

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

7 JUL -2 AM '00

SENATE

RECEIVED BY: 

Senate Bill No. 356

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Present laws provide that appeals from the decisions of courts of general jurisdiction as regards election contests 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 decisions, more often than not, is also burdened with caseloads dealing with equally important aspects of law.

This measure then seeks to modify the appeal process wherein it would now be the Commission on Elections (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, is 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 appeal 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 PROVISIONS 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 ON ELECTION CONTESTS.* –
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, rules 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 the completion of its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,