

AN ACT GOVERNING THE ELECTION OF LOCAL GOVERNMENT OFFICIALS.

BATAS PAMBANSA BLG. 52, December 22, 1979

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Be it enacted by the Batasang Pambansa in session assembled:

SECTION 1. Election of Certain Local Officials.—There shall be an election of provincial governors, provincial vice-governors, city and municipal mayors, municipal district mayors, city and municipal vice-mayors, municipal district vice-mayors, and members of each Sangguniang Panlalawigan, Sangguniang Panglungsod and Sangguniang Bayan, including the elective officials in the cities and municipalities of the Metropolitan Manila area. The election shall be held on January 30, 1980.

SEC. 2. Assumption of Office.—The local officials elected shall assume office within thirty (30) days after their proclamation, but not earlier than the first Monday of March 1980.

SEC. 3. Qualifications.—An elective local official must be a citizen of the Philippines; a qualified voter; resident of the district, municipality, city or province where he proposes to be elected, as the case may be, for at least six (6) months at the time of the filing of his certificate of candidacy; must be at least twenty-one (21) years of age on election day; and must be able to read and write.

SEC. 4. Special Disqualifications.—In addition to violations of Section 10 of Article XII (C) of the Constitution and disqualifications mentioned in existing laws, which are hereby declared as disqualifications for any of the elective officials enumerated in Section 1 hereof, any retired elective provincial, city or municipal official, who has received payment of the retirement benefits to which he is entitled under the law and who shall have been 65 years of age at the commencement of the term of office to which he seeks to be elected, shall not be qualified to run for the same elective local office from which he has retired.

Any person who has committed any act of disloyalty to the State, including acts amounting to subversion, insurrection, rebellion or other similar crimes, shall not be qualified to be a candidate for any of the offices covered by this Act, or to participate in any partisan political activity therein: Provided, That a judgment of conviction for any of the aforementioned crimes shall be conclusive evidence of such fact and the filing of charges for the commission of such crimes before a civil court or military tribunal after preliminary investigation shall be prima facie evidence of such fact.

Any person who is a permanent resident of, or an immigrant to a foreign country, shall not be qualified to run for any elective office under this Act.

Any person who offers a false testimony against a candidate by reason whereof charges are filed against him for any of the offenses above-enumerated shall, upon conviction, be sentenced to suffer the penalty one degree higher than that provided for in the Revised Penal Code and without prejudice to actual, moral and exemplary damages.

SEC. 5. Failure of Election.—Whenever for any serious cause such as violence, terrorism, loss or destruction of election paraphernalia or records, force majeure and other analogous causes of such a nature that the holding of a

free, orderly and honest election should become impossible, the election for a local office fails to take place on the date fixed by law, or is suspended, or such election results in a failure to elect, the Commission on Elections shall, on the basis of a verified petition and after due notice and hearing, call for the holding or continuation of the election as soon as practicable.

SEC. 6. Election and Campaign Period.—The election period shall be fixed by the Commission on Elections in accordance with Section 6, Article XII (C) of the Constitution. The period of campaign shall commence on December 29, 1979, and terminate on January 28, 1980.

SEC. 7. Certificate of Candidacy.—The sworn certificate of candidacy shall be filed in triplicate not later than January 4, 1980.

Certificates of candidacy for city, municipal and municipal district offices shall be filed with the election registrar concerned while certificates of candidacy for provincial offices shall be filed with the provincial election officer: Provided, however, That certificates of candidacy for the aforementioned offices may be filed directly with the Commission on Elections.

The election registrar and the provincial election officer shall send the original copies of all certificates of candidacy received by them to the Commission not later than two (2) days after receipt thereof.

Except as herein provided, the pertinent provisions of the 1978 Election Code on certificates of candidacy shall be applicable to the elections herein contemplated.

The Commission on Elections shall, *motu proprio*, or upon sworn petition of any voter, political party or candidate, after due notice and hearing, refuse to give due course to a certificate of candidacy if it is shown that the person filing the same does not possess all the necessary qualifications for the office concerned or is disqualified from running for said office as provided by law.

SEC. 8. Registration of Voters.—The provisions of the 1978 Election Code on registration of voters shall be applicable: Provided, however, That for the purpose of the election herein provided, the Commission on Elections is hereby empowered to order, when the necessity therefor arises, registration in the voting centers: Provided, farther, That the number of days to be fixed for the purpose shall not exceed two (2) days, the last day to be. at least seven (7) days before the date of the election.

SEC. 9. Preparation of Official Ballots and Manner of Election.—The preparation and printing of the official ballots and the manner of election shall be governed by the pertinent provisions of Presidential Decree No. 1296, otherwise known and cited as "The 1978 Election Code": Provided, That in case the Commission on Elections finds it impractical or due to lack of sufficient time to print in the official ballot the ticket of duly accredited or registered political parties or the names of individual candidates as required under the 1978 Election Code, the printing of the certified list of the official tickets and the names of individual candidates and the posting of copies thereof in each voting booth during the hours of voting shall be considered sufficient and substantial compliance with this requirement.

SEC. 10. Provincial Board of Canvassers.—The provincial board of canvassers shall be composed of the provincial election officer or a representative of the Commission, as chairman, and the provincial fiscal and the division superintendent of schools, as members: Provided, That in case there are two or more division superintendents of schools in a province, the Commission shall appoint as member the more senior superintendent who is not a native of the province.

SEC. 11. City Board of Canvassers.—The city board of canvassers shall be composed of a representative of the

Commission who should be a lawyer, as chairman, and the city fiscal and the city superintendent of schools, as members.

SEC. 12. Municipal or Municipal District Board of Canvassers.—The municipal or municipal district board of canvassers shall be composed of a representative of the Commission as chairman, the municipal district treasurer and the most senior district supervisor or in his absence any ranking public official of the Ministry of Education in the municipality or municipal district as members.

SEC. 13. Quorum. —A majority of the members of the board of canvassers shall constitute a quorum.

SEC. 14. Disqualification Due to Relationship.—In no case shall the chairman and the members of the provincial, city, municipal, and municipal district boards of canvassers be related within the fourth civil degree of consanguinity or affinity to any of the candidates in their respective jurisdictions.

SEC. 15. Incapacity and Substitution of Members of Board of Canvassers.—In case of non-availability, absence, disqualification due to relationship, or incapacity for any cause of the chairman or any member of the provincial, city, municipal or municipal district board of canvassers, the Commission shall authorize the substitute to assume.

SEC. 16. Election Returns.—The provisions of the 1978 Election Code on election returns shall be applicable to the elections herein contemplated: Provided, however, That the quadruplicate copies of the election returns shall be distributed as follows: the first copy of the election returns shall be delivered to the election registrar of, the city, municipality or municipal district for transmittal to the Commission on Elections; the second copy shall be delivered to the provincial election officer for use in the provincial canvass; the third copy shall be delivered to the chairman of the city, municipal or municipal district board of canvassers for use in the canvass by said body; the fourth copy shall be deposited in the compartment for valid ballots.

SEC. 17. Powers of the Commission on Elections.—The Commission on Elections shall, with respect to the election herein provided, exercise such powers and jurisdiction and discharge such duties as are conferred upon it by the Constitution and by law.

SEC. 18. Applicability.—The provisions of the 1978 Election Code, including all the provisions of Section 140, shall govern the election of local officials insofar as they are not inconsistent with the provisions of this Act: Provided, That in case the number of public school teachers available to serve in the citizens election committees is insufficient, the Commission on Elections may appoint private school teachers, members of the *katipunan ng mga kabataang kawani* of the Civil Service Commission, ROTC cadets, or members of barangay councils.

SEC. 19. Funding.—The costs of conducting local elections shall be charged to the appropriations of the Commission on Elections authorized for the purpose and any deficiency thereof shall be covered by appropriations authorized for special priority activities of government as embodied in the Special Activities Fund or its equivalent.

SEC. 20. Separability clause.—The provisions of this Act are hereby declared to be separable, and in the event any one or more of such provisions are held unconstitutional, such shall not affect the validity of the other provisions.

SEC. 21. Effectivity.—This Act shall take effect upon its approval.

Approved, December 22, 1979.

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