

**SENATE**

'19 JUL 24 A11 :34

**S. B. No.** 726

RECEIVED BY: 

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Introduced by SEN. SHERWIN T. 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**

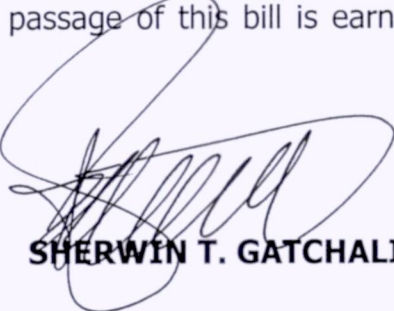
**EXPLANATORY NOTE**

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

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

A handwritten signature in black ink, appearing to read 'Sherwin T. Gatchalian', is written over a large, loopy scribble.

**SHERWIN T. 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**

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

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

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

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

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

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

13                 (cc) On candidacy and campaign:

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

17                 2) xxx

18                 3) xxx

19                 4) xxx

20                 5) xxx

21                 6) xxx

22                 7) **ANY PERSON WHO WAS FOUND BY THE**  
23                 **COMMISSION, AFTER DUE NOTICE AND HEARING, TO**  
24                 **HAVE FILED A CERTIFICATE OF CANDIDACY, UNDER**  
25                 **ANY OF THE FOLLOWING CIRCUMSTANCE:**

26  
27                         **A) TO PUT THE ELECTION PROCESS IN**  
28                         **MOCKERY OR DISREPUTE;**

29                         **B) TO CAUSE CONFUSION AMONG THE**  
30                         **VOTERS BY SIMILARITY OF THE NAMES OF THE**  
31                         **REGISTERED CANDIDATES;**

32                         **C) TO OBTAIN MONEY, PROFIT, OR ANY**



1                   **OTHER CONSIDERATION; OR**

2                   **D) BY ANY OTHER CIRCUMSTANCES OR**  
3                   **ACTS WHICH CLEARLY DEMONSTRATE THAT THE**  
4                   **CANDIDATE HAS NO BONA FIDE INTENTION TO**  
5                   **RUN FOR THE OFFICE FOR WHICH THE**  
6                   **CERTIFICATE OF CANDIDACY HAS BEEN FILED**  
7                   **AND THUS PREVENT A FAITHFUL DETERMINATION**  
8                   **OF THE TRUE WILL OF THE ELECTORATE.**

9                   SEC. 3. Section 264 of Batas Pambansa Blg. 881, is hereby amended  
10                  read as follows:

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

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

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

SEC. 3. ***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.

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

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

SEC. 6. ***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,