

AN ACT TO AMEND SECTIONS SEVEN, FIFTY-NINE, ONE HUNDRED AND FOUR, ONE HUNDRED AND FIVE, ONE HUNDRED AND TWENTY-ONE, AND SUBSECTIONS (B), (C) AND (F) OF SECTION ONE HUNDRED AND T...

REPUBLIC ACT NO. 867, June 16, 1953

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

SECTION 1. Section seven of Republic Act Numbered One hundred and eighty is hereby amended to read as follows:

"SEC. 7. Regular elections for provincial, municipal and Municipal district offices.—On the second Tuesday of November, nineteen hundred and fifty-five and on the same day every four years thereafter, a regular election shall be held to elect the officials who will occupy all elective provincial, city, municipal and municipal district offices throughout the Philippines. The officials elected shall assume office on the first day of January next following and shall hold such office for four years and until their successors shall have been duly elected and qualified."

SEC. 2. Section fifty-nine of the Republic Act Numbered One hundred and eighty, as amended by Republic Act Numbered Five hundred and ninety-nine, is hereby amended to read as follows:

"SEC. 59. Publication of map of precincts.—The municipal secretary shall post, in the municipal building and in the polling places and in three other conspicuous public places in each precinct, maps plainly showing the boundaries of the precinct, at least ten days before the first day fixed for the registration of voters of each election, and keep them posted until after the election is held. No person shall be admitted for registration in a precinct where he is not a bona fide resident within the territorial limit of the precinct; and if so registered, his name may be stricken out from the registry list in an exclusion proceeding as hereinafter provided".

SEC. 3. Sections one hundred and four, one hundred and five, one hundred and twenty-one and subsections (b), (c) and (f), of section one hundred and twenty-three, all of Republic Act Numbered One hundred and eighty, otherwise known as the Revised Election Code, are hereby amended to read as follows:

"SEC. 104. Cancellations and exclusions in the transfer of names.—In transferring the names of the voters of the precinct from the list used in the preceding election to the current list, the board shall exclude those who have applied for the cancellation of their registration, those who have died, those who did not vote in two successive regular elections, those who have been excluded by court orders issued in accordance with the provisions of this code, and those who have become disabled or disqualified, upon motion of any member of the board or of any elector or catcher, upon satisfactory proof to the board and upon summons to the voter in cases of disqualification or disability. The motion shall be decided by the board without delay and in no case beyond three days from its filing. Should the board deny the motion, or fail to act thereon within the period herein fixed, the interested party may apply for such exclusion to the justice of the peace of the municipality or the justice of the peace of the capital, or the judge of the Court of First Instance of the province, or to the Commission on Elections in Manila, who shall decide the controversy without delay and in no case beyond one week from the date the petition is filed. The decision of the Court of First Instance or the Commission on

Elections, as the case may be, shall be final. The poll clerk shall keep a record of these exclusions and shall furnish a copy thereof to the municipal treasurer, the register of deeds of the province, and the Commission on Elections, to be attached by them to the permanent list under their custody."

"SEC. 105. Meeting to close the list of the voters before each election.—The board of inspectors shall also meet on the second Saturday immediately preceding the day of the regular election, or in the second day immediately preceding the day of the special election, whether it be Sunday or a legal holiday, for the purpose of making such inclusions, exclusions, and corrections as may be or have been ordered by the courts, stating opposite every name so corrected, added, or cancelled the date of the order and the court which issued the same; and for the consecutive numbering of the voters of the election precinct.

"Should the board fail to include in the list of voters any person ordered by the competent court to be so included, said person shall, upon presentation of a certified copy of the order of inclusion and upon proper identification, be allowed by the board to vote.

"Should the board fail to exclude from the list of voters any person ordered by the court to be so excluded, the board shall not permit said person to vote upon presentation to it by any interested party of a certified copy of the order of exclusion."

"SEC. 121. Application for exclusion of voters from the list.—Any registered voter in a municipality may apply at anytime except during the period beginning with the twenty-first day after the last registration day of any election up to and including the election day to the judge of the Court of First Instance, the justice of the peace of the capital, or the circuit justice of the peace, for the exclusion of a voter from the list, giving the name and residence of the voter, the election precinct in which he is registered, and the grounds for the challenge. The application shall be sworn to and accompanied by proof of notice to a member of the Board of Inspectors, if the same is duly constituted, and to the challenged voter.

"SEC. 123. Common rules governing judicial proceedings in the matter of inclusion, exclusion, and correction of names of voter.—

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"(b) Notices to the members of the Board of Inspectors and to the challenged voters shall state the place, day and hour in which such application or motion shall be heard, and such notice may be made by sending a copy thereof by registered mail or by personal delivery to them, or by leaving it in the possession of a person of sufficient discretion in the residence of the said persons, or, in the event that the foregoing procedure is not practicable, by posting a copy in a conspicuous place in the municipal building and in two other conspicuous places within the municipality, at least ten days prior to the day set for the hearing".

"In the interest of justice and to afford the challenged voter all the opportunities to contest the application for exclusion, the judge concerned may, when the challenged voter fails to appear on the first day set for the hearing, order that notice be effected in such manner and within such period of time as he may decide, which time shall in no case be more than ten days from the day the respondent is first found in default.

"(c) Each application shall refer to only one election precinct.

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"(f) The decision shall be based on the evidence presented. If the question is whether or not the voter can read and write, such voter shall be personally examined before the court and if the question is whether or not the voter is real or fictitious his non-appearance on the day set for hearing shall be prima facie evidence that the registered voter is fictitious. In no case shall a decision be rendered upon a stipulation of facts."

SEC. 4. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect upon its approval.

Approved, June 16, 1953.

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