

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 5461



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

The presence of nuisance candidates is a product of a loose electoral system. As a consequence, before every election, the Commission on Elections (COMELEC) Commissioners will have to weed out from the list, candidates that the law considers as mere nuisance, and in determining who the nuisance candidates are, their main task is to look into the intentions of these candidates and a close assessment to the candidates' chances of victory, among others.

Section (2)(7) under Commission on Elections of Article IX of the Constitution mandates that the Congress provides for effective measures to minimize election spending, including limitation of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidacies.

It is in this line that this bill seeks to expand the grounds for declaring a person a nuisance candidate provided that, the person has previously run at least three (3) times for the same elective office and that said candidate garnered less than five (5) percent of the total number of votes cast on the position on his/her third and/or last election. While the Omnibus Election Code obviously dissuades those who have the least chances in winning the elections, such is not deterrence for these candidates to file their respective certificates of candidacy.

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


GARY C. ALEJANO

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AN ACT
EXPANDING THE GROUNDS FOR DECLARING A PERSON A NUISANCE
CANDIDATE, THEREBY AMENDING SECTION 69 OF BATAS PAMBANSA
BILANG 881 OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE

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

1 **SECTION 1.** Section 69 of Batas Pambansa Bilang 881, otherwise known as the
2 Omnibus Election Code, is hereby amended to read as follows:

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4 **"SEC. 69.** The Commission may motu proprio or upon a verified
5 petition of an interested party, refuse to give due course to or cancel a
6 certificate of candidacy if it is shown that said certificate has been filed to put
7 the election process in mockery or disrepute or to cause confusion among the
8 voters by the similarity of the names of the registered candidates or by other
9 circumstances or acts which clearly demonstrate that the candidate has no bona
10 fide intention to run for the office for which the certificate of candidacy has
11 been filed and thus prevent a faithful determination of the true will of the
12 electorate.

13
14 **"FURTHER, THE COMMISSION MAY MOTU PROPIO OR**
15 **UPON THE VERIFIED PETITION OF AN INTERESTED PARTY,**
16 **MAY DECLARE A PERSON A NUISANCE CANDIDATE IF THE**
17 **PERSON HAS PREVIOUSLY RUN AT LEAST THREE (3) TIMES FOR**
18 **THE SAME ELECTIVE OFFICE, AND THAT HE GARNERED LESS**
19 **THAN FIVE (5) PERCENT OF THE TOTAL NUMBER OF VOTES**

CAST IN THE THIRD OR LAST ELECTION PERIOD IN WHICH HE/SHE RUN FOR THE SAID ELECTIVE OFFICE.”

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SEC.2. *Repealing Clause.* – Any laws, decrees, ordinances or rules and regulations which are inconsistent with or contrary to the provision of this Act is hereby amended or repealed.

SEC. 3. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the other provision not affected hereby shall remain valid and subsisting.

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

Approved,