

Republic of the Philippines
House Of Representatives
Quezon City, Metro Manila

THIRTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3978



Introduced by Hon. Mark O. Cojuangco

EXPLANATORY NOTE

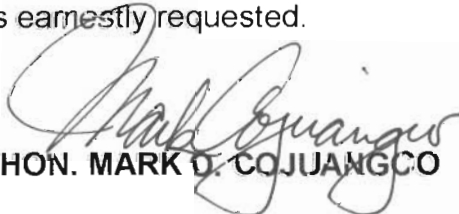
It is the declared policy of the State that all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the election may exercise the right of suffrage. Towards this end, the State shall ensure that all those who possess the qualifications and none of the disqualifications to vote on the date of the election are given the opportunity and permitted to exercise this fundamental right.

The Omnibus Election Code provides that a person who has been sentenced by final judgment to suffer imprisonment for not less than one year, such disability not having been removed by plenary pardon or granted amnesty and less than five years thereafter or a person who has been adjudged by final judgment by competent court or tribunal of having committed any crime involving disloyalty to the duly constituted government such as rebellion, sedition, violation of the anti-subversion and firearms laws, or any crime against national security, unless restored to his full civil and political rights in accordance with law and less than five years thereafter, is disqualified from exercising the right of suffrage.

No law has denied to detention prisoners the right of suffrage yet they were never permitted to do so.

This bill seeks to guarantee the right of persons under preventive detention to vote and sets certain limitations thereto.

Hence, the immediate passage thereof is earnestly requested.


HON. MARK O. COJUANGCO

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HOUSE BILL NO. 3978

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AN ACT
CLARIFYING APPLICABILITY OF SECTION 1, ARTICLE V OF THE
CONSTITUTION TO DETENTION PRISONERS AND FOR OTHER
PURPOSES

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

SECTION 1. Short Title. This Act shall be known as "The
Detention Prisoners Voting Act of 2005."

SECTION 2. Declaration of Policy. It is the declared policy of the State that 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 may exercise the right of suffrage. Towards this end, the State shall ensure that all those who possess the qualifications and none of the disqualifications, to vote on the date of the election, are given the opportunity and permitted to exercise this fundamental right.

SECTION 3. Definition of Terms. For purposes of this Act, the terms hereunder enumerated shall have the following meaning:



a) "Certified Voters' List" refers to a permanent list of registered voters per precinct in each city or municipality;

b) "Commission" refers to the Commission on Elections;

c) "Detention Prisoner" refers to a prisoner under preventive detention and whose case/s is pending before a court;

d) "Detention Prisoner Voter" refers to a detention prisoner who is qualified to register and vote under this Act, not otherwise disqualified by law;

e) "Fugitive" refers to a detention prisoner who has escaped jail or any place of confinement;

f) "National Registry of Detention Prisoner Voters" refers to the consolidated list prepared, approved and maintained by the Commission, of detention prisoner voters whose applications for registration as voters, including those registered voters who have applied to be certified as detention prisoner voters, have been approved by the Election Registration Board;

g) "Recidivist" refers to a person, who at the time of his trial for one crime, shall have been previously convicted by final judgment of another crime embraced in the same title of the Revised Penal Code.

SECTION 4. Coverage. All citizens of the Philippines, on preventive detention, who are not otherwise disqualified by law, at least eighteen (18) years of age on the day of elections, may vote for president, vice-president, senators and party-list representatives.

SECTION 5. Disqualifications. The following shall be disqualified from voting under this Act:

a. recidivist;

b. have been previously convicted for an offense to which the law or ordinance attaches an equal or greater penalty or two or more offenses to which it attaches a lighter penalty;

c. fugitive.



SECTION 6. *Application for Certification.* Qualified citizens of the Philippines on preventive detention, who have previously registered as voters pursuant to Republic Act No. 8189 shall apply for certification as detention prisoner voters and for inclusion in the National Registry of Detention Prisoner Voters, with a corresponding annotation in the Certified Voters' List.

SECTION 7. *Authority of the Commission to Promulgate Rules.* The Commission shall issue the necessary rules and regulations to effectively implement the provisions of this Act within sixty (60) days from the effectivity of this Act. The Implementing Rules and Regulations shall be submitted to the Joint Congressional Oversight Committee created by virtue of this Act for prior approval.

In the formulation of the rules and regulations, the Commission shall coordinate with the Department of Justice and the Department of Interior and Local Government.

SECTION 8. *Joint Congressional Oversight Committee.* A Joint Congressional Oversight Committee is hereby created, composed of the Chairman of the Senate Committee on Constitutional Amendments, Revision of Codes and Laws, and seven (7) other Senators designated by the Senate President, and the Chairman of the House Committee on Suffrage and Electoral Reforms, and seven (7) other Members of the House of Representatives designated by the Speaker of the House of Representatives.

The Joint Congressional Oversight Committee shall have the power to monitor and evaluate the implementation of this Act. It shall review, revise, amend and approve the Implementing Rules and Regulations promulgated by the Commission.

SECTION 9. *Applicability of Other Election Laws.* The pertinent provisions of the Omnibus Election Code, as amended, and other election laws, which are not in conflict with the provisions of this Act shall remain in full force and shall have suppletory application to this Act.

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SECTION 10. *Enforcement and Administration by the Commission.* The Commission shall, for the purpose of ensuring honest, orderly, peaceful and free elections abroad, have exclusive charge of the enforcement, administration and implementation of this Act.

SECTION 11. *Appropriations.* The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year of its enactment into law. Thereafter, the expenses for its continued implementation shall be included in the subsequent General Appropriations Act.

SECTION 12. *Separability Clause.* If any reason, any section or provision of this Act is declared to be invalid or unconstitutional, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 13. *Repealing Clause.* All laws, decrees, executive orders, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 14. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

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