

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 1682



Introduced by Representative
ROLANDO M. VALERIANO

EXPLANATORY NOTE

In the case of *Rosalinda A. Penera v. Commission on Elections and Edgar T. Andanar*¹, a candidate for mayor was sought to be disqualified for premature campaigning. The Supreme Court said that there can be no disqualification because “a candidate is only liable for election offenses only upon the start of the election period”. This is because “any person who files his certificate of candidacy within (the period for filing) shall only be considered as a candidate at the start of the campaign period for which he filed his certificate of candidacy.”

Effectively, the Supreme Court declared that there is no such offense of premature campaigning.

Thus, as we have witnessed in the previous elections, candidates who already started campaigning by distributing and posting propaganda materials such as posters and billboards, showing political advertisements or appearing in television, radio or any other media, after filing their certificates of candidacy but before the 90 or 45 day campaign period, not being charged with the election offense of premature campaigning. Moreover, as they did all of these things prior to the campaign period, the expenses they incurred will not be counted in their reported campaign and election Statement of Contributions and Expenditures.

This bill declares as unlawful the act of premature campaigning, or engaging in any “election campaign” or “partisan political activity”, as defined under Section 79(b) of the Omnibus Election Code, starting from the period of filing of the certificate of candidacy, or the filing of manifestation of intention to participate for party-list candidates, until the start of the campaign period. It specifically considers any person who files a certificate of candidacy, or a partylist which filed a manifestation of intention to

¹ G.R. No. 181613, 25 November 2009.

participate, a candidate, even though the campaign period for which the person or partylist filed a certificate of candidacy, has not yet started.

The passage of this measure would correct the usual, but very absurd situation, every elections, of candidates being allowed to conduct premature campaigning. This is especially since after the Automated Elections Law, the filing of certificates of candidacy happens around the first week of October. The people are bombarded with 4 to 6 months of premature campaigning.

For the following reasons, the immediate consideration and approval of this bill is earnestly urged.

A handwritten signature in black ink, appearing to read 'ROL. VALERIANO', with a stylized flourish at the end.

ROLANDO M. VALERIANO

Representative

Manila, 2nd District

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
Second Regular Session

House Bill No. 1682

INTRODUCED BY REPRESENTATIVE
ROLANDO M. VALERIANO

AN ACT
DEFINING THE ELECTION OFFENSE OF
PREMATURE CAMPAIGNING, AMENDING FOR THE
PURPOSE SECTION 261(K) OF BATAS PAMBANSA
BLG. 881, AS AMENDED, OTHERWISE KNOWN AS
THE OMNIBUS ELECTION CODE, AND FOR OTHER
PURPOSES

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

1 **Section 1. *Short Title*** – This Act shall be known as the ‘Anti-Premature
2 Campaigning Act of 2025’.

3 **SECTION 2. *Prohibition to Engage in Premature Campaigning.*** –
4 Section 261 (k) of Batas Pambansa Blg. 881, as Amended, otherwise known
5 as the Omnibus Election Code, is hereby amended, to read as follows:

6 ARTICLE XXII - ELECTION OFFENSES

7 SECTION 261. Prohibited Acts. – The following shall be
8 guilty of an election offense:

9 Xxx

10 (k) Unlawful electioneering / **PREMATURE**
11 **CAMPAIGNING.** – It is unlawful to solicit votes or undertake
12 any propaganda, on the day of registration before the board of

1 election inspectors and on the day of election, for or against any
2 candidate or any political party within the polling place and with
3 a radius of thirty meters thereof. **IT SHALL ALSO BE**
4 **UNLAWFUL TO CONDUCT PREMATURE**
5 **CAMPAIGNING OR TO ENGAGE IN ANY “ELECTION**
6 **CAMPAIGN” OR “PARTISAN POLITICAL ACTIVITY”,**
7 **AS DEFINED UNDER SECTION 79(B) OF THIS ACT,**
8 **STARTING FROM THE PERIOD OF THE FILING OF**
9 **THE CERTIFICATE OF CANDIDACY, OR THE FILING**
10 **OF MANIFESTATION OF INTENTION TO**
11 **PARTICIPATE FOR PARTY-LIST CANDIDATES,**
12 **UNTIL THE START OF THE CAMPAIGN PERIOD, AS**
13 **SCHEDULED BY THE COMMISSION ON ELECTIONS.**
14 **FOR THIS PURPOSE, ANY PERSON WHO FILES A**
15 **CERTIFICATE OF CANDIDACY OR A PARTYLIST**
16 **WHICH FILED A MANIFESTATION OF INTENTION TO**
17 **PARTICIPATE, SHALL ALREADY BE CONSIDERED A**
18 **CANDIDATE, EVEN THOUGH THE CAMPAIGN**
19 **PERIOD FOR WHICH THE PERSON OR PARTYLIST**
20 **FILED A CERTIFICATE OF CANDIDACY, HAS NOT**
21 **YET STARTED.**

22 Xxx

23 **Section 3. Repealing Clause** – All laws, decrees, executive orders,
24 presidential issuances and other administrative rules and regulations or parts

1 thereof which are inconsistent with this Act are hereby repealed, amended, or
2 modified accordingly.

3 **Section 4. *Separability Clause.*** – If any provision of this Act is
4 declared unconstitutional or otherwise invalid, the validity of the other
5 provisions shall not be affected thereby.

6 **Section 5. *Effectivity*** - This Act shall take effect fifteen (15) days after
7 its publication in the Official Gazette or in a newspaper of general circulation.

APPROVED.