

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
TWENTIETH CONGRESS
First Regular Session
House Bill No. 5269



Introduced by Representative
BRIAN POE, PhD, MNSA

**AN ACT FURTHER PROTECTING THE INTEGRITY OF THE RIGHT TO
SUFFRAGE BY AMENDING SECTION 261 OF BATAS PAMBANSA BLG. 881, s. 1985,
OTHERWISE KNOWN AS THE “OMNIBUS ELECTION CODE,” AS AMENDED,
DEFINING THE CRIME OF CYBER VOTE-BUYING AND VOTE-SELLING, AND
PROVIDING PENALTIES THEREOF**

EXPLANATORY NOTE

The right to vote is protected under Article V of the 1987 Philippine Constitution, Article 21 of the Universal Declaration of Human Rights, and Article 25 of the International Covenant on Civil and Political Rights. Voting affirms the Philippines as a democratic and republican state where sovereignty belongs to the people and all government authority emanates from them, as stated in Article II, Section 1 of the Constitution. Any violation of this right weakens democracy. That is why Batas Pambansa Blg. 881 of 1985, the Omnibus Election Code, defines vote buying and vote selling in Section 261 and imposes penalties under Section 264.

More than three decades have passed since the Code was enacted. While elections have shifted from manual to electronic and automated systems, the legal definition of vote buying has not changed. This leaves the law unable to address new forms of electoral fraud. As technology advances, cybercriminals now use money mules to carry out vote buying through electronic

money transfers. Unlike traditional vote buying, where cash is handed out in person and can be traced, digital transactions are harder to detect and often hide the source of the funds.

To close this gap, this measure proposes amending Section 261 of the Omnibus Election Code to include “cyber vote buying.” This covers the use of technology, devices, software, or applications to buy or sell votes. It also calls for penalties equal to those for traditional vote buying, reflecting the seriousness of the crime.

Hence, the immediate passage of this amendment is sincerely desired.

A handwritten signature in black ink, reading "Brian Poe", with a stylized flourish extending from the end of the name.

HON. BRIAN POE, PhD, MNSA

Representative

FPJ Panday Bayanihan Party-List

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

**CHAPTER I
GENERAL PROVISIONS**

SECTION 1. Section 261 (a)(1) of Batas Pambansa Bldg. 881 is hereby amended as follows:

“Section 261. *Prohibited Acts.* – The following shall be guilty of an election offense: (a) Vote-buying and vote-selling. –

- (i) 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 candidate in a convention or similar selection process of a political party.

THIS SHALL ALSO COVER VOTE-BUYING AND/OR VOTE-SELLING THAT IS COMMITTED THROUGH ELECTRONIC MEANS OR WITH THE USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGIES, INCLUDING BUT NOT EXCLUSIVE TO WEBSITES, SOFTWARE, AND APPLICATIONS FOR ONLINE BANKING AND MONEY REMITTANCES. THE PENALTY TO BE IMPOSED SHALL BE IMPRISONMENT OF NOT LESS THAN (6) YEARS BUT NOT MORE THAN TEN (10) YEARS AND SHALL NOT BE SUBJECT TO PROBATION.”

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SEC. 2. *Separability Clause.* – If any provision is held invalid or unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid and subsisting.

SEC. 3 *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

SEC. 4. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,


HON. BRIAN POE, PhD, MNSA
Representative
FPJ Panday Bayanihan Party-List