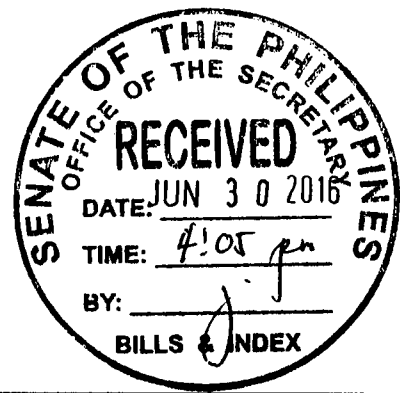


SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

SENATE  
S. No. 100



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Introduced by **Senator Richard "Dick" J. Gordon**

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### EXPLANATORY NOTE

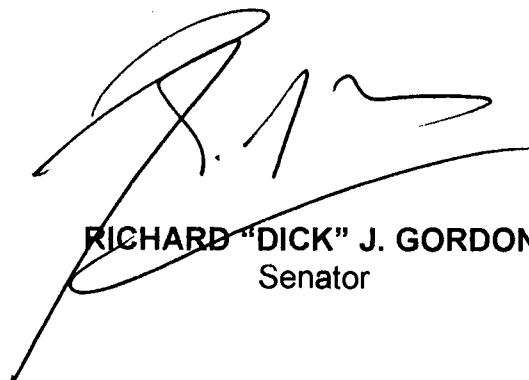
The barrage of political advertisements on TV and radio and the obvious electioneering or campaigning by many candidates way before the start of the official campaign period in the last elections were too much to be ignored.

This would have constituted the election offense of premature campaigning if it were not for *Penera vs. COMELEC and Andanar*, G.R. No. 181613, November 25, 2009. In interpreting the law, the Supreme Court ruled that a candidate is liable for election offenses only upon the start of the campaign period, thus effectively decriminalizing premature campaigning.

The unfair repercussions of this rule are far and wide. It propagates political inequality as it unduly favors rich or popular candidates over poor or less popular candidates. It also negates transparency and accountability as it shamelessly excludes such premature campaigning from the regulation of campaign finance and the limitations on election campaign and expenditures.

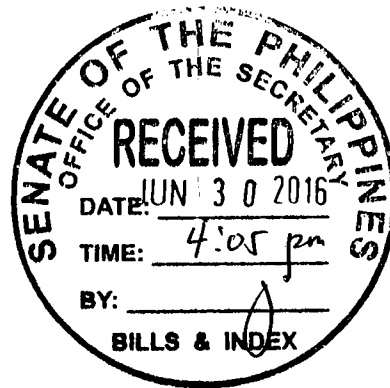
In his dissenting opinion in *Penera vs. COMELEC and Andanar, Ibid.*, Justice Abad said that "Congress could not be presumed to have written a ridiculous rule." This bill thus proposes to correct this anomaly by amending the language in Republic Act No. 9369 to clarify that candidates may indeed be liable for unlawful acts even before the campaign period, including premature campaigning.

Premature campaigning is an election offense punishable by imprisonment of not less than one year but not more than six years, as well as disqualification to hold public office and deprivation of the right of suffrage under Sec. 80 and Sec. 264 of the Omnibus Election Code of the Philippines.



**RICHARD "DICK" J. GORDON**  
Senator

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



SENATE  
S. No. 100

Introduced by Senator Richard "Dick" J. Gordon

**AN ACT AMENDING SECTION 13 OF REPUBLIC ACT NO. 9369**

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

1 SECTION 1. Section 13 of Republic Act No. 9369 is hereby amended to read as  
2 follows:

3 "Sec. 13. Section 11 of Republic Act No. 8436 is hereby amended  
4 to read as follows:

5 Sec. 15. *Official Ballot.* - ...

6 ...

7 For this purpose, the Commission shall set the deadline for the filing  
8 of certificate of candidacy/petition of registration/manifestation to  
9 participate in the election. Any person who files his certificate of candidacy  
10 within this period shall ~~only be considered as a candidate at the start of the~~  
11 ~~campaign period for which he filed his certificate of candidacy.:~~ ~~Provided,~~  
12 ~~That, unlawful acts or omissions applicable to a candidate shall take effect~~  
13 ~~only upon the start of the aforesaid campaign period: Provided, finally,~~  
14 ~~That a~~ Any person holding a public appointive office or position, including  
15 active members of the armed forces, and officers and employees in  
16 government-owned or -controlled corporations, shall be considered ipso  
17 facto resigned from his/her office and must vacate the same at the start of  
18 the day of the filing of his/her certificate of candidacy.

19 ...

20 ...

21 ...

22 ...

23 Sec. 2. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or  
24 other issuances or parts thereof inconsistent with the provision of this Act are hereby  
25 repealed or modified accordingly.

1           Sec. 3. *Effectivity.* – This Act shall take effect after fifteen (15) days following the  
2 completion of its publication either in the Official Gazette or in a newspaper of general  
3 circulation in the Philippines.

4           Approved,