

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



Senate  
Office of the Secretary

13 SEP -5 P 1:45

SENATE

Senate Bill No. 1527

RECEIVED BY: *je*

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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EXPLANATORY NOTE

Present laws provide that appeals from the decision of courts of general jurisdiction as regards election contest are elevated to the Court of Appeals. The problem with this set-up is that the Court of Appeals, notable in its campaign to provide quality decision, more often than not, is also burdened with caseloads dealing with equally important aspect of law.

The measure then seeks to modify the appeal process wherein it would now be the Commission on Election (COMELEC) that would have appellate jurisdiction over election contests. This would translate into a de-clogging of the Court of Appeals dockets as well as ensuring that election contests would be deliberated and resolved by people with technical expertise in election laws.

Premises considered, the early passage of this legislative measure is earnestly sought.

  
JINGGOY EJERCITO ESTRADA  
Senator

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AN ACT  
AMENDING 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 256 of Batas Pambansa Blg, 881, otherwise known as  
the Election Code of the Philippines, as amended, hereby further amended to  
read as follows:

"SEC. 256. APPEALS. – Appeals from any decision rendered  
by [the regional trial] courts of GENERAL AND LIMITED  
JURISDICTION [under Section 251 and paragraph two, Section  
253 hereof with respect to quo warranto petitions filed] in election  
contests [affecting municipal officers, the aggrieved party may  
appeal to the intermediate Appellate Court] SHALL BE FILED  
WITH THE COMMISSION within five (5) days [after receipt of a  
copy] FROM THE PROMULGATION of the decision OR RECEIPT  
OF THE DECISION.

"No motion for reconsideration shall be entertained by the  
court. The appeals shall be decided within sixty (60) days after the  
case has been submitted for decision, BUT NOT LATER THAN  
NINETY (90) DAYS FROM THE FILING OF THE APPEAL."

**SEC. 2.** Article XXI is hereby amended to include the following new  
provision:

"SECTION 256-A. EXECUTION PENDING APPEAL IS NOT  
ALLOWED. – NOTWITHSTANDING THE PROVISION OF THE  
RULES OF COURT, EXECUTION OF JUDGMENT PENDING  
APPEALS SHALL NOT APPLY TO ELECTION CASES."

**SEC. 3.** Section 257 of Batas Pambansa Blg. 881 is hereby amended to  
read as follows:

"SEC. 257 [Decision in the Commission] DECISION ON  
ELECTION CONTEST. – [The Commission shall decide all

election cases brought before it within ninety days from the date of their submission for decision. The decision of the Commission shall become final thirty days after receipt of judgment.] THE PARTY WHO HAS BEEN DECLARED ELECTED SHALL HAVE THE RIGHT TO ASSUME OFFICE UPON FINALITY OF JUDGMENT."

**SEC. 4. Repealing Clause.** – All laws, presidential decrees, issuances, orders, rule and regulations or any part thereof inconsistent herewith are hereby amended, repealed or modified accordingly.

**SEC. 5. Effectivity.** – This Act shall take effect after fifteen (15) days following completion of its publication in the *Official Gazette* or in at least two (2) newspaper of general circulation.

*Approved,*