



HOUSE OF REPRESENTATIVES

H. No. 4145

BY REPRESENTATIVES RODRIGUEZ (R.), RODRIGUEZ (M.) AND AUMENTADO,
PER COMMITTEE REPORT NO. 609

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

1 “SEC. 263. *Persons criminally liable.* – The principals,
2 accomplices, and accessories, as defined in the Revised Penal
3 Code, shall be criminally liable for election offenses. If the one
4 responsible be a political party or an entity, its president or head,
5 the officials and employees of the same, performing duties
6 connected with the offense committed and its members who may
7 be principals, accomplices, or accessories shall be liable, in
8 addition to the liability of such party or entity. **PERSON WHO
9 MAY BE HELD CRIMINALLY LIABLE FOR ELECTION OFFENSE
10 SHALL INCLUDE THE MEMBERS OF THE BOARD OF ELECTION
11 INSPECTORS, THE MEMBERS OF THE BOARD OF CANVASSERS
12 AND/OR OFFICIALS OF THE COMMISSION ON ELECTIONS WHO
13 AID, ASSIST OR PARTICIPATE, DIRECTLY OR INDIRECTLY, TO
14 THE COMMISSION THEREOF.”**

15 SEC. 3. Section 264 of Batas Pambansa Bilang 881, as amended, is
16 hereby further amended to read as follows:

17 “SEC 264. *Penalties.* – (A) Any person found guilty of
18 any election offense under this Code shall be punished with
19 imprisonment of not less than [one year] **SIX YEARS AND ONE
20 DAY** but not more than [six] **TWELVE** years and shall not be
21 subject to probation. In addition, the guilty party shall be
22 sentenced to suffer **PERPETUAL** disqualification to hold public
23 office and deprivation of the right of suffrage. If [he] **THE
24 GUILTY PARTY** is a foreigner, [he shall be sentenced to] **THE
25 SENTENCE SHALL BE ONE OF** deportation which shall be
26 enforced after the prison term has been served. Any political
27 party, [found guilty] **POLITICAL COALITION, PARTY-LIST, OR**

1 **AGGRUPATION ORGANIZED FOR POLITICAL PURPOSE TO**
2 **WHICH THE GUILTY PARTY IS A MEMBER** shall be sentenced to
3 *pay a fine of not less than [ten thousand] FIVE HUNDRED*
4 **THOUSAND pesos, [which shall be imposed upon such party after**
5 **criminal action has been instituted in which their corresponding**
6 **officials have been found guilty] AS PART OF THE CIVIL**
7 **LIABILITY IN CONNECTION WITH THE ELECTION OFFENSE.**

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

20 [Any person found guilty of the offence of failure to
21 register or failure to vote shall, upon conviction, be fined one
22 hundred pesos. In addition, he shall suffer disqualification to run
23 for public office in the next succeeding election following his
24 conviction or be appointed to a public office for a period of one
25 year following his conviction.]

26 “(C) ANY OFFICER OR EMPLOYEE OF THE
27 COMMISSION ON ELECTIONS, OR ANY OFFICER, EMPLOYEE OR

1 MEMBER OF THE ARMED FORCES OF THE PHILIPPINES, OR
2 ANY POLICE FORCE, SPECIAL FORCES, HOME DEFENSE FORCES,
3 BARANGAY SELF-DEFENSE UNITS AND ALL OTHER
4 PARAMILITARY UNITS THAT NOW EXIST FOUND GUILTY OF ANY
5 ELECTION OFFENSE UNDER THIS ACT SHALL BE PUNISHED
6 WITH THE MAXIMUM PENALTY THEREOF.

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

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

29 SEC. 4. Section 46 of Republic Act No. 8189 is hereby amended to
30 read as follows:

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

11 “SEC. 46. *PENALTIES.* – (A) ANY PERSON FOUND
12 GUILTY OF ANY ELECTION OFFENSE UNDER THIS CODE SHALL
13 BE PUNISHED WITH IMPRISONMENT OF NOT LESS THAN SIX
14 YEARS AND ONE DAY BUT NOT MORE THAN TWELVE YEARS AND
15 SHALL NOT BE SUBJECT TO PROBATION. IN ADDITION, THE
16 GUILTY PARTY SHALL BE SENTENCED TO SUFFER PERPETUAL
17 DISQUALIFICATION TO HOLD PUBLIC OFFICE AND DEPRIVATION
18 OF THE RIGHT OF SUFFRAGE. IF THE GUILTY PARTY IS A
19 FOREIGNER, THE SENTENCE SHALL BE ONE OF DEPORTATION
20 WHICH SHALL BE ENFORCED AFTER THE PRISON TERM HAS
21 BEEN SERVED. ANY POLITICAL PARTY, POLITICAL COALITION,
22 PARTY-LIST OR AGGRUPATION ORGANIZED FOR POLITICAL
23 PURPOSE TO WHICH THE GUILTY PARTY IS A MEMBER SHALL BE
24 SENTENCED TO PAY A FINE OF NOT LESS THAN FIVE HUNDRED
25 THOUSAND PESOS, AS PART OF THE CIVIL LIABILITY IN
26 CONNECTION WITH THE ELECTION OFFENSE.

27 “(B) ANY PERSON FOUND GUILTY OF AN ELECTION
28 OFFENSE OR PROHIBITED ACT UNDER SECTION 45, WHICH BY
29 ITS NATURE IS COMMITTED THROUGH OR WITH VIOLENCE,

1 COERCION, INTIMIDATION, FORCE OR THREATS OR WHERE THE
2 COMMISSION OF WHICH IS ATTENDED BY SUCH VIOLENCE,
3 COERCION, INTIMIDATION, FORCE OR THREATS, SHALL BE
4 PUNISHED WITH IMPRISONMENT OF NOT LESS THAN TWELVE
5 YEARS AND ONE DAY BUT NOT MORE THAN TWENTY YEARS
6 WITH THE ACCESSORY PENALTIES OF PERPETUAL
7 DISQUALIFICATION TO HOLD PUBLIC OFFICE AND DEPRIVATION
8 OF THE RIGHT OF SUFFRAGE. IF THE GUILTY PARTY IS A
9 FOREIGNER, HE/SHE SHALL BE SENTENCED TO DEPORTATION
10 WHICH SHALL BE ENFORCED AFTER HIS/HER SERVICE OF THE
11 IMPOSED PRISON TERM.

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

20 SEC. 5. *Aggravating Circumstance.* – If any of the crimes defined in
21 the Revised Penal Code is committed in connection with an election or
22 political exercise, such election-related element shall be appreciated as an
23 aggravating circumstance in imposing the appropriate penalty.

24 SEC. 6. *Separate and Concurrent Prosecution.* – Any person who
25 commits an election offense or prohibited act under the Omnibus Election
26 Code of the Philippines and under Section 45 of Republic Act No. 8189 which
27 act or acts also constitute felony under the Revised Penal Code, shall be
28 prosecuted separately and concurrently under the Omnibus Election Code of
29 the Philippines and the Revised Penal Code.

1 SEC. 7. *Repealing Clause.* – The pertinent provisions of the Omnibus
2 Election Code of the Philippines, other laws, presidential decrees and
3 issuances, executive orders, rules and regulations, or parts thereof inconsistent
4 with the provisions of this Act are hereby repealed or modified accordingly.

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

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

Approved,

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