

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
Second Regular Session

House Bill No. 9145



Introduced by Representative Richard I. Gomez, DPA

EXPLANATORY NOTE

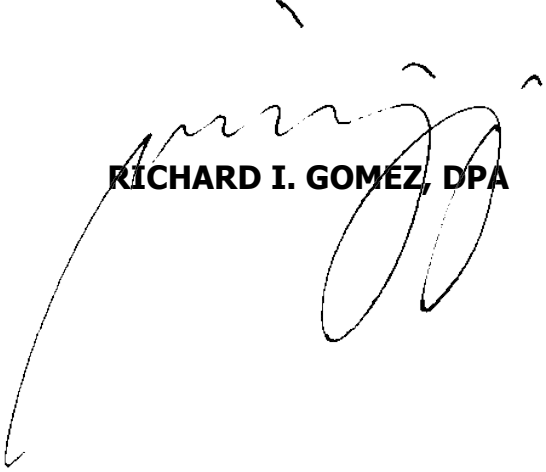
Batas Pambansa Bilang 881, otherwise known as the Omnibus Election Code, became law in 1985. Almost four (4) decades have passed and the need to overhaul the same cannot be denied.

For one, many election statutes have been passed dealing with various aspects of the election process and they require either integration, harmonization or updating. Among the more notable ones are the laws on automated election system (RA 8436), biometrics voter registration (RA 10367), synchronized elections (RA 7166), fair elections (RA 9006), overseas voting (RA 9189, as amended by RA 10590), local absentee voting (RA 10380), the party-list system (RA 7941), and on initiative and referendum (RA 6735).

On the other hand, new legislative initiatives pose challenge and at the same time present opportunities for electoral reform. Some of these are the bills filed mandating online registration, early voting for certain qualified voters, updating the authorized campaign expenditures, restoring the prohibition against premature campaigning, and penalizing nuisance candidates.

Elections are the bedrock of our democratic system. In a representative democracy (republican form of government), voting for government officials is the only direct and regular participation of the average citizen in terms of governance. Hence, the sanctity and reliability of our electoral process must be preserved and even strengthened.

In view of the foregoing, the early approval of this bill is earnestly sought.



RICHARD I. GOMEZ, DPA

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**AN ACT PROVIDING FOR THE
NEW OMNIBUS ELECTION CODE OF 2023**

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

**CHAPTER I
PRELIMINARY PROVISIONS**

**Article 1
General Provisions**

SECTION 1. *Title.* - This Act shall be known and cited as the "*New Omnibus Election Code of 2023.*"

SEC. 2. *Applicability.* - This Code shall govern all election of public officers, referenda, initiatives and plebiscites: *Provided, however,* That the election of elective officials in the autonomous regions, whose offices were created by the organic laws of such regions or by regional laws, shall be governed primarily by such organic laws and secondarily by regional election law of the regions concerned: *Provided further,* That the provisions of this Code shall have suppletory application to such organic and regional laws.

SEC. 3. *Election Code to be available in polling places.* - A printed copy of this Code in English or in the national language shall be provided and be made available by the Commission in every polling place, in order that it may be readily consulted by any person in need thereof on the registration, revision and election days.

SEC. 4. *Official mail and telegram relative to elections.* - Papers connected with the election and required by this Code to be sent by public officers in the performance of their election duties shall be free of postage and sent by registered special delivery

1 mail. Telecommunications of the same nature shall likewise be transmitted free of
2 charge by government telecommunications and similar facilities.

3 It shall be the duty of the Postmaster General, the Department of Information and
4 Communications Technology, and the managers of private telecommunication
5 companies to transmit immediately and in preference to all other communications
6 such messages or communications which the Commission may require or may be
7 necessary to ensure free, honest and orderly elections.

8 9 **Article 2** 10 **Definition of Terms**

11 **SEC. 5.** *Definition of Terms.* - As used in this Code and except when otherwise
12 indicated, the following terms shall be defined as follows:

13 (1) *"Accessible Polling Place"* refers to the venue where the Board of Election
14 Inspectors (BEIs) conducts election-related proceedings and where the voters
15 cast their votes. The accessible polling place shall be located at the ground
16 floor, preferably near the entrance of the building, shall be readily accessible
17 to public transportation, shall be free of any physical barriers, and provided
18 with the necessary infrastructure including assistive devices, transport
19 wheelchairs, ramps, railings, sidewalks, adequate lighting, ventilation, sufficient
20 signage and directional signs, lists of candidates transcribed in braille, and other
21 features for PWDs, pregnant women, and senior citizens, as well as support
22 services of experts in assisting persons with disabilities such as sign language
23 interpreters. Accessible polling places shall be located in public schools, town
24 halls or plazas, civic centers, community centers, or other similarly designated
25 venues. In designating the accessible polling places, the Commission shall give
26 preference to venues designed with special features to ensure the safety and
27 comfort of senior citizens, pregnant women, and persons with disabilities.

28
29 (2) *"Blog"* and *"Collective blog"* refers to websites on which an individual or group
30 of users, respectively, record news, opinions, and information, in varying
31 degrees of regularity. A "micro-blog" refers to a blogging format which allows
32 users to exchange small elements of content, referred to variously as posts,
33 entries or status updates, such as short sentences, individual images, or links
34 to video material uploaded to the internet.

35 (3) The term *"candidate"* refers to any person seeking an elective public office,
36 who has filed his or her certificate of candidacy, and who has not died,
37 withdrawn his or her certificate of candidacy, had his or her certificate of
38 candidacy denied due course or cancelled, or has been otherwise disqualified:
39 *Provided, That, unlawful acts or omissions applicable to a candidate shall take*
40 *effect immediately after the last day of filing of the certificate of candidacy.*

1 The term also refers to any duly registered national or regional political party,
2 coalition of political parties, sectoral parties, or sectoral organizations that has
3 filed a manifestation of intent to participate under the party-list system, which
4 has not withdrawn the said manifestation, and which has not been disqualified
5 or had its registration cancelled.

6 A person shall be considered as a candidate from the moment that person files
7 his or her certificate of candidacy. Acts constituting premature campaigning
8 enumerated in this Code shall apply to candidates upon the filing of their
9 certificate of candidacy.

10 The term "prospective candidate" refers to any person aspiring for or seeking
11 an elective public office, whether or not that person has explicitly declared his
12 or her intention to run as a candidate but subsequently files a certificate of
13 candidacy.

14 (4) "*Certified List of Overseas Voters (CLOV)*" refers to the list of registered
15 overseas voters whose applications to vote overseas have been approved by
16 the Commission, said list to be prepared by the Office for Overseas Voting of
17 the Commission, on a country-by-country and post-by-post basis. The list shall
18 be approved by the Commission in an en banc resolution.

19 (5) A "*coalition*" refers to an aggrupation of duly registered national political parties
20 or regional political parties.

21 (6) The terms "*Contractors*" and "*business firms*" refer to any person, natural or
22 juridical, or firm to whom any electoral expenditure is made, including but not
23 limited to, media entities, media outlets, internet and social media platforms,
24 advertising agencies, public relations firms and other intermediaries, event
25 organizers, talent endorsers and their managers, digital influencers, and
26 printing press for the purpose of entering into political advertisement contracts.
27 "Social media associates" refer to contractors whose primary duty is to promote
28 the election or defeat of any candidate through social media interactions and
29 engagement.

30 (7) The term "*contribution*" includes a gift, donation, subscription, loan, advance
31 or deposit of money or anything of value, or a contract, promise or agreement
32 to contribute, whether or not legally enforceable, made for the purpose of
33 influencing the results of the elections but shall not include services rendered
34 without compensation by individuals volunteering a portion or all of their time
35 in behalf of a candidate, party, organization, or coalition of parties. It shall also
36 include the use of facilities voluntarily donated by other persons, the money
37 value of which can be assessed based on the rates prevailing in the area.

38 (8) "*Day of Election*" refers to the actual date of elections in the Philippines

- (9) "*Department of Foreign Affairs Overseas Voting Secretariat*" (DFA-OVS) refers to the secretariat based at the Department of Foreign Affairs (DFA) home office tasked to assist the Office for Overseas Voting (OFOV) under the Commission, and to direct, coordinate and oversee the participation of the DFA in the implementation of the Overseas Voting Act.
- (10) "*Disinterested witness*" refers to a registered voter in the same barangay where the applicant seeks to register and who resides thereat, attesting to a certain fact, the identity, personal circumstances and residence of the applicant, but has no personal advantage or disadvantage on the approval or disapproval of the applicant's voter registration. A disinterested witness should not be related to the applicant within the fourth (4th) civil degree of consanguinity or affinity: Provided, however, That no disinterested witness shall be allowed to identify more than three (3) applicants.
- (11) "*E-rally*" refers to a rally under this Article which is conducted for an online audience.
- (12) "*Election campaign*" or "*partisan political activity*" refers to any act designed to promote the election or defeat of a particular candidate or candidates to a public office, and shall include any of the following:
- (a) Forming organizations, associations, clubs, committees or other groups of persons for the purpose of soliciting votes and/or undertaking any campaign for or against a candidate;
 - (b) Creating on any social media platform, user groups or community pages, for the purpose of conducting campaigns or related partisan political activity;
 - (c) Holding political caucuses, conferences, meetings, rallies, parades or other similar assemblies for the purpose of soliciting votes and/or undertaking any campaign or propaganda for or against a candidate;
 - (d) Making speeches, announcements or commentaries, or holding interviews for or against the election of any candidate for public office;
 - (e) Publishing, displaying, or distributing campaign literature or materials designed to support or oppose the election of any candidate; or
 - (f) Directly or indirectly soliciting votes, pledges, or support for or against any candidate, *Provided*, That the acts enumerated in this subsection shall equally be applicable to a prospective candidate.
- (13) "*Election returns*" refers to a) a document in electronic and printed form directly produced by the counting or voting machine, showing the date of the election, the province, municipality and the precinct in which it is held and the votes in figures for each candidate in a precinct and b) a document in printed form and

1 manually accomplished for purposes of reflecting the manual count of the votes
2 at the polling precinct, showing the date of the election, the province,
3 municipality, and the precinct in which it is held and the votes in figures for
4 each precinct.

5 In barangay and Sangguniang Kabataan elections and in other electoral
6 exercises that uses the manual system, election returns shall be understood to
7 be the document in printed form and manually accomplished for purposes of
8 reflecting the manual count of the votes at the polling precinct, showing the
9 date of the election or any other electoral exercise, the province, municipality,
10 and the precinct in which it is held and the votes in figures for each precinct.

11 (14) "*Election survey*" refers to the measurement of opinions and perception of
12 voters as regards a candidate's popularity, qualifications, platforms or matters
13 of public discussion in relation to the election, including voters' preference for
14 candidates or publicly discussed issues.

15 (15) "*Electoral ads*" and "*electoral posts*" refers to advertisements and social media
16 posts that have for their primary purpose the promotion of the victory or defeat
17 of an official candidate.

18 (16) "*Electronic transmission*" refers to the conveyance of data in electronic form
19 from one location to another.

20 (17) "*Exit polls*" refers to a species of election survey conducted by a qualified
21 individual or group for the purpose of determining the probable result of an
22 election by confidentially asking randomly selected voters for the names of
23 candidates they have voted for, immediately after they have officially cast their
24 ballots.

25 (18) The term "*expenditure*" includes the payment or delivery of money of anything
26 of value, or a contract, promise or agreement to make an expenditure, for the
27 purpose of influencing the results of the election. It shall also include the use
28 of facilities owned by a voter or the candidate, the money value of the use of
29 which can be assessed based on the rates prevailing in the area.

30 (19) "*Field Registration*" refers to the conduct of registration of overseas voters at
31 predetermined locations, either in the Philippines, as may be determined by the
32 Commission, or outside the posts, upon the favorable recommendation of the
33 DFA-OVS, both being of limited duration and based on the guidelines prescribed
34 by the Commission for that exclusive purpose; the government shall not collect
35 fees for the same.

36 (20) "*Health Workers*" shall mean all persons who are engaged in health and health-
37 related work, and all persons employed in all hospitals, sanitarium, health
38 infirmaries, health centers, rural health units, barangay health stations, clinics,
39 and other health-related establishments owned and operated by the

government or its political subdivisions with original charters and shall include medical, allied health professional, administrative and support personnel employed regardless of their employment status who physically report to the frontlines during the day of the election.

(21) "*Hybrid election system*" refers to a system using the appropriate technology which has been demonstrated in the voting, counting, consolidating, canvassing, and transmission of election results, and other electoral processes but also utilizes manual counting to ensure transparency and credibility of the electoral processes.

(22) "*Indigenous peoples*" refers to qualified voters who belong to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. Indigenous peoples shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.

(23) "*Initiative*" refers to the power of the people to propose amendments to the Constitution or to propose and enact legislations through an election called for the purpose.

(24) "*Internally Displaced Person*" or "*IDP*" refers to a person who has been forced or obliged to flee or to leave home or place of habitual residence within the national borders as a result of, or in order to avoid or minimize, the effects of armed conflict, situations of generalized and/or organized violence, violations of human rights, implementation of development projects, or natural and human-induced or human-made hazards or disasters.

(25) "*Livestreaming*" refers to the live broadcasting of an event over the internet.

(26) "*Local Absentee Voting*" refers to a system of voting whereby government officials and employees, including the Armed Forces of the Philippines and the Philippine National Police, as well as members of the media, media practitioners including their technical and support staff, who are registered voters are

1 allowed to vote for national positions, in places where they are not registered
2 voters but where they are temporarily assigned to perform election duties on
3 election day, or in case of media practitioners and their support staff, they will
4 not be able to vote due to the performance of their functions in covering and
5 reporting the elections.

6 (27) "*Marginalized and underrepresented sectors*" refer to the sectors expressly
7 mentioned in Article VI, Section 5 of the Constitution and other sectors that
8 are, by nature, economically, politically, culturally, or socially marginalized
9 from, and/or underrepresented in, mainstream economic, political, cultural, or
10 social activities. These sectors include fisher folk, persons with disabilities,
11 veterans, overseas workers, and other similar sectors.

12 (28) "*Mass media*" refers to diversified technologies, operating on various platforms
13 that have for their primary purpose the transmission of information and
14 communication to a large audience. These platforms include broadcast, internet
15 and mobile, print, and outdoor. "Mass media entities" refer to individuals and
16 organizations that exercise control over these technologies and determine,
17 whether directly or indirectly, the content being distributed using these
18 technologies. "Social media" is a form of mass media.

19 (29) "*Media practitioner*" refers to a person who is not employed by a media entity
20 but performs similar functions or has control over what is printed or broadcast
21 such as a talent or a block timer.

22 Persons who create online content for personal or collective blogs and micro-
23 blogs shall be considered as media practitioners.

24 (30) A "*meme*" refers to an image or video that is spread by internet users on various
25 social media networks.

26 (31) "*Micro targeting*" refers to a form of targeting online advertisement that uses
27 the analysis of a person's online usage to preferentially serve advertisements
28 and other information that specifically reflects that individual user's preferences
29 and personality.

30 (32) "*Mobile Registration*" refers to the conduct of registration of overseas voters at
31 various locations outside the posts, other than at field registrations, undertaken
32 as part of the posts' mobile consular and outreach activities to Filipinos within
33 their jurisdictions.

34 (33) "*Municipal/City/District Registry of Overseas Voters (ROV)*" refers to the
35 consolidated list prepared, approved and maintained by the Commission for
36 every municipality/city/district of overseas voters whose applications for
37 registration as such, including those registered voters who applied for
38 certification as overseas voters, have been approved by the Election
39 Registration Board and/or resident Election Registration Board.

- (34) "*National Registry of Overseas Voters (NROV)*" refers to the consolidated list prepared, approved and maintained by the Commission of overseas voters whose applications for registration as overseas voters, including those registered voters under Republic Act No. 8189 who have applied to be certified as overseas voters, have been approved by the resident Election Registration Board, indicating the post where the overseas voter is registered.
- (35) "*Office for Overseas Voting (OFOV)*" refers to the Office of the Commission tasked to oversee and supervise the effective implementation of the Overseas Voting Act.
- (36) "*Online campaigning*" refers to the use of the internet to distribute campaign propaganda. This includes text-only posts on social media, pictures, audio clips and video clips, regardless of duration, and all combinations of such formats.
- (37) "*Overseas Voter*" refers to a citizen of the Philippines who is qualified to register and vote under this Act, not otherwise disqualified by law, who is abroad on the day of elections.
- (38) "*Overseas Voting*" refers to the process by which qualified citizens of the Philippines abroad exercise their right to vote.
- (39) The term "*person*" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons, as applicable. The use of the terms "he", "his", or "him", shall be understood to cover "she" or "her" as the case may be.
- (40) "*Persons Deprived of Liberty*" or "*PDLs*" refers to any person who is:
- (a) confined in jail, who has been formally charged for an offense and is awaiting or undergoing trial;
 - (b) Serving a sentence of imprisonment for less than one (1) year; or
 - (c) Convicted of a crime but has timely filed an appeal against such conviction.
- (41) "*Persons with disabilities*" or "*PWDs*" refers to qualified voters who have long term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.
- (42) "*Plebiscite*" refers to the electoral process by which an initiative on the Constitution is approved or rejected by the people.
- (43) "*Political advertisement*" or "election propaganda" refers to any matter broadcasted, published, printed, displayed, or exhibited, in any medium, which contains the name, image, logo, brand, insignia, initials, and other symbol or graphic representation that is capable of being associated with a candidate,

1 and is exclusively intended to draw the attention of the public or a segment
2 thereof to promote or oppose, directly or indirectly, the election of the said
3 candidate or candidates to a public office. In broadcast media, political
4 advertisements may take the form of spots, appearances on television shows
5 and radio programs, live or taped announcements, teasers, and other forms of
6 advertising messages or announcements used by commercial advertisers.

7 (44) The term "*political party*" when used in this Code, refers to an organized group
8 of citizens advocating an ideology or platform, principles and policies for the
9 general conduct of government and which, as the most immediate means of
10 securing their adoption, regularly nominates and supports certain of its leaders
11 and members as candidates for public office.

12 A political party is a national party when its constituency is spread over the
13 geographical territory of at least a majority of the regions. It is a regional party
14 when its constituency is spread over the geographical territory of at least a
15 majority of the cities and provinces comprising the region.

16 (45) "*Posts*", within the context of overseas voting, registration, or canvassing, refer
17 to the Philippine embassies, consulates, foreign service establishments and
18 other Philippine government agencies maintaining offices abroad and having
19 jurisdiction over the places where the overseas voters reside.

20 (46) "*Pregnant women*" refer to qualified voters who are pregnant during election
21 day regardless of the number of trimesters. For purposes of local absentee
22 voting, the term shall refer to qualified voters who are pregnant at the time of
23 registration to avail of absentee voting and who, in the natural course of events,
24 are expected to remain pregnant during the period of absentee voting.

25 (47) "*Proposition*" refers to the measure proposed by the voters.

26 (48) "*Public places*" shall mean any property, whether movable or immovable, that
27 is owned or controlled by the Government and it shall include the properties
28 owned or controlled by the local government units, government-owned and
29 controlled corporations, and other agencies and instrumentalities of the
30 Government.

31 (49) The term "*public utility*" refers to any business or service engaged in regularly
32 supplying the public with some commodity or service of public consequence
33 such as electricity, gas, water, transportation, telephone, telegraph, or internet
34 service.

35 (50) "*Quarantined and Hospitalized Persons*" shall refer to persons who are
36 quarantined or receiving medical treatment in quarantine facilities and hospitals
37 accredited by the Commission due to the existing public health emergency.

- 1 (51) *"Referendum"* refers to the power of the electorate to approve or reject a
2 legislation through an election called for the purpose.
- 3 (52) *"Repatriated Overseas Voter"* refers to a citizen of the Philippines registered
4 and allowed to vote under Republic Act No. 9189, as amended, but was
5 repatriated due to special circumstances such as armed conflict, issues in
6 international relations, state of emergency or calamity, or any other analogous
7 circumstances beyond the control or fault of the voter.
- 8 (53) *"Resident Election Registration Board (RERB)"* refers to the in-house Election
9 Registration Board in every post and in the OFOV, which processes, approves
10 or disapproves all applications for registration and/or certification as overseas
11 voters, including the deactivation, reactivation and cancellation of registration
12 records.
- 13 (54) *"Satellite Registration"* refers to registration conducted by an Election Officer in
14 established satellite offices located in a public place within his or her area of
15 jurisdiction. It accepts application for registration, transfer or transfer with
16 reactivation, reactivation of registration records, change or correction of entries
17 and validation of registration from all registrants or voters residing within the
18 Election Officer's territorial jurisdiction.
- 19 (55) *"Seafarers"* refer to ship officers and ratings manning ships, including offshore
20 workers, service providers and fishermen, as denned in the revised rules on the
21 issuance of seafarer's identification and record book of the Maritime Industry
22 Authority.
- 23 (56) A *"sectoral party"* or *"sectoral organization"* refers to an organized group of
24 citizens belonging to any of the marginalized and underrepresented sectors and
25 whose principal advocacy pertains to the special interests and concerns of their
26 sector.
- 27 (57) *"Senior citizens"* refer to qualified voters who are at least sixty (60) years old.
- 28 (58) *"Social Media"* refers to the collective online communication channels, including
29 websites and applications that enable users to create and share content,
30 collaborate, and interact with each other. Video sharing sites which allow users
31 to post comments on individual entries shall be considered as falling within the
32 category of "social media." "Social Media Account" refers to a user's
33 personalized access to a social networking site or application, typically using a
34 username and password on the same social networking site. "Social Media Post"
35 refers to any text, audio, or graphic content, or any combination thereof,
36 published online using a social media account.
- 37 (59) *"Source code"* refers to the human readable instructions that define what a
38 computer equipment will do.

(60) "*Special registration*" refers to registration conducted in established satellite offices by a special registration team designated by the Commission. It exclusively caters to first time person with disability and senior citizen registrants residing outside the area of jurisdiction of the regular Election Officer conducting the satellite registration.

(61) The terms "*Statement of Contributions and Expenditures*" or "*SOCE*" refers to the complete set of campaign finance disclosure statements that candidates, parties, or organizations are required to submit by law, in the for prescribed by the Commission.

Article 3

The Commission on Elections

SEC. 6. *Powers and functions of the Commission on Elections.* - The Commission shall have exclusive charge of the enforcement and administration of all laws and regulations relative to the conduct of election, plebiscite, initiative, referendum, and recall for the purpose of ensuring free, orderly and honest elections, and shall:

(a) Exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or involving elective barangay officials decided by trial courts of limited jurisdiction.

Decisions, final orders, or rulings of the Commission on election contests involving elective municipal and barangay offices shall be final, executory, and not appealable.

(b) Decide, except those involving the right to vote, all questions affecting elections, including determination of the number and location of polling places, appointment of election officials and inspectors, and registration of voters.

(c) Summon the parties to a controversy pending before it, issue subpoena and subpoena duces tecum, and take testimony in any investigation or hearing before it, and delegate such power to any officer of the Commission who shall be a member of the Philippine Bar.

Whenever vital, the Commission may conduct hearings on controversies pending before it in the cities or provinces upon proper motion of any party, taking into consideration the materiality and number of witnesses to be presented, the situation prevailing in the area and the fund available for the purpose.

The Commission may, when necessary, avail of the assistance of any national or local law enforcement agency and/or instrumentality of the government to

1 execute under its direct and immediate supervision any of its final decisions,
2 orders, instructions or rulings.

3 No decision or resolution shall be rendered by the Commission either en banc or
4 by division unless taken up in a formal session properly convened for the purpose.

5 (d) Punish contempt provided for in the Rules of Court in the same procedure and
6 with the same penalties provided therein. Any violation of any final and executory
7 decision, order or ruling of the Commission shall constitute contempt thereof.

8 (e) Enforce and execute its decisions, directives, orders and instructions which shall
9 have precedence over those emanating from any other authority, except the
10 Supreme Court and those issued in habeas corpus proceedings.

11 (f) Deputize, with the concurrence of the President, law enforcement agencies and
12 instrumentalities of the Government, including the Armed Forces of the
13 Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful,
14 and credible elections.

15 (g) Exercise direct and immediate supervision and control over national and local
16 officials or employees, including members of any national or local law enforcement
17 agency and instrumentality of the government who it has deputized or who are
18 required by law to perform duties relative to the conduct of elections.

19 Commission may relieve any officer or employee referred to in the preceding
20 paragraph from the performance of his or her duties relating to electoral processes
21 who violates the election law or fails to comply with its instructions, orders,
22 decisions or rulings, and appoint his substitute. The Commission shall recommend
23 to the proper authority the removal of any officer or employee it has deputized,
24 or the imposition of any other disciplinary action, for violation or disregard of, or
25 disobedience to, its directive, order, or decision.

26 (h) Register, after sufficient publication, political parties, organizations, or coalitions
27 which, in addition to other requirements, must present their platform or program
28 of government; and accredit citizens' arms of the Commission on Elections.
29 Religious denominations and sects shall not be registered. Those which seek to
30 achieve their goals through violence or unlawful means, or refuse to uphold and
31 adhere to this Constitution, or which are supported by any foreign government
32 shall likewise be refused registration.

33 Financial contributions from foreign governments and their agencies to political
34 parties, organizations, coalitions, or candidates related to elections, constitute
35 interference in national affairs, and, when accepted, shall be an additional ground
36 for the cancellation of their registration with the Commission, in addition to other
37 penalties that may be prescribed by law.

- (i) File, upon a verified complaint, or on its own initiative, petitions in court for inclusion or exclusion of voters; investigate and, where appropriate, prosecute cases of violations of election laws, including acts or omissions constituting election frauds, offenses, and malpractices.
- (j) Recommend to the Congress effective measures to minimize election spending, including limitation of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidacies.
- (k) Submit to the President and the Congress, a comprehensive report on the conduct of each election, plebiscite, initiative, referendum, or recall.
- (l) Promulgate rules and regulations implementing the provisions of this Code or other laws which the Commission is required to enforce and administer, and require the payment of legal fees and collect the same in payment of any business done in the Commission, at rates that it may provide and fix in its rules and regulations.
- Rules and regulations promulgated by the Commission to implement the provisions of this Code shall take effect on the fifteenth day after publication in the Official Gazette or in at least two daily newspapers of general circulation. Orders and directives issued by the Commission pursuant to said rules and regulations shall be furnished by personal delivery to accredited political parties within forty-eight hours of issuance and shall take effect immediately upon receipt.
- In case of conflict between rules, regulations, orders or directives of the Commission in the exercise of its constitutional powers and those issued by any other administrative office or agency of the government concerning the same matter relative to elections, the former shall prevail.
- (m) Prescribe the forms to be used in the election, plebiscite or referendum.
- (n) Procure any supplies, equipment, materials or services needed for the holding of the election, subject to the provisions of existing laws.
- (o) Prescribe the use or adoption of the latest technological and electronic devices, taking into account the situation prevailing in the area and the funds available for the purpose: *Provided*, That the Commission shall notify the authorized representatives of accredited political parties and candidates in areas affected by the use or adoption of technological and electronic devices not less than thirty days prior to the effectivity of the use of such devices.
- (p) Carry out a continuing and systematic campaign through newspapers of general circulation, radios and other media forms to educate the public and fully inform the electorate about election laws, procedures, decisions, and other matters

1 relative to the work and duties of the Commission and the necessity of clean, free,
2 orderly and honest electoral processes.

3 (q) During the election period, supervise or regulate the enjoyment or utilization of
4 all franchises or permits for the operation of transportation and other public
5 utilities, media of communication or information, all grants, special privileges, or
6 concessions granted by the Government or any subdivision, agency, or
7 instrumentality thereof, including any government-owned or controlled
8 corporation or its subsidiary. Such supervision or regulation shall aim to ensure
9 equal opportunity, time, and space, and the right to reply, including reasonable,
10 equal rates therefor, for public information campaigns and forums among
11 candidates in connection with the objective of holding free, orderly, honest,
12 peaceful, and credible elections.

13 (r) Enlist non-partisan group or organizations of citizens from the civic, youth,
14 professional, educational, business or labor sectors known for their probity,
15 impartiality and integrity with the membership and capability to undertake a
16 coordinated operation and activity to assist it in the implementation of the
17 provisions of this Code and the resolutions, orders and instructions of the
18 Commission for the purpose of ensuring free, orderly and honest elections in any
19 constituency.

20 The designation of any group or organization made in accordance herewith may
21 be revoked by the Commission upon notice and hearing whenever by its
22 actuations such group or organization has shown partiality to any political party
23 or candidate, or has performed acts in excess or in contravention of the functions
24 and duties herein provided and such others which may be granted by the
25 Commission.

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

29 (t) After due notice and hearing, the Commission may inquire into the financial
30 records of candidates, parties, any organization, or group of persons for the
31 purpose of determining whether there is probable cause to hold that a such
32 candidates, parties, organization, or group of persons has violated the law or
33 regulation pertaining to electoral contributions and expenditures.

34 For this purpose, the Commission may avail itself of the assistance of the
35 Commission on Audit, the Bangko Sentral ng Pilipinas, the National Bureau of
36 Investigation, the Bureau of Internal Revenue, and other agencies of the
37 government.

38 (u) Create, merge, or abolish departments, offices, divisions or units within the
39 Commission, redistribute functions and reassign personnel, change designations

of existing positions, subject to pertinent existing laws and regulations: *Provided, however,* That the security of tenure of officials or employees are fully protected.

- (v) Perform such other functions as are necessary or incidental to the enforcement and administration of all laws and regulations relative to the conduct of election, plebiscite, initiative, referendum, and recall for the purpose of ensuring free, orderly and honest elections

SEC. 7.*Field offices of the Commission.* - The Commission shall have the following field offices:

- (1) Regional Election Office, headed by the Regional Election Director and assisted by the Assistant Regional Director and such other subordinate officers or employees as the Commission may appoint.
- (2) Provincial Election Office, headed by the Provincial Election Supervisor for each province and assisted by at least one election assistant and such number of assistants and other subordinate officers or employees as the Commission may appoint.
- (3) City/Municipal Election Office, headed by the City/Municipal Officer for each city of municipality, each election officer shall be assisted by at least one election assistant and such number of assistants and subordinate officers or employees as the Commission may appoint.

The Commission may delegate its powers and functions or order the implementation or enforcement of its orders, rulings, or decisions through the heads of its field offices.

SEC. 8.*Automatic creation of positions of election officers.* - Whenever new cities or municipalities are created, there shall be automatically created for the city or municipality, positions of election officers and election assistants in such number as determined pursuant to the ration established in the succeeding section.

SEC. 9.*Ratio of Election Assistants to registered voters.* - There shall be a corresponding number of election assistant position at the ratio of one election assistant for every twenty thousand (20,000) registered voters.

SEC. 10. No other personnel, other than those mentioned in the preceding section, or expressly authorized by law, shall be assigned, designated, engaged or detailed at the Commission's field offices, or shall be allowed to perform administrative or clerical works thereto. Violation of this provision shall constitute an election offense.

SEC. 11.*Qualifications.* - Only members of the Philippines Bar shall be eligible for appointment to the position of regional director, assistant regional director, provincial election supervisor and election officer: *Provided, however,* That if there are no members of the Philippine Bar available for appointment as election officer, except in cities and capital towns, graduates of duly recognized schools of law who possess the appropriate civil service eligibility may be appointed to said position.

1 Nothing in this section shall prejudice the security of tenure of election officers
2 who had already been appointed as such at the time of the effectivity of this Code.

3 **SEC. 12.***Office space.* – The Commission shall provide and accessible and
4 suitable office for its field officers and their staff.

5 The local government unit concerned shall continue to provide a suitable place
6 for the office of the provincial election supervisor and his or her staff and the election
7 officer and his or her staff until such time that the Commission has provided the field
8 office concerned with its own office which in no case shall exceed five (5) years from
9 the effectivity of this Code.

10 **SEC. 13.***Changes in the composition, distribution or assignment of field offices.*
11 - The Commission may make changes in the composition, distribution and assignment
12 of field offices, as well as its personnel, whenever the exigencies of the service and
13 the interest of free, orderly, and honest election so require: *Provided,* That such
14 changes shall be effective and enforceable only for the duration of the election period
15 concerned and shall not affect the tenure of office of the incumbents of positions
16 affected and shall not constitute a demotion, either in rank or salary, nor result in
17 change of status: and *Provided, further,* That there shall be no changes in the
18 composition, distribution or assignment within thirty days before election, except for
19 cause and after due notice and hearing, and that in no case shall a regional or assistant
20 regional director be assigned to a region; a provincial election supervisor to a province;
21 or a city or municipal election officer to a city or municipality, where he and/or his
22 spouse are related to any candidate within the fourth civil degree of consanguinity or
23 affinity as the case may be.

24 **SEC. 14.***Bangsamoro Electoral Office* - The Commission shall establish a
25 Bangsamoro Electoral Office under its supervision and control which shall implement
26 and enforce its orders, rulings and decisions. The Bangsamoro Electoral Office shall
27 have such powers and functions as are granted to it by R.A. 11054, other national
28 laws, and regional laws.

29 **SEC. 15.***Disqualifications of members of the Commission.* - The chairperson
30 and members of the Commission shall be subject to the Canons of Judicial Ethics and
31 Code of Judicial Conduct in the discharge of their functions.

32 No chairperson or commissioner shall sit in any case in which he or she has
33 manifested bias or prejudice for or against or antagonism against any party thereto
34 and in connection therewith, or in any case in which he or she would be disqualified
35 under the Rules of Court. If it be claimed that the chairperson or a commissioner is
36 disqualified as above provided, the party objecting to his or her competency may file
37 an objection in writing with the Commission stating the ground therefor. The official
38 concerned shall continue to participate in the hearing or withdraw therefrom in
39 accordance with his or her determination of the question of his or her disqualification.

1 The decision shall forthwith be made in writing and filed with the other papers of the
2 case in accordance with the Rules of Court.

3 **SEC. 16.***Publication of official ballots and election returns and printing thereof.*
4 - The Commission shall publish at least ten days before an election in a newspaper of
5 general circulation certified data on the number of official ballots and election returns.

6 **SEC. 17.***Election expenses.* - Such expenses as may be necessary and
7 reasonable in connection with the elections, referenda, plebiscites and other similar
8 exercises shall be paid by the Commission.

9 Funds needed by the Commission to defray the expenses for the holding of
10 regular and special elections, referenda and plebiscites shall be provided in the regular
11 appropriations of the Commission which, upon request, shall immediately be released
12 to the Commission. In case of deficiency, the amount so provided shall be augmented
13 from the special activities' funds in the general appropriations act and from those
14 specifically appropriated for the purpose in special laws.

15 16 **CHAPTER II** 17 **ACTIVITIES DURING THE PRE-ELECTION PERIOD**

18 19 **Article 4** 20 **Registration of Voters**

21 **SEC. 18.***Permanent List of Voters.* - The permanent list of voters per precinct
22 in each city or municipality that was in place prior to the effectivity of this Code shall
23 remain, subject to the necessary updates.

24 Such precinct-level list of voters shall be accompanied by an addition/deletion
25 list of the purpose of updating the list.

26 The precinct assignment of a voter in the permanent list of voters shall not be
27 changed or altered or transferred to another precinct without the express written
28 consent of the voter: *Provided, however,* That the voter shall not unreasonably
29 withhold such consent. Any violation thereof shall constitute an election offense.

30 The Election Officer shall be responsible for the display, throughout the year,
31 of the most recent precinct maps in his or her office and in the bulletin board of the
32 city or municipal hall.

33 **SEC. 19.***Registered voters for the Sangguniang Kabataan Elections.* - There
34 shall likewise be a list of voters per precinct in each city or municipality consisting of
35 all registered voters who are qualified to vote in the Sangguniang Kabataan elections.
36 Such list shall also be accompanied by an addition/deletion list.

Persons whose registration in such list is still subsisting at the time he or she turns eighteen years of age shall be added by the Commission in the permanent list of voters, without need for such person to register anew. Persons who, on the day of the next Sangguniang Kabataan elections, shall no longer meet the age requirement herein set forth shall be removed by the Commission from such list.

SEC. 20. *Precincts.* - The unit of territory for the purpose of voting is the election precinct, and every barangay as of the approval shall have at least one such precinct. The Commission shall establish all election precincts: *Provided, That,* the most recently updated precinct maps at the time of the effectivity of this Code shall, to the extent practicable, remain in place for the purposes of the next immediately following election.

After such election, spin-off precincts or new precincts may be created to accommodate additional voters residing within the territorial jurisdiction of the original precincts: *Provided, That* the polling place of all the precincts created thereby shall be located in the same building or compound where the polling place of the original precinct is located, and if this be not feasible, in a place as close as possible to the polling place of the original precinct: *Provided further,* That the polling place of the new precinct may be located elsewhere upon written petition of the majority of the voters of the new precinct: *Provided finally,* That when a precinct is divided into two or more precincts, the registered voters shall be included in the precinct wherein they reside.

The Commission shall retain the permanent numbering of all precincts by which the precincts are indicated by Arabic numerals and a letter of the English alphabet. Original or mother precincts shall be indicated by the Arabic numeral and letter "A" of the English alphabet. Spin-off or daughter precincts shall be indicated by the Arabic numeral and letter of the English alphabet starting with letter B and so on.

No territory comprising an election precinct shall be altered or a new precinct be established at the start of the election period.

Splitting of an original precinct or merger of two or more original precincts shall not be allowed without redrawing the precinct map/s one hundred twenty (120) days before election day.

SEC. 21. *Arrangement of Precincts.* - Every barangay shall have at least one (1) precinct. Each precinct shall have no more than two hundred (200) voters. A precinct shall be allowed to have less than 200 registered voters under the following conditions:

- (1) As soon as the 200-limit for every precinct has been reached, a spin-off or daughter precinct shall be created automatically by the Commission to accommodate voters residing within the territorial jurisdiction of the

original precinct. Thereafter, a separate list of new voters shall be prepared by the Election Officer; and

(2) An island or group of islands with less than two hundred (200) voters may comprise one (1) original precinct.

(b) 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.

(c) Every case of alteration of precincts shall be duly announced by posting a notice thereof in a conspicuous place in the precinct, in the office of the election officer and in the city or municipal hall and by providing political parties and candidates a list of all the precincts at the start of the campaign period; and

(d) Consolidation or merger of precincts may be allowed: *Provided*, That the merger of such precincts shall be effected ninety (90) days before election day.

(e) Any alteration of the election precincts or the establishment of new ones shall be communicated to the provincial election supervisor, the provincial superintendent of schools, etc. together with the corresponding maps, which shall be published as prescribed in the next succeeding sections.

SEC. 22. *Publication of maps or precincts.* - The Commission shall, through its duly authorized representative, post in the city hall or municipal building and in three other conspicuous places in the city or municipality including outside the office of the election officer a map of the city or municipality showing its most recent division into precincts with their respective boundaries and indicating therein all streets and alleys in populous areas and the location of each polling place.

SEC. 23. *System of Continuing Registration of Voters.* - The personal or electronic filing of application for registration of voters shall be conducted daily in the office of the Election Officer during regular office hours, or through the official website of the Commission. No registration shall, however, be conducted within one hundred twenty (120) days before a regular election and ninety (90) days before a special election.

SEC. 24. *Necessity of Registration.* - In order that a qualified elector may vote in any election, plebiscite or referendum, he or she must be registered in the permanent list of voters in a precinct of the city or municipality where he or she resides to be able to vote in any election.

SEC. 25. *Who may Register.* - All citizens of the Philippines not otherwise disqualified by law who are at least eighteen (18) years of age, and who shall have

1 resided in the Philippines for at least one (1) year, and in the barangay wherein they
2 propose to vote, for at least six (6) months immediately preceding the election, may
3 register as a voter: Provided, That a person shall be allowed to register by presenting
4 any valid proof of residence, such as the following:

5 A. Tax declaration or proof of payment of real property tax, or a certification
6 from the landowner or lessor or residential unit, apartment, condominium, dormitory
7 or similar dwelling units where the applicant is residing at the time of registration;

8 B. A recent household utility bill for gas, electric, water, telephone, cable, or
9 internet consumption, or a statement of account for mobile phone subscription or
10 credit card, under the applicant's name;

11 C. Affidavit of at least two disinterested witnesses as defined in Section 5 this
12 Act that the applicant is a resident of the place of registration; or

13 D. Other competent proofs of residence decided upon and promulgated by the
14 Commission.

15 Any person who temporarily resides in another barangay or another country
16 solely by reason of one's occupation, profession, employment in private or public
17 service, educational activities, work in the military or naval reservations within the
18 Philippines, service in the Armed Forces of the Philippines, the National Police Forces,
19 or confinement or detention in government institutions in accordance with law, shall
20 not be deemed to have lost the original residence.

21 Any person, who, on the day of registration may not have reached the required
22 age or period of residence but, who, on the day of the election shall possess such
23 qualifications, may register as a voter.

24 In addition, all citizens of the Philippines residing in the barangay where he or
25 she intends to vote for at least six (6) months and who are at least fifteen (15) but
26 not more than thirty (30) years of age on the day of the immediately following
27 Sangguniang Kabataan Election may register as members of the Katipunan ng
28 Barangay and as voters in such Sangguniang Kabataan Election.

29 **SEC. 26. Disqualifications.** - The following shall be disqualified from voting:

30 (a) Any person who has been sentenced by final judgment to suffer imprisonment for
31 not less than one year, such disability not having been removed by plenary pardon
32 or granted amnesty: Provided, *however*, That any person disqualified to vote
33 under this paragraph shall automatically reacquire the right to vote upon
34 completion of the service of the sentence.

35 (b) Any person who has been adjudged by final judgment by competent court or
36 tribunal of having committed any crime involving disloyalty to the duly constituted
37 government such as rebellion, sedition, violation of the anti-subversion and
38 firearms laws, or any crime against national security, unless restored to his full

1 civil and political rights in accordance with law: *Provided*, That he shall regain his
2 right to vote automatically upon expiration of five years after service of sentence.

- 3 (c) Insane or incompetent persons as declared by competent authority unless
4 subsequently declared by proper authority that such person is no longer insane or
5 incompetent.

6 **SEC. 27. *Registration of Voters.*** - To register as a voter, a qualified voter shall
7 either personally or electronically accomplish an application form for registration as
8 prescribed by the Commission and personally submit the accomplished form to the
9 office of the Election Officer of the city or municipality where the voter resides on any
10 date during office hours, or through the official website of the Commission.

11 The application shall contain the following data:

- 12 (a) Name, surname, middle name, and/or maternal surname;
13 (b) Sex;
14 (c) Date, and place of birth;
15 (d) Periods of residence in the Philippines and in the place of registration;
16 (e) Exact address with the name of the street and house number for location in
17 the precinct maps maintained by the local office of the Commission, or in case
18 there is none, a brief description of his residence, sitio, and barangay;
19 (f) A statement that the applicant possesses all the qualifications, and none of the
20 disqualification, of a voter;
21 (g) A statement that the applicant is not a registered voter in another precinct; and
22 (h) Other relevant information or data as may be required by the Commission.

23 The application for registration may be submitted personally or electronically
24 and shall be processed in accordance with Republic Act No. 10367, entitled "An Act
25 Providing For Mandatory Biometrics Voter Registration" at the expense of the
26 Commission.

27 Before the applicant accomplishes the application for registration, the Election
28 Officer shall inform the applicant of the qualifications and disqualifications prescribed
29 by law for a voter, and thereafter, see to it that the accomplished application contains
30 all the data therein required and that the applicant's specimen signatures, fingerprints,
31 and photographs are properly affixed in the voter's application.

32 Within three (3) years from the passage of this act, the Commission shall
33 develop and implement an automated system election registration which may be
34 accessed online. An online system of registration must also be developed and
35 implemented by the Commission within the same period.

1 In case of online submission of application for registration by an applicant, the
2 Commission shall send a notice confirming its receipt of the application and provide
3 instructions on how the applicant may check the status of the application.
4 Furthermore, the Commission shall employ data security measures which are
5 necessary to ensure the accuracy and integrity of electronically submitted voter
6 registration applications.

7 **SEC. 28. *Illiterate applicants, senior citizens, and persons with disabilities.* -**

8 Any illiterate person may register with the assistance of the Election Officer or any
9 member of an accredited citizen's arms. The Election Officer shall place such illiterate
10 person under oath, ask him the questions, and record the answers given in order to
11 accomplish the application form in the presence of the majority of the members of the
12 Board. The Election Officer or any member of an accredited citizen's arm shall read
13 the accomplished form aloud to the person assisted and ask him if the information
14 given is true and correct. The accomplished form shall be subscribed by the applicant
15 in the presence of the Board by means of thumbmark or some other customary mark
16 and it shall be subscribed and attested by the majority of the members of the Board.

17 The attestation shall state the name of the person assisted, the name of the
18 Election Officer or the member of the accredited citizen's arm who assisted the
19 applicant, the fact that the Election Officer placed the applicant under oath, that the
20 Election Officer or the member of the accredited citizen's arm who assisted the
21 applicant read the accomplished form to the person assisted, and that the person
22 assisted affirmed its truth and accuracy, by placing his thumb mark or some other
23 customary mark on the application in the presence of the Board.

24 The application for registration of a person with disability or a senior citizen
25 may be prepared by any relative within the fourth civil degree of consanguinity or
26 affinity, by the Election Officer, by any member of an accredited citizen's arm, or, in
27 the absence of any of the foregoing, by any person of his or her confidence who
28 belongs to the same household using the data supplied by the applicant. The fact of
29 that the applicant is a senior citizen, illiterate, or has a disability shall be so indicated
30 in the application. Likewise, the type or types of disability and the form or forms of
31 assistance necessary, whenever applicable, shall be indicated in the application.

32 Persons with disabilities and senior citizens who have previously registered but
33 have not indicated the type of disability, or who may have developed or manifested
34 such disability after having been registered, shall be allowed, during the periods to file
35 applications for registration, to update their registration records, and to indicate the
36 type of disability as well as the form of assistance they need during election day. The
37 Commission shall design registration forms specifically for persons with disability and
38 senior citizens, or issue supplemental forms for the said purpose, and provide for
39 procedures to be followed by those who need to update their registration records.

1 **SEC. 29.***Registration to avail of local absentee voting* – Persons who are
2 qualified to avail the local absentee voting must register, within the period provided
3 by the Commission, under the local absentee voting system in order to avail of such
4 privilege. Only those who are registered under the local absentee voting system may
5 vote as local absentee voter.

6 **SEC. 30.***Record of Persons with Disabilities and Senior Citizens.*- The
7 Commission shall keep an updated record of persons with disabilities and senior
8 citizens who are registered as voters, which indicates the types of disability and the
9 assistance they need, to assist it in determining policy directions for more inclusive
10 and accessible electoral processes. The record shall be made accessible to concerned
11 government offices, accredited citizens' arms, civil society monitoring groups and
12 other organizations which promote the rights of the persons with disabilities and senior
13 citizens, subject to specific guidelines the Commission may promulgate to protect the
14 privacy of the individuals concerned.

15 **SEC. 31.***Satellite and Special Registration.* - The Commission, in coordination
16 with national government agencies and local government units, person with disability
17 and senior citizen organizations, and other cause-oriented groups, shall conduct
18 satellite and/or special registration for persons with disabilities and senior citizens in
19 accessible places.

20 **SEC. 32.***Change of Residence to Another Barangay.* - Any registered voter
21 who has transferred residence to another barangay may apply with the Election Officer
22 of the city or municipality in which the voter's new residence is located for the transfer
23 of the voter's registration records.

24 No transfer of a voter's registration to another barangay shall be allowed within
25 one hundred twenty (120) days before a regular election and ninety (90) days before
26 a special election.

27 **SEC. 33.***Change of Address.* - Any voter who has changed his or her address
28 in the same city or municipality, who desires to be transferred to another precinct,
29 shall immediately notify the Election Officer in writing. The Board shall transfer such
30 voter's registration record to the precinct book of voters of his or her new precinct
31 and notify the voter of his or her new precinct. All changes of address shall be reported
32 to the office of the provincial election supervisor, or, in the case of cities and
33 municipality within the National Capital Region, to the office of the regional election
34 director.

35 **SEC. 34.***Election Registration Board.* - There shall be in each city and
36 municipality as many as Election Registration Boards as there are election officers
37 therein. In thickly populated cities/municipalities, the Commission may appoint
38 additional election officers for such duration as may be necessary.

1 The Board shall be composed of the Election Officer as chairperson and as
2 members, the public school official most senior in rank and the local civil registrar, or
3 in his or her absence, the city or municipal treasurer.

4 In case of disqualification of the Election Officer, the Commission shall
5 designate an acting Election Officer who shall serve as Chairperson of the Election
6 Registration Board. In case of disqualification or non-availability of the Local Registrar
7 or the Municipal or City Treasurer, the Commission shall designate any other
8 appointive civil service official from the same locality as substitute.

9 No member of the Board shall be related to each other or to any incumbent
10 city or municipal elective official within the fourth civil degree of consanguinity or
11 affinity. If in succeeding elections, any of the newly elected city or municipal officials
12 is related to a member of the board within the fourth civil degree of consanguinity or
13 affinity, such member is automatically disqualified to preserve the integrity of the
14 Election Registration Board.

15 **SEC. 35.** *Compensation of the Members of the Board.* - Each member of the
16 Board shall be entitled to an honorarium to One Thousand Pesos (P 1,000.00) for each
17 day of actual service rendered in the Board, which amount the Commission may adjust
18 every three (3) years hereafter. No member of the Board shall be entitled to traveling
19 expenses.

20 **SEC. 36.** *Notice and Hearing of Applications.* - Upon receipt of applications for
21 registration, the Election Officer shall set them for hearing, notice of which shall be
22 posted in the city or municipal bulletin board and in his or her office for at least one
23 (1) week before the hearing, and furnish copies thereof to the applicant concerned,
24 the heads or representatives of political parties, and other accredited groups or
25 organizations which actively participate in the electoral process in the city or
26 municipality. On the date of the hearing, the Election Officer shall receive such
27 evidence for or against the applicant.

28 A registrant whose application is not reasonably objected to shall be notified in
29 writing stating therein that no objection was raised against his application and that he
30 need not appear on the date set for the hearing of his application. The application of
31 such registrant shall be approved as a matter of course.

32 Physical presence of the applicant concerned shall, however, be mandatory in
33 all cases where objections against his or her application have been seasonably filed
34 with the proper Election Registration Board for him to rebut or refute evidence
35 presented in opposition thereto.

36 All applications for registration shall be heard and processed on a quarterly
37 basis. For this purpose, the Election Registration Board shall meet and convene on the
38 third Monday of April, July, October, and January of every calendar year, or on the
39 next following working day if the designated days fall on a non-working holiday, except

1 in an election year to conform with the one hundred twenty (120) days prohibitive
2 period before election day. Should one day be insufficient for the processing of all
3 accepted applications, the Board shall adjourn from day to day until all the applications
4 shall have been processed.

5 **SEC. 37.***Challenges to Right to Register.* - Any voter, candidate or
6 representative of a registered political party may challenge in writing any application
7 for registration, stating the grounds therefor. The challenge shall be under oath and
8 be attached to the application, together with the proof of notice of hearing to the
9 challenger and the applicant.

10 Oppositions to contest a registrant's application for inclusion in the voter's list
11 must, in all cases, be filed not later than the second Monday of the month in which
12 the same is scheduled to be heard or processed by the Election Registration Board.
13 Should the second Monday of the month fall on a non-working holiday, oppositions
14 may be filed on the next following working day. The hearing on the challenge shall be
15 heard on the third Monday of the month and the decision shall be rendered before
16 the end of the month.

17 **SEC. 38.***Power to Administer Oath and Issue Summons.* - For purposes of
18 determining the right of the applicants to be registered as a voter, the Election Officer
19 shall have the power to administer oath, issue subpoena duces tecum and swear in
20 witnesses. The fees and expenses incidental thereto shall be paid in advance by the
21 party in whose behalf the summons is issued.

22 **SEC. 39.***Approval and Disapproval of Application.* - The Election Officer shall
23 submit to the Board all applications for registration filed, together with the evidence
24 received in connection therewith. The Board shall, by majority vote, approve or
25 disapprove the applications.

26 Upon approval, the Election Officer shall assign a voters identification number
27 and issue an acknowledgment receipt to the registered voter. If the Board disapproves
28 the application, the applicant shall be furnished with a certificate of disapproval stating
29 the ground therefor. In cases of approval or disapproval, any aggrieved party may file
30 a petition for exclusion or inclusion, as the case may be, with the proper Municipal or
31 Metropolitan Trial Court as provided for in this Code.

32 **SEC. 40.***Publication of Action on Application for Registration.* - Within five (5)
33 days from approval or disapproval of application, the Board shall post a notice in the
34 bulletin board of the city or municipal hall and in the office of the Election Officer,
35 stating the name and address of the applicant, the date of the application, and the
36 action taken thereon. The Election Officer shall furnish a copy of such notice
37 personally, or by registered mail or special delivery to the applicant and heads or
38 representatives of registered political parties in the city or municipality.

SEC. 41. *Preservation of Voter's Registration Records.* - The Election Officer shall compile the copies of the approved applications for registration per precinct, arrange the same alphabetically according to surname, and preserve the book of voters and ensure its integrity. The copy of the approved application for registration shall be scanned by the Election Officer and the scanned copy shall be sent to the provincial and national central files within five (5) days after the approval of the Board.

All approved applications filed during the registration period in the local voter's database shall be extracted and stored in a universal serial bus (USB) or other storage devices and sent to the appropriate office of the Provincial Election Supervisor or, in the case of cities and municipality within the National Capital Region, to the office of the regional election director.

SEC. 42. *Voter's Identification Number (VIN).* - The Commission shall assign every registered voter a voter's identification number (VIN) consisting of three parts, each separated by a dash. For example: 7501 -00191 -C145BCD.

(a) Part 1: Current Address of the Voter

(1) The first two digits 75 stand for the province; and

(2) The last two digits, 01, stand for the city, municipality, or a district, particularly in Manila.

The code assignment for provinces, cities and municipalities shall follow the Urban Code devised by the Philippine Statistics Authority (PSA).

(b) Part II: Current Precinct Assignment of the Voter

(1) The first four digits, 0019, stand for the permanent number of the precinct where the voter is currently assigned; and

(2) The letter indicates whether it is a mother or a daughter precinct.

The number assigned to the precinct in every city or municipality shall be permanent but the voter may transfer his precinct number. The VIN reflects the current precinct assignment of the voter.

(c) Part III: Permanent Birth and Name Code Unique to the Voter

(1) The letter, C, stands for the month, i.e., A for January, B for February, and so forth;

(2) The next two digits, 14, stand for the date of birth;

(3) The next two digits, 51, stand for the year of birth; and

(4) The last three letters, BCD, stand for the name code, i.e., Bayani Cruz Davide.

The last three letters shall stand for the first letter of the first name, the middle name, and the last name in that order.

1 The Commission shall ensure that Part III hereof of the voter's identification number
2 (VIN) shall be permanent and unique to each voter. If necessary, the Commission may
3 expand and modify the same.

4 Within three (3) years from the passage of this measure, the COMELEC will develop
5 and implement a system of voter registration and identification utilizing the National
6 Identification of every Filipino Citizen as the primary reference for voter identification.

7 (d) The combined birth and name code is assigned during the lifetime of every
8 voter. Upon transfer of the voter to another precinct, the first two parts of the
9 VIN shall change

10 **SEC. 43. *Voter's identification.*** - If the voter's identity is challenged on election
11 day or if the electoral board cannot establish with certainty the voter's identity based
12 on the its records, such voter may present the identification card issued pursuant to
13 Republic Act 11055 as proof of his or her identity: *Provided, however,* That if the voter
14 cannot present such identification card, his or her identity may be established by the
15 acknowledgment receipt issued pursuant to Section 39 hereof or by any valid
16 identification document issued by the government except barangay certificate or
17 community tax certificate: *Provided further,* That in the absence of the above-
18 mentioned proofs of identity, any member of the electoral board or any registered
19 voter of the precinct or clustered precinct may identify under oath the voter, and such
20 fact shall be reflected in the minutes of the electoral board.

21 **SEC. 44. *Provincial File.*** - There shall be a provincial file consisting of the
22 scanned copies of all registration records in each precinct of every city and municipality
23 in the province. It shall be in the custody of the Provincial Election Supervisor and
24 shall be compiled and arranged by precinct, by municipality and alphabetically by
25 surnames of voters.

26 Should the book of voters in the custody of the Election Officer be lost or
27 destroyed at a time so close to election day that there is no time to reconstitute the
28 same, the corresponding book of voters in the provincial file shall be used during the
29 voting.

30 **SEC. 45. *National Central File and the Permanent List of Voters.*** - There shall
31 be a national central file under the custody of the Commission in Manila consisting of
32 the scanned copies of all approved voter registration records in each city or
33 municipality. It shall be compiled by precinct in each city/municipality and arranged
34 alphabetically by date of board hearing. A permanent and computerized list arranged
35 by precinct, city or municipality, province and region shall be prepared by the
36 Commission. Thereafter, another list shall be prepared by the Commission following
37 the alphabetical arrangements of surnames of voters.

38 A complete file of all registered voters shall be submitted by the Election
39 Officers of each city and municipality to the Commission in Manila which shall keep

1 copies of these files in its computerized database and printed records and exercise
2 custodial responsibility over them.

3 The computerized voters' list shall make use of a single and uniform computer
4 program that will have a detailed sorting capability to list voters alphabetically by the
5 precincts where they vote, by the barangays, municipalities, cities or provinces where
6 they reside and by their voters identification number (VIN).

7 The computer print-outs of the list of voters duly certified by the Board are
8 official documents and shall be used for voting and other election related purposes as
9 well as for legitimate research needs.

10 The total number of voters in the permanent list shall be the basis for the
11 printing of the official ballots by the Commission.

12 **SEC. 46. *Deactivation of Registration.*** - The Election Registration Board shall
13 deactivate the registration and remove the registration records of the following
14 persons from the corresponding precinct book of voters and place the same, properly
15 marked and dated in indelible ink, in the inactive file after entering the cause or causes
16 of deactivation:

17 (a) Any person who has been sentenced by final judgment to suffer imprisonment
18 for not less than one (1) year, such disability not having been removed by
19 plenary pardon or amnesty: *Provided, however,* That any person disqualified
20 to vote under this paragraph shall automatically reacquire the right to vote
21 upon expiration of five (5) years after service of sentence as certified by the
22 clerks of courts of the Municipal/Municipal Circuit/Metropolitan/Regional Trial
23 Courts and the Sandiganbayan;

24 (b) Any person who has been adjudged by final judgment by a competent court or
25 tribunal of having caused/committed any crime involving disloyalty to the duly
26 constituted government such as rebellion, sedition, violation of the anti-
27 subversion and firearms laws, or any crime against national security, unless
28 restored to his full civil and political rights in accordance with law; *Provided,*
29 That he shall regain his right to vote automatically upon expiration of five (5)
30 years after service of sentence;

31 (c) Any person declared by competent authority to be insane or incompetent unless
32 such disqualification has been subsequently removed by a declaration of a
33 proper authority that such person is no longer insane or incompetent;

34 (d) Any person who did not vote in the two (2) successive preceding regular
35 elections as shown by their voting records. For this purpose, regular elections
36 do not include the Sangguniang Kabataan elections;

37 (e) Any person whose registration has been ordered excluded by the Court; and

38 (f) Any person who has lost his Filipino citizenship.

1 (g) Any person who has been disqualified by final judgment from exercising his or
2 her right to vote unless restored to his full civil and political rights in accordance
3 with law.

4 For this purpose, the clerks of court for the First Level Courts/Regional Trial
5 Courts and the Sandiganbayan shall furnish the Election Officer of the city or
6 municipality concerned at the end of every semester a certified list of persons who
7 are disqualified under paragraph (a) hereof, with their addresses. The Commission
8 may request a certified list of persons who have lost their Filipino Citizenship or
9 declared as insane or incompetent with their addresses from other government
10 agencies.

11 The Election Officer shall post in the bulletin board of his office a certified list
12 of those persons whose registration were deactivated and the reasons therefor, and
13 furnish copies thereof to the local heads of political parties, the national central file,
14 provincial file, and the voter concerned.

15 **SEC. 47. *Reactivation of Registration.*** - Any voter whose registration has been
16 deactivated pursuant to the preceding Section may file with the Election Officer a
17 sworn application for reactivation of his registration in the form of an affidavit stating
18 that the grounds for the deactivation no longer exist any time but not later than one
19 hundred twenty (120) days before a regular election and ninety (90) days before a
20 special election: *Provided*, That in case the biometric data of such registered voter is
21 already on file with the Commission, the application for reactivation may be submitted
22 through electronic mail or similar means.

23 The Election Officer shall submit said application to the Election Registration
24 Board for appropriate action.

25 In case the application is approved, the Election Officer shall retrieve the
26 registration record from the inactive file and include the same in the corresponding
27 precinct book of voters. Local heads or representatives of political parties shall be
28 properly notified on approved applications.

29 **SEC. 48. *Cancellation of Registration.*** - The Election Registration Board shall
30 cancel the registration records of those who have died as certified by the Philippine
31 Statistics Authority (PSA) on a quarterly basis. The processing fees of the quarterly
32 certified list of persons who died as requested by the Commission to PSA shall be
33 waived. The PSA shall submit each month a certified list of persons who died during
34 the previous month to the Election Officer of the place where the deceased are
35 registered. In the absence of information concerning the place where the deceased is
36 registered, the list shall be sent to the Election Officer of the city or municipality of
37 the deceased's residence as appearing in the death certificate. In any case, the PSA
38 shall furnish a copy of this list to the national central file and the proper provincial file.

1 The PSA shall ensure that its data privacy notice sufficiently informs affected
2 parties that their personal information is to be processed and shared with the
3 Commission to enable the latter to fulfill its constitutional mandate to initiate voter
4 inclusion and exclusion proceedings and to establish a clean, complete, permanent,
5 and updated list of voters under this Act, and as allowed by Section 12 (E) of Republic
6 Act No. 10173, otherwise known as the Data Privacy Act of 2012.

7 The Election Officer shall post in the bulletin board of his office a list of those
8 persons who died and whose registrations were cancelled, and furnish copies thereof
9 to the local heads of the political parties, the national central file, and the provincial
10 file.

11 **SEC. 49.***Preparation and Posting of the Certified List of Voters.* - The Election
12 Registration Board shall prepare and post certified list of voters no later than ninety
13 (90) days before a regular election and sixty (60) days before a special election and
14 furnish copies thereof to the provincial, regional and national central files. Copies of
15 the certified list, along with a certified list of deactivated voters categorized by precinct
16 per barangay, within the same period shall likewise be posted in the office of the
17 Election Officer and in the bulletin board of each city/municipal hall. Upon payment of
18 the fees as fixed by the Commission, the candidates and heads of registered political
19 parties shall also be furnished copies thereof.

20 The Election Registration Board shall also furnish two (2) certified copies for
21 said certified list of voters, along with a certified list of deactivated voters to the
22 Electoral Board for posting in the polling place and for their reference on election day.

23 **SEC. 50.***Sealing of Precinct Book of Voters.* - The Election Registration Board
24 shall notify, within fifteen (15) days before the start of the campaign period for local
25 candidates, all registered political parties having a headquarters within its jurisdiction
26 and members of the Electoral Boards to inspect and verify the completeness of the
27 voter's registration records for each precinct compiled in the book of voters.

28 In case of Barangay and Sangguniang Kabataan elections, the Election
29 Registration Board shall notify within fifteen (15) days before the start of the campaign
30 period the members of the Barangay Electoral Boards and the barangay secretaries to
31 inspect and verify the completeness of the voter's registration records for each
32 precinct compiled in the book of voters: *Provided*, That the candidates may, to the
33 extent feasible, observe the verification and inspection process.

34 After verification and certification by the Electoral Boards and party
35 representatives or, in the case of barangay and Sangguniang Kabataan Elections, by
36 the Barangay Electoral Boards and the barangay secretaries, the Election Registration
37 Board shall seal the book of voters in the presence of the former at the start of the
38 campaign period and take custody of the same until their distribution to the Electoral
39 Board on election day. The Election Officer shall deliver the sealed precinct book of

1 voters to the chairman of the Electoral Board when the latter secures its official ballots
2 and other paraphernalia for election day.

3 **SEC. 51.***Jurisdiction in Inclusion and Exclusion Case.* – The Municipal and
4 Metropolitan Trial Courts shall have original and exclusive jurisdiction over all cases of
5 inclusion and exclusion of voters in their respective cities or municipalities: Provided,
6 That when the Commission is the petitioner of a case on exclusion of voters, filing and
7 other court fees shall be waived. Decisions of the Municipal or Metropolitan Trial Courts
8 may be appealed by the aggrieved party to the Regional Trial Court within five (5)
9 days from receipt of notice thereof. Otherwise, said decision shall become final and
10 executory. The Regional Trial Court concerned shall decide the appeal within ten (10)
11 days from the time it is received and the decision shall immediately become final and
12 executory. No motion for reconsideration or appeal shall be entertained.

13 **SEC. 52.***Petition for Inclusion of Voters in the List.* - Any person whose
14 application for registration has been disapproved by the Election Registration Board
15 or whose name has been stricken out from the list may file with the court a petition
16 to include his or her name in the permanent list of voters in his precinct at any time
17 except one hundred five (105) days prior to a regular election or seventy-five (75)
18 days prior to a special election. It shall be supported by a certificate of disapproval of
19 his application and proof of service of notice of his petition upon the Election
20 Registration Board. The petition shall be decided within ten (10) days after its filing.

21 If the decision is for the inclusion of voters in the permanent list of voters, the
22 Election Registration Board shall place the application for registration previously
23 disapproved in the corresponding book of voters and indicate in the application for
24 registration the date of the order of inclusion and the court which issued the same.

25 **SEC. 53.***Voters Excluded through Inadvertence or Registered with an*
26 *Erroneous or Misspelled Name.* - Any registered voter whose registration record has
27 not been included in the precinct book of voters, or whose name has been omitted in
28 the list of voters or who has been included therein with a wrong or misspelled name
29 may file with the Election Registration Board an application for inclusion of his or her
30 record, or reinstatement or correction of his name as the case may be. If it is denied
31 or not acted upon within fifteen (15) days from filling, the voter may file on any date
32 with the proper First Level Court a petition for an order directing that the voter's name
33 be entered or corrected in the list. The voters shall attach to the petition a certified
34 true copy of his or her registration record or the acknowledgment receipt issued
35 pursuant to Section 40 hereof or the entry of his or her name in the list of voters used
36 in the preceding election, together with proof that his or her application was denied
37 or not acted upon by the Board and that he or she has served notice thereof to the
38 Board.

39 **SEC. 54.***Change of name of registered voter.* - Any previously registered voter
40 whose name has been changed by reason of marriage or by virtue of a court order or

1 by order of the Civil Registrar or Consul General may file an application for change of
2 name by personally accomplishing three (3) copies of the prescribed application form
3 and filing the same with the election registration board through the election officer.
4 In support of the application, the applicant shall submit the original/certified true copy
5 of any the following:

6 (a) Certification by the solemnizing officer;

7 (b) Marriage contract or court order with certificate of finality;

8 (c) Order by the Civil Registrar or Consul General, as the case may be.

9 A female registered voter whose marriage has been annulled or declared void
10 by competent court may request that her voter registration records shall reflect her
11 maiden name and that the signature she affixed therein be changed. In such a case,
12 the applicant shall attach a certified true copy of the court's final order or decision,
13 annulling the marriage or declaring the marriage a nullity.

14 **SEC. 55.***Petition for exclusion of voters from the list.* - Any registered voter,
15 representative of a duly registered political or sectoral party or organization or the
16 Election Officer, may file with the court a sworn petition for the exclusion of a voter
17 from the permanent list of voters giving the name, address and the precinct of the
18 challenged voter at any time except one hundred (100) days prior to a regular election
19 or sixty-five (65) days before a special election. The petition shall be accompanied by
20 proof of notice to the Election Registration Board and to the challenged voter and shall
21 be decided within ten (10) days from its filing.

22 If the decision is for the exclusion of the voter from the list, the Election
23 Registration Board shall, upon receipt of the final decision, remove the voter's
24 registration record from the corresponding book of voters, enter the order of exclusion
25 therein, and thereafter place the record in the inactive file.

26 **SEC. 56.***Common Rules Governing Judicial, Proceedings in the Matter of*
27 *Inclusion, Exclusion, and Correction of Names of Voters.* -

28 (a) Petition for inclusion, exclusion or correction of names of voters shall be filed
29 during office hours;

30 (b) A copy of the petition shall be served upon the members of the Board and the
31 challenged voter prior to the filing of the petition. Service of such petition may
32 be made by sending a copy thereof by personal delivery, by leaving it in the
33 possession of a person of sufficient discretion residing in the residence stated
34 by the challenged voter in his or her application for registration, or by registered
35 mail. Should the foregoing procedures not be practicable, the petition may be
36 sent through a private courier: *Provided*, That the petition cannot be filed in
37 court until after forty-eight (48) hours have elapsed since the time the petition
38 was sent through private courier.

(c) A petition shall refer only to one (1) precinct and implead the Election Registration Board as respondents;

(d) No costs shall be assessed against any party in these proceedings. However, if the court should find that the application has been filed solely to harass the adverse party and cause him to incur expenses, it shall order the culpable party to pay the costs and incidental expenses;

(e) Any registered voter, candidate or registered political party, sectoral party, or sectoral organization that may be affected by the proceedings may intervene and present his evidence;

(f) The decision shall be based on the evidence presented and in no case rendered upon a stipulation of facts. If the question is whether or not the voter is real or fictitious, his or her non-appearance on the day set for hearing shall be prima facie evidence that the challenged voter is fictitious; and

(g) The petition shall be heard and decided within ten (10) days from the date of its filing. Cases appealed to the Regional Trial Court shall be decided within ten (10) days from receipt of the appeal. Decisions of the Regional Trial Court are final and immediately executory. In all cases, the court shall decide these petitions not later than fifteen (15) days before the election.

SEC. 57. *Canvass to check registration.* - The election registrar shall, once every two years or more often should the Commission deem it necessary in order to preserve the integrity of the permanent lists of voters, conduct verification by mail or house-to-house canvass, or both, of the registered voters of any barangay for purposes of exclusion proceedings.

SEC. 58. *Annulment at Book of Voters.* - The Commission shall, upon verified petition of any voter or election officer or duly registered political party, sectoral party, or sectoral organization, and after notice and hearing, annul any book of voters that is not prepared in accordance with the provisions of this Code or was prepared through fraud, bribery, forgery, impersonation, intimidation, force or any similar irregularity, or which contains data that are statistically improbable and upon a showing that any other remedy provided for under this Article is insufficient to correct such book of voters. No order, ruling or decision annulling a book of voters shall be executed within ninety (90) days before an election.

SEC. 59. *Reconstitution of Lost or Destroyed Registration Records.* - The Commission shall reconstitute all registration records which have been lost or destroyed by using the corresponding copies of the provincial or national central files. In case of conflict, the Commission shall determine which file shall be used for reconstitution purposes. If this is not feasible, the Commission shall conduct a general registration of voters in the affected area: *Provided*, That there is a scheduled election before the next scheduled general registration of voters in accordance with the

Omnibus Election Code. All such voters shall retain their voter's identification number. Reconstituted forms shall be clearly marked with the word "reconstituted."

It shall be the duty of the Election Officer to immediately report to the Commission any case of loss or destruction of registration record in his custody.

The reconstitution of any lost or destroyed registration records shall not affect the criminal liability of any person who is responsible for such loss or destruction.

SEC. 60. *Examination of Registration Records.* - All registration records/computerized voters list in the possession of the Election officer, the Provincial Election Supervisor, and the Commission shall, during regular office hours, be open to examination by the public for legitimate inquiries on election related matters, free from any charge or access fee: *Provided*, That sensitive personal information as defined in Republic Act 10173, including biometrics data, shall not be disclosed except upon order of the Court.

SEC. 61. *Right to Information.* - The duly authorized representative of a registered political party or of a bona fide candidate shall have the right to inspect and/or copy at their expense the accountable registration forms and/or the list of registered voters in the precincts constituting the constituency of the bonafide candidate or at which the political party is fielding candidates. The inspection and copying shall be conducted during business hours of the Commission and shall be subject to reasonable regulations.

Article 5

Registration of Political Parties, Sectoral Parties, Sectoral Organizations, and Coalitions

SEC. 62. *Registration of political parties, organizations, and coalitions not participating in the party-list elections.* - Any political party, organization, or coalition of political parties, which does not intend to participate in the next proceeding party-list elections, may register with the Commission by filing a petition duly verified by its President and Secretary -General, or any official duly authorized to do so under its Constitution and By-laws. The petition for registration shall state the following:

- (a) Full name of the political party, organization or coalition of political parties;
- (b) The principal headquarters and post office address for election purposes, including its branches and divisions, if any;
- (c) The date and place of its organization;
- (d) The date and manner of election or selection of its officers;
- (e) The names and addresses of its organizers and officers, Executive Committee members, Directorate, or Party Convention delegates, if any;
- (f) The extent of its constituency;

- 1 (g) Its program of government;
- 2 (h) That it is not a religious sect or denomination;
- 3 (i) That it shall not pursue its goals through violence or other unlawful means;
- 4 (j) That it shall uphold and adhere to the Constitution and shall obey all laws
- 5 and legal orders promulgated by duly constituted authorities;
- 6 (k) That it is not supported by, nor does it accept financial contribution from any
- 7 foreign government or their agencies;
- 8 (l) That it shall not participate in the next proceeding party-list elections; and
- 9 (m) Other information that may be material and relevant to the petition.

10 The petitioner shall attach to the petition for registration its constitution and
11 by-laws, party platform, organizational papers, declarations of political creed or code
12 of political ethics and such other documents of similar or equivalent character in such
13 number of copies as may be prescribed by the Commission.

14 The Commission shall promulgate such rules as are necessary to ensure that
15 the status and capacity of the petitioner and the veracity of the allegations in the
16 petition and its attachments are verified and that the petition is published in two
17 newspapers of general circulation. After due notice and hearing, if the petitioner has
18 proven that it has faithfully complied with the requirements for registration under this
19 Code, the Commission shall issue a certificate of registration, which shall be displayed
20 in the main office and in all chapters of the petitioner. In no case shall any petition for
21 registration be resolved by the Commission later than thirty (30) days from the date
22 the same has been submitted for resolution.

23 After approval of registration, the political party, organization, or coalition in
24 question shall acquire juridical personality and shall be entitled to the rights and
25 privileges herein granted.

26 **SEC. 63.** *Registration of parties, organizations, and coalitions participating in*
27 *the party-list system.* - For the purpose of participating in the party-list system, any
28 organized group of persons may register either as a 1) national political party; 2)
29 regional political party; 3) coalition of political parties; 4) sectoral party or 5) sectoral
30 organization by filing with the Commission not later than one (1) year before the
31 election a petition verified by its president or secretary stating its desire to participate
32 in the party-list system as such party, organization, or coalition.

33 The petition for registration shall contain the following: a) name and acronym
34 of the petitioner, with the acronym not exceeding twenty characters; b) nature of the
35 organization; c) sector or sectors which it seeks to represent, if applicable; d) the
36 name and address of its president/chairman, or, in his or her absence, the Secretary-
37 General who will represent the party in the petition; e) petitioner's principal
38 headquarters and postal office address; f) names, positions, and addresses of its

1 elected officers; g) petitioner's intention or desire to participate in the party-list
2 election; h) names and addresses of its chapter offices; i) that all of its officers and
3 members are made aware of the petition and have given their consent thereto; j) the
4 list of documents attached to the petition; k) names, addresses, and representatives
5 of sectoral parties or organizations affiliated with the petitioner, which affiliates need
6 not be registered with the Commission, but have given their consent thereto; l) that
7 it is not a religious sect or denomination, organization or association organized for
8 religious purpose; m) that it renounces violence or unlawful means to achieve its
9 goals; n) that it is not an adjunct or a project organized or an entity funded or assisted
10 by the government; o) that it is not a foreign party or organization; p) that it does not
11 receive support for partisan political purposes from any foreign government, foreign
12 political party, foundation, organization, whether directly or indirectly, or through its
13 officers or members, or indirectly through third parties; q) the period of existence of
14 petitioner which shall at least be one (1) year at the time the petition is filed; r) that
15 it commits to comply with the laws, rules, and regulations relating to elections ; and
16 s) it shall not field candidates in legislative district elections.

17 The petition must be supported by the following documents: a) Constitution
18 and by-laws as an organization seeking registration under the party-list system of
19 representation; b) platform or program of government; c) list of all its officers and
20 members; in case of sectoral parties or sectoral organizations, the list of officers and
21 members must show that the majority of its members and officers belong to the
22 marginalized and underrepresented sector or sectors it seeks to represent; d)
23 Manifestation of intent to participate in the next immediately succeeding national and
24 local elections and list of at least five (5) nominees; e) in case of sectoral parties or
25 sectoral organizations, track record summary showing that all of its nominees
26 represent and seek to uplift the marginalized and underrepresented sector or sectors
27 which the party or organization seeks to represent; f) likewise, in case of sectoral
28 parties or organizations, proof that all of its nominees belong to the marginalized and
29 underrepresented sector which they seek to represent; g) coalition agreement, if any;
30 h) in case of national or regional political parties, sworn proofs of existence in the
31 areas where the organization is claiming representation; and i) such other documents
32 required by the Commission.

33 A political party, organization, or coalition, as well as the sectoral wing of a
34 political party, organization, or coalition, which has been registered in accordance with
35 the preceding section and which intends to participate in the party-list elections, shall
36 register anew under this section and shall fully comply with the provisions hereof;
37 *Provided, however,* That the denial of the petition under this section shall not affect
38 the registration already granted under the preceding section.

39 The Commission shall promulgate such rules as are necessary to ensure that
40 the status and capacity of the petitioner and the veracity of the allegations in the

petition and its attachments are verified and that the petition is published in two newspapers of general circulation. The Commission shall, after due notice and hearing, resolve the petition within thirty (30) days from the date it was submitted for decision but in no case not later than sixty (60) days before election.

SEC. 64. *Refusal and/or Cancellation of Registration.* - The Commission may, motu proprio or upon verified complaint of any interested party, refuse or cancel, after due notice and hearing, the registration of any national political party, regional political party, coalition of political parties, sectoral party, or sectoral organization, regardless whether such party, organization, or coalition shall participate or has participated in any party-list election, on any of the following grounds:

- (a) It is a religious sect or denomination, organization or association, organized for religious purposes;
- (b) It advocates violence or unlawful means to seek its goal;
- (c) It is a foreign party or organization;
- (d) It is receiving support, financial or otherwise, from any foreign government, foreign political party, foundation, organization, whether directly or through any of its officers or members or indirectly through third parties for partisan election purposes;
- (e) It fails, at least on two occasions, to file the required statement of contributions and expenditures within the prescribed period as required by this Code.
- (f) It violates or fails to comply with laws, rules or regulations relating to elections, plebiscites, referenda, or initiative;
- (g) It declares untruthful statements in its petition;
- (h) It has ceased to exist for at least one (1) year;

In case of parties, organizations, or coalitions which have registered under the preceding section of this article, the following shall likewise be grounds for denial or cancellation of Registration:

- (a) Material misrepresentation of the qualifications of its nominees;
- (b) A finding by final judgment that it directly or indirectly participated in acts detrimental to the best interest of the government, to overthrow the government, or diminish its powers, or to be associated by any means to rebels or those designated and/or proscribed terrorist persons under R.A. No. 11479 or the "Anti-Terrorism Act of 2020.
- (c) Failure to participate in the last two (2) preceding party-list elections; or
- (d) Failure in the last two (2) preceding party-list elections to obtain at least two per centum (2%) of the votes cast for political parties and coalitions under the

1 party-list system, or at least two per centum (2%) of the votes cast for sectoral
2 parties, organizations, and coalitions, as the case may be.

3 In case of parties, organizations, or coalitions registered under Section 51
4 hereof, their failure to field official candidates in the last two proceeding elections or
5 the failure of their candidates in the last two preceding elections to obtain an
6 aggregate of at least five per centum (5%) of the votes cast in the constituencies
7 where they seek to be represented shall be an additional ground for cancellation of
8 the registration of such parties, organizations, or coalitions.

9 **SEC. 65.***Dominant Majority Party, Dominant Minority Party, Major National*
10 *Parties and Major Local Parties.* - Not later than forty-five (45) days before the
11 scheduled election, a political party duly registered with the Commission may file a
12 verified petition for accreditation as the Dominant Majority Party, the Dominant
13 Minority Party, one of the Ten (10) Major National Parties, or one of the Two (2) Major
14 Local Parties. In determining the Dominant Majority Party, the Dominant Minority
15 Party, the Ten (10) Major National Parties and the Two (2) Major Local Parties the
16 following shall be the criteria:

- 17 (a) The established record of the said parties, coalition of groups that now compose
18 them, taking into account among other things, their showing in past elections;
19 (b) The number of incumbent elective officials belonging to them on the last day
20 of the filing of the Certificate of Candidacy (COC);
21 (c) Their identifiable political organizations and strengths as evidenced by their
22 organized chapters;
23 (d) The ability to fill a complete slate of candidates from the municipal level to the
24 position of President;
25 (e) The number of women candidates fielded by political parties from the municipal
26 level to the position of President; and
27 (f) Other analogous circumstances that may determine their relative organizations
28 and strengths.

29 The accreditation of the Dominant Majority Party, the Dominant Minority Party
30 and the Ten (10) Major Political Parties shall be established through weighted average
31 points for each of the above criteria. The Commission shall determine the appropriate
32 points to be accorded to each of the above criteria, ensuring that the interest of the
33 candidates and the parties they represent are protected.

34
35 **Article 6**
36 **The Party-list System**

37 **SEC. 66.***Classification of groups under the party-list system.* - The party-list
38 system shall be divided into two classifications: (a) political parties or coalition of

1 political parties, and (b) sectoral parties or organizations. Fifty percent (50%) of the
2 seats allocated for the party-list shall be reserved for political parties and coalitions of
3 political parties and the other fifty percent (50%) shall be reserved for sectoral parties
4 or organizations: *Provided*, That in case of an odd number in the total number of seats
5 to be allocated, the same shall be allocated to the party-list group next in rank in
6 terms of total number of votes regardless of classification. In the event of a tie priority
7 should be given to the most number of participating party-list group on its first
8 occurrence.

9 Sectoral parties, sectoral organizations, and coalitions of sectoral parties shall
10 exclusively represent the marginalized and underrepresented sectors as defined in
11 Section 5 of this Code.

12 **SEC. 67.** *Manifestation to Participate in the Party-List System.* – Any party,
13 organization, or coalition which has a valid and subsisting registration with the
14 Commission under Section 63 hereof need not register anew. However, such party,
15 organization or coalition shall file with the Commission, not later than one (1) year
16 before the election, a manifestation of its desire to participate in the party-list system.

17 **SEC. 68.** *Certified List of Registered Parties.* -The COMELEC shall, not later than
18 sixty (60) days before election, prepare a certified list of national or regional political
19 parties and coalition of political parties and a certified list of sectoral parties,
20 organizations, or coalition of sectoral parties which have applied or who have
21 manifested their desire to participate under the party-list system and distribute copies
22 thereof to all precincts for posting in the polling places on election day. The names of
23 the party-list nominees shall not be shown on the certified list.

24 **SEC. 69.** *Nomination of Party-List Representatives.* Each registered party,
25 organization or coalition shall submit to the Commission, not later than the date set
26 for the filing of its manifestation of intent to participate in the party-list election, a list
27 of names of not less than five (5) nominees from which party-list representatives shall
28 be chosen in case it obtains the required number of votes, together with the
29 certificates of nomination and acceptance of all the nominees in such list.

30 A person may be nominated in one (1) list only. Only persons who have given
31 their consent in writing may be named in the list. The list shall not include any
32 candidate for any elective office or a person who has lost his bid for an elective office
33 in the immediately preceding election. No change of names or alteration of the order
34 of nominees shall be allowed after the same shall have been submitted to the
35 Commission except in cases where the nominee dies or becomes physically
36 incapacitated in which case the name of the substitute nominee shall be placed last in
37 the list.

38 **SEC. 70.** *Substitution of Party-List Nominees.* - Substitution shall be allowed
39 for any nominee who dies, becomes physically incapacitated, or has been disqualified.

1 The party, organization, or coalition concerned shall file with the Commission the
2 certificate of nomination and acceptance of the substitute nominee, the amended list
3 of nominees, and proof of publication of the amended list of nominees. The substitute
4 nominee shall be placed last in the list. Sectoral parties or organizations must submit
5 to the Commission a track record summary showing that the substitute nominee
6 represents and seeks to uplift the marginalized and underrepresented sector or sectors
7 the party or organization seeks to represent and proof that such nominee belongs to
8 such sector.

9 No substitution shall be allowed for nominees who withdraw their acceptance
10 to the nomination. In the event the list of nominees of a party-list group is exhausted
11 because of the withdrawal of all of its nominees, such party, organization, or coalition
12 shall be deemed to have withdrawn its manifestation of intent to participate in the
13 elections. Any vote garnered by such party, organization or coalition shall be
14 considered stray and shall not be counted.

15 **SEC. 71. *Qualifications of Party-List Nominees.*** - No person shall be nominated
16 as party-list representative unless he or she is a natural-born citizen of the Philippines,
17 a registered voter, a resident of the Philippines for a period of not less than one (1) year
18 immediately preceding the day of the election, able to read and write, a bona fide
19 member of the party or organization which he or she seeks to represent for at least
20 one year preceding the day of the election, and is at least twenty-five (25) years of
21 age on the day of the election: *Provided*, That the nominees of a sectoral party or
22 organization or coalition of sectoral parties or organizations could demonstrate or has
23 proven track record of advocating for the interest of the underrepresented or
24 marginalized sector he/she represents for at least five years.

25 In case of a nominee of the youth sector, he or she must be at least twenty-
26 five (25) but not more than forty (40) years of age on the day of the election. Any
27 youth sectoral representative who attains the age of forty (40) during his term shall
28 be allowed to continue in office until the expiration of his or her term.

29 **SEC. 72. *Cancellation or Denial of Due Course to the Certificate of Nomination***
30 ***of Party-list Nominees.*** - Any person may, within ten (10) days after the publication of
31 the list of nominees, file with the Commission a verified petition seeking to deny due
32 course to or to cancel the nomination of nominees of party-list groups on the ground
33 that a material misrepresentation has been committed in the qualifications of a
34 nominee.

35 The deliberate failure by the nominee to disclose that he or she has been
36 declared by competent authority as insane or incompetent, or that he or she has been
37 sentenced by final judgment for subversion, insurrection, rebellion or for any offense
38 for which he or she has been sentenced to a penalty of more than eighteen months
39 or for a crime involving moral turpitude, shall constitute material misrepresentation
40 unless there is a declaration by competent authority that said insanity or

1 incompetence had been removed, or, in case of conviction for the offenses herein
2 mentioned, such nominee has been given plenary pardon or granted amnesty or at
3 least five years have passed from his or her service of sentence.

4 **SEC. 73.***Disqualification of Nominees.* - A verified petition seeking the
5 disqualification of a nominee of party-list organizations, parties, or coalitions may be
6 filed by any person any time before proclamation when the nominee has been declared
7 by final judgment of a competent court guilty of, or found by the Commission of
8 having:

- 9 (a) Given money or other material consideration to influence, induce or corrupt the
10 voters or public officials performing electoral functions;
11 (b) Committed acts of terrorism to enhance his candidacy;
12 (c) Spent in the campaign an amount in excess of that allowed by law;
13 (d) Committed any election offense related to election campaign and campaign
14 finance as set forth in this Code.

15 **SEC. 74.***Number of Party-List Representatives.* - The party-list representatives
16 shall constitute twenty per centum (20%) of the total number of the members of the
17 House of Representatives including those under the party-list.

18 In determining the equal allocation of seats for the political parties or coalition of
19 political parties and the sectoral parties or organizations under the party-list system
20 pursuant to Section 63 hereof, the following procedure shall be observed:

- 21 (a) The parties, organizations, and coalitions shall be ranked from the highest to
22 the lowest based on the number of votes they garnered during the elections.
23 (b) The political parties, coalitions of political parties, sectoral parties, and sectoral
24 organizations receiving at least two percent (2%) of the total votes cast for the
25 entire party-list system , shall be entitled to one seat each: *Provided*, that those
26 garnering more than two percent (2%) of the votes shall, to the extent
27 practicable, be entitled to additional seats in proportion to their total number
28 of votes until all the additional seats are allocated; *Provided further*, that in no
29 case shall any party, organization, or coalition be entitled to not more than
30 three (3) seats ; *Provided finally*, that the proportion of seats between the
31 nominees of political parties or coalitions and sectoral parties or organizations,
32 as set forth in Section 63 hereof, be observed at all times.

33 **SEC. 75.***Procedure in Allocating Seats for Party-List Representatives.* - The
34 Commission shall separately tally all the votes for the political parties or coalitions and
35 sectoral parties or organizations on a nationwide basis, rank them according to the
36 number of votes received, and allocate party-list representatives proportionately
37 according to the percentage of votes obtained by each party, organization, or coalition

1 as against the total nationwide votes cast for the party-list system. In the allocation
2 of seats, the Commission should ensure that Section 63 of this Code is complied with.

3 **SEC. 76.***Term of Office and Vacancy.* - Party-list representatives shall be
4 elected for a term of three (3) years which shall begin, unless otherwise provided by
5 law, at noon on the thirtieth day of June following their election. No party-list
6 representatives shall serve for more than three (3) consecutive terms. Voluntary
7 renunciation of the office for any length of time shall not be considered as an
8 interruption in the continuity his service for the full term for which he was elected.

9 In case of vacancy in the seats reserved for party-list representatives, the
10 vacancy shall be automatically filled by the next representative from the list of
11 nominees in the order submitted to the Commission by the same party, organization,
12 or coalition, who shall serve for the unexpired term. If the list is exhausted, the party,
13 organization coalition concerned shall submit additional nominees.

14 **SEC. 77.***Change of Affiliation; Effect.* - Any elected party-list representative
15 who changes his or her political party or sectoral affiliation during his or her term of
16 office shall forfeit his or her seat: *Provided,* That if he or she changes his or her political
17 party or sectoral affiliation within one (1) year before an election, he or she shall not
18 be eligible for nomination as party-list representative under his or her new party or
19 organization.

20 **SEC. 78.***Rights of Party-List Representatives.* - Party-List Representatives shall
21 be entitled to the same salaries and emoluments as regular members of the House of
22 Representatives.

23

24 **Article 7**

25 **Eligibility of Candidates and the Certificate of Candidacy**

26 **SEC. 79.***Qualifications for President and Vice-President of the Philippines.* - No
27 person may be elected President unless he is a natural-born citizen of the Philippines,
28 a registered voter, able to read and write, at least forty years of age on the day of
29 election, and a resident of the Philippines for at least ten years immediately preceding
30 such election.

31 **SEC. 80.***Qualifications for Senators.* – No person shall be a Senator unless he
32 is a natural-born citizen of the Philippines and, on the day of the election, is at least
33 thirty-five years of age, able to read and write, a registered voter, and a resident of
34 the Philippines for not less than two years immediately preceding the day of the
35 election.

36 **SEC. 81.***Qualifications for Members of the House of Representatives.* - No
37 person shall be a Member of the House of Representatives unless he is a natural-born
38 citizen of the Philippines and, on the day of the election, is at least twenty-five years

1 of age, able to read and write, and, except the party-list representatives, a registered
2 voter in the district in which he shall be elected, and a resident thereof for a period of
3 not less than one year immediately preceding the day of the election.

4 **SEC. 82.***Qualifications of elective local and barangay officials.* - The
5 qualifications for elective provincial, city, municipal and barangay officials shall be
6 those provided for in the Local Government Code.

7 **SEC. 83.***Candidates holding appointive office or positions.* - Any person holding
8 a public appointive office or position, including active members of the Armed Forces
9 of the Philippines, and officers and employees in government-owned or controlled
10 corporations, shall be considered ipso facto resigned from his or her office upon the
11 filing of his or her certificate of candidacy or certificate of acceptance and nomination.

12 **SEC. 84.***Disqualifications.* - Any candidate or nominee of party-list who, in an
13 action or protest in which he is a party is declared by final decision of a competent
14 court guilty of, or found by the Commission of having (a) given money or other
15 material consideration to influence, induce or corrupt the voters or public officials
16 performing electoral functions; (b) committed acts of terrorism to enhance his
17 candidacy; (c) spent in his election campaign an amount in excess of that allowed by
18 this Code; or (d) committed any election offense related to election campaign and
19 campaign finance as set for in this Code shall be disqualified from continuing as a
20 candidate, or if he has been elected, from holding the office

21 The petition under this section must be verified and may be filed by any
22 registered voter or any duly registered party, organization, or coalition. Such petition
23 shall be filed any day after the last day for filing of certificates of candidacy, but not
24 later than the date of proclamation.

25 A petition to disqualify that invoke grounds for a petition to deny or cancel a
26 certificate of candidacy or petition to declare a candidate as a nuisance candidate, or
27 a combination thereof, shall be summarily dismissed.

28 **SEC. 85.***Effects of Disqualification.* - Any candidate who has been declared by
29 final judgment to be disqualified shall not be voted for. If for any reason a candidate
30 is not declared by final judgment before an election to be disqualified and he is voted
31 for and receives the winning number of votes in such election, the Court or
32 Commission shall continue with the trial and hearing of the action, inquiry, or protest
33 and, upon motion of the complainant or any intervenor, may during the pendency
34 thereof order the suspension of the proclamation of such candidate whenever the
35 evidence of his guilt is strong.

36 If the candidate is disqualified by final judgment prior to the election, the votes
37 cast for him or her shall be considered stray. However, should the disqualification of
38 the candidate become final only after the election, the rules on succession of public

1 officers as laid down in the Constitution, the Local Government Code, and other
2 applicable laws, shall apply.

3 The Commission shall give priority to cases of disqualification by reason of
4 violation of this Code.

5 **SEC. 86. Nuisance candidates.** - The Commission may, motu proprio or upon
6 a verified petition of any registered voter, after due notice and hearing, refuse to give
7 due course to or cancel a certificate of candidacy if it is shown that said certificate has
8 been filed to put the election process in mockery or disrepute; or to cause confusion
9 among the voters by the similarity of the names of the registered candidates; to obtain
10 money, profit, or any other consideration; or by other circumstances or acts which
11 clearly demonstrate that the candidate has no bona fide intention to run for the office
12 for which the certificate of candidacy has been filed and thus prevent a faithful
13 determination of the true will of the electorate.

14 Any candidate shall also be deemed as having no bona fide intention of running
15 for the office for which the certificate of candidacy has been filed if the candidate by
16 acts or statements has shown, expressly or impliedly, that said candidate is only a
17 placeholder for another candidate, A placeholder candidate is one who temporarily
18 stands-in or fills-in for the final or eventual candidate.

19 Candidates so declared by the Commission as nuisance shall not be substituted.
20 They shall also be disqualified from running in future elections, both local and national.

21 The petition to declare a candidate as a nuisance candidate, whether initiated
22 motu proprio by the Commission or otherwise, must be verified and the same shall be
23 filed within five (5) days from the last day of the filing of certificates of candidacy

24 **SEC. 87. Certificate of candidacy.** - No person shall be eligible for any elective
25 public office unless he files a sworn certificate of candidacy within the period fixed
26 herein.

27 A person who has filed a certificate of candidacy may, prior to the election,
28 withdraw the same by submitting to the office concerned a written declaration under
29 oath.

30 No person shall be eligible for more than one office to be filled in the same
31 election, and if he files his certificate of candidacy for more than one office, he shall
32 not be eligible for any of them.

33 However, before the expiration of the period for the filing of certificates of
34 candidacy, the person who filed more than one certificate of candidacy may declare
35 under oath the office for which he desires to be eligible and cancel the certificate of
36 candidacy for the other office or offices.

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

1 **SEC. 88.***Contents of certificate of candidacy.* - The certificate of candidacy shall
2 state following:

- 3 (a) Office aspired for;
- 4 (b) Name of the aspirant;
- 5 (c) Age;
- 6 (d) Sex;
- 7 (e) Civil Status;
- 8 (f) Place and date of birth;
- 9 (g) Citizenship, whether natural-born or naturalized;
- 10 (h) The duly registered political party or coalition of political party to which he or
11 she belongs, if any;
- 12 (i) The name of the spouse, if married;
- 13 (j) Complete address for election purposes;
- 14 (k) Residence, giving the exact address and the number of years residing in:
 - 15 (i) The Philippines and whenever applicable,
 - 16 (ii) The place where the aspirant intends to be elected up to the day before
17 the election;
- 18 (l) The barangay, city, municipality and province where the aspirant is a registered
19 voter or will be a registered voter;
- 20 (m) Profession or occupation or employment;
- 21 (n) That the aspirant is eligible for said office;
- 22 (o) That the aspirant is not a permanent resident or an immigrant to a foreign
23 country;
- 24 (p) That the aspirant has executed a sworn renunciation of foreign citizenship, if
25 applicable;
- 26 (q) That the aspirant will file, with the Commission, within thirty (30) days after
27 the day of the election, a full, true and itemized Statement of Contributions and
28 Expenditures in connection with such election;
- 29 (r) That the aspirant will support and defend the Constitution of the Republic of
30 the Philippines and will maintain true faith and allegiance thereto;
- 31 (s) That the aspirant will obey the laws, legal orders, decrees, resolutions, rules
32 and regulations promulgated and issued by the duly constituted authorities;

- 1 (t) That the aspirant will renounce any group or organization the goal of which is
2 to overthrow duly elected government, or any group or organization utilizing
3 arms, violence, and acts of terrorism as means of pursuing political goals;
- 4 (u) That the aspirant will not support any group or organization the goal of which
5 is to overthrow duly elected government, or any group or organization utilizing
6 arms, violence, and acts of terrorism as means of pursuing political goals;
- 7 (v) That the aspirant assumes the foregoing obligations voluntarily without mental
8 reservation or purpose of evasion;
- 9 (w) That the aspirant gives consent to the Commission to collect, disclose or
10 share, and process the personal data provided for election and other lawful
11 purposes in accordance with the Privacy Notice and as may be authorized by
12 existing laws;
- 13 (x) That the facts stated in the certificate are true and correct to the best of the
14 aspirant's knowledge; and
- 15 (y) Whether the aspirant has been found liable for an offense/s which carries with
16 it the accessory penalty of perpetual disqualification to hold public office, which
17 has become final and executory.

18 Unless the person filing the certificate of candidacy has officially changed his or
19 her name through a court approved proceeding, such person shall use in a certificate
20 of candidacy the name registered in the office of the local civil registrar or any other
21 name allowed under the provisions of existing law or, in the case of a Muslim, his or
22 her Hadji name after performing the prescribed religious pilgrimage: *Provided*, That
23 when there are two or more aspirant for an office with the same name and surname,
24 each aspirant, upon being made aware of such fact, shall state his or her paternal and
25 maternal surname, except the incumbent who may continue to use the name and
26 surname stated in his certificate of candidacy when he was elected.

27 An aspirant may also include one nickname or stage name by which he or she
28 is generally or popularly known in the locality.

29 The person filing a certificate of candidacy shall also affix his latest photograph,
30 passport size; a statement in duplicate containing his or her bio-data and program of
31 government not exceeding one hundred words, if he or she so desires.

32 **SEC. 89.***Filing of certificate of candidacy and certificates of nomination and*
33 *acceptance.* - The Commission shall set the period within which the certificates of
34 candidacy shall be filed along with the respective certificate of nomination and
35 acceptance, if any: *Provided*, That, such period shall be within the election period but
36 not later than five days before the beginning of the campaign period: *Provided further*,
37 That, in no case shall the period be less than five (5) days; *Provided finally*, that in
38 cases of postponement or failure of election under this Code, no additional certificate

1 of candidacy shall be accepted except in cases of substitution of candidates as
2 provided in this article.

3 The certificates of candidacy and the certificates of nomination and acceptance,
4 if any, shall be filed in such number of copies as the Commission may prescribe with
5 the offices herein below mentioned:

6 (a) For the positions of President, Vice-President, and Senator, with the Main Office
7 of the Commission;

8 (b) For the position of Member of the House of Representatives for a legislative
9 district in the National Capital Region, with the Office of the Regional Director
10 of the National Capital Region;

11 (c) For the position of Member of the House of Representatives for a legislative
12 district in the provinces, with the Office of the Provincial Election Supervisor;

13 (d) For the position of Member of the House of Representative in a legislative
14 district in the cities outside the National Capital Region which comprise one or
15 more legislative districts, with the Office of the City Election Officer concerned
16 designated for the purpose by the Regional Election Director;

17 (e) For the positions of Governor, Vice-Governor, and Member of the Sangguniang
18 Panlalawigan, with the Office of the Provincial Election Supervisor;

19 (f) For the position of Mayor and Vice-Mayor cities with more than one Election
20 Officer, with the Office of the City Election Officer concerned designated for the
21 purpose by the Regional Election Director;

22 (g) For the position of Member of the Sangguniang Panlungsod in cities with more
23 than one Election Officer, with the Office of the City Election Officer of the
24 district concerned;

25 (h) For the position of Mayor, Vice Mayor, and Member of the Sangguniang
26 Panlungsod in cities with only one (1) legislative district, with the Office of the
27 City Election Officer;

28 (i) For the position of Municipal Mayor, Municipal Vice-Mayor, and Member of the
29 Sangguniang Bayan, with the Office of the Municipal Election Officer; and

30 (j) For the position of Members of the Parliament of the Bangsamoro Autonomous
31 Region in Muslim Mindanao, with the Office of the Regional Election Director.

32 In case of valid substitution of nominees of party-list groups, the certificate of
33 nomination and acceptance of the substitute nominee shall be filed with the
34 Main Office of the Commission.

35 Any certificate of candidacy or certificate of nomination and acceptance filed
36 with the incorrect office shall be deemed not filed. No filing fee shall be imposed for
37 the filing of the certificate of candidacy and certificate of nomination.

1 **SEC. 90.***Ministerial duty of receiving and acknowledging receipt.* - The
2 Commission, provincial election supervisor, and the election officer designated by the
3 Commission, and electoral boards, as the case may be, shall have the ministerial duty
4 to receive and acknowledge receipt of the certificate of candidacy.

5 **SEC. 91.***Candidates in case of death, disqualification, or permanent incapacity.*
6 – If after the last day for the filing of the certificate of candidacy, which shall not be
7 earlier than One Hundred and Fifty (150) days preceding the day of election, an official
8 candidate of a registered or accredited political party dies, becomes permanently
9 incapacitated, or is disqualified for any cause, only a person belonging to, and
10 nominated by, the same political party may file a certificate of candidacy to replace
11 the candidate who died, became permanently incapacitated, or was disqualified:
12 *Provided,* That, such substitute candidate must have the same surname as the
13 candidate being substituted: *Provided further,* That an independent candidate who
14 filed a certificate of candidacy may also be substituted.

15 The substitute candidate nominated by the political party concerned may file
16 his or her certificate of candidacy for the office affected in accordance with the
17 preceding sections not later than mid-day of the day of the election. If the death,
18 incapacity or disqualification should occur between the day before the election and
19 mid-day of election day, said certificate may be filed with any electoral board in the
20 political subdivision where he or she is a candidate, or, in the case of candidates to be
21 voted for by the entire electorate of the country, with the Commission.

22 **SEC. 92.***Petition to deny due course to or cancel a certificate of candidacy.* - A
23 verified petition seeking to deny due course or to cancel a certificate of candidacy may
24 be filed by any registered voter exclusively on the ground that any material
25 representation contained therein as required under Section 88 hereof is false:
26 *Provided,* That, the deliberate failure by the person filing the certificate of candidacy
27 to disclose that he or she has been declared by competent authority as insane or
28 incompetent, or that he or she has been sentenced by final judgment for subversion,
29 insurrection, rebellion or for any offense for which he or she has been sentenced to a
30 penalty of more than eighteen months or for a crime involving moral turpitude, shall
31 likewise constitute material misrepresentation unless there is a declaration by
32 competent authority that said insanity or incompetence had been removed, or, in
33 case of conviction for the offenses herein mentioned, such nominee has been given
34 plenary pardon or granted amnesty or at least five years have passed from his or her
35 service of sentence.

36 The petition may be filed at any time not later than twenty-five days from the
37 time of the filing of the certificate of candidacy and shall be decided, after due notice
38 and hearing, Should be not later than the beginning of the campaign period for the
39 national or local elections, as the case may be.

1 The Commission shall make available to any registered voter copies of the
2 certificates of candidacy or any other document related to a candidate's candidacy for
3 purposes of this provision: *Provided*, however, that information obtained through this
4 provision shall only be used as evidence for the petition to deny due course to or
5 cancel a certificate of candidacy.

6 **CHAPTER III**
7 **ELECTION AND CAMPAIGN PERIODS, CAMPAIGN,**
8 **AND CAMPAIGN EXPENDITURES**

9
10 **Article 8**
11 **The Election and Campaign Periods**

12 **SEC. 93.***Election period.* - Unless otherwise fixed in special cases by the
13 Commission on Elections, which hereinafter shall be referred to as the Commission,
14 the election period shall commence ninety days before the day of the election and
15 shall end thirty days thereafter.

16 **SEC. 94.***Campaign period.* - The campaign periods are hereby fixed as follows:

- 17 (a) For President, Vice-President, Senators, and party-list groups participating in
18 the party-list system of representation, ninety (90) days before the day of the
19 elections;
20 (b) For Members of the House of Representatives and elective regional, provincial,
21 city, and municipal officials, forty-five (45) days before the day of the election;
22 and
23 (c) For barangay and Sangguniang Kabataan officials, ten (10) days before the
24 election.

25 In case of special elections and recall elections, the Commission shall fix the campaign
26 period which in no case shall exceed the periods herein set forth.

27
28 **Article 9**
29 **Campaign and Election Propaganda**

30 **SEC. 95.***Election campaign or partisan political activity outside the campaign*
31 *period.* - It shall be unlawful for any person, whether or not a voter or candidate, or
32 for any party, or association of persons, to engage in an election campaign or partisan
33 political activity from the time the period for filing certificates of candidacy has ended
34 until the start of the campaign period: *Provided*, That any party, organization, or
35 coalition may, at any time, hold an emergency convention or meeting for the purpose
36 of nominating a substitute candidate in cases where substitution is proper.

1 **SEC. 96.***Intervention of foreigners.* - It shall be unlawful for any foreigner,
2 whether juridical or natural person, to aid any candidate or political party, directly or
3 indirectly, or take part in or influence in any manner any election, or to contribute or
4 make any expenditure in connection with any election campaign or partisan political
5 activity.

6 **SEC. 97.***Prohibited Campaigning.* - It is unlawful for any person or for any
7 political party or association of persons to engage in an election campaign or partisan
8 political activity on Maundy Thursday, Good Friday, the day before the election day,
9 and on Election Day.

10 **SEC. 98.***Lawful election propaganda.* - Lawful election propaganda shall
11 include:

- 12 (a) Pamphlets, leaflets, cards, decals, stickers or other written or printed materials
13 of a size not more than eight and one-half (8 ½) inches in width and fourteen
14 (14) inches in length;
- 15 (b) Handwritten or printed letters urging voters to vote for or against any particular
16 candidate;
- 17 (c) Cloth, paper or cardboard posters, whether framed or posted, with an area
18 exceeding two (2) feet by three (3) feet, except that, at the site and on the
19 occasion of a public meeting or rally, or in announcing the holding of said
20 meeting or rally, streamers not exceeding three (3) feet by (8) eight feet in
21 size, shall be allowed: *Provided*, That said streamers may be displayed five (5)
22 days before the date of the meeting or rally and shall be removed within twenty-
23 four (24) hours after said meeting or rally.
- 24 (d) Paid advertisements in internet, mobile, print or broadcast media: *Provided*,
25 That the advertisements shall comply with the requirements set forth in this
26 Code and with the rules and guidelines promulgated by the Commission.
- 27 (e) All other forms of election propaganda not prohibited by this Code as the
28 Commission may authorize after due notice to all interested parties and hearing
29 where all the interested parties were given an equal opportunity to be heard:
30 *Provided*, That the Commission's authorization shall be published in two
31 newspapers of general circulation throughout the nation for at least twice within
32 one week after the authorization has been granted.

33 **SEC. 99.***Requirements and Limitations on the Use of Election Propaganda*
34 *through Mass Media.* - All bona fide candidates shall have equal access to mass media
35 time and space for their election propaganda during the campaign period. The
36 following guidelines shall be amplified on by the Commission in rules and regulations
37 that it shall promulgate to implement this Article:

1 (a) Print advertisements shall not exceed one-fourth (1/4) page, in broad sheet
2 and one-half (1/2) page in tabloids thrice a week per newspaper, magazine or
3 other publications, during the campaign period.

4 (b) Each bona fide candidate or registered political party for a nationally-elected
5 office shall be entitled to not more than one hundred twenty (120) minutes of
6 television advertisement and one hundred eighty (180) minutes of radio
7 advertisement whether by purchase or donation.

8 Each bona fide candidate or registered political party for a locally-elected office
9 shall be entitled to not more than sixty (60) minutes of television advertisement
10 and ninety (90) minutes of radio advertisement whether by purchase or
11 donation.

12 For this purpose, the Commission shall require any broadcast station or entity
13 to submit to the COMELEC a copy of its broadcast logs and certificates of
14 performance for the review and verification of the frequency, date, time and
15 duration of advertisements broadcast for any candidate or political party.

16 (c) No franchise or permit to operate a radio or television stations shall be granted
17 or issued, suspended or cancelled during the election period.

18 (d) All members of media including those who are operating through the television,
19 radio, print, mobile, and internet shall scrupulously report and interpret the
20 news, taking care not to suppress essential facts nor to distort the truth by
21 omission or improper emphasis. They shall recognize the duty to air the other
22 side and the duty to correct substantive errors promptly.

23 (e) Any mass media columnist, commentator, announcer, reporter, on-air
24 correspondent, blogger or personality who is a candidate for any elective public
25 office or is a campaign volunteer for or employed or retained in any capacity
26 by any candidate or political party shall be deemed resigned, if so required by
27 their employer, or shall take a leave of absence from his/her work as such
28 during the campaign period: *Provided*, That any media practitioner who is an
29 official of a political party or a member of the campaign staff of a candidate or
30 political party shall not use his/her time or space to favor any candidate or
31 political party.

32 (f) Each candidate, registered party, organization, or coalition shall register with
33 the Commission their official social media accounts, social media pages,
34 websites, or blogs which are already verified upon registration, and also those
35 that will be verified subsequent to registration: *Provided*, That the same are
36 being or will be used for the endorsement of the candidacy of said candidate
37 or candidacies of the members of such party, organization, or coalition.

38 Any other website, blog, or social media page not registered but which, when
39 taken as a whole, has for its primary purpose the endorsement of a candidate,

1 party, organization, or coalition, whether or not directly maintained or
2 administered by the candidate, party, organization, or coalition, or its official
3 campaign representatives, shall be considered as official websites, blogs, or
4 social media pages of said candidate, party, organization, or coalition for all
5 regulatory purposes.

6 Only verified and registered social media accounts, social media pages,
7 websites, or blogs may run electoral ads and boost or promote electoral posts.

8 (g) Micro targeting of electoral ads shall not be allowed except when based on the
9 following criteria: geographical location, except radius around a specific
10 location; age and gender.

11 (h) Any printed or published and broadcast election propaganda shall bear and be
12 identified by the reasonably legible or audible words "political advertisement
13 paid for", followed by the true and correct name and address of the candidate
14 or party for whose benefit the election propaganda was printed or aired. It shall
15 also bear, and be identified by, the reasonably legible, or audible words
16 "political advertisement paid by," followed by the true and correct name and
17 address of the payor. This rule shall also apply to online advertisements.

18 (i) If the space for printed or published election propaganda is donated by the
19 publishing firm, or the airtime for broadcast election propaganda is given free
20 of charge by the radio or television station or cable television, it shall bear and
21 be identified by the reasonably legible or audible words "printed free of charge,"
22 or "airtime for this broadcast was provided free of charge by," respectively,
23 followed by the true and correct name and address of the said publishing firm
24 or broadcast entity. This rule shall also apply to online advertisements.

25 (j) Print, broadcast, outdoor advertisements, online or mobile advertisements
26 donated to the candidate or political party shall not be printed, published,
27 broadcast, or exhibited without the written acceptance by the said candidate
28 or political party. Such written acceptance shall be attached to the advertising
29 contract and shall be submitted to the Commission.

30 All mass media entities shall furnish the Commission with a copy of all contracts
31 for advertising, promoting or opposing any political party or the candidacy of
32 any person for public office within five (5) days after its signing. In every case,
33 it shall be signed by the donor, the candidate concerned or by the duly
34 authorized representative of the political party.

35 In all instances, the Commission shall supervise the use and employment of
36 press, radio, television, internet, and social media facilities insofar as the
37 placement of political advertisements is concerned to ensure that candidates
38 are given equal opportunities under equal circumstances to make known their

1 qualifications and their stand on public issues within the limits set forth in this
2 Code.

3 The Commission shall ensure that radio or television or cable television
4 broadcasting entities shall not allow the scheduling of any program or permit
5 any sponsor to manifestly favor or oppose any candidate or political party by
6 unduly or repeatedly referring to or including said candidate and/or political
7 party in such program respecting, however, in all instances the right of said
8 broadcast entities to air accounts of significant news or news worthy events
9 and views on matters of public interest.

10 **SEC. 100.***Removal, destruction or defacement of lawful election propaganda*
11 *prohibited.* - It shall be unlawful for any person during the campaign period to remove,
12 destroy, obliterate, or in any manner deface or tamper with, or prevent the distribution
13 of lawful election propaganda.

14 **SEC. 101.***Prohibited forms of election propaganda.* - During the election
15 period, the following shall be prohibited:

16 (a) To print, publish, post or distribute any newspaper, newsletter, newsweekly,
17 gazette or magazine advertising, pamphlet, leaflet, card, decal, bumper sticker,
18 poster, comic book, circular, handbill, streamer, sample list of candidates or
19 any published or printed political propaganda or advertisement and to air or
20 broadcast any election propaganda or political advertisement by television or
21 radio for or against a candidate or group of candidates to any public office,
22 unless they bear and be identified by a reasonably legible, or audible words
23 "political advertisement paid for," followed by the true and correct name and
24 address of the candidate, political or sectoral party, organization, or coalition
25 for whose benefit the election propaganda was printed or aired. It shall likewise
26 be unlawful to publish, print or distribute said campaign materials unless they
27 bear, and are identified by, the reasonably legible, or audible words "political
28 advertisements paid by," followed by the true and correct name and address
29 of the payor;

30 (b) To print, publish, broadcast, display, or exhibit any such election propaganda
31 donated or given free of charge by any person or publishing firm or broadcast
32 media entity to a candidate, political or sectoral party, organization or coalition
33 without the written acceptance of the said candidate, political or sectoral party,
34 organization or coalition, and unless they bear and be identified by the words
35 "printed free of charge," or "airtime for this broadcast was provided free of
36 charge by", respectively, followed by the true and correct name and address of
37 the said publishing firm or broadcasting entity;

38 (c) To show, display or exhibit publicly in a theater, through a television station, a
39 video sharing site, social media network, to any public forum any movie,

1 cinematography or documentary, including concert or any type of performance
2 portraying the life or biography of a candidate, or in which a character is
3 portrayed by an actor or media personality who is himself or herself a
4 candidate;

5 (d) For any newspaper or publication, radio, television or cable television station,
6 or other mass media entity, or any person making use of the mass media to
7 sell or give free of charge print or advertising space or airtime for campaign or
8 election propaganda purposes to any candidate or party in excess of the size,
9 duration or frequency authorized by law or these Rules. A newspaper or
10 publication, radio, television or cable television station, or other mass media,
11 or any person may require any buyer to warrant under oath that such purchase
12 is not in excess of the size, duration or frequency authorized by law;

13 (e) For any radio, television, cable television station, announcer or broadcaster to
14 allow the scheduling of any program, or permit any sponsor to manifestly favor
15 or oppose any candidate or party by unduly or repeatedly referring to, or
16 unnecessarily mentioning the name of such candidate or party, or including
17 therein said candidate or party;

18 (f) To print, publish, post, show, display, distribute any election campaign or
19 propaganda materials that are in violation of gender sensitivity principles, is
20 obscene, offensive, discriminatory, or otherwise constitutes a violation of the
21 Magna Carta of Women; and

22 (g) To post, display, or exhibit any election campaign or propaganda material
23 outside of authorized common poster areas, in public places, or in private
24 properties without the consent of the owner thereof.

25 The printing press, printer, or publisher who prints, reproduces or publishes
26 said campaign materials, and the broadcaster, station manager, owner of the radio or
27 television station, or content creator of a post, owner or administrator of any website
28 who airs or shows the political advertisements, without the required data or having
29 false information, in violation of the provisions of this Article shall be criminally liable
30 with the candidate, and, if applicable, further suffer the penalties of suspension or
31 revocation of franchise or permit.

32 **SEC. 102.** *Rallies, meetings and other political activities.* - Subject to the
33 requirements of local ordinances on the issuance of permits, any political party
34 supporting official candidates or any candidate individually or jointly with other
35 aspirants may hold peaceful political rallies, meetings, and other similar activities
36 during the campaign period: *Provided,* That all applications for permits to hold
37 meetings, rallies and other similar political activities, receipt of which must be
38 acknowledged in writing and which application shall be immediately posted in a
39 conspicuous place in the city or municipal hall, shall be acted upon in writing by local

1 authorities concerned within three days after the filing thereof and any application not
2 acted upon within said period shall be deemed approved: and *Provided further*, That
3 denial of any application for said permit shall be appealable to the provincial election
4 supervisor or to the Regional Election Director, for cases in the National Capital Region,
5 whose decision shall be made within forty-eight (48) hours and which shall be final
6 and executory: *Provided finally*, the only justifiable grounds for denial shall be a) a
7 prior written application by any candidate or political party for the same purpose has
8 been approved; or b) the existence of a health emergency, as attested to by the
9 appropriate department or agency of the national government, which absolutely
10 necessitates that mass gatherings be prohibited.

11 **SEC. 103.***Public rally.* - Any political party or candidate shall notify the election
12 registrar concerned of any public rally said political party or candidate intends to
13 organize and hold in the city or municipality, and within seven working days thereafter
14 submit to the election officer a statement of expenses incurred in connection
15 therewith.

16 **SEC. 104.***Transportation, food and drinks.* - It shall be unlawful for any
17 candidate, political party, organization, or any person to give or accept, free of charge,
18 directly or indirectly, transportation, food or drinks or things of value during the five
19 hours before and after a public meeting, on the day preceding the election, and on
20 the day of the election; or to give or contribute, directly or indirectly, money or things
21 of value for such purpose.

22 **SEC. 105.***COMELEC Space and Time.* – The Commission shall procure the print
23 space upon payment of just compensation from at least three (3) national newspapers
24 of general circulation wherein candidates for national office can announce their
25 candidacies. Such space shall be allocated free of charge equally and impartially
26 among all the candidates for national office on three (3) different calendar days: the
27 first day within the first week of the campaign period; the second day within the fifth
28 week of the campaign period; and the third day within the tenth week of the campaign
29 period.

30 The Commission shall also procure free airtime from at least three (3) national
31 television networks and three (3) national radio networks, which shall also be allocated
32 free of charge equally and impartially among all candidates for national office. Such
33 free time shall be allocated on three (3) different calendar days; the first day within
34 the first week of the campaign period; the second day within the fifth week of the
35 campaign period; and the third day within the tenth week of the campaign period.

36 The Commission may require national television and radio networks to sponsor
37 at least three (3) national debates among presidential candidates and at least one (1)
38 national debate among vice presidential candidates. The debates among presidential
39 candidates shall be scheduled on three (3) different calendar days; the first debate
40 shall be scheduled within the first and second week of the campaign period; the

1 second debate within the fifth and sixth week of the campaign period; and the third
2 debate shall be scheduled within the tenth and eleventh week of the campaign period.

3 The sponsoring television or radio network may sell air-time for commercials
4 and advertisements to interested advertisers and sponsors. The Commission shall
5 promulgate rules and regulations for the holding of such debates.

6 Furthermore, Commission shall likewise procure] in at least one (1) newspaper
7 of general circulation and air time in at least one (1) major broadcasting station or
8 entity in every province or city: *Provided, however,* That in the absence of said
9 newspaper, publication shall be done in any other magazine or periodical in said
10 province or city, which shall be known as "COMELEC Space": *Provided further,* That
11 in the absence of said broadcasting station or entity, broadcasting shall be done in
12 any radio or television station in said province or city, which shall be known as
13 "COMELEC Time". Said time shall be allocated to the COMELEC free of charge, while
14 said space shall be allocated to the COMELEC upon payment of just compensation.
15 The COMELEC time and space shall be utilized exclusively by the COMELEC for public
16 information dissemination on election-related concerns.

17 **SEC. 106.***Poster areas.* – The Commission may authorize political parties and
18 party-list groups to erect common poster areas for their candidates in not more than
19 ten (10) public places such as plazas, markets, barangay centers and the like, wherein
20 candidates can post, display or exhibit election propaganda: *Provided,* That the size
21 of the poster areas shall not exceed twelve (12) by sixteen (16) feet or its equivalent.

22 Independent candidates with no political parties may likewise be authorized to
23 erect common poster areas in not more than ten (10) public places, the size of which
24 shall not exceed four (4) by six (6) feet or its equivalent.

25 Candidates may post any lawful propaganda material in private places with the
26 consent of the owner thereof, and in public places or property which shall be allocated
27 equitably and impartially among the candidates.

28 **SEC. 107.***Rates of Political Propaganda.* - During the election period, the
29 maximum rates that media outlets may charge registered political parties, sectoral
30 parties or sectoral organizations, and *bona fide* candidates shall be no higher than the
31 average of either the published rates, negotiated rates, or any other set of rates,
32 whichever is the lowest, charged in the last three calendar years prior to the election,
33 less a discount therefrom of fifty percent (50%) for television, forty percent (40%) for
34 radio and ten percent (10%) for print therefrom.

35 Nothing in this provision prohibits a media outlet from giving higher
36 discounts: *Provided,* That the discount it gives one candidate shall be the same
37 discount it gives to other candidates for the same position

1 In no case shall rates charged to registered political parties, sectoral parties or
2 sectoral organizations, and *bona fide* candidates be higher than rates charged to non-
3 political advertisers.

4 **SEC. 108.***Right to Reply.* – All registered parties and bona fide candidates shall
5 have the right to reply to charges published against them. The reply shall be given
6 publicity by the newspaper, television and/or radio station which first printed or aired
7 the charges with the same prominence or in the same page or section or in the same
8 time slot as the first statement.

9 **SEC. 109.***Election Surveys and Exit Polls.* –

10 (A) During the election period, any person, candidate, party, coalition or organization
11 who publishes a survey must likewise publish the following information:

12 (1) The name of the person, candidate, party or organization who commissioned
13 or paid for the survey;

14 (2) The name of the person, polling firm or survey organization who conducted
15 the survey;

16 (3) The period during which the survey was conducted, the methodology used,
17 including the number of individual respondents and the areas from which
18 they were selected, and the specific questions asked;

19 (4) The margin of error of the survey;

20 (5) For each question for which the margin of error is greater than that reported
21 under paragraph (4), the margin of error for that question; and

22 (6) A mailing address and telephone number, indicating it as an address or
23 telephone number at which the sponsor can be contacted to obtain a written
24 report regarding the survey.

25 The survey together with raw data gathered to support its conclusions shall be
26 available for inspection, copying and verification by the Commission or by a registered
27 political party or a bona fide candidate or by any COMELEC-accredited citizen's arm.
28 A reasonable fee sufficient to cover the costs of inspection, copying and verification
29 may be charged.

30 (B) Exit polls may only be taken subject to the following requirements:

31 (1) Pollsters shall not conduct their surveys within fifty (50) meters from the
32 polling place, whether said survey is taken in a home, dwelling place and
33 other places;

34 (2) Pollsters shall wear distinctive clothing;

35 (3) Pollsters shall inform the voters that they may refuse to answer; and

1 (4) The result of the exit polls may be announced after the closing of the polls
2 on election day, and must clearly identify the total number of respondents,
3 and the places where they were taken. Said announcement shall state that
4 the same is unofficial and does not represent a trend.

5 **SEC. 110.** The Commission shall promulgate and furnish all candidates, duly
6 registered political and sectoral parties, sectoral organizations, coalition of political
7 parties and the mass media entities the rules and regulations for the implementation
8 of this Article, consistent with the criteria established in Article IX-C, Section 4 of the
9 Constitution.

10 Rules and regulations promulgated by the COMELEC under and by authority of
11 this Section shall take effect on the fifteenth (15th) day after their publication in at
12 least two (2) daily newspapers of general circulation. Prior to effectivity of said rules
13 and regulations, no political advertisement or propaganda for or against any candidate
14 or political party shall be published or broadcast through mass media.

15 Violation of this Article and the rules and regulations of the COMELEC issued to
16 implement this Article shall be an election offense punishable under Section 405 of
17 this Code.

18 **Article 10**

19 **Electoral Contributions and Expenditures**

20
21 **SEC. 111.** *Prohibited contributions and solicitations.* - No contribution for
22 purposes of partisan political activity shall be made directly or indirectly by any of the
23 following:

- 24 (a) Public or private financial institutions: *Provided, however,* That nothing herein
25 shall prevent the making of any loan to a candidate or sectoral or political party
26 or organization by any such public or private financial institutions legally in the
27 business of lending money, and that the loan is made in accordance with laws
28 and regulations and in the ordinary course of business;
- 29 (b) Natural and juridical persons operating a public utility or in possession of or
30 exploiting any natural resources of the nation;
- 31 (c) Natural and juridical persons who hold contracts or sub-contracts to supply the
32 government or any of its divisions, subdivisions or instrumentalities, including
33 local government units and government-owned and controlled corporations,
34 with goods or services or to perform construction or other works;
- 35 (d) Natural and juridical persons who have been granted franchises, incentives,
36 exemptions, allocations or similar privileges or concessions by the government
37 or any of its divisions, subdivisions or instrumentalities, including government-
38 owned or controlled corporations;

- 1 (e) Natural and juridical persons who, within one year prior to the date of the
2 election, have been granted loans or other accommodations in excess of One
3 Million Pesos Php 1,000,000 by the government or any of its divisions,
4 subdivisions or instrumentalities including government-owned or controlled
5 corporations;
- 6 (f) Educational institutions which have received grants of public funds amounting
7 to no less than One Million Pesos Php 1,000,000.00;
- 8 (g) Officials or employees in the Civil Service, personnel working with for or with
9 the government under a job order or contract of service, consultants to the
10 government, including local government units and government-owned and
11 controlled corporations, or members of the Armed Forces of the Philippines;
12 and
- 13 (h) Foreign governments and their agencies, any foreign national, and foreign
14 corporations.

15 It shall be unlawful for any person, including a political party, sectoral party,
16 sectoral organization, coalition of political parties, or public or private entity to solicit
17 or receive, directly or indirectly, any aid or contribution of whatever form or nature
18 from any of the persons or entities enumerated herein for the purposes of influencing
19 the results of the election.

20 **SEC. 112.***Prohibited raising of funds.* - It shall be unlawful for any person to
21 hold lotteries, cockfights, games, bingo, or any other form of gambling activity
22 including those conducted online, boxing bouts, dances, beauty contests, concerts,
23 cinematographic, theatrical or other performances for the purpose of raising funds for
24 an election campaign or for the support of any candidate, political or sectoral party,
25 coalition of political parties, or sectoral organizations from the commencement of the
26 election period up to and including election day; or for any person, organization, or
27 entity, whether civic or religious, directly or indirectly, to solicit and/or accept from
28 any candidate for public office, or from his campaign manager, agent or
29 representative, or any person acting in their behalf, any gift, food, transportation,
30 contribution or donation in cash or in kind from the commencement of the election
31 period up to and including election day; *Provided,* That normal and customary religious
32 stipends, tithes, or collections on Sundays and/or other designated collection days,
33 are excluded from this prohibition.

34 **SEC. 113.***True name of contributor required.* - No person shall make any
35 contribution in any name except his own nor shall any candidate or treasurer of a
36 political party receive a contribution or enter or record the same in any name other
37 than that of the person by whom it was actually made.

38 **SEC. 114.***Report of contributions.* - Every person giving contributions to any
39 candidate, treasurer of the party, organization or coalition, or authorized

representative of such candidate or treasurer shall, not later than thirty days after the day of the election, file with the Commission a report under oath stating the amount of each contribution, the name of the candidate, agent of the candidate or political party receiving the contribution, and the date of the contribution.

Section 115. *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 – Fifty Pesos (P 50.00) for President and Forty Pesos (40.00) for Vice-President; Thirty Pesos (P 30.00) for Senator, District Representative, Governor, Vice-Governor, Board Member, Mayor, Vice-Mayor, Councilor and Party-List Representative, for every voter currently registered in the constituency where the candidate filed the certificate of candidacy; and for Political Parties, Thirty Pesos (P 30.00) 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 donor's tax.

The Commission on Elections shall, in consultation with the Bangko Sentral ng Pilipinas, the National Economic and Development Authority, and the Philippine Statistics Authority, make the necessary adjustment in the amount of authorized campaign expenses per registered voter as provided in this Act based on the ensuing national inflation rate and consumer price index.

SEC. 116. *Lawful expenditures.* - To carry out the objectives of the preceding sections, no candidate or treasurer of a political party shall, directly or indirectly, make any expenditure except for the following purposes:

- (a) For travelling expenses of the candidates and campaign personnel in the course of the campaign and for personal expenses incident thereto;
- (b) For compensation of campaigners, clerks, stenographers, messengers, and other persons actually employed in the campaign including those working through the internet or social media;
- (c) For telegraph and telephone tolls, postage, freight and express delivery charges;
- (d) For stationery, printing and distribution of printed matters relative to candidacy;
- (e) For employment of watchers at the polls;
- (f) For rent, maintenance and furnishing of campaign headquarters, office or place of meetings;

- (g) For establishment, maintenance, updates, and/or upgrades of social media accounts, social media pages, websites, or blogs used for the campaign;
- (h) For political meetings and rallies, including e-rallies, and the use of sound systems, lights and decorations during said meetings and rallies;
- (i) For newspaper, radio, television and other public advertisements including advertisements on the internet and social media sites;
- (j) For employment of counsel;
- (k) For copying and classifying list of voters, investigating and challenging the right to vote of persons registered in the lists; and
- (l) For printing sample ballots in such color, size and maximum number as may be authorized by the Commission

The expenditures for items (j) and (k), shall not be taken into account in determining whether the expenditure limit has been breached by the candidate or party in the conduct of campaign activities.

SEC. 117.*Persons authorized to incur election expenditures.* - No person, except the candidate, the treasurer of a political party, coalition of political parties, sectoral party or organization or any person authorized by such candidate or treasurer, shall make any expenditure in support of or in opposition to any candidate or political party. Expenditures duly authorized by such candidate or treasurer shall be considered as expenditures of such candidate, party, organization, or coalition.

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

Nothing in this section shall be understood to prohibit private citizens from producing their own lawful materials in support of a candidate, party, or organization: *Provided*, That the production, use, or deployment of such materials shall not be under the direct or indirect control or supervision by the candidate, party, organization, or its representatives.

SEC. 118.*Prohibited donations by candidates, treasurers of parties or their agents.* - No candidate, his or her spouse or any relative within the second civil degree of consanguinity or affinity, or his or her campaign manager, agent or representative shall, during the campaign period, on the day before and on the day of the election, directly or indirectly, promise, declare or make any donation, contribution or gift in cash or in kind, or undertake or contribute to the construction or repair of roads, bridges, school buses, puericulture centers, medical clinics and hospitals, churches or chapels cement pavements, or any structure for public use or for the use of any religious or civic organization: *Provided*, That normal and customary religious dues or

1 contributions, such as religious stipends, tithes or collections on Sundays or other
2 designated collection days, as well as periodic payments for legitimate scholarships
3 established and school contributions habitually made before the prohibited period, are
4 excluded from the prohibition.

5 The same prohibition applies to treasurers, agents or representatives of any
6 political or sectoral party or organization or coalition of parties.

7 **SEC. 119.***Accounting by agents of candidate or treasurer.* - Every person
8 receiving contributions or incurring expenditures by authority of the candidate or
9 treasurer of the party shall, on demand by the candidate or treasurer of the party,
10 and in any event within five days after receiving such contribution or incurring such
11 expenditure, render to the candidate or the treasurer of the party concerned, a
12 detailed account thereof with proper vouchers or official receipts.

13 **SEC. 120.***Records of contributions and expenditures.* -

14 (a) It shall be the duty of every candidate, treasurer of the political or sectoral
15 party or organization or coalition of parties, and the person acting under the
16 authority of such candidate or treasurer to issue a receipt for every contribution
17 received and to obtain and keep a receipt stating the particulars of every
18 expenditure made.

19 (b) Every candidate and treasurer of the party, coalition, or organization shall keep
20 detailed, full, and accurate records of all contributions received and
21 expenditures incurred by him or her and by those acting under his or her
22 authority, setting forth therein all information required to be reported.

23 (c) Every candidate and treasurer of the party, coalition, or organization shall be
24 responsible for the preservation of the records of contributions and
25 expenditures, together with all pertinent documents, for at least five (5) years
26 after the holding of the election to which they pertain and for their production
27 for inspection by the Commission or its duly authorized representative, or upon
28 presentation of a subpoena duces tecum duly issued by the Commission. Failure
29 of the candidate or treasurer to preserve such records or documents shall be
30 deemed prima facie evidence of violation of the provisions of this Article.

31 **SEC. 121.***Statement of Contributions and Expenditures.* - Every candidate and
32 treasurer of the political or sectoral party, sectoral organization or coalition of political
33 parties shall, within thirty (30) days after the day of the election, file in duplicate with
34 the offices of the Commission the full, true and itemized verified statement of all
35 contributions and expenditures in connection with the election.

36 Regardless of the results of the elections, or even if the candidates, parties,
37 organizations, or coalitions concerned did not receive any contribution or make any
38 expenditure, they shall still submit the statement herein required.

1 The statement shall be in writing, subscribed and sworn to by the candidate or
2 by the treasurer of the party, organization, or coalition, and shall be complete as of
3 the date next preceding the date of filing. It shall set forth in detail (a) the amount of
4 contribution, the date of receipt, and the full name and exact address of the person
5 from whom the contribution was received; (b) the amount of every expenditure, the
6 date thereof, the full name and exact address of the person to whom payment was
7 made, and the purpose of the expenditure; (c) any unpaid obligation, its nature and
8 amount, and to whom said obligation is owing; and (d) such other particulars which
9 the Commission may require.

10 If the candidate, party, organization, or coalition has received no contribution,
11 made no expenditure, or has no pending obligation, the statement shall reflect such
12 fact.

13 All statements of contributions and expenditures shall be kept and preserved
14 at the office where they are filed and shall constitute part of the public records thereof
15 for five years after the election to which they pertain. They shall not be removed
16 therefrom except upon order of the Commission or of a competent court and shall,
17 during regular office hours, be subject and open to inspection by the public. The officer
18 in-charge thereof, shall, on demand, furnish certified copies of any statement upon
19 payment of the reasonable fee prescribed by the Commission

20 **SEC. 122.***Effect of Failure to File Statement.* - No person elected to any public
21 office shall enter upon the duties of his or her office until he or she has filed the
22 statement of contributions and expenditures herein required.

23 The same prohibition shall apply if the political party, sectoral party, sectoral
24 organization, or coalition of political parties which nominated the winning candidate
25 fails to file the statement required herein within the period prescribed by this Article.

26 Except candidates for elective barangay office, failure to file within the
27 prescribed period the statements or reports in connection with electoral contributions
28 and expenditures as required herein shall constitute an administrative offense for
29 which the offenders shall be liable to pay an administrative fine ranging from ten
30 thousand pesos (PhP10,000.00) to fifty thousand pesos (PhP50,000.00), in the
31 discretion of the Commission.

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

35 It shall be the duty of every city or municipal election officer to advise in writing,
36 by personal delivery or registered mail, within five (5) days from the date of election
37 all candidates residing in his jurisdiction and all political and sectoral parties, coalition
38 of political parties, and sectoral organizations whose main headquarters is in his

1 jurisdiction to comply with their obligation to file their statements of contributions and
2 expenditures.

3 For the commission of a second or subsequent offense under this section, the
4 administrative fine shall be from twenty thousand pesos (PhP20,000.00) to one
5 hundred thousand pesos (PhP100,000.00), in the discretion of the Commission. In
6 addition, the offender, if he or she is natural person, shall be subject to perpetual
7 disqualification to hold public office. In the case of political parties, sectoral parties,
8 sectoral organizations, or coalition of political parties, their certificate of registration
9 shall be revoked and they shall not no longer be eligible for subsequent registration.

10 **SEC. 123.***Place for filing statements.* - The statements of contributions and
11 expenditures shall be filed with the following offices:

- 12 (a) Those of candidates for President, Vice-President and Senators, as well as,
13 national political parties, sectoral parties, sectoral organizations, and coalition
14 of national political parties, with the Commission.
- 15 (b) Those of candidates for Members of the House of Representatives in the
16 National Capital Region, as well as, regional political parties with the entire
17 National Capital Region as their constituency, with the Office of the Regional
18 Director of the National Capital Region.
- 19 (c) Regional political parties, with the office of the regional election director
20 concerned.
- 21 (d) Those of candidates for Members of the House of Representatives of legislative
22 districts in the provinces and provincial offices, as well as, provincial political
23 parties, with the provincial election supervisor concerned.
- 24 (e) Those of candidates for city, municipal and barangay offices, as well as local
25 political parties, with the election officer concerned.
- 26 (f) Regional political parties with the entire Bangsamoro Autonomous Region in
27 Muslim Mindanao as their constituency shall file their statements of
28 contributions and expenditures with the Bangsamoro Electoral Office.
- 29 (g) Unless otherwise provided for by regional law, candidates for Members of the
30 House of Representatives of legislative districts within the Bangsamoro
31 Autonomous Region in Muslim Mindanao and provincial offices therein, as well
32 as, provincial political parties with constituencies within the Bangsamoro
33 Autonomous Region in Muslim Mindanao, shall file their statements of
34 contributions and expenditures with the provincial election supervisor
35 concerned. Candidates for city, municipal and barangay offices, as well as local
36 political parties, within the said region shall file with the election officer
37 concerned.

1 If the statement is sent by mail, it shall be by registered mail with an advance
2 copy thereof sent through electronic mail to the office or official with whom the
3 statement should be filed. The date on which it was registered with the post office
4 shall be considered as the filing date thereof. The Commission shall ensure that all
5 field offices shall have their respective official e-mail address and that the field officers
6 shall inform the candidates, parties, organizations, and coalitions within their
7 jurisdiction of such e-mail address. In the event that the election officer does not have
8 an official e-mail address, the electronic mail required in this paragraph may be sent
9 to the official e-mail address of the provincial election supervisor.

10 The regional directors, provincial election supervisors, and election officers
11 concerned shall, within fifteen days after the last day for the filing of the statements,
12 send to the Commission duplicate copies of all statements filed with them.

13 **SEC. 124.***Report of contractors and business firms.* - Every person or firm to
14 whom any electoral expenditure is made shall, within thirty (30) days after the day of
15 the election, file with the Commission a report setting forth the full names and exact
16 addresses of the candidates, treasurers of political or sectoral parties, organizations,
17 or coalitions, and other persons incurring such expenditures, the nature or purpose of
18 each expenditure, the date and costs thereof, and such other particulars as the
19 Commission may require. The report shall be signed and sworn to by the supplier or
20 contractor, or in case of a business firm or association, by its president or general
21 manager.

22 It shall be the duty of such person or firm to whom an electoral expenditure is
23 made to require every agent of a candidate or of the treasurer of a political or sectoral
24 party, organization, or coalition to present written authority to incur electoral
25 expenditures in behalf of such candidate or treasurer, and to keep and preserve at its
26 place of business, subject to inspection by the Commission or its authorized
27 representatives, copies of such written authority, contracts, vouchers, invoices and
28 other records and documents relative to said expenditures for a period of five (5)
29 years after the date of the election to which they pertain.

30 **SEC. 125.***The Campaign Finance Office* - There shall be a Campaign Finance
31 Office (CFO) within the Commission which shall be headed by a director who possesses
32 proven competence in the field of law, accounting, and auditing: Provided, That, the
33 director shall be aided by such number of lawyers, accountants, auditors, and
34 investigators as may be necessary to carry out the mandate of the CFO.

35 The CFO shall be tasked to enforce and administer all laws, rules, and
36 regulations relative to campaign finance, contributions, and expenditures.

37 **SEC. 126.***Random Audit of Contributions and Expenditures* - The Commission
38 shall establish the necessary procedure for the random audit of the campaign
39 contributions and expenditures of candidates. It shall be the responsibility of the CFO

1 to undertake such random audit: Provided, That the director of the CFO may deputize
2 the office of the provincial election supervisor to conduct the random audit of the
3 campaign contributions and expenditures of local, barangay, and Sangguniang
4 Kabataan candidates: Provided further, That the Commission, through the CFO, shall
5 provide the office of the provincial election supervisor with adequate technical support
6 for the random audit including the detail or assignment thereto of auditors,
7 accountants, and investigators in such number as may be necessary to complete the
8 random audit within six (6) months after the day of the elections.

9 The Commission shall likewise enlist the assistance of colleges, universities,
10 accredited civic organizations, citizen's arms, and election watchdogs in the conduct
11 of the random audit of the candidates' campaign contributions and expenditures.

12

13 **CHAPTER IV**

14 **IN-COUNTRY VOTING FOR THE NATIONAL AND LOCAL ELECTIONS**

15

16 **Article 11**

17 **The Hybrid Election System**

18 **SEC. 127.***Declaration of Policy.* - It is the policy of the State to ensure free,
19 orderly, honest, peaceful, credible and informed elections, plebiscite, referenda, recall,
20 and other similar electoral exercises by improving on the election process and adopting
21 systems, which shall involve the use of a hybrid election system that will ensure the
22 secrecy and sanctity of the ballot and all election, consolidation and transmission
23 documents in order that the process shall be transparent and credible and that the
24 results shall be fast, accurate, and reflective of the genuine will of the people. The
25 hybrid election system shall be a combination of the automated election system and
26 the manual election system to ensure transparency and credibility of the electoral
27 processes.

28 **SEC. 128.***Applicability of the Hybrid Election System.* - The hybrid elections
29 system set forth in this article shall be applicable to the May 2025 elections and all
30 national, local, and Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)
31 elections thereafter.

32 **SEC. 129.***Authority to use a Hybrid Election System.* - To carry out the above-
33 stated policy, the Commission is hereby authorized to use a hybrid election system or
34 systems in the same election in different provinces. The system shall be a combination
35 of the automated election system and the manual counting system through a paper-
36 based election system for the process of voting, counting of votes and
37 canvassing/consolidation and transmittal of results of the electoral exercises:
38 Provided, That the hybrid election system need not be implemented for overseas
39 voting.

1 **SEC. 130. *The Advisory Council.*** - The Commission shall create an Advisory
2 Council which shall be convened not later than eighteen (18) months prior to the next
3 scheduled electoral exercise, and deactivated six months after completion of
4 canvassing.

5 The Advisory Council shall be composed of the following members, who must
6 be registered Filipino voters, of known independence, competence, and probity:

7 (a) Secretary of the Department of Information and Communications Technology
8 (DICT) who shall act as the chairperson of the council;

9 (b) The respective chairpersons of the Senate Committee on Electoral Reforms and
10 People's Participation and the House of Representatives Committee on Suffrage
11 and Electoral Reforms who shall act as ex officio members;

12 (c) One member for the Department of Science and Technology;

13 (d) One member from the Department of Education;

14 (e) One member representing the academe, to be selected by the chairperson of
15 the Advisory Council from among the list of nominees submitted by the
16 country's academic institutions;

17 (f) Three members representing information and communications technology
18 (ICT) professional organizations to be selected by the chair of the Advisory
19 Council from among the list of nominees submitted by Philippines-based ICT
20 professional organization. Nominees shall be individuals, at least one of whom
21 shall be experience in managing or implementing large-scale information
22 technology projects; and

23 (g) Two members representing nongovernmental electoral reform organizations,
24 to be selected by the chair of the Advisory Council from among the list of
25 nominees submitted by the country's nongovernmental electoral reform
26 organizations.

27 Three observers, representing the accredited citizen's arm of the Commission,
28 and the dominant majority and minority parties as determined by the Commission
29 during the immediately preceding election, shall be invited during meetings of the
30 Advisory Council. The observers shall be allowed to gather information: Provided, That
31 they shall not disrupt or obstruct the proceedings of the Advisory Council or
32 countermand its decisions.

33 A person who is affiliated with any political party or candidate for any national
34 position, or is related to a candidate for any national position by affinity or
35 consanguinity within the fourth civil degree, shall not be eligible for appointment or
36 designation to the Advisory Council. Should any such situation arise at any time during
37 the incumbency of a member, the designation or appointment of that member, shall
38 ipso facto be terminated.

1 Any member of the advisory council is prohibited from engaging, directly or
2 indirectly, with any entity that advocates, markets, imports, produces or in any manner
3 handles software, hardware or any equipment that may be used for election purposes
4 for personal gain.

5 Any violation of the two immediately preceding paragraphs shall disqualify said
6 member from the Advisory Council and shall be punishable as provided in this Act and
7 shall be penalized in accordance with the Anti-Graft and Corrupt Practices Act and
8 other related laws.

9 The council may avail itself of the expertise and services of resource persons
10 who are known independence, competence and probity, are nonpartisan, and do not
11 possess any of the disqualifications applicable to a member of the Advisory Council as
12 provided herein. The resource persons shall also be subject to the same prohibitions
13 and penalties as the members of the Advisory Council.

14 The DICT shall include in its annual appropriation the funds necessary to enable
15 the Council to effectively perform its functions.

16 **SEC. 131.** *Functions of the Advisory Council.* - the Council shall have the
17 following functions:

- 18 (a) Recommend the most appropriate, secure, applicable and cost-effective
19 technology to be applied in the hybrid election system, in whole or in part, at
20 that specific form in time.
- 21 (b) Participate as non-voting members of the Bids and Awards Committee in the
22 conduct of the bidding process for the automated election system component.
- 23 (c) Participate as non-voting members of the steering committee tasked with the
24 implementation of the hybrid election system.
- 25 (d) Provide advice and assistance in the review of the systems planning, inception,
26 development, testing, operationalization, and evaluation stages.
- 27 (e) Provided advice and/or assistance in the identification, assessment and
28 resolution of systems problems or inadequacies as may surface or resurface in
29 the course of the bidding, acquisition, testing, operationalization, re-use,
30 storage or disposition of the equipment and/or resources, as the case may be,
31 to be used in the automated election component of the election system.
- 32 (f) Provided advice and/or assistance in the risk management of the automated
33 election system especially when a contingency or disaster situation arises.
- 34 (g) Prepare and submit a written report, which shall be submitted within six months
35 from the date of the election to the oversight committee, evaluating the use of
36 the hybrid election system.

1 Nothing in the role of the Council or any outside intervention or influence shall
2 be construed as an abdication or diminution of the Commission's authority and
3 responsibility for the effective development, management and implementation of the
4 hybrid election system and this Code.

5 The Advisory Council shall be entitled to a just and reasonable amount of per
6 diem allowances and/or honoraria to cover the expenses of the services rendered
7 chargeable against the budget of the Commission.

8 **SEC. 132.***The Technical Evaluation Committee.* - The Commission, in
9 collaboration with the chairperson of the Advisory Council, shall establish an
10 independent technical evaluation committee, composed of a representative each from
11 the Commission, the Department of Science and Technology, and the Department on
12 Information and Communications Technology who shall act as chairperson of the
13 Committee.

14 The Technical Evaluation Committee shall be immediately convened within
15 thirty (30) days after the effectivity of this Code.

16 **SEC. 133.***Functions of the Technical Evaluation Committee.* - The Committee
17 shall certify, through an established international certification entity to be chosen by
18 the Commission from the recommendations of the Advisory Council, not later than
19 three months before the date of the electoral exercises, categorically stating that the
20 automated election system component of the hybrid election system, including its
21 hardware and software components, is operating properly, securely, and accurately,
22 in accordance with the provisions of this Act based, among others, on the following
23 documented results:

- 24 (a) The successful conduct of a field-testing process followed by a mock election
25 event in one or more cities/municipalities;
- 26 (b) The successful completion of audit on the accuracy, functionally and security
27 controls of the automated election software;
- 28 (c) The successful completion of a source code review;
- 29 (d) A certification that the source code is kept in escrow with the Bangko Sentral
30 ng Pilipinas;
- 31 (e) A certification that the source code reviewed is one and the same as that used
32 by the equipment; and
- 33 (f) The development, provisioning, and operationalization of a continuity plan to
34 cover risks to the automated election system at all points in the process such
35 that a failure of elections, whether at voting, counting or consolidation, may be
36 avoided.

37 The Technical Evaluation Committee may avail itself of the expertise and service
38 of resource persons who are of known independence, competence and probity, are

1 not partisan, and who do not possess any of the disqualification applicable to a
2 member of the Advisory Council as provided herein. The resource persons shall also
3 be subject to the same prohibitions and penalties as the members of the Advisory
4 Council.

5 The Technical Evaluation Committee shall closely coordinate with the steering
6 committee of the Commission tasked with the implementation of the hybrid election
7 system in the identification and agreement of the project deliverables and timelines,
8 and in the formulation of the acceptance criteria for each deliverable.

9 **SEC. 134.** *Minimum System Capabilities.* - The automated election system
10 component of the hybrid election system must at least have the following functional
11 capabilities:

- 12 (a) Adequate security against unauthorized access, penetration, and intervention:
- 13 (b) Accuracy in recording and reading of votes as well as in the tabulation,
14 consolidation/canvassing, electronic transmission, and storage of results;
- 15 (c) Error recovery in case of non-catastrophic failure of device;
- 16 (d) System integrity which ensures physical stability and functioning of the vote
17 recording and counting process;
- 18 (e) Provision for voter verified paper audit trail;
- 19 (f) System auditability which provides supporting documentation for verifying the
20 correctness of reported election results;
- 21 (g) An election management system for preparing ballots and programs for use in
22 the casting and counting of votes and to consolidate, report and display election
23 result in the shortest time possible;
- 24 (h) Accessibility to illiterates and PWD voters;
- 25 (i) Vote tabulating program for election, referendum or plebiscite;
- 26 (j) Accurate ballot counters;
- 27 (k) Data retention provision;
- 28 (l) Provide for the safekeeping, storing and archiving of physical or paper resource
29 used in the election process;
- 30 (m) Utilize or generate official ballots as herein defined;
- 31 (n) Provide the voter a system of verification to find out whether or not the
32 machine has registered his choice;
- 33 (o) Configure access control for sensitive system data and function; and
- 34 (p) Capable of producing a perfect correlation between the ballot count and the
35 votes reflected in the voter verified paper audit trail.

1 In the procurement of this system, the Commission shall develop and adopt an
2 evaluation system to ascertain that the above minimum system capabilities are met.
3 This evaluation system shall be developed with the assistance of an advisory council.

4 **SEC. 135.***Communication Channels for Electronic Transmissions.* - All
5 electronic transmissions by and among the automated election system and its related
6 components shall utilize secure communication channels as recommended by the
7 Advisory Council, to ensure authentication and integrity of transmission.

8 **SEC. 136.***Procurement of Equipment and Materials.* - To achieve the purpose
9 of this Code, the Commission is authorized to procure, in accordance with existing
10 laws, by purchase, lease, rent or other forms of acquisition, supplies, equipment,
11 materials, software, facilities, and other service, from local or foreign sources free
12 from taxes and import duties, subject to accounting and auditing rules and regulation.
13 With respect to the May 2025 elections and succeeding electoral exercises, the system
14 procured must have demonstrated capability and been successfully used in a prior
15 electoral exercise here or board. Participation in pilot exercises shall not be conclusive
16 of the fitness of the system.

17 In determining the amount of any bid from a technology, software or equipment
18 supplier, the cost to the government of its deployment and implementation shall be
19 added to the bid price as integral thereto. The value of any alternative use to which
20 such technology, software or equipment can be put for public use shall not be
21 deducted from the original face value of the said bid.

22 Notwithstanding the requirement under Section 23.4.1.3 of the implementing
23 rules and regulations of Republic Act No. 9184, for the sole purpose of procuring
24 supplies, equipment, materials, software, facilities, and other automated elections
25 services, under this Code, the prospective bidder must have either completed within
26 the period specified in the invitation to bid, a single largest completed contract that is
27 similar to the contract to be bid, and whose value, adjusted to current prices using
28 the Philippine Statistics Authority Consumer Price Indices, must at least be fifty percent
29 (50%) of the approved budget of contract or with proven financial, technical, and
30 organizational capacity to conduct such exercise so as to ensure that the bidding and
31 procurement shall not unreasonably limit competition and inequitably bar participation
32 of capable suppliers, manufacturers, distributors, and service providers.

33 **SEC. 137.***Continuity Plan.* - The automated election system component shall
34 be so designed to include a continuity plan in case of a systems breakdown or any
35 such eventuality which shall result in the delay, obstruction or nonperformance of the
36 electoral process. Activation of such continuity and contingency measures shall be
37 undertaken in the presence of representatives of political parties and citizen's arm of
38 the Commission who shall be notified by the election officer of such activation.

1 All duly registered political parties and party-list groups shall be furnished
2 copies of said continuity plan at their official addresses as submitted to the
3 Commission. The list shall be published in at least two newspapers of national
4 circulation and shall be posted at the website of the Commission at least fifteen (15)
5 days prior to the electoral activity concerned.

6 **SEC. 138.***Examination and Testing of Equipment or Device of the AES and*
7 *Opening of the Source Code for Review.* - The Commission shall allow the political
8 parties and candidates or their representatives, citizens' arm or their representatives
9 to examine and test the equipment or device to be used in the voting and counting
10 on the day of the electoral exercise, before voting starts. Test ballots and test forms
11 shall be provided by the Commission.

12 Immediately after the examination and testing of the equipment or device,
13 parties and candidates or their representatives, citizen's arms or their representatives,
14 may submit a written comment to the election officer who shall immediately transmit
15 it to the Commission for appropriate action.

16 The election officer shall keep minutes of the testing, a copy of which shall be
17 submitted to the Commission together with the minute of voting.

18 **SEC. 139.***Stakeholder education and training.* - The Commission shall, not later
19 than six months before the hybrid elections, undertake a widespread stakeholder
20 education and training program, through newspaper of general circulation, radio,
21 television and other media forms, as well as through seminars, symposia, fora and
22 other nontraditional means, to educate the public and fully inform the electorate about
23 the new system and inculcate values on honest, peaceful, orderly and informed
24 elections.

25 Such program shall ensure the acceptance and readiness of the following
26 stakeholders to understand and appreciate the benefits of the Hybrid Election System:

- 27 (1) General public/voters;
- 28 (2) Commission's staff;
- 29 (3) Department of Education, Department of Finance (municipal, city and provincial
30 treasurers) and all other government agencies who will play a role in the
31 electoral exercise;
- 32 (4) Local government officials (provincial, municipal, barangay levels) ;
- 33 (5) Incumbent elected officials in the legislative and executive departments;
- 34 (6) Political parties and candidates;
- 35 (7) Members of the military and police.

36 The general public or voters training will focus on building the capability to use
37 the hybrid election system to cast their vote, as well as general appreciation of such

1 system. All other stakeholders mentioned above will receive additional information in
2 order to build a deeper understanding of the voting, counting, canvassing procedures,
3 so that they may act as advocates of the hybrid election system.

4 **SEC. 140.***Joint Congressional Oversight Committee.* - An Oversight Committee
5 is hereby created composed of seven members each from the Senate and the House
6 of Representatives, four of whom shall come from the majority and three from the
7 minority, to monitor and evaluate the implementation of this hybrid election system.
8 A written report to the Senate and the House of Representatives shall be submitted
9 by the Advisory Council within six months from the date of election. The oversight
10 committee shall conduct a mandatory review of the hybrid election system every
11 twelve (12) months from the date of the last regular national or local elections.

13 **Article 12**

14 **Elections of National and Local Officials**

15 **SEC. 141.***Regular election for President and Vice-President.* - The next regular
16 election for President and Vice-President of the Philippines shall be held on the second
17 Monday of May 2028 and on the same day every six years thereafter. The President-
18 elect and the Vice-President-elect shall assume office at twelve o'clock noon on the
19 thirtieth day of June next following the election and shall end at noon of the same
20 date, six years thereafter when the term of his or her successor shall begin.

21 **SEC. 142.***Regular election of Members of the Senate.* - The next regular
22 election of the Members of the Senate whose present term of office shall end on June
23 30, 2025 shall be on the second Monday of May 2025 and on the same day every six
24 years thereafter. The next regular election of the Members of the Senate whose
25 present term of office shall end on June 30, 2028 shall be on the second Monday of
26 May 2028 and on the same day every six years thereafter.

27 **SEC. 143.***Regular election of the Members of the House of Representatives.* -
28 The next regular election for the Members of the House of Representatives
29 representing the various legislative districts of the Philippines and the Members of the
30 House of Representatives voted through the party-list system shall be held on the
31 second Monday of May 2025 and on the same day every three years thereafter.

32 **SEC. 144.***Manner of Voting for Members of Senate.* - Candidates for Senator
33 shall be voted at large by registered voters both within and without the Philippines.
34 The candidates corresponding to the number of Senators to be elected who receive
35 the highest number of votes shall be declared elected.

36 **SEC. 145.***Manner of Voting for the Members of the House of Representatives.*
37 – Every voter shall be entitled to three (3) votes: the first is a vote for a candidate for
38 Member of the House of Representatives in his or her legislative district; the second,
39 a vote for the political party or coalition he or she wants represented in the House of

Representatives; and the third, a vote for the sectoral party or organization he or she wants represented in the House of Representatives: *Provided*, that a vote cast for a party, sectoral organization, or coalition not entitled to be voted for shall not be counted

The Commission shall undertake the necessary information campaign for purposes of educating the electorate on the matter of the party-list system.

SEC. 146. *Composition and Apportionment of the Members of the House of Representatives.* - The apportionment of district representatives prior to the effectivity of this Code shall be retained: *Provided*, That any province that may hereafter be created or any component city that may hereafter be declared by or pursuant to law as a highly urbanized city shall be entitled in the immediately following election to at least one Member or such number of Members as it may be entitled to on the basis of the number of the inhabitants and on the same uniform and progressive ratio used in the last preceding apportionment: *Provided further*, That the number of Members apportioned to the province out of which the new province was created or where the new highly urbanized city is geographically located shall be correspondingly adjusted by the Commission, but such adjustment shall not be made within one hundred twenty days before the election: *Provided finally*, That the corresponding adjustments shall be made to the number of party-list representatives which shall constitute twenty per centum (20%) of the total number of the members of the House of Representatives including those under the party-list.

The classification of groups under the party-list system, as well as the allocation of the seats therefor, shall be in accordance with Article 6 of this Code.

SEC. 147. *Regular elections of local officials.* – Except as otherwise provided in this Code, the election of regional, provincial, city, and municipal officials shall be held throughout the Philippines in the manner herein prescribed on the second Monday of May 2025 and on the same day every three years thereafter.

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 shall allocate the number of seats among the districts in proportion to the population of the constituencies voting for the Sangguniang Panlalawigan;

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

8 (c) The composition, number, and election of elective members of the
9 Sangguniang Panlungsod and Sangguniang Bayan of the various cities and
10 municipalities already existing prior to the effectivity of this Code shall remain
11 operative. For every new city or municipality henceforth established, the
12 members of the Sangguniang Panlungsod or Sangguniang Bayan thereof shall
13 be elected at large by the registered voters of the city or municipality concerned
14 unless otherwise provided for by a special law.

15
16 **Article 13**
17 **Polling Places**

18 **SEC. 148.***Polling place.* - A polling place is the place where the Electoral Board
19 conducts its proceedings and where the voters shall cast their votes.

20 A voting center refers to the building or place where the polling place is located.

21 **SEC. 149.***Designation of polling places.* - The location of polling places
22 designated in the preceding regular election shall continue: *Provided,* That registered
23 political parties and candidates shall be informed of any changes that will be made by
24 the Commission: *Provided, further,* That no location shall be changed within forty-five
25 days before a regular election and thirty days before a special election or a referendum
26 or plebiscite, except in case it is destroyed or it cannot be used.

27 **SEC. 150.***Requirements for polling places.* - Each polling place shall be, as far
28 as practicable, a ground floor, and shall be of sufficient size to admit and comfortably
29 accommodate forty voters at one time outside the guard rail for the electoral board.
30 The polling place shall be located within the territory of the precinct and as centrally
31 as possible with respect to the residence of the voters therein. Whenever possible,
32 such location shall be along a public road. No designation of polling places shall be
33 changed except upon written petition of the majority of the voters of the precinct or
34 agreement of all the political parties or by resolution of the Commission upon prior
35 notice and hearing.

36 A public building having the requirements prescribed in the preceding
37 paragraph shall be preferred as polling place.

1 **SEC. 151.** *Building that shall not be used as polling places.* - No polling place
2 shall be located in a public or private building owned, leased, or occupied by any
3 candidate or of any person who is related to any candidate within the fourth civil
4 degree of consanguinity or affinity, or any officer of the government or leader of any
5 political party, sectoral party, sectoral organization, group or faction, nor in any
6 building or surrounding premises under the actual control of a private entity, political
7 party, sectoral party, sectoral organization, or religious organization. In places where
8 no suitable public building is available, private school buildings may be used as polling
9 places. No polling place shall be located within the perimeter of or inside a military or
10 police camp or reservation or within a prison compound.

11 Any registered voter, candidate, registered political party, sectoral party, or
12 sectoral organization may petition the Commission not later than thirty days before
13 the start of the election period for the transfer of the polling place from the prohibited
14 buildings provided herein. Such petition shall be heard and decided by the Commission
15 within twenty days from the filing of the petition. Failure to effect the transfer of the
16 polling place after the Commission found it to be located in violation of this section
17 within the period prescribed herein shall be a ground for the postponement of the
18 election in the polling place concerned.

19 **SEC. 152.** *Signs and flags of polling places.* - On the day of the voting as well
20 as on any day that the electoral board might meet, every polling place shall have in
21 front a sign showing the number of the precinct to which it belongs and the Philippine
22 flag shall be hoisted at the proper height.

23 **SEC. 153.** *Arrangement and contents of polling places.* - Each polling place shall
24 conform as much as possible to the layout prescribed by the Commission, taking into
25 account the requirements under this Article.

26 **SEC. 154.** *Polling places for Persons with Disabilities and Senior Citizens.* - In
27 every voting center, the Commission shall designate and establish accessible polling
28 places, as defined in Section 5 of this Code, for the exclusive use of PWDs, senior
29 citizens, and pregnant women in such number as may be sufficient to ensure an
30 expedient, safe, and comfortable voting process. No prior manifestation shall be
31 required in order that the persons mentioned herein may avail of their right to vote in
32 accessible polling places.
33

34 **SEC. 155.** *Emergency Accessible Polling Places.* - During election day, the
35 Commission shall designate rooms or makeshift or temporary polling places at
36 residences for senior citizens, jails, prison facilities or detention centers, quarantine
37 facilities, hospital facilities, areas with a substantial number of IDPs, remote areas,
38 and in such other places as may be necessary to ensure an efficient and expeditious
39 voting process for senior citizens, PWDs, pregnant women, IDPs, PDLs, IPs,
40 hospitalized or quarantined persons, healthcare workers on duty, and qualified
41 repatriated overseas voters.
42

1 The Commission shall ensure that, as far as practicable, and insofar as may be
2 necessary, the Emergency Accessible Polling Places (EAPP) shall have the same
3 features and shall offer the same assistive services as those found in Accessible Polling
4 Places and that the voting procedure in the EAPPs, including the facilities and
5 materials, is adequate, appropriate, accessible, and easy to understand and use, and
6 that reasonable accommodation shall be granted to the persons mentioned in the
7 preceding paragraph so that they may fully exercise their right of suffrage.
8

9 **SEC. 156.***Duty of the Commission to ensure secrecy.* – The Commission shall
10 prescribe the specifications and layout of the polling places to ensure that adequate
11 measures are in place to enable the voters to fill out their ballots secretly and that the
12 secrecy of the ballot is preserved. Such measures shall include the use of voting booths
13 in such number, size, specifications, and materials as the Commission may prescribe.

14 **SEC. 157.***Guard rails.* -

- 15 (a) In every polling place there shall be a guard rail between the area where the
16 voters shall fill out their ballots and the table for the electoral board which shall
17 have a separate entrance and exit. The polling place shall be laid out in such a
18 manner that voting booths can be accessible only by passing through the guard
19 rail and by entering through its open side facing the table of the electoral board.
- 20 (b) There shall also be a guard rail for the watchers between the place reserved
21 for them and the table for the electoral board and at such a distance from the
22 latter that the watchers may see and read clearly during the counting of the
23 contents of the ballots and see and count the votes recorded by the electoral
24 board member on the corresponding tally sheets.
- 25 (c) There shall also be, if possible, guard rails separating the table of the electoral
26 board from the voters waiting for their turn to cast their votes, with entrance
27 and exit to give them orderly access to the table and the booths during the
28 voting.
- 29 (d) The polling place shall be so arranged that the booths, the table for the electoral
30 board, the ballot boxes, and the whole polling place, except what is being
31 written within the booths, shall be in plain view of the electoral board, the
32 watchers, and other persons who may be within the polling place.
- 33 (e) The Commission is hereby authorized to make the necessary adjustments to
34 the guidelines set forth in this Section for polling places designated exclusively
35 for persons with disabilities and senior citizens, as well as for emergency
36 accessible polling places, to the end that the safety and comfort of the voters
37 therein are enhanced, that they are able to fill out their ballots secretly, and
38 that the secrecy of the ballots is preserved.

1 **SEC. 158. *Ballot boxes.*** - There shall be in each polling place on the day of the
2 voting a ballot box with such safety features that the Commission may prescribe and
3 of such size as to accommodate the official ballots.

4 **SEC. 159. *Tally boards.*** - At the beginning of the counting, there shall be
5 placed within the plain view of the electoral board, watchers, and the public, a tally
6 board where the names of all the registered candidates or the issues or questions to
7 be voted upon shall be written. During the manual counting of votes, the poll clerk
8 shall record thereon the votes received by each of the candidate or question to be
9 voted on as the chairman of the electoral board reads the ballot.

10 **SEC. 160. *Furnishing of ballot boxes, forms, stationeries and materials for***
11 *election.* - The Commission shall prepare and furnish the ballot boxes, forms,
12 stationeries and materials necessary for the registration of voters and the holding of
13 the election.

14 The provincial, city and municipal treasurer shall have custody of such election
15 paraphernalia, supplies and materials as are entrusted to him under the law or rules
16 of the Commission and shall be responsible for their preservation and storage, and for
17 any loss, destruction, impairment or damage of any election equipment, material or
18 document in their possession furnished under this Code.

19 **SEC. 161. *Inspection and audit of polling places.*** - Before the day of the
20 election, referendum or plebiscite, the Chairman of the Commission shall, through its
21 authorized representatives, see to it that all polling places are inspected and such
22 omissions and defects as may be found corrected. The Commission shall keep the
23 reports on these inspections.

24 **SEC. 162. *Polling places for Persons Deprived of Liberty.*** - The Commission
25 shall establish special polling places in an area inside the jail facility or detention center
26 with sufficient space to accommodate at least ten (10) voters at a given time. The
27 physical set-up of such special polling places shall be similar to regular polling places,
28 except for the necessary modifications which the Commission, in coordination with the
29 management of the jail facility or detention center, shall institute in the interest of
30 safety and order.

31 **Article 14** 32 **The Electoral Board**

33 **SEC. 163. *Composition and appointment of the electoral board.*** - At least
34 fifteen days before the start of the campaign period for national candidates, the
35 Commission shall, directly or through its duly authorized representatives, constitute
36 an electoral board for each clustered precinct to be composed of a chairman, a poll
37 clerk, and a third member. In all cases, the Commission shall ensure that at least one
38 (1) member of the electoral board is an information-technology capable person trained
39 for the purpose and certified as such by the Department of Science and Technology.

1 As far as practicable, women electoral board members may not be assigned in areas
2 with security concerns, far-flung barangays, or areas likely to cause gender-based
3 violence or harm.

4 **SEC. 164.** *Oath of the members of the electoral board.* - The members of the
5 electoral board shall, before assuming their office, take and sign an oath upon forms
6 prepared by the Commission, before an officer authorized to administer oaths or, in
7 his absence, before any other member of the electoral board present, or in case no
8 one is present, they shall take it before any voter. The oaths shall be sent immediately
9 to the city or municipal treasurer.

10 **SEC. 165.** *Qualifications of members of the electoral board.* - No person shall
11 be appointed chairperson or member of the electoral board, whether regular,
12 temporary, or as a substitute, unless he or she is:

13 (a) A registered voter in the city or municipality;

14 (b) Of good moral character and irreproachable reputation;

15 (c) Has never been convicted of any election offense or of any crime punishable
16 by more than six (6) months of imprisonment; and

17 (d) Able to speak and write Filipino, English, or the local dialect.

18 **SEC. 166.** *Disqualification.* - No person shall serve as chairperson or member
19 of the electoral board if he or she is related within the fourth civil degree of
20 consanguinity or affinity to any other member of the same electoral board or to any
21 candidate to be voted for in the polling place or any nominee of a party-list group or
22 such candidate's or nominee's spouse.

23 **SEC. 167.** *Posting of the List of Members of the Board; Opposition.* - A day
24 after the constitution of the electoral board, the list of the constituted members and
25 substitutes shall be posted for five (5) days on the bulletin boards in the office of the
26 election officer and in the city or municipal hall.

27 Within three (3) days from the posting of the list of appointed members of the
28 electoral board or the posting of the final list of candidates, whichever comes later,
29 any interested party may file a written opposition under oath against any appointed
30 or substitute member of the electoral board at the office of the election officer. Within
31 seven (7) days from receipt of the opposition, the election officer shall resolve the
32 opposition in writing. The Commission shall prescribe the procedure which the election
33 officer shall observe in these cases

34 **SEC. 168.** *Right of Preference of Public School Teachers; Order of Preference.*

35 -

36 (A) In the appointment of the members of the electoral boards, the Commission shall
37 give preference to public school teachers who are qualified, willing, and available
38 to render election service. For this purpose, the highest official of the Department

1 of Education or Ministry of Basic, Higher, and Technical Education of the
2 Bangsamoro Autonomous Region in Muslim Mindanao, as the case may be, in the
3 district, city, or municipality shall submit to the election officer a certified list of
4 public school teachers who are qualified, willing, and available to render election-
5 related service within five (5) days upon request, based on the projected number
6 of precincts. Those with permanent appointments and those who served in
7 previous elections shall be given preference.

8 (B) In case there are not enough public-school teachers who are qualified, willing,
9 and available to serve as members of the electoral board based on the certified
10 list mentioned in the preceding section, the Commission shall appoint the following
11 persons who shall likewise be qualified, willing, and available to render election
12 related service, in the following order:

13 (1) Private school teachers, giving preference to those employed in private
14 schools being utilized as voting centers, those who are teaching in high
15 school or college level and are holding regular positions, or those who have
16 previously served as member of the electoral board.

17 (2) National government employees except personnel of the Department of
18 National Defense, any of its attached agencies, and personnel of the
19 Philippine National Police, except in cases provided for under Section 173 of
20 this Code.

21 (3) Members of citizens' arms of Civil Society Organizations and Non-
22 government Organizations duly accredited by the Commission; and

23 (4) A registered voter of the city or municipality subject to additional
24 qualifications and disqualifications as the Commission may prescribe.

25 The highest ranking officials of the private schools, the highest official ranking
26 officials of national government agencies, and the highest officer of the local chapter
27 of the Commission-accredited citizens' arms and non-government organizations in the
28 district, city, or municipality concerned, shall, within five (5) days from service of a
29 written request, submit to the election officer a certified list of their respective
30 personnel who are qualified, willing, and available to render election-related service.

31 The Commission shall provide, free of charge, an application form, which shall
32 be available in the office of the election officer, for any registered voter who intends
33 to be appointed as a member of the election registration board. The Commission shall
34 likewise set the deadline for the filing of such application form.

35 **SEC. 169.***Powers and functions of the electoral board.* - The electoral board
36 shall have the following powers and functions:

37 (a) Conduct the hybrid voting and counting of votes in their respective polling
38 places;

- (b) Tally and compare the machine generated and manually counted votes;
- (c) Render report on the comparative analysis of votes counted by the machine and those counted manually;
- (d) Act as deputies of the Commission in the supervision and control of the election in the polling places wherein they are assigned, to assure the holding of the same in a free, orderly and honest manner; and
- (e) Perform such other functions prescribed by this Code or by the rules and regulations promulgated by the Commission.

SEC. 170. *Voting privilege of members of the electoral board.* – Members of the electoral board may vote in the polling place where they are assigned on election day: *Provided*, That they are registered voters of the same legislative/councilor district and the same city or municipality where they are assigned. In such case, said member or members of the electoral board shall write their names and precinct numbers in the certified list of voters and note such fact in the minutes.

Any member of the electoral board who is a registered voter of another legislative/councilor district within the same city or municipality may vote in the polling place where he or she is actually registered provided that:

- (a) The voting in the place of assignment is light;
- (b) His or her absence shall not be for more than thirty (30) minutes;
- (c) He or she must be given priority in voting; and
- (d) The fact that he or she exercised the voting privilege shall be noted in the Minutes.

In the alternative, the members of the electoral board may avail of other modes of voting whenever permitted under the Code.

SEC. 171. *Permanent vacancy in the electoral board.* - If a constituted member of the electoral board dies, becomes incapacitated to perform his or her duties, or is disqualified from serving as such, the election officer shall replace such member from the list of substitutes for the clustered precinct concerned. The member who fills a permanent vacancy shall be entitled to the full rights, privileges, honoraria, allowances, and other benefits as the member whom he or she substituted for.

SEC. 172. *Temporary vacancy in the electoral board.* - If, at the time of the meeting of the electoral board, any member is absent or a position in the electoral board is still vacant, the members present shall call upon the substitute of the absent member to perform the duties of the latter. In case such substitute cannot be found, the members present shall appoint any qualified non-partisan registered voter of the polling place to temporarily fill in the vacancy until the absent member appears or the vacancy is filled. In such case, the honoraria and allowances appertaining to the

absent member or the vacant position shall be pro-rated between the person who filled in the temporary vacancy and the substitute or original member of the electoral board, as the case may be. In no case shall the person filling in the temporary vacancy receive less than one half of the honoraria and allowances of the absent member or the vacant position. Such person shall likewise have the full rights, privileges, and other benefits appertaining to the absent member or vacant position.

The filling in of the temporary vacancy shall not relieve the absent member and those who caused his or her absence from administrative and criminal liability.

SEC. 173.*Deputation of Members of the Philippine National Police (PNP).* - Uniformed personnel of the PNP who have undergone the necessary trainings and have secured the certification from the Department of Science and Technology mentioned in Section 163 may be deputized as a member of the electoral board, if the following circumstances are present:

(a) The peace and order situation in the area requires as determined by the Commission; and

(b) There are no other qualified, willing, and available persons to render election service in the affected area based on the certification mentioned in Section 168 (B).

Where designated electoral boards fail to report on Election Day or retrieve the election documents from the City/Municipal Treasurer's Office/Office of the Election Officer due to peace and order situation, the Election Officer may designate Philippine National Police personnel as substitute electoral board.

SEC. 174.*Relief of the members of the electoral board.* - The members of the electoral board shall not be relieved unless disqualified as provided in this Code.

SEC. 175.*Proceedings of the electoral board.* - The meetings of the electoral board shall be public and shall be held only in the polling place or such other place as authorized by the Commission.

The electoral board shall have full authority to maintain order within the polling place and its premises, to keep access thereto open and unobstructed, and to enforce obedience to its lawful orders. If any person shall refuse to obey lawful orders of the electoral board, or shall conduct himself or herself in a disorderly manner in its presence or within its hearing and thereby interrupt or disturb its proceedings, the electoral board may issue an order in writing directing any peace officer to remove such person from the place where the electoral board is meeting until the adjournment of the meeting, but such order shall not be executed as to prevent any person so taken into custody from exercising his or her right to vote. Such order shall be executed by any peace officer to whom it may be delivered, but if none be present, by any other person deputized by the electoral board in writing.

1 **SEC. 176.***Prohibition of political activity.* - No member of the board of electoral
2 board shall engage in any partisan political activity or take part in the election except
3 to discharge his duties as such and to vote.

4 **SEC. 177.***Functioning of the electoral board.* - The electoral board shall act
5 through its chairman, and shall decide without delay by majority vote all questions
6 which may arise in the performance of its duties.

7 **SEC. 178.***Support Staff of the Electoral Board.* - The Commission may
8 authorize the appointment of support staff to assist the electoral board in the
9 performance of its duties in such number as may be reasonable and necessary. The
10 Commission shall determine the compensation and allowances of such personnel:
11 *Provided,* That such compensation and allowances shall be just and reasonable under
12 the circumstances.

13
14 **Article 15**
15 **Watchers**

16 **SEC. 179.***Official watchers of candidates, political parties and other groups.* -
17 Each candidate, duly registered political party or coalition of political parties, party-list
18 group, and duly accredited citizens' arm, may appoint in every polling place two (2)
19 watchers who shall serve alternately. However, candidates for Senator, Member of the
20 Sangguniang Panlalawigan, Sangguniang Panlungsod, and Sangguniang Bayan
21 belonging to the same party or coalition, shall collectively be entitled to one (1)
22 watcher only.

23 Other civic, religious, professional, business, service, youth, and any similar
24 organizations, with prior authority of the Commission, shall be collectively entitled to
25 appoint one (1) watcher in every polling place.

26 If the space in a polling place reserved for watchers is insufficient, preference
27 shall be given to the watchers of the dominant majority and dominant minority parties,
28 as determined by the Commission. Watchers of the citizens' arm shall be given
29 preferential position closest to the Electoral Board.

30 **SEC. 180.***Qualifications of watchers.* - No person shall be appointed as watcher
31 unless said person:

- 32 (a) Is a registered voter of the city or municipality where such person is assigned;
33 (b) Is of good moral character;
34 (c) Has not been convicted by final judgment of any election offense or of any
35 other offense;
36 (d) Knows how to read and write Filipino, English or the prevailing local dialect;
37 and

(e) Is not related within the fourth civil degree of consanguinity or affinity to the chairperson or any other member of the electoral board in the polling place where such person seeks appointment as a watcher.

SEC. 181.*Rights and duties of watchers.* - Upon entering the polling place, the watchers shall present and deliver to the chairperson of the electoral board their appointment and proof that they are registered voters of the city or municipality concerned. Their names shall be recorded in the minutes with a notation under their signature that they are qualified under the preceding section of this Code.

The appointments of the watchers shall bear the personal signature of the candidate or the duly authorized representative of the registered political party or coalition of political parties, party-list group, accredited citizens' arm or other authorized organization who appointed them. At least fifteen (15) days before election day, independent candidates, registered political parties or coalition of political parties, party-list groups, accredited citizens' arm and other organizations authorized by the Commission to appoint watchers shall provide the election officer concerned with the names and signatures of their representatives authorized to appoint watchers in the city or municipality of the polling place.

The watchers shall have the following rights:

(a) To stay in the space reserved for them inside the polling place except in the instances provided under Section 179;

(b) To witness and inform themselves of the proceedings of the electoral board;

(c) To take notes of what they may see or hear;

(d) To take photographs, images, video, or audio recordings of the proceedings and incidents, if any, during the Final Testing and Sealing, counting of votes, transmission of results, preparation and printing of election returns: *Provided*, That the secrecy of ballots shall be maintained at all times: *Provided further*, That in no case shall taking of pictures, images, photos, videos, or audio recordings be allowed while the voter is shading the ballot or feeding the same in the vote counting machine. Violation of this paragraph shall constitute an election offense;

(e) To file a protest against any irregularity or violation of law which they believe may have been committed by the electoral board, by any of its members or by any person present;

(f) To obtain from the electoral board a certificate as to the filing of such protest and/or of the resolution thereon;

(g) To obtain from the electoral board a certificate of votes which shall contain the number of votes obtained by the candidate, from manual count and automated count, respectively, written in words and figures, the number of the precinct,

1 the name of the city or municipality and the total number of voters who voted
2 in the precinct and the date and time issued. The certificate of votes shall be
3 signed and thumb marked by each member of the electoral board.

4 (h) To have a reasonable opportunity to read the ballots during the manual
5 counting of votes, after such ballots shall have been read by the chairperson,
6 as well as the election returns, after they shall have been completed and signed
7 by the members of the electoral board, without touching either the ballots or
8 the election returns; and

9 (i) To position themselves near the chairperson of the electoral board while the
10 chairperson is publicly announcing the precinct results.

11 (j) Watchers are not allowed to speak to any member of the electoral board or to
12 any voter or among themselves, in a manner that would disrupt the
13 proceedings of the electoral board.

14 The watchers representing the dominant majority and dominant minority
15 parties, and the citizen's arm shall, if available, affix their signatures and thumbmarks
16 in the election returns for both the manual and automated counts.

17 18 **Article 16** 19 **The Official Ballots**

20 **SEC. 182.** *Form and contents of the Official Ballots. -*

21 (A) Ballots for National, Local, and Bangsamoro Autonomous Region Elections,
22 whether regular or special, plebiscites, initiatives, referenda, and recall elections
23 shall be paper-based, uniform sized, and shall be prescribed by the Commission,
24 taking into account environmental considerations, with a reasonable minimum
25 paper size and, as far as practicable, using only recycled paper. They shall be
26 printed in black ink on security paper with distinctive, clear, and legible
27 watermarks that will readily distinguish it from ordinary paper. Each ballot shall
28 bear a serial number and a bar code, which can be scanned for the purpose of
29 projecting the digital image of the ballot and for its authentication. It shall bear at
30 the top middle portion thereof the Coat-of-Arms of the Republic of the Philippines,
31 the word "Official Ballot", the name of the city or municipality and province in
32 which the election is to be held, and the date of the election.

33 (B) The official ballot shall be serially numbered and shall be delivered to, and
34 correspond to, specific precincts or cluster of precincts, as the case may be, which
35 shall have corresponding and exclusive ballot identification numbers separate from
36 the serial number of the individual ballots. For purposes of transparency, the ballot
37 identification numbers and the serial number of the ballots corresponding to each
38 precinct or cluster of precincts, as the case may be, shall be available for viewing

1 by interested parties on the Commission's official website at least five (5) days
2 before the elections.

3 (C) A digital image of a sample official ballot may be available for viewing and
4 downloading from the Commission's website, minus the security features, and
5 actual bar codes for authentication.

6 (D) The official ballot shall contain the titles of the positions to be filled and/or the
7 positions to be voted upon in an initiative, referendum, or plebiscite. Under each
8 position to be filled, the names of candidates shall be arranged alphabetically by
9 surname and uniformly indicated using the same type size. The maiden or married
10 name shall be listed in the official ballot, as preferred by the female candidate.
11 Under each proposition to be voted upon, the choices should be uniformly
12 indicated using the same font and size. Opposite the name of the candidate or the
13 proposition to be voted upon, as the case may be, shall be a square or rectangle,
14 on which the voter will place a single vertical mark to register a vote for such
15 candidate or proposition.

16 (E) A fixed space where the chairman of the electoral board shall fix his/her signature
17 to authenticate the official ballot shall be provided.

18 (F) The foregoing provisions notwithstanding, the Commission is hereby authorized
19 to prescribe a different form of official ballot on the same watermarked security
20 paper to facilitate voting by persons with disabilities and by persons who are
21 unable to read or write only. The Commission should use or adopt the latest
22 technological and electronic devices in connection therewith, as to enable such
23 voters to confirm that the accompanying person truly adhered to the voter's choice
24 of candidates.

25 (G) To prevent the use of fake ballots, the Commission through the Technical
26 Evaluation Committee, established under Section 132 of this Code, shall ensure
27 that the necessary safeguards, such as, but not limited to, bar codes, holograms,
28 color shifting ink, micro printing, are provided on the ballot.

29 **SEC. 183.***Printing and distribution of the official ballots.* - The printing of the
30 official ballots shall be done by the National Printing Office and/or Bangko Sentral ng
31 Pilipinas, under the control and supervision of the Commission, using the printing
32 machines they own, and shall not, under any circumstance, be contracted out or
33 outsourced, whether directly or indirectly, to any private or public person, entity, or
34 agency.

35 The official ballots shall be printed and distributed to each city/municipality at
36 the rate of one ballot for every registered voter with a provision of additional three
37 ballots per precinct.

38 **SEC. 184.***Sample Official Ballots.* - The Commission shall provide the electoral
39 board with sample official ballots at the rate of thirty ballots per polling place. The

sample official ballots shall be printed on colored paper, in all respects like the official ballots but bearing instead the words "Sample Official Ballot", to be shown to the public and used in demonstrating how to fill out and fold the official ballots properly. No name of any actual candidate shall be written on the spaces for voting on the sample official ballots provided by the Commission, nor shall they be used for voting.

At least thirty (30) days before an election, it shall be the duty of the Commission on Elections to publicize the unfilled sample ballot through broadcast, digital, electronic, or online media, as well as posting the same information at conspicuous public areas including barangay halls during barangay and Sangguniang Kabataan Elections and a list of all registered national, provincial and city candidate to be voted in the said election.

SEC. 185. *Custody and accountability of ballots.* - The election officer and the treasurer of the city/municipality as deputy of the Commission shall have joint custody and accountability of the official ballots, accountable forms and other election documents as well as ballot boxes containing the official ballots cast.

The election officer and the city or municipal treasurer shall keep a record of the quantity, identification numbers, and the serial numbers of the ballots they have custody of. Legible copies of aforesaid record shall be furnished to the duly authorized city or municipal representatives of the dominant majority and minority parties and the Commission immediately after the distribution is made of such official ballots. Any candidate or duly registered political or sectoral party or organization shall be given a copy of such record upon request.

The Commission shall promulgate the necessary rules and prescribe the appropriate forms and documentation to ensure that the chain of custody of the ballots and the ballot boxes may be readily established.

No official ballots shall be delivered to the electoral board earlier than the first hour of election day: *Provided, however,* That the Commission may, for justifiable reason, authorize the delivery of said official ballots to the electoral board of any particular polling place at an earlier date after written notice thereof to the independent candidates to be voted for in the polling place concerned and to the duly registered political parties fielding candidates to be voted for in such polling place.

SEC. 186. *Watchers in the printing, storage, and distribution of ballots.* - Accredited political or sectoral parties or organizations and deputized citizen's arms of the Commission may assign watchers in the printing, storage, and distribution of official ballots. The watchers shall have the same qualifications prescribed in Section 180 of this Code.

Article 17

Casting of Votes in Regular Voting

1 **SEC. 187.***Voting hours on election day.* – Unless otherwise set by the
2 Commission through a duly promulgated and published resolution, the casting of votes
3 for shall start at seven o'clock in the morning and shall end at three o'clock in the
4 afternoon, except when there are voters present within thirty meters in front of the
5 polling place who have not yet cast their votes, in which case the voting shall continue
6 but only to allow said voters to cast their votes without interruption. The poll clerk
7 shall, without delay, prepare a complete list in duplicate containing the names of said
8 voters consecutively numbered. The voters so listed shall be called to vote by
9 announcing each name repeatedly three times in the order in which they are listed.
10 Any voter in the list who is not present when his or her name is called out shall not
11 be permitted to vote.

12 **SEC. 188.***Preliminaries to the voting.* – Prior to the voting, the electoral board
13 shall:

- 14 (a) Meet at the polling place not later than five o'clock in the morning of election
15 day, unless a different time is prescribed by the Commission. They shall ensure
16 that the ballot box and the vote counting device or machine that shall be used
17 for the automated count are inside the polling place;
- 18 (b) Set-up the polling place in accordance with the guidelines prescribed by the
19 Commission;
- 20 (c) Post one copy of the prescribed voters list of each precinct in the cluster near
21 or at the door of the polling place, preferably the pages/sheets are spread out
22 to give free access to voters who are checking their names in the list;
- 23 (d) Show to the watchers and everyone else present that:
 - 24 (i) The box of the vote counting device or machine is sealed;
 - 25 (ii) The ballot box is empty; and
 - 26 (iii) Package of official ballots is duly sealed, and thereafter, break the seal.
- 27 (e) Segregate the ballots intended for voters assigned to special polling places and
28 turn these over to the proper personnel for delivery to such special polling
29 places, strictly following the procedure that shall be prescribed by the
30 Commission for this purpose;
- 31 (f) Remove the seal of the box containing the voting counting device or machine
32 and check whether all of the components necessary to operate such device or
33 machine, as enumerated in the resolution promulgated by the Commission for
34 this purpose, are inside the box;
- 35 (g) Enter in the minutes the fact that the package of ballots, ballot box, and box
36 containing the vote counting device or machine were shown to the public with
37 their wrapping and corresponding seals intact and/or if they find that the

1 wrapping and seals are broken, such fact must be stated in the minutes as well
2 as the serial numbers of ballots that they find in the package; and

3 (h) Perform such other tasks as the Commission may prescribe.

4 **SEC. 189.***Persons Allowed Inside the Polling Place.* - Only the following persons
5 shall be allowed inside the polling place:

6 (a) Members of the Electoral Board and support staff, if any;

7 (b) Watchers who shall stay only in the space reserved for them;

8 (c) Representatives of the Commission;

9 (d) Voters casting their votes and their assistants, if any;

10 (e) Voters waiting for their turn to cast their vote;

11 (f) Support staff delivering ballots to or from special polling places;

12 (g) Technical support staff duly authorized by the Commission and assigned in the
13 voting center concerned;

14 (h) Jail/Prison escorts escorting voters who are deprived of liberty; and

15 (i) Other persons who may be specifically authorized by the Commission.

16 **SEC. 190.***Persons Not Allowed to Enter the Polling Place.* - Unless specifically
17 authorized by the Commission, it is unlawful for the following persons to enter the
18 polling place, or to stay within a radius of fifty (50) meters from the polling place,
19 except to vote:

20 (a) Any officer or member of the Armed Forces of the Philippines or the Philippine
21 National Police;

22 (b) Any peace officer or any armed person belonging to any extra-legal police
23 agency, special forces, reaction forces, strike forces, Civilian Armed
24 Geographical Units, barangay tanods or other similar forces or para-military
25 forces, including security guards;

26 (c) All other kinds of armed or unarmed extra-legal police forces; or

27 (d) Any barangay or Sangguniang Kabataan official, whether elected or appointed.

28 However, the electoral board may, by a majority vote if it deems necessary,
29 order in writing the detail of police officers or peace officers for its protection or for
30 the protection of the election documents and paraphernalia. In which case, the said
31 police officers or peace officers shall stay outside the polling place within a radius of
32 thirty (30) meters, near enough to be easily called by the electoral board at any time,
33 but never at the door, and in no case shall the said police officers or peace officers
34 hold any conversation with any voter or disturb or prevent or in any manner obstruct

1 the free access of the voters to the polling place. Such order shall be recorded in the
2 minutes.

3 **SEC. 191.***Order of voting.* – The voters shall vote in the order of their entrance
4 into the polling place. The voters shall have the right to freely enter the polling place
5 as soon as they arrive unless there are voters waiting inside, in which case they shall
6 fall in line in the order of their arrival and shall not crowd around the table of the
7 electoral board. The voters, after having cast their votes, shall immediately depart.

8 **SEC. 192.***Manner of obtaining ballots.* - The voter shall proceed to the assigned
9 precinct/clustered precinct and approach any member of the electoral board or its
10 support staff and shall state his or her name, precinct number, and sequence number.

11 The poll clerk shall verify if the name of the voter from the certified voters list
12 to establish that the voter is assigned in that polling place. If the voter's name is not
13 in the certified voters list, the voter shall not be allowed to vote and shall be requested
14 to leave the polling place.

15 If the voter's name is in the certified voters list, the poll clerk shall, in
16 accordance with the procedure that shall be prescribed by the Commission, verify if
17 the voter has already cast his or her vote. If verification reveals that the voter has
18 already cast his or her vote, the voter shall be informed of such fact and shall be asked
19 to leave the polling place. This fact, along with the name and precinct of the voter,
20 shall be recorded in the minutes.

21 If the verification reveals that the voter has not yet voted, the poll clerk shall
22 then establish the identity of the voter through his or her photograph or specimen
23 signature in the certified voters list. In case the identity of the voter cannot be
24 established with certainty using the information in certified voters list, the electoral
25 board may establish such voter's identity through any of the means mentioned in
26 Section 43 of this Code. If the voter's identity cannot be established through any of
27 the means provided in this Code or prescribed by the Commission, the voter shall be
28 directed to leave the polling place after informing him or her the reason therefor.

29 After the voter's identity is established, the name of the voter shall be distinctly
30 announced in a tone loud enough to be heard throughout the polling place. If the
31 voter is not challenged or having been challenged, the question has been decided in
32 his or her favor, the electoral board shall require the voter to sign the certified voters
33 list. In case the voter cannot sign, the voter shall be asked to affix his or her
34 thumbmarks in said list.

35 Thereafter, the voter shall be directed to the Chairperson who shall:

- 36 (a) Authenticate the ballot by affixing his/her signature at the designated space of
37 the front of the ballot;

1 Failure to authenticate the ballot shall not invalidate the ballot but shall
2 constitute an election offense.

3 (b) Show to the voter that the ballot being given is not torn or smudged, and has
4 not yet been filled-out;

5 (c) Place such ballot inside the ballot secrecy folder or some other covering
6 material as may be prescribed by the Commission and hand it over to the voter,
7 along with the marking pen;

8 (d) Instruct the voter how to fill-out the ballot properly and then direct him or her
9 to the designated voting area.

10 Only the Chairperson shall issue the official ballots and only one ballot at a time
11 shall be issued.

12 **SEC. 193.***Manner of voting.* - The voter, upon receiving his or her ballot, shall
13 forthwith proceed to the designated voting area and occupy one of the empty voting
14 booths to ensure that the voter may fill out the ballots in secrecy. The voter shall place
15 a single vertical mark on the square or rectangle opposite the name of the candidate
16 or proposition to register a vote for such candidate or proposition, as the case may
17 be.

18 After accomplishing the ballot, the voter shall feed the ballot in the vote
19 counting machine or device without touching such machine or device. The voter shall
20 return the secrecy folder and the marking pen to the third member.

21 Once the voter has completed all the necessary tasks to complete the voting
22 process, including the application of measures to prevent him or her from double
23 voting in the same elections, he or she shall promptly leave the polling place.

24 The Commission shall prescribe the necessary rules and regulations to ensure
25 that the secrecy of the ballots and the voter-verified audit trail shall be preserved
26 during the conduct of the voting and that no spurious ballots may be placed into the
27 ballot box.

28 **SEC. 194.***Prohibited acts by voters.* The voter shall be prohibited from
29 performing any of the following actions:

30 (a) Entering any voting booth or any other voting structure or device prescribed by
31 the Commission that is occupied by another;

32 (b) Entering such booth, structure, or device while accompanied by somebody or
33 filling out the ballot accompanied by another, except in the instances allowed
34 by the Code;

35 (c) Staying in the voting booth, structure, or device, or in the polling place for a
36 longer period of time than reasonably necessary;

- (d) Speaking with other voters or the watchers while inside the polling place even after being warned to refrain from doing so by any of the members of the electoral board;
- (e) Causing any undue disturbance to other voters, watchers, the electoral board, or to any other person inside the polling place or within its immediate vicinity;
- (f) Except when otherwise inapplicable, preparing the ballot outside the voting booth or voting structure or device prescribed by the Commission;
- (g) Except when otherwise inapplicable, preparing the ballot without using the ballot secrecy folder or any other covering material or device provided by the Commission;
- (h) Exhibiting the contents of the ballots to any person except to his or her assistor in instances allowed in this Code or by the Commission;
- (i) Allowing or causing any other person to fill-out the ballots, except in the instances allowed in this Code or by the Commission;
- (j) Preparing the ballot of any other person, except in the instances allowed in this Code;
- (k) Erasing any printing from the ballot or to intentionally tearing or defacing the same;
- (l) Putting any distinguishing mark on the ballot;
- (m) Using of capturing devices such as but not limited to digital cameras, cellular phones with camera, or other means to copy the contents of any ballot;
- (n) Availing of any means or scheme to discover the contents of the ballot of another voter except when lawfully assisting such other voter;
- (o) Publishing, sharing, or otherwise circulating, in any manner, including posting on social media platforms, any photograph, video, or image of any filled in official ballot;
- (p) Making use of any other means to identify the vote of the voter;
- (q) Taking pictures, images, photos, videos, or audio recordings of any voter while the latter is shading the ballot or feeding the same in the vote counting machine;
- (r) Performing any other act that is be prohibited under the rules and regulations promulgated by the Commission pursuant to its duty of ensuring the secrecy of the ballots and maintaining the peace and order within the polling places and voting centers.

SEC. 195.*Preparation of ballots for illiterate, senior citizens and persons with disability.* – No voter shall be allowed to vote as an illiterate, a person with disability,

1 or senior citizen unless such fact is indicated on the certified voters list, or although
2 not indicated as person with disability or senior citizen in the certified voters list, the
3 fact of disability or being a senior citizen is readily apparent. If so, such voter may be
4 assisted in the preparation of the ballot, by the following persons and in the following
5 order:

6 (a) Relative within the 4th civil degree of consanguinity or affinity;

7 (b) Person of his or her confidence who belongs to the same household as that of
8 the voter. For this purpose, the person who usually assists the person with
9 disability or senior citizen, such as the personal assistant, caregiver, or a nurse,
10 shall be considered as a member of the voter's household;

11 (c) Any member of the electoral board.

12 All persons assisting must be of voting age. No person, except members of the
13 electoral board, may assist an illiterate, person with disability, or senior citizen more
14 than three (3) times.

15 In all cases, the poll clerk shall first verify from the illiterates, persons with
16 disability, or senior citizens whether said voters have authorized the person in question
17 to help them cast their vote. If the voter denies the authority of the assistor, any
18 member of the electoral board may assist such illiterates, persons with disability, or
19 senior citizens. The same shall be recorded in the Minutes.

20 The person assisting the illiterates, persons with disability, or senior citizens
21 shall:

22 (1) Prepare in their presence, the ballot using the ballot secrecy folder or other
23 covering device or material prescribed by the Commission; and

24 (2) Bind themselves in writing and under oath to fill out the ballot strictly in
25 accordance with the instructions of the voter and not to reveal its contents, by
26 indicating the appropriate data and affixing their signatures, thumbmark, or
27 any available fingerprint if without a thumb, in the corresponding space in the
28 minutes.

29 The person assisting shall not disclose to any other person votes of the person
30 or persons whom he assisted.

31 **SEC. 196.***Replacement ballots.* - No replacement ballot shall be issued to a
32 voter whose ballot is rejected by the vote counting machine or device, except if such
33 rejection of the ballot is not due to the fault of the voter.

34 **SEC. 197.***Challenge against illegal voters.* - Any voter or watcher may
35 challenge any person offering to vote on the following grounds:

36 (1) Such person is not registered to vote in the precinct he is trying to vote in;

37 (2) Said person is using the name of another; or

1 (3) He or she is suffering from existing disqualification.

2 In such case, the electoral board shall determine the truthfulness of the ground
3 for the challenge by requiring proof of registration, identity, or qualification.

4 **SEC. 198.***Challenge based on certain illegal acts.* - Any voter or watcher may
5 challenge any voter offering to vote on the ground that the challenged person has
6 received or expects to receive, has paid, offered or promised to pay, has contributed,
7 offered or promised to contribute money or anything of value as consideration for his
8 vote or for the vote of another; that he has made or received a promise to influence
9 the giving or withholding of any such vote or that he has made a bet or is interested
10 directly or indirectly in a bet which depends upon the result of the election. The
11 challenged person shall take a prescribed oath before the electoral board that he has
12 not committed any of the acts alleged in the challenge. Upon the taking of such oath,
13 the challenge shall be dismissed and the challenged voter shall be allowed to vote,
14 but in case of his refusal to take such oath, the challenge shall be sustained and he
15 shall not be allowed to vote.

16 The admission of the challenged voter under this section and the preceding
17 section shall not be conclusive upon any court as to the legality of the registration of
18 the voter challenged or his vote in a criminal action against such person for illegal
19 registration or voting.

20 **SEC. 199.***Record of Challenges and Oaths.* - The electoral board shall record
21 in the Minutes all challenges and oaths taken, and its decision in each case.

22 **SEC. 200.***Disposition of unused ballots.* - After voting, the Chairperson, in the
23 presence of the other members of the electoral board, shall:

24 (a) Record in the minutes the quantity of unused ballots;

25 (b) Tear the unused ballots in half lengthwise; and

26 (c) Place the two halves of the unused ballots in separate envelopes. One of the
27 envelopes shall be deposited in the ballot box while the other shall be submitted
28 to the election officer.

29 **SEC. 201.***Prohibition of announcement of voting.* - No member of the board
30 of the electoral board shall, before the termination of the voting, make any
31 announcement as to whether a certain registered voter has already voted or not, as
32 to how many have already voted or how many so far have failed to vote, or any other
33 fact tending to show or showing the state of the polls, nor shall he make any statement
34 at any time, except as witness before a court, as to how any person voted.

35
36 **Article 18**
37 **Local Absentee Voting and Voting by Persons Deprived of Liberty**
38

1 **SEC 202.***Declaration of Policy.*- The State shall ensure that senior citizens,
2 persons with disabilities (PWDs), pregnant women, indigenous peoples (IPs),
3 internally displaced persons (IDPs), persons deprived of liberty (PDLs), and in special
4 circumstances, health workers, quarantined and hospitalized persons, and repatriated
5 overseas voters are able to exercise their right to political participation without
6 restrictions. The State shall devise systems and procedures that will enhance
7 accessibility in their voting process.
8

9 **SEC. 203.***Who may avail of Local Absentee Voting.* - Local absentee voting
10 may be availed of by the following:

- 11 (a) government officials and employees;
- 12 (b) members of the PNP;
- 13 (c) members of the AFP; and
- 14 (d) members of the media, media practitioners including their technical and
15 support staff who are actively engaged in the pursuit of information gathering
16 and reporting or distribution, in any manner or form, including, but not limited
17 to the following:
 - 18 (1) Print Journalists
 - 19 (2) Television Journalists
 - 20 (3) Photo Journalists
 - 21 (4) Online Journalists
 - 22 (5) Radio Journalists
 - 23 (6) Documentary makers
 - 24 (7) Television/Radio Production
 - 25 (8) Bloggers
 - 26 (9) Freelance Journalist
- 27 (e) Senior citizens
- 28 (f) Persons with disabilities
- 29 (g) Pregnant women
- 30 (h) Indigenous peoples
- 31 (i) Internally displaced persons
- 32 (j) Persons deprived of liberty
- 33 (k) Lawyers

1 *Provided*, That a) they are duly registered voters and whose registration records
2 are not deactivated, and b) on election day, in case of government officials, members
3 of the PNP and AFP, that they are assigned temporarily to perform election duties in
4 places where they are not registered voters; in case of media voters, that they will
5 not be able to vote due to the performance of their functions in covering and reporting
6 on the conduct of elections; in case of senior citizens, PWDs, pregnant women,
7 indigenous peoples, and IDPs they are temporarily residing in a city or municipality
8 other than where they registered as voters; or in case of PDLs, they are detained or
9 imprisoned in a facility located in a city or municipality other than where they are
10 registered as voters; or in case of lawyers, they are serving as counsels to candidates
11 or as election watchdogs in a city or municipality other than where they are registered
12 as voters.

13 Government officials and employees who will be posted abroad to perform
14 election duties on election day may also avail of local absentee voting: *Provided*, That
15 they are registered voters and that they are not registered overseas voters.

16 **SEC. 204.** *Other Persons Who May Avail of Local Absentee Voting During*
17 *Special Circumstances.*- Health workers and quarantined or hospitalized persons may
18 avail of local absentee voting only in the event of a public health emergency: *Provided*
19 that a) they are duly registered voters and whose registration records are not
20 deactivated and b) in case of health workers, they are designated to be on duty during
21 the day of the election in a city or municipality other than where they are registered
22 as voters; or in case of quarantined or hospitalized persons, on election day, they are
23 quarantined or hospitalized in a city or municipality other than where they are
24 registered as voters.

25 Repatriated overseas voters may avail of local absentee voting only if their
26 repatriation was due to special circumstances such as armed conflict, issues in
27 international relations, state of emergency or calamity, or any other analogous
28 circumstances beyond their control or fault: *Provided* that a) they are duly registered
29 voters and whose registration records are not deactivated and b) the period for
30 transfer of registration records from the Post to the office of the election officer of the
31 place of their residence has already lapsed.

32 **SEC. 205.** *Positions to be voted for.* - Voters availing of Local Absentee Voting
33 and voters who are deprived of liberty may vote for national positions only.

34 **SEC. 206.** *Provision of Accessible Polling Places.* - During the conduct of Local
35 Absentee Voting, the Commission shall designate accessible polling places, as defined
36 under Section 5 of this Code, for senior citizens, PWDs, and pregnant women.

37 **SEC. 207.** *Voting period for Local Absentee Voters.* - Those who have been
38 approved to avail of local absentee voting shall have at least two (2) days within seven

(7) calendar days before election day to submit their ballots to the officers designated to collect such ballots.

SEC. 208.*Provision for Transportation/Shuttle Services.* –The Commission shall provide a system of transportation/shuttle services for the senior citizens, PWDs, pregnant women, IPs, and IDPs during the period of local absentee voting under this act and during election day to ensure that these sectors have means of transportation to and from the polling places.

SEC. 209.*Voting by Persons Deprived of Liberty ("PDL Voting").* – PDLs who are held, detained or imprisoned in facilities located in the same city or municipality where they are registered as voters may participate in PDL voting. The Commission shall set up emergency accessible polling places in jail and prison facilities for this purpose. The Commission shall provide for the rules and procedures for the conduct of PDL voting during election day.

SEC. 210.*Manner of obtaining and preparing the ballots.* -

(A) Voters availing of Local Absentee Voting shall obtain their ballots and cast their votes in the manner that shall be set forth by the Commission. The Commission is hereby authorized to utilize a manual system of voting and counting of votes for local absentee voters.

(B) Voters participating in PDL Voting shall obtain and prepare their ballots in the same manner as that provided in the preceding Article. They shall likewise be entitled to the same assistance in preparing such ballots as those provided therein, whenever applicable.

In the preparation of ballots, the voters mentioned in this Article shall be subject to the same prohibitions found in Section 194, whenever applicable.

SEC. 211.*Implementing rules and regulations.* - The Commission shall promulgate the rules and regulations necessary to implement the provisions of this Article, consistent with the policy of ensuring the integrity of the ballots and the secrecy of the votes cast by the voters availing any of such modes of voting.

Article 19

Postponement of Voting and Failure of Elections

SEC. 212.*Postponement of Voting.* - When for any serious cause such as violence, terrorism, loss or destruction of election paraphernalia or records, force majeure, and other analogous causes of such a nature that the holding of a free, orderly and honest election should become impossible in any political subdivision, the Commission, motu proprio or upon a verified petition by any interested party, and after due notice and hearing, whereby all interested parties are afforded equal opportunity to be heard, shall postpone the voting therein to a date which should be

1 reasonably close to the election day not held but not later than thirty days after the
2 cessation of the cause for such postponement.

3 **SEC. 213.***Failure of election.* - If, on account of force majeure, violence,
4 terrorism, fraud, or other analogous causes the election in any polling place has not
5 been held on the date fixed, or had been suspended before the hour fixed by law for
6 the closing of the voting, or after the voting and during the preparation and the
7 transmission of the election returns or in the custody or canvass thereof, such election
8 results in a failure to elect, and in any of such cases the failure or suspension of
9 election would affect the result of the election, the Commission shall, *motu proprio*,
10 or upon a verified petition by any interested party and after due notice and hearing,
11 call for the holding or continuation of the election not held, suspended or which
12 resulted in a failure to elect on a date reasonably close to the date of the election not
13 held, suspended or which resulted in a failure to elect but not later than thirty days
14 after the cessation of the cause of such failure of elections.

15 **SEC. 214.***Limit of the authority of the Commission.* - Nothing in this section
16 shall be understood as an authority for the Commission to fix the regular election for
17 the President, Vice-President, Senators, and Members of the House of Representatives
18 on any date other than the second Monday of May.

19
20 **CHAPTER V**
21 **IN-COUNTRY COUNTING AND CANVASSING OF VOTES**

22
23 **Article 20**
24 **Counting of Votes**

25 **SEC. 215.***Counting Procedure.* - The Commission shall prescribe the manner
26 and procedure of counting the votes under the automated system and the manual
27 counting system: *Provided*, That a separate election return shall be prepared showing
28 the results of the manual counting of the ballots, which shall also be canvassed
29 alongside the electronically transmitted and digitally signed election returns under the
30 automated system: *Provided further*, That if there is a discrepancy of at least two
31 percent (2%) of the total number of the votes cast between the results of the
32 automated system and the manual counting system for any position, an automatic
33 recount shall be undertaken for that position only: *Provided further*, That the
34 Commission shall deploy sufficient number of technical personnel to assist the
35 electoral board in such recount. A comparison shall be made between the digitally
36 captured image of the ballot and the physical ballot itself before the recount to
37 determine the root cause of the discrepancy and to ascertain the will of the voters.
38 The result of the recount shall be reflected in the manually prepared election return
39 which shall be considered, along with the unaffected electronically transmitted and

1 digitally signed election returns, in determining the winning candidate for the subject
2 position: *Provided finally*, That apart from the electronically stored result, twelve (12)
3 copies of the election returns are printed and twelve (12) copies of the election return
4 for the manual counting system shall be accomplished.

5 **SEC. 216.***Counting to be public and without interruption.* - As soon as the
6 voting is finished, the electoral board shall publicly count in the polling place the votes
7 cast and ascertain the results. The board may rearrange the physical set up of the
8 polling place for the counting or perform any other activity with respect to the
9 transition from voting counting. However, it may do so only in the presence of the
10 watchers and within close view of the public. At all times, the ballot boxes and all
11 election documents and paraphernalia shall be within close view of the watchers and
12 the public.

13 The electoral board shall not adjourn or postpone or delay the count until it has
14 been fully completed, unless otherwise ordered by the Commission.

15 The Commission, in the interest of free, orderly, and honest election, may
16 authorize the electoral board to count the votes and to accomplish the election return
17 and other forms prescribed under the code in any other place within a public building
18 in the same municipality or city on account of imminent danger of widespread violence
19 or similar causes of comparable magnitude: *Provided*, That the transfer shall been
20 recommended in writing by the board of election inspectors by unanimous vote and
21 endorsed in writing by the majority of watchers present: *Provided further*, that the
22 said public building shall not located within the perimeter of or inside a military or
23 police camp, reservation, headquarters, detachment or field office nor within the
24 premises of a prison or detention bureau or any law enforcement or investigation
25 agency.

26 Any violation of this section, or its pertinent portion, shall constitute an election
27 offense.

28 **SEC. 217.***Livestreaming or video recording of the counting.* - The Commission
29 shall accredit groups who wish to livestream or record a video of the manual counting
30 of votes at the precinct level.

31 The recorded video or livestream may be used as evidence in electoral protests.

32 No photo, recorded video, or livestream, whether official or unofficial, taken
33 during election day of any member of the electoral board and any other personnel of
34 the Commission performing election duties during election day shall be used to defame
35 or publicly shame said member of the electoral board or personnel of the Commission
36 in social media or in any other platform, digital or otherwise. Any violation of this
37 paragraph shall constitute as an election offense under this Code.

38 **SEC. 218.***Election Returns.* - There shall be two sets of election returns. One
39 shall be generated under the automated system which shall bear appropriate control

marks to determine the time and place of printing. The other shall be under the manual counting system. The Commission shall design the features of such election returns.

Each copy of both sets of election returns shall be signed by all the members of the electoral board and the watchers present. They shall likewise affix their thumbmarks thereto. If any member of the electoral board present refuses to sign, the chairperson of the board shall note the same in each copy of the printed and manually accomplished election returns. The member of the electoral board refusing to sign shall be compelled to explain his or her refusal to do so. Failure to provide a justifiable reason for refusing to sign each copy of the printed and manually accomplished election return by any member of the electoral board shall be punishable under this Code. The chairperson of the board shall then publicly read and announce the total number of registered voters, the total number of voters who actually voted, the total number of votes obtained by each candidate based on the election returns, whether there is a discrepancy between the results of the automated system and manual counting system, and the details of the said discrepancy, including the result of the recount, if any.

Thereafter, the copies of the election returns shall be sealed and placed in the proper envelopes for distribution as follows:

(a) In the election of president, vice-president, senators and party-list system:

- (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 citizens' arm authorized by the Commission to conduct an unofficial count;
- (5) The fifth copy, to the dominant majority party as determined by the Commission in accordance with this Code;
- (6) The sixth copy, to the dominant minority party as determined by the Commission in accordance with this Code;
- (7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots;
- (8) The eighth copy to the Provincial Board of Canvassers; and
- (9) The ninth to the twelfth copies, to national broadcast or print media entities as may be equitably determined by the Commission in view of propagating copies to the widest extent possible.

(b) In the election of local officials 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 Commission;
- (3) The third copy, to the provincial board of canvassers;
- (4) The fourth copy, to the citizens' arm authorized by the Commission to conduct an unofficial count;
- (5) The fifth copy, to the dominant majority party as determined by the Commission in accordance with this Code;
- (6) The sixth copy, to the dominant minority party as determined by the Commission in accordance with this Code;
- (7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots;
- (8) The eighth copy to be posted conspicuously on a wall within the premises of the polling place or counting center; and
- (9) The ninth to the twelfth copies, to national broadcast or print media entities as may be equitably determined by the Commission in view of propagating copies to the widest extent possible.

Immediately after all the copies are printed and completed, the poll clerk shall announce that the relevant copies for posting are being posted on a wall within the premises of the polling place or counting center, which must be sufficiently lighted and accessible to the public. Any person may view or capture an image of the election returns by means of any data capturing device such as, but not limited to, cameras at any time of the day for forty-eight (48) hours following its posting. After such period, the chairperson of the electoral board shall detach the election returns from the wall and keep the same in his custody to be produced as may be requested by any voter for image or data capturing or for any lawful purpose as may be ordered by competent authority.

Within one hour after the printing and completion of the election returns, the chairperson of the electoral board or any official authorized by the Commission shall, in the presence of watchers and representatives of the accredited citizen's arm, political parties/candidates, if any, electronically transmit the precinct results under the automated system to the respective levels of board of canvassers, to the dominant majority and minority party, to the accredited citizen's arm, and to the Kapisanan ng mga Broadcasters ng Pilipinas (KBP). The election returns under the manual counting system shall be transmitted to the municipal or city board of canvassers.

The election results at the city/municipality canvassing centers under the automated system shall be electronically transmitted while the election returns under the manual counting system shall be transmitted through the fastest means available

1 by the election officer or any official authorized by the Commission to the district or
2 provincial canvassing centers.

3 The election returns transmitted electronically and digitally signed shall be
4 considered as official election results and shall be used as the basis for the canvassing
5 of votes and proclamation of a candidate: *Provided*, That in case of recount, as
6 provided under Section 215, the actual result of the manual count shall be considered
7 as official election results and shall be used as the basis for the canvassing of votes
8 and proclamation of a candidate.

9 **SEC. 219.***Board of election inspectors to issue a certificate of the number of*
10 *votes polled by the candidates for an office to the watchers.* - After the announcement
11 of the results of the election and before leaving the polling place, it shall be the duty
12 of the electoral board to issue a certificate of the number of the votes received by a
13 candidate upon request of the watchers. All the members of the board of election
14 inspectors shall sign the certificate.

15 **SEC. 220.***Alterations and corrections in the election returns.* - Any correction
16 or alteration made in the manually accomplished election returns by the electoral
17 board before the announcement of the results of the election in the polling place shall
18 be duly initialed by all the members thereof. No correction or alteration shall be made
19 in the printed election returns.

20 After the announcement of the results of the election in the polling place has
21 been made, the electoral board shall not make any alteration or amendment in any of
22 the copies of the election returns unless so allowed under Section 243 of this Code or
23 so ordered by the Commission upon petition of the members of the electoral board
24 within five days from the date of the election or twenty-four hours from the time a
25 copy of the election returns concerned is opened by the board of canvassers,
26 whichever is earlier. The petition shall be accompanied by proof of service upon all
27 candidates affected. If the petition is by all members of the electoral board and the
28 results of the election would not be affected by said correction and none of the
29 candidates affected objects thereto, the Commission, upon being satisfied of the
30 veracity of the petition and of the error alleged therein, shall order the electoral board
31 to make the proper correction on the manually accomplished election returns.

32 However, if a candidate affected by said petition objects thereto, whether the
33 petition is filed by all or only a majority of the members of the electoral board and the
34 results of the election would be affected by the correction sought to be made, the
35 Commission shall proceed summarily to hear the petition. In deciding the petition, the
36 Commission shall take into account the certificates of votes, the first manual count,
37 the manual recount, if any, and the automated count.

38 **SEC. 221.***Delivery of ballot boxes, keys, supplies, documents and other*
39 *election paraphernalia.* - The Commission shall promulgate the necessary procedure

1 on the packing, delivery, custody, and preservation of the ballots, ballot boxes, keys,
2 supplies, documents, and other election paraphernalia after the results of the election
3 in the polling place have been announced, ensuring that the integrity and sanctity of
4 the ballots are safeguarded and its chain custody is clearly documented: *Provided*,
5 That the ballots and ballot boxes shall be placed under the custody of the municipal
6 or city treasurer: *Provided further*, That the voting records of each polling place
7 including the certified voters list and the minutes of the proceedings of the electoral
8 board shall be placed in the custody of the election officer who shall keep them in a
9 safe place, until such time that the Commission shall give instructions on their disposal.

10 **SEC. 222.** *Documents and articles omitted or erroneously placed inside the*
11 *ballot box.* - If after the delivery of the keys of the ballot box to the proper authorities,
12 the electoral board shall discover that some documents or articles required to be
13 placed in the ballot box were not placed therein, the electoral board, instead of
14 opening the ballot box in order to place therein said documents or articles, shall deliver
15 the same to the Commission or its duly authorized representatives. In no instance
16 shall the ballot box be reopened to place therein any document or article.

17 **SEC. 223.** *Minutes of voting and counting of votes.* – The Commission shall
18 prescribe a form that the electoral board shall prepare and sign in such number of
19 copies as the Commission may require, setting forth the following matters:

- 20 (a) The time the voting commenced and ended;
- 21 (b) The serial numbers and ballot identification numbers of the official ballots
- 22 (c) The serial numbers of the election returns, special envelopes and seals
23 received;
- 24 (d) The number of official ballots used and the number left unused;
- 25 (e) The number of voters who cast their votes;
- 26 (f) All challenges, oaths taken in relation thereto, and its decision in each case;
- 27 (g) The names of the watchers present;
- 28 (h) The time the counting of votes commenced and ended;
- 29 (i) The number of official ballots found inside each compartment of the ballot box;
- 30 (j) The number of excess ballots;
- 31 (k) The time of electronic transmission of the results, whenever applicable;
- 32 (l) The time the election returns were signed and sealed in their respective special
33 envelopes;
- 34 (m) The number and nature of protests made by watchers;
- 35 (n) All other matters required under this Code to be recorded by the electoral
36 board; and

(o) Such other matters as may be required by the Commission.

Copies of this statement, after being duly accomplished, shall be sealed in separate envelopes and shall be distributed in accordance with the rules prescribed by the Commission: *Provided*, That the election officer shall be given a copy thereof: *Provided further*, That one copy shall be deposited inside the ballot box.

Article 21

Canvassing of Votes

SEC. 224.*Board of canvassers.* - Composition of the Board of Canvassers. - There shall be a Board of Canvassers to be appointed by the Commission in each municipality, city, district, province, and in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

(a) Municipal Board of Canvassers. - The Municipal Board of Canvassers shall be composed of the Municipal Election Officer or a representative of the Commission holding a permanent appointment, as Chairperson; the Municipal Treasurer, as Vice-Chairperson; and the District School Supervisor, or in the absence of the latter, the most senior in rank Principal of the school district, duly designated as such by the District Supervisor as Member-Secretary.

(b) City Board of Canvassers- The City Board of Canvassers shall be composed of the City Election Officer or a lawyer of the Commission holding permanent appointment, as Chairperson; the City Prosecutor, as Vice-Chairperson; and the Schools Division Superintendent, as Member-Secretary.

In cities within the National Capital Region and other highly urbanized cities with more than one (1) City Election Officer, the Regional Election Director (RED) shall designate the City Election Officer who shall act as Chairperson.

In cities outside the National Capital Region and with more than one City Election Officer, the Provincial Election Supervisor shall designate the City Election Officer who shall act as Chairperson.

(c) District Board of Canvassers for the Legislative District of Taguig-Pateros. - The District Board of Canvassers for the legislative district of Taguig-Pateros shall be composed of the City Election Officer or a lawyer of the Commission holding permanent appointment, as Chairperson; the City Prosecutor, as Vice-Chairperson; and the Schools Division Superintendent, as Member-Secretary.

(d) Provincial Board of Canvassers. - The Provincial Board of Canvassers shall be composed of the Provincial Election Supervisor or a lawyer of the Commission holding permanent appointment, as Chairperson; the Provincial Prosecutor, as Vice-Chairperson; and the Schools Division Superintendent, as Member-Secretary.

(e) Regional Board of Canvassers for the Autonomous Regions.- The Regional Board of Canvassers shall be composed of the Assistant Regional Election Director or a lawyer of the Commission holding permanent appointment, as Chairperson; the Regional State Prosecutor or, if not available, the highest-ranking official of the Department of Justice in the region as Vice-Chairperson; and the highest-ranking official of the Department of Education as Member-Secretary.

SEC. 225.*Information Technology Support for the Board of Canvassers and Support Staff.* - Each Board of Canvassers shall be assisted by an information technology-capable person authorized to operate the equipment adopted for the elections. The Commission shall deputize information technology personnel from among the agencies and instrumentalities of the government including government-owned and controlled corporations.

In addition, the Commission shall appoint such support personnel as may be necessary to assist the board of canvassers in the performance of its duties. The information technology support personnel and other support personnel of the Board of Canvassers shall be subject to the same qualifications and disqualifications as the members of the Board of Canvassers. The per diem of the deputized information technology personnel shall be the same as that of the members of the board of canvassers while that of the other support personnel shall be determined by the Commission and shall be in such amount as may be reasonable under the circumstances.

SEC. 226.*Reception and Custody Group.* - Each Board of Canvassers shall constitute a Reception and Custody Group for the reception and safekeeping of the vote counting device or machine and its related equipment or devices, the canvassing machine or device and other documents intended for the Board of Canvassers. There shall be one (1) Reception and Custody Group for every Board of Canvassers.

The Reception and Custody Group shall be composed of three (3) members who are government appointive officials holding permanent appointments. They shall be designated by the concerned Chairperson of the BOC. The Commission shall determine the honorarium of the members of the Reception and Custody Group: *Provided*, That such amount is just and reasonable under the circumstances.

The Reception and Custody Group members shall not be related within the fourth civil degree of consanguinity or affinity to each other or to the Chairperson or any member of the Board of Canvassers, the Information Technology Support Personnel, members of the support staff of the Board of Canvassers, or to any candidate or party-list group nominee whose votes will be canvassed by the Board of Canvassers or to such candidate's or nominee's spouse.

1 In no case shall local government employees be appointed or designated as
2 members of the Reception and Custody Group. In cities with more than one (1)
3 legislative district, one (1) Reception and Custody Group for every legislative district
4 may be constituted.

5 **SEC. 227.***Prohibited Degree of Relationship.* - The Chairperson and Members
6 of the Board of Canvassers shall not be related within the fourth civil degree of
7 consanguinity or affinity to each other, the information technology support personnel,
8 the members of the Reception and Custody Group, other support personnel, or to any
9 candidate or nominee of a party-list group whose votes will be canvassed by said
10 Board of Canvassers or such candidate's or nominee's spouse.

11 **SEC. 228.***Prohibition against leaving official station.* – Beginning on their
12 appointment as member or substitute member of the board of canvassers until the
13 official proclamation of the winning candidates or the end of the election period,
14 whichever comes earlier, no member or substitute member of the different boards of
15 canvassers shall be transferred, assigned or detailed outside of his or her official
16 station, nor shall he leave said station without prior authority of the Commission.

17 **SEC. 229.***Feigned illness.* - Any member of the board of canvassers feigning
18 illness in order to be substituted on election day or on any day thereafter until the
19 proclamation of the winning candidates shall be guilty of an election offense.

20 **SEC. 230.***Vote required.* - A majority vote of all the members of the board of
21 canvassers shall be necessary to render a decision.

22 **SEC. 231.***Incapacity and Substitution of a member of the Board of Canvassers.*
23 - In case of sickness or serious injury of a regular Member of the Board of Canvassers,
24 a medical certificate duly issued by any government hospital, shall be required
25 attesting to the incapacity of said Member. Said medical certificate shall be recorded
26 in and form part of the Minutes of the Board of Canvassers.

27 In case of non-availability, absence, disqualification due to relationship, or
28 incapacity for any cause of the Chairperson or Members of the Board of Canvassers,
29 the following shall appoint the substitute:

30 (1) The Provincial Election Supervisor, for the City Board of Canvassers and
31 Municipal Board of Canvassers in the province.

32 (2) The Regional Election Director, for the Provincial Board of Canvassers in the
33 region.

34 (3) The Regional Election Director of National Capital Region, for the District Board
35 of Canvassers, City Board of Canvassers, and Municipal Board of Canvassers in
36 the region.

37 In the interest of ensuring an orderly and credible elections, and under special
38 circumstances, the Commission may designate other election officials, who hold a rank

1 equal to, or higher than, those enumerated above, to appoint the substitute of the
2 chairperson and members of the Board of Canvassers in a particular municipality, city,
3 district, or province.

4 In case of substitution of the Chairperson of the Provincial Board of
5 Canvassers/City Board of Canvassers, an official or lawyer with permanent
6 appointment of the Commission shall be appointed. In case of Municipal Board of
7 Canvassers, a representative of the Commission holding permanent appointment shall
8 be appointed.

9 With respect to the other members of the Board of Canvassers, the following
10 shall be appointed as substitute in the following order of preference:

11 In the case of the Provincial Board of Canvassers:

12 (1) The Provincial Auditor;

13 (2) The Register of Deeds;

14 (3) The Clerk of Court nominated by the Executive Judge of the Regional Trial
15 Court; and

16 (4) Any other available appointive provincial official.

17 In the case of the City Board of Canvassers, the officials in the city
18 corresponding to those enumerated above.

19 In the absence or disqualification of the Vice-Chairperson of the Municipal Board
20 of Canvassers:

21 (1) The Municipal Administrator;

22 (2) The Municipal Assessor;

23 (3) The Clerk of Court of the Municipal Trial Court; or

24 (4) Any other available appointive municipal officials.

25 As substitute of the two (2) members of the District Board of Canvassers of
26 Taguig-Pateros, the next ranking prosecutor or schools division superintendent in the
27 district, as the case may be, shall be appointed.

28 All appointments for substitution shall be in writing, stating therein the reason
29 or reasons for the substitution. Within twenty-four (24) hours from the issuance of
30 the appointment, the issuing authority shall furnish copies of the appointment to
31 Commission and to the appointee.

32 **SEC. 232.** *Supervision and control over board of canvassers.* - The Commission
33 shall have direct control and supervision over the board of canvassers.

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

1 **SEC. 233.** *Notice of meeting of the board of canvassers.* - At least five days
2 before the meeting of the board of canvassers, the chairperson of the board shall give
3 a written notice to all members thereof and to each candidate, political party or
4 coalition of political parties fielding candidates, and parties, organizations, and
5 coalitions under the party-list system of the date, time and place of the meeting.

6 Notices of the canvassing shall be posted at the Office of the Election Officer,
7 Office of the Provincial Election Supervisor, Office of the Regional Election Director,
8 and in three (3) conspicuous places in the building where the canvass will be held.

9 Similar notices shall also be given for subsequent meetings unless notice has
10 been issued in open session of the BOC. Proof of service of the written notice to each
11 member, candidate, political party and party-list groups shall be attached in the
12 Minutes and form part of the records of the proceedings. If notice is given in open
13 session such fact shall be recorded in the Minutes of the proceedings.

14 Failure to give notice of the date, time, and place of the meeting of the Board
15 is an election offense.

16 **SEC. 234.** *Canvassing by Provincial, City, District, and Municipal Boards of*
17 *Canvassers.* - The city or municipal board of canvassers shall canvass the votes for
18 the president, vice-president, senators, members of the House of Representatives,
19 elective regional officials, if applicable, elective provincial officials, and elective city or
20 municipal officials, as the case may be, by consolidating the electronically transmitted
21 results or the results contained in the data storage devices used in the printing of the
22 election returns under the automated system and the election returns under the
23 manual counting system. Upon completion of the canvass, it shall print and complete
24 the certificate of canvass of votes for president, vice-president, senators, members of
25 the House of Representatives, elective regional officials, if applicable, and elective
26 provincial officials and thereafter, proclaim the elected city or municipal officials, as
27 the case may be.

28 The city board of canvassers of cities comprising one or more legislative districts
29 shall canvass the votes for president, vice-president, senators, members of the House
30 of Representatives, elective regional officials, if applicable, and elective city officials
31 by consolidating the certificates of canvass electronically transmitted or the results
32 contained in the data storage devices used in the printing of the election returns under
33 the automated system and the certificate of canvass under the manual counting
34 system. Upon completion of the canvass, the board shall produce the certificate of
35 canvass of votes for president, vice-president, senators, party-list representatives,
36 elective regional officials, if applicable, and thereafter, proclaim the elected members
37 of the House of Representatives for such district or districts and city officials.

38 The legislative districts of Taguig-Pateros shall have a District Board of
39 Canvassers which shall canvass the votes for president, vice-president, senators, and

1 members of the House of Representatives by consolidating the results electronically
2 transmitted from the city/municipal consolidating centers or the results contained in
3 the data storage devices under the automated system and certificate of canvass under
4 the manual counting system submitted by the board of canvassers of the Municipality
5 of Pateros and the City of Taguig. Upon completion of the canvass, it shall produce
6 the certificates of canvass for president, vice president, senators, and party-list
7 representatives and thereafter, proclaim the elected members of the House of
8 Representatives representing the Taguig-Pateros legislative districts.

9 The provincial board of canvassers shall canvass the votes for president, vice-
10 president, senators, members of the House of Representatives, elective provincial
11 officials, and, if applicable, elective regional officials, by consolidating the results
12 electronically transmitted from the city/municipal consolidating centers or the results
13 contained in the data storage devices under the automated system and certificate of
14 canvass under the manual counting system submitted by the board of canvassers of
15 the municipalities and component cities. Upon completion of the canvass, it shall
16 produce the certificates of canvass for president, vice president, senators, party-list
17 representatives, and elective regional officials, if applicable, and thereafter, proclaim
18 the elected members of the House of Representatives representing the legislative
19 districts in the province and the provincial officials.

20 Whenever applicable, the regional board of canvassers of autonomous regions
21 shall canvass the votes for president, vice-president, senators, party-list
22 representatives and the elective regional officials by consolidating the results
23 electronically transmitted from the provincial canvassing centers and from the city
24 canvassing centers, in case of cities comprising one or more legislative districts, or the
25 results contained in the data storage devices under the automated system and
26 certificate of canvass under the manual counting system submitted by the board of
27 canvassers of the provinces or cities comprising one or more legislative district. Upon
28 completion of the canvass, it shall produce the certificates of canvass for president,
29 vice president, senators, and party-list representatives, and thereafter, proclaim the
30 elected regional officials.

31 The municipal, city, district, provincial, and, whenever applicable, regional
32 certificates of canvass of votes shall each be supported by a statement of votes.

33 Within one hour after the canvassing, the chairperson of the district or
34 provincial board of canvassers or the city board of canvassers of those cities which
35 comprise one or more legislative districts or the regional board of canvassers shall
36 electronically transmit the certificate of canvass under the automated system to the
37 Commission sitting as the national board of canvassers for senators and party-list
38 representatives and to the Congress as the National Board of Canvassers for the
39 president and vice-president, directed to the President of the Senate. Thereafter, the

1 Certificate of Canvass under the manual system shall also be transmitted, through the
2 fastest means available, to the same national board of canvassers.

3 The Commission shall adopt adequate and effective measures to preserve the
4 integrity of the certificates of canvass transmitted electronically and the results in the
5 storage devices at the various levels of the boards of canvassers.

6 The certificates of canvass transmitted electronically and digitally signed shall
7 be considered as official election results and shall be used as basis for the proclamation
8 of a winning candidate: *Provided*, That in case of recount, as provided under Section
9 215, the Commission shall devise a system where the results reflected in said
10 certificate of canvass will be adjusted based on the results of the recount without,
11 however, changing the entries in such electronically transmitted and digitally signed
12 certificate of canvass.

13 **SEC. 235.** *Number of Copies of Certificates of Canvass of Votes and their*
14 *distribution. –*

15 (a) The certificates of canvass of votes under the automated system and under the
16 manual counting system, respectively, for president, vice-president, senators,
17 members of the House of Representatives, parties, organization or coalitions
18 participating under the party-list system, elective regional officials, and elective
19 provincial officials shall be produced by the city or municipal board of
20 canvassers and distributed as follows:

21 (1) The first copy shall be delivered to the provincial board of canvassers for
22 use in the canvass of election results for president, vice-president,
23 senators, members of the House of Representatives, parties, organization
24 or coalitions participating under the party-list system and elective
25 provincial officials;

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

27 (3) The third copy shall be kept by the chairperson of the board; and

28 (4) The fourth copy shall be given to the citizen arm designated by the
29 Commission to conduct an unofficial count. It shall be the duty of the
30 citizens' arm to furnish independent candidates' copies of the certificate
31 of canvass at the expense of the requesting party.

32 (5) The fifth copy to Congress, directed to the President of Senate;

33 (6) The sixth copy to be posted on a wall within the premises of the
34 canvassing center;

35 (7) The seventh and eighth copies shall be given to the dominant majority
36 and minority parties; and

1 (8) The ninth to twelfth copies, to national broadcast or print media entities
2 as may be equitably determined by the Commission in view of propagating
3 the copies to the widest extent possible.

4 The board of canvassers shall furnish all other registered parties copies of the
5 certificates of canvass at the expense of the requesting party.

6 (b) The certificates of canvass of votes for president, vice-president and senators,
7 parties, organization or coalitions participating under the party-list system shall
8 be produced by the city boards of canvassers of cities comprising one or more
9 legislative districts, by provincial boards of canvassers, by district boards of
10 canvassers in the Metro Manila area and other highly urbanized areas, and by
11 the regional board of canvassers, whenever applicable, and shall be distributed
12 as follows:

13 (1) The first copy shall be sent to Congress, directed to the president of the
14 Senate for use in the canvass of election results for president and vice-
15 president;

16 (2) The second copy shall be sent to the Commission for use in the canvass
17 of the election results for senators;

18 (3) The third copy shall be kept the chairperson of the board; and

19 (4) The fourth copy shall be given to the citizens' arm designated by the
20 Commission to conduct an unofficial count. It shall be the duty of the
21 citizens' arm to furnish independent candidates copies of the certificate of
22 canvass at the expense of the requesting party.

23 (5) The fifth copy to Congress, directed to the President of the Senate;

24 (6) The sixth copy to be posted on a wall within the premises of the
25 canvassing center;

26 (7) The seventh and eight copies to the dominant majority and minority
27 parties; and

28 (8) The ninth to twelfth copies to broadcast media entities as may be
29 equitably determined by the Commission in view of propagating the copies
30 to the widest extent possible.

31 The board of canvassers shall furnish all other registered parties' copies of the
32 certificate of canvass at the expense of the requesting party.

33 (c) The certificates of canvass printed and completed by the regional, provincial,
34 district, city or municipal boards of canvassers shall be signed and thumb
35 marked by the chairman and members of the board and the principal watchers,
36 if available. Thereafter, it shall be sealed and placed inside an envelope which
37 shall likewise be properly sealed.

1 In all instances, where the board of Canvassers has the duty to furnish
2 registered political parties with copies of the certificate of canvass, the pertinent
3 election returns shall be attached thereto.

4 Immediately after the sixth copy and its supporting statement of votes are
5 printed, the chairman of the board of canvassers shall announce the posting of said
6 prints on a wall within the premises of the canvassing center, which must be
7 sufficiently lighted and accessible to the public. Any person may view or capture an
8 image of the Certificate of Canvass or the supporting statement of votes by means of
9 any data capturing device such as, but not limited to, cameras at any time of the day
10 for forty-eight (48) hours following the posting. After such period, the chairman of the
11 board of canvassers shall detach the certificates of canvass from the wall and keep
12 the same in his custody to be produced as may be requested by any voter for image
13 or data capturing or for any lawful purpose as may be ordered by competent authority.

14 **SEC. 236.** *National Board of Canvassers for Senators and Party-List*
15 *Representatives.* - The chairperson and members of the Commission on Election sitting
16 *en banc*, shall compose the national board of canvassers for senators and party-list
17 representatives. It shall canvass the results by consolidating the certificates of canvass
18 electronically transmitted under the automated system and the transmitted certificate
19 of canvass under the manual counting system. Thereafter, the national board shall
20 proclaim the winning candidates for senators and party-list representatives.

21 **SEC. 237.** *Congress as the National Board of Canvassers for President and Vice-*
22 *President.* - The Senate and the House of Representatives in joint public session shall
23 compose the national board of canvassers for president and vice-president. The
24 certificate of canvass for president and vice-president duly certified by the board of
25 canvassers of each province or city, shall be electronically transmitted, in case of the
26 automated system, and manually delivered, in the case of the manual counting
27 system, to the Congress, directed to the president of the Senate. Upon receipt of the
28 certificates of canvass, the President of the Senate shall, not later than thirty (30)
29 days after the day of the election, open all the certificates in the presence of the
30 Senate and the House of representatives in joint public session and the Congress upon
31 determination of the authenticity and the due execution thereof in the manner
32 provided by law, canvass all the results for president and vice-president and
33 thereafter, proclaim the winning candidates.

34 **SEC. 238.** *Determination of Authenticity and Due Execution of Certificates of*
35 *Canvass.* - Congress or the Commission *en banc*, as the case may be, shall determine
36 the authenticity and due execution of the certificates of canvass, as accomplished and
37 transmitted to it by the local boards of canvassers, on a showing that: (1) each
38 certificate of canvass was executed, signed and thumb marked by the chairman and
39 member of the board of canvassers and transmitted or caused to be transmitted to
40 Congress by them; (2) each certificate of canvass contains the names of all of the

1 candidates for president and vice - president or senator and the party-list groups, as
2 the case may be, and their corresponding votes in words and their corresponding
3 votes in words and in figures; (3) there exists no discrepancy in other authentic copies
4 of the document such as statement of votes of any of its supporting document such
5 as statement of votes by city/municipality/by precinct or discrepancy in the votes of
6 any candidate in words and figures in the certificate; and (4) there exist no
7 discrepancy in the votes of any candidate in words and figures in the certificates of
8 canvass against the aggregate number of votes appearing in the election returns of
9 precincts covered by the certificate of canvass: *Provided*, That certified print copies of
10 election returns or certificates of canvass may be used for the purpose of verifying the
11 existence of the discrepancy.

12 When the certificate of canvass, duly certified by the board of canvassers of
13 each province, city, district, or autonomous region, appears to be incomplete, the
14 Senate President or the Chairman of the Commission, as the case may be, shall require
15 the board of canvassers concerned to transmit by personal delivery, the election
16 returns from polling places that were not included in the certificate of canvass and
17 supporting statements. Said election returns shall be submitted by personal delivery
18 within two (2) days from receipt of notice.

19 When it appears that any certificate of canvass or supporting statement of votes
20 by city/municipality or by precinct bears erasures or alterations which may cast doubt
21 as to the veracity of the number of votes stated herein and may affect the result of
22 the election, upon request of the presidential, vice-presidential senatorial candidate,
23 or his party, or the party-list group concerned, Congress or the Commission en banc,
24 as the case may be, shall, for the sole purpose of verifying the actual number of votes
25 cast for President and Vice-President, senator or the party-list system, count the votes
26 as they appear in the copies of the election returns submitted to it.

27 In case of any discrepancy, incompleteness, erasure or alteration as mentioned
28 above, the procedure on pre-proclamation controversies shall be adopted and applied
29 as provided in this Code.

30 Any person who presents in evidence a simulated copy of an election return,
31 certificate of canvass or statement of votes, or a printed copy of an election return,
32 certificate of canvass or statement of votes bearing a simulated certification or a
33 simulated image, shall be guilty of an election offense.

34 **SEC. 239.** *Communication Channels for Electronic Transmission.* - All electronic
35 transmission of the election returns, certificates of canvass and its supporting
36 statements, and other related documents shall utilize secure transmission channels
37 with the following minimum security features:

1 (a) Strong authentication- each entity in the communications channel must prove
2 its identity to the other by demonstrating knowledge of a key associated with
3 the entity without revealing the key itself during the protocol;

4 (b) Manual entity authentication;

5 (c) Data origin authentication;

6 (d) Data integrity;

7 (e) Non-reputation of origin;

8 (f) Anti-replay- an election return or certificate of canvass once processed cannot
9 be resent to be reprocessed at a later time. In case of re-transmission, the
10 Board of Canvassers should authenticate themselves to the receiving computer,
11 and authorize the non-processing of the previous transmission/s to receive the
12 new transmission. Both election returns or certificates of canvass or any
13 election result shall be kept in the system for record-keeping; and

14 (g) Auditability of transmission post-election- all records of transmission saved on
15 all the servers shall be stored and copies furnished the Joint Congressional
16 Oversight Committee on the Hybrid Election System and Department of
17 Information and Technology in its original entirety. The Commission shall
18 digitally sign said copies and certify under oath as to its authenticity and
19 integrity.

20 The Commission is hereby authorized to procure the necessary equipment,
21 facilities, and services for putting up the electronic transmission system in order to
22 effectively implement the provisions of this Code.

23 The aggregator for the purpose of transmission should not be the same as the
24 supplier of the machines used for the automated election system.

25 **SEC. 240.** *Safekeeping of the physical copies of election returns or certificates*
26 *of canvass and the devices containing such documents.* – After canvassing or
27 consolidation of results by the board of canvassers, it shall place the election returns,
28 certificates of canvass, and electronic storage devices containing such documents,
29 which are designated to be kept by the board of canvassers concerned or by such
30 board's chairperson in ballot boxes that shall be locked with three (3) padlocks and
31 one serially-numbered self-locking seal. The Members of the Board of Canvassers shall
32 each keep a key to the three (3) padlocks. The serial number of every seal used shall
33 be entered in the Minutes.

34 The said ballot boxes shall be kept in a safe and secured room before, during
35 and after the canvass. The door to the room shall be locked with three (3) padlocks
36 with the keys thereof kept by each Member of the Board of Canvassers.

37 The watchers shall have the right to guard the room.

1 **SEC. 241.***Persons not allowed inside the canvassing venue.* - During the
2 canvass, it shall be unlawful for the following persons to enter the canvassing venue
3 where the transmission, consolidation and canvass are being held or to stay within a
4 radius of fifty (50) meters from such canvassing venue:

5 (1) Any officer or member of the Armed Forces of the Philippines;

6 (2) Any officer or member of the Philippine National Police;

7 (3) Any peace officer or any armed or unarmed persons belonging to an extra-legal
8 police agency, special forces, strike forces, or Civilian Armed Force
9 Geographical Units (CAFGU), or its equivalent;

10 (4) Any barangay tanod or any member of barangay self-defense units;

11 (5) Any member of the security or police organizations of government agencies,
12 commissions, councils, bureaus, offices, instrumentalities, or government-
13 owned or controlled corporations or their subsidiaries; or

14 (6) Any member of a privately-owned or operated security, investigative, protective
15 or intelligence agency performing identical or similar functions.

16 However, the Board of Canvassers may, whenever necessary, by majority vote,
17 direct in writing for the detail of police officers or peace officers for their protection or
18 for the protection of the machines, election documents and paraphernalia, or for the
19 maintenance of peace and order, in which case said police officers or peace officers,
20 who shall be in proper uniform, shall stay outside the room but near enough to be
21 easily called by the Board of Canvassers at any time.

22 **SEC. 242.***When the election returns are delayed, lost or destroyed.* - In case
23 its copy of the election returns is missing, the board of canvassers shall, by messenger
24 or otherwise, obtain such missing election returns from the board of election
25 inspectors concerned, or if said returns have been lost or destroyed, the board of
26 canvassers, upon prior authority of the Commission, may use any of the authentic
27 copies of said election returns or a certified copy of said election returns issued by the
28 Commission, and forthwith direct its representative to investigate the case and
29 immediately report the matter to the Commission.

30 The board of canvassers, notwithstanding the fact that not all the election
31 returns have been received by it, may terminate the canvass and proclaim the
32 candidates elected on the basis of the available election returns if the missing election
33 returns will not affect the results of the election.

34 **SEC. 243.***Material defects in the election returns.* – If it should clearly appear
35 that some requisites in form or data had been omitted in the election returns for the
36 manual count or manual recount, the Board of Canvassers shall call for all the
37 members of the board of the electoral board concerned by the most expeditious
38 means, for the same board to effect the correction and thereafter affix their initials

1 therein: *Provided*, That if the omission in the election returns pertains to the votes of
2 a candidate or candidates and the result of the manual count cannot be ascertained
3 by other means except by recounting the ballots, the Commission, after satisfying
4 itself that the identity and integrity of the ballot box have not been violated, shall
5 order the electoral board to open the ballot box, and, also after satisfying itself that
6 the integrity of the ballots therein has been duly preserved, order the board of
7 electoral board to recount the votes for the candidate or candidates whose votes have
8 been omitted with notice thereof to all candidates for the position involved and
9 thereafter complete the returns.

10 The right of a candidate to avail of this provision shall not be lost or affected
11 by the fact that an election protest is subsequently filed by any of the candidates.

12 **SEC. 244.** *When election returns appear to be tampered with or falsified.* - If
13 the election returns that is submitted to the board of canvassers appear to be
14 tampered with, altered or falsified after they have left the hands of the electoral board,
15 or otherwise not authentic, or were prepared by the electoral board under duress,
16 force, intimidation, or prepared by persons other than the member of the electoral
17 board, the certificate of votes shall be the primary evidence to prove tampering,
18 alteration, falsification or any anomaly committed in the election returns concerned,
19 when duly authenticated by testimonial or documentary evidence presented to the
20 board of canvassers by at least two members of the electoral board who issued the
21 certificate: *Provided*, That upon a showing that the electoral board failed to issue said
22 certificates or that such certificates were prepared under duress, other evidence of
23 tampering, alteration, or falsification, or any anomaly, as may be admissible in the
24 Rules of Court, may be resorted to.

25 **SEC. 245.** *Discrepancies in election returns.* - In case it appears to the board
26 of canvassers that there exists discrepancies in the other authentic copies of the
27 election returns or discrepancies in the votes of any candidate in words and figures in
28 the same return, and in either case the difference affects the results of the election,
29 the Commission shall, upon motion of the board of canvassers or by any affected
30 candidate and after due notice to all candidates concerned, summarily determine the
31 true result of the counting of votes using the certificates of votes: *Provided*, That in
32 case there is proof that the electoral board concerned failed to issue aforesaid
33 certificates or that such certificates were issued under duress, the Commission may
34 base its determination on other pieces of evidence: *Provided further*, That in case
35 there is no other means of determining the true results of the counting, the
36 Commission shall proceed summarily to determine whether the integrity of the ballot
37 box had been preserved, and once satisfied thereof shall order the opening of the
38 ballot box to recount the votes cast in the polling place solely for the purpose of
39 determining the true result of the count of votes of the candidates concerned.

1 **SEC. 246.***Failure of the electoral board to conduct a manual recount.* - If it
2 appears from the election returns that the electoral board should have conducted a
3 manual recount, as provided under Section 215 of this Code, the Commission shall,
4 upon motion of the Board of Canvassers or any affected party, order the electoral
5 board concerned to conduct a manual recount. If the failure of the electoral board to
6 conduct a recount is due to errors in the tabulation in the election returns, the
7 Commission shall order the correction of the election returns and the conduct of a
8 manual recount.

9 Deliberate failure or refusal of the Electoral Board to conduct a recount as
10 provided under Section 215 of this Code shall constitute an election offense.

11 **SEC. 247.***Canvass of remaining or unquestioned returns to continue.* - In cases
12 where there are questioned election returns, the board of canvassers shall continue
13 the canvass of the remaining or unquestioned election returns. If, after the canvass
14 of all the said returns, it should be determined that the returns which have been set
15 aside will affect the result of the election, no proclamation shall be made except upon
16 orders of the Commission after due notice and hearing. Any proclamation made in
17 violation hereof shall be null and void.

18 **SEC. 248.***Watchers; Qualifications and Disqualifications; Rights and Duties.* -
19 Each registered political party, or coalition of political parties fielding candidates,
20 accredited political parties, party-list groups, and every candidate, shall be entitled to
21 one watcher in every canvassing center: *Provided,* That the candidates for the
22 Sangguniang Bayan, Sangguniang Panlungsod, or Sangguniang Panlalawigan
23 belonging to the same slate or ticket shall collectively be entitled to only one watcher.
24 The duly accredited citizens' arm, or other organizations with prior authority of the
25 Commission, shall be entitled to two (2) watchers to serve alternately.

26 If the space in a canvassing center reserved for watchers is insufficient,
27 preference shall be given to the watchers of the dominant majority and dominant
28 minority parties, as determined by the Commission, and the duly accredited citizens'
29 arm.

30 No person shall be appointed as a watcher unless said person: (a) is a
31 registered voter of the city or municipality; (b) is of good moral character; (c) has not
32 been convicted by final judgement of any election offense or of any other crime; (d)
33 knows how to read and write Filipino, English or the prevailing local dialect; and (e) is
34 not related within the fourth (4th) civil degree of consanguinity or affinity to any
35 member of the Board of Canvassers, the Information Technology Support Personnel,
36 members of the Reception and Custody Group, and other support personnel of the
37 Board of Canvassers.

38 Upon entering the canvassing venue, the watchers shall present to the
39 Chairperson of the Board of Canvassers their appointments, and proof that they are

1 registered voters of the city or municipality where they are assigned. Their names
2 shall be recorded in the Minutes with a notation under their signatures that they are
3 not disqualified to serve as such under the immediately preceding paragraph.

4 The watchers shall have the right to:

5 (a) Be present at, and take note of, all the proceedings of the Board of Canvassers;

6 (b) Stay at the designated watchers' area; and

7 (c) File a protest in writing, against any irregularity noted in the
8 consolidation/canvass of the election returns/certificates of canvass and obtain
9 from the Board of Canvassers a resolution thereon in writing.

10 Watchers shall not be allowed to participate in the deliberation and proceedings
11 of the Board of Canvassers.

12 13 **Article 22** 14 **Proclamation**

15 **SEC. 249.***Proclamation of the President-elect and Vice-President-elect.* - Upon
16 the completion of the canvass of the votes by the Congress, the persons obtaining the
17 highest number of votes for President and for Vice-President shall be proclaimed
18 elected. In case two or more shall have an equal and the highest number of votes,
19 one of them shall forthwith be chosen by the vote of a majority of all the Members of
20 both Houses of the Congress, voting jointly.

21 **SEC. 250.***Proclamation of the Senators and Party-list Representatives.* - Upon
22 the completion of the canvass by the Commission en banc, the qualified candidates
23 corresponding to the number of Senators to be elected who receive the highest
24 number of votes shall be proclaimed.

25 The nominees of the national or regional political party, coalition of political
26 parties, sectoral party or organization participating in party-list election, in accordance
27 with the number of seats allocated for the particular party, organization or coalition,
28 and strictly in the order of the list of nominees submitted by them to the Commission,
29 shall be proclaimed.

30 **SEC. 251.***Proclamation of District Representatives and Local Officials.* - Upon
31 the completion of canvass by the city, municipal, provincial, or district board of
32 canvassers, the qualified candidate receiving the highest number of votes for the
33 position of governor, vice-governor, mayor, vice-mayor, or member of the House of
34 Representatives, as the case may be, shall be proclaimed.

35 In the case of the position of member of the Sangguniang Panlalawigan,
36 Sangguniang Panlungsod, Sangguniang Bayan or, whenever applicable, of the
37 regional parliament, the qualified candidates corresponding to the number of members

1 to be elected in the Sangguniang or parliament concerned who receive the highest
2 number of votes shall be proclaimed.

3 **SEC. 252.** The proclamation mentioned in the three preceding sections shall
4 be made only upon submission of all certificates of canvass unless the missing
5 certificates of canvass will not affect the results of the election.

6 **SEC. 253.***Proclamation of a lone candidate in a special election.* - Upon the
7 expiration of the deadline for the filing of the certificates of candidacy in a special
8 election called to fill a vacancy in an elective position other than for President and Vice
9 President, when there is only one (1) qualified candidate for such position, the lone
10 candidate shall be proclaimed elected to the position by proper proclaiming body of
11 the Commission without holding the special election upon certification by the
12 Commission that he or she is the only candidate for the office and is thereby deemed
13 elected.

14 **SEC. 254.***Election resulting in tie.* – Except when otherwise provided elsewhere
15 in this Code, whenever it shall appear from the canvass that two or more candidates
16 have received an equal and highest number of votes, or in cases where two or more
17 candidates are to be elected for the same position and two or more candidates
18 received the same number of votes for the last place in the number to be elected, the
19 board of canvassers, after recording this fact in its minutes, shall by resolution, upon
20 five days' notice to all the tied candidates, hold a special public meeting at which the
21 board of canvassers shall proceed to the drawing of lots of the candidates who have
22 tied and shall proclaim as elected the candidates who may be favored by luck, and
23 the candidates so proclaimed shall have the right to assume office in the same manner
24 as if he had been elected by plurality of vote. The board of canvassers shall forthwith
25 make a certificate stating the name of the candidate who had been favored by luck
26 and his proclamation on the basis thereof.

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

29
30 **CHAPTER VI**
31 **OVERSEAS REGISTRATION, VOTING, COUNTING, AND CANVASSING**

32
33 **Article 23**
34 **Registration for Overseas Voting**

35 **SEC. 255.***Coverage.* - All citizens of the Philippines abroad, who are not
36 otherwise disqualified by law, at least eighteen (18) years of age on the day of
37 elections, may register for overseas voting and vote for President, Vice-President,

1 Senators and Party-List Representatives, as well as in all national referenda and
2 plebiscites.

3 All persons who, at the time of the effectivity of this Code, are already
4 registered as overseas voters, need not register anew in order to avail of overseas
5 voting.

6 **SEC. 256.***Disqualifications.* - The following shall be disqualified from
7 registering and voting under this Chapter:

8 (a) Those who have lost their Filipino citizenship in accordance with Philippine
9 laws;

10 (b) Those who have expressly renounced their Philippine citizenship and who have
11 pledged allegiance to a foreign country, except those who have reacquired or
12 retained their Philippine citizenship under Republic Act No. 9225, otherwise
13 known as the 'Citizenship Retention and Reacquisition Act of 2003';

14 (c) Those who have committed and are convicted in a final judgment by a
15 Philippine court or tribunal of an offense punishable by imprisonment of not
16 less than one (1) year, such disability not having been removed by plenary
17 pardon or amnesty: *Provided, however,* That any person disqualified to vote
18 under this subsection shall automatically acquire the right to vote upon the
19 expiration of five (5) years after service of sentence; or

20 (d) Any citizen of the Philippines abroad previously declared insane or incompetent
21 by competent authority in the Philippines or abroad, as verified by the Philippine
22 embassies, consulates or foreign service establishments concerned, unless
23 such competent authority subsequently certifies that such person is no longer
24 insane or incompetent.

25 **SEC. 257.** *Personal Overseas Registration and/or Certification.* - Registration
26 and/or certification as an overseas voter shall be done in person at any post abroad
27 or at designated registration centers outside the post or in the Philippines approved
28 by the Commission.

29 Field and mobile registration centers shall be set up by the posts concerned to
30 ensure accessibility by the overseas voters.

31 All applicants shall submit themselves for live capture of their biometrics.

32 **SEC. 258.***Resident Election Registration Board (RERB); Composition,*
33 *Appointment, Disqualification and Compensation.* – The RERB shall be composed of
34 the following:

35 (a) A career official of the Department of Foreign Affairs, as Chairperson;

36 (b) The most senior officer from the Department of Labor and Employment (DOLE)
37 or any government agency of the Philippines maintaining offices abroad, as

1 member: *Provided*, That in case of disqualification or non-availability of the
2 most senior officer from the DOLE or any government agency of the Philippines
3 maintaining offices abroad, the Commission shall designate a career official
4 from the embassy or consulate concerned; and

5 (c) A registered overseas voter of known probity, as member.

6 The Commission shall appoint the members of the RERB upon the
7 recommendation of the Department of Foreign Affairs-Overseas Voting Secretariat
8 (DFA-OVS).

9 The RERB in the Office for Overseas Voting (OFOV) shall be based in the main
10 office of the Commission and shall be composed of a senior official of the Commission
11 as the Chairperson and one (1) member each from the DFA and the DOLE, whose
12 rank shall not be lower than a division chief or its equivalent.

13 No member of the RERB shall be related to each other or to an incumbent
14 President, Vice-President, Senator or Member of the House of Representatives
15 representing the party-list system of representation, within the fourth civil degree of
16 consanguinity or affinity.

17 Each member of the RERB shall be entitled to an honorarium at the rates
18 approved by the Department of Budget and Management (DBM).

19 **SEC. 259.** *Duties and Functions of the RERB.* – The RERB shall have the
20 following duties and functions:

21 (a) Post in the bulletin boards of the embassy or consulates or at the OFOV, as the
22 case may be, and in their respective websites, the names of the applicants and
23 the dates when their applications shall be heard, as well as the place where the
24 RERB will hold its hearing;

25 (b) Notify, through the OFOV, all political parties and other parties concerned of
26 the pending applications through a weekly updated publication in the website
27 of the Commission;

28 (c) Act on all applications received;

29 (d) Notify all applicants, whose applications have been disapproved, stating the
30 reasons for such disapproval;

31 (e) Prepare a list of all approved applications during each hearing and post the
32 same at the bulletin boards of the embassy or consulates or at the OFOV, as
33 the case may be, and in their respective websites;

34 (f) Deactivate the registration records of overseas voters; and

35 (g) Perform such other duties as may be consistent with its functions as provided
36 under this Act.

1 **SEC. 260.***National Registry of Overseas Voters (NROV).* – The Commission
2 shall maintain a National Registry of Overseas Voters or NROV containing the names
3 of registered overseas voters and the posts where they are registered.

4 Likewise, the Commission shall maintain a registry of voters (ROV) per
5 municipality, city or district containing the names of registered overseas voters
6 domiciled therein. The Commission shall provide each and every municipality, city or
7 district with a copy of their respective ROVS for their reference.

8 **SEC. 261.***Preparation and Posting of Certified List of Overseas Voters.* – The
9 Commission shall prepare the Certified List of Overseas Voters or CLOV not later than
10 ninety (90) days before the start of the overseas voting period, and furnish within the
11 same period electronic and hard copies thereof to the appropriate posts, which shall
12 post the same in their bulletin boards and/or websites within ten (10) days from
13 receipt thereof.

14 Subject to reasonable regulation and the payment of fees in such amounts as
15 may be fixed by the Commission, the candidates, political parties, accredited citizens'
16 arms, and all other interested persons shall be furnished copies thereof: *Provided,*
17 That nongovernmental organizations and other civil society organizations accredited
18 by and working with the Commission as partners on overseas voters' education and
19 participation shall be exempt from the payment of fees.

20 **SEC. 262.***Requirements for Registration.* – Every registrant for overseas voting
21 shall be required to furnish the following documents:

22 (a) A valid Philippine passport. In the absence of a valid passport, a certification of
23 the DFA that it has reviewed the appropriate documents submitted by the
24 applicant and has found them sufficient to warrant the issuance of a passport,
25 or that the applicant is a holder of a valid passport but is unable to produce the
26 same for a valid reason;

27 (b) Accomplished registration form prescribed by the Commission; and

28 (c) Applicants who availed themselves of the 'Citizen Retention and Reacquisition
29 Act' (Republic Act No. 9225) shall present the original or certified true copy of
30 the order of approval of their application to retain or reacquire their Filipino
31 citizenship issued by the post or their identification certificate issued by the
32 Bureau of Immigration.

33 The Commission may also require, additional data to facilitate registration and
34 recording. No information other than those necessary to establish the identity and
35 qualification of the applicant shall be required.

36 All applications for registration and/or certification as an overseas voter shall
37 be considered as applications to vote overseas. An overseas voter is presumed to be

1 abroad until she/he applies for transfer of her/his registration records or requests that
2 her/his name be cancelled from the National Registry of Overseas Voters.

3 **SEC. 263.***Deactivation and Reactivation of Registration.* - The RERB shall
4 deactivate and remove the registration records of persons who suffer from any of the
5 causes of deactivation provided for in Section 46 of this Code. The fact of deactivation
6 shall be annotated in the NROV and the corresponding ROV.

7 Any overseas voter whose registration has been deactivated pursuant to the
8 preceding section may file with the RERB at any time, but not later than one hundred
9 twenty (120) days before the start of the overseas voting period, a sworn application
10 for reactivation of registration stating that the grounds for the deactivation no longer
11 exist.

12 **SEC. 264.***Cancellation of Registration.* – The RERB shall cancel the registration
13 records of those who have died, as certified by either the posts or by the local civil
14 registrar, and those who have been proven to have lost their Filipino citizenship.

15 **SEC. 265.***Voters Excluded from the NROV Through Inadvertence.* – Any
16 registered overseas voter whose name has been inadvertently omitted from the NROV
17 may, personally or through an authorized representative, file with the RERB through
18 the OFOV or the post exercising jurisdiction over the voter’s residence, an application
19 under oath for reinstatement not later than one hundred twenty (120) days before
20 the start of the overseas voting period.

21 The RERB shall resolve the application within one (1) month from receipt
22 thereof, otherwise the application shall be deemed approved.

23 **SEC. 266.***Application for Correction of Entries and Change of Name.* – Any
24 registered overseas voter who intends to change her/his name by reason of marriage,
25 death of husband, or final court judgment; or to correct a misspelled name or any
26 erroneous entry in the NROV, CLOV and other related documents may, personally or
27 through an authorized representative, file an application under oath for change of
28 name or correction of entries with the RERB through the OFOV or the post exercising
29 jurisdiction over the voter’s residence not later than ninety (90) days before the start
30 of the overseas election period.

31 The RERB shall resolve the application within one (1) month from receipt
32 thereof, otherwise the application shall be deemed approved.

33 **SEC. 267.***Transfer of Registration Record.* – In the event of change of voting
34 venue, an application for transfer of registration record must be filed by the overseas
35 voter with the OFOV at least one hundred eighty (180) days prior to the start of the
36 overseas voting period: *Provided*, That those who would eventually vote in the
37 Philippines should register within the time frame provided for local registration in the
38 municipality, city or district where they intend to vote: *Provided, further*, That those
39 who have registered in the municipality, city or district where they resided prior to

1 their departure abroad need not register anew: *Provided, finally,* That transferees shall
2 notify the OFOV of their transfer back to the Philippines at least one hundred eighty
3 (180) days prior to the next national elections for purposes of cancelling their names
4 from the Certified List of Overseas Voters (CLOV) and of removing their overseas
5 voter's registration from the book of voters.

6 **SEC. 268.***Petition for Exclusion, Motion for Reconsideration, Petition for*
7 *Inclusion. -*

8 (a) Petition for Exclusion. – If the application for has been approved, any interested
9 party may file a petition for exclusion not later than one hundred eighty (180)
10 days before the start of the overseas voting period with the proper
11 Municipal/Metropolitan Trial Court in the City of Manila or where the overseas
12 voter resides in the Philippines, at the option of the petitioner.

13 The petition shall be decided on the basis of the documents submitted within
14 fifteen (15) days from its filing, but not later than one hundred twenty (120)
15 days before the start of the overseas voting period. Should the Court fail to
16 render a decision within the prescribed period, the ruling of the RERB shall be
17 considered affirmed.

18 (b) Motion for Reconsideration. – If the application has been disapproved, the
19 applicant or the authorized representative shall have the right to file a motion
20 for reconsideration before the RERB within a period of five (5) days from receipt
21 of the notice of disapproval. The motion shall be decided within five (5) days
22 after its filing on the basis of documents submitted but not later than one
23 hundred twenty (120) days before the start of the overseas voting period. The
24 resolution of the RERB shall be immediately executory, unless reversed or set
25 aside by the Court.

26 (c) Petition for Inclusion. – Within ten (10) days from receipt of notice denying the
27 motion for reconsideration, the applicant may file a petition for inclusion with
28 the proper Municipal/Metropolitan Trial Court in the City of Manila or where the
29 overseas voter resides in the Philippines, at the option of the petitioner.

30 The petition shall be decided on the basis of the documents submitted within
31 fifteen (15) days from filing, but not later than one hundred twenty (120) days before
32 the start of the overseas voting period. Should the Court fail to render a decision
33 within the prescribed period, the RERB ruling shall be considered affirmed.

34 Qualified Philippine citizens abroad who have previously registered as voters
35 pursuant to Republic Act No. 8189, otherwise known as the 'Voter's Registration Act
36 of 1996', shall apply for certification as overseas voters and for inclusion in the
37 National Registry of Overseas Voters (NROV). In case of approval, the Election Officer
38 concerned shall annotate the fact of registration/certification as overseas voter before

1 the voter's name as appearing in the certified voters' list and in the voter's registration
2 records.

3 **SEC. 269.** *System of Continuing Registration.* – The Commission shall ensure
4 that the benefits of the system of continuing registration are extended to qualified
5 overseas voters. Registration shall commence not later than six (6) months after the
6 conduct of the last national elections. Towards this end, the Commission shall be
7 authorized to utilize and optimize the use of existing facilities, personnel and
8 mechanisms of the various government agencies for purposes of data gathering and
9 validation, information dissemination and facilitation of the registration process,
10 subject to the pertinent provisions of R.A. 10173.

11 Pre-departure Orientation Seminars (PDOS), services and mechanisms offered
12 and administered by the DFA, the DOLE, the Philippine Overseas Employment
13 Administration (POEA), the Overseas Workers' Welfare Administration (OWWA), the
14 Commission on Filipinos Overseas and by other appropriate agencies of the
15 government and private agencies providing the same services shall include the salient
16 features of this Chapter and shall be utilized for purposes of supporting the overseas
17 registration and voting processes.

18 All employment contracts processed and approved by the POEA shall state the
19 right of migrant workers to exercise their constitutional right of suffrage within the
20 limits provided for by this Chapter.

21 **SEC. 270.** *Notice of Registration and Election.* – The Commission shall, through
22 the posts cause the publication in a newspaper of general circulation of the place, date
23 and time of the holding of a regular or special national election and the requirements
24 for the participation of qualified citizens of the Philippines abroad, at least six (6)
25 months before the date set for the filing of applications for registration.

26 The Commission shall determine the countries where publication shall be made,
27 and the frequency thereof, taking into consideration the number of overseas Filipinos
28 present in such countries. Likewise, the Commission and the DFA shall post the same
29 in their respective websites.

30 31 **Article 24** 32 **Overseas Voting**

33 **SEC. 271.** *The Overseas Voting Period.* - The voting period for overseas voting
34 shall be thirty days, the last day of which, shall be the day of the election in the
35 Philippines. The overseas voting period shall be continuous and inclusive of established
36 holidays in the Philippines and of such other holidays in the host countries.

37 **SEC. 272.** *Printing and Transmittal of Ballots, Voting Instructions, Election*
38 *Forms and Paraphernalia.* -

1 The Commission shall cause the printing of ballots for overseas voters and all
2 other accountable election forms. In the printing of ballots for overseas voting, the
3 provisions of Section 182 of this Code, insofar as they are applicable, shall be
4 observed: *Provided*, That the total number of ballots printed for overseas voting shall
5 not exceed the total number of registered overseas voters.

6 The Commission shall present to the authorized representatives of the DFA, the
7 accredited political or sectoral parties or organization, and the deputized citizen's arms
8 of the Commission the ballots for overseas voters, voting instructions, election forms
9 and other election paraphernalia for scrutiny and inspection prior to their transmittal
10 to the posts.

11 The Commission shall transmit, as far as practicable, but not later than forty-
12 five (45) days before the day of elections, by special pouch to all posts the exact
13 number of ballots for overseas voters corresponding to the number of approved
14 applications, along with such accountable forms necessary to ensure the secrecy and
15 integrity of the election.

16 Authorized representatives of the DFA, the accredited political or sectoral
17 parties or organization, candidates, and the deputized citizen's arms of the
18 Commission shall have the right to be present in all phases of printing, transmittal,
19 and casting of mailed ballots abroad. Unclaimed ballots properly marked as such, shall
20 be cancelled and shipped to the Commission by the least costly method.

21 **SEC. 273.** *Regulation on Campaigning Abroad.* – Personal campaigning, the use
22 of campaign materials, as well as the limits on campaign spending shall be governed
23 by Article 9 of this Code: *Provided*, That all forms of campaigning abroad within the
24 thirty (30)-day overseas voting period shall be prohibited.

25 **SEC. 274.** *Special Electoral Board; Constitution and Appointment.* - The
26 Commission, through the OFOV, shall, upon recommendation of the DFA-OVS,
27 constitute in every Post, not later than the start of the campaign period for national
28 candidates, at least one (1) special electoral board, which shall be composed of a
29 chairperson, a poll clerk, and the third member. They shall be officers and members
30 of the foreign service post, including attachés of other Philippine Government
31 Agencies, posted aboard and deputized by the Commission.

32 The chairperson, poll clerk, or third member of the special electoral board shall
33 have the same qualifications and shall be subject to the same disqualifications as
34 members of the electoral board.

35 **SEC. 275.** *Qualifications and Disqualifications of Members of the Special*
36 *Electoral Board.* - No person shall be appointed as chairperson, poll clerk, or third
37 member of the special electoral board, whether regular or substitute, unless:

38 (a) Such person is of good moral character and irreproachable reputation;

1 (b) He or she is citizen of the Philippines physically residing aboard;

2 (c) He or she has never been convicted of any election offense or of any other
3 crime punishable by more than six (6) months of imprisonment and has no
4 pending case in court for any election offense; and

5 (d) Such person is able to speak and write Filipino or English

6 Any career public officer posted abroad, appointed or designated by the
7 Commission, as the case may be, shall be the Chairperson. In the absence of other
8 government officers, the two (2) other members shall be citizens of the Philippines
9 who are registered overseas voters and deputized by the Commission.

10 The chairperson and members of the special electoral board shall be subject to
11 the same disqualifications as the members of the electoral board.

12 **SEC. 276.***Powers and functions of the special electoral board.* - The special
13 electoral board shall have the following powers/functions:

14 (a) Conduct the voting and/or counting of votes;

15 (b) Transmission of the election results;

16 (c) Act as deputies of the Commission in the supervision and control of the election
17 in the polling places where they are assigned;

18 (d) Perform such other functions as may be prescribed by the Commission in
19 furtherance of the objective to ensure clean, honest, orderly, and credible
20 elections.

21 **SEC. 277.***Special Ballot Reception and Custody Group; Constitution and*
22 *Appointment.* - The Commission, through the OFOV, shall, upon recommendation of
23 the DFA-OVS, constitute in every Post, not later than the start of the campaign period
24 for national candidates, a Special Ballot Reception and Custody Group (SBRCG), which
25 shall be composed of three members.

26 **SEC. 278.***Qualifications/Disqualifications of Members/Substitutes of the*
27 *SBRCG.* - No person shall be appointed as chairperson or member of the SBRCG,
28 whether regular or substitute, unless:

29 (a) Such person is of good moral character and irreproachable reputation;

30 (b) He or she is citizen of the Philippines physically residing aboard;

31 (c) He or she has never been convicted of any election offense or of any other
32 crime punishable by more than six (6) months of imprisonment and has no
33 pending case in court for any election offense;

34 (d) Such person is able to speak and write Filipino or English; and

35 (e) Such person is from among the staff of the Posts.

1 In case of shortage of qualified staff of the Posts, citizens of the Philippines
2 who are registered overseas voters, who are of known probity and competence, may
3 be appointed as members of the SBRCG: *Provided*, That the Chairperson shall be an
4 officer or member of the foreign service corps.

5 Members of the SBRCG shall be subject to the same disqualifications as
6 members of the electoral board.

7 **SEC. 279.***Functions of the SBRCG.* - The SBRCG shall perform the following
8 duties and functions:

9 (a) Receive from the OFOV all accountable and non-accountable election forms,
10 supplies, paraphernalia, and equipment to be used in voting, counting, and
11 canvassing;

12 (b) Verify the quantity and serial numbers of all ballots, election returns, canvassing
13 forms, and other accountable forms, and equipment received, in the presence
14 of the head of the Post and the authorized representatives of accredited political
15 or sectoral parties or organization, candidates, the deputized citizen's arms of
16 the Commission and Filipino community organizations, if available;

17 (c) Store all received forms, supplies, and equipment in a secure place;

18 (d) Perform such other duties and functions as mandated by the Commission as
19 may be consistent in protecting the sanctity of the ballots and other
20 accountable forms.

21 **SEC. 280.***Voting.* – Voting may be done either personally, by mail or by any
22 other means as may be determined by the Commission. For this purpose, the
23 Commission shall issue the necessary guidelines on the manner and procedures of
24 voting.

25 The OFOV, in consultation with the DFA-OVS, shall determine the countries
26 where voting shall be done by any specific mode, taking into consideration the
27 following criteria: the number of registered voters, accessibility of the posts, efficiency
28 of the host country's postal system, and such other circumstances that may affect the
29 conduct of voting.

30 The Commission shall announce the specific mode of voting per country/post
31 at least one hundred twenty (120) days before the start of the overseas voting period.

32 The Hybrid Election System shall not apply to overseas voting.

33 **SEC. 281.***Casting and Submission of Ballots.* –

34 (1) Upon receipt by the Special Electoral Board of the ballots for overseas voters,
35 voting instructions, election forms and other paraphernalia, they shall make
36 these available on the premises to the qualified overseas voters in their
37 respective jurisdictions during the overseas voting period. Immediately upon

1 receiving it, the overseas voter must fill-out her/his ballot personally, in secret,
2 without leaving the premises of the posts concerned.

3 (2) The overseas voter shall personally accomplish her/his ballot at the post that
4 has jurisdiction over the country where she/he temporarily resides or at any
5 polling place designated and accredited by the Commission.

6 (3) The overseas voter shall cast her/his ballot, upon verification by the poll clerk
7 of the voter's identity and that he or she is entitled to vote in the overseas
8 voting. The OFOV, in consultation with the DFA-OVS, shall provide a list of
9 documents which may be used to verify the identity of the voters.

10 (4) All accomplished ballots received shall be placed unopened inside sealed
11 containers and kept in a secure place designated by the Commission.

12 (5) The posts concerned shall keep a complete record of the ballots for overseas
13 voters, specifically indicating the number of ballots they actually received, and
14 in cases where voting by mail is allowed, the names and addresses of the voters
15 to whom these ballots were sent, including proof of receipt thereof. In addition,
16 the posts shall submit a formal report to the Commission and the Joint
17 Congressional Oversight Committee for Overseas Voting within thirty (30) days
18 from the day of elections. Such report shall contain data on the number of
19 ballots cast and received by the offices, the number of invalid and unclaimed
20 ballots and other pertinent data.

21 (6) Ballots not claimed by the overseas voters at the posts, in case of personal
22 voting, and ballots returned to the posts concerned, in the case of voting by
23 mail, shall be cancelled and shipped to the Commission by the least costly
24 method within six (6) months from the day of elections.

25 (7) Only ballots cast, and mailed ballots received by the posts concerned in
26 accordance with Section 282 hereof before the close of voting on the day of
27 elections shall be counted. All envelopes containing the ballots received by the
28 posts after the prescribed period shall not be opened, and shall be cancelled
29 and shipped to the Commission by the least costly method within six (6) months
30 from the day of elections.

31 (8) The SBRCG will receive the ballots and take custody of the same preparatory
32 to their transmittal to the special electoral board.

33 (9) The authorized representatives of the political parties, party-list groups,
34 candidates, and accredited citizens' arms of the Commission shall be notified in
35 writing thereof and shall have the right to witness the proceedings.

36 (10) The Commission shall study the use of electronic mail, internet, or other
37 secured networks in the casting of votes, and submit a report thereon to the
38 Joint Congressional Oversight Committee on Overseas Voting.

1 **SEC. 282. *Voting by Mail.*** –

2 (1) Voting by mail may be allowed in countries that satisfy the following conditions:

3 (a) Where the mailing system is fairly well-developed and secure to prevent
4 the occasion of fraud;

5 (b) Where there exists a technically established identification system that
6 would preclude multiple or proxy voting; and,

7 (c) Where the system of reception and custody of mailed ballots in the
8 embassies, consulates and other foreign service establishments
9 concerned are adequate and well-secured.

10 (2) The overseas voter shall send her/his accomplished ballot to the corresponding
11 post that has jurisdiction over the country where she/he temporarily resides.
12 She/He shall be entitled to cast her/his ballot at any time upon her/his receipt
13 thereof: *Provided*, That the same is received before the close of voting on the
14 day of elections. The overseas absentee voter shall be instructed that her/his
15 ballot shall not be counted if not transmitted in the special envelope furnished
16 her/him.

17 (3) Only mailed ballots received by the post before the close of voting on the day
18 of elections shall be counted. All envelopes containing the ballots received by
19 the posts after the prescribed period shall not be opened, and shall be cancelled
20 and disposed of appropriately, with a corresponding report thereon submitted
21 to the Commission not later than thirty (30) days from the day of elections.

22 **SEC. 283. *Voting Privilege of Members of the SBEI, SBRCG and SBOC.*** –

23 Government employees posted abroad who will perform election duties as members
24 of the SBEI, SBRCG and SBOC shall be allowed to vote in their respective posts:
25 *Provided*, That they are registered either in the Philippines or as overseas voters.

26
27 **Article 25**

28 **Counting and Canvassing of Overseas Votes**

29 **SEC. 284. *Special Board of Canvassers; Constitution and Appointment.*** - The

30 Special Board of Canvassers shall canvass and/or consolidate the overseas election
31 returns submitted to it be the Special Electoral Board. The Commission, through the
32 OFOV, in consultation with the DFA-OVS, shall constitute a Special Board of
33 Canvassers (SBOC) in such Posts as may be necessary to ensure an expedient and
34 accurate canvassing of the votes.

35 The members of the SBOC shall be composed of the highest-ranking career
36 officer of the Post as Chairperson, a senior career officer from any of the government
37 agencies maintaining offices abroad as Vice Chairperson, and another government
38 officer as Member-Secretary. In the absence of such other government officer, a

1 citizen of the Philippines qualified to register as an overseas voter and deputized by
2 the Commission, may be appointed as Member-Secretary.

3 **SEC. 285.***Qualifications of Members/Substitutes of the SBOC.* - No person shall
4 be appointed as a Member of the SBOC, whether regular or substitute, unless such
5 person is:

6 (a) Of good moral character and irreproachable reputation; and

7 (b) Able to write and speak in English or Filipino.

8 **SEC. 286.***Disqualifications; SBOC.* - The following are disqualified from serving
9 as a member of the SBOC:

10 (a) Those who are related within the fourth civil degree of consanguinity or affinity
11 to any member of the same SBOC or to any of the candidates for President,
12 Vice-President, Senators, or any of the nominees of the party-list groups, or
13 any of the candidates' or nominees' spouses;

14 (b) Those who have been convicted of any election offense or any other crime
15 punishable by more than six (6) months of imprisonment; or

16 (c) Those who have a pending case filed against them for any election offense.

17 **SEC. 287.***On-Site Counting and Canvassing.* –

18 (1) The counting and canvassing of votes shall be conducted on site in the country
19 where the votes were actually cast, or, in the case of voting by mail, where the
20 ballots are received from the voters. The opening of the specially-marked
21 envelopes containing the ballots and the counting and canvassing of votes shall
22 be conducted within the premises of the embassies, consulates and other
23 foreign service establishments or in such other places as may be designated by
24 the Commission pursuant to the Implementing Rules and Regulations.

25 (2) For these purposes, the Commission shall constitute as many Special Electoral
26 Boards as may be necessary to conduct and supervise the counting of votes.
27 All resolutions of the Special Electoral Boards on issues brought before it during
28 the conduct of its proceedings shall be valid only when they carry the approval
29 of the Chairman.

30 Immediately upon the completion of the counting, the Special Electoral Board
31 shall transmit via facsimile and/or electronic mail the results to the Commission
32 in Manila and the accredited dominant majority and dominant minority parties.

33 (3) Only ballots cast on, or received by the embassies, consulates and other foreign
34 service establishments before the close of voting on the day of elections shall
35 be included in the counting of votes. Those received afterwards shall not be
36 counted.

1 (4) Immediately upon the completion of the canvass, the chairperson of the SBOC
2 shall transmit via facsimile, electronic mail, or any other means of transmission
3 equally safe and reliable the certificates of canvass and the statements of votes
4 to the Commission, and shall cause to preserve the same immediately after the
5 conclusion of the canvass, and make it available upon instructions of the
6 Commission. The SBOC shall also furnish the accredited dominant majority and
7 dominant minority political parties and accredited citizens' arms with copies
8 thereof via facsimile, electronic mail and any other means of transmission
9 equally safe, secure and reliable.

10 The certificates of canvass and the accompanying statements of votes as
11 transmitted via facsimile, electronic mail and any other means of transmission
12 equally safe, secure and reliable shall be the primary basis for the national
13 canvass.

14 (5) The canvass of votes shall not cause the delay of the proclamation of a winning
15 candidate if the outcome of the election will not be affected by the results
16 thereof. Notwithstanding the foregoing, the Commission is empowered to order
17 the proclamation of winning candidates despite the fact that the scheduled
18 election has not taken place in a particular country or countries, if the holding
19 of elections therein has been rendered impossible by events, factors and
20 circumstances peculiar to such country or countries, and which events, factors
21 and circumstances are beyond the control or influence of the Commission.

22 (6) In the preparation of the final tally of votes on the results of the national
23 elections, the Commission shall ensure that the votes canvassed by each and
24 every country shall be reflected as a separate item from the tally of national
25 votes. For purposes of this Article, the returns of every election for President
26 and Vice-President prepared by the SBOCs shall be deemed a certificate of
27 canvass of a city or a province.

28 (7) Where feasible, the counting and canvassing of votes shall be automated.
29 Towards this end, the Commission is hereby authorized to borrow, rent, lease
30 or acquire automated voting machines for purposes of canvassing and counting
31 of votes pursuant to the provisions of this Act, and in accordance with the
32 Implementing Rules and Regulations promulgated by the Commission.

33 **SEC. 288.***Support Staff.* - The Commission may appoint such number of
34 support personnel as may be necessary to assist the special electoral board and the
35 SBOC: *Provided*, That in Posts utilizing the automated election system, there shall be
36 one (1) information and communications technology personnel who shall assist the
37 SBOC: *Provided further*, That such information and communications technology
38 personnel shall be deputized by the Commission from among the personnel of the
39 Philippine Government agencies, including government-owned and controlled
40 corporations, maintaining offices abroad.

1
2 **Article 26**

3 **Other Provisions Pertaining to Overseas Voting**

4 **SEC. 289.** *Joint Congressional Oversight Committee on Overseas Voting.* – A
5 Joint Congressional Oversight Committee is hereby created, composed of the
6 Chairperson of the Senate Committee on Electoral Reforms and People’s Participation,
7 and seven (7) other Senators designated by the Senate President, and the Chairperson
8 of the House Committee on Suffrage and Electoral Reforms, and seven (7) other
9 Members of the House of Representatives designated by the Speaker of the House of
10 Representatives: *Provided, That,* of the seven (7) members to be designated by each
11 House of Congress, four (4) should come from the majority to include the chair of the
12 Committee on Foreign Affairs and the remaining three (3) from the minority.

13 The Joint Congressional Oversight Committee on Overseas Voting shall have
14 the power to monitor and evaluate the implementation of this Chapter.

15 **SEC. 290.** *The Office for Overseas Voting and the Overseas Voting Secretariat.*
16 - The Office for Overseas Voting of the Commission and the Overseas Voting
17 Secretariat of the DFA existing prior to the effectivity of this Code shall remain in place.

18 **SEC. 291.** *Authority to Explore Other Modes or Systems of Voting.* –
19 Notwithstanding current procedures and systems for the proper implementation of
20 overseas voting, and in view of the peculiarities attendant to the overseas voting
21 process, the Commission may explore other more efficient, reliable and secure modes
22 or systems, ensuring the secrecy and sanctity of the entire process, whether paper-
23 based, electronic-based or internet-based technology or such other latest technology
24 available, for onsite and remote registration and elections and submit reports and/or
25 recommendations to the Joint Congressional Oversight Committee.

26 **SEC. 292.** *Procurement of Facilities, Equipment, Materials, Supplies or Services.*
27 – To achieve the purpose of this Chapter, the Commission may, likewise, procure from
28 local or foreign sources, through purchase, lease, rent or other forms of acquisition,
29 hardware or software, facilities, equipment, materials, supplies or services in
30 accordance with existing laws, free from taxes and import duties, subject to
31 government procurement rules and regulations.

32 **SEC. 293.** *Information Campaign.* – The Commission, in coordination with
33 agencies concerned, shall undertake an information campaign to educate the public
34 on the manner of overseas voting for qualified overseas voters. It may require the
35 support and assistance of the DFA, through the posts, the DOLE, the Department of
36 Information and Communications Technology (DICT), the Philippine Postal
37 Corporation (PPC), the POEA, the OWWA and the Commission on Filipinos Overseas.

38 Such information campaign shall educate the Filipino public, within and outside
39 the Philippines, on the Philippine Electoral System, the rights of overseas voters,

overseas voting processes and other related concerns. Information materials shall be developed by the Commission for distribution, through the said government agencies and private organizations. No government agency shall prepare, print, distribute or post any information material without the prior approval of the Commission.

SEC. 294.*Assistance from Government Agencies.* – All government officers, particularly from the DFA, the DOLE, the DICT, the PPC, the POEA, the OWWA, the Commission on Filipinos Overseas and other government offices concerned with the welfare of the Filipinos overseas shall, to the extent compatible with their primary responsibilities, assist the Commission in carrying out the provisions of this Chapter. All such agencies or officers thereof shall take reasonable measures to expedite all election activities, which the Commission shall require of them. When necessary, the Commission may send supervisory teams headed by career officers to assist the posts.

Likewise, consular and diplomatic services rendered in connection with the overseas voting processes shall be made available at no cost to the overseas voters.

SEC. 295.*Security Measures to Safeguard the Secrecy and Sanctity of Ballots.* – At all stages of the electoral process, the Commission shall ensure that the secrecy and integrity of the ballots are preserved. The OFOV of the Commission shall be responsible for ensuring the secrecy and sanctity of the overseas voting process. In the interest of transparency, all necessary and practicable measures shall be adopted to allow representation of the candidates, accredited major political parties, accredited citizens' arms and nongovernment organizations to assist, and intervene in appropriate cases, in all stages of the electoral exercise and to prevent any and all forms of fraud and coercion.

No officer or member of the foreign service corps, including those belonging to attached agencies shall be transferred, promoted, extended, recalled or otherwise moved from his current post or position one (1) year before and three (3) months after the day of elections, except upon the approval of the Commission.

SEC. 296.*Implementing Rules and Regulations.* – The Commission shall promulgate rules and regulations for the implementation and enforcement of the provisions of this Article within ninety (90) days from the effectivity thereof.

In the formulation of the rules and regulations, the Commission shall coordinate with the DFA, the DOLE, the POEA, the OWWA and the Commission on Filipinos Overseas. Nongovernment organizations and accredited Filipino organizations or associations abroad shall be consulted.

CHAPTER VII

RECALL AND SPECIAL ELECTIONS, REGIONAL ELECTIONS, AND BARANGAY AND SANGGUNINANG KABATAAN ELECTIONS

1
2 **Article 27**

3 **Special Election in Case of Vacancy in Certain Offices**

4 **SEC. 297.***Special election for President and Vice-President in case of vacancy.*

5 - The Congress shall, at ten o'clock in the morning of the third day after the vacancy
6 in the offices of the President and Vice-President occurs, convene in accordance with
7 its rules without need of a call and within seven days, enact a law calling for a special
8 election to elect a President and a Vice-President to be held not earlier than forty-five
9 days nor later than sixty days from the time of such call. The bill calling such special
10 election shall be deemed certified urgent under paragraph 2, Section 26, Article V1 of
11 the Constitution and shall become law upon its approval on third reading by the
12 Congress. Appropriations for the special election shall be charged against any current
13 appropriations and shall be exempt from the requirements of paragraph 4, Section 25,
14 Article V1 of the Constitution. The convening of the Congress cannot be suspended
15 nor the special election postponed. No special election shall be called if the vacancy
16 occurs within eighteen months before the date of the next presidential election.

17 **SEC. 298.***Special election for Members of the House of Representatives and*

18 *the Senate.* - In case a permanent vacancy shall occur in the Senate or House of
19 Representatives at least one (1) year before the expiration of the term, the
20 Commission shall call and hold a special election to fill the vacancy not earlier than
21 sixty (60) days or longer than ninety (90) days after the occurrence of the vacancy.

22 **SEC. 299.***Procedure for special elections.* - Unless the law calling for the special

23 election otherwise provides, the provisions of this Code shall govern the conduct
24 thereof particularly Articles 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 20, 21, and 22.

25
26 **Article 28**

27 **Elections of Elective Officials of Autonomous Regions**

28 **SEC. 300.***Governing Law.* - The organic law creating the autonomous region

29 concerned shall govern the conduct of the elections of the elective officials whose
30 positions were created by such organic law or by regional law: *Provided however,* That
31 to the extent permissible, the provisions of this Code shall have suppletory application.

32 The elections of elective national officials, as well as local elective officials
33 whose positions were not created by aforesaid organic law or by regional law, shall
34 be governed by the provisions of this Code.

35 **SEC. 301.***Date of Elections.* - Unless otherwise fixed by the organic laws or

36 regional laws of the autonomous regions, the next regular election of the elective
37 officials whose offices created by organic laws or by regional laws shall be on the
38 second Monday of May 2025 and on the same day every three years thereafter.

SEC. 302. *Manner of Voting of Parliamentary Representatives.* - Candidates for members of the regional parliament or regional assembly shall be voted at large by the registered voters in the parliamentary district which such candidates seek to represent. The candidate or candidates corresponding to the number of member or members to be elected in a parliamentary district who receive the highest number of votes shall be declared elected.

SEC. 303. *Vacancy.* Any permanent vacancy in the regional parliament or assembly occurring at least one (1) year before the next regular elections shall be filled by a special election called for that purpose except if the law creating such parliament or assembly provides the contrary.

SEC. 304.*Rules and Regulations in the conduct regional elections.* - In order to ensure free, honest, orderly, transparent, and credible regional elections, the Commission shall promulgate the rules and regulations for the conduct thereof, taking into account, primarily, the pertinent provisions of the organic law of the autonomous region concerned; and secondarily, the provisions of this Code.

Article 29

Barangay and Sangguniang Kabataan Elections

SEC. 305. Election of barangay and sangguniang kabataan officials. - The election for barangay and sangguniang kabataan officials shall be held throughout the Philippines on October 30, 2023. Subsequent synchronized barangay and sangguniang kabataan elections shall be held on the first Monday of December 2025 and every three (3) years thereafter.

SEC. 306.*Assumption of Office.* - That the term of office of the barangay and sangguniang kabataan officials elected in the 05 December 2022 elections and subsequently thereafter, shall commence at noon of January 1 next following their election.

Until their successors shall have been duly elected and qualified, all incumbent barangay and sangguniang kabataan officials shall remain in office, unless sooner removed or suspended for cause: *Provided*, That barangay and sangguniang kabataan officials who are ex officio members of the sangguniang bayan, sangguniang panlungsod, or sangguniang panlalawigan, as the case may be, shall continue to serve as such members in the sanggunian concerned until the next barangay and sangguniang kabataan elections.

SEC. 307. *Conduct of elections.* - The barangay election shall be non-partisan and shall be conducted in an expeditious and inexpensive manner.

No person who files a certificate of candidacy shall represent or allow himself to be represented as a candidate of any political party or any other organization; and

1 no political party, political group, political committee, civic, religious, professional, or
2 other organization or organized group of whatever nature shall intervene in his
3 nomination or in the filing of his certificate of candidacy or give aid or support, directly
4 or indirectly, material or otherwise favorable to or against his campaign for election:
5 *Provided*, That this provision shall not apply to the members of the family of a
6 candidate within the fourth civil degree of consanguinity or affinity nor to the personal
7 campaign staff of the candidate which shall not be more than one for every one
8 hundred registered voters in his barangay: *Provided, however*, That without prejudice
9 to any liability that may be incurred, no permit to hold a public meeting shall be denied
10 on the ground that the provisions of this paragraph may or will be violated.

11 Nothing in this section, however, shall be construed as in any manner affecting
12 or constituting an impairment of the freedom of individuals to support or oppose any
13 candidate for any barangay office.

14 **SEC. 308.** *Certificate of Candidacy of elective barangay and sangguniang*
15 *kabataan officials.* - No person shall be elected punong barangay, member of the
16 sangguniang barangay, chairperson of the sangguniang kabataan, or member of the
17 sangguniang kabataan unless he or she files a sworn certificate of candidacy with the
18 office of the election officer of the city or municipality concerned not later than thirty
19 (30) days before the beginning of the campaign period. The form and contents of the
20 certificate of candidacy shall be prescribed by the Commission. The campaign period
21 shall be ten (10) days immediately before the election.

22 The election officer shall have the ministerial duty to receive said certificate of
23 candidacy and to immediately acknowledge receipt thereof. However, if on the face
24 of the certificate of candidacy, it appears that the prospective candidate is ineligible
25 as he or she does not meet the qualifications pertaining to age, residence, or
26 registered voter status, as set forth by the Constitution and relevant laws, the election
27 officer shall refuse to accept the certificate of candidacy. In such instances, the
28 election officer shall immediately inform the prospective candidate of the rejection of
29 his certificate of candidacy and the reasons therefor. Within the same day, the election
30 officer shall furnish said prospective candidate with a written and signed notice of
31 rejection of the certificate of candidacy, setting forth therein the reasons for such
32 rejection. Unjustified rejection by the election officer of a certificate of candidacy and
33 failure of the election officer to strictly observe these steps shall be election offenses.
34 Acceptance by the election officer of a certificate of candidacy which, on its face,
35 shows that the prospective candidate is not qualified for the position shall be cause
36 for administrative sanctions against him or her.

37 Before the lapse of the period to file the certificate of candidacy, the prospective
38 candidate whose certificate of candidacy was wrongly rejected by the election officer
39 may file the rejected certificate of candidacy, together with the written notice of
40 rejection, with the provincial election supervisor.

1 It is the ministerial duty of the provincial election supervisor to accept the
2 certificate of candidacy of any prospective candidate in his or her province if such
3 certificate is accompanied by a copy of aforesaid notice of rejection. If after an
4 evaluation by the provincial election supervisor that the certificate of candidacy was
5 wrongly rejected, he shall then direct the election officer concerned to include the
6 prospective candidate in the official list of candidates. Failure of the provincial election
7 supervisor to strictly observe these steps and the failure of the election officer to timely
8 comply with the directive of the provincial election supervisor set forth in this section
9 are election offenses.

10 Should it turn out that the election officer correctly rejected the certificate of
11 candidacy of the candidate in question, the fact of filing by said candidate of his or
12 her certificate of candidacy with the provincial election supervisor shall be prima facie
13 proof of such candidate's deliberate intent to commit material misrepresentation as to
14 his or her qualifications.

15 Any appointive municipal, city, provincial or national official or employee, or
16 those in the civil or military service, including those in government-owned or controlled
17 corporations, shall be considered automatically resigned upon their proclamation as
18 winning candidates by the Board of Canvassers.

19 **SEC. 309.** *The Barangay Electoral Board. -*

- 20 (1) The Commission, through the Election Officer, shall constitute and appoint, in
21 writing and in the form prescribed by the Commission, the Barangay Electoral
22 Board for every clustered or grouped precinct in the district, city, or municipality.
23 In the appointment of the members of the Electoral Boards, the Election officer
24 shall give preference to public school teachers. In case there are not enough
25 public school teachers, teachers in private schools, employees in the civil service,
26 or other citizens of known probity and competence who are registered voters of
27 the city or municipality may be appointed for election duty.

28 The Barangay Electoral Board shall be composed by a chairperson, a poll clerk,
29 and a third member. No person shall be appointed as member of the Electoral Board,
30 whether regular, temporary, or as a substitute, unless such person is:

- 31 (a) Of good moral character and has an irreproachable reputation;
32 (b) Of known integrity and competence;
33 (c) A registered voter;
34 (d) Has never been convicted of any election offense or of any crime punishable
35 by more than six (6) months of imprisonment;
36 (e) Able to speak and write either English or Filipino or the local dialect or language.

37 No person who is an incumbent barangay official or a candidate in the barangay
38 election may be appointed as member of the Barangay Electoral Board for the same

1 barangay. Neither may any person be appointed as member of the Barangay Electoral
2 Board if he or she is a candidate to be voted for in the polling place of assignment or
3 if such person is related within the fourth (4th) civil degree of consanguinity or affinity
4 a candidate to be voted for in the polling place of assignment or to said candidate's
5 spouse. In no case shall any of the members of the Barangay Electoral Board be
6 related within the fourth (4th) civil degree of consanguinity or affinity to any other
7 member of the same board.

8 Members of the Barangay Electoral Board are prohibited from engaging, directly
9 or indirectly, in any partisan political activity or take part in the election except to vote
10 and discharge their election duties.

11 (2) The Barangay Electoral Boards shall supervise and conduct the election in their
12 respective polling places, count the votes and thereafter prepare the election
13 returns and such other documents required by the Commission.

14 **SEC. 310.***Election returns for the barangay and sangguniang kabataan*
15 *elections.* - For the barangay elections, the Barangay Electoral Boards shall prepare
16 four copies of the Election Returns. The first copy shall be delivered immediately to
17 the Barangay Board of Canvassers. The second copy shall be delivered to the election
18 officer, the third copy must be deposited inside the ballot box; and the fourth copy
19 shall be delivered to the secretary of the sangguniang barangay. For the sangguniang
20 kabataan elections, the Barangay Electoral Boards shall prepare separate election
21 returns in three (3) sets. The first copy shall be delivered immediately to the Barangay
22 Board of Canvassers. The second copy shall be delivered to the election officer, the
23 third copy must be deposited inside the ballot box.

24 **SEC. 311.***Polling places.* - The Commission, through the election officer, shall
25 designate the appropriate public schools or any other public buildings to be used as
26 polling places, taking into consideration the convenience and safety of the voters. To
27 the extent practicable, the polling place should be within the barangay whose officials
28 are being elected and should be as centrally located as possible therein.

29 **SEC. 312.***Official barangay ballots.* - The official barangay ballots shall be
30 provided by the Commission. There shall be separate ballots for the barangay elections
31 and for the sangguniang kabataan elections.

32 The Barangay Electoral Board Chairperson shall, in the presence of the voter
33 and before giving the ballot to the voter, authenticate the same by affixing his or her
34 signature at the back thereof. Failure to authenticate shall be noted in the Minutes
35 and shall constitute an election offense but will not invalidate the ballot. Further, in
36 no case shall the Chairperson pre-sign at the back of the ballot prior to its actual
37 issuance to the voters.

1 **SEC. 313. *Ballot boxes.*** - The Commission shall provide the ballot boxes for
2 each precinct or clustered precinct as the case may be. The Commission shall
3 promulgate the necessary rules to ensure that the sanctity of the ballots is preserved.

4 **SEC. 314. *Manner of preparing the ballot.*** - The voter, upon receiving his folded
5 ballot, shall forthwith proceed to the designated voting area and shall there fill his
6 ballot by writing in the proper space for each office the name of the individual
7 candidate for whom he desires to vote. The voter shall use the ballot secrecy folder
8 or similar covering material or device supplied by the Commission.

9 After the voter has filled his ballot, he or she shall fold it in the same manner
10 as when he received it and return it to the chairperson of the barangay electoral board.

11 The Commission shall prescribe the necessary rules and regulations to ensure
12 that the secrecy of the ballots shall be preserved the entire time during the conduct
13 of the voting and that no spurious ballots may be placed into the ballot box.

14 **SEC. 315. *Spoiled ballots.*** - If a voter should accidentally spoil or deface a ballot
15 in such a way that it cannot lawfully be used, he shall surrender if folded to the
16 chairperson who shall note in the corresponding space in the voting record that said
17 ballot is spoiled. The voter shall then be entitled to another ballot which the
18 chairperson shall give him after announcing the serial number of the second ballot
19 and recording said serial number in the corresponding spaces in the voting record. If
20 the second ballot is again spoiled or defaced in such a way that it cannot lawfully be
21 used, the same shall be surrendered to the chairman and recorded in the same
22 manner as the first spoiled or defaced ballot. However, no voter shall change his ballot
23 more than twice.

24 The spoiled ballot shall, without being unfolded and without removing the
25 detachable coupon, be distinctly marked with the word "spoiled" and signed by the
26 board of election inspectors on the endorsement fold thereof and immediately placed
27 in the compartment for spoiled ballots.

28 **SEC. 316. *Counting of Votes.*** The counting of votes shall be made in the
29 following manner: the electoral board shall unfold the ballots and form separate piles
30 of one hundred ballots each, which shall be held together with rubber bands, with
31 cardboard of the size of the ballots to serve as folders. The chairperson of the
32 barangay electoral board shall take the ballots of the first pile one by one and read
33 the names of candidates voted for and the offices for which they were voted in the
34 order in which they appear thereon, assuming such a position as to enable all of the
35 watchers to read such names. The chairperson shall sign and affix his right hand
36 thumbmark at the back of the ballot immediately after it is counted. The poll clerk,
37 and the third member, respectively, shall record on the election returns and the tally
38 board or sheet each vote as the names voted for each office are 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. After finishing the first pile of ballots, the barangay electoral board 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 barangay electoral board shall sum up the totals recorded for each candidate, and the aggregate sum shall be recorded both on the tally board or sheet and on the election returns. It shall then place the counted ballots in 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 barangay electoral board shall not be changed or destroyed but shall be kept in the compartment for valid ballots.

In reading the individual official ballots during the counting, the chairperson, the poll clerk and the third member shall assume such positions as to provide the watchers, as may be conveniently accommodated in the polling place, an unimpeded view of the ballot being read by the chairman, of the election return 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.

As may be necessary, the Commission shall promulgate supplemental rules and guidelines that the Barangay Electoral Boards shall observe in the counting of votes to the end that the counting of votes shall be done in an expeditious, transparent, and accurate manner.

SEC. 317.*Appreciation of Ballots.* - In the appreciation of the ballots, every ballot shall be presumed valid unless there is clear and good reason to justify its rejection. Any question on the appreciation of ballots shall be decided by a majority of the members of the barangay electoral board. No watcher, candidate, or any other person shall be allowed to participate in the appreciation of ballots, except that any watcher may file a protest which shall be recorded in the Minutes.

The barangay electoral board shall observe the following rules for the appreciation of ballots, bearing in mind that the objective of the election is to obtain the expression of the voter's will:

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

- (2) 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. 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.
- (3) In case the candidate is a woman who uses her maiden or married surname or both and there is another candidate with the same surname, a ballot bearing only such surname shall be counted in favor of the candidate who is an incumbent.
- (4) When two or more words are written on the same line on the ballot, all of which are the surnames of two or more candidates, the same shall not be counted for any of them, unless one is a surname of an incumbent who has served for at least one year in which case it shall be counted in favor of the latter.
- (5) When two or more words are written on different lines on the ballot all of which are the 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.
- (6) 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.
- (7) 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.
- (8) 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;
- (9) When a name of a candidate appears in a space of the ballot for an office for which he is a candidate and in another space for which he is not a candidate, it shall be counted in his favor for the office for which he is a candidate and the vote for the office for which he is not a candidate shall be considered as stray, except when it is used as a means to identify the voter, in which case, the whole ballot shall be void.
- (10) When in a space in the ballot there appears a name of a candidate that is erased and another clearly written, the vote is valid for the latter.

- (11) The erroneous initial of the first name which accompanies the correct surname of a candidate, the erroneous initial of the surname accompanying the correct first name of a candidate, or the erroneous middle initial of the candidate shall not annul the vote in favor of the latter.
- (12) The fact that there exists another person who is not a candidate with the first name or surname of a candidate shall not prevent the adjudication of the vote of the latter.
- (13) Ballots which contain prefixes such as "Sr.", "Mr.", "Datu", "Don", "Ginoo", "Hon.", "Gob." or suffixes like "Hijo", "Jr.", "Segundo", are valid.
- (14) The use of the nicknames and appellations of affection and friendship, if accompanied by the first name or surname of the candidate, does not annul such vote, except when they were used as a means to identify the voter, in which case the whole ballot is invalid: *Provided*, That if the nickname used is unaccompanied by the name or surname of a candidate and it is the one by which he is generally or popularly known in the locality, the name shall be counted in favor of said candidate, if there is no other candidate for the same office with the same nickname.
- (15) Any vote containing initials only or which is illegible or which does not sufficiently identify the candidate for whom it is intended shall be considered as a stray vote but shall not invalidate the whole ballot.
- (16) 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.
- (17) Any ballot written with crayon, lead pencil, or in ink, wholly or in part, shall be valid.
- (18) 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.
- (19) 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 is covered.
- (20) Any vote in favor of a person who has not filed a certificate of candidacy or in favor of a candidate for an office for which he did not present himself shall be considered as a stray vote but it shall not invalidate the whole ballot.

- (21) Ballots containing the name of a candidate printed and pasted on a blank space of the ballot or affixed thereto through any mechanical process are totally null and void.
- (22) Circles, crosses or lines put on the spaces on which the voter has not voted shall be considered as signs to indicate his desistance from voting and shall not invalidate the ballot.
- (23) Unless it should clearly appear that they have been deliberately put by the voter to serve as identification marks, commas, dots, lines, or hyphens between the first name and surname of a candidate, or in other parts of the ballot, traces of the letter "T", "J", and other similar ones, the first letters or syllables of names which the voter does not continue, the use of two or more kinds of writing and unintentional or accidental flourishes, strokes, or strains, shall not invalidate the ballot.
- (24) 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.
- (25) Ballots wholly written in Arabic in localities where it is of general use are valid. To read them, the barangay electoral board may employ an interpreter who shall take an oath that he shall read the votes correctly.
- (26) The accidental tearing or perforation of a ballot does not annul it.
- (27) Failure to remove the detachable coupon from a ballot does not annul such ballot.

SEC. 318. *The barangay board of canvassers. -*

- (1) There shall be one barangay board of canvassers in each barangay to canvass the election returns for both the barangay and sangguniang kabataan elections and thereafter to proclaim the winning candidates.

The Commission, through the election officer, shall constitute the barangay board of canvassers at least ten days before the election. The barangay board of canvassers shall be composed of a Chairperson, Vice-Chairperson and Member-Secretary. The members of the barangay board of canvassers shall possess the same qualifications as those of the members of the barangay electoral board. They shall likewise be subject to the same disqualifications set forth in this Code for members of the barangay electoral board.

In the appointment of the members of the barangay board of canvassers, the election officer shall give preference to public school teachers. In case there are not enough public school teachers, teachers in private schools, employees in the civil service, or other citizens of known probity and competence who are registered voters of the city or municipality may be appointed for election duty.

1 In a barangay with only one (1) barangay electoral board, said board shall
2 convert itself as the barangay board of canvassers. In case the number of
3 persons qualified to serve as members of the barangay board of canvassers is
4 inadequate, the Commission shall designate the chairperson and members of
5 the barangay board of canvassers from among the barangay electoral boards.
6 In no case shall any of the members of the Barangay Electoral Board be related
7 within the fourth (4th) civil degree of consanguinity or affinity to any other
8 member of the same board.

9 (2) The Commission shall have direct supervision and control over the barangay
10 board of canvassers or any sub-canvassing unit that the Commission may
11 constitute.

12 (3) At least five (5) days before the meeting of the barangay board of canvassers,
13 the Chairperson shall give notice of the date, time, and place of its meeting to
14 all members thereof, including any sub-canvassing units, and to each
15 candidate.

16 (4) The barangay board of canvassers shall meet immediately after the close of
17 voting in the voting center that is most accessible, as determined by the election
18 officer. After canvassing the results from the various polling places within the
19 barangay, in accordance with the rules laid down by the Commission, the
20 barangay board of canvassers shall proclaim the winners. The board of
21 canvassers shall accomplish the certificate of canvass and proclamation in four
22 copies on a form to be prescribed by the Commission. The original of the
23 certificate shall be sent to the election officer concerned, the second copy shall
24 be delivered to the winning candidate for Punong Barangay or Chairperson of
25 the Sangguniang Kabataan, the third copy to the secretary of the sangguniang
26 bayan or sangguniang panlungsod, as the case may be, and the fourth copy shall
27 be kept on file by the secretary of the sangguniang barangay.

28 (5) The Commission shall promulgate rules and regulations to guarantee the
29 safekeeping of canvassed election returns and to ensure an expeditious,
30 accurate, and honest canvassing of votes and proclamation of winning
31 candidates.

32 **SEC. 319. Watchers.** – Every candidate for the Barangay and sangguniang
33 kabataan Elections shall be entitled to one (1) watcher in every polling place or
34 canvassing center.

35 Duly accredited citizen's arms of the Commission shall be entitled to appoint a
36 watcher in every polling place or canvassing center. Other civic, professional, business,
37 service, youth, and any other similar organization, with prior authority of the
38 Commission, shall be entitled collectively to appoint one watcher in every polling place.

1 Preference shall be given to the watchers of the citizens' arms and punong
2 barangay and sangguniang kabataan chairperson candidates, in case the space
3 reserved for watchers is not sufficient.

4 The watchers for the barangay or sangguniang kabataan shall have, to the
5 extent practicable, the same qualifications, disqualifications, rights, duties, and
6 privileges set forth in this Code for watchers in the national and local elections.

7 **SEC. 320.***Funding.* - The Commission shall be responsible for defraying the
8 expenses relative to the conduct of the barangay and sangguniang kabataan elections
9 including, but not limited to, of the members of the electoral board, board of
10 canvassers and the printing of election forms and procurement of other election
11 paraphernalia, and the installation of polling booths.

12 13 **Article 30** 14 **Recall Elections**

15 **SEC. 321.***Initiation of the Recall Process.* - The recall process may be initiated
16 by either a valid resolution by a preparatory recall assembly as provided for under
17 Section 70 of R.A. 7160, or by a petition signed by at least ten percent (10%) of the
18 total number of registered voters in the local government unit concerned during the
19 election in which the local official sought to be recalled was elected.

20 In case the recall process is initiated by petition, the same must be signed in a
21 public place, before the election officer or his representative and in the presence of a
22 representative of the petitioners and of the official sought to be recalled. In case the
23 recall process involves a provincial or district official, the petition shall be signed before
24 the election officer of the city or municipality where the person signing the same is
25 registered as a voter during the last local election. Signature stations may be
26 established in as many places as may be warranted

27 The resolution or petition shall be filed with the election officer in cases
28 involving municipal or city officials and with the provincial election supervisor in cases
29 involving provincial or district officials.

30 **SEC. 322.***Verification of the sufficiency of the petition.* - After the filing of the
31 petition, the election officer or provincial election supervisor concerned shall
32 immediately transmit a digital and physical copy thereof to the Commission.

33 The Commission shall cause the publication of the petition in a newspaper of
34 general circulation in the local government unit concerned, if available. If such
35 newspaper is not available, then in a newspaper of general circulation in the province
36 or region where said local government unit is located. Such publication must state the
37 full names of those who signed the petition. At the same time, the Commission shall

1 require a report under oath from the election officers containing the following matters,
2 among others:

3 (1) The number of petitioners who were registered voters during the last local
4 election and who signed the petition in the presence of the election officer or
5 his representatives;

6 (2) The total number of registered voters in the municipality or city in the last local
7 election;

8 Any person who did not sign the petition but whose name or apparent signature
9 appears thereon shall inform the election officer of such fact. Upon presentation of
10 such person's proof of identity, the election officer shall consider such person as not
11 having signed the petition: *Provided*, That the person who shall forge or simulate the
12 signature of another shall be guilty of an election offense.

13 The election officer shall submit aforesaid report within fifteen (15) days from
14 receipt of order for submission. After the submission of the reports from the election
15 officer, the Commission shall, within ten (10) days, determine whether at least twenty-
16 five percent (25%) of the total number of registered voters in the local government
17 unit concerned have signed the petition. In case aforesaid threshold is met, the
18 Commission shall announce the acceptance of candidates to the position involved. If
19 said threshold is not met, the Commission shall dismiss the petition.

20 **SEC. 323.** *Verification of sufficiency of the resolution.* - If the recall process is
21 initiated by resolution, the election officer, or, in case of provincial or district officials,
22 the provincial election supervisor, shall submit a verified report to the Commission as
23 to whether the requirements under Section 70 of R.A. 7160 were met. The
24 Commission shall then require the official subject of the recall and the proponents of
25 such recall to file a comment on the report of the election officer/s within five (5) days.

26 Within ten (10) days from the submission of the last pleading, the Commission
27 shall decide whether the recall election will be held.

28 **SEC. 324.** *Election on Recall.* - In case of sufficiency of the petition or
29 resolution, the Commission shall set the date of the election on recall, which shall not
30 be later than forty-five (45) days after the filing of the resolution or petition for recall
31 in the case of the Barangay officials; sixty (60) days in the case of municipal or city
32 official; and seventy-five (75) days in case of district or provincial officials. The official
33 or officials sought to be recalled shall automatically be considered as duly registered
34 candidate or candidates to the pertinent positions and, like other candidates, shall be
35 entitled to be voted upon. The Commission shall set the election and campaign periods
36 therefor.

37 **SEC. 325.** *Effectivity of Recall.* - The recall of an elective local official shall be
38 effective only upon the election and proclamation of a successor in the person of the
39 candidate receiving the highest number of votes cast during the election on recall.

1 Should the official sought to be recalled receive the highest number of votes,
2 confidence in him is thereby affirmed, and he shall continue in office.

3 **SEC. 326. *Prohibition from Resignation.*** - The elective local official sought to
4 be recalled shall not be allowed to resign while the recall process is in progress.

5 **SEC. 327. *Limitations on Recall.*** -

6 (a) Any elective local official may be the subject of a recall election only once during
7 his term of office for loss of confidence;

8 (b) No recall shall take place within one (1) year from the date of the official's
9 assumption to office or one (1) year immediately preceding a regular local
10 election.

11 **SEC. 328. *Conduct of Recall Election.*** - The conduct of recall elections shall be
12 governed, to the extent feasible, by Articles 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 20, 21,
13 and 22 of this Code: *Provided, however,* That in case the recall elections pertain to a
14 barangay official, the voting, counting, and canvassing of votes therein shall be
15 governed by Article 29 of this Code.

16 The Commission shall promulgate such rules and regulations as may be
17 necessary to ensure that the recall elections are conducted in free, orderly, honest,
18 transparent, and credible manner.

19
20 **CHAPTER VIII**
21 **PLEBISCITE, REFERENDUM AND INITIATIVE**
22

23 **Article 31**
24 **Plebiscites**

25 **SEC. 329. *Supervision and control.*** - The Commission shall have direct
26 supervision and control over the conduct of the plebiscites.

27 **SEC. 330. *Expenses and election forms and paraphernalia.*** - Unless the
28 contrary is provided by the law calling for the plebiscite, the expenses in holding such
29 plebiscite, which shall include the printing of official ballots, plebiscite returns and
30 other forms; the procurement of supplies and paraphernalia; the honoraria,
31 allowances, service credits and other benefits of the members of the Plebiscite
32 Committee (PlebCom) and their support staff, the plebiscite board of canvassers, sub-
33 canvassing groups, if any, and their support staff; other operational and incidental
34 expenses; and the costs of publication of resolutions and information materials, shall
35 be borne by the local government unit or units affected.

36 **SEC. 331. *Information campaign.*** - The Commission, in coordination with the
37 local government units affected, shall launch an extensive information campaign

1 within such period as the Commission may find sufficient and reasonable to properly
2 inform the voters of the issues involved in the plebiscite.

3 **SEC. 332.***Right of government officials and employees to express opinion for*
4 *or against the ratification.* - All government officials and employees as well as those
5 in government-owned or controlled corporations with original charters, may publicly
6 express their opinions on any issues related to the plebiscite.

7 **SEC. 333.***Prohibition on Commission officials, employees and its deputies.* - In
8 order to maintain an independent and non-partisan status, all Commission officials
9 and its deputies are prohibited from publicly expressing their opinion on any issue
10 related to the plebiscite.

11 **SEC. 334.***Who may participate.* - All registered voters of the local government
12 unit/s affected by the plebiscite, as of the immediately preceding hearing of the
13 Election Registration Board, may participate in the plebiscite.

14 **SEC. 335.***Plebiscite Committees (PlebComs).* - The election officer/s of the
15 municipalities and cities covered by the plebiscite or where the barangay subject of
16 the plebiscite is located shall constitute and appoint PlebComs for every
17 clustered/grouped precinct. The PlebCom shall be composed of a Chairman and two
18 (2) members, one of whom shall be designated as Poll Clerk, and the other as Third
19 Member. The members of the PlebComm shall have the same qualifications and shall
20 be subject to the same disqualifications, whenever applicable, as the members of the
21 Electoral Board. They shall be entitled to such allowances and honoraria as the
22 Commission deems just and reasonable under the circumstances.

23 The PlebCom shall have the following powers and duties:

- 24 (a) Supervise and conduct the voting in the polling places;
25 (b) Count the votes and thereafter prepare the plebiscite returns and other
26 required documents/reports and distribute the same as herein provided;
27 (c) Furnish watchers certificate of votes upon request;
28 (d) Act as deputies of the Commission in the supervision and control of the
29 plebiscite in the polling places wherein they are assigned to ensure the holding
30 of free, orderly, honest, peaceful and credible plebiscite;
31 (e) Maintain order within the polling place and its premises, to keep access thereto,
32 open and unobstructed, and to enforce obedience to its lawful orders; and
33 (f) Perform such other functions/duties as may be prescribed by the Commission.

34 If any person shall refuse to obey lawful orders of the PlebCom or shall conduct
35 himself in a disorderly manner in its presence or within its hearing thereby interrupting
36 or disturbing its proceedings, the PlebCom may issue an order in writing directing any
37 peace officer to take such person into custody until the adjournment of the meeting,

1 but such order shall not be executed as to prevent the person so taken into custody
2 from exercising his right to vote. Such order shall be executed by any peace officer to
3 whom it may be delivered, but if none is present, by any other person deputized by
4 the PlebCom in writing.

5 No member of the PlebCom shall, directly or indirectly, take part in the
6 plebiscite, except to discharge the Member's duties as such, and to vote.

7 **SEC. 336.***Proceedings of the PlebCom.* - The meeting of the PlebCom shall be
8 public and shall be held in the polling place authorized by the Commission.

9 **SEC. 337.***Functioning of the PlebCom.* - The PlebCom shall act through its
10 Chairperson, and shall decide without delay by majority vote all questions which may
11 arise in the performance of its duties.

12 **SEC. 338.** *Temporary vacancies.* - If, at the time of the meeting of the
13 PlebCom, any member is absent, or the office is still vacant, the members present
14 shall call upon the substitute of the absent members to perform the duties of the
15 absent members, and in case such substitute cannot be found, the members present
16 shall appoint any non-partisan registered voter of the polling place to temporarily fill
17 the vacancy until the absent member appears or the vacancy is filled. In case there
18 are two members present they shall act jointly.

19 **SEC. 339.***Plebiscite Board of Canvassers, their compositions; functions.* – The
20 Commission shall constitute the plebiscite board/s of canvassers as may be necessary
21 for a particular plebiscite. The composition of the municipal, city, provincial, district,
22 or regional plebiscite board of canvassers, as the case may be, shall be the same as
23 that of the board of canvassers under Section 224 of this Code. In case of barangay
24 plebiscites, the Commission shall determine the composition of the barangay plebiscite
25 board of canvassers.

26 The plebiscite board of canvassers shall be responsible for canvassing the
27 plebiscite returns submitted by the PlebCom and for preparing the certificate of
28 canvass of votes. The highest-level plebiscite board of canvassers in a particular
29 plebiscite shall proclaim the result of such plebiscite.

30 **SEC. 340.***Right to be present and to counsel.* - Proponents or oppositors, if
31 any, have the right to be present and to counsel during the canvass of the returns.
32 Only one counsel shall argue for the proponents or oppositors. In case there are
33 several counsels for the proponents or oppositors, they shall agree among themselves
34 who will argue for them.

35 **SEC. 341.***Watchers; rights and duties.* - The proponents and oppositors, and
36 the citizens' arm of the Commission, may appoint watchers during the voting, counting
37 and canvassing. The proponents, oppositors and citizens' arm shall have not more
38 than one (1) watcher assigned in every polling place.

1 For this purpose, the proponents or oppositors shall file a petition with the
2 Commission for authority to field watchers during the voting, counting and canvassing.

3 A person who is not a registered voter of the municipality, of questionable
4 reputation, or who has been convicted of an election offense or any other crime shall
5 not be appointed as watcher. Barangay officials, including barangay tanods, are
6 disqualified to serve as watchers.

7 The watchers shall have the right to:

8 (a) be present at, and take note of all the proceedings;

9 (b) read the ballot/plebiscite returns/certificates of canvass without touching them;
10 and

11 (c) file a protest against any irregularity noted in the ballot/plebiscite
12 return/certificates of canvass or in the proceedings of the PlebCom or board of
13 canvassers, as the case maybe, and obtain the resolution thereon in writing.

14 The watcher shall not be allowed to participate in the deliberation of the Board.
15 The provisions of Article 15 pertaining to watchers for the national and local elections
16 shall apply whenever practicable.

17 **SEC. 342.** *Rules and regulations pertaining to a plebiscite.* - The Commission
18 shall promulgate the rules and regulations in the conduct of each plebiscite, applying,
19 to the extent feasible, the provisions of Article 11, concerning the Hybrid Election
20 System; Articles 13 and 16, pertaining to the polling places and official ballots,
21 respectively; and Articles 17, 20, and 21 on the casting, counting, and canvassing of
22 votes, to the end that a free, orderly, honest, transparent, and credible plebiscite is
23 conducted.

24 25 **Article 32**

26 **National Initiative and Referendum**

27 **SEC. 343.** *Who may exercise.* - The power of national initiative and referendum
28 may be exercised by all registered voters and the country.

29 **Section 344.** *Requirements for a National Initiative or Referendum.* - To
30 exercise the power of initiative to enact a national legislation or the power of
31 referendum to approve or reject a statute, at least ten per centum (10%) of the total
32 number of the registered voters, of which every legislative district is represented by
33 at least three per centum (3%) of the registered voters thereof, shall sign a petition
34 for the purpose and register the same with the Commission.

35 The petition shall state the following:

36 (1) contents or text of the proposed law sought to be enacted, approved or
37 rejected, amended or repealed, as the case may be;

- 1 (2) the proposition;
- 2 (3) the reason or reasons therefor;
- 3 (4) that it is not one of the exceptions provided herein;
- 4 (5) signatures of the petitioners or registered voters; and
- 5 (6) an abstract or summary in not more than one hundred (100) words which
- 6 shall be legibly written or printed at the top of every page of the petition.

7 **SEC. 345.***Procedure in National Initiative or Referendum.* - Within a period of
8 thirty (30) days from receipt of the petition, the Commission shall, upon a preliminary
9 determination of the sufficiency of the petition, publish the same in Filipino and English
10 at least twice in newspapers of general and local circulation. The Commission shall
11 then order the election officers to verify the signatures on the basis of the registry list
12 of voters and the voter registration records used in the immediately preceding
13 election. Within thirty (30) days from receipt of the order to verify the signatures, the
14 election officers shall submit a report on the result of the verification to the provincial
15 election supervisor. The election supervisor concerned shall, within forty-eight (48)
16 hours from receipt of all the reports from the election officers, submit to the
17 Commission a report on the results of the verification per legislative district.

18 Within fifteen (15) days from receipt of all the reports of the provincial election
19 supervisors, the Commission shall make a final finding as to the sufficiency of the
20 petition. Should the Commission determine that the petition is sufficient in form and
21 substance, it shall set the date of the initiative or referendum which shall not be earlier
22 than forty-five (45) days but not later than ninety (90) days from the determination
23 by the Commission of the sufficiency of the petition.

24 **SEC. 346.***Effectivity of a National Initiative or Referendum Proposition.* - The
25 proposition of the enactment, approval, amendment or rejection of a national law shall
26 be submitted to and approved by a majority of the votes cast by all registered voters.

27 If, as certified to by the Commission, the proposition is approved by a majority
28 of the votes cast, the national law proposed for enactment, approval, or amendment
29 shall become effective fifteen (15) days following completion of its publication in the
30 Official Gazette or in a newspaper of general circulation in the Philippines. If, as
31 certified by the Commission, the proposition to reject a national law is approved by a
32 majority of the votes cast, the said national law shall be deemed repealed and the
33 repeal shall become effective fifteen (15) days following the completion of publication
34 of the proposition and the certification by the Commission in the Official Gazette or in
35 a newspaper of general circulation in the Philippines.

36 However, if the majority vote is not obtained, the national law sought to be
37 rejected or amended shall remain in full force and effect.

SEC. 347.*Prohibited Measures in a National Initiative or Referendum.* - The following cannot be the subject of an initiative or referendum petition:

- (a) A petition embracing more than one (1) subject;
- (b) Statutes involving emergency measures, the enactment of which are specifically vested in Congress by the Constitution, unless such statutes have been in effect for at least ninety (90) days;
- (c) Appropriation, revenue or tariff measures, those authorizing increase of the public debt, bills or laws of local application, and private bills or laws; or
- (d) Any other measure which is prohibited under the Constitution.

SEC. 348.*Referendum initiated by Congress.* - The Congress may, by at least a twenty-five percent (25%) vote of both Houses, voting separately, submit to the registered voters for the approval or rejection of any law or resolution duly enacted or approved: *Provided*, That the prohibited measures enumerated in the preceding section shall not be subject to a referendum initiated by Congress.

Said referendum shall be held under the control and direction of the Commission within ninety (90) days from submission of the resolution by both Houses of Congress that aforesaid law or resolution shall be submitted for referendum.

The Commission shall certify and proclaim the results of the said referendum

Article 33

Local Initiative and Referendum

SEC. 349. *Who may exercise.* - The power of local initiative and referendum may be exercised by all voters registered in the region, province, city, municipality, or barangay concerned, and by the autonomous regions, provinces, cities, municipalities, and barangays.

SEC. 350.*Procedure and Requirements in Local Initiative and Referendum.* –

- (a) Not less than two thousand (2,000) registered voters in case of autonomous regions, one thousand (1,000) in case of provinces and cities, one hundred (100) in case of municipalities, and fifty (50) in case of barangays, may file a petition with the Regional Assembly or local legislative body, respectively, proposing the adoption, enactment, repeal, or amendment, of any law, ordinance or resolution.
- (b) If no favorable action thereon is made by local legislative body within (30) days from its presentation, the proponents, through their duly authorized representative, may invoke their power of initiative, giving notice thereof to the local legislative body concerned. Thereafter, the proponents shall have one hundred twenty (120) days in case of autonomous regions; ninety (90) days in

case of provinces and cities; sixty (60) days in case of municipalities; and thirty (30) days in case of barangays, to file a petition before the Commission with the following number of signatures:

- (1) In cases involving a legislative measure in an autonomous region, a province or a city, at least ten percent (10%) of the registered voters therein, of which every legislative district must be represented by at least three percent (3%) of the registered voters therein: *Provided, however,* That if the province or city is composed only of one (1) legislative district, then at least each municipality in a province or each barangay in a city should be represented by at least three percent (3%) of the registered voters therein.
 - (2) In cases involving a legislative measure in a municipality, at least ten percent (10%) of the registered voters in the municipality, of which every barangay is represented by at least three per centum (3%) of the registered voters therein.
 - (3) In cases involving a legislative measure in a barangay resolution, at least ten percent (10%) of the registered voters in said barangay.
- (c) The petition shall be signed before the election officer, or his or her designated representatives, in the presence of a representative of the proponent, and a representative of the regional assemblies and local legislative bodies concerned in a public place in the autonomous region or local government unit, as the case may be. Signature stations may be established in as many places as may be warranted.
- (d) Upon the lapse of the period herein provided, the Commission, through its office in the local government unit concerned, shall certify as to whether or not the required number of signatures has been obtained. Failure to obtain the required number is a defeat of the proposition.
- (e) If the required number of the signatures is obtained, the Commission shall then set a date for the initiative at which the proposition shall be submitted to the registered voters in the local government unit concerned for their approval within ninety (90) days from the date of certification by the Commission, in case of autonomous regions, sixty (60) days in case of the provinces and cities, forty-five (45) days in case of municipalities, and thirty (30) days in case of barangays. The initiative shall then be held on the date set, after which the results thereof shall be certified and proclaimed by the Commission on Elections.

SEC. 351. Effectivity of Local Propositions. - If, as certified by the Commission, the proposition is approved by a majority of the votes cast, the regional law or local ordinance proposed for enactment, approval, or amendment shall become effective fifteen (15) days following completion of its publication in the Official Gazette or in a newspaper of general circulation in the autonomous region, province, city or

1 municipality, as the case may be. In case of barangay ordinance, the same shall
2 become effective after it has been posted in three (3) conspicuous places in the
3 Barangay continuously for a period of not less than two (2) weeks.

4 If, as certified by the Commission, the proposition to reject a regional law or
5 local ordinance is approved by a majority of the votes cast, the said legislative measure
6 shall be deemed repealed and the repeal shall become effective fifteen (15) days
7 following the completion of publication of the proposition and the certification by the
8 Commission in the Official Gazette or in a newspaper of general circulation in the
9 autonomous region, province, city or municipality, as the case may be. In case of a
10 barangay ordinance, the repeal shall become effective after the proposition and the
11 certification by the Commission has been posted in three (3) conspicuous places in
12 the Barangay continuously for a period of not less than two (2) weeks.

13 However, if the majority vote is not obtained, the regional law or local ordinance
14 sought to be rejected or amended shall remain in full force and effect

15 **SEC. 352.***Limitations on Local Initiative and Referendum. –*

16 (a) The power of local initiative and referendum shall not be exercised more than
17 once a year.

18 (b) Initiative shall extend only to subjects or matters which are within the legal powers
19 of the local legislative bodies to enact.

20 (c) If at any time before the initiative is held, the local legislative body shall adopt in
21 toto the proposition presented, the initiative shall be cancelled. Likewise, if at any
22 time before the referendum is held, the ordinance sought to be rejected is
23 completely repealed, the referendum shall be cancelled.

24 **SEC. 353.***Limitations Upon Local Legislative Bodies. -* Any proposition or
25 ordinance or resolution approved, amended, or rejected through the system of
26 initiative and referendum as herein provided shall not be repealed, modified,
27 amended, or re-enacted, as the case may be, by the local legislative body concerned
28 within six (6) months from the date therefrom, and may be amended, modified,
29 repealed, or re-enacted by the local legislative body within three (3) years thereafter
30 by a vote of three-fourths (3/4) of all its members: *Provided, however,* that in case of
31 barangays, the period shall be one (1) year after the expiration of the first six (6)
32 months.

33 **SEC. 354.***Referendum initiated by local legislative bodies. -* Any local legislative
34 body may submit to the registered voters of autonomous region, provinces, cities,
35 municipalities and barangays for the approval or rejection, any ordinance or resolution
36 duly enacted or approved.

1 Said referendum shall be held under the control and direction of the
2 Commission within sixty (60) days in case of provinces and cities, forty-five (45) days
3 in case of municipalities and thirty (30) days in case of barangays.

4 The Commission shall certify and proclaim the results of the said referendum.
5

6 **Article 34**
7 **Initiative to Amend the Constitution**

8 **SEC. 355.***Requirements for an Initiative to Amend the Constitution.* - A petition
9 for an initiative on the 1987 Constitution must have at least twelve per centum (12%)
10 of the total number of registered voters as signatories, of which every legislative
11 district must be represented by at least three per centum (3%) of the registered voters
12 therein. Initiative on the Constitution may be exercised only once every five (5) years.
13 The petition shall state the following:

14 (1) the particular sentences, phrases, or words in the Constitution sought to be
15 modified or deleted;

16 (2) the Article and Section number where such sentences, phrases, or words are
17 found;

18 (3) the proposed modification or the sentences, phrases, or words sought to be
19 written, if any, in lieu of those which are sought to be deleted.

20 (4) the reason or reasons therefor;

21 (5) signatures of the petitioners or registered voters; and

22 (6) an abstract or summary in not more than one hundred (100) words which shall
23 be legibly written or printed at the top of every page of the petition.

24 **SEC. 356.***Procedure in Initiative to Amend the Constitution.* - Within a period
25 of thirty (30) days from receipt of the petition, the Commission shall, upon a
26 preliminary determination of the sufficiency of the petition, publish the same in Filipino
27 and English at least twice in newspapers of general and local circulation. The
28 Commission shall then order the election officers to verify the signatures on the basis
29 of the registry list of voters and the voter registration records used in the immediately
30 preceding election. Within thirty (30) days from receipt of the order to verify the
31 signatures, the election officers shall submit a report on the result of the verification
32 to the provincial election supervisor. The election supervisor concerned shall, within
33 forty-eight (48) hours from receipt of all the reports from the election officers, submit
34 to the Commission a report on the results of the verification per legislative district.

35 Within fifteen (15) days from receipt of all the reports of the provincial election
36 supervisors, the Commission shall make a final finding as to the sufficiency of the
37 petition. Should the Commission determine that the petition is sufficient in form and

substance, it shall set the date of the plebiscite which shall not be earlier than ninety (90) days but not later than one hundred and twenty (120) days from the determination by the Commission of the sufficiency of the petition.

SEC. 357.*Effectivity of the Amendment.* - The proposition in an initiative on the Constitution approved by a majority of the votes cast in the plebiscite shall become effective as to the day of the plebiscite.

CHAPTER IX

PRE-PROCLAMATION CONTROVERSIES AND ELECTION CONTESTS

Article 35

Pre-proclamation Controversies

SEC. 358.*Nature of a pre-proclamation controversy.* - A pre-proclamation controversy refers to any question pertaining to or affecting the proceedings of the board of canvassers or barangay board of canvassers, which may be raised by any candidate or by any registered political or sectoral party, sectoral organization, or coalition of political parties before the board or directly with the Commission, or any matter raised under Sections 242, 243, 244, and 245 in relation to the preparation, transmission, receipt, custody and appreciation of the election returns.

SEC. 359.*Commission's power to annul or suspend proclamations.* - The Commission may, after due notice and hearing, order the partial or total suspension of the proclamation of any candidate-elect or annul partially or totally any proclamation, if one has been made, if the evidence shall warrant.

SEC. 360.*Pre-proclamation Cases Involving Provincial, City and Municipal Offices.* - Pre-proclamation cases involving provincial, city, municipal, and barangay offices shall be allowed and shall be governed by the provisions of this Article.

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. 361.*Pre - proclamation Cases in Elections for President, Vice-President, Senator, and Member of the House of Representatives.* - For purpose 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 election returns or the certificates of canvass, as the case may be expected, as provided for in Section 238 of this Code. 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 or barangay board of canvassers may be initiated in the board or directly with the Commission.

Any objection on the election returns before the barangay, city or municipal board of canvassers, or the municipal or city certificates of canvass before the provincial board of canvassers or district board of canvassers, shall be specifically noted in the minutes of their respective proceeding.

SEC. 362.*Issues that may be raised in pre-proclamation controversy.* - The following shall be proper issues that may be raised in a pre-proclamation controversy:

- (a) Illegal composition or proceedings of the board of canvassers or barangay board of canvassers as the case may be;
- (b) The canvassed election returns 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 as mentioned in Sections 242, 243, 244, and 245 of this Code;
- (c) The election returns were prepared under duress, threats, coercion, or intimidation, or they are obviously manufactured or not authentic; and
- (d) When substitute or fraudulent returns in controverted polling places were canvassed, the results of which materially affected the standing of the aggrieved candidate or candidates.

SEC. 363.*Contested composition or proceedings of the board.* - Questions affecting the composition or proceedings of the board of canvassers or barangay board of canvassers may be initiated in the board of canvassers or barangay board of canvassers, as the case may be, or directly with the Commission.

When such issue is initiated before the board of canvassers or barangay board of canvassers, such board shall, within twenty-four hours, make a ruling thereon with notice to the contestant who, if adversely affected, 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 filing thereof.

SEC. 364.*Correction of Manifest Errors.* - A pre-proclamation case may be filed directly with the Commission when the issue involves the correction of manifest errors in the tabulation or tallying of election returns, or certificates of canvass, during the canvassing as where:

- 1 (a) a copy of the election returns or certificate of canvass was tabulated more than
2 once;
- 3 (b) two or more copies of the election returns of one precinct, or two or more
4 copies of certificate of canvass were tabulated separately;
- 5 (c) there has been a mistake in the copying of the figures into the statement of
6 votes or into the certificate of canvass; or
- 7 (d) there has been any other palpable and incontrovertible error analogous to the
8 foregoing.

9 **SEC. 365.** *Contested election returns.* – Matters raised under Sections 243, 244,
10 and 245 of this Code in relation to the preparation, transmission, receipt, custody and
11 appreciation of the election returns, and the certificates of canvass shall be brought
12 in the first instance before the board of canvassers.

- 13 (a) Any candidate, political party, coalition of political parties, or party-list group
14 contesting the inclusion or exclusion in the canvass of any election returns on
15 any of the grounds authorized under this Article or under Sections 243, 244, or
16 245 of this Code shall submit their oral objection to the chairman of the board
17 of canvassers at the time the questioned return is presented for inclusion in the
18 canvass. Such objection shall be recorded in the minutes of the canvass.
- 19 (b) Upon receipts of any such objection, the board of canvassers shall automatically
20 defer the canvass of the contested returns and shall proceed to canvass the
21 returns which are not contested by any party.
- 22 (c) Simultaneous with the oral objection, the objecting party shall also enter his
23 objection in the form for written objections to be prescribed by the Commission.
24 Within twenty-four (24) hours from and after the presentation of such an
25 objection, the objecting party shall submit the evidence in support of the
26 objection, which shall be attached to the form for written objections. Within the
27 same period of twenty-four (24) hours after presentation of the objection, any
28 party may file a written and verified opposition to the objection in the form also
29 to be prescribed by the Commission, attaching thereto supporting evidence, if
30 any. The board shall not entertain any objection or opposition unless reduced
31 to writing in the prescribed forms.

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

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

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

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

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

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

19 The decision of the Commission shall be executory after the lapse of seven (7)
20 days from receipts thereof by the losing party unless restrained by the Supreme
21 Court.

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

27 **SEC. 366.** *Summary Disposition of Pre-proclamation Controversies.* - All pre-
28 proclamation controversies on election returns or certificates of canvass shall, on the
29 basis of the records and evidence elevated to it by the board of canvassers, be
30 disposed of summarily by the Commission within seven (7) days from receipt thereof.
31 Its decisions shall be executory after the lapse of seven (7) days from receipt by the
32 losing party of the decision of the Commission, unless restrained by the Supreme
33 Court.

34 **SEC. 367.** *Partial proclamation.* - Notwithstanding the pendency of any pre-
35 proclamation controversy, the Commission may summarily order the proclamation of
36 other winning candidates whose election will not be affected by the outcome of the
37 controversy.

38 **SEC. 368.** *Effect of filing petition to annul or to suspend the proclamation.* -
39 The filing with the Commission of a petition to annul or to suspend the proclamation

1 of any candidate shall suspend the running of the period within which to file an election
2 protest or quo warranto proceedings.

3
4 **Article 36**
5 **Election Contests**

6 **SEC. 369.***Jurisdiction of the Commission.* - The Commission shall be the sole
7 judge of all contests relating to the elections, returns, and qualifications of all elective
8 regional, provincial, and city officials, and appellate jurisdiction over all contests
9 involving elective municipal officials decided by trial courts of general jurisdiction, or
10 involving elective barangay officials decided by trial courts of limited jurisdiction.

11 **SEC. 370.***How initiated.* - An election contest is initiated by the filing of an
12 election protest or a petition for quo warranto against an elective official. An election
13 protest shall not include a petition for quo warranto, nor shall a petition for quo
14 warranto include an election protest.

15 **SEC. 371.***Election protests for municipal and barangay offices.* - A verified
16 petition contesting the election or returns of an elective municipal or barangay official
17 shall be filed with the proper regional trial court or municipal trial court, as the case
18 may be, by any candidate who was voted for the same office and who received the
19 second or third highest number of votes or, in a multi-slot position, was among the
20 next four candidates following the last-ranked winner duly proclaimed, as reflected in
21 the official results of the election contained in the Statement of Votes By Precinct,
22 within ten days from the date of proclamation. The party filing the protest shall be
23 designated as the protestant; the adverse party shall be known as the protestee. The
24 petition shall be accompanied by a certification against forum-shopping.

25 Each contest shall refer exclusively to one office; however, contests for offices
26 of Sangguniang Bayan or Sangguniang Barangay may be consolidated in one case.

27 **SEC. 372.***Election protests for regional, provincial, and city offices.* - A verified
28 petition contesting the election or returns of a regional, provincial, or city elective
29 official shall be filed with the Commission by any candidate who was voted for the
30 same office and who received the second or third highest number of votes or, in a
31 multi-slot position, was among the next four candidates following the last-ranked
32 winner duly proclaimed, as reflected in the official results of the election contained in
33 the Statement of Votes By Precinct, within ten days from the date of proclamation.
34 The party filing the protest shall be designated as the protestant; the adverse party
35 shall be known as the protestee. The petition shall be accompanied by a certification
36 against forum-shopping.

37 Each contest shall refer exclusively to one office; however, contests for offices
38 of Sangguniang Panlalawigan, Sangguniang Panlungsod, or Parliaments of
39 Autonomous Regions may be consolidated in one case.

1 **SEC. 373.***Grounds for election protests.* - An election protest shall be grounded
2 on fraud or irregularities committed in the conduct of the elections, the casting and
3 counting of the ballots, the transmission of results, and the preparation and
4 canvassing of returns. The issue in every election protest shall always be who, among
5 the candidates, obtained the plurality of valid votes cast.

6 **SEC. 374.***Petition for quo warranto.* - Any registered voter contesting the
7 election of any regional, provincial, or city official on the ground of ineligibility or of
8 disloyalty to the Republic of the Philippines shall file a verified petition for quo warranto
9 with the Commission within ten days after the proclamation of such official.

10 Any registered voter contesting the election of any municipal or barangay
11 official on the ground of ineligibility or of disloyalty to the Republic of the Philippines
12 shall file a verified petition for quo warranto with the regional trial court or first level
13 court, respectively, within ten (10) days after the proclamation of such official.

14 The petitions referred to in this section shall be accompanied by a certification
15 against forum-shopping.

16 **SEC. 375.***Procedure in election contests.* - The Commission shall prescribe the
17 rules that shall govern the procedure in election contests involving elective regional,
18 provincial, and city positions not later than sixty days before such elections. The Court
19 shall prescribe the rules that shall govern election contests pertaining to elective
20 municipal and barangay positions.

21 The rules prescribed by the Commission and the Court shall provide simple and
22 inexpensive procedures for the expeditious and just disposition of election contests.
23 Such procedures shall be published in at least two newspapers of general circulation.

24 **SEC. 376.***Issuance of precautionary protection order.* – Where the allegations
25 in a protest so warrant, the court or the Commission, as the case may be, shall order,
26 simultaneously with the issuance of summons, the treasurer and election officer
27 concerned to take immediate and appropriate measures to safeguard the integrity of
28 all the ballot boxes, the ballots, the lists of voters, voting records, the books of voters,
29 and other documents or paraphernalia used in the election, and, in case of hybrid
30 elections, the automated election equipment and other devices such as the data
31 storage devices containing electronic data evidencing the conduct and results of
32 elections in the contested precincts.

33 **SEC. 377.***When ballot boxes and election documents are brought before the*
34 *court.* – Within forty-eight (48) hours from receipt of an answer with counter-protest,
35 when the allegations in a protest or counter-protest so warrant, the court or the
36 Commission, as the case may be, shall order the ballot boxes with their keys, the lists
37 of voters and voting records, the books of voters, other documents or paraphernalia,
38 and, in case of hybrid elections, the automated election equipment, consolidation

1 machines, and the electronic data storage devices involved in the protest or counter-
2 protest, to be brought before it.

3 The parties shall be notified of the date and time of retrieval and transfer from
4 their respective custodians of the ballot boxes, the automated election equipment and
5 consolidation machines, the electronic data storage devices, the lists of voters and
6 voting records, the books of voters, and other documents or paraphernalia. The
7 parties may send representatives to witness the retrieval and transfer. The absence,
8 however, of a representative of a party shall not be a reason to postpone or delay the
9 retrieval or transfer of the above-mentioned equipment, devices, and election
10 documents.

11 The court or the Commission, at its discretion, may seek the assistance of the
12 Philippine National Police (PNP) or the Armed Forces of the Philippines in ensuring the
13 safe delivery of the ballot boxes and the election equipment, devices, and documents
14 to its custody.

15 Where any of the election equipment, devices, and documents mentioned
16 above are also involved in election contests before the Presidential Electoral Tribunal,
17 the Senate Electoral Tribunal, or the House of Representatives Electoral Tribunal with
18 preferential rights of custody and revision, the court or the Commission, as the case
19 may be, shall coordinate with and make the appropriate request to such tribunals for
20 the temporary prior custody of said election equipment, devices, and documents or
21 for the synchronization of revision activities.

22 The expenses necessary and incidental to the production in court of the ballot
23 boxes and election documents and the production, storage and maintenance of the
24 automated election equipment, data storage devices, election paraphernalia and
25 documents shall be shouldered and promptly paid by the protestant and counter-
26 protestant in proportion to the precincts covered by their protects and counter-
27 protests. The expenses necessary and incidental to the return of the materials and
28 documents produced in court to their original custodians or to the proper tribunal after
29 the termination of the case shall likewise be shared proportionately by the protestant
30 and the protestee based on the number of precincts they respectively contest.

31 **SEC. 378.** *Access to electronic data in the COMELEC back-up server.* – Upon
32 motion duly made based on demonstrated need, the court or the Commission may, in
33 cases involving hybrid elections, order that the moving party shall be given access to,
34 or to recover and use, electronic data from the back-up server of the Commission
35 under conditions and safeguards required by the Commission.

36 **SEC. 379.** *Revision of ballots in election protest.* - Where the allegations in a
37 protest or counter-protest so warrant and the interests of justice so require, the court
38 or the Commission, as the case may be, shall, through a revision/recount committee,
39 examine the ballots and manually recount the votes covered by the protest and

1 counter-protest: *Provided*, That the Revised Rules on Evidence, as promulgated by
2 the Supreme Court, shall apply in ascertaining the admissibility and weight of the
3 results of the revision.

4 **SEC. 380.***Decisions in Election Contests.* - The Regional Trial Court and the
5 first level courts, as the case may be, shall decide all election contest cases brought
6 before it within thirty (30) days from the date of their submission for decision. In no
7 case shall the Regional Trial Court or the first level courts render its decision beyond
8 six (6) months after the filing of the protest, unless otherwise authorized by the
9 Supreme Court.

10 The decisions of aforesaid courts shall be appealable to the Commission sitting
11 in divisions within five (5) days from promulgation thereof. No motion for
12 reconsideration of the decision of the Regional Trial Court or the first level court shall
13 be allowed.

14 The Commission shall decide all election contests brought before it, whether in
15 the exercise of its original jurisdiction or appellate jurisdiction, within thirty (30) days
16 from the date of their submission for decision. In no case shall the Commission, in the
17 exercise of its appellate jurisdiction, render its decision beyond six (6) months from
18 the date of appeal; or beyond twelve (12) months from the filing of the petition, if it
19 has original jurisdiction thereover.

20 The decision of the Commission sitting in division may be elevated to the
21 Commission En Banc by any party aggrieved thereby through a verified motion for
22 reconsideration filed within five (5) days from promulgation of the assailed decision.
23 The Commission En Banc shall decide all election contest cases within three (3)
24 months from the filing of the motion for reconsideration. All decisions by the
25 Commission En Banc shall be final and executory unless otherwise restrained by the
26 Supreme Court.

27 **SEC. 381.***Preferential disposition of contests in courts.* - The courts, in their
28 respective cases, shall give preference to election contests over all other cases, except
29 those of habeas corpus, petitions for the issuance of a temporary protection order in
30 cases involving violence against women and children, petitions for a Writ of Amparo
31 and such other cases which the Supreme Court shall be deemed very urgent.

32 **SEC. 382.***Costs and damages.* – Costs shall be allowed to the prevailing party
33 as a matter of course. The court and the Commission shall have the power, for special
34 reasons, to apportion the costs, as may be equitable. The court or the Commission
35 may render judgment for costs if a protest, a counter-protest or a petition for quo
36 warrant is dismissed. When a protest, a counter-protest, or a petition for quo
37 warrant is found to be frivolous, double or treble costs may be imposed on the
38 protestant, the counter-protestant or the petitioner.

1 In all election contests, the court or the Commission, as the case may be, may
2 adjudicate damages and attorney's fees as it may deem just and as established by the
3 evidence, if the aggrieved party has included these claims in the pleadings.

4 **SEC. 383.** *Notice of decisions.* - The clerk of court and the corresponding official
5 in the Commission before whom an election protest or a quo warranto proceeding has
6 been instituted or where the appeal of said case has been taken shall notify
7 immediately the Department of Interior and Local Government of the final disposition
8 thereof.

9 **CHAPTER X**

10 **ELECTION OFFENSES**

11 **Article 37**

12 **Election Offenses Related to the Registration of Voters**

13 **SEC. 384.** *Threats, intimidation, terrorism, use of fraudulent device or other*
14 *forms of coercion to induce or prevent registration.* - Any person who, directly or
15 indirectly, threatens, intimidates or actually causes, inflicts, or produces any violence,
16 injury, punishment, damage, loss or disadvantage upon any person or persons or that
17 of the immediate members of his family, his honor or property, or uses any fraudulent
18 device or scheme to compel or induce the registration or refraining from registration
19 of any voter shall be liable for an election offense.
20

21 Any person who delays, hinders or obstruct another from registering shall
22 likewise be criminally liable under this Code.

23 **SEC. 385.** *Material misrepresentation in the registration application.* - Any
24 person who gives false information as to one's name, address, age, or period of
25 residence for the purposes of establishing the eligibility or ineligibility to register or
26 vote under this Code; or who conspires with another person for the purpose of
27 encouraging the giving of false information in order to establish the eligibility or
28 ineligibility of any individual to register or vote under this Code; or who pays, offers
29 to pay, or accepts payment for application for registration shall be guilty of an election
30 offense.

31 Furthermore, any person who assisted an illiterate person, a person with
32 disability, or a senior citizen, who caused such applicant to set forth any false or
33 untruthful statement relative to any of the data or information required in the
34 application for registration or transfer of registration shall also be liable for an election
35 offense.

36 **SEC. 386.** *Approval of unqualified registrants.* - The members of the election
37 registration board who approve any application for registration or transfer of
38 registration which on its face shows that the applicant does not possess all the

1 qualifications prescribed by law for a voter or who disapproves any application which
2 on its face shows that the applicant possesses all such qualifications and there is no
3 objection, contest, or opposition against such applicant's application shall be liable for
4 an election offense.

5 **SEC. 387.***Double Registration and Substituted Registration.* - Any person who,
6 being a registered voter, registers anew or attempts to register anew shall be guilty
7 of an election offense: *Provided however,* That any person who attempts to register
8 anew but discloses the fact of his prior registration and who desisted from further
9 attempting to register after having been informed by the Election Officer that he or
10 she is still registered shall not be liable for an election offense.

11 Likewise, criminally liable under this Code is any person who registers or
12 attempts to register in substitution for another whether with or without the latter's
13 knowledge or consent, as well as any person who registers or attempts to register any
14 deceased or fictitious person.

15 **SEC. 388.***Tampering of application for registration, the registration records, or*
16 *the certified list of voters.* - Any person who tampers with or changes without authority
17 any data or entry in any voter's application for registration shall be guilty of an election
18 offense. Likewise, criminally liable is any person who, in any manner, physically or
19 electronically tampers, tears, defaces, removes, or otherwise alters any registration
20 record, book of voters, or certified list of voters without authority from the
21 Commission. Any form of data or system interference or illegal access, as understood
22 under R.A. 10175, involving the documents and files mentioned in this Section shall
23 constitute an election offense hereunder.

24 **SEC. 389.***Unlawful transfer of precinct assignment.* - Any person who
25 changes, alters, or transfers the precinct assignment of a voter in the permanent list
26 of voters without the express written consent of the voter shall be guilty of an election
27 offense: *Provided, however,* That if the voter shall unreasonably withholds such
28 consent the criminal liability mentioned hereunder shall not apply.

29 **SEC. 390.***Election Offenses by the Election Officer and Members of the Election*
30 *Registration Board.* - The members of the Election Registration Board shall be held
31 liable for an election offense should they fail, without legal justification, to post, within
32 the time and on the places prescribed in this Code, the certified list of voters or the
33 action taken on the applications for registration.

34 The Election Officer who shall, without valid justification, fail to perform any of
35 the foregoing within the time and in the places prescribed by this Code shall be
36 criminally liable hereunder:

37 (a) set the applications for registration for hearing;

38 (b) post notices of such hearing; or

(c) preserve and safekeep the voter's registration records in the manner prescribed by the Commission.

Article 38

Election Offenses Related to the Certificate Of Candidacy and the Registration of Political and Sectoral Parties, Organizations, and Coalitions

SEC. 391. *Nuisance Candidacy.* – Any person who was found by the Commission, after due notice and hearing, to have filed a certificate of candidacy, under any of the following circumstance: (a) to put the election process in mockery or disrepute; (b) to cause confusion among the voters by similarity of the names of the registered candidates; (c) to obtain money, profit, or any other consideration; or (d) by any other circumstance or act which clearly demonstrate that the candidate has no bona fide intention to run for the office for which the certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate.

SEC. 392. *Material Misrepresentation in the Certificate of Candidacy and in the Certificate of Nomination and Acceptance.* - Any person who commits any misrepresentation as to a material matter in his or her Certificate of Candidacy shall be guilty of an election offense. Likewise, any person who commits a material misrepresentation in the Certificate of Nomination and Acceptance shall be criminally liable hereunder.

Material misrepresentation or false statement shall include the use of a name, nickname or alias of any other person and which the candidate is not generally known in the community for purposes of gaining political capital or advantage against his or her electoral opponent.

SEC. 393. *Material Misrepresentation in the Petition for Registration.* - The president and chairperson of the political or sectoral group, party, organization or coalition, together with the signatory of the petition for registration or accreditation, shall be liable for an election offense should such petition contain any false statement in any matter required by this Code to be stated therein.

SEC. 394. *Improper Substitution of Party-List Nominees.* - It shall be unlawful for any nominee of a party-list group to feign any incapacity for the purpose of being substituted. In such cases, the president and chairperson of the party-list group and the nominee or nominees who feigned such incapacity shall be criminally liable. The person or persons who substituted the erring nominee or nominees are also liable for the election offense hereunder if they knew or were in a reasonable position to know that said nominee or nominees were merely feigning their incapacity.

SEC. 395. *Refusal to receive or acknowledge receipt of the certificate of candidacy.* - Except in case of barangay and sangguniang kabataan elections, it shall

1 be unlawful for any officer of the Commission to refuse to receive any certificate of
2 candidacy filed with him or her or refuse to acknowledge receipt of the same.

3 In case of barangay and Sangguniang Kabataan elections, it shall be unlawful
4 for any election officer to refuse receipt of any certificate of candidacy which does not,
5 on its face, bear out that the prospective candidate is ineligible or that he or she does
6 not meet the qualifications pertaining to age, residence, or registered voter status as
7 set forth by law. Likewise, the election officer shall be liable for an election offense if
8 he or she refuses to issue a notice of rejection pursuant to Section 308 of this Code
9 or fails to comply with the directive of the provincial election supervisor to include the
10 prospective candidate in the official list of candidates pursuant to the same section.

11 Finally, in barangay and Sangguniang Kabataan elections, it shall be unlawful
12 for the Provincial Election Supervisor to refuse receipt of the certificate of candidacy
13 of any prospective candidate if the same is filed with the notice of rejection from the
14 election officer concerned.

15 **SEC. 396.** *Abstracting, destroying, cancelling, or tampering a certificate of*
16 *candidacy.* - Any person who abstracts, destroys, tampers, forges, or cancels any
17 certificate of candidacy duly filed and which has not been cancelled upon order of the
18 Commission shall be liable for an election offense.

19 **Section 397.** *Spurious certificate of candidacy; receipt of candidacy despite*
20 *expiration of the period for filing.* - Any person who submits any false or spurious
21 certificate of candidacy or document to the prejudice of a candidate shall be criminally
22 liable under this Chapter.

23 Any person who, being authorized to receive certificates of candidacy, receives
24 any certificate of candidacy outside the period for filing the same and makes it appear
25 that said certificate of candidacy was filed on time; or any person who, by means of
26 fraud, threat, intimidation, terrorism or coercion, causes or compels the commission
27 of said act shall be guilty of an election offense.

28
29
30 **Article 39**
31 **Election Offenses Related to the Election Campaign**
32 **and Campaign Finance**

33 **SEC. 398.** *Election campaign or partisan political activity outside campaign*
34 *period.* – It shall be unlawful for any person, whether a voter or candidate, or a
35 prospective candidate, or for any party, or association of persons, to engage in an
36 election campaign or partisan political activity except during the campaign period:
37 *Provided,* that political parties may hold political conventions or meetings to nominate
38 their official candidates within thirty days before the commencement of the campaign

1 period and forty-five days for Presidential and Vice-Presidential election; *Provided*
2 *further*, that a candidate or a prospective candidate may be held liable under this
3 section for acts committed within one year before the commencement of the campaign
4 period upon the filing of his certificate of candidacy.

5 **SEC. 399.***Coercion related to campaigning.* - It shall be unlawful for any person
6 to coerce, intimidate, or otherwise compel any other person, whether directly or
7 indirectly, to campaign for or against a proposition, candidate, political or sectoral
8 party, organization, or coalition of political parties.

9 It shall also be unlawful for any person, who shall, during the campaign period,
10 coerce, intimidate or compel another to desist from campaigning for or against any
11 proposition, candidate, party or organization if the person being coerced, intimidated
12 or compelled can lawfully participate in partisan political activities.

13 **SEC. 400.***Intervention of public officers and employees.* - It shall be unlawful
14 for any officer or employee in the civil service, including those in the Armed Forces of
15 the Philippines to directly or indirectly intervene in any election campaign or engage
16 in any partisan political activity, except to vote or to preserve public order; *Provided*,
17 That those holding elective positions shall not be covered by the ban hereunder;
18 *Provided further*, That job order personnel and those under contracts of service shall
19 likewise be prohibited from engaging in partisan political activities. Persons who violate
20 this Section shall be guilty of an election offense and shall be perpetually disqualified
21 from holding public office.

22 **SEC. 401.***Use of public funds, money deposited in trust, equipment, facilities*
23 *owned or controlled by the government for an election campaign.* - Any person who
24 uses or causes to be used, under any guise whatsoever, directly or indirectly, (1)
25 public funds or money deposited with, or held in trust by, public financing institutions
26 or by government offices, banks, or agencies; (2) any printing press, radio, television
27 station, audio-visual equipment, website, computer, server, internet services, or any
28 other information and communications machine or equipment operated by the
29 Government or by its divisions, sub-divisions, agencies or instrumentalities, including
30 government-owned or controlled corporations, or by the Armed Forces of the
31 Philippines; or (3) any equipment, vehicle, facility, apparatus, or paraphernalia owned
32 by the government or by its political subdivisions, agencies including government-
33 owned or controlled corporations, or by the Armed Forces of the Philippines for any
34 election campaign or for any partisan political activity shall be guilty of an election
35 offense. The prohibition hereunder shall begin after the last day of the filing of the
36 certificates of candidacy.

37 **SEC. 402.***Unjustified refusal to grant permit.* - Any punong barangay,
38 municipal or city mayor, or governor who shall unjustifiably deny any application for
39 the holding of a peaceful political rally, meeting, or other similar activities, including

1 rallies, meetings, and similar activities to campaign for or against a proposition in case
2 of a plebiscite, initiative, or referendum, shall be criminally liable.

3 **Section 403.***Interference with a lawful election campaign or propaganda.* -
4 Any person who interferes, breaks up, or prevents, without legal ground, any political
5 rally or campaign or, in case of plebiscite, referendum, or initiative, any lawful activity
6 conducted in support or opposition of any proposition, shall be guilty of an election
7 offense. If the offender is a public officer, he shall likewise be perpetually disqualified
8 from holding public office.

9 It shall also be unlawful for any person to jam, obstruct, or interfere with a
10 radio, television, or internet broadcast of any lawful political program or advertisement
11 including, in the case of plebiscite, referendum, or initiative, programs or
12 advertisements espousing support or opposition to any proposition.

13 **SEC. 404.***Prohibition against discrimination in the sale of air time.* - Any person
14 operating a radio or television station who, without justifiable cause, discriminates
15 against any political party, coalition or aggroupment of parties or any candidate in the
16 sale of air time, or who manifests undue bias in the sale of such air time for or against
17 a proposition, in case of plebiscite, referendum, or initiative, shall be guilty of an
18 election offense. In addition to the penalty prescribed herein, such refusal shall
19 constitute a ground for cancellation or revocation of the franchise.

20 **SEC. 405.***Other Election Offenses Related to Election Campaigns.* - Any person
21 who violates Sections 95, 96, 97, 98, 99, 100, 101, 104, 107, 108, 109, or 110 of this
22 Code shall be guilty of an election offense.

23 **SEC. 406.***Election Offenses Related to Campaign Finance.* - Any person who
24 shall violate Sections 111, 112, 113, 114, 115, 116, 117, or 118 of this Code shall be
25 liable for an election offense.

26 **SEC. 407.***Violation of the Rules and Regulations of the Commission.* - Any
27 person who violates the rules and regulations duly promulgated by the Commission to
28 implement Article 9 of this Code shall be criminally liable under this Article.

29
30 **Article 40**
31 **Election Offenses Related to the Election Period and Campaign Period**

32 **SEC. 408.***Appointment of new employees, creation of new position, promotion,*
33 *or giving salary increases.* – The following shall be criminally liable hereunder:

- 34 (1) any head, official or appointing officer of a government office, agency or
35 instrumentality, whether national or local, including government-owned or
36 controlled corporations, who, during the election period, appoints or hires any
37 new employee, whether provisional, temporary or casual, or creates and fills
38 any new position, except upon prior authority of the Commission. The

1 Commission shall not grant the authority sought unless, it is satisfied that the
2 position to be filled is essential to the proper functioning of the office or agency
3 concerned, and that the position shall not be filled in a manner that may
4 influence the election.

5 As an exception to the foregoing provisions, a new employee may be appointed
6 in case of urgent need: *Provided, however,* That notice of the appointment
7 shall be given to the Commission within three days from the date of the
8 appointment. Any appointment or hiring in violation of this provision shall be
9 null and void.

10 It shall be mandatory for the Commission to resolve any request for authority
11 to appoint or hire new employees or create and fill new positions within fifteen
12 (15) days from the filing of the same.

- 13 (2) Any government official who, within the election period, promotes, or gives any
14 increase of salary or remuneration or privilege to any government official or
15 employee, including those in government-owned or controlled corporations.

16 **SEC. 409.** *Transfer of officers and employees in the civil service.* - Any public
17 official who makes or causes any transfer or detail whatsoever of any officer or
18 employee in the civil service including public school teachers, within the election
19 period, except upon prior approval of the Commission shall be liable for an election
20 offense.

21 From their appointment as such and until the end of the election period or the
22 official proclamation of winning candidates, whichever comes earlier, no member of
23 the board of canvassers shall leave his or her official station without prior authority of
24 the Commission.

25 **SEC. 410.** *Suspension of elective provincial, city, municipal or barangay officer.*
26 - The provisions of law to the contrary notwithstanding, during the election period,
27 any public official who suspends, without prior approval of the Commission, any
28 elective provincial, city, municipal or barangay officer, shall be guilty of an election
29 offense: *Provided,* That the prohibition shall not apply if said suspension will be for
30 purposes of applying the "Anti-Graft and Corrupt Practices Act" in relation to the
31 suspension and removal of elective officials.

32 **SEC. 411.** *Appointment or use of armed groups.* - During the election period,
33 any appointing authority who appoints or constitutes an armed group in whatever
34 guise or designation or any person who utilizes the services of an armed group shall
35 be liable for an election offense: *Provided,* That the services of duly licensed security
36 firms may be availed of to provide security to residences, places of business, offices,
37 storage houses, or any other place where the deployment of security personnel is
38 necessary to prevent damage or loss of property or personal injury or loss of life:
39 *Provided further,* That the President, Vice-President, Supreme Court Justices,

1 Senators, Members of the House of Representatives, Court of Appeals Justices,
2 Commissioners of the Constitutional Commissions, the Ombudsman and his deputies,
3 Department Secretaries, the Solicitor General, Generals of the Armed Forces or of the
4 Philippine National Police, and other government officials not enumerated above or
5 any retired government official, who, at least six months prior to the election period
6 or the thirty-day period previously mentioned herein, have been assigned a security
7 detail, shall be allowed to retain such security detail: *Provided, however,* That other
8 government officials or retired government officials not falling within the immediately
9 preceding proviso, as well as private individuals, including candidates, may apply with
10 the Commission for a security detail from the Philippine National Police or other law
11 enforcement agencies of the government upon a showing that the circumstances so
12 warrant: *Provided finally,* That all the security personnel, as well as, the government
13 officials, retired government officials, and private individuals mentioned in this section
14 shall still be required to obtain exemption from the ban on carrying firearms and
15 deadly weapons, unless otherwise automatically exempted by the Commission
16 through a duly promulgated resolution.

17 At the beginning of the election period, all armed groups shall turn over their
18 firearms, uniforms, insignias and other badges of authority to the Philippine National
19 Police. Failure to do so shall constitute an election offense.

20 As used in this section, the term "armed group" shall refer to a group of two or
21 more individuals who carry weapons, whether openly or in a concealed manner, who
22 are under the control, supervision, or command of a person or group of persons, and
23 who are not members of the armed units of the Philippine Armed Forces, Philippine
24 National Police, Bureau of Fire Protection, Bureau of Jail Management and Penology,
25 Philippine Drug Enforcement Agency, National Bureau of Investigation, other law
26 enforcement agencies, Citizen Armed Forces Geographical Units, security forces of the
27 Senate, House of Representatives, the Constitutional Commissions, the Supreme
28 Court, and the Office of the Ombudsman, and armed units constituted, created, or
29 maintained in accordance with statute. For this purpose, any form of barangay,
30 municipal, city, or provincial security forces constituted, created, or maintained by
31 mere ordinance or resolution shall be considered as an armed group within the
32 purview of this section.

33 **SEC. 412.** *Ban on carrying of firearms and other deadly weapons.* – The
34 issuance of firearms licenses shall be suspended during the election period. Any
35 person who carries or bears any firearm outside his residence or place of business
36 during such period, unless authorized in writing by the Commission, shall be liable for
37 an election offense: *Provided,* That a motor vehicle, water or air craft shall not be
38 considered a residence or place of business or extension hereof.

1 This prohibition shall not apply to cashiers and disbursing officers while in the
2 performance of their duties or to persons who by nature of their official duties,
3 profession, business or occupation habitually carry large sums of money or valuables.

4 Regular members or officers of the Philippine National Police, the Armed Forces
5 of the Philippines and other law enforcement agencies of the Government may be
6 authorized to carry and possess firearms during the election period: *Provided, That,*
7 when in the possession of firearms, the law enforcement officer must be: (a) in full
8 uniform showing clearly and legibly his name, rank and serial number which shall
9 remain visible at all times; and (b) in the actual performance of his law enforcement
10 duty in the specific area where he or she is assigned or detailed. Exceptions to the
11 foregoing requirements may be allowed by the Commission only in meritorious cases,
12 upon petition by the enforcement agency concerned.

13 It shall likewise be unlawful to carry outside of one's residence or place of
14 business any bladed, pointed or blunt weapon such as 'knife', 'spear', 'pana', 'dagger',
15 'bolo', 'barong', 'kris', 'chako', or similar weapons, except where such articles are being
16 used as necessary tools or implements to earn a livelihood or in pursuit of a lawful
17 activity.

18 No deadly weapon be allowed in the polling place and within a radius of one
19 hundred meters thereof during the days and hours fixed by law or by the Commission
20 for voting, counting of votes, or preparation of the election returns. However, in cases
21 of affray, turmoil, or disorder, any peace officer or public officer authorized by the
22 Commission to supervise the election is entitled to carry firearms or any other weapon
23 for the purpose of preserving order and enforcing the law.

24 **SEC. 413.** *Use of armored land, water or aircraft. - Any person who uses during*
25 *the election period, including the election day, any armored land, water or air craft,*
26 *provided with any temporary or permanent equipment or any other device or*
27 *contraption for the mounting or installation of cannons, machine guns and other*
28 *similar high caliber firearms, including military type tanks, half trucks, scout trucks,*
29 *armored trucks, of any make or model, whether new, reconditioned, rebuilt or re-*
30 *modelled, shall be liable for an election offense: Provided, That banking or financial*
31 *institutions and all business firms may use armored vehicles, in the number reasonably*
32 *necessary for its operations, strictly for, and limited to, the purpose of transporting*
33 *cash, gold bullion or other valuables in connection with their business from and to*
34 *their place of business, upon previous authority of the Commission.*

35 **SEC. 414.** *Wearing of uniforms and bearing of arms. - During the election*
36 *period, any member of the Philippine National Police, Armed Forces of the Philippines,*
37 *Citizen Armed Forces Geographical Unit and other law enforcement units organized,*
38 *created, and maintained in accordance with law or privately-owned or operated*
39 *security, investigative, protective or intelligence agencies, who wears his uniform or*
40 *uses his insignia, decorations or regalia, or bears arms outside the immediate vicinity*

1 of his place of work, place of assignment, place of detail, camp, garrison, or barracks,
2 shall be liable for an election offense: *Provided*, That this prohibition shall not apply
3 when said member is in pursuit of a person who has committed or is committing a
4 crime; when he is in the actual performance of his duties; when he is escorting or
5 providing security for the transport of payrolls, deposits, or other valuables; or when
6 guarding private residences, buildings, or offices.

7 The Commission may, upon application and only if necessary to maintain peace
8 and order or preserve the internal or external security of the country, exempt specific
9 units of the Armed Forces, the Philippine National Police, and other law enforcement
10 agencies from the foregoing requirements: *Provided*, That all personnel authorized to
11 bear arms or wear their uniforms outside the places mentioned in the preceding
12 paragraph shall bear their true name, rank and serial number.

13 During the election period, whenever the Commission finds it necessary for the
14 promotion of free, orderly, honest and peaceful elections in a specific area, it shall
15 confiscate or order the confiscation of firearms of any member or members of the
16 Armed Forces of the Philippines, the Philippine National Police, other law enforcement
17 agencies, security firms or agencies, or any other person or persons.

18 The prohibitions under this Section and the last three preceding sections, as
19 well as the exemptions thereto, shall also apply on the day of a plebiscite, referendum,
20 or initiative, and the thirty-day period prior thereto but only in the areas covered or
21 affected by such plebiscite, referendum, or initiative.

22 **SEC. 415.***Prohibition on the release, disbursement or expenditure of public*
23 *funds for any and all kinds of public works.* - Any public official or employee including
24 barangay officials and those of government-owned or controlled corporations and their
25 subsidiaries, who, during the campaign period for local officials, releases, disburses or
26 expends any public funds for any and all kinds of public works shall be criminally liable:
27 *Provided, however*, That the following shall not be covered by the prohibition:

28 (a) Maintenance of existing and/or completed public works project: *Provided*, That
29 not more than the average number of laborers or employees already employed
30 therein during the six-month period immediately prior to the beginning of the
31 local campaign period shall be permitted to work during such time: *Provided*,
32 *further*, That no additional laborers shall be employed for maintenance work
33 within the said period;

34 (b) Work undertaken by contract through public bidding held, or by negotiated
35 contract awarded, before the local campaign period: *Provided*, That work for the
36 purpose of this section undertaken under the so-called "takay" or "paquiao"
37 system shall not be considered as work by contract;

38 (c) Payment for the usual cost of preparation for working drawings, specifications,
39 bills of materials, estimates, and other procedures preparatory to actual

1 construction including the purchase of materials and equipment, and all
2 incidental expenses for wages of watchmen and other laborers employed for
3 such work in the central office and field storehouses before the beginning of
4 such period: *Provided*, That the number of such laborers shall not be increased
5 over the number hired when the project or projects were commenced;

6 (d) Emergency work necessitated by the occurrence of a public calamity, but such
7 work shall be limited to the restoration of the damaged facility;

8 (e) Ongoing public works projects commenced before the campaign period or similar
9 projects under foreign agreements. For purposes of this provision, it shall be the
10 duty of the government officials or agencies concerned to report to the
11 Commission the list of all such projects being undertaken by them.

12 No payment shall be made within five days before the date of election to
13 laborers or contractors who have rendered services in projects or works except those
14 falling under subparagraphs (a), (b), (c), (d), and (e) of this section.

15 **SEC. 416.** *Prohibition on undertaking of construction of public works, delivery*
16 *of materials for public works and issuance of treasury warrants and similar devices.* -
17 During the local campaign period, any person who (a) undertakes the construction of
18 any public works, except for projects or works exempted in the preceding section; or
19 (b) issues, uses, or avails of treasury warrants or any security or contract undertaking
20 future delivery of money, goods or other things of value chargeable against public
21 funds shall be guilty of an election offense.

22 **SEC. 417.** *Prohibition on the release, disbursement or expenditure of public*
23 *funds for housing and social welfare services and development.* - Any public official or
24 employee including barangay officials and those of government-owned or controlled
25 corporations and their subsidiaries, who, during the campaign period for local officials,
26 releases, disburses or expends any public funds for any of the services undertaken or
27 offered by Department of Social Welfare and Development (DSWD), the Department
28 of Human Settlements and Urban Development (DHSUD) and any other office in other
29 departments or agencies of the government performing functions similar to the DSWD
30 or DHSUD, including the social services or public housing offices or departments of
31 local government units, shall be guilty of an election offense: *Provided, however*, That
32 expenses for salaries of personnel, routine and normal expenses, and such other
33 expenses as the Commission may authorize after due notice and hearing shall not be
34 covered by the prohibition.

35 Should a calamity or disaster occur, the Commission shall exempt the DSWD
36 and similar departments, offices, and agencies operating within the affected area from
37 the prohibition in the preceding paragraph: *Provided*, That no candidate or his or her
38 spouse or member of his family within the second civil degree of affinity or

1 consanguinity shall participate, directly or indirectly, in the distribution of any relief or
2 other goods to the victims of the calamity or disaster.

3 4 **Article 41**

5 **Election Offenses Related to Voting or the Voting Period**

6 **SEC. 418.***Vote-buying and vote-selling; conspiracy to commit vote-buying.* -

7 Any person who gives, offers or promises money or anything of value, gives or
8 promises any office or employment, franchise or grant, public or private, or makes or
9 offers to make an expenditure, directly or indirectly, or cause an expenditure to be
10 made to any person, association, corporation, entity, or community in order to induce
11 anyone or the public in general to vote for or against any proposition, candidate, or
12 political or sectoral party, organization or coalition, or to withhold his vote in the
13 election, plebiscite, referendum, or initiative, as the case may be, shall be liable for an
14 election offense.

15 Any person, association, corporation, group or community who solicits or
16 receives, directly or indirectly, any expenditure or promise of any office or
17 employment, public or private, for any of the foregoing considerations shall likewise
18 be criminally liable hereunder.

19 When two or more persons, whether candidate or not, come to an agreement
20 concerning the commission of any violation of the first paragraph of this section, and
21 decide to commit it, each of such persons shall be guilty of an election offense.

22 **SEC. 419.***Prosecution of Vote-Buying and Vote-Selling.* - The presentation of
23 a complaint for violations of the preceding section, when supported by affidavits of
24 complaining witnesses attesting to the offer or promise by or of the voter's acceptance
25 of money or other consideration from the relatives, leaders or sympathizers of a
26 candidate, shall be sufficient basis for an investigation to be immediately conducted
27 by the Commission or other prosecuting arms of the government.

28 Proof that at least one voter in different precincts representing at least ten
29 percent (10%) of the total precincts in any municipality, city, district or province has
30 been offered, promised or given money, valuable consideration, or other expenditure
31 by a candidate's relatives, leaders and/or sympathizers for the purpose of promoting
32 the election of such candidate, shall constitute a disputable presumption of a
33 conspiracy under the preceding section. The same shall also constitute as prima facie
34 evidence of the involvement of such candidate and of his principal campaign managers
35 in each of the municipalities, cities, districts, or provinces concerned, in the conspiracy.

36 The giver, offeror, and promisor as well as the solicitor, acceptor, recipient and
37 conspirator in the preceding section shall be liable as principals: *Provided*, That any
38 person, otherwise guilty under said section who voluntarily gives information and
39 willingly testifies on any violation thereof in any official investigation or proceeding

1 shall be exempt from prosecution and punishment for the offenses with reference to
2 which his information and testimony were given: *Provided further*, That nothing herein
3 shall exempt such person from criminal prosecution for perjury or false testimony.

4 **SEC. 420.***Coercion to vote for or against a candidate, party, or organization. -*

5 Any public officer, or any officer of any public or private corporation or association, or
6 any head, superior, or administrator of any religious organization, or any employer or
7 land-owner who coerces or intimidates or compels, or in any manner influence, directly
8 or indirectly, any of his subordinates or members or parishioners or employees or
9 house helpers, tenants, overseers, farm helpers, tillers, or lease holders to aid,
10 campaign or vote for or against any proposition, candidate, political or sectoral party,
11 organization, or coalition shall be liable for an election offense.

12 Any employee or laborer who is dismissed or tenant who is ejected for refusing
13 or failing to vote for any proposition or candidate or party-list group of his employer
14 or landlord, as the case may be, shall be reinstated and the damages caused to the
15 aggrieved party, including unearned income and moral damages, shall be restored to
16 him upon application with the proper court and without prejudice to the criminal
17 liability of the offender as set forth in this Chapter.

18 Any person who, directly or indirectly, threatens, intimidates or actually causes,
19 inflicts or produces any violence, injury, punishment, damage, loss or disadvantage
20 upon any person or persons or that of the immediate members of his family, his honor
21 or property, or uses any fraudulent device or scheme to compel or induce the casting
22 of any vote or omission to vote, or any promise of such vote or omission therefrom
23 shall also be guilty of an election offense. Likewise, it shall be unlawful for any person
24 to detain a voter without lawful cause, or molests him in such a manner as to obstruct
25 or prevent him from going to the polling place to cast his vote or from returning home
26 after casting his vote, or to compel him to reveal how he voted.

27 **SEC. 421.***Multiple voting; unregistered voter; voting in substitution of another.*

28 - Any person who votes more than once in the same election, plebiscite, referendum,
29 or initiative or who, not being a registered voter, votes in an election, plebiscite,
30 referendum, or initiative or who votes in substitution for another whether with or
31 without the latter's knowledge and/or consent shall be liable for an election offense.
32 Furthermore, any voter who, in the course of voting, uses a ballot other than the one
33 given by the electoral board, barangay electoral board, or PlebCom as the case may
34 be, or has in his possession more than one official ballot, without legal justification
35 therefor, shall also be liable for an election offense.

36 **SEC. 422.***Unlawful transfer of polling place. -* Any person who, without
37 authority, transfers the location of a polling place shall be liable for an election offense.

38 **SEC. 423.***Propagation of disinformation. -* Any person who, for the purpose of
39 disrupting or obstructing the election process or causing confusion among the voters,

propagates, transmits or circulates, through any means including posting in social media platforms, any false report, false information, false order, directive or messages regarding any matter relating to the printing of official ballots, the postponement of the election, plebiscite, referendum, or initiative, the transfer of polling place or the general conduct of the election, plebiscite, referendum, or initiative.

SEC. 424. *Voting-related offenses attributable to members of the Electoral Board, Barangay Electoral Board, or PlebCom.* - Aside from the election offenses mentioned in this Article, any member or members of the Electoral Board, Barangay Electoral Board, or whenever applicable, the Plebiscite Committee, as the case may be, shall be guilty of an election offense for the following acts or omissions:

- (a) Allowing or making possible the casting of more votes than there are registered voters;
- (b) Knowingly allowing any person whose name does not appear in the list of registered voters of the precinct concerned to vote therein without legal justification therefor;
- (c) Knowingly allowing a person who has already voted to vote again in the same election, plebiscite, referendum, or initiative;
- (d) Unjustifiably preventing any voter registered in the precinct concerned, whose name is in the certified list for such precinct, and who has not yet voted, to cast his vote even though the voting period has not yet lapsed;
- (e) Knowingly using ballots other than the official ballots;
- (f) Deliberately being absent from the meetings of the board or committee for the purpose of obstructing or delaying the performance of its duties or functions;
- (g) Refusing to sign and certify, without justifiable reason, any election form or document required by this Code or prescribed by the Commission although he was present during the meeting of the said body;
- (h) Any person who, being ineligible for appointment as member of the Electoral Board, the Barangay Electoral Board, or the Plebiscite Committee, as the case may be, accepts an appointment to said body, assumes office, and actually serves as a member thereof, or any of public officer or any person acting in his behalf who appoints such ineligible person knowing him to be ineligible;
- (i) Engaging in any partisan political activity after he has been appointed as member of the Electoral Board, Barangay Electoral Board, or PlebCom except to discharge his duties as such and to vote;
- (j) Failing to start the voting at the time fixed by the Commission or closing the conduct of voting before the time prescribed by the Commission, without any justifiable reason.

- 1 (k) Failing to observe the procedure laid down in Section 188 of this Code,
2 pertaining to preliminaries to voting, without any valid justification therefor.
- 3 (l) Deliberately allowing any unauthorized persons in and around the polling place:
4 *Provided, however,* That the members of the Electoral Board shall not incur
5 criminal liability should they be threatened, intimidated, coerced, or in any
6 manner forced against their will into allowing unauthorized persons in and
7 around the polling place.
- 8 (m) Failing, without legal justification, to observe the procedure under Section 192
9 or any other measure required by the Commission to be observed by the
10 electoral board, barangay electoral board, or PlebCom pursuant to Section 193
11 of this Code. In case of failure to authenticate the official ballot, only the
12 chairperson of the electoral board shall be criminally liable;
- 13 (n) Refusing to record challenges, oaths, or any other matter which the Code or
14 the Commission requires to be recorded in the Minutes of Voting;
- 15 (o) Making any announcement as to whether a certain registered voter has already
16 voted or not, as to how many have already voted or how many so far have
17 failed to vote, or any other fact tending to show or showing the state of the
18 polls before the termination of the voting;
- 19 (p) Making any statement at any time, except as witness before a court or the
20 Commission, as to how any person voted;
- 21 (q) Unjustifiably disallowing any duly authorized watcher in the polling place; or
22 unlawfully depriving such watcher of any right set forth in this Code; or
23 preventing any action which such watcher may lawfully take without any lawful
24 justification therefor.

25 **SEC. 425.** Other voting-related offenses. - Any person who violates Sections
26 175, 181, 190, 194, or 195 of this Code shall be liable for an election offense.
27 Furthermore, any person shall be liable for a criminal offense for any of the following
28 acts:

- 29 (a) Removing, tearing, defacing or destroying any certified list of candidates posted
30 in the polling place during the hours of voting;
- 31 (b) Posting of a list of voters outside or at the door of a precinct on the day of an
32 election, plebiscite, referendum, initiative and/or recall, and which list is
33 different in contents from the certified list of voters being used by the Board of
34 Election Inspectors;
- 35 (c) Holding or causing the holding of an election on any other day than that fixed
36 by law or by the Commission, or stops any election being legally held;
- 37 (d) Deliberate blurring of his fingerprint in the voting record; or

- 1 (e) Conducting himself in such a disorderly manner as to interrupt or disrupt the
2 work or proceedings to the end of preventing the electoral board from
3 performing its functions, either partly or totally.

4
5 **Article 42**

6 **Offenses Related to the Counting and Canvassing of Votes**

7 **SEC. 426.** *Offenses attributable to the members of the Electoral Board,*
8 *Barangay Electoral Board, or PlebCom during the counting of votes.* - The electoral
9 board, barangay electoral board, the Plebiscite Committee or any member or members
10 thereof, shall be liable for an election offense for the following acts or omissions during
11 the counting of votes:

- 12 (a) Deliberately omitting to read the vote duly written on the ballot, or misreading
13 the vote actually written thereon or reading the proposition or name of a
14 candidate where no such proposition or name is written on the ballot, if the
15 member in question is charged with the duty of reading the votes.
- 16 (b) Deliberately failing to record a vote in the tally board or sheet, election returns,
17 or other prescribed form, or erroneously recording the votes as read, or
18 recording a vote where no such vote has been read by the chairman: *Provided,*
19 *That the member of the electoral board, barangay electoral board, or PlebCom*
20 *in question is the one charged with the duty of tallying the votes;*
- 21 (c) Refusing, after proper verification and hearing, to credit the correct votes or
22 deduct such tampered votes: *Provided,* *That if such act constitutes electoral*
23 *sabotage as defined in Article 45 of this Code, the perpetrator or perpetrators*
24 *shall be liable thereunder;*
- 25 (d) Conducting the counting of votes in any place other than the polling place,
26 unless otherwise ordered or allowed by the Commission; or counting the votes
27 without the presence of the authorized watchers unless aforesaid watchers
28 have been duly notified of the time and place of the counting of votes; or
29 unjustifiably and willfully preventing any authorized watcher from observing the
30 counting of votes;
- 31 (e) Conducting the counting of votes in a building or place located within the
32 perimeter of or inside a military or police camp, reservation, headquarters,
33 detachment or field office or within the premises of a prison or detention bureau
34 or any law enforcement or investigation agency, with or without the consent of
35 the Commission. Any officer of the Commission who consents to or orders that
36 the counting of votes shall be in such building or place shall likewise be
37 criminally liable hereunder;

- (f) Re-arranging the physical set up of the polling place for the purposes of counting without the presence of the watchers and outside the close view of the public; or failing to ensure that the ballot boxes and all election documents and paraphernalia are within the close view of the watchers and the public;
- (g) Failure, without justifiable cause, to comply with the procedure laid down by this Code or by the Commission in the handling, disposition, transmittal, and safe-keeping of the filled-in ballots, unused ballots, spoiled ballots, marked ballots, election returns, vote counting devices, and storage devices;
- (h) Adjourning, postponing, or delaying the counting of votes, either in the manual count, automated count, or both, before it has been fully completed, unless otherwise ordered by the Commission;
- (i) Deliberate failure to perform a manual count of the votes; or to prepare separate election returns for the manual count; or to prepare the required number of election returns; or, in case of hybrid elections, to conduct the automatic manual recount prescribed in Section 215 of this Code; or to conduct any other procedure laid down in aforesaid section or in the rules and regulations prescribed by the Commission relative to the counting of votes;
- (j) Unjustified failure to sign each copy of the election returns; or to affix his or her thumbmark thereto; or to explain his or her refusal to sign or to affix his or her thumbmark; or to digitally sign the election returns that shall be transmitted electronically, if applicable;
- (k) Signing or authenticating any copy of the election return outside of the polling place unless there is prior consent or order of the Commission; or knowingly signing or authenticating an election return that does not accurately reflect the result of the automated count, manual count, or automatic recount, as the case may be.
- (l) Failure of the chairperson to distribute the copies of the election returns in accordance with the provisions of this Code; or, after the preparation of the election returns, to publicly read and announce the total number or registered voters, the total number of voters who actually voted, the total number of votes obtained by each candidate, party-list group, or proposition based on the election returns, and, in case of hybrid elections, whether there is a discrepancy between the results of the automated system and manual counting system, and the details of the said discrepancy, including the result of the recount, if any;
- (m) Failure to post a copy of the election returns within the premises of the polling place or counting center as prescribed in this Code;
- (n) Unjustified failure to electronically transmit the precinct results under the automated system to the board of canvassers, the dominant majority and

1 minority party, the accredited citizen's arm, and the Kapisanan ng mga
2 Broadcasters ng Pilipinas (KBP); or transmitting such results without the
3 presence of the watchers and representatives of the accredited citizen's arm,
4 political parties/candidates, if any, unless said watchers and representatives
5 have been duly notified of the time when the board shall so transmit;

6 (o) Refusal to issue accredited watchers the certificate of votes as required in this
7 Code; or

8 (p) In case of the barangay electoral board, willful and deliberate failure to apply
9 the rules for the appreciation of ballots enumerated in Section 317 of this Code
10 or to observe the procedure in the counting of votes set forth in Section 316
11 hereof and by the Commission.

12 **SEC. 427.** *Unlawful removal or defacement of the posted election returns.* -
13 Any person who removes the election return posted within the premises of the polling
14 place or counting center, whether within or after the prescribed forty-eight (48) hours
15 of posting, without authority therefor, or defaces the same in any manner shall be
16 liable for an election offense: *Provided, however,* That the chairperson or any member
17 of the electoral board may remove said election returns for the purpose of immediately
18 transferring it to a more suitable place.

19 **SEC. 428.** *Tampering or simulation of election returns or forging of signatures*
20 *therein.* - Any person who simulates an actual election return or a print or digital copy
21 thereof; or forges thereon the signature of any or all of the members of the electoral
22 board, shall be liable for an election offense.

23 It shall be unlawful for any person to tamper, alter, deface, or falsify any portion
24 of any copy of the election returns: *Provided,* That in the instances allowed by this
25 Code, the electoral board may make alterations in manually accomplished election
26 returns for the purpose of correcting any entry therein: *Provided further,* That such
27 alterations shall be initialed by all the members of the electoral board or barangay
28 electoral board as the case may be and that the results of the elections in the polling
29 place concerned have not yet been announced: *Provided finally,* That any alteration
30 to the election returns after the announcement of results may be done only under
31 Section 243 of this Code or upon order of the Commission.

32 In the event that the tampering or simulation constitutes electoral sabotage as
33 defined under Article 45, the offender shall be liable thereunder.

34 **SEC. 429.** *Preventing the livestreaming or recording of the counting; unlawful*
35 *use of livestream or video recordings.* - Any person who, in any manner, prevents or
36 interferes with the livestreaming or video recording of the counting of votes as
37 provided in Section 217 of this Code, shall be liable for an election offense.

38 Any person who shall use any photo, recorded video, or livestream, whether
39 official or unofficial, taken during election day of any member of the electoral board

1 and any other personnel of the Commission performing election duties during election
2 day to defame or publicly shame said member of the electoral board or personnel of
3 the Commission in social media or in any other platform, digital or otherwise, shall be
4 guilty of an election offense.

5 **SEC. 430.** *Offenses attributable to the members of the Board of Canvassers,*
6 *Barangay Board of Canvassers or Plebiscite Board of Canvassers.* - The Board of
7 Canvassers, Barangay Board of Canvassers, or Plebiscite Board of Canvassers, as may
8 be applicable, or any member or members thereof, shall be liable for an election
9 offense for the following acts or omissions:

- 10 (a) Feigning an illness or otherwise deliberately being absent from the meetings of
11 said body for the purpose of obstructing or delaying the performance of its
12 duties or functions.
- 13 (b) Accepting an appointment to said body, assuming office therein, and actually
14 serving as a member thereof despite being ineligible for appointment as
15 member of the board of canvassers, barangay board of canvassers, or plebiscite
16 board of canvassers, as the case may be;
- 17 (c) In case of the chairperson, his or her failure to give a written notice to all
18 members of the board of canvassers or barangay board of canvassers, as the
19 case may be, or to each candidate, political party or coalition of political parties
20 fielding candidates, and parties, organizations, and coalitions under the party-
21 list system of the date, time and place of the meeting whenever required under
22 this Code; or his or her failure to post the certificate of canvass within the
23 premises of the canvassing center;
- 24 (d) Proceeding with the canvass of votes and/or proclamation of any candidate
25 despite having received an order to the contrary from the Commission;
- 26 (e) Proceeding with the canvass of votes and/or proclamation of any candidate or
27 the results of a plebiscite, initiative, or referendum, as the case may be, in the
28 absence of quorum; or without giving due notice of the date, time and place of
29 the meeting of the board to the candidates, political parties, and/or other
30 members of the board;
- 31 (f) Knowingly using in the canvass of votes and/or proclamation any election
32 returns which have been tampered with or falsified; or using in such canvass
33 or proclamation election returns that manifestly appear to be tampered with or
34 falsified;
- 35 (g) Using in the canvass of votes and/or proclamation any file or document other
36 than the official electronically transmitted results or the results contained in the
37 data storage devices used in the printing of the official election returns or
38 certificates of canvass under the automated system and/or the official election

- 1 returns or official certificates of canvass under the manual counting system,
2 unless otherwise authorized under this Code or by the Commission;
- 3 (h) Refusing to credit the correct votes or deduct such tampered votes; *Provided,*
4 That if such act constitutes electoral sabotage as defined in Article 45 of this
5 Code, the perpetrator or perpetrators shall be liable thereunder;
- 6 (i) Refusing to sign or certify, without any justifiable reason, any election form
7 required by this Code or prescribed by the Commission although he was present
8 during the meeting of the said body;
- 9 (j) Unjustified failure to prepare the supporting statement of votes for the
10 certificates of canvass of votes;
- 11 (k) Causing any unwarranted delay in the transmission of the certificate of canvass
12 or refusing without just cause to transmit said certificate of canvass;
- 13 (l) Failure, without justifiable cause, to digitally sign the certificate of canvass that
14 shall be electronically transmitted; or to observe any of the measures
15 prescribed by the Commission to preserve the integrity of the certificates of
16 canvass pursuant to Section 234 of this Code;
- 17 (m) Failure to prepare the required number of certificates of canvass under the
18 automated system and/or the manual system; or to distribute the same in
19 accordance with Section 235 of this Code;
- 20 (n) Unjustifiably disallowing accredited watcher in the canvassing center; or
21 unlawfully depriving such watcher of any right set forth in this Code; or
22 preventing any action which such watcher may lawfully take without any lawful
23 justification therefor;
- 24 (o) Refusal or failure to proclaim the winning candidate or candidates or proposition
25 without any legal justification therefor; or causing any unwarranted and
26 vexatious delay in proclaiming said candidate or candidates or proposition; or
27 failing to observe the tie breaking procedure set forth in Section 254 of this
28 Code;
- 29 (p) Signing or authenticating any copy of the certificate of canvass or its supporting
30 statement of votes outside of the canvassing center, unless otherwise
31 authorized by the Commission; or
- 32 (q) Knowingly signing or authenticating a certificate of canvass or its supporting
33 statement of votes which does not accurately reflect the result of the
34 canvassing.

35 **SEC. 431.** *Illegal appointment of members of the board.* - Any of public officer
36 or any person acting in his behalf who knowingly appoints as member of the board of
37 canvassers or barangay board of canvassers, any person who is ineligible to be so
38 appointed shall be liable for an election offense.

1 **SEC. 432. *Vote padding.*** - Any person who performs any act, either manually
2 or through the use of communications and information technology, for the purpose of
3 tampering, increasing, or decreasing the votes received by a candidate/s or party-list
4 group/s or proposition/s; or who actually tampers, increases, or decreases the votes
5 received by candidate/s or party-list group/s or proposition/s through any means
6 whatsoever; or causes such tampering, increase or decrease, shall be guilty of an
7 election offense: *Provided*, That in case said tampering, increase, or decrease
8 constitutes Electoral Sabotage as defined in Article 45 of this Code, he shall be liable
9 thereunder.

10 **SEC. 433. *Unlawful removal or defacement of the posted certificate of canvass.***
11 - Any person who removes the certificate of canvass posted within the premises of
12 the canvassing center, whether within or after the prescribed forty-eight (48) hours
13 of posting, without authority therefor, or defaces the same, in any manner, shall be
14 liable for an election offense: *Provided, however*, That the chairperson or any member
15 of the electoral board may remove said election returns for the purpose of immediately
16 transferring it to a more suitable place.

17 **SEC. 434. *Simulation of certificates of canvass or forging of signatures therein.***
18 - Any person who simulates an actual certificate of canvass or a print or digital copy
19 thereof; or forges thereon the signature of any or all of the members of the board of
20 canvassers, barangay board of canvassers, or plebiscite board of canvassers, as the
21 case may be, shall be liable for an election offense.

22 In the event that the simulation constitutes electoral sabotage as defined under
23 Article 45, the offender shall be liable thereunder.

24 **SEC. 435. *Offenses attributable to the citizens' arm during canvassing.*** - In
25 addition to the election offenses mentioned in the preceding sections, any member or
26 officer of the duly accredited citizens' arm shall be liable for an election offense for
27 the following acts or omissions:

28 (a) Refusal to present the citizens' arm to present for perusal its copy of the
29 election return to the board of canvassers; or

30 (b) Presentation by the citizens' arm of tampered or spurious election returns.

31 **SEC. 436. *Other offenses related to the counting and canvassing of votes.*** -
32 Any person who, in the presence or within the hearing of any board of canvassers,
33 barangay board of canvassers, or plebiscite board of canvassers during any of its
34 meetings, conducts himself in such a disorderly manner as to interrupt or disrupt the
35 work or proceedings to the end of preventing said body from performing its functions,
36 either partly or totally shall be liable for an election offense.

37 Any public official or person acting in his behalf who, without prior authority
38 from the Commission, relieves any member of the electoral board, barangay electoral
39 board, plebiscite committee, board of canvassers, barangay board of canvassers,

1 plebiscite board of canvassers or any of the ballot reception and custody group from
2 the polling center or canvassing center to which such member is assigned; or who
3 changes or causes the change of assignments of any of such member from one polling
4 center or canvassing center to another polling center or canvassing center, as the case
5 may be, shall be guilty of an election offense.

7 **Article 43**

8 **Offenses Against the Integrity of the Ballots, Election Returns, Certificates** 9 **of Canvass and Devices Used in Voting, Counting, and Canvassing**

10 **SEC. 437.***Unauthorized use, tampering with, damaging, destruction, or*
11 *stealing of election paraphernalia.* - Any person who, without legal authority, utilizes,
12 tampers with, damages, destroys, substitutes or takes away from the possession of
13 those having legal custody thereof, or from the place where they are legally deposited,
14 the ballot box, official ballots, election returns, certificates of canvass, electronic
15 devices or their components, peripherals or supplies, and any other election
16 paraphernalia, whether before, during, or after voting or during canvassing or
17 transmission of results, shall be liable for an election offense.

18 **SEC. 438.***Unauthorized opening of the ballot box; removal or destruction of its*
19 *contents.* - Any person having legal custody of the ballot box containing the official
20 ballots used in the election who opens or destroys said box or removes or destroys its
21 contents shall be liable for an election offense: *Provided,* That no criminal, civil, or
22 administrative liability shall attach if the opening of the ballot box or removal of its
23 contents is sanctioned under the provisions of this Code or by the Commission or if
24 the destruction of the contents of the ballot box was made under the express order
25 of the Commission.

26 Any person who, through his negligence, enables any person to commit any of
27 the aforementioned acts, or takes away said ballot box from his custody shall likewise
28 be guilty of an election offense.

29 **SEC. 439.***Unauthorized interference with the vote counting and canvassing*
30 *systems.* - Any person who interferes, impedes, absconds, or prevents the installation
31 or use of the computer counting devices and the processing, storage, generation, and
32 transmission of election results, data or information; or unlawfully gains access to the
33 software for such devices; or who alters, destroys, replaces, intercepts, or discloses
34 any computer data, program, software or any computer-related devices, facilities,
35 hardware or equipment used for the voting, counting of votes, transmission of voting
36 results, or canvassing of votes, shall be guilty of an election offense.

37 **SEC. 440.***Obstruction of transmission of results.* - It shall be unlawful for any
38 person to delay, obstruct, impede or prevent through force, violence, coercion,
39 intimidation or by any means which vitiates consent, the transmittal of the election

returns, certificates of canvass, or the storage device upon which such document or documents are stored, or to take away, abscond with, destroy, deface, mutilate or substitute the election returns, certificates of canvass, the ballot box containing the election returns, or the storage device on which the election returns or certificate canvass of votes is stored or to violate the right of the watchers.

It shall likewise be unlawful for any person to alter, intercept, delay, replace, prevent, or otherwise interfere with, in any manner, the electronic transmission of the results of the voting. Any illegal access or data or system interference, as defined in R.A. 10175 on the server, database, or computer system used in the transmission and/or consolidation of the results of voting shall constitute an election offense.

Should the act or acts under this Section constitute electoral sabotage under Article 45, the offender or offenders shall be prosecuted and punished thereunder.

SEC. 441.*Failure to account for or preserve the ballot box, ballots, election returns, certificates of canvass, vote counting equipment and other election devices.* - Any public official who neglects or fails to properly preserve or account for any ballot box, official ballot, election returns, certificates of canvass, other election documents and forms, vote counting machine, canvassing system, and other election devices and paraphernalia received by him and kept under his custody shall be liable for an election offense.

The provincial, city, or municipal treasurer, the members of the custody group, the election officer, or any other person who is required by law or by the Commission to keep a record of the quantity, serial numbers, and such other details of the official ballots, election returns, certificates of canvass, ballot boxes, counting machines, and/or storage devices who fails to keep such record; or who keeps a record that has been falsified; or who fails to furnish the representatives of the dominant majority and minority parties and/or the Commission thereof shall be guilty of an election offense.

SEC. 442.*Unauthorized printing or distribution of ballots.* - Any person who, without authority, prints or causes the printing of any ballot or election returns that appears as official ballots or election returns or who distributes or causes the same to be distributed for use in the election, whether or not they are actually used, shall be guilty of an election offense.

Any official or employee of the National Printing Office or the Bangko Sentral ng Pilipinas or of the Commission or any member of the committee in charge of the printing of official ballots or election returns who causes official ballots or election returns to be printed in quantities exceeding those authorized by the Commission; or who distributes, delivers, or in any manner disposes of or causes to be distributed, delivered, or disposed of, any official ballot or election returns to any person or persons not authorized by law or by the Commission to receive or keep official ballots or election returns; or who distributes, delivers, or in any manner disposes of or causes

1 to be distributed, delivered, or disposed of, the official ballots or election returns in
2 quantities exceeding those authorized by the Commission; or who sends or causes
3 them to be sent to any place not designated by law or by the Commission, shall be
4 liable for an election offense.

5 Any person who causes the printing of the ballots by any entity other than the
6 Bangko Sentral ng Pilipinas and/or the National Printing Office shall likewise be
7 criminally liable.

8 **SEC. 443.** *Disallowing watchers from observing pre-election preparations.* - Any
9 person who unjustifiably disallows duly authorized watchers from observing the
10 printing of ballots, distribution of ballots, configuration of vote counting machines and
11 memory devices to be used for elections, and other preparations undertaken by the
12 Commission for the elections which, by the provisions of this Code or by the rules and
13 regulations of the Commission, should be observed by such watchers; or who
14 unlawfully prevents any authorized watcher present at such preparations or activities
15 from fully observing the same or from taking down notes thereof to the extent allowed
16 by this Code or by the Commission, shall be liable for an election offense.

17 **SEC. 444.** *Use of simulated election documents.* - Any person who presents in
18 evidence a simulated copy of an election return, certificate of canvass or statement of
19 votes, or a printed copy of an election return, certificate of canvass or statement of
20 votes bearing a simulated certification or a simulated image, shall be guilty of an
21 election offense.

22 **SEC. 445.** *Acts violating the integrity of the official ballots, election returns, and*
23 *certificates of canvass.* - Any person who, through any act, means or device, violates
24 the integrity of any official ballot or election returns before or after they are used in
25 the election, or the integrity of the certificate of canvass, shall be liable for an election
26 offense.

27 **SEC. 446.** *Other election offenses pertaining to the integrity of the ballots and*
28 *other election documents.* - Any person who violates Sections 220, 221, 222, and 240
29 of this Code or the rules and regulations promulgated by the Commission pursuant
30 thereto shall be guilty of an election offense.

31 32 **Article 44**

33 **Election Offenses Related to Overseas Voting**

34 **SEC. 447.** In addition to the prohibited acts under other Articles in this Chapter,
35 the following acts, when committed within the context of overseas voter registration,
36 overseas voting, overseas counting of votes, or overseas canvassing of votes, shall be
37 unlawful:

- 1 (a) For any officer or employee of the Philippine government to influence or
2 attempt to influence any overseas voter to vote or not to vote for a particular
3 candidate;
- 4 (b) For any person to unlawfully deprive any overseas voter or registrant for
5 overseas voting of his or her rights as set forth in this Code, or to give false
6 information as to one's name, address, or period of residence for the purposes
7 of establishing the eligibility or ineligibility to register or vote under Chapter VI
8 of this Code; or to conspire with another person for the purpose of encouraging
9 the giving of false information in order to establish the eligibility or ineligibility
10 of any individual to register or vote under aforesaid Chapter; or, to pay, or offer
11 to pay, or to accept payment either for application for registration, or for voting;
- 12 (c) For any person to steal, conceal, alter, destroy, mutilate, manipulate, or in any
13 way tamper with the mail containing the ballots for overseas voters, the election
14 returns, or any record, document or paper required for purposes of overseas
15 voting;
- 16 (d) For any deputized agent of the Commission to refuse without justifiable ground,
17 to serve or continue serving, or to comply with one's sworn duties after
18 acceptance of the deputization;
- 19 (e) For any public officer or employee or accredited or deputized organization or
20 association to cause the preparation, printing, distribution or posting of
21 information or material pertaining to overseas voting, without the prior
22 approval of the Commission;
- 23 (f) For any public officer or employee to cause the transfer, promotion, extension,
24 recall of any member of the foreign service corps, including members of the
25 attached agencies, or otherwise cause the movement of any such member from
26 the current post or position one (1) year before and three (3) months after the
27 day of elections, without securing the prior approval of the Commission;
- 28 (g) For any person who, after being deputized by the Commission to undertake
29 activities in connection with the implementation of overseas voting, shall
30 campaign for or assist, in whatever manner, candidates in the elections;
- 31 (h) For any person to engage in partisan political activity abroad during the thirty
32 (30)-day overseas voting period for overseas voting; or
- 33 (i) For any person, who is not a citizen of the Philippines, to participate, by word
34 or deed, directly or indirectly through qualified organizations/associations, in
35 any manner and at any stage of the Philippine political process abroad,
36 including participation in the campaign and elections;

Should any of the foregoing act or acts constitute electoral sabotage under Article 45, the offender or offenders shall be prosecuted and punished thereunder: *Provided*, That Section 446 shall still apply.

SEC. 448.*Extra-territorial application.*- The provision of existing laws to the contrary notwithstanding, and with due regard to the Principle of Double Criminality, the prohibited acts described in the preceding section are electoral offenses and shall be punishable in the Philippines regardless of its place of commission. In cases where any of the acts in the preceding section is committed outside the territory of the Philippines, the Regional Trial Court of the City of Manila shall have jurisdiction to hear and try the case.

Article 45

Electoral Sabotage

SEC. 449.*Electoral Sabotage; how committed.* - Electoral sabotage is committed by any person who tampers, increases, or decreases the votes received by a proposition, candidate, candidates, or party-list group in any election; or by any member of the electoral board, barangay electoral board, board of canvassers, or barangay board of canvassers who refuses, after proper verification and hearing, to credit the correct votes or deduct such tampered votes; when any of the following circumstances is present:

- (1) The tampering, increase and / or decrease of votes perpetrated or the refusal to credit the correct votes or to deduct tampered votes, is/are committed in the election of a national elective office or in a national plebiscite, referendum, or initiative, which is voted upon nationwide and the tampering, increase and/ or decrease of votes or refusal to credit the correct votes or to deduct tampered votes, shall adversely affect the results of the election to the said national office or the results of a national plebiscite, referendum, or initiative, to the extent that a losing candidate/s or proposition is /are made to appear as the winner/s;
- (2) Regardless of the elective office or type of plebiscite, referendum, or initiative involved, when the tampering, increase and/or decrease of votes committed or the refusal to credit the correct votes or to deduct tampered votes perpetrated , is accomplished in a single election document or in the transposition of the figure / results from one election document to another and involved in the said tampering, increase, and/or decrease or refusal to credit correct votes or deduct tampered votes exceed five thousand (5,000) votes, and that the same adversely affects the true results of the election, plebiscite, referendum, or initiative; or
- (3) Regardless of the elective office or type of plebiscite, referendum, or initiative involved and the results of the election or such plebiscite, referendum, or initiative, the tampering, increase/s and/ or decrease/s of votes perpetuated or

1 the refusal to credit the correct votes or deduct the tampered votes, involves
2 more than ten thousand (10,000) votes.

3 **SEC. 450.** *Who are liable; extent of liability.* - In cases involving electoral
4 sabotage, as defined in this Article, the following persons shall be liable:

- 5 (a) Any and all persons or individuals who actually performed the tampering,
6 increase, or decrease of votes;
- 7 (b) Any and all members of the electoral board, barangay electoral board, plebiscite
8 committee, board of canvassers, barangay board of canvassers, or plebiscite
9 board of canvassers who refused to credit the correct votes or to deduct
10 tampered votes; or who consented to such refusal to credit the correct votes
11 or to deduct tampered votes; or who fails to object and put into the minutes
12 his or her objection to the refusal to credit the correct votes or to deduct
13 tampered votes;
- 14 (c) Any and all persons who ordered, induced, caused, or conspired with the
15 person or persons who tampered, increased, or decreased the votes, or with
16 the member or members of the electoral board, barangay electoral board,
17 plebiscite committee, board of canvassers, barangay board of canvassers, or
18 plebiscite board of canvassers who refused to credit the correct votes or to
19 deduct tampered votes, shall be liable to the same extent as the actual
20 perpetrator or perpetrators; and
- 21 (d) Any and all persons who acted as accomplices or accessories, as understood
22 under the Revised Penal Code, shall be liable to the same extent as the actual
23 perpetrator of the acts or omissions constituting electoral sabotage.

24 **SEC. 451.** *Prosecution.* - Any of the following shall be sufficient basis to
25 establish prima facie that there is probable cause that electoral sabotage has been
26 committed and that the persons involved therein are liable therefor:

- 27 (a) When at least ten thousand (10,000) of the official ballots do not contain any
28 of the security features prescribed under Section 182 of this Code or if such
29 security feature/s features is/are defective or tampered with;
- 30 (b) When at least ten thousand (10,000) of the official ballots omit the name of
31 one or more candidates for a national position; or the name of a candidate or
32 candidates for national office is indicated under any position other than the one
33 for which he or she is seeking election; or there are unnecessary marks in such
34 ballots; or there is any other similar irregularity therein; or
- 35 (c) When a total of at least ten thousand (10,000) official ballots were printed or
36 distributed in excess of the total number of ballots allowed to be printed or
37 distributed.

1 Nothing in this Section shall be interpreted as to exclude or render inadmissible
2 such other evidence as may be sufficient to establish probable cause that electoral
3 sabotage has been committed and/or the person in question is probably guilty thereof.
4 Neither shall the existence of the any of the foregoing be required to indict,
5 investigate, prosecute or convict any person for electoral sabotage.

6
7 **Article 46**
8 **Other Election Offenses**

9 **SEC. 452.** *Wagering upon the result of the election.* - Any person who bets or
10 wagers upon the outcome of, or any contingency connected with an election,
11 plebiscite, initiative, or referendum shall be guilty of an election offense. Any money
12 or thing of value or deposit of money or thing of value situated anywhere in the
13 Philippines put as such bet or wager shall be forfeited in favor of the government.

14 **SEC. 453.** *Coercion of election officials and employees.* - Any person who,
15 directly or indirectly, threatens, intimidates, terrorizes or coerces any election official
16 or employee in the performance of his official functions or duties, shall be liable for an
17 election offense.

18 **SEC. 454.** *Liquor ban.* - Any person who sells, furnishes, offers, buys, serves
19 or takes intoxicating liquor on the day of the election, plebiscite, initiative, or
20 referendum or on the day prior thereto shall be liable for an election offense.

21 In case of plebiscite, initiative, or referendum, the prohibition hereunder shall
22 only be effective within the areas covered or affected by such plebiscite, initiative, or
23 referendum.

24 **SEC. 455.** *Ban on certain activities.* - Any person who, on the day of the
25 election, plebiscite, initiative, or referendum, holds fairs, cockfights, boxing matches,
26 horse races, jai-alai, or any other similar sports shall be liable for an election offense.

27 In case of plebiscite, initiative, or referendum, the prohibition hereunder shall
28 only be effective within the areas covered or affected by such plebiscite, initiative, or
29 referendum.

30 **SEC. 456.** *Unlawful continuation of candidacy.* - It shall be unlawful for any
31 person whose certificate of candidacy has been cancelled or who has been declared a
32 nuisance candidate or who has been disqualified from continuing his candidacy by
33 final and executory judgment to continue campaigning and holding himself out as a
34 candidate in the same election to which such cancelled certificate of candidacy,
35 declaration of being a nuisance candidate, or disqualification relates.

36 **SEC. 457.** *Unlawful delay in the payment of the per diems and allowances of*
37 *election workers.* - It shall be unlawful for any public official to cause any unjustifiable
38 delay in the payment of the per diem and allowances of any member of the electoral

board, barangay electoral board, plebiscite committee, board of canvassers, barangay board of canvassers, plebiscite board of canvassers, support staff, or any other person deputized by the Commission to perform election duties.

Article 47

Penalties And Other Provisions Pertaining To Election Offenses

SEC. 458.*Persons criminally liable.* – The principals, accomplices, and accessories, as defined in the Revised Penal Code, shall be criminally liable for the election offenses mentioned in this Chapter.

If the one responsible is a political or sectoral party, organization or an entity, its chairperson, president or head, as well as its officials and employees who are performing duties connected with the offense committed and the members who took part in the commission of said offense, who may be principals, accomplices, or accessories, shall be liable, in addition to the liability of such party or entity.

SEC. 459.*Prosecution.* - The Commission shall, through its duly authorized legal officers, have the power, concurrent with the other prosecuting arms of the government, to conduct preliminary investigation of all election offenses punishable under this Code, and prosecute the same.

SEC. 460.*Applicability of Chapter X to all electoral exercises.* - The election offenses defined and punished under this Chapter shall apply to all national, local, regional, barangay, special, and recall elections.

Furthermore, to the extent practicable and legally permissible, the offenses under this Chapter shall apply to the conduct of any plebiscite, referendum, or initiative.

SEC. 461. *Penalties.* -

(A) The penalty of prision correccional in its maximum period shall be meted against any person found guilty of committing any of the election offenses covered by Articles 37, 38, 39, and 40 of this Code;

(B) The penalty of prision correccional in its maximum period shall be meted against any person found guilty of committing any of the election offenses covered by Article 41, except those under Sections 418, 421, 422, 424 (a), (b), (c), (d), and (e), and 425 (b) thereof.

The penalty prision mayor in its minimum period shall be imposed upon any person found guilty under Sections 418, 421, 422, 424 (a), (b), (c), (d), and (e), and 425 (b), without the benefit of the operation of the Indeterminate Sentence Law. If the offender is a public officer or a candidate, the penalty shall be prision mayor in its medium period. In addition, the offender shall be sentenced to suffer perpetual disqualification to hold public office and deprivation of the right to vote.

1 (C) The penalty of prision correccional in its maximum period shall be meted against
2 any person found guilty of committing any of the election offenses covered by
3 Article 42, except those under Sections 426 (a), (b), (c), (d), (e), and (h), 428,
4 430 (f), (h), (k), and (q), 432, or 434 thereof.

5 The penalty prision mayor in its minimum period shall be imposed upon any person
6 found guilty under Sections 426 (a), (b), (c), (d), (e), and (h), 428, 430 (f), (h),
7 (k), and (q), 432, or 434, without the benefit of the operation of the Indeterminate
8 Sentence Law. If the offender is a public officer or a candidate, the penalty shall
9 be prision mayor in its medium period. In addition, the offender shall be sentenced
10 to suffer perpetual disqualification to hold public office and deprivation of the right
11 to vote.

12 (D) The penalty of prision mayor in its minimum period shall be imposed upon any
13 person found guilty of committing any of the election offenses under Article 43 of
14 this Code, except the election offense defined in Section 443 thereof. The penalty
15 of prision correccional in its maximum period shall be imposed upon any person
16 found guilty under Section 443.

17 All persons found guilty of committing any of the offenses covered by Article 43,
18 except for the offense under Section 443, cannot avail of the benefit of the
19 operation of the Indeterminate Sentence Law. If the offender is a public officer
20 or a candidate, the penalty shall be prision mayor in its medium period. In
21 addition, the offender shall be sentenced to suffer perpetual disqualification to
22 hold public office and deprivation of the right to vote.

23 (E) For election offenses covered by Article 44, except Section 447 (c) thereof, the
24 penalty shall be prision correccional in its maximum period.

25 The penalty of prision mayor in its minimum period shall be imposed upon any
26 person found guilty under Section 447 (c) without the benefit of the operation of
27 the Indeterminate Sentence Law. If the offender is a public officer or a candidate,
28 the penalty shall be prision mayor in its medium period. In addition, the offender
29 shall be sentenced to suffer perpetual disqualification to hold public office and
30 deprivation of the right to vote.

31 (F) Any person found guilty of electoral sabotage, as defined under Article 45,
32 whether as a principal, accomplice, or accessory, shall be meted the penalty of
33 life imprisonment and shall be automatically perpetually disqualified from holding
34 public office and from exercising his or her right to suffrage.

35 (G) The penalty of arresto mayor in its maximum period shall be imposed upon any
36 person who is found guilty of violation any of the offenses covered by Article 46,
37 except for the offense under Section 453 thereof.

38 (H) The penalty of prision mayor in its minimum period shall be imposed upon any
39 person found guilty under Section 453 without the benefit of the operation of the

Indeterminate Sentence Law. If the offender is a public officer or a candidate, the penalty shall be prison mayor in its medium period. In addition, the offender shall be sentenced to suffer perpetual disqualification to hold public office and deprivation of the right to vote.

(I) Any person found guilty of the election offense as defined under Articles 391 and 392, 2nd paragraph, shall pay a fine of Fifty thousand (Php 50,000.00) pesos to the Commission.

SEC. 462.*Disqualification.* - Except in instances when the Code prescribes for perpetual disqualification to hold public office and/or to exercise the right of suffrage, any person who is convicted by final judgment of any election offense under this Code shall be disqualified from holding public office and from exercising his or her right to vote during the duration of his sentence and for five years thereafter.

SEC. 463.*Use of information and communications technology.* - The penalty to be imposed for any of the offenses under this Chapter shall be one (1) degree higher if the same was committed by, through or with the use of information and communications technologies.

SEC. 464.*Liability under other laws.* - A prosecution or conviction under this Code shall be without prejudice to any liability for violation of any provision of the Revised Penal Code, as amended, or special laws.

SEC. 465.*Prescription.* - The offense of electoral sabotage under Article 45 shall prescribe after twenty (20) years from the date of its commission. All other election offenses under this Chapter shall prescribe after ten (10) years from the date of their commission.

In all cases, if the discovery of the offense be made in an election contest proceeding, the period of prescription shall commence on the date on which the judgment in such proceedings becomes final and executory.

SEC. 466.*Preferential disposition of election offenses.* - The investigation and prosecution of cases involving violations of the election laws shall be given preference and priority by the Commission on Elections and prosecuting officials. Their investigation shall be commenced without delay, and shall be resolved by the investigating officer within five days from its submission for resolution. The courts shall likewise give preference to election offenses over all other cases, except petitions for the issuance of a temporary protection order in cases involving violence against women and children, petitions for a Writ of Habeas Corpus or Writ of Amparo, and such other cases which the Supreme Court shall deem very urgent. Their trial shall likewise be commenced without delay, and shall be conducted continuously until terminated. The case shall be decided within thirty days from its submission for decision.

1 **SEC. 467.***Arrest in connection with the election campaign.* - No person shall
2 be arrested and/or detained at any time for any alleged offense committed during and
3 in connection with any election through any act or language tending to support or
4 oppose any candidate, political party or coalition of political parties under or pursuant
5 to any order of whatever name or nature and by whomsoever issued except only upon
6 a warrant of arrest issued by a competent judge after all the requirements of the
7 Constitution shall have been strictly complied with.

8
9 **CHAPTER XI**
10 **FINAL PROVISIONS**

11
12 **Article 48**
13 **Transitory and Final Provisions**

14 **SEC. 468.***Pending actions.* - Pending actions and causes of action arising
15 before the effectivity of this Code shall be governed by the laws then in force.

16 **SEC. 469.***Designation of Other Dates for certain Pre-election Acts.* - If it should
17 no longer be reasonably possible to observe the periods and dates prescribed by law
18 for certain pre-election acts, the Commission shall fix other periods and dates in order
19 to ensure accomplishment of the activities so voters shall not be deprived of their right
20 of suffrage.

21 **SEC. 470.***Separability clause.* – Should any portion of this Code be declared
22 unconstitutional, the other subparagraphs, paragraphs, sections, articles, or chapters
23 not affected thereby shall remain valid and effective.

24 **SEC. 471.***Repealing clause.* - All laws, decrees, orders, and issuances, or
25 portions thereof, which are inconsistent with the provisions of this Act, are hereby
26 repealed, amended, or modified accordingly.

27 **SEC. 472.***Effectivity.* - This Code shall take effect thirty (30) days after its
28 publication in two daily newspapers of general circulation.

29
30 *Approved,*