

AN ACT CONSTITUTING AN INDEPENDENT PRESIDENTIAL ELECTORAL TRIBUNAL TO TRY, HEAR AND DECIDE ELECTION CONTESTS IN THE OFFICE OF PRESIDENT AND VICE-PRESIDENT OF THE PHILIPPINES, AP...

BATAS PAMBANSA BLG. 884, December 03, 1985

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Be it enacted by the Batasang Pambansa in session assembled:

SECTION 1. There shall be an independent Presidential Electoral Tribunal, hereinafter referred to as the Tribunal, to be composed of nine members which shall be the sole judge of all contests relating to the election, returns and qualifications of the President and the Vice-President of the Philippines. It shall be composed of nine members, three of whom shall be the Chief Justice of the Supreme Court and two other justices to be designated by the Chief Justice, and the remaining six shall be chosen as follows: three to be nominated by the majority party from among its Members in the Batasang Pambansa, and three to be nominated by the minority party from among its Members. The Chief Justice of the Supreme Court shall be its Chairman.

Any vacancy in the Tribunal shall be filled by nomination by the Chief Justice, the majority party or the minority party in the Batasang Pambansa, as the case may be.

SEC. 2. The oath of office of the members of the Tribunal shall be administered by the Chief Justice of the Supreme Court not later than fifteen days prior to the scheduled date of any presidential and vice-presidential elections. The Chief Justice of the Supreme Court, who shall be the Chairman, shall take his oath of office before the Speaker of the Batasang Pambansa.

SEC. 3. Five members of the Tribunal shall constitute a quorum to do business. Unless otherwise specifically provided herein, it may provide its own rules and regulations concerning the procedure in the filing and hearing of such contests filed before it. The Tribunal shall hear and decide en banc all presidential and vice-presidential election contests brought under this Act, and the concurrence of at least five members of the Tribunal shall be necessary for a final decision thereon.

SEC. 4. The Tribunal must decide the contest within twelve months after it is filed. In case of a tie between the candidates for President and/or for Vice-President involved in the contest, the Tribunal shall notify the Batasang Pambansa of such fact, in which case the President or Vice-President, as the case may be, shall be chosen by a vote of a majority of all the Members of the Batasang Pambansa in session assembled.

The promulgation of the judgment shall be made on a date previously fixed, notice of which shall be served in advance upon the parties or their attorneys, personally or by special registered mail or by telegram. No motion shall be entertained for the opening of a case but only for the reconsideration of a decision based on the evidence already of record. No party may file more than one motion for reconsideration, copy of which shall be served upon the adverse party who shall answer it within five days after the receipt thereof. Any petition for reconsideration must be resolved within ten days after it is submitted for resolution. As soon as a decision becomes final, a copy thereof shall be furnished the Batasang Pambansa through the Speaker, and the

Commission on Elections through its Chairman, in addition to the copies for the contestants or their attorneys.

SEC. 5. In case the protestant is declared the winner, he shall assume office by taking his oath in accordance with the Constitution as soon as the judgment has become final.

SEC. 6. The Tribunal shall have a Clerk of the Tribunal who shall be appointed by it in accordance with its rules, and such other subordinate officers and employees as may be necessary for the efficient performance of its functions and duties shall be designated by the Tribunal from the judiciary and other offices of the government.

SEC. 7. Any registered candidate for President or for Vice-President of the Philippines who received the second and third highest number of votes may contest the election of the President or the Vice-President, as the case may be, by filing a verified petition of contest with the Clerk of the Tribunal within thirty days after the proclamation of the result of the election of a purported winner.

SEC. 8. The Tribunal shall have and exercise the same powers which, the law confers upon the courts of justice, including the issuance of subpoena, subpoena duces tecum, the taking of depositions, the arrest of witnesses for the purpose of compelling their appearance, the production of documents and other evidence, and the compulsory compliance with its orders.

SEC. 9. The Tribunal shall have the power to recommend the immediate prosecution of persons, either public officers or private individuals, who in its opinion appear to have participated in any irregularity connected with the canvassing and/or accomplishing of election returns, including but not limited to the forging or falsification of advance report of election returns, tampering in any manner with the election returns, failure to affix the required signatures and thumbmarks by any member or members of the board of election inspectors or board of canvassers, or unnecessary delay in the sending or transmission of any election returns or paraphernalia used in the election, or in the transport and safekeeping of ballot boxes. The Tribunal shall be empowered to store or deposit ballot boxes, election returns and all other election paraphernalia in a safe and secure place under guard by appropriate deputies appointed by the Tribunal, and, upon formal request by the contestants or their attorneys, the latter shall likewise be authorized to post their own guards thereat.

The Tribunal or any of its duly authorized members shall have the power to punish for contempt, as provided for in Rule 71 of the Revised Rules of Court, under the same procedure and with the same penalties provided therein and exercised by superior courts.

The telegrams, correspondence and other communications of the Tribunal shall be transmitted without delay and free of charge.

SEC. 10. To carry out the purposes of this Act, the amount of five million pesos shall be appropriated out of any unappropriated funds in the national treasury or from the Special Activities Funds as provided for in the 1986 and subsequent General Appropriations Acts intended for organizational purposes. The amount so provided shall be utilized for office space, furniture, fixtures, and equipment, personal services and other relevant operating costs, including for transport of ballot boxes and other paraphernalia, storage and security thereof.

Should the actual expenses of the Tribunal exceed the appropriations herein provided, the contestant shall be required to file a bond as required by the Tribunal pursuant to its rules and regulations to answer for the expenses that may be incurred by the Tribunal in connection with the contest or counter-contest.

SEC. 11. This Act shall take effect upon its approval.

Approved, December 3, 1985.

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