


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
THIRD REGULAR SESSION)

6 JUL 15

§ 100 (1) (a) (1) 

S.B. NO. 2409

Introduced by Senator ALFREDO S.LIM

EXPLANATORY NOTE

The election in 2007 is crucial and might foretell the political climate in the years to come. If marred by cheating as it was in 2004, then, I guess there is no hope for democracy to survive.

So, let us make the next year's poll as clean, honest and truthful as possible so that the leaders who stand to be proclaimed will be the genuine ones who are truly chosen by the people and their mandate acceptable to all with nobody doubting their authority to govern this nation.

But, that is possible only if we institute electoral reforms. Too, many aspects need to be addressed. However, it is this bill's purpose to address the aspect of protest since this puts into serious question the proclamation of the winning candidate.

First, fees for protest at present are exorbitant that we have to make them reasonable to enable the genuine protests to be affordable to the cheated candidates.

Second, let us make the proclaimed winner who is eventually ousted in the protest shoulder all costs as punishment for him.

Third, let us put a time limitation to the resolution of protests. Many unscrupulous victors defy the election code and resort to cheating because they know that protests take a long time before they are decided.

Fourth, deny the proclaimed candidate payment of benefits while the protest is heard.

Fifth, candidates found cheating to secure victory but are eventually ousted must be barred from running again or holding any government post as punishment.

Lastly, hold those involved in delaying resolution of protests criminally liable.

It is hoped that if enacted into law, the bill will make the prospective cheater and his supporters think twice before resorting to fraud just to insure his false victory. On the other hand, it will restore the confidence of the electorate in the electoral process as the stabilizing political solution to our political instability.


ALFREDO S. LIM
Senator

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
THIRD REGULAR SESSION)

6 JUL 13 2006

SENATE
S.B. NO. 2409

Introduced by Senator ALFREDO S. LIM

**AN ACT
RATIONALIZING THE PROCEEDINGS IN AND
RESOLUTION OF
ELECTORAL PROTESTS AND FOR OTHER PURPOSES**

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

4 **SECTION 1.** *Title of this Act.* – This Act shall be
5 known as the “Fair Electoral Protest Act of 2006.”

6 **SECTION 2.** *Declaration of Principles.* – (a)
7 Election as the bedrock of democracy serves the
8 genuine medium to determine the people’s choice of
9 leaders who are to govern them; (b) Any effort that
10 subverts such choice deserves severe sanction;
11 henceforth, election fraud must be eradicated, if not
12 minimized; (c) candidates who are cheated in an
13 election are entitled to contest the results by fair and
14 inexpensive means as well as to indemnity; and, (d) all
15 electoral contests must be resolved with dispatch and
16 at a certain period of time.

1 **SECTION 3.** *Scope of this Act.* – This Act shall
2 apply to all elective positions in the national, local and
3 barangay levels.

4 **SECTION 4.** *Continuing Effectivity of Electoral*
5 *Protest Proceedings; Exception.* – Proceedings
6 governing the election contests or protests for the
7 position of President, Vice-President, Senator and
8 Representatives as now provided by existing rules of
9 their respective electoral tribunals, as well as those for
10 local and barangay officials as provided for in the
11 Omnibus Election Code, the Local Government Code
12 and other special laws shall remain operative except as
13 to the following:

14 (a) *Filing Fees.* – Filing fees must be reasonable
15 and cover only administrative costs for accepting and
16 docketing the protests;

17 (b) *Deposit for Costs.* – Deposits for costs to cover
18 the revision of contested votes must cover only
19 reasonable administrative expense and shall be shared
20 equally by the protestant and the protestee; provided,
21 however, that in case of counter-protest by the
22 protestee, only the protestee shall bear the cost unless
23 the same precinct subject of the main protest is the
24 same precinct subject thereof, in which case, no further
25 costs shall be assessed;

26 (c) *Revisor's Fees.* – Fees for the revisors
27 respectively chosen by the protestant and protestee

1 shall be borne solely by each of them; provided,
2 however, that no part of such fee shall be included in
3 the computation of deposit for costs;

4 (d) *Reimbursement of Costs and Fees.* – In case
5 the protest of the defeated candidate is sustained and
6 the proclaimed winner's election is nullified, the latter
7 shall immediately reimburse to the former all the costs
8 and fees incurred or paid to the electoral tribunal,
9 COMELEC, RTC, MTC, as the case may be, as well as to
10 his revisors.

11 **SECTION 5.** *Expeditious Resolution of Protests* –
12 Notwithstanding any provision of law or rules and
13 regulations to the contrary notwithstanding, all election
14 contests or protests shall be resolved expeditiously but
15 not later than the following periods:

16 (a) For President, Vice-President and Senators,
17 twenty four (24) months following the proclamation of
18 the candidate whose election is contested;

19 (b) For Representatives and local officials, twelve
20 (12) months following the proclamation of the
21 candidate whose election is contested; and,

22 (c) For barangay officials, six (6) months
23 following the proclamation of the candidate whose
24 election is contested.

25 **SECTION 6.** *Effect if Protest Unresolved within*
26 *Period; Sanctions for Delay.* – In the event the protest

1 is not resolved within the period fixed in Section 5
2 hereof, the candidate whose election is challenged shall
3 be considered on holdover status and shall not be
4 entitled to any salaries, allowances, emoluments or
5 other monetary compensation commencing upon the
6 lapse of said fixed periods and shall remain so until the
7 protest is resolved in his favor; provided, however, that
8 if the protest is resolved in favor of the defeated
9 candidate, all the salaries, allowances, emoluments or
10 other monetary compensations due from such time
11 shall be paid to him; provided, finally, if the delay in
12 the resolution is due to the fault of either the
13 proclaimed winner or his counsel, or the defeated
14 candidate or his counsel, the party at fault shall not be
15 entitled to the salaries, allowances, emoluments or
16 other monetary compensations corresponding to the
17 number of months that he had caused the delay in such
18 resolution.

19 **SECTION 7.** *Disqualification of Ousted Winner.* –
20 A candidate whose proclamation as winner is nullified
21 or reversed by the Electoral Tribunal, COMELEC, RTC or
22 MTC, as the case may be, shall be disqualified from
23 running for any elective position, national, local or
24 barangay level, for the succeeding two (2) elections
25 following his ouster; provided, however, that this
26 disqualification shall take effect immediately regardless
27 of the pendency of any appeal from the court, the
28 COMELEC or Electoral Tribunal, that ousted him.

29 **SECTION 8.** *Ineligibility for Appointment.* –
30 Further, the candidate whose proclamation as winner is

1 nullified or reversed by the Electoral Tribunal, COMELEC,
2 RTC, or MTC, as the case may be, shall not be eligible
3 for appointment in any position in the Government for
4 a period of six (6) years following his ouster.

5 **SECTION 9.** *Violations of this Act Treated as*
6 *Election Offense.* – The following acts shall be treated
7 as an election offense and shall be punished in
8 accordance with and pursuant to Sec. 264 of the
9 Omnibus Election Code:

10 (a) Any election officer who certifies to the
11 candidacy of the ousted winner as specified in Sec. 7
12 notwithstanding his disqualification;

13 (b) Any public officer who appoints the ousted
14 winner to any public office as specified in Sec. 8 hereof
15 notwithstanding his ineligibility;

16 (c) Any treasurer or public officer who pays the
17 salaries, allowances, emoluments or other monetary
18 compensations of the proclaimed winner whose election
19 is the subject of the protest despite the lapse of the
20 period fixed in Sec. 6 hereof;

21 (d) Any public officer who overcharges the
22 defeated candidate who has filed his protest more than
23 the fees fixed in Sec. 4 hereof;

24 (e) Any Judge or COMELEC official who shall fail
25 to resolve the protest beyond the period fixed in Sec. 5

1 hereof for reasons not due to the fault of any of the
2 parties or other justifiable reasons;

3 (f) Any person, including lawyers and witnesses,
4 whose act or omission shall have caused the undue
5 delay in the resolution of the election protest within the
6 period fixed in Sec. 5 hereof;

7 **SECTION 10.** *Effectivity.* – This Act shall take
8 effect fifteen (15) days after publication in a newspaper
9 of general circulation.

10 Approved.