




22 AUG -8 AIO :16

NINETEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session]

RECEIVED BY: 

SENATE

S.B. No. 1061

Introduced by SEN. WIN GATCHALIAN

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

EXPLANATORY NOTE

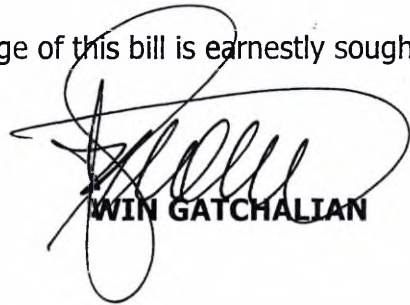
Undoubtedly, the Philippine electoral system is mired in colorful hues during election - the feverish appeal attracts candidates coming from different parties, several known personalities, some running as independents backed by supporters and others from some whimsical personal awakenings.

In a democratic society like ours, the 1987 Constitution guarantees equal access to opportunities for public service, and that public office is a public trust. However, in a resolution of the Supreme Court, it clarified the view that running for public office is a privilege, not a right. It is subject to the limitations imposed by law and must take into account practical considerations. Although the Commission on Elections is mandated by law to receive these certificates of candidacies as its ministerial duty, the onslaught of

candidates who do not intend nor has the logistical capacity to launch a viable campaign unnecessarily engender additional financial burden to COMELEC for increased allocation of time and resources, and much more, since the new automated system would require printing of additional ballots to accommodate the greater number of candidates.

Accordingly, this bill seeks to curb the emerging unethical electoral practice of some individuals profiting from the elections by using their names or resources with the end goal of abusing the system, thus, debasing our constitutionally-guaranteed right to suffrage and free elections. Such practice must stop, and identifying and penalizing these acts are the right first steps in protecting our democracy.

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



IRWIN GATCHALIAN



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AMENDING SECTIONS 69, 261 (CC) AND 264 OF BATAS PAMBANSA BLG.
881, OTHERWISE KNOWN AS THE "OMNIBUS ELECTION CODE OF THE
PHILIPPINES," AS AMENDED, AND FOR OTHER PURPOSES**

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

1 SECTION. 1. Section 69 of Batas Pambansa Big. 881, as amended, is hereby
2 further amended to read as follows:

3 "Section 69. Nuisance Candidates. - The Commission may, motu
4 proprio or upon a verified petition of an interested party, **AFTER DUE**
5 **NOTICE AND HEARING**, refuse to give due course to or cancel a
6 certificate of candidacy, if it is shown that said certificate has been filed
7 **UNDER ANY OF THESE CIRCUMSTANCES:**

- 8 1. To put the election process in mockery or disrepute; [øf]
- 9 2. To cause confusion among the voters by the similarity of the
10 names of the registered candidates; [øf]
- 11 3. **TO OBTAIN MONEY, PROFIT, OR ANY OTHER**
12 **CONSIDERATION; OR**

1 4. **By ANY** other circumstance or acts which clearly
2 demonstrate that the candidate has no bona fide intention to run for
3 the office for which the certificate of candidacy has been filed and thus
4 prevent a faithful determination of the true will of the electorate."
5

6 SEC. 2. Section 261 (cc) of Batas Pambansa Big. 881 is hereby amended to
7 read as follows:

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

10 (cc) On candidacy and campaign:

11 1) xxx

12 7) **ANY PERSON WHO WAS FOUND BY THE**
13 **COMMISSION, AFTER DUE NOTICE AND**
14 **HEARING, TO HAVE FILED A CERTIFICATE OF**
15 **CANDIDACY, UNDER ANY OF THE FOLLOWING**
16 **CIRCUMSTANCE:**

17 **A) TO PUT THE ELECTION PROCESS**
18 **IN MOCKERY OR DISREPUTE;**

19 **B) TO CAUSE CONFUSION AMONG**
20 **THE VOTERS BY SIMILARITY OF THE**
21 **NAMES OF THE REGISTERED**
22 **CANDIDATES;**

23 **C) TO OBTAIN MONEY, PROFIT, OR**
24 **ANY OTHER CONSIDERATION; OR**

25 **D) BY ANY OTHER CIRCUMSTANCES**
26 **OR ACTS WHICH CLEARLY**
27 **DEMONSTRATE THAT THE**
28 **CANDIDATE HAS NO BONA FIDE**
29 **INTENTION TO RUN FOR THE OFFICE**
30 **FOR WHICH THE CERTIFICATE OF**
31 **CANDIDACY HAS BEEN FILED AND**
32 **THUS PREVENT A FAITHFUL**

1 **DETERMINATION OF THE TRUE WILL**
2 **OF THE ELECTORATE."**

3
4 SEC. 3. Section 264 of Bates Pambansa Big. 881, is hereby amended to read
5 as follows:

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

17 In case of prisoner or prisoners illegally released from any
18 penitentiary or jail during the prohibited period as provided in Section
19 261, paragraph (n) of this Code, the director of prisons, provincial
20 warden, keeper of the jail or prison, or persons who are required by law
21 to keep said prisoner in their custody shall, if convicted by a competent
22 court, be sentenced to suffer the penalty of prision mayor in its
23 maximum period if the prisoner or prisoners so illegally released commit
24 any act of intimidation, terrorism of interference in the election.

25 xxx

26 **ANY PERSON FOUND GUILTY OF THE ELECTION**
27 **OFFENSE ENUMERATED UNDER SECTION 261 (CC) (7) SHALL**
28 **PAY A FINE OF FIFTY THOUSAND (P 50,000.00) PESOS TO THE**
29 **COMELEC."**

1 SEC. 3. *Implementing Rules and Regulations.* - Within sixty (60) days after
2 the effectivity of this Act, the Commission on Elections shall promulgate the
3 necessary rules and regulations for the effective implementation of this Act.

4
5 SEC. 4. *Separability Clause.* - Should any provision of this Act or part hereof
6 be declared unconstitutional or invalid, the other provisions or parts not affected
7 shall remain valid and effective.

8
9 SEC. 5. *Repealing Clause.* - All laws, decrees, orders and issuances, or
10 portions thereof, which are inconsistent with the provisions of this Act, are hereby
11 repealed, amended, or modified accordingly.

12
13 SEC. 6. *Effectivity.* - This Act shall take effect fifteen (15) days after its
14 publication in the Official Gazette or at least two (2) newspapers of general
15 circulation in the Philippines.

Approved,