

The Flying Voter and the Constitution

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The Article questions the enforceability of the penal provisions of the Revised Election Code (Republic Act No. 180) due to their inability to stand the constitutional test of definiteness. It argues that, unlike the provisions in the Revised Administrative Code of 1917 (Act No. 211), these prohibitions do not directly describe the acts being penalized. It points out how flexible and broad terms such as “as far as practicable” and “as much as possible” provide leeway to circumvent the provisions.

In particular, it focuses on Section 107, in relation to Section 183, of the Revised Election Code. This section prohibits a voter from registering in a municipality without first requesting for the cancellation of his previous registration in another municipality. However, this section does not provide for all cases of double registration such as the case where a voter has transferred from one precinct to another but both are in still in the same municipality. The Author also points out the absurdity that while double registration is punishable, double voting is not, as there is no provision in the Code penalizing such act. The Article ends by emphasizing the need for Congress to revisit these provisions and to enact corrective legislation.