

AN ACT TO PROVIDE FOR THE NEXT ELECTION FOR PRESIDENT AND VICE-PRESIDENT OF THE PHILIPPINES, SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES, AND APPROPRIATING THE NECESSAR...

Commonwealth Act No. 725, January 05, 1946

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

SECTION 1. The next election for President and Vice President of the Philippines, Senators and Members of the House of Representatives, shall be held on Tuesday, April twenty-three, nineteen hundred and forty-six, in accordance with the provisions of this Act and of Commonwealth Act Numbered Three hundred and fifty-seven, otherwise known as the Election Code, and Commonwealth Act Numbered Six hundred and fifty-seven, entitled "An Act to Reorganize the Commission on Elections", in so far as they may be applicable and are not in conflict with the provisions hereof.

The term "national offices" used in the Election Code shall be understood to refer to the offices of President and Vice-President of the Philippines, Senator and Member of the House of Representatives; the term "Members of the National Assembly" used in the same Code shall be understood to refer to the Members of the House of Representatives, and the term "Secretary of the Interior" used in the same Code shall be understood to refer to the Commission on Elections.

SEC. 2. At least seventy days immediately prior to the day of the election, the certificates of candidacy for said election, in quadruplicate, subscribed and sworn to by the candidates themselves, shall be filed with the Commission on Elections, which shall immediately send copies of said certificates of candidacy to the Secretary of the Senate and the Secretary of the House of Representatives, and to the provincial or city treasurers of each province or city where the election shall be held who in turn must send immediately said copies to the board of election inspectors. The Commission on Elections, upon receipt of said certificates of candidacy, shall communicate the names of said candidates by telegraph or radiogram to the corresponding provincial city treasurer, who in turn must transmit the same immediately to the boards of elections inspectors within his jurisdiction. If the certificate of candidacy is sent by mail, it shall be by registered mail, and the date on which the envelope containing the certificate was deposited in the post office may be considered as the filing date of such certificate of candidacy. However, in case the post office wherein this envelope was deposited does not have registered mail facilities, the postmaster shall accept said envelope as ordinary mail, show the date on which it was deposited on the envelope, and in addition swear to a statement showing that he had received the said envelope on the same date, which date shall be considered as the filing date of such certificate of candidacy. In the absence of a postmaster, the duties pertaining to him shall be performed by the municipal treasurer.

The certificate of candidacy of a candidate who has been nominated by a political party as its official candidate may be filed by said political party without the signature or the oath of the candidate: Provided, That a political party having nominated candidates shall file with the Commission on Elections a certificate of such nominations subscribed and sworn to by the president and secretary of the corresponding political party.

In case two or more certificates of candidacy for different offices are filed by different political parties in favor of the same candidate, the certificate of candidacy filed by the party to which said candidate belongs shall prevail unless the candidate concerned shall decide otherwise. If a candidate who files his own certificate of candidacy for one office is also nominated by one or more political parties for other offices, the certificate filed by the candidate himself shall prevail. A person occupying any civil office by appointment in the government or any of its political subdivisions or agencies or government-owned or controlled corporations, whether such office be appointive or elective, shall be considered to have resigned from such office from the moment of the filing of such certificate of candidacy.

SEC. 3. There shall be in each city or municipality a new list of voters wherein shall be registered electors who possess the qualifications prescribed by section ninety-three of the Election Code, and who are not disqualified under section ninety-four of the same Code. In order that a qualified elector may vote on the day of the election, it is necessary that his name shall appear in the new registry list: Provider, however, That the presentation of the residence certificate of voters shall not be required, nor shall documentary stamps be affixed in the voters' affidavits or on any other document required by the board of inspectors.

SEC. 4. The board of election inspectors of each precinct shall hold four meetings in the place designated as polling place on the seventh Friday, seventh Saturday, sixth Friday, and sixth Saturday next preceding the date of election which days are declared official holidays. In these meetings, the board shall prepare as provided in the Election Code eight copies of the list of voters of the precinct wherein it shall register the qualified electors applying for registration. The board shall also meet on the second Saturday immediately preceding the day of the election for the purpose of making such inclusions, exclusions, and corrections as may be ordered by the courts, stating opposite every name so corrected, added or cancelled, the date of the order and the court which issued the same, and for the consecutive numbering of voters of the election precinct.

SEC.5. Officers and enlisted men of the Philippine Army or of the Military Police, who possess the necessary qualifications and who are not otherwise disqualified, except officers and enlisted men of the permanent regular army of the Philippines organized under the laws of the Philippines and officers and enlisted men that form part of the regular army of the United States in the Philippines, may vote in this election.

SEC. 6. The ballots which shall be used in this election shall be prepared in accordance with Article VIII of the Election Code except that their size shall be one hundred and twenty millimeters wide and three hundred and fifty millimeters long exclusive of the stub and the coupon containing the detachable number of the ballots. The ballots shall be folded twice toward the bottom so that they shall, when folded, be about ninety by one hundred and twenty millimeters, with the entire coupon and its detachable number visible: Provide, however, That the space intended for member of the House of Representatives shall follow immediately that corresponding to Vice-President.

SEC. 7. After each day of registration of voters and before leaving the polling place, the board of inspectors shall issue a certificate of the total number of registered voters; and after the announcement of the result of the canvass and before leaving the polling place, the board of inspectors shall issue a certificate of the number of votes that each candidate had obtained in the election. Said number shall be written in words and not in figures. Copies of such certificates duly signed by all the members of the members of the board, including the poll clerk, shall be furnished to all watchers present.

An inspector who fails or refuses to issue the above mentioned certificate, or refuses to furnish a copy thereof to any watcher, or states any incorrect number of votes in favor of any candidate, shall be punished by imprisonment of not less than one year and one day nor more than five years, and shall be disqualified to hold any public office

and to exercise the right of suffrage for a period of not less than one year nor more than nine years.

SEC. 8. One inspector and his substitute and the poll clerk of the board and his substitute, the latter two shall be public school teachers, shall be appointed upon the recommendation of the party which received the largest number of votes in the last national elections; one inspector and his substitute shall be recommended by the party that polled the next largest number of number of votes in the last national elections if such party had obtained not less than ten per cent of votes cast in such elections; and the third inspector and his substitute shall be chosen by the Commission on Elections and the said inspector or his substitute, who shall be public school teachers, shall preside over the board: Provided, That should the majority party be divided into two factions of national character with candidates for President, Vice-President and Senators, each faction shall have one inspector and his substitute, and, in such case, the Commission on Elections shall name one additional inspector and one substitute who shall be public school teachers. The latter inspector shall preside over the board. In case of a tie in the board, the poll clerk shall vote.

SEC. 9. The provincial board of canvassers shall be composed of the provincial treasurer, the provincial auditor, and the division superintendent of schools. In Manila and other chartered cities it shall be composed of the city treasurer, the city fiscal and the city superintendent of schools.

SEC. 10. The provincial or city board of canvassers shall meet as soon as possible but not later than fifteen days next following the day of the election to canvass the votes cast in the province or city, and upon the completion of the canvass, shall make, as the case may be, a statement of all the votes received by each candidate for the offices of President and Vice-President, another statement of all the votes cast for the office of Senator, and another statement of all the votes cast for the office of Member of the House of Representatives for each legislative district. Upon the completion of the statements, the board shall, with respect to the election of the Member of the House of Representatives, proclaim elected the registered candidate for each legislative district who received the largest number of votes therein; but in case two or more candidates of the same district shall receive the same largest number of votes, the board shall proceed in accordance with section one hundred sixty of the Election Code.

With respect to the election of President, Vice-President and Senators, the board shall merely state and certify the number of votes polled by the candidates for said offices and shall forthwith send by registered mail the statement of votes for Senators to the Commission on Elections and the statement for President and Vice-President to the President of the Senate thru the Commission on Elections. Copies of the statement of the results of the election shall be made and signed by the members of the provincial or city board of canvassers and sealed with the seal of the province or city government. A copy of such statement shall be filed by the provincial or city treasurer in his office, and he shall send immediately by registered mail a copy thereof to the following: the Commission on Elections; the Secretaries of both Houses of Congress; and to each of the respective candidates who received the largest number of votes in the province or city.

SEC. 11. The Commission on Elections shall canvass the results for Senators as soon as the statements are received from every province and city but not later than May twenty, nineteen hundred and forty-six. The sixteen registered candidates who obtained the largest number of votes for the office of Senator shall be proclaimed elected. In case it shall appear from the results of the canvass of the votes for Senators that two or more candidates have received the same number of votes for the sixteenth place, the Commission on Elections, after recording this fact in the corresponding statement, shall, upon three days notice to all the tied candidates so that they or their duly authorized representatives may be present if they so desire, hold another public session at which they shall proceed to the drawing of lots of the candidates who have tied and shall proclaim the candidate who may be favored by luck. The candidate so proclaimed shall have the right to assume office in the same manner as if he

had been elected by plurality vote. The Commission on Elections shall forthwith make a statement of the procedure followed in the drawing of lots, of its result, and of the subsequent proclamation. Certified copies of said statement shall be sent by registered mail to the Secretary of the Senate and to each of the tied candidates.

SEC. 12. The candidates for Member of the House of Representatives and those for Senator who have been proclaimed elected by the respective Board of Canvassers and the Commission on Elections shall assume office and shall hold regular session for the year nineteen hundred and forty-six on May twenty-five, nineteen hundred and forty-six. Within thirty-five days after the election has been held, both Houses of Congress shall meet in session and shall publicly count the votes cast for the officers of President and Vice-President, in accordance with Article VII, section two of the Constitution. The persons respectively having the largest number of votes for President and Vice-President shall be declared elected; but in case two or more candidates shall have an equal and largest number of votes for either office, one of them shall be chosen President or Vice-President, as the case may be, by a majority vote of the Members of Congress in joint session assembled.

SEC. 13. The President and Vice-President elected in accordance with this Act shall qualify and assume office on May twenty-eight, nineteen hundred and forty-six and their terms of office shall end at noon on the thirtieth day of December, nineteen hundred and forty-nine.

The term of office for the sixteen Senators elected under this Act shall begin on the day of their election. The term of the eight Senators who received the largest number of votes shall end on December twenty-nine, nineteen hundred and fifty-one, and that of the other eight Senators who obtained the next largest number of votes shall end on December twenty-nine, nineteen hundred and forty-nine. In case of a tie for the eighth place, the procedure established in section eleven shall be followed by the Senate.

The term of office of the Members of the House of Representatives elected under this Act shall begin on the day of their election and shall end on December twenty-nine, nineteen hundred and forty-nine.

SEC. 14. Every member of the board of election inspectors and poll clerk shall be entitled to a per diem of ten pesos for each day of actual service in the meetings of the board and for the day of the election they shall receive two days' per diem.

Any government employee appointed by the Commission on Elections as member of the board of inspectors or poll clerk shall, in addition to his salary, receive five pesos per diem for each day of actual service rendered in the board and on the day of the election shall receive two days' per diem.

For his services rendered during the holding of the election, the municipal treasurer shall, in addition to his salary, receive a compensation equal to the salary of an inspector on the day of the election.

SEC. 15. The sum appropriated in Commonwealth Act Numbered Seven hundred and twenty-three for the holding of the election provided for in this Act is hereby made available to defray expenses in connection therewith: Provided, That any amount of the expenditure necessary for the holding of said election in excess of the sum therein appropriated shall be advanced from any fund in the Philippine Treasury to be reimbursed in equal installments which shall be provided in later general appropriations acts.

SEC. 16. This Act shall take effect upon its approval, and shall govern only the election to be held for President, Vice-President, Senators, and Members of the House of Representatives on April twenty-three, nineteen hundred and forty-six.

Approved, January 5, 1946.

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