

AN ACT TO PROVIDE FOR THE HOLDING OF ELECTIONS OF PROVINCIAL, CITY, AND MUNICIPAL OFFICERS AND AMEND FOR SAID PURPOSE CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE ON ELECTIONS AN...

Commonwealth Act No. 233, September 15, 1937

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Be it enacted by the National Assembly of the Philippines;

SECTION 1. Sections three hundred and ninety-three, three hundred and ninety-seven, four hundred and three, four hundred and four, four hundred and five, four hundred and ten, four hundred and fourteen, four hundred and seventeen, four hundred and twenty-five, four hundred and twenty-seven, four hundred and twenty-eight, four hundred and thirty-one, four hundred and thirty-two, four hundred and thirty-seven, four hundred and forty-two, four hundred and fifty-two, four hundred and fifty-five, four hundred and sixty-nine, four hundred and seventy, four hundred and seventy-five, four hundred and seventy-six, two thousand and seventy-one, two thousand and seventy-four, two thousand one hundred and seventy-seven, twenty-four hundred and forty, twenty-six hundred and five, twenty-six hundred and thirty-seven, twenty-six hundred and forty-five, and twenty-six hundred and sixty and one-half, of the Administrative Code, as amended, are hereby further amended to read, respectively, as follows:

"SEC. 393. Dates for regular elections for, and induction into, provincial, city and municipal offices.— (a) A regular election shall be held on the second Tuesday in December, nineteen hundred and thirty-seven and upon the same day every three years thereafter, to elect the officers who are to occupy all elective provincial, city, and municipal offices throughout the Philippines.

"(b) The officers elected in a regular election shall assume office on the first day of January of the next following year."

"SEC. 397. Expenses of elections.— (a) The expenses of an election shall be paid in full in each city or municipality by the municipal treasurer concerned and shall be charged to the branch of the government for which the election was held. In case of a simultaneous election for two or more branches of the government, the cost shall be paid in equal parts by the respective treasuries.

"(b) The expenses incident to the holding of the first election in a new municipality shall be advanced, so far as necessary for the proper conduct of the election, by the province, and such advance shall be afterwards reimbursed by the municipality benefited."

"SEC. 403. Limitation upon reelection.—A third consecutive reelection to the offices of provincial governor and mayor shall be prohibited after the regular election of nineteen hundred and thirty-seven."

"SEC. 404. Certificate of candidacy.— (a) No person shall be eligible for any elective office unless, within the time fixed by law, he shall file a duly sworn certificate of candidacy. Nor shall any person be eligible for more than one office to be filled at the same election, and if he files certificates of candidacy for more than one office, the same shall all be null and void.

"(b) Said certificate shall declare that the person concerned announces his candidacy for the office mentioned therein; that he is a resident of the province, city or municipality in which his candidacy is offered; and that he is eligible to the office. The certificate shall also state the name of the political party to which the candidate belongs, if any, the post-office address of said candidate for all electoral purposes, and a statement that his expense budget for the electoral campaign will not exceed one-third of the total emoluments attached to the office for the term of the same.

"(c) In case there are two or more candidates for the same elective office who have the same name and surname, each shall state in his certificate of candidacy, in addition to his name, his paternal and maternal surnames, with the exception of any one of them who has at any time been elected to any elective office, who may continue using the name and surname set forth in his previous certificate of candidacy.

"(d) Certificates of candidacy shall not contain more than one nickname of the candidate.

"(e) Any candidate who, in any action or contest to which he may have been a party, shall have been convicted, by final judgment of a competent court, of having incurred greater expenses in an electoral campaign than those above stated, shall be disqualified to continue to be a candidate or, if elected, to fill the office."

"SEC. 405. Filing and distribution of certificates of candidacy.— (a) Certificates of candidacy for national offices shall be filed not less than thirty days before the day set for the election with the Secretary of the Interior, who shall immediately send certified copies thereof to the Secretary of the National Assembly and to the secretary of the provincial board of the province where the elections are to be held, which latter official shall immediately forward certified copies to all polling places. The Secretary of the Interior shall communicate the names of said candidates to the secretary of the provincial board by telegraph, if there be any. If the certificate of candidacy is mailed, it shall be sent by registered mail, and the date on which the envelope was mailed in the post office of origin may be considered as the filing date thereof if confirmed by a telegram addressed to the Secretary of the Interior on the same date.

"(b) Certificates of candidacy for provincial offices shall be filed not less than twenty days before the day of the election with the secretary of the provincial board of the province concerned, who shall immediately send certified copies thereof to all polling places of the province and to the Secretary of the Interior.

"(c) Certificates of candidacy for city and municipal offices shall be filed not less than twenty days before the day of the election with the secretary of the municipal board of the city or the municipal secretary, as the case may be, who shall immediately send certified copies thereof to the polling places concerned and to the Secretary of the Interior.

"(d) It shall be the ministerial duty of the Secretary of the Interior, the secretary of the provincial board, the secretary of the municipal board, and the municipal secretary, as the case may be, to receive any certificate of candidacy for national, provincial, city, and municipal office, respectively, and to acknowledge receipt thereof immediately.

"(e) In case of the death or disqualification of a candidate whose certificate of candidacy has been duly filed, after expiration of the time limits above established, any legally qualified citizen may file with the secretary of the provincial board, the secretary of the municipal board, or the municipal secretary, without distinction, not later than the noon hour on the day of the election, his own certificate of candidacy for the office for which the deceased or disqualified person was a candidate, and in the event of the death or disqualification occurring on the day before the election or before the noon hour on the day of the election, said certificate may be filed with any board of inspectors of the municipality where he resides.

"(f) Any person holding any appointive public office or position shall automatically cease to hold the same on the date of filing his certificate of candidacy."

"SEC. 410. Arrangement of election 'precincts.— (a) The election precincts shall be so arranged that no precinct

shall have more than four hundred voters, and each shall comprise, as far as practicable, contiguous and compact territory.

"(b) When it appears that an election precinct contains; more than four hundred voters, the municipal council shall make such adjustment or new division as may be necessary.

"(c) When a municipality has been merged into another, it shall constitute at least one election precinct, if the distance between the remotest barrio of the merged municipality and the nearest polling place of the municipality to which it is annexed shall, by the shortest road, exceed five miles."

"SEC. 414. (a) Designation of polling places.—At least; seventy days before each regular election the municipal board or council of the city or municipality in which such election is to be held shall designate in each election precinct a place, as centrally located with respect to the residences of the voters as is practicable, where the meetings of the board of inspectors for registration and the election shall be held. Each place so designated shall, if practicable, be a room upon the lower floor, of sufficient size to admit and comfortably accommodate twenty electors at one time outside the guard rails. But no building shall be selected when it is so constructed that the interior of the voting booths placed in its lower story can be seen from one of its upper stories or from any part of it. No liquors shall be sold, served, or drunk or cockfights held in any building so designated from the time of designation until the day after election. If for any cause a place so designated shall thereafter and before election be destroyed or for any cause, cannot be used, the municipal board or council shall forthwith meet and designate another. No more than one polling place shall be in the same room.

"(b) Portable polling places.—Whenever a municipal council shall be unable to procure suitable places, or whenever it shall be more economical so to do, such council may provide temporary or portable structures adequate to the purpose. Such structures may be erected in any public street or plaza, but not so as to block traffic thereon. -

"(c) Buildings that shall not be used as polling places.— No building owned or inhabited by any person who is a candidate for any office for which votes are to be cast in any election precinct shall be used as a polling place for that precinct, nor shall any polling place be located or established at places under the control of any private society or corporation, unless in such places there is no properly constructed and established road and they are over six kilometers distant from the poblacion or nearest barrio.

"(d) Changes of polling places.—After a polling place has been designated, its location shall not be changed until the next regular election, unless it is ordered otherwise by competent authority.

"(e) Furnishing ballot boxes, office supplies, and materials for election.—The Secretary of the Interior shall prepare and furnish all office supplies, ballot boxes, and other materials necessary for the registration and holding of the election.

"(f) Construction, inscriptions, and keys of ballot boxes.—The ballot boxes shall be uniform throughout the Philippines and shall be solidly constructed in such manner that they cannot be opened except by means of three different keys, and one of said keys shall during the voting and the counting of the votes be in the hands of each inspector, and immediately upon the completion of the count, the keys shall be placed in separate envelopes sealed and signed by the watchers present and by each inspector, and it shall be the duty of the provincial commander, or his authorized representative, immediately to take charge of said envelopes and to retain one of them in his custody, and deliver one to the provincial treasurer and the other to the clerk of the court of first instance, which officers shall keep them for a period of six months., unless sooner demanded by the proper courts, and shall at the expiration of such period return them to the provincial treasurer who shall keep them until the next election. The box for valid ballots shall be white and shall bear the following inscription in large legible letters: Box for valid ballots; and the box for spoiled ballots, which shall be much smaller than the other, shall be read and shall bear the following inscription in large legible letters: Box for spoiled ballots.

"(g) Signs and flags on polling places.—The place set aside for a polling place shall have in front a sign showing the precinct to which it belongs, and on days of meeting of the board of inspectors the official flags of the Government shall be hoisted at the proper height.

"(h) Direct supervision of elections.—The Secretary of the Interior shall see particularly that the local authorities perform faithfully and impartially the ministerial duties assigned to them by this Act, and may for this purpose apply for the aid of the services of the Solicitor-General, and designate as his deputies the provincial fiscals and other officers or agents of the law that may be necessary to secure an orderly, free, and honest election."

"SEC. 417. Appointment of inspectors and poll clerks.— (a) It shall be the duty of the board or council in each city or municipality wherein a regular election is to be held, to appoint, seventy days immediately prior to the date of such election, a board of election inspectors composed of three inspectors and a poll clerk, with their respective substitutes, for each election precinct therein, who shall hold office for three years or until their successors shall have taken charge of the same.

"(b) The date of the meeting for the appointment of inspectors shall be published at least fifteen days in advance of such meeting, in the local press or by the town crier and other means of publication, and shall be communicated by registered mail to the representatives of each party in the locality or, in the absence of local representatives, to the representatives of each party in the province.

"(c) Two of the inspectors and the poll clerk, and their substitutes, shall belong to the party which polled the largest number of votes in the city, municipality or municipal district at the next preceding election, and the other inspector and his substitute shall belong to the party which polled the next largest number of votes at said election. In computing the number of votes polled by each party for the appointment of inspectors for a regular election of provincial and city or municipal officers, the votes polled by all the candidates for said offices belonging to said party according to their certificates of candidacy shall be counted, and in the case of the appointment of inspectors for a regular election for President or Vice-President of the Philippines and Members of the National Assembly, or only the latter, the votes polled by the candidates for the offices to be filled belonging to the party concerned according to their certificates of candidacy shall be counted for the purposes of said computation.

"(d) In case the parties which polled the largest and next largest number of votes at the next preceding election present only one candidate for each office to be voted for in the city or municipality, the other inspector shall belong to the same party as the opposing candidates, and if there be more than one opposing party presenting candidates, said inspector shall belong to the party first organized in the locality.

"(e) An inspector shall not be granted to any branch or fraction which has seceded since the general election of nineteen hundred and thirty-four or may hereafter secede from its respective party, or from the party resulting from their merger.

"(f) The election inspectors and poll clerks and their respective substitutes shall be persons proposed by the authorized representatives of the national directorates of the parties. The representatives of the parties in the municipality or province, as the case may be, shall communicate in writing, at least three days before the meeting for the appointment of inspectors is held, the names, surnames, and post-office addresses of the persons who are to act as their representatives in the designation of the election inspectors.

"(g) An election inspector or poll clerk may be replaced at any time at the request of the party which proposed his appointment, and if there is no time to hold a meeting of the municipal board or council for said purpose, or such board or council fails to act or come to an agreement, the duties of the office of inspector or poll clerk, as the case may be, shall be performed by the substitute or, in his absence, by the person designated by the party concerned.

"(h) A 'political party' or simply 'party' is an organized group of persons who pursue the same political ideals in a government, and includes its branches and fractions.

"(i) In case of a vacancy in the office of election inspector or poll clerk, the same shall be filled for the remainder of the term as above provided.

"(j) With the exception of the notaries public, no person who holds any public office, or is a candidate for any public office, shall be eligible for appointment as inspector or poll clerk.

"(k) No person convicted of a violation of the Election Law or against whom an information for such a violation is pending shall be appointed election inspector or poll clerk, nor shall a person continue in said office if after his appointment an information has been filed against him for the violation of said law. In the latter case, the position shall be immediately taken by the substitute and the municipal board or council shall proceed as soon as possible to appoint the successor of the disqualified person, and said successor shall necessarily belong to the party of his predecessor, and once appointed, he shall assume office and the substitute shall cease.

"(l) A councilor failing to attend a meeting of the municipal council called for the purpose of complying with the order of any court concerning the appointment of election inspectors or poll clerk, shall be immediately suspended and replaced temporarily by a person belonging to the same party as the suspended councilor."

"SEC. 425. Permanent list of voters every twelve years; registration necessary to be able to vote.— (a) In each municipality a permanent list of voters shall be prepared for the regular election for provincial, city and municipal offices of December, 1937, and shall be completely renewed every twelve years thereafter. All former lists of voters are hereby cancelled.

"(b) The treasurer of each city or municipality shall publish and post in conspicuous places in each election precinct, as soon as possible after the regular election in December, 1937, the permanent list of voters used at said election, classified by election precincts, and, one month before each regular or special election, a supplement showing the eliminations, additions and other changes made in the meantime.

"(c) No person shall vote at a regular or special election whose name is not contained in the list of voters."

"SEC. 427. (a) Meetings for the preparation or revision of the permanent list of voters.—In 1937 and in each year when the permanent list of voters is prepared, the board of inspectors of each election precinct in which an election is to be held shall hold four meetings for the registration of voters in the new permanent list of voters, at the place designated as polling place, on the eighth Friday, the eighth Saturday, the seventh Friday and the seventh Saturday next before election day. In other regular election years, the board of inspectors shall meet only on the eighth Saturday and seventh Saturday before the election, for the registration of new voters in the permanent list of voters and the cancellation and correction of registrations, as may be proper. Said inspectors shall also meet on the second Saturday next before the election for the purpose of correcting said revised list, by adding names thereto or striking names therefrom in accordance with the orders of the competent authorities, as hereinafter provided, and to number and complete the list.

"(b) Hours of meetings.—Every meeting shall begin at seven o'clock in the morning and continue until seven o'clock in the evening, with not more than one intermission of one hour and a half. If upon the stroke of seven o'clock in the evening on any of the days mentioned in the preceding paragraph there still remain persons who desire to be registered, the election inspectors shall make a list of those present at said hour within a radius of thirty meters from the polling place and shall hand each of them a consecutively numbered card signed by an inspector, and upon presentation of said card, their registration shall be permitted after seven o'clock in the evening.

"(c) Voter's affidavit.—Any applicant for registration in the list of voters shall file with the board of inspectors at any of its meetings on the days above referred to, in triplicate, a signed affidavit duly made before any

member of said board, with the imprint of the thumb of the right hand of the applicant affixed thereto, setting forth his name and surname, citizenship, birthplace, age on last birthday, whether married or single, profession, occupation or trade, residence, stating his exact and correct address, time of residence in the Philippines and in the municipality on the date of the affidavit; that he can read and write, and that he has none of the legal disqualifications for being a voter.

"(d) Identification of voters.—Male voters may be identified by producing their personal cedulas for the year of the election or, in the absence thereof, for the next preceding year. Males not producing cedillas and women voters may be identified by producing their birth certificate or baptismal certificate or by means of an affidavit by the applicant which may be made before an election inspector of the respective election precinct or before a notary public, without the requisite of producing a cedula. Said affidavit shall be provided with the required documentary stamp.

"(e) Custody and filing of voters' affidavits.—A copy of each voter's affidavit shall be retained by the board of inspectors until after the election, when it shall be delivered to the municipal treasurer, together with the other election papers, and another shall be sent by the board on the day after it has been filed, to the office of the register of deeds. The register of deeds shall arrange the voters' affidavits by municipalities, in the alphabetical order of their surnames, and shall keep the same. The third copy shall be handed to the voter, with a certificate of registration in the list of voters.

"(f) Reregistration in list.—Voters registered in the permanent list of voters of a municipality need not reregister therein until the new permanent list of voters is prepared, unless they change their residence to another municipality, in which case they must register in the permanent list of voters of their new residence, after first applying for the cancellation of the registration in the former residence."

"SEC. 428. (a) Mode of registration.—The inspectors of each election precinct shall prepare at their meetings prescribed in the preceding section a list of the names of the persons qualified to vote in said precinct at such election. Said list shall contain the names of all persons whose affidavits for registration filed with the board of inspectors as provided in the next preceding section have not been challenged, or if challenged, have been decided by the board in the sense that the applicants are qualified to vote. From this decision of the board, an appeal shall lie to the competent court. Except in years when a new list of voters is prepared, said list shall also contain the names of persons registered in the current permanent list of voters against whom the board has not found good grounds for a challenge or whose case, if challenged, has been finally decided in their favor. The said list, upon completion, shall be the revised list of voters of the precinct for said election. The body of the lists of voters of the election precincts of a municipality shall form the permanent list of voters of the same.

"(b) Columns of list of voters.—The list of voters shall be arranged in columns. In the first column there shall be entered, at the time of the completion of the registry, a number, opposite the name of each person registered, beginning with one and continuing in consecutive order to the end of the list. In the second column shall be placed the surnames used generally by such persons, in alphabetical order; in the third column, the respective Christian names of such persons; in the fourth column, the respective residences of such persons by street and number, or, if there be none, by a brief description of the locality thereof; in the fifth column, there shall be inserted on the day of the election, the number of the ballot given to each voter; in the sixth column, the signature and impression of the right thumb of the voter shall be affixed on one of the copies of the list when he appears to vote, and in the seventh column, the signature of the inspector who has handed the ballot to the voter.

"(c) Manner of entering registrations on ensuing days; publication of lists.—At each meeting, a space shall be left, after each set of surnames beginning with the same letter sufficient for the addition thereto at subsequent meetings of surnames beginning with the same letter. Before any such surnames are added at any subsequent meetings there shall be written 'Added at the (second, third, or fourth, as the case may be) meeting.' During the sixth week next preceding the election, the board of inspectors shall post a complete list of the voters registered

in the precinct in a sheltered place at a height of one meter and a half, at the main entrance of the polling place, or as near said entrance as practicable inside the polling place."

"SEC. 431. Qualifications prescribed for voters.—Every male or female citizen of the Philippines, twenty-one years of age or over, able to read and write, who shall have been a resident of the Philippines for one year and of the city or municipality in which he has registered during the next preceding six months, who is not disqualified by law, nor is an officer or soldier of the active regular army of the Philippines or the United States, is entitled to vote in said city or municipality at any election."

SEC. 432. Disqualifications.—The following persons shall not be qualified to vote:

"(a) Any person who has been sentenced by final judgment to suffer not less than eighteen months of imprisonment, such disability not having been removed by plenary pardon.

"(b) Any person who has violated the allegiance he owes to the United States or to the Commonwealth of the Philippines.

"(c) Insane or feeble-minded persons.

"(d) Persons who cannot prepare their ballots themselves."

"SEC. 437. Applications to strike names from list.— (a) Any registered voter of the election precinct and any candidate or representative of a candidate authorized in writing may apply, within the twenty days next following the preparation and revision of the list of voters, to the judge of first instance, the justice of the peace of the provincial capital, or the circuit justice of the peace, for the exclusion of the names of voters from the list of voters. The application shall state the names and places of residence of the voters whose exclusion is requested, the election precinct in which they are registered, and the grounds for the challenge. It shall be sworn to and shall be accompanied by proof that copies of said application have been served upon a member of the board of inspectors or the poll clerk and upon the voters sought to be excluded. Service of a copy of the application shall be made by registered mail or by delivery to the interested party or by leaving it with a person of sufficient discretion in his place of residence.

"(b) With the application the applicant shall file a bond satisfactory to the court in an amount equal to one peso for each person sought to be stricken from the list, and in case of final decision in favor of the respondents the court may adjudicate the amount of the bond as costs in favor of the persons challenged.

"(c) On petition filed before the hearing, any candidate who may be affected by the proceedings may intervene and present his evidence thereat. The decision shall be rendered on the merits of the evidence presented, and in no case shall it be on the stipulation between the applicant and the respondents.

"(d) Such applications shall be heard and decided without delay and notice of the decision shall be given to the board of inspectors and the interested parties not later than at the noon hour of the second Saturday before the election."

"SEC. 442. Official ballots.—(a) Uniform official ballots shall be provided at public expense for each election. Said ballots shall be of white paper in shape of a strip 120 millimeters wide and 240 millimeters long, exclusive of the coupon containing the detachable number of the ballot, and shall bear in English and Spanish: On top, the words 'Official Ballot,' the name of the municipality or city and province in which the election is held, the date of the election, and this notice in eight point (brevier) gothic type: 'Fill out this ballot secretly inside the booth. Do not make any mark on this ballot or write anything thereon but the names of the candidates you vote for. Any violation of this instruction will invalidate your vote.' On the left margin shall be printed the titles of each of the offices to be voted for, in ten point (long primer) roman type, followed by a blank line for the name of the candidate for whom the voter desires to vote, or with a corresponding number of blank lines immediately under the title of the office if more than one is to be elected. There shall not be

anything on the back.

"The ballots shall be folded twice toward the bottom, so that they shall, when folded, be sixty by one hundred and twenty millimeters, showing the entire coupon with its detachable number and space for the thumb mark of the voter.

(Perforated Line)

OFFICIAL BALLOT

TAAL, BATANGAS, DECEMBER 14, 1937

Fill out this ballot secretly inside the booth. Do not make any mark on this ballot or write anything thereon but the names of the candidates you vote for. Any violation of this instruction will invalidate your vote.

Provincial Governor

Members of the Provincial Board

Mayor

Vice-Mayor

Councilors

(Perforated Line)

Taal, Batangas,

December 14, 1937

Coupon of Ballot No.

Thumb mark of voter

"(b) The official ballots shall be bound in books of one —bound hundred ballots each. Each ballot shall be joined by a perforated line to a stub numbered consecutively beginning with number one in each municipality. The ballot shall also have at its bottom a detachable coupon with the same number as the stub and a sufficient space for properly affixing the imprint of the thumb of the voter. Each book of ballots shall bear on its cover the name of the province and city or municipality in which the ballots are to be used, and the number of ballots it contains, and shall be numbered consecutively beginning with number one in each city or municipality. The Director of Printing, the provincial treasurer, and the municipal treasurer, shall each keep a record of the ballots furnished to the various provinces, cities, municipalities, municipal districts, and election precincts."

"SEC. 452. Preparation of ballot; prohibitions.—The voter, on receiving his ballot, shall forthwith retire alone to one of the empty polling booths and shall there prepare his ballot by writing in the proper space for each office the name of the person for whom he desires to vote. No voter shall be allowed to enter a booth occupied by another voter, or to occupy a booth more than five minutes in case there are other voters waiting their turn to vote, or to speak with anyone other than as herein provided while within the polling place. It shall be unlawful to use any alias for a candidate nor any nickname not appearing on the certificate of candidacy and not accompanied by his family name. Any vote thus unlawfully cast shall be considered as null and void for said office. It shall be unlawful to prepare the ballot outside the voting booth or to exhibit its contents to any person before it is placed in the ballot box., or to erase any printing from the ballot or to add any distinguishing feature thereto, or to intentionally tear or deface the same, or to put anything thereon other than the names of the candidates voted for. It shall likewise be unlawful to use carbon paper or other means for making a copy of the ballot, or make use of any other means of identifying the vote of the voter."

"SEC. 455. Casting of ballot.— (a) After preparing his ballot in one of the voting booths, the voter shall immediately return to the poll clerk, affix the imprint of his right thumb, in the presence of the board, in the space provided for said purpose on the coupon or detachable number of the ballot used, and hand the latter to the chairman of the board who, without exposing the contents, shall verify and remove the number thereof, and

shall deposit the ballot in the ballot box in the presence and view of the voter. No ballot shall be deposited in the ballot box unless its number corresponds to that which has been delivered to the voter as recorded in the list of voters. The voter shall also affix his signature and the imprint of the thumb of his right hand, in the presence of the board, on one of the copies of the list of voters, opposite the name used by him and in the column provided for said purpose, using his complete ordinary signature. The inspector handing the ballot to said voter shall also sign by the side of the latter's name. The voter shall then depart. - "(b) The detachable number of the ballot shall be removed from the same in the presence of the board and in the view of the voter, at the moment when the ballot must be deposited in the ballot box, and not before, by the chairman of the board of inspectors, without exposing the contents of the ballot, and shall forthwith be deposited in the box for spoiled ballots where it shall be kept. Every ballot the number whereof has not been removed by said chairman in the presence of the board and in the view of the voter or which does not agree with the number registered in the list of voters opposite the name of said voter,' shall be considered as spoiled and shall be marked and treated accordingly, and shall not be placed in the box for valid ballots."

"SEC. 469. Canvass of returns by provincial board.— (a) The provincial board of canvassers shall be composed of the provincial governor, the members of the provincial board, the provincial treasurer, the provincial auditor, the provincial fiscal, and the clerk of the court of first instance. The board shall meet as soon as practicable, within the fifteen days next following the election, and the provincial treasurer shall then produce before it the statements delivered to him. If any statements be missing, the board, by special messenger or otherwise, shall obtain such missing statements and the fiscal shall forthwith institute criminal proceedings against the person or persons criminally responsible for such delay. The watchers of the candidates may be present at, and take note of, the proceedings of the provincial board of canvassers and of the committees and subcommittees appointed by said board.

"(b) The board shall examine the statements filed with; it, and if it clearly appears that material matters of form are omitted, such statements shall be returned for correction to the board of inspectors by special messenger or in such other manner as may be most expeditious. Such statements may not, however, be returned for a recount.

"(c) In case it appears to the provincial board of canvassers that another authentic copy, or other authentic copies, of the statement of an election precinct submitted to it give a different number of votes and such difference affects the result of the election, the court of first instance of the province, on motion of the board or of any interested candidate, may proceed to make a recount of the votes in that election precinct for the office in question, for the sole purpose of determining which is the correct statement or which is the actual result of the recount of the votes cast in said precinct for said office. Notice of such action shall be given to the interested parties.

"(d) As soon as all statements are before it, the provincial board of canvassers shall proceed to a canvass of all the votes cast in the province for President and Vice-President of the Commonwealth, then of those for Members of the National Assembly, and, finally, of those for provincial officers, and upon completion thereof shall make one statement of all the votes cast for each candidate for the offices of President and Vice-President, one statement of all the votes cast for the office of Member of the National Assembly for each legislative district, and one statement of all the votes cast for provincial officers. Upon the completion of such statements the board shall determine therefrom what person has been elected to the National Assembly for each legislative district, and what person has been elected to each provincial office. As regards the election for President and Vice-President of the Commonwealth, the board shall merely state the number of votes cast for each candidate for the office and shall forthwith send the proper statement to the National Assembly."

"SEC. 470. Certificate of result.—All determinations of the result of the election shall be reduced to writing, in duplicate, and signed by the members of the provincial board of canvassers or a majority of them and sealed with the provincial seal. One copy thereof shall be filed by the provincial treasurer in his office and one shall forthwith be sent to the Secretary of the Interior. A certified copy of the proclamation of his election shall also

forthwith be delivered to each candidate."

"SEC. 475. Elections resulting in tie.—Whenever it shall appear in the canvass of a regular or special election for Member of the National Assembly or for provincial or city officers, that two or more candidates have received the same largest number of votes, the provincial board of canvassers concerned shall proclaim as elected that one of the tied candidates who shall be the winner in the drawing hereinafter provided for, and the candidate so proclaimed shall be entitled to be seated as if he had been elected by a majority of votes.

"As soon as the canvass shall show a tie, the provincial board of canvassers, after making it so appear in the proper statement, shall, upon ten days' notice to all tied candidates enabling them to be present if they should so desire, hold another public meeting at which the drawing shall be held, and statement shall forthwith be prepared of the procedure followed at said drawing and of the result thereof and the proclamation of the candidate elect. Certified copies of said statement shall be sent to the National Assembly, the President of the Philippines, the Auditor General, and each of the tied candidates."

"SEC. 476. Incompetency to act, and replacement, of provincial canvassers.— (a) Any member of a provincial board of canvassers who is a candidate shall be incompetent to act as member of said board at such election.

"(b) In case of the absence or incapacity for any cause of any member of the provincial board of canvassers, the Secretary of the Interior may designate the superintendent of schools, the district engineer, the district health officer, the register of deeds, or the justice of the peace of the provincial capital to act in his stead."

"SEC. 2071. Qualifications of provincial officer.—No person shall be eligible to a provincial office unless at the time of the election he is a qualified voter of the province, has been a bona fide resident therein for at least one year prior to the election, and is not less than thirty years of age."

"SEC. 2074. Term of elective provincial officer.—The term of a provincial or city officer elected at the regular election of the year nineteen hundred and thirty-seven shall be three years and shall begin on the first of January next following such election. If a successor be not inducted at the time appointed by law, the incumbent shall hold over until a successor shall be duly qualified."

"SEC. 2177. Term of elective municipal officer.—The term — of a municipal officer elected at the regular election of the year nineteen hundred and thirty-seven shall be three years and shall begin on the first of January next following such election. If a successor be not inducted at the time appointed by law, the incumbent shall hold over until a successor shall be duly qualified."

"SEC. 2440. Qualifications, election, suspension and removal of members of Board.—(a) The members of there, municipal board shall be elected at large from the entire city "

"(b) The ten candidates receiving the greatest number — of votes shall be declared elected. Each member of the municipal board shall be a resident of the city for at least one year, shall be a qualified elector of the city and be not less than twenty-three years of age.

"(c) Members of the board may be suspended or removed from office under the same circumstances, in the same manner, and with the same effect, as elective provincial officers, and the provisions of law governing the suspension or removal of elective provincial officers and the confirmation of their election are made effective for the suspension or removal of said members of the board and for the confirmation of their election.

"(d) In so far as they are applicable, all the provisions of the Election Law are made effective as to the members n of the Board and to their election to the same extent as if the City of Manila were a province and the election of said members were the election for members of the provincial board.

"(e) If any person elected is ineligible to hold office, or" if for any reason there should be a failure to elect one or more members, no special election shall be called; but the vacancy shall be filled for the term by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly.

Vacancies in the office of member occurring after taking office shall be filled for the unexpired term in like manner."

"SEC. 2605. The provincial board, members of.—The: provincial board shall be composed of the provincial governor and two members who shall be elected by the mayors, vice-mayors, and municipal and municipal district councilors of the province on the date appointed by the Election Law for the holding of regular elections, unless the existing law provides for their election by a direct vote of the people. Said members shall be inducted into office at the same time as the elective provincial officers and shall hold office for the same period as the latter. The provincial governor shall be the presiding officer of the board. In case of the absence, illness, suspension or other temporary incapacity of the provincial governor, or if for any other reason he is unable to perform his official duties, the President of the Philippines may designate any other officer or employee to perform the duties of the office or may provisionally appoint thereto any suitable person not in the service. In the meantime the duties of the provincial governor shall be discharged by a member of the provincial board who shall have been previously authorized by the provincial governor. In making such designation, the authority may be limited to the performance, during the absence of the governor from the provincial capital, of such of his duties as can be conveniently performed at the capital or it may be limited to the performance of specific acts or classes of acts. Every such designation shall be in writing and shall be spread upon the minutes of the provincial board. Copies of all the resolutions of the provincial board and executive orders of the provincial governor shall be furnished the Department of the Interior, under such regulations as said department may prescribe."

"SEC. 2637. (a) Refusal of or delay in granting inspectors or poll clerks.—Any member of a board or municipal council who refuses or fails to vote for the appointment of the inspectors or poll clerks to which a party is entitled by law, on the date appointed by law, or who shall in any manner delay such appointment, shall be punished by imprisonment for not less than six months nor more than four years, and by a fine of not less than six hundred pesos nor more than four thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not more than five years.

"(b) Refusal to call in due time meeting for appointment of inspectors and poll clerics.—Any mayor or person acting in his stead who refuses or fails to call a meeting of the members of the municipal board or council to give the same sufficient time to proceed to appoint the election inspectors and poll clerks at the time and in accordance with the provisions established by law, shall be punished by imprisonment for not less than six months nor more than four years, and by a fine of not less than six hundred pesos nor more than four thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not more than five years.

"(c) Unlawful continuation in office of inspector or poll clerk.—Any election inspector or poll clerk who continues in office after his right to do so has terminated for any of the reasons provided for by law, shall not be entitled to receive compensation for the services rendered by him and shall be punished by imprisonment for not less than three months nor more than two years, and by a fine of not less than three hundred pesos nor more than two thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not more than five years.

"(d) Offenses in connection with registration of voters.—Any inspector or poll clerk who enters upon any registry or poll list or causes or allows to be entered thereon the name of any person as a voter in a precinct who is not a voter thereof or has not filed the required affidavit in due form, or who keeps in the list the name of a person who has requested that his name be excluded or whose name has been ordered excluded by the competent court, or who knowingly includes or keeps in the list the name of a deceased person or a person who has incurred any of the disqualifications for being a voter provided by law, and any election inspector who refuses or votes to refuse or willfully neglects to enter the name of any qualified applicant upon the registry list, or who prevents or seeks to prevent the registration of any legally qualified voter, or who transfers or allows the transfer of the name of a voter from the election precinct in which he resides to another precinct

without application therefor having been made by the voter, or who alters the spelling of the name of a voter, or who fails to make sure that the names of the voters transcribed in the copy of the list in his possession have been copied correctly from the original registry list, or who is guilty of any fraud or corrupt conduct in the performance of his duties in connection with the registration of voters in the registry list, shall be punished by imprisonment for not less than six months nor more than four years, and by a fine of not less than six hundred pesos nor more than four thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not more than five years.

"(e) Punishable omissions of inspectors and poll clerks.— Any election inspector or poll clerk who fails to publish i the registry list of his precinct or transmit the same to the proper authorities within the term fixed by law, or who refuses or fails to give to a watcher a correct certificate of the number of votes cast in an election precinct for said candidate and for each of the latter's opponents, although such was requested of him in the polling place after the publication of the result of the canvass therein, or who deprives voters or watchers of any right granted them by law, or who fails to deliver the keys of the ballot boxes to the provincial commander or his authorized representative, and any private individual or officer inducing or aiding the election inspectors and poll clerks to commit any of the aforesaid acts or be guilty of any of the aforesaid omissions or committing the same himself, shall be punished by imprisonment for not less than three months nor more than two years, and by a fine of not less than three hundred pesos nor more than two thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not more than four years.

"(f) Punishable omissions of municipal treasurer.—Any municipal treasurer who violates the provisions of section four hundred and twenty-nine of the Election Law or fails to publish the list of voters or its supplements as provided for in said law, shall be punished by imprisonment for not less than two months nor more than one year, or by a fine of not less than two hundred pesos nor more than one thousand pesos."

"SEC. 2645. Perjury in election matters.— (a) Any person who knowingly takes or subscribes any false oath, affidavit, or affirmation before any election officer, or before any court or other officer in relation to any material fact in any registration or election proceeding, shall be punished by imprisonment for not less than one month nor more than two years, and by a fine of not less than one hundred pesos nor more than one thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not more than four years.

"(b) Any candidate convicted of having directly or indirectly spent in the election campaign, for the purpose of furthering his candidacy, more than is authorized by law, shall be punished by imprisonment for not less than six months nor more than four years, and by a fine of not less than six hundred pesos nor more than four thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not less than five years nor more than fourteen years."

"SEC. 2660-J. Prescription.— (a) Offenses resulting from violations of this article shall prescribe one year after their commission; but if the discovery of such offenses is incidental to judicial proceedings in any election contest, the term of prescription shall commence only on the date when final judgment has been rendered in such proceedings.

"(b) Any action for violation of the Election Law shall be deemed to begin on the date when the competent court issues the proper order of arrest by virtue of a complaint or information filed with it."

SEC. 2. In Chapter eighteen of said Act Numbered Twenty-seven hundred and eleven, the words "Chief of the Executive Bureau," "Governor-General," "Attorney-General," "House of Representatives," "Philippine Constabulary," and "Municipal Police," whenever used, shall be understood to read, respectively, "Secretary of the Interior," "President of the Philippines," "Solicitor-General," "National Assembly," "Philippine Army," and "State Police," and wherever the words municipal council are used, the same shall be understood to include the

municipal boards of cities.

SEC. 3. In Chapters eighteen, fifty-six, fifty-seven, sixty-three, and sixty-four of said Act Numbered Twenty-seven hundred and eleven, the words "Municipal President" and "Municipal Vice-President," whenever they are used as designation of the office, are hereby amended to read "Mayor" and "Vice-Mayor," respectively, and persons hereafter elected to said offices shall be elected and inducted under said titles.

SEC. 4. Section two of Act Numbered Forty-one hundred and twelve, the part of section ten of Commonwealth Act Numbered Thirty-four relative to the plebiscite registry list, sections one hundred and three, one hundred and ten, one hundred and eleven, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and twenty-four, four hundred and twenty-six, four hundred and fifty-three, four hundred and seventy-one, and four hundred and seventy-eight of Act Numbered Twenty-seven hundred and eleven, Commonwealth Act Numbered One hundred and ninety-four, and all acts and parts of acts inconsistent with any of the provisions hereof are hereby repealed.

SEC. 5. The Department of the Interior shall supervise and direct the printing of an Election Law, as amended, for the use of the polling places during the next election.

SEC. 6. This Act shall take effect on its approval.

Approved, September 15, 1937.

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