

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4949



Introduced by **HON. GUS S. TAMBUNTING**

AN ACT
REPEALING THE CANCELLATION OF REGISTRATION OF VOTERS WHO DID NOT VOTE FOR IN
THE IMMEDIATELY PRECEDING TWO SUCCESSIVE REGULAR ELECTIONS

EXPLANATORY NOTE

The right of the electorate to choose freely a qualified candidate at a general election implies the exercise of voting or abstaining from participating therein. The unnecessary burden of removing a registered voter in the registration of voters for the reason of not having participated in two successive regular elections is uncalled-for or unreasonable. This practice should be stricken down because it causes additional workload for COMELEC to deactivate those individuals and another troublesome set of procedures to re-activate those voters as the latter would be required again to appear in person before the COMELEC personnel.

The right to suffrage not only includes the right to vote for one's chosen candidate, but also the right to vocalize that choice to the public in general, in the hope of influencing their votes. It may be said that in an election year, the right to vote necessarily includes the right to free speech and expression. The protection of these fundamental constitutional rights, therefore, allows for the immediate resort to this court.¹

This bill is sought to consider a voter's inactivity or inaction during an election and not fault the voter for deactivating its registration with COMELEC. To uphold the essence of democracy our nation must not restrict or demand its electorate to exercise its right when it chooses not to do so.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. GUS S. TAMBUNTING
2nd District, Parañaque City

¹ **THE DIOCESE OF BACOLOD, REPRESENTED BY THE MOST REV. BISHOP VICENTE M. NAVARRA and THE BISHOP HIMSELF IN HIS PERSONAL CAPACITY**, Petitioners,
vs. **COMMISSION ON ELECTIONS AND THE ELECTION OFFICER OF BACOLOD CITY, ATTY. MAVIL V. MAJARUCON**, Respondents, January 21, 2015, G.R. No. 205728

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

Section 1. Section 16 of the Republic Act No. 3588 otherwise known as the "AN ACT TO PROVIDE FOR PERMANENT REGISTRATION OF VOTERS AND FOR THIS PURPOSE TO POSTPONE THE GENERAL RENEWAL OF REGISTRATION OF VOTERS WHICH IS SET FOR NINETEEN HUNDRED SIXTY-THREE" is hereby amended to read as follows:

Section 16. *Cancellation due to death, conviction, and failure to vote in two successive preceding elections.* The election registrar shall remove the voter's application for registration from the corresponding precinct book of voters of the following after entering therein the cause for cancellation and shall place them in the inactive file:

(a) Those who have since died as certified at the end of each month by the local civil registrar.

(b) Those who have since been sentenced by final judgment to suffer an imprisonment of not less than one year or found guilty of having violated their allegiance to the Republic of the Philippines as certified at the end of each month by the clerk of court, the clerk of the municipal court in chartered cities and the justice of the peace.

The election registrar shall notify by mail or by personal delivery the registered voter of his cancellation and the ground thereof and require the surrender of his voter's identification card. In cases of death, all notices and requirements shall be directed to the voter's next of kin.

The name canceled shall be published on the bulletin board immediately stating the reason for the cancellation and shall be reported to the Commission on Elections and the Provincial Central File together with copies of the certified statements of the local civil registrar, the clerk of court, the clerk of the municipal court of chartered cities and the justice of the peace. The Provincial Central File and the Commission on Elections shall accordingly remove the application for registration of the voters and file them in the inactive file after entering in their re- of notice of the decision by the barrio council concerning registration.

Sec. 2. Section 123 of the Batas Pambansa Blg. 881 or otherwise known as the "Omnibus Election Code of the Philippines" is hereby amended to read as follows:

Section 123. Cancellation and exclusion in the transfer of names. - In transferring the names of the voters of the precinct from the list used in the preceding election to the current list, the board shall exclude those who have applied for the cancellation of their registration, those who have died, those who have been excluded by court orders issued by the provisions of this Code, and those who have been disqualified, upon motion of any member of the board or any elector or watcher, upon satisfactory proof to the board and upon summons to the voter in cases of disqualification. The motion shall be decided by the board without delay and in no case beyond three days from its filing. Should the board deny the motion, or fail to act thereon within the period herein fixed, the interested party may apply for such exclusion to the municipal or metropolitan trial court which shall decide the petition without delay and in no case beyond three days from the date the petition is filed. The decision of the court shall be final. The poll clerk shall keep a record of these exclusions and shall furnish three copies thereof to the election registrar who shall, in turn, keep one copy and send the two other copies thereof to the provincial election supervisor and the Commission, to be attached by them to the permanent list under their custody.

Sec. 3. Separability Clause. – Should any provision of this Act be declared invalid, or unconstitutional, the remaining provisions shall continue to be valid and subsisting.

Sec. 4. Repealing Clause. – Section 16 paragraph (c) of REPUBLIC ACT No. 3588 and Section 123 of the Election Code of the Philippines stating the cancellation of registration of those who did not vote in the immediately preceding two successive regular elections is hereby repealed. All laws, executive orders, administrative orders, rules, and regulations or parts thereof, which are inconsistent with this Act are hereby amended, repealed, or modified accordingly.

Sec. 5. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or any newspaper of general circulation.

Approved,