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REPUBLIC OF THE PHILIPPINES
SENATE
Manila

FIFTH REGULAR SESSION

COMMITTEE REPORT NO. 1373

Submitted by the Committee on Electoral Reforms and People's Participation and Committee on Constitutional Amendments, Revision of Code and Laws

1861
Re: Substitute Bill, prepared by the Joint Committees

Recommending its approval in substitution of Senate Bill No. 1854 and taking into consideration Senate Bill No. 1840.

Sponsors: Senators Gonzales, Lina, Jr., Guingona, Jr., Aquino, Saguisag, Estrada, Tañada, Pimentel, Jr. and Mercado

Mr. President:

The Committee on Electoral Reforms and People's Participation to which was referred Senate Bill No. 1854, entitled:

"AN ACT
PROVIDING FOR THE HOLDING OF
SYNCHRONIZED AND SIMULTANEOUS ELECTIONS
FOR ALL NATIONAL AND LOCAL OFFICIALS ON
THE SECOND MONDAY OF MAY, 1992,
PROVIDING MEASURES TO ENSURE THAT THE
SAID ELECTIONS SHALL BE FREE, ORDERLY,
HONEST, PEACEFUL AND CREDIBLE, AND FOR
OTHER PURPOSES"

and taking into consideration Senate Bill No. 1840, entitled:

"AN ACT
PRESCRIBING A GRADUATED PENALTY OF FINE FOR
FAILURE OF ANY CANDIDATE OR TREASURER OF A
POLITICAL PARTY TO COMPLY WITH SECTION ONE
HUNDRED SEVEN OF THE OMNIBUS ELECTION CODE,
OTHERWISE KNOWN AS BATAS PAMBANSA
BILANG 881"

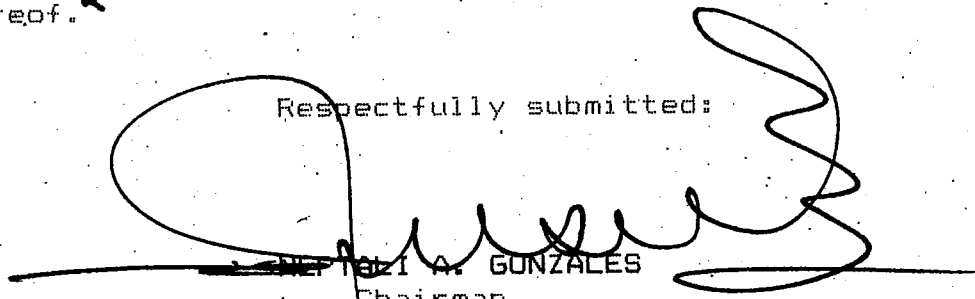
has considered the same and has the honor to report it back to the Senate with the recommendation that these be substituted by

the attached Bill prepared by the Joint Committees, entitled:

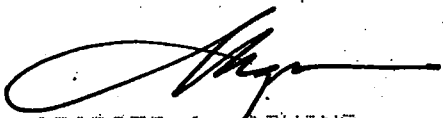
"AN ACT
PROVIDING FOR SYNCHRONIZED NATIONAL AND
LOCAL ELECTIONS ON MAY 11, 1992, AND FOR
ELECTORAL REFORMS, AND AUTHORIZING
APPROPRIATIONS THEREFOR"

and that the substitute bill be approved without amendment, with
Senators ~~Guingona~~, ~~Lina~~, ~~Gonzales~~, Saguisag, Aquino, Estrada and
~~Tañada~~, as authors thereof.

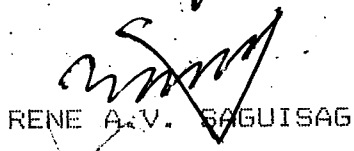
Respectfully submitted:

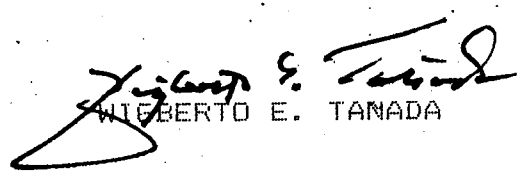

JOSEPH A. GONZALES
Chairman
Committee on Electoral Reforms
and People's Participation


MEMBERS:


AGAPITO A. AQUINO

JOSEPH E. ESTRADA



RENE A.V. SAGUISAG

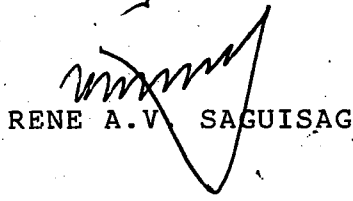

WIERBERTO E. TANADA


JOSE D. LINA, JR.
Chairman
Committee on Constitutional Amendments,
Revision of Codes and Laws

MEMBERS:

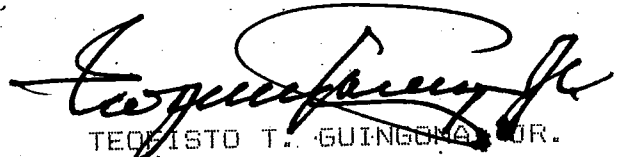
ORLANDO S. MERCADO


AQUILINO Q. PIMENTEL, JR.


RENE A.V. SAGUISAG

EX-OFFICIO MEMBERS:

SOTERO H. LAUREL
President Pro-Tempore


TEODORO T. GUINGONA, JR.
Majority Floor Leader

JUAN PONCE ENRILE
Minority Floor Leader

The Honorable
The Senate President
Senate
Manila

Congress of the Philippines)
Fifth Regular Session)

SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
DATE: AUG 15 1991
TIME: 7:15 BY: 9

SENATE

S. NO. 1861

Introduced by the Committee on Electoral Reforms and People's Participation and Committee on Constitutional Amendments, Revision of Codes and Laws, Senators ~~Conales~~ ^{Conales} Lina, Jr., Guingona, Aquino, Estrada, Saguisag, Tañada, Pimentel, Jr. and Mercado

EXPLANATORY NOTE

This bill proposes to set the national and local elections for May 11, 1992 and provide for the necessary implementing details. It also endorses reforms and measures to ensure the conduct of free, orderly, honest, peaceful and credible elections.

Specifically it seeks to:

1. Reduce the number of positions to be voted for by providing therein that the members of the Sangguniang Panlalawigan, Sangguniang Panglungsod and Sangguniang Bayan be elected not at large, but by district. The maximum number of positions to be written by a voter is fixed at 38. For a visual appreciation of this proposal, there is hereby appended a table showing the estimated number of elective positions by districts in the provinces, cities, municipalities and districts in Metro Manila. Also, a prototype of the ballot to be used in the elections;

2. Set the election period as provided for by the Constitution, i.e. ninety days before the day of the election and thirty days thereafter. In keeping with the decision of the Supreme Court, the campaign period is circumscribed within the election period: for President, Vice-President and Senators, ninety days before election day; for Member of the House of Representatives and local elective officials, sixty days. Nomination and selection of official candidates, not being considered campaign activities under the Omnibus Election Code, may be conducted outside of the election period;

3. Increase the per diem of teachers on election day from P200 to P400 for the May 11, 1992 elections and provide a mechanism for hazard pay and incentive and merit awards;

4. Broaden the definition of a "candidate" as one who aspires for public office, whether or not he has filed his certificate of candidacy or has been nominated by a political party as its candidate. This is an imperative to stop the prevailing practice of early campaigning. As the law stands the Commission on Elections is helpless in enforcing the provisions of law against early campaign in view of the constricted definition of the term "candidate". Unless one has filed a certificate of candidacy he is not deemed to be a candidate and all efforts geared to enhance his aspiration to be elected to a public office are removed from the prohibition against early campaign. It is,

therefore, recommended that the law expand the concept of candidacy in such a way that mere aspiration for a public elective office, publicly and openly manifested by a person or his supporters, be considered campaigning and therefore subject to certain legal constraints;

5. Remove from the law the requirement of printing the names of all the candidates (including their stage names) on the election returns. Instead, the printing of such names shall be undertaken by the Commission only when practicable. This is to be justified by the time constraints between the last day for filing certificates of candidacy and election day, as well as the withdrawal and substitution of candidates;

6. Set one registration day for new voters and qualified voters who are not registered in the voters list. When there is a significant number of inclusions, exclusions and corrections, the Commission may direct the board of election inspectors to convene for the purpose of entering such inclusions, exclusions and corrections on the list of voters. Otherwise, the board shall not meet, but inclusions, exclusions and corrections, if any, shall be entered in the list of voters before the start of voting on election day;

7. Vest the Commission with the authority to adjust or split precincts by assigning voters therein alphabetically and equitably among the precincts within the barangay, and the flexibility to determine the design and materials of voting booth;

8. Firm up the power of the Commission to preserve the integrity of the voters registration records by giving it the authority to annul motu proprio any book of voters prepared under fraudulent or highly irregular circumstances;

9. Allow absentee voting for President, Vice-President and Senators as provided for under Executive Order No. 157. However, this privilege may be availed of only by the members of the military and other government personnel who on election day may be assigned in connection with election duties to places where they are not registered;

10. Bring to a more realistic and credible level the limits on election spending by increasing the ceiling from one peso and fifty centavos to three pesos per registered voter for candidates, and five pesos per registered voter for a political party;

11. Modify the penalty imposed by the Omnibus Election Code for the non-submission of statements of contributions and expenditures by candidates and treasurers of political parties. This is consistent with the bill submitted by Senator Ernesto Maceda. Instead of imprisonment and disqualification to hold public office, it is suggested that the penalty for the first offense be an administrative fine without the stigma of a criminal conviction. The present law, considering the context and the unrealistic expenditure limits, tends to fall on candidates for grassroots public offices, namely barangay and local offices, where a broadening of citizen participation is being encouraged. The potential violators number by the thousands even as candidates for national offices probably comply with the nominal requirements by way of inaccurate statements. Given the five-year prescriptive

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period and the fact that investigations and complaints filed have not proceeded evenly nationwide, the present system of penalty would be unfairly draconian in application. The proposed amendment would clean the slate for everybody to start anew, together with more realistic expenditure limits, without resorting to outright amnesty or pardon for those already convicted or under investigation;

12. Provide a mechanism for the summary disposition of pre-proclamation controversies. A pre-proclamation controversy is a unique extraordinary remedy in the Philippine election law. It is supposed to be summary in character by the nature of the proceedings. Yet, the Commission is continually faced with prolonged and broadened issues that are more properly pursued through an election protest. Two major reasons for delays are the requirement of "due notice and hearing" and the scope for raising objections on election returns at the Commission level, even when such were not raised with the board of canvassers. The proposed amendments would authorize the Commission to dispose of pre-proclamation controversies on the basis of the records and evidence presented to the board of canvassers and mandates short time periods for their resolution and execution;

13. Require the chairman of the board of election inspectors to authenticate a ballot given to a voter by affixing his signature at the back thereof and to consider any ballot not so authenticated as spurious. This is intended to address the election mischief of substituting official ballots with fake ones;

14. Enhance the transparency of the elections by providing the ruling and dominant opposition parties with copies of the election returns and certificates of canvass.

As an additional reform, the Commission will provide a color code to allow for easy identification of copies of the election returns to be distributed to the offices and parties entitled thereto. Likewise, the Commission will authorize the use of two tally boards, one for national offices and the other for local positions. These are measures that can be adopted by the Commission without the need for a formal authority in law. They are an exercise of its constitutional power to ensure that the electoral process is honest, orderly and credible; and

15. Identify definitively the election document which shall serve as the basis for canvass of the results of the election for President, Vice-President, Senators and Members of the House of Representatives. It is proposed that the election returns of the precincts in the legislative districts be canvassed by the Provincial Board of Canvassers, City Board of Canvassers in the case of cities comprising one or more legislative districts, and District Board of Canvassers in the Metropolitan Manila Area.

This proposal rests on three considerations:

a) The existing provisions of the Constitution and election laws are not clear as to the election document that shall serve as basis for the national canvass. This bill settles the issue. It points definitively to the use of the certificates of canvass prepared by the Provincial, City and District boards of canvassers. As herein proposed, the Provincial, City and District boards of canvassers shall canvass the election

returns of the various precincts within their respective jurisdictions. The boards will then prepare certificates of canvass for the election of President, Vice-President, Senators and Members of the House of Representatives. This will be the document that will serve as the basis for the national canvass. The process will involve certificates of canvass from 73 provinces and cities comprising at least one (1) or more legislative districts.


On the other hand if the election returns were to be the bases of canvass, between 120,000 and 165,000 of such election forms would have to be accounted for in the final report of canvass and proclamation by Congress and the Commission. Here, time is of primary consideration. The national canvass for the election of President, Vice-President and Senators needs to be completed and the proclamation done before the beginning of the terms of the candidates-elect on June 30, 1992.

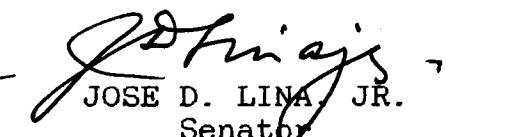
We recognize the risks involved: inaccuracies and tampering. And as a safeguard we propose to transmit likewise to Congress and to the Commission their respective copies of the election returns for reference and verification purposes.

b) As the law stands (EO No. 144), initial canvass of the election returns for the election of Senators takes place before the municipal board of canvassers. Canvassing at this level is too far removed from the final canvassing to be done by the Commission. A premature exposure of this vital and basic election document does not augur well for credible results. We, therefore, opt to transfer the initial canvass of the election returns to the provincial, city and district boards of canvassers which shall prepare the certificates of canvass to serve as bases for the national canvass.

c) At the municipal level the Commission lacks lawyers to chair canvassing boards. Add the fact that the two other members are likewise not lawyers. For sensitive offices of President and Vice-President, Senators and Congressmen, we cannot leave the canvassing process to municipal board of canvassers that is wanting of legal wherewithals.

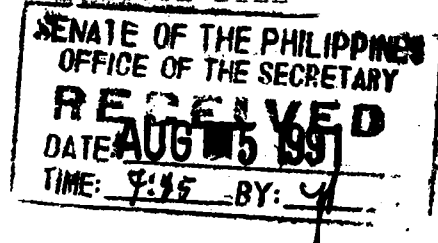
In consideration of the foregoing, the undersigned earnestly recommends the immediate enactment of this bill into law.


NEPTALI A. GONZALES
Senator
Chairman, Committee on
Electoral Reforms and
People's Participation


JOSE D. LINA JR.
Senator
Chairman, Committee on
Constitutional Amendments,
Revision of Codes & Laws

Congress of the Philippines)
Fifth Regular Session)

SUBSTITUTE BILL



S E N A T E

S. NO. 1861

Introduced by the Committee on Electoral Reforms and
People's Participation and the Committee on
Constitutional Amendments, Revision of Codes and Laws,
Senators ~~Lina, Jr.~~, ~~Gonzales~~, Guingona, Aquino,
Saguisag, Estrada, Tañada, Pimentel and Mercado

AN ACT
PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS
ON MAY 11, 1992, AND FOR ELECTORAL REFORMS, AND
AUTHORIZING APPROPRIATIONS THEREFOR

Be it enacted by the Senate and House of Representa-
tatives of the Philippines in Congress assembled:

1 SECTION 1. Statement of Policy. - It is the
2 policy of the State to synchronize elections so that
3 there shall be simultaneous regular elections for
4 national and local elective officials once every three
5 (3) years.

6 SEC. 2. Date of Election. - In accordance with
7 the policy hereinbefore declared, there shall be held an
8 election for President and Vice-President of the
9 Philippines, twenty-four (24) Senators, all elective
10 Members of the House of Representatives, and all
11 provincial, city and municipal elective officials on May
12 11, 1992.

13 SEC. 3. Term of Office. - The President, the
14 Vice-President and the Senators shall have a term of
15 office of six (6) years beginning at noon on the
16 thirtieth day of June next following their election:
17 Provided, however, That, of the twenty-four (24)
18 Senators to be elected on May 11, 1992, the first twelve

1 (12) obtaining the highest number of votes shall serve
2 for six (6) years and the remaining twelve (12), for
3 three (3) years.

4 The Members of the House of Representatives and
5 all elective provincial, city and municipal officials
6 shall serve for a term of three (3) years which shall
7 begin at noon on the thirtieth day of June next
8 following their election.

9 No Vice-President shall serve for more than two
10 (2) successive terms.

11 No Senator shall serve for more than two (2)
12 consecutive terms.

13 No Member of the House of Representatives shall
14 serve for more than three (3) consecutive terms.

15 No elective provincial, city or municipal official
16 shall serve for more than three (3) consecutive terms.

17 Voluntary renunciation of the office for any
18 length of time shall not be considered as an
19 interruption in the continuity of his service for the
20 full term for which he was elected.

21 SEC. 4. Election of members of the sangguniang
22 panlalawigan, sangguniang panglungsod and sangguniang
23 bayan by district. - The elective members of the
24 sangguniang panlalawigan, sangguniang panglungsod and
25 sangguniang bayan shall be elected by the qualified
26 voters of their respective districts as follows:

27 (a) For provinces with two (2) or more
28 representative districts, the number of elective members
29 of the sangguniang panlalawigan shall be equally divided
30 among them: *Provided*, That, if equal division is not
31 possible, the remaining member or members shall be
32 elected in the district or districts with the greater
33 number of population or, if they be the same, with the
34 greater number of voters.

1 (b) For provinces and cities with only one (1)
2 representative district, the Commission on Elections
3 shall divided them into two (2) districts for purposes
4 of provincial or city representation as nearly as
5 practicable according to the number of inhabitants, each
6 district comprising a compact, contiguous and adjacent
7 territory, and the number of elective members of their
8 respective sanggunian shall be equally divided between
9 the districts in accordance with the standard or formula
10 provided in the next preceding paragraph.

11 (c) The number and election of elective members
12 of sangguniang panglungsod and sangguniang bayan in the
13 Metro Manila area, the city of Cebu, city of Davao and
14 any other city with two (2) or more representative
15 districts shall continue to be governed by the
16 provisions of Sections 2 and 3 of Republic Act No. 6636:
17 Provided, That, the municipalities of Malabon, Navotas,
18 San Juan, Mandaluyong, Muntinlupa, Las Pinas and Taguig
19 shall have twelve (12) councilors, and Pateros, ten
20 (10). *Provided, Further, That, the Commission on*
21 *Elections shall divide each of the municipalities in*
22 *Metropolitan Manila into two (2) districts, by barangay,*
23 *for purposes of representation in the sangguniang bayan*
24 *as nearly as practicable according to the number of*
25 *inhabitants, each district comprising a compact,*
26 *contiguous and adjacent territory.*

27 (d) The Commission on Elections shall apportion
28 the number of elective members of the sangguniang
29 panglungsod of component cities and sangguniang bayan
30 among the duly constituted barangays as nearly as
31 practicable, according to the number of their respective
32 inhabitants, each councilor district to comprise a
33 compact, contiguous and adjacent territory: *Provided,*

1 however, That each councilor district shall elect at
2 least two (2) councilors: *Provided, further,* That in
3 case of any extra member, he shall be elected in the
4 district with the greater number of population.

5 No person shall be elected member of the
6 sangguniang panlalawigan, sangguniang panglungsod or
7 sangguniang bayan, as the case may be, unless he is an
8 actual resident of the constituency of which he is a
9 candidate. *Provided, however,* That, for the May 11,
10 1992 elections, an incumbent member of the sanggunian
11 who competes in the election for the same position may
12 run in any district within the municipality, city or
13 province where he is a registered voter.

14 SEC. 5. Postponement, failure of election and
15 special elections. - The postponement, declaration of
16 failure of election and the calling of special elections
17 as provided in Sections 5, 6 and 7 of the Omnibus
18 Election Code shall be decided by the Commission on
19 Elections sitting en banc by a majority vote of its
20 members. The causes for the declaration of a failure of
21 election may occur before or after the casting of voters
22 or on the day of the election.

23 SEC. 6. Election and campaign periods. - Unless
24 otherwise fixed by the Commission on Elections, the
25 election period for the May 11, 1992 regular elections
26 shall commence ninety (90) days before the day of the
27 election and shall end thirty (30) days thereafter.

28 The campaign periods are hereby fixed as follows:

29 (a) For President and Vice-President, ninety (90)
30 days before the day of the election;

31 (b) For Senators, sixty (60) days before the day
32 of the election;

33 (c) For Member of the House of Representatives
34 and local elective provincial, city and municipal

1 officials, forty-five (45) days before the day of the
2 election.

3 However, the foregoing campaign periods shall not
4 include the day before and the day of the election
5 itself, Maundy Thursday and Good Friday during which
6 days campaigning is absolutely prohibited.

7 Any provision of law to the contrary
8 notwithstanding, any candidate for Senator, Member of
9 the House of Representatives or any elective local
10 office may campaign for the national candidates of his
11 political party during their campaign periods and even
12 before his own campaign period.

13 Any election campaign or partisan political
14 activity for or against any candidate outside of the
15 campaign period herein provided is prohibited except as
16 provided in the next succeeding section.

17 The term "candidate" when used in connection with
18 election campaign or partisan political activity, refers
19 to any person aspiring for or seeking an elective public
20 office, regardless of whether or not said person has
21 already filed his certificate of candidacy or has been
22 nominated by any political party, organization or
23 coalition of parties as its candidate.

24 SEC. 7. Nomination and selection of official
25 andidates. - No political convention or meetings for
26 the nomination or selection of the official candidates
27 of any political party or organization or political
28 group or coalition thereof, shall be held, nor shall any
29 campaign or partisan political activity for the purpose
30 of enhancing the chances of aspirants for nomination as
31 official candidates of political party, organization or
32 coalition be conducted, earlier than the following
33 periods:

1 (a) For President, Vice-President and Senators,
2 one hundred fifty (150) days before the day of the
3 election; and

4 (b) For Members of the House of Representatives,
5 and elective provincial, city, or municipal officials,
6 ninety (90) days before the day of the election.

7 SEC. 8. Filing of certificates of candidacy. -
8 The certificates of candidacy of any person running for
9 the office of President, Vice-President, Senator, Member
10 of the House of Representatives or any elective
11 provincial, city or municipal official shall be filed in
12 five (5) legible copies with the offices of the
13 Commission on Elections specified hereunder during
14 regular office hours not later than the day before the
15 date legally fixed for the beginning of his campaign
16 period.

17 (a) The certificate of candidacy for President,
18 Vice-President and Senators of the Philippines shall be
19 filed with the main office of the Commission on
20 Elections in Manila;

21 (b) The certificate of candidacy for Members of
22 the House of Representatives shall be filed with the
23 provincial election supervisor of the province
24 concerned. Those for legislative districts in the
25 National Capital Region shall be filed with the regional
26 election director of said region and those for
27 legislative districts in cities outside the National
28 Capital Region which comprise one or more legislative
29 districts shall be filed with the city election
30 registrar concerned;

31 (c) The certificate of candidacy for provincial
32 offices shall be filed with the provincial election
33 supervisor concerned; and

34 (d) The certificate of candidacy for city or

1 municipal offices shall be filed with the city or
2 municipal election registrar concerned.

3 The certificate of candidacy shall be filed by the
4 candidate or his duly authorized representative
5 personally. No certificate of candidacy shall be filed
6 or accepted by mail.

7 Whenever practicable, the names of registered
8 candidates shall be printed in the election returns.

9 SEC. 9. Precincts and their establishment. - Any
10 provision of law to the contrary notwithstanding, where
11 it is not practicable to divide the precinct by
12 territory, the Commission may adjust or split the
13 precinct by assigning the registered voters therein
14 alphabetically and equitably among the precincts.

15 SEC. 10. Registration of voters. - There shall
16 be a registration of voters on the fifteenth Saturday
17 before the day of the election for voters who will reach
18 the age of eighteen (18) years on or before the day of
19 the election or for those who are qualified but not
20 registered in the list of voters: However, the
21 Commission on Elections may designate an additional date
22 of registration in certain areas to ensure that voters
23 therein are not deprived of their right of suffrage.

24 Before adjourning on registration day, the board
25 of election inspectors shall close the list of voters by
26 affixing their signatures in the space immediately after
27 the last name; number consecutively the names of the
28 voters listed therein; and authenticate the list of
29 voters by affixing their signatures on each and every
30 page thereof.

31 The board of election inspectors shall post the
32 list of voters in each precinct beginning on the first
33 working day after registration day until election day.

1 Failure to post said list shall constitute an election
2 offense.

3 When there is a significant number of inclusions,
4 exclusions and corrections in the list of voters in a
5 precinct, the Commission shall direct the board of
6 election inspectors concerned to meet on the eight
7 Saturday immediately preceding the day of the election
8 for the purpose of making such inclusions, exclusions
9 and corrections as may be or may have been ordered by
10 the courts, stating opposite every name so corrected,
11 added or cancelled, the date of the order and the court
12 which issued the same, otherwise, the board shall not
13 meet, but such inclusions, exclusions and corrections,
14 if any, shall be made in the list of voters before the
15 voting starts on election day.

16 SEC. 11. Annulment of the list of voters. - Any
17 book of voters the preparation of which has been
18 effected with fraud, bribery, forgery, impersonation,
19 intimidation, force or any other similar irregularity or
20 which is statistically improbable may, *motu proprio*, be
21 annulled by the Commission: *Provided*, That, no order,
22 ruling or decision annulling a book of voters shall be
23 executed within sixty (60) days before an election.

24 SEC. 12. Voting Booth. - Any provision of law to
25 the contrary notwithstanding, there shall be in each
26 polling place at least ten voting booths of such size,
27 specifications and materials, as the Commission may
28 provide to enable the voters to fill out their ballots
29 secretly.

30 SEC. 13. - Absentee voting. - Absentee voting
31 as provided for in Executive Order No. 157 dated March
32 30, 1987 shall apply to the elections for President,
33 Vice-President and Senators only and shall be limited to
34 members of the Armed Forces of the Philippines and the

1 Philippine National Police and other government officers
 2 and employees who are duly registered voters and who, on
 3 election day, may temporarily be assigned in connection
 4 with the performance of election duties to places where
 5 they are not registered voters.

6 SEC. 14. - Authorized expenses of candidates and
 7 political parties. - The aggregate amount that a
 8 candidate or registered political party may spend for
 9 election campaign shall be as follows:

10 (a) For candidates. - Three pesos for every voter
 11 currently registered in the constituency where he filed
 12 his certificate of candidacy; and

13 (b) For political parties. Five pesos for every
 14 voter currently registered in the constituency or
 15 constituencies where it has official candidates.

16 SEC. 15. Penalties for failure to file statement
 17 of contributions and expenditures. - Any candidate or
 18 treasurer of a political party who fails to comply with
 19 the first or second paragraph of Sec. 107 of the Omnibus
 20 Election Code shall be liable for an administrative fine
 21 corresponding to the table herein provided:

22	<u>OFFICE</u>	<u>AMOUNT</u>
23	a) President	P 30,000.00
24	b) Vice-President	25,000.00
25	c) Senator	20,000.00
26	d) Congressman	15,000.00
27	e) Governor	15,000.00
28	f) Vice-Governor	10,000.00
29	g) Members of the Sangguniang Panlalawigan	5,000.00
30	h) City Mayor	10,000.00
31	i) City Vice-Mayor	5,000.00
32	j) Members of the Sangguniang Panglungsod	3,000.00

- 1 k) Municipal Mayor 5,000.00
- 2 l) Municipal Vice-Mayor 3,000.00
- 3 m) Members of the Sangguniang Bayan 1,000.00
- 4 n) Barangay Official 500.00
- 5 o) Treasurer of the Party 100,000.00

6 The fine shall be paid within thirty (30) days
7 from receipt of notice of such failure from the
8 Commission on Elections, to the city or municipal
9 treasurer of the city or municipality which said
10 candidate declared as his residence in his certificate
11 of candidacy. If the offender is the treasurer of a
12 political party he shall pay the fine to the city or
13 municipal treasurer of the municipality where the
14 political party holds its principal office. In
15 addition, the offender shall submit the statement of
16 contributions and expenditures which he failed to file
17 under the first or second paragraph of Sec. 107 of the
18 Omnibus Election Code, to the election registrar of the
19 city or municipality herein referred to. Tender of
20 payment by the offender shall not be given due course by
21 the city or municipal treasurer without the
22 certification of the election registrar concerned that
23 such sworn statement has already been filed with his
24 office.

25 Failure to pay the administrative fine within the
26 period herein prescribed shall render the candidate or
27 treasurer of the political party criminally liable for
28 an election offense and upon conviction shall be imposed
29 double the corresponding fine as hereinbefore provided.
30 Thereafter, any subsequent offense shall render the
31 offender guilty of an election offense and shall be
32 punished in accordance with Sec. 264 of the Omnibus
33 Election Code.

34 Candidates and treasurers of political parties who

1 failed to file statements of contributions and
2 expenditures in the 1986 Snap Presidential Elections,
3 the May 11, 1987 Senatorial and Congressional Elections,
4 the January 18, 1988 Local Elections, the March 28, 1989
5 Barangay Elections and the February 17, 1990 Regional
6 Elections for the Autonomous Region in Muslim Mindanao
7 who have been found guilty of an election offense under
9 Sec. 107 of the Omnibus Election Code and are currently
10 serving sentence shall be immediately released from
11 confinement and shall not be subject to the fine herein
12 imposed. In the case of candidates or treasurers of
13 political parties against whom complaints have been
14 filed before the Commission on Elections or informations
15 have been filed before the Regional Trial Courts or
16 whose cases are on appeal to higher courts, the
17 investigation, the trial and appeal proceedings shall
18 continue only for a determination by the Commission or
19 the court of failure to properly file the statements
20 required under Sec. 107 of the Omnibus Election Code. A
21 finding of such failure shall be punished with an
22 administrative fine hereinbefore imposed but without a
23 pronouncement of criminal conviction upon the party.
24 Candidates or treasurers of political parties who on the
25 basis of the records of the Commission on Elections have
26 failed to file properly such statements of contributions
27 and expenditures for the above mentioned elections of
28 1986, 1987, 1988, 1989 and 1990 and against whom no
29 formal complaints have been filed shall submit said
30 statement and pay the corresponding administrative fine
31 in accordance with the first and second paragraphs
32 hereof.

33 SEC. 16. Pre-proclamation controversies: how
34 commenced. - Questions affecting the composition or

1 proceedings of the board of canvassers may be initiated
2 in the board or directly with the Commission. However,
3 matters raised under Sections 233, 234, 235 and 236 of
4 the Omnibus Election Code in relation to the
5 preparation, transmission, receipt, custody and
6 appreciation of the election returns shall be brought in
7 the first instance before the board of canvassers only.

8 SEC. 17. Summary disposition of pre-proclamation
9 controversies. - All pre-proclamation controversies on
10 election returns shall, on the basis of the records and
11 evidence elevated to it by the board of canvassers, be
12 disposed of summarily by the Commission within five (5)
13 days from receipt thereof. Its decisions shall be
14 executory after the lapse of five (5) days from receipt
15 by the losing party of the decision of the Commission.

16 SEC. 18. Contested composition or proceedings of
17 the board: period to appeal: decision by the
18 Commission. - Parties adversely affected by a ruling of
19 the board of canvassers on questions affecting the
20 composition or proceedings of the board may appeal the
21 matter to the Commission within three (3) days from a
22 ruling thereon. The Commission shall summarily decide
23 the case within five (5) days from the filing thereof.

24 SEC. 19. Procedure in disposition of contested
25 election returns. - (a) Any candidate, political party
26 or coalition of political parties contesting the
27 inclusion or exclusion in the canvass of any election
28 returns on any of the grounds authorized under Article
29 XX or Sections 234, 235 and 236 of Article XIX of the
30 Omnibus Election Code shall submit his verbal objection
31 to the chairman of the board of canvassers at the time
32 the questioned return is presented for inclusion in the
33 canvass. Such objection shall be recorded in the
34 minutes of the canvass.

1 (b) Upon receipt of any such objection, the board
2 of canvassers shall automatically defer the canvass of
3 the contested returns and shall proceed to canvass the
4 returns which are not contested by any party.

5 (c) Simultaneous with the verbal objection, the
6 objecting party shall also enter his objection in the
7 form for written objections to be prescribed by the
8 Commission. Within twenty-four (24) hours from and
9 after the presentation of such an objection, the
10 objecting party shall submit the evidences in support of
11 the objection, which shall be attached to the form for
12 written objections. Within the same period of twenty-
13 four (24) hours after presentation of the objection, any
14 party may file a written and verified opposition to the
15 objection in the form also to be prescribed by the
16 Commission, attaching thereto supporting evidences, if
17 any. The board shall not entertain any objection or
18 opposition unless reduced to writing in the prescribed
19 forms.

20 The evidences attached to the objection or
21 opposition, submitted by the parties, shall be
22 immediately formally admitted into the records of the
23 board by the chairman by affixing his signature at the
24 back of each and every page thereof.

25 (d) Upon receipt of the evidence, the board shall
26 take up the contested returns, consider the written
27 objections thereto and opposition, if any, and summarily
28 and without delay rule thereon. The board shall enter
29 its ruling on the prescribed form and authenticate the
30 same by the signature of its members.

31 (e) Any party adversely affected by the ruling of
32 the board shall immediately manifest to the board if he
33 intends to appeal said ruling. The board shall enter

1 said intent in the minutes of the canvass, set aside the
2 returns and proceed to consider the other returns.

3 (f) After all the uncontested returns have been
4 canvassed and the contested returns ruled upon by it,
5 the board shall suspend the canvass. Within twenty-four
6 (24) hours therefrom, any party adversely affected by
7 the ruling may file with the board a written and
8 verified notice of appeal: and within an inextendible
9 period of five (5) days thereafter, an appeal may be
10 taken to the Commission on Elections.

11 (g) Immediately upon receipt of the notice of
12 appeal, the board shall make an appropriate report to
13 the Commission, elevating therewith the complete records
14 and evidences submitted in the canvass, and furnishing
15 the parties with copies of the report.

16 (h) The Commission, shall, on the basis of the
17 records and evidences elevated to it by the board,
18 decide summarily the appeal within five (5) days from
19 receipt of said records and evidences. Any appeal
20 brought before the Commission on the ruling of the board
21 without the accomplished forms and the evidences
22 appended thereto, shall be summarily dismissed.

23 The decision of the Commission shall be executory
24 after the lapse of five (5) days from receipt thereof by
25 the losing party.

26 (i) The board of canvassers shall not proclaim
27 any candidate as winner unless authorized by the
28 Commission after the latter has ruled on the objections
29 brought to it on appeal by the losing party and any
30 proclamation made in violation hereof shall be void ab
31 initio, unless the contested returns will not adversely
32 affect the results of the election.

33 SEC. 20. Partial proclamation. - Notwithstanding
34 the pendency of any pre-proclamation controversy, the

1 Commission may summarily order the proclamation of other
2 winning candidates whose election will not be affected
3 by the outcome of the controversy.

4 SEC. 21. Election contests for municipal
5 offices. - All election contests involving municipal
6 offices filed with the Regional Trial Court shall be
7 decided within thirty (30) days from the date it is
8 submitted for decision but not later than six (6) months
9 after their filing. The decision may be appealed to the
10 Commission within five (5) days from promulgation or
11 receipt of a copy thereof by the aggrieved party. The
12 Commission shall decide the appeal within sixty (60)
13 days after it is submitted for decision, which decision
14 shall be final, executory and unappealable.

15 SEC. 22. Signature of chairman at the back of
16 every ballot. - In every case before delivering an
17 official ballot to the voter, the chairman of the board
18 of election inspectors shall, in the presence of the
19 voter, affix his signature at the back thereof. Any
20 ballot which is not so authenticated shall be deemed
21 spurious. Failure to so authenticate shall constitute
22 an election offense.

23 SEC. 23. Number of copies of election returns
24 and their distribution. - The boards of election
25 inspectors shall prepare in handwriting and sign the
26 election returns required under Sec. 212 of the Omnibus
27 Election Code in their respective polling places, in
28 septuplicate and in the form to be prescribed and
29 provided by the Commission on Elections.

30 The copies of the election returns shall be
31 distributed as follows:

32 (A) In the election of President, Vice-President,
33 Senators and Members of the House of Representatives:

1 (1) The first copy shall be delivered
2 to the President of the Senate;

3 (2) The second copy, to the Commission
4 on Elections;

5 (3) The third copy, to the
6 provincial/city/district board of canvassers
7 for use in the canvass of returns for Members
8 of the House of Representatives;

9 (4) The fourth copy, to be known as
10 advance election returns, to the city/municipal
11 treasurer who, in the presence of the election
12 registrar or his authorized representative,
13 shall immediately and publicly open the same
14 and post the votes received by each candidate
15 in an election tally board, sufficiently large
16 to enable the public to read them, installed in
17 a public place, preferably within the immediate
18 vicinity of the city hall or municipal
19 building;

20 (5) The fifth copy shall be deposited
21 inside the compartment of the ballot box for
22 valid ballots;

23 (6) The sixth copy shall be delivered to
24 the representative of the ruling party; and

25 (7) The seventh copy, to the
26 representative of the dominant opposition
27 party.

28 (B) In the election of local officials:

29 (1) The first copy, shall be delivered
30 to the city/municipal board of canvassers for
31 use in the city/municipal canvass;

32 (2) The second copy, to the Commission
33 on Elections;

34 (3) The third copy, to the provincial

1 board of canvassers for use in the provincial
 2 canvass, except in cities/municipalities that
 3 do not participate in the election of
 4 provincial officials in which case the copies
 5 of the election returns shall be kept by the
 6 election registrars concerned;

7 (4) The fourth copy, to be known as the
 8 advance election returns, to the city/municipal
 9 treasurer to be used in posting the results of
 10 the local elections in the same manner as
 11 provided in paragraph (A), (4) hereof;

12 (5) The fifth copy shall be deposited
 13 inside the compartment of the ballot box for
 14 valid ballots;

15 (6) The sixth copy shall be delivered to
 16 the representative of the ruling party; and

17 (7) The seventh copy, to the
 18 representative of the dominant opposition
 19 party.

20 The city of municipal treasurer shall issue
 21 certified copy of any election returns in his possession
 22 upon request of any interested party and payment of the
 23 fees required by existing ordinances.

24 The Commission shall promulgate rules for the
 25 speedy and safe delivery or preservation of the election
 26 returns.

27 SEC. 24. Provincial, city and district boards of
 28 canvassers to canvass election returns for President,
 29 Vice-President, Senators and Members, House of
 30 Representatives. - The election returns of the precincts
 31 for the positions of President, Vice-President, Senator
 32 and Member of the House of Representatives shall be
 33 canvassed by the provincial board of canvassers, city

1 board of canvassers in the case of cities comprising one
2 or more legislative districts, and the district board of
3 canvassers in the Metropolitan Manila area.

4 For President and Vice-President, the board shall
5 prepare in five (5) copies a certificate of canvass
6 supported by a statement of votes, by precinct, received
7 by each candidate, and distribute them as follows:

8 1) The first copy shall be transmitted
9 to the President of the Senate for use in the
10 canvass for President and Vice-President;

11 2) The second copy, to the Commission on
12 Elections;

13 3) The third copy shall be kept by the
14 chairman of the board;

15 4) The fourth copy shall be given to the
16 representative of the ruling party; and

17 5) The fifth copy, to the representative
18 of the dominant opposition party.

19 For Senators, the board shall prepare in four (4)
20 copies a certificate of canvass supported by a statement
21 of votes, by precinct received by each candidate, and
22 distribute them as follows:

23 1) The first copy shall be transmitted
24 to the Commission on Elections for the canvass
25 of the results of the election for Senators;

26 2) The second copy shall be retained by
27 the chairman of the board;

28 3) The third copy shall be given to the
29 representative of the ruling party; and

30 4) The fourth copy, to the
31 representative of the dominant opposition
32 party.

33 For Members of the House of Representatives, the
34 board shall canvass the election returns of the

1 district, prepare in five (5) copies a certificate of
 2 canvass, supported by a statement of votes by precinct,
 3 received by each candidate, and proclaim the candidate
 4 receiving the highest number of votes as elected.

5 The certificate of canvass shall be distributed as
 6 follows:

7 1) The first copy shall be transmitted
 8 to the Secretary of the House of
 9 Representatives;

10 2) The second copy shall be transmitted
 11 to the Commission on Elections;

12 3) The third copy shall be given to the
 13 winner;

14 4) The fourth copy shall be posted in a
 15 conspicuous place in the provincial capitol;
 16 and

17 5) The fifth copy shall be kept by the
 18 chairman of the board.

19 SEC. 25. Rules and regulations. - The Commission
 20 on Elections shall issue rules and regulations to
 21 implement this Act. Said rules shall be published in at
 22 least two (2) newspapers of general circulation.

23 SEC. 26. Governing laws. - The elections
 24 provided herein and all subsequent elections and
 25 plebiscites shall be governed by this Act, by the
 26 provisions of the Omnibus Election Code, Republic Act
 27 No. 6646 and other election laws not inconsistent
 28 herewith.

29 SEC. 27. Separability clause. - If any provision,
 30 or part thereof, of this Act is declared
 31 unconstitutional, such declaration of
 32 unconstitutionality will not affect the other provisions
 33 of this Act.

1 SEC. 28. Appropriations. - The amount of Nine
2 hundred million pesos (P900,000,000.00) is hereby
3 authorized to be appropriated out of any savings or
4 unexpended balance in the National Treasury not
5 otherwise appropriated to cover costs of holding the May
6 11, 1992 elections. Hereafter, the amounts necessary to
7 fund subsequent elections shall be included in the
8 General Appropriations Act for the corresponding fiscal
9 year. Any provision of law to the contrary
10 notwithstanding, and, for purposes of the May 11, 1992
11 elections only, the chairmen and members of the board
12 of election inspectors shall each be paid a per diem of
13 four hundred (P400.00) pesos on election day. The
14 Commission on Elections may provide hazard pay, where
15 warranted, incentive and merit awards to members of the
16 boards of election inspectors, boards of canvassers and
17 personnel of the Commission and its deputized agencies.

18 SEC. 29. Amending and repealing clause. - All
19 provisions of the Omnibus Election Code, Republic Act
20 No. 6646, Executive Order No. 144 and other laws,
21 executive orders, or any parts thereof, inconsistent
22 with the provisions of this Act are hereby repealed
23 accordingly.

24 SEC. 30. Effectivity clause. - This Act
25 shall take effect upon its approval.

Approved.