

FIRST CONGRESS OF THE REPUBLIC	}	H. No. 1012
OF THE PHILIPPINES	}	
<i>Second Session</i>	}	

[REPUBLIC ACT NO. 180]
THE REVISED ELECTION CODE

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

ARTICLE I
General Provisions

Section 1. *Short title.* - This Act shall be known and cited as the "Revised Election Code."

Section 2. *Elections governed by this Code.* - All elections of public officers by the people and all votings in connection with plebiscites shall be conducted in conformity with the provisions of this Code. (C.A. 357-1)

Section 3. *Supervision of elections.* - The Commission on Elections shall, in addition to the powers and functions conferred upon it by the Constitution, have direct and immediate supervision over the provincial, municipal, and city officials designated by law to perform duties relative to the conduct of elections. It may suspend from the performance of said duties any of said officials who shall fail to comply with its instructions, orders, decisions, or rulings and appoint their temporary substitutes and, upon recommendation of the Commission, the President of the Philippines may remove any or all such officials who shall be found guilty of non-feasance, malfeasance, or misfeasance in connection with the performance of their duties relative to the conduct of elections. (C.A. 657-3)

Section 4. *Organization of Commission.* - The Commission on Elections shall adopt its own rules of procedure. Two members of the Commission shall constitute a quorum for the transaction of business. The concurrence of two members shall be necessary for the pronouncement or issuance of a decision, order, or ruling. (C.A. 657-1, par. 2)

The Commission shall have a secretary, who shall receive a salary of fifty-one

hundred pesos per annum, and such other subordinate officers and employees as may be necessary for the efficient performance of its functions and duties, all of whom shall be appointed by the Commission in accordance with the Civil Service Law and Rules.

The Secretary of the Commission, under the direction of the Chairman, shall have charge of the administrative business of the Commission and shall perform such other duties as may be required of him by the Commission. He shall be recorder of the proceedings of the Commission and the custodian of its records, documents and papers and shall be responsible therefor to the Commission. (C.A. 657-2)

Section 5. Powers of Commission. - The Commission on Elections or any of the members thereof shall have the power to summon the parties to a controversy pending before it, issue subpoenas and subpoenas duces tecum and otherwise take testimony in any investigation or hearing pending before it, and delegate such power to any officer. Any controversy submitted to the Commission on Elections shall be tried, heard and decided by it within fifteen days counted from the time the corresponding petition giving rise to said controversy is filed. The Commission or any of the members thereof shall have the power to punish contempts provided for in rule sixty-four of the Rules of Court, under the same procedure and with the same penalties provided therein.

Any violation of any final and executory decision, order or ruling of the Commission shall constitute contempt of the Commission. (C.A. 657-8)

Any decision, order or ruling of the Commission on Elections may be reviewed by the Supreme Court by writ of certiorari in accordance with the Rules of Court or with such rules as may be promulgated by the Supreme Court. (C.A. 657-9)

Section 6. Regular elections for national offices. -

(a) On the second Tuesday in November, nineteen hundred and forty-nine, and upon the same day every four years thereafter, the President and the Vice-President of the Philippines shall be elected. The canvass by both Houses of the Congress of the Philippines shall begin on the second Tuesday in the following December, for which purpose said body shall meet in a special joint session. The President-elect and the Vice-President-elect shall assume office at twelve o'clock noon on the thirtieth day of December. (C.A. 357-3a); (C.A. 725-12-13)

(b) On the second Tuesday of November, nineteen hundred and forty-seven, and on the same day every two years thereafter, a regular election shall be held to elect eight Senators. The term of office of those elected shall commence on the thirtieth day of December and terminate six years thereafter. (C.A. 725-13); (Republic Act 45-2)

(c) On the second Tuesday of November, nineteen hundred and forty-nine, and upon the same day every four years thereafter, a regular election shall be held to elect the Members of the House of Representatives. The term of office of those elected shall commence on the thirtieth day of December and terminate four years thereafter. (C.A. 357-3b; C.A. 725-13)

Section 7. Regular elections for provincial and municipal offices. - On the second Tuesday of November, nineteen hundred and forty-seven, and on the same day every

four years thereafter, a regular election shall be held to elect the officials who will occupy all elective provincial, city and municipal offices throughout the Philippines, excluding the provincial officials of the special Provinces of Lanao, Cotabato, Sulu, Bukidnon and Mountain Province. The officials elected shall assume office on the first day of January next following and shall hold such office for four years and until their successors shall have been duly elected and qualified. (R.A. 45-1)

Section 8. *Postponement of election.* - When for any serious cause the holding of an election should become impossible in any political division or subdivision, the President, upon recommendation of the Commission on Elections, shall postpone the election therein for such time as he may deem necessary. (C.A. 357-5; C.A. 657)

Section 9. *Designation of other dates for certain pre-election acts.* - If, on account of insurmountable difficulties, the division into election precincts, the designation of polling places, the appointment of election inspectors and poll clerks, or the registration of voters should not be effected in any place on the dates herein fixed, the Commission on Elections may, with the approval of the President, fix another date so that the omission may be remedied and such place may not be deprived of the right of suffrage. (C.A. 357-6; C.A. 657)

Section 10. *Filling of elective offices in a new political division.* - When a new political division is created the inhabitants of which are entitled to participate in the elections, the elective officers thereof shall, unless otherwise provided, be chosen at the next regular election. In the interim such offices shall, in the discretion of the President, be filled by appointment by him or by a special election which he may order.

In the absence of a municipal or city council, the provincial board shall perform the duties of the former with respect to the first election in the new political division. (C.A. 357-7)

Section 11. *Application of Code in cities.* - The terms "province" or "municipality," "municipal council," "provincial government," "municipal treasurer," "municipal secretary" and "provincial officers" or "municipal officers," as used in this Code, shall be understood in chartered cities, to refer respectively to the city, the municipal board, the city government, the city treasurer, the city secretary, and the city officers, and, unless the context shows a different meaning, the duties of the provincial board, the provincial governor, and the provincial treasurer relative to elections shall be performed in said cities by their municipal board, mayor, and treasurer, respectively. (C.A. 357-8)

Section 12. *Participation of municipal districts in the elections.* - The voters in the municipal districts shall be entitled to vote at the election of elective national and provincial officers. The municipal district councils shall perform the duties of municipal councils in connection with the holding of elections. (C.A. 357-9)

Section 13. *Elections in outlying unorganized communities.* - Outlying barrios or districts not forming part of a municipality or municipal district shall, for election purposes only, so that their qualified voters may exercise the right of suffrage, be considered a part of the municipality or municipal district to which they are contiguous or to which they are most conveniently accessible, as may be determined by the provincial board. (C.A. 357-10)

Section 14. *Voters confined in leprosaria.* - Patients confined in leprosaria shall exercise the right of suffrage in the municipality where they lawfully resided immediately before they were taken to said leprosaria, and, for that purpose, every elector not yet registered in the existing permanent list shall accomplish the voter's affidavit, in quadruplicate, before the justice of the peace of the municipality where the leprosarium is located, on the days set by law for registration, and for this purpose said justice of the peace shall be at the leprosarium at seven o'clock in the morning and remain therein until the last elector desiring to register has accomplished the voter's affidavit. The justice of the peace shall prepare a list of these affidavits and send a certificate copy of the portion thereof and corresponding to each municipality to the board of election inspectors of the aforesaid municipality designated by the Commission on Elections, to the register of deeds of the province comprising the same, and to the Commission on Elections, together with copies of the affidavits of the voters concerned, and said officers shall enter in the list of voters of the respective precinct the names of said voters and such entry shall have the same force and effect as if the said voters had personally appeared before the board of inspectors of the said precinct. All questions regarding the inclusion and exclusion of those voters shall be decided within the time limits fixed by law by the justice of the peace of the municipality where the leprosarium is located. (C.A. 357-11)

Section 15. *Voting in the leprosaria.* - On the day of voting, said voters shall vote in the leprosarium before the justice of the peace, for which purposes said officer shall be at the leprosarium at seven o'clock in the morning of that day to receive the votes of the voters of the same, and at two o'clock in the afternoon or as soon as the voters who desire to vote have finished voting, shall make a canvass and prepare a statement of the result thereof, transmitting such result by telegraph at six o'clock in the evening of the day of the voting or as soon after the canvass as possible, to the municipal treasurer and to the Commission on Elections, so that it may be included in the final computation of the votes and at the same time he shall send to said officers certified copies of the statement by rush and registered mail.

The municipal treasurer shall immediately transmit a certified copy of the telegram to the proper election precinct of the municipality, and the board of inspectors thereof shall include in its canvass the votes set forth in the telegram, provided the same is received by the board before the result of the canvass is proclaimed.

In the leprosaria where there are more than two hundred and fifty voters, the justice of the peace shall form as many polling places as may be necessary so that in each of them not more than two hundred and fifty voters may cast their votes, and shall designate a deputy to act as inspector in each polling place and to perform the duties herein entrusted to the justice of the peace. (C.A. 357-12)

Section 16. *Voters in military and naval bases and reservations of foreign countries in the Philippines.* - Voters residing temporarily in military and naval bases and reservations of foreign countries in the Philippines, because they are employed in said bases and reservations, shall exercise the right of suffrage as electors of the municipality where they lawfully resided immediately before they were employed in said bases and reservations, and, for that purpose, every elector not yet registered in the existing permanent list shall accomplish the voter's affidavit, in quadruplicate,

before a representative or representatives of the Commission on Elections, who shall be sent by the said Commission to the said base or reservation on the days set by law for registration, and for this purpose said representative or representatives shall be at the base or reservation at seven o'clock in the morning and remain therein until the last elector desiring to register has accomplished the voter's affidavit. The said representative or representatives shall prepare a list of these affidavits and send a certified copy of the portion hereof corresponding to each municipality to the board of election inspectors of the aforesaid municipality designated by the said Commission, to the register of deeds of the province comprising the same, and to the Commission on Elections, together with copies of the affidavits of the voters concerned, and said officers shall enter in the list of voters of the respective precinct the names of said voters, and such entry shall have the same force and effect as if the said voters had personally appeared before the board of inspectors of said precinct. All questions regarding the inclusion and exclusion of those voters shall be decided within the time limits fixed by law by the said representative or representatives of the Commission on Elections.

Section 17. *Voting in basis and reservations.* - On the day of voting, said voters shall vote in the place or places designated at the base or reservation by the Commission on Elections and before the representative or representatives of said Commission, for which purpose said representative or representatives shall be in the said place or places at seven o'clock in the morning of that day to receive the votes of the voters, and, at six o'clock in the afternoon or as soon as the voters have finished voting, shall make a canvass and prepare a statement of the result thereof, transmitting such result by telegraph immediately after the canvass, to the municipal treasurer concerned and to the Commission on Elections, so that it may be included in the final computation of the votes and at the same time the said representative or representatives shall send to said officers certified copies of the statement by rush and registered mail.

Section 18. *Right of suffrage incident to territorial changes.* - When territory is merged with a city, municipality, municipal district or with another province, its inhabitants acquire the right to participate in the election of public officers to the same extent as the inhabitants of the city, municipality, municipal district or province with which it has been merged. (C.A. 357-13)

Section 19. *Vacancies in the offices of President and Vice-President.* - When neither the President-elect nor Vice-President-elect shall have qualified, as provided in section six, Article VII of the Constitution, or in case of removal, death, resignation or inability, both of the President and Vice-President, as provided in section eight, Article VII of the Constitution, the President of the Senate shall act as president until the President-elect or the Vice-President-elect shall have qualified or their disability has been removed or a President has been elected. (C.A. 68-modified).

In case of permanent vacancy in the offices of the President and Vice-President, the Congress shall determine by joint resolution whether or not a special election shall be held to elect a President and a Vice-President or only a President. In the affirmative case, the date on which the special election is to be held shall be fixed in the resolution and said date shall be stated in the proclamation to be issued in accordance with section twenty-two of this Code, which shall be signed by the Acting

President. The officers elected shall qualify at twelve o'clock in the morning of the day next following the date of their proclamation by the Congress and shall hold office until their successors, elected at the next regular election, shall qualify. (C.A. 357-14) (Constitution)

Section 20. *Vacancy in the Congress.* - Whenever a vacancy in Congress occurs at least ten months before the next regular election of the Members of Congress whose office is vacant, the President, as soon as he is notified by the House where the vacancy occurred of the existence of such vacancy, shall call a special election to fill said vacancy. In case the vacancy is caused by the death of a Member, against whom there is pending no protest, while the Congress is not in session, the certification of the presiding officer of the House where the vacancy occurred regarding said vacancy shall be sufficient basis for the President of the Philippines to call such special election. (C.A. 357-15) (Constitution)

Section 21. *Vacancy in elective provincial, city or municipal office.* -

(a) Whenever a temporary vacancy in any elective local office occurs, the same shall be filled by appointment by the President if it is a provincial or city office, and by the provincial governor, with the consent of the provincial board, if it is a municipal office.

(b) Whenever in any elective local office a vacancy occurs as a result of the death, resignation, removal or cessation of the incumbent, the President shall appoint thereto a suitable person belonging to the political party of the officer whom he is to replace, upon the recommendation of said party, save in the case of a mayor, which shall be filled by the vice-mayor.

(c) Whenever the election for a local office fails to take place on the date fixed by law, or such election result in a failure to elect, the President shall issue, as soon as practicable, a proclamation calling a special election to fill said office.

(d) When a local officer-elect dies before assumption of office, or fails to qualify for any reason, the President may in his discretion either call a special election or fill the office by appointment.

(e) In case a special election has been called and held and shall have resulted in a failure to elect, the President shall fill the office by appointment.

(f) The person appointed or elected to fill a vacancy in an elective provincial, city or municipal office shall hold the same for the unexpired term of the office. (C.A. 357-16)

Section 22. *Call of special elections.* - Special elections shall be called by the President by proclamation for a date which shall not be earlier than thirty days nor later than ninety days from the date of the proclamation, which shall specify the offices to be voted for, and whether it is for the purpose of filling a vacancy. The Commission on Elections shall send copies of the proclamation, in number sufficient for due distribution and publication, to the provincial treasurer of each province concerned, who in turn shall publish it in their respective localities, by posting at least three copies thereof in as many conspicuous places in each of their election precincts, and a copy in each of the polling places and public markets, and in the municipal building. (C.A. 357-17) (C.A. 657)

Section 23. *Posting and translation of new Election Code.* - A printed copy of this Code in English or Spanish and in the national language, and whenever possible, in the local dialect shall be posted in a conspicuous way in every polling place on all registration and election days, so that it may be readily consulted by any person offering to register or to vote.

The translation of this Code into the national language and into the local dialects shall be made by the Institute of National Language. (C.A. 357-18)

Section 24. *Expenses of election.* -

(a) The expenses of an election shall be advanced by the municipal treasurer concerned and shall be charged against the branch of the Government for which the election was held, and, if for more than one branch, against the corresponding branches of the Government, in equal parts.

(b) The expenses incident to the holding of the first election in a new municipality shall be advanced, as may be necessary, by the province, and such municipality shall reimburse the same upon presentation of the proper bill. (C.A. 357-19)

Section 25. *Official mail and telegrams regarding elections.* - Papers connected with the elections required by this Code to be sent by some public officers to others in the performance of their duties shall be free of postage and sent as registered and rush mail. Telegrams of the same nature shall also be sent free of charge. (C.A. 357-20)

ARTICLE II

Candidacies and Eligibility of Candidates

Section 26. *Automatic cessation of appointive officers and employees who are candidates.* - Every person holding a public appointive office or position shall ipso facto cease in his office or position on the date he files his certificate of candidacy. (C.A. 357-22)

Section 27. *Candidate holding office.* - Any elective provincial, municipal, or city official running for an office, other than the one which he is actually holding, shall be considered resigned from his office from the moment of the filing of his certificate of candidacy. (C.A. 666-2, last par.)

Section 28. *Disqualification to act on provincial boards and municipal councils.* - Any member of a provincial board or of a municipal council who is a candidate for office in any election, shall be incompetent to act on said body in the performance of the duties thereof relative to said election, and if, for such reason, the number of members should be unduly depleted, the President, if it is a provincial or city office and the governor if it is a municipal office, shall appoint any disinterested voter of the province, municipality or city concerned belonging to the political party of the incompetent member to act in this place on such matters. (C.A. 357-23)

Section 29. *Disqualification on account of violation of certain provisions of this Code.* - Any candidate who, in an action or protest in which he is a party, is declared by final decision of a competent court or tribunal guilty (a) of having spent in his election campaign more than the total emoluments attached to the office for one year; or (b) of having solicited or received any contribution in connection with his election campaign from any of the corporations or entities mentioned in section

forty-seven, or from any of the persons mentioned in section fifty-six; or (c) of having violated any one of sections forty-nine, fifty and fifty-one, shall be disqualified from continuing as a candidate, or, if he has been elected, from holding the office. (C.A. 357-24)

Section 30. *Ineligibility of officer found disloyal to the Government.* - When a special election is called for the purpose of filling a vacancy as a result of a protest on the ground of his disloyalty to the constituted Government, said officer shall be ineligible in such election, and his certificate of candidacy shall not be received nor shall the votes cast in his favor be counted. (C.A. 357-35)

Section 31. *Certificate of candidacy for only one office.* - No person shall be eligible unless, within the time fixed by law, he files a duly signed and sworn certificate of candidacy, nor shall any person be eligible for more than one office to be filled in the same election, and, if he files certificates of candidacy for more than one office, he shall not be eligible for any of them. (C.A. 357-26)

Section 32. *Contents of certificate of candidacy.* - The person concerned shall state in his certificate that he announces his candidacy for the office mentioned therein and that he is eligible for the office; the name of the political party which he belongs, if he belongs to any; and his post-office address for all election purposes. (C.A. 357-27)

Section 33. *Statement of the maternal surname.* - In case when there are two or more candidates for an office with the same name and surname, each one, upon being made aware of such fact, shall state his paternal and maternal surnames, with the exception of the one who has last held said office, which candidate may continue to use the name and the surname stated in his certificate of candidacy when he was elected. (C.A. 357-28)

Section 34. *Nicknames.* - Certificates of candidacy shall not contain nicknames of the candidates. (C.A. 357-29)

Section 35. *Certificates of candidacy filed by political group or political party.* - Certificates of candidacy of candidates may be filed by a political party nominating them without the signature or oath of said candidates.

Any political party having officially nominated candidates shall file with the Commission on Elections a certificate of such official nominations subscribed under oath by the president and secretary or corresponding officers of such political group or party. (C.A. 666-2)

If two or more certificates of candidacy for different elective officers are filed by different political parties in favor of the same candidate, the certificate of candidacy filed by the party to which said candidate belongs shall prevail, unless the candidate concerned shall decide otherwise.

If a candidate who files his own certificate of candidacy for an elective office is also nominated by one or more political parties for other elective offices, the certificate filed by the candidate himself shall govern. (C.A. 725-2, pars. 2, 3)

Section 36. *Filing and distribution of certificates of candidacy.* - At least sixty days before a regular election, and thirty days at least before a special election, the

certificates of candidacy shall be filed with the office hereinbelow mentioned, together with a number of clearly legible copies equal to four times the number of polling places: Provided, That with respect to certificates of candidacy of candidates for President, Vice-President and Senators, ten copies thereof shall be filed with the Commission on Elections which shall order the preparation and distribution of copies of the same to all the election precincts of the Philippines. The certificates shall be distributed as follows:

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

(b) Certificates of candidacy for provincial offices shall be filed with the secretary of the provincial board of the province concerned who shall immediately send copies thereof to all the polling places of the province and to the Commission on Elections.

(c) Certificates of candidacy for municipal offices shall be filed with the municipal secretary, who shall immediately send copies thereof to the polling places concerned, to the secretary of the provincial board, and to the Commission on Elections. (C.A. 357-30; C.A. 657)

Section 37. *Ministerial duty of receiving and acknowledging receipt.* - The Commission on Elections, the secretary of the provincial board, and the municipal secretary, in their respective cases shall have the ministerial duty to receive the certificates of candidacy referred to in the preceding section and to immediately acknowledge receipt thereof. (C.A. 357-31)

Section 38. *Candidates in case of death or disqualification of another.* - If, after the expiration of the time limit for filing certificates of candidacy, a candidate with a certificate of candidacy duly filed should die or become disqualified, any legally qualified citizen may file a certificate of candidacy for the office for which the deceased or disqualified person was a candidate in accordance with the preceding sections on or before midday of the day of the election, and, if the death or disqualification should occur between the day before the election and the midday of election day, said certificate may be filed with any board of inspectors of the political division where he is a candidate or, in the case of candidates to be voted for by the entire electorate, with the Commission on Elections. (C.A. 357-32; C.A. 657; C.A. 666)

ARTICLE III

Contributions and Other Practices

Section 39. *Definitions* - In this Code. -

(a) The term "political committee" includes any committee, association or organization which accepts contributions or makes expenditures for the purpose of

influencing or attempting to influence the election of candidates, whether it be a national or local committee of a political party or a branch thereof.

(b) The term "contribution" includes a gift, donation, subscription, advance, or deposit of money or anything of value and embraces a contract, promise, or agreement to contribute, whether it be legally enforceable or not.

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

(d) The term "person" includes an individual, partnership, committee, association, corporation and any other organization or group of persons. (C.A. 357-33)

Section 40. *Contribution to political committees.* -

(a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted and no expenditure made by or on behalf of any political committee, for the purpose of influencing an election, until such chairman and treasurer have been chosen.

(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of (1) all contributions made to or for such committee; (2) the true name and address of each contributor; (3) all expenditures made by or on behalf of such committee; and (4) the name and address of every person to whom any such expenditure is made and the date thereof.

(c) It shall be the duty of the treasurer to obtain and keep a receipted bill stating the particulars of every expenditure exceeding ten pesos in amount made by or on behalf of a political committee. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least one year after the holding of the election to which they pertain. (C.A. 357-34)

Section 41. *Account of contributions received.* - Every person who receives a contribution for a political committee shall, on demand of the treasurer and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date of its receipt. (C.A. 357-35)

Section 42. *Filing of statement by treasurer.* - The treasurer of a political committee shall file with the Commission on Elections, within the first ten days of every month, during the six months preceding a general election, or from the time of the publication of the call for any special election and within the thirty days following the holding of the election, a statement, complete as of the day next preceding the date of filing, or his account of contributions and expenditures together with the names and addresses of the contributors and persons receiving the expenditures. (C.A. 357-36)

Section 43. *Statements by candidates.* - Within thirty days after the holding of the election, every candidate shall file with the Commission on Elections, for such action as it may deem proper, a statement, complete as of the date next preceding the date of filing, which shall contain (1) a list of the contributions received by him or by

another with his knowledge and consent, from whatever source, to help or support his candidacy or to influence the result of his elections together with the name and address of the contributor; (2) a statement of the expenditures made by him or by another with his knowledge and consent, in aid or support of his candidacy or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made. (C.A. 357-37)

Section 44. *Statement by other parties.* - Any other person who, prior to a regular or special election, should receive a contribution or should make an expenditure of one hundred pesos or more for election purposes, but not as a contribution to a political committee, shall file with the Commission on Elections a detailed statement of such contribution or expenditure in the same manner as the treasurer of a political committee. (C.A. 357-38)

Section 45. *Form and preservation of statements.* - The statements required by this Code shall be under oath; shall be cumulative during the period prescribed therefor in the election to which they relate, but, where there has been no change in an item reported in a previous statement, only the amount thereof need be carried forward; shall be deemed properly filed on the date of their mailing by registered mail; shall be kept and shall constitute a part of the public records of the Commission on Elections; and shall be open to public inspection. (C.A. 357-39)

Section 46. *Prohibited collections of funds.* - It shall be unlawful for any reason to hold balls, beauty contests, entertainments or cinematographic, theatrical, or other performances, during two months immediately preceding a regular or special election, for the purpose of raising funds for benefit purposes or for an election campaign, or for the support of any candidate. (C.A. 357-40)

Section 47. *Prohibited contributions.* - It shall be unlawful for any corporation or entity operating a public utility or which is in possession of or is exploiting any natural resources of the nation to contribute or make any expenditure in connection with any election campaign. (C.A. 357-41)

Section 48. *Limitation upon expenses of candidates.* - No candidate shall spend for his election campaign more than the total amount of the emoluments for one year attached to the office for which he is a candidate. (C.A. 357-42)

Section 49. *Unlawful expenditures.* - It is unlawful for any person to make or offer to make an expenditure, or to cause an expenditure to be made or offered to any person to induce one either to vote or withhold his vote, or to vote for or against any candidate, or any aspirant for the nomination or selection of a candidate of a political party, and it is unlawful for any person to solicit or receive directly or indirectly any expenditure for any of the foregoing considerations. (C.A. 357-43)

Section 50. *Unlawful electioneering.* - During registration and voting days, it is unlawful to solicit votes or undertake any propaganda for or against any candidate or any party within the polling place and within a radius of thirty meters thereof. (C.A. 357-44)

Section 51. *Prohibition regarding transportation, food and drinks.* - It is unlawful for any candidate, political committee, voter or any other person to give or accept, free of charge, directly or indirectly, transportation, food, or drinks during a public

meeting in favor of any or several candidates and during the three hours before and after such meeting, or on registration days, on the day preceding the voting and on the day of the voting; or to give or contribute, directly or indirectly, money or things of value for such purposes. (C.A. 357-45)

Section 52. *Intoxicating liquors* - Prohibited stores, cockpits, boxing, and races. -

(a) It is unlawful to sell, furnish, offer or take intoxicating liquors on registration days and on the two days immediately preceding the day of the voting and during the voting and canvass.

(b) It is unlawful to establish in any polling place or within a radius of thirty meters thereof, on the days and hours of registration, voting and canvass, booths of any kind for the sale, dispensing or display of wares, merchandise or refreshments, whether solid or liquid, or for any other purpose.

(c) It is unlawful to hold on any registration or voting days cockfights, boxing, horse races, or any other similar show. (C.A. 357-46)

Section 53. *Deadly weapons.* - It is unlawful to carry deadly weapons in the polling place and within a radius of thirty meters thereof during the days for registration, voting and canvass. However, in cases of affray, tumult or disorder, any peace or public officer authorized to supervise the elections may carry firearms or any other weapons for the purpose of preserving order and enforcing the law. (C.A. 357-47)

Section 54. *Active intervention of public officers and employees.* - No justice, judge, fiscal, treasurer, or assessor of any province, no officer or employee of the Army, no member of the national, provincial, city, municipal or rural police force, and no classified civil service officer or employee shall aid in any candidate, or exert influence in any manner in any election or take part therein, except to vote, if entitled thereto, or to preserve public peace, if he is a peace officer. (C.A. 357-48)

Section 55. *Soliciting contributions from subordinates prohibited.* - Public officers and employees holding political offices or not belonging to the classified civil service, though they may take part in political and electoral activities, shall refrain from soliciting contributions from their subordinates for partisan purposes. (C.A. 357-49)

Section 56. *Active intervention of foreigners.* - No foreigner shall aid any candidate, directly or indirectly, or take part in or to influence in any manner any election. (C.A. 357-50)

ARTICLE IV **Election Precincts**

Section 57. *Election precincts to be established.* - The unit of territory for the purpose of voting is the election precinct, and every municipality or municipal district shall have at least one.

The municipal council of each municipality shall fix ninety days before the day of the election the limits of all the election precincts, if there are more than one, within its territory. (C.A. 357-51)

Section 58. *Arrangement of election precincts.* -

(a) The election precinct shall be so arranged that no precinct shall have more than

two hundred and fifty voters, and each shall comprise, as far as practicable contiguous and compact territory.

(b) When it appears that an election precinct contains more than two hundred and fifty voters, the municipal council or board shall make such adjustment or new division as may be necessary.

(c) A municipality or a municipal district which has been merged with another municipality shall constitute at least one election precinct, if the distance between the remotest barrio of the merged municipality or district and the nearest polling place of the municipality to which it has been merged shall, by the shortest road, exceed five kilometers.

(d) An island or group of islands having one hundred and fifty or more voters shall constitute a precinct. (C.A. 357-52)

Section 59. *Publication of map of precincts.* - The municipal secretary shall post, in the municipal building and in the polling places and in three other conspicuous public places in each precinct, maps plainly showing the boundaries of the precinct, at least ten days before the first day fixed for the registration of voters of each election, and keep them posted until after the election is held. (C.A. 357-53)

Section 60. *Alteration of election precincts.* - Any alteration of the election precincts or the establishment of new ones shall be communicated to the provincial treasurer, together with the corresponding maps, which shall be published as prescribed in the preceding section. However, election precincts shall not be altered or new ones established within the ten days immediately preceding the date of a regular or special election. (C.A. 357-54)

Section 61. *Posting map of legislative districts.* - In the provinces which are divided into legislative districts, the provincial boards shall cause to be prepared an outline map of each district showing the location and the names of the municipalities or portions thereof included in the district. The secretary of the board shall send copies of the map to the Commission on Elections and shall keep them posted for ninety days prior to the regular elections in the municipal building and in at least three other conspicuous places in each municipality comprised within the district. (C.A. 357-55)

ARTICLE V

Polling Places

Section 62. *Designation of polling places.* - At least seventy days before each regular election, the municipal council shall designate in each election precinct a place as provided in this Code where the meetings of the board of inspectors for registration and the election shall be held. (C.A. 357-56)

Section 63. *Requirements for polling places.* - Each polling place shall be, as far as practicable, a ground floor hall of sufficient size to admit and comfortably accommodate forty voters at one time outside the guard rail for the board of inspectors. The polling place shall be located as centrally as possible with respect to the residence of the voters of the precinct, but it may be located also in the poblacion of the municipality upon petition of the majority of the voters of the precinct or by agreement of all the political parties, or by resolution of the municipal

council, in subsequent elections after the election to be held on the second Tuesday of November, nineteen hundred and forty-seven. A public building having the foregoing requirements shall be preferred. (C.A. 357-57)

Section 64. *Buildings that shall not be used as polling places.* - No polling place shall be located in a building within the property or under the control of a private entity or of which a candidate, or a person who is related to a candidate within the third degree of consanguinity or affinity, or an officer of the Government, is the owner, lessee or occupant. (C.A. 357-58)

Section 65. *Signs and flags of polling places.* - Every polling place shall have in front a sign showing the precinct to which it belongs, and on the days of meeting of the board of inspectors the Philippine flag shall be hoisted at the proper height. (C.A. 357-59)

Section 66. *Change of polling places.* - After a polling place has been designated, its location shall not be changed until the next regular election, unless it is so ordered by competent authority, except in case it is destroyed or it can not be used. (C.A. 357-60)

Section 67. *Arrangement and contents of polling places.* - Each polling place shall conform as much as possible to the following sketch. (Refer to C.A. 357-61)

P = Door

E = Entrance

S = Exit

a = Chairman of the Board

b = Election inspector

c = Poll clerk

d = List of voters

e = Stationery, forms, etc.

f = Unused official ballots

g = White box

h = Red box

Section 68. *Voting booths.* - During the voting there shall be in each polling place a booth for every twenty voters registered in the precinct. Each such booth shall have an opening on the side fronting the table of the inspectors and its three sides shall be closed with walls at least one meter wide and two meters high. The upper part shall be covered if necessary to preserve the secrecy of the ballot. Each booth shall have in the background a shelf so placed that voters can write thereon while standing and shall be kept clearly lighted, by artificial lights, if necessary, during the voting. (C.A. 357-62)

Section 69. *Guard rails.* -

(a) In every polling place there shall be a guard rail between the voting booths and the table of the board of inspectors which shall have separate entrance and exit. The

booth shall be so arranged that they can be accessible only by passing through the guard rail and by entering through its open side facing the table of the board of inspectors.

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

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

(d) The polling place shall be so arranged that the booths, the table, the ballot boxes and the whole polling place, except what is being written within the booths, shall be in plain view of the board of inspectors, the watchers and other person who may be within the polling place. (C.A. 357-63)

Section 70. *Ballot boxes.* -

(a) There shall be in each polling place on the day of the voting two ballot boxes, one painted white and plainly marked "BOX FOR VALID BALLOTS" and a smaller one painted red plainly marked "BOX FOR SPOILED BALLOTS." The boxes of each kind shall be uniform throughout the Philippines and shall be solidly constructed and shall be closed with three different locks in such a way that they cannot be opened except by means of three distinct keys. Each of the keys shall, during the voting and counting of the votes, be in the hands of a different inspector. Immediately after the boxes are locked upon the completion of the counting, the six keys, of the two boxes shall be placed in three separate envelopes, each one of which shall contain a key of the white box and another of the red box. Said envelopes shall be sealed and signed by all the members of the board of inspectors. The provincial commander or provost marshal or his authorized representative shall forthwith take delivery of said envelopes, signing a receipt therefor; he shall keep one under his custody and deliver one to the provincial treasurer and the other to the provincial fiscal. Said officials shall keep the envelopes containing the keys intact during a period of three months. Upon the lapse of this period, if before said date the courts did not order otherwise, the provincial commander or provost marshal and the provincial fiscal shall deliver to the provincial treasurer the envelopes for the keys under their custody.

(b) In case of the destruction or disappearance of the ballot boxes on the election day, the board of inspectors shall immediately report it, and the municipal treasurer shall furnish other boxes or receptacles as equally adequate as possible. (C.A. 357-64)

Section 71. *Blackboards.* - At the beginning of the counting there shall be placed upon the side of the booths in a place within plain view of the watchers and the public, blackboards where the names of all the registered candidates shall be written, and the poll clerk shall record thereon the votes received by each one of them as the chairman of the board of inspectors reads the ballots. (C.A. 357-65)

Section 72. *Pencils.* - In every polling place there shall be a sufficient quantity of indelible pencils for the use of the voters who may ask for them. (C.A. 357-66)

Section 73. *Furnishing of ballot boxes, forms, stationeries, and materials for election.* - The Commission on Elections shall prepare and furnish the ballot boxes, forms, stationeries, and other materials necessary for the registration of voters and the holding of the election. (C.A. 357-67)

Section 74. *Inspection of polling places.* - Before the day of the election, the Chairman of the Commission on Elections shall, personally or through a deputy, see to it that all polling places are inspected and such omissions and defects as may be found corrected. The Commission shall keep the reports on those inspections. (C.A. 357-68), (C.A. 657)

ARTICLE VI

Board of Inspectors

Section 75. *Appointment of election inspectors and poll clerks.* - Fifty days immediately prior to the date of a regular election, the Commission on Election shall, directly or through its duly authorized provincial representatives, appoint a board of election inspectors for each election precinct, to be composed of three inspectors and a poll clerk, who shall hold office until their successors are appointed for the next regular election, unless they are sooner relieved. Whenever in this Code mention is made of the board of inspectors or of members of the board of inspectors it shall be understood to include the poll clerk. (C.A. 357-69)

Section 76. *Representation of parties in the board of inspectors.* - The appointment of two inspectors and their substitutes shall be proposed by the party presenting candidates for election which polled the largest number of votes in the next preceding presidential election and one inspector and his substitute shall be proposed by the party also presenting candidates for election which polled the next largest number of votes in the Philippines if the said number constitutes at least ten per centum of the total number of votes cast in said election. The Commission on Elections shall appoint the poll clerks in each election precinct, who shall be public school teachers. The party affiliation of the candidates voted for shall be determined from their certificates of candidacy. The national directorates of political parties shall choose their respective representatives in each legislative district, who shall submit in writing, at least ten days before the date fixed for the appointment of the board of election inspectors, the names and addresses of the persons whom they propose to be appointed as election inspectors. If said representatives shall fail to propose the names of persons to be appointed as election inspectors, the Commission shall, at its discretion, choose said inspectors and their substitutes. (C.A. 357-70) (C.A. 657-5)

Section 77. *Representation of other political groups in the board of inspectors.* - If the party which polled the largest number of votes at the next preceding election fails to present any candidate in a legislative district, it shall not be entitled to representation in the board of election inspectors, and the party which polled the next largest number of votes as specified in the preceding section and which is entitled to propose the appointment of an election inspector and his substitute shall also be entitled to propose the appointment of the poll clerk. If the party which

polled the next largest number of votes at the next preceding election fails to present any candidate in the legislative district, it shall not be entitled to representation in the board of inspectors.

In case the parties which polled the largest and the next largest number of votes at the next preceding election present only one set of candidates in the legislative district, they shall be entitled to propose the appointment of only one inspector, his substitute, and the poll clerk.

In such case and where only one of the parties specified in the preceding section is entitled to representation in the board of inspectors, the appointment of the remaining inspector and his substitute shall be proposed by the political party which presents the largest number of candidates in the district, one candidate to correspond to each office, or if more than one political presents the most number of candidates, by that first organized.

Section 78. *Relief of members of the board.* - Any member of the board of inspectors as well as his substitute may at any time be relieved from office and substituted with another having the legal qualifications, upon petition of the authorized representatives of the party upon whose nomination the appointment was made, and it shall be unlawful to prevent said person from, or disturb him in, the performance of the duties of the said office. A record of each case of substitution shall be made, setting forth therein the hour in which the replaced member has ceased in office and the status of the work of the board of inspectors. Said record shall be signed by each member of the board including the incoming and outgoing officers. (C.A. 357-74)

Section 79. *Vacancy in the board of inspectors.* - Every vacancy in the board of election inspectors shall be filled for the remaining period in the manner hereinbefore prescribed. (C.A. 357-75)

Section 80. *Definition of political party.* - Political party or, simply party, when used in this Code, means an organized group of persons pursuing the same political ideals in a Government and includes its branches and divisions. (C.A. 357-76)

Section 81. *Qualifications of members of the board.* - No person shall be appointed or act as member of the board of election inspectors, or as substitute, unless he is a qualified elector of the municipality, of good reputation, shall not have been convicted of any election offense or of any other crime punishable by more than six months of imprisonment or shall have pending against him an information for any election offense, and must know how to speak and write English, Spanish, the national language, or the local dialect. (C.A. 357-77)

Section 82. *In case of disqualification of a member of the board.* - In case a member of the board of inspectors shall become disqualified to continue acting as such, his office shall be immediately filled by the substitute until the appointment of his successor by the Commission on Elections, and, if the successor be likewise disqualified or cannot act for any reason whatsoever, the successor of the disqualified member shall be appointed as soon as possible upon the nomination by the party of the predecessors or by its authorized representatives.

Section 83. *Ineligibility of public officers and employees.* - Except in the case

provided in sections fourteen and fifteen of this Code and notaries public, no person holding a public office or who is a candidate for an elective office may be appointed member, or substitute of a member, of a board of inspectors. (C.A. 357-79)

Section 84. *Suspension and temporary substitution of officer who refuses to cooperate.* - Any officer who shall fail to comply with an order of the court or of any competent authority relative to the appointment of inspectors or poll clerks shall be immediately suspended and replaced temporarily by a person belonging to the party of the suspended officer, without prejudice to his criminal responsibility. (C.A. 357-80)

Section 85. *Certificate of appointment of member of board.* - The election inspectors and poll clerk shall receive an appointment in which the election precinct to which they may be assigned and the date of their appointment shall be stated. (C.A. 357-8)

Section 86. *Prohibition of political activity.* - No member of the board of election inspectors shall engage directly or indirectly in partisan political activities or take part in any election except to discharge his duties as such and except to vote. (C.A. 657-6)

Section 87. *Functioning of the board of inspectors.* - During the meetings of the board and especially during the voting and counting of the votes, not more than one member of the board shall absent himself from the polling place at a time, and in no case shall such absence be for more than twenty minutes. The board of inspectors shall act through its chairman, by the vote of the majority of its members, but the poll clerk shall have no vote in its proceedings. The board shall decide without delay all questions which may arise in the performance of its duties. (C.A. 357-82)

Section 88. *Temporary vacancies.* - If, at the time of the meeting of the board, any inspector or the poll clerk is absent, or the office is still vacant, the inspector present shall call upon the substitute of the absent member to perform the duties of the latter; and, in case such substitute cannot be found, the inspector present upon nomination by the representative of the party of the absent member or in his absence, by the watchers belonging to the party, shall appoint any qualified elector of the election precinct to temporarily fill said vacancy until the absent member appears or the vacancy is filled. In case there are two inspectors present, they shall act jointly. (C.A. 357-83)

Section 89. *Arrest of absent member.* - The inspector or inspectors present may order the arrest of any inspector or poll clerk or substitute thereof who, in their judgment, has absented himself with intention of obstructing the performance of the duties of the board. (C.A. 357-84)

Section 90. *Temporary designation of inspectors and poll clerks by watchers.* - If at the time in which the board must meet all the offices of inspectors and poll clerk are vacant, or if not one of them shall appear, the watchers present may designate qualified electors of the precinct to act in the place of the inspectors and the poll clerk until the absentees shall appear or the vacancies are filled. (C.A. 357-85)

Section 91. *Oath of the members of the board.* - The election inspectors and poll clerks, whether permanent, substitute or temporary, shall, before assuming their office, take and sign an oath, upon forms prepared by the Commission on Elections,

before an officer authorized to administer oaths or, in his absence, before any member of the board present, or in case no one is present, they shall take it before any elector. The oaths shall be sent immediately to the municipal treasurer. (C.A. 357-86)

Section 92. *Publicity of an order during the proceedings of the board.* - All meetings of the board of inspectors shall be public. The board shall have full authority to keep order within the polling place and its environs, to keep the access thereto open and unobstructed, and to enforce obedience to its lawful commands. If any person shall refuse to obey a lawful command of the board, or shall conduct himself in a disorderly manner in its presence or within its hearing and thus interrupt or disturb its work or the proceedings in connection with the registration, voting and counting of votes, the board may issue an order in writing directing any peace officer to take such offending person into his custody until the adjournment of the meeting; but such order shall not be so executed as to prevent the person to taken into custody from exercising his right to vote at such election. Such order shall be executed by any peace officer to whom it may be delivered, but if none shall be present, by any other person deputed thereto by the board in writing. (C.A. 357-87)

Section 93. *Official watchers of candidates.* -

(a) During the registration of voters, voting and counting of the votes, and, in general, at all meetings of the board of inspectors, the watchers appointed by the candidates shall have the right to stay in the space reserved for them within the polling place. Every candidate for a national or provincial office, for mayor or vice-mayor, or for city councilor, shall have the right to have a watcher in every polling place, and the candidates for councilor of a municipality or a municipal district of each party shall collectively have the right to appoint a watcher.

(b) The watchers shall have the right to witness and inform themselves of the proceedings of the board, to take notes of what they see or hear, to file a protest against any irregularity which they believe may have been committed by the board of inspectors, to obtain from the poll clerk a certificate as to the filing of such protest or of the resolution thereon, and to read the ballots after they have been read by the inspectors, without touching them, but they shall not speak to the inspectors, or to the voters, or among themselves in such manner as to interrupt the proceedings. (C.A. 357-88)

Section 94. *Pay for inspectors and poll clerks.* - Every inspector and poll clerk shall be entitled to a per diem of ten pesos for every day of actual service in the meetings of the board, and for the day of the election they shall receive two days' per diem. (C.A. 357-89)

ARTICLE VII

List of Voters

Section 95. *Permanent list of voters every twelve years.* - There shall be in each municipality or municipal district a permanent list of voters which shall be completely renewed every twelve years. The list of voters prepared in the elections which were held in nineteen hundred and forty-seven with such additions, cancellations, and corrections as may be proper, shall constitute the permanent list of voters until its renewal in nineteen hundred and fifty-nine. (C.A. 357-90; C.A.

725-3)

Section 96. *Necessity of registration to be entitled to vote.* - In order that a qualified elector may vote in any regular or special election, he must be registered in the permanent list of voters for the municipality in which he resides. (C.A. 357-91 with modifications)

Section 97. *Who may be registered in the list.* - All persons having complied with the requisites herein prescribed for the registration of voters shall be registered in the list, provided they possess the qualifications prescribed for a voter and they are not of those disqualified. Any person who may not have on the date of the registration the age or period or residence required may also be registered upon proof that on the date of the election he shall have such qualifications. (C.A. 357-92)

Section 98. *Qualifications prescribed for a voter.* - Every citizen of the Philippines, whether male or female, twenty-one years of age or over, able to read and write, who has been a resident of the Philippines for one year and of the municipality in which he has registered during the six months immediately preceding, who is not otherwise disqualified, may vote in the said precinct at any election. (C.A. 257-93)

Section 99. *Disqualifications.* - The following persons shall not be qualified to vote:

- (a) Any person who has been sentenced by final judgment to suffer one year or more of imprisonment, such disability not having been removed by plenary pardon.
- (b) Any person who has been declared by final judgment guilty of any crime against property.
- (c) Any person who has violated his allegiance to the Republic of the Philippines.
- (d) Insane or feeble-minded persons.
- (e) Persons who cannot prepare their ballots themselves. (C.A. 357-94)

Section 100. *Preparation of the permanent list of voters.* - For the preparation of the permanent list of voters in nineteen hundred and forty-seven and every twelve years thereafter, the board of inspectors of each election precinct shall hold four meetings in the place designated as polling place on the seventh Friday, seventh Saturday, sixth Friday, and sixth Saturday next preceding the date of the regular election to be held. At these meetings the board shall prepare as provided in this Code eight copies of the list of voters of the precinct wherein it shall register the additional electors applying for registration. (C.A. 357-95; C.A. 725-3)

Section 101. *Preparation of the list before other regular elections.* - For the preparation of the list before other regular elections, the board of inspectors of each election precinct shall hold meetings in the polling place on the seventh Saturday and sixth Saturday next before the day of the election. All these meetings, the board shall prepare and certify eight copies of the list of voters of the corresponding precinct transferring thereto the name of the voters appearing in the list used in the preceding election and including therein such new qualified voters as may apply for registration. (C.A. 357-96)

Section 102. *Preparation of list before any special election.* - For the preparation of the list of voters before a special election, the board of inspectors of each election

precinct of the political division concerned shall hold a meeting in the polling place on the second Saturday following the date of the proclamation calling such election. At this meeting the board shall transfer the name of the voters appearing in the list used in the preceding election and shall include the new qualified electors applying for registration. (C.A. 357-97)

Section 103. *Transfer of voters from the permanent list to the current one.* - The transfer of the names of the voters of the precinct already registered in the list used in the preceding election to the list to be made as provided for in the two preceding sections is a ministerial duty of the board, and any omission or error in copying shall be corrected motu proprio, or upon petition of the interested party, without delay and in no case beyond three days from the time such error is noticed; and if the board should refuse, the interested party may apply for such correction to the justice of the peace of the municipality or the justice of the peace of the capital, or to the Judge of the Court of First Instance of the province, or to the Commission on Elections in Manila, who shall decide the case without delay and in no case beyond one week from the date the petition is filed. The decision of the Judge of the Court of First Instance or the Commission on Elections, as the case may be, shall be final. (C.A. 357-98)

Section 104. *Cancellations and exclusions in the transfer of names.* - In transferring the names of the voters of the precinct from the list used in the preceding election to the current list, the board shall exclude those who have applied for the cancellation of their registration, those who have died, those who did not vote in two successive regular elections, and those who have become disabled or disqualified, upon motion of any member of the board or of any elector or watcher, upon satisfactory proof to the board and upon summons to the voter in cases of disqualification or disability. The motion shall be decided by the board without delay and in no case beyond three days from its filing. Should the board deny the motion, or fail to act thereon within the period herein fixed, the interested party may apply for such exclusion to the justice of the peace of the municipality or the justice of the peace of the capital, or the judge of the Court of First Instance of the province, or to the Commission on Elections in Manila, who shall decide the controversy without delay and in no case beyond one week from the date the petition is filed. The decision of the Court of First Instance or the Commission on Elections, as the case may be, shall be final. The poll clerk shall keep a record of these exclusions and shall furnish a copy thereof to the municipal treasurer, the register of deeds of the province, and the Commission on Elections, to be attached by them to the permanent list under their custody. (C.A. 357-99; C.A. 657)

Section 105. *Meeting to close the list of the voters before each election.* - The board of inspectors shall also meet on the second Saturday immediately preceding the day of the regular election, or in the second day immediately preceding the day of the special election, whether it be Sunday or a legal holiday, for the purpose of making such inclusions, exclusions, and corrections as may be ordered by the courts, stating opposite every name so corrected, added, or cancelled the date of the order and the court which issued the same; and for the consecutive numbering of the voters of the election precinct. (C.A. 257-100)

Should the board fail to include in the list of voters any person ordered by the

competent court to be so included, said person shall, upon presentation of a certified copy of the order of inclusion and upon proper identification, be allowed by the board to vote.

Should the board fail to exclude from the list of voters any person ordered by the court to be so excluded, the board shall not permit said person to vote upon presentation to it by any interested party of a certified copy of the order of exclusion.

Section 106. *Re-registrations in the list.* - Voters who are registered in the permanent list of a municipality need not register anew therein, unless their residence is changed to another municipality in which case they shall have to register in the permanent list of their new residence, upon previous application for cancellation of their previous registration and except those who have been stricken out of the list upon their own petition or for not having voted in two successive regular elections, in which case, they may apply for registration, provided they preserve the legal qualifications of a voter. (C.A. 357-101, modified)

Section 107. *Registration in another municipality.* - Any voter who desires to transfer his registration to another municipality shall, at least ten days before the first registration day, file with or send by registered mail to the municipal treasurer of the municipality wherein he is registered a sworn petition quadruplicate applying for the cancellation of his registration and giving his address at his new residence and the date on which he removed to his new residence. Upon receipt of the petition, the municipal treasurer shall strike out the name of the applicant from the copy of the list on file in his office and shall immediately send a copy of the petition to the proper board of inspectors, another to the register of deeds of the province and another to the Commission on Elections, who shall likewise strike out the name of the applicant from the copy of the list used in the last election under their custody. (C.A. 357-102, C.A. 657)

Section 108. *Meeting hours of the board.* - The meeting of the board of inspectors for the registration of voters shall commence at seven o'clock in the morning and shall continue until seven o'clock in the evening. They may be suspended for one hour only at midday. If upon the stroke of seven o'clock in the evening there are still within a distance of thirty meters in front of the polling place persons who wish to register, the board shall hand a card, signed by one of its members and consecutively numbered, to each of such persons, and, upon the production of such card, if they have the prescribed qualifications, the board shall register them in the list at same meeting. (C.A. 357-103)

Section 109. *Voter's affidavit.* - Every person desiring to be registered in the list of voters shall, under oath taken before the board of inspectors, sign and affix the imprint of the thumb of his right hand to a statement in triplicate, wherein he shall state: His name and surname; place of birth; age on his last birthday; civil status; profession, occupation or trade; residence, giving his correct and exact address; that he possesses the qualifications required of a voter; and that he is not in any way legally disqualified from voting. The board of inspectors shall require that the thumb mark appear plainly printed. (C.A. 357-104)

Section 110. *Identification of voters.* - Any voter who is not known by the members of the board may be identified by any voter of the precinct, or by the production of

his birth or baptismal certificate or of any identification card issued by the municipal treasurer. No fees nor documentary stamps shall be required on such documents. (C.A. 357-105)

Section 111. *Preservation of the voter's affidavits.* - A copy of the affidavit, of each voter shall be kept by the board of inspectors until after the election, when it shall deliver it to the municipal treasurer together with the copies of the list of voters and other election papers for the use in the next election. The other copy shall be sent by the board on the day following the date of the affidavit to the office of the register of deeds. The latter shall file and preserve the voter's affidavits by municipalities and in alphabetical order of their surnames. The third copy shall be handed to the voter with a certificate that he has been registered in the list of voters. (C.A. 357-106)

Section 112. *Columns in the list of voters.* - The list of voters shall be arranged in columns as follows: In the first column there shall be entered, at the time of the closing of the list before each election, a number opposite the name of each voter registered, beginning with number one and continuing in consecutive order until the end of the list. In the second column, the surnames generally used by such persons shall be written in alphabetical order followed by their respective Christian names, without abbreviations of any kind. In the third column, the respective residence of such persons with the name of the street and number, or, in case there be none, a brief description of the locality or place shall be inserted. In the fourth column, there shall be put on the day of the election the numbers of the ballots which were given successively to the voter. In the fifth column, the voter shall stamp on the day of the election the mark of the thumb of his right hand and under said mark his signature. And in the sixth column the signature of the member of the board who has handed the ballot to the voter. It will be sufficient that the fourth, fifth, and sixth columns shall be filed in the copy of the list under the custody of the member of the board who has handed the ballot to the voter. It shall be the duty of the board of inspectors to see to it that the thumb mark is stamped plainly. (C.A. 357-107)

Section 113. *Certificate of the board in the list of voters.* - Upon the adjournment of each meeting for the registration of voters, the board of inspectors shall close each alphabetical group of surnames of voters by writing the date on the next line in blank, which shall be forthwith signed by each member, and, before adding a new name on the same page at the next meeting, it shall write the following: "Added at the . . . meeting," specifying if it is the second, third, fourth meeting of the board. If the meeting adjourned is the last one for the registration of voters, the board shall, besides closing each alphabetical group of voters as above provided, add at the end of the list a certificate (a) of the corrections and cancellations made in the permanent list, specifying them, or that there has been none, and (b) of the total number of voters registered in the precinct. (C.A. 357-108)

Section 114. *Publication of the list.* - At the first hour of the working day following that of the registration of voters, the poll clerks shall deliver to the municipal treasurer a copy of the list certified to by the board of inspectors as provided in the preceding section; another copy, also certified, shall be sent to the register of deeds of the province, and another, likewise certified, shall be sent to the Commission on Elections, in whose offices said copies shall be open to public inspection during regular office hours. On the same day and hour, the poll clerk shall also post a copy

of the list in the polling place in a secure place on the door or near the same at a height of a meter and a half, where it may conveniently be consulted by the interested parties. Each member of the board shall also have a copy of the list so prepared, which may be inspected by the public in the residence or office of said member during regular office hours. Immediately after the meeting for the closing of the list, the poll clerk shall also send a notice to the officials above named regarding the changes and the numbering above referred to, to be attached to the copy of the list under their custody. (C.A. 357-109: C.A. 657)

Section 115. *Challenge of right to register.* - Any registered voter or any person applying for registration may be challenged before the board of inspectors on any registration day by any inspector, elector, candidate, or watcher. The board shall then examine the challenged person and shall receive such other evidence as it may deem pertinent, after which it shall decide whether the elector shall be included in or excluded from the list as may be proper. All challenges shall be heard and decided without delay, and in no case beyond three days from the date the challenge was made.

After the question has been decided, the board shall give to each party a brief certified statement setting forth the challenge and the decision thereon. (C.A. 357-110)

Section 116. *Power of the board to administer oaths and issue summons.* - For the purpose of determining the right of applicants to be registered as voters in the list, the board of inspectors shall have the same powers possessed by justices of the peace to administer oaths, to issue subpoena and subpoena duces tecum, and to compel witnesses to appear and testify, but the latter's fees and the expenses incident to the process shall be paid in advance by the party in whose behalf the summons is issued. (C.A. 357-111)

Section 117. *Organization of judicial circuits.* -

(a) The judge of the Court of First Instance of the Judicial District shall, at least fifteen days before the first registration day for each regular election, divide his district, for the purposes of this Code, into circuits composed of several municipalities in accordance with the distance and facilities of communication between them, and he shall for each one of them assign a justice of the peace who shall hear and decide petitions for any voter's inclusion in or exclusion from the list.

(b) The Clerk of the Court of First Instance shall send to the municipal secretaries and to the boards of inspectors of the municipalities belonging to the judicial district a notice of the organization of the circuits and of the names, residences and office hours of the justices of the peace designated for such purpose and assigned thereto. Upon receipt of the notice of the clerk of court, the secretary shall post the same in a conspicuous place in the municipal building, and the board of inspectors shall do so likewise, in their polling place. (C.A. 357-112)

Section 118. *Jurisdiction in inclusion and exclusion cases.* -

(a) The judge of the Court of First Instance and the justice of the peace of the capital shall have concurrent jurisdiction throughout the province, and the circuit justice of the peace shall have in the municipalities forming his circuit concurrent jurisdiction

with the former over all matters of inclusion in and exclusion of voters from the list, but the one to whom the application is first presented shall acquire exclusive jurisdiction thereon. However, if the judge of the Court of First Instance is in the province, the proceedings shall, upon petition of any interested party filed before the presentation of evidence, be remanded to the said judge who shall hear and decide the same in the first and last instance, within ten days from the date the records were received. Decisions of the justice of the peace may be appealed to the judge of the Court of First Instance within five days from receipt of notice by the parties. In case notice of appeal cannot be presented to the justice of the peace because of his absence, the interested party may lodge his appeal directly with the Court of First Instance which, upon receiving it, shall order the justice of the peace to forward the records of the case of the Court of First Instance within twenty-four hours from receipt of said order, and may take it effective by contempt proceedings. The Court of First Instance upon receiving the record will try and decide the case within ten days from the time the appeal was received.

(b) The circuit justice of the peace may hold sessions in any municipality of his circuit, the justice of the peace of the capital, in any municipality of the province, and the judge of the Court of First Instance, in any municipality in the judicial district, as they may deem fit, for the hearing and decision of the application, and the traveling expenses and per diems of the judge and his personnel shall be paid by the municipality to which the application corresponds and to which they go. (C.A. 357-113)

Section 119. *Application for inclusion of voters in the list.* - Any person whom the board of inspectors has refused to register or whose name has been stricken out from the list may apply, within twenty days after the last registration day, to the circuit justice of the peace, to the justice of the peace of the capital, or to the judge of the Court of First Instance of the province, for an order directing the board of inspectors to include or reinstate his name in the list, together with the certificate of the board of inspectors regarding his case and proof of service of notice of his application upon a member of the board of inspectors, with indication of the time, place, and court before which the application is to be heard. (C.A. 357-114)

Section 120. *Voters excluded through inadvertence or registered with an erroneous or misspelled name.* - Any voter registered in the permanent list, who has not been included in the list prepared for the next election or who has been included therein with a wrong or misspelled name, shall have the right to file an application on any date with the justice of the peace of the municipality, or with that of the capital or with the judge of the Court of First Instance, for an order directing that his name be reinstated in the list or that he be registered with his correct name. He shall attach to such application a certified copy of the entry of his name in the list of the preceding election, together with proof that he has applied without success to the board of inspectors and that he has served notice thereof upon a member of the board. (C.A. 357-115)

Section 121. *Application for exclusion of voters from the list.* - Any registered voter in the municipality and any watcher or candidate may apply, within twenty days next following the last registration day, to the judge of the Court of First Instance, the justice of the peace of the capital or the circuit justice of the peace for the exclusion

of a voter from the list, giving the name and the residence of the latter, the election precinct in which he is registered, and the ground for the challenge. The application shall be sworn to and accompanied by proof of notice to a member of the board of inspectors and to the challenged voter. (C.A. 357-116)

Section 122. *Questions as to right of voter to be registered for special elections.* - On the registration day for special elections and on any of the following five working days, any voter's inclusion in, or exclusion from, the list may be requested upon application therefor filed with the judge of the Court of First Instance, or in his absence with the justice of the peace of the capital, in conformity with the general procedure prescribed for such cases, and, with such previous notice as may be practicable or may be required in the discretion of the judge, the latter shall decide the case as the law may warrant, within ten days following the day of the filing, and in no case shall the decision be rendered after the second day next prior to the election. (C.A. 357-117)

Section 123. *Common rules governing judicial proceedings in the matter of inclusion, exclusion, and correction of names of voters.* -

(a) Outside of the regular office hours no application for inclusion, exclusion, or correction of names of voters shall be received.

(b) Notices to the members of the board of inspectors and to the challenged voters shall state the place, day and hour in which such application or motion shall be heard, and such notice may be made by sending a copy thereof by registered mail or by personal delivery to them, or by leaving it in the possession of a person of sufficient discretion in the residence of the said persons, or, in the event that the foregoing procedure is not practicable, by posting a copy in a conspicuous place in the municipal building and in the polling place, at least ten days prior to the day set for hearing.

(c) Each application shall refer to only one voter.

(d) No costs shall be assessed in these proceedings. However, if the judge should be satisfied that the application has been filed for the sole purpose of molesting the adverse party and causing him to incur expenses, he may condemn the culpable party to pay the costs and incidental expenses.

(e) Any candidate who may be affected by the proceedings may intervene and present his evidence.

(f) The decision shall be based on the evidence presented. If the question is whether or not the voter can read and write, such voter shall be personally examined before the court. In no case shall a decision be rendered upon a stipulation of facts.

(g) These applications shall be heard and decided without delay. The decision shall be rendered within six hours after the hearing and within ten days from the date of its filing or registration in court. Cases appealed or remanded to the judge of the Court of First Instance shall be decided within six hours after the hearing and within ten days after their receipt in the office of the clerk of Court. (C.A. 357-118)

ARTICLE VIII

Official Ballots

Section 124. *Official ballots.* - There shall be separate ballots for national and local officers. The ballots for the national offices shall be of yellow paper, and those for local offices shall be of white paper. The ballots of each kind shall be uniform throughout the Philippines and shall be provided at public expense. Said ballots shall be in the shape of a strip with stubs and coupons containing the detachable numbers of the ballots, and shall bear at the top on the middle portion thereof the coat of arms of the Republic of the Philippines, and the words "Official Ballot," the name of the city or of the municipality and province in which the election is held, the date of the election, and the following notice: "Fill out this ballot secretly inside the booth. Do not put any distinctive mark in any part of this ballot."

The ballots for national offices shall be prepared in such manner that the voter may vote for a straight ticket of a political party or for individual candidates and, for this purpose, the ticket of the regularly organized political parties that participated in the last preceding election for national officials, as certified under oath by the national directorates of the respective parties, shall be printed on said ballots, and there shall also be one column containing blank spaces for the name of candidate for elective national positions to be filled in said election, which spaces are to be filled by the voter who does not desire to vote a straight ticket. The following notice shall be printed on the ballots for national offices: "If you want to vote for all the official candidates of a political party to the exclusion of all other candidates, write the name of such political party in the space indicated. It shall then be unnecessary for you to write the names of the candidates you vote for. On the other hand, if you want to vote for candidates belonging to different parties and/or for independent or 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 of the ballot shall then be considered as validly voted for."

(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.) (C.A. 357-119; C.A. 666-3 with modifications)

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

Section 125. *Manner of folding the ballots.* - The ballots shall be folded twice toward the bottom with the entire coupon and its detachable number visible. (C.A. 357-120)

Section 126. *Arrangement of the official ballots.* - The official ballots for national and local offices shall be bound in separate books of one hundred ballots each. Each ballot shall be joined by a perforated line to a stub numbered consecutively, beginning with number one in each municipality. Each ballot shall also have at its bottom a detachable coupon bearing the same number of the stub. Each book of ballots shall bear on its cover the name of the municipality in which the ballots are to be used and the numbers of the ballots contained therein, and shall be numbered consecutively from number one in each municipality. The Director of Printing, the provincial treasurer and the municipal treasurer shall respectively keep a record of the ballots furnished to the various provinces, cities, municipalities, municipal districts and election precincts. (C.A. 357-121)

Section 127. *Emergency ballots.* - No ballots other than the official ballots shall be used or counted, except in the event of failure to receive the ballots on time, or where there are not sufficient ballots for all registered voters, or where they are destroyed at such time as shall render it impossible to provide other ballots, in which cases the provincial board, or if it has no time, the municipal treasurer shall procure from any available source another set which shall be as nearly like the official ones as circumstances will permit and which shall be uniform within each precinct. (C.A. 357-122)

Section 128. *Sample ballots.* - Boards of election inspectors shall be furnished with at least thirty sample ballots, in all respects like official ballots but printed on colored paper, 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 ballots, nor shall they be used for voting, nor shall they be counted. (C.A. 357-123)

Section 129. *Requisition for official ballots.* -

(a) Ballots shall be furnished by the Director of Printing at the expense of the municipality upon requisition therefor by the provincial treasurer in the usual form. The requisition shall be for each municipality at the rate of one and one-half ballots for national offices and one and one-half ballots for local offices for every person registered in the list in the last preceding election. The requisition shall specify what offices are to be filled in each municipality.

(b) The requisition shall be made whenever possible at least seventy days before the date of the election.

(c) In the case of special elections, the Commission on Elections shall request the Director of Printing to furnish official ballots to the municipalities of the political division concerned in the same quantities furnished them in the last regular election, plus an additional number of ballots equivalent to ten per centum thereof. (C.A. 357-124; C.A. 657)

ARTICLE IX

Casting of Votes

Section 130. *Voting hours.* - The casting of votes shall commence at seven o'clock in the morning and shall stop at six o'clock in the afternoon, except when there are voters present within thirty meters in front of the polling place who have not yet cast their votes, in which case the board of inspectors shall hand to each one a card numbered consecutively and signed by one of its members, and, upon the presentation of such card, the voter shall be allowed to vote after six o'clock in the afternoon. No card shall be given out before the board of inspectors has prepared a complete list of voters who have the right to receive cards. The names of the voters shall be consecutively numbered in said list. No card shall be given out to any voter arriving after said hour nor shall he be permitted to vote. (C.A. 357-125)

Section 131. *Preliminaries to the voting.* - The board of inspectors shall meet at the polling place one-half hour before the time fixed for the commencement of the voting and shall have four copies of the list of voters of the precinct, one under the care of each member who shall sign on its cover; the collection of the affidavits of the voters

of the precinct, alphabetically arranged by the surnames; the box for valid ballots; the box for spoiled ballots; the official ballots; sufficient quantity of pencils for the use of the voters; the forms to be used during the day; and all other materials which may be necessary. Immediately thereafter, the chairman shall open the ballot boxes one after the other, shall empty them, exhibit them to all those present, and being empty shall lock each box with three keys, the boxes to remain so locked until the voting is finished and the counting begins. However, if it should become necessary to make room for more ballots, the chairman may open the box for valid ballots, in the presence of the whole board and the watchers, and with his hands press down the ballots contained therein without removing any of them, after which the board shall close the box and lock it with its three keys as hereinbefore provided. (C.A. 357-126)

Section 132. *Persons allowed in and around the polling place.* - During the voting, no person shall be allowed within the polling place except the members of the board of inspectors and their substitutes, the watchers, the deputy supervisors of the Commission on Elections, the voters casting their votes, the voters waiting for their turn to get inside the booths, whose number shall not exceed at a time twice the number of booths, the voters who are waiting for their turn to cast their votes, whose number shall not exceed forty at any one time, and the peace officers in the service of the board for the preservation of order. The watchers shall stay only in the space reserved for them, it being illegal for them to enter places reserved for the voters or for the board or to mingle and talk within the polling place with the voters who have not yet voted. (C.A. 357-127)

Section 133. *Order of voting.* - The voters shall have the right to vote in the order of their entrance into the polling place. The voters shall have the right to freely enter the polling place as soon as they arrive unless there are more than forty voters waiting inside, in which case they have the right to enter in the order of their arrival as those who are inside go out, which the latter shall immediately do after having cast their votes. (C.A. 357-128)

Section 134. *Manner of obtaining ballots.* - The voter shall approach one of the inspectors or the poll clerk and shall give him his name and address together with other data concerning his person which appear in the registry list and which may be asked of him by any member of the board of inspectors. Said inspector or poll clerk shall then distinctly announce the voter's name in a clear manner and in a tone loud enough to be plainly heard through out the polling place. If such person is entitled to vote and has not been challenged or if, having been challenged the question has been decided in his favor, said inspector or poll clerk shall deliver to him two ballots correctly folded, one for national offices and another for local offices in case said election shall coincide. The inspector or poll clerk shall not deliver the ballots to the voter without first entering their numbers in the corresponding columns of the registry list. No person other than the inspectors or the poll clerk shall deliver official ballots, nor shall more than one ballot of each kind be delivered at one time. (C.A. 357-129)

Section 135. *Manner of preparing the ballots.* - The voter, on receiving his ballots, shall forthwith retire to one of the empty voting booths and shall there fill his ballot by writing in the proper space for each office the name of the person for whom or the

name of the party for which he desires to vote. No voter shall be allowed to enter a booth occupied by another voter, nor enter the same accompanied by somebody, nor stay therein for more than five minutes in case there are other voters who are waiting for their turn to vote, nor speak with anyone other than as herein provided while within the polling place. It shall be unlawful to prepare the ballots outside the voting booth or to exhibit their contents to any person, or to erase any printing from the ballots, 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. (C.A. 357-130)

Section 136. *Disposition of spoiled ballots.* - If a voter shall soil or deface a ballot in such a way that it cannot lawfully be used, he shall surrender it folded to the inspector or poll clerk from whom he received it, and such inspector or poll clerk shall give another one, but no voter shall change his ballot more than twice. Each ballot given to a voter shall be announced in the polling place and the inspector or poll clerk who has given it shall record the fact of its delivery in his copy of the registry list. The spoiled ballot shall without unfolding it and without removing the detachable coupon be distinctly marked with the word "spoiled" and signed by the inspectors on the endorsement fold thereof and immediately placed in the box for spoiled ballots. (C.A. 357-131, modified)

Section 137. *Casting of vote.* - After his ballots are filled, the voter shall stamp his thumb mark on the corresponding coupons and deliver the folded ballots to the inspector or poll clerk from whom he received them, and the latter, without seeing or exposing their contents, in the presence and view of the voter, shall verify and removed their numbers, shall deposit the ballots in the box for valid ballots, and shall place the numbers in the box for spoiled ballots. The voter shall forthwith affix his signature and the imprint of the thumb of his right hand in the copy of the registry list of the inspector or poll clerk who gave him the ballots, in the column intended for that purpose, and the inspector or poll clerk shall in turn sign by the side of said thumb mark. The voter shall then depart. At the time of casting a vote, any ballot whose detachable coupon has not yet been removed in the presence of the board and of the voter or whose number does not coincide with the number of the ballot delivered to the voter, as entered in the registry list, shall be considered spoiled and shall be so marked and signed by the inspectors. (C.A. 357-132)

Section 138. *Challenge of illegal voter.* -

(a) Any voter or watcher may challenge any person offering to vote for not being registered in the list or for using the name of another. In such case, the board shall take the oath of the challenge person or shall otherwise satisfy itself as to whether or not the ground of the challenge is true.

(b) For the purpose of receiving and counting the vote, it shall be sufficient that the person so challenged present his voter's affidavit or a statement identifying him, subscribed and sworn to by a voter known to the board. This statement shall be attached to the minutes of the incident to be made at the time by the poll clerk. (C.A. 357-133)

Section 139. *Challenge based on ground of corrupt practices.* - Any voter, candidate,

or watcher may, on the ground of corrupt practices in connection with the election, challenge any voter offering to vote. In such case the challenged person shall take oath before the board that he has neither received nor expects to receive, nor has paid, offered or promised to pay, nor has contributed, offered or promised to contribute money or anything of value as consideration for his vote or for the vote of another; that he has not made or received any promise to influence the giving or withholding of any such vote; and that he neither has made any bet nor is interested directly or indirectly in any bet which depends upon the result of the election. Upon the taking of such oath by the challenged person, the challenge shall be dismissed; but, in case of his refusal to take such oath, the challenge shall be sustained and his vote rejected. (C.A. 357-134)

Section 140. *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. (C.A. 357-135)

Section 141. *Record of challenges and oaths.* - The poll clerk shall keep a record of the challenges and the oaths taken in connection therewith as well as of the resolutions of the board in each case and, upon the termination of the voting, shall certify that it contains all the challenges made. (C.A. 357-136)

Section 142. *Minutes of voting.* - After the voting the board of inspectors shall prepare and sign a statement setting forth the time in which the voting commenced and ended, the number of the official ballots received, how many of them were used and how many were left unused, the number of voters who cast their votes, how many were challenged during the voting, how many watchers were present, and how many protests were made by the watchers; and shall attach to the copy of the statement to be delivered to the municipal treasurer the record of the challenges of the voters and the list of the watchers and the record of their protests. (C.A. 357-137)

Section 143. *Prohibition of premature announcement of results of voting.* - No member of the board of inspectors shall, before termination of the voting, make any statement as to how many voted or how many 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 a witness before a court, as to how any person voted. (C.A. 357-138)

ARTICLE X

Counting of Votes by the Board of Inspectors

Section 144. *Counting to be public and without interruption.* - As soon as the voting is finished, the board of inspectors shall publicly count the votes cast in the precinct and ascertain the result. The board shall not adjourn or postpone or delay the count until it shall be fully completed. (C.A. 357-139)

Section 145. *Excess ballots.* - Before proceeding to count the votes the board of inspectors shall count the ballots in the box for valid ballots without unfolding them or exposing their contents, except so far as to ascertain that each ballot is single,

and shall compare the number of ballots in the box with the number of voters who have voted. If there are excess ballots they shall be replaced in the box and thoroughly mingled therein; and one of the inspectors designated by the board, without seeing the ballots and with his back to the box, shall publicly draw out as many ballots for national or local offices, as the case may be, as may be equal to each excess and, without unfolding them, place them in a package which shall be marked "EXCESS BALLOTS FOR NATIONAL OFFICES" or "EXCESS BALLOTS FOR LOCAL OFFICES," as the case may be, and which shall be sealed and signed by the members of the board. The package shall be placed in the box for valid votes, but its contents shall not be read in the counting of votes. If, in the course of the examination, any ballots of the same color shall be found folded together before they were deposited in the box, they shall be placed in the package for excess ballots. In case ballots with their detachable numbers be found in the box, such numbers shall be removed and deposited in the box for spoiled ballots, and, if ballots with the words "spoiled" be found in the box, such ballots shall likewise be placed in the box for spoiled ballots. (C.A. 357-140)

Section 146. *Marked ballots.* - The board of inspectors shall then unfold the ballots and determine whether there are any marked ballots, and, if any be found, they shall be placed in package labeled "MARKED BALLOTS FOR NATIONAL OFFICES" or "MARKED BALLOTS FOR LOCAL OFFICES." As the case may be, which shall be sealed and signed by the members of the board and placed in the box for valid ballots, and shall not be counted. A majority vote of the board shall be sufficient to determine whether any ballot is marked or not. Non-official ballots which the board may find, except those which have seen used as emergency ballots, shall be counted as marked ballots. (C.A. 357-141)

Section 147. *Box for spoiled ballots.* - The ballots deposited in the red box shall be presumed to be spoiled ballots, whether or not they contain such notation; but, if the board of inspectors shall find that during the voting any valid ballot has by mistake been placed in this box or any ballot separated as excess or marked has been erroneously placed therein and not in the proper package, the board shall open said box, after the voting and before the counting of votes for the sole purpose of drawing out the ballots erroneously placed therein. It shall then prepare and sign a statement of such fact and lock the box with its three keys immediately thereafter. The valid ballots so withdrawn shall be mixed with the other valid ballots, and the excess or marked ballots shall be placed in their proper packages, which shall for such purposes be opened and again labeled, sealed, signed and kept as hereinbefore provided. (C.A. 357-142)

Section 148. *Manner of counting votes.* - The counting of votes shall be made in the following manner: The board shall separate the ballots for national offices and those for local offices and form separate piles of one hundred ballots of each kind fully extended, which shall be held together with rubber bands, with cardboards of the size of the ballots to serve as folders. The chairman of the board shall take the ballots of the first pile one by one and read, jointly with another inspector, the names of the persons voted and the offices for which they were voted in the order in which they appear thereon, assuming such a position as to enable all or at least a majority of the watchers to read such names. The ballots for national offices shall be

counted ahead of those for local offices. The other inspector shall record on the tally sheet, as the names voted for each office are read, the number of votes received by each candidate, each vote being recorded by a vertical line, except every fifth vote of the same candidate which shall be recorded by a diagonal line crossing the previous four vertical lines. The poll clerk shall do likewise on the blackboard. After finishing the first pile of ballots, the board shall determine the total number of the votes recorded for each candidate, the sum being noted of the tally sheet and on the blackboard. In case of discrepancy such recount as may be necessary shall be made. The ballots shall then be grouped together again as before the reading. Thereafter the same procedure shall be followed with second pile of ballots and so on successively, taking care not to mix ballots for national and local offices. After all the votes of the precinct have been counted the board shall sum up the totals recorded for each candidate, and the aggregate sum shall be likewise recorded on the tally sheet and on the blackboard. It shall then place each pile of ballots in an envelope prepared for the purpose, and each envelope shall be closed, signed, and deposited in the box for valid ballots. The tally sheet on which the votes have been recorded and wherein the partial and total sums appear shall not be changed or destroyed but shall be kept in the box for valid ballots. (C.A. 357-143)

Section 149. *Rules for the appreciation of ballots.* - In the reading and appreciation of ballots the following rules shall be observed:

1. Any ballot where only the Christian name of candidate or only his surname appears is valid for such candidate, if there is no other candidate with the same name or surname for the same office; but when the word written in the ballot is at the same time the Christian name of a candidate and the surname of his opponent, the vote shall be counted in favor of the latter.
2. A name or surname incorrectly written which, when read, has a sound equal or similar to that of the real name or surname of a candidate shall be counted in his favor.
3. When the name of a candidate appears in two spaces of the ballot, it shall be counted in favor of the candidate for the office with respect to which he is a candidate. The vote for the office for which he is not a candidate shall be counted as stray.
4. When in a space in the ballot there appears a name that is erased and another clearly written, the ballot is valid for the latter.
5. Ballots which contain prefixes such as "Sr.", "Mr." , "Datu", "Don," "Guinoo", "Hon.", "Dr.", "Gov.", or suffixes like "hijo", "Jr.", "Segundo", are valid.
6. The erroneous initial of the name which accompanies the correct surname of a candidate, the erroneous initial of the surname accompanying the correct name of a candidate, or the erroneous intermediate initial between the correct name and surname of a candidate does not annul the vote in favor of the latter.
7. The fact that there exists a person who is not a candidate with the name or surname of a candidate does not prevent the adjudication of the vote to the latter.
8. Ballots wholly written in Arabic in localities where it is of general use are valid. To read them the board may employ any person who upon oath can do so impartially.

9. The use of nicknames and appellations of affection and friendship, if accompanied by the name or surname of the candidate, does not annul such vote, except when they were used as a means to identify their respective voters.

10. Any ballot written with crayola, lead pencil or with ink, wholly or in part, is valid.

11. Where there are two or more candidates voted for an office for which the law authorizes the election of only one person, the ballot shall not be counted in favor of any of them, but this shall not affect the validity of the other votes contained therein.

12. If the candidates voted for senators, for councilors or for other offices for which the election of two or more candidates is required exceeds 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 until the authorized number is covered.

13. 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 void and counted as a stray vote but shall not invalidate the whole ballot.

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

15. Any vote containing initials only or which is illegible or which does not sufficiently identify the candidate for whom it is intended shall not be valid, but this shall not invalidate the whole ballot.

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

17. Circles, crosses or lines put on the spaces on which the voter has not voted shall be considered as signs to indicate his desistance from voting and shall not invalidate the ballot.

18. 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 names and surname of a candidate or in other parts of the ballot, traces of the letters "t", "j", and other similar ones, the first letters or syllables of names which the voter does not continue, the use of two or more kinds of writing, and unintentional or accidental flourishes, strokes, or stains, shall be considered innocent and shall not invalidate the ballot.

19. If a voter has written on the proper space of his ballot for national offices nothing more than the name of a political party which has duly nominated official candidates, said ballot shall be deemed as a vote for each and every one of the official candidates of such party for the respective offices.

20. If a voter should vote for individual candidates for national offices, only the names of the candidates written by him in the respective blank spaces of his ballot shall be considered as validly voted for even though he has written on the

corresponding space the name of a political party which has nominated official candidates.

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

22. Failure to remove the detachable number 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. (C.A. 357-144; C.A. 666)

Section 150. *Statement of the count.* - Immediately after the count, the board of inspectors shall make, complete and sign a written statement thereof in quadruplicate. The statement shall show the date of the election, the name of the municipality and the number of the election precinct in which it was held, the total number of yellow and white ballots found in the box for valid ballots, the total number of yellow and white ballots withdrawn from the box for spoiled ballots because they were erroneously placed therein, the total number of yellow and white excess ballots, the total number of yellow and white rejected ballots, and the total number of votes polled by each candidate, writing out the said number in words and figures, and, at the end of the statement, the board shall make a certificate signed by all its members present that the contents of the statement are correct. The statements should be contained, if possible, in a single sheet of paper, but, if this is not possible, each sheet of every copy shall be signed on its margin by all the inspectors. (C.A. 357-145)

Section 151. *Proclamation of the result of the election in the polling place.* - Upon the completion of the statements of the election returns in the precinct, the chairman of the board of inspectors shall orally and publicly announce the total number of votes polled in the said election in the said precinct by each and every one of the candidates, naming them for each one of the offices. (C.A. 357-146)

Section 152. *Distribution of the statements.* - Immediately after the announcement of the result of the election in the polling place, the board shall place one of the copies of the statement in the box for valid ballot, deliver one to the municipal treasurer, send another copy by registered mail to the provincial treasurer, and another, likewise by registered mail, to the Commission on Elections. It shall at the same time and in like manner distribute the copies of the statement made after the voting. The municipal treasurer and the postmaster shall have an agent or representative in the polling place to receive the statement of the board therein, and the representative of the provincial commander or provost marshal assigned to received the keys of the ballots boxes shall then perform his duty. (C.A. 357-147)

Section 153. *Certificate of the number of votes polled by the candidates for an office.* - After the publication of the result of the election and before leaving the polling place, it shall be the duty of the board of inspectors to issue a certificate of the number of the votes received by a candidate, or by the opposing candidates for a national or provincial office, for city councilor, or for mayor or vice-mayor, to the watchers who may request them. All the members of the board shall sign the certificate. (C.A. 357-148; C.A. 725-7, par. 2)

Section 154. *Alterations in the statement.* - After the announcement of the result of the election in the polling place, the board of inspectors shall not make any alteration or amendment in any of its statements, unless it be so ordered by a competent court. (C.A. 357-149)

Section 155. *Delivery of the ballot boxes and election documents to the municipal treasurer.* - Upon the termination of the counting of votes, the board of inspectors shall place in the box for valid ballots the packages of ballots hereinbefore referred to, the unused ballots, the tally sheets, a copy of the statements of the voting and of the count, and the minutes of its proceedings, shall lock the box with its keys and immediately deliver it to the municipal treasurer, and for this purpose, said official shall keep his office open all night on the day of the election, if necessary, and shall provide the necessary facilities for said delivery at the expense of the municipality. The box for spoiled ballots, likewise locked, shall be delivered in the same manner to the municipal treasurer. The voters' affidavits, the applications for cancellation of registration in the registry list, the four copies of the registry list and the other papers and documents of the board of inspectors shall likewise be delivered at the same time to the municipal treasurer. (C.A. 357-150)

Section 156. *Duty of the municipal treasurer to require the return of the election materials.* - The municipal treasurer shall, on the day after the election, require the members of the board who have failed to send the objects referred to in the preceding section to deliver the same to him immediately.

The municipal treasurer shall acknowledge receipt in detail the boxes and documents received by him, stating their condition and the date of their delivery. (C.A. 357-151)

Section 157. *Preservation of the boxes and disposition of their contents.* - The municipal treasurer shall keep the boxes unopened in his possession in a secure place and under his responsibility for three months, unless they are the subject of an official investigation, or a competent court or tribunal shall demand them sooner, or the competent authority shall order their preservation for a longer time in connection with any pending contest or investigation. Upon the lapse of said time and if there should be no order to the contrary, the municipal treasurer shall, in the presence of the mayor and two councilors, open the boxes and burn their contents except the copy of the statements of the voting and of the counting of votes deposited therein, which he shall take and keep, and except the unused or blank ballots which, together with the unused election forms which may be in his possession, he shall send to the Director of Printing for the use in future elections or for conversion into scratch pads to be used by the National Government or by the provinces or municipalities which may requisition for them at cost price. (C.A. 357-152)

ARTICLE XI

Provincial and Municipal Canvassers

1. ELECTION FOR NATIONAL AND PROVINCIAL OFFICERS

Section 158. *Provincial board of canvassers.* - The provincial board of canvassers shall be composed of the provincial governor, the members of the provincial board, the provincial treasurer, the provincial auditor and the provincial fiscal. In Manila

and other chartered cities it shall be composed of the mayor, the municipal board or city council and the city fiscal. (C.A. 357-153)

Section 159. *Incapacity and substitution of provincial canvassers.* - In cases of absence or incapacity for any cause of the members of the provincial board of canvassers, the Commission on Elections may appoint as substitutes the superintendent of schools, the district engineer, the district health officer, the register of deeds, the clerk of the Court of First Instance, or the justice of the peace of the capital. In chartered cities the Commission may appoint the officers corresponding to those enumerated. (C.A. 357-154)

Section 160. *Canvass by the provincial board.* - The provincial board of canvassers shall meet as soon as possible within the fifteen days next following the day of the election, and the provincial treasurer shall then produce before it the statements of the election returns in the different precincts which may have been delivered to him.

As soon as all the statements are before it but not later than fifteen days next following the date of the election, the provincial board of canvassers shall proceed to make a canvass of all the votes cast in the province for national, provincial, and city candidates, and upon the competition of the canvass, shall make, as the case may be, separate statements of all the votes received by each candidate for the offices of President and Vice-President, Senator, and Member of the House of Representatives for each legislative district and by each candidate for provincial or city office. Upon the competition of the statements, the board shall proclaim in accordance therewith, who has been elected to the House of Representatives from each legislative district and who has been elected to each provincial and city office. With regard to the election of President and Vice-President, the board shall certify and transmit by registered mail the returns as provided in the Constitution. With regards to the election of Senators, the board shall merely state and certify the number of votes polled by the candidates therefor and shall forthwith send by registered mail the corresponding statements to the Commission on Elections. The candidates may appoint watchers to be present at, and take note of, all the proceedings of the provincial board of canvassers and of the committees and subcommittees which the board may appoint. (C.A. 357-155; C.A. 666; C.A. 725-10)

Section 161. *When statements are missing.* - In case some statements are missing, the board shall, by messenger or otherwise, obtain such missing statements, and the fiscal shall forthwith institute criminal proceedings against the person or persons who may be criminally responsible for such delay. (C.A. 357-156)

Section 162. *Material defects in form of the statements.* - If it should clearly appear that some requisite in form has been omitted in the statements, the board shall return them by messenger or by another more expeditious means, to the corresponding boards of inspectors for correction. Said statements, however, shall not be returned for a recount of the ballots or for any alteration of the number of votes set forth therein. (C.A. 357-157)

Section 163. *When statements of a precinct are contradictory.* - In case it appears to the provincial board of canvassers that another copy or other authentic copies of the statement from an election precinct submitted to the board given to a candidate a different number of votes and the difference affects the result of the election, the

Court of First Instance of the province, upon motion of the board or of any candidate affected, may proceed to recount the votes cast in the precinct for the sole purpose of determining which is the true statement or which is the true result of the count of the votes cast in said precinct for the office in question. Notice of such proceeding shall be given to all candidates affected. (C.A. 357-158)

Section 164. *Distribution of the statements.* - Copies of the statement of the result of the election for Member of the House of Representatives and for provincial and city office shall be made in quadruplicate and signed by the members of the provincial board of canvassers present and sealed with the seal of the provincial government. A copy of the statement shall be filed by the provincial treasurer in his office, another sent immediately by registered mail to the Commission on Elections, another to the House of Representatives, and another to each of the respective candidates who received the largest number of votes in the province or city. (C.A. 357-159; C.A. 657; C.A. 725)

Section 165. *Election resulting in tie.* - Whenever in any election for Member of the House of Representatives or for provincial or city officials it shall appear from the canvass that two or more candidates have received the largest number of votes, the board of canvassers, after recording this fact in the corresponding statement, shall, upon ten days' notice to all the tied candidates so that they may be present if they so desire, hold another public meeting at which it shall proceed to the drawing of lots of the candidates who have tied and shall proclaim as elected that candidate who may be favored by luck and the candidate so proclaimed shall have the right to assume office in the same manner as if he had been elected by plurality vote. The board shall forthwith make a statement of the procedure followed in the drawing of lots, of its result, and of the subsequent proclamation. Certified copies of said statement shall be sent to the Commission on Elections and to each one of the tied candidates. In the case of the candidates for representative, a certified copy shall also be sent to the House of Representatives. (C.A. 357-160; C.A. 657; C.A. 666; C.A. 725.)

Section 166. *Canvass of votes for President, Vice-President and Senators.* - Thirty days after the elections have been held, the Commission on Elections shall meet in session and shall publicly count the votes cast for Senators. The registered candidates in the number of Senators required to be elected who obtained the highest number of votes shall be declared elected. A copy of such statement shall be furnished to the Secretary of the Senate and to each elected candidate.

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

subsequent proclamation. Certified copies of the statement of the Commission on Elections shall be sent to the Secretary of the Senate and to each one of the tied candidates. (C.A. 725-10, 11)

Within fifteen days after the thirtieth day of December next following the election, the Congress shall assemble in joint session and canvass the returns of the votes cast for President and Vice-President as provided in the Constitution. (C.A. 725-12)

2. ELECTION FOR MUNICIPAL OFFICERS

Section 167. *Municipal board of canvassers.* -

(a) The municipal council shall constitute the municipal board of canvassers, excluding the members who are candidates and who shall be replaced by the Commission on Elections with registered voters of the same party.

(b) For the first election in a new municipality, the provincial board shall act as board of canvassers to proclaim the result of the municipal election. (C.A. 357-161; C.A. 657)

Section 168. *Canvass of the election for municipal offices.* - The municipal board of canvassers shall meet immediately after the election. The municipal treasurer shall produce before it the statements of election from the different election precincts filed with him, and the board shall count the votes cast for candidates for municipal offices and proclaim as elected for said offices those who have polled the largest number of votes for the different offices, in the same manner as hereinbefore provided for the provincial board, and to that end it shall have the same powers including that of resorting to the court in the case of contradictory statements. The municipal board of canvassers shall not recount the ballots nor examine any of them but shall proceed upon the statements presented to it. In case of contradictions or discrepancies between the copies of the same statements the procedure provide in section one hundred and sixty- three of this Code shall be followed.

Section 169. *Statement of municipal canvass.* - Immediately after the completion of the canvass the municipal board of canvassers shall make a statement in quadruplicate of the result, which statement shall be signed by the members of the board presented; a copy of the same shall be filed with the municipal secretary, another with the municipal treasurer, another with the provincial treasurer, and another with the Commission on Elections. (C.A. 357-163; C.A. 657)

Section 170. *Tie.* - In case of a tie between candidates for any municipal office, lots shall be drawn between the tied candidates in the same meeting of the board of canvassers and under its direction, and the one favored by luck shall be proclaimed elected. This procedure shall be recorded in a statement. (C.A. 357-164)

Section 171. *Assumption of office.* - Every candidate for a municipal office proclaimed elected by the municipal board of canvassers shall assume office, notwithstanding the pendency in the courts of any contest against his election, without prejudice to the final decision thereof. (C.A. 357-165)

ARTICLE XII Election Contests

Section 172. *Contest for disloyalty of the candidate elected.* - Any elector may contest the election of a provincial or municipal officer-elect on the ground of disloyalty to the Republic of the Philippines by filing a petition for quo warranto within the same period and in accordance with the same procedure prescribed in section one hundred seventy-three. (C.A. 357-166; C.A. 657)

Section 173. *Procedure against an ineligible person.* - When a person who is not eligible is elected to a provincial or municipal office, his right to the office may be contested by any registered candidate for the same office before the Court of First Instance of the province, within one week after the proclamation of his election, by filing a petition for quo warranto. The case shall be conducted in accordance with the usual procedure and shall be decided within thirty days from the filing of the complaint. A copy of the decision shall be furnished the Commission on Elections. (C.A. 357-167; C.A. 657)

Section 174. *Contested elections for provincial and municipal offices.* - A petition contesting the election of a provincial or municipal officer-elect shall be filed with the Court of First Instance of the province by any candidate voted for in said election and who has presented a certificate of candidacy, within two weeks after the proclamation of the result of the election. Each contest shall refer exclusively to one office, but contests for the offices of the vice-mayor and councilor may be consolidated in a single case. (C.A. 357-168)

Section 175. *Judicial counting of votes in contested elections.* - Upon the petition of any interested party, or motu proprio, if the interests of justice so require, the court shall immediately order that the copies of the registry lists, the ballot boxes, the election statements, the voters' affidavits, and the other documents used in the election be produced before it and that the ballots be examined and the votes recounted, and for such purpose it may appoint such officers as it may deem necessary and shall fix the compensation of each at not less than five pesos but not more than fifteen pesos for every election precinct which they may completely revise and report upon. (C.A. 357-169)

Section 176. *Procedure.* -

(a) Notice of the protest contesting the election of a candidate shall be served upon him by means of a summons at the post-office address stated in his certificate of candidacy, except when the protestee, without waiting for the summons, has made the court understanding that he has been notified of the protest or has filed his answer thereto.

(b) The protestee shall answer the protest within five days after being summoned or, in case there has been no summons, from the date of his appearance and in all cases before the commencement of the hearing of the protest. The answer shall deal only with the election in the precincts which are covered by the allegations of the protest.

(c) Should the protestee desire to impugn the votes received by the protestant in other precincts, he shall file a counter-protest within the same period fixed for the answer, serving a copy thereof upon the protestant by registered mail or by personal delivery or through the sheriff.

- (d) The protestant shall answer the counter-protest within three days after notice.
- (e) If no answer shall be filed to the protest or to the counter-protest within the time limits respectively fixed, a general denial shall be deemed to have been entered.
- (f) In election contest proceedings, the registry list, as finally corrected by the board of inspectors, shall be conclusive in regard to the question as to who had the right to vote in said election.
- (g) The other defeated candidates voted for may, within the time limit prescribed for the filing of the protest, intervene in the case as other contestants and ask for affirmative relief in their favor by a petition in intervention, which shall be considered as another protest, except that it shall be substantiated within the same proceedings. Their intervention in any other manner shall not be allowed. (C.A. 357-170)

Section 177. *Decision of the contest.* - The court shall decide the protest within six months after it is presented in case of a municipal office, and within one year in case of a provincial office, and shall declare who among the parties has been elected, or, in the proper case, that none of them has been legally elected. The party who in the judgment has been declared elected shall have the right to assume office as soon as the judgment becomes final. A copy of such final judgment shall be furnished the Commission on Elections. (C.A. 357-171)

Section 178. *Appeal from the decision in election contests.* - From any final decision rendered by the Court of First Instance in protests against the eligibility or the election of provincial governors, members of the provincial board, city councilors, and mayors, the aggrieved party may appeal to the Court of Appeals or to the Supreme Court, as the case may be, within five days after being notified of the decision, for its revision, correction, annulment or confirmation, and the appeal shall proceed as in a criminal case. Such appeal shall be decided within three months after the filing of the case in the office of the clerk of the court to which the appeal has been taken. (C.A. 357-172)

Section 179. *Preferential disposition of contests.* - The court of first instance and the appellate courts, in the respective cases, shall give preference to election contests over all other cases, except those of habeas corpus, and shall hear and decide them without delay, within the time limits fixed by law, whether they are holding regular sessions or not. (C.A. 357-173)

Section 180. *Bond or cash deposit.* - Before the courts shall take cognizance of a protest or a counter-protest or admit an appeal, the party who has filed the pleading or interposed the appeal shall file a bond with two sureties satisfactory to the court and for such amount as it may fix, to answer for the payment of all expenses and costs incidental to said motion or appeal, or shall deposit with the court cash in lieu of the bond or both as the court may order. The court in which the contest is pending shall for good reason order from time to time that the amount of the bond or cash deposit be increased or decreased, or order the disposition of such deposit as the course of the contest may require. In case the party who has paid the expenses and costs wins, the court shall assess, levy and collect the same as costs from the losing party. (C.A. 357-174)

Section 181. *Notice of contests to the Secretary of the Interior and the Commission on Elections.* - The clerk of the court wherein an election contest has been instituted and that of the court to which an appeal in said proceedings has been taken shall give to the Secretary of the Interior and the Commission on Elections immediate notice thereof as well as of its final disposition. If the decision be that none of the parties has been legally elected, he shall certify such decision to the Secretary of the Interior and the Commission on Elections in the case of a provincial office, and in the case of a municipal office to the Secretary of the Interior, to the Commission on Elections and to the provincial board. (C.A. 357-175; C.A. 657)

Section 182. *Contests before the Electoral Tribunals of Congress.* - In contests under their respective jurisdiction, the Electoral Tribunals of the Senate and the House of Representatives shall have and exercise the same powers which the law confers upon the courts, including that of summarily punishing contempts, ordering the taking of depositions, the arrests of witnesses for the purpose of compelling their appearances and the production of documents and other evidence, and the compulsory payment of costs and expenses which it may have assessed against the parties and their bondsmen; of giving notices of its decisions, resolutions, and orders and enforcing them through the officials charged with the enforcement of judicial orders; and of making the necessary rules for the effective performance of their constitutional functions. All the expenses of the said Tribunals and of their respective members shall be paid from the funds of the House of Congress to which each Tribunal pertains, and their telegrams and correspondence shall be transmitted free of charge. (C.A. 357-176; Res. No. 73 re: amendments to the Constitution on bicameral legislature.)

ARTICLE XIII **Penal Provisions**

Section 183. *Election offenses and their classification.* - Violation of any of the provisions of sections fourteen, fifteen, sixteen, seventeen, twenty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-five, fifty-six, seventy, seventy-eight, eighty-one, eighty-two, eighty-three, ninety-two, ninety-three, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four, one hundred and forty-five, one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and sixty, one hundred and sixty-one, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy shall be serious election offenses; and that of any of the provisions of sections twenty-two, twenty-

three, thirty-seven, fifty-two, fifty-three, fifty-four, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy-one, seventy-two, seventy-four, seventy-five, seventy-six, eighty-four, eighty-seven, ninety-one, ninety-six, one hundred and eleven, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and seventeen, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-six, one hundred and twenty-seven, one hundred and forty-one, and one hundred and eighty-one shall be less serious.

Section 184. *Persons criminally responsible.* - The principals, accomplices, and accessories shall be criminally responsible for election offenses and for attempts to commit the same. If the one responsible be an entity, its president or chief, the officials and employees of the same performing duties connected with the offense committed, and its members who may be principals, accomplices or accessories, shall be responsible, in addition to the responsibility of such entity. (C.A. 357-178)

Section 185. *Penalties.* - Any one found guilty of a serious election offense shall be punished with imprisonment of not less than one year and one day but not more than five years; and any one guilty of a less serious election offenses, with imprisonment of not less than six months but not more than one year, in both cases the guilty party shall be further sentenced to suffer disqualification to hold a public office and deprivation of the right of suffrage for not less than one year but not more than nine years; and to pay the costs, and, if he were a foreigner, he shall, in addition, be sentenced to deportation for not less than five years but not more than ten years, which shall be enforced after the prison term has been served. An entity found guilty shall be sentenced to pay a fine of not less than five thousand pesos but not more than one hundred thousand pesos, which shall be imposed upon such entity after criminal action has been instituted against the same in which its legal representative shall be summoned by notice or by publication. (C.A. 357-179, modified)

Section 186. *Common crimes.* - Acts and omissions relative to elections not punishable under this Code but which constitute common crimes shall be punished as provided in the penal laws applicable thereto. (C.A. 357-180)

Section 187. *Jurisdiction of Court of First Instance.* - The Courts of First Instance shall have exclusive original jurisdiction to make preliminary investigations, issue warrants of arrest and try and decide any criminal action or proceeding for violation of this Code. From its decision an appeal shall lie as in other criminal cases. (C.A. 357-181)

Section 188. *Prescription.* - Election offenses shall prescribe after two years from the date of their commission, but if the discovery of such offenses be made in election contest proceedings, the period of prescription shall commence on the date on which the judgment in such proceedings becomes final. (C.A. 357-182)

ARTICLE XIV **Final Provisions**

Section 189. *Forms.* - The forms for the observance of the provisions of this Code shall be issued by the Commission on Elections, but the forms observed prior to the taking effect of said Code may be followed if in accordance with the provisions

thereof until changed by the Commission on Elections. (C.A. 357-183; modified; C.A. 657)

Section 190. *Repeal of laws.* - Commonwealth Acts Numbered Three hundred and fifty-seven, Six hundred and fifty-seven, Six hundred and sixty-six, Seven hundred and twenty-five, and all other acts or parts of acts inconsistent with this Code are hereby repealed.

Section 191. *Pending actions.* - Pending actions and causes of action which arose before this Code becomes effective shall be governed by the previous laws.

Section 192. *Effectivity of this Code.* - This Act shall take effect upon its approval.

Approved: June 21, 1947