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SENATE
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NINTH CONGRESS OF THE REEPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

S E N A T E

COMMITTEE REPORT NO. 583

Submitted by the Committee on Electoral Reforms and People's Participation on September SEP 29 1994

Re: Senate Bill No. 1913 (Prepared by the Committee)

Recommending its approval without amendment

Sponsor: Senator Tolentino

Mr. President:

The Committee on Electoral Reforms and People's Participation, to which was referred:

1. S. No. 1427 introduced by Senators Roco, Lina, Romulo and Herrera, entitled:

   "AN ACT ENACTING THE ELECTION CODE OF THE PHILIPPINES"

2. S. No. 1429, introduced by Senator Maceda, entitled:

   "AN ACT ENACTING THE ELECTION CODE OF THE PHILIPPINES"

3. S. No. 1450, introduced by Senators Rasul, Shahani, Tolentino, Romulo, Ople, and Sotto, entitled:

   "AN ACT ENACTING THE ELECTION CODE OF THE PHILIPPINES"

4. S. No. 1472, introduced by Senator Macapagal, entitled:

   "AN ACT PRESCRIBING THE 1993 ELECTION CODE OF THE PHILIPPINES"

5. S. No. 1532, introduced by Senator Tanada, entitled:

   "AN ACT PROVIDING FOR A SYSTEM OF ELECTING MEMBERS OF THE HOUSE OF REPRESENTATIVES TO A PARTY-LIST SYSTEM"

6. S. No. 1679, introduced by Senator Sotto, entitled:

   "AN ACT PROVIDING FOR A REVISED ELECTION CODE OF 1994"

7. S. No. 1888, introduced by Senator Tolentino, entitled:

   "AN ACT PROVIDING FOR A SYSTEM OF ELECTING MEMBERS OF THE HOUSE OF REPRESENTATIVES THROUGH A PARTY-LIST SYSTEM"

has considered the same and has the honor to report them back to the Senate with the recommendation that Senate Bill No. 1913 prepared by the Committee be approved without amendment with Senators Roco, Lina, Romulo, Herrera, Maceda, Rasul, Shahani, Tolentino Ople, Macapagal, Tanada, and Sotto ~~and Tolentino~~ as authors thereof. 9/30/94

Respectfully submitted,

Sen. ARTURO M. TOLENTINO
Chairman

Sen. JOSE D. LINA, JR.
Vice-Chairman

M E M B E R S :

Sen. RAUL S. ROCO

Sen. ERNESTO M. MACEDA

EX-OFFICIO MEMBERS:

Sen. LETICIA R. SHAHANI
Senate President Pro-Tempore

w/ amendments

Sen. ALBERTO G. ROMULO
Majority Leader

w/amendments

Sen. WIGBERTO E. TANADA
Minority Leader

The Honorable
Senator EDGARDO J. ANGARA
President of the Senate
Manila

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Ninth Congress of the Philippines)
Third Regular Session)

'94 SEP 29 P5:28

S E N A T E

RECEIVED BY:

S. No. 1913

(Prepared by the Committee on Electoral Reforms)

Introduced by Senators Roco, Lina, Romulo, Herrera, Maceda, Rasul, Shahani, ~~Tople~~ Tolentino, Macapagal, Tanada, ~~Sotto~~ Lina [~~and Tolentino~~]

9/30/94

AN ACT
PROVIDING FOR A SYSTEM OF ELECTING MEMBERS OF THE HOUSE OF REPRESENTATIVES THROUGH A PARTY-LIST SYSTEM

SECTION 1. **Title.** - This Act shall be known as "The Party-List Act."

SEC. 2. **Declaration of Policy.** - It is the declared policy of the State to promote proportional representation in the House of Representatives by persons who could contribute to the formulation and enactment of appropriate legislation which could benefit the nation as a whole but who lack a well-defined political constituency. Towards this end, highly qualified and eminent persons shall be selected to become members of the House of Representatives through a party-list system of registered national, regional and sectoral parties or organization.

SEC. 3. **Definition of Terms.** - For purposes of this Act, the following terms shall mean:

a) Party-list system is a mechanism of proportional representation in the House of Representatives of national, regional, and sectoral parties or organizations registered with the Commission on Elections.

b) A party or organization may mean either a political party or a sectoral organization.

c) A political party refers to an organized group of qualified voters advocating the same ideology, political ideas and principles for the general conduct of the government.

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It may be a national party wherein its constituency is spread over the geographical territory of at least a majority of the regions. It may likewise be a regional party wherein its constituency is spread over the geographical territory of at least a majority of the cities and provinces comprising the region.

d) A sectoral organization refers to a group of qualified voters who are bound together by similar physical attributes or characteristics, or by employment, interests and ideas, not necessarily political in character, for mutual aid and protection.

SEC. 4. **Registration** - Any organized group of persons may register as a political party, organization, or coalition for purposes of the party-list system by filing with the Commission on Elections not later than ninety (90) days before an election a petition verified by its president and secretary, attaching thereto its constitution, by laws, platform or program of government, list of officers and members, and other information required by the Commission on Elections for national or sectoral parties or organizations. The Commission on Elections shall publish the petition in at least two (2) national newspapers of general circulation.

The Commission on Elections shall, after due notice and hearing, resolve the petition within fifteen (15) days from the date it is submitted for decision and in every case not later than sixty (60) days before elections.

SEC. 5. **Refusal and/or Cancellation of Registration.** - The Commission may, motu propio or upon verified complaint of any interested party, refuse or cancel, after due notice and hearing, the registration of any national, regional or sectoral party or organization on the following grounds:

1) It is a religious sect or denomination, organized for religious purposes;

2) It uses violence or unlawful means to seek its goal;

3) It is a foreign party or organization;

4) It is receiving support from any foreign government, or acceptance by it or any of its members of financial contributions from foreign governments;

5) Violation of, or non-compliance with laws, rules or regulations relating to elections;

6) Untruthful statements in its petition;

7) Failure to participate in the last two (2) preceding elections or its failure to obtain at least ten percent (10%) of the votes cast under the party-list system in either of the last two (2) preceding elections for the constituency in which it has registered;

8) It fields candidates in the legislative districts during the elections in which it participates under the party-list system.

SEC. 6. **Manifestation to participate in Party-list System.** - Any political party, organization, or coalition already registered with the Commission need not register anew. However, such party, organization, or coalition shall file with the Commission, not later than sixty (60) days before the election, a manifestation of its desire to participate in the party-list system.

SEC. 7. **Certified List of Registered Parties.** - The Commission shall, not later than forty-five (45) days before the elections, prepare a certified list of national, regional or sectoral parties, organizations or coalitions which have applied and are qualified to participate under the party-list system and

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distribute copies thereof to all the precincts for posting in the polling places on election day. The names of the party-list nominees shall not be shown on the certified list.

SEC. 8. **Nomination of Party-list Representatives.** - Each registered party, organization or coalition shall submit to the Commission not later than fifty (50) days before the election a list of five (5) names from which party-list representatives shall be chosen in case it obtains the required number of votes; provided, that, for purposes of the May 8, 1995 elections, a maximum of three (3) names shall be submitted.

The list shall not include candidates for regular members of the House of Representatives.

SEC. 9. **Qualifications of Party-list Nominees.** - No person shall be nominated as party-list representative unless he is a natural-born citizens of the Philippines for at least one (1) year immediately preceding the day of the election, a bona fide member of the party or organization, with a national, regional or sectoral constituency which he seeks to represent, a registered voter, and on the date of the election, is at least (25) years of age.

In the case of a nominee for the youth sector, he must at least be eighteen (18) but not more than twenty-one (21) years of age on the day of the election. Any youth sectoral representative who attains the age of twenty-one (21) years during his term shall be allowed to continue in office until the expiration of his term.

SEC. 10. **Manner of Voting.** - Every voter shall be entitled to two (2) votes: the first is a vote for the candidate for Member of the House of Representatives in his legislative district, and the second, a vote for the party, organization, or

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coalition he wants represented in the House of Representatives. A vote cast for a party, organization, or coalition not entitled to be voted for shall not be counted.

SEC. 11. **Number of Party-List Representatives.** - The party-list representatives shall constitute twenty percentum (20%) of the total number of the Members of the House of Representatives including those under the party-list. Of the total number of party-list representatives, thirty percentum (30%) must be allocated to national parties or organizations, thirty percentum (30%) to regional parties or organizations and the remaining forty percentum (40%) to sectoral organizations: Provided, that the forty percentum (40%) allocated to sectoral organizations must be equitably distributed as far as practicable by nominees coming from the labor, peasant, urban poor, indigenous cultural communities, elderly, handicapped and overseas Filipinos, except the religious sector.

SEC. 12. **Procedure in Allocating Seats for Party-list Representatives.** - The Commission shall tally all the votes for the parties, organizations, or coalitions on a natiowide basis, rank them according to the number of votes received as against the total number of registered voters nationwide, and allocate party-list representatives proportionately according to the percentage of votes obtained until all seats are filled up.

A political party, organization, or coalition shall be entitled to a maximum of five (5) seats; provided, that, for purposes of the May 8, 1995 elections, a maximum of three (3) seats shall be available.

SEC. 13.**How Party-list Representatives are Chosen.** - Party-list representatives shall be proclaimed by the Commission based on the list of names submitted by the respective parties,

organizations, or coalitions to the Commission according to their ranking in said list.

SEC. 14. **Term of Office.** - Party-list representatives shall be elected for a term of three (3) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No party-list representative shall serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered an interruption in the continuity of his service for the full term for which he was elected.

SEC. 15. **Change of Affiliation; effect.** - Any elected party-list representative who changes his political party or sectoral affiliation during his term of office shall forfeit his seat.

SEC. 16. **Vacancy.** - In case of vacancy in the seats reserved for party-list representatives, the President shall fill the vacancy by appointing a representative from the list of nominees in the order submitted to the Commission on Election by the same party, organization, or coalition, who shall serve for the unexpired term.

SEC. 17. **Rules and Regulations.** - The Commission on Election is hereby empowered to promulgate rules and regulations as may be necessary to carry out the purpose of this Act.

SEC. 18. **Separability Clause.** - In any part of this Act is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SEC. 19. **Repealing Clause.** - All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed.

SEC. 20. **Effectivity**. - This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,

NINTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
DATE: SEP 03 1993
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S E N A T E
S.B. No. 1427

INTRODUCED BY: SENATOR RAUL S. ROCO

EXPLANATORY NOTE

Apart from the Omnibus Election Code, otherwise known as Batas Pambansa Blg. 881, the law on Philippine elections is contained in more than 10 separate election laws and related legislation, including the Local Government Code of 1991 (Republic Act No. 7160). This proposed election code, to be known as the "1993 Election Code of the Philippines," consolidates all election laws currently in force into one code, incorporates, where applicable, jurisprudence on election cases and several pending bills in Congress, and implements constitutional provisions applicable to elections.

This proposed code provides for political situations and realities not foreseen by the framers of our old election laws, and eliminates so-called "dead-letter" provisions of the present election code, especially on election offenses, which have proved unrealistic or difficult to enforce. On the other hand, it gives more teeth to the prosecutory powers of the Commission on Elections. These changes have resulted in a tighter but more comprehensive, realistic and less punitive election code.

The bill would empower the Commission on Elections to modernize the electoral process, specifically existing procedures for registration, voting, counting and canvassing, which rely heavily on manual systems and human discretion that often lend themselves to delay, error, or fraud and aggravate post-election tension.

Assistance from the Commission on Elections and members of the respective Committees on Suffrage and Electoral Reforms of the Senate and House of Representatives, as well as from executive departments such as the Departments of Justice, Foreign Affairs, and Labor and Employment, in particular the Overseas Workers' Welfare Administration, was instrumental in the drafting of the Code. The Commission also conducted consultations with its field officers and with the Congress for Electoral Reforms (CER), a body composed of the five main citizens' arms of the Commission in the May, 1992 elections

Among the major reforms of the proposed code and the rationale for the introduction of new provisions or amendment of existing ones are indicated hereinbelow in their order of importance:

1. **Continuing system of registration of voters** (Sec. 154). Unlike in the current procedure where registration is conducted on specific dates, registration under the continuing system shall be conducted daily. The list of applicants for registration shall be posted, and hearings with notice to parties conducted before the applications are acted upon by the election registration board.

This procedure is an amendment of BP 881, taken from Sec. 79 of the 1978 Election Code, aimed at eliminating the existence of

padded or falsified lists of voters which result in voting by fake or illegal voters.

2. **Modernization of the electoral process** (Secs. 184 and 15, par. 10).

2.a Computerization of the list of voters provides instant information on registered voters per precinct, which can be updated from time to time. This is a new provision which seeks to eliminate padded and falsified list of voters.

2.b The Commission shall be authorized to adopt new systems, forms, technological devices and safeguards for voting, counting and canvassing. This is a new provision addressing the problems of fraud, human error and delays in voting, counting and canvassing.

3. **Prohibition on political dynasty** (Sec. 116). This section prohibits political dynasties or the simultaneous or successive candidacies of persons related within the third civil degree of consanguinity or affinity.

This is a new provision aimed at eliminating the concentration of political power in one family or clan.

4. **Improvement of procedures in pre-proclamation controversies** (Article IX - Secs. 287 to 297). Among the improvements of the procedure are the reduction of the period within which to rule on objections, and that for disposal of appeals.

This article is a modification of the present procedure, aimed at speeding up the disposition of pre-proclamation contro-

versies.

5. **System of absentee voting** (Secs. 89 to 95). This system provides a mechanism through which a registered voter who is outside of his place of registration on election day, either because of election duty or by reason of residence or employment abroad, may vote in national elections.

This is a new provision implementing the constitutional mandate under Sec. 2, Art. V of the Constitution, to address the problem of lack of access to the right to vote by qualified overseas Filipinos.

6. **Party-list system of representation** (Secs. 49 to 50). The party-list system is a mechanism of proportional representation in the House of Representatives of political parties, organization, or coalitions with national, regional or sectoral constituency.

This is a new provision aimed at eliminating inequitable representation of marginalized parties and sectoral groups in the House of Representatives.

7. **Prohibition on candidacy of public official in a special election called to fill the vacancy caused by his resignation, retirement, or removal** (Sec. 107, par. 3). This is a new provision which responds to a situation where an elective public official runs for the same office from which he retired, resigned, or was removed for any cause.

8. **Proclamation of lone candidate in non-adversarial elections** (Sec. 123). When there is only one candidate, the Commission,

without holding an election for the affected position, shall certify that he is the only candidate for the office involved and is thereby deemed elected.

This is a new provision designed to avoid unnecessary expenses and efforts.

9. **Substitution of candidates in case of death, disqualification, or withdrawal** (Sec. 121). The provision on substitution of candidates includes:

a. In case of withdrawal - not allowed.

b. In case of death - allowed with respect to independent candidates or official candidates of political parties, provided there is only one candidate remaining.

c. In case of disqualification - allowed only with respect to official candidates of political parties, provided there is only one candidate remaining.

This is a modification of Section 77 of BP 881, aimed at eliminating political horsetrading and last-minute filing of certificates of candidacy.

10. **System of initiative of referendum** (Secs. 74 to 88). This provision is a reiteration of Republic Act No. 6735 providing for direct participation by the people in the lawmaking process.

11. **System of recall** (Secs. 61 to 73). This provision is a reiteration of Republic Act No. 7160 which is aimed at weeding our from public elective office undesirable officials through the

direct act of the electorate.

12. **Copy of the election returns and certificate of canvass to be given to a media-based unofficial count designated by the Commission** (Secs. 254 and 274). This is a reiteration of Sec. 29(b) of RA 7166, with the addition of the election returns, to give the public advance, although unofficial, results of the elections.

13. **Sectoral representatives** (Sec. 39). The election of sectoral representatives shall be conducted simultaneously with the regular elections for members of the sanggunians.

This is a reiteration of Sec. 41(c) of RA 7160 addressing the problem on the uncertainty in the holding of elections for sectoral representatives.

14. **Continuing election education, including provision in school curriculum on a subject on elections** (Sec. 15, par. 13). This is a new provision addressing the lack of awareness on the part of the citizenry, especially the youth, on their political rights and obligations.

15. **Disqualification of Chairman, Members, officials and employees of the Commission on Elections from running for public office in the elections immediately following their retirement, resignation, or cessation from office** (Sec. 14). This is a new provision aimed at avoiding the use of one's office to enhance his future candidacy, especially considering that the Commission on Elections is the "referee" or "umpire" of the election process.

16. **Requirement on submission by candidate, together with his**

certificate of candidacy, of certified true copies of his income tax returns (Sec. 111). This is a new provision to respond to the need for transparency in public service and compliance with legal obligations to government. Its inclusion was likewise recommended by the Bureau of Internal Revenue (BIR).

17. **Prohibition on any candidate who withdraws his candidacy from filing a new certificate of candidacy for any office in the same election** (Sec. 110). This is a new provision intended to avoid political horsetrading and last-minute filing of certificates of candidacy.

18. **Prohibition on undue ecclesiastical influence** (Sec. 126). This is a new provision that reiterates the constitutional principle of church-state separation by prohibiting the heads of any church hierarchy or religious sect, denomination, or grouping from influencing, directly, or indirectly, the members of their flock, parish, or congregation to vote for or against any candidate or political party by any form of election propaganda.

RAUL S. ROCO
Senator

PROPOSED 1993 ELECTION CODE OF THE PHILIPPINES

T A B L E O F C O N T E N T S

SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
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SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
DATE: SEP 03 1993
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BILL NO. 1427

AN ACT ENACTING THE ELECTION CODE OF THE PHILIPPINES

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

ARTICLE I. GENERAL PROVISIONS

SECTION 1. Title. - This Act shall be known and cited as the "1993 Election Code of the Philippines" [Sec. 1, Batas Pambansa Blg. 881].

SEC. 2. Applicability. - This Code shall govern the election of public officers, as well as plebiscites, initiatives, referenda and recalls [Sec. 2, BP 881].

The terms "election" and "elections," when used in this Code, shall refer to regular or special elections or to plebiscites, initiatives, referenda, or recalls [New].

SEC. 3. Election and campaign periods. - Unless otherwise fixed in special cases by the Commission on Elections, hereinafter referred to as the Commission, the election period shall commence ninety (90) days before the day of the election and end thirty (30) days thereafter [Sec. 9, Art. IX(C), Constitution].

The campaign period shall be as follows:

(1) For President, Vice-President and Senators - ninety (90) days [Sec. 5(a), Republic Act No. 7166];

(2) For Members of the House of Representatives and elective local officials - forty-five (45) days [Sec. 5(b), RA 7166];

(3) For barangay officials - fifteen (15) days [Sec. 3, BP 881];

(4) Plebiscites, initiatives and referenda - as provided

for by law or by the Commission [New];

The campaign period shall not include the day before and the day of the election, as well as Maundy Thursday and Good Friday [Sec. 5, RA 7166].

SEC. 4. Postponement of election. - When for any serious cause such as violence, terrorism, loss, or destruction of election paraphernalia or records, force majeure and other analogous causes of such a nature that the holding of free, orderly and honest elections should become impossible in any political subdivision, the Commission shall, motu proprio or upon a verified petition by any interested party, and after notice and hearing whereby all interested parties are afforded equal opportunity to be heard, postpone the election therein to a date reasonably close to the date of the election not held, but not later than thirty (30) days after the cessation of the cause as determined by the Commission. Should there be no sufficient time to notify all parties and to conduct a hearing before the election sought to be postponed, the Commission may hear the case summarily and deny or grant such postponement [Sec. 5, BP 881].

SEC. 5. Suspension of election. - If on account of force majeure, violence, terrorism, fraud, or other analogous causes, the election in any political subdivision has been suspended at any time before the results of the election could be announced and the suspension of election would affect the result thereof, the Commission shall, on the basis of a verified petition by any interested party and in every case after due notice and hearing, call for the continuation of the election suspended within thirty (30) days after the cessation of the cause of suspension [New].

SEC. 6. Failure of election. - If, on account of force majeure, violence, terrorism, fraud, or other analogous causes, the election in any political subdivision has not been held on

the date fixed, or has been suspended before the close of the voting or after the voting but not before or during the counting of votes or preparation or transmission of the election returns or while in the custody thereof, such election resulted in a failure to elect, and in any of such cases the failure of election would affect the result thereof, the Commission, shall, on the basis of a verified petition by any interested party and in every case after due notice and hearing, call for the holding of the election which resulted in a failure to elect within thirty (30) days after the cessation of the cause of such failure to elect [Sec. 6, BP 881].

SEC. 7. Call for special elections due to postponement, suspension, or failure of elections. - The postponement, suspension or declaration of failure of election and the calling of special elections shall be decided by a majority vote of the members of the Commission sitting en banc [Sec. 4, BP 881].

SEC. 8. Election code to be available in polling places. - A copy of this Code shall be provided and be made available by the Commission in every polling place during elections [Sec. 8, BP 881].

SEC. 9. Official mail and telegram relative to election. - All documents, telegrams and correspondence related to an election and sent by public officers in the performance of their election duties through the postal and telecommunication service shall be given priority and transmitted expeditiously and free of charge [Sec. 9, BP 881].

Telegrams, telex and facsimile (fax) transmission of the same nature shall likewise be given priority and transmitted expeditiously by private telecommunications and similar facilities [New].

It shall be the duty of the Heads of the Telecommunications

Office and of private telecommunication companies to transmit or cause the transmittal immediately, accurately and in preference to all other communications or telegrams, messages reporting election results and such other communications which the Commission may require to ensure free, honest, and orderly elections [Sec. 9, BP 881].

SEC. 10. Shipment and transport of official cargoes. - During the election period, all official cargoes such as ballot boxes, official ballots, election forms, records, supplies and paraphernalia related to elections shall be given the highest priority in the shipment, distribution and delivery by air, land and sea transportation companies, whether private, public or government-owned or -controlled.

It shall be the duty of the Secretary of the Department of Transportation and Communications, the Heads of the Civil Aeronautics Board, Land Transportation Franchise and Regulatory Board, Armed Forces of the Philippines, Philippine National Police and Philippine Coast Guard to implement and monitor such preferential status of official election cargoes [New].

SEC. 11. Transportation and mobilization of officials, employees and deputies of the Commission. - Officials, employees and deputies of the Commission shall, during the election period or pursuant to an order or directive of the Commission, or while in the performance of election duties, be given a "must-ride" status whether by air, land, or sea upon presentation of a resolution, travel order, mission order or subpoena, duly issued by the Commission, its Chairman, any Commissioner, or any of its officials of Director rank [New].

SEC. 12. Election expenses. - Unless otherwise provided by law, the Commission shall bear such expenses as may be necessary and reasonable in connection with elections. The Commission may

direct that in the provinces, cities or municipalities, the election expenses chargeable to the Commission be advanced by the province, city, or municipality concerned subject to reimbursement by the Commission upon presentation of the proper bill within ninety (90) days from the political exercise and its approval by the Commission.

Funds needed by the Commission to defray the expenses for the holding of elections shall be provided in its regular appropriations which, upon certification, shall immediately be released to the Commission. In case of deficiency, the amount so provided shall be augmented from the special activities fund in the general appropriations act and from those specifically appropriated for the purpose in special laws [Sec. 10, BP 881].

ARTICLE II. THE COMMISSION ON ELECTIONS

A. COMPOSITION

SEC. 13. The Commission. - The Commission shall be composed of a Chairman and six (6) Commissioners, who shall be appointed by the President with the consent of the Commission on Appointments [Secs. 1 and 2, Art. IX(C), Const.].

It shall act as a policy-making body and exercise administrative, quasi-judicial and judicial functions relative to all laws and regulations with respect to the conduct of elections [New].

SEC. 14. Disqualification of members of the Commission. - The members of the Commission shall be subject to the canons of judicial ethics in the discharge of their functions.

No member of the Commission shall sit in any case in which he has manifested bias for or against any party thereto and in

connection therewith, or in any case in which he would be disqualified under the Rules of Court. If it be claimed that a member is disqualified as above provided, the party objecting to his competency may file his objections in writing with the Commission, stating the grounds therefor. The member concerned shall decide whether to continue to participate in the hearing or withdraw therefrom. His decision shall forthwith be made in writing and filed with the records of the case. If a disqualification should result in a lack of quorum in the Commission sitting en banc, the Presiding Justice of the Court of Appeals shall, upon formal request of the Commission, designate a justice of said court to sit in said case for the purpose of hearing and reaching a decision thereon [Sec. 58, BP 881].

The Chairman and members of the Commission, including its officials and employees, shall not be qualified to run for any office in the election immediately succeeding their retirement, resignation, or cessation from office, except barangay elections [New].

B. POWERS AND FUNCTIONS

SEC. 15. Powers and functions. - In addition to the powers and functions conferred upon it by the Constitution, the Commission shall enforce and administer all laws and regulations relative to the conduct of an election and shall:

(1) (a) Exercise direct and immediate control and supervision over national and local officials or employees, including members of any national or local law enforcement agency and instrumentality of the government required by law or deputized by the Commission to perform election duties, including officers and employees of government-owned or -controlled corporations, rela-

tive to the conduct of elections. In addition, it may authorize CAT cadets eighteen (18) years of age and above to act as its deputies for the purpose of enforcing its orders;

(b) Relieve and substitute any officer or employee referred to in the preceding sub-paragraph, who violates the election law or fails to comply with its instructions, orders, resolutions, decisions or rulings;

(c) Recommend to the proper authority the suspension or removal from office or imposition of disciplinary action on any of such officers or employees, who may, after due process, be found guilty of such violation or failure [Sec. 52(a), BP 881];

(2) (a) Promulgate rules and regulations implementing all laws which the Commission is required to enforce and administer, including those concerning the expeditious disposition of election cases and pre-proclamation controversies: Provided, That, such rules shall not diminish, increase, or modify substantive rights;

(b) Require legal fees and collect the same in payment of any official transaction done in the Commission at rates which it may determine [Sec. 52(c), BP 881];

(3) Hear cases and by a majority vote of all its members sitting en banc or in division decide the same [New];

(4) (a) Summon the parties to a controversy pending before it, issue subpoena and subpoena duces tecum, take testimony and receive evidence in any investigation before it, and delegate, at its discretion, such powers to any of its duly-authorized legal officers [Sec. 52(d), BP 881];

(b) In case of failure of a witness to attend any hearing, and upon proof of service of subpoena, issue a warrant of arrest to ensure his presence before the Commission or its duly-authorized legal officer [Sec. 52(d), BP 881];

(5) Supervise or regulate during the election period the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges or concessions granted by the Government or any subdivision, agency or instrumentality thereof, including any government-owned or -controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity, time and space and the right to reply, including reasonable, equal rates therefor, for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, honest, peaceful and credible elections [Sec. 4, Art. IX(C), Const.];

(6) Enjoy fiscal autonomy. Its approved annual appropriations, as well as appropriations for the holding of regular and special elections and other electoral exercises, shall be automatically and regularly released, together with their corresponding cash outlays [Sec. 5, Art. IX(A), Const.];

(7) When necessary, avail of the assistance of any national or local law enforcement agency or instrumentality of the government in the execution, under its direct and immediate supervision, of its final decisions, orders, instructions, resolutions or rulings [Sec. 52(d), BP 881];

(8) Punish contempt as provided for in its Rules of Procedure and in the Rules of Court. Violation of any final executory decision, order or ruling of the Commission shall constitute contempt thereof [Sec. 52(e), BP 881];

(9) Enforce and execute its decisions, directives, orders and instructions, which shall have precedence over those emanating from any other authority, except the Supreme Court, and those issued in habeas corpus proceedings [Sec. 52(f), BP 881];

(10) Prescribe forms and printing materials for official ballots, election returns and other election paraphernalia to be used in elections, plebiscites, recalls, initiatives, referenda and other electoral exercises; and adopt new systems for registration, voting, counting and canvassing processes, including, but not limited to, the manner of voting and the steps and location for counting and canvassing, the resolution of pre-proclamation cases and electoral contests; and the use of the latest appropriate technological and/or electronic devices, either by piloting or installation by stages, taking into account the circumstances and location of the area of piloting or installation, and the funds available for the purpose: Provided, That adequate safeguards and security markings are imposed on the use of such new forms, printing materials, systems and devices: Provided, further, That the Commission shall notify the authorized representatives of accredited political parties and cause the publication thereof in at least two (2) newspapers of general circulation in the areas affected by the use and adoption of new forms, printing materials, systems, devices and safeguards not later than the start of the election period [New];

(11) Procure supplies, equipment, materials, or services for the holding of an election strictly by public bidding in accordance with the rules and regulations of the Commission on Audit. If it finds public bidding impractical to observe, procurement may be by negotiations or sealed bids, and in both cases, the list of awarded contracts shall be published in at least two (2) newspapers of general circulation. Copies of all awarded contracts shall be open for examination and verification by authorized representatives of accredited major political parties and of media [Sec. 52(h), BP 881];

(12) Carry out a continuing and systematic campaign,

through newspapers of general circulation, radio, television and other media forms, to educate the public and inform the electorate about election laws, procedures, decisions and other matters relative to the work and duties of the Commission and the necessity of free, orderly, honest, peaceful and credible elections [Sec. 52(j), BP 881];

(13) Cause the inclusion in the school curriculum of a subject on the importance and relevance of elections, in coordination with the Department of Education, Culture and Sports [New];

(14) Enlist non-partisan groups or organizations of citizens from the civic, youth, professional, educational, business, or labor sectors known for their probity, impartiality and integrity, with membership and capability to undertake a coordinated operation and activity to assist in the implementation of the provisions of this Code and the resolutions, orders and instructions of the Commission for the purpose of free, honest, orderly, peaceful and credible elections in the constituency. Such groups or organizations shall be under the direct and immediate control and supervision of the Commission and perform such functions and duties as may be prescribed by the Commission [Sec. 52(k), BP 881].

The designation of any such group or organization may be revoked by the Commission upon notice and hearing whenever it has shown partiality to any political party or candidate, or performed acts in excess or in contravention of its functions and duties [New];

(15) Conduct in the cities and provinces, upon proper motion of any party, hearings on controversies pending before it, taking into consideration the materiality and number of witnesses to be presented, the situation prevailing in the area and the

funds available for the purpose [Sec. 52(1), BP 881];

(16) Fix reasonable periods or dates for certain pre-election activities in order that voters shall not be deprived of their right of suffrage [Sec. 52(m), BP 881];

The Commission is hereby authorized to fix the appropriate period for the various prohibited acts enumerated herein consistent with the requirements of free, orderly, honest, peaceful and credible elections [Sec. 52, BP 881];

(17) Provide death benefits, hazard pay when warranted, grant incentive and merit awards to members of the boards of election inspectors, board of canvassers, deputized agencies and personnel of the Commission. Such amount as may be necessary for this purpose shall be included in the appropriations of the Commission [Sec. 37, RA 7166, Amended].

(18) Stop any illegal election activity after due notice and hearing, and summarily confiscate, tear down, or stop any unlawful, libelous, misleading, or false election propaganda [Sec. 57(2), BP 881];

(19) Examine the financial records of any candidate, political party, coalition, or organization motu proprio or upon the written representation for probable cause by any person or group of persons as to election overspending or illegal expenditure [Sec. 57(3), BP 881].

For purposes of the two (2) immediately preceding paragraphs, the Commission may avail itself of the assistance or services of the Armed Forces of the Philippines, Philippine National Police, National Bureau of Investigation, Commission on Audit, Central Monetary Authority, Bureau of Internal Revenue, Securities and Exchange Commission, Department of the Interior and Local Government and other agencies of the government [Sec. 57, BP 881].

SEC. 16. Special reliefs in election cases. - The Commission is hereby vested with exclusive authority to issue writs of certiorari, prohibition and mandamus in election cases [Sec. 150, BP 697].

C. CENTRAL AND FIELD OFFICES

SEC. 17. Central office. - The central office shall be composed of the offices of the Chairman, Commissioners, Executive Director, Department Directors, and such other offices as may be created by the Commission.

The Executive Director shall take charge of the administrative affairs of the Commission and implement its policies and decisions under the supervision of the Commission.

The Department Directors shall perform such powers and duties as may be assigned by the Commission [New].

SEC. 18. Field offices. - The Commission shall have the following field offices:

(1) Office of the Regional Election Director, headed by a Director IV;

(2) Office of the Provincial Election Supervisor, headed by a Provincial Election Supervisor; and

(3) Office of the City or Municipal Election Officer, headed by a City or Municipal Election Officer.

The field offices shall have such other officers and employees as the Commission may designate.

The Commission may delegate its powers and functions, or order the implementation or enforcement of its resolutions, orders, rulings, or decisions through the Executive Director or heads of its field offices [Sec. 53, BP 881].

SEC. 19. Qualifications of central office officials. - The

Commission shall provide its own personnel policies on the qualifications of its central office officials and employees [New].

SEC. 20. Qualifications of field officials. - Only members of the Philippine Bar shall be eligible for appointment to the positions of Director IV, Provincial Election Supervisor and Election Officer. If there are no members of the Philippine Bar available for appointment as election officer, college graduates with bachelors degree in law, public administration, arts, education, or business administration, in the order named, who possess the appropriate civil service eligibility, may be appointed to said position: Provided, That election officers of cities and capital towns shall be holders of a degree in bachelor of laws with appropriate civil service eligibility [Sec. 54, BP 881].

SEC. 21. Office and storage space. - The local government concerned shall provide suitable office and storage space for the provincial election supervisor, the election officer, and their respective staff. In case of failure of the local government concerned to provide such space, the provincial election supervisor or the election officer, as the case may be, upon prior authority of the Commission and notice to the local government concerned, may lease another place for office and charge the rentals thereof to the funds of the local government concerned [Sec. 55, BP 881].

SEC. 22. Changes in the composition and assignment of offices. - The Commission may make changes in the composition of its offices and assignment of its personnel whenever the exigencies of the service and the interest of free, orderly, honest, peaceful and credible election so require. Such changes shall be effective and enforceable only for the duration of the election period concerned and shall not affect the tenure of office of the

incumbents, or constitute a demotion, either in rank or salary, or result in change of status. During the election period, no Director IV, provincial election supervisor, or city or municipal election officer shall be assigned to or allowed to remain in his area of responsibility where he and/or his spouse is related to any candidate within the fourth civil degree of consanguinity or affinity [Sec. 56, BP 881].

SEC. 23. Reorganization. - The provisions of Section 22 notwithstanding, the Commission is hereby authorized to reorganize, no more than once every five (5) years and in accordance with civil service regulations, its central and field offices, and adjust salaries and allowances of its officials and employees, in order to promote maximum efficiency in carrying out its constitutional objective to ensure free, honest, orderly, peaceful and credible elections [Sec. 280, BP 881, Amended].

ARTICLE III. ELECTION AND OTHER PROCESSES

A. ELECTION OF PRESIDENT AND VICE-PRESIDENT

SEC. 24. Regular election for President and Vice-President. - (1) The President and Vice-President shall be elected by direct vote of the people for a term of six (6) years which shall begin at noon on the thirtieth day of June next following the day of the election and end at noon of the same date six (6) years thereafter. The President shall not be eligible for any re-election. No person who has succeeded as President and has served as such for more than four (4) years shall be qualified for election to the same office at any time;

(2) No Vice-President shall serve for more than two (2) successive terms. Voluntary renunciation of the office for any

length of time shall not be considered as interruption in the continuity of the service for the full term for which he was elected;

(3) Unless otherwise provided by law, the regular election for President and Vice-President shall be held on the second Monday of May [Sec. 4, Art. VII, Const.].

SEC. 25. Special elections for President and Vice-President. - Special elections for the offices of President and Vice-President shall be called in accordance with Sec. 10, Art. VII, of the Constitution [New].

SEC. 26. Canvass of votes for President and Vice-President by the provincial, city and district boards of canvassers. - (1) The provincial, city, or metropolitan Manila district board of canvassers, as the case may be, shall meet not later than six o'clock in the evening of election day to canvass the election returns it has already received. It shall meet continuously from day to day until the canvass is completed but may adjourn only for the purpose of awaiting the other election returns. The board shall, each time it adjourns, make a total of all the votes cast for each candidate for President and Vice-President and for other positions included in the election, duly authenticated by the signature and thumbmark of each member of the board; furnish a copy thereof to the Commission in Manila by the fastest means of communication; and make available the data contained therein to mass media and other interested parties requesting the same. Upon the completion of the canvass, the board shall prepare a certificate of canvass showing the votes received by each candidate for President and Vice-President duly authenticated by the signature and thumbmark of each member of the board. The board shall certify and transmit said certificate of canvass with supporting statement of votes by precinct to the President of the

Senate [Sec. 15, BP 881].

SEC. 27. Canvass of votes for President and Vice-President by Congress. - (1) The President of the Senate shall, in the presence of the Senate and the House of Representatives in joint public session, and not later than thirty (30) days after the day of election, open all the certificates of canvass received and canvass the votes.

(2) The person having the highest number of votes shall be proclaimed elected. In case two (2) or more shall equally have the highest number of votes, one of them shall forthwith be chosen by majority vote of all the members of both houses of Congress voting separately.

(3) Congress shall promulgate its rules for the canvassing of the certificates.

(4) The Supreme Court, sitting en banc, shall be the sole judge of all contests relating to the election, returns and qualifications of the President and Vice-President, and promulgate its rules for the purpose [Sec. 4, Art. VII, Const.].

SEC. 28. Correction of errors after transmission to Senate President. - No correction of errors in the certificate of canvass and supporting statement of votes by precinct already transmitted to the President of the Senate shall be made or allowed, except upon authority of Congress acting as the National Board of Canvassers [Sec. 17, BP 881].

SEC. 29. Determination of authenticity and due execution of certificate of canvass. - Congress shall, in determining the authenticity and due execution of the certificate of canvass for President and Vice-President as accomplished and transmitted to it by the local boards of canvassers, satisfy itself that:

(1) Each certificate of canvass was executed, signed and thumbmarked by the chairman and members of the board of canvass-

ers, and transmitted by the board to Congress;

(2) Each certificate of canvass contains the names of all the candidates for President and Vice-President and their corresponding votes in words and figures; and

(3) There exists no discrepancy in the votes of any candidate in words and figures in the same certificate [New].

SEC. 30. Incomplete or altered certificate of canvass. - When any certificate of canvass or statement of votes by precinct appears to be incomplete or bears erasures or alterations which may cast doubt as to the veracity of the number of votes stated therein and may affect the result of the election, Congress shall, for the sole purpose of verifying the actual number of votes cast for President and Vice-President, count the votes as they appear in the copies of the election returns submitted to it. In the absence thereof, the President of the Senate shall require the Commission to deliver its copy immediately to his office. If the copy of the Commission is not available, the board of canvassers concerned shall be required to transmit by personal delivery within three (3) days from receipt of notice the election returns of the precincts affected [Sec. 19, BP 881].

B. ELECTION OF MEMBERS OF CONGRESS

SEC. 31. Regular election for Members of Congress. - The regular election for Senators and for Members of the House of Representatives shall be held on the second Monday of May and every three (3) years thereafter [Sec. 8, Art. VI, Const.].

No Senator shall serve for more than two (2) consecutive terms, nor shall any member of the House of Representatives serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered

as an interruption in the continuity of service for the full term for which he was elected [Secs. 4 and 7, Art. VI, Const.].

SEC. 32. Special election. - In case a permanent vacancy shall occur in the Senate or House of Representatives at least one (1) year before the expiration of the term of office, the Commission shall secure a certificate of vacancy from the Senate or House of Representatives, as the case may be, and thereafter call a special election to fill the vacancy not earlier than sixty (60) days nor later than ninety (90) days after the final determination by the Commission of such vacancy. However, in case of such vacancy in the Senate, the special election shall be held simultaneously with the next succeeding regular election [Sec. 4, RA 7166, Amended].

SEC. 33. Term of office. - The term of office of Senators shall be six (6) years while the term of office of the Members of the House of Representatives shall be three (3) years, both of which shall begin at noon of the thirtieth day of June following their election [Secs. 4 and 7, Art. VI, Const.].

SEC. 34. Composition. - The Senate shall be composed of twenty-four (24) Senators who shall be elected at-large by the qualified voters of the Philippines [Sec. 2, Art. VI, Const.].

The House of Representatives shall be composed of not more than two hundred fifty (250) members, who shall be elected by qualified voters of the legislative districts apportioned among the provinces, cities and the metropolitan Manila area [Sec. 5 (1), Art. VI, Const.].

SEC. 35. Party-list representatives. - The party-list representatives shall constitute twenty per cent (20%) of the total number of the Members of the House of Representatives, one-half (1/2) of which shall, for three (3) consecutive terms after the ratification of the Constitution, be filled by election [Sec. 5

(2), Art. VI, Const.].

C. ELECTION OF LOCAL OFFICIALS

SEC. 36. Regular elections of local officials. - The regular elections for provincial, city and municipal officials shall be held every three (3) years on the second Monday of May [Art. 42, RA 7160].

The governor, vice-governor, city mayor and vice-mayor, and municipal mayor and vice-mayor shall be elected at large by qualified voters in their respective units [Sec. 41, RA 7160].

SEC. 37. Election of members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan by district. - The elective members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan shall be elected by district as follows:

(1) The members of the sangguniang panlalawigan, sangguniang panlungsod of the cities of Manila, Quezon, Kalookan, Cebu, Davao, and any other city with two (2) or more legislative districts, and sangguniang bayan of the municipalities in the metropolitan Manila area shall be elected by sangguniang districts as established by the Commission pursuant to Republic Act No. 7166.

(2) All other cities and municipalities not included in the immediately preceding sub-paragraph shall have the same number of elective members to their respective sangguniang panlungsod or sangguniang bayan as provided for in existing laws, who shall be elected by district. For this purpose, the Commission shall divide each city and municipality into two (2) districts by barangay, as nearly as practicable, according to the number of their respective inhabitants, each district to comprise a compact, contiguous and adjacent territory [Sec. 3, RA 7166, Amend-

ed].

No person shall be elected member of the sangguniang panlalawigan, sangguniang panlungsod or sangguniang bayan, as the case may be, unless he is an actual resident of the district of which he is a candidate (New).

SEC. 38. Highly-urbanized and component cities. - Highly-urbanized and component cities whose charters prohibit their voters from voting for provincial elective officials shall be independent of the province. Registered voters of a highly-urbanized city shall not vote in the election for provincial officials of the province in which it is located; voters of a component city shall be entitled to vote for elective provincial officials of the province of which it is a part, unless its charter provides otherwise [Sec. 12, Art. X, Const.; Sec. 3, RA 6646].

No component city shall be declared or classified as a highly-urbanized city within sixty (60) days prior to a local election.

SEC. 39. Sectoral representatives. - In addition to the regular members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan, there shall be one (1) sectoral representative each from the women, workers, and any of the following sectors: the urban poor, indigenous cultural communities, disabled persons or any other sector as may be determined by the sanggunian concerned at least ninety (90) days prior to the holding of the next regular local elections, as may be provided by law [Sec. 41(c), RA 7160].

D. ELECTION OF OFFICIALS OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO

SEC. 40. Regular elections for officials in the Autonomous Region. - The elections for regional officials of the Autonomous Region in Muslim Mindanao shall be held on the second Monday after the Muslim month of Ramadan immediately preceding the term of office of such officials [Sec. 1, RA 7647].

In case of vacancy in the regional assembly occurring at least one (1) year before the expiration of the term of office, a special election shall be called to fill the vacancy in the manner prescribed by the regional assembly. The member so elected shall serve only for the unexpired term [Sec. 6, Art VII, RA 6734].

SEC. 41. Composition of regional assembly. - The regional assembly shall be composed of three (3) members from each of the congressional districts [Sec. 4, Art. VII, RA 6734].

SEC. 42. Term of office. - The term of office of the regional governor and vice-governor and that of the members of the regional assembly shall be three (3) years which shall begin on the first day of the succeeding month immediately following their election. No official shall serve for more than three (3) consecutive terms.

Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the service for the full term for which he was elected [Sec. 5 Art. VII and Sec. 6, Art. VIII, RA 6734].

E. ELECTION OF BARANGAY OFFICIALS

SEC. 43. Regular election of barangay officials. - The election for barangay officials shall be non-partisan and shall be held every three (3) years on the second Monday of May [Sec. 42, RA 7160].

SEC. 44. Term of office. - The term of office of barangay officials shall be three (3) years beginning on the first day of June following their election, unless sooner removed for cause, until their successors shall have been elected and qualified. No barangay official shall serve for more than three (3) successive terms [Sec. 5, RA 6679].

SEC. 45. Sangguniang barangay. - There shall be a sangguniang barangay in every duly-constituted barangay, which shall be composed of a punong barangay and seven (7) kagawad, all of whom shall be elected directly by the voters of the barangay. The punong barangay shall ipso facto be the presiding officer of the sangguniang barangay [Sec. 5, RA 6653; Sec. 41, RA 7160].

SEC. 46. Certificate of candidacy. - No person shall be elected barangay official unless he files a sworn certificate of candidacy in triplicate in accordance with this Code.

The election officer shall prepare a consolidated list of all candidates and post said list in the barangay hall and in other conspicuous places in the barangay at least ten (10) days before the election.

SEC. 47. Board of election inspectors. - (1) The Commission shall constitute not later than ten (10) days before the election, a board of election inspectors in every precinct to be composed of a chairman and two (2) members who are all public school teachers.

In case no public school teachers are available, the

Commission shall designate any registered voter in the precinct who is not an incumbent barangay official or related to any candidate for any position in that barangay within the fourth civil degree of affinity or consanguinity.

(2) The board shall supervise and conduct the election in their respective precincts, count the votes and prepare the election returns in triplicate in a form prescribed by the Commission. The original of the election returns shall be delivered immediately to the barangay board of canvassers. The second copy shall be delivered to the election officer, and the third copy, to the secretary of the sangguniang barangay, who shall keep the same on file [Sec. 40, BP 881].

SEC. 48. Activities during the campaign period. - During the campaign period, the punong barangay or any kagawad, who is not a candidate, or any resident of the barangay of known probity designated by the election officer shall convene the barangay assembly, at least once, to summon the candidates to a joint meeting, upon proper notice at least two (2) days prior thereto, to explain to the barangay voters their respective programs of administration, qualifications and other information that may enlighten voters in casting their votes.

The members of the barangay assembly may take up and discuss other matters relative to the election of barangay officials [Sec. 47, BP 881].

F. PARTY-LIST SYSTEM [New]

SEC. 49. Party-list system defined. - Party-list system is a mechanism of proportional representation in the House of Representatives of political parties, organizations, or coalitions thereof with national, regional, or sectoral constituency regis-

tered with the Commission.

SEC. 50. Registration. - Any organized group of persons may register as a political party, organization, or coalition for purposes of the party-list system by filing with the Commission a verified petition in accordance with Sections 97 and 98 hereof.

SEC. 51. Manifestation to participate in party-list system. - Any political party, organization, or coalition already registered with the Commission need not register anew. However, such party, organization, or coalition shall file with the Commission, not later than sixty (60) days before the election, a manifestation of its desire to participate in the party-list system [New].

SEC. 52. Certified list of registered parties. - The Commission shall, not later than forty-five (45) days before the elections, prepare a certified list of political parties, organizations, or coalitions which have applied and are qualified to participate under the party-list system and distribute copies thereof to all the precincts for posting in the polling places on election day.

SEC. 53. Nomination of party-list representatives. - Each registered party, organization, or coalition shall submit to the Commission not later than fifty (50) days before the election, a list of five (5) names from which party-list representatives shall be chosen in case it obtains the required number of votes.

The list shall not include candidates for regular Member of the House of Representatives.

SEC. 54. Qualifications of party-list nominees. - No person shall be nominated as party-list representative unless he is a natural-born citizen of the Philippines; able to read and write; a resident of the Philippines for at least one (1) year immediately preceding the day of the election; a bona fide member of the party, organization, or coalition with a national, regional,

or sectoral constituency which he seeks to represent; a registered voter; and, on the day of the election, is at least twenty-five (25) years of age.

In the case of a nominee for the youth sector, he must at least be eighteen (18) but not more than twenty-one (21) years of age on the day of the election. Any youth sectoral representative who attains the age of twenty-one (21) years during his term shall be allowed to continue in office until the expiration of his term.

SEC. 55. Manner of voting. - Every voter shall be entitled to two (2) votes: the first is a vote for the candidate for Member of the House of Representatives in his legislative district, and the second, a vote for the party, organization, or coalition he wants represented in the House of Representatives. A vote cast for a party, organization, or coalition not entitled to be voted for shall not be counted.

SEC. 56. Procedure in allocating seats for party-list representatives. - The Commission shall tally all the votes for the parties, organizations, or coalitions on a nationwide basis, rank them according to the number of votes received as against the total number of registered voters nationwide, and allocate party-list representatives proportionately according to the percentage of votes obtained until all seats are filled up.

A political party, organization, or coalition shall be entitled to a maximum of five (5) seats.

SEC. 57. How party-list representatives are chosen. - Party-list representatives shall be proclaimed by the Commission based on the list of names submitted by the respective parties, organizations, or coalitions to the Commission according to their ranking in said list.

SEC. 58. Term of office. - Party-list representatives shall

be elected for a term of three (3) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No party-list representative shall serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered an interruption in the continuity of his service for the full term for which he was elected.

SEC. 59. Change of affiliation; Effect. - Any elected party-list representative who changes his political party or sectoral affiliation during his term of office shall forfeit his seat.

SEC. 60. Vacancy. - In case of vacancy in the seats reserved for party-list representatives, the President shall fill the vacancy by appointing a representative from the list of nominees in the order submitted to the Commission under Section 53 hereof by the same party, organization, or coalition, who shall serve for the unexpired term.

G. SYSTEM OF RECALL [New]

SEC. 61. Recall defined. - "Recall" refers to the power to remove from office any elective local official for loss of confidence.

SEC. 62. By whom exercised. - The power of recall shall be exercised by the registered voters of a local government unit to which the elective official subject of such recall belongs [Sec. 69, RA 7160].

SEC. 63. Who may be recalled. - Any elective provincial, city, municipal, or barangay official may be recalled for loss of confidence in the manner prescribed and subject to the limitations hereinafter provided.

SEC. 64. Recall; How commenced. - Recall may be initiated

by:

(1) A preparatory recall assembly; or

(2) Upon petition of at least twenty-five per cent (25%) of the total number of registered voters of the local government unit to which the elective local official subject of such recall belongs [Sec. 70 (c) and (d), RA 7160].

SEC. 65. Preparatory recall assembly. - A preparatory recall assembly shall be composed of the following:

(1) For a province - All mayors, vice-mayors and sanggunian members of component cities and municipalities;

(2) For a local legislative district for sangguniang panlalawigan elected by district - All mayors, vice-mayors and sanggunian members of component cities and municipalities of the district; or

(3) For a city or municipality - All punong barangay and sangguniang barangay members of the city, municipality, or council district [Sec. 70, RA 7160].

SEC. 66. Recall by preparatory recall assembly. - Recall proceedings by a preparatory recall assembly against any elective local official in the local government unit shall be validly initiated through a resolution adopted by a majority of all its members in a public session called for the purpose [Sec. 70, RA 7160].

Questions affecting the validity of the resolution shall be raised in a verified petition filed with the Commission within five (5) days from its adoption.

The Commission shall summarily decide the petition within seven (7) days from its submission for resolution, which decision shall be final and executory.

SEC. 67. Recall by petition. - A petition for recall shall be in writing and signed before the election officer or his

representative in signature stations in such public places as may be determined by the Commission. The petitioner and the official sought to be recalled, or their representatives, shall be notified of the time, dates and places of the signing.

The petition shall be filed with the Commission through its office in the local government unit concerned. The Commission or its duly-authorized representative shall cause the publication of the petition in conspicuous public places for a period of not less than ten (10) days nor more than thirty (30) days [Sec. 70, RA 7160].

The election officer shall verify the authenticity and genuineness of the signatures and whether the required percentage of voters was obtained. He shall submit his findings and recommendations to the Commission immediately after completion of the verification. The Commission shall determine the sufficiency of the petition for recall within ten (10) days from receipt of the findings and recommendations of the election officer.

SEC. 68. Filing fee. - No resolution or petition for recall shall be given due course unless accompanied by such documentary requirements and filing fee as may be prescribed by the Commission [New].

SEC. 69. Date of election on recall. - The Commission shall set the date of the election on recall, which shall not be later than sixty (60) days in the case of provincial officials, and thirty (30) days in the case of elective city, municipal, or barangay officials, from final determination by the Commission of the validity and sufficiency of the resolution or petition on recall [Sec. 71, RA 7160, Amended].

SEC. 70. Certificate of candidacy. - The Commission shall fix the date for the filing of certificates of candidacy for the position affected and thereafter prepare the list of candidates, which shall include the name of the official sought to be recalled. The official or officials sought to be recalled shall automatically be considered a duly-registered candidate or candidates and shall be entitled to be voted upon [Sec. 71, RA 7160].

SEC. 71. Prohibition from resignation. - The elective local official sought to be recalled shall not be allowed to resign while the recall process is in progress [Sec. 73, RA 7160].

SEC. 72. Effect. - The recall of an elective local official shall take effect upon the election and proclamation of a candidate other than the official sought to be recalled. Should the incumbent win the elections, confidence in him shall thereby be deemed affirmed, and he shall continue in office [Sec. 72, RA 7160].

SEC. 73. Limitations. - Any elective local official may be subject of a recall election only once during his term of office. No recall shall take place within one (1) year from the date of an official's assumption to office or one (1) year immediately preceding a regular election for the office concerned [Sec. 74, RA 7160].

H. SYSTEM OF INITIATIVE AND REFERENDUM

SEC. 74. Definition of terms. - As used in this Code:

(1) "Initiative" refers to the power to propose amendments to the Constitution or the enactment of national or local legislation. It may be exercised directly, through a petition to be submitted in a plebiscite called for the purpose, or indirectly,

only in the case of a national or local legislation;

(2) "Referendum" refers to the power to approve or reject statutes enacted by Congress in whole or in part, or laws, resolutions or ordinances enacted by local legislative bodies;

(3) "Proposition" refers to a measure proposed by voters for the enactment, amendment, approval, or rejection of a law;

(4) "Plebiscite" refers to the electoral process through which the power of initiative or referendum is exercised;

(5) "Petition" refers to the written instrument containing the proposition duly signed in a form prescribed by the Commission;

(6) "Local government units" refers to the autonomous regions, provinces, cities, municipalities and barangays;

(7) "Local legislative bodies" refers to the regional assemblies, sangguniang panlalawigan, sangguniang panlungsod, sangguniang bayan and sangguniang barangay;

(8) "Local executives" refers to the regional and provincial governors, city or municipal mayors and punong barangay, as the case may be [Sec. 3, RA 6735];

(9) "People's organization" refers to bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure [Sec. 15, Art. XIII, Const.].

SEC. 75. Who may exercise. - The power of initiative and referendum may be exercised by all registered voters of the country, autonomous regions, provinces, cities, municipalities and barangays [Sec. 4, RA 6735].

SEC. 76. Requirements. - (1) A petition for initiative or referendum shall be deemed validly initiated if signed by the required number of voters, as follows:

(1) Initiative on the Constitution - at least twelve per

cent (12%) of the total number of registered voters nationwide as signatories, of which every legislative district is represented by at least three per cent (3%) of its registered voters. In addition, an initiative on the Constitution may be exercised only after five (5) years from its ratification and only once every five (5) years thereafter [Sec. 2, Art. XVII, Const.];

(2) Initiative and referendum on national statutes - at least ten per cent (10%) of the total number of registered voters nationwide, of which every legislative district is represented by at least three per cent (3%) of its registered voters;

(3) Initiative or referendum on laws, resolutions or ordinances passed by the legislative assembly of an autonomous region, province or city - at least ten per cent (10%) of the total number of registered voters in the local government unit concerned, of which every legislative district is represented by at least three per cent (3%) of its registered voters: Provided, That if the province or city is composed of only one (1) legislative district, each municipality in a province or each barangay in a city should be represented by at least three per cent (3%) of the registered voters therein;

(4) Initiative or referendum on an ordinance passed in a municipality - at least ten per cent (10%) of the total number of registered voters in the municipality, of which every barangay is represented by at least three per cent (3%) of its registered voters;

(5) Initiative or referendum on a barangay resolution or ordinance - at least ten per cent (10%) of the total number of registered voters in the city or municipality, of which every barangay is represented by at least three per cent (3%) of its registered voters [Sec. 5, RA 6735].

SEC. 77. Contents of petition. - A petition shall contain:

(1) The text of the proposed law sought to be enacted, approved or rejected, amended or repealed;

(2) The proposition;

(3) The reason or reasons therefor;

(4) A statement that its subject is not among those prohibited under the immediately succeeding section;

(5) The signatures of the petitioners or registered voters; and

(6) An abstract or summary proposition in not more than one hundred (100) words legibly written or printed at the top of every page of the petition [Sec. 5, RA 6735].

SEC. 78. Limitations on petition. - No petition shall embrace more than one (1) sub[illegible] Neither shall it have as its subject emergency measures, the enactment of which are specifically vested in Congress by the Constitution, except until ninety (90) days after its effectivity. In the case of local initiative, the petition shall not extend to subjects or matters which are beyond the legal powers of the local legislative body to enact [Secs. 10 and 15, RA 6735].

SEC. 79. Verification of signatures. - The Commission shall cause the verification of the signatures in the petition on the basis of its records used in the immediately preceding election [Sec. 7, RA 6735].

SEC. 80. Conduct and date of plebiscite on initiative or referendum. - The Commission shall call and supervise the conduct of the plebiscite on initiative or referendum.

The Commission shall determine the sufficiency of the petition and within a period of thirty (30) days from receipt of the petition, publish the same in Pilipino and English at least twice in two (2) newspapers of national or local circulation, and set the date of the plebiscite which shall not be earlier than forty-

five (45) days but not later than ninety (90) days from the determination of its sufficiency [Secs. 8 and 13, RA 6735].

SEC. 81. Effectivity of initiative or referendum proposition. - A proposition shall take effect following certification by the Commission that a majority of the votes cast was obtained in a plebiscite called for its approval or rejection, as follows:

(1) If the proposition to enact, approve, or amend a national law is approved, said law shall become effective fifteen (15) days following completion of its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

If the proposition to reject a national law is approved, the said law shall be deemed repealed, and the repeal shall become effective fifteen (15) days following its certification and completion of its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

If the majority vote is not obtained, the national law sought to be rejected or amended shall remain in full force and effect.

(2) If the proposition in an initiative or referendum on the Constitution is approved, it shall become effective as of the day of the plebiscite.

(3) If the proposition in an initiative on local law is approved, it shall become effective fifteen (15) days after certification and proclamation by the Commission [Sec. 9, RA 6735].

SEC. 82. Indirect initiative: House of Representatives. - Any duly-accredited people's organization may file a petition for indirect initiative with the House of Representatives.

The procedure to be followed on the initiative bill shall be the same as that for the enactment of any legislative measure

before the House of Representatives, except that said initiative bill shall enjoy precedence over other pending legislative measures [Sec. 11, RA 6735].

SEC. 83. Indirect initiative: Regional and local legislative bodies. - Not less than two thousand (2,000) registered voters in the case of autonomous regions, one thousand (1,000) in case of provinces and cities, one hundred (100) in case of municipalities, and fifty (50) in case of barangays, may file a petition with the regional assembly or local legislative body, respectively, proposing the enactment, amendment, approval, or rejection of any law, ordinance, or resolution.

If no favorable action is made thereon by the local legislative body within thirty (30) days from its filing, the proponents, through their duly-authorized and registered representatives, may invoke their power of direct initiative, giving notice thereof to the local legislative body concerned.

The proposition shall be serially numbered starting from one (1). The Secretary of the Interior and Local Government or his designated representative shall assist in the formulation of the proposition.

Two (2) or more propositions may be submitted in an initiative.

Proponents shall collect the required number of signatures within one hundred twenty (120) days from date of notice in case of autonomous regions, ninety (90) days in case of provinces and cities, sixty (60) days in case of municipalities, and thirty (30) days in case of barangays.

The petition shall be signed before the election officer or his designated representatives, and a representative of the regional assemblies and local legislative bodies concerned. Signature stations may be established in as many public places as

may be necessary.

Upon the lapse of the period herein provided, the Commission, through its office in the local government unit concerned, shall certify whether the required number of signatures has been obtained. Failure to obtain the required number shall be deemed a rejection of the proposition.

SEC. 84. Limitation on local initiatives. - (1) The power of local initiative shall not be exercised more than once a year.

(2) If at any time before the plebiscite on initiative is held, the local legislative body shall adopt in toto the proposition presented, the plebiscite shall be cancelled. However, those against such action may, if they so desire, apply for initiative in the manner herein provided [Sec. 15, RA 6735].

SEC. 85. Limitations upon local legislative bodies. - Any proposition, ordinance or resolution approved shall not be repealed, modified, or amended within six (6) months from the date of approval, but may be amended, modified, or repealed within three (3) years thereafter by a vote of three-fourths (3/4) of all the members of the local legislative body: Provided, That in case of barangays, such period shall be one (1) year after the expiration of the first six (6) months [Sec. 16, RA 6735].

SEC. 86. Local referendum. - Notwithstanding the provision of Section 78 hereof, any local legislative body may submit to the registered voters of autonomous regions, provinces, cities, municipalities and barangays for their approval or rejection, any ordinance or resolution duly enacted or approved.

The plebiscite on referendum shall be held within ninety (90) days in case of the autonomous regions, sixty (60) days in case of provinces and cities, forty-five (45) days in case of municipalities, and thirty (30) days in case of barangays [Sec. 17, RA 6735].

SEC. 87. Appeal. - The decision of the Commission on the sufficiency or insufficiency of the petition for initiative or referendum may be appealed to the Supreme Court within thirty (30) days from notice thereof [Sec. 12, RA 6735].

SEC. 88. Unconstitutionality and invalidity of proposition. - Nothing in this Article shall prevent or preclude the proper courts from declaring null and void any proposition approved pursuant hereto for violating the Constitution or for want of capacity of the local legislative body to enact said measure [Sec. 15, RA 6735].

I. ABSENTEE VOTING

SEC. 89. Absentee voting. - "Absentee voting" refers to the process by which a registered voter who is not in his place of registration on election day, either because of election duty or by reason of residence or employment abroad, may vote in national elections [New].

SEC. 90. Persons covered. - The following may avail of absentee voting:

(1) Qualified government personnel - any registered voter employed in the government service who, by reason of public functions and duties, is not in his place of registration on election day; and

(2) Qualified Filipinos abroad - every overseas Filipino, including those born of a Filipino father or mother in a foreign soil, who has opted to retain his Philippine citizenship and who has the qualifications of a voter and is validly registered as such in his voting residence, and who, on election day, is outside his voting residence.

"Voting residence" refers to any city or municipality in the

Philippines where an overseas Filipino is registered or qualified to register as a voter if present therein [New].

SEC. 91. Absentee voting by qualified government personnel. - The following steps shall be followed in the exercise of absentee voting by qualified government personnel:

(1) Forty-five (45) days before the election, the head of office concerned shall submit to the Commission a list of its officers and employees who are registered voters, and who, by reason of their election duties and functions, will be outside their place of registration, and who desire to exercise their right to vote, with the request that said officers and employees be provided with application forms to cast absentee ballots. The list and request shall be under oath.

(2) Upon verification by the Commission that the persons included in the list are qualified voters, it shall, within thirty-five (35) days before the election, transmit the requested number of application forms to the head of office.

(3) The application forms shall be returned duly accomplished to the Commission at least twenty-five (25) days before election day.

(4) After verification of the applications, the Commission shall, within fifteen (15) days before the election, transmit the exact number of absentee ballots to the head of office for distribution to the applicants.

(5) The absentee voter shall accomplish his ballot seven (7) days before election day and place the same in two (2) security envelopes, one inside the other. He shall submit the envelope to the provincial election supervisor of his place of assignment, who shall in turn deliver it to the Commission.

(6) The head of the office shall prepare a sworn report on the manner of distribution of the absentee ballots, indicating

therein the number of ballots transmitted and their serial numbers and the names of the persons to whom the absentee ballots were delivered. The report shall be accompanied by a certificate of eligibility to vote absentee for each particular voter and submitted within three (3) days after the election [Executive Order No. 157].

SEC. 92. Absentee voting by qualified Filipinos abroad. - Only an overseas Filipino who is a registered voter may vote in absentia. If he is not registered, he must first register in person as a voter in his voting residence.

The return to the Philippines of any Filipino residing abroad at least once within one (1) year prior to the elections in which he intends to vote shall constitute prima facie evidence of his intention to return to his original residence in the Philippines.

The following steps shall be followed in the exercise of absentee voting by qualified Filipinos abroad:

(1) Immediately after the election period shall have been fixed, the Commission, through the diplomatic or consular officers, shall give notice to Filipino citizens residing in their respective jurisdictions of the holding of an election.

(2) Every overseas Filipino shall signify his intention to vote in absentia by filing a sworn application under oath with the Commission or with the diplomatic or consular officers concerned authorized by the Commission not later than ninety (90) days before the elections. Said officers shall thereafter immediately transmit by diplomatic pouch the applications to vote in absentia to the Commission for verification in the permanent list of voters. All persons voting in absentia shall be indicated in the list of voters.

(3) The Commission shall, not later than forty-five (45)

days prior to the election, deliver to the Department of Foreign Affairs the number of absentee ballots corresponding to the number of applications approved by it, along with such materials and election paraphernalia necessary to ensure the secrecy, integrity and sanctity of the ballots, for transmission by diplomatic pouch to the different Philippine missions abroad. It shall be the duty and responsibility of the Philippine mission concerned to distribute the ballots to the absentee voters.

Absentee voting shall be conducted at least thirty (30) days before the election either by mail or at the designated voting center situated at the nearest diplomatic or consular office of the Republic of the Philippines, or at such other places as may be designated by the Commission.

(4) The Department of Foreign Affairs shall transmit, not later than fifteen (15) days before the election, all ballots by diplomatic pouch to the Commission. All ballots received by the Commission on or before the close of voting on election day shall be included in the counting of votes [New].

SEC. 93. Counting and canvass. - The Commission shall constitute as many special boards of election inspectors for absentee voting both by qualified government personnel and overseas Filipinos as may be necessary to count the votes.

A special board of canvassers composed of ranking lawyers of the Commission shall be constituted in each case to canvass the election returns submitted to it by the respective boards of election inspectors [EO 157].

SEC. 94. Assistance of other government agencies/officials. - All government agencies and/or officials shall, to the extent practicable and compatible with their primary responsibilities, assist the Commission in conducting absentee voting. All such agencies or officials shall take reasonable measures to expedite

the transmission, delivery and return of all election matters [New].

SEC. 95. Security measures. - At all stages of the process for absentee voting, the Commission shall take such measures necessary to preserve the security and sanctity of the ballot [New].

ARTICLE IV. POLITICAL PARTIES, CANDIDATES AND CAMPAIGN PROPAGANDA

A. POLITICAL PARTIES

SEC. 96. Political party, organization, or coalition. - When used in this Code, "political party," "organization," or "coalition" refers to an organized group of qualified voters pursuing the same ideology, political ideas and platform, or program of government and includes its branches and divisions.

To acquire juridical personality, qualify it for subsequent accreditation, and entitle it to the rights and privileges herein granted, a political party, organization, or coalition shall first be registered with the Commission [Sec. 60, BP 881].

Upon due notice to the Commission, a political party may coalesce or affiliate with another political party or parties [New].

SEC. 97. Registration. - Any organized group of qualified voters seeking registration as a political party, organization, or coalition may file with the Commission not later than ninety (90) days before an election a petition verified by its president and secretary, attaching thereto its constitution and by-laws, platform or program of government and other information required by the Commission. The Commission shall require publi-

cation of the petition in at least two (2) newspapers of general circulation.

The Commission shall, after due notice and hearing, resolve the petition within fifteen (15) days from the date it is submitted for decision and in every case not later than sixty (60) days before elections.

Religious denominations and sects shall not be registered. A political party which seeks to achieve its goals through violence or unlawful means, or refuses to uphold and adhere to the Constitution, or which is supported by a foreign government, or any foreigner, whether juridical or natural, shall likewise be refused registration [Sec. 2(5), Art. IX (c), Const.].

SEC. 98. Accreditation of political parties. - The Commission shall, after notice and hearing, accredit the major political parties, organizations, or coalitions, which shall have preference in the posting of watchers and in the receipt of copies of election documents, on the basis of the following:

(1) Established record of the political party, organization, or coalition taking into account, among others, its showing in past elections;

(2) Number of incumbent elective officials belonging to it ninety (90) days before the date of elections;

(3) Identifiable political organizations and strength as evidenced by its organized chapters;

(4) Ability to fill a complete slate of candidates; and

(5) Other analogous circumstances [Sec. 26, RA 7166].

SEC. 99. Publication of petition for registration or accreditation. - The Commission shall require publication of the petition for registration or accreditation once in two (2) newspapers of general circulation.

SEC. 100. Cancellation of registration/accreditation. -

The Commission may, motu proprio or upon verified complaint of any interested party, cancel, after due notice and hearing, the registration or accreditation of any political party, coalition, or organization on the following grounds:

(1) Acceptance by it or by any of its candidates of financial contributions from foreign governments and/or their agencies for activities related to elections;

(2) Violation of, or non-compliance with, laws, rules or regulations relating to elections;

(3) Untruthful statements in its petition;

(4) It is a religious sect or denomination; is pursuing its goals through violence or other unlawful means; is refusing to adhere to or uphold the Constitution; or is receiving support from any foreign government;

(5) Failure to field official candidates in the last two (2) preceding elections or failure of its candidates to obtain at least five per cent (5%) of the votes cast in either of the last two (2) preceding elections in the constituency in which it is registered.

(6) Failure to obtain a seat under the party-list system in two (2) consecutive elections in its constituency.

SEC. 101. Prohibition against change of political party affiliation. - Any elective public officer or candidate who changes his political party affiliation within six (6) months immediately preceding an election shall, after notice and hearing, be disqualified in appropriate proceedings by the Commission, or, if he has been elected, shall not be allowed to assume office [1973 Const.].

B. ELIGIBILITY AND QUALIFICATIONS OF CANDIDATES

SEC. 102. Qualifications for President and Vice-President. - No person shall be elected President or Vice-President unless he is a natural-born citizen of the Philippines, a registered voter, able to read and write, at least forty (40) years of age on the day of the election and a resident of the Philippines for at least ten (10) years immediately preceding such election [Secs. 2 and 3, Art. VII, Const.].

SEC. 103. Qualifications for Senator. - No person shall be elected a Senator unless he is a natural-born citizen of the Philippines, and, on the day of the election, at least thirty-five (35) years of age, able to read and write, a registered voter, and a resident of the Philippines for not less than two (2) years immediately preceding the day of the election [Sec. 3, Art. VI, Const.].

SEC. 104. Qualifications for Member of the House of Representatives. - No person shall be elected Member of the House of Representatives unless he is a natural-born citizen of the Philippines and, on the day of the election, at least twenty-five years (25) of age, able to read and write, and, except the party-list representatives, a registered voter in the district in which he shall be elected and a resident therein for a period of not less than one (1) year immediately preceding the day of the election.

A sectoral representative shall be a natural-born citizen of the Philippines, able to read and write, a resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election, a bona fide member of the sector he seeks to represent, a registered voter, and, on the day of the election, at least twenty-five (25) years of age. The

youth sectoral representative shall be at least eighteen (18) and not more than twenty-one (21) years of age on the day of the election: Provided, That any youth sectoral representative who attains the age of twenty-one (21) years during his term shall continue in office until the expiration of his term [Sec. 64, BP 881].

SEC. 105. Qualifications for regional officials. - No person shall be elected governor or vice-governor/deputy governor of the autonomous region unless he is a natural-born citizen of the Philippines, a registered voter of the autonomous region and a resident therein for at least five (5) years immediately preceding the election, able to read and write and at least thirty-five (35) years of age on the day of the election.

No person shall be elected member of the regional assembly unless he is a natural-born citizen of the Philippines, at least twenty-one (21) years of age on the day of the election, able to read and write, a registered voter of the district in which he shall be elected and a resident thereof for a period of not less than five (5) years immediately preceding the day of the election [Secs. 3 and 4, Art. VIII and Sec. 7, Art. VII, RA 6734].

SEC. 106. Qualifications of elective local officials. - No person shall be elected to any provincial, city, municipal, or barangay office unless he is a natural-born citizen of the Philippines, able to read and write, a registered voter in the political subdivision where he intends to be elected, and a resident therein for at least one (1) year immediately preceding the day of the election.

In addition, candidates for governor, vice-governor, member of the sangguniang panlalawigan, mayor, vice-mayor, or member of the sangguniang panlungsod of highly-urbanized cities shall be at least twenty-three (23) years of age on election day; those for

mayor or vice-mayor of independent component cities, or component cities or municipalities, at least twenty-one (21) years of age; and those for member of the sangguniang panlungsod, sangguniang bayan, punong barangay, or member of the sangguniang barangay, at least eighteen (18) years of age on election day [Sec. 39, RA 7160].

C. DISQUALIFICATIONS OF CANDIDATES

SEC. 107. Disqualifications. - The following persons shall be disqualified as candidate for any elective office or from continuing as such, or, if they have been elected, proclaimed, or have assumed office, from holding office:

(1) Any person who has been declared by competent authority insane or feeble-minded, or has been sentenced by final judgment for insurrection, rebellion, or for any offense for which he has been sentenced to a penalty of more than eighteen (18) months or for a crime involving moral turpitude. Such disqualification shall, however, be deemed removed upon the declaration by competent authority that said insanity had been removed, or after the completion of the period of probation or expiration of five (5) years from his service of sentence, or after the grant of plenary pardon or amnesty, unless within the same period he again becomes disqualified [Sec. 68, BP 881; Sec. 40, RA 7160];

(2) Except for officials and employees of the Commission, who shall be governed by Section 14 hereof, any official of an executive department, bureau, or office, or of any government-owned or -controlled corporation who is appointed by the President of the Philippines with the consent of the Commission on Appointments, as well as justices and judges, in the election immediately succeeding the termination of his tenure of office,

whether by resignation, retirement, expiration of tenure, removal or similar causes [Sec. 78, RA 6388];

(3) Any elective public official who has resigned, retired, r been removed from office for any cause, in any special election called to fill the vacancy caused by his resignation, retirement, or removal [New];

(4) Any person who has dual citizenship, or is a permanent resident of, or an immigrant to, a foreign country, unless said person has waived his status as such in accordance with law;

(5) Any person convicted by final judgment of violating his oath of allegiance to the Republic;

(6) A fugitive from justice in criminal or non-political cases here or abroad;

(7) Any person sentenced by final judgment for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;

(8) Any person removed from office by final judgment in an administrative case [Secs. 12 and 68, BP 881; Sec. 40, RA 7160]; or

(9) Any person who fails to pay the administrative fine for failure to file a sworn statement of electoral contributions and expenditures [New].

SEC. 108. Priority accorded to disqualification cases. - The Commission and the courts shall give priority to cases of disqualification by reason of violation of this Code to the end that a final decision is rendered thereon not later than fourteen (14) days before the election in which the disqualification of the candidate is sought [New].

SEC. 109. Effects of disqualification. - Any candidate who has been declared by final judgment to be disqualified shall not be voted for, and the votes cast for him not counted. Neverthe-

less, if, for any reason, a candidate is not disqualified by final judgment before an election and is voted for and receives the winning number of votes in such election, the court or Commission shall continue with the trial and hearing of the action, inquiry, or protest, and, upon motion of the complainant or any intervenor, may, during the pendency thereof, order the suspension of the proclamation of such candidate whenever the evidence of guilt is strong: Provided, That upon the disqualification by final judgment of such winning candidate, the elected candidate next in the order of succession as provided for under existing laws shall fill the resulting vacancy [Sec. 6, RA 6646; Sec. 72, BP 881].

D. RULES ON CANDIDACIES

SEC. 110. Certificate of candidacy. - No person shall be eligible for any elective public office unless he files a sworn certificate of candidacy within the period fixed in this Code.

A person who has filed a certificate of candidacy may, prior to the election, withdraw the same by submitting to the office of the Commission where he filed his certificate of candidacy a written declaration of the withdrawal under oath [Sec. 73, BP 881].

Any candidate who withdraws his candidacy cannot file a new certificate for any office in the same election [New].

No person shall be eligible as candidate for more than one (1) office to be filled in the same election. A person who files his certificate of candidacy for more than one (1) office shall not be eligible for any of them, but may, before the expiration of the period for the filing of certificates of candidacy, declare under oath the office to which he desires to be elected and

cancel the certificate of candidacy for the other office or offices.

The filing or withdrawal of certificates of candidacy shall not affect whatever civil, criminal, or administrative liabilities which a candidate may have incurred as a result thereof [Sec. 73, BP 881].

SEC. 111. Contents of certificate of candidacy. - The certificate of candidacy shall be filed in a form prescribed by the Commission and shall state the following:

(1) The legal name of the person filing the same, and, if he so desires, one nickname or stage name by which he is generally or popularly known in the locality. In no case shall he use the nickname or stage name of another person;

(2) That the person filing it is announcing his candidacy for the office stated therein and that he is eligible therefor;

(3) If the certificate of candidacy is for Member of the House of Representatives, it shall also state the province, including its component cities, highly-urbanized city or district or sector which he seeks to represent;

(4) The political party to which he belongs;

(5) His sex, civil status, date and place of birth, residence and post office address for election purposes;

(6) His profession or occupation;

(7) His relation, if any, to the incumbents or candidates enumerated in Section 116 hereof;

(8) The place and precinct where he is a registered voter;

(9) That he will support and defend the Constitution of the Philippines and will maintain true faith and allegiance thereto;

(10) That he will obey the laws, legal orders and decrees promulgated by the duly-constituted authorities;

(11) That he is not a permanent resident of, or immigrant

to, a foreign country;

(12) That the obligation imposed upon his oath is assumed voluntarily, without mental reservation or purpose of evasion; and

(13) That the facts stated in the certificate of candidacy are true and correct to the best of his knowledge.

The person filing a certificate of candidacy shall also attach thereto copies of his income tax return for the two (2) years immediately preceding the election, affix his latest passport-sized photograph, and, if he so desires, a statement in duplicate containing his bio-data and program of government.

Unless a candidate has officially changed his name through a court-approved proceeding, a candidate shall state in his certificate of candidacy the name by which he has been baptized, or, if he has not been baptized in any church or religion, the name registered in the office of the local civil registrar, or the name by which he is commonly known or any other name allowed under existing law. In the case of a Muslim, he may state his Hadji name after performing the prescribed religious pilgrimage. However, when there are two (2) or more candidates for an office with the same name and surname, each candidate, upon being made aware of such fact, shall state his paternal and maternal surname, except the incumbent who may continue to use the name and surname stated in his certificate of candidacy when he was elected [Sec. 74, BP 881].

SEC. 112. Filing of certificate of candidacy. - The certificate of candidacy shall be filed by the candidate personally or by his duly-authorized representative on any day from the commencement of the election period but not later than the day before the beginning of the campaign period for the office concerned: Provided, That in case of postponement or failure of

election, no additional certificate of candidacy shall be accepted except in cases of substitution of candidates [Sec. 75, BP 881].

The certificate of candidacy shall be filed in five (5) legible copies with the offices of the Commission specified hereunder:

(1) For President, Vice-President and Senator, with the law department of the Commission in Manila;

(2) For Member of the House of Representatives, with the provincial election supervisor of the province concerned. Those for legislative districts in the National Capital Region shall be filed with the law department of the Commission, and those for legislative districts in cities outside the National Capital Region comprising one (1) or more legislative districts, with the city election officer;

(3) For regional governor and vice-governor in the autonomous regions, with the regional election director concerned. Those for member of the regional assembly shall be filed with the respective provincial election supervisors;

(4) For provincial offices, with the provincial election supervisor;

(5) For city or municipal offices, with the city or municipal election officer; and

(6) For barangay offices, with the election officer of the city or municipality.

Notice of withdrawal or substitution of candidacies shall be filed with the office where the certificate of candidacy being withdrawn or substituted was filed [Sec. 7, RA 7166].

SEC. 113. Ministerial duty of receiving and acknowledging receipt of certificate of candidacy. - It shall be the ministerial duty of the law department of the Commission, regional elec-

tion director, provincial election supervisor, election officer or other officer designated by the Commission or the board of election inspectors to receive and acknowledge receipt of the certificate of candidacy [Sec. 76, BP 881].

SEC. 114. Nomination of official candidates. - Accredited political parties shall submit to the Commission a certificate of nomination, under oath by their duly-authorized officers, of their respective official candidates not later than three (3) calendar days after the last day for filing of certificates of candidacy [New].

SEC. 115. Candidates holding appointive or elective office. - The following shall be considered automatically resigned from their respective offices upon the filing of their certificate of candidacy:

(1) Any person holding a public appointive office or position, including active members of the Armed Forces of the Philippines, and officers and employees in government-owned or -controlled corporations; and

(2) Any elective official, whether national, regional, local, or barangay, running for any office other than that which he is holding in any capacity [Secs. 66 and 67, BP 881, Amended].

SEC. 116. Political dynasty defined; Prohibited candidacies. - The term "political dynasty" refers to a situation where persons related to each other within the third civil degree of consanguinity or affinity hold elective offices simultaneously or the same office successively in a region, legislative district, province, city, or municipality.

To prevent the establishment of a political dynasty, persons within the same civil degree of relationship shall not be allowed to run for any elective position in the same political unit in the same election. Neither can a person within the same civil

degree of relationship as the incumbent succeed to the position of the latter.

Certificates of candidacy filed in violation hereof shall not be given due course [New].

SEC. 117. Nuisance candidacies. - The Commission may, motu proprio or upon a verified petition of an interested party, deny due course to or cancel a certificate of candidacy if it is shown that said certificate has been filed to put the election process in mockery or disrepute or to cause confusion among the voters by the similarity of the names of the registered candidates or by other circumstances or acts which clearly demonstrate that the candidate has no bona fide intention to run for the office for which the certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate [Sec. 69, BP 881].

SEC. 118. Procedure in cases of nuisance candidacies. - A verified petition to declare a duly-registered candidate as a nuisance candidate shall be filed with the Commission by any registered candidate for the same office personally or through his duly-authorized representative within five (5) days from the last day for the filing of certificates of candidacy [Sec. 5, RA 6646].

SEC. 119. Guest candidacy. - No political party shall nominate and/or support candidates not belonging to it without the written consent of such candidate under oath [Sec. 70, BP 881].

SEC. 120. Period for political convention or meeting. - Political conventions or meetings for the nomination or selection of the official candidates of any political party, organization or coalition shall be held within thirty (30) days before the start of the campaign period for the offices concerned [Sec. 6, RA 7166].

SEC. 121. Substitution in case of death, disqualification or withdrawal of candidate. - If, after the last day for the filing of certificates of candidacy, a candidate with a certificate of candidacy duly filed dies, withdraws his candidacy or is disqualified for any cause, the following rules on substitution of candidacy shall be observed:

(1) There shall be no substitution of any candidate who has withdrawn his certificate of candidacy [New].

(2) Substitution of candidates in case of death or disqualification shall be allowed only if the candidate who has died or been disqualified is an official candidate of a registered or accredited political party: Provided, That there is only one (1) candidate remaining for the position affected after such death or disqualification. In such a case, only a person belonging to, and certified by, the same political party may file a certificate of candidacy to replace the candidate who has died or been disqualified [Sec. 77, BP 881].

(3) In the case of independent candidates, substitution of candidacy shall be allowed only in case of death: Provided, That there is only one (1) candidate remaining for the position affected after such death. In such a case, a substitute candidacy may be filed only by the spouse or nearest relative of the deceased candidate within the third civil degree of consanguinity or affinity [New].

In either case, the substitute candidate shall file his certificate of candidacy for the office concerned in accordance with the preceding sections not later than mid-day of the day of the election. If the death or disqualification should occur between the day before the election and mid-day of election day, said certificate shall be filed with any board of election inspectors in the political subdivision where he is a candidate,

or, in the case of candidates for national office, with the Commission [Sec. 77, BP 881].

SEC. 122. Petition to deny due course to or cancel a certificate of candidacy. - A verified petition seeking to deny due course to or cancel a certificate of candidacy may be filed by any person exclusively on the ground that any material representation contained therein is false. The petition shall be filed within five (5) days following the last day for the filing of certificates of candidacy [Sec. 78, BP 881].

SEC. 123. Unopposed candidacies. - If, after the last day for the filing of certificates of candidacy, there should be only one (1) candidate for an elective position, the Commission shall, without holding an election for said position, certify that he is the only candidate for the office affected and is thereby deemed elected [New].

E. CAMPAIGN AND ELECTION PROPAGANDA

SEC. 124. Definitions. - As used in this Code:

(1) "Candidate" refers to any person aspiring for or seeking an elective public office who has publicly announced the same or who has, through other analogous acts performed within ninety (90) days prior to the start of the campaign period, openly manifested his desire to seek an elective public office, whether or not he has filed a certificate of candidacy by himself or through an accredited political party, organization, or coalition of parties (New);

(2) "Election campaign" or "partisan political activity" refers to an act designed to promote or defeat the election of a candidate, which shall include:

(a) Forming organizations, associations, clubs,

movements, committees or other groups of persons;

(b) Holding political caucuses, conferences, meetings, rallies, parades, or other similar assemblies;

(c) Making speeches, announcements or commentaries, or holding interviews;

(d) Publishing or airing in the mass media, or distributing campaign materials; or

(e) Directly or indirectly soliciting votes, pledges, or support.

Public expressions, opinions, or discussions of probable issues in a forthcoming election or on attributes of or criticisms against probable candidates proposed to be nominated in a forthcoming political party convention shall not be construed as part of any election campaign or partisan political activity contemplated under this Article [Sec. 79, BP 881].

SEC. 125. Intervention of foreigners. - At no time shall any foreigner, whether juridical or natural, aid any candidate or political party, directly or indirectly, or take part in or influence in any manner any election, or contribute, render services, or make any expenditure in connection with, or in furtherance of, any election campaign or partisan political activity [Sec. 81, BP 881].

SEC. 126. Undue ecclesiastical influence. - No head of any church hierarchy or religious sect, denomination, or grouping shall, directly or indirectly, influence the members of his flock, parish, or congregation to vote for or against any candidate or political party by means of any election propaganda enumerated under Sections 127 and 130 of this Code [New].

SEC. 127. Lawful election propaganda. - Lawful election propaganda shall include:

(1) Pamphlets, leaflets, cards, decals, stickers, or other written or printed materials of a size not more than twenty-one and one-half (21.5) centimeters in width and thirty-five and one-half (35.5) centimeters in length: Provided, That stickers or decals posted or displayed in a house, building, establishment, or vehicle other than that owned or leased by a candidate or political party or other than a common poster area or other authorized place shall conform to the size herein specified and shall be posted or displayed only with the express consent of the owner of such house, building, establishment, or vehicle;

(2) Handwritten or printed letters urging voters to vote for or against any particular candidate;

(3) Cloth, paper, or cardboard posters, whether framed or posted, of a size not exceeding sixty (60) centimeters by ninety (90) centimeters;

(4) Streamers not exceeding ninety (90) centimeters and forty (40) centimeters in size, to be posted or displayed only at the candidate's main residence, at the official party headquarters of a registered political party not exceeding one (1) headquarters for each barangay, or at the site and on the occasion of a public meeting or rally, or in announcing the holding of said meeting or rally, within one (1) week before the date of the meeting or rally and removed within seventy-two (72) hours thereafter;

(5) Any moving vehicle with a sound system for campaign jingles or recorded or live propaganda, or motorcades; or

(6) All other forms of election propaganda not prohibited by this Code as the Commission may authorize after due notice to all interested parties and hearing where all interested parties were given equal opportunity to be heard: Provided, That the Commission's authorization shall be published twice in two (2) news-

papers of general circulation within one (1) week after the grant of such authorization. Violation in any manner of this Section shall constitute an election offense [Sec. 82, BP 881].

SEC. 128. Prohibition on removal, destruction, or defacement of lawful election propaganda. - It shall be unlawful for any person to remove, destroy, obliterate, or in any manner deface or tamper with, or prevent the distribution of, lawful election propaganda during the campaign period [Sec. 83, BP 881].

SEC. 129. Requirements for printed election propaganda. - Any poster, pamphlet, circular, handbill, bumper sticker, streamer, list of candidates, or any printed political matter for or against a candidate or group of candidates to any public office shall bear the words "PAID FOR BY" followed by the true and correct name and address of the payor, and by the words "PRINTED BY" followed by the true and correct name and address of the printer [Sec. 84, BP 881].

SEC. 130. Prohibited election propaganda. - The following election propaganda are prohibited:

(1) Posters, pamphlets, circulars, handbills, or any printed matter which do not bear the names and addresses of the printer and payor;

(2) Billboards, tinplate-posters, balloons and the like, of whatever size, shape, form, or kind;

(3) Pens, lighters, fans of whatever nature, flashlights, athletic goods or materials, wallets, shirts, hats, bandanas, matches, cigarettes and the like. However, campaign supporters may be allowed to wear hats and/or shirts or T-shirts advertising a candidate while in the actual company of the candidate.

(4) Any advertisement or propaganda by means of cinematography, audio-visual units, video cassette recorders or other screen projections, except telecasts which may be allowed as hereinafter

provided; and

(5) Printed and broadcast material for campaign and other political purposes in the print and broadcast media, whether given free of charge or sold to any individual or party, except as authorized in this Code and by the Commission.

The printing, manufacture, construction, purchase, posting, publication, display, airing, distribution, acceptance, or use of any of the foregoing election propaganda materials shall constitute an election offense.

Any prohibited election propaganda gadget or advertisement shall be stopped, confiscated, or torn down by the representative of the Commission upon its written authority [Sec. 85, BP 881].

SEC. 131. Ban on political advertisements in media. - It shall be unlawful for any newspaper, radio broadcasting or television station, or other mass media, or any person making use of the mass media, to sell or give free of charge print space or air time for campaign or other political purposes except to the Commission as provided for under the provisions on "Comelec Space" and "Comelec Time," including such other programs authorized by the Commission: Provided, however, That the right of media to print or broadcast accounts of significant or newsworthy events and views on matters of public interest shall at all times be recognized.

Any mass media columnist, commentator, announcer, reporter, correspondent, or personality who is a candidate for any public office or a campaign volunteer for or employed or retained in any capacity by any candidate shall take a leave of absence from his work in media from the start of the campaign period until election day [Sec. 11(b), RA 6646].

SEC. 132. Regulation of election propaganda through mass media. - No franchise or permit to operate a radio or television

station shall be granted or issued, suspended, cancelled, or revoked during the election period.

In all instances during the election period, the Commission shall supervise the use and employment of press, radio and television facilities so as to give candidates equal opportunity under equivalent circumstances to make known their qualifications and stand on public issues within the limits set forth in the preceding section on election propaganda.

Violation of the rules and regulations issued by the Commission to implement this section shall constitute an election offense [Sec. 86, BP 881)].

SEC. 133. Comelec Space. - The Commission shall procure space free of charge in at least one (1) newspaper of general circulation in every province or city and in such newspaper with national circulation as there are in circulation, which shall be known as "Comelec Space," wherein candidates can announce their candidacy. Provided, however, that in the absence of such newspaper, publication shall be done in any other magazine or periodical in said province or city. Said space shall be allocated, free of charge, equally and impartially by the Commission among all candidates for national office, in the case of newspapers with national circulation, and among all candidates for other elective public positions within the area in which the newspaper is circulated, in the case of publications with limited circulation [Sec. 90, BP 881].

Said "Comelec Space" shall also include such space as may be reasonably necessary to accommodate a "Comelec Column," in a frequency not exceeding twice a week during the election period, which shall contain such materials as may be necessary to inform the public of election matters. Any candidate or political party may cause the reproduction or reprinting, at their expense, of

any "Comelec Space" publication, subject to the limitations on lawful election expenditures [New].

SEC. 134. Comelec Time. The Commission shall procure radio and television time, of which a reasonable proportion shall be prime time, free of charge to be known as "Comelec Time," which shall be allocated equally and impartially among all candidates for national office, in the case of radio and television stations with nationwide reach, and among all candidates for other public elective positions within the area of coverage of the radio and television stations concerned, in the case of stations with limited territorial reach. For this purpose, the franchise of all radio broadcasting and television stations are hereby amended so as to provide radio or television prime time, free of charge, during the election campaign period [Sec. 92, BP 881].

SEC. 135. Common poster area. - The Commission shall designate common poster areas in strategic public places such as city or municipal halls, public markets, barangay centers, and the like, wherein each candidate can post, display, or exhibit free of charge his election propaganda, consisting of one (1) poster measuring not more than twenty (20) by twenty-seven and one-half (27.5) centimeters, to announce or further his candidacy.

Whenever feasible, the Commission may authorize the installation of common billboards by non-partisan private or civic organizations, after due notice and hearing, in such strategic places where maximum visibility shall be ensured.

The space in such common poster areas or billboards shall be allocated equally and impartially among all the candidates in the province, city, municipality, or barangay [Sec. 91, BP 881].

SEC. 136. Rallies, meetings and other political activities. - Subject to the requirements of local ordinances on the issuance of permits, any political party supporting official candidates or

any candidate, individually or jointly with other aspirants, may hold peaceful political rallies, meetings and other similar activities during the campaign period. Provided, that all applications for permits to hold such activities shall be immediately posted in a conspicuous place in the city or municipal building, receipt thereof acknowledged, and, within three (3) days from its filing, acted upon in writing by the local authorities concerned. Provided, further, that any application not acted upon within said period shall be deemed approved, and any denial of application for said permit shall be appealable to the provincial election supervisor, regional election director, or, in the case of Metro Manila, to the appropriate department or service of the Commission, as the case may be, or to the Commission, whose decision shall be made within forty-eight (48) hours and which shall be final and executory. Provided, finally, that the only justifiable ground for denial of an application is the approval of a prior written application by any candidate or political party for the same time, date, place, and purpose [Sec. 87, BP 881].

SEC. 137. Transportation, food and drinks. - It shall be unlawful for any candidate, political party, organization, or coalition, political leader, voter, or any person to give or accept, free of charge or for a nominal sum, directly or indirectly, transportation service, fare, food, beverages, liquor, or things of value during the five (5) hours before and after a public rally, on the day preceding the election, and on the day of the election; or to give or contribute, directly or indirectly, money or things of value for such purpose [Sec. 89, BP 881].

No special permit or authority to operate outside their designated routes shall be issued to public utility operators or owners within the three (3) days preceding the elections and on

the day of the election. All public utility vehicles operating outside their designated routes during said period shall be impounded, and their drivers apprehended, upon authority of the Commission [New].

F. ELECTORAL CONTRIBUTIONS AND EXPENDITURES

SEC. 138. Definitions. - As used in this Article:

(1) "Person" refers to an individual, partnership, committee, association, corporation, political party, organization, or coalition, or any other organization or group of persons;

(2) "Contribution" refers to a gift, donation, subscription, loan advance, or deposit of money or anything of value, or a contract, promise, or agreement to contribute, whether or not legally enforceable, made for the purpose of influencing the results of the elections, as well as the use of facilities voluntarily loaned by other persons, the money value of which can be assessed based on the rates prevailing in the area. However, it shall not include services rendered without compensation by individuals volunteering a portion or all of their time in behalf of a candidate or political party.

(3) "Expenditure" refers to the payment or delivery of money or anything of value, or a contract, promise, or agreement to make an expenditure, for the purpose of influencing the results of the election, as well as the use of facilities personally owned by the candidate, the money value of which use can be assessed based on the rates prevailing in the area [Sec. 94, BP 881].

SEC. 139. Lawful expenditures of candidates and political parties. - No candidate or treasurer of a political party shall, directly or indirectly, make any expenditure except for the

following purposes:

(1) Travelling expenses of the candidates and campaign personnel in the course of the campaign, and for personal expenses incident thereto;

(2) Compensation of campaign personnel, clerks, stenographers, messengers and other persons actually employed in the campaign;

(3) Telegraph and telephone tolls, postage, freight and express delivery charges;

(4) Stationery, printing and distribution of printed matter relative to the candidacy;

(5) Employment of watchers at the polls;

(6) Rental, maintenance and furnishing of campaign headquarters, office, or venue of meetings or media conferences;

(7) Political meetings and rallies and the use or rental of sound systems, lights and decorations during such meetings and rallies; or

(8) Use, rental, or hire of land, water, or air craft, equipment, facilities, apparatus and paraphernalia.

The cost of employment of counsel and for printing of sample ballots in such color, size and number as may be authorized by the Commission shall not be included in computing the amount of expenses which a candidate or political party may have incurred [Secs. 100 and 102, BP 881]

SEC. 140. Prohibited contributions. - No contribution for purposes of partisan political activity shall be made, directly or indirectly, by any of the following:

(1) Public or private financial institutions. However, nothing herein shall prevent the accommodation of any loan by a candidate or political party by any such public or private financial institutions legally engaged in the business of lending

money, where the loan is made in accordance with law and regulations and in the ordinary course of business;

(2) Natural and juridical persons who:

(a) Operate public utilities or possess or exploit any natural resources of the nation;

(b) Hold contracts or sub-contracts to perform construction or other works or to supply with goods and services the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations;

(c) Have been granted by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations, franchises, incentives, exemptions, allocations, or similar privileges or concessions, or, within one (1) year prior to the date of the election, loans or other accommodations in excess of twenty-five thousand (P25,000) pesos;

(3) Educational institutions which have received grants of public funds amounting to no less than one hundred thousand (P100,000) pesos;

(4) Officials or employees of the civil service, or members of the Armed Forces of the Philippines;

(5) Foreign nationals, entities, and governments; and

(6) Domestic and foreign religious organizations.

It shall be unlawful for any person to solicit or receive, directly or indirectly, any aid or contribution of whatever form or nature, from any of the persons or entities enumerated above [Secs. 95 and 96, BP 881].

SEC. 141. Prohibited donations and fund-raising activities. - From the commencement of the election period up to and includ-

ing election day, it shall be unlawful:

(1) For any person to hold dances, lotteries, cockfights, games, boxing bouts, bingo sessions, beauty contests, raffles, dinners, entertainment activities, or cinematographic, theatrical, or other performances for the purpose of raising funds for an election campaign or for the support of any candidate;

(2) For any person, directly or indirectly, to solicit and/or accept from any candidate, or from his campaign manager, agent, or representative, or any person acting in their behalf, any gift, food, transportation, contribution, or donation in cash or in kind. However, normal and customary religious stipends, tithes, or church collections on Sundays and/or designated collection days, as well as periodic payments made for legitimate academic scholarships established and school contributions habitually made before the election period are excluded from this prohibition; and

(3) For any candidate, his spouse, or any relative within the fourth degree of consanguinity or affinity, his campaign manager, agent, or representative, treasurer and other officers, agents, or representatives of any political party, whether accredited or not, to make, directly or indirectly, any donation or contribution for the construction or repair of roads, bridges, school houses, puericulture centers, medical clinics, or hospitals, churches, or chapels, multi-purpose centers, cement or asphalt pavements or sidewalks, street lights, basketball courts, alleys, barangay halls, or any other structure for public use or for the use of any religious or civic organizations [Secs. 97 and 104, BP 881].

SEC. 142. <u>True name of contributor required</u>. - No person shall make any contribution in any name except his own, nor shall any candidate or treasurer of a political party receive a contri-

bution or enter or record the same in any name other than that by whom it was actually made, indicating the tax identification number of the contributor concerned [Sec. 98, BP 881].

SEC. 143. Report of contributors. - Every person giving contributions to any candidate, treasurer of the party, or their authorized representatives shall, not later than thirty (30) days after the day of the election, file with the law department of the Commission a report under oath stating the following:

(1) Amount of each contribution;

(2) Name of the candidate, agent of the candidate, or political party receiving the contribution;

(3) Date of the contribution; and

(4) Name, address and tax identification number of the contributor.

The report shall also be supported by certified true copies of the receipts signed and issued by the candidate, treasurer of political party, or their authorized representatives [Sec. 99, BP 881].

SEC. 144. Limitations on election expenditures. - The amount that a candidate or political party, organization, or coalition may spend for election campaign purposes shall be fixed by the Commission based on the consumer price index prevailing at least sixty (60) days prior to the start of the election period. However, such limitations on election expenses shall be published in two (2) newspapers of general circulation not later than thirty (30) days before the election period [Sec. 100, BP 881].

Expenses incurred by the branches, chapters, or committees of a political party, organization, or coalition for campaign purposes shall be included in the computation of its total expenditures and prorated as expenses of its respective individual candidates, subject to the limitation provided in the preceding

paragraph.

Any provision of law to the contrary notwithstanding, any contribution in cash or in kind to any candidate or political party, organization or coalition for campaign purposes, duly reported to the Commission, shall not be subject to the payment of any gift tax [Sec. 101, BP 881].

SEC. 145. Persons authorized to incur election expenditures. - Only the candidate, treasurer of a political party, or any person authorized by them shall incur election expenditures, which shall be considered as expenditures of such candidate or political party.

The authority to incur expenditures shall be in writing, copy of which shall be furnished the Commission signed by the candidate or treasurer of the party, and shall state the full name and exact address of the person so designated and the maximum amount of expenditures so authorized [Sec. 103, BP 881].

SEC. 146. Record of contributions and expenditures. - It shall be the duty and responsibility of every candidate, treasurer of a political party, or any person acting under their authority to:

(1) Issue a receipt for every contribution received;

(2) Obtain and keep a receipt stating the particulars of every expenditure made;

(3) Keep detailed, full and accurate records of all contributions received and expenditures incurred or caused to be incurred by them;

(4) Preserve the records of contributions and expenditures, together with all pertinent documents, for at least three (3) years after the election, and produce such records and documents upon order by the Commission or its duly-authorized representative.

Failure to preserve such records or documents shall be deemed prima facie evidence of violation of the provisions of this Article [Sec. 106, BP 881].

SEC. 147. Statement of contributions and expenditures. - Every candidate shall, within thirty (30) days after the day of the election and during regular office hours, file in duplicate personally or through his representative with the same office of the Commission where he filed his certificate of candidacy, the full, true and itemized statement of all contributions and expenditures in connection with the election.

The statement of contributions and expenditures of treasurers of political parties shall be filed by the treasurers personally or through their duly-authorized representatives with the law department of the Commission in Manila.

The regional election director, provincial election supervisor and city or municipal election officer shall keep duplicate copies of all the statements filed with them, and, within ten (10) days from the last day for filing of the statement, send the original copies thereof to the law department of the Commission by registered mail [Sec. 107, BP 881].

SEC. 148. Form and contents of statement. - The statement of contributions and expenditures shall be in writing, subscribed and sworn to by the candidate or the treasurer of the party, and shall be complete as of the date of filing. It shall state:

(1) The amount of every contribution, date of receipt thereof, and full name and exact address of the contributor;

(2) The amount of every expenditure, the date and purpose thereof, and full name and exact address of the payee;

(3) Any unpaid obligation, its nature and amount, and the name of the creditor; and

(4) Such other particulars which the Commission may require

[Sec. 109, BP 881].

If the total contributions or expenditures reported in the statement exceed fifty thousand (P50,000) pesos, the statement shall be certified correct by an independent certified public accountant [New].

SEC. 149. Effect of failure to file statement. - No person elected to any public office shall enter upon the duties of his office unless he and his political party, if any, have filed the statement of contributions and expenditures herein required, as certified by the officer with whom such statements are filed.

The person administering the oath of office shall, before administering such oath to an elected public officer, require the latter to furnish him with a certification that he has filed the required statement, attested to by the officer with whom such statement was filed. Failure to require such certification before administering the oath of office shall constitute an election offense.

The city or municipal election officer shall, within five (5) days from the date of the election, advise in writing, by personal delivery or registered mail, all candidates residing in his jurisdiction to file their statements of contributions and expenditures.

Except candidates for elective barangay office, failure to file the statement of contributions and expenditures as required shall constitute an administrative offense for which the offender shall pay a fine ranging from one thousand (P1,000) pesos to thirty thousand (P30,000) pesos, in the discretion of the Commission.

Within thirty (30) days from receipt of notice of such failure, the candidate shall pay the fine and file the required statement.

No certificate of candidacy filed by any person who has previously failed to pay the administrative fine and file the statement shall be given due course.

Any candidate who fails to pay the fine and file the required statement within the prescribed period for a second time shall be subject to perpetual disqualification to hold public office [Sec. 14, RA 7166].

SEC. 150. Preservation and inspection of statements. - All statements of contributions and expenditures shall be kept and preserved at the office where they are filed and constitute part of its public records for three (3) years after the election to which they pertain. They shall not be removed therefrom except upon order of the Commission or of a competent court and shall, during regular office hours, be open to inspection by the public. The officer-in-charge of such office shall, on demand, furnish certified copies of any statement upon payment of the fee prescribed in this Code [Sec. 110, BP 881].

SEC. 151. Report of contractor and business firms. - Every person or firm to whom any electoral expenditure is made shall, within thirty (30) days after the day of the election, file with the Commission a report setting forth the full name, tax identification number and exact address of the candidate, treasurer of political party and any other person incurring such expenditures, the nature, purpose, date and amount thereof, and such other particulars as the Commission may require. The report shall be signed and sworn to by the supplier or contractor, or, in the case of a business firm or association, by its president, general manager, or other equivalent officer.

It shall be the duty of such person or firm to whom an electoral expenditure is made to require every agent of a candidate or treasurer of political party to present written authority

to incur election expenditures in behalf of such candidate or treasurer, and to preserve and keep at its place of business, subject to inspection by the Commission or its authorized representatives, copies of such written authority, contracts, vouchers, invoices and other records and documents relative to said expenditures for a period of three (3) years after the date of the election to which they pertain.

It shall be unlawful for any supplier, contractor or business firm to enter into any contract involving election expenditures with representatives of candidates or political parties without such written authority [Sec. 112, BP 881].

ARTICLE V. PRE-ELECTION ACTIVITIES

A. REGISTRATION OF VOTERS

SEC. 152. Definition. - As used in this Code:

(1) "Registration" refers to the act of accomplishing a sworn application for registration by a qualified voter before the election officer of the city or municipality wherein he resides and the inclusion of the same in the book of voters upon its approval by the election registration board.

(2) "Registration record" refers to an application for registration duly approved by the election registration board.

(3) "Book of voters" refers to the compilation of all registration records in a precinct.

(4) "List of voters" refers to an enumeration of names of registered voters in a precinct.

(5) "Illiterate" or "disabled" person refers to one who cannot prepare his own application for registration [New].

SEC. 153. Permanent list of voters. - There shall be a

permanent list of voters in each city or municipality consisting of all approved applications for registration of the city or municipality, with such additions, cancellations and corrections as may be herein authorized.

The voter's registration records contained in the precinct books of voters used in the May 11, 1992 national and local elections and in the March 25, 1993 elections in the Autonomous Region in Muslim Mindanao, shall be considered as the permanent list of voters in each city or municipality [Sec. 98, RA 6388].

However, should the Commission find it necessary, a general registration of voters shall be conducted [New].

SEC. 154. Continuing system of registration of voters. - Registration of voters shall be conducted daily in the office of the election officer during office hours. To facilitate the filing of application for registration, the election officer may hold office in any district, barangay or sitio within his jurisdiction, subject to the rules and regulations promulgated by the Commission. No registration shall, however, be conducted ninety (90) days before a regular election and sixty (60) days before a special election [Sec. 79, 1978 EC].

SEC. 155. Registration of voters. - A qualified voter must be registered in the permanent list of voters of the city or municipality wherein he resides to be able to vote in any election. To register as a voter, he shall personally accomplish an application for registration in triplicate before the election officer on any date after having acquired the qualifications of a voter [Sec. 109, RA 6388].

The application shall contain the following data:

(1) Name, surname and middle name and/or maternal surname;

(2) Sex, date and place of birth;

(3) Citizenship;

(4) Civil status; if married, the name of the spouse;

(5) Profession, occupation or work;

(6) Periods of residence in the Philippines and in the place of registration;

(7) Exact address with the name of the street and house number or in case there is none, a brief description of the place of residence and his barangay and sitio;

(8) A statement that he possesses the qualifications and none of the disqualifications of a voter;

(9) A statement that the applicant is not a registered voter of any precinct;

(10) Such information or data as may be required by the Commission.

The application for registration shall be under oath and contain three (3) specimen of the applicant's signature and clear and legible prints of all his fingers, and be accompanied by four (4) identification-sized copies of the latest photograph, to be taken at the expense of the Commission.

Before the applicant accomplishes his application for registration, the election officer shall inform him of the qualifications and disqualifications prescribed by law for a voter, and thereafter see to it that the accomplished application contains all the data therein required and that the applicant's specimen signatures, fingerprints and photograph are properly affixed in all copies of the voter's application [Sec. 110, RA 6388].

SEC. 156. Who may register. - All citizens of the Philippines not otherwise disqualified by law, who are at least eighteen (18) years of age, and who shall have resided in the Philippines for at least one (1) year and in the place wherein they propose to vote, for at least six (6) months immediately preceding the election may register as voters.

The following shall be allowed to register, if qualified:

(1) Those who failed to register in previous elections;

(2) Any person, who may not have, on the day of registration, the age or period of residence required but, who, on the day of the election, shall possess such qualifications;

(3) Any person whose registration has been cancelled on the ground of disqualification and such disqualification has subsequently been lifted or removed; and

(4) A voter whose registration has been cancelled due to failure to vote in the two (2) successive preceding regular elections [Sec. 117, BP 881].

SEC. 157. Re-registration. - A voter registered in the permanent list of voters need not register anew for subsequent elections unless he transfers his residence to another city or municipality.

Any person who transfers his residence to another city, municipality or country solely by reason of his occupation; profession; employment in private or public service; educational activities; work in military or naval reservations within the Philippines; service in the Philippine Army, Navy, Air Force, the National Police Forces; or confinement or detention in government institutions in accordance with law, shall be deemed not to have lost his original residence [Sec. 125, BP 881].

SEC. 158. Illiterate or disabled applicants. - The application for registration of an illiterate or physically disabled person may be prepared by any relative within the fourth civil degree of consanguinity or affinity or by the election officer in accordance with the data supplied by the applicant.

The fact of illiteracy or disability shall be so indicated in the application [Sec. 127, BP 881].

SEC. 159. Election registration board. - There shall be in

each city and municipality as many election registration boards as there are election officers therein.

The board shall be composed of the election officer as chairman, and as members, the most senior public school official and a citizen of known probity, competence and impartiality, to be nominated by the citizens' arm of the Commission, if any, or civic organizations collectively, who shall be appointed by the Commission. In case the most senior public school official is disqualified due to relationship to any candidate, the next ranking qualified public school official may be appointed in his stead.

The board shall meet during office hours every last Monday of each month: Provided, That, the Commission may require a board to meet more often as the exigencies of its duties may require [Sec. 105, RA 6388].

SEC. 160. Notice and hearing of application. - Upon receipt of the application for registration, the election officer shall set it for hearing, notice of which shall be posted in the city or municipal bulletin board and in his office for at least three (3) days before the hearing, and furnish copies thereof to heads or representatives of registered political parties in the city or municipality. On the date of the hearing, the election officer shall receive such evidence as may be submitted for or against the applicant [Sec. 111, RA 6388].

SEC. 161. Challenge of right to register. - Any voter, candidate, or representative of a registered political party may challenge in writing any application for registration, stating the grounds therefor. The challenge shall be under oath and shall be attached to the application, together with proof of notice to the challenger and the applicant [Sec. 112, RA 6388].

SEC. 162. Power to administer oath and issue summons. - For

purposes of determining the right of applicants to be registered as voters, the election officer shall have the power to administer oath, issue subpoena and subpoena duces tecum, swear in witnesses, and compel witnesses to appear and testify. The fees and expenses incidental thereto shall be paid in advance by the party in whose behalf the summons is issued [Sec. 140, RA 6388].

SEC. 163. Approval or disapproval of application. - The election officer shall submit to the board all the applications for registration filed, together with the evidence received in connection therewith. The board shall, by majority vote, approve or disapprove the applications.

Upon approval, the election officer shall issue the corresponding identification card to the registered voter. If the board disapproves the application, the applicant shall be furnished with a certificate of disapproval stating the ground therefor. The decision of the board shall become final five (5) days after its promulgation [Sec. 111, RA 6388].

SEC. 164. Preservation of voters' registration records. - The election officer shall compile his copies of the approved applications for registration and arrange the same alphabetically by precinct in the books of voters. He shall preserve said books of voters to ensure its integrity. The other two (2) copies of the registration records shall be sent to the offices of the provincial and national central files within three (3) days after the approval by the board becomes final [Sec. 125, RA 6388].

SEC. 165. Provincial central file. - There shall be a provincial central file consisting of the duplicate copies of all registration records in each city and municipality in the province. It shall be under the custody of the provincial election supervisor and shall be compiled alphabetically by precinct [Sec. 91, 1978 EC].

Should the books of voters in the custody of the election officer be lost or destroyed at a time so close to election day that there is no time to reconstitute the same, the corresponding books of voters in the provincial file shall be used during the voting [Sec. 130, BP 881].

SEC. 166. National central file. - There shall be a national central file under the custody of the Commission in Manila consisting of a compilation of the third copies of all approved voters' registration records [Sec. 92, 1978 EC].

SEC. 167. Publication of action on application for registration. - Within two (2) days from approval or disapproval of an application, the board shall post a notice in the city or municipal building and in the office of the election officer stating the name and address of the applicant, the date of the application and the action taken thereon. The election officer shall serve a copy thereof by personal or registered special delivery to the heads or representatives of registered political parties in the city or municipality [Sec. 113, RA 6388].

SEC. 168. Voter's identification card. - The voter's identification card issued to the registered voter shall be considered as a document for his identification. No duplicate copy thereof shall be issued except upon authority of the Commission.

The identification card shall bear the name and address of the voter, his date of birth, sex, civil status, occupation, photograph, thumbmark, the city or municipality and number of the precinct where he is registered, his signature, voter's serial number, and the signature of the chairman of the election registration board [Sec. 129, RA 6388; Sec. 129, BP 881].

SEC. 169. Change of residence to another city or municipality. - Any registered voter who has transferred residence to another city or municipality may register as a voter in his new

residence after applying for the cancellation of his previous registration with the election officer of his new residence [Sec. 119, RA 6388].

SEC. 170. Change of address in the same city or municipality. - Any voter who has changed his address in the same city or municipality shall immediately notify the election officer in writing. If the change of address involves a change in precinct, the board shall transfer his registration record to the precinct book of voters of his new precinct and notify the voter of his new precinct. All changes of address shall be reported to the offices of the provincial and national central files [Sec. 87, 1978 EC].

SEC. 171. Cancellation of registration. - The board shall cancel the registration and remove the registration records of the following persons from the corresponding precinct books of voters and place the same in the inactive file after entering therein the cause or causes of cancellation:

(1) Those who have died as certified to by the local civil registrar;

(2) Those who were sentenced by final judgment to suffer imprisonment of not less than one (1) year or found guilty of having violated their allegiance to the Republic of the Philippines as certified to by the clerks of court; and

(3) Those who did not vote in the two (2) successive preceding regular elections as shown by their voting records.

For this purpose, the local civil registrar in the city or municipality and the clerks of court of the metropolitan trial courts and regional trial courts shall furnish the election officer concerned at the end of each month a certified list of persons with their addresses, who have died or have been sentenced by final judgment to suffer imprisonment of not less than

one (1) year or found guilty of having violated their allegiance to the Republic of the Philippines.

The election officer shall post in the bulletin board of his office a list of those persons whose registration was cancelled and the reasons therefor, and furnish copies thereof to the local heads of political parties, the national and provincial central files, and the persons concerned or the immediate members of their families [Sec. 117, RA 6388; Sec. 123, BP 881].

SEC. 172. Preparation and publication of the certified list of voters. - The board shall prepare a certified list of voters thirty (30) days before a regular election and fifteen (15) days before a special election and furnish copies thereof to the provincial and national central files. Upon payment of fees as fixed by the Commission, the candidates and heads of registered political parties may also be furnished copies thereof. Any change or correction in the said list shall be distributed in the same manner as a supplementary list.

The board shall also furnish two (2) certified copies of said list of voters, including the supplementary list, if any, to the board of election inspectors for posting in the polling place and for its use on election day.

SEC. 173. Sealing of precinct book of voters. - The board shall, twenty (20) days before a regular election and ten (10) days before a special election, seal all precinct books of voters and certify as to the completeness of the registration records for each precinct. All candidates, watchers of registered political parties and members of the board of election inspectors shall have the right to be present during the sealing of the precinct books of voters and to verify their contents before the books are closed and sealed. The election officer shall deliver the sealed precinct book of voters to the chairman of the board

of election inspectors when the latter secures its official ballots and other paraphernalia for election day.

SEC. 174. Jurisdiction in inclusion and exclusion cases. - The municipal and metropolitan trial courts shall have original and exclusive jurisdiction over all cases of inclusion and exclusion of voters in their respective cities or municipalities. Decisions of the municipal or metropolitan trial courts may be appealed by the aggrieved party to the regional trial court within five (5) days from receipt of notice thereof; otherwise, said decision shall become final and executory. The regional trial court shall decide the appeal within ten (10) days from the time the appeal is received and its decision shall be immediately final and executory. No motion for reconsideration shall be entertained [Sec. 138, BP 881].

SEC. 175. Petition for inclusion of voters in the list. - Any person whose application for registration has been disapproved by the board or whose name has been stricken out from the list may file with the court at any time except twenty-five (25) days before a regular or special election, a petition to include his name in the permanent list of voters of his precinct. It shall be supported by a copy of the disapproval of his application and proof of service of notice of his petition upon the board. The petition shall be decided within fifteen (15) days after filing.

If the decision is for the inclusion of the voter in the permanent list of voters, the board shall activate the application for registration previously disapproved by entering therein the order of inclusion and placing the said application in the corresponding precinct book of voters [Sec. 139, BP 881].

SEC. 176. Voters excluded through inadvertence or registered with an erroneous or misspelled name. - Any registered voter who

has not been included in the precinct list of voters or who has been included therein with a wrong or misspelled name may file with the board an application for reinstatement or correction of name. If it is denied or not acted upon, he may file on any date with the proper municipal or metropolitan trial court a petition for an order directing that his name be entered or corrected in the list. He shall attach to the petition a certified copy of his registration record or identification card or the entry of his name in the list of voters used in the preceding election, together with proof that his application was denied or not acted upon by the board and that he has served notice thereof upon the board [Sec. 140, BP 881].

SEC. 177. Change of name of registered voter. - Any registered voter whose name has been changed by reason of marriage or by virtue of a court order may file an application with the board asking that his name be changed accordingly in the list of voters [Sec. 141, BP 881].

SEC. 178. Petition for exclusion of voters from the list. - Any registered voter, representative of a registered political party, or the election officer in the city or municipality may, at any time except twenty-five (25) days before a regular or special election, file with the court a sworn petition for the exclusion of a voter from the permanent list of voters, giving the name, address and precinct of the challenged voter and citing as ground that he is either disqualified from registering as a voter or is illegally registered. The petition shall be accompanied by proof of notice to the board and the challenged voter and shall be decided within ten (10) days from filing.

If the decision is for the exclusion of the voter from the list, the board shall, upon receipt of the final decision, remove the voter's registration record from the corresponding book of

voters, enter the order of exclusion therein, and thereafter place the record in the inactive file [Sec. 137, RA 6388].

SEC. 179. Common rules governing judicial proceedings in the matter of inclusion, exclusion and correction of names of voters. - (1) Petitions for inclusion, exclusion, or correction of names of voters shall be filed during regular office hours.

(2) Notice of the place, day and hour of the hearing of the petition shall be served upon the members of the board and the challenged voter at least ten (10) days prior thereto. Service of such notice may be made by sending a copy thereof by personal delivery, by leaving it in the possession of a person of sufficient discretion in the residence of the said person, or by registered mail. Should the foregoing procedure be not practicable, the notice shall be posted in a conspicuous place in the city or municipal hall and in two (2) other conspicuous places within the city or municipality.

(3) A petition shall refer to only one (1) precinct and implead the board as respondent.

(4) No costs shall be assessed against any party in these proceedings. However, if the court should be satisfied that the application has been filed solely to harass the adverse party and cause him to incur expenses, it shall order the culpable party to pay the costs and incidental expenses.

(5) Any voter, candidate, or political party who may be affected by the proceedings may intervene and present his evidence.

(6) The decision shall be based on the evidence presented and in no case be rendered upon a stipulation of facts. If the question is whether or not the voter is real or fictitious, his non-appearance on the day set for hearing shall be prima facie evidence that the challenged voter is fictitious.

(7) The petition shall be heard and decided without delay. The decision shall be rendered within six (6) hours after the hearing and within ten (10) days from the date of its filing in court. Cases appealed to the regional trial court shall be decided within ten (10) days from receipt of the appeal. In all cases, the court shall decide these petitions not later than the day before the election and the decision rendered thereon shall be immediately final and executory [Secs. 139 and 143, BP 881].

SEC. 180. Verification of registered voters. - Subject to the rules and regulations promulgated by the Commission, the election officer shall, in order to preserve the integrity of the permanent lists of voters, conduct verification of the registered voters of any barangay by mail, house-to-house canvass, or aerial survey [Sec. 144, BP 881].

SEC. 181. Annulment of book of voters. - The Commission shall, upon verified petition of any voter or election officer or duly-registered political party, and after notice and hearing, annul any book of voters that is not prepared in accordance with this Code; or was prepared through fraud, bribery, forgery, impersonation, intimidation, force, or any other similar irregularity; or which contains data that are statistically improbable. No order, ruling or decision annulling a book of voters shall be executed within sixty (60) days before an election [Sec. 98, 1978 EC; Sec. 145, BP 881].

SEC. 182. Reconstitution of lost or destroyed registration records. - The Commission shall reconstitute all registration records which have been lost or destroyed by using the corresponding copies of the provincial or national central files. If this is not feasible, the registered voters concerned shall be summoned by the election officer to reconstitute their records by accomplishing a new application. Reconstituted forms shall be

clearly marked with the word "RECONSTITUTED".

It shall be the duty of the election officer to immediately report to the Commission any case of loss or destruction of registration records in his custody.

The reconstitution of any lost or destroyed registration records shall not affect the criminal liability of any person who may be responsible for such loss or destruction [Sec. 99, 1978 EC; Sec. 146, BP 881].

SEC. 183. Examination of registration records. - All registration records in the possession of the election officer, the provincial election supervisor, and the Commission shall, during regular office hours, be open to examination by the public for legitimate inquiries on election-related matters.

Law enforcement agencies may, upon prior authorization and subject to regulations promulgated by the Commission, have access to said registration records should the same be necessary to, and in aid of, their investigative functions and duties [Sec. 100, 1978 EC; Sec. 147, BP 881].

SEC. 184. Computerization of the permanent list of voters. - The Commission shall computerize the permanent list of voters nationwide and assign a permanent serial number to every registered voter in the permanent list by city or municipality and province.

The computer printouts of the list of voters duly certified to by the election registration board are official documents and shall be used solely for election-related purposes [New].

B. PRECINCTS AND POLLING PLACES

SEC. 185. Definitions. - As used in this Code:

(1) "Precinct" refers to the unit of territory established

by the Commission for the purpose of voting.

(2) "Polling place" refers to the place where the board of election inspectors conducts its proceedings and where the voters cast their votes.

(3) "Voting center" refers to the building or place where polling places are located.

SEC. 186. Precincts and their establishment. - Every barangay shall have at least one (1) precinct.

The precincts established in the preceding regular election shall be maintained, but the Commission may, when necessary, abolish them or introduce adjustments, changes or new divisions. Unless authorized by the Commission, no territory comprising an election precinct shall be altered or a new precinct established within forty-five (45) days before a regular election and thirty (30) days before a special election or plebiscite [Sec. 149, BP 881].

SEC. 187. Arrangement of precinct. - (1) As far as practicable, each precinct shall have not more than three hundred (300) voters and shall comprise contiguous and compact territory. However, an island or group of islands with less than three hundred (300) voters may constitute a precinct.

An island or group of islands having one hundred and fifty (150) or more voters shall constitute a precinct.

(2) Where a precinct has more than three hundred (300) voters, the Commission shall, in the interest of orderly elections, and to facilitate the casting of votes, divide, adjust or split a precinct not later than thirty (30) days after the last day of registration of voters. The division or splitting shall be by territory or by alphabetical arrangement of the names of the voters equitably among the precincts.

The polling place of all the precincts created thereby shall

be located in the same building or compound where the polling place of the original precinct was located, and if this be not feasible, in a place as close as possible to the polling place of the original precinct. However, the polling place of the new precinct may be located elsewhere upon written petition of the majority of the voters of the new precinct.

Every case of alteration of a precinct shall be duly published by posting a notice thereof in a conspicuous location in the precinct, and in the city or municipal hall.

(3) When a precinct is divided or when two (2) or more precincts are merged, the board shall transfer the registration records of the voters to the corresponding precinct book of voters. All alterations of precincts shall be reported to the national and provincial central files. Voters thereby affected shall be notified personally or by registered mail of their new precincts within ten (10) days from such division or merger but in no case less than fifteen (15) days before an election [Sec. 150, BP 881].

SEC. 188. Publication of city or municipal maps. - At least ten (10) days before a regular election or five (5) days before a special election or plebiscite, the election officer shall post in his office and in the city or municipal hall, a map of the city or municipality showing its division into barangays with their respective boundaries and indicating all streets and alleys and the location of each polling place. A barangay map shall likewise be posted at the door of each polling place.

These maps shall be kept posted at least five (5) days before and until election day [Sec. 151, BP 881].

SEC. 189. Designation of polling places. - The location of polling places designated in the preceding regular election shall be maintained. No designation of polling places shall be changed

except by the Commission, motu proprio or upon written petition of the majority of the voters of the precinct or agreement of all the political parties after notice and hearing.

No location shall be changed within sixty (60) days before a regular election and thirty (30) days before a special election or plebiscite, except in case the polling place is destroyed or cannot be used [Sec. 153, BP 881].

The Commission may, where there is a large number of illiterate or disabled voters, designate a special polling place different from other polling places in a voting center or building.

In designating polling places, a public building shall be preferred as voting center. However, where no suitable public building is available, private school buildings may be used.

SEC. 190. Requirements for polling places. - Each polling place shall be of sufficient size to comfortably accommodate twenty (20) voters at any one time. The polling place shall be located within the territory of the precinct as centrally as possible with respect to the residence of the voters therein and preferably along a public road [Sec. 154, BP 881].

SEC. 191. Limitation on the designation of polling place. - No polling place shall be located in a public or private building owned, leased, or occupied by any candidate or any person related to any candidate within the fourth civil degree of consanguinity or affinity, or by any elected government official or leader of any political party, group or faction, nor in any building or surrounding premises under the actual control of a political party [Sec. 155, BP 881].

SEC. 192. Poster and flag of polling place. - There shall be at the door of every polling place on the days that the board of election inspectors conducts its proceedings, a poster indicating the precinct number, location of the polling place and the baran-

gay to which it belongs. The Philippine flag shall be hoisted in front of every building used as voting center [Sec. 156, BP 881].

C. BOARD OF ELECTION INSPECTORS

SEC. 193. Constitution of board of election inspectors. - At least thirty (30) days before a regular election or fifteen (15) days before a special election or plebiscite, the Commission shall, directly or through its duly authorized representatives, constitute a board of election inspectors for each precinct to be composed of a chairman and two (2) other members, one of whom shall be designated as poll clerk. All members of the board shall be public school teachers, giving preference to those with permanent appointments. In case there are not enough public school teachers, teachers in private schools, employees in the civil service or other citizens of known probity and competence may be appointed [Sec. 13, RA 6646].

SEC. 194. Qualifications.- To be appointed or to act as chairman, member or substitute member of the board, a person must:

(1) Be of good moral character and irreproachable reputation;

(2) Be a registered voter within the province;

(3) Not have been convicted of any election offense or of any other crime punishable by more than six (6) months of imprisonment;

(4) Have no pending information for any election offense;

(5) Be able to speak and write English, Pilipino or the local dialect [Sec. 166, BP 881].

SEC. 195. Disqualifications. - No person shall serve as member of the board if he or his spouse is related within the

fourth civil degree of consanguinity or affinity to any member of the same board or to any candidate to be voted for in the precinct [Sec. 167, BP 881].

SEC. 196. Oath of members of the board. - The members of the board whether permanent, substitute or temporary, shall, before assuming office, take and sign an oath using the forms prescribed by the Commission before an election officer or, in his absence, before any member of the board present, or in case of the absence of the election officer and other members of the board, before any voter. The oaths shall be sent immediately to and kept by the election officer [Sec. 165, BP 881].

SEC. 197. Temporary vacancies. - If, at the time of the meeting of the board, any member is absent, or the office is still vacant, the members present shall call upon the substitute to perform the duties of the absent member. In case such substitute cannot be found, the members present shall appoint any non-partisan registered voter of the precinct to temporarily fill said vacancy until the absent member appears or the vacancy is filled. In case there are two (2) members present, they shall act jointly [Sec. 175, BP 881].

SEC. 198. Temporary designation by watchers. - If at the time the board must meet, all the positions in the board are vacant, or if not one (1) of the appointed members shall appear, the watchers present may designate voters of the polling place to act in the place of said members until the absentees shall appear or the vacancies are filled [Sec. 176, BP 881].

SEC. 199. Arrest of absent members. - The member or members of the board present may order the arrest of any other member or substitute thereof, who, in their judgment, has absented himself with intention of obstructing the performance of duties of the board [Sec. 177, BP 881].

SEC. 200. Relief and substitution of members of the board. - The Commission may, for such cause as it may determine, relieve or disqualify any member of the board from acting as such, and substitute him with another who possesses the legal qualifications [Sec. 170, BP 881].

SEC. 201. Powers and functions of the board. - The board shall have the following powers and functions:

(1) See to it that the polling place designated for the precinct is suitable for use on election day;

(2) Conduct the voting and counting of votes in the designated polling place or in any other place authorized by the Commission;

(3) Act as deputies of the Commission in the supervision and control of the election in the polling place where they are assigned; and

(4) Perform such other functions prescribed by this Code or by the rules and regulations promulgated by the Commission [Sec. 168, BP 881].

SEC. 202. Proceedings of board. - The meetings of the board shall be public and be held in the polling place or any other place authorized by the Commission.

The board shall act through its chairman, and decide by majority vote without delay, all questions which may arise in the performance of its duties [Sec. 172, BP 881].

SEC. 203. Authority of board within polling place. - The board shall have full authority to maintain order within the polling place and its premises, keep access thereto open and unobstructed, and enforce obedience to its lawful orders. If any person shall refuse to obey lawful orders of the board, or shall conduct himself in a disorderly manner in its presence or within its hearing and thereby interrupt or

disturb its proceedings, the board may issue an order in writing directing any peace officer to take such person into custody until the adjournment of the meeting. Such order, however, shall not be so executed as to prevent any person from exercising his right to vote. The order shall be executed by any peace officer to whom it may be delivered, but if none be present, by any other person deputized in writing by the board [Sec. 172, BP 881].

SEC. 204. Voting privilege of members of board. - Members of the board and their substitutes may vote in the polling place of the precinct where they are assigned provided they are registered voters within the province, city or municipality where they are assigned. In barangay elections, the members of the board may vote in the polling place where they are assigned provided it is within the barangay where they are registered voters. The fact that a member of the board voted in the polling place where he is not a registered voter shall be noted in the minutes of the board [Sec. 169, BP 881].

SEC. 205. Prohibition against political activity. - No member of the board shall engage in any partisan political activity or take part in an election except to vote and discharge his duties [Sec. 173, BP 881].

SEC. 206. Per diems of boards of election inspectors and other personnel. - The chairman and members of the boards of election inspectors shall each be paid a per diem of two hundred (P200) pesos on each registration or revision day, and four hundred (P400) pesos on election day.

Support personnel from the Department of Education, Culture and Sports shall each receive a per diem of one hundred (P100) pesos during election day. Supervisors, principals and other administrators of the Department of Education, Culture and Sports

who may be required by the Commission to perform election duty shall each be entitled a per diem of four hundred (P400) pesos.

Provincial, city and municipal treasurers shall each receive a per diem of four hundred (P400) pesos on election day.

The above provisions notwithstanding, per diems may be paid in such amount as Congress may provide, upon recommendation of the Commission, taking into account the prevailing economic situation and consumer price and cost of living indices [Sec. 14, RA 6646, Amended]

D. WATCHERS

SEC. 207. Official watchers.- Every candidate or registered political party, organization or coalition shall be entitled to one (1) regular watcher and one (1) alternate in each polling place and canvassing center: Provided, That, candidates for the sangguniang panlalawigan, sangguniang panlungsod, or sangguniang bayan belonging to the same slate or ticket shall collectively be entitled to only one (1) watcher.

The alternate watcher shall take over in the absence of the regular watcher [Sec. 26, RA 7166].

The citizens arm of the Commission shall be entitled to appoint a watcher in every polling place. Other civic, religious, professional, business, service, youth and any other similar organizations, with prior authority of the Commission, shall be entitled collectively to appoint one (1) watcher in every polling place [Sec. 180, BP 881].

SEC. 208. Qualifications.- A person may be appointed watcher if he:

(1) Is a qualified voter of the city or municipality;

(2) Is of good reputation;

(3) Has not been convicted by final judgment of any election offense or of any other crime;

(4) Is able to read and write Pilipino, English, or any of the prevailing local dialects; and

(5) Is not related within the fourth civil degree of consanguinity or affinity to the chairman or any member of the board in the polling place where he seeks appointment as watcher.

No barangay official shall be appointed as a watcher [Sec. 178, BP 881].

SEC. 209. Who may appoint watchers. - Each candidate, political party, organization or coalition shall designate in every province or highly-urbanized city or district in the metropolitan Manila area, a representative authorized to appoint watchers and furnish the provincial election supervisor or the city election officer the list of such representatives. The provincial election supervisor shall furnish the municipal election officers and election officers of component cities with said list.

In the case of Metropolitan Manila, the designation of the persons authorized to appoint watchers shall be filed with the corresponding city or municipal election officers [Sec. 178, BP 881].

The appointment of the watcher shall bear the signature of the candidate or the duly-authorized representative of the political party, organization or coalition who appointed him.

SEC. 210. Rights and duties of watchers. - A watcher shall, upon entering the polling place, present and deliver to the chairman of the board his appointment. His name shall be recorded in the minutes with a notation under his signature that he is not disqualified as watcher.

The watchers shall have the right to:

(1) Stay in the space reserved for them inside the polling place or canvassing center;

(2) Witness and inform themselves of the proceedings of the board;

(3) Take notes of what they may see or hear;

(4) Photograph the proceedings and incidents, if any;

(5) File a protest against any irregularity which they believe may have been committed;

(6) Obtain from the board a certificate as to the filing of such protest and the resolution thereon;

(7) Have unimpeded view of the ballots during the counting of votes and of the election returns and certificate of canvass during the canvassing;

(8) Read the election returns or certificate of canvass after they shall have been completed and signed by the board; and

(9) Secure a certificate of the number of votes obtained by the candidates.

The watchers shall not converse with any person in a manner that would distract the proceedings of the board.

The watchers of the major accredited political party, organization or coalition in the precinct shall affix their respective signatures and thumbmarks on the election returns. If any of them is not available, or is unwilling or refuses to affix his signature or thumbmark on the election returns, any watcher present may be required by the board to do so [Sec. 12, RA 6646, Amended].

ARTICLE VI. ELECTION FORMS, SUPPLIES AND PARAPHERNALIA

SEC. 211. Official ballots. - (1) Official ballots shall be provided by the Commission. They shall be of uniform size and

printed on white security paper to be manufactured before the election with security markings. Each ballot shall be rectangular in shape with stub and detachable coupon containing the serial number of the ballot, and a space for the thumbmark of the voter on the detachable coupon. It shall bear at the top on the middle portion thereof the coat of arms of the Republic of the Philippines, the words "Official Ballot", the name of the city or municipality and province, the date of the election, and the following notice: "Fill out this ballot secretly. Do not put any distinctive mark on any part of the ballot."

(2) The ballot shall contain the offices to be voted for with sufficient space opposite or below the name of each office indicated by horizontal lines where the voter may write the names of the candidates to be voted for.

(3) Nothing shall be printed at the back of the ballot [Sec. 181, BP 881; Sec. 23, RA 7166].

SEC. 212. Election returns. - The election returns shall be of uniform size and of such color as may be determined by the Commission. Copies of returns shall be prepared in the number as prescribed in this Code. Each copy shall bear the name of the office for which it is intended. The returns shall be of special kind of paper so that the entries on the first copy can be clearly reproduced on the other copies thereof [Sec. 212, BP 881].

SEC. 213. Names of candidates in election returns and tally paper. - The names of the candidates for President, Vice-President and Senator and, whenever practicable, those of the candidates for other offices, shall be printed in the election returns and tally paper. Each name shall be followed by a nickname or stage name as indicated in his certificate of candidacy [Sec. 4, RA 6646].

SEC. 214. Printing of official ballots, election returns and

certificates of canvass. - The official ballots, election returns and certificates of canvass shall be printed upon orders of the Commission and under its exclusive supervision and control. The Commission shall determine and provide the necessary security measures in the printing, storage and distribution thereof.

The official ballots and election returns shall be numbered consecutively beginning with No. "1" in each city or municipality; bear the name of the city or municipality in which they are to be used; and be printed as far as practicable, in one (1) continuous process.

The National Printing Office shall be preferred in the printing of official ballots, election returns and certificates of canvass. However, if the Commission determines upon certification by said Office that it does not have the capability to print said forms in the manner provided and within the time-frame set due to the unavailability of adequate facilities and equipment, the Commission may award the printing of said forms to other capable and reputable printers through public bidding.

The National Printing Office or any duly-authorized private printer shall not sub-contract, assign, sublet, or transfer, partially or wholly, directly or indirectly, the printing of said forms [Sec. 163, 1971 EC; Sec. 129, 1978 EC].

SEC. 215. Committee on printing. - The Commission shall constitute a committee on printing composed of a Commissioner of the Commission as Chairman and three (3) members from the Commission, the Commission on Audit, and the printer, respectively.

The major political parties fielding candidates in the election and the citizens arm shall each be entitled to send watchers or representatives to witness the transport of the papers to be used in the printing of official ballots, election returns and certificates of canvass, and the printing, storage

and distribution thereof. Said watchers may file observations or objections, if any, and guard the premises of the printer inside and outside twenty-four (24) hours a day [Sec. 187, BP 881].

SEC. 216. Duties of the committee. - Under such orders or instructions as the Commission may issue, the Committee shall:

(1) Have general supervision and control over the printing of official ballots, election returns and certificates of canvass;

(2) Take charge of the room or rooms where the paper and paraphernalia used in the printing are stored;

(3) Report to the Commission any irregularity which it believes may have been committed; and

(4) Perform such functions as the Commission may direct [Sec. 188, BP 881].

SEC. 217. Other committees. - The Commission shall create such committees as are necessary in the allocation, procurement, verification and shipment of the official ballots, election returns, certificates of canvass and other election forms and paraphernalia [New].

SEC. 218. Distribution of official ballots and election returns. - The Commission shall distribute to each city and municipality the official ballots at the rate of one (1) ballot for every registered voter and an additional ten (10) ballots per precinct, and election returns, at the rate of one (1) set for every precinct.

The provincial, city or municipal treasurer, or such other government official who may be tasked with the duty of storing and distributing election forms and materials, shall keep a record of the quantity and serial numbers of official ballots and election returns allocated to the respective provinces, cities, municipalities and precincts. Copies of such record

shall be furnished the Commission and the duly-authorized representatives of the accredited political parties, organizations, or coalitions which fielded candidates in the election immediately upon distribution but not later than the day after the election. The Commission shall require the issuance of official delivery receipts for the official ballots, election returns and other election forms and paraphernalia [Secs. 186 and 189, BP 881].

No official ballot or election returns shall be delivered to the board of election inspectors earlier than the first hour of election day. However, the Commission may, for justifiable reasons, and after notice to the candidates and the accredited political parties, organizations and coalitions fielding candidates in the election, authorize the delivery of official ballots and election returns to the board of election inspectors at an earlier date [Sec. 186, BP 881].

SEC. 219. Verification and distribution. - The provincial, city, or municipal treasurer, or the official designated by the Commission, shall verify the contents of the boxes of official ballots and election returns received by them in the presence of representatives of the Commission, the Commission on Audit, candidates and political parties, organizations, or coalitions, and keep a record of their receipt and distribution.

SEC. 220. Certificate of canvass and other canvassing forms. - The Commission shall prescribe the form of, and provide, in such number of copies as may be required, every board of canvassers with, certificate of canvass, statement of votes and certificate of canvass and proclamation [Sec. 231, BP 881].

SEC. 221. Tally paper. - At the beginning of the counting of votes, there shall be placed within the view of the board of election inspectors, watchers and the public, a tally paper where the names of all the candidates or issues or questions to be

voted upon shall be written. The third member of the board shall record thereon the votes for each candidate or issue as the chairman of the board reads the ballot [Sec. 161, BP 881].

SEC. 222. Ballot boxes. - The Commission shall provide one (1) ballot box for each precinct on the day of voting. Each ballot box shall contain two (2) compartments, one for valid ballots and the other for spoiled ballots. The boxes shall be uniform in specifications and be provided with such device so that it can be secured in the manner as the Commission may prescribe [Sec. 160, BP 881].

SEC. 223. Voting booths. - During the voting, there shall be in each polling place at least ten (10) voting booths of such size, specifications and materials as the Commission may provide to enable the voters to fill their ballots secretly [Sec. 11, RA 7166].

SEC. 224. Certified list of candidates. - The Commission shall cause to be printed certified lists of candidates containing the names of all candidates for each office to be voted, immediately followed by the nickname or stage name of each candidate as indicated in his certificate of candidacy, and his political party affiliation, if any. Said list shall be posted inside each voting booth during the voting period [Sec. 4, RA 6646].

SEC. 225. Furnishing of ballot boxes, election forms and materials. - The Commission shall prepare and furnish the ballot boxes, election paraphernalia, forms, supplies and materials necessary for the registration of voters and for the conduct of the election.

The official entrusted by law or by the Commission with the custody of the election paraphernalia, forms, supplies and materials shall be responsible for their storage and preservation and for any loss, destruction, impairment, or damage thereof while in

his custody [Sec. 162, BP 881].

SEC. 226. New forms, security markings and devices. - Notwithstanding the preceding provisions, the Commission may use or adopt the latest technological and electronic devices for voting, counting of votes, and canvassing and prescribe new forms, printing materials and security markings for the official ballots, election returns, certificates of canvass and other forms and paraphernalia.

The Commission may prescribe the use of inexpensive official ballots and election returns for barangay elections, plebiscites, referenda, initiatives and recalls, or a different form of ballot to facilitate voting by illiterate or disabled voters, provided that the integrity of the ballots and election returns is assured [Sec. 23, RA 7166; Sec. 181, BP 881).

ARTICLE VII. CASTING AND COUNTING OF VOTES

A. CASTING OF VOTES

SEC. 227. Voting hours. - The casting of votes shall start at seven o'clock in the morning and end at three o'clock in the afternoon of election day, except when there are voters present within thirty (30) meters in front of the polling place who have not yet cast their votes, in which case the voting shall continue to allow said voters to cast their votes without interruption. The poll clerk shall, without delay, prepare a complete list containing the names of said voters consecutively numbered, and the voters so listed shall be called to vote by announcing each name repeatedly three (3) times in the order in which they are listed. Any voter in the list who is not present when his name is called shall not be permitted to vote [Sec. 190, BP 881].

SEC. 228. Preliminaries to the voting. - (1) The board of election inspectors shall meet at the polling place at six thirty o'clock in the morning of election day and see to it that they have the book of voters pertaining to the precinct, list of voters, certified list of candidates, voting booths, ballot box, official ballots, indelible ink, ballpens, and other forms and supplies.

(2) The chairman of the board shall open the ballot box, empty both of its compartments, exhibit them to all those present, then lock its interior covers.

(3) The chairman and two (2) members of the board shall each keep one (1) of the keys to the padlocks during the voting.

(4) The chairman shall forthwith show to the public and the watchers the package of official ballots and the book of voters duly sealed and thereafter break the seals. Such fact shall be entered in the minutes together with the number of pads and the serial numbers of the ballots.

(5) The ballot box shall remain locked until the voting is finished and the counting begins. However, if it should become necessary to make room for more ballots, the board may, in the presence of the members and the watchers, open the box; the chairman shall press down with his hands the ballots contained therein without removing any of them; and thereafter the board shall again close the box and lock it [Sec. 191, BP 881].

SEC. 229. Persons allowed in and around the polling place. - During the voting, only the following persons shall be allowed inside the polling place:

(1) The members of the board;

(2) The watchers;

(3) The representatives of the Commission;

(4) The voters casting their votes;

(5) The voters waiting for their turn to use the booth, whose number shall not exceed twice the number of booths; and

(6) The voters waiting for their turn to cast their votes, whose number shall not exceed twenty (20) at any one time.

It shall be unlawful for any officer or member of the Armed Forces of the Philippines or the Philippine National Police or any peace officer or armed person belonging to any extra-legal police agency, special force, reaction force, strike force, Civil Armed Forces Geographical Units (CAFGUs), barangay tanod units, or other similar forces or para-military forces, including security guards, special policemen, and all other armed or unarmed extra-legal police officers, to enter any polling place or an area within a radius of thirty (30) meters thereof, except to vote, but in such case he shall immediately leave the polling place after voting.

However, the board may, if it deems necessary, order in writing for the detail of a policeman or any peace officer for their protection or for the protection of the election documents and paraphernalia. Such order shall be entered in the minutes. Said policeman or peace officer shall stay outside the polling place near enough to be easily called by the board at any time.

No policeman or peace officer shall enter or stay inside the polling place except when there is an actual disturbance of the peace and order therein. In no case shall the said policeman or peace officer prevent or obstruct in any manner the free access of the voters to the polling place.

No barangay official shall enter any polling place except to vote, in which case, he shall leave the polling place immediately after voting [Sec. 192, BP 881].

SEC. 230. Challenge against illegal voters. - (1) Any voter

or watcher may challenge any person offering to vote:

(a) For not being registered;

(b) For using the name of another; or

(c) For suffering from any disqualification.

In such case, the board shall satisfy itself as to whether or not the ground is true by requiring proof relative to the registration, the identity, or qualification of the voter.

(2) No voter shall be required to present his voter's identification card on election day unless his identity is challenged. Failure to produce his voter's identification card shall not preclude him from voting if his identity may be shown from the photograph, fingerprints, or specimen signatures in his registration record in the book of voters or if he is identified under oath by a member of the board. Such identification shall be reflected in the minutes of the board [Sec. 199, BP 881].

SEC. 231. Challenge based on certain illegal acts. - Any voter or watcher may challenge any voter offering to vote on the ground that the challenged person has:

(1) Received or expects to receive, paid, offered, or promised to pay, contributed, offered, or promised to contribute money or anything of value as consideration for his vote or for the vote of another;

(2) Made or received a promise to influence the giving or withholding of any such vote; or

(3) Made a bet or is interested directly or indirectly in a bet which depends upon the result of the election.

The challenged person shall take an oath before the board that he has not committed any of the acts alleged. Upon taking such oath, the challenge shall be dismissed and the voter, allowed to vote. However, in case of his refusal to take such

oath, the challenge shall be sustained and he shall not be allowed to vote [Sec. 200, BP 881].

SEC. 232. Admission of challenged vote immaterial in criminal proceedings. - The admission of the challenged vote under the two (2) preceding sections shall not be conclusive upon any court as to the legality of the registration of the voter challenged or his vote in a criminal action for illegal registration or voting [Sec. 201, BP 881].

SEC. 233. Record of challenges and oaths. - The poll clerk shall keep a record of challenges and oaths and the resolution of the board in each case and, upon the termination of the voting, certify that it contains all the challenges made. The original of this record shall be attached to the original copy of the minutes of the voting [Sec. 202, BP 881].

SEC. 234. Order of voting. - The voters shall vote in the order of their entrance to the polling place and immediately depart after having cast their votes [Sec. 193, BP 881].

SEC. 235. Manner of obtaining ballot. - The voter shall approach the chairman of the board and give his name, address and other data concerning his person. In case any member of the board doubts his identity, the board shall check his voter's identification card, or, if he has none, the board shall refer to his registration record in the book of voters.

If the board is satisfied with the voter's identity, the chairman shall announce his name in a tone loud enough to be heard throughout the polling place. If such voter has not been challenged, or if, having been challenged, the question has been decided in his favor, the voter shall affix his signature in the voting record.

The chairman shall enter the serial number of the ballot in the voting record, authenticate the ballot, apply indelible ink

on the voter's right forefinger nail, and thereafter deliver to the voter the ballot correctly folded. No person other than the chairman shall deliver official ballots nor shall more than one (1) ballot be delivered to any voter at one time [Sec. 194, BP 881].

SEC. 236. Use of indelible ink. - Before delivering the ballot to the voter, the chairman of the board shall apply a drop of indelible ink on the voter's right forefinger nail or, if there be none, on any available fingernail. A voter who, for any reason, refuses to be stained with indelible ink or whose finger already shows stain of indelible ink shall not be given a ballot. Such facts shall be entered in the minutes of the board [Sec. 198 (d) BP 881, Amended].

SEC. 237. Authentication of the ballot. - Before delivering a ballot to the voter, the chairman of the board shall, in the presence of the voter, affix his signature at the back thereof [Sec. 24, RA 7166].

SEC. 238. Manner of voting. - Voting shall be conducted in the following sequence:

(1) The voter, upon receiving his ballot, shall proceed to a voting booth and there fill his ballot by writing in the proper space for each office the name of the candidate for whom he desires to vote [Sec. 195, BP 881].

(2) After the voter has filled his ballot, he shall fold it in the same manner as when he received it and return it to the chairman.

(3) The chairman shall, within the view of the voter and the members of board and without unfolding the ballot or seeing its contents, verify its serial number from the voting record where it was previously entered.

(4) In the presence of the members of the board, the voter

shall affix his thumbmark on the corresponding space in the coupon.

(5) The voter shall affix his thumbmark beside his signature in the voting record.

(6) The chairman shall sign the voting record.

(7) The chairman shall, after finding everything to be in order, detach the coupon in the presence of the voter and the other members of the board and deposit the folded ballot in the compartment for valid ballots, and the detached coupon, in the compartment for spoiled ballots.

(8) The voter shall then depart [Sec. 198, BP 881, Amended].

SEC. 239. Prohibitions on voting. - It shall be unlawful for a voter to:

(1) Use a booth being used by another;

(2) Fill his ballot accompanied by another, except in the case of an illiterate or disabled voter;

(3) Fill his ballot for a time longer than necessary;

(4) Prepare the ballot without using the voting booth;

(5) Exhibit the contents of the ballot to any person;

(6) Erase any printing from the ballot;

(7) Intentionally tear or deface the same;

(8) Put any distinguishing mark thereon;

(9) Use carbon paper, paraffin paper, or other means of making a copy of the contents of the ballot; or

(10) Make use of any other scheme to identify his vote [Sec. 195, BP 881].

SEC. 240. Preparation of ballots for illiterate and disabled voters. - No voter shall be allowed to vote as illiterate or physically disabled unless that fact is so indicated in his registration record.

A voter who is illiterate or physically unable to prepare the ballot by himself may be assisted in the preparation of his ballot by a relative within the fourth civil degree of affinity or consanguinity, or if he has none, by any person of his confidence who belongs to the same household, or by any member of the board.

In no case shall an assistor, unless he is a member of the board, assist more than three (3) times. The assistor shall prepare the ballot in the presence of the illiterate or disabled voter using the voting booth. He shall bind himself in writing under oath:

(1) To fill out the ballot strictly in accordance with the instructions of the voter;

(2) Not to influence the voter to vote for or against any candidate or issue; and

(3) Not to reveal the contents of the ballot prepared by him [Sec. 196, BP 881].

SEC. 241. Spoiled ballots. - If a voter should accidentally spoil or deface a ballot in such a way that it cannot be validly used, he shall surrender it folded to the chairman who shall note in the voting record that said ballot is spoiled. The members of the board shall, without unfolding the ballot and without removing the detachable coupon, mark it with the word "SPOILED," affix their signatures thereon, and drop it in the compartment for spoiled ballots. The voter shall then be entitled to another ballot.

A voter may be allowed to change his ballot only once [Sec. 197, BP 881, Amended].

Any ballot returned to the chairman whose detachable coupon has been removed not in the presence of the board and of the voter, or any ballot whose serial number does not coincide with

the serial number of the ballot delivered to the voter, as entered in the voting record, shall be considered as spoiled and be so marked and signed by the members of the board [Sec. 198, BP 881].

SEC. 242. Disposition of unused ballots. - The chairman shall tear in half lengthwise all unused ballots without removing the stubs and detachable coupons in the presence of the members of the board and the watchers. One-half shall be placed in a sealed envelope and submitted to the election officer; and the other half, inside the compartment of the ballot box for spoiled ballots. Such fact shall be entered in the minutes of the board [Sec. 204, BP 881, Amended].

SEC. 243. Minutes of voting and counting of votes. - The board shall prepare and sign two (2) copies of the minutes of voting and counting of votes in a prescribed form setting forth therein such data as the Commission may require. Copies of the minutes shall be sealed in separate envelopes and be distributed as follows: the original, to the election officer who shall in turn transmit the same to the Commission in Manila; and the second copy to be deposited inside the compartment of the ballot box for valid ballots [Sec. 203, BP 881, Amended].

SEC. 244. Prohibition on premature announcement of voting. - No member of the board shall, before the termination of the voting, make any announcement as to whether a certain registered voter has already voted or not, how many have already voted, or how many so far have failed to vote, or any other fact tending to show or showing the state of the polls [Sec. 205, BP 881, Amended].

B. COUNTING OF VOTES

SEC. 245. Counting to be public and without interruption. - As soon as the voting is finished, the board of election inspectors shall count publicly the votes cast in the polling place. Unless otherwise ordered by the Commission, the board shall not adjourn, postpone, or delay the count until it has been completed [Sec. 206, BP 881].

SEC. 246. Transfer of venue for counting. - The Commission may, in the interest of free, orderly, honest, peaceful and credible elections, order the board to count the votes and accomplish the election returns and other forms in any other place, preferably a public building [Sec 206, BP 881, Amended].

If, on account of imminent danger of violence, terrorism, disorder, or similar causes, it becomes necessary to transfer the counting of votes to a safer place, the board may effect the transfer by its unanimous approval with concurrence of the majority of the watchers present. This fact shall be recorded in the minutes of voting and attested to by the members of the board and the watchers [Sec. 18, RA 6646].

SEC. 247. Rules for appreciation of ballots. - In the reading and appreciation of ballots, every ballot shall be presumed to be valid unless there is clear and good reason to justify its rejection. The board shall bear in mind that the object of the election is to obtain the expression of the voters' will [Sec. 211, BP 881].

The Commission shall promulgate the necessary rules on the appreciation of ballots based on jurisprudence on the matter [New].

SEC. 248. Excess ballots. - Before proceeding to count the votes, the board shall count the ballots contained in the com-

partment for valid ballots without unfolding them or exposing their contents, except to ascertain that no ballots are folded together. It shall compare the number of ballots with the number of voters who voted. If there are more ballots than voters who voted, all the ballots shall be returned to the box and thoroughly mixed therein. The poll clerk, without seeing the ballots and with his back to the box, shall publicly draw out as many ballots as may be equal to the excess. Without unfolding them, he shall then place them in an envelope which shall be marked "EXCESS BALLOTS" and which shall be sealed and signed by the members of the board. The envelope shall be placed in the compartment for valid ballots, but its contents shall not be read in the counting of votes. Ballots found folded together before they were deposited in the box shall be placed in the envelope for excess ballots [Sec. 207, BP 881].

SEC. 249. Ballots with detachable coupon. - In case ballots be found in the box with their detachable coupons still intact, such coupons shall be removed and deposited in the compartment for spoiled ballots, and the ballots included in the pile of valid ballots. If ballots with the word "SPOILED" be found in the box, such ballots shall be placed in the compartment for spoiled ballots [Sec. 207, BP 881].

SEC. 250. Marked ballots. - The board shall determine by unanimous vote whether or not there are any marked ballots, and, if any be found, they shall not be counted but shall be placed in an envelope labelled "MARKED BALLOTS". The envelope shall be sealed and signed by the members of the board and placed in the compartment for valid ballots. Non-official ballots shall be considered as marked ballots [Sec. 208, BP 881].

SEC. 251. Spoiled ballots. - Ballots found in the compartment for spoiled ballots shall be presumed to be spoiled ballots,

whether or not they contain such notation. If any valid ballot was erroneously deposited therein, the board shall open said compartment after the voting and before the counting of votes to draw out said ballot and place the same in the compartment for valid ballots. These facts shall be entered in the minutes of voting [Sec. 209, BP 881].

SEC. 252. Manner of counting votes. - In reading the individual official ballot, the members of the board shall assume such position as to provide the watchers and the public unimpeded view of the ballot being read by the chairman, and of the election returns and tally paper being simultaneously accomplished by the poll clerk and the third member, respectively. The watchers and the public shall not touch any of these election documents. The table shall be cleared of all unnecessary writing paraphernalia [Sec. 25, RA 7166].

The board shall unfold the ballots and form separate piles of one hundred (100) ballots each. The chairman of the board shall take the ballots of the first pile one by one and read the names of candidates voted for and the offices for which they were voted in the order in which they appear thereon [Sec. 210, BP 881].

The poll clerk and third member shall record each vote as the names of the candidates voted for are read.

Each vote shall be recorded by a vertical line, except every fifth vote which shall be recorded by a diagonal line crossing the previous four (4) vertical lines. After finishing the first pile of ballots, the board shall determine the subtotal of the votes received by each candidate, which shall be recorded in the tally paper and the election returns. In case of any discrepancy, such recount as may be necessary shall be made. The ballots shall then be grouped together again as before the

reading. Thereafter, the same procedure shall be followed with the second pile of ballots, and so on successively.

After all the ballots have been read, the board shall sum up the subtotals recorded for each candidate, and record the aggregate sum in the tally paper and election returns. It shall then place the counted ballots in an envelope provided for the purpose, which shall be signed and deposited in the compartment for valid ballots. The tally paper as accomplished and certified by the board shall be kept in the compartment for valid ballots [Sec. 210, BP 881].

SEC. 253. Preparation of election returns. - The board shall prepare in handwriting the election returns simultaneously with the counting of the votes in the polling place in such number of copies as provided herein. The entry of votes for each candidate shall be closed with the signatures and clear imprints of the right thumb of all the members to be affixed in full view of the public, immediately after the last vote recorded or immediately after the name of the candidate who did not receive any vote.

The returns shall also show the date of the election, the precinct number, the barangay and the city or municipality and province in which it was held, and such information as the Commission may require. The total number of votes obtained by each candidate shall be written in words and figures. The board of election inspectors shall certify that the contents thereof are correct and affix their signatures and right thumbprints.

Immediately upon the accomplishment of the election returns, each copy thereof shall be sealed in the presence of the watchers and the public and placed in the proper envelope, which shall likewise be sealed and distributed as herein provided [Sec. 212, BP 881].

SEC. 254. Distribution of election returns. - The copies of the election returns shall be distributed as follows:

(1) In the election of national officials:

(a) The first copy, to the provincial board of canvassers;

(b) The second copy, to Congress through the President of the Senate;

(c) The third copy, to the Commission;

(d) The fourth copy, to be deposited inside the ballot box;

(e) The fifth copy, to be known as advance election returns, to the city or municipal treasurer who shall, in the presence of the election officer or his authorized representative, immediately and publicly open the same and post the votes therein in a tally board sufficiently large for public viewing, preferably within the vicinity of the city or municipal hall; and

(f) The sixth copy, to the media-based organization authorized by the Commission to conduct an unofficial count.

(2) In the election of local officials:

(a) The first copy, to the city or municipal board of canvassers;

(b) The second copy, to the Commission;

(c) The third copy, to the provincial board of canvassers;

(d) The fourth copy, to be known as advance election returns, to the city or municipal treasurer who shall, in the presence of the election officer or his authorized representative, immediately and publicly open the same and post the votes therein in a tally board

sufficiently large for public viewing, preferably within the vicinity of the city or municipal hall;

(e) The fifth copy to the media-based organization authorized by the Commission to conduct an unofficial count; and

(f) The sixth copy to be deposited inside the ballot box [Sec. 27, RA 7166];

The Commission may, when technological advancement allows, provide copies of election returns to accredited political parties [New].

SEC. 255. Corrections in the election returns. - Any correction made in the election returns by the board before the announcement of the results of the election in the polling place shall be duly initialed by all its members.

After the announcement of the results had been made, the board shall not make any correction in any of the copies of the election returns unless so ordered by the Commission upon petition of the members of the board within five (5) days from the date of the election or twenty-four (24) hours from the time a copy of the election returns is opened by the board of canvassers, whichever is earlier. The petition shall be accompanied by proof of service upon all candidates affected.

If the results of the election would not be affected by said correction and none of the candidates affected objects thereto, the Commission shall, upon being satisfied of the veracity of the petition and of the error alleged therein, order the board to make the proper correction thereon.

Should a candidate affected by said petition object thereto and the results of the election would be affected by the correction sought to be made, the Commission shall proceed summarily to hear the petition. If it finds the petition meritorious and the

correction sought is such that can be made without need of opening the ballot box, the Commission shall order that proper correction be made. Otherwise, it shall order the opening of the ballot box and recount of votes after satisfying itself that the identity and integrity of the ballot box have not been violated and that the integrity of the ballots therein has been preserved [Sec. 216, BP 881].

SEC. 256. Proclamation of election result. - Upon the completion of the election returns, the chairman of the board shall publicly announce the total number of votes received by every candidate for each office [Sec. 213, BP 881].

SEC. 257. Certificates of votes obtained by candidates. - After the announcement of the results of the election and before leaving the polling place, it shall be the duty of the board, upon request of any watcher, to issue a certificate of votes obtained by his candidate and other candidates for the same office [Sec. 215, BP 881; Sec. 16, RA 6646].

The certificate shall contain the name and number of votes obtained by each candidate concerned written in words and figures, the precinct number, the name of the city or municipality and province, the total number of voters who voted, and the date and time issued, and shall be signed and thumbmarked by each member of the board [Sec. 16, RA 6646].

SEC. 258. Delivery and custody of ballot boxes, keys, election supplies and documents. - After the counting of votes, the board shall place in the compartment for valid ballots the used and unused ballots in their respective envelopes, the tally paper, a copy of the election returns and minutes of voting and counting, and then lock the ballot box. The ballot box shall immediately be delivered by the board and the watchers to the city or municipal treasurer or such other officials designated by

the Commission, who shall keep his office open all night on the day of the election if necessary for this purpose, and provide the necessary facilities for said delivery at the expense of the city or municipality.

The book of voters, supplies and all pertinent papers and documents shall be returned to the election officer, who shall keep it under his custody. The election officer and the treasurer or such other government official designated by the Commission, as the case may be, shall, on the day after the election, require the members of the board who failed to send the items referred to herein to deliver the same immediately and thereafter acknowledge receipt thereof [Sec. 217, BP 881].

SEC 259. Preservation of ballot boxes; Disposition of contents. - (1) The Commission shall issue instructions regarding the custody and safekeeping of the ballot boxes.

(2) The city and municipal treasurers or such other government officials designated by the Commission shall keep the ballot boxes under their responsibility for three (3) months, stored unopened in a secured place, unless the Commission orders otherwise, provided these are not involved in any election contest or official investigation, or the Commission or other competent authority demands them sooner or orders their preservation for a longer time in connection with any pending contest or investigation. However, upon showing by any candidate that the boxes will be in danger of being violated if kept in the possession of such officials, the Commission may order them kept by any other official whom it may designate.

After the lapse of three (3) months and if there should be no order to the contrary, the Commission may authorize the city or municipal treasurer or the designated official to open the boxes and burn their contents in the presence of the representa-

tives of the Commission, Commission on Audit and political parties or candidates, except the minutes of voting and the election returns deposited therein, which said official shall preserve.

(3) In case of calamity or fortuitous event such as fire, flood, or storm, which may cause damage to the ballot boxes and/or their contents, the Commission may authorize the opening of said ballot boxes and the transfer of the ballots and other contents to other ballot boxes, taking such precautions as may be necessary to preserve such documents [Sec. 219, BP 881].

SEC. 260. Preservation of voting record. - The voting record of each precinct shall be delivered to the election officer, who shall have custody of the same and keep them in a safe place until such time that the Commission shall give instructions on their disposition [Sec. 218, BP 881].

SEC. 261. Documents omitted or erroneously placed inside the ballot box. - If, after the delivery of the keys of the ballot box to the proper authorities, the board shall discover that the ballot box does not contain certain documents required to be placed therein or contains documents not intended therefor, the board shall, without opening the ballot box, deliver the same to the Commission or its duly-authorized representatives.

In no case shall the ballot box be reopened to place therein or remove therefrom any document except to retrieve copies of the election returns which will be needed in any canvass, investigation, or election contest, and upon notice to the members of the board and watchers of candidates of the time and place of the opening of said ballot box. If there are other copies of the election returns outside of the ballot box which can be used in the canvass, such copies of the election returns shall be used in said canvass and the opening of the ballot box to retrieve the copies of the election returns placed therein shall then be

dispensed with [Sec. 220, BP 881].

ARTICLE VIII. CANVASS AND PROCLAMATION

SEC. 262. Board of canvassers. - There shall be a board of canvassers for each province, city, municipality, and district of metropolitan Manila as follows:

(1) Provincial board of canvassers - to be composed of the provincial election supervisor or a ranking lawyer of the Commission as chairman, the chief provincial prosecutor as vice-chairman, and the provincial superintendent of schools as member-secretary.

(2) City board of canvassers - to be composed of the city election officer or a lawyer of the Commission as chairman, the city prosecutor as vice-chairman, and the city superintendent of schools as member-secretary.

In cities with more than one (1) election officer, the Commission shall designate who shall be the chairman.

(3) District board of canvassers of metropolitan Manila - to be composed of a lawyer of the Commission as chairman, a ranking public prosecutor in the district as vice-chairman, and the most senior district school supervisor in the district as member-secretary [Sec. 222(c), BP 881].

(4) Municipal board of canvassers - to be composed of the election officer or an officer of the Commission as chairman, the municipal treasurer as vice-chairman, and the most senior district school supervisor or a principal of the district as member-secretary.

For purposes of the regional elections in the Autonomous Region in Muslim Mindanao, a board of canvassers for each province therein and for the region shall be constituted as follows:

A provincial board of canvassers with the same membership as provided in No. 1 hereof; and a regional board of canvassers to be composed of a regional election director or a ranking lawyer of the Commission as chairman, an officer of equivalent rank in the Department of Justice as vice-chairman, and an officer, also of equal rank, in the Department of Education, Culture and Sports in the autonomous region as member-secretary [Sec. 2, RA 7647].

For the barangay elections, a barangay board of canvassers shall be constituted in each barangay with more than one (1) precinct to be composed of the senior public school teacher in the barangay as chairman and two (2) other public school teachers, one as vice-chairman and the other as member-secretary.

In case the number of public school teachers is inadequate, the Commission shall designate the chairman and members of the barangay board of canvassers from among the chairmen and members of the boards of election inspectors of the precincts in the barangay [Sec. 104, Res. 2022-A].

In barangays with only one (1) precinct, the board of election inspectors shall act as the barangay board of canvassers [Sec. 100, Res. 2022-A].

SEC. 263. Supervision and control over board of canvassers. - The Commission shall have direct control and supervision over the board.

Any member of the board may, at any time, be relieved for cause and substituted by the Commission.

SEC. 264. Substitution of members of board of canvassers. - In case any member of the board is not available, is absent, disqualified due to relationship, incapacitated for any cause, or relieved for cause, the Commission shall appoint as substitute chairman, a lawyer or official of the Commission, and as substitute members, other representatives from the different agencies

of the government [Sec. 2, RA 7166].

The foregoing power of the Commission may be delegated to the Commissioner-in-Charge of the region [New].

SEC. 265. Disqualification due to relationship. - No person related within the fourth civil degree of consanguinity or affinity to any of the candidates or to any other member of the board of canvassers shall be appointed as chairman or member thereof [Sec. 222, BP 881].

SEC. 266. Prohibition against leaving official station. - No member of any board of canvassers, including any substitute, shall be transferred, assigned, or detailed outside of his official station, nor shall he leave said station within five (5) days immediately preceding election day until the proclamation of the winning candidates without prior authority of the Commission [Sec. 223, BP 881].

SEC. 267. Proceedings of board of canvassers. - The proceedings of the board shall be open and public [Sec. 20, RA 6646].

A majority vote shall be necessary for the board to render a decision [Sec. 225, BP 881].

SEC. 268. Notice of meetings of the board. - At least five (5) days before the initial meeting of the board, the chairman shall give written notice of the date, time and place of the meeting to each member, candidate and political party fielding candidates for election in the political subdivision concerned. Similar notice shall be given for subsequent meetings unless notice has been given in open session of the board. Notice given in open session shall be recorded in the minutes of the proceedings. Proof of service of notice shall be attached to, and form part of, the records of the proceedings [Sec. 23, RA 7166].

SEC. 269. Delivery and transmittal of election returns. - The election returns, duly sealed and placed inside an envelope,

likewise to be sealed, shall be personally delivered by the board of election inspectors under receipt signed by all the members of the board of canvassers as follows:

(1) Copy for the city or municipal board of canvassers - to the chairman of the board; and

(2) Copies for the provincial and district boards of canvassers - to the election officer, who shall transmit the same to the respective chairmen of the provincial and district boards of canvassers.

The election officer concerned shall place all the returns intended for the board of canvassers inside a ballot box properly locked and sealed and personally transmit the same to the board of canvassers.

Watchers of candidates, political parties, organizations, or coalitions and the citizens arm shall have the right to accompany the board of election inspectors or the election officer in the delivery of the ballot box containing the election returns [Sec. 229, BP 881].

SEC. 270. Safekeeping of transmitted election returns. - The board shall keep the ballot boxes containing the election returns in a safe and secured room or place as may be agreed upon by the candidates. The watchers of candidates, political parties, organizations, or coalitions and the citizens arm shall have the right to guard the room or place [Sec. 229, BP 881].

SEC. 271. Canvass by board of canvassers. - The board shall meet not later than six o'clock in the afternoon of election day at the place designated by the Commission to receive the election returns and immediately canvass those that may have already been received. It shall meet continuously from day to day until the canvass is completed, and may adjourn only for the purpose of awaiting the other election returns.

Before the start of the canvass, the board shall enter the precinct numbers consecutively in the statement of votes by precinct. Each time the board adjourns, it shall determine the total number of votes received by each candidate in each precinct as of its adjournment, using the form prescribed for the purpose. The board shall record the same together with the number of precincts canvassed for the day, furnish the Commission in Manila through the fastest means of communication a certified copy thereof, and make available the data contained therein to the mass media and other interested parties requesting the same. As soon as the other election returns are delivered, the board shall immediately resume canvassing until all the returns have been canvassed.

Upon completion of the canvass, the board shall prepare a certificate of canvass, duly signed and bearing the thumbprint of each member, supported by a statement of the votes received by each candidate in each precinct and, on the basis thereof, proclaim as elected the candidates who obtained the highest number of votes cast in the province, district, city, or municipality. Failure to comply with these requirements shall constitute an election offense.

Subject to reasonable exceptions, the board must complete its canvass within thirty-six (36) hours in municipalities, forty-eight (48) hours in cities, or seventy-two (72) hours in provinces [Sec. 231, BP 881].

SEC. 272. Canvassing committees. - The board of canvassers may constitute such number of canvassing committees as may be necessary to enable it to complete the canvass within the period prescribed under the immediately preceding section. Each committee shall be composed of three (3) members to be designated by the chairman and members of the board. All candidates shall be

notified in writing, at least three (3) days before the election, of the number of committees to be constituted so that they can designate their watchers in each committee. The committees shall be under the direct supervision and control of the board [Sec. 22, RA 6646].

SEC. 273. Canvassing by provincial, city, district and municipal boards of canvassers. - (1) The board of canvassers for cities that do not comprise one (1) legislative district or the municipal board of canvassers shall canvass the election returns for city or municipal officials and thereafter proclaim the elected city or municipal officials, as the case may be.

(2) The city board of canvassers for cities comprising one (1) or more legislative districts shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective city officials. Upon completion of the canvass, the board shall prepare the certificate of canvass for President, Vice-President, and Senators and thereafter proclaim the elected Members of the House of Representatives and city officials.

(3) (a) In metropolitan Manila, each municipality comprising a legislative district shall have a district board of canvassers which shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective municipal officials. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President, Senators, and thereafter proclaim the elected Members of the House of Representatives and municipal officials.

(b) The component municipality in a legislative district in metropolitan Manila shall each have a municipal board of canvassers which shall canvass the election returns for elective

municipal officials and thereafter proclaim the winning candidates for municipal officials.

(c) The district board of canvassers of each legislative district comprising two (2) municipalities in metropolitan Manila shall canvass the election returns for President, Vice-President, Senators and Member of the House of Representatives submitted by the boards of election inspectors of the component municipalities. Upon completion of the canvass, it shall prepare a certificate of canvass for President, Vice-President and Senators and thereafter proclaim the winning candidate for Member of the House of Representatives in the legislative district.

(4) The provincial board of canvassers shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective provincial officials as submitted by the boards of election inspectors of municipalities and component cities. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President and Senators, and thereafter proclaim the winning candidates for Members of the House of Representatives and provincial offices.

With respect to the regional elections in the Autonomous Region in Muslim Mindanao, the provincial board of canvassers shall canvass the election returns submitted by the board of election inspectors and upon completion thereof, prepare the certificate of canvass for governor and vice-governor, and thereafter proclaim the elected members of the Regional Assembly.

The regional board of canvassers shall canvass the certificates of canvass submitted by the provincial boards of canvassers in the region and thereafter proclaim the elected candidates for governor and vice-governor [Sec. 28, RA 7166].

SEC. 274. Distribution of certificates of canvass. - With

respect to the election for President, Vice-President and Senator, the provincial board of canvassers and board of canvassers for cities with one (1) or more legislative districts and district boards of canvassers in metropolitan Manila shall prepare a certificate of canvass supported by statement of votes by precinct, and in proper cases, by municipality, in seven (7) copies with the use of carbon paper or such other means or material as the Commission shall prescribe to the end that all seven (7) copies shall be legibly reproduced in one handwriting. All copies of said certificate of canvass must bear the signatures and thumbmarks of all the members of the board. Upon the completion of these certificates of canvass and statements of votes, they shall each be enclosed and sealed in the corresponding envelopes furnished by the Commission and immediately distributed as follows:

(1) The first copy, to Congress, through the President of the Senate, for the canvass of election results for President and Vice-President;

(2) The second copy, to the Commission, for the canvass of the election results for Senators;

(3) The third copy, to the chairman of the board;

(4) The fourth copy, to the citizens arm designated by the Commission to conduct a media-based unofficial count; and

(5) The fifth, sixth and seventh copies, to the three (3) major political parties. The Commission shall decide which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 98 hereof. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay [Sec. 29(b), RA 7166].

SEC. 275. Election returns with serial number different

from assigned number. - Any election returns with serial number different from that assigned to a precinct shall not be canvassed unless the Commission orders in writing for its canvassing. The variance shall be determined by the board prior to its canvassing on the basis of the certification of the city or municipal treasurer or the election officer as to the serial number of the election returns assigned to said precinct [Sec. 212, BP 881].

SEC. 276. When election returns are delayed, lost or destroyed. - In case its copy of the election returns is missing, the board of canvassers shall, by messenger or otherwise, obtain such missing election returns from the board of election inspectors concerned, or, if said returns has been lost or destroyed, the board of canvassers, upon prior authority of the Commission, may use any of the authentic copies or a certified copy thereof issued by the Commission. The Board shall investigate the case and immediately report the matter to the Commission.

The board of canvassers, notwithstanding the fact that not all the election returns have been received, may terminate the canvass and proclaim the winning candidates on the basis of the available election returns if the missing election returns will not affect the results of the election [Sec. 233, BP 881].

SEC. 277. Material defects in election returns. - If the name of any candidate and/or his votes have been omitted from the election returns, the board of canvassers shall require the board of election inspectors concerned to complete the necessary data in the election returns and affix their initials thereon.

If the votes omitted in the returns cannot be ascertained by other means except by recounting the ballots, the Commission shall, after satisfying itself that the identity and integrity of the ballot box and the ballots therein have not been vio-

lated, order the board of election inspectors to count the votes for the candidate whose votes have been omitted, with notice to all candidates or political parties, and thereafter complete the returns [Sec. 234, BP 881].

278. When election returns appear to be tampered with or falsified or no election returns have been submitted. - If the election returns submitted to the board of canvassers appear to be tampered with, altered or falsified after they have left the hands of the board of election inspectors, or are otherwise not authentic, or were prepared by the board of election inspectors under duress, force, intimidation, or prepared by persons other than the members of the board of election inspectors, the board shall use any of the other copies of said election returns and, if necessary, the copy inside the ballot box, which may be retrieved upon previous authority given by the Commission.

If all the other copies of the returns are likewise tampered with, altered, falsified; not authentic, prepared under duress, force, intimidation, or prepared by persons other than the members of the board of election inspectors, the board of canvassers or any candidate affected shall bring the matter to the attention of the Commission. The Commission shall, after giving notice to all candidates concerned and after satisfying itself that the identity and integrity of the ballot box and the ballots therein have not been violated, order the board of election inspectors to recount the votes of the candidates affected and prepare a new return to be used by the board [Sec. 235, BP 881].

The foregoing remedies shall also apply where no election returns has been submitted to the board of canvassers [New].

SEC. 279. Discrepancies in election returns. - In case it appears to the board of canvassers that there exist discrepancies in the other authentic copies of the election returns from a

precinct or discrepancies in the votes of any candidate in words and figures in the same returns, and the difference affects the results of the election, the Commission shall, upon motion of the board of canvassers or any candidate affected and after due notice to all candidates or political parties concerned, and after satisfying itself of the integrity of the ballot box and the ballots therein, order the recount of the votes cast [Sec. 236, BP 881].

SEC. 280. Correction of manifest errors. - The board of canvassers, or the Commission in appropriate cases, may, motu proprio or upon written motion by an interested party, order the correction of manifest errors in any of the following cases:

(1) When a copy of the election returns or certificate of canvass was tabulated more than once;

(2) When two (2) or more copies of the election returns of one precinct, or two (2) or more copies of the certificate of canvass were tabulated separately;

(3) When there had been a mistake in the copying of the figures into the statement of votes or into the certificate of canvass; or

(4) When returns from non-existent precincts were included in the canvass [New].

SEC. 281. Certificate of votes as evidence. - The certificate of votes shall be admissible in evidence to prove tampering, alteration, falsification or any irregularity committed in the election returns when duly authenticated by testimonial or documentary evidence presented to the board of canvassers by all the members of the board of election inspectors who issued the certificate. Failure to present a certificate of votes shall not be a bar to the presentation of other evidence to impugn the authenticity of the election returns [Sec. 17, RA 6646].

SEC. 282. When integrity of ballots is violated. - If, upon opening the ballot box as ordered by the Commission under Sections 276, 277 and 278 hereof, it should appear that there are signs of tampering or violation of the integrity of the ballots, the Commission shall not recount the ballots but shall forthwith seal the ballot box and order its safekeeping and may, if the votes in the precinct concerned affect the result of the election, call a special election [Sec. 237, BP 881, Amended].

SEC. 283. Canvass of unquestioned returns to continue. - In cases under Sections 275, 276, 277 and 278 hereof, the board shall continue the canvass of the remaining or unquestioned election returns. If, after the canvass of all the said returns, it should be determined that the returns which have been set aside will affect the result of the election, no proclamation shall be made except upon order of the Commission, after due notice and hearing.

Any proclamation made in violation hereof shall be null and void [Sec. 238, BP 881].

SEC. 284. Canvass of votes for Senators. - Thirty (30) days after the elections, the Commission sitting en banc and acting as the National Board of Canvassers for Senators shall convene and publicly count the votes cast for Senators using the certificates of canvass submitted by the provincial and district boards of canvassers. The candidates in the number of Senators to be elected who obtained the highest number of votes shall be declared elected [Sec. 215, 1971 EC, Amended].

SEC. 285. Elections resulting in a tie. - When two (2) or more candidates for the same office have equally received the highest number of votes or received the same number of votes for the last slot, the board shall record this fact in its minutes, and, by resolution, upon five (5) days' notice to all the candi-

dates obtaining the same number of votes, hold a special public meeting for the drawing of lots of the candidates who have tied and proclaim as elected the candidates who may be favored by luck. The board of canvassers shall forthwith issue a certificate stating the name of the candidate who had been favored by luck and his proclamation on the basis thereof. The candidates so proclaimed shall have the right to assume office in the same manner as if he had been elected by plurality vote [Sec. 240, BP 881].

286. Failure to assume office. - The office of any elected official who fails or refuses to take his oath of office within sixty (60) days from his proclamation shall be considered vacant, unless said failure is for a cause or causes beyond his control, in which case he has to take his oath of office and assume the position within one (1) month after the removal of the cause.

The foregoing is without prejudice to any criminal liability that said official may have incurred [Sec. 11, BP 881].

ARTICLE IX. PRE-PROCLAMATION CONTROVERSIES

SEC. 287. Definition. - A pre-proclamation controversy refers to any question affecting the composition or proceedings of the board of canvassers or any matter raised in relation to the preparation, transmission, receipt, custody, or appreciation of the election returns or certificates of canvass [Sec. 241, BP 881].

SEC. 288. Jurisdiction over pre-proclamation controversies. - The Commission shall have exclusive jurisdiction over all pre-proclamation controversies. It may, motu proprio or upon written petition, and after due notice and hearing, suspend the proclamation of any candidate-elect or annul any proclamation, if one has

been made, as the evidence shall warrant [Sec. 242, BP 881].

SEC. 289. Pre-proclamation controversies; Where not allowed. - Pre-proclamation controversies are not allowed in elections for President, Vice-President, Senators, Members of the House of Representatives, and governor and vice-governor of the Autonomous Region. However, the canvassing board may, motu proprio or upon written motion of an interested party, correct manifest errors on the face of the election returns or certificate of canvass or exclude obviously manufactured election returns or certificates of canvass.

Any objection to the election returns or certificates of canvass before the district, city, municipal, provincial or regional board of canvassers shall be specifically noted in the minutes of its proceedings [Sec. 15, RA 7166, Amended].

SEC. 290. Pre-proclamation controversies; Where allowed. - Pre-proclamation controversies involving regional assembly member, provincial, city and municipal offices shall be allowed.

SEC. 291. Pre-proclamation controversies; How commenced. - Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Commission. However, matters raised in relation to the preparation, transmission, receipt, custody and appreciation of the election returns or certificates of canvass shall be brought in the first instance only before the board of canvassers concerned [Sec. 17, RA 7166].

SEC. 292. Issues proper in pre-proclamation controversies. - The following issues may be raised in a pre-proclamation controversy:

(1) Illegal composition or proceedings of the board of canvassers;

(2) The canvassed election returns or certificates of can-

vass are incomplete, contain material defects, appear to be tampered with or falsified, or contain discrepancies in the same returns or in other authentic copies thereof;

(3) The election returns or certificates of canvass were prepared under duress, threats, coercion, or intimidation, or they are obviously manufactured or not authentic; and

(4) When substitute or fraudulent returns or certificates in controverted precincts were canvassed, the results of which materially affected the standing of the aggrieved candidate or candidates [Sec. 243, BP 881, Amended].

SEC. 293. Contested composition or proceedings of the board. - If the question on the composition or proceedings of the board of canvassers is raised before it, the board shall, within twenty-four (24) hours, make a ruling thereon with notice to the contestant. The aggrieved party may appeal the matter to the Commission within three (3) days after the ruling with notice to the board. The Commission shall summarily decide the case within five (5) days from the filing thereof. During the pendency of the case, the board shall suspend the canvass until the Commission orders its resumption, citing the grounds therefor [Sec. 244, BP 881, Amended].

SEC. 294. Procedure in the disposition of contested returns. - (1) Any candidate or political party contesting the inclusion or exclusion of any election returns or certificate of canvass shall submit his or its oral objection to the chairman of the board at the time the questioned returns or certificate is presented for inclusion in the canvass. Such objection shall be recorded in the minutes of the canvass.

(2) Upon receipt of any objection, the board shall automatically defer the canvass of the contested returns or certificates and proceed to canvass the uncontested returns or certificates.

(3) Simultaneous with the oral objection, the objecting party shall enter his objection in the form prescribed by the Commission. Within twenty-four (24) hours from the presentation of such objection, the objecting party shall submit evidence in support thereof, attached to the form for written objections. Within the same period, any party may file a written and verified opposition to the objection in the prescribed form, attaching thereto supporting evidence, if any.

The board shall not entertain any objection or opposition unless reduced in writing in the prescribed form/s and supported by evidence; otherwise, the objection or opposition shall be deemed waived, and the board shall proceed to canvass or rule on the objected returns or certificates, as the case may be.

The evidence attached to the objection or opposition submitted by the parties shall be immediately and formally admitted into the records of the board. The chairman shall affix his signature at the back of each and every page thereof.

(4) Upon receipt of the evidence, the board shall consider the written objections and opposition thereto, if any, and enter its ruling in the prescribed form and authenticate the same with their signatures, furnishing a copy thereof to the parties.

(5) Any party adversely affected by the ruling shall immediately inform the board in writing that he intends to appeal said ruling. The board shall set aside the election returns or certificates objected to and proceed to consider the other returns or certificates. Unless such intent is manifested, the objection is deemed waived, and the election returns or certificates set aside shall be canvassed.

(6) The party who manifested his intent to appeal may, within three (3) days from notice to the board, appeal said ruling to the Commission. He shall furnish a copy thereof to the

board and pay the required appeal fee.

(7) The board shall, immediately upon receipt of a copy of the appeal, elevate to the Commission the complete records and the evidence submitted in the canvass and furnish the parties copies thereof. All documents should be signed by the board at the back thereof before they are transmitted to the Commission.

(8) On the basis of the records and evidence elevated to it, the Commission shall summarily decide the appeal within five (5) days from the receipt of said records and evidence. Any appeal brought before the Commission on the ruling of the board without the accomplished forms and the evidence appended thereto shall be summarily dismissed.

The above provisions notwithstanding, the Commission may motu proprio secure evidence aliunde in order to expedite the proceedings and afford substantive justice.

The decision of the Commission shall be executory five (5) days from receipt thereof by the board.

(9) The board of canvassers shall not proclaim any candidate as winner unless authorized by the Commission after it has ruled on the appeal. Any proclamation made in violation hereof shall be void ab initio, unless the contested returns or certificates of canvass will not adversely affect the results of the elections [Sec. 20, RA 7166].

SEC. 295. Partial proclamation. - Notwithstanding the pendency of any pre-proclamation controversy, the Commission may summarily order the proclamation of the winning candidates not parties to any controversy or whose election will not be affected by the outcome of the controversy [Sec. 247, BP 881].

SEC. 296. Pre-proclamation controversy; When deemed terminated. - All pre-proclamation controversies pending before the Commission shall be deemed terminated at the beginning of the

term of the office involved and the rulings of the board of canvassers concerned shall be deemed affirmed, without prejudice to the filing of an election protest. However, proceedings may continue when, on the basis of the evidence thus far presented, the Commission determines that the petition appears meritorious and accordingly issues an order for the proceedings to continue or when an appropriate order has been issued by the Supreme Court in a petition for certiorari [Sec. 16, RA 7166].

SEC. 297. Effect of petition to annul proclamation. - A petition to annul the proclamation of any candidate may be filed with the Commission within five (5) days from proclamation. The filing of such petition shall suspend the running of the period within which to file an election protest or quo warranto proceedings [Sec. 248, BP 881, Amended].

ARTICLE X. ELECTION CONTESTS

SEC. 298. Election contests. - The term "election contests," when used in this Code, refers to election protest and quo warranto proceedings [New].

SEC. 299. Election protests. - A sworn petition contesting the election of any elective official shall be filed by any candidate who has duly filed a certificate of candidacy and been voted for the same office.

SEC. 300. Petition for quo warranto. - A sworn petition contesting the election of any elective official on the ground of ineligibility or disloyalty to the Republic of the Philippines shall be filed by any voter [Sec. 253, BP 881].

SEC. 301. Jurisdiction over election contests. - Jurisdiction over contests relating to the elections, returns and qualifications of elective officials shall be vested in the following:

(1) Presidential Electoral Tribunal - over contests involving the President and Vice-President;

(2) Senate Electoral Tribunal - over contests involving Members of the Senate;

(3) House of Representatives Electoral Tribunal - over contests involving Members of the House of Representatives;

(4) Commission on Elections - over contests involving regional, provincial and city officials;

(5) Courts of general jurisdiction - over contests involving municipal officials; and

(6) Courts of limited jurisdiction - over contests involving barangay officials [Const.].

SEC. 302. Jurisdiction of the Commission. - The Commission shall exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or elective barangay officials decided by trial courts of limited jurisdiction [Sec. 2(2), Art. IX(C), Const.]

SEC. 303. Period to file election contests. - A verified petition for election contest shall be filed as follows:

(1) For regional, provincial, city or municipal offices - within ten (10) days from proclamation of the results of the election [Secs. 250 and 251, BP 881];

(2) For barangay offices - within five (5) days from proclamation of the results of the election [Sec. 252, BP 881, Amended].

SEC. 304. Hearings of election contests on municipal or barangay offices. - The hearing on election contests in courts of general jurisdiction shall be completed within thirty (30) days

from the date of filing of the petition. The court shall decide the case within thirty (30) days from the date it is submitted for decision, but in every case within six (6) months after its filing [New].

The hearing on election contest in courts of limited jurisdiction shall be completed within ten (10) days from the filing of the petition. The trial court shall decide the election protest within five (5) days from the date it is submitted for decision but in every case within thirty (30) days after the filing thereof [New].

SEC. 305. Procedure in election contests. - The Commission shall prescribe the rules to govern the procedure and other matters relating to the election contest pertaining to all regional, provincial, city, municipal and barangay offices. Such rules shall provide a simple and inexpensive procedure for the expeditious disposition of election contests and be published in at least two (2) newspapers of general circulation [Sec. 254, BP 881, Amended].

SEC. 306. Judicial counting of votes. - Where allegations in a protest or counter-protest so warrant, or whenever in the opinion of the Commission and the court, the interest of justice so requires, it shall immediately order that the ballot boxes containing the ballots and their keys or other documents used in the election be brought before it and that the ballots be examined and the votes recounted [Sec. 255, BP 881].

SEC. 307. Declaration of winner in quo warranto cases. - In quo warranto proceedings, if the winning candidate is disqualified on the ground of ineligibility or disloyalty, the Commission or the court, as the case may be, shall declare as elected the candidate for the same position who obtained the second highest number of votes [New].

SEC. 308. Decision on election contest. - The party who has been declared elected shall have the right to assume office upon finality of judgment.

In case the Commission or the court finds that the protestant, protestee, or intervenor shall have an equal or highest number of votes, it shall order the drawing of lots by those who have tied and proclaim as elected the party who may have been favored by luck. The party so proclaimed shall have the right to assume office as if he had been elected by plurality vote [Sec. 224, 1971 EC, Amended].

SEC. 309. Appeals. - Appeals from any decision rendered by courts of general and limited jurisdiction in election contests shall be filed by the aggrieved party with the Commission within five (5) days from the promulgation of the decision or receipt of a copy thereof.

No motion for reconsideration shall be entertained by the court. The appeal shall be decided within sixty (60) days after the case has been submitted for decision, but not later than six (6) months from the filing of the appeal [Sec. 256, BP 881, Amended; Sec. 22, RA 7166].

Notwithstanding the provisions of the Rules of Court, execution of judgment pending appeal shall not apply to election cases [New].

SEC. 310. Decisions of the Commission. - The Commission shall decide all election cases brought before it within sixty (60) days from the date of their submission for decision. The decision of the Commission shall become final thirty (30) days after promulgation or receipt of judgment [Sec. 257, BP 881].

Decisions, final orders, or rulings of the Commission on election contests involving elective municipal and barangay offices shall be final, executory and not appealable [Sec. 2 (2),

Art. IX(C), Const.].

SEC. 311. Preferential disposition of election contests in courts. - The courts shall give preference to election contests over all other cases, except those of habeas corpus [Sec. 258, BP 881].

SEC. 312. Actual or compensatory damages. - Actual or compensatory damages may be granted in election contests in accordance with law [Sec. 259, BP 881].

SEC. 313. Notice of decisions. - The clerk of court or the corresponding official in the Commission shall immediately notify the Department of the Interior and Local Government of the final disposition of the election contest. If the decision be that none of the parties has been legally elected, said official shall certify such decision to the President of the Philippines and to the Commission [Sec. 260, BP 881].

ARTICLE XI. ELECTION OFFENSES

SEC. 314. Prohibited acts. - The following shall be guilty of an election offense:

(1) Vote buying and vote selling -

(a) Any person who gives, offers, or promises money or anything of value, employment, franchise, or grant, or makes or offers to make an expenditure, directly or indirectly, to any person or group of persons in order to induce anyone to vote for or against any candidate or withhold his vote in the election or to vote for or against the nomination of any aspirant in a convention or similar selection process of a political party.

(b) Any person, association, corporation, group, or

community that solicits or receives, directly or indirectly, any expenditure or promise of employment for any of the foregoing considerations [Sec. 261 (a) and (b), BP 881].

The filing of a complaint under the foregoing paragraphs supported by affidavits of complaining witnesses attesting to the offer or promise by or to the voter's acceptance of money or other consideration from the relatives, leaders, or sympathizers of a candidate, shall be sufficient basis for an investigation to be immediately conducted by the Commission, directly or through its duly-authorized legal officers.

The giver, offeror, promissor, as well as the solicitor, acceptor, and recipient shall be liable as principals. Any person otherwise guilty under the foregoing paragraphs who voluntarily gives information and willingly testifies on any violation thereof in any official investigation or proceeding shall be exempt from prosecution and punishment for the offenses with reference to which his information and testimony were given: Provided, That nothing herein shall exempt such person from criminal prosecution for perjury or false testimony [Sec. 28, RA 6646, Amended].

(2) Wagering upon result of election - Any person who bets or wagers upon the outcome of, or any contingency connected with an election. Any money or thing of value put as such bet or wager shall be forfeited in favor of the government.

(3) Coercion of subordinates - Any person exercising or occupying a position of authority, in whatever capacity, whether public or private, who in any manner:

(a) Coerces, intimidates, compels any of his subordinates to aid, campaign, or vote for or against any candidate or any aspirant for nomination as candi-

date.

(b) Dismisses or threatens to dismiss, punishes or threatens to punish any of his subordinates for disobeying or not complying with any of his orders to aid, campaign or vote for or against any candidate, or any aspirant for nomination as candidate. Any employee, laborer or tenant so dismissed or ejected shall be reinstated and the salary or wage of the employee or laborer, or the share of the harvest of the tenants shall be restored to the aggrieved party upon application to the proper court.

(4) Threats, intimidation, terrorism, or use of fraudulent scheme - Any person who, in any manner threatens, intimidates, or inflicts injury or damage, upon any person, his honor or property, or uses any fraudulent scheme to induce or prevent the registration of any voter, or the participation in or desistance from any campaign, or the casting of or omission to vote.

(5) Coercion of election officials and employees. - Any person who, in any manner, harasses, threatens, intimidates, terrorizes or coerces or employs violence upon any official or employee or deputy of the Commission in the performance of his election duties [New].

(6) Appointment of new employees, creation of new position, promotion, or giving salary increases - During the period of forty-five (45) days before a regular election and thirty (30) days before a special election:

(a) Any appointing authority of a government office, agency or instrumentality, including government-owned or -controlled corporations, who appoints or hires any new employee, whether permanent, provisional, temporary or casual, or creates and fills any new position,

except upon prior authority of the Commission. The Commission shall not grant the authority sought unless it is satisfied that the position to be filled is essential to the proper functioning of the office or agency concerned, and is not intended to influence the election.

However, a new employee may be appointed in case of urgent need: Provided, That notice is given to the Commission within three (3) days from the date of appointment. Any appointment or hiring in violation of this provision shall be null and void.

(b) Any government official who promotes or gives any increase of salary or remuneration or privilege to any government official or employee, including those in government-owned or -controlled corporations.

(7) Transfer of officers and employees in the civil service - Any public official who makes or causes any transfer, detail, or reassignment of any officer or employee in the civil service, including public school teachers, within the election period, except upon prior approval of the Commission.

(8) Intervention of public officers and employees - Any officer or employee in the civil service, except those holding political offices, such as Cabinet members and elective officials; any officer, employee, or member of the Armed Forces of the Philippines, or any police force, special forces, home defense forces, barangay tanod units and all other para-military units who, directly or indirectly, intervenes in any election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer.

(9) Premature campaigning - Any person or group of persons engaging in an election campaign or partisan political

activity outside the campaign period [Sec. 80, BP 881].

(10) Appointment or use of special policemen, special agents, confidential agents, or the like - During the election period, any appointing authority who appoints or any person who utilizes the services of special policemen, special agents, confidential agents or persons performing similar functions; those previously appointed as such who continue acting in the same capacity, or those who fail to turn over their firearms, uniforms, insignias and other badges of authority to the proper officer who issued the same.

At the start of the aforementioned period, the heads of local government units or any appointing authority shall submit to the Commission a complete list of all special policemen, special agents, confidential agents or persons performing similar functions employed in their respective political subdivisions, with such particulars as the Commission may require.

(11) Illegal release of prisoners before and after election - The Director of the Bureau of Prisons, any provincial warden, keeper of the jail, or person required by law to keep prisoners in their custody who illegally orders or allows any such prisoners to leave the jail premises during the election period.

The above-enumerated persons required by law to keep prisoners in their custody shall post in three (3) conspicuous public places in the city or municipality a list of prisoners or detainees under their care. Detainees must be categorized as such.

(12) Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign - Any person who uses under any guise whatsoever, directly or indirectly, for election campaign or partisan political activity:

(a) Public funds or money deposited with, or held in

trust by, public financing institutions or by government offices, banks, or agencies;

(b) Any printing press, newspaper, news agency, radio, or television station or audio-visual equipment operated or sequestered by the Government or by its divisions, subdivisions, agencies or instrumentalities, including government-owned or -controlled corporations; or

(c) Any equipment, vehicle, facility, apparatus, or paraphernalia owned by the government or by its political subdivisions, agencies including government-owned or -controlled corporations.

(13) Deadly weapons - Any person who carries any deadly weapon in the polling place or canvassing center and within a radius of one hundred (100) meters thereof during the voting, counting of votes or canvassing of the election returns.

(14) Carrying firearms outside residence or place of business - Any person who, although possessing a permit to carry firearms, mission orders or other similar documents, carries firearms outside his residence or place of business during the election period, unless authorized in writing by the Commission. A motor vehicle, water or air craft shall not be considered a residence or place of business or extension thereof.

(15) Bearing or transporting firearms, ammunitions, or explosives - Any person who, during the election period bears or transports firearms, ammunitions, or explosives or air gun in public places, including any building, street, park, private vehicle, or public conveyance, even if licensed to possess or carry the same, unless authorized in writing by the Commission.

The issuance of firearms and explosives licenses shall be suspended during the election period.

Only regular members or officers of the Philippine National Police, the Armed Forces of the Philippines and other law enforcement agencies of the Government who are deputized in writing by the Commission for election duty may be authorized to carry and possess firearms during the election period: Provided, That, when in the possession of firearms, the deputized law enforcement officer must be:

(a) In full uniform showing clearly and legibly his name, rank and serial number which shall remain visible at all times; and

(b) In the actual performance of his election duty in the specific area designated by the Commission [Sec. 32, RA 7166].

(16) Use of armored land, water or air craft - Any person who uses during the election period, any armored land, water or air craft, with temporary or permanent equipment, or any other device or contraption for the mounting or installation of cannons, machine guns and other similar high-caliber firearms, including military-type tanks, half trucks, scout trucks, armored trucks: Provided, That banking or financial institutions and business firms may use armored vehicles exclusively for transporting cash, gold bullion or other valuables in connection with their business to and from their place of business, upon previous authority of the Commission [Sec. 261(r), BP 881].

(17) Wearing of uniforms and bearing arms - During the election period, any member of security or police organization of government agencies, including government- owned or -controlled corporations, or privately-owned or -operated security or investigative agencies who wears his uniform or uses his insignia, decorations or regalia, or bears arms outside his place of work. This prohibition shall not apply when said member is in pursuit

of a person who has committed or is committing a crime in the premises he is guarding; or when escorting or providing security for the transport of payrolls, deposits, or other valuables; or when guarding private residences, buildings or offices: Provided, That in the last case, prior written approval of the Commission shall be obtained.

During the election period, whenever the Commission finds it necessary for the promotion of free, orderly, honest, peaceful and credible elections in a specific area, it shall confiscate or order the confiscation of firearms of any member of the Armed Forces of the Philippines, police forces, Civil Armed Forces Geographical Units (CAFGUs) and all other para-military units or any member or members of privately-owned or -operated security or investigative agencies performing identical or similar functions.

(18) Security personnel and bodyguards - During the election period, no candidate for public office, including incumbent public officers seeking election to any public office, shall employ, avail himself of, or engage the services of security personnel or bodyguards, whether or not such bodyguards are regular members or officers of the Philippine National Police, the Armed Forces of the Philippines, or other law enforcement agency of the Government: Provided, That when circumstances warrant, including but not limited to threats to life and security of a candidate, he may be assigned by the Commission, upon due application, regular members of the Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency who shall provide him security for the duration of the election period. The officers assigned for security duty to a candidate shall be subject to the same requirement as to wearing of uniforms prescribed herein, unless exempted in writing by the Commission.

If at any time during the election period, the ground for which the authority to engage the services of security personnel has been granted shall cease to exist or, for any other valid cause, the Commission shall revoke the said authority [Sec. 33, RA 7166].

(19) Organization or maintenance of reaction forces, strike forces, or other similar forces - Any person who organizes or maintains a reaction force, strike force or similar force during the election period. The heads of such forces shall, not later than ninety (90) days before the election, submit to the Commission a complete list of all members thereof with such particulars as the Commission may require.

(20) Prohibition against release, disbursement or expenditure of public funds - Any public official or employee, including barangay officials and those of government-owned and -controlled corporations and their subsidiaries, who, within forty-five (45) days before a regular election and thirty (30) days before a special election, releases, disburses, or expends any public funds for:

(a) Any and all kinds of public works, except the following:

i. Maintenance of existing and/or completed public works project: Provided, That no more than the average number of laborers or employees already employed therein during the six-month period immediately prior to the beginning of the forty-five (45) day period before election day shall be permitted to work during such time. No additional laborers shall be employed for maintenance work within the said period of forty-five (45) days;

ii. Work undertaken by contract either through

public bidding held, or by negotiated contract awarded, prior to the forty-five (45) day period before election. Work undertaken under the so-called "takay" or "paquiao" system shall not be considered as work by contract;

iii. Payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates and other procedures preparatory to actual construction, including the purchase of materials and equipment, and all incidental expenses for work undertaken before the beginning of such period: Provided, That the number of laborers hired when the project or projects were commenced shall not be increased; and

iv. Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.

No payment shall be made within five (5) days before the date of election to laborers who have rendered services in projects or works except those falling under subparagraphs (i), (ii), (iii) and (iv) hereof.

This prohibition shall not apply to ongoing public works projects commenced before the campaign period or similar projects under foreign agreements. For purposes of this provision, it shall be the duty of the government officials or agencies concerned to report to the Commission the list of all such projects being undertaken by them.

(b) The Department of Social Welfare and Development and any other office in other departments of the government performing functions similar to said department except for salaries of personnel, other

routine and normal expenses, and such other expenses as the Commission may authorize after due notice and hearing. Should a calamity or disaster occur, all releases normally or usually coursed through the said department and offices of other department shall be turned over to, and administered and disbursed by, the Philippine National Red Cross, subject to the supervision of the Commission on Audit or its representatives.

No candidate or his or her spouse or member of his family within the second civil degree of affinity or consanguinity shall participate, directly or indirectly, in the distribution of any relief or other goods to the victims of calamity or disaster.

(21) Prohibition against construction of public works, delivery of materials for public works and issuance of treasury warrants and similar instruments - Within forty-five (45) days preceding a regular election and thirty (30) days before a special election, any person who:

(a) Undertakes the construction of any public works;

(b) Issues, uses, or avails of treasury warrants or instruments undertaking future delivery of money, goods, or other things of value chargeable against public funds.

(22) Suspension of elective local officials - During the election period, any public official who suspends, without prior approval of the Commission, any elective provincial, city, municipal, or barangay officer or president of the sangguniang kabataan unless said suspension will be for purposes of applying the Anti-Graft and Corrupt Practices Act.

(23) Any person who, for the purpose of manipulating the

electoral process, in any manner gains access to or uses, modifies, destroys, discloses, or causes access to and use, or modification, destruction or disclosure of any computer data, program, system software, network, or any computer-related devices, facilities, hardware or equipment, whether classified or declassified, and regardless of whether or not such access, use, modification, destruction or disclosure changes the results of the election or interrupts or impairs the electoral processes [New].

(24) **On Registration of Voters.**

(a) Any person who knowingly makes any false or untruthful statement relative to any of the data or information required in his voter's registration record.

(b) Any person who deliberately imprints or causes or allows the imprinting of blurred or indistinct fingerprints on any of the copies of the voter's registration record or any person who tampers with the fingerprints in said registration records.

(c) Members of the election registration board who approve any application which on its face shows that the applicant does not have the qualifications, or who disapprove any application without cause.

(d) Any registered voter who registers anew without filing an application for cancellation of his previous registration.

(e) Any person who registers in substitution for another, with or without the latter's knowledge or consent.

(f) Any person who tampers with or changes without authority any data or entry in any voter's registration record.

(g) Any person who delays, hinders or obstructs another from registering.

(h) Any person who falsely certifies or identifies another as a bona fide resident of a particular place or locality for the purpose of securing the latter's registration as a voter.

(i) Any person who uses the voter's identification card of another for the purpose of voting, whether or not he actually succeeds in voting.

(j) Any person who places, inserts, or otherwise includes, as approved application for registration in the book of voters or in the provincial or national central files of registered voters, the application of any fictitious voter or any application that has not been approved; or removes therefrom any voter's registration record except upon lawful order of the Commission or of a competent court or after proper cancellation.

(k) Any person who transfers or causes the transfer of the registration record of a voter to the book of voters of another precinct, unless said transfer was due to a change of address of the voter and the voter was duly notified of his new precinct and polling place.

(l) Any person who asks, demands, takes, accepts, or possesses, directly or indirectly, the voter's identification card of another, in order to induce the latter to withhold his vote, or to vote for or against any candidate or any issue.

(m) Any person who delivers, hands over, entrusts, gives, directly or indirectly his voter's identifica-

tion card to another in consideration of money or other benefit or promise thereof, or takes or accepts such document directly or indirectly for the same consideration.

(n) Any person who in any manner alters, tears, defaces, removes, destroys or tampers with any certified list of voters.

(o) Any person who takes, carries, or possesses any blank or unused application for registration already issued to a city or municipality, except when directed by the Commission.

(25) **On Voting:**

(a) Any person who votes more than once in the same election, plebiscite, recall, or referendum or who, not being a registered voter, votes in such political exercise.

(b) Any person who votes in substitution for another.

(c) Any person who, not being illiterate or physically disabled, allows his ballot to be prepared by another, or any person who prepares the ballot of another who is not illiterate or physically disabled.

(d) Any person who avails himself of any means or scheme to discover the contents of the ballot of a voter.

(e) Any voter who uses a ballot other than the one given by the board of election inspectors or has in his possession more than one (1) official ballot.

(f) Any person who places under arrest or detains a voter without lawful cause, or harasses him in such a manner as to obstruct or prevent him from going to the polling place to cast his votes or from returning home

after casting his votes or to compel him to reveal how he voted.

(g) Any member of the board of election inspectors charged with the duty of reading the ballot during the counting of the votes who deliberately omits to read the votes duly written on the ballot or misreads the vote actually written thereon or reads the name of a candidate where no name is written on the ballot.

(h) Any member of the board of election inspectors charged with the duty of tallying the votes in the tally papers, election returns or other prescribed form who deliberately fails to record a vote therein or records a vote where no such vote has been read.

(i) Any member of the board of election inspectors who has made possible the casting of more votes than there are registered voters.

(j) Any person who, for the purpose of disrupting or obstructing the election process or causing confusion among the voters, propagates false and alarming reports or information, or transmits or circulates false orders, directives, or messages regarding any matter relating to the printing of official ballots, the postponement of the election, the transfer of polling place, eligibility, or withdrawal of candidates or the general conduct of the election.

(k) Any person who, without legal authority, destroys, substitutes, or takes away from the possession of those having legal custody thereof, or from the place where they are legally deposited, election forms, documents, or ballot boxes which contain official ballots or other documents used in any election,

plebiscite, recall, or referendum.

(l) Any person having legal custody of the ballot box containing the official ballots used in the election who opens or destroys said box or removes or destroys its contents without any, or against the, order of the Commission or who, through his negligence, enables any person to commit any of the aforementioned acts, or takes away said ballot box from his custody.

(m) Any member of the board of election inspectors who knowingly uses ballots other than the official ballots.

(n) Any member of the board of election inspectors who refuses to issue the certificate of votes to watchers requesting the same [Sec. 27(a), RA 6646].

(o) Any public official who neglects or fails to preserve or account for any ballot box, documents and forms received by him and kept under his custody.

(p) Any person who assisted an illiterate or disabled voter in preparing his ballot and who reveals the contents thereof.

(q) Any person who, without authority, transfers the location of a polling place.

(r) Any person who removes, tears, defaces, or destroys any certified list of candidates posted inside the voting booths during the voting hours.

(s) Any person who delays through force, violence, coercion, intimidation, or by any means the transmittal of the election returns or who takes away, absconds with, destroys, defaces, mutilates, or substitutes the election returns, its envelope, or the ballot box containing the election returns, or who

violates the right of the watchers.

(t) Any person who holds or causes the holding of an election on any other day than that fixed by law or by the Commission, or stops an election being legally held.

(u) Any person who deliberately blurs or causes the blurring of fingerprints or thumbmarks in the voting record.

(26) **On Canvassing:**

(a) Any chairman of the board of canvassers who fails to give notice of the date, time and place of the initial meeting of said board to the candidates, political parties and members of the board.

(b) Any member of the board feigning illness in order to be substituted [Sec. 224, BP 881].

(c) Any board of canvassers which proceeds with the canvassing of voters and/or proclamation of any candidate that was suspended or annulled by the Commission.

(d) Any member of the board of canvassers who proceeds with the canvass of votes and/or proclamation of any candidate in the absence of quorum or notice.

(e) Any member of the board who fails to note specifically in the minutes of the proceedings of the board objections to the election returns or certificate of canvass presented before it.

(f) Any member of the board who, without authority of the Commission, uses in the canvass of votes of any candidate any document other than the official copy of the election returns or certificate of canvass.

(g) Any board of canvassers which, without authority

from the Commission, proclaims any candidate as winner although there are still contested election returns or certificates of canvass, unless the votes involved will not affect the results of the elections.

(h) Any officer or member of the Armed Forces of the Philippines, the Philippine National Police or any peace officer or armed person belonging to any police agency, special forces, reaction forces, strike forces, Civil Armed Forces Geographical Units (CAFGUs), barangay tanod units, or other similar forces or para-military forces, including security guards, special policemen, and all other armed or unarmed extra-legal police officers, who enters the room where the canvassing of the election returns or certificates of canvass is being held by the board of canvassers and within a radius of fifty (50) meters from such room. The board may, by majority vote, make a call in writing for the detail of policemen or peace officer for their protection or that of the election documents and paraphernalia in the possession of the board, or for the maintenance of peace and order, in which case said policemen or peace officers, who shall be in proper uniform, shall stay outside the room but near enough to be easily called by the board at any time [Sec. 232, BP 881].

(i) Any person who, under the influence of liquor or prohibited drugs, enters a canvassing room during the canvassing of election returns or certificates of canvass [New].

(27) **Common to all board of election inspectors and board of canvassers:**

(a) Any member of the board of election inspectors or board of canvassers who deliberately absents himself from board meetings to obstruct or delay the performance of its duties or functions.

(b) Any member who, without justifiable reason, refuses to sign and certify any election form prescribed by the Commission.

(c) Any person who, being ineligible for appointment as member of the board accepts an appointment thereto, assumes office, and actually serves as member; or any public officer or person acting in his behalf who appoints such ineligible person knowing him to be such.

(d) Any person who, in the presence or within the hearing range of either board, interrupts or disrupts its work or proceedings to prevent said board from performing its functions.

(e) Any member of the board who increases, decreases, or otherwise tampers with the votes received by a candidate; or who refuses, after proper verification and hearing, to credit the correct votes or deduct such tampered votes [Sec. 27(b), RA 6646].

(f) Any public official or person acting in his behalf who relieves or changes or causes the change of the assignment of any member without authority of the Commission.

(28) **On Candidacy and Campaign:**

(a) Any political party which holds political conventions or meetings to nominate its official candidates earlier than the period fixed in this Code.

(b) Any person who abstracts, destroys or cancels any

certificate of candidacy duly filed and which has not been cancelled by the Commission.

(c) Any person who on election day submits to the board of election inspectors any false or spurious certificate of candidacy.

(d) Any person who, being authorized to receive certificates of candidacy, receives the same outside the prescribed period and makes it appear that it was filed on time; or any person who, by means of fraud, threat, intimidation, terrorism, or coercion, causes or compels the performance of said act.

(e) Any person who, by any device or means, jams, obstructs, or interferes with a radio or television broadcast or any political program authorized by the Commission.

(f) Any person declared a nuisance candidate or otherwise disqualified by final and executory judgment, who continues to misrepresent himself as a candidate; any public officer or private individual who knowingly induces or abets such misrepresentation [Sec. 27(f), RA 6646].

(g) Any person who solicits, votes or undertakes any propaganda, on the day of election, for or against any candidate or any political party.

(h) Any person who undertakes an election campaign or partisan political activity outside of the campaign period.

No person shall be arrested and/or detained at any time for any act committed during and in connection with an election which tends to support or oppose any candidate or political party, except upon a

warrant of arrest issued by competent court.

(29) **Other Prohibitions:**

(a) Any person who sells, furnishes, offers, buys, serves or takes intoxicating liquor on the day before or on election day: Provided, That hotels and other establishments duly certified by the Department of Tourism as tourist-oriented and habitually engaged in the business of catering to foreign tourists may be exempted upon prior authority of the Commission: Provided, further, That foreign tourists taking intoxicating liquor in said authorized hotels or establishments are exempted from this prohibition.

(b) Any person who, without authority, prints or causes the printing of any ballot, election returns, or certificates of canvass as official ballot, election returns, or certificate of canvass, or who distributes or causes the distribution thereof whether or not it is actually used.

(c) Any person who opens in any polling place or within a radius of thirty (30) meters thereof on election day and during the counting of votes, booths or stalls of any kind for the sale, dispensing or display of wares, merchandise, or refreshments, or for any other purposes.

(d) Any person who holds on election day, fairs, cockfights, boxing, horse races, jai-alai, or any other similar sports.

(e) Any person who operates a radio or television station who, without justifiable cause, discriminates against any candidate or political party in his station's programming or coverage of election related-

events. In addition to the penalty prescribed herein, such refusal shall constitute a ground for cancellation or revocation of the franchise [Sec. 261, BP 881].

(f) Any person who violates any orders, resolutions or rules and regulations promulgated by the Commission [New].

SEC. 315. Other election offenses. - Violation of the provisions, or pertinent portions, of the following sections of this Code shall constitute election offenses: Sections 9, 10, 11, 92, 113, 116, 127, 128, 129, 130, 131, 132, 133, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 160, 164, 167, 168, 169, 170, 171, 173, 181, 187, 189, 191, 202, 205, 208, 209, 210, 218, 227, 228, 229, 233, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 265, 266, 268, 269, 270, 271, 274, 275, 276, 277, 278, 279, 286.

SEC. 316. Persons criminally liable. - The principals, accomplices and accessories, as defined in the Revised Penal Code, shall be criminally liable for election offenses. If the one responsible be a political party or an entity, its president or head, the officials and employees of the same performing duties connected with the offense committed and its members who may be principals, accomplices, or accessories, shall be liable, in addition to the liability of such party or entity [Sec. 263, BP 881].

SEC. 317. Penalties. - Any person found guilty of any election offense under this Code shall be punished with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to

hold public office and deprivation of the right of suffrage. If he is a foreigner, he shall be sentenced to deportation which shall be enforced after the prison term has been served. Any political party found guilty shall be sentenced to pay a fine of not less than one hundred thousand (P100,000) pesos, which shall be imposed upon such party after criminal action has been instituted in which their corresponding officials have been found guilty.

In the case of a prisoner illegally released from any penitentiary or jail during the election period, the Director of Prisons, provincial warden, keeper of the jail, or prison or persons required by law to keep said prisoner in their custody shall, if convicted by a competent court, be sentenced to suffer the penalty of prision mayor in its maximum period if the prisoner so illegally released commits any act of intimidation, terrorism or interference in the election.

In addition to the penalties prescribed herein, violations of Sections 9, 10 and 11 hereof shall constitute a ground for cancellation or revocation of certificate of public convenience or franchise.

SEC. 318. Prosecution. - The Commission shall have, through its duly-authorized legal officers, exclusive power to conduct preliminary investigation of all election offenses punishable under this Code, and to prosecute the same. The Commission may avail of the assistance of other prosecuting arms of the government.

SEC. 319. Prescription. - Election offenses shall prescribe after five (5) years from the date of their commission. If the discovery of the offense be made in election contest proceedings, the period of prescription shall commence on the date on which the judgment in such proceedings becomes final and executory

[Sec. 267, BP 881].

The filing of a complaint with the Commission stops the running of the prescriptive period of the election offense [New].

SEC. 320. Jurisdiction of courts. - The regional trial court shall have exclusive original jurisdiction to try and decide any criminal action or proceedings for violation of this Code. Appeals will lie as in other criminal cases [Sec. 268, BP 881].

SEC. 321. Preferential disposition of election offenses. - The investigation and prosecution of cases involving violation of election laws shall be given preference and priority by the Commission and prosecuting officials. Their investigation shall be commenced without delay, and shall be resolved by the investigating officer within five (5) days from its submission for resolution. The courts shall likewise give preference to election offenses over all other cases, except petitions for writ of habeas corpus. Their trial shall likewise be commenced without delay, and shall be conducted continuously until terminated, and the case shall be decided within thirty (30) days from its submission for decision [Sec. 269, BP 881].

ARTICLE XII. LEGAL FEES

SEC. 322. Collection of legal fees. - The Commission is hereby authorized to determine and collect reasonable fees in connection with official transactions in the Commission.

SEC. 323. Payment of fees. - The fees referred to in the preceding section shall be paid to the cashier of the Commission who shall, in all cases, issue a receipt for the same and enter the amount received upon his book, specifying the date when received, the fee, and the person from whom received. The cashier

shall immediately report such payment to the Commission [Sec. 271, BP 881].

SEC. 324. Non-payment of prescribed fees. - If the prescribed fees are not paid, the Commission may refuse to take action thereon until they are paid [New].

SEC. 325. Special or trust fund. - All accruing fees, receipts and revenues received by the Commission shall be considered as a Special Trust Fund and shall be deposited in any of the authorized depository banks of the Commission to be made available for any function, project and activity of the Commission pursuant to its fiscal autonomy [New].

ARTICLE XIII. TRANSITORY PROVISIONS

SEC. 326. Pending actions. - Pending actions and causes of action arising before the effectivity of this Code shall be governed by the laws then in force [Sec. 272, BP 881].

SEC. 327. Continuing system of registration; When effected. - For purposes of the 1995 and succeeding elections, the continuing system of registration shall be effected immediately after the 1994 barangay elections [New].

ARTICLE XIV. FINAL PROVISIONS

SEC. 328. Sharing in election expenses. - All expenses for the conduct of elections shall be shared by the national, provincial, city, or municipal governments for which the election as held in such manner as the Commission shall prescribe. For this purpose, the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan concerned shall appropriate annually an amount equivalent to one-third (1/3) of the amount spent by their re-

spective provinces, cities, or municipalities in the last election as a continuing appropriation to cover their respective shares of the expenses in the next regular elections [Sec. 20(a), RA 6388, Amended].

SEC. 329. Separability clause. - If, for any reason, any section or provision of this Code, or any portion thereof or the application of such section, provision or portion to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Code or the application of such section, provision or portion thereof to other persons, groups, or circumstances shall not be affected by such declaration [Sec. 281, BP 881].

SEC. 330. Repealing clause. - Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code, is hereby repealed. All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Code are hereby repealed [Sec. 282, BP 881, Amended].

SEC. 331. Effectivity. - This Code shall take effect upon its approval.

9th Congress of the Philippines)
Second Regular Session)

SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
DATE: SEP 07 1993
TIME: 8:50 am BY: calvy

S E N A T E

S. NO. 1429

Introduced by Senator Maceda

EXPLANATORY NOTE

Apart from the Omnibus Election Code, otherwise known as Batas Pambansa Blg. 881, the law on Philippine elections is contained in more than 10 separate election laws and related legislations, including the Local Government Code of 1991 (Republic Act No. 7160). This proposed election code, to be known as the "1993 Election Code of the Philippines," consolidates all election laws currently in force into one code, incorporates, where applicable, jurisprudence on election cases and several pending bills in Congress, and implements constitutional provisions applicable to elections.

This proposed code provides for political situations and realities not foreseen by the framers of our old election laws, and eliminates so-called "dead-letter" provisions of the present election code, especially on election offenses, which have proved unrealistic or difficult to enforce. On the other hand, it gives more teeth to the prosecutory powers of the Commission on Elections. These changes have resulted in a tighter but more comprehensive, realistic and less punitive election code.

The bill would empower the Commission on Elections to modernize the electoral process, specifically existing procedures for registration, voting, counting and canvassing, which rely heavily on manual systems and human discretion that often lend themselves to delay, error, or fraud and aggravate post-election tensions.

Assistance from the Commission on Elections and members of respective Committees on Suffrage and Electoral Reforms of the Senate and House of Representatives, as well as from executive departments such as the Departments of Justice, Foreign Affairs, and Labor and Employment, in particular the Overseas Workers' Welfare Administration, were instrumentals in the drafting of the Code. The Commission also conducted consultations with its field officers and with the Congress for Electoral Reforms (CER), a body composed of the five main citizens' arms of the Commission in the May, 1992 elections.

Among the major reforms of the proposed code and the rationale for the introduction of new provisions or amendment of existing ones are indicated hereinbelow in their order of importance.

1. <u>Continuing system of registration of voters</u> (Sec. 154). Unlike in the current procedure where registration is conducted on specific dates, registration under the continuing system shall be conducted daily. The list of applicants for registration shall

be posted, and hearings with notice to parties conducted before the applications are acted upon by the election registration board.

This procedure is an amendment of BP 881, taken from Sec. 79 of the 1978 Election Code, aimed at eliminating the existence of padded or falsified lists of voters which result in voting by fake or illegal voters.

2. Prohibition on political dynasty (Sec. 116). This Section prohibits political dynasties or the simultaneous or successive candidacies of persons related within the third civil degree of consanguinity or affinity.

This is a new provision aimed at eliminating the concentration of political power in one family or clan.

3. Improvement of procedures in pre-proclamation controversies (Article IX-Secs. 287 to 297). Among the improvements of the procedure are the reduction of the period within which to rule on objections, and that for disposal of appeals.

This article is a modification of the present procedure aimed at speeding up the disposition of pre-proclamation controversies.

4. Party-list system of representation (Secs. 49 to 50). The party-list system is a mechanism of proportional representation in the House of Representatives of political parties, organization, or coalitions with national, regional or sectoral constituency.

This is a new provision aimed at eliminating inequitable representation of marginalized parties and sectoral groups in the House of Representatives.

5. Prohibition of candidacy of public official in a special election called to fill the vacancy caused by his resignation retirement, or removal (Sec. 107, par. 3). This is a new provision which responds to a situation where an elective public official runs for the same office from which he retired, resigned, or was removed for any cause.

6. Proclamation of lone candidate in non-advesarial elections (Sec. 123). When there is only one candidate, the Commission, without holding an election for the affected position, shall certify that he is the only candidate for the office involved and is thereby deemed elected.

This is a new provision designed to avoid unnecessary expenses and efforts.

7. Substitution of candidates in case of death, disqualification, or withdrawal (Sec. 121). The provision on substitution of candidates includes:

a. In case of withdrawal - not allowed.

b. In case of death - allowed with respect to independent candidates or official candidates of political parties, provided there is only one candidate remaining.

c. In case of disqualification - allowed only with respect to official candidates of political parties, provided there is only one candidate remaining.

This is a modification of Section 77 of BP 881, aimed at eliminating political horsetrading and last-minute filing of certificates of candidacy.

8. Copy of the election returns and certificate of canvass to be given to a media-base unofficial count designated by the Commission (Secs. 254 and 274). This is a reiteration of Sec. 29(b) of RA 7166, with the addition of the election returns, to give the public advance, although unofficial, results of the elections.

9. Continuing election education, including provision in school curriculum on a subject on elections (Sec. 15, par. 13). This is a new provision addressing the lack of awareness on the part of the citizenry, especially the youth, on their political rights and obligations.

10. Disqualification of Chairman, Members, officials and employees of the Commission on Elections from running for public office in the elections immediately following their retirement, resignation, cessation from office(Sec. 14). This is a new provision aimed at avoiding the use of one's office to enhance his future candidacy, especially considering that the Commission on Elections is the "referee" or "umpire" of the election process.

11. Requirment on submission by candidate, together with his certificate of candidacy, of certified true copies of his income tax returns(Sec. 111). This is a new provision to respond to the need for transparency in public service and compliance with legal obligations to government. Its inclusion was likewise recommended by the Bureau of Internal Revenue (BIR).

12. Prohibition on any candidate who withdraws his candidacy from filing a new certificate of candidacy for any office in the same election (Sec. 110). This is a new provision intended to avoid political horsetrading and last-minute filing of certificates of candidacy.

In view of the foregoing considerations, I appeal to my colleagues in the Senate to support the approval of this bill.

ERNESTO M. MACEDA
Senator

LEL:rv

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SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
DATE: SEP 07 1993
TIME: 8:50 am BY. Calor

BILL NO. 1429

AN ACT ENACTING THE ELECTION CODE OF THE PHILIPPINES

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

ARTICLE I. GENERAL PROVISIONS

SECTION 1. Title. - This Act shall be known and cited as the "1993 Election Code of the Philippines" [Sec. 1, Batas Pambansa Blg. 881].

SEC. 2. Applicability. - This Code shall govern the election of public officers, as well as plebiscites, initiatives, referenda and recalls [Sec. 2, BP 881].

The terms "election" and "elections," when used in this Code, shall refer to regular or special elections or to plebiscites, initiatives, referenda, or recalls [New].

SEC. 3. Election and campaign periods. - Unless otherwise fixed in special cases by the Commission on Elections, hereinafter referred to as the Commission, the election period shall commence ninety (90) days before the day of the election and end thirty (30) days thereafter [Sec. 9, Art. IX(C), Constitution].

The campaign period shall be as follows:

(1) For President, Vice-President and Senators - ninety (90) days [Sec. 5(a), Republic Act No. 7166];

(2) For Members of the House of Representatives and elective local officials - forty-five (45) days [Sec. 5(b), RA 7166];

(3) For barangay officials - fifteen (15) days [Sec. 3, BP 881];

(4) Plebiscites, initiatives and referenda - as provided

for by law or by the Commission [New];

The campaign period shall not include the day before and the day of the election, as well as Maundy Thursday and Good Friday [Sec. 5, RA 7166].

SEC. 4. Postponement of election. - When for any serious cause such as violence, terrorism, loss, or destruction of election paraphernalia or records, force majeure and other analogous causes of such a nature that the holding of free, orderly and honest elections should become impossible in any political subdivision, the Commission shall, motu proprio or upon a verified petition by any interested party, and after notice and hearing whereby all interested parties are afforded equal opportunity to be heard, postpone the election therein to a date reasonably close to the date of the election not held, but not later than thirty (30) days after the cessation of the cause as determined by the Commission. Should there be no sufficient time to notify all parties and to conduct a hearing before the election sought to be postponed, the Commission may hear the case summarily and deny or grant such postponement [Sec. 5, BP 881].

SEC. 5. Suspension of election. - If on account of force majeure, violence, terrorism, fraud, or other analogous causes, the election in any political subdivision has been suspended at any time before the results of the election could be announced and the suspension of election would affect the result thereof, the Commission shall, on the basis of a verified petition by any interested party and in every case after due notice and hearing, call for the continuation of the election suspended within thirty (30) days after the cessation of the cause of suspension [New].

SEC. 6. Failure of election. - If, on account of force majeure, violence, terrorism, fraud, or other analogous causes, the election in any political subdivision has not been held on

the date fixed, or has been suspended before the close of the voting or after the voting but not before or during the counting of votes or preparation or transmission of the election returns or while in the custody thereof, such election resulted in a failure to elect, and in any of such cases the failure of election would affect the result thereof, the Commission, shall, on the basis of a verified petition by any interested party and in every case after due notice and hearing, call for the holding of the election which resulted in a failure to elect within thirty (30) days after the cessation of the cause of such failure to elect [Sec. 6, BP 881].

SEC. 7. Call for special elections due to postponement, suspension, or failure of elections. - The postponement, suspension or declaration of failure of election and the calling of special elections shall be decided by a majority vote of the members of the Commission sitting en banc [Sec. 4, BP 881].

SEC. 8. Election code to be available in polling places. - A copy of this Code shall be provided and be made available by the Commission in every polling place during elections [Sec. 8, BP 881].

SEC. 9. Official mail and telegram relative to election. - All documents, telegrams and correspondence related to an election and sent by public officers in the performance of their election duties through the postal and telecommunication service shall be given priority and transmitted expeditiously and free of charge [Sec. 9, BP 881].

Telegrams, telex and facsimile (fax) transmission of the same nature shall likewise be given priority and transmitted expeditiously by private telecommunications and similar facilities [New].

It shall be the duty of the Heads of the Telecommunications

Office and of private telecommunication companies to transmit or cause the transmittal immediately, accurately and in preference to all other communications or telegrams, messages reporting election results and such other communications which the Commission may require to ensure free, honest, and orderly elections [Sec. 9, BP 881].

SEC. 10. Shipment and transport of official cargoes. - During the election period, all official cargoes such as ballot boxes, official ballots, election forms, records, supplies and paraphernalia related to elections shall be given the highest priority in the shipment, distribution and delivery by air, land and sea transportation companies, whether private, public or government-owned or -controlled.

It shall be the duty of the Secretary of the Department of Transportation and Communications, the Heads of the Civil Aeronautics Board, Land Transportation Franchise and Regulatory Board, Armed Forces of the Philippines, Philippine National Police and Philippine Coast Guard to implement and monitor such preferential status of official election cargoes [New].

SEC. 11. Transportation and mobilization of officials, employees and deputies of the Commission. - Officials, employees and deputies of the Commission shall, during the election period or pursuant to an order or directive of the Commission, or while in the performance of election duties, be given a "must-ride" status whether by air, land, or sea upon presentation of a resolution, travel order, mission order or subpoena, duly issued by the Commission, its Chairman, any Commissioner, or any of its officials of Director rank [New].

SEC. 12. Election expenses. - Unless otherwise provided by law, the Commission shall bear such expenses as may be necessary and reasonable in connection with elections. The Commission may

direct that in the provinces, cities or municipalities, the election expenses chargeable to the Commission be advanced by the province, city, or municipality concerned subject to reimbursement by the Commission upon presentation of the proper bill within ninety (90) days from the political exercise and its approval by the Commission.

Funds needed by the Commission to defray the expenses for the holding of elections shall be provided in its regular appropriations which, upon certification, shall immediately be released to the Commission. In case of deficiency, the amount so provided shall be augmented from the special activities fund in the general appropriations act and from those specifically appropriated for the purpose in special laws [Sec. 10, BP 881].

ARTICLE II. THE COMMISSION ON ELECTIONS

A. COMPOSITION

SEC. 13. The Commission. - The Commission shall be composed of a Chairman and six (6) Commissioners, who shall be appointed by the President with the consent of the Commission on Appointments [Secs. 1 and 2, Art. IX(C), Const.].

It shall act as a policy-making body and exercise administrative, quasi-judicial and judicial functions relative to all laws and regulations with respect to the conduct of elections [New].

SEC. 14. Disqualification of members of the Commission. - The members of the Commission shall be subject to the canons of judicial ethics in the discharge of their functions.

No member of the Commission shall sit in any case in which he has manifested bias for or against any party thereto and in

connection therewith, or in any case in which he would be disqualified under the Rules of Court. If it be claimed that a member is disqualified as above provided, the party objecting to his competency may file his objections in writing with the Commission, stating the grounds therefor. The member concerned shall decide whether to continue to participate in the hearing or withdraw therefrom. His decision shall forthwith be made in writing and filed with the records of the case. If a disqualification should result in a lack of quorum in the Commission sitting en banc, the Presiding Justice of the Court of Appeals shall, upon formal request of the Commission, designate a justice of said court to sit in said case for the purpose of hearing and reaching a decision thereon [Sec. 58, BP 881].

The Chairman and members of the Commission, including its officials and employees, shall not be qualified to run for any office in the election immediately succeeding their retirement, resignation, or cessation from office, except barangay elections [New].

B. POWERS AND FUNCTIONS

SEC. 15. Powers and functions. - In addition to the powers and functions conferred upon it by the Constitution, the Commission shall enforce and administer all laws and regulations relative to the conduct of an election and shall:

(1) (a) Exercise direct and immediate control and supervision over national and local officials or employees, including members of any national or local law enforcement agency and instrumentality of the government required by law or deputized by the Commission to perform election duties, including officers and employees of government-owned or -controlled corporations, rela-

tive to the conduct of elections. In addition, it may authorize CAT cadets eighteen (18) years of age and above to act as its deputies for the purpose of enforcing its orders;

(b) Relieve and substitute any officer or employee referred to in the preceding sub-paragraph, who violates the election law or fails to comply with its instructions, orders, resolutions, decisions or rulings;

(c) Recommend to the proper authority the suspension or removal from office or imposition of disciplinary action on any of such officers or employees, who may, after due process, be found guilty of such violation or failure [Sec. 52(a), BP 881];

(2) (a) Promulgate rules and regulations implementing all laws which the Commission is required to enforce and administer, including those concerning the expeditious disposition of election cases and pre-proclamation controversies: Provided, That, such rules shall not diminish, increase, or modify substantive rights;

(b) Require legal fees and collect the same in payment of any official transaction done in the Commission at rates which it may determine [Sec. 52(c), BP 881];

(3) Hear cases and by a majority vote of all its members sitting en banc or in division decide the same [New];

(4) (a) Summon the parties to a controversy pending before it, issue subpoena and subpoena duces tecum, take testimony and receive evidence in any investigation before it, and delegate, at its discretion, such powers to any of its duly-authorized legal officers [Sec. 52(d), BP 881];

(b) In case of failure of a witness to attend any hearing, and upon proof of service of subpoena, issue a warrant of arrest to ensure his presence before the Commission or its duly-authorized legal officer [Sec. 52(d), BP 881];

(5) Supervise or regulate during the election period the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges or concessions granted by the Government or any subdivision, agency or instrumentality thereof, including any government-owned or -controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity, time and space and the right to reply, including reasonable, equal rates therefor, for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, honest, peaceful and credible elections [Sec. 4, Art. IX(C), Const.];

(6) Enjoy fiscal autonomy. Its approved annual appropriations, as well as appropriations for the holding of regular and special elections and other electoral exercises, shall be automatically and regularly released, together with their corresponding cash outlays [Sec. 5, Art. IX(A), Const.];

(7) When necessary, avail of the assistance of any national or local law enforcement agency or instrumentality of the government in the execution, under its direct and immediate supervision, of its final decisions, orders, instructions, resolutions or rulings [Sec. 52(d), BP 881];

(8) Punish contempt as provided for in its Rules of Procedure and in the Rules of Court. Violation of any final executory decision, order or ruling of the Commission shall constitute contempt thereof [Sec. 52(e), BP 881];

(9) Enforce and execute its decisions, directives, orders and instructions, which shall have precedence over those emanating from any other authority, except the Supreme Court, and those issued in habeas corpus proceedings [Sec. 52(f), BP 881];

(10) Prescribe forms and printing materials for official ballots, election returns and other election paraphernalia to be used in elections, plebiscites, recalls, initiatives, referenda and other electoral exercises; and adopt new systems for registration, voting, counting and canvassing processes, including, but not limited to, the manner of voting and the steps and location for counting and canvassing, the resolution of pre-proclamation cases and electoral contests; and the use of the latest appropriate technological and/or electronic devices, either by piloting or installation by stages, taking into account the circumstances and location of the area of piloting or installation, and the funds available for the purpose: Provided, That adequate safeguards and security markings are imposed on the use of such new forms, printing materials, systems and devices: Provided, further, That the Commission shall notify the authorized representatives of accredited political parties and cause the publication thereof in at least two (2) newspapers of general circulation in the areas affected by the use and adoption of new forms, printing materials, systems, devices and safeguards not later than the start of the election period [New];

(11) Procure supplies, equipment, materials, or services for the holding of an election strictly by public bidding in accordance with the rules and regulations of the Commission on Audit. If it finds public bidding impractical to observe, procurement may be by negotiations or sealed bids, and in both cases, the list of awarded contracts shall be published in at least two (2) newspapers of general circulation. Copies of all awarded contracts shall be open for examination and verification by authorized representatives of accredited major political parties and of media [Sec. 52(h), BP 881];

(12) Carry out a continuing and systematic campaign,

through newspapers of general circulation, radio, television and other media forms, to educate the public and inform the electorate about election laws, procedures, decisions and other matters relative to the work and duties of the Commission and the necessity of free, orderly, honest, peaceful and credible elections [Sec. 52(j), BP 881];

(13) Cause the inclusion in the school curriculum of a subject on the importance and relevance of elections, in coordination with the Department of Education, Culture and Sports [New];

(14) Enlist non-partisan groups or organizations of citizens from the civic, youth, professional, educational, business, or labor sectors known for their probity, impartiality and integrity, with membership and capability to undertake a coordinated operation and activity to assist in the implementation of the provisions of this Code and the resolutions, orders and instructions of the Commission for the purpose of free, honest, orderly, peaceful and credible elections in the constituency. Such groups or organizations shall be under the direct and immediate control and supervision of the Commission and perform such functions and duties as may be prescribed by the Commission [Sec. 52(k), BP 881].

The designation of any such group or organization may be revoked by the Commission upon notice and hearing whenever it has shown partiality to any political party or candidate, or performed acts in excess or in contravention of its functions and duties [New];

(15) Conduct in the cities and provinces, upon proper motion of any party, hearings on controversies pending before it, taking into consideration the materiality and number of witnesses to be presented, the situation prevailing in the area and the

funds available for the purpose [Sec. 52(l), BP 881];

(16) Fix reasonable periods or dates for certain pre-election activities in order that voters shall not be deprived of their right of suffrage [Sec. 52(m), BP 881];

The Commission is hereby authorized to fix the appropriate period for the various prohibited acts enumerated herein consistent with the requirements of free, orderly, honest, peaceful and credible elections [Sec. 52, BP 881];

(17) Provide death benefits, hazard pay when warranted, grant incentive and merit awards to members of the boards of election inspectors, board of canvassers, deputized agencies and personnel of the Commission. Such amount as may be necessary for this purpose shall be included in the appropriations of the Commission [Sec. 37, RA 7166, Amended].

(18) Stop any illegal election activity after due notice and hearing, and summarily confiscate, tear down, or stop any unlawful, libelous, misleading, or false election propaganda [Sec. 57(2), BP 881];

(19) Examine the financial records of any candidate, political party, coalition, or organization motu proprio or upon the written representation for probable cause by any person or group of persons as to election overspending or illegal expenditure [Sec. 57(3), BP 881].

For purposes of the two (2) immediately preceding paragraphs, the Commission may avail itself of the assistance or services of the Armed Forces of the Philippines, Philippine National Police, National Bureau of Investigation, Commission on Audit, Central Monetary Authority, Bureau of Internal Revenue, Securities and Exchange Commission, Department of the Interior and Local Government and other agencies of the government [Sec. 57, BP 881].

SEC. 16. Special reliefs in election cases. - The Commission is hereby vested with exclusive authority to issue writs of certiorari, prohibition and mandamus in election cases [Sec. 150, BP 697].

C. CENTRAL AND FIELD OFFICES

SEC. 17. Central office. - The central office shall be composed of the offices of the Chairman, Commissioners, Executive Director, Department Directors, and such other offices as may be created by the Commission.

The Executive Director shall take charge of the administrative affairs of the Commission and implement its policies and decisions under the supervision of the Commission.

The Department Directors shall perform such powers and duties as may be assigned by the Commission [New].

SEC. 18. Field offices. - The Commission shall have the following field offices:

(1) Office of the Regional Election Director, headed by a Director IV;

(2) Office of the Provincial Election Supervisor, headed by a Provincial Election Supervisor; and

(3) Office of the City or Municipal Election Officer, headed by a City or Municipal Election Officer.

The field offices shall have such other officers and employees as the Commission may designate.

The Commission may delegate its powers and functions, or order the implementation or enforcement of its resolutions, orders, rulings, or decisions through the Executive Director or heads of its field offices [Sec. 53, BP 881].

SEC. 19. Qualifications of central office officials. - The

Commission shall provide its own personnel policies on the qualifications of its central office officials and employees [New].

SEC. 20. Qualifications of field officials. - Only members of the Philippine Bar shall be eligible for appointment to the positions of Director IV, Provincial Election Supervisor and Election Officer. If there are no members of the Philippine Bar available for appointment as election officer, college graduates with bachelors degree in law, public administration, arts, education, or business administration, in the order named, who possess the appropriate civil service eligibility, may be appointed to said position: Provided, That election officers of cities and capital towns shall be holders of a degree in bachelor of laws with appropriate civil service eligibility [Sec. 54, BP 881].

SEC. 21. Office and storage space. - The local government concerned shall provide suitable office and storage space for the provincial election supervisor, the election officer, and their respective staff. In case of failure of the local government concerned to provide such space, the provincial election supervisor or the election officer, as the case may be, upon prior authority of the Commission and notice to the local government concerned, may lease another place for office and charge the rentals thereof to the funds of the local government concerned [Sec. 55, BP 881].

SEC. 22. Changes in the composition and assignment of offices. - The Commission may make changes in the composition of its offices and assignment of its personnel whenever the exigencies of the service and the interest of free, orderly, honest, peaceful and credible election so require. Such changes shall be effective and enforceable only for the duration of the election period concerned and shall not affect the tenure of office of the

incumbents, or constitute a demotion, either in rank or salary, or result in change of status. During the election period, no Director IV, provincial election supervisor, or city or municipal election officer shall be assigned to or allowed to remain in his area of responsibility where he and/or his spouse is related to any candidate within the fourth civil degree of consanguinity or affinity [Sec. 56, BP 881].

SEC. 23. Reorganization. - The provisions of Section 22 notwithstanding, the Commission is hereby authorized to reorganize, no more than once every five (5) years and in accordance with civil service regulations, its central and field offices, and adjust salaries and allowances of its officials and employees, in order to promote maximum efficiency in carrying out its constitutional objective to ensure free, honest, orderly, peaceful and credible elections [Sec. 280, BP 881, Amended].

ARTICLE III. ELECTION AND OTHER PROCESSES

A. ELECTION OF PRESIDENT AND VICE-PRESIDENT

SEC. 24. Regular election for President and Vice-President. - (1) The President and Vice-President shall be elected by direct vote of the people for a term of six (6) years which shall begin at noon on the thirtieth day of June next following the day of the election and end at noon of the same date six (6) years thereafter. The President shall not be eligible for any re-election. No person who has succeeded as President and has served as such for more than four (4) years shall be qualified for election to the same office at any time;

(2) No Vice-President shall serve for more than two (2) successive terms. Voluntary renunciation of the office for any

length of time shall not be considered as interruption in the continuity of the service for the full term for which he was elected;

(3) Unless otherwise provided by law, the regular election for President and Vice-President shall be held on the second Monday of May [Sec. 4, Art. VII, Const.].

SEC. 25. Special elections for President and Vice-President. - Special elections for the offices of President and Vice-President shall be called in accordance with Sec. 10, Art. VII, of the Constitution [New].

SEC. 26. Canvass of votes for President and Vice-President by the provincial, city and district boards of canvassers. - (1) The provincial, city, or metropolitan Manila district board of canvassers, as the case may be, shall meet not later than six o'clock in the evening of election day to canvass the election returns it has already received. It shall meet continuously from day to day until the canvass is completed but may adjourn only for the purpose of awaiting the other election returns. The board shall, each time it adjourns, make a total of all the votes cast for each candidate for President and Vice-President and for other positions included in the election, duly authenticated by the signature and thumbmark of each member of the board; furnish a copy thereof to the Commission in Manila by the fastest means of communication; and make available the data contained therein to mass media and other interested parties requesting the same. Upon the completion of the canvass, the board shall prepare a certificate of canvass showing the votes received by each candidate for President and Vice-President duly authenticated by the signature and thumbmark of each member of the board. The board shall certify and transmit said certificate of canvass with supporting statement of votes by precinct to the President of the

Senate [Sec. 15, BP 881].

SEC. 27. Canvass of votes for President and Vice-President by Congress. - (1) The President of the Senate shall, in the presence of the Senate and the House of Representatives in joint public session, and not later than thirty (30) days after the day of election, open all the certificates of canvass received and canvass the votes.

(2) The person having the highest number of votes shall be proclaimed elected. In case two (2) or more shall equally have the highest number of votes, one of them shall forthwith be chosen by majority vote of all the members of both houses of Congress voting separately.

(3) Congress shall promulgate its rules for the canvassing of the certificates.

(4) The Supreme Court, sitting en banc, shall be the sole judge of all contests relating to the election, returns and qualifications of the President and Vice-President, and promulgate its rules for the purpose [Sec. 4, Art. VII, Const.].

SEC. 28. Correction of errors after transmission to Senate President. - No correction of errors in the certificate of canvass and supporting statement of votes by precinct already transmitted to the President of the Senate shall be made or allowed, except upon authority of Congress acting as the National Board of Canvassers [Sec. 17, BP 881].

SEC. 29. Determination of authenticity and due execution of certificate of canvass. - Congress shall, in determining the authenticity and due execution of the certificate of canvass for President and Vice-President as accomplished and transmitted to it by the local boards of canvassers, satisfy itself that:

(1) Each certificate of canvass was executed, signed and thumbmarked by the chairman and members of the board of canvass-

ers, and transmitted by the board to Congress;

(2) Each certificate of canvass contains the names of all the candidates for President and Vice-President and their corresponding votes in words and figures; and

(3) There exists no discrepancy in the votes of any candidate in words and figures in the same certificate [New].

SEC. 30. Incomplete or altered certificate of canvass. - When any certificate of canvass or statement of votes by precinct appears to be incomplete or bears erasures or alterations which may cast doubt as to the veracity of the number of votes stated therein and may affect the result of the election, Congress shall, for the sole purpose of verifying the actual number of votes cast for President and Vice-President, count the votes as they appear in the copies of the election returns submitted to it. In the absence thereof, the President of the Senate shall require the Commission to deliver its copy immediately to his office. If the copy of the Commission is not available, the board of canvassers concerned shall be required to transmit by personal delivery within three (3) days from receipt of notice the election returns of the precincts affected [Sec. 19, BP 881].

B. ELECTION OF MEMBERS OF CONGRESS

SEC. 31. Regular election for Members of Congress. - The regular election for Senators and for Members of the House of Representatives shall be held on the second Monday of May and every three (3) years thereafter [Sec. 8, Art. VI, Const.].

No Senator shall serve for more than two (2) consecutive terms, nor shall any member of the House of Representatives serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered

as an interruption in the continuity of service for the full term for which he was elected [Secs. 4 and 7, Art. VI, Const.].

SEC. 32. Special election. - In case a permanent vacancy shall occur in the Senate or House of Representatives at least one (1) year before the expiration of the term of office, the Commission shall secure a certificate of vacancy from the Senate or House of Representatives, as the case may be, and thereafter call a special election to fill the vacancy not earlier than sixty (60) days nor later than ninety (90) days after the final determination by the Commission of such vacancy. However, in case of such vacancy in the Senate, the special election shall be held simultaneously with the next succeeding regular election [Sec. 4, RA 7166, Amended].

SEC. 33. Term of office. - The term of office of Senators shall be six (6) years while the term of office of the Members of the House of Representatives shall be three (3) years, both of which shall begin at noon of the thirtieth day of June following their election [Secs. 4 and 7, Art. VI, Const.].

SEC. 34. Composition. - The Senate shall be composed of twenty-four (24) Senators who shall be elected at-large by the qualified voters of the Philippines [Sec. 2, Art. VI, Const.].

The House of Representatives shall be composed of not more than two hundred fifty (250) members, who shall be elected by qualified voters of the legislative districts apportioned among the provinces, cities and the metropolitan Manila area [Sec. 5 (1), Art. VI, Const.].

SEC. 35. Party-list representatives. - The party-list representatives shall constitute twenty per cent (20%) of the total number of the Members of the House of Representatives, one-half (1/2) of which shall, for three (3) consecutive terms after the ratification of the Constitution, be filled by election [Sec. 5

(2), Art. VI, Const.].

C. ELECTION OF LOCAL OFFICIALS

SEC. 36. Regular elections of local officials. - The regular elections for provincial, city and municipal officials shall be held every three (3) years on the second Monday of May [Art. 42, RA 7160].

The governor, vice-governor, city mayor and vice-mayor, and municipal mayor and vice-mayor shall be elected at large by qualified voters in their respective units [Sec. 41, RA 7160].

SEC. 37. Election of members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan by district. - The elective members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan shall be elected by district as follows:

(1) The members of the sangguniang panlalawigan, sangguniang panlungsod of the cities of Manila, Quezon, Kalookan, Cebu, Davao, and any other city with two (2) or more legislative districts, and sangguniang bayan of the municipalities in the metropolitan Manila area shall be elected by sangguniang districts as established by the Commission pursuant to Republic Act No. 7166.

(2) All other cities and municipalities not included in the immediately preceding sub-paragraph shall have the same number of elective members to their respective sangguniang panlungsod or sangguniang bayan as provided for in existing laws, who shall be elected by district. For this purpose, the Commission shall divide each city and municipality into two (2) districts by barangay, as nearly as practicable, according to the number of their respective inhabitants, each district to comprise a compact, contiguous and adjacent territory [Sec. 3, RA 7166, Amend-

ed].

No person shall be elected member of the sangguniang panlalawigan, sangguniang panlungsod or sangguniang bayan, as the case may be, unless he is an actual resident of the district of which he is a candidate (New).

SEC. 38. Highly-urbanized and component cities. - Highly-urbanized and component cities whose charters prohibit their voters from voting for provincial elective officials shall be independent of the province. Registered voters of a highly-urbanized city shall not vote in the election for provincial officials of the province in which it is located; voters of a component city shall be entitled to vote for elective provincial officials of the province of which it is a part, unless its charter provides otherwise [Sec. 12, Art. X, Const.; Sec. 3, RA 6646].

No component city shall be declared or classified as a highly-urbanized city within sixty (60) days prior to a local election.

SEC. 39. Sectoral representatives. - In addition to the regular members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan, there shall be one (1) sectoral representative each from the women, workers, and any of the following sectors: the urban poor, indigenous cultural communities, disabled persons or any other sector as may be determined by the sanggunian concerned at least ninety (90) days prior to the holding of the next regular local elections, as may be provided by law [Sec. 41(c), RA 7160].

D. ELECTION OF OFFICIALS OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO

SEC. 40. Regular elections for officials in the Autonomous Region. - The elections for regional officials of the Autonomous Region in Muslim Mindanao shall be held on the second Monday after the Muslim month of Ramadan immediately preceding the term of office of such officials [Sec. 1, RA 7647].

In case of vacancy in the regional assembly occurring at least one (1) year before the expiration of the term of office, a special election shall be called to fill the vacancy in the manner prescribed by the regional assembly. The member so elected shall serve only for the unexpired term [Sec. 6, Art VII, RA 6734].

SEC. 41. Composition of regional assembly. - The regional assembly shall be composed of three (3) members from each of the congressional districts [Sec. 4, Art. VII, RA 6734].

SEC. 42. Term of office. - The term of office of the regional governor and vice-governor and that of the members of the regional assembly shall be three (3) years which shall begin on the first day of the succeeding month immediately following their election. No official shall serve for more than three (3) consecutive terms.

Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the service for the full term for which he was elected [Sec. 5 Art. VII and Sec. 6, Art. VIII, RA 6734].

E. ELECTION OF BARANGAY OFFICIALS

SEC. 43. Regular election of barangay officials. - The election for barangay officials shall be non-partisan and shall be held every three (3) years on the second Monday of May [Sec. 42, RA 7160].

SEC. 44. Term of office. - The term of office of barangay officials shall be three (3) years beginning on the first day of June following their election, unless sooner removed for cause, until their successors shall have been elected and qualified. No barangay official shall serve for more than three (3) successive terms [Sec. 5, RA 6679].

SEC. 45. Sangguniang barangay. - There shall be a sangguniang barangay in every duly-constituted barangay, which shall be composed of a punong barangay and seven (7) kagawad, all of whom shall be elected directly by the voters of the barangay. The punong barangay shall ipso facto be the presiding officer of the sangguniang barangay [Sec. 5, RA 6653; Sec. 41, RA 7160].

SEC. 46. Certificate of candidacy. - No person shall be elected barangay official unless he files a sworn certificate of candidacy in triplicate in accordance with this Code.

The election officer shall prepare a consolidated list of all candidates and post said list in the barangay hall and in other conspicuous places in the barangay at least ten (10) days before the election.

SEC. 47. Board of election inspectors. - (1) The Commission shall constitute not later than ten (10) days before the election, a board of election inspectors in every precinct to be composed of a chairman and two (2) members who are all public school teachers.

In case no public school teachers are available, the

Commission shall designate any registered voter in the precinct who is not an incumbent barangay official or related to any candidate for any position in that barangay within the fourth civil degree of affinity or consanguinity.

(2) The board shall supervise and conduct the election in their respective precincts, count the votes and prepare the election returns in triplicate in a form prescribed by the Commission. The original of the election returns shall be delivered immediately to the barangay board of canvassers. The second copy shall be delivered to the election officer, and the third copy, to the secretary of the sangguniang barangay, who shall keep the same on file [Sec. 40, BP 881].

SEC. 48. Activities during the campaign period. - During the campaign period, the punong barangay or any kagawad, who is not a candidate, or any resident of the barangay of known probity designated by the election officer shall convene the barangay assembly, at least once, to summon the candidates to a joint meeting, upon proper notice at least two (2) days prior thereto, to explain to the barangay voters their respective programs of administration, qualifications and other information that may enlighten voters in casting their votes.

The members of the barangay assembly may take up and discuss other matters relative to the election of barangay officials [Sec. 47, BP 881].

F. PARTY-LIST SYSTEM [New]

SEC. 49. Party-list system defined. - Party-list system is a mechanism of proportional representation in the House of Representatives of political parties, organizations, or coalitions thereof with national, regional, or sectoral constituency regis-

tered with the Commission.

SEC. 50. Registration. - Any organized group of persons may register as a political party, organization, or coalition for purposes of the party-list system by filing with the Commission a verified petition in accordance with Sections 97 and 98 hereof.

SEC. 51. Manifestation to participate in party-list system. - Any political party, organization, or coalition already registered with the Commission need not register anew. However, such party, organization, or coalition shall file with the Commission, not later than sixty (60) days before the election, a manifestation of its desire to participate in the party-list system [New].

SEC. 52. Certified list of registered parties. - The Commission shall, not later than forty-five (45) days before the elections, prepare a certified list of political parties, organizations, or coalitions which have applied and are qualified to participate under the party-list system and distribute copies thereof to all the precincts for posting in the polling places on election day.

SEC. 53. Nomination of party-list representatives. - Each registered party, organization, or coalition shall submit to the Commission not later than fifty (50) days before the election, a list of five (5) names from which party-list representatives shall be chosen in case it obtains the required number of votes.

The list shall not include candidates for regular Member of the House of Representatives.

SEC. 54. Qualifications of party-list nominees. - No person shall be nominated as party-list representative unless he is a natural-born citizen of the Philippines; able to read and write; a resident of the Philippines for at least one (1) year immediately preceding the day of the election; a bona fide member of the party, organization, or coalition with a national, regional,

or sectoral constituency which he seeks to represent; a registered voter; and, on the day of the election, is at least twenty-five (25) years of age.

In the case of a nominee for the youth sector, he must at least be eighteen (18) but not more than twenty-one (21) years of age on the day of the election. Any youth sectoral representative who attains the age of twenty-one (21) years during his term shall be allowed to continue in office until the expiration of his term.

SEC. 55. Manner of voting. - Every voter shall be entitled to two (2) votes: the first is a vote for the candidate for Member of the House of Representatives in his legislative district, and the second, a vote for the party, organization, or coalition he wants represented in the House of Representatives. A vote cast for a party, organization, or coalition not entitled to be voted for shall not be counted.

SEC. 56. Procedure in allocating seats for party-list representatives. - The Commission shall tally all the votes for the parties, organizations, or coalitions on a nationwide basis, rank them according to the number of votes received as against the total number of registered voters nationwide, and allocate party-list representatives proportionately according to the percentage of votes obtained until all seats are filled up.

A political party, organization, or coalition shall be entitled to a maximum of five (5) seats.

SEC. 57. How party-list representatives are chosen. - Party-list representatives shall be proclaimed by the Commission based on the list of names submitted by the respective parties, organizations, or coalitions to the Commission according to their ranking in said list.

SEC. 58. Term of office. - Party-list representatives shall

be elected for a term of three (3) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No party-list representative shall serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered an interruption in the continuity of his service for the full term for which he was elected.

SEC. 59. Change of affiliation; Effect. - Any elected party-list representative who changes his political party or sectoral affiliation during his term of office shall forfeit his seat.

SEC. 60. Vacancy. - In case of vacancy in the seats reserved for party-list representatives, the President shall fill the vacancy by appointing a representative from the list of nominees in the order submitted to the Commission under Section 53 hereof by the same party, organization, or coalition, who shall serve for the unexpired term.

G. SYSTEM OF RECALL [New]

SEC. 61. Recall defined. - "Recall" refers to the power to remove from office any elective local official for loss of confidence.

SEC. 62. By whom exercised. - The power of recall shall be exercised by the registered voters of a local government unit to which the elective official subject of such recall belongs [Sec. 69, RA 7160].

SEC. 63. Who may be recalled. - Any elective provincial, city, municipal, or barangay official may be recalled for loss of confidence in the manner prescribed and subject to the limitations hereinafter provided.

SEC. 64. Recall; How commenced. - Recall may be initiated

by:

(1) A preparatory recall assembly; or

(2) Upon petition of at least twenty-five per cent (25%) of the total number of registered voters of the local government unit to which the elective local official subject of such recall belongs [Sec. 70 (c) and (d), RA 7160].

SEC. 65. Preparatory recall assembly. - A preparatory recall assembly shall be composed of the following:

(1) For a province - All mayors, vice-mayors and sanggunian members of component cities and municipalities;

(2) For a local legislative district for sangguniang panlalawigan elected by district - All mayors, vice-mayors and sanggunian members of component cities and municipalities of the district; or

(3) For a city or municipality - All punong barangay and sangguniang barangay members of the city, municipality, or council district [Sec. 70, RA 7160].

SEC. 66. Recall by preparatory recall assembly. - Recall proceedings by a preparatory recall assembly against any elective local official in the local government unit shall be validly initiated through a resolution adopted by a majority of all its members in a public session called for the purpose [Sec. 70, RA 7160].

Questions affecting the validity of the resolution shall be raised in a verified petition filed with the Commission within five (5) days from its adoption.

The Commission shall summarily decide the petition within seven (7) days from its submission for resolution, which decision shall be final and executory.

SEC. 67. Recall by petition. - A petition for recall shall be in writing and signed before the election officer or his

representative in signature stations in such public places as may be determined by the Commission. The petitioner and the official sought to be recalled, or their representatives, shall be notified of the time, dates and places of the signing.

The petition shall be filed with the Commission through its office in the local government unit concerned. The Commission or its duly-authorized representative shall cause the publication of the petition in conspicuous public places for a period of not less than ten (10) days nor more than thirty (30) days [Sec. 70, RA 7160].

The election officer shall verify the authenticity and genuineness of the signatures and whether the required percentage of voters was obtained. He shall submit his findings and recommendations to the Commission immediately after completion of the verification. The Commission shall determine the sufficiency of the petition for recall within ten (10) days from receipt of the findings and recommendations of the election officer.

SEC. 68. Filing fee. - No resolution or petition for recall shall be given due course unless accompanied by such documentary requirements and filing fee as may be prescribed by the Commission [New].

SEC. 69. Date of election on recall. - The Commission shall set the date of the election on recall, which shall not be later than sixty (60) days in the case of provincial officials, and thirty (30) days in the case of elective city, municipal, or barangay officials, from final determination by the Commission of the validity and sufficiency of the resolution or petition on recall [Sec. 71, RA 7160, Amended].

SEC. 70. Certificate of candidacy. - The Commission shall fix the date for the filing of certificates of candidacy for the position affected and thereafter prepare the list of candidates, which shall include the name of the official sought to be recalled. The official or officials sought to be recalled shall automatically be considered a duly-registered candidate or candidates and shall be entitled to be voted upon [Sec. 71, RA 7160].

SEC. 71. Prohibition from resignation. - The elective local official sought to be recalled shall not be allowed to resign while the recall process is in progress [Sec. 73, RA 7160].

SEC. 72. Effect. - The recall of an elective local official shall take effect upon the election and proclamation of a candidate other than the official sought to be recalled. Should the incumbent win the elections, confidence in him shall thereby be deemed affirmed, and he shall continue in office [Sec. 72, RA 7160].

SEC. 73. Limitations. - Any elective local official may be subject of a recall election only once during his term of office. No recall shall take place within one (1) year from the date of an official's assumption to office or one (1) year immediately preceding a regular election for the office concerned [Sec. 74, RA 7160].

H. SYSTEM OF INITIATIVE AND REFERENDUM

SEC. 74. Definition of terms. - As used in this Code:

(1) "Initiative" refers to the power to propose amendments to the Constitution or the enactment of national or local legislation. It may be exercised directly, through a petition to be submitted in a plebiscite called for the purpose, or indirectly,

only in the case of a national or local legislation;

(2) "Referendum" refers to the power to approve or reject statutes enacted by Congress in whole or in part, or laws, resolutions or ordinances enacted by local legislative bodies;

(3) "Proposition" refers to a measure proposed by voters for the enactment, amendment, approval, or rejection of a law;

(4) "Plebiscite" refers to the electoral process through which the power of initiative or referendum is exercised;

(5) "Petition" refers to the written instrument containing the proposition duly signed in a form prescribed by the Commission;

(6) "Local government units" refers to the autonomous regions, provinces, cities, municipalities and barangays;

(7) "Local legislative bodies" refers to the regional assemblies, sangguniang panlalawigan, sangguniang panlungsod, sangguniang bayan and sangguniang barangay;

(8) "Local executives" refers to the regional and provincial governors, city or municipal mayors and punong barangay, as the case may be [Sec. 3, RA 6735];

(9) "People's organization" refers to bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure [Sec. 15, Art. XIII, Const.].

SEC. 75. Who may exercise. - The power of initiative and referendum may be exercised by all registered voters of the country, autonomous regions, provinces, cities, municipalities and barangays [Sec. 4, RA 6735].

SEC. 76. Requirements. - (1) A petition for initiative or referendum shall be deemed validly initiated if signed by the required number of voters, as follows:

(1) Initiative on the Constitution - at least twelve per

cent (12%) of the total number of registered voters nationwide as signatories, of which every legislative district is represented by at least three per cent (3%) of its registered voters. In addition, an initiative on the Constitution may be exercised only after five (5) years from its ratification and only once every five (5) years thereafter [Sec. 2, Art. XVII, Const.];

(2) Initiative and referendum on national statutes - at least ten per cent (10%) of the total number of registered voters nationwide, of which every legislative district is represented by at least three per cent (3%) of its registered voters;

(3) Initiative or referendum on laws, resolutions or ordinances passed by the legislative assembly of an autonomous region, province or city - at least ten per cent (10%) of the total number of registered voters in the local government unit concerned, of which every legislative district is represented by at least three per cent (3%) of its registered voters: Provided, That if the province or city is composed of only one (1) legislative district, each municipality in a province or each barangay in a city should be represented by at least three per cent (3%) of the registered voters therein;

(4) Initiative or referendum on an ordinance passed in a municipality - at least ten per cent (10%) of the total number of registered voters in the municipality, of which every barangay is represented by at least three per cent (3%) of its registered voters;

(5) Initiative or referendum on a barangay resolution or ordinance - at least ten per cent (10%) of the total number of registered voters in the city or municipality, of which every barangay is represented by at least three per cent (3%) of its registered voters [Sec. 5, RA 6735].

SEC. 77. Contents of petition. - A petition shall contain:

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(1) The text of the proposed law sought to be enacted, approved or rejected, amended or repealed;

(2) The proposition;

(3) The reason or reasons therefor;

(4) A statement that its subject is not among those prohibited under the immediately succeeding section;

(5) The signatures of the petitioners or registered voters; and

(6) An abstract or summary proposition in not more than one hundred (100) words legibly written or printed at the top of every page of the petition [Sec. 5, RA 6735].

SEC. 78. Limitations on petition. - No petition shall embrace more than one (1) subject. Neither shall it have as its subject emergency measures, the enactment of which are specifically vested in Congress by the Constitution, except until ninety (90) days after its effectivity. In the case of local initiative, the petition shall not extend to subjects or matters which are beyond the legal powers of the local legislative body to enact [Secs. 10 and 15, RA 6735].

SEC. 79. Verification of signatures. - The Commission shall cause the verification of the signatures in the petition on the basis of its records used in the immediately preceding election [Sec. 7, RA 6735].

SEC. 80. Conduct and date of plebiscite on initiative or referendum. - The Commission shall call and supervise the conduct of the plebiscite on initiative or referendum.

The Commission shall determine the sufficiency of the petition and within a period of thirty (30) days from receipt of the petition, publish the same in Pilipino and English at least twice in two (2) newspapers of national or local circulation, and set the date of the plebiscite which shall not be earlier than forty-

five (45) days but not later than ninety (90) days from the determination of its sufficiency [Secs. 8 and 13, RA 6735].

SEC. 81. Effectivity of initiative or referendum proposition. - A proposition shall take effect following certification by the Commission that a majority of the votes cast was obtained in a plebiscite called for its approval or rejection, as follows:

(1) If the proposition to enact, approve, or amend a national law is approved, said law shall become effective fifteen (15) days following completion of its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

If the proposition to reject a national law is approved, the said law shall be deemed repealed, and the repeal shall become effective fifteen (15) days following its certification and completion of its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

If the majority vote is not obtained, the national law sought to be rejected or amended shall remain in full force and effect.

(2) If the proposition in an initiative or referendum on the Constitution is approved, it shall become effective as of the day of the plebiscite.

(3) If the proposition in an initiative on local law is approved, it shall become effective fifteen (15) days after certification and proclamation by the Commission [Sec. 9, RA 6735].

SEC. 82. Indirect initiative: House of Representatives. - Any duly-accredited people's organization may file a petition for indirect initiative with the House of Representatives.

The procedure to be followed on the initiative bill shall be the same as that for the enactment of any legislative measure

before the House of Representatives, except that said initiative bill shall enjoy precedence over other pending legislative measures [Sec. 11, RA 6735].

SEC. 83. Indirect initiative: Regional and local legislative bodies. - Not less than two thousand (2,000) registered voters in the case of autonomous regions, one thousand (1,000) in case of provinces and cities, one hundred (100) in case of municipalities, and fifty (50) in case of barangays, may file a petition with the regional assembly or local legislative body, respectively, proposing the enactment, amendment, approval, or rejection of any law, ordinance, or resolution.

If no favorable action is made thereon by the local legislative body within thirty (30) days from its filing, the proponents, through their duly-authorized and registered representatives, may invoke their power of direct initiative, giving notice thereof to the local legislative body concerned.

The proposition shall be serially numbered starting from one (1). The Secretary of the Interior and Local Government or his designated representative shall assist in the formulation of the proposition.

Two (2) or more propositions may be submitted in an initiative.

Proponents shall collect the required number of signatures within one hundred twenty (120) days from date of notice in case of autonomous regions, ninety (90) days in case of provinces and cities, sixty (60) days in case of municipalities, and thirty (30) days in case of barangays.

The petition shall be signed before the election officer or his designated representatives, and a representative of the regional assemblies and local legislative bodies concerned. Signature stations may be established in as many public places as

may be necessary.

Upon the lapse of the period herein provided, the Commission, through its office in the local government unit concerned, shall certify whether the required number of signatures has been obtained. Failure to obtain the required number shall be deemed a rejection of the proposition.

SEC. 84. Limitation on local initiatives. - (1) The power of local initiative shall not be exercised more than once a year.

(2) If at any time before the plebiscite on initiative is held, the local legislative body shall adopt in toto the proposition presented, the plebiscite shall be cancelled. However, those against such action may, if they so desire, apply for initiative in the manner herein provided [Sec. 15, RA 6735].

SEC. 85. Limitations upon local legislative bodies. - Any proposition, ordinance or resolution approved shall not be repealed, modified, or amended within six (6) months from the date of approval, but may be amended, modified, or repealed within three (3) years thereafter by a vote of three-fourths (3/4) of all the members of the local legislative body: Provided, That in case of barangays, such period shall be one (1) year after the expiration of the first six (6) months [Sec. 16, RA 6735].

SEC. 86. Local referendum. - Notwithstanding the provision of Section 78 hereof, any local legislative body may submit to the registered voters of autonomous regions, provinces, cities, municipalities and barangays for their approval or rejection, any ordinance or resolution duly enacted or approved.

The plebiscite on referendum shall be held within ninety (90) days in case of the autonomous regions, sixty (60) days in case of provinces and cities, forty-five (45) days in case of municipalities, and thirty (30) days in case of barangays [Sec. 17, RA 6735].

SEC. 87. Appeal. - The decision of the Commission on the sufficiency or insufficiency of the petition for initiative or referendum may be appealed to the Supreme Court within thirty (30) days from notice thereof [Sec. 12, RA 6735].

SEC. 88. Unconstitutionality and invalidity of proposition. - Nothing in this Article shall prevent or preclude the proper courts from declaring null and void any proposition approved pursuant hereto for violating the Constitution or for want of capacity of the local legislative body to enact said measure [Sec. 15, RA 6735].

ARTICLE IV. POLITICAL PARTIES, CANDIDATES AND CAMPAIGN PROPAGANDA

A. POLITICAL PARTIES

SEC. 89. Political party, organization, or coalition. - When used in this Code, "political party", "organization", or "coalition" refers to an organized group of qualified voters pursuing the same ideology, political ideas and platform, or program of government and includes its branches and divisions.

To acquire juridical personality, qualify it for subsequent accreditation, and entitle it to the rights and privileges herein granted, a political party, organization, or coalition shall first be registered with the Commission [Sec. 60, BP 881].

Upon due notice to the Commission, a political party may coalesce or affiliate with another political party or parties [New].

SEC. 90. Registration. - Any organized group of qualified voters seeking registration as a political party, organization, or coalition may file with the Commission not later than ninety (90) days before an election a petition verified by its president and secretary, attaching thereto its constitution and by-laws, platform or program of government and other information required by the Commission. The Commission shall require publi-

cation of the petition in at least two (2) newspapers of general circulation.

The Commission shall, after due notice and hearing, resolve the petition within fifteen (15) days from the date it is submitted for decision and in every case not later than sixty (60) days before elections.

Religious denominations and sects shall not be registered. A political party which seeks to achieve its goals through violence or unlawful means, or refuses to uphold and adhere to the Constitution, or which is supported by a foreign government, or any foreigner, whether juridical or natural, shall likewise be refused registration [Sec. 2(5), Art. IX (c), Const.].

SEC. 91. Accreditation of political parties. - The Commission shall, after notice and hearing, accredit the major political parties, organizations, or coalitions, which shall have preference in the posting of watchers and in the receipt of copies of election documents, on the basis of the following:

(1) Established record of the political party, organization, or coalition taking into account, among others, its showing in past elections;

(2) Number of incumbent elective officials belonging to it ninety (90) days before the date of elections;

(3) Identifiable political organizations and strength as evidenced by its organized chapters;

(4) Ability to fill a complete slate of candidates; and

(5) Other analogous circumstances [Sec. 26, RA 7166].

SEC. 92. Publication of petition for registration or accreditation. - The Commission shall require publication of the petition for registration or accreditation once in two (2) newspapers of general circulation.

SEC. 93. Cancellation of registration/accreditation. -

The Commission may, motu proprio or upon verified complaint of any interested party, cancel, after due notice and hearing, the registration or accreditation of any political party, coalition, or organization on the following grounds:

(1) Acceptance by it or by any of its candidates of financial contributions from foreign governments and/or their agencies for activities related to elections;

(2) Violation of, or non-compliance with, laws, rules or regulations relating to elections;

(3) Untruthful statements in its petition;

(4) It is a religious sect or denomination; is pursuing its goals through violence or other unlawful means; is refusing to adhere to or uphold the Constitution; or is receiving support from any foreign government;

(5) Failure to field official candidates in the last two (2) preceding elections or failure of its candidates to obtain at least five per cent (5%) of the votes cast in either of the last two (2) preceding elections in the constituency in which it is registered.

(6) Failure to obtain a seat under the party-list system in two (2) consecutive elections in its constituency.

SEC. 94. Prohibition against change of political party affiliation. - Any elective public officer or candidate who changes his political party affiliation within six (6) months immediately preceding an election shall, after notice and hearing, be disqualified in appropriate proceedings by the Commission, or, if he has been elected, shall not be allowed to assume office [1973 Const.].

B. ELIGIBILITY AND QUALIFICATIONS OF CANDIDATES

SEC. 95. Qualifications for President and Vice-President. - No person shall be elected President or Vice-President unless he is a natural-born citizen of the Philippines, a registered voter, able to read and write, at least forty (40) years of age on the day of the election and a resident of the Philippines for at least ten (10) years immediately preceding such election [Secs. 2 and 3, Art. VII, Const.].

SEC. 96. Qualifications for Senator. - No person shall be elected a Senator unless he is a natural-born citizen of the Philippines, and, on the day of the election, at least thirty-five (35) years of age, able to read and write, a registered voter, and a resident of the Philippines for not less than two (2) years immediately preceding the day of the election [Sec. 3, Art. VI, Const.].

SEC. 97. Qualifications for Member of the House of Representatives. - No person shall be elected Member of the House of Representatives unless he is a natural-born citizen of the Philippines and, on the day of the election, at least twenty-five years (25) of age, able to read and write, and, except the party-list representatives, a registered voter in the district in which he shall be elected and a resident therein for a period of not less than one (1) year immediately preceding the day of the election.

A sectoral representative shall be a natural-born citizen of the Philippines, able to read and write, a resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election, a bona fide member of the sector he seeks to represent, a registered voter, and, on the day of the election, at least twenty-five (25) years of age. The

youth sectoral representative shall be at least eighteen (18) and not more than twenty-one (21) years of age on the day of the election: Provided, That any youth sectoral representative who attains the age of twenty-one (21) years during his term shall continue in office until the expiration of his term [Sec. 64, BP 881].

SEC. 98. Qualifications for regional officials. - No person shall be elected governor or vice-governor/deputy governor of the autonomous region unless he is a natural-born citizen of the Philippines, a registered voter of the autonomous region and a resident therein for at least five (5) years immediately preceding the election, able to read and write and at least thirty-five (35) years of age on the day of the election.

No person shall be elected member of the regional assembly unless he is a natural-born citizen of the Philippines, at least twenty-one (21) years of age on the day of the election, able to read and write, a registered voter of the district in which he shall be elected and a resident thereof for a period of not less than five (5) years immediately preceding the day of the election [Secs. 3 and 4, Art. VIII and Sec. 7, Art. VII, RA 6734].

SEC. 99. Qualifications of elective local officials. - No person shall be elected to any provincial, city, municipal, or barangay office unless he is a natural-born citizen of the Philippines, able to read and write, a registered voter in the political subdivision where he intends to be elected, and a resident therein for at least one (1) year immediately preceding the day of the election.

In addition, candidates for governor, vice-governor, member of the sangguniang panlalawigan, mayor, vice-mayor, or member of the sangguniang panlungsod of highly-urbanized cities shall be at least twenty-three (23) years of age on election day; those for

mayor or vice-mayor of independent component cities, or component cities or municipalities, at least twenty-one (21) years of age; and those for member of the sangguniang panlungsod, sangguniang bayan, punong barangay, or member of the sangguniang barangay, at least eighteen (18) years of age on election day [Sec. 39, RA 7160].

C. DISQUALIFICATIONS OF CANDIDATES

SEC. 100. Disqualifications. - The following persons shall be disqualified as candidate for any elective office or from continuing as such, or, if they have been elected, proclaimed, or have assumed office, from holding office:

(1) Any person who has been declared by competent authority insane or feeble-minded, or has been sentenced by final judgment for insurrection, rebellion, or for any offense for which he has been sentenced to a penalty of more than eighteen (18) months or for a crime involving moral turpitude. Such disqualification shall, however, be deemed removed upon the declaration by competent authority that said insanity had been removed, or after the completion of the period of probation or expiration of five (5) years from his service of sentence, or after the grant of plenary pardon or amnesty, unless within the same period he again becomes disqualified [Sec. 68, BP 881; Sec. 40, RA 7160];

(2) Except for officials and employees of the Commission, who shall be governed by Section 14 hereof, any official of an executive department, bureau, or office, or of any government-owned or -controlled corporation who is appointed by the President of the Philippines with the consent of the Commission on Appointments, as well as justices and judges, in the election immediately succeeding the termination of his tenure of office,

whether by resignation, retirement, expiration of tenure, removal or similar causes [Sec. 78, RA 6388];

(3) Any elective public official who has resigned, retired, or been removed from office for any cause, in any special election called to fill the vacancy caused by his resignation, retirement, or removal [New];

(4) Any person who has dual citizenship, or is a permanent resident of, or an immigrant to, a foreign country, unless said person has waived his status as such in accordance with law;

(5) Any person convicted by final judgment of violating his oath of allegiance to the Republic;

(6) A fugitive from justice in criminal or non-political cases here or abroad;

(7) Any person sentenced by final judgment for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;

(8) Any person removed from office by final judgment in an administrative case [Secs. 12 and 68, BP 881; Sec. 40, RA 7160]; or

(9) Any person who fails to pay the administrative fine for failure to file a sworn statement of electoral contributions and expenditures [New].

SEC. 101. Priority accorded to disqualification cases. - The Commission and the courts shall give priority to cases of disqualification by reason of violation of this Code to the end that a final decision is rendered thereon not later than fourteen (14) days before the election in which the disqualification of the candidate is sought [New].

SEC. 102. Effects of disqualification. - Any candidate who has been declared by final judgment to be disqualified shall not be voted for, and the votes cast for him not counted. Neverthe-

less, if, for any reason, a candidate is not disqualified by final judgment before an election and is voted for and receives the winning number of votes in such election, the court or Commission shall continue with the trial and hearing of the action, inquiry, or protest, and, upon motion of the complainant or any intervenor, may, during the pendency thereof, order the suspension of the proclamation of such candidate whenever the evidence of guilt is strong: Provided, That upon the disqualification by final judgment of such winning candidate, the elected candidate next in the order of succession as provided for under existing laws shall fill the resulting vacancy [Sec. 6, RA 6646; Sec. 72, BP 881].

D. RULES ON CANDIDACIES

SEC. 103. Certificate of candidacy. - No person shall be eligible for any elective public office unless he files a sworn certificate of candidacy within the period fixed in this Code.

A person who has filed a certificate of candidacy may, prior to the election, withdraw the same by submitting to the office of the Commission where he filed his certificate of candidacy a written declaration of the withdrawal under oath [Sec. 73, BP 881].

Any candidate who withdraws his candidacy cannot file a new certificate for any office in the same election [New].

No person shall be eligible as candidate for more than one (1) office to be filled in the same election. A person who files his certificate of candidacy for more than one (1) office shall not be eligible for any of them, but may, before the expiration of the period for the filing of certificates of candidacy, declare under oath the office to which he desires to be elected and

cancel the certificate of candidacy for the other office or offices.

The filing or withdrawal of certificates of candidacy shall not affect whatever civil, criminal, or administrative liabilities which a candidate may have incurred as a result thereof [Sec. 73, BP 881].

SEC. 104. Contents of certificate of candidacy. - The certificate of candidacy shall be filed in a form prescribed by the Commission and shall state the following:

(1) The legal name of the person filing the same, and, if he so desires, one nickname or stage name by which he is generally or popularly known in the locality. In no case shall he use the nickname or stage name of another person;

(2) That the person filing it is announcing his candidacy for the office stated therein and that he is eligible therefor;

(3) If the certificate of candidacy is for Member of the House of Representatives, it shall also state the province, including its component cities, highly-urbanized city or district or sector which he seeks to represent;

(4) The political party to which he belongs;

(5) His sex, civil status, date and place of birth, residence and post office address for election purposes;

(6) His profession or occupation;

(7) His relation, if any, to the incumbents or candidates enumerated in Section 116 hereof;

(8) The place and precinct where he is a registered voter;

(9) That he will support and defend the Constitution of the Philippines and will maintain true faith and allegiance thereto;

(10) That he will obey the laws, legal orders and decrees promulgated by the duly-constituted authorities;

(11) That he is not a permanent resident of, or immigrant

to, a foreign country;

(12) That the obligation imposed upon his oath is assumed voluntarily, without mental reservation or purpose of evasion; and

(13) That the facts stated in the certificate of candidacy are true and correct to the best of his knowledge.

The person filing a certificate of candidacy shall also attach thereto copies of his income tax return for the two (2) years immediately preceding the election, affix his latest passport-sized photograph, and, if he so desires, a statement in duplicate containing his bio-data and program of government.

Unless a candidate has officially changed his name through a court-approved proceeding, a candidate shall state in his certificate of candidacy the name by which he has been baptized, or, if he has not been baptized in any church or religion, the name registered in the office of the local civil registrar, or the name by which he is commonly known or any other name allowed under existing law. In the case of a Muslim, he may state his Hadji name after performing the prescribed religious pilgrimage. However, when there are two (2) or more candidates for an office with the same name and surname, each candidate, upon being made aware of such fact, shall state his paternal and maternal surname, except the incumbent who may continue to use the name and surname stated in his certificate of candidacy when he was elected [Sec. 74, BP 881].

SEC. 1.05. Filing of certificate of candidacy. - The certificate of candidacy shall be filed by the candidate personally or by his duly-authorized representative on any day from the commencement of the election period but not later than the day before the beginning of the campaign period for the office concerned: Provided, That in case of postponement or failure of

election, no additional certificate of candidacy shall be accepted except in cases of substitution of candidates [Sec. 75, BP 881].

The certificate of candidacy shall be filed in five (5) legible copies with the offices of the Commission specified hereunder:

(1) For President, Vice-President and Senator, with the law department of the Commission in Manila;

(2) For Member of the House of Representatives, with the provincial election supervisor of the province concerned. Those for legislative districts in the National Capital Region shall be filed with the law department of the Commission, and those for legislative districts in cities outside the National Capital Region comprising one (1) or more legislative districts, with the city election officer;

(3) For regional governor and vice-governor in the autonomous regions, with the regional election director concerned. Those for member of the regional assembly shall be filed with the respective provincial election supervisors;

(4) For provincial offices, with the provincial election supervisor;

(5) For city or municipal offices, with the city or municipal election officer; and

(6) For barangay offices, with the election officer of the city or municipality.

Notice of withdrawal or substitution of candidacies shall be filed with the office where the certificate of candidacy being withdrawn or substituted was filed [Sec. 7, RA 7166].

SEC. 106. <u>Ministerial duty of receiving and acknowledging receipt of certificate of candidacy</u>. - It shall be the ministerial duty of the law department of the Commission, regional elec-

tion director, provincial election supervisor, election officer or other officer designated by the Commission or the board of election inspectors to receive and acknowledge receipt of the certificate of candidacy [Sec. 76, BP 881].

SEC. 107. Nomination of official candidates. - Accredited political parties shall submit to the Commission a certificate of nomination, under oath by their duly-authorized officers, of their respective official candidates not later than three (3) calendar days after the last day for filing of certificates of candidacy [New].

SEC. 108. Candidates holding appointive or elective office. - The following shall be considered automatically resigned from their respective offices upon the filing of their certificate of candidacy:

(1) Any person holding a public appointive office or position, including active members of the Armed Forces of the Philippines, and officers and employees in government-owned or -controlled corporations; and

(2) Any elective official, whether national, regional, local, or barangay, running for any office other than that which he is holding in any capacity [Secs. 66 and 67, BP 881, Amended].

SEC. 109. Political dynasty defined; Prohibited candidacies. - The term "political dynasty" refers to a situation where persons related to each other within the third civil degree of consanguinity or affinity hold elective offices simultaneously or the same office successively in a region, legislative district, province, city, or municipality.

To prevent the establishment of a political dynasty, persons within the same civil degree of relationship shall not be allowed to run for any elective position in the same political unit in the same election. Neither can a person within the same civil

degree of relationship as the incumbent succeed to the position of the latter.

Certificates of candidacy filed in violation hereof shall not be given due course [New].

SEC. 110. Nuisance candidacies. - The Commission may, motu proprio or upon a verified petition of an interested party, deny due course to or cancel a certificate of candidacy if it is shown that said certificate has been filed to put the election process in mockery or disrepute or to cause confusion among the voters by the similarity of the names of the registered candidates or by other circumstances or acts which clearly demonstrate that the candidate has no bona fide intention to run for the office for which the certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate [Sec. 69, BP 881].

SEC. 111. Procedure in cases of nuisance candidacies. - A verified petition to declare a duly-registered candidate as a nuisance candidate shall be filed with the Commission by any registered candidate for the same office personally or through his duly-authorized representative within five (5) days from the last day for the filing of certificates of candidacy [Sec. 5, RA 6646].

SEC. 112. Guest candidacy. - No political party shall nominate and/or support candidates not belonging to it without the written consent of such candidate under oath [Sec. 70, BP 881].

SEC. 113. Period for political convention or meeting. - Political conventions or meetings for the nomination or selection of the official candidates of any political party, organization or coalition shall be held within thirty (30) days before the start of the campaign period for the offices concerned [Sec. 6, RA 7166].

SEC. 114. Substitution in case of death, disqualification or withdrawal of candidate. - If, after the last day for the filing of certificates of candidacy, a candidate with a certificate of candidacy duly filed dies, withdraws his candidacy or is disqualified for any cause, the following rules on substitution of candidacy shall be observed:

(1) There shall be no substitution of any candidate who has withdrawn his certificate of candidacy [New].

(2) Substitution of candidates in case of death or disqualification shall be allowed only if the candidate who has died or been disqualified is an official candidate of a registered or accredited political party: Provided, That there is only one (1) candidate remaining for the position affected after such death or disqualification. In such a case, only a person belonging to, and certified by, the same political party may file a certificate of candidacy to replace the candidate who has died or been disqualified [Sec. 77, BP 881].

(3) In the case of independent candidates, substitution of candidacy shall be allowed only in case of death: Provided, That there is only one (1) candidate remaining for the position affected after such death. In such a case, a substitute candidacy may be filed only by the spouse or nearest relative of the deceased candidate within the third civil degree of consanguinity or affinity [New].

In either case, the substitute candidate shall file his certificate of candidacy for the office concerned in accordance with the preceding sections not later than mid-day of the day of the election. If the death or disqualification should occur between the day before the election and mid-day of election day, said certificate shall be filed with any board of election inspectors in the political subdivision where he is a candidate,

or, in the case of candidates for national office, with the Commission [Sec. 77, BP 881].

SEC. 115. Petition to deny due course to or cancel a certificate of candidacy. - A verified petition seeking to deny due course to or cancel a certificate of candidacy may be filed by any person exclusively on the ground that any material representation contained therein is false. The petition shall be filed within five (5) days following the last day for the filing of certificates of candidacy [Sec. 78, BP 881].

SEC. 116. Unopposed candidacies. - If, after the last day for the filing of certificates of candidacy, there should be only one (1) candidate for an elective position, the Commission shall, without holding an election for said position, certify that he is the only candidate for the office affected and is thereby deemed elected [New].

E. CAMPAIGN AND ELECTION PROPAGANDA

SEC. 117. Definitions. - As used in this Code:

(1) "Candidate" refers to any person aspiring for or seeking an elective public office who has publicly announced the same or who has, through other analogous acts performed within ninety (90) days prior to the start of the campaign period, openly manifested his desire to seek an elective public office, whether or not he has filed a certificate of candidacy by himself or through an accredited political party, organization, or coalition of parties (New);

(2) "Election campaign" or "partisan political activity" refers to an act designed to promote or defeat the election of a candidate, which shall include:

(a) Forming organizations, associations, clubs,

movements, committees or other groups of persons;

(b) Holding political caucuses, conferences, meetings, rallies, parades, or other similar assemblies;

(c) Making speeches, announcements or commentaries, or holding interviews;

(d) Publishing or airing in the mass media, or distributing campaign materials; or

(e) Directly or indirectly soliciting votes, pledges, or support.

Public expressions, opinions, or discussions of probable issues in a forthcoming election or on attributes of or criticisms against probable candidates proposed to be nominated in a forthcoming political party convention shall not be construed as part of any election campoaign or partisan political activity contemplated under this Article [Sec. 79, BP 881].

SEC. 118. **Intervention of foreigners.** - At no time shall any foreigner, whether juridical or natural, aid any candidate or political party, directly or indirectly, or take part in or influence in any manner any election, or contributre, render services, or make any expenditure in connection with, or in furtherance of, any election campaign or partisan political activity [Sec. 81, BP 881].

SEC. 119. **Lawful election propaganda.** - Lawful election propaganda shall include:

(1) Pamphlets, leaflets, cards, decals, stickers, or other written or printed materials of a size not more than twenty-one and one-half (21.5) centimeters in width and thirty-five and one-half (35.5) centimeters in length: Provided, That stickers or decals posted or displayed in a house, building, establishment, or vehicle other than that owned or leased by a candidate or political party or other than a common poster area or other authorized place shall conform to the size herein specified and shall be posted or displayed only with the express consent of the owner of such house, building, establishment, or vehicle;

(2) Handwritten or printed letters urging voters to vote for or against any particular candidate;

(3) Cloth, paper, or cardboard posters, whether framed or posted, of a size not exceeding sixty (60) centimeters by ninety (90) centimeters;

(4) Streamers not exceeding ninety (90) centimeters and forty (40) centimeters in size, to be posted or displayed only at the candidate's main residence, at the official party headquarters of a registered political party not exceeding one (1) headquarters for each barangay, or at the site and on the occasion of a public meeting or rally, or in announcing the holding of said meeting or rally, within one (1) week before the date of the meeting or rally and removed within seventy-two (72) hours thereafter;

(5) Any moving vehicle with a sound system for campaign jingles or recorded or live propaganda, or motorcades; or

(6) All other forms of election propaganda not prohibited by this Code as the Commission may authorize after due notice to all interested parties and hearing where all interested parties were given equal opportunity to be heard: Provided, That the Commission's authorization shall be published twice in two (2) news-

papers of general circulation within one (1) week after the grant of such authorization. Violation in any manner of this Section shall constitute an election offense [Sec. 82, BP 881].

SEC. 120. Prohibition on removal, destruction, or defacement of lawful election propaganda. - It shall be unlawful for any person to remove, destroy, obliterate, or in any manner deface or tamper with, or prevent the distribution of, lawful election propaganda during the campaign period [Sec. 83, BP 881].

SEC. 121. Requirements for printed election propaganda. - Any poster, pamphlet, circular, handbill, bumper sticker, streamer, list of candidates, or any printed political matter for or against a candidate or group of candidates to any public office shall bear the words "PAID FOR BY" followed by the true and correct name and address of the payor, and by the words "PRINTED BY" followed by the true and correct name and address of the printer [Sec. 84, BP 881].

SEC. 122. Prohibited election propaganda. - The following election propaganda are prohibited:

(1) Posters, pamphlets, circulars, handbills, or any printed matter which do not bear the names and addresses of the printer and payor;

(2) Billboards, tinplate-posters, balloons and the like, of whatever size, shape, form, or kind;

(3) Pens, lighters, fans of whatever nature, flashlights, athletic goods or materials, wallets, shirts, hats, bandanas, matches, cigarettes and the like. However, campaign supporters may be allowed to wear hats and/or shirts or T-shirts advertising a candidate while in the actual company of the candidate.

(4) Any advertisement or propaganda by means of cinematography, audio-visual units, video cassette recorders or other screen projections, except telecasts which may be allowed as hereinafter

provided; and

(5) Printed and broadcast material for campaign and other political purposes in the print and broadcast media, whether given free of charge or sold to any individual or party, except as authorized in this Code and by the Commission.

The printing, manufacture, construction, purchase, posting, publication, display, airing, distribution, acceptance, or use of any of the foregoing election propaganda materials shall constitute an election offense.

Any prohibited election propaganda gadget or advertisement shall be stopped, confiscated, or torn down by the representative of the Commission upon its written authority [Sec. 85, BP 881].

SEC. 123. Ban on political advertisements in media. - It shall be unlawful for any newspaper, radio broadcasting or television station, or other mass media, or any person making use of the mass media, to sell or give free of charge print space or air time for campaign or other political purposes except to the Commission as provided for under the provisions on "Comelec Space" and "Comelec Time," including such other programs authorized by the Commission: Provided, however, That the right of media to print or broadcast accounts of significant or newsworthy events and views on matters of public interest shall at all times be recognized.

Any mass media columnist, commentator, announcer, reporter, correspondent, or personality who is a candidate for any public office or a campaign volunteer for or employed or retained in any capacity by any candidate shall take a leave of absence from his work in media from the start of the campaign period until election day [Sec. 11(b), RA 6646].

SEC. 124. Regulation of election propaganda through mass media. - No franchise or permit to operate a radio or television

station shall be granted or issued, suspended, cancelled, or revoked during the election period.

In all instances during the election period, the Commission shall supervise the use and employment of press, radio and television facilities so as to give candidates equal opportunity under equivalent circumstances to make known their qualifications and stand on public issues within the limits set forth in the preceding section on election propaganda.

Violation of the rules and regulations issued by the Commission to implement this section shall constitute an election offense [Sec. 86, BP 881)].

SEC. 125. Comelec Space. - The Commission shall procure space free of charge in at least one (1) newspaper of general circulation in every province or city and in such newspaper with national circulation as there are in circulation, which shall be known as "Comelec Space," wherein candidates can announce their candidacy. Provided, however, that in the absence of such newspaper, publication shall be done in any other magazine or periodical in said province or city. Said space shall be allocated, free of charge, equally and impartially by the Commission among all candidates for national office, in the case of newspapers with national circulation, and among all candidates for other elective public positions within the area in which the newspaper is circulated, in the case of publications with limited circulation [Sec. 90, BP 881].

Said "Comelec Space" shall also include such space as may be reasonably necessary to accommodate a "Comelec Column," in a frequency not exceeding twice a week during the election period, which shall contain such materials as may be necessary to inform the public of election matters. Any candidate or political party may cause the reproduction or reprinting, at their expense, of

any "Comelec Space" publication, subject to the limitations on lawful election expenditures [New].

SEC. 126. Comelec Time. The Commission shall procure radio and television time, of which a reasonable proportion shall be prime time, free of charge to be known as "Comelec Time," which shall be allocated equally and impartially among all candidates for national office, in the case of radio and television stations with nationwide reach, and among all candidates for other public elective positions within the area of coverage of the radio and television stations concerned, in the case of stations with limited territorial reach. For this purpose, the franchise of all radio broadcasting and television stations are hereby amended so as to provide radio or television prime time, free of charge, during the election campaign period [Sec. 92, BP 881].

SEC. 127. Common poster area. - The Commission shall designate common poster areas in strategic public places such as city or municipal halls, public markets, barangay centers, and the like, wherein each candidate can post, display, or exhibit free of charge his election propaganda, consisting of one (1) poster measuring not more than twenty (20) by twenty-seven and one-half (27.5) centimeters, to announce or further his candidacy.

Whenever feasible, the Commission may authorize the installation of common billboards by non-partisan private or civic organizations, after due notice and hearing, in such strategic places where maximum visibility shall be ensured.

The space in such common poster areas or billboards shall be allocated equally and impartially among all the candidates in the province, city, municipality, or barangay [Sec. 91, BP 881].

SEC. 128. Rallies, meetings and other political activities. - Subject to the requirements of local ordinances on the issuance of permits, any political party supporting official candidates or

any candidate, individually or jointly with other aspirants, may hold peaceful political rallies, meetings and other similar activities during the campaign period. Provided, that all applications for permits to hold such activities shall be immediately posted in a conspicuous place in the city or municipal building, receipt thereof acknowledged, and, within three (3) days from its filing, acted upon in writing by the local authorities concerned. Provided, further, that any application not acted upon within said period shall be deemed approved, and any denial of application for said permit shall be appealable to the provincial election supervisor, regional election director, or, in the case of Metro Manila, to the appropriate department or service of the Commission, as the case may be, or to the Commission, whose decision shall be made within forty-eight (48) hours and which shall be final and executory. Provided, finally, that the only justifiable ground for denial of an application is the approval of a prior written application by any candidate or political party for the same time, date, place, and purpose [Sec. 87, BP 881].

SEC. 129. Transportation, food and drinks. - It shall be unlawful for any candidate, political party, organization, or coalition, political leader, voter, or any person to give or accept, free of charge or for a nominal sum, directly or indirectly, transportation service, fare, food, beverages, liquor, or things of value during the five (5) hours before and after a public rally, on the day preceding the election, and on the day of the election; or to give or contribute, directly or indirectly, money or things of value for such purpose [Sec. 89, BP 881].

No special permit or authority to operate outside their designated routes shall be issued to public utility operators or owners within the three (3) days preceding the elections and on

the day of the election. All public utility vehicles operating outside their designated routes during said period shall be impounded, and their drivers apprehended, upon authority of the Commission [New].

F. ELECTORAL CONTRIBUTIONS AND EXPENDITURES

SEC. 130. Definitions. - As used in this Article:

(1) "Person" refers to an individual, partnership, committee, association, corporation, political party, organization, or coalition, or any other organization or group of persons;

(2) "Contribution" refers to a gift, donation, subscription, loan advance, or deposit of money or anything of value, or a contract, promise, or agreement to contribute, whether or not legally enforceable, made for the purpose of influencing the results of the elections, as well as the use of facilities voluntarily loaned by other persons, the money value of which can be assessed based on the rates prevailing in the area. However, it shall not include services rendered without compensation by individuals volunteering a portion or all of their time in behalf of a candidate or political party.

(3) "Expenditure" refers to the payment or delivery of money or anything of value, or a contract, promise, or agreement to make an expenditure, for the purpose of influencing the results of the election, as well as the use of facilities personally owned by the candidate, the money value of which use can be assessed based on the rates prevailing in the area [Sec. 94, BP 881].

SEC. 131. Lawful expenditures of candidates and political parties. - No candidate or treasurer of a political party shall, directly or indirectly, make any expenditure except for the

following purposes:

(1) Travelling expenses of the candidates and campaign personnel in the course of the campaign, and for personal expenses incident thereto;

(2) Compensation of campaign personnel, clerks, stenographers, messengers and other persons actually employed in the campaign;

(3) Telegraph and telephone tolls, postage, freight and express delivery charges;

(4) Stationery, printing and distribution of printed matter relative to the candidacy;

(5) Employment of watchers at the polls;

(6) Rental, maintenance and furnishing of campaign headquarters, office, or venue of meetings or media conferences;

(7) Political meetings and rallies and the use or rental of sound systems, lights and decorations during such meetings and rallies; or

(8) Use, rental, or hire of land, water, or air craft, equipment, facilities, apparatus and paraphernalia.

The cost of employment of counsel and for printing of sample ballots in such color, size and number as may be authorized by the Commission shall not be included in computing the amount of expenses which a candidate or political party may have incurred [Secs. 100 and 102, BP 881]

SEC. 132. Prohibited contributions. - No contribution for purposes of partisan political activity shall be made, directly or indirectly, by any of the following:

(1) Public or private financial institutions. However, nothing herein shall prevent the accommodation of any loan by a candidate or political party by any such public or private financial institutions legally engaged in the business of lending

money, where the loan is made in accordance with law and regulations and in the ordinary course of business;

(2) Natural and juridical persons who:

(a) Operate public utilities or possess or exploit any natural resources of the nation;

(b) Hold contracts or sub-contracts to perform construction or other works or to supply with goods and services the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations;

(c) Have been granted by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations, franchises, incentives, exemptions, allocations, or similar privileges or concessions, or, within one (1) year prior to the date of the election, loans or other accommodations in excess of twenty-five thousand (P25,000) pesos;

(3) Educational institutions which have received grants of public funds amounting to no less than one hundred thousand (P100,000) pesos;

(4) Officials or employees of the civil service, or members of the Armed Forces of the Philippines;

(5) Foreign nationals, entities, and governments; and

(6) Domestic and foreign religious organizations.

It shall be unlawful for any person to solicit or receive, directly or indirectly, any aid or contribution of whatever form or nature, from any of the persons or entities enumerated above [Secs. 95 and 96, BP 881].

SEC. 133. Prohibited donations and fund-raising activities. - From the commencement of the election period up to and includ-

ing election day, it shall be unlawful:

(1) For any person to hold dances, lotteries, cockfights, games, boxing bouts, bingo sessions, beauty contests, raffles, dinners, entertainment activities, or cinematographic, theatrical, or other performances for the purpose of raising funds for an election campaign or for the support of any candidate;

(2) For any person, directly or indirectly, to solicit and/or accept from any candidate, or from his campaign manager, agent, or representative, or any person acting in their behalf, any gift, food, transportation, contribution, or donation in cash or in kind. However, normal and customary religious stipends, tithes, or church collections on Sundays and/or designated collection days, as well as periodic payments made for legitimate academic scholarships established and school contributions habitually made before the election period are excluded from this prohibition; and

(3) For any candidate, his spouse, or any relative within the fourth degree of consanguinity or affinity, his campaign manager, agent, or representative, treasurer and other officers, agents, or representatives of any political party, whether accredited or not, to make, directly or indirectly, any donation or contribution for the construction or repair of roads, bridges, school houses, puericulture centers, medical clinics, or hospitals, churches, or chapels, multi-purpose centers, cement or asphalt pavements or sidewalks, street lights, basketball courts, alleys, barangay halls, or any other structure for public use or for the use of any religious or civic organizations [Secs. 97 and 104, BP 881].

SEC. 134. <u>True name of contributor required</u>. - No person shall make any contribution in any name except his own, nor shall any candidate or treasurer of a political party receive a contri-

bution or enter or record the same in any name other than that by whom it was actually made, indicating the tax identification number of the contributor concerned [Sec. 98, BP 881].

SEC. 135. Report of contributors. - Every person giving contributions to any candidate, treasurer of the party, or their authorized representatives shall, not later than thirty (30) days after the day of the election, file with the law department of the Commission a report under oath stating the following:

(1) Amount of each contribution;

(2) Name of the candidate, agent of the candidate, or political party receiving the contribution;

(3) Date of the contribution; and

(4) Name, address and tax identification number of the contributor.

The report shall also be supported by certified true copies of the receipts signed and issued by the candidate, treasurer of political party, or their authorized representatives [Sec. 99, BP 881].

SEC. 136. Limitations on election expenditures. - The amount that a candidate or political party, organization, or coalition may spend for election campaign purposes shall be fixed by the Commission based on the consumer price index prevailing at least sixty (60) days prior to the start of the election period. However, such limitations on election expenses shall be published in two (2) newspapers of general circulation not later than thirty (30) days before the election period [Sec. 100, BP 881].

Expenses incurred by the branches, chapters, or committees of a political party, organization, or coalition for campaign purposes shall be included in the computation of its total expenditures and prorated as expenses of its respective individual candidates, subject to the limitation provided in the preceding

paragraph.

Any provision of law to the contrary notwithstanding, any contribution in cash or in kind to any candidate or political party, organization or coalition for campaign purposes, duly reported to the Commission, shall not be subject to the payment of any gift tax [Sec. 101, BP 881].

SEC. 137. Persons authorized to incur election expenditures. - Only the candidate, treasurer of a political party, or any person authorized by them shall incur election expenditures, which shall be considered as expenditures of such candidate or political party.

The authority to incur expenditures shall be in writing, copy of which shall be furnished the Commission signed by the candidate or treasurer of the party, and shall state the full name and exact address of the person so designated and the maximum amount of expenditures so authorized [Sec. 103, BP 881].

SEC. 138. Record of contributions and expenditures. - It shall be the duty and responsibility of every candidate, treasurer of a political party, or any person acting under their authority to:

(1) Issue a receipt for every contribution received;

(2) Obtain and keep a receipt stating the particulars of every expenditure made;

(3) Keep detailed, full and accurate records of all contributions received and expenditures incurred or caused to be incurred by them;

(4) Preserve the records of contributions and expenditures, together with all pertinent documents, for at least three (3) years after the election, and produce such records and documents upon order by the Commission or its duly-authorized representative.

Failure to preserve such records or documents shall be deemed prima facie evidence of violation of the provisions of this Article [Sec. 106, BP 881].

SEC. 139. Statement of contributions and expenditures. - Every candidate shall, within thirty (30) days after the day of the election and during regular office hours, file in duplicate personally or through his representative with the same office of the Commission where he filed his certificate of candidacy, the full, true and itemized statement of all contributions and expenditures in connection with the election.

The statement of contributions and expenditures of treasurers of political parties shall be filed by the treasurers personally or through their duly-authorized representatives with the law department of the Commission in Manila.

The regional election director, provincial election supervisor and city or municipal election officer shall keep duplicate copies of all the statements filed with them, and, within ten (10) days from the last day for filing of the statement, send the original copies thereof to the law department of the Commission by registered mail [Sec. 107, BP 881].

SEC. 140. Form and contents of statement. - The statement of contributions and expenditures shall be in writing, subscribed and sworn to by the candidate or the treasurer of the party, and shall be complete as of the date of filing. It shall state:

(1) The amount of every contribution, date of receipt thereof, and full name and exact address of the contributor;

(2) The amount of every expenditure, the date and purpose thereof, and full name and exact address of the payee;

(3) Any unpaid obligation, its nature and amount, and the name of the creditor; and

(4) Such other particulars which the Commission may require

[Sec. 109, BP 881].

If the total contributions or expenditures reported in the statement exceed fifty thousand (P50,000) pesos, the statement shall be certified correct by an independent certified public accountant [New].

SEC. 141 . Effect of failure to file statement. - No person elected to any public office shall enter upon the duties of his office unless he and his political party, if any, have filed the statement of contributions and expenditures herein required, as certified by the officer with whom such statements are filed.

The person administering the oath of office shall, before administering such oath to an elected public officer, require the latter to furnish him with a certification that he has filed the required statement, attested to by the officer with whom such statement was filed. Failure to require such certification before administering the oath of office shall constitute an election offense.

The city or municipal election officer shall, within five (5) days from the date of the election, advise in writing, by personal delivery or registered mail, all candidates residing in his jurisdiction to file their statements of contributions and expenditures.

Except candidates for elective barangay office, failure to file the statement of contributions and expenditures as required shall constitute an administrative offense for which the offender shall pay a fine ranging from one thousand (P1,000) pesos to thirty thousand (P30,000) pesos, in the discretion of the Commission.

Within thirty (30) days from receipt of notice of such failure, the candidate shall pay the fine and file the required statement.

No certificate of candidacy filed by any person who has previously failed to pay the administrative fine and file the statement shall be given due course.

Any candidate who fails to pay the fine and file the required statement within the prescribed period for a second time shall be subject to perpetual disqualification to hold public office [Sec. 14, RA 7166].

SEC. 142. Preservation and inspection of statements. - All statements of contributions and expenditures shall be kept and preserved at the office where they are filed and constitute part of its public records for three (3) years after the election to which they pertain. They shall not be removed therefrom except upon order of the Commission or of a competent court and shall, during regular office hours, be open to inspection by the public. The officer-in-charge of such office shall, on demand, furnish certified copies of any statement upon payment of the fee prescribed in this Code [Sec. 110, BP 881].

SEC. 143. Report of contractor and business firms. - Every person or firm to whom any electoral expenditure is made shall, within thirty (30) days after the day of the election, file with the Commission a report setting forth the full name, tax identification number and exact address of the candidate, treasurer of political party and any other person incurring such expenditures, the nature, purpose, date and amount thereof, and such other particulars as the Commission may require. The report shall be signed and sworn to by the supplier or contractor, or, in the case of a business firm or association, by its president, general manager, or other equivalent officer.

It shall be the duty of such person or firm to whom an electoral expenditure is made to require every agent of a candidate or treasurer of political party to present written authority

to incur election expenditures in behalf of such candidate or treasurer, and to preserve and keep at its place of business, subject to inspection by the Commission or its authorized representatives, copies of such written authority, contracts, vouchers, invoices and other records and documents relative to said expenditures for a period of three (3) years after the date of the election to which they pertain.

It shall be unlawful for any supplier, contractor or business firm to enter into any contract involving election expenditures with representatives of candidates or political parties without such written authority [Sec. 112, BP 881].

ARTICLE V. PRE-ELECTION ACTIVITIES

A. REGISTRATION OF VOTERS

SEC. 144. Definition. - As used in this Code:

(1) "Registration" refers to the act of accomplishing a sworn application for registration by a qualified voter before the election officer of the city or municipality wherein he resides and the inclusion of the same in the book of voters upon its approval by the election registration board.

(2) "Registration record" refers to an application for registration duly approved by the election registration board.

(3) "Book of voters" refers to the compilation of all registration records in a precinct.

(4) "List of voters" refers to an enumeration of names of registered voters in a precinct.

(5) "Illiterate" or "disabled" person refers to one who cannot prepare his own application for registration [New].

SEC. 145. Permanent list of voters. - There shall be a

permanent list of voters in each city or municipality consisting of all approved applications for registration of the city or municipality, with such additions, cancellations and corrections as may be herein authorized.

The voter's registration records contained in the precinct books of voters used in the May 11, 1992 national and local elections and in the March 25, 1993 elections in the Autonomous Region in Muslim Mindanao, shall be considered as the permanent list of voters in each city or municipality [Sec. 98, RA 6388].

However, should the Commission find it necessary, a general registration of voters shall be conducted [New].

SEC. 146. Continuing system of registration of voters. - Registration of voters shall be conducted daily in the office of the election officer during office hours. To facilitate the filing of application for registration, the election officer may hold office in any district, barangay or sitio within his jurisdiction, subject to the rules and regulations promulgated by the Commission. No registration shall, however, be conducted ninety (90) days before a regular election and sixty (60) days before a special election [Sec. 79, 1978 EC].

SEC. 147. Registration of voters. - A qualified voter must be registered in the permanent list of voters of the city or municipality wherein he resides to be able to vote in any election. To register as a voter, he shall personally accomplish an application for registration in triplicate before the election officer on any date after having acquired the qualifications of a voter [Sec. 109, RA 6388].

The application shall contain the following data:

(1) Name, surname and middle name and/or maternal surname;

(2) Sex, date and place of birth;

(3) Citizenship;

(4) Civil status; if married, the name of the spouse;

(5) Profession, occupation or work;

(6) Periods of residence in the Philippines and in the place of registration;

(7) Exact address with the name of the street and house number or in case there is none, a brief description of the place of residence and his barangay and sitio;

(8) A statement that he possesses the qualifications and none of the disqualifications of a voter;

(9) A statement that the applicant is not a registered voter of any precinct;

(10) Such information or data as may be required by the Commission.

The application for registration shall be under oath and contain three (3) specimen of the applicant's signature and clear and legible prints of all his fingers, and be accompanied by four (4) identification-sized copies of the latest photograph, to be taken at the expense of the Commission.

Before the applicant accomplishes his application for registration, the election officer shall inform him of the qualifications and disqualifications prescribed by law for a voter, and thereafter see to it that the accomplished application contains all the data therein required and that the applicant's specimen signatures, fingerprints and photograph are properly affixed in all copies of the voter's application [Sec. 110, RA 6388].

SEC. 148. Who may register. - All citizens of the Philippines not otherwise disqualified by law, who are at least eighteen (18) years of age, and who shall have resided in the Philippines for at least one (1) year and in the place wherein they propose to vote, for at least six (6) months immediately preceding the election may register as voters.

The following shall be allowed to register, if qualified:

(1) Those who failed to register in previous elections;

(2) Any person, who may not have, on the day of registration, the age or period of residence required but, who, on the day of the election, shall possess such qualifications;

(3) Any person whose registration has been cancelled on the ground of disqualification and such disqualification has subsequently been lifted or removed; and

(4) A voter whose registration has been cancelled due to failure to vote in the two (2) successive preceding regular elections [Sec. 117, BP 881].

SEC. 149. Re-registration. - A voter registered in the permanent list of voters need not register anew for subsequent elections unless he transfers his residence to another city or municipality.

Any person who transfers his residence to another city, municipality or country solely by reason of his occupation; profession; employment in private or public service; educational activities; work in military or naval reservations within the Philippines; service in the Philippine Army, Navy, Air Force, the National Police Forces; or confinement or detention in government institutions in accordance with law, shall be deemed not to have lost his original residence [Sec. 125, BP 881].

SEC. 150. Illiterate or disabled applicants. - The application for registration of an illiterate or physically disabled person may be prepared by any relative within the fourth civil degree of consanguinity or affinity or by the election officer in accordance with the data supplied by the applicant.

The fact of illiteracy or disability shall be so indicated in the application [Sec. 127, BP 881].

SEC. 151. Election registration board. - There shall be in

each city and municipality as many election registration boards as there are election officers therein.

The board shall be composed of the election officer as chairman, and as members, the most senior public school official and a citizen of known probity, competence and impartiality, to be nominated by the citizens' arm of the Commission, if any, or civic organizations collectively, who shall be appointed by the Commission. In case the most senior public school official is disqualified due to relationship to any candidate, the next ranking qualified public school official may be appointed in his stead.

The board shall meet during office hours every last Monday of each month: Provided, That, the Commission may require a board to meet more often as the exigencies of its duties may require [Sec. 105, RA 6388].

SEC. 152. Notice and hearing of application. - Upon receipt of the application for registration, the election officer shall set it for hearing, notice of which shall be posted in the city or municipal bulletin board and in his office for at least three (3) days before the hearing, and furnish copies thereof to heads or representatives of registered political parties in the city or municipality. On the date of the hearing, the election officer shall receive such evidence as may be submitted for or against the applicant [Sec. 111, RA 6388].

SEC. 153. Challenge of right to register. - Any voter, candidate, or representative of a registered political party may challenge in writing any application for registration, stating the grounds therefor. The challenge shall be under oath and shall be attached to the application, together with proof of notice to the challenger and the applicant [Sec. 112, RA 6388].

SEC. 154. Power to administer oath and issue summons. - For

purposes of determining the right of applicants to be registered as voters, the election officer shall have the power to administer oath, issue subpoena and subpoena duces tecum, swear in witnesses, and compel witnesses to appear and testify. The fees and expenses incidental thereto shall be paid in advance by the party in whose behalf the summons is issued [Sec. 140, RA 6388].

SEC. 155. Approval or disapproval of application. - The election officer shall submit to the board all the applications for registration filed, together with the evidence received in connection therewith. The board shall, by majority vote, approve or disapprove the applications.

Upon approval, the election officer shall issue the corresponding identification card to the registered voter. If the board disapproves the application, the applicant shall be furnished with a certificate of disapproval stating the ground therefor. The decision of the board shall become final five (5) days after its promulgation [Sec. 111, RA 6388].

SEC. 156. Preservation of voters' registration records. - The election officer shall compile his copies of the approved applications for registration and arrange the same alphabetically by precinct in the books of voters. He shall preserve said books of voters to ensure its integrity. The other two (2) copies of the registration records shall be sent to the offices of the provincial and national central files within three (3) days after the approval by the board becomes final [Sec. 125, RA 6388].

SEC. 157. Provincial central file. - There shall be a provincial central file consisting of the duplicate copies of all registration records in each city and municipality in the province. It shall be under the custody of the provincial election supervisor and shall be compiled alphabetically by precinct [Sec. 91, 1978 EC].

Should the books of voters in the custody of the election officer be lost or destroyed at a time so close to election day that there is no time to reconstitute the same, the corresponding books of voters in the provincial file shall be used during the voting [Sec. 130, BP 881].

SEC. 158. National central file. - There shall be a national central file under the custody of the Commission in Manila consisting of a compilation of the third copies of all approved voters' registration records [Sec. 92, 1978 EC].

SEC. 159. Publication of action on application for registration. - Within two (2) days from approval or disapproval of an application, the board shall post a notice in the city or municipal building and in the office of the election officer stating the name and address of the applicant, the date of the application and the action taken thereon. The election officer shall serve a copy thereof by personal or registered special delivery to the heads or representatives of registered political parties in the city or municipality [Sec. 113, RA 6388].

SEC. 160. Voter's identification card. - The voter's identification card issued to the registered voter shall be considered as a document for his identification. No duplicate copy thereof shall be issued except upon authority of the Commission.

The identification card shall bear the name and address of the voter, his date of birth, sex, civil status, occupation, photograph, thumbmark, the city or municipality and number of the precinct where he is registered, his signature, voter's serial number, and the signature of the chairman of the election registration board [Sec. 129, RA 6388; Sec. 129, BP 881].

SEC. 161. Change of residence to another city or municipality. - Any registered voter who has transferred residence to another city or municipality may register as a voter in his new

residence after applying for the cancellation of his previous registration with the election officer of his new residence [Sec. 119, RA 6388].

SEC. 162. Change of address in the same city or municipality. - Any voter who has changed his address in the same city or municipality shall immediately notify the election officer in writing. If the change of address involves a change in precinct, the board shall transfer his registration record to the precinct book of voters of his new precinct and notify the voter of his new precinct. All changes of address shall be reported to the offices of the provincial and national central files [Sec. 87, 1978 EC].

SEC. 163. Cancellation of registration. - The board shall cancel the registration and remove the registration records of the following persons from the corresponding precinct books of voters and place the same in the inactive file after entering therein the cause or causes of cancellation:

(1) Those who have died as certified to by the local civil registrar;

(2) Those who were sentenced by final judgment to suffer imprisonment of not less than one (1) year or found guilty of having violated their allegiance to the Republic of the Philippines as certified to by the clerks of court; and

(3) Those who did not vote in the two (2) successive preceding regular elections as shown by their voting records.

For this purpose, the local civil registrar in the city or municipality and the clerks of court of the metropolitan trial courts and regional trial courts shall furnish the election officer concerned at the end of each month a certified list of persons with their addresses, who have died or have been sentenced by final judgment to suffer imprisonment of not less than

one (1) year or found guilty of having violated their allegiance to the Republic of the Philippines.

The election officer shall post in the bulletin board of his office a list of those persons whose registration was cancelled and the reasons therefor, and furnish copies thereof to the local heads of political parties, the national and provincial central files, and the persons concerned or the immediate members of their families [Sec. 117, RA 6388; Sec. 123, BP 881].

SEC. 164. Preparation and publication of the certified list of voters. - The board shall prepare a certified list of voters thirty (30) days before a regular election and fifteen (15) days before a special election and furnish copies thereof to the provincial and national central files. Upon payment of fees as fixed by the Commission, the candidates and heads of registered political parties may also be furnished copies thereof. Any change or correction in the said list shall be distributed in the same manner as a supplementary list.

The board shall also furnish two (2) certified copies of said list of voters, including the supplementary list, if any, to the board of election inspectors for posting in the polling place and for its use on election day.

SEC. 165. Sealing of precinct book of voters. - The board shall, twenty (20) days before a regular election and ten (10) days before a special election, seal all precinct books of voters and certify as to the completeness of the registration records for each precinct. All candidates, watchers of registered political parties and members of the board of election inspectors shall have the right to be present during the sealing of the precinct books of voters and to verify their contents before the books are closed and sealed. The election officer shall deliver the sealed precinct book of voters to the chairman of the board

of election inspectors when the latter secures its official ballots and other paraphernalia for election day.

SEC. 166. Jurisdiction in inclusion and exclusion cases. - The municipal and metropolitan trial courts shall have original and exclusive jurisdiction over all cases of inclusion and exclusion of voters in their respective cities or municipalities. Decisions of the municipal or metropolitan trial courts may be appealed by the aggrieved party to the regional trial court within five (5) days from receipt of notice thereof; otherwise, said decision shall become final and executory. The regional trial court shall decide the appeal within ten (10) days from the time the appeal is received and its decision shall be immediately final and executory. No motion for reconsideration shall be entertained [Sec. 138, BP 881].

SEC. 167. Petition for inclusion of voters in the list. - Any person whose application for registration has been disapproved by the board or whose name has been stricken out from the list may file with the court at any time except twenty-five (25) days before a regular or special election, a petition to include his name in the permanent list of voters of his precinct. It shall be supported by a copy of the disapproval of his application and proof of service of notice of his petition upon the board. The petition shall be decided within fifteen (15) days after filing.

If the decision is for the inclusion of the voter in the permanent list of voters, the board shall activate the application for registration previously disapproved by entering therein the order of inclusion and placing the said application in the corresponding precinct book of voters [Sec. 139, BP 881].

SEC. 168. Voters excluded through inadvertence or registered with an erroneous or misspelled name. - Any registered voter who

has not been included in the precinct list of voters or who has been included therein with a wrong or misspelled name may file with the board an application for reinstatement or correction of name. If it is denied or not acted upon, he may file on any date with the proper municipal or metropolitan trial court a petition for an order directing that his name be entered or corrected in the list. He shall attach to the petition a certified copy of his registration record or identification card or the entry of his name in the list of voters used in the preceding election, together with proof that his application was denied or not acted upon by the board and that he has served notice thereof upon the board [Sec. 140, BP 881].

SEC. 169. Change of name of registered voter. - Any registered voter whose name has been changed by reason of marriage or by virtue of a court order may file an application with the board asking that his name be changed accordingly in the list of voters [Sec. 141, BP 881].

SEC. 170. Petition for exclusion of voters from the list. - Any registered voter, representative of a registered political party, or the election officer in the city or municipality may, at any time except twenty-five (25) days before a regular or special election, file with the court a sworn petition for the exclusion of a voter from the permanent list of voters, giving the name, address and precinct of the challenged voter and citing as ground that he is either disqualified from registering as a voter or is illegally registered. The petition shall be accompanied by proof of notice to the board and the challenged voter and shall be decided within ten (10) days from filing.

If the decision is for the exclusion of the voter from the list, the board shall, upon receipt of the final decision, remove the voter's registration record from the corresponding book of

voters, enter the order of exclusion therein, and thereafter place the record in the inactive file [Sec. 137, RA 6388].

SEC. 171. Common rules governing judicial proceedings in the matter of inclusion, exclusion and correction of names of voters. - (1) Petitions for inclusion, exclusion, or correction of names of voters shall be filed during regular office hours.

(2) Notice of the place, day and hour of the hearing of the petition shall be served upon the members of the board and the challenged voter at least ten (10) days prior thereto. Service of such notice may be made by sending a copy thereof by personal delivery, by leaving it in the possession of a person of sufficient discretion in the residence of the said person, or by registered mail. Should the foregoing procedure be not practicable, the notice shall be posted in a conspicuous place in the city or municipal hall and in two (2) other conspicuous places within the city or municipality.

(3) A petition shall refer to only one (1) precinct and implead the board as respondent.

(4) No costs shall be assessed against any party in these proceedings. However, if the court should be satisfied that the application has been filed solely to harass the adverse party and cause him to incur expenses, it shall order the culpable party to pay the costs and incidental expenses.

(5) Any voter, candidate, or political party who may be affected by the proceedings may intervene and present his evidence.

(6) The decision shall be based on the evidence presented and in no case be rendered upon a stipulation of facts. If the question is whether or not the voter is real or fictitious, his non-appearance on the day set for hearing shall be prima facie evidence that the challenged voter is fictitious.

(7) The petition shall be heard and decided without delay. The decision shall be rendered within six (6) hours after the hearing and within ten (10) days from the date of its filing in court. Cases appealed to the regional trial court shall be decided within ten (10) days from receipt of the appeal. In all cases, the court shall decide these petitions not later than the day before the election and the decision rendered thereon shall be immediately final and executory [Secs. 139 and 143, BP 881].

SEC. 172. Verification of registered voters. - Subject to the rules and regulations promulgated by the Commission, the election officer shall, in order to preserve the integrity of the permanent lists of voters, conduct verification of the registered voters of any barangay by mail, house-to-house canvass, or aerial survey [Sec. 144, BP 881].

SEC. 173. Annulment of book of voters. - The Commission shall, upon verified petition of any voter or election officer or duly-registered political party, and after notice and hearing, annul any book of voters that is not prepared in accordance with this Code; or was prepared through fraud, bribery, forgery, impersonation, intimidation, force, or any other similar irregularity; or which contains data that are statistically improbable. No order, ruling or decision annulling a book of voters shall be executed within sixty (60) days before an election [Sec. 98, 1978 EC; Sec. 145, BP 881].

SEC. 174. Reconstitution of lost or destroyed registration records. - The Commission shall reconstitute all registration records which have been lost or destroyed by using the corresponding copies of the provincial or national central files. If this is not feasible, the registered voters concerned shall be summoned by the election officer to reconstitute their records by accomplishing a new application. Reconstituted forms shall be

clearly marked with the word "RECONSTITUTED".

It shall be the duty of the election officer to immediately report to the Commission any case of loss or destruction of registration records in his custody.

The reconstitution of any lost or destroyed registration records shall not affect the criminal liability of any person who may be responsible for such loss or destruction [Sec. 99, 1978 EC; Sec. 146, BP 881].

SEC. 175. Examination of registration records. - All registration records in the possession of the election officer, the provincial election supervisor, and the Commission shall, during regular office hours, be open to examination by the public for legitimate inquiries on election-related matters.

Law enforcement agencies may, upon prior authorization and subject to regulations promulgated by the Commission, have access to said registration records should the same be necessary to, and in aid of, their investigative functions and duties [Sec. 100, 1978 EC; Sec. 147, BP 881].

SEC. 176. Computerization of the permanent list of voters. - The Commission shall computerize the permanent list of voters nationwide and assign a permanent serial number to every registered voter in the permanent list by city or municipality and province.

The computer printouts of the list of voters duly certified to by the election registration board are official documents and shall be used solely for election-related purposes [New].

B. PRECINCTS AND POLLING PLACES

SEC. 177. Definitions. - As used in this Code:

(1) "Precinct" refers to the unit of territory established

by the Commission for the purpose of voting.

(2) "Polling place" refers to the place where the board of election inspectors conducts its proceedings and where the voters cast their votes.

(3) "Voting center" refers to the building or place where polling places are located.

SEC. 178. Precincts and their establishment. - Every barangay shall have at least one (1) precinct.

The precincts established in the preceding regular election shall be maintained, but the Commission may, when necessary, abolish them or introduce adjustments, changes or new divisions. Unless authorized by the Commission, no territory comprising an election precinct shall be altered or a new precinct established within forty-five (45) days before a regular election and thirty (30) days before a special election or plebiscite [Sec. 149, BP 881].

SEC. 179. Arrangement of precinct. - (1) As far as practicable, each precinct shall have not more than three hundred (300) voters and shall comprise contiguous and compact territory. However, an island or group of islands with less than three hundred (300) voters may constitute a precinct.

An island or group of islands having one hundred and fifty (150) or more voters shall constitute a precinct.

(2) Where a precinct has more than three hundred (300) voters, the Commission shall, in the interest of orderly elections, and to facilitate the casting of votes, divide, adjust or split a precinct not later than thirty (30) days after the last day of registration of voters. The division or splitting shall be by territory or by alphabetical arrangement of the names of the voters equitably among the precincts.

The polling place of all the precincts created thereby shall

be located in the same building or compound where the polling place of the original precinct was located, and if this be not feasible, in a place as close as possible to the polling place of the original precinct. However, the polling place of the new precinct may be located elsewhere upon written petition of the majority of the voters of the new precinct.

Every case of alteration of a precinct shall be duly published by posting a notice thereof in a conspicuous location in the precinct, and in the city or municipal hall.

(3) When a precinct is divided or when two (2) or more precincts are merged, the board shall transfer the registration records of the voters to the corresponding precinct book of voters. All alterations of precincts shall be reported to the national and provincial central files. Voters thereby affected shall be notified personally or by registered mail of their new precincts within ten (10) days from such division or merger but in no case less than fifteen (15) days before an election [Sec. 150, BP 881].

SEC. 180. Publication of city or municipal maps. - At least ten (10) days before a regular election or five (5) days before a special election or plebiscite, the election officer shall post in his office and in the city or municipal hall, a map of the city or municipality showing its division into barangays with their respective boundaries and indicating all streets and alleys and the location of each polling place. A barangay map shall likewise be posted at the door of each polling place.

These maps shall be kept posted at least five (5) days before and until election day [Sec. 151, BP 881].

SEC. 181. Designation of polling places. - The location of polling places designated in the preceding regular election shall be maintained. No designation of polling places shall be changed

except by the Commission, motu proprio or upon written petition of the majority of the voters of the precinct or agreement of all the political parties after notice and hearing.

No location shall be changed within sixty (60) days before a regular election and thirty (30) days before a special election or plebiscite, except in case the polling place is destroyed or cannot be used [Sec. 153, BP 881].

The Commission may, where there is a large number of illiterate or disabled voters, designate a special polling place different from other polling places in a voting center or building.

In designating polling places, a public building shall be preferred as voting center. However, where no suitable public building is available, private school buildings may be used.

SEC. 182. Requirements for polling places. - Each polling place shall be of sufficient size to comfortably accommodate twenty (20) voters at any one time. The polling place shall be located within the territory of the precinct as centrally as possible with respect to the residence of the voters therein and preferably along a public road [Sec. 154, BP 881].

SEC. 183. Limitation on the designation of polling place. - No polling place shall be located in a public or private building owned, leased, or occupied by any candidate or any person related to any candidate within the fourth civil degree of consanguinity or affinity, or by any elected government official or leader of any political party, group or faction, nor in any building or surrounding premises under the actual control of a political party [Sec. 155, BP 881].

SEC. 184. Poster and flag of polling place. - There shall be at the door of every polling place on the days that the board of election inspectors conducts its proceedings, a poster indicating the precinct number, location of the polling place and the baran-

gay to which it belongs. The Philippine flag shall be hoisted in front of every building used as voting center [Sec. 156, BP 881].

C. BOARD OF ELECTION INSPECTORS

SEC. 185. Constitution of board of election inspectors. - At least thirty (30) days before a regular election or fifteen (15) days before a special election or plebiscite, the Commission shall, directly or through its duly authorized representatives, constitute a board of election inspectors for each precinct to be composed of a chairman and two (2) other members, one of whom shall be designated as poll clerk. All members of the board shall be public school teachers, giving preference to those with permanent appointments. In case there are not enough public school teachers, teachers in private schools, employees in the civil service or other citizens of known probity and competence may be appointed [Sec. 13, RA 6646].

SEC. 186. Qualifications.- To be appointed or to act as chairman, member or substitute member of the board, a person must:

(1) Be of good moral character and irreproachable reputation;

(2) Be a registered voter within the province;

(3) Not have been convicted of any election offense or of any other crime punishable by more than six (6) months of imprisonment;

(4) Have no pending information for any election offense;

(5) Be able to speak and write English, Pilipino or the local dialect [Sec. 166, BP 881].

SEC. 187. Disqualifications. - No person shall serve as member of the board if he or his spouse is related within the

fourth civil degree of consanguinity or affinity to any member of the same board or to any candidate to be voted for in the precinct [Sec. 167, BP 881].

SEC. 188. Oath of members of the board. - The members of the board whether permanent, substitute or temporary, shall, before assuming office, take and sign an oath using the forms prescribed by the Commission before an election officer or, in his absence, before any member of the board present, or in case of the absence of the election officer and other members of the board, before any voter. The oaths shall be sent immediately to and kept by the election officer [Sec. 165, BP 881].

SEC. 189. Temporary vacancies. - If, at the time of the meeting of the board, any member is absent, or the office is still vacant, the members present shall call upon the substitute to perform the duties of the absent member. In case such substitute cannot be found, the members present shall appoint any non-partisan registered voter of the precinct to temporarily fill said vacancy until the absent member appears or the vacancy is filled. In case there are two (2) members present, they shall act jointly [Sec. 175, BP 881].

SEC. 190. Temporary designation by watchers. - If at the time the board must meet, all the positions in the board are vacant, or if not one (1) of the appointed members shall appear, the watchers present may designate voters of the polling place to act in the place of said members until the absentees shall appear or the vacancies are filled [Sec. 176, BP 881].

SEC. 191. Arrest of absent members. - The member or members of the board present may order the arrest of any other member or substitute thereof, who, in their judgment, has absented himself with intention of obstructing the performance of duties of the board [Sec. 177, BP 881].

SEC. 192. Relief and substitution of members of the board. - The Commission may, for such cause as it may determine, relieve or disqualify any member of the board from acting as such, and substitute him with another who possesses the legal qualifications [Sec. 170, BP 881].

SEC. 193. Powers and functions of the board. - The board shall have the following powers and functions:

(1) See to it that the polling place designated for the precinct is suitable for use on election day;

(2) Conduct the voting and counting of votes in the designated polling place or in any other place authorized by the Commission;

(3) Act as deputies of the Commission in the supervision and control of the election in the polling place where they are assigned; and

(4) Perform such other functions prescribed by this Code or by the rules and regulations promulgated by the Commission [Sec. 168, BP 881].

SEC. 194. Proceedings of board. - The meetings of the board shall be public and be held in the polling place or any other place authorized by the Commission.

The board shall act through its chairman, and decide by majority vote without delay, all questions which may arise in the performance of its duties [Sec. 172, BP 881].

SEC. 195. Authority of board within polling place. - The board shall have full authority to maintain order within the polling place and its premises, keep access thereto open and unobstructed, and enforce obedience to its lawful orders. If any person shall refuse to obey lawful orders of the board, or shall conduct himself in a disorderly manner in its presence or within its hearing and thereby interrupt or

disturb its proceedings, the board may issue an order in writing directing any peace officer to take such person into custody until the adjournment of the meeting. Such order, however, shall not be so executed as to prevent any person from exercising his right to vote. The order shall be executed by any peace officer to whom it may be delivered, but if none be present, by any other person deputized in writing by the board [Sec. 172, BP 881].

SEC. 196. Voting privilege of members of board. - Members of the board and their substitutes may vote in the polling place of the precinct where they are assigned provided they are registered voters within the province, city or municipality where they are assigned. In barangay elections, the members of the board may vote in the polling place where they are assigned provided it is within the barangay where they are registered voters. The fact that a member of the board voted in the polling place where he is not a registered voter shall be noted in the minutes of the board [Sec. 169, BP 881].

SEC. 197. Prohibition against political activity. - No member of the board shall engage in any partisan political activity or take part in an election except to vote and discharge his duties [Sec. 173, BP 881].

SEC. 198. Per diems of boards of election inspectors and other personnel. - The chairman and members of the boards of election inspectors shall each be paid a per diem of two hundred (P200) pesos on each registration or revision day, and four hundred (P400) pesos on election day.

Support personnel from the Department of Education, Culture and Sports shall each receive a per diem of one hundred (P100) pesos during election day. Supervisors, principals and other administrators of the Department of Education, Culture and Sports

who may be required by the Commission to perform election duty shall each be entitled a per diem of four hundred (P400) pesos.

Provincial, city and municipal treasurers shall each receive a per diem of four hundred (P400) pesos on election day.

The above provisions notwithstanding, per diems may be paid in such amount as Congress may provide, upon recommendation of the Commission, taking into account the prevailing economic situation and consumer price and cost of living indices [Sec. 14, RA 6646, Amended]

D. WATCHERS

SEC. 199. Official watchers.- Every candidate or registered political party, organization or coalition shall be entitled to one (1) regular watcher and one (1) alternate in each polling place and canvassing center: Provided, That, candidates for the sangguniang panlalawigan, sangguniang panlungsod, or sangguniang bayan belonging to the same slate or ticket shall collectively be entitled to only one (1) watcher.

The alternate watcher shall take over in the absence of the regular watcher [Sec. 26, RA 7166].

The citizens arm of the Commission shall be entitled to appoint a watcher in every polling place. Other civic, religious, professional, business, service, youth and any other similar organizations, with prior authority of the Commission, shall be entitled collectively to appoint one (1) watcher in every polling place [Sec. 180, BP 881].

SEC. 200. Qualifications.- A person may be appointed watcher if he:

(1) Is a qualified voter of the city or municipality;

(2) Is of good reputation;

(3) Has not been convicted by final judgment of any election offense or of any other crime;

(4) Is able to read and write Pilipino, English, or any of the prevailing local dialects; and

(5) Is not related within the fourth civil degree of consanguinity or affinity to the chairman or any member of the board in the polling place where he seeks appointment as watcher.

No barangay official shall be appointed as a watcher [Sec. 178, BP 881].

SEC. 201. Who may appoint watchers. - Each candidate, political party, organization or coalition shall designate in every province or highly-urbanized city or district in the metropolitan Manila area, a representative authorized to appoint watchers and furnish the provincial election supervisor or the city election officer the list of such representatives. The provincial election supervisor shall furnish the municipal election officers and election officers of component cities with said list.

In the case of Metropolitan Manila, the designation of the persons authorized to appoint watchers shall be filed with the corresponding city or municipal election officers [Sec. 178, BP 881].

The appointment of the watcher shall bear the signature of the candidate or the duly-authorized representative of the political party, organization or coalition who appointed him.

SEC. 202. Rights and duties of watchers. - A watcher shall, upon entering the polling place, present and deliver to the chairman of the board his appointment. His name shall be recorded in the minutes with a notation under his signature that he is not disqualified as watcher.

The watchers shall have the right to:

(1) Stay in the space reserved for them inside the polling place or canvassing center;

(2) Witness and inform themselves of the proceedings of the board;

(3) Take notes of what they may see or hear;

(4) Photograph the proceedings and incidents, if any;

(5) File a protest against any irregularity which they believe may have been committed;

(6) Obtain from the board a certificate as to the filing of such protest and the resolution thereon;

(7) Have unimpeded view of the ballots during the counting of votes and of the election returns and certificate of canvass during the canvassing;

(8) Read the election returns or certificate of canvass after they shall have been completed and signed by the board; and

(9) Secure a certificate of the number of votes obtained by the candidates.

The watchers shall not converse with any person in a manner that would distract the proceedings of the board.

The watchers of the major accredited political party, organization or coalition in the precinct shall affix their respective signatures and thumbmarks on the election returns. If any of them is not available, or is unwilling or refuses to affix his signature or thumbmark on the election returns, any watcher present may be required by the board to do so [Sec. 12, RA 6646, Amended].

ARTICLE VI. ELECTION FORMS, SUPPLIES AND PARAPHERNALIA

SEC. 203. Official ballots. - (1) Official ballots shall be provided by the Commission. They shall be of uniform size and

printed on white security paper to be manufactured before the election with security markings. Each ballot shall be rectangular in shape with stub and detachable coupon containing the serial number of the ballot, and a space for the thumbmark of the voter on the detachable coupon. It shall bear at the top on the middle portion thereof the coat of arms of the Republic of the Philippines, the words "Official Ballot", the name of the city or municipality and province, the date of the election, and the following notice: "Fill out this ballot secretly. Do not put any distinctive mark on any part of the ballot."

(2) The ballot shall contain the offices to be voted for with sufficient space opposite or below the name of each office indicated by horizontal lines where the voter may write the names of the candidates to be voted for.

(3) Nothing shall be printed at the back of the ballot [Sec. 181, BP 881; Sec. 23, RA 7166].

SEC. 204. Election returns. - The election returns shall be of uniform size and of such color as may be determined by the Commission. Copies of returns shall be prepared in the number as prescribed in this Code. Each copy shall bear the name of the office for which it is intended. The returns shall be of special kind of paper so that the entries on the first copy can be clearly reproduced on the other copies thereof [Sec. 212, BP 881].

SEC. 205. Names of candidates in election returns and tally paper. - The names of the candidates for President, Vice-President and Senator and, whenever practicable, those of the candidates for other offices, shall be printed in the election returns and tally paper. Each name shall be followed by a nickname or stage name as indicated in his certificate of candidacy [Sec. 4, RA 6646].

SEC. 206. Printing of official ballots, election returns and

certificates of canvass. - The official ballots, election returns and certificates of canvass shall be printed upon orders of the Commission and under its exclusive supervision and control. The Commission shall determine and provide the necessary security measures in the printing, storage and distribution thereof.

The official ballots and election returns shall be numbered consecutively beginning with No. "1" in each city or municipality; bear the name of the city or municipality in which they are to be used; and be printed as far as practicable, in one (1) continuous process.

The National Printing Office shall be preferred in the printing of official ballots, election returns and certificates of canvass. However, if the Commission determines upon certification by said Office that it does not have the capability to print said forms in the manner provided and within the time-frame set due to the unavailability of adequate facilities and equipment, the Commission may award the printing of said forms to other capable and reputable printers through public bidding.

The National Printing Office or any duly-authorized private printer shall not sub-contract, assign, sublet, or transfer, partially or wholly, directly or indirectly, the printing of said forms [Sec. 163, 1971 EC; Sec. 129, 1978 EC].

SEC. 207. Committee on printing. - The Commission shall constitute a committee on printing composed of a Commissioner of the Commission as Chairman and three (3) members from the Commission, the Commission on Audit, and the printer, respectively.

The major political parties fielding candidates in the election and the citizens arm shall each be entitled to send watchers or representatives to witness the transport of the papers to be used in the printing of official ballots, election returns and certificates of canvass, and the printing, storage

and distribution thereof. Said watchers may file observations or objections, if any, and guard the premises of the printer inside and outside twenty-four (24) hours a day [Sec. 187, BP 881].

SEC. 208. Duties of the committee. - Under such orders or instructions as the Commission may issue, the Committee shall:

(1) Have general supervision and control over the printing of official ballots, election returns and certificates of canvass;

(2) Take charge of the room or rooms where the paper and paraphernalia used in the printing are stored;

(3) Report to the Commission any irregularity which it believes may have been committed; and

(4) Perform such functions as the Commission may direct [Sec. 188, BP 881].

SEC. 209. Other committees. - The Commission shall create such committees as are necessary in the allocation, procurement, verification and shipment of the official ballots, election returns, certificates of canvass and other election forms and paraphernalia [New].

SEC. 210. Distribution of official ballots and election returns. - The Commission shall distribute to each city and municipality the official ballots at the rate of one (1) ballot for every registered voter and an additional ten (10) ballots per precinct, and election returns, at the rate of one (1) set for every precinct.

The provincial, city or municipal treasurer, or such other government official who may be tasked with the duty of storing and distributing election forms and materials, shall keep a record of the quantity and serial numbers of official ballots and election returns allocated to the respective provinces, cities, municipalities and precincts. Copies of such record

shall be furnished the Commission and the duly-authorized representatives of the accredited political parties, organizations, or coalitions which fielded candidates in the election immediately upon distribution but not later than the day after the election. The Commission shall require the issuance of official delivery receipts for the official ballots, election returns and other election forms and paraphernalia [Secs. 186 and 189, BP 881].

No official ballot or election returns shall be delivered to the board of election inspectors earlier than the first hour of election day. However, the Commission may, for justifiable reasons, and after notice to the candidates and the accredited political parties, organizations and coalitions fielding candidates in the election, authorize the delivery of official ballots and election returns to the board of election inspectors at an earlier date [Sec. 186, BP 881].

SEC. 211. Verification and distribution. - The provincial, city, or municipal treasurer, or the official designated by the Commission, shall verify the contents of the boxes of official ballots and election returns received by them in the presence of representatives of the Commission, the Commission on Audit, candidates and political parties, organizations, or coalitions, and keep a record of their receipt and distribution.

SEC. 212. Certificate of canvass and other canvassing forms. - The Commission shall prescribe the form of, and provide, in such number of copies as may be required, every board of canvassers with, certificate of canvass, statement of votes and certificate of canvass and proclamation [Sec. 231, BP 881].

SEC. 213. Tally paper. - At the beginning of the counting of votes, there shall be placed within the view of the board of election inspectors, watchers and the public, a tally paper where the names of all the candidates or issues or questions to be

voted upon shall be written. The third member of the board shall record thereon the votes for each candidate or issue as the chairman of the board reads the ballot [Sec. 161, BP 881].

SEC. 214. Ballot boxes. - The Commission shall provide one (1) ballot box for each precinct on the day of voting. Each ballot box shall contain two (2) compartments, one for valid ballots and the other for spoiled ballots. The boxes shall be uniform in specifications and be provided with such device so that it can be secured in the manner as the Commission may prescribe [Sec. 160, BP 881].

SEC. 215. Voting booths. - During the voting, there shall be in each polling place at least ten (10) voting booths of such size, specifications and materials as the Commission may provide to enable the voters to fill their ballots secretly [Sec. 11, RA 7166].

SEC. 216. Certified list of candidates. - The Commission shall cause to be printed certified lists of candidates containing the names of all candidates for each office to be voted, immediately followed by the nickname or stage name of each candidate as indicated in his certificate of candidacy, and his political party affiliation, if any. Said list shall be posted inside each voting booth during the voting period [Sec. 4, RA 6646].

SEC. 217. Furnishing of ballot boxes, election forms and materials. - The Commission shall prepare and furnish the ballot boxes, election paraphernalia, forms, supplies and materials necessary for the registration of voters and for the conduct of the election.

The official entrusted by law or by the Commission with the custody of the election paraphernalia, forms, supplies and materials shall be responsible for their storage and preservation and for any loss, destruction, impairment, or damage thereof while in

his custody [Sec. 162, BP 881].

SEC. 218. New forms, security markings and devices. - Notwithstanding the preceding provisions, the Commission may use or adopt the latest technological and electronic devices for voting, counting of votes, and canvassing and prescribe new forms, printing materials and security markings for the official ballots, election returns, certificates of canvass and other forms and paraphernalia.

The Commission may prescribe the use of inexpensive official ballots and election returns for barangay elections, plebiscites, referenda, initiatives and recalls, or a different form of ballot to facilitate voting by illiterate or disabled voters, provided that the integrity of the ballots and election returns is assured [Sec. 23, RA 7166; Sec. 181, BP 881).

ARTICLE VII. CASTING AND COUNTING OF VOTES

A. CASTING OF VOTES

SEC. 219. Voting hours. - The casting of votes shall start at seven o'clock in the morning and end at three o'clock in the afternoon of election day, except when there are voters present within thirty (30) meters in front of the polling place who have not yet cast their votes, in which case the voting shall continue to allow said voters to cast their votes without interruption. The poll clerk shall, without delay, prepare a complete list containing the names of said voters consecutively numbered, and the voters so listed shall be called to vote by announcing each name repeatedly three (3) times in the order in which they are listed. Any voter in the list who is not present when his name is called shall not be permitted to vote [Sec. 190, BP 881].

SEC. 220. Preliminaries to the voting. - (1) The board of election inspectors shall meet at the polling place at six thirty o'clock in the morning of election day and see to it that they have the book of voters pertaining to the precinct, list of voters, certified list of candidates, voting booths, ballot box, official ballots, indelible ink, ballpens, and other forms and supplies.

(2) The chairman of the board shall open the ballot box, empty both of its compartments, exhibit them to all those present, then lock its interior covers.

(3) The chairman and two (2) members of the board shall each keep one (1) of the keys to the padlocks during the voting.

(4) The chairman shall forthwith show to the public and the watchers the package of official ballots and the book of voters duly sealed and thereafter break the seals. Such fact shall be entered in the minutes together with the number of pads and the serial numbers of the ballots.

(5) The ballot box shall remain locked until the voting is finished and the counting begins. However, if it should become necessary to make room for more ballots, the board may, in the presence of the members and the watchers, open the box; the chairman shall press down with his hands the ballots contained therein without removing any of them; and thereafter the board shall again close the box and lock it [Sec. 191, BP 881].

SEC. 221. Persons allowed in and around the polling place. - During the voting, only the following persons shall be allowed inside the polling place:

(1) The members of the board;

(2) The watchers;

(3) The representatives of the Commission;

(4) The voters casting their votes;

(5) The voters waiting for their turn to use the booth, whose number shall not exceed twice the number of booths; and

(6) The voters waiting for their turn to cast their votes, whose number shall not exceed twenty (20) at any one time.

It shall be unlawful for any officer or member of the Armed Forces of the Philippines or the Philippine National Police or any peace officer or armed person belonging to any extra-legal police agency, special force, reaction force, strike force, Civil Armed Forces Geographical Units (CAFGUs), barangay tanod units, or other similar forces or para-military forces, including security guards, special policemen, and all other armed or unarmed extra-legal police officers, to enter any polling place or an area within a radius of thirty (30) meters thereof, except to vote, but in such case he shall immediately leave the polling place after voting.

However, the board may, if it deems necessary, order in writing for the detail of a policeman or any peace officer for their protection or for the protection of the election documents and paraphernalia. Such order shall be entered in the minutes. Said policeman or peace officer shall stay outside the polling place near enough to be easily called by the board at any time.

No policeman or peace officer shall enter or stay inside the polling place except when there is an actual disturbance of the peace and order therein. In no case shall the said policeman or peace officer prevent or obstruct in any manner the free access of the voters to the polling place.

No barangay official shall enter any polling place except to vote, in which case, he shall leave the polling place immediately after voting [Sec. 192, BP 881].

SEC. 222. Challenge against illegal voters. - (1) Any voter

or watcher may challenge any person offering to vote:

(a) For not being registered;

(b) For using the name of another; or

(c) For suffering from any disqualification.

In such case, the board shall satisfy itself as to whether or not the ground is true by requiring proof relative to the registration, the identity, or qualification of the voter.

(2) No voter shall be required to present his voter's identification card on election day unless his identity is challenged. Failure to produce his voter's identification card shall not preclude him from voting if his identity may be shown from the photograph, fingerprints, or specimen signatures in his registration record in the book of voters or if he is identified under oath by a member of the board. Such identification shall be reflected in the minutes of the board [Sec. 199, BP 881].

SEC. 223. Challenge based on certain illegal acts. - Any voter or watcher may challenge any voter offering to vote on the ground that the challenged person has:

(1) Received or expects to receive, paid, offered, or promised to pay, contributed, offered, or promised to contribute money or anything of value as consideration for his vote or for the vote of another;

(2) Made or received a promise to influence the giving or withholding of any such vote; or

(3) Made a bet or is interested directly or indirectly in a bet which depends upon the result of the election.

The challenged person shall take an oath before the board that he has not committed any of the acts alleged. Upon taking such oath, the challenge shall be dismissed and the voter, allowed to vote. However, in case of his refusal to take such

oath, the challenge shall be sustained and he shall not be allowed to vote [Sec. 200, BP 881].

SEC. 224. Admission of challenged vote immaterial in criminal proceedings. - The admission of the challenged vote under the two (2) preceding sections shall not be conclusive upon any court as to the legality of the registration of the voter challenged or his vote in a criminal action for illegal registration or voting [Sec. 201, BP 881].

SEC. 225. Record of challenges and oaths. - The poll clerk shall keep a record of challenges and oaths and the resolution of the board in each case and, upon the termination of the voting, certify that it contains all the challenges made. The original of this record shall be attached to the original copy of the minutes of the voting [Sec. 202, BP 881].

SEC. 226. Order of voting. - The voters shall vote in the order of their entrance to the polling place and immediately depart after having cast their votes [Sec. 193, BP 881].

SEC. 227. Manner of obtaining ballot. - The voter shall approach the chairman of the board and give his name, address and other data concerning his person. In case any member of the board doubts his identity, the board shall check his voter's identification card, or, if he has none, the board shall refer to his registration record in the book of voters.

If the board is satisfied with the voter's identity, the chairman shall announce his name in a tone loud enough to be heard throughout the polling place. If such voter has not been challenged, or if, having been challenged, the question has been decided in his favor, the voter shall affix his signature in the voting record.

The chairman shall enter the serial number of the ballot in the voting record, authenticate the ballot, apply indelible ink

on the voter's right forefinger nail, and thereafter deliver to the voter the ballot correctly folded. No person other than the chairman shall deliver official ballots nor shall more than one (1) ballot be delivered to any voter at one time [Sec. 194, BP 881].

SEC. 228. Use of indelible ink. - Before delivering the ballot to the voter, the chairman of the board shall apply a drop of indelible ink on the voter's right forefinger nail or, if there be none, on any available fingernail. A voter who, for any reason, refuses to be stained with indelible ink or whose finger already shows stain of indelible ink shall not be given a ballot. Such facts shall be entered in the minutes of the board [Sec. 198 (d) BP 881, Amended].

SEC. 229. Authentication of the ballot. - Before delivering a ballot to the voter, the chairman of the board shall, in the presence of the voter, affix his signature at the back thereof [Sec. 24, RA 7166].

SEC. 230. Manner of voting. - Voting shall be conducted in the following sequence:

(1) The voter, upon receiving his ballot, shall proceed to a voting booth and there fill his ballot by writing in the proper space for each office the name of the candidate for whom he desires to vote [Sec. 195, BP 881].

(2) After the voter has filled his ballot, he shall fold it in the same manner as when he received it and return it to the chairman.

(3) The chairman shall, within the view of the voter and the members of board and without unfolding the ballot or seeing its contents, verify its serial number from the voting record where it was previously entered.

(4) In the presence of the members of the board, the voter

shall affix his thumbmark on the corresponding space in the coupon.

(5) The voter shall affix his thumbmark beside his signature in the voting record.

(6) The chairman shall sign the voting record.

(7) The chairman shall, after finding everything to be in order, detach the coupon in the presence of the voter and the other members of the board and deposit the folded ballot in the compartment for valid ballots, and the detached coupon, in the compartment for spoiled ballots.

(8) The voter shall then depart [Sec. 198, BP 881, Amended].

SEC. 231. Prohibitions on voting. - It shall be unlawful for a voter to:

(1) Use a booth being used by another;

(2) Fill his ballot accompanied by another, except in the case of an illiterate or disabled voter;

(3) Fill his ballot for a time longer than necessary;

(4) Prepare the ballot without using the voting booth;

(5) Exhibit the contents of the ballot to any person;

(6) Erase any printing from the ballot;

(7) Intentionally tear or deface the same;

(8) Put any distinguishing mark thereon;

(9) Use carbon paper, paraffin paper, or other means of making a copy of the contents of the ballot; or

(10) Make use of any other scheme to identify his vote [Sec. 195, BP 881].

SEC. 232. Preparation of ballots for illiterate and disabled voters. - No voter shall be allowed to vote as illiterate or physically disabled unless that fact is so indicated in his registration record.

A voter who is illiterate or physically unable to prepare the ballot by himself may be assisted in the preparation of his ballot by a relative within the fourth civil degree of affinity or consanguinity, or if he has none, by any person of his confidence who belongs to the same household, or by any member of the board.

In no case shall an assistor, unless he is a member of the board, assist more than three (3) times. The assistor shall prepare the ballot in the presence of the illiterate or disabled voter using the voting booth. He shall bind himself in writing under oath:

(1) To fill out the ballot strictly in accordance with the instructions of the voter;

(2) Not to influence the voter to vote for or against any candidate or issue; and

(3) Not to reveal the contents of the ballot prepared by him [Sec. 196, BP 881].

SEC. 233. Spoiled ballots. - If a voter should accidentally spoil or deface a ballot in such a way that it cannot be validly used, he shall surrender it folded to the chairman who shall note in the voting record that said ballot is spoiled. The members of the board shall, without unfolding the ballot and without removing the detachable coupon, mark it with the word "SPOILED," affix their signatures thereon, and drop it in the compartment for spoiled ballots. The voter shall then be entitled to another ballot.

A voter may be allowed to change his ballot only once [Sec. 197, BP 881, Amended].

Any ballot returned to the chairman whose detachable coupon has been removed not in the presence of the board and of the voter, or any ballot whose serial number does not coincide with

the serial number of the ballot delivered to the voter, as entered in the voting record, shall be considered as spoiled and be so marked and signed by the members of the board [Sec. 198, BP 881].

SEC. 234. Disposition of unused ballots. - The chairman shall tear in half lengthwise all unused ballots without removing the stubs and detachable coupons in the presence of the members of the board and the watchers. One-half shall be placed in a sealed envelope and submitted to the election officer; and the other half, inside the compartment of the ballot box for spoiled ballots. Such fact shall be entered in the minutes of the board [Sec. 204, BP 881, Amended].

SEC. 235. Minutes of voting and counting of votes. - The board shall prepare and sign two (2) copies of the minutes of voting and counting of votes in a prescribed form setting forth therein such data as the Commission may require. Copies of the minutes shall be sealed in separate envelopes and be distributed as follows: the original, to the election officer who shall in turn transmit the same to the Commission in Manila; and the second copy to be deposited inside the compartment of the ballot box for valid ballots [Sec. 203, BP 881, Amended].

SEC. 236. Prohibition on premature announcement of voting. - No member of the board shall, before the termination of the voting, make any announcement as to whether a certain registered voter has already voted or not, how many have already voted, or how many so far have failed to vote, or any other fact tending to show or showing the state of the polls [Sec. 205, BP 881, Amended].

B. COUNTING OF VOTES

SEC. 237. Counting to be public and without interruption. - As soon as the voting is finished, the board of election inspectors shall count publicly the votes cast in the polling place. Unless otherwise ordered by the Commission, the board shall not adjourn, postpone, or delay the count until it has been completed [Sec. 206, BP 881].

SEC. 238. Transfer of venue for counting. - The Commission may, in the interest of free, orderly, honest, peaceful and credible elections, order the board to count the votes and accomplish the election returns and other forms in any other place, preferably a public building [Sec 206, BP 881, Amended].

If, on account of imminent danger of violence, terrorism, disorder, or similar causes, it becomes necessary to transfer the counting of votes to a safer place, the board may effect the transfer by its unanimous approval with concurrence of the majority of the watchers present. This fact shall be recorded in the minutes of voting and attested to by the members of the board and the watchers [Sec. 18, RA 6646].

SEC. 239. Rules for appreciation of ballots. - In the reading and appreciation of ballots, every ballot shall be presumed to be valid unless there is clear and good reason to justify its rejection. The board shall bear in mind that the object of the election is to obtain the expression of the voters' will [Sec. 211, BP 881].

The Commission shall promulgate the necessary rules on the appreciation of ballots based on jurisprudence on the matter [New].

SEC. 240. Excess ballots. - Before proceeding to count the votes, the board shall count the ballots contained in the com-

partment for valid ballots without unfolding them or exposing their contents, except to ascertain that no ballots are folded together. It shall compare the number of ballots with the number of voters who voted. If there are more ballots than voters who voted, all the ballots shall be returned to the box and thoroughly mixed therein. The poll clerk, without seeing the ballots and with his back to the box, shall publicly draw out as many ballots as may be equal to the excess. Without unfolding them, he shall then place them in an envelope which shall be marked "EXCESS BALLOTS" and which shall be sealed and signed by the members of the board. The envelope shall be placed in the compartment for valid ballots, but its contents shall not be read in the counting of votes. Ballots found folded together before they were deposited in the box shall be placed in the envelope for excess ballots [Sec. 207, BP 881].

SEC. 241. Ballots with detachable coupon. - In case ballots be found in the box with their detachable coupons still intact, such coupons shall be removed and deposited in the compartment for spoiled ballots, and the ballots included in the pile of valid ballots. If ballots with the word "SPOILED" be found in the box, such ballots shall be placed in the compartment for spoiled ballots [Sec. 207, BP 881].

SEC. 242. Marked ballots. - The board shall determine by unanimous vote whether or not there are any marked ballots, and, if any be found, they shall not be counted but shall be placed in an envelope labelled "MARKED BALLOTS". The envelope shall be sealed and signed by the members of the board and placed in the compartment for valid ballots. Non-official ballots shall be considered as marked ballots [Sec. 208, BP 881].

SEC. 243. Spoiled ballots. - Ballots found in the compartment for spoiled ballots shall be presumed to be spoiled ballots,

whether or not they contain such notation. If any valid ballot was erroneously deposited therein, the board shall open said compartment after the voting and before the counting of votes to draw out said ballot and place the same in the compartment for valid ballots. These facts shall be entered in the minutes of voting [Sec. 209, BP 881].

SEC. 244. Manner of counting votes. - In reading the individual official ballot, the members of the board shall assume such position as to provide the watchers and the public unimpeded view of the ballot being read by the chairman, and of the election returns and tally paper being simultaneously accomplished by the poll clerk and the third member, respectively. The watchers and the public shall not touch any of these election documents. The table shall be cleared of all unnecessary writing paraphernalia [Sec. 25, RA 7166].

The board shall unfold the ballots and form separate piles of one hundred (100) ballots each. The chairman of the board shall take the ballots of the first pile one by one and read the names of candidates voted for and the offices for which they were voted in the order in which they appear thereon [Sec. 210, BP 881].

The poll clerk and third member shall record each vote as the names of the candidates voted for are read.

Each vote shall be recorded by a vertical line, except every fifth vote which shall be recorded by a diagonal line crossing the previous four (4) vertical lines. After finishing the first pile of ballots, the board shall determine the subtotal of the votes received by each candidate, which shall be recorded in the tally paper and the election returns. In case of any discrepancy, such recount as may be necessary shall be made. The ballots shall then be grouped together again as before the

reading. Thereafter, the same procedure shall be followed with the second pile of ballots, and so on successively.

After all the ballots have been read, the board shall sum up the subtotals recorded for each candidate, and record the aggregate sum in the tally paper and election returns. It shall then place the counted ballots in an envelope provided for the purpose, which shall be signed and deposited in the compartment for valid ballots. The tally paper as accomplished and certified by the board shall be kept in the compartment for valid ballots [Sec. 210, BP 881].

SEC. 245. Preparation of election returns. - The board shall prepare in handwriting the election returns simultaneously with the counting of the votes in the polling place in such number of copies as provided herein. The entry of votes for each candidate shall be closed with the signatures and clear imprints of the right thumb of all the members to be affixed in full view of the public, immediately after the last vote recorded or immediately after the name of the candidate who did not receive any vote.

The returns shall also show the date of the election, the precinct number, the barangay and the city or municipality and province in which it was held, and such information as the Commission may require. The total number of votes obtained by each candidate shall be written in words and figures. The board of election inspectors shall certify that the contents thereof are correct and affix their signatures and right thumbprints.

Immediately upon the accomplishment of the election returns, each copy thereof shall be sealed in the presence of the watchers and the public and placed in the proper envelope, which shall likewise be sealed and distributed as herein provided [Sec. 212, BP 881].

SEC. 246. Distribution of election returns. - The copies of the election returns shall be distributed as follows:

(1) In the election of national officials:

(a) The first copy, to the provincial board of canvassers;

(b) The second copy, to Congress through the President of the Senate;

(c) The third copy, to the Commission;

(d) The fourth copy, to be deposited inside the ballot box;

(e) The fifth copy, to be known as advance election returns, to the city or municipal treasurer who shall, in the presence of the election officer or his authorized representative, immediately and publicly open the same and post the votes therein in a tally board sufficiently large for public viewing, preferably within the vicinity of the city or municipal hall; and

(f) The sixth copy, to the media-based organization authorized by the Commission to conduct an unofficial count.

(2) In the election of local officials:

(a) The first copy, to the city or municipal board of canvassers;

(b) The second copy, to the Commission;

(c) The third copy, to the provincial board of canvassers;

(d) The fourth copy, to be known as advance election returns, to the city or municipal treasurer who shall, in the presence of the election officer or his authorized representative, immediately and publicly open the same and post the votes therein in a tally board

sufficiently large for public viewing, preferably within the vicinity of the city or municipal hall;

(e) The fifth copy to the media-based organization authorized by the Commission to conduct an unofficial count; and

(f) The sixth copy to be deposited inside the ballot box [Sec. 27, RA 7166];

The Commission may, when technological advancement allows, provide copies of election returns to accredited political parties [New].

SEC. 247. Corrections in the election returns. - Any correction made in the election returns by the board before the announcement of the results of the election in the polling place shall be duly initialed by all its members.

After the announcement of the results had been made, the board shall not make any correction in any of the copies of the election returns unless so ordered by the Commission upon petition of the members of the board within five (5) days from the date of the election or twenty-four (24) hours from the time a copy of the election returns is opened by the board of canvassers, whichever is earlier. The petition shall be accompanied by proof of service upon all candidates affected.

If the results of the election would not be affected by said correction and none of the candidates affected objects thereto, the Commission shall, upon being satisfied of the veracity of the petition and of the error alleged therein, order the board to make the proper correction thereon.

Should a candidate affected by said petition object thereto and the results of the election would be affected by the correction sought to be made, the Commission shall proceed summarily to hear the petition. If it finds the petition meritorious and the

correction sought is such that can be made without need of opening the ballot box, the Commission shall order that proper correction be made. Otherwise, it shall order the opening of the ballot box and recount of votes after satisfying itself that the identity and integrity of the ballot box have not been violated and that the integrity of the ballots therein has been preserved [Sec. 216, BP 881].

SEC. 248. Proclamation of election result. - Upon the completion of the election returns, the chairman of the board shall publicly announce the total number of votes received by every candidate for each office [Sec. 213, BP 881].

SEC. 249. Certificates of votes obtained by candidates. - After the announcement of the results of the election and before leaving the polling place, it shall be the duty of the board, upon request of any watcher, to issue a certificate of votes obtained by his candidate and other candidates for the same office [Sec. 215, BP 881; Sec. 16, RA 6646].

The certificate shall contain the name and number of votes obtained by each candidate concerned written in words and figures, the precinct number, the name of the city or municipality and province, the total number of voters who voted, and the date and time issued, and shall be signed and thumbmarked by each member of the board [Sec. 16, RA 6646].

SEC. 250. Delivery and custody of ballot boxes, keys, election supplies and documents. - After the counting of votes, the board shall place in the compartment for valid ballots the used and unused ballots in their respective envelopes, the tally paper, a copy of the election returns and minutes of voting and counting, and then lock the ballot box. The ballot box shall immediately be delivered by the board and the watchers to the city or municipal treasurer or such other officials designated by

the Commission, who shall keep his office open all night on the day of the election if necessary for this purpose, and provide the necessary facilities for said delivery at the expense of the city or municipality.

The book of voters, supplies and all pertinent papers and documents shall be returned to the election officer, who shall keep it under his custody. The election officer and the treasurer or such other government official designated by the Commission, as the case may be, shall, on the day after the election, require the members of the board who failed to send the items referred to herein to deliver the same immediately and thereafter acknowledge receipt thereof [Sec. 217, BP 881].

SEC. 251. Preservation of ballot boxes; Disposition of contents. - (1) The Commission shall issue instructions regarding the custody and safekeeping of the ballot boxes.

(2) The city and municipal treasurers or such other government officials designated by the Commission shall keep the ballot boxes under their responsibility for three (3) months, stored unopened in a secured place, unless the Commission orders otherwise, provided these are not involved in any election contest or official investigation, or the Commission or other competent authority demands them sooner or orders their preservation for a longer time in connection with any pending contest or investigation. However, upon showing by any candidate that the boxes will be in danger of being violated if kept in the possession of such officials, the Commission may order them kept by any other official whom it may designate.

After the lapse of three (3) months and if there should be no order to the contrary, the Commission may authorize the city or municipal treasurer or the designated official to open the boxes and burn their contents in the presence of the representa-

tives of the Commission, Commission on Audit and political parties or candidates, except the minutes of voting and the election returns deposited therein, which said official shall preserve.

(3) In case of calamity or fortuitous event such as fire, flood, or storm, which may cause damage to the ballot boxes and/or their contents, the Commission may authorize the opening of said ballot boxes and the transfer of the ballots and other contents to other ballot boxes, taking such precautions as may be necessary to preserve such documents [Sec. 219, BP 881].

SEC. 252. Preservation of voting record. - The voting record of each precinct shall be delivered to the election officer, who shall have custody of the same and keep them in a safe place until such time that the Commission shall give instructions on their disposition [Sec. 218, BP 881].

SEC. 253. Documents omitted or erroneously placed inside the ballot box. - If, after the delivery of the keys of the ballot box to the proper authorities, the board shall discover that the ballot box does not contain certain documents required to be placed therein or contains documents not intended therefor, the board shall, without opening the ballot box, deliver the same to the Commission or its duly-authorized representatives.

In no case shall the ballot box be reopened to place therein or remove therefrom any document except to retrieve copies of the election returns which will be needed in any canvass, investigation, or election contest, and upon notice to the members of the board and watchers of candidates of the time and place of the opening of said ballot box. If there are other copies of the election returns outside of the ballot box which can be used in the canvass, such copies of the election returns shall be used in said canvass and the opening of the ballot box to retrieve the copies of the election returns placed therein shall then be

dispensed with [Sec. 220, BP 881].

ARTICLE VIII. CANVASS AND PROCLAMATION

SEC. 254. Board of canvassers. - There shall be a board of canvassers for each province, city, municipality, and district of metropolitan Manila as follows:

(1) Provincial board of canvassers - to be composed of the provincial election supervisor or a ranking lawyer of the Commission as chairman, the chief provincial prosecutor as vice-chairman, and the provincial superintendent of schools as member-secretary.

(2) City board of canvassers - to be composed of the city election officer or a lawyer of the Commission as chairman, the city prosecutor as vice-chairman, and the city superintendent of schools as member-secretary.

In cities with more than one (1) election officer, the Commission shall designate who shall be the chairman.

(3) District board of canvassers of metropolitan Manila - to be composed of a lawyer of the Commission as chairman, a ranking public prosecutor in the district as vice-chairman, and the most senior district school supervisor in the district as member-secretary [Sec. 222(c), BP 881].

(4) Municipal board of canvassers - to be composed of the election officer or an officer of the Commission as chairman, the municipal treasurer as vice-chairman, and the most senior district school supervisor or a principal of the district as member-secretary.

For purposes of the regional elections in the Autonomous Region in Muslim Mindanao, a board of canvassers for each province therein and for the region shall be constituted as follows:

A provincial board of canvassers with the same membership as provided in No. 1 hereof; and a regional board of canvassers to be composed of a regional election director or a ranking lawyer of the Commission as chairman, an officer of equivalent rank in the Department of Justice as vice-chairman, and an officer, also of equal rank, in the Department of Education, Culture and Sports in the autonomous region as member-secretary [Sec. 2, RA 7647].

For the barangay elections, a barangay board of canvassers shall be constituted in each barangay with more than one (1) precinct to be composed of the senior public school teacher in the barangay as chairman and two (2) other public school teachers, one as vice-chairman and the other as member-secretary.

In case the number of public school teachers is inadequate, the Commission shall designate the chairman and members of the barangay board of canvassers from among the chairmen and members of the boards of election inspectors of the precincts in the barangay [Sec. 104, Res. 2022-A].

In barangays with only one (1) precinct, the board of election inspectors shall act as the barangay board of canvassers [Sec. 100, Res. 2022-A].

SEC. 255. Supervision and control over board of canvassers. - The Commission shall have direct control and supervision over the board.

Any member of the board may, at any time, be relieved for cause and substituted by the Commission.

SEC. 256. Substitution of members of board of canvassers. - In case any member of the board is not available, is absent, disqualified due to relationship, incapacitated for any cause, or relieved for cause, the Commission shall appoint as substitute chairman, a lawyer or official of the Commission, and as substitute members, other representatives from the different agencies

of the government [Sec. 2, RA 7166].

The foregoing power of the Commission may be delegated to the Commissioner-in-Charge of the region [New].

SEC. 257. Disqualification due to relationship. - No person related within the fourth civil degree of consanguinity or affinity to any of the candidates or to any other member of the board of canvassers shall be appointed as chairman or member thereof [Sec. 222, BP 881].

SEC. 258. Prohibition against leaving official station. - No member of any board of canvassers, including any substitute, shall be transferred, assigned, or detailed outside of his official station, nor shall he leave said station within five (5) days immediately preceding election day until the proclamation of the winning candidates without prior authority of the Commission [Sec. 223, BP 881].

SEC. 259. Proceedings of board of canvassers. - The proceedings of the board shall be open and public [Sec. 20, RA 6646].

A majority vote shall be necessary for the board to render a decision [Sec. 225, BP 881].

SEC. 260. Notice of meetings of the board. - At least five (5) days before the initial meeting of the board, the chairman shall give written notice of the date, time and place of the meeting to each member, candidate and political party fielding candidates for election in the political subdivision concerned. Similar notice shall be given for subsequent meetings unless notice has been given in open session of the board. Notice given in open session shall be recorded in the minutes of the proceedings. Proof of service of notice shall be attached to, and form part of, the records of the proceedings [Sec. 23, RA 7166].

SEC. 261. Delivery and transmittal of election returns. - The election returns, duly sealed and placed inside an envelope,

likewise to be sealed, shall be personally delivered by the board of election inspectors under receipt signed by all the members of the board of canvassers as follows:

(1) Copy for the city or municipal board of canvassers - to the chairman of the board; and

(2) Copies for the provincial and district boards of canvassers - to the election officer, who shall transmit the same to the respective chairmen of the provincial and district boards of canvassers.

The election officer concerned shall place all the returns intended for the board of canvassers inside a ballot box properly locked and sealed and personally transmit the same to the board of canvassers.

Watchers of candidates, political parties, organizations, or coalitions and the citizens arm shall have the right to accompany the board of election inspectors or the election officer in the delivery of the ballot box containing the election returns [Sec. 229, BP 881].

SEC. 262. Safekeeping of transmitted election returns. - The board shall keep the ballot boxes containing the election returns in a safe and secured room or place as may be agreed upon by the candidates. The watchers of candidates, political parties, organizations, or coalitions and the citizens arm shall have the right to guard the room or place [Sec. 229, BP 881].

SEC. 263. Canvass by board of canvassers. - The board shall meet not later than six o'clock in the afternoon of election day at the place designated by the Commission to receive the election returns and immediately canvass those that may have already been received. It shall meet continuously from day to day until the canvass is completed, and may adjourn only for the purpose of awaiting the other election returns.

Before the start of the canvass, the board shall enter the precinct numbers consecutively in the statement of votes by precinct. Each time the board adjourns, it shall determine the total number of votes received by each candidate in each precinct as of its adjournment, using the form prescribed for the purpose. The board shall record the same together with the number of precincts canvassed for the day, furnish the Commission in Manila through the fastest means of communication a certified copy thereof, and make available the data contained therein to the mass media and other interested parties requesting the same. As soon as the other election returns are delivered, the board shall immediately resume canvassing until all the returns have been canvassed.

Upon completion of the canvass, the board shall prepare a certificate of canvass, duly signed and bearing the thumbprint of each member, supported by a statement of the votes received by each candidate in each precinct and, on the basis thereof, proclaim as elected the candidates who obtained the highest number of votes cast in the province, district, city, or municipality. Failure to comply with these requirements shall constitute an election offense.

Subject to reasonable exceptions, the board must complete its canvass within thirty-six (36) hours in municipalities, forty-eight (48) hours in cities, or seventy-two (72) hours in provinces [Sec. 231, BP 881].

SEC. 264. Canvassing committees. - The board of canvassers may constitute such number of canvassing committees as may be necessary to enable it to complete the canvass within the period prescribed under the immediately preceding section. Each committee shall be composed of three (3) members to be designated by the chairman and members of the board. All candidates shall be

notified in writing, at least three (3) days before the election, of the number of committees to be constituted so that they can designate their watchers in each committee. The committees shall be under the direct supervision and control of the board [Sec. 22, RA 6646].

SEC. 265. Canvassing by provincial, city, district and municipal boards of canvassers. - (1) The board of canvassers for cities that do not comprise one (1) legislative district or the municipal board of canvassers shall canvass the election returns for city or municipal officials and thereafter proclaim the elected city or municipal officials, as the case may be.

(2) The city board of canvassers for cities comprising one (1) or more legislative districts shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective city officials. Upon completion of the canvass, the board shall prepare the certificate of canvass for President, Vice-President, and Senators and thereafter proclaim the elected Members of the House of Representatives and city officials.

(3) (a) In metropolitan Manila, each municipality comprising a legislative district shall have a district board of canvassers which shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective municipal officials. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President, Senators, and thereafter proclaim the elected Members of the House of Representatives and municipal officials.

(b) The component municipality in a legislative district in metropolitan Manila shall each have a municipal board of canvassers which shall canvass the election returns for elective

municipal officials and thereafter proclaim the winning candidates for municipal officials.

(c) The district board of canvassers of each legislative district comprising two (2) municipalities in metropolitan Manila shall canvass the election returns for President, Vice-President, Senators and Member of the House of Representatives submitted by the boards of election inspectors of the component municipalities. Upon completion of the canvass, it shall prepare a certificate of canvass for President, Vice-President and Senators and thereafter proclaim the winning candidate for Member of the House of Representatives in the legislative district.

(4) The provincial board of canvassers shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective provincial officials as submitted by the boards of election inspectors of municipalities and component cities. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President and Senators, and thereafter proclaim the winning candidates for Members of the House of Representatives and provincial offices.

With respect to the regional elections in the Autonomous Region in Muslim Mindanao, the provincial board of canvassers shall canvass the election returns submitted by the board of election inspectors and upon completion thereof, prepare the certificate of canvass for governor and vice-governor, and thereafter proclaim the elected members of the Regional Assembly.

The regional board of canvassers shall canvass the certificates of canvass submitted by the provincial boards of canvassers in the region and thereafter proclaim the elected candidates for governor and vice-governor [Sec. 28, RA 7166].

SEC. 266. Distribution of certificates of canvass. - With

respect to the election for President, Vice-President and Senator, the provincial board of canvassers and board of canvassers for cities with one (1) or more legislative districts and district boards of canvassers in metropolitan Manila shall prepare a certificate of canvass supported by statement of votes by precinct, and in proper cases, by municipality, in seven (7) copies with the use of carbon paper or such other means or material as the Commission shall prescribe to the end that all seven (7) copies shall be legibly reproduced in one handwriting. All copies of said certificate of canvass must bear the signatures and thumbmarks of all the members of the board. Upon the completion of these certificates of canvass and statements of votes, they shall each be enclosed and sealed in the corresponding envelopes furnished by the Commission and immediately distributed as follows:

(1) The first copy, to Congress, through the President of the Senate, for the canvass of election results for President and Vice-President;

(2) The second copy, to the Commission, for the canvass of the election results for Senators;

(3) The third copy, to the chairman of the board;

(4) The fourth copy, to the citizens arm designated by the Commission to conduct a media-based unofficial count; and

(5) The fifth, sixth and seventh copies, to the three (3) major political parties. The Commission shall decide which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 98 hereof. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay [Sec. 29(b), RA 7166].

SEC. 267. Election returns with serial number different

from assigned number. - Any election returns with serial number different from that assigned to a precinct shall not be canvassed unless the Commission orders in writing for its canvassing. The variance shall be determined by the board prior to its canvassing on the basis of the certification of the city or municipal treasurer or the election officer as to the serial number of the election returns assigned to said precinct [Sec. 212, BP 881].

SEC. 268. When election returns are delayed, lost or destroyed. - In case its copy of the election returns is missing, the board of canvassers shall, by messenger or otherwise, obtain such missing election returns from the board of election inspectors concerned, or, if said returns has been lost or destroyed, the board of canvassers, upon prior authority of the Commission, may use any of the authentic copies or a certified copy thereof issued by the Commission. The Board shall investigate the case and immediately report the matter to the Commission.

The board of canvassers, notwithstanding the fact that not all the election returns have been received, may terminate the canvass and proclaim the winning candidates on the basis of the available election returns if the missing election returns will not affect the results of the election [Sec. 233, BP 881].

SEC. 269. Material defects in election returns. - If the name of any candidate and/or his votes have been omitted from the election returns, the board of canvassers shall require the board of election inspectors concerned to complete the necessary data in the election returns and affix their initials thereon.

If the votes omitted in the returns cannot be ascertained by other means except by recounting the ballots, the Commission shall, after satisfying itself that the identity and integrity of the ballot box and the ballots therein have not been vio-

lated, order the board of election inspectors to count the votes for the candidate whose votes have been omitted, with notice to all candidates or political parties, and thereafter complete the returns [Sec. 234, BP 881].

SEC. 270. When election returns appear to be tampered with or falsified or no election returns have been submitted. - If the election returns submitted to the board of canvassers appear to be tampered with, altered or falsified after they have left the hands of the board of election inspectors, or are otherwise not authentic, or were prepared by the board of election inspectors under duress, force, intimidation, or prepared by persons other than the members of the board of election inspectors, the board shall use any of the other copies of said election returns and, if necessary, the copy inside the ballot box, which may be retrieved upon previous authority given by the Commission.

If all the other copies of the returns are likewise tampered with, altered, falsified, not authentic, prepared under duress, force, intimidation, or prepared by persons other than the members of the board of election inspectors, the board of canvassers or any candidate affected shall bring the matter to the attention of the Commission. The Commission shall, after giving notice to all candidates concerned and after satisfying itself that the identity and integrity of the ballot box and the ballots therein have not been violated, order the board of election inspectors to recount the votes of the candidates affected and prepare a new return to be used by the board [Sec. 235, BP 881].

The foregoing remedies shall also apply where no election returns has been submitted to the board of canvassers [New].

SEC. 271. Discrepancies in election returns. - In case it appears to the board of canvassers that there exist discrepancies in the other authentic copies of the election returns from a

precinct or discrepancies in the votes of any candidate in words and figures in the same returns, and the difference affects the results of the election, the Commission shall, upon motion of the board of canvassers or any candidate affected and after due notice to all candidates or political parties concerned, and after satisfying itself of the integrity of the ballot box and the ballots therein, order the recount of the votes cast [Sec. 236, BP 881].

SEC. 272. Correction of manifest errors. - The board of canvassers, or the Commission in appropriate cases, may, motu proprio or upon written motion by an interested party, order the correction of manifest errors in any of the following cases:

(1) When a copy of the election returns or certificate of canvass was tabulated more than once;

(2) When two (2) or more copies of the election returns of one precinct, or two (2) or more copies of the certificate of canvass were tabulated separately;

(3) When there had been a mistake in the copying of the figures into the statement of votes or into the certificate of canvass; or

(4) When returns from non-existent precincts were included in the canvass [New].

SEC. 273. Certificate of votes as evidence. - The certificate of votes shall be admissible in evidence to prove tampering, alteration, falsification or any irregularity committed in the election returns when duly authenticated by testimonial or documentary evidence presented to the board of canvassers by all the members of the board of election inspectors who issued the certificate. Failure to present a certificate of votes shall not be a bar to the presentation of other evidence to impugn the authenticity of the election returns [Sec. 17, RA 6646].

SEC. 274 . When integrity of ballots is violated. - If, upon opening the ballot box as ordered by the Commission under Sections 276, 277 and 278 hereof, it should appear that there are signs of tampering or violation of the integrity of the ballots, the Commission shall not recount the ballots but shall forthwith seal the ballot box and order its safekeeping and may, if the votes in the precinct concerned affect the result of the election, call a special election [Sec. 237, BP 881, Amended].

SEC. 275. Canvass of unquestioned returns to continue. - In cases under Sections 275, 276, 277 and 278 hereof, the board shall continue the canvass of the remaining or unquestioned election returns. If, after the canvass of all the said returns, it should be determined that the returns which have been set aside will affect the result of the election, no proclamation shall be made except upon order of the Commission, after due notice and hearing.

Any proclamation made in violation hereof shall be null and void [Sec. 238, BP 881].

SEC. 276. Canvass of votes for Senators. - Thirty (30) days after the elections, the Commission sitting en banc and acting as the National Board of Canvassers for Senators shall convene and publicly count the votes cast for Senators using the certificates of canvass submitted by the provincial and district boards of canvassers. The candidates in the number of Senators to be elected who obtained the highest number of votes shall be declared elected [Sec. 215, 1971 EC, Amended].

SEC. 277 . Elections resulting in a tie. - When two (2) or more candidates for the same office have equally received the highest number of votes or received the same number of votes for the last slot, the board shall record this fact in its minutes, and, by resolution, upon five (5) days' notice to all the candi-

dates obtaining the same number of votes, hold a special public meeting for the drawing of lots of the candidates who have tied and proclaim as elected the candidates who may be favored by luck. The board of canvassers shall forthwith issue a certificate stating the name of the candidate who had been favored by luck and his proclamation on the basis thereof. The candidates so proclaimed shall have the right to assume office in the same manner as if he had been elected by plurality vote [Sec. 240, BP 881].

SEC. 278. Failure to assume office. - The office of any elected official who fails or refuses to take his oath of office within sixty (60) days from his proclamation shall be considered vacant, unless said failure is for a cause or causes beyond his control, in which case he has to take his oath of office and assume the position within one (1) month after the removal of the cause.

The foregoing is without prejudice to any criminal liability that said official may have incurred [Sec. 11, BP 881].

ARTICLE IX. PRE-PROCLAMATION CONTROVERSIES

SEC. 279 . Definition. - A pre-proclamation controversy refers to any question affecting the composition or proceedings of the board of canvassers or any matter raised in relation to the preparation, transmission, receipt, custody, or appreciation of the election returns or certificates of canvass [Sec. 241, BP 881].

SEC. 280. Jurisdiction over pre-proclamation controversies. - The Commission shall have exclusive jurisdiction over all pre-proclamation controversies. It may, motu proprio or upon written petition, and after due notice and hearing, suspend the proclamation of any candidate-elect or annul any proclamation, if one has

been made, as the evidence shall warrant [Sec. 242, BP 881].

SEC. 281. Pre-proclamation controversies; Where not allowed. - Pre-proclamation controversies are not allowed in elections for President, Vice-President, Senators, Members of the House of Representatives, and governor and vice-governor of the Autonomous Region. However, the canvassing board may, motu proprio or upon written motion of an interested party, correct manifest errors on the face of the election returns or certificate of canvass or exclude obviously manufactured election returns or certificates of canvass.

Any objection to the election returns or certificates of canvass before the district, city, municipal, provincial or regional board of canvassers shall be specifically noted in the minutes of its proceedings [Sec. 15, RA 7166, Amended].

SEC. 282. Pre-proclamation controversies; Where allowed. - Pre-proclamation controversies involving regional assembly member, provincial, city and municipal offices shall be allowed.

SEC. 283. Pre-proclamation controversies; How commenced. - Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Commission. However, matters raised in relation to the preparation, transmission, receipt, custody and appreciation of the election returns or certificates of canvass shall be brought in the first instance only before the board of canvassers concerned [Sec. 17, RA 7166].

SEC. 284. Issues proper in pre-proclamation controversies. - The following issues may be raised in a pre-proclamation controversy:

(1) Illegal composition or proceedings of the board of canvassers;

(2) The canvassed election returns or certificates of can-

vass are incomplete, contain material defects, appear to be tampered with or falsified, or contain discrepancies in the same returns or in other authentic copies thereof;

(3) The election returns or certificates of canvass were prepared under duress, threats, coercion, or intimidation, or they are obviously manufactured or not authentic; and

(4) When substitute or fraudulent returns or certificates in controverted precincts were canvassed, the results of which materially affected the standing of the aggrieved candidate or candidates [Sec. 243, BP 881, Amended].

SEC. 285. Contested composition or proceedings of the board. - If the question on the composition or proceedings of the board of canvassers is raised before it, the board shall, within twenty-four (24) hours, make a ruling thereon with notice to the contestant. The aggrieved party may appeal the matter to the Commission within three (3) days after the ruling with notice to the board. The Commission shall summarily decide the case within five (5) days from the filing thereof. During the pendency of the case, the board shall suspend the canvass until the Commission orders its resumption, citing the grounds therefor [Sec. 244, BP 881, Amended].

SEC. 286. Procedure in the disposition of contested returns. - (1) Any candidate or political party contesting the inclusion or exclusion of any election returns or certificate of canvass shall submit his or its oral objection to the chairman of the board at the time the questioned returns or certificate is presented for inclusion in the canvass. Such objection shall be recorded in the minutes of the canvass.

(2) Upon receipt of any objection, the board shall automatically defer the canvass of the contested returns or certificates and proceed to canvass the uncontested returns or certificates.

(3) Simultaneous with the oral objection, the objecting party shall enter his objection in the form prescribed by the Commission. Within twenty-four (24) hours from the presentation of such objection, the objecting party shall submit evidence in support thereof, attached to the form for written objections. Within the same period, any party may file a written and verified opposition to the objection in the prescribed form, attaching thereto supporting evidence, if any.

The board shall not entertain any objection or opposition unless reduced in writing in the prescribed form/s and supported by evidence; otherwise, the objection or opposition shall be deemed waived, and the board shall proceed to canvass or rule on the objected returns or certificates, as the case may be.

The evidence attached to the objection or opposition submitted by the parties shall be immediately and formally admitted into the records of the board. The chairman shall affix his signature at the back of each and every page thereof.

(4) Upon receipt of the evidence, the board shall consider the written objections and opposition thereto, if any, and enter its ruling in the prescribed form and authenticate the same with their signatures, furnishing a copy thereof to the parties.

(5) Any party adversely affected by the ruling shall immediately inform the board in writing that he intends to appeal said ruling. The board shall set aside the election returns or certificates objected to and proceed to consider the other returns or certificates. Unless such intent is manifested, the objection is deemed waived, and the election returns or certificates set aside shall be canvassed.

(6) The party who manifested his intent to appeal may, within three (3) days from notice to the board, appeal said ruling to the Commission. He shall furnish a copy thereof to the

board and pay the required appeal fee.

(7) The board shall, immediately upon receipt of a copy of the appeal, elevate to the Commission the complete records and the evidence submitted in the canvass and furnish the parties copies thereof. All documents should be signed by the board at the back thereof before they are transmitted to the Commission.

(8) On the basis of the records and evidence elevated to it, the Commission shall summarily decide the appeal within five (5) days from the receipt of said records and evidence. Any appeal brought before the Commission on the ruling of the board without the accomplished forms and the evidence appended thereto shall be summarily dismissed.

The above provisions notwithstanding, the Commission may motu proprio secure evidence aliunde in order to expedite the proceedings and afford substantive justice.

The decision of the Commission shall be executory five (5) days from receipt thereof by the board.

(9) The board of canvassers shall not proclaim any candidate as winner unless authorized by the Commission after it has ruled on the appeal. Any proclamation made in violation hereof shall be void ab initio, unless the contested returns or certificates of canvass will not adversely affect the results of the elections [Sec. 20, RA 7166].

SEC. 287. Partial proclamation. - Notwithstanding the pendency of any pre-proclamation controversy, the Commission may summarily order the proclamation of the winning candidates not parties to any controversy or whose election will not be affected by the outcome of the controversy [Sec. 247, BP 881].

SEC. 288. Pre-proclamation controversy; When deemed terminated. - All pre-proclamation controversies pending before the Commission shall be deemed terminated at the beginning of the

term of the office involved and the rulings of the board of canvassers concerned shall be deemed affirmed, without prejudice to the filing of an election protest. However, proceedings may continue when, on the basis of the evidence thus far presented, the Commission determines that the petition appears meritorious and accordingly issues an order for the proceedings to continue or when an appropriate order has been issued by the Supreme Court in a petition for certiorari [Sec. 16, RA 7166].

SEC. 289. Effect of petition to annul proclamation. - A petition to annul the proclamation of any candidate may be filed with the Commission within five (5) days from proclamation. The filing of such petition shall suspend the running of the period within which to file an election protest or quo warranto proceedings [Sec. 248, BP 881, Amended].

ARTICLE X. ELECTION CONTESTS

SEC. 290. Election contests. - The term "election contests," when used in this Code, refers to election protest and quo warranto proceedings [New].

SEC. 291. Election protests. - A sworn petition contesting the election of any elective official shall be filed by any candidate who has duly filed a certificate of candidacy and been voted for the same office.

SEC. 292. Petition for quo warranto. - A sworn petition contesting the election of any elective official on the ground of ineligibility or disloyalty to the Republic of the Philippines shall be filed by any voter [Sec. 253, BP 881].

SEC. 293. Jurisdiction over election contests. - Jurisdiction over contests relating to the elections, returns and qualifications of elective officials shall be vested in the following:

(1) Presidential Electoral Tribunal - over contests involving the President and Vice-President;

(2) Senate Electoral Tribunal - over contests involving Members of the Senate;

(3) House of Representatives Electoral Tribunal - over contests involving Members of the House of Representatives;

(4) Commission on Elections - over contests involving regional, provincial and city officials;

(5) Courts of general jurisdiction - over contests involving municipal officials; and

(6) Courts of limited jurisdiction - over contests involving barangay officials [Const.].

SEC. 294. Jurisdiction of the Commission. - The Commission shall exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or elective barangay officials decided by trial courts of limited jurisdiction [Sec. 2(2), Art. IX(C), Const.]

SEC. 295. Period to file election contests. - A verified petition for election contest shall be filed as follows:

(1) For regional, provincial, city or municipal offices - within ten (10) days from proclamation of the results of the election [Secs. 250 and 251, BP 881];

(2) For barangay offices - within five (5) days from proclamation of the results of the election [Sec. 252, BP 881, Amended].

SEC. 296 . Hearings of election contests on municipal or barangay offices. - The hearing on election contests in courts of general jurisdiction shall be completed within thirty (30) days

from the date of filing of the petition. The court shall decide the case within thirty (30) days from the date it is submitted for decision, but in every case within six (6) months after its filing [New].

The hearing on election contest in courts of limited jurisdiction shall be completed within ten (10) days from the filing of the petition. The trial court shall decide the election protest within five (5) days from the date it is submitted for decision but in every case within thirty (30) days after the filing thereof [New].

SEC.297 . Procedure in election contests. - The Commission shall prescribe the rules to govern the procedure and other matters relating to the election contest pertaining to all regional, provincial, city, municipal and barangay offices. Such rules shall provide a simple and inexpensive procedure for the expeditious disposition of election contests and be published in at least two (2) newspapers of general circulation [Sec. 254, BP 881, Amended].

SEC. 298. Judicial counting of votes. - Where allegations in a protest or counter-protest so warrant, or whenever in the opinion of the Commission and the court, the interest of justice so requires, it shall immediately order that the ballot boxes containing the ballots and their keys or other documents used in the election be brought before it and that the ballots be examined and the votes recounted [Sec. 255, BP 881].

SEC. 299 . Declaration of winner in quo warranto cases. - In quo warranto proceedings, if the winning candidate is disqualified on the ground of ineligibility or disloyalty, the Commission or the court, as the case may be, shall declare as elected the candidate for the same position who obtained the second highest number of votes [New].

SEC. 300. Decision on election contest. - The party who has been declared elected shall have the right to assume office upon finality of judgment.

In case the Commission or the court finds that the protestant, protestee, or intervenor shall have an equal or highest number of votes, it shall order the drawing of lots by those who have tied and proclaim as elected the party who may have been favored by luck. The party so proclaimed shall have the right to assume office as if he had been elected by plurality vote [Sec. 224, 1971 EC, Amended].

SEC. 301. Appeals. - Appeals from any decision rendered by courts of general and limited jurisdiction in election contests shall be filed by the aggrieved party with the Commission within five (5) days from the promulgation of the decision or receipt of a copy thereof.

No motion for reconsideration shall be entertained by the court. The appeal shall be decided within sixty (60) days after the case has been submitted for decision, but not later than six (6) months from the filing of the appeal [Sec. 256, BP 881, Amended; Sec. 22, RA 7166].

Notwithstanding the provisions of the Rules of Court, execution of judgment pending appeal shall not apply to election cases [New].

SEC. 302. Decisions of the Commission. - The Commission shall decide all election cases brought before it within sixty (60) days from the date of their submission for decision. The decision of the Commission shall become final thirty (30) days after promulgation or receipt of judgment [Sec. 257, BP 881].

Decisions, final orders, or rulings of the Commission on election contests involving elective municipal and barangay offices shall be final, executory and not appealable [Sec. 2 (2),

Art. IX(C), Const.].

SEC. 303. Preferential disposition of election contests in courts. - The courts shall give preference to election contests over all other cases, except those of habeas corpus [Sec. 258, BP 881].

SEC. 304. Actual or compensatory damages. - Actual or compensatory damages may be granted in election contests in accordance with law [Sec. 259, BP 881].

SEC. 305. Notice of decisions. - The clerk of court or the corresponding official in the Commission shall immediately notify the Department of the Interior and Local Government of the final disposition of the election contest. If the decision be that none of the parties has been legally elected, said official shall certify such decision to the President of the Philippines and to the Commission [Sec. 260, BP 881].

ARTICLE XI. ELECTION OFFENSES

SEC. 306. Prohibited acts. - The following shall be guilty of an election offense:

(1) Vote buying and vote selling -

(a) Any person who gives, offers, or promises money or anything of value, employment, franchise, or grant, or makes or offers to make an expenditure, directly or indirectly, to any person or group of persons in order to induce anyone to vote for or against any candidate or withhold his vote in the election or to vote for or against the nomination of any aspirant in a convention or similar selection process of a political party.

(b) Any person, association, corporation, group, or

community that solicits or receives, directly or indirectly, any expenditure or promise of employment for any of the foregoing considerations [Sec. 261 (a) and (b), BP 881].

The filing of a complaint under the foregoing paragraphs supported by affidavits of complaining witnesses attesting to the offer or promise by or to the voter's acceptance of money or other consideration from the relatives, leaders, or sympathizers of a candidate, shall be sufficient basis for an investigation to be immediately conducted by the Commission, directly or through its duly-authorized legal officers.

The giver, offeror, promissor, as well as the solicitor, acceptor, and recipient shall be liable as principals. Any person otherwise guilty under the foregoing paragraphs who voluntarily gives information and willingly testifies on any violation thereof in any official investigation or proceeding shall be exempt from prosecution and punishment for the offenses with reference to which his information and testimony were given: Provided, That nothing herein shall exempt such person from criminal prosecution for perjury or false testimony [Sec. 28, RA 6646, Amended].

(2) Wagering upon result of election - Any person who bets or wagers upon the outcome of, or any contingency connected with an election. Any money or thing of value put as such bet or wager shall be forfeited in favor of the government.

(3) Coercion of subordinates - Any person exercising or occupying a position of authority, in whatever capacity, whether public or private, who in any manner:

(a) Coerces, intimidates, compels any of his subordinates to aid, campaign, or vote for or against any candidate or any aspirant for nomination as candi-

date.

(b) Dismisses or threatens to dismiss, punishes or threatens to punish any of his subordinates for disobeying or not complying with any of his orders to aid, campaign or vote for or against any candidate, or any aspirant for nomination as candidate. Any employee, laborer or tenant so dismissed or ejected shall be reinstated and the salary or wage of the employee or laborer, or the share of the harvest of the tenants shall be restored to the aggrieved party upon application to the proper court.

(4) Threats, intimidation, terrorism, or use of fraudulent scheme - Any person who, in any manner threatens, intimidates, or inflicts injury or damage, upon any person, his honor or property, or uses any fraudulent scheme to induce or prevent the registration of any voter, or the participation in or desistance from any campaign, or the casting of or omission to vote.

(5) Coercion of election officials and employees. - Any person who, in any manner, harasses, threatens, intimidates, terrorizes or coerces or employs violence upon any official or employee or deputy of the Commission in the performance of his election duties [New].

(6) Appointment of new employees, creation of new position, promotion, or giving salary increases - During the period of forty-five (45) days before a regular election and thirty (30) days before a special election:

(a) Any appointing authority of a government office, agency or instrumentality, including government-owned or -controlled corporations, who appoints or hires any new employee, whether permanent, provisional, temporary or casual, or creates and fills any new position,

except upon prior authority of the Commission. The Commission shall not grant the authority sought unless it is satisfied that the position to be filled is essential to the proper functioning of the office or agency concerned, and is not intended to influence the election.

However, a new employee may be appointed in case of urgent need: Provided, That notice is given to the Commission within three (3) days from the date of appointment. Any appointment or hiring in violation of this provision shall be null and void.

(b) Any government official who promotes or gives any increase of salary or remuneration or privilege to any government official or employee, including those in government-owned or -controlled corporations.

(7) Transfer of officers and employees in the civil service - Any public official who makes or causes any transfer, detail, or reassignment of any officer or employee in the civil service, including public school teachers, within the election period, except upon prior approval of the Commission.

(8) Intervention of public officers and employees - Any officer or employee in the civil service, except those holding political offices, such as Cabinet members and elective officials; any officer, employee, or member of the Armed Forces of the Philippines, or any police force, special forces, home defense forces, barangay tanod units and all other para-military units who, directly or indirectly, intervenes in any election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer.

(9) Premature campaigning - Any person or group of persons engaging in an election campaign or partisan political

activity outside the campaign period [Sec. 80, BP 881].

(10) Appointment or use of special policemen, special agents, confidential agents, or the like - During the election period, any appointing authority who appoints or any person who utilizes the services of special policemen, special agents, confidential agents or persons performing similar functions; those previously appointed as such who continue acting in the same capacity, or those who fail to turn over their firearms, uniforms, insignias and other badges of authority to the proper officer who issued the same.

At the start of the aforementioned period, the heads of local government units or any appointing authority shall submit to the Commission a complete list of all special policemen, special agents, confidential agents or persons performing similar functions employed in their respective political subdivisions, with such particulars as the Commission may require.

(11) Illegal release of prisoners before and after election - The Director of the Bureau of Prisons, any provincial warden, keeper of the jail, or person required by law to keep prisoners in their custody who illegally orders or allows any such prisoners to leave the jail premises during the election period.

The above-enumerated persons required by law to keep prisoners in their custody shall post in three (3) conspicuous public places in the city or municipality a list of prisoners or detainees under their care. Detainees must be categorized as such.

(12) Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign - Any person who uses under any guise whatsoever, directly or indirectly, for election campaign or partisan political activity:

(a) Public funds or money deposited with, or held in

trust by, public financing institutions or by government offices, banks, or agencies;

(b) Any printing press, newspaper, news agency, radio, or television station or audio-visual equipment operated or sequestered by the Government or by its divisions, subdivisions, agencies or instrumentalities, including government-owned or -controlled corporations; or

(c) Any equipment, vehicle, facility, apparatus, or paraphernalia owned by the government or by its political subdivisions, agencies including government-owned or -controlled corporations.

(13) Deadly weapons - Any person who carries any deadly weapon in the polling place or canvassing center and within a radius of one hundred (100) meters thereof during the voting, counting of votes or canvassing of the election returns.

(14) Carrying firearms outside residence or place of business - Any person who, although possessing a permit to carry firearms, mission orders or other similar documents, carries firearms outside his residence or place of business during the election period, unless authorized in writing by the Commission. A motor vehicle, water or air craft shall not be considered a residence or place of business or extension thereof.

(15) Bearing or transporting firearms, ammunitions, or explosives - Any person who, during the election period bears or transports firearms, ammunitions, or explosives or air gun in public places, including any building, street, park, private vehicle, or public conveyance, even if licensed to possess or carry the same, unless authorized in writing by the Commission.

The issuance of firearms and explosives licenses shall be suspended during the election period.

Only regular members or officers of the Philippine National Police, the Armed Forces of the Philippines and other law enforcement agencies of the Government who are deputized in writing by the Commission for election duty may be authorized to carry and possess firearms during the election period: Provided, That, when in the possession of firearms, the deputized law enforcement officer must be:

(a) In full uniform showing clearly and legibly his name, rank and serial number which shall remain visible at all times; and

(b) In the actual performance of his election duty in the specific area designated by the Commission [Sec. 32, RA 7166].

(16) Use of armored land, water or air craft - Any person who uses during the election period, any armored land, water or air craft, with temporary or permanent equipment, or any other device or contraption for the mounting or installation of cannons, machine guns and other similar high-caliber firearms, including military-type tanks, half trucks, scout trucks, armored trucks: Provided, That banking or financial institutions and business firms may use armored vehicles exclusively for transporting cash, gold bullion or other valuables in connection with their business to and from their place of business, upon previous authority of the Commission [Sec. 261(r), BP 881].

(17) Wearing of uniforms and bearing arms - During the election period, any member of security or police organization of government agencies, including government- owned or -controlled corporations, or privately-owned or -operated security or investigative agencies who wears his uniform or uses his insignia, decorations or regalia, or bears arms outside his place of work. This prohibition shall not apply when said member is in pursuit

of a person who has committed or is committing a crime in the premises he is guarding; or when escorting or providing security for the transport of payrolls, deposits, or other valuables; or when guarding private residences, buildings or offices: Provided, That in the last case, prior written approval of the Commission shall be obtained.

During the election period, whenever the Commission finds it necessary for the promotion of free, orderly, honest, peaceful and credible elections in a specific area, it shall confiscate or order the confiscation of firearms of any member of the Armed Forces of the Philippines, police forces, Civil Armed Forces Geographical Units (CAFGUs) and all other para-military units or any member or members of privately-owned or -operated security or investigative agencies performing identical or similar functions.

(18) Security personnel and bodyguards - During the election period, no candidate for public office, including incumbent public officers seeking election to any public office, shall employ, avail himself of, or engage the services of security personnel or bodyguards, whether or not such bodyguards are regular members or officers of the Philippine National Police, the Armed Forces of the Philippines, or other law enforcement agency of the Government: Provided, That when circumstances warrant, including but not limited to threats to life and security of a candidate, he may be assigned by the Commission, upon due application, regular members of the Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency who shall provide him security for the duration of the election period. The officers assigned for security duty to a candidate shall be subject to the same requirement as to wearing of uniforms prescribed herein, unless exempted in writing by the Commission.

If at any time during the election period, the ground for which the authority to engage the services of security personnel has been granted shall cease to exist or, for any other valid cause, the Commission shall revoke the said authority [Sec. 33, RA 7166].

(19) Organization or maintenance of reaction forces, strike forces, or other similar forces - Any person who organizes or maintains a reaction force, strike force or similar force during the election period. The heads of such forces shall, not later than ninety (90) days before the election, submit to the Commission a complete list of all members thereof with such particulars as the Commission may require.

(20) Prohibition against release, disbursement or expenditure of public funds - Any public official or employee, including barangay officials and those of government-owned and -controlled corporations and their subsidiaries, who, within forty-five (45) days before a regular election and thirty (30) days before a special election, releases, disburses, or expends any public funds for:

(a) Any and all kinds of public works, except the following:

i. Maintenance of existing and/or completed public works project: Provided, That no more than the average number of laborers or employees already employed therein during the six-month period immediately prior to the beginning of the forty-five (45) day period before election day shall be permitted to work during such time. No additional laborers shall be employed for maintenance work within the said period of forty-five (45) days;

ii. Work undertaken by contract either through

public bidding held, or by negotiated contract awarded, prior to the forty-five (45) day period before election. Work undertaken under the so-called "takay" or "paquiao" system shall not be considered as work by contract;

iii. Payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates and other procedures preparatory to actual construction, including the purchase of materials and equipment, and all incidental expenses for work undertaken before the beginning of such period: Provided, That the number of laborers hired when the project or projects were commenced shall not be increased; and

iv. Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.

No payment shall be made within five (5) days before the date of election to laborers who have rendered services in projects or works except those falling under subparagraphs (i), (ii), (iii) and (iv) hereof.

This prohibition shall not apply to ongoing public works projects commenced before the campaign period or similar projects under foreign agreements. For purposes of this provision, it shall be the duty of the government officials or agencies concerned to report to the Commission the list of all such projects being undertaken by them.

(b) The Department of Social Welfare and Development and any other office in other departments of the government performing functions similar to said department except for salaries of personnel, other

routine and normal expenses, and such other expenses as the Commission may authorize after due notice and hearing. Should a calamity or disaster occur, all releases normally or usually coursed through the said department and offices of other department shall be turned over to, and administered and disbursed by, the Philippine National Red Cross, subject to the supervision of the Commission on Audit or its representatives.

No candidate or his or her spouse or member of his family within the second civil degree of affinity or consanguinity shall participate, directly or indirectly, in the distribution of any relief or other goods to the victims of calamity or disaster.

(21) Prohibition against construction of public works, delivery of materials for public works and issuance of treasury warrants and similar instruments - Within forty-five (45) days preceding a regular election and thirty (30) days before a special election, any person who:

(a) Undertakes the construction of any public works;

(b) Issues, uses, or avails of treasury warrants or instruments undertaking future delivery of money, goods, or other things of value chargeable against public funds.

(22) Suspension of elective local officials - During the election period, any public official who suspends, without prior approval of the Commission, any elective provincial, city, municipal, or barangay officer or president of the sangguniang kabataan unless said suspension will be for purposes of applying the Anti-Graft and Corrupt Practices Act.

(23) Any person who, for the purpose of manipulating the

electoral process, in any manner gains access to or uses, modifies, destroys, discloses, or causes access to and use, or modification, destruction or disclosure of any computer data, program, system software, network, or any computer-related devices, facilities, hardware or equipment, whether classified or declassified, and regardless of whether or not such access, use, modification, destruction or disclosure changes the results of the election or interrupts or impairs the electoral processes [New].

(24) **On Registration of Voters.**

(a) Any person who knowingly makes any false or untruthful statement relative to any of the data or information required in his voter's registration record.

(b) Any person who deliberately imprints or causes or allows the imprinting of blurred or indistinct fingerprints on any of the copies of the voter's registration record or any person who tampers with the fingerprints in said registration records.

(c) Members of the election registration board who approve any application which on its face shows that the applicant does not have the qualifications, or who disapprove any application without cause.

(d) Any registered voter who registers anew without filing an application for cancellation of his previous registration.

(e) Any person who registers in substitution for another, with or without the latter's knowledge or consent.

(f) Any person who tampers with or changes without authority any data or entry in any voter's registration record.

(g) Any person who delays, hinders or obstructs another from registering.

(h) Any person who falsely certifies or identifies another as a bona fide resident of a particular place or locality for the purpose of securing the latter's registration as a voter.

(i) Any person who uses the voter's identification card of another for the purpose of voting, whether or not he actually succeeds in voting.

(j) Any person who places, inserts, or otherwise includes, as approved application for registration in the book of voters or in the provincial or national central files of registered voters, the application of any fictitious voter or any application that has not been approved; or removes therefrom any voter's registration record except upon lawful order of the Commission or of a competent court or after proper cancellation.

(k) Any person who transfers or causes the transfer of the registration record of a voter to the book of voters of another precinct, unless said transfer was due to a change of address of the voter and the voter was duly notified of his new precinct and polling place.

(l) Any person who asks, demands, takes, accepts, or possesses, directly or indirectly, the voter's identification card of another, in order to induce the latter to withhold his vote, or to vote for or against any candidate or any issue.

(m) Any person who delivers, hands over, entrusts, gives, directly or indirectly his voter's identifica-

tion card to another in consideration of money or other benefit or promise thereof, or takes or accepts such document directly or indirectly for the same consideration.

(n) Any person who in any manner alters, tears, defaces, removes, destroys or tampers with any certified list of voters.

(o) Any person who takes, carries, or possesses any blank or unused application for registration already issued to a city or municipality, except when directed by the Commission.

(25) **On Voting:**

(a) Any person who votes more than once in the same election, plebiscite, recall, or referendum or who, not being a registered voter, votes in such political exercise.

(b) Any person who votes in substitution for another.

(c) Any person who, not being illiterate or physically disabled, allows his ballot to be prepared by another, or any person who prepares the ballot of another who is not illiterate or physically disabled.

(d) Any person who avails himself of any means or scheme to discover the contents of the ballot of a voter.

(e) Any voter who uses a ballot other than the one given by the board of election inspectors or has in his possession more than one (1) official ballot.

(f) Any person who places under arrest or detains a voter without lawful cause, or harasses him in such a manner as to obstruct or prevent him from going to the polling place to cast his votes or from returning home

after casting his votes or to compel him to reveal how he voted.

(g) Any member of the board of election inspectors charged with the duty of reading the ballot during the counting of the votes who deliberately omits to read the votes duly written on the ballot or misreads the vote actually written thereon or reads the name of a candidate where no name is written on the ballot.

(h) Any member of the board of election inspectors charged with the duty of tallying the votes in the tally papers, election returns or other prescribed form who deliberately fails to record a vote therein or records a vote where no such vote has been read.

(i) Any member of the board of election inspectors who has made possible the casting of more votes than there are registered voters.

(j) Any person who, for the purpose of disrupting or obstructing the election process or causing confusion among the voters, propagates false and alarming reports or information, or transmits or circulates false orders, directives, or messages regarding any matter relating to the printing of official ballots, the postponement of the election, the transfer of polling place, eligibility, or withdrawal of candidates or the general conduct of the election.

(k) Any person who, without legal authority, destroys, substitutes, or takes away from the possession of those having legal custody thereof, or from the place where they are legally deposited, election forms, documents, or ballot boxes which contain official ballots or other documents used in any election,

plebiscite, recall, or referendum.

(l) Any person having legal custody of the ballot box containing the official ballots used in the election who opens or destroys said box or removes or destroys its contents without any, or against the, order of the Commission or who, through his negligence, enables any person to commit any of the aforementioned acts, or takes away said ballot box from his custody.

(m) Any member of the board of election inspectors who knowingly uses ballots other than the official ballots.

(n) Any member of the board of election inspectors who refuses to issue the certificate of votes to watchers requesting the same [Sec. 27(a), RA 6646].

(o) Any public official who neglects or fails to preserve or account for any ballot box, documents and forms received by him and kept under his custody.

(p) Any person who assisted an illiterate or disabled voter in preparing his ballot and who reveals the contents thereof.

(q) Any person who, without authority, transfers the location of a polling place.

(r) Any person who removes, tears, defaces, or destroys any certified list of candidates posted inside the voting booths during the voting hours.

(s) Any person who delays through force, violence, coercion, intimidation, or by any means the transmittal of the election returns or who takes away, absconds with, destroys, defaces, mutilates, or substitutes the election returns, its envelope, or the ballot box containing the election returns, or who

violates the right of the watchers.

(t) Any person who holds or causes the holding of an election on any other day than that fixed by law or by the Commission, or stops an election being legally held.

(u) Any person who deliberately blurs or causes the blurring of fingerprints or thumbmarks in the voting record.

(26) **On Canvassing:**

(a) Any chairman of the board of canvassers who fails to give notice of the date, time and place of the initial meeting of said board to the candidates, political parties and members of the board.

(b) Any member of the board feigning illness in order to be substituted [Sec. 224, BP 881].

(c) Any board of canvassers which proceeds with the canvassing of voters and/or proclamation of any candidate that was suspended or annulled by the Commission.

(d) Any member of the board of canvassers who proceeds with the canvass of votes and/or proclamation of any candidate in the absence of quorum or notice.

(e) Any member of the board who fails to note specifically in the minutes of the proceedings of the board objections to the election returns or certificate of canvass presented before it.

(f) Any member of the board who, without authority of the Commission, uses in the canvass of votes of any candidate any document other than the official copy of the election returns or certificate of canvass.

(g) Any board of canvassers which, without authority

from the Commission, proclaims any candidate as winner although there are still contested election returns or certificates of canvass, unless the votes involved will not affect the results of the elections.

(h) Any officer or member of the Armed Forces of the Philippines, the Philippine National Police or any peace officer or armed person belonging to any police agency, special forces, reaction forces, strike forces, Civil Armed Forces Geographical Units (CAFGUs), barangay tanod units, or other similar forces or para-military forces, including security guards, special policemen, and all other armed or unarmed extra-legal police officers, who enters the room where the canvassing of the election returns or certificates of canvass is being held by the board of canvassers and within a radius of fifty (50) meters from such room. The board may, by majority vote, make a call in writing for the detail of policemen or peace officer for their protection or that of the election documents and paraphernalia in the possession of the board, or for the maintenance of peace and order, in which case said policemen or peace officers, who shall be in proper uniform, shall stay outside the room but near enough to be easily called by the board at any time [Sec. 232, BP 881].

(i) Any person who, under the influence of liquor or prohibited drugs, enters a canvassing room during the canvassing of election returns or certificates of canvass [New].

(27) **Common to all board of election inspectors and board of canvassers:**

(a) Any member of the board of election inspectors or board of canvassers who deliberately absents himself from board meetings to obstruct or delay the performance of its duties or functions.

(b) Any member who, without justifiable reason, refuses to sign and certify any election form prescribed by the Commission.

(c) Any person who, being ineligible for appointment as member of the board accepts an appointment thereto, assumes office, and actually serves as member; or any public officer or person acting in his behalf who appoints such ineligible person knowing him to be such.

(d) Any person who, in the presence or within the hearing range of either board, interrupts or disrupts its work or proceedings to prevent said board from performing its functions.

(e) Any member of the board who increases, decreases, or otherwise tampers with the votes received by a candidate; or who refuses, after proper verification and hearing, to credit the correct votes or deduct such tampered votes [Sec. 27(b), RA 6646].

(f) Any public official or person acting in his behalf who relieves or changes or causes the change of the assignment of any member without authority of the Commission.

(28) **On Candidacy and Campaign:**

(a) Any political party which holds political conventions or meetings to nominate its official candidates earlier than the period fixed in this Code.

(b) Any person who abstracts, destroys or cancels any

certificate of candidacy duly filed and which has not been cancelled by the Commission.

(c) Any person who on election day submits to the board of election inspectors any false or spurious certificate of candidacy.

(d) Any person who, being authorized to receive certificates of candidacy, receives the same outside the prescribed period and makes it appear that it was filed on time; or any person who, by means of fraud, threat, intimidation, terrorism, or coercion, causes or compels the performance of said act.

(e) Any person who, by any device or means, jams, obstructs, or interferes with a radio or television broadcast or any political program authorized by the Commission.

(f) Any person declared a nuisance candidate or otherwise disqualified by final and executory judgment, who continues to misrepresent himself as a candidate; any public officer or private individual who knowingly induces or abets such misrepresentation [Sec. 27(f), RA 6646].

(g) Any person who solicits, votes or undertakes any propaganda, on the day of election, for or against any candidate or any political party.

(h) Any person who undertakes an election campaign or partisan political activity outside of the campaign period.

No person shall be arrested and/or detained at any time for any act committed during and in connection with an election which tends to support or oppose any candidate or political party, except upon a

warrant of arrest issued by competent court.

(29) **Other Prohibitions:**

(a) Any person who sells, furnishes, offers, buys, serves or takes intoxicating liquor on the day before or on election day: Provided, That hotels and other establishments duly certified by the Department of Tourism as tourist-oriented and habitually engaged in the business of catering to foreign tourists may be exempted upon prior authority of the Commission: Provided, further, That foreign tourists taking intoxicating liquor in said authorized hotels or establishments are exempted from this prohibition.

(b) Any person who, without authority, prints or causes the printing of any ballot, election returns, or certificates of canvass as official ballot, election returns, or certificate of canvass, or who distributes or causes the distribution thereof whether or not it is actually used.

(c) Any person who opens in any polling place or within a radius of thirty (30) meters thereof on election day and during the counting of votes, booths or stalls of any kind for the sale, dispensing or display of wares, merchandise, or refreshments, or for any other purposes.

(d) Any person who holds on election day, fairs, cockfights, boxing, horse races, jai-alai, or any other similar sports.

(e) Any person who operates a radio or television station who, without justifiable cause, discriminates against any candidate or political party in his station's programming or coverage of election related-

events. In addition to the penalty prescribed herein, such refusal shall constitute a ground for cancellation or revocation of the franchise [Sec. 261, BP 881].

(f) Any person who violates any orders, resolutions or rules and regulations promulgated by the Commission [New].

SEC. 307. Other election offenses. - Violation of the provisions, or pertinent portions, of the following sections of this Code shall constitute election offenses: Sections 9, 10, 11, 92, 113, 116, 127, 128, 129, 130, 131, 132, 133, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 160, 164, 167, 168, 169, 170, 171, 173, 181, 187, 189, 191, 202, 205, 208, 209, 210, 218, 227, 228, 229, 233, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 265, 266, 268, 269, 270, 271, 274, 275, 276, 277, 278, 279, 286.

SEC. 308. Persons criminally liable. - The principals, accomplices and accessories, as defined in the Revised Penal Code, shall be criminally liable for election offenses. If the one responsible be a political party or an entity, its president or head, the officials and employees of the same performing duties connected with the offense committed and its members who may be principals, accomplices, or accessories, shall be liable, in addition to the liability of such party or entity [Sec. 263, BP 881].

SEC. 309. Penalties. - Any person found guilty of any election offense under this Code shall be punished with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to

hold public office and deprivation of the right of suffrage. If he is a foreigner, he shall be sentenced to deportation which shall be enforced after the prison term has been served. Any political party found guilty shall be sentenced to pay a fine of not less than one hundred thousand (P100,000) pesos, which shall be imposed upon such party after criminal action has been instituted in which their corresponding officials have been found guilty.

In the case of a prisoner illegally released from any penitentiary or jail during the election period, the Director of Prisons, provincial warden, keeper of the jail, or prison or persons required by law to keep said prisoner in their custody shall, if convicted by a competent court, be sentenced to suffer the penalty of prision mayor in its maximum period if the prisoner so illegally released commits any act of intimidation, terrorism or interference in the election.

In addition to the penalties prescribed herein, violations of Sections 9, 10 and 11 hereof shall constitute a ground for cancellation or revocation of certificate of public convenience or franchise.

SEC. 310. Prosecution. - The Commission shall have, through its duly-authorized legal officers, exclusive power to conduct preliminary investigation of all election offenses punishable under this Code, and to prosecute the same. The Commission may avail of the assistance of other prosecuting arms of the government.

SEC. 311. Prescription. - Election offenses shall prescribe after five (5) years from the date of their commission. If the discovery of the offense be made in election contest proceedings, the period of prescription shall commence on the date on which the judgment in such proceedings becomes final and executory

[Sec. 267, BP 881].

The filing of a complaint with the Commission stops the running of the prescriptive period of the election offense [New].

SEC. 312. Jurisdiction of courts. - The regional trial court shall have exclusive original jurisdiction to try and decide any criminal action or proceedings for violation of this Code. Appeals will lie as in other criminal cases [Sec. 268, BP 881].

SEC. 313. Preferential disposition of election offenses. - The investigation and prosecution of cases involving violation of election laws shall be given preference and priority by the Commission and prosecuting officials. Their investigation shall be commenced without delay, and shall be resolved by the investigating officer within five (5) days from its submission for resolution. The courts shall likewise give preference to election offenses over all other cases, except petitions for writ of habeas corpus. Their trial shall likewise be commenced without delay, and shall be conducted continuously until terminated, and the case shall be decided within thirty (30) days from its submission for decision [Sec. 269, BP 881].

ARTICLE XII. LEGAL FEES

SEC. 314. Collection of legal fees. - The Commission is hereby authorized to determine and collect reasonable fees in connection with official transactions in the Commission.

SEC. 315. Payment of fees. - The fees referred to in the preceding section shall be paid to the cashier of the Commission who shall, in all cases, issue a receipt for the same and enter the amount received upon his book, specifying the date when received, the fee, and the person from whom received. The cashier

shall immediately report such payment to the Commission [Sec. 271, BP 881].

SEC. 316. Non-payment of prescribed fees. - If the prescribed fees are not paid, the Commission may refuse to take action thereon until they are paid [New].

SEC. 317. Special or trust fund. - All accruing fees, receipts and revenues received by the Commission shall be considered as a Special Trust Fund and shall be deposited in any of the authorized depository banks of the Commission to be made available for any function, project and activity of the Commission pursuant to its fiscal autonomy [New].

ARTICLE XIII. TRANSITORY PROVISIONS

SEC. 318. Pending actions. - Pending actions and causes of action arising before the effectivity of this Code shall be governed by the laws then in force [Sec. 272, BP 881].

SEC. 319. Continuing system of registration; When effected. - For purposes of the 1995 and succeeding elections, the continuing system of registration shall be effected immediately after the 1994 barangay elections [New].

ARTICLE XIV. FINAL PROVISIONS

SEC. 320. Sharing in election expenses. - All expenses for the conduct of elections shall be shared by the national, provincial, city, or municipal governments for which the election as held in such manner as the Commission shall prescribe. For this purpose, the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan concerned shall appropriate annually an amount equivalent to one-third (1/3) of the amount spent by their re-

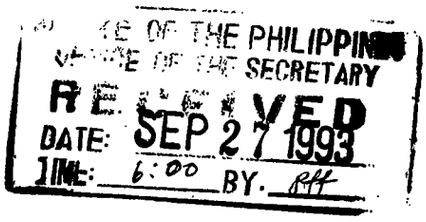
spective provinces, cities, or municipalities in the last election as a continuing appropriation to cover their respective shares of the expenses in the next regular elections [Sec. 20(a), RA 6388, Amended].

SEC. 321. Separability clause. - If, for any reason, any section or provision of this Code, or any portion thereof or the application of such section, provision or portion to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Code or the application of such section, provision or portion thereof to other persons, groups, or circumstances shall not be affected by such declaration [Sec. 281, BP 881].

SEC. 322. Repealing clause. - Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code, is hereby repealed. All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Code are hereby repealed [Sec. 282, BP 881, Amended].

SEC. 323. Effectivity. - This Code shall take effect upon its approval.

NINTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
Second Regular Session }



S E N A T E

S. B. No. 1450

Introduced by Senators Rasul, Shahani, Tolentino, Romulo, Ople and Sotto

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EXPLANATORY NOTE

Apart from the Omnibus Election Code, otherwise known as Batas Pambansa Blg. 881, the law on Philippine elections is contained in more than 10 separate election laws and related legislation, including the Local Government Code of 1991 (Republic Act No. 7160). This proposed election code, to be known as the "1993 Election Code of the Philippines," consolidates all election laws currently in force into one code, incorporates, where applicable, jurisprudence on election cases and several pending bills in Congress, and implements constitutional provisions applicable to elections.

This proposed code provides for political situations and realities not foreseen by the farmers of our old election laws, and eliminates so-called "dead-letter" provisions of the present election code, especially on elections offenses, which have proved unrealistic or difficult to enforce. On the other hand, it gives more teeth to the prosecutory powers of the Commission on Elections. These changes have resulted in a tighter but more comprehensive, realistic and less punitive election code.

The bill would empower the Commission on Elections to modernize the electoral process, specifically existing procedures for registration, voting, counting and canvassing, which rely heavily on manual systems and human discretion that often lend themselves to delay, error, or fraud and aggravate post-election tension.

Assistance from the Commission on Elections and members of the respective Committees on Suffrage and Electoral Reforms of the Senate and House of Representatives, as well as from executive departments such as the Departments of Justice, Foreign Affairs, and Labor and Employment, in particular the Overseas Workers' Welfare Administration, was instrumental in the drafting of the Code. The Commission also conducted consultations with its field officers and with the Congress for Electoral Reforms (CER), a body composed of the five main citizens' arms of the Commission in the May, 1992 elections

Among the major reforms of the proposed code and the rationale for the introduction of new provisions or amendment of existing ones are indicated hereinbelow in their order of importance:

1. **Continuing system of registration of voters** (Sec. 154). Unlike in the current procedure where registration is conducted on specific dates, registration under the continuing system shall be conducted daily. The list of applicants for registration shall be posted, and hearings with notice to parties conducted before the applications are acted upon by the election registration board.

This procedure is an amendment of BP 881, taken from Sec. 79 of the 1978 Election Code, aimed at eliminating the existence of

padded or falsified lists of voters which result in voting by fake or illegal voters.

2. **Modernization of the electoral process** (Secs. 184 and 15, par. 10).

2.a Computerization of the list of voters provides instant information on registered voters per precinct, which can be updated from time to time. This is a new provision which seeks to eliminate padded and falsified list of voters.

2.b The Commission shall be authorized to adopt new systems, forms, technological devices and safeguards for voting, counting and canvassing. This is a new provision addressing the problems of fraud, human error and delays in voting, counting and canvassing.

3. **Prohibition on political dynasty** (Sec. 116). This section prohibits political dynasties or the simultaneous or successive candidacies of persons related within the third civil degree of consanguinity or affinity.

This is a new provision aimed at eliminating the concentration of political power in one family or clan.

4. **Improvement of procedures in pre-proclamation controversies** (Article IX - Secs. 287 to 297). Among the improvements of the procedure are the reduction of the period within which to rule on objections, and that for disposal of appeals.

This article is a modification of the present procedure, aimed at speeding up the disposition of pre-proclamation contro-

versies.

5. **System of absentee voting** (Secs. 89 to 95). This system provides a mechanism through which a registered voter who is outside of his place of registration on election day, either because of election duty or by reason of residence or employment abroad, may vote in national elections.

This is a new provision implementing the constitutional mandate under Sec. 2, Art. V of the Constitution, to address the problem of lack of access to the right to vote by qualified overseas Filipinos.

6. **Party-list system of representation** (Secs. 49 to 50). The party-list system is a mechanism of proportional representation in the House of Representatives of political parties, organization, or coalitions with national, regional or sectoral constituency.

This is a new provision aimed at eliminating inequitable representation of marginalized parties and sectoral groups in the House of Representatives.

7. **Prohibition on candidacy of public official in a special election called to fill the vacancy caused by his resignation, retirement, or removal** (Sec. 107, par. 3). This is a new provision which responds to a situation where an elective public official runs for the same office from which he retired, resigned, or was removed for any cause.

8. **Proclamation of lone candidate in non-adversarial elections** (Sec. 123). When there is only one candidate, the Commission,

without holding an election for the affected position, shall certify that he is the only candidate for the office involved and is thereby deemed elected.

This is a new provision designed to avoid unnecessary expenses and efforts.

9. **Substitution of candidates in case of death, disqualification, or withdrawal** (Sec. 121). The provision on substitution of candidates includes:

a. In case of withdrawal - not allowed.

b. In case of death - allowed with respect to independent candidates or official candidates of political parties, provided there is only one candidate remaining.

c. In case of disqualification - allowed only with respect to official candidates of political parties, provided there is only one candidate remaining.

This is a modification of Section 77 of BP 881, aimed at eliminating political horsetrading and last-minute filing of certificates of candidacy.

10. **System of initiative of referendum** (Secs. 74 to 88). This provision is a reiteration of Republic Act No. 6735 providing for direct participation by the people in the lawmaking process.

11. **System of recall** (Secs. 61 to 73). This provision is a reiteration of Republic Act No. 7160 which is aimed at weeding our from public elective office undesirable officials through the

direct act of the electorate.

12. **Copy of the election returns and certificate of canvass to be given to a media-based unofficial count designated by the Commission** (Secs. 254 and 274). This is a reiteration of Sec. 29(b) of RA 7166, with the addition of the election returns, to give the public advance, although unofficial, results of the elections.

13. **Sectoral representatives** (Sec. 39). The election of sectoral representatives shall be conducted simultaneously with the regular elections for members of the sanggunians.

This is a reiteration of Sec. 41(c) of RA 7160 addressing the problem on the uncertainty in the holding of elections for sectoral representatives.

14. **Continuing election education, including provision in school curriculum on a subject on elections** (Sec. 15, par. 13). This is a new provision addressing the lack of awareness on the part of the citizenry, especially the youth, on their political rights and obligations.

15. **Disqualification of Chairman, Members, officials and employees of the Commission on Elections from running for public office in the elections immediately following their retirement, resignation, or cessation from office** (Sec. 14). This is a new provision aimed at avoiding the use of one's office to enhance his future candidacy, especially considering that the Commission on Elections is the "referee" or "umpire" of the election process.

16. **Requirement on submission by candidate, together with his**

certificate of candidacy, of certified true copies of his income tax returns (Sec. 111). This is a new provision to respond to the need for transparency in public service and compliance with legal obligations to government. Its inclusion was likewise recommended by the Bureau of Internal Revenue (BIR).

17. Prohibition on any candidate who withdraws his candidacy from filing a new certificates of candidacy for any office in the same election (Sec. 110). This is a new provision intended to avoid political horsetrading and last-minute filing of certificates of candidacy.

18. Prohibition on undue ecclesiastical influence (Sec. 126). This is a new provision that reiterates the constitutional principle of church-state separation by prohibiting the heads of any church hierarchy or religious sect, denomination, or grouping from influencing, directly, or indirectly, the members of their flock, parish, or congregation to vote for or against any candidate or political party by any form of election propaganda.

In view of the foregoing reasons and for the interest of our country and people, approval of this bill is earnestly and highly recommended.

Santanina T. Rasul

SANTANINA T. RASUL
Senator

LETICIA R. SHAHANI
Senator

VICENTE C. SOTTO III
Senator

ARTURO M. TOLENTINO
Senator

ALBERTO G. ROMULO
Senator

BLAS F. OPLE
Senator

SENATE OF THE PHILIPPINES
RECEIVED
DATE: SEP 27 1993
TIME: 6:00 BY:

BILL NO. 1450

AN ACT ENACTING THE ELECTION CODE OF THE PHILIPPINES

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

ARTICLE I. GENERAL PROVISIONS

SECTION 1. Title. - This Act shall be known and cited as the "1993 Election Code of the Philippines" [Sec. 1, Batas Pambansa Blg. 881].

SEC. 2. Applicability. - This Code shall govern the election of public officers, as well as plebiscites, initiatives, referenda and recalls [Sec. 2, BP 881].

The terms "election" and "elections," when used in this Code, shall refer to regular or special elections or to plebiscites, initiatives, referenda, or recalls [New].

SEC. 3. Election and campaign periods. - Unless otherwise fixed in special cases by the Commission on Elections, hereinafter referred to as the Commission, the election period shall commence ninety (90) days before the day of the election and end thirty (30) days thereafter [Sec. 9, Art. IX(C), Constitution].

The campaign period shall be as follows:

(1) For President, Vice-President and Senators - ninety (90) days [Sec. 5(a), Republic Act No. 7166];

(2) For Members of the House of Representatives and elective local officials - forty-five (45) days [Sec. 5(b), RA 7166];

(3) For barangay officials - fifteen (15) days [Sec. 3, BP 881];

(4) Plebiscites, initiatives and referenda - as provided

for by law or by the Commission [New];

The campaign period shall not include the day before and the day of the election, as well as Maundy Thursday and Good Friday [Sec. 5, RA 7166].

SEC. 4. Postponement of election. - When for any serious cause such as violence, terrorism, loss, or destruction of election paraphernalia or records, force majeure and other analogous causes of such a nature that the holding of free, orderly and honest elections should become impossible in any political subdivision, the Commission shall, motu proprio or upon a verified petition by any interested party, and after notice and hearing whereby all interested parties are afforded equal opportunity to be heard, postpone the election therein to a date reasonably close to the date of the election not held, but not later than thirty (30) days after the cessation of the cause as determined by the Commission. Should there be no sufficient time to notify all parties and to conduct a hearing before the election sought to be postponed, the Commission may hear the case summarily and deny or grant such postponement [Sec. 5, BP 881].

SEC. 5. Suspension of election. - If on account of force majeure, violence, terrorism, fraud, or other analogous causes, the election in any political subdivision has been suspended at any time before the results of the election could be announced and the suspension of election would affect the result thereof, the Commission shall, on the basis of a verified petition by any interested party and in every case after due notice and hearing, call for the continuation of the election suspended within thirty (30) days after the cessation of the cause of suspension [New].

SEC. 6. Failure of election. - If, on account of force majeure, violence, terrorism, fraud, or other analogous causes, the election in any political subdivision has not been held on

the date fixed, or has been suspended before the close of the voting or after the voting but not before or during the counting of votes or preparation or transmission of the election returns or while in the custody thereof, such election resulted in a failure to elect, and in any of such cases the failure of election would affect the result thereof, the Commission, shall, on the basis of a verified petition by any interested party and in every case after due notice and hearing, call for the holding of the election which resulted in a failure to elect within thirty (30) days after the cessation of the cause of such failure to elect [Sec. 6, BP 881].

SEC. 7. Call for special elections due to postponement, suspension, or failure of elections. - The postponement, suspension or declaration of failure of election and the calling of special elections shall be decided by a majority vote of the members of the Commission sitting en banc [Sec. 4, BP 881].

SEC. 8. Election code to be available in polling places. - A copy of this Code shall be provided and be made available by the Commission in every polling place during elections [Sec. 8, BP 881].

SEC. 9. Official mail and telegram relative to election. - All documents, telegrams and correspondence related to an election and sent by public officers in the performance of their election duties through the postal and telecommunication service shall be given priority and transmitted expeditiously and free of charge [Sec. 9, BP 881].

Telegrams, telex and facsimile (fax) transmission of the same nature shall likewise be given priority and transmitted expeditiously by private telecommunications and similar facilities [New].

It shall be the duty of the Heads of the Telecommunications

Office and of private telecommunication companies to transmit or cause the transmittal immediately, accurately and in preference to all other communications or telegrams, messages reporting election results and such other communications which the Commission may require to ensure free, honest, and orderly elections [Sec. 9, BP 881].

SEC. 10. Shipment and transport of official cargoes. - During the election period, all official cargoes such as ballot boxes, official ballots, election forms, records, supplies and paraphernalia related to elections shall be given the highest priority in the shipment, distribution and delivery by air, land and sea transportation companies, whether private, public or government-owned or -controlled.

It shall be the duty of the Secretary of the Department of Transportation and Communications, the Heads of the Civil Aeronautics Board, Land Transportation Franchise and Regulatory Board, Armed Forces of the Philippines, Philippine National Police and Philippine Coast Guard to implement and monitor such preferential status of official election cargoes [New].

SEC. 11. Transportation and mobilization of officials, employees and deputies of the Commission. - Officials, employees and deputies of the Commission shall, during the election period or pursuant to an order or directive of the Commission, or while in the performance of election duties, be given a "must-ride" status whether by air, land, or sea upon presentation of a resolution, travel order, mission order or subpoena, duly issued by the Commission, its Chairman, any Commissioner, or any of its officials of Director rank [New].

SEC. 12. Election expenses. - Unless otherwise provided by law, the Commission shall bear such expenses as may be necessary and reasonable in connection with elections. The Commission may

direct that in the provinces, cities or municipalities, the election expenses chargeable to the Commission be advanced by the province, city, or municipality concerned subject to reimbursement by the Commission upon presentation of the proper bill within ninety (90) days from the political exercise and its approval by the Commission.

Funds needed by the Commission to defray the expenses for the holding of elections shall be provided in its regular appropriations which, upon certification, shall immediately be released to the Commission. In case of deficiency, the amount so provided shall be augmented from the special activities fund in the general appropriations act and from those specifically appropriated for the purpose in special laws [Sec. 10, BP 881].

ARTICLE II. THE COMMISSION ON ELECTIONS

A. COMPOSITION

SEC. 13. The Commission. - The Commission shall be composed of a Chairman and six (6) Commissioners, who shall be appointed by the President with the consent of the Commission on Appointments [Secs. 1 and 2, Art. IX(C), Const.].

It shall act as a policy-making body and exercise administrative, quasi-judicial and judicial functions relative to all laws and regulations with respect to the conduct of elections [New].

SEC. 14. Disqualification of members of the Commission. - The members of the Commission shall be subject to the canons of judicial ethics in the discharge of their functions.

No member of the Commission shall sit in any case in which he has manifested bias for or against any party thereto and in

connection therewith, or in any case in which he would be disqualified under the Rules of Court. If it be claimed that a member is disqualified as above provided, the party objecting to his competency may file his objections in writing with the Commission, stating the grounds therefor. The member concerned shall decide whether to continue to participate in the hearing or withdraw therefrom. His decision shall forthwith be made in writing and filed with the records of the case. If a disqualification should result in a lack of quorum in the Commission sitting en banc, the Presiding Justice of the Court of Appeals shall, upon formal request of the Commission, designate a justice of said court to sit in said case for the purpose of hearing and reaching a decision thereon [Sec. 58, BP 881].

The Chairman and members of the Commission, including its officials and employees, shall not be qualified to run for any office in the election immediately succeeding their retirement, resignation, or cessation from office, except barangay elections [New].

B. POWERS AND FUNCTIONS

SEC. 15. Powers and functions. - In addition to the powers and functions conferred upon it by the Constitution, the Commission shall enforce and administer all laws and regulations relative to the conduct of an election and shall:

(1) (a) Exercise direct and immediate control and supervision over national and local officials or employees, including members of any national or local law enforcement agency and instrumentality of the government required by law or deputized by the Commission to perform election duties, including officers and employees of government-owned or -controlled corporations, rela-

tive to the conduct of elections. In addition, it may authorize CAT cadets eighteen (18) years of age and above to act as its deputies for the purpose of enforcing its orders;

(b) Relieve and substitute any officer or employee referred to in the preceding sub-paragraph, who violates the election law or fails to comply with its instructions, orders, resolutions, decisions or rulings;

(c) Recommend to the proper authority the suspension or removal from office or imposition of disciplinary action on any of such officers or employees, who may, after due process, be found guilty of such violation or failure [Sec. 52(a), BP 881];

(2) (a) Promulgate rules and regulations implementing all laws which the Commission is required to enforce and administer, including those concerning the expeditious disposition of election cases and pre-proclamation controversies: Provided, That, such rules shall not diminish, increase, or modify substantive rights;

(b) Require legal fees and collect the same in payment of any official transaction done in the Commission at rates which it may determine [Sec. 52(c), BP 881];

(3) Hear cases and by a majority vote of all its members sitting en banc or in division decide the same [New];

(4) (a) Summon the parties to a controversy pending before it, issue subpoena and subpoena duces tecum, take testimony and receive evidence in any investigation before it, and delegate, at its discretion, such powers to any of its duly-authorized legal officers [Sec. 52(d), BP 881];

(b) In case of failure of a witness to attend any hearing, and upon proof of service of subpoena, issue a warrant of arrest to ensure his presence before the Commission or its duly-authorized legal officer [Sec. 52(d), BP 881];

(5) Supervise or regulate during the election period the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges or concessions granted by the Government or any subdivision, agency or instrumentality thereof, including any government-owned or -controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity, time and space and the right to reply, including reasonable, equal rates therefor, for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, honest, peaceful and credible elections [Sec. 4, Art. IX(C), Const.];

(6) Enjoy fiscal autonomy. Its approved annual appropriations, as well as appropriations for the holding of regular and special elections and other electoral exercises, shall be automatically and regularly released, together with their corresponding cash outlays [Sec. 5, Art. IX(A), Const.];

(7) When necessary, avail of the assistance of any national or local law enforcement agency or instrumentality of the government in the execution, under its direct and immediate supervision, of its final decisions, orders, instructions, resolutions or rulings [Sec. 52(d), BP 881];

(8) Punish contempt as provided for in its Rules of Procedure and in the Rules of Court. Violation of any final executory decision, order or ruling of the Commission shall constitute contempt thereof [Sec. 52(e), BP 881];

(9) Enforce and execute its decisions, directives, orders and instructions, which shall have precedence over those emanating from any other authority, except the Supreme Court, and those issued in habeas corpus proceedings [Sec. 52(f), BP 881];

(10) Prescribe forms and printing materials for official ballots, election returns and other election paraphernalia to be used in elections, plebiscites, recalls, initiatives, referenda and other electoral exercises; and adopt new systems for registration, voting, counting and canvassing processes, including, but not limited to, the manner of voting and the steps and location for counting and canvassing, the resolution of pre-proclamation cases and electoral contests; and the use of the latest appropriate technological and/or electronic devices, either by piloting or installation by stages, taking into account the circumstances and location of the area of piloting or installation, and the funds available for the purpose: Provided, That adequate safeguards and security markings are imposed on the use of such new forms, printing materials, systems and devices: Provided, further, That the Commission shall notify the authorized representatives of accredited political parties and cause the publication thereof in at least two (2) newspapers of general circulation in the areas affected by the use and adoption of new forms, printing materials, systems, devices and safeguards not later than the start of the election period [New];

(11) Procure supplies, equipment, materials, or services for the holding of an election strictly by public bidding in accordance with the rules and regulations of the Commission on Audit. If it finds public bidding impractical to observe, procurement may be by negotiations or sealed bids, and in both cases, the list of awarded contracts shall be published in at least two (2) newspapers of general circulation. Copies of all awarded contracts shall be open for examination and verification by authorized representatives of accredited major political parties and of media [Sec. 52(h), BP 881];

(12) Carry out a continuing and systematic campaign,

through newspapers of general circulation, radio, television and other media forms, to educate the public and inform the electorate about election laws, procedures, decisions and other matters relative to the work and duties of the Commission and the necessity of free, orderly, honest, peaceful and credible elections [Sec. 52(j), BP 881];

(13) Cause the inclusion in the school curriculum of a subject on the importance and relevance of elections, in coordination with the Department of Education, Culture and Sports [New];

(14) Enlist non-partisan groups or organizations of citizens from the civic, youth, professional, educational, business, or labor sectors known for their probity, impartiality and integrity, with membership and capability to undertake a coordinated operation and activity to assist in the implementation of the provisions of this Code and the resolutions, orders and instructions of the Commission for the purpose of free, honest, orderly, peaceful and credible elections in the constituency. Such groups or organizations shall be under the direct and immediate control and supervision of the Commission and perform such functions and duties as may be prescribed by the Commission [Sec. 52(k), BP 881].

The designation of any such group or organization may be revoked by the Commission upon notice and hearing whenever it has shown partiality to any political party or candidate, or performed acts in excess or in contravention of its functions and duties [New];

(15) Conduct in the cities and provinces, upon proper motion of any party, hearings on controversies pending before it, taking into consideration the materiality and number of witnesses to be presented, the situation prevailing in the area and the

funds available for the purpose [Sec. 52(1), BP 881];

(16) Fix reasonable periods or dates for certain pre-election activities in order that voters shall not be deprived of their right of suffrage [Sec. 52(m), BP 881];

The Commission is hereby authorized to fix the appropriate period for the various prohibited acts enumerated herein consistent with the requirements of free, orderly, honest, peaceful and credible elections [Sec. 52, BP 881];

(17) Provide death benefits, hazard pay when warranted, grant incentive and merit awards to members of the boards of election inspectors, board of canvassers, deputized agencies and personnel of the Commission. Such amount as may be necessary for this purpose shall be included in the appropriations of the Commission [Sec. 37, RA 7166, Amended].

(18) Stop any illegal election activity after due notice and hearing, and summarily confiscate, tear down, or stop any unlawful, libelous, misleading, or false election propaganda [Sec. 57(2), BP 881];

(19) Examine the financial records of any candidate, political party, coalition, or organization motu proprio or upon the written representation for probable cause by any person or group of persons as to election overspending or illegal expenditure [Sec. 57(3), BP 881].

For purposes of the two (2) immediately preceding paragraphs, the Commission may avail itself of the assistance or services of the Armed Forces of the Philippines, Philippine National Police, National Bureau of Investigation, Commission on Audit, Central Monetary Authority, Bureau of Internal Revenue, Securities and Exchange Commission, Department of the Interior and Local Government and other agencies of the government [Sec. 57, BP 881].

SEC. 16. Special reliefs in election cases. - The Commission is hereby vested with exclusive authority to issue writs of certiorari, prohibition and mandamus in election cases [Sec. 150, BP 697].

C. CENTRAL AND FIELD OFFICES

SEC. 17. Central office. - The central office shall be composed of the offices of the Chairman, Commissioners, Executive Director, Department Directors, and such other offices as may be created by the Commission.

The Executive Director shall take charge of the administrative affairs of the Commission and implement its policies and decisions under the supervision of the Commission.

The Department Directors shall perform such powers and duties as may be assigned by the Commission [New].

SEC. 18. Field offices. - The Commission shall have the following field offices:

(1) Office of the Regional Election Director, headed by a Director IV;

(2) Office of the Provincial Election Supervisor, headed by a Provincial Election Supervisor; and

(3) Office of the City or Municipal Election Officer, headed by a City or Municipal Election Officer.

The field offices shall have such other officers and employees as the Commission may designate.

The Commission may delegate its powers and functions, or order the implementation or enforcement of its resolutions, orders, rulings, or decisions through the Executive Director or heads of its field offices [Sec. 53, BP 881].

SEC. 19. Qualifications of central office officials. - The

Commission shall provide its own personnel policies on the qualifications of its central office officials and employees [New].

SEC. 20. Qualifications of field officials. - Only members of the Philippine Bar shall be eligible for appointment to the positions of Director IV, Provincial Election Supervisor and Election Officer. If there are no members of the Philippine Bar available for appointment as election officer, college graduates with bachelors degree in law, public administration, arts, education, or business administration, in the order named, who possess the appropriate civil service eligibility, may be appointed to said position: Provided, That election officers of cities and capital towns shall be holders of a degree in bachelor of laws with appropriate civil service eligibility [Sec. 54, BP 881].

SEC. 21. Office and storage space. - The local government concerned shall provide suitable office and storage space for the provincial election supervisor, the election officer, and their respective staff. In case of failure of the local government concerned to provide such space, the provincial election supervisor or the election officer, as the case may be, upon prior authority of the Commission and notice to the local government concerned, may lease another place for office and charge the rentals thereof to the funds of the local government concerned [Sec. 55, BP 881].

SEC. 22. Changes in the composition and assignment of offices. - The Commission may make changes in the composition of its offices and assignment of its personnel whenever the exigencies of the service and the interest of free, orderly, honest, peaceful and credible election so require. Such changes shall be effective and enforceable only for the duration of the election period concerned and shall not affect the tenure of office of the

incumbents, or constitute a demotion, either in rank or salary, or result in change of status. During the election period, no Director IV, provincial election supervisor, or city or municipal election officer shall be assigned to or allowed to remain in his area of responsibility where he and/or his spouse is related to any candidate within the fourth civil degree of consanguinity or affinity [Sec. 56, BP 881].

SEC. 23. Reorganization. - The provisions of Section 22 notwithstanding, the Commission is hereby authorized to reorganize, no more than once every five (5) years and in accordance with civil service regulations, its central and field offices, and adjust salaries and allowances of its officials and employees, in order to promote maximum efficiency in carrying out its constitutional objective to ensure free, honest, orderly, peaceful and credible elections [Sec. 280, BP 881, Amended].

ARTICLE III. ELECTION AND OTHER PROCESSES

A. ELECTION OF PRESIDENT AND VICE-PRESIDENT

SEC. 24. Regular election for President and Vice-President. - (1) The President and Vice-President shall be elected by direct vote of the people for a term of six (6) years which shall begin at noon on the thirtieth day of June next following the day of the election and end at noon of the same date six (6) years thereafter. The President shall not be eligible for any reelection. No person who has succeeded as President and has served as such for more than four (4) years shall be qualified for election to the same office at any time;

(2) No Vice-President shall serve for more than two (2) successive terms. Voluntary renunciation of the office for any

length of time shall not be considered as interruption in the continuity of the service for the full term for which he was elected;

(3) Unless otherwise provided by law, the regular election for President and Vice-President shall be held on the second Monday of May [Sec. 4, Art. VII, Const.].

SEC. 25. Special elections for President and Vice-President. - Special elections for the offices of President and Vice-President shall be called in accordance with Sec. 10, Art. VII, of the Constitution [New].

SEC. 26. Canvass of votes for President and Vice-President by the provincial, city and district boards of canvassers. - (1) The provincial, city, or metropolitan Manila district board of canvassers, as the case may be, shall meet not later than six o'clock in the evening of election day to canvass the election returns it has already received. It shall meet continuously from day to day until the canvass is completed but may adjourn only for the purpose of awaiting the other election returns. The board shall, each time it adjourns, make a total of all the votes cast for each candidate for President and Vice-President and for other positions included in the election, duly authenticated by the signature and thumbmark of each member of the board; furnish a copy thereof to the Commission in Manila by the fastest means of communication; and make available the data contained therein to mass media and other interested parties requesting the same. Upon the completion of the canvass, the board shall prepare a certificate of canvass showing the votes received by each candidate for President and Vice-President duly authenticated by the signature and thumbmark of each member of the board. The board shall certify and transmit said certificate of canvass with supporting statement of votes by precinct to the President of the

Senate [Sec. 15, BP 881].

SEC. 27. Canvass of votes for President and Vice-President by Congress. - (1) The President of the Senate shall, in the presence of the Senate and the House of Representatives in joint public session, and not later than thirty (30) days after the day of election, open all the certificates of canvass received and canvass the votes.

(2) The person having the highest number of votes shall be proclaimed elected. In case two (2) or more shall equally have the highest number of votes, one of them shall forthwith be chosen by majority vote of all the members of both houses of Congress voting separately.

(3) Congress shall promulgate its rules for the canvassing of the certificates.

(4) The Supreme Court, sitting en banc, shall be the sole judge of all contests relating to the election, returns and qualifications of the President and Vice-President, and promulgate its rules for the purpose [Sec. 4, Art. VII, Const.].

SEC. 28. Correction of errors after transmission to Senate President. - No correction of errors in the certificate of canvass and supporting statement of votes by precinct already transmitted to the President of the Senate shall be made or allowed, except upon authority of Congress acting as the National Board of Canvassers [Sec. 17, BP 881].

SEC. 29. Determination of authenticity and due execution of certificate of canvass. - Congress shall, in determining the authenticity and due execution of the certificate of canvass for President and Vice-President as accomplished and transmitted to it by the local boards of canvassers, satisfy itself that:

(1) Each certificate of canvass was executed, signed and thumbmarked by the chairman and members of the board of canvass-

ers, and transmitted by the board to Congress;

(2) Each certificate of canvass contains the names of all the candidates for President and Vice-President and their corresponding votes in words and figures; and

(3) There exists no discrepancy in the votes of any candidate in words and figures in the same certificate [New].

SEC. 30. Incomplete or altered certificate of canvass. - When any certificate of canvass or statement of votes by precinct appears to be incomplete or bears erasures or alterations which may cast doubt as to the veracity of the number of votes stated therein and may affect the result of the election, Congress shall, for the sole purpose of verifying the actual number of votes cast for President and Vice-President, count the votes as they appear in the copies of the election returns submitted to it. In the absence thereof, the President of the Senate shall require the Commission to deliver its copy immediately to his office. If the copy of the Commission is not available, the board of canvassers concerned shall be required to transmit by personal delivery within three (3) days from receipt of notice the election returns of the precincts affected [Sec. 19, BP 881].

B. ELECTION OF MEMBERS OF CONGRESS

SEC. 31. Regular election for Members of Congress. - The regular election for Senators and for Members of the House of Representatives shall be held on the second Monday of May and every three (3) years thereafter [Sec. 8, Art. VI, Const.].

No Senator shall serve for more than two (2) consecutive terms, nor shall any member of the House of Representatives serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered

as an interruption in the continuity of service for the full term for which he was elected [Secs. 4 and 7, Art. VI, Const.].

SEC. 32. Special election. - In case a permanent vacancy shall occur in the Senate or House of Representatives at least one (1) year before the expiration of the term of office, the Commission shall secure a certificate of vacancy from the Senate or House of Representatives, as the case may be, and thereafter call a special election to fill the vacancy not earlier than sixty (60) days nor later than ninety (90) days after the final determination by the Commission of such vacancy. However, in case of such vacancy in the Senate, the special election shall be held simultaneously with the next succeeding regular election [Sec. 4, RA 7166, Amended].

SEC. 33. Term of office. - The term of office of Senators shall be six (6) years while the term of office of the Members of the House of Representatives shall be three (3) years, both of which shall begin at noon of the thirtieth day of June following their election [Secs. 4 and 7, Art. VI, Const.].

SEC. 34. Composition. - The Senate shall be composed of twenty-four (24) Senators who shall be elected at-large by the qualified voters of the Philippines [Sec. 2, Art. VI, Const.].

The House of Representatives shall be composed of not more than two hundred fifty (250) members, who shall be elected by qualified voters of the legislative districts apportioned among the provinces, cities and the metropolitan Manila area [Sec. 5 (1), Art. VI, Const.].

SEC. 35. Party-list representatives. - The party-list representatives shall constitute twenty per cent (20%) of the total number of the Members of the House of Representatives, one-half (1/2) of which shall, for three (3) consecutive terms after the ratification of the Constitution, be filled by election [Sec. 5

(2), Art. VI, Const.].

C. ELECTION OF LOCAL OFFICIALS

SEC. 36. Regular elections of local officials. - The regular elections for provincial, city and municipal officials shall be held every three (3) years on the second Monday of May [Art. 42, RA 7160].

The governor, vice-governor, city mayor and vice-mayor, and municipal mayor and vice-mayor shall be elected at large by qualified voters in their respective units [Sec. 41, RA 7160].

SEC. 37. Election of members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan by district. - The elective members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan shall be elected by district as follows:

(1) The members of the sangguniang panlalawigan, sangguniang panlungsod of the cities of Manila, Quezon, Kalookan, Cebu, Davao, and any other city with two (2) or more legislative districts, and sangguniang bayan of the municipalities in the metropolitan Manila area shall be elected by sangguniang districts as established by the Commission pursuant to Republic Act No. 7166.

(2) All other cities and municipalities not included in the immediately preceding sub-paragraph shall have the same number of elective members to their respective sangguniang panlungsod or sangguniang bayan as provided for in existing laws, who shall be elected by district. For this purpose, the Commission shall divide each city and municipality into two (2) districts by barangay, as nearly as practicable, according to the number of their respective inhabitants, each district to comprise a compact, contiguous and adjacent territory [Sec. 3, RA 7166, Amend-

ed].

No person shall be elected member of the sangguniang panlalawigan, sangguniang panlungsod or sangguniang bayan, as the case may be, unless he is an actual resident of the district of which he is a candidate (New).

SEC. 38. Highly-urbanized and component cities. - Highly-urbanized and component cities whose charters prohibit their voters from voting for provincial elective officials shall be independent of the province. Registered voters of a highly-urbanized city shall not vote in the election for provincial officials of the province in which it is located; voters of a component city shall be entitled to vote for elective provincial officials of the province of which it is a part, unless its charter provides otherwise [Sec. 12, Art. X, Const.; Sec. 3, RA 6646].

No component city shall be declared or classified as a highly-urbanized city within sixty (60) days prior to a local election.

SEC. 39. Sectoral representatives. - In addition to the regular members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan, there shall be one (1) sectoral representative each from the women, workers, and any of the following sectors: the urban poor, indigenous cultural communities, disabled persons or any other sector as may be determined by the sanggunian concerned at least ninety (90) days prior to the holding of the next regular local elections, as may be provided by law [Sec. 41(c), RA 7160].

D. ELECTION OF OFFICIALS OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO

SEC. 40. Regular elections for officials in the Autonomous Region. - The elections for regional officials of the Autonomous Region in Muslim Mindanao shall be held on the second Monday after the Muslim month of Ramadan immediately preceding the term of office of such officials [Sec. 1, RA 7647].

In case of vacancy in the regional assembly occurring at least one (1) year before the expiration of the term of office, a special election shall be called to fill the vacancy in the manner prescribed by the regional assembly. The member so elected shall serve only for the unexpired term [Sec. 6, Art VII, RA 6734].

SEC. 41. Composition of regional assembly. - The regional assembly shall be composed of three (3) members from each of the congressional districts [Sec. 4, Art. VII, RA 6734].

SEC. 42. Term of office. - The term of office of the regional governor and vice-governor and that of the members of the regional assembly shall be three (3) years which shall begin on the first day of the succeeding month immediately following their election. No official shall serve for more than three (3) consecutive terms.

Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the service for the full term for which he was elected [Sec. 5 Art. VII and Sec. 6, Art. VIII, RA 6734].

E. ELECTION OF BARANGAY OFFICIALS

SEC. 43. Regular election of barangay officials. - The election for barangay officials shall be non-partisan and shall be held every three (3) years on the second Monday of May [Sec. 42, RA 7160].

SEC. 44. Term of office. - The term of office of barangay officials shall be three (3) years beginning on the first day of June following their election, unless sooner removed for cause, until their successors shall have been elected and qualified. No barangay official shall serve for more than three (3) successive terms [Sec. 5, RA 6679].

SEC. 45. Sangguniang barangay. - There shall be a sangguniang barangay in every duly-constituted barangay, which shall be composed of a punong barangay and seven (7) kagawad, all of whom shall be elected directly by the voters of the barangay. The punong barangay shall ipso facto be the presiding officer of the sangguniang barangay [Sec. 5, RA 6653; Sec. 41, RA 7160].

SEC. 46. Certificate of candidacy. - No person shall be elected barangay official unless he files a sworn certificate of candidacy in triplicate in accordance with this Code.

The election officer shall prepare a consolidated list of all candidates and post said list in the barangay hall and in other conspicuous places in the barangay at least ten (10) days before the election.

SEC. 47. Board of election inspectors. - (1) The Commission shall constitute not later than ten (10) days before the election, a board of election inspectors in every precinct to be composed of a chairman and two (2) members who are all public school teachers.

In case no public school teachers are available, the

Commission shall designate any registered voter in the precinct who is not an incumbent barangay official or related to any candidate for any position in that barangay within the fourth civil degree of affinity or consanguinity.

(2) The board shall supervise and conduct the election in their respective precincts, count the votes and prepare the election returns in triplicate in a form prescribed by the Commission. The original of the election returns shall be delivered immediately to the barangay board of canvassers. The second copy shall be delivered to the election officer, and the third copy, to the secretary of the sangguniang barangay, who shall keep the same on file [Sec. 40, BP 881].

SEC. 48. Activities during the campaign period. - During the campaign period, the punong barangay or any kagawad, who is not a candidate, or any resident of the barangay of known probity designated by the election officer shall convene the barangay assembly, at least once, to summon the candidates to a joint meeting, upon proper notice at least two (2) days prior thereto, to explain to the barangay voters their respective programs of administration, qualifications and other information that may enlighten voters in casting their votes.

The members of the barangay assembly may take up and discuss other matters relative to the election of barangay officials [Sec. 47, BP 881].

F. PARTY-LIST SYSTEM [New]

SEC. 49. Party-list system defined. - Party-list system is a mechanism of proportional representation in the House of Representatives of political parties, organizations, or coalitions thereof with national, regional, or sectoral constituency regis-

tered with the Commission.

SEC. 50. Registration. - Any organized group of persons may register as a political party, organization, or coalition for purposes of the party-list system by filing with the Commission a verified petition in accordance with Sections 97 and 98 hereof.

SEC. 51. Manifestation to participate in party-list system. - Any political party, organization, or coalition already registered with the Commission need not register anew. However, such party, organization, or coalition shall file with the Commission, not later than sixty (60) days before the election, a manifestation of its desire to participate in the party-list system [New].

SEC. 52. Certified list of registered parties. - The Commission shall, not later than forty-five (45) days before the elections, prepare a certified list of political parties, organizations, or coalitions which have applied and are qualified to participate under the party-list system and distribute copies thereof to all the precincts for posting in the polling places on election day.

SEC. 53. Nomination of party-list representatives. - Each registered party, organization, or coalition shall submit to the Commission not later than fifty (50) days before the election, a list of five (5) names from which party-list representatives shall be chosen in case it obtains the required number of votes.

The list shall not include candidates for regular Member of the House of Representatives.

SEC. 54. Qualifications of party-list nominees. - No person shall be nominated as party-list representative unless he is a natural-born citizen of the Philippines; able to read and write; a resident of the Philippines for at least one (1) year immediately preceding the day of the election; a bona fide member of the party, organization, or coalition with a national, regional,

or sectoral constituency which he seeks to represent; a registered voter; and, on the day of the election, is at least twenty-five (25) years of age.

In the case of a nominee for the youth sector, he must at least be eighteen (18) but not more than twenty-one (21) years of age on the day of the election. Any youth sectoral representative who attains the age of twenty-one (21) years during his term shall be allowed to continue in office until the expiration of his term.

SEC. 55. Manner of voting. - Every voter shall be entitled to two (2) votes: the first is a vote for the candidate for Member of the House of Representatives in his legislative district, and the second, a vote for the party, organization, or coalition he wants represented in the House of Representatives. A vote cast for a party, organization, or coalition not entitled to be voted for shall not be counted.

SEC. 56. Procedure in allocating seats for party-list representatives. - The Commission shall tally all the votes for the parties, organizations, or coalitions on a nationwide basis, rank them according to the number of votes received as against the total number of registered voters nationwide, and allocate party-list representatives proportionately according to the percentage of votes obtained until all seats are filled up.

A political party, organization, or coalition shall be entitled to a maximum of five (5) seats.

SEC. 57. How party-list representatives are chosen. - Party-list representatives shall be proclaimed by the Commission based on the list of names submitted by the respective parties, organizations, or coalitions to the Commission according to their ranking in said list.

SEC. 58. Term of office. - Party-list representatives shall

be elected for a term of three (3) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No party-list representative shall serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered an interruption in the continuity of his service for the full term for which he was elected.

SEC. 59. Change of affiliation; Effect. - Any elected party-list representative who changes his political party or sectoral affiliation during his term of office shall forfeit his seat.

SEC. 60. Vacancy. - In case of vacancy in the seats reserved for party-list representatives, the President shall fill the vacancy by appointing a representative from the list of nominees in the order submitted to the Commission under Section 53 hereof by the same party, organization, or coalition, who shall serve for the unexpired term.

G. SYSTEM OF RECALL [New]

SEC. 61. Recall defined. - "Recall" refers to the power to remove from office any elective local official for loss of confidence.

SEC. 62. By whom exercised. - The power of recall shall be exercised by the registered voters of a local government unit to which the elective official subject of such recall belongs [Sec. 69, RA 7160].

SEC. 63. Who may be recalled. - Any elective provincial, city, municipal, or barangay official may be recalled for loss of confidence in the manner prescribed and subject to the limitations hereinafter provided.

SEC. 64. Recall; How commenced. - Recall may be initiated

by:

(1) A preparatory recall assembly; or

(2) Upon petition of at least twenty-five per cent (25%) of the total number of registered voters of the local government unit to which the elective local official subject of such recall belongs [Sec. 70 (c) and (d), RA 7160].

SEC. 65. Preparatory recall assembly. - A preparatory recall assembly shall be composed of the following:

(1) For a province - All mayors, vice-mayors and sanggunian members of component cities and municipalities;

(2) For a local legislative district for sangguniang panlalawigan elected by district - All mayors, vice-mayors and sanggunian members of component cities and municipalities of the district; or

(3) For a city or municipality - All punong barangay and sangguniang barangay members of the city, municipality, or council district [Sec. 70, RA 7160].

SEC. 66. Recall by preparatory recall assembly. - Recall proceedings by a preparatory recall assembly against any elective local official in the local government unit shall be validly initiated through a resolution adopted by a majority of all its members in a public session called for the purpose [Sec. 70, RA 7160].

Questions affecting the validity of the resolution shall be raised in a verified petition filed with the Commission within five (5) days from its adoption.

The Commission shall summarily decide the petition within seven (7) days from its submission for resolution, which decision shall be final and executory.

SEC. 67. Recall by petition. - A petition for recall shall be in writing and signed before the election officer or his

representative in signature stations in such public places as may be determined by the Commission. The petitioner and the official sought to be recalled, or their representatives, shall be notified of the time, dates and places of the signing.

The petition shall be filed with the Commission through its office in the local government unit concerned. The Commission or its duly-authorized representative shall cause the publication of the petition in conspicuous public places for a period of not less than ten (10) days nor more than thirty (30) days [Sec. 70, RA 7160].

The election officer shall verify the authenticity and genuineness of the signatures and whether the required percentage of voters was obtained. He shall submit his findings and recommendations to the Commission immediately after completion of the verification. The Commission shall determine the sufficiency of the petition for recall within ten (10) days from receipt of the findings and recommendations of the election officer.

SEC. 68. Filing fee. - No resolution or petition for recall shall be given due course unless accompanied by such documentary requirements and filing fee as may be prescribed by the Commission [New].

SEC. 69. Date of election on recall. - The Commission shall set the date of the election on recall, which shall not be later than sixty (60) days in the case of provincial officials, and thirty (30) days in the case of elective city, municipal, or barangay officials, from final determination by the Commission of the validity and sufficiency of the resolution or petition on recall [Sec. 71, RA 7160, Amended].

SEC. 70. Certificate of candidacy. - The Commission shall fix the date for the filing of certificates of candidacy for the position affected and thereafter prepare the list of candidates, which shall include the name of the official sought to be recalled. The official or officials sought to be recalled shall automatically be considered a duly-registered candidate or candidates and shall be entitled to be voted upon [Sec. 71, RA 7160].

SEC. 71. Prohibition from resignation. - The elective local official sought to be recalled shall not be allowed to resign while the recall process is in progress [Sec. 73, RA 7160].

SEC. 72. Effect. - The recall of an elective local official shall take effect upon the election and proclamation of a candidate other than the official sought to be recalled. Should the incumbent win the elections, confidence in him shall thereby be deemed affirmed, and he shall continue in office [Sec. 72, RA 7160].

SEC. 73. Limitations. - Any elective local official may be subject of a recall election only once during his term of office. No recall shall take place within one (1) year from the date of an official's assumption to office or one (1) year immediately preceding a regular election for the office concerned [Sec. 74, RA 7160].

H. SYSTEM OF INITIATIVE AND REFERENDUM

SEC. 74. Definition of terms. - As used in this Code:

(1) "Initiative" refers to the power to propose amendments to the Constitution or the enactment of national or local legislation. It may be exercised directly, through a petition to be submitted in a plebiscite called for the purpose, or indirectly,

only in the case of a national or local legislation;

(2) "Referendum" refers to the power to approve or reject statutes enacted by Congress in whole or in part, or laws, resolutions or ordinances enacted by local legislative bodies;

(3) "Proposition" refers to a measure proposed by voters for the enactment, amendment, approval, or rejection of a law;

(4) "Plebiscite" refers to the electoral process through which the power of initiative or referendum is exercised;

(5) "Petition" refers to the written instrument containing the proposition duly signed in a form prescribed by the Commission;

(6) "Local government units" refers to the autonomous regions, provinces, cities, municipalities and barangays;

(7) "Local legislative bodies" refers to the regional assemblies, sangguniang panlalawigan, sangguniang panlungsod, sangguniang bayan and sangguniang barangay;

(8) "Local executives" refers to the regional and provincial governors, city or municipal mayors and punong barangay, as the case may be [Sec. 3, RA 6735];

(9) "People's organization" refers to bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure [Sec. 15, Art. XIII, Const.].

SEC. 75. Who may exercise. - The power of initiative and referendum may be exercised by all registered voters of the country, autonomous regions, provinces, cities, municipalities and barangays [Sec. 4, RA 6735].

SEC. 76. Requirements. - (1) A petition for initiative or referendum shall be deemed validly initiated if signed by the required number of voters, as follows:

(1) Initiative on the Constitution - at least twelve per

cent (12%) of the total number of registered voters nationwide as signatories, of which every legislative district is represented by at least three per cent (3%) of its registered voters. In addition, an initiative on the Constitution may be exercised only after five (5) years from its ratification and only once every five (5) years thereafter [Sec. 2, Art. XVII, Const.];

(2) Initiative and referendum on national statutes - at least ten per cent (10%) of the total number of registered voters nationwide, of which every legislative district is represented by at least three per cent (3%) of its registered voters;

(3) Initiative or referendum on laws, resolutions or ordinances passed by the legislative assembly of an autonomous region, province or city - at least ten per cent (10%) of the total number of registered voters in the local government unit concerned, of which every legislative district is represented by at least three per cent (3%) of its registered voters: Provided, That if the province or city is composed of only one (1) legislative district, each municipality in a province or each barangay in a city should be represented by at least three per cent (3%) of the registered voters therein;

(4) Initiative or referendum on an ordinance passed in a municipality - at least ten per cent (10%) of the total number of registered voters in the municipality, of which every barangay is represented by at least three per cent (3%) of its registered voters;

(5) Initiative or referendum on a barangay resolution or ordinance - at least ten per cent (10%) of the total number of registered voters in the city or municipality, of which every barangay is represented by at least three per cent (3%) of its registered voters [Sec. 5, RA 6735].

SEC. 77. Contents of petition. - A petition shall contain:

(1) The text of the proposed law sought to be enacted, approved or rejected, amended or repealed;

(2) The proposition;

(3) The reason or reasons therefor;

(4) A statement that its subject is not among those prohibited under the immediately succeeding section;

(5) The signatures of the petitioners or registered voters; and

(6) An abstract or summary proposition in not more than one hundred (100) words legibly written or printed at the top of every page of the petition [Sec. 5, RA 6735].

SEC. 78. Limitations on petition. - No petition shall embrace more than one (1) subject. Neither shall it have as its subject emergency measures, the enactment of which are specifically vested in Congress by the Constitution, except until ninety (90) days after its effectivity. In the case of local initiative, the petition shall not extend to subjects or matters which are beyond the legal powers of the local legislative body to enact [Secs. 10 and 15, RA 6735].

SEC. 79. Verification of signatures. - The Commission shall cause the verification of the signatures in the petition on the basis of its records used in the immediately preceding election [Sec. 7, RA 6735].

SEC. 80. Conduct and date of plebiscite on initiative or referendum. - The Commission shall call and supervise the conduct of the plebiscite on initiative or referendum.

The Commission shall determine the sufficiency of the petition and within a period of thirty (30) days from receipt of the petition, publish the same in Pilipino and English at least twice in two (2) papers of national or local circulation, and set the date of the plebiscite which shall not be earlier than forty-

five (45) days but not later than ninety (90) days from the determination of its sufficiency [Secs. 8 and 13, RA 6735].

SEC. 81. Effectivity of initiative or referendum proposition. - A proposition shall take effect following certification by the Commission that a majority of the votes cast was obtained in a plebiscite called for its approval or rejection, as follows:

(1) If the proposition to enact, approve, or amend a national law is approved, said law shall become effective fifteen (15) days following completion of its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

If the proposition to reject a national law is approved, the said law shall be deemed repealed, and the repeal shall become effective fifteen (15) days following its certification and completion of its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

If the majority vote is not obtained, the national law sought to be rejected or amended shall remain in full force and effect.

(2) If the proposition in an initiative or referendum on the Constitution is approved, it shall become effective as of the day of the plebiscite.

(3) If the proposition in an initiative on local law is approved, it shall become effective fifteen (15) days after certification and proclamation by the Commission [Sec. 9, RA 6735].

SEC. 82. Indirect initiative: House of Representatives. - Any duly-accredited people's organization may file a petition for indirect initiative with the House of Representatives.

The procedure to be followed on the initiative bill shall be the same as that for the enactment of any legislative measure

before the House of Representatives, except that said initiative bill shall enjoy precedence over other pending legislative measures [Sec. 11, RA 6735].

SEC. 83. Indirect initiative: Regional and local legislative bodies. - Not less than two thousand (2,000) registered voters in the case of autonomous regions, one thousand (1,000) in case of provinces and cities, one hundred (100) in case of municipalities, and fifty (50) in case of barangays, may file a petition with the regional assembly or local legislative body, respectively, proposing the enactment, amendment, approval, or rejection of any law, ordinance, or resolution.

If no favorable action is made thereon by the local legislative body within thirty (30) days from its filing, the proponents, through their duly-authorized and registered representatives, may invoke their power of direct initiative, giving notice thereof to the local legislative body concerned.

The proposition shall be serially numbered starting from one (1). The Secretary of the Interior and Local Government or his designated representative shall assist in the formulation of the proposition.

Two (2) or more propositions may be submitted in an initiative.

Proponents shall collect the required number of signatures within one hundred twenty (120) days from date of notice in case of autonomous regions, ninety (90) days in case of provinces and cities, sixty (60) days in case of municipalities, and thirty (30) days in case of barangays.

The petition shall be signed before the election officer or his designated representatives, and a representative of the regional assemblies and local legislative bodies concerned. Signature stations may be established in as many public places as

may be necessary.

Upon the lapse of the period herein provided, the Commission, through its office in the local government unit concerned, shall certify whether the required number of signatures has been obtained. Failure to obtain the required number shall be deemed a rejection of the proposition.

SEC. 84. Limitation on local initiatives. - (1) The power of local initiative shall not be exercised more than once a year.

(2) If at any time before the plebiscite on initiative is held, the local legislative body shall adopt *in toto* the proposition presented, the plebiscite shall be cancelled. However, those against such action may, if they so desire, apply for initiative in the manner herein provided [Sec. 15, RA 6735].

SEC. 85. Limitations upon local legislative bodies. - Any proposition, ordinance or resolution approved shall not be repealed, modified, or amended within six (6) months from the date of approval, but may be amended, modified, or repealed within three (3) years thereafter by a vote of three-fourths (3/4) of all the members of the local legislative body: Provided, That in case of barangays, such period shall be one (1) year after the expiration of the first six (6) months [Sec. 16, RA 6735].

SEC. 86. Local referendum. - Notwithstanding the provision of Section 78 hereof, any local legislative body may submit to the registered voters of autonomous regions, provinces, cities, municipalities and barangays for their approval or rejection, any ordinance or resolution duly enacted or approved.

The plebiscite on referendum shall be held within ninety (90) days in case of the autonomous regions, sixty (60) days in case of provinces and cities, forty-five (45) days in case of municipalities, and thirty (30) days in case of barangays [Sec. 17, RA 6735].

SEC. 87. Appeal. - The decision of the Commission on the sufficiency or insufficiency of the petition for initiative or referendum may be appealed to the Supreme Court within thirty (30) days from notice thereof [Sec. 12, RA 6735].

SEC. 88. Unconstitutionality and invalidity of proposition. - Nothing in this Article shall prevent or preclude the proper courts from declaring null and void any proposition approved pursuant hereto for violating the Constitution or for want of capacity of the local legislative body to enact said measure [Sec. 15, RA 6735].

I. ABSENTEE VOTING

SEC. 89. Absentee voting. - "Absentee voting" refers to the process by which a registered voter who is not in his place of registration on election day, either because of election duty or by reason of residence or employment abroad, may vote in national elections [New].

SEC. 90. Persons covered. - The following may avail of absentee voting:

(1) Qualified government personnel - any registered voter employed in the government service who, by reason of public functions and duties, is not in his place of registration on election day; and

(2) Qualified Filipinos abroad - every overseas Filipino, including those born of a Filipino father or mother in a foreign soil, who has opted to retain his Philippine citizenship and who has the qualifications of a voter and is validly registered as such in his voting residence, and who, on election day, is outside his voting residence.

"Voting residence" refers to any city or municipality in the

Philippines where an overseas Filipino is registered or qualified to register as a voter if present therein [New].

SEC. 91. Absentee voting by qualified government personnel. - The following steps shall be followed in the exercise of absentee voting by qualified government personnel:

(1) Forty-five (45) days before the election, the head of office concerned shall submit to the Commission a list of its officers and employees who are registered voters, and who, by reason of their election duties and functions, will be outside their place of registration, and who desire to exercise their right to vote, with the request that said officers and employees be provided with application forms to cast absentee ballots. The list and request shall be under oath.

(2) Upon verification by the Commission that the persons included in the list are qualified voters, it shall, within thirty-five (35) days before the election, transmit the requested number of application forms to the head of office.

(3) The application forms shall be returned duly accomplished to the Commission at least twenty-five (25) days before election day.

(4) After verification of the applications, the Commission shall, within fifteen (15) days before the election, transmit the exact number of absentee ballots to the head of office for distribution to the applicants.

(5) The absentee voter shall accomplish his ballot seven (7) days before election day and place the same in two (2) security envelopes, one inside the other. He shall submit the envelope to the provincial election supervisor of his place of assignment, who shall in turn deliver it to the Commission.

(6) The head of the office shall prepare a sworn report on the manner of distribution of the absentee ballots, indicating

therein the number of ballots transmitted and their serial numbers and the names of the persons to whom the absentee ballots were delivered. The report shall be accompanied by a certificate of eligibility to vote absentee for each particular voter and submitted within three (3) days after the election [Executive Order No. 157].

SEC. 92. Absentee voting by qualified Filipinos abroad. - Only an overseas Filipino who is a registered voter may vote in absentia. If he is not registered, he must first register in person as a voter in his voting residence.

The return to the Philippines of any Filipino residing abroad at least once within one (1) year prior to the elections in which he intends to vote shall constitute prima facie evidence of his intention to return to his original residence in the Philippines.

The following steps shall be followed in the exercise of absentee voting by qualified Filipinos abroad:

(1) Immediately after the election period shall have been fixed, the Commission, through the diplomatic or consular officers, shall give notice to Filipino citizens residing in their respective jurisdictions of the holding of an election.

(2) Every overseas Filipino shall signify his intention to vote in absentia by filing a sworn application under oath with the Commission or with the diplomatic or consular officers concerned authorized by the Commission not later than ninety (90) days before the elections. Said officers shall thereafter immediately transmit by diplomatic pouch the applications to vote in absentia to the Commission for verification in the permanent list of voters. All persons voting in absentia shall be indicated in the list of voters.

(3) The Commission shall, not later than forty-five (45)

days prior to the election, deliver to the Department of Foreign Affairs the number of absentee ballots corresponding to the number of applications approved by it, along with such materials and election paraphernalia necessary to ensure the secrecy, integrity and sanctity of the ballots, for transmission by diplomatic pouch to the different Philippine missions abroad. It shall be the duty and responsibility of the Philippine mission concerned to distribute the ballots to the absentee voters.

Absentee voting shall be conducted at least thirty (30) days before the election either by mail or at the designated voting center situated at the nearest diplomatic or consular office of the Republic of the Philippines, or at such other places as may be designated by the Commission.

(4) The Department of Foreign Affairs shall transmit, not later than fifteen (15) days before the election, all ballots by diplomatic pouch to the Commission. All ballots received by the Commission on or before the close of voting on election day shall be included in the counting of votes [New].

SEC. 93. Counting and canvass. - The Commission shall constitute as many special boards of election inspectors for absentee voting both by qualified government personnel and overseas Filipinos as may be necessary to count the votes.

A special board of canvassers composed of ranking lawyers of the Commission shall be constituted in each case to canvass the election returns submitted to it by the respective boards of election inspectors [EO 157].

SEC. 94. Assistance of other government agencies/officials. - All government agencies and/or officials shall, to the extent practicable and compatible with their primary responsibilities, assist the Commission in conducting absentee voting. All such agencies or officials shall take reasonable measures to expedite

the transmission, delivery and return of all election matters [New].

SEC. 95. Security measures. - At all stages of the process for absentee voting, the Commission shall take such measures necessary to preserve the security and sanctity of the ballot [New].

ARTICLE IV. POLITICAL PARTIES, CANDIDATES AND CAMPAIGN PROPAGANDA

A. POLITICAL PARTIES

SEC. 96. Political party, organization, or coalition. - When used in this Code, "political party," "organization," or "coalition" refers to an organized group of qualified voters pursuing the same ideology, political ideas and platform, or program of government and includes its branches and divisions.

To acquire juridical personality, qualify it for subsequent accreditation, and entitle it to the rights and privileges herein granted, a political party, organization, or coalition shall first be registered with the Commission [Sec. 60, BP 881].

Upon due notice to the Commission, a political party may coalesce or affiliate with another political party or parties [New].

SEC. 97. Registration. - Any organized group of qualified voters seeking registration as a political party, organization, or coalition may file with the Commission not later than ninety (90) days before an election a petition verified by its president and secretary, attaching thereto its constitution and by-laws, platform or program of government and other information required by the Commission. The Commission shall require publi-

cation of the petition in at least two (2) newspapers of general circulation.

The Commission shall, after due notice and hearing, resolve the petition within fifteen (15) days from the date it is submitted for decision and in every case not later than sixty (60) days before elections.

Religious denominations and sects shall not be registered. A political party which seeks to achieve its goals through violence or unlawful means, or refuses to uphold and adhere to the Constitution, or which is supported by a foreign government, or any foreigner, whether juridical or natural, shall likewise be refused registration [Sec. 2(5), Art. IX (c), Const.].

SEC. 98. **Accreditation of political parties.** - The Commission shall, after notice and hearing, accredit the major political parties, organizations, or coalitions, which shall have preference in the posting of watchers and in the receipt of copies of election documents, on the basis of the following:

(1) Established record of the political party, organization, or coalition taking into account, among others, its showing in past elections;

(2) Number of incumbent elective officials belonging to it ninety (90) days before the date of elections;

(3) Identifiable political organizations and strength as evidenced by its organized chapters;

(4) Ability to fill a complete slate of candidates; and

(5) Other analogous circumstances [Sec. 26, RA 7166].

SEC. 99. **Publication of petition for registration or accreditation.** - The Commission shall require publication of the petition for registration or accreditation once in two (2) newspapers of general circulation.

SEC. 100. **Cancellation of registration/accreditation.** -

The Commission may, motu proprio or upon verified complaint of any interested party, cancel, after due notice and hearing, the registration or accreditation of any political party, coalition, or organization on the following grounds:

(1) Acceptance by it or by any of its candidates of financial contributions from foreign governments and/or their agencies for activities related to elections;

(2) Violation of, or non-compliance with, laws, rules or regulations relating to elections;

(3) Untruthful statements in its petition;

(4) It is a religious sect or denomination; is pursuing its goals through violence or other unlawful means; is refusing to adhere to or uphold the Constitution; or is receiving support from any foreign government;

(5) Failure to field official candidates in the last two (2) preceding elections or failure of its candidates to obtain at least five per cent (5%) of the votes cast in either of the last two (2) preceding elections in the constituency in which it is registered.

(6) Failure to obtain a seat under the party-list system in two (2) consecutive elections in its constituency.

SEC. 101. Prohibition against change of political party affiliation. - Any elective public officer or candidate who changes his political party affiliation within six (6) months immediately preceding an election shall, after notice and hearing, be disqualified in appropriate proceedings by the Commission, or, if he has been elected, shall not be allowed to assume office [1973 Const.].

B. ELIGIBILITY AND QUALIFICATIONS OF CANDIDATES

SEC. 102. Qualifications for President and Vice-President. - No person shall be elected President or Vice-President unless he is a natural-born citizen of the Philippines, a registered voter, able to read and write, at least forty (40) years of age on the day of the election and a resident of the Philippines for at least ten (10) years immediately preceding such election [Secs. 2 and 3, Art. VII, Const.].

SEC. 103. Qualifications for Senator. - No person shall be elected a Senator unless he is a natural-born citizen of the Philippines, and, on the day of the election, at least thirty-five (35) years of age, able to read and write, a registered voter, and a resident of the Philippines for not less than two (2) years immediately preceding the day of the election [Sec. 3, Art. VI, Const.].

SEC. 104. Qualifications for Member of the House of Representatives. - No person shall be elected Member of the House of Representatives unless he is a natural-born citizen of the Philippines and, on the day of the election, at least twenty-five years (25) of age, able to read and write, and, except the party-list representatives, a registered voter in the district in which he shall be elected and a resident therein for a period of not less than one (1) year immediately preceding the day of the election.

A sectoral representative shall be a natural-born citizen of the Philippines, able to read and write, a resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election, a bona fide member of the sector he seeks to represent, a registered voter, and, on the day of the election, at least twenty-five (25) years of age. The

youth sectoral representative shall be at least eighteen (18) and not more than twenty-one (21) years of age on the day of the election: Provided, That any youth sectoral representative who attains the age of twenty-one (21) years during his term shall continue in office until the expiration of his term [Sec. 64, BP 881].

SEC. 105. Qualifications for regional officials. - No person shall be elected governor or vice-governor/deputy governor of the autonomous region unless he is a natural-born citizen of the Philippines, a registered voter of the autonomous region and a resident therein for at least five (5) years immediately preceding the election, able to read and write and at least thirty-five (35) years of age on the day of the election.

No person shall be elected member of the regional assembly unless he is a natural-born citizen of the Philippines, at least twenty-one (21) years of age on the day of the election, able to read and write, a registered voter of the district in which he shall be elected and a resident thereof for a period of not less than five (5) years immediately preceding the day of the election [Secs. 3 and 4, Art. VIII and Sec. 7, Art. VII, RA 6734].

SEC. 106. Qualifications of elective local officials. - No person shall be elected to any provincial, city, municipal, or barangay office unless he is a natural-born citizen of the Philippines, able to read and write, a registered voter in the political subdivision where he intends to be elected, and a resident therein for at least one (1) year immediately preceding the day of the election.

In addition, candidates for governor, vice-governor, member of the sangguniang panlalawigan, mayor, vice-mayor, or member of the sangguniang panlungsod of highly-urbanized cities shall be at least twenty-three (23) years of age on election day; those for

mayor or vice-mayor of independent component cities, or component cities or municipalities, at least twenty-one (21) years of age; and those for member of the sangguniang panlungsod, sangguniang bayan, punong barangay, or member of the sangguniang barangay, at least eighteen (18) years of age on election day [Sec. 39, RA 7160].

C. DISQUALIFICATIONS OF CANDIDATES

SEC. 107. Disqualifications. - The following persons shall be disqualified as candidate for any elective office or from continuing as such, or, if they have been elected, proclaimed, or have assumed office, from holding office:

(1) Any person who has been declared by competent authority insane or feeble-minded, or has been sentenced by final judgment for insurrection, rebellion, or for any offense for which he has been sentenced to a penalty of more than eighteen (18) months or for a crime involving moral turpitude. Such disqualification shall, however, be deemed removed upon the declaration by competent authority that said insanity had been removed, or after the completion of the period of probation or expiration of five (5) years from his service of sentence, or after the grant of plenary pardon or amnesty, unless within the same period he again becomes disqualified [Sec. 68, BP 881; Sec. 40, RA 7160];

(2) Except for officials and employees of the Commission, who shall be governed by Section 14 hereof, any official of an executive department, bureau, or office, or of any government-owned or -controlled corporation who is appointed by the President of the Philippines with the consent of the Commission on Appointments, as well as justices and judges, in the election immediately succeeding the termination of his tenure of office,

whether by resignation, retirement, expiration of tenure, removal or similar causes [Sec. 78, RA 6388];

(3) Any elective public official who has resigned, retired, r been removed from office for any cause, in any special election called to fill the vacancy caused by his resignation, retirement, or removal [New];

(4) Any person who has dual citizenship, or is a permanent resident of, or an immigrant to, a foreign country, unless said person has waived his status as such in accordance with law;

(5) Any person convicted by final judgment of violating his oath of allegiance to the Republic;

(6) A fugitive from justice in criminal or non-political cases here or abroad;

(7) Any person sentenced by final judgment for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;

(8) Any person removed from office by final judgment in an administrative case [Secs. 12 and 68, BP 881; Sec. 40, RA 7160]; or

(9) Any person who fails to pay the administrative fine for failure to file a sworn statement of electoral contributions and expenditures [New].

SEC. 108. Priority accorded to disqualification cases. - The Commission and the courts shall give priority to cases of disqualification by reason of violation of this Code to the end that a final decision is rendered thereon not later than fourteen (14) days before the election in which the disqualification of the candidate is sought [New].

SEC. 109. Effects of disqualification. - Any candidate who has been declared by final judgment to be disqualified shall not be voted for, and the votes cast for him not counted. Neverthe-

less, if, for any reason, a candidate is not disqualified by final judgment before an election and is voted for and receives the winning number of votes in such election, the court or Commission shall continue with the trial and hearing of the action, inquiry, or protest, and, upon motion of the complainant or any intervenor, may, during the pendency thereof, order the suspension of the proclamation of such candidate whenever the evidence of guilt is strong: Provided, That upon the disqualification by final judgment of such winning candidate, the elected candidate next in the order of succession as provided for under existing laws shall fill the resulting vacancy [Sec. 6, RA 6646; Sec. 72, BP 881].

D. RULES ON CANDIDACIES

SEC. 110. Certificate of candidacy. - No person shall be eligible for any elective public office unless he files a sworn certificate of candidacy within the period fixed in this Code.

A person who has filed a certificate of candidacy may, prior to the election, withdraw the same by submitting to the office of the Commission where he filed his certificate of candidacy a written declaration of the withdrawal under oath [Sec. 73, BP 881].

Any candidate who withdraws his candidacy cannot file a new certificate for any office in the same election [New].

No person shall be eligible as candidate for more than one (1) office to be filled in the same election. A person who files his certificate of candidacy for more than one (1) office shall not be eligible for any of them, but may, before the expiration of the period for the filing of certificates of candidacy, declare under oath the office to which he desires to be elected and

cancel the certificate of candidacy for the other office or offices.

The filing or withdrawal of certificates of candidacy shall not affect whatever civil, criminal, or administrative liabilities which a candidate may have incurred as a result thereof [Sec. 73, BP 881].

SEC. 111. Contents of certificate of candidacy. - The certificate of candidacy shall be filed in a form prescribed by the Commission and shall state the following:

(1) The legal name of the person filing the same, and, if he so desires, one nickname or stage name by which he is generally or popularly known in the locality. In no case shall he use the nickname or stage name of another person;

(2) That the person filing it is announcing his candidacy for the office stated therein and that he is eligible therefor;

(3) If the certificate of candidacy is for Member of the House of Representatives, it shall also state the province, including its component cities, highly-urbanized city or district or sector which he seeks to represent;

(4) The political party to which he belongs;

(5) His sex, civil status, date and place of birth, residence and post office address for election purposes;

(6) His profession or occupation;

(7) His relation, if any, to the incumbents or candidates enumerated in Section 116 hereof;

(8) The place and precinct where he is a registered voter;

(9) That he will support and defend the Constitution of the Philippines and will maintain true faith and allegiance thereto;

(10) That he will obey the laws, legal orders and decrees promulgated by the duly-constituted authorities;

(11) That he is not a permanent resident of, or immigrant

to, a foreign country;

(12) That the obligation imposed upon his oath is assumed voluntarily, without mental reservation or purpose of evasion; and

(13) That the facts stated in the certificate of candidacy are true and correct to the best of his knowledge.

The person filing a certificate of candidacy shall also attach thereto copies of his income tax return for the two (2) years immediately preceding the election, affix his latest passport-sized photograph, and, if he so desires, a statement in duplicate containing his bio-data and program of government.

Unless a candidate has officially changed his name through a court-approved proceeding, a candidate shall state in his certificate of candidacy the name by which he has been baptized, or, if he has not been baptized in any church or religion, the name registered in the office of the local civil registrar, or the name by which he is commonly known or any other name allowed under existing law. In the case of a Muslim, he may state his Hadji name after performing the prescribed religious pilgrimage. However, when there are two (2) or more candidates for an office with the same name and surname, each candidate, upon being made aware of such fact, shall state his paternal and maternal surname, except the incumbent who may continue to use the name and surname stated in his certificate of candidacy when he was elected [Sec. 74, BP 881].

SEC. 112. Filing of certificate of candidacy. - The certificate of candidacy shall be filed by the candidate personally or by his duly-authorized representative on any day from the commencement of the election period but not later than the day before the beginning of the campaign period for the office concerned: Provided, That in case of postponement or failure of

election, no additional certificate of candidacy shall be accepted except in cases of substitution of candidates [Sec. 75, BP 881].

The certificate of candidacy shall be filed in five (5) legible copies with the offices of the Commission specified hereunder:

(1) For President, Vice-President and Senator, with the law department of the Commission in Manila;

(2) For Member of the House of Representatives, with the provincial election supervisor of the province concerned. Those for legislative districts in the National Capital Region shall be filed with the law department of the Commission, and those for legislative districts in cities outside the National Capital Region comprising one (1) or more legislative districts, with the city election officer;

(3) For regional governor and vice-governor in the autonomous regions, with the regional election director concerned. Those for member of the regional assembly shall be filed with the respective provincial election supervisors;

(4) For provincial offices, with the provincial election supervisor;

(5) For city or municipal offices, with the city or municipal election officer; and

(6) For barangay offices, with the election officer of the city or municipality.

Notice of withdrawal or substitution of candidacies shall be filed with the office where the certificate of candidacy being withdrawn or substituted was filed [Sec. 7, RA 7166].

SEC. 113. Ministerial duty of receiving and acknowledging receipt of certificate of candidacy. - It shall be the ministerial duty of the law department of the Commission, regional elec-

tion director, provincial election supervisor, election officer or other officer designated by the Commission or the board of election inspectors to receive and acknowledge receipt of the certificate of candidacy [Sec. 76, BP 881].

SEC. 114. Nomination of official candidates. - Accredited political parties shall submit to the Commission a certificate of nomination, under oath by their duly-authorized officers, of their respective official candidates not later than three (3) calendar days after the last day for filing of certificates of candidacy [New].

SEC. 115. Candidates holding appointive or elective office. - The following shall be considered automatically resigned from their respective offices upon the filing of their certificate of candidacy:

(1) Any person holding a public appointive office or position, including active members of the Armed Forces of the Philippines, and officers and employees in government-owned or -controlled corporations; and

(2) Any elective official, whether national, regional, local, or barangay, running for any office other than that which he is holding in any capacity [Secs. 66 and 67, BP 881, Amended].

SEC. 116. Political dynasty defined; Prohibited candidacies. - The term "political dynasty" refers to a situation where persons related to each other within the third civil degree of consanguinity or affinity hold elective offices simultaneously or the same office successively in a region, legislative district, province, city, or municipality.

To prevent the establishment of a political dynasty, persons within the same civil degree of relationship shall not be allowed to run for any elective position in the same political unit in the same election. Neither can a person within the same civil

degree of relationship as the incumbent succeed to the position of the latter.

Certificates of candidacy filed in violation hereof shall not be given due course [New].

SEC. 117. Nuisance candidacies. - The Commission may, motu proprio or upon a verified petition of an interested party, deny due course to or cancel a certificate of candidacy if it is shown that said certificate has been filed to put the election process in mockery or disrepute or to cause confusion among the voters by the similarity of the names of the registered candidates or by other circumstances or acts which clearly demonstrate that the candidate has no bona fide intention to run for the office for which the certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate [Sec. 69, BP 881].

SEC. 118. Procedure in cases of nuisance candidacies. - A verified petition to declare a duly-registered candidate as a nuisance candidate shall be filed with the Commission by any registered candidate for the same office personally or through his duly-authorized representative within five (5) days from the last day for the filing of certificates of candidacy [Sec. 5, RA 6646].

SEC. 119. Guest candidacy. - No political party shall nominate and/or support candidates not belonging to it without the written consent of such candidate under oath [Sec. 70, BP 881].

SEC. 120. Period for political convention or meeting. - Political conventions or meetings for the nomination or selection of the official candidates of any political party, organization or coalition shall be held within thirty (30) days before the start of the campaign period for the offices concerned [Sec. 6, RA 7166].

SEC. 121. Substitution in case of death, disqualification or withdrawal of candidate. - If, after the last day for the filing of certificates of candidacy, a candidate with a certificate of candidacy duly filed dies, withdraws his candidacy or is disqualified for any cause, the following rules on substitution of candidacy shall be observed:

(1) There shall be no substitution of any candidate who has withdrawn his certificate of candidacy [New].

(2) Substitution of candidates in case of death or disqualification shall be allowed only if the candidate who has died or been disqualified is an official candidate of a registered or accredited political party: Provided, That there is only one (1) candidate remaining for the position affected after such death or disqualification. In such a case, only a person belonging to, and certified by, the same political party may file a certificate of candidacy to replace the candidate who has died or been disqualified [Sec. 77, BP 881].

(3) In the case of independent candidates, substitution of candidacy shall be allowed only in case of death: Provided, That there is only one (1) candidate remaining for the position affected after such death. In such a case, a substitute candidacy may be filed only by the spouse or nearest relative of the deceased candidate within the third civil degree of consanguinity or affinity [New].

In either case, the substitute candidate shall file his certificate of candidacy for the office concerned in accordance with the preceding sections not later than mid-day of the day of the election. If the death or disqualification should occur between the day before the election and mid-day of election day, said certificate shall be filed with any board of election inspectors in the political subdivision where he is a candidate,

or, in the case of candidates for national office, with the Commission [Sec. 77, BP 881].

SEC. 122. Petition to deny due course to or cancel a certificate of candidacy. - A verified petition seeking to deny due course to or cancel a certificate of candidacy may be filed by any person exclusively on the ground that any material representation contained therein is false. The petition shall be filed within five (5) days following the last day for the filing of certificates of candidacy [Sec. 78, BP 881].

SEC. 123. Unopposed candidacies. - If, after the last day for the filing of certificates of candidacy, there should be only one (1) candidate for an elective position, the Commission shall, without holding an election for said position, certify that he is the only candidate for the office affected and is thereby deemed elected [New].

E. CAMPAIGN AND ELECTION PROPAGANDA

SEC. 124. Definitions. - As used in this Code:

(1) "Candidate" refers to any person aspiring for or seeking an elective public office who has publicly announced the same or who has, through other analogous acts performed within ninety (90) days prior to the start of the campaign period, openly manifested his desire to seek an elective public office, whether or not he has filed a certificate of candidacy by himself or through an accredited political party, organization, or coalition of parties (New);

(2) "Election campaign" or "partisan political activity" refers to an act designed to promote or defeat the election of a candidate, which shall include:

(a) Forming organizations, associations, clubs,

movements, committees or other groups of persons;

(b) Holding political caucuses, conferences, meetings, rallies, parades, or other similar assemblies;

(c) Making speeches, announcements or commentaries, or holding interviews;

(d) Publishing or airing in the mass media, or distributing campaign materials; or

(e) Directly or indirectly soliciting votes, pledges, or support.

Public expressions, opinions, or discussions of probable issues in a forthcoming election or on attributes of or criticisms against probable candidates proposed to be nominated in a forthcoming political party convention shall not be construed as part of any election campaign or partisan political activity contemplated under this Article [Sec. 79, BP 881].

SEC. 125. Intervention of foreigners. - At no time shall any foreigner, whether juridical or natural, aid any candidate or political party, directly or indirectly, or take part in or influence in any manner any election, or contribute, render services, or make any expenditure in connection with, or in furtherance of, any election campaign or partisan political activity [Sec. 81, BP 881].

SEC. 126. Undue ecclesiastical influence. - No head of any church hierarchy or religious sect, denomination, or grouping shall, directly or indirectly, influence the members of his flock, parish, or congregation to vote for or against any candidate or political party by means of any election propaganda enumerated under Sections 127 and 130 of this Code [New].

SEC. 127. Lawful election propaganda. - Lawful election propaganda shall include:

(1) Pamphlets, leaflets, cards, decals, stickers, or other written or printed materials of a size not more than twenty-one and one-half (21.5) centimeters in width and thirty-five and one-half (35.5) centimeters in length: Provided, That stickers or decals posted or displayed in a house, building, establishment, or vehicle other than that owned or leased by a candidate or political party or other than a common poster area or other authorized place shall conform to the size herein specified and shall be posted or displayed only with the express consent of the owner of such house, building, establishment, or vehicle;

(2) Handwritten or printed letters urging voters to vote for or against any particular candidate;

(3) Cloth, paper, or cardboard posters, whether framed or posted, of a size not exceeding sixty (60) centimeters by ninety (90) centimeters;

(4) Streamers not exceeding ninety (90) centimeters and forty (40) centimeters in size, to be posted or displayed only at the candidate's main residence, at the official party headquarters of a registered political party not exceeding one (1) headquarters for each barangay, or at the site and on the occasion of a public meeting or rally, or in announcing the holding of said meeting or rally, within one (1) week before the date of the meeting or rally and removed within seventy-two (72) hours thereafter;

(5) Any moving vehicle with a sound system for campaign jingles or recorded or live propaganda, or motorcades; or

(6) All other forms of election propaganda not prohibited by this Code as the Commission may authorize after due notice to all interested parties and hearing where all interested parties were given equal opportunity to be heard: Provided, That the Commission's authorization shall be published twice in two (2) news-

papers of general circulation within one (1) week after the grant of such authorization. Violation in any manner of this Section shall constitute an election offense [Sec. 82, BP 881].

SEC. 128. Prohibition on removal, destruction, or defacement of lawful election propaganda. - It shall be unlawful for any person to remove, destroy, obliterate, or in any manner deface or tamper with, or prevent the distribution of, lawful election propaganda during the campaign period [Sec. 83, BP 881].

SEC. 129. Requirements for printed election propaganda. - Any poster, pamphlet, circular, handbill, bumper sticker, streamer, list of candidates, or any printed political matter for or against a candidate or group of candidates to any public office shall bear the words "PAID FOR BY" followed by the true and correct name and address of the payor, and by the words "PRINTED BY" followed by the true and correct name and address of the printer [Sec. 84, BP 881].

SEC. 130. Prohibited election propaganda. - The following election propaganda are prohibited:

(1) Posters, pamphlets, circulars, handbills, or any printed matter which do not bear the names and addresses of the printer and payor;

(2) Billboards, tinplate-posters, balloons and the like, of whatever size, shape, form, or kind;

(3) Pens, lighters, fans of whatever nature, flashlights, athletic goods or materials, wallets, shirts, hats, bandanas, matches, cigarettes and the like. However, campaign supporters may be allowed to wear hats and/or shirts or T-shirts advertising a candidate while in the actual company of the candidate.

(4) Any advertisement or propaganda by means of cinematography, audio-visual units, video cassette recorders or other screen projections, except telecasts which may be allowed as hereinafter

provided; and

(5) Printed and broadcast material for campaign and other political purposes in the print and broadcast media, whether given free of charge or sold to any individual or party, except as authorized in this Code and by the Commission.

The printing, manufacture, construction, purchase, posting, publication, display, airing, distribution, acceptance, or use of any of the foregoing election propaganda materials shall constitute an election offense.

Any prohibited election propaganda gadget or advertisement shall be stopped, confiscated, or torn down by the representative of the Commission upon its written authority [Sec. 85, BP 881].

SEC. 131. Ban on political advertisements in media. - It shall be unlawful for any newspaper, radio broadcasting or television station, or other mass media, or any person making use of the mass media, to sell or give free of charge print space or air time for campaign or other political purposes except to the Commission as provided for under the provisions on "Comelec Space" and "Comelec Time," including such other programs authorized by the Commission: Provided, however, That the right of media to print or broadcast accounts of significant or newsworthy events and views on matters of public interest shall at all times be recognized.

Any mass media columnist, commentator, announcer, reporter, correspondent, or personality who is a candidate for any public office or a campaign volunteer for or employed or retained in any capacity by any candidate shall take a leave of absence from his work in media from the start of the campaign period until election day [Sec. 11(b), RA 6646].

SEC. 132. Regulation of election propaganda through mass media. - No franchise or permit to operate a radio or television

station shall be granted or issued, suspended, cancelled, or revoked during the election period.

In all instances during the election period, the Commission shall supervise the use and employment of press, radio and television facilities so as to give candidates equal opportunity under equivalent circumstances to make known their qualifications and stand on public issues within the limits set forth in the preceding section on election propaganda.

Violation of the rules and regulations issued by the Commission to implement this section shall constitute an election offense [Sec. 86, BP 881)].

SEC. 133. Comelec Space. - The Commission shall procure space free of charge in at least one (1) newspaper of general circulation in every province or city and in such newspaper with national circulation as there are in circulation, which shall be known as "Comelec Space," wherein candidates can announce their candidacy. Provided, however, that in the absence of such newspaper, publication shall be done in any other magazine or periodical in said province or city. Said space shall be allocated, free of charge, equally and impartially by the Commission among all candidates for national office, in the case of newspapers with national circulation, and among all candidates for other elective public positions within the area in which the newspaper is circulated, in the case of publications with limited circulation [Sec. 90, BP 881].

Said "Comelec Space" shall also include such space as may be reasonably necessary to accommodate a "Comelec Column," in a frequency not exceeding twice a week during the election period, which shall contain such materials as may be necessary to inform the public of election matters. Any candidate or political party may cause the reproduction or reprinting, at their expense, of

any "Comelec Space" publication, subject to the limitations on lawful election expenditures [New].

SEC. 134. Comelec Time. The Commission shall procure radio and television time, of which a reasonable proportion shall be prime time, free of charge to be known as "Comelec Time," which shall be allocated equally and impartially among all candidates for national office, in the case of radio and television stations with nationwide reach, and among all candidates for other public elective positions within the area of coverage of the radio and television stations concerned, in the case of stations with limited territorial reach. For this purpose, the franchise of all radio broadcasting and television stations are hereby amended so as to provide radio or television prime time, free of charge, during the election campaign period [Sec. 92, BP 881].

SEC. 135. Common poster area. - The Commission shall designate common poster areas in strategic public places such as city or municipal halls, public markets, barangay centers, and the like, wherein each candidate can post, display, or exhibit free of charge his election propaganda, consisting of one (1) poster measuring not more than twenty (20) by twenty-seven and one-half (27.5) centimeters, to announce or further his candidacy.

Whenever feasible, the Commission may authorize the installation of common billboards by non-partisan private or civic organizations, after due notice and hearing, in such strategic places where maximum visibility shall be ensured.

The space in such common poster areas or billboards shall be allocated equally and impartially among all the candidates in the province, city, municipality, or barangay [Sec. 91, BP 881].

SEC. 136. Rallies, meetings and other political activities. - Subject to the requirements of local ordinances on the issuance of permits, any political party supporting official candidates or

any candidate, individually or jointly with other aspirants, may hold peaceful political rallies, meetings and other similar activities during the campaign period. Provided, that all applications for permits to hold such activities shall be immediately posted in a conspicuous place in the city or municipal building, receipt thereof acknowledged, and, within three (3) days from its filing, acted upon in writing by the local authorities concerned. Provided, further, that any application not acted upon within said period shall be deemed approved, and any denial of application for said permit shall be appealable to the provincial election supervisor, regional election director, or, in the case of Metro Manila, to the appropriate department or service of the Commission, as the case may be, or to the Commission, whose decision shall be made within forty-eight (48) hours and which shall be final and executory. Provided, finally, that the only justifiable ground for denial of an application is the approval of a prior written application by any candidate or political party for the same time, date, place, and purpose [Sec. 87, BP 881].

SEC. 137. Transportation, food and drinks. - It shall be unlawful for any candidate, political party, organization, or coalition, political leader, voter, or any person to give or accept, free of charge or for a nominal sum, directly or indirectly, transportation service, fare, food, beverages, liquor, or things of value during the five (5) hours before and after a public rally, on the day preceding the election, and on the day of the election; or to give or contribute, directly or indirectly, money or things of value for such purpose [Sec. 89, BP 881].

No special permit or authority to operate outside their designated routes shall be issued to public utility operators or owners within the three (3) days preceding the elections and on

the day of the election. All public utility vehicles operating outside their designated routes during said period shall be impounded, and their drivers apprehended, upon authority of the Commission [New].

F. ELECTORAL CONTRIBUTIONS AND EXPENDITURES

SEC. 138. Definitions. - As used in this Article:

(1) "Person" refers to an individual, partnership, committee, association, corporation, political party, organization, or coalition, or any other organization or group of persons;

(2) "Contribution" refers to a gift, donation, subscription, loan advance, or deposit of money or anything of value, or a contract, promise, or agreement to contribute, whether or not legally enforceable, made for the purpose of influencing the results of the elections, as well as the use of facilities voluntarily loaned by other persons, the money value of which can be assessed based on the rates prevailing in the area. However, it shall not include services rendered without compensation by individuals volunteering a portion or all of their time in behalf of a candidate or political party.

(3) "Expenditure" refers to the payment or delivery of money or anything of value, or a contract, promise, or agreement to make an expenditure, for the purpose of influencing the results of the election, as well as the use of facilities personally owned by the candidate, the money value of which use can be assessed based on the rates prevailing in the area [Sec. 94, BP 881].

SEC. 139. Lawful expenditures of candidates and political parties. - No candidate or treasurer of a political party shall, directly or indirectly, make any expenditure except for the

following purposes:

(1) Travelling expenses of the candidates and campaign personnel in the course of the campaign, and for personal expenses incident thereto;

(2) Compensation of campaign personnel, clerks, stenographers, messengers and other persons actually employed in the campaign;

(3) Telegraph and telephone tolls, postage, freight and express delivery charges;

(4) Stationery, printing and distribution of printed matter relative to the candidacy;

(5) Employment of watchers at the polls;

(6) Rental, maintenance and furnishing of campaign headquarters, office, or venue of meetings or media conferences;

(7) Political meetings and rallies and the use or rental of sound systems, lights and decorations during such meetings and rallies; or

(8) Use, rental, or hire of land, water, or air craft, equipment, facilities, apparatus and paraphernalia.

The cost of employment of counsel and for printing of sample ballots in such color, size and number as may be authorized by the Commission shall not be included in computing the amount of expenses which a candidate or political party may have incurred [Secs. 100 and 102, BP 881]

SEC. 140. Prohibited contributions. - No contribution for purposes of partisan political activity shall be made, directly or indirectly, by any of the following:

(1) Public or private financial institutions. However, nothing herein shall prevent the accommodation of any loan by a candidate or political party by any such public or private financial institutions legally engaged in the business of lending

money, where the loan is made in accordance with law and regulations and in the ordinary course of business;

(2) Natural and juridical persons who:

(a) Operate public utilities or possess or exploit any natural resources of the nation;

(b) Hold contracts or sub-contracts to perform construction or other works or to supply with goods and services the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations;

(c) Have been granted by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations, franchises, incentives, exemptions, allocations, or similar privileges or concessions, or, within one (1) year prior to the date of the election, loans or other accommodations in excess of twenty-five thousand (P25,000) pesos;

(3) Educational institutions which have received grants of public funds amounting to no less than one hundred thousand (P100,000) pesos;

(4) Officials or employees of the civil service, or members of the Armed Forces of the Philippines;

(5) Foreign nationals, entities, and governments; and

(6) Domestic and foreign religious organizations.

It shall be unlawful for any person to solicit or receive, directly or indirectly, any aid or contribution of whatever form or nature, from any of the persons or entities enumerated above [Secs. 95 and 96, BP 881].

SEC. 141. Prohibited donations and fund-raising activities. - From the commencement of the election period up to and includ-

ing election day, it shall be unlawful:

(1) For any person to hold dances, lotteries, cockfights, games, boxing bouts, bingo sessions, beauty contests, raffles, dinners, entertainment activities, or cinematographic, theatrical, or other performances for the purpose of raising funds for an election campaign or for the support of any candidate;

(2) For any person, directly or indirectly, to solicit and/or accept from any candidate, or from his campaign manager, agent, or representative, or any person acting in their behalf, any gift, food, transportation, contribution, or donation in cash or in kind. However, normal and customary religious stipends, tithes, or church collections on Sundays and/or designated collection days, as well as periodic payments made for legitimate academic scholarships established and school contributions habitually made before the election period are excluded from this prohibition; and

(3) For any candidate, his spouse, or any relative within the fourth degree of consanguinity or affinity, his campaign manager, agent, or representative, treasurer and other officers, agents, or representatives of any political party, whether accredited or not, to make, directly or indirectly, any donation or contribution for the construction or repair of roads, bridges, school houses, puericulture centers, medical clinics, or hospitals, churches, or chapels, multi-purpose centers, cement or asphalt pavements or sidewalks, street lights, basketball courts, alleys, barangay halls, or any other structure for public use or for the use of any religious or civic organizations [Secs. 97 and 104, BP 881].

SEC. 142. <u>True name of contributor required</u>. - No person shall make any contribution in any name except his own, nor shall any candidate or treasurer of a political party receive a contri-

bution or enter or record the same in any name other than that by whom it was actually made, indicating the tax identification number of the contributor concerned [Sec. 98, BP 881].

SEC. 143. Report of contributors. - Every person giving contributions to any candidate, treasurer of the party, or their authorized representatives shall, not later than thirty (30) days after the day of the election, file with the law department of the Commission a report under oath stating the following:

(1) Amount of each contribution;

(2) Name of the candidate, agent of the candidate, or political party receiving the contribution;

(3) Date of the contribution; and

(4) Name, address and tax identification number of the contributor.

The report shall also be supported by certified true copies of the receipts signed and issued by the candidate, treasurer of political party, or their authorized representatives [Sec. 99, BP 881].

SEC. 144. Limitations on election expenditures. - The amount that a candidate or political party, organization, or coalition may spend for election campaign purposes shall be fixed by the Commission based on the consumer price index prevailing at least sixty (60) days prior to the start of the election period. However, such limitations on election expenses shall be published in two (2) newspapers of general circulation not later than thirty (30) days before the election period [Sec. 100, BP 881].

Expenses incurred by the branches, chapters, or committees of a political party, organization, or coalition for campaign purposes shall be included in the computation of its total expenditures and prorated as expenses of its respective individual candidates, subject to the limitation provided in the preceding

paragraph.

Any provision of law to the contrary notwithstanding, any contribution in cash or in kind to any candidate or political party, organization or coalition for campaign purposes, duly reported to the Commission, shall not be subject to the payment of any gift tax [Sec. 101, BP 881].

SEC. 145. Persons authorized to incur election expenditures. - Only the candidate, treasurer of a political party, or any person authorized by them shall incur election expenditures, which shall be considered as expenditures of such candidate or political party.

The authority to incur expenditures shall be in writing, copy of which shall be furnished the Commission signed by the candidate or treasurer of the party, and shall state the full name and exact address of the person so designated and the maximum amount of expenditures so authorized [Sec. 103, BP 881].

SEC. 146. Record of contributions and expenditures. - It shall be the duty and responsibility of every candidate, treasurer of a political party, or any person acting under their authority to:

(1) Issue a receipt for every contribution received;

(2) Obtain and keep a receipt stating the particulars of every expenditure made;

(3) Keep detailed, full and accurate records of all contributions received and expenditures incurred or caused to be incurred by them;

(4) Preserve the records of contributions and expenditures, together with all pertinent documents, for at least three (3) years after the election, and produce such records and documents upon order by the Commission or its duly-authorized representative.

Failure to preserve such records or documents shall be deemed prima facie evidence of violation of the provisions of this Article [Sec. 106, BP 881].

SEC. 147. Statement of contributions and expenditures. - Every candidate shall, within thirty (30) days after the day of the election and during regular office hours, file in duplicate personally or through his representative with the same office of the Commission where he filed his certificate of candidacy, the full, true and itemized statement of all contributions and expenditures in connection with the election.

The statement of contributions and expenditures of treasurers of political parties shall be filed by the treasurers personally or through their duly-authorized representatives with the law department of the Commission in Manila.

The regional election director, provincial election supervisor and city or municipal election officer shall keep duplicate copies of all the statements filed with them, and, within ten (10) days from the last day for filing of the statement, send the original copies thereof to the law department of the Commission by registered mail [Sec. 107, BP 881].

SEC. 148. Form and contents of statement. - The statement of contributions and expenditures shall be in writing, subscribed and sworn to by the candidate or the treasurer of the party, and shall be complete as of the date of filing. It shall state:

(1) The amount of every contribution, date of receipt thereof, and full name and exact address of the contributor;

(2) The amount of every expenditure, the date and purpose thereof, and full name and exact address of the payee;

(3) Any unpaid obligation, its nature and amount, and the name of the creditor; and

(4) Such other particulars which the Commission may require

[Sec. 109, BP 881].

If the total contributions or expenditures reported in the statement exceed fifty thousand (P50,000) pesos, the statement shall be certified correct by an independent certified public accountant [New].

SEC. 149. Effect of failure to file statement. - No person elected to any public office shall enter upon the duties of his office unless he and his political party, if any, have filed the statement of contributions and expenditures herein required, as certified by the officer with whom such statements are filed.

The person administering the oath of office shall, before administering such oath to an elected public officer, require the latter to furnish him with a certification that he has filed the required statement, attested to by the officer with whom such statement was filed. Failure to require such certification before administering the oath of office shall constitute an election offense.

The city or municipal election officer shall, within five (5) days from the date of the election, advise in writing, by personal delivery or registered mail, all candidates residing in his jurisdiction to file their statements of contributions and expenditures.

Except candidates for elective barangay office, failure to file the statement of contributions and expenditures as required shall constitute an administrative offense for which the offender shall pay a fine ranging from one thousand (P1,000) pesos to thirty thousand (P30,000) pesos, in the discretion of the Commission.

Within thirty (30) days from receipt of notice of such failure, the candidate shall pay the fine and file the required statement.

No certificate of candidacy filed by any person who has previously failed to pay the administrative fine and file the statement shall be given due course.

Any candidate who fails to pay the fine and file the required statement within the prescribed period for a second time shall be subject to perpetual disqualification to hold public office [Sec. 14, RA 7166].

SEC. 150. Preservation and inspection of statements. - All statements of contributions and expenditures shall be kept and preserved at the office where they are filed and constitute part of its public records for three (3) years after the election to which they pertain. They shall not be removed therefrom except upon order of the Commission or of a competent court and shall, during regular office hours, be open to inspection by the public. The officer-in-charge of such office shall, on demand, furnish certified copies of any statement upon payment of the fee prescribed in this Code [Sec. 110, BP 881].

SEC. 151. Report of contractor and business firms. - Every person or firm to whom any electoral expenditure is made shall, within thirty (30) days after the day of the election, file with the Commission a report setting forth the full name, tax identification number and exact address of the candidate, treasurer of political party and any other person incurring such expenditures, the nature, purpose, date and amount thereof, and such other particulars as the Commission may require. The report shall be signed and sworn to by the supplier or contractor, or, in the case of a business firm or association, by its president, general manager, or other equivalent officer.

It shall be the duty of such person or firm to whom an electoral expenditure is made to require every agent of a candidate or treasurer of political party to present written authority

to incur election expenditures in behalf of such candidate or treasurer, and to preserve and keep at its place of business, subject to inspection by the Commission or its authorized representatives, copies of such written authority, contracts, vouchers, invoices and other records and documents relative to said expenditures for a period of three (3) years after the date of the election to which they pertain.

It shall be unlawful for any supplier, contractor or business firm to enter into any contract involving election expenditures with representatives of candidates or political parties without such written authority [Sec. 112, BP 881].

ARTICLE V. PRE-ELECTION ACTIVITIES

A. REGISTRATION OF VOTERS

SEC. 152. Definition. - As used in this Code:

(1) "Registration" refers to the act of accomplishing a sworn application for registration by a qualified voter before the election officer of the city or municipality wherein he resides and the inclusion of the same in the book of voters upon its approval by the election registration board.

(2) "Registration record" refers to an application for registration duly approved by the election registration board.

(3) "Book of voters" refers to the compilation of all registration records in a precinct.

(4) "List of voters" refers to an enumeration of names of registered voters in a precinct.

(5) "Illiterate" or "disabled" person refers to one who cannot prepare his own application for registration [New].

SEC. 153. Permanent list of voters. - There shall be a

permanent list of voters in each city or municipality consisting of all approved applications for registration of the city or municipality, with such additions, cancellations and corrections as may be herein authorized.

The voter's registration records contained in the precinct books of voters used in the May 11, 1992 national and local elections and in the March 25, 1993 elections in the Autonomous Region in Muslim Mindanao, shall be considered as the permanent list of voters in each city or municipality [Sec. 98, RA 6388].

However, should the Commission find it necessary, a general registration of voters shall be conducted [New].

SEC. 154. Continuing system of registration of voters. - Registration of voters shall be conducted daily in the office of the election officer during office hours. To facilitate the filing of application for registration, the election officer may hold office in any district, barangay or sitio within his jurisdiction, subject to the rules and regulations promulgated by the Commission. No registration shall, however, be conducted ninety (90) days before a regular election and sixty (60) days before a special election [Sec. 79, 1978 EC].

SEC. 155. Registration of voters. - A qualified voter must be registered in the permanent list of voters of the city or municipality wherein he resides to be able to vote in any election. To register as a voter, he shall personally accomplish an application for registration in triplicate before the election officer on any date after having acquired the qualifications of a voter [Sec. 109, RA 6388].

The application shall contain the following data:

(1) Name, surname and middle name and/or maternal surname;

(2) Sex, date and place of birth;

(3) Citizenship;

(4) Civil status; if married, the name of the spouse;

(5) Profession, occupation or work;

(6) Periods of residence in the Philippines and in the place of registration;

(7) Exact address with the name of the street and house number or in case there is none, a brief description of the place of residence and his barangay and sitio;

(8) A statement that he possesses the qualifications and none of the disqualifications of a voter;

(9) A statement that the applicant is not a registered voter of any precinct;

(10) Such information or data as may be required by the Commission.

The application for registration shall be under oath and contain three (3) specimen of the applicant's signature and clear and legible prints of all his fingers, and be accompanied by four (4) identification-sized copies of the latest photograph, to be taken at the expense of the Commission.

Before the applicant accomplishes his application for registration, the election officer shall inform him of the qualifications and disqualifications prescribed by law for a voter, and thereafter see to it that the accomplished application contains all the data therein required and that the applicant's specimen signatures, fingerprints and photograph are properly affixed in all copies of the voter's application [Sec. 110, RA 6388].

SEC. 156. Who may register. - All citizens of the Philippines not otherwise disqualified by law, who are at least eighteen (18) years of age, and who shall have resided in the Philippines for at least one (1) year and in the place wherein they propose to vote, for at least six (6) months immediately preceding the election may register as voters.

The following shall be allowed to register, if qualified:

(1) Those who failed to register in previous elections;

(2) Any person, who may not have, on the day of registration, the age or period of residence required but, who, on the day of the election, shall possess such qualifications;

(3) Any person whose registration has been cancelled on the ground of disqualification and such disqualification has subsequently been lifted or removed; and

(4) A voter whose registration has been cancelled due to failure to vote in the two (2) successive preceding regular elections [Sec. 117, BP 881].

SEC. 157. Re-registration. - A voter registered in the permanent list of voters need not register anew for subsequent elections unless he transfers his residence to another city or municipality.

Any person who transfers his residence to another city, municipality or country solely by reason of his occupation; profession; employment in private or public service; educational activities; work in military or naval reservations within the Philippines; service in the Philippine Army, Navy, Air Force, the National Police Forces; or confinement or detention in government institutions in accordance with law, shall be deemed not to have lost his original residence [Sec. 125, BP 881].

SEC. 158. Illiterate or disabled applicants. - The application for registration of an illiterate or physically disabled person may be prepared by any relative within the fourth civil degree of consanguinity or affinity or by the election officer in accordance with the data supplied by the applicant.

The fact of illiteracy or disability shall be so indicated in the application [Sec. 127, BP 881].

SEC. 159. Election registration board. - There shall be in

each city and municipality as many election registration boards as there are election officers therein.

The board shall be composed of the election officer as chairman, and as members, the most senior public school official and a citizen of known probity, competence and impartiality, to be nominated by the citizens' arm of the Commission, if any, or civic organizations collectively, who shall be appointed by the Commission. In case the most senior public school official is disqualified due to relationship to any candidate, the next ranking qualified public school official may be appointed in his stead.

The board shall meet during office hours every last Monday of each month: Provided, That, the Commission may require a board to meet more often as the exigencies of its duties may require [Sec. 105, RA 6388].

SEC. 160. Notice and hearing of application. - Upon receipt of the application for registration, the election officer shall set it for hearing, notice of which shall be posted in the city or municipal bulletin board and in his office for at least three (3) days before the hearing, and furnish copies thereof to heads or representatives of registered political parties in the city or municipality. On the date of the hearing, the election officer shall receive such evidence as may be submitted for or against the applicant [Sec. 111, RA 6388].

SEC. 161. Challenge of right to register. - Any voter, candidate, or representative of a registered political party may challenge in writing any application for registration, stating the grounds therefor. The challenge shall be under oath and shall be attached to the application, together with proof of notice to the challenger and the applicant [Sec. 112, RA 6388].

SEC. 162. Power to administer oath and issue summons. - For

purposes of determining the right of applicants to be registered as voters, the election officer shall have the power to administer oath, issue subpoena and subpoena duces tecum, swear in witnesses, and compel witnesses to appear and testify. The fees and expenses incidental thereto shall be paid in advance by the party in whose behalf the summons is issued [Sec. 140, RA 6388].

SEC. 163. Approval or disapproval of application. - The election officer shall submit to the board all the applications for registration filed, together with the evidence received in connection therewith. The board shall, by majority vote, approve or disapprove the applications.

Upon approval, the election officer shall issue the corresponding identification card to the registered voter. If the board disapproves the application, the applicant shall be furnished with a certificate of disapproval stating the ground therefor. The decision of the board shall become final five (5) days after its promulgation [Sec. 111, RA 6388].

SEC. 164. Preservation of voters' registration records. - The election officer shall compile his copies of the approved applications for registration and arrange the same alphabetically by precinct in the books of voters. He shall preserve said books of voters to ensure its integrity. The other two (2) copies of the registration records shall be sent to the offices of the provincial and national central files within three (3) days after the approval by the board becomes final [Sec. 125, RA 6388].

SEC. 165. Provincial central file. - There shall be a provincial central file consisting of the duplicate copies of all registration records in each city and municipality in the province. It shall be under the custody of the provincial election supervisor and shall be compiled alphabetically by precinct [Sec. 91, 1978 EC].

Should the books of voters in the custody of the election officer be lost or destroyed at a time so close to election day that there is no time to reconstitute the same, the corresponding books of voters in the provincial file shall be used during the voting [Sec. 130, BP 881].

SEC. 166. National central file. - There shall be a national central file under the custody of the Commission in Manila consisting of a compilation of the third copies of all approved voters' registration records [Sec. 92, 1978 EC].

SEC. 167. Publication of action on application for registration. - Within two (2) days from approval or disapproval of an application, the board shall post a notice in the city or municipal building and in the office of the election officer stating the name and address of the applicant, the date of the application and the action taken thereon. The election officer shall serve a copy thereof by personal or registered special delivery to the heads or representatives of registered political parties in the city or municipality [Sec. 113, RA 6388].

SEC. 168. Voter's identification card. - The voter's identification card issued to the registered voter shall be considered as a document for his identification. No duplicate copy thereof shall be issued except upon authority of the Commission.

The identification card shall bear the name and address of the voter, his date of birth, sex, civil status, occupation, photograph, thumbmark, the city or municipality and number of the precinct where he is registered, his signature, voter's serial number, and the signature of the chairman of the election registration board [Sec. 129, RA 6388; Sec. 129, BP 881].

SEC. 169. Change of residence to another city or municipality. - Any registered voter who has transferred residence to another city or municipality may register as a voter in his new

residence after applying for the cancellation of his previous registration with the election officer of his new residence [Sec. 119, RA 6388].

SEC. 170. Change of address in the same city or municipality. - Any voter who has changed his address in the same city or municipality shall immediately notify the election officer in writing. If the change of address involves a change in precinct, the board shall transfer his registration record to the precinct book of voters of his new precinct and notify the voter of his new precinct. All changes of address shall be reported to the offices of the provincial and national central files [Sec. 87, 1978 EC].

SEC. 171. Cancellation of registration. - The board shall cancel the registration and remove the registration records of the following persons from the corresponding precinct books of voters and place the same in the inactive file after entering therein the cause or causes of cancellation:

(1) Those who have died as certified to by the local civil registrar;

(2) Those who were sentenced by final judgment to suffer imprisonment of not less than one (1) year or found guilty of having violated their allegiance to the Republic of the Philippines as certified to by the clerks of court; and

(3) Those who did not vote in the two (2) successive preceding regular elections as shown by their voting records.

For this purpose, the local civil registrar in the city or municipality and the clerks of court of the metropolitan trial courts and regional trial courts shall furnish the election officer concerned at the end of each month a certified list of persons with their addresses, who have died or have been sentenced by final judgment to suffer imprisonment of not less than

one (1) year or found guilty of having violated their allegiance to the Republic of the Philippines.

The election officer shall post in the bulletin board of his office a list of those persons whose registration was cancelled and the reasons therefor, and furnish copies thereof to the local heads of political parties, the national and provincial central files, and the persons concerned or the immediate members of their families [Sec. 117, RA 6388; Sec. 123, BP 881].

SEC. 172. Preparation and publication of the certified list of voters. - The board shall prepare a certified list of voters thirty (30) days before a regular election and fifteen (15) days before a special election and furnish copies thereof to the provincial and national central files. Upon payment of fees as fixed by the Commission, the candidates and heads of registered political parties may also be furnished copies thereof. Any change or correction in the said list shall be distributed in the same manner as a supplementary list.

The board shall also furnish two (2) certified copies of said list of voters, including the supplementary list, if any, to the board of election inspectors for posting in the polling place and for its use on election day.

SEC. 173. Sealing of precinct book of voters. - The board shall, twenty (20) days before a regular election and ten (10) days before a special election, seal all precinct books of voters and certify as to the completeness of the registration records for each precinct. All candidates, watchers of registered political parties and members of the board of election inspectors shall have the right to be present during the sealing of the precinct books of voters and to verify their contents before the books are closed and sealed. The election officer shall deliver the sealed precinct book of voters to the chairman of the board

of election inspectors when the latter secures its official ballots and other paraphernalia for election day.

SEC. 174. Jurisdiction in inclusion and exclusion cases. - The municipal and metropolitan trial courts shall have original and exclusive jurisdiction over all cases of inclusion and exclusion of voters in their respective cities or municipalities. Decisions of the municipal or metropolitan trial courts may be appealed by the aggrieved party to the regional trial court within five (5) days from receipt of notice thereof; otherwise, said decision shall become final and executory. The regional trial court shall decide the appeal within ten (10) days from the time the appeal is received and its decision shall be immediately final and executory. No motion for reconsideration shall be entertained [Sec. 138, BP 881].

SEC. 175. Petition for inclusion of voters in the list. - Any person whose application for registration has been disapproved by the board or whose name has been stricken out from the list may file with the court at any time except twenty-five (25) days before a regular or special election, a petition to include his name in the permanent list of voters of his precinct. It shall be supported by a copy of the disapproval of his application and proof of service of notice of his petition upon the board. The petition shall be decided within fifteen (15) days after filing.

If the decision is for the inclusion of the voter in the permanent list of voters, the board shall activate the application for registration previously disapproved by entering therein the order of inclusion and placing the said application in the corresponding precinct book of voters [Sec. 139, BP 881].

SEC. 176. Voters excluded through inadvertence or registered with an erroneous or misspelled name. - Any registered voter who

has not been included in the precinct list of voters or who has been included therein with a wrong or misspelled name may file with the board an application for reinstatement or correction of name. If it is denied or not acted upon, he may file on any date with the proper municipal or metropolitan trial court a petition for an order directing that his name be entered or corrected in the list. He shall attach to the petition a certified copy of his registration record or identification card or the entry of his name in the list of voters used in the preceding election, together with proof that his application was denied or not acted upon by the board and that he has served notice thereof upon the board [Sec. 140, BP 881].

SEC. 177. Change of name of registered voter. - Any registered voter whose name has been changed by reason of marriage or by virtue of a court order may file an application with the board asking that his name be changed accordingly in the list of voters [Sec. 141, BP 881].

SEC. 178. Petition for exclusion of voters from the list. - Any registered voter, representative of a registered political party, or the election officer in the city or municipality may, at any time except twenty-five (25) days before a regular or special election, file with the court a sworn petition for the exclusion of a voter from the permanent list of voters, giving the name, address and precinct of the challenged voter and citing as ground that he is either disqualified from registering as a voter or is illegally registered. The petition shall be accompanied by proof of notice to the board and the challenged voter and shall be decided within ten (10) days from filing.

If the decision is for the exclusion of the voter from the list, the board shall, upon receipt of the final decision, remove the voter's registration record from the corresponding book of

voters, enter the order of exclusion therein, and thereafter place the record in the inactive file [Sec. 137, RA 6388].

SEC. 179. Common rules governing judicial proceedings in the matter of inclusion, exclusion and correction of names of voters. - (1) Petitions for inclusion, exclusion, or correction of names of voters shall be filed during regular office hours.

(2) Notice of the place, day and hour of the hearing of the petition shall be served upon the members of the board and the challenged voter at least ten (10) days prior thereto. Service of such notice may be made by sending a copy thereof by personal delivery, by leaving it in the possession of a person of sufficient discretion in the residence of the said person, or by registered mail. Should the foregoing procedure be not practicable, the notice shall be posted in a conspicuous place in the city or municipal hall and in two (2) other conspicuous places within the city or municipality.

(3) A petition shall refer to only one (1) precinct and implead the board as respondent.

(4) No costs shall be assessed against any party in these proceedings. However, if the court should be satisfied that the application has been filed solely to harass the adverse party and cause him to incur expenses, it shall order the culpable party to pay the costs and incidental expenses.

(5) Any voter, candidate, or political party who may be affected by the proceedings may intervene and present his evidence.

(6) The decision shall be based on the evidence presented and in no case be rendered upon a stipulation of facts. If the question is whether or not the voter is real or fictitious, his non-appearance on the day set for hearing shall be prima facie evidence that the challenged voter is fictitious.

(7) The petition shall be heard and decided without delay. The decision shall be rendered within six (6) hours after the hearing and within ten (10) days from the date of its filing in court. Cases appealed to the regional trial court shall be decided within ten (10) days from receipt of the appeal. In all cases, the court shall decide these petitions not later than the day before the election and the decision rendered thereon shall be immediately final and executory [Secs. 139 and 143, BP 881].

SEC. 180. Verification of registered voters. - Subject to the rules and regulations promulgated by the Commission, the election officer shall, in order to preserve the integrity of the permanent lists of voters, conduct verification of the registered voters of any barangay by mail, house-to-house canvass, or aerial survey [Sec. 144, BP 881].

SEC. 181. Annulment of book of voters. - The Commission shall, upon verified petition of any voter or election officer or duly-registered political party, and after notice and hearing, annul any book of voters that is not prepared in accordance with this Code; or was prepared through fraud, bribery, forgery, impersonation, intimidation, force, or any other similar irregularity; or which contains data that are statistically improbable. No order, ruling or decision annulling a book of voters shall be executed within sixty (60) days before an election [Sec. 98, 1978 EC; Sec. 145, BP 881].

SEC. 182. Reconstitution of lost or destroyed registration records. - The Commission shall reconstitute all registration records which have been lost or destroyed by using the corresponding copies of the provincial or national central files. If this is not feasible, the registered voters concerned shall be summoned by the election officer to reconstitute their records by accomplishing a new application. Reconstituted forms shall be

clearly marked with the word "RECONSTITUTED".

It shall be the duty of the election officer to immediately report to the Commission any case of loss or destruction of registration records in his custody.

The reconstitution of any lost or destroyed registration records shall not affect the criminal liability of any person who may be responsible for such loss or destruction [Sec. 99, 1978 EC; Sec. 146, BP 881].

SEC. 183. Examination of registration records. - All registration records in the possession of the election officer, the provincial election supervisor, and the Commission shall, during regular office hours, be open to examination by the public for legitimate inquiries on election-related matters.

Law enforcement agencies may, upon prior authorization and subject to regulations promulgated by the Commission, have access to said registration records should the same be necessary to, and in aid of, their investigative functions and duties [Sec. 100, 1978 EC; Sec. 147, BP 881].

SEC. 184. Computerization of the permanent list of voters. - The Commission shall computerize the permanent list of voters nationwide and assign a permanent serial number to every registered voter in the permanent list by city or municipality and province.

The computer printouts of the list of voters duly certified to by the election registration board are official documents and shall be used solely for election-related purposes [New].

B. PRECINCTS AND POLLING PLACES

SEC. 185. Definitions. - As used in this Code:

(1) "Precinct" refers to the unit of territory established

by the Commission for the purpose of voting.

(2) "Polling place" refers to the place where the board of election inspectors conducts its proceedings and where the voters cast their votes.

(3) "Voting center" refers to the building or place where polling places are located.

SEC. 186. Precincts and their establishment. - Every barangay shall have at least one (1) precinct.

The precincts established in the preceding regular election shall be maintained, but the Commission may, when necessary, abolish them or introduce adjustments, changes or new divisions. Unless authorized by the Commission, no territory comprising an election precinct shall be altered or a new precinct established within forty-five (45) days before a regular election and thirty (30) days before a special election or plebiscite [Sec. 149, BP 881].

SEC. 187. Arrangement of precinct. - (1) As far as practicable, each precinct shall have not more than three hundred (300) voters and shall comprise contiguous and compact territory. However, an island or group of islands with less than three hundred (300) voters may constitute a precinct.

An island or group of islands having one hundred and fifty (150) or more voters shall constitute a precinct.

(2) Where a precinct has more than three hundred (300) voters, the Commission shall, in the interest of orderly elections, and to facilitate the casting of votes, divide, adjust or split a precinct not later than thirty (30) days after the last day of registration of voters. The division or splitting shall be by territory or by alphabetical arrangement of the names of the voters equitably among the precincts.

The polling place of all the precincts created thereby shall

be located in the same building or compound where the polling place of the original precinct was located, and if this be not feasible, in a place as close as possible to the polling place of the original precinct. However, the polling place of the new precinct may be located elsewhere upon written petition of the majority of the voters of the new precinct.

Every case of alteration of a precinct shall be duly published by posting a notice thereof in a conspicuous location in the precinct, and in the city or municipal hall.

(3) When a precinct is divided or when two (2) or more precincts are merged, the board shall transfer the registration records of the voters to the corresponding precinct book of voters. All alterations of precincts shall be reported to the national and provincial central files. Voters thereby affected shall be notified personally or by registered mail of their new precincts within ten (10) days from such division or merger but in no case less than fifteen (15) days before an election [Sec. 150, BP 881].

SEC. 188. Publication of city or municipal maps. - At least ten (10) days before a regular election or five (5) days before a special election or plebiscite, the election officer shall post in his office and in the city or municipal hall, a map of the city or municipality showing its division into barangays with their respective boundaries and indicating all streets and alleys and the location of each polling place. A barangay map shall likewise be posted at the door of each polling place.

These maps shall be kept posted at least five (5) days before and until election day [Sec. 151, BP 881].

SEC. 189. Designation of polling places. - The location of polling places designated in the preceding regular election shall be maintained. No designation of polling places shall be changed

except by the Commission, motu proprio or upon written petition of the majority of the voters of the precinct or agreement of all the political parties after notice and hearing.

No location shall be changed within sixty (60) days before a regular election and thirty (30) days before a special election or plebiscite, except in case the polling place is destroyed or cannot be used [Sec. 153, BP 881].

The Commission may, where there is a large number of illiterate or disabled voters, designate a special polling place different from other polling places in a voting center or building.

In designating polling places, a public building shall be preferred as voting center. However, where no suitable public building is available, private school buildings may be used.

SEC. 190. Requirements for polling places. - Each polling place shall be of sufficient size to comfortably accommodate twenty (20) voters at any one time. The polling place shall be located within the territory of the precinct as centrally as possible with respect to the residence of the voters therein and preferably along a public road [Sec. 154, BP 881].

SEC. 191. Limitation on the designation of polling place. - No polling place shall be located in a public or private building owned, leased, or occupied by any candidate or any person related to any candidate within the fourth civil degree of consanguinity or affinity, or by any elected government official or leader of any political party, group or faction, nor in any building or surrounding premises under the actual control of a political party [Sec. 155, BP 881].

SEC. 192. Poster and flag of polling place. - There shall be at the door of every polling place on the days that the board of election inspectors conducts its proceedings, a poster indicating the precinct number, location of the polling place and the baran-

gay to which it belongs. The Philippine flag shall be hoisted in front of every building used as voting center [Sec. 156, BP 881].

C. BOARD OF ELECTION INSPECTORS

SEC. 193. Constitution of board of election inspectors. - At least thirty (30) days before a regular election or fifteen (15) days before a special election or plebiscite, the Commission shall, directly or through its duly authorized representatives, constitute a board of election inspectors for each precinct to be composed of a chairman and two (2) other members, one of whom shall be designated as poll clerk. All members of the board shall be public school teachers, giving preference to those with permanent appointments. In case there are not enough public school teachers, teachers in private schools, employees in the civil service or other citizens of known probity and competence may be appointed [Sec. 13, RA 6646].

SEC. 194. Qualifications.- To be appointed or to act as chairman, member or substitute member of the board, a person must:

(1) Be of good moral character and irreproachable reputation;

(2) Be a registered voter within the province;

(3) Not have been convicted of any election offense or of any other crime punishable by more than six (6) months of imprisonment;

(4) Have no pending information for any election offense;

(5) Be able to speak and write English, Pilipino or the local dialect [Sec. 166, BP 881].

SEC. 195. Disqualifications. - No person shall serve as member of the board if he or his spouse is related within the

fourth civil degree of consanguinity or affinity to any member of the same board or to any candidate to be voted for in the precinct [Sec. 167, BP 881].

SEC. 196. Oath of members of the board. - The members of the board whether permanent, substitute or temporary, shall, before assuming office, take and sign an oath using the forms prescribed by the Commission before an election officer or, in his absence, before any member of the board present, or in case of the absence of the election officer and other members of the board, before any voter. The oaths shall be sent immediately to and kept by the election officer [Sec. 165, BP 881].

SEC. 197. Temporary vacancies. - If, at the time of the meeting of the board, any member is absent, or the office is still vacant, the members present shall call upon the substitute to perform the duties of the absent member. In case such substitute cannot be found, the members present shall appoint any non-partisan registered voter of the precinct to temporarily fill said vacancy until the absent member appears or the vacancy is filled. In case there are two (2) members present, they shall act jointly [Sec. 175, BP 881].

SEC. 198. Temporary designation by watchers. - If at the time the board must meet, all the positions in the board are vacant, or if not one (1) of the appointed members shall appear, the watchers present may designate voters of the polling place to act in the place of said members until the absentees shall appear or the vacancies are filled [Sec. 176, BP 881].

SEC. 199. Arrest of absent members. - The member or members of the board present may order the arrest of any other member or substitute thereof, who, in their judgment, has absented himself with intention of obstructing the performance of duties of the board [Sec. 177, BP 881].

SEC. 200. Relief and substitution of members of the board. - The Commission may, for such cause as it may determine, relieve or disqualify any member of the board from acting as such, and substitute him with another who possesses the legal qualifications [Sec. 170, BP 881].

SEC. 201. Powers and functions of the board. - The board shall have the following powers and functions:

(1) See to it that the polling place designated for the precinct is suitable for use on election day;

(2) Conduct the voting and counting of votes in the designated polling place or in any other place authorized by the Commission;

(3) Act as deputies of the Commission in the supervision and control of the election in the polling place where they are assigned; and

(4) Perform such other functions prescribed by this Code or by the rules and regulations promulgated by the Commission [Sec. 168, BP 881].

SEC. 202. Proceedings of board. - The meetings of the board shall be public and be held in the polling place or any other place authorized by the Commission.

The board shall act through its chairman, and decide by majority vote without delay, all questions which may arise in the performance of its duties [Sec. 172, BP 881].

SEC. 203. Authority of board within polling place. - The board shall have full authority to maintain order within the polling place and its premises, keep access thereto open and unobstructed, and enforce obedience to its lawful orders. If any person shall refuse to obey lawful orders of the board, or shall conduct himself in a disorderly manner in its presence or within its hearing and thereby interrupt or

disturb its proceedings, the board may issue an order in writing directing any peace officer to take such person into custody until the adjournment of the meeting. Such order, however, shall not be so executed as to prevent any person from exercising his right to vote. The order shall be executed by any peace officer to whom it may be delivered, but if none be present, by any other person deputized in writing by the board [Sec. 172, BP 881].

SEC. 204. Voting privilege of members of board. - Members of the board and their substitutes may vote in the polling place of the precinct where they are assigned provided they are registered voters within the province, city or municipality where they are assigned. In barangay elections, the members of the board may vote in the polling place where they are assigned provided it is within the barangay where they are registered voters. The fact that a member of the board voted in the polling place where he is not a registered voter shall be noted in the minutes of the board [Sec. 169, BP 881].

SEC. 205. Prohibition against political activity. - No member of the board shall engage in any partisan political activity or take part in an election except to vote and discharge his duties [Sec. 173, BP 881].

SEC. 206. Per diems of boards of election inspectors and other personnel. - The chairman and members of the boards of election inspectors shall each be paid a per diem of two hundred (P200) pesos on each registration or revision day, and four hundred (P400) pesos on election day.

Support personnel from the Department of Education, Culture and Sports shall each receive a per diem of one hundred (P100) pesos during election day. Supervisors, principals and other administrators of the Department of Education, Culture and Sports

who may be required by the Commission to perform election duty shall each be entitled a per diem of four hundred (P400) pesos.

Provincial, city and municipal treasurers shall each receive a per diem of four hundred (P400) pesos on election day.

The above provisions notwithstanding, per diems may be paid in such amount as Congress may provide, upon recommendation of the Commission, taking into account the prevailing economic situation and consumer price and cost of living indices [Sec. 14, RA 6646, Amended]

D. WATCHERS

SEC. 207. Official watchers.- Every candidate or registered political party, organization or coalition shall be entitled to one (1) regular watcher and one (1) alternate in each polling place and canvassing center: Provided, That, candidates for the sangguniang panlalawigan, sangguniang panlungsod, or sangguniang bayan belonging to the same slate or ticket shall collectively be entitled to only one (1) watcher.

The alternate watcher shall take over in the absence of the regular watcher [Sec. 26, RA 7166].

The citizens arm of the Commission shall be entitled to appoint a watcher in every polling place. Other civic, religious, professional, business, service, youth and any other similar organizations, with prior authority of the Commission, shall be entitled collectively to appoint one (1) watcher in every polling place [Sec. 180, BP 881].

SEC. 208. Qualifications.- A person may be appointed watcher if he:

(1) Is a qualified voter of the city or municipality;

(2) Is of good reputation;

(3) Has not been convicted by final judgment of any election offense or of any other crime;

(4) Is able to read and write Pilipino, English, or any of the prevailing local dialects; and

(5) Is not related within the fourth civil degree of consanguinity or affinity to the chairman or any member of the board in the polling place where he seeks appointment as watcher.

No barangay official shall be appointed as a watcher [Sec. 178, BP 881].

SEC. 209. Who may appoint watchers. - Each candidate, political party, organization or coalition shall designate in every province or highly-urbanized city or district in the metropolitan Manila area, a representative authorized to appoint watchers and furnish the provincial election supervisor or the city election officer the list of such representatives. The provincial election supervisor shall furnish the municipal election officers and election officers of component cities with said list.

In the case of Metropolitan Manila, the designation of the persons authorized to appoint watchers shall be filed with the corresponding city or municipal election officers [Sec. 178, BP 881].

The appointment of the watcher shall bear the signature of the candidate or the duly-authorized representative of the political party, organization or coalition who appointed him.

SEC. 210. Rights and duties of watchers. - A watcher shall, upon entering the polling place, present and deliver to the chairman of the board his appointment. His name shall be recorded in the minutes with a notation under his signature that he is not disqualified as watcher.

The watchers shall have the right to:

(1) Stay in the space reserved for them inside the polling place or canvassing center;

(2) Witness and inform themselves of the proceedings of the board;

(3) Take notes of what they may see or hear;

(4) Photograph the proceedings and incidents, if any;

(5) File a protest against any irregularity which they believe may have been committed;

(6) Obtain from the board a certificate as to the filing of such protest and the resolution thereon;

(7) Have unimpeded view of the ballots during the counting of votes and of the election returns and certificate of canvass during the canvassing;

(8) Read the election returns or certificate of canvass after they shall have been completed and signed by the board; and

(9) Secure a certificate of the number of votes obtained by the candidates.

The watchers shall not converse with any person in a manner that would distract the proceedings of the board.

The watchers of the major accredited political party, organization or coalition in the precinct shall affix their respective signatures and thumbmarks on the election returns. If any of them is not available, or is unwilling or refuses to affix his signature or thumbmark on the election returns, any watcher present may be required by the board to do so [Sec. 12, RA 6646, Amended].

ARTICLE VI. ELECTION FORMS, SUPPLIES AND PARAPHERNALIA

SEC. 211. Official ballots. - (1) Official ballots shall be provided by the Commission. They shall be of uniform size and

printed on white security paper to be manufactured before the election with security markings. Each ballot shall be rectangular in shape with stub and detachable coupon containing the serial number of the ballot, and a space for the thumbmark of the voter on the detachable coupon. It shall bear at the top on the middle portion thereof the coat of arms of the Republic of the Philippines, the words "Official Ballot", the name of the city or municipality and province, the date of the election, and the following notice: "Fill out this ballot secretly. Do not put any distinctive mark on any part of the ballot."

(2) The ballot shall contain the offices to be voted for with sufficient space opposite or below the name of each office indicated by horizontal lines where the voter may write the names of the candidates to be voted for.

(3) Nothing shall be printed at the back of the ballot [Sec. 181, BP 881; Sec. 23, RA 7166].

SEC. 212. Election returns. - The election returns shall be of uniform size and of such color as may be determined by the Commission. Copies of returns shall be prepared in the number as prescribed in this Code. Each copy shall bear the name of the office for which it is intended. The returns shall be of special kind of paper so that the entries on the first copy can be clearly reproduced on the other copies thereof [Sec. 212, BP 881].

SEC. 213. Names of candidates in election returns and tally paper. - The names of the candidates for President, Vice-President and Senator and, whenever practicable, those of the candidates for other offices, shall be printed in the election returns and tally paper. Each name shall be followed by a nickname or stage name as indicated in his certificate of candidacy [Sec. 4, RA 6646].

SEC. 214. Printing of official ballots, election returns and

certificates of canvass. - The official ballots, election returns and certificates of canvass shall be printed upon orders of the Commission and under its exclusive supervision and control. The Commission shall determine and provide the necessary security measures in the printing, storage and distribution thereof.

The official ballots and election returns shall be numbered consecutively beginning with No. "1" in each city or municipality; bear the name of the city or municipality in which they are to be used; and be printed as far as practicable, in one (1) continuous process.

The National Printing Office shall be preferred in the printing of official ballots, election returns and certificates of canvass. However, if the Commission determines upon certification by said Office that it does not have the capability to print said forms in the manner provided and within the time-frame set due to the unavailability of adequate facilities and equipment, the Commission may award the printing of said forms to other capable and reputable printers through public bidding.

The National Printing Office or any duly-authorized private printer shall not sub-contract, assign, sublet, or transfer, partially or wholly, directly or indirectly, the printing of said forms [Sec. 163, 1971 EC; Sec. 129, 1978 EC].

SEC. 215. Committee on printing. - The Commission shall constitute a committee on printing composed of a Commissioner of the Commission as Chairman and three (3) members from the Commission, the Commission on Audit, and the printer, respectively.

The major political parties fielding candidates in the election and the citizens arm shall each be entitled to send watchers or representatives to witness the transport of the papers to be used in the printing of official ballots, election returns and certificates of canvass, and the printing, storage

and distribution thereof. Said watchers may file observations or objections, if any, and guard the premises of the printer inside and outside twenty-four (24) hours a day [Sec. 187, BP 881].

SEC. 216. Duties of the committee. - Under such orders or instructions as the Commission may issue, the Committee shall:

(1) Have general supervision and control over the printing of official ballots, election returns and certificates of canvass;

(2) Take charge of the room or rooms where the paper and paraphernalia used in the printing are stored;

(3) Report to the Commission any irregularity which it believes may have been committed; and

(4) Perform such functions as the Commission may direct [Sec. 188, BP 881].

SEC. 217. Other committees. - The Commission shall create such committees as are necessary in the allocation, procurement, verification and shipment of the official ballots, election returns, certificates of canvass and other election forms and paraphernalia [New].

SEC. 218. Distribution of official ballots and election returns. - The Commission shall distribute to each city and municipality the official ballots at the rate of one (1) ballot for every registered voter and an additional ten (10) ballots per precinct, and election returns, at the rate of one (1) set for every precinct.

The provincial, city or municipal treasurer, or such other government official who may be tasked with the duty of storing and distributing election forms and materials, shall keep a record of the quantity and serial numbers of official ballots and election returns allocated to the respective provinces, cities, municipalities and precincts. Copies of such record

shall be furnished the Commission and the duly-authorized representatives of the accredited political parties, organizations, or coalitions which fielded candidates in the election immediately upon distribution but not later than the day after the election. The Commission shall require the issuance of official delivery receipts for the official ballots, election returns and other election forms and paraphernalia [Secs. 186 and 189, BP 881].

No official ballot or election returns shall be delivered to the board of election inspectors earlier than the first hour of election day. However, the Commission may, for justifiable reasons, and after notice to the candidates and the accredited political parties, organizations and coalitions fielding candidates in the election, authorize the delivery of official ballots and election returns to the board of election inspectors at an earlier date [Sec. 186, BP 881].

SEC. 219. Verification and distribution. - The provincial, city, or municipal treasurer, or the official designated by the Commission, shall verify the contents of the boxes of official ballots and election returns received by them in the presence of representatives of the Commission, the Commission on Audit, candidates and political parties, organizations, or coalitions, and keep a record of their receipt and distribution.

SEC. 220. Certificate of canvass and other canvassing forms. - The Commission shall prescribe the form of, and provide, in such number of copies as may be required, every board of canvassers with, certificate of canvass, statement of votes and certificate of canvass and proclamation [Sec. 231, BP 881].

SEC. 221. Tally paper. - At the beginning of the counting of votes, there shall be placed within the view of the board of election inspectors, watchers and the public, a tally paper where the names of all the candidates or issues or questions to be

voted upon shall be written. The third member of the board shall record thereon the votes for each candidate or issue as the chairman of the board reads the ballot [Sec. 161, BP 881].

SEC. 222. Ballot boxes. - The Commission shall provide one (1) ballot box for each precinct on the day of voting. Each ballot box shall contain two (2) compartments, one for valid ballots and the other for spoiled ballots. The boxes shall be uniform in specifications and be provided with such device so that it can be secured in the manner as the Commission may prescribe [Sec. 160, BP 881].

SEC. 223. Voting booths. - During the voting, there shall be in each polling place at least ten (10) voting booths of such size, specifications and materials as the Commission may provide to enable the voters to fill their ballots secretly [Sec. 11, RA 7166].

SEC. 224. Certified list of candidates. - The Commission shall cause to be printed certified lists of candidates containing the names of all candidates for each office to be voted, immediately followed by the nickname or stage name of each candidate as indicated in his certificate of candidacy, and his political party affiliation, if any. Said list shall be posted inside each voting booth during the voting period [Sec. 4, RA 6646].

SEC. 225. Furnishing of ballot boxes, election forms and materials. - The Commission shall prepare and furnish the ballot boxes, election paraphernalia, forms, supplies and materials necessary for the registration of voters and for the conduct of the election.

The official entrusted by law or by the Commission with the custody of the election paraphernalia, forms, supplies and materials shall be responsible for their storage and preservation and for any loss, destruction, impairment, or damage thereof while in

his custody [Sec. 162, BP 881].

SEC. 226. New forms, security markings and devices. - Notwithstanding the preceding provisions, the Commission may use or adopt the latest technological and electronic devices for voting, counting of votes, and canvassing and prescribe new forms, printing materials and security markings for the official ballots, election returns, certificates of canvass and other forms and paraphernalia.

The Commission may prescribe the use of inexpensive official ballots and election returns for barangay elections, plebiscites, referenda, initiatives and recalls, or a different form of ballot to facilitate voting by illiterate or disabled voters, provided that the integrity of the ballots and election returns is assured [Sec. 23, RA 7166; Sec. 181, BP 881).

ARTICLE VII. CASTING AND COUNTING OF VOTES

A. CASTING OF VOTES

SEC. 227. Voting hours. - The casting of votes shall start at seven o'clock in the morning and end at three o'clock in the afternoon of election day, except when there are voters present within thirty (30) meters in front of the polling place who have not yet cast their votes, in which case the voting shall continue to allow said voters to cast their votes without interruption. The poll clerk shall, without delay, prepare a complete list containing the names of said voters consecutively numbered, and the voters so listed shall be called to vote by announcing each name repeatedly three (3) times in the order in which they are listed. Any voter in the list who is not present when his name is called shall not be permitted to vote [Sec. 190, BP 881].

SEC. 228. Preliminaries to the voting. - (1) The board of election inspectors shall meet at the polling place at six thirty o'clock in the morning of election day and see to it that they have the book of voters pertaining to the precinct, list of voters, certified list of candidates, voting booths, ballot box, official ballots, indelible ink, ballpens, and other forms and supplies.

(2) The chairman of the board shall open the ballot box, empty both of its compartments, exhibit them to all those present, then lock its interior covers.

(3) The chairman and two (2) members of the board shall each keep one (1) of the keys to the padlocks during the voting.

(4) The chairman shall forthwith show to the public and the watchers the package of official ballots and the book of voters duly sealed and thereafter break the seals. Such fact shall be entered in the minutes together with the number of pads and the serial numbers of the ballots.

(5) The ballot box shall remain locked until the voting is finished and the counting begins. However, if it should become necessary to make room for more ballots, the board may, in the presence of the members and the watchers, open the box; the chairman shall press down with his hands the ballots contained therein without removing any of them; and thereafter the board shall again close the box and lock it [Sec. 191, BP 881].

SEC. 229. Persons allowed in and around the polling place. - During the voting, only the following persons shall be allowed inside the polling place:

(1) The members of the board;

(2) The watchers;

(3) The representatives of the Commission;

(4) The voters casting their votes;

(5) The voters waiting for their turn to use the booth, whose number shall not exceed twice the number of booths; and

(6) The voters waiting for their turn to cast their votes, whose number shall not exceed twenty (20) at any one time.

It shall be unlawful for any officer or member of the Armed Forces of the Philippines or the Philippine National Police or any peace officer or armed person belonging to any extra-legal police agency, special force, reaction force, strike force, Civil Armed Forces Geographical Units (CAFGUs), barangay tanod units, or other similar forces or para-military forces, including security guards, special policemen, and all other armed or unarmed extra-legal police officers, to enter any polling place or an area within a radius of thirty (30) meters thereof, except to vote, but in such case he shall immediately leave the polling place after voting.

However, the board may, if it deems necessary, order in writing for the detail of a policeman or any peace officer for their protection or for the protection of the election documents and paraphernalia. Such order shall be entered in the minutes. Said policeman or peace officer shall stay outside the polling place near enough to be easily called by the board at any time.

No policeman or peace officer shall enter or stay inside the polling place except when there is an actual disturbance of the peace and order therein. In no case shall the said policeman or peace officer prevent or obstruct in any manner the free access of the voters to the polling place.

No barangay official shall enter any polling place except to vote, in which case, he shall leave the polling place immediately after voting [Sec. 192, BP 881].

SEC. 230. Challenge against illegal voters. - (1) Any voter

or watcher may challenge any person offering to vote:

(a) For not being registered;

(b) For using the name of another; or

(c) For suffering from any disqualification.

In such case, the board shall satisfy itself as to whether or not the ground is true by requiring proof relative to the registration, the identity, or qualification of the voter.

(2) No voter shall be required to present his voter's identification card on election day unless his identity is challenged. Failure to produce his voter's identification card shall not preclude him from voting if his identity may be shown from the photograph, fingerprints, or specimen signatures in his registration record in the book of voters or if he is identified under oath by a member of the board. Such identification shall be reflected in the minutes of the board [Sec. 199, BP 881].

SEC. 231. Challenge based on certain illegal acts. - Any voter or watcher may challenge any voter offering to vote on the ground that the challenged person has:

(1) Received or expects to receive, paid, offered, or promised to pay, contributed, offered, or promised to contribute money or anything of value as consideration for his vote or for the vote of another;

(2) Made or received a promise to influence the giving or withholding of any such vote; or

(3) Made a bet or is interested directly or indirectly in a bet which depends upon the result of the election.

The challenged person shall take an oath before the board that he has not committed any of the acts alleged. Upon taking such oath, the challenge shall be dismissed and the voter, allowed to vote. However, in case of his refusal to take such

oath, the challenge shall be sustained and he shall not be allowed to vote [Sec. 200, BP 881].

SEC. 232. Admission of challenged vote immaterial in criminal proceedings. - The admission of the challenged vote under the two (2) preceding sections shall not be conclusive upon any court as to the legality of the registration of the voter challenged or his vote in a criminal action for illegal registration or voting [Sec. 201, BP 881].

SEC. 233. Record of challenges and oaths. - The poll clerk shall keep a record of challenges and oaths and the resolution of the board in each case and, upon the termination of the voting, certify that it contains all the challenges made. The original of this record shall be attached to the original copy of the minutes of the voting [Sec. 202, BP 881].

SEC. 234. Order of voting. - The voters shall vote in the order of their entrance to the polling place and immediately depart after having cast their votes [Sec. 193, BP 881].

SEC. 235. Manner of obtaining ballot. - The voter shall approach the chairman of the board and give his name, address and other data concerning his person. In case any member of the board doubts his identity, the board shall check his voter's identification card, or, if he has none, the board shall refer to his registration record in the book of voters.

If the board is satisfied with the voter's identity, the chairman shall announce his name in a tone loud enough to be heard throughout the polling place. If such voter has not been challenged, or if, having been challenged, the question has been decided in his favor, the voter shall affix his signature in the voting record.

The chairman shall enter the serial number of the ballot in the voting record, authenticate the ballot, apply indelible ink

on the voter's right forefinger nail, and thereafter deliver to the voter the ballot correctly folded. No person other than the chairman shall deliver official ballots nor shall more than one (1) ballot be delivered to any voter at one time [Sec. 194, BP 881].

SEC. 236. Use of indelible ink. - Before delivering the ballot to the voter, the chairman of the board shall apply a drop of indelible ink on the voter's right forefinger nail or, if there be none, on any available fingernail. A voter who, for any reason, refuses to be stained with indelible ink or whose finger already shows stain of indelible ink shall not be given a ballot. Such facts shall be entered in the minutes of the board [Sec. 198 (d) BP 881, Amended].

SEC. 237. Authentication of the ballot. - Before delivering a ballot to the voter, the chairman of the board shall, in the presence of the voter, affix his signature at the back thereof [Sec. 24, RA 7166].

SEC. 238. Manner of voting. - Voting shall be conducted in the following sequence:

(1) The voter, upon receiving his ballot, shall proceed to a voting booth and there fill his ballot by writing in the proper space for each office the name of the candidate for whom he desires to vote [Sec. 195, BP 881].

(2) After the voter has filled his ballot, he shall fold it in the same manner as when he received it and return it to the chairman.

(3) The chairman shall, within the view of the voter and the members of board and without unfolding the ballot or seeing its contents, verify its serial number from the voting record where it was previously entered.

(4) In the presence of the members of the board, the voter

shall affix his thumbmark on the corresponding space in the coupon.

(5) The voter shall affix his thumbmark beside his signature in the voting record.

(6) The chairman shall sign the voting record.

(7) The chairman shall, after finding everything to be in order, detach the coupon in the presence of the voter and the other members of the board and deposit the folded ballot in the compartment for valid ballots, and the detached coupon, in the compartment for spoiled ballots.

(8) The voter shall then depart [Sec. 198, BP 881, Amended].

SEC. 239. Prohibitions on voting. - It shall be unlawful for a voter to:

(1) Use a booth being used by another;

(2) Fill his ballot accompanied by another, except in the case of an illiterate or disabled voter;

(3) Fill his ballot for a time longer than necessary;

(4) Prepare the ballot without using the voting booth;

(5) Exhibit the contents of the ballot to any person;

(6) Erase any printing from the ballot;

(7) Intentionally tear or deface the same;

(8) Put any distinguishing mark thereon;

(9) Use carbon paper, paraffin paper, or other means of making a copy of the contents of the ballot; or

(10) Make use of any other scheme to identify his vote [Sec. 195, BP 881].

SEC. 240. Preparation of ballots for illiterate and disabled voters. - No voter shall be allowed to vote as illiterate or physically disabled unless that fact is so indicated in his registration record.

A voter who is illiterate or physically unable to prepare the ballot by himself may be assisted in the preparation of his ballot by a relative within the fourth civil degree of affinity or consanguinity, or if he has none, by any person of his confidence who belongs to the same household, or by any member of the board.

In no case shall an assistor, unless he is a member of the board, assist more than three (3) times. The assistor shall prepare the ballot in the presence of the illiterate or disabled voter using the voting booth. He shall bind himself in writing under oath:

(1) To fill out the ballot strictly in accordance with the instructions of the voter;

(2) Not to influence the voter to vote for or against any candidate or issue; and

(3) Not to reveal the contents of the ballot prepared by him [Sec. 196, BP 881].

SEC. 241. Spoiled ballots. - If a voter should accidentally spoil or deface a ballot in such a way that it cannot be validly used, he shall surrender it folded to the chairman who shall note in the voting record that said ballot is spoiled. The members of the board shall, without unfolding the ballot and without removing the detachable coupon, mark it with the word "SPOILED," affix their signatures thereon, and drop it in the compartment for spoiled ballots. The voter shall then be entitled to another ballot.

A voter may be allowed to change his ballot only once [Sec. 197, BP 881, Amended].

Any ballot returned to the chairman whose detachable coupon has been removed not in the presence of the board and of the voter, or any ballot whose serial number does not coincide with

the serial number of the ballot delivered to the voter, as entered in the voting record, shall be considered as spoiled and be so marked and signed by the members of the board [Sec. 198, BP 881].

SEC. 242. Disposition of unused ballots. - The chairman shall tear in half lengthwise all unused ballots without removing the stubs and detachable coupons in the presence of the members of the board and the watchers. One-half shall be placed in a sealed envelope and submitted to the election officer; and the other half, inside the compartment of the ballot box for spoiled ballots. Such fact shall be entered in the minutes of the board [Sec. 204, BP 881, Amended].

SEC. 243. Minutes of voting and counting of votes. - The board shall prepare and sign two (2) copies of the minutes of voting and counting of votes in a prescribed form setting forth therein such data as the Commission may require. Copies of the minutes shall be sealed in separate envelopes and be distributed as follows: the original, to the election officer who shall in turn transmit the same to the Commission in Manila; and the second copy to be deposited inside the compartment of the ballot box for valid ballots [Sec. 203, BP 881, Amended].

SEC. 244. Prohibition on premature announcement of voting. - No member of the board shall, before the termination of the voting, make any announcement as to whether a certain registered voter has already voted or not, how many have already voted, or how many so far have failed to vote, or any other fact tending to show or showing the state of the polls [Sec. 205, BP 881, Amended].

B. COUNTING OF VOTES

SEC. 245. Counting to be public and without interruption. - As soon as the voting is finished, the board of election inspectors shall count publicly the votes cast in the polling place. Unless otherwise ordered by the Commission, the board shall not adjourn, postpone, or delay the count until it has been completed [Sec. 206, BP 881].

SEC. 246. Transfer of venue for counting. - The Commission may, in the interest of free, orderly, honest, peaceful and credible elections, order the board to count the votes and accomplish the election returns and other forms in any other place, preferably a public building [Sec 206, BP 881, Amended].

If, on account of imminent danger of violence, terrorism, disorder, or similar causes, it becomes necessary to transfer the counting of votes to a safer place, the board may effect the transfer by its unanimous approval with concurrence of the majority of the watchers present. This fact shall be recorded in the minutes of voting and attested to by the members of the board and the watchers [Sec. 18, RA 6646].

SEC. 247. Rules for appreciation of ballots. - In the reading and appreciation of ballots, every ballot shall be presumed to be valid unless there is clear and good reason to justify its rejection. The board shall bear in mind that the object of the election is to obtain the expression of the voters' will [Sec. 211, BP 881].

The Commission shall promulgate the necessary rules on the appreciation of ballots based on jurisprudence on the matter [New].

SEC. 248. Excess ballots. - Before proceeding to count the votes, the board shall count the ballots contained in the com-

partment for valid ballots without unfolding them or exposing their contents, except to ascertain that no ballots are folded together. It shall compare the number of ballots with the number of voters who voted. If there are more ballots than voters who voted, all the ballots shall be returned to the box and thoroughly mixed therein. The poll clerk, without seeing the ballots and with his back to the box, shall publicly draw out as many ballots as may be equal to the excess. Without unfolding them, he shall then place them in an envelope which shall be marked "EXCESS BALLOTS" and which shall be sealed and signed by the members of the board. The envelope shall be placed in the compartment for valid ballots, but its contents shall not be read in the counting of votes. Ballots found folded together before they were deposited in the box shall be placed in the envelope for excess ballots [Sec. 207, BP 881].

SEC. 249. Ballots with detachable coupon. - In case ballots be found in the box with their detachable coupons still intact, such coupons shall be removed and deposited in the compartment for spoiled ballots, and the ballots included in the pile of valid ballots. If ballots with the word "SPOILED" be found in the box, such ballots shall be placed in the compartment for spoiled ballots [Sec. 207, BP 881].

SEC. 250. Marked ballots. - The board shall determine by unanimous vote whether or not there are any marked ballots, and, if any be found, they shall not be counted but shall be placed in an envelope labelled "MARKED BALLOTS". The envelope shall be sealed and signed by the members of the board and placed in the compartment for valid ballots. Non-official ballots shall be considered as marked ballots [Sec. 208, BP 881].

SEC. 251. Spoiled ballots. - Ballots found in the compartment for spoiled ballots shall be presumed to be spoiled ballots,

whether or not they contain such notation. If any valid ballot was erroneously deposited therein, the board shall open said compartment after the voting and before the counting of votes to draw out said ballot and place the same in the compartment for valid ballots. These facts shall be entered in the minutes of voting [Sec. 209, BP 881].

SEC. 252. Manner of counting votes. - In reading the individual official ballot, the members of the board shall assume such position as to provide the watchers and the public unimpeded view of the ballot being read by the chairman, and of the election returns and tally paper being simultaneously accomplished by the poll clerk and the third member, respectively. The watchers and the public shall not touch any of these election documents. The table shall be cleared of all unnecessary writing paraphernalia [Sec. 25, RA 7166].

The board shall unfold the ballots and form separate piles of one hundred (100) ballots each. The chairman of the board shall take the ballots of the first pile one by one and read the names of candidates voted for and the offices for which they were voted in the order in which they appear thereon [Sec. 210, BP 881].

The poll clerk and third member shall record each vote as the names of the candidates voted for are read.

Each vote shall be recorded by a vertical line, except every fifth vote which shall be recorded by a diagonal line crossing the previous four (4) vertical lines. After finishing the first pile of ballots, the board shall determine the subtotal of the votes received by each candidate, which shall be recorded in the tally paper and the election returns. In case of any discrepancy, such recount as may be necessary shall be made. The ballots shall then be grouped together again as before the

reading. Thereafter, the same procedure shall be followed with the second pile of ballots, and so on successively.

After all the ballots have been read, the board shall sum up the subtotals recorded for each candidate, and record the aggregate sum in the tally paper and election returns. It shall then place the counted ballots in an envelope provided for the purpose, which shall be signed and deposited in the compartment for valid ballots. The tally paper as accomplished and certified by the board shall be kept in the compartment for valid ballots [Sec. 210, BP 881].

SEC. 253. Preparation of election returns. - The board shall prepare in handwriting the election returns simultaneously with the counting of the votes in the polling place in such number of copies as provided herein. The entry of votes for each candidate shall be closed with the signatures and clear imprints of the right thumb of all the members to be affixed in full view of the public, immediately after the last vote recorded or immediately after the name of the candidate who did not receive any vote.

The returns shall also show the date of the election, the precinct number, the barangay and the city or municipality and province in which it was held, and such information as the Commission may require. The total number of votes obtained by each candidate shall be written in words and figures. The board of election inspectors shall certify that the contents thereof are correct and affix their signatures and right thumbprints.

Immediately upon the accomplishment of the election returns, each copy thereof shall be sealed in the presence of the watchers and the public and placed in the proper envelope, which shall likewise be sealed and distributed as herein provided [Sec. 212, BP 881].

SEC. 254. Distribution of election returns. - The copies of the election returns shall be distributed as follows:

(1) In the election of national officials:

(a) The first copy, to the provincial board of canvassers;

(b) The second copy, to Congress through the President of the Senate;

(c) The third copy, to the Commission;

(d) The fourth copy, to be deposited inside the ballot box;

(e) The fifth copy, to be known as advance election returns, to the city or municipal treasurer who shall, in the presence of the election officer or his authorized representative, immediately and publicly open the same and post the votes therein in a tally board sufficiently large for public viewing, preferably within the vicinity of the city or municipal hall; and

(f) The sixth copy, to the media-based organization authorized by the Commission to conduct an unofficial count.

(2) In the election of local officials:

(a) The first copy, to the city or municipal board of canvassers;

(b) The second copy, to the Commission;

(c) The third copy, to the provincial board of canvassers;

(d) The fourth copy, to be known as advance election returns, to the city or municipal treasurer who shall, in the presence of the election officer or his authorized representative, immediately and publicly open the same and post the votes therein in a tally board

sufficiently large for public viewing, preferably within the vicinity of the city or municipal hall;

(e) The fifth copy to the media-based organization authorized by the Commission to conduct an unofficial count; and

(f) The sixth copy to be deposited inside the ballot box [Sec. 27, RA 7166];

The Commission may, when technological advancement allows, provide copies of election returns to accredited political parties [New].

SEC. 255. Corrections in the election returns. - Any correction made in the election returns by the board before the announcement of the results of the election in the polling place shall be duly initialed by all its members.

After the announcement of the results had been made, the board shall not make any correction in any of the copies of the election returns unless so ordered by the Commission upon petition of the members of the board within five (5) days from the date of the election or twenty-four (24) hours from the time a copy of the election returns is opened by the board of canvassers, whichever is earlier. The petition shall be accompanied by proof of service upon all candidates affected.

If the results of the election would not be affected by said correction and none of the candidates affected objects thereto, the Commission shall, upon being satisfied of the veracity of the petition and of the error alleged therein, order the board to make the proper correction thereon.

Should a candidate affected by said petition object thereto and the results of the election would be affected by the correction sought to be made, the Commission shall proceed summarily to hear the petition. If it finds the petition meritorious and the

correction sought is such that can be made without need of opening the ballot box, the Commission shall order that proper correction be made. Otherwise, it shall order the opening of the ballot box and recount of votes after satisfying itself that the identity and integrity of the ballot box have not been violated and that the integrity of the ballots therein has been preserved [Sec. 216, BP 881].

SEC. 256. Proclamation of election result. - Upon the completion of the election returns, the chairman of the board shall publicly announce the total number of votes received by every candidate for each office [Sec. 213, BP 881].

SEC. 257. Certificates of votes obtained by candidates. - After the announcement of the results of the election and before leaving the polling place, it shall be the duty of the board, upon request of any watcher, to issue a certificate of votes obtained by his candidate and other candidates for the same office [Sec. 215, BP 881; Sec. 16, RA 6646].

The certificate shall contain the name and number of votes obtained by each candidate concerned written in words and figures, the precinct number, the name of the city or municipality and province, the total number of voters who voted, and the date and time issued, and shall be signed and thumbmarked by each member of the board [Sec. 16, RA 6646].

SEC. 258. Delivery and custody of ballot boxes, keys, election supplies and documents. - After the counting of votes, the board shall place in the compartment for valid ballots the used and unused ballots in their respective envelopes, the tally paper, a copy of the election returns and minutes of voting and counting, and then lock the ballot box. The ballot box shall immediately be delivered by the board and the watchers to the city or municipal treasurer or such other officials designated by

the Commission, who shall keep his office open all night on the day of the election if necessary for this purpose, and provide the necessary facilities for said delivery at the expense of the city or municipality.

The book of voters, supplies and all pertinent papers and documents shall be returned to the election officer, who shall keep it under his custody. The election officer and the treasurer or such other government official designated by the Commission, as the case may be, shall, on the day after the election, require the members of the board who failed to send the items referred to herein to deliver the same immediately and thereafter acknowledge receipt thereof [Sec. 217, BP 881].

SEC 259. Preservation of ballot boxes; Disposition of contents. - (1) The Commission shall issue instructions regarding the custody and safekeeping of the ballot boxes.

(2) The city and municipal treasurers or such other government officials designated by the Commission shall keep the ballot boxes under their responsibility for three (3) months, stored unopened in a secured place, unless the Commission orders otherwise, provided these are not involved in any election contest or official investigation, or the Commission or other competent authority demands them sooner or orders their preservation for a longer time in connection with any pending contest or investigation. However, upon showing by any candidate that the boxes will be in danger of being violated if kept in the possession of such officials, the Commission may order them kept by any other official whom it may designate.

After the lapse of three (3) months and if there should be no order to the contrary, the Commission may authorize the city or municipal treasurer or the designated official to open the boxes and burn their contents in the presence of the representa-

tives of the Commission, Commission on Audit and political parties or candidates, except the minutes of voting and the election returns deposited therein, which said official shall preserve.

(3) In case of calamity or fortuitous event such as fire, flood, or storm, which may cause damage to the ballot boxes and/or their contents, the Commission may authorize the opening of said ballot boxes and the transfer of the ballots and other contents to other ballot boxes, taking such precautions as may be necessary to preserve such documents [Sec. 219, BP 881].

SEC. 260. Preservation of voting record. - The voting record of each precinct shall be delivered to the election officer, who shall have custody of the same and keep them in a safe place until such time that the Commission shall give instructions on their disposition [Sec. 218, BP 881].

SEC. 261. Documents omitted or erroneously placed inside the ballot box. - If, after the delivery of the keys of the ballot box to the proper authorities, the board shall discover that the ballot box does not contain certain documents required to be placed therein or contains documents not intended therefor, the board shall, without opening the ballot box, deliver the same to the Commission or its duly-authorized representatives.

In no case shall the ballot box be reopened to place therein or remove therefrom any document except to retrieve copies of the election returns which will be needed in any canvass, investigation, or election contest, and upon notice to the members of the board and watchers of candidates of the time and place of the opening of said ballot box. If there are other copies of the election returns outside of the ballot box which can be used in the canvass, such copies of the election returns shall be used in said canvass and the opening of the ballot box to retrieve the copies of the election returns placed therein shall then be

dispensed with [Sec. 220, BP 881].

ARTICLE VIII. CANVASS AND PROCLAMATION

SEC. 262. Board of canvassers. - There shall be a board of canvassers for each province, city, municipality, and district of metropolitan Manila as follows:

(1) Provincial board of canvassers - to be composed of the provincial election supervisor or a ranking lawyer of the Commission as chairman, the chief provincial prosecutor as vice-chairman, and the provincial superintendent of schools as member-secretary.

(2) City board of canvassers - to be composed of the city election officer or a lawyer of the Commission as chairman, the city prosecutor as vice-chairman, and the city superintendent of schools as member-secretary.

In cities with more than one (1) election officer, the Commission shall designate who shall be the chairman.

(3) District board of canvassers of metropolitan Manila - to be composed of a lawyer of the Commission as chairman, a ranking public prosecutor in the district as vice-chairman, and the most senior district school supervisor in the district as member-secretary [Sec. 222(c), BP 881].

(4) Municipal board of canvassers - to be composed of the election officer or an officer of the Commission as chairman, the municipal treasurer as vice-chairman, and the most senior district school supervisor or a principal of the district as member-secretary.

For purposes of the regional elections in the Autonomous Region in Muslim Mindanao, a board of canvassers for each province therein and for the region shall be constituted as follows:

A provincial board of canvassers with the same membership as provided in No. 1 hereof; and a regional board of canvassers to be composed of a regional election director or a ranking lawyer of the Commission as chairman, an officer of equivalent rank in the Department of Justice as vice-chairman, and an officer, also of equal rank, in the Department of Education, Culture and Sports in the autonomous region as member-secretary [Sec. 2, RA 7647].

For the barangay elections, a barangay board of canvassers shall be constituted in each barangay with more than one (1) precinct to be composed of the senior public school teacher in the barangay as chairman and two (2) other public school teachers, one as vice-chairman and the other as member-secretary.

In case the number of public school teachers is inadequate, the Commission shall designate the chairman and members of the barangay board of canvassers from among the chairmen and members of the boards of election inspectors of the precincts in the barangay [Sec. 104, Res. 2022-A].

In barangays with only one (1) precinct, the board of election inspectors shall act as the barangay board of canvassers [Sec. 100, Res. 2022-A].

SEC. 263. Supervision and control over board of canvassers. - The Commission shall have direct control and supervision over the board.

Any member of the board may, at any time, be relieved for cause and substituted by the Commission.

SEC. 264. Substitution of members of board of canvassers. - In case any member of the board is not available, is absent, disqualified due to relationship, incapacitated for any cause, or relieved for cause, the Commission shall appoint as substitute chairman, a lawyer or official of the Commission, and as substitute members, other representatives from the different agencies

of the government [Sec. 2, RA 7166].

The foregoing power of the Commission may be delegated to the Commissioner-in-Charge of the region [New].

SEC. 265. Disqualification due to relationship. - No person related within the fourth civil degree of consanguinity or affinity to any of the candidates or to any other member of the board of canvassers shall be appointed as chairman or member thereof [Sec. 222, BP 881].

SEC. 266. Prohibition against leaving official station. - No member of any board of canvassers, including any substitute, shall be transferred, assigned, or detailed outside of his official station, nor shall he leave said station within five (5) days immediately preceding election day until the proclamation of the winning candidates without prior authority of the Commission [Sec. 223, BP 881].

SEC. 267. Proceedings of board of canvassers. - The proceedings of the board shall be open and public [Sec. 20, RA 6646].

A majority vote shall be necessary for the board to render a decision [Sec. 225, BP 881].

SEC. 268. Notice of meetings of the board. - At least five (5) days before the initial meeting of the board, the chairman shall give written notice of the date, time and place of the meeting to each member, candidate and political party fielding candidates for election in the political subdivision concerned. Similar notice shall be given for subsequent meetings unless notice has been given in open session of the board. Notice given in open session shall be recorded in the minutes of the proceedings. Proof of service of notice shall be attached to, and form part of, the records of the proceedings [Sec. 23, RA 7166].

SEC. 269. Delivery and transmittal of election returns. - The election returns, duly sealed and placed inside an envelope,

likewise to be sealed, shall be personally delivered by the board of election inspectors under receipt signed by all the members of the board of canvassers as follows:

(1) Copy for the city or municipal board of canvassers - to the chairman of the board; and

(2) Copies for the provincial and district boards of canvassers - to the election officer, who shall transmit the same to the respective chairmen of the provincial and district boards of canvassers.

The election officer concerned shall place all the returns intended for the board of canvassers inside a ballot box properly locked and sealed and personally transmit the same to the board of canvassers.

Watchers of candidates, political parties, organizations, or coalitions and the citizens arm shall have the right to accompany the board of election inspectors or the election officer in the delivery of the ballot box containing the election returns [Sec. 229, BP 881].

SEC. 270. Safekeeping of transmitted election returns. - The board shall keep the ballot boxes containing the election returns in a safe and secured room or place as may be agreed upon by the candidates. The watchers of candidates, political parties, organizations, or coalitions and the citizens arm shall have the right to guard the room or place [Sec. 229, BP 881].

SEC. 271. Canvass by board of canvassers. - The board shall meet not later than six o'clock in the afternoon of election day at the place designated by the Commission to receive the election returns and immediately canvass those that may have already been received. It shall meet continuously from day to day until the canvass is completed, and may adjourn only for the purpose of awaiting the other election returns.

Before the start of the canvass, the board shall enter the precinct numbers consecutively in the statement of votes by precinct. Each time the board adjourns, it shall determine the total number of votes received by each candidate in each precinct as of its adjournment, using the form prescribed for the purpose. The board shall record the same together with the number of precincts canvassed for the day, furnish the Commission in Manila through the fastest means of communication a certified copy thereof, and make available the data contained therein to the mass media and other interested parties requesting the same. As soon as the other election returns are delivered, the board shall immediately resume canvassing until all the returns have been canvassed.

Upon completion of the canvass, the board shall prepare a certificate of canvass, duly signed and bearing the thumbprint of each member, supported by a statement of the votes received by each candidate in each precinct and, on the basis thereof, proclaim as elected the candidates who obtained the highest number of votes cast in the province, district, city, or municipality. Failure to comply with these requirements shall constitute an election offense.

Subject to reasonable exceptions, the board must complete its canvass within thirty-six (36) hours in municipalities, forty-eight (48) hours in cities, or seventy-two (72) hours in provinces [Sec. 231, BP 881].

SEC. 272. Canvassing committees. - The board of canvassers may constitute such number of canvassing committees as may be necessary to enable it to complete the canvass within the period prescribed under the immediately preceding section. Each committee shall be composed of three (3) members to be designated by the chairman and members of the board. All candidates shall be

notified in writing, at least three (3) days before the election, of the number of committees to be constituted so that they can designate their watchers in each committee. The committees shall be under the direct supervision and control of the board [Sec. 22, RA 6646].

SEC. 273. Canvassing by provincial, city, district and municipal boards of canvassers. - (1) The board of canvassers for cities that do not comprise one (1) legislative district or the municipal board of canvassers shall canvass the election returns for city or municipal officials and thereafter proclaim the elected city or municipal officials, as the case may be.

(2) The city board of canvassers for cities comprising one (1) or more legislative districts shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective city officials. Upon completion of the canvass, the board shall prepare the certificate of canvass for President, Vice-President, and Senators and thereafter proclaim the elected Members of the House of Representatives and city officials.

(3) (a) In metropolitan Manila, each municipality comprising a legislative district shall have a district board of canvassers which shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective municipal officials. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President, Senators, and thereafter proclaim the elected Members of the House of Representatives and municipal officials.

(b) The component municipality in a legislative district in metropolitan Manila shall each have a municipal board of canvassers which shall canvass the election returns for elective

municipal officials and thereafter proclaim the winning candidates for municipal officials.

(c) The district board of canvassers of each legislative district comprising two (2) municipalities in metropolitan Manila shall canvass the election returns for President, Vice-President, Senators and Member of the House of Representatives submitted by the boards of election inspectors of the component municipalities. Upon completion of the canvass, it shall prepare a certificate of canvass for President, Vice-President and Senators and thereafter proclaim the winning candidate for Member of the House of Representatives in the legislative district.

(4) The provincial board of canvassers shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective provincial officials as submitted by the boards of election inspectors of municipalities and component cities. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President and Senators, and thereafter proclaim the winning candidates for Members of the House of Representatives and provincial offices.

With respect to the regional elections in the Autonomous Region in Muslim Mindanao, the provincial board of canvassers shall canvass the election returns submitted by the board of election inspectors and upon completion thereof, prepare the certificate of canvass for governor and vice-governor, and thereafter proclaim the elected members of the Regional Assembly.

The regional board of canvassers shall canvass the certificates of canvass submitted by the provincial boards of canvassers in the region and thereafter proclaim the elected candidates for governor and vice-governor [Sec. 28, RA 7166].

SEC. 274. <u>Distribution of certificates of canvass</u>. - With

respect to the election for President, Vice-President and Senator, the provincial board of canvassers and board of canvassers for cities with one (1) or more legislative districts and district boards of canvassers in metropolitan Manila shall prepare a certificate of canvass supported by statement of votes by precinct, and in proper cases, by municipality, in seven (7) copies with the use of carbon paper or such other means or material as the Commission shall prescribe to the end that all seven (7) copies shall be legibly reproduced in one handwriting. All copies of said certificate of canvass must bear the signatures and thumbmarks of all the members of the board. Upon the completion of these certificates of canvass and statements of votes, they shall each be enclosed and sealed in the corresponding envelopes furnished by the Commission and immediately distributed as follows:

(1) The first copy, to Congress, through the President of the Senate, for the canvass of election results for President and Vice-President;

(2) The second copy, to the Commission, for the canvass of the election results for Senators;

(3) The third copy, to the chairman of the board;

(4) The fourth copy, to the citizens arm designated by the Commission to conduct a media-based unofficial count; and

(5) The fifth, sixth and seventh copies, to the three (3) major political parties. The Commission shall decide which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 98 hereof. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay [Sec. 29(b), RA 7166].

SEC. 275. Election returns with serial number different

from assigned number. - Any election returns with serial number different from that assigned to a precinct shall not be canvassed unless the Commission orders in writing for its canvassing. The variance shall be determined by the board prior to its canvassing on the basis of the certification of the city or municipal treasurer or the election officer as to the serial number of the election returns assigned to said precinct [Sec. 212, BP 881].

SEC. 276. When election returns are delayed, lost or destroyed. - In case its copy of the election returns is missing, the board of canvassers shall, by messenger or otherwise, obtain such missing election returns from the board of election inspectors concerned, or, if said returns has been lost or destroyed, the board of canvassers, upon prior authority of the Commission, may use any of the authentic copies or a certified copy thereof issued by the Commission. The Board shall investigate the case and immediately report the matter to the Commission.

The board of canvassers, notwithstanding the fact that not all the election returns have been received, may terminate the canvass and proclaim the winning candidates on the basis of the available election returns if the missing election returns will not affect the results of the election [Sec. 233, BP 881].

SEC. 277. Material defects in election returns. - If the name of any candidate and/or his votes have been omitted from the election returns, the board of canvassers shall require the board of election inspectors concerned to complete the necessary data in the election returns and affix their initials thereon.

If the votes omitted in the returns cannot be ascertained by other means except by recounting the ballots, the Commission shall, after satisfying itself that the identity and integrity of the ballot box and the ballots therein have not been vio-

lated, order the board of election inspectors to count the votes for the candidate whose votes have been omitted, with notice to all candidates or political parties, and thereafter complete the returns [Sec. 234, BP 881].

278. When election returns appear to be tampered with or falsified or no election returns have been submitted. - If the election returns submitted to the board of canvassers appear to be tampered with, altered or falsified after they have left the hands of the board of election inspectors, or are otherwise not authentic, or were prepared by the board of election inspectors under duress, force, intimidation, or prepared by persons other than the members of the board of election inspectors, the board shall use any of the other copies of said election returns and, if necessary, the copy inside the ballot box, which may be retrieved upon previous authority given by the Commission.

If all the other copies of the returns are likewise tampered with, altered, falsified; not authentic, prepared under duress, force, intimidation, or prepared by persons other than the members of the board of election inspectors, the board of canvassers or any candidate affected shall bring the matter to the attention of the Commission. The Commission shall, after giving notice to all candidates concerned and after satisfying itself that the identity and integrity of the ballot box and the ballots therein have not been violated, order the board of election inspectors to recount the votes of the candidates affected and prepare a new return to be used by the board [Sec. 235, BP 881].

The foregoing remedies shall also apply where no election returns has been submitted to the board of canvassers [New].

SEC. 279. Discrepancies in election returns. - In case it appears to the board of canvassers that there exist discrepancies in the other authentic copies of the election returns from a

precinct or discrepancies in the votes of any candidate in words and figures in the same returns, and the difference affects the results of the election, the Commission shall, upon motion of the board of canvassers or any candidate affected and after due notice to all candidates or political parties concerned, and after satisfying itself of the integrity of the ballot box and the ballots therein, order the recount of the votes cast [Sec. 236, BP 881].

SEC. 280. Correction of manifest errors. - The board of canvassers, or the Commission in appropriate cases, may, motu proprio or upon written motion by an interested party, order the correction of manifest errors in any of the following cases:

(1) When a copy of the election returns or certificate of canvass was tabulated more than once;

(2) When two (2) or more copies of the election returns of one precinct, or two (2) or more copies of the certificate of canvass were tabulated separately;

(3) When there had been a mistake in the copying of the figures into the statement of votes or into the certificate of canvass; or

(4) When returns from non-existent precincts were included in the canvass [New].

SEC. 281. Certificate of votes as evidence. - The certificate of votes shall be admissible in evidence to prove tampering, alteration, falsification or any irregularity committed in the election returns when duly authenticated by testimonial or documentary evidence presented to the board of canvassers by all the members of the board of election inspectors who issued the certificate. Failure to present a certificate of votes shall not be a bar to the presentation of other evidence to impugn the authenticity of the election returns [Sec. 17, RA 6646].

SEC. 282. When integrity of ballots is violated. - If, upon opening the ballot box as ordered by the Commission under Sections 276, 277 and 278 hereof, it should appear that there are signs of tampering or violation of the integrity of the ballots, the Commission shall not recount the ballots but shall forthwith seal the ballot box and order its safekeeping and may, if the votes in the precinct concerned affect the result of the election, call a special election [Sec. 237, BP 881, Amended].

SEC. 283. Canvass of unquestioned returns to continue. - In cases under Sections 275, 276, 277 and 278 hereof, the board shall continue the canvass of the remaining or unquestioned election returns. If, after the canvass of all the said returns, it should be determined that the returns which have been set aside will affect the result of the election, no proclamation shall be made except upon order of the Commission, after due notice and hearing.

Any proclamation made in violation hereof shall be null and void [Sec. 238, BP 881].

SEC. 284. Canvass of votes for Senators. - Thirty (30) days after the elections, the Commission sitting en banc and acting as the National Board of Canvassers for Senators shall convene and publicly count the votes cast for Senators using the certificates of canvass submitted by the provincial and district boards of canvassers. The candidates in the number of Senators to be elected who obtained the highest number of votes shall be declared elected [Sec. 215, 1971 EC, Amended].

SEC. 285. Elections resulting in a tie. - When two (2) or more candidates for the same office have equally received the highest number of votes or received the same number of votes for the last slot, the board shall record this fact in its minutes, and, by resolution, upon five (5) days' notice to all the candi-

dates obtaining the same number of votes, hold a special public meeting for the drawing of lots of the candidates who have tied and proclaim as elected the candidates who may be favored by luck. The board of canvassers shall forthwith issue a certificate stating the name of the candidate who had been favored by luck and his proclamation on the basis thereof. The candidates so proclaimed shall have the right to assume office in the same manner as if he had been elected by plurality vote [Sec. 240, BP 881].

286. Failure to assume office. - The office of any elected official who fails or refuses to take his oath of office within sixty (60) days from his proclamation shall be considered vacant, unless said failure is for a cause or causes beyond his control, in which case he has to take his oath of office and assume the position within one (1) month after the removal of the cause.

The foregoing is without prejudice to any criminal liability that said official may have incurred [Sec. 11, BP 881].

ARTICLE IX. PRE-PROCLAMATION CONTROVERSIES

SEC. 287. Definition. - A pre-proclamation controversy refers to any question affecting the composition or proceedings of the board of canvassers or any matter raised in relation to the preparation, transmission, receipt, custody, or appreciation of the election returns or certificates of canvass [Sec. 241, BP 881].

SEC. 288. Jurisdiction over pre-proclamation controversies. - The Commission shall have exclusive jurisdiction over all pre-proclamation controversies. It may, motu proprio or upon written petition, and after due notice and hearing, suspend the proclamation of any candidate-elect or annul any proclamation, if one has

been made, as the evidence shall warrant [Sec. 242, BP 881].

SEC. 289. Pre-proclamation controversies; Where not allowed. - Pre-proclamation controversies are not allowed in elections for President, Vice-President, Senators, Members of the House of Representatives, and governor and vice-governor of the Autonomous Region. However, the canvassing board may, motu proprio or upon written motion of an interested party, correct manifest errors on the face of the election returns or certificate of canvass or exclude obviously manufactured election returns or certificates of canvass.

Any objection to the election returns or certificates of canvass before the district, city, municipal, provincial or regional board of canvassers shall be specifically noted in the minutes of its proceedings [Sec. 15, RA 7166, Amended].

SEC. 290. Pre-proclamation controversies; Where allowed. - Pre-proclamation controversies involving regional assembly member, provincial, city and municipal offices shall be allowed.

SEC. 291. Pre-proclamation controversies; How commenced. - Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Commission. However, matters raised in relation to the preparation, transmission, receipt, custody and appreciation of the election returns or certificates of canvass shall be brought in the first instance only before the board of canvassers concerned [Sec. 17, RA 7166].

SEC. 292. Issues proper in pre-proclamation controversies. - The following issues may be raised in a pre-proclamation controversy:

(1) Illegal composition or proceedings of the board of canvassers;

(2) The canvassed election returns or certificates of can-

vass are incomplete, contain material defects, appear to be tampered with or falsified, or contain discrepancies in the same returns or in other authentic copies thereof;

(3) The election returns or certificates of canvass were prepared under duress, threats, coercion, or intimidation, or they are obviously manufactured or not authentic; and

(4) When substitute or fraudulent returns or certificates in controverted precincts were canvassed, the results of which materially affected the standing of the aggrieved candidate or candidates [Sec. 243, BP 881, Amended].

SEC. 293. Contested composition or proceedings of the board. - If the question on the composition or proceedings of the board of canvassers is raised before it, the board shall, within twenty-four (24) hours, make a ruling thereon with notice to the contestant. The aggrieved party may appeal the matter to the Commission within three (3) days after the ruling with notice to the board. The Commission shall summarily decide the case within five (5) days from the filing thereof. During the pendency of the case, the board shall suspend the canvass until the Commission orders its resumption, citing the grounds therefor [Sec. 244, BP 881, Amended].

SEC. 294. Procedure in the disposition of contested returns. - (1) Any candidate or political party contesting the inclusion or exclusion of any election returns or certificate of canvass shall submit his or its oral objection to the chairman of the board at the time the questioned returns or certificate is presented for inclusion in the canvass. Such objection shall be recorded in the minutes of the canvass.

(2) Upon receipt of any objection, the board shall automatically defer the canvass of the contested returns or certificates and proceed to canvass the uncontested returns or certificates.

(3) Simultaneous with the oral objection, the objecting party shall enter his objection in the form prescribed by the Commission. Within twenty-four (24) hours from the presentation of such objection, the objecting party shall submit evidence in support thereof, attached to the form for written objections. Within the same period, any party may file a written and verified opposition to the objection in the prescribed form, attaching thereto supporting evidence, if any.

The board shall not entertain any objection or opposition unless reduced in writing in the prescribed form/s and supported by evidence; otherwise, the objection or opposition shall be deemed waived, and the board shall proceed to canvass or rule on the objected returns or certificates, as the case may be.

The evidence attached to the objection or opposition submitted by the parties shall be immediately and formally admitted into the records of the board. The chairman shall affix his signature at the back of each and every page thereof.

(4) Upon receipt of the evidence, the board shall consider the written objections and opposition thereto, if any, and enter its ruling in the prescribed form and authenticate the same with their signatures, furnishing a copy thereof to the parties.

(5) Any party adversely affected by the ruling shall immediately inform the board in writing that he intends to appeal said ruling. The board shall set aside the election returns or certificates objected to and proceed to consider the other returns or certificates. Unless such intent is manifested, the objection is deemed waived, and the election returns or certificates set aside shall be canvassed.

(6) The party who manifested his intent to appeal may, within three (3) days from notice to the board, appeal said ruling to the Commission. He shall furnish a copy thereof to the

board and pay the required appeal fee.

(7) The board shall, immediately upon receipt of a copy of the appeal, elevate to the Commission the complete records and the evidence submitted in the canvass and furnish the parties copies thereof. All documents should be signed by the board at the back thereof before they are transmitted to the Commission.

(8) On the basis of the records and evidence elevated to it, the Commission shall summarily decide the appeal within five (5) days from the receipt of said records and evidence. Any appeal brought before the Commission on the ruling of the board without the accomplished forms and the evidence appended thereto shall be summarily dismissed.

The above provisions notwithstanding, the Commission may motu proprio secure evidence aliunde in order to expedite the proceedings and afford substantive justice.

The decision of the Commission shall be executory five (5) days from receipt thereof by the board.

(9) The board of canvassers shall not proclaim any candidate as winner unless authorized by the Commission after it has ruled on the appeal. Any proclamation made in violation hereof shall be void ab initio, unless the contested returns or certificates of canvass will not adversely affect the results of the elections [Sec. 20, RA 7166].

SEC. 295. Partial proclamation. - Notwithstanding the pendency of any pre-proclamation controversy, the Commission may summarily order the proclamation of the winning candidates not parties to any controversy or whose election will not be affected by the outcome of the controversy [Sec. 247, BP 881].

SEC. 296. Pre-proclamation controversy; When deemed terminated. - All pre-proclamation controversies pending before the Commission shall be deemed terminated at the beginning of the

term of the office involved and the rulings of the board of canvassers concerned shall be deemed affirmed, without prejudice to the filing of an election protest. However, proceedings may continue when, on the basis of the evidence thus far presented, the Commission determines that the petition appears meritorious and accordingly issues an order for the proceedings to continue or when an appropriate order has been issued by the Supreme Court in a petition for certiorari [Sec. 16, RA 7166].

SEC. 297. Effect of petition to annul proclamation. - A petition to annul the proclamation of any candidate may be filed with the Commission within five (5) days from proclamation. The filing of such petition shall suspend the running of the period within which to file an election protest or quo warranto proceedings [Sec. 248, BP 881, Amended].

ARTICLE X. ELECTION CONTESTS

SEC. 298. Election contests. - The term "election contests," when used in this Code, refers to election protest and quo warranto proceedings [New].

SEC. 299. Election protests. - A sworn petition contesting the election of any elective official shall be filed by any candidate who has duly filed a certificate of candidacy and been voted for the same office.

SEC. 300. Petition for quo warranto. - A sworn petition contesting the election of any elective official on the ground of ineligibility or disloyalty to the Republic of the Philippines shall be filed by any voter [Sec. 253, BP 881].

SEC. 301. Jurisdiction over election contests. - Jurisdiction over contests relating to the elections, returns and qualifications of elective officials shall be vested in the following:

(1) Presidential Electoral Tribunal - over contests involving the President and Vice-President;

(2) Senate Electoral Tribunal - over contests involving Members of the Senate;

(3) House of Representatives Electoral Tribunal - over contests involving Members of the House of Representatives;

(4) Commission on Elections - over contests involving regional, provincial and city officials;

(5) Courts of general jurisdiction - over contests involving municipal officials; and

(6) Courts of limited jurisdiction - over contests involving barangay officials [Const.].

SEC. 302. Jurisdiction of the Commission. - The Commission shall exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or elective barangay officials decided by trial courts of limited jurisdiction [Sec. 2(2), Art. IX(C), Const.]

SEC. 303. Period to file election contests. - A verified petition for election contest shall be filed as follows:

(1) For regional, provincial, city or municipal offices - within ten (10) days from proclamation of the results of the election [Secs. 250 and 251, BP 881];

(2) For barangay offices - within five (5) days from proclamation of the results of the election [Sec. 252, BP 881, Amended].

SEC. 304. Hearings of election contests on municipal or barangay offices. - The hearing on election contests in courts of general jurisdiction shall be completed within thirty (30) days

from the date of filing of the petition. The court shall decide the case within thirty (30) days from the date it is submitted for decision, but in every case within six (6) months after its filing [New].

The hearing on election contest in courts of limited jurisdiction shall be completed within ten (10) days from the filing of the petition. The trial court shall decide the election protest within five (5) days from the date it is submitted for decision but in every case within thirty (30) days after the filing thereof [New].

SEC. 305. Procedure in election contests. - The Commission shall prescribe the rules to govern the procedure and other matters relating to the election contest pertaining to all regional, provincial, city, municipal and barangay offices. Such rules shall provide a simple and inexpensive procedure for the expeditious disposition of election contests and be published in at least two (2) newspapers of general circulation [Sec. 254, BP 881, Amended].

SEC. 306. Judicial counting of votes. - Where allegations in a protest or counter-protest so warrant, or whenever in the opinion of the Commission and the court, the interest of justice so requires, it shall immediately order that the ballot boxes containing the ballots and their keys or other documents used in the election be brought before it and that the ballots be examined and the votes recounted [Sec. 255, BP 881].

SEC. 307. Declaration of winner in quo warranto cases. - In quo warranto proceedings, if the winning candidate is disqualified on the ground of ineligibility or disloyalty, the Commission or the court, as the case may be, shall declare as elected the candidate for the same position who obtained the second highest number of votes [New].

SEC. 308. Decision on election contest. - The party who has been declared elected shall have the right to assume office upon finality of judgment.

In case the Commission or the court finds that the protestant, protestee, or intervenor shall have an equal or highest number of votes, it shall order the drawing of lots by those who have tied and proclaim as elected the party who may have been favored by luck. The party so proclaimed shall have the right to assume office as if he had been elected by plurality vote [Sec. 224, 1971 EC, Amended].

SEC. 309. Appeals. - Appeals from any decision rendered by courts of general and limited jurisdiction in election contests shall be filed by the aggrieved party with the Commission within five (5) days from the promulgation of the decision or receipt of a copy thereof.

No motion for reconsideration shall be entertained by the court. The appeal shall be decided within sixty (60) days after the case has been submitted for decision, but not later than six (6) months from the filing of the appeal [Sec. 256, BP 881, Amended; Sec. 22, RA 7166].

Notwithstanding the provisions of the Rules of Court, execution of judgment pending appeal shall not apply to election cases [New].

SEC. 310. Decisions of the Commission. - The Commission shall decide all election cases brought before it within sixty (60) days from the date of their submission for decision. The decision of the Commission shall become final thirty (30) days after promulgation or receipt of judgment [Sec. 257, BP 881].

Decisions, final orders, or rulings of the Commission on election contests involving elective municipal and barangay offices shall be final, executory and not appealable [Sec. 2 (2),

Art. IX(C), Const.].

SEC. 311. Preferential disposition of election contests in courts. - The courts shall give preference to election contests over all other cases, except those of habeas corpus [Sec. 258, BP 881].

SEC. 312. Actual or compensatory damages. - Actual or compensatory damages may be granted in election contests in accordance with law [Sec. 259, BP 881].

SEC. 313. Notice of decisions. - The clerk of court or the corresponding official in the Commission shall immediately notify the Department of the Interior and Local Government of the final disposition of the election contest. If the decision be that none of the parties has been legally elected, said official shall certify such decision to the President of the Philippines and to the Commission [Sec. 260, BP 881].

ARTICLE XI. ELECTION OFFENSES

SEC. 314. Prohibited acts. - The following shall be guilty of an election offense:

(1) Vote buying and vote selling -

(a) Any person who gives, offers, or promises money or anything of value, employment, franchise, or grant, or makes or offers to make an expenditure, directly or indirectly, to any person or group of persons in order to induce anyone to vote for or against any candidate or withhold his vote in the election or to vote for or against the nomination of any aspirant in a convention or similar selection process of a political party.

(b) Any person, association, corporation, group, or

community that solicits or receives, directly or indirectly, any expenditure or promise of employment for any of the foregoing considerations [Sec. 261 (a) and (b), BP 881].

The filing of a complaint under the foregoing paragraphs supported by affidavits of complaining witnesses attesting to the offer or promise by or to the voter's acceptance of money or other consideration from the relatives, leaders, or sympathizers of a candidate, shall be sufficient basis for an investigation to be immediately conducted by the Commission, directly or through its duly-authorized legal officers.

The giver, offeror, promissor, as well as the solicitor, acceptor, and recipient shall be liable as principals. Any person otherwise guilty under the foregoing paragraphs who voluntarily gives information and willingly testifies on any violation thereof in any official investigation or proceeding shall be exempt from prosecution and punishment for the offenses with reference to which his information and testimony were given: Provided, That nothing herein shall exempt such person from criminal prosecution for perjury or false testimony [Sec. 28, RA 6646, Amended].

(2) Wagering upon result of election - Any person who bets or wagers upon the outcome of, or any contingency connected with an election. Any money or thing of value put as such bet or wager shall be forfeited in favor of the government.

(3) Coercion of subordinates - Any person exercising or occupying a position of authority, in whatever capacity, whether public or private, who in any manner:

(a) Coerces, intimidates, compels any of his subordinates to aid, campaign, or vote for or against any candidate or any aspirant for nomination as candi-

date.

(b) Dismisses or threatens to dismiss, punishes or threatens to punish any of his subordinates for disobeying or not complying with any of his orders to aid, campaign or vote for or against any candidate, or any aspirant for nomination as candidate. Any employee, laborer or tenant so dismissed or ejected shall be reinstated and the salary or wage of the employee or laborer, or the share of the harvest of the tenants shall be restored to the aggrieved party upon application to the proper court.

(4) Threats, intimidation, terrorism, or use of fraudulent scheme - Any person who, in any manner threatens, intimidates, or inflicts injury or damage, upon any person, his honor or property, or uses any fraudulent scheme to induce or prevent the registration of any voter, or the participation in or desistance from any campaign, or the casting of or omission to vote.

(5) Coercion of election officials and employees. - Any person who, in any manner, harasses, threatens, intimidates, terrorizes or coerces or employs violence upon any official or employee or deputy of the Commission in the performance of his election duties [New].

(6) Appointment of new employees, creation of new position, promotion, or giving salary increases - During the period of forty-five (45) days before a regular election and thirty (30) days before a special election:

(a) Any appointing authority of a government office, agency or instrumentality, including government-owned or -controlled corporations, who appoints or hires any new employee, whether permanent, provisional, temporary or casual, or creates and fills any new position,

except upon prior authority of the Commission. The Commission shall not grant the authority sought unless it is satisfied that the position to be filled is essential to the proper functioning of the office or agency concerned, and is not intended to influence the election.

However, a new employee may be appointed in case of urgent need: Provided, That notice is given to the Commission within three (3) days from the date of appointment. Any appointment or hiring in violation of this provision shall be null and void.

(b) Any government official who promotes or gives any increase of salary or remuneration or privilege to any government official or employee, including those in government-owned or -controlled corporations.

(7) Transfer of officers and employees in the civil service - Any public official who makes or causes any transfer, detail, or reassignment of any officer or employee in the civil service, including public school teachers, within the election period, except upon prior approval of the Commission.

(8) Intervention of public officers and employees - Any officer or employee in the civil service, except those holding political offices, such as Cabinet members and elective officials; any officer, employee, or member of the Armed Forces of the Philippines, or any police force, special forces, home defense forces, barangay tanod units and all other para-military units who, directly or indirectly, intervenes in any election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer.

(9) Premature campaigning - Any person or group of persons engaging in an election campaign or partisan political

activity outside the campaign period [Sec. 80, BP 881].

(10) Appointment or use of special policemen, special agents, confidential agents, or the like - During the election period, any appointing authority who appoints or any person who utilizes the services of special policemen, special agents, confidential agents or persons performing similar functions; those previously appointed as such who continue acting in the same capacity, or those who fail to turn over their firearms, uniforms, insignias and other badges of authority to the proper officer who issued the same.

At the start of the aforementioned period, the heads of local government units or any appointing authority shall submit to the Commission a complete list of all special policemen, special agents, confidential agents or persons performing similar functions employed in their respective political subdivisions, with such particulars as the Commission may require.

(11) Illegal release of prisoners before and after election - The Director of the Bureau of Prisons, any provincial warden, keeper of the jail, or person required by law to keep prisoners in their custody who illegally orders or allows any such prisoners to leave the jail premises during the election period.

The above-enumerated persons required by law to keep prisoners in their custody shall post in three (3) conspicuous public places in the city or municipality a list of prisoners or detainees under their care. Detainees must be categorized as such.

(12) Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign - Any person who uses under any guise whatsoever, directly or indirectly, for election campaign or partisan political activity:

(a) Public funds or money deposited with, or held in

trust by, public financing institutions or by government offices, banks, or agencies;

(b) Any printing press, newspaper, news agency, radio, or television station or audio-visual equipment operated or sequestered by the Government or by its divisions, subdivisions, agencies or instrumentalities, including government-owned or -controlled corporations; or

(c) Any equipment, vehicle, facility, apparatus, or paraphernalia owned by the government or by its political subdivisions, agencies including government-owned or -controlled corporations.

(13) Deadly weapons - Any person who carries any deadly weapon in the polling place or canvassing center and within a radius of one hundred (100) meters thereof during the voting, counting of votes or canvassing of the election returns.

(14) Carrying firearms outside residence or place of business - Any person who, although possessing a permit to carry firearms, mission orders or other similar documents, carries firearms outside his residence or place of business during the election period, unless authorized in writing by the Commission. A motor vehicle, water or air craft shall not be considered a residence or place of business or extension thereof.

(15) Bearing or transporting firearms, ammunitions, or explosives - Any person who, during the election period bears or transports firearms, ammunitions, or explosives or air gun in public places, including any building, street, park, private vehicle, or public conveyance, even if licensed to possess or carry the same, unless authorized in writing by the Commission.

The issuance of firearms and explosives licenses shall be suspended during the election period.

Only regular members or officers of the Philippine National Police, the Armed Forces of the Philippines and other law enforcement agencies of the Government who are deputized in writing by the Commission for election duty may be authorized to carry and possess firearms during the election period: Provided, That, when in the possession of firearms, the deputized law enforcement officer must be:

(a) In full uniform showing clearly and legibly his name, rank and serial number which shall remain visible at all times; and

(b) In the actual performance of his election duty in the specific area designated by the Commission [Sec. 32, RA 7166].

(16) Use of armored land, water or air craft - Any person who uses during the election period, any armored land, water or air craft, with temporary or permanent equipment, or any other device or contraption for the mounting or installation of cannons, machine guns and other similar high-caliber firearms, including military-type tanks, half trucks, scout trucks, armored trucks: Provided, That banking or financial institutions and business firms may use armored vehicles exclusively for transporting cash, gold bullion or other valuables in connection with their business to and from their place of business, upon previous authority of the Commission [Sec. 261(r), BP 881].

(17) Wearing of uniforms and bearing arms - During the election period, any member of security or police organization of government agencies, including government- owned or -controlled corporations, or privately-owned or -operated security or investigative agencies who wears his uniform or uses his insignia, decorations or regalia, or bears arms outside his place of work. This prohibition shall not apply when said member is in pursuit

of a person who has committed or is committing a crime in the premises he is guarding; or when escorting or providing security for the transport of payrolls, deposits, or other valuables; or when guarding private residences, buildings or offices: Provided, That in the last case, prior written approval of the Commission shall be obtained.

During the election period, whenever the Commission finds it necessary for the promotion of free, orderly, honest, peaceful and credible elections in a specific area, it shall confiscate or order the confiscation of firearms of any member of the Armed Forces of the Philippines, police forces, Civil Armed Forces Geographical Units (CAFGUs) and all other para-military units or any member or members of privately-owned or -operated security or investigative agencies performing identical or similar functions.

(18) Security personnel and bodyguards - During the election period, no candidate for public office, including incumbent public officers seeking election to any public office, shall employ, avail himself of, or engage the services of security personnel or bodyguards, whether or not such bodyguards are regular members or officers of the Philippine National Police, the Armed Forces of the Philippines, or other law enforcement agency of the Government: Provided, That when circumstances warrant, including but not limited to threats to life and security of a candidate, he may be assigned by the Commission, upon due application, regular members of the Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency who shall provide him security for the duration of the election period. The officers assigned for security duty to a candidate shall be subject to the same requirement as to wearing of uniforms prescribed herein, unless exempted in writing by the Commission.

If at any time during the election period, the ground for which the authority to engage the services of security personnel has been granted shall cease to exist or, for any other valid cause, the Commission shall revoke the said authority [Sec. 33, RA 7166].

(19) Organization or maintenance of reaction forces, strike forces, or other similar forces - Any person who organizes or maintains a reaction force, strike force or similar force during the election period. The heads of such forces shall, not later than ninety (90) days before the election, submit to the Commission a complete list of all members thereof with such particulars as the Commission may require.

(20) Prohibition against release, disbursement or expenditure of public funds - Any public official or employee, including barangay officials and those of government-owned and -controlled corporations and their subsidiaries, who, within forty-five (45) days before a regular election and thirty (30) days before a special election, releases, disburses, or expends any public funds for:

(a) Any and all kinds of public works, except the following:

i. Maintenance of existing and/or completed public works project: Provided, That no more than the average number of laborers or employees already employed therein during the six-month period immediately prior to the beginning of the forty-five (45) day period before election day shall be permitted to work during such time. No additional laborers shall be employed for maintenance work within the said period of forty-five (45) days;

ii. Work undertaken by contract either through

public bidding held, or by negotiated contract awarded, prior to the forty-five (45) day period before election. Work undertaken under the so-called "takay" or "paquiao" system shall not be considered as work by contract;

iii. Payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates and other procedures preparatory to actual construction, including the purchase of materials and equipment, and all incidental expenses for work undertaken before the beginning of such period: Provided, That the number of laborers hired when the project or projects were commenced shall not be increased; and

iv. Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.

No payment shall be made within five (5) days before the date of election to laborers who have rendered services in projects or works except those falling under subparagraphs (i), (ii), (iii) and (iv) hereof.

This prohibition shall not apply to ongoing public works projects commenced before the campaign period or similar projects under foreign agreements. For purposes of this provision, it shall be the duty of the government officials or agencies concerned to report to the Commission the list of all such projects being undertaken by them.

(b) The Department of Social Welfare and Development and any other office in other departments of the government performing functions similar to said department except for salaries of personnel, other

routine and normal expenses, and such other expenses as the Commission may authorize after due notice and hearing. Should a calamity or disaster occur, all releases normally or usually coursed through the said department and offices of other department shall be turned over to, and administered and disbursed by, the Philippine National Red Cross, subject to the supervision of the Commission on Audit or its representatives.

No candidate or his or her spouse or member of his family within the second civil degree of affinity or consanguinity shall participate, directly or indirectly, in the distribution of any relief or other goods to the victims of calamity or disaster.

(21) Prohibition against construction of public works, delivery of materials for public works and issuance of treasury warrants and similar instruments - Within forty-five (45) days preceding a regular election and thirty (30) days before a special election, any person who:

(a) Undertakes the construction of any public works;

(b) Issues, uses, or avails of treasury warrants or instruments undertaking future delivery of money, goods, or other things of value chargeable against public funds.

(22) Suspension of elective local officials - During the election period, any public official who suspends, without prior approval of the Commission, any elective provincial, city, municipal, or barangay officer or president of the sangguniang kabataan unless said suspension will be for purposes of applying the Anti-Graft and Corrupt Practices Act.

(23) Any person who, for the purpose of manipulating the

electoral process, in any manner gains access to or uses, modifies, destroys, discloses, or causes access to and use, or modification, destruction or disclosure of any computer data, program, system software, network, or any computer-related devices, facilities, hardware or equipment, whether classified or declassified, and regardless of whether or not such access, use, modification, destruction or disclosure changes the results of the election or interrupts or impairs the electoral processes [New].

(24) **On Registration of Voters.**

(a) Any person who knowingly makes any false or untruthful statement relative to any of the data or information required in his voter's registration record.

(b) Any person who deliberately imprints or causes or allows the imprinting of blurred or indistinct fingerprints on any of the copies of the voter's registration record or any person who tampers with the fingerprints in said registration records.

(c) Members of the election registration board who approve any application which on its face shows that the applicant does not have the qualifications, or who disapprove any application without cause.

(d) Any registered voter who registers anew without filing an application for cancellation of his previous registration.

(e) Any person who registers in substitution for another, with or without the latter's knowledge or consent.

(f) Any person who tampers with or changes without authority any data or entry in any voter's registration record.

(g) Any person who delays, hinders or obstructs another from registering.

(h) Any person who falsely certifies or identifies another as a bona fide resident of a particular place or locality for the purpose of securing the latter's registration as a voter.

(i) Any person who uses the voter's identification card of another for the purpose of voting, whether or not he actually succeeds in voting.

(j) Any person who places, inserts, or otherwise includes, as approved application for registration in the book of voters or in the provincial or national central files of registered voters, the application of any fictitious voter or any application that has not been approved; or removes therefrom any voter's registration record except upon lawful order of the Commission or of a competent court or after proper cancellation.

(k) Any person who transfers or causes the transfer of the registration record of a voter to the book of voters of another precinct, unless said transfer was due to a change of address of the voter and the voter was duly notified of his new precinct and polling place.

(l) Any person who asks, demands, takes, accepts, or possesses, directly or indirectly, the voter's identification card of another, in order to induce the latter to withhold his vote, or to vote for or against any candidate or any issue.

(m) Any person who delivers, hands over, entrusts, gives, directly or indirectly his voter's identifica-

tion card to another in consideration of money or other benefit or promise thereof, or takes or accepts such document directly or indirectly for the same consideration.

(n) Any person who in any manner alters, tears, defaces, removes, destroys or tampers with any certified list of voters.

(o) Any person who takes, carries, or possesses any blank or unused application for registration already issued to a city or municipality, except when directed by the Commission.

(25) **On Voting:**

(a) Any person who votes more than once in the same election, plebiscite, recall, or referendum or who, not being a registered voter, votes in such political exercise.

(b) Any person who votes in substitution for another.

(c) Any person who, not being illiterate or physically disabled, allows his ballot to be prepared by another, or any person who prepares the ballot of another who is not illiterate or physically disabled.

(d) Any person who avails himself of any means or scheme to discover the contents of the ballot of a voter.

(e) Any voter who uses a ballot other than the one given by the board of election inspectors or has in his possession more than one (1) official ballot.

(f) Any person who places under arrest or detains a voter without lawful cause, or harasses him in such a manner as to obstruct or prevent him from going to the polling place to cast his votes or from returning home

after casting his votes or to compel him to reveal how he voted.

(g) Any member of the board of election inspectors charged with the duty of reading the ballot during the counting of the votes who deliberately omits to read the votes duly written on the ballot or misreads the vote actually written thereon or reads the name of a candidate where no name is written on the ballot.

(h) Any member of the board of election inspectors charged with the duty of tallying the votes in the tally papers, election returns or other prescribed form who deliberately fails to record a vote therein or records a vote where no such vote has been read.

(i) Any member of the board of election inspectors who has made possible the casting of more votes than there are registered voters.

(j) Any person who, for the purpose of disrupting or obstructing the election process or causing confusion among the voters, propagates false and alarming reports or information, or transmits or circulates false orders, directives, or messages regarding any matter relating to the printing of official ballots, the postponement of the election, the transfer of polling place, eligibility, or withdrawal of candidates or the general conduct of the election.

(k) Any person who, without legal authority, destroys, substitutes, or takes away from the possession of those having legal custody thereof, or from the place where they are legally deposited, election forms, documents, or ballot boxes which contain official ballots or other documents used in any election,

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plebiscite, recall, or referendum.

(l) Any person having legal custody of the ballot box containing the official ballots used in the election who opens or destroys said box or removes or destroys its contents without any, or against the, order of the Commission or who, through his negligence, enables any person to commit any of the aforementioned acts, or takes away said ballot box from his custody.

(m) Any member of the board of election inspectors who knowingly uses ballots other than the official ballots.

(n) Any member of the board of election inspectors who refuses to issue the certificate of votes to watchers requesting the same [Sec. 27(a), RA 6646].

(o) Any public official who neglects or fails to preserve or account for any ballot box, documents and forms received by him and kept under his custody.

(p) Any person who assisted an illiterate or disabled voter in preparing his ballot and who reveals the contents thereof.

(q) Any person who, without authority, transfers the location of a polling place.

(r) Any person who removes, tears, defaces, or destroys any certified list of candidates posted inside the voting booths during the voting hours.

(s) Any person who delays through force, violence, coercion, intimidation, or by any means the transmittal of the election returns or who takes away, absconds with, destroys, defaces, mutilates, or substitutes the election returns, its envelope, or the ballot box containing the election returns, or who

violates the right of the watchers.

(t) Any person who holds or causes the holding of an election on any other day than that fixed by law or by the Commission, or stops an election being legally held.

(u) Any person who deliberately blurs or causes the blurring of fingerprints or thumbmarks in the voting record.

(26) **On Canvassing:**

(a) Any chairman of the board of canvassers who fails to give notice of the date, time and place of the initial meeting of said board to the candidates, political parties and members of the board.

(b) Any member of the board feigning illness in order to be substituted [Sec. 224, BP 881].

(c) Any board of canvassers which proceeds with the canvassing of voters and/or proclamation of any candidate that was suspended or annulled by the Commission.

(d) Any member of the board of canvassers who proceeds with the canvass of votes and/or proclamation of any candidate in the absence of quorum or notice.

(e) Any member of the board who fails to note specifically in the minutes of the proceedings of the board objections to the election returns or certificate of canvass presented before it.

(f) Any member of the board who, without authority of the Commission, uses in the canvass of votes of any candidate any document other than the official copy of the election returns or certificate of canvass.

(g) Any board of canvassers which, without authority

from the Commission, proclaims any candidate as winner although there are still contested election returns or certificates of canvass, unless the votes involved will not affect the results of the elections.

(h) Any officer or member of the Armed Forces of the Philippines, the Philippine National Police or any peace officer or armed person belonging to any police agency, special forces, reaction forces, strike forces, Civil Armed Forces Geographical Units (CAFGUs), barangay tanod units, or other similar forces or para-military forces, including security guards, special policemen, and all other armed or unarmed extra-legal police officers, who enters the room where the canvassing of the election returns or certificates of canvass is being held by the board of canvassers and within a radius of fifty (50) meters from such room. The board may, by majority vote, make a call in writing for the detail of policemen or peace officer for their protection or that of the election documents and paraphernalia in the possession of the board, or for the maintenance of peace and order, in which case said policemen or peace officers, who shall be in proper uniform, shall stay outside the room but near enough to be easily called by the board at any time [Sec. 232, BP 881].

(i) Any person who, under the influence of liquor or prohibited drugs, enters a canvassing room during the canvassing of election returns or certificates of canvass [New].

(27) **Common to all board of election inspectors and board of canvassers:**

(a) Any member of the board of election inspectors or board of canvassers who deliberately absents himself from board meetings to obstruct or delay the performance of its duties or functions.

(b) Any member who, without justifiable reason, refuses to sign and certify any election form prescribed by the Commission.

(c) Any person who, being ineligible for appointment as member of the board accepts an appointment thereto, assumes office, and actually serves as member; or any public officer or person acting in his behalf who appoints such ineligible person knowing him to be such.

(d) Any person who, in the presence or within the hearing range of either board, interrupts or disrupts its work or proceedings to prevent said board from performing its functions.

(e) Any member of the board who increases, decreases, or otherwise tampers with the votes received by a candidate; or who refuses, after proper verification and hearing, to credit the correct votes or deduct such tampered votes [Sec. 27(b), RA 6646].

(f) Any public official or person acting in his behalf who relieves or changes or causes the change of the assignment of any member without authority of the Commission.

(28) **On Candidacy and Campaign:**

(a) Any political party which holds political conventions or meetings to nominate its official candidates earlier than the period fixed in this Code.

(b) Any person who abstracts, destroys or cancels any

certificate of candidacy duly filed and which has not been cancelled by the Commission.

(c) Any person who on election day submits to the board of election inspectors any false or spurious certificate of candidacy.

(d) Any person who, being authorized to receive certificates of candidacy, receives the same outside the prescribed period and makes it appear that it was filed on time; or any person who, by means of fraud, threat, intimidation, terrorism, or coercion, causes or compels the performance of said act.

(e) Any person who, by any device or means, jams, obstructs, or interferes with a radio or television broadcast or any political program authorized by the Commission.

(f) Any person declared a nuisance candidate or otherwise disqualified by final and executory judgment, who continues to misrepresent himself as a candidate; any public officer or private individual who knowingly induces or abets such misrepresentation [Sec. 27(f), RA 6646].

(g) Any person who solicits, votes or undertakes any propaganda, on the day of election, for or against any candidate or any political party.

(h) Any person who undertakes an election campaign or partisan political activity outside of the campaign period.

No person shall be arrested and/or detained at any time for any act committed during and in connection with an election which tends to support or oppose any candidate or political party, except upon a

warrant of arrest issued by competent court.

(29) **Other Prohibitions:**

(a) Any person who sells, furnishes, offers, buys, serves or takes intoxicating liquor on the day before or on election day: Provided, That hotels and other establishments duly certified by the Department of Tourism as tourist-oriented and habitually engaged in the business of catering to foreign tourists may be exempted upon prior authority of the Commission: Provided, further, That foreign tourists taking intoxicating liquor in said authorized hotels or establishments are exempted from this prohibition.

(b) Any person who, without authority, prints or causes the printing of any ballot, election returns, or certificates of canvass as official ballot, election returns, or certificate of canvass, or who distributes or causes the distribution thereof whether or not it is actually used.

(c) Any person who opens in any polling place or within a radius of thirty (30) meters thereof on election day and during the counting of votes, booths or stalls of any kind for the sale, dispensing or display of wares, merchandise, or refreshments, or for any other purposes.

(d) Any person who holds on election day, fairs, cockfights, boxing, horse races, jai-alai, or any other similar sports.

(e) Any person who operates a radio or television station who, without justifiable cause, discriminates against any candidate or political party in his station's programming or coverage of election related-

events. In addition to the penalty prescribed herein, such refusal shall constitute a ground for cancellation or revocation of the franchise [Sec. 261, BP 881].

(f) Any person who violates any orders, resolutions or rules and regulations promulgated by the Commission [New].

SEC. 315. Other election offenses. - Violation of the provisions, or pertinent portions, of the following sections of this Code shall constitute election offenses: Sections 9, 10, 11, 92, 113, 116, 127, 128, 129, 130, 131, 132, 133, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 160, 164, 167, 168, 169, 170, 171, 173, 181, 187, 189, 191, 202, 205, 208, 209, 210, 218, 227, 228, 229, 233, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 265, 266, 268, 269, 270, 271, 274, 275, 276, 277, 278, 279, 286.

SEC. 316. Persons criminally liable. - The principals, accomplices and accessories, as defined in the Revised Penal Code, shall be criminally liable for election offenses. If the one responsible be a political party or an entity, its president or head, the officials and employees of the same performing duties connected with the offense committed and its members who may be principals, accomplices, or accessories, shall be liable, in addition to the liability of such party or entity [Sec. 263, BP 881].

SEC. 317. Penalties. - Any person found guilty of any election offense under this Code shall be punished with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to

hold public office and deprivation of the right of suffrage. If he is a foreigner, he shall be sentenced to deportation which shall be enforced after the prison term has been served. Any political party found guilty shall be sentenced to pay a fine of not less than one hundred thousand (P100,000) pesos, which shall be imposed upon such party after criminal action has been instituted in which their corresponding officials have been found guilty.

In the case of a prisoner illegally released from any penitentiary or jail during the election period, the Director of Prisons, provincial warden, keeper of the jail, or prison or persons required by law to keep said prisoner in their custody shall, if convicted by a competent court, be sentenced to suffer the penalty of prision mayor in its maximum period if the prisoner so illegally released commits any act of intimidation, terrorism or interference in the election.

In addition to the penalties prescribed herein, violations of Sections 9, 10 and 11 hereof shall constitute a ground for cancellation or revocation of certificate of public convenience or franchise.

SEC. 318. Prosecution. - The Commission shall have, through its duly-authorized legal officers, exclusive power to conduct preliminary investigation of all election offenses punishable under this Code, and to prosecute the same. The Commission may avail of the assistance of other prosecuting arms of the government.

SEC. 319. Prescription. - Election offenses shall prescribe after five (5) years from the date of their commission. If the discovery of the offense be made in election contest proceedings, the period of prescription shall commence on the date on which the judgment in such proceedings becomes final and executory

[Sec. 267, BP 881].

The filing of a complaint with the Commission stops the running of the prescriptive period of the election offense [New].

SEC. 320. Jurisdiction of courts. - The regional trial court shall have exclusive original jurisdiction to try and decide any criminal action or proceedings for violation of this Code. Appeals will lie as in other criminal cases [Sec. 268, BP 881].

SEC. 321. Preferential disposition of election offenses. - The investigation and prosecution of cases involving violation of election laws shall be given preference and priority by the Commission and prosecuting officials. Their investigation shall be commenced without delay, and shall be resolved by the investigating officer within five (5) days from its submission for resolution. The courts shall likewise give preference to election offenses over all other cases, except petitions for writ of habeas corpus. Their trial shall likewise be commenced without delay, and shall be conducted continuously until terminated, and the case shall be decided within thirty (30) days from its submission for decision [Sec. 269, BP 881].

ARTICLE XII. LEGAL FEES

SEC. 322. Collection of legal fees. - The Commission is hereby authorized to determine and collect reasonable fees in connection with official transactions in the Commission.

SEC. 323. Payment of fees. - The fees referred to in the preceding section shall be paid to the cashier of the Commission who shall, in all cases, issue a receipt for the same and enter the amount received upon his book, specifying the date when received, the fee, and the person from whom received. The cashier

shall immediately report such payment to the Commission [Sec. 271, BP 881].

SEC. 324. Non-payment of prescribed fees. - If the prescribed fees are not paid, the Commission may refuse to take action thereon until they are paid [New].

SEC. 325. Special or trust fund. - All accruing fees, receipts and revenues received by the Commission shall be considered as a Special Trust Fund and shall be deposited in any of the authorized depository banks of the Commission to be made available for any function, project and activity of the Commission pursuant to its fiscal autonomy [New].

ARTICLE XIII. TRANSITORY PROVISIONS

SEC. 326. Pending actions. - Pending actions and causes of action arising before the effectivity of this Code shall be governed by the laws then in force [Sec. 272, BP 881].

SEC. 327. Continuing system of registration; When effected. - For purposes of the 1995 and succeeding elections, the continuing system of registration shall be effected immediately after the 1994 barangay elections [New].

ARTICLE XIV. FINAL PROVISIONS

SEC. 328. Sharing in election expenses. - All expenses for the conduct of elections shall be shared by the national, provincial, city, or municipal governments for which the election as held in such manner as the Commission shall prescribe. For this purpose, the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan concerned shall appropriate annually an amount equivalent to one-third (1/3) of the amount spent by their re-

spective provinces, cities, or municipalities in the last election as a continuing appropriation to cover their respective shares of the expenses in the next regular elections [Sec. 20(a), RA 6388, Amended].

SEC. 329. Separability clause. - If, for any reason, any section or provision of this Code, or any portion thereof or the application of such section, provision or portion to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Code or the application of such section, provision or portion thereof to other persons, groups, or circumstances shall not be affected by such declaration [Sec. 281, BP 881].

SEC. 330. Repealing clause. - Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code, is hereby repealed. All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Code are hereby repealed [Sec. 282, BP 881, Amended].

SEC. 331. Effectivity. - This Code shall take effect upon its approval.

NINTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session

SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
DATE: OCT 08 1993
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S E N A T E

S.B. NO. 1472

Introduced by Senator Gloria Macapagal-Arroyo

EXPLANATORY NOTE

The present law on Philippine elections is contained in more than 10 separate election laws and related legislation, including the Omnibus Election Code, otherwise known as Local Government Code of 1991 (Republic Act. No. 7160). This proposed Election Code, to be known as the "1993 Election Code of the Philippines", consolidates all election laws currently in force into one code, incorporates, where applicable, jurispudence on election cases and implements constitutional provisions applicable to elections.

This proposed code provides for political situations and realities not foreseen by the framers of our old election laws, and eliminates so-called "dead-letter" provisions of our present election laws, especially on election offenses, which have proved unrealistic or difficult to enforce. On the other hand, it gives more teeth to the prosecutory powers of the Commission on Elections. These changes, if adopted, could result in a tighter but more comprehensive, realistic and less punitive piece of legislation.

The bill would empower the Commission on Elections to modernize the electoral process, specifically existing procedures for registration, voting, counting and canvassing, which rely heavily on manual systems and human discretion that often lend themselves to delay, error, or fraud and aggravate post-election tension.

Assistance from the Commission on Elections and members of the respective Committees on Suffrage and Electoral Reforms of the Senate and House of Representatives, as well as from executive departments such as the Department of Justice, Foreign Affairs, and Labor Employment, and the Overseas Workers' Welfare Administration, were availed of in the drafting of the Code. The Commission on Elections conducted consultations in this regard with its field officers and with the Congress for Electoral Reforms (CER), a body composed of the five main citizens' arm of the Commission in the May, 1992 elections.

Among the major reforms of the proposed code and the rationale for the introduction of new provisions or amendments of existing ones, are:

1. Continuing system of registration of voters Unlike in the current procedure where registration is conducted on specific dates, registration under the continuing system shall be conducted daily. The list of applicants for registration shall be posted, and hearings with notice to parties conducted before the applications are acted upon by the respective election registration boards.

This procedure is an amendment of BP 881, taken from Sec. 79 of the 1978 Election Code, aimed at eliminating the existence of padded or falsified lists of voters which results in voting by fake or illegal voters.

2. Modernization of the electoral process:

a) Computerization of the list of voters provides instant information on registered voters per precinct, which can be updated from time to time. This is a new provision which seeks to eliminate padded and falsified lists of voters.

b) The Commission shall be authorized to adopt new systems, forms, technological devices and safeguards for voting, counting and canvassing. This is a new provision addressing the problems of fraud, human error and delays in voting, counting and canvassing.

3. **Prohibition on political dynasties** - This section prohibits political dynasties or the simultaneous or successive candidacies or persons related within the third civil degree of consanguinity or affinity.

This is a new provision aimed at eliminating the concentration of political power in one family or clan.

4. **Improvement of procedures in pre-proclamation controversies** - Among the improvements of the present procedure is the reduction of the period within which to rule on objections, and for disposal of appeals.

This provision is a modification of the present procedure, aimed at speeding up the disposition of pre-proclamation controversies.

5. **System of absentee voting** - This system provides a mechanism through which a registered voter who is outside of his place of registration on election day, either because of election duty or by reason of residence or employment abroad, may vote in national elections.

This is a new provision implementing the constitutional mandate under Sec. 2. Art V of the Constitution, to address the problem of lack of access to the right to vote by qualified overseas Filipinos.

6. **Park-list system of representation** - The party-list system is a mechanism of proportional representation in the House of Representatives of political parties, organizations, or coalitions with national, regional or sectoral constituencies.

This is a new provision aimed at eliminating inequitable representation of marginalized parties and sectoral groups in the House of Representatives.

7. Prohibition on candidacy of a public official in a special election called to fill the vacancy caused by his resignation, retirement, or removal - This is a new provision which responds to a situation where an elective public official runs for the same office from which he retired, resigned, or was removed for any cause.

8. Proclamation of lone candidate in non-adversarial elections - When there is only one candidate, the Commission, without holding an election for the affected position, shall certify that he is the only candidate for the office involved and is thereby deemed elected.

This is a new provision designed to avoid unnecessary expenses and efforts.

9. Substitution of candidates in case of death, disqualification, or withdrawal - The provision on substitution of candidates includes:

a) In case of withdrawal - not allowed.

b) In case of death - allowed with respect to independent candidates or official candidates of political parties, provided, there is only one candidate remaining.

c) In case of disqualification - allowed only with respect to official candidates of political parties, provided there is only one candidate remaining.

This is a modification of Section 77 of BP 881, aimed at eliminating political horsetrading and last-minute filing of certificates of candidacy.

10. System of initiative of referendum - This provision is a reiteration of Republic Act No. 6735 providing for direct participation by the people in the lawmaking process.

11. System of recall - This provision is a reiteration of Republic Act No. 7160 which is aimed at weeding out from public elective office undesirable officials through the direct act of the electorate.

12. Copy of the election returns and certificate of canvass to be given to a media-based unofficial count designated by the Commission - This is a reiteration of Sec. 29(b) of RA 7166, with the addition of the election returns, to give the public advance, although unofficial, results of the elections.

13. Sectoral representatives - The elections of sectoral representatives shall be conducted simultaneously with the regular elections for members of the sanggunians.

This is a reiteration of Sec. 41(c) of RA 7160 addressing the problems on the uncertainty in the holding of elections for sectoral representatives.

14. Continuing election education, including provisions in school curriculum on a subject on elections - This is a new provision addressing the lack of awareness on the part of the citizenry, especially the youth, on their political rights and obligations.

15. Disqualifications of Chairman, Members, officials and employees of the Commission on Elections from running for public office in the elections, immediately following their retirement, resignation or cessation from office - This is a new provision aimed at avoiding the use of one's office to enhance his future candidacy, especially considering that the Commission on Elections is the "referee" or "umpire" of the election process.

16. Requirement on submission by a candidate, together with his certificate of candidacy, of certified true copies of his income tax returns - This is a new provision to respond to the need for transparency in public service and

compliance with legal obligations to government. Its inclusion was likewise recommended by the Bureau of Internal Revenue (BIR).

17. Prohibition on any candidate who withdraws his candidacy from filing a new certificate of candidacy for any office in the same election - This is a new provision intended to avoid political horsetrading and last-minute filing of certificates of candidacy.

18. Prohibition on undue eccelesiastical influence - This is a new provision that reiterates the constitutional principle of church-state separation by prohibiting the heads of any church hierarchy or religious sect, denomination, or grouping from influencing, directly, or indirectly, the members of their flock, parish, or congregation to vote for or against any candidate or political party by any form of election propaganda.

With the enactment into law by this proposed "1993 Election Code of the Philippines", it is hoped that our elections will be conducted and implemented as fairly and expeditiously as possible to reflect the true and supreme will of the electorate.

In view of the foregoing, approval of this measure is strongly recommended.

GLORIA MACAPAGAL-ARROYO
Senator

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NINTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session

SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
DATE: OCT 08 1993
TIME: 2:10 BY: RH

S E N A T E

S.B. NO. 1472

Introduced by Senator Gloria Macapagal-Arroyo

AN ACT
PRESCRIBING THE 1993 ELECTION CODE OF THE PHILIPPINES

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

ARTICLE I. GENERAL PROVISIONS

SECTION 1. Title. - This Act shall be known and cited as the "1993 Election Code of the Philippines".

SEC. 2. Applicability. - This Code shall govern the election of public officers, as well as plebiscites, initiatives, referenda and recalls.

The terms "election" and "elections," when used in this Code, shall refer to regular or special elections or to plebiscites, initiatives, referenda, or recalls.

SEC. 3. Election and campaign periods. - Unless otherwise fixed in special cases by the Commission on Elections, hereinafter referred to as the Commission, the election period shall commence ninety (90) days before the day of the election and end thirty (30) days thereafter.

The campaign period shall be as follows:

(1) For President, Vice-President and Senators - ninety (90) days;

(2) For Members of the House of Representatives and elective local officials - forty-five (45) days;

(3) For barangay officials - fifteen (15) days;

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(4) Plebiscites, initiatives and referenda - as provided for by law or by the Commission;

The campaign period shall not include the day before and the day of the election, as well as Maundy Thursday and Good Friday;

SEC. 4. Postponement of election. - When for any serious cause such as violence, terrorism, loss, or destruction of election paraphernalia or records, force majeure and other analogous causes of such a nature that the holding of free, orderly and honest elections should become impossible in any political subdivision, the Commission shall, motu proprio or upon a verified petition by any interested party, and after notice and hearing whereby all interested parties are afforded equal opportunity to be heard, postpone the election therein to a date reasonably close to the date of the election not held, but not later than thirty (30) days after the cessation of the cause as determined by the Commission. Should there be no sufficient time to notify all parties and to conduct a hearing before the election sought to be postponed, the Commission may hear the case summarily and deny or grant such postponement.

SEC. 5. Suspension of election. - If one account of force majeure, violence, terrorism, fraud, or other analogous causes, the election in any political subdivision has been suspended at any time before the results of the election could be announced and the suspension of election would affect the result thereof, the Commission shall, on the basis of a verified petition by any interested party and in every case after due notice and hearing, call for the continuation of the election suspended within thirty (30) days after the cessation of the cause of suspension.

SEC. 6. Failure of election. - If, on account of force majeure, violence, terrorism, fraud, or other analogous causes, the election in any political subdivision has not been held on the date fixed, or has been suspended before the close of the voting or after the voting but not before or during the counting of votes or preparation or transmission of the election returns or while in the custody thereof, such election resulted in a failure to elect, and in any of such cases the failure of election would affect the result thereof, the Commission, shall on the basis of a verified petition by any interested party and in every case after due notice and hearing, call for the holding of the election which resulted in a failure to elect within thirty (30) days after the cessation of the cause of such failure to elect.

SEC. 7. Call for special elections due to postponement, suspension, or failure of elections. - The postponement or declaration of failure of election and the calling of special elections shall be decided by a majority vote of the members of the Commission sitting en banc.

SEC. 8. Election code to be available in polling places. - A copy of this Code shall be provided and be made available by the Commission in every polling place during elections.

SEC. 9. Official mail and telegrams relative to election. - All documents, telegrams and correspondence related to an election and sent by public officers in the performance of their election duties through the postal and telecommunication service shall be given priority and transmitted expeditiously and free of charge.

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Telegrams, telex and fascimile (fax) transmission of the same nature shall likewise be given priority and transmitted expeditiously by private telecommunications and similar facilities.

It shall be the duty of the Heads of the Telecommunications Office and of private telecommunication companies to transmit or cause the transmittal immediately, accurately and in preference to all other communications or telegrams and messages reporting election results and such other communications which the Commission may require to ensure free, honest, and orderly elections.

SEC. 10. Shipment and transport of official cargoes. - During the election period, all official cargoes such as ballot boxes, official ballots, election forms, records, supplies and paraphernalia related to elections shall be given the highest priority in the shipment, distribution and delivery by air, land and sea transportation companies, whether private, public or government-owned or -controlled.

It shall be the duty of the Secretary of the Department of Transportation and Communications, the Heads of the Civil Aeronautics Board, Land Transportation, Franchise and Regulatory Board, Armed Forces of the Philippines, Philippine National Police and Philippine Coast Guard to implement and monitor such preferential status of official election cargoes.

SEC. 11. Transportation and mobilization of officials employees and deputies of the Commission. - Officials, employees and deputies of the Commission shall, during the election period or pursuant to an order or directive of the Commission, or while in the performance of election duties, be given a "must-ride" status whether by air, land, or sea upon presentation of a resolution, travel order, mission

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order or subpoena, duly issued by the Commission, its Chairman, any Commissioner, or any of its officials of Director rank.

SEC. 12. Election expenses. - Unless otherwise provided by law, the Commission shall bear such expenses as may be necessary and reasonable in connection with elections. The Commission may direct that in the provinces, cities or municipalities, the election expenses chargeable to the Commission be advanced by the province, city, or municipality concerned subject to reimbursement by the Commission upon presentation of the proper bill within ninety (90) days from the political exercise and its approval by the Commission.

Funds needed by the Commission to defray the expenses for the holding of elections shall be provided in its regular appropriations which, upon certification, shall immediately be released to the Commission. In case of deficiency, the amount so provided shall be augmented from the special activities fund in the general appropriations act and from those specifically appropriated for the purpose in special laws.

ARTICLE II. THE COMMISSION ON ELECTIONS

A. COMPOSITION

SEC. 13. The Commission. - The Commission shall be composed of a Chairman and six (6) Commissioners, who shall be appointed by the President of the Philippines, with the consent of the Commission on Appointment.

It shall act as a policy-making body and exercise administrative, quasi-judicial and judicial functions relative to all laws and regulations with respect to the conduct of elections.

SEC. 14. Disqualification of members of the Commission. - The members of the Commission shall be subject to the canons of judicial ethics in the discharge of their functions.

No member of the Commission shall sit in any case in which he has manifested bias for or against any party thereto and in connection therewith, or in any case in which he would be disqualified under the Rules of Court. If it be claimed that a member is disqualified as above provided, the party objecting to his competency may file his objections in writing with the Commission, stating the grounds therefor. The member concerned shall decide whether to continue to participate in the hearing or withdraw therefrom. His decision shall forthwith be made in writing and filed with the records of the case. If a disqualification should result in a lack of quorum in the Commission sitting en banc, the Presiding Justice of the Court of Appeals shall, upon formal request of the Commission, designate a justice of said court to sit in said case for the purpose of hearing and reaching a decision thereon.

The Chairman and members of the Commission, including its officials and employees, shall not be qualified to run for any office in the election immediately succeeding their retirement, resignation, or cessation from office, except barangay elections.

B. POWERS AND FUNCTIONS

SEC. 15. Powers and functions. - In addition to the powers and functions conferred upon it by the Constitution, the Commission shall enforce and administer all laws and regulations relative to the conduct of election and shall:

(1) (a) Exercise direct and immediate control and supervision over national and local officials or employees, including members of any national and local law enforcement agency and instrumentality of the government required by law or deputized by the Commission to perform election duties, including officers and employees of government-owned or -controlled corporations, relative to the conduct of elections. In addition, it may authorize CAT cadets eighteen (18) years of age and above to act as its deputies for the purpose of enforcing its orders;

(b) Relieve and substitute any officer or employee referred to in the preceding sub-paragraph, who violates the election law or fails to comply with its instructions, orders, resolutions, decisions or rulings;

(c) Recommend to the proper authority the suspension or removal from office or imposition of disciplinary action on any of such officers or employees, who may, after due process, be found guilty or such violation or failure;

(2) (a) Promulgate rules and regulations implementing all laws which the Commission is required to enforce and administer, including those concerning the expeditious disposition of election cases and pre-proclamation controversies: Provided, That, such rules shall not diminish, increase, or modify substantive rights;

(b) Require legal fees and collect the same in payment of any official transaction done in the Commission at rates which it may determine.

(3) Hear cases and by a majority vote of all its members sitting en banc or in division decide the same.

(4) (a) Summon the parties to a controversy pending before it, issue subpoena and subpoena duces tecum, take testimony and receive evidence in any investigation before it, and delegate, at its discretion, such powers to any of its duly-authorized legal officers.

(b) In case of failure of a witness to attend any hearing, and upon proof of service of subpoena, issue a warrant of arrest to ensure his presence before the Commission or its duly-authorized legal officer.

(5) Supervise or regulate during the election period the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media, communication or information, all grants, special privileges or concessions granted by the Government or any subdivision, agency or instrumentality thereof, including any government-owned or -controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity, time and space and the right to reply, including reasonable, equal rates therefor, for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, honest, peaceful and credible elections.

(6) Enjoy fiscal autonomy. Its approved annual appropriations, as well as appropriations for the holding of regular and special elections and other electoral exercises, shall be automatically and regulary released, together with their corresponding cash outlays.

(7) When necessary, avail of the assistance of any national or local law enforcement agency or instrumentality of the government in the execution, under its direct and immediate supervision, of its final decisions, orders, instructions, resolutions or rulings.

(8) Punish contempt as provided for in its Rules of Procedure and in the Rules of Court. Violation of any final executory decision, order, or ruling of the Commission shall constitute contempt thereof.

(9) Enforce and execute its decisions, directives, orders and instructions, which shall have precedence over those emanating from any other authority, except the Supreme Court, and those issued in habeas corpus proceedings.

(10) Prescribe forms and printing materials for official ballots, election returns and other election paraphernalia to be used in elections, plebiscites, recalls, initiatives, referenda and other electoral exercises, and adopt new systems for registration, voting, counting and canvassing processes, including, but not limited to, the manner of voting and the steps and location for counting and canvassing, the resolution of pre-proclamation cases and electoral contests; and the use of the latest appropriate technological and/or electronic devices, either by piloting or installation by stages, taking into account the circumstances and location of the area of piloting or installation, and the funds available for the purpose: Provided, That adequate safeguards and security markings are imposed on the use of such new forms, printing materials, systems and devices: Provided, further, That the Commission shall notify the authorized representatives of accredited political parties and cause the publication thereof in at least two (2) newspapers of general circulation in the areas affected by the use and adoption of new forms, printing materials, systems, devices and safeguards not later than the start of the election period.

(11) Procure supplies, equipment, materials or services for the holding of an election strictly by public bidding in accordance with the rules and regulations of the Commission on Audit. If it finds public bidding impractical to observe, procurement may be by negotiations or sealed bids, and in both cases, the list of awarded contracts shall be published in at least two (2) newspapers of general circulation. Copies of all awarded contracts shall be open for examination and verification by authorized representatives of accredited major political parties and of media.

(12) Carry out a continuing and systematic campaign, through newspapers of general circulation, radio, television and other media forms, to educate the public and inform the electorate about election laws, procedures, decisions and other matters relative to the work and duties of the Commission and the necessity of free, orderly, honest peaceful and credible elections..

(13) Cause the inclusion in the school curriculum of a subject on the importance and relevance of elections, in coordination with the Department of Education, Culture and Sports.

(14) Enlist non-partisan groups or organizations of citizens from the civic, youth, professional, educational, business, or labor sectors known for their probity, impartiality and integrity, with membership and capability to undertake a coordinated operation and activity to assist in the implementation of the provisions of this Code and the resolutions, orders and instructions of the Commission for the purpose of free, honest, orderly, peaceful and credible elections in the constituency. Such groups or organizations shall be under the direct and immediate control and supervision of the Commission and perform such functions and duties as may be prescribed by the Commission.

The designation of any such group or organization may be revoked by the Commission upon notice and hearing whenever it has shown partiality to any political party or candidate, or performed acts in excess or in contravention of its functions and duties.

(15) Conduct in the cities and provinces, upon proper motion of any party, hearing on controversies pending before it, taking into consideration the materiality and number of witnesses to be presented, the situation prevailing in the area and the funds available for the purpose.

(16) Fix reasonable periods or dates for certain pre-election activities in order that voters shall not be deprived of their right of suffrage.

The Commission is hereby authorized to fix the appropriate period for the various prohibited acts enumerated herein consistent with the requirements of free, orderly, honest, peaceful and credible elections.

(17) Provide death, benefits, hazard pay when warranted, grant incentive and merit awards to members of the board of election inspectors, board of canvassers, deputized agencies and personnel of the Commission. Such amount as may be necessary for this purpose shall be included in the appropriation of the Commission.

(18) Stop any illegal election activity after due notice and hearing, and summarily confiscate, tear down, or stop any unlawful, libelous, misleading, or false election propaganda.

(19) Examine the financial records of any candidate, political party, coalition, or organization motu proprio or upon the written representation for probable cause by any person or group of persons as to election overspending or illegal expenditure.

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For purposes of the two (2) immediately preceding paragraphs, the Commission may avail itself of the assistance or services of the Armed Forces of the Philippines, Philippine National Police, National Bureau of Investigation, Commission on Audit, Central Monetary Authority, Bureau of Internal Revenue, Securities and Exchange Commission, Department of the Interior and Local Government and other agencies of the government.

SEC. 16. Special reliefs in election cases. - The Commission is hereby vested with exclusive authority to issue writs of certiorari, prohibition and mandamus in election cases.

C. CENTRAL AND FIELD OFFICES

SEC. 17. Central office. - The central office shall be composed of the offices of the Chairman, Commissioners, Executive Director, Department Directors, and such other offices as may be created by the Commission.

The Executive Director shall take charge of the administrative affairs of the Commission and implement its policies and decisions under the supervision of the Commission.

The Department Directors shall perform such powers and duties as may be assigned by the Commission.

SEC. 18. Field offices. - The Commission shall have the following field offices:

(1) Office of the Regional Election Director, headed by a Director IV;

(2) Office of the City or Municipal Supervisor, headed by a Provincial Election Supervisor; and

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(3) Office of the City or Municipal Election Officer, headed by a City or Municipal Election Officer.

The field offices shall have such other officers and employees as the Commission may designate.

The Commission may delegate its powers and functions, or order the implementation or enforcement of its resolutions, orders, rulings, or decisions through the Executive Director or heads of its field offices.

SEC. 19. Qualifications of Central office officials. - The Commission shall provide its own personnel policies on the qualifications of its central office officials and employees.

SEC. 20. Qualifications of field officials. - Only members of the Philippine Bar shall be eligible for appointment to the positions of Director IV, Provincial Election Supervisor and Election Officer. If there are no members of the Philippine Bar available for appointment as election officer, college graduates with bachelors degree in law, public administration, arts, education, or business administration, in the order named, who possess the appropriate civil service eligibility, may be appointed to said position: Provided, That election officers of cities and capital towns shall be holders of a degree in bachelor of laws with appropriate civil service eligibility.

SEC. 21. Office and storage space. - The local government concerned shall provide suitable office and storage space for the provincial election supervisor, the election officer, and their respective staff. In case of failure of the local government concerned to provide such space, the provincial election supervisor or the election officer, as the case may be, upon prior authority of the

Commission and notice to the local government concerned, may lease another place for office and charge the rentals thereof to the funds of the local government concerned,

SEC. 22. Charges in the composition and assignment of offices. - The Commission may make changes in the composition of its offices and assignment of its personnel whenever the exigencies of the service and the interest of free, orderly, honest, peaceful and credible election so require. Such charges shall be effective and enforceable only for the duration of the election period concerned and shall not affect the tenure of office of the incumbents, or constitute a demotion, either in rank or salary, or result in change of status. During the election period, no Director IV, provincial election supervisor, or city or municipal election officer shall be assigned to or allowed to remain in his area of responsibility where he and/or his spouse is related to any candidate within the fourth civil degree of consanguinity or affinity,

SEC. 23. Reorganization. - The provisions of Section 22 notwithstanding, the Commission is hereby authorized to reorganize, no more than once every five (5) years and in accordance with civil service regulations, its central and field offices, and adjust salaries and allowances of its officials and employees, in order to promote maximum efficiency in carrying out its constitutional objective to ensure free, honest, orderly, peaceful and credible elections,

ARTICLE III. ELECTION AND OTHER PROCESSES

A. ELECTION OF PRESIDENT AND VICE-PRESIDENT

SEC. 24. Regular election for President and Vice-President. - (1) The President and Vice-President shall be elected by direct vote of the people for a term of six (6) years which shall begin at noon on the thirtieth day of June next following the day of the election and end at noon of the same date six (6) years thereafter. The President shall not be eligible for any re-election. No person who has succeeded as President and has served as such for more than four (4) years shall be qualified for election to the same office at any time;

(2) No Vice-President shall serve for more than two (2) successive terms. Voluntary renunciation of the office for any length of time shall not be considered as interruption in the continuity of the service for the full term for which he was elected;

(3) Unless otherwise provided by law, the regular election for President and Vice-President shall be held on the second Monday of May .

SEC. 25. Special elections for President and Vice-President. - Special elections for the offices of President and Vice-President shall be called in accordance with Sec. 10, Art. VII, of the Constitution.

SEC. 26. Canvass of votes for President and Vice-President by the provincial, city and district boards of canvassers. - (1) The provincial, city, or metropolitan Manila district board of canvassers, as the case may be, shall meet not later than six o'clock in the evening of election day to canvass the election returns it has already received. It shall meet continuously from day to day until the canvass is completed but may adjourned only for the purpose of awaiting the other election returns. The board shall, each time it adjourns, make a total of all the votes cast for each candidate for President and Vice-President and

for other positions included in the election, duly authenticated by the signature and thumbmark of each member of the board; furnish a copy thereof to the Commission in Manila by the fastest means of communication; and make available the data contained therein to mass media and other interested parties requesting the same. Upon the completion of the canvass, the board shall prepare a certificate of canvass, showing the votes received by each candidate for President and Vice-President duly authenticated by the signature and thumbmark of each member of the board. The board shall certify and transmit said certificate of canvass with supporting statement of votes by precinct to the President of the Senate.

SEC. 27. Canvass of votes for President and Vice-President by Congress. - (1) The President of the Senate shall, in the presence of the Senate and the House of Representatives in joint public session, and not later that thirty (30) days after the day of election, open all the certificates of canvass received and canvass the votes.

(2) The person having the highest number of votes shall be proclaimed elected. In case two (2) or more shall equally have the highest number of votes, one of them shall forthwith be chosen by majority vote of all the members of both houses of Congress voting separately.

(3) Congress shall promulgate its rules for the canvassing of the certificates.

(4) The Supreme Court, sitting en banc, shall be the sole judge of all contests relating to the election, returns and qualifications of the President and Vice-President, and promulgate its rules for the purpose.

SEC. 28. Correction of errors after transmission to Senate President. - No correction of errors in the certificate of canvass and supporting statement of votes by precinct already transmitted to the President of the Senate shall be made or allowed, except upon authority of Congress acting as the National Board of Canvassers.

SEC. 29. Determination of authencity and due execution of certificate of canvass. - Congress shall, in determining the authenticity and due execution of the certificate of canvass for President and Vice-President as accomplished and transmitted to it by the local boards of canvassers, satisfy itself that:

(1) Each certificate of canvass was executed, signed and thumbmarked by the chairman and members of the board of canvassers, and transmitted by the board to Congress;

(2) Each certificate of canvass contains the names of all the candidates for President and Vice-President and their corresponding votes in words and figures; and

(3) There exists no discrepancy in the votes of any candidate in words and figures in the same certificate.

SEC. 30 Incomplete or altered certificate of canvass. - When any certificate of canvass or statement of votes by precinct appears to be incomplete or bears erasures or alterations which may cast doubt as to the veracity of the number of votes stated therein and may affect the result of the election, Congress shall, for the sole purpose of verifying the actual number of votes cast for President and Vice-President, count the votes as they appear in the copies of the election returns submitted to require the Commission to deliver its copy immediately to his office. If the copy of the Commission is not available, the board of canvassers

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concerned shall be required to transmit by personal delivery within three (3) days from receipt of notice the election returns of the precincts affected.

ELECTION OF MEMBERS OF CONGRESS

SEC. 31. Regular election for Members of Congress. - The regular election for Senators and for Members of the House of Representatives shall be held on the second Monday of May and every three (3) years thereafter.

No Senator shall serve for more than two (2) consecutive terms, nor shall any member of the House of Representatives serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which he was elected.

SEC. 32. Special election. - In case a permanent vacancy shall occur in the Senate or House of Representatives at least one (1) year before the expiration of the term of office, the Commission shall secure a certificate of vacancy from the Senate or House of Representatives, as the case may be, and thereafter call a special election to fill the vacancy not earlier than sixty (60) days nor later than ninety (90) days after the final determination by the Commission of such vacancy. However, in case of such vacancy in the Senate, the special election shall be held simultaneously with the next succeeding regular election.

SEC. 33. Term of office. - The term of office of Senators shall be six (6) years while the term of office of the Members of the House of Representatives shall be three

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(3) years, both of which shall begin at noon of the thirtieth day of June following their election.

SEC. 34. Composition. - The Senate shall be composed of twenty-four (24) Senators who shall be elected at-large by the qualified voters of the Philippines.

The House of Representatives shall be composed of not more than two hundred fifty (250) members, who shall be elected by qualified voters of the legislative districts apportioned among the provinces, cities and the metropolitan Manila area.

SEC. 35. Party-list representatives. - The party-list representatives shall constitute twenty per cent (20%) of the total number of the Members of the House of Representatives, one-half (1/2) of which shall, for three (3) consecutive terms after the ratification of the Constitution, be filled by election.

C. ELECTION OF LOCAL OFFICIALS.

SEC. 36. Regular elections of local officials. - The regular elections for provincial, city and municipal officials shall be held every three (3) three years on the second Monday of May.

The governor, vice-governor, city mayor and vice-mayor, and municipal mayor and vice-mayor shall be elected at large by qualified voters in their respective units.

SEC. 37. Election of members of the sangguniang panlalawigan, sangguniang panlungsod and sanggunian bayan by district. - The elective members of the sangguniang panlalawigan, sangguniang panlungsod and sanggunian bayan shall be elected by district as follows:

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(1) The members of the sangguniang panlalawigan, sangguniang panlungsod of the cities of Manila, Quezon, Kalookan, Cebu, Davao, and any other city with two (2) or more legislative districts, and sangguniang bayan of the municipalities in the metropolitan Manila area shall be elected by sanggunian districts as established by the Commission pursuant to Republic Act No. 7166.

(2) All other cities and municipalities not included in the immediately preceding sub-paragraph shall have the same number of elective members to their respective sangguniang panlungsod or sangguniang bayan as provided for in existing laws, who shall be elected by district. For this purpose, the Commission shall divide each city and municipality into two (2) districts by barangay, as nearly practisable, according to the member of their respective inhabitants, each district to comprise a compact, contiguous and adjacent territory.

No person shall be elected member of the sangguniang panlalawigan, sanggunian panlungsod or sangguniang bayan, as the case may be, unless he is an actual resident of the district of which he is a candidate.

SEC. 38. Highly-urbanized and component cities. - Highly-urbanized and component cities whose charters prohibit their voters from voting for provincial elective officials shall be independent of the province. Registered voters of a highly-urbanized city shall not vote in the election for provincial officials of the province in which it is located; voters of a component city shall be entitled to vote for elective provincial officials of the province of which it is a part, unless its charter provides otherwise.

No component city shall be declared or classified as a highly-urbanized city within sixty (60) days prior to a local election.

SEC. 39. Sectoral representatives. - In addition to the regular members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan, there shall be one (1) sectoral representative each from the women, workers, and any of the following sectors: the urban poor, indigenous cultural communities, disabled persons or any other sector as may be determined by the sanggunian concerned at least ninety (90) days prior to the holding of the next regular local elections, as may be provided by law.

D. ELECTION OF OFFICIALS OF THE AUTONOMOUS REGION IN MINDANAO

SEC. 40. Regular elections for officials in the Autonomous Region. - The elections for regional officials of the Autonomous Region in Muslim Mindanao shall be held on the second Monday after the Muslim month of Ramadan immediately preceding the term of office of such officials.

SEC. 41. Composition of regional assembly. - The regional assembly shall be composed of three (3) members from each of the congressional districts.

SEC. 42. Term of office. - The term of office of the regional governor and vice-governor and that of the members of the regional assembly shall be three (3) years which shall begin on the first day of the succeeding month immediately following their election. No official shall serve for more than three (3) consecutive terms.

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

E. ELECTION OF BARANGAY OFFICIALS

SEC. 43. Regular election of barangay officials. - The election for barangay officials shall be non-partisan and shall be held every three (3) years on the second Monday of May.

SEC. 44. Term of office. - The term of office of barangay officials shall be three (3) years beginning on the first day of June following their election, unless sooner removed for cause, until their successor shall have been elected and qualified. No barangay official shall serve for more than three successive terms.

SEC. 45. Sangguniang barangay. - There shall be a sangguniang barangay in every duly-constituted barangay, which shall be composed of a punong barangay and seven (7) kagawad, all of whom shall be elected directly by the voters of the barangay. The punong barangay shall ipso facto be the presiding officer of the sangguniang barangay.

SEC. 46. Certificate of candidacy. - No person shall be elected barangay official unless he files a sworn certificate of candidacy in triplicate in accordance with this Code.

The election officer shall prepare a consolidated list of all candidates and post said list in the barangay hall and in other conspicuous places in the barangay at least ten (10) days before the election.

SEC. 47. Board of election inspectors. - (1) The Commission shall constitute not later than ten (10) days before the election, a board of election inspectors in every precinct to be composed of a chairman and two (2) members who are all public school teachers.

In case no public school teachers are available, the Commission shall designate any registered voter in the precinct who is not an incumbent barangay official or related to any candidate for any position in that barangay within the fourth civil degree of affinity or consanguinity.

(2) The board shall supervise and conduct the election in their respective precincts, count the votes and prepare the election returns in triplicate in a form prescribed by the Commission. The original of the election returns shall be delivered to the election officer, and the third copy, to the secretary of the sangguniang barangay, who shall keep the same on file.

SEC. 48. Activities during the campaign period. – During the campaign period, the punong barangay or any kagawad, who is not a candidate, or any resident of the barangay of known probity designated by the election officer shall convene the barangay assembly, at least once, to summon the candidates to a joint meeting, upon proper notice at least two (2) days prior thereto, to explain to the barangay voters their respective programs of administration, qualifications and other information that may enlighten voters in casting their votes.

The members of the barangay assembly may take up and discuss other matters relative to the election of barangay officials.

F. PARTY-LIST SYSTEM

SEC. 49. Party-list system defined. – Party-list system is a mechanism of proportional representation in the House of Representatives of political parties, organizations, or coalitions thereof with national, regional, or sectoral constituency registered with the Commission.

SEC. 50. Registration. - Any organized group of persons may register as a political party, organization, or coalition for purposes of the party-list system by filing with the Commission a verified petition in accordance with Sections 97 and 98 hereof.

SEC. 51. Manifestation to participate in party-list system. - Any political party, organization, or coalition already registered with the Commission need not register anew. However, such party, organization, or coalition shall file with the Commission. not later than sixty (60) days before the election, a manifestation of its desire to participate in the party-list system.

SEC. 52. Certified list of registered parties. - The Commission shall, not later than forty-five (45) days before the elections, prepare a certified list of political parties, organizations, or coalitions which have applied and are qualified to participate under the party-list system and distribute copies thereof to all the precincts for posting in the polling places on election day.

SEC. 53. Nomination of party-list representatives. - Each registered party, organization, or coalition shall submit to the Commission not later than fifty (50) days before the election, a list of five (5) names from which party-list representatives shall be chosen in case it obtains the required number of votes.

The list shall not include candidates for regular Member of the House of Representatives.

SEC. 54. Qualifications of party-list nominees. - No person shall be nominated as party-list representative unless he is a natural-born citizen of the Philippines; able to read and write; a resident of the Philippines for at least one (1) year preceding the day of the election; a bona

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fide member of the party, organization, or coalition with a national, regional, or sectoral constituency which he seeks to represent; a registered voter; and on the day of the election, is at least twenty five (25) years of age.

In case of a nominee for the youth sector, he must at least be eighteen (18) but not more than twenty-one (21) years of age on the day of the election. Any youth sectoral representative who attains the age of twenty-one (21) years during his term shall be allowed to continue in office until the expiration of his term.

SEC. 55. Manner of voting. - Every voter shall be entitled to two (2) votes: the first is a vote for the candidate for Member of the House of Representatives in his legislative district, and the second, a vote for the party, organization, or coalition he wants represented in the House of Representatives. A vote cast for a party, organization, or coalition not entitled to be voted for shall not be counted.

sec. 56. Procedure in allocating seats for party-list representatives. - The Commission shall tally all the votes for the parties, organizations, or coalitions on a nationwide basis, rank them according to the number of votes received as against the total number of registered voters nationwide, and allocate party-list representatives proportionately according to the percentage of votes obtained until all seats are filled up.

A political party, organization or coalition shall be entitled to a maximum of five (5) seats.

SEC. 57. How party-list representatives are chosen. - Party-list representatives shall be proclaimed by the Commission based on the list of names submitted by the respective parties, organizations, or coalitions to the Commission according to their ranking in said list.

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SEC. 58 Term of office. - Party-list representatives shall be elected for a term of three (3) years which shall begin unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No party-list representative shall serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered an interruption in the continuity of his service for the full term for which he was elected.

SEC. 59. Change of affiliation; Effect. - Any elected party-list representative who changes his political party or sectoral affiliation during his term of office shall forfeit his seat.

SEC. 60. Vacancy. - In case of vacancy in the seats reserved for party-list representatives, the President shall fill the vacancy by appointing a representative from the list of nominees in the order submitted to the Commission under Section 53 hereof by the same party, organization, or coalition, who shall serve for the unexpired term.

G. SYSTEM OF RECALL

SEC. 61. Recall defined. - "Recall" refers to the power to remove from office any elective local officials for loss of confidence.

SEC. 62. By whom exercised. - The power of recall shall be exercised by the registered voters of a local government unit to which the elective official subject of such recall belongs.

SEC. 63. Who may be recalled. - Any elective provincial, city, municipal, or barangay official may be recalled for loss of confidence in the manner prescribed and subject to the limitations hereinafter provided.

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SEC. 64. Recall; How commenced. - Recall may be initiated by:

(1) A preparatory recall assembly; or

(2) Upon petition of at least twenty-five per cent (25%) of the total number of registered voters of the local government unit to which the elective local official subject of such recall belongs.

SEC. 65. Preparatory recall assembly. - A preparatory recall assembly shall be composed of the following:

(1) For a province - All mayors, vice-mayors and sanggunian members of component cities and municipalities;

(2) For a local legislative district for sangguniang panlalawigan elected by district - All mayors, vice-mayors and sanggunian members of component cities and municipalities of the district; or

(3) For a city or municipality - All punong barangay and sangguniang barangay members of the city, municipality, or council district.

SEC. 66. Recall by preparatory recall assembly. - Recall proceedings by a preparatory recall assembly against any elective local official in the local government unit shall be validly initiated through a resolution adopted by a majority of all its members in a public session called for the purpose.

Questions affecting the validity of the resolution shall be raised in a verified petition filed with the Commission within five (5) days from its adoption.

The Commission shall summarily decide the petition within seven (7) days from its submission for resolution, which decision shall be final and executory.

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SEC. 67. Recall by petition. - A petition for recall shall be in writing and signed before the election officer or his representative in signature stations in such public places as may be determined by the Commission. The petitioner and the official sought to be recalled, or their representatives, shall be notified of the time, dates and places of the signing.

The petition shall be filed with the Commission through its office in the local government unit concerned. The Commission or its duly-authorized representative shall cause the publication of the petition in conspicuous public places for a period of not less than ten (10) days nor more than thirty (30) days.

The election officer shall verify the authencity and genuineness of the signatures and whether the required percentage of voters was obtained. He shall submit his findings and recommendations to the Commission immediately after completion of the verification. The Commission shall determine the sufficiency of the petition for recall within ten (10) days from receipt of the findings and recommendations of the election officer.

SEC. 68. Filing fee. - No resolution or petition for recall shall be given due course unless accompanied by such documentary requirements and filing fee as may be prescribed by the Commission.

SEC. 69. Date of election on recall. - The Commission shall set the date of the election on recall, which shall not be later than sixty (60) days in. the case of provincial officials, and thirty (30) days in the case of elective city, municipal, or barangay officials, from final determination by the Commission of the validity and sufficiency of the resolution or petition on recall.

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SEC. 70 Certificate of candidacy. - The Commission shall fix the date for the filing of certificates of candidacy for the position affected and thereafter prepare the list of candidates, which shall include the name of the official sought to be recalled. The official or officials sought to be recalled shall automatically be considered a duly-registered candidate or candidates and shall be entitled to be voted upon.

SEC. 71. Prohibition from resignation. - The elective local official sought to be recalled shall not be allowed to resign while the recall process is in progress.

SEC. 72. Effect. - The recall of an elective local official shall take effect upon the election and proclamation of a candidate other than the official sough to be recalled. Should the incumbent win the elections, confidence in him shall thereby be deemed affirmed, and he shall continue in office.

SEC. 73. Limitations. - Any elective local official may be subject of a recall election only once during his term of office. No recall shall take place within one (1) year from the date of an official's assumption to office or one (1) year immediately preceding a regular election for the office concerned.

SYSTEM OF INITIATIVE AND REFERENDUM

SEC. 74. Definition of terms. - As used in this Code:

(1) "Initiative" refers to the power to propose amendments to the Constitution or the enactment of national or local legislation. It may be exercised directly through a petition to be submitted in a plebiscite called for the purpose, or indirectly, only in the case of a national or local legislation;

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(2) "Referendum" refers to the power to approve or reject statutes enacted by Congress in whole or in part, or laws, resolutions, or ordinances enacted by local legislative bodies;

(3) "Proposition" refers to a measure proposed by voters for the enactment, amendment, approval, or rejection of a law;

(4) "Plebiscite" refers to the electoral process through which the power of initiative or referendum is exercised;

(5) "Petition" refers to the written instrument containing the proposition duly signed in a form prescribed by the Commission;

(6) "Local government units" refers to the autonomous, regions, provinces, cities, municipalities and barangays;

(7) "Local legislative bodies" refers to the regional assemblies, sangguniang panlalawigan, sangguniang panlungsod, sangguniang bayan and sangguniang barangay;

(8) "Local executives" refers to the regional and provincial governors, city or municipal mayors and punong barangay, as the case may be.

(9) "People's organization" refers to bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure.

SEC. 75. Who may exercise. - The power of initiative and referendum may be exercised by all registered voters of the country, autonomous regions, provinces, cities, municipalities and barangays.

SEC. 76. Requirements -(1) A petition for initiative or referendum shall be deemed validly initiated if signed by the required number of voters, as follows:

(1) Initiative on the Constitution - at least twelve per cent (12%) of the total number of registered voters nationwide as signatories, of which every legislative district is represented by at least three per cent (3%) of its registered voters. In addition, an initiative on the Constitution may be exercised only after five (5) years from its ratification and only once every five (5) years thereafter.

(2) Initiative and referendum on national statutes - at least ten per cent (10%) of the total number of registered voters nationwide, of which every legislative district is represented by at least three per cent (3%) of its registered voters;

(3) Initiative or referendum on laws, resolutions or ordinances passed by the legislative assembly of an autonomous region, province or city - at least ten per cent (10%) of the total number of registered voters in the local government unit concerned, of which every legislative district is represented by at least three per cent (3%) of its registered voters: Provided, That if the province or city is composed of only one (1) legislative district, each municipality in a province or each barangay in a city should be represented by at least three per cent (3%) of the registered voters therein;

(4) Initiative or referendum on an ordinance passed in a municipality - at least ten per cent (10%) of the total number of registered voters in the municipality, of which every barangay is represented by at least three per cent (3%) of its registered voters;

(5) Initiative or referendum on a barangay resolution or ordinance - at least ten per cent (10%) of the total number of registered voters in the municipality, of which every barangay is represented by at least three per cent (3%) of its registered voters.

SEC. 77. Contents of petition. - A petition shall contain:

(1) The text of the proposed law sought to be enacted, approved or rejected, amended or repealed;

(2) The proposition;

(3) The reason or reasons therefor;

(4) A statement that its subject is not among those prohibited under the immediately succeeding section;

(5) The signatures of the petitioners or registered voters; and

(6) An abstract or summary proposition in not more than one hundred (100) words legibly written or printed at the top of every page of the petition.

SEC. 78 Limitations on petition. - No petition shall embrace more than one (1) subject. Neither shall it have as its subject emergency measures, the enactment of which are specifically vested in Congress by the Constitution, except until ninety (90) days after its effectivity. In the case of local initiative, the petition shall not extend to subjects or matters which are beyond the legal powers of the local legislative body to enact.

SEC. 79. Verification of signatures. - The Commission shall cause the verification of the signatures in the petition on the basis of its records used in the immediately preceding election.

SEC. 80. Conduct and date of plebiscite on initiative or referendum. - The Commission shall call and supervise the conduct of the plebscite on initiative or referendum.

The Commission shall determine the sufficiency of the petition and within a period of thirty (30) days from receipt of the petition, publish the same in Pilipino and English at least twice in two (2) newspapers of national or local circulation, and set the date of the plebiscite which

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shall not be earlier than forty-five (45) but not later than ninety (90) days from the determination of its sufficiency.

SEC. 81. Effectivity of initiative or referendum proposition. - A proposition shall take effect following certification by the Commission that a majority of the votes cast was obtained in a plebiscite called for its approval or rejection, as follows:

(1) If the proposition to enact, approve, or amend a national law is approved, said law shall become effective fifteen (15) days following completion of its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

If the proposition to reject a national law is approved, the said law shall be deemed repealed, and the repeal shall become effective fifteen (15) days following its certification and completion of its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

If the majority vote is not obtained, the national law sought to be rejected or amended shall remain in full force and effect.

(2) If the proposition is an intiative or referendum on the Constitution is approved, it shall become effective as of the day of the plebiscite.

(3) If the proposition in an initiative on local law is approved, it shall become effective fifteen (15) days after certification and proclamation by the Commission.

SEC. 82. Indirect initiative: House of Representatives. - Any duly-accredited people's organization may file a petition for indirect initiative with the House of Representatives.

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The procedure to be followed on the initiative bill shall be the same as that for the enactment of any legislative measure before the House of Representatives, except that said initiative bill shall enjoy precedence over other pending legislative measures.

SEC. 83. **Indirect initiative: Regional and local legislative bodies.** - Not less than two thousand (2,000) registered voters in the case of autonomous regions, one thousand (1,000) in case of provinces and cities, one hundred (100) in case of municipalities, and fifty (50) in case of barangays, may file a petition with the regional assembly or local legislative body, respectively, proposing the enactment, amendment, approval, or rejection of any law, ordinance, or resolution.

If no favorable action is made thereon by the local legislative body within thirty (30) days from its filing, the proponents, through their duly-authorized and registered representative, may invoke their power of direct initiative, giving notice thereof to the local legislative body concerned.

The proposition shall be serially numbered starting from one (1). The Secretary of the Interior and Local Government or his designated representative shall assist in the formulation of the proposition.

Two (2) or more propositions may be submitted in an initiative.

Proponents shall collect the required number of signatures within one hundred twenty (120) days from date of notice in case of autonomous regions, ninety (90) days in case of provinces and cities, sixty (60) days in case of municipalities, and thirty (30) days in case of barangays.

The petition shall be signed before the election officer or his designated representatives, of the regional assemblies and local legislative bodies concerned. Signature stations may be established in as many public places as may be necessary.

Upon the lapse of the period herein provided, the Commission through its office in the local government unit concerned shall certify whether the required number of signatures has been obtained. Failure to obtain the required number shall be deemed a rejection of the proposition.

SEC. 84. Limitation on local initiatives. - (1) The power of local initiative shall not be exercised more than once a year.

(2) If at any time before the plebiscite on initiative is held, the local legislative body shall adopt in toto the proposition presented, the plebiscite shall be cancelled. However, those against such action may, if they so desire, apply for initiative in the manner herein provided.

SEC. 85. Limitations upon local legislative bodies. - Any proposition, ordinance or resolution approved shall not be repealed, modified, or amended within six (6) months from the date of approval, but may be amended, modified, or repealed within three (3) years thereafter by a vote of three-fourths (3/4) of all the members of the local legislative body: Provided, That in case of barangays, such period shall be one (1) year after the expiration of the first six (6) months.

SEC. 86. Local referendum. - Notwithstanding the provision of Section 78 hereof, any local legislative body may submit to the registered voters of autonomous regions, provinces, cities, municipalities and barangays for their approval or rejection, any ordinance or resolution duly enacted or approved.

The plebiscite on referendum shall be held within ninety (90) days in case of the autonomous regions, sixty (60) days in case of provinces and cities, forty-five (45) days in case of municipalities, and thirty (30) days in case of barangays.

SEC. 87 Appeal.. - The decision of the Commission on the sufficiency or insufficiency of the petition for initiative or referendum may be appealed to the Supreme Court within thirty (30) days from notice thereof.

SEC. 88. Unconstitutionality and invalidity of proposition. - Nothing in this Article shall prevent or preclude the proper courts from declaring null and void any proposition approved pursuant hereto for violating the Constitution or for want of capacity of the local legislative body to enact said measure.

I. ABSENTEE VOTING

SEC. 89. Absentee voting. - "Absentee voting" refers to the process by which a registered voter who is not in his place of registration on election day, either because of election duty or by reason of residence or employment abroad, may vote in national elections.

SEC. 90. Persons covered. - The following may avail of absentee voting:

(1) Qualified government personnel - any registered voter employed in the government service who, by reason of public functions and duties, is not in his place of registration on election day; and

(2) Qualified Filipinos abroad - every overseas Filipino, including those born of a Filipino father or mother in a foreign soil, who has opted to retain his Philippine citizenship and who has the qualifications of a

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voter and is validly registered as such in his voting residence, and who, on election day, is outside his voting residence.

"Voting residence" refers to any city or municipality in the Philippines where an overseas Filipino is registered or qualified to register as a voter if present therein.

SEC. 91 **Absentee voting by qualified government personnel.** - The following steps shall be followed in the exercise of absentee voting by qualified government personnel:

(1) Forty-five (45) days before the election, the head of office concerned shall submit to the Commission a list of its officers and employees who are registered voters, and who, by reason of their election duties and functions, will be outside their place of registration, and who desire to exercise their right to vote, with the request that said officers and employees be provided with application forms to cast absentee ballots. The list and request shall be under oath.

(2) Upon verification by the Commission that the persons included in the list are qualified voters, it shall, within thirty-five (35) days before the election, transmit the requested number of application forms to the head of office.

(3) The application forms shall be returned duly accomplished to the Commission at least twenty-five (25) days before election day.

(4) After verification of the applications, the Commission shall, within fifteen (15) days before the election, transmit the exact number of absentee ballots to the head of office for distribution to the applicants.

(5) The absentee voter shall accomplish his ballot seven (7) days before election day and place the same in two (2) security envelopes, one inside the other. He shall submit the envelope to the provincial election supervisor of his place of assignment, who shall in turn deliver it to the Commission.

(6) The head of the office shall prepare a sworn report on the manner of distribution of the absentee ballots, indicating therein the number of ballots transmitted and their serial numbers and the names of the persons to whom the absentee ballots were delivered. The report shall be accompanied by a certificate of eligibility to vote absentee for each particular voter and submitted within three (3) days after the election.

SEC. 92. Absentee voting by qualified Filipinos abroad. - Only an overseas Filipino who is a registered voter may vote in absentia If he is not registered, he must first register in person as a voter in his voting residence.

The return to the Philippines of any Filipino residing abroad at least once within one (1) year prior to the elections in which he intends to vote shall constitute prima facie evidence of his intention to return to his original residence in the Philippines.

The following steps shall be followed in the exercise of absentee voting by qualified Filipinos abroad:

(1) Immediately after the election period shall have been fixed, the Commission, through the diplomatic or consular officers, shall give notice to Filipino citizens residing in their respective jurisdictions of the holding of an election.

(2) Every overseas Filipino shall signify his intention to vote in absentia by filing a sworn application under oath with the Commission or with the diplomatic or consular officers concerned authorized by the Commission not

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later than ninety (90) days before the elections. Said officers shall thereafter immediately transmit by diplomatic pouch the applications to vote in absentia to the Commission for verification in the permanent list of voters. All persons voting in absentia shall be indicated in the list of voters.

(3) The Commission shall, not later than forty-five (45) days prior to the election, deliver to the Department of Foreign Affairs the number of absentee ballots corresponding to the number of applications approved by it, along with such materials and election paraphernalia necessary to ensure the secrecy, integrity and sanctity of the ballots, for transmission by diplomatic pouch to the different Philippine missions abroad. It shall be the duty and responsibility of the Philippine mission concerned to distribute the ballots to the absentee voters.

Absentee voting shall be conducted at least thirty (30) days before the election either by mail or at the designated voting center situated at the nearest diplomatic or consular office of the Republic of the Philippines, or at such other places as may be designated by the Commission.

(4) The Deparment of Foreign Affairs shall transmit, not later than fifteen (15) days before the election, all ballots by diplomatic pouch to the Commission. All ballots received by the Commission on or before the close of voting on election day shall be included in the counting of votes.

SEC. 93. Counting and canvass. - The Commission shall constitute as many special boards of election inspectors for absentee voting both by qualified government personnel and overseas Filipinos as may be necessary to count votes.

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A special board of canvassers composed of ranking lawyers of the Commission shall be constituted in each case to canvass the election returns submitted to it by the respective boards of election inspectors.

SEC. 94. Assistance of other government agencies/officials - All government agencies and/or officials shall, to the extent practicable and compatible with their primary responsibilities, assist the Commission in conducting absentee voting. All such agencies or officials shall take reasonable measures to expedite the transmission, delivery and return of all election matters.

SEC. 95. Security measures. - At all stages of the process for absentee voting, the Commission shall take such measures necessary to preserve the security and sanctity of the ballot.

ARTICLE IV. POLITICAL PARTIES, CANDIDATES AND CAMPAIGN PROPAGANDA

A. POLITICAL PARTIES

SEC. 96. Political party, organization, or coalition. - When used in this Code, "political party", "organization," or "coalition" refers to an organized group of qualified voter pursuing the same ideology, political ideas and platform, or program of government and includes its branches and divisions.

To acquire juridical personality, qualify it for subsequent accreditation, and entitle it to the rights and privileges herein granted, a political party, organization, or coalition shall first be registered with the Commission.

Upon due notice to the Commission, a political party may coalesce or affiliate with another political party or parties.

SEC. 97. **Registration.** - Any organized group of qualified voters seeking registration as a political party, organization, or coalition may file with the Commission not later than ninety (90) days before an election a petition verified by its president and secretary, attaching thereto its constitution and by-laws, platform or program of government and other information required by the Commission. The Commission shall require publication of the petition in at least two (2) newspapers of general circulation.

The Commission shall, after due notice and hearing, resolve the petition within fifteen (15) days from the date it is submitted for decision and in every case not later than sixty (60) days before elections.

Religious denominations and sects shall not be registered. A political party which seeks to achieve its goals through violence or unlawful means, or refuses to uphold and adhere to the Constitution, or which is supported by a foreign government, or any foreigner, whether juridical or natural, shall likewise be refused registration.

SEC. 98. **Accreditation of political parties.** - The Commission shall, after notice and hearing, accredit the major political parties, organizations, or coalitions, which shall have preference in the posting of watchers and in the receipt of copies of election documents, on the basis of the following:

(1) Established record of the political party, organization, or coalition taking into account, among others, its showing in past elections;

(2) Number of incumbent elective officials belonging to it ninety (90) days before the date of elections;

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(3) Identifiable political organizations and strength as evidenced by its organized chapters;

(4) Ability to fill a complete slate of candidates; and

(5) Other analogous circumstances.

SEC. 99. Publication of petition for registration or accreditation. - The Commission shall require publication of the petition for registration or accreditation once in two (2) newspapers of general circulation.

SEC. 100 Cancellation of registration/accreditation. - The Commission may, motu proprio or upon verified complaint of any interested party, cancel, after due notice and hearing, the registration or accreditation of any political party, coalition or organization on the following grounds:

(1) Acceptance by it or by any of its candidates of financial contributions from foreign governments and/or their agencies for activities related to elections;

(2) Violation of, or non-compliance with, laws, rules or regulations relating to elections;

(3) Untruthful statements in its petition;

(4) It is a religious sect or denomination; is pursuing its goals through violence or other unlawful means; is refusing to adhere to or uphold the Constitution; or is receiving support from any foreign government;

(5) Failure to field official candidates in the last two (2) preceding elections or failure of its candidates to obtain at least five per cent (5%) of the votes cast in either of the last two (2) preceding elections in the constituency in which it is registered.

(6) Failure to obtain a seat under the party-list system in two (2) consecutive elections in its constituency.

SEC. 101. Prohibition against change of political party affiliation. - Any elective public officer or candidate who

changes his political party affiliation within six (6) months immediately preceding an election shall, after notice and hearing, be disqualified in appropriate proceedings by the Commission, or, if he has been elected, shall not be allowed to assume office.

B. ELIGIBILITY AND QUALIFICATIONS OF CANDIDATES

SEC. 102. Qualifications for President and Vice-President. - No person shall be elected President or Vice-President unless he is a natural-born citizen of the Philippines, a registered voter, able to read and write, at least forty (40) years of age on the day of the election and a resident of the Philippines for at least ten (10) years immediately preceding such election.

SEC. 103. Qualifications for Senator. - No person shall be elected a Senator unless he is a natural-born citizen of the Philippines, and, on the day of the election, at least thirty-five (35) years of age, able to read and write, a registered voter, and a resident of the Philippines for not less than two (2) years immediately preceding the day of the election.

SEC. 104. Qualifications for Member of the House of Representatives. - No person shall be elected Member of the House of Representatives unless he is natural-born citizen of the Philippines and, on the day of the election, at least twenty-five (25) years of age, able to read and write, and, except the party-list representatives, a registered voter in the district in which he shall be elected and a resident therein for a period of not less than one (1) year immediately preceding the day of the election.

A sectoral representative shall be a natural-born citizen of the Philippines, able to read and write, a resident of the Philippines for a period of not less than

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one (1) year immediately preceding the day of the election, a bona fide member of the sector he seeks to represent, a registered voter, and, on the day of the election, at least twenty-five (25) years of age. The youth sectoral representative shall be at least eighteen (18) and not more than twenty-one (21) years of age on the day of the election: Provided, That any youth sectoral representative who attains the age of twenty-one (21) years during his term shall continue in office until the expiration of his term.

SEC. 105. Qualifications for regional officials. - No person shall be elected governor or vice-governor/deputy governor of the autonomous region unless he is a natural-born citizen of the Philippines, a registered voter of the autonomous region and a resident therein for at least five (5) years immediately preceding the election, able to read and write and at least thirty-five (35) years of age on the day of the election.

No person shall be elected member of the regional assembly unless he is a natural-born citizen of the Philippines, at least twenty-one (21) years of age on the day of the election, able to read and write, a registered voter of the district in which he shall be elected and a resident thereof for a period of not less than five (5) years immediately preceding the day of the election.

SEC. 106 Qualifications of elective local officials. - No person shall be elected to any provincial, city, municipal, or barangay office unless he is a natural-born citizen of the Philippines, able to read and write, a registered voter in the political subdivision where he intends to be elected, and a resident therein for at least one (1) year immediately preceding day of the election.

In addition, candidates for governor, vice-governor, member of the sangguniang panlalawigan, mayor, vice-mayor, member of the sangguniang panlungsod of highly-urbanized cities shall be at least twenty-three (23) years of age on election day; those for mayor or vice-mayor of independent component cities or municipalities, at least twenty-one (21) years of age; and those for member of the sangguniang panlungsod, sangguniang bayan, punong barangay, or member of the sangguniang barangay at least eighteen (18) years of age on election day.

C. DISQUALIFICATIONS OF CANDIDATES

SEC. 107. Disqualifications. - The following persons shall be disqualified as candidate for any elective office or from continuing as such, or, if they have been elected, proclaimed, or have assumed office, from holding office:

(1) Any person who has been declared by competent authority insane or feeble-minded, or has been sentenced by final judgment for insurrection, rebellion, or for any offense for which he has been sentenced to a penalty of more than eighteen (18) months or for a crime involving moral turpitude. Such disqualification shall, however, be deemed removed upon the declaration by competent authority that said insanity had been removed, or after the completion of the period of probation or expiration of five (5) years from his service of sentence, or after the grant of plenary pardon or amnesty, unless within the same period he again becomes disqualified.

(2) Except for officials and employees of the Commission, who shall be governed by Section 14 hereof, any official of an executive department, bureau, or office, or of any government-owned or -controlled corporation who is

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appointed by the President of the Philippines with the consent of the Commission on Appointments, as well as justices and judges, in the election immediately succeeding the termination of his tenure of office, whether by resignation, retirement, expiration of tenure, removal or similar causes.

(3) Any elective public official who has resigned, retired, been removed from office for any cause, in any special election called to fill the vacancy caused by his resignation, retirement, or removal;

(4) Any person who has dual citizenship, or is a permanent resident of, or an immigrant to, a foreign country, unless said person has waived his status as such in accordance with law;

(5) Any person convicted by final judgment of violating his oath of allegiance to the Republic;

(6) A fugitive from justice in criminal or non-political cases here or abroad;

(7) Any person sentenced by final judgment for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;

(8) Any person removed from office by final judgment in an administrative case.

(9) Any person who fails to pay the administrative fine for failure to file a sworn statement of electoral contributions and expenditures.

SEC. 108. Priority accorded to disqualification cases - The Commission and the courts shall give priority to cases of disqualification by reason of violation of this Code to the end that a final decision is rendered thereon not later than fourteen (14) days before the election in which the disqualification of the candidate is sought.

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SEC. 109. Effects of disqualification. - Any candidate who has been declared by final judgment to be disqualified shall not be voted for, and the votes cast for him not counted. Nevertheless, if for any reason, a candidate is not disqualified by final judgment before an election and is voted for and receives the winning number of votes in such election, the court or Commission shall continue with the trial and hearing of the action, inquiry, or protest, and, upon motion of the complainant or any intervenor, may, during the pendency thereof, order the suspension of the proclamation of such candidate whenever the evidence of guilt is strong: Provided, That upon the disqualification by final judgment of such winning candidate, the elected candidate next, in the order of succession as provided for under existing laws shall fill the resulting vacancy.

D. RULES ON CANDIDACIES

SEC. 110. Certificate of candidacy. - No person shall be eligible for any elective public office unless he files a sworn certificate of candidacy within the period fixed in this Code.

A person who has filed a certificate of candidacy may, prior to the election, withdraw the same by submitting to the office of the Commission where he filed his certificate of candidacy a written declaration of the withdrawal under oath.

Any candidate who withdraws his candidacy cannot file a new certificate for any office in the same election.

No person shall be eligible as candidate for more than one (1) office to be filled in the same election. A person who files his certificate of candidacy for more than one (1) office shall not be eligible for any of them, but may,

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before the expiration of the period for the filing of certificates of candidacy, declare under oath the office to which he desires to be elected and cancel the certificate of candidacy for the other office or offices.

The filing or withdrawal of certificates of candidacy shall not affect whatever civil, criminal, or administrative liabilities which a candidate may have incurred as a result thereof.

SEC. 111. Contents of certificate of candidacy. - The certificate of candidacy shall be filed in a form prescribed by the Commission and shall state the following:

(1) The legal name of the person filing the same, and, if he so desires, one nickname or stage name by which he is generally or popularly known in the locality. In no case shall he use the nickname or stage name of another person;

(2) That the person filing it is announcing his candidacy for the office stated therein and that he is eligible therefor;

(3) If the certificate of candidacy is for Member of the House of Representatives, it shall also state the province, including its component cities, highly-urbanized city or district or sector which he seeks to represent;

(4) The political party to which he belongs;

(5) His sex, civil status, date and place of birth, residence and post office address for election purposes;

(6) His profession or occupation;

(7) His relation, if any, to the incumbents or candidates enumerated in Section 116 hereof;

(8) The place and precinct where he is a registered voter;

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(9) That he will support and defend the Constitution of the Philippines and will maintain true faith and allegiance thereto;

(10) That he will obey the laws, legal orders and decrees promulgated by the duly-constituted authorities;

(11) That he is not a permanent resident of, or immigrant to a foreign country;

(12) That the obligation imposed upon his oath is assumed voluntarily, without mental reservation or purpose of evasion; and

(13) That the facts stated in the certificate of candidacy are true and correct to the best of his knowledge.

The person filing a certificate of candidacy shall also attach thereto copies of his income tax return for the two (2) years immediately preceding the election, affix his latest passport-sized photograph, and, if he so desires, a statement in duplicate containing his bio-data and program of government.

Unless a candidate has officially changed his name through a court-approved proceeding, a candidate shall state in his certificate of candidacy the name by which he has been baptized, or if he has not been baptized in any church or religion, the name registered in the office of the local civil registrar, or the name by which he is commonly known or any other name allowed under existing law. In the case of a Muslim, he may state his Hadji name after performing the prescribed religious pilgrimage. However, when there are two (2) or more candidates for an office with the same name and surname, each candidate, upon being made aware of such fact, shall state his paternal and maternal surname, except the incumbent who may continue to use the name and surname stated in his certificate of candidacy when he was elected.

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SEC. 112. Filing of certificate of candidacy. – The certificate of candidacy shall be filed by the candidate personally or by his duly-authorized representative on any day from the commencement of the election period but not later than the day before the beginning of the campaign period for the office concerned: Provided, That in case of postponement or failure of election, no additional certificate of candidacy shall be accepted except in cases of substitution of candidates.

The certificate of candidacy shall be filed in five (5) legible copies with the offices of the Commission specified hereunder:

(1) For President, Vice-President and Senator, with the law department of the Commission in Manila;

(2) For Member of the House of Representatives, with the provincial election supervisor of the province concerned. Those for legislative districts in the National Capital Region shall be filed with the law department of the Commission, and those for legislative districts in cities outside the National Capital Region comprising one (1) or more legislative districts, with the city election officer;

(3) For regional governor and vice-governor in the autonomous regions, with the regional election director concerned. Those for member of the regional assembly shall be filed with the respective provincial election supervisors;

(4) For provincial offices, with the provincial election supervisor;

(5) For city or municipal offices, with the city or municipal election officer; and

(6) For barangay offices, with the election officer of the city or municipality.

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Notice of withdrawal or substitution of candidacies shall be filed with the office where the certificate of candidacy being withdrawn or substituted was filed, ~

SEC. 113. Ministerial duty of receiving and acknowledging receipt of certificate of candidacy. - It shall be the ministerial duty of the law department of the Commission, regional election director, provincial election supervisor, election officer or other officer designated by the Commission or the board of election inspectors to receive and acknowledge receipt of the certificate of candidacy.

SEC. 114. Nomination of official candidates. - Accredited political parties shall submit to the Commission a certificate of nomination, under oath by their duly-authorized officers, of their respective official candidates not later than three (3) calendar days after the last day for filing of certificates of candidacy

SEC. 115. Candidates holding appointive or elective office.- The following shall be considered automatically resigned from their respective offices upon the filing of their certificate of candidacy:

(1) Any person holding a public appointive office or position, including active members of the Armed Forces of the Philippines, and officers and employees in government-owned or -controlled corporations; and

(2) Any elective official, whether national, regional,local, or barangay, running for any office other than that which he is holding in any capacity.

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SEC. 116. Political dynasty defined; Prohibited candidacies. - The term "political dynasty" refers to a situation where persons related to each other within the third civil degree of consanguinity or affinity hold elective offices simultaneously or the same office successively in a region, legislative district, province, city or municipality.

To prevent the establishment of a political dynasty, persons within the same civil degree of relationship shall not be allowed to run for any elective position in the same political unit in the same election. Neither can a person within the same civil degree of relationship as the incumbent succeed to the position of the latter.

Certificates of candidacy filed in violation hereof shall not be given due course.

SEC. 117. Nuisance candidacies. - The Commission may, motu proprio or upon a verified petition of an interested party, deny due course to or cancel a certificate of candidacy if it is shown that said certificate has been filed to put the election process in mockery or disrepute or to cause confusion among the voters by the similarity of the names of the registered candidates or by other circumstances or acts which clearly demonstrate that the candidate has no bona fide intention to run for the office for which the certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate.

SEC. 118. Procedure in cases of nuisance candidacies. - A verified petition to declare a duly-registered candidate as a nuisance candidate shall be filed with the Commission by any registered candidate for the same office personally or through his duly-authorized representative within five (5) days from the last day for the filing of certificates of candidacy.

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SEC. 119. Guest candidacy. - No political party shall nominate and/or support candidates not belonging to it without the written consent of such. candidate under oath.

SEC. 120. Period for political convention or meeting. - Political conventions or meetings for the nomination or selection of the official candidates of any political party, organization or coalition shall be held within thirty (30) days before the start of the campaign period for the offices concerned.

SEC. 121. Substitution in case of death, disqualification or withdrawal of candidate. - If, after the last day for the filing of certificates of candidacy, a candidate with a certificate of candidacy duly filed dies, withdraws his candidacy or is disqualified for any cause, the following rules on substitution of candidacy shall be observed:

(1) There shall be no substitution of any candidate who has withdrawn his certificate of candidacy.

(2) Substitution of candidates in case of death or disqualification shall be allowed only if the candidate who has died or been disqualified is an official candidate of a registered or accredited political party: Provided, That there is only one (1) candidate remaining for the position affected after such death or disqualification. In such a case, only a person belonging to, and certified by, the same political party may file a certificate of candidacy to replace the candidate who has died or been disqualified.

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(3) In the case of independent candidates, substitution of candidacy shall be allowed only in case of death: Provided, That there is only one (1) candidate remaining for the position affected after such death. In such a case, a substitute candidacy may be filed only by the spouse or nearest relative of the deceased candidate within the third civil degree of consanguinity or affinity.

In either case, the substitute candidate shall file his certificate of candidacy for the office concerned in accordance with the preceding sections not later than mid-day of the day of the election. If the death or disqualification should occur between the day before the election and mid-day of election day, said certificate shall be filed with any board of election inspectors in the political subdivision where he is a candidate, or in case of candidates for national office, with the Commission.

SEC. 122. Petition to deny due course to or cancel a certificate of candidacy. - A verified petition seeking to deny due course to or cancel a certificate of candidacy may be filed by any person exclusively on the ground that any material representation contained therein is false. The petition shall be filed five (5) days following the last day for the filing of certificates of candidacy.

SEC. 123. Unopposed candidacies. - If, after the last day for the filing of certificates of candidacy, there should be only one (1) candidate for an elective position, the Commission shall, without holding an election for said position, certify that he is the only candidate for the office affected and is thereby deemed elected.

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E. CAMPAIGN AND ELECTION PROPAGANDA

SEC. 124. Definitions. - As used in this Code:

(1) "Candidate" refers to any person aspiring for or seeking an elective public office who has publicly announced the same or who has, through other analogous acts performed within ninety (90) days prior to the start of the campaign period, openly manifested his desire to seek an elective public office, whether or not he has filed a certificate of candidacy by himself or through an accredited political party, organization, or coalition of parties.

(2) "Election campaign" or "partisan political activity" refers to an act designed to promote or defeat the election of a candidate, which shall include:

(a) Forming organizations, associations, clubs, movements, committees or other groups of persons;

(b) Holding political caucuses, conferences, meetings, rallies, parades, or other similar assemblies;

(c) Making speeches, announcements or commentaries, or holding interviews;

(d) Publishing or airing in the mass media, or distributing campaign materials; or

(e) Directly or indirectly soliciting votes, pledges, or support.

Public expressions, opinions, or discussions of probable issues in a forthcoming election or on attributes of or criticisms against probable candidates proposed to be nominated in a forthcoming political party convention shall not be construed as part of any election campaign or partisan political activity contemplated under this Article.

SEC. 125. Intervention of foreigners. - At no time shall any foreigner, whether juridical or natural, aid any candidate or political party, directly or indirectly, or take part in or influence in any manner any election, or contribute, render services, or make any expenditure in connection with, or in furtherance of, any election campaign or partisan political activity.

SEC. 126. Undue ecclesiastical influence. - No head of any church hierarchy or religious sect, denomination, or grouping shall, directly or indirectly, influence the members of his flock, parish, or congregation to vote for or against any candidate or political party by means of any election propaganda enumerated under Sections 127 and 130 of this Code.

SEC. 127. Lawful election propaganda. - Lawful election propaganda shall include:

(1) Pamphlets, leaflets, cards, decals, stickers, or other written or printed materials of a size not more than twenty-one and one-half (21.5) centimeters in width and thirty-five and one-half (35.5) centimeters in length: Provided, That stickers or decals posted or displayed in a house, building, establishment, or vehicle other than that owned or leased by a candidate or political party or other than a common poster area or other authorized place shall conform to the size herein specified and shall be posted or displayed only with the express consent of the owner of such house, building, establishment, or vehicle;

(2) Handwritten or printed letters urging voters to vote for or against any particular candidate;

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(3) Cloth, paper, or cardboard posters, whether framed or posted, of a size not exceeding sixty (60) centimeters by ninety (90) centimeters;

(4) Streamers not exceeding ninety (90) centimeters and forty (40) centimeters in size, to be posted or displayed only at the candidate's main residence, at the official party headquarters of a registered political party not exceeding one (1) headquarters for each barangay, or at the site and on the occasion of a public meeting or rally, or in announcing the holding of said meeting or rally, within one (1) week before the date of the meeting or rally and removed within seventy-two (72) hours thereafter;

(5) Any moving vehicle with a sound system for campaign jingles or recorded or live propaganda, or motorcades; or

(6) All other forms of election propaganda not prohibited by this Code as the Commission may authorize after due notice to all interested parties and hearing where all interested parties were given equal opportunity to be heard: Provided, That the Commission's authorization shall be published twice in two (2) newspapers of general circulation within one (1) week after the grant of such authorization. Violation in any manner of this Section shall constitute an election offense.

SEC. 128. Prohibition on removal, destruction, or defacement of lawful election propaganda. - It shall be unlawful for any person to remove, destroy, obliterate, or in any manner deface or tamper with, or prevent the distribution of, lawful election propaganda during the campaign period.

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SEC. 129. Requirements for printed election propaganda. – Any poster, pamphlet, circular, handbill, bumper sticker, streamer, list of candidates, or any printed political matter for or against a candidate or group of candidates to any public office shall bear the words "PAID FOR BY" followed by the true and correct name and address of the mayor, and by the words "PRINTED BY" followed by the true and correct name and address of the printer.

SEC. 130. Prohibited election propaganda. – The following election propaganda are prohibited:

(1) Posters, pamphlets, circulars, handbills, or any printed matter which do not bear the names and addresses of the printer and mayor;

(2) Billboards, tinplate-posters, balloons and the like, of whatever size, shape, form, or kind;

(3) Pens, lighters, fans of whatever nature, flashlights, athletic goods or materials, wallets, shirts, hats, bandanas, matches, cigarettes and the like. However, campaign supporters may be allowed to wear hats and/or shirts or T-shirts advertising a candidate while in the actual company of the candidate.

(4) Any advertisement or propaganda by means of cinematography, audio-visual units, video cassette recorders or other screen projections, except telecasts which may be allowed as hereinafter provided; and

(5) Printed and broadcast material for campaign and other political purposes in the print and broadcast media, whether given free of charge or sold to any individual or party, except as authorized in this Code and by the Commission.

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The printing, manufacture, construction, purchase, posting, publication, display, airing, distribution, acceptance, or use of any of the foregoing election propaganda materials shall constitute an election offense.

Any prohibited election propaganda gadget or advertisement shall be stopped, confiscated, or torn down by the representative of the Commission upon its written authority.

SEC. 131. Ban on political advertisements in media. - It shall be unlawful for any newspaper, radio broadcasting or television station, or other mass media, or any person making use of the mass media, to sell or give free of charge print space or air time for campaign or other political purposes except to the Commission as provided for under the provisions on "Comelec Space" and "Comelec Time," including such other programs authorized by the Commission: Provided, however, That the right of media to print or broadcast accounts of significant or newsworthy events and views on matters of public interest shall at all times be recognized.

Any mass media columnist, commentator, announcer, reporter, correspondent, or personality who is a candidate for any public office or a campaign volunteer for or employed or retained in any capacity by any candidate shall take a leave of absence from his work in media from the start of the campaign period until election day.

SEC. 132. Regulation of election propaganda through mass media. - No franchise or permit to operate a radio or television station shall be granted or issued, suspended, cancelled, or revoked during the election period.

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In all instances during the election period, the Commission shall supervise the use and employment of press, radio and television facilities so as to give candidates equal opportunity under equivalent circumstances to make known their qualifications and stand on public issues within the limits set forth in the preceding section on election propaganda.

Violation of the rules and regulations issued by the Commission to implement this section shall constitute an election offense.

SEC. 133. Comelec Space. - The Commission shall procure space free of charge in at least one (1) newspaper of general circulation in every province or city and in such newspaper with national circulation as there are in circulation, which shall be known as "Comelec Space," wherein candidates can announce their candidacy. Provided, however, that in the absence of such newspaper, publication shall be done in any other magazine or periodical in said province or city. Said space shall be allocated, free of charge, equally and impartially by the Commission among all candidates for national office, in the case of newspapers with national circulation, and among all candidates for other elective public positions within the area in which the newspaper is circulated, in the case of publications with limited circulation.

Said "Comelec Space" shall also include such space as may be reasonably necessary to accommodate a "Comelec Column," in a frequency not exceeding twice a week during the election period, which shall contain such materials as may be necessary to inform the public of election matters.

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Any candidate or political party may cause the reproduction or reprinting, at their expense, of any "Comelec Space" publication, subject to the limitations on lawful election expenditures.

SEC. 134. Comelec Time. - The Commission shall procure radio and television time, of which a reasonable proportion shall be prime time, free of charge to be known as "Comelec Time," which shall be allocated equally and impartially among all candidates for national office, in the case of radio and television stations with nationwide reach, and among all candidates for other public elective positions within the area of coverage of the radio and television stations concerned, in the case of stations with limited territorial reach. For this purpose, the franchise of all radio broadcasting and television stations are hereby amended as to provide radio or television prime time, free of charge, during the election campaign period.

SEC. 135. Common poster area. - The Commission shall designate common poster areas in strategic public places such as city or municipal halls, public markets, barangay centers, and the like, wherein each candidate can post, display, or exhibit free of charge his election propaganda, consisting of one (1) poster measuring not more than twenty (20) by twenty-seven and one-half (27.5) centimeters, to announce or further his candidacy.

Whenever feasible, the Commission may authorize the installation of common billboards by non-partisan private or civic organizations, after due notice and hearing, in such strategic places where maximum visibility shall be ensured.

The space in such common poster areas or billboards shall be allocated equally and impartially among all the candidates in the province, city, municipality, or barangay.

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SEC. 136. Rallies, meetings and other political activities. - Subject to the requirements of local ordinances on the issuance of permits, any political party supporting official candidates or any candidate, individually or jointly with other aspirants, may hold peaceful political rallies, meetings and other similar activities during the campaign period. Provided, that all applications for permits to hold such activities shall be immediately posted in a conspicuous place in the city or municipal building, receipt thereof acknowledged, and, within three (3) days from its filing, acted upon in writing by the local authorities concerned. Provided, further, that any application not acted upon within said period shall be deemed approved, and any denial of application for said permit shall be appealable to the provincial election supervisor, regional election director, or, in the case of Metro Manila, to the appropriate department or service of the Commission, as the case may be, or to the Commission, whose decision shall be made within forty-eight (48) hours and which shall be final and executory. Provided, finally, that the only justifiable ground for denial of an application is the approval of a prior written application by any candidate or political party for the same time, date, place, and purpose.

SEC. 137. Transportation, food and drinks. - It shall be unlawful for any candidate, political party, organization, or coalition, political leader, voter, or any person to give or accept, free of charge or for a nominal sum, directly or indirectly, transportation service, fare, food, beverages, liquor, or things of value during the five (5) hours before and after a public rally, on the day

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preceding the election, and on the day of the election; or to give or contribute, directly or indirectly money or things of value for such purpose [Sec. 89, BP 881].

No special permit or authority to operate outside their designated routes shall be issued to public utility operators or owners within the three (3) days preceding the elections and on the day of the election. All public utility vehicles operating outside their designated routes during said period shall be impounded, and their drivers apprehended, upon authority of the Commission.

F. ELECTORAL CONTRIBUTIONS AND EXPENDITURES

SEC. 138. Definitions. - As used in this Article:

(1) "Person" refers to an individual, partnership, committee, association, corporation, political party, organization, or coalition, or any other organization or group of persons;

(2) "Contribution" refers to a gift, donation, subscription, loan advance, or deposit of money or anything of value, or a contract, promise, or agreement to contribute, whether or not legally enforceable, made for the purpose of influencing the results of the elections, as well as the use of facilities voluntarily loaned by other persons, the money value of which can be assessed based on the rates prevailing in the area. However, it shall not include services rendered without compensation by individuals volunteering a portion or all of their time in behalf of a candidate or political party.

(3) "Expenditure" refers to the payment or delivery of money or anything of value, or a contract, promise, or agreement to make an expenditure, for the purpose of influencing the results of the election, as well as the use of facilities personally owned by the candidate, the money value of which use can be assessed based on the rates prevailing in the area.

SEC. 139. Lawful expenditures of candidates and political parties. - No candidate or treasurer of a political party shall, directly or indirectly, make any expenditure except for the following purposes:

(1) Traveling expenses of the candidates and campaign personnel in the course of the campaign, and for personal expenses incident thereto;

(2) Compensation of campaign personnel, clerks, stenographers, messengers and other persons actually employed in the campaign;

(3) Telegraph and telephone tolls, postage, freight and express delivery charges;

(4) Stationery, printing and distribution of printed matter relative to the candidacy;

(5) Employment of watchers at the polls;

(6) Rental, maintenance and furnishing of campaign headquarters, office, or venue of meetings or media conferences;

(7) Political meetings and rallies and the use or rental of sound systems, lights and decorations during such meetings and rallies; or

(8) Use, rental, or hire of land, water, or air craft, equipment, facilities, apparatus and paraphernalia.

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The cost of employment of counsel and for printing of sample ballots in such color, size and number as may be authorized by the Commission shall not be included in computing the amount of expenses which a candidate or political party may have incurred.

SEC. 140. Prohibited contributions. - No contribution for purposes of partisan political activity shall be made, directly or indirectly, by any of the following:

(1) Public or private financial institutions. However, nothing herein shall prevent the accommodation of any loan by a candidate or political party by any such public or private financial institutions legally engaged in the business of lending money, where the loan is made in accordance with law and regulations and in the ordinary course of business;

(2) Natural and juridical persons who:

(a) Operate public utilities or possess or exploit any natural resources of the nation;

(b) Hold contracts or sub-contracts to perform construction or other works or to supply with goods and services the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations;

(c) Have been granted by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations, franchises, incentives, exemptions, allocations, or similar privileges or concessions, or, within one (1) year prior to the date of the election, loans or other accommodations in excess of twenty-five thousand (P25,000) pesos;

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(3) Educational institutions which have received grants of public funds amounting to no less than one hundred thousand (P100,000) pesos;

(4) Officials or employees of the civil service, or members of the Armed Forces of the Philippines;

(5) Foreign nationals, entities, and governments; and

(6) Domestic and foreign religious organizations.

It shall be unlawful for any person to solicit or receive, directly or indirectly, any aid or contribution of whatever form or nature, from any of the persons or entities enumerated above.

SEC. 141. Prohibited donations and fund-raising activities. - From the commencement of the election period up to and including election-day, it shall be unlawful:

(1) For any person to hold dances, lotteries, cockfights, games, boxing bouts, bingo sessions, beauty contests, raffles, dinners, entertainment activities, or cinematographic, theatrical, or other performances for the purpose of raising funds for an election campaign or for the support of any candidate;

(2) For any person, directly or indirectly, to solicit and/or accept from any candidate, or from his campaign manager, agent, or representative, or any person acting in their behalf, any gift, food, transportation, contribution or donation in cash or in kind. However normal and customary religious stipends, tithes, or church collections on Sundays and/or designated collection days, as well as periodic payments made for legitimate academic scholarships established and school contributions habitually made before the election period are excluded from this prohibition; and

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(3) For any candidate, his spouse, or any relative within the fourth degree of consanguinity or affinity, his campaign manager, agent or representative, treasurer and other officers, agents, or representatives of any political party, whether accredited or not, to make, directly or indirectly, any donation or contribution for the construction or repair of roads, bridges, school houses, puericulture centers, medical clinics, or hospitals, churches, or chapels, multi-purpose centers, cement or asphalt pavements or sidewalks, street lights, basketball courts, alleys, barangay halls, or any other structure for public use or for the use of any religious or civic organizations.

SEC. 142. **True name of contributor required.** - No person shall make any contribution in any name except his own, nor shall any candidate or treasurer of a political party receive a contribution or enter or record the same in any name other than that by whom it was actually made, indicating the tax identification number of the contributor concerned.

SEC. 143. **Report of contributors.** - Every person giving contributions to any candidate, treasurer of the party, or their authorized representatives shall, not later than thirty (30) days after the day of the election, file with the law department of the Commission a report under oath stating the following:

(1) Amount of each contribution;

(2) Name of the candidate, agent of the candidate, or political party receiving the contribution;

(3) Date of the contribution; and

(4) Name, address and tax identification number of the contributor.

The report shall also be supported by certified true copies of the receipts signed and issued by the candidate, treasurer of the political party, or their authorized representatives.

SEC. 144. Limitations on election expenditures. - The amount that a candidate or political party, organization, or coalition may spend for election campaign purposes shall be fixed by the Commission based on the consumer price index prevailing at least sixty (60) days prior to the start of the election period. However, such limitations on election expenses shall be published in two (2) newspaper of general circulation not later than thirty (30) days before the election period.

Expenses incurred by the branches, chapters, or committees of a political party, organization, or coalition for campaign purposes shall be included in the computation of its total expenditures and prorated as expenses of its respective individual candidates, subject to the limitations provided in the preceding paragraph.

Any provision of law to the contrary notwithstanding, any contribution in cash or in kind to any candidate or political party, organization or coalition for campaign purposes, duly reported to the Commission, shall not be subject to the payment of any gift tax.

SEC. 145. Persons authorized to incur election expenditures. - Only the candidate, treasurer of a political party, or any person authorized by them shall incur election expenditures, which shall be considered as expenditures of such candidate or political party.

The authority to incur expenditures shall be in writing, copy of which shall be furnished the Commission signed by the candidate or treasurer of the party, and shall state the full name and exact address of the person so designated and the maximum amount of expenditures so authorized.

SEC. 146. Record of contributions and expenditures. - It shall be the duty and responsibility of every candidate, treasurer of a political party, or any person acting under their authority to:

(1) Issue a receipt for every contribution received;

2) Obtain and keep a receipt stating the particulars of every expenditure made;

(3) Keep detailed, full and accurate records of all contributions received and expenditures incurred or caused to be incurred by them;

(4) Preserve the records of contributions and expenditures, together with all pertinent documents, for at least three (3) years after the election, and produce such records and documents upon order by the Commission or its duly-authorized representative.

Failure to preserve such records or documents shall be deemed prima facie evidence of violation of the provisions of this Article.

SEC. 147. Statement of contributions and expenditures. - Every candidate shall, within thirty (30) days after the day of the election and during regular office hours, file in duplicate personally or through his representative with the same office of the Commission where he filed his certificate of candidacy, the full, true and itemized statement of all contributions and expenditures in connection with the election.

The statement of contributions and expenditures of treasurers of political parties shall be filed by the treasurers personally or through their duly-authorized representatives with the law department of the Commission in Manila.

The regional election director, provincial election supervisor and city or municipal election officer shall keep duplicate copies of all the statements filed with them, and, within ten (10) days from the last day for filing of the statement, send the original copies thereof to the law department of the Commission, by registered mail.

SEC. 148. Form and contents of statement. - The statement of contributions and expenditures shall be in writing, subscribed and sworn to by the candidate or the treasurer of the party, and shall be complete as of the date of filing. It shall state:

(1) The amount of every contribution, date of receipt thereof, and full name and exact address of the contributor;

(2) The amount of every expenditure, the date and purpose thereof, and full name and exact address of the payee;

(3) Any unpaid obligation, its nature and amount, and the name of the creditor; and

(4) Such other particulars which the Commission may require.

If the total contributions or expenditures reported in the statement exceed fifty thousand (P50,000) pesos, the statement shall be certified correct by an independent certified public accountant.

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SEC. 149. Effect of failure to file statement. – No person elected to any public office shall enter upon the duties of his office unless he and his political party, if any, have filed the statement of contributions and expenditures herein required, as certified by the officer with whom such statements are filed.

The person administering the oath of office shall, before administering such oath to an elected public officer, require the latter to furnish him with a certification that he has filed the required statement, attested to by the officer with whom such statement was filed. Failure to require such certification before administering the oath of office shall constitute an election offense.

The city or municipal election officer shall, within five (5) days from the date of the election, advise in writing, by personal delivery or registered mail, all candidates residing in his jurisdiction to file their statements of contributions and expenditures.

Except candidates for elective barangay office, failure to file the statement of contributions and expenditures as required shall constitute an administrative offense for which the offender shall pay a fine ranging from one thousand (P1,000) pesos to thirty thousand (P30,000) pesos, in the discretion of the Commission.

Within thirty (30) days from receipt of notice of such failure, the candidate shall pay the fine and file the required statement.

No certificate of candidacy filed by any person who has previously failed to pay the administrative fine and file the statement shall be given due course.

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Any candidate who fails to pay the fine and file the required statement within the prescribed period for a second time shall be subject to perpetual disqualification to hold public office.

SEC. 150. Preservation and inspection of statements. - All statements of contributions and expenditures shall be kept and preserved at the office where they are filed and constitute part of its public records for three (3) years after the election to which they pertain. They shall not be removed therefrom except upon order of the Commission or of a competent court and shall, during regular office hours, be open to inspection by the public. The officer-in-charge of such office shall, on demand, furnish certifed copies of any statement upon payment of the fee prescribed in this Code.

SEC. 151. Report of contractor and business firms. - Every person or firm to whom any electoral expenditure is made shall, within thirty (30) days after the day of the election, file with the Commission a report setting forth the full name, tax identification number and exact address of the candidate, treasurer of political party and any other person incurring such expenditures, the nature, purpose, date and amount thereof, and such other particulars as the Commission may require. The report shall be signed and sworn to by the supplier or contractor, or, in the case of a business firm or association, by its president, general manager, or other equivalent officer.

It shall be the duty of such person or firm to whom an electoral expenditure is made to require every agent of a candidate or treasurer of political party to present written authority to incur election expenditures in behalf of such candidate or treasurer, and to preserve and keep at its place of business, subject to inspection by the Commission or its authorized representatives, copies of such written

authority, contracts, vouchers, invoices and other records and documents relative to said expenditures for a period of three (3) years after the date of the election to which they pertain.

It shall be unlawful for any supplier, contractor or business firm to enter into any contract involving election expenditures with representatives of candidates or political parties without such written authority.

ARTICLE V. PRE-ELECTION ACTIVITIES

A. REGISTRATION OF VOTERS

SEC. 152. Definitions. - As used in this Code:

(1) "Registration" refers to the act of accomplishing a sworn application for registration by a qualified voter before the election officer of the city or municipality wherein he resides and the inclusion of the same in the book of voters upon its approval by the election registration board.

(2) "Registration record" refers to an application for registration duly approved by the election registration board.

(3) "Book of voters" refers to the compilation of all registration records in a precinct.

(4) "List of voters" refers to an enumeration of names of registered voters in a precinct.

(5) "Illiterate" or "disabled" person refers to one who cannot prepare his own application for registration.

SEC. 153. Permanent list of voters. - There shall be a permanent list of voters in each city or municipality consisting of all approved applications for registration of the city or municipality, with such additions, cancellations, and corrections as may be herein authorized.

The voter's registration records contained in the precinct books of voters used in the March 11, 1992 national and local elections and in the March 25, 1993 elections in the Autonomous Region in Muslim Mindanao, shall be considered as the permanent list of voters in each city or municipality.

However, should the Commission find it necessary, a general registration of voters shall be conducted.

SEC. 154. Continuing system of registration of voters. - Registration of voters shall be conducted daily in the office of the election officer during office hours. To facilitate the filing of application for registration, the election officer may hold office in any district, barangay or sitio within his jurisdiction, subject to the rules and regulations promulgated by the Commission. No registration shall, however, be conducted ninety (90) days before a regular election and sixty (60) days before a special election.

SEC. 155. Registration of voters. - A qualified voter must be registered in the permanent list of voters of the city or municipality wherein he resides to be able to vote in any election. To register as a voter, he shall personally accomplish an application for registration in triplicate before the election officer on any date after having acquired the qualifications of a voter.

The application shall contain the following data:

(1) Name, surname and middle name and/or maternal surname;

(2) Sex, date and place of birth;

(3) Citizenship;

(4) Civil status; if married, the name of the spouse;

(5) Profession, occupation or work;

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(6) Periods of residence in the Philippines and in the place of registration;

(7) Exact address with the name of the street and house number or in case there is none, a brief description of the place of residence and his barangay and sitio;

(8) A statement that he possesses the qualifications and none of the disqualifications of a voter;

(9) A statement that the applicant is not a registered voter of any precinct;

(10) Such information or data as may be required by the Commission.

The application for registration shall be under oath and contain three (3) specimen of the applicant's signature and clear and legible prints of all his fingers, and be accompanied by four (4) identification-sized copies of the latest photograph, to be taken at the expense of the Commission.

Before the applicant accomplishes his application for registration, the election officer shall inform him of the qualifications and disqualifications prescribed by law for a voter, and thereafter see to it that the accomplished application contains all the data therein required and that the applicant's specimen signatures, fingerprints and photograph are properly affixed in all copies of the voter's application.

SEC. 156. Who may register. - All citizens of the Philippines not otherwise disqualified by law, who are at least eighteen (18) years of age, and who shall have resided in the Philippines for at least one (1) year and in the place wherein they propose to vote, for at least six (6) months immediately preceding the election may register as voters.

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The following shall be allowed to register, if qualified:

(1) Those who failed to register in previous elections;

(2) Any person, who may not have, on the day of registration, the age or period of residence required but, who, on the day of the election, shall possess such qualifications;

(3) Any person whose registration has been cancelled on the ground of disqualification and such disqualification has subsequently been lifted or removed; and

(4) A voter whose registration has been cancelled due to failure to vote in the two (2) successive preceding regular elections.

SEC. 157. Re-registration. - A voter registered in the permanent list of voters need not register anew for subsequent elections unless he transfers his residence to another city or municipality.

Any person who transfers his residence to another city, municipality or country solely by reason of his occupation; profession; employment in private or public service; educational activities; work in military or naval reservations within the Philippines; service in the Philippine Army, Navy, Air Force, the National Police Forces; or confinement or detention in government institutions in accordance with law, shall be deemed not to have lost his original residence.

SEC. 158. Illiterate or disabled applicants. - The application for registration of an illiterate or physically disabled person may be prepared by any relative within the fourth civil degree of consanguinity or affinity or by the election officer in accordance with the data supplied by the applicant.

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The fact of illiteracy or disability shall be so indicated in the application.

SEC. 159. Election registration board. - There shall be in each city and municipality as many election registration boards as there are election officers therein.

The board shall be composed of the election officer as chairman, and as members, the most senior public school official and a citizen of known probity, competence and impartiality, to be nominated by the citizens' arm of the Commission, if any, or civic organizations collectively, who shall be appointed by the Commission. In case the most senior public school official is disqualified due to relationship to any candidate, the next ranking qualified public school official may be appointed in his stead.

The board shall meet during office hours every last Monday of each month: Provided, That, the Commission may require a board to meet more often as the exigencies of its duties may require.

SEC. 160. Notice and hearing of application - Upon receipt of the application for registration, the election officer shall set it for hearing, notice of which shall be posted in the city or municipal bulletin board and in his office for at least three (3) days before the hearing, and furnish copies thereof to heads or representatives of registered political parties in the city or municipality. On the date of the hearing, the election officer shall receive such evidence as may be submitted for or against the applicant.

SEC. 161. Challenge of right to register. - Any voter, candidate, or representative of a registered political party may challenge in writing any application for registration,

stating the grounds therefor. The challenge shall be under oath and shall be attached to the application, together with proof of notice to the challenger and the applicant.

SEC. 162. Power to administer oath and issue summons. - For purposes of determining the right of applicants to be registered as voters, the election officer shall have the power to administer oath, issue subpoena and subpoena duces tecum, swear in witnesses, and compel witnesses to appear and testify. The fees and expenses incidental thereto shall be paid in advance by the party in whose behalf the summons is issued.

SEC. 163. Approval or disapproval of application. - The election officer shall submit to the board all the applications for registration filed, together with the evidence received in connection therewith. The board shall, by majority vote, approve or disapprove the applications.

Upon approval, the election officer shall issue the corresponding identification card to the registered voter. If the board disapproves the application, the applicant shall be furnished with a certificate of disapproval stating the ground therefor. The decision of the board shall become final five (5) days after its promulgation.

SEC. 164. Preservation of voters' registration records. - The election officer shall compile his copies of the approved applications for registration and arrange the same alphabetically by precinct in the books of voters. He shall preserve said books of voters to ensure its integrity. The other two (2) copies of the registration records shall be sent to the offices of the provincial and national central files within three (3) days after the approval by the board becomes final.

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SEC. 165. Provincial central file. - There shall be a provincial central file consisting of the duplicate copies of all registration records in each city and municipality in the province. It shall be under the custody of the provincial election supervisor and shall be compiled alphabetically by precinct.

Should the books of voters in the custody of the election officer be lost or destroyed at a time so close to election day that there is no time to reconstitute the same, the corresponding books of voters in the provincial file shall be used during the voting.

SEC. 166. National central file. - There shall be a national central file under the custody of the Commission in Manila consisting of a compilation of the third copies of all approved voters' registration records.

SEC. 167. Publication of action on application for registration. - Within two (2) days from approval or disapproval of an application, the board shall post a notice in the city or municipal building and in the office of the election officer stating the name and address of the applicant, the date of the application and the action taken thereon. The election officer shall serve a copy thereof by personal or registered special delivery to the heads or representatives of registered political parties in the city or municipality.

SEC. 168. Voter's identification card. - The voter's identification card issued to the registered voter shall be considered as a document for his identification. No duplicate copy thereof shall be issued except upon authority of the Commission.

The identification card shall bear the name and address of the voter, his date of birth, sex, civil status, occupation, photograph, thumbmark, the city or municipality

and number of the precinct where he is registered, his signature, voter's serial number, and the signature of the chairman of the election registration board.

SEC 169. Change of residence to another city or municipality. - Any registered voter who has transferred residence to another city or municipality may register as a voter in his new residence after applying for the cancellation of his previous registration with the election officer of his new residence.

SEC. 170. Change of address in the same city or municipality. - Any voter who has changed his address in the same city or municipality shall immediately notify the election officer in writing. If the change of address involves a change in precinct, the board shall transfer his registration record to the precinct book of voters of his new precinct and notify the voter of his new precinct. All changes of address shall be reported to the offices of the provincial and national central files.

SEC 171. Cancellation of registration. - The board shall cancel the registration and remove the registration records of the following persons from the corresponding precinct books of voters and place the same in the inactive file after entering therein the cause or causes of cancellation:

(1) Those who have died as certified to by the local civil registrar;

(2) Those who were sentenced by final judgment to suffer imprisonment of not less than one (1) year or found guilty of having violated their allegiance to the Republic of the Philippines as certified to by the clerks of court; and

(3) Those who did not vote in the two (2) successive preceding regular elections as shown by their voting records.

For this purpose, the local civil registrar in the city or municipality and the clerks of court of the metropolitan trial courts and regional trial courts shall furnish the election officer concerned at the end of each month a certified list of persons with their addresses, who have died or have been sentenced by final judgment to suffer imprisonment of not less than one (1) year or found guilty of having violated their allegiance to the Republic of the Philippines.

The election officer shall post in the bulletin board of his office a list of those persons whose registration was cancelled and the reasons therefor, and furnish copies thereof to the local heads of political parties, the national provincial central files, and the persons concerned or the immediate members of their families.

SEC. 172. Preparation and publication of the certified list of voters. - The board shall prepare a certified list of voters thirty (30) days before a regular election and fifteen (15) days before a special election and furnish copies thereof to the provincial and national central files. Upon payment of fees as fixed by the Commission, the candidates and heads of registered political parties may also be furnished copies thereof. Any change or correction in the said list shall be distributed in the same manner as a supplementary list.

The board shall also furnish two (2) certified copies of said list of voters, including the supplementary list, if any, to the board of election inspectors for posting in the polling place and for its use on election day.

SEC. 173. Sealing of precinct book of voters. - The board shall, twenty (20) days before a regular election and ten (10) days before a special election, seal all precinct books of voters and certify as to the completeness of the

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registration records for each precinct. All candidates, watchers of registered political parties and members of the board of election inspectors shall have the right to be present during the sealing of the precinct books of voters and to verify their contents before the books are closed and sealed. The election officer shall deliver the sealed precinct book of voters to the chairman of the board of election inspectors when the latter secures its official ballots and other paraphernalia for election day.

SEC. 174. Jurisdiction in inclusion and exclusion cases. - The municipal and metropolitan trial courts shall have original and exclusive jurisdiction over all cases of inclusion and exclusion of voters in their respective cities or municipalities. Decisions of the municipal or metropolitan trial courts may be appealed by the aggrieved party to the regional trial court within five (5) days from receipt of notice thereof; otherwise, said decision shall become final and executory. The regional trial court shall decide the appeal within ten (10) days from the time the appeal is received and its decision shall be immediately final and executory. No motion for reconsideration shall be entertained.

SEC. 175. Petition for inclusion of voters in the list. - Any person whose application for registration has been disapproved by the board or whose name has been stricken out from the list may file with the court at any time except twenty-five (25) days before a regular or special election, a petition to include his name in the permanent list of voters of his precinct. It shall be supported by a copy of the disapproval of his application and proof of service of notice of his petition upon the board. The petition shall be decided within fifteen (15) days after filing.

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If the decision is for the inclusion of the voter in the permanent list of voters, the board shall activate the application for registration previously disapproved by entering therein the order of inclusion and placing the said application in the corresponding precinct book of voters.

SEC. 176. Voters excluded through inadvertence or registered with an erroneous or misspelled name. Any registered voter who has not been included in the precinct list of voters or who has been included therein with a wrong or misspelled name may file with the board an application for reinstatement or correction of name. If it is denied or not acted upon, he may file on any date with the proper municipal or metropolitan trial court a petition for an order directing that his name be entered or corrected in the list. He shall attach to the petition a certified copy of his registration record or identification card or the entry of his name in the list of voters used in the preceding election, together with proof that his application was denied or not acted upon by the board and that he has served notice thereof upon the board.

SEC 177. Change of name of registered voter. - Any registered voter whose name has been changed by reason of marriage or by virtue of a court order may file an application with the board asking that his name be changed accordingly in the list of voters.

SEC. 178. Petition for exclusion of voters from the list. - Any registered voter, representative of a registered political party, or the election officer in the city or municipality may, at any time except twenty-five (25) days before a regular or special election, file with the court a sworn petition for the exclusion of a voter from the permanent list of voters, giving the name, address and precinct of the challenged voter and citing as ground that

he is either disqualified from registering as a voter or is illegally registered. The petition shall be accompanied by proof of notice to the board and the challenged voter and shall be decided within ten (10) days from filing.

If the decision is for the exclusion of the voter from the list, the board shall, upon receipt of the final decision, remove the voter's registration record from the corresponding book of voters, enter the order of exclusion therein, and thereafter place the record in the inactive file.

SEC. 179. Common rules governing judicial proceeding in the matter of inclusion, exclusion and correction of names of voters. - (1) Petitions for inclusion, exclusion, or correction of names of voters shall be filed during regular office hours.

(2) Notice of the place, day and hour of the hearing of the petition shall be served upon the members of the board and the challenged voter at least ten (10) days prior thereto. Service of such notice may be made by sending a copy thereof by personal delivery, by leaving it in the possession of a person of sufficient discretion in the residence of the said person, or by registered mail. Should the foregoing procedure be not practicable, the notice shall be posted in a conspicuous place within the city or municipality.

(3) A petition shall refer to only one (1) precinct and implead the board as respondent.

(4) No costs shall be assessed against any party in these proceedings. However, if the court should be satisfied that the application has been filed solely to harass the adverse party and cause him to incur expenses, it shall order the culpable party to pay the costs and incidental expenses.

(5) Any voter, candidate, or political party who may be affected by the proceedings may intervene and present his evidence.

(6) The decision shall be based on the evidence presented and in no case be rendered upon a stipulation of facts. If the question is whether or not the voter is real or fictitious, his non-appearance on the day set for hearing shall be prima facie evidence that the challenged voter is fictitious.

(7) The petition shall be heard and decided without delay. The decision shall be rendered within six (6) hours after the hearing and within ten (10) days from the date of its filing in court. Cases appealed to the regional trial court shall be decided within ten (10) days from receipt of the appeal. In all cases, the court shall decide these petitions not later than the day before the election and the decision rendered thereon shall be immediately final and executory.

SEC. 180. Verification of registered voters. - Subject to the rules and regulations promulgated by the Commission, the election officer shall , in order to preserve the integrity of the permanent lists of voters, conduct verification of the registered voters of any barangay by mail, house-to-house canvass, or aerial survey.

SEC. 181. Annulment of book of voters. - The Commission shall, upon verified petition of any voter or election officer or duly-registered political party, and after notice and hearing, annul any book of voters that is not prepared in accordance with this Code; or was prepared through fraud, bribery, forgery, impersonation, intimidation, force, or any other similar irregularity; or which contains data that are statistically improbable. No order, ruling or decision annulling a book of voters shall be executed within sixty (60) days before an election.

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SEC. 182. Reconstitution of lost or destroyed registration records. - The Commission shall reconstitute all registration records which have been lost or destroyed by using the corresponding copies of the provincial or national central files. If this is not feasible, the registered voters concerned shall be summoned by the election officer to reconstitute their records by accomplishing a new application. Reconstituted forms shall be clearly marked with the word "RECONSTITUTED".

It shall be the duty of the election officer to immediately report to the Commission any case of loss or destruction of registration records in his custody.

The reconstitution of any lost or destroyed registration records shall not affect the criminal liability of any person who may be responsible for such loss or destruction.

SEC. 183. Examination of registration records. - All registration records in the possession of the election officer, the provincial election supervisor, and the Commission shall, during regular office hours, be open to examination by the public for legitimate inquiries on election-related matters.

Law enforcement agencies may, upon prior authorization and subject to regulations promulgated by the Commission, have access to said registration records should the same be necessary to, and in aid of, their investigative functions and duties.

SEC. 184. Computerization of the permanent list of voters. - The Commission shall computerize the permanent list of voters nationwide and assign a permanent serial number to every registered voter in the permanent list by city or municipality and province.

The computer printouts of the list of voters duly certified to by the election registration board are official documents and shall be used solely for election-related purposes.

B. PRECINCTS AND POLLING PLACES

SEC. 185. Definitions. - As used in this Code:

(1) "Precinct" refers to the unit of territory established by the Commission for the purpose of voting.

(2) "Polling place" refers to the place where the board of election inspectors conducts its proceedings and where the voters cast their votes.

(3) "Voting center" refers to the building or place where polling places are located.

SEC. 186. Precincts and their establishment. - Every barangay shall have at least one (1) precinct.

The precincts established in the preceding regular election shall be maintained, but the Commission may, when necessary, abolish them or introduce adjustments, changes or new divisions. Unless authorized by the Commission, no territory comprising an election precinct shall be altered or a new precinct established within forty-five (45) days before a regular election and thirty (30) days before a special election or plebiscite.

SEC. 187. Arrangement of precinct. - (1) As far as practicable, each precinct shall have not more than three hundred (300) voters and shall comprise contiguous and compact territory. However, an island or group of islands with less than three hundred (300) voters may constitute a precinct.

An island or group of islands having one hundred and fifty (150) or more voters shall constitute a precinct.

(2) Where a precinct has more than three hundred (300) voters, the Commission shall, in the interest of orderly elections, and to facilitate the casting of votes, divide, adjust or split a precinct not later than thirty (30) days after the last day of registration of voters. The division or splitting shall be by territory or by alphabetical arrangement of the names of the voters equitably among the precincts.

The polling place of all the precincts created thereby shall be located in the same building or compound where the polling place of the original precinct was located, and if this be not feasible, in a place as close as possible to the polling place of the original precinct. However, the polling place of the new precinct may be located elsewhere upon written petition of the majority of the voters of the new precinct.

Every case of alteration of a precinct shall be duly published by posting a notice thereof in a conspicuous location in the precinct, and in the city or municipal hall.

(3) When a precinct is divided or when two (2) or more precincts are merged, the board shall transfer the registration records of the voters to the corresponding precinct book of voters. All alterations of precincts shall be reported to the national and provincial central files. Voters thereby affected shall be notified personally or by registered mail of their new precincts within ten (10) days from such division or merger but in no case less than fifteen (15) days before an election.

SEC. 188. Publication of city or municipal maps. - At least ten (10) days before a regular election or five (5) days before a special election or plebiscite, the election officer shall post in his office and in the city or municipal hall, a map of the city or municipality showing

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its division into barangays with their respective boundaries and indicating all streets and alleys and the location of each polling place. A barangay map shall likewise be posted at the door of each polling place.

These maps shall be kept posted at least five (5) days before and until election day.

SEC. 189. Designation of polling places. - The location of polling places designated in the preceding regular election shall be maintained. No designation of polling places shall be changed except by the Commission, motu proprio or upon written petition of the majority of the voters of the precinct or agreement of all the political parties after notice and hearing.

No location shall be changed within sixty (60) days before a regular election and thirty (30) days before a special election or plebiscite, except in case the polling place is destroyed or cannot be used.

The Commission may, where there is a large number of illiterate or disabled voters, designate a special polling place different from other polling places in a voting center or building.

In designating polling places, a public building shall be preferred as voting center. However, where no suitable public building is available, private school buildings may be used.

SEC. 190. Requirements for polling places. - Each polling place shall be of sufficient size to comfortably accommodate twenty (20) voters at any one time. The polling place shall be located within the territory of the precinct as centrally as possible with respect to the residence of the voters therein and preferably along a public road.

SEC. 191. Limitation on the designation of polling place. - No polling place shall be located in a public or private building owned, leased, or occupied by any candidate

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or any person related to any candidate within the fourth civil degree of consanguinity or affinity, or by any elected government official or leader of any political party, group or faction, nor in any building or surrounding premises under the actual control of a political party.

SEC. 192. Poster and flag of polling place. - There shall be at the door of every polling place on the days that the board of election inspectors conducts its proceedings, a poster indicating the precinct number, location of the polling place and the barangay to which it belongs. The Philippine flag shall be hoisted in front of every building used as voting center.

C. BOARD OF ELECTION INSPECTORS

SEC. 193. Constitution of board of election inspectors. - At least thirty (30) days before a regular election or fifteen (15) days before a special election or plebiscite, the Commission shall, directly or through its duly authorized representatives, constitute a board of election inspectors for each precinct to be composed of a chairman and two (2) other members, one of whom shall be designated as poll clerk. All [redacted] members of the board shall be public school teachers, giving preference to those with permanent appointments. In case there are not enough public school teachers, teachers in private schools, employees in the civil service or other citizens of known probity and competence may be appointed.

SEC. 194. Qualifications. - To be appointed or to act as chairman, member or substitute member of the board, a person must:

(1) Be of good moral character and irreproachable reputation;

(2) Be a registered voter within the province;

(3) Not have been convicted of any election offense or of any other crime punishable by more than six (6) months of imprisonment;

(4) Have no pending information for any election offense;

(5) Be able to speak and write English, Pilipino or the local dialect.

SEC. 195. Disqualifications. - No person shall serve as member of the board if he or his spouse is related within the fourth civil degree of consanguinity or affinity to any member of the same board or to any candidate to be voted for in the precinct.

SEC. 196. Oath of members of the board. - The members of the board whether permanent, substitute or temporary, shall, before assuming office, take and sign an oath using the forms prescribed by the Commission before an election officer or, in his absence, before any member of the board present, or in case of the absence of the election officer and other members of the board, before any voter. The oaths shall be sent immediately to and kept by the election officer.

SEC. 197. Temporary vacancies. - If, at the time of the meeting of the board, any member is absent, or the office is still vacant, the members present shall call upon the substitute to perform the duties of the absent member. In case such substitute cannot be found, the members present shall appoint any non-partisan registered voter of the precinct to temporarily fill said vacancy until the absent member appears or the vacancy is filled. In case there are two (2) members present, they shall act jointly.

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SEC. 198. Temporary designation by watchers. - If at the time the board must meet, all the positions in the board are vacant, or if not one (1) of the appointed members shall appear, the watchers present may designate voters of the polling place to act in the place of said members until the absentees shall appear or the vacancies are filled.

SEC. 199. Arrest of absent members. - The member or members of the board present may order the arrest of any other member or substitute thereof, who, in their judgment, has absented himself with intention of obstructing the performance of duties of the board.

SEC. 200. Relief and substitution of members of the board. - The Commission may, for such cause as it may determine, relieve or disqualify any member of the board from acting as such, and substitute him with another who possesses the legal qualifications.

SEC. 201. Powers and functions of the board. - The board shall have the following powers and functions:

(1) See to it that the polling place designated for the precinct is suitable for use on election day;

(2) Conduct the voting and counting of votes in the designated polling place or in any other place authorized by the Commission;

(3) Act as deputies of the Commission in the supervision and control of the election in the polling place where they are assigned; and

(4) Perform such other functions prescribed by this Code or by the rules and regulations promulgated by the Commission.

SEC. 202. Proceedings of board. - The meetings of the board shall be public and be held in the polling place or any other place authorized by the Commission.

The board shall act through its chairman, and decide by majority vote without delay, all questions which may arise in the performance of its duties.

SEC. 203. Authority of board within polling place. - The board shall have full authority to maintain order within the polling place and its premises, keep access thereto open and unobstructed, and enforce obedience to its lawful orders. If any person shall refuse to obey lawful orders of the board, or shall conduct himself in a disorderly manner in its presence or within its hearing and thereby interrupt or disturb its proceedings, the board may issue an order in writing directing any peace officer to take such person into custody until the adjournment of the meeting. Such order, however, shall not be so executed as to prevent any person from exercising his right to vote. The order shall be executed by any peace officer to whom it may be delivered, but if none be present, by any other person deputized in writing by the board.

SEC. 204. Voting privilege of members of board. - Members of the board and their substitutes may vote in the polling place of the precinct where they are assigned provided they are registered voters within the province, city or municipality where they are assigned. In barangay elections, the members of the board may vote in the polling place where they are assigned provided it is within the barangay where they are registered voters. The fact that a member of the board voted in the polling place where he is not a registered voter shall be noted in the minutes of the board.

SEC. 205. Prohibition against political activity. - No member of the board shall engage in any partisan political activity or take part in an election except to vote and discharge his duties.

SEC. 206. Per diems of boards of election inspectors and other personnel. - The chairman and members of the boards of election inspectors shall each be paid a per diem of two hundred (₱200) pesos on each registration or revision day, and four hundred (₱400) pesos on election day. Support personnel from the Department of Education, Culture and Sports shall receive a per diem of one hundred (₱100) pesos during election day. Supervisors, principals and other administrators of the Department of Education, Culture and Sports who may be required by the Commission to perform election duty shall each be entitled a per diem of four hundred (₱400) pesos.

Provincial, city and municipal treasurers shall each receive a per diem of four hundred (₱400) pesos on election day.

The above provisions notwithstanding, per diems may be paid in such amount as Congress may provide, upon recommendation of the Commission, taking into account the prevailing economic situation and consumer price and cost of living indices.

D. WATCHERS

SEC. 207. Official watchers. - Every candidate or registered political party, organization or coalition shall be entitled to one (1) regular watcher and one (1) alternate in each polling place and canvassing center: Provided, That, candidates for the sangguniang panlalawigan, sangguniang panlungsod, or sangguniang bayan belonging to the same slate or ticket shall collectively be entitled to only one (1) watcher.

The alternate watcher shall take over in the absence of the regular watcher.

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The citizens arm of the Commission shall be entitled to appoint a watcher in every polling place. Other civic, religious, professional, business, service, youth and any other similar organizations, with prior authority of the Commission, shall be entitled collectively to appoint one (1) watcher in every polling place.

SEC. 208. Qualifications. - A person may be appointed watcher if he:

(1) Is a qualified voter of the city or municipality;

(2) Is of good reputation;

(3) Has not been convicted by final judgment of any election offense or of any other crime;

(4) Is able to read and write Pilipino, English, or any of the prevailing local dialects; and

(5) Is not related within the fourth civil degree of consanguinity or affinity to the chairman or any member of the board in the polling place where he seeks appointment as watcher.

No barangay official shall be appointed as a watcher.

SEC. 209. Who may appoint watchers. - Each candidate, political party, organization or coalition shall designate in every province or highly-urbanized city or district in the metropolitan Manila area, a representative authorized to appoint watchers and furnish the provincial election supervisor or the city election officer the list of such representatives. The provincial election supervisor shall furnish the municipal election officers and election officers of component cities with said list.

In the case of Metropolitan Manila, the designation of the persons authorized to appoint watchers shall be filed with the corresponding city or municipal election officers.

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The appointment of the watcher shall bear the signature of the candidate or the duly- authorized representative of the political party, organization or coalition who appointed him.

SEC. 210. Rights and duties of watchers. - A watcher shall, upon entering the polling place, present and deliver to the chairman of the board his appointment. His name shall be recorded in the minutes with a notation under his signature that he is not disqualified as watcher.

The watchers shall have the right to:

(1) Stay in the space reserved for them inside the polling place or canvassing center;

(2) Witness and inform themselves of the proceedings of the board;

(3) Take notes of what they may see or hear;

(4) Photograph the proceedings and incidents, if any;

(5) File a protest against any irregularity which they believe may have been committed;

(6) Obtain from the board a certificate as to the filing of such protest and the resolution thereon;

(7) Have unimpeded view of the ballots during the counting of votes and of the election returns and certificate of canvass during the canvassing;

(8) Read the election returns or certificate of canvass after they shall have been completed and signed by the board; and

(9) Secure a certificate of the number of votes obtained by the candidates.

The watchers shall not converse with any person in a manner that would distract the proceedings of the board.

The watchers of the major accredited political party, organization or coalition in the precinct shall affix their respective signatures and thumbmark on the election returns. If any of them is not available, or is unwilling or refuses to affix his signature or thumbmark on the election returns, any watcher present may be required by the board to do so.

ARTICLE VI. ELECTION FORMS, SUPPLIES AND PARAPHERNALIA

SEC. 211. Official ballots. - (1) Official ballots shall be provided by the Commission. They shall be of uniform size and printed on white security paper to be manufactured before the election with security markings. Each ballot shall be rectangular in shape with stub and detachable coupon containing the serial number of the ballot, and a space for the thumbmark of the voter on the detachable coupon . It shall bear at the top on the middle portion thereof the coat of arms of the Republic of the Philippines, the words "Official Ballot", the name of the city or municipality and province, the date of the election, and the following notice: "Fill out this ballot secretly. Do not put any distinctive mark on any part of the ballot."

(2) The ballot shall contain the offices to be voted for with sufficient space opposite or below the name of each office indicated by horizontal lines where the voter may write the names of the candidates to be voted for.

(3) Nothing shall be printed at the back of the ballot.

SEC. 212. Election returns. - The election return shall be of uniform size and of such color as may be determined by the Commission. Copies of returns shall be prepared in the number as prescribed in this Code. Each copy shall bear the name of the office for which it is intended.

The returns shall be of special kind of paper so that the entries on the first copy can be clearly reproduced on the other copies thereof.

SEC. 213. Names of candidates in election returns and tally paper. - The names of the candidates for President, Vice-President and Senator and, whenever practicable, those of the candidates for other offices, shall be printed in the election returns and tally paper. Each name shall be followed by a nickname or stage name as indicated in his certificate of candidacy.

SEC. 214. Printing of official ballots, election returns and of canvass. - The official ballots, election returns and certificates of canvass shall be printed upon orders of the Commission and under its exclusive supervision and control. The Commission shall determine and provide the necessary security measures in the printing, storage and distribution thereof.

The official ballots and election returns shall be numbered consecutively beginning with No. "1" in each city or municipality; bear the name of the city or municipality in which they are to be used; and be printed as far as practicable, in one (1) continuous process.

The National Printing Office shall be preferred in the printing of official ballots, election returns and certificates of canvass. However, if the Commission determines upon certification by said Office that it does not have the capability to print said forms in the manner provided and within the time-frame set due to the unavailability of adequate facilities and equipment, the Commission may award the printing of said forms to other capable and reputable printers through public bidding.

The National Printing Office or any duly-authorized private printer shall not sub-contract, assign, sublet, or transfer, partially or wholly, directly or indirectly, the printing of said forms.

SEC. 215. Committee on printing. - The Commission shall constitute a committee on printing composed of a Commissioner of the Commission as Chairman and three (3) members from the Commission, the Commission on Audit, and the printer, respectively.

The major political parties fielding candidates in the election and the citizens arm shall each be entitled to send watchers or representatives to witness the transport of the papers to be used in the printing of official ballots, election returns and certificates of canvass, and the printing, storage and distribution thereof. Said watchers may file observations or objections, if any, and guard the premises of the printer inside and outside twenty-four (24) hours a day.

SEC. 216 Duties of the Committee. - Under such orders or instructions as the Commission may issue, the Committee shall:

(1) Have general supervision and control over the printing of official ballots, election returns and certificates of canvass;

(2) Take charge of the room or rooms where the paper and paraphernalia used in the printing are stored;

(3) Report to the Commission any irregularity which it believes may have been committed; and

(4) Perform such functions as the Commission may direct.

SEC. 217. Other committees. - The Commission shall create such committees as are necessary in the allocation, procurement, verification and shipment of the official ballots, election returns, certificates of canvass and other election forms and paraphernalia.

SEC. 218. Distribution of official ballots and election returns. - The Commission shall distribute to each city and municipality the official ballots at the rate of one (1) ballot for every registered voter and an additional ten (10) ballots per precinct, and election returns, at the rate of one (1) set for every precinct.

The provincial, city or municipal treasurer, or such other government official who may be tasked with the duty of storing and distributing election forms and materials, shall keep a record of the quantity and serial number of official ballots and election returns allocated to the respective provinces, cities, municipalities and precincts. Copies of such record shall be furnished the Commission and the duly-authorized representatives of the accredited political parties, organizations, or coalitions which fielded candidates in the election immediately upon distribution but not later than the day after the election. The Commission shall require the issuance of official delivery receipts for the official ballots, election returns and other election forms and paraphernalia.

No official ballot or election returns shall be delivered to the board of election inspectors earlier than the first hour of election day. However, the Commission may, for justifiable reasons, and after notice to the candidates and the accredited political parties, organizations and coalitions fielding candidates in the election, authorize the delivery of official ballots and election returns to the board of election inspectors at an earlier date.

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SEC. 219. Verification and distribution. - The provincial, city or municipal treasurer, or the official designated by the Commission, shall verify the contents of the boxes of official ballots and election returns received by them in the presence of representatives of the Commission, the Commission on Audit, candidates and political parties, organizations, or coalitions, and keep a record of their receipt and distribution.

SEC. 220. Certificate of canvass and other canvassing forms. - The Commission shall prescribe the form of, and provide, in such number of copies as may be required, every board of canvassers with, certificate of canvass, statement of votes and certificate of canvass and proclamation.

SEC. 221. Tally paper - At the beginning of the counting of votes, there shall be placed within the view of the board of election inspectors, watchers and the public, a tally paper where the names of all the candidates or issues or questions to be voted upon shall be written. The third member of the board shall record thereon the votes for each candidate or issue as the chairman of the board reads the ballot.

SEC. 222. Ballot boxes. - The Commission shall provide one (1) ballot box for each precinct on the day of voting. Each ballot box shall contain two (2) compartments, one for valid ballots and the other for spoiled ballots. The boxes shall be uniform in specifications and be provided with such device so that it can be secured in the manner as the Commission may prescribe.

SEC. 223. Voting booths. - During the voting, there shall be in each polling place at least ten (10) voting booths of such size, specifications and materials as the Commission may provide to enable the voters to fill their ballots secretly.

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SEC. 224. Certified list of candidates. - The Commission shall cause to be printed certified lists of candidates containing the names of all candidates for each office to be voted, immediately followed by the nickname or stage name of each candidate as indicated in his certificate of candidacy, and his political party affiliation, if any. Said list shall be posted inside each voting booth during the voting period.

SEC. 225. Furnishing of ballot boxes, election forms and materials. - The Commission shall prepare and furnish the ballot boxes, election paraphernalia, forms, supplies and materials necessary for the registration of voters and for the conduct of election.

The official entrusted by law or by the Commission with the custody of the election paraphernalia, forms, supplies and materials shall be responsible for their storage and preservation and for any loss, destruction, impairment, or damage thereof while in his custody.

SEC. 226. New forms, security markings and devices. - Notwithstanding the preceding provisions, the Commission may use or adopt the latest technological and electronic devices for voting, counting of votes, and canvassing and prescribe new forms, printing materials and security markings for the official ballots, election returns, certificates of canvass and other forms and paraphernalia.

The Commission may prescribe the use of inexpensive official ballots and election returns of barangay elections, plebiscites, referenda, initiatives and recalls, or a different form of ballot to facilitate voting by illiterate or disabled voters, provided that the integrity of the ballots and election returns is assured.

ARTICLE VII. CASTING AND COUNTING OF VOTES

A. CASTING OF VOTES

SEC. 227. Voting hours. - The casting of votes shall start seven o'clock in the morning and end at three o'clock in the afternoon of election day, except when there are voters present thirty (30) meters in front of the polling place who have not yet cast their votes, in which case the voting shall continue to allow said voters to cast their votes without interruption. The poll clerk shall, without delay, prepare a complete list containing the names of said voters consecutively numbered, and the voters so listed shall be called to vote by announcing each name repeatedly three (3) times in the order in which they are listed. Any voter in the list who is not present when his name is called shall not be permitted to vote.

SEC. 228. Preliminaries to the voting. - (1) The board of election inspectors shall meet at the polling place at six thirty o' clock in the morning of election day and see to it that they have the book of voters pertaining to the precinct, list of voters, certified list of candidates, voting booths, ballot box, official ballots, indelible ink, ballpens, and other forms and supplies.

(2) The chairman of the board shall open the ballot box, empty both of its compartments, exhibit them to all those present, then lock its interior covers.

(3) The chairman and two (2) members of the board shall each keep one (1) of the keys to the padlocks during the voting.

(4) The chairman shall forthwith show to the public and the watchers the package of official ballots and the book of of voters duly sealed and thereafter break the seals. Such fact shall be entered in the minutes together with the number of pads and the serial numbers of the ballots.

(5) The ballot box shall remain locked until the voting is finished and the counting begins. However, if it should become necessary to make room for more ballots, the board may, in the presence of the members and the watchers, open the box; the chairman shall press down with his hands the ballots contained therein without removing any of them; and thereafter the board shall again close the box and lock it.

SEC. 229. Persons allowed in and around the polling place. -During the voting, only the following persons shall be allowed inside the polling place:

(1) The members of the board;

(2) The watchers;

(3) The representatives of the commission;

(4) The voters casting their votes;

(5) The voters waiting for their turn to use the booth, whose number shall not exceed twice the number of booths; and

(6) The voters waiting for their turn to cast their votes, whose number shall not exceed twenty (20) at any one time.

It shall be unlawful for any officer or member of the Armed Forces of the Philippines or the Philippine National Police or any peace officer or armed person belonging to any extra-legal police agency, special force, reaction force, strike force, Civil Armed Forces Geographical Units (CAFGUs), barangay tanod units, or other similar forces or

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para-military forces, including security guards, special policemen, and all other armed or unarmed extra-legal police officers, to enter any polling place or an area within a radius of thirty (30) meters thereof, except to vote, but in such case he shall immediately leave the polling place after voting.

However, the board may, if it deems necessary, order in writing for the detail of a policeman or any peace officer for their protection or for the protection of the election documents and paraphernalia. Such order shall be entered in the minutes. Said policeman or peace officer shall stay outside the polling place near enough to be easily called by the board at any time.

No policeman or peace officer shall enter or stay inside the polling place except when there is an actual disturbance of the peace and order therein. In no case shall the said policeman or peace officer prevent or obstruct in any manner the free access of the voters to the polling place.

No barangay official shall enter any polling place except to vote, in which case, he shall leave the polling place immediately after voting.

SEC. 230. Challenge against illegal voters. - (1) Any voter or watcher may challenge any person offering to vote:

(a) For not being registered;

(b) For using the name of another; or

(c) For suffering from any disqualification.

In such case, the board shall satisfy itself as to whether or not the ground is true by requiring proof relative to the registration, the identity, or qualification of the voter.

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(2) No voter shall be required to present his voter's identifcation card on election day unless his identity is challenged. Failure to produce his voter's identification card shall not preclude him from voting if his identity may be shown from the photograph, fingerprints, or specimen signatures in his registration record in the book of voters or if he is identified under oath by a member of the board. Such identification shall be reflected in the minutes of the board.

SEC. 231. Challenge based on certain illegal acts. - Any voter or watcher may challenge any voter offering to vote on the ground that the challenged person has:

(1) Received or expects to receive, paid, offered, or promised to pay, contributed, offered, or promised to contribute money or anything of value as consideration for his vote or for the vote of another;

(2) Made or received a promise to influence the giving or withholding of any such vote, or

(3) Made a bet or is interested directly or indirectly in a bet which depends upon the result of the election.

The challenged person shall take an oath before the board that has not committed any of the acts alleged. Upon taking such oath, the challenge shall be dismissed and the voter, allowed to vote. However, in case of his refusal to take such oath, the challenge shall be sustained and he shall not be allowed to vote.

SEC. 232. Admission of challenged vote immaterial in criminal proceedings. - The admission of the challenged vote under the two (2) preceding sections shall not be conclusive upon any court as to the legality of the registration of the voter challenged or his vote in a criminal action for

illegal registration or voting.

SEC. 233. Record of challenges and oaths. - The poll clerk shall keep a record of challenges and oaths and the resolution of the board in each case and, upon the termination of the voting, certify that it contains all the challenges made. The original of this record shall be attached to the original copy of the minutes of the voting.

SEC. 234. Order of voting. - The voters shall vote in the order of their entrance to the polling place and immediately depart after having cast their votes.

SEC. 235. Manner of obtaining ballot. - The voter shall approach the chairman of the board and give his name, address and other data concerning his person. In case any member of the board doubts his identity, the board shall check his voter's identification card, or, if he has none, the board shall refer to his registration record in the book of voters.

If the board is satisfied with the voter's identity, the chairman shall announce his name in a tone loud enough to be heard throughout the polling place. If such voter has not been challenged, or if, having been challenged, the question has been decided in his favor, the voter shall affix his signature in the voting record.

The chairman shall enter the serial number of the ballot in the voting record, authenticate the ballot, apply indelible ink on the voter's right forefinger nail, and thereafter deliver to the voter the ballot correctly folded. No person other than the chairman shall deliver official ballots nor shall more than one (1) ballot be delivered to any voter at one time.

SEC. 236. Use of indelible ink. - Before delivering the ballot to the voter, the chairman of the board shall apply a drop of indelible ink on the voter's right forefinger nail or, if there be none, on any available

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fingernail. A voter who, for any reason, refuses to be stained with indelible ink or whose finger already shows stain of indelible ink shall not be given a ballot. Such facts shall be entered in the minutes of the board.

SEC. 237. Authentication of the ballot. - Before delivering a ballot to the voter, the chairman of the board shall, in the presence of the voter, affix his signature at the back thereof.

SEC. 238. Manner of voting. - Voting shall be conducted in the following sequence:

(1) The voter, upon receiving his ballot, shall proceed to a voting booth and there fill his ballot by writing in the proper space for each office the name of the candidate for whom he desires to vote.

(2) After the voter has filled his ballot, he shall fold it in the same manner as when he received it and return it to the chairman.

(3) The Chairman shall, within the view of the voter and the members of board and without unfolding the ballot or seeing its contents, verify its serial number from the voting record where it was previously entered.

(4) In the presence of the members of the board, the voter shall affix his thumbmark on the corresponding space in the coupon.

(5) The voter shall affix his thumbmark beside his signature in the voting record.

(6) The chairman shall sign the voting record.

(7) The chairman shall, after finding everything to be in order, detach the coupon in the presence of the voter and the other members of the board and deposit the folded ballot in the compartment for valid ballots, and the detached coupon, in the compartment for spoiled ballots.

(8) The voter shall then depart.

SEC. 239. Prohibition on voting. - It shall be unlawful for a voter to :

(1) Use a booth being used by another;

(2) Fill his ballot accompanied by another, except in the case of an illiterate or disabled voter;

(3) Fill his ballot for a time longer than necessary;

(4) Prepare the ballot without using the voting booth;

(5) Exhibit the contents of the ballot to any person;

(6) Erase any printing from the ballot;

(7) Intentionally tear or deface the same;

(8) Put any distinguishing mark thereon;

(9) Use carbon paper, paraffin paper, or other means of making a copy of the contents of the ballot; or

(10) Make use of any other scheme to identify his vote.

SEC. 240. Preparation of ballots for illiterate and disabled voters. - No voter shall be allowed to vote as illiterate or physically disabled unless that fact is so indicated in his registration record.

A voter who is illiterate or physically unable to prepare the ballot by himself may be assisted in the preparation of his ballot by a relative within the fourth civil degree of affinity or consanguinity, or if he has none, by any person of his confidence who belongs to the same household, or by any member of the board.

In no case shall an assistor, unless he is a member of the board, assist more than three (3) times. The assistor shall prepare the ballot in the presence of the illiterate or disabled voter using the voting booth. He shall bind himself in writing under oath:

(1) To fill out the ballot strictly in accordance with the instructions of the voter;

(2) Not to influence the voter to vote for or against any candidate or issue; and

(3) Not to reveal the contents of the ballot prepared by him.

SEC. 241. Spoiled ballots. - If a voter should accidentally spoil or deface a ballot in such a way that it cannot be validly used, he shall surrender it folded to the chairman who shall note in the voting record that said ballot is spoiled. The members of the board shall, without unfolding the ballot and without removing the detachable coupon, mark it with the word "SPOILED," affix their signatures thereon, and drop it in the compartment for spoiled ballots. The voter shall then be entitled to another ballot.

A voter may be allowed to change his ballot only once.

Any ballot returned to the chairman whose detachable coupon has been removed not in the presence of the board and of the voter, or any ballot whose serial number does not coincide with the serial number of the ballot delivered to the voter, as entered in the voting record, shall be considered as spoiled and be so marked and signed by the members of the board.

SEC. 242. Disposition of unused ballots. - The chairman shall tear in half lengthwise all unused ballots without removing the stubs and detachable coupons in the presence of the members of the board and the watchers. One-half shall be placed in a sealed envelope and submitted to the election officer; and the other half, inside the compartment of the ballot box for spoiled ballots. Such fact shall be entered in the minutes of the board.

SEC. 243. Minutes of voting and counting of votes. - The board shall prepare and sign two (2) copies of the minutes of voting and counting of votes in a prescribed form setting forth therein such data as the Commission may require. Copies of the minutes shall be sealed in separate envelopes and be distributed as follows: the original, to the election officer who shall in turn transmit the same to the Commission in Manila; and the second copy to be deposited inside the compartment of the ballot box for valid ballots.

SEC. 244. Prohibition on premature announcement of voting. - No member of the board shall, before the termination of the voting, make any announcement as to whether a certain registered voter has already voted or not, how many have already voted, or how many so far have failed to vote, or any other fact tending to show or showing the state of the polls.

B. COUNTING OF VOTES

SEC. 245. Counting to be public and without interruption. - As soon as the voting is finished, the board of election inspectors shall count publicly the votes cast in the polling place. Unless otherwise ordered by the Commission, the board shall not adjourn, postpone, or delay the count until it has been completed.

SEC. 246. Transfer of venue for counting. - The Commission may, in the interest of free, orderly, honest, peaceful and credible elections, order the board to count the votes and accomplish the election returns and other forms in any other place, preferably a public building.

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If, on account of imminent danger of violence, terrorism, disorder, or similar causes, it becomes necessary to transfer the counting of votes to a safer place, the board may effect the transfer by its unanimous approval with concurrence of the majority of the watchers present. This fact shall be recorded in the minutes of voting and attested to by the members of the board and the watchers.

SEC. 247. Rules for appreciation of ballots. - In the reading and appreciation of ballots, every ballot shall be presumed to be valid unless there is clear and good reason to justify its rejection. The board shall bear in mind that the object of the election is to obtain the expression of the voters' will.

The Commission shall promulgate the necessary rules on the appreciation of ballots based on jurisprudence on the matter.

SEC. 248. Excess ballots. - Before proceeding to count the votes, the board shall count the ballots contained in the compartment for valid ballots without unfolding them or exposing their contents, except to ascertain that no ballots are folded together. It shall compare the number of ballots with the number of voters who voted. If there are more ballots than voters who voted, all the ballots shall be returned to the box and thoroughly mixed therein. The poll clerk , without seeing the ballots and with his back to the box, shall publicly draw out as many ballots as may be equal to the excess. Without unfolding them, he shall then place them in an envelope which shall be marked "EXCESS BALLOTS" and which shall be sealed and signed by the members of the board. The envelope shall be placed in the compartment for valid ballots, but its contents shall not be read in the counting of votes. Ballots found folded together before they were deposited in the box shall be plaed in the envelope for excess ballots.

SEC. 249. Ballots with detachable coupon. - In case ballots be found in the box with their detachable coupons still intact, such coupons shall be removed and deposited in the compartment for spoiled ballots, and the ballots included in the pile of valid ballots. If ballots with the word "SPOILED" be found in the box, such ballots shall be placed in the compartment for spoiled ballots.

SEC. 250. Marked ballots. - The board shall determine by unanimous vote whether or not there are any marked ballots, and, if any be found, they shall not be counted but shall be placed in an envelope labelled "MARKED BALLOTS". The envelope shall be sealed and signed by the members of the board and placed in the compartment for valid ballots. Non-official ballots shall be considered as marked ballots.

SEC. 251. Spoiled ballots. - Ballots found in the compartment for spoiled ballots shall be presumed to be spoiled ballots, whether or not they contain such notation. If any valid ballot was erroneously deposited therein, the board shall open said compartment after the voting and before the counting of votes to draw out said ballot and place the same in the compartment for valid ballots. These facts shall be entered in the minutes of voting.

SEC. 252. Manner of counting votes. - In reading the individual official ballot, the members of the board shall assume such position as to provide the watchers and the public unimpeded view of the ballot being read by the Chairman, and of the election returns and tally paper being simultaneously accomplished by the poll clerk and the third member, respectively. The watchers and the public shall not touch any of these election documents. The table shall be cleared of all unnecessary writing paraphernalia.

The board shall unfold the ballots and form separate piles of one hundred (100) ballots each. The chairman of the board shall take the ballots of the first pile one by one and read the names of candidates voted for and the offices for which they were voted in the order in which they appear thereon.

The poll clerk and third member shall record each vote as the names of the candidates voted for are read.

Each vote shall be recorded by a vertical line, except every fifth vote which shall be recorded by a diagonal line crossing the previous four (4) vertical lines. After finishing the first pile of ballots, the board shall determine the subtotal of the votes received by each candidate, which shall be recorded in the tally paper and the election returns. In case of any discrepancy, such recount as may be necessary shall be made. The ballots then shall then be grouped together again as before the reading. Thereafter, the same procedure shall be followed with the second pile of ballots, and so on successively.

After all the ballots have been read, the board shall sum up the subtotals recorded for each candidate, and record the aggregate sum in the tally paper and election returns. It shall then place the counted ballots in an envelope provided for the purpose, which shall be signed and deposited in the compartment for valid ballots. The tally paper as accomplished and certified by the board shall be kept in the compartment for valid ballots.

SEC. 253. Preparation of election returns. - The board shall prepare in handwriting the election returns simultaneously with the counting of the votes in the polling place in such number of copies as provided herein. The entry

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of votes for each candidate shall be closed with the signatures and clear imprints of the right thumb of all the members to be affixed in full view of public, immediately after the last vote recorded or immediately after the name of the candidate who did not receive any vote.

The returns shall also show the date of the election, the precinct number, the barangay and the city or municipality and province in which it was held, and such information as the Commission may require. The total number of votes obtained by each candidate shall be written in words and figures. The board of election inspectors shall certify that the contents thereof are correct and affix their signatures and right thumbprints.

Immediately upon the accomplishment of the election returns, each copy thereof shall be sealed in the presence of the watchers and the public and placed in the proper envelope, which shall likewise be sealed and distributed as herein provided.

SEC. 254. Distribution of election returns. - The copies of the election returns shall be distributed as follows:

(1) In the election of national officials:

(a) The first copy to the provincial board of canvassers;

(b) The second copy, to Congress through the President of the Senate;

(c) The third copy, to the Commission;

(d) The fourth copy, to be deposited inside the ballot box;

(e) The fifth copy, to be known as advance election returns, to the city or municipal treasurer who shall, in the presence of the election officer or his authorized representative, immediately and publicly

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open the same and post the votes therein in a tally board sufficiently large for public viewing, preferably within the vicinity of the city or municipal hall; and

(f) The sixth copy, to the media-based organization authorized by the Commission to conduct an unofficial count.

(2) In the election of local officials:

(a) The first copy, to the city or municipal board of canvassers;

(b) The second copy, to the Commission;

(c) The third copy, to the provincial board of canvassers;

(d) The fourth copy, to be known as advance election returns, to the city or municipal treasurer who shall, in the presence of the election officer or his authorized representative, immediately and publicly open the same and post the votes therein in a tally board sufficiently large for public viewing, preferably within the vicinity of the city or municipal hall;

(e) The fifth copy to the media-based organization authorized by the Commission to conduct an unofficial count; and

(f) The sixth copy to be deposited inside the ballot box.

The Commission may, when technological advancement allows, provide copies of election returns to accredited political parties.

SEC. 255. Corrections in the election returns. - Any correction made in the election returns by the board before the announcement of the results of the election in the polling place shall be duly initialed by all its members.

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After the announcement of the results had been made, the board shall not make any correction in any of the copies of the election returns unless so ordered by the Commission upon petition of the members of the board within five (5) days from the date of the election or twenty-four (24) hours from the time a copy of the election returns is opened by the board of canvassers, whichever is earlier. The petition shall be accompanied by proof of service upon all candidates affected.

If the results of the election would not be affected by said correction and none of the candidates affected objects thereto, the Commission shall, upon being satisfied of the veracity of the petition and of the error alleged therein, order the board to make the proper correction thereon.

Should a candidate affected by said petition object thereto and the results of the election would be affected by the correction sought to be made, the Commission shall proceed summarily to hear the petition. If it finds the petition meritorious and the correction sought is such that can be made without need of opening the ballot box, the Commission shall order that proper correction be made. Otherwise, it shall order the opening of the ballot box and recount of votes after satisfying itself that the identity and integrity of the ballot box have not been violated and that the integrated of the ballots therein has been preserved.

SEC. 256. **Proclamation of election result.** - Upon the completion of the election returns, the chairman of the board shall publicly announce the total number of votes received by every candidate for each office.

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SEC. 257. Certificates of votes obtained by candidates. - After the announcement of the results of the election and before leaving the polling place, it shall be the duty of the board, upon request of any watcher, to issue a certificate of votes obtained by his candidate and other candidates for the same office.

The certificate shall contain the name and number of votes obtained by each candidate concerned written in words and figures, the precinct number, the name of the city or municipality and province, the total number of voters who voted, and the date and time issued, and shall be signed and thumbmarked by each member of the board.

SEC. 258. Delivery and custody of ballot boxes, keys, election supplies and documents. - After the counting of votes, the board shall place in the compartment for valid ballots the used and unused ballots in their respective envelopes, the tally paper, a copy of the election returns and minutes of voting and counting, and then lock the ballot box. The ballot box shall immediately be delivered by the board and the watchers to the city or municipality treasurer or such other officials designated by the Commission, who shall keep his office open all night on the day of the election if necessary for this purpose, and provide necessary facilities for said delivery at the expense of the city or municipality.

The book of voters, supplies and all pertinent papers and documents shall be returned to the election officer, who shall keep it under his custody. The election officer and the treasurer or such other government official designated by the Commission, as the case may be, shall, on the day after the election, require the members of the board who failed to send the items referred to herein to deliver the same immediately and thereafter acknowledge receipt thereof.

SEC. 259. Preservation of ballot boxes; Disposition of contents. - (1) The Commission shall issue instructions regarding the custody and safekeeping of the ballot boxes.

(2) The city and municipal treasurers or such other government officials designated by the Commission shall keep the ballot boxes under their responsibility for three (3) months, stored unopened in a secured place, unless the Commission orders otherwise, provided these are not involved in any election contest or official investigation or the Commission or other competent authority demands them sooner or orders their preservation for a longer time in connection with any pending contest or investigation. However, upon showing by any candidate that the boxes will be in danger of being violated if kept in the possession of such officials, the Commission may order them kept by any other official whom it may designate.

After the lapse of three (3) months and if there should be no order to the contrary, the Commission may authorize the city or municipal treasurer or the designated official to open the boxes and burn their contents in the presence of the representatives of the Commission, Commission on Audit and political parties or candidates, except the minutes of voting and the election returns deposited therein, which said official shall preserve.

(3) In case of calamity or fortuitous event such as fire, flood, or storm, which may cause damage to the ballot boxes and/or their contents, the Commission may authorize the opening of said ballot boxes and the transfer of the ballots and other contents to other ballot boxes, taking such precautions as may be necessary to preserve such documents.

SEC. 260 Preservation of voting record. - The voting record of each precinct shall be delivered to the election officer, who shall have custody of the same and keep them in a safe place until such time that the Commission shall give instructions on their disposition.

SEC. 261. Documents omitted or erroneously placed inside the ballot box. - If, after the delivery of the keys of the ballot box to the proper authorities, the board shall discover that the ballot box does not contain certain documents required to be placed therein or contains documents not intended therefor, the board shall, without opening the ballot box, deliver the same to the Commission or its duly-authorized representatives.

In no case shall the ballot box be reopened to place therein or remove therefrom any document except to retrieve copies of the election returns which will be needed in any canvass, investigation, or election contest, and upon notice to the members of the board and watchers of candidates of the time and place of the opening of said ballot box. If there are other copies of the election returns outside of the ballot box which can be used in the canvass such copies of the election returns shall be used in said canvass and the opening of the ballot box to retrieve the copies of the election returns placed therein shall then be dispensed with.

ARTICLE VIII. CANVASS AND PROCLAMATION

SEC. 262. Board of canvassers. - There shall be a board of canvasser for each province, city, municipality, and district of metropolitan Manila as follows:

(1) Provincial board of canvassers - to be composed of the provincial election supervisor or a ranking lawyer of the Commission as chairman, the chief provincial prosecutor as vice-chairman, and the provincial superintendent of schools as member-secretary.

(2) City board of canvassers - to be composed of the city election officer or a lawyer of the Commission as chairman, the city prosecutor as vice-chairman, and the city superintendent of schools as member-secretary.

In cities with more than one (1) election officer, the Commission shall designate who shall be the chairman.

(3) District board of canvassers of metropolitan Manila - to be composed of a lawyer of the Commission as chairman, a ranking public prosecutor in the district as vice-chairman, and the most senior district school supervisor in the district as member-secretary.

(4) Municipal board of canvassers - to be composed of the election officer or an officer of the Commission as chairman, the municipal treasurer as vice-chairman, and the most senior district school supervisor or a principal of the district as member-secretary.

For purposes of the regional elections in the Autonomous Region in Muslim Mindanao, a board of canvassers for each province therein and for the region shall be constituted as follows:

A provincial board of canvassers with the same membership as provided in No. 1 hereof; and a regional board of canvassers to be comoposed of a regional election director or a ranking lawyer of the Commission as chairman, an officer of equivalent rank in the Department of Justice as vice-chairman, and an officer, also of equal rank, in the Department of Education, Culture and Sports in the autonomous region as member-secretary.

For the barangay elections, a barangay board of canvassers shall be constituted in each barangay with more than one (1) precinct to be composed of the senior public school teacher in the barangay as chairman and two (2) other public school teachers, one as vice-chairman and the other as member-secretary.

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In case the number of public school teachers is inadequate, the Commission shall designate the chairman and members of the board of canvassers from among the chairmen and members of the board of election inspectors of the precincts in the barangay.

In barangays with only one (1) precinct, the board of election inspectors shall act as the barangay board of canvassers.

SEC. 263 . Supervision and control over board of canvassers.. - The Commission shall have direct control and supervision over the board.

Any member of the board may, at any time, be relieved for cause and substituted by the Commission.

SEC. 264. Substitution of members of board of canvassers. - In case any member of the board is not available, is absent, disqualified due to relationship, incapacitated for any cause, or relieved for cause, the Commission shall appoint as substitute chairman, a lawyer or official of the Commission, and as substitute members, other representatives from the different agencies of the government.

The foregoing power of the Commission may be delegated to the Commissioner-in-Charge of the region.

SEC. 265. Disqualification due to relationship. - No person related within the fourth civil degree of consanguinity or affinity to any of the candidates or to any other member of the board of canvassers shall be appointed as chairman or member thereof.

SEC. 266. Prohibition against leaving official station. - No member of any board of canvassers, including any substitute, shall be transferred, assigned, or detailed

outside of his official station, nor shall he leave said station within five (5) days immediately preceding election day until the proclamation of the winning candidates without prior authority of the Commission.

SEC. 267. Proceedings of board of canvassers. - The proceedings of the board shall be open and public.

A majority vote shall be necessary for the board to render a decision.

SEC. 268. Notice of meetings of the board. - At least five (5) days before the initial meeting of the board, the chairman shall give written notice of the date, time and place of the meeting to each member, candidate and political party fielding candidates for election in the political subdivision concerned. Similar notice shall be given for subsequent meetings unless notice has been given in open session of the board. Notice given in open session shall be recorded in the minutes of the proceedings. Proof of service of notice shall be attached to, and form part of, the records of the proceedings.

SEC. 269. Delivery and transmittal of election returns. - The election returns, duly sealed and placed inside an envelope, likewise to be sealed, shall be personally delivered by the board of election inspectors under receipt signed by all the members of the board of canvassers as follows:

(1) Copy for the city or municipal board of canvassers to the chairman of the board; and

(2) Copies for the provincial and district boards of canvassers - to the election officer, who shall transmit the same to the respective chairmen of the provincial and district board of canvassers.

The election officer concerned shall place all the returns intended for the board of canvassers inside a ballot box properly locked and sealed and personally transmit the same to the board of canvassers.

Watchers of candidates, political parties, organizations, or coalitions and the citizens arm shall have the right to accompany the board of election inspectors or the election officer in the delivery of the ballot box containing the election returns.

SEC. 270. Safekeeping of transmitted election returns. The board shall keep the ballot boxes containing the election returns in a safe and secured room or place as may be agreed upon by the candidates. The watchers of candidates, political parties, organizations, or coalitions and the citizens arm shall have the right to guard the room or place.

SEC. 271. Canvass by board of canvassers. The board shall meet not later than six o'clock in the afternoon of election day at the place designated by the Commission to receive the election returns and immediately canvass those that may have already been received. It shall meet continuously from day to day until the canvass is completed, and may adjourn only for the purpose of awaiting the other election returns.

Before the start of the canvass, the board shall enter the precinct numbers consecutively in the statement of votes by precinct. Each time the board adjourns, it shall determine the total number of votes received by each candidate in each precinct as of its adjournment, using the form prescribed for the purpose. The board shall record the same together with the number of precincts canvassed for the day, furnish the Commission in Manila through the fastest means of communication a certified copy thereof, and make

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available the data contained therein to the mass media and other interested parties requesting the same. As soon as the other election returns are delivered, the board shall immediately resume canvassing until all the returns have been canvassed.

Upon completion of the canvass, the board shall prepare a certificate of canvass, duly signed and bearing the thumbprint of each member, supported by a statement of the votes received by each candidate in each precinct and, on the basis thereof, proclaim as elected the candidates who obtained the highest number of vote cast in the province, district, city, or municipality. Failure to comply with these requirements shall constitute an election offense.

Subject to reasonable exceptions, the board must complete its canvass within thirty-six (36) hours in municipalities, forty-eight (48) hours in cities, or seventy-two (72) hours in provinces.

SEC. 272. Canvassing committee. - The board of canvassers may constitute such number of canvassing committees as may be necessary to enable it to complete the canvass within the period prescribed under the immediately preceding section. Each committee shall be composed of three (3) members to be designated by the chairman and members of the board. All candidates shall be notified in writing, at least three (3) days before the election, of the number of committees to be constituted so that they can designate their watchers in each committee. The committees shall be under the direct supervision and control of the board.

SEC. 273. Canvassing by provincial, city, district and municipal boards of canvassers. - (1) The board of canvassers for cities that do not comprise one (1) legislative district or the municipal board of canvassers shall canvass the election returns for city or municipal

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officials and thereafter proclaim the elected city or municipal officials, as the case may be.

(2) The city board of canvassers for cities comprising one (1) or more legislative districts shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective city officials. Upon completion of the canvass, the board shall prepare the certificate of canvass for President, Vice-President, and Senators and thereafter proclaim the elected Members of the House of Representatives and city officials.

(3) (a) In metropolitan Manila, each municipality comprising a legislative district shall have a district board of canvassers which shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective municipal officials. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President, Senators, and thereafter proclaim the elected Members of the House of Representatives and municipal officials.

(b) The component municipality in a legislative district in metropolitan Manila shall each have a municipal board of canvassers which shall canvass the election returns for elective municipal officials and thereafter proclaim the winning candidates for municipal officials.

(c) The district board of canvassers of each legislative district comprising two (2) municipalities in metropolitan Manila shall canvass the election returns for President, Vice-President, Senators and Members of the House of Representatives submitted by the boards of election inspectors of the component municipality. Upon completion of the canvass, it shall prepare a certificate of canvass for President, Vice-President and Senators and thereafter

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proclaim the winning candidate for Member of the House of Representatives in the legislative district.

(4) The provincial board of canvassers shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective provincial officials as submitted by the boards of election inspectors of municipalities and component cities. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President and Senators, and thereafter proclaim the winning candidates for Members of the House of Representatives and provincial offices.

With respect to the regional elections in the Autonomous Region in Muslim Mindanao, the provincial board of canvassers shall canvass the election returns submitted by the board of election inspectors and upon completion thereof, prepare the certificate of canvass for governor and vice-governor, and thereafter proclaim the elected members of the Regional Assembly.

The regional board of canvassers shall canvass the certificate of canvass submitted by the provincial boards of canvassers in the region and thereafter proclaim the elected candidates for governor and vice-governor.

SEC. 274. Distribution of certificates of canvass. - With respect to the election for President, Vice-President and Senator, the provincial board of canvassers and board of canvassers for cities with one (1) or more legislative districts and district boards of canvassers in metropolitan Manila shall prepare a certificate of canvass supported by statement of votes by precinct, and in proper cases, by municipality, in seven (7) copies with the use of carbon paper or such other means or materials as the Commission

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shall prescribe to the end that all seven (7) copies shall be legibly reproduced in one handwriting. All copies of said certificate of canvass must bear the signatures and thumbmarks of all the members of the board. Upon the completion of these certificates of canvass and statements of votes, they shall each be enclosed and sealed in the corresponding envelopes furnished by the Commission and immediately distributed as follows:

(1) The first copy, to Congress, through the President of the Senate, for the canvass of election results for President and Vice-President;

(2) The second copy, to the Commission, for the canvass of election results for Senators;

(3) The third copy, to the chairman of the board;

(4) The fourth copy, to the citizens arm designated by the Commission to conduct a media-based unofficial count; and

(5) The fifth, sixth and seventh copies, to the three (3) major political parties. The Commission shall decide which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 98 hereof. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.

SEC. 275. Election returns with serial number different from assigned number. - Any election returns with serial number different from that assigned to a precinct shall not be canvassed unless the Commission orders in writing for its canvassing. The variance shall be determined by the board prior to its canvassing on the basis of the certification of the city or municipal treasurer or the election officer as to the serial number of the election returns assigned to said precinct.

SEC. 276. When election returns are delayed, lost or destroyed. - In case its copy of the election returns is missing, the board of canvassers shall, by messenger or otherwise, obtain such missing election returns from the board of election inspectors concerned, or, if said returns have been lost or destroyed, the board of canvassers, upon prior authority of the Commission, may use any of the authentic copies or a certified copy thereof issued by the Commission. The Board shall investigate the case and immediately report the matter to the Commission.

The board of canvassers, notwithstanding the fact that not all the election returns have been received, may terminate the canvass and proclaim the winning candidates on the basis of the available election returns if the missing election returns will not affect the results of the election.

SEC. 277. Material defects in election returns. - If the name of any candidate and/or his votes have been omitted from the election returns, the board of canvassers shall require the board of election inspectors concerned to complete the necessary data in the election returns and affix their initials thereon.

If the votes omitted in the returns cannot be ascertained by other means except by recounting the ballots, the Commission shall, after satisfying itself that the identity and integrity of the ballot box and the ballots therein have not been violated, order the board of election inspectors to count the votes for the candidate whose votes have been omitted, with notice to all candidates or political parties, and thereafter complete the returns.

SEC. 278. When election returns appear to be tampered with or falsified or no election returns have been submitted. - If the election returns submitted to the board of canvassers appear to be tampered with, altered or falsified after they have left the hands of the board of election inspectors, or are otherwise not authentic, or were prepared by the board of election inspectors under duress, force, intimidation, or prepared by persons other than the members of the board of election inspectors, the board shall use any of the other copies of said election returns and, if necessary, the copy inside the ballot box, which may be retrieved upon previous authority given by the Commission.

If all the other copies of the returns are likewise tampered with, altered, falsified, not authentic, prepared under duress, force, intimidation, or prepared by persons other than the members of the board of election inspectors, the board of canvassers or any candidate affected shall bring the matter to the attention of the Commission. The Commission shall, after giving notice to all candidates concerned and after satisfying itself that the identity and integrity of the ballot box and the ballots therein have not been violated, order the board of election inspectors to recount the votes of the candidates affected and prepare a new return to be used by the board.

The foregoing remedies shall also apply where no election returns have been submitted to the board of canvassers.

SEC. 279. Discrepancies in election returns. - In case it appears to the board of canvassers that there exist discrepancies in the other authentic copies of the election returns from a precinct or discrepancies in the votes of any candidate in words and figures in the same returns, and the difference affects the results of the election, the

Commission shall, upon motion of the board of canvassers or any candidate affected and after due notice to all candidates or political parties concerned, and after satisfying itself of the integrity of the ballot box and the ballots therein, order the recount of the votes cast.

SEC. 280. Correction of manifest errors. - The board of canvassers, or the Commission in appropriate cases, may, motu proprio or upon written motion by an interested party, order the correction of manifest errors in any of the following cases:

(1) When a copy of the election returns or certificate of canvass was tabulated more than once;

(2) When two (2) or more copies of the election returns of one (1) precinct, or two (2) or more copies of the certificate of canvass were tabulated separately;

(3) When there had been a mistake in the copying of the figures into the statement of votes or into the certificate of canvass; or

(4) When returns from non-existent precincts were included in the canvass.

SEC. 281. Certificate of votes as evidence.- The certificate of votes shall be admissible in evidence to prove tampering, alteration, falsification, or any irregularity committed in the election returns when duly authenticated by testimonial or documentary evidence presented to the board of canvassers by all the members of the board of election inspectors who issued the certificate. Failure to present a certificate of votes shall not be a bar to the presentation of other evidence to impugn the authenticity of the election returns.

SEC. 282. When integrity of ballots is violated. - If, upon opening the ballot box as ordered by the Commission under Sections 276, 277 and 278 hereof, it should appear that there are signs of tampering or violation of the integrity of the ballots, the Commission shall not recount the ballots but shall forthwith seal the ballot box and order its safekeeping and may, if the votes in the precinct concerned affect the result of the election, call a special election.

SEC. 283. Canvass of unquestioned returns to continue. - In cases under Sections 275, 276, 277 and 278 hereof, the board shall continue the canvass of the remaining or unquestioned election returns. If, after the canvass of all the said returns, it should be determined that the returns which have been set aside will affect the result of the election, no proclamation shall be made except upon order of the Commission, after due notice and hearing.

Any proclamation made in violation hereof shall be null and void.

SEC. 284. Canvass of votes for Senators. - Thirty (30) days after the elections, the Commission sitting en banc and acting as the National Board of Canvassers for Senators shall convene and publicly count the votes cast for Senators using the certificates of canvass submitted by the provincial and district boards of canvassers. The candidates in the number of Senators to be elected who obtained the highest number of votes shall be declared elected.

SEC. 285. Elections resulting in a tie - When two (2) or more candidates for the same office have equally received the highest number of votes or received the same number of votes for the last slot, the board shall record this fact in its minutes, and, by resolution, upon five (5) days' notice

to all the candidates obtaining the same number of votes, hold a special public meeting for the drawing of lots of the candidates who have tied and proclaim as elected the candidates who may be favored by luck. The board of canvassers shall forthwith issue a certificate stating the name of the candidate who had been favored by luck and his proclamation on the basis thereof. The candidates so proclaimed shall have the right to assume office in the same manner as if he had been elected by plurality vote.

SEC. 286. Failure to assume office. - The office of any elected official who fails or refuses to take his oath of office within sixty (60) days from his proclamation shall be considered vacant, unless said failure is for a cause or causes beyond his control, in which case he has to take his oath of office and assume the position within one (1) month after the removal of the cause.

The foregoing is without prejudice to any criminal liability that said official may have incurred.

ARTICLE IX. PRE-PROCLAMATION CONTROVERSIES

SEC. 287. Definition. - A pre-proclamation controversy refers to any question affecting the composition or proceedings of the board of canvassers or any matter raised in relation to the preparation, transmission, receipt, custody, or appreciation of the election returns or certificates of canvass.

SEC. 288. Jurisdiction over pre-proclamation controversies. - The Commission shall have exclusive jurisdiction over all pre-proclamation controversies. It may, motu proprio or upon written petition, and after due notice and hearing, suspend the proclamation of any candidate-elect or annul any proclamation, if one has been made, as the evidence shall warrant.

SEC. 289. Pre-proclamation controversies; Where not allowed. - Pre-proclamation controversies are not allowed in elections for President, Vice-President, Senators, Members of the House of Representatives, and governor and vice-governor of the Autonomous Region. However, the canvassing board may, motu proprio or upon written motion of an interested party, correct manifest errors on the face of the election returns or certificate of canvass or exclude obviously manufactured election returns or certificates of canvass.

Any objection to the election returns or certificates of canvass before the district, city, municipal, provincial or regional board of canvassers shall be specifically noted in the minutes of its proceedings. [Sec. 15, RA 7166, Amended].

SEC. 290. Pre-proclamation controversies; Where allowed - Pre-proclamation controversies involving regional assembly member, provincial, city and municipal offices shall be allowed.

SEC. 291. Pre-proclamation controversies; How commenced. -Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Commission. However, matters raised in relation to the preparation, transmission, receipt, custody and appreciation of the election returns or certificates of canvass shall be brought in the first instance only before the board of canvassers concerned.

SEC. 292. Issues proper in pre-proclamation controversies.- The following issues may be raised in a pre-proclamation controversy:

(1) Illegal composition or proceedings of the board of canvassers;

(2) The canvassed election returns or certificates of canvass are incomplete, contain material defects, appear to be tampered with or falsified, or contain discrepancies in the same returns or in other authentic copies thereof;

(3) The election returns or certificates of canvass were prepared under duress, threats, coercion, or intimidation, or they are obviously manufactured or not authentic; and

(4) When substitute or fraudulent returns or certificates in controverted precincts were canvassed, the results of which materially affected the standing of the aggrieved candidate or candidates.

SEC. 293. **Contested composition or proceedings of the board.** -If the question on the composition or proceedings of the board of canvassers is raised before it, the boards shall, within twenty-four (24) hours, make a ruling thereon with notice to the contestant. The aggrieved party may appeal the matter to the Commission within three (3) days after the ruling with notice to the board. The Commission shall summarily decide the case within five (5) days from the filing thereof. During the pendency of the case, the board shall suspend the canvass until the Commission orders its resumption, citing the grounds therefor.

SEC. 294. **Procedure in the disposition of contested returns.** (1) Any candidate or political party contesting the inclusion or exclusion of any election returns or certificate of canvass shall submit his or its oral objection to the chairman of the board at the time the questioned returns or certificate is presented for inclusion in the canvass. Such objection shall be recorded in the minutes of the canvass.

(2) Upon receipt of any objection, the board shall automatically defer the canvass of the contested returns or certificates and proceed to canvass the uncontested returns or certificates.

(3) Simultaneous with the oral objection, the objecting party shall enter his objection in the form prescribed by the Commission. Within twenty-four (24) hours from the presentation of such objection, the objecting party shall submit evidence in support thereof, attached to the form for written objections. Within the same period, any party may file a written and verified opposition to the objection in the prescribed form, attaching thereto supporting evidence, if any.

The board shall not entertain any objection or opposition unless reduced in writing in the prescribed form/s and supported by evidence; otherwise, the objection or opposition shall be deemed waived, and the board shall proceed to canvass or rule on the objected returns or certificates, as the case may be.

The evidence attached to the objection or opposition submitted by the parties shall be immediately and formally admitted into the records of the board. The chairman shall affix his signature at the back of each and every page thereof.

(4) Upon receipt of the evidence, the board shall consider the written objections and opposition thereto, if any, and enter its ruling in the prescribed form and authenticate the same with their signatures, furnishing a copy thereof to the parties.

(5) Any party adversely affected by the ruling shall immediately inform the board in writing that he intends to appeal said ruling. The board shall set aside the election returns or certificates objected to and proceed to consider

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the other returns or certificates. Unless such intent is manifested, the objection is deemed waived, and the election returns or certificates set aside shall be canvassed.

(6) The party who manifested his intent to appeal may, within three (3) days from notice to the board, appeal said ruling to the Commission. He shall furnish a copy thereof to the board and pay the required appeal fee.

(7) The board shall, immediately upon receipt of a copy of the appeal, elevate to the Commission the complete records and the evidence submitted in the canvass and furnish the parties copies thereof. All documents should be signed by the board at the back thereof before they are transmitted to the Commission.

(8) On the basis of the records and evidence elevated to it, the Commission shall summarily decide the appeal within five (5) days from the receipt of said records and evidence. Any appeal brought before the Commission on the ruling of the board without the accomplished forms and the evidence appended thereto shall be summarily dismissed.

The above provisions notwithstanding, the Commission may motu proprio secure evidence aliunde in order to expedite the proceedings and afford substantive justice.

The decision of the Commission shall be executory five (5) days from receipt thereof by the board.

(9) The board of canvassers shall not proclaim any candidate as winner unless authorized by the Commission after it has ruled on the appeal. Any proclamation made in violation hereof shall be void ab initio, unless the contested returns or certificates of canvass will not adversely affect the results of the elections.

SEC. 295. Partial proclamation - Notwithstanding the pendency of any pre-proclamation controversy, the Commission may summarily order the proclamation of the winning candidates not parties to any controversy or whose election will not be affected by the outcome of the controversy.

SEC. 296. Pre-proclamation controversy; when deemed terminated. - All pre-proclamation controversies pending before the Commission shall be deemed terminated at the beginning of the term of the office involved and the rulings of the board of canvassers concerned shall be deemed affirmed, without prejudice to the filing of an election protect. However, proceedings may continue when, on the basis of the evidence thus far presented, the Commission determines that the petition appears meritorious and accordingly issues an order for the proceedings to continue or when on appropriate order has been issued by the Supreme Court in a petition for certiorari.

SEC. 297. Effect of Commission to annul proclamation. - A petition to annul the proclamation of any candidate may be filed with the Commission within five (5) days from proclamation. The filing of such petition shall suspend the running of the period within which to file an election protest or quo warranto proceedings.

ARTICLE X. ELECTION CONTESTS

SEC. 298. Election contests. - The term "election contests," when used in this Code, refers to election protest and quo warranto proceedings.

SEC. 299. Election protests.. - A sworn petition contesting the election of any elective official shall be filed by any candidate who has duly filed a certificate of candidacy and been voted for the same office.

SEC. 300. Petition for quo warranto. - A sworn petition contesting the elction of any elective official on the ground of ineligibility or disloyalty to the Republic of the Philippines shall be filed by any voter.

SEC. 301. Jurisdiction over election contests. - Jurisdiction over contests relating to the elections, returns and qualifications of elective officials shall be vested in the following:

(1) Presidential Electoral Tribunal - over contests involving the President and Vice-President;

(2) Senate Electoral Tribunal - over contests involving Members of the Senate;

(3) House of Representatives Electoral Tribunal - over contests involving Members of the House of Representatives;

(4) Commission on Elections - over contests involving regional, provincial and city officials;

(5) Courts of general jurisdiction - over contests involving municipal officials; and

(6) Courts of limited jurisdiction - over contests involving barangay officials.

SEC. 302. Jurisdiction of the Commission. - The Commission shall exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or elective barangay officials decided by trial courts of limited jurisdiction.

SEC. 303. Period to file election contests. - A verified petition for election contest shall be filed as follows:

(1) For regional, provincial, city or municipal offices - within ten (10) days from proclamation of the results of the election.

(2) For barangay offices - within five (5) days from proclamation of the results of the election.

SEC. 304. Hearings of election contests on municipal or barangay offices. - The hearing on election contests in courts of general jurisdiction shall be completed within thirty (30) days from the date of filing of the petition. The court shall decide the case within thirty (30) days from the date it is submitted for decision, but in every case within six (6) months after its filing.

The hearing on election contest in courts of limited jurisdiction shall be completed within ten (10) days from the filing of the petition. The trial court shall decide the election protest within five (5) days from the date it is submitted for decision but in every case within thirty (30) days after the filing thereof.

SEC. 305. Procedure in election contests. - The Commission shall prescribe the rules to govern the procedure and other matters relating to the election contest pertaining to all regional, provincial, city, municipal and barangay offices. Such rules shall provide a simple and inexpensive procedure for the expeditious disposition of election contests and be published in at least two (2) newspapers of general circulation.

SEC. 306. Judicial counting of votes. - Where allegations in a protest or counter-protest so warrant, or whenever in the opinion of the Commission and the court, the interest of justice so requires, it shall immediately order that the ballot boxes containing the ballots and their keys or other documents used in the election be brought before it and that the ballots be examined and the votes recounted.

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SEC. 307. Declaration of winner in quo warranto cases. - In quo warranto proceedings, if the winning candidate is disqualified on the ground of ineligibility or disloyalty, the Commission or the court, as the case may be, shall declare as elected the candidate for the same position who obtained the second highest number of votes.

SEC. 308. Decision on election contests. - The party who has been declared elected shall have the right to assume office upon finality of judgment.

In case the Commission or the court finds that the protestant, protestee, or intervenor shall have an equal or highest number of votes, it shall order the drawing of lots by those who have tied and proclaim as elected the party who may have been favored by luck. The party so proclaimed shall have the right to assume office as if he had been elected by plurality vote.

SEC. 309. Appeals. Appeals from any decision rendered by courts of general and limited jurisdiction in election contests shall be filed by the aggrieved party with the Commission within five (5) days from the promulgation of the decision or receipt of a copy thereof.

No motion for reconsideration shall be entertained by the court. The appeal shall be decided within sixty (60) days after the case has been submitted for decision, but not later than six (6) months from the filing of the appeal.

Notwithstanding the provisions of the Rules of Court, execution of judgment pending appeal shall not apply to election cases.

SEC. 310. Decision of the Commission. - The Commission shall decide all election cases brought before it within sixty (60) days from the date of their submission for decision. The decision of the Commission shall become final thirty (30) days after promulgation or receipt of judgment.

Decisions, final orders, or rulings of the Commission on election contests involving elective municipal and barangay offices shall be final, executory and not appealable.

SEC. 311. Preferential disposition of election contests in courts. - The courts shall give preference to election contests over all cases, except those of habeas corpus.

SEC. 312. Actual or compensatory damages. - Actual or compensatory damages may be granted in election contests in accordace with law.

SEC. 313. Notice of decisions. - The clerk of court or the corresponding official in the Commission shall immediately notify the Department of the Interior and Local Government of the final disposition of the election contest. If the decision be that none of the parties has been legally eiected, said official shall certify such decision to the President of the Philippines and to the Commission.

ARTICLE XI. ELECTION OFFENSES

SEC. 314. Prohibited acts. - The following shall be guilty of an election offense:

(1) Vote buying and vote selling-

(a) Any person who gives, offers, or promises money or anything of value, employment, franchise, or grant, or makes or offers to make an expenditure, directly or indirectly, to any person or group of persons in order to induce anyone to vote for or against any candidate or withhold his vote in the election or to vote for or against the nomination of any aspirant in a convention or similar selection process of a political party.

(b) Any person, association, corporation, group or community that solicits or receives, directly or indirectly, any expenditure or promise of employment for any of the foregoing considerations.

The filing of a complaint under the foregoing paragraphs supported by affidavits of complaining witnesses attesting to the offer or promise by or to the voter's acceptance of money or other consideration from the relatives, leaders, or sympathizers of a candidate, shall be sufficient basis for an investigation to be immediately conducted by the Commission, directly or through its duly-authorized legal officers.

The giver, offeror, promissor, as well as the solicitor, acceptor, and recipient shall be liable as principals. Any person otherwise guilty under the foregoing paragraphs who voluntarily gives information and willingly testifies on any violation thereof in any official investigation or proceeding shall be exempt from prosecution and punishment for the offenses with reference to which his information and testimony were given: Provided, That nothing herein shall exempt such person from criminal prosecution for perjury or false testimony.

(2) Wagering upon result of election- Any person who bets or wagers upon the outcome of, or any contingency connected with an election. Any money or thing of value put as such bet or wager shall be forfeited in favor of the government.

(3) Coercion of subordinates - Any person exercising or occupying a position of authority, in whatever capacity, whether public or private, who in any manner:

(a) Coerces, intimidates, compels any of his subordinates to aid, campaign, or vote for or against any candidate or any aspirant for nomination as candidate.

(b) Dismisses or threatens to dismiss, punishes or threatens to punish any of his subordinates for disobeying or not complying with any of his orders to aid, campaign or vote for or against any candidate, or any aspirant for nomination as candidate. Any employee, laborer or tenant so dismissed or ejected shall be reinstated and the salary or wage of the employee or laborer, or the share of the harvest of the tenants shall be restored to the aggrieved party upon application to the proper court.

(4) Threats, intimidation, terrorism, or use of fraudulent scheme - Any person who, in any manner threatens, intimidates, or inflicts injury or damage, upon any person, his honor or property, or uses any fraudulent scheme to induce or prevent the registration of any voter, or the participation in or desistance from any campaign, or the casting of or omission to vote.

(5) Coercion of election officials and employees. - Any person who, in any manner, harasses, threatens, intimidates, terrorizes or coerces or employs violence upon any official or employee or deputy of the Commission in the performance of his election duties.

(6) Appointment of new employees, creation of new position, promotion, or giving salary increases - During the period of forty five (45) days before a regular election and thirty (30) days before a special election:

(a) Any appointing authority of a government office, agency or instrumentality, including government-owned or - controlled corporations, who appoints or hires any new employee, whether permanent, provisional, temporary or casual, or creates and fills any new position, except upon prior authority of the Commission. The Commission shall not

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grant the authority sought unless it is satisfied that the position to be filled is essential to the proper functioning of the office or agency concerned, and is not intended to influence the election.

However, a new employee may be appointed in case of urgent need: Provided, That notice is given to the Commission within three (3) days from the date of appointment. Any appointment or hiring in violation of this provision shall be null and void.

(b) Any government official who promotes or gives any increase of salary or remuneration or privilege to any government official or employee, including those in government-owned or -controlled corporations.

(7) Transfer of officers and employees in the civil service - Any public official who makes or causes any transfer detail, or reassignment of any officer or employee in the civil service, including public school teachers, within the election period, except upon prior approval of the Commission.

(8) Intervention of public officers and employees - Any officer or employee in the civil service, except those holding political offices, such as Cabinet members and elective officials; any officer, employee or member of the Armed Forces of the Philippines, or any police force, special forces, home defense forces, barangay tanod units and all other para-military units who, directly or indirectly, intervenes in any election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer.

(9) Premature campaigning - Any person or group of persons engaging in an election campaign or partisan political activity outside the campaign period.

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(10) Appointment or use of special policemen, special agents, confidential agents, or the like - During the election period, any appointing authority who appoints or any person who utilizes the services of special policemen, special agents, confidential agents or persons performing similar functions; those previously appointed as such who continue acting in the same capacity, or those who fail to turn over their firearms, uniforms, insignias and other badges of authority to the proper officer who issued the same.

At the start of the aforementioned period, the heads of local government units or any appointing authority shall submit to the Commission a complete list of all special policemen, special agents, confidential agents or persons performing similar functions employed in their respective political subdivisions, with such particulars as the Commission may require.

(11) Illegal release of prisoners before and after election - The Director of the Bureau of Prisons, any provincial warden, keeper of the jail, or person required by law to keep prisoners in their custody who illegally orders or allows any such prisoners to leave the jail premises during the election period.

The above-enumerated persons required by law to keep prisoners in their custody shall post in three (3) conspicuous public places in the city or municipality a list of prisoners or detainees under their care. Detainees must be categorized as such.

(12) Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign - Any person who uses under any guise whatsoever, directly or indirectly, for election campaign or partisan political activity:

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(a) Public funds or money deposited with, or held in trust by, public financing institutions or by government offices, banks, or agencies;

(b) Any printing press, newspaper, news agency, radio, or television station or audio-visual equipment operated or sequestered by the Government or by its divisions, subdivisions, agencies or instrumentalities, including government-owned or -controlled corporations; or

(c) Any equipment, vehicle, facility, apparatus, or paraphernalia owned by the government or by its political subdivisions, agencies including government-owned or - controlled corporations.

(13) Deadly weapons - Any person who carries any deadly weapon in the polling place or canvassing center and within a radius of one hundred (100) meters thereof during the voting, counting of votes or canvassing of the election returns.

(14) Carrying firearms outside residence or place of business - Any person who, although possessing a permit to carry firearms, mission order or other similar documents, carries firearms outside his residence or place of business during the election period, unless authorized in writing by the Commission. A motor vehicle, water or air craft shall not be considered a residence or place of business or extension thereof.

(15) Bearing or transporting firearms, ammunitions, or explosives - Any person who, during election period bears or transports firearms, ammunitions, or [redacted] explosives or air gun in public places, including any building, street, park, private vehicle, or public conveyance, even if licensed to possess or carry the same, unless authorized in writing by the Commission.

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The issuance of firearms and explosives licenses shall be suspended during the election period.

Only regular members or officers of the Philippine National Police, the Armed Forces of the Philippines and other law enforcement agencies of the Government who are deputized in writing by the Commission for election duty may be authorized to carry and possess firearms during the election period: Provided, That when in the possession of firearms, the deputized law enforcement officer must be:

(a) In full uniform showing clearly and legibly his name, rank and serial number which shall remain visible at all times; and

(b) In the actual performance of his election duty in the specific area designated by the Commission.

(16) Use of armored land, water or air craft - Any person who uses during the election period, any armored land, water or air craft, with temporary or permanent equipment, or any other device or contraption for the mounting or installation of cannons, machine guns and other similar high-caliber fire-arms, including military-type tanks, half trucks, scout trucks, armored trucks: Provided, That banking or financial institutions and business firms may use armored vehicles exclusively for transporting cash, gold bullion or other valuables in connection with their business to and from their place of business, upon previous authority of the Commission.

(17) Wearing of uniforms and bearing arms - During the election period, any member of security or police organization of government agencies, including government-owned or controlled corporations, or privately-owned or operated security or investigative agencies who wears his uniform or uses his insignia, decorations or regalia, or bears arms outside his place of work. This prohibition shall

not apply when said member is in pursuit of a person who has committed or is committing a crime in the premises he is guarding; or when escorting or providing security for the transport of payrolls, deposits, or other valuables; or when guarding private residences, buildings or offices: Provided, That in the last case, prior written approval of the Commission shall be obtained.

During the election period, whenever the Commission finds it necessary for the promotion of free, orderly, honest, peaceful and credible elections in a specific area, it shall confiscate or order the confiscation of firearms of any member of the Armed Forces of the Philippines, police forces, Civil Armed Forces Geographical Units (CAFGUs) and all other para-military units or any member or members of privately-owned or -operated security or investigative agencies performing identical or similar functions.

(18) Security personnel and bodyguards - During the election period, no candidate for public office, including incumbent public officers seeking election to any public office, shall employ, avail himself of, or engage the services of security personnel or bodyguards, whether or not such bodyguards are regular members or officers of the Philippine National Police, the Armed Forces of the Philippines, or other law enforcement agency of the Government: Provided, That when circumstances warrant, including but not limited to threats to life and security of a candidate, he may be assigned by the Commission, upon due application, regular members of the Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency who shall provide him security for the duration of the election period. The officers assigned for

security duty to a candidate shall be subject to the same requirement as to wearing of uniforms prescribed herein, unless exempted in writing by the Commission.

If at any time during the election period, the ground for which the authority to engage the services of security personnel has been granted shall cease to exist or, for any other valid cause, the Commission shall revoke the said authority.

(19) Organization or maintenance of reaction forces, strike forces, or other similar forces - Any person who organizes or maintains a reaction force, strike force or similar force during the election period. The heads of such forces shall, not later than ninety (90) days before the election, submit to the Commission a complete list of all members thereof with such particulars as the Commission may require.

(20) Prohibition against release, disbursement or expenditure of public funds - Any public official or employee, including barangay officials and those of government-owned and -controlled corporations and their subsidiaries, who, within forty five (45) days before a regular election and thirty (30) days before a special election, releases, disburses, or expends any public funds for:

(a) Any and all kinds of public works, except the following:

i. Maintenance of existing and/or completed public works project: Provided, That no more than the average number of laborers or employees already employed therein during the six-month period immediately prior to the beginning of the forty-five (45) day period before election day shall be permitted to work during such time. No additional laborers shall be employed for maintenance work within the said period

of forty-five (45) days;

ii. Work undertaken by contract either through public bidding held, or by negotiated contract awarded, prior to the forty-five (45) day period before election. Work undertaken under the so-called "takay" or "paquiao" system shall not be considered as work by contract;

iii. Payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates and other procedures preparatory to actual construction, including the purchase of materials and equipment, and all incidental expenses for work undertaken before the beginning of such period: Provided, That the number of laborers hired when the project or projects were commenced shall not be increased; and

iv. Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.

No payment shall be made within five (5) days before the date of election to laborers who have rendered services in projects or works except those falling under subparagraphs (i), (ii), (iii) and (iv) hereof.

This prohibition shall not apply to ongoing public works projects commenced before the campaign period or similar projects under foreign agreements. For purposes of this provision, it shall be the duty of the government officials or agencies concerned to report to the Commission the list of all such projects being undertaken by them.

(b) The Department of Social Welfare and Development and any other office in other departments of the government performing functions similar to said department except for salaries of personnel, other routine and normal expenses, and such other expenses as the Commission may authorize after due notice and hearing. Should a calamity or disaster occur, all releases normally or usually coursed through the said department and offices of other department shall be turned over to, and administered and disbursed by, the Philippine National Red Cross, subject to the supervision of the Commission on Audit or its representatives.

No candidate or his or her spouse or member of his family within the second civil degree of affinity or consanguinity shall participate, directly or indirectly, in the distribution of any relief or other goods to the victims of calamity or disaster.

(21) Prohibition against construction of public works, delivery of materials for public works and issuance of treasury warrants and similar instruments - Within forty-five (45) days preceding a regular election and thirty (30) days before a special election, any person who:

(a) Undertakes the construction of any public works;

(b) Issues, uses, or avails of treasury warrants or instruments undertaking future delivery of money, goods, or other things of value chargeable against public funds.

(22) Suspension of elective local officials- During the election period, any public official who suspends, without prior approval of the Commission, any elective provincial, city, municipal, or barangay officer or president of the sangguniang kabataan unless said suspension will be for purposes of applying the Anti-Graft and Corrupt Practices Act.

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(23) Any person who, for the purpose of manipulating the electoral process, in any manner gains access to or uses, modifies, destroys, discloses, or causes access to and use, or modification, destruction or disclosure of any computer data, program, system software, network, or any computer-related devices, facilities, hardware or equipment, whether classified or declassified, and regardless of whether or not such access, use, modification, destruction or disclosure changes the results of the election or interrupts or impairs the electoral processes.

(24) On Registration of Voters.

(a) Any person who knowingly makes any false or untruthful statement relative to any of the data or information required in his voter's registration record.

(b) Any person who deliberately imprints or causes or allows the imprinting of blurred or indistinct finger-prints on any of the copies of the voter's registration record or any person who tampers with the finger-prints in said registration records.

(c) Members of the election registration board who approve any application which on its face shows that the applicant does not have the qualifications, or who disapprove any application without cause.

(d) Any registered voter who registers anew without filing an application for cancellation of his previous registration.

(e) Any person who registers in substitution for another, with or without the latter's knowledge or consent.

(f) Any person who tampers with or changes without authority any data or entry in any voter's registration record.

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(g) Any person who delays, hinders or obstructs another from registering.

(h) Any person who falsely certifies or identifies another as a bona fide resident of a particular place or locality for the purpose of securing the latter's registration as a voter.

(i) Any person who uses the voter's identification card of another for the purpose of voting, whether or not he actually succeeds in voting.

(j) Any person who places, inserts, or otherwise includes, as approved application for registration in the book of voters or in the provincial or national central files of registered voters, the application of any fictitious voter or any application that has not been approved; or removes therefrom any voter's registration record except upon lawful order of the Commission or of a competent court or after proper cancellation.

(k) Any person who transfers or causes the transfer of the registration record of a voter to the book of voters of another precinct, unless said transfer was due to a change of address of the voter and the voter was duly notified of his new precinct and polling place.

(l) any person who asks, demands, takes, accepts, or possesses, directly or indirectly, the voter's identification card of another, in order to induce the latter to withhold his vote, or to vote for or against any candidate or any issue.

(m) Any person who delivers, hands over, entrusts, gives, directly or indirectly his voter's identification card to another in consideration of money or other benefit or promise thereof, or takes or accepts such document directly or indirectly for the same consideration.

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(n) Any person who in any manner alters, tears, defaces, removes, destroys or tampers with any certified list of voters.

(o) Any person who takes, carries, or possesses any blank or unused application for registration already issued to a city or municipality, except when directed by the Commission.

(25) **On Voting:**

(a) Any person who votes more than once in the same election, plebiscite, recall or referendum or who, not being a registered voter, votes in such political exercise.

(b) Any person who votes in substitution for another.

(c) Any person who, not being illiterate or physically disabled, allows his ballot to be prepared by another, or any person who prepares the ballot of another who is not illiterate or physically disabled.

(d) Any person who avails himself of any means or scheme to discover the contents of the ballot of a voter.

(e) Any voter who uses a ballot other than the one given by the board of election inspectors or has in his possession more than one (1) official ballot.

(f) Any person who places under arrest or detains a voter without lawful cause, or harasses him in such a manner as to obstruct or prevent him from going to the polling place to cast his votes or from returning home after casting his votes or to compel him to reveal how he voted.

(g) Any member of the board of election inspectors charged with the duty of reading the ballot during the counting of the votes who deliberately omits to read the votes duly written on the ballot or misreads the vote actually written thereon or reads the name of a candidate where no name is written on the ballot.

(h) Any member of the board of election inspectors charged with the duty of tallying the votes in the tally papers, election returns or other prescribed form who deliberately fails to record a vote therein or records a vote where no such vote has been read.

(i) Any member of the board of election inspectors who has made possible the casting of more votes than there are registered voters.

(j) Any person who, for the purpose of disrupting or obstructing the election process or causing confusion among the voters, propagates false and alarming reports or information, or transmits or circulates false orders, directives, or messages regarding any matter relating to the printing of official ballots, the postponement of the election, the transfer of polling place, eligibility, or withdrawal of candidates or the general conduct of the election.

(k) Any person who, without legal authority, destroys, substitutes, or takes away from the possession of those having legal custody thereof, or from the place where they are legally deposited, election forms, documents, or ballot boxes which contain official ballots or other documents used in any election, plebiscite, recall, or referendum.

(l) Any person having legal custody of the ballot box containing the official ballots used in the election who opens or destroys said box or removes or destroys its contents without any, or against the, order of the Commission or who, through his negligence, enables any person to commit any of the aforementioned acts, or takes away said ballot box from his custody.

(m) Any member of the board of election inspectors who knowingly uses ballots other than the official ballots.

(n) Any member of the board of election inspectors who refuses to issue the certificate of votes to watchers requesting the same .

(o) Any public official who neglects or fails to preserve or account for any ballot box, documents and forms received by him and kept under his custody.

(p) Any person who assisted an illiterate or disabled voter in preparing his ballot and who reveals the contents thereof.

(q) Any person who, without authority, transfers the location of a polling place.

(r) Any person who removes, tears, defaces, or destroys any certified list of candidates posted inside the voting booths during the voting hours.

(s) Any person who delays through force, violence, coercion, intimidation, or by any means the transmittal of the election returns or who takes away, absconds with, destroys, defaces, mutilates, or substitutes the election returns, its envelope, or the ballot box containing the election returns, or who violates the right of the watchers.

(t) Any person who holds or causes the holding of an election on any other day than that fixed by law or by the Commission, or stops an election being legally held.

(u) Any person who deliberately blurs or causes the blurring of fingerprints or thumbmarks in the voting record.

(26) **On Canvassing:**

(a) Any chairman of the board of canvassers who fails to give notice of the date, time and place of the initial meeting of said board to the candidates, political parties and members of the board.

(b) Any member of the board feigning illness in order to be substituted.

(c) Any board of canvassers which proceeds with the canvassing of voters and/or proclamation of any candidate that was suspended or annulled by the Commission.

(d) Any member of the board of canvassers who proceeds with the canvass of votes and/or proclamation of any candidate in the absence of quorum or notice .

(e) Any member of the board who fails to note specifically in the minutes of the proceedings of the board objections to the election returns or certificate of canvass presented before it.

(f) Any member of the board who, without authority of the Commission, uses in the canvass of votes of any candidate any document other than the official copy of the election returns or certificate of canvass.

(g) Any board of canvassers which, without authority from the Commission, proclaims any candidate as winner although there are still contested election returns or certificates of canvass, unless the votes involved will not affect the results of the elections.

(h) Any officer or member of the Armed Forces of the Philippines, the Philippine National Police or any peace officer or armed person belonging to any police agency, special forces, reaction forces, strike forces, Civil Armed Forces Geographical Units (CAFGUs), barangay tanod units, or other similar forces or para-military forces, including security guards, special policemen, and all other armed, or unarmed extra-legal police officers, who enters the room where the canvassing of the election returns or certificates of canvass is being held by the board of canvassers and within a radius of fifty (50) meters from such room. The board may, by majority vote, make a call in writing for the detail of policemen or peace officers for their protection or that of the election documents and paraphernalia in the possession of the board, or for the maintenance of peace and

order, in which case said policemen or peace officers, who shall be in proper uniform, shall stay outside the room but near enough to be easily called by the board at any time.

(i) Any person who, under the influence of liquor or prohibited drugs, enters a canvassing room during the canvassing of election returns or certificates of canvass.

(27) **Common to all board of election inspectors and board of canvassers:**

(a) Any member of the board of election inspectors or board of canvassers who deliberately absents himself from board meetings to obstruct or delay the performance of its duties or functions.

(b) Any member who, without justifiable reason, refuses to sign and certify any election form prescribed by the Commission.

(c) Any person who, being ineligible for appointment as member of the board accepts an appointment thereto, assumes office, and actually serves as member; or any public officer or person acting in his behalf who appoints such ineligible person knowing him to be such.

(d) Any person who, in the presence or within the hearing range of either board, interrupts or disrupts its work or proceedings to prevent said board from performing its functions.

(e) Any member of the board who increases, decreases, or otherwise tampers with the votes received by a candidate; or who refuses, after proper verification and hearing, to credit the correct votes or deduct such tampered votes.

(f) Any public official or person acting in his behalf who relieves or changes or causes the change of the assignment of any member without authority of the Commission.

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(28) **On Candidacy and Campaign:**

(a) Any political party which holds political conventions or meetings to nominate its official cnadidates earlier than the period fixed in this Code.

(b) Any person who abstracts, destroys or cancels any certificate of candidacy duly filed and which has not been cancelled by the Commission.

(c) Any person who on election day submits to the board of election inspectors any false or spurious certificate of candidacy.

(d) Any person who, being authorized to receive certificates of candidacy, receives the same outside the prescribed period and makes it appear that it was filed on time; or any person who, by means of fraud, threat, intimidation, terrorism, or coercion, causes or compels the performance of said act.

(e) Any person who, by any device or means, jams, obstructs, or interferes with a radio or television broadcast or any political program authorized by the Commission.

(f) Any person declared a nuisance candidate or otherwise disqualified by final and excutory judgment, who continues to misrepresent himself as a candidate; any public officer or private individual who knowingly induces or abets such misrepresentation.

(g) Any person who solicits, votes or undertakes any propaganda, on the day of election, for or against any candidate or any political party.

(h) Any person who undertakes an election campaign or partisan political activity outside of the campaign period.

No person shall be arrested and/or detained at any time for any act committed during and in connection with an election which tends to support or oppose any candidate or political party, except upon a warrant of arrest issued by competent court.

(29) **Other Prohibitions:**

(a) Any person who sells, furnishes, offers, buys, serves or takes intoxicating liquor on the day before or on election day: Provided, That hotels and other establishments duly certified by the Department of Tourism as tourist-oriented and habitually engaged in the business of catering to foreign tourists may be exempted upon prior authority of the Commission: Provided, further, That foreign tourists taking intoxicating liqour in said authorized hotels or establishments are exempted from this prohibition.

(b) Any person who, without authority, prints or causes the printing of any ballot, election returns, or certificates of canvass as official ballot, election returns, or certificate of canvass, or who distributes or causes the distribution thereof whether or not it is actually used.

(c) Any person who opens in any polling place or within a radius of thirty (30) meters thereof on election day and during the counting of votes, booths or stalls of any kind for the sale, dispensing or display of wares, merchandise, or refreshments, or for any other purposes.

(d) Any person who holds on election day, fairs, cockfights, boxing, horse races, jai-alai, or any other similar sports.

(e) Any person who operates a radio or television station who, without justifiable cause, discriminates against any candidate or political party in his station's programming or coverage of election related-events. In

addition to the penalty prescribed herein, such refusal shall constitute a ground for cancellation or revocation of the franchise .

(f) Any person who violates any orders, resolutions or rules and regulations promulgated by the Commission [New].

SEC. 315. Other election offenses. - Violation of the provisions, or pertinent portions, of the following sections of this Code shall constitute election offenses: Sections 9, 10, 11, 92, 113, 116, 127, 128, 129, 130, 131, 132, 133, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 160, 164, 167, 168, 169, 170, 171, 173, 181, 187, 189, 191, 202, 205, 208, 209, 210, 218, 227, 228, 229, 233, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 265, 266, 268, 269, 270, 271, 274, 275, 276, 277, 278, 279, 286.

SEC. 361. Persons criminally liable. - The principals, accomplices and accessories, as defined in the Revised Penal Code, shall be criminally liable for election offenses. If the one responsible be a political party or any entity, its president or head, the officials and employees of the same performinng duties connected with the offense committed and its members who may be principals, accomplices, or accessories, shall be liable, in addition to the liability of such party or entity.

SEC. 317. Penalties. - Any person found guilty of any election offense under this Code shall be punished with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage. If he is a foreigner, he shall be sentenced to deportation which shall be enforced after the

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prison term has been served. Any political party found guilty shall be sentenced to pay a fine of not less than one hundred thousand (P100,000) pesos, which shall be imposed upon such party after criminal action has been instituted in which their corresponding officials have been found guilty.

In the case of a prisoner illegally released from any penitentiary or jail during the election period, the Director of Prisons, provincial warden, keeper of the jail or prison, or persons required by law to keep said prisoner in their custody shall, if convicted by a competent court, be sentenced to suffer the penalty of prision mayor in its maximum period if the prisoner so illegally released commits any acts of intimidation, terrorism or interference in the election.

In addition to the penalties prescribed herein, violations of Sections 9, 10, and 11 hereof shall constitute a ground for cancellationn or revocation of certificate of public convenience or franchise.

SEC. 318. Prosecution. - The Commission shall have, through its duly-authorized legal officers, exclusive power to conduct preliminary investigation of all election offenses punishable under this Code, and to prosecute the same. The Commission may avail of the assistance of other prosecuting arms of the government.

SEC. 319. Prescription. - Election offenses shall prescribe after five (5) years from the date of their commission. If the discovery of the offense be made in election contest proceedings, the period of prescription shall commence on the date on which the judgment in such proceedings becomes final and executory.

The filing of a complaint with the Commission stops the running of the prescriptive period of the election offense.

SEC. 320. Jurisdiction of courts. - The regional trial court shall have exclusive original jurisdiction to try and decide any criminal action or proceedings for violation of this Code. Appeals will lie as in other criminal cases.

SEC. 321. Preferential disposition of election offenses. - The investigation and prosecution of cases involving violation of election laws shall be given preference and priority by the Commission and prosecuting officials. Their investigation shall be commenced without delay, and shall resolved by the investigating officer within five (5) days from its submission for resolution. The courts shall likewise give preference to election offenses over all other cases, except petitions for writ of habeas corpus. Their trial shall likewise shall be commenced without delay, and shall be conducted continuously until terminated, and the case shall be decided within thirty (30) days from its submission for decision.

ARTICLE XII. LEGAL FEES.

SEC. 322. Collection of legal fees. - The Commission is hereby authorized to determine and collect reasonable fees in connection with official transactions in the Commission.

SEC. 323. Payment of fees. - The fees referred to in the preceding section shall be paid to the cashier of the Commission who shall, in all cases, issue a receipt for the same and enter the amount received upon his book, specifying the date when received, the fee, and the person from whom received. The cashier shall immediately report such payment to the Commission.

SEC. 324. Non-payment of prescribed fees. - If the prescribed fees are not paid, the Commission may refuse to take action thereon until they are paid.

SEC. 325. Special or trust fund. - All accruing fees, receipts and revenues received by the Commission shall be considered as a Special Trust Fund and shall be deposited in any of the authorized depository banks of the Commission to be made available for any function, project and activity of the Commission pursuant to its fiscal autonomy.

ARTICLE XII. TRANSITORY PROVISIONS

SEC. 326. Pending actions. - Pending actions and causes of action arising before the effectivity of this Code shall be governed by the laws then in force.

SEC. 327. Continuing system of registration; When effected. - For purposes of the 1995 and succeeding elections, the continuing system of registration shall be effected immediately after the 1994 barangay elections.

ARTICLE XIV. FINAL PROVISIONS

SEC. 328. Sharing in election expenses. - All expenses for the conduct of elections shall be shared by the national, provincial, city, or municipal governments for which the election as held in such manner as the Commission shall prescribe. For this purpose, the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan concerned shall appropriate annually an amount equivalent to one-third (1/3) of the amount spent by their respective provinces, cities, or municipalities, in the last election as a continuing appropriation to cover their respective shares of the expenses in the next regular elections.

SEC. 329. Separability clause. - If, for any reason, any section or provision of this Code, or any portion thereof or the application of such section, provision or

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portion to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Code or the application of such section, provision or portion thereof to other persons, groups, or circumstances shall not be affected by such declaration.

SEC. 330. Repealing Clause. - Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code, is hereby repealed. All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Code are hereby repealed.

SEC. 331. Effectivity - This Code shall take effect upon its approval.

Approved.

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Ninth Congress of the Republic of the Philippines)
Second Regular Session)

SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
DATE: MAR 18 1994
TIME: 1:10 p.m. BY:

SENATE

S. B. No. 1679

Introduced by Senator Vicente C. Sotto III

EXPLANATORY NOTE

During the Fourth Regular Session of the immediately preceding Congress of the Philippines, then Senate President - Jovito R. Salonga, along with other members of the Senate, introduced a bill which the authors proposed to be known as "The Revised Omnibus Election Code of 1991." Much of the provisions of that bill substantially consisted of reproductions of Batas Pambansa Blg. 881 currently known as The Omnibus Election Code of the Philippines with some significant amendments by way of clarification and modification of existing election statutes and incorporation of pertinent jurisprudence and the latest election laws passed by the post-Martial Law Congress. The proposed Code was intended to govern the first synchronized national and local elections of 1992. Among the salient features of the Salonga bill were provisions relating to :

(1) jurisdiction of the Commission on Elections in specific cases;

(2) election spending on the part of political parties and candidates;

(3) political education of the electorate; and a host of other election-related topics.

But while the bill covered practically all the major phases of an electoral exercise, there is one area that it failed to address --- the area of absentee voting which the 1987 Constitution expressly mandated Congress to substantiate by legislation. Sec. 2 of Article V of The Philippine Constitution of 1987 provides:

"Sec. 2. - The Congress shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad."

Seven (7) years and two (2) Congresses after the Filipino people ratified the present Constitution, Congress has yet to come up with a concrete legislation implementing the command of the fundamental law of the land to provide a system for absentee voting by qualified Filipinos abroad.

We are not unaware of a bill introduced earlier in the House of Representatives by a former member of the Commission on Elections. This bill entitled "1993 Election Code of the Philippines" was essentially crafted by a special COMELEC committee which was tasked to consolidate all election laws currently in force into one (1) compact code. The proposed code includes provisions for absentee voting for registered a Filipino voter who is within Philippine territory during an electoral exercise but is otherwise unable to cast their vote in the place where he has registered as a voter by reason of public functions and duties he is required to perform outside of his voting residence on election day. It also makes provision for a system allowing qualified Filipinos abroad to vote as absentee voters under conditions which are rather difficult

and may not allow for a majority of Filipinos especially in Continental America to exercise their right of suffrage.

This bill sort of relaxes the stringent requirements of the COMELEC proposed Code for absentee voting. To be sure, the COMELEC bill providing for a system of absentee voting for qualified Filipinos abroad among its salient features is an admirable attempt to answer a crying need for the enfranchisement of hundreds of thousands if not millions of our country men in foreign lands who have steadfastly maintained their loyalty to the motherland, with nary a thought of abjuring their priceless citizenship. But any system of absentee voting that has been crafted without prior consultations with its intended beneficiaries can hardly be expected to work as efficiently and successfully as one which hews as nearly close to the heart and mind of these beneficiaries. This is all that makes the difference between the system of absentee voting provisions of the COMELEC bill and the present bill. We took time out during the intervening lull between sessions of this Congress to reach out to our countrymen in foreign shores to get their sentiments on a legislative proposal to allow them to vote in Philippine elections without having to travel thousands of miles to have to cast their ballot. In the places we visited, we met with cross-sections of overseas Filipinos who were jubilant over the prospect of being able to participate in the task of reshaping our national destiny through the ballot. But given the limitations of time and space, many if not most of these overseas Filipinos may not be able to exercise the right to vote as an absentee voter under the COMELEC-proposed system of absentee voting which requires that any overseas Filipino desiring to vote as an absentee voter "must first register in person as a voter in his voting residence." And this means coming home to the Philippines to register in the city or municipality where he is qualified to register as a voter. This requirement, to our mind, renders the absentee voting system practically meaningless to most of the system's intended beneficiaries. This bill provides for a system of absentee voting which allows for any qualified Filipino abroad to register as a voter at a Philippine embassy, consular or labor attaché's office at or nearest his place of work or residence abroad. The system of absentee voting thus designed in this bill saves its intended beneficiaries from incurring tremendous expenses which they would otherwise incur if they were to be required to come home just to register as a voter.

This bill, like the Salonga bill of 1991 and the COMELEC-proposed Revised Omnibus Election Code, reproduces substantially all the time-tested provisions of BP Blg. 881, otherwise known as the Omnibus Election Code of the Philippines and incorporates applicable provisions of election laws passed during the previous sessions of the post-Martial Law Congress.

With two (2) major electoral exercises in the offing -- The Barangay Elections of 1994 and the synchronized local and national elections in 1995 -- it is easy to appreciate the urgency of approving this bill.

VICENTE C. SOTTO III
Senator

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Ninth Congress of the Republic of the Philippines)
Second Regular Session)

SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
MAR 18 1994
1:10 PM BY

SENATE

S. B. No. 0 1679

Introduced by Senator Vicente C. Sotto III

AN ACT
PROVIDING FOR A REVISED ELECTION CODE OF 1994

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. This Act shall be known and cited as The "REVISED ELECTION CODE OF 1994."

SEC. 2. Applicability. - This Code shall govern all elections of public officers and to the extent appropriate, all plebiscites, initiatives, referenda and recalls. (Sec. 2, BP 881)

SEC. 3. Election and Campaign Periods. - Unless otherwise fixed in special cases by the Commission on elections, hereinafter referred to simply as COMELEC, the election period for regular and special elections, as well as plebiscites, initiatives, referenda and recalls shall commence ninety (90) days before the electoral exercise and shall end thirty (30) days thereafter. (Section 9, Article IX-C, Constitution)

The campaign period for the different elective offices and other electoral exercises shall be as follows:

1) For President, Vice-President, and Senators --- ninety (90) days. [Sec. 5 (a), RA 7166];

2) For Members of the House of Representatives and elective local officials --- forty-five (45) days. [Sec. 5 (b), RA 7166];

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3) For barangay officials --- fifteen (15) days. [Sec. 3, BP 881];

4) For any plebiscite, initiative, referendum or recall --- thirty (30) days; or as fixed by COMELEC in a proper case. [New].

However, the foregoing campaign periods shall not include the day before and the day of the election itself, during which any kind of campaigning shall be absolutely prohibited. Similarly, before the start of the election period, no campaigning, including public announcement of one's candidacy or intention to run for a position, shall be allowed. [Sec. 3. (A), BP 881]. Where the Lenten season is embraced within the campaign period, campaigning in any form is absolutely prohibited on Maundy Thursday and Good Friday.

SEC. 4. Postponement of election. - When, for any serious cause such as violence, terrorism, loss or destruction of election paraphernalia, or records, *force majeure*, and other analogous causes of such a nature that the holding of a free, orderly and honest election should become impossible in any political subdivision, the COMELEC, *motu proprio*, or upon a verified petition, by any interested party, and after due notice and hearing, whereby all interested parties are afforded equal opportunity to be heard, shall postpone the election therein to a date which should be reasonably close to the date of the election not held, suspended or which resulted in a failure to elect but not later than thirty (30) days after the cessation of the cause for such postponement or suspension of the election or failure to elect. (Sec. 5, BP 881)

However, no postponement of any electoral exercise shall be made except by a majority vote of all the members of the COMELEC; and where time does not permit compliance with the requirements of notice and hearing, and COMELEC, in its assessment of the situation in the locality or localities where the suspension or postponement is requested, is convinced after a summary hearing conducted, that a peaceful, orderly and honest election is not possible, it may by a majority vote of all its members order the postponement of the election.

SEC. 5. Suspension of election. - If on account of *force majeure*, violence, terrorism, fraud, or other analogous causes, the election in any political subdivision has been suspended at any time before the results of the election could be announced and suspension

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of election would affect the result thereof, the Commission shall, on the basis of a verified petition by any interested party and in every case after due notice and hearing, call the continuation of the election suspended within thirty (30) days after the cessation of the cause of suspension. [New]

SEC. 6. Failure of Election. - If on account of *force majeure*, violence, terrorism, intimidation, ballot box-snatching or other analogous causes, the election in any precinct or political subdivision has not been held on the date fixed or has been suspended before the close of the voting or after the voting but before or during the canvassing or after the canvassing but before or during the preparation or transmission of the election returns, resulting in a failure to elect, which would affect the results of the election, the COMELEC *motu proprio* or upon a verified petition by any interested part and after due notice and hearing in both cases, call for the holding or continuation of the election not held, suspended or which resulted in a failure to elect, on a date reasonably close to the date of the election not held, suspended or which resulted in a failure to elect, but not later than thirty (30) days after the cessation of the cause of such suspension of the election or failure to elect. [Section 6A]

SEC. 7. Call for special elections due to postponement, suspension, or failure of elections. - The postponement, suspension, declaration of failure of election and the calling of special elections shall be decided by a majority vote of the members of the Commission sitting en banc. [Sec. 4, BP 881]

SEC. 8. Distribution of Election Code. - Upon the start of the election period of the May, 1995 election and of every national and local elections thereafter, the COMELEC shall distribute to all its regional, provincial, city and municipal offices, all offices of the national, regional, provincial, city and municipal governments, including private and public schools and media, printed copies of the Revised Election Code.

REC. 9. Official Mail, Etc. -

a) All documents and correspondence in connection with an election and required by this Code to be sent by public officers in the performance of their election duties shall be free

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of postage and sent expeditiously by registered special delivery mail with or without return receipt. Telegrams, telex and facsimile (fax) transmissions of the same nature shall likewise be transmitted free of charge with top priority by government telecommunications and similar facilities.

b) It shall be the duty of the Postmaster-General, the Director of the Bureau of telecommunications, and the Managers of private telecommunication and telephone companies to transmit immediately and in preference to all other communications or telegrams, all messages and communications reporting election results and such other messages or communications as the COMELEC may require or as may be necessary to be transmitted or communicated to insure free, clean, honest, credible and orderly elections. [Section 9A]

SEC. 10. Shipment and transport of official cargoes. - During the election period, all official cargoes such as ballot boxes, official ballots, election forms, records, supplies and paraphernalia related to elections shall be given the highest priority in the shipment in distribution and delivery by air, land and sea transportation companies, whether private, public or government-owned or -controlled.

It shall be the duty of the Secretary of the Department of Transportation and Communications, the Heads of the Civil Aeronautics Board, Land Transportation Franchise and Regulatory Board, Armed Forces of the Philippines, Philippine National Police and Philippine Coast Guard to implement and monitor such preferential status of official election cargoes. [New]

SEC. 11. Transportation and mobilization of officials, employees and deputies of the Commission. - Officials, employees and deputies of the commission shall, during the election period or pursuant to an order or directive of the Commission, or while in the performance of election duties, be given a "must-ride" status whether by air, land, or sea upon presentation of a resolution, travel order, mission order or subpoena, duly issued by the Commission, its Chairman, any Commissioner, or any of its officials of Director rank.. [New]

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SEC. 12. Election expenses. - Unless otherwise provided by law, the Commission shall bear such expenses as may be necessary and reasonable in connection with elections. The Commission may direct that in the provinces, cities or municipalities, the election expenses chargeable to the Commission be advanced by the province, city, or municipality concerned subject to reimbursement by the Commission upon presentation of the proper bill within ninety (90) days from the political exercise and its approval by the Commission.

Funds needed by the Commission to defray the expenses for the holding of elections shall be provided in its regular appropriations which, upon certification, shall immediately be released to the Commission. In case of deficiency, the amount so provided shall be augmented from the special activities fund in the general appropriations act and from those specifically appropriated for the purpose in special laws. [Sec. 10, BP 881]

SEC. 13. Appropriations for Elections. - Except in Barangay Elections, such expenses as may be necessary and reasonable in connection with the elections, referenda, plebiscites, recalls, initiatives and other similar exercises shall be borne by the COMELEC, which, however, may direct that in the provinces, cities or municipalities the election expenses chargeable to the COMELEC be advanced by the province, city or municipality concerned subject to reimbursement by the COMELEC upon presentation and audit of the proper bill. [Section 10A]

Funds certified by the COMELEC as necessary to defray the expenses for holding regular and special elections, plebiscites, initiatives, referenda and recalls shall be provided in the regular or special appropriations, and once approved, shall be released automatically upon certification by the Chairman of the COMELEC. [Section 11, C, Article IX, 1987 Constitution]

ARTICLE II

COMMISSION ON ELECTIONS

A. COMPOSITION

SEC. 14. The Commission. - The Commission shall be composed of a Chairman and six (6) Commissioners, who shall be appointed by the President with the consent of the Commission on Appointments. [Secs. 1 and 2, Art. IX(C), Constitution]

It shall act as a policy-making body and exercise administrative, quasi-judicial and judicial functions relative to all laws and regulations with respect to conduct of elections. [New]

SEC. 15. Disqualification of members of the Commission. - The members of the Commission shall be subject to the canons of the judicial ethics in the discharge of their functions.

No member of the Commission shall sit in any case in which he has manifested bias for or against any party thereto and in connection therewith, or in any case in which he would be disqualified under the Rules of Court. If it be claimed that a member is disqualified as above provided, the party objecting to his competency may file his objections in writing with the Commission, stating the grounds therefor. The member concerned shall decide whether to continue to participate in the hearing or withdraw therefrom. His decision shall forthwith be made in writing and filed with the records of the case. If a disqualification should result in a lack of quorum in the Commission sitting en banc, the Presiding Justice of the Court of Appeals shall, upon formal request of the Commission, designate a justice of said court to sit in said case for the purpose of hearing and reaching a decision thereon. [Sec. 58, BP 881]

The Chairman and members of the Commission, including its officials and employees, shall not be qualified to run for any office in the election immediately succeeding their retirement, resignation, or cessation from office, except barangay elections. [New]

B. POWERS AND FUNCTIONS

SEC. 16. Powers and Functions. - In addition to the powers and functions conferred upon it by the Constitution, the Commission shall enforce and administer all laws and regulations relative to the conduct of an election and shall:

1) a) Exercise direct and immediate control and supervision over national and local officials or employees, including members of any national or local law enforcement agency and instrumentality of the government required by law or deputized by the Commission to perform election duties, Including officers and employees of government-owned or -controlled corporations, relative to the conduct of elections. In addition, it may authorize CAT cadets eighteen (18) years of age and above to act as its deputies for the purpose of enforcing its orders;

b) Relieve and substitute any officer of employee referred to in the preceding sub-paragraph, who violates the election law or fails to comply with its instructions, orders, resolutions, decisions or rulings;

c) Recommend to the proper authority the suspension or removal from office or imposition of disciplinary action on any of such officers or employees, who may, after due process, be found guilty of such violation or failure [Section 52(a) BP 881];

2) a) Promulgate rules and regulations implementing all laws which the Commission is required to enforce and administer, including those concerning the expeditious disposition of election cases and pre-proclamation controversies: *Provided,* That, such rules shall not diminish, increase, or modify substantive rights;

b) Require legal fees and collect the same in payment of any official transaction done in the Commission at rates it may determine [Section 52 (c), BP 881];

3) Hear cases and by a majority vote of all its members sitting en banc or in division decide the same way [New];

4) a) Summon the parties to a controversy pending before it, issue subpoena and subpoena duces tecum, take testimony and receive evidence in any investigation before it, and delegate, at its discretion, such powers to any of its duly-authorized legal officers [Section 52(d), BP 881];

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b) In case of failure of a witness to attend any hearing, and upon proof of service of subpoena, issue a warrant of arrest to ensure his presence before the Commission or its duly-authorized legal officer [Section 52(d), BP 881];

5) Supervise or regulate during the election period the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges or concessions granted by the Government or any subdivision, agency or instrumentality thereof, including any government-owned or -controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity, time and space and the right to reply, including reasonable, equal rates therefore, for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, honest, peaceful and credible elections [Sect. 4, Art. IX(C), Constitution];

6) Enjoy fiscal autonomy. Its approved annual appropriations, as well as appropriations for the holding of regular and special elections and other electoral exercises, shall be automatically and regularly released, together with their corresponding cash outlays [Sec. 5, Art. IX(A), Constitution];

7) When necessary, avail of the assistance of any national or local law enforcement agency or instrumentality of the government in the execution, under its direct and immediate supervision, of its final decisions, orders, instructions, resolutions or rulings [Sec. 52(d), BP 881];

8) Punish contempt as provided for in its Rules of Procedure and in the Rules of Court. Violation of any final executory decision, order or ruling of the Commission shall constitute contempt thereof [Sec. 52(e), BP 881];

9) Enforce and execute its decisions, directives, orders and instructions, which shall have precedence over those emanating from any other authority, except the Supreme Court, and those issued in habeas corpus proceedings [Sec. 52(f), BP 881];

10) Prescribe forms and printing materials for official ballots, election returns and other election paraphernalia to be used in elections, plebiscites, recalls, initiatives, referenda

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and other electoral exercises; and adopt new systems for registration, voting, counting and canvassing processes, including, but not limited to, the manner of voting and the steps and location for counting and canvassing, the resolution of pre-proclamation cases and electoral contests; and the use of the latest appropriate technological and/or electronic devices, either by piloting or installation by stages, taking into account the circumstances and location of the area of piloting or installation, and the funds available for the purpose: *Provided*, That adequate safeguards and security markings are imposed on the use of such new forms. printing materials, systems and devices; *Provided*, further, That the Commission shall notify the authorized representatives of accredited political parties and cause the publication thereof in at least two (2) newspapers of general circulation in the areas affected by the use and adoption of new forms, printing materials, systems, devices and safeguards not later than the start of the election period [New];

11) Procure supplies, equipment, materials, or services for the holding of an election strictly by public bidding accordance with the rules and regulations of the Commission on Audit. If it finds public bidding impractical to observe, procurement may be by negotiations or sealed bids, and in both cases, the list of awarded contracts shall be published in at least two (2) newspapers of general circulation. Copies of all awarded contracts shall be open for examination and verification by authorized representatives of accredited major political parties and of media; [Sec. 52(h), BP 881]

12) Carry out a continuing and systematic campaign, through newspapers of general circulation, radio, television and other media forms, to educate the public and inform the electorate about election laws, procedures, decisions and other matters relative to the work and duties of the Commission and the necessity of free, orderly, honest, peaceful and credible elections; [Sec. 52(j), BP 881]

13) Cause the inclusion in the school curriculum of a subject on the importance and relevance of elections, in coordination with the Department of Education, Culture and Sports [New];

14) Enlist non-partisan groups or organizations of citizens from the civic, youth, professional, educational, business, or labor sectors known for their probity, impartiality and integrity,

with membership and capability to undertake a coordinated operation and activity to assist in the implementation of the provisions of this Code and the resolutions, orders and instructions of the Commission for the purpose of free, honest, orderly, peaceful and credible elections in the constituency. Such groups or organizations shall be under the direct and immediate control and supervision of the Commission and perform such functions and duties as may be prescribed by the Commission [Sec. 52(k), BP 881].

The designation of any such group or organization may be revoked by the Commission upon notice and hearing whenever it has shown partiality to any political party or candidate, or performed acts in excess or in contravention of its functions and duties [New];

15) Conduct in the cities and provinces, upon proper motion of any party, hearings on controversies pending before it, taking into consideration the materiality and number of witnesses to be resented, the situation prevailing in the area and the funds available for the purpose [Sec. 52(l), BP 881];

16) Fix reasonable periods or dates for certain pre-election activities in order that voters shall not be deprived of their rights of suffrage [Sec. 52(m), BP 881];

17) Provide death benefits, hazard pay when warranted, grant incentive and merit awards to members of the boards of election inspectors, board of canvassers, deputized agencies and personnel of the Commission. Such amount as may be necessary for this purpose shall be included in the appropriations of the Commission [Sec. 37, RA 7166, Amended];

18) Stop any illegal election activity after due notice and hearing, and summarily confiscate, tear down, or stop any unlawful, libelous, misleading, or false election propaganda [Sec. 57(2), BP 881].

For the purpose of the two (2) immediately preceding paragraphs, the Commission may avail itself of the assistance or services of the Armed Forces of the Philippines, Philippine National Police, National Bureau of Investigation, Commission on Audit, Central Monetary Authority, Bureau of Internal Revenue, Securities and Exchange Commission, Department of the Interior and Local Government and other agencies of the government. [Sec. 57, BP 881]

SEC. 17. Special reliefs in election cases. - The Commission is hereby vested with exclusive authority to issue writs of certiorari, prohibition and mandamus in election cases [Sec. 140, BP 697].

C. CENTRAL AND FIELD OFFICES

SEC. 18. Central Office. - The central office shall be composed of the offices of the Chairman, Commissioners, Executive Director, Department Directors, and such other offices as may be created by the Commission.

The Executive Director shall take charge of the administrative affairs of the Commission and implement its policies and decisions under the supervision of the Commission.

The Department Directors shall perform such powers and duties as may be assigned by the Commission. [New]

SEC. 19. Field Offices. - The Commission shall have the following field offices:

1) Office of the Regional Election Director, headed by a Director IV;

2) Office of the Provincial Election Supervisor, headed by a Provincial Election Supervisor; and

3) Office of the City or Municipal Election Officer, headed by a City or Municipal Election Officer.

The field offices shall have such other officers and employees as the Commission may designate.

The Commission may delegate its powers and functions, or order the implementation or enforcement of its resolutions, orders, rulings, or decisions through the Executive Director or heads of its field offices. [Sec. 53, BP 881]

SEC. 20. Qualifications of Central Office Officials. - The Commission shall provide its own personnel policies on the qualifications of its central office officials and employees. [New]

SEC. 21. Qualifications of field officials. - Only members of the Philippine Bar shall be eligible for appointment to the positions of Director IV, Provincial Election

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Supervisor and Election Officer. If there are no members of the Philippine Bar available for appointment as election officer, college graduates with bachelors degree in law, public administration, arts, education, or business administration, in the order named, who possess the appropriate civil service eligibility, may be appointed to said position: *Provided*, That election officers of cities and capital towns shall be holders of a degree in bachelor of laws with appropriate civil service eligibility. [Sec. 54, BP 881]

SEC. 22. Office and storage space. - The local government concerned shall provide suitable office and storage space for the provincial election supervisor, the election officer, and their respective staff. In case of failure of the local government concerned to provide such space, the provincial election supervisor or the election officer, as the case may be, upon prior authority of the Commission and notice to the local government concerned, may lease another place for office and charge the rentals thereof to the funds of the local government concerned. [Sec. 55, BP 881]

SEC. 23. Changes in the composition and assignment of offices. - The Commission may make changes in the composition of its offices and assignment of its personnel whenever the exigencies of the service and the interest of free, orderly, honest, peaceful and credible election so require. Such changes shall be effective and enforceable only for the duration of these election period concerned and shall not affect the tenure of the office of the incumbents, or constitute a demotion, either in rank or salary, or result in change of status. During the election period, no Director IV, provincial election supervisor, or city or municipal election officer shall be assigned to or allowed to remain in his area of responsibility where he and/or his spouse is related to any candidate within the fourth civil degree of consanguinity or affinity. [Sec. 56, BP 881]

SEC. 24. Reorganization. - The provisions of Section 22, notwithstanding, the Commission is hereby authorized to reorganize, no more than once every five (5) years and in accordance with civil service regulations, its central and field offices, and adjust salaries and allowances of its officials and employees, in order to promote maximum efficiency in carrying out

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1 its constitutional objective to ensure free, honest, orderly, peaceful and credible elections. [Sec.

2 280, BP 881, Amended]

ARTICLE III

ELECTION OF PUBLIC OFFICERS

A. ELECTION OF PRESIDENT AND VICE-PRESIDENT

SEC. 25. Regular Election of President and Vice-President. -

a) The President and the Vice-President shall be elected by direct vote of the people for a term of six (6) years which shall begin at noon on the thirtieth day of June next following the day of the election and shall end at noon of the same date six(6) years thereafter. The President shall not be eligible for any re-election. No person who has succeeded as President and has served as such for more than four (4) years shall be qualified for election to the same office at any time;

b) No Vice-President shall serve for more than two (2) successive terms. Voluntary renunciation of the office for any length of time shall not be considered as interruption in the continuity of the service for the full term for which he was elected;

c) Unless otherwise provided by law, the regular election for President and Vice-President shall be held on the second Monday of May;

d) The returns of every election for President and Vice-President, duly certified by the board of canvassers of each province or city, shall be transmitted to the Congress, directed to the President of the Senate. Upon receipt of the certificates of canvass, the President of the Senate shall, not later than thirty (30) days after the day of the election, open all the certificates in the presence of the Senate and the House of Representatives in joint public session, and the Congress, upon determination of the authenticity and due execution thereof in the manner provided by law, canvass the votes;

e) The person having the highest number of votes shall be proclaimed elected, but in case two (2) or more shall have an equal and highest number of votes, one of them shall forthwith be chosen by the vote of a majority of all the Members of both Houses of the Congress, voting separately;

f) The Congress shall promulgate its rules for the canvassing of the certificates;

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g) The Supreme Court, sitting *en banc*, shall be the sole judge of all contest relating to the election, returns and qualifications of the President or Vice-President, and may promulgate its rules for the purpose.

SEC. 26. Canvass by the Provincial and City Boards of Canvassers. -

a) The provincial, city or Metropolitan Manila district boards of canvassers, as the case may be, shall meet not later than six o'clock in the evening on election day to canvass the election returns that they may have already received respectively. It shall meet continuously from day to day until the canvass is completed, but may adjourn only for the purpose of awaiting the other election returns. Each time the board adjourns, it shall make a total of all the votes cast for each candidate for President and Vice-President and for the other positions included in the election, duly authenticated by the signatures and thumbmarks of all the members of the provincial, city or district board of canvassers, furnishing the COMELEC Main Office in Manila by the fastest means of communication a copy thereof, and making available the data contained therein to mass media and other interested parties. Upon the completion of the canvass, the board shall prepare a certificate of canvass showing the votes received by each candidate for the office of the President and Vice-President, duly authenticated by the signatures and thumbmarks of all the members of the provincial, city or district board of canvassers. Upon the completion of the certificate of canvass, the board shall certify and transmit said certificate of canvass to the President of the Senate.

b) The provincial, city and district boards of canvassers shall prepare said certificate of canvass for the election of President and Vice-President supported by a statement of votes by precinct, in quintuplicate by the use of carbon paper or such other means or material as the COMELEC shall prescribe to the end that all five (5) copies shall be legibly reproduced in one handwriting. All five (5) copies of said certificate of canvass must bear the signatures and thumbmarks of all members of the board. Upon the completion of these certificates and statements of votes, they shall each be enclosed in the corresponding

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envelopes furnished by the COMELEC and sealed, and immediately distributed as follows:

1) The original shall be enclosed and sealed in the envelope directed to the President of the Senate and delivered to him at his office at the Senate, Executive House, P. Burgos St., Manila by the fastest possible means;

2) The second copy shall likewise be enclosed and sealed in the envelope directed to the COMELEC;

3) The third copy shall be retained by the Provincial Election Supervisor in the case of the provincial board of canvassers, and by the City Election Registrar in the case of the city board of canvassers; and

4) The fourth and fifth copies shall be delivered to the authorized representatives of the accredited Ruling and Dominant Opposition parties, respectively, as determined by the COMELEC upon the start of the election period from the results nation-wide of the immediately preceding regular elections; and

5) Failure to comply properly with all the requirements of this Section shall constitute a serious election offense. [Section 15A]

SEC. 27. <u>No Correction of Errors after Transmission to Senate President.</u> - No correction of errors allegedly made or committed in the certificate of canvass and supporting statement of votes already transmitted to the President of the Senate shall be made or allowed, subject to the provisions of the succeeding section. [Section 17A]

SEC. 28. <u>Incomplete or Altered Certificate.</u> -

a) When the certificate of canvass, duly certified by the respective board of canvassers and transmitted to the President of the Senate appears to be incomplete, the President of the Senate *motu proprio* or upon request of a candidate shall require the board of canvassers concerned to transmit to his Office by personal delivery within two (2) days from notice its copy/copies of the election returns from the election precincts that were not included in the certificate of canvass and supporting statement of votes. However, if said copy/copies of the election returns for the board of canvassers have been lost or destroyed, the board of

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canvassers, upon prior authority from the COMELEC, may use any existing authentic copy/copies thereof for the purpose of conducting the canvass, and thereafter issue the certificate/s of canvass, which shall be immediately transmitted and delivered to the President of the Senate;

b) When it appears that any certificate of canvass or supporting statement of votes by precinct bears erasures or alterations, which cast doubt as to the veracity of the number of votes stated therein and may affect the result of the election, the President of the Senate, upon request of the Presidential or Vice-Presidential candidate concerned or his accredited political party, shall, for the sole purpose of verifying the actual number of votes cast for any or all candidates for President or Vice-President in the particular precinct, recount the votes appearing in the copy/copies of the election returns for the COMELEC. for this purpose, the President of the Senate shall require the COMELEC to deliver immediately to his Office its copies of the election returns in question;

c) Proclamation shall be made only upon the submission of all certificates of canvass with the supporting statement of votes or when the missing certificates of canvass will no longer affect the final results of the election. [Sections 19 and 20A]

B. ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

SEC. 29. Regular Election. - The regular election of Senators and Members of the House of Representatives shall be held on the second Monday of May for a term of six (6) years and three (3) years, respectively, which shall begin at noon on the thirtieth day of June next following their election: *Provided*, That the Senators and Members of the House of Representatives first elected on May 11, 1987 shall serve until noon of June 30, 1992: *Provided, further*, That of the Senators elected in the election in 1992, the first twelve (12) obtaining the highest number of votes shall serve for six (6) years and the remaining twelve (12) for three (3) years. [Sections 4, 7 and 8, Article VI and Section 2, Article XVIII, 1987 Constitution]

SEC. 30. Composition of Congress. -

a) The Senate shall be composed of twenty-four (24) Senators who shall be elected at large by the qualified voters of the Philippines:

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b) The House of Representatives shall be composed of not more than two hundred and fifty (250) members, who shall be elected from legislative districts apportioned among the provinces, cities and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected through a party-list system of registered national, regional and sectoral parties or organizations; *Provided*, That the party-list representatives shall constitute twenty per centum (20%) of the total number of representatives, including those under the party-list; and that for three (3) consecutive terms after the ratification of the 1987 Constitution, one-half (1/2) of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth and such other sectors as may be provided by law, except the religious sector;

c) Each legislative district shall comprise, as far as practicable, contiguous, compact and adjacent territory. Each city with a population of at least two hundred fifty thousand (250,000), or each province, shall have at least one (1) representative: *Provided*, That within three (3) years following the return of every census, the Congress shall make a reapportionment of legislative districts based on the standards provided in this section. [Sections 2 and 5, Article VI, 1987 Constitution]

SEC. 31. Apportionment of Members of the House of Representatives. - Unless otherwise provided by laws, the Ordinance appended to the 1987 Constitution shall form the basis for the apportionment of the legislative districts of the Members of the House of Representatives.

Any province that may hereafter be created, or any city whose population may hereafter increase to more than two hundred fifty thousand (250,000) shall be entitled in the immediately following election to at least one (1) Member or Members as it may be entitled to on the basis of the number of its inhabitants and according to the standards set forth in paragraph (3), Section 5 of Article VI of the Constitution. The number of Members apportioned to the province out of which such new province was created or where the city, whose population has so increase

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shall be correspondingly adjusted by the COMELEC but such adjustment shall not be made within One Hundred and Twenty (120) days before an election. [New]

SEC. 32. Scope of Sectors. -

a) The Labor sector include all non-agricultural workers and employees;

b) The Peasant sector includes all persons who personally and physically till the land as their principal occupation;

c) The Urban Poor sector includes all person with an annual income of P18,000.00 or less; [Section 27A]

d) The Indigenous Cultural Communities sector includes all persons belonging to the Northern Cultural Communities as determined by the Office of Northern Cultural Communities and the Southern Cultural Communities as determined by the Office of Southern Cultural Communities; [New]

e) The Women sector includes all women within the age of majority; [New]

f) The Youth sector embraces persons not more than twenty-five (25) years of age. [Section 27]

SEC. 33. Selection of Sectoral Representatives. -

a) Not later than six (6) months after the opening of the first regular session of the newly-elected House of Representatives, the President of the Philippines shall notify in writing the Speaker of the appointment made by him of the sectoral representatives provided herein;

b) Sectoral representatives shall have the same functions, responsibilities, rights, privileges, qualifications and disqualifications as the elected Members of the House of Representatives. [Section 28A]

C. ELECTION OF LOCAL OFFICIALS

SEC. 34. Territorial and Political Subdivisions. - The territorial and political subdivisions of the Republic of the Philippines are the provinces, cities, autonomous regions, municipalities and barangays. [Section 1, Article X, 1987 Constitution]

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SEC. 35. Term of Office. - the term of office of elective local officials, except barangay officials, shall be three (3) years and no such official shall serve for more than three (3) consecutive terms. voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the service for the full term for which he was elected. [Section 8, Article X, 1987 Constitution]

SEC. 36. Regular Election for Local Officials. - The local officials, except barangay officials, elected on January 18, 1988 under the 1987 Constitution shall serve until noon of June 30, 1992. [Section 1, Article XVIII, 1987 Constitution]

SEC. 37. Highly Urbanized Cities and Compact Cities. - Cities that are highly urbanized as determined by law and component cities, whose charters prohibit their voters from voting for provincial elective officials, shall be independent of the province and their registered voters shall not vote in the election for provincial officials of the province in which they are located; *Provided,* That no component city shall be declared or classified as a highly urbanized city within sixty (60) days prior to a local election. The voters of component cities within a province, whose charters contain no such prohibition, shall not be deprived of their right to vote for elective provincial officials. [Section 12, Article X, 1987 Constitution; Section 3, RA 6646]

D. ELECTION OF OFFICIALS OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO

SEC. 38. Regular elections for the officials in the Autonomous Region. - The elections for regional officials of the Autonomous Region in Muslim Mindanao shall be held on the second Monday after the Muslim month of Ramadan immediately preceding the term of office of such officials. [Sec. 1, RA 7647]

In case of vacancy in the regional assembly occurring at least one (1) year before the expiration of the term of office, a special election shall be called to fill the vacancy in the manner prescribed by the regional assembly. The member so elected shall serve only for the unexpired term. [Sec. 6, Art. VII, RA 6734]

SEC. 39. Composition of regional assembly. - The regional assembly shall be composed of three (3) members from each of the congressional districts. [Sec. 4, Art. VII, RA 6734]

SEC. 40. Term of Office. - The term of office of the regional governor and vice-governor and that of the members of the regional assembly shall be three (3) years which shall begin on the first day of the succeeding month immediately following their election. No official shall serve for more than three (3) consecutive terms.

Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the service for the full term for which he was elected. [Sec. 5, Art. VII and Sec. 6, Art. VIII, RA 6734]

E. ELECTION OF BARANGAY OFFICIALS

SEC. 41. Regular election of barangay officials. - The election for barangay officials shall be non-partisan and shall be held every three (3) years on the second Monday of May. [Sec. 42, RA 7160]

SEC. 42. Term of Office. - The term of office of barangay officials shall be three (3) years beginning on the first day of June following their election, unless sooner removed for cause, until their successors shall have been elected and qualified. No barangay official shall serve for more than three (3) consecutive terms. [Sec. 5, RA 6679]

SEC. 43. Sangguniang barangay. - There shall be a sangguniang barangay in every duly-constituted barangay, which shall be composed of a punong barangay and seven (7) kagawad, all of whom shall be elected directly by the voters of the barangay. The punong barangay shall ipso facto be the presiding officer of the sangguniang barangay. [Sec. 5, RA 6653; Sec. 41, RA 7160]

SEC. 44. Certificate of Candidacy. - No person shall be elected barangay official unless he files a sworn certificate of candidacy in triplicate in accordance with this Code.

The election officer shall prepare a consolidated list of all candidates and post said list in the barangay hall and in other conspicuous places in the barangay at least ten (10) days before an election.

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SEC. 45. Board of Election Tellers. -

1) The COMELEC shall constitute not later than ten (10) days before the election a board of election tellers in every barangay polling place, to be composed of a public elementary school teacher as chairman, and two (2) members who are registered voters of the polling place concerned, but who are not incumbent barangay officials nor related to any candidate for any position in that barangay within the fourth civil degree of affinity or consanguinity.

2) The board of election tellers shall supervise and conduct the election in their respective polling places, count the votes and thereafter prepare a report in triplicate on a form prescribed by the COMELEC. The original of this report shall be delivered immediately to the barangay board of canvassers. The second copy shall be delivered to the election registrar and the third copy shall be delivered to the secretary of the Sangguniang Barangay who shall keep the same on file. [Section 40]

SEC. 46. Registration of Voters and List of Voters. - Not later than seven (7) days before the election, the board of election tellers shall meet in every barangay polling place to conduct the registration of barangay voters and to prepare the list of voters. Any voter may challenge the qualification of any person seeking to register and said challenge shall be heard and decided on the same day by the board of election tellers.

The final list of voters shall be posted in the polling places at least two (2) days before election day. The registration of any voter shall not be transferred without written notice at least two (2) days before the date of election. Not later than the day following the barangay elections, the board of election tellers shall deliver the list of voters to the election registrar for custody and safekeeping. [Section 41]

SEC. 47. Polling Places. -

1) The chairman of the board of election tellers shall designate the public school or any other public building within the barangay to be used as polling place in case the barangay has one election precinct.

2) For barangays with two (2) or more election precincts the chairman of the board of canvassers shall designate the public school or any other public building to be used as polling place.

In case there is no public school or any other public building that can be used as polling places, other appropriate private buildings may be designated: *Provided,* That such buildings are not owned or occupied or possessed by any incumbent elective public official or candidate or his relative within the fourth civil degree of affinity or consanguinity. the polling place shall be centrally located as possible, always taking into consideration the convenience and safety of the voters. [Section 42]

SEC. 48. Official Barangay Ballots. - The official barangay ballots shall be provided by the city or municipality concerned of a size and color to be prescribed by the COMELEC.

Said official ballots shall, before they are handed to the voter at the polling place, be authenticated in the presence of the voter, by authorized representatives of the candidates and the chairman and members of the board of election tellers all of whom shall affix their signatures at the back thereof. any ballot which is not authenticated shall be deemed *ipso facto* spurious. [Section 43]

SEC. 49. Ballot Boxes. - The COMELEC shall provide the ballot boxes for each barangay polling place, but each candidate or group of candidates may be permitted to provide a padlock for said ballot box. [Section 44]

SEC. 50. Barangay Board of Canvassers. -

1) The COMELEC shall constitute a board of canvassers at least seven (7) days before the election in each barangay, to be composed of the senior public elementary school teacher in the barangay as chairman, and two (2) other public elementary school teachers, as members.

In case the number of public elementary school teachers is inadequate, the COMELEC shall designate the chairman and members of the barangay board of canvassers from among the board of election tellers.

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2) The barangay board of canvassers shall meet immediately in a building where a polling place is found and which is most centrally located in the barangay and after canvassing the results from the various polling places within the barangay, proclaim the winners. The board of canvassers shall accomplish the certificate of proclamation in triplicate on a COMELEC prescribed form. The original of the certificate shall be sent to the election registrar concerned, the second copy shall be delivered to the secretary of the *Sangguniang Bayan* or *Sangguniang Panglungsod,* as the case may be, and the third copy shall be kept on file by the secretary of the *Sangguniang Barangay.*

3) In a barangay where there is only one (1) polling place, the barangay board of election tellers shall also be the barangay board of election inspectors. [Section 46]

SEC. 51. Activities During the Campaign Period. - During the campaign period, the *Punong Barangay* if he is not a candidate or any resident of the barangay designated by the COMELEC, shall convene the barangay assembly at least once for the purpose of allowing the candidates to appear at a joint meeting duly called, upon proper and with at least two (2) days notice, to explain to the barangay voters their respective program of administration, their qualifications, and other information that may enlighten voters in casting their votes.

The members of the barangay assembly may take up and discuss other matters relative to the election of barangay officials. [Section 47]

SEC. 52. Watchers. - Candidates may appoint two (2) watchers each, to serve alternatively, in every polling place within the barangay, who shall be furnished with a signed copy of the election results, signed by all the members of the Board of Election Tellers, in such form as the COMELEC may prescribe, and immediately after the completion of the canvass. [Section 48]

SEC. 53. Inclusion and Exclusion Cases. - Inclusion and exclusion cases which shall be decided not later than seven (7) days before the date of the election shall be within the exclusive original jurisdiction of the municipal or metropolitan trial court. The notice of such decision shall be served to all parties affected within twenty-four (24) hours following its promulgation and any party adversely affected may appeal therefrom within twenty-four (24) hours

to the regional trial court which shall decide the same not later than two (2) days before the date of election whose decision shall be final and executory. [Section 49]

SEC. 54. Funding. - Local governments shall appropriate such funds to defray such necessary and reasonable expenses of the members of the board of election tellers, board of canvassers and the printing of election forms and procurement of other election paraphernalia, and the installation of polling booths. [Section 50]

SEC. 55. Penalties. - Violations of any provisions of this Article shall constitute prohibited acts and shall be prosecuted and penalized in accordance with the provisions of this Code. [Section 51]

F. PARTY-LIST SYSTEM

SEC. 56. Party-list system defined. - Party-list system is a mechanism of proportional representation in the House of Representatives of political parties, organizations, or coalitions thereof with national, regional, or sectoral constituency registered with the Commission.

SEC. 57. Registration. - Any organized group of persons may register as a political party, organization, or coalition for purposes of the party-list system by filing with the Commission a verified petition in accordance with Sections 97 and 98 hereof.

SEC. 58. Manifestation to participate in party-list system. - Any political party, organization, or coalition already registered with the Commission need not register anew. However, such party, organization, or coalition shall file with the Commission, not later than sixty (60) days before the election, a manifestation of its desire to participate in the party-list system. [New]

SEC. 59. Certified list of registered parties. - The Commission shall, not later than forty-five (45) days before the elections, prepare a certified list of political parties, organizations, or coalitions which have applied and are qualified to participate under the party-list system and distribute copies thereof to all the precincts for posting in the polling places on election day.

SEC. 60. Nomination of party-list representatives. - Each registered party, organization, or coalition shall submit to the Commission not later than fifty (50) days before the

election, a list of five (5) names from which party-list representatives shall be chosen in case it obtains the required number of votes.

The list shall not include candidates for regular Member of the House of Representatives.

SEC. 61. Qualifications of party-list nominees. - No person shall be nominated as party-list representative unless he is a natural-born citizen of the Philippines; able to read and write; a resident of the Philippines for at least one (1) year immediately preceding the day of the election; a bona-fide member of the party, organization, or coalition with a national, regional or sectoral constituency which he seeks to represent; a registered voter; and, on the day of the election, is at least twenty-five (25) years of age.

In case of a nominee for the youth sector, he must at least be eighteen (18) but not more than twenty-one (21) years of age on the day of the election. Any youth sectoral representative who attains the age of twenty-one (21) years during his term shall be allowed to continue in office until the expiration of his term.

SEC. 62. Manner of voting. - Every voter shall be entitled to two (2) votes; the first is a vote for the candidate for Member of the House of Representatives in his legislative district, and the second, a vote for the party, organization, or coalition he wants represented in the House of Representatives. a vote cast for a party, organization, or coalition not entitled to be voted for shall not be counted.

SEC. 63. Procedure in allocating seats for party-list representatives. - The Commission shall tally all the votes for the parties, organizations, or coalitions on a nationwide basis, rank them according to the number of votes received against the total number of registered voters nationwide, and allocate party-list representatives proportionately according to the percentage of votes obtained until all seats are filled up.

A political party, organization, or coalition shall be entitled to a maximum of five (5) seats.

SEC. 64. How party-list representatives are chosen. - Party-list representatives shall be proclaimed by the Commission based on the list of names submitted by the

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respective parties, organizations, or coalitions to the Commission according to their ranking in said list.

SEC. 65. Term of office. - Party-list representatives shall be elected for a term of three (3) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No party-list representative shall serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered an interruption in the continuity of his service for the full term for which he was elected.

SEC. 66. Change of affiliation; Effect. - Any elected party-list representative who changes his political party or sectoral affiliation during his term shall forfeit his seat.

SEC. 67. Vacancy. - In case of vacancy in the seats reserved for party-list representatives, the President shall fill the vacancy by appointing a representative from the list of nominees in the order submitted to the Commission under Section 60 hereof by the same party, organization, or coalition, who shall serve for the unexpired term.

G. SYSTEM OF INITIATIVE AND REFERENDUMS

SEC. 68. Definition of Terms. - For the purposes of this Article, the following terms shall understood to mean:

a) Initiative - as the power of the people to propose amendments to the Constitution or to propose and enact legislations through an election called for the purpose. The three (3) systems of initiative are:

a.1 Initiative on the Constitution shall refer to a petition proposing amendments to the Constitution;

a.2 Initiative on statutes shall refer to a petition proposing to enact a national legislation; and

a.3 Initiative on local legislation shall refer to a petition proposing to enact a regional, provincial, city, municipal, or barangay law, resolution or ordinance.

b) Indirect initiative - as the exercise of initiative by the people through a proposition sent to Congress or the local legislative body for action.

c) Referendum - as the power of the electorate to approve or reject a legislation called for the purpose. It may be of two (2) classes, namely:

c.1 Referendum on statutes shall refer to a petition to approve or reject an act or law, or part thereof, passed by Congress; and

c.2 Referendum on local law shall refer to a petition to approve or reject a law, resolution or ordinance enacted by regional assemblies and local legislative bodies.

d) Proposition - as a measure proposed by voters.

e) Plebiscite - as an electoral process by which an initiative on the Constitution is approved or rejected by the people.

f) Petition - as a written instrument containing the proposition and the required number of signatories. It shall be in a COMELEC prescribed form.

g) Local government units - shall refer to the autonomous regions, provinces, cities, municipalities and barangays.

h) Local legislative bodies - shall refer to the Regional Assemblies, *Sangguniang Panglalawigan, Sangguniang Panglungsod, Sangguniang Bayan* and *Sangguniang Nayon.*

i) Local executives - shall refer to the Regional and Provincial Governors, City or Municipal Mayors and *Punong Barangay*, as the case may be. [Section 3, RA 6735]

SEC. 69. Who May Exercise. - The power of initiative and referendum may be exercised by all registered voters of the country, autonomous regions, provinces, cities, municipalities and barangays. [Section 4, RA 6735]

SEC. 70. Requirements. -

a) To exercise the power of initiative and referendum, at least ten per centum (10%) of the total number of registered voters, of which every legislative district is represented by at least three per centum (3%) of the registered voters therein.

b) A petition for initiative on the 1987 Constitution must have at least ten per centum (10%) of the total number of registered voters as signatories, of which every legislative district is

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represented by at least three per centum (3%) of the registered voters therein. Initiative on the Constitution may be exercised only after five (5) years from the ratification of the 1987 Constitution and only one every five (5) years thereafter.

c) The petition shall state the following:

c.1 contents or text of the proposed law sought to be enacted, approved or rejected, amended or repealed, as the case may be;

c.2 the proposition;

c.3 the reason or reasons therefor;

c.4 that it is not one of the exceptions provided herein;

c.5 signatures of the petitioners or registered voters; and

c.6 an abstract or summary proposition in not more than one hundred (100) words which shall be legibly written or printed at the top of every page of the petition.

d) A referendum or initiative affecting a law, resolution or ordinance passed by the legislative assembly of an autonomous region, province or city is deemed validly initiated if the petition therefor is signed by at least ten per centum (10%) of the total number of registered voters, of which every legislative district is represented by at least three per centum (3%) of the registered voters therein: *Provided, however,* That if the province or city is composed only of one (1) legislative district, then at least each municipality in a province or each barangay in a city should be represented by at least three per centum (3%) of the registered voters therein.

e) A referendum or initiative on an ordinance passed in a municipality shall be deemed validly initiated if the petition is signed by at least ten per centum (10%) of the total number of registered voters in the municipality, of which every barangay is represented by at least three per centum (3%) of the registered voters therein.

f) A referendum or initiative on a barangay resolution or ordinance is deemed validly initiated if signed by at least ten per centum (10%) of the total number of registered voters in the said barangay. [Section 5, RA 6735]

SEC. 71. Special Registration. - The COMELEC shall set a special registration day at least three (3) weeks before a scheduled initiative or referendum. [Section 6, RA 6735]

SEC. 72. Verification of Signatures. - The Election Registrar shall verify the signatures on the basis of the registry list of voters, voters' affidavits and voters' identification cards used in the immediately preceding election.

[Section 7, RA 6735]

SEC. 73. Conduct and Date of Initiative or Referendum. - The COMELEC shall call and supervise the conduct of initiative or referendum.

Within a period of thirty (30) days from receipt of the petition, the COMELEC shall, upon determining the sufficiency of the petition, publish the same in Pilipino and English at least twice in newspapers of general and local circulation and set the date of initiative or referendum which shall not be earlier than forty-five (45) days but not later than ninety (90) days from the determination by the COMELEC of the sufficiency of the petition. [Section 8, RA 6735]

SEC. 74. Effectivity of Initiative or Referendum Proposition. -

a) The proposition for the enactment, approval, amendment or rejection of a national law shall be submitted to and approved by a majority of the votes cast by all registered voters of the Philippines.

If, as certified to by the COMELEC, the proposition is approved by a majority of the votes, the national law proposed for enactment, approval, or amendment shall become effective fifteen (15) days following completion of its publication in the Official Gazette or in a newspaper of general circulation in the Philippines. If, as certified by the COMELEC, the proposition to reject a national law is approved by a majority of the votes cast, the said national law is approved by a majority of the votes cast, the said national law shall be deemed repealed and the repeal shall become effective fifteen (15) days following the completion of publication on the proposition and the certification by the COMELEC in the Official Gazette or in a newspaper of general circulation in the Philippines.

However, if the majority vote is not obtained, the national law sought to be rejected or amended shall remain in full force and effect.

b) The proposition in an initiative on the Constitution approved by the majority of the votes cast in the plebiscite shall become effective as to the day of the plebiscite.

c) A national or local initiative approved by majority of the votes cast in an election called for the purpose shall become effective fifteen (15) days after certification and proclamation by the COMELEC. [Section 9, RA 6735]

SEC. 75. Prohibited Measures. - The following cannot be the subject of an initiative or referendum petition:

a) No petition embracing more than one (1) subject shall be submitted to the electorate; and

b) Statutes involving emergency measures, the enactment of which are specifically vested in the Congress by the Constitution, cannot be subject to referendum until ninety (90) days after its effectivity. [Section 10, RA 6735]

SEC. 76. Indirect Initiative. - Any duly accredited people's organization, as defined by law, may file a petition for indirect initiative with the House of Representatives, and other legislative bodies. the petition shall contain a summary of the chief purposes and contents of the bill that the organization proposes to be enacted into law by the legislature.

The procedure to be followed on the initiative bill shall be the same as the enactment of any legislative measure before the House of Representatives except that said initiative bill shall have precedence over other pending legislative measures on the committee. [Section 11, RA 6735]

SEC. 77. Appeal. - The decision of the COMELEC on the findings of the sufficiency or insufficiency of the petition for initiative or referendum may be appealed to the Supreme Court within thirty (30) days from notice thereof. [Section 12, RA 6735]

SEC. 78. Procedure in Local Initiative. -

a) Not less than two thousand (2,000) registered voters in the case of autonomous regions, one thousand (1,000) in case of provinces and cities, one hundred (100) in case of municipalities, and fifty (50) in case of barangays, may file a petition with the Regional

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Assembly or local legislative body, respectively, proposing the adoption, enactment, repeal, or amendment of any law, ordinance, or resolution.

b) If no favorable action thereon is made by the local legislative body within thirty (30) days from its presentation, the proponents through their duly authorized and registered representative may invoke their power of initiative, giving notice thereof to the local legislative body concerned.

c) The proposition shall be numbered *in seriatim* starting from one 91). The Secretary of the Interior and Local Government or his designated representative shall extend assistance in the formulation of the proposition.

d) Two (2) or more propositions may be submitted in an initiative.

e) Proponents shall have one hundred twenty (120) days in case of autonomous regions, ninety (90) days in case of provinces and cities, sixty (60) days in case of municipalities, and thirty (30) days in case of barangays from notice mentioned in sub-section (b) hereof to collect the required number of signatures.

f) The petition shall be signed before the Election Registrar, or his designated representatives, in the presence of a representative of the proponent, and a representative of the regional assemblies and local legislative bodies concerned in a public place in the autonomous region or local government unit, as the case may be. Signature stations may be established in as many places as may be warranted.

g) Upon lapse of the period herein provided, the COMELEC, through its office in the local government unit concerned, shall certify as to whether or not the required number of signatures have been obtained. Failure to obtain the required number is a defeat of the proposition.

h) If the required number of signatures is obtained, the COMELEC shall then set a date for the initiative at which the proposition shall be submitted to the registered voters in the local government unit concerned for their approval within ninety (90) days from the date of the certification by the COMELEC, as provided in subsection (g) hereof, sixty (60) days in case of provinces and cities, forty-five (45) days in case of municipalities, and thirty (30)

days in case of barangays. The initiative shall then be held on the date set, after which the results thereof shall be certified and proclaimed by the COMELEC. [Section 13, RA 6735]

SEC. 79. Effectivity of Local Initiatives. - If the proposition is approved by a majority of the votes cast, it shall take effect fifteen (15) days after certification by the COMELEC. Failure to obtain said number of votes defeats the proposition. [Section 14, RA 6735]

SEC. 80. Limitations on Local Initiatives. -

a) The power of local initiative shall not be exercised more than once a year.

b) Initiative shall extend only to subjects or matters which are within the legal powers of the local legislative bodies to enact.

c) If at any time before the initiative is held, the local legislative body shall adopt *in toto* the proposition presented, the initiative shall be canceled. However, those against such action may, if they so desire, apply for initiative in the manner herein provided. [Section 15, RA 6735]

SEC. 81. Limitations upon Local Legislative Bodies. - Any proposition or ordinance or resolution approved through the system of initiative or referendum as herein provided shall not be repealed, modified or amended, by the local legislative body concerned within six (6) months from the date therefrom, and may be amended, modified, or repealed by the local legislative body which three (3) years thereafter by a vote of three-fourths (3/4) of all its members; *Provided, however,* That in case of barangays, the period shall be one (1) year after the expiration of the first six (6) months. [Section 16, RA 6735]

SEC. 82. Local Referendum. - Notwithstanding the provision of Section 74 hereof any local legislative body may submit to the registered voters of autonomous regions, provinces, cities, municipalities and barangays for the approval or rejection, any ordinance or resolution duly enacted or approved.

Said referendum shall be held under the control and direction of the COMELEC within ninety (90) days in case of the autonomous regions, sixty (6) days in case of provinces and

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cities, forty-five (45) days in case of municipalities, and thirty (30) days in case of barangays. [Section 17, RA 6735]

SEC. 83. Unconstitutionality and Invalidity of Proposition. - Nothing in this Article shall prevent of preclude the proper courts from declaring null and void any proposition approved pursuant thereto for violating the Constitution or want of capacity of the local legislative body to enact said measure. [Section 18, RA 6735]

H. SYSTEM OF RECALL

SEC. 84. Recall Defined. - "Recall" refers to the power to remove from office any elective local official for loss of confidence.

SEC. 85. By whom exercised. - The power of recall shall be exercised by the registered voters of a local government unit to which the elective official subject of such recall belongs. [Section 69, RA 7160]

SEC. 86. Who may be recalled. - Any elective provincial, city, municipal, or barangay official may be recalled for loss of confidence in the manner prescribed and subject to the limitations hereinafter provided.

SEC. 87. Recall; How commenced. - Recall may be initiated by:

1) A preparatory recall assembly; or
2) Upon petition of at least twenty-five per centum (25%) of the total number of registered voters of the local government unit to which the elective local official subject of such recall belongs. [Section 70 (c) and (d), RA 7160]

SEC. 88. Preparatory recall assembly. - A preparatory recall assembly shall be composed of the following:

1) For a province - All mayors, vice-mayors and sanggunian members of component cities and municipalities;
2) For a local legislative district for sangguniang panglalawigan elected by district - All mayors, vice-mayors and sanggunian members of component cities and municipalities of the district; or

3) For a city or municipality - All punong barangay and sangguniang barangay members of the city, municipality, or council district. [Section 70, RA 7160]

SEC. 89. Recall by preparatory recall assembly. - recall proceedings by a preparatory recall assembly against any elective local official in the local government unit shall be validly initiated through a resolution adopted by a majority of all its members in a public session called for the purpose. [Section 70, RA 7160]

Questions affecting the validity of the resolution shall be raised in a verified petition filed with the Commission within five (5) days from its adoption.

The Commission shall summarily decide the petition within seven (7) days from its submission for resolution, which decision shall be final and executory.

SEC. 90. Recall by petition. - A petition for recall shall be in writing and signed before the election officer or his representative in signature stations in such public places as may be determined by the Commission. The petitioner and the official sought to be recalled, or their representatives, shall be notified of the time, dates and places of the signing.

The petition shall be filed with the Commission through its office in the local government unit concerned. The Commission or its duly-authorized representative shall cause the publication of the petition in conspicuous public places for a period of not less than ten (10) days nor more than thirty (30) days. [Section 70, RA 7160]

The election officer shall verify the authenticity and genuineness of the signatures and whether the required percentage of voters was obtained. He shall submit his findings and recommendations to the Commission immediately after completion of the verification. The Commission shall determine the sufficiency of the petition for recall within ten (10) days from receipt of the findings and recommendations of the election officer.

SEC. 91. Filing fee. - No resolution or petition for recall shall be given due course unless accompanied by such documentary requirements and filing fee as may be prescribed by the Commission. [New]

SEC. 92. Date of election on recall. - The Commission shall set the date of the election on recall, which shall not be later than sixty (60) days in the case of provincial

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officials, and thirty (30) days in the case of elective city, municipal, or barangay officials, from final determination by the Commission of the validity and sufficiency of the resolution or petition on recall. [Section 71, RA 7160, Amended]

SEC. 93. Certificate of candidacy. - The Commission shall fix the date for the filing of certificate of candidacy for the position affected and thereafter prepare the list of candidates, which shall include the name of the official sought to be recalled. The official or officials sought to be recalled shall automatically be considered a duly-registered candidate or candidates and shall be entitled to be voted upon. [Section 71, RA 7160]

SEC. 94. Prohibition from resignation. - The elective local official sought to be recalled shall not be allowed to resign while the recall process is in progress. [Section 73, RA 7160]

SEC. 95. Effect. - The recall of an elective local official shall take effect upon the election and proclamation of a candidate other than the official sought to be recalled. Should the incumbent win the elections, confidence in him shall thereby be deemed affirmed, and he shall continue in office. [Section 72, RA 7160]

SEC. 96. Limitations. - Any elective local official may be subject of a recall election only once during his term of office. No recall shall take place within one (1) year from the date of an official's assumption to office or one (1) year immediately preceding a regular election for the office concerned. [Section 74, RA 7160]

I. SYSTEM OF ABSENTEE VOTING.

SEC. 97. Absentee voting defined. - The term absentee voting herein shall refer exclusively to the system of voting for qualified Filipinos abroad pursuant to the mandate of Sec. 2, Article IX-C of the 1987 Constitution.

SEC. 98. Who are eligible to vote as absentee voters. - Within the meaning of this Act, only qualified Filipinos abroad who have not abjured their Philippine citizenship shall be allowed to vote as an absentee voter under the conditions hereinafter set forth.

The phrase "qualified Filipinos abroad" shall include:

1) any overseas Pilipino who is working abroad under a valid contract of employment registered with the proper office of the Department of Labor;

2) officers and employees of any agency of the government of the Republic of the Philippines on foreign assignment;

3) Pilipino immigrant to a foreign country who has not abjured his Philippine citizenship and has consistently maintained his ties with his native land by overt acts such as payment of taxes to the Philippine government; membership in activities and/or movements in the foreign country where he resides which actively promote and enhance Philippine interests; and

4) any Pilipino citizen who is abroad for a legitimate purpose and does not expect to be in the Philippines on the date of the election where he intends to vote.

SEC. 99. How to qualify as absentee voter. - Only overseas Filipinos abroad who have duly applied for registration as absentee voter and whose application has been approved by the COMELEC shall be eligible to vote as an absentee voter.

SEC. 100. System of continuing registration for absentee voting. - The system of continuing registration to the extent possible, shall be applicable to registration of absentee voters.

SEC. 101. Deputation of COMELEC Election Officers for purposes of absentee voting. - The COMELEC, in coordination and cooperation with officials of the Department of Foreign Affairs, the Department of Labor and Employment; and other agencies of the government with offices in foreign countries, shall deputize such number of officers and/or employees of these departments and agencies assigned to foreign posts or stations which it deems necessary and adequate to perform the functions and duties of an Election Officer for purposes of the system of absentee voting established herein. Such officers and employees so deputized shall undergo training under the supervision of the COMELEC on all matters related to the duties and functions of an Election Officer.

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SEC. 102. Duties and functions of deputized Election Officer. - The Officer or employee deputized to serve as Election Officer under this Act shall have the following functions and duties:

a) Receive applications for registration of overseas Filipinos as absentee voters;

b) Process, approve or disapprove such applications;

c) Maintain a List of Absentee voters within his area of responsibility;

d) Furnish copies of all approved applications for absentee voting to the Central Office of the Commission on Elections;

e) Disseminate information concerning an impending electoral exercise in the Philippines among overseas Filipinos within his area of responsibility;

f) Coordinate with the Offices of the Philippine Embassy, legation or consulate; or with the Labor attaches within the territorial limits of his assignment as Deputized COMELEC Officer;

g) Render periodic reports to the Central Office of the Commission on Elections;

h) Comply with any and all resolutions, guidelines, rules and regulations of the Commission on Elections relative to the system of absentee voting by overseas Filipinos established herein.

SEC. 103. Requirements for registration as an absentee voter. - To be eligible for registration as an absentee voter under this Act:

1) For overseas contract workers (OCW), presentation of the following documents:

a) Unexpired Philippine passport;

b) Contract of Employment duly registered with the proper office of the Department of Labor;

c) Certificate of Registration as a voter, if he is a duly registered voter in his voting residence in the Philippines, issued by the Office of the Election Officer in the city or municipality where he is registered as a voter;

2) For officers and/or employees of the Philippine government on foreign assignment:

a) Unexpired Philippine passport;

b) Certificate of employment issued by the head of the office or agency in which he is employed with a statement that the officer of employee concerned has been officially assigned to a foreign post or station; and will not be in the Philippines during the election in which he desires to participate as an absentee voter;

3) For Filipino permanent resident in a foreign country but who has remained a Filipino citizen:

a) Unexpired Philippine passport;

b) Income tax returns for the three (3) years immediately preceding the year in which the election he is applying to participate in as an absentee voter is going to be held;

c) Evidence of remittances of foreign currency to his family or relatives in the Philippines during the three (3) years immediately preceding the election in which he intends to participate as an absentee voter;

d) Certificate of active membership in any Filipino association or organization actively engaged in the promotion of Philippine interests in the country of his residence issued by the President or any responsible officer of the association or organization of which he is a member.

The unexpired Philippine passport and any two (2) of the other requirements in the foregoing shall be sufficient to support an application for registration as absentee voter under this category.

4) Other overseas Filipinos. - Any other overseas Filipino who is abroad for a legitimate purpose but will not be in the Philippines during the election in which he seeks to vote as an absentee voter shall present to the deputized COMELEC Election Officer:

a) His unexpired Philippine passport;

b) Voters affidavit showing his registration in his voting residence;

c) Any other documents showing the nature of his business in the foreign country which prevents his returning to the Philippines on the day of the election.

SEC. 104. Absentee Voters Affidavit. - Upon the presentation of the documents in the preceding Section, the applicant for absentee voting shall be given an Absentee

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Voter's Affidavit in quadruplicate which said applicant shall personally accomplish: *Provided, however,* That where the applicant is illiterate or physically disabled and unable to accomplish the Absentee Voter's Affidavit, he may be assisted in the accomplishment thereof by the Deputized COMELEC Officer or by any of the employees of the embassy, legation or consulate in the place where the Deputized COMELEC Officer holds office.

SEC. 105. Contents of Absentee Voter's Affidavit. - In addition to such data and information which the Commission on Elections may deem necessary to be incorporated, the Absentee Voter's Affidavit shall include data and information on the following:

a) Complete name and other personal circumstances as shown in his current passport;
b) Date of last departure from the Philippines;
c) Date of his arrival in the country of destination;
d) Length of stay in the country of destination;
e) Expected date of departure from the Philippines;
f) Status of admission of applicant in the country of destination as shown in the passport;
g) If applicant is an overseas contract employee, the registry number of his contract of employment as shown on the face of the contract; duration of the contract; and related data.

SEC. 106. Action on Application by Deputized COMELEC Officer. - Within five (5) days from receipt of the Absentee Voter's Affidavit, the Deputized COMELEC Officer shall act on the application and notify the applicant accordingly of the action taken thereon.

Upon approval of an application, the Deputized COMELEC Officer shall notify the applicant of the action taken on his application, furnishing the latter through the most expeditious means available his copy of the Absentee Voter's Affidavit.

Where the action taken is one of disapproval, the applicant shall be informed of the ground for the disapproval of his application.

Within five (5) days from receipt of the notice of disapproval of his application, the applicant may appeal in writing to the Commission on Elections, attaching to the letter appeal all documentary evidence in support thereof.

All appeals from the disapproval of an application for absentee voting shall be resolved by the Commission on Elections within ten (10) days from receipt of the letter appeal. Copy of the resolution disposing of an appeal shall be mailed through diplomatic channel to the Deputized COMELEC Officer concerned and the appellant.

Decisions of the Commission on Elections on appeals of applicants for absentee voting whose applications have been disapproved shall be final, executory and non-appealable.

SEC. 107. Disposition of copies of the Absentee Voter's Affidavit. - The four (4) copies of the Absentee Voter's Affidavit shall be distributed as follows:

1) The original or first copy shall be retained by the Deputized COMELEC Officer who shall maintain a permanent file of all approved applications separately from the file of disapproved applications;

2) The second copy shall be given to the registered absentee voter;

3) The third and fourth copies shall be sent to the Commission on Elections which shall retain one (1) copy in its Central Files and transmit the other copy to the Election Registrar of the City or Municipality where the absentee voter last registered as a voter or where he resides permanently in the Philippines.

Where the absentee voter has previously registered as a voter in the Philippines, the City or Municipal Registrar concerned, upon receipt of a copy of an approved Absentee Voter's Affidavit of a voter who is listed in the current list of voters of the City or Municipality, shall cause the cancellation of the name of the said voter in the current list.

SEC. 108. Grounds for Disapproval of Application for Absentee Voting. - An application for absentee voting shall be disapproved upon the following grounds:

1) Where from the passport presented by the applicant, it appears that he is a citizen of another country;

2) Applicant traveled by virtue of a tourist or visitor's visa;

3) Applicant's contract of employment does not show that it was duly processed and confirmed by the proper office of the Department of Labor and Employment;

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4) Without regard to the residency requirement, the applicant does not possess all the qualifications of a voter under existing laws.

SEC. 109. Forms for Absentee Voting. - The Commission on Elections shall prescribe and design an appropriate form for each of the following election documents to be used in connection with the system for absentee voting by overseas Filipinos herein established:

1) Absentee Voter's Affidavit;
2) List of Absentee Voters;
3) Book/Voting Record of Absentee Voters;
4) Ballot for absentee voters;
5) Election returns for absentee voters;
6) Such other documents/forms which the Commission deems necessary and appropriate for the proper implementation of the system of absentee voting established in this Act.

SEC. 110. Fixing the period for specific activities. - For proper implementation of this Act, the Commission on Elections is hereby authorized to determine and fix by appropriate rule or regulation, the time when and the manner by which the following acts shall be performed:

a) Transmission of absentee ballots to the Deputized COMELEC Election Officers abroad;
b) Transmission or delivery of absentee ballots to the duly registered absentee voters;
c) Transmission by the absentee voter who voted of his absentee ballot to the Deputized COMELEC Election Officer's office;
d) Transmission of the accomplished absentee ballots from the office of the Deputized COMELEC Election Officer to the Commission on Elections in Manila;
e) Counting and canvassing of votes cast by absentee voters:

Provided, however, That absentee ballots shall not be transmitted to the Deputized COMELEC Election Officers earlier than thirty (30) days before the date of a national electoral exercise: *Provided, further,* That the Deputized COMELEC Election Officer shall see to it that absentee ballots shall be delivered or transmitted by the fastest means possible to the respective absentee voters entitled to vote to enable the latter to accomplish his ballot and send it back to the

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office of the Deputized COMELEC Election Officer not later than the date of the national election held.

Ballots received at the office of the Deputized COMELEC Election Officer after the lapse of twenty-four (24) hours from the date of a national electoral exercise just held shall be null and void and shall not be counted.

The Deputized COMELEC Election Officer shall cause to be shipped to the Commission on Elections in Manila, all absentee ballots received by him within the period aforesaid in diplomatic pouches through diplomatic channels.

SEC. 111. Security Measures to Safeguard Secrecy and Sanctity of the Ballot. - At all stages of the electoral process established for absentee voting, the Commission on Elections shall see to it that the security and sanctity of the ballot shall be preserved. Towards this end, all measures necessary and practicable shall be adopted to allow representation of the candidates and/or political parties concerned in all stages of the exercise. For this purpose, the Commission on Elections may deputize the Department of Foreign Affairs, the Department of Labor and Employment and other government departments or agencies it deems necessary for the purpose of securing the integrity of the entire process of absentee voting by overseas Filipinos established by this Act.

SEC. 112. Rule-making Powers of the Commission on Elections. - The Commission on Elections is hereby authorized to promulgate such rules and regulations necessary, expedient and proper for carrying out the objectives of this Act in the most effective, efficient, honest and inexpensive manner possible.

SEC. 113. Allowances for Deputized COMELEC Election Officer. - COMELEC shall include in its yearly budget such sums as will cover allowances of its Deputized Election Officers performing functions and duties in connection with the system of absentee voting in such amount as it deems adequate and commensurate with the volume of work performed by said officers.

SEC. 114. Notice to political parties, candidates, etc.. - The COMELEC shall notify all registered political parties of the name or names of employees of the Department of

Foreign Affairs, the Department of Labor and Employment and other government agencies abroad who have been deputized as COMELEC Election Officers and the place or places where such deputies are assigned.

Any political party or candidate interested in verifying the records of absentee voters abroad may, at their own expense, in person or through their duly-authorized representative request for a written authorization from the COMELEC to be allowed to conduct such verification. Any Deputized COMELEC Election Officer to whom such written authorization is presented shall open all records in his custody for verification by the political party representative or candidate.

SEC. 115. Right to send watchers. - Any registered political party or candidate who has duly filed his certificate of candidacy in a scheduled election shall be entitled to send a watcher to represent the party and/or the candidate at all stages of the electoral process for the entire duration of the election period fixed for a particular electoral exercise. The watcher so appointed by the political party or candidate shall, before entering upon his duties as such watcher, first secure the proper identification and certification by the COMELEC. Such watcher or watchers may accompany the ballots and other election documents and paraphernalia sent by diplomatic pouches to the Central Office of COMELEC; *Provided, however,* That all expenses to be incurred in connection with such travel shall be for the exclusive account of the political party or candidate concerned.

SEC. 116. Security measures. - COMELEC shall promulgate such rules and regulations for insuring the security and sanctity of the ballot at all stages of the system of absentee voting established herein.

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ARTICLE IV.

POLITICAL PARTIES, CANDIDATES AND CAMPAIGN PROPAGANDA

A. POLITICAL PARTIES

SEC. 117. Definition. - "Political Party, " "organization" or "coalition," when used in this Act, means an organized national group of registered voters pursuing the same platform or program of government. to acquire juridical personality, qualify it for subsequent accreditation, and to entitle it to the rights and privileges herein granted to political parties, organizations or coalitions, it must first be duly registered with the COMELEC. [Section 60A]

SEC. 118. Registration. - Any organized group of persons seeking registration as a national political party, organization or coalition may file with the COMELEC a petition duly verified by its president, secretary and board of directors, attaching thereto its constitution and by-laws, platform or program of government and such other relevant information as may be required by the COMELEC, which shall after due notice to the duly registered/accredited political parties, organizations or coalitions and hearing, resolve the petition within thirty (30) days from the date it is submitted for decision. [Section 61A]

SEC. 119. Publication. - The COMELEC shall require the publication of the petition for registration or accreditation together with the notice of hearing in at least three (3) newspapers of national circulation.

SEC. 120. Cancellation of registration/accreditation. - The Commission may, *motu proprio* or upon verified complaint of any interested party, cancel, after due notice and hearing, the registration or accreditation of any political party, organization or coalition on the following grounds:

1. Acceptance by it or by any of its candidates of financial contributions from foreign governments and/or their agencies for activities related to elections;
2. Violation of, or non-compliance with laws, rules or regulations relating to elections;
3. Untruthful statements in its petition;

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4. It is a religious sect or denomination; is pursuing its goals through violence or other unlawful means; is refusing to adhere to or uphold the Constitution; or is receiving support from any foreign government;

5. Failure to field official candidates in the last two (2) preceding elections or failure of its candidates to obtain at least five per centum (5%) of the votes cast in either of the last two (2) preceding elections in the constituency in which it is registered;

6. Failure to obtain a seat under the party-list system in two (2) consecutive elections in its constituency.

SEC. 121. Prohibition against change of political party affiliation. - Any elective public officer or candidate who changes his political party affiliation within six (6) months immediately preceding an election shall, after notice and hearing, be disqualified in appropriate proceedings by the Commission, or, if he has been elected, shall not be allowed to assume office. [1973 Constitution]

B. ELIGIBILITY AND QUALIFICATIONS OF CANDIDATES

SEC. 122. Qualifications for President and Vice-President. - No person shall be elected President or Vice-President unless he is a natural-born citizen of the Philippines, a registered voter, able to read and write, at least forty (40) years of age on the day of the election and a resident of the Philippines for at least ten (10) years immediately preceding such election. [Sections 2 and 3, Article VII, Constitution]

SEC. 123. Qualifications for Senator. - No person shall be elected Senator unless he is a natural-born citizen of the Philippines, and, on the day of the election, at least thirty-five (35) years of age, able to read and write, a registered voter, and a resident of the Philippines for not less than two (2) years immediately preceding the day of the election. [Section 3, Article VI, Constitution]

SEC. 124. Qualifications for Member of the House of Representatives. - No person shall be elected Member of the House of Representatives unless he is a natural-born citizen of the Philippines and, on the day of the election, at least twenty-five (25) years of age, able to read and write, and, except party-list representatives, a registered voter in the district in which he

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shall be elected and a resident therein for a period of not less than one (1) year immediately preceding the day of the election.

A sectoral representative shall be a natural-born citizen of the Philippines, able to read and write, a resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election, a bona-fide member of the sector he seeks to represent, a registered voter, and, on the day of the election, at least twenty-five (25) years of age. The youth sectoral representative shall be at least eighteen (18) and not more than twenty-one (21) years of age on the day of the election: *Provided,* That any youth sectoral representative who attains the age of twenty-one (21) years during his term shall continue in office until the expiration of his term. [Sec. 24, BP 881]

SEC. 125. Qualifications for regional officials. - No person shall be elected governor or vice-governor/deputy governor of the autonomous region unless he is a natural-born citizen of the Philippines, a registered voter of the autonomous region and a resident therein for at least five (5) years immediately preceding the election, able to read and write and at least thirty-five (35) years of age on the day of the election.

No person shall be elected member of the regional assembly unless he is a natural-born citizen of the Philippines, at least twenty-one (21) years of age on the day of the election, able to read and write, a registered voter of the district in which he shall be elected and a resident thereof for a period of not less than five (5) years immediately preceding the day of the election. [Secs. 3 and 4, Art. VIII and Sec. 7, Art. VII, RA 6734]

SEC. 126. Qualifications of elective local officials. - No person shall be elected to any provincial, city, municipal, or barangay office unless he is natural-born citizen of the Philippines, able to read and write, a registered voter in the political subdivision where he intends to be elected, and a resident therein for at least one (1) year immediately preceding the day of the election.

In addition, candidates for governor, vice-governor, member of the *Sangguniang Panglalawigan,* mayor, vice-mayor, or member of the *Sangguniang Panglungsod* of highly-urbanized cities shall be at least twenty-three (23) years of age on election day; those for

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mayor or vice-mayor of independent component cities, or component cities or municipalities, at least twenty-one (21) years of age; and those for member of the *Sangguniang Panglungsod, Sangguniang Bayan, punong barangay,* or member of the *Sangguniang Barangay,* at least eighteen (18) years of age on election day. [Section 39, RA 7160]

C. DISQUALIFICATION OF CANDIDATES

SEC. 127. Disqualifications. - The following persons shall be disqualified as candidate for any elective office or from continuing as such, or, if they have been elected, proclaimed, or have assumed office, from holding office:

1) Any person who has been declared by competent authority insane or feeble-minded, or has been sentenced by final judgement for insurrection, rebellion, or for any offense for which he has been sentenced to a penalty of more than eighteen (18) months or for a crime involving moral turpitude. Such disqualification shall, however, be deemed removed upon the declaration by competent authority that said insanity had been removed, or after the completion of the period of probation or expiration of five (5) years from his service of sentence, or after the grant of plenary pardon or amnesty, unless within the same period he again becomes disqualified; [Sec. 68, BP 881; Sec. 40, RA 7160]

2) Except for officials and employees of the Commission, who shall be governed by Section 15 hereof, any official of an executive department, bureau, or office, or any government-owned or -controlled corporation who is appointed by the President of the Philippines with the consent of the Commission on Appointments, as well as justices and judges, in the election immediately succeeding the termination of his tenure of office, whether by resignation, retirement, expiration of tenure, removal or similar causes; [Sec. 78, RA 6388]

3) Any elective public official who has resigned, retired, or been removed from office for any cause, in any special election called to fill the vacancy caused by his resignation, retirement, or removal; [New]

4) Any person who has dual citizenship, or is a permanent resident, or an immigrant to, a foreign country, unless said person has waived his status as such in accordance with law;

5) Any person convicted by final judgement of violating his oath of allegiance to the Republic;

6) A fugitive from justice in criminal or non-political cases here or abroad;

7) Any person sentenced by final judgement for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;

8) Any person removed from office by final judgement in an administrative case; [Secs. 12 and 69, BP 881; Sec. 40, RA 7160] and

9) Any person who fails to pay the administrative fine for failure to file a sworn statement of electoral contributions and expenditures. [New]

SEC. 128. Priority accorded to disqualification cases. - The Commission and the courts shall give priority to cases of disqualification by reason of violation of this Code to the end that a final decision is rendered thereon not later than fourteen (14) days before the election in which the disqualification of the candidate is sought. [New]

SEC. 129. Effects of disqualification. - Any candidate who has been declared by final judgement to be disqualified shall not be voted for, and the votes cast for him not counted. Nevertheless, if for any reason, a candidate is not disqualified by final judgement before an election and is voted for and receives the winning number of votes in such election, the court or Commission shall continue with the trial and hearing of the action, inquiry, or protest, and upon motion of the complainant or any intervenor, may, during the pendency thereof, order the suspension of the proclamation of such candidate whenever the evidence of guilt is strong; *Provided,* That upon the disqualification by final judgement of such winning candidate, the elected candidate next in order of succession as provided for under existing laws shall fill the resulting vacancy. [Sec. 6, RA 6646; Sec. 72, BP 881]

D. RULES ON CANDIDATES

SEC. 130. Certificate of candidacy. - No person shall be eligible for any elective public office unless he files a sworn certificate of candidacy within the period fixed in this Code.

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A person who has filed a certificate of candidacy may, prior to the election, withdraw the same by submitting to the office of the Commission where he filed his certificate of candidacy a written declaration of withdrawal under oath. [Sec. 73, BP 881]

Any candidate who withdraws his candidacy cannot file a new certificate for any office in the same election. [New]

No person shall be eligible as candidate for more than one (1) office to be filled in the same election. A person who files his certificate of candidacy for more than one (1) office shall not be eligible for any of them, but may, before the expiration of the period for the filing of certificates of candidacy, declare under oath the office to which he desires to be elected and cancel the certificate of candidacy for the other office or offices.

The filing or withdrawal of certificates of candidacy shall not affect whatever civil, criminal, or administrative liabilities which a candidate may have incurred as a result thereof. [Sec. 73, BP 881]

SEC. 131. Contents of certificate of candidacy. - The certificate of candidacy shall be filed in a form prescribed by the Commission and shall state the following:

1) The legal name of the person filing the same, and, if he so desires, one nickname or stage name by which he is generally or popularly known in the locality. In no case shall he use the nickname or stage name of another person;
2) That the person filing it is announcing his candidacy for the office stated therein and that he is eligible therefor;
3) If the certificate of candidacy is for Member of the House of Representatives, it shall also state the province, including its component cities, highly-urbanized city or district or sector which he seeks to represent;
4) The political party to which he belongs;
5) His sex, civil status, date and place of birth, residence and post office address for election purposes;
6) His profession or occupation;
7) His relation, if any, to the incumbents or candidates enumerated in Section 116 hereof;

8) The place and precinct where he is a registered voter;

9) That he will support and defend the Constitution of the Philippines and will maintain true faith and allegiance thereto;

10) That he will obey the laws, legal orders and decrees promulgated by the duly-constituted authorities;

11) That he is not a permanent resident or, or immigrant to, a foreign country;

12) That the obligation imposed upon his oath is assumed voluntarily, without mental reservation or purpose of evasion; and

13) That the facts stated in the certificate of candidacy are true and correct to the best of his knowledge.

The person filing a certificate of candidacy shall also attach thereto copies of his income tax return for the two (2) years immediately preceding the election, affix his latest passport-sized photograph, and, if he so desires, a statement in duplicate containing his bio-data and program of government.

Unless a candidate has officially changed his name thorough a court-approved proceeding, a candidate shall state in his certificate of candidacy the name by which he has been baptized, or if he has not been baptized in any church or religion, the name registered in the office of the local civil registrar, or the name by which he is commonly known or any other name allowed under existing law. In the case of a Muslim, he may state his *Hadji* name after performing the prescribed religious pilgrimage. However, when there are tow (2) or more candidates for an office with the same name and surname, each candidate, upon being made aware of such fact, shall state his paternal and maternal surname, except the incumbent who may continue to use the name and surname stated in his certificate of candidacy when he was elected. [Sec. 74, BP 881]

SEC. 132. Filing of certificate of candidacy. - The certificate of candidacy shall be filed by the candidate personally or by his duly-authorized representative on any day from the commencement of the election period but not later than the day before the beginning of the campaign period for the office concerned: *Provided,* That in case of postponement or failure of

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election, no additional certificate of candidacy shall be accepted except in cases of substitution of candidate. [Sec. 75, BP 881]

The certificate of candidacy shall be filed in five (5) legible copies with the offices of the Commission specified hereunder:

1) For President, Vice-President and Senator, with the law department of the Commission in Manila;
2) For Member of the House of Representatives, with the provincial election supervisor of the province concerned. Those for legislative districts in the National Capital Region shall be filed with the law department of the Commission, and those for legislative districts in cities outside the National Capital Region comprising one (1) or more legislative districts, with the city election officer;
3) For regional governor and vice-governor in the autonomous regions, with the regional election director concerned. Those for member of the regional assembly shall be filed with the respective provincial election supervisors;
4) For provincial offices, with the provincial election supervisor
5) For city or municipal offices, with the election officer of the city or municipal election officer;
6) For barangay offices, with the election officer of the city or municipality.

Notice of withdrawal or substitution of candidacies shall be filed with the office where the certificate of candidacy being withdrawn or substituted was filed. [Sec. 7, RA 7166]

SEC. 133. Ministerial duty of receiving and acknowledging receipts of certificate of candidacy. - It shall be the ministerial duty of the law department of the Commission, regional election director, provinicial election supervisor, election officer or other officer designated by the Commission or the board of election inspectors to receive and acknowledge receipt of the certificate of candidacy. [Sec. 76, BP 881]

SEC. 134. Nomination of official candidates. - Accredited political parties shall submit to the Commission a certificate of nomination, under oath by their duly-authorized

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officers, of their respective official candidates not later than three (3) calendar days after the last day for filing of certificates of candidacy. [New]

SEC. 135. Candidates holding appointive or elective offices. - The following shall be considered automatically resigned from their respective offices upon filing of their certificate of candidacy:

1) Any person holding a public appointive office or position, including active members of the Armed Forces of the Philippines, and officers and employees in government-owned or -controlled corporations; and

2) Any elective official, whether national, regional, local, or barangay, running for any office other than that which he is holding in any capacity. [Secs. 66 and 67, BP 881, Amended]

SEC. 136. Political dynasty defined: Prohibited Candidacies. - The term "political dynasty" refers to a situation where persons related to each other within the third civil degree of consanguinity or affinity hold elective offices simultaneously or the same office successively in a region, legislative district, province, city, or municipality.

To prevent the establishment of a political dynasty, persons within the same civil degree of relationship shall not be allowed to run for any elective position in the same political unit in the same election. Neither can a person within the same civil degree of relationship as the incumbent succeed to the position of the latter.

Certificates of candidacy filed in violation hereof shall not be given due course. [New]

SEC. 137. Nuisance Candidates. - The Commission may, *motu proprio* or upon a verified petition of an interested party, deny due course to or cancel a certificate of candidacy if it is shown that said certificate has been filed to put the election process in mockery or disrepute or to cause confusion among the voters by the similarity of the names of the registered candidates or by other circumstances or act which clearly demonstrate the candidate has no bona-fide intention to run for the office for which the certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate. [Sec. 69, BP 881]

SEC. 138. Procedure in cases of nuisance candidacies. - A verified petition to declare a duly-registered candidate as a nuisance candidate shall be filed with the Commission by any registered candidate for the same office personally or through his duly-authorized representative within five (5) days from the last day for the filing of certificates of candidacy. [Sec. 5, RA 6646]

SEC. 139. Guest Candidacy. - No political party shall nominate and/or support candidates not belonging to it without the consent of such candidate under oath. [Sec. 70, BP 881]

SEC. 140. Period for political convention or meeting. - Political conventions or meetings for the nomination or selection of the official candidates of any political party, organization or coalition shall be held within thirty (30) days before the start of the campaign period for the offices concerned. [Sec. 6, RA 7166]

SEC. 141. Substitution in case of death, disqualification or withdrawal of candidate. - If, after the last day for the filing of certificates of candidacy, a candidate with a certificate of candidacy duly filed dies, withdraws his candidacy or is disqualified for any cause, the following rules on substitution of candidacy shall be observed:

1) There shall be no substitution of any candidate who has withdrawn his certificate of candidacy; [New]
2) Substitution of candidates in case of death or disqualification shall be allowed only if the candidate is a candidate of a registered or accredited political party: *Provided,* That there is only one (1) candidate remaining for the position affected after such death or disqualification. In such a case, only a person belonging to, and certified by, the same political party may file a certificate of candidacy to replace the candidate who has died or been disqualified; [Sec. 77, BP 881]
3) In the case of independent candidates, substitution of candidacy shall be allowed only in case of death: *Provided,* That there is only one (1) candidate remaining for the position affected after such death. In such a case, a substitute candidacy may be filed only by the

spouse or nearest relative of the decease candidate within the third civil degree of consanguinity or affinity. [New]

In either case, the substitute candidate shall file his certificate of candidacy for the office concerned in accordance with the preceding sections not later than midday of the day of the election. If the death or disqualification should occur between the day before the election and midday of election day, said certificate shall be filed with any board of election inspectors in the political subdivision where he is a candidate, or, in the case of candidates for national office, with the Commission. [Sec. 77, BP 881]

SEC. 142. Petition to deny due course to or cancel a certificate of candidacy. - A verified petition seeking to deny due course to or cancel a certificate of candidacy may be filed by any person exclusively on the ground that any material representation contained therein is false. The petition shall be filed within five (5) days following the last day for the filing of certificates of candidacy. [SEc. 78, BP 881]

SEC. 143. Unopposed candidacies. - If, after the last day for the filing of certificate of candidacy, there should be only one (1) candidate for an elective position, the Commission shall, without holding an election for said position, certify that he is the only candidate for the office affected and is thereby deemed elected. [New]

E. CAMPAIGN AND ELECTION PROPAGANDA

SEC. 144. Definitions. - as used in this Code:

a) The term "candidate" refers to any person aspiring for or seeking an elective public office, who has filed a certificate of candidacy by himself or through an accredited political party, aggroupment, or coalition of parties;

b) The term "election campaign" or "partisan political activity" refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office which shall include:

1) Forming organizations, associations, clubs, committees or other groups of persons for the purpose of soliciting votes or undertaking any campaign for or against a candidate;

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2) Holding political caucuses, conferences, meetings, rallies, parades, or other similar assemblies, for the purpose of soliciting votes or undertaking any campaign or propaganda for or against a candidate;

3) Making speeches, announcements or commentaries, or holding interviews for or against the election of any candidate for public office;

4) Publishing or distributing campaign literature or materials designed to support or oppose the election of any candidate; or

c) Directly or indirectly soliciting votes, pledges or support for or against a candidate.

The foregoing enumerated acts if performed for the purpose of enhancing the chances of aspirants for nominations for candidacy to a public office by a political party, aggroupment, or coalition of parties shall not be considered as election campaign or partisan election activity.

Public expressions or opinions or discussions of probable issues in a forthcoming election or on attributes of or criticisms against probable candidates proposed to be nominated in a forthcoming political party convention shall not be construed as part of any election campaign or partisan political activity contemplated under this Article. [Section 79]

SEC. 145. Political Conventions. - Political parties may hold political conventions or meetings to nominate their official candidates within forty-five (45) days before the commencement of the campaign period for Presidential, Vice-Presidential and Senatorial elections, and within thirty (30) days for all other elections. [Section 80]

SEC. 146. Prohibited Election Campaign. - It shall be unlawful for any person, whether or not a voter or a candidate, or for any party, organization, coalition or association, whether accredited or not, to engage in an election campaign or partisan political activity except during the campaign period fixed in Section 3, hereof. [Section 80]

SEC. 147. Foreign Intervention. - It shall be unlawful for any foreigner, whether juridical or natural person, to aid any candidate or political party, directly or indirectly,

1 or to take part in or influence in any manner any election, or to contribute or make any expenditure
2 in connection with any election campaign or partisan political activity. [Section 81]

3 SEC. 148. Lawful Election Propaganda. - Lawful election propaganda shall
4 include:

5 a) Pamphlets, leaflets, cards, decals, stickers or other written or printed materials of a size
6 not more than eight and one-half inches in width and fourteen inches in length (8 1/2" x
7 14");

8 b) Handwritten or printed letters urging voter to vote for or against any particular candidate;

9 c) Cloth, paper or cardboard posters, whether framed or posted, with an area not exceeding
10 two feet by three feet (2' x 3'); streamers not exceeding three feet by eight feet (3' x 8') in
11 size, shall be allowed: *Provided*, That said streamers may not be displayed except one (1)
12 week before the date of the meeting or rally and that it shall be removed within
13 seventy-two (72) hours after said meeting or rally; or

14 d) All other forms of election propaganda not prohibited by this Code as the COMELEC may
15 authorize after due notice to all interested parties shall have been given an equal
16 opportunity to be heard: *Provided,* That the COMELEC's authorization shall be published
17 in two (2) newspapers of general circulation throughout the nation for at least twice within
18 one (1) week after the authorization has been granted. [Section 82]

19 SEC. 149. Criminal Defacement of Lawful Election Propaganda. - It shall be
20 unlawful for any person during the campaign period to remove, destroy, obliterate, or in any
21 manner deface or tamper with, or prevent the distribution of lawful election propaganda. [Section
22 83]

23 SEC. 150. Printing Requirements. - Any newspaper, newsletter, newsweekly,
24 gazette or magazine advertising, posters, pamphlets, circulars, handbills, bumper stickers,
25 streamers, simple list of candidates or any published or printed political matter for or against a
26 candidate or group of candidates to any public office shall bear and be identified by the words
27 "paid for by" followed by the true and correct name and address of the payor and by the words
28 "printed by" followed by the true and correct name and address of the printer. [Section 84]

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SEC. 151. Prohibited Election Propaganda - It shall be unlawful:

a) To print, publish, post or distribute any poster, pamphlet, circular, handbill, or printed matter urging voters to vote for or against any candidate unless they bear the names and addresses of the printer and payor as required by Section 150 *supra*;

b) To erect, put up, make use of, attach, float or display any billboard, tin-plate poster, balloons and the like, of whatever size, shape, form or kind, advertising for or against any candidate or political party;

c) To purchase, manufacture, request, distribute or accept electoral propaganda gadgets, such as pens, lighters, fans of whatever nature, flashlights, athletic goods or materials, wallets, shirts, hats, bandannas, matches, cigarettes and the like, expect that campaign upporters accompanying a candidate shall be allowed to wear hats or shirts or T-shirts advertising a candidate;

d) To show or display publicly any advertisement or propaganda for or against any candidate by means of cinematography, audio-visual units, videocassette recorders or other screen projections except telecasts which may be allowed as hereinafter provided; and

e) For any radio broadcasting or television station to sell or give free of charge air time for campaign and other political purposes except as authorized in this code under the rules and regulations promulgated by the COMELEC pursuant thereto; [Section 85, sub-pars. (a) to (e)]

f) To draw, paint, inscribe, write, post, display or publicly exhibit any election propaganda in any place whether private or public, except in the common poster areas or billboards provided in the immediate preceding section, at the candidate's own residence, or at the campaign headquarters of the candidate or political party: *Provided,* That such posters or election propaganda shall in no case exceed two feet by three feet (2' x 3') in area: *Provided, further,* That the site of and on the occasion of a public meeting or rally, streamers, not more than two feet and not exceeding three feet by eight feet (2-3' x 8') each may be displayed five (5) days before the date of the meeting or rally, and shall be removed within twenty-four (24) hours after said meeting or rally; and

g) For any newspaper, radio broadcasting or television station, or other mass media to sell or give free of charge print space or air time for campaign or other political purposes except to the COMELEC as provided under Section *** of this Code. Any mass media columnist, commentator, announcer or personality who is a candidate for any elective public office shall take a leave of absence from his work as such during the campaign period. [Sec. 11, RA 6646]

Any prohibited election propaganda gadget, material or advertisement shall be summarily stopped, confiscated, abated, removed or torn down, without notice and with the use of force, if necessary, by any representative or agent of the COMELEC upon specific authority therefor. [Section 85]

SEC. 152. Prohibited election propaganda. - The following election propaganda are prohibited:

1) Posters, pamphlets, circulars, handbills, or any printed matter which do not bear the names of addresses of the printer and payor;

2) billboards, tinplate-posters, balloons and the like, of whatever size, shape, form or kind;

3) Pens, lighters, fans of whatever nature, flashlights, athletic goods, or materials, wallets, shirts, hats, bandannas, matches, cigarettes and the like. However, campaign supporters may be allowed to wear hats and/or shirts or T-shirts advertising a candidate while in the actual company of the candidate;

4) Any advertisement or propaganda by means of cinematography, audio-visual units, video cassette recorders or other screen projections, except telecasts which may be allowed as hereinafter provided; and

5) Printed and broadcast material for campaign and other political purposes in the print and broadcast media, whether given free of charge or sold to any individual or party, except as authorized in this Code and by the Commission.

The printing, manufacture, construction, purchase, posting, publication, display, airing, distribution, acceptance, or use of any of the foregoing election propaganda materials shall constitute an election offense.

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Any prohibited election propaganda gadget or advertisement shall be stopped, confiscated, or torn down by the representative of the Commission upon its written authority. [Sec. 85, BP 881]

SEC. 153. Regulation of election propaganda through mass media. - No franchise or permit to operate a radio or television station shall be granted or issued, suspended, canceled, or revoked during the election period.

In all instances during the election period, the commission shall supervise the use and employment of press, radio and television facilities so as to give candidates equal opportunity under equivalent circumstances to make known their qualifications and stand on public issues within the limits set forth in the preceding section on election propaganda.

Violation of the rules and regulations issued by the Commission to implement this Section shall constitute an election offense. [Sec. 86, BP 881]

SEC. 154. COMELEC Space. - The Commission shall procure space free of charge in at least one (1) newspaper of general circulation in every province or city and in such newspaper with national circulation as there are in circulation, which shall be known as 'COMELEC Space,' wherein candidates can announce their candidacy. *Provided, however,* That in the absence of such newspaper, publication shall be done in any other magazine or periodical in said province or city. said space shall be allocated, free of charge, equally and impartially by the Commission among all candidates for national office, in the case of newspapers of national circulation, and among all candidates for other elective public positions within the area in which the newspaper is circulated, in case of publications with limited circulation. [Sec. 90, BP 881]

Said 'COMELEC Space' shall also include such space as may be reasonably necessary to accommodate a 'COMELEC Column,' in a frequency not exceeding twice a week during the election period, which shall contain such materials as may be necessary to inform the public of election matters. any candidate or political party may cause the reproduction or reprinting, at their expense, of any 'COMELEC Space' publication, subject tot he limitations of lawful election expenditures. [New]

SEC. 155. COMELEC Time. - The Commission shall procure radio and television time, of which a reasonable proportion shall be prime time, free of charge to be known as "COMELEC Time," which shall be allocated equally and impartially among all candidates for national office, in the case of radio and television stations with nationwide reach, and among all candidates for other public elective positions within the area of coverage of the radio and television stations concerned, in the case of stations with limited territorial reach. For this purpose, the franchise of all radio broadcasting and television stations are hereby amended so as to provide radio or television prime time, free of charge during the election campaign period. [Sec. 92, BP 881]

SEC. 156. Common poster area. - the Commission shall designate common poster areas in strategic public places such as city or municipal halls, public markets, barangay centers, and the like, wherein each candidate can post, display, or exhibit free of charge his election propaganda, consisting of one (1) poster measuring not more than twenty by twenty-seven and one-half (20 x 27 1/2) centimeters, to announce or further his candidacy.

Whenever feasible, the Commission may authorize the installation of common billboards by non-partisan private or civic organizations, after due notice and hearing, in such strategic places where maximum visibility shall be ensured.

The space in such common poster areas or billboards shall be allocated equally and impartially among all the candidates in the province, city, municipality, or barangay. [Sec. 91, BP 881]

SEC. 157. Rallies, meetings and other political activities. - Subject to the requirements of local ordinances on the issuance of permits, any political party supporting official candidates or any candidate, individually or jointly with other aspirants, may hold peaceful political rallies, meetings and other similar activities during the campaign period. *Provided,* That all applications for permits to hold such activities shall be immediately be posted in a conspicuous place in the city or municipal building, receipt thereof acknowledged, and, within three (3) days from its filing, acted upon in writing by the local authorities concerned. *Provided, further,* That any application not acted upon within said period shall be deemed approved, and any denial of

application for said permit shall be appealable to the provincial election supervisor, regional election director, or, in the case of Metro Manila, to the appropriate department or service of the Commission, as the case may be, or to the Commission, whose decision shall be made within forty-eight (48) hours and which shall be final and executory. *Provided, finally,* That the only justifiable ground for denial of an application is the approval of a prior written application by any candidate or political party for the same time, date, place, and purpose. [Sec. 87, BP 881]

SEC. 158. Transportation, food and drinks. - It shall be unlawful for any candidate, political party, organization, of coalition, political leader, voter, or any person to give or accept, free of charge or for a nominal sum, directly or indirectly, transportation service, fare, food, beverages, liquor, or things of value during the five 95) hours before and after a public rally, on the day preceding the election, and on the day of the election; or to give or contribute, directly or indirectly, money or things of value for such purpose. [Sec. 89, BP 881]

No special permit or authority to operate outside their designated routes shall be issued to public utility operators or owners within the three (3) days preceding the elections and on the day of the election. All public utility vehicles operating outside their designated routes during said period shall be impounded, and their drivers apprehended, upon the authority of the Commission. [New]

SEC. 159. Public Forum. - The COMELEC shall encourage non-political, non-partisan private or civic organizations to initiate and hold in every city and municipality public fora at which all registered candidates for the same office may simultaneously and personally participate to present, explain or debate on their campaign platforms and programs and other like issues. The COMELEC shall promulgate the rules and regulations for holding of such fora to assure its non-partisan character and the equality of access thereto by all candidates. [Sec. 9, RA 6646]

SEC. 160. Regulation of Franchises and Permits. - The COMELEC may, during the election period, supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media or communication or information, all grants, special privileges and concessions granted by the Government or any

subdivision, agency or instrumentality thereof, including any government-owned or -controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity, time and space, and the right to reply, including reasonable, equal rates therefor, for public information campaigns and fora among candidates in connection with the object of holding free, orderly, honest, peaceful and credible elections. [Section 4, C, Article IX, 1987 Constitution]

F. ELECTORAL CONTRIBUTIONS AND EXPENDITURES

SEC. 161. Definitions. - As used in this Article:

1) "Person" refers to an individual, partnership, committee, association, corporation, political party, organization, or coalition, or any other organization or group of persons;

2) "Contribution" refers to a gift, donation, subscription, loan advance, or deposit of money or anything of value, or a contract, promise, or agreement to contribute, whether or not legally enforceable, made for the purpose of influencing the results of the elections, as well as the use of facilities voluntarily loaned by other persons, the money value of which can be assessed based on the rates prevailing in the area. However, it shall not include services rendered without compensation by individuals volunteering a portion or all of their time in behalf of a candidate or political party;

3) "Expenditure" refers to the payment or delivery of money or anything of value, or a contract, promise, or agreement to make an expenditure, for the purpose of influencing the results of the election, as well as the use of facilities personally owned by the candidate, the money value of which use can be assessed based on the rates prevailing in the area. [Sec. 94, BP 881]

SEC. 162. Lawful expenditures of candidates and political parties. - No candidate or treasurer of a political party shall, directly or indirectly, make any expenditure except for the following purposes:

1) Traveling expenses of the candidates and campaign personnel in the course of the campaign, and for personal expenses incident thereto;

2) Compensation of campaign personnel, clerks, stenographers, messengers and other persons actually employed in the campaign;

3) Telegraph and telephone tolls, postage, freight and express delivery charges;

4) Stationery, printing and distribution of printed matter relative to the candidacy;

5) Employment of watchers at the polls;

6) Rental, maintenance and furnishing of campaign headquarters, office, or venue of meetings or media conferences;

7) Political meetings and rallies and the use or rental of sound systems, lights and decorations during such meetings and rallies; or

8) Use, rental, or hire of land, water, or aircraft, equipment, facilities, apparatus and paraphernalia.

The cost of employment of counsel and for printing of sample ballots in such color, size and number as may be authorized by the Commission shall not be included in computing the amount of expenses which a candidate or political party may have incurred. [Secs. 100 and 102, BP 881]

SEC. 163. Prohibited Contributions. - No contribution for purposes of partisan political activity shall be made, directly or indirectly, by any of the following:

1) Public or private financial institutions. However, nothing herein shall prevent the accommodation of any loan by a candidate or political party by any such public or private financial institutions legally engaged in the business of lending money, where the loan is made in accordance with law and regulations and in the ordinary course of business;

2) Natural and juridical persons who:

a) Operate public utilities or possess or exploit any natural resources of the nation;

b) Hold contracts or sub-contracts to perform construction or other works or to supply with goods and services the government or any of its divisions, subdivisions or instrumentalities, including government-owned or -controlled corporations;

c) Have been granted by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or -controlled corporations,

franchises, incentives, exemptions, allocations, or similar privileges or concessions, or, within one (1) year prior to date of the election, loans or other accommodations in excess of twenty-five thousand (P 25,000.00) pesos;

3) Educational institutions which have received grants of public funds amounting to no less than one hundred thousand (P 100,000.00) pesos;

4) Officials or employees of the civil service, or members of the Armed Forces of the Philippines;

5) Foreign nationals, entities, and governments; and

6) Domestic and foreign religious organizations.

It shall be unlawful for any person to solicit or receive, directly or indirectly, any aid or contribution of whatever form or nature, from any of the persons or entities enumerated above. [Secs. 95 and 96, BP 881]

SEC. 164. Prohibited donations and fund-raising activities - From the commencement of the election period up to and including election day, it shall be unlawful:

1) For any person to hold dances, lotteries, cockfights, games, boxing bouts, bingo sessions, beauty contests, raffles, dinners, entertainment activities, or cinematographic, theatrical, or other performances for the purpose of raising funds for an election campaign or for the support of any candidate;

2) For any person, directly or indirectly, to solicit and/or accept from any candidate, or from his campaign manager, agent, or representative, or any person in their behalf, any gift, food, transportation, contribution, or donation in cash or in kind. However, normal and customary religious stipends, tithes, or church collections on Sundays and/or designated collection days, as well as periodic payments made for legitimate academic scholarships established and school contributions habitually made before the election period are excluded from this prohibition; and

3) For any candidate, his spouse, or any relative within the fourth degree of consanguinity or affinity, his campaign manager, agent, or representative, treasurer and other officers, agents, or representatives of any political party, whether accredited or not, to make,

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directly or indirectly, any donation or contribution for the construction or repair of roads, bridges, school houses, puericulture centers, medical clinics, or hospitals, churches, or chapels, multi-purpose centers, cement or asphalt pavements or sidewalks, streetlights, basketball courts, alleys, barangay halls, or any other structure for public use or for the use of any religious or civic organizations. [Secs. 97 and 104, BP 881]

SEC. 165. True name of contributor required. - No person shall make any contribution in any name except his own, nor shall any candidate or treasurer of a political party receive a contribution or enter or record the same in any name other than that by whom it was actually made, indicating the tax identification number of the contributor concerned. [Sec. 98, BP 881]

SEC. 166. Report of contributors. - Every person giving contributions to any candidate, treasurer of the party, or their authorized representative shall, not later than thirty (30) days after the day of the election, file with the law department of the Commission a report under oath stating the following:

1) Amount of each contribution;

2) Name of the candidate, agent of the candidate, or political party receiving the contribution;

3) Date of the contribution; and

4) Name, address and tax identification number of the contributor.

The report shall also be supported by certified true copies of the receipts signed and issued by the candidate, treasurer of political party, or their authorized representatives. [Sec. 99, BP 881]

SEC. 167. Limitations on election expenditures. - The amount that a candidate or political party, organization, or coalition may spend for election campaign purposes shall be fixed by the Commission based on the consumer price index prevailing at least sixty (60) days prior to the start of the election period. However, such limitations on elections shall be published in two (2) newspapers of general circulation not later than thirty (30) days before the election period. [Sec. 100, BP 881]

Expenses incurred by the branches, chapters, or committees of a political party, organization, or coalition for campaign purposes shall be included in the computation of its total expenditures and prorated as expenses of its respective individual candidates, subject to the limitation provided in the preceding paragraph.

Any provision of law to the contrary notwithstanding, any contribution in cash or in kind to any candidate or political party, organization of coalition for campaign purposes, duly reported to the Commission, shall not be subject to the payment of any gift tax. [Sec. 101, BP 881]

SEC. 168. Persons authorized to incur election expenditures. - Only the candidate, treasurer of a political party, or any person authorized by them shall incur election expenditures, which shall be considered as expenditures of such candidate or political party.

The authority to incur expenditures shall be in writing, copy of which shall be furnished the Commission signed by the candidate or treasurer of the party, and shall state the full name and exact address of the person so designated and maximum amount of expenditures so authorized. [Sec. 103, BP 881]

SEC. 169. Record of contributions and expenditures. - It shall be the duty and responsibility of every candidate, treasurer of a political party, or any person acting under their authority to:

1) Issue a receipt for every contribution received;
2) Obtain and keep a receipt stating the particulars of every expenditure made;
3) Keep detailed, full and accurate records of all contributions received and expenditures incurred or caused to be incurred by them;
4) Preserve the records of contributions and expenditures, together with all pertinent documents, for at least three (3) years after the election, and produce such records and documents upon order by the Commission or its duly-authorized representative.

Failure to preserve such records or documents shall be deemed *prima facie* evidence of violation of the provisions of this Article. [Sec. 106, BP 881]

SEC. 170. Statement of contributions and expenditures. - Every candidate shall, within thirty (30) days after the day of the election and during regular office hours, file in

duplicate personally or through his representative with the same office of the Commission where he filed his certificate of candidacy, the full, true and itemized statement of all contributions and expenditures in connection with the election.

The statement of contributions and expenditures of treasurers of political parties shall be filed by the treasurers personally or through their duly-authorized representatives with the law department of the Commission in Manila.

The regional election director, provincial election supervisor and city or municipal election officer shall keep duplicate copies of all the statements filed with them, and, within ten (10) days from the last day for filing of the statement, send the original copies thereof to the law department of the Commission by registered mail. [Sec. 107, BP 881]

SEC. 171. Form and contents of statement. - The statement of contributions and expenditures shall be in writing, subscribed and sworn to by the candidate or the treasurer of the party, and shall be complete as of the date of filing. It shall state:

1) The amount of every contribution, date of receipt thereof, and full name and exact address of the contributor;

2) The amount of every expenditure, the date and purpose thereof, and full name and exact address of payee;

3) Any unpaid obligation, its nature and amount, and the name of the creditor; and

4) Such other particulars which the Commission may require. [Sec. 109, BP 881]

If the total contributions or expenditures reported in the statement exceed fifty thousand (P 50,000.00) pesos, the statement shall be certified correct by an independent certified public accountant. [New]

SEC. 172. Effect of failure to file statement. - No person elected to any public office shall enter upon the duties of his office unless he and his political party, if any, have filed the statement of contributions and expenditures herein required, as certified by the officer with whom such statements are filed.

The person administering the oath of office shall, before administering such oath to an elected public officer, require the latter to furnish him with a certification that he has filed the

required statement of contributions and expenditures before administering the oath of office and non-compliance thereof shall constitute an election offense.

The city or municipal election officer shall, within five (5) days from the date of the election, advise in writing, by personal delivery or registered mail, all candidates residing in his jurisdiction to file their statements of contributions and expenditures.

Except candidates for elective barangay office, failure to file the statement of contributions and expenditures as required shall constitute an administrative offense for which the offender shall pay a fine ranging from one thousand (P 1,000.00) pesos to thirty thousand (P 30,000.00) pesos, in the discretion of the Commission.

Within thirty (30) days from receipt of notice of such failure, the candidate shall pay the fine and file the required statement.

No certificate of candidacy filed by any person who has previously failed to pay the administrative fine and file the statement shall be given due course.

Any candidate who fails to pay the fine and file the required statement within the prescribed period for a second time shall be subject to perpetual disqualification to hold public office. [Sec. 14, RA 7166]

SEC. 173. Preservation and inspection of statements. - All statements of contributions and expenditures shall be kept and preserved at the officer where they are filed and constitute part of its public records for three (3) years after the election to which they pertain. They shall not be removed therefrom except upon order of the Commission or of a competent court and shall, during regular office hours, be open to inspection by the public. The officer-in-charge of such office shall, on demand, furnish certified copies of any statement upon payment of the fee prescribed in this Code. [Sec. 110, BP 881]

SEC. 174. Report of contractor and business firms. - Every person or firm to whom any electoral expenditure is made shall, within thirty (30) days after the day of the election, file with the Commission a report setting forth the full name, tax identification number and exact address of the candidate, treasurer of political party and any other person incurring such expenditures, the nature, purpose, date and amount thereof, and such other particulars as the

expenditures, the nature, purpose, date and amount thereof, and such other particulars as the Commission may require. The report shall be signed and sworn to by the supplier or contractor, or, in the case of a business firm or association, by its president, general manager, or other equivalent officer.

It shall be the duty of such person or firm to whom an electoral expenditure is made to require every agent of a candidate or treasurer of political party to present written authority to incur election expenditures in behalf of such candidate or treasurer, and to preserve and keep at its place of business, subject to inspection by the Commission or its authorized representatives, copies of such written authority, contracts, vouchers, invoices and other records and documents relative to said expenditures for a period of three (3) years after the date of the election to which they pertain.

It shall be unlawful for any supplier, contractor or business firm to enter into any contract involving election expenditures with representatives of candidates or political parties without such written authority. [Sec. 112, BP 881]

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ARTICLE V.

PRE-ELECTION ACTIVITIES

A. REGISTRATION OF VOTERS

SEC. 175. Definition. - As used in this Code:

1) "Registration" refers to the act of accomplishing a sworn application for registration by a qualified voter before the election officer of the city or municipality wherein he resides and the inclusion of the same in the book of voters upon its approval by the election registration board.

2) "Registration record" refers to an application for registration duly approved by the election registration board.

3) "Book of voters" refers to the compilation of all registration records in a precinct.

4) "List of voters" refers to an enumeration of names of registered voters in a precinct.

5) "Illiterate" or "disabled" person refers to one who cannot prepare his own application for registration. [New]

SEC. 176. Permanent List of voters. - There shall be a permanent list of voters in each city or municipality consisting of all approved applications for registration of the city or municipality, with such additions, cancellations and corrections as may be herein authorized.

The voter's registration records contained in the precinct books of voters used in the May 11, 1992 national and local elections and in the March 25, 1993 elections in the Autonomous Region in Muslim Mindanao, shall be considered as the permanent list of voters in each city or municipality. [Sec. 98, RA 6388]

However, should the Commission find it necessary, a general registration of voters shall be conducted. [New]

SEC. 177. Continuing system of registration of voters. - Registration of voters shall be conducted daily in the office of the election officer during office hours. To facilitate the filing of application for registration, the election officer may hold office in any district, barangay

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or sitio within his jurisdiction, subject to rules and regulations promulgated by the Commission. No registration shall, however, be conducted ninety (90) days before a regular election and sixty (60) days before a special election. [Sec. 79, 1978 EC]

SEC. 178. Registration of voters. - A qualified voter must be registered in the permanent list of voters of the city or municipality wherein he resides to be able to vote in any election. To register as a voter, he shall personally accomplish an application for registration in triplicate before the election officer on any date after having acquired the qualifications of a voter. [Sec. 109, RA 6388]

The application shall contain the following data:

1) Name, surname and middle name and/or maternal surname;
2) Sex, date and place of birth;
3) Citizenship;
4) Civil status; if married, the name of the spouse;
5) Profession, occupation or work;
6) Periods of residence in the Philippines and in the place of registration;
7) Exact address with the name of the street and house number or in case there is none, a brief description of the place of residence and his barangay and sitio;
8) A statement that he possesses the qualifications and none of the disqualifications of a voter;
9) A statement that the applicant is not a registered voter of any precinct;
10) Such information or data as may be required by the Commission.

The application for registration shall be under oath and contain three (3) specimen of the applicant's signature and clear and legible prints of all his fingers, and be accompanied by four (4) identification-sized copies of the latest photograph, to be taken at the expense of the Commission.

Before the applicant accomplishes his application for registration, the election officer shall inform him of the qualifications and disqualifications prescribed by law for a voter, and thereafter see to it that the accomplished application contains all the data therein required and

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that the applicant's specimen signatures, fingerprints and photograph are properly affixed in all copies of the voter's application. [Sec. 110, RA 6388]

SEC. 179. Who may register. - All citizens of the Philippines not otherwise disqualified by law, who are at least eighteen (18) years of age, and who shall have resided in the Philippines for at least one (1) year and in the place wherein they propose to vote, for at least six (6) months immediately preceding the election may register as voters.

The following shall be allowed to register, if qualified:

1) Those who failed to register in previous elections;
2) Any person, who may not have, on the day of registration, the age or period of residence required but, who, on the day of the election, shall possess such qualifications;
3) Any person whose registration has been canceled on the ground of disqualification has subsequently been lifted or removed; and
4) A voter whose registration has been canceled due to failure to vote in the two (2) successive preceding regular elections. [Sec. 117, BP 881]

SEC. 180. Re-registration. - A voter registered in the permanent list of voters need not register anew for subsequent elections unless he transfers his residence to another city or municipality.

Any person who transfers his residence to another city, municipality or country solely by reason of his occupation; profession; employment in private or public service, educational activities; work in military or naval reservations within the Philippines; service in the Philippine Army, Navy, Air force, the National Police Forces; or confinement or detention in government institutions in accordance with law, shall be deemed not to have lost his original residence. [Sec. 125, BP 881]

SEC. 181. Illiterate or disabled applicants. - The application for registration of an illiterate or physically disabled person may be prepared by any relative within the fourth civil degree of consanguinity or affinity or by the election officer in accordance with the data supplied by the applicant.

The fact of illiteracy or disability shall be so indicated in the application. [Sec. 127, BP 881]

SEC. 182. Election registration board. - There shall be in each city and municipality as many election registration boards as there are election officers therein.

The board shall be composed of the election officer as chairman, and as members, the most senior public school official and a citizen of known probity, competence and impartiality, to be nominated by the citizens' arm of the Commission, if any, or civic organizations, collectively, who shall be appointed by the Commission. In case the most senior public school official is disqualified due to relationship to any candidate, the next ranking qualified public school official may be appointed in his stead.

The board shall meet during office hours every last Monday of each month: *Provided,* That, the Commission may require a board to meet more often as the exigencies of its duties may require. [Sec. 105, RA 6388]

SEC. 183. Notice and hearing of application. - Upon receipt of the application for registration, the election officer shall set it for hearing, notice of which shall be posted in city or municipal bulletin board and in his office for at least three (3) days before the hearing, and furnish copies thereof to heads or representatives of registered political parties in the city or municipality. On the date of the hearing, the election officer shall receive such evidence as may be submitted for or against the applicant. [Sec. 111, RA 6388]

SEC. 184. Challenge of right to register. - Any voter, candidate, or representative of a registered political party may challenge in writing any application for registration, stating the grounds therefor. The challenge shall be under oath and shall be attached to the application, together with proof of notice to the challenger and the applicant. [Sec. 112, RA 6388]

SEC. 185. Power to administer oath and issue summons. - For purposes of determining the right of applicants to be registered as voters, the election officer shall have the power to administer oath, issue *subpoena* and *subpoena duces tecum*, swear in witnesses, and

compel witnesses to appear and testify. The fees and expenses incidental thereto shall be paid in advance by the party in whose behalf the summons is issued. [Sec. 140, RA 6388]

SEC. 186. Approval or disapproval of application. - The election officer shall submit to the board all the applications for registration filed, together with the evidence received in connection therewith. the board shall, by majority vote, approve or disapprove the applications.

Upon approval, the election officer shall issue the corresponding identification card to the registered voter. If the board disapproves the application, the applicant shall be furnished with a certificate of disapproval stating the ground therefor. The decision of the board shall become final five (5) days after its promulgation. [Sec. 111, RA 6388]

SEC. 187. Preservation of voters' registration records. - The election officer shall compile his copies of the approved applications for registration and arrange the same alphabetically by precinct in the books of voters. He shall preserve said books of voters to ensure its integrity. The other two (2) copies of the registration records shall be sent to the officers of the provincial and central files within three (3) days after the approval by the board becomes final. [Sec. 125, RA 6388]

SEC. 188. Provincial central file. - There shall be a provincial central file consisting of the duplicate copies of all registration records in each city and municipality in the province. It shall be under the custody of the provincial election supervisor and shall be compiled alphabetically by precinct. [Sec. 91, 1978 EC]

Should the books of voters in the custody of the election officer be lost or destroyed at a time so close to election day that there is no time to reconstitute the same, the corresponding books of voters in the provincial file shall be used during the voting. [Sec. 130, BP 881]

SEC. 189. National Central File. - There shall be a national central file under the custody of the Commission in Manila consisting of a compilation of the third copies of all approved voters registration records. [Sec. 92, 1978 EC]

SEC. 190. Publication of action on application for registration. - Within two (2) days from approval or disapproval of an application, the board shall post a notice in the city or

municipal building and in the office of the election officer stating the name and address of the applicant, the date of the application and the action taken thereon. The election officer shall serve a copy thereof by personal or registered special delivery to the heads or representatives of registered political parties in the city or municipality. [Sec. 113, RA 6388]

SEC. 191. Voter's identification card. - The voter's identification card issued to the registered voter shall be considered as a document for his identification. No duplicate copy thereof shall be issued except upon authority of the Commission.

The identification card shall bear the name and address of the voter, his date of birth, sex, civil status, occupation, photograph, thumbmark, the city or municipality and number of precinct where he is registered, his signature, voter's serial number, and the signature of the chairman of the election registration board. [Sec. 129, RA 6388; Sec. 129, BP 881]

SEC. 192. Change of residence to another city or municipality. - Any registered voter who has transferred residence to another city or municipality may register as a voter in his new residence after applying for the cancellation of his previous registration with the election officer in his new residence. [Sec. 119, RA 6388]

SEC. 193. Change of address in the same city or municipality. - Any voter who has changed his address in the same city or municipality shall immediately notify the election officer in writing. If the change of address involves a change in precinct, the board shall transfer his registration record to the precinct book of voters of new precinct and notify the voter of his new precinct. All changes of address shall be reported to the offices of the provincial and national central files. [Sec. 87, 1978 EC]

SEC. 194. Cancellation of registration. - The board shall cancel the registration and remove the registration records of the following persons from the corresponding precinct books of voters and place the same in the inactive file after entering therein the cause or causes of cancellation:

1) Those who have died as certified to by the local civil registrar;

2) Those who were sentenced by final judgment to suffer imprisonment of not less than one (1) year or found guilty of having violated their allegiance to the Republic of the Philippines as certified to by the clerks of court; and

3) Those who did not vote in the two (2) successive preceding regular elections as shown by their voting records.

For this purpose, the local civil registrar in the city or municipality and the clerks of court of the metropolitan trial courts and regional trial courts shall furnish the election officer concerned at the end of each month a certified list of persons with their addresses, who have died or have been sentenced by final judgment to suffer imprisonment of not less than one (1) year or found guilty of having violated their allegiance to the Republic of the Philippines.

The election officer shall post in the bulletin board of his office a list of those persons whose registration was canceled and the reasons therefor, and furnish copies thereof to the local heads of political parties, the national and provincial central files, and the persons concerned or the immediate members of their families. [Sec. 117, RA 6388; Sec. 123, BP 881]

SEC. 195. Preparation and publication of the certified list of voters. - The board shall prepare a certified list of voters thirty (30) days before a regular election and fifteen (15) days before a special election and furnish copies thereof to the provincial and national central files. Upon payment of fees as fixed by the Commission, the candidates and heads of registered political parties may also be furnished copies thereof. Any change or correction in the said list shall be distributed in the same manner as a supplementary list.

The board shall also furnish two (2) certified copies of said list of voters, including the supplementary list, if any, to the board of election inspectors for posting in the polling place and for its use on election day.

SEC. 196. Sealing of precinct book of voters. - The board shall, twenty (20) days before a regular election and ten (10) days before a special election, seal all precinct books of voters and certify as to the completeness of the registration records for each precinct. All candidates, watchers of registered political parties and members of the board of election inspectors shall have the right to be present during the sealing of the precinct books of

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voters and to verify their contents before the books are closed and sealed. The election officer shall deliver the sealed precinct book of voters to the chairman of the board of election inspectors when the latter secures its official ballots and other paraphernalia for election day.

SEC. 197. Jurisdiction in inclusion and exclusion cases. - The municipal and metropolitan trial courts shall have original and exclusive jurisdiction over all cases of inclusion and exclusion of voters in their respective cities or municipalities. Decisions of the municipal or metropolitan trial courts may be appealed by the aggrieved party to the regional trial court within five (5) days from receipt of notice thereof; otherwise, said decision shall become final and executory. The regional trial court shall decide the appeal within ten (10) days from the time the appeal is received and its decision shall be immediately final and executory. No motion for reconsideration shall be entertained. [Sec 138, BP 881]

SEC. 198. Petition of inclusion of voters in the list. - Any person whose application for registration has been disapproved by the board or whose name has been stricken out from the list may file with the court at any time except twenty-five (25) days before a regular or special election, a petition to include his name in the permanent list of voters of his precinct. It shall be supported by a copy of the disapproval of his application and proof of service of notice of his petition upon the board. The petition shall be decided within fifteen (15) days after filing.

If the decision is for the inclusion of the voter in the permanent list of voters, the board shall activate the application for registration previously disapproved by entering therein the order of inclusion and placing the said application in the corresponding precinct book of voters. [Sec. 139, BP 881]

SEC. 199. Voters excluded through inadvertence or registered with an erroneous or misspelled name. - Any registered voter who has not been included in the precinct list of voters or who has been included therein with a wrong or misspelled name may file with the board an application for reinstatement or correction of name. If it is denied or not acted upon, he may file on any date with the proper municipal or metropolitan trial court a petition for an order directing that his name be entered or corrected in the list. He shall attach to the petition a certified copy of registration record or identification card or the entry of his name in the list of voters used

in the preceding election, together with proof that his application was denied or not acted upon by the board and that he has served notice thereof upon the board. [Sec. 140, BP 881]

SEC. 200. Change of name of registered voter. - Any registered voter whose name has been changed by reason of marriage or by virtue of a court order may file an application with the board asking that his name be changed accordingly in the list of voters. [Sec. 141, BP 881]

SEC. 201. Petition for exclusion of voters from the list. - Any registered voter, representative of a registered political party, or the election officer in the city or municipality may, at any time except twenty-five (25) days before a regular or special election, file with the court a sworn petition for the exclusion of a voter from the permanent list of voters, giving the name, address and precinct of the challenged voter and citing as ground that he is either disqualified from registering as a voter or is illegally registered. The petition shall be accompanied by proof of notice to the board and the challenged voter and shall be decided within ten (10) days from filing.

If the decision is for the exclusion of the voter from the list, the board shall, upon receipt of the final decision, remove the voter's registration record from the corresponding book of voters, enter the order of exclusion therein, and thereafter place the record in the inactive file. [Sec. 137, RA 6388]

SEC. 202. Common rules governing judicial proceedings in the matter of inclusion, exclusion and correction of names of voters. -

1) Petitions for inclusion, exclusion, or correction of names of voters shall be filed during regular office hours.

2) Notice of the place, day and hour of the hearing of the petition shall be served upon the members of the board and the challenged voter at least ten (10) days prior thereto. Service of such notice may be made by sending a copy thereof by personal delivery, by leaving it in the possession of a person of sufficient discretion in the residence of the said person, or by registered mail. Should the foregoing procedure be not practicable, the notice shall be

posted in a conspicuous place in the city or municipal hall and in two (2) other conspicuous places within the city or municipality.

3) A petition shall refer to only one (1) precinct and implead the board as respondent.

4) No costs shall be assessed against any party in these proceedings. However, if the court should be satisfied that the application has been filed solely to harass the adverse party and cause him to incur expenses, it shall order the culpable party to pay the costs and incidental expenses.

5) Any voter, candidate, or political party who may be affected by the proceedings may intervene and present his evidence.

6) The decision shall be based on the evidence presented and in no case be rendered upon a stipulation of facts. If the question is whether or not the voter is real or fictitious, his non-appearance on the day set for hearing shall be *prima facie* evidence that the challenged voter is fictitious.

7) The petition shall be heard and decided without delay. The decision shall be rendered within six (6) hours after the hearing and within ten (10) days from the date of its filing in court. Cases appealed to the regional trial court shall be decided within ten (10) days from receipt of the appeal. In all cases, the court shall decide these petitions not later than the day before the election and the decision rendered thereon shall be immediately final and executory. [Secs. 139 and 143, BP 881]

SEC. 203. Verification of registered voters. - Subject to the rules and regulations promulgated by the Commission, the election officer shall, in order to preserve the integrity of the permanent lists of voters, conduct verification of the registered voters of any barangay by mail, house-to-house canvass, or aerial survey. [Sec. 144, BP 881]

SEC. 204. Annulment of book of voters. - The Commission shall, upon verified petition of any voter or election officer or duly-registered political party, and after notice and hearing, annul any book of voters that is not prepared in accordance with this Code; or was prepared through fraud, bribery, forgery, impersonation, intimidation, force, or any other similar irregularity; or which contains data that are statistically improbable. No order, ruling or decision

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annulling a book of voters shall be executed within sixty (60) days before an election. [Sec. 98, 1978 EC; Sec. 145, BP 881]

SEC. 205. Reconstitution of lost or destroyed registration records. - The Commission shall reconstitute all registration records which have been lost or destroyed by using the corresponding copies of the provincial or national central files. If this is not feasible, the registered voters concerned shall be summoned by the election officer to reconstitute their records by accomplishing a new application. Reconstituted forms shall be clearly marked with the word **'RECONSTITUTED.'**

It shall be the duty of the election officer to immediately report to the Commission any case of loss or destruction of registration records in his custody.

The reconstitution of any lost or destroyed registration records shall not affect the criminal liability of any person who may be responsible for such loss or destruction. [Sec. 99, 1978EC; Sec. 146, BP 881]

SEC. 206. Examination of registration records. - all registration records in the possession of the election officer, the provincial election supervisor, and the Commission shall, during regular office hours, be open to examination by the public for legitimate inquiries on election-related matters.

Law enforcement agencies may, upon prior authorization and subject to regulations promulgated by the Commission, have access to said registration records should the same be necessary to, and in aid of, their investigative functions and duties. [Sec. 100, 1978 EC; Sec. 147, BP 881]

SEC. 207. Computerization of the permanent list of voters. - The Commission shall computerize the permanent list of voters nationwide and assign a permanent serial number to every registered voter in the permanent list by city or municipality and province.

The computer printouts of the list of voters duly certified by the election registration board are official documents and shall be used solely for election-related purposes. [New]

B. PRECINCTS AND POLLING PLACES

SEC. 208. Establishment of Precincts. - the unit of territory for the purpose of voting is the election precinct, and every barangay as of the approval of this Act shall have at least one (1) such precinct. The COMELEC shall establish all election precincts.

The precincts actually established in the preceding regular election shall be maintained, but the COMELEC may introduce such adjustments, changes or new divisions or abolish them if necessary: *Provided, however,* That the territory comprising an election precinct shall not be altered or a new precinct established within forty-five (45) days before a regular election and thirty (30) days before a special election or a referendum or plebiscite.

The COMELEC shall take immediate and positive action to investigate and summarily abolish ghost barangays and ghost precincts, if any are still existing. [Section 149A]

SEC. 209. Number of Registered Voters per Precinct. -

a) Each election precinct shall have, as far as possible, not more than two hundred (200) voters and shall comprise, as far as practicable, contiguous and compact territory.

b) When it appears that the election precinct contains more than two hundred (200) voters, the COMELEC shall in the interest of orderly election, and in order to facilitate the casting of votes, be authorized to divide a precinct not later than one (1) week after the last day of registration of voters. But the polling place shall be located in the same building or compound where the polling place of the original precinct is located, and if this is not feasible, in a place as close as possible to the polling place of the original precinct: *Provided, however,* That the polling place of the new precinct may be located elsewhere upon written petition of the majority of the voters of the new precinct: *Provided, further,* That when a precinct is divided into two (2) or more precincts, the registered voters shall be included in the nearest precinct where they reside. Every case of alteration of a precinct shall be duly published by posting a notice of any change in a conspicuous location in the precinct, and in the municipal building or city hall, as the case may be.

c) A municipality which has been merged with another municipality shall constitute at least one (1) precinct, if the distance between the remotest barangay of the merged municipality

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and the nearest polling place in the municipality to which it has been merged shall, by the shortest road, exceed five (5) kilometers.

d) An island or group of islands having one hundred and fifty (150) or more voters shall constitute a precinct.

e) Any alteration of the election precincts or the establishment of new ones shall be communicated to the provincial election supervisor, the provincial superintendent of schools, etc. together with the corresponding maps, which shall be published as prescribed in the next succeeding sections. [Section 150]

SEC. 210. Publication of Precinct Maps. - At least five (5) days before the first registration day preceding a regular election or special election or a referendum or a plebiscite, the COMELEC shall, through its duly authorized representative, post in the city hall or municipal building and in three (3) other conspicuous places in the city or municipality, and on the door of each polling place, a map of the city or municipality, showing its division into precincts with their respective boundaries and indicating therein all streets and alleys in populous areas and the location of each polling place.

These maps shall be kept posted until after the election, referendum or plebiscite. [Section 151]

SEC. 211. Definition of Polling Place. - A polling place is the building or place where the board of election inspectors conducts its proceedings and where the voters shall cast their votes. [Section 152]

SEC. 212. Location of Polling Places. - The locations of polling places designated in the preceding regular election shall continue with such changes as the COMELEC may find necessary, after notice to registered political parties and candidates in the political unit affected, if any, and hearing: *Provided,* That no location shall be changed within forty-five (45) days before a regular election and thirty (30) days before a special election or a referendum or plebiscite, except in case it is destroyed or it cannot be used. [Section 1153]

SEC. 213. Requirements for Polling Places. - Each polling place shall be, as far as practicable, a ground floor and shall be of sufficient size to admit and comfortable

accommodate forty (40) votes at one time outside the guard rail for the board of election inspectors. The polling place shall be located within the territory of the precinct as centrally as possible with respect to the residence of the voters therein and whenever possible, such location shall be along a public road. No designation of polling places shall be changed except upon written petition of the majority of the voters of the precinct or agreement of all the political parties or by resolution of the COMELEC upon prior notice and hearing. [Section 154]

SEC. 214. Prohibited Location of Polling Places. - No polling place shall be located in a public or private building owned, leased, or occupied by any candidate or by any person who is related to any candidate within the fourth civil degree of consanguinity or affinity, or by any officer of the government or leader of any political party, group or faction, nor in any building or surrounding premises under the actual control of a political party. In places where no suitable public building is available, private school buildings may be used as polling places. No polling place shall be located within the perimeter of or inside a military or police camp or reservation or within a prison compound.

Any registered voter, candidate or political party may petition the COMELEC not later than thirty (30) days before the first registration day for the transfer of the polling place from the prohibited buildings provided herein. Such petition shall be heard and decided by the COMELEC within twenty (20) days from the filing of the petition. Failure to effect the transfer of the polling place after the COMELEC found it to be located in violation of this section within the period prescribed herein shall be a ground for the postponement of the election in the polling place concerned. [Section 155]

SEC. 215. Identification of Polling Places. - On the day of the voting, as well as on any day that the board of election inspectors might meet, every polling place shall display prominently in front a big sign showing the number of precinct(s) and the streets or area covered thereby; and the Philippine flag shall be hoisted at the proper height. [Section 156A]

SEC. 216. Floor Plan of Polling Place. - Each polling place shall conform as much as possible with the sketch or floor plan on the following page, marked "floor plan of polling

1 place," and shall be provided with adequate lighting, either electric, petromax or similar facilities,
2 with flashlights and candles in reserve in case of brown-out or black-out. [Section 157]

3 SEC. 217. Plan of Voting Booth. - There shall be in each polling place at
4 least ten (10) portable voting booths made of carton/cardboard or any material that is stiff enough
5 to stand when folded at the middle of the vertical scoreline to form an angel. Each booth shall be
6 24" x 18" in size, with one inch (1") outer flap at the base thereof which shall be thumbtacked on
7 top of a desk, armchair or writing platform.

8 The booths shall be arranged along the wall of the polling place, facing the board
9 and at least one (1) meter apart, the size of the polling place permitting. The voters, when filling
10 up their ballots, shall be facing the board with their backs towards the wall.

11 The board shall paste or attach the certified list of candidates, or the issues or
12 questions to be voted for, on the inside right cover of each boot and at the door of the polling place
13 and shall at all times during the voting keep such list, issues or questions from being defaced.
14 [Section 158A]

15 SEC. 218. Guard Rails. -

16 a) In every polling place there shall be a guard rail between the voting booths and the table
17 for the board of election inspectors which shall have separate entrance and exit. The
18 booths shall be so arranged that they can be accessible only by passing through the guard
19 rail and by entering through its open side facing the table of the board of election
20 inspectors.

21 b) There shall also be a guard rail for the watchers between the place reserved for them and
22 the table for the board of election inspectors and at a distance of not more than fifty (50)
23 centimeters from the latter so that the watchers may see and read clearly during the
24 counting of the contents of the ballots and see and count the votes recorded by the member
25 of the board of election inspectors on the corresponding tally sheets.

26 c) There shall also be, if possible, guard rails separating the table of the board of election
27 inspectors from the voters waiting for their turn to cast their votes, with entrance and exit to
28 give them orderly access to the table and booths during the voting.

d) The polling place shall be so arranged that the booths, the table, the ballot boxes and the whole polling place, except what is being written within the booths, shall be in plain view of the board of election inspectors, the watchers and other persons who may be within the polling place. [Section 159]

SEC. 219. Ballot Boxes. -

a) There shall be in each polling place on the day of the voting a ballot box one side of which shall be transparent which shall be set in a manner visible to the voting public, containing two (2) compartments, namely, the compartment for valid ballots which is indicated by the interior cover painted white and the compartment for spoiled ballots which is indicated by an interior cover painted red. The boxes shall be uniform throughout the Philippines and shall be solidly constructed and shall be closed with three (3) different locks as well as three (3) numbered security locks and such other safety devices, such numbered metal seals, as the COMELEC may prescribe in such a way that they cannot be opened except by means of three (3) distinct keys and by destroying such safety devices.

b) In case of the destruction or disappearance of any ballot box on election day, the board of election inspectors shall immediately report it to the city or municipal treasurer who shall furnish another box or receptacle as equally adequate as possible. The election registrar shall report the incident and the deliver of a new ballot box by the fastest means of communication on the same day to the COMELEC and to the provincial election supervisor. [Section 160]

SEC. 220. Tally Boards. - At the beginning of the counting, there shall be placed within the plain view of the board of election inspectors, watchers and the public, a tally board where the names of all registered candidates or the issues or questions to be voted upon shall be written, and the poll clerk shall record thereon the votes received by each of them as the Chairman of the board of election inspectors reads the ballot. [Section 161]

SEC. 221. Furnishing and Custody of Election Materials. - The COMELEC shall prepare and furnish the ballot boxes, forms, stationaries, and materials necessary for the registration of voters and the holding of the election.

The provincial, city and municipal treasurer shall have the custody of such election paraphernalia, supplies and materials as are entrusted to him under the law or rules of the COMELEC and shall be responsible for their preservation and storage, and for any loss, destruction, impairment or damage of any equipment, material or document in their possession furnished under this Code. [Section 162]

SEC. 222. Pre-Election Inspection of Polling Places. - It shall be the primary duty of the Chairman of the COMELEC through his authorized representatives to inspect all polling places before the day of the election, referendum or plebiscite to the end that any omission or defect may be corrected immediately before the election. The COMELEC shall keep and preserve the written reports on these inspections nation-wide. [Section 163A]

C. BOARDS OF ELECTION INSPECTORS.

SEC. 223. Constitution of board of election inspectors. - At least thirty (30) days before a regular election or fifteen (15) days before a special election or plebiscite, the Commission shall, directly or through its duly authorized representatives, constitute a board of election inspectors for each precinct to be composed of a chairman and two (2) other members, one of whom shall be designated as poll clerk. All members of the board shall be public school teachers, giving preference to those with permanent appointments. In case there are not enough public school teachers, teachers in private schools, employees in the civil service or other citizens of known probity and competence may be appointed. [Sec. 13, RA 6646]

SEC. 224. Qualifications. - To be appointed or to act as chairman, member or substitute member of the board, a person must:

1) Be of good moral character and irreproachable reputation;
2) Be a registered voter within the province;
3) Not have been convicted of any election offense or of any other crime punishable by more than six (6) months of imprisonment;
4) Have no pending information for any election offense;
5) Be able to speak and write English, Pilipino or the local dialect. [Sec. 166, BP 881]

SEC. 225. Disqualifications. - No person shall serve as member of the board if he or his spouse is related within the fourth civil degree of consanguinity or affinity to any member of the same board or to any candidate to be voted for in the precinct. [Sec. 167, BP 881]

SEC. 226. Oath of members of the board. - The members of the board whether permanent, substitute or temporary, shall, before assuming office, take and sign an oath using the forms prescribed by the Commission before an election officer or, in his absence, before any member of the board present, or in case of the absence of the election officer and other members of the board, before any voter. The oaths shall be sent immediately to and kept by the election officer. [Sec. 165, BP 881]

SEC. 227. Temporary vacancies. - If, at the time of the meeting of the board, any member is absent, or the office is still vacant, the members present shall call upon the substitute to perform the duties of the absent member. In case such substitute cannot be found, the members present shall appoint any non-partisan registered voter of the precinct to temporarily fill said vacancy until the absent member appears or the vacancy is filled. In case there are two (2) members present, they shall act jointly. [Sec. 175, BP 881]

SEC. 228. Temporary designation by watchers. - If at the time the board must meet, all the positions in the board are vacant, or if not one (1) of the appointed members shall appear, the watchers present may designate voters of the polling place to act in the place of said members until the absentees shall appear or the vacancies are filled. [Sec. 176, BP 881]

SEC. 229. Arrest of absent members. - The member or members of the board present may order the arrest of any other member or substitute thereof, who, in their judgment, has absented himself with intention of obstructing the performance of duties of the board. [Sec. 177, BP 881]

SEC. 230. Relief and substitution of members of the board. - The Commission may, for such cause as it may determine, relieve or disqualify any member of the board from acting as such, and substitute him with another who possesses the legal qualifications. [Sec. 170, BP 881]

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SEC. 231. Powers and functions of the board. - The board shall have the following powers and functions:

1) See to it that the polling place designated for the precinct is suitable for use on election day;

2) Conduct the voting and counting of votes in the designated polling place or in any other place authorized by the Commission;

3) Act as deputies of the Commission in the supervision and control of the election in the polling place where they are assigned; and

4) Performs such other functions prescribed by this Code or by the rules and regulations promulgated by the Commission. [Sec. 168, BP 881]

SEC. 232. Proceedings of board. - The meetings of the board shall be public and be held in the polling place or any other place authorized by the Commission.

The board shall act through its chairman, and decide by majority vote without delay, all questions which may arise in the performance of its duties. [Sec. 172, BP 881]

SEC. 233. Authority of board within polling place. - The board shall have full authority to maintain order within the polling place and its premises, keep access thereto open and unobstructed, and enforce obedience to its lawful orders. If any person shall refuse to obey lawful orders of the board, or shall conduct himself in a disorderly manner in its presence or within its hearing and thereby interrupt or disturb its proceedings, the board may issue an order in writing directing and peace officer to take such person into custody until the adjournment of the meeting. Such order, however, shall not be so executed as to prevent any person from exercising his right to vote. The order shall be executed by any peace officer to whom it may be delivered, but if none be present, by any other person deputized in writing by the board. [Sec. 172, BP 881]

SEC. 234. Voting privilege of members of board. - Members of the board and their substitutes may vote in the polling place of the precinct where they are assigned provided they are registered voters within the province, city or municipality where they are assigned. In barangay elections, the members of the board may vote in the polling place where they are assigned provided it is within the barangay where they are registered voters. The fact that a

member of the board voted in the polling place where he is not a registered voter shall be noted in the minutes of the board. [Sec. 169, BP 881]

SEC. 235. Prohibition against political activity. - No member of the board shall engage in any partisan political activity or take part in an election except to vote and discharge his duties. [Sec. 173, BP 881]

SEC. 236. Per diems of boards of election inspectors and other personnel. - The chairman and members of the boards of election inspectors shall each be paid a *per diem* of two hundred (P 200.00) pesos on each registration or revision day, and four hundred (P 400.00) pesos on election day.

Support personnel from the Department of Education, Culture and Sports shall each receive a *per diem* of one hundred (P 100.00) pesos during election day. Supervisors, principals and other administrators of the Department of Education, Culture and Sports who may be required by the Commission to perform election duty shall each be entitled a *per diem* of four hundred (P 400.00) pesos.

The above provisions notwithstanding, *per diems* may be paid in such amount as Congress may provide, upon recommendation of the Commission, taking into account the prevailing economic situation and consumer price and cost of living indices. [Sec. 14, RA 6646, Amended]

D. WATCHERS

SEC. 237. Official watchers. - Every candidate or registered political party, organization or coalition shall be entitled to one (1) regular watcher and one (1) alternate in each polling place and canvassing center: *Provided*, That, candidates for the sangguniang panglalawigan, sangguniang panglungsod, or sangguniang bayan belonging to the same slate or ticket shall collectively be entitled to only one (1) watcher.

The alternate watcher shall take over in the absence of the regular watcher. [Sec. 26, RA 7166]

The citizens arm of the Commission shall be entitled to appoint a watcher in every polling place. Other civic, religious, professional, business, service, youth and any other similar

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organizations, with prior authority of the Commission, shall be entitled collectively to appoint one (1) watcher in every polling place. [Sec. 180, BP 881]

SEC. 238. Qualifications. - A person may be appointed watcher if he:

1) Is a qualified voter of the city or municipality;
2) Is of good reputation;
3) Has not been convicted by final judgment of any election offense or of any other crime;
4) Is able to read and write Pilipino, English, or any of the prevailing local dialects; and
5) Is not related within the fourth civil degree of consanguinity or affinity to the chairman or any member of the board in the polling place where he seeks appointment as watcher.

No barangay official shall be appointed as a watcher. [Sec. 178, BP 881]

SEC. 239. Who may appoint watchers. - Each candidate, political party, organization or coalition shall designate in every province or highly-urbanized city or district in the metropolitan Manila area, a representative authorized to appoint watchers and furnish the provincial election supervisor or the city election officer the list of such representatives. The provincial election supervisor shall furnish the municipal election officers and election officers of component cities with said list.

In the case of Metropolitan Manila, the designation of the persons authorized to appoint watchers shall be filed with the corresponding city or municipal election officers. [Sec. 178, BP 881]

The appointment of the watcher shall bear the signature of the candidate or the duly-authorized representative of the political party, organization or coalition who appointed him.

SEC. 240. Rights and duties of watchers. - A watcher shall, upon entering the polling place, present and deliver to the chairman of the board his appointment. His name shall be recorded in the minutes with a notation under his signature that he is disqualified as watcher.

The watchers shall have the right to:

1) Stay in the space reserved for them inside the polling place or canvassing center;
2) Witness and inform themselves of the proceedings of the board;
3) Take notes of what they may see or hear;

(20)

4) Photograph the proceedings and incidents, if any;

5) File a protest against any irregularity which they believe may have been committed;

6) Obtain from the board a certificate as to the filing of such protest and the resolution thereon;

7) Have unimpeded view of the ballots during the counting of votes and of the election returns and certificate of canvass during the canvassing;

8) Read the election returns or certificate of canvass after they shall have been completed and signed by the board; and

9) Secure a certificate of the number of votes obtained by the candidates.

The watchers shall not converse with any person in a manner that would distract the proceedings of the board.

The watchers of the major accredited political party, organization or coalition in the precinct shall affix their respective signatures and thumbmarks on the election returns. If any of them is not available, or is unwilling or refuses to affix his signature or thumbmark on the election returns, any watcher present may be required by the board to do so. [Sec. 12, RA 6646, Amended]

ARTICLE VI.

ELECTION FORMS, SUPPLIES AND PARAPHERNALIA

SEC. 241. Official Ballots. -

1) Official ballots shall be provided by the Commission. They shall be of uniform size and printed on white security paper to be manufactured before the election with security markings. Each ballot shall be rectangular in shape with stub and detachable coupon containing the serial number of the ballot, and a space for the thumbmark of the voter on the detachable coupon. It shall bear at the top on the middle portion thereof the coat of arms of the Republic of the Philippines, the words "Official Ballot," the name of the city or municipality and province, the date of the election, and the following notice: "Fill out this ballot secretly. Do not put any distinctive mark on any part of the ballot."

2) The ballot shall contain the offices to be voted for with sufficient space opposite or below the name of each office indicated by horizontal lines where the voter may write the names of the candidates to be voted for.

3) Nothing shall be printed at the back of the ballot. [Sec. 181, BP 881; Sec. 23, RA 7166]

SEC. 242. Election returns. - The election returns shall be of uniform size and of such color as may be determined by the Commission. Copies of returns shall be prepared in the number as prescribed in this Code. Each copy shall bear the name of the office for which it is intended. The returns shall be of special kind of paper so that the entries on the first copy can be clearly reproduced on the other copies thereof. [Sec. 212, BP 881]

SEC. 243. Name of candidates in election returns and tally paper. - The names of the candidates for President, Vice-President and Senator and, whenever practicable, those of the candidates for other offices, shall be printed in the election returns and tally paper. Each name shall be followed by a nickname or stage name as indicated in his certificate of candidacy. [Sec. 4, RA 6646]

SEC. 244. Printing of official ballots, election returns and certificates of canvass. - The official ballots, election returns and certificate of canvass shall be printed upon orders of the Commission and under its exclusive supervision and control. The Commission shall

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determine and provide the necessary security measures in the printing, storage and distribution thereof.

The official ballots and election returns shall be numbered consecutively beginning with No. "1" in each city or municipality; bear the name of the city or municipality in which they are to be used; and be printed as far as practicable, in one (1) continuous process.

The National Printing Office shall be preferred in printing of official ballots, election returns and certificates of canvass. However, if the Commission determines upon certification by said Office that it does not have the capability to print said forms in the manner provided and within the time-frame set due to the unavailability of adequate facilities and equipment, the Commission may award the printing of said forms to other capable and reputable printers through public bidding.

The National Printing Office or any duly-authorized private printer shall not sub-contract, assign sublet, or transfer, partially or wholly, directly or indirectly, the printing of said forms. [Sec. 163, 1971 EC; Sec. 129, 1978 EC]

SEC. 245. Committee on printing. - The Commission shall constitute a committee on printing composed of a Commissioner of the Commission as Chairman and three (3) members from the Commission, the Commission on Audit, and the printer, respectively.

The major political parties fielding candidates in the election and the citizens arm shall each be entitled to send watchers or representatives to witness the transport of the papers to be used in the printing of official ballots, election returns and certificates of canvass, and the printing, storage and distribution thereof. Said watchers may file observations or objections, if any, and guard the premises of the printer inside and outside twenty-four (24) hours a day. [Sec. 187, BP 881]

SEC. 246. Duties of the committee. - Under such orders or instructions as the Commission may issue, the Committee shall:

1) Have general supervision and control over the printing of official ballots, election returns and certificates of canvass;

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2) Take charge of the room or rooms where the paper and paraphernalia used in the printing are stored;

3) Report to the Commission any irregularity which it believes may have been committed; and

4) Perform such functions as the Commission may direct. [Sec. 188, BP 881]

SEC. 247. Other committees. - The Commission shall create such committees as are necessary in the allocation, procurement, verification and shipment of the official ballots, election returns, certificates of canvass and other election forms and paraphernalia. [New]

SEC. 248. Distribution of official ballots and election returns. - The Commission shall distribute to each city and municipality the official ballots at the rate of one (1) ballot for every registered voter and an additional ten (10) ballots per precinct, and election returns, at the rate of one (1) set for every precinct.

The provincial, city or municipal treasurer, or such other government official who may be tasked with the duty of storing and distributing election forms and materials, shall keep a record of the quantity and serial numbers of official ballots and election returns allocated to the respective provinces, cities, municipalities and precincts. Copies of such record shall be furnished the Commission and the duly-authorized representatives of the accredited political parties, organizations, or coalitions which fielded candidates in the election immediately upon distribution but not later than the day after the election. The Commission shall require the issuance of official delivery receipts for the official ballots, election returns and other election forms and paraphernalia. [Secs. 186 and 189, BP 881]

No official ballot or election returns shall be delivered to the board of election inspectors earlier than the first hour of election day. However, the Commission may, for justifiable reasons, and after notice to the candidates and the accredited political parties, organizations and coalitions fielding candidates in the election, authorize the delivery of official ballots and election returns to the board of election inspectors at an earlier date. [Sec. 186, BP 881]

SEC. 249. Verification and distribution. - The provincial, city, or municipal treasurer, or the official designated by the Commission, shall verify the contents of the boxes of

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official ballots and election returns received by them in the presence of representatives of the Commission, the Commission on Audit, candidates and political parties, organizations, or coalitions, and keep a record of their receipt and distribution.

SEC. 250. Certificate of canvass and other canvassing forms. - The commission shall prescribe the form of, and provide, in such number of copies as may be required, every board of canvassers with, certificate of canvass, statement of votes and certificate of canvass and proclamation. [Sec. 231, BP 881]

SEC. 251. Tally paper. - At the beginning of the counting of votes, there shall be placed within the view of the board of election inspectors, watchers and the public, a tally paper where the names of all the candidates or issues or questions to be voted upon shall be written. The third member of the board shall record thereon the votes for each candidate or issue as the chairman of the board reads the ballot. [Sec. 161, BP 881]

SEC. 252. Ballot boxes. - The Commission shall provide one (1) ballot box for each precinct on the day of voting. Each ballot box shall contain two (2) compartments, one for valid ballots and the other for spoiled ballots. The boxes shall be uniform in specifications and be provided with such device so that it can be secured in the manner as the Commission may prescribe. [Sec. 160, BP 881.]

SEC. 253. Voting booths. - During the voting, there shall be in each polling place at least ten (10) voting booths of such size, specifications and materials as the Commission may provide to enable the voters to fill their ballots secretly. [Sec. 11, RA 7166]

SEC. 254. Certified list of candidates. - The Commission shall cause to be printed certified lists of candidates containing the names of all candidates for each office to be voted, immediately followed by the nickname or stage name of each candidate as indicated in his certificate of candidacy, and his political party affiliation, if any. Said list shall be posted inside each voting booth during the voting period. [Sec. 4, RA 6646]

SEC. 255. Furnishing of ballot boxes, election forms and materials. - The Commission shall prepare and furnish the ballot boxes, election paraphernalia, forms, supplies and materials necessary for the registration of voters and for the conduct of the election.

The official entrusted by law or by the Commission with the custody of the election paraphernalia, forms, supplies and materials shall be responsible for their storage and preservation and for any loss, destruction, impairment, or damage thereof while in his custody. [Sec. 162, BP 881]

SEC. 256. New forms, security markings and devices. - Notwithstanding the preceding provisions, the Commission may use or adopt the latest technological and electronic devices for voting, counting of votes, and canvassing and prescribe new forms. printing materials and security marking for the official ballots, election returns, certificates of canvass and other forms and paraphernalia.

The Commission may prescribe the use of inexpensive official ballots and election returns for barangay elections, plebiscites, referenda, initiatives and recalls, or a different form of ballot to facilitate voting by illiterate or disabled voters provided that the integrity of the ballots and election returns is assured. [Sec. 23, RA 7166; Sec. 181, BP 881]

ARTICLE VII.

CASTING AND COUNTING OF VOTES

SEC. 257. Voting hours. - The casting of votes shall start at seven o'clock in the morning and end at three o'clock in the afternoon of election day, except when there are voters present within thirty (3) meters in front of the polling place who have not yet cast their votes, in which case the voting shall continue to allow said voters to cast their votes without interruption. The poll clerk shall, without delay, prepare a complete list containing the names of said voters consecutively numbered, and the voters so listed shall be called to vote by announcing each name repeatedly three (3) times in the order in which they are listed. Any voter in the list who is not present when his name is called shall not be permitted to vote. [Sec. 190, BP 881]

SEC. 258. Preliminaries to the voting. -

1) The board of election inspectors shall meet at the polling place at six thirty o'clock in the morning of election day and see to it that they have the book of voters pertaining to the precinct, list of voters, certified list of candidates, voting booths, ballot box, official ballots, indelible ink, ballpens, and other forms and supplies.

2) The chairman of the board shall open the ballot box, empty both of its compartments, exhibit them to all those present, then lock its interior covers.

3) The chairman and two (2) members of the board shall each keep one (1) of the keys to the padlocks during the voting.

4) The chairman shall forthwith show to the public and the watchers the package of official ballots and the book of voters duly sealed and thereafter break the seals. Such fact shall be entered in the minutes together with the number of pads and the serial numbers of the ballots.

5) The ballot box shall remain locked until the voting is finished and the counting begins. However, if it should become necessary to make room for more ballots, the board may, in the presence of the members and the watchers, open the box; the chairman shall press down with his hands the ballots contained therein without removing any of them; and thereafter the board shall again close the box and lock it. [Sec. 191, BP 881]

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SEC. 259. Persons allowed in and around the polling place. - During the voting, only the following persons shall be allowed inside the polling place:

1) The members of the board;
2) The watchers;
3) The representatives of the Commission;
4) The voters casting their votes;
5) The voters waiting for their turn to use the booth, whose number shall not exceed twice the number of booths; and
6) The voters waiting for their turn to cast their votes, whose number shall not exceed twenty (20) at any one time.

It shall be unlawful for any officer or member of the Armed Forces of the Philippines of the Philippine National Police or any peace officer or armed person belonging to any extra-legal police agency, special force, reaction force, strike force, Civil or other similar forces or para-military forces, including security guards, special policemen, and all other armed or unarmed extra-legal police officers, to enter any polling place or an area within a radius of thirty (30) meters thereof, except to vote, but in such case he shall immediately leave the polling place after voting.

However, the board may, if it deems necessary, order in writing for the detail of a policeman or any peace officer for their protection or for the protection of the election documents and paraphernalia. Such order shall be entered in the minutes. Said policeman or peace officer shall stay outside the polling place near enough to be easily called by the board at any time.

No policeman or peace officer shall enter or stay inside the polling place except when there is an actual disturbance of the peace and order therein. In no case shall the said policeman or peace officer prevent or obstruct in any manner the free access of the voters to the polling place.

No barangay official shall enter any polling place except to vote, in which case, he shall leave the polling place immediately after voting. [Sec. 192, BP 881]

SEC. 260. Challenge against illegal voters. -

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1) Any voter or watcher may challenge any person offering to vote:

a) For not being registered;

b) For using the name of another; or

c) For suffering from any disqualification.

In such case, the board shall satisfy itself as to whether or not the ground is true by requiring proof relative to the registration, the identity, or qualification of the voter.

2) No voter shall be required to present his voter's identification card on election day unless his identity is challenged. Failure to produce his voter's identification card shall not preclude him from voting if his identity may be shown from the photograph, fingerprints, or specimen signatures in his registration record in the book of voters or if he is identified under oath by a member of the board. Such identification shall be reflected in the minutes of the board. [Sec. 199, BP 881]

SEC. 261. Challenge based on certain illegal acts. - Any voter or watcher may challenge any voter offering to vote on the ground that the challenged person has:

1) Received or expects to receive, paid, offered, or promised to pay, contributed, offered, or promised to contribute money or anything of value as consideration for his vote or for the vote of another;

2) Made or received a promise to influence the giving or withholding of any such vote; or

3) Made a bet or is interested directly or indirectly in a bet which depends upon the result of the election.

The challenged person shall take an oath before the board that he has not committed any of the acts alleged. Upon taking such oath, the challenge shall be dismissed and the voter, allowed to vote. However, in case of his refusal to take such oath, the challenge shall be sustained and he shall not be allowed to vote. [Sec. 200, BP 881]

SEC. 262. Admission of challenged vote immaterial in criminal proceedings. - The admission of the challenged vote under two (2) preceding sections shall not be conclusive upon any court as to the legality of the registration of the voter challenged or his vote in a criminal action for illegal registration or voting. [Sec. 201, BP 881]

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SEC. 263. Record of challenges and oaths. - The poll clerk shall keep a record of challenges and oaths and the resolution of the board in each case and, upon the termination of the voting, certify that it contains all the challenges made. The original of this record shall be attached to the original copy of the minutes of the voting. [Sec. 202, BP 881]

SEC. 264. Order of voting. - The voters shall vote in the order of their entrance to the polling place and immediately depart after having cast their votes. [Sec. 193, BP 881]

SEC. 265. Manner of obtaining ballot. - The voter shall approach the chairman of the board and give his name, address and other data concerning his person. In case any member of the board doubts his identity, the board shall check his voter's identification card, or, if he has none, the board shall refer to his registration record in the book of voters.

If the board is satisfied with the voter's identity, the chairman shall announce his name in a tone loud enough to be heard throughout the polling place. If such voter has not been challenged, or if, having been challenged, the question has been decided in his favor, the voter shall affix his signature in the voting record.

The chairman shall enter the serial number of the ballot in the voting record, authenticate the ballot, apply indelible ink on the voter's right forefinger nail, and thereafter deliver to the voter the ballot correctly folded. No person other than the chairman shall deliver official ballots nor shall more than one (1) ballot be delivered to any voter at one time. [Sec. 194, BP 881]

SEC. 266. Use of indelible ink. - Before delivering the ballot to the voter, the chairman of the board shall apply a drop of indelible ink on the voter's right forefinger nail or, if there be none, on any available fingernail. A voter who, for any reason, refuses to be stained with indelible ink or whose finger already shows stain of indelible ink shall not be given a ballot. Such facts shall be entered in the minutes of the board. [Sec. 198 (d), BP 881, Amended]

SEC. 267. Authentication of the ballot. - before delivering a ballot to the voter, the chairman of the board shall, in the presence of the voter, affix his signature at the back thereof. [Sec. 24, RA 7166]

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SEC. 268. Manner of voting. - Voting shall be conducted in the following sequence:

1) The voter, upon receiving his ballot, shall proceed to a voting booth and there fill his ballot by writing in the proper space for each office the name of the candidate for whom he desires to vote; [Sec. 195, BP 881]

2) After the voter has filled his ballot, he shall fold it in the same manner as when he received it and return it to the chairman;

3) The chairman shall, within the view of the voter and the members of board and without unfolding the ballot or seeing its contents, verify its serial number from the voting record where it was previously entered;

4) In the presence of the members of the board, the voter shall affix his thumbmark on the corresponding space in the coupon;

5) The voter shall affix his thumbmark beside his signature in the voting record;

6) The chairman shall sign the voting record;

7) The chairman shall, after finding everything to be in order, detach the coupon in the presence of the voter and the other members of the board and deposit the folded ballot in the compartment for valid ballots, and the detached coupon, in the compartment for spoiled ballots;

8) The voter shall then depart. [Sec. 198, BP 881, Amended]

SEC. 269. Prohibitions on voting. - It shall be unlawful for a voter to :

1) Use a booth being used by another;

2) Fill his ballot accompanied by another, except in the case of an illiterate or disabled voter;

3) Fill his ballot for a time longer than necessary;

4) Prepare the ballot without using the voting booth;

5) Exhibit the contents of the ballot to any person;

6) Erase any printing from the ballot;

7) Intentionally tear or deface the same;

8) Put any distinguishing mark thereon;

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9) Use carbon paper, paraffin paper, or other means of making a copy on the contents of the ballot; or

10) Make use of any other scheme to identify his vote. [Sec. 195, BP 881]

SEC. 270. Preparation of ballots for illiterate and disabled voters. - No voter shall be allowed to vote as illiterate or physically disabled unless that fact is so indicated in his registration record.

A voter who is illiterate or physically unable to prepare the ballot by himself may be assisted in the preparation of his ballot by a relative within the fourth civil degree of affinity or consanguinity, or if he has none, by any person of his confidence who belongs to the same household, or by any member of the board.

In no case shall an assistor, unless he is a member of the board, assist more than three (3) times. The assistor shall prepare the ballot in the presence of the illiterate or disabled voter using the voting booth. He shall bind himself in writing under oath:

1) To fill out the ballot strictly in accordance with the instructions of the voter;

2) Not to influence the voter to vote for or against any candidate or issue; and

3) Not to reveal the contents of the ballot prepared by him. [Sec. 196, BP 881]

SEC. 271. Spoiled ballots. - If a voter should accidentally spoil or deface a ballot in such a way that it cannot be validly used, he shall surrender it folded to the chairman who shall note in the voting record that said ballot is spoiled. The members of the board shall, without unfolding the ballot and without removing the detachable coupon, mark it with the word "SPOILED," affix their signatures thereon, and drop it in the compartment for spoiled ballots. The voter shall then be entitled to another ballot.

A voter may be allowed to change his ballot only once. [Sec. 197, BP 881, Amended]

Any ballot returned to the chairman whose detachable coupon has been removed not in the presence of the board and of the voter, or any ballot whose serial number does not coincide with the serial number of the ballot delivered to the voter, as entered in the voting record,

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shall be considered as spoiled and be so marked and signed by the members of the board. [Sec. 198, BP 881]

SEC. 272. Disposition of unused ballots. - The chairman shall tear in half lengthwise all unused ballots without removing the stubs and detachable coupons in the presence of the members of the board and the watchers. One-half (1/2) shall be placed in a sealed envelope and submitted to the election officer; and the other half, inside the compartment of the ballot box for spoiled ballots. Such fact shall be entered in the minutes of the board. [Sec. 204, BP 881, Amended]

SEC. 273. Minutes of voting and counting of votes - The board shall prepare and sign two (2) copies of the minutes of voting and counting of votes in a prescribed form setting forth therein such data as the Commission may require. copies of the minutes shall be sealed in separate envelopes and be distributed as follows: the original, to the election officer who shall in turn transmit the same to the Commission in Manila; and the second copy to be deposited inside the compartment of the ballot box for valid ballots. [Sec. 203, BP 881, Amended]

SEC. 274. Prohibition on premature announcement of voting. - No member of the board shall, before the termination of the voting, make any announcement as to whether a certain registered voter has already voted or not, how many have already voted, or how many so far have failed to vote, or any other fact tending to show or showing the state of the polls. [Sec. 205, BP 881, Amended]

B. COUNTING OF VOTES

SEC. 275. Counting to be public and without interruption. - As soon as the voting is finished, the board of election inspectors shall count publicly the votes cast in the polling place. Unless otherwise ordered by the Commission, the board shall not adjourn, postpone, or delay the count until it has been completed. [Sec. 206, BP 881]

SEC. 276. Transfer of venue for counting. - The Commission may, in the interest of free, orderly, honest, peaceful and credible elections, order the board to count the votes and accomplish the election returns and other forms in any other place, preferably a public building. [Sec. 206, BP 881, Amended]

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If, on account of imminent danger of violence, terrorism, disorder, or similar causes, it becomes necessary to transfer the counting of votes to a safer place, the board may effect the transfer by its unanimous approval with concurrence of the majority of the watchers present. this fact shall be recorded in the minutes of voting and attested to by the members of the board and the watchers. [Sec. 18, RA 6646]

SEC. 277. Rules for appreciation of ballots. - In the reading and appreciation of ballots, every ballot shall be presumed to be valid unless there is clear and good reason to justify its rejection. the board shall bear in mind that the object of the election is to obtain the express of the voters' will. [Sec. 211, BP 881]

The Commission shall promulgate the necessary rules on the appreciation of ballots based on jurisprudence on the matter. [New]

SEC. 278. Excess ballots. - Before proceeding to count the votes, the board shall count the ballots contained in the compartment for valid ballots without unfolding them or exposing their contents, except to ascertain that no ballots are folded together. It shall compare the number of ballots with the number of voters who voted. If there are more ballots than voters who voted, all the ballots shall be returned to the box and thoroughly mixed therein. the poll clerk, without seeing the ballots and with his back to the box, shall publicly draw out as many ballots as may be equal to the excess. Without unfolding them, he shall then place them in an envelope which shall be marked "EXCESS BALLOTS" and which shall be sealed and signed by the members of the board. The envelope shall be placed in the compartment for valid ballots, but its contents shall not be read in the counting of votes. ballots found folded together before they were deposited in the box shall be placed in the envelope for excess ballots. [Sec. 207, BP 881]

SEC. 279. Ballots with detachable coupon. - In case ballots be found in the box with their detachable coupons still intact, such coupons shall be removed and deposited in the compartment for spoiled ballots, and the ballots included in the pile of valid ballots. If ballots with the word "SPOILED" be found in the box, such ballots shall be placed in the compartment for spoiled ballots. [Sec. 207, BP 881]

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SEC. 280. Marked ballots. - The board shall determine by unanimous vote whether or not there are any marked ballots, and, if any be found, they shall not be counted but shall be placed in an envelope labeled "MARKED BALLOTS." The envelope shall be sealed and signed by the members of the board and placed in the compartment for valid ballots. Non-official ballots shall be considered as marked ballots. [Sec. 208, BP 881]

SEC. 281. Spoiled ballots. - Ballots found in the compartment for spoiled ballots shall be presumed to be spoiled ballots, whether or not they contain such notation. If any valid ballot was erroneously deposited therein, the board shall open said compartment after the voting and before the counting of votes to draw out said ballot and place the same in the compartment for valid ballots. These facts shall be entered in the minutes of voting. [Sec. 209, BP 881]

SEC. 282. Manner of counting votes. - In reading the individual official ballot, the members of the board shall assume such position as to provide the watchers and the public unimpeded view of the ballot being read by the chairman, and of the election returns and tally paper being simultaneously accomplished by the poll clerk and the third member, respectively. The watchers and the public shall not touch any of these election documents. The table shall be cleared of all unnecessary writing paraphernalia. [Sec. 25, RA 7166]

The board shall unfold the ballots and form separate piles of one hundred (100) ballots each. The chairman of the board shall take the ballots of the first pile one by one and read the names of candidates voted for and the offices for which they were voted in the order in which they appear thereon. [Sec. 210, BP 881]

The poll clerk and third member shall record each vote as the names of the candidates voted for are read.

Each vote shall be recorded by a vertical line, except every fifth vote which shall be recorded by a diagonal line crossing the previous four (4) vertical lines. After finishing the first pile of ballots, the board shall determine the subtotal of the votes received by each candidate, which shall be recorded in the tally paper and the election returns. In case of any discrepancy, such recount as may be necessary shall be made. The ballots shall then be grouped together again

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as before the reading. Thereafter, the same procedure shall be followed with the second pile of ballots, and so on successively.

After the ballots have been read, the board shall sum up the subtotals recorded for each candidate, and record the aggregate sum in the tally paper and election returns. It shall then place the counted ballots in an envelope provided for the purpose, which shall be signed and deposited in the compartment for valid ballots. the tally paper as accomplished and certified by the board shall be kept in the compartment for valid ballots. [Sec. 210, BP 881]

SEC. 283. Preparation of election returns. - The board shall prepare in handwriting the election returns simultaneously with the counting of the votes in the polling place in such number of copies as provided herein. The entry of votes for each candidate shall be closed with the signatures and clear imprints of the right thumb of all the members to be affixed in full view of the public, immediately after the last vote recorded or immediately after the name of the candidate who did not receive any vote.

The returns shall also show the date of the election, the precinct number, the barangay and the city or municipality and province in which it was held, and such information as the Commission may require. The total number of votes obtained by each candidate shall be written in words and figures. The board of election inspectors shall certify that the contents thereof are correct and affix their signatures and right thumbprints.

Immediately upon the accomplishment of the election returns, each copy thereof shall be sealed in the presence of the watchers and the public and placed in the proper envelope, which shall likewise be sealed and distributed as herein provided. [Sec. 212, BP 881]

SEC. 284. Distribution of election returns. - The copies of the election returns shall be distributed as follows:

1) In the election of national officials:

a) The first copy, to the provincial board of canvassers;

b) The second copy, to Congress through the President of the Senate;

c) The third copy, to the Commission;

d) The fourth copy, to be deposited inside the ballot box;

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e) The fifth copy, to be known as advance election returns, to the city or municipal treasurer who shall, in the presence of the election officer or his authorized representative, immediately and publicly open the same and post the votes therein in a tally board sufficiently large for public viewing, preferable within the vicinity of the city or municipal hall; and

f) The sixth copy, to the media-based organization authorized by the Commission to conduct an unofficial count.

2) In the election of local officials:

a) The first copy, to the city or municipal board of canvassers;

b) The second copy, to the Commission;

c) The third copy, to the provincial board of canvassers;

d) The fourth copy, to be known as advance election returns, to the city or municipal treasurer who shall, in the presence of the election officer or his authorized representative, immediately and publicly open the same and post the votes therein in a tally board sufficiently large for public viewing, preferably within the vicinity of the city or municipal hall;

e) The fifth copy to the media-based organization authorized by the Commission to conduct an unofficial count; and

f) The sixth copy to be deposited inside the ballot box. [Sec. 27, RA 7166]

The Commission may, when technological advancement allows, provide copies of election returns to accredited political parties. [New]

SEC. 285. Correction in the election returns. - Any correction made in the election returns by the board before the announcement of the results of the election in the polling place shall be duly initialed by all its members.

After the announcement of the results had been made, the board shall not make any correction in any of the copies of the election returns unless so ordered by the Commission upon petition of the members of the board within five (5) days from the date of the election or twenty-four (24) hours from the time a copy of the election returns is opened by the board of

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canvassers, whichever is earlier. The petition shall be accompanied by proof of service upon all candidates affected.

If the results of the election would not be affected by said correction and none of the candidates affected objects thereto, the Commission shall, upon being satisfied of the veracity of the petition and of the error alleged therein, order the board to make the proper correction thereon.

Should a candidate affected by said petition object thereto and the results of the election would be affected by the correction sought to be made, the Commission shall proceed summarily to hear the petition. If it finds the petition meritorious and the correction sought is such that can be made without need of opening the ballot box, the Commission shall order that proper correction be made. Otherwise, it shall order the opening of the ballot box and recount of votes after satisfying itself that the identity and integrity of the ballot box have not been violated and that the integrity of the ballots therein has been preserved. [Sec. 216, BP 881]

SEC. 286. Proclamation of election result. - Upon the completion of the election returns, the chairman of the board shall publicly announce the total number of votes received by every candidate for each office. [Sec. 213, BP 881]

SEC. 287. Certificates of votes obtained by candidates. - After the announcement of the results of the election and before leaving the polling place, it shall be the duty of the board, upon request of any watcher, to issue a certificate of votes obtained by his candidate and other candidates for the same office. [Sec. 215, BP 881; Sec. 16, RA 6646]

SEC. 288. Delivery and custody of ballot boxes, key, election supplies and documents. - After the counting of votes, the board shall place in the compartment for valid ballots the used and unused ballots in their respective envelopes, the tally paper, a copy of the election returns and minutes of voting and counting, and then lock the ballot box. The ballot box shall immediately be delivered by the board and the watchers to the city or municipal treasurer or such other officials designated by the Commission, who shall keep his office open all night on the day of the election if necessary for this purpose, and provide the necessary facilities for said delivery at the expense of the city or municipality.

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The book of voters, supplies and all pertinent papers and documents shall be retuned to the election officer, who shall keep it under his custody. the election officer and the treasurer or such other government official designated by the Commission, as the case may be, shall, on the day after the election, require the members of the board who failed to send the items referred to herein to deliver the same immediately and thereafter acknowledge receipt thereof. [Sec. 217, BP 881]

SEC. 289. Preservation of ballot boxes; Disposition of contents. -

1) The Commission shall issue instructions regarding the custody and safekeeping of the ballot boxes.

2) The city and municipal treasurers or such other government officials designated by the Commission shall keep the ballot boxes under their responsibility for three (3) months, stored unopened in a secured place, unless the Commission orders otherwise, provided these are not involved in any election contest or official investigation, or the Commission or other competent authority demands them sooner or orders their preservation for a longer time in connection with any pending contest or investigation. However, upon showing by any candidate that the boxes will be in danger of being violated if kept in the possession of such officials, the Commission may order them kept by any other official whom it may designate.

After the lapse of three (3) months and if there should be no order to the contrary, the Commission may authorize the city or municipal treasurer or the designated official to open the boxes and burn their contents in the presence of the representatives of the Commission, Commission on Audit and political parties or candidates, except the minutes of voting and the election returns deposited therein, which said official shall preserve.

3) In case of calamity or fortuitous event such as fire, flood, or storm, which may cause damage to the ballot boxes and/or their contents, the Commission may authorize the opening of said ballot boxes and the transfer of the ballots and other contents to other ballot boxes, taking such precautions as may be necessary to preserve such documents. [Sec. 219, BP 881]

SEC. 290. Preservation of voting record. - The voting record of each precint shall be delivered to the election officer, who shall have custody of the same and keep them in a safe place until such time that the Commission shall give instructions on their disposition. [Sec. 218, BP 881]

SEC. 291. Documents omitted or erroneously placed inside the ballot box. - If, after the delivery of the keys of the ballot box to the proper authorities, the board shall discover that the ballot box does not contain certain documents required to be placed therein or contains documents not intended therefor, the board shall, without opening the ballot box, deliver the same to the Commission or its duly-authorized representatives.

In no case shall the ballot box be reopened to place therein or remove therefrom any document except to retrieve copies of the election returns which will be needed in any canvass, investigation, or election contest, and upon notice to the members of the board and watchers of candidates of the time and place of the opening of said ballot box. If there are other copies of the election returns outside of the ballot box which can be used in the canvass, such copies of the election returns shall be used in said canvass and the opening of the ballot box to retrieve the copies of the election returns placed therein shall then be dispensed with. [Sec. 220, BP 881]

ARTICLE VIII.

CANVASS AND PROCLAMATION

SEC. 292. Board of canvassers. - There shall be a board of canvassers for each province, city or municipality, and district of metropolitan Manila as follows:

1) Provincial board of canvassers - to be composed of the provincial election supervisor or a ranking lawyer of the Commission as chairman, the chief provincial prosecutor as vice-chairman, and the provincial superintendent of schools as member-secretary.

2) City board of canvassers - to be composed of the city election officer or a lawyer of the Commission as chairman, the city prosecutor as vice-chairman, and the city superintendent of schools as member-secretary.

In cities with more than one (1) election officer, the Commission shall designate who shall be the chairman.

3) District board of canvassers of metropolitan Manila - to be composed of a lawyer of the Commission as chairman, a ranking public prosecutor in the district as vice-chairman, and the most senior district school supervisor in the district as member-secretary. [Sec. 222(c), BP 881]

4) Municipal board of canvassers - to be composed of the election officer or an officer of the Commission as chairman, the municipal treasurer as vice-chairman, and the most senior district school supervisor or a principal of the district as member-secretary.

For purposes of the regional elections in the Autonomous Region in Muslim Mindanao, a board of canvassers for each province therein and for the region shall be constituted as follows: A provincial board of canvassers with the same membership as provided in No. 1 hereof; and a regional board of canvassers to be composed of a regional election director or a ranking lawyer of the Commission as chairman, an officer of equivalent rank in the Department of Justice as vice-chairman, and an officer, also of equal rank, in the Department of Education, Culture and Sports in the autonomous region as member-secretary. [Sec. 2, RA 7647]

For the barangay elections, a barangay board of canvassers shall be constituted in each barangay with more than one (1) precinct to be composed of the senior public school teacher

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in the barangay as chairman and two (2) other public school teachers, one as vice-chairman and the other as member-secretary.

In case the number of public school teachers is inadequate, the Commission shall designate the chairman and members of the board of election inspectors of the precincts in the barangay. [Sec. 104, Res. 2022-A]

In barangays with only one (1) precinct, the board of election inspectors shall act as the barangay board of canvassers. [Sec. 100, Res. 2022-A]

SEC. 293. Supervision and control over board of canvassers. - The Commission shall have direct control and supervision over the board.

Any member of the board may, at any time, be relieved for cause and substituted by the Commission.

SEC. 294. Substitution of members of board of canvassers. - In case any member of the board is not available, is absent, disqualified due to relationship, incapacitated for any cause, or relieved for cause, the Commission shall appoint as substitute chairman, a lawyer or official of the Commission, and as substitute members, other representatives from the different agencies of the government. [Sec. 2, RA 7166]

The foregoing power of the Commission may be delegated to the Commissioner-in-Charge of the region. [New]

SEC. 295. Disqualification due to relationship. - No person related within the fourth civil degree of consanguinity or affinity to any of the candidates or to any other member of the board of canvassers shall appointed as chairman or member thereof. [Sec. 222, BP 881]

SEC. 296. Prohibition against leaving official station. - No member of any board of canvassers, including any substitute, shall be transferred, assigned, or detailed outside of his official station, nor shall he leave said station within five (5) days immediately preceding election day until the proclamation of the winning candidates without prior authority of the Commission. [Sec. 223, BP 881]

SEC. 297. Proceedings of board of canvassers. - The proceedings of the board shall be open and public. [Sec. 20, RA 6646]

A majority vote shall be necessary for the board to render a decision. [Sec. 225, BP 881]

SEC. 298. Notice of meetings of the board. - At least five (5) days before the initial meeting of the board, the chairman shall give written notice of the date, time and place of the meeting to each member, candidate and political party fielding candidates for election in the political subdivision concerned. Similar notice shall be given for subsequent meetings unless notice has been given in open session of the board. Notice given in open session shall be recorded in the minutes of the proceedings. Proof of service of notice shall be attached to, and form part of, the records of the proceedings. [Sec. 23, RA 7166]

SEC. 299. Delivery and transmittal of election returns. - The election returns, duly sealed and placed inside an envelope, likewise to be sealed, shall be personally delivered by the board of election inspectors under receipt signed by all the members of the board of canvassers as follows:

1) Copy for the city or municipal board of canvassers - to the chairman of the board; and
2) Copies for the provincial and district boards of canvassers - to the election officer, who shall transmit the same to the respective chairmen of the provincial and district boards of canvassers.

The election officer concerned shall place all the returns intended for the board of canvassers inside a ballot box properly locked and sealed and personally transmit the same to the board of canvassers.

Watchers of candidates, political parties, organizations, or coalitions and citizens arm shall have the right to accompany the board of election inspectors or the election officer in the deliver of the ballot box containing the election returns. [Sec. 229, BP 881]

SEC. 300. Safekeeping of transmitted election returns. - The board shall keep the ballot boxes containing the election returns in a safe and secured room or place as may be agreed upon by the candidates. The watchers of candidates, political parties, organizations, or coalitions and the citizens arm shall have the right to guard the room or place. [Sec. 229, BP 881]

SEC. 301. Canvass by board of canvassers. - The board shall meet not later than six o'clock in the afternoon of election day at the place designated by the Commission to receive the election returns and immediately canvass those that may have already been received. It shall meet continuously from day to day until the canvass is completed, and may adjourn only for the purpose of awaiting the other election returns.

Before the start of the canvass, the board shall enter the precinct numbers consecutively in the statement of votes by precinct. Each time the board adjourns, it shall determine the total number of votes received by each candidate in each precinct as of its adjournment, using the form prescribed for the purpose. The board shall record the same together with the number of precincts canvassed for the day, furnish the Commission in Manila through the fastest means of communication a certified copy thereof, and make available the data contained therein to the mass media and other interested parties requesting the same. As soon as the other election returns are delivered, the board shall immediately resume canvassing until all the returns have been canvassed.

Upon completion of the canvass, the board shall prepare a certificate of canvass, duly signed and bearing the thumbprint of each member, supported by a statement of the votes received by each candidate in each precinct and, on the basis thereof, proclaim as elected the candidates who obtained the highest number of votes in the province, district, city, or municipality. Failure to comply with these requirements shall constitute an election offense.

Subject to reasonable exceptions, the board must complete its canvass within thirty-six (36) hours in municipalities, forty-eight (48) hours in cities, or seventy-two (72) hours in provinces. [Sec. 231, BP 881]

SEC. 302. Canvassing committees. - The board of canvassers may constitute such number of canvassing committees as may be necessary to enable it to complete the canvass within the period prescribed under the immediately preceding section. Each committee shall be composed of three (3) members to be designated by the chairman and members of the board. All candidates shall be notified in writing, at least three (3) days before the election, of the number of

committees to be constituted so that they can designate their watchers in each committee. The committees shall be under the direct supervision and control of the board. [Sec. 22, RA 6646]

SEC. 303. Canvassing by provincial, city, district and municipal boards of canvassers.

1) The board of canvassers for cities that do not comprise one (1) legislative district or the municipal board of canvassers shall canvass the election returns for city or municipal officials and thereafter proclaim the elected city or municipal officials, as the case may be.

2) The city board of canvassers for cities comprising one (1) or more legislative districts shall canvass the election returns for President, Vice-President, Senators, members of the House of Representatives and elective city officials. Upon completion of the canvass, the board shall prepare the certificate of canvass for President, Vice-President, and Senators and thereafter proclaim the elected members of the house of Representatives and city officials.

3) a) In metropolitan Manila, each municipality comprising a legislative district shall have a district board of canvassers which shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective municipal officials. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President, Senators, and thereafter proclaim the elected Members of the House of Representatives and municipal officials.

b) The component municipality in a legislative district in metropolitan Manila shall each have a municipal board of canvassers which shall canvass the election returns for elective municipal officials and thereafter proclaim the winning candidates for municipal officials.

c) For district board of canvassers of each legislative district comprising two (2) municipalities in metropolitan Manila shall canvass the election returns for President, Vice-President, Senators and Member of the House of Representative submitted by the boards of election inspectors of the component municipalities.

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Upon completion of the canvass, it shall prepare a certificate of canvass for President, Vice-President and Senators and thereafter proclaim the winning candidate for Member of the House of Representatives in the legislative district.

4) The provincial board of canvassers shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective provincial officials as submitted by the boards of election inspectors of municipalities and component cities. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President and Senators, and thereafter proclaim the winning candidates for Members of the House of Representatives and provincial offices.

With respect to the regional elections in the Autonomous Region in Muslim Mindanao, the provincial board of canvassers shall canvass the election returns submitted by the board of election inspectors and upon completions thereof, prepare the certificate of canvass for governor and vice-governor, and thereafter proclaim the elected members of the Regional Assembly.

The regional board of canvassers shall canvass the certificates of canvass submitted by the provincial boards of canvassers in the region and thereafter proclaim the elected candidates for governor and vice-governor. [Sec. 28, RA 7166]

SEC. 304. Distribution of certificates of canvass. - With respect to the election for President, Vice-President and Senator, the provincial board of canvassers and board of canvassers for cities with one (1) or more legislative districts and district boards of canvassers in metropolitan Manila shall prepare a certificate of canvass supported by statement of votes by precinct, and in proper cases, by municipality, in seven (7) copies with the use of carbon paper or such other means or material as the Commission shall prescribe to the end that all seven (7) copies shall be legibly reproduced in one handwriting. All copies of said certificate of canvass must bear the signatures and thumbmarks of all the members of the board. Upon the completion of these certificates of canvass and statements of votes, they shall each be enclosed and sealed in the corresponding envelopes furnished by the Commission and immediately distributed as follows:

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1) The first copy, to Congress, through the President of the Senate, for the canvass of election results for President and Vice-President;

2) The second copy, to the Commission, for the canvass of the election results for Senators;

3) The third copy, to the chairman of the board;

4) The fourth copy, to the citizens arm designated by the Commission to conduct a media-based unofficial count; and

5) The fifth, sixth and seventh copies, to the three (3) major political parties. The Commission shall decide which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 98 hereof. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay. [Sec. 29(b), RA 7166]

SEC. 305. Election returns with serial number different from assigned number. - Any election returns with serial number different from that assigned to a precinct shall not be canvassed unless the Commission orders in writing for its canvassing. the variance shall be determined by the board prior to its canvassing on the basis of the certification of the city or municipal treasurer or the election officer as to the serial number of the election returns assigned to said precinct. [Sec. 212, BP 881]

SEC. 306. When election returns are delayed, lost or destroyed. - In case its copy of the election returns is missing, the board of canvassers shall, by messenger or otherwise, obtain such missing election returns from the board of election inspectors concerned, or, if said returns has been lost or destroyed, the board of canvassers, upon prior authority of the Commission, may use any of the authentic copies or a certified copy thereof issued by the Commission. The Board shall investigate the case and immediately report the matter to the Commission.

The board of canvassers, notwithstanding the fact that not all the election returns have been received, may terminate the canvass and proclaim the winning candidates on the basis of the available election returns if the missing election returns will not affect the results of the election. [Sec. 233, BP 881]

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SEC. 307. Material defects in election returns. - If the name of any candidate and/or his votes have been omitted from the election returns, the board of canvassers shall require the board of election inspectors concerned to complete the necessary data in the election returns and affix their initials thereon.

If the votes omitted in the returns cannot be ascertained by other means except by recounting the ballots, the Commission shall, after satisfying itself that the identity and integrity of the ballot box and ballots therein have not been violated, order the board of election inspectors to count the votes for the candidate whose votes have been omitted, with notice to all candidates or political parties, and thereafter complete the returns. [Sec. 234, BP 881]

SEC. 308. When election returns appear to be tampered with or falsified or no election returns have been submitted. - If the election returns submitted to the board of canvassers appear to be tampered with, altered or falsified after they have left the hands of the board of election inspectors, or are otherwise not authentic, or were prepared by the board of election inspectors under duress, force, intimidation, or prepared by persons other than the members of the board of election inspectors, the board shall use any of the other copies of said election returns, and if necessary, the copy inside he ballot box, which may be retrieved upon previous authority given by the Commission.

If all the other copies of the returns are likewise tampered with, altered, falsified, not authentic, prepared under duress, force, intimidation, or prepared by person other than the members of the board of election inspectors, the board of canvassers or any candidate affected shall bring the matter to the attention of the Commission. the Commission shall, after giving notice to all candidates concerned and after satisfying itself that the identity and integrity of the ballot box sand ballots therein have not been violated, order the board of election inspectors to recount the votes of the candidates affected and prepare a new return to be used by the board. [Sec. 235, BP 881]

The foregoing remedies shall also apply where no election returns has been submitted to the board of canvassers. [New]

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SEC. 309. Discrepancies in election returns. - In case it appears to the board of canvassers that there exist discrepancies in the other authentic copies of the election returns from a precinct or discrepancies in the votes of any candidate in words and figures in the same returns, and the difference affects the results of the election, the Commission shall, upon motion of the board of canvassers of any candidate affected and after due notice to all candidates or political parties concerned, and after satisfying itself of the integrity of the ballot box and the ballots therein, order the recount of the votes cast. [Sec. 236, BP 881]

SEC. 310. Correction of manifest errors. - The board of canvassers, or the Commission in appropriate cases, may, *motu proprio* or upon written motion by an interested party, order the correction of manifest errors in any of the following cases:

1) When a copy of the election returns or certificate of canvass was tabulated more than once;
2) When two (2) or more copies of the election returns of one (1) precinct, or two (2) or more copies of the certificate of canvass were tabulated separately;
3) When there had been a mistake in the copying of the figures into the statement of votes or into the certificate of canvass; or
4) When returns from non-existent precincts were included in the canvass. [New]

SEC. 311. Certificate of votes as evidence. - The certificate of votes shall be admissible in evidence to prove tampering, alteration, falsification or any irregularity committed in the election returns when duly authenticated by testimonial or documentary evidence presented to the board of canvassers by all the members of the board of election inspectors who issued the certificate. Failure to present a certificate of votes shall not be a bar to the presentation of other evidence to impugn the authenticity of the election returns. [Sec. 17, RA 6646]

SEC. 312. When integrity of ballots is violated. - If, upon opening the ballot box as ordered by the Commission under Sections 276, 277, 278 hereof, it should appear that there are signs of tampering or violation of the integrity of the ballots, the Commission shall not recount the ballots but shall forthwith seal the ballot box and order its safekeeping and may, if the votes in the precinct concerned affect the result of the election, call a special election. [Sec. 237, BP 881, Amended]

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SEC. 313. Canvass of unquestioned returns to continue. - In cases under Sections 275, 276, 277 and 278 hereof, the board shall continue the canvass of the remaining or unquestioned election returns. If, after the canvass of all the said returns, it should be determined that the returns which have been set aside will affect the result of the election, no proclamation shall be made except upon order of the Commission, after due notice and hearing.

Any proclamation made in violation hereof shall be null and void. [Sec. 238, BP 881]

SEC. 314. Canvass of votes for Senators. - Thirty (30) days after the elections, the Commission sitting *en banc* and acting as the National Board of Canvassers for Senators shall convene and publicly count the votes cast for Senators using the certificates of canvass submitted by the provincial and district boards of canvassers. The candidates in the number of Senators to be elected who obtained the highest number of votes shall be declared elected. [Sec. 215, 1971 EC, Amended]

SEC. 315. Elections resulting in a tie. - When two (2) or more candidates for the same office have equally received the highest number of votes or received the same number of votes for the last slot, the board shall record this fact in its minutes, and, by resolution, upon five (5) days' notice to all the candidates obtaining the same number of votes, hold a special public meeting for the drawing of lots of the candidates who have tied and proclaim as elected the candidates who may be favored by luck. The board of canvassers shall forthwith issue a certificate stating the name of the candidate who had been favored by luck and his proclamation on the basis thereof. The candidate so proclaimed shall have the right to assume office in the same manner as if he had been elected by plurality vote. [Sec. 240, BP 881]

SEC. 316. Failure to assume office. - The office of any elected official who fails or refuses to take his oath of office within sixty (60) days from his proclamation shall be considered vacant, unless said failure is for a cause or causes beyond his control, in which case he has to take his oath of office and assume the position within one (1) month after the removal of the cause.

The foregoing is without prejudice to any criminal liability that said official may have incurred. [Sec. 11, BP 881]

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ARTICLE IX.

PRE-PROCLAMATION CONTROVERSIES

SEC. 317. Definition. - A pre-proclamation controversy refers to any question affecting the composition or proceedings of the board of canvassers or any matter raised in relation to the preparation, transmission, receipt, custody, or appreciation of the election returns or certificates of canvass. [Sec. 241, BP 881]

SEC. 318. Jurisdiction over pre-proclamation controversies. - The Commission shall have exclusive jurisdiction over all pre-proclamation controversies. It may, *motu proprio* or upon written petition, and after due notice and hearing, suspend the proclamation of any candidate-elect or annul any proclamation, if one has been made, as the evidence shall warrant. [Sec. 242, BP 881]

SEC. 319. Pre-proclamation controversies; Where not allowed. - Pre-proclamation controversies are not allowed in elections for President, Vice-President, Senators, Members of the House of Representatives, and governor and vice-governor of the Autonomous Region. However, the canvassing board may, *motu proprio* or upon written motion of an interested party, correct manifest errors on the face of the election returns or certificate of canvass or exclude obviously manufactured election returns or certificates of canvass.

Any objection to the election returns or certificates of canvass before the district, city, municipal, provincial or regional board of canvassers shall be specifically noted in the minutes of its proceedings. [Sec. 15, RA 7166, Amended]

SEC. 320. Pre-proclamation controversies; Where allowed. - Pre-proclamation controversies involving regional assembly member, provincial, city and municipal offices shall be allowed.

SEC. 321. Pre-proclamation controversies; how commenced. - Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Commission. However, matters raised in relation to the preparation, transmission, receipt, custody and appreciation of the election returns or certificates of canvass

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shall be brought in the first instance only before the board of canvassers concerned. [Sec. 17, RA 7166]

SEC. 322. Issues proper in pre-proclamation controversies. - The following issues may be raised in a pre-proclamation controversy:

1) Illegal composition or proceedings of the board of canvassers;

2) The canvassed election returns or certificates of canvass are incomplete, contain material defects, appear to be tampered with or falsified, or contain discrepancies in the same returns or in other authentic copies thereof;

3) The election returns or certificates of canvass were prepared under duress, threats, coercion, or intimidation, or they are obviously manufactured or not authentic; and

4) When substitute or fraudulent returns or certificates in controverted precincts were canvassed, the results of which materially affected the standing of the aggrieved candidate or candidates. [Sec. 243, BP 881, Amended]

SEC. 323. Contested composition or proceedings of the board. - If the question on the composition or proceedings of the board of canvassers is raised before it, the board shall, within twenty-four (24) hours, make a ruling thereon with notice to the contestant. The aggrieved party may appeal the matter to the Commission within three (3) days after the ruling with notice to the board. The Commission shall summarily decide the case within five (5) days from the filing thereof. During the pendency of the case, the board shall suspend the canvass until the Commission orders its resumption, citing the grounds therefor. [Sec. 244, BP 881, Amended]

SEC. 324. Procedure in the disposition of contested returns. -

1) Any candidate or political party contesting the inclusion or exclusion of any election returns or certificate of canvass shall submit his or its oral objection to the chairman of the board at the time the questioned returns or certificate is presented for inclusion in the canvass. Such objection shall be recorded in the minutes of the canvass.

2) Upon receipt of any objection, the board shall automatically defer the canvass of the contested returns or certificates and proceed to canvass the uncontested returns or certificates.

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3) Simultaneous with the oral objection, the objecting party shall enter his objection in the form prescribed by the Commission. Within twenty-four (24) hours from the presentation of such objection, the objecting party shall submit evidence in support thereof, attached to the form for written objections. Within the same period, any party may file a written and verified opposition to the objection in the prescribed form, attaching thereto supporting evidence, if any.

The board shall not entertain any objection or opposition unless reduced in writing in the prescribed form/s and supported by evidence; otherwise, the objection or opposition shall be deemed waived, and the board shall proceed to canvass or rule on the objected returns or certificates, as the case may be.

The evidence attached to the objection or opposition submitted by the parties shall be immediately and formally admitted into the records of the board. The chairman shall affix his signature at the back of each and every page thereof.

4) Upon receipt of the evidence, the board shall consider the written objections and opposition thereto, if any, and enter its ruling in the prescribed form and authenticate the same with their signatures, furnishing a copy thereof to the parties.

5) Any party adversely affected by the ruling shall immediately inform the board in writing that he intends to appeal said ruling. The board shall set aside the election returns or certificates objected to and proceed to consider the other returns or certificates. Unless such intent is manifested, the objection is deemed waived, and the election returns or certificates set aside shall be canvassed.

6) The party who manifested his intent to appeal may, within three (3) days from notice to the board, appeal said ruling to the Commission. He shall furnish a copy thereof to the board and pay the required appeal fee.

7) The board shall, immediately upon receipt of a copy of the appeal, elevate to the Commission the complete records and the evidence submitted in the canvass and furnish the parties copies thereof. All documents should be signed by the board at the back thereof before they are transmitted to the Commission.

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8) On the basis of the records and evidence elevated to it, the Commission shall summarily decide the appeal within five (5) days from the receipt of said records and evidence. Any appeal brought before the Commission on the ruling of the board without the accomplished forms and the evidence appended thereto shall be summarily dismissed.

The above provisions notwithstanding, the Commission may *motu proprio* secure evidence aliunde in order to expedite the proceedings and afford substantive justice.

The decision of the Commission shall be executory five (5) days from receipt thereof by the board.

9) The board of canvassers shall not proclaim any candidate as winner unless authorized by the Commission after it has ruled on the appeal. Any proclamation made in violation hereof shall be void *ab initio*, unless the contested returns or certificates of canvass will not adversely affect the results of the elections. [Sec. 20, RA 7166]

SEC. 325 Partial proclamation. - Notwithstanding the pendency of any pre-proclamation controversy, the Commission may summarily order the proclamation of the winning candidates not parties to any controversy or whose election will not be affected by the outcome of the controversy. [Sec. 247, BP 881]

SEC. 326. Pre-proclamation controversy; When deemed terminated. - All pre-proclamation controversies pending before the Commission shall be deemed terminated at the beginning of the term of the office involved and the rulings of the board of canvassers concerned shall be deemed affirmed, without prejudice to the filing of an election protest. However, proceedings may continue when, on the basis of the evidence thus far presented, the Commission determines that the petition appears meritorious and accordingly issues and order for the proceedings to continue or when an appropriate order has been issued by the Supreme Court in a petition for certiorari. [Sec.16, RA 7166]

SEC. 327. Effect of petition to annul proclamation. - A petition to annul the proclamation of any candidate may be filed with the Commission within five (5) days from proclamation. The filing of such petition shall suspend the running of the period within which to file an election protest or quo warranto proceedings. [Sec. 248, BP 881, Amended]

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ARTICLE X.

ELECTION CONTESTS

SEC. 328. Jurisdiction. -

a) The COMELEC shall be the sole judge over all contests relating to the elections, returns and qualifications of all elective regional, provincial and city officials and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or involving elective barangay officials decided by trial courts of limited jurisdiction;

b) Decisions, final order or rulings of the COMELEC on election contests involving elective municipal and barangay offices shall be final, executory and not appealable. [Section 2 (2), C, Article IX, 1987 Const.]

SEC. 329. Electoral Protests over Regional, Provincial and City offices. - A sworn petition contesting the election of any regional, provincial or city official shall be filed with the COMELEC by any candidate who has duly filed a certificate of candidacy and has been voted for the same office, within ten (10) days after the proclamation of the results of the election. [Section 250A]

SEC. 330. Electoral Protest over Municipal Offices. - A sworn petition contesting the election of a municipal officer shall be filed with the proper regional trial court by any candidate who has duly filed a certificate of candidacy and has been voted for the same office, within ten (10) days after proclamation of the results of the election. [Section 251]

SEC. 331. Electoral Protest over Barangay Offices. - A sworn petition contesting the election of a barangay officer shall be filed with the proper municipal or metropolitan trial court by any candidate who has duly filed a certificate of candidacy and has been voted for the same office, within ten (10) days after the proclamation of the results of the election. The trial court shall decide the election protest within fifteen (15) days after the filing thereof. The decision of the municipal or metropolitan trial court may be appealed within ten (10) days from receipt of a copy thereof by the aggrieved party to the COMELEC, which shall decide

the case within thirty (30) days from its submission and whose decision shall be final. [Section 252]

SEC. 332. Petition for Quo Warranto. - Any voter contesting the election of any regional, provincial, or city officer of the ground of ineligibility or of disloyalty to the Republic of the Philippines shall file a sworn petition, for *quo warranto* with the COMELEC within ten (10) days after the proclamation of the results of the election.

Any voter contesting the election of any municipal or barangay officer on the ground of ineligibility or of disloyalty to the Republic of the Philippines shall file a sworn petition, for *quo warranto* with the regional trial court or metropolitan or municipal trial court, respectively, within ten (10) days after the proclamation of the results of the election. [Section 253]

SEC. 331. Procedure in Electoral Protests. - The COMELEC shall prescribe the rules to govern the procedure and other matters relating to election contests pertaining to all regional, provincial, and city offices not later than thirty (30) days before such elections. such rules shall provide a simple and inexpensive procedure for the expeditious disposition of election contests and shall be published as required under Section 282 of this Code.

However, with respect to election contests involving municipal and barangay offices the following rules of procedure shall govern:

a) Notice of the protest contesting the election of a candidate for a municipal or barangay office shall be served upon the candidate by means of summons at the postal address stated in the certificate of candidacy except when the protestee, without waiting for the summons, has made the court understand that he has been notified of the protest or has filed his answer hereto;

b) The protestee shall answer the protest within five (5) days after receipt of the summons, or, in the case there has been no summons, from the date of his appearance and in all cases before the commencement of the hearing of the protest or contest. The answer shall deal only with the election in the polling places which are covered by the allegations of the contest;

c) Should the protestee desire to impugn the votes received by the protestant in other polling places, he shall file a counter-protest within the same period fixed for the answer serving a copy thereof upon the protestant by registered mail or by personal delivery or through the sheriff;

d) The protestant shall answer the counter-protest within five (5) days after notice;

e) Within the period of five (5) days counted from the filing of the protest, any other candidate for the same office may intervene in the case of other contestants and ask for affirmative relief in his favor by a petition in intervention, which shall be considered as another contest, except that it shall be substantiated within the same proceedings. The protestant or protestee shall answer the protest in intervention within five (5) days after notice;

f) If no answer shall be filed to the contest, counter-protest, or to the protest in intervention, within the time limits respectively fixed, a general denial shall be deemed to have been entered;

g) In election contest proceedings, the permanent registry list of voters shall be conclusive in regard to the question as to who had the right to vote in said election. [Section 254]

SEC. 334. Judicial Recount of Votes. - Where allegations in a protest or counter-protest so warrant, or whenever in the opinion of the COMELEC or court, the interest of justice so require, it shall immediately order the book of voters, ballot boxes and their keys ballots and other documents used in the election be brought before it and the ballot be examined and votes recounted. [Section 255]

SEC. 335. Appeals.

a) Appeals from any decision rendered by the regional trial court under Section 258, *supra,* with respect to municipal offices, and by the municipal or metropolitan trial court under Section 259, *supra,* with respect to barangay offices, may be filed by the aggrieved party with the COMELEC within five (5) days after receipt of a copy of the decision, on which no motion for reconsideration shall be entertained. The appeal shall be decided within thirty (30) days after the case has been submitted for decision. The decision of the COMELEC shall be final, executory and unappealable; [New]

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b) Appeals with respect to *quo warranto* petitions affecting municipal officers may be filed with the Court of Appeals within five (5) days after receipt of a copy of the decision. No motion for reconsideration shall be entertained by the trial court. The appeal shall be decided within sixty (60) days after the case has been submitted for decision. [Section 256]

SEC. 336. Decisions of the COMELEC. - The COMELEC shall decide all original electoral protests brought before it with respect to regional, provincial and city offices under Section 256, *supra,* within sixty (60) days from the date of their submission for decision. The decision of the COMELEC shall become final thirty (30) days after receipt of judgment. [Section 257A]

SEC. 337. Preferential Disposition of Election Cases. - The courts, in their respective cases, shall give preference to election contests over all cases, except those of *habeas corpus,* and shall without delay, hear and within thirty (30) days from the date of their submission for decision, but in every case within six (6) months after filing, decide the same. [Section 258]

SEC. 338. Actual or Compensatory Damages. - Actual or compensatory damages may be granted in all election contests or in *quo warranto* proceedings in accordance with law. [Section 259]

SEC. 339. Notice of Decisions. - The clerk of court and the corresponding COMELEC official before whom an election contest or *quo warranto* proceeding has been instituted or where the appeal of said case has been taken shall notify immediately the President of the Philippines of the final disposition thereof. In election contests involving provincial, city, municipal or barangay offices, notice of such final disposition shall also be sent to the secretary of the local sanggunian concerned. If the decision be that none of the parties has been legally elected, said official shall certify such decision to the President of the Philippines and, in appropriate cases, to the COMELEC. [Section 260]

ARTICLE XI.

ELECTION OFFENSES

SEC. 340. Prohibited Acts. - The following shall be guilty of an election offense:

1) Vote buying and vote selling -

a) Any person who gives, offers, or promises money or anything of value, employment, franchise, or grant, or makes or offers to make an expenditure, directly or indirectly, to any person or group of persons in order to induce anyone to vote for or against any candidate or withhold his vote in the election or to vote for or against the nomination of any aspirant in a convention or similar selection process of a political party.

b) Any person, association, corporation, group or community that solicits or receives, directly or indirectly, any expenditure or promise of employment for any of the foregoing considerations. [Sec. 261 (a) and (b), BP 881]

The filing of a complain under the foregoing paragraph supported by affidavits of complaining witnesses attesting to the offer or promise by or to the voter's acceptance of money or other consideration from the relatives, leaders, or sympathizers of a candidate, shall be sufficient basis for an investigation to be immediately conducted by the Commission, directly or through its duly-authorized legal officers.

The giver, offeror, promissor, as well as the solicitor, acceptor, and recipient shall be liable as principals. Any person otherwise guilty under the foregoing paragraphs who voluntarily gives information and willingly testifies on any violation thereof in any official investigation or proceeding shall be exempt from prosecution and punishment for the offenses with reference to which his information and testimony were given: *Provided,* That nothing herein shall exempt such person from criminal prosecution for perjury or false testimony. [Sec. 28, RA 6646, Amended]

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2) Wagering upon result of election - Any person who bets or wagers upon the outcome of, or any contingency connected with an election. any money or thing of value put as such bet or wager shall be forfeited in favor of the government.

3) Coercion of subordinates - Any person exercising or occupying a position of authority, in whatever capacity, whether public or private, who in any manner:

a) Coerces, intimidates, compels any of his subordinates to aid, campaign, or vote for or against any candidate or any aspirant for nomination as candidate.

b) Dismisses or threatens to dismiss, punishes or threatens to punish any of his subordinates for disobeying or not complying with any of his orders to aid, campaign or vote for or against any candidate, or any aspirant for nomination as candidate. Any employee, laborer or tenant so dismissed or ejected shall be reinstated and the salary of wage of the employee or laborer, or the share of the harvest of the tenants shall be restored to the aggrieved party, upon application to the proper court.

4) Threats, intimidation, terrorism, or use of fraudulent scheme - Any person who, in any manner threatens, intimidates, or inflicts injury or damage, upon any person, his honor or property, or uses any fraudulent scheme to induce or prevent the registration of any voter, or the participation in or desistance from any campaign, or the casting of or omission to vote.

5) Coercion of election officials and employees - any person who, in any manner, harasses, threatens, intimidates, terrorizes or coerces or employs violence upon any official or employee or deputy of the Commission in the performance of his election duties. [New]

6) Appointment of new employees, creation of new position, promotion, or giving salary increases - During the period of forty-five (45) days before a regular election and thirty (30) days before a special election:

a) Any appointing authority of a government office, agency or instrumentality, including government-owned or -controlled corporations, who appoints or hires any new employee, whether permanent, provisional, temporary or casual, or

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creates and fills any new position, except upon prior authority of the Commission. The Commission shall not grant the authority sought unless it is satisfied that the position to be filled is essential to the proper functioning of the office or agency concerned, and is not intended to influence the election.

However, a new employee may be appointed in case of urgent need: *Provided,* That notice is given to the Commission within three (3) days from the date of appointment. Any appointment or hiring in violation of this provision shall be null and void.

b) Any government official who promotes or gives any increase of salary or remuneration or privilege to any government official or employee, including those in government-owned or -controlled corporations.

7) Transfer of officers and employees in civil service - Any public official who makes or causes any transfer, detail, or reassignment of any officer or employee in the civil service, including public school teachers, within the election period, except upon prior approval of the Commission.

8) Intervention of public officers and employees - Any officer or employee in the civil service, except those holding political offices, such as Cabinet members and elective officials; any officer, employee, or member of the Armed Forces of the Philippines, or any police force, special forces, home defense forces, barangay tanod units and all other para-military units who, directly or indirectly, intervenes in any election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer.

9) Premature campaigning - Any person or group of persons engaging in an election campaign or partisan political activity outside the campaign period. [Sec. 80, BP 881]

10) Appointment or use of special policemen, special agents, confidential agents, or the like - During the election period, any appointing authority who appoints or any person who utilizes the services of special policemen, special agents, confidential agents or persons performing similar functions; those previously appointed as such who continue acting in the

same capacity, or those who fail to turn over their firearms, uniforms, insignias and other badges of authority to the proper officer who issued the same.

At the start of the aforementioned period, the heads of local government units or any appointing authority shall submit to the Commission a complete list of all special policemen, special agents, confidential agents or persons performing similar functions employed in their respective political subdivisions, with such particulars as the Commission may require.

11) Illegal release of prisoners before and after election - The Director of the Bureau of Prisons, any provincial warden, keeper of the jail, or person required by law to keep prisoners in their custody who illegally orders or allows any such prisoners to leave the jail premises during the election period.

The above-enumerated persons required by law to keep prisoners in their custody shall post in three (3) conspicuous public places in the city or municipality a list of prisoners or detainees under their care. Detainees must be categorized as such.

12) Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an elective campaign - Any person who uses under any guise whatsoever, directly or indirectly, for election campaign or partisan political activity:

a) Public funds or money deposited with, or held in trust by, public financing institutions or by government offices, banks, or agencies:

b) Any printing press, newspaper, news agency, radio or television station or audio-visual equipment operated or sequestered by the Government or by its divisions, subdivisions, agencies or instrumentalities, including government-owned or -controlled corporations; or

c) Any equipment, vehicle, facility, apparatus, or paraphernalia owned by the government or by its political subdivisions, agencies including government-owned or -controlled corporations.

13) Deadly weapons - Any person who carries any deadly weapon in the polling place or canvassing center and within a radius of one hundred (100) meters thereof during the voting, counting of votes or canvassing of the election returns.

14) Carrying firearms outside residence or place of business - any person who, although possessing a permit to carry firearms, mission orders or other similar documents, carries firearms outside his residence or place of business during the election period, unless authorized in writing by the Commission. A motor vehicle, water or air craft shall not be considered a residence or place of business or extension thereof.

15) Bearing or transporting firearms, ammunitions, or explosives - any person who, during the election period bears or transports firearms, ammunitions, or explosives or air gun in public places, including any building, street, park, private vehicle, or public conveyance, even if licensed to possess or carry the same, unless authorized in writing by the Commission.

The issuance of firearms and explosives licenses shall be suspended during the election period.

Only regular members or officers of the Philippine National Police, the Armed Forces of the Philippines and other law-enforcement agencies of the Government who are deputized in writing by the Commission for election duty may be authorized to carry and possess firearms during the election period: *Provided,* That, when in possession of firearms, the deputized law enforcement officer must be:

a) In full uniform showing clearly and legibly his name, rank and serial number which shall remain visible at all times; and

b) In the actual performance of his election duty in the specific area designated by the Commission. [Sec. 32, RA 7166]

16) Use of armored land, water or air craft - Any person who uses during the election period, any armored land, water or air craft, with temporary or permanent equipment, or any other device or contraption for the mounting or installation of cannons, machine guns and other similar high-caliber firearms, including military-type tanks, half-trucks, scout trucks,

armored trucks: *Provided,* That banking or financial institutions and business firms may use armored vehicles exclusively for transporting cash, gold bullion or other valuables in connection with their business to and from their place of business, upon previous authority of the Commission. [Sec. 261(r), BP 881]

17) Wearing of uniforms and bearing arms - During the election period, any member of security or police organization of government agencies, including government-owned or -controlled corporation, or privately-owned or -operated security or investigative agencies who wears his uniform or uses his insignia, decorations or regalia, or bears arms outside his place of work. This prohibition shall not apply when said member is in pursuit of a person who has committed or is committing a crime in the premises he is guarding; or when escorting or providing security for the transport of payrolls, deposits, or other valuables; or when guarding private residences, buildings or offices: *Provided,* That in the last case, prior written approval of the Commission shall be obtained.

During the election period, whenever the Commission finds it necessary for the promotion of free, orderly, honest, peaceful and credible elections in a specific area, it shall confiscate or order the confiscation of firearms of any member of the Armed Forces of the Philippines, police forces, Civil Armed Forces Geographical Units (CAFGUs) and all other para-military units or any member or members of privately-owned or -operated security or investigative agencies performing identical or similar functions.

18) Security personnel and bodyguards - During the election period, no candidate for public office, including incumbent public officers seeking election to any public office, shall employ, avail himself of, or engage the services of security personnel or bodyguards, whether or not such bodyguards are regular members or officers of the Philippine National Police, the Armed Forces of the Philippines, or other law enforcement agency of the Government: *Provided,* That when circumstances warrant, including but not limited to threats to life and security of a candidate, he may be assigned by the Commission, upon due application, regular members of the Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency who shall provide him security for the

duration of the election period. The officers assigned for security duty to a candidate shall be subject to the same requirements as to wearing of uniforms prescribed herein, unless exempted in writing by the Commission.

If at any time during the election period, the ground for which the authority to engage the services of security personnel has been granted shall cease to exist or, for any other valid cause, the Commission shall revoke the said authority. [Sec. 33, RA 7166]

19) Organization or maintenance of reaction forces, strike forces, or other similar forces - any person who organizes or maintains a reaction force, strike force or similar force during the election period. The heads of such forces shall, not later than ninety (90) days before the election, submit to the Commission a complete list of all members thereof with such particular as the Commission may require.

20) Prohibition against release, disbursement or expenditure of public funds - Any public official or employee including barangay officials and those of government-owned or -controlled corporations and their subsidiaries, who, within forty-five (45) days before a regular election and thirty (30) days before a special election, releases, disburses, or expends any public funds for:

a) Any and all kinds of public works, except the following:

i. Maintenance of existing and/or completed public works: *Provided*, That no more than the average number of laborer or employees already employed therein during the six-month period immediately prior to the beginning of the forty-five (45) day period before election day shall be permitted to work during such time. No additional laborers shall be employed for maintenance work within the said period of forty-five (45) days;

ii. Work undertaken by contract either through public bidding held, or by negotiated contract awarded, prior to the forty-five (45) day period before election. Work undertaken under the so-call "takay" or "paquiao" system shall not be considered as work by contract;

iii. Payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates and other procedures preparatory to actual construction, including the purchase of materials and equipment, and all incidental expenses for work undertaken before the beginning of such period: *Provided,* That the number of laborers hired when the project or projects were commenced shall not be increased; and

iv. Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.

No payment shall be made within five (5) days before the date of election to laborers who have rendered services in projects or works except those falling under subparagraphs (i), (ii), (iii) and (iv) hereof.

This prohibition shall not apply to ongoing public works projects commenced before the campaign period or similar project under foreign agreements. For purposes of this provision, it shall be the duty of the government officials or agencies concerned to report to the Commission the list of all such projects being undertaken by them.

b) The Department of Social Welfare and Development and any other office in other departments of the government performing functions similar to said department except for salaries of personnel, other routine and normal expenses, and such other expenses as the Commission may authorize after due notice and hearing. Should a calamity or disaster occur, all releases normally or usually coursed through the said department and officer of other department shall be turned over to, and administered and disbursed by, the Philippine National Red Cross, subject to the supervision of the Commission on Audit or its representatives.

No candidate or his or her spouse or member of his family within the second civil degree of affinity or consanguinity shall participate, directly or indirectly, in the distribution of any relief or other goods to the victims of calamity or disaster.

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21) Prohibition against construction of public works, deliver of materials for public works and issuance of treasury warrants and similar instruments - Within forty-five (45) days preceding a regular election and thirty (30) days before a special election, any person who:

a) Undertakes the construction of any public works;

b) Issues, uses, or avails of treasury warrants or instruments undertaking future delivery of money, goods, or other things of value chargeable against public funds.

22) Suspension of elective local officials - During the election period, any public official who suspends, without prior approval of the Commission, any elective provincial, city, municipal, or barangay officer or president of the sangguniang kabataan unless said suspension will be for purposes of applying the Anti-Graft and Corrupt Practices Act.

23) Any person who, for the purpose of manipulating the electoral process, in any manner gains access to or uses, modifies, destroys, discloses, or causes access to and use, or modification, destruction or disclosure of any computer data, program, system software, network, or any computer-related devices, facilities, hardware or equipment, whether classified or declassified, and regardless of whether or not such access, use, modification, destruction or disclosure changes the results of the election or interrupts or impairs the electoral processes. [New]

24) On Registration of Voters -

a) Any person who knowingly makes any false or untruthful statement relative to any of the data or information required in his voter's registration record.

b) Any person who deliberately imprints or causes or allows the imprinting of blurred or indistinct fingerprints on any of the copies of the voter's registration record or any person who tampers with the fingerprints in said registration records.

c) Members of the election registration board who approve any application which on its face shows that the applicant does not have the qualifications, or who disapprove any application without cause.

d) Any registered voter who registers anew without filing an application for cancellation of his previous registration.

e) Any person who registers in substitution for another, with or without the latter's knowledge or consent.

f) Any person who tampers with or changes without authority any data or entry in any voter's registration record.

g) Any person who delays, hinders or obstructs another from registering.

h) Any person who falsely certifies or identifies another as a *bona-fide* resident of a particular place or locality for the purpose of securing the latter's registration as a voter.

i) Any person who uses the voter's identification card of another for the purpose of voting, whether or not he actually succeeds in voting.

j) Any person who places, inserts, or otherwise includes, as approved application for registration in the book of voters or in the provincial or national central files of registered voters, the application of any fictitious voter or any application that has not been approved; or removes therefrom any voter's registration record except upon lawful order of the Commission or of a competent court or after proper cancellation.

k) Any person who transfers or causes the transfer of the registration record of a voter to the book of voters of another precinct, unless said transfer was due to a change of address of the voter and the voter was duly notified of his new precinct and polling place.

l) Any person who asks, demands, takes, accepts, or possesses, directly or indirectly, the voter's identification card of another, in order to induce the latter to withhold his vote, or to vote for or against any candidate or any issue.

m) Any person who delivers, hands over, entrusts, gives, directly or indirectly his voter's identification card to another in consideration of money or other benefit or promise thereof, or takes or accepts such document directly or indirectly for the same consideration.

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n) Any person who in any manner alters, tears, defaces, removes, destroys or tampers with any certified list of voters.

o) Any person who takes, carries, or possess any blank or unused application for registration already issued to a city or municipality, except when directed by the Commission.

25) On Voting -

a) Any person who votes more than once in the same election, plebiscite, recall, referendum or who, not being a registered voter, votes in such political exercise.

b) Any person who votes in substitution for another.

c) Any person who, not being illiterate or physically disabled, allows his ballot to be prepared by another, or any person who prepares the ballot of another who is not illiterate or physically disabled.

d) Any person who avails himself of any means or scheme to discover the contents of the ballot of a voter.

e) Any voter who uses a ballot other than the one given by the board of election inspectors or has in his possession more than one (1) official ballot.

f) Any person who places under arrest or detains a voter without lawful cause, or harasses him in such a manner as to obstruct or prevent him from going to the polling place to cast his votes or from returning home after casting his votes or to compel him to reveal how he voted.

g) Any member of the board of election inspectors charged with the duty of reading the ballot during the counting of the votes who deliberately omits to read the votes duly written on the ballot or misreads the vote actually written thereon or reads the name of a candidate where no name is written on the ballot.

h) Any member of the board of election inspectors charged with the duty of tallying the votes in the tally papers, election returns or other prescribed form who deliberately fails to record a vote therein or records a vote where no such vote has been read.

i) Any member of the board of election inspectors who has made possible the casting of more votes than there are registered voters.

j) Any person who, for the purpose of disrupting or obstructing the election process or causing the confusion among the voters, propagates false and alarming reports or information, or transmits or circulates false orders, directives, or messages regarding any matter relating to the printing of official ballots, the postponement of the election, the transfer of polling place, eligibility, or withdrawal of candidates or the general conduct of the election.

k) Any person who, without legal authority, destroys, substitutes, or takes away from the possession of those having legal custody thereof, or from the place where they are legally deposited, election forms, documents, or ballot boxes which contains official ballots or other documents used in any election, plebiscite, recall, or referendum.

l) Any person having legal custody of the ballot box containing the official ballots used in the election who opens or destroys said box or removes or destroys its contents without any, or against the, order of the Commission or who, through his negligence, enables any person to commit any of the aforementioned acts, or takes away said ballot box from his custody.

m) Any member of the board of election inspectors who knowingly uses ballots other than the official ballots.

n) Any member of the board of election inspectors who refuses to issue the certificate of votes to watchers requesting the same. [Sec. 27(a), RA 6646]

o) Any public official who neglects or fails to preserve or account for any ballot box, documents and forms received by him and kept under his custody.

p) Any person who assisted an illiterate or disabled voter in preparing his ballot and who reveals the contents thereof.

q) Any person who, without authority, transfers the location of the polling place.

r) Any person who removes, tears, defaces, or destroys any certified list of candidates posted inside the voting booths during the voting hours.

s) Any person who delays through force, violence, coercion, intimidation, or by any means the transmittal of the election returns or who takes away, absconds with, destroys, defaces, mutilates, or substitutes the election returns, its envelope, or the ballot box containing the election returns, or who violates the right of the watchers.

t) Any person who holds or causes the holding of an election on any other day than that fixed by law or by the Commission, or stops an election being legally held.

u) Any person who deliberately blurs or causes the blurring of fingerprints or thumbmarks in the voting record.

26) On Canvassing -

a) Any chairman of the board of canvassers who fails to give notice of the date, time and place of the initial meeting of said board to the candidates, political parties and members of the board.

b) Any member of the board feigning illness in order to be substituted. [Sec. 224, BP 881]

c) Any board of canvassers which proceeds with the canvassing of voters and/or proclamation of any candidate that was suspended or annulled by the Commission.

d) Any member of the board of canvassers who proceeds with the canvass of votes and/or proclamation of any candidate in the absence of quorum or notice.

e) Any member of the board who fails to note specifically in the minutes of the proceedings of the board objections to the election returns or certificate of canvass presented before it.

f) Any member of the board who, without authority of the Commission, uses in the canvass of votes of any candidate any document other than the official copy of the election returns or certificate of canvass.

g) Any board of canvassers which, without authority from the Commission, proclaims any candidate as winner although there are still contested election returns or

certificates of canvass, unless the votes involved will not affect the results of the elections.

h) Any officer or member of the Armed Forces of the Philippines, the Philippine National Police or any peace officer or armed person belonging to any police agency, special forces, reaction forces, strike forces, Civil Armed Forces Geographical Units (CAFGUs), barangay tanod units, or other similar forcers or para-military forces, including security guards, special policemen, and all other armed or unarmed extra-legal police officers, who enters the room where the canvassing of the election returns or certificate of canvass is being held by the board of canvassers and within a radius of fifty (50) meters from such room. the board may, by majority vote, make a call in writing for the detail of policemen or peace officer for their protection or that of the election documents and paraphernalia in the possession of the board, or for the maintenance of peace and order, in which case said policemen or peace officers, who shall be in proper uniform, shall stay outside the room but near enough to be easily called by the board at any time. [Sec. 232, BP 881]

i) Any person, who under the influence of liquor or prohibited drugs, enters a canvassing room during the canvassing of election returns or certificates of canvass. [New]

27) Common to all board of election inspectors and board of canvassers -

a) Any member of the board of election inspectors or board of canvassers who deliberately absents himself from board meetings to obstruct or delay the performance of its duties or functions.

b) Any member who, without justifiable reason, refuses to sign and certify any election form prescribed by the Commission.

c) Any person who, being ineligible for appointment as member of the board accepts an appointment thereto, assumes office, and actually serves as member; or any

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public officer or person acting in his behalf who appoints such ineligible person knowing him to be such.

d) Any person who, in the presence or within the hearing range or either board, interrupts or disrupts its work or proceedings to prevent said board from performing its functions.

e) Any member of the board who increases, decreases, or otherwise tampers with the votes received by a candidate; or who refuses, after proper verification and hearing, to credit the correct votes or deduct such tampered votes. [Sec. 27(b), RA 6646]

f) Any public official or person acting in his behalf who relieves or changes or causes the change of the assignment of any member without authority of the Commission.

28) On Candidacy and Campaign -

a) Any political party which holds political conventions or meetings to nominate its official candidates earlier than the period fixed in this Code.

b) Any person who abstracts, destroys or cancels any certificate of candidacy duly filed and which has not been canceled by the Commission.

c) Any person who on election day submits to the board of election inspectors any false or spurious certificate of candidacy.

d) Any person who, being authorized to receive certificates of candidacy, receives the same outside the prescribed period and makes it appear that it was filed on time; or any person, by means of fraud, threat, intimidation, terrorism, or coercion, causes or compels the performance of said act.

e) Any person who, by any device or means, jams, obstructs, or interferes with a radio or television broadcast or any political program authorized by the Commission.

f) Any person declared a nuisance candidate or otherwise disqualified by final and executory judgment, who continues to misrepresent himself as a candidate; any public officer or private individual who knowingly induces or abets such misrepresentation. [Sec. 27(f), RA 6646]

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g) Any person who solicits, votes, or undertakes any propaganda, on the day of election, for or against any candidate or political party.

h) Any person who undertakes an election campaign or partisan political activity outside the campaign period.

No person shall be arrested and/or detained at any time for any act committed during and in connection with an election which tends to support or oppose any candidate or political party, except upon a warrant of arrest issued by a competent court.

29) Other Prohibitions -

a) Any person who sells, furnishes, offers, buys, serves or takes intoxicating liquor on the day before or on election day: *Provided,* That hotels and other establishments duly certified by the Department of Tourism as tourist-oriented and habitually engaged in the business of catering to foreign tourists may be exempted upon prior authority of the Commission: *Provided, further,* That foreign tourist taking intoxicating liquor in said authorized hotels or establishments are exempted from this prohibition.

b) Any person who, without authority, prints or causes the printing of any ballot, election returns, or certificates of canvass as official ballot, election returns, or certificate of canvass, or who distributes or causes the distribution thereof whether or not it is actually used.

c) Any person who opens in any polling place or within a radius of thirty (30) meters thereof on election day and during the counting of votes, booths or stalls of any kind for the sale, dispensing or display of wares, merchandise, or refreshments, or for any other purpose.

d) Any person who holds on election day, fairs, cockfights, boxing, horse races, jai-alai, or any other similar sports.

e) Any person who operates a radio or television station who, without justifiable cause, discriminates against any candidate or political party in his station's

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programming or coverage of election related-events. In addition to the penalty prescribed herein, such refusal shall constitute a ground for cancellation or revocation of the franchise. [Sec. 261, BP 881]

f) Any person who violates any orders, resolutions or rules and regulations promulgated by the Commission. [New]

SEC. 341. Other Election Offenses. - Violation of the provisions of the following sections of this Code shall constitute an election offense:

Sections 9, 10, 11, 99, 133, 136, 147, 148, 149, 150, 151, 152, 153, 154, 158, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 183, 187, 190, 191, 192, 193, 194, 196, 204, 232, 235, 238, 239, 240, 248, 257, 259, 263, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 295, 296, 298, 299, 300, 301, 304, 305, 306, 307, 308, 309 and 316.

SEC. 342. Persons Criminally Liable. - The principals, accomplices and accessories, as defined in the Revised Penal Code, shall be criminally liable for election offenses. If the one responsible be a political party or an entity, its president or head, the officials and employees of the same, performing duties connected with the offense committed and its members who may be principals, accomplices, or accessories shall be liable, in addition to the liability of such party or entity. [Section 263]

SEC. 343. COMELEC Hearings and Proceedings. - In all hearings, inquiries, and proceedings of the COMELEC, including preliminary investigation of election offenses, no person subpoenaed to testify as a witness shall be excused from attending and testifying or producing books, papers, correspondence, memoranda and other records on the ground that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to prosecution: *Provided,* That no person shall be prosecuted criminally for or on account of any matter concerning which he is compelled, after having claimed the privilege against self-incrimination, to testify and produce evidence, documentary or otherwise.

Under such terms and conditions as it may determine, the COMELEC may grant immunity from criminal prosecution to any person whose testimony or whose possession and

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production of documents or other evidence may be necessary to determine the truth in any hearing, inquiry or proceeding being conducted by the COMELEC or under its authority, in the performance or in the furtherance of its constitutional functions and statutory objectives. The immunity granted under this and the immediately preceding paragraph shall not exempt the witness from criminal prosecution for perjury or false testimony. [Sec. 26, RA 6646]

SEC. 344. Penalties. - any person found guilty of any election offense under this Code shall be punished with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right to suffrage. If he is a foreigner, he shall be sentenced to deportation which shall be enforced after the prison term has been served. any political party found guilty shall be sentenced to pay a fine of not less than Ten Thousand Pesos (P 10,000.00), which shall be imposed upon such party after criminal action has been instituted in which their corresponding officials have been found guilty and its accreditation automatically canceled by the COMELEC.

In case of prisoner or prisoners illegally released from any penitentiary or jail during the prohibited period as provided in Section 268, paragraph (n) of this Code, the director of prisons, provincial warder, keeper of the jail or prison, or persons required by law to keep said prisoner in their custody shall, if convicted by a competent court, be sentenced to suffer the penalty of *prison mayor* in its maximum period if the prisoner or prisoners so illegally release commit any act of intimidation, terrorism or interference in the election. [Section 264]

SEC. 345. Prosecution of Election Offenses. - The COMELEC shall, through its duly authorized legal officers, have the exclusive power to conduct preliminary investigation of all election offenses punishable under this Code, and to prosecute the same. The COMELEC may avail of the assistance of the other prosecuting arms of government: *Provided, however,* That in the event that the COMELEC fails to act on any complain within two (2) months from its filing, the complainant may file the plaint with the office of the fiscal concerned or with the Department of Justice for proper investigation and prosecution, if warranted. [Section 265]

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SEC. 346. Pardon, Etc. of Election Offenses. - No pardon, amnesty, parole or suspension of sentence for violation of election laws, rules and regulations shall be granted by the President without the favorable recommendation of the COMELEC. [Section 5, C, Article IX, 1987 Constitution]

SEC. 347. Warrant of Arrest Required. -

a) No person shall be arrested or detained at any time for any alleged offense committed during and in connection with any election through any act or language tending to support or oppose any candidate, political party, organization or coalition under or pursuant to any order of whatever name or nature and by whomsoever issued except upon a warrant of arrest issued by a competent judge after all the requirements of the Constitution shall have been strictly complied with, and except where an arrest without warrant may be justified under the Rules of Court;

b) Any officer of person who shall violate any provision of this section shall be punished by imprisonment of not less than six (6) years and one (1) day nor more than twelve (12) years, with the accessory penalties for election offenses. [Section 266A]

SEC. 348. Prescription. - Election offenses shall prescribe after five (5) years from the date of their commission. If the discovery of the offense be made in an election contest proceedings, the period of prescription shall commence on the date on which the judgment in such proceedings become final and executory. [Section 267]

SEC. 349. Jurisdiction of Courts. - The regional trial courts shall have the exclusive jurisdiction to try and decide any criminal action or proceedings for violation of this Code or any provision thereof. From the decision of the courts, appeal will lie as in other criminal cases. [Section 268]

SEC. 350. Preferential Disposition. - The investigation and prosecution of cases involving violations of election laws shall be given preference and priority by the COMELEC. Their investigation shall be commenced without delay, and shall be resolved by the investigating officer within five (5) days from its submission for resolution. The courts shall likewise give preference to election offenses over all other cases, except petitions for *habeas*

1 *corpus*. Their trial shall likewise be commenced without delay, and shall be conducted
2 continuously until terminated, and the case shall be decided within thirty (30) days from its
3 submission for decision. [Section 269]

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ARTICLE XII.

LEGAL FEES

SEC. 351. Collection of legal fees. - The Commission is hereby authorized to determine and collect reasonable fees in connection with official transactions in the Commission.

SEC. 352. Payment of Fees. - The fees referred to in the preceding section shall be paid to the cashier of the Commission who shall, in all cases, issue a receipt for the same and enter the amount received upon his book, specifying the date when received, the fee, and the person from whom received. The cashier shall immediately report such payment to the Commission. [Sec. 271, BP 881]

SEC. 353. Non-payment of prescribed fees. - If the prescribed fees are not paid, the Commission may refuse to take action thereon until they are paid. [New]

SEC. 354. Special or trust fund. - All accruing fees, receipts and revenues received by the Commission shall be considered as a Special Trust Fund and shall be deposited in any of the authorized depository banks of the Commission to be made available for any function, project and activity of the Commission pursuant to its fiscal autonomy. [New]

ARTICLE XIII.

TRANSITORY PROVISIONS

SEC. 355. Pending actions. - Pending actions and causes of action arising before the effectivity of this Code shall be governed by the laws then in force. [Sec. 272, BP 881]

SEC. 356. Continuing system of registration; When effected. - For purposes of the 1995 and succeeding elections, the continuing system of registration shall be effected immediately after the 1994 barangay elections. [New]

ARTICLE XIV.

FINAL PROVISIONS

SEC. 357. Effectivity of COMELEC Resolutions. -

a) The resolutions promulgated by the COMELEC shall take effect on the seventh day after their publication in the Official Gazette or in at least three (3) daily newspapers of general circulation throughout the Philippines.

b) Orders and directives issued by the COMELEC shall be furnished by personal delivery to all parties concerned within forty-eight (48) hours from date of issuance and shall take effect immediately upon receipt thereof unless a later date is expressly specified in such orders or directives. [Sec. 30A, RA 6646]

SEC. 358. Repealing Clause. - Batas Pambansa Blg. 881, otherwise known as the "Omnibus Election Code of 1985, as amended" is hereby repealed *in toto*. All other laws, executive orders, decrees, resolutions, rules and regulations or any part thereof inconsistent with the provisions of this Code, are also hereby repealed. [New]

SEC. 359. Pending Actions. - Pending actions and causes of actions arising before the effectivity of this Code shall be governed by the laws then in force. [Section 272]

SEC. 360. Separability Clause. - If, for any reason any section or portion of this Code, or any portion thereof, or the application of such section, provision, or portion to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Code or the application of such section, provision, or portion thereof to other person, groups or circumstances. [Section 281]

SEC. 361. Effectivity. - This Code shall take effect upon its approval and publication in the Official Gazette or two (2) newspapers of general circulation. [Section 283]

Approved,

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NINTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
SECOND REGULAR SESSION)

SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
NOV 15 1993
4:15 BY.

S E N A T E

S. No. 1532

Introduced by Senator Wigberto E. Tañada

EXPLANATORY NOTE

An innovation found in the 1987 Philippine Constitution is a provision which allows for the election through a party-list system of members of the House of Representatives (Sec. 5, par. 1, Article VI, 1987 Constitution).

The salutary intendment of this innovation has not been realized in the past because of the absence of an enabling legislation which provides for the implementation of the constitutional provisions regarding the election of members of the House of Representatives through a party-list system of registered national, regional and sectoral parties or organizations.

It is the purpose of this proposal to provide the statutory framework for the implementation of the party-list system in order to adequately prepare the electorate for the next elections in the selection of members of the House of Representatives under the party-list system. The 1995 elections which is almost a year and a half from now should serve as the initial elections for the party-list system. It is for this reason that passage of this measure is highly recommended.

Wigberto E. Tañada

WIGBERTO E. TAÑADA

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NINTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
SECOND REGULAR SESSION)

SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
DATE: NOV 10 1993
TIME: 4:15 BY: RH

SENATE

S. No. 1532

Introduced by Senator Wigberto E. Tañada

AN ACT PROVIDING FOR A SYSTEM OF ELECTING MEMBERS OF THE HOUSE OF REPRESENTATIVES THROUGH A PARTY LIST SYSTEM

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

SECTION 1. *Title.*—This Act shall be known as **"The Party List Act."**

SEC. 2. *Statement of Policy.*—It is the declared policy of the State to promote the representation in the House of Representatives by persons who could contribute to the formulation and enactment of appropriate legislation which could benefit the nation as a whole but who lack a well-defined political constituency. Lack of economic resources as well as the requisite popularity effectively shunts the election of persons who support certain political platforms. It is the declared policy of the State, enunciated through the Constitution, to allow the selection of highly qualified and eminent persons to become members of the House of Representatives through a party-list system of registered national, regional, and sectoral parties or organizations.

SEC. 3. *Definition of Terms.*—For purposes of this Act, the following terms shall mean:

a) *"Party-list system"* is a mechanism for proportional representation in the House of Representatives of national, regional, and sectoral parties or organizations registered with the Commission on Elections.

b) A *"party or organization"* may mean either a political party or a sectoral organization.

c) A *"political party"* refers to an organized group of qualified voters pursuing the

same ideology, political ideas and platform, or program of government and includes its branches and subdivisions.

It may be a national party in which case its constituency is spread over the geographical territory of at least a majority of the regions. It may also be a regional party in which case its constituency is spread over the geographical territory of at least a majority of the cities and provinces comprising the region.

d) A *"sectoral organization"* refers to an organized group of qualified voters who are bound together by similar physical attributes or characteristics, or by employment, interests and ideas, not necessarily political in character, for mutual aid and protection. Their constituency is not defined as covering a geographical territory.

SEC. 4. *Registration.*—Any national, regional or sectoral party or organization may register for purposes of the party-list system by filing with the Commission on Elections not later than ninety (90) days before an election a petition verified by its president and secretary, attaching thereto its articles of incorporation, Constitution, By-Laws, platform or program of government, list of officers and members, and other information required by the Commission on Elections for national or sectoral parties or organizations. The Commission on Elections shall publish the petition in at least two (2) national newspapers of general circulation while that for regional parties or organizations shall be published in at least two (2) newspapers of general circulation within the region.

The Commission on Elections shall, after due notice and hearing, resolve the petition within fifteen (15) days from the date it is submitted for decision and in every case not later than sixty (60) days before elections.

SEC. 5. *Refusal and/or cancellation of registration.*—The Commission may, *motu proprio* or upon verified complaint of any interested party, refuse or cancel, after due notice and hearing, the registration of any national, regional or sectoral party or organization on the following grounds:

(1) It is a religious sect or denomination, or organized for religious purposes or attainment of religious ends;

(2) It is one which seeks to achieve its goals through violence or unlawful means, or refuses to uphold and adhere to the Constitution;

(3) It is a foreign party or organization as it is not composed solely of qualified Philippine voters;

(4) It is receiving support from any foreign government, or acceptance by it or any of its members of financial contributions from foreign governments and/or their agencies for activities related to elections;

(5) Violation of, or non-compliance with, laws, rules or regulations relating to elections;

(6) Untruthful statements in its petition;

(7) Failure to participate in the last two (2) preceding elections or its failure to obtain at least ten percent (10%) of the votes cast under the party-list system in either of the last two (2) preceding elections for the constituencies in which it has registered;

(8) It fields candidates in the legislative districts during the elections in which it participates under the party-list system.

SEC. 6. *Manifestation to participate in the party-list system.*—Any national, regional or sectoral party or organization duly registered with the Commission under the party-list system shall file with the Commission, not later than sixty (60) days before the election, a manifestation of its desire to participate in the party-list system: Provided, That, national, regional or sectoral parties or organizations which have fielded individual candidates for the regular legislative districts are disqualified from participating under the party-list system in the regular legislative districts where they have fielded such candidates.

SEC. 7. *Certified list of registered parties.*—The Commission shall, not later than forty-five (45) days before the elections, prepare a certified list of national, regional or sectoral parties, organizations, or coalitions which have applied and are qualified to participate under the party-list system and distribute copies thereof to all the precincts for posting in the polling places on election day. The names of the party-list nominees shall not be shown on the certified list referred to above.

SEC. 8. *Nomination of party-list representatives.*—Each registered national, regional or sectoral party or organization, shall submit to the Commission not later than fifty (50) days before the election, a list of five (5) names from which party-list representatives shall be chosen in case it obtains the required number of votes.

The list shall not include candidates for regular Member of the House of Representatives.

SEC. 9. *Qualifications of party-list nominees.*—No person shall be nominated as party-list representative unless he is a natural-born citizen of the Philippines; able to read and write; a resident of the Philippines for at least one (1) year immediately preceding the day of the election; a *bona fide* member of the party or organization, with a national, regional or sectoral constituency which he seeks to represent; a registered voter; and on the date of the election, is at least twenty-five (25) years of age.

SEC. 10. *Manner of voting.*—Every voter shall be entitled to two (2) votes: the first is a vote for the candidate for Member of the House of Representatives in his legislative district, and the second, a vote for the party or organization he wants represented in the House of Representatives. A vote cast for a party or organization not entitled to be voted for shall not be counted.

SEC. 11. *Number of party-list representatives.*—The party-list representatives shall constitute twenty percentum (20%) of the total number of the Members of the House of Representatives including those under the party list. Of the total number of party-list representatives, thirty percentum (30%) must be allocated to national parties or organizations, thirty percentum (30%) to regional parties or organizations and the remaining forty percentum (40%) to sectoral organizations: Provided, That, the forty percentum (40%) allocated to sectoral organizations must be equitably distributed as far as practicable by nominees coming from the labor, peasant, urban poor, indigenous cultural communities, elderly, handicapped and overseas Filipinos, except the religious sector.

SEC. 12. *Procedure in allocating seats for party-list representatives.*—The Commission shall tally all the votes for the parties or organizations, on a nationwide basis, rank them according to the number of votes received as against the total number of registered voters nationwide, and allocate party-list representatives proportionately according to the percentage of votes obtained and in accordance with the allocation mentioned in Sec. 11 of this Act until all seats are filled up.

SEC. 13. *How party-list representatives are chosen.*—Party-list representatives shall

be proclaimed by the Commission based on the list of names submitted by the respective parties, organizations, or coalitions to the Commission according to their ranking in said list.

SEC. 14. *Term of office.*—Party-list representatives shall be elected for a term of three (3) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No party-list representative shall serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered an interruption in the continuity of his service for the full term for which he was selected.

SEC. 15. *Change of affiliation; Effect.*—Any selected party-list representative who changes his political party or sectoral affiliation during his term of office shall forfeit his seat.

SEC. 16. *Vacancy.*—In case of vacancy in the seats reserved for party-list representatives, the President shall fill the vacancy by appointing a representative from the list of nominees in the order submitted to the Commission under Sec. 13 hereof by the same party or organization, who shall serve for the unexpired term.

SEC. 17. *Rules and Regulations.*—The Commission on Elections is hereby empowered to promulgate rules and regulations as may be necessary to carry out the purposes of this Act.

SEC. 18. *Separability Clause.*—If any part or provision of this Act is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SEC. 19. *Repealing Clause.*—All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed.

SEC. 20. *Effectivity.*—This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,

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SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
DATE: SEP 05 1994
TIME: 10:45 BY: PH

Ninth Congress of the Republic)
of the Philippines)
Second Session)

S E N A T E

S. NO. 1888

Introduced by Senator Tolentino

EXPLANATORY NOTE

Article VI, Section 5, paragraph (2) of the Constitution provides: "The party-list representatives shall constitute twenty percentum of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this Constitution, one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector".

This is an innovation found in the Constitution which allows election of Members of the House of Representatives through a party-list system. The system is aimed at eliminating inequitable representation of marginalized parties and sectoral groups in the House of Representatives. However, this innovation has not been realized in the past because of the absence of an enabling law which provides for the implementation of the constitutional provision regarding the election of members of the House of Representatives through a party-list system of registered national, regional and sectoral parties or organizations.

The purpose of this bill is to provide the statutory framework for the implementation of the party-list system to adequately prepare the electorate for the next elections in the selection of the members of the House of Representatives under the party-list system.

In view of the foregoing, the passage of this measure is highly requested.

ARTURO M. TOLENTINO
Senator

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STATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
DATE: SEP 05 1994
TIME: 10:45 BY:

Ninth Congress of the Philippines)
Third Regular Session)

S E N A T E

S. NO. 1888

Introduced by Senator Tolentino

AN ACT
PROVIDING FOR A SYSTEM OF ELECTING MEMBERS OF THE HOUSE OF REPRESENTATIVES THROUGH A PARTY-LIST SYSTEM

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

SECTION 1. Title. - This Act shall be known as "The Party-List Act."

SEC. 2. Declaration of Policy. - It is the declared policy of the State to promote proportional representation in the house of Representatives by persons who could contribute to the formulation and enactment of appropriate legislation which could benefit the nation as a whole but who lack a well-defined political constituency. Towards this end, highly qualified and eminent persons shall be selected to become members of the House of Representatives through a party-list system of registered national, regional and sectoral parties or organizations.

SEC. 3. Definition of Terms. - For purposes of this Act, the following terms shall mean:

a) Party-list system is a mechanism of proportional representation in the House of Representatives of national, regional, and sectoral parties or organizations registered with the Commission.

b) A party or organization may mean either a political party or a sectoral organization.

c) A political party refers to an organized group of qualified voters advocating the same ideology, political ideas and principles for the general conduct of the government.

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It may be a national party wherein its constituency is spread over the geographical territory of at least a majority of the regions. It may likewise be a regional party wherein its constituency is spread over the geographical territory of at least a majority of the cities and provinces comprising the region.

d) A sectoral organization refers to a group of qualified voters who are bound together by similar physical attributes or characteristics, or by employment interests and ideas, not necessarily political in character, for mutual aid and protection.

SEC. 4. Registration. - Any organized group of persons may register as a political party, organization, or coalition for purposes of the party-list system by filing with the Commission on Elections not later than ninety (90) days before an election a petition verified by its president and secretary, attaching thereto its constitution, by laws, platform or program of government, list of officers and members, and other information required by the Commission on Elections for national or sectoral parties or organizations. The Commission on Elections shall publish the petition in at least two (2) national newspapers of general circulation within the region.

The Commission on Elections shall, after due notice and hearing, resolve the petition within fifteen (15) days from the date it is submitted for decision and in every case not later than sixty (60) days before elections.

SEC. 5. Refusal and/or Cancellation of Registration. - The Commission may, upon verified complaint of any interested party, refuse or cancel, after due notice and hearing, the registration of any national, regional or sectoral party or organization on the following grounds:

1) It is a religious sect or denomination, organized for religious purposes;

2) It uses violence or unlawful means to seek its goal;

3) It is a foreign party or organization;

4) It is receiving support from any foreign government, or acceptance by it or any of its members of financial contributions from foreign governments;

5) Violation of, or non compliance with laws, rules or regulations relating to elections;

6) Untruthful statements in its petition;

7) Failure to participate in the last two (2) preceding elections or its failure to obtain at least 10 percent (10%) of the votes cast under the party-list system in either of the last two (2) preceding elections for the constituency in which it has registered;

8) It fields candidates in the legislative districts during the elections in which it participates under the party-list system.

SEC. 6. Manifestation to Participate in Party-list System. - Any political party, organization, or coalition already registered with the Commission need not register anew. However, such party, organization, or coalition shall file with the Commission, not later than sixty (60) days before the election, a manifestation of its desire to participate in the party-list system.

SEC. 7. Certified List of Registered Parties. - The Commission shall, not later than 45 days before the elections, prepare a certified list of national, regional or sectoral parties, organizations or coalitions which have applied and are qualified to participate under the party-list system and distribute copies thereof to all the precincts for posting in the

polling places on election day. The names of the party-list nominees shall not be shown on the certified list.

SEC. 8. Nomination of Party-list Representatives. - Each registered party, organization or coalition shall submit to the Commission not later than (50) days before the election a list of (5) names from which party-list representatives shall be chosen in case it obtains the required number of votes.

The list shall not include candidates for regular members of the House of Representatives.

SEC. 9. Qualifications of Party-list Nominees. - No person shall be nominated as party-list representative unless he is a natural-born citizen of the Philippines for at least one (1) year immediately preceding the day of the election, a bona fide member of the party or organization, with a national, regional or sectoral constituency which he seeks to represent, a registered voter, and on the date of the election, is at least (25) years of age.

In the case of a nominee for the youth sector, he must at least be eighteen (18) but not more than twenty-one (21) years of age on the day of the election. Any youth sectoral representative who attains the age of twenty-one (21) years during his term shall be allowed to continue in office until the expiration of his term.

SEC. 10. Manner of Voting. - Every voter shall be entitled to two (2) votes: the first is a vote for the candidate for Member of the House of Representatives in his legislative district, and the second, a vote for the party, organization, or coalition he wants represented in the House of Representatives. A vote cast for a party, organization, or coalition not entitled to be voted for shall not be counted.

SEC. 11. Number of Party-list Representatives. - The party-list representatives shall constitute twenty percentum (20%) of the total number of the Members of the House of Representatives including those under the party-list. Of the total number of party-list representatives, thirty percentum (30%) must be allocated to national parties or organizations and the remaining forty percentum (40%) to sectoral organizations: Provided, that the forty percentum (40%) allocated to sectoral organizations must be equitably distributed as far as practicable by nominees coming from the labor, peasant, urban poor, indigenous cultural communities, elderly, handicapped and overseas Filipinos, except the religious sector.

SEC. 12. Procedure in Allocating Seats for Party-list Representatives. - The Commission shall tally all the votes for the parties, organizations, or coalitions on a nationwide basis, rank them according to the number of votes received as against the total number of registered voters nationwide, and allocate party-list representatives proportionately according to the percentage of votes obtained until all seats are filled up.

A political party, organization, or coalition shall be entitled to a maximum of five (5) seats.

SEC. 13. How Party-list Representatives are Chosen. - Party-list representatives shall be proclaimed by the Commission based on the list of names submitted by the respective parties, organizations, or coalitions to the Commission according to their ranking in said list.

SEC. 14. Term of Office. - Party-list representatives shall be elected for a term of three (3) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No party-list representative shall serve for more than three (3) consecutive terms. Voluntary

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

SEC. 15. Change of Affiliation; Effect. - Any elected party-list representative who changes his political party or sectoral affiliation during his term of office shall forfeit his seat.

SEC. 16. Vacancy. - In case of vacancy in the seats reserved for party-list representatives, the President shall fill the vacancy by appointing a representative from the list of nominees in the order submitted to the Commission by the same party, organization, or coalition, who shall serve for the unexpired term.

SEC. 17. Rules and Regulations. - The Commission on Election is hereby empowered to promulgate rules and regulations as may be necessary to carry out the purpose of this Act.

SEC. 18. Separability Clause. - If any part of this Act is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SEC. 19. Repealing Clause. - All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed.

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