FORCES,  
26 BARANGAY SELF-DEFENSE UNITS AND ALL OTHER PARAMILITARY  
27 UNITS THAT NOW EXIST FOUND GUILTY OF ANY ELECTION  
28 OFFENSE UNDER THIS ACT SHALL BE PUNISHED WITH THE  
29 MAXIMUM PENALTY THEREOF."  
30

31 SECTION 5. *Aggravating Circumstance.* - If any of the crimes defined in  
32 the Revised Penal Code is committed in connection with an election or  
33 political exercise, such election-related element shall be appreciated as an  
34 aggravating circumstance in imposing the appropriate penalty.  
35

36 SECTION 6. *Separate and Concurrent Prosecution.* - Any person who  
37 commits an election offense or prohibited act under the Omnibus Election  
38 Code of the Philippines and under Section 45 of Republic Act No. 8189 which  
39 act or acts also constitute felony under the Revised Penal Code, shall be  
40 prosecuted separately and concurrently under the Omnibus Election Code of  
41 the Philippines and the Revised Penal Code.  
42

43 SECTION 7. *Repealing Clause.* - The pertinent provisions of the  
44 Omnibus Election Code of the Philippines, other laws, presidential decrees  
45 and issuances, executive orders, rules and regulations, or parts thereof  
46 inconsistent with the provisions of this Act are hereby repealed or modified  
47 accordingly.

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

**SECTION 9. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation which shall not be later than seven (7) days after the approval thereof.

Approved,