

AN ACT TO REORGANIZE THE COMMISSION ON ELECTIONS.

Commonwealth Act No. 657, June 21, 1941

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. The Commission on Elections created under Commonwealth Act Numbered Six hundred and seven is organized and converted into the Commission on Elections provided for in Article Ten of the Constitution of the Philippines. The present members of the Commission on Elections shall continue to act as such until their successors shall have been duly appointed and qualified.

The Commission shall adopt its own rules of procedure. Two members of the Commission shall constitute a "quorum" for the transaction of business. The Concurrence of two members shall be necessary for the pronouncement or issuance of a decision, order, or ruling.

SEC. 2. The Commission shall have a secretary who shall receive a salary of fifty-one hundred pesos per annum, and such other subordinate officers and employees as may be necessary for the efficient performance of its functions and duties, all of whom shall be appointed by the Commission in accordance with the Civil Service Law and Rules.

The secretary of the Commission, under the direction of the chairman, shall have charge of the administrative business of the Commission and shall perform such other duties as may be required of him by the Commission. He shall be the recorder of the proceedings of the Commission and the custodian of its records, documents, and papers and shall be responsible therefor to the Commission.

SEC. 3. The Commission shall, in addition to the powers and functions conferred upon it by the Constitution, have direct and immediate supervision over provincial, municipal, and city officials designated by law to perform duties relative to the conduct of elections. It may suspend any of said officials who shall fail to comply with its instructions, orders, decisions, or rulings and appoint their temporary substitutes and, upon recommendation of the Commission, the President of the Philippines may remove any or all such officials who shall be found guilty of nonfeasance, malfeasance, or misfeasance in connection with the performance of their duties relative to the conduct of elections.

SEC. 4. The Commission shall decide all administrative questions relative to the number and location of polling places.

No polling place shall be located in a building within the property or under the control of a private entity, or of which a candidate, or a person who is related to a candidate within the third degree of consanguinity or affinity, or an officer of the Government, is the owner, lessee, or occupant.

SEC. 5. Fifty days immediately prior to the date of regular election, the Commission on Elections shall, directly or through its authorized provincial representatives, appoint a board of election inspectors for each election precinct, to be composed of three inspectors and a poll clerk, who shall hold office until their successors are appointed for the next regular election, unless they are sooner relieved.

The appointment of one inspector and his substitute and the poll clerk and his substitute shall be proposed by the party which polled the largest number of votes at the preceding election, as hereinbelow specified, and one inspector and his substitute shall be proposed by the party which polled the next largest number of votes, if the same constitute at least ten per centum of the total number of votes cast in the said election. If the board of election inspectors to be appointed is for a regular election of national officials, only the votes obtained by candidates for national offices in the last election for said offices in the legislative district shall be counted, and if the board of election inspectors is to be appointed for a regular election of local officials, only the votes obtained by provincial and municipal candidates in the last election for local offices in the respective city or municipality shall be counted. The third inspector and his substitute shall be chosen by the Commission on Elections, and said third inspector shall be the chairman of the board.

The national directorates of political parties shall appoint their respective representatives in each legislative district, at least ten days before the date fixed for the appointment of the board of election inspectors, the names and addresses of the persons whom they propose to be appointed as election inspectors. If said representatives shall fail to propose the names of persons to be appointed as election inspectors or no political party is entitled to propose the appointment of either inspectors or poll clerks, the Commission shall, at its discretion, choose said inspectors or poll clerks and their substitutes.

SEC. 6. No inspector chosen by the Commission on Elections shall engage directly or indirectly in partisan political activities or take part in any election except in the discharge of their duties as such and except to vote.

Any violation of this provision shall be punished by imprisonment of not more than six months or a fine of not more than six hundred pesos, or both.

SEC. 7. The Commission shall cause to be printed in legible types a list of all registered candidates for offices to be filled in a particular election, which list shall be posted by the poll clerk in a conspicuous place within all voting booths.

SEC. 8. The Commission or any of the members thereof shall have the power to summon the parties to a controversy pending before it; issue subpoenas, and subpoenas duces tecum, and otherwise take testimony in any investigation or hearing pending before it; and delegate such power to any officer. The Commission or any of the members thereof shall have the power to punish contempts provided for in rule sixty four of the Rules of Court, under the same procedure and with the same penalties provided therein.

Any violation of any final and executory decision, order, or ruling of the Commission shall constitute contempt of the Commission.

SEC. 9. Any decision, order, or ruling of the Commission on Elections may be reviewed by the Supreme Court by writ of certiorari in accordance with the Rules of Court or with such rules as may be promulgated by the Supreme Court.

SEC. 10. The subordinate personnel, records, documents, furniture, office equipment, and other properties of the Commission on Elections established under Commonwealth Act Numbered Six hundred and seven, together with the appropriations for the said Commission remaining unexpended at the time of the approval of this Act, are transferred to the Commission on Elections herein organized.

SEC. 11. Commonwealth Act Numbered Six hundred and seven is repealed.

SEC. 12. This Act shall take effect upon its approval.

Approved, June 21, 1941.

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