

EIGHTEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES
First Regular Session



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **2761**

EXPLANATORY NOTE

Elections are crucial exercises of political freedom and might foretell the political climate in the years to come. With this in mind, it is essential that upcoming elections are clean, honest and truthful 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.


RUFUS B. RODRIGUEZ

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

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

SECTION 1. *Title of this Act.* – This Act shall be known as the "Fair Electoral Protest Act".

SEC. 2. *Declaration of Principles.* –

- (a) Election as the bedrock of democracy serves the genuine medium to determine the people's choice of leaders who are to govern them;
- (b) Any effort that subverts such choice deserves severe sanction; henceforth, election fraud must be eradicated, if not minimized;
- (c) candidates who are cheated in an election are entitled to contest the results by fair and inexpensive means as well as to indemnity; and,
- (d) all electoral contests must be resolved with dispatch and at a certain period of time.

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

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

- (a) *Filing Fees.* – Filing fees must be reasonable and cover only administrative costs for accepting and docketing the protests;
- (b) *Deposit for Costs.* – Deposits for costs to cover the revision of contested votes must cover only reasonable administrative expense and shall be shared equally by the protestant and the protestee; *Provided, However,* that in case of counter-protest by the protestee, only the protestee shall bear the cost unless the same precinct subject of the main protest is the same precinct subject thereof, in which case, no further costs shall be assessed;
- (c) *Revisor's Fees.* – Fees for the revisors respectively chosen by the protestant and protestee shall be borne solely by each of them; *Provided, However,* that no part of such fee shall be included in the computation of deposit for costs;
- (d) *Reimbursement of Costs and Fees.* – In case the protest of the defeated candidate is sustained and the proclaimed winner's election is nullified, the latter shall immediately reimburse to the former all the costs and fees incurred or paid to the electoral tribunal, COMELEC, RTC, MTC as the case may be, as well as to his revisors.

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

- (a) For President, Vice-President and Senators, twenty-four (24) months following the proclamation of the candidate whose election is contested;
- (b) For Representatives and local officials, twelve (12) months following the proclamation of the candidate whose election is contested; and,
- (c) For barangay officials, six (6) months following the proclamation of the candidate whose election is contested.

SEC. 6. *Effect if Protest Unresolved within Period; Sanctions for Delay.* – In the event the protest is not resolved within the period fixed in Section 5 hereof, the candidate whose election is challenged shall be considered on holdover status and shall not be entitled to any salaries, allowances, emoluments or other monetary compensation commencing upon the lapse of said fixed periods and shall remain so until the protest is resolved in his favor; *Provided, However,* that if the protest is resolved in favor of the defeated candidate, all the salaries, allowances, emoluments or other monetary compensations due from such time shall be paid to him; *Provided, Finally,* if the delay in the resolution is due to the fault of either the proclaimed winner or his counsel, or the defeated candidate or his counsel, the party at fault shall not be entitled to the salaries, allowances, emoluments or other monetary compensations corresponding to the number of months that he had caused the delay in such resolution.

SEC. 7. *Disqualification of Ousted Winner.* – A candidate whose proclamation as winner is nullified or reversed by the Electoral Tribunal, COMELEC, RTC or MTC, as the case may be, shall be disqualified from running for any elective position, national, local or barangay level, for the succeeding two (2) elections following his ouster; *Provided, However,* that this disqualification shall take effect immediately regardless of the pendency of any appeal from the court, the COMELEC or Electoral Tribunal, that ousted him.

SEC. 8. *Ineligibility for Appointment.* – Further, the candidate whose proclamation as winner is nullified or reversed by the Electoral Tribunal, COMELEC, RTC or MTC, as the case may be, shall not be eligible for appointment in any position in the Government for a period of six (6) years following his ouster.

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

- (a) Any election officer who certifies to the candidacy of the ousted winner as specified in Sec. 7 notwithstanding his disqualification.
- (b) Any public officer who appoints the ousted winner to any public office as specified in Sec. 8 hereof notwithstanding his ineligibility;
- (c) Any treasurer or public officer who pays the salaries, allowances, emoluments or other monetary compensations of the proclaimed winner whose election is the subject of the protest despite the lapse of the period fixed in Sec. 6 hereof;
- (d) Any public officer who overcharges the defeated candidate who has filed his protest more than the fees fixed in Sec. 4 hereof;
- (e) Any Judge or COMELEC official who shall fail to resolve the protest beyond the period fixed in Sec. 5 hereof for reasons not due to the fault of any of the parties or other justifiable reasons;
- (f) Any person, including lawyers and witnesses, whose act or omission shall have caused the undue delay in the resolution of the election protest within the period fixed in Sec. 5 hereof;

SEC. 10. *Separability Clause* - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 11. *Repealing Clause* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 12. *Effectivity*. - This Act shall take effect after publication in at least two (2) newspapers of general circulation.

Approved.