

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session
HOUSE BILL NO. 9406



Introduced by **HON. GUS S. TAMBUNTING**

EXPLANATORY NOTE

The Supreme Court in the case of Penera vs Comelec, et al., GR. No. 18163, in effect abrogated the prohibition against premature campaigning. Consequently, a candidate can already campaign even before the start of the campaign period without being held liable for premature campaigning. This has created an undue advantage against candidates with limited resources.

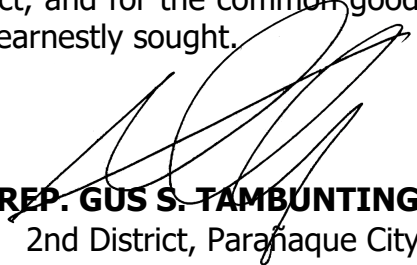
The proposed amendments seek to address this issue, particularly the definition and treatment of candidates in the context of premature campaigning.

To promote fairness and level the playing field for all prospective candidates, the proposed amendments recommend that individuals aspiring for public office should be considered candidates from the moment they file their certificate of candidacy and seeks the extension of the election period to 120 days. This shift in definition would grant them the right to campaign during both the election and campaign periods.

By recognizing individuals as candidates upon the filing of their certificates of candidacy, the amendments aim to encourage transparency and equal opportunities in the electoral process.

This change intends to level the field in campaigning and provide a balanced platform for candidates to enable them to articulate their platforms and engage with the electorate during the critical periods leading up to the election.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. GUS S. TAMBUNTING
2nd District, Parañaque City

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AN ACT
AMENDING SECTION 3, 75, AND 79 OF BATAS PAMBANSA BILANG 881,
OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE OF THE
PHILIPPINES, EXTENDING THE ELECTION PERIOD AND PROHIBITING THE
ACTS OF PREMATURE CAMPAIGNING

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

SECTION 1. Section 3 of Batas Pambansa Blg. 881, also known as the Omnibus Election Code of the Philippines, is hereby amended to read as follows:

Section. 3. Election and campaign periods. - Unless otherwise fixed in special cases by the Commission on Elections, which hereinafter shall be referred to as the Commission, the election period shall commence ~~[ninety]~~ **ONE HUNDRED TWENTY DAYS** before the day of the election and shall end thirty days thereafter.

The period of campaign shall be as follows:

1. Presidential and Vice-Presidential Election - 90 days;
2. Election of Members of the Batasang Pambansa and Local Election - 45 days; and
3. Barangay Election - 15 days.

The campaign periods shall not include the day before and the day of the election.

However, in case of special elections under Article VIII, Section 5, Subsection (2) of the Constitution, the campaign period shall be forty-five days.

SECTION 2. Section 75 of Batas Pambansa Blg. 881 is hereby amended to read as follows:

"Sec. 75. Filing and distribution of certificate of candidacy. – The certificate of candidacy shall be filed **AT LEAST ONE DAY BEFORE THE BEGINNING OF THE ELECTION PERIOD** ~~[on any day from the commencement of the election period but not later than the day before the beginning of the campaign period]~~: Provided, That in cases of postponement or failure of election under Sections 5 and 6 hereof, no additional certificate of candidacy shall be accepted except in cases of substitution of candidates as provided under Section 77 hereof. The certificates of candidacy for President and Vice-President of the Philippines shall be filed in ten legible copies with the Commission which shall order the printing of copies thereof for distribution to all polling places. The certificates of candidacy for the other offices shall be filed in duplicate with the offices herein below mentioned, together with a number of clearly legible copies equal to twice the number of polling places in the province, city, district, municipality or barangay, as the case may be:

(a) For representative in the Batasang Pambansa, with the Commission, the provincial election supervisor, city election registrar in case of highly urbanized cities, or an officer designated by the Commission having jurisdiction over the province, city or representative district who shall send copies thereof to all polling places in the province, city or district;

(b) For provincial offices, with the provincial election supervisor of the province concerned who shall send copies thereof to all polling places in the province;

(c) For city and municipal offices, with the city or municipal election registrar who shall send copies thereof to all polling places in the city or municipality; and

(d) For punong barangay or kagawad ng sangguniang barangay, the certificates of candidacy shall be filed in accordance with the provisions of Section 39 of Article VI of this Code.

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The duly authorized receiving officer shall immediately send the original copy of all certificates of candidacy received by him to the Commission."

SECTION 3. Section 79 of Batas Pambansa Blg. 88 is hereby amended to read as follows:

"Section 79. Definitions. – As used in this Code:

- a. The term "candidate" refers to any person aspiring for or seeking an elective public office, who has filed a certificate of candidacy by himself or through an accredited political party, aggroupment, or coalition of parties;

A PERSON SHALL BE CONSIDERED AS A CANDIDATE FROM THE MOMENT HE FILES HIS CERTIFICATE OF CANDIDACY. ACTS CONSTITUTING PREMATURE CAMPAIGNING ENUMERATED IN THIS CODE SHALL APPLY TO CANDIDATES UPON THE FILING OF THEIR CERTIFICATE OF CANDIDACY.

- b. The term "election campaign" or "partisan political activity" refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office which shall include:
1. Forming organizations, associations, clubs, committees or other groups of persons for the purpose of soliciting votes and/or undertaking any campaign for or against a candidate;
 2. Holding political caucuses, conferences, meetings, rallies, parades, or other similar assemblies, for the purpose of soliciting votes and/or undertaking any campaign or propaganda for or against a candidate;
 3. Making speeches, announcements or commentaries, or holding interviews for or against the election of any candidate for public office;
 4. Publishing or distributing campaign literature or materials designed to support or oppose the election of any candidate; or
 5. Directly or indirectly soliciting votes, pledges or support for or against a candidate.

The foregoing enumerated acts if performed for the purpose of enhancing the chances of aspirants for nomination for candidacy to a public office by a political party, aggroupment, or coalition of parties shall not be considered as election campaign or partisan election activity.

Public expressions or opinions or discussions of probable issues in a forthcoming election or on attributes of or criticisms against probable candidates proposed to be nominated in a forthcoming political party convention shall not be construed as part of any election campaign or partisan political activity contemplated under this Article.

SECTION 4. Implementing Rules and Regulations. – The Commission on Elections shall promulgate and issue the rules and regulations necessary to implement the provisions of this Act.

SECTION 5. Repealing Clause. – All laws and executive issuances inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 6. Separability Clause. – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectiveness of its other provisions.

SECTION 7. Effective Date. – This Act shall take effect fifteen days after its publication in the Official Gazette or one newspaper of general circulation.

Approved,