

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session



HOUSE BILL No. 11280

Introduced by **REPRESENTATIVE RUTH MARIANO-HERNANDEZ**

AN ACT
PREVENTING AND PENALIZING NUISANCE CANDIDATES WHO CAUSE VOTER
CONFUSION THROUGH THE USE OF IDENTICAL OR SIMILAR NAMES AND
PROVIDING PENALTIES THEREFOR

EXPLANATORY NOTE

The filing of certificates of candidacy (COCs) by individuals with no bona fide intention to run for office, commonly referred to as "nuisance candidates," has become a significant issue that undermines the credibility of elections in our country. This dirty practice, which often involves candidates with names identical or similar to leading contenders or established public officials, causes voter confusion. In some instances, unscrupulous politicians have been known to bribe or coerce/kidnap individuals with similar names to run in order to siphon votes from their opponents. To address this problem, it is essential that we enact measures to prevent and penalize such practice.

Existing laws only allow for the disqualification of nuisance candidates, without imposing criminal penalties or deterrents. It is only when they continue to hold themselves as candidates, despite a final judgment declaring them nuisance candidates, are they penalized under Section 264 of the same Code. This gap in the law has led to administrative burdens and legal challenges that consume valuable time and resources, both for the Commission on Elections (COMELEC) and for bona fide candidates. By imposing criminal liability on nuisance candidates, this will deter this dirty tactic and ensure that only those with a bona fide intention to serve the public are allowed to run for office.

This bill seeks to establish the filing of a COC by a candidate with a name similar to that of an established public official as prima facie evidence of an intent to confuse voters. This shifts the burden of proof to the suspected nuisance candidate to demonstrate the absence of intent to cause confusion. In turn, this honors the Constitutional provision that bona fide candidates for any public office shall be free from any form of harassment. These bona fide candidates would no longer be forced to expend their time, attention, and

financial resources to prove that these nuisance candidates do not meet the criteria for legitimate candidacy.

By enacting this legislation, we will provide a clear legal framework that empowers the COMELEC to take swift and decisive action against nuisance candidates, while ensuring that due process is upheld. This bill also includes provisions for addressing cases in which individuals are coerced into running as nuisance candidates, providing them with protections under the law if they cooperate with the COMELEC to identify the individuals responsible for coercing them.

In light of the foregoing, the approval of this bill is earnestly sought to combat the pervasive problem of nuisance candidacies and send a strong message that individuals who engage in such practice will be held accountable.

Approved,

RUTH MARIANO-HERNANDEZ

Representative

2nd District, Laguna

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

Section 1. Title. - This Act shall be known as the "*Nuisance Candidates Prevention Act.*"

Section 2. Declaration of Policy. - The State recognizes that the dirty practice of fielding nuisance candidates with similar or identical names to leading contenders and legitimate candidates, with the intent to confuse voters or undermine the integrity of the election, is a grave affront to the democratic process.

It is hereby declared the policy of the State to uphold the sanctity of the electoral process by ensuring that elections reflect the genuine will of the electorate and are free from confusion, mockery, or disrepute caused by nuisance candidates.

Section 3. Prohibited Acts. - The filing of a certificate of candidacy by any person with the intent to cause confusion among voters by using a name that is identical or similar to that of another candidate, particularly when the individual has no bona fide intention to genuinely seek public office, is hereby prohibited. The Commission on Elections (hereinafter referred to as the "Commission") shall cancel any certificate of candidacy filed for such a purpose, ensuring that only legitimate candidates with genuine intentions are allowed to participate in the electoral process.

Any individual who coerces, threatens, or unduly influences another person to file a certificate of candidacy with the intent to cause voter confusion, based on the resemblance of their name to that of another candidate, shall be penalized in accordance with the applicable provisions of the Omnibus Election Code of the Philippines and/or any other relevant law.

Section 4. Definition of Terms. - For the purposes of this Act, the following terms shall mean:

- a) **"Nuisance Candidate"** refers to a person who files a certificate of candidacy with the intent to cause confusion among voters by using a name that is identical or similar to that of another candidate, and without a bona fide intention to genuinely seek public office.
- b) **"Identical Names"** refers to names that are exactly the same in spelling, including all letters and spaces, without any variation or alteration.
- c) **"Similar Names"** refers to names that, while not identical, share a high degree of resemblance in spelling, structure, or pronunciation, such that they could reasonably lead to voter confusion.
- d) **"Established and/or Incumbent Public Officials"** refers to individuals who are currently holding public office or have held public office in the past and whose names are widely recognized by the electorate.

Section 5. Presumption of Intent to Cause Confusion. - The filing of a certificate of candidacy by individuals with identical or similar names to those of established and/or incumbent public officials shall give rise to a presumption of intent to cause confusion among voters.

Section 6. Procedure. -

- a) If the Commission has cause to believe that a candidate has filed a certificate of candidacy with the intent to cause confusion among voters by using a name that is identical to or closely resembles that of another candidate, it shall, within two (2) days from the filing of the certificate of candidacy, *motu proprio* initiate proceedings to declare the candidate a nuisance. The other contending candidates for the same position shall also be notified of the proceedings.
- b) Candidates whose names are identical or similar to those of established and/or incumbent public officials shall be notified and required to attend a hearing before the Commission to demonstrate their genuine intention to run for public office. The hearing will be summary in nature, and the Commission may rely on written submissions in lieu of oral testimony.
- c) If a candidate fails to establish a bona fide intention to run for public office, the Commission shall deny due course to or revoke the candidate's certificate of candidacy.
- d) The decision, order, or ruling of the Commission shall, after three (3) days from receipt of a copy thereof by the parties, be final and executory unless stayed by the Supreme Court.
- e) The Commission shall within twenty-four hours, through the fastest available means, disseminate its decision or the decision of the Supreme Court to the city or

municipal election registrars, boards of election inspectors and the general public in the political subdivision concerned.

Section 7. Penalties. - Any person found guilty of filing a certificate of candidacy as a nuisance candidate, as defined in this Act, shall be guilty of an election offense and subject to the penalty provided in Section 264 of the Omnibus Election Code.

Section 8. Exempting Circumstances and Procedure for Addressing Coerced Nuisance Candidates. In cases where a person is found to have been coerced or unduly influenced to file as a nuisance candidate, penalties under this Act shall not be imposed if the coerced candidate fully cooperates with the Commission by:

- (a) Submitting a sworn affidavit detailing the coercion or undue influence exerted upon them, including the identity of the individual or individuals responsible;
- (b) Providing testimony or evidence necessary to establish the culpability of the person or persons who coerced or unduly influenced them; and
- (c) Subjecting their claims to verification by an independent review panel designated by the Commission to determine the validity of their statements and corroborating evidence.

The independent review panel shall consist of legal experts, election officers, and impartial representatives appointed by the Commission. It shall complete its verification process within fifteen (15) days of receiving the affidavit and evidence. Legal action against identified coercers shall be initiated within thirty (30) days after prima facie evidence is established. The Commission shall, within twenty-four (24) hours of the independent panel's decision, notify all affected parties and disseminate the findings through appropriate channels.

Cooperating candidates under this section shall be entitled to the protections afforded by Republic Act No. 6981 or the Witness Protection, Security, and Benefit Act.

Any candidate who submits a sworn affidavit or testimony under this section that is later proven to be false shall be subject to penalties equivalent to those imposed for nuisance candidates under this Act, in addition to any penalties provided under other applicable laws.

Section 9. Information Dissemination. - The Commission shall ensure that all potential candidates and those intending to file their certificate of candidacy are fully informed of the provisions of this Act, including the proceedings and penalties associated with nuisance candidates. Information materials shall be made available in accessible formats and widely disseminated through appropriate channels prior to the filing period for certificates of candidacy.

Section 10. Implementing Rules and Regulations. - The Commission shall promulgate the necessary rules and regulations to implement the provisions of this Act, ensuring that due process is observed and the constitutional rights of candidates are protected.

Section 11. *Separability Clause.* - If any provision of this Act is declared unconstitutional, the remaining provisions shall remain in full force and effect.

Section 12. *Repealing Clause.* - All laws, decrees, executive orders, rules, and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 13. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,