

AN ACT TO REGULATE THE HOLDING OF THE FIRST ELECTION FOR PRESIDENT AND VICE-PRESIDENT OF THE PHILIPPINES AND MEMBERS OF THE NATIONAL ASSEMBLY, TO APPROPRIATE FUNDS THEREFOR, AND...

Acts No. 4203, July 23, 1935

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WHEREAS, in accordance with section four of Act Numbered One hundred twenty-seven of the Seventy-third Congress of the United States, commonly known as Tydings-McDuffie Law, the Governor-General has issued a proclamation to the People of the Philippine Islands calling an election to be held on Tuesday, September seventeen, nineteen hundred and thirty-five, for the purpose of electing the President and Vice-President of the Philippines and the Members of the National Assembly, provided for in the Philippine Constitution;

WHEREAS the existing Election Law does not contain any provisions for the election of said officers;

WHEREAS the national political parties which contended during the last general election and which subsequently consolidated into two parties, to wit, the Nacionalista Democratico Party and the Nacionalista Democrata Independencia Party, agreed on June sixteen, nineteen hundred and thirty-five, to present joint candidates for the offices of President and Vice-President of the Philippines, with only one platform, and although said parties continue as separate and independent organizations, it is the sense of the Philippine Legislature that the holding of a free and orderly; election will be best guaranteed and public confidence in; the result thereof will be more firmly grounded, if any party or parties that may during the coming election contend against said coalition is given an opportunity to examine everything in connection with the holding of said election, without detriment to the principle of party government; Now, therefore,

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

GENERAL PROVISIONS

SECTION 1. Effective date and application of this Act.—This Act shall take effect on its approval and shall govern only with reference to the first election for President and Vice-President of the Philippines and Members of the National Assembly.

SEC. 2. Date of election and legal provisions applicable to same.—The first election for President and Vice-President of the Philippines and Members of the National Assembly shall be held on September seventeenth, nineteen hundred and thirty-five, in accordance with the provisions of the Philippine Constitution, of this Act, and of the existing Election Law relative to the holding of general elections, in so far as they may be applicable and not in conflict with the provisions hereof. All acts and omissions penalized by the Election Law which shall be committed during the holding of this election or in connection therewith, shall be punished by the penalties prescribed by said Law.

CANDIDACIES

SEC. 3. Candidacies of public officers or candidacies for more than one office.—Any person holding a public office or employment in the executive or judicial branch, shall automatically cease in his office at the time of filing his certificate of candidacy. No person shall present himself as a candidate for or be eligible to more than one office at the election provided for in this Act, and any person filing certificates of candidacy for two or more different offices shall not be understood to be a candidate for any of such offices.

SEC. 4. Certificates of candidacy.—Certificates of candidacy shall be signed and sworn to by the candidates themselves and shall be filed with the Department of the Interior at least forty days before the election. Said certificates shall not contain any nicknames or aliases of the candidates.

SPECIAL PROVISIONS FOR CERTAIN LOCALITIES

SEC. 5. Electoral organization in the special provinces.—On August first, nineteen hundred and thirty-five, the provincial boards of the special provinces, under the supervision of the Secretary of the Interior, shall, whenever necessary, perform the duties of the municipal councils as regards the formation of election precincts, designation of polling places and appointments of election inspectors and poll clerks and substitutes therefor in their respective municipal districts, giving in the latter case due consideration to the recommendations of the accredited representatives of the national political parties.

In the municipalities of said provinces, action on such matters shall be taken by the municipal councils the same as in the case of regular municipalities.

SEC. 6. Municipal districts of certain province.—The voters of Allacapan and Langanan, in the Province of Cagayan, shall vote in the second legislative district of said province; those of Alilem, Angaki, Cervantes, Conception, San Emilio, Sigay, Sugpon, Suyo and Tagudin, in the Province of Ilocos Sur, shall vote in the second legislative district of said province; the voters of Sudipen, Santol and San Gabriel, in the Province of La Union, shall vote in the first legislative district of said province, and the voters of Bagulin, Burgos and Pugo, also in the Province of La Union, shall vote in the second legislative district thereof.

SEC. 7. Legislative districts of the Mountain Province.—For the purposes of the election of Members of the National Assembly, the Mountain Province shall be divided into three districts, as follows: First District, composed of the municipal districts of Bayag, Conner, Kabugao, Luna, Namaltugan and Taut, Subprovince of Apayao, of the municipal districts of Balaban, Lubuagan, Pinukpuk, Tabuk and Tanudan, Subprovince of Kalinga, and of the municipal districts of Bontoc (the capital of the province), Barilig, Sabangan, Sadangan, Sagada, Natunin and Tinglayan, Subprovince of Bontoc; Second District, composed of the City of Baguio and the municipal districts of Ampasungan, Atok, Bokod, Bakun, Buguias, Itogon, Kabayan, Kapangan, Kibungan, La Trinidad, Mankayan, Sablan, Tuba and Tublay, Subprovince of Benguet; Third District, composed of the municipal districts of Banaue, Burney, Hungduan, Kiangnan, and Mayoyao, Subprovince of Ifugao, and of the municipal districts of Banao, Bauco, Besao and Kayan, Subprovince of Lepanto.

SEC. 8. Election of Members of the National Assembly for Cotabato, Lanao and Sulu.—The Members of the National Assembly for the Provinces of Cotabato, Lanao and Sulu shall in each case be elected by the presidents, vice-presidents and present municipal councilors of the municipalities and districts making up the province, by the persons who occupied similar positions in said municipalities and municipal districts in the past, and by the present senators, representatives, delegates to the Constitutional Convention, provincial governors and members of provincial boards, and by any persons who occupied any of said offices in the past and reside in the province concerned. For said purpose, a board of election inspectors of each of the municipalities and municipal districts of

said provinces, and in case there is more than one board of election inspectors in any municipality or municipal district, the one designated by the provincial board concerned, shall make a special list of said officers and ex-officers, including in said list those of them who may apply therefor on the days set aside by this Act for the registration of voters. On the day of the election, the officers and ex-officers registered as above mentioned shall be entitled to vote, filling out the proper official ballot and depositing the same in a separate ballot box furnished to the board of inspectors by the provincial board, and upon the termination of the balloting, the board of election inspectors shall count the votes so deposited and shall prepare a separate return of the result, in accordance with section four hundred and sixty-five of the Election Law.

ELECTION REGULATIONS OF GENERAL APPLICATION

SEC. 9. Election precincts and polling places.—The election precincts shall remain the same as now established and the polling places shall be the same, unless the municipal council or board concerned shall, for good reason, designate a different place on or before August first, nineteen hundred and thirty-five.

SEC. 10. Appointment of election inspectors and poll clerks.—On August first, nineteen hundred and thirty-five, the municipal council shall appoint three election inspectors and one poll clerk, with their respective substitutes, for such election precinct.

Two of said election inspectors and the poll clerk, and their respective substitutes, shall belong to the political party, branch or fraction thereof, or political group, which polled the largest number of votes in said municipality at the general election of nineteen hundred and thirty-four, and the other inspector and his substitute shall belong to the political party, branch or fraction thereof, or political group, which polled the next largest number of votes at said election.

No inspector or representation of any kind on the board of inspectors shall be granted to any branch, fraction or political group which has since the general election of nineteen hundred and thirty-four separated, or which may hereafter separate, from said parties, branches, fractions or political groups, or from the party created by their consolidation.

The election inspectors and poll clerks and their respective substitutes shall be persons nominated by the accredited representatives of said parties, branches, fractions or political groups.

If any party or political group presenting candidates for President and Vice-President of the Philippines shall be formed before August first, nineteen hundred and thirty-five, such party or group shall, upon nomination by the same, be given representation at each of the polling places of the municipalities or places where such party or group has an accredited representative, by means of the appointment on said date of a fourth inspector, with his substitute, having the qualifications required by section four hundred and nineteen of the Election Law, and if, besides, other parties or political groups are formed which present candidates for said offices and which have accredited representatives in the locality, the Supreme Court shall, at the request of an interested party, grant such additional inspector to the party or political group showing that it has the most extensive organization in said locality. This paragraph shall not be construed to mean that the new party or political group or the candidates thereof may have more than one inspector on the board.

In case a fourth inspector is appointed as provided in the next preceding paragraph, the poll clerk shall be entitled to vote on the board of inspectors in case of a tie.

An election inspector or poll clerk may be replaced at any time at the request of the party or group on whose nomination he was appointed, and in case there shall be no time for holding a meeting of the municipal council for said purpose, or if the latter shall fail to act or to come to an agreement, the duties of inspector or poll clerk, as

the case may be, shall be performed by the substitute or by the person nominated by the party or group concerned.

Any protest made by an inspector against any act of the board of inspectors or of any member thereof, shall be made to appear over his signature in the return, and no protest not so made and appearing shall be entertained or considered as made.

SEC. 11. Revision of list of voters and registration of new voters.—The boards of election inspectors shall meet on August ninth and tenth, nineteen hundred and thirty-five, to revise the list of voters and register new voters therein. On said days, said boards of inspectors shall strike from the present lists of voters the names of persons not having the qualifications prescribed by Title Five of the Constitution, of those disqualified from voting under the provisions of section four hundred and thirty-two of the Election Law, and of those serving sentences of imprisonment. This section shall, however, not to be construed as barring the registration of voters rejected as illiterates if they can show, on one of the days set aside by law for the registration of voters, that they can write and read and are not otherwise incapacitated by law.

SEC. 12. Voters who may register and vote by mail.—Voters confined at a leper station or colony and not otherwise incapacitated may register and vote by mail, sending their respective applications or ballots by registered mail to the board of inspectors of the precinct in which they resided prior to their confinement, and it shall be the duty of the board of inspectors of said precinct to register them and consider their ballots, provided the applicants have the qualifications required of voters and the application or ballot reaches said board of inspectors in time. The Secretary of the Interior shall make such additional regulations as may be necessary to facilitate the registration of said electors and to insure a secret, free and honest ballot.

SEC. 13. Proceedings for inclusion and exclusion of voters and correction of list of voters.—All judicial proceedings for inclusion in or exclusion from the list of voters shall be free of charge and shall be filed at the latest on August twenty-fourth, nineteen hundred and thirty-five, and a final decision thereon shall be rendered on or before September sixth, nineteen hundred and thirty-five. The boards of election inspectors shall hold their last meeting on September seventh, nineteen hundred and thirty-five, for the purposes specified in section four hundred and thirty-nine of the Election Law.

SEC. 14. Compensation of election inspectors and poll clerks.—Election inspectors and poll clerks shall receive compensation at the rate of four pesos for each day of service rendered.

SEC. 15. Ballots.—The ballots shall be uniform through out the Philippine Islands, except in the Provinces of Cotabato, Lanao and Sulu. No ballot shall have any printing on the back and the stubs thereof shall be numbered consecutively in each municipality or municipal district.

SEC. 16. Preparation of ballot and spoiled ballots.—Every voter shall prepare his ballot himself and no one shall be permitted to assist him therein, any provision of existing law to the contrary notwithstanding, except as far as the election of Members of the National Assembly in the Provinces of Cotabato, Lanao and Sulu is concerned. Ballots prepared in violation of this provision shall be void and shall not be counted. Nor shall any vote be counted on which the candidate is designated by his nickname or alias, although mention thereof is made on his certificate of candidacy.

SEC. 17. Counting of votes and canvass of returns.—The result of the balloting for Members of the National Assembly shall be determined by the board of canvassers of the province concerned as now provided by law for elective members of the House of Representatives. Said board shall forthwith certify the result of the election for Members of the National Assembly in its province to the Governor-General.

The election returns of the President and Vice-President, duly certified and sealed by the board of canvassers of

each province, including special provinces and the City of Manila, shall be prepared in triplicate and shall forthwith be sent, one copy to the Secretary of the Senate, one to the Secretary of the House of Representatives, and one to the Secretary of the Interior.

Thirty days after the election has been held, or on a date to be designated by the Governor-General, the Legislature shall meet in joint session and shall publicly count the votes cast at the election of President and Vice-President of the Philippines, determine the result thereof, and certify the same to the Governor-General.

SEC. 18. Transmission of documents relating to election.—The Bureau of Posts shall receive and transmit without delay and free of charge all election returns and other official documents, reports, telegrams or radiograms relating to the election in this Act provided for.

FINAL PROVISIONS

SEC. 19. Assumption of office by officers elect.—The President and Vice-President of the Philippines and Members of the National Assembly elected in accordance with this Act shall assume office and the National Assembly shall hold its first session immediately after said officers shall have been proclaimed as elected by the President of the United States.

SEC. 20. Appropriation.—The sum of eight hundred thousand pesos, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Insular Treasury not otherwise appropriated, for the expenses of the election ordered in this Act.

SEC. 21. Repealing clause.—All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved, July 23, 1935.

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