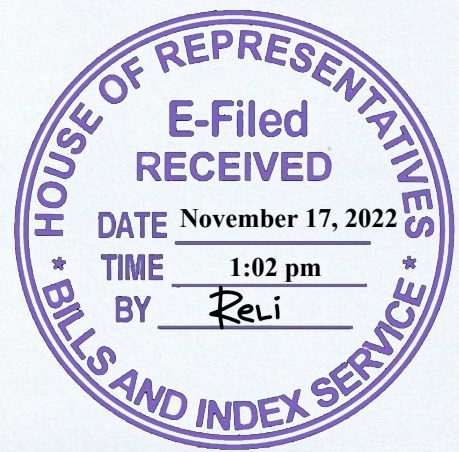


Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6204



Introduced by Representative Rex Gatchalian

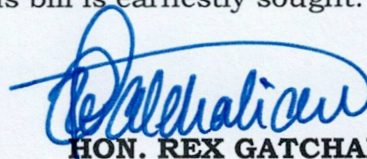
AN ACT
PROVIDING AN ADDITIONAL GROUND FOR CANCELLING THE CERTIFICATE OF CANDIDACY OF A NUISANCE CANDIDATE AND MAKING THE ACTS OF A NUISANCE CANDIDATE AN ELECTION OFFENSE, AMENDING SECTIONS 69, 261 (CC) AND 264 OF BATAS PAMBANSA BLG. 881, OTHERWISE KNOWN AS THE "OMNIBUS ELECTION CODE OF THE PHILIPPINES," AS AMENDED, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

A nuisance candidate is one who puts the election process in mockery or disrepute or causes 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 office, thus preventing a faithful determination of the true will of the electorate. The certificate of candidacy of such candidate is not given due course by the Commission on Election (COMELEC).

Accordingly, this bill seeks to curb the emerging unethical electoral practice of some individuals profiting from the elections by using their names or resources with the end goal of abusing the system, thus, debasing our constitutionally-guaranteed right to suffrage and free elections. Such practice must stop, and identifying and penalizing these acts are the right first steps in protecting our democracy.

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


HON. REX GATCHALIAN
Representative
1st District, Valenzuela City

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

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

3
4 Section 69. *Nuisance Candidates.* - The Commission may,
5 motu proprio or upon a verified petition of an interested party,
6 **AFTER DUE NOTICE AND HEARING**, refuse to give due course to
7 or cancel a certificate of candidacy, if it is shown that said
8 certificate has been filed **UNDER ANY OF THESE**
9 **CIRCUMSTANCES:**

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

1 **SEC. 2.** Section 261 (cc) of Batas Pambansa Big. 881 is hereby amended to
2 read as follows:

3
4 Section 261. *Prohibited Acts.* - The following shall be guilty
5 of an election offense:

6
7 (cc) On candidacy and campaign:

8 1) xxx

9
10 **7) ANY PERSON WHO WAS FOUND BY THE COMMISSION,**
11 **AFTER DUE NOTICE AND HEARING, TO HAVE FILED A**
12 **CERTIFICATE OF CANDIDACY, UNDER ANY OF THE**
13 **FOLLOWING CIRCUMSTANCE:**

14 **A) TO PUT THE ELECTION PROCESS IN MOCKERY OR**
15 **DISREPUTE;**

16 **B) TO CAUSE CONFUSION AMONG THE VOTERS BY**
17 **SIMILARITY OF THE NAMES OF THE REGISTERED**
18 **CANDIDATES;**

19 **C) TO OBTAIN MONEY, PROFIT, OR ANY OTHER**
20 **CONSIDERATION; OR**

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

28
29 **SEC. 3.** Section 264 of Bates Pambansa Big. 881, is hereby amended to read
30 as follows:

31
32 Sec. 264. *Penalties.* - Any person found guilty of any election
33 offense under this Code shall be punished with imprisonment of
34 not less than one year but not more than six years and shall not
35 be subject to probation. In addition, the guilty party shall be
36 sentenced to suffer disqualification to hold public office and

1 deprivation of the right of suffrage. If he is a foreigner, he shall be
2 sentenced to deportation which shall be enforced after the prison
3 term has been served. Any political party found guilty shall be
4 sentenced to pay a fine of not less than ten thousand pesos, which
5 shall be imposed upon such party after criminal action has been
6 instituted in which their corresponding officials have been found
7 guilty.

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

17 xxx

18
19 **ANY PERSON FOUND GUILTY OF THE ELECTION**
20 **OFFENSE ENUMERATED UNDER SECTION 261 (CC) (7) SHALL**
21 **PAY A FINE OF FIFTY THOUSAND (P 50,000.00) PESOS TO**
22 **THE COMELEC.**
23

24 **SEC. 4. *Implementing Rules and Regulations.*** - Within sixty (60) days
25 after the effectivity of this Act, the Commission on Elections shall promulgate
26 the necessary rules and regulations for the effective implementation of this Act.
27

28 **SEC. 5. *Separability Clause.*** - Should any provision of this Act or part
29 hereof be declared unconstitutional or invalid, the other provisions or parts not
30 affected shall remain valid and effective.
31

32 **SEC. 6. *Repealing Clause.*** - All laws, decrees, orders and issuances, or
33 portions thereof, which are inconsistent with the provisions of this Act, are
34 hereby repealed, amended, or modified accordingly.
35

1 **SEC. 7. Effectivity.** - This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or at least two (2) newspapers of general
3 circulation in the Philippines.

Approved,