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

'19 JUL 16 P2 :52

SENATE

P.S. Resolution No. 16

Introduced by **SENATOR IMEE R. MARCOS**

RESOLUTION

TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CURRENT STATUS OF THE RECODIFICATION OF ELECTION LAWS BY THE COMMISSION ON ELECTIONS

WHEREAS, according to the Constitution, the Philippines is a democratic and republican State and sovereignty resides in the people and all government authority emanates from them;

WHEREAS, election is the greatest means in which our citizens express their sovereignty and the conduct of free and orderly election is essential to the very survival of the country;

WHEREAS, it is important that we make sure that a reliable election system is in place to ensure that the will of the people is seasonably expressed and properly appreciated;

WHEREAS, the most recent effort to codify our election laws was in 1985 with the enactment of Batas Pambansa Blg. 881 otherwise known as the, "Omnibus Election Code (OES) of the Philippines";

WHEREAS, Article IX (C), Section 2 of the 1987 Constitution mandates the Commission on Elections (COMELEC) the power to enforce and administer all laws

and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall;

WHEREAS, aside from the 1987 Constitution, several major changes followed the enactment of B.P. Blg. 881, as follows: R.A. No. 6646 otherwise known as the, "Electoral Reforms Law of 1987"; R.A. No. 6735 otherwise known as the, "Initiative and Referendum Act", R.A. No. 7166 otherwise known as the, "Act Providing for the Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations Therefor, and For Other Purposes"; R.A. No. 7941 otherwise known as the, "Party-List System Act"; R.A. No. 8189 otherwise known as the, "Voter's Registration Act of 1996"; R.A. No. 9006 otherwise known as the, "Fair Elections Act"; and R.A. No. 9189 otherwise known as the, "Overseas Absentee Voting Act of 2003", among others;

WHEREAS, it was in 1998 that R.A. No. 8346 otherwise known as the "Act Authorizing the Commission on Elections to Use an Automated Election System in the May 11, 1998 National or Local Elections and in Subsequent National and Local Electoral Exercises, Providing Funds Therefor and For Other Purposes" which mandated the automated election system (AES) that changed the previously manual elections. Since the adoption of AES, many laws have been superseded or amended;

WHEREAS, despite the enactment of such laws, election fraud is still widespread and the credibility of the elections is still in doubt, coupled with reports of massive vote buying, failure of vote counting machines and SD cards, among others;
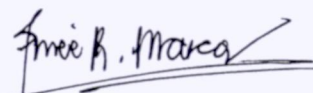
WHEREAS, COMELEC has created a special group named "Pillar 4," on 08 March 2019, headed by Deputy Executive Director for Operations Bartolome J. Sinocruz Jr. which aims to provide clear and consistent policy making and an updated and flexible legal framework of the election laws;

WHEREAS, Mr. Bartolome J. Sinocruz, Jr. (Deputy Executive Director, COMELEC) stated during the 16 August 2018 Senate hearing, "*Indeed, the Omnibus Election Code contains several provisions that are no longer applicable, and they had been superseded or repealed by subsequent laws*";

WHEREAS, given the need to update the existing elections laws and various controversial experiences the government had on automated elections which have made the electoral landscape contentious and thus, failing to uphold the Constitution's mandate on ensuring free, orderly, honest, peaceful, and credible elections;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the current status of the recodification of election laws by the Commission on Elections.

Adopted,

IMEE R. MARCOS