

AN ACT TO AMEND REPUBLIC ACT NUMBERED THREE THOUSAND FIVE HUNDRED EIGHTY-EIGHT, PROVIDING FOR A PROCEDURE FOR VALIDATING THE PERMANENT REGISTRATION OF VOTERS APPROVED BY ELECTIO...

REPUBLIC ACT NO. 4730, June 18, 1966

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

SECTION 1. Section 2 of Republic Act Numbered Three thousand five hundred eighty-eight is hereby amended to read as follows:

"SEC. 2. Who may be registered in the Permanent List of Voters.—All persons possessing all the qualifications prescribed for a voter and none of the disqualifications have the right and duty to be registered in the permanent list of voters of the city, municipality or municipal district wherein they are domiciled and to be included in the precinct book of voters of their corresponding precinct.

"Any person who may not have on the date of his 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. 2. Section 3 of the same Act is hereby amended to read as follows:

"SEC. 3. Election Registrar.—There shall be in each city municipality and municipal district at least one election registrar and a clerk appointed by the Commission on Elections. 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 his consent. 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 Elections: Provided, however, That in the city, municipal, municipality and municipal district having four thousand registered voters or less, the Commission on Elections 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 register with additional compensation to be fixed by the Commission on Elections 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 place for the office of the registrar."

SEC. 3. The same Act is further amended by inserting the following new sections between Sections 4 and 5, to be numbered as Sections 5, 6 and 7, respectively:

"SEC. 5. Election Registration Board.—There shall be in each city, municipality and municipal district as many election registration boards as there are election registrar appointed therein, each such election registration board be composed of the election registrar as chairman and t members to be appointed by the Commission on Election 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 on Elections for can: upon the petition of the authorized representative of the party upon whose nomination the

appointment was

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

"SEC. 6. 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 elector or 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. 7. 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. 4. Section 5 of the same Act is hereby renumbered Section 8 and amended to read as follows:

"SEC. 8. Registration of Voters.—On any date, within sixty days after having acquired the qualifications of a voter, but not later than sixty days before the day of any regular election and not later than thirty days before the day of any special election, a qualified voter shall personally appear before the election registrar of his city, municipality or municipal district wherein he is domiciled and file with him a sworn application for registration in triplicate.

"To facilitate filing of applications 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 on Elections. Any person who fails to register within sixty days after having acquired the qualifications of a voter or is registered after said period shall not be qualified to vote in the election immediately following his registration. For purposes of the nineteen hundred sixty-seven elections, however, any person who is a qualified voter may register any time before the sixty-day period preceding the date of said election."

SEC. 5. Section 6 of the same Act is hereby renumbered as Section 9.

SEC. 6. Section 7 of the same Act is hereby renumbered as Section 10 and amended to read as follows:

"SEC. 10. Approval or disapproval of application and petition for inclusion.—Upon receipt of the sworn application for registration, the election registrar shall set it for hearing, notice of which shall be posted in the municipalities building for at least three days before the hearing 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. The applicant may at any time except forty-five days before a regular election or twenty-five days before a special election file with the Justice of the Peace Court or the Court of First Instance of the province a petition for his inclusion, which shall be decided within fifteen days after filing. If the decision is for the inclusion of a voter in the permanent list of voters, the election registrar shall activate the application for registration which has been previously denied, by placing said application in the corresponding precinct book of voters wherein the order of inclusion by the court shall be entered and shall mail or deliver to the voter his identification card. If the decision is adverse, the right of appeal as heretofore granted by existing laws shall be available."

SEC. 7. Section 8 of the same Act is hereby renumbered as Section 11 and Section 9 renumbered as Section 12 and amended to read as follows:

"SEC. 12. 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 municipal district."

SEC. 8. Section 10 of the same Act is also renumbered as Section 13 and amended to read as follows:

"SEC. 13. Preparation of precinct book of voters.—The election registration board shall prepare the precinct book of voters of each precinct which shall consist of all the original copies of the approved application of voters for registration arranged alphabetically belonging to the same precinct, in a suitable binder or device.

"Each precinct book of voters, before delivery to the board of inspectors shall be duly sealed and certified by the election registration board that the approved applications contained therein, stating the exact number, are complete for the precinct. The election registrar shall deliver this precinct book of voters to the chairman of the board of inspectors at the same time the board takes delivery of its official ballots, for the use of the board during the voting and which shall be returned to the election registrar for his custody at the same time the statement of election returns are delivered. Thirty days before a regular election and ten days before a special election, all precinct book of voters shall be sealed and shall not be available for examination by the public. All candidates and national political parties have the right, personally or by duly appointed watchers, and all members of the board of inspectors have the duty, to be present at the sealing of the precinct books and to verify their contents before they are closed and sealed.

"Should it be determined during such verification 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 elector 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 123 of the Revised Election 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 anyone of the notices or lists required by sections ten, twelve and twenty-three of Republic Act Numbered Three thousand five hundred eighty-eight, as renumbered by this amendatory Act.

"Should it be determined during the process of verification before sealing, that the precinct book fails to include any voter's application that has been duly approved under section ten of Republic Act Numbered Three thousand five hundred eighty-eight as renumbered and has not been properly cancelled under sections eighteen, nineteen and twenty hereof, as renumbered or transferred to another precinct under section twenty-one hereof, the elector concerned, or any candidate, or representative of any political party or member of the board of inspectors may 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 vote identification card or of the notice of approval of voter's application or of the notice of action taken on his application required by section twelve of Republic Act No. Three thousand five hundred eighty-eight, as renumbered by this amendatory Act together with proof that he has applied, without success, to the election registrar and 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 Act for inclusion 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 Act."

SEC. 9. Sections 11, 12 and 13 of the same Act are also renumbered as Sections 14, 15 and 16, respectively.

SEC. 10. Section 14 of the same Act is hereby renumbered as Section 17 and the first paragraph thereof also amended to read as follows:

"SEC. 17. Voter's Identification.—The voter's identification card 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 134 of the Revised Election Code And 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."

SEC. 11. Section 15 of the same Act is hereby renumbered as Section 18 and amended as follows:

"SEC. 18. Petition for exclusion of voters and decision thereon.—Any elector, representative of a political party or the election registrar of the city, municipality or municipal district may at any time except forty-five days before a regular election and twenty-five days before a special election file with the Justice of the Peace Court or the Court of First Instance of the province a sworn petition for exclusion from the permanent list of voters of voter on the ground that he is disqualified, disabled illegally registered, which petition shall be decided with fifteen days after filing. The right of appeal as provided for in existing laws shall be available to any interest party.

"The election registration board upon receipt of the final decision ordering exclusion of a voter shall remove his application from the corresponding precinct book of voters and place said application in the inactive file, wherein the order of exclusion by the Court shall be entered.

"The election registration board shall submit monthly reports or as often as the Commission on Elections may order, of all cancellations made by it pursuant to court orders, so the corresponding action can be taken on the copies of the application in the Provincial Central File and the Commission on Elections.

SEC. 12. Section 16 of the same Act is hereby renumbered as section 19 and amended to read as follows:

"SEC. 19. Cancellation due to death, conviction; and failure to vote in two successive preceding elections.—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:

"(a) Those who have since died as certified to at the end of each month by the local civil registrar.

"(b) Those who have since been sentenced by final judgment to suffer an imprisonment of not less than one year or found guilty of having violated their allegiance to the Republic of the Philippines as certified to at the end of each month by the clerk of court, the clerk of the municipal court in chartered cities and the justice of the peace.

"(c) Those who did not vote in the 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 on Elections and the Provincial Central File together with copies of the certified statements of the local civil registrar, the clerk of court, the clerk of the municipal court

of chartered cities and the justice of the peace. The Provincial Central File and the Commission on Elections 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. 13. Section 17 of the same Act is hereby renumbered as Section 20 and amended to read as follows:

"SEC. 20. 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 ninety-nine of the Revised Election Code may request for the cancellation of his registration by personally filing a 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.

"Any registered voter who has transferred and acquired a new domicile may request for the cancellation of his previous registration as stated in the first paragraph hereof or by sending by registered mail a sworn application for cancellation of his previous registration as stated in duplicate giving his old and new addresses and enclosing his voter's identification card, or by personally filing said sworn application with the election registration board of his new domicile, which upon receipt thereof shall transmit the same, together with the voter's identification card, to the election registration board of the voter's old domicile.

"The election registration board concerned shall upon receipt of the application for cancellation of registration remove his application for registration from the corresponding 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 cancellations and shall report all cancellations made by him under this Section to the Commission on Elections and to the Provincial Central File for their corresponding action. The names of voters cancelled shall be posted in the bulletin board for thirty days."

SEC. 14. Section 18 of the same Act is hereby renumbered as Section 21 and amended to read as follows:

"SEC. 21. Change of Address of Voter in the Same City, Municipality or Municipal District.—Any voter who has changed his address in the same city, municipality or municipal district where he is registered shall immediately notify his election registration board not later than forty-five days before any regular election day and thirty days before a special election day. If the change of address involves a change of precinct, the election registration board shall transfer his application of registration from the precinct book of voters of his old precinct to his new precinct. All changes of address shall be reported to the Commission on Elections and the Provincial Central File by the election and he shall immediately notify the voter that his change of address has been noted application of registration, together with his precinct number, if new."

SEC. 15. Section 19 of the same Act is hereby renumbered as Section 22 and amended to read as follows:

"SEC. 22. 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 on Elections and the Provincial Central File 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. 16. Section 20 of the same Act is hereby renumbered as Section 23 and amended to read as follows:

"SEC. 23. Publication of the Precinct List of Voters.—For the purpose of public information and reference only,

thirty days before the day of a regular election and ten days before the day of special election, the election registration board shall furnish the candidates, heads of the national political parties in the city, municipality or municipal district, the Provincial Central file and the Commission on Elections a copy of the certified list of the names and addresses of all the voters in each precinct of the city, municipality or municipal district. Changes in this list shall be distributed in the same manner as supplementary lists.

"The election registration board shall also furnish two certified copies of said precinct list to the poll clerk for posting in the polling place and for the use of the board of inspectors on election day. 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 two certified copies of the precinct list may be used in lieu of the precinct book of voters.

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

SEC. 17. Sections 21, 22, 23 and 24 of the same Act are hereby renumbered as Sections 24, 25, 26 and 27 respectively.

SEC. 18. The same Act is also amended by inserting new sections between Sections 24 and 25 of the same Act to be renumbered as Sections 28, 29, 30 and 31 and which shall be read as follows:

"SEC. 28. Applications subject by validation.—All applications for registration as voter approved by the election registrars under this Act, as amended, shall be validated following the procedure outlined hereinbelow provided that, where the applicant personally accomplished only the original of the application, or where the photograph of the applicant is not attached to the application as provided for in sections eight and nine as now renumbered shall be deemed valid only if the following conditions are complied with: (1) that the information record of the voter entered in the duplicate and triplicate copies of the application tallies in all respects with the entries in the original application; and (2) that the photograph of the voter is affixed to the three copies of the application and the identification card not later than sixty days before the election immediately following the approval of this Act.

"SEC. 29. Procedure for validation.—Within three months from the approval of this Act, the election registrar shall prepare a list of names and addresses of all voters whose applications for registration were approved by the election registrars as of September 10, 1965, in each precinct of the city, municipality or municipal district and thereafter he shall post the same in his office in the city municipal or municipal district hall, and in three conspicuous public places in the city, municipality or municipal district for a period of three months. The election registrar shall submit periodically at each meeting of the election registration board herein created the applications of voters so listed and published as stated above and the board shall pass upon the applications submitted to it by the election registrar. Unanimous decision of the board to confirm validates the registration of voters. In case a member dissents, the voter affected shall be summoned to appear before the board. After hearing the voter the board shall decide by majority vote whether to confirm or not his registration.

"Without prejudice to the provisions of section eighteen as renumbered in this Act, any elector of the city, municipality or municipal district may, not later than six months from the approval hereof, object to the inclusion of a voter with a defective application in the permanent list of voters. The objection shall be under oath; shall state the ground or grounds therefor; and the election registrar shall attach the objection to the application together with proof of notice of the date of hearing to the challenger and the voter.

"All above-described applications not objected to within six months from the approval of this amendment shall be considered to have been properly filed and approved upon certification by the election registration board in compliance with the conditions mentioned in Section 28 hereof, and for this purpose, the election registrar, in behalf of the registration board, is authorized to make such corrections in the entries in the duplicate and triplicate copies the application to make them conform with the original Spared by the applicant.

"SEC. 30. Power of the Commission on Elections to promulgate regulations.—The Commission on Elections shall issue rules and regulations implementing the provisions hereof.

"SEC. 31. Penal Provisions.—Notwithstanding the provisions of Sections 183 to 188 of the Revised Election Code, it shall be a serious election offense for any person—

"(a) To deliver, hand over, entrust, or give directly or indirect, his voter's identification card to another in consideration of money or other benefit or promise therefore; or take or accept 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 therefor;

"(b) To ask, demand, take, accept or possess, directly or indirectly, the voter's identification card to another, in order to induce the latter to vote or withhold his vote or to vote for or against any candidate or proposition in an election or plebiscite; and 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, living in the same house;

"(c) To falsify or forgo a voter's identification card or alter it without authority, or knowingly to possess such falsified, forged or unlawfully altered voters identification card;

"(d) To make any false or untruthful statement in a voter's application for registration:

"(e) To delay, hinder or obstruct any other person from registering as a voter or from taking any of the steps leading thereto;

"(f) To place, insert or otherwise include, as approved applications for registration, in the precinct book of voter 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 to remove, abstract or otherwise take out of the precinct book of voters or the provincial or national central files of registers voters, any voter's application duly approved, except upon lawful order of a competent court or after proper cancellation as provided in Sections 16 to 20 and 24 of this Act; Provided, That in addition to the acts and omissions enumerated above, it shall also be a serious election offense election registrar or any member of the election registration board or any person acting in their behalf:

"(i) to fail, without cause, to post or to give any of the notices or to make any of the reports required by this act as amended;

"(ii) To approve knowingly the application of a person who does not possess all the qualifications or possesses any of the disqualifications prescribed by law for voters; or to disapprove knowingly the application of a person who does possess all such qualifications and none of such disqualifications;

"(iii) To issue or cause the issuance of a voter's identification card or to cancel or cause the cancellation thereof in violation of the provisions of this Act;

"(iv) To take or carry outside of the city or municipality of which he is a registrar, any registration form already issued to said city or municipality, except as otherwise provided for in this Act or when directed by express order of the court, or of the Commission on Elections;

"(v) To render, make or submit any false or untruthful report on the progress of registration in his municipality or any precinct thereof.

SEC. 19. Sections 25 and 26 of the same Act are hereby renumbered as Sections 32 and 33, respectively.

SEC. 20. This Act shall take effect upon its approval.

Approved, June 18, 1966.

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