

ENACTING THE 1978 ELECTION CODE

PRESIDENTIAL DECREE No. 1296, February 07, 1978

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WHEREAS, the 1976 Amendments to the Constitution abolished the interim National Assembly and in lieu thereof created the interim Batasang Pambansa, the members of which "include the incumbent President of the Philippines, representatives elected from the different regions of the nation, those who shall not be less than eighteen years of age elected by their respective sectors, and those chosen by the incumbent President from the members of the Cabinet";

WHEREAS, the elective local officials whose terms of office expired on December 31, 1975 were allowed to continue in office, subject to the pleasure of the President;

WHEREAS, elections to enable the people to choose the officials who shall manage the affairs of government in the national and local levels may now be held;

WHEREAS, there is a need to promulgate a new election code to govern the conduct of elections under the 1973 Constitution and its amendments, codify the laws on the matter, repeal obsolete ones and ensure the holding of free, orderly and honest elections, in consonance with the theory and practice of the New Society;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby promulgate the following Decree as part of the law of the land:

ARTICLE I—GENERAL PROVISIONS

SECTION 1. Title.—This Decree shall be known and cited as "The 1978 Election Code."

SEC. 2. Applicability.—This Code shall govern the election of the members of the interim Batasang Pambansa and, to the extent appropriate, elections for local officials, referenda and plebiscites.

SEC. 3. Date of election.—The election for regional representatives in the interim Batasang Pambansa shall be held on April 7, 1978.

SEC. 4. Election and campaign periods.—The election period shall be fixed by the Commission on Elections in accordance with Section 6, Article XII (C) of the Constitution. The period of campaign shall not be more than forty-five days immediately preceding the election, excluding the day before and the day of the election: Provided, That for the election of representatives to the interim Batasang Pambansa, the period of campaign shall commence on February 17, 1978 except that no election campaign or partisan political activity may be conducted on March 23 and 24, 1978.

SEC. 5. Obligation to register and vote.—It shall be the obligation of every citizen qualified to vote, to register and cast his vote. Only voters duly registered as such shall be entitled to vote.

SEC. 6. 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 voting center or political subdivision, the

Commission on Elections, which hereinafter shall be referred to as 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.

SEC. 7. Failure of election.—If, on account of force majeure, violence, terrorism, or fraud the election in any voting center has not been held on the date fixed or has been suspended before the hour fixed by law for the closing of the voting and such failure or suspension of election any voting center would affect the result of the 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.

SEC. 8. Call of special election.—Special elections shall be called by the Commission by proclamation on a date to be fixed by it, which shall specify the offices to be voted for, 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 election supervisor or city election registrar concerned, who in turn shall publish it in their respective localities, by posting copies thereof in at least three conspicuous places in the city or in each municipality in the province, as the case may be, preferably the city/municipal building, the public market, and his office, and one copy each in every voting center in the city or province.

Pending an election to fill a vacancy arising from any cause in the interim Batasang Pambansa, the vacancy shall be filled by majority vote of the Members of the interim Batasang Pambansa on nomination of the President.

SEC. 9. Election Code to be available in voting centers.— A printed copy of this Code in English or in the national language shall, whenever possible, be made available in every voting center on voting day, in order that it may be readily consulted by any person in need thereof.

SEC. 10. Official mail and telegrams regarding elections. —Papers connected with the election 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 Postmaster General and the Director of the Bureau of Telecommunications to transmit immediately and in preference to all other communication or telegrams messages reporting election results and such other messages or communications which the Commission may require or may be necessary to ensure free, honest and orderly elections.

ARTICLE II—COMPOSITION AND APPORTIONMENT OF THE MEMBERS OF THE INTERIM BATASANG PAMBANSA

SEC. 11. Composition.—The interim Batasang Pambansa shall be composed of the incumbent President of the Philippines, representatives elected from the different regions of the nation, those who shall not be less than eighteen years of age elected by their respective sectors, and those chosen by the incumbent President from the members of the Cabinet.

SEC. 12. Apportionment of regional representatives.— There shall be 160 regional representatives to the interim Batasang Pambansa apportioned among the thirteen regions of the nation in accordance with the number of their respective inhabitants and on the basis of a uniform and progressive ratio as follows:

Region I, 12 representatives, consisting of the following provinces: Abra; Benguet, including the City of Baguio; Ilocos Norte, including Laoag City; Ilocos Sur; La Union; Mt. Province; and Pangasinan, including the Cities of Dagupan and San Carlos;

Region II, 7 representatives, consisting of the following provinces: Batanes; Cagayan; Ifugao; Isabela; Kalinga-Apayao; Nueva Vizcaya; and Quirino;

Region III, 16 representatives, consisting of the following provinces: Bataan; Bulacan; Nueva Ecija, including the Cities of Cabanatuan, Palawan and San Jose; Pangasinana, including Angeles City; Tarlac; and Zambales, including Olongapo City;

Region IV, 19 representatives, which comprises Metro Manila as follows: Cities of Manila; Quezon; Caloocan; and Pasay; and the municipalities of Valenzuela, Malabon, Navotas, Makati, Parañaque, Las Pinas, Mandaluyong, San Juan, Pasig, Muntinlupa, Marikina, Pateros and Taguig;

Region IV-A, 20 representatives, consisting of the following provinces: Batangas, including the Cities of Batangas and Lipa; Cavite, including the Cities of Cavite, Tagaytay and Trece Martires; Laguna, including San Pablo City; Marinduque; Occidental Mindoro; Oriental Mindoro; Palawan, including Puerto Princesa City; Quezon, including Lucena City; Rizal; and Romblon;

Region V, 12 representatives, consisting of the following provinces: Albay, including Legaspi City; Camarines Norte; Camarines Sur including the Cities of Iriga and Naga; Catanduanes; Masbate; and Sorsogon;

Region VI, 16 representatives, consisting of the following provinces: Aklan; Antique; Capiz, including Roxas City; Iloilo, including Iloilo City; and Negros Occidental, including the Cities of Bacolod, Bago, Cadiz, La Carlota, San Carlos and Silay;

Region VII 13 representatives, consisting of the following provinces: Bohol, including Tagbilaran City; Cebu, including the Cities of Cebu, Lapu-Lapu, Mandaue, Toledo and Danao; Negros Oriental, including the Cities of Bais, Camlaon and Dumaguete; and Siquijor;

Region VIII, 10 representatives, consisting of the following provinces: Leyte, including the Cities of Ormoc and Tacloban; Southern Leyte, Eastern Samar; Northern Samar; and Samar, including Calbayog City;

Region IX, 8 representatives, consisting of the following provinces: Basilan; Sulu; Tawi-Tawi; Zamboanga del Norte, including the Cities of Dapitan and Dipolog; and Zamboanga del Sur, including the Cities of Pagadian and Zamboanga;

Region X, 9 representatives, consisting of the following provinces: Agusan del Norte, including Butuan City; Agusan del Sur; Bukidnon; Camiguin; Misamis Occidental, including the Cities of Oroquieta, Ozamis and Tangub; Misamis Oriental, including the Cities of Cagayan de Oro and Gingoog; and Surigao del Norte, including Surigao City;

Region XI, 10 representatives, consisting of the following provinces: Surigao del Sur; Davao del Norte; Davao Oriental; Davao del Sur, including Davao City; and South Cotabato, including General Santos City;

Region XII, 8 representatives, consisting of the following provinces: Lanao del Norte, including Iligan City; Lanao del Sur, including Marawi City; Maguindanao, including Cotabato City; North Cotabato; and Sultan Kudarat.

The foregoing apportionment shall not be considered a precedent in connection with the reapportionment of representative districts for the regular National Assembly under Section 2, Article VIII and Section 6, Article XVII of the Constitution.

Notwithstanding the foregoing provisions, the number of regional representatives for any region shall not be less than the number of representative districts therein existing at the time of the ratification of the Constitution. There

are also allotted two additional seats for regional representatives to Region IV in view of inhabitants, such as students, in the region not taken into account in the 1975 census.

SEC. 13. Sectoral representatives.—There shall be three sectors to be represented in the interim Batasang Pambansa, namely: (1) youth; (2) agricultural labor; and (3) industrial labor to be elected in the manner herein provided. Each sector shall be entitled to four sectoral representatives, two of whom shall come from Luzon, one from Visayas, and one from Mindanao: Provided, That the youth sector shall be entitled to two additional sectoral representatives who shall be elected from any region.

ARTICLE III—ELECTION OF REGIONAL REPRESENTATIVES

SEC. 14. Voting by region.—Each region shall be entitled to such number of regional representatives as are allotted to it in Section 12 of Article II hereof. All candidates for regional representatives shall be voted upon at large by the registered voters of their respective regions. The candidates receiving the highest number of votes from the entire region shall be declared elected.

ARTICLE IV—ELECTION OF SECTORAL REPRESENTATIVES

SEC. 15. Sectors are national aggrupations.—The sectors named in Section 13 of Article II hereof shall be considered as national aggrupations and as such shall elect their respective national representatives to the interim Batasang-Pambansa through their own Electoral Councils which shall be constituted in the manner hereinafter provided.

SEC. 16. Delegates from provinces to the electoral councils. —At any time after the date of the election fixed herein, but not later than twenty days, the Kagawads representing agricultural labor, industrial labor and youth in the Sangguniang Bayan or Panlungsod of the municipalities and cities in every province shall meet at the provincial capital and, subject to the supervision of the Commission or its authorized representatives, shall choose from among themselves one delegate of their sector to their respective Electoral Councils.

The meetings of the sectoral Kagawads shall be held separately at a time and place to be designated by the Commission or its authorized representatives. A majority of all the Kagawads of each sector shall constitute a quorum. The Kagawad obtaining the highest number of votes shall be the provincial delegate of the sector to the corresponding Electoral Council.

In the case of Metro Manila (Region IV), the members of the agricultural and industrial labor sectors in every barangay, if any, upon call of the barangay captain and under the supervision of the Commission, shall choose one Kagawad each for their respective sectors. The sectoral Kagawads elected shall meet on a date and at a place designated by the Commission to choose from among themselves ten delegates each to their respective Electoral Councils.

In the case of the youth sector in Metro Manila, the Presidents of the Kabataang Barangay in the four cities and thirteen municipalities shall likewise elect from among themselves ten delegates for the youth sector to their Electoral Council.

Upon call of the Commission which shall be made not later than twenty days after the date of the election fixed herein and at such time as it may determine, existing national aggrupations of industrial labor and agricultural labor as accredited by the Department of Labor, and the Department of Agriculture and Department of Agrarian Reform, respectively, shall elect to their Electoral Councils ten delegates for their respective sectors. The election shall be under the supervision of the Commission.

SEC. 17. Election and proclamation of sectoral members. —The delegates of each sector shall, upon call of the Commission, convene in Manila to elect from among those sectoral members who have filed their certificates of candidacy two representatives from each sector from Luzon, one from Visayas, and one from Mindanao. The delegates of the youth sector shall also elect the two additional representatives of their sector provided in Section 13, Article It of this Code. The Commission shall supervise the conduct of the election and proclaim the results thereof.

ARTICLE V.—ELIGIBILITY AND CERTIFICATE OF CANDIDACY

SEC. 18. Qualifications for members of the interim Batasang Pambansa.—No person shall be a member of the interim Batasang Pambansa unless he is a natural-born citizen of the Philippines, a registered voter, able to read and write and, on the day of the election, is at least twenty-five years of age in the case of a regional representative, and eighteen years of age in the case of a sectoral representative. In the case of the youth sectoral representative, he shall not be more than twenty-five years of age.

SEC. 19. Certificate of candidacy.—No person shall be elected regional or sectoral representative in the interim Batasang Pambansa unless he files a sworn certificate of candidacy within the period fixed herein.

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 for filing certificates of candidacy, the candidate who has filed several 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.

The filing of a certificate of candidacy shall not affect whatever civil, criminal or administrative liabilities which a candidate may have incurred.

SEC. 20. Contents of certificate of candidacy.—The certificate of candidacy shall state that the person filing it is announcing his candidacy for the office stated therein and that he is eligible for said office; if for representative in the interim Batasang Pambansa, the region or sector which he seeks to represent; whether he is filing it as a nominee of a political party, group or aggrupation; the political party, group or aggrupation to which he belongs, if any; civil status, and if married, the full name of his or her spouse; his date of birth; residence; his post office address for all election purposes; his profession or occupation; 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 the 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 in the locality. A certificate of candidacy not in accordance with this provision shall not be accepted.

SEC. 21. Other requirements.—The person filing a certificate of candidacy shall also submit two copies of his latest photograph, passport size; a statement in duplicate containing his biodata and program of government not exceeding one hundred words, for inclusion in the "COMELEC Bulletin".

SEC. 22. Ineligibility of person found disloyal to the Government. —Any person found guilty in a final judgment or order of a competent court or tribunal of any crime involving disloyalty to the duly constituted Government such as rebellion, sedition, violations of the anti-sub version and firearms laws, and crimes against the national

security shall not, unless restored to his full civil and political rights in accordance with law, be eligible and his certificate of candidacy shall not be given due course nor shall the votes cast in his favor be counted. In the event his final conviction comes after his election, he shall automatically cease in office.

SEC. 23. 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, each candidate, upon being made aware of such fact, shall state his paternal and maternal surname, except the incumbent who may continue to use the name and the surname stated in his certificate of candidacy when he was elected.

SEC. 24. Filing and distribution of certificates of candidacy. —The certificates of candidacy shall be filed not later than the day before the beginning of the campaign period fixed by the Commission: Provided, That certificates of candidacy for representative to the interim Batasang Pambansa shall be filed not later than February 17, 1978.

The certificate of candidacy for sectoral representatives shall be filed with the Commission. The certificate of candidacy for regional representatives shall be filed with the Regional Election Director having jurisdiction over the region.

The Regional Election Director shall immediately send the original of all certificates of candidacy received by him to the Commission. The Commission shall send copies thereof or a certified list of candidates to the provincial election supervisors for distribution to the city and municipal election registrars of the province who shall in turn immediately forward copies thereof to the voting centers.

SEC. 25. Ministerial duty of receiving and acknowledging receipt. —The Regional Election Director shall have the ministerial duty to receive the certificate of candidacy herein referred to and to immediately acknowledge receipt thereof.

SEC. 26. Nuisance candidates.—The Commission may, motu proprio or upon a verified petition of an interested party, refuse to give due course to a certificate of candidacy if it is shown that said certificate has been filed to cause confusion among the voters by the similarity of the names of the registered candidates or by other circumstances 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. 27. Withdrawal or cancellation of certificates of candidacy. —No certificate 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 sworn statement of withdrawal or cancellation at any time before the day of election.

SEC. 28. Candidates in case of death, withdrawal or disqualification of another.—If, after the last day for filing certificates of candidacy, a candidate with a certificate of candidacy duly filed should die, withdraw or be disqualified for any cause, any voter qualified for the office may file his certificate of candidacy for the office for which the deceased, the candidate who has withdrawn, 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, withdrawal or disqualification should occur between the day before the election and the mid-day of election day, said certificate may be filed with any election committee in the political subdivision where he is a candidate: Provided, however, That if the candidate who died, withdrew or was disqualified is the official candidate of a political party, group or aggrupation, only a person belonging to, and certified by, the same political party, group or aggrupation may file a certificate of candidacy for the same office.

SEC. 29. Candidates 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 officers and employees in govern

ment-owned or controlled corporations, shall ipso facto cease in his office or position on the date he files his certificate of candidacy. Members of the Cabinet shall continue in the offices they presently hold notwithstanding the filing of certificate of candidacy, subject to the pleasure of the President of the Philippines.

SEC. 30. Candidates holding political office.—Governors, mayors, members of the various sanggunians, or barangay officials shall, upon filing of a certificate of candidacy, be considered on forced leave of absence from office.

ARTICLE VI—WATCHERS

SEC. 31. Official watchers of candidates.—Each registered political party, group or aggrupation shall be entitled to not more than three watchers in every voting center and independent candidates to one watcher each.

No person shall be appointed watcher unless he is a qualified voter of the city or municipality, of good reputation, shall not have been convicted of any election offense or of any other crime, and must know how to read and write Filipino English or the local dialect and not related within the fourth civil degree of affinity or consanguinity to the chairman or any member of the citizens election committee of the voting center where he is a watcher.

Each candidate shall designate in every province, city, municipality or municipal district his representative authorized to appoint watchers, furnishing the Regional Election Director a copy of the list of such persons for the entire region.

SEC. 32. Commission may authorize other watchers.— Civic, religious, business, youth and other similar organizations, upon previous authorization by the Commission, shall be entitled collectively to appoint one watcher in every voting center with the same powers as herein provided.

SEC. 33. Duties and prerogatives of watchers.—Upon entering the voting center, the watcher shall present and deliver to the chairman of the citizens election committee his appointment and forthwith his name shall be recorded in the minutes. The appointment of the watcher shall bear the personal signature or the facsimile signature of the registered candidate who appointed him. The watchers shall have the right to stay in the space reserved for them inside the voting center. They shall have the right to witness and inform themselves of the proceedings of the citizens election committee, 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 committee, to obtain from the committee a certificate as to the filing 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 committee without touching them, but they shall not speak to any member of the committee.

ARTICLE VII—CAMPAIGN AND ELECTION PROPAGANDA

SEC. 34. Definitions.—As used in this Code:

(a) The term "candidate" refers to any person aspiring for or seeking an elective public office, regardless of whether or not said person had already filed his certificate of candidacy or had been nominated by any political party, group or aggrupation;

(b) The term "election campaign" or "partisan political activity" refers to an act designed to have a candidate elected or not or to promote the candidacy of a person or persona to a public office which shall include:

(1) 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 candidate;

- (2) Holding political caucuses, conferences, meetings rallies, parades, or other similar assemblies, for the purpose of nominating candidates, soliciting votes and/or undertaking any campaign or propaganda for or against a candidate;
- (3) Making speeches, announcements or commentaries or holding interviews for or against the election of any candidate for public office;
- (4) Printing, importing, publishing or distributing campaign literature or material;
- (5) Directly or indirectly soliciting votes, pledges or support for or against a candidate;
- (6) 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, including officers and employees in the civil service, which shall be understood to include officers and employees of government-owned or controlled corporations, from expressing his views on current political problems or issues, or from mentioning the names of the candidates for public office whom he supports.

SEC. 35. Election campaign or partisan political activity outside campaign period. —It shall be unlawful for any person, whether or not a voter or candidate, or for any party, group, aggrupation or association of persons, to engage in an election campaign or partisan political activity except during the campaign period or, in special cases, during the period fixed by the Commission: Provided, however, That political parties, groups or aggrupations shall be allowed to hold political conventions, primaries or meetings to nominate their official candidates within a reasonable period fixed by the Commission before the start of the campaign period.

SEC. 36. Intervention of foreigners.—It shall be unlawful for any foreigner, whether juridical or natural person, to aid any candidate or political party, group or aggrupation directly or indirectly, or take part in or influence, in any manner any election, or to contribute or make any expenditure in connection with any election campaign or partisan political activity.

SEC. 37. Lawful election propaganda.—Lawful election propaganda shall include:

- (a) Pamphlets, leaflets, cards, decals, stickers or other written or printed materials of a size not more than eight and one-half inches in width and fourteen inches in length;
- (b) Handwritten or printed letters urging voters to vote for or against any particular candidate;
- (c) Cloth, paper or cardboard posters, whether framed or posted, 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 feet 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;
- (d) All other forms of election propaganda not prohibited by this Code as the Commission may authorize: 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.

SEC. 38. Requirements for published or printed election propaganda. —Any newspaper, newsletter, newsweekly, gazette or magazine advertising, posters, pamphlets, circulars, handbills, bumper stickers, streamers, simple list of candidates or any published or printed political matter for or against a candidate or group of candidates to any public office shall bear and be identified by the words "paid for by" followed by the true and correct name and address of the payor and by the words "printed by" followed by the true and correct name and address of the

printer.

SEC. 39. Prohibited forms of election propaganda.—It shall be unlawful:

- (a) To erect, put up, 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;
- (b) To purchase, manufacture, request or distribute electoral propaganda gadgets such as pens, lighters, fans, of whatever nature, flashlights, athletic goods or materials, wallets, matches, cigarettes and the like;
- (c) To show or display publicly any advertisement or propaganda for or against any candidate by means of cinematography, audio-visual units or other screen projections except telecasts which may be allowed as hereinafter provided; and
- (d) For any radio broadcasting or television station to sell or give free of charge air time for campaign and other political purposes except as authorized in this Code under 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. 40. Removal, destruction or defacement of lawful election propaganda prohibited. —It shall be unlawful for any person during the campaign period to remove, destroy, obliterate, or in any manner deface or tamper with, or prevent the distribution of, lawful election propaganda as authorized in Section 37 of this Code.

SEC. 41. Regulation of election propaganda through mass media. — (a) The Commission shall promulgate rules and regulations regarding the sale of air time for political purposes during the campaign period to insure that time equal as to duration and quality is available to all candidates for the same office or political parties, groups or aggrupations at the same rates or given free of charge; that such rates are reasonable and not higher than those charged other buyers or users of air time for non-political purposes; that the provisions of this Code regarding the limitation of expenditures by 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 or political party, group or aggrupation by unduly or repeatedly referring to or including said candidate and/or political party, group or aggrupation 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.

(b) 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 the candidate concerned or by the duly authorized representative of the political party, group or aggrupation.

(c) No franchise or permit to operate a radio or television station 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 equal opportunities under equal circumstances to make known their qualifications and their stand on public issues within the limits set forth in this Code on election spending.

SEC. 42 Individual public rally.—Any candidate must notify the election registrar concerned of any public rally he intends to organize in the city, municipality or municipal district, and within two days thereafter, submit to said election registrar a statement of expenses incurred in connection therewith.

SEC. 43. Rallies, meetings, house-to-house campaign, other political activities.— Subject to the provisions of existing laws, any candidate may hold individually, or jointly with other aspirants, peaceful rallies, meetings, house-to-house campaign or other similar political activities during the campaign period.

SEC. 44. Transportation, food and drinks.—It is unlawful for any candidate, political party, group or aggrupation, organization, voter or any other person to give or accept, free of charge, directly or indirectly, transportation, food, or drinks or things of value during a public meeting in favor of or against any or several candidates and during the three hours before and after such meeting, on the day preceding the election and on the day of the election; or to give or contribute, directly or indirectly, money or things of value for such purpose.

SEC. 45. COMELEC Space.—Whenever practicable, the Commission shall procure space in newspapers, magazines and periodicals which shall be known as "COMELEC Space" wherein candidates can announce or further their candidacy. Said space shall be allocated, free of charge, equally and impartially by the Commission among all candidates within the area in which the newspapers, magazines and periodicals are circulated. To this end, the Commission shall endeavor to obtain free space from newspapers, magazines and periodicals.

SEC. 46. COMELEC Time.—The Commission shall procure radio and television time to be known as "COMELEC Time" which shall be allocated equally and impartially among the candidates within the area of coverage of said radio and television stations. For this purpose, the franchises of all radio broadcasting and television stations are hereby amended so as to require such stations to furnish the Commission radio or television time, free of charge, during the period of the campaign, at least once but not oftener than every other day.

SEC. 47. COMELEC Information Bulletin.—The Commission may cause the printing, and supervise the dissemination of bulletins to be known as "COMELEC Bulletin" which shall be of such size as to adequately contain the picture, biodata and program of government of every candidate. Said bulletins shall be disseminated to the voters or displayed in such places as to give due prominence there to. Any candidate may reprint, at his expense, any "COM ELEC Bulletin" upon prior authority of the Commission: Provided, That said reprint shall be an exact replica of the original and shall bear the name of the candidate causing the reprint and the name of the printer.

SEC. 48. Free public discussions and debates.—The barangays and sanggunians shall encourage free, full and constructive discussions and exchange of views on the qualifications, competence, programs or platforms of the candidates and other similar issues including the holding of meetings and rallies and, to this end, may extend, without discrimination, assistance to said candidates especially in the distribution of propaganda materials and other similar activities of the campaign.

Any candidate or his supporter who is a duly registered voter in the constituency in which said candidate is seeking election, shall not be questioned for any speech, remark or statement in any discussion or debate intended to enlighten the electorate on the qualifications, competence, programs or platforms or other similar issues of the candidates or political parties, groups or aggrupations; or for any view for or against any or all of such issues made in public rallies, or debates or in other forms of communications, radio or television. Such remarks, statements or views shall not be admissible as evidence in any investigation or suit against the person or persons making them, except in appropriate suits for libel, defamation, slander or for an offense involving disloyalty to the duly constituted Government.

The printing of pamphlets, posters, handbills and other printed materials designed to enlighten the electorate on the matter cited in the preceding paragraphs, and the dissemination or circulation of these materials shall be allowed and in no way restricted: Provided, however, That any printed material shall not be allowed to be disseminated or circulated if it does not indicate the real name and correct address of the author thereof as well as the name and address of the printer: Provided, further, That the Commission shall, upon petition of any person, and

after due notice and hearing, take all necessary measures to prevent the dissemination or circulation of propaganda materials the contents of which are clearly irrelevant to the issues mentioned herein or which are patently libelous against any person or persons or which tend to undermine the allegiance or obedience of the citizens to duly constituted authorities. Such lawful propaganda materials shall likewise be inadmissible as evidence in any investigation or suit against any person or persons printing, publishing or circulating them except in appropriate suits for libel, defamation, slander or for an offense involving disloyalty to the duly constituted Government.

ARTICLE VIII—SAFEGUARDS AGAINST CORRUPT AND IRREGULAR ELECTION PRACTICES

SEC. 49. Definitions.—As used in this Code:

- (a) The term "contribution" includes a gift, donation, subscription, loan, advance or deposit of money or anything of value, or a contract, promise or agreement to contribute, whether or not legally enforceable, made for the purpose of influencing the results of the election, but shall not include services rendered without compensation by individuals volunteering a portion or all of their time in behalf of a candidate or political party, group or aggrupation. It shall also include the use of facilities voluntarily donated by other persons, the money value of which can be assessed based on the rates prevailing in the area.
- (b) The term "expenditure" includes the payment or delivery of money or anything of value, or a contract, promise or agreement to make an expenditure, whether or not legally enforceable, for the purpose of influencing the results of the election. It shall also include the use of facilities personally owned by the candidate, the money value of the use of which can be assessed based on the rates prevailing in the area.
- (c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

SEC. 50. Change of periods.—The Commission is hereby authorized to fix the appropriate period for the various prohibited acts enumerated in this Code consistent with the requirements of free, orderly, and honest elections.

SEC. 51. Limitations upon expenses of candidates.—No candidate shall spend for his election campaign an amount more than the salary or the equivalent of the total emoluments for one year attached to the office for which he is a candidate: Provided, That the expenses herein referred to shall include those incurred by the candidate, his contributors and supporters, whether in cash or in kind, including the use, rental or hire of land, water or air craft, equipment, facilities, apparatus and paraphernalia used in the campaign: Provided, further, That, where the land, water or air craft, equipment, facilities, apparatus and paraphernalia used is owned by the candidate, his contributor or supporter, the Commission is hereby empowered to assess the amount commensurate with the expenses for the use thereof, based on the prevailing rates in the locality and shall be included in the total expenses incurred by the candidate.

In the case of candidates for the interim Batasang Pam bansa, they shall not spend more than sixty thousand pesos for their election campaign.

SEC. 52. Limitation upon expenses of political parties, groups or aggrupations. —A political party, group or aggrupation may not spend for the election of its candidates in the constituency or constituencies where it has official candidates an aggregate amount more than the equivalent of fifty centavos for every voter currently registered therein: Provided, That expenses incurred by such political party, group or aggrupation not duly registered with the Commission and/or not presenting or supporting a complete list of candidates shall be considered as expenses of its candidates and subject to the limitation under Section 51 of this Code. Expenses

incurred by branches, chapters or committees of a political party, group or aggrupation shall be included in the computation of the total expenditures of the political party, group or aggrupation.

SEC. 53. Lawful expenditures.—To carry out the objectives of the preceding sections, no candidate or his duly authorized representative, or treasurer of a political party, group or aggrupation shall, directly or indirectly, make any expenditure except for the following purposes:

- (a) For traveling expenses of the candidates and campaign personnel in the course of the campaign and for personal expenses incident thereto;
- (b) For compensation of campaigners, clerks, stenographers, messengers, and other persons actually employed in the campaign;
- (c) For telegraph and telephone tolls, postage, freight and express delivery charge;
- (d) For stationery, printing and distribution of printed matters relative to candidacy;
- (e) For employment of watchers at the polls;
- (f) For rent, maintenance and furnishing of campaign headquarters, office or place for meetings;
- (g) For political meetings and rallies and the use of sound systems, lights and decorations during said meetings and rallies;
- (h) For newspaper, radio, television and other public advertisements;
- (i) For employment of counsel;
- (j) For copying and classifying list of voters, investigating and challenging the right to vote of persons registered in the lists; and
- (k) For printing sample ballots in such color, size and maximum number as may be authorized by the Commission and the cost of such printing shall not be taken into account in determining the amount of expenses which a candidate, political party, group or aggrupation may have incurred under Sections 51 and 52 hereof.

SEC. 54. Persons authorized to incur election expenditures. —No person, except the candidate or any person authorized by him or the treasurer of a political party, group or aggrupation shall make any expenditure in support of, or in opposition to any candidate or political party, group or aggrupation. Expenditures duly authorized by the candidate or the treasurer of the party, group or aggrupation shall be considered as expenditure of such candidate or political party, group or aggrupation.

The authority to incur expenditures shall be in writing, copy of which shall be furnished the Commission, signed by the candidate or the treasurer of the party, group or aggrupation and showing the expenditure so authorized, and shall state the full name and exact address of the person so designated.

SEC. 55. Accounting by agents of candidates.—Every person receiving contributions or incurring expenditures by authority of the candidate or treasurer of the party, group or aggrupation shall, on demand by the candidate or his representative or treasurer of the party, group or aggrupation and in any event within five days after receiving such contribution or incurring such expenditure, render to the candidate or the treasurer of the party, group or aggrupation concerned, a detailed account thereof with proper vouchers or official receipts.

SEC. 56. Records of receipts and expenditures.—(a) It shall be the duty of every candidate, treasurer of the political party, group or aggrupation, and person acting under the authority of such candidate or treasurer of the party, group or aggrupation to issue a receipt for every contribution received exceeding one hundred pesos and to

obtain and keep a receipt stating the particulars of every expenditure exceeding ten pesos.

(b) Every candidate and treasurer of the party, group or aggrupation shall keep detailed, full, and accurate records of all receipts, contributions received, and expenditures incurred by him and by those acting under his authority, setting forth therein all information required to be reported.

(c) Every candidate and treasurer of the party, group or aggrupation shall be responsible for the preservation of the records of receipts and expenditures, together with all pertinent documents, 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 duly authorized representative, or upon presentation of a subpoena duces tecum duly issued by the Commission. Failure by the candidate or treasurer to preserve such records or documents shall be deemed prima facie evidence of violations of this provision.

SEC. 57. Statement of receipts and expenditures.—Every candidate and treasurer of the political party, group or aggrupation shall, not later than seven days or earlier than ten days before the day of the election, file in duplicate with the office indicated in the following section, full, true and itemized statement of all receipts and expenditures in connection with the election.

Within thirty days after the day of the election, said candidate and treasurer shall also file in duplicate a supplemental statement of all receipts and expenditures not included in the statement filed prior to the day of the election.

SEC. 58. Place for filing statements.—The statement of receipts and expenditures of a candidate for regional representative shall be filed with the Regional Election Director of the Commission, and that of a candidate for sectoral representative shall be filed with the Commission.

The Regional Election Director shall, within fifteen days after the last day for the filing of the statements, send to the Commission the duplicate copies of all statements filed with him.

SEC. 59. Form and contents of statement.—The statement shall be in writing, subscribed and sworn to by the candidate or by the treasurer of the party, group or aggrupation, shall be complete as of the date next preceding the date of filing, and shall set forth in detail (a) the amount of every receipt, the date of receipt, and the full name and exact address of the person from whom the contribution was received; (b) the amount of every expenditure, the date thereof, the full name and exact address of the person to whom payment was made, and the purpose of the expenditure; (c) any unpaid debt or obligation, its nature and amount, and to whom said debt or obligation is owing; and (d) such other particulars which the Commission may require.

If the candidate or treasurer of the party, group or aggrupation has no receipt, expenditures or unpaid debts or obligations, the statement shall reflect such fact.

SEC. 60. Preservation and inspection of statement.— All statements of receipts and expenditures shall be kept and preserved at the office where they are filed and shall constitute part of the public records thereof for three years after they are filed. They shall not be removed therefrom except upon order of the Commission or of a competent court and shall, during regular office hours, be subject and open to inspection by the public. The officer-in-charge thereof, shall, on demand, furnish certified copies of any statement upon payment of reasonable fees which the Commission may prescribe.

SEC. 61. Effect of failure to file statement.—In addition to other sanctions provided in this Code, no person elected to any public office shall enter upon the duties of his office until he has filed the statement of receipts and expenditures herein required.

SEC. 62. Limitation of contribution to candidate.—No person shall make any contribution to any candidate in excess of an amount or value which, if added to the other contributions received or expenses incurred by the candidate, exceed the amount allowed under Section 51 hereof. For this purpose, it shall be the duty of the candidate to inform the contributor of the amount he may lawfully contribute.

No contribution shall be made except directly to the candidate or his representative authorized in writing by the candidate.

No candidate shall accept any contribution in violation hereof.

SEC. 63. Prohibited donations by candidates, treasurers of parties, groups or aggregations or their agents.— No candidate, his or her spouse or any relative within the second civil degree of consanguinity or affinity, or his campaign manager, agent or representative shall, during the campaign period, on the day before and on the day of the election, directly or indirectly, make any donation, contribution or gift in cash or in kind, or undertake or contribute to the construction of roads, bridges, schoolhouses, puericulture centers, medical clinics and hospitals, churches or chapels, cement pavements, or any structure for public use or for the use of any religious or civic organization: Provided, That normal and customary religious dues or contributions, such as religious stipends, tithes or collections on Sundays 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 the prohibition.

The same prohibition applies to treasurers and agents or representatives of any political party, group or aggregation.

SEC. 64. Prohibited raising of funds.—It shall be unlawful for any person to hold dances, lotteries, cockfights, games, boxing bouts, bingo, beauty contests, entertainments or cinematographic, theatrical, or other performances from the commencement of the election period up to and including election day, for the purpose of raising funds for an election campaign or for the support of any candidate; or for any person or organization, whether civic or religious, directly or indirectly, to solicit and/or accept from any candidate for public office, or from his campaign manager, agent or representative, or any person acting in their behalf, any gift, food, transportation, contribution or donation in cash or in kind during the aforementioned period: Provided, That normal and customary religious stipends, tithes, or collections on Sundays and/or other designated collection days, are excluded from this prohibition.

SEC. 65. Prohibited contributions.—No contribution shall be made directly or indirectly by any of the following:

- (a) Corporations or associations, or any officer or agent thereof: Provided, however, That nothing herein shall prevent the making of any loan to a candidate or political party, group or aggregation by any corporation or association legally in the business of lending money, provided that the loan is made in accordance with laws and regulations and in the ordinary course of business ;
- (b) Natural and juridical persons operating a public utility or in possession of or exploiting any natural resources of the nation;
- (c) Natural and juridical persons who hold contracts or subcontracts to supply the government or any of its divisions, subdivisions or instrumentalities, with goods or services or to perform construction or other works;
- (d) Natural and juridical persons who have been granted franchises, 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;

(e) Natural and juridical persons who, within one year prior to the date of the election, have been granted loans in excess of P25,000 by the government or any of its divisions, subdivisions or instrumentalities including government-owned or controlled corporations;

(f) Officials or employees in the civil service, or members of the Armed Forces of the Philippines; and

(g) Foreigners and foreign corporations.

It shall be unlawful for any person to solicit or receive any contribution from any of the persons or entities enumerated herein.

SEC. 66. True name of contributor required.—No person shall make any contribution in any name except his own nor shall any candidate, or treasurer of the party, group or aggrupation receive a contribution or enter or record the same in any name other than that of the person by whom it was actually made.

SEC. 67. Soliciting or receiving contributions from foreign governments. —It shall be unlawful for any person, including a political party, group or aggrupation or public or private entity, to solicit or receive, directly or indirectly, any aid or contribution of whatever form or nature from any foreign national, government or entity for political purposes.

SEC. 68. Report of contributions.—Every person giving contributions aggregating one hundred pesos or more, to any candidate or treasurer of the party, group or aggrupation shall, not later than thirty days after the day of the election, file with the Commission a report under oath stating the amount of each contribution, the name of the candidate or agent of the candidate, or political party, group or aggrupation receiving the contribution, and the date of the contribution.

SEC. 69. Report of contractors and business firms.— Every person or firm to whom any election expenditure is made shall, within thirty days after the day of the election, file with the Commission a report setting forth the full names and exact addresses of the candidates, treasurers of parties, groups or aggrupations, and other persons incurring such expenditures, the nature or purpose of each expenditure, the date and costs thereof, and such other particulars as the Commission may require. The report shall be signed and sworn to by the vendor or contractor, or in case of a business firm or association, by its president or general manager.

It shall be the duty of such person or firm to whom an election expenditure is made to require agents of candidates to present their written authority to incur election expenditures in behalf of the candidate or treasurer and to keep and preserve at its place of business, subject to inspection by the Commission or its authorized representatives, copies of such written authority, contracts, vouchers, invoices and other records and documents relative to said expenditures for a period of three years after the date of the election to which they pertain.

It shall be unlawful for any vendor, contractor or business firm to enter into contract involving election expenditures with agents or representatives of candidates or political parties, groups or aggrupations without such written authority.

ARTICLE IX—REGISTRATION OF VOTERS

SEC. 70. Permanent list of voters.—There shall be a permanent list of voters for every voting center in a barangay in each city or municipality consisting of all the applications for registration of voters of the barangay approved in accordance with Presidential Decrees 1099 and 1187, 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. 71. Necessity of registration to be entitled to vote. —In order that a qualified voter may vote in any electoral process, he must be registered as such in the manner provided herein.

SEC. 72. Who may be registered.—Every person possessing all the qualifications and none of the disqualifications prescribed for a voter shall have the right and the duty to be registered. During the one-month period immediately preceding the last day of registration as hereinafter provided, any person who may not have on the date of registration any of the qualifications required may be registered upon proof that on the day of the election, he shall have such qualifications.

SEC. 73. Reregistration.—A voter who is registered in the permanent list of voters need not register anew for subsequent elections unless he transfers residence to another city, municipality or municipal district, or his registration has been cancelled on the ground of disqualification and such disqualification has been lifted or removed, provided he possesses the qualifications of a voter.

SEC. 74. Qualifications of a voter.—Every citizen of the Philippines, not otherwise disqualified by law, eighteen years of age or over, 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 register as a voter.

Any person who transfers to another city, municipality or municipal district solely by reason of his occupation profession; employment in private or public service; educational activities; work in military or naval reservations; service in the army, navy or air force, the constabulary or national police force; or confinement or detention in government institutions in accordance with law shall be deemed not to have lost his original residence: Provided, That he may register as a voter of the city, municipality or municipal district where he is residing for the foregoing reasons if on the date of the election, he has already resided therein for at least six months.

SEC. 75. Disqualifications.—The following shall be disqualified from voting:

(a) Any person who has been sentenced by final judgment to suffer imprisonment for 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 five years after service of sentence.

(b) Any person who has been adjudged by final judgment by competent court or tribunal of having violated his oath of allegiance to the Republic of the Philippines.

(c) Insane or feeble-minded persons.

SEC. 76. 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 185 hereof. 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 whenever the exigencies of registration so require, the Commission may at its discretion appoint an election registrar, attach a city, municipality or municipal district to another political subdivision for purposes of registration, or designate the city, municipal or municipal district, treasurer or any employee of the Commission as acting election registrar with additional compensation to be fixed by the Commission but not to exceed fifty percent of his salary.

The local government concerned shall provide a suitable place for the office of the election registrar: Provided, That in case of failure of the local government to provide such suitable place, the election registrar, upon prior authority of the Commission and notice to the local government concerned, may lease another place for his office and the rentals thereof shall be chargeable to the funds of said local government.

SEC. 77. Qualifications of Election Registrar.—Only members of the Philippine Bar shall be eligible for appointment to the position of election registrar. If there are no members of the Philippine Bar available for appointment as election registrar, graduates of duly recognized schools of law, liberal arts, and education who are civil service eligibles may be appointed to said position.

SEC. 78. Provincial Election Supervisor.—There shall be assigned in each province a provincial election supervisor appointed at large by the Commission who shall have administrative supervision over election registrars and election clerks within the province and such functions and duties as are provided in this Code or which may be required by the Commission. Only members of the Philippine Bar shall be qualified for appointment as provincial election supervisor.

SEC. 79. Continuing system of registration of voters.— For purposes of filing of applications for registration, the registration period shall commence on the working day immediately following the holding of an election and shall end ten days before the day of the succeeding election, unless the Commission rules otherwise in special cases. Filing of applications for registration shall be conducted daily in the office of the election registrar during regular office hours: Provided, That to facilitate registration, the Commission may extend the hours of registration and authorize registration of voters in any barangay in the city, municipality or municipal district.

A qualified voter shall register by personally filing an application for registration before the election registrar of the city or municipality wherein he is qualified to vote or before any authorized official of the Commission.

The provisions of the foregoing paragraphs notwithstanding, registration of voters may be conducted in the voting centers by the citizens election committee whenever so authorized by law.

The election registrar and the members of the citizens election committee in appropriate cases shall have the power to administer oaths, issue subpoena and subpoena duces tecum, swear witnesses, and compel witnesses to appear and testify, but if the summons is issued at the instance of any private party, the corresponding fees and expenses incident thereto shall be paid by said party.

SEC. 80. Voter's application for registration.—The application for registration shall be filed in triplicate and shall be under oath. It shall contain two specimens of the applicant's signature, his left and right thumbmarks, his photograph which shall be optional on the part of the applicant, and the following data:

- (a) Name, surname and middle/maternal surname;
- (b) Date and place of birth;
- (c) Citizenship;
- (d) Periods of residence in the Philippines and in the place of registration;
- (e) Exact address with the name of the street and house number or in case there is none, a brief description of the locality and place;
- (f) A statement that the applicant has not been previously registered, otherwise, he shall be required to attach a sworn application for cancellation of his previous registration; and
- (g) Such other information or data which may be required by the Commission.

The oath of the applicant shall include a statement that he does not have any of the disqualifications prescribed by law for a voter.

It shall be the duty of the registering officer to fully apprise the applicant of the qualifications and disqualifications of a voter and see to it that the application contains all the data herein required.

The application of an illiterate or a physically incapacitated person may be prepared by a person of his confidence or by the election registrar in accordance with the information given by the applicant concerning his personal data.

SEC. 81. Approval or disapproval of application.—Upon receipt of the sworn application for registration and if there is no challenge filed as provided in the succeeding section, the election registrar shall approve it if he finds that the applicant possesses all the qualifications and none of the disqualifications of a voter, otherwise, the application shall be disapproved.

Upon approval of the application, a certificate of registration shall be issued to the voter. If it is disapproved, the applicant shall be furnished with a certificate of such disapproval stating the grounds therefor and all three copies of the disapproved application shall be placed in the inactive file.

SEC. 82. Challenge of right to register as a voter.—Any voter of the city, municipality or municipal district may appear before the election registrar to oppose or challenge the 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.

The hearing shall be conducted without delay and in no case later than the day after the challenge is filed. Immediately after the hearing, the challenged application shall be approved or disapproved according to the evidence submitted for or against the application.

SEC. 83. Preservation and transmittal of approved application for registration. —The original of the approved application for registration of each voter shall be compiled and incorporated alphabetically into the corresponding book of voters.

On the day following the approval of the application for registration, the election registrar shall transmit the duplicate copy to the provincial election supervisor and the triplicate copy to the central office of the Commission.

SEC. 84. Voter's certificate of registration.—The certificate of registration issued to the voter 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 certificate of registration on election day if his identity can be shown by other documents or by the thumbmarks in his approved application in the book of voters, or if he is identified under oath by a member of the election committee or by a duly accredited watcher.

No extra or duplicate copy of the certificate of registration shall be prepared and issued except upon authority of the Commission.

SEC. 85. Cancellation of registration due to death or disqualification of voter. —The election registrar shall remove the voter's application for registration from the corresponding book of voters of the following after entering therein the cause for its cancellation and place the same 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 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 Courts of First Instance and the city or municipal courts.

The election registrar shall notify the registered voter by mail or by personal delivery of the cancellation of his registration and the ground therefor and require the surrender of his certificate of registration. In cases of death, the notice shall be directed to the next of kin.

The names of the voters whose registration have been cancelled shall be published on the bulletin board stating the reasons therefor and shall be reported to the Commission and to the provincial election supervisor, together with copies of the certified statements of the local civil registrars, the clerks of court of the Court of First Instance and the city or municipal court, as the case may be. The Commission and the provincial election supervisor shall accordingly remove the cancelled application from their respective files and place them in the inactive file after entering therein the cause of cancellation.

SEC. 86. Application for cancellation of previous registration. — (a) Any registered voter who, after approval of his application for registration, has suffered any of the disqualifications set out in Section 75 hereof, may request for the cancellation of his registration by filing a sworn application for said cancellation, setting forth the ground or grounds therefor, and to which he shall attach his certificate of registration, with the election registrar who 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 registrar concerned shall enter the corresponding notations in the application for registration and thereafter remove the application from the corresponding book of voters and place it in the inactive file. 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.

(b) Any registered voter who has transferred and acquired a new residence may request for the cancellation of his previous registration in the manner provided in the preceding paragraph, or by personally filing said sworn application in duplicate, giving his old and new addresses and with his certificate of registration attached, with the election registrar of his new residence, who, upon receipt thereof, shall transmit the original copy together with the certificate to the election registrar of the voter's former residence. The election registrar concerned shall, upon receipt of the sworn application for cancellation, verify the truth thereof and once established, remove the voter's registration record from the book of voters and place the same in the inactive file after entering therein the cause for its cancellation. He shall issue the certificate of cancellation to the voter through the election registrar of the voter's new residence.

The election registrar shall preserve all applications for cancellation and shall report all cancellations made by him to the Commission and to the provincial election supervisor for their corresponding action.

SEC. 87. Change of address of voter -in the same city or municipality. —Any voter who has changed his residence in the same city or municipality wherein he is registered shall notify in writing his election registrar of such change of address not later than five days before the day of the election. If the change of address involves a change of barangay, the election registrar shall accordingly transfer the corresponding application to the book of voters of the new barangay. All changes of address, and changes of barangay and voting center, if any, shall be reported to the Commission and to the provincial election supervisor for their corresponding action. If there is a change of voting center, the voter shall be notified of his new voting center.

SEC. 88. Adjustment of books of voters.—When a voting center of a barangay is divided into two or more centers or is merged with another, the election registrar shall accordingly transfer the registration records included in the centers affected to the corresponding books of voters of the new or adjusted voting center. All adjustments shall be reported to the Commission and the provincial election supervisor for their corresponding action. Voters affected by the adjustment of their voting centers shall be notified of their new centers resulting from the

adjustment personally, by mail or by other expeditious means.

SEC. 89. Certified list of voters.—Not later than three days before the day of the election, the election registrar and the members of the citizens election committee shall prepare and certify, in three copies, a complete list of voters for each voting center containing the names, in alphabetical order, and addresses of all voters registered in the city, municipality or municipal district based on the approved applications in the books of voters. One copy shall be delivered to the election committee together with the books of voters for use on election day, one copy shall be delivered to the barangay captain concerned who shall inform the voters of their voting center, and the third copy shall be retained by the election registrar.

SEC. 90. Custody of books of voters.—The election registrar shall have custody of the books of voters. On the day before the election, he shall deliver the same to the chairman of the citizens election committee of the corresponding voting center for use during the voting. The books of voters shall be returned to the election registrar upon the termination of the proceedings on election day.

SEC. 91. Provincial central file of registered voters.— There shall be a provincial central file of registered voters containing the duplicate copies of all approved applications in each city, municipality and municipal district in the province which shall be under the custody and supervision of the provincial election supervisor. The applications shall be compiled alphabetically by voting centers so as to make the file an exact replica of the book of voters in the possession of the election registrar.

SEC. 92. National central file of registered voters.— There shall likewise be a national central file of registered voters containing the triplicate copies of all approved applications in all cities, municipalities and municipal districts which shall be kept in the central office of the Commission. The applications shall be compiled alphabetically by voting centers so as to make the file an exact replica of the books of voters in the possession of the election registrar.

SEC. 93. Petition for inclusion of voters in the permanent list. —Any person whose application for registration has been disapproved may, at any time except five days before an election, apply to the proper court for an order directing the election registrar to include his name in the permanent list of voters, attaching to his petition the certificate of disapproval issued by the election registrar and proof of service of the petition upon the election registrar.

If the decision is for the inclusion of the voter in the permanent list, the application previously disapproved shall be retrieved from the inactive file and included in the corresponding book of voters. The corresponding notations shall be made on the application. However, if the decisions of the court for inclusion is received after the books of voters have been delivered to the election committee, 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.

The election registrar shall transmit the duplicate and triplicate copies of the application to the provincial election supervisor and to the Commission, respectively together with a certified copy of the order of inclusion.

SEC. 94. Petition for exclusion of voters from the permanent list.—Any registered voter or the election registrar of the city, municipality or municipal district, or a political party, group or aggrupation may, at any time except five days before an election, apply with the proper court for the exclusion of a registered voter from the permanent list on the ground that he is disqualified or illegally registered, giving the name and address of the voter and the barangay and voting center where he is registered. The petition shall be sworn to and shall be accompanied by proof of service to the respondent voter and the election registrar, unless the latter is himself the petitioner. Final decisions of courts ordering the exclusion of a voter shall be transmitted immediately to the election registrar who

shall accordingly remove the application from the book of voters and place the same in the inactive file after entering therein the corresponding notations regarding the exclusion. If the decision is received after the books of voters have been delivered to the election committee, the voter so excluded shall not be permitted to vote upon presentation to the election committee of a certified copy of the order of exclusion.

Notices of the exclusion order shall be sent by the election registrar to the Commission and to the provincial election supervisor for their corresponding action.

SEC. 95. Jurisdiction in inclusion and exclusion cases.— (a) The judge of the Court of First Instance and the municipal judge of the capital of the province shall have concurrent jurisdiction throughout the province, and the municipal judges shall have in their respective municipalities concurrent jurisdiction with the former, over all cases of inclusion and exclusion of voters, and the court before whom the petition is first filed shall acquire exclusive jurisdiction thereon.

(b) The municipal judge of the capital and the judge of the Court of First Instance may hold sessions in any municipality within the province as they may deem fit for the hearing and decision on the petition, and the travelling expenses and per diem of the judge and his personnel shall be paid by the municipality to which the petition corresponds and where they hold sessions.

SEC. 96. Common rules governing judicial proceedings in inclusion and exclusion cases.—(a) Outside of regular office hours, no petition for inclusion or exclusion of voters shall be received, except when the last day for filing thereof falls on a Saturday, Sunday or holiday, in which case the courts concerned shall be open to receive said petitions.

(a) Notices to the election registrar and to the challenged voter shall state the place, date and hour on which such petition shall be heard, and such notice may be made by personal delivery, or by leaving a copy thereof in the possession of a person of sufficient discretion in the residence of said persons, or, in the event that the foregoing procedure is not practicable and in cases where the ground for exclusion is that the registered voter is fictitious, by posting a copy in a conspicuous place, preferably the city or municipal hall, within the city or municipality not later than two days before the day set for the hearing.

(b) Each petition shall refer to only one voting center.

(c) No filing fee shall be collected nor any costs be assessed in these proceedings. However, if the judge should be satisfied that the petition has been filed for the sole purpose of molesting the adverse party and causing him to incur expenses he may order the culpable party to pay the costs and incidental expenses.

(d) The decision shall be based on the evidence presented. If the question is whether or not the voter is real or fictitious, his non-appearance

(e) 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.

(f) All petitions shall be heard and all proceedings in connection therewith shall be conducted without delay. In no case shall a decision be rendered later than the day before the day of election.

SEC. 97. Canvass to check registration.—The election registrar shall, once every two years or oftener should the Commission deem it necessary in order to preserve the integrity of the permanent lists of voters, conduct verification by mail or house-to-house canvass, or both, of the registered voters of any barangay for purposes of exclusion proceedings.

SEC. 98. Annulment of permanent lists of voters.—Any book of voters not prepared in accordance with the

provisions of this Code or the preparation of which has been effected with fraud, bribery, forgery, impersonation, intimidation, force, or any other similar irregularity may, upon verified petition of any voter or election registrar, or duly registered political party, group or aggrupation, and after notice and hearing, be annulled by the Commission: Provided, That no order, ruling or decision annulling a book of voters shall be executed within sixty days before an election.

SEC. 99. Reconstitution of lost or destroyed registration records. —The Commission shall reconstitute all registration records which have been lost or destroyed. For this purpose, it shall be the duty of the election registrar to immediately report to the Commission any case of loss or destruction of approved applications for registration in their custody. Such reconstitution shall be made with the use of the corresponding copies in the national or provincial central files of registered voters: Provided, That if this is not feasible, the registered voter concerned may be summoned by the election registrar to effect such reconstitution by accomplishing a new application. Reconstituted forms shall be clearly marked with the word "reconstituted".

The reconstitution of any lost or destroyed application for registration shall not affect the criminal liability of any person or persons who may be responsible for such loss or destruction.

SEC. 100. Examination of registration records.—All registration records in the possession of the city or municipal election registrar, the provincial election supervisor, and the Commission shall, during regular office hours, be open to examination by the public with legitimate inquiries for purposes of election.

Law enforcement agencies shall, upon prior authorization by the Commission, have access to said registration records should the same be necessary to, or in aid of, their investigative functions and duties, subject to regulations promulgated by the Commission.

ARTICLE X—VOTING CENTERS

SEC. 101. Voting Centers.—Without prejudice to the establishment of new voting centers, transfers, merger or splitting of existing ones, the voting centers which functioned as such during the referendum of December 17, 1977, shall be used as the voting centers for the election of regional representatives to the interim Batasang Pambansa: Provided, That each voting center shall have, as far as practicable, three hundred voters.

SEC. 102. Creation of new voting centers.—In places where there are no existing voting centers and there are at least two hundred voters, the Commission may authorize the establishment of new voting centers or take steps to place such areas under existing voting centers. Said centers shall, as far as practicable, be located in public school buildings or other public buildings upon consultation with local officials and others concerned.

The creation of new voting centers shall be communicated to the Division Superintendent of Schools and the Provincial Election Supervisor concerned in order that the corresponding members of the election committees may be duly appointed.

SEC. 103. Changes in the location of voting centers.—The location of voting centers shall not be changed within thirty days before a regular election or seven days before a special election except where the voting center is destroyed or where because of violence, terrorism, force majeure or other analogous causes voting cannot be held in the designated voting center in which cases the Commission shall transfer such voting center to a suitable place: Provided, That notices of the change in the location of the voting center shall be posted in the office of the election registrar, in the new voting center, in at least three conspicuous places within the barangay, and if possible, in the original voting center.

SEC. 104. Requirements for voting centers.—Each voting center shall be, as far as practicable, a ground floor

and shall be of sufficient size to comfortably accommodate forty voters at one time outside the guard rail for the committee. The voting center shall be located, whenever possible, along a public road. A public school building having the requirements prescribed herein shall be preferred for use as a voting center. If no public school building is available, any other public building, a private school building, or any private building having the prescribed requirements may be used, in that order of preference.

SEC. 105. Buildings that shall not be used as voting centers. —No voting center shall be located in a building owned, leased or occupied by any candidate, or any person who is related to any candidate within the third civil degree of consanguinity or affinity, or any officer of the government holding a political position, or any officer or leader of any political party, group or aggrupation, nor in any building the surrounding premises of which are under the actual control of any of the foregoing persons or of any private entity.

SEC. 106. Flags and signs in voting centers.—On election day, every voting center shall have in front the Philippine flag displayed at the proper height and a sign indicating the voting center number. When several voting centers are located in one building, the display of one flag is sufficient.

SEC. 107. Arrangement of voting centers.— (a) In every voting center there shall be a guard rail between the voting booths and the table for the committee 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.

(a) There shall also be a guard rail for the watchers between the place reserved for them and the table for the committee at a distance of not more than fifty centimeters from the latter so that the watchers may observe clearly the reading of the contents of the ballots and the recording of the votes on the corresponding tally board.

(b) There shall be, if possible, guard rails separating the table for the committee 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.

(c)The voting center shall be so arranged that the booths, the table, the ballot boxes and the whole voting center, except what is being written within the booths, shall be in plain view of the committee, the watchers and other persons who may be within the voting center.

The voting center shall conform as much as possible to the sketch on the following page.

SEC. 108. Voting booths.—During the voting there shall be in each voting center at least one booth for every forty voters of the barangay. Each booth shall be open on the side fronting the table of the committee and its three sides shall be closed with the walls at least seventy centimeters wide and two meters high. The upper part shall be covered if necessary to preserve the secrecy of the ballots. Each booth shall have attached to its center wall a writing

[PLEASE SEE IMAGE BOOK 'PRESIDENTIAL DECREE NO. 1296, THE 1978 ELECTION CODE, PAGE 47]

board so placed that voters can write thereon while stand- ing and the booths shall be kept clearly lighted during the voting.

The Commission shall post inside each voting booth a list of all the candidates to be voted for and shall keep said list posted during the voting.

SEC. 109. Ballot boxes.—(a) There shall be in each vot- ing center on the day of the voting a ballot box with two compartments, namely, the compartment for valid ballots and the compartment for spoiled ballots, properly marked. 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 said safety devices.

(b) In case of the destruction or disappearance of any ballot box on election day, the committee shall immediately report the matter to the city or municipal treasurer who shall furnish another box or receptacle as equally adequate as possible and report such delivery of the new ballot box by the fastest means of communication on the same day to the Commission.

SEC. 110. Tally boards.—At the beginning of the counting there shall be placed within plain view of the committee, the watchers and the public, a tally board or sheet where the names of all the candidates shall be written and the third member shall record thereon the votes received by each of them as the chairman of the committee reads the ballots.

SEC. 111. Furnishing of ballot boxes, forms, stationery and materials for elections. —The Commission shall prepare and furnish the ballot boxes, forms, stationery, indelible pencils and materials, necessary for the holding of the electoral process.

The provincial, city and municipal treasurers shall have custody of election supplies and materials and shall be responsible for their preservation and storage, and for any loss, destruction or damage of any election equipment, material or document.

SEC. 112. Inspection of voting centers. —Before the day of the election, the Commission shall, through its duly authorized representatives, see to it that all voting centers conform to the specifications and requirements here in prescribed and that all omissions and defects are corrected. A report on all inspections made shall be submitted to the Commission.

ARTICLE XI—CITIZENS ELECTION COMMITTEE

SEC. 113. Appointment of citizens election committee. — The Commission shall, directly or through its duly authorized representatives, appoint, at least ten days before the election, a citizens election committee for each voting center to be composed of a chairman, a poll clerk, and a third member. They shall all be public school teachers. A registered voter of the barangay or member of the Kabataang Barangay proposed by the barangay captain shall also be appointed as ex-officio aide in the committee but shall have no vote in the proceedings.

The members of the committee shall receive an appointment stating therein the voting center to which they are assigned and the date of the appointment.

SEC. 114. Qualification of members of the election committee. —No person shall be appointed chairman, member or substitute member of the election committee unless he is of good moral character and irreproachable reputation, a registered voter, has never been convicted of any election offense or of any other crime punishable by more than six months of imprisonment, or if he has pending against him an information for any election offense. He must know how to read and write English or the local dialect.

SEC. 115. Disqualification.—Any person related to any member of the committee, or any candidate, his spouse or relative within the fourth civil degree by affinity or consanguinity shall be disqualified to serve as chairman or member of any election committee.

SEC. 116. Powers of the election committee.—The citizens election committee shall have the following powers and functions:

- a. Conduct the voting and counting of votes in their respective voting centers;
- b. Act as deputies of the Commission in the supervision and control of the election in the centers wherein they are

assigned, to assure the holding of the same in a free, orderly and honest manner; and

c. Perform such other functions prescribed by this Code or by the rules and regulations promulgated by the Commission.

SEC. 117. Voting privilege of committee members.—Members of the committee and their substitutes may vote in the voting center where they are assigned on election day provided that they are registered voters within the region.

SEC. 118. Compensation.—The chairman, poll clerk, and third member of the committee shall each receive a per diem of thirty pesos and the ex-officio aide an allowance of twenty pesos for services rendered on election day.

SEC. 119. Relief and substitution of members of the committee.—The members of the committee shall not be relieved or disqualified as such except for cause. A record of each substitution shall be made, setting forth therein the hour in which the replaced member ceased in office and the status of the work of the committee.

SEC. 120. Vacancy in the committee.—Every vacancy in the committee shall be filled for the remaining period in the manner hereinafter prescribed.

SEC. 121. Oath of the members of the committee.—The members of the committee, whether permanent, substitute or temporary, shall, before assuming their office, take and sign an oath before an officer authorized to administer oaths or, in his absence, before any other member of the committee present, or in case no one is present, before any voter. The oaths shall be sent immediately to the city, municipal or municipal district treasurer.

SEC. 122. Proceedings of the committee to be public.—The meetings of the committee shall be public and shall be held only in the voting center.

The committee shall have full authority to maintain order within the voting center and its premises, to keep access thereto open and unobstructed, and to enforce obedience to its lawful orders. If any person shall refuse to obey lawful orders of the committee, 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 committee may issue an order in writing directing any peace officer to take such person into custody until the adjournment of the meeting; but such order shall not be executed as to prevent any person so taken into custody from exercising his right to vote. Such order shall be executed by any peace officer to whom it may be delivered, but if none be present, by any other person deputized by the committee in writing.

SEC. 123. Prohibition of political activity.—No member of the committee shall engage in any partisan political activity or take part in any election except to discharge his duties as such and to vote.

SEC. 124. Functioning of the committee.—The committee shall act through its chairman, and shall decide without delay by majority vote all questions which may arise in the performance of its duties.

SEC. 125. Temporary vacancies.—If, at the time of the meeting of the committee, any member or members thereof is/are absent, or the office is still vacant, the member or members present shall call upon the substitute or substitutes to perform the duties of the absent member or members and, in case such substitute or substitutes cannot be found, the member or members present shall appoint any qualified voter of the barangay to temporarily fill said vacancy until the absent member or members are available.

SEC. 126. Arrest of absent member.—The member or members of the committee 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 duties of the committee.

SEC. 127. Temporary designation of members of the committee by watchers. —If at the time the committee must meet, all the positions in the committee are vacant, or if not one of the appointed members shall appear, the watchers present may designate registered voters of the barangay to act in the place of said members until the absentees shall appear or the vacancies are filled.

ARTICLE XII—OFFICIAL BALLOTS

SEC. 128. Official ballots.—The official ballots shall be of uniform size and color for each region and shall be provided at public expense. Said ballots shall be in the shape of a strip with stubs and detachable coupons containing the serial 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 date of the election and the following note: "Fill out this ballot secretly inside the voting booth. Do not put any distinctive mark in any part of this ballot."

Each ballot shall contain the names of all the offices to be voted for in the election, allowing beneath the name of each office, sufficient space or spaces with horizontal lines where the voter may write the name or names of the individual candidates voted by him, except when otherwise prescribed in this Code.

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

Ballots in provinces where Arabic is of general use, shall have the instruction and the title of office to be voted, translated in Arabic in addition to and immediately below the English title.

SEC. 129. Printing of official ballots.—The official ballots shall be printed under the supervision and control of the Commission. The Commission may engage the services of any printing press and shall provide appropriate security measures for the printing, storage and distribution thereof.

Ballots shall be bound in separate pads of fifty or one hundred ballots each as may be required, and shall be numbered consecutively beginning with number "1" in each region. Each pad of ballots shall bear on its cover the region in which the ballots are to be used, and the inclusive serial numbers of the ballots contained therein. The Commission and the provincial, city or municipal treasurer shall respectively keep a record of the ballots furnished the various provinces, cities, municipalities, municipal districts and voting centers, copy of which record shall be furnished the Commission immediately after the distribution is made.

SEC. 130. Emergency ballots.—No ballots other than the official ballots shall be used or counted except when the official ballots were not received on time, or where the ballots are not sufficient for all registered voters, or where they were destroyed at such time as shall render it impossible to replace them, in which cases, the treasurer concerned shall procure from any available source, emergency ballots which shall be as similar to the official ones as circumstances will permit and which shall be uniform within each voting center. The treasurer shall immediately report such action to the Commission.

SEC. 131. Sample official ballots.—The citizens election committee shall be furnished by the Commission with at least thirty copies of sample official ballots, printed on colored paper in all other respects like official ballots but bearing instead the words "sample 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. 132. Distribution of official ballot.—Official ballots shall be distributed by the Commission for each city, municipality and municipal district at the rate of one and one-half for every registered voter in each voting center.

No official ballot, election returns and other election forms and paraphernalia shall be delivered to the election committee earlier than the first hour of election day: Provided, however, That the Commission, after notice to the political parties, groups or aggrupations and the candidates, may, for special reasons, authorize an earlier delivery of said official ballots, election returns and other election forms and paraphernalia to the committee.

SEC. 133. 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 from among the personnel of the Commission.

In addition to general supervision and control over the printing of official ballots, 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, (b) witness the printing, storage and shipment of official ballots, and (c) perform such other related functions as the Commission may direct.

SEC. 134. Verification of official ballots in the provinces and cities. —At least ten days before the day of voting, the provincial treasurer or the city treasurer, as the case may be, shall verify in the presence of representatives of the Commission, and duly registered or accredited political parties, groups or aggrupations and the candidates and/or their duly authorized representatives the contents of the box or boxes containing the official and sample official ballots received from the Commission.

Each candidate shall, personally or through his authorized representative or political party, group or aggrupation have the right to observe all proceedings in connection with the printing, shipment and distribution of official ballots.

ARTICLE XIII—CASTING OF VOTES

SEC. 135. Voting hours.—The casting of votes shall start at seven o'clock in the morning and shall end at five o'clock in the afternoon, except when there are voters present within thirty meters in front of the voting center who have not yet cast their votes, in which case the voting shall continue but 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. 136. Preliminaries to the voting.—(a) The election committee shall meet at the voting center designated by the Commission at six thirty o'clock in the morning of election day and shall have the book of voters containing all the approved applications for registration of voters pertaining to the voting center, the certified list of voters, the ballot box, the official ballots, sufficient pieces of in- delible pencils for the use of the voters, the forms to be used during the day, and all other materials which may be necessary.

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

(b) The chairman shall forthwith show to the public and the watchers present the official ballots received from the city, municipal or municipal district treasurer, and that the ballots have not been filled. The committee shall enter such fact in the minutes.

(c) The chairman and members of the committee shall retain in their possession their respective keys to the padlocks during the voting.

(d) 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 committee may open the box in the presence of the committee and the watchers, and the chairman shall press with his hands the ballots contained therein without removing any of them, after which the committee shall close the box and lock it with its three padlocks as hereinbefore provided.

SEC. 137. Persons allowed in and around the voting center.— During the voting, no person shall be allowed inside the voting center, except the members of the election committee, 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 committee, or to mingle and talk with the voters within the voting center.

It shall be unlawful for any policeman or peace officer or any armed person belonging to any extra-legal police agency such as special agents, confidential agents, temporary policemen, security guards, security agents, special policemen, and all other kinds of armed or unarmed extra-legal police officers to enter any voting center and no policeman or peace officer shall be allowed to enter or stay inside the voting center except when there is an actual disturbance of the peace and order therein. However, the committee may, if it deems necessary, make a call in writing, duly entered in the minutes, 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 voting center within a radius of thirty meters near enough to be easily called by the committee 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 voting center.

SEC. 138. Order of voting.—The voters shall vote in the order of their entrance into the voting center. The voters shall have the right to freely enter the voting center 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 committee. The voters after having cast their votes shall immediately depart.

SEC. 139. 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 committee doubts the identity of the voter, the committee shall check his voter's certificate of registration or, if he does not have any, the committee shall refer to his signature and thumbprints in the voter's application for registration. If the committee 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 voting record, and the chairman shall, after first entering the number of the ballot in the corresponding space of the voting record, 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. 140. Manner of preparing the ballot.—The voter upon receiving his folded ballot shall forthwith proceed 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 candidate for whom he desires to vote: Provided, That in the election of regional representatives to the interim Batasang Pambansa, the voter may choose to vote for individual candidates by filling in the proper spaces of the ballot the names of candidates he desires to elect, but if for any reason he chooses to vote for all the candidates of a political party, group or aggrupation, by writing in the space provided for in the ballot the name of the political party, group or aggrupation: Provided, further, That the ballots for the election of regional representatives to the interim Batasang Pambansa shall be prepared by the Commission in such manner that the

voter may vote for the straight ticket of a political party, group or aggrupation or for individual candidates, and for this purpose, the ticket of a regularly organized political party, group or aggrupation as certified under oath by their respective directorates or duly authorized representatives as well as candidates not belonging to any particular political party, group or aggrupation, shall be printed in the upper portion of said ballots in a manner which does not give undue advantage to any political party, group, aggrupation or candidate, and there shall also be a column containing blank spaces for the names of such candidates which spaces are to be filled by the voter who does not desire to vote for a straight ticket: Provided, finally, That a candidate may be in the ticket of only one political party, group or aggrupation; if he is included in the ticket of more than one political party, group or aggrupation presenting different sets of candidates, he shall immediately inform the Commission as to which ticket he chooses to be included, and if he fails to do so, he shall cease to be considered to belong to any ticket. The following notice shall be printed on the ballot: "If you want to vote for all the official candidates of a political party, group or aggrupation to the exclusion of all other candidates, write the name of such political party, group or aggrupation in the space indicated. It shall then be unnecessary for you to write the names of candidates you vote for. On the other hand, if you want to vote for candidates belonging to different parties, groups or aggrupations and/or for individual candidates, write in the respective blank spaces the names of the candidates you vote for and the names written by you in the respective blank spaces in the ballot shall then be considered as validly voted for."

No voter shall be allowed to enter a booth occupied by another, nor enter the same accompanied by somebody, except as provided for in Section 141 hereof, nor stay therein for a longer time than necessary, in no case exceeding ten minutes, in case there are other voters who are waiting for their turn to vote, nor speak with any one other than as herein provided while inside the voting center. It shall be unlawful to prepare the ballot 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. 141. Preparation of ballots for illiterate and disabled persons.—A registered voter who is illiterate or physically unable to prepare the ballot by himself may choose a person of his confidence to assist him in the preparation of his ballot, preferably a relative by affinity or consanguinity within the fourth civil degree. The person thus chosen shall prepare the ballot for the illiterate or disabled voter inside the voting booth. The person assisting shall bind himself in a formal document to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot prepared by him.

SEC. 142. 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 voting record that said ballot is spoiled. The voter shall then be entitled to another ballot which the chairman shall give him after announcing the serial number of the second ballot and recording said serial number in the corresponding space in the voting record. If the second ballot is again 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 election committee on the endorsement fold thereof and immediately placed in the compartment for spoiled ballots. However, no voter shall change his ballot more than twice.

SEC. 143. Voting.—(a) 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.

(a) In the presence of all the members of the election committee, he shall affix his thumbmark on the corresponding space in the coupon, and deliver the folded ballot to the chairman.

(b) The chairman, in the presence and view of the voter and all the members of the election committee, without unfolding the ballot or seeing its contents, shall verify its number from the voting record where it was previously entered.

(c) 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 voting record.

(d) The chairman shall sign in the space intended for the purpose beside the thumbmark of the voter.

(e) The chairman, after finding everything to be in order, shall then detach the coupon in the presence of the election committee and of the voter and shall deposit the folded ballot in the compartment for valid ballots, and the detached coupon in the compartment for spoiled ballots.

(f) The voter shall then depart.

Any ballot returned to the chairman whose detachable coupon has been removed not in the presence of the election committee 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 voting record, shall be considered as spoiled and shall be so marked and signed by the members of the election committee.

SEC. 144. Challenge of illegal voters.— (a) Any voter or watcher may challenge any person offering to vote for not being registered or for using the name of another. In such case, the committee shall satisfy itself as to whether or not the ground for the challenge is true by requiring proof of registration or the identity of the voter. For this purpose, the election committee shall have the same power possessed by municipal judges to issue subpoena and subpoena duces tecum and to compel witnesses to appear and testify; and

(b) No voter shall be required to present his voter's certificate of registration on election day unless his identity is challenged. His failure or inability to produce his certificate of registration upon being challenged, shall not preclude him from voting if his identity be shown from the photograph or thumbprints in his approved application in the book of voters or if he is identified under oath by a member of the election committee, or by a duly accredited watcher.

SEC. 145. Challenge based on certain illegal acts.—Any voter, candidate, or watcher may challenge any voter offering to vote on the ground that the challenged person has received or expects to receive, has paid, offered or promised to pay, 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 made or received a promise to influence the giving or withholding of any such vote; or that he has made a bet or is interested directly or indirectly in a bet which depends upon the result of the election. The challenged person shall take an oath before the committee that he has not committed any of the acts alleged in the challenge. Upon the taking of such oath, the challenge shall be dismissed and the challenged voter shall be allowed to vote, but in case of his refusal to take such oath, the challenge shall be sustained and he shall not be allowed to vote.

SEC. 146. 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. 147. 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 committee 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. 148. Minutes of voting and counting of votes .— The election committee shall prepare and sign a statement in two copies setting forth the following:

1. The time the voting commenced and ended;
2. The serial numbers of the official ballots received;
3. The number of official ballots used and the number left unused;
4. The number of voters who cast their votes;
5. The number of voters challenged during the voting;
6. The names of the watchers present;
7. The time the counting of votes commenced and ended;
8. The number of official ballots found inside the compartment for valid ballots;
9. The number of valid ballots, if any, retrieved from the compartment for spoiled ballots;
10. The number of ballots, if any, found folded together ;
11. The number of spoiled ballots withdrawn from the compartment for valid ballots;
12. The number of excess ballots;
13. The number of marked ballots;
14. The number of ballots read and counted;
15. The time the election returns were signed and sealed in their respective special envelopes; and
16. The number and nature of protests made by watchers. Copies of this statement after being duly accomplished shall be sealed in separate envelopes and shall be distributed as follows: (a) one copy to the city, municipal or municipal district election registrar and (b) the second copy shall be deposited inside the compartment for valid ballots of the ballot box.

SEC. 149. Prohibition of premature announcement of voting.—No member of the election committee shall, before the termination of the voting, make any announcement 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 XIV—COUNTING OF VOTES

SEC. 150. Counting to be public and without interruption. —As soon as the voting is finished, the election committee shall publicly count in the voting center the votes cast and ascertain the results. The committee shall not adjourn or postpone or delay the count until it has been fully completed, unless otherwise ordered by the Commission.

The Commission, in the interest of free, orderly, and honest elections, may order the committee to count the votes

and to accomplish the election returns and other forms prescribed under this Code in any other place within the municipality or province.

SEC. 151. Excess ballots.—Before proceeding to count the votes the election committee 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 mixed therein; and one of the members designated by the committee, without seeing the ballots and with his back to the box, shall publicly draw out as many ballots as may be equal to the excess and without unfolding them, place them in an envelope which shall be marked "EXCESS BALLOTS" and which shall be sealed and signed by the member of the committee. The envelope shall be placed in the compartment for valid ballots, but its contents shall not be read in the counting of votes. If, in the course of the examination, any ballot shall be found folded together before they were deposited in the box, they shall be placed in the envelope for excess ballots. In case ballots with their detachable coupons be found in the box, such coupons shall be removed and deposited in the compartment for spoiled ballots, and, if ballots with the words "spoiled" be found in the box, such ballots shall likewise be placed in the compartment for spoiled ballots.

SEC. 152. Marked ballots.—The election committee shall then examine the ballots to determine whether there are any marked ballots, and, if any be found, they shall be placed in an envelope labelled "MARKED BALLOTS" which shall be sealed and signed by the members of the committee and placed in the compartment for valid ballots and shall not be counted. A majority vote of the committee shall be sufficient to determine whether any ballot is marked or not. Non-official ballots which the committee may find, except those which have been used as emergency ballots, shall be considered as marked ballots.

SEC. 153. 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 election committee should find that during the voting any valid ballot was erroneously deposited in this compartment or any ballot separated as excess or marked had been erroneously deposited therein and not in the proper compartment, the committee shall open said compartment after the voting and before the counting of votes for the sole purpose of drawing out the ballots erroneously deposited 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 envelopes, which shall for such purpose be opened and again labelled, sealed, signed and kept as hereinafter provided.

SEC. 154. Manner of counting votes.—The counting of votes shall be made in the following manner: the committee shall unfold the ballots and form separate piles of one hundred ballots each, which shall be held together with rubber bands, with cardboards of the size of the ballots to serve as folders. The chairman of the committee shall take the ballots of the first pile one by one and read the names of the candidates voted for and the offices for which they were voted in the order in which they appear thereof, assuming such a position as to enable all or at least a majority of the watchers to read such names. The poll clerk and the third member, respectively, shall record on the election returns and the tally board or sheet each vote as the names voted for each office are read: Provided, That when the name of a political party, group or aggregation is read, one vote each shall be recorded for the official candidates of said party, group or aggregation. Each vote shall be recorded by a vertical line, except every fifth vote which shall be recorded by a diagonal line crossing the previous four vertical lines. The ex-officio aide shall see to it that the chairman reads the vote as written on the ballot. After finishing the first pile of ballots, the committee shall determine the total number of votes recorded for each candidate, the sum being noted on the tally board or sheet and on the election returns. In of folded with the second pile of ballots and so on

successively. After all the ballots have been read, the committee shall sum up the totals recorded for each candidate and the aggregate sum shall be recorded both on the tally board or sheet and on the election returns. It shall then place the counted ballots in a envelope prepared for the purpose, in which shall be closed, signed, and deposited in the compartment for valid ballots. The tally board as accomplished shall not be changed or destroyed but shall be kept in the compartment for valid ballots.

SEC. 155. Rules for the appreciation of ballots.— In the reading and appreciation of ballots, the committee shall observe the following rules:

1. Where only the first 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 first name or surname for the same office.
2. When on the ballot is written a single word which is the first 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.
3. When two words are written on the ballot, one of which is the first name of the candidate and the other is the surname of his opponent, the vote shall not be counted for either.
4. A name or surname incorrectly written which, when read, has a sound similar to the name or surname of a candidate when correctly written shall be counted in his favor.
5. 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 for which he is a candidate and the vote for the office for 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 shall be void.
6. 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.
7. Ballots which contain prefixes such as "Sr." "Mr." "Datu", "don", "ginoo", "Hon.", "Gob.", or suffixes like "hijo", "Jr.", "segundo" are valid.
8. The erroneous initial of the first name which accompanies the correct surname of a candidate, the erroneous initial of the surname accompanying the correct first name of a candidate, or the erroneous middle initial of the candidate shall not annul the vote in favor of the latter.
9. The fact that there exists another person who is not a candidate with the first name or surname of a candidate shall not prevent the adjudication of the vote of the latter.
10. Ballots wholly written in Arabic in localities where it is of general use are valid. To read them the committee may employ an interpreter who shall take an oath that he shall read the votes correctly.
11. The use of nicknames and appellations of affection and friendship, if accompanied by the first name or surname of the candidate, does not annul such vote, except when they were used as a means to identify the voter, in which case the whole ballot is invalid: Provided, That if the nickname used is unaccompanied by the name or surname of a candidate and it is the 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.
12. Any ballot written with crayon, lead pencil, ballpen, or with ink, wholly or in part, shall be valid.
13. Where there are two or more candidates voted for an office for which the law authorizes the election of only

one, the vote shall not be counted in favor of any of them, but this shall not affect the validity of the other votes therein.

14. If the candidates voted for 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.

15. Any vote in favor of a person who has not filed a certificate of candidacy or in favor of a candidate for an office for which he did not present himself shall be considered as a stray vote but it shall not invalidate the whole ballot.

16. Ballots containing the name of a candidate printed and pasted on a blank space of the ballot or affixed thereto through any mechanical process are totally null and void.

17. Any vote containing initials only or which is illegible or which does not sufficiently identify the candidate for whom it is intended shall be considered as a stray vote but shall not invalidate the whole ballot.

18. When there are two or more candidates for the same office with the same first name or surname, the voter shall, in order that his vote may be counted, add the correct first name, surname or initial that will identify the candidate for whom he votes.

19. 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 but shall not invalidate the ballot.

20. 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 first name and surname of a candidate, or in other parts of the ballot, traces of the letter "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 strains, shall not invalidate the ballot.

21. The accidental tearing or perforation of a ballot does not annul it.

22. Failure to remove the detachable coupon from a ballot does not annul such ballot.

23. 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.

24. Any vote cast in favor of a candidate who has been disqualified under this Code shall be considered as stray and shall not be counted but it shall not invalidate the ballot.

25. If on the ballot is correctly written the first name of a candidate but with a different surname, or the surname of the candidate is correctly written but with different first name, the vote shall not be counted in favor of any candidate having such first name and/or surname but the ballot shall be considered valid for other candidates.

26. If a voter has written in the proper space of the ballot the name of a political party, group or aggregation which has nominated official candidates, a vote shall be counted for each of the official candidates of such party, group or aggregation.

27. If a voter has written in the proper space of the ballot the name of a political party, group or aggregation which has nominated official candidates and the names of individual candidates belonging to the ticket of the same political party, group or aggregation in the spaces provided therefor, a vote shall be counted for each of the official candidates of such party, group or aggregation and the votes for the individual candidates written on the ballot shall be considered as stray votes.

28. If a voter has written in the proper space of his ballot the name of a political party, group or aggrupation which has nominated official candidates and the names of individual candidates not belonging to the ticket of the same political party, group or aggrupation in the spaces provided therefor, all of the votes indicated in the ballot shall be considered as stray votes and shall not be counted: Provided, however. That if the number of candidates nominated by the political party, group or aggrupation written by the voter in the ballot is less than the number of seats to be filled in the election and the voter also writes the names of individual candidates in the spaces provided therefor not belonging to the ticket of the political party, group or aggrupation he has written in the ballot, the ballot shall be counted as votes in favor of the candidates of the political party, group or aggrupation concerned and the individual candidates whose names were firstly written by the voter in the spaces provided therefor, until the authorized number of seats is filled.

29. The failure to write accurately or completely the name of a political party, group or aggrupation, the use of name, words, or initials by which it is commonly known or identified, and other analogous practices shall not annul the vote and the vote shall be considered in favor of the candidates of the political party, group or aggrupation concerned.

30. If the voter checked, underlined, encircled or placed any similar mark opposite, beneath or across the name of political party, group or aggrupation, or any name of a candidate listed on the ballot; the same shall not be counted as votes cast for the party, group or aggrupation or the candidate, as the case may be, but shall not invalidate the ballot, unless the same were made to identify the voter, in which case the whole ballot shall be considered as a marked ballot.

SEC. 156. Election returns.—The committee shall prepare the election returns simultaneously with the counting of the votes in the voting center as prescribed in Section 154 hereof. The returns shall be prepared in quadruplicate. The recording of votes shall be made as prescribed in said section. The entry of votes for each candidate shall be closed with the signatures of all the members, likewise to be affixed in full view of the public, immediately after the last vote recorded, or immediately after the name of the candidate who did not receive any vote.

The returns shall also show the date of the election, the voting center, the barangay and the city or municipality in which it was held, the total number of ballots found in the compartment for valid ballots, the total number of valid ballots withdrawn from the compartment for spoiled ballots because they were erroneously placed there- in, the total number of excess ballots, the total number of marked or void ballots, and the total number of votes obtained by each candidate, writing out the said number in words and figures, and, at the end thereof, the com- mittee shall certify that the contents are correct. The returns shall be accomplished in a single sheet of paper, but, if this is not possible, additional sheets may be used which shall be prepared in the same manner as the first sheet and likewise certified by the committee.

The Commission shall take steps so that the entries on the first copy of the election returns are clearly reproduced on the second, third and fourth copies thereof, and for this purpose the Commission shall use a special kind, of paper.

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

SEC. 157. Proclamation of the result of the election in the voting center. —Upon the completion of the election returns, the chairman of the election committee shall orally and publicly announce the total number of votes received in the election in the voting center by each and every one of the candidates, stating their corresponding office.

SEC. 158. Disposition of the election returns.—The first copy of the election returns shall be delivered to the election registrar of the city, municipality or municipal district for transmittal to the Commission, the second copy shall be delivered to the Regional Election Director, the third copy shall be deposited in the compartment for valid ballots, and the fourth copy shall be delivered to the election registrar who shall use said copy in the tabulation of the advance results of the election in the city, municipality or municipal district.

The Commission shall promulgate rules for the speedy and safe delivery of the election returns.

SEC. 159. Certificate of the number of votes polled by the candidates for an office. —After the announcement of the results of the election and before leaving the voting center, it shall be the duty of the committee to issue a certificate of the number of the votes received by a candidate upon request of the watchers. All the members of the committee shall sign the certificate.

SEC. 160. Alterations and corrections in the election returns. —Any correction or alteration made in the election returns by the committee before the announcement of the results of the election in the voting center shall be duly initialed by all the members thereof.

After the announcement of the results of the election in the voting center has been made, the committee shall not make any alteration or amendment in any of the copies of the election returns unless so ordered by the Commission upon petition of the members of the committee within five days from the date of the elections or twenty-four hours from the time a copy of the election returns concerned is opened by the board of canvassers, whichever 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 committee and the results of the election would not be affected by said correction and none of the candidates affected objects thereto, the Commission, upon being satisfied of the veracity of the petition and of the error alleged therein, shall order the committee 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 committee, and the results of the election would be affected by the correction sought to be made, the Commission shall proceed summarily to hear the petition. If it finds the petition meritorious and there is no evidence or signs indicating that the identity and integrity of the ballot box have been violated, the Commission shall order the opening of the ballot box. After satisfying itself that the integrity of the ballots therein has also been duly preserved, the Commission shall order the recounting of the votes of the candidates affected and the proper corrections made on the election returns, unless the correction sought is such that it can be made without need of opening the ballot box.

SEC. 161. Delivery of the ballot boxes, keys and election supplies and documents. —Upon the termination of the counting of votes, the committee shall place in the compartment for valid ballots, the envelopes for used ballots hereinbefore referred to, the unused ballots, the tally board or sheet, 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 padlocks shall be placed in three separate envelopes and shall be sealed and signed by all the members of the committee. The authorized representatives of the Commission shall forthwith take delivery of said envelopes, signing a receipt therefor, and deliver without delay one envelope to the provincial treasurer, another to the provincial fiscal and the other to the provincial election supervisor.

The ballot box, all supplies of the election committee and all pertinent papers and documents shall immediately be delivered by the committee 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 book of voters shall be returned to the election registrar who shall keep it under his custody.

The treasurer and the election registrar, as the case may be, shall, on the day after the election, require the members of the committee who failed to send the objects referred to herein to deliver the same to him immediately and acknowledge receipt thereof in detail.

SEC. 162. Preservation of the ballot boxes, their keys and disposition of their contents.—(a) The provincial election supervisor, the provincial treasurer and the provincial fiscal 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, unless the Commission has ordered otherwise, the provincial election supervisor and the provincial fiscal shall deliver to the provincial treasurer the envelope containing the keys under their custody.

(b) The city, municipal and municipal district treasurer shall keep the ballot boxes under their responsibility for three months and stored unopened in a secure place, unless said ballot boxes are the subject of an official investigation by the Commission or other competent authority, or the Commission or competent authority shall demand them sooner or shall order their preservation for a longer time in connection with any pending contest or investigation. However, upon showing by any 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 treasurer in the presence of a representative of the Commission, to open the boxes and burn their contents except the copy of the minutes of the voting and the election returns deposited therein which they shall take and keep.

(c) In case of calamity or fortuitous event such as fire, flood, storm, or other similar calamities which actually cause 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 other ballot boxes, taking such other precautionary measures as may be necessary to preserve such documents.

SEC. 163. 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 election committee shall discover that some documents or articles required to be placed in the ballot box were not placed therein, the committee, instead of opening the ballot box in order to place therein said documents or articles, shall deliver the same to the Commission or its representatives specifically authorized to receive them. In no instance shall the ballot box be reopened to place therein or take out therefrom any document or article except to retrieve copies of the election returns which will be needed in any canvass and in such excepted instances, the members of the committee and watchers of the candidates 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 can be used in the canvass, such copies of the election returns shall be used in said canvass and the opening of the ballot box to retrieve copies of the election returns placed therein shall then be dispensed with.

ARTICLE XV—BOARD OF CANVASSERS

SEC. 164. Regional Board of Canvassers.—The Regional Board of Canvassers shall be composed of the Regional Director of the Commission on Elections or a lawyer of the Commission, as chairman, and the Regional Director of the Department of Local Government and Community Development and the Regional Director of the Department of Education and Culture, as members.

In no case shall the chairman and the members of the board of canvassers be related within the fourth civil degree

of consanguinity or affinity to any of the candidates in their respective jurisdictions, or to any member of the board.

SEC. 165. Prohibition against leaving official station.— During the period beginning election day until the proclamation of the winning candidates, no member of the regional board of canvassers or substitute member, shall be transferred, assigned or detailed outside of his official station, without prior authority of the Commission.

SEC. 166. Vote required.—A majority vote of all the members of the board shall be necessary to render a decision.

SEC. 167. Incapacity and substitution of members of board of canvassers. —In case of non-availability, absence, disqualification due to relationship, or incapacity for any cause of the chairman, the Commission shall designate another lawyer of the Commission to act as chairman. With respect to the other members of the regional board of canvassers, the Commission shall appoint as substitute other regional directors of the other national agencies in the region.

SEC. 168. Supervision and control over board of canvassers. —The Commission shall have direct control and supervision over the board of canvassers.

Any member of the board of canvassers may at any time be relieved for cause and substituted motu proprio by the Commission.

SEC. 169. Canvass by the board.—The board of canvassers shall meet not later than seven o'clock in the evening of election day to canvass the election returns that may have already been received. It shall meet continuously from day to day until the canvass is completed, and may adjourn but only for the purpose of awaiting the other election returns from other voting centers within its jurisdiction. Each time the board adjourns, it shall make a total of all the votes canvassed so far for each candidate for each office, furnishing the Commission in Manila by the fastest means of communication a certified 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 returns have been canvassed.

The board shall prepare a certificate of canvass supported by a statement of the votes received by each candidate in each voting center in the region and on the basis thereof, shall proclaim as elected the candidates who obtained the highest number of votes cast in the region.

SEC. 170. Canvass and proclamation of sectoral representatives-elect. —Within five days after the election of the sectoral representatives of each sector, the Commission shall meet in session and publicly count the votes cast and on the basis thereof, proclaim the candidates who obtained the highest number of votes in the number of representatives required to be elected.

SEC. 171. When the election return are delayed, lost, or destroyed. —In case its copy of the election return is missing, the board of canvassers shall, by messenger or otherwise, obtain such missing election returns from the election committee concerned, or if said returns have been lost or destroyed, the boards, upon prior authority of the Commission, may use any of the authentic copies of said election returns or a certified copy of said election returns issued by the Commission, and forthwith direct the provincial election supervisor of the province concerned to investigate the case and immediately report the matter to the Commission.

The Commission may, for justifiable causes, order the board of canvassers, notwithstanding the fact that not all the election returns have been received by it, 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. 172. Material defects in the election returns.— If it should clearly appear that some requisites in form or data

had been omitted in the election returns, the board shall return them by the most expeditious means, to the corresponding election committee 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 election committee concerned to complete the necessary data in the election returns and affix therein their initials: Provided, further, That if the votes omitted in the returns 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 election committee to open the ballot box, and also after satisfying itself that the integrity of the ballots therein has been duly preserved, order the committee to count the votes for the candidate whose votes have been omitted in the presence of the candidate affected, or his representative and thereafter complete the returns.

SEC. 173. When election returns appear to be tampered with or falsified. —If the election returns submitted to the board of canvassers appear to be tampered with, altered or falsified after it has left the hands of the election committee, the board shall use the other authentic copies of said election returns and, if necessary, the copy inside the ballot box which upon previous authority given by the Commission may be retrieved in accordance with Section 163 hereof. If the other copies of the returns are likewise tampered with, altered, or falsified, the board of canvassers 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 election committee to recount the votes of the candidates affected and prepare a new return which shall then be used by the board of canvassers as basis of the canvass.

SEC. 174. Discrepancies in election returns. —In case it appears to the board of canvassers that there exists discrepancies in the other authentic copies of the election returns' from a voting center or discrepancies in the votes of any candidate in words and figures in the same return and in either case, the difference affects the results of the election, the Commission, upon motion of the board of canvassers 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 voting center 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 Commission shall not recount the ballots but shall forthwith seal the ballot box and order its safe-keeping.

SEC. 175. Suspension and annulment of proclamation.— The Commission shall be the sole judge of all preproclamation controversies and any of its decisions, orders or rulings shall be final and executory. It may, *motu proprio* or upon written petition, and after due notice and hearing order the suspension of the proclamation of a candidate-elect or annul any proclamation, if one has been made, on any of the grounds mentioned in Sections 172, 173 and 174 hereof.

SEC. 176. Watchers . —The watchers shall be present at, and take note of, all the proceedings of the board of canvassers. The watchers shall have the right to read the election returns without touching them, to file a protest against any irregularity in the election returns submitted and to obtain from the board of canvassers a resolution thereon in writing.

SEC. 177. Election resulting in tie.—Whenever it shall appear from the canvass that two or more candidates have received an equal and highest number of votes, or in cases where two or more candidates are to be elected for the

same position and 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 pro-claim as elected the 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 name of the candidate who had been favored by luck and his proclamation on the basis thereof.

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

ARTICLE XVI—ELECTION OFFENSES

SEC. 178. Prohibited ads.—The following shall be guilty of an election offense:

(a) Vote-buying and vote-selling.— (1) Any person who gives, offers or promises money or anything of value, gives or promises any office or employment, public or private, or makes or offers to make an expenditure, directly or indirectly, or causes an expenditure to be made to any person, association, corporation, entity, or community in order to induce anyone or the public in general to vote for or against, any candidate or withhold his vote in the election, or to vote for or against any candidate in any election or any aspirant for the nomination or selection of a candidate in a convention of a political party, group or aggrupation.

(2) Any person, association, corporation, group or community who solicits or receives, directly or indirectly, any expenditure or promise of any office or employment, public or private, for any of the foregoing considerations.

(b) Conspiracy to bribe voters. —Two or more persons, whether candidates or not, who come to an agreement concerning the commission of any violation of Paragraph (a) of this Section and decide to commit it.

(c) Wagering upon result of election. —Any person who bets or wagers upon the outcome of, or any contingency connected with, an election. Any money or thing of value or deposit of money or thing of value situated anywhere in the Philippines put as such bet or wager shall be forfeited to the Government.

(d) Coercion of subordinates. — (1) Any public officer, or any public or private corporation or association, or any head, superior, or administrator of any religious organization, or any employer or landowner who coerces or intimidates or compels, directly or indirectly, any of his subordinates or members or parishioners or employees or house helpers, tenants, overseers, farm helpers, tillers, or lease holders to aid, campaign or vote for or against any candidate or any aspirant for the nomination or selection of candidates.

(2) Any public officer or officer of any commercial, Industrial, agricultural, economic or social enterprise or public or private corporation or association, or any head, superior, or administrator of any religions organization, or any employer or landowner who dismisses or threatens to dismiss, punishes or threatens to punish by reducing his salary, wage or compensation, or by demotion, transfer, suspension, separation, ex-communication, ejectment, or causing him annoyance in the performance of his job or in his membership, any subordinate member or affiliate, parishioner, employee or house helper, tenant, overseer, farm helper, tiller, or lease holder, for disobeying or not complying with any of the acts ordered by the former to aid, campaign or vote for or against any candidate, or any aspirant for the nomination or selection of candidates.

(e) Threats, terrorism, use of fraudulent device and other forms of coercion.—Any person who, directly or indirectly, threatens or actually causes, inflicts or produces any violence, injury, punishment, damage, loss or disadvantage upon any person, his honor or property or use any fraudulent device or scheme to compel or induce the registration or refraining from registration of any voter, or the participation in a campaign or refraining or

desistance from any campaign, or the casting of any vote or omission to vote, or any promise of such registration, campaign, vote, or omission therefrom.

(f) Appointment of new employees, creation of new positions, or giving salary increases. —During the period fixed by the Commission, (1) 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, who appoints or hires any new employee, whether provisional, temporary, or casual, or creates and fills any new position, except upon prior authority of the Commission.

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.

(2) Any government official who give or promises to give any increase of salary or remuneration or privilege to any government official or employee, including those in government-owned or controlled corporations.

(g) Transfer of officers and employees in the civil service. —Any public official who makes or causes any transfer or detail whatever of any officer or employee in the civil service including public school teachers, within the election period except upon prior approval of the Commission.

(h) Appointment or use of special policemen, agents, confidential agents or the like.- -During the campaign period, on the day before and on election day, any appoint- ing authority who appoints or any person who utilizes the services of special policemen, special agents, confidential agents or persons performing similar functions; persons previously appointed as special policemen, special agents-confidential agents or persons performing similar functions who continue acting as such, and those who fail to turn over their firearms, uniforms, insignias and other badges of authority to the proper officer who issued the same.

At the start of the aforementioned period, the baran gay captain, the municipal mayor, city mayor or provincial governor shall submit to the Commission a complete list of all special policemen, special agents, confidential agents or persons performing similar functions in the employ of their respective political subdivisions, with such particulars as the Commission may require.

(i) Illegal release of prisoners before and alter election. —The Director of the Bureau of Prisons, any provincial warden, the keeper of the jail or the person or persons required by law to keep prisoners in their custody who shall illegally order or allow any prisoner detained in the national penitentiary, or the provincial, city or municipal jail to leave the premises thereof sixty days before and thirty days after the election.

(j) Use of public funds, money deposited in trust, equipment, facilities, etc., owned or controlled by the Government for an election, campaign. —Any person who uses under any guise whatsoever, directly or indirectly, (1) public funds or money deposited with, or held in trust by, public financing institutions or by government offices, banks, or agencies; (2) any printing press, radio, or tele- vision station or audio-visual equipment operated by the Government or by its divisions, subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations or by the Armed Forces of the Philippines; or (3) any equipment, vehicle, facility, apparatus, or paraphernalia, owned by the Government or by its political subdivisions, agencies, or by the Armed Forces of the Philippines for any election campaign or for any partisan political activity.

(k) Deadly weapons.—Any person who carries any deadly weapon in the voting center within a radius of one hundred meters thereof during the days and hours of registration, voting, counting of votes, and preparation of the election returns. However, in case of tumultuous affray, tumult, or disorder, any peace officer or public officer authorized by the Commission to supervise the election is entitled to carry firearms or any other weapon for the purpose of preserving order and enforcing the law.

(l) Carrying firearms outside residence or place of business.— Any person who, during the election period, carries any firearm outside his residence or place of business, unless authorized in writing by the Commission: Provided, That a motor vehicle, water or air craft shall not be considered a residence or place of business or extension thereof.

(m) Use of armored land, water or air craft .— Person who uses during the campaign period, on the before and on election day, any armored land, water or air craft, provided with any temporary or permanent equipment or any other device or contraption for the mounting or installation of cannons, 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 remodelled: 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 in connection with their business from and to their place of business, upon previous authority of the Commission.

(n) Wearing of uniforms and bearing arms.—During the campaign period, on the day before and on election day, any member of security or police organizations of government agencies, commissions councils, bureaus, offices, or government-owned or controlled corporations, or privately-owned or operated security, investigative, protective or intelligence agencies, who wears his uniform or uses his insignia, decorations or regalia, or bears arms outside the immediate vicinity of his place of work: Provided, That 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, further, 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 paragraph within fifteen days from the date of the filing of such application.

(o) Policemen and provincial guards to act as body- guards or security guards.—During the campaign period, on the day before and on election day, any member of the city or municipal police force and any provincial or sub-provincial guard who acts as bodyguard or security guard of any public official, candidate or any other person, and any of the latter who utilizes the services of the former as bodyguard or as security guard: Provided, That when the life and security of a candidate is in jeopardy, the Commission is empowered to assign any member, of the candidate's choice, from the Philippine Constabulary or the police force of any municipality within the province to act as his bodyguard or security guard in a number to be determined by the Commission but not to exceed three per candidate: 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 of the candidate, subject to confirmation or revocation.

(p) Any person who, having all the qualifications and none of the disqualifications of a voter, fails without justifiable excuse to register as a voter in an election in which he is qualified to vote,

(q) Any person who knowingly makes any false or untruthful statement relative to any of the data or information required in the application for registration.

- (r) Any election registrar 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 a voter; or who knowingly disapproves the application of a person who possesses all such qualifications and none of the disqualifications.
- (s) Any person who, being a registered voter, registers anew without filing an application for cancellation of his previous registration.
- (t) Any person who registers in substitution for another whether with or without the latter's knowledge or consent.
- (u) Any person who tampers with or changes without authority any data or entry in any voter's application for registration.
- (v) Any person who delays, hinders or obstructs another from registering as a voter or from taking any of the steps leading thereto.
- (w) Any person who shall falsely certify or identify another as a bona-fide resident of a particular place or locality for the purpose of securing the latter's registration as a voter.
- (x) Any election registrar or any person acting in his behalf who issues or causes the issuance of a voter's certificate of registration or cancels or causes the cancellation thereof in violation of the provisions of this Code.
- (y) Any person who falsifies a voter's certificate of registration or alters it without authority, or knowingly possesses such falsified or unlawfully altered certificate of registration.
- (z) Any person who, without authority, issues or causes the issuance of a voter's certificate of registration or cancels or causes the cancellation of any voter's certificate of registration.
- (aa) Any person who uses the voter's certificate of registration of another for the purpose of voting, whether or not he actually succeeds in voting.
- (bb) Any person who places, inserts or otherwise includes, as approved application for registration in the 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 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 85, 86, 93 and 94 hereof.
- (cc) Any person who asks, demands, takes, accepts or possesses, directly or indirectly, the voter's certificate of registration 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. It shall be presumed prima facie that the asking, demanding, taking, accepting, or possessing is with such intent if done within the period beginning ten days before election day and ending ten days after election day, unless the person who asks, demands, takes, accepts or possesses the voter's certificate of registration of another and the latter are both members of the same family.
- (dd) Any person who alters in any manner, tears, defaces or destroys any certified list of voters issued by the election registrar.
- (ee) Any person who fails to cast his vote without justifiable excuse.
- (ff) Any person who votes more than once in the same election; or who, not being a registered voter, votes in an election.
- (gg) Any person who votes in substitution for another whether with or without the latter's knowledge and/or

consent.

(hh) 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, except as otherwise authorized in this Code.

(ii) Any voter who, in the course of voting, uses a ballot other than the one given by the election committee or who has in his possession more than one official ballot.

(jj) 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 voting center to cast his vote or from returning home after casting his vote, or to compel him to reveal how he voted.

(kk) Any member of the election committee charged with the duty of reading the ballot during the counting of votes who deliberately omits to read the vote duly written on the ballot, or misreads the vote actually written thereon or reads the name of a candidate where no name is written on the ballot.

(ll) Any member of the election committee charged with the duty of tallying the votes in the tally board or sheet, election returns, or other prescribed form who deliberately fails to record a vote therein or erroneously records the votes as read.

(mm) Any person who, without authority, acts as, or assumes or performs any function of a member of the election committee, or the board of canvassers, or deputy or representative of the Commission.

(nn) Any person who, in the presence or within the bearing of the election committee or the board of canvassers during any of its meetings, conducts himself in such a disorderly manner as to interrupt or disrupt the work or proceedings to the end of preventing either body from performing its functions, either partly or totally.

(oo) Any person who, for the purpose of disrupting or obstructing the election process or causing confusion among the voters, propagates false and alarming reports or information or transmits or circulates false orders, directives or messages regarding any matter relating to the printing of official ballots, the postponement of the election, the transfer of voting centers, or the general conduct of the election.

(pp) Any person who holds or causes the holding of an election on a day other than that fixed by law or by the Commission, or stops an election being legally held.

(qq) 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 election returns or ballot box which contains official ballots or other documents used in the election.

(rr) 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 who, through his negligence, enables any person to commit any of the aforementioned acts, or takes away said ballot box from his custody.

(ss) Any public official or person acting in his behalf who relieves any member of the election committee or who changes or causes the change of the assignment of any member of said committee without authority of the Commission.

(tt) Any member of the election committee who knowingly uses ballots other than the official ballots, except in those cases where the use of emergency ballots is authorized.

(uu) Any public official who neglects or fails to properly preserve or account for any ballot box, documents, forms and other election supplies and materials received by him and kept under his custody.

(w) Any person who reveals the contents of the ballot of an illiterate or disabled voter whom he assisted in preparing a ballot.

(ww) Any person who, without authority, transfers the location of a voting center.

(xx) Any person who, being ineligible for appointment as member of the election committee, accepts an appointment to said committee, 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.

(yy) Any member of the election committee 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 body.

(zz) Any member of the election committee or board of canvassers who deliberately absents himself from the meetings of said body for the purpose of obstructing or delaying the performance of the duties of the body.

(aaa) Any person who prints or causes the printing of any ballot or election returns that appears as an official ballot or election returns or who distributes or causes the same to be distributed for use in the election, whether or not they are actually used.

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

(ccc) Any official or employee of any printing establishment or of the Commission or any member of the committee in charge of the printing of official ballots or election returns who causes official ballots or election returns to be printed in quantities exceeding those authorized by the Commission or who distributes, delivers or in any manner disposes of or causes to be distributed, delivered, or disposed of, any official ballot or election returns to any person or persons not authorized by law or by the Commission to receive or keep official ballots or election returns or who sends or causes them to be sent to any place not designated by law or by the Commission.

(ddd) Any person who, through any act, means or device, violates the integrity of any official ballot or election returns before or after they are used in the election.

(eee) Any political group which nominates candidates for any elective public office before the period authorized under this Code.

(fff) 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 candidate himself or upon orders of the Commission; or any person who misleads the election committee by submitting any false or spurious certificate of candidacy or document to the prejudice of a candidate.

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

(hhh) Any person who solicits votes or undertakes any propaganda, on the day of election, for or against any candidate or any political aggregation within the voting center and within a radius of thirty meters thereof,

(iii) (1) Any person who sells, furnishes, offers or takes intoxicating liquor on the days fixed by law for registration of voters in the voting center, or on any of the two days immediately preceding election day, or on election day.

(2) Any person who opens in any voting center or with- in a radius of thirty meters thereof 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.

(3) Any person who holds on election day fairs, code- fights, boxing, horse roar, jai-alai or any other similar sports.

(jjj) Intervention of public officers and employees.— Any officer or employee in the civil service, except those holding political offices; and officers, members or employees of the Armed Forces of the Philippines or of any police force who, directly or indirectly, intervenes in an election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer.

(kkk) Refusal to carry election mail matter.—Any operator or employee of a public utility or transportation company operating under a certificate of public convenience who refuses to carry official election mail matters free of charge during the period beginning thirty days before any election and ending thirty days thereafter. In addition to the penalty prescribed herein, such refusal shall constitute a ground for cancellation or revocation of the certificate of public convenience or franchise.

SEC. 179. Other election offenses.—Violation of the provisions, or pertinent portions, of the following sections of this Code shall constitute election offenses: Sections 10, 24, 25, 35, 36, 37, 38, 39, 40, 41, 42, 44, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 66, 67, 68, 69, 79, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 103, 105, 122, 123, 124, 129, 130, 131, 132, 134, 135, 136, 137, 139, 140, 141, 142, 143, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 165, 169, 171, 172, 173, 174 and 177.

SEC. 180. Persons criminally liable. —The principals, accomplices, and accessories, as defined in the Revised Penal Code, shall be criminally liable for election offenses. If the one responsible be an entity, its president or head, 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 liable, in addition to the liability of such entity.

Whenever used in pertinent provisions of this Code referring to prohibited acts, corrupt and irregular election practices, the phrase "political party, group or aggrupation" shall refer to any organized group of persons, whether or not registered with the Commission, engaging in any political activity or campaign for or against the election of a candidate or group of candidates.

SEC. 181. Penalties.—Any person found guilty of any election offense under this Code shall be punished with imprisonment of not less than one year but not more than six years. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage. If he is a foreigner, he shall be sentenced to deportation which shall be enforced after the prison term has been served. Any political party, group, aggrupation or entity found guilty shall be sentenced to pay a fine of not less than ten thousand pesos, which shall be imposed upon such party, group, aggrupation or entity after criminal action has been instituted in which their corresponding officials have been found guilty.

Any person found guilty of the offense of failure to register or failure to vote shall, upon conviction, be sentenced to imprisonment of not less than one month but not more than six months. In addition, he shall suffer disqualification to hold public office and deprivation of the right of suffrage for a period of six years. The sentence shall be served in the manner prescribed under Presidential Decree No. 1053.

SEC. 182. Prosecution.—The Commission shall, through its duly authorized legal officers, have the power to conduct preliminary investigation of all election offenses punishable under this Code, and to prosecute the same.

The Commission may avail of the assistance of other prosecuting arms of the Government.

SEC. 183. Prescription.—Election offenses shall pre- scribe after three years from the date of their commission. If the discovery of the offense be made in an election contest proceedings, the period of prescription shall commence on the date on which the judgment in such proceedings becomes filial and executory.

SEC. 184. Jurisdiction of courts.—The Court of First Instance shall have the exclusive original jurisdiction to try and decide any criminal action or proceedings for vio- lation of this Code, except those relating to the offense of failure to register or failure to vote which shall be under the jurisdiction of the city or municipal courts. From the decision of the courts, appeal will lie as in other criminal cases.

ARTICLE XVII—POWERS OF THE COMMISSION

SEC. 185. Powers of the Commission on Elections.—The Commission shall, in addition to the powers and functions conferred upon, it by the Constitution, have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections for the purpose of insuring free, orderly and honest elections, and shall:

(a) Exercise direct and immediate supervision and con trol over national and local officials or employees including members of any national or local law enforcement agency and instrumentality of the Government required by law to perform duties relative to the conduct of elections. In addition, it may authorize ROTC cadets eighteen years of age and above to act as its deputies for the purpose of enforcing its orders.

The Commission may relieve any officer or employee referred to in the preceding paragraph from the performance of his duties relating to electoral processes who violates the election law or fails to comply with its instructions, orders, decisions or rulings consistent with the provisions of this Code and appoint his substitutes. Upon recommendation of the Commission, 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.

(b) Promulgate rules and regulations implementing the provisions of this Code or other laws which the Commission is required to enforce and administer.

In case of conflict between rules, regulations, special orders or directives of the Commission in the exercise of its powers and those issued by any other office or agency of the Government concerning the same matter relative to elections, the former shall prevail.

(c) Enforce and execute its decisions, directives, orders and instructions on any matter affecting the conduct of any electoral process. 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.

(d) 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 Regional Election Directors be assigned to a region, provincial election supervisors to a province, or city or municipal election registrars to a city, municipality or municipal district where they are related within the fourth civil degree of consanguinity or affinity to any candidate to be voted for in the region, province, city, municipality, or municipal district, as the case may

be, or his spouse.

Fix other periods for certain pre-election requirements in order that voters shall not be deprived of their right of suffrage and certain groups of rights granted them in this Code.

Prescribe the forma to be used in the election.

Procure any supplies, equipment, materials or services needed for the holding of the election through negotiation or sealed quotations if it finds the requirements of public bidding impracticable to observe.

(h) Hire under contractual basis the services of personnel if this method is found to be more expedient and economical.

(i) Any provision of existing laws, orders, or circular to the contrary notwithstanding, the Commission may authorize the payment of compensation from appropriations provided for said Commission to its officials and employees, and those assigned thereto, except the Chairman and Commissioners, for overtime services rendered on Saturdays, Sundays and holidays, or after required office hours on regular working days, at rates to be fixed by the Commission which shall not exceed, for any one month, the equivalent of their respective regular monthly compensation and for any one year, the equivalent of their annual salary.

(j) 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.

(k) Carry out a continuing campaign to educate the public and fully inform the electorate about election laws, procedures, decisions, and other matters relative to the work and duties of the Commission and the necessity of clean, free, orderly and honest electoral processes.

(l) Summon the parties to a controversy pending before it, issue subpoena and subpoena duces tecum, and take testimony in any investigation or hearing 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 subpoena to said witness, may issue a warrant to arrest the witness and bring him before the Commission or the 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 the reglementary period provided by law.

The Commission may, when necessary, avail of the assistance 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 violation of any final and executory decision, order or ruling of the Commission shall constitute contempt thereof.

SEC. 186. Measures to ensure enforcement—For the effective enforcement of the provisions of this Code, the Commission is further vested and charged with the following powers, duties and responsibilities:

To issue warrants of arrest or search warrants upon a determination of probable cause of the commission of an election offense.

To stop any illegal election activity, or confiscate, tear down and stop any unlawful, libelous, misleading or false election propaganda.

To cancel at any time before proclamation the certificate of candidacy of any candidate found, through summary

proceedings, to have (a) given money or other material inducements to influence, induce or corrupt the voters or public officials performing electoral functions; (b) committed acts of terrorism to enhance his candidacy; (c) solicited or received contributions from foreigners or foreign government; (d) violated the provisions regulating campaign propaganda; (e) committed any of the prohibited acts provided in Section 178 hereof; (f) knowingly tolerated his supporters in committing such acts; or (g) spent for his campaign more than the amount provided in Section 51 hereof.

Any decision, order or ruling of the Commission cancelling a certificate of candidacy as provided in the preceding paragraph shall be immediately executory.

4. To inquire into the financial records of candidates and any organization or group of persons, motu propria or upon representation of any candidate, organization or group of persons or qualified voter after due notice and hearing.

For purposes of this Section, the Commission may avail itself of the assistance of the Commission on Audit, the Central Bank, the National Bureau of Investigation, the Bureau of Internal Revenue, the Armed Forces of the Philippines, the Integrated National Police of the Philippines, barangay officials and other agencies of the government.

SEC. 187. Disqualifications 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 file his objection in writing 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 of 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 President on recommendation of the Presiding Justice.

ARTICLE XVIII—ELECTION CONTESTS

SEC. 188. Jurisdiction of the Commission.—The Commission shall be the sole judge of all contests relating to the elections, returns, and qualifications of all members of the interim Batasang Pambansa and elective provincial and city officials.

SEC. 189. Filing of petition.—A sworn petition contesting the election of any member of the interim Batasang Pambansa or any provincial or city official shall be filed with the Commission by any candidate for the same office within ten days after the proclamation of the results of the election.

Any voter contesting the election of any officer on the ground of ineligibility or of disloyalty to the Republic of the Philippines may file a petition for quo warranto with the Commission within ten days after the proclamation of his election.

SEC. 190. Election contests for municipal and municipal district offices.—A sworn petition contesting the election of a municipal or municipal district officer 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 ten days after the proclamation of the election.

SEC. 191. Election contests for barangay offices.—A sworn petition contesting the election of a barangay officer shall be filed with the proper city or municipal court by any candidate for the same office who has duly filed a certificate of candidacy, within ten days after the proclamation of the election.

SEC. 192. Procedure in election contests.—The Commission shall prescribe the rules to govern the procedure and other matters relating to election contests pertaining to all national, regional, provincial, city, municipal and barangay offices. Such rules shall provide a simple and inexpensive procedure for the expeditious disposition of election contests.

SEC. 193. Decision on the contest. — The Commission shall decide all election cases brought before it within ninety days from the date of their submission for decision. The decision of the Commission shall be final, executory and inappealable.

If the decision be that none of the parties has been legally elected, the Commission shall certify such decision to the President of the Philippines.

SEC. 194. Moral and exemplary damages in election contests and quo warranto proceedings. —In all election contests or in quo warranto proceedings the Commission or court may adjudicate in the same case, moral and exemplary damages 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 adjudication of a claim for moral and/or exemplary damages:

In favor of the original protestant or contestant or in favor of the protestant-in-intervention or contestant-in-intervention, if the court shall find in its decision that the election of the protestee or respondent was made possible through fraud or any irregularity where said protestee or respondent participated in or to which he consented, 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 causing 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. 195. Adjudication of moral and exemplary damage —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 case becomes final and executory.

SEC. 196. Appeal.—From any decision rendered by the Court of First Instance in the cases stated in Section 190 hereof, the aggrieved party may appeal to the Commission within five days after receipt of a copy of the decision: Provided, That no motion for reconsideration shall be entertained by the court.

The appeal shall proceed as in a criminal case and shall be decided within sixty days after the case has been submitted for decision.

The decision of the city, municipal or municipal district courts in the case stated in Section 191 hereof shall not be appealable and shall immediately be final and executory.

SEC. 197. Preferential disposition of contests.— The courts, in their respective cases, shall give preference to election contests over all other cases, except those of habeas corpus, and shall without delay, hear and, within thirty days from the date of their submission for decision, decide the same.

SEC. 198. Notices of decisions of contests.— The clerk of court and the corresponding official in the Commission before whom an election contest or quo warranto proceedings has been instituted or where the appeal of said case has been taken shall notify immediately the President of the Philippines of the final disposition thereof In election contests involving municipal or municipal district offices where no appeal has been taken and in all election contests involving barangay offices, if the decision be that none of the parties has been legally elected, said official shall certify such decision to the President of the Philippines and to the Commission.

ARTICLE XIX—MISCELLANEOUS PROVISIONS

SEC. 199. Registration of political parties.—Pending the promulgation of rules and regulations to govern the registration and accreditation of political parties by the Commission in accordance with Article XII (C) of the Constitution, the registration with the Commission previous to 1972 of the Nacionalista Party, Liberal Party, Citizens Party, and other national parties shall be deemed to continue and they may, upon notice to the Commission through their respective presidents or duly authorized representatives, amend or change their names, constitutions, by-laws, or other organizational papers, platforms, officers and members, and shall be entitled to nominate and support their respective candidates for representatives in the interim Batasang Pambansa. Similarly, any other group of persons pursuing the same political ideals in government may register with the Commission and be entitled to the same rights and privileges.

SEC. 200. 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.

As used in this Code, the term President shall refer to the Prime Minister upon the organization of the interim Batasang Pambansa.

ARTICLE XX—FINAL PROVISIONS

SEC. 201. Separability clause. — If for any reason any section or provisions of this Code or any portion hereof, or the application of such section, provision or portion hereof to any person, group or circumstance is declared invalid or unconstitutional, the remainder of the Code or the application of such section, provision or portion here- of to other persons, groups or circumstances shall not be affected by such declaration.

SEC. 202. Repealing Clause.—The Election Code of 1971 is hereby repealed, and all other laws, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Code are also repealed, amended or modified accordingly.

SEC. 203. Effectivity.—This Decree shall take effect immediately.

DONE in the City of Manila, this 7th day of February in the Year of Our Lord, nineteen hundred and seventy-eight.

(SGD.) FERDINAND E. MARCOS
President of the Philippines

BY THE PRESIDENT:

(SGD.) JACOBO C. CLAVE
Presidential Executive Assistant

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