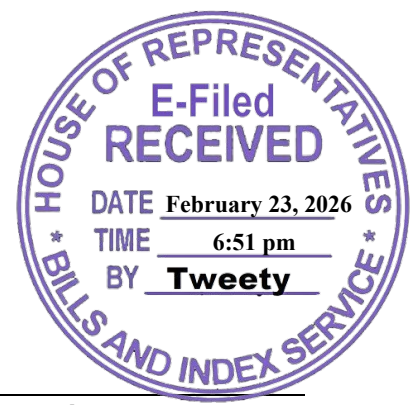


TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 8011

EXPLANATORY NOTE

Elections are crucial exercises of political freedom and might foretell the political climate in the years to come. With this in mind, it is essential that upcoming elections are clean, honest and truthful so that the leaders who stand to be proclaimed will be the genuine ones who are truly chosen by the people and their mandate acceptable to all with nobody doubting their authority to govern this nation.

That is possible only if we institute electoral reforms. Too many aspects need to be addressed. However, it is this bill's purpose to address the aspect of protest since this put into serious question the proclamation of the winning candidate.

First, fees for protest at present are exorbitant that we have to make them reasonable to enable the genuine protests to be affordable to the cheated candidates.

Second, let us make the proclaimed winner who is eventually ousted in the protest shoulder all costs as punishment for him.

Third, let us put a time limitation to the resolution of protests. Many unscrupulous victors defy the election code and resort to cheating because they know that protests take a long time before they are decided.

Fourth, deny the proclaimed candidate payment of benefits while the protest is heard.

Fifth, candidates found cheating to secure victory but are eventually ousted must be barred from running again or holding any government post as punishment.

Lastly, hold those involved in delaying resolution of protests criminally liable.

It is hoped that if enacted into law, the bill will make the prospective cheater and his supporters think twice before resorting to fraud just to insure his false victory. On the other hand, it will restore the confidence of the electorate in the electoral process as the stabilizing political solution to our political instability.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 8011

AN ACT
PROVIDING FOR THE EXPEDITIOUS RESOLUTION OF ELECTORAL PROTESTS

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

SECTION 1. Short Title. - This Act shall be known as the “Expeditious Resolution of Electoral Protests Act”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to ensure the fair, impartial and expeditious disposition of election protests to prevent the disenfranchisement of the electorate and guarantee that outcomes of electoral processes are reflective of the sovereign will of the people.

SEC. 3. Scope of this Act. - This Act shall apply to all elective positions in the national, local, and barangay levels.

SEC. 4. Filing Fees; Costs of Revisions and Recount; Revisor’s Fees; And Reimbursement of Costs and Fees. - All provisions of laws and rules and regulations to the contrary notwithstanding, the filing fees, costs of revision and recount, revisor’s fees, and other costs involved in electoral protests shall be governed by the following policies:

- (a) Filing Fees. - Filing fees shall be reasonable and cover only administrative costs for accepting and docketing the electoral protests.
- (b) Costs of Revision and Recount. – The costs of revision and recount shall be shouldered by the Presidential Electoral Tribunal (PET), the Senate Electoral Tribunal (SET), the House of Representatives Electoral Tribunal (HRET), the Commission on Elections (COMELEC) and the courts, as the case may be.
- (c) Revisor’s Fees. - Fees for revisors shall be borne solely by the protestant and protestee who retained their respective services.
- (d) Reimbursement of Costs and Fees. - Fees and other costs paid to the PET, the SET, the HRET, the COMELEC and the court, as the case may be, and the fees and costs paid to the revisors, shall be reimbursed by the protestee to the protestant when the election protest is sustained and the election of the protestee is nullified.

SEC. 5. Expeditious Resolution of Electoral Protests. - Notwithstanding any provision of law or rules and regulations to the contrary, all electoral protests involving different positions shall be resolved not later than the following periods:

- (a) For President, Vice-President, or Senator, within twenty-four (24) months following the proclamation and assumption into office of the official whose election is contested;

(b) For Member of the House of Representatives, within twelve (12) months following the proclamation and assumption into office of the representative whose election is contested;

(c) For regional, provincial, city and municipal positions, within twelve (12) months following the proclamation and assumption into office of the official whose election is contested; and

(d) For barangay positions, within six (6) months following the proclamation and assumption into office of the official whose election is contested.

SEC. 6. Resolution of Quo Warranto Cases. – Notwithstanding any provision of law or rules and regulations to the contrary, all quo warranto cases involving different positions shall be resolved not later than the following periods:

a) For President, Vice-President, or Senator, filed before the assumption into office of the official whose election is contested, within six (6) months from the said assumption, or if filed after such assumption, within six (6) months from the filing of the case;

b) For Member of the House of Representatives, filed before the assumption into office of the Representative whose election is contested, within six (6) months from the said assumption, or if filed after such assumption, within six (6) months from the filing of the case;

c) For regional, provincial, city and municipal positions, within six (6) months from the filing of the case; and

d) For barangay positions, within six (6) months from the filing of the case.

SEC. 7. Expeditious Resolution of Appealed Cases. – Any appealed decision on an election protest or quo warranto case shall be resolved by the COMELEC or the court exercising appellate jurisdiction, as the case may be, within three months upon the service of a notice of appeal.

A notice of appeal shall be served within three (3) days upon the filing of an appeal.

SEC. 8. Sanctions for the Violations of the Mandatory Periods – The following sanctions shall be imposed for failure to comply with the mandatory periods under Sections 5 and 6 of this Act:

(a) For the Members of the PET, the SET, and the HRET, withholding of all remunerations to which they may be entitled as such members pending resolution of the case beyond the mandatory period;

(b) (b) For the Chairman and Commissioners of the COMELEC, withholding of basic salaries pending resolution of the case beyond the mandatory period; and

(c) For Judges of Courts, withholding of basic salaries pending resolution of the case beyond the mandatory period.

In addition, the Supreme Court may impose such other sanctions on non-complying judges as it may deem warranted.

SEC. 9. Separability Clause. – If any portion or provision of this Act is declared unconstitutional, the remainder thereof or any provision not affected thereby shall remain in force and effect.

SEC. 10. Repealing Clause. - Section 22 of Republic Act No. 7166 entitled “An Act Providing For Synchronized National And Local Elections And For Electoral Reforms, Authorizing Appropriations Therefor, And For Other Purposes” and Section 24 of Republic Act No. 8046, entitled “An Act Authorizing The Commission On Elections To Conduct A Nationwide Demonstration Of A Computerized Election System And Pilot-Test It In The March 1996 Elections In The Autonomous Region In Muslim Mindanao (ARMM) And For Other Purposes” are hereby amended.

All other laws, acts, presidential decrees, executive orders, issuances, presidential proclamations, rules and regulations or parts thereof, which are contrary to and inconsistent with any provision of this Act, are hereby repealed, amended or modified accordingly.

SEC. 11. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,