

ELECTION CODE OF 1971

REPUBLIC ACT NO. 6388, September 02, 1971

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

ARTICLE I.— General Provisions

SECTION 1. Title.—This Act shall be known and cited as the Election Code of 1971.

SEC. 2. Applicability of this Act.—All elections of public officers except barrio officials and plebiscites shall be conducted in the manner provided by this Code.

SEC. 3. Powers of the Commission on Elections.—The Commission on Elections, which hereinafter shall be referred to as the Commission, shall, in addition to the powers and functions conferred upon it by the Constitution, have the following powers and functions:

- Direct and immediate supervision and control over national, provincial, city, municipal and municipal district officials required by law to perform duties relative to the conduct of elections on matters pertaining to the enforcement of the provisions of this Code, including members ;of any national or local law enforcement agency and instrumentality of the Government. In addition, it may authorize ROTC cadets eighteen years of age or above to act as its deputies for the same purpose.

The Commission may relieve any officer referred to in the preceding paragraph from the performance of his duties relating to elections who violates the election law or fails to comply with its instructions, orders, decisions or rulings consistent with the provisions of this Act; and appoint his substitute. Upon recommendation of the Commission, the President of the Philippines or the corresponding proper authority, shall suspend or remove from office any or all of such officers who may after due process be found guilty of such violation or failure,

- Promulgate rules and regulations implementing the provisions of this Code.

Rules and regulations promulgated by the Commission to implement the provisions of this Act shall take effect on the sixteenth day after publication in at least two daily newspapers of general circulation. Special orders and directives issued pursuant to said rules and regulations shall take effect immediately upon receipt. In case of conflict between rules, regulations, special orders or directives of the Commission in the exercise of its powers granted in this Code and those issued by any other officer or agency of the Government concerning the same matter relative to elections, the former shall prevail.

- To enforce and execute its decisions, directives, orders and instructions on any matter affecting the conduct of elections. For this purpose, 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.

- To make changes in the composition, distribution and assignment of its field offices as well as their personnel whenever the interest of free, orderly and honest elections so require: Provided, That such changes shall be effective and enforceable only for the duration of the election period concerned and shall not affect the tenure of

office of the incumbents of positions affected and shall not constitute a demotion, either in rank or salary, nor result in a change of status: And provided, further, That in no case shall election supervisors be assigned to a province or registrars to a city, municipality or municipal district, where they are related to any candidate or his spouse within the fourth civil degree of consanguinity or affinity.

- To prescribe the use or adoption of the latest technological and electronic devices, taking into account the situation prevailing in the area and the funds available for the purpose.

- To carry out a continuing campaign to educate the public and fully inform the electorate on election laws, procedures, decisions, and other matters relative to the work and duties of the Commission and the necessity for clean, free, orderly and honest elections.

SEC. 4. Election Period.—The election period for purposes of this Code shall commence on the one hundred fiftieth day before an election involving a public office voted for at large and on the one hundred twentieth day before an election involving any other office and shall end on the day of the election.

SEC. 5. Organization of the Commission on Elections.—The Commission shall adopt its own rules of procedure. Two members of the Commission shall constitute a quorum. The concurrence of two members shall be necessary for the pronouncement or issuance of a decision, order or ruling.

The Commission shall have an executive officer and such other subordinate officers and employees as may be necessary for the efficient performance of its functions and duties, all of whom shall be appointed by the Commission in accordance with the Civil Service Law and rules.

The executive officer of the Commission, under the direction of the Chairman, shall have charge of the administrative business of the Commission, shall have the power to administer oaths in connection with all matters involving the business of the Commission, and shall perform such other duties as may be required of him by the Commission.

SEC. 6. Power of the Commission to investigate and to Hear Controversy and Issue Subpoena.—The Commission or any of the members thereof shall, in compliance with the requirement of due process, have the power to summon the parties to a controversy pending before it issue subpoenae and subpoenae duces tecum and otherwise take testimony in any investigation or hearing pending before it, and delegate such power to any officer of the Commission who shall be a member of the Philippine Bar. In case of failure of a witness to attend, the Commission, upon proof of service of the subpoenae to said witness, may issue a warrant to arrest the witness and bring him before the Commission or officer before whom his attendance is required. The Commission shall have the power to punish contempts provided for in the Rules of Court under the same procedure and with the same penalties provided therein. Any controversy submitted to the Commission shall after compliance with the requirements of due process be heard and decided by it within thirty days after submission of the case.

The Commission may, when it so requires, deputize any member of any national or local law enforcement agency and/or instrumentality of the government to execute under its direct and immediate supervision any of its final decisions, orders, instructions or rulings.

Any decision, order or ruling of the Commission on election controversies may be reviewed by the Supreme Court by writ of certiorari in accordance with the Rules of Court or such applicable laws as may be enacted.

Any violation of any final executory decision, order or ruling of the Commission shall constitute contempt thereof.

SEC. 7. Disqualification of Members of the Commission.—The Chairman and Members of the Commission shall

be subject to the canons of judicial ethics in the discharge of their functions.

No Chairman or member of the Commission shall sit in any case in which he has manifested or harbored bias, prejudice or antagonism against any party thereto and in connection therewith, or in any case in which he would be disqualified under the Rules of Court. If it be claimed that the Chairman or a member of the Commission is disqualified from sitting as above provided, the party objecting to his competency may, in writing, file his objection with the Commission stating the grounds therefor. The official shall continue to participate in the hearing or withdraw therefrom, in accordance with his determination of the question of his disqualification. The decision shall forthwith be made in writing and filed with the other papers in the case, in accordance with the Rules of Court. In the event of disqualification of any member he shall be substituted by a Justice of the Court of Appeals who shall be designated by the Presiding Justice thereof upon request of the Commission.

SEC. 8. Regular Elections for National Offices.—

- On the second Monday of November, nineteen hundred and seventy-three and on the same day every four years thereafter, the President and the Vice-President of the Philippines shall be elected. The President-elect and the Vice-President-elect shall assume office at twelve o'clock noon on the thirtieth day of December.

- On the second Monday of November, nineteen hundred and seventy-one, and on the same day every two years thereafter, a regular election shall be held to elect eight Senators. The term of office of those elected shall commence on the thirtieth day of December and terminate six years thereafter.

- On the second Monday of November, nineteen hundred and seventy-three and on the same day every four years thereafter, a regular election shall be held to elect the Members of the House of Representatives. The term of office of those elected shall commence on the thirtieth day of December and terminate four years thereafter.

SEC. 9. Regular Elections for Provincial, Sub-provincial, City, Municipal and Municipal District Offices.— On the second Monday of November, nineteen hundred and seventy-one and on the same day every four years thereafter, a regular election shall be held to elect the officials who will occupy all elective provincial, sub-provincial, city, municipal and municipal district offices throughout the Philippines. After the elections of nineteen hundred and seventy-one, only qualified voters in the municipalities of the province in which they are located can vote for elective officials of the province, except those in cities where the governing body consists of the governor and the provincial board of the province. The officials elected shall assume office on the first day of January next following and shall hold office for four years and until their successors shall have been elected and qualified, unless the provisions of the second paragraph of Section seventeen hereof apply.

SEC. 10. Postponement of Election.— When for any serious cause such as violence, terrorism, loss or destruction of election paraphernalia or records, force majeure, and other analogous causes of such a nature that the holding of a free, orderly and honest election should become impossible in any precinct or precincts or political division or subdivision, the Commission, upon a verified petition and after due notice and hearing, shall postpone the election therein for such time as it may deem necessary: Provided, however, That such postponement of the election shall not be effective unless confirmed by the Supreme Court. For this purpose, the Commission shall immediately certify to the Supreme Court its resolution for review, transmitting with it the pertinent records of the proceedings.

SEC. 11. Failure of Election.— If, on account of force majeure, violence, terrorism, or fraud the election in any precinct or precincts has not been held on the date herein fixed or has been suspended before the hour fixed by law for the closing of the voting and such failure or suspension of election in any precinct or precincts would alter the result of the election for any office to be voted in said election, the Commission may, on the basis of a verified

petition and after due notice and hearing, call for the holding or continuation of the election on a date reasonably close to the date of the election not held or suspended: Provided, however, That the holding or continuation of the election on the date fixed by the Commission shall not be effective unless confirmed by the Supreme Court. For this purpose the Commission shall immediately certify to the Supreme Court its resolution for review, transmitting with it the pertinent records of the proceedings.

SEC. 12. Designation of other dates for certain pre-election acts.—If, on account of insurmountable difficulties, the division into election precincts, the designation of polling places, the appointment of members of the board of election inspectors, or the registration of voters or other pre-election acts should not be effected in any place on the dates herein fixed, the Commission shall fix another date in order that the omission may be remedied and the voters in such place may not be deprived of the right of suffrage.

SEC. 13. Filling of elective offices in newly created or newly classified provinces, sub-provinces, cities, municipalities or municipal districts.—Newly created elective offices and elective offices in any newly created or newly classified Province, sub-province, city, municipality or municipal district shall be filled in the next following regular presidential or local election, as the case may be.

SEC. 14. Right of suffrage incident to territorial changes.—When a territory is merged with a city, municipality, municipal district or with another province or sub-province, its inhabitants acquire the right to participate in the election of public officers to the same extent as the inhabitants of the city, municipality, municipal district or province with which it has been merged.

SEC. 15. Vacancies in the offices of President and Vice-President—When neither the President-elect nor the Vice-President-elect shall have qualified, or in the event of the removal, death or resignation of both the President and the Vice-President, or of the inability of both of them to discharge the powers and duties of the office of President, the President of the Senate, or if there be none, or in the event of his removal, death, resignation, or of his inability to act as President, the Speaker of the House of Representatives, or if there be none, or in the event of his removal, death, resignation, or of his inability to act as President, the Senator or Representative elected by the members of the Congress in joint session shall act as President of the Philippines until the President or President-elect or the Vice-President or Vice-President elect shall have qualified, or until their disability shall be removed, or a President shall have been elected and shall have qualified.

In case of permanent vacancy in the offices of President and Vice-President, the Congress shall determine by joint resolution whether or not a special election shall be held to elect a President and a Vice-President or only a President. In the affirmative case, the date on which the special election is to be held shall be fixed in the resolution and the Commission shall accordingly issue the proclamation in accordance with Section eighteen hereof. The Congress shall convene in special joint session to proclaim the President and Vice-president elected as soon as all the certificates of election returns from the provincial and city boards of canvassers are received by the President of the Senate, but not later than thirty days after election day. The officers elected shall qualify a twelve o'clock in the morning of the day next following the date of their proclamation by the Congress and shall hold office until their successors, elected at the next regular election, shall qualify.

SEC. 16. Vacancy in the Congress.—Whenever a vacancy in the Congress occurs at least ten months before the next regular election of the Members of Congress whose office is vacant, the President, as soon as he is notified by the House where the vacancy occurred of the existence of such vacancy, shall call a special election to fill said vacancy. In case the vacancy is caused by the death of a Member against whom there is no pending protest while the Congress is not in session, the certification of the Presiding Officer of the House where the vacancy occurred of the existence of such vacancy shall be sufficient basis for the President of the Philippines to call such special

election.

SEC. 17. Vacancy in elective provincial, sub-provincial, city, municipal or municipal district office.—In case of permanent vacancy in a provincial, sub-provincial, city, municipal or municipal district office, the officer next in rank shall assume the vacant office for the unexpired term: Provided, That such officer meets all the requirements for the office.

Should the local officer-elect die before assumption of office or fail to qualify, the officer-elect next in rank shall assume said office, but in the latter case he shall hold office only until the officer-elect qualifies.

In the event of temporary incapacity of a local officer to perform the duties of his office on account of effective absence, sickness, suspension or any other temporary incapacity, the officer next in rank shall perform the duties and exercise the powers of the officer temporarily incapacitated, except the power to appoint, suspend or dismiss employees: Provided, That in the event said temporary capacity or disability exceeds six months, the official assuming said office shall exercise all the prerogatives and powers appurtenant thereto.

Succeeding vacancies occurring as a consequence of the succession of the officer next in rank shall likewise be filled by their corresponding officers next in rank. If for some reason, the officer next in rank is incapacitated from assuming the office or refuses to assume said office, the officer next in rank to him shall assume the vacant office.

In case of vacancies occurring in the lowest rank in the office or board or council member, said vacancy shall be filled by appointment upon recommendation of the political party of the board or council member who caused the first vacancy which gave rise to the last vacancy through succession by rank: Provided, That said appointee meets all the qualifications for the office.

For purposes of this section, the ranking among local officers shall be as follows: governor, vice-governor, and members of the provincial board, in case of provinces: mayor, vice-mayor, and councilors, in case of cities, municipalities and municipal districts: Provided, That among the board or council members, the ranking shall be based on the number of votes or proportion of votes obtained in the next preceding local elections: Provided, further, That in case of a tie, the provisions of this Code thereon shall apply.

The person filling a temporary vacancy in accordance with this section shall hold the same until the permanent officer concerned assumes office, and in case of permanent vacancy or special election, for the unexpired term of the office.

SEC. 18. Call of special elections.—Special elections shall be called by the Commission by proclamation on a date which shall not be earlier than thirty days nor later than ninety days from the date of the proclamation, which shall specify the offices to be voted for, state that it is for the purpose of filling a vacancy or a newly created elective position, as the case may be. The Commission shall send copies of the proclamation, in numbers sufficient for due distribution and publication, to the provincial or city treasurer concerned, who in turn shall publish it in their respective localities, by posting at least three copies thereof in conspicuous places in each of their election precincts, and a copy in each of the polling places and public markets, and in the municipal building.

SEC. 19. Posting and translation of Election Code.— A printed copy of this Code in English or Spanish and in the national language, and, whenever possible, in the local dialect shall be posted conspicuously in every polling place on election day, in order that it may be readily consulted by any person offering to register or vote.

The translation of this Code into the national language and into the local dialects shall be made by the Institute of National Language.

SEC. 20. Expenses of elections.—

- All election expenses shall be subject to the approval of the Commission and shall be advanced by the provincial, sub-provincial, city, municipal, and municipal district treasurer concerned and shall be charged against the branch of the Government for which the election was held, and, if held for more than one branch, against the corresponding branches of the Government, in equal parts. For this purpose, the provincial board and city, municipal and municipal district councils shall appropriate an amount every year equivalent to twenty-five per cent of the total amount spent by their respective provinces, sub-provinces, cities, municipalities or municipal districts in the last local election as a continuing appropriation to cover their respective shares of the expenses in the next regular local elections;
- The expenses incident to the holding of the first election in a new municipality shall be advanced, as may be necessary, by the province and such municipality shall be reimburse the same upon presentation of the proper bill;
- All provincial, sub-provincial, and city treasurers shall, within one hundred eighty days after the day of election, submit to the Commission a report of all claims received in their respective provinces, sub-provinces and cities in connection with the elections;
- Any person, corporation, association, or entity who fails to present in writing any claim for any election expenditure incurred by him in connection with the elections within six months after such expenditure has been made, with the provincial, sub-provincial, city, municipal or municipal district treasurer, as the case may be, shall be deemed to have waived the claims and any action for the collection thereof shall be deemed to have prescribed; and
- Any provision of existing law to the contrary notwithstanding, the Commission may authorize the payment of compensation from appropriations provided for election to its officials and employees, and those assigned thereto, except the Chairman and members thereof, for overtime services rendered on Saturdays, Sundays and holidays, or after required office hours on regular working days in connection with election, at rates to be fixed by the Commission which shall not exceed, for any one month, the equivalent of their respective regular monthly compensations.

SEC. 21. Official mail and telegrams regarding elections.—Papers connected with the elections required by this Code to be sent by public officers in the performance of their duties shall be free of postage and sent as registered special delivery mail. Telegrams of the same nature shall also be sent free of charge.

It shall be the duty of the Director of the Bureau of Posts and the Director of the Bureau of Telecommunications to transmit immediately and in preference to all other communications or telegrams, messages reporting election results sent by the provincial, sub-provincial, city municipal and municipal district treasurers to the Commission and such other messages or communications which the Commission may require or as may be necessary ensure free, honest and orderly elections.

ARTICLE II—Political Parties

SEC. 22. Definition of Political Party.—Political party, or simply party, when used in this Code, means an organized group of persons pursuing the same political ideals in a Government and includes its branches and divisions. To acquire juridical personality it shall be duly registered with the Commission.

ARTICLE III—Candidates and Eligibility of Candidates

SEC. 23. Candidate holding appointive office or position.—Every person holding a public appointive office or position, including active members of the Armed Forces of the Philippines and every officer or employee in

government-owned or controlled corporations, shall ipso-facto cease in his office or position on the date he files his certificate of candidacy: Provided, That the filing of a certificate of candidacy shall not affect whatever civil, criminal or administrative liabilities which he may have incurred.

SEC. 24. Candidate holding elective office.—Any elective provincial, sub-provincial, city, municipal, or municipal district officer running for an office other than the one which he is holding in a permanent capacity shall be considered ipso facto resigned from his office from the moment of the filing of his certificate of candidacy.

Every elected official shall take his oath of office on the day his term of office commences, or within ten days after his proclamation if said proclamation takes place after such day. His failure to take his oath of office as herein provided shall be considered forfeiture of his right to the new office to which he has been elected unless said failure is for a cause or causes beyond his control.

SEC. 25. Disqualification on account of violation of certain provisions of this Code.—Any candidate who, in an action or protest in which he is a party, as declared by final decision of a competent court or tribunal guilty (a) of having committed acts of terrorism to enhance his candidacy, (b) of having spent in his election campaign an amount in excess of that allowed by this Code, or (c) of having solicited, received or made any contribution prohibited under sections thirty-six, thirty-seven, thirty-nine, forty, and fifty-five; or (d) of having violated any one of sections forty-seven, forty-eight, forty-nine, fifty-three, fifty-six, fifty-eight, fifty-nine, seventy-one, and eighty-one shall be disqualified from continuing as a candidate, or if he has been elected, from holding the office.

SEC. 26. Certificate of candidacy,—No person shall be eligible unless, within the time fixed by law, he files a sworn certificate of candidacy stating in said certificate that he announces his candidacy for the office mentioned therein and that he is eligible for the office; the name of the political party or parties in coalition to which he belongs, if he belongs to any; his profession or occupation; his civil status, and if married, the full name of his or her spouse; his age which in the case of candidates for provincial, sub-provincial, city, municipal or municipal district offices must at least be twenty-three years and the date of birth; his residence; his post-office address for all election purposes; that he will support and defend the Constitution of the Philippines and will maintain true faith and allegiance thereto; that he will obey the laws, legal orders, and decrees promulgated by its 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 to the best of his knowledge: Provided, That 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 law. He may also include one nickname or stage name by which he is generally or popularly known the locality.

The certificate of candidacy shall likewise state his gross income, including deductions and exemptions therefrom and that he has 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 was exempt from paying income taxes, or his tax obligations are pending final determination, in which case 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 return and tax census statement for the said two-year period, except financial statements attached thereto, said waiver to be effective only during the period of his candidacy.

No person shall be eligible for more than one office to be filled in the same election, and if he files his certificate of candidacy for more than one office, he shall not be eligible for any of them. However, before the expiration of the period fixed by law for filing certificates of candidacy, the candidate filing several individual certificates of candidacy may declare under oath the office for which he desires to be eligible and cancel the certificate or

certificates of candidacy for the other office or offices, otherwise all the individual certificates of candidacy which he has filed shall be cancelled.

SEC. 27. Ineligibility of officer found disloyal to the Government.—Any person declared disloyal to the constituted government in a final judgment or order of a competent court or tribunal as a result of any action or protest shall be ineligible in subsequent elections and his certificate of candidacy shall not be received nor shall the votes cast in his favor be counted unless he is subsequently restored to his full civil and political rights in accordance with law.

SEC. 28. Candidates for the same office bearing the same name and surname.—When there are two or more candidates for an office with the same name and surname, such upon being made aware of such fact, shall state his paternal and maternal surname with the exception of the one who last held said office, which candidate may continue to use the name and the surname stated in his certificate of candidacy when he was elected.

SEC. 29. Filing and distribution of certificates of candidacy.—At least ninety days before a regular election for all elective offices and at least thirty days before a special election, the certificate of candidacy shall be filed with the office herein below mentioned together with a number of clearly legible copies equal to four times, the number of polling places: Provided, That with respect to certificates of candidacy of candidates for President, Vice-president and Senators, ten copies thereof shall be filed with the Commission which shall order the preparation and distribution of copies of the same to all the election precincts of the Philippines. The certificates shall be filed and distributed as follows:

- Those of candidates for national offices, with the Commission, which shall immediately send copies thereof to the provincial and city treasurers of each province and city respectively, where the elections are to be held, and the latter officer shall in turn immediately forward copies to all the polling places. The Commission shall communicate the names of said candidates to the provincial or city treasurer. If the certificate of candidacy is sent by mail, it shall be registered mail, and the date on which the package was deposited in the post office may be considered as the filing date thereof if confirmed by a telegram or radiogram addressed to the Commission on the same date.

The certificate of candidacy may also be filed directly as the case may be with the provincial, sub-provincial or city treasurer who shall immediately forward the certificate by registered special delivery mail to the Commission together with a postal money order covering the amount of filing fees required in Section thirty-three of this Code. The additional copies of the certificate of candidacy shall be retained by the treasurer for distribution to all the polling places within his territorial jurisdiction.

- Certificates of candidacy for provincial or sub-provincial offices shall be filed with the provincial or provincial treasurer of the province or sub-province concerned, who shall immediately send copies thereof to all the polling places of the province or sub-province and to the Commission.

- Certificates of candidacy for city, municipal or municipal district offices shall be filed with the city, municipal or municipal district treasurer, as the case may be, who shall immediately send copies thereof to the polling places concerned, to the provincial treasurer and to the Commission.

SEC. 30. Withdrawal or cancellation of certificates of candidacy.—No certificates of candidacy duly filed shall be considered withdrawn or cancelled unless the candidate files with the office which received the certificate of candidacy or with the Commission, a statement of withdrawal or cancellation signed and sworn to by him at any time before the day of election.

The certificate of candidacy shall be considered ipso facto cancelled from the moment the candidate concerned

accepts, assumes or discharges any appointive office or employment in the government or in any government-owned or controlled corporation.

SEC. 31. Ministerial duty of receiving and acknowledging receipts.—The Commission, provincial or sub-provincial treasurer, city treasurer, municipal treasurer or municipal district treasurer in their respective provinces, sub-provinces, cities, municipalities and municipal districts shall have the ministerial duty to receive the certificates of candidacy referred to in Section twenty-nine hereof and to immediately acknowledge receipt thereof: Provided, That in all cases the said Commission may motu proprio or upon a verified petition of an interested party, refuse give due course to a certificate of candidacy if it is that said certificate has been presented and filed to confusion among the voters by the similarity of the names of the registered candidates or by other stances 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.

SEC. 32. Payment of fees required for validity of certificate of candidacy.—No certificate of candidacy shall be received and acknowledged until payment of the fee required in Section thirty-three of this Code is made to the treasurer concerned or the Commission.

SEC. 33. Fees for the filing of certificates of candidacy, —The candidates for the following offices shall, upon filing their certificates of candidacy, pay a filing fee as follows:

For President P5,000.00

For Vice-President 2,500.00

For Senator 1,000.00

Fees collected under this section shall be used by the Commission to help defray expenses for the preparation and distribution of the certificates of candidacy mentioned in Section twenty-nine hereof.

The amount paid for fees herein required shall not be considered as an expense for an election campaign.

SEC. 34. Candidates in case of death, withdrawal, or disqualification of another.—If, after the expiration of the time limit for filing certificates of candidacy, a candidate with a certificate of candidacy duly filed should die, withdraw or become disqualified for any cause occurring after the expiration of the said time limit, any voter legally qualified for the office may file his certificate of candidacy for the office for which the deceased or disqualified person was a candidate in accordance with the preceding sections on or before mid-day of the day of the election, and, if the death or disqualification should occur between the day before the election and the mid-day of election day, said certificate may be filed with any board of inspectors of the political division where he is a candidate, or, in the case of candidates to be voted for by the entire electorate, with the Commission: Provided, however, That if the candidate ; who has died, withdrawn or become disqualified is the official candidate of a political party, only a person belonging to the same political party may file a certificate of candidacy for the office for which the deceased or disqualified person was a candidate.

ARTICLE IV—Contributions and Other Practices

SEC. 35. Definitions.—When used in this Code:

- The term "contribution" includes a gift, donation, subscription, advance, or deposit of money or anything of value and embraces a contract, promise or agreement to contribute, whether it be legally enforceable or not
- The term "expenditure" includes the payment or delivery of a contribution, advance, deposit, gift or donation of money or thing of value and includes a contract, promise or agreement to make an expenditure whether it be legally enforceable or not.

- The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

SEC. 36. Soliciting or receiving contributions from a foreigner or foreign government.—It shall be unlawful for any person, political party or public or private entity to solicit or receive, directly or indirectly, any aid or contribution of whatever form or nature from any foreigner or foreign government for political purposes.

SEC. 37. Prohibited contributions.—It shall be unlawful for any corporation or entity operating a public utility or which is in possession of or is exploiting any natural resources of the nation to contribute or make any expenditure in connection with any election campaign.

The same prohibition shall apply to: (a) banks, insurance companies, and other financial institutions; (b) natural and juridical persons who hold contracts or subcontracts to supply the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations, with goods or services or to perform construction or other works; (c) natural and juridical persons who have been granted incentives, exemptions, allocations or similar privileges or concessions by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations; and (d) natural or juridical persons who within one year from the date of the election have been granted loans in excess of P25,000.00 by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations.

SEC. 38. Soliciting contributions for any charitable, religious or social cause.—It shall be unlawful within the period of one hundred and fifty days before the election 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, unless specifically authorized by law.

SEC. 39. Prohibited collection of funds.—It shall be unlawful for any person to hold balls, lotteries, beauty contests, entertainments or cinematographic, or theatrical, or other performances during one hundred fifty days immediately preceding a regular or special election, for the purpose of raising funds for benefit purposes or for an election campaign or for the support of any candidate; and no person or organization, whether civic or religious, shall directly or indirectly solicit and/or accept from any candidate for public office, or from his campaign manager, agent or representative, any gift, food, transportation, contribution or donation in cash or in kind during the aforementioned period: Provided, That normal and customary religious dues and/or contributions, such as religious stipends, tithes, or collections on Sundays and/or other designated collection days, are excluded from this prohibition: Provided, further, That in case of disasters or extraordinary religious events, the Commission may, after due notice and hearing, authorize the holding of benefits for the purpose of raising funds or permit contributions or donations otherwise hereinabove prohibited.

SEC. 40. Prohibition against contributions by candidates or agents.—No candidate, his or her spouse or any relative within the second degree of consanguinity or affinity, or his campaign manager, agent or representative, shall, during one hundred fifty days immediately preceding a regular or special election, directly or indirectly, make any donation, contribution, or gift in cash or in kind, or undertake and/or contribute to the construction of roads, bridges, schoolhouses, puericulture centers, medical clinics and hospitals, churches or chapels, cement pavements, or any other structure for public use or the use of any religious or civic organization: Provided, That normal and customary religious dues and/or contributions, such as religious stipends, tithes and/or collection on Sundays and/or other designated collection days, as well as periodic payments for legitimate scholarships established and school contributions habitually made before the prohibited period, are excluded from this - prohibition.

SEC. 41. Limitation upon expenses of candidates.—No candidate shall spend for his election campaign more than the total amount of salary for the full term attached to the office for which he is a candidate.

SEC. 42. Limitation upon expenses of political parties and other non-political organizations.—No political party or organization denominated in this Code shall spend for the election of its candidates an aggregate amount more than the equivalent of one peso for every voter currently registered throughout the country in case of a regular election, or in the constituency in which the election shall be held in case of a special election which is not held in conjunction with a regular election. Any other organization not connected with any political party, campaigning for or against a candidate, or for or against a political party shall not spend more than a total amount of five thousand pesos.

SEC. 43. Records of contributions and expenditures.—The national treasurer of the political party shall submit by registered mail to the Commission not later than six months preceding a general election a list of the duly appointed local treasurers of the party and such changes therein and additions thereto within the first ten days of every month during the six months preceding an election.

It shall be the duty of every treasurer of a political party or a non-political organization campaigning for or against a party or candidate to keep detailed and exact records and accounts of every election contribution received and election expenditure incurred in such manner that the true and correct statement of its financial transactions may be determined at any time. For this purpose, he shall prepare and maintain separate journals which shall contain in chronological order every contribution received and expenditure made, the date such contribution was received or expenditure incurred, the full name and exact address of each contributor or person to whom such expenditure was made and the amount of contribution or expenditure. He shall have custody of all accounts, receipts and vouchers relative to said contributions and expenditures. He shall be responsible for their preservation for at least one year after the holding of the election to which they pertain and for their production for inspection by the Commission or its representatives specifically authorized for that purpose and/or upon presentation of a subpoena duces tecum duly issued by the Commission. Failure by the treasurer to preserve such accounts, receipts and vouchers shall be deemed prima facie evidence of violations of the provision. Every other officer of the political party or non-political organization shall furnish such information in regard to the transactions and activities of the political party or non-political organization as the Commission may require.

Expenses incurred by all other committees, branches and chapters of political parties and non-political organizations shall be deemed included herein.

SEC. 44. Filing of statement by treasurer of political party and non-political organization.—The treasurer of a political party or a non-political organization campaigning for or against a candidate or party shall file with the Commission within the first ten days of every month, during the four months preceding a general election or from the time of the publication of the call for any special election and within the thirty days following the holding of the election, a statement, complete as of the day next preceding the date of filing, of his account of contributions and expenditures together with the names and addresses of the contributors and persons receiving the expenditures.

SEC. 45. Statements by candidates.—Within forty-five days after the holding of the election every candidate shall file with the Commission for such action as it may deem proper, a statement, complete as of the date next preceding the date of filing, which shall contain (1) a list of the contributions received by him or by another with his knowledge and consent from whatever source, to help or support his candidacy or to influence the result of his election, together with the name and address of each contributor and (2) an itemized statement of the expenditures made by him or by another with his knowledge and consent in aid or support of his candidacy, or for the purpose of influencing the result of the election, together with the name and address of the person in whose favor such

expenditures were made.

SEC. 46. Statements by private persons.—Any person receiving a contribution and/or incurring an expenditure valued at one hundred pesos or more for an election campaign shall file with the Commission a detailed statement of such contribution or expenditure within a period of thirty days after receiving such contribution or incurring expenditures.

SEC. 47. Prohibited forms of election propaganda.—

- It shall be unlawful to make use of, attach, float or display any billboard, tinplate-poster, balloons and the like, of whatever size, shape, form or kind, advertising for or against any candidate or political party;
- It shall be unlawful to purchase, manufacture, request or distribute electoral propaganda gadgets such as pens, lighters, fans of whatever nature, flashlights, athletic goods or materials, wallets, bandannas, shirts, hats, matches, cigarettes, and the like, whether of domestic or foreign origin;
- It shall be unlawful to print or distribute sample ballots. But a simple list of candidates and the offices for which they are candidates, on newsprint or any other unexpensive paper material of a size not exceeding three inches by eight and one-half inches shall not be considered as a sample ballot;
- It shall be unlawful to show or display publicly any advertisement or propaganda for or against any candidate or political party by means of cinematography, audio-visual units or other screen projections except telecasts which may be allowed as hereinafter provided;
- It shall be unlawful for any radio broadcasting or television station to sell or give free of charge air time for political campaigns and other political purposes except as authorized under Section forty-nine hereof and the rules and regulations promulgated by the Commission pursuant thereto.

Any prohibited election propaganda gadget or advertisement shall be stopped, confiscated or torn down by the representative of the Commission upon specific authority of the Commission.

SEC. 48. Lawful Election Propaganda.—Lawful election propaganda shall include:

- Pamphlets, leaflets, cards, decals, stickers or other written or printed materials of a size not more than eight and one-half inches in width by fourteen inches in length;
- Handwritten or printed letters urging voters to vote for or against any particular candidate;
- Cloth, paper or cardboard posters whether framed or pasted with an area not exceeding two feet by three feet, except that, at the site of and on the occasion of a public meeting or rally, or in announcing the holding of said meeting or rally, streamers not exceeding three by eight feet in size, shall be allowed: Provided, That said streamers may not be displayed except one week before the date of the meeting or rally and that it shall be removed within seventy-two hours after said meeting or rally.
- All other forms of election propaganda not prohibited by this Code as the Commission may authorize after due notice and hearing: Provided, That the Commission's authorization shall be published in two newspapers of general circulation throughout the nation for at least twice within one week after the authorization has been granted.

All written or printed election propaganda and all posters shall bear the true name and correct address of the person, natural or juridical, who or which wrote, printed or produced the same.

SEC. 49. Regulation of election propaganda through mass media.—

- The franchises of all radio broadcasting and television stations are hereby amended so as to require each such station to furnish free of charge, upon request of the Commission, during the period of sixty days before the election not more than fifteen minutes of prime time once a week which shall be known as "Comelec Time" and which shall be used exclusively by the Commission to disseminate vital election information. Said "Comelec Time" shall be considered as part of the public service time said stations are required to furnish the Government for the dissemination of public information and education under their respective franchises or permits.

- The Commission shall promulgate rules and relations regarding the sale or use of air time for political purposes during the election period to insure that equal time in amount and quality is available to all candidates for the same office and to all political parties at the same rates or given free of charge; that such rates are reasonable and not higher than those charged to other buyers or users of air time for non-political purposes that the provisions of this Code regarding the limitation of expenditures by political parties, political organizations and candidates and contributions by private persons and certain classes of corporations, entities and institutions are effectively enforced; that said radio, broadcasting and television stations shall not be allowed to schedule any program or permit any sponsor to manifestly favor or oppose any candidate and/or political party by unduly or repeatedly referring to or including said candidate in its program thereby giving undue advantage to said candidate and/or political party, respecting however, in all instances the right of said stations to broadcast accounts of significant or newsworthy events and views on matters of public interest.

- All contracts for advertising in any newspaper, magazine, periodical or any form of publication promoting or opposing the candidacy of any person for public office shall, before its implementation, be registered by said newspaper, magazine, periodical or publication with the Commission. In every case, it shall be signed by or for the candidate or political party concerned.

- No franchise or permit to operate radio or television stations shall be granted or issued during the election period.

In all instances, the Commission shall supervise the use and employment of press, radio and television facilities so as to give candidates for the position equal opportunities under equal circumstances to make known their qualifications and their stand on public issues within the limits on election spending set forth in this Code.

SEC. 50. Prohibition against use of public funds, money deposited in trust, equipments, facilities, etc., owned and controlled by the Government for election campaign.— The use under any guise whatsoever, directly or indirectly, of (a) public funds or money deposited with or held in trust by public financing institutions or by government offices, banks, or agencies; or (b) any printing press, radio or television station operated by the Government or by any government-owned or controlled corporations; or (c) any equipment, vehicles, facilities, apparatus and paraphernalia owned by any government bank, financial institution or by the Armed Forces of the Philippines for any election campaign or for the purpose of promoting or opposing any candidate for public office is hereby prohibited and constituted a serious election offense.

SEC. 51. Reports of business establishment.—Any person or business establishment accepting contracts for the printing or manufacture of any electoral propaganda or for any other services for political propaganda tending to aid or defeat a candidate or political party shall file with the Commission within the first ten days of every month, during the four months preceding a general election, or from the time of the publication of the call for any special election, and within thirty days following the holding of the general or special election, a statement, complete as of the day next preceding the date of filing, of all contracts of services and sale of election propaganda entered into by it. The statement shall be under oath and shall state the name and address of the candidate or political party making said contract, the kind of election propaganda materials sold or the nature of Services rendered.

SEC. 52. Form and preservation of statements.—The statements required under this article shall be cumulative during the period prescribed therefor in the election to which they relate, but, where there has been no change an item reported in a previous statement, only the amount thereof need be carried forward. Said statement shall be deemed properly filed on the date of mailing by registered mail. It shall be kept by the Commission as a part of its public records and shall be open to the public for inspection.

SEC. 53. Undue influence.—It is unlawful for any person to promise any office or employment, public or private, or to make or offer to make an expenditure, directly or indirectly, or to cause an expenditure to be made to any person, association, corporation or entity, which may induce anyone or the public in general either to vote or withhold his vote, or to vote for or against any candidate in any election or any aspirant for the nomination or selection of an official candidate in a convention of a political party. It is likewise unlawful for any person, association, corporation or community, to solicit or receive, directly or indirectly, any expenditure or promise of any office, or employment, public or private, for any of the foregoing considerations.

SEC. 54. Intoxicating liquors, prohibited stores, cockfights, boxing, races and jai-alai.—

- It is unlawful to sell, furnish, offer or take intoxicating liquors on the day of registration before the board of inspectors, on the two days immediately preceding election day and on election day, until the counting of votes shall have been finished.
- It is unlawful to open in any polling place or within a radius of thirty meters thereof, on the day of registration before the board of inspectors, on election day and during the counting of votes, booths or stalls of any kind for the sale, dispensing or display of wares, merchandise or refreshments, whether solid or liquid, or for any other purpose.
- It is unlawful to hold on the day of registration before the board of inspectors and on election day, cockfights, boxing, horse races, jai-alai or any other similar sports.

SEC. 55. Prohibition regarding transportation, food and drinks.—It is unlawful for any candidate, political party or non-political organization, voter or any other person to give or accept, free of charge, directly or indirectly, transportation, food, or drinks during a public meeting in favor of any or several candidates and during the three hours before and after such meeting, or on the day of registration before the board of inspectors, on the day preceding the election and on the day of the election; or to give or contribute, directly or indirectly, money things of value for such purposes.

SEC. 56. Unlawful electioneering.—It is unlawful to solicit votes or undertake any propaganda on the day of registration before the board of inspectors and on the day of election, for or against any candidate or any political party within the polling place and within a radius of thirty meters thereof.

SEC. 57. Intervention of public officers and employees.—

- It shall be unlawful for any head of any bureau or office, official or officer nominated or appointed by the President of the Philippines except as provided in paragraph (c) hereof, head or appointing officer of any government-owned or controlled corporation, to intervene in the nomination or election of any 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 nomination or election.
- No officer or employee in the Civil Service and no officer, member or employee of the Armed Forces of the Philippines or of any police force shall aid any candidate, exert influence in any manner in any election, or take

part therein, except to vote if entitled thereto or to preserve public order, if he is a peace officer.

- Public officers and employees holding political offices may take part in political and electoral activities but it shall be unlawful for them to solicit contributions their subordinates for partisan purposes, influence or subject them to any of the acts involving subordinates prohibited in this Code.

SEC. 58. Coercion over subordinates, prohibited.—

- It shall be unlawful for any public officer, or officer of any commercial, industrial, agricultural, economic or social enterprise, private corporation or association, or for any employer, to coerce or intimidate or compel directly or indirectly, any of his subordinates or employees, to aid, campaign or vote for or against any candidate in any election, or any aspirant for the nomination or selection of official candidates in a political party convention.

- It shall be unlawful for any public officer, officer of any commercial, industrial, agricultural, economic or social enterprise, private corporation or association, or any employer to dismiss or threaten to dismiss, punish or threaten to punish, by reducing his salary, wage or compensation, or by demotion, or causing him annoyance in the performance of his job or in his membership, any subordinate, employee, member or affiliate for disobeying or not complying with any of the acts ordered by the former.

SEC. 59. Threats and other coercion.—It shall be unlawful for any person, directly or indirectly, to threaten or suggest, or actually to cause, inflict or produce any violence, punishment, damage, loss or disadvantage upon or against any person, or to use any fraudulent device or scheme to compel or induce any registration or refraining from registration of any voter, or any candidacy or withdrawal of candidacy, or any vote or omission to vote, or any promise of such registration, candidacy, vote, or omission therefrom.

SEC. 60. Intervention of foreigners.—No foreigner shall aid any candidate or political party, directly or indirectly, or take part in or influence in any manner any election, nor shall he contribute or make any expenditure in connection with any election campaign.

SEC. 61. Deadly Weapons.—It is unlawful to carry deadly weapons in the polling place and within a radius of one hundred meters thereof during the day and hours of registration before the board of inspectors, voting and canvass. However, in cases of affray, tumult or disorder, any peace or public officer authorized to supervise the elections may carry firearms or any other weapons for the purpose of preserving order and enforcing the law.

SEC. 62. Restrictions on wearing military uniforms and bearing arms.—

- During the period beginning thirty days before any 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 wear 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 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 letter 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.

- 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 herein provided.

This prohibition shall not apply when said member is in pursuit of a person who has committed or is committing a crime in the premises he is guarding; or when escorting or providing security for the transport of payrolls, deposits or other valuables; or when guarding the residence of private persons; or when guarding private buildings or offices: Provided, That in the last two cases, prior written approval of the Commission shall be obtained.

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

SEC. 63. Prohibition against the appointment of special policemen, special agents, confidential agents or the like.— During the period beginning ninety days before the election and ending thirty days thereafter, it shall be unlawful for any municipal mayor, city mayor or provincial governor to appoint or utilize the services of special policemen, special agents, confidential agents or persons performing similar functions. Similarly, during said period, it shall be unlawful for persons previously appointed as special policemen, special agents, confidential agents or persons performing similar functions to continue acting as such, and they shall turn over their firearms, uniforms, insignias and other badges of authority to the proper officer who issued the same.

Not later than ninety days before an election, the municipal mayor, city mayor or provincial governor shall submit to the Commission on Elections a complete list of all special policemen, special agents, confidential agents or persons performing similar functions appointed by whose appointments are in force, with such particulars as the Commission on Elections may require.

SEC. 64. Prohibition against policemen and provincial guards to act as bodyguards or security guards.—During the period beginning ninety days before the election and ending thirty days thereafter, it shall be unlawful for any member of the city or municipal police force and any provincial or sub-provincial guard to act as body-guard or security guard of any public official, candidate for any elective public office or position or any other person: Provided, That after due notice and hearing, when the life and security of a candidate is in jeopardy, the Commission is empowered to assign any member of the Philippine Constabulary or the local police force of the candidate's choice to act as his bodyguard or security guard in a number to be determined by the Commission but not to exceed three per candidate for a local elective office, and five per candidate for a national elective office: Provided, however, That when the circumstances require immediate action, the Commission may issue a temporary order allowing the assignment of any member of the Philippine Constabulary or the local police force to act as bodyguard or security guard to the candidate subject to confirmation or revocation, after notice and hearing.

SEC. 65. Demobilization of reaction forces, strike forces, or other similar forces.—During the period beginning ninety days before the election and ending thirty days thereafter, it shall be unlawful to organize a reaction force, strike force or similar force and any such reaction force, strike force or similar force existing prior to the aforementioned period shall be disbanded and demobilized during said period.

All members of reaction forces, strike forces or similar forces belonging to a mother unit shall return to their respective mother units during the period of the demobilization or disbandment of said forces.

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

require.

SEC. 66. Confiscation of firearms.—During the period beginning ninety days before the election and ending thirty days thereafter, whenever the Commission finds it necessary for the promotion of free, orderly and honest elections in a specific area, it shall confiscate or order the confiscation of firearms of any member or members of the Philippine Constabulary, police forces, special forces, home defense forces, barrio 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 organizations of government departments, commissions, councils, bureaus, offices, or government-owned or controlled corporations; or of any member or members of privately-owned or operated security, investigative, protective or intelligence agencies performing identical or similar functions.

SEC. 67. Regulating use of armored vehicles, water or air crafts.—During the period beginning ninety days before the election and thirty days thereafter, it shall be unlawful for any person to use armored vehicle provided with any temporary or permanent equipment or any other device or contraption for the mounting or installation of cannon, machine guns and other similar high caliber firearms, including military type tanks, half trucks, scout trucks, armored trucks of any make or model, whether new, reconditioned, rebuilt or remodeled: Provided, That banking or financial institutions and all business firms may use not more than two armored vehicles strictly for and limited to the purpose of transporting cash, gold bullion or other valuables connected with their business from and to their place of business, upon previous authority of, and under such rules and regulations as may promulgated by, the Commission. Such rules and regulations shall be published in two newspapers of general circulation in the area where the armored vehicles are intended to be used.

During the same period, the use of any other type of privately-owned armored vehicle, water or aircraft for any other purpose may be prohibited or regulated by the Commission in the interest of clean, orderly and honest elections. The Commission shall promulgate rules and regulations to carry out the provisions hereof.

A violation of this section shall carry with it the penalty of forfeiture in favor of the Philippine Government of the armored vehicle, water or aircraft involved which shall be placed under the custody of the Commission for disposition.

SEC. 68. Prohibition on carrying licensed firearms outside residence or place of business.—During the period beginning ninety days before the election and ending thirty days thereafter, it shall be unlawful for any person, although possessing firearm licenses or special permits, to carry any firearm outside his residence or place of business, except upon prior written approval of the Commission, all laws, executive, orders, administrative orders to the contrary notwithstanding.

This prohibition shall not apply to cashiers and disbursing officers while in the performance of their duties or to persons who by nature of their official duties, profession, business or occupation habitually carry large sums of money or valuables.

SEC. 69. Deputation of Government agencies and instrumentalities.—During the period beginning ninety days before the election and ending thirty days thereafter, when in any area of the country there is a band or armed group committing acts of terrorism to influence people to vote or not to vote for or against any candidate or political party, the Commission shall have the power to authorize any member or members of the Armed Forces of the Philippines, the National Bureau of Investigation, the Police Commission or any other similar agency or instrumentality of the Government to act as deputies for the purpose of suppressing or preventing said acts of terrorism.

The power of the Commission herein referred to shall likewise be availed of to implement the provisions of

sections sixty-four to sixty-eight, and other related provisions of this Code.

SEC. 70. Prohibition against placing the police force of any city, municipality or municipal district under the control of the Philippine Constabulary.—Within ninety days before any election, no police force of any city, municipality or municipal district shall be placed under the control of the Philippine Constabulary, or any of its units, or any of its officers.

If the police force of a city, municipality or municipal district has been placed under such control before said period, the Commission may, upon verified petition and after due notice and hearing, lift said control in the interest of free, orderly and honest elections.

SEC. 71. Prohibition against release, disbursement, or expenditure of public funds.—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, except the following :
 - 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 extra gang of laborers shall be employed for maintenance work within the said period of forty-five days;
 - 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 by contract;
 - Payment for the usual cost of preparation of working drawings, specification, 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
 - 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 project works except those falling under subparagraphs (a), (b), (c) and (d) of this section.

This prohibition shall not apply to on-going public works projects commenced before the campaign period of one hundred and twenty days prescribed under Section eight-one of this Code. 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 ongoing public works projects being undertaken by them.

- The Department of Social Welfare 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 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 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 representatives, and no candidate or his or her spouse or member of his or her family within the second degree of affinity or consanguinity shall participate, directly or in-directly, in the

distribution of any relief or other goods to the victims of the calamity or disaster; and

- The Presidential Arm on Community 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 or other expenses as the Commission may authorize after due notice and hearing.

SEC. 72. Prohibition against construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices.— (a) It shall be unlawful during the period of forty-five days preceding the election for any person to undertake the construction of any public works, or to make deliveries of materials for public works, except for projects or works specifically exempted in the next preceding section, (b) It shall be unlawful during the period of forty-five days preceding the election to issue, use or avail of treasury warrants or similar devices undertaking future delivery of money, goods or other things of value chargeable against public funds.

SEC. 73. Suspension of elective provincial, sub-provincial, city, municipal or municipal district, or barrio officers.—The provisions of Republic Act Numbered Five thousand one hundred and eighty-five, otherwise known as the "Decentralization Act of 1967", and other laws to the contrary notwithstanding, one hundred twenty days before any regular election or ninety days before a special election and until the same is over, no elective provincial, sub-provincial, city, municipal, municipal district or barrio officer shall be suspended without the prior approval of the Commission. The application of the "Anti-Graft and Corrupt Practices Act" in relation to the suspension and removal of elective officials shall not be affected by, the provisions of this section, and their suspension or removal shall not require the approval of the Commission.

SEC. 74. Prohibition against dismissal of employees, laborers, or tenants.—No employee or laborer shall be dismissed, nor tenants be ejected, from their landholdings for refusing or falling to vote for any candidate of his employer or landowner. Any employee, laborer or tenant so dismissed or ejected shall be reinstated and the salary or wage of the employee or laborer, or the share in the harvest of the tenant, shall be restored to the aggrieved party upon application to the proper court.

SEC. 75. Prohibition against appointment of new employees, creation of new positions, or giving salary increases.—It shall be unlawful during the period of forty-five days before a regular election and thirty days before a special election:

- 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 employee, whether provisional, temporary, or casual, or to create and fill any new position, except upon prior authority of the Commission, after due notice and hearing.

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.

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 within three days from the date of the appointment. Any appointment or hiring in violation of this provision shall be null and void.

- 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 corporations.

SEC. 76. Prohibition against transfer of officers and employees in the Civil Service, and Philippine Army,

Philippine Constabulary, Philippine Air Force and Philippine Navy Unit Commanders.—It shall be unlawful for any public official to make or cause any transfer or detail whatever of any officer or employee in the civil service including public school teachers, or any army, constabulary, air force, or naval unit commander of the Armed Forces of the Philippines within ninety days before any election except with the approval of the Commission upon prior notice and hearing.

SEC. 77. Prohibition on refusal of public utilities to carry election mail matter.—It shall be unlawful for any public utility or transportation to refuse to carry official election mail matters free of charge, thirty days before and after the elections. Any such refusal to carry election mail matters shall be cause for the cancellation or revocation of their certificates of public convenience or franchises.

SEC. 78. Prohibition against seeking election immediately upon termination of office.—No official of any executive department, bureau or office, or of any government-owned or controlled corporation, who is appointed by the President of the Philippines with the consent of the Commission on Appointments, shall run for any public elective office until after the lapse of at least one hundred and fifty days if the position for which he is running is a national office, and one hundred and twenty days for any other elective office after the termination of tenure of office whether by resignation, retirement, expiration of tenure, removal or other similar causes. Any violation hereof shall, after due notice and hearing, invalidate his certificate of candidacy; and the Commission shall not give due course to said certificate of candidacy.

SEC. 79. 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 days before and thirty days after the election 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 commit any act of intimidation, terrorism or interference, then the penalty shall be life imprisonment.

SEC. 80. Prohibition of too early nomination of candidates.—It shall be unlawful for any political party or group to nominate candidates for any elective public office voted for at-large earlier than one hundred and fifty days immediately preceding an election, and for any other elective public office earlier than one hundred and twenty days immediately preceding an election.

SEC. 81. Limitation upon the period of election campaign or partisan political activity.—It is unlawful for any person, whether or not a voter or candidate, or for any group or association of persons, whether or not a political party, to engage in an election campaign or partisan political activity except during the period of one hundred twenty days immediately preceding an election.

The term "candidate" refers to any person aspiring for or seeking an elective public office, regardless of whether or not said person has already filed his certificate of candidacy or has been nominated by any political party as its candidate.

The term "election campaign" or "partisan political activity" refers to acts designed to have a candidate elected or not, or promote the candidacy of a person or persons to a public office which shall include:

- Forming organizations, associations, clubs, committees or other groups of persons for the purpose of soliciting votes and/or undertaking any campaign or propaganda for or against a party or candidate;
- Holding political conventions, caucuses, conferences, meetings, rallies, parades, or other similar assemblies, for the purpose of soliciting votes and/or undertaking any campaign or propaganda for or against a candidate or party;

- Making speeches, announcements or commentaries or holding interviews for or against the election of any party or candidate for public office;
- Publishing or distributing campaign literature or materials;
- Directly or indirectly soliciting for or against any candidate or party;
- Giving, soliciting, or receiving contributions for election campaign purposes, either directly or indirectly: Provided, That simple expressions of opinions and thoughts concerning the election shall not be considered as part of an election campaign: Provided, further, That nothing herein stated shall be understood to prevent any person from expressing his views on current political problems or issues, or from mentioning the names of the candidates for public office whom he supports.

ARTICLE V.— Election Precincts

SEC. 82. Election precincts to be established.—The unit of territory for the purpose of voting is the election precinct, and every municipality or municipal district shall have at least one.

The Commission shall establish all election precincts. The precincts actually established in the preceding regular election shall continue with such adjustments, changes or new divisions as the Commission may find necessary. Provided, however, That the territory comprising an election precinct shall not be altered or a new precinct established within ninety days immediately preceding the date of a regular election and twenty-five days immediately preceding the date of a special election.

SEC. 83. Arrangement of election precincts.—

- Each election precinct shall have, as far as possible, two hundred voters and shall comprise, as far as practicable, contiguous and compact territory.
- When it appears that an election precinct contains more than two hundred voters, the Commission 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 registration day before the board of inspectors. 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 polling place of the original precinct: Provided, however, 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: Provided, further, That when a precinct is divided into two or more precincts, the registered voters shall be 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 conspicuous location in the polling place, and in the municipal building or city hall, as the case may be.
- A municipality or municipal district which has been merged with another municipality shall constitute at least one election precinct, if the distance between the remotest barrio of the merged municipality or district and the nearest polling place of the municipality to which it has been merged shall, by the shortest road, exceed five kilometers.
- An island or group of islands having one hundred and fifty or more voters shall constitute a precinct.
- Any alteration of the election precincts or the establishment of new ones shall be communicated to the Provincial treasurer, together with the corresponding maps, which shall be published as prescribed in the next succeeding sections.

SEC. 84. Publication of maps of precincts.—At least thirty days before a regular election or ten days before a

special election, the Commission shall, through its duly authorized representative, post in the city hall or municipal building and in three other conspicuous places in the city municipality or municipal district and in a conspicuous place on the door of the polling place of each precinct, a map of the city, municipality or municipal district showing its division into precinct with their respective boundaries and indicating therein even small streets and alleys in populous areas and the location of each polling place.

These maps shall be kept posted until after the election is held.

SEC. 85. Posting maps of representative districts.—In provinces or cities which are divided into representative districts, the Commission shall cause to be prepared an outline map of each district showing the location and the names of cities, municipalities and municipal districts or portions thereof included in the district. At least thirty days before a regular election and ten days before it special election, the Commission shall, through its duly authorized representative, post copies of the map in the city hall or municipal building and in at least three other conspicuous places in each city or municipality comprised within the district and shall keep them posted until after the election is held.

ARTICLE VI.—Polling Places

SEC. 86. Designation of polling places.—The location of polling places designated in the preceding regular election shall continue with such changes as the Commission may find necessary, after notice to political parties and candidates, if any, and hearing: Provided, That no location shall be changed within forty-five days before a regular election and ten days before a special election, except in case it is destroyed or it cannot be used.

SEC. 87. Requirements for polling places.—Each place shall be, as far as practicable, a ground floor be of sufficient size to admit and comfortably accommodate forty voters at one time outside the guard rail for the board of inspectors. The polling place shall be located within the territory of the precinct as centrally as possible with respect to the residence of the voters therein and whenever possible, such location shall be along a public road. No designation of polling places shall be changed except upon written petition of the majority of the voters of the precinct or by agreement of all the political parties or by resolution of the Commission upon prior notice and hearing.

A public building having the requirements prescribed In the preceding paragraph shall be preferred as polling place.

SEC. 88. Buildings that shall not be used as polling place.—No polling place 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 degree of consanguinity or affinity, or any officer of the Government or any officer or leader of any political party, group or faction, nor in any building or surrounding premises under the actual control of a private entity or political party. In places where no suitable public building is available, private school buildings may be used as polling places.

SEC. 89. Signs and flags of polling places.—On election day every polling place shall have in front a sign showing the number of the precinct to which it belongs and the Philippine flag shall be hoisted in front at the proper height.

SEC. 90. Arrangement and contents of polling places.— Each polling place shall conform as much as possible to the sketch on the following page.

SEC. 91. Voting booths.—During the voting there shall be in each polling place a booth for every twenty voters registered in the precinct. Each booth shall be open on the side fronting the table for the board of inspectors and its three sides shall be closed with walls at least

seventy centimeters wide and two meters high. The upper part shall be covered if necessary to preserve the

secrecy of the ballot. Each booth shall have in the background a shelf so placed that voters can write thereon while standing and shall be kept clearly lighted, by artificial lights, if necessary, during the voting.

The Commission shall post inside each voting booth and elsewhere in the polling place on the day before the election a list containing the names of all the candidates to be voted for, and shall at all times during the voting period keep such list posted in said places.

SEC. 92. Guard rails.—

- In every polling place there shall be a guard rail between the voting booths and the table for the board of inspectors which shall have separate entrance and exit. The booths shall be so arranged that they can be accessible only by passing through the guard rail and by entering through its open side facing the table for the board of inspectors;

- There shall also be a guard rail for the watchers between the place reserved for them and the table for the board of inspectors and at a distance of not more than fifty centimeters from the latter so that the watchers may see and read clearly during the counting the contents of the ballots and see and count the votes recorded by the inspector on the corresponding tally sheets;

- There shall also be, if possible, guard rails separating the table for the board of inspectors from the voters waiting for their turn to cast their votes, with entrance and exit to give them orderly access to the table and the booths during the voting.

- The polling place shall be so arranged that the booths, the table, the ballot boxes and the whole polling place, except what is being written within the booths, shall be in plain view of the board of inspectors, the watchers and other persons who may be within the polling place.

SEC. 93. Ballot boxes.—

- There shall be in each polling place on the day of the voting a ballot box containing two compartments, namely, the compartment for valid ballots which is indicated by an interior cover painted white and the compartment for spoiled ballots which is indicated by an interior cover painted red. The boxes shall be uniform throughout the Philippines and shall be solidly constructed and shall be closed with three different locks and such Safety devices as the Commission may prescribe in such a way that they cannot be opened except by means of three distinct keys and by destroying such safety devices.

- In case of the destruction or disappearance of any ballot box on election day, the board of inspectors shall immediately report it to the city, municipal or municipal district treasurer who shall furnish another box or receptacle as equally adequate as possible and report such delivery of a new ballot box by the fastest means of communication on the same day to the Commission.

SEC. 94. Tally boards.—At the beginning of the counting there shall be placed within the plain view of the board of inspectors, watchers and the public a tally board where the names of all the registered candidates shall be written, and one of the teacher-inspectors shall record thereon the votes received by each of them as the chairman of the board of inspectors reads the ballots.

SEC. 95. Pencils.—In every polling place there shall be sufficient quantity of indelible pencils for the use of the voters.

SEC. 96. Furnishing of ballot boxes, forms, stationeries, and materials for election.—The Commission shall prepare and furnish the ballot boxes, forms, stationeries, and materials necessary for the registration of voters and the holding of the election.

The provincial, city, municipal and municipal district treasurers shall have custody of election supplies and materials and shall be responsible for their preservation and storage, and for any loss, destruction, impairment or damage of any election equipment, material or document in their possession furnished under this Code.

The provincial board, or city, municipal or municipal district council shall at their respective expenses, provide a suitable storeroom for the safekeeping of election supplies and materials in the custody of the provincial, city, municipal or municipal district treasurer, respectively.

SEC. 97. Inspection of polling places.—Before the day of the election, the Chairman of the Commission shall, personally or through a deputy, see to it that all polling places are inspected and such omissions and defects as may be found corrected. The Commission shall keep the reports on these inspections.

ARTICLE VII.—List of Voters

SEC. 98. Permanent list of voters.—There shall be a permanent list of voters in each city, municipality or municipal district consisting of all the applications for registration contained in all precinct books of voters of the city, municipality or municipal district approved in accordance with Republic Act Numbered Thirty-five hundred and eighty-eight, as amended, and the provisions of this Code. For each election, said list with such additions, cancellations and corrections as may be proper under this article shall constitute the permanent list of voters.

SEC. 99. Necessity of registration to be entitled to vote.—In order that a qualified voter may vote in any regular or special election or in any plebiscite, he must be registered in the permanent list of voters for the city, municipality or municipal district in which he resides: Provided, That no person shall register more than once without first applying for cancellation of his previous registration.

SEC. 100. Who may be registered in the permanent list.—All persons possessing all the qualifications of a voter and none of the disqualifications shall have the right and duty to be registered in the permanent list of voters of the city, municipality or municipal district wherein they reside and be included in the precinct book of voters of their corresponding precincts. Any person who may not have on the date of the registration any of the qualifications required may also be registered upon proof that on the date of the election he shall have such qualification.

SEC. 101. Qualifications prescribed for a voter.—Every citizen of the Philippines, not otherwise disqualified by law, twenty-one years of age or over, able to read and write, who shall have resided in the Philippines for one year and in the city, municipality or municipal district wherein he proposes to vote for at least six months immediately preceding the election, may vote at any election.

Persons who transfer to another city, municipality or municipal district solely by reason of their occupation, profession, employment in private or public service, educational activities, or work in military or naval reservations, or service in the armed, naval or air force, the constabulary, or national police force, or confinement or detention in government institutions in accordance with law shall not be deemed to have lost their residence.

SEC. 102. Disqualifications.—The following persons shall not be qualified to vote:

- Any person who has been sentenced by final judgment to suffer an imprisonment of not less than one year, such disability not having been removed by plenary pardon: Provided, however, That any person disqualified to vote under this paragraph shall automatically reacquire the right to vote upon expiration of ten years after service of sentence unless during such period, he shall have been sentenced by final judgment to suffer an imprisonment of not less than one year.

- Any person who has been adjudged by final judgment by competent court of having violated his allegiance to

the Republic of the Philippines.

- Insane or feeble-minded persons.
- Persons who cannot prepare their ballots themselves.

SEC. 103. Election registrar.—There shall be in each city, municipality and municipal district at least one election registrar and a clerk appointed by the Commission—Every election registrar shall be appointed to a specific city, municipality or municipal district; and once appointed may not be transferred or removed to another city, municipality or municipal district without cause or his consent, except as provided in Section three, paragraph (d). The salaries for the positions of election registrar and clerk in the city, municipality and municipal district shall be at such rate as may be determined by the position classification to be made by the Commission: Provided, however That in the city, municipality and municipal district having four thousand registered voters or less, the Commission may at its discretion appoint an election registrar, attach it to another political subdivision for purposes of registration, or appoint the city, municipal or municipal district treasurer as election registrar with additional compensation to be fixed by the Commission but not to exceed fifty per cent of his salary as treasurer.

The city, municipal or municipal district council, as the case may be, shall provide a suitable place for the office of the registrar: Provided, That in case of failure of the city, municipal or municipal district council to provide such suitable place, the election registrar upon previous authority of the Commission and notice to the council concerned, may lease another place for his office and rentals thereof shall be chargeable to the funds of the city, municipality, or municipal district.

SEC. 104. Qualification of election registrar.—Except in the case mentioned in the proviso of the next preceding section, only members of the Philippine Bar may qualify for appointment as election registrar: Provided, That if there are no lawyers available for appointment, graduates of duly recognized schools of law, liberal arts and education who are civil service eligibles may be appointed.

SEC. 105. Election registration board.—There shall be in each city, municipality and municipal district as many election registration boards as there are election registrars appointed therein, each such election registration board to be composed of the election registrar as chairman and two members to be appointed by the Commission upon proposal by the two political parties which polled the largest and the next largest number of votes in the next preceding presidential election, and shall hold office until relieved by the Commission for cause or upon the petition of the authorized representative of the party upon whose nomination the appointment was made.

The board shall meet every Monday during regular office hours, to discharge the functions herein conferred upon it: Provided, That the Commission may require any particular board or boards to meet more or less often as the exigencies of its duties may require.

SEC. 106. Qualifications of election registration board members.—No person shall be appointed or act as member of an election registration board unless he is a qualified voter, of good reputation, has not been convicted of any election offense or of any other crime punishable by more than six months of imprisonment or has no complaint or information pending against him for any election offense.

SEC. 107. Compensation.—Every member of an election registration board representing a political party shall be entitled to a compensation of fifteen pesos for each day of actual service in the board, but shall not be entitled to traveling expenses.

SEC. 108. Ineligibility of public officers and employees.— Except for notaries public, no person holding a public office or position or who is a candidate for an elective office may be appointed member of the election

registration board.

SEC. 109. Registration of voters.—Any qualified voter shall register by personally appearing before, and filing a sworn application for registration in triplicate with, (a) the election registrar of the city, municipality, or municipal district wherein he is a resident on any date after having acquired the qualifications of a voter, but not later than the first Saturday of August of an election year or (b) the board of election inspectors of the precinct wherein he resides on the last Saturday of August of an election year in case of regular election or on the second Saturday from the date of the proclamation calling a special election in case of a special election.

To facilitate filing of application for registration the election registrar may hold office in any district, barrio or sitio within his jurisdiction, without any traveling allowance, subject to the rules and regulations promulgated by the Commission.

SEC. 110. Application for registration.—The sworn application for registration shall contain three (3) specimens of the applicant's signature, clear and legible prints of all his fingers, and his passport or identification photograph which shall be at the expense of the government if the applicant should so request. Said specimens of applicant's signature, legible prints of his fingers and passport or Identification photographs are indispensable requisites of a valid application. In the event an application is approved notwithstanding the lack of any of the foregoing requisites, the applicant shall be required by the board to comply with the same by furnishing the required number of specimen signatures, presenting the required photographs or allowing himself to be photographed at government expense, or allowing clear and legible fingerprints to be taken of him, as the case may be. His unjustified refusal to comply as requested shall be a ground for his exclusion from the permanent list of voters under Section one hundred thirty-seven hereof.

It shall be the duty and responsibility of the members of the registration board and the members of the board of inspectors before acting on any application for registration to see to it that said application contains the three (3) specimens of the applicant's signature and that the prints of all his fingers and identification photograph are properly affixed so that the same could be used as basis for the identification of the voter.

Said application shall also contain the following:

- Name, surname and middle and/or maternal surname;
- Place of birth;
- Date of birth;
- Philippine citizenship;
- Civil status; if married, the name of the spouse;
- Profession, occupation or work;
- Exact address with the name of the street, the house number or in case there be none, a brief description of the locality and place;
- That he possesses the qualifications required of a voter;
- That he is not disqualified to vote;
- That he is not registered nor has he applied for registration in any other precinct, otherwise, he shall state the precinct in which he previously registered or applied for registration and attach thereto his sworn application for the cancellation of such previous registration;

- Space for the voting record of the person registered thereon;
- Such other information or data which the Commission may require.

Provided, That no person who applies for registration before the board of inspectors shall be registered unless at the time he files his application he submits to the board four identical copies of his most recent photograph.

SEC. 111. Approval or disapproval of application filed with the election registrar.—Upon receipt of the sworn application for registration, the election registrar shall set it for hearing, notice of which shall be posted in the municipal building for at least three days before the hearing. On the date of the hearing, the election registrar shall receive whatever evidence that may be submitted for or against the application. He shall submit the application and the evidence to the election registration board at its next meeting; and the board shall, by majority vote, act upon the application; and should it fail to do so within two consecutive meetings, including the meeting at which the application has been submitted to it, the application shall be deemed to have been approved. Upon approval, the election registrar shall forthwith issue the corresponding identification card to the registered voter.

If the election registration board disapproves the application, the applicant shall be furnished with a certificate of disapproval wherein the ground for the disapproval shall be stated.

SEC. 112. Challenge of right to register before the election registrar.—Any voter or representative of any political party of the city, municipality or municipal district may appear before the election registrar to oppose or challenge any application for registration stating the ground therefor. The challenge shall be under oath and shall be attached by the election registrar to the application together with proof of notice of the date of hearing to the challenger and the voter.

SEC. 113. Publication of application for registration.— Within two days from approval or disapproval of any application for registration, the election registrar shall post a notice in the municipal building giving the name and address of the applicant and the date of the application and the action taken on the application and shall serve a copy thereof by registered special delivery mail or by personal delivery on the heads or representatives of national political parties in the city, municipality or principal district.

SEC. 114. Registration before the Board of inspectors and preparation of current list of voters for regular election.—Any person qualified to register as a voter may, after the last day for registration before the election Registrar as provided for in Section one hundred nine hereof, register before the board of inspector of the Precinct where he resides on the last Saturday of August of an election year or on the second Saturday following the date of the proclamation calling a special election, by personally appearing before said board and filing therewith his application for registration.

If there is no challenge to the applicant's right to register, or if there is one and the board decides in favor of his registration, the application shall be approved and shall be incorporated into the precinct book of voters: Provided, That the election registration board shall transmit to the board of inspectors on the day of registration before said board of inspectors all applications pending approval before it to be acted upon by the board of inspectors as herein provided.

At this meeting, the board of inspectors shall prepare and certify eight copies of the list of voters of the corresponding precinct transferring thereto in alphabetical order the names of the voters appearing in the existing precinct book of voters and thereafter adding thereto such new qualified voters whose applications for registration are approved.

SEC. 115. Registration before board of inspectors and preparation of current list of voters before any special

election.—The board of election inspectors shall meet in the polling place on the second Saturday following the date of the proclamation calling a special election for the purpose of registering new voters in the province, city, municipality or municipal district concerned, as well as, for the preparation of the current list of voters for that particular special election. At this meeting the board shall transfer the names of the voters appearing in the existing precinct book of voters and shall include the new qualified electors applying for registration. At this meeting, the board of inspectors shall also prepare and certify eight copies of the current list as provided in the next preceding section.

SEC. 116. Transfer of voters from the permanent list to the current list,—The transfer of the names of the voters of the precinct already registered in the precinct book of voters to the current list to be made as provided for in the two preceding sections is a ministerial duty of the board, and any omission or error in copying shall be corrected *motu proprio*, or upon petition of the interested party, without delay and in no case beyond three days from the time such error is noticed; and if the board should refuse, the interested party may apply for such correction to the municipal judge of the municipality or of the capital of the province or to the judge of the court of first instance of the province, or to the Commission in Manila, who shall decide the case without delay and in no case beyond one week from the day the petition is filed. The decision of the judge of the court of first instance shall be final.

SEC. 117. Cancellations and exclusions in the transfer of names.—In transferring¹ the names of the voters of the precinct from the precinct book of voters to the current list, the board shall exclude those who have applied for the cancellation of their registration, those who have died, those who did not vote in two successive regular elections, those who have been excluded by court orders in accordance with the provisions of this Code, and those who have become disqualified, upon motion of any member of the board or of any voter or watcher, upon satisfactory proof to the board and upon summons to the voter in case of disqualification. The motion shall be decided by the board without delay and in no case beyond three days from its filing. Should the board deny the motion, or fail to act thereon within the period herein fixed, the interested party may apply for such exclusion to the municipal judge of the Municipality or of the capital of the province, or the judge of the court of first instance of the province, who shall decide the controversy without delay and in no case beyond one week from the date the petition is filed. The decision the court of first instance shall be final. The poll clerk keep a record of these exclusions and shall furnish a copy thereof to the city, municipal or municipal district Section registrar, the provincial election supervisor of the and the Commission, to be attached by them to permanent list under their custody.

SEC. 118. Meeting to close the precinct book of voters before each election.—The board of inspectors shall also meet on the first Saturday in the month of October of the election year for a regular election, or on the Saturday immediately following the registration of voters in a special election, for the purpose of making such inclusions, exclusions, and corrections as may be or have been 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. After closing the precinct book of voters, the board shall seal the same and make a certificate that the approved applications contained therein, stating the exact number, are complete for the precinct.

Should it be determined during the closing and sealing of the precinct book of voters, that a precinct book contains fictitious applications, or applications that have not been approved, or have been cancelled, any candidate, representative of a national political party, member of the board of inspectors or voter may, within ten days after the books have been closed and sealed, apply to the court of first instance for an order to exclude the same, and the matter shall proceed as provided in Section one hundred thirty-nine of this Code. It shall be *prima facie* evidence that the applications sought to be excluded are fictitious or have not been approved if they are not included in any one of the notices or lists required by sections one hundred eleven, one hundred thirteen and one hundred twenty-three hereof.

Should it be determined during the closing and sealing of the precinct book of voters, that the precinct book fails to include any voter's application that has been duly approved by the election registration board or by the board of inspectors and has not been properly cancelled under Sections one hundred seventeen, one hundred nineteen, one hundred thirty, one hundred thirty-one and one hundred thirty-seven hereof or transferred to another precinct under Section one hundred thirty-two of this Code, the voter concerned or any candidate, or representative of any political party or member of the board of inspectors apply to the court at any time for an order directing that his application for registration be included in the book. He shall attach to his motion a certified copy of the voter's identification card or of the notice of approval of the voter's application required by Section one hundred thirteen hereof, together with proof that he has applied, without success, to the election registrar and that he has served a copy thereof on the election registrar.

After the precinct books have been closed and sealed, only those voters whose applications are included therein shall be allowed to vote, except as may be ordered by the competent court.

The proceeding provided for in this Code for inclusion or exclusion of voters shall be in addition to and shall not affect any action for the criminal liability of any person responsible for the violation of the provisions of this Code.

SEC. 119. Registration in another city, municipality or municipal district; cancellation of previous registration.—Any person who desires to register as a voter in another city, municipality or municipal district to which he has transferred residence shall at least ten days before the date set for registration before the board of inspectors personally file with or send by registered mail to the election registrar of the city, municipality or municipal district wherein he is registered a sworn petition in quadruplicate for cancellation of his registration, attaching thereto his voter's identification card and stating therein his address at his new residence. Upon receipt of the petition, the election registrar shall verify the authenticity thereof and thereafter remove the application and place it in the inactive file. The election registrar shall send one copy each to the provincial election supervisor of the province and to the Commission who shall remove the cancelled application from the provincial central file and national central file, respectively.

On registration day, any registered voter may also file a similar petition for cancellation before the board of inspectors of the precinct where he is registered and upon receipt of the petition, the board shall verify the authenticity thereof and remove the application from the precinct book of voters, and immediately send one copy each of the petition to the election registrar, the provincial election supervisor and the Commission. He may also file the petition for cancellation before the proper board of inspectors in his new residence when he registers therein on registration day. The board shall immediately send by registered mail the original and another copy to the election registrar of the voter's previous residence, one copy to the provincial election supervisor of the corresponding province, and another copy to the Commission. Upon receipt of the petition, the election registrar shall verify the authenticity thereof and deliver one copy to the board of inspectors of the corresponding precinct on revision day and the cancelled application shall be removed from the precinct book of voters. The provincial election supervisor and the Commission shall remove the cancelled application from their respective files.

The election registrar shall post in the bulletin board a list of the names and addresses of voters whose applications have been cancelled for a period of thirty days.

SEC. 120. Challenge of right to register before board of inspectors.—Any registered voter or any person applying for registration with the board of inspectors may be challenged before said board of inspectors on registration day by any inspector, voter, candidate or watcher. The board shall then examine the challenged person and shall

receive such other evidence as it may deem pertinent, after which it shall decide whether the voter shall be included in or excluded from the list as may be proper. All challenges shall be heard and decided without delay, and in no case beyond three days from the date the challenge was made.

After the question has been decided, the board shall give to each party a brief certified statement setting forth the challenge and the decision thereon.

SEC. 121. Identification of voters.—Any voter who may not known by the members of the board of inspectors may be identified by any registered voter of the precinct or by the production of his birth or baptismal certificate or any identification card issued by the municipal treasurer. No fees or documentary stamps shall be required on such documents.

SEC. 122. Certificate of the board.—Upon the adjournment of the meeting for the registration of voters, the board of inspectors shall prepare a certificate of the corrections and cancellations made in the permanent list, specifying them, or that there has been none, and of the total number of voters registered in the precinct for the day.

SEC. 123. Publication of the current lists.—For the purpose of public information and reference only, at the first hour of the working day following that of registration of voters, the poll clerk shall deliver to the city, municipal or municipal district election registrar a copy of the current list certified to by the board of inspectors, another certified copy to the provincial election supervisor of the province and another copy, likewise certified, to the Commission in whose offices said copies shall be open to public inspection during regular office hours. On the same day and hour, the poll clerk shall also post a copy of the list in the polling place in a secure place on the door or near the same at the height of one and a half meters where it may be conveniently consulted by interested parties. Each other member of the board shall also have a copy of the list so prepared which may be inspected by the public in the residence or office of said member during regular office hours. Immediately after the meeting to close the current lists, the poll clerk shall also send a notice to the officials and officers above-named regarding the changes therein who shall make the corresponding changes in the current lists under their custody.

Notwithstanding the provision in the foregoing paragraph, in the event that the precinct book of voters is lost or destroyed or otherwise unavailable, and there is no time to reconstitute the same by using the provincial or national central files, the current lists in the possession of the board of inspectors may be used in lieu of the precinct book of voters.

The Commission shall promulgate rules and regulation governing such cases as well as procedures for the reconstitution of the lost precinct book of voters.

SEC. 124. Meeting hours of the board.—The meeting of the board of inspectors for the registration of voters shall commence at seven o'clock in the morning and shall continue until seven o'clock in the evening. The meeting may be suspended for one hour only at midday. If upon the stroke of seven o'clock in the evening there are still within a distance of thirty meters in the front of the polling place persons who wish to register, the board shall hand a card, signed by one of its members and consecutively numbered, to each of such persons; and upon the production of such card, if they have the prescribed qualifications, the board shall register them in the list at the same meeting.

SEC. 125. Preservation of voter's application for registration.—The original of the application for registration of each voter shall be compiled and incorporated alphabetically into the existing precinct book of voters. The board shall send the duplicate on the day following the date of the application to the office of the provincial election supervisor of the province and the triplicate to the national central file in the Commission.

SEC. 126. Custody of the precinct book of voters.—The election registrar shall deliver the precinct book of voters

to the chairman of the board of inspectors at seven o'clock in the morning of the registration day. Said book shall remain in the custody of the chairman until the first hour of the first working day following the meeting to close the precinct book of voters when he shall return the same to the election registrar. The latter shall keep the same in his custody and safekeeping and shall see to it that the same shall remain closed and sealed until election day when he shall deliver the same closed and sealed to the board of inspectors. The board of inspectors shall return the precinct book of voters to the election registrar upon the termination of the counting of votes.

SEC. 127. Provincial central file of registered voters.— The duplicate copies of all approved applications for registration shall immediately be sent to the provincial central file of registered voters which shall be under the custody and supervision of the provincial election supervisor appointed by the Commission who shall be a member of the Philippine Bar. These applications shall be arranged alphabetically by precinct so as to make the file an exact replica of the precinct book of voters and shall be open during office hours to the public with legitimate inquiries for purposes of election.

SEC. 128. National central file of registered voters.— The triplicate copies of all approved applications for registration shall immediately be sent to the Commission. These applications shall be arranged alphabetically by precinct so as to make the file an exact replica of the precinct book of voters, and shall be open during office hours to the public with legitimate inquiries for purposes of election.

SEC. 129. Voter's identification.—The voter's identification card to be issued by the election registrar of the city, municipality or municipal district shall serve and be considered as document for the identification of each registered voter: Provided, however, That no voter shall be required to present his identification card on election day unless his identity is challenged as provided in Section one hundred seventy-eight hereof: Provided, further, That his failure or inability to produce his identification card upon being challenged, shall not preclude him from voting if his identity be shown from the photograph or fingerprints in his approved application in the precinct book or if he is identified under oath by a member of the board of inspectors or by a duly accredited watcher.

No extra copy or duplicate of the voter's identification shall be prepared and issued except upon authority of the Commission.

The voter's identification card shall be subject at any time to examination, change or renewal by the Commission, and failure of any registered voter, without cause, after due notice, to surrender his voter's identification card shall be sufficient ground for its cancellation.

Each identification card shall bear the name and address of the voter, his age, sex, civil status, occupation, his passport or identification photograph, thumbmark, number of the precinct where he is registered, his signature and the signature of the registrar.

SEC. 130. Cancellation due to death, conviction and failure to vote in two successive preceding elections by election registration board.—The election registration board shall remove the voter's application for registration from the corresponding precinct book of voters of the following after entering therein the cause for cancellation and shall place them in the inactive file:

- Those who have since died as certified to at the end of each month by the local civil registrar.
- Those who have since been sentenced by final judgment to suffer an imprisonment of not less than one year or of having violated their allegiance to the Republic of the Philippines as certified to at the end of each month by the respective clerks of court of the court of first instance, city courts and the municipal judge.
- Those who did not vote in two successive preceding regular elections as shown by the voting records of each

voter after the holding of an election.

The election registrar in behalf of the election registration board shall notify by mail or by personal delivery the registered voter of his cancellation and the ground thereof and require the surrender of his voter's identification card. In cases of death, all notices and requirements shall be directed to the voter's next of kin.

The names cancelled shall be published on the bulletin board immediately stating the reason for the cancellation and shall be reported to the Commission and the provincial election supervisor together with copies of the certified statements of the local civil registrar, the clerk of court of first instance, the clerk of the city court and the municipal judge. The provincial election supervisor and the Commission shall accordingly remove the application for registration of the voters and file them in the inactive file after entering in their respective application the cause for the cancellation of their registration.

SEC. 131. Cancellation of previous registration.—Any registered voter who, after approval of his application for registration, has suffered any of the disqualifications set out in Section one hundred two hereof, may request for the cancellation of his registration by personally filing sworn application for said cancellation, setting forth the ground or grounds therefor, with the election registration board which shall proceed to verify the truth thereof and, once established, shall cancel the voter's registration and issue the certificate of cancellation to the voter.

The election registration board concerned shall upon receipt of the application for cancellation of registration remove his application for registration from the corresponding precinct book of voters, which shall be placed in the inactive file, and issue the certificate of cancellation to the voter by registered mail or personally. The election registration board shall enter the corresponding notations in the application for registration of said request for cancellation.

The election registrar shall preserve all applications for cancellation and shall report all cancellations made by him under this section to the Commission and to the provincial election supervisor for their corresponding action. The names of the voters cancelled shall be posted in the bulletin board for thirty days.

SEC. 132. Re-registration.—Voters who are registered in the permanent list of a city, municipality or municipal district need not register anew therein, unless their residence is changed to another city, municipality, or Municipal district in which case they shall have to register in the permanent list of their new residence, upon previous application for cancellation of their previous Registration. Those who have been stricken out of the list upon their own petition or for not having voted in two successive regular elections may apply for registration, provided they preserve the legal qualifications of a voter.

If a change of address within the city, municipality or municipal district involves merely a change of precinct, the voter shall notify in writing the election registrar concerned for the latter to transfer his approved application for registration from the precinct book of voters of his former address to that of his new precinct. However, no such transfers in the precinct book of voters shall be allowed later than the day preceding registration day before the board of inspectors.

SEC. 133. Adjustment of the precinct book of voters in case of division or merger of precinct.—When a precinct is divided into two or more precincts or certain precincts are merged, the election registration board shall accordingly transfer the application for registration of the voters included in the precinct book of voters of the precinct or precincts affected to the corresponding precinct book of voters of the resulting new or adjusted precinct. All adjustments shall be reported to the Commission and the provincial election supervisor for their corresponding action. Voters affected by the adjustment of precincts shall be notified by mail of their new precinct resulting from the adjustment.

SEC. 134. Voters excluded through inadvertence or registered with an erroneous or misspelled name.—Any voter registered in the permanent list as based on the precinct book of voters, may vote even if he has not been included in the current list or has been included therein with a wrong or misspelled name.

Any voter whose application for registration has been duly approved but is not included in the precinct book of voters shall, upon presentation of a certified copy of an order of a competent court for his inclusion in said precinct book of voters and, upon proper identification, be allowed to vote.

SEC. 135. Jurisdiction in inclusion and exclusion cases

- The judge of the court of first instance and the municipal judge of the capital of the province shall have incurrent jurisdiction throughout the province, and the municipal judges shall have in their respective municipalities concurrent jurisdiction with the former over all Matters of inclusion in and exclusion of voters from the precinct book of voters, but the one to whom the application is first presented shall acquire exclusive jurisdiction thereon. However, if the judge of the court of first instance is in the province, the proceedings shall, upon Petition of any interested party filed before the presentation of evidence, be remanded to the said judge who shall Bar and decide the same in the first instance, within ten days from the date the records were received. Decisions the municipal judge may be appealed to the judge of the court of first instance within five days from receipt notice by the parties. In case notice of appeal cannot be presented to the municipal judge because of his absence, the interested party may lodge his appeal directly with the court of first instance which, upon receiving it, shall order the municipal judge to forward the records of the case to the court of first instance within twenty-four hours from receipt of said order, and may make it effective by contempt proceedings. The court of first instance upon receiving the records will try and decide the case within ten days from the time the appeal was received. Notwithstanding the provisions of existing laws, any decision rendered by any court of first instance may be appealed directly to the Supreme Court by any of the parties thereto within ten days from receipt of the decision.

- The municipal judge of the capital and the judge of the court of first instance may hold sessions in any Municipality of the province as they may deem fit, for the hearing and decisions of the application, and the traveling expenses and per diems of the judge and his personnel shall be paid by the municipality to which the application corresponds and where they hold sessions.

SEC. 136. Application for inclusion of voter in the permanent list.—Any person who has been refused registration or whose name has been stricken out from the permanent list of voters may at any time except sixty days before a regular election or twenty-five days before special election apply to the proper court for an order directing the election registration board or the board of inspectors as the case may be, to include or reinstate his name in the permanent list of voters, attaching to his application for inclusion the certificate of the election registration board or the board of inspectors regarding his case and proof of service of a copy of his application and of the notice of the hearing- thereof upon a member of said board.

If the decision is for the inclusion of a voter in the permanent list, the application previously denied shall be reactivated and included in the corresponding precinct book of voters wherein the court order shall be entered. However, if the decision of the court is received after the precinct book of voters has been closed and sealed, the voter shall, upon presentation of a certified copy of the order of inclusion and upon proper identification, be allowed to vote on election day.

SEC. 137. Application for exclusion of voters from the permanent list.—Any registered voter, representative of a political party or election registrar of the city, municipality or municipal district, may at any time except sixty days before a regular election and twenty-five days before a special election apply with the proper court for the exclusion of a voter from the permanent list on the ground, that he is disqualified, or illegally registered, giving

the name and residence of the latter, and the election precinct in which he is registered. The application shall be sworn to and accompanied by proof of notice to a member of the board of inspectors, if the same duly constituted, or election registrar, unless the latter is himself the petitioner, and to the challenged voter. Final decisions of the courts ordering the exclusion of a voter shall be transmitted immediately to the election registrar concerned or, on the day of registration before the board of inspectors and thereafter, to the corresponding boards of inspectors who shall cancel the name of the voters involved from their precinct book of voters, stating opposite every name cancelled the date of the order and the court which issued it. If the decision is received after the precinct book of voters has been closed, the voter so excluded shall not be permitted to vote upon presentation to the board of inspectors of a certified copy of the order of exclusion.

SEC. 138. Question as to right of voter to be registered for special elections.—On the registration day for special election and on any of the following five working days, any voter's inclusion in, or exclusion from, the precinct book of voters may be requested upon application therefor filed with the judge of the court of first instance, or with the municipal judge of the capital, or with the city or municipal judge of the city or municipality in which the precinct concerned is located, in conformity with the general procedure prescribed for such cases, and with such previous notice as may be practicable or may be required in the discretion of the judge. The court shall decide the case as the law may warrant, within ten days following the day of the filing, and in no case shall the decision be rendered after the second day next prior to the election.

SEC. 139. Common rules governing judicial proceedings in the matter of inclusion and exclusion of voters.—

- Outside of the regular office hours, no application for inclusion, or exclusion of voters shall be received.
- Notices to the members of the election registration board, board of inspectors and to the challenged Voters shall state the place, date and hour in which such application shall be heard, and such notice may be made sending a copy thereof by registered mail or by personal delivery to them, or by leaving it in the possession of a person of sufficient discretion in the residence of the said persons, or, in the event that the foregoing procedure is not practicable, by posting a copy in a conspicuous place within the municipality, at least ten days prior to the day of the hearing.
- In the interest of justice and to afford the challenged voter all the opportunities to contest the application for exclusion, the judge concerned may, when the challenged voter fails to appear on the first day set for the hearing order that notice be effected in such manner and within such period of time as he may decide, which time shall in no case be more than ten days from the day the respondent is first found in default.
- Each application shall refer to only one election precinct.
- No filing fees shall be collected nor any costs be assessed in these proceedings. However, if the judge should be satisfied that the application has been filed for the sole purpose of molesting the adverse party and causing him to incur expenses, he may condemn the culpable party to pay the costs and incidental expenses.
- Any candidate who may be affected by the proceedings may intervene and present his evidence.
- The decision shall be based on the evidence presented. If the question is whether or not the voter can read and write, such voter shall be personally examined before the court and if the question is whether or not the voter is real or fictitious, his non-appearance on the day set for hearing shall be prima facie evidence that the registered voter is fictitious. In no case shall a decision be rendered upon a stipulation of facts.
- These applications shall be heard and decided without delay. The decision shall be rendered within six hours after the hearing and within ten days from the date of its filing or registration in court. Cases appealed or remanded to the judge of the Court of First Instance shall be decided within six hours after the hearing and within

ten days after their receipt in the office of the clerk of court.

SEC. 140. Power of election registrar and board of inspectors to administer oaths and issue summons.—The election registrar and the board of inspectors shall have same powers possessed by municipal judges to administer oaths, to issue subpoena and subpoena duces tecum, to swear witnesses, and to compel witnesses to appear and testify, but if the summons is issued at the instance of any private party, the corresponding fees and the expenses incident thereto shall be paid in advance by said party.

SEC. 141. Canvass to check registration.—The election registrar shall, subject to the rules and regulations promulgated by the Commission, conduct such mail check or house to house canvass or both, without traveling allowance, of the voters of any precinct for the purpose of filing exclusion proceedings.

SEC. 142. Annulment of permanent list of voters.—Upon petition of any voter, candidate, election registrar or political party, any precinct book of voters not prepared in [accordance with the provisions of this Code, or the preparation of which is affected with fraud, bribery, forgery, impersonation intimidation, force, or any other similar irregularity may, after due notice and hearing, be annulled by competent court: Provided, That no judgment annulling a precinct book of voters shall be executed within ninety days before election day.

ARTICLE VIII.—Board of Election Inspectors

SEC. 143. Composition and appointment of Boards of Election Inspectors.—At least thirty days prior to the registration with the board of inspectors in a regular election or, in the case of a special election, on the Saturday following the date of proclamation calling such election, the Commission shall directly or through its duly authorized provincial representatives, appoint a board of election inspectors for each election precinct to be composed of a chairman and four members, one of whom shall be designated concurrently as poll clerk, who shall hold office until their successors are appointed for the next regular election, unless they are sooner relieved.

The chairman, the poll clerk and one member, as well their corresponding substitutes, shall be public school teachers, precedence being given to civil service eligibles who have been in the service for more than five years and are registered voters of the city, municipality or municipal district. 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 city, municipality or municipal district to fill the vacancies. Public school teachers who are appointed members of the board of inspectors and their substitutes may vote in their respective precinct where they are assigned on election day: Provided, That they are qualified voters of the city, municipality or municipal district where they are assigned and that before the precinct book of voters are closed and sealed, their approved applications for registration shall have been transferred to the precinct where they are assigned as board members, under such rules that the Commission may provide.

The two members and their substitutes shall be appointed in accordance with the next succeeding section.

In places where the Commission after due notice and hearing considers election violence or terrorism to be imminent, and by reason thereof, public school teachers and their substitutes are unable or unwilling to discharge their duties, the Commission may appoint ROTC cadets, who are at least twenty-one years of age, as members of the board of inspectors to insure free, orderly and honest election therein.

SEC. 144. Representation of the parties in the board of election inspectors.—The appointment of the member of the board of inspectors and his substitute shall be proposed by the party presenting candidates for election which polled the largest number of votes in the next preceding presidential election and the other member and his substitute shall be proposed by the party presenting candidates for election which polled the next largest number of votes in the same election.

The party affiliation of the candidates voted for shall be determined from their certificates of candidacy. The political parties through their duly authorized officials shall choose their respective representatives in each legislative district who shall submit in writing at least ten days before the date fixed for the appointment of the board of election inspectors, the names and addresses of persons whom they propose to be appointed as members thereof said political party shall fail to propose the names of the persons to be appointed as members of the board of inspectors, or if no political party is entitled to propose the appointment of said members, the Commission shall, in its discretion, choose said members and their substitutes.

SEC. 145. Relief and substitution of members of the board of inspectors.—Public school teachers who are members of the board of election inspectors shall not be relieved nor disqualified from acting as such members, except for cause and after due hearing.

Any member of the board of inspectors, nominated by a political party, as well as his substitute may at any time be relieved from office and substituted with another having the legal qualifications upon petition of the authorized representative of the party upon whose nomination the appointment was made, and it shall be unlawful to prevent said person from, or disturb him in, the performance of the duties of the said office. A record of each case of substitution shall be made, setting forth therein the hour in which the replaced member has ceased in office and the status of the work of the board of inspectors. Said record shall be signed by each member of the board including the incoming and outgoing officers.

SEC. 146. Vacancy in the board of inspectors.—Every Vacancy in the board of election inspectors shall be filled for the remaining period in the manner hereinbefore prescribed.

SEC. 147. Qualifications of members of the board of inspector nominated by the political parties.—No person shall be appointed or shall sit as member of the board of inspectors or a substitute member thereof upon nomination of a political party, unless he is a qualified voter of the municipality, of good reputation, shall not have been convicted of any election offense or of any other crime or shall have pending against him an information for any election offense, and must know how to read and write the national language, English or the local dialect.

SEC. 148. In case of disqualification of a member of the board.—In case a member of the board of inspectors shall become disqualified to continue acting as such, his office shall immediately be filled by the substitute until the appointment of his successor by the Commission, and, if the successor be likewise disqualified or cannot act for any reason whatsoever, the successor of the disqualified members shall be appointed as soon as possible upon the nomination by the party of the predecessor or by its authorized representative.

SEC. 149. Ineligibility of public officers and employees.— No person holding a public office or who is a candidate for an elective office may be appointed member or substitute member of the board of inspectors.

SEC. 150. Relationship with other members and candidates.—No member of the board shall be related to any other member of the same board or to any candidate to be voted in the precinct 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 about such relationship, assume the office of member thereof and perform the duties pertaining thereto.

SEC. 151. Certificate of appointment of board member.— The members of the board of inspectors shall receive an appointment in which the election precinct to which they may be assigned and the date of their appointment shall be stated.

SEC. 152. Prohibition of political activity.—No member of the board of election inspectors shall engage directly or indirectly in partisan political activity or take part in any election except to discharge his duties as such and to

vote.

SEC. 153. Functioning of the board of inspectors.—During the meetings of the board and especially during the voting and counting of votes, not more than one member of the board shall absent himself from the polling place at a time, and in no case shall such absence be for more than twenty minutes. The board of inspectors shall act through its chairman, and shall decide without delay all questions which may arise in the performance of its duties by majority vote of the chairman and four members.

SEC. 154. Temporary vacancies.—If, at the time of the meeting of the board, any member thereof including the poll clerk is absent, or the office is still vacant, the members present shall call upon the substitute of the absent member to perform the duties of the latter; and, in case such substitute cannot be found, the members present shall appoint any qualified voter of the election precinct to temporarily fill said vacancy until the absent member appears or the vacancy is filled. In case there are two or more members present, they shall act jointly: Provided, That if the absent member is one who has been nominated by a political party, the representative of said political party or in his absence the watchers belonging to said political party shall nominate a qualified voter of the election precinct to temporarily fill said vacancy: Provided, further, That in the event of refusal or failure of either representative or watcher of said political party to make the nomination, the members of the board of inspectors Present shall choose a qualified voter to fill the vacancy.

SEC. 155. Arrest of absent member.—The member or members of the board present may order the arrest of any other member or substitute thereof, who in their judgment, has absented himself with intention of obstructing the performance of the duties of the board.

SEC. 156. Temporary designation of members of the board of inspectors by watchers.—If at the time in which the k must meet all the officers and members of the board vacant, or if not one of them shall appear, the watchers present may designate qualified voters of the precinct to act in the place of said members until the absentees shall appear or the vacancies are filled.

SEC. 157. Oath of the Members of the Board.—The members of the board, whether permanent, substitute or temporary, shall before assuming their office, take and sign an oath upon forms prepared by the Commission, before an officer authorized to administer oaths or, in his absence before any other member of the board present, or in case no one is present, they shall take it before any voter. The oaths shall be sent immediately to the municipal treasurer.

SEC. 158. Publicity of, and order, during the proceedings of the board,—The meetings of the board shall be public and shall be held only in the polling place designated by the Commission.

The board shall have full authority to keep order within the polling place and its environs, to keep access thereto open and unobstructed, and to enforce obedience of its lawful commands. If any person shall refuse to obey a lawful command of the board, or shall conduct himself in a disorderly manner in its presence or within its hearing and thus interrupt or disturb its work or the proceedings in connection with the voting and counting of votes, the board may issue an order in writing directing any peace officer to take such offending person into custody until the adjournment of the meeting; but such order shall not be executed as to prevent the person so taken into custody from exercising his right to vote at such election. Such order shall be executed by any peace officer to whom it may be delivered, but if none shall be present, by any other person deputized thereto by the board in writing.

SEC. 159. Official watchers of the candidates.—

- All political parties duly registered through their duly authorized officials or representatives, duly registered with

the Commission, shall be entitled to not more than six watchers each in every polling place and independent candidates shall be entitled to one watcher each. All watchers shall be of legal age and not disqualified for any of the grounds for disqualification mentioned in Section one hundred forty-seven of this Code. The duly authored officials of the political parties entitled to watchers shall choose in each province, city, municipality or municipal district their respective representative authorized to appoint watchers.

- Upon entering the polling place, the watcher shall present and deliver to the chairman of the board of inspectors his appointment and forthwith his name shall be recorded in the minutes. To entitle him to be admitted in the polling place, the appointment of the watcher shall bear the personal signature or the facsimile signature of the registered candidates who appointed him, or the personal signature or facsimile signature of the authorized representative of the party to which said watcher belongs.

- The watchers shall have the right to stay in the space reserved for them inside the polling place. They shall have the right to witness and inform themselves of the proceedings of the board, to take notes of what they may see or hear, to file a protest against any irregularity which they believe may have been committed by the board of inspectors, to obtain from the poll clerk a certificate as to the riling of such protest or of the resolution thereon, and to read the ballots after they have been read by the chairman as well as the election returns after they have been completed and signed by the members of the board, without touching them, but they shall not speak to any member of the board.

SEC. 160. Pay of members of the Board of Inspectors— The members of the board of inspectors shall each receive per diem of thirty pesos on election day and ten pesos for every meeting day before election. The per diem shall be paid on election day and on each meeting day.

ARTICLE IX.—Official Ballots

SEC. 161. Official ballots.—Ballots for national and local offices shall be uniform throughout the Philippines and be provided at public expense. They shall be of size and color; shall be printed in a letter press method of printing on paper with water-mark. Said ballots shall be in the shape of a strip with stubs and coupons containing the detachable numbers of the ballots, and shall bear at the top on the middle portion thereof the coat of arms of the Republic of the Philippines, the words "Official Ballot," the name of the city or the municipality or municipal district and province in which the election is held, the date of the election, the following notice: "Fill out this ballot secretly inside the booth. Do not put any distinctive mark in any part of this ballot," and the precinct number. Each ballot shall contain the names of all offices to be voted for in the election, allowing opposite the name of each office, sufficient space or spaces within which the voter may write the name or names of the individual candidate voted by him.

There shall not be anything on the reverse side of the ballot. There shall be in the coupon a space for the thumb-mark of the voter.

Ballots in cities, municipalities, and municipal districts where Arabic is of general use, shall have each of the titles of offices to be voted printed in Arabic in addition to and immediately below the English title.

Notwithstanding the preceding provisions of this section, the Commission on Elections is hereby empowered to prescribe a different form of ballot with the use or adoption of the latest technological and electronic devices as authorized under paragraph (e) of Section three hereof.

No official ballot, forms for election return, precinct book of voters shall be delivered to the boards of inspectors earlier than the first hour of election day: Provided, however, That the Commission, after notice to the political parties and the candidates, and hearing may, for special reasons to be stated in the resolution justifying earlier

delivery, authorize the delivery of said official ballots, precinct books of voters and forms for election return to the board of inspectors of any particular precinct at an earlier date.

SEC. 162. Manner of folding the ballots.—The ballots shall be folded twice toward the bottom with the entire coupon and its detachable number visible.

SEC. 163. Printing and Arrangement of the official ballots. —The official ballots shall be printed by the Bureau of Printing under the supervision and control of the Commission and shall be bound in separate pads of fifty or one hundred ballots each as may be required. Each ballots shall be joined by a perforated line to a stub numbered consecutively, beginning with number one in each city, municipality and municipal district. Each ballot shall also have at its bottom a detachable coupon bearing the same number of the stub. Each pad of E ballots shall bear on its cover the name of the city, municipality or municipal district in which the ballots are to be used, the serial numbers of the ballots contained therein, and the precinct number. The Director of Printing and the provincial, city, municipal, and municipal district treasurer shall respectively keep a record of the ballots furnished the various provinces, cities, municipalities, municipal districts and election precincts, copy of which record shall be furnished the Commission immediately after the distribution is made.

SEC. 164. Emergency ballots.—No ballots other than the official ballots shall be used or counted, except in the event or failure to receive the official ballots on time, or where there are not sufficient ballots for all registered voters or where they are destroyed at such time as shall render it impossible to provide other official ballots, in which cases the municipal treasurer shall procure from any available source, other ballots which shall be as nearly like the official ones as circumstances will permit and which shall be uniform within each precinct. The Municipal treasurer shall immediately report such action to the Commission.

SEC. 165. Sample official ballots.—Boards of election inspectors shall be furnished by the Commission with at least thirty sample official ballots, printed on colored paper in all respects like official ballots but bearing instead the words "sample official ballot" to be shown to the public and used in demonstrating how to fill out and fold the official ballots properly. No name of any actual candidate shall be written on sample official ballots, nor shall they be used for voting.

SEC. 166. Requisition and preparation of official ballots.—Official ballots shall be furnished by the Director of Printing upon orders of the Commission. Requisitions shall be for each city, municipality and municipal district at the rate of one and one-half ballots for national offices and one and one-half ballots for local offices for every registered voter in the next preceding election. The Commission shall have exclusive charge of the manner of the preparation and printing of the official ballots, and shall provide security measures for their storage and distribution.

SEC. 167. Committee on Printing of Official Ballots.—The Commission shall appoint a committee of five members to act as its representatives in the printing of official ballots who shall be chosen as follows: one to act as chairman to be chosen from among the personnel of the Commission; another member to be proposed by the Director of Printing; another, by the Auditor General; and two other members, each to be proposed by the two political parties which polled the highest and second highest number of votes respectively in the next preceding presidential election.

The member proposed by the political parties shall be a holder of a bachelor degree, and of good moral character. The Commission may, upon the request of any other national political party, appoint any person as watcher proposed by it to observe the proceedings of said committee on the printing of official ballots and file objections, if any, with the committee.

SEC. 168. Duties of the Committee on Printing Official Ballots.—Under such orders or instructions as the Commission may issue, the Committee on Printing of Official Ballots shall (a) take charge of the room or rooms where the paper and paraphernalia used in the printing of official ballots are stored and where printed official ballots are packed and prepared for shipment, and (b) witness the printing, storage and shipment of official ballots.

SEC. 169. Representatives of the political parties, in the distribution of official ballots in the provinces and cities.—Sixty days before election day, the political parties obtaining the highest and second highest number of votes respectively in the next preceding presidential election shall submit to the Commission or its duly authorized representatives in the different provinces and cities, the names of their respective representatives who, together with the provincial and city treasurer, shall verify the contents of the box or boxes containing the official and sample official ballots received from the Bureau of Printing by the latter and before their distribution.

ARTICLE X.—Casting of Votes

SEC. 170. Voting hours.—The polls shall open for the casting of votes at seven o'clock in the morning and shall close at three o'clock in the afternoon, except when there are voters present within thirty meters in front of the polling place who have not yet cast their votes, in which case the voting shall continue 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. 171. Preliminaries to the voting.—

- The board of inspectors shall meet at the polling place designated by the Commission at six thirty o'clock in the morning of election day and shall have the precinct book of voters containing all the approved applications for registration of voters pertaining to the precinct, the ballot box, the official ballots, sufficient pieces of indelible pencils for the use of the voters, the forms to be used during the day, and all other materials which may be necessary.

- Immediately thereafter, the board shall open the ballot box, shall empty both of its compartments, exhibit them to all those present and being empty, shall lock its interior covers with three padlocks.

- The chairman shall forthwith show to the public and the watchers present the package of official ballots received from the city, municipal or municipal district treasurer duly wrapped and sealed and the number of pads, the serial numbers and the type forms of the ballots in each pad appearing on the cover, and shall subsequently break the wrapping and the seal. The board shall enter in the minutes the fact that the package was shown to the public with its wrapping and corresponding seal intact and/or if they find that the wrapping and seal are broken, such fact must be stated in the minutes as well as the number of pads and the serial numbers of ballots that they find in the package.

- The chairman and two party members of the board shall retain in their possession their respective keys to the padlocks during the voting.

- The box shall remain locked until the voting is finished and the counting begins. However, if it should become necessary to make room for more ballots, the board may open the box in the presence of the whole board and the watchers, and the chairman shall press down with his hands the ballots contained therein without removing any of them, after which the board shall close the box and lock it with its three padlocks as hereinbefore provided.

SEC. 172. Persons allowed in and around the polling place.—During the voting, no person shall be allowed inside

the polling place, except the members of the board of inspectors and their substitutes, the watchers, the representatives of the Commission, the voters casting their votes, the voters waiting for their turn to get inside the booths 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 forty at any one time. The watchers shall stay only in the space reserved for them it being illegal for them to enter places reserved for the voters or for the board, or to mingle and talk with the voters within the polling place.

It shall be unlawful for any regular policeman or peace officer or any armed person belonging to any extra-legal police agency such as special agents, confidential agents, temporary police, security guards, security agents, special police, and all other kinds of armed or unarmed extra-legal police to enter any polling place and no policeman or peace officer shall be allowed to enter or stay inside the polling place except when there is an actual disturbance of the peace and order therein. However, the board of inspectors may, if it deems necessary, make a call in writing, duly entered in the minutes thereof, 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 polling place within a radius of thirty meters near enough to be easily called by the board of inspectors at any time, but never at the door, 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 polling place.

SEC. 173. Order of voting.—The voters shall vote in the order of their entrance into the polling place. The voters shall have the right to freely enter the polling place as soon as they arrive unless there are voters waiting inside, in which case they shall fall in line in the order of their arrival and shall not crowd around the table of the board of inspectors. The voters after having cast their votes shall immediately depart.

SEC. 174. Manner of obtaining ballots.—The voter shall approach the chairman and shall give his name and address together with other data concerning his person. In case any member of the board doubts the identity of the voter the board shall check his voter's identification card or, if he does not have any, the board shall secure his signature and thumb print to compare them with the signature and thumb print in the voter's application for registration. If the board is satisfied with his identity, the chairman shall then distinctly announce the voter's name in a tone loud enough to be plainly heard throughout the polling place. If such voter has not been challenged, or if having been challenged the question has been decided in his favor, the voter shall forthwith affix his signature in the space intended for that purpose in the precinct book of voters, and the chairman shall, after first entering the number of the ballot in the corresponding space of the precinct book of voters, deliver to the voter one ballot correctly folded. No person other than the chairman shall deliver official ballots nor shall more than one ballot be delivered at one time.

SEC. 175. Manner of preparing the ballot.—The voter, on receiving his folded ballot, shall forthwith retire to one of the empty voting booths and shall there fill his ballot by writing in the proper space for each office the name of the person for whom he desires to vote. No voter shall be allowed to enter a booth occupied by another, nor enter the same accompanied by somebody, nor stay therein for a longer time than necessary and in no case exceeding ten minutes, in case there are other voters who are waiting for their turn to vote, nor speak with anyone other than as herein provided while inside the polling place. It shall be unlawful to prepare the ballots outside the voting booth, or to exhibit its contents to any person, or to erase any printing from the ballot, or to intentionally tear or deface the same or put thereon any distinguishing mark. It is likewise unlawful to use carbon paper, paraffin paper, or other means for making a copy of the ballot or make use of any other means to identify the vote of the voter.

SEC. 176. Disposition of spoiled ballots.—If a voter shall spoil or deface a ballot in such a way that it cannot

lawfully be used, he shall surrender it folded to the chairman who shall note in the corresponding space in the precinct book of voters that said ballot is spoiled. The voter shall then be entitled to another ballot which the chairman shall give him after announcing the number of the second ballot in the polling place and recording its serial number in the corresponding space in the precinct book of voters. If the said second ballot is also spoiled or defaced in such a way that it cannot lawfully be used, the same shall be surrendered to the chairman and recorded in the same manner as the first spoiled or defaced ballot. The spoiled ballot shall, without being unfolded and without removing the detachable coupon, be distinctly marked with the word "spoiled" and signed by the board of inspectors on the indorsement fold there of and immediately placed in the compartment for spoiled ballots. However, no voter shall change his ballot more than twice.

SEC. 177. Casting of votes.—

- After the voter has filled his ballot he shall fold it in the same manner as when he received it and return it to the chairman.
- In the presence of all the members of the board of inspectors, he shall affix his thumbmark on the corresponding space in the coupon, and deliver the folded ballot to the chairman.
- The chairman, in the presence and view of the voter and all the members of the board of inspectors, without unfolding the ballot or seeing its contents, shall verify its number from the precinct book of voters where it was previously entered.
- The voter shall forthwith affix the imprint of his thumbmark by the side of his signature in the space intended for that purpose in the precinct book of voters.
- The chairman shall sign in the space intended for that purpose beside the thumbmark of the voter.
- The chairman, after finding everything to be in order, shall then remove the coupon in the presence of the board of inspectors and of the voter and shall deposit the folded ballot in the compartment of valid ballots, and the detached coupon in the compartment of valid ballots, and
- The voter shall then depart.
- Any ballot returned to the chairman whose detachable coupon has been removed not in the presence of the board of inspectors and of the voter, or any ballot whose number does not coincide with the number of the ballot delivered to the voter, as entered in the precinct book of voters, shall be considered as spoiled and shall be so marked and signed by the members of the board of inspectors.

SEC. 178. Challenge of illegal voters.—

- Any voter or watcher may challenge any person offering to vote for not being registered in the list or for using the name of another. In such case, the board shall take the oath of the challenged person or shall otherwise satisfy itself as to whether or not the ground for the challenge is true. For this purpose the board of inspectors shall have the same power possessed by municipal judges to administer oaths, to issue subpoena and subpoena duces tecum and to compel witnesses to appear and testify;
- No voter shall be required to present his voter's identification card on election day unless his identity is challenged. His failure or inability to produce his identification card upon being challenged, shall not preclude him from voting if his identity be shown from the photograph or fingerprints in his approved application in the precinct book of voters or if he is identified under oath by a member of the board of inspectors, or by a duly accredited catcher.

SEC. 179. Challenge based on corrupt practices.—Any voter, candidate, or watcher may, on the ground of corrupt practices in connection with the election, challenge any voter offering to vote. In such case the challenged person shall take oath before the board that he has neither received nor does he expect to receive, nor has paid, offered or promised to pay, nor has contributed, offered or promised to contribute money or anything of value as consideration for his vote or for the vote of another; that he has not made or received any promise to influence the giving or withholding of any such vote; and that he neither has made any bet nor is interested directly or indirectly in any bet which depends upon the result of the election. Upon the taking of such oath by the challenged person, the challenge shall be dismissed; but, in case of his refusal to take such oath, the challenge shall be sustained and he shall not be allowed to vote.

SEC. 180. Admission of challenged vote immaterial in criminal proceedings.—The admission of the vote shall not be conclusive upon any court as to the legality of the registration or the casting of the vote of the challenged voter in a criminal action against such person for illegal registration or voting.

SEC. 181. Record of challenges and oaths.—The poll clerk shall keep a record of challenges and oaths taken in connection therewith as well as of the resolution of the board in each case and, upon the termination of the voting, shall certify that it contains all the challenges made. The original of this record shall be attached to the original copy of the minutes of the voting as provided in the succeeding section.

SEC. 182. Minutes of voting and counting of votes.— The board of inspectors shall prepare and sign a statement in five copies setting forth the following:

- The time in which the voting commenced and ended;
- The serial numbers of the official ballots received;
- The number of official ballots used and the number left unused;
- The number of voters who cast their votes;
- The number of voters challenged during the voting;
- The names of the watchers present;
- The time the counting of votes commenced and ended;
- The number of official ballots found inside the compartment for valid ballots;
- The number of valid ballots, if any, retrieved from the compartment for spoiled ballots;
- The number of ballots, if any, found folded together;
- The number of spoiled ballots withdrawn from the compartment for valid ballots;
- The number of excess ballots;
- The number of marked ballots;
- The number of ballots read and counted;
- The time the election returns were signed and sealed in their respective special envelopes; and
- The number and nature of protests made by Catchers. Copies of this statement after being duly accomplished shall be sealed in separate envelopes and shall be distributed as follows: (a) The original shall be delivered to the representative of the Commission; (b) one copy to the city, municipal or municipal district treasurer; (c) one copy

each to the representatives of the major political parties in the board; and (d) one copy shall be deposited inside the compartment for valid ballots.

SEC. 183. Prohibition of premature announcement of progress of voting.—No member of the board of inspectors shall, before termination of the voting, make any statement as to whether a certain registered voter has already voted or not, as to how many have already voted or how many so far failed to vote or any other fact tending to show or showing the state of the polls, nor shall he make any statement at any time, except as witness before a court, as to how any person voted.

ARTICLE.—Counting of Votes by the Board of Inspectors

SEC. 184. Counting to be public and without interruption.—As soon as the voting is finished, the board of inspectors shall publicly count in the polling place the votes cast and ascertain the result. The board shall not adjourn or postpone or delay the count until it shall be fully complete, unless otherwise ordered by the Commission.

The Commission, in the interest of free, orderly, and honest elections, may order the board of inspectors to count the votes and to accomplish the returns and other forms prescribed under this Code in any other place within the province.

SEC. 185. Excess ballots.—Before proceeding to count the votes the board of inspectors shall count the ballots in the compartment for valid ballots without unfolding them or exposing their contents, except so far as to ascertain that each ballot is single, and shall compare the number of ballots in the box with the number of voters who have voted. If there are excess ballots they shall be replaced in the box and thoroughly mingled therein; and one of the members designated by the board, without seeing the ballots and with his back to the box, shall publicly draw out as many ballots as may be equal to such excess and, without unfolding them, place them in a package which shall be marked "EXCESS BALLOTS" and which shall be sealed and signed by the members of the board. The package shall be placed in the compartment for valid votes, but its contents shall not be read in the counting of votes. If, in the course of the examination, any ballots shall be found folded together before they were deposited in the box, they shall be placed in the package for excess ballots. In case ballots with their detachable numbers be found in the box, such numbers shall be removed and deposited in the compartment for spoiled ballots, and, if ballots with the words "spoiled" be found in the box, such ballot shall likewise be placed in the compartment for spoiled ballots.

SEC. 186. Marked ballots.—The board of inspectors shall then unfold the ballots and determine whether there are any marked ballots, and, if any be found, they shall be placed in a package labeled "MARKED BALLOTS" which shall be sealed and signed by the members of the board and placed in the compartment for valid ballots, and shall not be counted. A majority vote of the board shall be sufficient to determine whether any ballot is marked or not. Non-official ballots which the board may find, except those which have been used as emergency ballots, shall be counted as marked ballots.

SEC. 187. Compartment for spoiled ballots.—The ballots deposited in the compartment for spoiled ballots shall be presumed to be spoiled ballots, whether or not they contain such notation; but, if the board of inspectors shall find that during the voting any valid ballot has by mistake been placed in this compartment or any ballot separated as excess or marked has been erroneously placed therein and not in the proper package, the board shall open said compartment after the voting and before the counting of votes for the sole purpose of drawing out the ballots erroneously placed therein. It shall then prepare and sign a statement of such fact and lock the box with its three keys immediately thereafter. The valid ballots so withdrawn shall be mixed with the other valid ballots, and the excess or marked ballots shall be placed in their proper packages, which shall for such purpose be opened and

again labelled, sealed, signed and kept as hereinbefore provided.

SEC. 188. Manner of counting votes.—The counting of votes shall be made in the following manner: the board shall form separate piles of one hundred ballots fully extended, which shall be held together with rubber bands, with cardboards of the size of the ballots to serve as folders. The chairman of the board shall take the ballots of the first pile one by one and read the names of the persons voted and the offices for which they were voted in the order in which they appear thereon, assuming such a position as to enable the two party inspectors and all or at least a majority of the watchers to read such names. One teacher-inspector shall record on the tally board as the names voted for each office are read, the number of votes received by each candidate, each vote being recorded by a vertical line, except every fifth vote of the same candidate which shall be recorded by a diagonal line crossing the previous four vertical lines. The poll clerk shall do likewise on the election returns as prescribed in Section one hundred ninety hereof. After finishing the first pile of ballots, the board shall determine the total number of the votes recorded for each candidate, the sum being noted on the tally sheet and on the election returns. In case of discrepancy such recount as may be necessary shall be made. The ballots shall then be grouped together again as before the reading. Thereafter, the same procedure shall be followed with the second pile of ballots and so on successively. After all the votes of the precinct have been counted the board shall sum up the totals recorded for each candidate, and the aggregate sum shall be likewise recorded on the tally sheet and on the election returns. It shall then place each pile of ballots in an envelope prepared for the purpose, and each envelope shall be closed, signed, and deposited in the compartment for valid ballots. The tally sheet on which the votes have been recorded and wherein the partial and total sums appear shall not be changed or destroyed but shall be kept in the compartment for valid ballots.

SEC. 189. Rules for the appreciation of ballots.—In the reading and appreciation of ballots, the board of election inspectors shall observe the following rules:

- Where only the Christian name of a candidate or only his surname is written, the vote for such candidate is Valid, if there is no other candidate with the same name or surname for the same office.
- When on the ballot is written a single word which is the Christian name of a candidate and which is at the same time the surname of his opponent, the vote shall be counted in favor of the latter.
- When two words are written on the ballot, one of which is the Christian name of the candidate and the other is the surname of his opponent, the vote shall not be counted for either.
- A name or surname incorrectly written which, when read, has a sound similar to that name or surname of a candidate when correctly written shall be counted in his favor.
- When the name of a candidate appears in a space of the ballot for an office for which he is a candidate and in another space for which he is not a candidate, it shall be counted in his favor for the office of which he is a candidate and the vote for the office of which he is not a candidate shall be considered as stray, except when it is used as a means to identify the voter, in which case the whole ballot is invalid.
- When in a space in the ballot there appears a name of a candidate that is erased and another clearly written, the vote is valid for the latter.
- Ballots which contain prefixes such as "Sr.", "Mr/", "Datu", "don", "ginoo", "Hon.", "Gob.", or suffixes like "hijo", "Jr.", "segundo" are valid.
- The erroneous initial of the name which accompanies the correct surname of a candidate, the erroneous initial of the surname accompanying the correct name of a candidate, or the erroneous intermediate initial between the

correct name and surname of a candidate does not annul the vote in favor of the latter.

- The fact that there exists another person who is not a candidate with the name or surname of a candidate does not prevent the adjudication of the vote to the latter.
- Ballots wholly written in Arabic in localities where it is of general use are valid. To read them the board may employ any person who upon oath can do so impartially.
- The use of nicknames and appellations of affection and friendship, if accompanied by the name or surname of the candidate, does not annul such vote, except when they were used as a means to identify their respective voters, in which case the whole ballot is invalid: Provided, That if a nickname is used unaccompanied by the name or surname of a candidate and it is one by which he is generally or popularly known in the locality and stated in his certificate of candidacy, the same shall be counted in favor of said candidate, if there is no other candidate for the same office with the same nickname.
- Any ballot written with crayon, lead pencil, ball pen, or with ink, wholly or in part, is valid.
- Where there are two or more candidates voted for an office for which the law authorizes the election of only one person, the ballot shall not be counted in favor of any of them, but this shall not affect the validity of the other votes contained therein.
- If the candidates voted for senators, for councilors or for other offices for which the election of two or more candidates is required exceed the number to be elected, the ballot is valid, but the votes shall be counted only in favor of the candidates whose names were firstly written by the voter within the spaces provided for said office in the ballot until the authorized number is covered.
- Any vote in favor of a person who has not filed a certificate of candidacy or in favor of a candidate for any office for which he did not present himself shall be void and counted as a stray vote but; shall not invalidate the whole ballot.
- Ballots containing the name of a candidate printed and posted on a blank space of the ballot or affixed thereto through any mechanical process are totally null and void.
- Any vote containing initials only or which is illegible or which does not sufficiently identify the candidate for whom it is intended shall not be valid, but this shall not invalidate the whole ballot.
- When there are two or more candidates for the same office with the same name or surname, the voter shall, in order that his vote may be counted, add the correct name, surname or initial that will identify the candidate for whom he votes. But, if a candidate has been elected with that name or surname in the immediately preceding election to the same office, a vote with that name or surname alone shall be counted for him,
- Circles, crosses or lines put on the spaces on which the voter has not voted shall be considered as signs to indicate his desistance from voting and shall not invalidate the ballot.
- Unless it should clearly appear that they have been deliberately put by the voter to serve as identification marks, commas, dots, lines, or hyphens between the name and surname of a candidate, or in other parts of the ballots, traces of the letters "t", "j", and other similar ones, the first letters or syllables of names which the voter does not continue, the use of two or more kinds of writing and unintentional or accidental flourishes, strokes, or stains, shall not invalidate the ballot.
- The accidental tearing or perforation of a ballot does not annul it.
- Failure to remove the detachable number from a ballot does not annul such ballot.

- Any ballot which clearly appears to have been filled by two distinct persons before it was deposited in the ballot box during the voting is totally null and void.
- Any vote cast in favor of a candidate for an elective position who has been disqualified under this Code shall be considered as stray and shall not be counted but shall not invalidate the ballot.
- If on the ballot is correctly written the name of a candidate but with a different surname, or is correctly written the surname of the candidate but with different name, the vote shall not be counted in favor of any candidate having such name and/or surname but the ballot shall be considered valid for other candidates.

SEC. 190. Statement of the count—The board of inspectors shall prepare the statement of the count, commonly known as the election returns, simultaneously with the counting of the votes as prescribed in Section one hundred eighty-eight hereof. The statement shall be prepared in sextuplicate and shall be of such size and so located as to be in full view of the public within the polling place while being accomplished. For this purpose, it shall be placed against a blackboard or panel board also in full view of the public. 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 for each candidate shall be closed with the signature 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 election precinct 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 board 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 board.

The Commission shall take steps so that the entries on the original of the election returns are clearly re-produced 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.

Should the Bureau of Printing not have the necessary facilities and in order to insure that the lines or space in the election returns are properly aligned for all the copies thereof, the Commission may, at its discretion engage the service of private printers, providing for proper safeguards, allowing candidates and political parties or their duly authorized representatives, should they so desire and at their own expense, to witness the printing and distribution thereof.

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

SEC. 191. Proclamation of the result of the election in the polling place.—Upon the completion of the statement of the election returns in the precinct, the chairman of the board of inspectors shall orally and publicly announce the total number of votes received in the said election in the said precinct by each and every one of the candidates, naming them for each one of the office.

SEC. 192. Distribution of the statements.—Immediately after the announcement of the result of the election in the polling place, the board shall place one of the copies of the statement in the compartment for valid ballots, deliver

one copy to the city, municipal or municipal district treasurer, as the case may be, and send another copy to the provincial treasurer, another to the Commission and one copy each to the representatives of the major political parties by the fastest means possible and in such manner as the Commission may prescribe to assure safe delivery of the statements.

SEC. 193. Certificate of the number of votes polled by the candidates for an office.—After the publication of the result of the election and before leaving the polling it shall be the duty of the board of inspectors to a certificate of the number of the votes received by candidate, or by the opposing candidates for a nation-or provincial office, for city councilor, or for mayor vice-mayor, to the watchers who may request them. All the members of the board shall sign the certificate.

SEC. 194. Alterations and corrections in the election returns.—Any correction or alteration made in the election returns by the board of inspectors before the announcement of the results of the election in the polling place shall be duly initialed by all the members thereof.

After the announcement of the results of the election in the polling place has been made, the board of inspectors shall not make any alteration or amendment in any of the copies of the election returns unless so ordered by a competent court upon petition of the members of the board of inspectors within five (5) days from the date of the elections or twenty-four (24) hours from the time a copy of the election return concerned is opened by the board of canvassers, whichever period is earlier. The petition shall be accompanied by proof of service upon all candidates affected. If the petition is by all the members of the board of inspectors and the results of the election would not be affected by said correction and none of the candidates affected objects thereto, the court, upon being satisfied of the veracity of the petition and of the error alleged therein, shall order the board of inspectors to make the proper correction on the election returns.

However, if a candidate affected by said petition objects thereto, whether the petition is filed by all or only a majority of the members of the board of inspectors, or if the results of the election would be affected by the correction sought to be made, the court shall proceed summarily to hear the petition. If it finds the petition meritorious and there are no evidences or signs indicating that the identity and integrity of the ballot box have been violated, the court shall order the opening of the ballot box. After satisfying itself that the integrity of the ballots therein has also been duly preserved, the court shall order the recounting of the votes of the candidates affected and the proper correction made on the election returns, unless the correction sought is such that it can be made without need of opening the ballot box.

SEC. 195. Delivery of the ballot boxes, keys and election supplies and documents.—Upon the termination of the counting of votes, the board of inspectors shall place in the compartment for valid ballots, the packages of used ballots hereinbefore referred to, the unused ballots, the tally sheets, a copy of the election returns, and the minutes of its proceedings, and then shall lock the ballot box with three padlocks and such safety device as the Commission may prescribe. Immediately after the box is locked, the three keys of the box shall be placed in three separate envelopes and shall be sealed and signed by all members of the board of inspectors. The Commission or its authorized representatives shall forthwith take delivery of said envelopes, signing a receipt therefor. The Commission or its authorized representative shall keep one envelope under his custody and deliver forthwith and without delay another to the provincial or city treasurer and the other to the provincial fiscal or city fiscal, as the case may be.

The ballot box, all supplies of the board of inspectors, and all pertinent papers and documents shall immediately be delivered by the board to the city, municipal or municipal district treasurer who shall keep his office open all night on the day of election if necessary for this purpose, and shall provide the necessary facilities for said

delivery at the expense of the city, municipality, or municipal district. The precinct book of voters shall be returned to the election registrar who shall keep it under his custody. The treasurer or election registrar as the case may be, shall, on the day after the election, require the members of the board who failed to send the objects referred to herein to deliver the same to, him immediately and acknowledge receipt thereof in detail.

SEC. 196. Preservation of the ballot boxes, their keys and disposition of their contents.—

- The Commission, the provincial fiscal, city fiscal or the city attorney, and the provincial or city treasurer shall keep the envelope containing the keys in their possession intact during the period of three months following the election. Upon the lapse of this period, if before said date the courts or tribunals have not ordered otherwise, the Commission, the provincial fiscal, city fiscal or the city attorney shall deliver to the provincial treasurer or city treasurer the envelopes containing the keys under their custody.

- The city, municipal and municipal district treasurers shall keep the ballot boxes unopened in their possession in a secure place and under their responsibility for three months, unless said ballot boxes are the subject of an official investigation by proper authorities, or a competent court or tribunal shall demand them sooner, or the competent authority shall order their preservation for a longer time in connection with any pending contest or investigation. However, upon a showing by any registered candidate that the boxes will be in danger of being violated if kept in the possession of such officials, the Commission may order them kept by any other official it may designate. Upon the lapse of said time and if there should be no order to the contrary, the Commission may authorize the city, municipal and municipal district treasurers who shall, in the presence of a representative of the Commission, open the boxes and burn their contents except the copy of the minutes of the voting and of the statement of election returns deposited therein which they shall take and keep.

- In case of calamity or fortuitous event such as fire or inundation or storm, or other similar event which actually causes damage to the ballot boxes, and/or their contents, the Commission may authorize the opening of said ballot boxes to, salvage the ballots and other contents by placing them in another ballot box, if available, or by taking such other precautionary measures as may be necessary.

SEC. 197. Documents and articles omitted or erroneously placed inside the ballot box.—If after the delivery of the keys of the ballot box to the proper authorities, the board of inspectors shall discover that some election documents or articles required to be placed in the ballot box were not placed therein, the board of inspectors instead of opening the ballot box to place therein said documents articles shall deliver the same to the Commission or a representatives specifically authorized to receive them. In no instance shall the ballot box be reopened to place there-in or take out therefrom any document or article except to retrieve copies of the election returns which would be needed in any canvass and in such excepted instance, the members of the board of inspectors, watchers of the political parties and the candidates, the municipal treasurers and the heads of the local chapters of all the national political parties shall be notified of the time and place of the opening of said ballot box: Provided, however, That if there are other copies of the election returns outside of the ballot box which could be used in the canvass, such serviceable copies of the election returns should be used in said canvass and the opening of the ballot box to retrieve copies of the election return placed therein shall then be dispensed with.

ARTICLE XII.—Board of Canvassers

1. Common Provisions

SEC. 198. Provincial and city board of canvassers.—The provincial board of canvassers shall be composed of the provincial election supervisor as chairman, and the provincial treasurer, the provincial auditor, the provincial fiscal and the division superintendent of schools, as members: Provided, That in cases where there are two of

more division superintendents of schools in a province, the Commission shall appoint as member the most senior among them, preference being given to the division superintendent of schools who is not a native of the province. In the City of Manila and other chartered cities the board of canvassers shall be composed of a representative from the Commission who must be a lawyer as chairman, and the city fiscal, the city treasurer, the city auditor and the city superintendent of schools, as members. A majority of the members of the board shall constitute a quorum for the transaction of business, and a majority vote of those present shall be sufficient to render a decision of the body.

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 and other chartered cities, 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.

SEC. 199. Incapacity and substitution of members of provincial and city board of canvassers.—In case of nonavailability, absence, disqualification due to relationship, or incapacity for any cause of the chairman of the provincial board of canvassers, the Commission shall designate as his substitute any of the members of the board mentioned in the preceding section. With respect to the other members, the Commission shall appoint as substitute the most senior district engineer, the district health officer, the register of deeds, the most senior clerk of court of first instance of the province, or the municipal judge of the capital. In the City of Manila and other chartered cities, in case of non-availability, absence, disqualification due to relationship, or incapacity for any cause of the chairman, the Commission shall designate as his substitute any of the members of the board mentioned in the preceding section. With respect to the other members, the Commission shall appoint as substitute, the city engineer, the city health officer, or the city register of deeds.

SEC. 200. Municipal or municipal district board of canvassers.—

- The municipal or municipal district board of canvassers shall be composed of the senior district supervisor or in his absence, the senior public school official or teacher who is not a member of the board of inspectors, as chairman, and the municipal or municipal district health officer, municipal or municipal district treasurer and two ranking public elementary school teachers, as members. A majority of the members of the board shall constitute a quorum, for the transaction of business, and a majority vote of those present shall be sufficient to render a decision of the body.

In no case shall the Chairman and the members of the municipal or municipal district board of canvassers be related within the fourth civil degree of consanguinity or affinity to any of the candidates in their respective jurisdiction."

In case of non-availability, absence, or disqualification due to relationship, or incapacity for any cause of the chairman, the Commission shall designate as substitute any of the aforementioned members of the board. With respect to the other members, the Commission shall appoint as substitute civil service eligibles who are registered voters of the municipality or municipal district.

- For the first election in a new municipal or municipal district, the provincial board of canvassers shall act as board of canvassers to proclaim the result of the municipal election.

SEC. 201. Prohibition against leaving official station.—During the period beginning election day until the proclamation of the winning candidates, no members or substitute members of the provincial, city, municipal or municipal district board of canvassers shall be transferred, assigned or detailed outside of his official station nor shall he leaves said station, without prior authority of the Commission on Elections.

SEC. 202. Supervision and control over board of canvassers.—The Commission shall have direct control and supervision over the provincial, city, municipal and municipal district board of canvassers.

Any member of the board of canvassers including its secretary may at any time be relieved from office for cause and substituted with another *motu proprio* by the Commission on Elections.

SEC. 203. When the election returns are delayed, lost, or destroyed,—In case its corresponding copy of the election return is missing, the board of canvassers shall, by messenger or otherwise, obtain such missing election return from the board of inspectors concerned, or if said missing election return has been lost or destroyed, the board, upon prior authority of the Commission, may use any of the authentic copies of said election return other than the copy furnished the political parties, or a certified copy of said election return issued by the Commission, and forthwith direct the fiscal to investigate the case and institute criminal proceedings against the person or persons who may be criminally responsible therefor. The board of canvassers shall immediately report the matter to the Commission.

The Commission may, for justifiable causes, order the board of canvassers to commence the canvass notwithstanding the fact that not all the election returns have been received by the provincial, city, or municipal treasurer and to terminate the canvass and proclaim the candidates elected on the basis of the available election returns if the missing election returns will not affect the result of the election.

SEC. 204. Material defects in the election returns.—If it should clearly appear that some requisite in form or data had been omitted in the election returns, the board shall return them by the most expeditious means, to the corresponding boards of inspectors for correction. Said election returns, however, shall not be returned for a recount of the ballots or for any alteration of the number of votes set forth therein: Provided, That in case of the omission in the election returns of the name of any candidate and/or his corresponding votes, the board of canvassers shall require the board of inspectors concerned to complete the necessary data in the election returns and affix therein their initials: Provided, further, That if the votes omitted to be placed in the return cannot be ascertained by other means except by recounting the ballots, the Commission after satisfying itself that the identity and integrity of the ballot box have not been violated, shall order the board of inspectors to open the ballot box, and also after satisfying itself that the integrity of the ballots therein has been duly preserved, order the board to count the votes for the candidates whose votes have been omitted in the presence of the candidates affected, or his representative and thereafter complete the return.

SEC. 205. When election returns appear to be tampered or falsified.—If the copy of the election return submitted to the board of canvassers appears to be tampered, altered or falsified after it has left the hands of the board of inspectors, the board of canvassers shall use the other authentic copies of said election return, except the copies furnished the political parties, and, if necessary, the copy inside the ballot box which upon previous authority given by the Commission may be retrieved in accordance with Section one hundred ninety-seven hereof. If all copies of said returns are equally tampered, altered or falsified and cannot be used in the canvass, the board or any candidate affected shall bring the matter to the attention of the Commission. The Commission shall then, after giving notice to all candidates concerned and after satisfying itself that nothing in the ballot box indicates that its identity and integrity have been violated, order the opening of the ballot box and likewise after satisfying itself that the integrity of the ballots therein has been duly preserved shall order the board of inspectors to recount the votes of the candidates affected and prepare a new return which shall then be used by board of canvassers as basis of the canvass.

SEC. 206. Recounting of votes.—In case it appears to the board of canvassers that there exists discrepancies in two or more authentic copies of election returns, other than the copies furnished the political parties from an election precinct or discrepancies in the votes of any candidate in words and figures in the same return and in either case, the difference affects the result of the election, the proper Court of First Instance, upon motion of the board or any candidate affected and after due notice to all candidates concerned shall proceed summarily to determine whether

the integrity of the ballot box had been preserved and once satisfied thereof shall order the opening of the ballot box to recount the votes cast in the precinct solely for the purpose of determining the true result of the count of votes of the candidates concerned: Provided, however, That if upon the opening of the ballot box it should appear that there are evidences or signs of replacement or tampering of the ballots, the Court shall not recount the ballots but shall forthwith seal the ballot box and deliver the same to the Commission for safekeeping.

SEC. 207. Watchers.—The candidates may appoint watchers to be present at, and take note of, all the proceedings of the provincial, city, municipal or municipal district board of canvassers. The watchers shall have the right to file a protest against any irregularity in the election returns submitted and to obtain from the board of canvassers a resolution in writing thereon, and to read the election returns without touching them.

SEC. 208. Election resulting in tie.—Whenever in any election for any national, provincial, city, municipal or municipal district office, it shall appear from the canvass that two or more candidates have received an equal and the highest number of votes or in the cases where two or more candidates will be elected for the same position or two or more candidates received the same number of votes for the last place in the number to be elected, the board of canvassers, after recording this fact in its minutes shall, by resolution, upon five days' notice to all the tied candidates, hold a special public meeting at which the board shall proceed to the drawing of lots of the candidates who have tied and shall proclaim as elected that candidate who may be favored by luck, and 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 board shall forthwith make a certificate stating the frame of the candidate who had been favored by luck and his proclamation.

Nothing in this section shall be construed as depriving a candidate of his right to contest the election.

2. Canvas of Votes Cast for National, Provincial, and City Offices

SEC. 209. Canvass by the Provincial Board.—The provincial board of canvassers shall meet not later than six o'clock in the evening on election day to canvass the returns that may have already been received by the provincial treasurer. It shall meet continuously from day to day until the canvass is completed, but may adjourn only for the purpose of awaiting the other election returns from other municipalities. Each time the board adjourns it shall make a total of all the votes cast for each candidate for national, provincial, and city offices, furnishing the Commission in Manila by the fastest means of communication a copy thereof, and making available the data contained therein to mass media and other interested parties. As soon as the other election returns are delivered the board shall immediately resume canvassing until all the votes cast in the province have been canvassed. Upon the completion of the canvass, the board shall make, as the case may be, separate statements of all the votes received by each candidate for the Offices of President and Vice-President, Senator, and Member of the House of Representatives for each legislative district and by each candidate for provincial or city office. Upon the completion of the statements, the board shall proclaim in accordance therewith, who has been elected to the House of Representatives from each legislative district and who has been elected to each provincial and city office and shall post true copies of said proclamation in a conspicuous place for not less than one week. With regard to the election of President and Vice-President, the board shall certify and transmit the returns as provided in the Constitution.

The board shall prepare the certificate of election returns, supported by a statement of votes by precinct, for the election of President and Vice-President, in quintuplicate by the use of carbon papers or such other means as the Commission shall prescribe to the end that all five copies be produced in one handwriting. Each and every sheet of each and every copy shall bear the official seal of the province or city. Upon the completion of these certificates and statements, they shall be enclosed in envelopes furnished by the Commission and sealed, and

immediately distributed as follows: the original copy, together with two complete sets of the carbon papers used shall be enclosed and sealed in the envelope directed to the President of the Senate; and the second copy, together with the remaining two sets of carbon papers shall likewise be enclosed and sealed in the envelope directed to the Commission and shall be delivered personally to the respective office of the addressee by the provincial or city treasurer or his authorized representatives. The third and fourth copies shall be directed to each of the two major political parties mentioned in Section one hundred forty-four of this Code, and shall likewise be delivered personally to the representative that each of said parties shall station for that purpose in the office of the Commission. The fifth copy shall be kept on file in the office of the provincial or city treasurer. Any candidate for President or Vice-President shall be entitled, personally or by a duly authorized representative, to examine, inspect, photograph, copy or obtain a certified true copy of the copy of the certificates of election returns and supporting statements of votes by precinct and of the carbon papers used in their preparation that are filed with the Commission and with the provincial or city treasurer under such rules and regulations as the Commission shall promulgate in order to safeguard the integrity of these documents. With regard to the election of senators, the board shall merely state and certify the number of votes polled by the candidates therefor and shall forthwith send by registered mail the corresponding statements to the Commission.

SEC. 210. Distribution of the statements.—Copies of the statement of the result of the election for Member of the House of Representatives and for provincial and city offices shall be made in sufficient number and signed by the members of the provincial board of canvassers present and sealed with the seal of the provincial government a copy of the statement shall be filed by the provincial treasurer in his office, another sent immediately by registered mail to the Commission, another to the House of Representatives and one shall be sent by registered mail to each of the registered candidates participating in said election.

SEC. 211. Canvass of votes for President and Vice-President.—On the second Monday of December next following the election, the Congress shall assemble in joint session and canvass the returns of the votes cast for the President and Vice-President as provided in the Constitution.

SEC. 212. When returns are incomplete or bear erasures or alterations.—When the certificate of election returns for every election for President and Vice-President, duly certified by the board of canvassers of each province or city, and transmitted to the President of the Senate as provided for in the Constitution, appears to be incomplete, the President of the Senate shall require the board of canvassers concerned to transmit to his office, by personal delivery, that statement from precincts that were not included in the returns transmitted. Said supplemental certificate of election returns shall be prepared and transmitted by the board of canvassers in the same manner as provided for in Section two hundred and nine hereof: Provided, That supplemental certificate of election returns herein allowed shall reach the Senate President not later than twelve o'clock noon on the third Tuesday of December.

When it appears that any certificate of election returns or supporting statement of votes by precinct bear erasures or alterations which may cast doubt as to the veracity of the number of votes stated therein and may affect the result of the election, the Congress upon request of the presidential or vice-presidential candidates concerned shall, for the sole purpose of verifying the actual number of votes cast for President or Vice-President, or for both offices, count the votes as they appear in the statement of election returns from all the precincts in the province or city in question, and for this purpose, the President of the Senate shall require the provincial or city treasurer concerned to deliver personally to the Congress the copy of such statements of election returns canvassed by the provincial or city board of canvassers; and may also require the Commission to place its copy of such statements of election returns at the disposal of Congress.

SEC. 213. Correction of errors in returns already transmitted to the President of the Senate.—No correction of

errors allegedly committed in the returns already transmitted to the President of the Senate shall be received and given due course by the Congress.

SEC. 214. Proclamation of the President-elect and the Vice-President-elect.—Upon the completion of the counting of the votes, the persons respectively having the highest number of votes for President and Vice-President shall be declared elected; but in case two or more shall have an equal, and the highest, 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 all the Members of the Congress in joint session assembled.

SEC. 215. Canvass of votes for Senators.—Thirty days after the election has been held, the Commission on Elections shall meet in session and shall publicly count the votes cast for senators. The registered candidates in the number of senators required to be elected who obtained the highest number of votes shall be declared elected. A copy of such statement shall be furnished to the Secretary of the Senate and to each elected candidate.

In case it shall appear from the canvass of all votes for senators that two or more candidates have received the same number of votes for the last place in the number to be elected, the Commission, after recording this fact in the corresponding statement, shall, upon three days notice to all the tied candidates so that they may be present if they so desire, hold another public session at which it shall proceed to the drawing of lots of the candidates who have tied in the same manner as in the case of candidates for Member of the House of Representatives and shall proclaim the candidate who may be favored by luck. The candidate so proclaimed shall have the right to assume office in the manner as if he had been elected by plurality vote. The Commission shall forthwith make a statement of the procedure followed in drawing of lots, of its result, and of the subsequent proclamation. Certified copies of the statement of the Commission on Elections shall be sent to the Secretary of the Senate and to each one of the tied candidates.

3. Canvass of Votes Cast for Municipal and Municipal District Offices

SEC. 216. Canvass of the election for municipal and municipal district offices.—The municipal or municipal district board of canvassers shall meet not later than six o'clock in the evening on election day for the purpose of canvassing the votes cast in the municipality for candidates for municipal or municipal district offices, as the case may be. The municipal or municipal district treasurer shall produce before it the election returns from the different election precincts already received by him. The board shall canvass continuously until the last statement of election has been read, but may suspend the canvassing only for the purpose of waiting the other election returns, and shall immediately resume canvassing upon receipt of said election returns. Each time the board suspends its canvassing, it shall prepare the total of votes cast for each candidate for national, provincial, city, municipal or municipal district offices and send copies thereof by the fastest means of communication to the Commission on Elections in Manila and to the provincial treasurer, making available the data contained therein to mass media and other interested parties. After counting all the votes cast for candidates for municipal or municipal district offices, as the case may be, the board shall proclaim as elected for said offices those who have polled the largest number of votes for the different offices, in the same manner as hereinabove provided for the provincial board.

SEC. 217. Distribution of the certification of canvass and proclamation.—The municipal or municipal district board of canvassers shall prepare, signed by the members thereof and sealed with the seal of the municipal or municipal district government, sufficient copies of the certificate of canvass and proclamation for immediate distribution as follows: (1) a copy, to be filed with the municipal or municipal district secretary; (2) a copy for the municipal or municipal district treasurer; (3) a copy for the provincial treasurer; (4) a copy for the office of the secretary of the provincial board; and (5) a copy, to be sent by registered mail to the Commission.

The municipal or municipal district board of canvassers shall forthwith report, by telegraph, to the Commission,,

the result of the canvass and proclamation for municipal or municipal district offices.

ARTICLE XIII.—Election Contests

SEC. 218. Assumption of office notwithstanding an election contest.—Every candidate for a provincial, city, municipal or municipal district office duly proclaimed elected by the corresponding board of canvassers shall assume office, notwithstanding the pendency in the courts of any contest against his election, without prejudice to the final decision thereon and applicable provisions of the Rules of Court regarding execution of judgment pending appeal.

SEC. 219. Contest on the ground of ineligibility or disloyalty.—Any voter may contest the election of a provincial, city, municipal or municipal district officer-elect on the ground of ineligibility or of disloyalty to the Republic of the Philippines, by filing with the proper Court of first Instance a petition for quo warranto within fifteen days after the proclamation of his election.

The case shall be conducted in accordance with the usual Procedure and shall be decided within thirty days from the filing of the petition. A copy of the decision shall be furnished the Commission.

SEC. 220. Ordinary election contest for a provincial, city municipal and municipal district office.—A petition con-testing the election of a provincial, city, municipal or municipal district officer-elect shall be filed with the proper court of first instance by any candidate for the same office who has duly filed a certificate of candidacy, within fifteen days after the proclamation of his election.

Each contest shall refer exclusively to one office, but contests for offices of municipal or municipal district vice-mayor and councilor may be consolidated in a single case.

SEC. 221. Judicial counting of votes in contested elections as provided in the preceding section.—In an ordinary election contest, upon the petition of any interested party or motu proprio, when the interests of justice so require, the court shall immediately order that the precinct books of voters, the ballot boxes, the election returns, and other documents used in the election, be produced before it and that the ballots be examined and the votes recounted. For such purpose, it may appoint such officers as it may deem necessary and shall fix reasonable compensation of each for every election precinct which they may completely revise and report upon.

SEC. 222. Procedure in ordinary election contests.—

- Notice of the protest contesting the election of a candidate shall be served upon him by means of a summons at the postal address stated in his certificate of candidacy, except when the protestee, without waiting for the summons, has made the court understand that he has been notified of the protest or has filed his answer thereto;
- The protestee shall answer the protest within five days after receipt of the summons, or, in case there has been no summons, from the date of his appearance and in all cases before the commencement of the hearing of the protest. The answer shall deal only with the election in the precincts which are covered by the allegations of the protest;
- Should the protestee desire to impugn the votes received by the protestant in other precincts, he shall file a counter-protest within the same period fixed for the answer, serving a copy thereof upon the protestant by registered mail or by personal delivery or through the sheriff;
- The protestant shall answer the counter-protest within five days after notice;
- Within the period of five days counted from the filing of the protest any other defeated candidate for the same office may intervene in the case as other contestants and ask for affirmative relief in his favor by a petition in

intervention, which shall be considered as another protest, except that it shall be substantiated within the same proceeding. The protestant or protestee shall answer the protest-in-intervention within five days after notice;

- If no answer shall be filed to the protest, counter-protest, or to the protest-in-intervention, within the time limits respectively fixed, a general denial shall be deemed to have been entered;

- In election contest proceedings, the permanent registry list of voters, shall be conclusive in regard to the question as to who had the right to vote in said election.

SEC. 223. Bond or cash deposit.—Before the court shall take cognizance of a protest, or a counter-protest, or a protest-in-intervention, or admit an appeal, the party who has filed the pleading or interposed the appeal shall file a bond with two sureties satisfactory to the court and for such amount as it may fix, to answer for the payment of all expenses and costs incidental to said protest or appeal including any amount for moral and exemplary damages that may be adjudicated by the court, or shall deposit with the court cash in lieu of the bond or both as the court may order. The court in which the contest is pending shall for good reason order from time to time that the amount of the bond or cash deposit be increased, or order the disposition of such deposit as the course of the contest may require. In case the party who has paid the expenses and costs wins, the court shall assess levy collect the same as costs from the losing party.

SEC. 224. Decision of the contest.—The court shall decide the protest within six months after it is presented in case of a municipal or municipal district office, and within one year in case of provincial or city office, and shall declare who among the parties, including those candidates referred to in the second paragraph of Section two hundred twenty hereof has been elected, or in the proper case that none of them has been legally elected. The party who in the judgment has been declared elected shall have the right to assume office as soon as the judgment becomes final. A copy of such final judgment shall be furnished the Commission.

In case the court finds that the protestant or intervenor and/or the protestee received the same number of votes, the court shall order the drawing of lots by the tied candidates in the manner and with the same legal effect as provided in Section two hundred and eight of this Code.

A copy of the final decision shall be furnished the Commission.

SEC. 225. Moral and exemplary damage in election contests and quo warranto proceeding.—In all election protests or in quo warranto proceedings, the court or the Electoral Tribunals of both Houses of Congress may adjudicate in the same case, moral and exemplary damage: as it may deem just if the aggrieved party has included in his pleadings such claims.

In no case shall moral and/or exemplary damages exceed the amount equivalent to the total emoluments attached to the office concerned.

The following are sufficient grounds for the adjudicate of a claim for moral and/or exemplary damages:

- In favor of the original protestant or contestant or in favor of the protestant or contestant-in-intervention if the court shall find in its decision that the election the protestee or respondent was made possible through fraud or any irregularity where said protestee or respondent participated in or consented to, or otherwise tolerated the same, or that the protestee or respondent had maliciously filed a counter-protest for the sole purpose of unduly delaying the termination of the case.

- In favor of the protestee or respondent, if the court shall find expressly in its decision that the protest or contest was filed in bad faith or without sufficient cause or has been filed for the sole purpose of molesting him or musing him to suffer anxieties or to incur unnecessary Expense.

The provision on moral and exemplary damages contained in Title XVIII, Book IV of the Civil Code of the Philippines, shall be applicable, in a suppletory character, insofar as they are not inconsistent with the provisions of this Code.

SEC. 226. Adjudication of moral and exemplary damages.—The moral and/or exemplary damages shall be adjudicated and shall form part of the decision of the same case, and may be executed after the decision in the same use becomes final and executory.

SEC. 227. Appeal from the decision in election contests.—From any decision rendered by the Court of First Instance the cases stated in Sections two hundred nineteen and two hundred twenty hereof, except the election of municipal or municipal district vice-mayors and councilors, the aggrieved party may appeal to the Court of Appeals or to the Supreme Court, as the case may be, within five days after receipt of a copy of the decision: Provided, That no motion for reconsideration shall be entertained by the lower court.

The appeal shall proceed as in a criminal case and shall be decided within three months in cases of municipal or municipal district officials, and within six months in cases of provincial or city officials after the case has been submitted for decision.

SEC. 228. Preferential disposition of contest.—The Court of First Instance and the appellate courts, in their respective cases, shall give preference to election contests over all other cases, except those of habeas corpus, and shall hear and decide them without delay, within the time limits fixed by this Code.

SEC. 229. Notice of contests to the Office of the President of the Philippines and the Commission on Elections.—The clerk of court wherein an election contest or quo-warranto proceeding has been instituted and that of the court to which an appeal in said case has been taken, shall give to the Office of the President of the Philippines and the Commission on Elections, immediate notice thereof as well as of its final disposition. If the decision be that none of the parties has been legally elected, he shall certify such decision to the office of the President of the Philippines and the Commission on Elections in the case of a provincial and city office, and in the case of a municipal or municipal district office, to the Office of the President of the Philippines, to the Commission on Elections and to the provincial board.

SEC. 230. Election offenses and their classification.—Violation of any of the provisions, or pertinent portions, of Sections thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-seven, sixty-eight, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, ninety-three, ninety-nine, one hundred, one hundred and eleven, one hundred and fourteen, one hundred and fifteen, one hundred and sixteen, one hundred and seventeen, one hundred and eighteen, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-three, one hundred and forty-three, one hundred and forty-five, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-eight, one hundred and fifty-nine, one hundred and sixty-three, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred

and eighty-eight, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, one hundred and ninety-four, one hundred and ninety-five, one hundred and ninety-six, one hundred and ninety-seven, one hundred and ninety-eight, two hundred, two hundred and one, two hundred and three, two hundred and four, two hundred and five, two hundred and six, two hundred and seven, two hundred and nine, two hundred and ten, two hundred and eleven, two hundred and twelve, two hundred and thirteen, two hundred and fifteen, two hundred and sixteen and two hundred and seventeen shall be serious election offenses; and that of any of the provisions, or pertinent portions, of sections eighteen, nineteen, thirty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, one hundred and six, one hundred and eight, one hundred and nine, one hundred and twenty-two, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, one hundred thirty-six, one hundred and thirty-nine, one hundred forty-four, one hundred and fifty-three, one hundred and fifty-seven, one hundred and sixty-one, one hundred and sixty-four, and two hundred and twenty-nine shall be less serious election offenses.

SEC. 231. Other election offenses.—

- The following shall be guilty of a serious election offense punishable in accordance with the provisions of Section two hundred and thirty-three of this Code:
- Any person who deliberately makes any false or untruthful statement relative to any of the data or information required in the application for registration as prescribed in Section one hundred and ten hereof;
- Any member of the election registration board or of the board of election inspectors who knowingly approves the application of a person who does not possess all the qualifications or who possesses any of the disqualifications prescribed by law for voters; or who knowingly disapproves the application of a person who possesses all such; qualifications and none of the disqualifications;
- Any person who registers in substitution for another whether with or without the latter's knowledge and/or consent;
- Any person who falsifies any voter's application for registration or the current list of voters;
- Any person who deliberately imprints blurred or indistinct fingerprints on any of the copies of the application for registration, or on the voter's identification card, or in the corresponding space on the voter's voting records in the precinct book of voters; or any election registrar or member of the board of inspectors who deliberately or through negligence causes or allows the imprinting of blurred or indistinct fingerprints in any of the above-mentioned election records; or any person who tampers with the fingerprints in said election records;
- Any person who delays, or hinders or obstructs another from registering as a voter or from taking steps leading thereto;
- Any person who shall falsely certify or identity another as a bona fide resident of a particular place or locality for the purpose of securing the latter's registration as a voter;
- Any person who delivers, hands over, entrusts, or gives directly or indirectly, his voter's identification card to another in consideration of money or other benefit or promise thereof; or takes or accepts such voter's identification card, directly or indirectly, by giving or causing the giving of money or other benefit or making or causing the making of a promise thereof;
- Any person who asks, demands, takes, accepts or possesses, directly or indirectly, the voter's identification card

of another, in order to induce the latter to vote or withhold his vote, or to vote for or against any candidate in an election, or any proposition in a plebiscite. It shall be presumed prima facie that the asking, demanding, taking, accepting, or possessing is with such intent if done within the period beginning thirty days before election day and ending thirty days after election day, unless the person who asks, demands, takes, accepts or possesses the voter's identification card of another and the latter are both members of the same family;

- Any election registrar, or any person acting in his behalf, who issues or causes the issuance of a voter's identification card or cancels or causes the cancellation thereof in violation of the provisions of this Code;

- Any person who falsifies a voter's identification, card or alters it without authority, or knowingly possesses such falsified or unlawfully altered voter's identification card;

- Any person who, without authority, issue or causes the issuance of a voter's identification card or cancels or causes the cancellation of any voter's identification card;

- Any person who uses the voter's identification card of another for the purpose of voting, whether or not he actually succeeds in voting;

- Any election registrar, member of the election registration board, member of the board of inspectors or any person acting in their behalf who fails, without cause, to post or to give any of the notices or to make any of the reports required by this Code relative to the registration of voters under Sections one hundred and fifteen, one hundred and nineteen, one hundred and twenty-one, one hundred and twenty-five, one hundred and thirty-two, one hundred and thirty-three, and one hundred and thirty-four;

- Any election registrar or member of the board of inspectors or any person acting in their behalf who takes or carries any registration form already issued to a city or municipality or municipal district outside of said city or municipality or municipal district except as otherwise provided in this Code or when directed by express order of the court or of the Commission;

- Any person who places, inserts or otherwise includes, as approved applications for registration in the precinct book of voters or in the provincial or national central files of registered voters, the application of any fictitious voter or any application that has not been approved; or removes from, or otherwise takes out of, the precinct book of voters or the provincial or national central files of registered voters, any voter's application duly approved, except upon lawful order of the Commission, or of a competent court or after proper cancellation as provided in Sections one hundred nineteen, one hundred thirty, one hundred thirty-one, one hundred thirty-two and one hundred thirty-seven of this Code;

- Any person who, without authority, prints or causes the printing of any ballot that appears as official ballot; or who distributes or causes the same to be distributed to be used in the election, whether or not they are actually used;

- Any person who, without authority, keeps, uses or carries out or causes to be kept, used or carried out, any official ballot or sample official ballot or printed proof thereof, type-form mould, electro-type patterns plate, electro-type printing plates and any other plates, numbering machines and other printing paraphernalia being used in connection with the printing of official and sample official ballots;

- Any official or employee of the Bureau of Printing or of the Commission or any member of the Committee in charge of the printing of official and sample official ballots who causes official ballots and sample official ballots to be printed in quantities exceeding those authorized by the Commission, or who distributes, delivers or in any manner disposes or causes to be distributed, delivered, or disposed of, any official ballots or sample official

ballots to any person or persons not authorized by law or by the Commission to receive or keep official ballots or sample officials ballots or who sends or causes them to be sent to any place not designated by law or by the Commission;

- Any person who opens the package of any pad of official ballots before the hour fixed for the start of the voting in the polling place on election day;
- Any person who, not being a registered voter of the precinct, votes therein in any election or plebiscite;
- Any person who votes more than once in the same election;
- Any person who votes in substitution for another whether with or without the latter's knowledge and/or consent;
- Any person who allows his ballot to be prepared by another; or who prepares the ballot of another, with or without the latter's knowledge and/or consent;
- Any person who avails himself of any scheme to discover the contents of the ballot of a voter who is preparing or casting his vote or who has just voted;
- Any voter, who in the course of voting, uses a ballot other than the one given by the board of inspectors or who has in his possession more than one official ballot;
- Any person who places under arrest or detains a voter without lawful cause, or molests him in such a manner as to obstruct or prevent him from going to the polling place to cast his vote or from returning home after casting his vote or to compel him to reveal for whom he voted;
- Any member of the board of inspectors charged with the duty of reading the ballots during the counting of votes who deliberately omits to read the name duly written on the ballot, or reads another name in lieu of the name actually written thereon, or reads a name of a candidate where no name is written on the ballot;
- Any member of the board of canvassers who proceeds with the canvass of votes and/or proclamation of candidates in the absence of a quorum or without giving due notice of the date, time and place of meeting of the board to any absent members;
- Members of the board of canvassers who, without authority of the Commission or competent court, use in the canvass of the votes and proclamation of candidates, any document other than the copy of the election returns submitted to it by the treasurer, or any copy of the election returns which on its face shows uninitiated alterations, erasures or superimpositions;
- Any person who, without authority, acts as, or assumes or performs any function of, the member of the election registration board, board of inspectors, board of canvassers, or deputy or representative of the Commission;
- Any person who, in the presence or within the hearing of the election registration board, board of inspectors or board of canvassers during any of its meetings, conducts himself in a disorderly manner in such a way as to interrupt or disrupt its work or proceedings to the end of preventing said bodies from performing their functions, either partly or totally;
- Any person who withdraws, abstracts, destroys or cancels any certificate of candidacy duly filed and which has not been withdrawn or cancelled upon petition of the registered candidate himself or upon orders of the Commission; or any person who misleads the board of inspectors by submitting any false or spurious certificate of candidacy or document to the prejudice of a duly registered candidate;
- Any person who, for the purpose of disrupting or obstructing election processes or causing confusion among the

vote's propagates false and alarming reports or information regarding any matter related to the printing of the official ballots, the postponement of elections, the transfer of polling places, or the withdrawal of any certificate of candidacy;

- Any person who, without or against the lawful order of the Commission, holds or causes the holding of an election for a public office on a day other than that fixed by law or by the Commission, or stops an election being legally held, or who holds an election not legally authorized;

- Any person who publicly carries a firearm, and actually threatens voters to vote for or against any candidate or not to vote at all or prevents the chairman or any member of 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 or intimidation;

- Any person who, without legal authority, destroys, or takes away from the possession of those having legal custody thereof, or from the place where they are legally deposited, any ballot box which contains official ballots or other documents used in the election, or any election return, certificate of election returns or certificate of canvass and proclamations;

- Any person having legal custody of the ballot box containing the official ballots used in the election who opens or destroys said box or removes or destroys its contents without or against the order of the Commission or of competent court; or who tampers with the same or any of its contents; or who through commission or negligence, enables any person to commit any of the aforementioned acts, or take away said ballot box from his custody; and

- Any person who by any device or means jams, obstructs or interferes with a radio or television broadcast of any lawful political program.

- The following shall be guilty of a less serious election offense punishable in accordance with the provisions of Section two hundred and thirty-three of this Code:

- Any person who tampers with, tears down or destroys a map of representative district duly posted in a conspicuous place of the locality in accordance with Sections eighty-four and eighty-five hereof;

- Any person who, being ineligible for appointment as member of the election registration board or of the board of election inspectors, accepts an appointment to said board, assumes office and actually serves as a member thereof; or any public officer or any person acting in his behalf who appoints such ineligible person knowing him to be ineligible;

- Any election registrar who submits to the election registration board, for action by said board, any application for registration which does not contain the exact address with street name and house number or brief description of the address of the applicant as required by Section One hundred and ten hereof; or who maliciously assigns any voter, whose application has been approved, to a precinct other than the precinct that comprises the address of the voter;

- Any public official, or any person acting in his behalf, who relieves any member of the board of inspectors or who changes or causes the change of the assignment of members of the board without authority of the Commission ;

- Members of the board of inspectors who knowingly use ballots other than the official ballots, except in those cases where the use of emergency ballots is authorized by Section One hundred and sixty-four hereof;

- Any provincial, city, municipal and municipal district treasurer who neglects or fails to properly preserve and account for any ballot box, documents, forms and other election supplies and materials received by him and kept

under his custody;

- Any election registrar who neglects or fails to properly preserve and account for any precinct book of voters, voter's application for registration, and other registration forms, supplies and materials received by him and kept under his custody;

- Any person who prevents a member of the board of inspectors or board of canvassers or a watcher from filing his protest; or, any member of the board of inspectors or board of canvassers who refuses to incorporate said protest in the minutes; or any one who prevents a watcher from attending the session of the board of inspectors or board of canvassers; or any member of the board of inspectors or board of canvassers who refuses to recognize and allow a lawfully appointed watcher in the meeting of the board during the voting, counting of votes in the polling place, or canvass by the board of canvassers;

- Any member of the board of inspectors including the poll clerk, or any member of the board of canvassers who signs an election return or a certificate of canvass and proclamation, or any legal election form used, prior to the termination of the acts or incidents required by this Code to be stated therein, or who signs any of said documents outside of the place legally designated for the accomplishment of the same, or not in the presence of the persons required to witness said signing;

- Any member of the board of election inspectors or board of canvassers who, without justifiable reason, refuses to sign and certify any election form required by this Code although he was present during the meeting of the said board;

- Any member of the election registration board, board of inspectors, or board of canvassers who deliberately absents himself from the meetings of said board for the purpose of obstructing or delaying the performance of the duties of the board.

SEC. 232. Persons criminally responsible.—The principals, accomplices, and accessories shall be criminally responsible for election offenses. If the one responsible be an entity, its president or chief, the officials and employees of the same performing duties, connected with the offense committed, and its members who may be principals, accomplices or accessories, shall be responsible, in addition to the responsibility of such entity.

SEC. 233. Penalties.—Any one found guilty of a serious election offense shall be punished with imprisonment of not less than six years and one day but not more than twelve years; and any one guilty of a less serious election offense, with imprisonment of not less than one year but not more than six years: Provided, That if the person found guilty is a public officer or employee, or a member of the police force, who takes advantage of his office or position to commit the offense, the maximum of the penalty shall be imposed. The rules of the Revised Penal Code shall be applied by analogy. In both cases the guilty party shall be further sentenced to suffer disqualification to hold a public office and deprivation of the right of suffrage, and to pay the costs; and, if he be a foreigner, he shall, in addition, be sentenced to deportation which shall be enforced after the prison term has been served. Any political party or entity found guilty shall be sentenced to pay a fine of not less than six thousand pesos but not more than one hundred thousand pesos, which shall be imposed upon such entity after criminal action has been instituted against the corresponding officials thereof.

SEC. 234. Jurisdiction of Courts of First Instance.—The Courts of First Instance shall have exclusive original jurisdiction to make preliminary investigations, issue warrants of arrest and try and decide any criminal action or proceeding for violation of this Code. From its decision an appeal shall lie as in other criminal cases.

SEC. 235. Prescription.—Election offenses shall prescribe after two years from the date of their commission, but if the discovery of such offenses be made in election contest proceedings, the period of prescription shall commence

on the date on which the judgment in such proceedings becomes final and executory.

SEC. 236. Prosecution of election offenses.—The Commission shall, through its duly authorized legal officers, have the power to investigate and prosecute before the Court of First Instance on preliminary investigation all election offenses.

ARTICLE XIV.—Non-Impairment of Presidential Powers

SEC. 237. Non-impairment of Presidential Powers.— Nothing in this Code shall be construed as in any manner affecting, or constituting an impairment of, the Constitutional powers of the President of the Philippines.

ARTICLE XV.—Legal Fees

SEC. 238. Collection of legal fees.—The Executive Officer of the Commission may demand the several fees hereinafter mentioned and allowed for the following business done in the Commission and no more:

- (a) For every publication for the registration of a political party P1,000.00
- (b) For filing a petition requiring formal hearing, including all services in the same 24.00
- (c) For furnishing certified transcript including transcript of stenographic notes of record or copies of any record, decision or ruling or entry of "which any person is entitled to demand and receive a copy, for every one hundred words 0.25
- (d) For every certificate entered on process 0.20
- (e) For every search of anything of any record of more than one year's standing and fading the same 0.50

SEC. 239. Fees to be advanced by party initiating action.—The fees mentioned in the preceding section shall be paid to the cashier of the Commission at the time of the entry of the petition in the Commission by the party files the same, and the cashier of the Commission shall in all cases issue a receipt for the same and shall enter the amount received upon his book specifying the date when received, the person from whom received and title of the petition in which received. The cashier shall immediately report such payment to the Executive Officer of the Commission. If the fees are not paid, the Commission may refuse to proceed with the petition until these fees are paid, or may dismiss it.

The Executive Officer of the Commission shall keep a docket of all the cases filed which shall bear correlative numbers in succession in accordance with the date of payment of the fees required and which shall be open to public inspection at any time during office hours.

ARTICLE XVI.—Transitory Provisions

SEC. 240. Designation of certain pre-election acts immediately after the approval of this Act.—If upon the approval of this Act, it should no longer reasonably be possible to observe the periods and dates herein prescribed for certain pre-election acts in the 1971 elections, the Commission shall fix other periods or order that voters shall not be deprived of their right of suffrage.

SEC. 241. Application of Section Seventeen.—The provisions of Section seventeen shall apply prospectively.

SEC. 242. Filing of certificates of candidacy for the 1971 elections.—All persons seeking to be elected to a public office in the regular elections immediately following the approval of this Act shall file their certificate of candidacy at least sixty days before the elections.

SEC. 243. Officials seeking election in the 1971 elections. —Incumbent officials who, upon the effectivity of this

Act, would otherwise be disqualified by the provisions of Section Seventy-eight of this Code, may seek election to a public office provided they resign within fifteen days from the approval of this Act.

SEC. 244. Use of suitable paper materials for election returns in the 1971 elections.—If the Commission cannot procure the special kind of paper for the printing of the election returns prescribed under Section One hundred ninety of this Code for the 1971 elections, the Commission may use any paper material and carbon paper suitable for the purpose provided that the requirements under said section and Section ninety-six hereof shall be complied with as far as practicable.

ARTICLE XVII.—Final Provisions

SEC. 245. Forms.— The forms for the observance of the provisions of this Code shall be formulated and issued by the Commission and may be printed in any private printing press. The forms observed prior to the effectivity of this Act may be followed if the same are in accordance with the provisions hereof until changed by the Commission.

SEC. 246. Pending Actions.—Pending actions and causes of actions arising before the effectivity of this Code shall be governed by the laws then in force.

SEC. 247. Limitation on Powers of Commission.—The Commission shall have such powers pertaining to election matters, only as are expressly granted in this Code, existing laws or jurisprudence to the contrary notwithstanding. Nothing herein contained shall be construed as a grant of implied powers.

SEC. 248. 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, groups or circumstances shall not be affected by such declaration.

SEC. 249. Repealing Clause.—Republic Act Numbered One hundred and eighty, otherwise known as the "Revised Election Code," as amended, and Republic Act Numbered Three thousand five hundred and eighty-eight, as amended, are hereby repealed. All other laws, executive orders rules and regulations, or parts thereof, inconsistent with the provisions of this Code are hereby repealed, amended or modified accordingly.

SEC. 250. Effectivity of this Code.—This Act shall take effect upon its approval.

Approved, September 2, 1971.

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