

REPUBLIC ACT NO. 8295

AN ACT PROVIDING FOR THE PROCLAMATION OF A LONE CANDIDATE FOR ANY ELECTIVE OFFICE IN A SPECIAL ELECTION, AND FOR OTHER PURPOSES.

Section 1. *Declaration of policy.* — It is hereby declared the policy of the State to provide the people with adequate and constant governance and representation in public affairs. Towards this end, the State shall ensure that, as much as practicable, each and every elective position in the executive and legislative branches of government is occupied at all times at the least of cost to government.

Sec. 2. *Proclamation of a lone candidate.* — Upon the expiration of the deadline for the filing of the certificates of candidacy in a special election called to fill a vacancy in an elective position other than for President and Vice President, when there is only one (1) qualified candidate for such position, the lone candidate shall be proclaimed elected to the position by proper proclaiming body of the Commission on Elections without holding the special election upon certification by the Commission on Elections that he is the only candidate for the office and is thereby deemed elected.

Sec. 3. *Assumption of office.* — In the absence of any lawful ground to deny due course or cancel the certificate of candidacy in order to prevent such proclamation, as provided for under Sec.s 69 and 78 of Batas Pambansa Bilang 881 also known as the Omnibus Election Code of the Philippines, the candidate referred to in the preceding paragraph shall assume office not earlier than the scheduled election day. Certificates of candidacy filed in violation hereof shall not be given due course. For this purpose, the Commission shall decide petitions for disqualifications not later than election day; otherwise, such petitions shall be deemed dismissed.

Sec. 4. *Disqualification.* — In addition to the disqualifications mentioned in Sec.s 12 and 68 of the *Omnibus Election Code* and Sec. 40 of Republic Act No. 7160, otherwise known as the *Local Government Code*, whenever the evidence of guilt is strong, the following persons are disqualified to run in a special election called to fill the vacancy in an elective office, to wit:

- a) Any elective official who has resigned from his office by accepting an appointive office or for whatever reason which he previously occupied but has caused to become vacant due to his resignation; and
- b) Any person who, directly or indirectly, coerces, bribes, threatens, harasses, intimidates or actually causes, inflicts or produces any violence, injury, punishment, torture, damage, loss or disadvantage to any person or persons aspiring to become a candidate or that of the

immediate member of his family, his honor or property that is meant to eliminate all other potential candidate.

Sec. 5. *Prohibited acts, election offenses and penalties.* — Any act of coercion, bribery, threat, harassment, intimidation, terrorism, or actually causing, inflicting or producing violence, injury, punishment, torture, damage, loss or disadvantage to discourage any other person or persons from filing a certificate of candidacy in order to eliminate all other potential candidate from running in a special election shall constitute as an election offense. Violations of this provision shall be prosecuted and penalized in accordance with the provision of Sec. 264 of the Omnibus Election Code.

Sec. 6. *Applicability.* — The pertinent provisions of Batas Pambansa Bilang 881, as amended, otherwise known as the *Omnibus Election Code of the Philippines*, and other election laws which are not in conflict with the provision herein provided, shall remain in full force and effect and are hereby adopted as parts hereof.

Sec. 7. *Implementing authority.* — The Commission on Elections shall, within fifteen (15) days from the effectivity of this Act, promulgate rules and regulations necessary to carry out the purpose of this Act.

Sec. 8. *Separability clause.* — If for any reason or reasons, any Sec., provision of this Act, or any part thereof, or the application of such Sec., provision or portion is declared or held unconstitutional or invalid, other parts or the remainder thereof which are not affected thereby shall continue to be in full force and effect.

Sec. 9. *Repealing clause.* — All laws, decrees, executive orders, in whole or in part, particularly pertinent provisions of Republic Act Nos. 7160 and 7166, including the rules and regulations promulgated thereunder inconsistent with the provisions of this Act, are hereby amended, repealed or modified accordingly.

Sec. 10. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved: June 6, 1997