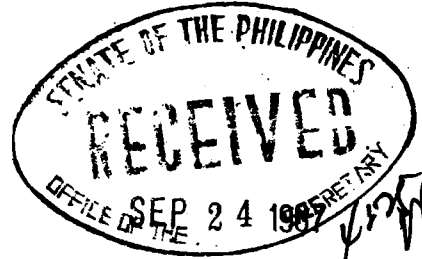


CONGRESS OF THE PHILIPPINES)
FIRST REGULAR SESSION)

S E N A T E

S. NO. 113



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Introduced by Senators Gonzales, Guingona,
Pimentel, 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 the 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, and
4 other election laws which are not inconsistent with the
5 provisions of this Act shall apply to the conduct of the
6 first local election after the adoption of the Constitution
7 as may be provided by law.

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

14 The registered voters of a component city shall be
15 entitled to vote in the election for provincial officials
16 of the province of which it is a part.

17 SECTION 3. Procedure in Cases of Nuisance Candidates:
18 (1) A verified petition to declare a duly registered candi-
19 date as a nuisance candidate under Section 69 of Batas

1 Pambansa Blg. 881 shall be filed with the Commission on
2 Elections through its duly designated local office by any
3 registered candidate for the same office within five (5)
4 days from the last day for the filing of certificates of
5 candidacy.

6 (2) The respondent shall be given three (3) days
7 within which to file his verified answer (not a motion to
8 dismiss) to the petition. Grounds for a motion to dismiss
9 may be raised as affirmative defenses.

10 (3) The Commission on Elections may designate any of
11 its officials who are lawyers to hear the case and receive
12 evidence. The proceeding shall be summary in nature. In
13 lieu of oral testimonies, the parties may be required to
14 submit affidavits or counter-affidavits, together with any
15 other documentary evidence. The hearing officer shall
16 immediately submit to the Commission on Elections his
17 findings, report, and recommendations within five (5) days
18 from the joinder of issues. The Commission on Election
19 shall render its decision within five (5) days from re-
20 ceipt thereof. These periods are mandatory.

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

25 (5) The Commission on Elections shall without delay
26 disseminate its decision declaring respondent a nuisance
27 candidate to the municipal election registrars and boards
28 of election inspectors and the general public in the poli-
29 tical subdivision concerned.

30 **SECTION 4. Nuisance Candidacy an Election Offense.**

31 The act of being a nuisance candidate as defined under
32 Section 69 of B. P. Blg. 881 shall constitute an election

1 offense and subject to the penalty provided in Section 264
2 of the same code.

3 SECTION 5. Petition to Deny Due Course or Cancel a
4 Certificate of Candidacy. - The procedure hereinabove pro-
5 vided shall apply to petitions to deny due course to or
6 cancel a certificate of candidacy as provided in Section
7 78 of Batas Pambansa Blg. 881.

8 SECTION 6. Official Watchers. - Every registered po-
9 litical party, coalition of political parties, and every
10 candidate shall each be entitled one watcher in every
11 polling place. A duly signed appointment of a watcher
12 shall entitle him/her to recognition by the Board of Ins-
13 pector and the exercise of his rights and discharge of his
14 duties as such: Provided, however, that only one watcher
15 of each of those authorized to appoint them can stay at
16 any one time inside the polling place.

17 In addition to their rights and duties under Section
18 178 of Batas Pambansa Blg. 881, the official watchers of
19 the candidates for city or municipal mayor obtaining the
20 highest number of votes in a precinct shall, if available,
21 affix their signatures and thumbmarks on the election
22 returns for that precinct. If they or either of them are
23 not available or unwilling or should they refuse to do so,
24 any watcher present may be required by the Board of Election
25 Inspectors to do so. This fact shall be entered in the
26 minutes of the voting.

27 SECTION 7. Signatures of Chairman and Poll Clerk at
28 the Back of Every Ballot. - In addition to the preliminary
29 acts before the voting as enumerated in Section 191 of
30 Batas Pambansa Blg. 881, the Chairman and Poll Clerk of the
31 Board of Election Inspectors shall affix their signatures
32 at the back of each and every official ballot to be used

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1 during the voting. A certification to that effect must
2 be entered in the minutes of the voting.

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

11 SECTION 9. Publication of Names of Candidates with
12 their Nicknames/Stage Names. - The Commission on Elections
13 shall cause to be printed in the official list of candi-
14 dates, election returns and tally boards for every political
15 subdivisions concerned the names of all registered candi-
16 dates immediately followed by the nickname or stage name
17 duly registered in their certificates of candidacy.

18 SECTION 10. Number of Copies of Election Returns and
19 their Distribution. - The election returns required under
20 Section 212 of Batas Pambansa Blg 881 shall be prepared in
21 sextuplicate. The original 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
25 municipality for transmittal to the provincial board of can-
26 vassers for its use in the provincial canvass. The third
27 copy shall likewise be delivered to the election registrar
28 for transmittal to the Commission on Elections. The fourth
29 copy shall be deposited in the compartment of the ballot
30 box for valid ballots. The fifth copy, to be known as ad-
31 vance election returns, shall be delivered to the Municipal
32 Treasurer who, in the presence of the municipal election

1 registrar or his authorized representative, shall immediately
2 open the same and post the votes therein in an election
3 board, sufficiently large to enable the public to read them,
4 built on a public place within the immediate vicinity of
5 the municipal building. The sixth copy shall be delivered
6 to the municipal trial judge or municipal circuit trial
7 judge, as the case may be, for safekeeping. Said copy may
8 be opened during the canvass upon order of the board of
9 canvassers for purposes of comparison with other copies of
10 the returns whose authenticity is in question.

11 The municipal treasurer shall issue certified copy of
12 any election returns in his possession upon request of any
13 interested party and payment of the fees required by exist-
14 ing ordinances.

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

17 SECTION 11. Board of Canvassers. - There shall be a
18 board of canvassers for each province, city and municipality,
19 as follows:

20 (1) Provincial Board of Canvassers - The provincial
21 board of canvassers shall be composed of the provincial
22 election supervisor or a senior lawyer in the regional
23 office of the Commission, as Chairman, the provincial fiscal,
24 as vice-chairman, the provincial superintendent of schools,
25 the provincial auditor, and the clerk of court of the
26 Regional Trial Court as members.

27 (2) City Board of Canvassers. - The city board of
28 canvassers shall be composed of the city election registrar
29 or a lawyer of the Commission, as Chairman, the city fiscal,
30 as vice-chairman, the city superintendent of schools, the
31 city auditor, and the clerk of court of the Regional Trial
32 Court as members.

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1 (3) Municipal Board of Canvassers. - The municipal
2 board of canvassers shall be composed of the election re-
3 gistrar or a representative of the Commission on Elections,
4 as chairman, the municipal treasurer, as vice-chairman,
5 the district supervisor or in his absence the public
6 school principal of the municipality, the municipal assessor,
7 and the municipal health officer, as members.

8 In case of the City of Manila, Quezon City, the City
9 of Caloocan, the City of Davao, Cebu City, and other chartered
10 cities with more than one (1) representative district, the
11 Commission on Elections may, if the local conditions warrant,
12 constitute district board of canvasser for every district
13 whose members shall be the functional equivalents of those
14 of the city board of canvassers.

15 The proceedings of the board of canvassers shall be
16 public.

17 SECTION 12. Right to be Present and to Counsel during
18 the Canvass. - Any registered political party, coalition of
19 parties through their representatives, and any candidate
20 has the right to be present and to counsel during the can-
1 vass of the election returns. They shall have the right to
2 examine the returns being canvassed, make their observations
3 thereon, and file their challenges in accordance with the
4 rules and regulations of the Commission. No dilatory action
5 shall be allowed by the board of canvassers.

6 SECTION 13. Per Diems of Election Inspectors and other
7 School Personnel. - The Chairman and members of the boards
8 of election inspectors, including the poll clerk, the support
9 personnel from the Department of Education, Culture and
10 Sports, the supervisors, principals, and other school offi-
11 cials and personnel who are required by the Commission on
12 Elections to perform election duties shall each be paid a

1 per diem of one hundred pesos (P100.00) for every regis-
2 tration day and on election day payable from funds appro-
3 priated for the Commission.

4 SECTION 14. Rules and Regulations. - The Commission
5 on Elections shall issue rules and regulations to carry
6 out the purposes of this Act.

7 SECTION 15. Repealing Provision. - Any provision of
8 law or regulation which is inconsistent, in whole or in
9 part, with this Act shall be deemed modified or repealed.

10 SECTION 16. Effectivity. - This Act shall take effect
11 upon its approval.

Approved.



NEPTALI A. GONZALES
Senator



TEOFISTO GUINGONA JR.
Senator

AQUILINO Q. PIMENTEL, JR.
Senator



RENE A. V. SAGUISAG
Senator



JOSEPH E. ESTRADA
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