

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL No. 7546

Introduced by REP. RAMIL L. 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 integrity of the democratic process rests upon the clarity of the ballot and the genuine intent of those who seek public office. However, a persistent and malicious practice continues to undermine our elections: the deployment of "nuisance candidates." These individuals often file certificates of candidacy with no bona fide intention to run, serving only to siphon votes away from legitimate contenders, frequently by using identical or similar-sounding names to cause deliberate voter confusion.

While current laws allow for the administrative disqualification of such candidates, they lack a strong criminal deterrent. This bill seeks to rectify this by **criminalizing the act of filing a nuisance candidacy**. Whether an individual acts of their own volition or at the behest of another, the act itself constitutes a deceptive subversion of the will of the electorate and must be met with corresponding penal sanctions.

Furthermore, this bill addresses a critical loophole: the **Principal by Inducement**. In many instances, the nuisance candidate is a "pawn" financially induced or coerced by a rival candidate to sabotage the race. Under the present legal framework, the orchestrators of these schemes often operate with impunity. This Act ensures that the "masterminds" are held just as accountable as the individuals they recruit.

This bill seeks to strengthen our electoral system by:

1. **Imposing Criminal Liability on Nuisance Candidates:** Establishing that the act of running as a nuisance candidate is an election offense punishable by imprisonment, providing a direct deterrent against those who seek to mock the electoral process.
2. **Defining and Penalizing the Principal by Inducement:** Identifying the person who commands, induces, or provides consideration for the filing of a nuisance

candidacy, and imposing the **maximum penalty and perpetual disqualification** upon them.

3. **Encouraging Accountability through Cooperation:** Providing a mechanism where induced candidates may disclose their principals. While this cooperation may provide a path for exempting the "pawn" from prosecution, it ensures the state can successfully prosecute the principal.
4. **Establishing Prima Facie Evidence:** Creating a legal presumption of intent to confuse when a candidate uses a name strikingly similar to an incumbent or a prominent candidate, thereby shifting the burden of proof to the respondent.

By penalizing both the nuisance candidate and the principal who induces them, this Act ensures that those who attempt to subvert the will of the people through deception, whether as the actor or the architect, are held fully accountable.

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

Approved,

RAMIL L. HERNANDEZ
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.

The act of inducing, commanding, or orchestrating the filing of a certificate of candidacy by a nuisance candidate is hereby declared a prohibited act. Any person found to be a Principal by Inducement, as defined in Section 4 of this Act, shall be held liable as a principal to the election offense. If said Principal is himself or herself a candidate for any public office, such act shall constitute a ground for their immediate disqualification, in addition to any criminal liability incurred.

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.
- e) **“Principal by Inducement”** refers to any person who, with the intent to cause voter confusion or undermine the electoral process, directly forces, creates a significant inducement, or provides a consideration to another person to file a certificate of candidacy as a nuisance candidate. This includes candidates who stand to benefit from the confusion caused by the nuisance candidate.

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, during the summary hearing, evidence is presented indicating that the nuisance candidate was induced by another person, the Commission shall immediately implead the alleged Principal by Inducement.
- d) 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.
- e) If the Principal by Inducement is a candidate for any public office, the Commission shall, upon a finding of probable cause, motu proprio initiate a disqualification case against said Principal. This case shall be consolidated with the nuisance candidate proceeding to ensure a swift and unified resolution.
- f) 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.
- g) 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.

- a) **Nuisance Candidates:** Any person found guilty of filing a certificate of candidacy as a nuisance candidate shall be guilty of an election offense and subject to the penalty provided in Section 264 of the Omnibus Election Code.
- b) **Principals by Inducement:** Any person found to be a Principal by Inducement, as defined in Section 4, shall suffer the maximum penalty provided under Section 264 of the Omnibus Election Code.
- c) **Administrative Penalty:** If the Principal by Inducement is a candidate, the final decision of the Commission declaring such person as a Principal by Inducement shall result in their perpetual disqualification from holding public office and the immediate cancellation of their certificate of candidacy.

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 the penalties provided for nuisance candidates under this Act, without prejudice to any criminal liability for perjury and other crimes under the Revised Penal Code and 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, within ninety (90) days from the effectivity of this Act, shall formulate and promulgate the necessary rules and regulations to implement the provisions of this Act.

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, and rules and regulations, or parts thereof in conflict 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,