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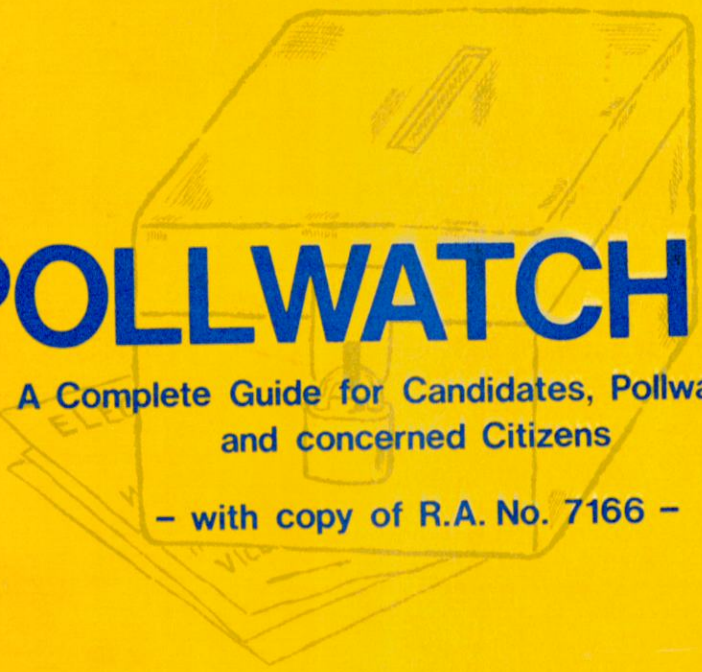

POLLWATCH '92

A Complete Guide for Candidates, Pollwatchers and concerned Citizens

– with copy of R.A. No. 7166 –

ATTY. ROMULO B. MACALINTAL

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SYNCHRONIZED ELECTIONS LAW PRIMER

POLLWATCH '92
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ABOUT THE AUTHOR



Atty. Romulo B. Macalintal is one of the leading election law practitioners who has successfully handled more than a dozen election cases before the Commission on Elections and the Supreme Court. He is the author of three (3) election law primers for the 1987 congressional and senatorial elections, 1988 local elections and 1989 barangay elections.

Macalintal rose to national prominence and gained sensational mileage as an acknowledged "Election Lawyer" when he successfully defended the 1988 election case of one of his clients, Quezon City Mayor Brigido R. Simon, Jr. He jolted the En Banc hearing of the Comelec and the Supremee Court when he declared that he would resign as lawyer of Simon if the latter's political rival could produce even just one (1) tampered or spurious election return out of the 3,500 more or less election returns canvassed in Quezon City in the 1988 local elections. His challenge was unanswered and the rest is history in Quezon City politics.

In February 1990, he also handled the election case of Governor Zacaria Candao filed by the latter's political rival, former Congressman Ali Dimaporo, a political kingpin of Lanao del Sur. Macalintal's argument's before the Comelec and the Supreme Court were sustained which paved the way for the proclamation of Governor Zacaria Candao as the first duly elected Governor of the Autonomous Region of Muslim Mindanao.

Macalintal's other clients include Quezon City Vice- Mayor Vicente "Tito" Sotto III who is seeking a senatorial slate in the 1992 elections; Makati Mayor Jejomar Binay, Nueva Vizcaya Congressman Carlos Padilla who is also seeking a berth in the 1992 senatorial race; Marikina Congressman Democlito Angeles; Cotabato City Mayor Ludovico Badoy and Aklan Governor Corazon Cabagnot, to name a few.

While taking time out from his election lawyering, Macalintal works as a regular newscaster-anchorman of PTV-4's Pangunahing Balita.

Macalintal is married to Milagross G. Macalintal with whom he has three(3) children, Ma. Jinel, Victor 'Ian" Roy, and Michael Angelo.

1992 ELECTION LAW PRIMER
(A Humble Contribution to a Nation's)
Quest for Clean, Honest and Orderly Elections)

by ATTY. ROMULO B. MACALINTAL

INTRODUCTION

On June 20, 1991, President Corazon Aquino signed into law Republic Act No. 7056 providing for seperate or desynchronized elections for national and local elective officials. Under the said law, the election for President, Vice-President, twenty-four (24) senators, and members of the House of Representative shall be held on May 11, 1992 while the election of all provincial, city and municipal elective officials shall be held on November 9, 1992.

However, in the case of Osmena vs Comelec, G.R. No. 100318 and other related cases, the Supreme Court held that RA No. 7056 is unconstitutionality. The High Tribunal said that under the 1987 Constitution the terms of office of Senators, Members of the House of Representatives, the local officials, the President and Vice-President have been synchronized to end on the same hour, date and year---noon of June 1992. It is evident from the wording of the Constitution, that the term "synchronization" is used synonymously as the phrase "holding simultaneously," the court noted.

Thus, it has become "very evident that the Constitution has mandated a synchronized national and local election prior to June 30, 1992 or more specifically as provided for in Article XV111, Section 5--on the second Monday of May 1992 (or May 11, 1992), the HighTribunal said.

In view of the aforesaid ruling of the Supreme Court the Congress of the Philippines enacted Republic Act No. 7166 which provides for synchronized national and local elections which means the simultaneous holding of the election for President, Vice-President, twenty-four (24) senators, members of the House of Representatives and all provincial, city and municipal elective officials on May 11, 1992.

It should be noted that RA 7166 is not the only law which will govern the aforesaid elections, It must be read together with the existing Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code, which contains various provisions not inconsistent with RA7166 and which are, therefore, still applicable in the 1992 synchronized polls. Candidates, political parties and their poll watchers should also take note that Republic Act No. 6646, otherwise known as the Election Reforms Law of 1987, is also existing and has not been repealed by RA 7166.

Meanwhile, the Commission on Elections will promulgate its rules and regulations which will govern the said elections, except for the President and Vice-President which will be promulgated by the Congress of the Philippines as provided under Section 4, Article VII of the Constitution.

Hence, this humble Primer shall try to consolidate, as much as possible, all the salient provisions of RA 7266, Batas Pambansa Blg. 881, RA 6646 and other law, rules and Regulations which may govern the May 11, 1992 synchronized political exercises.

THE ELECTION CALENDAR

The following election calendar may serve as a useful guide for candidates, political parties and their poll watchers in connection with their daily political and election related activities, thus:

1. November 28, 1991,-start of nomination period for President, Vice-President, and senators.

2. January 12, 1992-start of the election period and the period for the filing of the certificates of candidacy for President, Vice-President and senators.

This day also marks the enforcement of the ban on firearms and the prohibition on the creation of strike forces by the military and the Armed Forces units.

3. February 1, 1992- Registration day for incremental and new voters.

4. February 7, 1992, last day for the filing of certificate of candidacy for President, Vice-President and senators.

5. February 8, 1992-start of the campaign period for the President, Vice-President and senators.

6. February 11,1992-start of the filing of cartificate of candidacy for congressmen and all other local elective officials.

7. February 26, 1992-start of nomination period for congressmen and local elective officials.

8. March 23, 1992-last day for the filing of certificate of candidacy for congressmen and local officials.

9. March 24,1992 start of the campaign period for congressmen and local officials.

10. April 11 to June 10, 1992- Comelec takes direct control and supervision of all units of the Philippines National Police, Armed Forces of the Philippines and other law enforcement units.

11. May 9,1992 (midnight)- End of election campaign.

12. May 10 to 11 - Liquor Ban.

13. May 11, 1992 - Election Day.

ELECTION OF MEMBERS OF THE PROVINCIAL BOARD OF SANG– GUNIANG PANLALAWIGAN

Under Section 3(a) and (b) of RA 7166, the members of the Provincial Board or Sangguniang Panlalawigan shall be alected as follows:

a. For provinces with two (2) or more legislative districts, the elective members of the Sangguniang Panlalawigan shall be elected by legislative districts. For this purpose, the number of seats shall be apportioned equitably; provided, that, if equal division is not possible, the remaining member or members shall be elected in the district or districts with the greater number of population or, it they be the same, with the greater number of voters. provided further , that, if a legislative district includes a city that does not vote in the election of provincial officials, the Commission on Elections (Comelec) shall allocate the numbers of seats among the districts in proportion to the population of the constituencies voting for the Sangguniang Panlalawigan.

b. For provinces with only one (1) legislative district, the Comelec shall divide them into two (2) districts for purposes of electing the members of the Sangguniang Panlalawigan, as nearly as practicable according to the number of inhabitants, each district comprising a compact, contiguous and adjacent territory, and the number of seats of elective members of their respective sanggunian shall be equitably apportioned between the districts in accordance with the immediately preceding paragraph.

ELECTION OF ELECTIVE MEMBERS OF THE CITY/ MUNICIPAL COUNCILS OR SANGGUNIANG PANGLUNGSOD AND SANGGU– NIANG BAYAN.

The election of councilors of the various city and municipal councils in Metro Manila Area, City of Cebu, City of Davao and any other city with two (2) or more legislative districts shall continue to be governed by the provisions of Sections 2 and 3 of Republic Act. No. 6636.

"Section 2.- Metro Manila Area.- For purposes of the local elections on January 12, 1988, the city of Manila, Quezon City and the City of Caloocan shall have six (6) councilors for each of their representative districts who shall be residents thereof to be elected by the qualified voters while the city of Pasay and the Municipalities of Makati, Parañaque, Pasig, Marikina, Valenzuela, each of which comprises a representative district, shall have twelve (12) councilors each to beelected at large by the qualified voters of the said city or municipality."

"Section 3.- Other Cities.- The provision of any law to the contrary notwithstanding, the City of Cebu, City of Davao and any other city with more than one representative district shall have eight (8) councilors for each district who shall be residents thereof to be elected by the qualified voters therein, provided that the Cities of Cagayan de Oro, Zamboanga, Bacolod, Iloilo and other cities comprising a representative district shall have twelve (12) councilors each to be elected at large by the qualified voters of the said cities. Provided, that in no case shall the present number of councilors according to their chapters be reduced."
of councilors according to their chapters be reduced."

ELECTION OF COUNCILORS
IN THE MUNICIPALITIES OF
MALABON, NAVOTAS, SAN JUAN,
MANDALUYONG, MUNTINLUPA, LAS
PINAS, TAGUIG AND PATEROS

Note, however, that Section 3(c) of RA 7166 contains a different provision for electing councilors in the Municipalities of Malabon, Navotas, San Juan, Mandaluyong, Muntinlupa, Las Pinas and Taguig in that these municipalities "shall have twelve (12) councilors," and Pateros, ten (10): provided, that the Comelec shall divide each of the municipalities of Metro Manila into two (2) districts by barangay for purposes of representasentation in the Sangguniang Bayan as nearly as practicable according to the number of inhabitants, each district comprising a compact, contigous, and adjascent territory.

ELECTION OF COUNCILORS
FOR PURPOSES OF THE
MAY 11, 1992 ELECTIONS

Note, further, that under Section 3(d) of RA 7166, it is provided that "for purposes of the regular elections on May 11, 1992, elective member of the Sangguniang Panglungsod (City Counsils and Sangguniang Bayang (Municipal Councils) shall be elected at large in accordance with existing laws. However, beginning with the regular elections in 1995, they shall be elected by district.

FILING OF CERTIFICATES OF CANDIDACY

The certificate of candidacy of any person running for the office of the President, Vice-President, Senator Member of the House of Representatives or any elective provincial, city or municipal official shall be filed in five (5) legible copies not later than the day before the date legally fixed for the beginning of his campaign period. (For immediate reference, refer to the election calendar discussed previously).

The certificate of candidacy of any person running in the 1992 elections may be filed as follows.

a. For President, Vice-Precident and Senators - it shall be filed with the main office of the Commission on Election in Intramuros, Manila.

b. For Members of the House of Representatives- the certificate of candidacy shall be filed with the provincial election supervisor of the province concerned. Those for legislative district in the National Capital Region shall be filed with regional election director of said region and those for legislative district in cities outside the National Capital Region which comprise one or more legislative district shall be filed with the city election registrar concerned.

c. For Provincial Offices- the cetificate of candidacy shall be filed with the provincial election supervisor concerned.

d. For city and municipal offices - the certificate of candidacy shall be filed with the city or municipal election registrar cocerned.

PERSONAL FILING OF CERTIFICATE OF CANDIDACY IS REQUIRED BY LAW

The certificate of candidacy shall be filed by the candidate personally or by his duly authorized representative. No certificate of candidacy shall be filed or accepted by mail, telegram or facsimile.

OTHER REQUIREMENTS IN FILING CERTIFICATE OF CANDIDACY

The person filing a certificate of candidacy shall also affix his latest photograph, passport size. a statement in duplicate containing his bio-data and program of government not exceeding one hundred words, if he so desires. (Section 74, Omnibus Election Code).

NAME TO BE USED IN A
CERTIFICATE OF CANDIDACY

Unless a candidate has officially changed his name through a court approved proceeding, a candidate shall use in a certificate of candidacy the name by which he has been baptized, or if he has not been baptized in any church or religion, the name registered in the office of the local civil registrar or any other name allowed under the provisions of existing law or, in the case of Muslin, his Hadji name after performing the prescri prescribed religious pilgrimage; Provided, that when there are two or more candidates for an office with the same name and surname, each candidate, upon being made aware of such fact, shall state his paternal and maternal surnames, except the incumbent who may continue to use the name and surname stated in his certificate of candidacy when he was elected.
(Section 74, ibid)

USE OF NICKNAME
OR STAGE NAME IN THE
CERTIFICATE OF CANDIDACY

A candidate is also allowed by law to include in his certificate of candidacy one nickname or stage name by which he is generally or popularly known in the locality. (ibid)

EFFECT OF FILING
CERTIFICATE OF CANDIDACY

A person filing a certificate of candidacy should consider the following effects of such act, thus:

1. Any person holding a public appointive office or position, including active members of the Armed Forces of the Philippines, and employees in government owned or controlled corporations, shall be considered ipso facto resigned from his office upon the filing of his certificate of candidacy. (Section 66, Omnibus Election Code).

2. Any elective official, whether national or local, running for any office other than the one which he is holding in a permanent capacity, except for President and Vic-President, shall be considered ipso facto resigned from his office upon the filing of his certificate of candidacy.
(Section 67, ibid)

3. Any mass media columnist, commentator, announcer or personality who is a candidate for any elective public office shall take a leave of absence from his work as such durung the campaign period. (Section 10(b), RA 6646).

EXPENSES OF CANDIDATES AND POLITICAL PARTIES

The aggregate amount that a candidate or registered political party may spend for election campaign shall be as follows.

a. For candidates - Ten pesos (P10.00) for President and Vice-President. and for other candidates, Three Pesos (P3.00) for every voter currently registered in the constituency where he filed his certificate of candidacy.

A candidate without any political party and without support from any politicaly part may be allowed to spend Five Pesos (P5.00) for every such voter.

b. For Political Parties - Five Pesos (P5.00) for every voter currently registered in the constituency or constituencies where it has official candidates.

REQUIREMENT TO FILE STATEMENT OF CONTRIBUTIONS AND EXPENDITURES AND EFFECT OF NON–FILING THEREOF

Every candidate and treasurer of the political party shall, within thirty (30) days after the day of the election file in duplicate with the offices of the Comelec the full, true and itemized statement of all contributions and expenditures in connection with the election.

No person elected to any public office shall enter upon the duties of his office until he has filed the statement of contributions and expenditures herein required.

The same prohibition shall apply if the political party which nominated the winning candidate fails to file the statement required within the period prescribed above.

Except for candidates for elective barangay office, failure to file the said statement shall constitute an administrative offense for which the offender shall be liable to pay an administrative fine ranging from One Thousand Pesos (P1,000.00) to Thirty Thousand Pesos (P30,000.00) in the discretion of the Comelec.

For the commission of a second or subsequent offense of failure to file the said statement, the administrative fine mentioned above shall be from Two Thousand Pesos (P2,000.00) to Sixty Thousand Pesos (P60,000.00), in the discretion of the Comelec. In addition, the offender shall be subject to perpetual disqualification to hold public office.

REGISTRATION OF VOTERS

The Commission on Election has set February 1, 1992 as the registration day for incremental and new voters. Incremental voters are those voters who are qualified but not registered in the list of voters. New voters are those voters who will reach the age of eighteen (18) on or before the day of election (May 11, 1992).

Although the Comelec has already set the registration day on February 1, 1992, the day allows the poll body to "designate an additional date of registration in certain areas to ensure that voters therein are not deprived of their right of suffrage".

SPLITTING OF PRECINCTS

Section 8 of RA 7166 authorizes the Comelec to adjust or split the precinct by assigning the registered voters therein alphabetically and equitably among the adjusted or split precincts; provided, that the polling places of said precincts shall be in same building or premises.

ANNULMENT OF LIST OF VOTERS

Any book of voters the preparation of which has been affected with fraud, bribery, forgery, impersonation, intimidation, force or any other similar irregularity or which is statistically improbable may be annuled, after due notice and hearing, by the Comelec motu propio or after the filing of a verified complaint, provided that no order or ruling or decision annulling a book of voters shall be executed within sixty (60) days before an election.

VOTERS, PRECINCTS AND POLLING PLACES

THE RIGHT OF SUFFRAGE

Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the election. No literacy,property, or other substantive requirement shall be imposed on the exercise of suffrage. (Section 1, Article V, 1987 Constitution).

NUMBER OF VOTING BOOTHS IN EACH POLLING PLACE

In each polling place, the law requires at least ten (10) voting booths of such size, specifications and materials as the Comelec may provide to enable voters. to fill out their ballots secretly.

ABSENTEE VOTING ALLOWED ONLY IN THE ELECTION FOR PRESIDENT, VICE-PRESIDENT AND SENATORS

Under RA7166, absentee voting shall be applied only to the elections for President, Vice President and Senators, It shall be limited to members of the Armed Forces of the Philippines and the Philippine National Police and other government officers and employees who are duly registered voters and who, on election day, may temporarily be assigned in connection with the performance of election duties to places where they are not registered voters.

CAMPAIGN AND ELECTION PROPAGANDA

ELECTION CAMPAIGN OR PARTISAN POLITICAL ACTIVITY DEFINED

The term election campaign or partisan political activity refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office. A candidate is any person aspiring for or seeking an elective public office, who has filed a certificate of candidacy (Section 79, OEC).

PROHIBITED ELECTION CAMPAIGN OR PARTISAN POLITICAL ACTIVITY

It shall be unlawful for any person, whether or not a voter or candidate, or for any party, or association of persons, to engage in an election campaign or partisan political activity except during the campaign period. (Section 80, Omnibus Election Code).

LAWFUL ELECTION PROPAGANDA

Section 82 of the Omnibus Election Code enumerates the lawful election propaganda, to wit

a. Pamplets. leaflets, cards, decals, stickers or other written or printed materials of a size not more than eight and one-half inches in width and fourteen inches in lenght.

b. Handwritten or printed letters urging voters to vote for or against any particular candidate.

c. Cloth, paper or cardboard posters, whether framed or posted, with an area of not exceeding two feet by three feet, except that, at the site and on the occasion of a public meeting or rally, streamers not exceeding three feet by eight feet in size shall be allowed: Provided, that said streamers may not be displayed except one week before the date of the meeting or rally and that it shall be removed within seventy-two hours after said meeting or rally.

d. All other forms of election propaganda not prohibited by the Omnibus Election Code as the Comelec may authorize after due notice to all interested parties and hearing where all interested parties were given an equal opportunity to be heard provided that the Comelec's authorization shall be published in two newspapers of general circulation throughout the nation for at least twice within one week after the authorization has been granted.

REQUIREMENTS FOR PUBLISHED OR PRINTED ELECTION PROPAGANDA

All published or printed election propaganda shall bear and be identified by the words "paid for by" followed by the true and correct name and address of the payor and by the words "printed by" followed by the true and correct name and address of the printer.

PROHIBITED FORMS OF ELECTION PROPAGANDA

Section 85 of the Omnibus Election Code enumerates the prohibited forms of election propaganda, to wit.

a. To print , publish, post or distribute any poster, pamplet, circular, handbill, or printed matter urging voters to vote for or against any candidate unless they bear the name and addresses of the printer and payor as discussed above.

b. To erect, put up, make use of, attach, float or display any billboard, tinplate-poster, balloons and the like, of whatever size, shape, form or kind, advertising for or against any candidate or political party.

c. To purchase, manufacture, request, distribute or accept electoral propaganda gadgets, such as pens, lighters, fans or whatever nature, flashlights, athletic goods or materials, wallets, shirts, hats, bandanas, natches, cigarettes and the like, except that campaign supporters

accompanying a candidate shall be allowed to wear hats and/or shirts or T-shirts advertising a candidate.

d. To show or display publicly any advertisement or propaganda for or against any candidate by means of cinematography, audio-visual units or other screen projections; and

e. For any radio broadcasting or television station to sell or give free of charge air time for campaign and other political purposes except as authorized by the Code under the rules and regulations promulgated by the Comelec.

ADDITIONAL PROHIBITED FORMS OF ELECTION PROPAGANDA UNDER REPUBLIC ACT No. 6646

In addition to the prohibited forms of election propaganda under the Omnibus Election Code as enumerated above, Section II of RA 6646 also provides for additional prohibited forms of election propaganda, to wit.

a. To draw, paint, inscribe, write, post , display or publicy exhibit any election propaganda in any place, whether private or public, except in the common poster areas and/or billboards provided by the Comelec, at the candidate's own residence, or at the campaign headquarters of the candidate or political party; provided that such posters or election propaganda shall in no case exceed two (2) feet by three (3) feet in area,

b. For any newspapers, radio broadcasting or television station, or other mass media, or any person making use of the mass media to sell or to give free of charge print space or air time for campaign or other political purposes except to the Comelec as provided under Section 90 and 92 of Batas Pambansa Blg. 881.

BOARD OF ELECTION INSPECTORS

COMPOSITION AND APPOINTMENT OF BOARD OF ELECTION INSPECTORS

The Board of Election Inspectors is a body duly constituted by authority of the Comelec to conduct the voting, counting of votes and the recording of the votes in the election returns in the precinct level.

For every polling place or voting center, there is one Board of Election Inspectors, Each board is composed of a chairman and two poll clerks who must be public school teachers, priority to be given to civil service eligibles.

The Board acts through its chairman and shall decide without delay by majority vote all questions which may arise in the performance of its duties.

POLITICAL PARTIES NOT ALLOWED REPRESENTATION IN THE BOARD OF ELECTION INSPECTORS

Under the 1987 Constitution, political parties, or organization or coalitions registered under the party list system, shall not be represented in the voters registration board, boards of election inspectors, boards of canvassers, or other similar bodies, However, they shall be entitled to appoint poll watchers in accordance with law. Section 7, Art. IX(c). 1987 Constitution

Take note, however, that every political party, coalition of political parties and every candidate may appoint one (1) watcher in every polling place. (Section 178, OEC). This is the import of the last sentence of Section 7, Article IX (c) of the Constitution quoted above.

ORDER OF VOTING IN A POLLING PLACE

The voters shall vote in the order of their entrance into the polling place.

ACTS PROHIBITED IN CONNECTION WITH THE PREPARATION OF BALLOT

The following acts are prohibited in connection with the preparation of ballots:

1. To prepare the ballot outside the voting booth, or to exhibit its contents to any person, or to erase any printing from the ballot, or to intentionally tear or deface the same or put thereon any distinguishing mark.
2. To use carbon paper, paraffin paper, or other means for making a copy of the contents of the ballot or make use of any other means to identify the vote of the voter.

RULE IN PREPARATION OF BALLOTS FOR ILLITERATE AND DISABLED PERSONS

A voter who is illiterate or physically unable to prepare the ballot by himself maybe assisted in the preparation of his ballot by a relative, by affinity or consanguinity within the fourth civil degree or if he has none, by any person of his confidence who belongs to the same household or any member of the Board of Election Inspectors.

However, no voter shall be allowed to vote as illeterate or physically disabled unless it is so indicated in his registration record. In no case shall an assistor assist more than three times.

VOTER'S AFFIDAVIT NOT REQUIRED TO BE PRESENTED BY A VOTER

Section 196 (b) of the Omnibus Election Code specifically provides that no voter shall be required to present his voter's affidavit, unless his identity is challenged.

SPOILED, MARKED AND EXCESS BALLOTS

SPOILED BALLOT

A spoiled ballot is one which is accidentally spoiled or defaced by a voter in such a way that it cannot be lawfully used anymore.

The voter who spoiled or defaced the ballot shall surrender it to the chairman of the board of election inspectors who shall note in the corresponding space in the voting records that said ballot is spoiled. The voter shall then be entitled to another ballot which the chairman shall give him after announcing the serial number of the second ballot and recording said serial number. The spoiled ballot shall be marked with the word "SPOILED" and placed in the compartment for "Spoiled Ballots".

No voter shall be allowed to change his ballot more than twice.

MARKED BALLOT

A market ballot is one which bears a distinguishing mark which appears to have been intended to identify the voter.

A majority of the board of election inspectors shall be sufficient to determine whether any ballot is marked or not. Marked ballots shall not be counted.

In discounting marked ballots, great care should be used in rejecting them. It should be borne in mind that election laws are designed to give effect to the will of the electorate. So only in unmistakable cases where the ballots appeared so marked should it be rejected. In other words, in case of doubt, it should be resolved in favor of the inclusion of the ballot in the counting.

EXCESS BALLOTS

When the number of ballots found inside the ballot box exceeds the number of voters who actually voted as recorded in the list of voters, there is what is called an excess ballot.

If there are excess ballots, they shall be returned and thoroughly mixed in the ballot box, and the poll clerk, without seeing the ballots and with his back to the box, shall publicly draw out as many ballots as may be equal to the excess and without unfolding them, place them in an envelope which shall be marked "excess ballots" and which shall be sealed and signed by the members of the Board of Election Inspectors.

BALLOTS AND ELECTION RETURNS

WHO PRINTS OFFICIAL BALLOTS AND ELECTION RETURNS

The official ballots and election returns is printed by the Government Printing Office and/or the Central Bank printing facilities exclusively, under the exclusive supervision and control of the Commission on Elections which shall determine and provide the necessary security measures in the printing, storage and distribution thereof.

DISTRIBUTION OF OFFICIAL BALLOTS AND ELECTION RETURNS

The official ballots and the election returns are distributed by the Comelec to each city and municipality at the rate of one and one-fifth ballots for every voter registered in each polling place; and for election returns at the rate of one set each for every polling place.

The provincial, city or municipal treasurer is required to keep a record of the quantity and serial numbers of official ballots and election return furnished the various provinces, cities, municipalities and polling places.

The law also mandates that "no official ballots or election returns shall be delivered to the board of election inspectors earlier than the first hour of election day; provided, however, that the Commission, after written notice to the registered political parties and the candidates,may,for justifiable reasons, authorize the delivery of said official ballots and election returns to the board of election inspectors of any particular polling place at an earlier date."

VOTING HOURS

Section 190 of the Omnibus Election Code provides that the casting of votes shall start at seven o'clock in the morning and shall end at three 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 voting shall continue but only to allow said voters to cast their votes without interruption.

Meanwhile, Section 193 of the Code tells us the order of voting in that the voters shall vote in the order of their entrance into the polling place. They shall have the right to freely enter the polling place as soon as they arrive unless there are voters waiting inside in which case they shall fall in line in the order of their arrival and shall not crowd around the table of the board of election inspectors. The voters after having cast their votes shall immediately depart.

MEMBERS OF THE ARMED FORCES, AND OTHER PRRSONS NOT ALLOWED INSIDE THE POLLING PLACE

The second paragraph of Section 193 of the Code provides that it shall be "unlawful for any officer or member of the Armed Forces of the Philippines including the Philippine Constabulary or the Integrated National Police or peace officer or any armed person belonging to any extra legal police agency, special forces, reaction forces, strike forces, home defense units, barangay tanod, or other similar forces forces or paramilitary forces, including special forces, security guards, special policemen, and all other kinds of armed or unarmed extra-legal police officers, to enter any polling place, unless it is his polling place where he will vote but in such case he should immediately leave the polling place, and within radius of fifty meters from such polling place, no policeman or peace officers shall be allowed to enter or stay inside the polling place except when there is an actual disturbance of the peace and order therein.

It shall likewise be unlawful for any barangay official to enter and stay inside any polling place except to vote or except when serving as a watcher or member of the board of election inspectors, in which case, he shall leave the polling place immediately after voting.

WHAT A POLLWATCHER SHOULD REMEMBER AND CHECK BEFORE THE VOTING STARTS

A smart pollwatcher should, in advance of the voting, be able to obtain from the Municipal or Provincial Treasurer data on the number of ballots alloted to his voting center, including the serial number of the said ballots. With his information in his possession, the watcher immediately acquires a distrinct advantage of knowing if a ballot being cast by a voter was taken from the book of ballots assigned to that precinct.

Whenever and wherever possible, pollwatchers should position themselves in the vicinity of the municipal building on the eve of the election in order to keep tab on the distribution of ballot boxes and other election documents and paraphernalia. They should closely watch the movements of the Municipal/Provincial Treasurer in order to forestall the possibility of ballot boxes being sent to ghost voting centers.

During the distribution of ballot boxes and other election paraphernalia, the watchers should take note of such distribution by listing down the members of the different boards of election inspectors who received the ballot boxes.

On the eve of election day, watchers should make or undertake a man-to man guarding of the members of the boards of election inspectors of the voting centers where they are assigned as watchers.

It is during this critical period that the members of the board are exposed to all sorts of temptation, corruption, or outright coercion or even violence from some unscrupulous candidates or political suporters.

The watchers should, as much a s possible, tail the members of the board of election inspectors from the time they proceed to the municipal building to take the ballot box and other election materials from the municipal treasurer until they enter the voting center.

As soon as the members of the boards of election inspectors reach the polling place, they are usually kept busy with the preparation of the place for the opening of the voting at seven o'clock in the morning as provided by law. At this point in time, watchers should be on their toes, so to speak, They should keep close watch over all the members of the boards as well as the watchers of the other parties. They should take down notes of every unusual occurence inside and outside the the polling place.

CONDUCT OF WATCHERS ON ELECTION DAY.

Like a good soldier, a watcher should not leave his post until he is properly relieved. He should keep his eyes and ears open at all times . When acting as watchers inside the polling place. he should closely observe everything going on inside the polling place. He should, as much as possible, take photographs of any such significant events occuring during his tours of duty as a pollwatcher.

A pollwatcher must be assertive in recording into the minutes of the voting anything irregular or anomalous which comes to his attention while the voting is going on.

Whenever possible, every watcher should equip himself with the following:

a. a fully loaded camera
b. a bound notebook or ruled pad.
c. a fully loaded ball pen
d. a fully loaded flash light

THE LANSADERA

The Lansadera is a technique of cheating in an election. The process of lansadera may be simply explained this way: A voter is given a ballot. As discussed earlier, it is the chairman of the board of election inspectors who hands the ballots to the voters which is folded twice over but leaving the detachable coupon exposed so that the number on the coupon can be visible.

If the chairman of the board is cooperative with the opponent, he may readily accept the ballot from the voter once the latter returns to the table of the board to submit his accomplished ballot. With the cooperation of the chairman of the board of election inspectors, the voter

may hand over to the former a fake ballot which the chairman will immediately drop into the ballot box.

The genuine ballot is then brought by the voter outside the polling place and hands it to the ward leader of the opponent who pays the voter who was able to bring out the genuine ballot. This genuine ballot is then filled in a safehouse and handed over to another vote who goes to the polling place.

Inside the polling place, the second voter asks for a ballot and is given one by the cooperative chairman of the board. The voter goes inside the voting booth and pretends to fill up the ballot handed over to him by the chairman of the board of election inspectors. Then he goes out of the voting booth and hands over the previously filled ballot to the Chairman for deposit into the ballot box, He goes out with the unfilled genuine ballot and brings the same to the ward leader to get his pay. As before, the ward leader then fills out the genuine ballot, hands it over to another voter who goes to the polling place and asks another ballot for himself.

The process is repeated over and over. If the process goes through undetected, it is one of the most foolproof method of insuring victory for the opponent in voting centers where the lansadera is employed.

HOW TO PREVENT LANSADERA

Lansadera can only be prevented and frustrated by a vigilant and smart watcher. A watcher should keep a close watch over the ballot from the time it is detatched from the stub until it is delivered to the voter and later returned by the latter for deposit into the ballot box.

A watcher should take note of the serial number of the ballot which is delivered to a voter. He should see to it that the serial number appearing on the said ballot is the same serial number entered by the members of the board of election inspectors in the List of Voters.

When the voter returns to the table of the board of election inspectors to submit his ballot, the watchers should look at the ballot being handed by the voter to the chairman of the said board to make sure that the detatchable coupon has not yet been detatched. He may compare the serial number appearing on the said detatchable coupon to make sure that it tallies with the serial number of ballot as entered in the list of voters. If these numbers do not tally, he may file a protest before the board as lansadera may be in the offing.

If the detatchable coupon is already detatched when the voter submits the ballot to the chairman of the board, the watcher should enter a protest and ask that his protest be entered into the minutes of voting. He shall then request to see the coupon of the ballot that was detatched and

compare the number appearing thereon with the number that earlier entered in the list of Voters.

Again, if the serial number does not coinside, it simply means that the ballot being handed by the voter is different from the ballot that was given to him. The watcher should then ask that ballot be rejected and should not be deposited in the compartment for valid ballots.

Once the lansadera is exposed the perpetrators would probably be dissuaded from continuing with their illegal act.

THE KEYMAN IN THE LANSADERA

The keyman in the lansadera is the chairman of the board of election inspectors because he is the one who hands the ballot to the voter and also receives such ballot after the later has filled it up. This is the reason why watchers should at all times keep close watch on the conduct of the chairman and members of the boards of election inspectors.

POLL WATCHERS

HOW TO APPOINT POLL WATCHERS

Watchers are appointed by the candidate or the duly authorized representative of the political party or coalition of political parties.

Each candidate, political party or coalition of political parties shall designate in every province, highly urbanized city or district in Metropolitan Manila area, a representative authourized to appoint watchers, furnishing the provincial election supervisors or the city election registrar as the case may be, the names of such representatives. The provincial election supervisors shall furnish the municipal election registrara and election registrars of component cities with the list of such representatives.

RIGHTS OF WATCHER

A duly appointed poll watcher has the following rights.

1. To stay in the area reserved for him inside the polling place.

2. To witness and inform himself of the proceedings of the Board of Election Inspectors. (This is the reason why a space inside the polling place is reserved for the poll watchers).

3. To take photographs of the proceeding and incidents, if any, during the counting of votes, as well of election returns, tally boards and ballot boxes.

4. To file a protest on any irregularity or violation of law which he believes may have been committed by the Board of Election Inspectors or by any of its member or by any person.

5. To obtain from the Board of Election Inspectors a certificate as to the filing of such protest and or of the resolution thereon.

6. To read the ballots after they shall have been read by the chairman or anyone of the members of the board of election inspectors designated to read the ballots.

7. To read the election return in the precinct where he is a watcher after such return shall have been completed and signed by the members of the board. But the watcher is not allowed to touch the election return.

8. To be furnished with a certificate of votes in words and figures cast for each candidate, duly signed and thumbmarked by the chairman and all members of the board of election inspectors.

9. To challenge illegal voters.

CERTIFICATE OF VOTES

The present election laws do not allow political parties or candidates to secure copies of the election returns prepared by the board of election inspectors. Hence, it is very important that pollwatchers should secure a certificate of votes from the board of election inspectors in the precincts where they are assigned as pollwatchers.

A certificate of vote is a document issued by the board of election inspectors which shows or reflects the number of votes obtained by each candidate written in words and figures, the number of precinct, the name of the city or municipality and province, the total number of voters who voted in the precinct, and the date and time issued. The certificate of votes is issued by the board of election inspectors after the counting of votes cast in the precinct and announcement of the result of the election. It shall be signed and thumbmarked by each member of the board. (Section 16, RA 6646).

REFUSAL BY THE BOARD TO FURNISH POLLWATCHERS WITH CERTIFICATE OF VOTES IS AN ELECTION OFFENSE

Since the law gives the pollwatcher the right to be furnished with a certificate of votes, any refusal of the chairman and the members of the board of election inspectors to sign and furnish such certificate to any pollwatcher shall constitute an election offense and shall be penalized under the Omnibus Election Code.

PROBATIVE VALUE OF THE CERTIFICATE OF VOTES

The provisions of Section 235 and 236 of Batas Pambansa Blg. 881 notwithstanding, the certificate of votes shall be admissible in evidence to prove tampering, alteration, falsification or any anomaly committed in the election returns concerned, when duly authenticated by testimonial or documentary evidence presented to the board of canvassers by at least two members of the board of election inspectors who issued the certificate. provided, that failure to present any certificate of votes shall not be a bar to the presentation of other evidence to impugn the authenticity of the election return. (Section 17, RA 6646)

QUALIFICATION OF A WATCHER

No person shall be appointed as watcher unless he is a qualified voter of the city or municipality, of good reputation and shall not have been convicted by final judgment of any election offense or of any other crime, must know how to read and write Filipino, English, Spanish, or any of the prevailing local dialects, and not related within the fourth civil degree of consanguinity or affinity to the chairman or any member of the Board of Election Inspectors in the polling place where he seeks appoinment as a watcher. (Section 178, OEC).

WHAT A WATCHER MUST DO UPON ENTERING THE POLLING PLACE

Upon entering the polling place where he is assigned as a watcher, he must present and deliver to the chairman of the Board of Election Inspectors his appointment as a watcher of the board with a notation under his signature that he is not disqualified under the second paragraph of Section 178 of the Election Code.

The appointments of the pollwatchers shall bear the personal signature or facsimile signature of the candidate or the duly authorized representatives of the political party or coalition of political parties who appointed him.

OFFICIAL BALLOTS AND ELECTION RETURNS

WHAT IS A BALLOT

A ballot consists of a sheet of paper on which a voter writes the name of the candidates he is voting for. In other words, it is the means by which a voter's right suffrage is exercised.

THE 1992 BALLOT

The 1992 offical ballot will be a lengthy one. It will consist of more or less 45 spaces to allow the voter to write the names of candidates for President, Vice-President, twenty-four senators, member of the House of Representatives in his district, Provicial Governor, Vice-Governor, Board Member (in some areas where election of these officials are authorized), Mayor, Vice-Mayor and Councilors.

Ballots for national and local offices shall be of uniform size and color and shall be provided at public expense. They shall be printed on paper with watermarks or other marks that will readily distinguish the ballot paper from ordinary paper.

Each ballot shall be in the shape of a strip with stub and detachable coupon containing the serial number of the ballot, and a space for the thumbmark of the voter on the detachable coupon.

The ballot shall bear at the top on the middle portion thereof the coat of arms of the Republic of the Philippines the words "Official Ballot", the name of the city or 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 voting booth. Do not put any distinctive mark on any part of this ballot."

The ballot shall also contain the names of all offices to be voted for in the election, allowing opposite the name of each office. sufficient space or spaces with horizontal lines where the voter may write the name or names of the individual candidates voted for by him.

There shall not be anything on the reverse side of the ballot.

CHAIRMAN OF THE BOARD OF ELECTION INSPECTORS MUST SIGN AT THE BACK OF EVERY BALLOT

Before delivery of the official ballot to the voter, the chairman of the board of election inspectors shall, in the presence of the voter, affix his signature at the back thereof.

Failure to so authenticate shall be noted in the minutes of the board of election inspectors and shall constitute an election offense punishable under Sections 263 and 264 of the Omnibus Election Code.

MANNER OF COUNTING VOTES

During the counting of votes, pollwatchers shall be permitted full and unimpeded access to the proceedings so that they can read the name of those written on the ballots being counted with unaided natural vision, consistent with the good order in the polling place. (fourth par., Section 12, RA 6646)

The counting of votes shall be made in the following manner. the board of election inspectors shall unfold the ballots and form seperate pile of one hundred ballots each, which shall be held together with rubber bands, with cardboard of the size of the ballot to serve as folders. The chairman of the board of election inspectors shall take the ballots of the first pile one by one and read the names of candidates voted for and the offices for which they were voted in the order in which they appear thereof, assuming such a position as to enable all of the watchers to read such names. The chairman shall sign and affix his right hand thumbmark at the back of the ballot immediately after it is counted. The poll clerk and the third member, respectively, shall record on the election returns and the tally board or sheet each vote as the names voted for each office is read.

Each vote shall be recorded by a vertical line, except every fifth vote which shall be recorded by a diagonal line crossing the previous four vertical lines. One party member shall see to it that the chairman reads the vote as written on the ballot, and the other shall check the recording of the votes on the tally board or sheet and the election returns seeing to it that same are correctly accomplished. After finishing the first pile of ballots, the board of election inspectors shall determine the total number of votes recorded for each candidate, the sum being noted on the tally board or sheet and on the election returns. In 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 the second pile of ballots and so on successively, After all the ballots have been read, the board of election inspectors shall sum up the totals recorded for each candidate, and the aggregate sum shall be recorded for each candidate, and the aggregate sum shall be recorded both on the tally board or sheet and on the election returns. It shall then place the counted ballots in an envelope provided for the purpose, which shall be closed signed and deposited in the compartment for valid ballots. The tally board or sheet as accomplished and certified by the board of election inspectors shall not be changed or destroyed but shall be kept in the compartment for valid ballots. (Section 210, OEC).

In addition to the above-quoted provisions of Section 12 of RA 6646 and Section 210 of the Omnibus Election Code, Section 25 of RA 7166 also requires that in reading the individual official ballots during the counting, the chairman, the poll clerk and the third member shall assume such position as to provide the watchers and the member of the public as may be conviniently accomodated in the polling place, an unimpeded view of the ballot being read by the chairman, of the election returns and the tally board being simultaneously accomplished by the poll clerk and the third member respectively, without touching any of these election documents, The table shall be cleared of all unnecessary writing paraphernalia. Any violation of this requirement shall constitute an election offense punishable under sections 263 and s64 of the Omnibus Election Code."

OFFICIAL WATCHERS BEFORE THE BOARD ELECTION INSPECTORS AND BOARD OF CANVASSERS

A simple distinction between these two boards at this instance is necessary. The distinction lies simply on the fact that while the board of election inspectors counts the votes and records the same on the election returns, the board of canvassers is the duly constituted body which is in charge of canvassing the election returns prepared by the former.

Every registered political party or coalition of political parties, and every candidate shall each be entitled to one watcher in every polling place and canvassing center. This means that the political party or the candidate may send his watcher before the board of election inspector and the board of canvassers concerned.

Note, however, that in case of candidates for Sangguniang Panlalawigan, Sangguniang Panglungsod or Sangguniang Bayan belonging to the same slate or ticket they shall collectively be entitled to only one watcher.

PRINCIPAL WATCHERS FOR MAJOR POLITICAL PARTIES

Another innovation under RA 7166 is the recognition of six (6) principal watchers, representing the six (6) accredited major political parties, who shall be designated by the Comelec upon nomination of the said parties. These political parties shall be determined by the Comelec upon notice and hearing on the basis of the following circumstances.

a. The established record of the said parties, coalition or groups that now compose them, taking into account, among other things, their showing in past elections.

b. The number of incumbent elective officails belonging to them ninety (90) days before the date of election.

c. Their identifiable political organizations and strengths as evidenced by their organized chapters.

d. The ability to fill a complete slate of candidates from the municipal level to the position of President, and

e. Other analogous circumstances that may determine their relative organizations and strenghts.

THE ELECTION RETURNS

An election return is a document consisting of several copies issued by the Comelec to each and every Board of Election Inspectors where the total number of votes, in words and figures, obtained by the candidates in the precinct level is duly recorded, tallied or summarized. It is forwarded to the Board of Canvassers after it has been signed and duly thumbmarked by the chairman and members of the Board of Election Inspectors. In some instances, as will be discussed hereunder the election returns are used as the basis for the proclamation of winning candidates.

THE 1992 ELECTION RETURNS

For purposes of the 1992 elections, the provisions of Section 27 of RA 7166 pertaining to the number of copies of election returns and their distribution shall be applied. Each sheet of election return shall consist of seven (7) copies which shall be distributed as follows:

a. In the election of President, Vice-President, Senators, and Members of the House of Representatives.

1. The first copy shall be delivered to the city or municipal board of canvassers.

2. The second copy, to the Congress, directed to the Senate President.

3. The third copy, to the Comelec.

4. The fourth copy, to the provincial board of canvassers.

5. The fifth copy, to be known as advance election returns, shall be delivered to the city or municipal treasurer who, in the presence of the election registrar or his authorized representative , shall immediately and publicly open the same and post the votes therein in an election tally board sufficiently large to enable the public to read them, built on a public place preferably within the immediate vicinity of the city hall or municipal building.

6. The sixth copy shall be given to the city or municipal trial court judge or in his absence to any official who may be designated by the Comelec.

The city or municipal trial court judge or the official designated by the Comelec shall keep his copies of the election returns, sealed and unopened. Said copy may be opened only during the canvass upon order of the board of canvassers for purposes of comparison with other copies of the returns whose authenticity is in question.

7. The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots.

b. In the election of local officials (Sangguniang Panlalawigan, Sangguniang Panglungsod and Sangguniang Bayan).

1. The first copy shall be delivered to the city municipal board of canvassers.

2. The second copy, to the Comelec.

3. The third copy, to the provincial board of canvassers.

4. The fourth copy, to be known as advance election returns, shall be delivered to the city or municipal treasurer who, in the presence of the election registrar or his authorized representative shall immediately and publicly open the same and post the votes therein in an election tally board sufficiently large to enable the public to read them built on a public place preferably within the immediate vicinity of the city hall or municipal building.

5. The fifth copy shall be given to the city or municipal trial court judge or the official designated by the Comelec who shall keep his copies of the election returns sealed and unopened . Said copy may be opened only during the canvass upon order of the board of canvassers for purposes of comparison with other copies of the returns whose authenticity is questioned.

6. The sixth copy shall be deposited inside the compartment of the ballot box for valid ballots.

BOARD OF CANVASSERS AND CANVASS OF ELECTION RETURNS

As previously discussed, the votes will be counted in the precinct level by the Board of Election Inspectors. The votes are recorded by the said board on the election returns. All completed election returns are transmitted by the various Board of Election Inspectors to the different Board of Canvassers as designated by law. It should be noted that a political party or a candidate is not allowed representation in the Board of Canvassers. However, the party or the candidate may appoint a watcher before the Board of Canvassers.

BOARD OF CANVASSERS- CLASSIFICATIONS, COMPOSITION AND FUNCTIONS.

For purposes of the 1992 elections, the following Board of Canvassers shall be created:

a. The City or Municipal Board of Canvassers - it shall canvass the election returns for President, Vice-President, Senators and members of the House of Representatives and for elective provincial and city or municipal officials.

Upon completion of the canvass, the board shall prepare the certificate of canvass for President, Vice-President, Senators and Members of the House of Representatives and elective provincial officials and thereafter, proclaim the elected city or municipal officials, as the case may be.

b. The city Board of Canvassers (for cities comprising one or more legislative districts) - it shall canvass the election returns for President, Vice-President , Senators, Members of the House of Representatives and elective city officials.

Upon completion of the canvass, the board shall prepare the certificate of canvass for President, Vice-President, and Senators and thereafter , proclaim the elected Members of the House of Representatives and city officials.

c. Board of Canvassers in Metro Manila-

1. In the Metro Manila Area, each municipality comprising a legislative district shall have a district board of canvassers which shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective municipal officials.

Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President, Senators and thereafter, proclaim the elected Member of the House of Representatives.

2. Each component municipality in a legislative district in the MetroManila Area shall have a Municipal Board of Canvassers which shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective municipal officials.

Upon completion of the canvass, each shall prepare the certificate of canvass for President, Vice-President, Senators and Members of the House of Representative and thereafter, proclaim the elected municipal officials.

3. The District Board of Canvassers of each legislative district comprising two (2) municipalities in Metropolitan Manila Area shall canvass the certificate of canvass for President, Vice-President, Senators and Members of the House of Reperesentative s submitted by the municipal boards of canvassers of the component municipalities.

Upon completion of the canvass, it shall prepare a certificate of

canvass for President, Vice-President, and Senators and thereafter, proclaim the elected Member of the House of Representatives in the legislative district.

d. The Provincial Board of Canvassers - it shall canvass the certificate of canvass for President, Vice-President, Senators, Members of the House of Representatives and elective provincial official as well as plebiscite result, it any plebiscite is conducted simultaneously with the same election, as submitted by the board of canvassers of municipalities and component cities.

Upon completion of canvass, it shall prepare the certificate of canvass for President, Vice-President and Senators and thereafter, proclaim the elected Member of the House of Representatives and provincial officials as well as the plebiscite results, it any.

NUMBER OF COPIES OF CERTIFICATES OF CANVASS AND THEIR DISTRIBUTION

The certificate of canvass for President , Vice-President, Senators, Members of the House of Representatives and elective provincial officials shall be prepared in seven (7) copies by the city or Municipal Board of Canvassers not comprising one legislative district and distributed as follows:

1. The first copy shall be delivered to the Provincial Board of Canvassers for use in the canvass of election results for President, Vice-President, Senators, Members of the House of Representatives and elective provincial officials.

2. The second copy shall be sent to the Comelec.

3. The third copy shall be kept by the Chairman of the Board.

4. The fourth copy shall be given to the citizens arm designated by the Comelec to conduct a media-based unofficial count; and

5. The fifth, sixth and seventh copies shall be given to the representatives of any three (3) of the six (6) major political parties. If no such agreement is reached, the Comelec shall decide which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 26 of RA 7166. The parties receiving the certificate shall have the obligation of furnish the other parties with authentic copies thereof with the least possible delay.

CERTIFICATE OF CANVASS IN CITIES COMPRISING ONE OR MORE LEGISLATIVE DISTRICTS

The certificate of canvass for President, Vice-President, and Senator shall be prepared in seven (7) copies by the city boards of canvassers of cities comprising one or more legislative districts, by Provincial Boards of Canvassers and by District Boards of Canvassers in the Metro Manila Area and distributed as follows:

1. The first copy shall be sent to the Congress directed to the President of the Senate for use in the canvass of election result for President and Vice-President.

2. The second copy shall be sent to the Comelec for use in the canvass of the election results for Senators.

3. The third copy shall be kept by the Chairman of the Board.

4. The fourth copy shall be given to the citizens arm designated by the Comelec to conduct a media-based unofficial count.

5. The fifth, sixth and seventh copies of the certificate of canvass shall be given to any three of the six (6) accredited major political parties in accordance with the voluntary agreement of the parties. If no such agreement is reached, the Comelec may decide which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 26 of RA 7166. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.

STATEMENT OF VOTES TO SUPPORT EACH CERTIFICATE OF CANVASS

The certificate of canvass prepared by the city or municipal boards of canvassers shall each be supported by a Statement of Votes By Precinct, signed and thumbmarked by the Chairman and member of the board, and the principal watchers, if available. Thereafter, it shall be sealed and placed inside an envelope which shall likewise be properly sealed.

In the Metro Manila Area, the certificates of canvass prepared by a District Board of Canvassers of a legislative district comprising one (I) municipality shall be supported by a Statement of Votes By Precincts. The certificate of canvass prepared by a district board of canvassers of a legislative district comprising two (2) municipalities shall be supported by a statement of votes by municipality.

The certificates of canvass prepared by the Provincial Board of Canvassers shall be supported by a Statement of Votes By Municipality, and the original copy thereof for the Congress shall, in addition, be supported by Statement of Votes By Precinct as submitted to the provincial board of canvassers by the city or municipal boards of canvassers. The same requirement shall apply in the case of the certificate of canvass of a district board of canvassers of a legislative district comprising two (2) municipalities in Metro Manila Area.

CANVASS OF THE CERTIFICATES OF CANVASS FOR THE ELECTION OF PRESIDENT AND VICE-PRESIDENT- CONGRESS TO ACT AS NATIONAL BOARD OF CANVASSERS

Section 4, Article VII of the 1987 Constitution provides. among others, that the President of the Senate shall, not later than thirty days after the day of the election, open all the certificates of canvass in the presence of the Senate and the House of Representatives in joint public session, and the Congress, upon determination of the authenticity and due execution thereof in the manner provided by laww, canvass the votes. The person having the highest number of votes shall be proclaimed elected, but in case two or more shall have an equal and highest number of votes, one of them shall forthwith be chosen by the vote of a majority of all the Members of both Houses of theCongress, voting seperately.

The same provision of the constitution also provides that the Congress shall promulgate its rules for the canvassing of the caertificates.

Meanwhile, under Section 30 of RA 7166, the Congress shall determine the authenticity and due execution of the certificates of canvass for President and Vice-President as accomplished and transmitted to it by the local boards of canvassers, on a showing that (1) each certificate of canvass was executed, signed and thumbmarked by the Chairman and members of the board of canvassers and transmitted or caused to be transmitted to Congress by them; (2) each certificate of canvass contains the names of all of the candidates for President and Vice-President and their corresponding votes in words and in figures; and

(3) there exists no discrepancies in other authentic copies of the certificate of canvass or discrepancy in the votes of any candidate in words and figures in the same certificate.

When the certificate of canvass, duly certified by the board of canvassers of each province, city or district, appears to be incomplete, the Senate President shall require the board of canvassers concerned to transmit by personal delivery, the election returns from polling places that were not included in the certificate of canvass and supporting statements. Said election returns shall be submitted by personal delivery within two (2) days from receipt of notice.

When it appears that any certificate of canvass or supporting statement of votes by precinct bears erasures or alterations which may cast doubt as to the veracity of the number of votes stated therein and may affect the result of the election upon request of the Presidential or Vice-Presidential candidate concerned or his party Congress shall, for the sole purpose of verifying the actual number of votes cast for President and Vice-President, count the votes as they appear in the copies of the election returns submitted to it.

NO PRE-PROCLAMATION CASES ALLOWED IN ELECTIONS FOR PRESIDENT, VICE-PRESIDENT, SENATOR AND MEMBER OF THE HOUSE OF REPRESENTATIVES

Simply stated, a pre-proclamation controversy is one where the issue raised pertains to the illegal composition or proceedings of the board of canvassers or election returns or certificates of canvass which are incomplete, contain material defects, appear to be tampered with or falsified or contain discrepancies in the same returns or in other authentic copies thereof; or that the election returns or certificates of canvass were prepared under duress, threats coercion, or intimidation, or they are obviously manufactured or not authentic; or when substitute or fraudulent retuns or certificates of canvass in controverted polling places were canvassed, the results of which materially affected the standing of the aggrieved candidate or candidates. (Section 3, Rule 27, Comelec Rules of Procedure).

For purposes of the elections for President , Vice-President, Senator and Member of the House of Representatives, Section 15 of RA7166 does not allow pre-proclamation cases on matters relating to the preparation, transmission, receipt, custody and appreciation of the election returns or the certificate of canvass, as the case may be.

However, this does not preclude the authority of the appropriate canvassing body motu proprio or upon written compliant of an interested person to correct manifest errors in the certificate of canvass or election returns before it.

Questions affecting the composition or proceedings of the Board of Canvassers may be initiated in the board or directly with the Comelec in accordance with Section 19 of RA 7166.

Any objection on the election returns before the city or municipal board of canvassers, or on the municipal certificate of canvass before the provincial board of canvassers or district boards of canvassers in Metro Manila Area, shall be specifically noted in the minutes of their respective proceedings.

PRE-PROCLAMATION CASES INVOLVING PROVINCIAL, CITY AND MUNICIPAL OFFICES

Pre-proclamation cases involving provincial, city and municipal offices shall be allowed and shall be governed by Section 17, 18, 19, 20, 21 and 22 of RA 7166.

" Sec. 17.- Pre Proclamation Controversies How Commenced.- Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Comelec. However, matters raised under Sections 233 (when election returns are delayed, lost or destroyed) 234 (material defect in the election returns) 235 (election returns which appear to be tampered with or falsified) and 236 (discrepancies in election returns) of the Omnibus Election Code in relation to the preparation, transmission, receipt custody and appreciation of the election returns, and the certificate of canvass shall be brought in the first instance before the board of canvassers only.

"Sec. 18. Summary Disposition of Pre-Proclamation Controversies. All pre-proclamation controversies on election returns or certificates of canvass shall, on the basis of the records and evidence elevated to it by the board of canvassers, be disposed of summarily by the Comelec within seven (7) days from receipt thereof. Its decision shall be executory after the lapse of seven (7) days from receipt by the losing party of the decision of the Comelec.

"Sec. 19. Contested Composition of Proceedings of the Boards; Period to Appeal; Decision by the Commission on Elections.- Parties adversely affected by a ruling of the board of canvassers on questions affecting the composition or proceedings of the board may appeal the matter to the Comelec within three (3) days from a ruling thereof. The

Comelec shall summarily decide the case within five (5) days from the filing thereof.

"Sec. 20. Precedure in the Disposition of Contested Election Returns. (a) Any candidate, political party or coalition of political parties contesting the inclusion or exclusion in the canvass of any election returns or any of the grounds authorized under Article XX Pre-Proclamation Controversies) or Section 234, 235 and 236 of the Omnibus Election Code shall submit their oral objection to the Chairman of the board of canvassers at the time the questioned returns is presented for inclusion in the canvass. Such objection shall be recorded in the minutes of the canvass.

(b) Upon receipt of any such objection, the board of canvassers shall authomatically defer the canvass of the contested returns and shall proceed to canvass the returns which are not contested by any party.

(c) Simultaneously with the oral objection the objecting party shall also enter his objection in the form for written objection to be prescribed by the Comelec. Within twenty-four (24) hours and after the presentation of such an objecting party shall submit the evidence in support of the objection, which shall be attached to the form for written objections, Within the same period of twenty-four (24) hours after presentation of the objection, any party may file a written and verified opposition to the objection in the form also to be prescribed by the Comelec, attaching thereto supporting evidence, if any. The board shall not entertain any objection or opposition unless reduced to writing in the prescribed forms.

The evidence attatched to the objection or opposition, submitted by the parties, shall be immediately and formally admitted into the records of the board by the chairman affixing his signature at the back of each and every page thereof.

d. Upon receipt of the evidence, the board shall take up the contested returns, consider the written objections thereto and opposition, if any, and summarily and immediately rule thereon. The board shall enter its ruling on the prescribed form and authenticate the same by the signatures of its members.

e. Any party edversely affected by the ruling of the board shall immediately inform the board if he intends to appeal said ruling. The board shall enter said information in the minutes of the canvass, set aside the returns and proceed to consider the other returns.

f. After all the uncontested returns have been canvassed and the contested returns ruled upon by it, the board shall suspend the canvass. Within forty-eight (48) hours therefrom, any party adversely affected by the ruling may file with the board a written and verified notice of appeal; and within an unextendible period of five (5) days thereafter, an appeal may be taken to the Comelec.

g. Immediately upon receipt of the notice of appeal, the board shall make an appropriate report to the Comelec, elevating therewith the complete records and evidence submitted in the canvass, and furnishing the parties with copies of the report.

h. On the basis of the records and evidence elevated to it by the board, the Comelec shall decide summarily the appeal with seven (7) days from receipt of said records and avidence. Any appeal brought before the Comelec on the ruling of the board, without the accomplished forms and the evidence appended thereto, shall be summarily dismissed.

The decision of the Comelec shall be executory after the lapse of seven (7) days from receipt thereof by the losing party.

i. The board of canvassers shall not proclaim any candidate as winner unless outhorized by the Comelec after the latter has ruled on the objections brought to it on appeal by the losing party. Any proclamation made in violation hereof shall be void ab initio, unless the contested returns will not adversely affect the result of the election.

PRE-PROCLAMATION CONTROVERSIES DEEMED TERMINATED AND RULINGS OF THE BOARDS AFFIRMED AT THE BEGINNING OF THE TERM OF THE OFFICE INVOLVED IN THE CASE'

The second paragraph of Section 16 of RA7166 provides that all pre-proclamation cases "pending before the Commission (on Elections) shall be deemed terminated at the beginning of the term of the office invlove and the rulings of the boards of canvassers concerned shall be deemed affirmed, without prejudice to the filing of a regular election protest by the aggrieved party. However, proceedings may continue when on the basis of the evidence thus far presented, the Commission determines that the petion appears meritorious and accordingly issue an order for the proceeding to continue or when an appropriate order has been issued by the Supreme Court in a petition for certiorari."

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PARTIAL PROCLAMATION OF
WINNING CANDIDATES

Notwithsatanding the pendency of any pre-proclamation controversy, the Commssion on Elections may summarily order the proclamation of other winning candidates whose election will not affected by the outcome of the controversy.

H. No. 34811
S. No. 1861

Republic of the Philippines
Congress of the Philippines
Metro Manila

Fifth Regular Session

Begun and held in Metro Manila, on Monday, the twenty- second day of July, nineteen hundred and ninety-one.

[REPUBLIC ACT NO. 7166]

AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS AND FOR ELECTORAL REFORMS, AUTHORIZING APPROPRIATIONS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. **Statement of Policy.** - It is the policy of the State to synchronize elections so that there shall be simultaneous regular elections for national and local officials once every three (3) years.

SEC. 2. **Date of Elections.** - In accordance with the policy hereinbefore stated, there shall be an election for President, Vice-President, twenty-four (24) Senators, all elective

Members of the House of Representatives, and all elective provincial, city and municipal officials on the second Monday of May 1992. Thereafter, the President and Vice-President shall be elected on the same day every six (6) years; while the Senators, elective Members of the House of Representatives and all elective provincial, city and municipal officials shall be elected on the same day every three (3) years, except that with respect to Senators, only twelve (12) shall be elected.

SEC. 3. **Election of Members of the Sangguniang Panlalawigan, Sangguniang Panlungsod and Sangguniang Bayan.** - The elective members of the Sangguniang Panlalawigan, Sangguniang Panlungsod and Sangguniang Bayan shall be elected as follows:

(a) For provinces with two (2) or more legislative districts, the elective members of the Sangguniang Panlalawigan shall be elected by legislative districts. For this purpose, the number of seats shall be apportioned equitably: Provided, That, if equal division is not possible, the remaining member or members shall be elected in the district or districts with the greater number of population or, if they be the same, with the greater number of voters: Provided further, That, if a legislative district includes a city that does not vote in the election of provincial officials, the Commission on Elections, hereinafter referred to as the Commission, shall allocate the number of seats among the districts in proportion to the population of the constituencies voting for the Sangguniang Panlalawigan.

(b) For provinces with only one (1) legislative district, the Commission shall divide them into two (2) districts for purposes of electing the members of the Sangguniang Panlalawigan, as nearly as practicable according to the number of inhabitants, each district comprising a compact, contiguous and adjacent territory, and the number of seats of elective members of their respective sanggunian shall be equitably apportioned between the districts in accordance with the immediately preceding paragraph.

(c) The number and election of elective members of the Sangguniang Panlungsod and Sangguniang Bayan in the Metro Manila Area, City of Cebu, City of Davao and any other city with two (2) or more legislative districts shall continue to be governed by the provisions of Sections 2 and 3 of Republic Act No. 6636: Provided, That, the municipalities of Malabon, Navotas, San Juan, Mandaluyong, Muntinlupa, Las Piñas and Taguig shall have twelve (12) councilors, and Pateros, ten (10):

Provided further, That, the Commission shall divide each of the municipalities in Metro Manila Area into two (2) districts by barangay for purposes of representation in the Sangguniang Bayan as nearly as practicable according to the number of inhabitants, each district comprising a compact, contiguous and adjacent territory.

(d) For purposes of the regular elections on May 11, 1992, elective members of the Sangguniang Panlungsod and Sangguniang Bayan shall be elected at large in accordance with existing laws. However, beginning with the regular elections in 1995, they shall be elected by district.

The Commission shall promulgate rules and regulations to effectively provide for the election of sectoral representatives in the implementation of the Local Government Code.

SEC. 4. **Postponement, Failure of Election and Special Elections.** - The postponement, declaration of failure of election and the calling of special elections as provided in Sections 5,6 and 7 of the Omnibus Election Code shall be decided by the Commission sitting **en banc** by a majority vote of its members. The causes for the declaration of a failure of election may occur before or after the casting of votes or on the day of the election.

In case a permanent vacancy shall occur in the Senate or House of Representatives at least one (1) year before the expiration of the term, the Commission shall call and hold a special election to fill the vacancy not earlier than sixty (60) days nor longer than ninety (90) days after the occurrence of the vacancy. However, in case of such vacancy in the Senate, the special election shall be held simultaneously with the next succeeding regular election.

SEC. 5. **Election and Campaign Period.** - Unless otherwise fixed by the Commission, the election period for the May 11, 1992 regular elections shall commence ninety (90) days before the day of the election and shall end thirty (30) days thereafter.

The campaign periods are hereby fixed as follows:

(a) For President, Vice-President and Senators, ninety (90) days before the day of the election: and

(b) For Members of the House of Representatives and elective provincial, city and municipal officials forty-five (45) days before the day of the election.

However, in the preparation of the election calendar, the

Commission may exclude the day before and the day of the election itself, Maundy Thursday and Good Friday.

Any election campaign or partisan political activity for or against any candidate outside of the campaign period herein provided is prohibited and shall be considered as an election offense punishable under Sections 263 and 264 of the Omnibus Election Code.

SEC. 6. **Nomination and Selection of Official Candidates.** - No political convention or meeting for the nomination or selection of the official candidates of any political party or organization or political groups or coalition thereof shall be held earlier than the following periods:

(a) For President, Vice-President and Senators, one hundred sixty-five (165) days before the day of the election; and

(b) For Members of the House of Representatives and elective provincial, city or municipal officials, seventy-five (75) days before the day of the election.

SEC. 7. **Filing of Certificates of Candidacy.** - The certificates of candidacy of any person running for the office of President, Vice-President, Senator, Member of the House of Representatives or any elective provincial, city or municipal official shall be filed in five (5) legible copies with the offices of the Commission specified hereunder not later than the day before the date legally fixed for the beginning of his campaign period.

a) The certificate of candidacy for President, Vice-President and Senators shall be filed with the main office of the Commission in Manila;

b) The certificate of candidacy for Members of the House of Representatives shall be filed with the provincial election supervisor of the province concerned. Those for legislative districts in the National Capital Region shall be filed with the regional election director of said region and those for legislative districts in cities outside the National Capital Region which comprise one or more legislative districts shall be filed with the city election concerned:

c) The certificate of candidacy for provincial offices shall be filed with the provincial election supervisor concerned; and

d) The certificate of candidacy for city or municipal offices shall be filed with the city or municipal election registrar concerned.

clusions, exclusions and corrections as may be or may have been 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; otherwise, the board shall not meet but such inclusions, exclusions and correction, if any, shall be made in the list of voters before the voting starts on election day.

SEC 10. **Annulment of the List of Voters.** - Any book of voters the preparation of which has been effected with fraud, bribery, forgery, impersonation, intimidation, force or any other similar irregularity or which is statistically improbable may be annulled, after due notice and hearing, by the Commission **motu proprio** or after the filing of a verified complaint: Provided, That no order, ruling or decision annulling a book of voters shall be executed within sixty (60) days before an election.

SEC. 11. **Voting Booth.** - Any provision of law to the contrary notwithstanding, there shall be in each polling place at least ten (10) booths of such size, specifications and materials as the Commission may provide to enable the voters to fill out their ballots secretly.

SEC. 12. **Absentee Voting.** - Absentee voting as provided for in Executive Order No. 157 dated March 30, 1987 shall apply to the elections for President, Vice-President and Senators only and shall be limited to members of the Armed Forces of the Philippines and the Philippine National Police and other government officers and employees who are duly registered voters and who, on election day, may temporarily be assigned in connection with the performance of election duties to places where they are not registered voters.

SEC. 13. **Authorized Expenses of Candidates and Political Parties.** - The aggregate amount that a candidate or registered political party may spend for election campaign shall be as follows:

(a) For candidates - Ten pesos (P10.00) for President and Vice- President; and for other candidates,. Three pesos (P3.00) for every voter currently registered in the constituency where he filed his certificate of candidacy: **Provided,** That, a candidate without any political party and without support from any political party may be allowed to spend Five pesos (P5.00) for every such voter; and

(b) For political parties - Five pesos (P5.00) for every voter currently registered in the constituency or constituencies

Whenever practicable, the names of registered candidates for local positions shall be printed in the election returns: Provided, That, if a candidate has been disqualified or declared a nuisance candidate, it shall be the duty of the Commission to instruct without delay the appropriate election officials to delete the name of said candidate as printed in the election return.

The certificate of candidacy shall be filed by the candidate personally or by his duly authorized representative. No certificate of candidacy shall be filed or accepted by mail, telegram or facsimile.

SEC.8. **Precincts and Their Establishment.** - Any provision of law to the contrary notwithstanding, where it is not practicable to divide the precinct by territory, the Commission may adjust or split the precinct by assigning the registered voters therein alphabetically and equitably among the adjusted or split precincts: **Provided,** That the polling places of said precincts shall be in the same building or premises.

SEC. 9. **Registration of Voters.** - There shall be a registration of voters on the fifteenth Saturday before the day of the election for voters who will reach the age of eighteen (18) years on or before the day of the election or for those who are qualified but not registered in the list of voters. However, the Commission may designate an additional date of registration in certain areas to ensure that voters therein are not deprived of their right of suffrage.

Before adjourning on registration day, the board of election inspectors shall close the list of voters by affixing their signatures in the space immediately after the last name; number consecutively the names of the voters listed therein and authenticate the list of voters by affixing their signatures on each and every page thereof.

The board of election inspectors shall post, on the wall outside the room where the registration was conducted, the list of voters in each precinct beginning on the first working day after registration day until election day. Failure to post said list shall constitute an election offense punishable under Sections 263 and 264 of the Omnibus Election Code.

When there is a significant number of inclusions, exclusions and corrections in the list of voters in a precinct, the Commission shall direct the board of election inspectors concerned to meet on the eighth Saturday immediately preceding the day of the election for the purpose of making such in-

clusions, exclusions and corrections as may be or may have been 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; otherwise, the board shall not meet but such inclusions, exclusions and correction, if any, shall be made in the list of voters before the voting starts on election day.

SEC 10. **Annulment of the List of Voters.** - Any book of voters the preparation of which has been effected with fraud, bribery, forgery, impersonation, intimidation, force or any other similar irregularity or which is statistically improbable may be annulled, after due notice and hearing, by the Commission **motu proprio** or after the filing of a verified complaint: Provided, That no order, ruling or decision annulling a book of voters shall be executed within sixty (60) days before an election.

SEC. 11. **Voting Booth.** - Any provision of law to the contrary notwithstanding, there shall be in each polling place at least ten (10) booths of such size, specifications and materials as the Commission may provide to enable the voters to fill out their ballots secretly.

SEC. 12. **Absentee Voting.** - Absentee voting as provided for in Executive Order No. 157 dated March 30, 1987 shall apply to the elections for President, Vice-President and Senators only and shall be limited to members of the Armed Forces of the Philippines and the Philippine National Police and other government officers and employees who are duly registered voters and who, on election day, may temporarily be assigned in connection with the performance of election duties to places where they are not registered voters.

SEC. 13. **Authorized Expenses of Candidates and Political Parties.** - The aggregate amount that a candidate or registered political party may spend for election campaign shall be as follows:

(a) For candidates - Ten pesos (P10.00) for President and Vice- President; and for other candidates,. Three pesos (P3.00) for every voter currently registered in the constituency where he filed his certificate of candidacy: **Provided,** That, a candidate without any political party and without support from any political party may be allowed to spend Five pesos (P5.00) for every such voter; and

(b) For political parties - Five pesos (P5.00) for every voter currently registered in the constituency or constituencies

where it has official candidates.

Any provision of law to the contrary notwithstanding, any contribution in cash or in kind to any candidate or political party or coalition of parties for campaign purposes, duly reported to the Commission, shall not be subject to the payment of any gift tax.

SEC. 14. **Statement of Contributions and Expenditures: Effect of Failure to File Statement.** - Every candidate and treasurer of the political party shall, within thirty (30) days after the day of the election, file in duplicate with the offices of the Commission the full, true and itemized statement of all contributions and expenditures in connection with the election.

No person elected to any public office shall enter upon the duties of his office until he has filed the statement of contributions and expenditures herein required.

The same prohibition shall apply if the political party which nominated the winning candidate fails to file the statement required herein within the period prescribed by this Act.

Except candidates for elective barangay office, failure to file the statements or reports in connection with electoral contributions and expenditures as required herein shall constitute an administrative offense for which the offenders shall be liable to pay an administrative fine ranging from One thousand pesos (P1,000.00) to Thirty thousand pesos (P30,000.00, in the discretion of the Commission.

The fine shall be paid within thirty (30) days from receipt of notice of such failure; otherwise, it shall be enforceable by a writ of execution issued by the Commission against the properties of the offender.

It shall be the duty of every city or municipal election registrar to advise in writing, by personal delivery or registered mail, within five (5) days from the date of election all candidates residing in his jurisdiction to comply with their obligation to file their statements of contributions and expenditures.

For the commission of a second or subsequent offense under this Section, the Administrative fine shall be from Two thousand pesos (P2,000.00) to Sixty thousand pesos (P60,000.00), in the discretion of the Commission. In addition, the offender shall be subject to perpetual disqualification to hold public office.

SEC. 15. **Pre-proclamation Cases Not Allowed in Elections for President, Vice-President, Senator, and Member of the House of Representatives.** - For purposes of the elections for President, Vice-President, Senator and Member of the House of Representatives, no pre-proclamation cases shall be allowed on matters relating to the preparation, transmission, receipt, custody and appreciation of the election returns or the certificates of canvass, as the case may be. However, this does not preclude the authority of the appropriate canvassing body **motu proprio** or upon written complaint of an interested person to correct manifest errors in the certificate of canvass or election returns before it.

Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Commission in accordance with Section 19 hereof.

Any objection on the election returns before the city or municipal board of canvassers, or on the municipal certificates of canvass before the provincial boards of canvassers or district boards of canvassers in Metro Manila Area, shall be specifically noted in the minutes of their respective proceedings.

Sec. 16. **Pre-proclamation Cases Involving Provincial, City and Municipal Offices.** - Pre-proclamation cases involving provincial, city and municipal offices shall be allowed and shall be governed by Sections 17, 18, 19, 20, 21 and 22 hereof.

All pre-proclamation cases pending before the Commission shall be deemed terminated at the beginning of the term of the office involved and the rulings of the boards of canvassers concerned shall be deemed affirmed, without prejudice to the filing of a regular election protest by the aggrieved party. However, proceedings may continue when on the basis of the evidence thus far presented, the Commission determines that the petition appears meritorious and accordingly issues an order for the proceeding to continue or when an appropriate order has been issued by the Supreme Court in a petition for certiorari.

SEC. 17. **Pre-proclamation Controversies: How Commenced.** - Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Commission. However, matters raised under Sections 233, 234, 235 and 236 of the Omnibus Election Code in relation to the preparation, transmission, receipt, custody and appreciation of the election returns, and

the certificates of canvass shall be brought in the first instance before the board of canvassers.

SEC. 18. **Summary Disposition of Pre-Proclamation Controversies.** - All pre-proclamation controversies on election returns or certificates of canvass shall on the basis of the records and evidence elevated to it by the board of canvassers, be disposed of summarily by the Commission within seven (7) days from receipt thereof. Its decisions shall be executory after the lapse of seven (7) days from receipt by the losing party of the decision of the Commission.

SEC. 19. **Contested Composition or Proceedings of the Board: Period to Appeal: Decision by the Commission.** - Parties adversely affected by a ruling of the board of canvassers on questions affecting the composition or proceedings of the board may appeal the matter to the Commission within three (3) days from a ruling thereon. The Commission shall summarily decide the case within five (5) days from the filing thereof.

SEC. 20. **Procedure in Disposition of Contested Election Returns.** - (a) Any candidate, political party or coalition of political parties contesting the inclusion or exclusion in the canvass of any election returns on any of the ground authorized under Article XX or Sections 234, 235 and 236 of Article XIX of the Omnibus Election Code shall submit their oral objection to the chairman of the board of canvassers at the time the questioned return is presented for inclusion in the canvass. Such objection shall be recorded in the minutes of the canvass.

(b) Upon receipt of any such objection, the board of canvassers shall automatically defer the canvass of the contested returns and shall proceed to canvass the returns which are not contested by any party.

(c) Simultaneous with the oral objection, the objecting party shall also enter his objection in the form for written objections to be prescribed by the Commission. Within twenty-four (24) hours from and after the presentation of such an objection, the objecting party shall submit the evidence in support of the objection, which shall be attached to the form for written objections. Within the same period of twenty-four (24) hours after presentation of the objection, any party may file a written and verified opposition to the objection in the form also to be prescribed by the Commission, attaching thereto supporting evidence, if any. The board shall not entertain any objection

or opposition unless reduce to writing in the prescribed forms.

The evidence attached to the objection or opposition, submitted by the parties, shall be immediately and formally admitted into the records of the board by the chairman affixing his signature at the back of each and every page thereof.

(d) Upon receipt of the evidence, the board shall take up the contested returns, consider the written objections thereto and opposition, if any, and summarily and immediately rule thereon. The board shall enter its ruling on the prescribed form and authenticate the same by the signatures of its members.

(e) Any party adversely affected by the ruling of the board shall immediately inform the board if he intends to appeal said ruling. The board shall enter said information in the minutes of the canvass, set aside the returns and proceed to consider the other returns.

(f) After all the uncontested returns have been canvassed and the contested returns ruled upon by it, the board shall suspend the canvass. Within forty-eight (48) hours therefrom, any party adversely affected by the ruling may file with the board a written and verified notice of appeal; and within an unextendible period of five (5) days thereafter, an appeal may be taken to the Commission.

(g) Immediately upon receipt of the notice of appeal, the board shall make an appropriate report to the Commission, elevating therewith the complete records and evidence submitted in the canvass, and furnishing the parties with copies of the report.

(h) On the basis of the records and evidence elevated to it by the board, the Commission shall decide summarily the appeal within seven (7) days from receipt of said records and evidence. Any appeal brought before the Commission on the ruling of the board, without the accomplished forms and the evidence appended thereto, shall be summarily dismissed.

The decision of the Commission shall be executory after the lapse of seven (7) days from receipts thereof by the losing party.

(i) The board of canvassers shall not proclaim any candidate as winner unless authorized by the Commission after the latter has ruled on the objections brought to it on appeal by the losing party. Any proclamation made in violation hereof shall be void **ab initio**, unless the contested returns will not adversely affect the results of the election.

SEC. 21. **Partial Proclamation.** - Notwithstanding the pendency of any pre-proclamation controversy, the Commission may summarily order the proclamation of other wining candidates whose election will not be affected by the outcome of the controversy.

SEC. 22. **Election Contests for Municipal Offices.** - All election contests involving municipal offices filed with the Regional Trial Court shall be decided expeditiously. The decision may be appealed to the Commission within five (5) days from promulgation or receipt of a copy thereof by the aggrieved party. The Commission shall decide the appeal within sixty (60) days after it is submitted for decision, but not later than six (6) months after the filing of the appeal, which decision shall be final, unappealable and executory.

SEC. 23. Official Ballots. - (a) Ballots for national and local elections, regular or special, plebiscites and referenda, shall be of uniform size and shall be provided by the Commission. They shall be printed in black ink on white security paper with distinctive, clear and legible waterworks that will readily distinguish it from ordinary paper. Each ballot shall be in the shape of a strip with stub and detachable coupon containing the serial number of the ballot, and a space for the thumbmark of the voter on the detachable coupon. It shall bear at the top of the middle portion thereof the coat-of-arms of the Republic of the Philippines, the words "Official Ballot," the name of the city or the municipality and province in which the election is to be held, the date of the election, and the following notice in English: "Fill out this ballot secretly inside the voting booth. Do not put any distinctive mark on any part of this ballot."

(b) The official ballot shall also contain the names of all the offices to be voted for in the election, allowing opposite the name of each office, sufficient space or spaces with horizontal lines where the voter may write the name or names of individuals candidates voted for by him;

(c) There shall not be anything printed or written on the back of the ballot except as provided in Section 24 of this Act;

(d) Official ballots for cities and municipalities where Arabic is of general use shall have each of the titles of the offices to be voted for printed in Arabic in addition to and immediately below the English title;

(e) Notwithstanding the preceding provisions, the Commission is hereby authorized to prescribe a different form of

official ballot on the same watermarked security paper to facilitate voting by illiterate voters only and to use or adopt the latest technological and electronic devices in connection therewith as provided under Section 52 (i) of the Omnibus Election Code.

SEC. 24. **Signature of Chairman at the Back of Every Ballot.** - In every case before delivering an official ballot to the voter, the chairman of the board of election inspectors shall, in the presence of the voter, affix his signature at the back thereof. Failure to so authenticate shall be noted in the minutes of the board of election inspectors and shall constitute an election offense punishable under Sections 263 and 264 of the Omnibus Election Code.

SEC. 25 **Manner of Counting Votes.** - In addition to the requirement in the fourth paragraph of Section 12 Republic Act No. 6646 and Section 210 of the Omnibus Election Code, in reading the individual official ballots during the counting, the chairman, the poll clerk and the third member shall assume such positions as to provide the watchers and the members of the public as may be conveniently accommodated in the polling place, an unimpeded view of the ballot being read by the chairman, of the election returns and the tally board being simultaneously accomplished by the poll clerk and the third member respectively, without touching any of these election documents. The table shall be cleared of all unnecessary writing paraphernalia. Any violation of this requirement shall constitute an election offense punishable under Sections 263 and 264 of the Omnibus Election Code.

SEC. 26. **Official Watchers.** - Every registered political party or coalition of political parties, and every candidate shall each be entitled to one watcher in every polling place and canvassing center: Provided, That, candidates for the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sangguniang Bayan belonging to the same slate or ticket shall collectively be entitled to only one watcher.

There shall also be recognized six (6) principal watchers, representing the six (6) accredited major political parties, who shall be designated major political parties, who shall be designated by the Commission upon nomination of the said parties. These political parties shall be determined by the Commission upon notice and hearing on the basis of the following circumstances:

(a) The established record of the said parties, coalition or

groups that now compose them, taking into account, among other things, their showing in past elections:

(b) The number of incumbent elective officials belonging to them ninety (90) days before the date of elections;

(c) Their identifiable political organizations and strengths as evidenced by their organized chapters;

(d) The ability to fill a complete slate of candidates from the municipal level to the position of President; and

(e) Other analogous circumstances that may determine their relative organizations and strengths.

SEC. 27. **Number of Copies of Election Returns and Their Distribution.** - The board of election inspectors shall prepare in handwriting the election returns in their respective polling places, in the number of copies herein provided and in the form to be prescribed and provided by the Commission.

The copies of the election returns shall be distributed as follows:

a) In the election of President, Vice-President, Senators and Members of the House of Representatives:

(1) The first copy shall be delivered to the city or municipal board of canvassers;

(2) The second copy, to the Congress, directed to the President of the Senate;

(3) The third copy, to the Commission;

(4) The fourth copy, to the provincial board of canvassers;

(5) The fifth copy, to be known as advance elections returns, shall be delivered to the city or municipal treasurer who, in the presence of the election registrar or his authorized representative, shall immediately and publicly open the same and post the votes therein in an election tally board sufficiently large to enable the public to read them, built on a public place preferably within the immediate vicinity of the city hall or municipal building.

(6) The sixth copy shall be given to the city or municipal trial court judge or in his absence to any official who may be designated by the Commission. The city or municipal trial court judge or the official designated by the Commission shall keep his copies of the election returns, sealed and unopened. Said copy may be opened only during the canvass upon order of the board of canvassers for purposes of comparison with

other copies of the returns whose authenticity is in question; and

(7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots; and

b) In the election of local officials;

(1) The first copy shall be delivered to the city or municipal board of canvassers;

(2) The second copy, to the Commission;

(3) The third copy, to the provincial board of canvassers;

(4) The fourth copy, to be known as advance election returns, shall be delivered to the city or municipal treasurer who, in the presence of the election registrar or his authorized representative, shall immediately and publicly open the same and post the votes therein in an election tally board sufficiently large to enable the public to read them, built on a public place preferably within the immediate vicinity of the city hall or municipal building.

(5) The fifth copy shall be given to the city or municipal trial court judge or in his absence, to any official who may be designated by the Commission. The city or municipal trial court judge or the official designated by the Commission shall keep his copies of the election returns, sealed and unopened. Said copy may be opened only during the canvass upon order of the board of canvassers for purposes of comparison with other copies of the returns whose authenticity is in questions; and

(6) The sixth copy shall be deposited inside the compartment of the ballot box for valid ballots.

SEC. 28. **Canvassing by Provincial, City, District and Municipal Boards of Canvassers.** - (a) The city or municipal board of canvassers shall canvass the election returns for President, Vice-President, Senators and Members of the House of Representatives and for elective provincial and city or municipal officials. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President, Senators and Members of the House of Representatives and elective provincial officials and thereafter, proclaim the elected city or municipal officials, as the case may be.

(b) The city board of canvassers of cities comprising one or more legislative districts shall canvass the election returns for President, Vice-President, Senators, Members of the House

of Representatives and elective city officials. Upon completion of the canvass, the board shall prepare the certificate of canvass for President, Vice-President, and Senators and thereafter, proclaim the elected Members of the House of Representatives and city officials.

(c) (1) In the Metro Manila Area, each municipality comprising a legislative district shall have a district board of canvassers which shall canvass the election returns for President, Vice- President, Senators, Members of the House of Representatives and elective municipal officials. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice- President, and Senators and thereafter, proclaim the elected Members of the House of Representatives and municipal officials.

(2) Each component municipality in a legislative district in the Metro Manila Area shall have a municipal board of canvassers which shall canvass the election returns for President, Vice- President, Senators, Members of the House of Representatives and elective municipal officials. Upon completion of the canvass, each shall prepare the certificate of canvass for President, Vice-President, Senators, Members of the House of Representatives and thereafter, proclaim the elected municipal officials.

(3) The district board of canvassers of each legislative district comprising two (2) municipalities in the Metro Manila Area shall canvass the certificates of canvass for President, Vice-President, Senators and Members of the House of Representatives submitted by the municipal boards of canvassers of the component municipalities. Upon completion of the canvass, it shall prepare a certificate of canvass for President, Vice-President and Senators and thereafter, proclaim the elected Member of the House of Representatives in the legislative district.

(d) The provincial board of canvassers shall canvass the certificates of canvass for President, Vice-President, Senators, Members of the House of Representatives and elective provincial officials as well as plebiscite results, if any plebiscite is conducted simultaneously with the same election, as submitted by the board of canvassers of municipalities and component cities. Upon completion of the canvass for President, Vice-President and Senators and thereafter, proclaim the elected Members of the House of Representatives and provincial officials as well as the plebiscite results, if any.

SEC. 29. **Number of Copies of Certificates of Canvass and their Distribution.** - (a) The certificate of canvass for President, Vice-President, Senators, Members of the House of Representatives and elective provincial officials shall be prepared in seven (7) copies by the city or municipal board of canvassers and distributed as follows:

(1) The first copy shall be delivered to the provincial board of canvassers for use in the canvass of election results for President, Vice-President, Senators, Members of the House of Representatives and elective provincial officials;

(2) The second copy shall be sent to the Commission;

(3) The third copy shall be kept by the chairman of the board;

(4) The fourth copy shall be given to the citizens arm designated by the Commission to conduct a media-based unofficial count; and

(5) The fifth, sixth and seventh copies shall be given to the representatives of any three (3) of the six (6) major political parties in accordance with the voluntary agreement of the parties. If no such agreement is reached, the Commission shall decide which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 26 hereof. The parties receiving the certificate have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.

(b) The certificates of canvass for President, Vice-President and Senators shall be prepared in seven (7) copies by the city boards of canvassers of cities comprising one or more legislative districts, by provincial boards of canvassers and by district boards of canvassers in the Metro Manila Area, and distributed as follows:

(1) The first copy shall be sent to the Congress, directed to the President of the Senate for use in the canvass of election results for President and Vice-President;

(2) The second copy shall be sent to the Commission for use in the canvass of the lection results for Senators;

(3) The third copy shall be kept by the chairman of the board;

(4) The fourth copy shall be given to the citizens arm designated by the Commission to conduct a media-based unofficial count; and

(5) The fifth, sixth and seventh copies of the certificate of canvass shall be given to any three (3) of the six (6) accredited major political parties in accordance with the voluntary agreement of the parties. If no such agreement is reached, the Commission shall decide which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 26 hereof. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.

(c) The certificates of canvass prepared by the city or municipal boards of canvassers shall each be supported by a statement of votes by precinct, signed and thumbmarked by the chairman and members of the board, and the principal watchers if available. Thereafter, it shall be sealed and placed inside an envelope which shall likewise be properly sealed.

In the Metro Manila Area, the certificates of canvass prepared by a district board of canvassers of a legislative district comprising one (1) municipality shall be supported by a statement of votes by precinct. The certificate of canvass prepared by a district board of canvassers of a legislative district comprising two (2) municipalities shall be supported by a statement of votes by municipality.

The certificates of canvass prepared by the provincial board of canvassers shall be supported by a statement of votes by municipality, and the original copy thereof for the Congress shall, in addition, be supported by statement of votes by precinct as submitted to the provincial board of canvassers by the city or municipal boards of canvassers. The same requirement shall apply in the case of the certificate of canvass of a district board of canvassers of a legislative district comprising two (2) municipalities in Metro Manila Area.

SEC. 30. - **Congress as the National Board of Canvassers of the Election of President and Vice-President: Determination of Authenticity and Due Execution of Certificates of Canvass.** - Congress shall determine the authenticity and due execution of the certificates of canvass for President and Vice-President as accomplished and transmitted to it by the local boards of canvassers, on a showing that: (1) each certificate of canvass was executed, signed and thumbmarked by the chairman and members of the board of canvassers and transmitted or caused to be transmitted to Congress by them; (2) each certificate of canvass contains the names of all of the candidates for president and Vice-President

and their corresponding votes in words and in figures; and (3) there exists no discrepancy in other authentic copies of the certificate of canvass or discrepancy in the votes of any candidate in words and figures in the same certificate.

When the certificate of canvass, duly certified by the board of canvassers of each province, city or district, appears to be incomplete, the Senate President shall require the board of canvassers concerned to transmit by personal delivery, the election returns from polling places that were not included in the certificate of canvass and supporting statements. Said election returns shall be submitted by personal delivery within two (2) days from receipt of notice.

When it appears that any certificate of canvass or supporting statement of votes by precinct bears erasures or alterations which may cast doubt as to the veracity of the number of votes stated therein and may affect the result of the election, upon request of the Presidential or Vice-Presidential candidate concerned or his party, Congress shall, for the sole purpose of verifying the actual number of votes cast for President and Vice- President, count the votes as they appear in the copies of the election returns submitted to it.

SEC. 31. **Per Diems of Election Inspectors and Other Officials.** - The members of the board of election inspectors shall be paid a **per diem** of Two hundred pesos (P200.00) each for services on registration and revision days and Four hundred pesos (P400.00) each on the day of the election. Provincial, city and municipal treasurers, administrators and supervisors of the Department of Education, Culture and Sports assigned by the Commission to perform election duty shall receive a **per diem** of Four hundred pesos (P400.00) each on election day.

Said **per diems** shall be paid by the cashier or other finance officer of the Department of Education, Culture and Sports or of the Commission within fifteen (15) days after registration, revision and election days, respectively. There being funds actually available, any delay in said payments to any of the abovementioned personnel without justifiable reason shall constitute an election offense and all officials and other personnel responsible therefor, directly or indirectly, shall be liable under Sections 263 and 264 of the Omnibus Election Code.

SEC. 32. **Who May Bear Firearms.** - During the election period, no person shall bear, carry or transport firearms or other deadly weapons in public places, including any building, street, park, private vehicle or public conveyance, even if licensed to possess or carry the same, unless authorized in writing by the Commission. The issuance of firearm licenses shall be suspended during the election period.

Only regular members or officers of the Philippine National Police, the Armed Forces of the Philippines and other law enforcement agencies of the Government who are duly deputized in writing by the Commission for election duty may be authorized to carry and possess firearms during the election period: **Provided,** That, when in the possession of firearms, the deputized law enforcement officer must be: (1) in full uniform showing clearly and legibly his name, rank and serial number which shall remain visible at all times; and (b) in the actual performance of his election duty in the specific area designated by the Commission.

SEC. 33. **Security Personnel and Bodyguards.** - During the election period, no candidate for public office, including incumbent public officers seeking election to any public office, shall employ, avail himself of or engage the services of security personnel or bodyguards, whether or not such bodyguards are regular members or officers of the Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency of the Government: **Provided, That,** when circumstances warrant, including but not limited to threats to life and security of a candidate, he may be assigned by the Commission, upon due application, regular members of the Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency who shall provide him security for the duration of the election period. The officers assigned for security duty to a candidate shall be subject to the same requirement as to wearing of uniforms prescribed in the immediately preceding section unless exempted in writing by the Commission.

If at any time during the election period, the ground for which the authority to engage the services of security personnel has been granted shall cease to exist or for any other valid cause, the Commission shall revoke the said authority.

SEC. 34. **Disposition of Firearms.** - The firearm or other deadly weapon found in the possession of person prosecuted for the election offense shall be disposed of according to existing laws.

SEC. 35. **Rules and Regulations.** - The Commission shall issue rules and regulations to implement this Act. Said rules shall be published in at least two (2) national newspapers of general circulation.

SEC. 36. **Governing Laws.** - The elections provided herein and all subsequent elections and plebiscites shall be governed by this Act, by the provisions of the Omnibus Election Code, Republic Act No. 6646 and other election laws not inconsistent herewith.

SEC. 37. **Appropriations.** - The amount of One billion pesos (P1,000,000,000.00) is hereby appropriated out of any savings or unexpended balance in the National Treasury not otherwise appropriated to cover the costs of holding the May 11, 1992 elections. Hereafter, the amounts necessary to fund subsequent elections shall be included in the General Appropriations Act for the corresponding fiscal year.

Any provision of law to the contrary notwithstanding, and for purposes of the May 11, 1992 elections only, the chairman and members of the board of election inspectors shall each be paid a per diem of Four hundred pesos (P400.00) on election day. The Commission may provide hazard pay, when warranted, incentive and merit awards to members of the boards of election inspectors, board of canvassers and personnel of the Commission and its deputized agencies.,

SEC. 38. **Separability Clause.** - If any provision or part of this Act is declared unconstitutional, such declaration of unconstitutionality will not affect the other provisions of this Act.

SEC. 39. **Amending and Repealing Clause.** - Sections 107, 108 and 245 of the Omnibus Election Code are hereby repealed. Likewise, the inclusion in Section 262 of the Omnibus Election Code of the violations of Sections 105, 106, 107, 108, 109, 110, 111 and 112 as among election offenses is also hereby repealed. This repeal shall have retroactive effect.

Batas Pambansa Blg. 881, Republic Act No. 6646, Executive Order Nos. 144 and 157 and all other laws, orders, decrees, rules and regulations or other issuances, or any part thereof, inconsistent with the provisions of this Act are hereby amended or repealed accordingly.

SEC. 40. **Effectivity Clause.** - This Act shall take effect upon its publication in full in at least two (2) national newspapers of general circulation.

Approved,

JOVITO R. SALONGA
President of the Senate

RAMON V. MITRA
Speaker of the House of Representatives.

This Act which is a consolidation of House Bill No. 34811 and Senate Bill No. 1861 was finally passed by the House of Representatives and the Senate on November 18, 1991 and November 20, 1991, respectively.

EDWIN P. ACOBA
Secretary of the Senate

CAMILO L. SABIO
Secretary General
House of Representatives

Approved: November 26, 1991.

CORAZON C. AQUINO
President of the Philippines

RULES IN THE APPRECIATION OF BALLOTS UNDER SECTION 211, OMNIBUS ELECTION CODE

The following are the rules in the appreciation of ballots as provided under Section 211 of Batas Pambansa 881, otherwise known as the Omnibus Election Code of 1985. To simplify their explanation, an example is given immediately after each rule.

1. Where only the first name of a candidate or only his surname is written, the vote for such candidate is valid if there is no other candidate with the same first name or surname for the same office.

Example: Ramon Ramos is one of the candidates for president in the May 11, 1992 presidential elections. If on the ballot is written the name "RAMON" or the surname "RAMOS" the vote shall be counted in favor of Ramon Ramos, provided there is no other candidate with the same first name or surname.

2. Where only the first name of a candidate is written on the ballot, which when read, has a sound similar to the surname of another candidate, the vote shall be counted in favor of the candidate with such surname. (See rule 7 for related discussion)

Example: Jose Padilla is a candidate for President. If on the ballot is written the word Adilla the vote shall be counted in favor of Jose Padilla since the word "ADILLA" when read, has sounds similar to the surname "PADILLA".

If there are two or more candidates with the same full name, first name or surname and one of them is the incumbent, and on the ballot is written only such full name, first name or surname, the vote shall be counted in favor of the incumbent.

Example: Congressman Antonio Aquino is the incumbent Congressman of the Second District of Quezon City. If he runs for the same position in the May 11, 1992 election and another person with the same name "ANTONIO AQUINO" files his certificate of candidacy for the same position, all ballots wherein the name "ANTONIO AQUINO" is written shall be counted in favor of Congressman Aquino, he being the incumbent Congressman of the second District of Quezon City. This is the so called "equity of the incumbent" principle. Insofar as the presi-

dential election is concerned, this principle or rule may not be applied if President Corazon C. Aquino does not run for reelection.

3. When two or more words are written on the same line on the ballot, all of which are the same surnames of two or more candidates, the same shall not be counted for any of them, unless one is the surname of an incumbent who has served for at least one year in which case it shall be counted in favor of the latter.

Example: Quezon City Mayor Brigido R. Simon, Jr. runs for reelection in the May 11, 1992 election. Another person by the name of Ramon Gonzales likewise files a certificate of Candidacy for the same position. If on the ballots is written "Simon Gonzales" the vote shall be counted in favor of Mayor Simon since he is the incumbent Mayor of Quezon City.

When neither of the candidate is an incumbent: Example Jose Simon and Rosendo Capco are both candidates for Mayor of Quezon City. If on the ballot is written "Simon Capco" no vote shall be credited for any of them.

However, this does not mean that the ballot shall be invalidated. If there are other names written on the ballot for other positions, the ballot shall be appreciated onsofar as the other candidates whose names appears in the ballot are concerned.

4. When two or more names are written on different lines on the ballot, all of which are surnames of two or more candidates bearing the same surname for an office for which the law authorizes the election of more than one, and there are the same number of such surnames written as there are candidates with that surname, the vote shall be counted in favor of all the candidates bearing the surname.

Example: VICENTE SOTTO, VIC SOTTO, VAL SOTTO and MARU SOTTO are candidates for Senator in the 1992 election which authorizes the election of twenty- four (24) senators. If on the four different spaces or lines on the ballot is each written the surname "SOTTO" each of the aforesaid candidates shall be credited with one (1) vote.

5. When on the ballot is written a single word which is the first name of a candidate and which is at the same time the surname of his opponent, the vote shall be counted in favor of the latter.

Example: Pedro Sison runs for Mayor. A person by the name of Sison Dela Cruz also runs for the same position. If on the ballot is written the word "SISON" the ballot shall be credited in favor of Pedro Sison since "SISON" is his surname and only the first name of his opponent.

6. When two words are written on the ballot, one of which is the first name of the candidate and the other is the surname of his opponent, the vote shall not be counted for either.

Example: In our example under Rule 5, if in the ballot is written the name "Pedro Dela Cruz" the vote shall not be counted for either of them although it carried the surname of the other candidate. This is so because the intention of the voter cannot be determined whether he is voting for Pedro Sison or for Sison dela Cruz (Perez VS. Rimeda, GR. NO. L-8496, April 27, 1955).

NOTE: Rule 6 is different from Rule 5 because in the latter, there is only one word written on the ballot and such word happens to be the surname of one of the candidates which is also the first name of his opponent. In rule 6, there are two (2) words written on the ballots, the first being the first name of a candidates and the second being the surname of his opponent.

7. A name or surname incorrectly written which, when read, has a sound similar to the name or surname of a candidate when correctly written shall be counted in his favor. This is the doctrine of idem sonans.

Example: Ramon Mitra is a candidate for president. If a voter writes the words "Amon", "Ramon", "Matira", "Motra", and similar sounding words the same shall be counted in favor of Ramon Mitra since the said words have sounds similar to his name.

8. When the name of a candidate is written on the ballot in the space for an office for which he is a candidate and in another space for which he is not a candidate, it shall be counted in his favor for the office for which he is a candidate and the vote for the office for which he is not a candidate shall be considered stray, except when it is used as a means to identify the voter, in which case, the whole ballot shall be void.

Example: Fidel Ramos is a candidate for President. If a voter writes the name Fidel Ramos in the space for the position of President and in another space which is intended for another position, say Senator, the

ballot shall be counted in favor of Fidel Ramos only for the position of the President. The vote for the position of Senator for which he is not a candidate shall be considered stray, and the same ballot will be appreciated insofar as the other candidates whose names are written thereon are concerned.

9. When on the ballot there appears the name of a candidate that is erased and another clearly written, the vote is valid for the latter.

COMMENT This rule is self- explanatory.

10. The erroneous initial of the first name which accompanies the correct surname of a candidate, the erroneous initial of the surname accompanying the correct first name of a candidate, or the erroneous middle initial of the candidate shall not annul the vote of the latter.

Example: Romulo C. Capco is a candidate for President. If a voter writes "Romulo Capco" or "A.C. Capco", or Romulo C.K.", the vote shall be counted in his favor. In Ignacio vs Navarro, 57 Phil. 100, the Supreme Court held that the middle name is not material in appreciating the ballot

In Gonzaga vs. Seno, 7 SCRA 741, the Supreme Court likewise held that the initial of the nickname by which a candidate is properly known is valid.

11. The fact that there exists another person who is not a candidate with the same first name or surname of a candidate shall not prevent the adujudication of the vote for the latter.

12. Ballots which contain prefixes such as Sr., Mrs., Datu, Don, Ginoo, Hon., Gov., or suffixes like Hijo, Jr., Segundo, are valid.

Comment: This means that the use of prefixes or suffixes does not make the ballot a marked ballot. In a case, the Supreme Court held that the use of the prefixes "Manoy", "Maoy", and "Pare Enoy" before the names of the candidates voted for does not invalidate the ballot because such prefixes are colloquial expressions in Visaya which connote something equivalent to the Tagalog "Ka" or the English "Mr." (Gadon vs. Comelec, GR No. L-20015, November 30, 1963).

13. The use of nicknames or appelations of affection and friendship, if accompanied by the first name or surname of the candidate, does not

annul such vote, except when they were used as a means to identify the voter, in which case, the whole ballot is invalid: Provided that if the nickname used is unaccompanied by the name or surname of a candidate and it is the one by which he is generally or popularly known in the locality, the name shall be counted in favor of said candidate, if there is no other candidate for the same office with the same nickname.

Example: Eduardo Cojuangco is also known as "Danding Cojuangco". if the voter writes "DANDING" or "DANDING COJUANGCO", the same shall be counted in his favor. If the voter writes "Danding" or Mahal Danding" the ballot may still be appreciated in his favor since the words "Mabuhay" "Champion" and "Mahal" may be considered as mere appelation of affection and friendship.

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

COMMENT: Self- explanatory.

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

COMMENT: Rule No. 15 should not be confused with Rule 6. While Rule 6 treats of situation where there are two or more candidates whose first names and/or surnames were interchanged by the voter, Rule 15 involves the following situations:

(a). Where the first name of a candidate is correctly written but with a different surname which is not the surname of any other candidates.

Example: Mark Rosales is a candidate for Senator. On the ballot is written "Mark dela Pena". If there is no candidate for Senator with the surname "dela Pena" the vote shall not be counted in favor of Mark Rosales.

(b) Where the surname of the candidate is correctly written but with a different first name which is not the first name of any other candidates.

Example: In the above example, if on the ballot is written "Jose

Rosales" and there is no candidate with the first name "JOSE" the vote shall not likewise be counted for Mark Rosales.

NOTE: In both cases, however, the entire ballot shall not be invalidated. This means that the votes for the other candidates, say Ramon Mitra for President, whose names are written on the same ballot shall be appreciated in their favor.

16. Any ballot written with crayon, lead pencil, or ink, wholly or in part shall be valid.

COMMENT: Self -explanatory.

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

Example: Fidel Mitra and Ramon Ramos are candidates for President. If both there names are written on the ballot no vote shall be counted in favor of any of them. But the same will not invalidate the entire ballot which must still be appreciated insofar as the other candidates whose names are therein are concerned.

18. If the candidates voted for exceed the number of those to be elected, the ballot is valid, but the votes shall be counted only in favor of the candidates whose names were firstly written by the voter within the spaces provided for said office in the ballot until the authorized number if covered.

Explanation: The 1992 Election Law authorizes the election of 24 senators only. If on the ballot is written more than twenty-four (24) senatorial candidates, each of the candidates whose names were firstly written within the spaces provided in the ballot for the position of Senator shall be credited with one (1) vote each. The twenty-fifth name and other names thereafter who are likewise candidate for Senator shall not be given credit at all.

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

COMMENT: This rule speaks of a case where the name of a person who is not a candidate is written in the ballot along with the names of other bonafide candidates. In such a case, the vote shall be considered as stray vote but the entire ballot shall not be invalidated in that the same shall still be appreciated in favor of the candidates whose names appear in the said ballot.

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

COMMENT: This means that a voter has to personally fill up the ballot for his choice of candidates. Stickers of candidates which are pasted on a blank space of the ballot or attached thereto are totally null and void.

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

COMMENT: If only one name appears in the ballot and the other spaces of the ballot are not filled up or contain circles, crosses or lines, the ballot is valid.

22. Unless it should clearly appear that they have been deliberately put by the voter to serve as identification marks, commas, dots, lines or hypens between the first name and surname of a candidate, or in other parts of the ballot, shall not invalidate the ballot.

COMMENT: The rationale of this rule was clearly expalined by the Supreme Court in the case of Lucero vs de Guzman, 45 Phil. 52, where it ruled that : " It has been said that the appreciation of ballots should be done with liberality so as to give free expression to the will of the electors. When a mark, comma, dot, or line appears on a ballot, in the absence of proof to the contrary, the presumption is that it was placed there accidentally, and a ballot should not be invalidated because of such mark or sign which was accidentally placed there. The general rule is that no ballot shall be considered marked because of the fact that it contains flourishes by the voter upon the ballot in the course of preparing the same." (Lucero vs de Guzman 45 Phil. 352).

In another case, dots were placed before and after the initial of the Christian name of the candidate. It was held that these dots will not invalidate the vote. The placing of dots is taken as a mere writing idiosyncracy of the voter. (Cruz vs Pineda, GR No. L-21652, June 13, 1958).

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.

COMMENT: The purpose of this rule is to mandatorily require the voter to prepare his own ballot by himself alone. In this way he is given the free choice of his candidate. Where it appears, therefore, that the handwriting with which the name of one candidate for a position is done with different handwriting employed in writing the names of other candidates in the same ballot, the ballot should be declared void. (Alfaro vs Tariela, GR No. L-40315, March 13, 1935).

24. The accidential tearing or perforation of a ballot does not annul it.

COMMENT: In a case, the Supreme Court held that where certain ballots appeared to be perforated by the hard point of a pen or pencil, the same can be considered valid. (Lucero vs de Guzman, 45 Phil. 352).

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

COMMENT: The law imposes upon the Board of Election Inspectors the duty to separate the stab from the ballot. If for cause not attributable to the fault of the voter his ballot with the stub therein is found in the ballot box, the same should not be annuled because the irregularity cannot be attributed to the voter. (Alfaro vs Tariele, GR No. L-40315, March 13, 1935).

In addition to the foregoing rules in the appreciation of ballots as provided under the Omnibus Election Code, it is also imperative that congressional candidates and their watchers take note of the following rules adopted by the House Electoral Tribunal in various protest cases it decided in connection with the 1987 congressional elections.

1. Ballots where the names of two or more candidates were written on the line for Representative were not counted in favor of any candidate.

2. Ballots where the name of the candidate was written on line 1 for Senators or in the shaded box immediately above the line for Representative were counted in favor of that candidate; provided, that (1) the line for Representative had been left blank, and (2) no other name of a candidate for Representative was written on other lines for Senators, in the same ballot. (Mandac vs Samonte, 54 Phil. 706).

3 Ballots where the name of a candidate was correctly written either on the line for Representative or on line 1 for Senators or in the shaded box (under the conditions indicated in the immediately preceding subparagraph) even though incorrectly spelled, were counted in favor of the candidate provided, that the name written, when read, bore a sound similar to the name of said candidate when correctly spelled. (Rule 7, Section 211 OEC; Ferraren vs Anonuevo, 118 Phil. 1429).

4. Ballots where the name of a candidate was written on line 2 for Senators but immediately preceded or followed either by the word "Congressman" or 'Representative" were counted in favor of said candidate. (Cruz vs Court of Appeals and Pineda, 105 Phil. 1267).

5. Ballots containing initials only or whose entries were not legible or which did not sufficiently identify the candidate for whom the vote was intended, were merely considered stray (Rule 14, Section 211, OEC).

6. Groups of ballots clearly prepared by only one (1) person are invalid except where it is shown by the Minutes of Voting that illiterate or physically disabled voters voted with the aid of assistors under Section 196 of B.P. Blg. 881. In this case the ballots are valid, provided the handwriting thereon is similar to the signature of the assistor found in the Minutes of Voting, it being presumed that the similarly-written ballots were prepared by the assistor, one for himself and for not more than three (3) illiterate or disabled voters unless the assistor was a member of the Board of Election Inspector.

7. Ballots which clearly appear to have been each prepared by two (2) different persons before they were deposited in the ballot box are invalidated in the absence of evidence aliunde that the second handwriting was placed on the ballots after they were deposited in the ballot box. (Rule 23, Sec. 211, OEC).

8. Ballots containing writings which marked the ballot or identify the voter thereof were rejected as marked ballots. Those writings which

did not serve that purpose were considered innocent or merely signs of desistance from voting and did not invalidate the ballots.

References:

1. HRET Case No. 14
   Espaldon vs Bandon
   November 26, 1990
2. HRET Case No. 34
   Timbol vs Lazatin
   March 22, 1990
3. HRET Case No. 34
   Nograles vs Dureza
   June 16, 1989

COMPOSITION OF THE VARIOUS BOARDS OF CANVASSERS

Republic Act No. 7166 does not contain any provision as to the composition of the various boards of canvassers which are tasked with the duty of canvassing the election returns and the certificates of canvass, as the case may be. It is imperative for a candidate, political party and their watchers to know the composition of these boards as they are the ones who hold the key to a winning candidates assumption into the office for which he wants to be elected. These boards have the duty of proclaiming the winning candidates.

Since RA 7166 does not provide for the composition of these boards the provisions of the Omnibus Election Code (BP 881), Executive Order Nos. 144 and 157 and RA 6646 pertaining to the creation and composition of the boards of canvassers shall still apply.

PROVINCIAL BOARD OF CANVASSERS

Composition – This Board is composed of the following:

1. Provincial Election Supervisor or a lawyer in the regional office of the Comelec – – Chairman

2. Provincial Fiscal (Prosecutor) – Vice-Chairman

did not serve that purpose were considered innocent or merely signs of desistance from voting and did not invalidate the ballots.

References:

1. HRET Case No. 14
   Espaldon vs Bandon
   November 26, 1990
2. HRET Case No. 34
   Timbol vs Lazatin
   March 22, 1990
3. HRET Case No. 34
   Nograles vs Dureza
   June 16, 1989

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2. Provincial Fiscal (Prosecutor) – Vice-Chairman

3. Provincial Superintendent of School - - - - - - - - - - - - - - - - - Member

CITY BOARD OF CANVASSERS

a. For cities that are highly urbanized, as determined by law, and component cities whose charters prohibit their voters from voting for provincial elective officials. (Section 12, Art. X, 1987 Constitution):

1. City Election Registrar or a lawyer of the Comelec - - - - - - - - - - - - Chairman

2. City Fiscal (Prosecutor) - - - - Vice-Chairman

3. City Superintendent - - - member

MUNICIPAL BOARD OF CANVASSERS

Note: In cities with more than one election registrars, the Comelec shall designate the election registrar who shall act as chairman. (Section 20, RA 6646).

b. For component cities - meaning cities within a province whose charters allow their electorate to vote for elective provincial officials.

1. City Election Registrar or a representative of the Comelec - - - - - Chairman

2. City Fiscal (Prosecutor) - - - Vice-Chairman

3. City Superintendent - - - Member

MUNICIPAL BOARD OF CANVASSERS

Composition - This board shall be composed of the following:

1. Election Registrar of the municipality or a Representative of the Comelec - - - Chairman

2. Municipal Treasurer - - - Vice-Chairman

3. Most Senior District School Supervisor or in his absence a principal of the school district or the elementary school - - - - - Member

BOARDS OF CANVASSERS IN METRO MANILA

Composition - this Board is composed of the following:

1. A Lawyer of the Comelec - - - Chairman

2. A ranking Fiscal in the District - - Vice-Chairman

3. Most Senior District School Supervisor in the District - - - - - - -Member.

In cases of Municipalities in Metro Manila with one (1) legislative district (i.e., Makati, Paranaque, Marikina, Pasig and Valenzuela), the District Board of Canvassers shall prepare the certificate of canvass for President, Vice-President/and Senators and shall proclaim the winning Congressman and municipal officials.

In cases of component municipalities in a legislative district (i.e., Taguig-Pateros), their respective Municipal Board of Canvassers shall prepare the certificates of canvass for President, Vice-President, Senators and Congressmen. This board shall proclaim the winning municipal officials.

These certificates of canvass shall be forwarded to their respective District Board of Canvassers which will in turn canvass these certificates of canvass and, on the basis of the results appearing thereon, prepare its own certificates of canvass for President, Vice-President and Senators and thereafter proclaim the winning congressional candidate in the legislative district.

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APPOINTMENT OF WATCHER

M_____
_____
_____
_____

DEAR M_____

YOU ARE HEREBY APPOINTED AS MY OFFICIAL WATCHER IN PRECINCT NO._____, BARANGAY_____,OF THE MUNICIPALITY/ CITY OF_____.

THIS WILL SERVE AS YOUR AUTHORITY TO REPRESENT ME IN THE SAID PRECINCT.

THANK YOU FOR PROTECTING OUR RIGHTS AND FOR JOINING ME IN OUR QUEST FOR CLEAN, HONEST AND ORDERLY ELECTIONS.

GOOD LUCK!

Very truly yours,

_____

Full name of Candidate or Organization