

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 1386



Introduced by Representative Fredenil H. Castro

"AN ACT
PROHIBITING PREMATURE ELECTORAL CAMPAIGNING AND OTHER PARTISAN
POLITICAL ACTIVITIES, AMENDING FOR THE PURPOSE REPUBLIC ACT N O.
8436, AS AMENDED, OTHERWISE KNOWN AS THE "AUTOMATED ELECTION
SYSTEM LAW", AND PROVIDING PENALTIES THEREFOR"

EXPLANATORY NOTE

With the promulgation by the Honorable Supreme Court of the case of Penera vs. Comelec, et al., G.R. No. 181613, November 25, 2009, the prohibition against premature campaigning was in effect abrogated. Consequently, a candidate can already campaign even before the start of the campaign period without being held liable for premature campaigning. Unfortunately, the Penera case had a more far-reaching effect than just the decriminalization of premature campaigning. Since the aspiring candidate can only be considered as a candidate if he/she has filed his/her certificate of candidacy and the campaign period has already commenced, any and all election offense committed by the said aspiring candidate prior to the start of the campaign period cannot yet be considered as such offense. What is more, the Penera case has created undue advantage against those aspiring candidates whose campaign resources are limited.

Significantly, this bill re-establishes the prohibition against premature campaigning and holds liable for election offense the offenders who commit elections offenses even before the start of the campaign period. While premature campaigning is being reinstated as an election offense, under this bill only those persons or aspiring candidate who ultimately file their certificate of candidacy shall be held liable.

Accordingly, the passage of this bill is imperative and earnestly sought.


FREDENIL H. CASTRO
Representative, 2nd Dist. Capiz

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

SECTION 1. Section 15 of Republic Act No. 8436, as amended by Republic Act No.
9369 is further amended to read as follows:

SEC. 15. *Official Ballot.* - The Commission shall prescribe the format of the electronic display and/or the size and form of the official ballot, which shall contain the titles of the position to be filled and/or the proposition to be voted upon in an initiative, referendum or plebiscite. Where practicable, electronic displays must be constructed to present the names of all candidates for the same position in the same page or screen, otherwise, the electronic displays must be constructed to present the entire ballot to the voter, in a series of sequential pages, and to ensure that the voter sees all of the ballot options on all pages before completing his or her vote and to allow the voter to review and change all ballot choices prior to completing and casting his or her ballot. Under each position to be filled, the names of candidates shall be arranged alphabetically by surname and uniformly indicated using the same type size. The maiden or married name shall be listed in the official ballot, as preferred by the female candidate. Under each proposition to be vote upon, the choices should be uniformly indicated using the same font and size.

XXX XXX XXX

For this purpose, the Commission shall set the deadline for the filing of certificate of candidacy/petition of registration/manifestation to participate in the election. Any person **ASPIRING**

FOR OR SEEKING AN ELECTIVE PUBLIC OFFICE, who **HAS** file[s]D [his] **THE** certificate of candidacy **PERSONALLY OR THROUGH A DULY AUTHORIZED REPRESENTATIVE OR AN ACCREDITED POLITICAL PARTY, AGGROUPEMENT, OR COALITION OF PARTIES** within this period shall [only] be considered as a candidate [at the start of the campaign period for which he filed his] **UPON THE FILING OF THE** certificate of candidacy: *Provided*, That, **PREMATURE ELECTORAL CAMPAIGNING, PARTISAN POLITICAL ACTIVITIES AND OTHER** unlawful acts or omissions applicable to a candidate shall take effect [only upon that start of the aforesaid campaign period] **UPON THE FILING ' OF THE CERTIFICATE OF CANDIDACY**: *Provided, finally*, That any person holding a public appointive office or position, including active members of the armed forces, and officers, and employees in government-owned or-controlled corporations, shall be considered *ipso facto* resigned from his/her office and must vacate the same at the start of the day of the filing of his/her certificate of candidacy.

xxx xxx xxx

SEC. 2. Section 35 of the same Act is also further amended to read as follows:

SEC. 35. *Prohibited Acts and Penalties.* - The following shall be penalized as provided in this Act, whether or not said acts affect the electoral process or results:

- (a) xxx
- (b) xxx
- (c) xxx
- (d) xxx

- (e) xxx
- (f) xxx
- (g) xxx

(H) ENGAGING IN PREMATURE ELECTORAL CAMPAIGNING AND PARTISAN POLITICAL ACTIVITIES.

SEC. 3. All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 4. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,