

Date Printed: 01/06/2009

JTS Box Number: IFES_16

Tab Number: 38

Document Title: SAILENT FEATURES OF THE PROPOSED 1993
ELECTION CODE OF THE PHILLIPPINES

Document Date: 1993

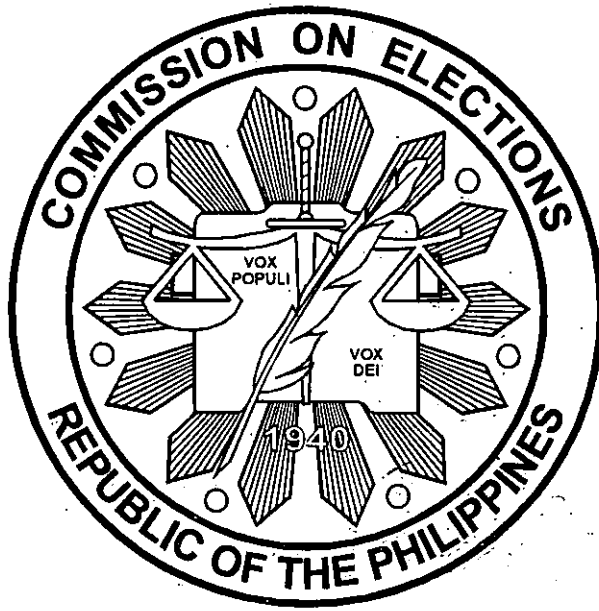
Document Country: PHI

Document Language: ENG

IFES ID: EL00368



95
1/2



FOR OFFICIAL USE ONLY

93

SALIENT FEATURES OF THE PROPOSED 1993 ELECTION CODE OF THE PHILIPPINES

A part 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.

The 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.

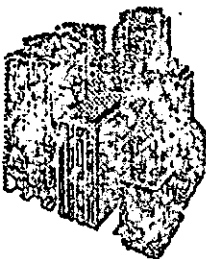
Assistance from the members of the respective Committees on Suffrage and Electoral Reforms of the Senate and House of Representatives, as well as from executive departments such as the Departments of Justice, Foreign Affairs, and Labor and Employment, in particular the Overseas Workers' Welfare Administration, was instrumental in the drafting of this Code by the Commission on Elections. 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.

A number of the major reforms in the proposed code and the rationale for the introduction of new provisions or amendment of existing ones are indicated herein.



ON MODERNIZATION OF THE ELECTORAL PROCESS

- Authorization for the Commission on Elections to adopt new systems, forms, technological devices and safeguards for voting, counting and canvassing (Sec. 15, par. 10). This is a new provision addressing the problems of fraud, human error and delays in voting, counting and canvassing.



- Computerization of the list of voters (Sec. 184) 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.



ON CANDIDACIES

- Disqualification from running for public office of:



1. The Chairman, Members, officials and employees of the Commission on Elections, 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 one's future candidacy, especially considering that the Commission on Elections is the "referee" or "umpire" of the election process.

2. Any candidate who withdraws his candidacy, in the same election during which he withdraws his candidacy (Sec. 110, par. 3). This is a new provision designed to reduce political horsetrading and the last-minute filing of certificates of candidacy.

3. Any person who fails to pay the administrative fine for failure to file a sworn statement of electoral contributions and expenditures (Sec. 107). A new provision intended to secure compliance with election laws.

- Prohibition against turncoatism (Sec. 101). Disqualifies from running for, or assuming, public office any elective public officer or candidate who changes his political party affiliation within six (6) months immediately preceding an election, after due notice and hearing.
- Prohibition on candidacy of public official in a special election called to fill the vacancy caused by his resignation, retirement, or removal from office (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.
- 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).
- Non-exemption of any elective official running for the office of the President or Vice-President from those deemed automatically resigned from office upon the filing of their certificates of candidacy (Sec. 115). Under Sec. 67 of the present election code, such officials were *not* so considered resigned from office. The rationale for this change in the proposed code is that the reason behind the present law for considering such officials *ipso facto* resigned from office (i.e., that he may use the resources of his present office for his candidacy) likewise applies to those running for the top posts in government.
- 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.
- Substitution of candidates in case of death, disqualification, or withdrawal (Sec. 121). The provision on substitution of candidates includes:

1. In case of withdrawal - not allowed.
2. In case of death - allowed with respect to independent candidates or official candidates of political parties, provided there is only one candidate remaining.
3. In case of disqualification - allowed only with respect to official candidates of political parties, provided there is only one candidate remaining.

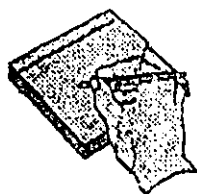
This is a modification of Section 77 of BP 881, aimed at eliminating political horse-trading and last-minute filing of certificates of candidacy.

- 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, as exemplified in the recent special elections in Agusan del Sur and Capiz, where the respective candidates ran unopposed.
- Expansion of the scope of the definition of a "candidate" (Sec. 124). As defined in the proposed code, a candidate includes *not only* one who has filed his certificate of candidacy (the definition of candidate in the present election code), *but likewise* those who aspire for or seek an elective public office who have publicly announced the same, or who have, through analogous acts, openly manifested their desire to seek an elective public office, *whether or not* they have filed a certificate of candidacy. The intention here is to prevent the circumvention of the prohibition on premature campaigning and the delaying of the filing of certificates of candidacy until the last hour in order to take advantage of the opportunity for advance campaigning.



ON IMPROVEMENT OF ELECTION PROCESS

- Call for continuation of suspended election (Sec. 5). Gives the Commission the flexibility to call for a continuation of an election suspended under certain conditions, where such suspension would affect the results thereof.



- Continuing election education, including provision in school curriculum of 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.
- 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.
- 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.

- System of recall (Secs. 61 to 73). This provision is a reiteration of Republic Act No. 7160 which aims to weed out from public elective office undesirable officials through the direct act of the electorate.
- System of Initiative or 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.
- 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 that likewise implements 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.
- Stickers allowed in places other than candidates' residence and party headquarters (Sec. 127<1>). Following the Supreme Court decision in the 1992 case of *Adiong vs. COMELEC*, this provision would allow posting of stickers and decals in a house, building, establishment, or vehicle, but only with the express consent of its owner.
- 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.
- Reduction in number of ballots for distribution to precincts (Sec. 211). This provision reduces from 120 per cent to 100 per cent of the total number of registered voters in the precinct the number of ballots to be distributed to precincts. It is designed to reduce the cost of printing ballots as well as to minimize irregularities resulting from the existence of an unnecessary number of printed ballots.
- Reduction in number of times a voter is allowed to change spoiled ballot (Sec. 241). Under the present law, a voter who spoils his ballot during voting may change his ballot twice. The number of replacement ballots that may be issued to him would now be limited to only one.
- Transfer of venue for counting (Sec. 246). The Commission is given the flexibility to order the transfer of the venue of counting and preparation of election returns in the interest of free, orderly, honest, peaceful and credible elections to a public building in any other place it deems fit. Under the existing code, transfer of venue is limited to a public building within the same city or municipality.
- 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.
- Elimination of one step in the provincial canvassing process (Sec. 273). This provision does away with municipal canvassing for the positions of President and Vice-President down to all provincial officials where the election returns are first canvassed at the municipal level. As proposed, canvassing of the election returns for these positions will now be done directly by the provincial boards of canvassers. This substan-

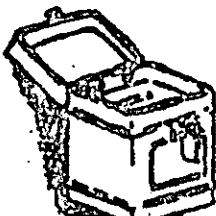
tially speeds up the canvassing process that would in reduce post-election tension.

- Recount of votes in case no election returns submitted to the board of canvassers (Sec. 278). In this case, the Commission may order the board of election inspectors to recount the votes of candidates affected and prepare the election returns therefor. This is a new provision to cover such a contingency.
- Manifest errors in election returns (Sec. 280). The proposed code specifies the grounds for correction of manifest errors. By limiting the grounds to those enumerated, and authorizing the board of canvassers to *motu proprio* correct such errors, this provision would expedite the canvassing process.
- Call for special elections when integrity of ballots violated (Sec. 282). The existing provision merely tasks the board of election inspectors to seal the ballot box for safekeeping. This provision goes a step further by authorizing the Commission to call a special election if the number of ballots in question will affect the results of the election.
- Improvement of procedures in pre-proclamation controversies (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.
- Introduction of evidence *allunde* in pre-proclamation controversies (Sec. 294). A new provision designed to expedite pre-proclamation proceedings and afford parties substantive justice.
- Fixes period for deciding election contests (Sec. 304). The present law does not fix a period within which courts of general or limited jurisdiction are required to decide election contests, thus resulting in protracted litigation and denial of substantive justice to the duly-elected leader, and the constituency concerned of their rightful leader.
- In *quo warranto* cases, candidate who obtained second highest number of votes is declared winner (Sec. 307). At present, the law on succession under the Local Government Code applies in such cases. The rationale for the proposed change is that unlike the candidate obtaining the second highest number of votes, the successor designated as candidate-elect does not have the mandate to serve as such.
- No execution of judgment in appealed election cases (Sec. 309). This makes an exception of the general rule allowing execution of judgment pending appeal in recognition of the need for stability in public administration.



ON SAFEGUARDS

- 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.



- **Ban on political advertisements in media** (Sec. 131). The proposed code adopts the existing law on political advertisements in the mass media as contained in Sec. 11(b) of Republic Act No. 6646 (otherwise known as the Electoral Reforms Law of 1987), while at the same time preserving the right of media to print or broadcast newsworthy views and events. RA 6646 declares it 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 for "Comelec Time" and "Comelec Space" purposes. The Commission, however, is disposed to consider a lifting of the ban, but only for candidates for national office (i.e., for President, Vice President and Senators), and subject to the regulatory powers of the Commission. The Commission appreciates the limitations of campaigning for national office without reasonable use of media. In comparison, local candidates have a limited constituency and personal campaigning for them is not only possible but desirable. Moreover, monitoring political ads at the local level would be difficult, if not impossible, and does not lend itself to a fair and effective enforcement of the rules on equal time and access. While regulation of the use of air time and print space by national candidates as well as the setting of advertising rates therefor may be workable, then, the same is not true for local candidates; hence, the Commission's opposition to any lifting of the political ads ban with respect to local candidates.
- **Limitation on media personalities** (Sec. 131). Adds to the existing enumeration of mediapersons required to take a leave of absence during the campaign period, reporters, correspondents, campaign volunteers and those employed or retained by any candidate, and extends the period of required leave beyond the campaign period up to election day.
- **Stricter rules on the use of public transportation during elections** (Sec. 137). Measures introduced designed to minimize employment of the "hako" system.
- **Elimination of use of emergency ballots**. Under Sec. 182 of the present code, in case of the absence, shortage, or destruction of ballots for use on election day, the municipal treasurer is authorized to provide for so-called "emergency ballots" for use by voters. This is a potential source of abuse eliminated under the proposed code.
- **Change in procedure in application of indelible ink** (Sec. 236). As proposed, the indelible ink shall be applied not after but *before* the ballot is issued to the voter to enable the ink to dry completely and render difficult its removal after voting.
- **Disposition of unused ballots** (Sec. 242). The existing procedure is proposed to be changed such that the unused ballots, as torn, are required to be submitted to the election officer inside sealed envelopes. There is no similar safeguard in the present code.
- **Penalizes as election offense:**
 1. **Coercion of election officials and employees** (Sec. 314, par. 5). This was not previously punishable by law. This is a new provision designed to deter harassment of election officials in the performance of their poll duties.
 2. **Computer fraud** (Sec. 314, par. 23). This provision was introduced in anticipation of the modernization of the electoral process, making computer fraud punishable whether or not it changes the results of the election or impairs the electoral processes.

PROPOSED 1993 ELECTION CODE OF THE PHILIPPINES

TABLE OF CONTENTS

ARTICLE I - GENERAL PROVISIONS

SECTION	1.	Title	1
SEC.	2.	Applicability	1
SEC.	3.	Election and campaign periods	1
SEC.	4.	Postponement of election	2
SEC.	5.	Suspension of election	2
SEC.	6.	Failure of election	3
SEC.	7.	Call for special elections due to postponement, suspension, or failure of elections	3
SEC.	8.	Election code to be available in polling places	3
SEC.	9.	Official mail and telegram relative to election	3
SEC.	10.	Shipment and transport of official cargoes...	4
SEC.	11.	Transportation and mobilization of officials, employees and deputies of the Commission	4
SEC.	12.	Election expenses	5

ARTICLE II - THE COMMISSION ON ELECTIONS

A. COMPOSITION

SEC.	13.	The Commission	6
SEC.	14.	Disqualification of the members of the Commission	7

B. POWERS AND FUNCTIONS

SEC.	15.	Powers and functions	7
SEC.	16.	Special reliefs in election cases	13

C. CENTRAL AND FIELD OFFICES

SEC.	17.	Central office	13
SEC.	18.	Field offices	13
SEC.	19.	Qualifications of central office officials...	14
SEC.	20.	Qualifications of field officials	14
SEC.	21.	Office and storage space	15
SEC.	22.	Changes in the composition and assignment of offices	15
SEC.	23.	Reorganization	15

ARTICLE III - ELECTION AND OTHER PROCESSES

A. ELECTION OF PRESIDENT AND VICE-PRESIDENT

SEC.	24.	Regular election for President and Vice-President	16
SEC.	25.	Special elections for President and Vice-President	16
SEC.	26.	Canvass of votes for President and Vice-President by the provincial, city and district boards of canvassers	16
SEC.	27.	Canvass of votes for President and Vice-President by Congress	17
SEC.	28.	Correction of errors after transmission to Senate President	18
SEC.	29.	Determination of authenticity and due execution of certificate of canvass	18
SEC.	30.	Incomplete or altered certificate of canvass	18

B. ELECTION OF MEMBERS OF CONGRESS

SEC.	31.	Regular election for Members of Congress	19
SEC.	32.	Special election	19
SEC.	33.	Term of office	20
SEC.	34.	Composition	20
SEC.	35.	Party-list representatives	20
SEC.	36.	Canvass of Votes for Senators	20

C. ELECTION OF LOCAL OFFICIALS

SEC.	37.	Regular elections of local officials	21
SEC.	38.	Election of members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan by district	21
SEC.	39.	Highly-urbanized and component cities	22
SEC.	40.	Sectoral representatives	22

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

SEC.	41.	Regular elections for officials in the Autonomous Region	23
SEC.	42.	Composition of regional assembly	23
SEC.	43.	Term of office	23

E. ELECTION OF BARANGAY OFFICIALS

SEC.	44.	Regular election of barangay officials	23
SEC.	45.	Term of office	24
SEC.	46.	Sangguniang barangay	24
SEC.	47.	Certificate of candidacy	24
SEC.	48.	Board of election inspectors	24
SEC.	49.	Activities during the campaign period	25

F. PARTY-LIST SYSTEM

SEC.	50.	Party-list system defined	25
SEC.	51.	Registration	26

SEC.	52.	Manifestation to participate in party-list system	26
SEC.	53.	Certified list of registered parties	26
SEC.	54.	Nomination of party-list representatives	26
SEC.	55.	Qualifications of party-list nominees	26
SEC.	56.	Manner of voting	27
SEC.	57.	Procedure in allocating seats for party-list representatives	27
SEC.	58.	How party-list representatives are chosen ...	28
SEC.	59.	Term of office	28
SEC.	60.	Change of affiliation; Effect	29
SEC.	61.	Vacancy	29

G. SYSTEM OF RECALL

SEC.	62.	Recall defined	29
SEC.	63.	By whom exercised	29
SEC.	64.	Who may be recalled	29
SEC.	65.	Recall; How commenced	29
SEC.	66.	Process of recall	30
SEC.	67.	Date of recall election	31
SEC.	68.	Certificate of candidacy	31
SEC.	69.	Prohibition from resignation	31
SEC.	70.	Effect	32
SEC.	71.	Limitations	32

H. SYSTEM OF INITIATIVE AND REFERENDUM

SEC.	72.	Definition of terms	32
SEC.	73.	Who may exercise	33
SEC.	74.	Requirements	33
SEC.	75.	Contents of petition	34
SEC.	76.	Limitations on petition	35
SEC.	77.	Verification of signatures	35
SEC.	78.	Conduct and date of plebiscite on initiative or referendum	35
SEC.	79.	Effectivity of initiative or referendum proposition	35
SEC.	80.	Indirect initiative: House of Representatives	36
SEC.	81.	Indirect initiative: Regional and local legislative bodies	36
SEC.	82.	Limitation on local initiatives	38
SEC.	83.	Limitations upon local legislative bodies ...	38
SEC.	84.	Local referendum	39
SEC.	85.	Appeal	39
SEC.	86.	Unconstitutionality and invalidity of proposition	39

I. ABSENTEE VOTING

SEC.	87.	Absentee voting	39
SEC.	88.	Persons covered	39
SEC.	89.	Absentee voting by qualified government personnel	40
SEC.	90.	Absentee voting by qualified Filipinos abroad	41
SEC.	91.	Counting and canvass	43

SEC.	92.	Assistance of other government agencies/officials	43
SEC.	93.	Security measures	43

ARTICLE IV - POLITICAL PARTIES, CANDIDATES AND CAMPAIGN PROPAGANDA

A. POLITICAL PARTIES

SEC.	94.	Political party, organization, or coalition..	44
SEC.	95.	Registration	44
SEC.	96.	Accreditation of political parties	45
SEC.	97.	Publication of petition for registration or accreditation	45
SEC.	98.	Cancellation of registration/accreditation...	46
SEC.	99.	Prohibition against change of political party affiliation	46

B. ELIGIBILITY AND QUALIFICATIONS OF CANDIDATES

SEC.	100.	Qualifications for President and Vice-President	46
SEC.	101.	Qualifications for Senator	47
SEC.	102.	Qualifications for Member of the House of Representatives	47
SEC.	103.	Qualifications for regional officials	48
SEC.	104.	Qualifications of elective local officials...	48

C. DISQUALIFICATION OF CANDIDATES

SEC.	105.	Disqualifications	49
SEC.	106.	Priority accorded to disqualification process	51
SEC.	107.	Effects of disqualification	51

D. RULES ON CANDIDACIES

SEC.	108.	Certificate of candidacy	52
SEC.	109.	Contents of certificate of candidacy	52
SEC.	110.	Filing of certificate of candidacy	54
SEC.	111.	Ministerial duty of receiving and acknowledging receipt of certificate of candidacy	55
SEC.	112.	Posting of certified list of candidates.....	55
SEC.	113.	Nomination of official candidates .../.....	56
SEC.	114.	Candidates holding appointive or elective office	56
SEC.	115.	Political dynasty defined; Prohibited candidacies	56
SEC.	116.	Nuisance candidacies	57
SEC.	117.	Guest candidacy	57
SEC.	118.	Period for political convention or meeting...	57
SEC.	119.	Substitution in case of death, disqualification or withdrawal of candidate	58
SEC.	120.	Petition to deny due course to or cancel a certificate of candidacy	59
SEC.	121.	Unopposed candidacies	59

E. CAMPAIGN AND ELECTION PROPAGANDA

SEC.	122.	Definitions	59
SEC.	123.	Intervention of foreigners	60
SEC.	124.	Undue ecclesiastical influence	60
SEC.	125.	Lawful election propaganda	61
SEC.	126.	Prohibition on removal, destruction, or defacement of lawful election propaganda	62
SEC.	127.	Requirements for printed election propaganda	62
SEC.	128.	Prohibited election propaganda	63
SEC.	129.	Ban on political advertisements in media.....	64
SEC.	130.	Regulation of election propaganda through mass media	65
SEC.	131.	Comelec space	66
SEC.	132.	Comelec time	66
SEC.	133.	Common poster area	66
SEC.	134.	Rallies, meetings and other political activities	67
SEC.	135.	Transportation, food and drinks	67

F. ELECTORAL CONTRIBUTIONS AND EXPENDITURES

SEC.	136.	Definitions	68
SEC.	137.	Lawful expenditures of candidates and political parties	69
SEC.	138.	Prohibited contributions	70
SEC.	139.	Prohibited donations and fund-raising activities	71
SEC.	140.	True name of contributor required	72
SEC.	141.	Report of contributors	72
SEC.	142.	Limitations on election expenditures	72
SEC.	143.	Persons authorized to incur election expenditures	73
SEC.	144.	Record of contributions and expenditures.....	73
SEC.	145.	Statement of contributions and expenditures..	74
SEC.	146.	Form and contents of statement	75
SEC.	147.	Effect of failure to file statement	75
SEC.	148.	Preservation and inspection of statements....	76
SEC.	149.	Report of contractor and business firms.....	76

ARTICLE V - PRE-ELECTION ACTIVITIES

A. REGISTRATION OF VOTERS

SEC.	150.	Definition	77
SEC.	151.	Permanent list of voters	78
SEC.	152.	Continuing system of registration of voters ..	78
SEC.	153.	Registration of voters	79
SEC.	154.	Who may register	80
SEC.	155.	Re-registration	81
SEC.	156.	Illiterate or disabled applicants	81
SEC.	157.	Election registration board	81
SEC.	158.	Compensation of the Members of the Board	82
SEC.	159.	Notice and hearing of application	82
SEC.	160.	Challenge of right to register	82
SEC.	161.	Power to administer oath and issue summons ...	82
SEC.	162.	Approval or disapproval of application	83

SEC.	163.	Publication of action on application for registration	83
SEC.	164.	Preservation of voters' registration records	83
SEC.	165.	Provincial central file	83
SEC.	166.	National central file	84
SEC.	167.	Voter's identification card	84
SEC.	168.	Change of residence to another city or municipality	84
SEC.	169.	Change of address in the same city or municipality	85
SEC.	170.	Cancellation of registration	85
SEC.	171.	Preparation and publication of the certified list of voters	86
SEC.	172.	Sealing of precinct book of voters	86
SEC.	173.	Jurisdiction in inclusion and exclusion cases	87
SEC.	174.	Petition for inclusion of votes in the list ..	87
SEC.	175.	Voters excluded through inadvertence or registered with an erroneous or misspelled name	88
SEC.	176.	Change of name of registered voter	88
SEC.	177.	Petition for exclusion of voters from the list	88
SEC.	178.	Common rules governing judicial proceedings in the matter of inclusion, exclusion and correction of names of voters	89
SEC.	179.	Verification of registered voters.....	90
SEC.	180.	Annulment of book of voters	90
SEC.	181.	Reconstitution of lost or destroyed registration records	90
SEC.	182.	Examination of registration records	91
SEC.	183.	Computerization of the permanent list of voters	91

B. PRECINCTS AND POLLING PLACES

SEC.	184.	Definitions	92
SEC.	185.	Precincts and their establishment	92
SEC.	186.	Arrangement of precinct	92
SEC.	187.	Publication of city or municipal maps	93
SEC.	188.	Designation of polling places	94
SEC.	189.	Requirements for polling places	94
SEC.	190.	Limitation on the designation of polling place	94
SEC.	191.	Poster and flag of polling place	95

C. BOARD OF ELECTION INSPECTORS

SEC.	192.	Constitution of board of election inspectors	95
SEC.	193.	Qualifications	95
SEC.	194.	Disqualifications	96
SEC.	195.	Oath of members of the board	96
SEC.	196.	Temporary vacancies	96
SEC.	197.	Temporary designation by watchers	96
SEC.	198.	Arrest of absent members	97
SEC.	199.	Relief and substitution of members of the board	97

SEC.	200.	Powers and functions of the board	97
SEC.	201.	Proceedings of board	97
SEC.	202.	Authority of board within polling place	98
SEC.	203.	Voting privilege of members of board	98
SEC.	204.	Prohibition against political activity	98
SEC.	205.	Per diems of boards of election inspectors and other personnel	99

D. WATCHERS

SEC.	206.	Official watchers	99
SEC.	207.	Qualifications	100
SEC.	208.	Who may appoint watchers	100
SEC.	209.	Rights and duties of watchers	101

ARTICLE VI - ELECTION FORMS, SUPPLIES AND PARAPHERNALIA

SEC.	210.	Official ballots	102
SEC.	211.	Election returns	103
SEC.	212.	Names of candidates in election returns and tally paper	103
SEC.	213.	Printing of official ballots, election returns and certificates of canvass	103
SEC.	214.	Committee on printing	104
SEC.	215.	Duties of the committee	104
SEC.	216.	Other committees	105
SEC.	217.	Distribution of official ballots and election returns	105
SEC.	218.	Verification and distribution	106
SEC.	219.	Certificate of canvass and other canvassing forms	106
SEC.	220.	Tally paper	106
SEC.	221.	Ballot boxes	106
SEC.	222.	Voting booths	106
SEC.	223.	Certified list of candidates	107
SEC.	224.	Furnishing of ballot boxes, election forms and materials	107
SEC.	225.	New forms, security markings and devices	107

ARTICLE VII - CASTING AND COUNTING OF VOTES

A. CASTING OF VOTES

SEC.	226.	Voting hours	108
SEC.	227.	Preliminaries to the voting	108
SEC.	228.	Persons allowed in and around the polling place	109
SEC.	229.	Challenge against illegal voters	110
SEC.	230.	Challenge based on certain illegal acts	111
SEC.	231.	Admission of challenged vote immaterial in criminal proceedings	111
SEC.	232.	Record of challenges and oaths	112
SEC.	233.	Order of voting	112
SEC.	234.	Manner of obtaining ballot	112
SEC.	235.	Use of indelible ink	113
SEC.	236.	Authentication of the ballot	113
SEC.	237.	Manner of voting	113

SEC.	238.	Prohibitions on voting	114
SEC.	239.	Preparation of ballots for illiterate and disabled voters	114
SEC.	240.	Spoiled ballots	115
SEC.	241.	Disposition of unused ballots	116
SEC.	242.	Minutes of voting and counting of votes	116
SEC.	243.	Prohibition on premature announcement of voting	116

B. COUNTING OF VOTES

SEC.	244.	Counting to be public and without interruption	117
SEC.	245.	Transfer of venue for counting	117
SEC.	246.	Rules for appreciation of ballots	117
SEC.	247.	Excess ballots	121
SEC.	248.	Ballots with detachable coupon	122
SEC.	249.	Marked ballots	122
SEC.	250.	Spoiled ballots	122
SEC.	251.	Manner of counting votes	122
SEC.	252.	Preparation of election returns	123
SEC.	253.	Distribution of election returns	124
SEC.	254.	Corrections in the election returns	126
SEC.	255.	Proclamation of election result	127
SEC.	256.	Certificates of votes obtained by candidates	127
SEC.	257.	Delivery and custody of ballot boxes, keys, election supplies and documents	127
SEC.	258.	Preservation of ballot boxes; Disposition of contents	128
SEC.	259.	Preservation of voting record	129
SEC.	260.	Documents omitted or erroneously placed inside the ballot box	129

ARTICLE VIII - CANVASS AND PROCLAMATION

SEC.	261.	Board of canvassers	129
SEC.	262.	Supervision and control over board of canvassers	131
SEC.	263.	Substitution of members of board of canvassers	131
SEC.	264.	Disqualification due to relationship	131
SEC.	265.	Prohibition against leaving official station	132
SEC.	266.	Proceedings of board of canvassers	132
SEC.	267.	Notice of meetings of the board	132
SEC.	268.	Delivery and transmittal of election returns	133
SEC.	269.	Safekeeping of transmitted election returns ..	133
SEC.	270.	Canvass by board of canvassers	133
SEC.	271.	Canvassing committees	134
SEC.	272.	Canvassing by provincial, city, district and municipal boards of canvassers	135
SEC.	273.	Distribution of certificates of canvass	136
SEC.	274.	Election returns with serial number different from assigned number	137
SEC.	275.	When election returns are delayed, lost, or destroyed	138

SEC.	276.	Material defects in election returns	138
SEC.	277.	When election returns appear to be tampered with or falsified or no election returns have been submitted	139
SEC.	278.	Discrepancies in election returns	139
SEC.	279.	Election returns or certificates with statistically improbable entries: manifest errors	140
SEC.	280.	Certificate of votes as evidence	140
SEC.	281.	When integrity of ballots is violated	141
SEC.	282.	Canvass of unquestioned returns to continue ..	141
SEC.	283.	Canvass of votes for Senators	141
SEC.	284.	Elections resulting in a tie	142
SEC.	285.	Failure to assume office	142

ARTICLE IX - PRE-PROCLAMATION CONTROVERSIES

SEC.	286.	Definition	142
SEC.	287.	Jurisdiction over pre-proclamation controversies	143
SEC.	288.	Pre-proclamation controversies; Where not allowed	143
SEC.	289.	Pre-proclamation controversies; Where allowed	143
SEC.	290.	Pre-proclamation controversies; How commenced.....	143
SEC.	291.	Issues proper in pre-proclamation controversies	143
SEC.	292.	Contested composition or proceedings of the board	144
SEC.	293.	Procedure in the disposition of contested returns	144
SEC.	294.	Partial proclamation	146
SEC.	295.	Pre-proclamation controversy; When deemed terminated	147
SEC.	296.	Effect of petition to annul proclamation	147

ARTICLE X - ELECTION CONTESTS

SEC.	297.	Election contests	147
SEC.	298.	Election protests	147
SEC.	299.	Petition for quo warranto	148
SEC.	300.	Jurisdiction over election contests	148
SEC.	301.	Jurisdiction of the Commission	148
SEC.	302.	Period to file election contests	149
SEC.	303.	Hearings of election contests on municipal or barangay offices	149
SEC.	304.	Procedure in election contests	149
SEC.	305.	Judicial counting of votes	149
SEC.	306.	Decision on election contest	150
SEC.	307.	Declaration of winners in quo warranto cases	150
SEC.	308.	Appeals	151
SEC.	309.	Decisions of the Commission	151
SEC.	310.	Preferential disposition of election contests in courts	151

SEC.	311.	Actual or compensatory damages	152
SEC.	312.	Notice of decisions	152

ARTICLE XI - ELECTION OFFENSES

SEC.	313.	Prohibited acts	152
SEC.	314.	Other election offenses	175
SEC.	315.	Persons criminally liable	175
SEC.	316.	Penalties	175
SEC.	317.	Applicability	176
SEC.	318.	Prosecution	176
SEC.	319.	Prescription	176
SEC.	320.	Jurisdiction of courts	177
SEC.	321.	Preferential disposition of election offenses	177

ARTICLE XII - LEGAL FEES

SEC.	322.	Collection of legal fees	177
SEC.	323.	Payment of fees	178
SEC.	324.	Non-payment of prescribed fees	178
SEC.	325.	Special or trust fund	178

ARTICLE XIII - TRANSITORY PROVISIONS

SEC.	326.	Pending actions	178
SEC.	327.	Continuing system of registration; When effected	178

ARTICLE XIV - FINAL PROVISIONS

SEC.	328.	Sharing in election expenses	178
SEC.	329.	Separability clause	179
SEC.	330.	Repealing clause	179
SEC.	331.	Effectivity	179

BILL NO. _____

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

The terms "election" and "elections," when used in this Code, shall refer to regular or special OR RECALL 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)] (A) For President, Vice-President and Senators - ninety (90) days; (Sec. 5(a), Republic Act No. 7166)

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

[(3)] (C) For barangay officials - [fifteen (15)] TEN (10) days (RA 6679);

1 [[(4)] (D) Plebiscites[, initiatives and referenda - as
2 provided for by law or by the Commission] ON INITIATIVES AND
3 REFERENDA - AS MAY BE PROVIDED HEREIN;

4 [[(5)] (E) OTHER PLEBISCITES - AS MAY BE PROVIDED BY THE
5 COMMISSION. (New)

6 The campaign period shall not include the day before and the
7 day of the election, as well as Maundy Thursday and Good Friday.
8 (Sec. 5, RA 7166P)

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

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

1 (30) days after the cessation of the cause of suspension. (New)

2 SEC. 6. Failure of election. - If, on account of force
3 majeure, violence, terrorism, fraud, or other analogous causes,
4 the election in any political subdivision has not been held on
5 the date fixed, or has been suspended before the close of the
6 voting or after the voting but not before or during the counting
7 of votes or preparation or transmission of the election returns
8 or while in the custody thereof, such election resulted in a
9 failure to elect, and in any of such cases the failure of
10 election would affect the result thereof, the Commission, shall,
11 on the basis of a verified petition by any interested party and
12 in every case after due notice and hearing, call for the holding
13 of the election which resulted in a failure to elect within
14 thirty (30) days after the cessation of the cause of such failure
15 to elect. (Sec. 6, BP 881)

16 SEC. 7. Call for special elections due to postponement,
17 suspension, or failure of elections. - The postponement,
18 suspension or declaration of failure of election and the calling
19 of special elections shall be decided by a majority vote of the
20 members of the Commission sitting en banc. (Sec. 7, BP 881)

21 SEC. 8. Election code to be available in polling places. - A
22 copy of this Code shall be provided and be made available by the
23 Commission in every polling place during elections. (Sec. 8, BP
24 881)

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

31 Telegrams, telex and facsimile (fax) transmission of the

1 same nature shall likewise be given priority and transmitted
2 expeditiously by private FRANCHISED telecommunications and simi-
3 lar facilities. (New)

4 It shall be the duty of the Heads of the Telecommunications
5 Office and of private telecommunication companies to transmit or
6 cause the transmittal immediately, accurately and in preference
7 to all other communications or telegrams, messages reporting
8 election results and such other communications which the
9 Commission may require to ensure free, honest, and orderly elec-
10 tions. (Sec. 9, BP 881)

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

18 It shall be the duty of the Secretary of the Department of
19 Transportation and Communications, the Heads of the Civil
20 Aeronautics Board, Land Transportation Franchise and Regulatory
21 Board, Armed Forces of the Philippines, Philippine National
22 Police and Philippine Coast Guard to implement and monitor such
23 preferential status of official election cargoes. (New)

24 **SEC. 11. Transportation and mobilization of officials,**
25 **employees and deputies of the Commission.** - Officials, employees
26 and deputies of the Commission shall, during the election period
27 or pursuant to an order or directive of the Commission, or while
28 in the performance of election duties, be given a "must-ride"
29 status whether by air, land, or sea upon presentation of a
30 resolution, travel order, mission order or subpoena, duly issued
31 by the Commission, its Chairman, any Commissioner, or any of its

1 officials of Director rank. (New)

2 **SEC. 12. Election expenses.** - [Unless otherwise provided by
3 law, the Commission shall bear such expenses as may be necessary
4 and reasonable in connection with elections. The Commission may
5 direct that in the provinces, cities or municipalities, the
6 election expenses chargeable to the Commission be advanced by the
7 province, city, or municipality concerned subject to reimburse-
8 ment by the Commission upon presentation of the proper bill
9 within ninety (90) days from the political exercise and its
10 approval by the Commission.] ALL EXPENSES FOR THE CONDUCT OF
11 ELECTIONS SHALL BE SHARED BY THE NATIONAL, PROVINCIAL, CITY, OR
12 MUNICIPAL GOVERNMENTS FOR WHICH THE ELECTION AS HELD IN SUCH
13 MANNER AS THE COMMISSION SHALL PRESCRIBE. FOR THIS PURPOSE, THE
14 SANGGUNIANG PANLALAWIGAN, SANGGUNIANG PANLUNGSOD AND SANGGUNIANG
15 BAYAN CONCERNED SHALL APPROPRIATE ANNUALLY AN AMOUNT EQUIVALENT
16 TO ONE-THIRD (1/3) OF THE AMOUNT SPENT BY THEIR RESPECTIVE
17 PROVINCES, CITIES, OR MUNICIPALITIES IN THE LAST ELECTION AS A
18 CONTINUING APPROPRIATION TO COVER THEIR RESPECTIVE SHARES OF THE
19 EXPENSES IN THE NEXT REGULAR ELECTIONS. (Sec. 20(a), RA 6388,
20 Amended)

21 FOR BARANGAY ELECTIONS, local governments shall appropriate
22 such funds to defray such necessary and reasonable expenses of
23 the members of the board of election tellers, board of canvassers
24 and the printing of election forms and procurement of other
25 election paraphernalia, and [the installation of polling] VOTING
26 booths. (Sec. 50, BP 881, Amended)

27 Funds needed by the Commission to defray the expenses for
28 the holding of elections shall be provided in its regular
29 appropriations which, upon certification, shall immediately be
30 released to the Commission. In case of deficiency, the amount so
31 provided shall be augmented from the special activities fund in

1 the general appropriations act and from those specifically
2 appropriated for the purpose in special laws. (Sec. 10, BP 881)

4 **ARTICLE II. THE COMMISSION ON ELECTIONS**

6 **A. COMPOSITION**

8 **SEC. 13. The Commission.** - [The Commission shall be composed
9 of a Chairman and six (6) Commissioners , who shall be appointed
10 by the President with the consent of the Commission on
11 Appointments] THERE SHALL BE A COMMISSION ON ELECTIONS COMPOSED
12 OF A CHAIRMAN AND SIX COMMISSIONERS WHO SHALL BE NATURAL BORN
13 CITIZENS OF THE PHILIPPINES AND, AT THE TIME OF THEIR
14 APPOINTMENT, AT LEAST THIRTY-FIVE YEARS OF AGE, HOLDERS OF A
15 COLLEGE DEGREE, AND MUST NOT HAVE BEEN CANDIDATES FOR ANY
16 ELECTIVE POSITION IN THE IMMEDIATELY PRECEDING ELECTIONS.
17 HOWEVER, A MAJORITY THEREOF, INCLUDING THE CHAIRMAN, SHALL BE
18 MEMBERS OF THE PHILIPPINE BAR WHO HAVE BEEN ENGAGED IN THE
19 PRACTICE OF LAW FOR AT LEAST TEN YEARS.

20 THE CHAIRMAN AND THE COMMISSIONERS SHALL BE APPOINTED BY THE
21 PRESIDENT WITH THE CONSENT OF THE COMMISSION ON APPOINTMENTS FOR
22 A TERM OF SEVEN YEARS WITHOUT REAPPOINTMENT. OF THOSE FIRST
23 APPOINTED, THREE MEMBERS SHALL HOLD OFFICE FOR SEVEN YEARS,
24 WITHOUT REAPPOINTMENT. APPOINTMENT TO ANY VACANCY SHALL BE ONLY
25 FOR THE UNEXPIRED TERM OF THE PREDECESSOR. IN NO CASE SHALL ANY
26 MEMBER BE APPOINTED OR DESIGNATED IN A TEMPORARY OR ACTING
27 CAPACITY. (Secs. 1 and 2, Art IX (c), Const.)

28 It shall act as a policy-making body and exercise
29 administrative, quasi-judicial and judicial functions relative to
30 all laws and regulations with respect to the conduct of
31 elections. (New)

SEC. 14. Disqualification of Members of the Commission. -

The CHAIRMAN AND 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.

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 [[(1)] (A) [(a)] (1) Exercise direct and immediate
2 control and supervision over national and local officials or
3 employees, including members of any national or local law
4 enforcement agency and instrumentality of the government required
5 by law or deputized by the Commission to perform election duties,
6 including officers and employees of government-owned or
7 -controlled corporations, relative to the conduct of elections.
8 In addition, it may authorize CAT cadets eighteen (18) years of
9 age and above to act as its deputies for the purpose of enforcing
10 its orders;

11 [(b)] (2) Relieve and substitute any officer or employee
12 referred to in the preceding sub-paragraph, who violates OR FAILS
13 TO COMPLY WITH the election law AND THE COMMISSION'S [or fails
14 to comply with its] instructions, orders, resolutions, decisions
15 or rulings;

16 [(c)] (3) Recommend to the proper authority the suspension
17 or removal from office or imposition of disciplinary action on
18 any of such officers or employees, who may, after due process, be
19 found guilty of such violation or failure; (Sec. 52(a), BP 881)

20 [(2)] (B) [(a)] (1) Promulgate rules and regulations
21 implementing all laws which the Commission is required to enforce
22 and administer, including those concerning the expeditious
23 disposition of election cases and pre-proclamation controversies:
24 Provided, That, such rules shall not diminish, increase, or
25 modify substantive rights;

26 [(b)] (2) Require legal fees and collect the same in
27 payment of any official transaction done in the Commission at
28 rates which it may determine; (Sec. 52(c), BP 881);

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

31 [(4)] (D) [(a)] (1) Summon the parties to a controversy

1 pending before it, issue subpoena and subpoena duces tecum, take
2 testimony and receive evidence in any investigation before it,
3 and delegate, at its discretion, such powers to any of its duly-
4 authorized legal officers; (Sec. 52(d), BP 881)

5 [(b)] (2) In case of failure of a witness to attend any
6 hearing, and upon proof of service of subpoena, issue a warrant
7 of arrest to ensure his presence before the Commission or its
8 duly-authorized legal officer; (Sec. 52(d), BP 881)

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

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

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

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

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

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

30 [(11)] (K) Procure supplies, equipment, materials, or
31 services for the holding of an election strictly by public

1 bidding in accordance with the rules and regulations of the
2 Commission on Audit. If it finds public bidding impractical to
3 observe, procurement may be by negotiations or sealed bids, and
4 in both cases, the list of awarded contracts shall be published
5 in at least two (2) newspapers of general circulation. Copies of
6 all awarded contracts shall be open for examination and
7 verification by authorized representatives of accredited major
8 political parties and of media; (Sec. 52(h), BP 881)

9 [[12)] (L) Carry out a continuing and systematic campaign,
10 through newspapers of general circulation, radio, television and
11 other media forms, to educate the public and inform the
12 electorate about election laws, procedures, decisions and other
13 matters relative to the work and duties of the Commission and the
14 necessity of free, orderly, honest, peaceful and credible
15 elections; (Sec. 52(j), BP 881)

16 [[13)] (M) Cause the inclusion in the school curriculum
17 FOR SECONDARY AND TERRIARY LEVELS of a subject on the importance
18 and relevance of elections, in coordination with the Department
19 of Education, Culture and Sports; (New)

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

1 The designation of any such group or organization may be
2 revoked by the Commission upon notice and hearing whenever it has
3 shown partiality to any political party or candidate, or
4 performed acts in excess or in contravention of its functions and
5 duties or committed any act in violation of the provisions of
6 this Code; (New)

7 [[15]] (O) Conduct in the cities and provinces, upon
8 proper motion of any party, hearings on controversies pending
9 before it, taking into consideration the materiality and number
10 of witnesses to be presented, the situation prevailing in the
11 area and the funds available for the purpose; (Sec. 52(1), BP
12 881)

13 [[16]] (P) Fix reasonable periods or dates for certain
14 pre-election activities in order that voters shall not be
15 deprived of their right of suffrage; (Sec. 52(m), BP 881)

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

20 [[17]] (Q) Provide death benefits, hazard pay when
21 warranted, grant incentive and merit awards to members of the
22 boards of election inspectors, board of canvassers, deputized
23 agencies and personnel of the Commission. Such amount as may be
24 necessary for this purpose shall be included in the
25 appropriations of the Commission; (Sec. 37, RA 7166, Amended)

26 [[18]] (R) Stop any illegal election activity after due
27 notice and hearing, and summarily confiscate, tear down, or stop
28 any unlawful, libelous, misleading, or false election propaganda;
29 (Sec. 57(2), BP 881)

30 [[19]] (S) Examine the financial records of any candidate,
31 political party, coalition, or organization motu proprio or upon

1 [the] written representation for probable cause by any person or
2 group of persons as to election overspending or illegal
3 expenditure; (Sec. 57(3), BP 881)

4 For purposes of the two (2) immediately preceding
5 paragraphs, the Commission may avail itself of the assistance or
6 services of the Armed Forces of the Philippines, Philippine
7 National Police, National Bureau of Investigation, Commission on
8 Audit, [Central Monetary Authority,] Bureau of Internal Revenue,
9 Securities and Exchange Commission, Department of the Interior
10 and Local Government and other agencies of the government. (Sec.
11 57, BP 881)

12 **SEC. 16. Special reliefs in election cases.** - The Commission
13 is hereby vested with exclusive authority to issue writs of
14 certiorari, prohibition and mandamus in election cases. (Sec.
15 150, BP 697)

16
17 **C. CENTRAL AND FIELD OFFICES**

18
19 **SEC. 17. Central office.** - The central office shall be
20 composed of the offices of the Chairman, Commissioners, Executive
21 Director, Department Directors, and such other offices as may be
22 created by the Commission.

23 The Executive Director shall take charge of the administra-
24 tive affairs of the Commission and implement its policies and
25 [decisions] RESOLUTIONS IN APPROPRIATE CASES under the
26 supervision of the Commission.

27 The Department Directors shall perform such powers and
28 duties as may be assigned by the Commission. (New)

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

31 [(1)] (A) Office of the Regional Election Director, headed

1 by a Director IV;

2 [(2)] (B) Office of the Provincial Election Supervisor,
3 headed by a Provincial Election Supervisor; and

4 [(3)] (B) Office of the City or Municipal Election
5 Officer, headed by a City or Municipal Election Officer.

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

8 The Commission may delegate its powers and functions, or
9 order the implementation or enforcement of its resolutions,
10 orders, rulings, or decisions through the Executive Director or
11 heads of its field offices. (Sec. 53, BP 881)

12 **SEC. 19. Qualifications of central office officials.** - The
13 Commission shall provide its own personnel policies on the
14 qualifications of its central office officials and employees
15 (New) CONSISTENT WITH EXISTING LAWS AND CIVIL SERVICE RULES AND
16 REGULATIONS. THE COMMISSION SHALL BE AUTHORIZED TO PROCESS
17 APPOINTMENT PAPERS OF CASUAL, TEMPORARY, CONTRACTUAL AND OTHER
18 EMPLOYEES NOT INCLUDED IN THE REGULAR PLANTILLA WITHOUT THE NEED
19 FOR APPROVAL BY THE CIVIL SERVICE COMMISSION. (NEW)

20 **SEC. 20. Qualifications of field officials.** - Only members
21 of the Philippine Bar shall be eligible for appointment to the
22 positions of Director IV, Provincial Election Supervisor and
23 Election Officer. If there are no members of the Philippine
24 Bar available for appointment as election officers, college
25 graduates with bachelors degree in law, public administration,
26 arts, education, or business administration, in the order named,
27 who possess the appropriate civil service eligibility, may be
28 appointed to said position: Provided, That, election officers of
29 cities and capital towns shall be holders of a degree in bachelor
30 of laws with appropriate civil service eligibility. (Sec. 54, BP
31 881)

1 **SEC. 21. Office and storage space.** - The local government
2 concerned shall provide suitable office and storage space for the
3 provincial election supervisor, the election officer and their
4 respective staff. In case of failure of the local government
5 concerned to provide such space, the provincial election
6 supervisor or the election officer, as the case may be, upon
7 prior authority of the Commission and notice to the local
8 government concerned, may lease another place for office and
9 charge the rentals thereof to the funds of the local government
10 concerned. (Sec. 55, BP 881)

11 **SEC. 22. Changes in the composition and assignment of**
12 **offices.** - The Commission may make changes in the composition of
13 its offices and assignment of its personnel whenever the
14 exigencies of the service and the interest of free, orderly,
15 honest, peaceful and credible election so require. Such changes
16 shall be effective and enforceable only for the duration of the
17 election period concerned and shall not affect the tenure of
18 office of the incumbents, or constitute a demotion, either in
19 rank or salary, or result in change of status. During the
20 election period, no REGIONAL ELECTION DIRECTOR OR ASSISTANT
21 Director [IV,] provincial election supervisor, or city or
22 municipal election officer shall be assigned to or allowed to
23 remain in his area of responsibility where he and/or his spouse
24 is related to any candidate within the fourth civil degree of
25 consanguinity or affinity. (Sec. 56, BP 881, Amended)

26 **SEC. 23. Reorganization.** - The provisions of Section 22
27 notwithstanding, the Commission is hereby authorized to
28 reorganize, no more than once every five (5) years and in
29 accordance with civil service regulations, its central and field
30 offices, and adjust salaries and allowances of its officials and
31 employees, in order to promote maximum efficiency in carrying out

1 its constitutional objective to ensure free, honest, orderly,
2 peaceful and credible elections. (Sec. 280, BP 881, Amended)

3
4 **ARTICLE III. ELECTION AND OTHER PROCESSES**

5
6 **A. ELECTION OF PRESIDENT AND VICE-PRESIDENT**

7
8 **SEC. 24. Regular election for President and Vice-President.**

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

17 [(2)] (B) No Vice-President shall serve for more than two
18 (2) successive terms. Voluntary renunciation of the office for
19 any length of time shall not be considered as
20 interruption in the continuity of the service for the full term
21 for which he was elected;

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

25 **SEC. 25. Special elections for President and Vice-President.**

26 - Special elections for the offices of President and Vice-
27 President shall be called in accordance with Sec. 10, Art. VII,
28 of the Constitution. (New)

29 **SEC. 26. Canvass of votes for President and Vice-President**

30 **by the provincial, city and district boards of canvassers.** -

31 [(1)] The provincial, city, or metropolitan Manila district board

1 of canvassers, as the case may be, shall meet not later than six
2 o'clock in the evening of election day to canvass the election
3 returns it has already received. It shall meet continuously from
4 day to day until the canvass is completed but may adjourn only
5 for the purpose of awaiting the other election returns. The
6 board shall, each time it adjourns, make a total of all the votes
7 cast for each candidate for President and Vice-President and for
8 other positions included in the election, duly authenticated by
9 the signature and thumbmark of each member of the board; furnish
10 a copy thereof to the Commission in Manila by the fastest means
11 of communication; and make available the data contained therein
12 to mass media and other interested parties requesting the same.
13 Upon the completion of the canvass, the board shall prepare a
14 certificate of canvass showing the votes received by each
15 candidate for President and Vice-President duly authenticated by
16 the signature and thumbmark of each member of the board. The
17 board shall certify and transmit said certificate of canvass with
18 supporting statement of votes by precinct to the President of the
19 Senate. (Sec. 15, BP 881)

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

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

31 [(3)] (C) Congress shall promulgate its rules for the

1 canvassing of the certificates[.] WHICH RULES SHALL BE PUBLISHED
2 IN TWO (2) NEWSPAPERS OF GENERAL CIRCULATION NOT LATER THAN
3 THIRTY (30) DAYS BEFORE ELECTION DAY.

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

8 **SEC. 28. Correction of errors after transmission to Senate**
9 **President.** - No correction of errors in the certificate of
10 canvass and supporting statement of votes by precinct already
11 transmitted to the President of the Senate shall be made or
12 allowed, except upon authority of Congress acting as the National
13 Board of Canvassers for President and Vice President. (Sec. 17,
14 BP 881)

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

20 [(1)] (A) Each certificate of canvass was executed, signed
21 and thumbmarked by the chairman and members of the board of
22 canvassers, and transmitted by the board to Congress;

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

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

28 **SEC. 30. Incomplete or altered certificate of canvass.** -
29 When any certificate of canvass or statement of votes by precinct
30 appears to be incomplete or bears erasures or alterations which
31 may cast doubt as to the veracity of the number of votes stated

1 therein and may affect the result of the election, Congress
2 shall, for the sole purpose of verifying the actual number of
3 votes cast for President and Vice-President, count the votes as
4 they appear in the copies of the election returns submitted to
5 it. In the absence thereof, the President of the Senate shall
6 require the Commission to deliver its copy immediately to his
7 office. If the copy of the Commission is not available, the
8 board of canvassers concerned shall be required to transmit by
9 personal delivery within three (3) days from receipt of notice
10 the election returns of the precincts affected. (Sec. 19, BP
11 881)

12 13 B. ELECTION OF MEMBERS OF CONGRESS

14
15 SEC. 31. Regular election for Members of Congress. - The
16 regular election for Senators and for Members of the House of
17 Representatives shall be held on the second Monday of May and
18 every three (3) years thereafter. (Sec. 8, Art. VI, Const.)

19 No Senator shall serve for more than two (2) consecutive
20 terms, nor shall any member of the House of Representatives serve
21 for more than three (3) consecutive terms. Voluntary
22 renunciation of the office for any length of time shall not be
23 considered as an interruption in the continuity of service for
24 the full term for which he was elected. (Secs. 4 and 7, Art. VI,
25 Const.)

26 SEC. 32. Special election. - In case a permanent vacancy
27 shall occur in the Senate or House of Representatives at least
28 one (1) year before the expiration of the term of office, the
29 Commission shall secure a certificate of vacancy from the Senate
30 or House of Representatives, as the case may be, and thereafter
31 call a special election to fill the vacancy not earlier than

1 sixty (60) days nor later than ninety (90) days after the final
2 determination by the Commission of such vacancy. However, in
3 case of such vacancy in the Senate, the special election shall be
4 held simultaneously with the next succeeding regular election.
5 (Sec. 4, RA 7166, Amended)

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

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

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

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

25 **SEC. 36. CANVASS OF VOTES FOR SENATORS.** - THIRTY (30) DAYS
26 AFTER THE ELECTIONS, THE COMMISSION SITTING EN BANC AND ACTING AS
27 THE NATIONAL BOARD OF CANVASSERS FOR SENATORS SHALL CONVENE AND
28 PUBLICLY COUNT THE VOTES CAST FOR SENATORS USING THE CERTIFICATES
29 OF CANVASS SUBMITTED BY THE PROVINCIAL AND DISTRICT BOARDS OF
30 CANVASSERS. THE CANDIDATES IN THE NUMBER OF SENATORS TO BE
31 ELECTED WHO OBTAINED THE HIGHEST NUMBER OF VOTES SHALL BE

1 DECLARED ELECTED. (Sec. 215, 1971 EC, Amended)

2
3 C. ELECTION OF LOCAL OFFICIALS

4
5 SEC. 37. Regular elections of local officials. - The regular
6 elections for provincial, city and municipal officials shall be
7 held every three (3) years on the second Monday of May. (Sec.
8 42, RA 7160)

9 The governor, vice-governor, city mayor and vice-mayor, and
10 municipal mayor and vice-mayor shall be elected at-large by
11 qualified voters in their respective units. (Sec. 41, RA 7160)

12 SEC. 38. Election of members of the sangguniang
13 panlalawigan, sangguniang panlungsod and sangguniang bayan by
14 district. - The elective members of the sangguniang panlalawigan,
15 sangguniang panlungsod and sangguniang bayan shall be elected by
16 district as follows:

17 [(1)] (A) The members of the sangguniang panlalawigan,
18 sangguniang panlungsod of the cities of Manila, Quezon, Kalookan,
19 Cebu, Davao, and any other city with two (2) or more legislative
20 districts, and sangguniang bayan of the municipalities in the
21 metropolitan Manila area shall be elected by sangguniang
22 districts as established by the Commission pursuant to Republic
23 Act No. 7166; (SEC. 3, RA 7166, AMENDED)

24 [(2)] (B) All other cities and municipalities not included
25 in the immediately preceding sub-paragraph shall have the same
26 number of elective members to their respective sangguniang
27 panlungsod or sangguniang bayan as provided for in existing laws,
28 [who shall be elected by district]. For this purpose, the
29 Commission shall divide each city and municipality into two (2)
30 districts by barangay, [as nearly] EQUALLY, INSOFAR as
31 practicable, according to the number of their respective

1 inhabitants, each district to comprise a compact, contiguous and
2 adjacent territory. [(Sec. 3, RA 7166, Amended)]

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

7 SEC. 39. Highly-urbanized and component cities. - Highly-
8 urbanized and component cities whose charters prohibit their
9 voters from voting for provincial elective officials shall be
10 independent of the province. Registered voters of a highly-
11 urbanized city shall not vote in the election for provincial
12 officials of the province in which it is located; voters of a
13 component city shall be entitled to vote for elective provincial
14 officials of the province of which it is a part, unless its
15 charter provides otherwise. (Sec. 12, Art. X, Const.; Sec. 3,
16 RA 6646)

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

20 SEC. 40. Sectoral representatives. - In addition to the
21 regular members of the sangguniang panlalawigan, sangguniang
22 panlungsod and sangguniang bayan, there shall be one (1) sectoral
23 representative each from the women, workers, and any of the
24 following sectors: the urban poor, indigenous cultural
25 communities, disabled persons or any other sector as may be
26 determined by the sanggunian concerned at least ninety (90)
27 days prior to the holding of the next regular local elections[,
28 as may be provided by law]. (Sec. 41(c), RA 7160)

29 SECTORAL REPRESENTATIVES SHALL BE VOTED FOR AT LARGE BUT
30 ONLY REGISTERED OR ACCREDITED SECTORS SHALL NOMINATE CANDIDATES.
31

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

SEC. 41. 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. 42. 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. 43. 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. 44. 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. 45. 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. (Sec. 43, (C), RA. 7160) No barangay official shall serve for more than three (3) successive terms. (Sec. 5, RA 6679)

SEC. 46. 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. 47. Certificate of candidacy. - [No person shall be elected barangay official unless he files a sworn certificate of candidacy] ANY PERSON FILING A SWORN CERTIFICATE OF CANDIDACY FOR A BARANGAY OFFICE SHALL DO SO in triplicate in accordance with [this Code] SEC. 112, (6).

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. 48. Board of election inspectors. - [(1)] (A) 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

1 who is not an incumbent barangay official or related to any
2 candidate for any position in [that] THE barangay within the
3 fourth civil degree of affinity or consanguinity.

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

12 **SEC. 49. Activities during the campaign period.** - During the
13 campaign period, the punong barangay or any kagawad, who is not a
14 candidate, or any resident of the barangay of known probity
15 designated by the election officer shall convene the barangay
16 assembly, at least once, to summon the candidates to a joint
17 meeting, upon proper notice at least two (2) days prior thereto,
18 to explain to the barangay voters their respective programs of
19 administration, qualifications and other information that may
20 enlighten voters in casting their votes.

21 The members of the barangay assembly may take up and
22 discuss other matters relative to the election of barangay
23 officials. (Sec. 47, BP 881)

24 25 **F. PARTY-LIST SYSTEM (New)**

26
27 **SEC. 50. Party-list system defined.** - Party-list system is a
28 mechanism of proportional representation in the House of
29 Representatives of political parties, organizations, or
30 coalitions thereof with national, regional, or sectoral
31 constituency registered with the Commission.

1 **SEC. 51. Registration.** - Any organized group of persons may
2 register as a political party, organization, or coalitions for
3 purposes of the party-list system by filing with the Commission a
4 verified petition in accordance with Sections 95 and 96 hereof.

5 **SEC. 52. Manifestation to participate in party-list system.**
6 - Any political party, organization, or coalition already
7 registered with the Commission need not register anew. However,
8 such party, organization, or coalition shall file with the
9 Commission, not later than sixty (60) days before the election, a
10 manifestation of its desire to participate in the party-list
11 system. (New)

12 **SEC. 53. Certified list of registered parties.** - The
13 Commission shall, not later than forty-five (45) days before the
14 elections, prepare a certified list of political parties,
15 organizations, or coalitions which have applied and are qualified
16 to participate under the party-list system and distribute copies
17 thereof to all the precincts for posting in the polling places on
18 election day.

19 **SEC. 54. Nomination of party-list representatives.** - Each
20 registered party, organization, or coalition shall submit to the
21 Commission not later than fifty (50) days before the election, a
22 list of five (5) names from which party-list representatives
23 shall be chosen in case it obtains the required number of votes.

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

26 **SEC. 55. Qualifications of party-list nominees.** - No person
27 shall be nominated as party-list representative unless he is a
28 natural-born citizen of the Philippines; able to read and write;
29 a resident of the Philippines for at least one (1) year
30 immediately preceding the day of the election; a bona fide member
31 of the party, organization, or coalition with a national,

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

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

10 **SEC. 56. Manner of voting.** - Every voter shall be entitled
11 to two (2) votes: the first is a vote for the candidate for
12 Member of the House of Representatives in his legislative
13 district, and the second, a vote for the party, organization, or
14 coalition he wants represented in the House of Representatives.
15 A vote cast for a party, organization, or coalition not entitled
16 to be voted for shall not be counted.

17 **SEC. 57. Procedure in allocating seats for party-list**
18 **representatives.** - The Commission shall tally all the votes for
19 the parties, organizations, or coalitions on a nationwide basis,
20 rank them according to the number of votes received as against
21 the total number of registered voters nationwide, and allocate
22 party-list representatives proportionately according to the
23 percentage of votes obtained until all seats are filled up.

24 A political party, organization, or coalition shall be
25 entitled to a maximum of five (5) [TEN (10)] seats.

26 [THE PARTY-LIST REPRESENTATIVE SHALL CONSTITUTE TWENTY (20)
27 PERCENTUM OF THE TOTAL NUMBER OF ALL REPRESENTATIVES INCLUDING
28 THOSE UNDER THE PARTY-LISTS. FOR THE DISTRIBUTION OF THE SEATS
29 TO BE OCCUPIED ON THE BASIS OF PARTY-LIST, THE SECOND VOTES FOR
30 EACH PARTY-LIST SHALL BE ADDED UP NATIONWIDE. IN CASES WHERE A
31 PARTY IS NOT ENTITLED TO BE INCLUDED IN THE PARTY-LIST, THE

1 SECOND VOTES CAST BY A VOTER REFERRED TO IN SECTION 56 HEREOF
2 SHALL NOT BE COUNTED.

3 THE TWENTY PERCENTUM OF THE TOTAL NUMBER OF THE
4 REPRESENTATIVES SEATS MENTIONED ABOVE SHALL BE DISTRIBUTED AMONG
5 THE PARTY-LISTS ON THE BASIS OF THE SECOND VOTES CAST BY THE
6 VOTERS AS FOLLOWS:

7 THE TOTAL NUMBER OF SEATS SHALL BE MULTIPLIED BY THE NUMBER
8 OF SECOND VOTES OBTAINED BY EACH PARTY-LIST IN ALL LEGISLATIVE
9 DISTRICTS AND THE PRODUCT DIVIDED BY THE SUM TOTAL OF SECOND
10 VOTES OBTAINED BY ALL PARTY-LISTS TO BE TALLIED; PROVIDED, THAT
11 IN DISTRIBUTING THE SEATS AMONG THE PARTY-LISTS, ONLY SUCH
12 PARTIES SHALL BE INCLUDED AS HAVE OBTAINED AT LEAST FIVE (5)
13 PERCENT OF THE VALID SECOND VOTE IN THE LEGISLATIVE DISTRICTS.
14 FIRST, EACH PARTY-LIST SHALL RECEIVE ONE SEAT FOR EACH WHOLE
15 NUMBER ATTRIBUTED TO IT. THE SEATS THEN REMAINING SHALL BE
16 ALLOCATED IN THE DESCENDING SEQUENCE OF DECIMAL FRACTIONS
17 RESULTING FROM THE CALCULATION. IN CASE OF EQUAL FRACTIONS THE
18 ASSIGNMENT OF THE LAST SEAT SHALL BE DECIDED BY THE COMMISSION ON
19 ELECTIONS BY DRAWING LOTS.]

20 SEC. 58. How party-list representatives are chosen. - Party-
21 list representatives shall be proclaimed by the Commission based
22 on the list of names submitted by the respective parties,
23 organizations, or coalitions to the Commission according to their
24 ranking in said list.

25 SEC. 59. Term of office. - Party-list representatives shall
26 be elected for a term of three (3) years which shall begin,
27 unless otherwise provided by law, at noon on the thirtieth day of
28 June next following their election. No party-list representative
29 shall serve for more than three (3) consecutive terms. Voluntary
30 renunciation of the office for any length of time shall not be
31 considered an interruption in the continuity of his service for

1 the full term for which he was elected.

2 **SEC. 60. Change of affiliation; Effect.** - Any elected party-
3 list representative who changes his political party or sectoral
4 affiliation during his term of office shall forfeit his seat.

5 **SEC. 61. Vacancy.** - In case of vacancy in the seats reserved
6 for party-list representatives, the Commission shall fill the
7 same by proclaiming a qualified representative from the list of
8 nominees in the order submitted to the Commission under Section
9 54 hereof by the same party, organization, or coalition, who
10 shall serve for the unexpired term.

11 Should the party, organization, or coalition concerned
12 already have obtained the maximum number of seats reserved for
13 party-list representation, or the nominees listed be no longer
14 qualified, said party, organization, or coalition shall nominate
15 from among its qualified members its representative to be pro-
16 claimed by the Commission to fill the vacancy.

17
18 **G. SYSTEM OF RECALL (New)**
19

20 **SEC. 62. Recall defined.** - "Recall" refers to the power to
21 remove from office any elective local official for loss of
22 confidence.

23 **SEC. 63. By whom exercised.** - The power of recall shall be
24 exercised by the registered voters of a local government unit to
25 which the elective official subject of such recall belongs.
26 C(Sec. 69, RA 7160)

27 **SEC. 64. Who may be recalled.** - Any elective provincial,
28 city, municipal or barangay official may be recalled for loss of
29 confidence in the manner prescribed and subject to the
30 limitations hereinafter provided.

31 **SEC. 65. Recall; How commenced.** - Recall may be initiated

1 [by:

2 (1) A preparatory recall assembly; or

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

7 [Sec. 65. Preparatory recall assembly. - A preparatory
8 recall assembly shall be composed of the following:

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

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

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

18 [Sec. 66. Recall by preparatory recall assembly. - Recall
19 proceedings by a preparatory recall assembly against any elective
20 local official in the local government unit shall be validly
21 initiated through a resolution adopted by a majority of all its
22 members in a public session called for the purpose. (Sec. 70, RA
23 7160)

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

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

30 SEC. 66. PROCESS OF Recall [by petition]. - A petition for
31 recall shall be in writing and signed before the election officer

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

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

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

18 [Sec. 66. Filing Fee. - No resolution or petition for recall
19 shall be given due course unless accompanied by such documentary
20 requirements and filing fee as may be prescribed by the
21 Commission.] (New)

22 Sec. 67. Date of recall election. - The Commission shall set
23 the date of the election on recall, which shall not be later than
24 sixty (60) days in the case of provincial officials, and thirty
25 (30) days in the case of elective city, municipal, or barangay
26 officials, from final determination by the Commission of the
27 validity and sufficiency of the resolution or petition on recall.
28 (Sec. 71, RA 7160, Amended)

29 SEC. 68. Certificate of candidacy. - The Commission shall
30 fix the date for the filing of certificates of candidacy for the
31 position affected and thereafter prepare the list of candidates,

1 which shall include the name of the official sought to be
2 recalled. The official or officials sought to be recalled shall
3 automatically be considered a duly-registered candidate or
4 candidates and shall be entitled to be voted upon. (Sec. 71, RA
5 7160)

6 **SEC. 69. Prohibition from resignation.** - The elective local
7 official sought to be recalled shall not be allowed to resign
8 while the recall process is in progress. (Sec. 73, RA 7160)

9 **SEC. 70. Effect.** - The recall of an elective local official
10 shall take effect upon the election and proclamation of a
11 candidate other than the official sought to be recalled. Should
12 the incumbent win the elections, confidence in him shall thereby
13 be deemed affirmed, and he shall continue in office. (Sec. 72,
14 RA 7160)

15 **SEC. 71. Limitations.** - Any elective local official may be
16 subject of a recall election only once during his term of office.
17 No recall shall take place within one (1) year from the date of
18 an official's assumption to office or one (1) year immediately
19 preceding a regular election for the office concerned. (Sec. 74,
20 RA 7160)

21 22 **H. SYSTEM OF INITIATIVE AND REFERENDUM**

23
24 **SEC. 72. Definition of terms.** - As used in this Code:

25 **[(1)] (A)** "Initiative" refers to the power to propose
26 amendments to the Constitution or the enactment of national or
27 local legislation. It may be exercised directly, through a
28 petition to be submitted in a plebiscite called for the purpose,
29 or indirectly, only in the case of a national or local
30 legislation;

31 **[(2)] (B)** "Referendum" refers to the power to approve or

1 reject statutes enacted by Congress in whole or in part, or laws,
2 resolutions or ordinances enacted by local legislative bodies;

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

6 [[4]] (D) "Plebiscite" refers to the electoral process
7 through which the power of initiative or referendum is exercised;

8 [[5]] (E) "Petition" refers to the written instrument
9 containing the proposition duly signed in a form prescribed by
10 the Commission;

11 [[6]] (F) "Local government units" refers to the
12 autonomous regions, provinces, cities, municipalities and
13 barangays;

14 [[7]] (G) "Local legislative bodies" refers to the
15 regional assemblies, sangguniang panlalawigan, sangguniang
16 panlungsod, sangguniang bayan and sangguniang barangay;

17 [[8]] (H) "Local executives" refers to the regional and
18 provincial governors, city or municipal mayors and punong
19 barangay[, as the case may be]; (Sec. 3, RA 6735)

20 [[9]] (I) "People's organization" refers to bona fide
21 associations of citizens with demonstrated capacity to promote
22 the public interest and with identifiable leadership, membership
23 and structure; (Sec. 15, Art. XIII, Const.)

24 SEC. 73. Who may exercise. - The power of initiative and
25 referendum may be exercised by all registered voters of the
26 country, autonomous regions, provinces, cities, municipalities
27 and barangays; (Sec. 4, RA 6735)

28 SEC. 74. Requirements. - A petition for initiative or
29 referendum shall be deemed validly initiated if signed by the
30 required number of voters, as follows:

31 [[1]] (A) Initiative on the Constitution - at least twelve

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

7 [(2)] (B) Initiative or referendum on national statutes -
8 at least ten per cent (10%) of the total number of registered
9 voters nationwide, of which every legislative district is
10 represented by at least three per cent (3%) of its registered
11 voters;

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

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

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

SEC. 75. Contents of petition. - A petition shall contain:

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

[(2)] (B) The proposition;

[(3)] (C) The reason or reasons therefor;

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

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

[(6)] (F) 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. 76. 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. 77. 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. 78. 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

1 set the date of the plebiscite which shall not be earlier than
2 forty-five (45) days but not later than ninety (90) days from the
3 determination of its sufficiency. (Secs. 8 and 13, RA 6735)

4 **SEC. 79. Effectivity of initiative or referendum**
5 **proposition.** - A proposition shall take effect following
6 certification by the Commission that a majority of the votes cast
7 was obtained in a plebiscite called for its approval or
8 rejection, as follows:

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

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

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

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

25 [(3)] (C) If the proposition in an initiative on local law
26 is approved, it shall become effective fifteen (15) days after
27 certification and proclamation by the Commission. (Sec. 9, RA
28 6735)

29 **SEC. 80. Indirect initiative: House of Representatives.** -
30 Any duly-accredited people's organization may file a petition for
31 indirect initiative with the House of Representatives.

1 The procedure to be followed on the initiative bill shall be
2 the same as that for the enactment of any legislative measure
3 before the House of Representatives, except that said initiative
4 bill shall enjoy precedence over other pending legislative
5 measures. (Sec. 11, RA 6735)

6 **SEC. 81. Indirect initiative: Regional and local legislative**
7 **bodies.** - Not less than two thousand (2,000) registered voters in
8 the case of autonomous regions, one thousand (1,000) in case of
9 provinces and cities, one hundred (100) in case of
10 municipalities, and fifty (50) in case of barangays, may file a
11 petition with the regional assembly or local legislative body,
12 respectively, proposing the enactment, amendment, approval, or
13 rejection of any law, ordinance, or resolution.

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

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

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

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

30 The petition shall be signed before the election officer
31 or his designated representatives, and a representative of the

1 regional assemblies and local legislative bodies concerned.
2 Signature stations may be established in as many public places as
3 may be necessary.

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

9 **SEC. 82. Limitation on local initiatives.** - [(1)] (A) The
10 power of local initiative shall not be exercised more than once a
11 year.

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

18 **SEC. 83. Limitations upon local legislative bodies.** - Any
19 proposition, ordinance or resolution approved shall not be
20 repealed, modified, or amended within six (6) months from the
21 date of approval, but may be amended, modified, or repealed
22 within three (3) years thereafter by a vote of three-fourths
23 (3/4) of all the members of the local legislative body: Provided,
24 That in case of barangays, such period shall be one (1) year
25 after the expiration of the first six (6) months. (Sec. 16, RA
26 6735)

27 **SEC. 84. Local referendum.** - Notwithstanding the provision
28 of Section 78 hereof, any local legislative body may submit to
29 the registered voters of autonomous regions, provinces, cities,
30 municipalities and barangays for their approval or rejection, any
31 ordinance or resolution duly enacted or approved.

1 The plebiscite on referendum shall be held within ninety
2 (90) days in case of the autonomous regions, sixty (60) days in
3 case of provinces and cities, forty-five (45) days in case of
4 municipalities, and thirty (30) days in case of barangays. (Sec.
5 17, RA 6735)

6 SEC. 85. Appeal. - The decision of the Commission on the
7 sufficiency or insufficiency of the petition for initiative or
8 referendum may be appealed to the Supreme Court within thirty
9 (30) days from notice thereof. (Sec. 12, RA 6735)

10 SEC. 86. Unconstitutionality and invalidity of proposition.
11 Nothing in this Article shall prevent or preclude the proper
12 courts from declaring null and void any proposition approved
13 pursuant hereto for [violating] VIOLATION OF the Constitution or
14 for want of capacity of the local legislative body to enact said
15 measure. (Sec. 15, RA 6735)

17 I. ABSENTEE VOTING

18
19 SEC. 87. Absentee voting. - "Absentee voting" refers to the
20 process by which a registered voter who is not in his place of
21 registration on election day, either because of election duty or
22 by reason of residence or employment abroad, may vote in national
23 elections. (New)

24 SEC. 88. Persons covered. - The following may avail of
25 absentee voting:

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

30 [(2)] (B) Qualified Filipinos abroad - every overseas
31 Filipino, WHETHER WORKING OR TEMPORARILY RESIDING ABROAD

1 including those born of a Filipino father or mother in a foreign
2 soil, who has opted to retain his Philippine citizenship and who
3 has the qualifications of a voter and is validly registered as
4 such in his voting residence, and who, on election day, is out-
5 side his voting residence MAY PARTICIPATE IN NATIONAL ELECTION
6 VOTING ONLY FOR CANDIDATES FOR NATIONAL OFFICE.

7 "NATIONAL ELECTION" REFERS TO ANY REGULAR OR SPECIAL
8 ELECTION HELD SOLELY OR IN PART FOR THE PURPOSE OF ELECTING ANY
9 CANDIDATE FOR THE OFFICE OF THE PRESIDENT, VICE-PRESIDENT, MEMBER
10 OF THE SENATE, OR DELEGATE TO A CONSTITUTIONAL CONVENTION, OR ANY
11 PLEBISCITE ON ANY NATIONAL ISSUE, INITIATIVE, OR REFERENDUM, OR
12 RECALL.

13 "REGIONAL ELECTION" MEANS ANY REGULAR OR SPECIAL ELECTION
14 HELD SOLELY OR IN PART FOR THE PURPOSE OF ELECTING ANY CANDIDATE
15 FOR THE OFFICE OF THE GOVERNOR, VICE-GOVERNOR, OR MEMBER OF THE
16 REGIONAL ASSEMBLY OF ANY AUTONOMOUS REGION, OR ANY PLEBISCITE OR
17 ON ANY REGIONAL ISSUE, INITIATIVE, OR REFERENDUM, OR RECALL.

18 "LOCAL ELECTION" MEANS ANY REGULAR OR SPECIAL ELECTION HELD
19 SOLELY OR IN PART FOR THE PURPOSE OF ELECTING ANY CANDIDATE FOR
20 THE MEMBER OF THE HOUSE OF REPRESENTATIVES, OFFICE OF GOVERNOR,
21 VICE-GOVERNOR, OR MEMBER OF THE SANGGUNIANG PANLALAWIGAN OF ANY
22 PROVINCE, OR FOR THE OFFICE OF THE MAYOR, VICE-MAYOR, OR MEMBER
23 OF THE SANGGUNIANG PANLUNGSOD OR BAYAN OF ANY CITY OR
24 MUNICIPALITY, OR ANY PLEBISCITE ON ANY LOCAL ISSUE, INITIATIVE,
25 OR REFERENDUM, OR RECALL.

26 "Voting residence" refers to any city or municipality in the
27 Philippines where an overseas Filipino is registered or qualified
28 to register as a voter if present therein.

29 FOR PURPOSES OF THE REGULAR ELECTIONS ON MAY 8, 1995, AND
30 UNTIL SUCH TIME AS THEIR PARTICIPATION IN LOCAL AND RECALL
31 ELECTIONS, AND PLEBISCITES IS DETERMINED BY THE COMMISSION ON

1 ELECTIONS, QUALIFIED ABSENTEE VOTERS SHALL VOTE ONLY FOR
2 CANDIDATES FOR NATIONAL ELECTIONS. (New)

3 SEC. 89. Absentee voting by qualified government personnel.

4 - The following steps shall be followed in the exercise of
5 absentee voting by qualified government personnel:

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

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

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

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

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

30 [(6)] (F) The head of the office shall prepare a sworn
31 report on the manner of distribution of the absentee ballots,

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

7 **SEC. 90. Absentee voting by qualified Filipinos abroad.** -

8 Only an overseas Filipino who is a registered voter may vote in
9 absentia. If he is not registered, he must first register in
10 person as a voter in his voting residence.

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

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

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

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

31 [(3)] (C) The Commission shall, not later than forty-five

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

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

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

19 SEC. 91. Counting and canvass. - The Commission shall
20 constitute as many special boards of election inspectors for
21 absentee voting both by qualified government personnel and
22 overseas Filipinos as may be necessary to count the votes.

23 A special board of canvassers composed of ranking lawyers of
24 the Commission shall be constituted in each case to canvass the
25 election returns submitted to it by the respective boards of
26 election inspectors. (EO 157)

27 SEC. 92. Assistance of other government agencies/officials.
28 - All government agencies and/or officials shall, to the extent
29 practicable and compatible with their primary responsibilities,
30 assist the Commission in conducting absentee voting. All such
31 agencies or officials shall take reasonable measures to expedite

1 the transmission, delivery and return of all election matters.

2 (New)

3 **SEC. 93. Security measures.** - At all stages of the process
4 for absentee voting, the Commission shall take such measures
5 necessary to preserve the security and sanctity of the ballot.

6 (New)

7
8 **ARTICLE IV. POLITICAL PARTIES, CANDIDATES**

9 **AND CAMPAIGN PROPAGANDA**

10
11 **A. POLITICAL PARTIES**

12
13 **SEC. 94. Political party, organization, or coalition.** - When
14 used in this Code, "political party," "organization," or
15 "coalition" refers to an organized group of qualified voters
16 pursuing the same ideology, political ideas and platform, or
17 program of government and includes its branches and divisions.

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

22 Upon due notice to the Commission, a political party may
23 coalesce or affiliate with another political party or parties not
24 later than the last day for filing of certificates of candidacy.

25 (New)

26 **SEC. 95. Registration.** - Any organized group of qualified
27 voters seeking registration as a political party, organization,
28 or coalition may file with the Commission not later than ninety
29 (90) days before an election a petition verified by its
30 president and secretary, attaching thereto its constitution and
31 by-laws, platform or program of government and other information

1 required by the Commission. [The Commission shall require
2 publication of the petition in at least two (2) newspapers of
3 general circulation.] (Sec. 61, BP 881)

4 The Commission shall, after due notice and hearing, resolve
5 the petition within fifteen (15) days from the date it is
6 submitted for decision and in every case not later than sixty
7 (60) days before elections. (Sec. 62, BP 881)

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

14 SEC. 96. Accreditation of political parties. - The
15 Commission shall, after notice and hearing, accredit the major
16 political parties, organizations, or coalitions, which shall have
17 preference in the posting of watchers and in the receipt of
18 copies of election documents, on the basis of the following:

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

22 [(2)] (B) Number of incumbent elective officials belonging
23 to it ninety (90) days before the date of elections;

24 [(3)] (C) Identifiable political organizations and
25 strength as evidenced by its organized chapters;

26 [(4)] (D) Ability to fill a complete slate of candidates;
27 and

28 [(5)] (E) Other analogous circumstances. (Sec. 26, RA
29 7166)

30 SEC. 97. Publication of petition for registration or
31 accreditation. - The Commission shall require publication of

1 the petition for registration or accreditation once in two (2)
2 newspapers of general circulation. (Sec. 62, BP 881)

3 **SEC. 98. Cancellation of registration/accreditation.** - The
4 Commission may, motu proprio or upon verified complaint of any
5 interested party, cancel, after due notice and hearing, the
6 registration or accreditation of any political party, coalition,
7 or organization on the following grounds:

8 [(1)] (A) Acceptance by it or by any of its candidates of
9 SUPPORT OR financial contributions from foreign governments
10 and/or their agencies, OR FROM ANY FOREIGNER, WHETHER JURIDICAL
11 OR NATURAL for activities related to elections;

12 [(2)] (B) Violation of, or non-compliance with, laws,
13 rules or regulations relating to elections;

14 [(3)] (C) Untruthful statements in its petition;

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

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

24 [(6)] (F) Failure to obtain a seat under the party-list
25 system in two (2) consecutive elections in its constituency.
26 (New)

27 **SEC. 99. Prohibition against change of political party**
28 **affiliation.** - Any elective public officer or candidate who
29 changes his political party affiliation within six (6) months
30 immediately preceding an election shall, after notice and
31 hearing, be disqualified in appropriate proceedings by the

Commission, or, if he has been elected, shall not be allowed to assume office. (New)

B. ELIGIBILITY AND QUALIFICATIONS OF CANDIDATES

SEC. 100. 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. 101. 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. (Sec. 3, Art. VI, Const.)

SEC. 102. 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. (Sec. 6, Art. VI, Const.)

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

1 immediately preceding the day of the election, a bona fide member
2 of the sector he seeks to represent, a registered voter, and, on
3 the day of the election, at least twenty-five (25) years of age.
4 The youth sectoral representative shall be at least eighteen (18)
5 and not more than twenty-one (21) years of age on the day of the
6 election: Provided, That any youth sectoral representative who
7 attains the age of twenty-one (21) years during his term shall
8 continue in office until the expiration of his term. (Sec. 64,
9 BP 881)

10 **SEC. 103. Qualifications for regional officials.** - No person
11 shall be elected governor or vice-governor/deputy governor of the
12 autonomous region unless he is a natural-born citizen of the
13 Philippines, a registered voter of the autonomous region and a
14 resident therein for at least five (5) years immediately
15 preceding the election, able to read and write and at least
16 thirty-five (35) years of age on the day of the election.

17 No person shall be elected member of the regional assembly
18 unless he is a natural-born citizen of the Philippines, at least
19 twenty-one (21) years of age on the day of the election, able to
20 read and write, a registered voter of the district in which he
21 shall be elected and a resident thereof for a period of not less
22 than five (5) years immediately preceding the day of the
23 election. (Secs. 3 and 4, Art. VIII and Sec. 7, Art. VII, RA
24 6734)

25 **SEC. 104. Qualifications of elective local officials.** - No
26 person shall be elected to any provincial, city, municipal, or
27 barangay office unless he is a [natural-born] citizen of the
28 Philippines, able to read and write FILIPINO OR ANY OTHER LOCAL
29 LANGUAGE OR DIALECT, a registered voter in the political
30 subdivision where he intends to be elected, and AN ACTUAL
31 resident therein for at least one (1) year immediately preceding

1 the day of the election. (Sec. 39, RA 7160)

2 In addition, candidates for governor, vice-governor, member
3 of the sangguniang panlalawigan, mayor, vice-mayor, or member of
4 the sangguniang panlungsod of highly-urbanized cities shall be at
5 least twenty-three (23) years of age on election day; those for
6 mayor or vice-mayor of independent component cities, or component
7 cities or municipalities, at least twenty-one (21) years of age;
8 and those for member of the sangguniang panlungsod, sangguniang
9 bayan, punong barangay, or member of the sangguniang barangay, at
10 least eighteen (18) years of age on election day. (Sec. 39, RA
11 7160)

12 13 C. DISQUALIFICATIONS OF CANDIDATES

14
15 **SEC. 105. Disqualifications.** - The following persons shall
16 be disqualified as candidate for any elective office or from
17 continuing as such, or, if they have been elected, proclaimed, or
18 have assumed office, from holding office:

19 [(1)] (A) Any person who has been declared by competent
20 authority insane or feeble-minded, or has been sentenced by final
21 judgment for insurrection, rebellion, or for any offense for
22 which he has been sentenced to a penalty of more than [eighteen
23 (18) months] ONE (1) YEAR OR MORE or for a crime involving
24 moral turpitude. Such disqualification shall, however, be deemed
25 removed upon the declaration by competent authority that said
26 insanity had been removed, or after the completion of the period
27 of probation or expiration of [five (5)] TWO (2) years from his
28 service of sentence, or after the grant of plenary pardon or
29 amnesty, unless within the same period he again becomes
30 disqualified; (Sec. 12, BP 881; Sec. 40, RA 7160)

31 [(2)] (B) Except for officials and employees of the

1 Commission, who shall be governed by Section 14 hereof, any
2 official of an executive department, bureau, or office, or of any
3 government-owned or -controlled corporation who is appointed by
4 the President of the Philippines with the consent of the
5 Commission on Appointments, as well as justices and judges, in
6 the election immediately succeeding the termination of his tenure
7 of office, whether by resignation, retirement, expiration of
8 tenure, removal or similar causes BUT NOT LESS THAN ONE YEAR FROM
9 THE LAST DAY OF FILING OF CANDIDACY. THIS INCLUDES THE FOLLOWING
10 OFFICIALS:

11 1) PUBLIC APPOINTIVE OFFICIALS FROM BUREAU DIRECTOR
12 OR EQUIVALENT RANK AND HIGHER, PRESIDENT AND DEAN OF STATE
13 UNIVERSITIES AND COLLEGES;

14 2) CHAIRMAN AND MEMBERS OF DEVELOPMENT COUNCILS,
15 BOARD OF DIRECTORS, PRESIDENT, CHIEF EXECUTIVE OFFICER, CHIEF OF
16 GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS;

17 3) JUSTICES OF THE SUPREME COURT AND THE COURT OF
18 APPEALS. JUSTICES OF THE SANDIGANBAYAN AND ALL JUDGES OF ALL
19 COURTS LOWER THAN THE COURT OF APPEALS;

20 4) GOVERNMENT PROSECUTORS AND SPECIAL COUNSELS;

21 5) OFFICERS IN THE ARMED FORCES OF THE PHILIPPINES
22 AND PHILIPPINE NATIONAL POLICE FROM THE RANK OF COLONEL OR
23 EQUIVALENT RANK AND HIGHER. (Sec. 78, RA 6388, Amended)

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

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

1 [(5)] (E) Any person convicted by final judgment of
2 violating his oath of allegiance to the Republic;

3 [(6)] (F) A fugitive from justice in criminal or non-
4 political cases here or abroad;

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

8 [(8)] (H) Any person removed from office by final judgment
9 in an administrative case. (Secs. 12 and 68, BP 881; Sec. 40, RA
10 7160) or

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

14 **SEC. 106. Priority accorded to disqualification cases.** - The
15 Commission and the courts shall give priority to cases of
16 disqualification by reason of violation of this Code to the end
17 that a final decision is rendered thereon not later than fourteen
18 (14) days before the election in which the disqualification of
19 the candidate is sought. (New)

20 **SEC. 107. Effects of disqualification.** - Any candidate who
21 has been declared by final judgment to be disqualified shall not
22 be voted for, and the votes cast for him not counted.
23 Nevertheless, if, for any reason, a candidate is not disqualified
24 by final judgment before an election and is voted for and
25 receives the winning number of votes in such election, the court
26 or Commission shall continue with the trial and hearing of the
27 action, inquiry, or protest, and, upon motion of the complainant
28 or any intervenor, may, during the pendency thereof, order the
29 suspension of the proclamation of such candidate whenever the
30 evidence of guilt is strong: Provided, That upon the
31 disqualification by final judgment of such winning candidate, the

1 [elected] candidate [next in the order of succession as provided
2 for under existing laws shall fill the resulting vacancy] for the
3 same position obtaining the second highest number of votes shall
4 be declared as elected. IN CASE OF UNOPPOSED CANDIDATES, THE
5 RULE ON SUCCESSION UNDER THE LOCAL GOVERNMENT CODE SHALL APPLY.
6 (Sec. 6, RA 6646, as Amended)

7
8 **D. RULES ON CANDIDACIES**
9

10 **SEC. 108. Certificate of candidacy.** - No person shall be
11 eligible for any elective public office unless he files a sworn
12 certificate of candidacy within the period fixed in this Code.

13 A person who has filed a certificate of candidacy may, prior
14 to the election, withdraw the same by submitting to the office of
15 the Commission where he filed his certificate of candidacy a
16 written declaration of the withdrawal under oath. (Sec. 73, BP
17 881)

18 Any candidate who withdraws his candidacy cannot file a new
19 certificate for any office in the same election. (New)

20 No person shall be eligible as candidate for more than one
21 (1) office [to be filled] in the same election. A person who
22 files his certificate of candidacy for more than one (1) office
23 shall not be eligible for any of them, but may, before the
24 expiration of the period for the filing of certificates of
25 candidacy, declare under oath the office to which he desires to
26 be elected and cancel the certificate of candidacy for the other
27 office or offices.

28 The filing or withdrawal of certificates of candidacy shall
29 not affect whatever civil, criminal, or administrative
30 liabilities which a candidate may have incurred as a result
31 thereof. (Sec. 73, BP 881)

1 **SEC. 109. Contents of certificate of candidacy.** - The
2 certificate of candidacy shall be filed in a form prescribed by
3 the Commission and shall state the following:

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

8 [(2)] (B) That the person filing it is announcing his
9 candidacy for the office stated therein and that he is eligible
10 therefor;

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

15 [(4)] (D) The political party to which he belongs;

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

18 [(6)] (F) His profession or occupation;

19 [(7)] (G) His relation, if any, to the incumbents or
20 candidates enumerated in Section [116] 113 hereof;

21 [(8)] (H) The place and precinct where he is a registered
22 voter;

23 [(9)] (I) That he will support and defend the Constitution
24 of the Philippines and will maintain true faith and allegiance
25 thereto;

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

28 [(11)] (K) That he is not a permanent resident of, or
29 immigrant to, a foreign country;

30 [(12)] (L) That the obligation imposed upon his oath is
31 assumed voluntarily, without mental reservation or purpose of

1 evasion; [and]

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

4 The person filing a certificate of candidacy shall also
5 attach thereto copies of his income tax return for the two (2)
6 years immediately preceding the election, A COPY OF HIS
7 RESIGNATION LETTER, DULY ACCEPTED, IN CASE OF INCUMBENT ELECTIVE
8 PUBLIC OFFICIALS, affix his latest passport-sized photograph,
9 and, if he so desires, a statement in duplicate containing his
10 bio-data and program of government.

11 Unless a candidate has officially changed his name through a
12 court-approved proceeding, a candidate shall state in his
13 certificate of candidacy the name by which he has been baptized,
14 or, if he has not been baptized in any church or religion, the
15 name registered in the office of the local civil registrar, or
16 the name by which he is commonly known or any other name allowed
17 under existing law. In the case of a Muslim, he may state his
18 Hadji name after performing the prescribed religious pilgrimage.
19 However, when there are two (2) or more candidates for an office
20 with the same name and surname, each candidate, upon being made
21 aware of such fact, shall state his paternal and maternal
22 surname, except the incumbent who may continue to use the name
23 and surname stated in his certificate of candidacy when he was
24 elected. (Sec. 74, BP 381)

25 SEC. 110. Filing of certificate of candidacy. - The certifi-
26 cate of candidacy shall be filed by the candidate personally or
27 by his duly-authorized representative on any day from the
28 commencement of the election period but not later than the day
29 before the beginning of the campaign period for the office
30 concerned: Provided, That in case of postponement or failure of
31 election, no additional certificate of candidacy shall be

1 accepted except in cases of substitution of candidates. (Sec.
2 75, BP 881)

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

6 [(1)] (A) For President, Vice-President and Senator, with
7 the law department of the Commission in Manila;

8 [(2)] (B) For Member of the House of Representatives, with
9 the provincial election supervisor of the province concerned.
10 Those for legislative districts in the National Capital Region
11 shall be filed with the law department of the Commission, and
12 those for legislative districts in cities outside the National
13 Capital Region comprising one (1) or more legislative districts,
14 with the city election officer CONCERNED;

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

19 [(4)] (D) For provincial offices, with the provincial
20 election supervisor;

21 [(5)] (E) For city or municipal offices, with the city or
22 municipal election officer; and

23 [(6)] (F) For barangay offices, with the election officer
24 of the city or municipality.

25 Notice of withdrawal or substitution of candidacies shall be
26 filed with the office where the certificate of candidacy being
27 withdrawn or substituted was filed. (Sec. 7, RA 7166)

28 SEC. 111. Ministerial duty of receiving and acknowledging
29 receipt of certificate of candidacy. - It shall be the
30 ministerial duty of the law department of the Commission,
31 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. 76, BP 881)

SEC. 112. POSTING OF CERTIFIED LIST OF CANDIDATES. - IMMEDIATELY AFTER THE LAST DAY OF FILING OF CERTIFICATES OF CANDIDACY, THE ELECTION OFFICER SHALL PREPARE A CONSOLIDATED CERTIFIED LIST OF CANDIDATES AND POST SAID LIST IN THE CITY/MUNICIPALITY BARANGAY HALL AND IN OTHER CONSPICUOUS PLACES IN THE CITY OR MUNICIPALITY. (NEW)

SEC. [112] 113. 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. [113] 114. 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)] (A) 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)] (B) 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. [114] 115. 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

1 or the same office successively in a region, legislative
2 district, province, city, municipality. [or BARANGAY.]

3 To prevent the establishment of a political dynasty, persons
4 within the same civil degree of relationship shall not be allowed
5 to run for any elective position in the same political unit in
6 the same election. Neither can a person within the same civil
7 degree of relationship as the incumbent succeed to the position
8 of the latter.

9 THIS PROHIBITION INCLUDES LEGAL OR COMMON LAW PARTNERS.

10 Certificates of candidacy filed in violation hereof shall
11 not be given due course. (New)

12 SEC. [115] 116. Nuisance candidacies. - The Commission may,
13 motu proprio or upon a verified petition of any interested party,
14 deny due course to or cancel a certificate of candidacy if it is
15 shown that said certificate has been filed to put the election
16 process in mockery or disrepute or to cause confusion among the
17 voters by the similarity of the names of the registered
18 candidates or by other circumstances or acts which clearly
19 demonstrate that the candidate has no bona fide intention to run
20 for the office for which the certificate of candidacy has been
21 filed and thus prevent a faithful determination of the true will
22 of the electorate. (Sec. 69, BP 881)

23 [SEC. 118. Procedure in cases of nuisance candidacies - A
24 verified petition to declare a duly-registered candidate as a
25 nuisance candidate shall be filed with the Commission by any
26 registered candidate for the same office personally or through
27 his duly-authorized representative within five (5) days from the
28 last day for the filing of certificates of candidacy. (Sec. 5, RA
29 6646)]

30 SEC. [116] 117. Guest candidacy. - No political party shall
31 nominate and/or support candidates not belonging to it without

1 the written consent of such candidate under oath. (Sec. 70, BP
2 881)

3 **SEC. [117] 118. Period for political convention or meeting.**

4 - Political conventions or meetings for the nomination or
5 selection of the official candidates of any political party,
6 organization or coalition shall be held within thirty (30) days
7 before the start of the campaign period for the offices
8 concerned. (Sec. 6, RA 7166)

9 **SEC. [118] 119. Substitution in case of death,**
10 **disqualification or withdrawal of candidate.** - If, after the last
11 day for the filing of certificates of candidacy, a candidate with
12 a certificate of candidacy duly filed dies, withdraws his
13 candidacy or is disqualified for any cause, the following rules
14 on substitution of candidacy shall be observed:

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

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

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

1 consanguinity or affinity. (New)

2 In either case, the substitute candidate shall file his
3 certificate of candidacy for the office concerned in accordance
4 with the preceding sections not later than mid-day of the day of
5 the election. If the death or disqualification should occur
6 between the day before the election and mid-day of election day,
7 said certificate shall be filed with any board of election
8 inspectors in the political subdivision where he is a candidate,
9 or, in the case of candidates for national office, with the
10 Commission. (Sec. 77, BP 881, Amended)

11 SEC. [119] 120. Petition to deny due course to or cancel a
12 certificate of candidacy. - A verified petition seeking to deny
13 due course to or cancel a certificate of candidacy may be filed
14 by any person exclusively on the ground that any material
15 representation contained therein is false. The petition shall be
16 filed within five (5) days following the last day for the filing
17 of certificates of candidacy. (Sec. 78, BP 881)

18 SEC. [120] 121. Unopposed candidacies. - If, after the last
19 day for the filing of certificates of candidacy, there should be
20 only one (1) candidate for an elective position IN A SPECIAL
21 ELECTION CALLED TO FILL A VACANCY, the Commission shall, without
22 holding [an] A SPECIAL election for said position, certify that
23 he is the only candidate for the office affected and is thereby
24 deemed elected. (New)

25 26 E. CAMPAIGN AND ELECTION PROPAGANDA

27
28 SEC. [121] 122. Definitions. - As used in this Code:

29 [(1)] (A) "Candidate" refers to any person aspiring for or
30 seeking an elective public office who has publicly announced the
31 same or who has, through other analogous acts performed within

1 ninety (90) days prior to the start of the campaign period,
2 openly manifested his desire to seek an elective public office,
3 whether or not he has filed a certificate of candidacy by himself
4 or through an accredited political party, organization, or
5 coalition of parties; (New)

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

9 [(a)] (1) Forming organizations, associations,
10 clubs, movements, committees or other groups of
11 persons;

12 [(b)] (2) Holding political caucuses,
13 conferences, meetings, rallies, parades, or other
14 similar assemblies;

15 [(c)] (3) Making speeches, announcements or
16 commentaries, or holding interviews;

17 [(d)] (4) Publishing or airing in the mass
18 media, or distributing campaign materials; or

19 [(e)] (5) Directly or indirectly soliciting
20 votes, pledges, or support.

21 Public expressions, opinions, or discussions of probable
22 issues in a forthcoming election or on attributes of or
23 criticisms against probable candidates proposed to be nominated
24 in a forthcoming political party convention shall not be
25 construed as part of any election campaign or partisan political
26 activity contemplated under this Article. (Sec. 79, BP 881,
27 Amended)

28 SEC. [122] 123. Intervention of foreigners. - At no time
29 shall any foreigner, whether juridical or natural, aid any
30 candidate or political party, directly or indirectly, or take
31 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. [123] 124. 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 or by means of any election propaganda enumerated under Sections 127 and 130 of this Code] (New) NO HEAD, BISHOP, PRIEST OR MINISTER OF ANY CHURCH OR RELIGIOUS SECT, DENOMINATION OR GROUPING SHALL, DIRECTLY OR INDIRECTLY, INFLUENCE MEMBERS OF HIS FLOCK, DIOCESE, 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]: PROVIDED, HOWEVER, THAT NOTHING IN THIS SECTION SHALL PROHIBIT ANY RELIGIOUS HEAD, BISHOP, PRIEST OR MINISTER FROM PRONOUNCING IN ANY FORM MORAL, RELIGIOUS AND SPIRITUAL PRINCIPLES, JUDGMENTS, GUIDELINES AND EXHORTATIONS SHORT OF IDENTIFYING OR NAMING A PARTICULAR CANDIDATE OR PARTY IN SPECIFIC PRACTICAL APPLICATION OF SAID MORAL, RELIGIOUS AND SPIRITUAL PRINCIPLES, JUDGMENTS, GUIDELINES AND EXHORTATIONS IN THE ARENA OF ELECTORAL CAMPAIGNS. (NEW)

SEC. [124] 125. Lawful election propaganda. - Lawful election propaganda shall include:

[(1)] (A) 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

1 or other authorized place shall conform to the size herein
2 specified and shall be posted or displayed only with the express
3 consent of the owner of such house, building, establishment, or
4 vehicle;

5 [(2)] (B) Handwritten or printed letters urging voters to
6 vote for or against any particular candidate;

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

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

19 [(5)] (E) Any moving vehicle with a sound system for
20 campaign jingles or recorded or live propaganda, or motorcades;
21 or

22 [(6)] (F) All other forms of election propaganda not
23 prohibited by this Code as the Commission may authorize after due
24 notice to all interested parties and hearing where all interested
25 parties were given equal opportunity to be heard: Provided, That
26 the Commission's authorization shall be published twice in two
27 (2) newspapers of general circulation within one (1) week after
28 the grant of such authorization. Violation in any manner of this
29 Section shall constitute an election offense. (Sec. 82, BP 881)

30 SEC. [125] 126. Prohibition on removal, destruction, or
31 defacement of lawful election propaganda. - It shall be unlawful

1 for any person to remove, destroy, obliterate, or in any manner
2 deface or tamper with, or prevent the distribution of, lawful
3 election propaganda during the campaign period. (Sec. 83, BP
4 881)

5 SEC. [126] 127. Requirements for printed election
6 propaganda. - Any poster, pamphlet, circular, handbill, bumper
7 sticker, streamer, list of candidates, or any printed political
8 matter for or against a candidate or group of candidates to any
9 public office shall bear the words "PAID FOR BY" followed by the
10 true and correct name and address of the payor, and by the words
11 "PRINTED BY" followed by the true and correct name and address of
12 the printer. (Sec. 84, BP 881)

13 SEC. [127] 128. Prohibited election propaganda. - The
14 following election propaganda are prohibited:

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

18 [(2)] (B) Billboards, tinsplate-posters, balloons and the
19 like, of whatever size, shape, form, or kind;

20 [(3)] (C) Pens, lighters, fans of whatever nature,
21 flashlights, athletic goods or materials, vallets, shirts, hats,
22 bandanas, matches, cigarettes and the like. However, campaign
23 supporters may be allowed to wear hats and/or shirts or T-shirts
24 advertising a candidate while in the actual company of the
25 candidate.

26 [(4)] (D) Any advertisement or propaganda by means of
27 cinematography, audio-visual units, video cassette recorders or
28 other screen projections, except telecasts which may be allowed
29 as hereinafter provided; and

30 [(5)] (E) Printed and broadcast material for campaign and
31 other political purposes in the print and broadcast media,

1 whether given free of charge or sold to any individual or party,
2 except as authorized in this Code and by the Commission.

3 The printing, manufacture, construction, purchase, posting,
4 publication, display, airing, distribution, acceptance, or use of
5 any of the foregoing election propaganda materials shall consti-
6 tute an election offense.

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

10 **SEC. [128] 129. Ban on political advertisements in media. -**

11 [It shall be unlawful for any newspaper, radio broadcasting or
12 television station, or other mass media, or any person making use
13 of the mass media, to sell or give free of charge print space or
14 air time for campaign or other political purposes except to the
15 Commission as provided for under the provisions on "Comelec
16 Space" and "Comelec Time," including such other programs
17 authorized by the Commission: Provided, however, That the right
18 of media to print or broadcast accounts of significant or
19 newsworthy events and views on matters of public interest shall
20 at all times be recognized] WITH THE EXCEPTION OF THE COMMISSION
21 AS PROVIDED FOR UNDER THE PROVISIONS ON "COMELEC SPACE" AND
22 "COMELEC TIME," INCLUDING SUCH OTHER PROGRAMS AUTHORIZED BY THE
23 COMMISSION, AS WELL AS CANDIDATES WITH NATIONAL CONSTITUENCY, IT
24 SHALL BE UNLAWFUL FOR ANY NEWSPAPER, RADIO BROADCASTING OR
25 TELEVISION STATION, OR OTHER MASS MEDIA, OR ANY PERSON MAKING USE
26 OF THE MASS MEDIA, TO SELL OR GIVE FREE OF CHARGE PRINT SPACE OR
27 AIR TIME FOR CAMPAIGN OR OTHER POLITICAL PURPOSES: PROVIDED,
28 HOWEVER THAT THE RIGHT OF MEDIA TO PRINT OR BROADCAST ACCOUNTS OF
29 SIGNIFICANT OR NEWSWORTHY EVENTS AND VIEWS ON MATTERS OF PUBLIC
30 INTEREST SHALL AT ALL TIMES BE RECOGNIZED. (Sec. 11 (b), RA
31 6646, Amended)

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

7 NO FILM, MOVIE, TELEVISION OR RADIO PROGRAM, AS WELL AS
8 ADVERTISEMENT, COMMERCIAL OR ENDORSEMENT, INVOLVING A CANDIDATE
9 SHALL BE SHOWN, AIRED, OR PRINTED DURING THE ELECTION PERIOD.
10 (NEW)

11 SEC. [129] 130. Regulation of election propaganda through
12 mass media. - No franchise or permit to operate a radio or
13 television station shall be granted or issued, suspended,
14 cancelled, or revoked during the election period.

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

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

24 SEC. [130] 131. Comelec Space. - The Commission shall
25 procure space free of charge in at least one (1) newspaper of
26 general circulation in every province or city and in such
27 newspaper with national circulation as there are in circulation,
28 which shall be known as "Comelec Space," wherein candidates can
29 announce their candidacy[.]: Provided, however, [t]That in the
30 absence of such newspaper, publication shall be done in any other
31 magazine or periodical in said province or city. Said space

1 shall be allocated, free of charge, equally and impartially by
2 the Commission among all candidates for national office, in the
3 case of newspapers with national circulation, and among all
4 candidates for other elective public positions within the area in
5 which the newspaper is circulated, in the case of publications
6 with limited circulation. (Sec. 90, BP 881)

7 Said "Comelec Space" shall also include such space as may be
8 reasonably necessary to accommodate a "Comelec Column," in a
9 frequency not exceeding twice a week during the election period,
10 which shall contain such materials as may be necessary to inform
11 the public of election matters. Any candidate or political party
12 may cause the reproduction or reprinting, at their expense, of
13 any "Comelec Space" publication, subject to the limitations on
14 lawful election expenditures. (New)

15 SEC. [131] 132. Comelec Time. The Commission shall procure
16 radio and television time, of which a reasonable proportion shall
17 be prime time, free of charge to be known as "Comelec Time,"
18 which shall be allocated equally and impartially among all
19 candidates for national office, in the case of radio and
20 television stations with nationwide reach, and among all
21 candidates for other public elective positions within the area of
22 coverage of the radio and television stations concerned, in the
23 case of stations with limited territorial reach. For this
24 purpose, the franchise of all radio broadcasting and television
25 stations are hereby amended so as to provide radio or television
26 prime time, free of charge, during the election campaign period.
27 (Sec. 92, BP 881)

28 SEC. [132] 133. Common poster area. - The Commission shall
29 designate common poster areas in strategic public places such as
30 city or municipal halls, public markets, barangay centers, and
31 the like, wherein each candidate can post, display, or exhibit

1 free of charge his election propaganda, consisting of one (1)
2 poster measuring not more than [twenty (20) by twenty-seven]
3 SIXTY-ONE (61) CENTIMETERS BY NINETY-ONE and one-half [(27.5)]
4 (91.5) centimeters, to announce or further his candidacy.

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

9 The space in such common poster areas or billboards shall be
10 allocated equally and impartially among all the candidates in the
11 province, city, municipality, or barangay. (Sec. 91, BP 881,
12 Amended)

13 SEC. [133] 134. Rallies, meetings and other political
14 activities. - Subject to the requirements of local ordinances on
15 the issuance of permits, any political party supporting official
16 candidates or any candidate, individually or jointly with other
17 aspirants, may hold peaceful political rallies, meetings and
18 other similar activities during the campaign period[.]: Provided,
19 [t]That all applications for permits to hold such activities
20 shall be immediately posted in a conspicuous place in the city or
21 municipal building, receipt thereof acknowledged, and, within
22 three (3) days from its filing, acted upon in writing by the
23 local authorities concerned. Provided, further, that any
24 application not acted upon within said period shall be deemed
25 approved, and any denial of application for said permit shall be
26 appealable to the provincial election supervisor, regional
27 election director, or, in the case of Metro Manila, to the
28 appropriate department [or service] of the Commission, as the
29 case may be, or to the Commission, whose decision shall be made
30 within forty-eight (48) hours and which shall be final and
31 executory[.]: Provided, finally, [t]That the only justifiable

1 ground for denial of an application is the approval of a prior
2 written application by any candidate or political party for the
3 same time, date, place, and purpose. (Sec. 87, BP 881, Amended)

4 **SEC. [134] 135. Transportation, food and drinks.** - It shall
5 be unlawful for any candidate, political party, organization, or
6 coalition, political leader, voter, or any person to give or
7 accept, free of charge or for a nominal sum, directly or
8 indirectly, transportation service, fare, food, beverages,
9 liquor, or things of value during the five (5) hours before and
10 after a public rally, on the day preceding the election, and on
11 the day of the election; or to give or contribute, directly or
12 indirectly, money or things of value for such purpose. (Sec. 89,
13 BP 881)

14 No special permit or authority to operate outside their
15 designated routes shall be issued to public utility operators or
16 owners within the three (3) days preceding the elections and on
17 the day of the election. All public utility vehicles operating
18 outside their designated routes during said period shall be
19 impounded, and their drivers apprehended, upon authority of the
20 Commission. (New)

21
22 **F. ELECTIONAL CONTRIBUTIONS AND EXPENDITURES**

23
24 **SEC. [135] 136. Definitions.** - As used in this Article:

25 [(1)] (A) "Person" refers to an individual, partnership,
26 committee, association, corporation, political party,
27 organization, or coalition, or any other organization or group of
28 persons;

29 [(2)] (B) "Contribution" refers to a gift, donation,
30 subscription, loan advance, or deposit of money or anything of
31 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)] (C) "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. [136] 137. 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)] (A) Travelling expenses of the candidates and campaign personnel in the course of the campaign, and for personal expenses incident thereto;

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

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

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

[(5)] (E) Employment of watchers at the polls;

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

1 [(7)] (G) Political meetings and rallies and the use or
2 rental of sound systems, lights and decorations during such
3 meetings and rallies; or

4 [(8)] (H) Use, rental, or hire of land, water, or air
5 craft, equipment, facilities, apparatus and paraphernalia.

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

11 SEC. [137] 138. Prohibited contributions. - No contribution
12 for purposes of partisan political activity shall be made,
13 directly or indirectly, by any of the following:

14 [(1)] (A) Public or private financial institutions.
15 However, nothing herein shall prevent the accommodation of any
16 loan by a candidate or political party by any such public or
17 private financial institutions legally engaged in the business of
18 lending money, where the loan is made in accordance with law and
19 regulations and in the ordinary course of business;

20 [(2)] (B) Natural and juridical persons who:

21 [(a)] (1) Operate public utilities or possess or
22 exploit any natural resources of the nation;

23 [(b)] (2) Hold contracts or sub-contracts to
24 perform construction or other works or to supply with
25 goods and services the government or any of its
26 divisions, subdivisions or instrumentalities, including
27 government-owned or controlled corporations;

28 [(c)] (3) Have been granted by the government or
29 any of its divisions, subdivisions or
30 instrumentalities, including government-owned or
31 controlled corporations, franchises, incentives,

1 exemptions, allocations, or similar privileges or
2 concessions, or, within one (1) year prior to the date
3 of the election, loans or other accommodations in
4 excess of twenty-five thousand (P25,000) pesos;

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

8 [(4)] (D) Officials or employees of the civil service, or
9 members of the Armed Forces of the Philippines;

10 [(5)] (E) Foreign nationals, entities, and governments;
11 and

12 [(6)] (F) Domestic and foreign religious organizations.

13 It shall be unlawful for any person to solicit or receive,
14 directly or indirectly, any aid or contribution of whatever form
15 or nature, from any of the persons or entities enumerated above.
16 (Secs. 95 and 96, BP 881, Amended)

17 SEC. [138] 139. Prohibited donations and fund-raising
18 activities. - From the commencement of the election period up to
19 and including election day, it shall be unlawful:

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

26 [(2)] (B) For any person, directly or indirectly, to
27 solicit and/or accept from any candidate, or from his campaign
28 manager, agent, or representative, or any person acting in their
29 behalf, any gift, food, transportation, contribution, or donation
30 in cash or in kind. However, normal and customary religious
31 stipends, tithes, or church collections on Sundays and/or

1 designated collection days, as well as periodic payments made for
2 legitimate academic scholarships established and school
3 contributions habitually made before the election period are
4 excluded from this prohibition; and

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

17 SEC. [139] 140. True name of contributor required. - No
18 person shall make any contribution in any name except his own,
19 nor shall any candidate or treasurer of a political party receive
20 a contribution or enter or record the same in any name other than
21 that by whom it was actually made, indicating the tax
22 identification number of the contributor concerned. (Sec. 98, BP
23 881)

24 SEC. [140] 141. Report of contributors. - Every person
25 giving contributions to any candidate, treasurer of the party, or
26 their authorized representatives shall, not later than thirty
27 (30) days after the day of the election, file with the law
28 department of the Commission a report under oath stating the
29 following:

30 [(1)] (A) Amount of each contribution;

31 [(2)] (B) Name of the candidate, agent of the candidate,

1 or political party receiving the contribution;

2 [[(3)] (C) Date of the contribution; and

3 [[(4)] (D) Name, address and tax identification number of
4 the contributor.

5 The report shall also be supported by certified true copies
6 of the receipts signed and issued by the candidate, treasurer of
7 political party, or their authorized representatives. (Sec. 99,
8 BP 881)

9 SEC. [141] 142. Limitations on election expenditures. - The
10 amount that a candidate or political party, organization, or
11 coalition may spend for election campaign purposes shall be fixed
12 by the Commission based on the consumer price index prevailing at
13 least sixty (60) days prior to the start of the election period.
14 However, such limitations on election expenses shall be published
15 in two (2) newspapers of general circulation not later than
16 thirty (30) days before the election period. (Sec. 100, BP 881)

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

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

28 SEC. [142] 143. Persons authorized to incur election
29 expenditures. - Only the candidate, treasurer of a political
30 party, or any person authorized by them shall incur election
31 expenditures, which shall be considered as expenditures of such

1 candidate or political party.

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

7 **SEC. [143] 144. Record of contributions and expenditures.** -

8 It shall be the duty and responsibility of every candidate,
9 treasurer of a political party, or any person acting under their
10 authority to:

11 [(1)] (A) Issue a receipt for every contribution received;

12 [(2)] (B) Obtain and keep a receipt stating the
13 particulars of every expenditure made;

14 [(3)] (C) Keep detailed, full and accurate records of all
15 contributions received and expenditures incurred or caused to be
16 incurred by them;

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

22 Failure to preserve such records or documents shall be
23 deemed prima facie evidence of violation of the provisions of
24 this Article. (Sec. 106, BP 881)

25 **SEC. [144]. Statement of contributions and expenditures.** -

26 Every candidate shall, within thirty (30) days after the day of
27 the election, [and during regular office hours,] file DURING
28 REGULAR OFFICE HOURS in duplicate personally or through his
29 representative with the same office of the Commission where he
30 filed his certificate of candidacy, the full, true and itemized
31 statement of all contributions and expenditures in connection

1 with the election.

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

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

12 **SEC. [145] 145. Form and contents of statement.** - The
13 statement of contributions and expenditures shall be in writing,
14 subscribed and sworn to by the candidate or the treasurer of the
15 party, and shall be complete as of the date of filing. It shall
16 state:

17 [(1)] (A) The amount of every contribution, date of
18 receipt thereof, and full name and exact address of the
19 contributor;

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

22 [(3)] (C) Any unpaid obligation, its nature and amount,
23 and the name of the creditor; and

24 [(4)] (D) Such other particulars which the Commission may
25 require. (Sec. 109, BP 881)

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

30 **SEC. [146] 146. Effect of failure to file statement.** - No
31 person elected to any public office shall enter upon the duties

1 of his office unless he and his political party, if any, have
2 filed the statement of contributions and expenditures herein
3 required, as certified by the officer with whom such statements
4 are filed.

5 The person administering the oath of office shall, before
6 administering such oath to an elected public officer, require the
7 latter to furnish him with a certification that he has filed the
8 required statement, attested to by the officer with whom such
9 statement was filed. Failure to require such certification
10 before administering the oath of office shall constitute an elec-
11 tion offense.

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

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

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

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

29 Any candidate who fails to pay the fine and file the re-
30 quired statement within the prescribed period for a second time
31 shall be subject to perpetual disqualification to hold public

1 office. (Sec. 14, RA 7166)

2 **SEC. [147] 148. Preservation and inspection of statements. -**

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

12 **SEC. [148] 149. Report of contractor and business firms. -**

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

23 It shall be the duty of such person or firm to whom an
24 electoral expenditure is made to require every agent of a
25 candidate or treasurer of political party to present written
26 authority to incur election expenditures in behalf of such
27 candidate or treasurer, and to preserve and keep at its place of
28 business, subject to inspection by the Commission or its
29 authorized representatives, copies of such written authority,
30 contracts, vouchers, invoices and other records and documents
31 relative to said expenditures for a period of three (3) years

1 after the date of the election to which they pertain.

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

7 **ARTICLE V. PRE-ELECTION ACTIVITIES**

9 **A. REGISTRATION OF VOTERS**

11 **SEC. [149] 150. Definition.** - As used in this Code:

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

17 [(2)] (B) "Registration record" refers to an application
18 for registration duly approved by the election registration
19 board.

20 [(3)] (C) "Book of voters" refers to the compilation of
21 all registration records in a precinct.

22 [(4)] (D) "List of voters" refers to an enumeration of
23 names of registered voters in a precinct.

24 [(5)] (E) "Illiterate" or "disabled" person refers to one
25 who cannot BY HIMSELF prepare [his own] AN application for
26 registration. (New)

27 **SEC. [150] 151. Permanent list of voters.** - There shall be a
28 permanent list of voters in each city or municipality consisting
29 of all approved applications for registration of the city or
30 municipality, with such additions, cancellations and corrections
31 as may be herein authorized.

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

7 However, should the Commission find it necessary, IT MAY
8 CONDUCT a general registration of voters [shall be conducted].
9 (New)

10 SEC. [151] 152. Continuing system of registration of voters.
11 - Registration of voters shall be conducted daily in the office
12 of the election officer during REGULAR office hours. To
13 facilitate the filing of applications for registration, the
14 election officer may hold office in any district, barangay or
15 sitio within his jurisdiction, subject to the rules and
16 regulations promulgated by the Commission. No registration shall,
17 however, be conducted ninety (90) days before a regular election
18 and sixty (60) days before a special election. (Sec. 79, 1978
19 EC)

20 SEC. [152]. Registration of voters. - A qualified voter
21 must be registered in the permanent list of voters of the city
22 or municipality wherein he resides to be able to vote in any
23 election. To register as a voter, he shall personally accomplish
24 an application for registration in triplicate before the election
25 officer on any date after having acquired the qualifications of a
26 voter. (Sec. 109, RA 6388)

27 The application shall contain the following data:

28 [[1)] (A) Name, surname and middle name and/or maternal
29 surname;

30 [[2)] (B) Sex, date and place of birth;

31 [[3)] (C) Citizenship;

1 [[(4)] (D) Civil status; if married, the name of the
2 spouse;

3 [[(5)] (E) Profession, occupation or work;

4 [[(6)] (F) Periods of residence in the Philippines and in
5 the place of registration;

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

9 [[(8)] (H) A statement that he possesses the qualifications
10 and none of the disqualifications of a voter;

11 [[(9)] (I) A statement that the applicant is not a
12 registered voter of any precinct;

13 [[(10)] (J) Such information or data as may be required by
14 the Commission.

15 The application for registration shall be under oath and
16 contain three (3) specimen SIGNATURES of the applicant['s signa-
17 ture and], clear and legible prints of all his fingers, and be
18 accompanied by four (4) identification-sized copies of the latest
19 photograph, to be taken at the expense of the Commission.

20 Before the applicant accomplishes his application for
21 registration, the election officer shall inform him of the
22 qualifications and disqualifications prescribed by law for a
23 voter, and thereafter see to it that the accomplished application
24 contains all the data therein required and that the applicant's
25 specimen signatures, fingerprints and photographs are properly
26 affixed in all copies of the voter's application. (Sec. 110, RA
27 6388)

28 SEC. [153] 154. Who may register. - All citizens of the
29 Philippines not otherwise disqualified by law, who are at least
30 eighteen (18) years of age, and who shall have resided in the
31 Philippines for at least one (1) year and in the place wherein

1 they propose to vote, for at least six (6) months immediately
2 preceding the election may register as A voter[s].

3 The following shall be allowed to register, if qualified:

4 [(1)] (A) Those who failed to register in previous
5 elections;

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

9 [(3)] (C) Any person whose registration has been cancelled
10 on the ground of disqualification and such disqualification has
11 subsequently been lifted or removed; and

12 [(4)] (D) [A] ANY voter whose registration has been can-
13 celled due to failure to vote in the two (2) successive preceding
14 regular elections. (Sec. 117, BP 881)

15 SEC. [154] 155. Re-registration. - A voter registered in the
16 permanent list of voters need not register anew for subsequent
17 elections unless he transfers his residence to another city or
18 municipality.

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

27 SRC. [155] 156. Illiterate or disabled applicants. - The
28 application for registration of an illiterate or physically
29 disabled person may be prepared by any relative within the fourth
30 civil degree of consanguinity or affinity or by the election
31 officer in accordance with the data supplied by the applicant.

1 The fact of illiteracy or disability shall be so indicated
2 in the application. (Sec. 127, BP 881)

3 SEC. [156] 157. Election registration board. - There shall
4 be in each city and municipality as many election registration
5 boards as there are election officers therein.

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

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

19 SEC. [157] 158. COMPENSATION OF THE MEMBERS OF THE BOARD. -
20 WITH THE EXCEPTION OF THE ELECTION OFFICER, EACH MEMBER OF THE
21 BOARD SHALL BE ENTITLED TO AN HONORARIUM OF ONE HUNDRED PESOS FOR
22 EACH DAY OF ACTUAL SERVICE IN THE BOARD, BUT SHALL NOT BE
23 ENTITLED TO TRAVELLING EXPENSES. (NEW)

24 SEC. [158] 159. Notice and hearing of application. - Upon
25 receipt of [the] AN application for registration, the election
26 officer shall set it for hearing, notice of which shall be posted
27 in the city or municipal bulletin board and in his office for at
28 least three (3) days before the hearing, and furnish copies
29 thereof to THE heads or representatives of registered political
30 parties in the city or municipality. On the date of the hearing,
31 the election officer shall receive such evidence as may be

1 submitted for or against the applicant. (Sec. 111, RA 6388)

2 **SEC. [159] 160. Challenge of right to register.** - Any voter,
3 candidate, or representative of a registered political party may
4 challenge in writing any application for registration, stating
5 the grounds therefor. The challenge shall be under oath and
6 [shall] be attached to the application, together with proof of
7 notice to the challenger and the applicant. (Sec. 112, RA 6388)

8 **SEC. [160] 161. Power to administer oath and issue summons.**
9 - For purposes of determining the right of applicants to be
10 registered as voters, the election officer shall have the power
11 to administer oath, issue subpoenas [and subpoena duces tecum,]
12 AND swear in witnesses[, and compel witnesses to appear and
13 testify]. The fees and expenses incidental thereto shall be paid
14 in advance by the party in whose behalf the summons is issued.
15 (Sec. 140, RA 6388, Amended)

16 **SEC. [161] 162. Approval or disapproval of application.** -
17 The election officer shall submit to the board all the
18 applications for registration filed, together with the evidence
19 received in connection therewith. The board shall, by majority
20 vote, approve or disapprove the applications.

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

27 **SEC. 163. PUBLICATION OF ACTION ON APPLICATION FOR**
28 **REGISTRATION.** - WITHIN TWO (2) DAYS FROM APPROVAL OR DISAPPROVAL
29 OF AN APPLICATION, THE BOARD SHALL POST A NOTICE IN THE CITY OR
30 MUNICIPAL HALL AND IN THE OFFICE OF THE ELECTION OFFICE STATING
31 THE NAME AND ADDRESS OF THE APPLICANT, THE DATE OF THE

1 APPLICATION AND THE ACTION TAKEN THEREON PERSONALLY, BY
2 REGISTERED MAIL OR SPECIAL DELIVERY TO THE HEADS OR
3 REPRESENTATIVES OF REGISTERED POLITICAL PARTIES IN THE CITY OR
4 MUNICIPALITY. (SEC. 113, RA 6388)

5 SEC. [162] 164. Preservation of voters' registration
6 records. - The election officer shall compile his copies of the
7 approved applications for registration and arrange the same
8 alphabetically by precinct in the books of voters. He shall
9 preserve said books of voters to ensure its integrity. The other
10 two (2) copies of the registration records shall be sent to the
11 ~~offices~~ of the provincial and national central files within three
12 (3) days after the approval by the board becomes final. (Sec.
13 125, RA 6388)

14 SEC. [163] 165. Provincial central file. - There shall be a
15 provincial central file consisting of the duplicate copies of all
16 registration records in each city and municipality in the
17 province. It shall be under the custody of the provincial
18 election supervisor and shall be compiled alphabetically by
19 precinct. (Sec. 91, 1978 EC)

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

25 SEC. [164] 166. National central file. - There shall be a
26 national central file under the custody of the Commission in
27 Manila consisting of a compilation of the third copies of all
28 approved voters' registration records. (Sec. 92, 1978 EC)

29 [SEC. 165. Publication of action on application for
30 registration. - Within two (2) days from approval or disapproval
31 of an application, the board shall post a notice in the city or

1 municipal [building] HALL and in the office of the election
2 officer stating the name and address of the applicant, the date
3 of the application and the action taken thereon. The election
4 officer shall serve a copy thereof [by] personally, BY [or]
5 registered MAIL OR special delivery to the heads or
6 representatives of registered political parties in the city or
7 municipality. (Sec. 113, RA 6388)]

8 SEC. [166] 167. Voter's identification card. - The voter's
9 identification card issued to the registered voter shall be
10 considered [as] a document for his identification. No duplicate
11 copy thereof shall be issued [except] TO ANY PERSON OTHER THAN
12 THE REGISTERED VOTER AND ONLY upon authority of the Commission.

13 The identification card shall bear the name and address of
14 the voter, his date of birth, sex, civil status, occupation,
15 photograph, thumbmark, the city or municipality and number of
16 the precinct where he is registered, his signature, voter's
17 serial number, and the signature of the chairman of the election
18 registration board. (Sec. 129, RA 6388, Amended; Sec. 129, BP
19 881).

20 SEC. [167] 168. Change of residence to another city or
21 municipality. - Any registered voter who has transferred
22 residence to another city or municipality may register as a voter
23 in his new residence after applying for the cancellation of his
24 previous registration with the election officer of his new
25 residence. (Sec. 119, RA 6388)

26 SEC. [168] 169. Change of address in the same city or
27 municipality. - Any voter who has changed his address in the same
28 city or municipality shall immediately notify the election
29 officer THEREOF in writing. If the change of address involves a
30 change in precinct, the board shall transfer his registration
31 record to the precinct book of voters of his new precinct and

1 notify the voter of his new precinct. All changes of address
2 shall be reported to the offices of the provincial and national
3 central files. (Sec. 87, 1978 EC)]

4 SEC. [169] 170. Cancellation of registration. - The board
5 shall cancel the registration and remove the registration records
6 of the following persons from the corresponding precinct books of
7 voters and place the same in the inactive file after entering
8 therein the cause or causes of cancellation:

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

11 (2) Those who were sentenced by final judgment to suffer
12 imprisonment of not less than one (1) year or found guilty of
13 having violated their allegiance to the Republic of the
14 Philippines as certified to by the clerks of court OF THE
15 METROPOLITAN AND REGIONAL TRIAL COURTS; and

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

18 For this purpose, the local civil registrar in the city or
19 municipality and the clerks of court of the metropolitan [trial
20 courts] and regional trial courts shall furnish the election
21 officer concerned at the end of each month a certified list of
22 persons with their addresses, who have died or have been
23 sentenced by final judgment to suffer imprisonment of not less
24 than one (1) year or found guilty of having violated their
25 allegiance to the Republic of the Philippines.

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

1 **SEC. [170] 171. Preparation and publication of the certified**
2 **list of voters.** - The board shall prepare a certified list of
3 voters [thirty (30)] FORTY FIVE (45) days before a regular
4 election and [fifteen (15)] THIRTY (30) days before a special
5 election and furnish copies thereof to the provincial and
6 national central files. [Upon payment of fees as fixed by the
7 Commission, the c]Candidates and heads of registered political
8 parties may also be furnished copies thereof UPON PAYMENT OF FEES
9 AS FIXED BY THE COMMISSION. Any LIST THE ENTRIES OF WHICH ARE
10 changed or [correction] CORRECTED [in the said list] shall be
11 distributed in the same manner as a supplementary list.

12 The board shall also furnish two (2) certified copies of
13 said list of voters, including the supplementary list, if any, to
14 the board of election inspectors for posting in the polling
15 place and for its use on election day. (Sec. 113, RA 6388,
16 Amended; Sec. 135, BP 881, Amended)

17 **SEC. [171] 172. Sealing of precinct book of voters.** - The
18 board shall, [twenty (20)] TEN (10) days before a regular
19 election and [ten (10)] FIVE (5) days before a special election,
20 seal all precinct books of voters and certify [as] to the
21 completeness of the registration records for each precinct. All
22 candidates, watchers of registered political parties and members
23 of the board of election inspectors shall have the right to be
24 present during the sealing of the precinct books of voters and
25 to verify their contents before the books are closed and sealed.
26 The election officer shall deliver the sealed precinct book of
27 voters to the chairman of the board of election inspectors when
28 the latter secures its official ballots and other paraphernalia
29 for election day. (Sec. 118, RA 6388, Amended)

30 **SEC. [172] 173. Jurisdiction in inclusion and exclusion**
31 **CASES.** - The municipal and metropolitan trial courts shall have

1 original and exclusive jurisdiction over all cases of inclusion
2 and exclusion of voters in their respective cities or
3 municipalities. Decisions of the municipal or metropolitan trial
4 courts may be appealed by the aggrieved party to the regional
5 trial court within five (5) days from receipt of notice
6 thereof; otherwise, said decision shall become final and
7 executory. The regional trial court shall decide the appeal
8 within ten (10) days from the time [the appeal] IT is received
9 and its decision shall be immediately final and executory. No
10 motion for reconsideration shall be entertained. (Sec. 138, BP
11 881)

12 SEC. [173] 174. Petition for inclusion of voters in the
13 list. - Any person whose application for registration has been
14 disapproved by the board or whose name has been stricken out from
15 the list may file with the court at any time except [twenty-five
16 (25)] FORTY (40) days before a regular or special election, a
17 petition to include his name in the permanent list of voters of
18 his precinct. It shall be supported by a copy of the disapproval
19 of his application and proof of service of notice of his petition
20 [upon] TO the board. The petition shall be decided within
21 fifteen (15) days after ITS filing.

22 If the decision is for the inclusion of the voter in the
23 permanent list of voters, the board shall activate the applica-
24 tion for registration previously disapproved by entering there -
25 the order of inclusion and placing the said application in the
26 corresponding precinct book of voters. (Sec. 139, BP 881)

27 SEC. [174] 175. Voters excluded through inadvertence or
28 registered with an erroneous or misspelled name. - Any registered
29 voter who has not been included in the precinct list of voters
30 or who has been included therein with a wrong or misspelled name
31 may file with the board an application for reinstatement or

1 correction of name. If it is denied or not acted upon, he may
2 file on any date with the proper municipal or metropolitan trial
3 court a petition for an order directing that his name be entered
4 or corrected in the list. He shall attach to the petition a
5 certified copy of his registration record or identification card
6 or the entry of his name in the list of voters used in the
7 preceding election, together with proof that his application was
8 denied or not acted upon by the board and that he has served
9 notice thereof [upon] TO the board. (Sec. 140, BP 881)

10 **SEC. [175] 176. Change of name of registered voter.** - Any
11 registered voter whose name has been changed by reason of
12 marriage or by virtue of a court order may file an application
13 with the board asking that his OR HER name be changed accordingly
14 in the list of voters. (Sec. 141, BP 881)

15 **SEC. [176] 177. Petition for exclusion of voters from the**
16 **list.** - Any registered voter, representative of a registered
17 political party, or the election officer in the city or
18 municipality may, at any time except [twenty-five (25)] FORTY
19 (40) days before a regular or special election, file with the
20 court a sworn petition for the exclusion of a voter from the
21 permanent list of voters, giving the name, address and precinct
22 of the challenged voter and citing as ground that he is either
23 disqualified from registering as a voter or is illegally
24 registered. The petition shall be accompanied by proof of notice
25 to the board and the challenged voter and shall be decided within
26 ten (10) days from filing.

27 If the decision is for the exclusion of the voter from the
28 list, the board shall, upon receipt of the final decision, remove
29 the voter's registration record from the corresponding book of
30 voters, enter the order of exclusion therein, and thereafter
31 place the record in the inactive file. (Sec. 137, RA 6388)

1 **SEC. [177] 178. Common rules governing judicial proceedings**
2 **in the matter of inclusion, exclusion and correction of names of**
3 **voters.** - [(1)] (A) Petitions for inclusion, exclusion, or
4 correction of names of voters shall be filed during regular
5 office hours.

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

16 [(3)] (C) A petition shall refer to only one (1) precinct
17 and implead the board as respondent.

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

23 [(5)] (E) Any voter, candidate, or political party who may
24 be affected by the proceedings may intervene and present his
25 evidence.

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

31 [(7)] (G) The petition shall be heard and decided without

1 delay. The decision shall be rendered within six (6) hours after
2 the hearing and within ten (10) days from the date of its filing
3 in court. Cases appealed to the regional trial court shall be
4 decided within ten (10) days from receipt of the appeal. In all
5 cases, the court shall decide these petitions not later than the
6 day before the election and the decision rendered thereon shall
7 be immediately final and executory. (Secs. 139 and 143, BP 881)

8 **SEC. [178] 179. Verification of registered voters.** - Subject
9 to the rules and regulations promulgated by the Commission, the
10 election officer shall, in order to preserve the integrity of the
11 permanent lists of voters, conduct verification of the registered
12 voters of any barangay by mail, house-to-house canvass, or aerial
13 survey. (Sec. 144, BP 881)

14 **SEC. [179] 180. Annulment of book of voters.** - The
15 Commission shall, upon verified petition of any voter or election
16 officer or duly-registered political party, and after notice and
17 hearing, annul any book of voters that is not prepared in
18 accordance with this Code; or was prepared through fraud,
19 bribery, forgery, impersonation, intimidation, force, or any
20 other similar irregularity; or which contains data that are
21 statistically improbable. No order, ruling or decision annulling
22 a book of voters shall be executed within sixty (60) days before
23 an election. (Sec. 98, 1978 EC; Sec. 145, BP 881)

24 **SEC. [180] 181. Reconstitution of lost or destroyed**
25 **registration records.** - The Commission shall reconstitute all
26 registration records which have been lost or destroyed by using
27 the corresponding copies of the provincial or national central
28 files. If this is not feasible, the registered voters concerned
29 shall be summoned by the election officer to reconstitute their
30 records by accomplishing a new application. Reconstituted forms
31 shall be clearly marked with the word "RECONSTITUTED".

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

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

8 SEC. [181] 182. Examination of registration records. - All
9 registration records in the possession of the election officer,
10 the provincial election supervisor, and the Commission shall,
11 during regular office hours, be open to examination by the public
12 for legitimate inquiries on election-related matters.

13 Law enforcement agencies may, upon prior authorization and
14 subject to regulations promulgated by the Commission, have access
15 to said registration records should the same be necessary to, and
16 in aid of, their investigative functions and duties. (Sec. 100,
17 1978 EC; Sec. 147, BP 881)

18 SEC. [182] 183. Computerization of the permanent list of
19 voters. - The Commission shall computerize the [permanent] lists
20 of voters nationwide INTO A PERMANENT LIST and assign a permanent
21 serial number to every registered voter in the [permanent] list
22 by city or municipality and province.

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

27
28 **B. PRECINCTS AND POLLING PLACES**

29
30 SEC. [183] 184. Definitions. - As used in this Code:

31 [(1)] (A) "Precinct" refers to the unit of territory

1 established by the Commission for the purpose of voting. (Sec.
2 149, BP 881)

3 [(2)] (B) "Polling place" refers to the place where the
4 board of election inspectors conducts its proceedings and where
5 the voters cast their votes. (Sec. 152, BP 881)

6 [(3)] (C) "Voting center" refers to the building or place
7 where polling places are located. (New)

8 SEC. [184] 185. Precincts and their establishment. - Every
9 barangay shall have at least one (1) precinct.

10 The precincts established in the preceding regular election
11 shall be maintained, but the Commission may, when necessary,
12 abolish them or introduce adjustments, changes or new divisions.
13 Unless authorized by the Commission, no territory comprising an
14 election precinct shall be altered or a new precinct established
15 within forty-five (45) days before a regular election and thirty
16 (30) days before a special election or plebiscite. (Sec. 149, BP
17 881)

18 SEC. [185] 186. Arrangement of precinct. - [(1)] (A) As far
19 as practicable, each precinct shall have not more than three
20 hundred (300) voters and shall comprise contiguous and compact
21 territory. However, an island or group of islands with less
22 than three hundred (300) voters may constitute a precinct.

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

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

1 The polling place of all the precincts created thereby shall
2 be located in the same building or compound where the polling
3 place of the original precinct was located, and if this be not
4 feasible, in a place as close as possible to the polling place of
5 the original precinct. However, the polling place of the new
6 precinct may be located elsewhere upon written petition of the
7 majority of the voters of the new precinct.

8 Every case of alteration of a precinct shall be duly pub-
9 lished by posting a notice thereof in a conspicuous location in
10 the precinct, and in the city or municipal hall.

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

20 SEC. [186] 187. Publication of city or municipal maps. - At
21 least ten (10) days before a regular election or five (5) days
22 before a special election or plebiscite and until election day,
23 the election officer shall post in his office and in the city or
24 municipal hall, a map of the city or municipality showing its
25 division into barangays with their respective boundaries and
26 indicating all streets and alleys and the location of each
27 polling place. A map of the barangay shall likewise be posted
28 at the door of each polling place. (Sec. 151, BP 881, Amended)

29 SEC. [187] 188. Designation of polling places. - The
30 location of polling places designated in the preceding regular
31 election shall be maintained. No designation of polling places

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

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

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

12 In designating polling places, a public building shall be
13 preferred as voting center. However, where no suitable public
14 building is available, private school buildings may be used.
15 (Sec. 155, BP 881, Amended)

16 SEC. [188] 189. Requirements for polling places. - Each
17 polling place shall be of sufficient size to comfortably
18 accommodate twenty (20) voters at any one time. The polling
19 place shall be located within the territory of the precinct as
20 centrally as possible with respect to the residence of the voters
21 therein and preferably along a public road. (Sec. 154, BP 881)

22 SEC. [189] 190. Limitation on the designation of polling
23 place. - No polling place shall be located in a public or private
24 building owned, leased, or occupied by any candidate or any
25 person related to any candidate within the fourth civil degree
26 of consanguinity or affinity, or by any elected government
27 official or leader of any political party, group or faction,
28 nor in any building or surrounding premises under the actual
29 control of a political party. (Sec. 155, BP 881)

30 SEC. [190] 191. Poster and flag of polling place. - There
31 shall be at the door of every polling place on the days that the

1 board of election inspectors conducts its proceedings, a poster
2 indicating the precinct number, location of the polling place and
3 the barangay to which it belongs. The Philippine flag shall be
4 hoisted in front of every building used as voting center. (Sec.
5 156, BP 881)

7 **C. BOARD OF ELECTION INSPECTORS**

9 **SEC. [191] 192. Constitution of board of election**
10 **inspectors.** - At least thirty (30) days before a regular election
11 or fifteen (15) days before a special election or plebiscite, the
12 Commission shall, directly or through its duly-authorized
13 representatives, constitute a board of election inspectors for
14 each precinct to be composed of a chairman and two (2) other
15 members, one of whom shall be designated as poll clerk. All
16 members of the board shall be public school teachers, giving
17 preference to those with permanent appointments. In case there
18 are not enough public school teachers, teachers in private
19 schools, employees in the civil service or other citizens of
20 known probity and competence may be appointed. (Sec. 13, RA
21 6646)

22 **SEC. [192] 193. Qualifications.**- To be appointed or to act
23 as chairman, member or substitute member of the board, a person
24 must:

25 [(1)] (A) Be of good moral character and irreproachable
26 reputation;

27 [(2)] (B) Be a registered voter within the province;

28 [(3)] (C) Not have been convicted of any election
29 offense or of any other crime punishable by more than six (6)
30 months of imprisonment;

31 [(4)] (D) Have no pending information for any election

1 offense;

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

4 SEC. [193] 194. Disqualifications. - No person shall serve
5 as member of the board if he or his spouse is related within the
6 fourth civil degree of consanguinity or affinity to any member of
7 the same board or to any candidate to be voted for in the
8 precinct. (Sec. 167, BP 881)

9 SEC. [194] 195. Oath of members of the board. - The members
10 of the board whether permanent, substitute or temporary, shall,
11 before assuming office, take and sign an oath using the forms
12 prescribed by the Commission before an election officer or, in
13 his absence, before any member of the board present, or in case
14 of the absence of the election officer and other members of the
15 board, before any voter. The oaths shall be sent immediately to
16 and kept by the election officer. (Sec. 165, BP 881)

17 SEC. [195] 196. Temporary vacancies. - If, at the time of
18 the meeting of the board, any member is absent, or the office is
19 still vacant, the members present shall call upon the substitute
20 to perform the duties of the absent member. In case such
21 substitute cannot be found, the members present shall
22 appoint any non-partisan registered voter of the precinct to
23 temporarily fill said vacancy until the absent member appears or
24 the vacancy is filled. In case there are two (2) members present,
25 they shall act jointly. (Sec. 175, BP 881)

26 SEC. [196] 197. Temporary designation [by watchers] OF
27 VOTERS. - If at the time the board must meet, all the positions
28 in the board are vacant, or if not one (1) of the appointed
29 members shall appear, the watchers present may designate voters
30 of the polling place to act in the place of said members until
31 the absentees shall appear or the vacancies are filled. (Sec.

176, BP 881, Amended)

SEC. [197] 198. 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. [198] 199. 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 THEREFOR. (Sec. 170, BP 881)

SEC. [199] 200. Powers and functions of the board. - The board shall have the following powers and functions:

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

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

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

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

SEC. [200] 201. 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. [201] 202. Authority of board within polling place. -

1 The board shall have full authority to maintain order within the
2 polling place and its premises, keep access thereto open and
3 unobstructed, and enforce obedience to its lawful orders. If
4 any person shall refuse to obey lawful orders of the
5 board, or shall conduct himself in a disorderly manner in its
6 presence or within its hearing and thereby interrupt or
7 disturb its proceedings, the board may issue an order in
8 writing directing any peace officer to take such person into
9 custody until the adjournment of the meeting. Such order,
10 however, shall not be [so] executed IN SUCH A MANNER as to
11 prevent any person from exercising his right to vote. The order
12 shall be executed by any peace officer to whom it may be
13 delivered, but if none be present, by any other person deputized
14 in writing by the board. (Sec. 172, BP 881)

15 **SEC. [202] 203. Voting privilege of members of board.** -
16 Members of the board and their substitutes may vote in the
17 polling place of the precinct where they are assigned provided
18 they are registered voters within the province, city or
19 municipality where they are assigned. In barangay elections, the
20 members of the board may vote in the polling place where they
21 are assigned provided it is within the barangay where they are
22 registered voters. The fact that a member of the board voted in
23 the polling place where he is not a registered voter shall be
24 noted in the minutes of the board. (Sec. 169, BP 881)

25 **SEC. [203] 204. Prohibition against political activity.** - No
26 member of the board shall engage in any partisan political
27 activity or take part in an election, except to vote and discharge
28 his duties. (Sec. 173, BP 881)

29 **SEC. [204] 205. Per diems of boards of election inspectors**
30 **and other personnel.** - The chairman and members of the boards of
31 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, Sec. 31, RA 7166)

D. WATCHERS

SEC. [205] 206. 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 Commis-

1 sion, shall be entitled collectively to appoint one (1) watcher
2 in every polling place. (Sec. 180, BP 881)

3 SEC. [206] 207. Qualifications. - A person may be appointed
4 watcher if he:

5 [(1)] (A) Is a qualified voter of the city or
6 municipality;

7 [(2)] (B) Is of good reputation;

8 [(3)] (C) Has not been convicted by final judgment of
9 any election offense or of any other crime;

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

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

16 No barangay official shall be appointed as a watcher.
17 (Sec. 178, BP 881)

18 SEC. [207] 208. Who may appoint watchers. - Each candidate,
19 political party, organization or coalition shall designate in
20 every province or highly-urbanized city or district in the
21 metropolitan Manila area, a representative authorized to appoint
22 watchers and furnish the provincial election supervisor or the
23 city election officer the list of such representatives. The
24 provincial election supervisor shall furnish the municipal
25 election officers and election officers of component cities with
26 said list.

27 In the case of Metropolitan Manila, the designation of the
28 persons authorized to appoint watchers shall be filed with the
29 corresponding city or municipal election officers. (Sec. 178, BP
30 881)

31 The appointment of the watcher shall bear the signature of

1 the candidate or the duly-authorized representative of the
2 political party, organization or coalition who appointed him.

3 SEC. [208] 209. Rights and duties of watchers. - A watcher
4 shall, upon entering the polling place, present and deliver to
5 the chairman of the board his appointment. His name shall be
6 recorded in the minutes with a notation under his signature that
7 he is not disqualified as watcher.

8 The watchers shall have the right to:

9 [(1)] (A) Stay in the space reserved for them inside the
10 polling place or canvassing center;

11 [(2)] (B) Witness and inform themselves of the proceedings
12 of the board;

13 [(3)] (C) Take notes of what they may see or hear;

14 [(4)] (D) Photograph the proceedings and incidents, if
15 any;

16 [(5)] (E) File a protest against any irregularity which
17 they believe may have been committed;

18 [(6)] (F) Obtain from the board a certificate as to the
19 filing of such protest and the resolution thereon;

20 [(7)] (G) Have unimpeded view of the ballots during the
21 counting of votes and of the election returns and certificate of
22 canvass during the canvassing;

23 [(8)] (H) Read the election returns or certificate of
24 canvass after they shall have been completed and signed by the
25 board; and

26 [(9)] (I) Secure a certificate of the number of votes
27 obtained by the candidates.

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

30 The watchers of the major accredited political party,
31 organization or coalition in the precinct shall affix their

1 respective signatures and thumbmarks on the election returns. If
2 any of them is not available, or is unwilling or refuses to
3 affix his signature or thumbmark on the election returns, any
4 watcher present may be required by the board to do so. (Sec.
5 12, RA 6646, Amended)

6
7 **ARTICLE VI. ELECTION FORMS, SUPPLIES AND PARAPHERNALIA**

8
9 **SEC. [209] 210. Official ballots.** - [(1)] (A) Official
10 ballots shall be provided by the Commission. They shall be of
11 uniform size and printed on white security paper to be
12 manufactured WITH SECURITY MARKING S before the election with
13 [security markings]. Each ballot shall be rectangular in shape
14 with stub and detachable coupon containing the serial number of
15 the ballot, and a space for the thumbmark of the voter on the
16 detachable coupon. It shall bear at the top on the middle
17 portion thereof the coat of arms of the Republic of the
18 Philippines, the words "Official Ballot["," the name of the city
19 or municipality and province, the date of the election, and the
20 following notice: "Fill out this ballot secretly. Do not put any
21 distinctive mark on any part of the ballot."

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

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

28 **SEC. [210] 211. Election returns.** - The election returns
29 shall be of uniform size and of such color as may be
30 determined by the Commission. Copies of returns shall be
31 prepared in the number [as] prescribed in this Code. Each copy

1 shall bear the name of the office for which it is intended. The
2 returns shall be of special kind of paper so that the entries on
3 the first copy can be clearly reproduced on the other copies
4 thereof. (Sec. 212, BP 881)

5 **SEC. [211] 212. Names of candidates in election returns and**
6 **tally paper.** - The names of the candidates for President, Vice-
7 President and Senator and, whenever practicable, those of the
8 candidates for other offices, shall be printed in the election
9 returns and tally paper. Each name shall be followed by a
10 nickname or stage name as indicated in his certificate of
11 candidacy. (Sec. 4, RA 6646)

12 **SEC. [212] 213. Printing of official ballots, election**
13 **returns and certificates of canvass.** - The official ballots,
14 election returns and certificates of canvass shall be printed
15 upon orders of the Commission and under its exclusive supervision
16 and control. The Commission shall determine and provide the
17 necessary security measures in the printing, storage and
18 distribution thereof.

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

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

1 public bidding.

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

6 **SEC. [213] 214. Committee on printing.** - The Commission
7 shall constitute a committee on printing composed of a
8 Commissioner of the Commission as Chairman and three (3) members
9 from the Commission, the Commission on Audit, and the printer,
10 respectively.

11 The major political parties fielding candidates in the
12 election and the citizens' arm shall each be entitled to send
13 watchers or representatives to witness the transport of the
14 papers to be used in the printing of official ballots, election
15 returns and certificates of canvass, and the printing, storage
16 and distribution thereof. Said watchers may file observations or
17 objections, if any, and guard the premises of the printer inside
18 and outside twenty-four (24) hours a day. (Sec. 187, BP 881)

19 **SEC. [214] 215. Duties of the committee.** - Under such
20 orders or instructions as the Commission may issue, the Committee
21 shall:

22 [(1)] (A) Have general supervision and control over the
23 printing of official ballots, election returns and certificates
24 of canvass;

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

27 [(3)] (C) Report to the Commission any irregularity which
28 it believes may have been committed; and

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

31 **SEC. [215] 216. Other committees.** - The Commission shall

1 create such committees as are necessary in the allocation,
2 procurement, verification and shipment of the official ballots,
3 election returns, certificates of canvass and other election
4 forms and paraphernalia. (New)

5 SEC. [216] 217. Distribution of official ballots and
6 election returns. - The Commission shall distribute to each city
7 and municipality the official ballots at the rate of one (1)
8 ballot for every registered voter and an additional ten (10)
9 ballots per precinct, and election returns, at the rate of one
10 (1) set for every precinct.

11 The provincial, city or municipal treasurer, or such other
12 government official who may be tasked with the duty of storing
13 and distributing election forms and materials, shall keep a
14 record of the quantity and serial numbers of official ballots
15 and election returns allocated to the respective provinces,
16 cities, municipalities and precincts. Copies of such record
17 shall be furnished the Commission and the duly-authorized repre-
18 sentatives of the accredited political parties, organizations, or
19 coalitions which fielded candidates in the election immediately
20 upon distribution but not later than the day after the election.
21 The Commission shall require the issuance of official delivery
22 receipts for the official ballots, election returns and other
23 election forms and paraphernalia. (Secs. 186 and 189, BP 881)

24 No official ballot or election returns shall be delivered to
25 the board of election inspectors earlier than the first hour of
26 election day. However, the Commission may, for justifiable
27 reasons, and after notice to the candidates and the accredited
28 political parties, organizations and coalitions fielding candi-
29 dates in the election, authorize the delivery of official ballots
30 and election returns to the board of election inspectors at an
31 earlier date. (Sec. 186, BP 881)

1 **SEC. [217] 218. Verification and distribution.** - The
2 provincial, city, or municipal treasurer, or the official
3 designated by the Commission, shall verify the contents of the
4 boxes of official ballots and election returns received by them
5 in the presence of representatives of the Commission, the
6 Commission on Audit, candidates and political parties,
7 organizations, or coalitions, and keep a record of their receipt
8 and distribution.

9 **SEC. [218] 219. Certificate of canvass and other canvassing**
10 **forms.** - The Commission shall prescribe the form of, and provide
11 **EVERY BOARD OF CANVASSERS**, in such number of copies as may be
12 required, [every board of canvassers with,] certificate of
13 canvass, statement of votes and certificate of canvass and
14 proclamation. (Sec. 231, BP 881)

15 **SEC. [219] 220. Tally paper.** - At the beginning of the
16 counting of votes, there shall be placed within the view of the
17 board of election inspectors, watchers and the public, a tally
18 paper where the names of all the candidates or issues or
19 questions to be voted upon shall be written. The third member of
20 the board shall record thereon the votes for each candidate or
21 issue as the chairman of the board reads the ballot. (Sec. 161,
22 BP 881)

23 **SEC. [220] 221. Ballot boxes.** - The Commission shall provide
24 one (1) ballot box for each precinct on the day of voting. Each
25 ballot box shall contain two (2) compartments, one for valid
26 ballots and the other for spoiled ballots. The boxes shall be
27 uniform in specifications and be provided with such device so
28 that it can be secured in the manner as the Commission may
29 prescribe. (Sec. 160, BP 881)

30 **SEC. [221] 222. Voting booths.** - During the voting, there
31 shall be in each polling place at least ten (10) voting booths of

1 such size, specifications and materials as the Commission may
2 provide to enable the voters to fill their ballots secretly.
3 (Sec. 11, RA 7166)

4 SEC. [222] 223. Certified list of candidates. - The
5 Commission shall cause to be printed certified lists of
6 candidates containing the names of all candidates for each office
7 to be voted, immediately followed by the nickname or stage name
8 of each candidate as indicated in his certificate of candidacy,
9 and his political party affiliation, if any. Said list shall be
10 posted inside each voting booth during the voting period. (Sec.
11 4, RA 6646)

12 SEC. [223] 224. Furnishing of ballot boxes, election forms
13 and materials. - The Commission shall prepare and furnish the
14 ballot boxes, election paraphernalia, forms, supplies and
15 materials necessary for the registration of voters and for the
16 conduct of the election.

17 The official entrusted by law or by the Commission with the
18 custody of the election paraphernalia, forms, supplies and mate-
19 rials shall be responsible for their storage and preservation and
20 for any loss, destruction, impairment, or damage thereof while in
21 his custody. (Sec. 162, BP 881)

22 SEC. [224] 225. New forms, security markings and devices. -
23 Notwithstanding the preceding provisions, the Commission may use
24 or adopt the latest technological and electronic devices for
25 voting, counting of votes, and canvassing and prescribe new
26 forms, printing materials and security markings for the official
27 ballots, election returns, certificates of canvass and other
28 forms and paraphernalia.

29 The Commission may prescribe the use of inexpensive official
30 ballots and election returns for barangay elections,
31 plebiscites[, referenda, initiatives] and recalls, or a

1 different form of ballot to facilitate voting by illiterate or
2 disabled voters, provided that the integrity of the ballots and
3 election returns is assured. (Sec. 23, RA 7166; Sec. 181, BP
4 881)

6 **ARTICLE VII. CASTING AND COUNTING OF VOTES**

8 **A. CASTING OF VOTES**

10 **SEC. [225] 226. Voting hours.** - The casting of votes shall
11 start at seven o'clock in the morning and end at three o'clock in
12 the afternoon of election day, except when there are voters
13 present within thirty (30) meters in front of the polling place
14 who have not yet cast their votes, in which case the voting shall
15 continue to allow said voters to cast their votes without
16 interruption. The poll clerk shall, without delay, prepare a
17 complete list containing the names of said voters consecutively
18 numbered, and the voters so listed shall be called to vote by
19 announcing each name repeatedly three (3) times in the order in
20 which they are listed. Any voter in the list who is not present
21 when his name is called shall not SUBSEQUENTLY be permitted to
22 vote. (Sec. 190, BP 881)

23 **SEC. [226] 227. Preliminaries to the voting.** - [(1)] (A)
24 The board of election inspectors shall meet at the polling place
25 at six thirty o'clock in the morning of election day and see to
26 it that they have the book of voters pertaining to the precinct,
27 list of voters, certified list of candidates, voting booths,
28 ballot box, official ballots, indelible ink, ballpens, and other
29 forms and supplies.

30 [(2)] (B) The chairman of the board shall open the ballot
31 box, empty both of its compartments, exhibit them to all those

1 present, then lock its interior covers.

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

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

10 [(5)] (E) The ballot box shall remain locked until the
11 voting is finished and the counting begins. However, if it
12 should become necessary to make room for more ballots, the board
13 may, in the presence of the members and the watchers, open the
14 box; the chairman shall press down with his hands the ballots
15 contained therein without removing any of them; and thereafter
16 the board shall again close the box and lock it. (Sec. 191, BP
17 881)

18 SEC. [227] 228. ~~Persons allowed in and around the polling~~
19 ~~place.~~ - During the voting, only the following persons shall be
20 allowed inside the polling place:

21 [(1)] (A) The members of the board;

22 [(2)] (B) The watchers;

23 [(3)] (C) The representatives of the Commission;

24 [(4)] (D) The voters casting their votes;

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

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

30 [It shall be unlawful for any] UNLESS SPECIFICALLY
31 AUTHORIZED BY THE COMMISSION, NO officer or member of the Armed

Force 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] SHALL 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, Amended)

SEC. [228] 229. Challenge against illegal voters. - [(1)]
(A) Any voter or watcher may challenge any person offering to vote:

[(a)] (1) For not being registered;

[(b)] (2) For using the name of another; or

[(c)] (3) For suffering from any disqualification.

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

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

13 SEC. [229] 230. Challenge based on certain illegal acts. -
14 Any voter or watcher may challenge any voter offering to vote on
15 the ground that the challenged person has:

16 [(1)] (A) Received or expects to receive, paid, offered,
17 or promised to pay, contributed, offered, or promised to
18 contribute money or anything of value as consideration for his
19 vote or for the vote of another;

20 [(2)] (B) Made or received a promise to influence the
21 giving or withholding of any such vote; or

22 [(3)] (C) Made a bet or is interested directly or
23 indirectly in a bet which depends upon the result of the
24 election.

25 The challenged person shall take an oath before the board
26 that he has not committed any of the acts alleged. Upon taking
27 such oath, the challenge shall be dismissed and the voter,
28 allowed to vote. However, in case of his refusal to take such
29 oath, the challenge shall be sustained and he shall not be
30 allowed to vote. (Sec. 200, BP 881)

31 SEC. [230] 231. Admission of challenged vote immaterial in

1 criminal proceedings. - The admission of the challenged vote
2 under the two (2) preceding sections shall not be conclusive upon
3 any court as to the legality of the registration of the voter
4 challenged or OF his vote in a criminal action for illegal
5 registration or voting. (Sec. 201, BP 881)

6 SEC. [231] 232. Record of challenges and oaths. - The poll
7 clerk shall keep a record of challenges and oaths and the
8 resolution of the board in each case and, upon the termination of
9 the voting, certify that it contains all the challenges made.
10 The original of this record shall be attached to the original
11 copy of the minutes of the voting. (Sec. 202, BP 881)

12 SEC. [232] 233. Order of voting. - The voters shall vote in
13 the order of their entrance to the polling place and immediately
14 depart after having cast their votes. (Sec. 193, BP 881)

15 SEC. [233] 234. Manner of obtaining ballot. - The voter
16 shall approach the chairman of the board and give his name,
17 address and other data concerning his person. In case any member
18 of the board doubts his identity, the board shall check his
19 voter's identification card, or, if he has none, the board shall
20 refer to his registration record in the book of voters.

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

27 The chairman shall enter the serial number of the ballot in
28 the voting record, authenticate the ballot, apply indelible ink
29 on the voter's right forefinger nail, and thereafter deliver to
30 the voter the ballot correctly folded. No person other than the
31 chairman shall deliver official ballots nor shall more than one

1 (1) ballot be delivered to any voter at one time. (Sec. 194, BP
2 881)

3 SEC. [234] 235. Use of indelible ink. - Before delivering
4 the ballot to the voter, the chairman of the board shall apply a
5 drop of indelible ink on the voter's right forefinger nail or, if
6 there be none, on any available fingernail. A voter who, for any
7 reason, refuses to be stained with indelible ink or whose finger
8 already shows stain of indelible ink shall not be given a ballot.
9 Such facts shall be entered in the minutes of the board. (Sec.
10 198 (d) BP 881, Amended)

11 SEC. [235] 236. Authentication of the ballot. - Before
12 delivering a ballot to the voter, the chairman of the board
13 shall, in the presence of the voter, affix his signature at the
14 back thereof. (Sec. 24, RA 7166)

15 SEC. [236] 237. Manner of voting. - Voting shall be
16 conducted in the following sequence:

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

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

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

28 [(4)] (D) In the presence of the members of the board, the
29 voter shall affix his thumbmark on the corresponding space in the
30 coupon.

31 [(5)] (E) The voter shall affix his thumbmark beside his

signature in the voting record.

[(6)] (F) The chairman shall sign the voting record.

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

SEC. [237] 238. Prohibitions on voting. - It shall be unlawful for a voter to:

[(1)] (A) Use a booth being used by another;

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

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

[(4)] (D) Prepare [the] HIS ballot without using the voting booth;

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

[(6)] (F) Erase any printing from the ballot;

[(7)] (G) Intentionally tear or deface the same;

[(8)] (H) Put any distinguishing mark thereon;

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

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

SEC. [238] 239. 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.

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

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

12 [(1)] (A) To fill out the ballot strictly in accordance
13 with the instructions of the voter;

14 [(2)] (B) Not to influence the voter to vote for or
15 against any candidate or issue; and

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

18 SEC. [239] 240. Spoiled ballots. - If a voter should
19 accidentally spoil or deface a ballot in such a way that it
20 cannot be validly used, he shall surrender it folded to the
21 chairman who shall note in the voting record that said ballot is
22 spoiled. The [members] CHAIRMAN of the board shall, without
23 unfolding the ballot and without removing the detachable
24 coupon, mark it with the word "SPOILED," affix [their] HIS
25 signature[s] thereon, and drop it in the compartment for spoiled
26 ballots. The voter shall then be entitled to another ballot.

27 A voter may be allowed to change his ballot only once.
28 (Sec. 197, BP 881, Amended)

29 Any ballot returned to the chair an whose detachable coupon
30 has been removed not in the presence of the board and of the
31 voter, or any ballot whose serial number does not coincide with

1 the serial number of the ballot delivered to the voter, as en-
2 tered in the voting record, shall be considered as spoiled and be
3 so marked and signed by the [members] CHAIRMAN of the board.
4 (Sec. 198, BP 881)

5 SEC. [240] 241. Disposition of unused ballots. - The
6 chairman shall tear in half lengthwise all unused ballots without
7 removing the stubs and detachable coupons in the presence of the
8 members of the board and the watchers. One-half shall be placed
9 in a sealed envelope and submitted to the election officer; and
10 the other half, inside the compartment of the ballot box for
11 spoiled ballots. Such fact shall be entered in the minutes of
12 the board. (Sec. 204, BP 881, Amended)

13 SEC. [241] 242. Minutes of voting and counting of votes. -
14 The board shall prepare and sign two (2) copies of the minutes of
15 voting and counting of votes in a prescribed form setting forth
16 therein such data as the Commission may require. Copies of the
17 minutes shall be sealed in separate envelopes and be distributed
18 as follows: the original, to the election officer who shall in
19 turn transmit the same to the Commission in Manila; and the
20 second copy to be deposited inside the compartment of the ballot
21 box for valid ballots. (Sec. 203, BP 881, Amended)

22 SEC. [242] 243. Prohibition on premature announcement of
23 voting. - No member of the board shall, before the termination
24 of the voting, make any announcement as to whether a certain
25 registered voter has already voted or not, how many have already
26 voted, or how many so far have failed to vote, or any other
27 fact tending to show or showing the state of the polls. (Sec.
28 205, BP 881, Amended)

29
30 B. COUNTING OF VOTES
31

1 SEC. [243] 244. Counting to be public and without
2 interruption. - As soon as the voting is finished, the board of
3 election inspectors shall count publicly the votes cast in the
4 polling place. Unless otherwise ordered by the Commission, the
5 board shall not adjourn, postpone, or delay the count until it
6 has been completed. (Sec. 206, BP 881)

7 SEC. [244] 245. Transfer of venue for counting. - The
8 Commission may, in the interest of free, orderly, honest,
9 peaceful and credible elections, order the board to count the
10 votes and accomplish the election returns and other forms in any
11 other place, preferably a public building [Sec 206, BP 881,
12 Amended].

13 If, on account of imminent danger of violence, terrorism,
14 disorder, or similar causes, it becomes necessary to transfer the
15 counting of votes to a safer place, the board may effect the
16 transfer by its unanimous approval with concurrence of the
17 majority of the watchers present. This fact shall be recorded
18 in the minutes of voting and attested to by the members of the
19 board and the watchers. (Sec. 18, RA 6646)

20 SEC. [245] 246. Rules for appreciation of ballots. - IN THE
21 READING AND APPRECIATION OF BALLOTS, EVERY BALLOT SHALL BE
22 PRESUMED TO BE VALID UNLESS THERE IS A CLEAR AND GOOD REASON TO
23 JUSTIFY ITS REJECTION. THE BOARD OF ELECTION INSPECTORS SHALL
24 OBSERVE THE FOLLOWING RULES, BEARING IN MIND THAT THE OBJECT OF
25 THE ELECTION IS TO OBTAIN THE EXPRESSION OF THE VOTER'S WILL:

26 1. WHERE ONLY THE FIRST NAME OR SURNAME OF A CANDIDATE IS
27 WRITTEN, THE VOTE FOR SUCH CANDIDATE SHALL BE VALID, IF THERE IS
28 NO OTHER CANDIDATE WITH THE SAME FIRST NAME OR SURNAME FOR THE
29 SAME OFFICE.

30 2. WHERE ONLY THE FIRST NAME OF A CANDIDATE IS WRITTEN ON
31 THE BALLOT, WHICH WHEN READ, HAS A SOUND SIMILAR TO THE SURNAME

1 OF ANOTHER CANDIDATE, THE VOTE SHALL BE COUNTED IN FAVOR OF THE
2 CANDIDATE WITH SUCH SURNAME.

3 3. IN CASE THE CANDIDATE IS A WOMAN WHO USES HER MAIDEN OR
4 MARRIED SURNAME OR BOTH AND THERE IS ANOTHER CANDIDATE WITH THE
5 SAME SURNAME, A BALLOT HEARING ONLY SUCH SURNAME SHALL NOT BE
6 COUNTED IN FAVOR OF EITHER.

7 4. WHEN TWO OR MORE WORDS ARE WRITTEN ON THE SAME LINE ON
8 THE BALLOT, ALL OF WHICH ARE THE SURNAMES OF TWO OR MORE
9 CANDIDATES, THE SAME SHALL NOT BE COUNTED FOR ANY OF THEM.

10 5. WHEN TWO OR MORE WORDS ARE WRITTEN ON DIFFERENT LINES
11 ON THE BALLOT ALL OF WHICH ARE THE SURNAMES OF TWO OR MORE
12 CANDIDATES BEARING THE SAME SURNAME FOR AN OFFICE FOR WHICH THE
13 LAW AUTHORIZES THE ELECTION OF MORE THAN ONE AND THERE ARE THE
14 SAME NUMBER OF SUCH SURNAMES WRITTEN AS THERE ARE CANDIDATES WITH
15 THAT SURNAME, THE VOTE SHALL BE COUNTED IN FAVOR OF ALL THE
16 CANDIDATES BEARING THE SURNAME.

17 6. WHEN ON THE BALLOT IS WRITTEN A SINGLE WORD WHICH IS
18 THE FIRST NAME OF A CANDIDATE AND WHICH IS AT THE SAME TIME THE
19 SURNAME OF HIS OPPONENT, THE VOTE SHALL BE COUNTED IN FAVOR OF
20 THE LATTER.

21 7. WHEN TWO WORDS ARE WRITTEN ON THE BALLOT, ONE OF WHICH
22 IS THE FIRST NAME OF THE CANDIDATE AND THE OTHER IS THE SURNAME
23 OF HIS OPPONENT, THE VOTES SHALL NOT BE COUNTED FOR EITHER.

24 8. A NAME OR SURNAME INCORRECTLY WRITTEN WHICH, WHEN READ,
25 HAS A SOUND SIMILAR TO THE NAME OR SURNAME OF A CANDIDATE WHEN
26 CORRECTLY WRITTEN SHALL BE COUNTED IN HIS FAVOR.

27 9. WHEN THE NAME OF A CANDIDATE APPEARS IN A SPACE OF THE
28 BALLOT FOR AN OFFICE FOR WHICH HE IS A CANDIDATE AND IN ANOTHER
29 SPACE FOR WHICH HE IS NOT A CANDIDATE, THE VOTE FOR THE OFFICE
30 FOR WHICH HE IS A CANDIDATE SHALL BE COUNTED AND THE VOTE FOR THE
31 OFFICE FOR WHICH HE IS NOT A CANDIDATE SHALL BE CONSIDERED AS

1 STRAY, EXCEPT WHEN IT IS USED AS A MEANS TO IDENTIFY THE VOTER,
2 IN WHICH CASE, THE WHOLE BALLOT SHALL BE VOID.

3 10. IF THE WORDS WRITTEN ON THE APPROPRIATE BLANK ON THE
4 BALLOT IS THE IDENTICAL NAME OR SURNAME OR FULL NAME, AS THE CASE
5 MAY BE, OF TWO OR MORE CANDIDATES FOR THE SAME OFFICE, THE VOTE
6 SHALL BE COUNTED IN FAVOR OF THAT CANDIDATE TO WHOSE TICKET
7 BELONG ALL THE OTHER CANDIDATES VOTED FOR THE SAME OFFICE.

8 11. WHEN THERE APPEARS A NAME OF A CANDIDATE THAT IS ERASED
9 AND ANOTHER CLEARLY WRITTEN, THE VOTE IS VALID FOR THE LATTER.

10 12. THE ERRONEOUS INITIAL OF THE FIRST NAME OR SURNAME
11 WHICH ACCOMPANIES THE CORRECT SURNAME OR FIRST NAME OF A
12 CANDIDATE, OR THE ERRONEOUS MIDDLE INITIAL OF A CANDIDATE SHALL
13 NOT ANNUL THE VOTE IN HIS FAVOR.

14 13. THE FACT THAT THERE EXISTS ANOTHER PERSON WHO IS NOT A
15 CANDIDATE WITH THE FIRST NAME OR SURNAME OF A CANDIDATE SHALL NOT
16 PREVENT THE ADJUDICATION OF THE VOTE TO THE LATTER.

17 14. BALLOTS WHICH CONTAIN PREFIXES SUCH AS "SIR", "MR.",
18 "DATU", "DON", "GINOOO", "HON.", "GOB." OR SUFFIXES LIKE "HIJO",
19 "JR.". "SEGUNDO", ARE VALID.

20 15. THE USE OF NICKNAMES AND APPELLATIONS OF AFFECTION AND
21 FRIENDSHIP, IF ACCOMPANIED BY THE FIRST NAME OR SURNAME OF THE
22 CANDIDATE, DOES NOT ANNUL SUCH VOTE, EXCEPT WHEN THEY WERE USED
23 AS A MEANS TO IDENTIFY THE VOTER, IN WHICH CASE THE WHOLE BALLOT
24 IS INVALID: PROVIDED, THAT, IF THE NICKNAME USED IS
25 UNACCOMPANIED BY THE NAME OR SURNAME OF A CANDIDATE AND IT IS THE
26 ONLY ONE BY WHICH HE IS GENERALLY OR POPULARLY KNOWN IN THE
27 LOCALITY, AND IT IS STATED IN HIS CERTIFICATE OF CANDIDACY, THE
28 NICKNAME SHALL BE COUNTED IN FAVOR OF SAID CANDIDATE, IF THERE IS
29 NO OTHER CANDIDATE FOR THE SAME OFFICE WITH THE SAME NICKNAME.

30 16. ANY VOTE CONTAINING INITIALS ONLY OR WHICH IS ILLEGIBLE
31 OR WHICH DOES NOT SUFFICIENTLY IDENTIFY THE CANDIDATE FOR WHOM IT

1 IS INTENDED SHALL BE CONSIDERED AS A STRAY VOTE BUT SHALL NOT
2 INVALIDATE THE WHOLE BALLOT.

3 17. IF ON THE BALLOT IS CORRECTLY WRITTEN THE FIRST NAME OF
4 A CANDIDATE BUT WITH A DIFFERENT SURNAME, OR THE SURNAME OF THE
5 CANDIDATE IS CORRECTLY WRITTEN BUT WITH A DIFFERENT FIRST NAME,
6 THE VOTE SHALL NOT BE COUNTED IN FAVOR OF ANY CANDIDATE HAVING
7 SUCH FIRST NAME AND/OR SURNAME BUT THE BALLOT SHALL BE CONSIDERED
8 VALID FOR OTHER CANDIDATES.

9 18. ANY BALLOT WRITTEN WITH CRAYON, LEAD PENCIL, BALLPEN OR
10 IN INK, WHOLLY OR IN PART, SHALL BE VALID.

11 19. WHEN THERE ARE TWO OR MORE CANDIDATES VOTED FOR IN AN
12 OFFICE FOR WHICH THE LAW AUTHORIZES THE ELECTION OF ONLY ONE, THE
13 VOTE SHALL NOT BE COUNTED IN FAVOR OF ANY OF THEM, BUT THIS SHALL
14 NOT AFFECT THE VALIDITY OF THE OTHER VOTES THEREIN.

15 20. IF THE CANDIDATES VOTED FOR EXCEED THE NUMBER OF THOSE
16 TO BE ELECTED, THE BALLOT IS VALID, BUT THE VOTES SHALL BE
17 COUNTED ONLY IN FAVOR OF THE CANDIDATES WHOSE NAMES WERE FIRSTLY
18 WRITTEN BY THE VOTER WITHIN THE SPACES PROVIDED FOR SAID OFFICE
19 IN THE BALLOT UNTIL THE AUTHORIZED NUMBER IS COVERED.

20 21. ANY VOTE IN FAVOR OF A PERSON WHO HAS NOT FILED A
21 CERTIFICATE OF CANDIDACY SHALL BE CONSIDERED AS A STRAY VOTE BUT
22 IT SHALL NOT INVALIDATE THE WHOLE BALLOT.

23 22. BALLOTS CONTAINING THE NAME OF A CANDIDATE PRINTED
24 AND/OR PASTED ON THE BALLOTS OR AFFIXED THERETO THROUGH ANY
25 MECHANICAL PROCESS ARE TOTALLY NULL AND VOID.

26 23. CIRCLES, CROSSES, OR LINES PUT ON THE SPACES ON WHICH
27 THE VOTER HAS NOT VOTED SHALL BE CONSIDERED AS SIGNS OF HIS
28 DESISTANCE FROM VOTING AND SHALL NOT INVALIDATE THE BALLOT.

29 24. UNLESS IT SHOULD CLEARLY APPEAR THAT THEY HAVE BEEN
30 DELIBERATELY PUT BY THE VOTER TO SERVE AS IDENTIFICATION MARKS,
31 COMMAS, DOTS, LINES, OR HYPHENS BETWEEN THE FIRST NAME AND THE

1 SURNAME OF A CANDIDATE, OR IN OTHER PARTS OF THE BALLOT, THE
2 FIRST LETTERS OR SYLLABLES OF NAMES WHICH THE VOTER DOES NOT
3 CONTINUE, THE USE OF TWO OR MORE KINDS OF WRITING AND
4 UNINTENTIONAL OR ACCIDENTAL FLOURISHES, STROKES OR STRAINS, SHALL
5 NOT INVALIDATE THE BALLOT.

6 25. ANY BALLOT WHICH CLEARLY APPEARS TO HAVE BEEN FILLED BY
7 TWO DISTINCT PERSONS IS TOTALLY NULL AND VOID.

8 26. ANY VOTE CAST IN FAVOR OF A CANDIDATE WHO HAS BEEN
9 DISQUALIFIED BY FINAL JUDGMENT SHALL BE CONSIDERED AS STRAY AND
10 SHALL NOT BE COUNTED BUT IT SHALL NOT INVALIDATE THE BALLOT.

11 27. BALLOTS WHOLLY OR PARTLY WRITTEN IN ARABIC IN
12 LOCALITIES WHERE IT IS OF GENERAL USE ARE VALID. TO READ THEM,
13 THE BOARD OF ELECTION INSPECTORS MAY EMPLOY AN INTERPRETER WHO
14 SHALL TAKE AN OATH THAT HE SHALL READ THE VOTES CORRECTLY. (Sec.
15 211, BP 881)

16 SEC. [246] 247. ~~Excess ballots~~. - Before proceeding to
17 count the votes, the board shall count the ballots contained in
18 the compartment for valid ballots without unfolding them or
19 exposing their contents, except to ascertain that no ballots are
20 folded together. It shall compare the number of ballots with the
21 number of voters who voted. If there are more ballots than
22 voters who voted, all the ballots shall be returned to the box
23 and thoroughly mixed therein. The poll clerk, without seeing the
24 ballots and with his back to the box, shall publicly draw out as
25 many ballots as may be equal to the excess. Without unfolding
26 them, he shall then place them in an envelope which shall be
27 marked "EXCESS BALLOTS" and which shall be sealed and signed by
28 the members of the board. The envelope shall be placed in the
29 compartment for valid ballots, but its contents shall not be read
30 in the counting of votes. Ballots found folded together before
31 they were deposited in the box shall be placed in the envelope

1 for excess ballots. (Sec. 207, BP 881)

2 SEC. [247] 248. TORN, PERFORATED BALLOTS; BALLOTS WITH
3 DETACHABLE COUPONS. - BALLOTS ACCIDENTALLY TORN OR PERFORATED AND
4 THOSE WITH THEIR DETACHABLE COUPON STILL INTACT SHALL REMAIN
5 VALID. IN THE LATTER CASE, SUCH COUPONS SHALL BE REMOVED AND
6 DEPOSITED IN THE COMPARTMENT FOR SPOILED BALLOTS, AND THE BALLOTS
7 INCLUDED IN THE PILE OF VALID BALLOTS. (Sec. 211, Nos. 26 and
8 27; Sec. 207, BP 881)

9 SEC. [248] 249. Marked ballots. - The board shall determine
10 by unanimous vote whether or not there are any marked ballots,
11 and, if any be found, they shall not be counted but shall be
12 placed in an envelope labelled "MARKED BALLOTS". The envelope
13 shall be sealed and signed by the members of the board and
14 placed in the compartment for valid ballots. Non-official
15 ballots shall be considered as marked ballots. (Sec. 208, BP
16 881)

17 SEC. [249] 250. Spoiled ballots. - IF BALLOTS WITH THE WORD
18 "SPOILED" BE FOUND IN THE BOX, SUCH BALLOTS SHALL BE PLACED IN
19 THE COMPARTMENT FOR SPOILED BALLOTS. Ballots found in the
20 compartment for spoiled ballots shall be presumed to be spoiled
21 ballots, whether or not they contain such notation. If any valid
22 ballot was erroneously deposited therein, the board shall open
23 said compartment after the voting and before the counting of
24 votes to draw out said ballot and place the same in the
25 compartment for valid ballots. These facts shall be entered in
26 the minutes of voting. (Sec. 207 and 209, BP 881)

27 SEC. [250] 251. Manner of counting votes. - In reading the
28 individual official ballot, the members of the board shall assume
29 such position as to provide the watchers and the public unimpeded
30 view of the ballot being read by the chairman, and of the
31 election returns and tally paper being simultaneously

1 accomplished by the poll clerk and the third member,
2 respectively. The watchers and the public shall not touch any of
3 these election documents. The table shall be cleared of all
4 unnecessary writing paraphernalia. (Sec. 25, RA 7166)

5 The board shall unfold the ballots and form separate piles
6 of one hundred (100) ballots each. The chairman of the board
7 shall take the ballots of the first pile one by one and read the
8 names of candidates voted for and the offices for which they were
9 voted in the order in which they appear thereon. (Sec. 210, BP
10 881)

11 The poll clerk and third member shall record each vote as
12 the names of the candidates voted for are read.

13 Each vote shall be recorded by a vertical line, except
14 every fifth vote which shall be recorded by a diagonal line
15 crossing the previous four (4) vertical lines. After finishing
16 the first pile of ballots, the board shall determine the subtotal
17 of the votes received by each candidate, which shall be recorded
18 in the tally paper and the election returns. In case of any
19 discrepancy, such recount as may be necessary shall be made.
20 The ballots shall then be grouped together again as before the
21 reading. Thereafter, the same procedure shall be followed with
22 the second pile of ballots, and so on successively.

23 After all the ballots have been read, the board shall sum up
24 the subtotals recorded for each candidate, and record the
25 aggregate sum in the tally paper and election returns. It shall
26 then place the counted ballots in an envelope provided for the
27 purpose, which shall be signed and deposited in the compartment
28 for valid ballots. The tally paper as accomplished and certified
29 by the board shall be kept in the compartment for valid ballots.
30 (Sec. 210, BP 881)

31 SEC. [251] 252. Preparation of election returns. - The board

1 shall prepare in handwriting the election returns simultaneously
2 with the counting of the votes in the polling place in such
3 number of copies as provided herein. The entry of votes for each
4 candidate shall be closed with the signatures and clear imprints
5 of the right thumb of all the members to be affixed in full
6 view of the public, immediately after the last vote recorded or
7 immediately after the name of the candidate who did not receive
8 any vote.

9 The returns shall also show the date of the election, the
10 precinct number, the barangay and the city or municipality and
11 province in which [it] THE ELECTION was held, and such informa-
12 tion as the Commission may require. The total number of votes
13 obtained by each candidate shall be written in words and figures.
14 The board of election inspectors shall certify that the contents
15 thereof are correct and affix their signatures and right thumb-
16 prints.

17 Immediately upon the accomplishment of the election returns,
18 each copy thereof shall be sealed in the presence of the watchers
19 and the public and placed in the proper envelope, which shall
20 likewise be sealed and distributed as herein provided. (Sec.
21 212, BP 881)

22 **SEC. [252] 253. Distribution of election returns.** - The
23 copies of the election returns shall be distributed as follows:

24 [(1)] (A) In the election of national officials:

25 [(a)] (1) The first copy, to the provincial
26 board of canvassers;

27 [(b)] (2) The second copy, to Congress through
28 the President of the Senate;

29 [(c)] (3) The third copy, to the Commission;

30 [(d)] (4) The fourth copy, to be deposited
31 inside the ballot box;

1 [(e)] (5) The fifth copy, to be known as advance
2 election returns, to the city or municipal treasurer
3 who shall, in the presence of the election officer or
4 his authorized representative, immediately and
5 publicly open the same and post the votes therein in a
6 tally board sufficiently large for public viewing,
7 preferably within the vicinity of the city or
8 municipal hall; and

9 [(f)] (6) The sixth copy, to the media-based
10 organization authorized by the Commission to conduct
11 an unofficial count.

12 [(2)] (B) In the election of local officials:

13 [(a)] (1) The first copy, to the city or
14 municipal board of canvassers;

15 [(b)] (2) The second copy, to the Commission;

16 [(c)] (3) The third copy, to the provincial
17 board of canvassers;

18 [(d)] (4) The fourth copy, to be known as
19 advance election returns, to the city or municipal
20 treasurer who shall, in the presence of the election
21 officer or his authorized representative, immediately
22 and publicly open the same and post the votes therein
23 in a tally board sufficiently large for public
24 viewing, preferably within the vicinity of the city or
25 municipal hall;

26 [(e)] (5) The fifth copy to the media-based
27 organization authorized by the Commission to conduct
28 an unofficial count; and

29 [(f)] (6) The sixth copy to be deposited inside
30 the ballot box. (Sec. 27, RA 7166)

31 The Commission may, when technological advancement allows,

1 provide copies of election returns to accredited political
2 parties. (New)

3 SEC. [253] 254. Corrections in the election returns. - Any
4 correction made in the election returns by the board before the
5 announcement of the results of the election in the polling place
6 shall be duly initialed by all its members.

7 After the announcement of the results had been made, the
8 board shall not make any correction in any of the copies of the
9 election returns unless so ordered by the Commission upon
10 petition of the members of the board within five (5) days from
11 the date of the election or twenty-four (24) hours from the time
12 a copy of the election returns is opened by the board of
13 canvassers, whichever is earlier. The petition shall be
14 accompanied by proof of service upon all candidates affected.

15 If the results of the election would not be affected by said
16 correction and none of the candidates affected objects thereto,
17 the Commission shall, upon being satisfied of the veracity of the
18 petition and of the error alleged therein, order the board to
19 make the proper correction thereon.

20 Should a candidate affected by said petition object thereto
21 and the results of the election would be affected by the
22 correction sought to be made, the Commission shall proceed
23 summarily to hear the petition. If it finds the petition
24 meritorious and the correction sought is such that it can be made
25 without need of opening the ballot box, the Commission shall
26 order that proper correction be made. Otherwise, it shall order
27 the opening of the ballot box and recount of votes after
28 satisfying itself that the identity and integrity of the ballot
29 box have not been violated and that the integrity of the ballots
30 therein has been preserved. (Sec. 216, BP 881)

31 SEC. [254] 255. Proclamation of election result. - Upon the

1 completion of the election returns, the chairman of the board
2 shall publicly announce the total number of votes received by
3 every candidate for each office. (Sec. 213, BP 881)

4 **SEC. [255] 256. Certificates of votes obtained by**
5 **candidates.** - After the announcement of the results of the
6 election and before leaving the polling place, it shall be the
7 duty of the board, upon request of any watcher, to issue a
8 certificate of votes obtained by his candidate and other
9 candidates for the same office. (Sec. 215, BP 881; Sec. 16, RA
10 6646)

11 The certificate shall contain the name OF, and number of
12 votes obtained by, each candidate concerned written in words and
13 figures, the precinct number, the name of the city or
14 municipality and province, the total number of voters who voted,
15 and the date and time THE CERTIFICATE WAS issued[, and] THE
16 CERTIFICATE shall be signed and thumbmarked by each member of
17 the board. (Sec. 16, RA 6646)

18 **SEC. [256] 257. Delivery and custody of ballot boxes, keys,**
19 **election supplies and documents.** - After the counting of votes,
20 the board shall place in the compartment for valid ballots the
21 used and unused ballots in their respective envelopes, the tally
22 paper, a copy of the election returns and minutes of voting and
23 counting, and then lock the ballot box. The ballot box shall
24 immediately be delivered by the board and the watchers to the
25 city or municipal treasurer or such other officials AS MAY BE
26 designated by the Commission, who shall keep his office open all
27 night on the day of the election if necessary for this purpose,
28 and provide the necessary facilities for said delivery at the
29 expense of the city or municipality.

30 The book of voters, supplies and all pertinent papers and
31 documents shall be returned to the election officer, who shall

1 keep [it] THEM under his custody. The election officer and the
2 treasurer or such other government official AS MAY BE designated
3 by the Commission, as the case may be, shall, on the day after
4 the election, require the members of the board who failed to send
5 the items referred to herein to deliver the same immediately and
6 thereafter acknowledge receipt thereof. (Sec. 217, BP 881)

7 SEC [257] 258. Preservation of ballot boxes; Disposition of
8 contents. - [(1)] (A) The Commission shall issue instructions
9 regarding the custody and safekeeping of the ballot boxes.

10 [(2)] (B) The city and municipal treasurers or such other
11 government officials AS MAY BE designated by the Commission shall
12 keep the ballot boxes under their responsibility for three (3)
13 months, stored unopened in a secured place, unless the Commission
14 orders otherwise, provided these are not involved in any election
15 contest or official investigation, or the Commission or other
16 competent authority demands them sooner or orders their
17 preservation for a longer time in connection with any pending
18 contest or investigation. However, upon showing by any candidate
19 that the boxes will be in danger of being violated if kept in the
20 possession of such officials, the Commission may order them kept
21 by any other official whom it may designate.

22 After the lapse of three (3) months and if there should be
23 no order to the contrary, the Commission may authorize the city
24 or municipal treasurer or the designated official to open the
25 boxes and burn their contents in the presence of the
26 representatives of the Commission, Commission on Audit and
27 political parties or candidates, except the minutes of voting and
28 the election returns deposited therein, which said official shall
29 preserve.

30 [(3)] (C) In case of calamity or fortuitous event such as
31 fire, flood, or storm, which may cause damage to the ballot boxes

1 and/or their contents, the Commission may authorize the opening
2 of said ballot boxes and the transfer of the ballots and other
3 contents to other ballot boxes, taking such precautions as may be
4 necessary to preserve such documents. (Sec. 219, BP 881)

5 SEC. [258] 259. Preservation of voting record. - The voting
6 record of each precinct shall be delivered to the election
7 officer, who shall have custody of the same and keep them in a
8 safe place until such time that the Commission shall give
9 instructions on their disposition. (Sec. 218, BP 881)

10 SEC. [259] 260. Documents omitted or erroneously placed
11 inside the ballot box. - If, after the delivery of the keys of
12 the ballot box to the proper authorities, the board shall
13 discover that the ballot box does not contain certain documents
14 required to be placed therein or contains documents not intended
15 therefor, the board shall, without opening the ballot box,
16 deliver the same to the Commission or its duly-authorized
17 representatives.

18 In no case shall the ballot box be reopened to place therein
19 or remove therefrom any document except to retrieve copies of the
20 election returns which will be needed in any canvass,
21 investigation, or election contest, and upon notice to the
22 members of the board and watchers of candidates of the time and
23 place of the opening of said ballot box. If there are other
24 copies of the election returns outside of the ballot box which
25 can be used in the canvass, such copies of the election returns
26 shall be used in said canvass and the opening of the ballot box
27 to retrieve the copies of the election returns placed therein
28 shall then be dispensed with. (Sec. 220, BP 881)

29
30 **ARTICLE VIII. CANVASS AND PROCLAMATION**
31

1 **SEC. [260] 261. Board of canvassers.** - There shall be a
2 board of canvassers for each province, city, municipality, and
3 district of metropolitan Manila as follows:

4 [(1)] (A) Provincial board of canvassers - to be composed
5 of the provincial election supervisor or a ranking lawyer of the
6 Commission as chairman, the chief provincial prosecutor as vice-
7 chairman, and the provincial superintendent of schools as member-
8 secretary.

9 [(2)] (B) City board of canvassers - to be composed of the
10 city election officer or a lawyer of the Commission as chairman,
11 the city prosecutor as vice-chairman, and the city
12 superintendent of schools as member-secretary.

13 In cities with more than one (1) election officer, the
14 Commission shall designate who shall be the chairman.

15 [(3)] (C) District board of canvassers of metropolitan
16 Manila - to be composed of a lawyer of the Commission as
17 chairman, a ranking public prosecutor in the district as vice-
18 chairman, and the most senior district school supervisor in
19 the district as member-secretary. (Sec. 222(c), BP 881)

20 [(4)] (D) Municipal board of canvassers - to be composed
21 of the election officer or an officer of the Commission as
22 chairman, the municipal treasurer as vice-chairman, and the
23 most senior district school supervisor or a principal of the
24 district as member-secretary.

25 For purposes of the regional elections in the Autonomous
26 Region in Muslim Mindanao, a board of canvassers for each
27 province therein and for the region shall be constituted as
28 follows: A provincial board of canvassers with the same
29 membership as provided in No. 1 hereof; and a regional board of
30 canvassers to be composed of a regional election director or a
31 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 [a]Autonomous [r]egion 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. [261] 262. 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. [262] 263. 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 7156)

The foregoing power of the Commission may be delegated to the Commissioner-in-Charge of the region. (New)

1 **SEC. [263] 264. Disqualification due to relationship.** - No
2 person related within the fourth civil degree of consanguinity
3 or affinity to any of the candidates or to any other member of
4 the board of canvassers shall be appointed as chairman or member
5 thereof. (Sec. 222, BP 881)

6 **SEC. [264] 265. Prohibition against leaving official**
7 **station.** - No member of any board of canvassers, including any
8 substitute, shall be transferred, assigned, or detailed outside
9 of his official station, nor shall he leave said station within
10 five (5) days immediately preceding election day until the
11 proclamation of the winning candidates, without prior authority
12 of the Commission (Sec. 223, BP 881)

13 **SEC. [265] 266. Proceedings of board of canvassers.** - The
14 proceedings of the board shall be open and public. (Sec. 20, RA
15 6646)

16 A majority vote shall be necessary for the board to render a
17 decision. (Sec. 225, BP 881)

18 **SEC. [266] 267. Notice of meetings of the board.** - At least
19 five (3) days before the initial meeting of the board, the
20 chairman shall give written notice of the date, time and place of
21 the meeting to each member, candidate and political party
22 fielding candidates for election in the political subdivision
23 concerned. Similar notice shall be given for subsequent meetings
24 unless notice has been given in open session of the board.
25 Notice given in open session shall be recorded in the minutes of
26 the proceedings. Proof of service of notice shall be attached
27 to, and form part of, the records of the proceedings. (Sec. 23,
28 RA 7166)

29 **SEC. [267] 268. Delivery and transmittal of election**
30 **returns.** - The election returns, duly sealed and placed inside an
31 envelope, likewise to be sealed, shall be personally delivered by

1 the board of election inspectors under receipt signed by all the
2 members of the board of canvassers as follows:

3 [[1]] (A) Copy for the city or municipal board of
4 canvassers to the chairman of the board; and

5 [[2]] (B) Copies for the provincial and district boards of
6 canvassers - to the election officer, who shall transmit the
7 same to the respective chairmen of the provincial and district
8 boards of canvassers.

9 The election officer concerned shall place all the returns
10 intended for the board of canvassers inside a ballot box properly
11 locked and sealed and personally transmit the same to the board
12 of canvassers.

13 Watchers of candidates, political parties, organizations, or
14 coalitions and the ACCREDITED citizens arm OF THE COMMISSION
15 shall have the right to accompany the board of election
16 inspectors or the election officer in the delivery of the ballot
17 box containing the election returns. (Sec. 229, BP 881)

18 SEC. [268] 269. ~~Safeguarding of transmitted election returns.~~

19 - The board shall keep the ballot boxes containing the election
20 returns in a safe and secured room or place as may be agreed
21 upon by the candidates. The watchers of candidates, political
22 parties, organizations, or coalitions and the citizens arm shall
23 have the right to guard the room or place. (Sec. 229, BP 881)

24 SEC. [269] 270. ~~Canvass by board of canvassers.~~ - The board
25 shall meet not later than six o'clock in the afternoon of
26 election day at the place designated by the Commission to receive
27 the election returns and immediately canvass those that may have
28 already been received. It shall meet continuously from day to
29 day until the canvass is completed, and may adjourn only for
30 the purpose of awaiting the other election returns.

31 Before the start of the canvass, the board shall enter the

1 precinct numbers consecutively in the statement of votes by
2 precinct. Each time the board adjourns, it shall determine the
3 total number of votes received by each candidate in each
4 precinct as of its adjournment, using the form prescribed for the
5 purpose. The board shall record the same together with the
6 number of precincts canvassed for the day, furnish the
7 Commission in Manila through the fastest means of communication
8 a certified copy thereof, and make available the data contained
9 therein to the mass media and other interested parties requesting
10 the same. As soon as the other election returns are delivered,
11 the board shall immediately resume canvassing until all the
12 returns have been canvassed.

13 Upon completion of the canvass, the board shall prepare a
14 certificate of canvass, duly signed and bearing the thumbprint of
15 each member, supported by a statement of the votes received by
16 each candidate in each precinct and, on the basis thereof,
17 proclaim as elected the candidates who obtained the highest
18 number of votes cast in the province, district, city, or
19 municipality. Failure to comply with these requirements shall
20 constitute an election offense.

21 Subject to reasonable exceptions, the board must complete
22 its canvass within thirty-six (36) hours in municipalities,
23 forty-eight (48) hours in cities, [or] AND seventy-two (72)
24 hours in provinces. (Sec. 231, BP 831)

25 SEC. [270] 271. Canvassing committees. - The board of
26 canvassers may constitute such number of canvassing committees as
27 may be necessary to enable it to complete the canvass within the
28 period prescribed under the immediately preceding section. Each
29 committee shall be composed of three (3) members to be designated
30 by the chairman and members of the board. All candidates shall
31 be notified in writing, at least three (3) days before the

1 election, of the number of committees to be constituted so that
2 they can designate their watchers in each committee. The
3 committees shall be under the direct supervision and control of
4 the board. (Sec. 22, RA 6646)

5 **SEC. [271] 272. Canvassing by provincial, city, district and**
6 **municipal boards of canvassers. - [(1)]** (A) The board of
7 canvassers for cities that do not comprise one (1) legislative
8 district or the municipal board of canvassers shall canvass the
9 election returns for city or municipal officials and thereafter
10 proclaim the elected city or municipal officials, as the case may
11 be.

12 [(2)] (B) The city board of canvassers for cities
13 comprising one (1) or more legislative districts shall canvass
14 the election returns for President, Vice-President, Senators,
15 Members of the House of Representatives and elective city
16 officials. Upon completion of the canvass, the board shall
17 prepare the certificate of canvass for President, Vice-
18 President, and Senators and thereafter proclaim the elected
19 Members of the House of Representatives and city officials.

20 [(3)] (C) [(a)] (1) In metropolitan Manila, each
21 municipality comprising a legislative district shall have a
22 district board of canvassers which shall canvass the election
23 returns for President, Vice-President, Senators, Members of the
24 House of Representatives and elective municipal officials. Upon
25 completion of the canvass, it shall prepare the certificate of
26 canvass for President, Vice-President, Senators, and thereafter
27 proclaim the elected Members of the House of Representatives and
28 municipal officials.

29 [(b)] (2) The component municipality in a legislative
30 district in metropolitan Manila shall each have a municipal board
31 of canvassers which shall canvass the election returns for

1 elective municipal officials and thereafter proclaim the winning
2 candidates for municipal officials.

3 [(c)] (3) The district board of canvassers of each
4 legislative district comprising two (2) municipalities in
5 metropolitan Manila shall canvass the election returns for
6 President, Vice-President, Senators and Member of the House of
7 Representatives submitted by the boards of election inspectors of
8 the component municipalities. Upon completion of the canvass, it
9 shall prepare a certificate of canvass for President, Vice-
10 President and Senators and thereafter proclaim the winning
11 candidate for Member of the House of Representatives in the
12 legislative district.

13 [(4)] (D) The provincial board of canvassers shall
14 canvass the election returns for President, Vice-President,
15 Senators, Members of the House of Representatives and elective
16 provincial officials as submitted by the boards of election
17 inspectors of municipalities and component cities. Upon
18 completion of the canvass, it shall prepare the certificate of
19 canvass for President, Vice-President and Senators, and
20 thereafter proclaim the winning candidates for Members of the
21 House of Representatives and provincial offices.

22 With respect to the regional elections in the Autonomous
23 Region in Muslim Mindanao, the provincial board of canvassers
24 shall canvass the election returns submitted by the board of
25 election inspectors and upon completion thereof, prepare the
26 certificate of canvass for governor and vice-governor, and
27 thereafter proclaim the elected members of the Regional Assembly.

28 The regional board of canvassers shall canvass the
29 certificates of canvass submitted by the provincial boards of
30 canvassers in the region and thereafter proclaim the elected
31 candidates for governor and vice-governor. (Sec. 28, RA 7166)

SEC. [272] 273. 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)] (A) The first copy, to Congress, through the President of the Senate, for the canvass of election results for President and Vice-President;

[(2)] (B) The second copy, to the Commission, for the canvass of the election results for Senators;

[(3)] (C) The third copy, to the chairman of the board;

[(4)] (D) The fourth copy, to the citizens arm designated by the Commission to conduct a media-based unofficial count; and

[(5)] (E) 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)

1 SEC. [273] 274. Election returns with serial number
2 different from assigned number. - Any election returns with
3 serial number different from that assigned to a precinct shall
4 not be canvassed unless the Commission orders in writing for its
5 canvassing. The variance shall be determined by the board prior
6 to its canvassing on the basis of the certification of the city
7 or municipal treasurer or the election officer as to the serial
8 number of the election returns assigned to said precinct. (Sec.
9 212, BP 881)

10 SEC. [274] 275. When election returns are delayed, lost or
11 destroyed. - In case its copy of the election returns is missing,
12 the board of canvassers shall, by messenger or otherwise, obtain
13 such missing election returns from the board of election
14 inspectors concerned, or, if said returns has been lost or
15 destroyed, the board of canvassers, upon prior authority of the
16 Commission, may use any of the authentic copies or a certified
17 copy thereof issued by the Commission. The [B]Board shall
18 investigate the case and immediately report the matter to the
19 Commission.

20 The board of canvassers, notwithstanding the fact that not
21 all the election returns have been received, may terminate the
22 canvass and proclaim the winning candidates on the basis of the
23 available election returns if the missing election returns will
24 not affect the results of the election. (Sec. 233, BP 881)

25 SEC. [275] 276. Material defects in election returns. - If
26 the name of any candidate and/or his votes have been omitted from
27 the election returns, the board of canvassers shall require the
28 board of election inspectors concerned to complete the necessary
29 data in the election returns and affix their initials thereon.

30 If the votes omitted in the returns cannot be ascertained
31 by other means except by recounting the ballots, the Commission

1 shall, after satisfying itself that the identity and
2 integrity of the ballot box and the ballots therein have not been
3 violated, order the board of election inspectors to count the
4 votes for the candidate whose votes have been omitted, with
5 notice to all candidates or political parties, and thereafter
6 complete the returns. (Sec. 234, BP 881)

7 SEC [276] 277. When election returns appear to be tampered
8 with or falsified or no election returns have been submitted. -

9 If the election returns submitted to the board of canvassers
10 appear to be tampered with, altered or falsified after they
11 have left the hands of the board of election inspectors, or are
12 otherwise not authentic, or were prepared by the board of
13 election inspectors under duress, force, OR intimidation, or
14 prepared by persons other than the members of the board of
15 election inspectors, the board shall use any of the other copies
16 of said election returns and, if necessary, the copy inside the
17 ballot box, which may be retrieved upon previous authority given
18 by the Commission.

19 If all the other copies of the returns are likewise tampered
20 with, altered, falsified, not authentic, prepared under duress,
21 force, OR intimidation, or prepared by persons other than the
22 members of the board of election inspectors, the board of
23 canvassers or any candidate affected shall bring the matter to
24 the attention of the Commission. The Commission shall, after
25 giving notice to all candidates concerned and after satisfying
26 itself that the identity and integrity of the ballot box and
27 the ballots therein have not been violated, order the board of
28 election inspectors to recount the votes of the candidates
29 affected and prepare a new return to be used by the board. (Sec.
30 235, BP 881)

31 The foregoing remedies shall also apply where no election

1 returns has been submitted to the board of canvassers. (New)

2 SEC. [277] 278. Discrepancies in election returns. - In case
3 it appears to the board of canvassers that there exist
4 discrepancies in the other authentic copies of the election
5 returns from a precinct or discrepancies in the votes of any
6 candidate "IN TARAS," in words and IN figures in the same
7 returns, and the difference affects the results of the election,
8 the Commission shall, upon motion of the board of canvassers or
9 any candidate affected and after due notice to all candidates or
10 political parties concerned, and after satisfying itself of the
11 integrity of the ballot box and the ballots therein, order the
12 recount of the votes cast. (Sec. 236, BP 881)

13 SEC. [278] 279. [Correction of Manifest Errors] [OBVIOUSLY
14 MANUFACTURED RETURNS OR CERTIFICATES.] ELECTION RETURNS OR
15 CERTIFICATES WITH STATISTICALLY IMPROBABLE ENTRIES: MANIFEST
16 ERRORS. - IN THE EXERCISE OF ITS ADMINISTRATIVE POWERS, the
17 board of canvassers, or the Commission in appropriate cases, may,
18 ~~both proprio~~ or upon written motion by an interested party,
19 EXCLUDE [OBVIOUSLY MANUFACTURED ELECTION RETURNS AND CERTIFICATES
20 OF CANVASS order the correction of] ELECTION RETURNS AND
21 CERTIFICATES OF CANVASS WITH STATISTICALLY IMPROBABLE ENTRIES OR
22 ORDER THE CORRECTIONS OF manifest errors in any of the following
23 cases:

24 [(1)] (A) When a copy of the election returns or
25 certificate of canvass was tabulated more than once;

26 [(2)] (B) When two (2) or more copies of the election
27 returns of one precinct, or two (2) or more copies of the
28 certificate of canvass were tabulated separately;

29 [(3)] (C) When there had been a mistake in the copying of
30 the figures into the statement of votes or into the certificate
31 of canvass; or

1 [(4)] (D) When returns from non-existent precincts were
2 included in the canvass [New].

3 SEC. [279] 280. Certificate of votes as evidence. - The
4 certificate of votes shall be admissible in evidence to prove
5 tampering, alteration, falsification or any irregularity
6 committed in the election returns when duly authenticated by
7 testimonial or documentary evidence presented to the board of
8 canvassers by all the members of the board of election
9 inspectors who issued the certificate. Failure to present a
10 certificate of votes shall not be a bar to the presentation of
11 other evidence to impugn the authenticity of the election
12 returns. (Sec. 17, RA 6646)

13 SEC. [280] 281. When integrity of ballots is violated. - If,
14 upon opening the ballot box as ordered by the Commission under
15 Sections 275, 276[,] AND 277 [278] hereof, it should appear
16 that there are signs of tampering or violation of the integrity
17 of the ballots, the Commission shall not recount the ballots but
18 shall forthwith seal the ballot box and order its safekeeping and
19 may, if the votes in the precinct concerned affect the result of
20 the election, call a special election. (Sec. 237, BP 881, Amend-
21 ed)

22 SEC. [281] 282. Canvass of unquestioned returns to continue.
23 - In cases under Sections 275, 276, 277 and 278 hereof, the board
24 shall continue the canvass of the remaining or unquestioned
25 election returns. If, after the canvass of all the said returns,
26 it should be determined that the returns which have been set
27 aside will affect the result of the election, no proclamation
28 shall be made except upon order of the Commission, after due
29 notice and hearing.

30 Any proclamation made in violation hereof shall be null and
31 void. (Sec. 238, BP 881)

1 **SEC. [282] 283. Canvass of votes for Senators. - Thirty (30)**
2 days after the elections, the Commission sitting en banc and
3 acting as the National Board of Canvassers for Senators shall
4 convene and publicly count the votes cast for Senators using the
5 certificates of canvass submitted by the provincial and district
6 boards of canvassers. The candidates in the number of Senators
7 to be elected who obtained the highest number of votes shall be
8 declared elected. (Sec. 215, 1971 EC, Amended)

9 **SEC. [283] 284. Elections resulting in a tie. - When two**
10 (2) or more candidates for the same office have equally received
11 the highest number of votes or received the same number of votes
12 for the last slot, the board shall record this fact in its
13 minutes, and, by resolution, upon five (5) days' notice to all
14 the candidates obtaining the same number of votes, hold a special
15 public meeting for the drawing of lots of the candidates who have
16 tied and proclaim as elected the candidates who may be favored by
17 luck. The board of canvassers shall forthwith issue a
18 certificate stating the name of the candidate who had been
19 favored by luck and his proclamation on the basis thereof. The
20 candidates so proclaimed shall have the right to assume office in
21 the same manner as if he had been elected by plurality vote.
22 (Sec. 240, BP 881)

23 **SEC. [284] 285. Failure to assume office. - The office of**
24 any elected official who fails or refuses to take his oath of
25 office within sixty (60) days from his proclamation shall be
26 considered vacant, unless said failure is for a cause or causes
27 beyond his control, in which case he has to take his oath of
28 office and assume the position within one (1) month after the
29 removal of the cause.

30 The foregoing is without prejudice to any criminal liability
31 that said official may have incurred. (Sec. 11, BP 881)

ARTICLE IX. PRE-PROCLAMATION CONTROVERSIES

SEC. [285] 286. 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. [286]-287. Jurisdiction over pre-proclamation controversies. - The Commission shall have exclusive jurisdiction over all preproclamation 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. [287] 288. 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, vice-governor AND REGIONAL ASSEMBLY MEMBER of the Autonomous Region.

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. [288] 289. Pre-proclamation controversies; Where allowed. - Pre-proclamation controversies involving provincial, city and municipal offices shall be allowed.

SEC. [289] 290. Pre-proclamation controversies; How commenced. - Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or

1 directly with the Commission. However, matters raised in
2 relation to the preparation, transmission, receipt, custody and
3 appreciation of the election returns or certificates of canvass
4 shall be brought in the first instance only before the board of
5 canvassers concerned. (Sec. 17, RA 7166)

6 **SEC. [290] 291. Issues proper in pre-proclamation**
7 **controversies.** - The following issues may be raised in a pre-
8 proclamation controversy:

9 [(1)] (A) Illegal composition or proceedings of the board
10 of canvassers;

11 [(2)] (B) The canvassed election returns or certificates
12 of canvass are incomplete, contain material defects, appear to be
13 tampered with or falsified, or contain discrepancies in the same
14 returns or in other authentic copies thereof;

15 [(3)] (C) The election returns or certificates of canvass
16 were prepared under duress, threats, coercion, or intimidation,
17 or not authentic; and

18 [(4)] (D) When substitute or fraudulent returns or
19 certificates in controverted precincts were canvassed, the
20 results of which materially affected the standing of the
21 aggrieved candidate or candidates. (Sec. 243, BP 881, Amended)

22 **SEC. [291] 292. Contested composition or proceedings of the**
23 **board.** - If the question on the composition or proceedings of the
24 board of canvassers is raised before it, the board shall, within
25 twenty-four (24) hours, make a ruling thereon with notice to the
26 contestant. The aggrieved party may appeal the matter to the
27 Commission within three (3) days after the ruling with notice to
28 the board. The Commission shall summarily decide the case within
29 five (5) days from the filing thereof. During the pendency of
30 the case, the board shall suspend the canvass until the
31 Commission orders its resumption, citing the grounds therefor.

1 (Sec. 244, BP 881, Amended)

2 SEC. [292] 293. Procedure in the disposition of contested
3 returns. - [(1)] (A) Any candidate or political party
4 contesting the inclusion or exclusion of any election returns or
5 certificate of canvass shall submit his or its oral objection to
6 the chairman of the board at the time the questioned returns or
7 certificate is presented for inclusion in the canvass. Such
8 objection shall be recorded in the minutes of the canvass.

9 [(2)] (B) Upon receipt of any objection, the board shall
10 automatically defer the canvass of the contested returns or
11 certificates and proceed to canvass the uncontested returns or
12 certificates.

13 [(3)] (C) Simultaneous with the oral objection, the
14 objecting party shall enter his objection in the form prescribed
15 by the Commission. Within twenty-four (24) hours from the
16 presentation of such objection, the objecting party shall submit
17 evidence in support thereof, attached to the form for written
18 objections. Within the same period, any party may file a written
19 and verified opposition to the objection in the prescribed form,
20 attaching thereto supporting evidence, if any.

21 The board shall not entertain any objection or opposition
22 unless reduced in writing in the prescribed form/s and supported
23 by evidence; otherwise, the objection or opposition shall be
24 deemed waived, and the board shall proceed to canvass or rule on
25 the objected returns or certificates, as the case may be.

26 The evidence attached to the objection or opposition
27 submitted by the parties shall be immediately and formally
28 admitted into the records of the board. The chairman shall affix
29 his signature at the back of each and every page thereof.

30 [(4)] (D) Upon receipt of the evidence, the board shall
31 consider the written objections and opposition thereto, if any,

1 and enter its ruling in the prescribed form and authenticate the
2 same with their signatures, furnishing a copy thereof to the
3 parties.

4 [(5)] (E) Any party adversely affected by the ruling shall
5 immediately inform the board in writing that he intends to appeal
6 said ruling. The board shall set aside the election returns or
7 certificates objected to and proceed to consider the other
8 returns or certificates. Unless such intent is manifested, the
9 objection is deemed waived, and the election returns or
10 certificates set aside shall be canvassed.

11 [(6)] (F) The party who manifested his intent to appeal
12 may, within three (3) days from notice to the board, appeal said
13 ruling to the Commission. He shall furnish a copy thereof to the
14 board and pay the required appeal fee.

15 [(7)] (G) The board shall, immediately upon receipt of a
16 copy of the appeal, elevate to the Commission the complete
17 records and the evidence submitted in the canvass and furnish the
18 parties copies thereof. All documents should be signed by the
19 board at the back thereof before they are transmitted to the
20 Commission.

21 [(8)] (H) On the basis of the records and evidence
22 elevated to it, the Commission shall summarily decide the appeal
23 within five (5) days from the receipt of said records and
24 evidence. Any appeal brought before the Commission on the ruling
25 of the board without the accomplished forms and the evidence
26 appended thereto shall be summarily dismissed.

27 The above provisions notwithstanding, the Commission may
28 motu proprio secure evidence aliunde in order to expedite the
29 proceedings and afford substantive justice.

30 The decision of the Commission shall be executory five (5)
31 days from receipt thereof by the board.

1 [(9)] (I) The board of canvassers shall not proclaim any
2 candidate as winner unless authorized by the Commission after it
3 has ruled on the appeal. Any proclamation made in violation
4 hereof shall be void ab initio, unless the contested returns or
5 certificates of canvass will not adversely affect the results of
6 the elections. (Sec. 20, RA 7166)

7 SEC. [293] 294. Partial proclamation. - Notwithstanding the
8 pendency of any pre-proclamation controversy, the Commission may
9 summarily order the proclamation of the winning candidates not
10 parties to any controversy or whose election will not be affected
11 by the outcome of the controversy. (Sec. 247, BP 881)

12 SEC. [294] 295. Pre-proclamation controversy; When deemed
13 terminated. - All pre-proclamation controversies pending before
14 the Commission shall be deemed terminated at the beginning of the
15 term of the office involved and the rulings of the board of
16 canvassers concerned shall be deemed affirmed, without prejudice
17 to the filing of an election protest. However, proceedings may
18 continue when, on the basis of the evidence thus far presented,
19 the Commission determines that the petition appears meritorious
20 and accordingly issues an order for the proceedings to continue
21 or when an appropriate order has been issued by the Supreme Court
22 in a petition for certiorari. (Sec. 16, RA 7166)

23 IN SPECIAL OR RECALL ELECTIONS, THE RULINGS OF THE BOARD OF
24 CANVASSERS SHALL BE DEEMED AFFIRMED AFTER 30 DAYS. (NEW)

25 SEC. [295] 296. Effect of petition to annul proclamation. -
26 A petition to annul the proclamation of any candidate may be
27 filed with the Commission within five (5) days from proclamation.
28 The filing of such petition shall suspend the running of the
29 period within which to file an election protest or quo warranto
30 proceedings. (Sec. 248, BP 881, Amended)

ARTICLE X. ELECTION CONTESTS

SEC. [296] 297. Election contests. - The term "election contests," when used in this Code, refers to election protest and quo warranto proceedings. (New)

SEC. [297] 298. Election protests. - A sworn petition contesting the election of any elective official [shall] MAY be filed by any candidate who has duly filed a certificate of candidacy and HAS been voted for the same office. (Sec. 250, BP 881)

SEC. [298] 299. 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] MAY be filed by any voter. (Sec. 253, BP 881, Amended)

SEC. [299] 300. Jurisdiction over election contests. - Jurisdiction over contests relating to the elections, returns and qualifications of elective officials shall be vested in the following:

[(1)] (A) Presidential Electoral Tribunal - over contests involving the President and Vice-President; (Sec. 4, Art. VII, Const.)

[(2)] (B) Senate Electoral Tribunal - over contests involving Members of the Senate; (Sec. 17, Art. VI, Const.)

[(3)] (C) House of Representatives Electoral Tribunal - over contests involving Members of the House of Representatives; (Sec. 7, Art. VII, Const.)

[(4)] (D) Commission on Elections - over contests involving regional, provincial and city officials; (Sec. 2, (2), Art. IX, C, Const.)

[(5)] (E) Courts of general jurisdiction - over contests

1 involving municipal officials; and (Sec. 251, BP 881)

2 [(6)] (F) Courts of limited jurisdiction - over contests
3 involving barangay officials. (Sec. 252, BP 881)

4 SEC. [300] 301. Jurisdiction of the Commission. - The
5 Commission shall exercise exclusive original jurisdiction over
6 all contests relating to the elections, returns, and
7 qualifications of all elective regional, provincial and city
8 officials, and appellate jurisdiction over all contests
9 involving elective municipal officials decided by trial courts of
10 general jurisdiction, or INVOLVING elective barangay officials
11 decided by trial courts of limited jurisdiction. (Sec. 2(2),
12 Art. IX(C), Const.)

13 SEC. [301] 302. Period to file election contests. - A
14 verified petition for election contest shall be filed as follows:

15 [(1)] (A) For regional, provincial, city or municipal
16 offices - within ten (10) days from proclamation of the results
17 of the election. (Secs. 250 and 251, BP 881)

18 [(2)] (B) For barangay offices - within five (5) days from
19 proclamation of the results of the election. (Sec. 252, BP 881,
20 amended)

21 SEC. [302] 303. Hearings of election contests on municipal
22 or barangay offices. - The hearing on election contests in courts
23 of general jurisdiction shall be completed within thirty (30)
24 days from the date of filing of the petition. The court shall
25 decide the case within thirty (30) days from the date it is
26 submitted for decision, but in every case within six (6) months
27 after its filing. (New)

28 The hearing on election contests in courts of limited juris-
29 diction shall be completed within ten (10) days from the DATE OF
30 filing of the petition. The trial court shall decide the
31 election protest within five (5) days from the date it is

1 submitted for decision but in every case within thirty (30) days
2 after the filing thereof. (New)

3 SEC. [303] 304. Procedure in election contests. - The
4 Commission shall prescribe the rules to govern the procedure and
5 other matters relating to the election contest pertaining to all
6 regional, provincial, city, municipal and barangay offices. Such
7 rules shall provide a simple and inexpensive procedure for the
8 expeditious disposition of election contests and SHALL be
9 published in at least two (2) newspapers of general
10 circulation. (Sec. 254, BP 881, Amended)

11 SEC. [304] 305. Judicial counting of votes. - Where
12 allegations in a protest or counter-protest so warrant, or
13 whenever in the opinion of the Commission [and] OR the court, the
14 interest of justice so requires, it shall immediately order that
15 the ballot boxes containing the ballots and their keys or other
16 documents used in the election be brought before it and that the
17 ballots be examined and the votes recounted. (Sec. 255, BP 881)

18 [SEC. 305. Declaration of winner in quo warranto cases. - In
19 quo warranto proceedings, if the winning candidate is disquali-
20 fied on the ground of ineligibility or disloyalty, the Commission
21 or the court, as the case may be, shall declare as elected the
22 candidate for the same position who obtained the second highest
23 number of votes. (New)]

24 SEC. 306. Decision on election contest. - The party who has
25 been declared elected shall have the right to assume office upon
26 finality of judgment.

27 In case the Commission or the court finds that the
28 protestant, protestee, or intervenor shall have an equal or
29 highest number of votes, it shall order the drawing of lots by
30 those who have tied and proclaim as elected the party who may
31 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. 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. [307] 308. 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] THE DECISION. (Sec. 28, RA 7166, Amended)

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. [308] 309. 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] FROM promulgation or receipt of [judgment] THE DECISION. (Sec. 257, BP 881, AMENDED)

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

1 (2), Art. IX(C), Const.)

2 SEC. [309] 310. Preferential disposition of election con-
3 tests in courts. - The courts shall give preference to election
4 contests over all other cases, except those of habeas corpus.
5 (Sec. 258, BP 881)

6 SEC. [310] 311. Actual or compensatory damages. - Actual or
7 compensatory damages may be granted in election contests in
8 accordance with law. (Sec. 259, BP 881)

9 SEC. [311] 312. Notice of decisions. - The clerk of court
10 or the corresponding official in the Commission AS THE CASE MAY
11 BE, shall immediately notify the Department of the Interior and
12 Local Government of the final disposition of the election con-
13 test. If the decision be that none of the parties has been
14 legally elected, said official shall certify such decision to the
15 President of the Philippines and to the Commission. (Sec. 260,
16 BP 881)

17
18 ARTICLE III. ELECTION OFFENSES
19

20 SEC. [312] 313. Prohibited acts. - The following shall be
21 guilty of an election offense:

22 (1) Vote buying and vote selling -

23 (a) Any person who gives, offers, or promises money
24 or anything of value, employment, franchise, or grant,
25 or makes or offers to make an expenditure, directly or
26 indirectly, to any person or group of persons in order
27 to induce anyone to vote for or against any candidate
28 or withhold his vote in the election or to vote for or
29 against the nomination of any aspirant in a conven-
30 tion or similar selection process of a political
31 party.

1 (b) Any person, association, corporation, group, or
2 community that solicits or receives, directly or
3 indirectly, any expenditure or promise of employment
4 for any of the foregoing considerations. (Sec. 261
5 (a), (b) and (j), BP 881)

6 The filing of a complaint under the foregoing paragraphs
7 supported by affidavits of complaining witnesses attesting to the
8 offer or promise by or to the voter's acceptance of money or
9 other consideration from the candidates, relatives, leaders, or
10 sympathizers of a candidate, shall be sufficient basis for an
11 investigation to be immediately conducted by the Commission,
12 directly or through its duly-authorized legal officers.

13 The giver, offeror or promissor, as well as the solicitor,
14 acceptor or recipient shall be liable as principals. Any person
15 otherwise guilty under the foregoing paragraphs who voluntarily
16 gives information and willingly testifies on any violation
17 thereof in any official investigation or proceeding shall be
18 exempt from prosecution and punishment for the offenses with
19 reference to which his information and testimony were given:
20 Provided, That nothing herein shall exempt such person from
21 criminal prosecution for perjury or false testimony. (Sec. 28,
22 RA 6646, Amended)

23 (2) Wagering upon result of election - Any person who bets
24 or wagers upon the outcome of, or any contingency connected with
25 an election. Any money or thing of value put as such bet or
26 wager shall be forfeited in favor of the government. (Sec. 261,
27 (c), BP 881)

28 (3) Coercion of subordinates - Any person exercising or
29 occupying a position of authority, in whatever capacity, whether
30 public or private, any public officer or any officer of any
31 public or private corporation or association, or any head,

1 superior, or administrator of any religious organization, or any
2 employer or landowner, who in any manner:

3 (a) Coerces, intimidates, OR compels any of his
4 subordinates, [or] members, [or] parishioners, [or]
5 employees or house helpers, tenants, overseers, farm
6 helpers, tillers or leaseholders to aid, campaign,
7 or vote for or against any candidate or any
8 aspirant for nomination as candidate.

9 (b) Dismisses or threatens to dismiss, punishes or
10 threatens to punish any of his subordinates for
11 disobeying or not complying with any of his orders to
12 aid, campaign or vote for or against any candidate, or
13 any aspirant for nomination as candidate. Any
14 employee, laborer or tenant so dismissed or ejected
15 shall be reinstated and the salary or wage of the
16 employee or laborer, or the share of the harvest of
17 the tenant withheld shall be restored. (Sec. 261,
18 (d), BP 881, Amended)

19 (4) Threat[s], intimidation, terrorism, or use of
20 fraudulent scheme - Any person who, in any manner threatens,
21 intimidates, or inflicts injury or damage, upon any person, his
22 honor or property, or uses any fraudulent scheme to induce or
23 prevent the registration of any voter, or the participation in or
24 desistance from any campaign, or the casting of or omission to
25 vote. (Sec. 261, (e), BP 881, Amended)

26 (5) Coercion of election officials and employees. - Any
27 person who, in any manner, harasses, threatens, intimidates,
28 terrorizes, [or] coerces or employs violence upon any official
29 or employee or deputy of the Commission in the performance of
30 his election duties. (Sec. 261, (f), BP 881, Amended)

31 (6) Appointment of new employees, creation of new

1 positions, promotions, or giving salary increases - During the
2 period of forty-five (45) days before a regular election and
3 thirty (30) days before a special election:

4 (a) Any appointing authority of a government office,
5 agency or instrumentality, including government-owned
6 or -controlled corporations, who appoints or hires any
7 new employee, whether permanent, provisional,
8 temporary or casual, or creates and fills any new
9 position, except upon prior authority of the
10 Commission. The Commission shall not grant the
11 authority sought unless it is satisfied that the
12 position to be filled is essential to the proper
13 functioning of the office or agency concerned, and is
14 not intended to influence the election.

15 However, a new employee may be appointed in case
16 of urgent need: Provided, That notice is given to the
17 Commission within three (3) days from the date of
18 appointment. Any appointment or hiring in violation
19 of this provision shall be null and void.

20 (b) Any government official who promotes or gives
21 any increase of salary, [or] remuneration or privilege
22 to any government official or employee, including
23 those in government-owned or [-]controlled
24 corporations. (Sec. 261, (g), BP 881, Amended)

25 (7) Transfer of officers and employees in the civil
26 service - Any public official who makes or causes any transfer,
27 detail[,] or reassignment of any officer or employee in the
28 civil service, including public school teachers, within the
29 election period, except upon prior approval of the Commission.
30 (Sec. 261, (h), BP 881, Amended)

31 (8) Intervention of public officers and employees - Any

1 officer or employee in the civil service, except those
2 holding political offices, such as Cabinet members and elective
3 officials; any officer, employee, or member of the Armed Forces
4 of the Philippines, or any police force, special forces, home
5 defense forces, barangay tanod units and all other para-military
6 units who, directly or indirectly, intervenes in any election
7 campaign or engages in any partisan political activity, except
8 to vote or to preserve public order, if he is a peace officer
9 (Sec. 261, (i), BP 881, Amended)

10 (9) Premature campaigning - Any person or group of
11 persons engaging in an election campaign or partisan political
12 activity outside the campaign period [Sec. 80, BP 881].

13 (10) Appointment or use of special policemen, special
14 agents, confidential agents, or the like - During the election
15 period, any appointing authority who appoints or any person who
16 utilizes the services of special policemen, special agents,
17 confidential agents or persons performing similar functions;
18 those previously appointed as such who continue acting in the
19 same capacity, or those who fail to turn over their firearms,
20 uniforms, insignias and other badges of authority to the proper
21 officer who issued the same.

22 At the start of the aforementioned period, the heads of
23 local government units or any appointing authority shall submit
24 to the Commission a complete list of all special policemen,
25 special agents, confidential agents or persons performing similar
26 functions employed in their respective political subdivisions,
27 with such particulars as the Commission may require. (Sec. 261,
28 (n), BP 881, Amended)

29 (11) Illegal release of prisoners before and after election
30 - The Director of the Bureau of Prisons, any provincial warden,
31 keeper of the jail, or person required by law to keep prisoners

1 in their custody who illegally orders or allows any such
2 prisoners to leave the jail premises during the election period.

3 The above-enumerated persons required by law to keep
4 prisoners in their custody shall post in three (3) conspicuous
5 public places in the city or municipality a list of prisoners or
6 detainees under their care. Detainees must be categorized as
7 such. (Sec. 261 & BP 881, Amended)

8 (12) Use of public funds, money deposited in trust,
9 equipment, facilities owned or controlled by the government for
10 an election campaign - Any person who uses under any guise
11 whatsoever, directly or indirectly, for election campaign or
12 partisan political activity:

13 (a) Public funds or money deposited with, or held in
14 trust by, public financing institutions or by
15 government offices, banks, or agencies;

16 (b) Any printing press, newspaper, news agency, radio,
17 or television station or audio-visual equipment
18 operated or sequestered by the Government or by its
19 divisions, subdivisions, agencies or instrumentalities,
20 including government-owned or -controlled corporations;
21 or

22 (c) Any equipment, vehicle, facility, apparatus, or
23 paraphernalia owned by the government or by its
24 political subdivisions, agencies including government-
25 owned or -controlled corporations. (Sec. 261 (o), BP
26 881, Amended)

27 (13) Deadly weapons - Any person who carries any deadly
28 weapon in the polling place or canvassing center and within a
29 radius of one hundred (100) meters thereof during the voting,
30 counting of votes or canvassing of the election returns. (Sec.
31 261, (p), BP 881, Amended)

1 (14) BEARING, CARRYING OR TRANSPORTING FIREARMS,
2 AMMUNITIONS, EXPLOSIVES OR AIRGUNS - ANY PERSON WHO BEARS,
3 CARRIES, OR TRANSPORTS FIREARMS, AMMUNITIONS, EXPLOSIVES OR
4 AIRGUNS OUTSIDE THE PLACE OF RESIDENCE OR PLACE OF BUSINESS
5 DURING ELECTION PERIOD EVEN IF LICENSED TO POSSESS OR CARRY THE
6 SAME, UNLESS AUTHORIZED IN WRITING BY THE COMMISSION. A MOTOR
7 VEHICLE, WATER OR AIR CRAFT SHALL NOT BE CONSIDERED A RESIDENCE
8 OR PLACE OF BUSINESS OR EXTENSION THEREOF.

9 THE ISSUANCE OF LICENSES FOR FIREARMS AND EXPLOSIVES SHALL
10 BE SUSPENDED DURING THE ELECTION PERIOD. (Sec. 261, (q), BP 881,
11 Amended; Sec. 32, RA 7166, Amended)

12 [(15) Bearing or transporting firearms, ammunitions, or
13 explosives - Any person who, during the election period bears
14 or transports firearms, ammunitions, or explosives or air gun in
15 public places, including any building, street, park, private
16 vehicle, or public conveyance, even if licensed to possess or
17 carry the same, unless authorized in writing by the Commission.

18 The issuance of firearms and explosives licenses shall be
19 suspended during the election period.]

20 [Only r]Regular members or officers of the Philippine
21 National Police[,] AND the Armed Forces of the Philippines [and
22 other law enforcement agencies of the Government] who are
23 deputized in writing by the Commission for election duty may be
24 authorized to carry and possess firearms during the election
25 period: Provided, That, when in the possession of firearms, the
26 deputized law enforcement officer must be:

27 (a) In full uniform showing clearly and legibly his
28 name, rank and serial number which shall remain
29 visible at all times; and

30 (b) In the actual performance of his election duty in
31 the specific area designated by the Commission. (Sec.

1 32, RA 7166, Amended)

2 THE PROHIBITION TO BEAR OR CARRY FIREARMS SHALL
3 NOT APPLY WHEN SAID MEMBER OR OFFICER IS IN PURSUIT OF
4 A PERSON WHO HAS COMMITTED OR IS COMMITTING A CRIME.

5 (SEC. 261(S), BP 881 AMENDED)

6 DURING THE ELECTION PERIOD, WHENEVER THE COMMISSION FINDS IT
7 NECESSARY FOR THE PROMOTION OF FREE, ORDERLY, HONEST, PEACEFUL
8 AND CREDIBLE ELECTIONS IN A SPECIFIC AREA, IT SHALL ORDER THE
9 CONFISCATION OF FIREARMS OF ANY MEMBERS OF THE ARMED FORCES OF
10 THE PHILIPPINES, PHILIPPINE NATIONAL POLICE, CIVIL ARMED FORCES
11 GEOGRAPHICAL UNITS (CAFGUS) AND ALL OTHER OR OPERATED SECURITY OR
12 INVESTIGATIVE AGENCIES PERFORMING IDENTICAL OR SIMILAR FUNCTIONS
13 (SEC. 261, (S), BP 881, AMENDED)

14 ~~[(16)]~~ (15) Use of armored land, water or air craft - Any
15 person who uses during the election period, any armored
16 land, water or air craft, with temporary or permanent
17 equipment, or any other device or contraption for the
18 mounting or installation of cannons, machine guns and other
19 similar high-caliber firearms, including military-type tanks,
20 half trucks, scout trucks, armored trucks: Provided, That banking
21 or financial institutions and business firms may use armored
22 vehicles exclusively for transporting cash, gold bullion or other
23 valuables in connection with their business to and from their
24 place of business, upon previous authority of the Commission.
25 (Sec. 261(r), BP 881, Amended)

26 ~~[(17)]~~ (16) Wearing of uniforms and ~~[bearing arms]~~ - During
27 the election period, any member of security or police
28 organization of government agencies, including government- owned
29 or -controlled corporations, or privately-owned or -operated
30 security or investigative agencies who wears his uniform or uses
31 his insignia, decorations or regalia[, or bears arms] outside his

1 place of work. This prohibition shall not apply when said
2 member is in pursuit of a person who has committed or is
3 committing a crime in the premises he is guarding[;]. [or when
4 escorting or providing security for the transport of payrolls,
5 deposits, or other valuables; or when guarding private
6 residences, buildings or offices: Provided, That in the last
7 case, prior written approval of the Commission shall be
8 obtained.]

9 [During the election period, whenever the Commission finds
10 it necessary for the promotion of free, orderly, honest,
11 peaceful and credible elections in a specific area, it shall
12 confiscate or order the confiscation of firearms of any member
13 of the Armed Forces of the Philippines, police forces, Civil
14 Armed Forces Geographical Units (CAFGUs) and all other para-
15 military units or any member or members of privately-owned or
16 -operated security or investigative agencies performing identical
17 or similar functions (Sec. 261, (s), BP 881, Amended)]

18 [(18)] (17) Security personnel and bodyguards - During the
19 election period, [no candidate for public office, including
20 incumbent public officers seeking election to any public office,
21 shall] ANY PERSON employs, avails himself of, or engages the
22 services of security personnel or bodyguards, whether or not such
23 bodyguards are regular members or officers of the Philippine
24 National Police, the Armed Forces of the Philippines, or other
25 law enforcement agency of the Government: Provided, That when
26 circumstances warrant, including but not limited to threats to
27 life and security of a [candidate] PERSON, he may be assigned by
28 the Commission, upon due application, regular members of the
29 Philippine National Police, the Armed Forces of the Philippines
30 or other law enforcement agency who shall provide him security
31 for the duration of the election period. The officers assigned

1 for security duty [to a candidate] shall be subject to the same
2 requirement as to wearing of uniforms prescribed herein, unless
3 exempted in writing by the Commission.

4 If at any time during the election period, the ground for
5 which the authority to engage the services of security personnel
6 has been granted shall cease to exist or, for any other valid
7 cause, the Commission shall revoke the said authority. (Sec. 33,
8 RA 7166, AMENDED)

9 (19) Organization or maintenance of reaction forces, strike
10 forces, or other similar forces - Any person who organizes or
11 maintains a reaction force, strike force or similar force
12 during the election period. The heads of such forces shall,
13 not later than ninety (90) days before the election, submit to
14 the Commission a complete list of all members thereof with such
15 particulars as the Commission may require. (Sec. 261, (a), BP
16 881, Amended)

17 (20) Prohibition against release, disbursement or
18 expenditure of public funds - Any public official or
19 employee, including barangay officials and those of
20 government-owned and [-]controlled corporations and their
21 subsidiaries, who, within forty-five (45) days before a regular
22 election and thirty (30) days before a special election,
23 releases, disburses, or expends any public funds for:

24 (a) Any and all kinds of public works, except the
25 following:

26 i. Maintenance of existing and/or completed
27 public works project: Provided, That no more than the
28 average number of laborers or employees already
29 employed therein during the six-month period
30 immediately prior to the beginning of the forty-five
31 (45) day period before election day shall be

1 permitted to work during such time. No additional
2 laborers shall be employed for maintenance work
3 within the said period of forty-five (45) days;

4 ii. Work undertaken by contract either through
5 public bidding held, or by negotiated contract
6 awarded, prior to the forty-five (45) day period
7 before election. Work undertaken under the so-called
8 "takay" or "paquiao" system shall not be considered
9 as work by contract;

10 iii. Payment for the usual cost of
11 preparation for working drawings, specifications,
12 bills of materials, estimates and other procedures
13 preparatory to actual construction, including the
14 purchase of materials and equipment, and all
15 incidental expenses for work undertaken before the
16 beginning of such period: Provided, That the number
17 of laborers hired when the project or projects were
18 commenced shall not be increased; and

19 iv. Emergency work necessitated by the occurrence
20 of a public calamity, but such work shall be limited
21 to the restoration of the damaged facility.

22 No payment shall be made within five (5) days before the
23 date of election to laborers who have rendered services in
24 projects or works except those falling under subparagraphs (i),
25 (ii), (iii) and (iv) hereof.

26 This prohibition shall not apply to ongoing public works
27 projects commenced before the campaign period or similar
28 projects under foreign agreements. For purposes of this
29 provision, it shall be the duty of the government officials or
30 agencies concerned to report to the Commission the list of all
31 such projects being undertaken by them.

1 (b) The Department of Social Welfare and Development
2 and any other office in other departments of the
3 government performing functions similar to said
4 department except for salaries of personnel, other
5 routine and normal expenses, and such other
6 expenses as the Commission may authorize after due
7 notice and hearing. Should a calamity or disaster
8 occur, all releases normally or usually coursed
9 through the said department and offices of other
10 department shall be turned over to, and administered
11 and disbursed by, the Philippine National Red Cross,
12 subject to the supervision of the Commission on Audit
13 or its representatives.

14 No candidate or his or her spouse or member of his
15 family within the second civil degree of affinity or
16 consanguinity shall participate, directly or
17 indirectly, in the distribution of any relief or
18 other goods to the victims of calamity or disaster.

19 (Sec. 261, (v), BP 881, Amended)

20 (21) Prohibition against construction of public works,
21 delivery of materials for public works and issuance of
22 treasury warrants and similar instruments - Within forty-five
23 (45) days preceding a regular election and thirty (30) days
24 before a special election, any person who:

- 25 (a) Undertakes the construction of any public works;
26 (b) Issues, uses, or avails of treasury warrants or
27 instruments undertaking future delivery of money,
28 goods, or other things of value chargeable against
29 public funds. (Sec. 261, (w), BP 881, Amended)

30 (22) Suspension of elective local officials - During the
31 election period, any public official who suspends, without prior

1 approval of the Commission, any elective provincial, city,
2 municipal, or barangay officer or president of the sangguniang
3 kabataan unless said suspension will be for purposes of applying
4 the Anti-Graft and Corrupt Practices Act. (Sec. 261, (x), BP
5 881, Amended)

6 (23) Any person who, [for the purpose of manipulating the
7 electoral process,] in any manner, gains access, [to] or uses,
8 modifies, destroys, OR discloses, or causes access to [and] OR
9 THE use, or modification, destruction or disclosure of any
10 computer data, program, system software, network, or any
11 computer-related devices, facilities, hardware or equipment,
12 whether classified or declassified, and regardless of whether or
13 not such access, use, modification, destruction or disclosure
14 changes the results of the election or interrupts or impairs the
15 electoral processes (New)

16 (24) On Registration of Voters.

17 (a) Any person who knowingly makes any false or
18 untruthful statement relative to any of the data or
19 information required in his voter's registration
20 record. (Sec. 261, (y), (2), BP 881)

21 (b) Any person who deliberately imprints or causes or
22 allows the imprinting of blurred or indistinct finger-
23 prints on any of the copies of the voter's
24 registration record or any person who tampers with the
25 fingerprints in said registration records. (Sec. 261,
26 (y), (3), BP 881, Amended)

27 (c) Members of the election registration board who
28 approve any application which on its face shows that
29 the applicant does not have the qualifications, or who
30 disapprove any application without cause. (Sec. 261,
31 (y), (4), BP 881, Amended)

1 (d) Any registered voter who registers anew without
2 filing an application for cancellation of his previous
3 registration. (Sec. 261, (y), (5), BP 881)

4 (e) Any person who registers in substitution for
5 another, with or without the latter's knowledge or
6 consent. (Sec. 261, (y), (6), BP 881)

7 (f) Any person who tampers with or changes without
8 authority any data or entry in any voter's
9 registration record. (Sec. 261, (y), (7), BP 881)

10 (g) Any person who delays, hinders or obstructs
11 another from registering [Sec. 261, (y), (8), BP 881].

12 (h) Any person who falsely certifies or identifies
13 another as a bona fide resident of a particular place
14 or locality for the purpose of securing the latter's
15 registration as a voter. (Sec. 261, (y), (9), BP 881)

16 (i) Any person who uses the voter's identification
17 card of another for the purpose of voting, whether or
18 not he actually succeeds in voting. (Sec. 261, (y),
19 (10), BP 881)

20 (j) Any person who places, inserts, or otherwise
21 includes, as approved application for registration in
22 the book of voters or in the provincial or national
23 central files of registered voters, the application of
24 any fictitious voter or any application that has not
25 been approved; or removes therefrom any voter's
26 registration record except upon lawful order of the
27 Commission or of a competent court or after proper
28 cancellation. (Sec. 261, (y), (11), BP 881)

29 (k) Any person who transfers or causes the transfer
30 of the registration record of a voter to the book of
31 voters of another precinct, unless said transfer was

1 due to a change of address of the voter and the voter
2 was duly notified of his new precinct and polling
3 place. (Sec. 261, (y), (12), BP 881)

4 (1) Any person who asks, demands, takes, accepts, or
5 possesses, directly or indirectly, the voter's identi-
6 fication card of another, in order to induce the
7 latter to withhold his vote, or to vote for or against
8 any candidate or any issue. (Sec. 261, (y), (13), BP
9 881, Amended)

10 (m) Any person who delivers, hands over, entrusts,
11 gives, directly or indirectly his voter's
12 identification card to another in consideration of
13 money or other benefit or promise thereof, or takes or
14 accepts such document directly or indirectly for the
15 same consideration. (Sec. 261, (y), (14), BP 881)

16 (n) Any person who in any manner alters, tears,
17 defaces, removes, destroys or tampers with any
18 certified list of voters. (Sec. 261, (y), (15), BP
19 881)

20 (o) Any person who takes, carries, or possesses any
21 blank or unused application for registration already
22 issued to a city or municipality, except when directed
23 by the Commission. (Sec. 261, (y), (16), BP 881)

24 (25) On Voting:

25 (a) Any person who votes more than once in the same
26 election, plebiscite, recall, or referendum or who,
27 not being a registered voter, votes in such political
28 exercise. (Sec. 261, (z), (2), BP 881, Amended)

29 (b) Any person who votes in substitution for another.
30 (Sec. 261, (z), (3), BP 881, Amended)

31 (c) Any person who, not being illiterate or

1 physically disabled, allows his ballot to be prepared
2 by another, or any person who prepares the ballot of
3 another who is not illiterate or physically disabled.

4 (Sec. 261, (z), (4), BP 881, Amended)

5 (d) Any person who avails himself of any means or
6 scheme to discover the contents of the ballot of a
7 voter. (Sec. 261, (z), (5), BP 881)

8 (e) Any voter who uses a ballot other than the one
9 given by the board of election inspectors or has in
10 his possession more than one (1) official ballot
11 (Sec. 261, (z), (6), BP 881)

12 (f) Any person who places under arrest or detains a
13 voter without lawful cause, or harasses him in such a
14 manner as to obstruct or prevent him from going to the
15 polling place to cast his vote or from returning home
16 after casting his votes or to compel him to reveal how
17 he voted. (Sec. 261, (z), (7), BP 881, Amended)

18 (g) Any member of the board of election inspectors
19 charged with the duty of reading the ballot during the
20 counting of the votes who deliberately omits to read
21 the votes duly written on the ballot or misreads the
22 vote actually written thereon or reads the name of a
23 candidate where no name is written on the ballot.

24 (Sec. 261, (z), (8), BP 881, Amended)

25 (h) Any member of the board of election inspectors
26 charged with the duty of tallying the votes in the
27 tally papers, election returns or other prescribed
28 form who deliberately fails to record a vote therein
29 or records a vote where no such vote has been read.

30 (Sec. 261, (z), (9), BP 881, Amended)

31 (i) Any member of the board of election inspectors

1 who has made possible the casting of more votes than
2 there are registered voters. (Sec. 261, (z), (10), BP
3 881, Amended).

4 (j) Any person who, for the purpose of disrupting or
5 obstructing the election process or causing confusion
6 among the voters, propagates false and alarming
7 reports or information, or transmits or circulates
8 false orders, directives, or messages regarding any
9 matter relating to the printing of official ballots,
10 the postponement of the election, the transfer of
11 polling place, eligibility, or withdrawal of
12 candidates or the general conduct of the election.

13 (Sec. 261, (z), (11), Bp 881, Amended)

14 (k) Any person who, without legal authority,
15 destroys, substitutes, or takes away from the
16 possession of those having legal custody thereof, or
17 from the place where they are legally deposited,
18 election forms, documents, or ballot boxes which
19 contain official ballots or other documents used in
20 any election[, plebiscite, recall, or referendum].

21 (Sec. 261, (z), (12), BP 881, Amended)

22 (l) Any person having legal custody of the ballot box
23 containing the official ballots used in the election
24 who opens or destroys said box or removes or destroys
25 its contents without any, or against the, order of the
26 Commission or who, through his negligence, enables any
27 person to commit any of the aforementioned acts, or
28 takes away said ballot box from his custody. (Sec.

29 261, (z), (13), BP 881, Amended)

30 (m) Any member of the board of election inspectors
31 who knowingly uses ballots other than the official

1 ballots. (Sec. 261, (z), (14), BP 881, Amended)

2 (n) Any member of the board of election inspectors
3 who refuses to issue the certificate of votes to
4 watchers requesting the same. (Sec. 27(a), RA 6646)

5 (o) Any public official who neglects or fails to
6 preserve or account for any ballot box, documents and
7 forms received by him and kept under his custody.

8 (p) Any person who assisted an illiterate or disabled
9 voter in preparing his ballot and who reveals the
10 contents thereof. (Sec. 261, (z), (15), BP 881)

11 (q) Any person who, without authority, transfers the
12 location of a polling place.

13 (r) Any person who removes, tears, defaces[,] or
14 destroys any LIST OF VOTERS OR CERTIFIED certified
15 list of candidates PRIOR TO AND DURING ELECTION DAY.
16 [posted inside the voting booths during the voting
17 hours.] (SEC. 261 (Z), (22), AMENDED)

18 (s) Any person who delays through force, violence,
19 coercion, intimidation, or by any means the
20 transmittal of the election returns or who takes away,
21 absconds with, destroys, defaces, mutilates, or
22 substitutes the election returns, its envelope, or the
23 ballot box containing the election returns, or who
24 violates the right of the watchers. (Sec. 261, (z),
25 [(22)], BP 881)

26 (t) Any person who holds or causes the holding of an
27 election on any other day than that fixed by law or by
28 the Commission, or stops an election being legally
29 held. (Sec. 261, (z), (23), BP 881)

30 (u) Any person who deliberately blurs or causes the
31 blurring of fingerprints or thumbmarks in the voting

1 record. (Sec. 261, (z), (24), BP 881, Amended)

2 (26) On Canvassing:

3 (a) Any chairman of the board of canvassers who fails
4 to give notice of the date, time and place of the
5 initial meeting of said board to the candidates,
6 political parties and members of the board. (Sec.
7 261, (aa), (1), BP 881)

8 [(b) Any member of the board feigning illness in
9 order to be substituted. (Sec. 224, BP 881)]

10 [(c)] (B) Any board of canvassers which proceeds with
11 the canvassing of votes and/or proclamation of any
12 candidate that was suspended or annulled by the
13 Commission. (Sec. 261, (aa), (2), BP 881)

14 [(d)] (C) Any member of the board of canvassers who
15 proceeds with the canvassing of votes and/or
16 proclamation of any candidate in the absence of quorum
17 or notice. (Sec. 261, (aa), (3), BP 881, Amended)

18 [(e)] (D) Any member of the board who fails to note
19 specifically in the minutes of the proceedings of
20 the board objections to the election returns or
21 certificate of canvass presented before it. (NEW)

22 [(f)] (E) Any member of the board who, without
23 authority of the Commission, uses in the canvass of
24 votes of any candidate any document other than the
25 official copy of the election returns or certificate
26 of canvass. (Sec. 261, (aa), (4), BP 881, Amended)

27 [(g)] (F) Any board of canvassers which, without
28 authority from the Commission, proclaims any candidate
29 as winner although there are still contested
30 election returns or certificates of canvass, unless
31 the votes involved will not affect the results of the

elections.

1
2 [(h)] (G) Any officer or member of the Armed Forces
3 of the Philippines, the Philippine National Police or
4 any peace officer or armed person belonging to any
5 police agency, special forces, reaction forces, strike
6 forces, Civil Armed Forces Geographical Units
7 (CAFGUs), barangay tanod units, or other similar
8 forces or para-military forces, including security
9 guards, special policemen, and all other armed or
10 unarmed extra-legal police officers, who enters the
11 room where the canvassing of the election returns or
12 certificates of canvass is being held by the board of
13 canvassers and within a radius of fifty (50) meters
14 from such room. The board may, by majority vote, make
15 a call in writing for the detail of policemen or
16 peace officer for their protection or that of the
17 election documents and paraphernalia in the
18 possession of the board, or for the maintenance of
19 peace and order, in which case said policemen or
20 peace officers, who shall be in proper uniform, shall
21 stay outside the room but near enough to be easily
22 called by the board at any time. (Sec. 232, BP 881)

23 [(i)] (H) Any person who, under the influence of
24 liquor or prohibited drugs, enters a canvassing room
25 during the canvassing of election returns or
26 certificates of canvass. (New)

27 (27) Common to all board of election inspectors and board
28 of canvassers:

29 (a) Any member of the board of election inspectors or
30 board of canvassers who deliberately absents himself
31 from board meetings to obstruct or delay the

1 performance of its duties or functions [...] OR WHO
2 FEIGNS ILLNESS IN ORDER TO BE SUBSTITUTED (SEC. 261
3 (BB) (1) AND SEC. 224, BP 881)

4 (b) Any member who, without justifiable reason,
5 refuses to sign and certify any election form
6 prescribed by the Commission.

7 (c) Any person who, being ineligible for appointment
8 as member of the board accepts an appointment thereto,
9 assumes office, and actually serves as member; or any
10 public officer or person acting in his behalf who
11 appoints such ineligible person knowing him to be
12 such. (SEC. 261 (BB) (3), BP 881)

13 (d) Any person who, in the presence or within the
14 hearing range of either board, interrupts or
15 disrupts its work or proceedings to prevent said
16 board from performing its functions. (SEC. 261 (BB)
17 (4), BP 881).

18 (e) Any member of the board who increases,
19 decreases, or otherwise tampers with the votes
20 received by a candidate; or who refuses, after proper
21 verification and hearing, to credit the correct votes
22 or deduct such tampered votes. (Sec. 27(b), RA 6646)

23 (f) Any public official or person acting in his
24 behalf who relieves or changes or causes the change of
25 the assignment of any member without authority of
26 the Commission.

27 **(28) On Candidacy and Campaign:**

28 (a) Any political party which holds political
29 conventions or meetings to nominate its official
30 candidates earlier than the period fixed in this Code.

31 (b) Any person who abstracts, destroys or cancels any

1 certificate of candidacy duly filed and which has not
2 been cancelled by the Commission.

3 (c) Any person who on election day submits to the
4 board of election inspectors any false or spurious
5 certificate of candidacy.

6 (d) Any person who, being authorized to receive
7 certificates of candidacy, receives the same outside
8 the prescribed period and makes it appear that it was
9 filed on time; or any person who, by means of fraud,
10 threat, intimidation, terrorism, or coercion, causes
11 or compels the performance of said act. (SEC. 261,
12 (CC) (4))

13 (e) Any person who, by any device or means, jams,
14 obstructs, or interferes with a radio or television
15 broadcast [or] OF any political program authorized by
16 the Commission. (SEC. 261, (CC) (5), AMENDED)

17 (f) Any person declared a nuisance candidate or
18 otherwise disqualified by final and executory
19 judgment, who continues to misrepresent himself as a
20 candidate; any public officer or private individual
21 who knowingly induces or abets such misrepresentation.
22 (Sec. 27(f), RA 6646)

23 (g) Any person who solicits[,] votes or undertakes
24 any propaganda[, on the day of election,] OR ENGAGES
25 IN AN ELECTION CAMPAIGN OR PARTISAN POLITICAL ACTIVITY
26 for or against any candidate or any political party ON
27 THE DAY OF ELECTION OUTSIDE THE CAMPAIGN PERIOD.
28 (SEC. 261 (CC) (6) AND SEC. 80, BP 881, AMENDED)

29 (h) [Any person who undertakes an election campaign
30 or partisan political activity outside of the campaign
31 period.]

1 No person shall be arrested and/or detained
2 at any time for any act committed during and in
3 connection with an election which tends to support or
4 oppose any candidate or political party, except upon a
5 warrant of arrest issued by competent court.

6 **(29) Other Prohibitions:**

7 (a) Any person who sells, furnishes, offers, buys,
8 serves or takes intoxicating liquor on the day before
9 or on election day: Provided, That hotels and other
10 establishments duly certified by the Department of
11 Tourism as tourist-oriented and habitually engaged in
12 the business of catering to foreign tourists may be
13 exempted upon prior authority of the Commission:
14 Provided, further, That foreign tourists taking
15 intoxicating liquor in said authorized hotels or
16 establishments are exempted from this prohibition.

17 (SEC. 261 (DD) (1), BP 881)

18 (b) Any person who, without authority, prints or
19 causes the printing of any ballot, election returns,
20 or certificates of canvass as official ballot,
21 election returns, or certificate of canvass, or who
22 distributes or causes the distribution thereof whether
23 or not it is actually used.

24 (c) Any person who opens in any polling place or
25 within a radius of thirty (30) meters thereof on
26 election day and during the counting of votes, booths
27 or stalls of any kind for the sale, dispensing or
28 display of wares, merchandise, or refreshments, or for
29 any other purposes. (SEC. 261 (DD) (2), BP 881)

30 (d) Any person who holds on election day, fairs,
31 cockfights, boxing, horse races, jai-alai, or any

1 other similar sports. (SEC. 261 (DD) (3), BP 881)

2 (e) Any person who operates a radio or television
3 station who, without justifiable cause, discriminates
4 against any candidate or political party in his
5 station's programming or coverage of election related-
6 events. In addition to the penalty prescribed herein,
7 such refusal shall constitute a ground for
8 cancellation or revocation of the franchise. (Sec.
9 261, (DD) (5) BP 881)

10 (f) Any person who violates any orders, resolutions
11 or rules and regulations promulgated by the
12 Commission. (New)

13 SEC. [313] 314. Other election offenses. - Violation of
14 the provisions, or pertinent portions, of the following sections
15 of this Code shall constitute election offenses: Sections 9,
16 10, 11, 90, 111, 115, 124, 125, 127, 128, 129, 130, 131, 135,
17 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149,
18 159, 163, 164, 167, 168, 169, 170, 172, 180, 186, 188, 190, 201,
19 204, 207, 203, 209, 217, 226, 227, 228, 232, 235, 236, 237, 238,
20 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251,
21 252, 253, 254, 255, 256, 257, 258, 259, 260, 264, 265, 267, 268,
22 269, 270, 273, 274, 275, 276, 277, 278, and 285.

23 SEC. [314] 315. Persons criminally liable. - The princi-
24 pals, accomplices and accessories, as defined in the Revised
25 Penal Code, shall be criminally liable for election offenses.
26 If the one responsible be a political party or an entity, its
27 president or head, the officials and employees of the same per-
28 forming duties connected with the offense committed and its
29 members who may be principals, accomplices, or accessories, shall
30 be liable, in addition to the liability of such party or entity.
31 (Sec. 263, BP 881)

1 **SEC. [315] 316. Penalties.** - Any person found guilty of any
2 election offense under this Code shall be punished with impris-
3 onment of not less than one (1) year but not more than six (6)
4 years and shall not be subject to probation. In addition, the
5 guilty party shall be sentenced to suffer disqualification to
6 hold public office and deprivation of the right of suffrage. If
7 he is a foreigner, he shall be sentenced to deportation which
8 shall be enforced after the prison term has been served. Any
9 political party found guilty shall be sentenced to pay a fine
10 of not less than one hundred thousand (P100,000) pesos, which
11 shall be imposed upon such party after criminal action has been
12 instituted in which their corresponding officials have been
13 found guilty.

14 In the case of a prisoner illegally released from any
15 penitentiary or jail during the election period, the Director of
16 Prisons, provincial warden, keeper of the jail, or prison
17 or persons required by law to keep said prisoner in their
18 custody shall, if convicted by a competent court, be sentenced
19 to suffer the penalty of prision mayor in its maximum period
20 if the prisoner so illegally released commits any act of
21 intimidation, terrorism or interference in the election.

22 In addition to the penalties prescribed herein, violations
23 of Sections 9, 10 and 11 hereof shall constitute a ground for
24 cancellation or revocation of certificate of public convenience
25 or franchise.

26 **SEC. 317. APPLICABILITY.** - THE PENAL PROVISIONS CONTAINED
27 IN THIS CODE SHALL APPLY TO SANGGUNANG KABATAAN ELECTIONS.

28 **SEC. [316] 318. Prosecution.** - The Commission shall have,
29 through its duly-authorized legal officers, exclusive power to
30 conduct preliminary investigation of all election offenses pun-
31 ishable under this Code, and to prosecute the same. The Commis-

1 sion may avail of the assistance of other prosecuting arms of
2 the government.

3 SEC. [317] 319. Prescription. - Election offenses shall
4 prescribe after five (5) years from the date of their commission.
5 If the discovery of the offense be made in election contest
6 proceedings, the period of prescription shall commence on the
7 date on which the judgment in such proceedings becomes final and
8 executory. (Sec. 267, BP 881)

9 The filing of a complaint with the Commission stops the
10 running of the prescriptive period of the election offense.
11 (New)

12 SEC. [318] 320. Jurisdiction of courts. - The regional
13 trial court shall have exclusive original jurisdiction to try
14 and decide any criminal action or proceedings for violation
15 of this Code. Appeals will lie as in other criminal cases.
16 (Sec. 268, BP 881)

17 SEC. [319] 321. Preferential disposition of election of-
18 fenses. - The investigation and prosecution of cases involving
19 violation of election laws shall be given preference and priority
20 by the Commission and prosecuting officials. Their investigation
21 shall be commenced without delay, and shall be resolved by the
22 investigating officer within five (5) days from its submission
23 for resolution. The courts shall likewise give preference to
24 election offenses over all other cases, except petitions for writ
25 of habeas corpus. Their trial shall likewise be commenced with-
26 out delay, and shall be conducted continuously until terminated,
27 and the case shall be decided within thirty (30) days from its
28 submission for decision. (Sec. 269, BP 881)

29
30 ARTICLE XII. LEGAL FEES
31

1 **SEC. [320] 322. Collection of legal fees.** - The Commission
2 is hereby authorized to determine and collect reasonable fees in
3 connection with official transactions in the Commission.

4 **SEC. [321] 323. Payment of fees.** - The fees referred to in
5 the preceding section shall be paid to the cashier of the Commis-
6 sion who shall, in all cases, issue a receipt for the same and
7 enter the amount received upon his book, specifying the date when
8 received, the fee, and the person from whom received. The cash-
9 ier shall immediately report such payment to the Commission.
10 (Sec. 271, BP 881) -

11 **SEC. [322] 324. Non-payment of prescribed fees.** - If the
12 prescribed fees are not paid, the Commission may refuse to take
13 action thereon until they are paid. (New)

14 **SEC. [323] 325. Special or trust fund.** - All accruing fees,
15 receipts and revenues received by the Commission shall be consid-
16 ered as a Special Trust Fund and shall be deposited in any of the
17 authorized depository banks of the Commission to be made avail-
18 able for any function, project and activity of the Commission
19 pursuant to its fiscal autonomy. (New)

20
21 **ARTICLE XIII. TRANSITORY PROVISIONS**

22
23 **SEC. [324] 326. Pending actions.** - Pending actions and
24 causes of action arising before the effectivity of this Code
25 shall be governed by the laws then in force. (Sec. 272, BP 881)

26 **SEC. [325] 327. Continuing system of registration; When**
27 **effected.** - For purposes of the 1995 and succeeding elections,
28 the continuing system of registration shall be effected immedi-
29 ately after the 1994 barangay elections. (New)

30
31 **ARTICLE XIV. FINAL PROVISIONS**

1
2 **SEC. [326] 328. Sharing in election expenses.** - All ex-
3 penses for the conduct of elections shall be shared by the na-
4 tional, provincial, city, or municipal governments for which the
5 election as held in such manner as the Commission shall pre-
6 scribe. For this purpose, the sangguniang panlalawigan, sanggun-
7 iang panlungsod and sangguniang bayan concerned shall appropriate
8 annually an amount equivalent to one-third (1/3) of the amount
9 spent by their respective provinces, cities, or municipalities in
10 the last election as a continuing appropriation to cover their
11 respective shares of the expenses in the next regular elections
12 (Sec. 20(a), RA 6388, Amended)

13 **SEC. [327] 329. Separability clause.** - If, for any reason,
14 any section or provision of this Code, or any portion thereof or
15 the application of such section, provision or portion to any
16 person, group or circumstance is declared invalid or unconstitu-
17 tional, the remainder of this Code or the application of such
18 section, provision or portion thereof to other persons, groups,
19 or circumstances shall not be affected by such declaration.
20 (Sec. 281, BP 881)

21 **SEC. [328] 330. Repealing clause.** - Batas Pambansa Blg.
22 881, otherwise known as the Omnibus Election Code, is hereby
23 repealed. All laws, decrees, executive orders, rules and
24 regulations, or parts thereof, inconsistent with the provisions
25 of this Code are hereby repealed. (Sec. 282, BP 881, Amended)

26 **SEC. [329] 331. Effectivity.** - This Code shall take effect
27 upon its approval.
28
29
30
31