

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session



COMMITTEE REPORT NO. 943

Submitted by the Committee on Suffrage and Electoral Reforms on May 10, 2021

Re: House Bill No. 9315

Recommending its approval in substitution of House Bill No. 2761

Sponsors: Representatives Juliet Marie de Leon Ferrer, Rufus B. Rodriguez and Lawrence "Law" H. Fortun

Mr. Speaker:

The Committee on Suffrage and Electoral Reforms, to which was referred House Bill No. 2761 introduced by Rep. Rufus B. Rodriguez, entitled:

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

has considered the same and recommends that the attached House Bill No. 9315, entitled:

"AN ACT
PROVIDING FOR THE EXPEDITIOUS RESOLUTION OF ELECTORAL PROTESTS"

be approved in substitution of House Bill No. 2761, with Representatives Rufus B. Rodriguez, Lawrence "Law" H. Fortun, Rodolfo M. Ordanes, Alyssa Sheena P. Tan, Juliet Marie de Leon Ferrer, Francisco Jose II "Bingo" F. Matugas CPA, CESO, LLB and Tyrone D. Agabas as the authors thereof.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Juliet Marie de Leon Ferrer".

REP. JULIET MARIE DE LEON FERRER
Chairperson
Committee on Suffrage and Electoral
Reforms

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9315
(In substitution of House Bill No. 2761)

Introduced by the Honorable Representatives Rufus B. Rodriguez, Lawrence “Law” H. Fortun, Rodolfo M. Ordanes, Alyssa Sheena P. Tan, Juliet Marie de Leon Ferrer, Francisco Jose II "Bingo" F. Matugas CPA, CESO, LLB and Tyrone D. Agabas

AN ACT
PROVIDING FOR THE EXPEDITIOUS RESOLUTION OF ELECTORAL
PROTESTS

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

1 SECTION 1. *Short Title.* - This Act shall be known as the “*Expeditious*
2 *Resolution of Electoral Protests Act*”
3

4 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
5 State to ensure the fair, impartial and expeditious disposition of election
6 protests to prevent the disenfranchisement of the electorate and guarantee
7 that outcomes of electoral processes are reflective of the sovereign will of the
8 people.
9

10 SEC. 3. *Scope of this Act.* - This Act shall apply to all elective positions
11 in the national, local, and barangay levels.
12

13 SEC. 4. *Filing Fees; Costs of Revisions and Recount; Revisor’s Fees; And*
14 *Reimbursement of Costs and Fees.* - All provisions of laws and rules and
15 regulations to the contrary notwithstanding, the filing fees, costs of revision
16 and recount, revisor’s fees, and other costs involved in electoral protests shall
17 be governed by the following policies:

18 (a) *Filing Fees.* - Filing fees shall be reasonable and cover only
19 administrative costs for accepting and docketing the electoral
20 protests.
21

1 (b) Costs of Revision and Recount. – The costs of revision and recount
2 shall be shouldered by the Presidential Electoral Tribunal (PET), the
3 Senate Electoral Tribunal (SET), the House of Representatives
4 Electoral Tribunal (HRET), the Commission on Elections (COMELEC)
5 and the courts, as the case may be.
6

7 (c) Revisor’s Fees. - Fees for revisors shall be borne solely by the
8 protestant and protestee who retained their respective services.
9

10 (d) Reimbursement of Costs and Fees. - Fees and other costs paid to the
11 PET, the SET, the HRET, the COMELEC and the court, as the case
12 may be, and the fees and costs paid to the revisors, shall be
13 reimbursed by the protestee to the protestant when the election
14 protest is sustained and the election of the protestee is nullified.
15

16 SEC. 5. *Expeditious Resolution of Electoral Protests.* - Notwithstanding
17 any provision of law or rules and regulations to the contrary, all electoral
18 protests involving different positions shall be resolved not later than the
19 following periods:
20

21 (a) For President, Vice-President, or Senator, within twenty-four (24)
22 months following the proclamation and assumption into office of the
23 official whose election is contested;
24

25 (b) For Member of the House of Representatives, within twelve (12)
26 months following the proclamation and assumption into office of the
27 representative whose election is contested;
28

29 (c) For regional, provincial, city and municipal positions, within twelve
30 (12) months following the proclamation and assumption into office of
31 the official whose election is contested; and
32

33 (d) For barangay positions, within six (6) months following the
34 proclamation and assumption into office of the official whose election is
35 contested.
36

37 SEC. 6. *Resolution of Quo Warranto Cases.* – Notwithstanding any
38 provision of law or rules and regulations to the contrary, all *quo warranto*
39 cases involving different positions shall be resolved not later than the
40 following periods:
41

42 a) For President, Vice-President, or Senator, filed before the assumption
43 into office of the official whose election is contested, within six (6)
44 months from the said assumption, or if filed after such assumption,
45 within six (6) months from the filing of the case;

1
2 b) For Member of the House of Representatives, filed before the
3 assumption into office of the Representative whose election is
4 contested, within six (6) months from the said assumption, or if filed
5 after such assumption, within six (6) months from the filing of the case;
6

7 c) For regional, provincial, city and municipal positions, within six (6)
8 months from the filing of the case; and
9

10 d) For barangay positions, within six (6) months from the filing of the
11 case.
12

13 SEC. 7. *Expeditious Resolution of Appealed Cases.* – Any appealed
14 decision on an election protest or *quo warranto* case shall be resolved by the
15 COMELEC or the court exercising appellate jurisdiction, as the case may be,
16 within three months upon the service of a notice of appeal.
17

18 A notice of appeal shall be served within three (3) days upon the filing
19 of an appeal.
20

21 SEC. 8. *Sanctions for the Violations of the Mandatory Periods* – The
22 following sanctions shall be imposed for failure to comply with the mandatory
23 periods under Sections 5 and 6 of this Act:
24

25 (a) For the Members of the PET, the SET, and the HRET, withholding
26 of all remunerations to which they may be entitled as such members
27 pending resolution of the case beyond the mandatory period;
28

29 (b) (b) For the Chairman and Commissioners of the COMELEC,
30 withholding of basic salaries pending resolution of the case beyond
31 the mandatory period; and
32

33 (c) For Judges of Courts, withholding of basic salaries pending
34 resolution of the case beyond the mandatory period.
35

36 In addition, the Supreme Court may impose such other sanctions on
37 non-complying judges as it may deem warranted.
38

39 SEC. 9. *Separability Clause.* – If any portion or provision of this Act is
40 declared unconstitutional, the remainder thereof or any provision not affected
41 thereby shall remain in force and effect.
42

1 SEC. 10. *Repealing Clause.* - Section 22 of Republic Act No. 7166
2 entitled “*An Act Providing For Synchronized National And Local Elections And*
3 *For Electoral Reforms, Authorizing Appropriations Therefor, And For Other*
4 *Purposes*” and Section 24 of Republic Act No. 8046, entitled “*An Act*
5 *Authorizing The Commission On Elections To Conduct A Nationwide*
6 *Demonstration Of A Computerized Election System And Pilot-Test It In The*
7 *March 1996 Elections In The Autonomous Region In Muslim Mindanao (ARMM)*
8 *And For Other Purposes*” are hereby amended.

9
10 All other laws, acts, presidential decrees, executive orders, issuances,
11 presidential proclamations, rules and regulations or parts thereof, which are
12 contrary to and inconsistent with any provision of this Act, are hereby
13 repealed, amended or modified accordingly.

14
15 SEC. 11. *Effectivity.* - This Act shall take effect fifteen (15) days after its
16 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

House of Representatives
Committee Affairs Department

FACT SHEET

HOUSE BILL NO. 9315

(In substitution of House Bill No. 2761)

**“AN ACT
PROVIDING FOR THE EXPEDITIOUS RESOLUTION OF ELECTORAL
PROTESTS”**

*Introduced by: REPS. RUFUS B. RODRIGUEZ, LAWRENCE “LAW” H. FORTUN,
RODOLFO M. ORDANES, ALYSSA SHEENA P. TAN, JULIET MARIE DE LEON
FERRER, FRANCISCO JOSE II “BINGO” F. MATUGAS CPA, CESO, LLB
AND TYRONE D. AGABAS*

*Committee Referral: COMMITTEE ON SUFFRAGE AND ELECTORAL REFORMS
Committee Chairperson: REP. JULIET MARIE DE LEON FERRER*

OBJECTIVES:

- To ensure the fair, impartial, and expeditious disposition of election contests; and
- To prevent the disenfranchisement of the electorate and guarantee that outcomes of electoral processes are reflective of the sovereign will of the people.

KEY PROVISIONS:

- Mandates that filing fees shall be reasonable and cover only administrative costs for accepting and docketing the electoral protests;
- Provides that the costs of revision and recount shall be shouldered by the Presidential Electoral Tribunal (PET), the Senate Electoral Tribunal (SET), the House of Representatives Electoral Tribunal (HRET), the Commission on Elections (COMELEC), and the courts, as the case may be.
- Mandates that fees for revisors shall be borne solely by the protestant and protestee who retained their respective services;
- Mandates that fees and other costs paid to the PET, the SET, the HRET, the COMELEC, and the court, as the case may be, and the fees and costs paid to the revisors, shall be reimbursed by the protestee to the protestant when the election protest is sustained and the election of the protestee is nullified;
- Provides that all electoral protests involving different positions shall be resolved not later than the following periods:
 - (a) For President, Vice-President, or Senator, within twenty-four (24) months following the proclamation and assumption into office of the official whose election is contested;

- (b) For Member of the House of Representatives, within twelve (12) months following the proclamation and assumption into office of the representative whose election is contested;
 - (c) For regional, provincial, city, and municipal positions, within twelve (12) months following the proclamation and assumption into office of the official whose election is contested; and
 - (d) For barangay positions, within six (6) months following the proclamation and assumption into office of the official whose election is contested.
- Provides that all *quo warranto* cases involving different positions shall be resolved not later than the following periods for the following positions:
 - (a) for President, Vice-President, or Senator, filed before the assumption into office of the official whose election is contested, within six (6) months from the said assumption, or if filed after such assumption, within six (6) months from the filing of the case;
 - (b) for Member of the House of Representatives, filed before the assumption into office of the Representative whose election is contested, within six (6) months from the said assumption, or if filed after such assumption, within six (6) months from the filing of the case;
 - (c) For regional, provincial, city, and municipal positions, within six (6) months from the filing of the case; and
 - (d) For barangay positions, within six (6) months from the filing of the case.
 - Mandates that any appealed decision on an election protest or *quo warranto* case shall be resolved by the COMELEC or the court exercising appellate jurisdiction, as the case may be, within three months upon the service of a notice of appeal;
 - Mandates that a notice of appeal shall be served within three (3) days upon the filing of an appeal.
 - Provides for sanctions against concerned officials for failure to comply with the mandatory periods for resolving election protests and *quo warranto* cases

RELATED LAW:

- Batas Pambansa Blg. 881, "*The Omnibus Election Code*"
- Republic Act No. 7166, "*An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations Therefor, and for Other Purposes*"
- Republic Act No. 8046, "*An Act Authorizing the Commission on Elections to Conduct a Nationwide Demonstration of a Computerized Election System and Pilot-Test It in the March 1996 Elections in the Autonomous Region in Muslim Mindanao (ARMM) and for Other Purposes*"