



NAMFREL

+63 8470 4151 • +63 8451 1586
namfrelsecretariat@namfrel.org.ph
www.namfrel.org.ph

National Citizens' Movement For Free Elections
Unit 601, DMG Center, Domingo M. Guevara St.,
Brgy. Mauway, Mandaluyong City, Philippines, 1550

POSITION PAPER ON PROPOSED MEASURES ON NUISANCE CANDIDATES and EARLY VOTING

TO: Committee on Suffrage and Electoral Reforms
Philippine House of Representatives
Twentieth Congress, First Regular Session
Hon. Ziaur-Rahman "Zia" Alonto Adiong, Chairman

FROM: National Citizens' Movement for Free Elections (NAMFREL)

DATE: November 24, 2025

RE: Initial Deliberation on Proposed Measures on Nuisance Candidates (HB Nos. 2274, 2812, and 4911) and Early Voting (HB Nos. 432, 1237, 1357, 1522, 1523, 1524, 1525, 1569, 2079, 4247, 4768, and 4827)

I. INTRODUCTION

The National Citizens' Movement for Free Elections (NAMFREL) respectfully submits this position paper on the above-referenced legislative measures currently under consideration by the Committee on Suffrage and Electoral Reforms. As a citizens' arm for election monitoring with decades of experience in promoting credible, honest, and peaceful elections in the Philippines, NAMFREL commends the Committee's initiative in addressing two critical aspects of our electoral system: the perennial problem of nuisance candidates and the need to expand access to voting through early voting mechanisms.

These legislative proposals represent important steps toward strengthening our democracy by protecting the integrity of the electoral process while simultaneously expanding meaningful participation by all qualified voters. NAMFREL offers the following observations and recommendations based on our extensive field experience and engagement with stakeholders across the electoral spectrum.

II. POSITION ON MEASURES REGARDING EARLY VOTING

A. General Support with Recommended Enhancements



NAMFREL supports the general thrust of the early voting bills, recognizing that they address legitimate barriers to voter participation faced by senior citizens, persons with disabilities (PWDs), lawyers, and human resources for health. The Commission on Elections' (COMELEC) implementation of early voting hours during the 2025 National and Local Elections demonstrated both the feasibility and the demand for such accommodations.

However, we respectfully submit that the current versions of these bills, while laudable in intent, require significant enhancements to fully realize the goal of inclusive suffrage and to address operational concerns identified in our 2022 National and Local Elections Report.

B. Critical Provisions That Must Be Included

1. Voter Verification Rights

All early voting bills must explicitly provide that voters casting early ballots shall have the right to:

- Personally feed their ballot into the voting/counting machine (VCM);
- Verify their votes through the Voter Verifiable Paper Audit Trail (VVPAT); and
- Exercise the same degree of ballot secrecy and voting autonomy enjoyed by those voting on Election Day.

Rationale: The integrity of the vote and voter confidence in the electoral process depend fundamentally on voters being able to verify that their choices have been accurately recorded. Any early voting system that compromises this principle risks creating a two-tiered electoral system where early voters receive diminished protections compared to Election Day voters. This would be constitutionally problematic and operationally unwise.

2. Comprehensive Ballot Coverage

Early voting must allow voters to cast ballots for all positions for which they are qualified to vote, including national, local, and party-list positions, as well as referenda and plebiscites if applicable.

Rationale: Restricting early voters to partial ballots would effectively disenfranchise them from full participation in the electoral process. If a voter qualifies for early voting due to their circumstances, those same circumstances justify allowing them to exercise their complete franchise, not merely a portion of it.



3. Extension to Barangay and Sangguniang Kabataan Elections (BSKEs)

The early voting framework must explicitly include its application to Barangay and Sangguniang Kabataan Elections.

Rationale: The same barriers to voting that exist for national and local elections are equally present—if not more pronounced—in BSKEs. Senior citizens, PWDs, and other qualified groups face identical challenges regardless of the level of election. Moreover, BSKEs are the most grassroots form of democratic participation and should be equally accessible to all qualified voters.

4. Expanded Coverage of Qualified Early Voters

While we support the inclusion of senior citizens, PWDs, lawyers, and health workers, the bills must be expanded to cover additional categories of voters who face legitimate barriers to Election Day voting:

a) **Election officials and workers rendering election duty** - These individuals are essential to the functioning of the electoral process but are often unable to vote at their own precincts due to their assignments. As documented in our 2022 report, many election workers effectively sacrifice their right to vote in service to the democratic process.

b) **Citizens required to work on Election Day** - Despite Election Day being a special non-working holiday, many essential service workers, security personnel, transportation workers, and others are required to work. These citizens should not be forced to choose between their livelihood and their right to vote.

c) **Persons confined in hospitals and penitentiaries** - Hospital patients and persons deprived of liberty (who retain their right to vote under Philippine law) face significant practical barriers to casting ballots on Election Day. An early voting or mobile voting mechanism would enable their participation.

d) **Indigenous peoples living in remote areas** - As extensively documented in our 2022 report (pages 33 and 73), indigenous communities in geographically isolated and disadvantaged areas face extraordinary challenges in accessing polling places. Weather conditions, distance, terrain, and security concerns often make Election Day voting impractical or impossible. Early voting periods would provide flexibility for these communities to participate when conditions permit.

Rationale: The principle underlying early voting is that no qualified voter should be denied their constitutional right to suffrage due to circumstances beyond their control. The categories listed



above represent significant populations who face genuine barriers to voting. Their exclusion from early voting provisions would perpetuate their disenfranchisement.

5. Convenient Registration Process

The bills must mandate that registration for early voting shall be accomplished through a simple, accessible online system that does not require voters to appear in person at COMELEC offices.

Specifically:

- Registration should be available through a secure web portal or mobile application;
- Required documentation should be uploadable electronically;
- Approval or denial should be communicated electronically with clear appeals procedures;
- The system must be accessible to persons with disabilities;
- Alternative registration methods must be available for those without internet access.

Rationale: If the purpose of early voting is to accommodate voters who face barriers to Election Day participation, it is counterproductive to require them to overcome significant barriers simply to register for early voting. Our experience monitoring elections has consistently shown that bureaucratic barriers to registration significantly suppress participation. A 2022 survey found that lengthy queues and inconvenient COMELEC office hours were among the top reasons voters cited for not completing registration-related processes.

Moreover, in the digital age, there is no technical reason why registration for early voting cannot be accomplished securely online. The COMELEC has already demonstrated capacity for digital systems through the voter registration verification system and election results transmission.

6. Transparency Provision for Voters' Lists

All early voting bills must include a provision requiring that Election Day voters' lists clearly indicate which registered voters have already cast ballots through early voting.

Specifically:

- The Election Day Registry List of Voters (EDRLV) must include a column or clear indicator showing early voters;
- Board of Election Inspectors (BEI) must be trained to check this indicator;
- Early voters who attempt to vote again on Election Day must be prevented from doing so and referred to appropriate authorities;



- Political party watchers and citizen election monitors must have access to aggregated information on early voting turnout by precinct.

Rationale: This provision is essential for preventing double voting, ensuring transparency, and maintaining public confidence in the early voting process. Without clear indicators on Election Day voters' lists, there is significant risk of early voters being allowed to vote again—whether through honest mistake or deliberate fraud. Additionally, transparency regarding early voting participation rates is essential for public oversight and for evaluating the success and integrity of the early voting program.

C. Implementation Concerns and Recommendations

1. Adequate Preparation Period

Given the operational complexity of implementing early voting, NAMFREL recommends that the law provide for adequate preparation time between enactment and first implementation. COMELEC will need time to:

- Procure and test equipment;
- Develop and test registration systems;
- Train personnel;
- Conduct public information campaigns;
- Establish secure procedures for ballot custody during the period between early voting and Election Day.

2. Security and Integrity Measures

The implementing rules and regulations must address:

- Secure storage of cast ballots between early voting and official counting;
- Chain of custody procedures with multi-party oversight;
- Technical measures to prevent double voting;
- Provisions for the presence of political party watchers and citizen observers during early voting;
- Procedures for handling challenged early votes.

3. Accessibility Standards

For early voting to meaningfully serve PWDs and senior citizens, the implementing rules must establish clear accessibility standards for early voting centers, including:

- Physical accessibility requirements;



- Availability of assistive devices and personnel;
- Clear signage and wayfinding;
- Adequate seating and rest areas;
- Priority lanes where appropriate.

4. Public Information Campaign

The success of early voting depends on public awareness. The bills should explicitly mandate and fund a comprehensive public information campaign explaining:

- Who qualifies for early voting;
- How to register;
- When and where early voting will occur;
- What to bring and what to expect;
- Rights and procedures for early voters.

D. Specific Comments on Individual Bills

While most early voting bills (HB Nos. 432, 1237, 1357, 2079, 4247, 4768, and 4827) share substantially similar provisions and would benefit from the recommendations above, we note:

HB Nos. 1522, 1523, 1524, and 1525 (Rep. Tan) are notable for treating each qualified category separately, which may allow for category-specific modifications but creates unnecessary legislative complexity. We recommend consolidating these into a single comprehensive measure.

HB No. 1569 (Rep. Primicias-Agabas) is narrower in scope, covering only senior citizens and PWDs, but includes the important provision of allowing early voting "within seven (7) working days before the date set for the elections." This time frame provision should be incorporated into the final consolidated measure, as it provides clarity and adequate flexibility.

III. POSITION ON MEASURES REGARDING NUISANCE CANDIDATES

A. General Support for Strengthening Nuisance Candidate Provisions

NAMFREL strongly supports efforts to address the perennial problem of nuisance candidates, which undermines the seriousness of elections, confuses voters, and often serves as a vehicle for corruption. The current provisions of Section 69 of the Omnibus Election Code, while useful, have proven insufficient to deter the filing of frivolous candidacies.

HB Nos. 2274 (Rep. Co-Pilar), 2812 (Rep. Marcos), and 4911 (Rep. Arrogancia) are substantially similar and represent meaningful improvements to the existing framework by:



- Adding "obtaining money, profit, or any other consideration" as an explicit ground for cancellation (though this is already implicit in current law);
- Making acts qualifying one as a nuisance candidate an explicit election offense;
- Imposing a substantial fine of Five Hundred Thousand Pesos (PHP 500,000.00).

We support these enhancements and recommend their adoption with the additional provisions outlined below.

B. Critical Addition: Addressing Placeholder Candidacies and Substitution Abuse

The single most important gap in all three bills is their failure to address the widespread abuse of the certificate of candidacy (COC) substitution mechanism.

NAMFREL strongly recommends adding provisions that would address the practice of filing a COC to serve as a placeholder for a person who later files a COC via substitution at the last possible moment. This practice:

- Circumvents the spirit and purpose of candidate filing deadlines;
- Allows late entrants to avoid scrutiny during the normal campaign period;
- Generates publicity through the drama of "beyond-the-last-minute filing";
- Makes a mockery of the electoral process;
- Often involves coordination that suggests the original filing was never bona fide.

Recommended Provision:

The bills should be amended to include language substantially as follows:

"Any person found by the Commission to have filed a certificate of candidacy with the intent to serve as a placeholder for a substitute candidate, or who filed a certificate of candidacy without bona fide intention to pursue the candidacy and subsequently withdrew to allow substitution, shall be deemed to have committed an election offense.

Similarly, any person who becomes a substitute candidate under circumstances demonstrating that the original certificate of candidacy was filed as a placeholder for the substitute, including but not limited to situations where:

- *The original candidate had no discernible campaign activity or organization;*
- *The original candidate immediately withdrew upon substitution without cause related to death, disqualification, or withdrawal of the original candidate as required by law;*
- *Evidence exists of prior coordination between the original candidate and substitute; or*
- *The substitute candidate was ineligible to file a COC directly at the time the original COC was filed;*



shall likewise be deemed to have committed an election offense.

Both the original candidate and the substitute candidate may be held jointly and severally liable for the penalties prescribed herein, and the substitute candidate's certificate of candidacy shall be subject to cancellation."

Rationale: The COC substitution mechanism serves a legitimate purpose—allowing parties to replace candidates who die, become disqualified, or voluntarily withdraw for valid reasons. However, this mechanism has been systematically abused to circumvent filing deadlines and create artificial drama that favors candidates with greater resources and media access.

The practice is particularly pernicious because it undermines the principle of fair notice. Other candidates, voters, and election administrators are entitled to know who is running within a reasonable time before the election. Last-minute substitutions deprive them of this knowledge and create chaos in the final weeks of the campaign.

Moreover, when an original COC was clearly filed in bad faith as a placeholder, both the original filer and the substitute are complicit in making a mockery of the electoral process. Both should face consequences.

C. Incorporation of Supreme Court Jurisprudence

NAMFREL commends the Committee's attention to recent Supreme Court decisions clarifying who should not be deemed nuisance candidates. The bills under consideration should explicitly incorporate principles from recent jurisprudence, including:

1. The "Unknown" or "Unaffiliated" Status

Based on the Supreme Court's guidance, the bills should clarify that a candidate's lack of political party affiliation or being unknown to the general public does not, by itself, constitute grounds for being declared a nuisance candidate.

Recommended provision: "The fact that a candidate is unaffiliated with any political party, or is not well-known to the general public, or is perceived as an 'unknown' candidate, shall not be considered as evidence of lack of bona fide intention to run for office."

Rationale: Democracy requires openness to new voices and independent candidates. Many legitimate candidates begin their political careers as unknowns without party backing. To allow "unknown" status to be grounds for nuisance candidacy would entrench political dynasties and party establishments while excluding newcomers and reformers.



2. Lack of Campaign Funds

Consistent with Supreme Court guidance, the bills should clarify that insufficient campaign resources or funding does not constitute grounds for being declared a nuisance candidate.

Recommended provision: "The fact that a candidate lacks campaign funds, has limited financial resources, or conducts a low-budget campaign shall not be considered as evidence of lack of bona fide intention to run for office. A candidate's sincerity and bona fide intention to run for office should be determined by factors other than their financial capacity."

Rationale: Allowing lack of funds to serve as grounds for nuisance candidacy would effectively make wealth a qualification for office, contrary to constitutional principles. Many sincere candidates, particularly those running for local positions, conduct grassroots campaigns with minimal resources. Some of the most important reforms in Philippine political history have been championed by candidates who lacked financial backing but possessed genuine commitment and public support.

3. Burden of Proof

The bills should clarify that the burden of proving that a candidate is a nuisance candidate rests with the party asserting the claim, and that such proof must meet a clear and convincing evidence standard.

Recommended provision: "The burden of proving that a certificate of candidacy was filed under circumstances constituting nuisance candidacy shall rest upon the party asserting such claim. Such proof must meet the standard of clear and convincing evidence. Mere suspicion, speculation, or political opposition shall not suffice."

Rationale: The right to seek public office is fundamental and should not be lightly curtailed. Requiring clear and convincing evidence protects against weaponization of nuisance candidate petitions to eliminate legitimate political competitors.

D. Due Process Protections

While all three bills appropriately include the phrase "after due notice and hearing," NAMFREL recommends that the implementing rules and regulations specifically provide:

- Adequate time for accused nuisance candidates to respond to petitions;
- Right to present evidence and witnesses;
- Right to counsel;
- Written decisions with clear factual findings;



- Expedited but fair appeals process;
- Public access to anonymized summaries of decisions to build consistent jurisprudence.

E. Comments on the Penalty Provision

The proposed PHP 500,000.00 fine is appropriate and substantial enough to deter frivolous filings without being so excessive as to constitute an unconstitutional barrier to seeking office. However, NAMFREL recommends adding a provision allowing the Commission to consider the financial capacity of the offender in determining whether to impose the full fine, a reduced amount, or alternative sanctions, provided the decision is based on documented evidence and clear standards.

This would prevent situations where the penalty itself becomes uncollectible or leads to inequitable outcomes while still maintaining meaningful deterrent effect.

IV. RECOMMENDATIONS FOR CONSOLIDATED LEGISLATION

Given the substantial similarity among the early voting bills and among the nuisance candidate bills, NAMFREL recommends that the Committee consider consolidating related measures into comprehensive substitute bills:

Substitute Bill on Early Voting incorporating:

- Coverage of senior citizens, PWDs, lawyers, human resources for health, election workers, persons confined in hospitals and penitentiaries, citizens required to work on Election Day, and indigenous peoples in remote areas;
- Voter verification rights and VVPAT access;
- Full ballot coverage including all positions and elections (national, local, and BSKE);
- Online registration system;
- Transparency provisions for voters' lists;
- Seven-day early voting period;
- Comprehensive security and accessibility standards;
- Adequately funded public information campaign.

Substitute Bill on Nuisance Candidates incorporating:

- Enhanced grounds for cancellation including obtaining consideration;
- Election offense designation with PHP 500,000.00 fine;
- Placeholder/substitution abuse provisions;
- Supreme Court jurisprudence on unknown candidates, lack of funds, and burden of proof;
- Enhanced due process protections;



- Flexible penalty provisions considering financial capacity.

The measures under consideration represent important opportunities to strengthen Philippine democracy by expanding access to the ballot while protecting the integrity of the electoral process. With the enhancements recommended above, these bills can serve as models of inclusive, well-designed electoral reform.

NAMFREL stands ready to provide technical assistance, share field insights, and support the Committee's work in refining these measures. We respectfully urge the Committee to:

1. Adopt the recommendations outlined in this position paper;
2. Conduct public consultations with diverse stakeholders including senior citizens, PWDs, indigenous peoples, and civil society organizations;
3. Engage COMELEC early in the process to ensure operational feasibility;
4. Consider pilot implementation of early voting in selected areas before nationwide rollout;
5. Build in sunset review provisions requiring evaluation of early voting implementation after its first use.

The right to vote is the cornerstone of democracy. These measures can help ensure that this right is both accessible to all and protected from abuse. We commend the Committee for taking up these important reforms and look forward to constructive engagement throughout the legislative process.

Respectfully submitted,



ERIC JUDE O. ALVIA

Secretary General

National Citizens' Movement for Free Elections (NAMFREL)

