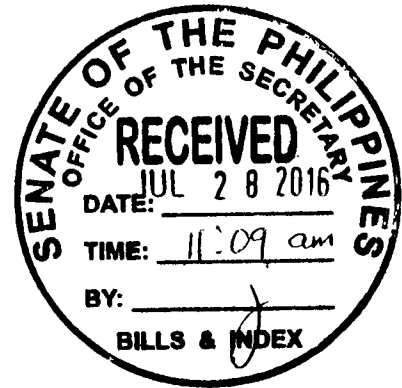


SEVENTEENTH CONGRESS OF THE ]  
REPUBLIC OF THE PHILIPPINES ]  
*First Regular Session* ]



SENATE

S.B. No. 911

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Introduced by SEN. WIN GATCHALIAN

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AN ACT  
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

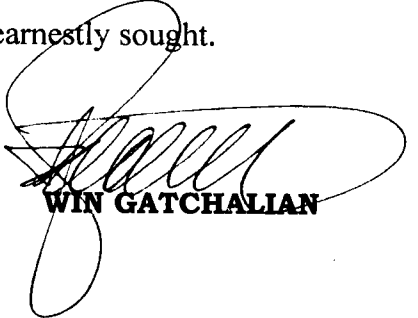
**EXPLANATORY NOTE**

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. 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 the cash-strapped 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.

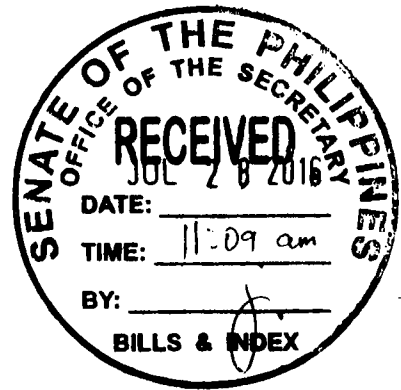
Hence, this bill further institutionalizes other grounds to determine what nuisance candidates are. And, further classifying these acts as an election offense, providing for the imposition of fine as a commensurate penalty.

In view of the foregoing, the earnest 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  
2 hereby further amended to read as follows:

3

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

9

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

1           4. By ANY other circumstance or acts which clearly  
2           demonstrate that the candidate has no bona fide intention  
3           to run for the office for which the certificate of candidacy  
4           has been filed and thus prevent a faithful determination of  
5           the true will of the electorate."  
6

7           Sec. 2. Section 261 (cc) of Batas Pambansa Blg. 881 is hereby amended  
8 to read as follows:  
9

10           "Section 261. *Prohibited Acts.* - The following shall be guilty  
11 of an election offense:  
12

13           (cc) On candidacy and campaign:  
14

15           1) Any political party which holds political conventions or  
16 meetings to nominate its official candidates earlier than the period  
17 fixed in this Code.  
18

19           2) xxx  
20

21           3) xxx  
22

23           4) xxx  
24

25           5) xxx  
26

27           6) xxx  
28

29           **7) ANY PERSON WHO WAS FOUND BY THE**  
30 **COMMISSION, AFTER DUE NOTICE AND HEARING, TO HAVE**  
31 **FILED A CERTIFICATE OF CANDIDACY, UNDER ANY OF THE**  
32 **FOLLOWING CIRCUMSTANCE:**

1  
2                   **A) TO PUT THE ELECTION PROCESS IN MOCKERY**  
3                   **OR DISREPUTE;**

4                   **B) TO CAUSE CONFUSION AMONG THE VOTERS**  
5                   **BY SIMILARITY OF THE NAMES OF THE REGISTERED**  
6                   **CANDIDATES;**

7                   **C) TO OBTAIN MONEY, PROFIT, OR ANY OTHER**  
8                   **CONSIDERATION; OR**

9                   **D) BY ANY OTHER CIRCUMSTANCES OR ACTS**  
10                   **WHICH CLEARLY DEMONSTRATE THAT THE CANDIDATE**  
11                   **HAS NO BONA FIDE INTENTION TO RUN FOR THE OFFICE**  
12                   **FOR WHICH THE CERTIFICATE OF CANDIDACY HAS BEEN**  
13                   **FILED AND THUS PREVENT A FAITHFUL DETERMINATION**  
14                   **OF THE TRUE WILL OF THE ELECTORATE.**

15  
16           SEC. 3. Section 264 of Batas Pambansa Blg. 881, is hereby amended  
17 read as follows:

18  
19           "Sec. 264. *Penalties.* - Any person found guilty of any  
20 election offense under this Code shall be punished with  
21 imprisonment of not less than one year but not more than six  
22 years and shall not be subject to probation. In addition, the guilty party shall  
23 be sentenced to suffer disqualification to hold public office and deprivation  
24 of the right of suffrage. If he is a foreigner, he shall be sentenced to  
25 deportation which shall be enforced after the prison term has been served.  
26 Any political party found guilty shall be sentenced to pay a fine of  
27 not less than ten thousand pesos, which shall be imposed  
28 upon such party after criminal action has been instituted in  
29 which their corresponding officials have been found guilty.

30  
31           In case of prisoner or prisoners illegally released from  
32 any penitentiary or jail during the prohibited period as  
33 provided in Section 261, paragraph (n) of this Code, the,

1 director of prisons, provincial warden, keeper of the jail or  
2 prison, or persons who are required by law to keep said  
3 prisoner in their custody shall, if convicted by a competent  
4 court, be sentenced to suffer the penalty of prison mayor in  
5 its maximum period if the prisoner or prisoners so illegally  
6 released commit any act of intimidation, terrorism of  
7 interference in the election.

8  
9 x x x

10 ANY PERSON FOUND GUILTY OF THE ELECTION,  
11 OFFENSE ENUMERATED UNDER SECTION 261 (CC) (7) SHALL  
12 PAY A FINE OF FIFTY THOUSAND (P50,000.00) PESOS TO THE  
13 COMELEC."

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

17  
18 SEC. 4. *Separability Clause.* - Should any provision of this Act or part hereof be  
19 declared unconstitutional or invalid, the other provisions or parts not affected shall remain  
20 valid and effective.

21  
22 SEC. 5. *Repealing Clause.* - All laws, decrees, orders and issuances, or portions  
23 thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended,  
24 or modified accordingly.

25  
26 SEC. 6. *Effectivity.* - This Act shall take effect fifteen (15) days after  
27 its publication in the *Official Gazette* or at least two (2) newspapers of general circulation.

Approved,