

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 4874



Introduced by: **REPRESENTATIVE EMILIO C. MACIAS II**

EXPLANATORY NOTE

This bill seeks to amend Section 21 (2) of Batas Pambansa Blg. 881 as amended otherwise known as the Omnibus Election Code of the Philippines.

The rationale behind this measure is to expand the rules in the appreciation of ballots where, in case there is no incumbent, the vote shall be counted in favor of the candidate who had already been elected and has served the position he is seeking. This will help prevent nuisance candidates from ruining the chance of winning of a more popular candidate bearing the same surname by having the votes invalidated.

It is a reality in Philippine politics that some candidates applied dirty tactics by using some people having the same surname as their opponent to file certificate of candidacy even if there is no chance of winning, if only to have the votes invalidated for their own undue advantage.

This bill therefore will give justice to a more popular candidate, who is not an incumbent, and whose vote will be wasted because of the presence of unscrupulous politicians, whose main purpose in view is to destroy the chance of winning of the candidate having similar surname.

In view of the foregoing reasons, the immediate approval of this important piece of legislation is earnestly sought.



EMILIO C. MACIAS II, M.D.
Representative
2nd Dist., Negros Oriental

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INTRODUCED BY: REPRESENTATIVE, EMILIO C. MACIAS II

AN ACT
AMENDING SECTION 211 (2) OF BATAS PAMBANSA BLG. 881, AS
AMENDED, OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE OF
THE PHILIPPINES

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

SECTION 1. Section 211 (2) of Batas Pambansa Blg. 881 as amended, otherwise known as the Omnibus Election Code of the Philippines is hereby further amended to read as follows:

“SEC. 211. Rules for the appreciation of ballots. – X X X

1. X X X

2. Where only the first name of a candidate is written on the ballot, which when read, has a sound similar to the surname of another candidate, the vote shall be counted in favor of the candidate with such surname. If there are two or more candidates with the same full name, first name or surname and one of them is the incumbent, and on the ballot is written only such full name, first name or surname, the vote shall be counted in favor of the incumbent[.]: PROVIDED, HOWEVER THAT IN THE ABSENCE OF AN INCUMBENT, THE VOTE SHALL BE COUNTED IN FAVOR OF THE CANDIDATE WHO HAD BEEN ELECTED AND HAD SERVED THE POSITION HE IS SEEKING.

X X X”

SEC. 2. The Commission on Elections shall issue the necessary rules and regulations to implement the provision of this Act.

SEC. 3. This Act shall take effect upon its approval.

Approved,