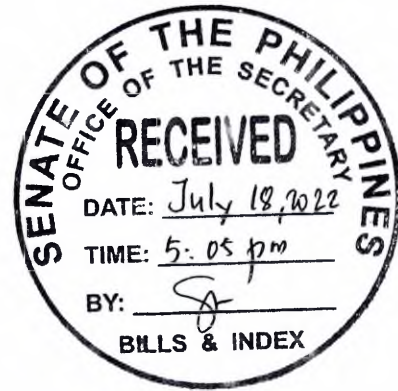


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S. B. NO. 746



Introduced by Senator JOEL VILLANUEVA

**AN ACT STRENGTHENING THE PROCEDURE FOR
REGISTRATION OF VOTERS DURING BARANGAY ELECTIONS,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8189,
OTHERWISE KNOWN AS THE "VOTER'S REGISTRATION ACT OF
1996" AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article V, Section 1 of the 1987 Constitution provides that "suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the election."

The framers of the 1973 Constitution, from which the current provision was taken from, intended the residency requirements of one year in the Philippines and six months in the place where the voter intends to vote is followed strictly. This presupposes that the voter should be a resident of the same barangay during a national and barangay election.

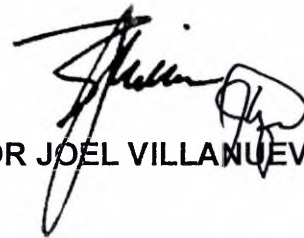
However, the difference in dates of barangay and regular elections provides opportunities for voters to circumvent this legislative intent by transferring the location of their voter's registration of residence from one barangay to another during the gap between a national and barangay election.

This gap also provides opportunities for unscrupulous candidates to induce voters to change their registration of residence months before the conduct of an election in order to add more potential votes to their roster.

Another reality is that these voters and candidates are not sanctioned for changing their registration of residence, which endangers the electoral process and renders it questionable.

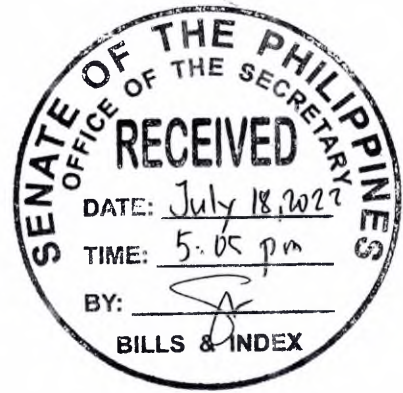
Therefore, it is necessary to strengthen our current election laws to ensure that voters strictly comply with the requirement that they have resided in the place wherein they propose to vote for at least six (6) months immediately preceding the election pursuant to Article V, Section 1 of the 1987 Constitution. Non-compliance with this rule should also be sanctioned appropriately. To this effect, several provisions of the Voter's Registration Act or Republic Act No. 8189 must be amended to make a true and effective barangay *anti-hakot* bill.

In view of the foregoing, immediate passage of the bill is earnestly sought.



SENATOR JOEL VILLANUEVA

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1996" AND FOR OTHER PURPOSES**

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

1 **SECTION 1.** Section 9 of Republic Act No. 8189 or the Voter's
2 Registration Act, is hereby amended to read as follows:
3

4 **Sec. 9. Who may Register.** - All citizens of the Philippines not
5 otherwise disqualified by law who are at least eighteen (18) years of
6 age, and who shall have resided in the Philippines for at least one (1)
7 year, and in the [place] BARANGAY, CITY OR MUNICIPALITY,
8 DISTRICT OR PROVINCE, wherein they propose to vote, for at least
9 six (6) months immediately preceding the election, may register as a
10 voter.

11
12 Any person who temporarily resides in another BARANGAY, city[,]
13 OR municipality, DISTRICT, PROVINCE or IN ANOTHER country
14 solely by reason of his/HER occupation, profession, employment in
15 private or public service, educational activities, work in the military or
16 naval reservations within the Philippines, service in the Armed
17 Forces of the Philippines, the National Police Forces, or confinement
18 or detention in government institutions in accordance with law, shall
19 not be deemed to have lost his/HER original residence.
20

21 Any person, who, on the day of registration may not have reached
22 the required age or period of residence but, who, on the day of the
23 election shall possess such qualifications, may register as a voter.
24

1 **SEC. 2.** Section 12 of the same Act is hereby amended to read as
2 follows:

3
4 **Sec. 12. Change of Residence to Another BARANGAY, City, or**
5 **Municipality.** - Any registered voter who has transferred residence
6 to another BARANGAY, city, or municipality may apply with the
7 election officer of his/HER new residence for the transfer of his/HER
8 registration records.

9
10 NO TRANSFER OF A VOTER'S REGISTRATION TO ANOTHER
11 BARANGAY, CITY, OR MUNICIPALITY SHALL BE ALLOWED
12 DURING THE PERIOD STARTING ONE HUNDRED TWENTY (120)
13 DAYS BEFORE A BARANGAY OR REGULAR ELECTION AND
14 NINETY (90) DAYS BEFORE A SPECIAL ELECTION.

15
16 The application for transfer of registration shall be subject to the
17 requirements of notice and hearing and the approval of the Election
18 Registration Board, in accordance with this Act. Upon approval of
19 the application for transfer, and after notice of such approval to the
20 election
21 officer of the former residence of the voter, said election officer shall
22 transmit by registered mail the voter's registration record to the
23 election
24 officer of the voter's new residence.

25
26 **SEC. 3.** Section 13 of the same Act is hereby amended to read as
27 follows:

28
29 **Sec. 13. Change of Address in the Same BARANGAY, City, or**
30 **Municipality.** - Any voter who has changed his/HER address in the
31 same BARANGAY, city, or municipality, shall immediately notify the
32 Election Officer in writing. If the change of address involves a change
33 in precinct, the Board shall transfer [his] THE registration record to
34 the [precinct] book of voters of [his] THE new precinct and notify the
35 voter of [his] THE new precinct. All changes of address shall be
36 reported to the office of the provincial election supervisor and the
37 Commission in Manila.

38
39 **SEC. 4.** Section 24 of the same Act is hereby amended to read as
40 follows:

41
42 **Sec. 24. National Central File.** - There shall be a national central
43 file under the custody of the Commission in Manila consisting of the
44 third copies of all approved voter registration records in each city or
45 municipality. It shall be compiled by precinct in each city[/] OR
46 municipality and arranged alphabetically by surname so as to make
47 the file a replica of the books of voters in the possession of the
48 Election Officer. Thereafter, a national list shall be prepared following
49 the alphabetical arrangements of surnames of voters.

1 There shall be a national file consisting of the computerized voters'
2 list (CVL), both in print and in [diskette] SOFT COPY, submitted by
3 the Election Officers in each city and municipality concerned, under
4 the custody of the Commission in Manila.

5
6 The computerized voters' list shall make use of a single and uniform
7 computer program that will have a detailed storing capability to list
8 voters alphabetically by the precincts where they vote, by the
9 barangays, municipalities, cities or provinces where they reside [and]
10 by their voter's identification number (VIN), AND BY THE DATE OF
11 THE ELECTION WHEN THEY LAST VOTED.

12
13 THE COMMISSION IN MANILA SHALL ENSURE THAT THE
14 COMPUTERIZED VOTERS' LIST IS UPDATED WITHIN THREE (3)
15 MONTHS FROM THE DATE OF THE REGULAR ELECTION AND
16 SHALL CONTAIN THE NAMES OF THE VOTERS WHO ACTUALLY
17 VOTED DURING THE PREVIOUSLY HELD ELECTION.

18
19 THE LIST SHALL BE ACCESSIBLE TO ALL ELECTION OFFICERS
20 WHO ARE RESPONSIBLE FOR THE REGISTRATION OF
21 VOTERS.

22
23 **SEC. 5.** Section 45 of the same Act is hereby amended to read as
24 follows:

25
26 **Sec. 45. Election Offenses.** - The following shall be considered
27 election offenses under this Act:

28
29 a) to deliver, hand over, entrust or give, directly or indirectly, his/HER
30 voter's identification card to another in consideration of money or
31 other benefit of promise; or take or accept such voter's identification
32 card, directly or indirectly, by giving or causing the giving of money
33 or other benefit or making or causing the making of a promise
34 therefore;

35
36 b) to fail, without cause, to post or give any of the notices or to make
37 any of the reports re-acquired under this Act;

38
39 c) to issue or cause the issuance of a voter's identification number or
40 to cancel or cause the cancellation thereof in violation of the
41 provisions of this Act; or to refuse the issuance of registered voters
42 their voter's identification card;

43
44 d) to accept an appointment, to assume office and to actually serve
45 as a member of the Election Registration Board although ineligible
46 thereto, OR to appoint such ineligible person knowing him/HER to be
47 ineligible;

48
49 e) to interfere with, impede, abscond for purpose of gain or to prevent
50 the installation or use of computers and devices and the processing,

1 storage, generation, and transmission of registration data or
2 information;

3
4 f) to gain, cause access to use, alter, destroy, or disclose any
5 computer data, program, system software, network, or any computer-
6 related devices, facilities, hardware or equipment, whether classified
7 or declassified;

8
9 g) failure to provide certified voters and deactivated voters list to
10 candidates and heads of representatives of political parties upon
11 written request as provided in Section 30 hereof;

12
13 h) failure to include the approved application form for registration of
14 a qualified voter in the book of voters of a particular precinct or the
15 omission of the name of a duly registered voter in the certified list of
16 voters of the precinct where THE VOTER is duly registered resulting
17 in his/HER failure to cast his/HER vote during an election, plebiscite,
18 referendum, initiative and/or recall. The presence of the form or name
19 in the book of voters or certified list of voters in precincts other than
20 where THE VOTER is duly registered shall not be an excuse hereof;

21
22 i) the posting of a list of voters outside or at the door of a precinct on
23 the day of an election, plebiscite, referendum, initiative and/or recall,
24 and which list is different in contents from the certified list of voters
25 being used by the Board of Election Inspectors; [and]

26
27 J) THE TRANSFER OF A VOTER'S REGISTRATION OF
28 RESIDENCE CONTRARY TO THE PROVISIONS OF SECTION 12
29 OF THIS ACT; AND

30
31 j) Violation of [the provisions] ANY OTHER PROVISION of this Act.

32
33 **SEC. 6. *Implementing Rules and Regulations.*** – Within sixty (60) days
34 from the effectivity of this Act, the Commission on Elections, upon consultation
35 with appropriate government agencies and other stakeholders, shall issue the
36 rules and regulations for the effective implementation of this Act.

37
38 **SEC. 7. *Separability Clause.*** - If any provision of this Act is declared
39 invalid, the other provisions not affected thereby shall remain valid.

40
41 **SEC. 8. *Repealing Clause.*** - All laws, proclamations, executive orders,
42 rules and regulations or parts thereof inconsistent with this Act are hereby
43 repealed, modified or amended accordingly.

44
45 **SEC. 9. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days
46 after its complete publication in the *Official Gazette* or in at least two (2)
47 newspapers of general circulation.

48
49 **Approved,**