



HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
Philippines

SIXTEENTH CONGRESS
FIRST REGULAR SESSION

HOUSE BILL NO. **4264**

Introduced by CIBAC Party List Representative
Sherwin Tugna

**AN ACT AMENDING REPUBLIC ACT NO. 8189, ALSO KNOWN AS THE
"VOTER'S REGISTRATION ACT OF 1996", TO CURB VOTE BUYING DURING
BARANGAY ELECTIONS, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article V, Section 1 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." This provision of the 1987 Constitution was patterned after the provision of the 1973 Constitution. The deliberations of the 1935 and 1971 Constitution reveal that the residence requirements of at least one (1) year in the Philippines and at least six (6) months in the municipality or in the place where the voter proposed to vote respectively must be followed strictly.

The rationale for the residency requirement of at least six (6) months preceding the election in the municipality¹ or in the place where a voter proposes to vote² were discussed in the previous deliberations for the 1934 and 1973 Constitution. During the 1934 Constitutional Convention for the institution of the Commonwealth government, it was clear that the requirement of residence in the municipality where the voter will vote is to "allow an elector to have knowledge of the local conditions in order to cast intelligently his vote in the choice of local officials".³ This was further discussed during the deliberations of the 1972 Constitutional Convention. The purposes for which the residence requirement is imposed strictly are the following: 1) to allow the voter to know who are the candidates in that place; and 2) to know the candidates in order that he could determine whether or not, they are worthy of the trust of being voted into positions of power in the Philippines and in the municipality.⁴ Also, it gives the voter an opportunity to know the conditions in the Philippines and in the municipality, and in order for him to know the kind and quality

¹ Please refer to Article V, Section of the 1935 Constitution.

² Please refer to Article VI, Section 1 of the 1973 Constitution, or to Article V, Section of the 1987 Constitution.

³ Please refer to the Deliberations of the 1934 Constitutional Convention held on November 28, 1934, p. 298.

⁴ Please refer to the Deliberations of the 1972 Constitutional Convention held on March 3, 1972, 4:40-4:50 p.m.

1 of candidates he is voting for.⁵ A question by Delegate Badelles clarified that the
2 elections contemplated by the provisions included barrio elections.⁶ There was a
3 proposition to require 6-month residence in a barrio instead in a municipality. The
4 1972 Constitutional Convention at the onset just adopted the provisions of the 1935
5 Constitution with respect to the residence requirements of Filipinos who will exercise
6 suffrage. Nonetheless, since the intention was to ensure that the voters will have the
7 chance to determine who are the worthy people to govern them, the word
8 "municipality" was changed to "place" to include all the other political subdivisions of
9 the Philippine society. The provisions of the 1973 Constitution on suffrage relating to
10 the residence requirements of voters were then adopted in the 1987 Constitution.

11
12 The wisdom behind the residence requirements before a Filipino can vote is
13 clear. The requirement is necessary to prevent questions that arise after elections
14 that people who are not informed of the circumstances in the place where they
15 proposed to vote and cannot vote intelligently, are allowed to vote there. However,
16 barangay elections are not synchronized with the other elections. Republic Act Nos.
17 9164 and 9340 provide that barangay and sangguniang kabataan elections shall be
18 held on the last Monday of October and three (3) years thereafter. Designating a
19 month different from national and local elections, the laws aim to make barangay and
20 sangguniang kabataan elections non-partisan. Currently, the sangguniang kabataan
21 elections for 2013 were postponed.

22
23 During registration for barangay elections, many people transfer residence.
24 Some do because of legitimate reasons (i.e. due to occupation, business, education,
25 and other exigent circumstances) while some receive payment or consideration to
26 transfer residence and eventually vote in favour of candidates in a barangay
27 elections. The second cause is what is known as the "hakot system". Regardless
28 whether or not the transfer is based on a legitimate and legal reason, our
29 Constitution mandates that there must be one (1) year actual or physical residence
30 in the Philippines and atleast six (6) months in the place where the voters proposed
31 to vote. And since barangay elections are held on the last Monday of October which
32 is less than six (6) months from a previous regular elections (second Monday of
33 May), COMELEC can easily cleanse the barangay elections by prohibiting to vote in
34 the subsequent barangay elections those people who voted in immediately
35 preceding regular elections. This is due to non-compliance with the six (6) months
36 residence requirements unless they prove that the place where they intend to
37 transfer their registration is where they intend to return home ever since, or can be
38 considered as their domicile.

39
40 Therefore, the COMELEC shall provide a mechanism wherein all Election
41 Officers who are tasked to receive application for registration and transfers can verify
42 whether an applicant has voted anywhere in the Philippines in the immediately
43 preceding regular elections. Currently, all offices of Election Officers are mandated
44 to provide after a regular elections, the list of people who voted in their jurisdiction. If
45 all these information are made available by COMELEC through the computerized
46 voters lists which can be accessed by Election Officers during registration, it would

⁵ *Id.*, March 2, 1972, p. 31.

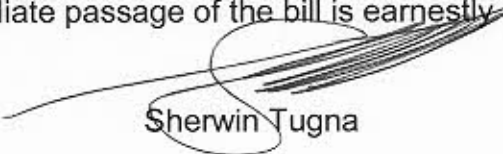
⁶ *Id.*

1 be easier to determine who have complied with the residence requirements
2 mandated by the Constitution.

3
4 With the date of the barangay elections different from the dates of the national
5 and local elections, COMELEC can now take a more active role by scrutinizing
6 applicants for transfer of residence who previously voted in a regular elections that
7 occurred not more than six (6) months before the next barangay elections. The
8 applicant may be allowed to transfer residence and be allowed to vote in the
9 barangay elections if he/she proves that he/she is returning to a barangay which is
10 his/her domicile- a place where he/she intends to return to permanently. Otherwise,
11 COMELEC may opt to do the following: 1) allow the transfer of residence by the
12 applicant but only allow him/her to vote in the next regular elections but not in the
13 immediate barangay elections, or 2) investigate and/or prosecute violation of the
14 election laws. Because of a previous registration and voting for chosen candidates,
15 a question with respect to an applicant's compliance with the residence requirements
16 arises. Thus, COMELEC which is given the power to enforce and administer all
17 election laws, must be mandated to ask the applicants to prove that they have
18 complied with the residence requirements provided in the Constitution.

19
20 Therefore, it is necessary to fill in the gaps in our current election laws to
21 ensure that voters for barangay elections comply with the requirement that they have
22 resided in the place wherein they propose to vote for at least six (6) months
23 immediately preceding the election pursuant to Article V, Section 1 of the 1987
24 Constitution. Several provisions of the Republic Act No. 8189 must be amended.
25 Also, it is necessary to adopt the provision of the Constitution relating to the 6-month
26 residence requirement in the place where a voter proposed to vote so as not to result
27 to a violation of the six (6) months residence requirement.

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

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**AN ACT TO AMENDING REPUBLIC ACT NO. 8189, ALSO KNOWN AS THE
"VOTER'S REGISTRATION ACT OF 1996", TO CURB VOTE BUYING DURING
BARANGAY ELECTIONS, AND FOR OTHER PURPOSES**

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

SECTION 1. This Act shall be known as the "Barangay Anti-Hakot Act of 2014".

SECTION 2. Section 9 of R.A. 8189, is hereby amended to read as follows:

Section 9. Who may Register. All citizens of the Philippines not otherwise disqualified by law who are at least eighteen (18) years of age, and who shall have resided in the Philippines for at least one (1) year, and in the ~~[city or municipality]~~ PLACE, wherein they propose to vote, for at least six (6) months immediately preceding the election, may register as a voter.

Any person who temporarily resides in another BARANGAY, city, municipality, DISTRICT, PROVINCE or IN ANOTHER country solely by reason of his occupation, profession, employment in private or public service, educational activities, work in the military or naval reservations within the Philippines, service in the Armed Forces of the Philippines, the National Police Forces, or confinement or detention in government institutions in accordance with law, shall not be deemed to have lost his original residence.

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

SECTION 3. Section 12 of R.A. 8189 is hereby amended to read as follows:

Section 12. Change of Residence to Another City or Municipality. Any registered voter who has transferred residence to another city or municipality may apply with the Election Officer of his new residence for the transfer of his registration records, *PROVIDED*, THAT IF THE APPLICATION FOR TRANSFER OF REGISTRATION IS SUBMITTED BEFORE A BARANGAY ELECTIONS THAT WILL OCCUR NOT

1 MORE THAN SIX (6) MONTHS AFTER A REGULAR ELECTIONS
2 WHEREIN THE APPLICANT VOTED, HIS PRESENCE SHALL BE
3 REQUIRED DURING THE HEARING SET INVOLVING HIS/HER
4 APPLICATION FOR TRANSFER OF REGISTRATION, WHEREIN
5 HE/SHE MUST PROVE HIS/HER COMPLIANCE WITH THE
6 RESIDENCE REQUIREMENTS UNDER SECTION 9 OF THIS ACT
7 THROUGH HIS/HER TESTIMONY SWORN UNDER OATH AND
8 DOCUMENTS TO SHOW THE REASON FOR TRANSFER,
9 *PROVIDED FURTHER*, THAT THE APPLICANT WILL ONLY BE
10 ALLOWED TO TRANSFER REGISTRATION AND TO VOTE DURING
11 THE SUBSEQUENT BARANGAY ELECTIONS IN CASE HE/SHE HAS
12 PROVEN THAT THE NEW RESIDENCE IS HIS/HER DOMICILE.
13 OTHERWISE, ONLY THE TRANSFER OF REGISTRATION SHALL
14 BE ALLOWED BUT THE APPLICANT CAN ONLY VOTE IN ALL
15 SUBSEQUENT REGULAR ELECTIONS EXCEPT THE BARANGAY
16 ELECTIONS THAT WILL OCCUR NOT MORE THAN SIX (6)
17 MONTHS AFTER A REGULAR ELECTIONS WHEREIN HE/SHE
18 VOTED.

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

26 IN CASE THE ELECTION OFFICER FINDS OUT THAT THERE IS A
27 VIOLATION OF ELECTION LAWS, HE /SHE SHALL EXERCISE THE
28 POWER TO INVESTIGATE AND/OR PROSECUTE VIOLATION OF
29 ELECTION LAWS.

30 **SECTION 4.** A new Section 13 shall be added to read as follows:

31 **Section 13.** *Change of Residence to Another Barangay.* Any
32 registered voter who has transferred residence to another barangay
33 may apply with the Election Officer of his new residence for the transfer
34 of his registration records, *PROVIDED*, THAT IF THE APPLICATION
35 FOR TRANSFER OF REGISTRATION IS SUBMITTED BEFORE A
36 BARANGAY ELECTIONS THAT WILL OCCUR NOT MORE THAN SIX
37 (6) MONTHS AFTER A REGULAR ELECTIONS WHEREIN THE
38 APPLICANT VOTED, HIS PRESENCE SHALL BE REQUIRED
39 DURING THE HEARING SET INVOLVING HIS/HER APPLICATION
40 FOR TRANSFER OF REGISTRATION, WHEREIN HE/SHE MUST
41 PROVE HIS/HER COMPLIANCE WITH THE RESIDENCE
42 REQUIREMENTS UNDER SECTION 9 OF THIS ACT THROUGH
43 HIS/HER TESTIMONY SOWRN UNDER OATH AND DOCUMENTS
44 TO SHOW THE REASON FOR TRANSFER, *PROVIDED FURTHER*,
45 THAT THE APPLICANT WILL ONLY BE ALLOWED TO TRANSFER
46 REGISTRATION AND TO VOTE DURING THE SUBSEQUENT

1 BARANGAY ELECTIONS IN CASE HE/SHE HAS PROVEN THAT
2 THE NEW RESIDENCE IS HIS/HER DOMICILE. OTHERWISE, ONLY
3 THE TRANSFER OF REGISTRATION SHALL BE ALLOWED BUT
4 THE APPLICANT CAN ONLY VOTE IN ALL SUBSEQUENT
5 REGULAR ELECTIONS EXCEPT THE BARANGAY ELECTIONS
6 THAT WILL OCCUR NOT MORE THAN SIX (6) MONTHS AFTER A
7 REGULAR ELECTIONS WHEREIN HE/SHE VOTED.

8 THE APPLICATION FOR TRANSFER OF REGISTRATION SHALL BE
9 SUBJECT TO THE REQUIREMENTS OF NOTICE AND HEARING
10 AND THE APPROVAL OF THE ELECTION REGISTRATION BOARD,
11 IN ACCORDANCE WITH THIS ACT. UPON APPROVAL OF THE
12 APPLICATION FOR TRANSFER, THE ELECTION OFFICER SHALL
13 AMEND THE VOTER'S REGISTRATION RECORD TO REFLECT
14 THE CHANGE OF RESIDENCE TO ANOTHER BARANGAY.

15 IN CASE THE ELECTION OFFICER FINDS OUT THAT THERE IS A
16 VIOLATION OF ELECTION LAWS, HE /SHE SHALL EXERCISE THE
17 POWER TO INVESTIGATE AND/OR PROSECUTE VIOLATION OF
18 ELECTION LAWS.

19 **SECTION 5.** Section 13 of R.A. 8189 shall be renumbered as Section 14 and hereby
20 amended to read as follows:

21 **Section 14.** *Change of Address in the Same City or Municipality.* Any
22 voter who has changed his address in the same city or municipality
23 WHICH SHALL NOT FALL UNDER A CHANGE IN BARANGAY AS
24 MENTIONED IN SECTION 13 OF THIS ACT, shall immediately notify
25 the Election Officer in writing. If the change of address involves a
26 change in precinct, the Board shall transfer his registration record to
27 the precinct book of voters of his new precinct and notify the voter of
28 his new precinct All changes of address shall be reported to the office
29 of the provincial election supervisor and the Commission in Manila.

30 **SECTION 6.** Section 24 of R.A. 8189 shall be renumbered as Section 25 and hereby
31 amended to read as follows:

32 **Section 25.** *National Central File.* There shall be a national central file
33 under the custody of the Commission in Manila consisting of the third
34 copies of all approved voter registration records in each city or
35 municipality. It shall be compiled by precinct in each city/municipality
36 and arranged alphabetically by surname so as to make the file a replica
37 of the book of voters in the possession of the Election Officer.
38 Thereafter a national list shall be prepared following the alphabetical
39 arrangements of surnames of voters.

40 There shall be a national file consisting of the computerized voters' list
41 (CVL), both in print and in diskette, submitted by the Election Officers
42 in each city and municipality concerned, under the custody of the
43 Commission in Manila.

1 The computerized voters' list shall make use of a single and uniform
2 computer program that will have a detailed sorting capability to list
3 voters alphabetically by the precincts where they vote, by the
4 barangays, municipalities, cities or provinces where they reside and by
5 their voters identification number (VIN).

6 THE COMMISSION IN MANILA SHALL ENSURE THAT THE
7 COMPUTERIZED VOTER'S LIST MUST BE UPDATED WITHIN
8 THREE (3) MONTHS FROM THE DAY OF A REGULAR ELECTIONS
9 AND REFLECT THE VOTERS WHO VOTED DURING A RECENTLY
10 CONCLUDED REGULAR ELECTIONS. THE COMPUTER
11 PROGRAM THE COMMISSION USES SHALL ALSO SHOW WHEN
12 WAS THE LAST TIME A PARTICULAR REGISTRANT VOTED AND
13 MAKE IT ACCESSIBLE TO ALL ELECTION OFFICERS TASKED TO
14 REGISTER VOTERS.

15 **SECTION 7.** Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30,
16 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 48 of R.A. 8189
17 shall be renumbered as Section 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29,
18 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, and 49
19 respectively.

20 **SECTION 8. *Separability Clause.*** - If any provision of this Act is declared invalid, the
21 other provisions not affected thereby shall remain valid.

22 **SECTION 9. *Repealing Clause.*** - All laws, proclamations, executive orders, rules
23 and regulations or parts thereof inconsistent with this Act are hereby repealed,
24 modified or amended accordingly: *Provided*, That no person shall be deemed to be
25 vested with any property or other right by virtue of the enactment or operation of this
26 Act.

27 **SECTION 10. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
28 complete publication in the *Official Gazette* or in at least two (2) national newspapers
29 of general circulation whichever comes earlier.

30 Approved,