STATE SECRETARY

THIRTEENTH CONGRESS OF THE RESPUBLIC)
OF THE PHILIPPINES
)
First Regular Session
)

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Republic Act No. 7166 (The 1991 Synchronized Election Law) contains sections designed to compel publicity with respect to electoral contributions and expenses.

This bill seeks to address two important areas concerning election related expenses:

First, it proposes to designate the particular Commission on Elections (COMELEC) office where the statements of expenditures and contributions in connection with the election are to be filed.

Second, it seeks to correct the flaw in the existing law. At present, the provisions decriminalize only the failure to declare election expenses. Failure to file statements of election contributions by the contributor required under Sections 98 and 99 of the Omnibus Election Code is still classified as an election offense.

This bill also proposes that all violations of the provisions concerning electoral contributions and expenditures be penalized administratively.

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SENATE S. B. No. <u>152</u>7 The second of th

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## AN ACT AMENDING SECTION 14 OF REPUBLIC ACT NO. 7166 ALSO KNOWN AS THE "SYNCHRONIZED ELECTION LAW OF 1991" AND PROVIDING ADMINISTRATIVE SANCTIONS THEREFOR

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

SECTION 1. SECTION 14 OF R.A. 7166, is hereby amended to read as follows:

SEC. 14. Statement of Contributions and Expenditures. – Every candidate [and treasurer of the political party] shall, within thirty (30) days after the day of the election, file DURING REGULAR OFFICE HOURS in duplicate, PERSONALLY OR THROUGH HIS AUTHORIZED REPRESENTATIVE with the SAME office[s] of the Commission WHERE HE FILED HIS CERTIFICATE OF CANDIDACY, the full, true, and itemized statement of all contributions and expenditures in connection with the election.

THE STATEMENTS OF CONTRIBUTIONS AND EXPENDITURES OF TREASURERS OF POLITICAL PARTIES SHALL BE FILED PERSONALLY OR BY THEIR DULY AUTHORIZED REPRESENTATIVES WITH THE LAW DEPARTMENT OF THE COMMISSION IN MANILA.

THE REGIONAL ELECTION DIRECTOR, PROVINCIAL ELECTION SUPERVISOR, AND ELECTION OFFICER SHALL KEEP DUPLICATE COPIES OF ALL THE STATEMENTS

FILED IN THEIR RESPECTIVE OFFICES, AND WITHIN TEN (10) DAYS AFTER THE LAST DAY FOR FILING OF THE STATEMENTS, SEND THE ORIGINAL COPIES THEREOF TO DEPARTMENT LAW OF THE COMMISSION. THEREAFTER, THE COMMISSION SHALL PUBLISH IN TWO (2) NEWSPAPERS OF GENERAL CIRCULATION, A LIST OF ALL THE WINNING CANDIDATES **POLITICAL PARTIES SHOWING** THE TOTAL CONTRIBUTIONS AND EXPENDITURES IN FIGURES.

No person elected to any public office shall enter upon the duties of his office until he has filed the statement of contributions and expenditures herein required.

The same prohibition shall apply if the political party which nominated the winning candidate fails to file the statements required herein within the period prescribed by this Act.

[Except candidates for the elective barangay office,] [f] Failure OF ANY WINNING OR LOSING CANDIDATE OR POLITICAL PARTY to file the statements or reports in connection with electoral contributions and expenditures as required herein AND FAILURE TO POST A BOND, THE AMOUNT OF WHICH SHALL BE DETERMINED BY THE COMMISSION, AT THE TIME OF FILING THE CERTIFICATE OF CANDIDACY shall constitute an administrative offense for which the offenders shall be liable to pay an administrative fine ranging from [One thousand pesos (P1,000.00) to] Thirty thousand pesos (P 30,000.00) TO ONE HUNDRED HUNDRED THOUSAND PESOS (P 100,00.00), at the discretion of the Commission.

The fine shall be paid within thirty (3) days from receipt of notice of

such failure, otherwise, it shall be enforced by a writ of execution issued

by the Commission against the properties of the offender.

SECTION 2. Separability Clause. - If any provision or part hereof is held invalid

or unconstitutional, the remainder of the law or the provision not otherwise affected shall

remain valid and subsisting.

SECTION 3. Repealing Clause. - Any law, presidential decree or issuance,

executive order, letter of instruction, administrative order, rule or regulation contrary to

or inconsistent with, the provision of this Act is hereby repealed, modified, or amended

accordingly.

SECTION 4. Effectivity Clause. - This Act shall take effect fifteen (15) days after

its publication in at least two (2) newspapers of general circulation.

Approved.

FN: 799