

AN ACT TO AMEND SECTION TWENTY-FIVE AND ADD A PARAGRAPH AT THE END OF SECTION TWENTY-SIX OF ACT NUMBERED FIFTEEN HUNDRED AND EIGHTY-TWO.

Act No. 2582., February 04, 1916

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By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. Section twenty-five of Act Numbered Fifteen hundred and eighty-two, as amended by section three of Act Numbered Seventeen hundred and twenty-six, is hereby further amended to read as follows:

"SEC. 25. Canvass by provincial board.-In case statements from all precincts are not filed the day after the election, the municipal secretary shall notify the members of the delinquent boards of inspectors to file the same. All statements shall be sent to the provincial treasurer by mail, if the mails are reasonably regular and expeditious for the purposes of this section, or by special messenger at the expense of the municipality, if they are not. Delayed statements shall be forwarded as fast as received. The provincial board shall meet as a board of canvassers as soon as practicable, but not later than thirty days after the election, and the provincial treasurer shall then produce before it all such statements filed with or delivered to him. If any statements be missing the board, by special messenger or otherwise, shall obtain such missing statements and shall direct the fiscal to prosecute the persons responsible for the delay, if any, under section twenty-nine of this Act. The board shall also examine the statements on file, and if it clearly appears that material matters of form are omitted, such statements shall be returned for correction to the board of inspectors by special messenger or in such manner as may be most expeditious. Such statements may not, however, be returned for a new recount. As soon as all statements are before it the board of canvassers shall proceed to a canvass of all the votes cast in the province for Delegates to the Assembly or for provincial officers, and upon completion thereof shall make one statement of all votes cast for each candidate for the Assembly in each Assembly district, and one statement of all the votes, if any, cast for provincial officers. Upon the completion of such statements the board shall determine therefrom what person has been elected to the Assembly from each Assembly district, and what person has been elected to the provincial offices. All such determinations shall be reduced to writing, in duplicate, and signed by the members of the provincial board or a majority of them, and sealed with the provincial seal. One copy thereof shall be filed with the provincial treasurer, one forthwith with the Executive Secretary, and a certified copy thereof shall also forthwith be delivered to each elected candidate: Provided, That the provincial, board of canvassers shall certify as elected to the office of Delegate to the Philippine Assembly and to any provincial office only persons who have obtained a plurality of votes and who have filed their certificate of candidacy in accordance with the provisions of section twelve of this Act, as amended by section seven of Act Numbered Two thousand and forty-five.

"Upon the filing of said certificate in the office of the Executive Secretary, the Governor-General shall confirm the election of each of the candidates so certified, notwithstanding the pendency of any contest of their election in the courts: Provided, That such confirmation shall not prevail against the decision of the courts.

"Any candidate who has received votes at a provincial election may file with the Governor-General, within thirty days after such election, a protest against the confirmation of the election of a provincial officer elect, on account

of disloyalty to the constituted Government. The Governor-General may then refuse to confirm the election of any provincial officer elect, pending the determination of the protest filed with him, which shall be investigated by a judge of the Court of First Instance, by the Attorney-General or any of his assistant attorneys whom the Governor-General may designate to make such investigation with the least possible delay. Upon the completion of the investigation, the Governor-General may either confirm or definitely refuse to confirm the election of the candidate elect, as the facts brought out by such investigation may warrant, and the decision of the Governor-General in such cases shall be final.

"In case of refusal to confirm the election of any provincial officer the Governor-General, with the advice and consent of the Philippine Commission, may appoint a suitable person to fill the vacancy for the full term and until the election and qualification of a successor or, in his discretion, may call a special election to fill the office as provided in section four hereof, and at such special election a person whose confirmation was so refused shall be ineligible and no vote shall be counted or canvassed for him.

"In case the board of canvassers shall decide that an election for delegate to the Assembly results in a tie it shall certify its decision, together with the statements and all papers upon which the same is based, to the Assembly, which shall have jurisdiction of the matter thereafter; in case the board of canvassers shall decide that an election for provincial governor results in a tie it shall similarly certify the matter to the Philippine Commission, which shall have jurisdiction to declare either of the tied candidates elected or to order a special election, as it may decide: Provided, however, That nothing in this sentence contained shall bar the right of any candidate to contest an election as hereinafter provided."

SEC. 2. Section twenty-six of Act Numbered Fifteen hundred and eighty-two is hereby amended by adding, at the end thereof, a paragraph to read as follows:

"Any candidate for municipal office declared elected in, conformity with the two preceding paragraphs shall assume the office to which he has been declared elected, notwithstanding the pendency of any contest regarding his election in the courts: Provided, That said certificate of the municipal board of canvassers shall not prevail as against the decision of the courts."

SEC. 3. This Act shall take effect on its passage.

Enacted, February 4, 1916.

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