

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 91

Introduced by: **REP. EDGAR MARY S. SARMIENTO**

EXPLANATORY NOTE

The Omnibus Election Code¹ defines a nuisance candidate as a person who files a Certificate of Candidacy "to put the election process in mockery or disrepute or to cause confusion among the voters by the similarity of the names of the registered candidates or by other circumstances or acts which clearly demonstrate that the candidate has no bona fide intention to run for the office."

The election of a country's leaders is one imbued with a sanctity that shall at all times be protected. The results of an election is the embodiment of democracy and, thus, must not be made the subject of mockery by these so-called nuisance candidates.

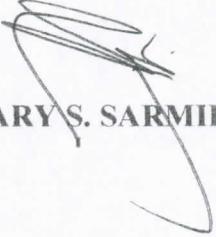
While the present provision in the Omnibus Election Code gives the Commission on Elections (COMELEC) the authority to refuse to give due course to or to cancel a certificate of candidacy clearly filed to be of nuisance to the electoral process, nothing stops any person from repeatedly filing or causing the filing of such nuisance.

Thus, there is a reasonable need to employ more measure to deter the practice of indiscriminately filing of nuisance certificates of candidacy just to mock the election or to attempt to shave votes off of certain candidates.

As a deterrent to such practice, a penalty heavier than mere refusal of due course or cancellation of a Certificate of Candidacy must be imposed upon those who maliciously file or cause the filing of the same. Hence, this bill.

¹ Section 69, Omnibus Election Code.

Filed first during the 17th Congress, the main objectives of this measure are to reinforce the seriousness of the election process and to protect the election process (and, consequently, the public interest) from those who wish to mock it.


EDGAR MARY S. SARMIENTO

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SEVENTEENTH CONGRESS
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House Bill No. 91

Introduced by: **REP. EDGAR MARY S. SARMIENTO**

AN ACT AMENDING SECTION 69 OF BATAS PAMBANSA BILANG 881, ALSO KNOWN AS THE OMNIBUS ELECTION CODE, IMPOSING A FINE UPON A NUISANCE CANDIDATE AND/OR PERSONS IN CONSPIRACY WITH SUCH CANDIDATE FOR THE MALICIOUS FILING OF A CERTIFICATE OF CANDIDACY.

1 *Be it enacted by the Senate and the House of Representative of the Philippines in*
2 *Congress assembled:*

3

4 **SECTION 1.** Section 69 of the Omnibus Election Code is hereby amended to read as
5 follows:

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

15

16 *The Commission, upon notice and hearing, may also impose the penalty of a fine*
17 *not less than One Hundred Thousand Pesos on the person who filed such certificate*
18 *upon proof of malice or gross bad faith. Any person named in the verified petition*
19 *and found to have been in conspiracy with or to have induced the person who filed*
20 *such certificate shall also be made to pay the fine of not less than One Hundred*
21 *Thousand Pesos.*

22

23 *The Commission shall summon the nuisance candidate himself herself, the person s*
24 *alleged to have caused the filing of the certificate of candidacy in question, and/or*
25 *the members of his/her party in a hearing specifically called to determine the*
26 *existence of malice and gross bad faith in the filing of the certificate of candidacy in*
27 *question.*

28

29

30 **SECTION 2.** Repealing Clause — All laws, presidential decrees, executive orders,
31 resolutions, rules and regulations or parts thereof inconsistent with the provisions of this Act
32 are hereby repealed or modified accordingly.

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34 **SECTION 3.** Effectivity — This Act shall take effect fifteen (15) days after its publication in
35 a newspaper of general circulation.

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37 *Approved,*