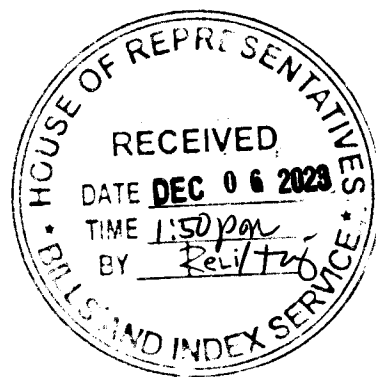




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Nineteenth Congress
Second Regular Session

HOUSE BILL NO. 9676



Introduced by **Representative MA. VICTORIA CO-PILAR**

EXPLANATORY NOTE

The electoral process in the Philippines is governed by the five-decade old Omnibus Election Code or Batas Pambansa Bilang 881 (BP 881). This law gives life to the constitutional right of every Filipino to suffrage, or simply the people's right to vote. To uphold the sanctity of electoral process in the country, BP 881 included a crucial provision discouraging nuisance candidates from filing their certificate of candidacy (COC).

In Section 69 of BP 881, there are three instances which makes a person a nuisance candidate: first, if he or she files a COC to put the election process in mockery or disrepute; second, if the COC filing is used to cause confusion among the voters by the similarity of the names of the registered candidates; and lastly, by 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.

Despite the efforts of the Commission on Elections (COMELEC) to deny due course or to order the disqualification of a nuisance candidate, the lack of stiffer language in the law to prohibit the engagement of a nuisance candidate puts the entire electoral system into disrepute which then misleads the citizenry. To remedy this problem, certain provisions of BP 881 should be amended accordingly.

Through this bill, Sections 69, 261 (cc), and 264 of BP 881 will be amended to include nuisance candidacy as an election offense with a corresponding penalty.

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



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HOUSE BILL NO. 9676

Introduced by **Representative MA. VICTORIA CO-PILAR**

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 House of Representatives of the Philippines in Congress assembled:

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

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

- 8 1) To put the election process in mockery or disrepute; or
9 2) To cause confusion among the voters by the similarity of the
10 names of the registered candidates; or
11 3) **TO OBTAIN MONEY, PROFIT, OR ANY OTHER**
12 **CONSIDERATION; OR**
13 4) **BY ANY** other circumstance or acts which clearly demonstrate
14 that the candidate has no bona fide intention to run for the office

1 for which the certificate of candidacy has been filed and thus
2 prevent a faithful determination of the true will of the electorate.

3

4 **Sec 2.** Section 261 (cc) of Batas Pambansa Blg. 881 is hereby amended to read as
5 follows:

6 Section 261. *Prohibited Acts.* – The following shall be guilty of
7 an election offense:

8 (cc) On candidacy and campaign:

9 xxx

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 Batas Pambansa Blg. 881, is hereby amended to read as
30 follows:

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

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

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

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17 **ANY PERSON FOUND GUILTY OF THE ELECTION**
18 **OFFENSE ENUMERATED UNDER SECTION 261 (CC) (7)**
19 **SHALL PAY A FINE OF NOT LESS THAN FIFTY THOUSAND**
20 **(PHP50,000) PESOS TO THE COMELEC.**

21
22 **Sec 4. *Implementing Rules and Regulations*** - Within sixty (60) days after the
23 effectivity of this Act, the Commission on Elections shall promulgate the necessary
24 rules and regulations for the effective implementation of this Act.

25
26 **Sec 5. *Separability Clause*** - If any provision or part hereof is held invalid or
27 unconstitutional, the remainder of the law or the provision not otherwise affected
28 shall remain valid and subsisting.

29
30 **Sec 6. *Repealing Clause*** - Any law, presidential decree or issuance, executive order,
31 letter of instruction, administrative order, rule or regulation contrary to or
32 inconsistent with, the provisions of this Act are hereby repealed, modified, or
33 amended accordingly.

34

1 **Sec 7. *Effectivity Clause*** - This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or in a newspaper of general circulation.

3

4 Approved,