

AN ACT TO GOVERN THE ELECTION OF MEMBERS OF THE BATASANG PAMBANSA ON MAY 14, 1984 AND THE SELECTION OF SECTORAL REPRESENTATIVES THEREAFTER, APPROPRIATING FUNDS THEREFOR AND FOR ...

BATAS PAMBANSA BLG. 697, March 14, 1984

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Be it enacted by the Batasang Pambansa in session assembled:

ARTICLE I

GENERAL PROVISIONS

SECTION 1. Title and applicability.—This Act shall be known and cited as "The Law on the 1984 Batasang Pambansa Election." It shall govern the election for the regular Batasang Pambansa which shall be held on May 14, 1984, and the selection of sectoral representatives thereafter as provided by the Constitution.

SEC. 2. Election and campaign periods.—Unless otherwise fixed by the Commission on Elections, hereinafter referred to as the Commission, in special cases, the election period shall commence ninety days before the day of the election and shall end thirty days thereafter.

The campaign period for the election on May 14, 1984 shall commence on March 27 and shall end at midnight of May 12, 1984. Campaigning shall be prohibited on Holy Thursday, Good Friday, the day before the election and on election day.

ARTICLE II

ELECTION OF MEMBERS FROM THE PROVINCES AND THEIR COMPONENT CITIES, HIGHLY URBANIZED CITIES AND DISTRICTS IN METROPOLITAN MANILA

SEC. 3. Voting by province and its component cities, by highly urbanized city or by district in Metropolitan Manila.—All candidates shall be voted at large by the registered voters of their respective constituencies. The candidates corresponding to the number of Member or Members to be elected in a constituency who receive the highest number of votes shall be declared elected.

ARTICLE III

SELECTION OF SECTORAL REPRESENTATIVES

SEC. 4. Sectoral representatives.—There shall be three sectors to be represented in the Batasang Pambansa, namely: (1) youth; (2) agricultural labor; and (3) industrial labor whose representatives shall be selected by the President from the nominees of their respective sectors in the manner herein provided. Each sector shall be entitled to four representatives, two of whom shall come from Luzon, one from Visayas, and one from Mindanao: Provided, That the youth sector shall be entitled to two additional sectoral representatives who shall be selected from any part of the country.

SEC. 5. Scope of the Sectors.—The agricultural labor sector covers all persons who personally and physically till the land as their principal occupation. It includes agricultural tenants and lessees, rural workers and farm employees, owner-cultivators, settlers and small fishermen.

The industrial labor sector includes all non-agricultural workers and employees.

The youth sector embraces persons not more than twenty-five years of age.

SEC. 6. Selection of sectoral representatives.—Not later than twenty days after the election of provincial, city or district representatives, the most representative and generally recognized organizations or aggroupments of members of the agricultural labor, industrial labor, and youth sectors, as attested to by the Ministers of Agrarian Reform and of Agriculture, the Minister of Labor and Employment, and the Ministers of Local Government and of Education, Culture and Sports, respectively, shall, in accordance with the procedures of said organizations or aggroupments of members of the sector, submit to the President their respective nominees for each slot allotted for each sector. The President shall appoint from among the nominees submitted by the aforementioned organizations or aggroupments the representatives of each sector.

In recognizing the most representative and generally recognized organizations or aggroupments, the Ministers of Agrarian Reform and of Agriculture, the Minister of Labor and Employment, and the Ministers of Local Government and of Education, Culture and Sports shall consider:

- a) The extent of membership and activity of the organization or aggroupment which should be national;
- b) The responsiveness of the organization or aggroupment to the legitimate aspirations of its sector;
- c) The militancy and consistency of the organization or aggroupment in espousing the cause and promoting the welfare of the sector consistent with that of the whole country;
- d) The observance by such organization or aggroupment of the rule of law; and
- e) Other analogous factors.

The President of the Philippines shall in writing notify the Secretary-General of the Batasang Pambansa of the appointment made by him of any sectoral representative.

Except as herein otherwise provided, sectoral representatives shall have the same functions, responsibilities, rights, privileges, qualifications and disqualifications as the representatives from the provinces and their component cities, highly urbanized cities or district of Metropolitan Manila,

ARTICLE IV

RIGHTS OF POLITICAL PARTIES

SEC. 7. Political party.—"Political party" or "party", when used in this Act, means an organized group of persons pursuing the same ideology, political ideals or platform of government and includes its branches and divisions. To acquire juridical personality and to entitle it to the rights and privileges herein provided for political parties, a political party shall first be duly registered with the Commission. Any registered political party that singly or in coalition with others fails to obtain at least three percent of the votes cast in the constituency in which it nominated and supported a candidate or candidates in the election next following its registration shall, after notice and hearing, be deemed to have forfeited such status as a registered political party, in such constituency.

SEC. 8. Registration.—Any organized group of persons seeking registration as a political party may file with the Commission a verified petition attaching thereto its constitution, by-laws, program of government and such other relevant information as may be required by the Commission.

The Commission shall, after due notice and hearing, resolve the petition within ten days from the date it is submitted for decision.

No religious sect, and no organization that seeks to achieve its goals through violence shall be registered as a political party.

Existing registered political parties need not register anew.

SEC. 9. Selection of party candidates.—Any registered political party or coalition of political parties may hold its convention, caucus, consensus, conference or any such other methods to select its official candidates at any time before March 27, 1984.

SEC. 10. Submission of party nomination.—The nomination of the official candidates of a registered political party or coalition of political parties, duly signed and attested under oath by its President or Chairman, Secretary-General or any other party official duly authorized to do so, shall be personally filed by the party officers concerned or their duly authorized representatives with the Commission or other officials authorized by the Commission to receive such nominations, not later than March 27, 1984.

Nothing in this Act shall be construed as in any manner impairing the prerogative of any registered political party or coalition of political parties to make changes in its official ticket at any time: Provided, however, That any candidate whose nomination has been withdrawn, revoked, recalled, set aside, or changed shall, unless he withdraws his certificate of candidacy, remain as an individual candidate and may be voted upon and elected. The inclusion of a candidate in the official ticket of a registered political party shall not be given due course unless such candidate has filed a certificate of candidacy not later than the date fixed herein, except as provided under Section 18 hereof.

SEC. 11. Coalition of political parties.—Registered political parties shall have the right to coalesce and combine or unite their forces and present common candidates in any constituency.

Notice of such coalition or agreement to unite political forces of registered political parties shall be filed personally by the party officers concerned or their duly authorized representatives with the Commission not later than March 27, 1984 in the case of existing coalitions or agreements and thereafter within five days from such coalition or agreement.

A political party may nominate and/or support candidates not belonging to it.

ARTICLE V

ELIGIBILITY OF CANDIDATES AND CERTIFICATES OF CANDIDACY

SEC. 12. Qualifications for Members of the Batasang Pambansa.—No person shall be elected Member of the Batasang Pambansa unless he is a natural-born citizen of the Philippines and on the day of the election, is at least twenty-five years of age, able to read and write, a registered voter in the political subdivision in which he shall be elected and a resident thereof for a period of not less than six months immediately preceding the day of the election.

A sectoral representative shall be a natural-born citizen of the Philippines, able to read and write, a resident of the Philippines for a period of not less than one year immediately preceding the day of the election, a bona-fide member of the sector he seeks to represent, a registered voter, and on the day of the election, at least twenty-five years of age, except the youth sector representative who should be at least eighteen and not more than twenty-five years of age: Provided, however, That any youth sector representative who attains the age of twenty-five years during his term shall continue in office until the expiration of his term.

SEC. 13. Effects of filing of certificate of candidacy.— (1) Any person holding a public appointive office or position, including active officers and members of the Armed Forces of the Philippines and the Integrated National Police, as well as officials and employees of government-owned and government-controlled corporations and their subsidiaries, shall ipso facto cease in office or position as of the time he filed his certificate of candidacy: Provided, however, That the Prime Minister, the Deputy Prime Minister, the Members of the Cabinet, and the Deputy Ministers shall continue in the offices they presently hold notwithstanding the filing of their certificates of candidacy.

(2) Governors, mayors, members of the various sanggunians or barangay officials shall, upon filing a certificate of candidacy, be considered on forced leave of absence from office.

SEC. 14. Change of political affiliation.—Any person, including an elective official, may change his party affiliation for purposes of the election herein provided for.

Cases for disqualification based on change of political party affiliation or guest candidacy pending in the Commission or the Supreme Court shall not be affected by the provisions of this section.

SEC. 15. Certificate of candidacy.—No person shall be eligible for election as Member of the Batasang Pambansa unless he files a sworn certificate of candidacy not later than March 27, 1984.

No fee shall be collected for the filing thereof.

No person shall be eligible to be a candidate in more than one constituency and if he files certificates of candidacy for more than one constituency, he shall not be eligible for any of them. However, before midnight of March 27, 1984, the person who has filed more than one certificate of candidacy may declare under oath the constituency for which he desires to be a candidate and such declaration shall ipso facto cancel the certificate of candidacy for the other constituency or constituencies.

The filing of a certificate of candidacy shall not affect whatever civil, criminal or administrative liabilities a candidate may have incurred: Provided, however, That hearings of the case involving the same shall be suspended during the election period, unless such hearings are sought by the candidate himself.

SEC. 16. Contents of certificate of candidacy.—The certificate of candidacy shall state that the person filing it is announcing his candidacy for the office of Member of the Batasang Pambansa and that he is eligible for said office; the province and its component city or cities, highly urbanized city, or the district in Metropolitan Manila which he seeks to represent, as the case may be; the political party or coalition of political parties to which he belongs, if any, and whether he is the official candidate of such political party or coalition, if such be the case; civil status, and if married, the full name of his or her spouse; his date of birth, residence, and his post office address for all election purposes; his profession or occupation; the voting center where he is duly registered; that he will support and defend the Constitution of the Republic of the Philippines and will maintain true faith and allegiance thereto; that he will obey the laws and legal orders promulgated by the duly constituted authorities; that the obligation imposed by his oath is assumed voluntarily, without mental reservation or purpose of evasion; and that the facts stated in the certificate of candidacy are true of his own personal knowledge.

A candidate may use in his certificate of candidacy the name by which he has been baptized, or the name registered in the office of the local civil registrar, or any other name allowed under the provisions of existing laws: Provided, That when there are two or more candidates for an office with the same name and surname, each candidate, upon being made aware of such fact, shall state his paternal and maternal surnames, except the incumbent who may continue to use the name and surname stated in his certificate of candidacy when he was elected. He may also include one nickname or stage name by which he is generally or popularly known in the

locality.

The person filing a certificate of candidacy shall also affix his latest passport-size photograph and a statement in duplicate containing his bio-data.

In case a candidate has a pending petition for his inclusion as a voter in the constituency where he seeks to be elected or is the respondent in a petition for exclusion, his certificate of candidacy shall be allowed and given due course subject to the outcome of the petition. Any decision on a petition for inclusion or exclusion which affects the qualification of a candidate may be elevated for review to the Commission on Elections.

SEC. 17. Filing and distribution of a certificate of candidacy.— (a) The certificate of candidacy of a person running for election as representative of a province and its component city or cities, highly urbanized city, or district in Metropolitan Manila, shall be filed in five legible copies on any day not later than March 27, 1984 with the Provincial Election Supervisor, City or Municipal Election Registrar or the Commission, as the case may be: Provided, That in cases of postponement or failure of election, no additional certificate of candidacy shall be accepted except in cases of substitution of candidates as prescribed in this Act. In case there are two or more election registrars in a district of Metropolitan Manila, the Commission shall designate the election registrar authorized to receive certificates of candidacy.

The candidate shall, in addition, file legible copies of his certificate of candidacy equivalent to double the number of voting centers in the province and its component city or cities, highly urbanized city or district in Metropolitan Manila, as the case may be.

(b) The Provincial Election Supervisor or Election Registrar, as the case may be, shall immediately forward the certificate of candidacy by registered mail to the Commission. The additional copies of the certificate of candidacy shall be distributed to the voting center within his territorial jurisdiction through the municipal or city treasurer, together with the official ballots, election returns and other election forms or paraphernalia.

SEC. 18 Candidates in case of death, withdrawal or disqualification of another.—If after the last day for the filing of certificates of candidacy, an official candidate of a registered political party or coalition of political parties should die, withdraw or become disqualified for any cause, only a person belonging to, and certified by the same political party or coalition of political parties may file a certificate of candidacy to replace the candidate who died, withdrew or became disqualified. The substitute candidate nominated by the political party or coalition of political parties concerned may file his certificate of candidacy for the office affected in accordance with the preceding sections on or before mid-day of the day of the election. In the case of independent or partyless candidates, the provisions of Section 28 of Presidential Decree No. 1296, the 1978 Election Code, shall apply.

If the death, withdrawal or disqualification should occur between the day before the election and mid-day of election day, said certificate may be filed with any citizens election committee in the political subdivision where he is a candidate. The fact of such filing shall be disseminated by the Commission to all the voting centers within the said political subdivision by and through all possible means.

SEC. 19. Withdrawal or cancellation of certificates of candidacy.—No certificate of candidacy shall be considered withdrawn or cancelled unless the candidate files with the office with which he filed the same or with the Commission, a sworn statement of withdrawal or cancellation at any time before the day of election.

A certificate of candidacy shall be considered ipso facto cancelled from the moment the candidate concerned accepts, assumes or discharges any office or employment in the government or any of its subdivisions, instrumentalities or agencies, or in any government-owned or controlled corporation, including its subsidiaries.

The fact of such withdrawal or cancellation shall be disseminated by the Commission to the public and all voting centers within the political subdivisions concerned by and through all possible means.

SEC. 20. Ministerial duty of receiving and acknowledging receipts.—The Commission, Provincial Election Supervisor or City or Municipal Election Registrar shall have the ministerial duty to receive the certificates of candidacy referred to herein as well as nominations of registered political parties or coalition of such parties and to immediately acknowledge receipt thereof: Provided, That in all cases the Commission may motu proprio or upon a verified petition of a candidate or an interested party or registered political party or coalition of political parties, refuse to give due course to a certificate of candidacy if it is shown, after the person who filed such certificate shall have been given the opportunity to be heard, that said certificate has been presented and filed to cause confusion among the voters by the similarity of the names of the registered candidates, together with other circumstances which demonstrate that the candidate has no bona fide intention to run for the office for which the certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate: and Provided, finally, That no case shall be initiated either motu proprio by the Commission or by verified petition after April 2, 1984; and all cases duly initiated or filed shall be decided by the Commission as expeditiously as possible.

ARTICLE VI

REGISTRATION, PREPARATION OF LISTS OF VOTERS AND VOTING CENTERS

SEC. 21. Registration, preparation of lists and voting centers.—The registration, preparation of the list and the procedures for the inclusion and exclusion of voters, and such other matters in connection therewith shall be governed by Presidential Decree No. 1896, dated January 11, 1984. The voting centers used for purposes of the registration of voters under the said Decree shall be used for the election on May 14, 1984, without prejudice to such transfers, mergers or splitting of voting centers and establishment of new ones as may be authorized by the Commission: Provided, however, That no voting center shall be transferred, merged, split, created or established within thirty days before May 14, 1984.

Each voting center shall as far as practicable comprise a unit of contiguous and compact territory in every barangay. Not later than March 17, 1984, the Commission shall, through its duly authorized representative, post in the city hall or municipal building, the office of the election registrar and as far as practicable in every barangay hall a map of the city or municipality showing its division into territorial units corresponding to each voting center with their respective boundaries and indicating therein all streets and alleys in populous areas and the location of each voting center. This map shall be kept posted until after the election.

Each voting center shall be, as far as practicable, at ground level, of sufficient size to comfortably accommodate forty voters at a time outside the guard rail for the committee. It shall be located as far as practicable along a public road at the center of the barangay. A public school building, having the requirement prescribed herein, shall be preferred for use as a voting center. If no public school building is available, any other public building, a private school building, or any other private building having the prescribed requirements may be used, in that order of preference: Provided, however, That no voting center shall be located in a building owned, leased, or occupied by any candidate or of any person who is related to any candidate within the third civil degree of consanguinity or affinity, or of any officer of the government, including barangay officials, or of any officer or leader of any political party: Provided, further, That no voting center shall be located inside a military camp.

SEC. 22. Posting of list of candidates.—The Commission shall post inside each polling booth above the writing board and in some other conspicuous places in the voting center on the day before the election a certified list containing the names of all the candidates to be voted for, arranged in such a manner as shall not give undue

advantage to any candidate, and printed in bold and legible form, and shall at all times during the voting period keep such list posted in said places. It shall be unlawful for any person to deface, tear, mutilate, destroy or remove such list.

SEC. 23. Transfer of voting centers due to conditions of peace and order.—In case the Commission finds *motu proprio* or upon verified petition if any candidate, registered political party or coalition of political parties, or a majority of the registered voters in the affected voting center, or of the citizens election committee, and after due notice and hearing that the conditions of peace and order in a locality where the voting center is located or its immediate vicinity are not conducive to the free, orderly and honest conduct of the election and the exercise by the voters therein of their right of suffrage, or would expose them or other election officials to danger to life and limb, it may order the voting centers to be transferred to another venue within the same locality, or if warranted, to the closest adjacent locality in the city or municipality or another adjacent city or municipality: Provided, That sufficient notice of such transfer shall be made to the voters, candidates, political parties and coalition of political parties affected.

ARTICLE VII

CITIZENS ELECTION COMMITTEE

SEC. 24. Composition and appointment of citizens election committee.—The provisions of Presidential Decree No. 1896 providing for the composition and appointment of citizens election committee shall be applicable for purposes of the election on May 14, 1984: Provided, however, That subparagraph one of the second paragraph of Section 13 of Presidential Decree No. 1896 is hereby amended to read as follows:

"(1) Capability of the political party or coalition or aggroupment of political parties to wage a bona fide campaign in the political subdivision or subdivisions concerned, as evidenced by its organization, the number and quality of its candidates and the number and quality of the parties in the coalition or aggroupment."

SEC. 25. Right to copy the list of the members of the citizens election committees.—A registered political party, coalition of political parties, candidate, or any civic, religious, business, professional, service, youth or any similar organizations duly authorized by the Commission to appoint watchers, or its or his duly authorized representative shall have the right to copy the list of the members of every citizens election committee in any constituency. Any change in the composition or membership of every citizens election committee shall be communicated to the former. Any violation of this right shall constitute an election offense.

ARTICLE VIII

WATCHERS

SEC. 26. Official watchers of candidates.—Every registered political party, coalition of political parties and every independent candidate shall each be entitled to two watchers in every voting center. However, only one of the two may serve at any given time.

No person shall be appointed watcher unless he is a qualified voter of the city or municipality, of good reputation and shall not have been convicted by final judgment of any election offense or of any other crime, must know how to read and write Pilipino, English, Spanish or any of the prevailing local dialects, and not related within the fourth civil degree of consanguinity or affinity to the chairman or any member of the citizens election committee in the voting center where he seeks appointment as a watcher.

Each candidate, political party or coalition of political parties shall designate in every province, highly urbanized city or district in the Metropolitan Manila area, a representative authorized to appoint watchers, furnishing the

Provincial Election Supervisor or the City Election Registrar, as the case may be, the names of such representatives. The Provincial Election Supervisors shall furnish the Municipal Election Registrars and election registrars of component cities with the list of such representatives.

In the case of Metropolitan Manila, the designations of the persons authorized to appoint watchers shall be filed with the Commission on Elections, which shall furnish the list of such representatives to the respective City and Municipal Election Registrars.

SEC. 27. Other Watchers.—Civic, religious, professional, business, service, youth and any other similar organizations, with prior authority of the Commission, shall be entitled collectively to appoint two watchers in every voting center: Provided, however, That only one of the two may serve at any given time.

SEC. 28. Rights and duties of watchers.—Upon entering the voting center, the watchers shall present and deliver to the chairman of the citizens election committee his appointment, and forthwith, his name shall be recorded in the minutes. The appointment of the watcher shall bear the personal signature or the facsimile signature of the candidate or the duly authorized representative of the political party or coalition of political parties who appointed him or of organizations authorized by the Commission under Section 27. The watchers shall have the right to stay in the space reserved for them inside the voting center. They shall have the right to witness and inform themselves of the proceedings of the citizens election committee, including its proceedings during the registration of voters, to take notes of what they may see or hear, to take photographs of the proceedings and incidents, if any, during the counting of votes, as well as of election returns, tally boards and ballot boxes, to file a protest against any irregularity or violation of law which they believe may have been committed by the committee or by any of its members or by any persons, to obtain from the committee a certificate as to the filing of such protest or of the resolution thereon, to read the ballots after they shall have been read by the chairman, as well as the election returns after they shall have been completed and signed by the members of the committee without touching them, but they shall not speak to any member of the committee, or to any voter, or among themselves, in such a manner as would distract the proceedings, and to be furnished with a certificate of the number of votes cast for each candidate duly signed by all the members of the committee. Refusal of the members of the committee to sign and furnish such certificate shall constitute an election offense and shall be penalized under the 1978 Election Code.

ARTICLE IX

OFFICIAL BALLOTS AND ELECTION RETURNS

SEC. 29. Official ballots.—The official ballots for the May 14, 1984 election shall be of uniform size and color and shall be provided at public expense. They shall be printed on a special paper with watermarks or other marks that will readily distinguish the ballot paper from ordinary paper and will prevent its imitation.

SEC. 30. Emergency ballots.—The municipal treasurer shall not undertake the preparation of emergency ballots, unless the political parties, coalition of political parties, candidates and the organizations collectively authorized by the Commission to designate watchers have been sufficiently notified to send their representatives.

SEC. 31. Distribution of official ballots and election returns.—The official ballots and the election returns shall be distributed by the Commission to each province with its component cities, highly urbanized city and district in Metropolitan Manila at the rate of one and one-half ballots for every voter registered in each voting center; and for election returns, at the rate of one set each for every voting center.

The provincial, city or municipal treasurer shall respectively keep a record of the official ballots and election returns furnished the various provinces with their component cities, highly urbanized cities, districts and voting centers, as the case may be, copy of which record shall be furnished the Commission immediately after the

distribution is made.

No official ballot or election return shall be delivered to the citizens election committee earlier than the first hour of election day: Provided, however, That the Commission, after notice to the registered political parties or coalition of political parties, and the candidates, may, for justifiable reasons, authorize the delivery of official ballots and election returns to the committee of any particular voting center at an earlier time.

SEC. 32. Committee on printing and distribution of official ballots and election returns.—The Commission shall appoint a committee of five members, two of whom shall be from among its personnel, the third to be designated by the Commission on Audit, and the last two to be designated by the political parties entitled to appoint inspectors pursuant to Presidential Decree Nos. 1896 and 1898, to act as its representatives in supervising the printing of official ballots and election returns.

Upon the request of any candidate, political party or coalition of political parties, or of civic, religious, professional, business, service, youth, or any similar organizations collectively designated by the Commission, the latter shall allow any person designated by any of the former as watcher to observe the proceedings of the committee on the printing of official ballots and election returns, file objections, if any, witness the printing of the ballots and the returns and guard the premises of the printer.

The ballots and election returns shall be printed by the Government Printing Office, but should the Government Printing Office not have the necessary facilities and materials and if for lack of time it cannot meet the requirements of the Commission, the Commission may engage the service of a reputable printer after hearing following due notice to registered political parties, coalition of political parties and such organizations as are allowed watchers in the printing and distribution of ballots and election returns. In no case shall the Government Printing Office subcontract the printing of the ballots and the election returns.

SEC. 33. Duties of the committee on printing of official ballots and election returns.—Under such orders or instructions as the Commission may issue, and in addition to general supervision and control over the printing and shipment of official ballots and election returns, the committee on printing of official ballots and election returns shall (a) take charge of the room or rooms where the paper and paraphernalia used in the printing of official ballots and election returns are stored and where printed official ballots and election returns are packed and prepared for shipment, (b) supervise all aspects relating to the printing, storage and shipment of official ballots and election returns and report to the Commission any irregularity which they believe may have been committed, and (c) perform such other related functions as the Commission may direct.

SEC. 34. Representatives of candidates, registered political parties or coalition of political, parties in the verification and distribution of official ballots and election returns.— Thirty days before election day, candidates, registered political parties or coalition of political parties or their respective duly authorized representatives in the different provinces with their component cities, highly urbanized cities and districts in the Metropolitan Manila area shall submit the names of their respective watchers who, together with the representative of the Commission and the provincial, city and municipal treasurer, shall verify the contents of the boxes containing the shipment of official ballots, election returns and sample official ballots received by the said treasurers. The provincial treasurer shall keep a record of their receipt and distribution to each municipal treasurer, while the city and municipal treasurers shall each keep a record of their distribution to the citizens election committees.

ARTICLE X

CASTING OF VOTES

SEC. 35. Voting hours.—The casting of votes shall start at seven o'clock in the morning and shall end at four

o'clock in the afternoon, except when there are voters present within thirty meters in front of the voting center who have not yet cast their votes, in which case the voting shall continue but only to allow said voters to cast their votes without interruption. The poll clerk shall, without delay, prepare a complete list containing the names of said voters consecutively numbered, and the voters shall be called to vote in the order in which they are listed. Any voter in the list who is not present when his name is called out shall not be permitted to vote.

SEC. 36. Persons allowed in and around the voting center.—On election day, no person shall be allowed inside the voting center, except the members of the election committee, the watchers, the representatives of the Commission, the voters casting their votes, the voters waiting for their turn to get inside the booth whose number shall not exceed twice the number of booths and the voters waiting for their turn to cast their votes whose number shall not exceed twenty at any one time. The watchers shall stay only in the space reserved for them.

It shall be unlawful for any officer or member of the Armed Forces of the Philippines, including the Philippine Constabulary, or the Integrated National Police or peace officer or any armed person belonging to any extra-legal police agency, special forces, reaction forces, strike forces, home defense forces, barangay self-defense units, barangay tanods, or other similar forces, or para-military forces, including special guards, security agents, special policemen, and all other kinds of armed or unarmed extra-legal police officers or personnel to enter any voting center, unless it is his voting center where he will vote but in such case he should immediately leave the voting center, and within a radius of fifty meters from such voting center; and no policeman or peace officer shall be allowed to enter or stay inside the voting center except when there is an actual disturbance of the peace and order therein. However, the committee, upon a majority vote, if it deem necessary, may make a call in writing, duly entered in the minutes, for the detail of a policeman or any peace officer for their protection or for the protection of the election documents and paraphernalia, in which case, the said policeman or peace officer shall stay outside the voting center within a radius of thirty meters near enough to be easily called by the committee at any time, but never inside the voting center or at the door thereof and in no case shall the said policeman or peace officer hold any conversation with any voter or disturb or prevent or in any manner obstruct the free access of the voters to the voting center. It shall likewise be unlawful for any barangay official to enter and stay inside any voting center except to vote, in which case, he shall leave the voting center immediately after voting, except as watcher, inspector, or when summoned by the committee upon a majority vote for the same purpose as stated in this section.

SEC. 37. Thumbprinting on minutes of voting and counting of votes.—Every member of the citizens election committee shall likewise affix the imprint of the thumb of his right hand on the minutes of voting and counting of votes.

SEC. 38. Right of watchers to obtain copies of the minutes of voting and counting.—The duly authorized watchers of candidates, political parties or coalition of political parties and of civic, religious, professional, business, youth, service or any other similar organizations collectively authorized by the Commission to designate watchers shall have the right to obtain certified copies, duly signed by all the members of the committee, of the minutes of voting and counting. Denial of this right shall constitute an election offense.

SEC. 39. Illiterate or disabled voters.—A registered voter who is illiterate or physically unable to prepare the ballot by himself may enlist the assistance of a relative within the fourth degree of consanguinity or the poll clerk of the citizens election committee or any public or private school teacher in the preparation of his ballot. The person thus chosen shall, before being allowed to assist the illiterate or disabled voter, bind himself in a formal document under oath to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot prepared by him. Thereafter, he shall accompany the illiterate or disabled voter inside the voting booth and there proceed to prepare the ballot for the latter. No person shall be allowed to vote as an

illiterate voter unless his voter's affidavit shows that he had registered himself as such. Other than those herein authorized, no government official or employee, elective or appointive, including barangay tanods and members of barangay brigades, may be allowed to assist illiterate or disabled voters to vote.

ARTICLE XI COUNTING OF VOTES

SEC. 40. Rules for appreciation of ballots.—In addition to the rules for the appreciation of the ballots provided under Section 155 of the 1978 Election Code, the following rules shall be included:

(1) Where only the first name of a candidate is written on the ballot, which when read, has a sound similar to the surname of another candidate, the vote shall be counted in favor of the candidate with such surname. If there are two or more candidates with the same full name, first name or surname and one of them is the incumbent, and on the ballot is written only such full name, first name or surname, the vote shall be counted in favor of the incumbent.

(2) In case the candidate is a woman who uses her maiden or married surname or both and there is another candidate with the same surname, a ballot bearing only such surname shall be counted in favor of the candidate who is an incumbent.

(3) When two or more words are written on the same line on the ballot, all of which are the surnames of two or more candidates, the same shall not be counted for any of them, unless one is a surname of an incumbent in which case it shall be counted in favor of the latter.

The rules under Sections 140, 154, and 155 of the 1978 Election Code, as amended, referring to block voting, including the requirement on the printing of the names of candidates in the official ballot, shall not be applicable in the election of the regular Batasang Pambansa on May 14, 1984.

SEC. 41. Election Returns.—The citizens election committee shall prepare the statement of the count, commonly known as the election returns, simultaneously with the counting of the votes as prescribed in Section 154 of the 1978 Election Code, as amended. The statement shall be prepared in sextuplicate. Each vote read shall be recorded by the poll clerk on the election returns by means of a vertical line, and every fifth vote for the same candidate shall be tallied with a diagonal line across the four vertical lines previously tallied. The entry of votes in words and in figures in parenthesis for each candidate shall be closed with the signature and the clear imprint of the thumb of the right hand of all the members present, likewise to be affixed in full view of the public immediately after the last vertical line, or immediately after the name of the candidate who did not receive any vote.

The statement shall also show the date of the election, the name of the municipality and the number of the voting center in which it was held, the total number of ballots found in the compartment for valid ballots, the total number of ballots withdrawn from the compartment for spoiled ballots because they were erroneously placed therein, the total number of excess ballots, the total number of rejected ballots, and the total number of votes polled by each candidate, writing out the said number in words and figures, and, at the end of the statement, the committee shall make a certificate signed by all its members present that the contents are correct. The statement should be contained, if possible, in a single sheet of paper, but, if this is not possible, each additional sheet of every copy shall be prepared in the same manner as the first sheet and likewise signed by all the members of the

committee.

The Commission shall take steps to ensure that the original copy of the election returns is clearly reproduced in its entirety in one instance on the second, third, fourth, fifth, and sixth copies thereof, and for this purpose the Commission shall acquire, if necessary, a special kind of carbon paper or chemically-treated paper.

Immediately upon the accomplishment of the election returns, each copy thereof shall in the presence of the watchers and the public be placed in the envelope especially designed for the purpose, and distributed as provided herein.

SEC. 42. Disposition of election returns.—The original of the election returns shall be delivered to the election registrar of the city or municipality for transmittal to the Chairman of the Provincial Board of Canvassers in the provinces, and direct to the chairman of the city or district board of canvassers in the urbanized cities and the districts of Metropolitan Manila, as the case may be, for use in the canvass. The second copy shall be delivered to the Commission. The third copy shall be deposited in the compartment for valid ballots. The fourth copy shall be kept by the election registrar for use in the tabulation of the advance results of the election in the city or municipality. The fifth and sixth copies shall each, respectively, be delivered to the members representing the political parties represented in the citizens election committee.

SEC. 43. Preservation of the list of, voters with voting record.—The list of voters with the voting record of each voting center shall be delivered to the election registrar who shall have custody of the same, keeping them in a safe place, subject to the instructions of the Commission.

ARTICLE XII

CANVASS AND PROCLAMATION

SEC. 44. Board of canvassers.—There shall be a board of canvassers for each province, highly urbanized city and district of Metropolitan Manila to be composed as follows:

(1) The Provincial Board of Canvassers shall be composed of the Provincial Election Supervisor, as chairman, the Provincial Fiscal, as vice-chairman, and the Provincial Superintendent of Schools, and one representative from each of the ruling party and the dominant opposition political party in the constituency concerned entitled to be represented, as members.

(2) The City Board of Canvassers shall be composed of the City Election Registrar or a lawyer of the Commission, as chairman, and the City Fiscal and the City Superintendent of Schools, and one representative from each of the ruling party and the dominant opposition political party entitled to be represented, as members.

(3) The District Board of Canvassers in the case of Metropolitan Manila shall be composed of a lawyer of the Commission, as chairman, and a ranking fiscal in the district and the most senior district school supervisor in the district to be appointed upon consultation with the Ministry of Justice and the Ministry of Education, Culture and Sports, respectively, and one representative from each of the ruling party and the dominant opposition political party in the constituency concerned, as members.

A majority of the members of the Board shall constitute a quorum for the transaction of business.

In no case shall the chairman and the members of the provincial, city, or district board of canvassers, as the case

may be, be related within the fourth civil degree of consanguinity or affinity to any of the candidates in their respective jurisdiction.

In all three cases, the provisions of Presidential Decree No. 1896, as amended, on the manner of determining the dominant opposition political party in any particular constituency shall apply. For purposes of the election herein provided for, the term "dominant opposition political party" includes a coalition or aggroupment of opposition political parties.

SEC. 45. Watchers.—Each candidate, political party or coalition of political parties shall be entitled to appoint watchers to be present at, and take note of, all the proceedings of the Board of Canvassers. The watchers shall have the right to file a protest in any case of irregularity.

SEC. 46. Manner of delivery and of transmittal of election returns.—The copy of the election returns of a voting center intended for the Board of Canvassers, duly placed inside a sealed envelope signed and affixed with the imprint of the thumb of the right hand of all the members of the committee, shall be personally delivered by the members of the committee to the election registrar for transmittal to the Board of Canvassers. The watchers of the political parties, coalition of political parties and the candidates shall have the right to accompany the members of the committee in making the delivery.

The election registrar concerned shall place all the returns intended for the Board of Canvassers inside a ballot box provided with three padlocks whose keys shall be kept as follows: one by the election registrar, another by the representative of the ruling party, and the third by the representative of the dominant political opposition party.

For this purpose, the two political parties shall designate their representatives, whose names shall be submitted to the election registrar concerned on or before the tenth day preceding the election. The three in possession of the keys shall personally transmit the ballot box, properly locked, containing the election returns to the Board of Canvassers. Watchers of political parties, coalition of political parties, and of organizations collectively authorized by the commission to designate watchers shall have the right to accompany transmittal of the ballot boxes containing the election returns.

It shall be unlawful for any person to delay, obstruct, impede or prevent through force, violence, coercion, intimidation or by any means which vitiates consent, the transmittal of the election returns or to take away, abscond with, destroy, deface or mutilate or substitute the election returns or the envelope or the ballot box containing the election returns or to violate the right of the watchers.

SEC. 47. Safekeeping of transmitted election returns.— The Board of Canvassers shall keep the ballot boxes containing the election returns in a safe and secure room before and after the canvass. The door to the room must be padlocked by three locks with the keys thereof kept as follows: one with the chairman, the other with the representative of the ruling party, and the other with the representative of the dominant opposition political party. The watchers of candidates, political parties, coalition of political parties and organizations collectively authorized by the Commission to appoint watchers shall have the right to guard the room. Violation of this right shall constitute an election offense.

SEC. 48. Canvass by the board.—The Board of Canvassers shall meet not later than seven o'clock in the evening of election day at the place designated by the Commission to canvass the election returns that may have already been received. It shall meet continuously from day to day until the canvass is completed, and may adjourn but only for the purpose of awaiting the other election returns from other voting centers within its jurisdiction. Each time the board adjourns, it shall make a total of all the votes canvassed so far for each candidate affixing their signatures, and thumbmarks after each total, furnishing the Commission in Manila by the fastest means of communication a

certified copy thereof, and making available the data contained therein to the mass media and other interested parties. As soon as the other election returns are delivered the board shall immediately resume canvassing until all the returns have been canvassed.

The respective Board of Canvassers shall prepare a certificate of canvass, duly signed and affixed with the imprint of the thumb of the right hand of each member, supported by a statement of the votes received by each candidate in each voting center and on the basis thereof, shall proclaim as elected the candidates who obtained the highest number of votes.

SEC. 49. Persons not allowed inside the canvassing room.—It shall be unlawful for any officer or member of the Armed Forces of the Philippines, including the Philippine Constabulary, or the Integrated National Police or any peace officer or any armed or unarmed persons belonging to an extra-legal police agency, special forces, reaction forces, strike forces, home defense forces, barangay self-defense units, barangay tanods, except those designated as members of the board or as watchers, or of any member of the security or police organizations of government ministries, commissions, councils, bureaus, offices, instrumentalities, or government-owned or controlled corporations or their subsidiaries or of any member of a privately-owned or operated security, investigative, protective or intelligence agency performing identical or similar functions to enter the room where the canvassing of the election returns are held by the Board of Canvassers and within a radius of fifty meters from such room: Provided, however, That the committee, by a majority vote, if it deems necessary, may make a call in writing for the detail of policemen or any peace officers for their protection or for the protection of the election documents and paraphernalia in the possession of the board, or for the maintenance of peace and order, in which case said policemen or peace officers, who shall be in proper uniform, shall stay outside the room within a radius of thirty meters near enough to be easily called by the board at any time.

ARTICLE XIII

PRE-PROCLAMATION CONTROVERSY

SEC. 50. Definition.—Pre-proclamation controversy refers to any question pertaining to or affecting the proceedings of the Board of Canvassers which may be raised by any candidate, political party or coalition of political parties before the board or directly with the Commission.

The Commission on Elections shall be the sole judge and shall have exclusive jurisdiction over all pre-proclamation controversies.

The Commission is hereby vested with exclusive authority to hear and decide petitions for certiorari, prohibition and mandamus involving election cases.

SEC. 51. Issues that may be raised in pre-proclamation controversy.—The following shall be proper issues that may be raised in a pre-proclamation controversy:

- (a) Illegal composition or proceedings of the Board of Canvassers;
- (b) Canvassed election returns are incomplete, contain material defects, appear to be tampered with or falsified, or contain discrepancies in the same returns or other authentic copies thereof;
- (c) When the election returns were prepared under duress, threats, coercion, or intimidation, or are obviously

manufactured, or not authentic;

(d) When substitute, fictitious or illegal voters, constituting a majority of the registered voters in the voting center, were able to vote; or

(e) Other matters related to or in connection with the canvass of election returns or proclamation of any candidate.

SEC. 52. Issues not proper in pre-proclamation controversy.—The following are not proper issues that may be raised in a pre-proclamation controversy;

(a) Frauds, terrorism, irregularities or illegal acts committed before or during the casting and counting of votes, except as provided in paragraphs (b), (c) and (d) of the preceding section;

(b) Disqualification of candidates under any existing laws; or

(c) Any other matter not related to or not in connection with the canvass of election returns or proclamation of any candidate, or issues that properly pertain to an election protest or quo warranto proceedings.

SEC. 53. Contested composition or proceedings of the board.—When the composition or proceedings of the board is contested, it shall immediately make a ruling thereon with notice to the party contesting who, if adversely affected, may refer the matter to the Commission within five days after the ruling, with proper notice to the board. The Commission, after due notice and hearing, shall decide the case within ten days from the filing of the case. During the pendency of the case, the board shall suspend the canvass unless the Commission orders the continuation or resumption thereof.

SEC. 54. Contested election returns.—Any candidate, political party or coalition of political parties, contesting the exclusion or inclusion in the canvass of any election returns shall submit their written objections to the Chairman of the Board of Canvassers. The board shall defer the canvass of the contested returns and shall not make any ruling thereon until after all the uncontested election returns have been canvassed. The board shall not proclaim any winning candidate unless authorized by the Commission, and any proclamation made in violation hereof shall be void ab initio.

The ruling of the board may be elevated to the Commission by the party adversely affected, by filing a verified petition within five days from notice thereof. After due notice and hearing, the Commission shall decide the case within ten days after the case has been submitted for resolution.

SEC. 55. Summary proceedings before the Commission. —All pre-proclamation controversies shall be heard summarily by the Commission after notice and hearing, and its decisions shall be immediately executory unless restrained by the Supreme Court.

SEC. 56. Partial proclamation.—Notwithstanding the pendency of any pre-proclamation controversy, the Commission may motu proprio, or upon the filing of a verified petition and after due notice and hearing, order the proclamation of any winning candidate whose election will not be affected by the outcome of the controversy.

SEC. 57. Effect of filing petition to annul or to suspend the proclamation.—The filing with the Commission of a petition to annul or to suspend the proclamation of any candidate shall suspend the running of the period within which to file an election protest or quo warranto proceedings.

ARTICLE XIV

ELECTION CONTESTS

SEC. 58. Jurisdiction of the Commission.—The Commission shall be the sole judge of all contests relating to the election, returns, selection or appointment, and qualifications of all Members of the Batasang Pambansa.

SEC. 59. Election contests for Batasang Pambansa. —A sworn petition contesting the election, selection or appointment of any Member of the Batasang Pambansa shall be filed with the Commission by any candidate who has duly filed a valid and subsisting certificate of candidacy for the same office, or in case of sectoral representatives, by any other aspirant for nomination to the office, within ten days after the proclamation of the results of the election or the issuance of the appointment, as the case may be.

SEC. 60. Petition for quo warranto.—Any voter contesting the election, selection or appointment of any Member of the Batasang Pambansa on the ground of in-eligibility or of disloyalty to the Republic of the Philippines shall file a sworn petition for quo warranto with the Commission within ten days after the proclamation of the results of the election.

SEC. 61. Suspension of period.—The filing of a pre-proclamation petition shall suspend the running of the ten-day period mentioned in Section 60 hereof.

SEC. 62. Procedure in election contests.—The Commission shall prescribe the rules to govern the procedure and other matters relating to election contests pertaining to the Members of the Batasang Pambansa. Such rules shall provide a simple and inexpensive procedure for the expeditious disposition of election contests.

SEC. 63. Decision by the Commission.—The Commission shall decide all election contests within ninety days from the date of their submission for decision. The decision of the Commission shall become final ten days after promulgation, unless a motion for reconsideration shall have been filed. Motions for reconsideration shall be resolved within thirty days from its filing.

ARTICLE XV

ELECTION OFFENSES

SEC. 64. Prohibited acts.—In addition to the prohibited acts provided in the 1978 Election Code, or declared unlawful or as an election offense in the preceding ARTICLES of this Act, the following shall be guilty of an election offense:

(a) Wearing of uniform and bearing arms by military units.—During the campaign period, on the day before, on election day, and ending thirty days thereafter, any member of the Armed Forces of the Philippines, Special Forces, Home Defense Forces, Barangay Self-Defense Units and all other para-military units that now exist or which may hereafter be organized who wears his uniform or bears arms outside the camp, garrison or barracks to which he is assigned or detailed or outside his home, in case of members of Home Defense Forces, Barangay Self-Defense Units, and other para-military units, unless (1) the President of the Philippines shall have given previous authority therefor, and the Commission notified thereof in writing, or (2) the Commission authorizes him to do so, which authority it shall give only when necessary to assist it in maintaining free, orderly and honest elections, and only after notice and hearing. All personnel of the Armed Forces authorized by the President or the Commission to bear arms or wear their uniforms outside their camps and all police and

peace officers shall bear their true name, rank and serial number, if any, stitched in block letters on a white background on the left breast of their uniform, in letters and numbers of a clearly legible design at least two centimeters tall, which shall at all times remain visible and uncovered.

During the election period, whenever the Commission finds it necessary for the promotion of free, honest, orderly and peaceful elections in a specific area, it shall confiscate or order the confiscation of firearms of any member or members of the Armed Forces of the Philippines, Police Forces, Special Forces, Home Defense Forces, Barangay Self-Defense Units, and all other para-military units that now exist or may hereafter be organized, or of any member or members of the security or police organization of government ministries, commissions, councils, bureaus, offices, instrumentalities, or government-owned or controlled corporations and their subsidiaries, or of any member or members of privately-owned or operated security, investigative, protective or intelligence agencies performing identical or similar functions.

(b) Organization or maintenance of reaction forces, strike forces, or other similar forces.—Any person who organizes or maintains or joins a reaction force, strike force or similar force during the election period.

The heads of all reaction forces, strike forces, or similar forces shall, not later than forty-five days before the election, submit to the Commission a complete list of all members thereof with such particulars as the Commission may require.

(c) Prohibition against release, disbursement or expenditure of public funds.—Any public official or employee including barangay officials and those of government-owned or controlled corporations and their subsidiaries, who, during forty-five days before the election day on May 14, 1984, releases, disburses or expends any public funds for:

(1) Any and all kinds of public works, except the following:

(aa) Maintenance of existing and/or completed public works projects: Provided, That not more than the average number of laborers or employees already employed therein during the six-month period immediately prior to the beginning of the forty-five day period before election day shall be permitted to work during such time: Provided, further, That no additional laborers shall be employed for maintenance work within the said period of forty-five days;

(bb) Work undertaken by contract through public bidding held, or by negotiated contract awarded, before the forty-five day period before election: Provided, That work for the purpose of this section undertaken under the so-called "takay" or "paquiao" system shall not be considered as work contract;

(cc) Payment for the usual cost of preparation of working drawings, specifications, bills of materials, estimates, and other procedures preparatory to actual construction including the purchase of materials and equipment, and all incidental expenses for wages of watchmen and other laborers employed for such work in the central office

and field storehouses before the beginning of such period: Provided, That the number of such laborers shall not be increased over the number hired when the project or projects were commenced; and

(dd) Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.

No payment shall be made within five days before the date of election to laborers who have rendered services in projects or work except those falling under subparagraphs (aa), (bb), (cc) and (dd) of this paragraph.

This prohibition shall not apply to on-going public works projects commenced before the campaign period or similar projects under foreign agreements. For purposes of this provision, it shall be the duty of the government officials or agencies concerned to report to the Commission the list of all such projects being undertaken by them.

(2) The Ministry of Social Services and Development and any other office in any other ministry of the government performing functions similar to said Ministry, except for salaries of personnel, and for such other routine and normal expenses, and for such other expenses as the Commission may authorize, after due notice and hearing. Should a calamity or disaster occur, all releases normally or usually coursed through the said ministries and offices shall be turned over to, and administered and disbursed by, the Philippine National Red Cross, subject to the supervision of the Commission on Audit or its representatives, and no candidate or his or her spouse or member of his or her family within the second degree of consanguinity or affinity shall participate, directly or indirectly, in the distribution of any relief or other goods to the victims of the calamity or disaster; and

(3) The Ministry of Human Settlements and any office in any other ministry of the government performing functions similar to said ministry, except for salaries of personnel and for such other necessary administrative or other expenses as the Commission may authorize after due notice and hearing.

(d) Prohibition against construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices.—During the period of forty-five days preceding the election of May 14, 1984, any person who (a) undertakes the construction of any public works, except for projects or works exempted in the preceding section; or (b) issues, uses or avails of treasury warrants or any device undertaking future delivery of money, goods or other things of value chargeable against public funds; or (c) who thereafter receives any payment for the prohibited construction.

(e) Suspension of elective provincial, city, municipal or barangay officer.—During the election period, any public official who suspends, without prior approval of the Commission, any elective provincial, city, municipal, or barangay official, unless said suspension will be for purposes of applying the "Anti-Graft and Corrupt Practices

Act" in relation to the suspension and removal of elective officials, in which case the provision of this section shall be inapplicable.

SEC. 65. Increased penalty for specific election offenses.—For purposes of the May 14, 1984 election, the penalty for the crimes denned in the following paragraphs of Section 178 of the 1978 Election Code, Presidential Decree No. 1296:

(a) Vote buying and vote selling;

(e) Threats, terrorism, use of fraudulent device and other forms of coercion; and

(m) Use of armored land, water or air craft; is hereby increased to prision mayor, or six years and one day to twelve years, with perpetual disqualification to hold public office or exercise the right of suffrage: Provided, That if the commission of the crime should result in the death of any person, the penalty shall be reclusion perpetua to death.

If the offender is a public official or employee, he shall forfeit all benefits, gratuities or pensions due him from the government by reason of his service.

SEC. 66. Prosecution.—The Commission shall have the exclusive power to investigate or prosecute all election offenses punishable under this Act or other election laws. For this purpose, the Commission may avail of the assistance of, and authorize other agencies of the government: Provided, however, That in the event that the Commission fails to act on any complaint within six months from its filing, the complainant may file the complaint with the office of the fiscal or with the Ministry of Justice for proper investigation and prosecution, if warranted.

SEC. 67. Offenses committed during and in connection with the election campaign.—No person shall be arrested and/or detained at any time for any alleged offense committed during and in connection with the election of Members of the Batasang Pambansa on May 14, 1984 through any act or language tending to support or oppose any candidate, political party, or coalition of political parties, under or pursuant to any order of whatever name or nature and by whomsoever issued, except only upon a warrant of arrest issued by a competent judge after all the requirements of the Constitution shall have been strictly complied with.

If the offense charged is punishable under a presidential decree, whether originally or by amendment of a previous law, the death penalty shall not be imposed upon the offender except where murder, rape, or arson is involved. In all cases, the penalty shall not be higher than reclusion perpetua, and the offender shall be entitled to reasonable bail upon sufficient sureties to be granted speedily by the competent court. Moreover, loss of the rights of citizenship and confiscation of property shall not be imposed.

Any officer or person who shall violate any provision of this section shall be punished by imprisonment of not less than six years and one day nor more than twelve years, with the accessory penalties for election offenses. The provisions of Section 66 of this Act shall not apply to prosecutions under this section.

ARTICLE XVI

TRANSITORY PROVISIONS

SEC. 68. Pending actions.—Actions arising or already pending before the effectivity of this Act shall be governed

by the laws then in force.

SEC. 69. Reorganization of the Commission on Elections.—In order to promote maximum efficiency in carrying out its constitutional duty to insure free, orderly and honest elections and in discharging its judicial powers and functions under the Constitution, the Commission is hereby authorized, for purposes of the May 14, 1984 election, to reorganize its office. It may create, merge or abolish departments, offices, divisions or units, redistribute functions and reassign personnel, change designations of existing positions subject to pertinent existing laws and regulations. It may recommend on levels and rates of salaries of its subordinate officials and employees subject to the laws and regulations on civil service and compensation, position classification and standardization of salaries: Provided, That no permanent official or employee already in the service of the Commission, upon approval of this Act, shall be laid off or demoted in rank or salary: Provided, further, That there shall be no transfer of provincial election supervisors, election registrars, and other employees of the Commission on Elections from one station to another within thirty days before the election, except for cause and after due notice and hearing.

SEC. 70. Appropriations.—The cost of holding the election of Members of the Batasang Pambansa shall be funded out of the current appropriations of the Commission on Elections provided for this purpose. In case of deficiency, the funds so provided for this purpose may be augmented from the Special Activities Fund intended for special priority activities authorized in the current General Appropriations Act.

ARTICLE XVII

FINAL PROVISIONS

SEC. 71. Separability clause.—If for any reason any section or provision of this Act, or any portion thereof, or the application of such section, provision or portion is declared invalid or unconstitutional, the remainder thereof shall not be effected by such declaration.

SEC. 72. Applicability of Election Code of 1978 and other statutes.—All provisions of the Election Code of 1978 and other electoral statutes not inconsistent with the provisions of this Act shall apply to the election herein provided for.

SEC. 73. Repealing clause.—All laws or parts of laws inconsistent herewith are hereby deemed repealed or modified accordingly.

SEC. 74. Effectivity of this Act.—This Act takes effect upon its approval.

Approved, March 14, 1984.

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