



HOUSE OF REPRESENTATIVES

H. No. 9557

REPRESENTATIVES SARMIENTO, VIOLAGO, VERGARA, CASTELO, FERRER (J.M.) AND OLIVAREZ, PER
COMMITTEE REPORT NO. 1036

AN ACT

PROVIDING AN EFFICIENT PROCEDURE FOR DECLARING A NUISANCE CANDIDATE AND IMPOSING STIFFER PENALTIES ON THE NUISANCE CANDIDATE AND ANY PERSON WHO HAS CAUSED THE FILING OF A NUISANCE CANDIDATE'S CERTIFICATE OF CANDIDACY, AMENDING FOR THE PURPOSE SECTION 69 OF BATAS PAMBANSA BILANG 881, AS AMENDED, ALSO KNOWN AS "THE OMNIBUS ELECTION CODE OF THE PHILIPPINES"

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

1 SECTION 1. Section 69 of the Omnibus Election Code is hereby amended to
2 read as follows:

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“Sec. 69. Nuisance candidates. – The Commission may *motu proprio* or upon a verified petition of an interested party refuse to give due course to or cancel a certificate of candidacy if it is shown that said certificate has been filed to put the election process in mockery or disrepute or to cause confusion among the voters by the similarity of the names of the registered candidates or by 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.

**AS USED IN THIS ACT, AN INTERESTED PARTY REFERS TO
A REGISTERED CANDIDATE FOR THE SAME OFFICE AS THAT OF**

1 THE NUISANCE CANDIDATE OR THE FORMER'S DULY
2 AUTHORIZED REPRESENTATIVE.

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4 THE VERIFIED PETITION TO DECLARE A DULY REGISTERED
5 CANDIDATE AS A NUISANCE CANDIDATE SHALL BE FILED WITH
6 THE COMMISSION WITHIN FIVE (5) DAYS FROM THE LAST DAY OF
7 THE FILING OF CERTIFICATES OF CANDIDACY. FILING BY MAIL
8 SHALL NOT BE ALLOWED.

9 WITHIN THREE (3) DAYS FROM THE FILING OF THE
10 PETITION, THE COMMISSION SHALL ISSUE SUMMONS TO THE
11 RESPONDENT CANDIDATE AND THE PERSON OR PERSONS
12 ALLEGED TO HAVE CAUSED THE FILING OF THE CERTIFICATE
13 OF CANDIDACY, AND SHALL FURNISH THEM WITH A COPY OF THE
14 PETITION AND ITS ENCLOSURES, IF ANY.

15 THE RESPONDENT CANDIDATE AND THE PERSON OR
16 PERSONS ALLEGED TO HAVE CAUSED THE FILING OF THE
17 CERTIFICATE OF CANDIDACY SHALL BE GIVEN THREE (3) DAYS
18 FROM RECEIPT OF THE SUMMONS WITHIN WHICH TO FILE A
19 VERIFIED ANSWER TO THE PETITION, SERVING A COPY
20 THEREOF TO THE PETITIONER. NO MOTION TO DISMISS SHALL
21 BE ALLOWED BUT THE GROUNDS FOR A MOTION TO DISMISS
22 MAY BE RAISED AS AFFIRMATIVE DEFENSES IN THE ANSWER.

23 THE COMMISSION MAY DESIGNATE ANY OF ITS OFFICIALS
24 WHO IS A LAWYER TO HEAR THE CASE AND RECEIVE PIECES OF
25 EVIDENCE TO DETERMINE THE EXISTENCE OF MALICE AND BAD
26 FAITH IN THE FILING OF THE CERTIFICATE OF CANDIDACY IN
27 QUESTION.

28 THE PROCEEDINGS SHALL BE SUMMARY IN NATURE. IN
29 LIEU OF ORAL TESTIMONIES, THE PARTIES MAY BE REQUIRED
30 TO SUBMIT POSITION PAPERS, AFFIDAVITS OR COUNTER-
31 AFFIDAVITS, AND OTHER DOCUMENTARY EVIDENCE. THE
32 HEARING OFFICER SHALL IMMEDIATELY SUBMIT TO THE
33 COMMISSION THE FINDINGS, REPORTS, AND
34 RECOMMENDATIONS WITHIN FIVE (5) DAYS FROM THE
35 COMPLETION OF SUCH A SUBMISSION OF DOCUMENTARY
36 EVIDENCE. THE COMMISSION SHALL RENDER ITS DECISION
37 WITHIN FIVE (5) DAYS FROM RECEIPT THEREOF. THE DECISION,
38 ORDER, OR RULING OF THE COMMISSION SHALL, AFTER FIVE (5)
39 DAYS FROM RECEIPT OF A COPY THEREOF BY THE PARTIES, BE
40 FINAL AND EXECUTORY UNLESS STAYED BY THE SUPREME
41 COURT.

42 THE COMMISSION SHALL WITHIN TWENTY-FOUR (24)
43 HOURS, THROUGH THE FASTEST AVAILABLE MEANS,

1 **DISSEMINATE ITS DECISION OR THE DECISION OF THE SUPREME**
2 **COURT TO THE CITY OR MUNICIPAL ELECTION REGISTRARS,**
3 **BOARDS OF ELECTION INSPECTORS AND THE GENERAL PUBLIC**
4 **IN THE POLITICAL SUBDIVISION CONCERNED.**

5 **THE COMMISSION SHALL IMPOSE A FINE OF NOT LESS THAN**
6 **ONE HUNDRED THOUSAND PESOS (P100,000.00) ON A NUISANCE**
7 **CANDIDATE AND ANY PERSON NAMED IN THE VERIFIED**
8 **PETITION AND FOUND TO HAVE CONSPIRED WITH OR INDUCED**
9 **THE CANDIDATE TO FILE SUCH A CERTIFICATE.**

10 **ANY PERSON DECLARED AS A NUISANCE CANDIDATE BY**
11 **FINAL AND EXECUTORY JUDGMENT, WHO CONTINUES TO**
12 **MISREPRESENT OR HOLD ONESELF OUT AS A CANDIDATE BY**
13 **CONTINUING TO CAMPAIGN THEREAFTER, OR ANY PUBLIC**
14 **OFFICER OR PRIVATE INDIVIDUAL WHO KNOWINGLY INDUCES**
15 **OR ABETS SUCH A MISREPRESENTATION, SHALL BE LIABLE FOR**
16 **AN ELECTION OFFENSE AND BE SUBJECT TO THE PENALTY**
17 **PROVIDED FOR IN SECTION 264 OF THIS CODE.**

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19 SEC. 2. Within sixty (60) days from the effectivity of this Act, the Commission
20 shall promulgate the implementing rules and regulations particularly on the
21 imposition of fines upon a nuisance candidate and any person who caused
22 the filing of the certificate of candidacy.

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24 SEC. 3. If any portion or provision of this Act is declared unconstitutional, the
25 remainder of this Act or any provision not affected thereby shall remain in
26 force and effect.

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28 SEC. 4. Section 5 on procedure in cases of nuisance candidate of Republic
29 Act No. 6646, otherwise known as "*The Electoral Reforms Law of 1987*" is
30 hereby repealed while Section 27 on election offenses of the same Act is hereby
31 amended.

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33 All laws, acts, presidential decrees, executive orders, issuances,
34 presidential proclamations, rules and regulations or parts thereof, which are
35 contrary to and inconsistent with this Act, are hereby repealed, amended or
36 modified accordingly.

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38 SEC. 5. This Act shall take effect fifteen (15) days after its publication in the
39 *Official Gazette* or in a newspaper of general circulation.

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42 *Approved,*