

## ENABLING ACT FOR THE ELECTIONS FOR MEMBERS OF CONGRESS ON MAY 11, 1987, AND FOR OTHER PURPOSES

*EXECUTIVE ORDER NO. 134, February 27, 1987*

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WHEREAS, Section 1, Article XVIII of the 1987 Constitution of the Republic of the Philippines provides that the first elections for Members of Congress shall be held on the second Monday of May, 1987;

WHEREAS, to ensure free, orderly, honest, peaceful, and credible elections, there is a need to adopt appropriate laws and/or amend the existing Omnibus Election Code of the Philippines, to govern specifically the aforesaid elections;

WHEREAS, Section 6, Article XVIII of the 1987 Constitution empowers the President to continue exercising legislative powers until the first Congress is convened;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. Applicability. – This Executive Order shall govern the elections for Members of Congress on Monday, May 11, 1987.

SEC. 2. 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 election and shall end thirty (30) days thereafter.

The campaign period for the election of the Members of the Senate shall be sixty (60) days to commence on March 9, 1987 and to end at midnight of May 9, 1987: Provided, That campaigning shall be prohibited on Holy Thursday (April 16, 1987) and Good Friday (April 17, 1987).

The campaign period for the election of the Members of the House of Representatives shall be forty-five (45) days to commence on March 24, 1987 and to end at midnight of May 9, 1987: Provided, That campaigning shall be prohibited on Holy Thursday (April 16, 1987) and Good Friday (April 17, 1987).

SEC. 3. Manner of election. – The twenty-four (24) members of the Senate shall be elected at large by the qualified voters of the Philippines.

The Members of the House of Representatives shall be elected by the qualified voters of the respective legislative districts apportioned among the provinces for in the Ordinance appended to the 1987 Constitution.

The candidates corresponding to the number of Senators to be elected at large and the candidate/s for the House of Representatives from each legislative district who garnered the highest number of votes shall be declared elected.

SEC. 4. Qualifications for Members of Congress. – (1) No person shall be elected Senator unless he is a natural born citizen of the Philippines, and, on the day of the election, is 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 years immediately preceding the day of the election;

(2) 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, is at least twenty-five (25) years of age, able to read and write, and, except the party-list representatives, a registered voter in the legislative district in which he shall be elected, and a resident thereof for a period of not less than one year immediately preceding the day of the election.

SEC. 5. Certificates of Candidacy. – No person shall be elected Senator or Member of the House of Representatives unless he files a sworn certificate of candidacy on any day from the commencement of the election period but not later than the day before the beginning of the campaign period for the position concerned.

The certificates of candidacy for Senators shall be filed in ten (10) legible copies with the Commission in Manila, which shall order the printing of sufficient copies thereof at the expense of the candidate concerned for distribution to all polling places nationwide. The certificates of candidacy for the Members of the House of Representatives shall be filed with the Commission in Manila, the provincial election supervisor or the city election registrar, who shall order the printing of sufficient copies thereof at the expense of the candidate concerned for distribution to all polling places in the corresponding province, city or district.

No certificate of candidacy filed by mail shall be accepted and given due course.

SEC. 6. Nominations of official candidates. – The nominations of official candidates of registered political parties, organizations, or coalitions, duly signed and attested under oath by its President or Chairman, Secretary General or any other party officer duly authorized in writing to do so, shall be filed by the party officers concerned with the Commission on Elections or other officials authorized by the Commission to receive such nominations, not later than the day before the beginning of the campaign period provided for in Section 2 hereof.

SEC. 7. Permanent list of voters. – The list of voters prepared and used in the plebiscite of February 2, 1987, with such additions, cancellations and corrections as may hereafter be made shall constitute the permanent list of voters in each city or municipality for purposes of the elections provided for under this Executive Order.

SEC. 8. Promulgation of implementing rules and regulations. – The Commission shall promulgate rules and regulations implementing the provisions of this Executive Order, the Omnibus Election Code of the Philippines and other laws, which it is mandated to enforce and administer. Such rules and regulations shall take effect after three (3) days following the publication thereof in at least two (2) daily newspaper of general circulation.

SEC. 9. Commission control over national or local officials or employees and law enforcement agencies and instrumentalities. – The Commission may, when the interest of free, honest, orderly, peaceful and credible election so requires, place all national and local officials or employees required by law to perform duties relative to the conduct of the elections, and national and local law enforcement agencies and instrumentalities in any province, city or municipality under its direct and immediate control. In addition, the Commission may call upon the New Armed Forces of the Philippines, the Philippine Constabulary/Integrated National Police, National Bureau of Investigation, National Police Commission or authorize CMT Cadets eighteen years of age and above to act as its deputies for the purpose of enforcing its orders.

SEC. 10. Prohibited acts. – All acts prohibited under Section 361 of the Omnibus Election Code of the Philippines and other pertinent election offenses enumerated in Section 262 thereof shall be applicable to the May 11, 1987 elections for Members of Congress: Provided, That any city or municipal judge, who includes or excludes any voter without any legal basis in inclusion and exclusion proceedings, shall be guilty of an election offense.

SEC. 11. Prosecution. – The Commission shall, through its duly authorized legal officers, have exclusive power to conduct preliminary investigation of all election offenses punishable as provided for in the preceding section, and to prosecute the same: Provided, That in the event that the Commission fails to act on any complaint within two

(2) months from filing, the complainant may file the complaint with the Office of the Fiscal or with the Department of Justice for proper investigation and prosecution, if warranted.

The Commission may avail of the assistance of other prosecuting arms of the government.

SEC. 12. Pending actions. – Actions arising or already pending before the effectivity of this Executive Order shall be governed by the laws then in force.

SEC. 13 Designation of certain pre-election acts immediately after the effectivity of this Executive Order. – If it should no longer be reasonably possible to observe the periods and dates prescribed herein or in the Omnibus Election Code of the Philippines for certain pre-election acts in the election immediately following the effectivity of this Executive Order, the Commission shall fix other periods in order to ensure accomplishment of certain pre-election activities so that voters shall not be deprived of their right of suffrage.

SEC. 14. Appropriations. – The amount of TWO HUNDRED MILLION (P200,000,000.00) PESOS, or so much thereof as may be necessary for the purpose of implementing this Executive Order is hereby set aside out of the appropriation of the Commission on Elections in its annual budget and savings, which shall be released automatically and periodically by the Department of Budget and Management upon request of the Chairman of the Commission on Elections, based on an approved special budget. In case of deficiencies, the funds herein provided shall be augmented from the Contingent Fund or any other applicable appropriations authorized in the Current General Appropriations Act, which shall likewise be released upon similar request of the Chairman of the Commission on Elections.

SEC. 15. Separability clause. – If for any reason any section or provision of this Executive Order, or any portion thereof, or the application of such section, provision or portion is declared invalid or unconstitutional, the remainder thereof shall not be affected by such declaration.

SEC. 16. Applicability of the Omnibus Election Code of the Philippines and other statutes. – All provisions of the Omnibus Election Code of the Philippines, Executive Order No. 50 dated October 20, 1986 and Executive Order No. 94 dated December 17, 1986 not inconsistent with the provisions of this Executive Order shall apply to the election herein provided for: Provided, That the Commission on Elections is hereby authorized to provide by resolution on any matters not specifically covered by this Executive Order consistent with the provisions of the 1987 Constitution: Provided, further, That the Commission may award the printing of the official ballots, election returns and such other forms necessary in the conduct of the elections to private printers if it deems the existing printing facilities of the Government Printing Office and/or APO-NEDA Printing Press are not adequate for the purpose considering the time constraints: Provided, finally, That said printing shall be under the exclusive control and supervision of the Commission, which shall determine and provide security measures in the printing, storage and distribution thereof.

SEC. 17. Repealing clause. – All laws or parts of laws inconsistent herewith are hereby deemed repealed or modified accordingly. The provisions on failure to register and to vote under Section 261, paragraph (y), sub-paragraph No. 1 and paragraph (z), sub-paragraph No. 1 of the Omnibus Election Code of the Philippines are hereby repealed.

SEC. 18. Effectivity. – This Executive Order shall take effect upon its approval.

Done in the City of Manila, this 27th day of February in the year of Our Lord, nineteen hundred and eighty-seven

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) JOKER P. ARROYO  
Executive Secretary

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