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CONGRESS OF THE PHILIPPINES }  
First Regular Session }

SENATE

S. No. 113

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INTRODUCED BY SENATORS GONZALES, GUINGONA, JR.,  
PIMENTEL, JR., SAGUISAG AND ESTRADA

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AN ACT PROVIDING FOR ADDITIONAL RULES  
GOVERNING THE CONDUCT OF THE FIRST  
LOCAL ELECTIONS AFTER THE ADOPTION OF  
THE CONSTITUTION

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

1 SECTION 1. *Applicability of Election Laws.*—All per-  
2 tinent provisions of Batas Pambansa Blg. 881, otherwise  
3 known as the Omnibus Election Code of the Philippines,  
4 and other election laws which are not inconsistent with  
5 the provisions of this Act shall apply to the conduct of the  
6 first local elections after the adoption of the Constitution  
7 as may be provided by law.

8 SEC. 2. *Voters in Cities.*—The registered voters of a  
9 highly urbanized city shall not vote in the election for  
10 provincial officials of the province in which it is located.  
11 No component city shall be declared or classified as a highly  
12 urbanized city within sixty (60) days prior to a local  
13 election.

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1 The registered voters of a component city shall be en-  
2 titled to vote in the election for provincial officials of the  
3 province of which it is a part.

4 For this purpose, the charters of the cities affected are  
5 hereby amended accordingly.

6 SEC. 3. *Procedure in Cases of Nuisance Candidates:*

7 (1) A verified petition to declare a duly registered candi-  
8 date as a nuisance candidate under Section 69 of Batas  
9 Pambansa Blg. 881 shall be filed with the Commission on  
10 Elections through its duly designated local office by any  
11 registered candidate for the same office within five (5)  
12 days from the last day for the filing of certificates of can-  
13 didacy; Provided that certificates of candidacy shall be  
14 filed directly with the city or municipal election registrar.  
15 Filing by mail shall not be allowed.

16 (2) The respondent shall be given three (3) days within  
17 which to file his verified answer (not a motion to dis-  
18 miss) to the petition. Grounds for a motion to dismiss  
19 may be raised as affirmative defenses.

20 (3) The Commission on Elections may designate any  
21 of its officials who are lawyers to hear the case and  
22 receive evidence. The proceeding shall be summary in  
23 nature. In lieu of oral testimonies, the parties may be  
24 required to submit affidavits or counter-affidavits, together

1 with any other documentary evidence. The hearing officer  
2 shall immediately submit to the Commission on Elections  
3 his findings, reports, and recommendations within five  
4 (5) days from the joinder of issues. The Commission  
5 on Elections shall render its decision within five (5)  
6 days from receipt thereof. These periods are mandatory.

7 (4) The decision, order, or ruling of the Commission  
8 on Elections shall after five (5) days from receipt of a  
9 copy thereof by the parties be final and executory unless  
10 stayed by the Supreme Court.

11 (5) The Commission on Elections shall within twenty-  
12 four hours, through the fastest available means, disse-  
13 minate its decision or the decision of the Supreme Court  
14 to the municipal election registrars, boards of election  
15 inspectors and the general public in the political sub-  
16 division concerned.

17 SEC. 4. *Nuisance or Disqualified Candidacy an Election*  
18 *Offense.*—Any person declared a nuisance candidate as  
19 defined under Section 69 of Batas Pambansa Blg. 881,  
20 or is otherwise disqualified, by final and executory judg-  
21 ment, who continues to misrepresent himself, or holds  
22 himself out, as a candidate, such as by continuing to  
23 campaign thereafter, and/or any other public officer  
24 or private individual, who knowingly causes or abets

1 such misrepresentation, by commission or omission, shall  
2 be guilty of an election offense and subject to the penalty  
3 provided in Section 264 of the same Code.

4 SEC. 5. *Petition to Deny Due Course or Cancel a Certi-*  
5 *ficcate of Candidacy.*—The procedure hereinabove provided  
6 shall apply to petitions to deny due course to or cancel a  
7 certificate of candidacy as provided in Section 78 of Batas  
8 Pambansa Blg. 881.

9 SEC. 6. *Representatives of Parties during Printing of*  
10 *Returns and Ballots.*—The registered political parties or  
11 coalition of parties, or their components should there be  
12 any dissolution or division of said coalition, whose can-  
13 didates obtained at least ten percent of the total votes  
14 cast during the senatorial elections held on May 11, 1987  
15 shall each have a watcher and/or a representative in the  
16 procurement and watermarking of papers to be used in the  
17 printing of election returns and official ballots and in the  
18 printing, numbering, storage, and distribution thereof.

19 SEC. 7. *Official Watchers.*—Every registered political  
20 party, coalition of political parties, and every candidate  
21 shall each be entitled to one watcher in every polling place:  
22 *Provided,* That candidates for municipal councilors belong-  
23 ing to the same slate or ticket shall collectively be entitled  
24 to a watcher. A duly signed appointment of a watcher

1 shall entitle him to recognition by the Board of Election  
2 Inspectors and the exercise of his rights and discharge  
3 of his duties as such: *Provided, however,* That only one  
4 watcher of each of those authorized to appoint them can  
5 stay at any one time inside the polling place.

6 In addition to their rights and duties under Section 178  
7 of Batas Pambansa Blg. 881, the official watchers of the  
8 candidates for city or municipal mayor obtaining the high-  
9 est and the second highest number of votes in a precinct  
10 shall, if available, affix their signatures and thumbmarks on  
11 the election returns for that precinct. If they or either  
12 of them is not available or unwilling or should they refuse  
13 to do so, any watcher present may be required by the  
14 Board of Election Inspectors to do so. This fact shall be  
15 entered in the minutes of the voting.

16 *SEC. 8. Signatures of Chairman and Poll Clerk at the*  
17 *Back of Every Ballot.*—In addition to the preliminary acts  
18 before the voting as enumerated in Section 191 of Batas  
19 Pambansa Blg. 881, the Chairman and Poll Clerk of the  
20 Board of Election Inspectors shall affix their signatures at  
21 the back of each and every official ballot to be used during  
22 the voting. A certification to that effect must be entered  
23 in the minutes of the voting.

1     SEC. 9. *Board of Election Inspectors.*—The Board of  
2     Election Inspectors to be constituted by the Commission  
3     on Elections under Section 164 of Batas Pambansa Blg.  
4     881 shall be composed of a Chairman, two members, and  
5     a poll clerk, all of whom shall be public school teachers,  
6     giving preference to those with permanent appointments.  
7     In case there are not enough public school teachers,  
8     teachers in private schools may be appointed for election  
9     duty.

10    SEC. 10. *Publication of Names of Candidates with their*  
11    *Nicknames/Stage Names.*—The Commission on Elections  
12    shall cause to be printed in the official list of candidates,  
13    election returns and tally sheets for every political sub-  
14    divisions concerned the names of all registered candidates  
15    immediately followed by the nickname or stage name duly  
16    registered in their certificates of candidacy (as authorized  
17    under Section 74 of Batas Pambansa Blg. 881).

18    SEC. 11. *Number of Copies of Election Returns and their*  
19    *Distribution.*—The election returns required under  
20    Section 212 of Batas Pambansa Blg. 881 shall be prepared  
21    in sextuplicate. The first copy shall be delivered to the  
22    city or municipal board of canvassers as a body for its  
23    use in the city or municipal canvass. The second copy  
24    shall be delivered to the election registrar of the city or

1 municipality for transmittal to the provincial board of  
2 canvassers for its use in the provincial canvass. The third  
3 copy shall likewise be delivered to the election registrar  
4 for transmittal to the Commission on Elections. The  
5 fourth copy shall be deposited in the compartment of the  
6 ballot box for valid ballots. The fifth copy, to be known  
7 as advance election returns, shall be delivered to the  
8 municipal treasurer who, in the presence of the municipal  
9 election registrar or his authorized representative, shall  
10 immediately open the same and post the votes therein in  
11 an election board, sufficiently large to enable the public  
12 to read them, built on a public place within the immediate  
13 vicinity of the municipal building. The sixth copy shall  
14 be delivered to the municipal trial judge or municipal  
15 circuit trial judge, as the case may be, or in his absence  
16 to any official who may be designated by the Commission  
17 on Elections for safekeeping. Said copy may be opened  
18 during the canvass upon order of the board of canvassers  
19 for purposes of comparison with other copies of the returns  
20 whose authenticity is in question.

21 The municipal treasurer shall issue certified copy of  
22 any election returns in his possession upon request of  
23 any interested party and payment of the fees required  
24 by existing ordinances.

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

3 SEC. 12. *Board of Canvassers.*—There shall be a board  
4 of canvassers for each province, city and municipality,  
5 as follows:

6 (1) *Provincial Board of Canvassers.*—The provincial  
7 board of canvassers shall be composed of the provincial  
8 election supervisor or a senior lawyer in the regional of-  
9 fice of the Commission, as Chairman, the provincial fiscal,  
10 as vice chairman, the provincial superintendent of schools,  
11 the provincial auditor, and the clerk of court of the Re-  
12 gional Trial Court as members.

13 (2) *City Board of Canvassers.*—The city board of can-  
14 vassers shall be composed of the city election registrar  
15 or a lawyer of the Commission, as Chairman, the city  
16 fiscal, as vice chairman, the city superintendent of schools,  
17 the city auditor, and the clerk of court of the Regional  
18 Trial Court as members.

19 (3) *Municipal Board of Canvassers.*—The municipal  
20 board of canvassers shall be composed of the election  
21 registrar or a representative of the Commission on Elec-  
22 tions, as chairman, the municipal treasurer, as vice chair-  
23 man, the supervisor or in his absence the principal of  
24 the school district or the elementary school, as the case



1 may be, situated within the area comprising the munic-  
2 ipal hall or building where the municipal mayor and the  
3 sangguniang bayan hold office, the municipal assessor, and  
4 the municipal health officer, as members.

5 In case of the City of Manila, Quezon City, the City  
6 of Caloocan, the City of Davao, and Cebu City, the Com-  
7 mission on Elections may, if the local conditions warrant,  
8 constitute district board of canvassers for every district  
9 whose members, shall be the functional equivalents of those  
10 of the city board of canvassers.

11 The proceedings of the board of canvassers shall be  
12 open and public.

13 *SEC. 13. Right to be Present and to Counsel during the*  
14 *Canvass.*—Any registered political party, coalition of par-  
15 ties, through their representatives, and any candidate has  
16 the right to be present and to counsel during the canvass  
17 of the election returns. They shall have the right to  
18 examine the returns being canvassed, make their observa-  
19 tions thereon, and file their challenges in accordance with  
20 the rules and regulations of the Commission. No dila-  
21 tory action shall be allowed by the board of canvassers.

22 *SEC. 14. Per Diems of Election Inspectors and other*  
23 *School Personnel.*—The Chairman and members of the  
24 boards of election inspectors, including the poll clerk, the

1 support personnel from the Department of Education,  
2 Culture and Sports, the supervisors, principals, and other  
3 school officials and personnel who are required by the  
4 Commission on Elections to perform election duties shall  
5 each be paid a *per diem* of One hundred pesos (P100.00)  
6 for every registration or revision day and Two hundred  
7 pesos (P200.00) on election day payable from funds ap-  
8 propriated for the Commission.

9 SEC. 15. *Rules and Regulations.*—The Commission on  
10 Elections shall issue rules and regulations to carry out  
11 the purposes of this Act.

12 SEC. 16. *Repealing Provision.*—Any provision of law  
13 or regulation which is inconsistent, in whole or in part,  
14 with this Act shall be deemed modified or repealed.

15 SEC. 17. *Effectivity.*—This Act shall take effect upon  
16 its approval.

Approved,

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