

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

16TH CONGRESS
Third Regular Session

HOUSE BILL NO. 6302



Introduced by **Honorable EVELINA G. ESCUDERO**

EXPLANATORY NOTE

Republic Act No. 8436 or the Act authorizing the Commission on Elections (COMELEC) to use an automated election system in the May 11, 1998 elections, specifically Section 11 thereof, exempts candidates from unlawful acts or omissions that may be committed during elections prior to the start of the campaign period. Hence within that period, candidates can engage in all sorts of political activities almost unhampered.

Consequently, elections have been consistently costly thereby favoring moneyed candidates and "well-oiled" political machineries. This has to be revisited, if not changed, if only to level the playing field in an election.

Thus, this bill proposes the deletion of the second proviso in the third paragraph of Section 11 of RA No. 8436 thereby subjecting candidates to unlawful acts or omissions even before the start of the campaign period.

By law and logic, any individual who files his or her certificate of candidacy is deemed a candidate. As such, that candidate must already be subjected to unlawful acts or omissions as may be promulgated by law or regulation.

Consequently, this bill is respectfully submitted for consideration and approval.

EVELINA G. ESCUDERO

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HOUSE BILL NO. 6302

Introduced by **Representative EVELINA G. ESCUDERO**

AN ACT
REPEALING THE SECOND PROVISIO IN THE THIRD PARAGRAPH OF
SECTION 11 OF REPUBLIC ACT NUMBER 8436 THEREBY SUBJECTING
CANDIDATES TO UNLAWFUL ACTS OR OMISSIONS PRIOR TO THE START
OF THE CAMPAIGN PERIOD

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

SECTION 1. *Declaration of Policy.* – It is hereby declared a policy of the State to institutionalize and maintain integrity and honesty in all elections, especially in the manner by which all candidates for any elective position engage in an election campaign or partisan political activity. Towards this end, the State shall ensure fairness and equity among candidates by subjecting them to the unlawful acts and omissions during elections upon the filing of the certificate of candidacy.

SEC. 2. *Unlawful Acts or Omissions Applicable to Candidates.* – The unlawful acts or omissions during elections, as promulgated by law or the Commission on Elections, shall be applicable to all candidates upon the filing of the certificate of candidacy.

Consequently, the second proviso in the third paragraph of Section 11 of Republic Act No. 8436 is hereby rendered ineffective.

SEC. 4. *Separability Clause.*—If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 5. *Repealing Clause.*—All laws, decrees, orders, rules and regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 6. *Effectivity.* —This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least (2) national newspapers of general circulation whichever comes earlier.

Approved,