

AN ACT IMPLEMENTING RESOLUTION OF BOTH HOUSES NUMBERED TWO AS AMENDED BY RESOLUTION OF BOTH HOUSES NUMBERED FOUR OF THE CONGRESS OF THE PHILIPPINES CALLING FOR A CONSTITUTIONAL ...

REPUBLIC ACT NO. 6132, August 24, 1970

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Be it enacted by the Senate and House of Representative of the Philippines in Congress assembled:

SECTION 1. Short Title. — This Act shall be known as "The 1971 Constitutional Convention Act."

SEC. 2. Composition of the Convention; Qualifications of Delegates. — The Constitutional Convention authorized by Resolution of Both Houses Numbered Two of the Congress of the Philippines, adopted on March sixteen, nineteen hundred and sixty-seven, as amended by Resolution of Both Houses Numbered Four of the Congress of the Philippines, adopted on June seventeen, nineteen hundred and sixty- nine, shall be composed of three hundred and twenty delegates who shall have the same qualifications as those required of Members of the House of Representatives.

The delegates are hereby apportioned among the Representative Districts as follows:

ABRA, Lone District TWO (2) Delegates

AGUSAN DEL NORTE, Including the City of Butuan Lone District TWO (2) Delegates

AGUSAN DEL SUR, Lone District TWO (2) Delegates

AKLAN, Lone District TWO (2) Delegates

ALBAY, Including the City of Legaspi

First District TWO (2) Delegates

Second District TWO (2) Delegates

Third District TWO (2) Delegates

ANTIQUE, Lone District TWO (2) Delegates

BATAAN, Lone District TWO (2) Delegates

BATANES, Lone District TWO (2) Delegates

BATANGAS, Including the Cities of Batangas and Lipa

First District TWO (2) Delegates

Second District THREE (3) Delegates

Third District THREE (3) Delegates

BENGUET, Including the City of Baguio

Lone District TWO (2) Delegates

BOHOL, Including the City of Tagbilaran

First District TWO (2) Delegates

Second District TWO (2) Delegates

Third District TWO (2) Delegates

BUKIDNON, Lone District THREE (3) Delegates

BULACAN

First District THREE (3) Delegates

Second District FOUR (4) Delegates

CAGAYAN

First District THREE (3) Delegates

Second District TWO (2) Delegates

CAMARINES NORTE, Lone District TWO (2) Delegates

CAMARINES SUR, Including the Cities of Iriga and Naga

First District THREE (3) Delegates

Second District FIVE (5) Delegates

CAMIGUIN, Lone District TWO (2) Delegates

CAPIZ, Including the City of Roxas

First District TWO (2) Delegates

Second District TWO (2) Delegates

CATANDUANES, Lone District TWO (2) Delegates

CAVITE, Including the Cities of Tagaytay, Trece Martires and Cavite;

Lone District FOUR (4) Delegates

CEBU, Including the Cities of Cebu, Danao, Toledo, Lapu-Lapu and Mandaue

First District TWO (2) Delegates

Second District FOUR (4) Delegates

Third District TWO (2) Delegates

Fourth District TWO (2) Delegates

Fifth District TWO (2) Delegates

Sixth District TWO (2) Delegates

Seventh District TWO (2) Delegates

COTABATO, Including the City of Cotabato;

Lone District TEN (10) Delegates

DAVAO DEL NORTE,

Lone District FOUR (4) Delegates

DAVAO DEL SUR, Including the City of Davao;

Lone District SIX (6) Delegates

DAVAO ORIENTAL,

Lone District TWO (2) Delegates

EASTERN SAMAR,

Lone District TWO (2) Delegates

IFUGAO,

Lone District TWO (2) Delegates

ILOCOS NORTE, Including the City of Laoag

First District TWO (2) Delegates

Second District TWO (2) Delegates

ILOCOS SUR

First District TWO (2) Delegates

Second District TWO (2) Delegates

ILOILO, Including the City of Iloilo

First District TWO (2) Delegates

Second District TWO (2) Delegates

Third District TWO (2) Delegates

Fourth District TWO (2) Delegates

Fifth District TWO (2) Delegates

ISABELA, Lone District FIVE (5) Delegates

KALINGA-APAYAO,

Lone District TWO (2) Delegates

LAGUNA, Including the City of San Pablo

First District FOUR (4) Delegates

Second District TWO (2) Delegates

LANAO DEL NORTE, Including the City of Iligan;

Lone District THREE (3) Delegates

LANAO DEL SUR, Including the City of Marawi;

Lone District SIX (6) Delegates

LA UNION

First District TWO (2) Delegates

Second District TWO (2) Delegates

LEYTE, Including the Cities of Ormoc and Tacloban

First District TWO (2) Delegates

Second District TWO (2) Delegates

Third District TWO (2) Delegates

Fourth District TWO (2) Delegates

MANILA

First District THREE (3) Delegates

Second District TWO (2) Delegates

Third District THREE (3) Delegates

Fourth District THREE (3) Delegates

MARINDUQUE,

Lone District TWO (2) Delegates

MASBATE,

Lone District FOUR (4) Delegates

MOUNTAIN PROVINCE,

Lone District TWO (2) Delegates

NORTHERN SAMAR,

Lone District TWO (2) Delegates

NUEVA ECIJA, Including the Cities of Cabanatuan, Palayan and San Jose

First District THREE (3) Delegates

Second District FOUR (4) Delegates

NUEVA VIZCAYA,

Lone District TWO (2) Delegates

OCCIDENTAL MINDORO,

Lone District TWO (2) Delegates

ORIENTAL MINDORO,

Lone District THREE (3) Delegates

OCCIDENTAL MISAMIS, Including the Cities of Ozamis, Oroquieta, and Tangub,

Lone District THREE (3) Delegates

ORIENTAL MISAMIS, Including the Cities of Cagayan de Oro and Gingoog

Lone District FOUR (4) Delegates

OCCIDENTAL NEGROS, Including the Cities of Bacolod, Bago, Cadiz, La Carlota, San Carlos and Silay

First District SIX (6) Delegates

Second District THREE (3) Delegates

Third District FOUR (4) Delegates

ORIENTAL NEGROS, Including the Cities of Bais, Canlaon and Dumaguete

First District FOUR (4) Delegates

Second District TWO (2) Delegates

PALAWAN, Including the City of Puerto Princesa,

Lone District TWO (2) Delegates

PAMPANGA, Including the City of Angeles

First District FOUR (4) Delegates

Second District THREE (3) Delegates

PANGASINAN, Including the Cities of Dagupan and San Carlos

First District TWO (2) Delegates

Second District TWO (2) Delegates

Third District TWO (2) Delegates

Fourth District TWO (2) Delegates

Fifth District TWO (2) Delegates

QUEZON, Including the City of Lucena

First District FOUR (4) Delegates

Second District FOUR (4) Delegates

RIZAL, Including the Cities of Quezon, Pasay and Caloocan

First District EIGHTEEN (18) Delegates

Second District FIVE (5) Delegates

ROMBLON,

Lone District TWO (2) Delegates

SAMAR, Including the City of Calbayog

Lone District FOUR (4) Delegates

SORSOGON

First District TWO (2) Delegates

Second District TWO (2) Delegates

SOUTHERN COTABATO, Including the City of General Santos,

Lone District FOUR (4) Delegates

SOUTHERN LEYTE,

Lone District TWO (2) Delegates

SULU,

Lone District THREE (3) Delegates

SURIGAO DEL NORTE,

Lone District TWO (2) Delegates

SURIGAO DEL SUR,

Lone District TWO (2) Delegates

TARLAC

First District TWO (2) Delegates

Second District TWO (2) Delegates

ZAMBALES, Including the City of Olongapo;

Lone District THREE (3) Delegates

ZAMBOANGA DEL NORTE, Including the Cities of Dipolog and Dapitan;

Lone District THREE (3) Delegates

ZAMBOANGA DEL SUR, Including the Cities of Basilan, Pagadian and Zamboanga;

Lone District NINE (9) Delegates

SEC. 3. Election of Delegates. — The election of delegates to the Convention by the qualified electors of each district shall be held on the second Tuesday in November, nineteen hundred and seventy.

SEC. 4. Persons Holding Office. — Any person holding a public office or position, whether elective or appointive, including members of the armed forces and officers and employees of corporations or enterprises owned and/or controlled by the government, shall be considered resigned upon the filing of his certificate of candidacy: Provided, That any government official who resigns in order to run for delegate and who does not yet qualify for retirement under existing laws, may, if elected, add to his length of service in the government the period from the filing of his certificate of candidacy until the final adjournment of the Constitutional Convention.

SEC. 5. Disqualification to Run. — Any person elected as delegate to the Constitutional Convention shall not be qualified to run for any public office in any election or to assume any appointive office or position in any branch of the Government until after the final adjournment of the Constitutional Convention.

SEC. 6. Provisions Governing the Election of Delegates. — The election of delegates shall be governed by the provisions of the Revised Election Code, as amended, and Republic Act Numbered Thirty-five hundred eighty-eight, as amended, except as herein provided, to wit:

- Certificate of Candidacy. Candidates shall file with the Commission on Elections their certificates of candidacy, together with a number of clearly legible copies equal to four times the number of polling places in the respective districts in which they are running, at least sixty days before election day and in the manner provided for by the Revised Election Code. The Commission on Elections shall immediately send copies thereof to all the polling places of the district.

The person concerned shall state in his certificate of candidacy that: (1) he announces his candidacy for delegate to the Constitutional Convention in the district in which he is running; (2) he has the same qualifications as those required of members of the House of Representatives; (3) his full name, including maternal surname; (4) his civil status and, if married, the full name of his or her spouse; (5) his age, stating the date and place of his birth; and (6) his post office address for all election purposes.

The certificate of candidacy shall likewise state his gross income, the expenses, deductions and exemptions, and that he paid his income taxes as assessed, for the last two years immediately preceding the election, including the receipt numbers and places of such payments, unless the candidate exempt from paying income taxes, or his tax obligations are pending final determination, in which cases he shall so state in his certificate of candidacy; and shall furthermore contain a waiver of the privilege from public disclosure of his income tax returns and tax census statements for the said two-year period, except financial statements attached thereto, said waiver to be effective only during the period of his candidacy. Failure to state the required information on income, taxes, and waiver shall invalidate the certificate of candidacy.

The candidate may include a concise statement, not exceeding one hundred words, of the principal constitutional

reforms, programs or policies he proposes to advocate if elected to the Convention. A copy of such statement shall be posted conspicuously in each polling place in the district.

At least seventy days before the election, five or more qualified registered voters in a representative district, acting individually, may file with the Commission on Elections a nomination for a candidate, furnishing a copy thereof to the person concerned: Provided, That said candidate shall indicate his acceptance by complying with the requirements of this section.

The Commission on Elections shall prepare a standard form of the certificate of candidacy and adopt such other measures as may facilitate the filing thereof.

- Non-Application of Limitation Upon Campaign Period. — The provisions of Section 50-B of the Revised Election Code, as amended by Republic Act Numbered 4880, with respect to the limitation upon the period of the election campaign, shall not apply to the election of delegates.

- Election Registration Boards. — Within thirty days after the approval of this Act, the Commission on Elections shall appoint as additional members of each Election Registration Board created under Section five of Republic Act Numbered Three thousand five hundred eighty-eight, as amended, two public school teachers, (preference being given to those with the longest service as teachers and as election inspectors), who are registered voters of the municipality, with the powers and compensation as the other members of the board representing political parties: Provided, That neither shall be related to each other, to any member of the Board or any candidate in the district wherein they are to serve, within the fourth civil degree of consanguinity or affinity. The said teachers shall hold office until relieved by the Commission on Elections for cause, or until the day following the election of delegates, whichever is earlier: Provided, further, That in case one or both teachers are relieved for cause, they shall be replaced by other qualified teachers, the Commission may appoint any private school teacher or employee in the civil service who is a registered voter of the municipality and is not disqualified by reason of relationship as above-stated: Provided, finally, That the hearing and reception of evidence on applications for registration shall be scheduled only during meetings of the Election Registration Board, and be conducted by the said Board.

It shall be unlawful for any person who, knowing that he is related as above-stated to any candidate or to any member of the Board, shall knowingly fail to notify the Commission on Elections about such relationship, assume the office of member thereof and perform the duties pertaining thereto.

- Election Precincts and Polling Places. — The Commission on Elections shall fix ninety days before the election the limits of all the election precincts and designate the location of each polling place as required by Section Sixty-three of the Revised Election Code.

Whenever possible, such location shall be along a public road. No designation shall be changed except upon written petition of the majority of the voters in the precinct or in case the polling place is destroyed or cannot be used.

Each precinct shall not have more than three hundred voters: Provided, That the Commission on Elections shall, in the interest of an orderly election, and in order to facilitate the casting of votes, be authorized to divide a precinct not later than one week after the last registration day. But the polling places of all the precincts created thereby shall be located in the same building or compound where the polling place of the original precinct is located, and if this is not feasible, in a place as close as possible to the original precinct: Provided, further, That the polling place of the new precinct may be located elsewhere upon written petition of the majority of the voters of the new precinct.

Whenever a precinct is divided into two or more precincts, the registered voters shall included in the precinct

wherein they reside. Every case of alteration of a precinct shall be duly published by posting a notice of any such change in a conspicuous location in the polling place, and in the municipal building or city hall, as the case may be.

- Boards of Inspectors. — At least sixty days before the day of election, the Commission on Elections shall appoint a Board of Election Inspectors for each election precinct, to be composed of a Chairman and two members, one of whom shall be designated concurrently as poll clerk, and all of whom shall public school teachers, precedence being given to those who are civil service eligibles, and are registered voters of the district: Provided, That in case of non-availability of public school teachers, the Commission may appoint private school teachers or any officer or employee in the civil service who is a registered voter of the municipality, to fill the vacancy or vacancies. The members of the board as herein constituted shall uniformly receive a per diem of forty five pesos on election day and for every day of work before the election: Provided, however, That the members of the Board shall possess the same qualifications and none of the disqualifications provided for in Section eighty-one of the Revised Election Code, and that no election inspector shall be related to any member of the Board or to any candidate within the fourth civil degree of consanguinity or affinity.

It shall be unlawful for any person who, knowing that he is related as above-stated to any candidate or to any member of the Board, shall knowingly fail to notify the Commission on Elections about such relationship, assume the office of member thereof and perform the duties pertaining thereto.

- Board of Canvassers. — The canvass of votes and proclamation of delegates elected to the Convention shall be undertaken by the Provincial Board of Canvassers to be composed of the Division Superintendent of Schools, as Chairman; and the Provincial Treasurer, the Provincial Director, the Provincial Fiscal and the most senior District Engineer, as Members: Provided, That in cases where there are two or more Division Superintendents of Schools in a province, the Commission on Elections shall appoint as Chairman the most senior among them, preference being given to the Division Superintendent of Schools who is not a native of the same province. In case of non-availability, absence or incapacity for any cause, of the Chairman, the Commission shall designate as his substitute any of the aforementioned members of the Board. With respect to the other members, the Commission shall appoint as substitute the District Health Officer, the Register of Deeds of the province, or the most senior Clerk of the Court of First Instance of the province, in that order.

In the City of Manila, the Board of Canvassers shall be composed of a representative from the Commission on Elections who is at least a decision chief, as Chairman; and the City Fiscal, the City Treasurer, the City Auditor, and the City Superintendent of Schools, as members. In case of non-availability, absence or incapacity for any cause of the Chairman, the Commission shall designate as his substitute any of the aforementioned members of the Board: Provided, That with respect to the other members, the Commission shall appoint as substitute the City of Engineer, the City Health Officer, or the City Register of Deeds, in that order.

In no case shall the Chairman and the members of the Provincial Board of Canvassers or the Board of Canvassers for the City of Manila, as the case be, be related to any of the candidates in their respective jurisdictions within the fourth civil degree of consanguinity or affinity.

- Canvass and Proclamation. — The Board of Canvassers shall meet as soon as possible within the fifteen days next following the day of election. The Provincial Treasurer or, in the City of Manila, the City Treasurer, shall produce before it statements of the election returns in the different precincts which may have been delivered to him. As soon as all the statements are before it, but not later than fifteen days next following the date of election, the Board shall proceed to make a canvass of all the votes cast in each district of the province or the City of Manila, as the case may be, and shall make separate statements of the votes received by each candidate for

delegate for each district. Upon completion of the statement, the Board shall proclaim elected as delegates to the Constitutional Convention the candidates who shall have obtained the highest number of votes corresponding to the number of delegates allotted to the district.

- When Statements are Contradictory. — In case it appears to the Board of Canvassers that there exist another authentic copy or copies of returns from an election precinct submitted to the Board giving any candidate a different number of votes, or there is a difference in the words and figures of the number of votes for any candidate, and in either case the difference affects the result of the election, upon motion of the Board or of any candidate affected, and after due notice to all candidates in the district, the corresponding Court of First Instance shall proceed to determine summarily on the face of the original and copy or copies of the returns whether or not the contradiction or difference is the result of tampering, alteration or falsification of the original or any copy or copies thereof after they had been signed by the Board of Inspectors; and should it so find, it shall direct the Board to use whichever document or documents it finds authentic. Should the Court entertain any doubt as to which document is authentic, or should the contradiction or difference in their contents be an authentic discrepancy, and if there are no visible signs on the key or on the clamp to which the key is attached and/or on the ballot box of an attempt to open the box or replace the key nor signs of welding on any side which would give the court reasonable grounds to believe that the integrity of the ballot box has been violated, it may proceed to recount the votes cast in the precinct for the sole purpose of determining which is the true result of the count of the votes cast in the precinct in question: Provided, however, That if upon opening there are extraneous matters or visible signs of replacement or tampering, the court may not proceed to recount and shall forthwith close and seal the ballot box and deliver the same to the Commission on Elections for safekeeping. Should it be impossible to determine the true result of the count, the court shall instruct the Board that no votes shall be counted from the precinct.

- Correction of Statements. Whenever all the members of the Board of Elections Inspectors certify that they have committed an error or an omission in preparing an election return, on unanimous motion of the Board or of any candidate affected, and upon proof of notice to all candidates in the district, the proper Court of First Instance shall, after verifying the error or omission, proceed to correct the return.

- Effect of Orders in Pre-Proclamation Controversies. The decision made in any of the foregoing proceedings shall not be appealable, but it shall only be enforced five working days after receipt thereof by the Board. It shall not be binding in any election protest that may be filed after the proclamation of the winning candidate.

SEC. 7. Registration of Voters. — The registration of voters in the election of delegates to the Constitutional Convention shall continue to be conducted in accordance with the provisions of Republic Act Numbered Three thousand five hundred and eighty-eight, as amended by Republic Act Numbered Four thousand seven hundred and thirty: Provided, That for purposes of this election, the periods provided therein for special elections shall apply: Provided, further, That thirty days before election day, the Election Registration Board shall start posting in the polling places the corresponding precinct lists of voters and shall continue posting from time to time such supplementary lists as may be necessary to complete the list of voters in each precinct: Provided, finally, That not later than nine days before the day of the election, all Election Registrars shall inform by special delivery or other expeditious means of communication each registered voter in their respective jurisdictions of his precinct number and the exact location of his polling place.

SEC. 8. Prohibited Acts. In addition to and supplementing prohibited acts provided for in the Revised Election Code, in the election of delegates:

- No candidate for delegate to the Convention shall represent or allow himself to be represented as being a candidate of any political party or any other organization, and no political party, political group, political

committee, civic, religious, professional, or other organization or organized group of whatever nature shall intervene in the nomination of any such candidate or in the filing of his certificate of candidacy or give aid or support, directly or indirectly, material or otherwise, favorable to or against his campaign for election: Provided, That this provision shall not apply to the members of the family of a candidate within the fourth civil degree of consanguinity or affinity, nor to the personal campaign staff of the candidate, which shall not be more than one for every ten precincts in his district: Provided, further, That without prejudice to any liability that may be incurred, no permit to hold a public meeting shall be denied on the ground that the provisions of this paragraph may or will be violated: and Provided, finally, That nothing contained herein shall be construed to impair or abridge the freedom of civic, political, religious, professionals, trade organization or organized groups of whatever nature to disseminate information about, or arouse public interest in, the forthcoming Constitutional Convention or to advocate constitutional reforms, programs, policies, or proposals for amendment of the present Constitution, and no prohibition contained herein shall limit or curtail the right of their members, as long as they act individually, to support or oppose any candidate for delegate to the Constitutional Convention.

Likewise, no head of any executive department, bureau or office, official or officer nominated or appointed by the President of the Philippines, head or appointing officer of any government-owned or controlled corporation, shall intervene in the nomination of any such candidate, or in the filing of his certificate of candidacy or give aid or support, directly or indirectly, material or otherwise, in favor of or against his campaign for election.

- It shall be unlawful for any public officer, head, official or appointing officer or body of a government office, agency or instrumentality, including corporations and enterprises owned and/or controlled by the government; or any employer or officer of a commercial, industrial, agricultural, economic or social enterprise, or any private person or private corporation or association; or any head, minister, officer or authority of any religion, religious, fraternal, civic or social organization, directly or indirectly to coerce any of their subordinates, employees, tenants, members, affiliates, parishioners, or followers, as the case may be, to aid, campaign, vote for or against any candidate in the election of delegates to the Constitutional Convention.

The coercion referred to in this section shall include, but shall not be limited to, any of the following acts: (1) To punish or threaten to punish with dismissal, expulsion, ejection, excommunication, transfer, reduction in wage, salary or compensation; (2) to prevent, or unduly interfere with the performance of duty or work, or the exercise of the freedom of worship; and (3) other forms of penalties or reprisal, as the case may be.

- Except upon prior written authority of the Commission after due notice and hearing, it shall be unlawful for any head, official or appointing officer of a government office, agency or instrumentality, whether national or local, including corporations and enterprises owned or controlled by the government, to appoint or hire any new employees, whether provisional, temporary or casual, or to create and fill any new position within forty-five days before the election provided for in this Act.

The Commission shall not grant the authority sought unless it is satisfied that the position to be filled is essential to the proper functioning of the office or agency concerned, and that the position shall not be filled in a manner that may influence the election for delegate.

As an exception to the foregoing provisions, a new employee may be appointed in case of urgent need: Provided, however, That notice of the appointment shall be given to the Commission and to all candidates within the district within three days from the date of the appointment.

Any appointment or hiring in violation of this provision shall be null and void.

- It shall be unlawful for any government official, including barrio officials, within forty-five days before the

election, to release, disburse or expend any funds for:

- Any and all kinds of public works, unless the authority of the Commission on Election is first obtained, which authority shall be given only after due notice and hearing and only for necessary maintenance or repairs for the preservation of existing projects.
- The Department of Social Welfare and any other office in any other department of the government performing functions similar to those of the said department, except for salaries of personnel, and such other routine and normal expenses. Should a calamity or disaster occur, all releases normally or usually coursed through the said departments and offices shall be turned over to and administered and disbursed by the Philippine National Red Cross, subject to the supervision of the Auditor General or his representative, and no candidate or his or her spouse shall be present during the distribution of any relief or other goods to the victims of the calamity or disaster.
- The Presidential Arm on Calamity Development and any other office in any other department of the government performing functions similar to said department, except for salaries of personnel and for such other necessary administrative expenses as the Commission on Elections may previously authorize after due notice and hearing.
- It shall be unlawful during the period of forty-five days before the day of election provided for in this Act:
- For any person (a) to make any reference to releases of public works funds or barrio development funds, (b) to undertake the construction of public works with materials or equipment procured before the forty-five day period, or (c) to make deliveries of materials for public works purchased before the prohibited period, for the purpose, in each of the foregoing cases, of influencing voters;
- For any government official to give or promise to give any increase of salary or remuneration or privileges to any government official or employee, including those in government-owned or controlled corporation; and
- For any government-owned or controlled corporation to give or cause to be given, and/or to contribute or cause to be contributed any sums of money for any charitable, religious, or social cause whatsoever.
- During the period beginning thirty days before the election and ending thirty days thereafter, it shall be unlawful for any member of the Armed Forces of the Philippines, including the Philippine Constabulary, Special Forces, Home Defense Forces, Barrio Self-Defense Units and all other para-military units that now exist or may hereafter be organized, to swear his uniform or bear arms outside the camp, garrison or barracks to which he is assigned or detailed (or outside their homes, in the case of members of home defense forces, barrio self-defense units and other para-military units), unless (1) The President of the Philippines shall have given previous authority therefor, or (2) The Commission on Elections authorizes him to do so, which authority it shall give only when necessary, to assist it in maintaining free, honest and orderly elections, and only after notice and hearing. All personnel of the armed forces authorized by the President or the Commission on Elections 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 black 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.

Nothing in this section shall be construed as in any manner affecting, or constituting an impairment of, the power of the President as Commander-In-Chief of all armed forces of the Philippines.

- It shall be unlawful for any member of the security or police organizations of government departments, commissions, councils, bureaus, offices or government-owned or controlled corporations, or privately-owned or operated security, investigative, protective, or intelligence agencies, to wear his uniform or make use of his

insignias, decorations or regalia, or bear arms, except within the immediate vicinity of his department, commission, council, bureau, office, corporation or agency during the prohibited period as provided in this Act.

- The Commission on Elections shall decide all applications for authority under this section within fifteen days from the date of the filing of such application.

SEC. 9. Arrest of Persons Committing Acts of Terrorism. — Any person who publicly bears arms in violation of Section 878 and 2692 of the Revised Administrative Code, as amended by Commonwealth Act Numbered 56, or publicly makes use of uniforms, or insignias, in violation of Article 179 of the Revised Penal Code, or of Section three of Republic Act Numbered 75 anywhere during the prohibited period as provided in this Act, shall be subject to arrest at the time he is actually committing any of the foregoing acts not only by a peace officer but also by a private person even in the absence of the circumstances provided by Rule 113, Section 6 of the Rules of Court.

Any person who publicly carries a firearm, and actually threatens voters to vote for against any candidate, or not to vote at all, or prevents the Chairman or any member of the Election Registration Board, the Board of Inspectors or the Board of Canvassers, or a duly appointed watcher from freely performing his duties by means of force, violence, coercion, threats and intimidation, shall be guilty of a serious election offense and may likewise be placed under arrest as provided in the preceding paragraph.

Any person making the arrest with legal grounds shall, without unnecessary delay and within the time prescribed in Article 125 of the Revised Penal Code, as amended, take the person arrested to the proper court or judge for such action as it/he may deem proper to take.

SEC. 10. Criminal Liability of Custodians of Illegally Released Prisoners Before and After Election. — The Director of the Bureau of Prisons, the Provincial Warden, the Keeper of the jail and the person or persons who are required by law to keep prisoners in their custody who shall illegally order or allow any prisoner detained in the national penitentiary, provincial, city or municipal jail to leave the premises thereof sixty (60) days before and thirty (30) days after the election for the purpose of terrorizing or intimidating any voter, the Chairman or a member of the Board of Election Inspectors, the Board of Canvassers, or the Election Registration Board, or a duly appointed watcher, shall, if convicted by a competent court, be made to suffer the penalty of prision mayor in its maximum period: Provided, That if the prisoner or prisoners so illegally released thus commits any such act of intimidation, terrorism or interference, then the penalty shall be life imprisonment.

SEC. 11. Vacancy in the Position of Delegate. — Whenever a vacancy occurs in the position of Delegate, the Commission on Elections, upon due certification of the existence of such vacancy and recommendation by the Convention, shall immediately call a special election to fill the vacancy, which election shall be held within thirty days from the date of said call.

Should the vacancy occur before the start of the convention, the Commission on Elections, after verification of the said vacancy, shall call and hold a special election as above provided.

SEC. 12. Regulations of Election Spending and Propaganda. — The following provisions shall govern election spending and propaganda in the election provided for in this Act:

- The Commission on Elections shall construct at least one billboard which shall be known as Comelec billboard as centrally as possible in every city, municipality, municipal district, and barrio of sufficient population density. Such billboard shall be of sufficient size and permanency to allow each candidate in the district adequate space therein to announce his candidacy with such design and with such brief statement of his qualifications and/or views on constitutional reforms as the candidate may desire, subject to space limitations which shall be allocated

by lottery by the Commission equally and impartially among the candidates of the district.

- The franchises of all radio broadcasting and television stations are hereby amended so as to require each such station to furnish to the Commission on Elections, free of charge, during the period of the campaign, at least one but not more than two hours of prime time at least once each week, but not oftener than every other day, which shall be known as Comelec time. The Commission on Elections shall determine, within the limits herein set, how much time is required and shall allocate the Comelec time by lottery equally and impartially among the candidates in the districts within the area of coverage of said radio broadcasting and television stations.

- Outside Comelec billboards and Comelec time any candidate or other person may produce or distribute, or cause to be produced or distributed, for the purpose of furthering or opposing the candidacy of any person, only the following forms of election propaganda:

- Pamphlets, leaflets, cards or other written or printed material of a size not more than eight and one-half inches in width by fourteen inches in length, containing the candidate's picture, activities, special qualifications or his views on the issues of Constitutional Reform or other data relevant to his candidacy; and

- Handwritten or printed letters, urging voters to vote for or against any particular candidate.

- It shall be unlawful for any candidate to avail of the franking privilege, and for any official of the government to use or extend such privilege, for the purpose of furthering or opposing the candidacy of any person as delegate to the Constitutional Convention.

- All other forms of propaganda are prohibited. Accordingly, outside of Comelec billboards, it shall be unlawful to erect, attach, float or display any billboard, streamer, tinplate poster, balloon and the like, of whatever size, shape, form or kind, advertising the name of any candidate; and it shall likewise be unlawful to purchase, produce, request or distribute sample ballots, or electoral propaganda gadgets such as pens, lighters, fans (of whatever nature), flashlights, athletic goods or material, wallets, bandanas, shirts, hats, matches, cigarette, and the like, whether of domestic or foreign origin. Any prohibited election propaganda, propaganda gadgets or advertising may be confiscated or torn down by the Comelec Supervisor upon authority of the Commission on Elections. In no case, however, shall election supervisors or registrars be assigned to a district or districts where they are related to any candidate within the fourth civil degree of consanguinity or affinity. Similarly, apart from Comelec time, it shall be unlawful for any radio broadcasting or television station, moviehouse or theater to show, to display or to give any advertising or propaganda to any candidate; nor may any candidate appear on any interview or program, unless all other candidates in the district are also invited to appear.

- The Commission on Elections shall endeavor to obtain free space from newspapers, magazines and periodicals which shall be known as Comelec Space, and shall allocate this space equally and impartially among all candidates within the areas in which the newspapers are circulated. Outside of said Comelec space, it shall be unlawful to print or publish, or cause to be printed or published, any advertisement, paid comment or paid article in furtherance of or in opposition to the candidacy of any person for delegate, or mentioning the name of any candidate and the fact of his candidacy, unless all the names of all other candidates in the district in which the candidate mentioned is running are also mentioned with equal prominence.

- All candidates and all other persons making or receiving expenditures, contributions or donations which in their totality exceed fifty pesos, in order to further or oppose the candidacy of any candidate, shall file a statement of all such expenditures and contributions made or received on such dates and with such details as the Commission on Elections shall prescribe by rules. The total expenditures made by a candidate, or by any other person with the knowledge and consent of the candidate, shall not exceed thirty-two thousand pesos.

- Nothing in this section shall preclude news coverage by the mass media of significant and newsworthy events, views, public meetings or rallies involving any candidate in any news program, newsreel, newspaper, magazine, or other periodical: Provided, That it shall be unlawful for any radio broadcasting and television station to schedule any program or permit any sponsor to manifestly favor or oppose any candidate by unduly referring to him or including him in its programs or newscast.

SEC. 13. Who May Convene. — The Chairman of the Commission on Elections shall take charge of all arrangements for the convening of the Constitutional Convention. The President of the Senate and the Speaker of the House of Representatives shall jointly preside at its opening session. The Convention shall meet in the session hall of three House of Representatives on June first, nineteen hundred and seventy-one at ten o'clock in the morning. Thereafter, the Convention may in its discretion hold its session at any other place within the Republic of the Philippines. Unless the Convention provides otherwise, a majority of all its members shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. The Convention shall be the sole judge of the election, returns, and qualifications of its members and it may organize and adopt such rules as it may see fit.

SEC. 14. Administration and Technical Assistance. — All government entities, agencies and instrumentalities, including the Senate and House of Representatives, shall place at the disposal of the Convention such personnel, premises, and furniture thereof as can, in their judgment, be spared without detriment to the public service, without cost, refund or additional pay.

SEC. 15. Parliamentary Immunity. — The laws relative to parliamentary immunity of the Members of Congress shall be applicable to the delegates to the Constitutional Convention, and the penalties imposed in Articles one hundred forty-three, one hundred forty-four and one hundred forty-five of the Revised Penal Code, as amended, for offenses defined therein against the Congress of the Philippines, its committees or subcommittees, or its Members shall likewise apply if such offenses are committed against the Constitutional Convention, its committees or subcommittees, or the delegates thereto.

SEC. 16. Per diems and Traveling Expenses of Delegates. — Each delegate shall be entitled to a per diem of one hundred pesos for every day of attendance in the Convention or any of its committees and to the necessary traveling expenses to and from his residence when attending the sessions of the Convention or of its committees.

SEC. 17. Powers of the Commission on Elections. — The Commission on Election shall, in addition to the powers and functions conferred upon it by the Constitution and the Revised Election Code, as amended, have the following powers:

- To promulgate rules and regulations to carry out the provisions of this Act within thirty days after its approval:
- To require all law-enforcement agencies and instrumentalities of the government and authorize ROTC Cadets to act as deputies for the purpose of insuring a free, orderly and honest election;
- To execute its decisions, directives, orders and instructions on any matter affecting the conduct of the election of delegates to the Constitutional Convention; and, in the implementation thereof, the same decisions, directives, orders and instructions shall have precedence over those emanating from any other authority except the Supreme Court, and those issued in habeas corpus proceedings:
- By unanimous vote of the members, postpone the election in any political division or subdivision when it shall find, after due notice to all candidates concerned and proper hearing, that the holding of a free, orderly and honest election therein is rendered impossible by reason or reasons of fraud, violence, coercion, terrorism, or any other serious cause or causes. The Commission shall immediately call for the holding of a special election in said

political division or subdivision when in its judgment the conditions therein warrant the holding of the same.

- Whenever the Commission determines, after notice and hearing, that no voting has been held or that voting has been suspended before the hour fixed by law for the closing of the voting in any precinct or precincts because of force majeure, violence or terrorism, and the votes not cast therein are sufficient to affect the results of the election, the Commission may call for the holding or continuation of the election in the precinct or precincts concerned. Pending such call, no candidate whose election may be affected by the holding or continuation of the election, shall be proclaimed elected.

- The Chairman and members of the Commission on Elections, being in charge of enforcing this law and exercising quasi-judicial functions, aside from being subject to the prohibitions provided under the last paragraph of Section 8 (A) of this Act, shall also be subject to the Canons of Judicial Ethics.

No member of the Commission on Elections, including the Chairman, shall sit in any case arising under this Act in which he has manifested or harbored bias, prejudice, or antagonism against any party to the case, or in any case in which he would be disqualified under Rule 137 of the Rules of Court.

SEC. 18. Penalty Clause. A violation of any of the provisions of this Act shall be considered a serious election offense carrying a penalty of imprisonment of not less than one year and one day but not more than five years.

The offender shall be further sentenced to suffer disqualifications to hold any public office and deprivation of the rights of suffrage for not less than one year but not more than nine years; and, if he is a foreigner, he shall be deported immediately after service of his prison term. Should the violation be committed by a political party or any organized group hereinbefore prohibited, the individuals who induced, ordered, directly participated, or indispensably cooperated in the commission of the same shall be equally liable, and shall suffer the penalties herein provided.

SEC. 19. Petition for Declaratory Relief. — Any natural or juridical person whose rights are affected by any provision of this Act, may, before breach or violation thereof, bring an action to determine any question of construction, validity or constitutionality arising under this Act and for a declaration of his rights or duties thereunder.

In any action involving the construction, validity or constitutionality of any provision under this Act, the Solicitor General shall be notified by the party contesting such provision and shall be entitled to be heard upon such question.

The petition shall be filed with the Supreme Court and shall be given precedence over any other civil business pending therein.

SEC. 20. Appropriation. There is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, the sum of seventeen million pesos for the holding of the election of delegates to the Constitutional Convention which shall upon request, be made immediately available to the Commission on Elections only for purposes of this Act and twelve million pesos for the expenses of said convention.

SEC. 21. 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 to any person group or circumstance, is declared invalid or unconstitutional, the remainder of the Act or the application of such provision to other persons, group or circumstances shall not be affected by such declaration.

SEC. 22. Repealing Clause. Republic Act Numbered 4914, and all other laws, rules, regulations, or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly for purposes of the

election of delegates as herein provided.

SEC. 23. This Act take effect upon its approval.

Approved: August 24, 1970

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