

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

7 JUL -4 19:00

SENATE
S.B. No. 944

RECEIVED BY: _____

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to expand the grounds for declaring a person who filed his or her certificate of candidacy a nuisance candidate to safeguard the integrity of the electoral process.

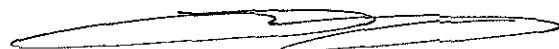
Under Section 79 of Batas Pambansa Bilang 881, a candidate refers to any person aspiring for or seeking an elective public office, who has filed a certificate of candidacy by himself or through an accredited political party, aggroupment, or coalition of parties. A nuisance candidate, on the other hand, under Section 49 of the same law, is a person who has filed a certificate of candidacy to put the election process in mockery or disrepute or to cause confusion among the voters by a similarity of the names of the registered candidates or by other circumstances or acts which clearly demonstrate that the candidate has no bonafide intention to run for the office for which the certificate of candidacy has been filed.

In 2004, the records of the Commission on Elections reveal that there is a total of 46,003 candidates vying for various local elective posts in the country. Of these, there are 690 candidates for congressmen, 242 for governor, 209 for vice governor, 1,802 for board members, 360 for city mayor, 369 for city vice mayor, 3503 for city councilor, 3,845 for municipal mayors, 3,746 for municipal vice mayor and 31,237 for municipal councilor. Of those who filed their certificates of candidacy for the Senate, 37 were given due course while 42 individuals were declared nuisance candidates.

While the present laws clearly discourage those who do not have any intention or expectations to win in the elections to file their candidacy, such fact has not deterred these individuals from filing their candidacy. There is a need to broaden the grounds for canceling a certificate of candidacy on the grounds of being a nuisance candidate to protect the electorate from confusion and to ensure that the faithful determination of the true will of the electorate will be upheld.

This bill aims to do that by adding to the enumeration of what a nuisance candidate a person that is shown to have filed a certificate of candidacy to obtain money, profit or any other consideration or to discredit another candidate.

In view of the foregoing, immediate passage of the bill is earnestly sought.



LOREN LEGARDA
Senator

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

7 JUL -4 1906

RECEIVED BY: 

SENATE
S.B. No. 944

Introduced by Senator Loren Legarda

AN ACT
EXPANDING THE GROUNDS FOR DECLARING A PERSON WHO FILED A
CERTIFICATE OF CANDIDACY A NUISANCE CANDIDATE, AMENDING
SECTION 69 OF BATAS PAMBANSA BLG. 881, AS AMENDED OTHERWISE
KNOWN AS THE OMNIBUS ELECTION CODE

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

SECTION 1. Section 69 of Batas Pambansa Blg. 881, as amended, otherwise known as the Omnibus Election code is hereby amended to read as follows:

SECTION 69. - Nuisance Candidates. - The Commission may, motu proprio or upon a verified petition of an interested party, **AND AFTER DUE NOTICE AND HEARING**, refuse to give due course to or cancel a certificate of candidacy, if it shown that **THE CERTIFICATE OF CANDIDACY HAS BEEN FILED UNDER ANY OF THE FOLLOWING CIRCUMSTANCES**: to put the election process in mockery or disrepute [or];

1. to cause confusion among the voters by the similarity of the names of the registered candidates [or];
2. **WHEN IT IS SHOWN THAT THE REASON FOR FILING THE CERTIFICATE OF CANDIDACY IS TO OBTAIN MONEY, PROFIT OR ANY OTHER CONSIDERATION.**
3. **WHEN IT IS SHOWN THAT THE REASON FOR FILING THE CERTIFICATE OF CANDIDACY IS TO DISCREDIT ANOTHER CANDIDATE;**
4. By **ANY** other circumstances or acts which clearly demonstrate that Candidate has no bona fide intention to run for the office for which the certificate of candidacy has been filled and thus prevent a faithful determination of the true will of the electorate.

SEC. 2. Repealing Clause.- All republic acts, executive orders, rules and regulations, and other issuances, or parts thereof, that are inconsistent with the provisions of this Republic Act are hereby repealed or modified accordingly.

SEC. 3. Separability Clause.- If for any reason or reasons, any part or provision of this Act shall be declared or held to be unconstitutional or invalid other parts or provisions hereof, which are not affected thereby shall continue to be in full force and effect.

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

Approved,