



Executive Order No. 28, Series of 2022

**AN ORDER CREATING TASK FORCE
KONTRA VOTE BUYING, VOTE SELLING**

WHEREAS Section 1, Article V, of the 1987 Constitution expressly provides that:

SECTION 1. *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. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage;*

WHEREAS election offenses, such as vote-buying, are evils that obstruct the election process, destroy the sanctity of the ballots and abet the entry of dishonest candidates into the corridors of power where they do more harm;¹

WHEREAS Section 261 of Batas Pambansa (BP) Bilang 881, or the Omnibus Election Code of the Philippines (OEC), provides that "vote-buying" is an election offense wherein a promise or a gift is given in exchange for voting for or against any candidate. Any person found guilty of vote-buying or selling shall be punished by imprisonment for one to six years, disqualification to hold public office and forfeiture of one's right to vote. In addition, any political party found guilty would also have to pay a fine of not less than P10,000;

WHEREAS in the case of *Nolasco vs Comelec*,² the Supreme Court affirmed the COMELEC decision to disqualify a candidate on the ground of vote-buying by giving away pay envelopes with money and the inscription stating "VOTE !!! TINYOY." The Supreme Court ruled that while the giving must be consummated, the mere act of offering or promising something in consideration for someone's vote constitutes the offense of vote-buying;

WHEREAS former COMELEC Commissioner Sixto S. Brillantes Jr., thru the unanimous Commission on Elections Resolution No. 9688, which implements the so-called money ban, authorizes the warrantless arrests of vote buyers and sellers, thus:

¹ Commission on Elections vs Hon. Lucenito N. Tagle, GR Nos. 148948 and 148951-60, February 17, 2003.

² GR Nos. 122250 and 122258, July 21, 1997.



"To facilitate the apprehension and prosecution of vote buyers and sellers, any law enforcement officer or private person may, without a warrant, arrest a person when, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit the election offense of vote buying and selling," the resolution states."

NOW THEREFORE I, CELSO GOMERA REGENCIA, by virtue of the powers vested on me by law as the City Mayor of Iligan, do hereby Order:

SECTION I. TASK FORCE COMPOSITION

There shall be created – for the purpose of implementing the above law and COMELEC Resolution punishing vote buying – a TASK FORCE organized as follows:

Position	Office	Functions
Chairman	City Administrator	Over-all Coordinator
Vice-Chairman	CMO-Chief of Staff	Representative of the Mayor
Member	PNP City Director	Thru, the PNP personnel, arrest vote buyers, sellers, and violators of the Elections Laws.
Member	CMO-Multi Task Force Head	Assist the PNP personnel
Member	Legal Consultants	Assist in the preparation of Complaints, Affidavits, and other pleadings to be filed in courts and other quasi-judicial bodies.

SECTION II. CITIZEN ARREST

Ordinary citizens are encouraged to participate in this endeavor in order to protect the sanctity of the Elections, provided that Section 5, Rule 11 of the Revised Rules on Criminal Procedure shall be followed, viz.:

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"Sec. 5. Arrest without warrant; when lawful. – A peace officer or a private person may, without a warrant, arrest a person:

(a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;

(b) When an offense has just been committed and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it;

and (c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

In cases falling under paragraphs (a) and (b) above, the person arrested without a warrant shall be forthwith delivered to the nearest police station or jail and shall be proceeded against in accordance with section 7 of Rule 112."

SECTION III. ARREST HOW MADE

Under Section 2, Rule 113 of the Revised Rules on Criminal Procedure, Arrest; how made - an arrest is made by an actual restraint of a person to be arrested, or by his submission to the custody of the person making the arrest.

No violence or unnecessary force shall be used in making an arrest. The person arrested shall not be subject to a greater restraint than is necessary for his detention.

SECTION IV. REWARD

Subject to the exercise of due diligence, complete verification and ascertainment of facts, the following rewards system shall be implemented, to wit:

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1. Any person/s or arresting officer/s, who apprehend persons committing vote buying under the circumstances described in Section II shall receive FIFTY THOUSAND PESOS (P50,000.00) .
2. Any person or persons or arresting officer/s, who apprehend vote sellers under the circumstances described in Section II shall be rewarded with TEN THOUSAND PESOS (P10,000.00).
3. Any person/s or arresting officer/s, who caught violators of other Election Laws related to vote-buying under the circumstances described in Section II shall be rewarded with FIVE THOUSAND PESOS (P5,000.00) .

SECTION VI. EFFECTIVITY

This Order shall take effect after signing unless revoked, set aside, recalled by the undersigned.

Done this 2nd day of May in the year of our Lord 2022 at City of Iligan, Philippines.


CELSO G. REGENCIA
City Mayor ↘