

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

SENATE
OFFICE OF THE SECRETARY

10 JUL 12 P1:41

SENATE

S.B. **1208**

RECEIVED BY: 

Introduced by Senator Manny Villar

EXPLANATORY NOTE

The State has the duty to adapt to the needs of the times, that is why the legislature was created as a means by which laws may be faithfully enacted to ensure the responsiveness not only to present but future events.

The imposition of harsher penalties for election offenses attended by violence is required not only because of the escalating violence in times leading up to and during the elections, but also because it is a means by which the integrity of the ballot may be protected against unscrupulous people with too much money, guns and goons at their disposal that allows them to affect the results of the elections to which they may or may not be participating in.

In the Philippines, elections have always been haunted by violence. According to police statistics, 229 election-related violence incidents (ERVIs) occurred in the congressional mid-term election season in 2007, killing 121 people and injuring 176. In the 2004 General Elections, 249 ERVIs occurred, claiming 148 deaths and injuring 261 people.

The worst election-related violence recorded before the 2010 General Elections happened in Maguindanao, where at least 59 civilians – including 34 journalists/media practitioners, and pregnant women were slain.


MANNY VILLAR

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AN ACT
IMPOSING HARSHER PENALTIES FOR ELECTION OFFENSES ATTENDED
BY VIOLENCE, COERCION, INTIMIDATION, FORCE OR THREATS,
AND FOR OTHER PURPOSES

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

SECTION 1. – Any person found guilty of an election offense or prohibited act under Section 261 in relation to Section 264 of the Omnibus Election Code, as amended, which by its nature is committed through or with violence, coercion, intimidation, force or threats or where the commission of which is attended by such violence, coercion, intimidation, force or threats, shall be punished with imprisonment of ten (10) years as an indivisible penalty, modifying or amending accordingly Section 264 of the Omnibus Election Code.

SEC. 2. – Any person who commits an election offense or prohibited act under the Omnibus Election Code which act or acts also constitute a felony under the Revised Penal Code, shall be prosecuted separately under the Omnibus Election Code and the Revised Penal Code.

SEC 3. – If any of the crimes defined in the Revised Penal Code is committed in connection with an election or political exercise, such election-related element shall be appreciated as an aggravating circumstance in imposing the appropriate penalty.

SEC 4. – Any law, decree or issuance inconsistent with this Act shall be deemed repealed, amended or modified.

SEC 5. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of national circulation.

Approved,