

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3735



Introduced by Rep. Julieta R. Cortuna

EXPLANATORY NOTE

According to Sec 261 (a) (1) of BP 881 or the Omnibus Election Code of the Philippines, any person who gives, offers or promises money or anything of value, gives or promises any office or employment, franchise or grant, public or private, or makes or offers to make an expenditure, directly or indirectly, or cause an expenditure to be made to any person, association, corporation, entity, or community in order to induce anyone or the public in general to vote for or against any candidate or withhold his vote in the election, or to vote for or against any aspirant for the nomination or choice of a candidate in a convention or similar selection process of a political party, is guilty of vote-buying.

According to Sec. 263, vote-buyers are criminally liable. Sec. 264 provides that any person found guilty of any election offense under the Code shall be punished with imprisonment of not less than one year but not more than six years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage. Any political party found guilty shall be sentenced to pay a fine of not less than ten thousand pesos.

Albeit the punitive element, vote-buyers appear to turn a blind eye to the penalties. They take their chances. Stakes are higher on the desire to win than the apprehension of being caught.

Hence, the nefarious practice still persists. In the recently concluded national elections, reports of vote-buying hogged the public interest. The perpetrators brazenly espoused the twisted belief that aspiring for public office is only for the moneyed class. It is inherently evil. It has to be put to an end. In a fair play, only the worthy and the best-deserving candidate would be elected to office.

Worse, some incumbent candidates take advantage of their positions to tamper with public funds and auto-appropriate them to carry out massive vote-buying. This undue and wicked advantage puts these unscrupulous people perpetually in power.

A graver penalty should be imposed against any candidate/s or political party found guilty of vote-buying.

With the perceived reforms taking place courtesy of President Duterte, this election reform has to be instituted at once. In order to systematically curb vote-buying and selling, its criminal nature should be intensified by setting it off as a separate and distinct offense and imposing higher and stiffer penalties therefor.

The immediate passage of this proposed bill is earnestly sought.



JULIETA R. CORTUNA

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AN ACT

INTENSIFYING THE CRIMINAL NATURE OF VOTE BUYING AND SELLING, PRESCRIBING HIGHER PENALTIES THEREFOR, AMENDING FOR THE PURPOSE SEC. 264 OF BP 881 OR THE OMNIBUS ELECTION CODE OF THE PHILIPPINES BY SETTING IT OFF AS A SEPARATE AND DISTINCT OFFENSE AND FOR OTHER PURPOSES

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

SECTION 1. Section 264 of BP No. 881 otherwise known as the "Omnibus Election Code of the Philippines" is hereby amended to interpolate the following paragraph:

Section 264. (b) ANY PERSON FOUND GUILTY OF VOTE-BUYING AND SELLING SHALL BE PUNISHED WITH IMPRISONMENT OF NOT LESS THAN THREE YEARS BUT NOT MORE THAN NINE YEARS AND SHALL NOT BE SUBJECT TO PROBATION. IN ADDITION, THE GUILTY PARTY SHALL BE SENTENCED TO SUFFER PERPETUAL DISQUALIFICATION TO HOLD PUBLIC OFFICE AND DEPRIVATION OF THE RIGHT OF SUFFRAGE. HE OR SHE SHALL ALSO BE FINED WITH THE AMOUNT OF FIVE HUNDRED THOUSAND PESOS. ANY POLITICAL PARTY FOUND GUILTY SHALL BE SENTENCED TO PAY A FINE OF NOT LESS THAN FIVE MILLION PESOS, WHICH SHALL BE IMPOSED UPON SUCH PARTY AFTER CRIMINAL ACTION HAS BEEN INSTITUTED IN WHICH THEIR CORRESPONDING OFFICIALS HAVE BEEN FOUND GUILTY.

SEC. 2. Proscription on vote-buying and selling shall be throughout the duration of election and campaign periods.

SEC. 3. For the offense to be justiciably acted upon, it should be reported not less than ninety (90) hours from the time of its commission.

SEC. 4. To effectively carry out the provisions of this Act, operational mechanisms including but not limited to the following shall be set up:

- (a) COMELEC help desk in every barangay
- (b) COMELEC hotline

SEC. 5. This Act shall take effect thirty (30) days after its publication in the Official Gazette.

Approved,