

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2191

Introduced by AKBAYAN Representatives Walden F. Bello and Kaka J. Bag-ao

EXPLANATORY NOTE

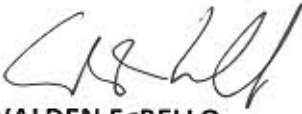
In past elections, including the 14 May 2007 elections, it has become a practice of armed groups like the New People's Army (NPA) and its allied organizations, the Communist Party of the Philippines (CPP) and the National Democratic Front (NDF), to demand for or extort money or other valuable consideration from candidates for public office and from political parties, and persons acting in their behalf, in exchange for so-called "permits to campaign" (PTCs) and the like that allows the latter to campaign freely inside the former's claimed "territories".

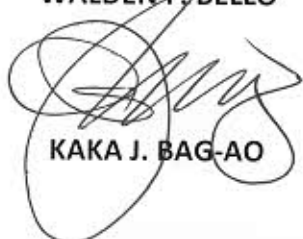
This undemocratic and reprehensible practice completely goes against the principle and concept of free elections that underlie our democratic system of government, as well as that of all other countries that profess to be democratic. It violates the provisions of our Constitution on political freedoms and civil liberties and human rights. Among others, it violates Article IX, C, Sec. 10, which states: "*Bona fide* candidates for any public office shall be free from any form of harassment and discrimination". It also violates provisions of the International Covenant on Civil, Political Rights (ICCPR), specifically Art. 19, on the freedom of expression, and Art. 25, on the right to political participation, among others.

This practice also goes against the principles of human rights, political freedom and of electoral reform that even the NDF, CPP and NPA themselves profess to adhere to, among others, in their peace negotiation with the government. This practice curtails the freedom of citizens and their political parties and organizations to campaign anywhere in the country for their candidates and promote their political and electoral platforms, as well as the right of voters to be freely informed about candidates and political parties contending for public office.

In the interest of freely and fairly contested elections and freely and fairly conducted campaigns, there is a need to enact legislation that would make this practice an electoral offense under our election laws and punishable as such.

In view of the foregoing reasons, as well as the fact that the House of Representatives approved this bill on third reading during the Twelfth Congress, the urgent and early approval of this bill is earnestly sought.


WALDEN F. BELLO


KAKA J. BAG-AO

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AN ACT
AMENDING SECTION 261 OF BATAS PAMBANSA BLG. 881, OTHERWISE
KNOWN AS THE OMNIBUS ELECTION CODE OF THE PHILIPPINES, AS
AMENDED, AND FOR OTHER PURPOSES

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

SECTION 1. Section 261, on Prohibited Acts, of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code of the Philippines, as amended, is hereby amended, by inserting a new paragraph to read as follows:

“(cc) On Candidacy and Campaign:

(1) xxx

(2) xxx

(3) xxx

(4) xxx

(5) xxx

(6) xxx

(7) IT SHALL BE UNLAWFUL FOR ANY PERSON OR GROUP OF PERSONS TO ASK FOR OR DEMAND ANY AMOUNT OF MONEY OR ANY OTHER VALUABLE CONSIDERATION, BY WHATEVER MEANS, FROM ANY POLITICAL PARTY, CANDIDATE, OR ANY PERSON ACTING IN THEIR BEHALF, IN THE GUISE OF ISSUING SO-CALLED ‘PERMITS TO CAMPAIGN’ (PTCS) AND THE LIKE, OR IN THE GUISE OF SOLICITING PROJECTS OR PROGRAMS, IN EXCHANGE FOR THE RIGHT TO FREELY CAMPAIGN ANYWHERE IN THE PHILIPPINES.

IT SHALL LIKEWISE BE UNLAWFUL FOR ANY CANDIDATE, OR ANY PERSON ACTING IN HIS/HER BEHALF, OR ANY MEMBER OR OFFICIAL OF ANY POLITICAL PARTY, OR ANY PERSON ACTING IN THEIR BEHALF, TO WILLINGLY PAY ANY AMOUNT OR GIVE ANY VALUABLE CONSIDERATION TO ANY SUCH PERSON OR GROUP OF PERSONS MENTIONED IN THE PRECEDING PARAGRAPH, ASKING FOR OR DEMANDING THE SAME.

ANY PERSON WHO IS A VICTIM OR HAS WITNESSED OR HAS KNOWLEDGE OF THE COMMISSION OF THE OFFENSE MENTIONED IN THE IMMEDIATELY PRECEDING PARAGRAPH MAY AVAIL OF THE WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM PURSUANT TO EXISTING LAWS.”

SECTION 2. *Separability Clause.* – If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

SECTION 3. *Repealing Clause.* – All laws, decrees, orders, rules, and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in Official Gazette or in at least two (2) newspapers of general circulation.

Approved, ,