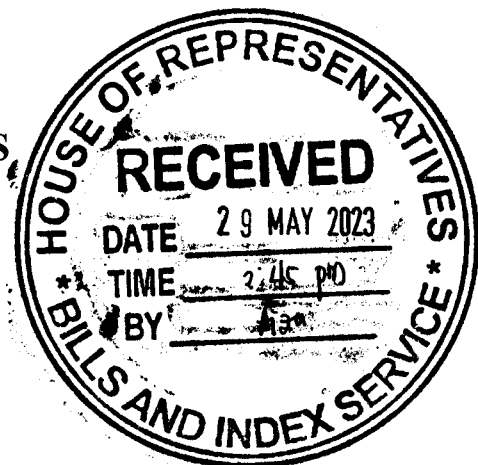


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Nineteenth Congress
First Regular Session

HOUSE BILL NO. 8415



Introduced by Rep. FERDINAND ALEXANDER A. MARCOS
1st District, Ilocos Norte

EXPLANATORY NOTE

Nuisance candidates are a bane to any electoral system. Usually fielded by rival politicians, their candidacy are intended to cause confusion among the voters by the similarity of the names of the registered candidates. More often than not, they have no bona fide intention to run for public office, but they have filed their candidacy anyway simply to derail the political aspiration of opposing politicians. Whether they are running for money, profit or any other consideration or not, their mere participation in the electoral race prevent a faithful determination of the true will of the electorate. In effect, they put the election process in mockery or disrepute, especially so if they accidentally win.

Much has been said about our country being a democratic state. But being a representative type of democracy (that is, a republic), our people's only direct and most visible form of democratic participation occurs only during elections. There is therefore a compelling need to preserve the integrity of our electoral process.

For the foregoing reasons, this bill aims to sanction or put a stop to the maleficence of nuisance candidates in trying to pervert our electoral system. For our vibrant democracy to further flourish, we need to restore the sanctity of the ballot.

Hence, the early approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'F. Marcos', written in a cursive style.

FERDINAND ALEXANDER A. MARCOS

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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

*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:

“Sec. 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 shown that said certificate has been filed
UNDER ANY OF THESE CIRCUMSTANCES:

1. To put the election process in mockery or disrepute; [øf]
2. To cause confusion among the voters by the similarity of
the names of the registered candidates; [øf]
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:

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

(cc) On candidacy and campaign:

1) xxx

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 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.

xxx

xxx

ANY PERSON FOUND GUILTY OF THE ELECTION OFFENSE ENUMERATED UNDER SECTION 261 (CC) (7) SHALL PAY A FINE OF FIFTY THOUSAND (Php 50,000.00) PESOS TO THE COMMISSION.”

SEC. 4. *Implementing Rules and Regulations.* – The Commission on Elections shall, within sixty (60) days from the effectivity of this Act, promulgate the necessary rules and regulations for the effective implementation thereof.

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

SEC. 6. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, other issuances, and parts thereof, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 7. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in any newspaper of general circulation.

Approved,