

CONGRESS OF THE PHILIPPINES }
First Regular Session }

SENATE

S. No. 11

INTRODUCED BY SENATORS GUINGONA, JR., GONZALES, AN-
GARA, ESTRADA, MACEDA, PIMENTEL, JR., TAÑADA,
RASUL AND ZIGA

AN ACT INTRODUCING REFORMS IN THE ELEC-
TORAL SYSTEM BY AMENDING CERTAIN SEC-
TIONS OF THE OMNIBUS ELECTION CODE AND
FOR OTHER PURPOSES

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

1 SECTION 1. *Title.*—This Act shall be known and cited as
2 “The Electoral Reforms Law of 1987.”

3 SEC. 2. *Applicability.*—The electoral reforms introduced
4 by this Act shall govern and apply to the elections for local
5 officials scheduled for January 18, 1988 and to all subse-
6 quent elections and plebiscites to be held thereafter.

7 SEC. 3. *Reforms on the Use of Printed Election Pro-*
8 *paganda.*—(A) Section 84 of the Omnibus Election Code
9 of the Philippines, Batas Pambansa Blg. 881, hereafter

1 referred to as the Code, is hereby amended to read as
2 follows:

3 "SEC. 84. *Requirements for [published or] printed*
4 *election propaganda.*—[Any newspaper, newsletter, news-
5 weekly, gazette, or magazine advertising.] (a) Posters,
6 pamphlets, circulars, handbills, bumper stickers, streamers,
7 simple lists of candidates, SAMPLE BALLOTS, AND OTHER [or
8 any published or] printed political matter for or against
9 a candidate or group of candidates to any public office shall
10 bear and be identified by the words 'paid for by' followed
11 by the true and correct name and address of the payor
12 and by the words 'printed by' followed by the true and
13 correct name and address of the printer.

14 "(b) TO ENSURE COMPLIANCE WITH THE PROVISIONS
15 OF THIS CODE ON THE LIMITATIONS ON ELECTORAL
16 EXPENDITURES, THE COMMISSION MAY, AFTER DUE NO-
17 TICE AND HEARING WHERE ALL INTERESTED PARTIES
18 ARE GIVEN AN EQUAL OPPORTUNITY TO BE HEARD,
19 PROMULGATE RULES AND REGULATIONS FIXING THE
20 MAXIMUM NUMBER OF ELECTION PROPAGANDA THAT
21 MAY BE PRINTED AND USED IN THE CAMPAIGN OF EACH
22 CANDIDATE AND POLITICAL PARTY, AND REGULATING
23 THE MODE AND MANNER OF THE DISSEMINATION AND
24 USE THEREOF.

1 “(c) ALL CONTRACTS FOR THE PRINTING OF SUCH
2 ELECTION PROPAGANDA SHALL, BEFORE ITS IMPLEMEN-
3 TATION, BE REGISTERED BY THE PRINTER WITH THE
4 COMMISSION AND SHALL IN EVERY CASE BEAR THE
5 SIGNATURE OF THE CANDIDATE OR HIS DULY AUTHO-
6 RIZED REPRESENTATIVE OR THE SIGNATURE OF THE
7 AUTHORIZED REPRESENTATIVE OF THE POLITICAL
8 PARTY.”

9 (B) Paragraph (a), Section 85, of the Code is hereby
10 amended to read as follows:

11 ‘SEC. 85. *Prohibited forms of election propaganda.*—It
12 shall be unlawful: (a) To print, publish, post or distribute
13 any poster, pamphlet, circular, handbill or other printed
14 [matter urging voters to vote for or against any candidate
15 unless they bear the names and addresses of the printer and
16 payor as required in] ELECTION PROPAGANDA WHICH
17 HAS NOT COMPLIED WITH THE REQUIREMENTS OF SEC-
18 TION 84 OR, IN A PROPER CASE, WITH THE REQUIREMENTS
19 OF SECTION 86, OR TO POST, DISPLAY OR PUBLICLY EX-
20 HIBIT ANY ELECTION PROPAGANDA IN ANY PLACE OTHER
21 THAN THE COMMON COMMISSION BILLBOARDS OR POSTER
22 AREAS TO BE PROVIDED UNDER SECTION 91 OF THIS
23 CODE.”

1 SEC. 4. *Reform on Use of Mass Media.*—(A) The fol-
2 lowing paragraphs of Section 86 of the Code are hereby
3 amended to read as follows:

4 “SEC. 86. *Regulation of election propaganda through*
5 *mass media.*—(a) The Commission [shall] MAY, AFTER DUE
6 NOTICE AND HEARING WHERE ALL INTERESTED PARTIES ARE
7 GIVEN AN EQUAL OPPORTUNITY TO BE HEARD, promulgate
8 rules and regulations regarding the sale of PRINT SPACE and
9 air time IN MASS MEDIA for partisan political purposes
10 during the campaign period to ensure that [equal] PRINT
11 SPACE OF TIME IS ALLOCATED EQUITABLY, as to duration,
12 PROMINENCE and quality AND is available to all candidates
13 for the same office or political parties at the same rates
14 or given free of charge; that such rates are reasonable
15 and not higher than those charged other buyers or users
16 of PRINT SPACE OR air time for non-political purposes; that
17 the provisions of this Code regarding the limitation of
18 expenditures by candidates and political parties and con-
19 tributions by private persons, entities and institutions are
20 effectively enforced; and to ensure that said [radio broad-
21 casting and television stations] MASS MEDIA shall not unduly
22 [allow the scheduling of any program or permit any
23 sponsor to] OR manifestly favor or oppose any candidate
24 or political party by unduly or repeatedly referring to or

1 including said candidate and/or political party in [such]
2 THEIR programs, REPORTS OR ARTICLES respecting, however,
3 in all instances the right of said [stations] MASS MEDIA to
4 broadcast accounts of, OR COMMENT AND REPORT ON signifi-
5 cant or newsworthy events and views on matters of public
6 interest.

7 “(b) All contracts for advertising in any [newspaper,
8 magazine, periodical or any form of publication] RADIO OR
9 TELEVISION STATION OR OTHER MASS MEDIA promoting or
10 opposing the candidacy of any person for public office
11 shall, before [its] THEIR implementation, be registered
12 by said [newspaper, magazine, periodical or publication]
13 MASS MEDIA with the Commission. In every case, [it]
14 THEY shall be signed by the candidate or by the duly
15 authorized representative of the CANDIDATE OR HIS political
16 party.

17 “(c) No franchise or permit to operate a radio or
18 television station OR OTHER MASS MEDIA EXCEPT NEWSPAPERS
19 AND PRINT MEDIA shall be granted or issued, suspended or
20 cancelled during the election period.

21 “Any NEWSPAPER, radio or television station OR OTHER
22 MASS MEDIA, including that owned or controlled by the
23 Government, shall give EQUITABLY AND IMPARTIALLY free
24 of charge equal SPACE, time and prominence to A CANDIDATE

1 including said candidate and/or political party in [such]
2 THEIR programs, REPORTS OR ARTICLES respecting, however,
3 in all instances the right of said [stations] MASS MEDIA to
4 broadcast accounts of, OR COMMENT AND REPORT ON signifi-
5 cant or newsworthy events and views on matters of public
6 interest.

7 “(b) All contracts for advertising in any [newspaper,
8 magazine, periodical or any form of publication] RADIO OR
9 TELEVISION STATION OR OTHER MASS MEDIA promoting or
10 opposing the candidacy of any person for public office
11 shall, before [its] THEIR implementation, be registered
12 by said [newspaper, magazine, periodical or publication]
13 MASS MEDIA with the Commission. In every case, [it]
14 THEY shall be signed by the candidate or by the duly
15 authorized representative of the CANDIDATE OR HIS political
16 party.

17 “(c) No franchise or permit to operate a radio or
18 television station OR OTHER MASS MEDIA EXCEPT NEWSPAPERS
19 AND PRINT MEDIA shall be granted or issued, suspended or
20 cancelled during the election period.

21 “Any NEWSPAPER, radio or television station OR OTHER
22 MASS MEDIA, including that owned or controlled by the
23 Government, shall give EQUITABLY AND IMPARTIALLY free
24 of charge equal SPACE, time and prominence to A CANDIDATE

1 OR an accredited political party [or its candidates] if it
2 gives free of charge PRINT SPACE or air time to ANOTHER
3 CANDIDATE OR ANOTHER accredited political party [or its
4 candidates] for political purposes.”

5 (B) Section 92 of the Code is hereby amended to read
6 as follows:

7 “SEC. 92. *Commission Time.*—The Commission shall
8 procure FREE AIR TIME FROM radio and television [time]
9 STATIONS WHENEVER AVAILABLE, to be known as ‘Comelec
10 Time’ which shall be allocated free of charge [equally]
11 EQUITABLY and impartially among the candidates within
12 the area of coverage of all radio and television stations.

13 “HOWEVER, IN ORDER TO PROVIDE EQUAL ACCESS TO
14 THE VOTERS, IN THE ALLOCATION OF COMMISSION AIR
15 TIME UNDER THIS SECTION AND OF PRINT SPACE UNDER
16 SECTION 90 OF THIS CODE, PREFERENCE AND PRIORITY
17 MAY BE GIVEN BY THE COMMISSION, AFTER DUE NOTICE
18 AND HEARING AND PURSUANT TO SUCH GUIDELINES AND
19 CRITERIA AS IT MAY ESTABLISH, TO CANDIDATES WHO
20 DO NOT HAVE THE FINANCIAL RESOURCES TO DEFRAY
21 THE COMMERCIAL COST OF MASS MEDIA PROPAGANDA
22 UTILIZED BY OR AVAILABLE TO OTHER CANDIDATES.

23 “For [this] THE purpose of THIS SECTION AND OF SECTION
24 90 OF THIS CODE, the franchiseS OR PERMITS OF ALL radio

1 and television stations are hereby amended so as to provide
 2 radio or television time, free of charge, during the period
 3 of the campaign.”

4 *SEC. 5. Reforms on Political Meetings.*—Section 87 of
 5 the Code is hereby amended by adding a second para-
 6 graph thereto, to read as follows:

7 “THE COMMISSION SHALL ENCOURAGE NON-POLITICAL,
 8 NON-PARTISAN PRIVATE OR CIVIC ORGANIZATIONS TO
 9 INITIATE AND HOLD IN EVERY MUNICIPALITY, CITY OR
 10 PROVINCE, PUBLIC FORA AT WHICH ALL REGISTERED
 11 CANDIDATES FOR THE SAME OFFICE MAY SIMUL-
 12 TANEOUSLY AND PERSONALLY PARTICIPATE TO PRESENT,
 13 EXPLAIN AND/OR DEBATE ON THEIR CAMPAIGN PLAT-
 14 FORMS AND PROGRAMS AND OTHER LIKE ISSUES. THE
 15 COMMISSION SHALL PROMULGATE THE RULES AND REGU-
 16 LATIONS FOR THE HOLDING OF SUCH FORA TO ASSURE
 17 ITS NON-PARTISAN CHARACTER AND THE EQUALITY OF
 18 ACCESS THERETO BY ALL CANDIDATES.”

19 *SEC. 6. Reforms in the Posting of Election Propaganda.*—
 20 Section 91 of the Code is hereby repealed and in its place
 21 the following Section is hereby inserted:

22 “SEC. 91. COMMON POSTER AREAS.—THE CAMPAIGN
 23 POSTERS AND OTHER PRINTED ELECTION PROPAGANDA
 24 OF CANDIDATES SHALL BE POSTED, DISPLAYED AND EX-

1 HIBITED ONLY IN SUCH PUBLIC PLACES AS MARKETS,
2 BARANGAY CENTERS AND THE LIKE DESIGNATED BY
3 THE COMMISSION AND WHEN FEASIBLE IN COMMON BILL-
4 BOARDS TO BE INSTALLED BY THE COMMISSION AND/OR
5 NON-PARTISAN PRIVATE OR CIVIC ORGANIZATIONS WHICH
6 THE COMMISSION MAY AUTHORIZE WHENEVER AVAIL-
7 ABLE, AFTER DUE NOTICE AND HEARING, IN STRATEGIC
8 PLACES WHERE IT MAY BE READILY SEEN OR READ, WITH
9 THE HEAVIEST PEDESTRIAN AND/OR VEHICULAR TRAF-
10 FIC IN THE PROVINCE, MUNICIPALITY OR CITY. THE
11 SPACE IN SUCH COMMON POSTER AREAS OR BILLBOARDS
12 SHALL BE ALLOCATED FREE OF CHARGE IF FEASIBLE,
13 EQUITABLY AND IMPARTIALLY AMONG THE CANDIDATES
14 IN THE PROVINCE, MUNICIPALITY OR CITY."

15 *SEC. 7. Reforms in Dissemination of Sample Ballots.—*
16 Section 93 of the Code is hereby repealed and in its place
17 the following section is hereby inserted:

18 "SEC. 93. *REGULATION AND SUPERVISION BY THE*
19 *COMELEC OF THE DISSEMINATION OF THE CANDIDATE'S*
20 *SAMPLE BALLOTS AND OTHER BASIC PROPAGANDA.—THE*
21 *COMELEC, AFTER DUE NOTICE AND HEARING WHERE ALL*
22 *INTERESTED PARTIES ARE GIVEN EQUAL OPPORTUNITY*
23 *TO BE HEARD SHALL, WITH THE HELP OF THE CANDI-*
24 *DATES OR THEIR DULY AUTHORIZED REPRESENTATIVES,*

1 DEVISE WAYS AND MEANS TO ENABLE IT TO PROPERLY
2 REGULATE AND SUPERVISE THE DISSEMINATION TO THE
3 REGISTERED VOTERS OF THE APPROPRIATE ELECTORAL
4 DISTRICTS WHERE THE CANDIDATES ARE RUNNING FOR
5 PUBLIC OFFICE, THEIR SAMPLE BALLOTS, HANDBILLS,
6 AND OTHER BASIC ELECTION PROPAGANDA.”

7 *SEC. 8. Reforms on the Prosecution of Election Offenses.*

8 —(A) Paragraph (b), Section 261 of the Code is hereby
9 amended to read as follows:

10 “(b) *Conspiracy to Bribe Voters.*—(1) Two or more
11 persons, whether candidates or not, who come to an agree-
12 ment concerning the commission of any violation of para-
13 graph (a) of this section and decide to commit it.

14 “(2) THE PRESENTATION OF A COMPLAINT SUPPORTED
15 BY AFFIDAVITS OF COMPLAINING WITNESSES ATTESTING
16 TO THE OFFER OR PROMISE BY OR OF THE VOTER'S
17 ACCEPTANCE OF MONEY OR OTHER CONSIDERATION FROM
18 THE RELATIVES, LEADERS OR SYMPATHIZERS OF A CAN-
19 DIDATE, SHALL BE SUFFICIENT BASIS FOR AN INVESTIGA-
20 TION TO BE IMMEDIATELY CONDUCTED BY THE COM-
21 MISSION, DIRECTLY OR THROUGH ITS DULY AUTHORIZED
22 LEGAL OFFICERS, UNDER SECTION 68 OR SECTION 265 OF
23 THIS CODE.

1 “(3) PROOF THAT AT LEAST ONE VOTER IN DIFFERENT
2 PRECINCTS REPRESENTING AT LEAST TWENTY PERCENT
3 (20%) OF THE TOTAL PRECINCTS IN ANY MUNICIPALITY,
4 CITY OR PROVINCE HAS BEEN OFFERED, PROMISED OR
5 GIVEN MONEY, VALUABLE CONSIDERATION OR OTHER
6 EXPENDITURE BY A CANDIDATE'S RELATIVES, LEADERS
7 AND/OR SYMPATHIZERS FOR THE PURPOSE OF PROMOT-
8 ING THE ELECTION OF SUCH CANDIDATE, SHALL CONSTI-
9 TUTE A DISPUTABLE PRESUMPTION OF A CONSPIRACY
10 UNDER THIS PARAGRAPH.

11 “(4) WHERE SUCH PROOF AFFECTS AT LEAST TWENTY
12 PERCENT (20%) OF THE PRECINCTS OF THE MUNIC-
13 IPALITY, CITY OR PROVINCE, TO WHICH THE PUBLIC
14 OFFICE ASPIRED FOR BY THE FAVORED CANDIDATE RE-
15 LATES, THE SAME SHALL CONSTITUTE A DISPUTABLE
16 PRESUMPTION OF THE INVOLVEMENT OF SUCH CANDI-
17 DATE AND OF HIS PRINCIPAL CAMPAIGN MANAGERS IN
18 EACH OF THE MUNICIPALITIES CONCERNED, IN THE
19 CONSPIRACY.

20 (B) Paragraph (d), Section 52, of the Code is hereby
21 amended by adding thereto the following paragraphs:

22 “IN ALL HEARINGS, INQUIRIES, AND PROCEEDINGS OF
23 THE COMMISSION, INCLUDING PRELIMINARY INVESTIGA-
24 TIONS OF ELECTION OFFENSES, NO PERSON SUBPOENAED

1 TO TESTIFY AS A WITNESS SHALL BE EXCUSED FROM
2 ATTENDING AND TESTIFYING OR FROM PRODUCING
3 BOOKS, PAPERS, CORRESPONDENCE, MEMORANDA AND
4 OTHER RECORDS ON THE GROUND THAT THE TESTIMONY
5 OR EVIDENCE, DOCUMENTARY OR OTHERWISE, REQUIRED
6 OF HIM, MAY TEND TO INCRIMINATE HIM OR SUBJECT
7 HIM TO PROSECUTION: *PROVIDED*, THAT NO PERSON
8 SHALL BE PROSECUTED CRIMINALLY FOR OR ON ACCOUNT
9 OF ANY MATTER CONCERNING WHICH HE IS COMPELLED,
10 AFTER HAVING CLAIMED THE PRIVILEGE AGAINST SELF
11 INCRIMINATION, TO TESTIFY AND PRODUCE EVIDENCE,
12 DOCUMENTARY OR OTHERWISE.

13 "UNDER SUCH TERMS AND CONDITIONS AS IT MAY
14 DETERMINE, THE COMMISSION MAY GRANT IMMUNITY
15 FROM CRIMINAL PROSECUTION TO ANY PERSON WHOSE
16 TESTIMONY OR WHOSE POSSESSION AND PRODUCTION OF
17 DOCUMENTS OR OTHER EVIDENCE WHICH MAY BE NECES-
18 SARY TO DETERMINE THE TRUTH IN ANY HEARING,
19 INQUIRY OR PROCEEDING BEING CONDUCTED BY THE
20 COMMISSION OR UNDER ITS AUTHORITY, IN THE PER-
21 FORMANCE OR IN THE FURTHERANCE OF ITS CONSTITU-
22 TIONAL FUNCTIONS AND STATUTORY OBJECTIVES. THE
23 IMMUNITY GRANTED UNDER THIS AND THE IMMEDIATELY
24 PRECEDING PARAGRAPH SHALL NOT EXEMPT THE WIT-

1 NESS FROM CRIMINAL PROSECUTION FOR PERJURY OR
2 FALSE TESTIMONY.”

3 (C) Section 263 of the Code is hereby amended by
4 adding thereto the following paragraph:

5 “THE GIVER, OFFEROR, AND PROMISSOR AS WELL AS
6 THE SOLICITOR, ACCEPTOR, RECIPIENT AND CONSPIRA-
7 TOR REFERRED TO IN SECTION 261, PARAGRAPHS (A) AND
8 (B), OF THIS CODE, SHALL ALL BE LIABLE AS PRINCIPALS:
9 *PROVIDED*, THAT ANY PERSON, OTHERWISE GUILTY
10 UNDER SAID PARAGRAPHS, WHO VOLUNTARILY GIVES
11 INFORMATION AND WILLINGLY TESTIFIES ON ANY VIO-
12 LATION THEREOF IN ANY OFFICIAL INVESTIGATION OR
13 PROCEEDING SHALL BE EXEMPT FROM PROSECUTION AND
14 PUNISHMENT FOR THE OFFENSES WITH REFERENCE TO
15 WHICH HIS INFORMATION AND TESTIMONY WERE GIVEN:
16 *PROVIDED, FURTHER*, THAT NOTHING HEREIN SHALL
17 EXEMPT SUCH PERSON FROM CRIMINAL PROSECUTION
18 FOR PERJURY OR FALSE TESTIMONY.”

19 (D) Section 68 of the Code is hereby amended to read
20 as follows:

21 “SEC. 68. *Disqualifications*.—Any candidate who, in an
22 action, INQUIRY or protest in which he is a party is declared
23 by final decision of a competent court of, or found by the
24 Commission of having (a) given money or other material

1 consideration to influence, induce or corrupt the voters
2 or public officials performing electoral functions; (b) com-
3 mitted acts of terrorism to enhance his candidacy; (c)
4 spent in his election campaign an amount in excess of that
5 allowed by this Code; (d) solicited, received or made any
6 contribution prohibited under Sections 89, 95, 96, 97 and
7 104; or (e) violated any of Sections 80, 83, 85, 86 and 261,
8 paragraphs b, d, e, F, J, K, v and cc; subparagraph 6;
9 shall be disqualified from continuing as a candidate, or if
10 he has been elected, from holding the office. Any person
11 who is a permanent resident of or an immigrant to a
12 foreign country shall not be qualified to run for any elective
13 office under this Code, unless said person has [waived]
14 RENOUNCED EFFECTIVELY his status as a permanent resident
15 or immigrant of a foreign country in accordance with ITS
16 LAWS AND WITH THE LAWS OF THE PHILIPPINES [the
17 residence requirement provided for in the election laws],
18 FURNISHING THE COMMISSION ON ELECTIONS OR ITS AUTHOR-
19 IZED REPRESENTATIVE WITH A SIGNED COPY OF SUCH RENUN-
20 CIATION UPON FILING OF HIS CERTIFICATE OF CANDIDACY.”

21 (E) The second paragraph of Section 72 of the Code
22 is hereby amended to read as follows:

23 “Any candidate who has been declared by final judg-
24 ment to be disqualified shall not be voted for, and the votes

1 cast for him shall not be counted. [Nevertheless] If for
 2 any reason a candidate is not declared by final judgment
 3 before an election to be disqualified and he is voted for
 4 and receives the winning number of votes in such election,
 5 [his violation of the provisions of the preceding sections
 6 shall not prevent his proclamation and assumption of
 7 office] THE COURT OR COMMISSION SHALL CONTINUE WITH
 8 THE TRIAL AND HEARING OF THE ACTION, INQUIRY OR PRO-
 9 TEST AND, UPON MOTION OF THE COMPLAINANT OR ANY IN-
 10 TervenOR, MAY DURING THE PENDENCY THEREOF ORDER THE
 11 SUSPENSION OF THE PROCLAMATION OF SUCH CANDIDATE
 12 WHENEVER THE EVIDENCE OF HIS GUILT IS STRONG.

13 SEC. 9. *Effectivity of Regulations and Orders of the*
 14 *Commission.*—The second paragraph of paragraph (c),
 15 Section 52 of the Code is hereby amended to read as follows:

16 “The rules and regulations hereafter promulgated by the
 17 Commission on Elections shall take effect on the SEVENTH
 18 [sixteenth] day after their publication in the Official
 19 Gazette or in at least two (2) daily newspapers of general
 20 circulation IN THE PHILIPPINES. Orders and directives
 21 issued by the Commission [pursuant to said rules and
 22 regulations] shall be furnished by personal delivery to
 23 [accredited political] ALL PARTIES CONCERNED within forty-
 24 eight (48) hours FROM DATE of issuance and shall take

1 effect immediately upon receipts UNLESS A LATER DATE IS
2 EXPRESSLY SPECIFIED IN SUCH ORDERS OR DIRECTIVES.”

3 SEC. 10. *Repealing Clause.*—Provisions of the Omnibus
4 Election Code, Batas Pambansa Blg. 881, and other laws,
5 decrees, orders, rules and regulations and other issuances,
6 or parts thereof which are inconsistent with this Act are
7 hereby amended, modified, supplemented, superseded or
8 repealed accordingly.

9 SEC. 11. *Effectivity.*—This Act shall take effect upon
10 its approval.

Approved,

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