

FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

10 JUL -8 AM 26

SENATE

Senate Bill No. 836

RECEIVED BY: _____

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The primary election law of the land, most commonly known as the Omnibus Election Code of the Philippines, does not provide for a clear and distinct provision regarding the filing of petition to annul or suspend proclamation of winning candidates.

In this regard, this representation intends to incorporate in a specific provision which would provide the grounds for the filing of said petition, so as to finally address legal queries regarding this aspect of the electoral process.

Thus, urgent passage of this proposed legislation is hereby sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
TO AMEND 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 House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 248 of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code of the Philippines is hereby amended to read as follows:

"Sec. 248. *Petition to Annul Proclamation; Effect.* A PETITION TO ANNUL THE PROCLAMATION OF ANY CANDIDATE MAY BE FILED WITH THE COMMISSION WITHIN FIVE (5) DAYS FROM PROCLAMATION. THE FILING [with the Commission] of [a] SUCH petition [to annul or to suspend the proclamation of any candidate] shall suspend the running of the period within which to file an election protest or *quo warranto* proceedings."

SEC. 2. Article XX of Batas Pambansa Blg. 881 is also amended to include the following new provisions:

"Sec. 248-A. *Grounds for Petition to Annul Proclamation.* A PETITION TO ANNUL PROCLAMATION MAY BE FILED ON ANY OF THE FOLLOWING GROUNDS:

- (1) THE CANVASSED ELECTION RETURNS OR CERTIFICATES OF CANVASS ARE INCOMPLETE, CONTAIN MATERIAL DEFECTS, APPEAR TO BE TAMPERED WITH OR FALSIFIED, OR CONTAIN DISCREPANCIES IN THE SAME RETURNS OR IN OTHER AUTHENTIC COPIES THEREOF;
- (2) THE ELECTION RETURNS OR CERTIFICATE OR CANVASS WERE PREPARED UNDER DURESS, THREATS, COERCION OR INTIMIDATION, OR ARE NOT AUTHENTIC; AND
- (3) WHEN SUBSTITUTE OR FRAUDULENT RETURNS OR CERTIFICATES IN CONTESTED PRECINCTS WERE

CONVASED, THE RESULTS OF WHICH MATERIALLY
AFFECTED THE STANDING OF THE AGGRIEVED
CANDIDATE OR CANDIDATES."

SEC. 3. *Repealing Clause.* All laws, presidential decrees, issuances, orders, rules and regulations or any part thereof inconsistent herewith are hereby amended, repealed or modified accordingly.

SEC. 4. *Effectivity Clause.* This Act shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,