

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. **4911**



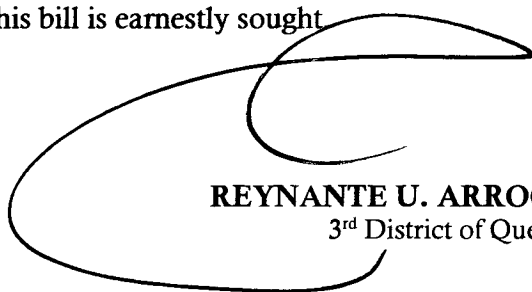
Introduced by Representative Reynante U. Arrogancia

EXPLANATORY NOTE

The right to suffrage is regarded as one of the cornerstones of democracy and enshrined in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights, and the 1987 Constitution. Hence, the integrity of the electoral process should be preserved including the candidates who file their certificate of candidacy with honest intent to serve and not be undermined by individuals who file their candidacies with intent mock and ridicule the process by causing confusion or for purely personal gain.

This bill seeks to amend Sections 69, 261 (cc) and 264 of *Batas Pambansa Blg. 881* on the definition of nuisance candidates, the provision for additional list of prohibited acts of candidates and the penalty prescribed for those found guilty of any election offense, respectively. The enactment of this bill is critical and necessary to protect the sanctity of the ballot and allow the genuine will of the people be the basis of the authority of the government. Hence, the will of the people can be best expressed through an honest election with candidates who have the genuine intent to serve.

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



REYNANTE U. ARROGANCIA
3rd District of Quezon

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AN ACT

PROVIDING AN ADDITIONAL GROUND FOR CANCELLING THE CERTIFICATE OF CANDIDACY OF A CANDIDATE AND MAKING THE ACTS OF A NUISANCE CANDIDATE AN ELECTION OFFENSE, AMENDING SECTIONS 69, 261 (CC) AND 264 OF BATAS PAMBANSA BLG. 881, AS AMENDED, OTHERWISE KNOWN AS THE "OMNIBUS ELECTION CODE OF THE PHILIPPINES"

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

SECTION 1. Declaration of Policy. – Section 69 of Batas Pambansa Blg. 881, as amended, is hereby further amended to read as follows:

“Section 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 is shown that said certificate has been filed **UNDER ANY OF THE FOLLOWING CIRCUMSTANCES**:

- 1) To put the election process in mockery or disrepute; or
- 2) To cause confusion among the voters by the similarity of the names of the registered candidates; or
- 3) **TO OBTAIN MONEY, PROFIT, OR ANY OTHER CONSIDERATION; OR**
- 4) **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. 2. Section 261 (cc) of Batas Pambansa Blg. 881 is hereby amended to read as follows:

“Section 26. Prohibited Acts. – The following shall be guilty of an election offense:

xxx

(cc) On candidacy and campaign:

27 1) xxx

28
29 xxx

30
31 **7) ANY PERSON WHO WAS FOUND BY THE COMMISSION, AFTER**
32 **DUE NOTICE AND HEARING, TO HAVE FILED A CERTIFICATE OF**
33 **CANDIDACY, UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:**

- 34
35 **A) TO PUT THE ELECTION PROCESS IN MOCKERY OR DISREPUTE;**
36 **B) TO MALICIOUSLY OR DELIBERATELY CAUSE CONFUSION**
37 **AMONG THE VOTERS BY SIMILARITY OF THE NAMES OF THE**
38 **REGISTERED CANDIDATES;**
39 **C) TO OBTAIN MONEY, PROFIT, OR ANY OTHER CONSIDERATION;**
40 **OR**
41 **D) BY ANY OTHER CIRCUMSTANCES OR ACTS WHICH CLEARLY**
42 **DEMONSTRATE THAT THE CANDIDATE HAS NO BONA FIDE**
43 **INTENTION TO RUN FOR THE OFFICE FOR WHICH THE**
44 **CERTIFICATE OF CANDIDACY HAS BEEN FILED AND THUS**
45 **PREVENT A FAITHFUL DETERMINATION OF THE TRUE WILL OF**
46 **THE ELECTORATE.”**
47

48 **SEC. 3.** Section 264 of Batas Pambansa Blg. 881, is hereby amended to read as follows:
49

50 “Section 264. Penalties. – Any person found guilty of any election offense
51 under this Code shall be punished with imprisonment of not less than one year but
52 not more than six years and shall not be subject to probation. In addition, the guilty
53 party shall be sentenced to suffer disqualification to hold public office and
54 deprivation of the right of suffrage. If [he] **THE OFFENDER** is a foreigner, [he]
55 **SAID INDIVIDUAL** shall be sentenced to deportation which shall be enforced
56 after the prison term has been served. Any political party found guilty shall be
57 sentenced to pay a fine of not less than ten thousand pesos, **(P10,000.00)** which
58 shall be imposed upon such party after criminal action has been instituted in which
59 their corresponding officials have been found guilty.
60

61 xxx

62
63 xxx

64
65 **ANY PERSON FOUND GUILTY OF THE ELECTION OFFENSE**
66 **ENUMERATED UNDER SECTION 261 (CC) (7) SHALL PAY A FINE OF**
67 **FIVE HUNDRED THOUSAND PESOS (PHP500,000) TO THE COMELEC.”**
68

69 **SEC. 4.** Within sixty (6) days from the effectivity of this Act, the Commission on Elections
70 shall promulgate the necessary rules and regulations for the effective implementation of
71 this Act.
72

73 **SEC. 5.** If any provision or part of this Act is declared unconstitutional or invalid, the
74 remaining parts of provisions not affected shall remain in full force and effect.

75 **SEC. 6.** All laws, presidential decrees, executive orders, rules and regulations, other
76 issuances and parts thereof which are inconsistent with the provisions of this Act are
77 hereby repealed or modified accordingly.
78

79 **SEC. 7.** This Act shall take effect fifteen (15) days after its publication in the *Official Gazette*
80 or in a newspaper of general circulation.
81

82 Approved,