



25 NOV 12 P5 :45

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

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RECEIVED BY: _____

SENATE

S.B. No. 1519

Introduced by SEN. WIN GATCHALIAN

**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**

EXPLANATORY NOTE

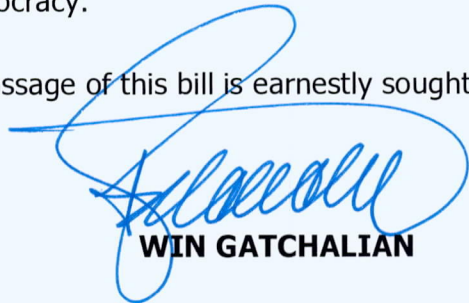
Undoubtedly, the Philippine electoral system is mired in colorful hues during election – the feverish appeal attracts candidates coming from different parties, several known personalities, some running as independents backed by supporters, and others from some whimsical personal awakenings.

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.

While the Commission on Elections (COMELEC) is legally mandated to receive all certificates of candidates, regardless of merit, the proliferation of candidates lacking both the intention and the logistical capacity to conduct a viable campaign presents several challenges. This influx of candidates imposes an unnecessary financial burden on COMELEC, requiring increased allocation of time, personnel and other resources. Furthermore, the transition to an automated election system exacerbates this issue, as the increased number of candidates directly correlates with a substantial rise in ballot printing costs.

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.



WIN GATCHALIAN



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*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 **DELIBERATELY** cause confusion among the voters by the
10 similarity of the names of the registered candidates; [øf]

11 3. **TO OBTAIN MONEY, PROFIT, OR ANY OTHER**
12 **CONSIDERATION; OR**

13 4. **By ANY** other circumstance or acts which clearly
14 demonstrate that the candidate has no bona fide intention to run for

1 the office for which the certificate of candidacy has been filed and thus
2 prevent a faithful determination of the true will of the electorate."
3

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

6 "Section 261. Prohibited Acts. – The following shall be guilty of
7 an election offense:

8 (cc) On candidacy and campaign:

9 1) xxx

10 7) **ANY PERSON WHO FILED A CERTIFICATE OF**
11 **CANDIDACY, UNDER ANY OF THE FOLLOWING**
12 **CIRCUMSTANCE:**

13 **A) TO PUT THE ELECTION PROCESS IN**
14 **MOCKERY OR DISREPUTE;**

15 **B) TO DELIBERATELY CAUSE CONFUSION**
16 **AMONG THE VOTERS BY SIMILARITY OF THE**
17 **NAMES OF THE REGISTERED CANDIDATES;**

18 **C) TO OBTAIN MONEY, PROFIT, OR ANY**
19 **OTHER CONSIDERATION; OR**

20 **D) BY ANY OTHER CIRCUMSTANCES OR ACTS**
21 **WHICH CLEARLY DEMONSTRATE THAT THE**
22 **CANDIDATE HAS NO BONA FIDE INTENTION**
23 **TO RUN FOR THE OFFICE FOR WHICH THE**
24 **CERTIFICATE OF CANDIDACY HAS BEEN**
25 **FILED AND THUS PREVENT A FAITHFUL**
26 **DETERMINATION OF THE TRUE WILL OF THE**
27 **ELECTORATE;**

28 **8) ANY PERSON WHO AIDED, FACILITATED OR**
29 **ABETTED THE COMMISSION OF AN ELECTION**
30 **OFFENSE UNDER THIS SUBPARAGRAPH."**
31

1 SEC. 3. A new Section 264-A of Batas Pambansa Big. 881 is hereby inserted
2 to read as follows:

3 **"Sec. 264-A. ADMINISTRATIVE SANCTIONS. – IF, AFTER**
4 **DUE NOTICE AND HEARING, THE COMMISSION FINDS THAT**
5 **ANY PROVISION OF THIS CODE, RULES OR REGULATIONS, OR**
6 **ANY OF THE COMMISSION’S ORDERS HAS BEEN VIOLATED,**
7 **THE COMMISSION MAY IMPOSE ANY OR ALL OF THE**
8 **FOLLOWING SANCTIONS, TAKING INTO CONSIDERATION THE**
9 **EXTENT OF PARTICIPATION, NATURE, EFFECTS, FREQUENCY**
10 **AND SERIOUSNESS OF THE VIOLATION:**

11 **(A) IMPOSITION OF A FINE RANGING FROM TEN**
12 **THOUSAND PESOS (PHP 10,000.00) TO ONE MILLION**
13 **PESOS (PHP 1,000,000.00), AND NOT MORE THAN**
14 **ONE THOUSAND PESOS (PHP 1,000.00) FOR EACH**
15 **DAY OF CONTINUING VIOLATION BUT IN NO CASE TO**
16 **EXCEED ONE MILLION PESOS (PHP 1,000,000.00);**

17 **(B) ISSUANCE OF A CEASE-AND-DESIST ORDER; OR**

18 **(C) REVOCATION OF ACCREDITATION.**

19
20 SEC. 4. Section 264 of Batas Pambansa Big. 881 is hereby amended to read
21 as follows:

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

1 X X X

2 **ANY PERSON FOUND GUILTY OF THE ELECTION**
3 **OFFENSE ENUMERATED UNDER SECTION 261 (CC) (7) SHALL**
4 **PAY A FINE OF ONE HUNDRED THOUSAND (PHP 100,000.00)**
5 **PESOS TO THE COMELEC FOR THE FIRST OFFENSE; A FINE OF**
6 **THREE HUNDRED THOUSAND (PHP 300,000.00) FOR THE**
7 **SECOND OFFENSE; AND A FINE OF FIVE HUNDRED THOUSAND**
8 **(PHP 500,000.00) FOR THE THIRD OFFENSE AND EACH**
9 **SUBSEQUENT OFFENSE."**

10
11 SEC. 5. *Implementing Rules and Regulations.* – Within sixty (60) days after
12 the effectivity of this Act, the Commission on Elections shall promulgate the
13 necessary rules and regulations for the effective implementation of this Act.

14
15 SEC. 6. *Separability Clause.* – Should any provision of this Act or part hereof
16 be declared unconstitutional or invalid, the other provisions or parts not affected
17 shall remain valid and effective.

18
19 SEC. 7. *Repealing Clause.* – All laws, decrees, orders and issuances, or
20 portions thereof, which are inconsistent with the provisions of this Act, are hereby
21 repealed, amended, or modified accordingly.

22
23 SEC. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after its
24 publication in the Official Gazette or at least two (2) newspapers of general
25 circulation in the Philippines.

Approved,