

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

House Bill No. 10383



INTRODUCED BY **HONORABLE JANICE V. DEGAMO**

EXPLANATORY NOTE

Elections, as the cornerstone of the democratic process, serve as the fundamental mechanism through which citizens exercise their sovereignty and hold leaders accountable. It relies on the informed choices of the electorate, ensuring that government power derives solely from the genuine consent of the people. However the integrity and sanctity of the election process is often threatened by nuisance candidates.

Section 69 of the Omnibus Election Code defines Nuisance Candidate as an individual who files his or her certificate of candidacy (COC) to put the election process in mockery or disrepute or to cause confusion among voters by the similarity of the names of the registered candidates or by other circumstances or acts which clearly demonstrates that the candidate has no *bona fide* intention to run for the office for which the COC has been filed.

Notwithstanding this safeguard, nuisance candidates lacking *bona fide* intent persist in exploiting the electoral process by adopting names similar or substantially identical to those of registered officials and incumbents to cause voter confusion. Additionally, some political actors resort to coercion, threats, and inducement to secure the filing of nuisance candidates, thereby subverting the democratic process. Furthermore, bad faith actors leverage their own names or resources to monetize and abuse the system. Collectively, these practices distort election results, causes voter confusion, and undermine public confidence in the integrity of democratic institutions.

This bill aims to expand the definition of a nuisance candidate and penalize both the malicious filing itself and the individuals who coerce, threaten, or induce such actions. These measures are essential to uphold the people's right to suffrage and ensure the integrity of our democracy.

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


JANICE V. DEGAMO
Representative, 3rd District, Negros Oriental

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AN ACT
STRENGTHENING THE ELECTORAL PROCESS BY EXPANDING
THE CIRCUMSTANCES TO BE CONSIDERED A NUISANCE CANDIDATE
AND MAKING IT AN ELECTION OFFENSE, IMPOSING
ADMINISTRATIVE SANCTIONS AND CRIMINAL PENALTIES, AND FOR
OTHER PURPOSES

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

Section 1. 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 THESE CIRCUMSTANCES**:

1. To put the election process in mockery or disrepute; [øf]
2. To **DELIBERATELY** cause confusion among the voters by the use of **IDENTICAL OR SIMILAR NAMES OF REGISTERED CANDIDATES OR ESTABLISHED OR INCUMBENT PUBLIC OFFICIALS**;
3. **TO OBTAIN MONEY, PROFIT, OR ANY OTHER CONSIDERATION; OR**

4. **BY ANY** other circumstance 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 this prevent a faithful determination of the true will of the electorate.”

Section 2. A new Section 69-A is hereby inserted to read as follows:

“ SECTION 69-A. 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 OFFICALS SHALL GIVE RISE TO A PRESUMPTION OF INTENT TO CAUSE CONFUSION AMONG VOTERS.

Section 3. Section 261 (cc) of Batas Pambansa Blg. 881 is hereby amended to read as follows:

“Section 261. Prohibited Acts.- The following shall be guilty of an election offense:

(cc) On candidacy and campaign:

(1) xxx

(7) ANY PERSON WHO FILES A CERTIFICATE OF CANDIDACY, UNDER ANY OF THE FOLLOWING CIRCUMSTANCE:

- a) TO PUT THE ELECTION PROCESS IN MOCKERY OR DISREPUTE;**
- b) TO DELIBERATELY CAUSE CONFUSION AMONG THE VOTERS BY IDENTITY OR SIMILARITY OF THE NAMES OF THE REGISTERD CANDIDATES OR ESTABLISHED OR INCUMBENT PUBLIC OFFICIALS;**
- c) TO OBTAIN MONEY, PROFIT, OR ANY OTHER CONSIDERATION; OR**

d) 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;

(8) ANY PERSON WHO, WITH INTENT TO CAUSE VOTER CONFUSION OR UNDERMINE ELECTORAL PROCESS, DIRECTLY FORCES, THREATENS, 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.

(9) ANY PERSON WHO AIDED, FACILITATED OR ABETTED THE COMMISSION OF AN ELECTION OFFENSE UNDER THIS SUBPARAGRAPH.”

Section 4. - A new section 264-A of Batas Pambansa Blg. 881 is hereby inserted to read as follows:

“SEC. 264-A. ADMINISTRATIVE SANCTIONS. - IF, AFTER DUE NOTICE AND HEARING, THE COMMISSION FINDS THAT ANY PROVISION OF THIS CODE, RULES OR REGULATIONS, OR ANY OF THE COMMISSION’S ORDER HAS BEEN VIOLATED, THE COMMISSION MAY IMPOSE ANY OR ALL OF THE FOLLOWING SANCTIONS, TAKING INTO CONSIDERATION OF THE EXTENT OF PARTICIPATION,

NATURE, EFFECTS, FREQUENCY AND SERIOUSNESS OF THE VIOLATION:

- A. IMPOSITION OF A FINE RANGING FROM TEN THOUSAND PESOS (PHP 10,000.00) TO FIVE MILLION PESOS (PHP 5,000,000.00), AND NOT MORE THAN ONE THOUSAND PESOS (PHP1,000.00) FOR EACH DAY OF CONTINUING VIOLATION BUT IN NO CASE TO EXCEED FIVE MILLION PESOS (PHP5,000,000.00);**
- B. ISSUANCE OF A CEASE-AND-DESIST ORDER;OR**
- C. REVOCATION OF ACCREDITATION;**

Section 5. Section 264 of Batas Pambansa Blg. 881 is hereby amended to read as follows:

“ Sec. 264. Penalties. - Any person found guilty of any election offense under this Code shall be punished with imprisonment of not less than one year but not more than six years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold office and deprivation of the right to suffrage. If he is a foreigner, he shall be sentenced to deportation which shall be enforced after prison term has been served. Any political party found guilty shall be sentenced to pay a fine of not less than ten thousand pesos, which shall be imposed upon such party after criminal action has been instituted in which their corresponding officials have been found guilty.

xxx

ANY PERSON FOUND GUILTY OF THE ELECTION OFFENSES ENUMERATED UNDER SECTION 261 (CC) (7) SHALL PAY A FINE OF ONE HUNDRED THOUSAND (PHP100,000.00) PESOS TO THE COMELEC FOR THE FIRST OFFENSE; A FINE OF THREE HUNDRED THOUSAND (PHP 300,000.00) PESOS FOR THE SECOND OFFENSE; AND A FINE OF FIVE HUNDRED THOUSAND (PHP 500,000.00) PESOS FOR THE THIRD OFFENSE AND EACH SUBSEQUENT OFFENSE.”

ANY PERSON FOUND GUILTY OF THE ELECTION OFFENSES FALLING UNDER SECTION 261 (CC) (8), SHALL, ASIDE FROM THE PUNISHMENT PROVIDED FOR UNDER THE NEXT PRECEDING SECTION, BE PUNISHED WITH PERPETUAL DISQUALIFICATION FROM HOLDING PUBLIC OFFICE AND THE IMMEDIATE CANCELLATION OF THEIR CERTIFICATE OF CANDIDACY UPON THE FINAL DECISION OF THE COMMISSION THAT SUCH PERSON FORCED, THREATENED, INDUCED OR PROVIDED CONSIDERATION TO ANOTHER TO FILE A CERTIFICATE OF CANDIDACY AS A NUISANCE CANDIDATE.

Section 6. Implementing Rules and Regulations.- Within sixty (60) days after the effectivity of this Act, the Commission on Elections Shall promulgate the necessary rules and regulations for the effective implementation of this Act.

Section 7. Separability Clause.- If any part or provision of this Act is held invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

Section 8. Repealing Clause.- All laws, executive orders, presidential decrees or issuances, letters of instruction, administrative orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Section 13. Effectivity.- This Act shall take effect fifteen (15) days after its publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,