

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

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SENATE
S.B. No. **1689**

RECEIVED BY: *pu*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The 1948 Universal Declaration of Human Rights, Article 21, lays down the basic premises for election rights, recognizing that the conduct of free and fair elections is an integral element of an established democracy.

The Philippines is a democratic and republican State (Constitution, Article 2, Section 1). Its policy is to promote conditions conducive to the conduct of free and fair elections and a climate of democratic tolerance that maintains and develops public confidence in the democratic process as a mechanism for implementing representative government and effecting peaceful change.

Unfortunately, our political process is marred by massive fraud and cheating. Through money and influence, parties and candidates in competition for political power always bend every rule, resort to unlawful means, and seek every advantage in the pursuit of the vote.

Schemes of this sort must be condemned for they constitute immoral acts which are harmful to the democratic process.

Hence, this bill seeks to establish a code of conduct and ethical standards for the political process, to be adhered to by political parties, candidates, political members, sympathizers, voters, election officials, and media practitioners.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO *agb*

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AN ACT
ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR THE
ELECTORAL PROCESS, ENUMERATING PROHIBITED ACTS, AND PROVIDING FOR
THEIR PENALTIES

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

SECTION 1. *Short Title.* – This Act shall be known as the “Code of Conduct for Elections.”

SECTION 2. *Declaration of Policies.* – It is the policy of the State to promote conditions conducive to the conduct of free and fair elections and a climate of democratic tolerance in which political activity may take place without fear of coercion, intimidation, or reprisals.

SECTION 3. *Norms of conduct of political parties, party members, candidates, and their sympathizers.* – Every political party, party member, candidate, and sympathizer shall observe the following:

(1) Existing election laws must be complied with by all registered political parties and candidates. All registered political parties and candidates must actively encourage their members and sympathizers to comply with the provisions of existing election laws and must discipline and restrain them from committing any violations thereof;

(2) All registered political parties, political party members, candidates, and sympathizers shall commit themselves to –

(A) promote free and fair elections;

(B) publicly condemn violence and intimidation;

(C) reject any form of discrimination based on gender, ethnicity, class, or religion in connection with the elections and political party activity; and

(D) promote accurate information on the electoral processes for these elections;

(3) All registered political parties and candidates must promote an atmosphere in which elections can be conducted in a manner that is fair, both during the campaign period and on polling day. They must cooperate with election officials to ensure peaceful and orderly polling and complete freedom for the voters to exercise their franchise without being subject to any annoyance, disturbance, or intimidation;

(4) It is expected that criticism of opponents will occur during electioneering. However, indecorous and provocative speeches, statements, posters, taunting, ridiculing, and innuendos shall be avoided. All registered parties and candidates shall be careful so that behavior, statements, or comments do not cause unnecessary tension. They shall exercise restraint in speech, manner, and conduct, and show respect for the opinion of others so that electioneering does not turn into a war of words and confrontation. Speeches and slogans shall be dignified and based on principles of morality, decorum, and decency.

(5) All registered political parties and candidates shall act with a sense of responsibility and dignity befitting their status. While propagating their own views and programs, they shall not interfere with the freedom of others to do the same, as that would be the negation of democracy.

(6) The congenial and peaceful atmosphere for election must not be disturbed by spreading untrue and motivated rumor or by taking recourse to conspiracy;

(7) On the declaration of a free and fair election by the Commission on Elections to the satisfaction of the majority of the political parties, invited persons, and recognized observers, losing candidates shall honorably concede defeat;

(8) All registered political parties and candidates shall establish effective communication with one another at the central, provincial, and district levels and shall

appoint liaison personnel, to be available for this purpose at all times, to deal with any problem arising during the registration of voters, the campaign, or the polling; and

(9) All registered parties and candidates shall ensure that the election will not be influenced by money, weapons, muscle power, or local influence.

SECTION 4. *Prohibited Acts.* – In addition to acts and omissions of registered political parties and candidates prescribed in the Constitution, the Omnibus Election Code of the Philippines, and other existing laws, the following shall constitute prohibited acts and are hereby declared to be unlawful:

(1) All registered political parties and candidates, party members, and sympathizers shall not engage in practices that are corrupt or violate the integrity of the electoral processes, such as, but not limited to bribery of votes, intimidation of voters, and inducing a person to vote knowing that such person is not qualified to vote;

(2) All registered political parties, candidates, party members, and sympathizers shall not create an atmosphere that leads to intimidation and harassment by behaving in such a way that could incite violence. No party shall give indulgence to any kind of violent activity to demonstrate party strength or prove supremacy;

(3) All registered political parties, candidates, party members, and sympathizers shall not publish or cause to be published false, inflammatory, or defamatory allegations about the personal conduct of another party or candidate;

(4) All registered political parties, candidates, party members, and sympathizers shall not indulge in offering gifts or gratification or inducing another to stand, or not stand, as a candidate, or to withdraw, or not to withdraw, his candidacy;

(5) All registered political parties and candidates, their members, and sympathizers shall not procure the assistance or support of any public servant or official of the Commission on Elections to promote or hinder the election of a candidate.

(6) All registered parties shall not propagate any opinion or act in any manner prejudicial to the sovereignty, integrity, or security of the Philippines or morality and the maintenance of public order.

(7) All registered political parties and candidates, their members, and sympathizers shall not use public funds, premises, vehicles, or other goods;

(8) All registered political parties and candidates, their members, and sympathizers shall not disrupt or obstruct persons from attending the meetings, marches, or demonstrations of other parties and candidates;

(9) All registered political parties and candidates, their members, and sympathizers shall not plagiarize the symbols of other parties, and shall not steal, destroy, or disfigure the political or other campaign materials of other parties and candidates;

(10) All registered political parties and candidates, their members, and sympathizers shall not carry dangerous and lethal weapons or any instrument capable of being used as a weapon in any public meeting, political rally, march, or demonstration;

(11) All registered political parties and candidates, their members, and sympathizers shall not influence voting through money or allurement and hire or use any kind of transport to carry voters other than for self and family.

SECTION 5. *Voters' Norms of Conduct.* – Every voter shall observe the following:

(1) It is the individual's fundamental right to vote. A voter shall not abstain from voting without good reason;

(2) All persons eligible to register should seek at all times to be honest with the information they impart;

(3) A voter must not sell his or her vote and not forfeit his freedom of choice and devalue his or her worth as a person;

(4) A voter must exercise his or her responsibility by voting for a candidate on the basis of ability, integrity, and competence, for integrity, good character, and sound judgment as manifested in his or her good behavior as a voter is important to the Political Process, and those whom he or she seeks to elect;

(5) A voter shall vote after serious consideration of all candidates' policies. Each person has a right to his or her views and to support the candidate he or she prefers. Respect must be maintained for the opinion of others;

(6) Each voter has a responsibility to obey the law and to promote the maintenance of law and order throughout the country.

SECTION 6. *Norms of conduct public officials and employees of the Commission on Elections and other election officials.* – Every election official or employees shall observe the following:

(1) All election officials must promote conditions conducive to the conduct of free and fair elections in which the secrecy and integrity of the ballot are respected. All election officials undertake to:

(A) Refrain from politically influencing any voter;

(B) Perform all duties and functions with care, competence, and courtesy;

(C) Maintain strict impartiality in carrying out duties and functions;

(D) Reject and dissociate themselves from any intimidation, force, sexual harassment, hostility, injury, disadvantage, or threat of reprisal to any person or damage to any property that may disrupt or influence the process or result of the elections;

(E) Reject and object to any form of discrimination based on gender, ethnicity, language, class, or religion in connection with the elections and political activity;

(2) All election officials shall not commit or attempt any act of corruption. Such acts will include the commission or omission of an act in the performance of or in connection with one's duties in exchange for money, gift, or promise of reward from any party or candidate. Election officials shall make every effort to oppose or combat any act of corruption that is discovered in the course of their duties;

(3) Election officials shall make every effort to attend meetings, training classes, or workshops that are set up to facilitate the carrying out of their functions;

(4) All elections officials must accept the role of duly appointed representatives of registered political parties and candidates and their right to object to irregular procedures;

(5) During the election period, election officials are forbidden to stand as candidates or be included on a party list for the elections, work for or be paid by any party or candidate in connection with the elections, be the holder of an office in a party, or wear any apparel or emblem likely to be associated with any party or candidate;

(6) All election officials must not impede political parties from freely conducting their campaigns. All election officials must maintain the integrity and secrecy of the ballot at all times and must not interfere directly or indirectly with the free exercise of the electoral right of a person.

SECTION 7. *Norms of conduct of media practitioners.* – Freedom of expression by the media – radio, television, and print – is a symbol of democracy. The manner by which the media use their freedom carries an obligation to serve the society and public as a whole. Because of this need to serve the public, the media inherit a public trust. Hence –

(1) The media have a responsibility to conduct their operations at all times in a professional manner and to exercise critical and discerning judgment which respects and advances the rights and dignity of all people and maintain standards of good taste as reflected by the society and public served. The media must enrich the daily life of the people they serve through information, education, and entertainment; they must provide for the fair discussion of matters of public concern; engage in works directed toward the common good; and volunteer aid and comfort in times of stress and emergency.

(2) News reporting should be factual, fair, and without bias. Professional care should be maintained in the use and selection of news sources. News analysis, commentary, and editorials should be clearly identified as such, distinguishing them from straight news reporting.

(3) Expressions of responsible views on public issues of a controversial nature should give fair representation to opposing sides of the issues. Requests by individuals, groups, or organizations to present their views on controversial public issues should be considered on the basis of their individual merits and in the light of their contributions to public interest.

(4) During the Campaign Period, the media have a special responsibility to the public to encourage participation by the electorate in the democratic process and to ensure they have the opportunity to be informed on the candidates and issues.

(5) Broadcast or publication errors beyond the control of the medium should be corrected in accordance with the standard broadcast or publication policies or procedures for the correction of mistakes. The media may not censor, change, or alter in any manner any of the materials presented by the parties or candidates for broadcast or publication by the media.

(6) In the event any of the media believe a political message may not be in good taste, or contrary to public interest, security, peace, or morality, the questioned political message may be rejected by the media.

SECTION 8. *Commitment of parties and candidates.* – No political party shall be registered and no candidate for any office shall be issued a certificate of candidacy unless such party or candidate, under oath, undertakes to abide by this Code of Conduct.

SECTION 9. *Penalties.* – (1) Any registered political party which violates any of the prohibited acts enumerated in Section 4 of this Act shall be suspended from participating in two (2) consecutive elections or be banned from participating in any electoral process depending on the gravity of the offense after due notice and hearing by the appropriate body or agency; (2) Any person who violates any of the prohibited acts enumerated in Section 4 of this Act shall be punished with a fine not exceeding Five Hundred Thousand Pesos (P500,000.00) after due notice and hearing of the appropriate body or agency, provided that if the offender is a candidate for public office, he shall also be disqualified from seeking such post. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute.

SECTION 10. *Promulgation of Rules and Regulations, Administration, and Enforcement.*
– The Commission on Elections shall have the primary responsibility for the administration and enforcement of this Act. It shall transmit all cases of prosecution arising from violations of this

Act to the proper authorities for appropriate action, provided, however, that it may institute such administrative actions and disciplinary measures as may be warranted in accordance with law. The Commission is also hereby authorized to promulgate rules and regulations necessary to carry out the provisions of this Act.

SECTION 11. *Appropriations.* – The sum necessary for the effective implementation of this Act shall be taken from the appropriations of the Commission on Elections.

SECTION 12. *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 13. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,