



## HOUSE OF REPRESENTATIVES

H. No. 4111

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BY REPRESENTATIVES RODRIGUEZ (R.), RODRIGUEZ (M.), ABAYON, AGLIPAY,  
ALIPING, ERICE, LAGMAN, REYES, GERONA-ROBREDO, SALVACION,  
TINIO AND CHIPECO, PER COMMITTEE REPORT NO. 137

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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"

*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:

8                   "SEC. 263. *Persons criminally liable.* – The principals,  
9 accomplices, and accessories, as defined in the Revised Penal  
10 Code, shall be criminally liable for election offenses. If the one  
11 responsible be a political party or an entity, its president or head,  
12 the officials and employees of the same, performing duties

1 connected with the offense committed and its members who may  
2 be principals, accomplices, or accessories shall be SEPARATELY  
3 liable, in addition to the liability of such party or entity. THE  
4 PERSON WHO MAY BE HELD CRIMINALLY LIABLE FOR ELECTION  
5 OFFENSE SHALL INCLUDE THE MEMBERS OF THE BOARD OF  
6 ELECTION INSPECTORS, THE MEMBERS OF THE BOARD OF  
7 CANVASSERS AND/OR OFFICIALS OF THE COMMISSION ON  
8 ELECTIONS WHO AID, ASSIST OR PARTICIPATE, DIRECTLY OR  
9 INDIRECTLY, TO THE COMMISSION THEREOF.”

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

12 “SEC. 264. *Penalties.* – (A) Any person found guilty of any  
13 election offense under this Code shall be punished with  
14 imprisonment of not less than [one year] SIX YEARS AND ONE DAY  
15 but not more than [six] TWELVE years and shall not be subject to  
16 probation. In addition, the guilty party shall be sentenced to suffer  
17 PERPETUAL disqualification to hold public office and deprivation  
18 of the right of suffrage. If [he] THE GUILTY PARTY is a foreigner,  
19 [he shall be sentenced to] THE SENTENCE SHALL BE ONE OF  
20 deportation which shall be enforced after the prison term has been  
21 served. Any political party, [found guilty] 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 [ten thousand] FIVE  
25 HUNDRED THOUSAND pesos, [which shall be imposed upon such  
26 party after criminal action has been instituted in which their

1 corresponding officials have been found guilty] AS PART OF THE  
2 CIVIL LIABILITY IN CONNECTION WITH THE ELECTION OFFENSE.

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

14 [Any person found guilty of the offence of failure to register  
15 or failure to vote shall, upon conviction, be fined one hundred  
16 pesos. In addition, he shall suffer disqualification to run for public  
17 office in the next succeeding election following his conviction or  
18 be appointed to a public office for a period of one year following  
19 his conviction.]

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

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

16           “THE POLITICAL PARTY, POLITICAL COALITION,  
17          PARTY-LIST OR AGGRUPATION ORGANIZED FOR POLITICAL  
18          PURPOSE TO WHICH THE GUILTY PARTY IS A MEMBER SHALL BE  
19          SENTENCED TO PAY A FINE OF FIVE HUNDRED THOUSAND PESOS  
20          AS PART OF THE CIVIL LIABILITY IN CONNECTION WITH THE  
21          ELECTION OFFENSE.”

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

24           [SEC. 46. *Penalties.* – Any person found guilty of any  
25          Election offense under this Act shall be punished with  
26          imprisonment of not less than one (1) year but not more than six (6)  
27          years and shall not be subject to probation. In addition, the guilty  
28          party shall be sentenced to suffer disqualification to hold public  
29          office and deprivation of the right of suffrage. If he is a foreigner,

1 he shall be deported after the prison term has been served. Any  
2 political party found guilty shall be sentenced to pay a fine of not  
3 less than One hundred thousand pesos (P100,000) but not more  
4 than Five hundred thousand pesos (P500,000).]

5 **"SEC. 46. PENALTIES. -- (A) ANY PERSON FOUND GUILTY**  
6 **OF ANY ELECTION OFFENSE UNDER THIS ACT SHALL BE**  
7 **PUNISHED WITH IMPRISONMENT OF NOT LESS THAN SIX (6)**  
8 **YEARS AND ONE (1) DAY BUT NOT MORE THAN TWELVE (12)**  
9 **YEARS AND SHALL NOT BE SUBJECT TO PROBATION. IN**  
10 **ADDITION, THE GUILTY PARTY SHALL BE SENTENCED TO SUFFER**  
11 **PERPETUAL DISQUALIFICATION TO HOLD PUBLIC OFFICE AND**  
12 **DEPRIVATION OF THE RIGHT OF SUFFRAGE. IF THE GUILTY**  
13 **PARTY IS A FOREIGNER, THE SENTENCE SHALL BE ONE OF**  
14 **DEPORTATION WHICH SHALL BE ENFORCED AFTER THE PRISON**  
15 **TERM HAS BEEN SERVED. ANY POLITICAL PARTY, POLITICAL**  
16 **COALITION, PARTY-LIST OR AGGRUPATION ORGANIZED FOR**  
17 **POLITICAL PURPOSE TO WHICH THE GUILTY PARTY IS A MEMBER**  
18 **SHALL BE SENTENCED TO PAY A FINE OF NOT LESS THAN FIVE**  
19 **HUNDRED THOUSAND PESOS (P500,000), AS PART OF THE CIVIL**  
20 **LIABILITY IN CONNECTION WITH THE ELECTION OFFENSE.**

21 **"(B) ANY PERSON FOUND GUILTY OF AN ELECTION**  
22 **OFFENSE OR PROHIBITED ACT UNDER SECTION 45 OF REPUBLIC**  
23 **ACT No. 8189, WHICH BY ITS NATURE IS COMMITTED THROUGH**  
24 **OR WITH VIOLENCE, COERCION, INTIMIDATION, FORCE OR**  
25 **THREATS OR WHERE THE COMMISSION OF WHICH IS ATTENDED**  
26 **BY SUCH VIOLENCE, COERCION, INTIMIDATION, FORCE OR**  
27 **THREATS, SHALL BE PUNISHED WITH IMPRISONMENT OF NOT**  
28 **LESS THAN TWELVE (12) YEARS AND ONE (1) DAY BUT NOT MORE**  
29 **THAN TWENTY (20) YEARS WITH THE ACCESSORY PENALTIES OF**

1           **PERPETUAL DISQUALIFICATION TO HOLD PUBLIC OFFICE AND**  
2           **DEPRIVATION OF THE RIGHT OF SUFFRAGE. IF THE GUILTY**  
3           **PARTY IS A FOREIGNER, HE/SHE SHALL BE SENTENCED TO**  
4           **DEPORTATION WHICH SHALL BE ENFORCED AFTER THE SERVICE**  
5           **OF THE IMPOSED PRISON TERM.**

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

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

18          **SEC. 6. *Separate and Concurrent Prosecution.*** – Any person who  
19          commits an election offense or prohibited act under the Omnibus Election  
20          Code of the Philippines and under Section 45 of Republic Act No. 8189, which  
21          act or acts also constitute felony under the Revised Penal Code, shall be  
22          prosecuted separately and concurrently under the Omnibus Election Code of  
23          the Philippines and the Revised Penal Code.

1           SEC. 7. *Repealing Clause.* – The pertinent provisions of the  
2 Omnibus 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, the other parts or provisions hereof  
7 which 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.

Approved,

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