



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
3rd Regular Session

House Bill No. 6252

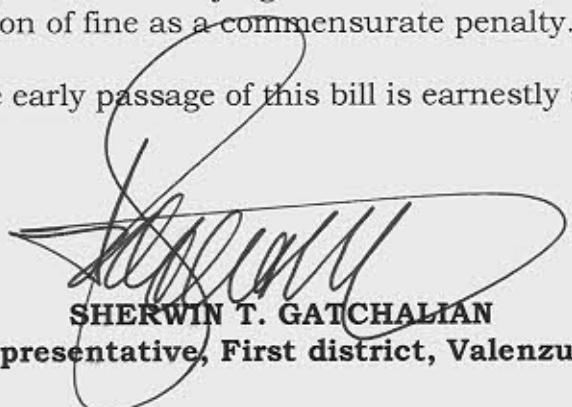
Introduced by Honorable Sherwin T. Gatchalian

Explanatory Note

Undoubtedly, the Philippine electoral system is mired in colorful hues during election – the feverish appeal attracts candidates coming from different parties, several known personalities, some running as independents backed by supporters and others from some whimsical personal awakenings.

In a democratic society like ours, the 1987 Constitution guarantees equal access to opportunities for public service. However, in a resolution of the Supreme Court, it clarified the view that running for public office is a privilege, not a right. It is subject to the limitations imposed by law and must take into account practical considerations. Although the Commission on Elections is mandated by law to receive these certificates of candidacies as its ministerial duty, the onslaught of candidates who does not intend nor has the logistical capacity to launch a viable campaign unnecessarily engender additional financial burden to the cash-strapped Comelec for increased allocation of time and resources, and much more, since the new automated system would require printing of additional ballots to accommodate the greater number of candidates. Hence, this bill further institutionalizes other grounds to determine what nuisance candidates are. And, further classifying these acts as an election offense, providing for the imposition of fine as a commensurate penalty.

In view of the foregoing, the early passage of this bill is earnestly sought.


SHERWIN T. GATCHALIAN
Representative, First district, Valenzuela City

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**AN ACT AMENDING SECTIONS 69, 261 (CC) AND 264 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 the House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Section 69 of Batas Pambansa Blg. 881, as amended, is
hereby further amended to read as follows:

“Section 69. *Nuisance Candidates.* – The Commission may,
motu proprio or upon a verified petition of an interested party,
AFTER DUE NOTICE AND HEARING, refuse to give due course to
or cancel a certificate of candidacy, if it is shown that said certificate
has been filed **UNDER ANY OF THE CIRCUMSTANCES**:

1. To put the election process in mockery or disrepute; [or]
2. To cause confusion among the voters by the similarity of
the names of the registered candidates; [or]
- 3. TO OBTAIN MONEY, PROFIT, OR ANY OTHER
CONSIDERATION; OR**
4. By **ANY** other circumstance or acts which clearly
demonstrate that the candidate has no bona fide intention
to run for the office for which the certificate of candidacy
has been filed and thus prevent a faithful determination of
the true will of the electorate.”

Sec. 2. Section 261 (cc) of Batas Pambansa Blg. 881 is hereby amended
to read as follows:

“Section 261. *Prohibited Acts.* – The following shall be guilty
of an election offense:

xxx

(cc) On candidacy and campaign:

(1) Any political party which holds political conventions or meetings to nominate its official candidates earlier than the period fixed in this Code.

(2) xxx

(3) xxx

(4) xxx

(5) xxx

(6) xxx

(7) ANY PERSON WHO WAS FOUND BY THE COMMISSION, AFTER DUE NOTICE AND HEARING, TO HAVE FILED A CERTIFICATE OF CANDIDACY, UNDER ANY OF THE FOLLOWING CIRCUMSTANCE:

(A) TO PUT THE ELECTION PROCESS IN MOCKERY OR DISREPUTE;

(B) TO CAUSE CONFUSION AMONG THE VOTERS BY SIMILARITY OF THE NAMES OF THE REGISTERED CANDIDATES;

(C) TO OBTAIN MONEY, PROFIT, OR ANY OTHER CONSIDERATION; OR

(D) BY ANY OTHER CIRCUMSTANCES OR ACTS WHICH CLEARLY DEMONSTRATE THAT THE CANDIDATE HAS NO BONA FIDE INTENTION TO RUN FOR THE OFFICE FOR WHICH THE CERTIFICATE OF CANDIDACY HAS BEEN FILED AND THUS PREVENT A FAITHFUL DETERMINATION OF THE TRUE WILL OF THE ELECTORATE.

SEC. 3. Section 264 of Batas Pambansa Blg. 881, is hereby amended to read as follows:

“Sec. 264. *Penalties.* - Any person found guilty of any election offense under this Code shall be punished with imprisonment of not less than one year but not more than six years and shall not be subject to probation. In addition, the

guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage. If he is a foreigner, he shall be sentenced to deportation which shall be enforced after the prison term has been served. Any political party found guilty shall be sentenced to pay a fine of not less than ten thousand pesos, which shall be imposed upon such party after criminal action has been instituted in which their corresponding officials have been found guilty.

In case of prisoner or prisoners illegally released from any penitentiary or jail during the prohibited period as provided in Section 261, paragraph (n) of this Code, the director of prisons, provincial warden, keeper of the jail or prison, or persons who are required by law to keep said prisoner in their custody shall, if convicted by a competent court, be sentenced to suffer the penalty of prision mayor in its maximum period if the prisoner or prisoners so illegally released commit any act of intimidation, terrorism of interference in the election.

X X X

ANY PERSON FOUND GUILTY OF THE ELECTION OFFENSE ENUMERATED UNDER SECTION 261 (CC) (7) SHALL PAY A FINE OF FIFTY THOUSAND (P50,000.00) PESOS TO THE COMELEC."

SEC. 3. **Implementing Rules and Regulations.** – Within sixty (60) days after the effectivity of this Act, the Commission on Elections shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 4. **Separability Clause.** – Should any provision of this Act or part hereof be declared unconstitutional or invalid, the other provisions or parts not affected shall remain valid and effective.

SEC. 5. **Repealing Clause.** – All laws, decrees, orders and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

SEC. 6. **Effectivity.** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,