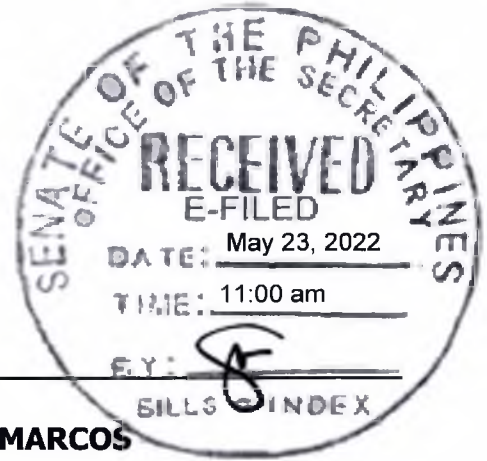


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

SENATE
S.B. No. 2521



Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT PROVIDING FOR THE
NEW OMNIBUS ELECTION CODE OF 2022**

EXPLANATORY NOTE

The Omnibus Election Code (OEC) is well more than three decades old. Since the inception of the OEC, there have been many significant changes in the manner by which elections are conducted. The advancement in technology and the thrust for greater inclusion in the electoral processes spurred the introduction and adoption of automated election system, overseas voting, local absentee voting, voting by persons deprived of liberty, and the party-list system, to name a few.

Likewise, regulations and limitations under the OEC have since been proven to be inadequate to realistically ensure a more level-playing field for candidates. Certain provisions of the OEC are outrightly ill-suited for modern times.

In an attempt to modernize the OEC, a multitude of laws have been passed over the years. However, each of these statutes only addressed particular and limited areas in the vast field of election law. Compounding matters even more is the fact that these election statutes oftentimes overlap with each other in terms of the scope and the matters that they govern, without however, necessarily amending or repealing each other.

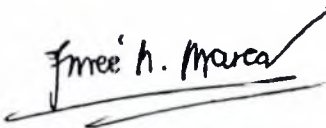
As a result of decades of piecemeal legislation, the corpus of election law in this jurisdiction has become highly fragmented. Oftentimes, several statutes must be taken into account before an accurate legal opinion may be formed on an election matter and the corresponding action be safely taken. It is quite clear as well that substantial portions of the OEC, which is supposed to be the codification of all the election laws of the land, is no longer applicable or reliable. These circumstances render the study, interpretation, application, and enforcement of election laws unduly burdensome and confusing for all stakeholders.

Moreover, even the more recent statutes are themselves in need of revisions. For instance, the weaknesses of the automated election systems and the greater

need for more transparency require the adoption of a hybrid system. Also, the rampant abuses of the party-list system necessitate an overhaul in its implementation. In addition, the need to ensure that senior citizens, persons with disabilities, pregnant women, and indigenous peoples are given ample opportunity to cast their votes calls for the adoption of an early voting system. Finally, the rise of a new avenue for political campaigns—the use of the internet and social media—requires the institution of contemporary measures in the areas of campaign propaganda and campaign finance.

It is therefore apparent that a massive overhaul of election statutes is long overdue. Also obvious is the need to re-codify the now scattered election statutes and assemble them together into one coherent, unified, and extensive law. It is hoped that by so revising and re-codifying the election laws in this jurisdiction, future electoral exercises will be more transparent, fair, honest, and credible.

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


IMEE R. MARCOS

EIGHTEENTH CONGRESS OF THE)
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SENATE
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Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT PROVIDING FOR THE
NEW OMNIBUS ELECTION CODE OF 2022**

*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 2022.*"

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

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

6
7 **Article 2**
8 **Definition of Terms**

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

11 (1) "*Blog*" and "*Collective blog*" refers to websites on which an individual or group
12 of users, respectively, record news, opinions, and information, in varying
13 degrees of regularity. A "micro-blog" refers to a blogging format which allows
14 users to exchange small elements of content, referred to variously as posts,
15 entries or status updates, such as short sentences, individual images, or links
16 to video material uploaded to the internet.

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

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

28 (3) "*Certified List of Overseas Voters (CLOV)*" refers to the list of registered
29 overseas voters whose applications to vote overseas have been approved by
30 the Commission, said list to be prepared by the Office for Overseas Voting of
31 the Commission, on a country-by-country and post-by-post basis. The list
32 shall be approved by the Commission in an en banc resolution.

33 (4) A "*coalition*" refers to an aggrupation of duly registered national political
34 parties or regional political parties.

35 (5) The terms "*Contractors*" and "*business firms*" refer to any person, natural or
36 juridical, or firm to whom any electoral expenditure is made, including but not
37 limited to, media entities, media outlets, internet and social media platforms,
38 advertising agencies, public relations firms and other intermediaries, event

1 organizers, talent endorsers and their managers, digital influencers, and
2 printing press for the purpose of entering into political advertisement
3 contracts. "Social media associates" refer to contractors whose primary duty
4 is to promote the election or defeat of any candidate through social media
5 interactions and engagement.

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

15 (7) "*Day of Election*" refers to the actual date of elections in the Philippines

16 (8) "*Department of Foreign Affairs Overseas Voting Secretariat*" (DFA-OVS) refers
17 to the secretariat based at the Department of Foreign Affairs (DFA) home
18 office tasked to assist the Office for Overseas Voting (OFOV) under the
19 Commission, and to direct, coordinate and oversee the participation of the
20 DFA in the implementation of the Overseas Voting Act.

21 (9) "*E-rally*" refers to a rally under this Article which is conducted for an online
22 audience.

23 (10) "*Election campaign*" or "*partisan political activity*" refers to any act designed
24 to promote the election or defeat of a particular candidate or candidates to a
25 public office, and shall include any of the following:

26 (a) Forming organizations, associations, clubs, committees or other groups
27 of persons for the purpose of soliciting votes and/or undertaking any
28 campaign for or against a candidate;

29 (b) Creating on any social media platform, user groups or community
30 pages, for the purpose of conducting campaigns or related partisan
31 political activity;

32 (c) Holding political caucuses, conferences, meetings, rallies, parades or
33 other similar assemblies for the purpose of soliciting votes and/or
34 undertaking any campaign or propaganda for or against a candidate;

35 (d) Making speeches, announcements or commentaries, or holding
36 interviews for or against the election of any candidate for public office;

37 (e) Publishing, displaying, or distributing campaign literature or materials
38 designed to support or oppose the election of any candidate; or

1 (f) Directly or indirectly soliciting votes, pledges, or support for or against
2 any candidate.

3 Personal opinions, views, and preferences for candidates, contained in blogs
4 and micro-blogs shall not be considered as acts of election campaigning or
5 partisan political activity unless expressed by government officials and
6 employees, including contract of service and job order personnel.

7 (11) "*Election returns*" refers to a) a document in electronic and printed form
8 directly produced by the counting or voting machine, showing the date of the
9 election, the province, municipality and the precinct in which it is held and the
10 votes in figures for each candidate in a precinct and b) a document in printed
11 form and manually accomplished for purposes of reflecting the manual count
12 of the votes at the polling precinct, showing the date of the election, the
13 province, municipality, and the precinct in which it is held and the votes in
14 figures for each precinct.

15 In barangay and Sangguniang Kabataan elections and in other electoral
16 exercises that uses the manual system, election returns shall be understood
17 to be the document in printed form and manually accomplished for purposes
18 of reflecting the manual count of the votes at the polling precinct, showing
19 the date of the election or any other electoral exercise, the province,
20 municipality, and the precinct in which it is held and the votes in figures for
21 each precinct.

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

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

29 (14) "*Electronic transmission*" refers to the conveyance of data in electronic form
30 from one location to another.

31 (15) "*Exit polls*" refers to a species of election survey conducted by a qualified
32 individual or group for the purpose of determining the probable result of an
33 election by confidentially asking randomly selected voters for the names of
34 candidates they have voted for, immediately after they have officially cast
35 their ballots.

36 (16) The term "*expenditure*" includes the payment or delivery of money of
37 anything of value, or a contract, promise or agreement to make an
38 expenditure, for the purpose of influencing the results of the election. It shall
39 also include the use of facilities personally owned by the candidate, the

1 money value of the use of which can be assessed based on the rates
2 prevailing in the area.

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

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

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

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

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

34 (22) "*Local Absentee Voting*" refers to a system of voting whereby government
35 officials and employees, including the Armed Forces of the Philippines and the
36 Philippine National Police, as well as members of the media, media
37 practitioners including their technical and support staff, who are registered
38 voters are allowed to vote for national positions, in places where they are not
39 registered voters but where they are temporarily assigned to perform election

1 duties on election day, or in case of media practitioners and their support
2 staff, they will not be able to vote due to the performance of their functions in
3 covering and reporting the elections.

4 (23) "*Marginalized and underrepresented sectors*" refer to the sectors mentioned
5 in Article VI, Section 5 of the Constitution that are, by nature, economically,
6 politically, culturally, or socially marginalized from, and/or underrepresented
7 in, mainstream economic, political, cultural, or social activities. These sectors
8 include labor, peasant, fisherfolk, urban poor, indigenous cultural
9 communities or indigenous peoples, persons with disabilities, veterans,
10 overseas workers, and similar sectors.

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

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

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

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

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

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

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

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

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

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

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

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

22 (42) "*Pregnant women*" refers to qualified voters who are pregnant at the time of
23 the period of early voting and during election day regardless of the number of
24 trimester.

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

26 (44) "*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 (45) 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
34 internet service.

35 (46) "*Referendum*" refers to the power of the electorate to approve or reject a
36 legislation through an election called for the purpose.

37 (47) "*Resident Election Registration Board (RERB)*" refers to the in-house Election
38 Registration Board in every post and in the OFOV, which processes, approves

1 or disapproves all applications for registration and/or certification as overseas
2 voters, including the deactivation, reactivation and cancellation of registration
3 records.

4 (48) "*Satellite Registration*" refers to registration conducted by an Election Officer
5 in established satellite offices located in a public place within his or her area
6 of jurisdiction. It accepts application for registration, transfer or transfer with
7 reactivation, reactivation of registration records, change or correction of
8 entries and validation of registration from all registrants or voters residing
9 within the Election Officer's territorial jurisdiction.

10 (49) "*Seafarers*" refer to ship officers and ratings manning ships, including offshore
11 workers, service providers and fishermen, as denned in the revised rules on
12 the issuance of seafarer's identification and record book of the Maritime
13 Industry Authority.

14 (50) A "*sectoral party*" or "*sectoral organization*" refers to an organized group of
15 citizens belonging to any of the marginalized and underrepresented sectors
16 and whose principal advocacy pertains to the special interests and concerns
17 of their sector.

18 (51) "*Senior citizens*" refer to qualified voters who are at least sixty (60) years old.

19 (52) "*Social Media*" refers to the collective online communication channels,
20 including websites and applications, that enable users to create and share
21 content, collaborate, and interact with each other. Video sharing sites which
22 allow users to post comments on individual entries shall be considered as
23 falling within the category of "social media." "Social Media Account" refers to
24 a user's personalized access to a social networking site or application,
25 typically using a username and password on the same social networking site.
26 "Social Media Post" refers to any text, audio, or graphic content, or any
27 combination thereof, published online using a social media account.

28 (53) "*Source code*" refers to the human readable instructions that define what a
29 computer equipment will do.

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

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

1 **Article 3**

2 **The Commission on Elections**

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

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

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

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

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

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

27 The Commission may, when necessary, avail of the assistance of any national or
28 local law enforcement agency and/or instrumentality of the government to
29 execute under its direct and immediate supervision any of its final decisions,
30 orders, instructions or rulings.

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

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

- 1 (e) Enforce and execute its decisions, directives, orders and instructions which shall
2 have precedence over those emanating from any other authority, except the
3 Supreme Court and those issued in habeas corpus proceedings.
- 4 (f) Deputize, with the concurrence of the President, law enforcement agencies and
5 instrumentalities of the Government, including the Armed Forces of the
6 Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful,
7 and credible elections.
- 8 (g) Exercise direct and immediate supervision and control over national and local
9 officials or employees, including members of any national or local law
10 enforcement agency and instrumentality of the government who it has deputized
11 or who are required by law to perform duties relative to the conduct of elections.
- 12 Commission may relieve any officer or employee referred to in the preceding
13 paragraph from the performance of his or her duties relating to electoral
14 processes who violates the election law or fails to comply with its instructions,
15 orders, decisions or rulings, and appoint his substitute. The Commission shall
16 recommend to the proper authority the removal of any officer or employee it has
17 deputized, or the imposition of any other disciplinary action, for violation or
18 disregard of, or disobedience to, its directive, order, or decision.
- 19 (h) Register, after sufficient publication, political parties, organizations, or coalitions
20 which, in addition to other requirements, must present their platform or program
21 of government; and accredit citizens' arms of the Commission on Elections.
22 Religious denominations and sects shall not be registered. Those which seek to
23 achieve their goals through violence or unlawful means, or refuse to uphold and
24 adhere to this Constitution, or which are supported by any foreign government
25 shall likewise be refused registration.
- 26 Financial contributions from foreign governments and their agencies to political
27 parties, organizations, coalitions, or candidates related to elections, constitute
28 interference in national affairs, and, when accepted, shall be an additional
29 ground for the cancellation of their registration with the Commission, in addition
30 to other penalties that may be prescribed by law.
- 31 (i) File, upon a verified complaint, or on its own initiative, petitions in court for
32 inclusion or exclusion of voters; investigate and, where appropriate, prosecute
33 cases of violations of election laws, including acts or omissions constituting
34 election frauds, offenses, and malpractices.
- 35 (j) Recommend to the Congress effective measures to minimize election spending,
36 including limitation of places where propaganda materials shall be posted, and
37 to prevent and penalize all forms of election frauds, offenses, malpractices, and
38 nuisance candidacies.

1 (k) Submit to the President and the Congress, a comprehensive report on the
2 conduct of each election, plebiscite, initiative, referendum, or recall.

3 (l) Promulgate rules and regulations implementing the provisions of this Code or
4 other laws which the Commission is required to enforce and administer, and
5 require the payment of legal fees and collect the same in payment of any
6 business done in the Commission, at rates that it may provide and fix in its rules
7 and regulations.

8 Rules and regulations promulgated by the Commission to implement the
9 provisions of this Code shall take effect on the fifteenth day after publication in
10 the Official Gazette or in at least two daily newspapers of general circulation.
11 Orders and directives issued by the Commission pursuant to said rules and
12 regulations shall be furnished by personal delivery to accredited political parties
13 within forty-eight hours of issuance and shall take effect immediately upon
14 receipt.

15 In case of conflict between rules, regulations, orders or directives of the
16 Commission in the exercise of its constitutional powers and those issued by any
17 other administrative office or agency of the government concerning the same
18 matter relative to elections, the former shall prevail.

19 (m) Prescribe the forms to be used in the election, plebiscite or referendum.

20 (n) Procure any supplies, equipment, materials or services needed for the holding of
21 the election, subject to the provisions of existing laws.

22 (o) Prescribe the use or adoption of the latest technological and electronic devices,
23 taking into account the situation prevailing in the area and the funds available
24 for the purpose: *Provided*, That the Commission shall notify the authorized
25 representatives of accredited political parties and candidates in areas affected by
26 the use or adoption of technological and electronic devices not less than thirty
27 days prior to the effectivity of the use of such devices.

28 (p) Carry out a continuing and systematic campaign through newspapers of general
29 circulation, radios and other media forms to educate the public and fully inform
30 the electorate about election laws, procedures, decisions, and other matters
31 relative to the work and duties of the Commission and the necessity of clean,
32 free, orderly and honest electoral processes.

33 (q) During the election period, supervise or regulate the enjoyment or utilization of
34 all franchises or permits for the operation of transportation and other public
35 utilities, media of communication or information, all grants, special privileges, or
36 concessions granted by the Government or any subdivision, agency, or
37 instrumentality thereof, including any government-owned or controlled
38 corporation or its subsidiary. Such supervision or regulation shall aim to ensure
39 equal opportunity, time, and space, and the right to reply, including reasonable,

1 equal rates therefor, for public information campaigns and forums among
2 candidates in connection with the objective of holding free, orderly, honest,
3 peaceful, and credible elections.

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

11 The designation of any group or organization made in accordance herewith may
12 be revoked by the Commission upon notice and hearing whenever by its
13 actuations such group or organization has shown partiality to any political party
14 or candidate, or has performed acts in excess or in contravention of the
15 functions and duties herein provided and such others which may be granted by
16 the Commission.

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

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

25 For this purpose, the Commission may avail itself of the assistance of the
26 Commission on Audit, the Bangko Sentral ng Pilipinas, the National Bureau of
27 Investigation, the Bureau of Internal Revenue, and other agencies of the
28 government.

- 29 (u) Create, merge, or abolish departments, offices, divisions or units within the
30 Commission, redistribute functions and reassign personnel, change designations
31 of existing positions, subject to pertinent existing laws and regulations:
32 *Provided, however,* That the security of tenure of officials or employees are fully
33 protected.

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

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

1 (1) Regional Election Office, headed by the Regional Election Director and assisted
2 by the Assistant Regional Director and such other subordinate officers or
3 employees as the Commission may appoint.

4 (2) Provincial Election Office, headed by the Provincial Election Supervisor for each
5 province and assisted by at least one election assistant and such number of
6 assistants and other subordinate officers or employees as the Commission may
7 appoint.

8 (3) City/Municipal Election Office, headed by the City/Municipal Officer for each city
9 of municipality, each election officer shall be assisted by at least one election
10 assistant and such number of assistants and subordinate officers or employees
11 as the Commission may appoint.

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

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

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

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

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

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

37 **SEC. 12.** *Office space.* - The Commission shall provide and accessible and
38 suitable office for its field officers and their staff.

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

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

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

25 **SEC. 15.** *Disqualifications of members of the Commission.* - The chairperson
26 and members of the Commission shall be subject to the Cannons of Judicial Ethics
27 and Code of Judicial Conduct in the discharge of their functions.

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

38 **SEC. 16.** *Publication of official ballots and election returns and printing*
39 *thereof.* - The Commission shall publish at least ten days before an election in a

1 newspaper of general circulation certified data on the number of official ballots and
2 election returns.

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

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

12
13 **CHAPTER II**
14 **ACTIVITIES DURING THE PRE-ELECTION PERIOD**

15
16 **Article 4**
17 **Registration of Voters**

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

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

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

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

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

34 Persons whose registration in such list is still subsisting at the time he or she
35 turns eighteen years of age shall be added by the Commission in the permanent list
36 of voters, without need for such person to register anew. Persons who, on the day

1 of the next Sangguniang Kabataan elections, shall no longer meet the age
2 requirement herein set forth shall be removed by the Commission from such list.

3 **SEC. 20. Precincts.** - The unit of territory for the purpose of voting is the
4 election precinct, and every barangay as of the approval shall have at least one such
5 precinct. The Commission shall establish all election precincts: *Provided*, That, the
6 most recently updated precinct maps at the time of the effectivity of this Code shall,
7 to the extent practicable, remain in place for the purposes of the next immediately
8 following election. Precincts of a nonterritorial nature created exclusively for persons
9 with disabilities and senior citizens pursuant to Republic Act 10366, which are
10 subsisting at the time of the effectivity of this Code, shall likewise remain in place for
11 the purposes of the next immediately following election.

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

22 Additional non-territorial precincts for persons with disabilities and senior
23 citizens, for early voting, and for voting by mail may likewise be created as may be
24 necessary.

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

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

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

36 **SEC. 21. Arrangement of Precincts.** - Every barangay shall have at least one
37 (1) precinct. Each precinct shall have no more than two hundred (200) voters.
38 Except for precincts established for persons with disabilities and senior citizens and

1 for precincts designated for early voting and postal early voting, each precinct shall
2 comprise, as far as practicable , contiguous and compact territories.

3 (a) A precinct shall be allowed to have less than 200 registered voters under the
4 following conditions:

5 (1) As soon as the 200-limit for every precinct has been reached, a spin-
6 off or daughter precinct shall be created automatically by the
7 Commission to accommodate voters residing within the territorial
8 jurisdiction of the original precinct. Thereafter, a separate list of new
9 voters shall be prepared by the Election Officer; and

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

12 (b) Where it is not practicable to divide the precinct by territory, the Commission
13 may adjust or split the precinct by assigning the registered voters therein
14 alphabetically and equitably among the adjusted or split precincts: *Provided,*
15 That, the polling places of said precincts shall be in the same building or
16 premises.

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

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

25 (e) There shall be precincts of a nonterritorial nature, exclusively for persons with
26 disabilities and senior citizens, who in their registration records manifest their
27 intent to avail of their right to a separate precinct under this section. There
28 shall likewise be precincts established for those who avail of early voting and
29 postal voting, as provided for in this Code.

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

34 **SEC. 22. Publication of maps or precincts.** - The Commission shall, through
35 its duly authorized representative, post in the city hall or municipal building and in
36 three other conspicuous places in the city or municipality including outside the office
37 of the election officer a map of the city or municipality showing its most recent

1 division into precincts with their respective boundaries and indicating therein all
2 streets and alleys in populous areas and the location of each polling place.

3 **SEC. 23. *System of Continuing Registration of Voters.*** - The personal filing of
4 application of registration of voters shall be conducted daily in the office of the
5 Election Officer during regular office hours. No registration shall, however, be
6 conducted during the period at least one hundred twenty (120) days before a
7 regular election and at least ninety (90) days before a special election.

8 **SEC. 24. *Necessity of Registration.*** - In order that a qualified elector may
9 vote in any election, plebiscite or referendum, he or she must be registered in the
10 permanent list of voters for the place where he or she intends to vote.

11 **SEC. 25. *Who may Register.*** - All citizens of the Philippines not otherwise
12 disqualified by law who are at least eighteen (18) years of age, and who shall have
13 resided in the Philippines for at least one (1) year, and in the place wherein they
14 propose to vote, for at least six (6) months immediately preceding the election, may
15 register as a voter.

16 Any person who temporarily resides in another city, municipality or country
17 solely by reason of his occupation, profession, employment in private or public
18 service, educational activities, work in the military or naval reservations within the
19 Philippines, service in the Armed Forces of the Philippines, the National Police
20 Forces, or confinement or detention in government institutions in accordance with
21 law, shall not be deemed to have lost his original residence but may register as a
22 voter in such other city or municipality or as an overseas voter, as the case may be.

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

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

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

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

37 (b) Any person who has been adjudged by final judgment by competent court or
38 tribunal of having committed any crime involving disloyalty to the duly

1 constituted government such as rebellion, sedition, violation of the anti-
2 subversion and firearms laws, or any crime against national security, unless
3 restored to his full civil and political rights in accordance with law: *Provided,*
4 That he shall regain his right to vote automatically upon expiration of five years
5 after service of sentence.

6 (c) Insane or incompetent persons as declared by competent authority unless
7 subsequently declared by proper authority that such person is no longer insane
8 or incompetent.

9 **SEC. 27. *Registration of Voters.*** - To register as a voter, a qualified voter
10 shall either personally accomplish an application form for registration as prescribed
11 by the Commission in three (3) copies before the Election Officer on any date during
12 office hours.

13 The application shall contain the following data:

14 (a) Name, surname, middle name, and/or maternal surname;

15 (b) Sex;

16 (c) Date, and place of birth;

17 (d) Citizenship;

18 (e) Civil status, if married, name of spouse;

19 (f) Profession, occupation or work;

20 (g) Periods of residence in the Philippines and in the place of registration;

21 (h) Exact address with the name of the street and house number for location in
22 the precinct maps maintained by the local office of the Commission, or in case
23 there is none, a brief description of his residence, sitio, and barangay;

24 (i) A statement that the applicant possesses all the qualifications of a voter;

25 (j) A statement that the applicant is not a registered voter of any precinct; and

26 (k) Such information or data as may be required by the Commission.

27 The application for registration shall contain three (3) specimen signatures of
28 the applicant. The Commission shall capture the biometrics data of the applicant
29 which shall include his or her photograph, fingerprints, signature, and such other
30 identifiable features of the individual that are easily verifiable.

31 Before the acceptance of the application and biometrics capture, the Election
32 Officer shall inform the applicant of the qualifications and disqualifications prescribed
33 by law for a voter. Thereafter, the Election Officer shall see to it that the
34 accomplished application contains all the data therein required and that the
35 applicant's biometrics are captured and stored in accordance with the procedure that
36 shall be laid down by the Commission.

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

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

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

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

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

36 **SEC. 29. *Registration to avail of early voting and voting by mail.*** - In order
37 for senior citizens, Persons with Disabilities, pregnant women, and indigenous
38 peoples to avail of early voting and voting by mail privileges, they shall, within the
39 same period for registration of regular voters, manifest their intention to avail of
40 such privileges through the procedure and forms prescribed by the Commission.

1 The Commission shall establish precincts within the city, municipality, or district that
2 are exclusively for those who avail of early voting only and those who opt to avail of
3 early voting by mail. Only those who manifest their intention as required herein shall
4 be able to avail of early voting and voting by mail privileges.

5 Senior citizens, Persons with Disabilities and indigenous peoples who have
6 manifested their intention to avail of early voting or voting by mail shall continue to
7 vote through early voting or voting by mail until they manifest otherwise. The
8 manifestation of pregnant women to avail of early voting or voting by mail shall be
9 understood to be for the immediately following election only. After such election, the
10 election registration board shall transfer them into regular precincts.

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

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

25 **SEC. 32. *Change of Residence to Another City or Municipality.*** - Any
26 registered voter who has transferred residence to another city or municipality may
27 apply with the Election Officer of his or her new residence for the transfer of his or
28 her registration records.

29 The application for transfer of registration shall be subject to the
30 requirements of notice and hearing and the approval of the Election Registration
31 Board. Upon approval of the application for transfer, and after notice of such
32 approval to the Election Officer of the former residence of the voter, said Election
33 Officer shall transmit by registered mail the voter's registration record to the Election
34 Officer of the voter's new residence: *Provided,* That an advance copy thereof be
35 sent through electronic mail to the Election Officer of the voter's new residence.

36 **SEC. 33. *Change of Address in the Same City or Municipality.*** - Any voter
37 who has changed his or her address in the same city or municipality shall
38 immediately notify the Election Officer in writing. If the change of address involves a
39 change in precinct, the Board shall transfer such voter's registration record to the

1 precinct book of voters of his or her new precinct and notify the voter of his or her
2 new precinct. All changes of address shall be reported to the office of the provincial
3 election supervisor, or, in the case of cities and municipality within the National
4 Capital Region, to the office of the regional election director.

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

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

12 In case of disqualification of the Election Officer, the Commission shall
13 designate an acting Election Officer who shall serve as Chairperson of the Election
14 Registration Board. In case of disqualification or non-availability of the Local
15 Registrar or the Municipal or City Treasurer, the Commission shall designate any
16 other appointive civil service official from the same locality as substitute.

17 No member of the Board shall be related to each other or to any incumbent
18 city or municipal elective official within the fourth civil degree of consanguinity or
19 affinity. If in succeeding elections, any of the newly elected city or municipal officials
20 is related to a member of the board within the fourth civil degree of consanguinity or
21 affinity, such member is automatically disqualified to preserve the integrity of the
22 Election Registration Board.

23 Every registered party and such organizations as may be authorized by the
24 Commission shall be entitled to a watcher in every registration board.

25 **SEC. 35. *Compensation of the Members of the Board.*** - Each member of the
26 Board shall be entitled to an honorarium to One Thousand Pesos (P 1,000.00) for
27 each day of actual service rendered in the Board, which amount the Commission
28 may adjust every three (3) years hereafter. No member of the Board shall be
29 entitled to travelling expenses.

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

38 A registrant whose application is not seasonably objected to shall be notified
39 in writing stating therein that no objection was raised against his application and

1 that he need not appear on the date set for the hearing of his application. The
2 application of such registrant shall be approved as a matter of course.

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

7 All applications for registration shall be heard and processed on a quarterly
8 basis. For this purpose, the Election Registration Board shall meet and convene on
9 the third Monday of April, July, October, and January of every calendar year, or on
10 the next following working day if the designated days fall on a non-working holiday,
11 except in an election year to conform with the one hundred twenty (120) days
12 prohibitive period before election day. Should one day be insufficient for the
13 processing of all accepted applications, the Board shall adjourn from day to day until
14 all the applications shall have been processed.

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

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

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

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

36 Upon approval, the Election Officer shall assign a voters identification number
37 and issue an acknowledgment receipt to the registered voter. If the Board
38 disapproves the application, the applicant shall be furnished with a certificate of
39 disapproval stating the ground therefor. In cases of approval or disapproval, any

1 aggrieved party may file a petition for exclusion or inclusion, as the case may be,
2 with the proper Municipal or Metropolitan Trial Court as provided for in this Code.

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

10 **SEC. 41.** *Preservation of Voter's Registration Records.* - The Election Officer
11 shall compile the original copies of the approved applications for registration per
12 precinct and arrange the same alphabetically according to surname. He or she shall
13 preserve the book of voters and ensure its integrity. The second and third copies of
14 the registration records shall be sent to the provincial and national central files
15 within three (3) days after the approval of the Board.

16 The Election Officer shall likewise prepare an electronic copy of the book of
17 voters in the format prescribed by the Commission.

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

21 (a) Part 1: Current Address of the Voter

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

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

25 The code assignment for provinces, cities and municipalities shall follow the Urban
26 Code devised by the National Census and Statistics Office (NCSO).

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

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

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

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

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

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

- 1 (2) The next two digits, 14, stand for the date of birth;
2 (3) The next two digits, 51, stand for the year of birth; and
3 (4) The last three letters, BCD, stand for the name code, i.e., Bayani Cruz
4 Davide.

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

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

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

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

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

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

33 **SEC. 45. National Central File and the Permanent List of Voters.** - There shall
34 be a national central file under the custody of the Commission consisting of the third
35 copies of all approved voter registration records in each city or municipality. It shall
36 be compiled by precinct in each city/municipality and arranged alphabetically by
37 surname so as to make the file a replica of the book of voters in the possession of
38 the Election Officer. A permanent and computerized list arranged by precinct, city or

1 municipality, province and region shall be prepared by the Commission. Thereafter,
2 another list shall be prepared by the Commission following the alphabetical
3 arrangements of surnames of voters.

4 There shall also be a national file consisting of the computerized voters' list,
5 both in print and in electronic file, submitted by the Election Officers in each city and
6 municipality concerned, under the custody of the Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 The Election Officer shall submit said application to the Election Registration
28 Board for appropriate action.

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

33 **SEC. 48. *Cancellation of Registration.*** - The Election Registration Board shall
34 cancel the registration records of those who have died as certified by the Local Civil
35 Registrar. The Local Civil Registrar shall submit each month a certified list of persons
36 who died during the previous month to the Election Officer of the place where the
37 deceased are registered. In the absence of information concerning the place where
38 the deceased is registered, the list shall be sent to the Election Officer of the city or

1 municipality of the deceased's residence as appearing in his death certificate. In any
2 case, the Local Civil Registrar shall furnish a copy of this list to the national central
3 file and the proper provincial file.

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

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

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

22 **SEC. 50. *Sealing of Precinct Book of Voters.*** - The Election Registration
23 Board shall notify, within fifteen (15) days before the start of the campaign period
24 for local candidates, all registered political parties having a headquarters within its
25 jurisdiction and members of the Electoral Boards to inspect and verify the
26 completeness of the voter's registration records for each precinct compiled in the
27 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
30 campaign period the members of the Barangay Electoral Boards and the barangay
31 secretaries to inspect and verify the completeness of the voter's registration records
32 for each precinct compiled in the book of voters: *Provided*, That the candidates may,
33 to the 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
37 Registration Board shall seal the book of voters in the presence of the former at the
38 start of the campaign period and take custody of the same until their distribution to
39 the Electoral Board on election day. The Election Officer shall deliver the sealed

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

3 **SEC. 51.** *Jurisdiction in Inclusion and Exclusion Case.* - First Level Courts
4 shall have original and exclusive jurisdiction over all cases of inclusion and exclusion
5 of voters in their respective jurisdictions. Decisions of the First Level Courts may be
6 appealed by the aggrieved party to the Regional Trial Court within five (5) days from
7 receipt of notice thereof. Otherwise, said decision shall become final and executory.
8 The Regional Trial Court concerned shall decide the appeal within ten (10) days from
9 the time it is raffled thereto. The decision of the Regional Trial Court is immediately
10 final and executory. No motion for reconsideration or appeal shall be entertained.

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

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

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

37 **SEC. 54.** *Change of name of registered voter.* - Any previously registered
38 voter whose name has been changed by reason of marriage or by virtue of a court
39 order or by order of the Civil Registrar or Consul General may file an application for
40 change of name by personally accomplishing three (3) copies of the prescribed

1 application form and filing the same with the election registration board through the
2 election officer. In support of the application, the applicant shall submit any
3 original/certified true copy of the following:

- 4 (a) Certification by the solemnizing officer;
- 5 (b) Marriage contract or court order with certificate of finality;
- 6 (c) Order by the Civil Registrar or Consul General, as the case may be.

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

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

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

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

- 26 (a) Petition for inclusion, exclusion or correction of names of voters shall be filed
27 during office hours;
- 28 (b) A copy of the petition shall be served upon the members of the Board and the
29 challenged voter prior to the filing of the petition. Service of such petition
30 may be made by sending a copy thereof by personal delivery, by leaving it in
31 the possession of a person of sufficient discretion residing in the residence
32 stated by the challenged voter in his or her application for registration, or by
33 registered mail. Should the foregoing procedures not be practicable, the
34 petition may be sent through a private courier: *Provided,* That the petition
35 cannot be filed in court until after forty-eight (48) hours have elapsed since
36 the time the petition was sent through private courier.
- 37 (c) A petition shall refer only to one (1) precinct and implead the Election
38 Registration Board as respondents;

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

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

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

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

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

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

31 **SEC. 59. *Reconstitution of Lost or Destroyed Registration Records.*** - The
32 Commission shall reconstitute all registration records which have been lost or
33 destroyed by using the corresponding copies of the provincial or national central
34 files. In case of conflict, the Commission shall determine which file shall be used for
35 reconstitution purposes. If this is not feasible, the Commission shall conduct a
36 general registration of voters in the affected area: *Provided*, That there is a
37 scheduled election before the next scheduled general registration of voters in
38 accordance with the Omnibus Election Code. All such voters shall retain their voter's

1 identification number. Reconstituted forms shall be clearly marked with the word
2 "reconstituted."

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

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

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

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

21 **Article 5**
22 **Registration of Political Parties, Sectoral Parties,**
23 **Sectoral Organizations, and Coalitions**

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

- 30 (a) Full name of the political party, organization or coalition of political parties;
31 (b) The principal headquarters and post office address for election purposes,
32 including its branches and divisions, if any;
33 (c) The date and place of its organization;
34 (d) The date and manner of election or selection of its officers;
35 (e) The names and addresses of its organizers and officers, Executive
36 Committee members, Directorate, or Party Convention delegates, if any;
37 (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
7 any 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
13 such 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
19 this Code, the Commission shall issue a certificate of registration, which shall be
20 displayed in the main office and in all chapters of the petitioner. In no case shall any
21 petition for registration be resolved by the Commission later than thirty (30) days
22 from the date 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
32 participate in the party-list system as such party, organization, or coalition :
33 *Provided,* That the sectors shall include labor, peasant, fisherfolk, urban poor,
34 indigenous cultural communities or indigenous peoples, elderly, persons with
35 disabilities, women, youth, veterans, overseas workers, and professionals.

36 The petition for registration shall contain the following: a) name and acronym
37 of the petitioner, with the acronym not exceeding twenty characters; b) nature of
38 the organization; c) sector or sectors which it seeks to represent, if applicable; d)

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

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

37 A political party, organization, or coalition, as well as the sectoral wing of a
38 political party, organization, or coalition, which has been registered in accordance
39 with the preceding section and which intends to participate in the party-list elections,
40 shall register anew under this section and shall fully comply with the provisions

1 hereof; *Provided, however,* That the denial of the petition under this section shall
2 not affect the registration already granted under the preceding section.

3 The Commission shall promulgate such rules as are necessary to ensure that
4 the status and capacity of the petitioner and the veracity of the allegations in the
5 petition and its attachments are verified and that the petition is published in two
6 newspapers of general circulation. The Commission shall, after due notice and
7 hearing, resolve the petition within thirty (30) days from the date it was submitted
8 for decision but in no case not later than sixty (60) days before election.

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

15 (a) It is a religious sect or denomination, organization or association, organized
16 for religious purposes;

17 (b) It advocates violence or unlawful means to seek its goal;

18 (c) It is a foreign party or organization;

19 (d) It is receiving support, financial or otherwise, from any foreign government,
20 foreign political party, foundation, organization, whether directly or through
21 any of its officers or members or indirectly through third parties for partisan
22 election purposes;

23 (e) It fails, at least on two occasions, to file the required statement of
24 contributions and expenditures within the prescribed period as required by
25 this Code.

26 (f) It violates or fails to comply with laws, rules or regulations relating to
27 elections, plebiscites, referenda, or initiative;

28 (g) It declares untruthful statements in its petition;

29 (h) It has ceased to exist for at least one (1) year;

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

33 (a) Material misrepresentation of the qualifications of its nominees;

34 (b) A finding by final judgment that it directly or indirectly participated in acts
35 detrimental to the best interest of the government, to overthrow the
36 government, or diminish its powers, or to be associated by any means to

1 rebels or those designated and/or proscribed terrorist persons under R.A. No.
2 11479 or the "Anti-Terrorism Act of 2020.

3 (c) Failure to participate in the last two (2) preceding party-list elections; or

4 (d) Failure in the last two (2) preceding party-list elections to obtain at least two
5 per centum (2%) of the votes cast for political parties and coalitions under
6 the party-list system, or at least two per centum (2%) of the votes cast for
7 sectoral parties, organizations, and coalitions, as the case may be.

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

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

22 (a) The established record of the said parties, coalition of groups that now
23 compose them, taking into account among other things, their showing in past
24 elections;

25 (b) The number of incumbent elective officials belonging to them on the last day
26 of the filing of the Certificate of Candidacy (COC);

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

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

31 (e) The number of women candidates fielded by political parties from the
32 municipal level to the position of President; and

33 (f) Other analogous circumstances that may determine their relative
34 organizations and strengths.

35 The accreditation of the Dominant Majority Party, the Dominant Minority Party
36 and the Ten (10) Major Political Parties shall be established through weighted
37 average points for each of the above criteria. The Commission shall determine the

1 appropriate points to be accorded to each of the above criteria, ensuring that the
2 interest of the candidates and the parties they represent are protected.

3
4 **Article 6**
5 **The Party-list System**

6 **SEC. 66.** *Classification of groups under the party-list system.* - The party-list
7 system shall be divided into two classifications: (a) political parties or coalition of
8 political parties, and (b) sectoral parties or organizations. Fifty percent (50%) of the
9 seats allocated for the party-list shall be reserved for political parties and coalitions
10 of political parties and the other fifty percent (50%) shall be reserved for sectoral
11 parties or organizations: *Provided,* That in case of an odd number in the total
12 number of seats to be allocated, the same shall be allocated to the party-list group
13 next in rank in terms of total number of votes regardless of classification. In the
14 event of a tie priority should be given to the most number of participating party-list
15 group on its first occurrence.

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

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

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

35 A person may be nominated in one (1) list only. Only persons who have given
36 their consent in writing may be named in the list. The list shall not include any
37 candidate for any elective office or a person who has lost his bid for an elective
38 office in the immediately preceding election. No change of names or alteration of the
39 order of nominees shall be allowed after the same shall have been submitted to the

1 Commission except in cases where the nominee dies or becomes incapacitated in
2 which case the name of the substitute nominee shall be placed last in the list.

3 **SEC. 70. *Substitution of Party-List Nominees.*** - Substitution shall be allowed
4 for any nominee who dies, becomes incapacitated, or has been disqualified. The
5 party, organization, or coalition concerned shall file with the Commission the
6 certificate of nomination and acceptance of the substitute nominee, the amended list
7 of nominees, and proof of publication of the amended list of nominees. The
8 substitute nominee shall be placed last in the list. Sectoral parties or organizations
9 must submit to the Commission a track record summary showing that the substitute
10 nominee represents and seeks to uplift the marginalized and underrepresented
11 sector or sectors the party or organization seeks to represent and proof that such
12 nominee belongs to such sector.

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

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

29 In case of a nominee of the youth sector, he or she must at least be twenty-
30 five (25) but not more than thirty (30) years of age on the day of the election. Any
31 youth sectoral representative who attains the age of thirty (30) during his term shall
32 be allowed to continue in office until the expiration of his or her term.

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

1 The deliberate failure by the nominee to disclose that he or she has been
2 declared by competent authority as insane or incompetent, or that he or she has
3 been sentenced by final judgment for subversion, insurrection, rebellion or for any
4 offense for which he or she has been sentenced to a penalty of more than eighteen
5 months or for a crime involving moral turpitude, shall constitute material
6 misrepresentation unless there is a declaration by competent authority that said
7 insanity or incompetence had been removed, or, in case of conviction for the
8 offenses herein mentioned, such nominee has been given plenary pardon or granted
9 amnesty or at least five years have passed from his or her service of sentence.

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

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

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

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

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

1 and sectoral parties or organizations, as set forth in Section 63 hereof, be
2 observed at all times.

3 **SEC. 75.** *Procedure in Allocating Seats for Party-List Representatives.* - The
4 Commission shall separately tally all the votes for the political parties or coalitions
5 and sectoral parties or organizations on a nationwide basis, rank them according to
6 the number of votes received, and allocate party-list representatives proportionately
7 according to the percentage of votes obtained by each party, organization, or
8 coalition as against the total nationwide votes cast for the party-list system. In the
9 allocation of seats, the Commission should ensure that Section 63 of this Code is
10 complied with.

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

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

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

28 **SEC. 78.** *Rights of Party-List Representatives.* - Party-List Representatives
29 shall be entitled to the same salaries and emoluments as regular members of the
30 House of Representatives.

31 32 **Article 7**

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

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

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

6 **SEC. 81. *Qualifications for Members of the House of Representatives.*** - No
7 person shall be a Member of the House of Representatives unless he is a natural-
8 born citizen of the Philippines and, on the day of the election, is at least twenty-five
9 years of age, able to read and write, and, except the party-list representatives, a
10 registered voter in the district in which he shall be elected, and a resident thereof for
11 a period of not less than one year immediately preceding the day of the election.

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

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

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

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

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

37 **SEC. 85. *Effects of Disqualification.*** - Any candidate who has been declared
38 by final judgment to be disqualified shall not be voted for. If for any reason a
39 candidate is not declared by final judgment before an election to be disqualified and

1 he is voted for and receives the winning number of votes in such election, the Court
2 or Commission shall continue with the trial and hearing of the action, inquiry, or
3 protest and, upon motion of the complainant or any intervenor, may during the
4 pendency thereof order the suspension of the proclamation of such candidate
5 whenever the evidence of his guilt is strong.

6 If the candidate is disqualified by final judgment prior to the election, the
7 votes cast for him or her shall be considered stray. However, should the
8 disqualification of the candidate become final only after the election, the rules on
9 succession of public officers as laid down in the Constitution, the Local Government
10 Code, and other applicable laws, shall apply.

11 The Commission shall give priority to cases of disqualification by reason of
12 violation of this Code.

13 **SEC. 86. Nuisance candidates.** - The Commission may motu proprio or upon
14 a verified petition of any registered voter, refuse to give due course to or cancel a
15 certificate of candidacy if it is shown that said certificate has been filed to put the
16 election process in mockery or disrepute or to cause confusion among the voters by
17 the similarity of the names of the registered candidates or by other circumstances or
18 acts which clearly demonstrate that the candidate has no bona fide intention to run
19 for the office for which the certificate of candidacy has been filed and thus prevent a
20 faithful determination of the true will of the electorate.

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
23 be 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
25 elective public office unless he files a sworn certificate of candidacy within the period
26 fixed 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 was filed more than one certificate of candidacy may
35 declare under oath the office for which he desires to be eligible and cancel the
36 certificate of 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
2 shall 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
17 before the election;

18 (l) The barangay, city, municipality and province where the aspirant is a
19 registered 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
28 and 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;

33 (t) That the aspirant assumes the foregoing obligations voluntarily without
34 mental reservation or purpose of evasion;

1 (u) That the aspirant gives consent to the Commission to collect, disclose or
2 share, and process the personal data provided for election and other lawful
3 purposes in accordance with the Privacy Notice and as may be authorized by
4 existing laws;

5 (v) That the facts stated in the certificate are true and correct to the best of the
6 aspirant's knowledge; and

7 (w) Whether the aspirant has been found liable for an offense/s which carries
8 with it the accessory penalty of perpetual disqualification to hold public office,
9 which has become final and executory.

10 Unless the person filing the certificate of candidacy has officially changed his
11 or her name through a court approved proceeding, such person shall use in a
12 certificate of candidacy the name by which he or she has been baptized, or if has
13 not been baptized in any church or religion, the name registered in the office of the
14 local civil registrar or any other name allowed under the provisions of existing law
15 or, in the case of a Muslim, his or her Hadji name after performing the prescribed
16 religious pilgrimage: *Provided*, That when there are two or more aspirant for an
17 office with the same name and surname, each aspirant, upon being made aware or
18 such fact, shall state his or her paternal and maternal surname, except the
19 incumbent who may continue to use the name and surname stated in his certificate
20 of candidacy when he was elected.

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

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

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

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

- 1 (a) For the positions of President, Vice-President, and Senator, with the Main
2 Office of the Commission;
- 3 (b) For the position of Member of the House of Representatives for a legislative
4 district in the National Capital Region, with the Office of the Regional Director
5 of the National Capital Region;
- 6 (c) For the position of Member of the House of Representatives for a legislative
7 district in the provinces, with the Office of the Provincial Election Supervisor;
- 8 (d) For the position of Member of the House of Representative in a legislative
9 district in the cities outside the National Capital Region which comprise one or
10 more legislative districts, with the Office of the City Election Officer concerned
11 designated for the purpose by the Regional Election Director;
- 12 (e) For the positions of Governor, Vice-Governor, and Member of the
13 Sangguniang Panlalawigan, with the Office of the Provincial Election
14 Supervisor;
- 15 (f) For the position of Mayor and Vice-Mayor cities with more than one Election
16 Officer, with the Office of the City Election Officer concerned designated for
17 the purpose by the Regional Election Director;
- 18 (g) For the position of Member of the Sangguniang Panlungsod in cities with
19 more than one Election Officer, with the Office of the City Election Officer of
20 the district concerned;
- 21 (h) For the position of Mayor, Vice Mayor, and Member of the Sangguniang
22 Panglungsod in cities with only one (1) legislative district, with the Office of
23 the City Election Officer;
- 24 (i) For the position of Municipal Mayor, Municipal Vice-Mayor, and Member of the
25 Sangguniang Bayan, with the Office of the Municipal Election Officer; and
- 26 (j) For the position of Members of the Parliament of the Bangsamoro
27 Autonomous Region in Muslim Mindanao, with the Office of the Regional
28 Election Director.

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

32 Any certificate of candidacy or certificate of nomination and acceptance filed
33 with the incorrect office shall be deemed not filed. No filing fee shall be imposed for
34 the filing of the certificate of candidacy and certificate of nomination.

35 **SEC. 90. Ministerial duty of receiving and acknowledging receipt.** - The
36 Commission, provincial election supervisor, and the election officer designated by

1 the Commission, and electoral boards, as the case may be, shall have the ministerial
2 duty to receive and acknowledge receipt of the certificate of candidacy.

3 **SEC. 91.** *Candidates in case of death, disqualification, or incapacity of*
4 *another.* - If after the last day for the filing of certificates of candidacy, an official
5 candidate of a registered or accredited political party dies, becomes incapacitated, or
6 is disqualified for any cause, only a person belonging to, and nominated by, the
7 same political party may file a certificate of candidacy to replace the candidate who
8 died, became incapacitated, or was disqualified: *Provided,* That, such substitute
9 candidate must have the same surname as the candidate being substituted:
10 *Provided further,* That an independent candidate who filed a certificate of candidacy
11 may also be substituted.

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

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

33 The petition may be filed at any time not later than twenty-five days from the
34 time of the filing of the certificate of candidacy and shall be decided, after due notice
35 and hearing, not later than thirty days before the election.

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CHAPTER III
ELECTION AND CAMPAIGN PERIODS, CAMPAIGN,
AND CAMPAIGN EXPENDITURES

5
6

Article 8
The Election and Campaign Periods

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

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

12 (a) For President, Vice-President, Senators, and party-list groups participating in
13 the party-list system of representation, ninety (90) days before the day of the
14 elections;

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

18 (c) For barangay and Sangguniang Kabataan officials, ten (10) days before the
19 election.

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

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Article 9
Campaign and Election Propaganda

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

33 **SEC. 96.** *Intervention of foreigners.* - It shall be unlawful for any foreigner, whether
34 judicial or natural person, to aid any candidate or political party, directly or
35 indirectly, or take part in or influence in any manner any election, or to contribute or
36 make any expenditure in connection with any election campaign or partisan political
37 activity.

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

5 **SEC. 98. Lawful election propaganda.** - Lawful election propaganda shall
6 include:

7 (a) Pamphlets, leaflets, cards, decals, stickers or other written or printed
8 materials of a size not more than eight and one-half (8 ½) inches in width and
9 fourteen (14) inches in length;

10 (b) Handwritten or printed letters urging voters to vote for or against any
11 particular candidate;

12 (c) Cloth, paper or cardboard posters, whether framed or posted, with an area
13 exceeding two (2) feet by three (3) feet, except that, at the site and on the
14 occasion of a public meeting or rally, or in announcing the holding of said
15 meeting or rally, streamers not exceeding three (3) feet by (8) eight feet in
16 size, shall be allowed: *Provided*, That said streamers may be displayed five
17 (5) days before the date of the meeting or rally and shall be removed within
18 twenty-four (24) hours after said meeting or rally.

19 (d) Paid advertisements in internet, mobile, print or broadcast media: *Provided*,
20 That the advertisements shall comply with the requirements set forth in this
21 Code and with the rules and guidelines promulgated by the Commission.

22 (e) All other forms of election propaganda not prohibited by this Code as the
23 Commission may authorize after due notice to all interested parties and
24 hearing where all the interested parties were given an equal opportunity to be
25 heard: *Provided*, That the Commission's authorization shall be published in
26 two newspapers of general circulation throughout the nation for at least twice
27 within one week after the authorization has been granted.

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

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

36 (b) Each bona fide candidate or registered political party for a nationally-elected
37 office shall be entitled to not more than one hundred twenty (120) minutes of

1 television advertisement and one hundred eighty (180) minutes of radio
2 advertisement whether by purchase or donation.

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

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

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

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

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

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

33 Any other website, blog, or social media page not registered but which, when
34 taken as a whole, has for its primary purpose the endorsement of a
35 candidate, party, organization, or coalition, whether or not directly maintained
36 or administered by the candidate, party, organization, or coalition, or its
37 official campaign representatives, shall be considered as official websites,
38 blogs, or social media pages of said candidate, party, organization, or
39 coalition for all regulatory purposes.

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

4 (g) Microtargeting of electoral ads shall not be allowed except when based on the
5 following criteria: geographical location, except radius around a specific
6 location; age and gender.

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

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

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

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

32 In all instances, the Commission shall supervise the use and employment of
33 press, radio, television, internet, and social media facilities insofar as the
34 placement of political advertisements is concerned to ensure that candidates
35 are given equal opportunities under equal circumstances to make known their
36 qualifications and their stand on public issues within the limits set forth in this
37 Code.

38 The Commission shall ensure that radio or television or cable television
39 broadcasting entities shall not allow the scheduling of any program or permit

1 any sponsor to manifestly favor or oppose any candidate or political party by
2 unduly or repeatedly referring to or including said candidate and/or political
3 party in such program respecting, however, in all instances the right of said
4 broadcast entities to air accounts of significant news or news worthy events
5 and views on matters of public interest.

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

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

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

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

34 (c) To show, display or exhibit publicly in a theater, through a television station,
35 a video sharing site, social media network, to any public forum any movie,
36 cinematography or documentary, including concert or any type of
37 performance portraying the life or biography of a candidate, or in which a
38 character is portrayed by an actor or media personality who is himself or
39 herself a candidate;

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

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

14 (f) To print, publish, post, show, display, distribute any election campaign or
15 propaganda materials that are violative of gender sensitivity principles, is
16 obscene, offensive, discriminatory, or otherwise constitutes a violation of the
17 Magna Carta of Women; and

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

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

28 **SEC. 102. *Rallies, meetings and other political activities.*** - Subject to the
29 requirements of local ordinances on the issuance of permits, any political party
30 supporting official candidates or any candidate individually or jointly with other
31 aspirants may hold peaceful political rallies, meetings, and other similar activities
32 during the campaign period: *Provided,* That all applications for permits to hold
33 meetings, rallies and other similar political activities, receipt of which must be
34 acknowledged in writing and which application shall be immediately posted in a
35 conspicuous place in the city or municipal hall, shall be acted upon in writing by local
36 authorities concerned within three days after the filing thereof and any application
37 not acted upon within said period shall be deemed approved: and *Provided further,*
38 That denial of any application for said permit shall be appealable to the provincial
39 election supervisor or to the Regional Election Director, for cases in the National
40 Capital Region, whose decision shall be made within forty-eight (48) hours and

1 which shall be final and executory: *Provided finally*, the only justifiable grounds for
2 denial shall be a) a prior written application by any candidate or political party for
3 the same purpose has been approved; or b) the existence of a health emergency, as
4 attested to by the appropriate department or agency of the national government,
5 which absolutely necessitates that mass gatherings be prohibited.

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

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

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

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

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

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

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

15 **SEC. 106. *Poster areas.*** – The Commission may authorize political parties
16 and party-list groups to erect common poster areas for their candidates in not more
17 than ten (1) public places such as plazas, markets, barangay centers and the like,
18 wherein candidates can post, display or exhibit election propaganda: *Provided,* That
19 the size of the poster areas shall not exceed twelve (12) by sixteen (16) feet or its
20 equivalent.

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

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

27 **SEC. 107. *Rate of Political Propaganda.*** - During the election period, media
28 outlets shall give registered political parties and bona fide candidates a discount of
29 fifty percent (50%) for television, forty percent (40%) for radio and ten percent
30 (10%) for print, from the average of the published rates charged in the last three
31 calendar years prior to the election.

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

35 In no case shall rates charged to registered political parties and bona fide
36 candidates be higher than rates charged to non-political advertisers.

37 **SEC. 108. *Right to Reply.*** – All registered parties and bona fide candidates
38 shall have the right to reply to charges published against them. The reply shall be
39 given publicity by the newspaper, television and/or radio station which first printed

1 or aired the charges with the same prominence or in the same page or section or in
2 the same time slot as the first statement.

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

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

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

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

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

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

15 (5) For each question for which the margin of error is greater than that
16 reported under paragraph (d), the margin of error for that question; and

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

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

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

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

29 (2) Pollsters shall wear distinctive clothing;

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

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

35 **SEC. 110.** The Commission shall promulgate and furnish all candidates, duly
36 registered political and sectoral parties, sectoral organizations, coalition of political

1 parties and the mass media entities the rules and regulations for the implementation
2 of this Article, consistent with the criteria established in Article IX-C, Section 4 of the
3 Constitution.

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

9 Violation of this Article and the rules and regulations of the COMELEC issued
10 to implement this Article shall be an election offense punishable under Section 405
11 of this Code.

12
13 **Article 10**
14 **Electoral Contributions and Expenditures**

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

- 18 (a) Public or private financial institutions: *Provided, however,* That nothing herein
19 shall prevent the making of any loan to a candidate or sectoral or political
20 party or organization by any such public or private financial institutions legally
21 in the business of lending money, and that the loan is made in accordance
22 with laws and regulations and in the ordinary course of business;
- 23 (b) Natural and juridical persons operating a public utility or in possession of or
24 exploiting any natural resources of the nation;
- 25 (c) Natural and juridical persons who hold contracts or sub-contracts to supply
26 the government or any of its divisions, subdivisions or instrumentalities,
27 including local government units and government-owned and controlled
28 corporations, with goods or services or to perform construction or other
29 works;
- 30 (d) Natural and juridical persons who have been granted franchises, incentives,
31 exemptions, allocations or similar privileges or concessions by the government
32 or any of its divisions, subdivisions or instrumentalities, including government-
33 owned or controlled corporations;
- 34 (e) Natural and juridical persons who, within one year prior to the date of the
35 election, have been granted loans or other accommodations in excess of One
36 Million Pesos Php 1,000,000 by the government or any of its divisions,
37 subdivisions or instrumentalities including government-owned or controlled
38 corporations;

- 1 (f) Educational institutions which have received grants of public funds amounting
2 to no less than One Million Pesos Php 1,000,000.00;
- 3 (g) Officials or employees in the Civil Service, personnel working with for or with
4 the government under a job order or contract of service, consultants to the
5 government, including local government units and government-owned and
6 controlled corporations, or members of the Armed Forces of the Philippines;
7 and
- 8 (h) Foreign governments and their agencies, any foreign national, and foreign
9 corporations.

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

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

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

33 **SEC. 114. *Report of contributions.*** - Every person giving contributions to any
34 candidate, treasurer of the party, organization or coalition, or authorized
35 representative of such candidate or treasurer shall, not later than thirty days after
36 the day of the election, file with the Commission a report under oath stating the
37 amount of each contribution, the name of the candidate, agent of the candidate or
38 political party receiving the contribution, and the date of the contribution.

1 **Section 115. *Authorized Expenses of Candidates and Political Parties.*** - The
2 aggregate amount that a candidate, registered political or sectoral party,
3 organization, or coalition of parties may spend for election campaign shall be as
4 follows:

5 (a) For candidates. - Fifty pesos (PhP50.00) for President and Vice-President;
6 and for other candidates, Twenty Pesos (PhP20.000), for every voter currently
7 registered in the constituency where the candidate filed a certificate of
8 candidacy: *Provided*, That a candidate without any political party and without
9 support from any political party may be allowed to spend thirty pesos
10 (P30.00) for every such voter: *Provided further*, that the total amount a
11 candidate may spend shall not be less than five hundred thousand pesos
12 (PhP500,000).

13 (b) For political parties not participating in the party-list elections- Thirty pesos
14 (PhP30.00) for every voter currently registered in the constituency or
15 constituencies where it has official candidates.

16 (c) For regional political parties participating in the party-list elections- Twenty
17 pesos (PhP10.00) for every voter currently registered in the region or locality
18 which the political party seeks to represent.

19 (d) For national political parties, coalition of national political parties, sectoral
20 parties and sectoral organizations participating in the party-list elections- Five
21 pesos (PhP5.00) for every registered voter in the Philippines.

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

25 (a) For travelling expenses of the candidates and campaign personnel in the
26 course of the campaign and for personal expenses incident thereto;

27 (b) For compensation of campaigners, clerks, stenographers, messengers, and
28 other persons actually employed in the campaign including those working
29 through the internet or social media;

30 (c) For telegraph and telephone tolls, postage, freight and express delivery
31 charges;

32 (d) For stationery, printing and distribution of printed matters relative to
33 candidacy;

34 (e) For employment of watchers at the polls;

35 (f) For rent, maintenance and furnishing of campaign headquarters, office or
36 place of meetings;

1 (g) For establishment, maintenance, updates, and/or upgrades of social media
2 accounts, social media pages, websites, or blogs used for the campaign;

3 (h) For political meetings and rallies, including e-rallies, and the use of sound
4 systems, lights and decorations during said meetings and rallies;

5 (i) For newspaper, radio, television and other public advertisements including
6 advertisements on the internet and social media sites;

7 (j) For employment of counsel;

8 (k) For copying and classifying list of voters, investigating and challenging the
9 right to vote of persons registered in the lists; and

10 (l) For printing sample ballots in such color, size and maximum number as may
11 be authorized by the Commission

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

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

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

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

30 **SEC. 118.** *Prohibited donations by candidates, treasurers of parties or their*
31 *agents.* - No candidate, his or her spouse or any relative within the second civil
32 degree of consanguinity or affinity, or his or her campaign manager, agent or
33 representative shall, during the campaign period, on the day before and on the day
34 of the election, directly or indirectly, make any donation, contribution or gift in cash
35 or in kind, or undertake or contribute to the construction or repair of roads, bridges,
36 school buses, puericulture centers, medical clinics and hospitals, churches or chapels
37 cement pavements, or any structure for public use or for the use of any religious or
38 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,
4 are 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
17 contribution received and to obtain and keep a receipt stating the particulars
18 of every expenditure made.

19 (b) Every candidate and treasurer of the party, coalition, or organization shall
20 keep 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
28 upon presentation of a subpoena duces tecum duly issued by the
29 Commission. Failure of the candidate or treasurer to preserve such records or
30 documents shall be deemed prima facie evidence of violation of the provisions
31 of this Article.

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

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

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

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

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

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

16 It shall be the duty of every city or municipal election officer to advise in
17 writing, by personal delivery or registered mail, within five (5) days from the date of
18 election all candidates residing in his jurisdiction and all political and sectoral parties,
19 coalition of political parties, and sectoral organizations whose main headquarters is
20 in his jurisdiction to comply with their obligation to file their statements of
21 contributions and expenditures.

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

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

31 (a) Those of candidates for President, Vice-President and Senators, as well as,
32 national political parties, sectoral parties, sectoral organizations, and coalition
33 of national political parties, with the Commission.

34 (b) Those of candidates for Members of the House of Representatives in the
35 National Capital Region, as well as, regional political parties with the entire
36 National Capital Region as their constituency, with the Office of the Regional
37 Director of the National Capital Region.

- 1 (c) Regional political parties, with the office of the regional election director
2 concerned.
- 3 (d) Those of candidates for Members of the House of Representatives of
4 legislative districts in the provinces and provincial offices, as well as,
5 provincial political parties, with the provincial election supervisor concerned.
- 6 (e) Those of candidates for city, municipal and barangay offices, as well as local
7 political parties, with the election officer concerned.
- 8 (f) Regional political parties with the entire Bangsamoro Autonomous Region in
9 Muslim Mindanao as their constituency shall file their statements of
10 contributions and expenditures with the Bangsamoro Electoral Office.
- 11 (g) Unless otherwise provided for by regional law, candidates for Members of the
12 House of Representatives of legislative districts within the Bangsamoro
13 Autonomous Region in Muslim Mindanao and provincial offices therein, as well
14 as, provincial political parties with constituencies within the Bangsamoro
15 Autonomous Region in Muslim Mindanao, shall file their statements of
16 contributions and expenditures with the provincial election supervisor
17 concerned. Candidates for city, municipal and barangay offices, as well as
18 local political parties, within the said region shall file with the election officer
19 concerned.

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

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

32 **SEC. 124. *Form and contents of statement.*** - The statement shall be in
33 writing, subscribed and sworn to by the candidate or by the treasurer of the party,
34 organization, or coalition, and shall be complete as of the date next preceding the
35 date of filing. It shall set forth in detail (a) the amount of contribution, the date of
36 receipt, and the full name and exact address of the person from whom the
37 contribution was received; (b) the amount of every expenditure, the date thereof,
38 the full name and exact address of the person to whom payment was made, and the
39 purpose of the expenditure; (c) any unpaid obligation, its nature and amount, and to

1 whom said obligation is owing; and (d) such other particulars which the Commission
2 may require.

3 If the candidate, party, organization, or coalition has received no contribution,
4 made no expenditure, or has no pending obligation, the statement shall reflect such
5 fact.

6 **SEC. 125. *Preservation and inspection of statements.*** - All statements of
7 contributions and expenditures shall be kept and preserved at the office where they
8 are filed and shall constitute part of the public records thereof for five years after the
9 election to which they pertain. They shall not be removed therefrom except upon
10 order of the Commission or of a competent court and shall, during regular office
11 hours, be subject and open to inspection by the public. The officer in-charge thereof,
12 shall, on demand, furnish certified copies of any statement upon payment of the
13 reasonable fee prescribed by the Commission

14 It shall be the duty of the Commission to examine all statements of
15 contributions and expenditures of candidates and political parties to determine
16 compliance with the provisions of this Article.

17 **SEC. 126. *Report of contractors and business firms.*** - Every person or firm to
18 whom any electoral expenditure is made shall, within thirty (30) days after the day
19 of the election, file with the Commission a report setting forth the full names and
20 exact addresses of the candidates, treasurers of political or sectoral parties,
21 organizations, or coalitions, and other persons incurring such expenditures, the
22 nature or purpose of each expenditure, the date and costs thereof, and such other
23 particulars as the Commission may require. The report shall be signed and sworn to
24 by the supplier or contractor, or in case of a business firm or association, by its
25 president or general manager.

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

1 **CHAPTER IV**
2 **IN-COUNTRY VOTING FOR THE NATIONAL AND LOCAL ELECTIONS**

3
4 **Article 11**
5 **The Hybrid Election System**

6 **SEC. 127. Declaration of Policy.** - It is the policy of the State to ensure free,
7 orderly, honest, peaceful, credible and informed elections, plebiscite, referenda,
8 recall, and other similar electoral exercises by improving on the election process and
9 adopting systems, which shall involve the use of a hybrid election system that will
10 ensure the secrecy and sanctity of the ballot and all election, consolidation and
11 transmission documents in order that the process shall be transparent and credible
12 and that the results shall be fast, accurate, and reflective of the genuine will of the
13 people. The hybrid election system shall be a combination of the automated election
14 system and the manual election system to ensure transparency and credibility of the
15 electoral processes.

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

20 **SEC. 129. Authority to use a Hybrid Election System.** - To carry out the
21 above-stated policy, the Commission is hereby authorized to use a hybrid election
22 system or systems in the same election in different provinces. The system shall be a
23 combination of the automated election system and the manual counting system
24 through a paper-based election system for the process of voting, counting of votes
25 and canvassing/consolidation and transmittal of results of the electoral exercises:
26 Provided, That the manual counting system need not be implemented for overseas
27 voting.

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

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

- 34 (a) Secretary of the Department of Information and Communications Technology
35 (DICT) who shall act as the chairperson of the council;
- 36 (b) The respective chairpersons of the Senate Committee on Electoral Reforms
37 and People's Participation and the House of Representatives Committee on
38 Suffrage and Electoral Reforms who shall act as ex officio members;

- 1 (c) One member for the Department of Science and Technology;
- 2 (d) One member from the Department of Education;
- 3 (e) One member representing the academe, to be selected by the chairperson of
4 the Advisory Council from among the list of nominees submitted by the
5 country's academic institutions;
- 6 (f) Three members representing information and communications technology
7 (ICT) professional organizations to be selected by the chair of the Advisory
8 Council from among the list of nominees submitted by Philippines-based ICT
9 professional organization. Nominees shall be individuals, at least one of whom
10 shall be experience in managing or implementing large-scale information
11 technology projects; and
- 12 (g) Two members representing nongovernmental electoral reform organizations,
13 to be selected by the chair of the Advisory Council from among the list of
14 nominees submitted by the country's nongovernmental electoral reform
15 organizations.

16 Three observers, representing the accredited citizen's arm of the Commission,
17 and the dominant majority and minority parties as determined by the Commission
18 during the immediately preceding election, shall be invited during meetings of the
19 Advisory Council for the purpose of gathering information in an open and
20 professionally courteous manner and should not disrupt, obstruct, or countermand
21 decision of the Advisory Council.

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

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

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

36 The council may avail itself of the expertise and services of resource persons
37 who are known independence, competence and probity, are nonpartisan, and do not
38 possess any of the disqualifications applicable to a member of the Advisory Council

1 as provided herein. The resource persons shall also be subject to the same
2 prohibitions and penalties as the members of the Advisory Council.

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

5 **SEC. 131. *Functions of the Advisory Council.*** - the Council shall have the
6 following functions:

7 (a) Recommend the most appropriate, secure, applicable and cost-effective
8 technology to be applied in the automated election system component, in
9 whole or in part, at that specific form in time.

10 (b) Participate as non-voting members of the Bids and Awards Committee in the
11 conduct of the bidding process for the automated election system component.
12 Members of the Advisory Council representing the ICT Professionals
13 organizations are hereby excluded from participating in any manner in the
14 Bids and Awards Committee.

15 (c) Participate as non-voting members of the steering committee tasked with the
16 implementation of the hybrid election system, Members of the Advisory
17 Council representing the ICT professional organization are hereby excluded
18 from participating in any manner in the steering committee.

19 (d) Provide advice and assistance in the review of the systems planning,
20 inception, development, testing, operationalization, and evaluation stages.

21 (e) Provided advice and/or assistance in the identification, assessment and
22 resolution of systems problems or inadequacies as may surface or resurface
23 in the course of the bidding, acquisition, testing, operationalization, re-use,
24 storage or disposition of the equipment and/or resources, as the case may
25 be, to be used in the automated election component of the election system.

26 (f) Provided advice and/or assistance in the risk management of the automated
27 election system especially when a contingency or disaster situation arises.

28 (g) Prepare and submit a written report, which shall be submitted within six
29 months from the date of the election to the oversight committee, evaluating
30 the use of the hybrid election system.

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

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

1 **SEC. 132. *The Technical Evaluation Committee.*** - The Commission, in
2 collaboration with the chairperson of the Advisory Council, shall establish an
3 independent technical evaluation committee, composed of a representative each
4 from the Commission, the Department of Science and Technology, and the
5 Department on Information and Communications Technology who shall act as
6 chairperson of the Committee.

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

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

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

30 The Technical Evaluation Committee may avail itself of the expertise and
31 service of resource persons who are of known independence, competence and
32 probity, are not partisan, and who do not possess any of the disqualification
33 applicable to a member of the Advisory Council as provided herein. The resource
34 persons shall also be subject to the same prohibitions and penalties as the members
35 of the Advisory Council.

36 The Technical Evaluation Committee shall closely coordinate with the steering
37 committee of the Commission tasked with the implementation of the hybrid election

1 system in the identification and agreement of the project deliverables and timelines,
2 and in the formulation of the acceptance criteria for each deliverable.

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

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

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

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

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

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

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

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

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

38 **SEC. 138. *Examination and Testing of Equipment or Device of the AES and***
39 ***Opening of the Source Code for Review.*** - The Commission shall allow the political
40 parties and candidates or their representatives, citizens' arm or their representatives

1 to examine and test the equipment or device to be used in the voting and counting
2 on the day of the electoral exercise, before voting start. Test ballots and test forms
3 shall be provided by the Commission.

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

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

10 Once an automated election system technology is selected for
11 implementation, the Commission shall promptly make the source code of that
12 technology available and open to any interested political party or groups which may
13 conduct their own review thereof.

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

21 Such program shall ensure the acceptance and readiness of the following
22 stakeholders to understand and appreciate the benefits of the Hybrid Election
23 System:

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

33 The general public or voters training will focus on building the capability to
34 use the hybrid election system to cast their vote, as well as general appreciation of
35 such system. All other stakeholders mentioned above will receive additional
36 information in order to build a deeper understanding of the voting, counting,

1 canvassing procedures, so that they may act as advocates of the hybrid election
2 system.

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

12 **Article 12**

13 **Elections of National and Local Officials**

14
15 **SEC. 141.** *Regular election for President and Vice-President.* - The next
16 regular election for President and Vice-President of the Philippines shall be held on
17 the second Monday of May 2028 and on the same day every six years thereafter.
18 The President-elect and the Vice-President-elect shall assume office at twelve o'clock
19 noon on the thirtieth day of June next following the election and shall end at noon of
20 the same date, six years thereafter when the term of his or her successor shall
21 begin.

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

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

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

37 **SEC. 145.** *Manner of Voting for the Members of the House of*
38 *Representatives.* -Every voter shall be entitled to three (3) votes: the first is a vote
39 for a candidate for Member of the House of Representatives in his or her legislative

1 district; the second, a vote for the political party or coalition he or she wants
2 represented in the House of Representatives; and the third, a vote for the sectoral
3 party or organization he or she wants represented in the House of Representatives:
4 *Provided*, that a vote cast for a party, sectoral organization, or coalition not entitled
5 to be voted for shall not be counted.

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

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

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

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

30 The elective members of the Sangguniang Panlalawigan, Sangguniang
31 Panlungsod, and Sangguniang Bayan shall be elected as follows:

- 32 (a) For provinces with two (2) or more legislative districts, the elective members
33 of the Sangguniang Panlalawigan shall be elected by legislative districts. For
34 this purpose, the number of seats shall be apportioned equitably: *Provided*,
35 That if equal division is not possible, the remaining member or members shall
36 be elected in the district or districts with the greater number of population or,
37 if they be the same, with the greater number of voters: *Provided further*, That
38 if a legislative district includes a city that does not vote in the election of
39 provincial officials, the Commission shall allocate the number of seats among

1 the districts in proportion to the population of the constituencies voting for
2 the Sangguniang Panlalawigan;

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

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

17
18 **Article 13**
19 **Polling Places**

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

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

24 **SEC. 149.** *Designation of polling places.* - The location of polling places
25 designated in the preceding regular election shall continue with such changes as the
26 Commission may find necessary, after notice to registered political parties and
27 candidates in the political unit affected and hearing: *Provided,* That no location shall
28 be changed within forty-five days before a regular election and thirty days before a
29 special election or a referendum or plebiscite, except in case it is destroyed or it
30 cannot be used.

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

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

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

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

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

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

28 **SEC. 154. *Polling places for Persons with Disabilities and Senior Citizens.*** -
29 The Commission shall assign the precincts established exclusively for Persons with
30 Disabilities (PWD) and Senior Citizens under Section 20 of this Code in accessible
31 polling places such as in public schools, town halls or plazas, civic centers,
32 community centers, or other similarly designated special venues or areas with
33 preference for venues designated with special features to ensure their safety and
34 comfort: *Provided*, That, such polling places should readily be accessible to public
35 transportation: *Provided further*, That whenever found inside a building, the polling
36 places should be located at the ground floor thereof, preferably near the entrance:
37 *Provided finally*, That such polling places shall be free of any physical barriers and
38 shall be provided with necessary infrastructure, including ramps, railings, sidewalks,
39 transport wheelchairs, adequate lighting, and similar features, as well as, the
40 services of experts in assisting with disabilities such as sign language interpreters.

1 **SEC. 155. *Emergency Accessible Polling Places.*** - During election day, the
2 Commission shall designate a room or makeshift or temporary polling place
3 established at the ground floor of a voting center or outside of it but in close
4 proximity thereto, where senior citizens, PWDs, and pregnant women voters may
5 vote on election day.

6 The Commission shall ensure that the voting procedure in these polling
7 places, including the facilities, materials, and voting machine, are adequate,
8 appropriate, accessible, and easy to understand and use, and that reasonable
9 accommodations shall be granted to PWDs, senior citizens, and pregnant women in
10 order that they may fully exercise their right of suffrage. The Commission shall
11 provide live assistance for PWDs such as sign language interpreters.

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

18 **SEC. 157. *Guard rails.*** -

19 (a) In every polling place there shall be a guard rail between the area where the
20 voters shall fill out their ballots and the table for the electoral board which
21 shall have a separate entrance and exit. The polling place shall be laid out in
22 such a manner that voting booths can be accessible only by passing through
23 the guard rail and by entering through its open side facing the table of the
24 electoral board.

25 (b) There shall also be a guard rail for the watchers between the place reserved
26 for them and the table for the electoral board and at such a distance from the
27 latter that the watchers may see and read clearly during the counting of the
28 contents of the ballots and see and count the votes recorded by the electoral
29 board member on the corresponding tally sheets.

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

34 (d) The polling place shall be so arranged that the booths, the table for the
35 electoral board, the ballot boxes, and the whole polling place, except what is
36 being written within the booths, shall be in plain view of the electoral board,
37 the watchers, and other persons who may be within the polling place.

38 (e) The Commission is hereby authorized to make the necessary adjustments to
39 the guidelines set forth in this Section for polling places designated exclusively

1 for persons with disabilities and senior citizens, as well as for emergency
2 accessible polling places, to the end that the safety and comfort of the voters
3 therein are enhanced, that they are able to fill out their ballots secretly, and
4 that the secrecy of the ballots is preserved.

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

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

14 **SEC. 160. *Furnishing of ballot boxes, forms, stationeries and materials for***
15 ***election.*** - The Commission shall prepare and furnish the ballot boxes, forms,
16 stationeries and materials necessary for the registration of voters and the holding of
17 the election.

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

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

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

1 **Article 14**
2 **The Electoral Board**

3 **SEC. 163.** *Composition and appointment of the electoral board.* - At least
4 fifteen days before the start of the campaign period for national candidates, the
5 Commission shall, directly or through its duly authorized representatives, constitute
6 an electoral board for each clustered precinct to be composed of a chairman, a poll
7 clerk, and a third member. In all cases, the Commission shall ensure that at least
8 one (1) member of the electoral board is an information-technology capable person
9 trained for the purpose and certified as such by the Department of Science and
10 Technology. As far as practicable, women electoral board members may not be
11 assigned in areas with security concerns, far-flung barangays, or areas likely to
12 cause gender-based violence or harm.

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

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

22 (a) A registered voter in the city of municipality;

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

24 (c) Has never been convicted of any election offense or of any crime punishable
25 by more than six (6) months of imprisonment and has no pending case in
26 court for any election offense; and

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

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

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

37 Within three (3) days from the posting of the list of appointed members of
38 the electoral board or the posting of the final list of candidates, whichever comes

1 later, any interested party may file a written opposition under oath against any
2 appointed or substitute member of the electoral board at the office of the election
3 officer. Within seven (7) days from receipt of the opposition, the election officer shall
4 resolve the opposition in writing. The Commission shall prescribe the procedure
5 which the election officer shall observe in these cases

6 **SEC. 168.** *Right of Preference of Public School Teachers; Order of*
7 *Preference. –*

8 (A) In the appointment of the members of the electoral boards, the Commission
9 shall give preference to public school teachers who are qualified, willing, and
10 available to render election service. For this purpose, the highest official of the
11 Department of Education or Ministry of Basic, Higher, and Technical Education of
12 the Bangsamoro Autonomous Region in Muslim Mindanao, as the case may be,
13 in the district, city, or municipality shall submit to the election officer a certified
14 list of public school teachers who are qualified, willing, and available to render
15 election-related service within five (5) days upon request, based on the project
16 of precincts. Those with permanent appointments and those who served in
17 previous elections shall be given preference.

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

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

27 (2) National government employees except personnel of the Department of
28 National Defense, any of its attached agencies, and personnel of the
29 Philippine National Police, except in cases provided for under Section 173
30 of this Code.

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

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

35 The highest ranking officials of the private schools, the highest official ranking
36 officials of national government agencies, and the highest officer of the local chapter
37 of the Commission-accredited citizens' arms and non-government organizations in
38 the district, city, or municipality concerned, shall, within five (5) days from service of

1 a written request, submit to the election officer a certified list of their respective
2 personnel who are qualified, willing, and available to render election-related service.

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

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

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

10 (b) Act as deputies of the Commission in the supervision and control of the
11 election in the polling places wherein they are assigned, to assure the holding
12 of the same in a free, orderly and honest manner; and

13 (c) Perform such other functions prescribed by this Code or by the rules and
14 regulations promulgated by the Commission.

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

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

25 (a) The voting in the place of assignment is light;

26 (b) His or her absence shall not be for more than thirty (30) minutes;

27 (c) He or she must be given priority in voting; and

28 (d) The fact that he or she exercised the voting privilege shall be noted in the
29 Minutes.

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

32 **SEC. 171. Permanent vacancy in the electoral board.** - If a constituted
33 member of the electoral board dies, becomes incapacitated to perform his or her
34 duties, or is disqualified from serving as such, the election officer shall replace such
35 member from the list of substitutes for the clustered precinct concerned. The
36 member who fills a permanent vacancy shall be entitled to the full rights, privileges,

1 honoraria, allowances, and other benefits as the member whom he or she
2 substituted for.

3 **SEC. 172. *Temporary vacancy in the electoral board.*** - If, at the time of the
4 meeting of the electoral board, any member is absent or a position in the electoral
5 board is still vacant, the members present shall call upon the substitute of the
6 absent member to perform the duties of the latter. In case such substitute cannot
7 be found, the members present shall appoint any qualified non-partisan registered
8 voter of the polling place to temporarily fill in the vacancy until the absent member
9 appears or the vacancy is filled. In such case, the honoraria and allowances
10 appertaining to the absent member or the vacant position shall be pro-rated
11 between the person who filled in the temporary vacancy and the substitute or
12 original member of the electoral board, as the case may be. In no case shall the
13 person filling in the temporary vacancy receive less than one half of the honoraria
14 and allowances of the absent member or the vacant position. Such person shall
15 likewise have the full rights, privileges, and other benefits appertaining to the absent
16 member or vacant position.

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

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

- 24 (a) The peace and order situation in the area requires as determined by the
25 Commission; and
26 (b) There are no other qualified, willing, and available persons to render election
27 service in the affected area based on the certification mentioned in Section
28 168 (B).

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

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

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

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

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

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

18 **SEC. 178.** *Support Staff of the Electoral Board.* - The Commission may
19 authorize the appointment of support staff to assist the electoral board in the
20 performance of its duties in such number as may be reasonable and necessary. The
21 Commission shall determine the compensation and allowances of such personnel:
22 *Provided,* That such compensation and allowances shall be just and reasonable
23 under the circumstances.

24
25 **Article 15**
26 **Watchers**

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

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

37 If the space in a polling place reserved for watchers is insufficient, preference
38 shall be given to the watchers of the dominant majority and dominant minority

1 parties, as determined by the Commission. Watchers of the citizens' arm shall be
2 given preferential position closest to the Electoral Board.

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

5 (a) Is a registered voter of the city or municipality where such person is
6 assigned;

7 (b) Is of good moral character;

8 (c) Has not been convicted by final judgment of any election offense or of any
9 other offense;

10 (d) Knows how to read and write Filipino, English or the prevailing local dialect;
11 and

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

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

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

29 The watchers shall have the following rights:

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

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

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

34 (d) To take photographs, images, video, or audio recordings of the proceedings
35 and incidents, if any, during the Final Testing and Sealing, counting of votes,
36 transmission of results, preparation and printing of election returns: *Provided,*
37 That the secrecy of ballots shall be maintained at all times: *Provided further,*

1 That in no case shall taking of pictures, images, photos, videos, or audio
2 recordings be allowed while the voter is shading the ballot or feeding the
3 same in the vote counting machine. Violation of this paragraph shall
4 constitute an election offense;

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

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

10 (g) To obtain from the electoral board a certificate of votes which shall contain
11 the number of votes obtained by the candidate, from manual count and
12 automated count, respectively, written in words and figures, the number of
13 the precinct, the name of the city or municipality and the total number of
14 voters who voted in the precinct and the date and time issued. The certificate
15 of votes shall be signed and thumb marked by each member of the electoral
16 board.

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

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

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

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

30
31 **Article 16**
32 **The Official Ballots**

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

34 (A) Ballots for National, Local, and Bangsamoro Autonomous Region Elections,
35 whether regular or special, plebiscites, initiatives, and referenda, shall be paper-
36 based, uniform sized, and shall be prescribed by the Commission, taking into
37 account environmental considerations, with a reasonable minimum paper size
38 and using only recycled paper. They shall be printed in black ink on security

1 paper with distinctive, clear, and legible watermarks that will readily distinguish
2 it from ordinary paper. Each ballot shall bear a serial number and a bar code,
3 which can be scanned for the purpose of projecting the digital image of the
4 ballot and for its authentication. It shall bear at the top middle portion thereof
5 the Coat-of-Arms of the Republic of the Philippines, the word "Official Ballot",
6 the name of the city or municipality and province in which the election is to
7 beheld, and the date of the election.

8 (B) The official ballot shall be serially numbered and shall be delivered to, and
9 correspond to, specific precincts or cluster of precincts, as the case may be,
10 which shall have corresponding and exclusive ballot identification numbers
11 separate from the serial number of the individual ballots. For purposes of
12 transparency, the ballot identification numbers and the serial number of the
13 ballots corresponding to each precinct or cluster of precincts, as the case may
14 be, shall be available for viewing by interested parties on the Commission's
15 official website at least five (5) days before the elections.

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

19 (D) The official ballot shall contain the titles of the positions to be filled and/or the
20 positions to be voted upon in an initiative, referendum, or plebiscite. Under each
21 position to be filled, the names of candidates shall be arranged alphabetically by
22 surname and uniformly indicated using the same type size. The maiden or
23 married name shall be listed in the official ballot, as preferred by the female
24 candidate. Under each proposition to be voted upon, the choices should be
25 uniformly indicated using the same font and size. Opposite the name of the
26 candidate shall be a square or rectangle, on which the voter will place a single
27 vertical mark to register a vote for a candidate of the voter's choice.

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

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

37 (G) To prevent the use of fake ballots, the Commission through the Technical
38 Evaluation Committee, established under Section 132 of this Code, shall ensure

1 that the necessary safeguards, such as, but not limited to, bar codes,
2 holograms, color shifting ink, microprinting, are provided on the ballot.

3 **SEC. 183.** *Printing and distribution of the official ballots.* - The printing of the
4 official ballots shall be done by the National Printing Office and/or Bangko Sentral ng
5 Pilipinas, under the control and supervision of the Commission, using the printing
6 machines they own, and shall not be contracted out or outsourced to any private or
7 public person, entity, or agency, despite claims of better or higher capacity to do so,
8 not even under a valid accreditation pursuant to any law or rules and regulations.

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

12 **SEC. 184.** *Sample Official Ballots.* - The Commission shall provide the
13 electoral board with sample official ballots at the rate of thirty ballots per polling
14 place. The sample official ballots shall be printed on colored paper, in all respects
15 like the official ballots but bearing instead the words "Sample Official Ballot", to be
16 shown to the public and used in demonstrating how to fill out and fold the official
17 ballots properly. No name of any actual candidate shall be written on the spaces for
18 voting on the sample official ballots provided by the Commission, nor shall they be
19 used for voting.

20 At least thirty (30) days before an election, it shall be the duty of the
21 Commission on Elections to publicize the unfilled sample ballot through broadcast,
22 digital, electronic, or online media, as well as posting the same information at
23 conspicuous public areas including barangay halls during barangay and Sangguniang
24 Kabataan Elections and a list of all registered national, provincial and city candidate
25 to be voted in the said election. The names of the candidates shall be listed in
26 alphabetical order under their respective party affiliation and a one-line statement
27 not to exceed (3) words of their occupation or profession: *Provided, however,* That
28 in the posting of the names of the candidates for national offices, the alphabetical
29 order shall be democratized so that the listed names shall be made in three (3)
30 columns: the first column shall commence with the letter A and end with the letter
31 Z; the second column shall commence with the letters "I-Z" and thereafter- "A-H"
32 and the third column shall commence with the letters "Q-Z" and thereafter "A-P."
33 Persons nominated under the party-list system likewise be included in the
34 abovementioned list.

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

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

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

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

18 **SEC. 186.** *Watchers in the printing, storage, and distribution of ballots.* -
19 Accredited political or sectoral parties or organization and deputized citizen's arms of
20 the Commission may assign watchers in the printing, storage, and distribution of
21 official ballots. The watchers shall have the same qualifications prescribed in Section
22 180 of this Code.

23
24 **Article 17**
25 **Casting of Votes in Regular Voting**

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

37 **SEC. 188.** *Preliminaries to the voting.* - Prior to the voting, the electoral
38 board shall:

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

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

- 30 (a) Members of the Electoral Board and support staff, if any;
- 31 (b) Watchers who shall stay only in the space reserved for them;
- 32 (c) Representatives of the Commission;
- 33 (d) Voters casting their votes and their assistants, if any;
- 34 (e) Voters waiting for their turn to cast their vote;
- 35 (f) Support staff delivering ballots to or from special polling places;

- 1 (g) Technical support staff duly authorized by the Commission and assigned in
2 the voting center concerned;
- 3 (h) Jail/Prison escorts escorting voters who are deprived of liberty; and
- 4 (i) Other persons who may be specifically authorized by the Commission.

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

- 9 (a) Any officer or member of the Armed Forces of the Philippines or the Philippine
10 National Police;
- 11 (b) Any peace officer or any armed person belonging to any extra-legal police
12 agency, special forces, reaction forces, strike forces, Civilian Armed
13 Geographical Units, barangay tanods or other similar forces or para-military
14 forces, including security guards;
- 15 (c) All other kinds of armed or unarmed extra-legal police forces; or
- 16 (d) Any barangay or Sangguniang Kabataan official, whether elected or
17 appointed.

18 However, the electoral board may, by a majority vote if it deems necessary,
19 order in writing the detail of police officers or peace officers for its protection or for
20 the protection of the election documents and paraphernalia. In which case, the said
21 police officers or peace officers shall stay outside the polling place within a radius of
22 thirty (30) meters, near enough to be easily called by the electoral board at any
23 time, but never at the door, and in no case shall the said police officers or peace
24 officers hold any conversation with any voter or disturb or prevent or in any manner
25 obstruct the free access of the voters to the polling place. Such order shall be
26 recorded in the minutes.

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

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

37 The poll clerk shall verify if the name of the voter from the certified voters list
38 to establish that the voter is assigned in that polling place. If the voter's name is not

1 in the certified voters list, the voter shall not be allowed to vote and shall be
2 requested to leave the polling place.

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

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

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

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

24 (a) Authenticate the ballot by affixing his/her signature at the designated space
25 of the front of the ballot;

26 Failure to authenticate the ballot shall not invalidate the ballot but shall
27 constitute an election offense.

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

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

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

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

37 **SEC. 193. *Manner of voting.*** - The voter, upon receiving his or her ballot,
38 shall forthwith proceed to the designated voting area and occupy one of the empty

1 voting booths to ensure that the voter may fill out the ballots in secrecy. The voter
2 shall place a single vertical mark on the square or rectangle opposite the name of
3 the candidate or proposition to register a vote for such candidate or proposition, as
4 the case may be.

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

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

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

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

- 17 (a) Entering any voting booth or any other voting structure or device prescribed
18 by the Commission that is occupied by another;
- 19 (b) Entering such booth, structure, or device while accompanied by somebody or
20 filling out the ballot accompanied by another, except in the instances allowed
21 by the Code;
- 22 (c) Staying in the voting booth, structure, or device, or in the polling place for a
23 longer period of time than reasonably necessary;
- 24 (d) Speaking with other voters or the watchers while inside the polling place even
25 after being warned to refrain from doing so by any of the members of the
26 electoral board;
- 27 (e) Causing any undue disturbance to other voters, watchers, the electoral board,
28 or to any other person inside the polling place or within its immediate vicinity;
- 29 (f) Except in voting by mail and absentee voting, preparing the ballot outside the
30 voting booth or voting structure or device prescribed by the Commission;
- 31 (g) Except in voting by mail and absentee voting, preparing the ballot without
32 using the ballot secrecy folder or any other covering material or device
33 provided by the Commission;
- 34 (h) Exhibiting the contents of the ballots to any person except to his or her
35 assistor in instances allowed in this Code or by the Commission;
- 36 (i) Allowing or causing any other person to fill-out the ballots, except in the
37 instances allowed in this Code or by the Commission;

- 1 (j) Preparing the ballot of any other person, except in the instances allowed in
2 this Code;
- 3 (k) Erasing any printing from the ballot or to intentionally tearing or defacing the
4 same;
- 5 (l) Putting any distinguishing mark on the ballot;
- 6 (m) Using of capturing devices such as but not limited to digital cameras, cellular
7 phones with camera, or other means to copy the contents of any ballot;
- 8 (n) Availing of any means or scheme to discover the contents of the ballot of
9 another voter except when lawfully assisting such other voter;
- 10 (o) Publishing, sharing, or otherwise circulating, in any manner, including posting
11 on social media platforms, any photograph, video, or image of any filled in
12 official ballot;
- 13 (p) Making use of any other means to identify the vote of the voter;
- 14 (q) Taking pictures, images, photos, videos, or audio recordings of any voter
15 while the latter is shading the ballot or feeding the same in the vote counting
16 machine;
- 17 (r) Performing any other act that is be prohibited under the rules and regulations
18 promulgated by the Commission pursuant to its duty of ensuring the secrecy
19 of the ballots and maintaining the peace and order within the polling places
20 and voting centers.

21 **SEC. 195.** *Preparation of ballots for illiterate, senior citizens and persons with*
22 *disability.* – No voter shall be allowed to vote as an illiterate, a person with disability,
23 or senior citizen unless such fact is indicated on the certified voters list, or although
24 not indicated as person with disability or senior citizen in the certified voters list, the
25 fact of disability or being a senior citizen is readily apparent. If so, such voter may
26 be assisted in the preparation of the ballot, by the following persons and in the
27 following order:

- 28 (a) Relative within the 4th civil degree of consanguinity or affinity;
- 29 (b) Person of his or her confidence who belongs to the same household as that of
30 the voter. For this purpose, the person who usually assists the person with
31 disability or senior citizen, such as the personal assistant, caregiver, or a
32 nurse, shall be considered as a member of the voter’s household;
- 33 (c) Any member of the electoral board.

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

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

6 The person assisting the illiterates, persons with disability, or senior citizens
7 shall:

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

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

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

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

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

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

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

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

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

27 **SEC. 198. *Challenge based on certain illegal acts.*** - Any voter or watcher
28 may challenge any voter offering to vote on the ground that the challenged person
29 has received or expects to receive, has paid, offered or promised to pay, has
30 contributed, offered or promised to contribute money or anything of value as
31 consideration for his vote or for the vote of another; that he has made or received a
32 promise to influence the giving or withholding of any such vote or that he has made
33 a bet or is interested directly or indirectly in a bet which depends upon the result of
34 the election. The challenged person shall take a prescribed oath before the electoral
35 board that he has not committed any of the acts alleged in the challenge. Upon the
36 taking of such oath, the challenge shall be dismissed and the challenged voter shall
37 be allowed to vote, but in case of his refusal to take such oath, the challenge shall
38 be sustained and he shall not be allowed to vote.

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

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

7 **SEC. 200. *Disposition of unused ballots.*** – After voting, the Chairperson, in
8 the presence of the other members of the electoral board, shall:

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

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

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

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

21 22 **Article 18**

23 **Casting of Votes in Early Voting, Postal Voting,**

24 **Local Absentee Voting, and by Voters Deprived of Liberty**

25 **SEC. 202. *Who may avail of Local Absentee Voting.*** - Local absentee voting
26 may be availed of by the following:

27 (a) government officials and employees;

28 (b) members of the PNP;

29 (c) members of the AFP; and

30 (d) members of the media, media practitioners including their technical and
31 support staff who are actively engaged in the pursuit of information gathering
32 and reporting or distribution, in any manner or form, including, but not limited
33 to the following:

34 (1) Print Journalists

35 (2) Television Journalists

36 (3) Photo Journalists

- 1 (4) Online Journalists
- 2 (5) Radio Journalists
- 3 (6) Documentary makers
- 4 (7) Television/Radio Production
- 5 (8) Bloggers
- 6 (9) Freelance Journalist

7 *Provided*, That a) they are duly registered voters and whose registration
8 records are not deactivated, and b) on election day, in case of government officials,
9 members of the PNP and AFP, that they are assigned temporarily to perform election
10 duties in places where they are not registered voters; or in case of media voters,
11 that they will not be able to vote due to the performance of their functions in
12 covering and reporting on the conduct of elections.

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*,
15 That they are registered voters and that they are not registered overseas voters.

16 **SEC. 203.** *Positions to be voted for.* - Voters availing of Local Absentee
17 Voting and voters who are deprived of liberty may vote for national positions only.
18 Voters availing of Early Voting and Postal Early Voting may vote for local and
19 national positions.

20 **SEC. 204.** *Voting period for Local Absentee Voters.* - Those who have been
21 approved to avail of local absentee voting shall have at least two (2) days within
22 thirty calendar days before election day to submit their ballots to the officers
23 designated to collect such ballots.

24 **SEC. 205.** *Voting period and voting hours for early voting.* - For national and
25 local elections, there shall be early voting where senior citizens, persons with
26 disabilities, pregnant women, and indigenous peoples, who have opted to avail of
27 such privilege in accordance with this Code, may cast their votes for a period of not
28 less than two (2) days within thirty (30) calendar days before election day at
29 accessible establishments.

30 Before the start of the election period, the Commission shall designate the
31 specific dates and places where those entitled to avail of early voting may cast their
32 votes. The voting hours to be observed during early voting shall be similar to that
33 prescribed for regular voting.

34 **SEC. 206.** *Voting period for postal early voting.* - Senior citizens, persons
35 with disabilities, pregnant women, and indigenous peoples, who have opted to avail
36 of early postal voting may mail their duly filled out ballots through registered mail or
37 through private couriers accredited by the Commission within such period as to

1 ensure receipt thereof by the Ballot Reception and Custody Group concerned on or
2 before the close of voting hours on election day.

3 **SEC. 207.** *Voting Hours for Persons Deprived of Liberty.* - The casting of
4 votes for Persons Deprived of Liberty shall be from seven o'clock in the morning until
5 two o'clock in the afternoon on election day.

6 **SEC. 208.** *Manner of obtaining and preparing the ballots.* -

7 (A) Voters availing of early voting and voters who are deprived of liberty shall
8 obtain and prepare their ballots in the same manner as that provided in the
9 preceding Article. They shall likewise be entitled to the same assistance in
10 preparing such ballots as those provided therein, whenever applicable.

11 (B) Voters availing of postal early voting shall have their ballots delivered to them
12 by registered mail or through private courier duly accredited by the
13 Commission at the address indicated in their manifestation to avail of early
14 voting by mail and they shall personally receive the ballots upon delivery:
15 *Provided, however,* That they can pick up their ballots at the office of the city
16 or municipal treasurer if they have so indicated such option in their
17 manifestation to avail of early voting by mail.

18 Along with the ballots, a set of instructions on how to fill-out such ballots and
19 how to mail the same shall be included in the mailing packet received such
20 voters. Such instructions shall be written in both English and Filipino. After
21 filling-out their ballots, voters availing of postal early voting shall then
22 promptly mail the same to the designated Ballot Reception and Custody
23 Group, either through duly-accredited private couriers or through registered
24 mail, in accordance with the instructions in their mailing packets.

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

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

31 **SEC. 209.** *Ballot Reception and Custody Group; Constitution and*
32 *Appointment.* - The Commission, through the provincial election supervisor, shall
33 constitute for each clustered precincts designated for postal early voting a Ballot
34 Reception and Custody Group which shall be composed of three (3) members.

35 The members of the Ballot Reception and Custody Group shall have the same
36 qualifications and shall be subject to the same disqualifications as the members of
37 the electoral board. In the appointment of the members of the Ballot Reception and
38 Custody Group, the Commission shall observe the same preference for qualified,

1 willing, and available public-school teachers as provided in Section 167 and,
2 whenever there are no available public-school teachers, follow the order of
3 preference in Section 168 of this Code shall be followed.

4 Vacancies in the Ballot Reception and Custody Group shall be filled in the
5 same manner as the filling of vacancies for the electoral board. The members of the
6 Ballot Reception and Custody Group shall have the same voting privileges,
7 honoraria, and other benefits as the members of the electoral board.

8 **SEC. 210.** *Functions of the Ballot Reception and Custody Group.* - The Ballot
9 Reception and Custody Group shall be responsible for receiving and safekeeping the
10 ballots received through postal voting. The group shall likewise be responsible for
11 turning over these ballots to the electoral boards concerned at the date, time, and
12 place prescribed by the Commission for the counting of the votes.

13 The Commission, with the recommendation of the provincial election
14 supervisor, shall designate appropriate and secure spaces where ballots received by
15 the Ballot Reception and Custody Group shall be stored prior to its delivery to the
16 electoral boards concerned. The Commission shall implement stringent security
17 measures to ensure that the storage areas of the filled ballots may be accessed only
18 by the Ballot Reception and Custody Group and that the chain of custody of the
19 ballots is easily and clearly established.

20 The Ballot Reception and Custody Group shall perform such other functions as
21 the Commission shall prescribe, consistent with the policy of preserving the integrity
22 of the ballots received by mail.

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

28 **Article 19**

29 **Postponement of Voting and Failure of Elections**

30 **SEC. 212.** *Postponement of Voting.* - When for any serious cause such as
31 violence, terrorism, loss or destruction of election paraphernalia or records, force
32 majeure, and other analogous causes of such a nature that the holding of a free,
33 orderly and honest election should become impossible in any political subdivision,
34 the Commission, motu proprio or upon a verified petition by any interested party,
35 and after due notice and hearing, whereby all interested parties are afforded equal
36 opportunity to be heard, shall postpone the voting therein to a date which should be
37 reasonably close to the election day not held but not later than thirty days after the
38 cessation of the cause for such postponement.

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

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

17
18 **CHAPTER V**
19 **IN-COUNTRY COUNTING AND CANVASSING OF VOTES**

20
21 **Article 20**
22 **Counting of Votes**

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

1 stored result, twelve (12) copies of the election returns are printed and twelve (12)
2 copies of the election return for the manual counting system shall be accomplished.

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

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

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

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

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

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

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

37 **SEC. 218.** *Election Returns.* - There shall be two sets of election returns. One
38 shall be generated under the automated system which shall bear appropriate control
39 marks to determine the time and place of printing. The other shall be under the

1 manual counting system. The Commission shall design the features of such election
2 returns.

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

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

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

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

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

24 (3) The third copy, to the Commission;

25 (4) The fourth copy, to the citizens' arm authorized by the Commission to
26 conduct an unofficial count;

27 (5) The fifth copy, to the dominant majority party as determined by the
28 Commission in accordance with this Code;

29 (6) The sixth copy, to the dominant minority party as determined by the
30 Commission in accordance with this Code;

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

33 (8) The eighth copy to the Provincial Board of Canvassers; and

34 (9) The ninth to the twelfth copies, to national broadcast or print media
35 entities as may be equitably determined by the Commission in view of
36 propagating copies to the widest extent possible.

37 (b) In the election of local officials and members of the House of Representatives:

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

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

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

37 The election results at the city/municipality canvassing centers under the
38 automated system shall be electronically transmitted while the election returns under

1 the manual counting system shall be transmitted through the fastest means
2 available by the election officer or any official authorized by the Commission to the
3 district or provincial canvassing centers.

4 The election returns transmitted electronically and digitally signed shall be
5 considered as official election results and shall be used as the basis for the
6 canvassing of votes and proclamation of a candidate: *Provided*, That in case of
7 recount, as provided under Section 215, the manually accomplished election return
8 subject of the recount shall be considered, along with the unaffected electronically
9 transmitted and digitally signed election returns.

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

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

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

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

1 **SEC. 221.** *Delivery of ballot boxes, keys, supplies, documents and other*
2 *election paraphernalia.* - The Commission shall promulgate the necessary procedure
3 on the packing, delivery, custody, and preservation of the ballots, ballot boxes, keys,
4 supplies, documents, and other election paraphernalia after the results of the
5 election in the polling place have been announced, ensuring that the integrity and
6 sanctity of the ballots are safeguarded and its chain custody is clearly documented:
7 *Provided,* That the ballots and ballot boxes shall be placed under the custody of the
8 municipal or city treasurer: *Provided further,* That the voting records of each polling
9 place including the certified voters list and the minutes of the proceedings of the
10 electoral board shall be placed in the custody of the election officer who shall keep
11 them in a safe place, until such time that the Commission shall give instructions on
12 their disposal.

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

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

- 24 (a) The time the voting commenced and ended;
- 25 (b) The serial numbers and ballot identification numbers of the official ballots
- 26 (c) The serial numbers of the election returns, special envelopes and seals
27 received;
- 28 (d) The number of official ballots used and the number left unused;
- 29 (e) The number of voters who cast their votes;
- 30 (f) All challenges, oaths taken in relation thereto, and its decision in each case;
- 31 (g) The names of the watchers present;
- 32 (h) The time the counting of votes commenced and ended;
- 33 (i) The number of official ballots found inside each compartment of the ballot
34 box;
- 35 (j) The number of excess ballots;
- 36 (k) The time of electronic transmission of the results, whenever applicable;

- 1 (l) The time the election returns were signed and sealed in their respective
2 special envelopes;
- 3 (m) The number and nature of protests made by watchers;
- 4 (n) All other matters required under this Code to be recorded by the electoral
5 board; and
- 6 (o) Such other matters as may be required by the Commission.

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

11

12 **Article 21**
13 **Canvassing of Votes**

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

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

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

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

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

34 (c) District Board of Canvassers for the Legislative District of Taguig-Pateros. -
35 The District Board of Canvassers for the legislative district of Taguig-Pateros
36 shall be composed of the City Election Officer or a lawyer of the Commission

1 holding permanent appointment, as Chairperson; the City Prosecutor, as Vice-
2 Chairperson; and the Schools Division Superintendent, as Member-Secretary.

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

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

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

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

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

36 The Reception and Custody Group shall be composed of three (3) members
37 who are government appointive officials holding permanent appointments. They
38 shall be designated by the concerned Chairperson of the BOC. The Commission shall

1 determine the honorarium of the members of the Reception and Custody Group:
2 *Provided*, That such amount is just and reasonable under the circumstances.

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

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

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

19 **SEC. 228. *Prohibition against leaving official station.*** - Beginning on their
20 appointment as member or substitute member of the board of canvassers until the
21 official proclamation of the winning candidates or the end of the election period,
22 whichever comes earlier, no member or substitute member of the different boards of
23 canvassers shall be transferred, assigned or detailed outside of his or her official
24 station, nor shall he leave said station without prior authority of the Commission.

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

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

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

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

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

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

5 (3) The Regional Election Director of National Capital Region, for the District
6 Board of Canvassers, City Board of Canvassers, and Municipal Board of
7 Canvassers in the region.

8 In the interest of ensuring an orderly and credible elections, and under special
9 circumstances, the Commission may designate other election officials, who hold a
10 rank equal to, or higher than, those enumerated above, to appoint the substitute of
11 the chairperson and members of the Board of Canvassers in a particular
12 municipality, city, district, or province.

13 In case of substitution of the Chairperson of the Provincial Board of
14 Canvassers/City Board of Canvassers, an official or lawyer with permanent
15 appointment of the Commission shall be appointed. In case of Municipal Board of
16 Canvassers, a representative of the Commission holding permanent appointment
17 shall be appointed.

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

20 In the case of the Provincial Board of Canvassers:

21 (1) The Provincial Auditor;

22 (2) The Register of Deeds;

23 (3) The Clerk of Court nominated by the Executive Judge of the Regional Trial
24 Court; and

25 (4) Any other available appointive provincial official.

26 In the case of the City Board of Canvassers, the officials in the city
27 corresponding to those enumerated above.

28 In the absence or disqualification of the Vice-Chairperson of the Municipal
29 Board of Canvassers:

30 (1) The Municipal Administrator;

31 (2) The Municipal Assessor;

32 (3) The Clerk of Court of the Municipal Trial Court; or

33 (4) Any other available appointive municipal officials.

1 As substitute of the two (2) members of the District Board of Canvassers of
2 Taguig-Pateros, the next ranking prosecutor or schools division superintendent in
3 the district, as the case may be, shall be appointed.

4 All appointments for substitution shall be in writing, stating therein the reason
5 or reasons for the substitution. Within twenty-four (24) hours from the issuance of
6 the appointment, the issuing authority shall furnish copies of the appointment to
7 Commission and to the appointee.

8 **SEC. 232.** *Supervision and control over board of canvassers.* - The
9 Commission shall have direct control and supervision over the board of canvassers.

10 Any member of the board of canvassers may, at any time, be relieved for
11 cause and substituted motu proprio by the Commission.

12 **SEC. 233.** *Notice of meeting of the board of canvassers.* - At least five days
13 before the meeting of the board of canvassers, the chairperson of the board shall
14 give a written notice to all members thereof and to each candidate, political party or
15 coalition of political parties fielding candidates, and parties, organizations, and
16 coalitions under the party-list system of the date, time and place of the meeting.

17 Notices of the canvassing shall be posted at the Office of the Election Officer,
18 Office of the Provincial Election Supervisor, Office of the Regional Election Director,
19 and in three (3) conspicuous places in the building where the canvass will be held.

20 Similar notices shall also be given for subsequent meetings unless notice has
21 been issued in open session of the BOC. Proof of service of the written notice to
22 each member, candidate, political party and party-list groups shall be attached in the
23 Minutes and form part of the records of the proceedings. If notice is given in open
24 session such fact shall be recorded in the Minutes of the proceedings.

25 Failure to give notice of the date, time, and place of the meeting of the Board
26 is an election offense.

27 **SEC. 234.** *Canvassing by Provincial, City, District, and Municipal Boards of*
28 *Canvassers.* - The city or municipal board of canvassers shall canvass the votes for
29 the president, vice-president, senators, members of the House of Representatives,
30 elective regional officials, if applicable, elective provincial officials, and elective city
31 or municipal officials, as the case may be, by consolidating the electronically
32 transmitted results or the results contained in the data storage devices used in the
33 printing of the election returns under the automated system and the election returns
34 under the manual counting system. Upon completion of the canvass, it shall print
35 and complete the certificate of canvass of votes for president, vice-president,
36 senators, members of the House of Representatives, elective regional officials, if
37 applicable, and elective provincial officials and thereafter, proclaim the elected city
38 or municipal officials, as the case may be.

1 The city board of canvassers of cities comprising one or more legislative
2 districts shall canvass the votes for president, vice-president, senators, members of
3 the House of Representatives, elective regional officials, if applicable, and elective
4 city officials by consolidating the certificates of canvass electronically transmitted or
5 the results contained in the data storage devices used in the printing of the election
6 returns under the automated system and the certificate of canvass under the manual
7 counting system. Upon completion of the canvass, the board shall produce the
8 certificate of canvass of votes for president, vice-president, senators, party-list
9 representatives, elective regional officials, if applicable, and thereafter, proclaim the
10 elected members of the House of Representatives for such district or districts and
11 city officials.

12 The legislative districts of Taguig-Pateros shall have a District Board of
13 Canvassers which shall canvass the votes for president, vice-president, senators, and
14 members of the House of Representatives by consolidating the results electronically
15 transmitted from the city/municipal consolidating centers or the results contained in
16 the data storage devices under the automated system and certificate of canvass
17 under the manual counting system submitted by the board of canvassers of the
18 Municipality of Pateros and the City of Taguig. Upon completion of the canvass, it
19 shall produce the certificates of canvass for president, vice president, senators, and
20 party-list representatives and thereafter, proclaim the elected members of the House
21 of Representatives representing the Taguig-Pateros legislative districts.

22 The provincial board of canvassers shall canvass the votes for president, vice-
23 president, senators, members of the House of Representatives, elective provincial
24 officials, and, if applicable, elective regional officials, by consolidating the results
25 electronically transmitted from the city/municipal consolidating centers or the results
26 contained in the data storage devices under the automated system and certificate of
27 canvass under the manual counting system submitted by the board of canvassers of
28 the municipalities and component cities. Upon completion of the canvass, it shall
29 produce the certificates of canvass for president, vice president, senators, party-list
30 representatives, and elective regional officials, if applicable, and thereafter, proclaim
31 the elected members of the House of Representatives representing the legislative
32 districts in the province and the provincial officials.

33 Whenever applicable, the regional board of canvassers of autonomous regions
34 shall canvass the votes for president, vice-president, senators, party-list
35 representatives and the elective regional officials by consolidating the results
36 electronically transmitted from the provincial canvassing centers and from the city
37 canvassing centers, in case of cities comprising one or more legislative districts, or
38 the results contained in the data storage devices under the automated system and
39 certificate of canvass under the manual counting system submitted by the board of
40 canvassers of the provinces or cities comprising one or more legislative district. Upon

1 completion of the canvass, it shall produce the certificates of canvass for president,
2 vice president, senators, and party-list representatives, and thereafter, proclaim the
3 elected regional officials.

4 The municipal, city, district, provincial, and, whenever applicable, regional
5 certificates of canvass of votes shall each be supported by a statement of votes.

6 Within one hour after the canvassing, the chairperson of the district or
7 provincial board of canvassers or the city board of canvassers of those cities which
8 comprise one or more legislative districts or the regional board of canvassers shall
9 electronically transmit the certificate of canvass under the automated system to the
10 Commission sitting as the national board of canvassers for senators and party-list
11 representatives and to the Congress as the National Board of Canvassers for the
12 president and vice-president, directed to the President of the Senate. Thereafter, the
13 Certificate of Canvass under the manual system shall also be transmitted, through
14 the fastest means available, to the same national board of canvassers.

15 The Commission shall adopt adequate and effective measures to preserve the
16 integrity of the certificates of canvass transmitted electronically and the results in
17 the storage devices at the various levels of the boards of canvassers.

18 The certificates of canvass transmitted electronically and digitally signed shall
19 be considered as official election results and shall be used as basis for the
20 proclamation of a winning candidate: *Provided*, That in case of recount, as provided
21 under Section 215, the Commission shall devise a system where the result of the
22 recount for the affected position will work to adjust the result of the said certificate
23 of canvass for the said position in the process of proclaiming a winning candidate
24 and without changing the entries in the said electronically transmitted and digitally
25 signed certificate of canvass.

26 **SEC. 235.** *Number of Copies of Certificates of Canvass of Votes and their*
27 *distribution.* –

28 (a) The certificates of canvass of votes under the automated system and under
29 the manual counting system, respectively, for president, vice-president,
30 senators, members of the House of Representatives, parties, organization or
31 coalitions participating under the party-list system, elective regional officials,
32 and elective provincial officials shall be produced by the city or municipal
33 board of canvassers and distributed as follows:

34 (1) The first copy shall be delivered to the provincial board of canvassers for
35 use in the canvass of election results for president, vice-president,
36 senators, members of the House of Representatives, parties,
37 organization or coalitions participating under the party-list system and
38 elective provincial officials;

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

- 1 (3) The third copy shall be kept by the chairperson of the board; and
- 2 (4) The fourth copy shall be given to the citizen arm designated by the
- 3 Commission to conduct an unofficial count. It shall be the duty of the
- 4 citizens' arm to furnish independent candidates' copies of the certificate
- 5 of canvass at the expense of the requesting party.
- 6 (5) The fifth copy to Congress, directed to the President of Senate;
- 7 (6) The sixth copy to be posted on a wall within the premises of the
- 8 canvassing center;
- 9 (7) The seventh and eighth copies shall be given to the dominant majority
- 10 and minority parties; and
- 11 (8) The ninth to twelfth copies, to national broadcast or print media entities
- 12 as may be equitably determined by the Commission in view of
- 13 propagating the copies to the widest extent possible.

14 The board of canvassers shall furnish all other registered parties copies of the
15 certificates of canvass at the expense of the requesting party.

16 (b) The certificates of canvass of votes for president, vice-president and senators,
17 parties, organization or coalitions participating under the party-list system
18 shall be produced by the city boards of canvassers of cities comprising one or
19 more legislative districts, by provincial boards of canvassers, by district boards
20 of canvassers in the Metro Manila area and other highly urbanized areas, and
21 by the regional board of canvassers, whenever applicable, and shall be
22 distributed as follows:

- 23 (1) The first copy shall be sent to Congress, directed to the president of the
- 24 Senate for use in the canvass of election results for president and vice-
- 25 president;
- 26 (2) The second copy shall be sent to the Commission for use in the canvass
- 27 of the election results for senators;
- 28 (3) The third copy shall be kept the chairperson of the board; and
- 29 (4) The fourth copy shall be given to the citizens' arm designated by the
- 30 Commission to conduct an unofficial count. It shall be the duty of the
- 31 citizens' arm to furnish independent candidates copies of the certificate
- 32 of canvass at the expense of the requesting party.
- 33 (5) The fifth copy to Congress, directed to the President of the Senate;
- 34 (6) The sixth copy to be posted on a wall within the premises of the
- 35 canvassing center;

1 (7) The seventh and eight copies to the dominant majority and minority
2 parties; and

3 (8) The ninth to twelfth copies to broadcast media entities as may be
4 equitably determined by the Commission in view of propagating the
5 copies to the widest extent possible.

6 The board of canvassers shall furnish all other registered parties' copies of the
7 certificate of canvass at the expense of the requesting party.

8 (c) The certificates of canvass printed and completed by the regional, provincial,
9 district, city or municipal boards of canvassers shall be signed and thumb
10 marked by the chairman and members of the board and the principal
11 watchers, if available. Thereafter, it shall be sealed and placed inside an
12 envelope which shall likewise be properly sealed.

13 In all instances, where the board of Canvassers has the duty to furnish
14 registered political parties with copies of the certificate of canvass, the pertinent
15 election returns shall be attached thereto, where appropriate.

16 Immediately after the sixth copy and its supporting statement of votes are
17 printed, the chairman of the board of canvassers shall announce the posting of said
18 prints on a wall within the premises of the canvassing center, which must be
19 sufficiently lighted and accessible to the public. Any person may view or capture an
20 image of the Certificate of Canvass or the supporting statement of votes by means
21 of any data capturing device such as, but not limited to, cameras at any time of the
22 day for forty-eight (48) hours following the posting. After such period, the chairman
23 of the board of canvassers shall detach the certificates of canvass from the wall and
24 keep the same in his custody to be produced as may be requested by any voter for
25 image or data capturing or for any lawful purpose as may be ordered by competent
26 authority.

27 **SEC. 236.** *National Board of Canvassers for Senators and Party-List*
28 *Representatives.* - The chairperson and members of the Commission on Election
29 sitting *en banc*, shall compose the national board of canvassers for senators and
30 party-list representatives. It shall canvass the results by consolidating the certificates
31 of canvass electronically transmitted under the automated system and the
32 transmitted certificate of canvass under the manual counting system. Thereafter, the
33 national board shall proclaim the winning candidates for senators and party-list
34 representatives.

35 **SEC. 237.** *Congress as the National Board of Canvassers for President and*
36 *Vice-President.* - The Senate and the House of Representatives in joint public session
37 shall compose the national board of canvassers for president and vice-president. The
38 certificate of canvass for president and vice-president duly certified by the board of
39 canvassers of each province or city, shall be electronically transmitted, in case of the

1 automated system, and manually delivered, in the case of the manual counting
2 system, to the Congress, directed to the president of the Senate. Upon receipt of the
3 certificates of canvass, the President of the Senate shall, not later than thirty (30)
4 days after the day of the election, open all the certificates in the presence of the
5 Senate and the House of representatives in joint public session and the Congress
6 upon determination of the authenticity and the due execution thereof in the manner
7 provided by law, canvass all the results for president and vice-president and
8 thereafter, proclaim the winning candidates.

9 **SEC. 238.** *Determination of Authenticity and Due Execution of Certificates of*
10 *Canvass.* - Congress or the Commission en banc, as the case may be, shall
11 determine the authenticity and due execution of the certificates of canvass, as
12 accomplished and transmitted to it by the local boards of canvassers, on a showing
13 that: (1) each certificate of canvass was executed, signed and thumbmarked by the
14 chairman and member of the board of canvassers and transmitted or caused to be
15 transmitted to Congress by them; (2) each certificate of canvass contains the names
16 of all of the candidates for president and vice - president or senator and the party-
17 list groups, as the case may be, and their corresponding votes in words and their
18 corresponding votes in words and in figures; (3) there exists no discrepancy in other
19 authentic copies of the document such as statement of votes of any of its supporting
20 document such as statement of votes by city/municipality/by precinct or discrepancy
21 in the votes of any candidate in words and figures in the certificate; and (4) there
22 exist no discrepancy in the votes of any candidate in words and figures in the
23 certificates of canvass against the aggregate number of votes appearing in the
24 election returns of precincts covered by the certificate of canvass: *Provided,* That
25 certified print copies of election returns or certificates of canvass may be used for
26 the purpose of verifying the existence of the discrepancy.

27 When the certificate of canvass, duly certified by the board of canvassers of
28 each province, city, district, or autonomous region, appears to be incomplete, the
29 Senate President or the Chairman of the Commission, as the case may be, shall
30 require the board of canvassers concerned to transmit by personal delivery, the
31 election returns from polling places that were not included in the certificate of
32 canvass and supporting statements. Said election returns shall be submitted by
33 personal delivery within two (2) days from receipt of notice.

34 When it appears that any certificate of canvass or supporting statement of
35 votes by city/municipality or by precinct bears erasures or alterations which may cast
36 doubt as to the veracity of the number of votes stated herein and may affect the
37 result of the election, upon request of the presidential, vice-presidential senatorial
38 candidate, or his party, or the party-list group concerned, Congress or the
39 Commission en banc, as the case may be, shall, for the sole purpose of verifying the
40 actual number of votes cast for President and Vice-President, senator or the party-

1 list system, count the votes as they appear in the copies of the election returns
2 submitted to it.

3 In case of any discrepancy, incompleteness, erasure or alteration as
4 mentioned above, the procedure on pre-proclamation controversies shall be adopted
5 and applied as provided in this Code.

6 Any person who presents in evidence a simulated copy of an election return,
7 certificate of canvass or statement of votes, or a printed copy of an election return,
8 certificate of canvass or statement of votes bearing a simulated certification or a
9 simulated image, shall be guilty of an election offense.

10 **SEC. 239. *Communication Channels for Electronic Transmission.*** - All
11 electronic transmission of the election returns, certificates of canvass and its
12 supporting statements, and other related documents shall utilize secure transmission
13 channels with the following minimum security objectives:

14 (a) Strong authentication- each entity in the communications channel must prove
15 its identity to the other by demonstrating knowledge of a key associated with
16 the entity without revealing the key itself during the protocol;

17 (b) Manual entity authentication;

18 (c) Data origin authentication;

19 (d) Data integrity;

20 (e) Non-reputation of origin;

21 (f) Anti-replay- an election return or certificate of canvass once processed cannot
22 be resent to be reprocessed at a later time. In case of re-transmission, the
23 Board of Canvassers should authenticate themselves to the receiving
24 computer, and authorize the non-processing of the previous transmission/s to
25 receive the new transmission. Both election returns or certificates of canvass
26 or any election result shall be kept in the system for record-keeping; and

27 (g) Auditability of transmission post-election- all records of transmission saved on
28 all the servers shall be stored and copies furnished the Joint Congressional
29 Oversight Committee on the Hybrid Election System and Department of
30 Information and Technology in its original entirety. The Commission shall
31 digitally sign said copies and certify under oath as to its authenticity and
32 integrity.

33 The Commission is hereby authorized to procure the necessary equipment,
34 facilities, and services for putting up the electronic transmission system in order to
35 effectively implement the provisions of this Code.

36 The aggregator for the purpose of transmission should not be the same as
37 the supplier of the machines used for the automated election system.

1 **SEC. 240.** *Safekeeping of the physical copies of election returns or*
2 *certificates of canvass and the devices containing such documents.* – After
3 canvassing or consolidation of results by the board of canvassers, it shall place the
4 election returns, certificates of canvass, and electronic storage devices containing
5 such documents, which are designated to be kept by the board of canvassers
6 concerned or by such board’s chairperson in ballot boxes that shall be locked with
7 three (3) padlocks and one serially-numbered self-locking seal. The Members of the
8 Board of Canvassers shall each keep a key to the three (3) padlocks. The serial
9 number of every seal used shall be entered in the Minutes.

10 The said ballot boxes shall be kept in a safe and secured room before, during
11 and after the canvass. The door to the room shall be locked with three (3) padlocks
12 with the keys thereof kept by each Member of the Board of Canvassers.

13 The watchers shall have the right to guard the room.

14 **SEC. 241.** *Persons not allowed inside the canvassing venue.* - During the
15 canvass, it shall be unlawful for the following persons to enter the canvassing venue
16 where the transmission, consolidation and canvass are being held or to stay within a
17 radius of fifty (50) meters from such canvassing venue:

- 18 (1) Any officer or member of the Armed Forces of the Philippines;
- 19 (2) Any officer or member of the Philippine National Police;
- 20 (3) Any peace officer or any armed or unarmed persons belonging to an extra-
21 legal police agency, special forces, strike forces, or Civilian Armed Force
22 Geographical Units (CAFGU), or its equivalent;
- 23 (4) Any barangay tanod or any member of barangay self-defense units;
- 24 (5) Any member of the security or police organizations of government agencies,
25 commissions, councils, bureaus, offices, instrumentalities, or government-
26 owned or controlled corporations or their subsidiaries; or
- 27 (6) Any member of a privately-owned or operated security, investigative,
28 protective or intelligence agency performing identical or similar functions.

29 However, the Board of Canvassers may, whenever necessary, by majority
30 vote, direct in writing for the detail of police officers or peace officers for their
31 protection or for the protection of the machines, election documents and
32 paraphernalia, or for the maintenance of peace and order, in which case said police
33 officers or peace officers, who shall be in proper uniform, shall stay outside the room
34 but near enough to be easily called by the Board of Canvassers at any time.

35 **SEC. 242.** *When the election returns are delayed, lost or destroyed.* - In case
36 its copy of the election returns is missing, the board of canvassers shall, by
37 messenger or otherwise, obtain such missing election returns from the board of
38 election inspectors concerned, or if said returns have been lost or destroyed, the

1 board of canvassers, upon prior authority of the Commission, may use any of the
2 authentic copies of said election returns or a certified copy of said election returns
3 issued by the Commission, and forthwith direct its representative to investigate the
4 case and immediately report the matter to the Commission.

5 The board of canvassers, notwithstanding the fact that not all the election
6 returns have been received by it, may terminate the canvass and proclaim the
7 candidates elected on the basis of the available election returns if the missing
8 election returns will not affect the results of the election.

9 **SEC. 243.** *Material defects in the election returns.* – If it should clearly
10 appear that some requisites in form or data had been omitted in the election returns
11 for the manual count or manual recount, the Board of Canvassers shall call for all
12 the members of the board of the electoral board concerned by the most expeditious
13 means, for the same board to effect the correction and thereafter affix their initials
14 therein: *Provided*, That if the omission in the election returns pertains to the votes of
15 a candidate or candidates and the result of the manual count cannot be ascertained
16 by other means except by recounting the ballots, the Commission, after satisfying
17 itself that the identity and integrity of the ballot box have not been violated, shall
18 order the electoral board to open the ballot box, and, also after satisfying itself that
19 the integrity of the ballots therein has been duly preserved, order the board of
20 electoral board to recount the votes for the candidate or candidates whose votes
21 have been omitted with notice thereof to all candidates for the position involved and
22 thereafter complete the returns.

23 The right of a candidate to avail of this provision shall not be lost or affected
24 by the fact that an election protest is subsequently filed by any of the candidates.

25 **SEC. 244.** *When election returns appear to be tampered with or falsified.* - If
26 the election returns that is submitted to the board of canvassers appear to be
27 tampered with, altered or falsified after they have left the hands of the electoral
28 board, or otherwise not authentic, or were prepared by the electoral board under
29 duress, force, intimidation, or prepared by persons other than the member of the
30 electoral board, the certificate of votes shall be the primary evidence to prove
31 tampering, alteration, falsification or any anomaly committed in the election returns
32 concerned, when duly authenticated by testimonial or documentary evidence
33 presented to the board of canvassers by at least two members of the electoral board
34 who issued the certificate: *Provided*, That upon a showing that the electoral board
35 failed to issue said certificates or that such certificates were prepared under duress,
36 other evidence of tampering, alteration, or falsification, or any anomaly, as may be
37 admissible in the Rules of Court, may be resorted to.

38 **SEC. 245.** *Discrepancies in election returns.* - In case it appears to the board
39 of canvassers that there exists discrepancies in the other authentic copies of the
40 election returns or discrepancies in the votes of any candidate in words and figures

1 in the same return, and in either case the difference affects the results of the
2 election, the Commission shall, upon motion of the board of canvassers or by any
3 affected candidate and after due notice to all candidates concerned, summarily
4 determine the true result of the counting of votes using the certificates of votes:
5 *Provided*, That in case there is proof that the electoral board concerned failed to
6 issue aforesaid certificates or that such certificates were issued under duress, the
7 Commission may base its determination on other pieces of evidence: *Provided*
8 *further*, That in case there is no other means of determining the true results of the
9 counting, the Commission shall proceed summarily to determine whether the
10 integrity of the ballot box had been preserved, and once satisfied thereof shall order
11 the opening of the ballot box to recount the votes cast in the polling place solely for
12 the purpose of determining the true result of the count of votes of the candidates
13 concerned.

14 **SEC. 246.** *Failure of the electoral board to conduct a manual recount.* - If it
15 appears from the election returns that the electoral board should have conducted a
16 manual recount, as provided under Section 215 of this Code, the Commission shall,
17 upon motion of the Board of Canvassers or any affected party, order the electoral
18 board concerned to conduct a manual recount. If the failure of the electoral board to
19 conduct a recount is due to errors in the tabulation in the election returns, the
20 Commission shall order the correction of the election returns and the conduct of a
21 manual recount.

22 Deliberate failure or refusal of the Electoral Board to conduct a recount as
23 provided under Section 215 of this Code shall constitute an election offense.

24 **SEC. 247.** *Canvass of remaining or unquestioned returns to continue.* - In
25 cases where there are questioned election returns, the board of canvassers shall
26 continue the canvass of the remaining or unquestioned election returns. If, after the
27 canvass of all the said returns, it should be determined that the returns which have
28 been set aside will affect the result of the election, no proclamation shall be made
29 except upon orders of the Commission after due notice and hearing. Any
30 proclamation made in violation hereof shall be null and void.

31 **SEC. 248.** *Watchers; Qualifications and Disqualifications; Rights and Duties.* -
32 Each registered political party, or coalition of political parties fielding candidates,
33 accredited political parties, party-list groups, and every candidate, shall be entitled
34 to one watcher in every canvassing center: *Provided*, That the candidates for the
35 Sangguniang Bayan, Sangguniang Panlungsod, or Sangguniang Panlalawigan
36 belonging to the same slate or ticket shall collectively be entitled to only one
37 watcher. The duly accredited citizens' arm, or other organizations with prior
38 authority of the Commission, shall be entitled to two (2) watchers to serve
39 alternately.

1 If the space in a canvassing center reserved for watchers is insufficient,
2 preference shall be given to the watchers of the dominant majority and dominant
3 minority parties, as determined by the Commission, and the duly accredited citizens'
4 arm.

5 No person shall be appointed as a watcher unless said person: (a) is a
6 registered voter of the city or municipality; (b) is of good moral character; (c) has
7 not been convicted by final judgement of any election offense or of any other crime;
8 (d) knows how to read and write Filipino, English or the prevailing local dialect; and
9 (e) is not related within the fourth (4th) civil degree of consanguinity or affinity to
10 any member of the Board of Canvassers, the Information Technology Support
11 Personnel, members of the Reception and Custody Group, and other support
12 personnel of the Board of Canvassers.

13 Upon entering the canvassing venue, the watchers shall present to the
14 Chairperson of the Board of Canvassers their appointments, and proof that they are
15 registered voters of the city or municipality where they are assigned. Their names
16 shall be recorded in the Minutes with a notation under their signatures that they are
17 not disqualified to serve as such under the immediately preceding paragraph.

18 The watchers shall have the right to:

19 (a) Be present at, and take note of, all the proceedings of the Board of
20 Canvassers;

21 (b) Stay at the designated watchers' area; and

22 (c) File a protest in writing, against any irregularity noted in the
23 consolidation/canvass of the election returns/certificates of canvass and
24 obtain from the Board of Canvassers a resolution thereon in writing.

25 Watchers shall not be allowed to participate in the deliberation and
26 proceedings of the Board of Canvassers.

27
28 **Article 22**
29 **Proclamation**

30 **SEC. 249.** *Proclamation of the President-elect and Vice-President-elect.* -
31 Upon the completion of the canvass of the votes by the Congress, the persons
32 obtaining the highest number of votes for President and for Vice-President shall be
33 proclaimed elected. In case two or more shall have an equal and the highest number
34 of votes, one of them shall forthwith be chosen by the vote of a majority of all the
35 Members of both Houses of the Congress, voting separately.

36 **SEC. 250.** *Proclamation of the Senators and Party-list Representatives.* -
37 Upon the completion of the canvass by the Commission en banc, the qualified

1 candidates corresponding to the number of Senators to be elected who receive the
2 highest number of votes shall be proclaimed.

3 The nominees of the national or regional political party, coalition of political
4 parties, sectoral party or organization participating in party-list election, in
5 accordance with the number of seats allocated for the particular party, organization
6 or coalition, and strictly in the order of the list of nominees submitted by them to the
7 Commission, shall be proclaimed.

8 **SEC. 251. Proclamation of District Representatives and Local Officials.** - Upon
9 the completion of canvass by the city, municipal, provincial, or district board of
10 canvassers, the qualified candidate receiving the highest number of votes for the
11 position of governor, vice-governor, mayor, vice-mayor, or member of the House of
12 Representatives, as the case may be, shall be proclaimed.

13 In the case of the position of member of the Sangguniang Panlalawigan,
14 Sangguniang Panlungsod, Sangguniang Bayan or, whenever applicable, of the
15 regional parliament, the qualified candidates corresponding to the number of
16 members to be elected in the Sangguniang or parliament concerned who receive the
17 highest number of votes shall be proclaimed.

18 **SEC. 252.** The proclamation mentioned in the three preceding sections shall
19 be made only upon submission of all certificates of canvass unless the missing
20 certificates of canvass will not affect the results of the election.

21 **SEC. 253. Proclamation of a lone candidate in a special election.** - Upon the
22 expiration of the deadline for the filing of the certificates of candidacy in a special
23 election called to fill a vacancy in an elective position other than for President and
24 Vice President, when there is only one (1) qualified candidate for such position, the
25 lone candidate shall be proclaimed elected to the position by proper proclaiming
26 body of the Commission without holding the special election upon certification by the
27 Commission that he or she is the only candidate for the office and is thereby
28 deemed elected.

29 **SEC. 254. Election resulting in tie.** - Except when otherwise provided
30 elsewhere in this Code, whenever it shall appear from the canvass that two or more
31 candidates have received an equal and highest number of votes, or in cases where
32 two or more candidates are to be elected for the same position and two or more
33 candidates received the same number of votes for the last place in the number to be
34 elected, the board of canvassers, after recording this fact in its minutes, shall by
35 resolution, upon five days' notice to all the tied candidates, hold a special public
36 meeting at which the board of canvassers shall proceed to the drawing of lots of the
37 candidates who have tied and shall proclaim as elected the candidates who may be
38 favored by luck, and the candidates so proclaimed shall have the right to assume
39 office in the same manner as if he had been elected by plurality of vote. The board

1 of canvassers shall forthwith make a certificate stating the name of the candidate
2 who had been favored by luck and his proclamation on the basis thereof.

3 Nothing in this section shall be construed as depriving a candidate of his right
4 to contest the election.

5
6 **CHAPTER VI**
7 **OVERSEAS REGISTRATION, VOTING, COUNTING, AND CANVASSING**

8
9 **Article 23**
10 **Registration for Overseas Voting**

11 **SEC. 255. Coverage.** - All citizens of the Philippines abroad, who are not
12 otherwise disqualified by law, at least eighteen (18) years of age on the day of
13 elections, may register for overseas voting and vote for President, Vice-President,
14 Senators and Party-List Representatives, as well as in all national referenda and
15 plebiscites.

16 All persons who, at the time of the effectivity of this Code, are already
17 registered as overseas voters, need not register anew in order to avail of overseas
18 voting.

19 **SEC. 256. Disqualifications.** - The following shall be disqualified from
20 registering and voting under this Chapter:

- 21 (a) Those who have lost their Filipino citizenship in accordance with Philippine
22 laws;
- 23 (b) Those who have expressly renounced their Philippine citizenship and who
24 have pledged allegiance to a foreign country, except those who have
25 reacquired or retained their Philippine citizenship under Republic Act No.
26 9225, otherwise known as the 'Citizenship Retention and Reacquisition Act of
27 2003';
- 28 (c) Those who have committed and are convicted in a final judgment by a
29 Philippine court or tribunal of an offense punishable by imprisonment of not
30 less than one (1) year, such disability not having been removed by plenary
31 pardon or amnesty: *Provided, however,* That any person disqualified to vote
32 under this subsection shall automatically acquire the right to vote upon the
33 expiration of five (5) years after service of sentence; or
- 34 (d) Any citizen of the Philippines abroad previously declared insane or
35 incompetent by competent authority in the Philippines or abroad, as verified
36 by the Philippine embassies, consulates or foreign service establishments

1 concerned, unless such competent authority subsequently certifies that such
2 person is no longer insane or incompetent.

3 **SEC. 257. *Personal Overseas Registration and/or Certification.*** - Registration
4 and/or certification as an overseas voter shall be done in person at any post abroad
5 or at designated registration centers outside the post or in the Philippines approved
6 by the Commission.

7 Field and mobile registration centers shall be set up by the posts concerned to
8 ensure accessibility by the overseas voters.

9 All applicants shall submit themselves for live capture of their biometrics.

10 **SEC. 258. *Resident Election Registration Board (RERB); Composition,***
11 ***Appointment, Disqualification and Compensation.*** – The RERB shall be composed of
12 the following:

13 (a) A career official of the Department of Foreign Affairs, as Chairperson;

14 (b) The most senior officer from the Department of Labor and Employment
15 (DOLE) or any government agency of the Philippines maintaining offices
16 abroad, as member: *Provided,* That in case of disqualification or
17 nonavailability of the most senior officer from the DOLE or any government
18 agency of the Philippines maintaining offices abroad, the Commission shall
19 designate a career official from the embassy or consulate concerned; and

20 (c) A registered overseas voter of known probity, as member.

21 The Commission shall appoint the members of the RERB upon the
22 recommendation of the Department of Foreign Affairs-Overseas Voting Secretariat
23 (DFA-OVS).

24 The RERB in the Office for Overseas Voting (OFOV) shall be based in the main
25 office of the Commission and shall be composed of a senior official of the
26 Commission as the Chairperson and one (1) member each from the DFA and the
27 DOLE, whose rank shall not be lower than a division chief or its equivalent.

28 No member of the RERB shall be related to each other or to an incumbent
29 President, Vice-President, Senator or Member of the House of Representatives
30 representing the party-list system of representation, within the fourth civil degree of
31 consanguinity or affinity.

32 Each member of the RERB shall be entitled to an honorarium at the rates
33 approved by the Department of Budget and Management (DBM).

34 **SEC. 259. *Duties and Functions of the RERB.*** – The RERB shall have the
35 following duties and functions:

36 (a) Post in the bulletin boards of the embassy or consulates or at the OFOV, as
37 the case may be, and in their respective websites, the names of the

1 applicants and the dates when their applications shall be heard, as well as the
2 place where the RERB will hold its hearing;

3 (b) Notify, through the OFOV, all political parties and other parties concerned of
4 the pending applications through a weekly updated publication in the website
5 of the Commission;

6 (c) Act on all applications received;

7 (d) Notify all applicants, whose applications have been disapproved, stating the
8 reasons for such disapproval;

9 (e) Prepare a list of all approved applications during each hearing and post the
10 same at the bulletin boards of the embassy or consulates or at the OFOV, as
11 the case may be, and in their respective websites;

12 (f) Deactivate the registration records of overseas voters; and

13 (g) Perform such other duties as may be consistent with its functions as provided
14 under this Act.

15 **SEC. 260. National Registry of Overseas Voters (NROV).** – The Commission
16 shall maintain a National Registry of Overseas Voters or NROV containing the names
17 of registered overseas voters and the posts where they are registered.

18 Likewise, the Commission shall maintain a registry of voters (ROV) per
19 municipality, city or district containing the names of registered overseas voters
20 domiciled therein. The Commission shall provide each and every municipality, city or
21 district with a copy of their respective ROVS for their reference.

22 **SEC. 261. Preparation and Posting of Certified List of Overseas Voters.** – The
23 Commission shall prepare the Certified List of Overseas Voters or CLOV not later
24 than ninety (90) days before the start of the overseas voting period, and furnish
25 within the same period electronic and hard copies thereof to the appropriate posts,
26 which shall post the same in their bulletin boards and/or websites within ten (10)
27 days from receipt thereof.

28 Subject to reasonable regulation and the payment of fees in such amounts as
29 may be fixed by the Commission, the candidates, political parties, accredited citizens'
30 arms, and all other interested persons shall be furnished copies thereof: *Provided,*
31 That nongovernmental organizations and other civil society organizations accredited
32 by and working with the Commission as partners on overseas voters' education and
33 participation shall be exempt from the payment of fees.

34 **SEC. 262. Requirements for Registration.** – Every registrant for overseas
35 voting shall be required to furnish the following documents:

36 (a) A valid Philippine passport. In the absence of a valid passport, a certification
37 of the DFA that it has reviewed the appropriate documents submitted by the

1 applicant and has found them sufficient to warrant the issuance of a passport,
2 or that the applicant is a holder of a valid passport but is unable to produce
3 the same for a valid reason;

4 (b) Accomplished registration form prescribed by the Commission; and

5 (c) Applicants who availed themselves of the 'Citizen Retention and Reacquisition
6 Act' (Republic Act No. 9225) shall present the original or certified true copy of
7 the order of approval of their application to retain or reacquire their Filipino
8 citizenship issued by the post or their identification certificate issued by the
9 Bureau of Immigration.

10 The Commission may also require, additional data to facilitate registration and
11 recording. No information other than those necessary to establish the identity and
12 qualification of the applicant shall be required.

13 All applications for registration and/or certification as an overseas voter shall
14 be considered as applications to vote overseas. An overseas voter is presumed to be
15 abroad until she/he applies for transfer of her/his registration records or requests
16 that her/his name be cancelled from the National Registry of Overseas Voters.

17 **SEC. 263. *Deactivation and Reactivation of Registration.*** - The RERB shall
18 deactivate and remove the registration records of persons who suffer from any of
19 the causes of deactivation provided for in Section 46 of this Code. The fact of
20 deactivation shall be annotated in the NROV and the corresponding ROV.

21 Any overseas voter whose registration has been deactivated pursuant to the
22 preceding section may file with the RERB at any time, but not later than one
23 hundred twenty (120) days before the start of the overseas voting period, a sworn
24 application for reactivation of registration stating that the grounds for the
25 deactivation no longer exist.

26 **SEC. 264. *Cancellation of Registration.*** - The RERB shall cancel the
27 registration records of those who have died, as certified by either the posts or by the
28 local civil registrar, and those who have been proven to have lost their Filipino
29 citizenship.

30 **SEC. 265. *Voters Excluded from the NROV Through Inadvertence.*** - Any
31 registered overseas voter whose name has been inadvertently omitted from the
32 NROV may, personally or through an authorized representative, file with the RERB
33 through the OFOV or the post exercising jurisdiction over the voter's residence, an
34 application under oath for reinstatement not later than one hundred twenty (120)
35 days before the start of the overseas voting period.

36 The RERB shall resolve the application within one (1) month from receipt
37 thereof, otherwise the application shall be deemed approved.

1 **SEC. 266.** *Application for Correction of Entries and Change of Name.* – Any
2 registered overseas voter who intends to change her/his name by reason of
3 marriage, death of husband, or final court judgment; or to correct a misspelled name
4 or any erroneous entry in the NROV, CLOV and other related documents may,
5 personally or through an authorized representative, file an application under oath for
6 change of name or correction of entries with the RERB through the OFOV or the
7 post exercising jurisdiction over the voter’s residence not later than ninety (90) days
8 before the start of the overseas voting period.

9 The RERB shall resolve the application within one (1) month from receipt
10 thereof, otherwise the application shall be deemed approved.

11 **SEC. 267.** *Transfer of Registration Record.* – In the event of change of voting
12 venue, an application for transfer of registration record must be filed by the
13 overseas voter with the OFOV at least one hundred eighty (180) days prior to the
14 start of the overseas voting period: *Provided,* That those who would eventually vote
15 in the Philippines should register within the time frame provided for local registration
16 in the municipality, city or district where they intend to vote: *Provided, further,* That
17 those who have registered in the municipality, city or district where they resided
18 prior to their departure abroad need not register anew: *Provided, finally,* That
19 transferees shall notify the OFOV of their transfer back to the Philippines at least one
20 hundred eighty (180) days prior to the next national elections for purposes of
21 cancelling their names from the Certified List of Overseas Voters (CLOV) and of
22 removing their overseas voter’s registration from the book of voters.

23 **SEC. 268.** *Petition for Exclusion, Motion for Reconsideration, Petition for*
24 *Inclusion.* -

25 (a) *Petition for Exclusion.* – If the application for has been approved, any
26 interested party may file a petition for exclusion not later than one hundred
27 eighty (180) days before the start of the overseas voting period with the
28 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 its filing, but not later than one hundred twenty (120)
32 days before the start of the overseas voting period. Should the Court fail to
33 render a decision within the prescribed period, the ruling of the RERB shall be
34 considered affirmed.

35 (b) *Motion for Reconsideration.* – If the application has been disapproved, the
36 applicant or the authorized representative shall have the right to file a motion
37 for reconsideration before the RERB within a period of five (5) days from
38 receipt of the notice of disapproval. The motion shall be decided within five
39 (5) days after its filing on the basis of documents submitted but not later than

1 one hundred twenty (120) days before the start of the overseas voting
2 period. The resolution of the RERB shall be immediately executory, unless
3 reversed or set aside by the Court.

4 (c) Petition for Inclusion. – Within ten (10) days from receipt of notice denying
5 the motion for reconsideration, the applicant may file a petition for inclusion
6 with the proper Municipal/Metropolitan Trial Court in the City of Manila or
7 where the overseas voter resides in the Philippines, at the option of the
8 petitioner.

9 The petition shall be decided on the basis of the documents submitted within
10 fifteen (15) days from filing, but not later than one hundred twenty (120) days
11 before the start of the overseas voting period. Should the Court fail to render a
12 decision within the prescribed period, the RERB ruling shall be considered affirmed.

13 Qualified Philippine citizens abroad who have previously registered as voters
14 pursuant to Republic Act No. 8189, otherwise known as the 'Voter's Registration Act
15 of 1996', shall apply for certification as overseas voters and for inclusion in the
16 National Registry of Overseas Voters (NROV). In case of approval, the Election
17 Officer concerned shall annotate the fact of registration/certification as overseas
18 voter before the voter's name as appearing in the certified voters' list and in the
19 voter's registration records.

20 **SEC. 269. *System of Continuing Registration.*** – The Commission shall ensure
21 that the benefits of the system of continuing registration are extended to qualified
22 overseas voters. Registration shall commence not later than six (6) months after the
23 conduct of the last national elections. Towards this end, the Commission shall be
24 authorized to utilize and optimize the use of existing facilities, personnel and
25 mechanisms of the various government agencies for purposes of data gathering and
26 validation, information dissemination and facilitation of the registration process,
27 subject to the pertinent provisions of R.A. 10173.

28 Pre-departure Orientation Seminars (PDOS), services and mechanisms offered
29 and administered by the DFA, the DOLE, the Philippine Overseas Employment
30 Administration (POEA), the Overseas Workers' Welfare Administration (OWWA), the
31 Commission on Filipinos Overseas and by other appropriate agencies of the
32 government and private agencies providing the same services shall include the
33 salient features of this Chapter and shall be utilized for purposes of supporting the
34 overseas registration and voting processes.

35 All employment contracts processed and approved by the POEA shall state the
36 right of migrant workers to exercise their constitutional right of suffrage within the
37 limits provided for by this Chapter.

38 **SEC. 270. *Notice of Registration and Election.*** – The Commission shall,
39 through the posts cause the publication in a newspaper of general circulation of the

1 place, date and time of the holding of a regular or special national election and the
2 requirements for the participation of qualified citizens of the Philippines abroad, at
3 least six (6) months before the date set for the filing of applications for registration.

4 The Commission shall determine the countries where publication shall be
5 made, and the frequency thereof, taking into consideration the number of overseas
6 Filipinos present in such countries. Likewise, the Commission and the DFA shall post
7 the same in their respective websites.

8
9 **Article 24**
10 **Overseas Voting**

11 **SEC. 271.** *The Overseas Voting Period.* - The voting period for overseas
12 voting shall be thirty days, the last day of which, shall be the day of the election in
13 the Philippines. The overseas voting period shall be continuous and inclusive of
14 established holidays in the Philippines and of such other holidays in the host
15 countries.

16 **SEC. 272.** *Printing and Transmittal of Ballots, Voting Instructions, Election*
17 *Forms and Paraphernalia.* -

18 The Commission shall cause the printing of ballots for overseas voters and all
19 other accountable election forms. In the printing of ballots for overseas voting, the
20 provisions of Section 182 of this Code, insofar as they are applicable, shall be
21 observed: *Provided,* That the total number of ballots printed for overseas voting
22 shall not exceed the total number of registered overseas voters.

23 The Commission shall present to the authorized representatives of the DFA,
24 the accredited political or sectoral parties or organization, and the deputized citizen's
25 arms of the Commission the ballots for overseas voters, voting instructions, election
26 forms and other election paraphernalia for scrutiny and inspection prior to their
27 transmittal to the posts.

28 The Commission shall transmit, as far as practicable, but not later than forty-
29 five (45) days before the day of elections, by special pouch to all posts the exact
30 number of ballots for overseas voters corresponding to the number of approved
31 applications, along with such accountable forms necessary to ensure the secrecy and
32 integrity of the election.

33 Authorized representatives of the DFA, the accredited political or sectoral
34 parties or organization, candidates, and the deputized citizen's arms of the
35 Commission shall have the right to be present in all phases of printing, transmittal,
36 and casting of mailed ballots abroad. Unclaimed ballots properly marked as such,
37 shall be cancelled and shipped to the Commission by the least costly method.

1 **SEC. 273. *Regulation on Campaigning Abroad.*** – Personal campaigning, the
2 use of campaign materials, as well as the limits on campaign spending shall be
3 governed by Article 9 of this Code: *Provided*, That all forms of campaigning abroad
4 within the thirty (30)-day overseas voting period shall be prohibited.

5 **SEC. 274. *Special Electoral Board; Constitution and Appointment.*** - The
6 Commission, through the OFOV, shall, upon recommendation of the DFA-OVS,
7 constitute in every Post, not later than the start of the campaign period for national
8 candidates, at least one (1) special electoral board, which shall be composed of a
9 chairperson, a poll clerk, and the third member. They shall be officers and members
10 of the foreign service post, including attachés of other Philippine Government
11 Agencies, posted aboard and deputized by the Commission.

12 The chairperson, poll clerk, or third member of the special electoral board
13 shall have the same qualifications and shall be subject to the same disqualifications
14 as members of the electoral board.

15 **SEC. 275. *Qualifications and Disqualifications of Members of the Special***
16 ***Electoral Board.*** - No person shall be appointed as chairperson, poll clerk, or third
17 member of the special electoral board, whether regular or substitute, unless:

- 18 (a) Such person is of good moral character and irreproachable reputation;
19 (b) He or she is citizen of the Philippines physically residing aboard;
20 (c) He or she has never been convicted of any election offense or of any other
21 crime punishable by more than six (6) months of imprisonment and has no
22 pending case in court for any election offense; and
23 (d) Such person is able to speak and write Filipino or English

24 Any career public officer posted abroad, appointed or designated by the
25 Commission, as the case may be, shall be the Chairperson. In the absence of other
26 government officers, the two (2) other members shall be citizens of the Philippines
27 who are registered overseas voters and deputized by the Commission.

28 The chairperson and members of the special electoral board shall be subject
29 to the same disqualifications as the members of the electoral board.

30 **SEC. 276. *Powers and functions of the special electoral board.*** - The special
31 electoral board shall have the following powers/functions:

- 32 (a) Conduct the voting and/or counting of votes;
33 (b) Transmission of the election results;
34 (c) Act as deputies of the Commission in the supervision and control of the
35 election in the polling places where they are assigned;

1 (d) Perform such other functions as may be prescribed by the Commission in
2 furtherance of the objective to ensure clean, honest, orderly, and credible
3 elections.

4 **SEC. 277.** *Special Ballot Reception and Custody Group; Constitution and*
5 *Appointment.* - The Commission, through the OFOV, shall, upon recommendation of
6 the DFA-OVS, constitute in every Post, not later than the start of the campaign
7 period for national candidates, a Special Ballot Reception and Custody Group
8 (SBRCG), which shall be composed of three members.

9 **SEC. 278.** *Qualifications/Disqualifications of Members/Substitutes of the*
10 *SBRCG.* - No person shall be appointed as chairperson or member of the SBRCG,
11 whether regular or substitute, unless:

- 12 (a) Such person is of good moral character and irreproachable reputation;
13 (b) He or she is citizen of the Philippines physically residing abroad;
14 (c) He or she has never been convicted of any election offense or of any other
15 crime punishable by more than six (6) months of imprisonment and has no
16 pending case in court for any election offense;
17 (d) Such person is able to speak and write Filipino or English; and
18 (e) Such person is from among the staff of the Posts.

19 In case of shortage of qualified staff of the Posts, citizens of the Philippines
20 who are registered overseas voters, who are of known probity and competence, may
21 be appointed as members of the SBRCG: *Provided,* That the Chairperson shall be an
22 officer or member of the foreign service corps.

23 Members of the SBRCG shall be subject to the same disqualifications as
24 members of the electoral board.

25 **SEC. 279.** *Functions of the SBRCG.* - The SBRCG shall perform the following
26 duties and functions:

- 27 (a) Receive from the OFOV all accountable and non-accountable election forms,
28 supplies, paraphernalia, and equipment to be used in voting, counting, and
29 canvassing;
30 (b) Verify the quantity and serial numbers of all ballots, election returns,
31 canvassing forms, and other accountable forms, and equipment received, in
32 the presence of the head of the Post and the authorized representatives of
33 accredited political or sectoral parties or organization, candidates, the
34 deputized citizen's arms of the Commission and Filipino community
35 organizations, if available;
36 (c) Store all received forms, supplies, and equipment in a secure place;

1 (d) Perform such other duties and functions as mandated by the Commission as
2 may be consistent in protecting the sanctity of the ballots and other
3 accountable forms.

4 **SEC. 280. *Voting.*** – Voting may be done either personally, by mail or by any
5 other means as may be determined by the Commission. For this purpose, the
6 Commission shall issue the necessary guidelines on the manner and procedures of
7 voting.

8 The OFOV, in consultation with the DFA-OVS, shall determine the countries
9 where voting shall be done by any specific mode, taking into consideration the
10 following criteria: the number of registered voters, accessibility of the posts,
11 efficiency of the host country's postal system, and such other circumstances that
12 may affect the conduct of voting.

13 The Commission shall announce the specific mode of voting per country/post
14 at least one hundred twenty (120) days before the start of the overseas voting
15 period.

16 The Hybrid Election System shall not apply to overseas voting.

17 **SEC. 281. *Casting and Submission of Ballots.*** –

18 (1) Upon receipt by the Special Electoral Board of the ballots for overseas voters,
19 voting instructions, election forms and other paraphernalia, they shall make
20 these available on the premises to the qualified overseas voters in their
21 respective jurisdictions during the overseas voting period. Immediately upon
22 receiving it, the overseas voter must fill-out her/his ballot personally, in
23 secret, without leaving the premises of the posts concerned.

24 (2) The overseas voter shall personally accomplish her/his ballot at the post that
25 has jurisdiction over the country where she/he temporarily resides or at any
26 polling place designated and accredited by the Commission.

27 (3) The overseas voter shall cast her/his ballot, upon verification by the poll clerk
28 of the voter's identity and that he or she is entitled to vote in the overseas
29 voting. The OFOV, in consultation with the DFA-OVS, shall provide a list of
30 documents which may be used to verify the identity of the voters.

31 (4) All accomplished ballots received shall be placed unopened inside sealed
32 containers and kept in a secure place designated by the Commission.

33 (5) The posts concerned shall keep a complete record of the ballots for overseas
34 voters, specifically indicating the number of ballots they actually received, and
35 in cases where voting by mail is allowed, the names and addresses of the
36 voters to whom these ballots were sent, including proof of receipt thereof. In
37 addition, the posts shall submit a formal report to the Commission and the
38 Joint Congressional Oversight Committee for Overseas Voting within thirty

1 (30) days from the day of elections. Such report shall contain data on the
2 number of ballots cast and received by the offices, the number of invalid and
3 unclaimed ballots and other pertinent data.

4 (6) Ballots not claimed by the overseas voters at the posts, in case of personal
5 voting, and ballots returned to the posts concerned, in the case of voting by
6 mail, shall be cancelled and shipped to the Commission by the least costly
7 method within six (6) months from the day of elections.

8 (7) Only ballots cast, and mailed ballots received by the posts concerned in
9 accordance with Section 282 hereof before the close of voting on the day of
10 elections shall be counted. All envelopes containing the ballots received by
11 the posts after the prescribed period shall not be opened, and shall be
12 cancelled and shipped to the Commission by the least costly method within
13 six (6) months from the day of elections.

14 (8) The SBRCG will receive the ballots and take custody of the same preparatory
15 to their transmittal to the special electoral board.

16 (9) The authorized representatives of the political parties, party-list groups,
17 candidates, and accredited citizens' arms of the Commission shall be notified
18 in writing thereof and shall have the right to witness the proceedings.

19 (10) The Commission shall study the use of electronic mail, internet, or other
20 secured networks in the casting of votes, and submit a report thereon to the
21 Joint Congressional Oversight Committee on Overseas Voting.

22 **SEC. 282. Voting by Mail. –**

23 (1) Voting by mail may be allowed in countries that satisfy the following
24 conditions:

25 (a) Where the mailing system is fairly well-developed and secure to prevent
26 the occasion of fraud;

27 (b) Where there exists a technically established identification system that
28 would preclude multiple or proxy voting; and,

29 (c) Where the system of reception and custody of mailed ballots in the
30 embassies, consulates and other foreign service establishments
31 concerned are adequate and well-secured.

32 (2) The overseas voter shall send her/his accomplished ballot to the
33 corresponding post that has jurisdiction over the country where she/he
34 temporarily resides. She/He shall be entitled to cast her/his ballot at any time
35 upon her/his receipt thereof: *Provided*, That the same is received before the
36 close of voting on the day of elections. The overseas absentee voter shall be
37 instructed that her/his ballot shall not be counted if not transmitted in the
38 special envelope furnished her/him.

1 (3) Only mailed ballots received by the post before the close of voting on the day
2 of elections shall be counted. All envelopes containing the ballots received by
3 the posts after the prescribed period shall not be opened, and shall be
4 cancelled and disposed of appropriately, with a corresponding report thereon
5 submitted to the Commission not later than thirty (30) days from the day of
6 elections.

7 **SEC. 283.** *Voting Privilege of Members of the SBEI, SBRCG and SBOC.* –
8 Government employees posted abroad who will perform election duties as members
9 of the SBEI, SBRCG and SBOC shall be allowed to vote in their respective posts:
10 *Provided,* That they are registered either in the Philippines or as overseas voters.

11 12 **Article 25**

13 **Counting and Canvassing of Overseas Votes**

14 **SEC. 284.** *Special Board of Canvassers; Constitution and Appointment.* - The
15 Special Board of Canvassers shall canvass and/or consolidate the overseas election
16 returns submitted to it be the Special Electoral Board. The Commission, through the
17 OFOV, in consultation with the DFA-OVS, shall constitute a Special Board of
18 Canvassers (SBOC) in such Posts as may be necessary to ensure an expedient and
19 accurate canvassing of the votes.

20 The members of the SBOC shall be composed of the highest-ranking career
21 officer of the Post as Chairperson, a senior career officer from any of the
22 government agencies maintaining offices abroad as Vice Chairperson, and another
23 government officer as Member-Secretary. In the absence of such other government
24 officer, a citizen of the Philippines qualified to register as an overseas voter and
25 deputized by the Commission, may be appointed as Member-Secretary.

26 **SEC. 285.** *Qualifications of Members/Substitutes of the SBOC.* - No person
27 shall be appointed as a Member of the SBOC, whether regular or substitute, unless
28 such person is:

- 29 (a) Of good moral character and irreproachable reputation; and
30 (b) Able to write and speak in English or Filipino.

31 **SEC. 286.** *Disqualifications; SBOC.* - The following are disqualified from
32 serving as a member of the SBOC:

- 33 (a) Those who are related within the fourth civil degree of consanguinity or
34 affinity to any member of the same SBOC or to any of the candidates for
35 President, Vice-President, Senators, or any of the nominees of the party-list
36 groups, or any of the candidates' or nominees' spouses;
37 (b) Those who have been convicted of any election offense or any other crime
38 punishable by more than six (6) months of imprisonment; or

1 (c) Those who have a pending case filed against them for any election offense.

2 **SEC. 287. *On-Site Counting and Canvassing.*** –

3 (1) The counting and canvassing of votes shall be conducted on site in the
4 country where the votes were actually cast, or, in the case of voting by mail,
5 where the ballots are received from the voters. The opening of the specially-
6 marked envelopes containing the ballots and the counting and canvassing of
7 votes shall be conducted within the premises of the embassies, consulates
8 and other foreign service establishments or in such other places as may be
9 designated by the Commission pursuant to the Implementing Rules and
10 Regulations.

11 (2) For these purposes, the Commission shall constitute as many Special Electoral
12 Boards as may be necessary to conduct and supervise the counting of votes.
13 All resolutions of the Special Electoral Boards on issues brought before it
14 during the conduct of its proceedings shall be valid only when they carry the
15 approval of the Chairman.

16 Immediately upon the completion of the counting, the Special Electoral Board
17 shall transmit via facsimile and/or electronic mail the results to the
18 Commission in Manila and the accredited dominant majority and dominant
19 minority parties.

20 (3) Only ballots cast on, or received by the embassies, consulates and other
21 foreign service establishments before the close of voting on the day of
22 elections shall be included in the counting of votes. Those received afterwards
23 shall not be counted.

24 (4) Immediately upon the completion of the canvass, the chairperson of the
25 SBOC shall transmit via facsimile, electronic mail, or any other means of
26 transmission equally safe and reliable the certificates of canvass and the
27 statements of votes to the Commission, and shall cause to preserve the same
28 immediately after the conclusion of the canvass, and make it available upon
29 instructions of the Commission. The SBOC shall also furnish the accredited
30 dominant majority and dominant minority political parties and accredited
31 citizens' arms with copies thereof via facsimile, electronic mail and any other
32 means of transmission equally safe, secure and reliable.

33 The certificates of canvass and the accompanying statements of votes as
34 transmitted via facsimile, electronic mail and any other means of transmission
35 equally safe, secure and reliable shall be the primary basis for the national
36 canvass.

37 (5) The canvass of votes shall not cause the delay of the proclamation of a
38 winning candidate if the outcome of the election will not be affected by the
39 results thereof. Notwithstanding the foregoing, the Commission is empowered

1 to order the proclamation of winning candidates despite the fact that the
2 scheduled election has not taken place in a particular country or countries, if
3 the holding of elections therein has been rendered impossible by events,
4 factors and circumstances peculiar to such country or countries, and which
5 events, factors and circumstances are beyond the control or influence of the
6 Commission.

7 (6) In the preparation of the final tally of votes on the results of the national
8 elections, the Commission shall ensure that the votes canvassed by each and
9 every country shall be reflected as a separate item from the tally of national
10 votes. For purposes of this Article, the returns of every election for President
11 and Vice-President prepared by the SBOCs shall be deemed a certificate of
12 canvass of a city or a province.

13 (7) Where feasible, the counting and canvassing of votes shall be automated.
14 Towards this end, the Commission is hereby authorized to borrow, rent, lease
15 or acquire automated voting machines for purposes of canvassing and
16 counting of votes pursuant to the provisions of this Act, and in accordance
17 with the Implementing Rules and Regulations promulgated by the
18 Commission.

19 **SEC. 288. *Support Staff.*** - The Commission may appoint such number of
20 support personnel as may be necessary to assist the special electoral board and the
21 SBOC: *Provided*, That in Posts utilizing the automated election system, there shall be
22 one (1) information and communications technology personnel who shall assist the
23 SBOC: *Provided further*, That such information and communications technology
24 personnel shall be deputized by the Commission from among the personnel of the
25 Philippine Government agencies, including government-owned and controlled
26 corporations, maintaining offices abroad.

27 28 **Article 26**

29 **Other Provisions Pertaining to Overseas Voting**

30 **SEC. 289. *Joint Congressional Oversight Committee on Overseas Voting.*** – A
31 Joint Congressional Oversight Committee is hereby created, composed of the
32 Chairperson of the Senate Committee on Electoral Reforms and People’s
33 Participation, and seven (7) other Senators designated by the Senate President, and
34 the Chairperson of the House Committee on Suffrage and Electoral Reforms, and
35 seven (7) other Members of the House of Representatives designated by the
36 Speaker of the House of Representatives: *Provided*, That, of the seven (7) members
37 to be designated by each House of Congress, four (4) should come from the
38 majority to include the chair of the Committee on Foreign Affairs and the remaining
39 three (3) from the minority.

1 The Joint Congressional Oversight Committee on Overseas Voting shall have
2 the power to monitor and evaluate the implementation of this Chapter.

3 **SEC. 290.** *The Office for Overseas Voting and the Overseas Voting*
4 *Secretariat.* - The Office for Overseas Voting of the Commission and the Overseas
5 Voting Secretariat of the DFA existing prior to the effectivity of this Code shall
6 remain in place.

7 **SEC. 291.** *Authority to Explore Other Modes or Systems of Voting.* –
8 Notwithstanding current procedures and systems for the proper implementation of
9 overseas voting, and in view of the peculiarities attendant to the overseas voting
10 process, the Commission may explore other more efficient, reliable and secure
11 modes or systems, ensuring the secrecy and sanctity of the entire process, whether
12 paper-based, electronic-based or internet-based technology or such other latest
13 technology available, for onsite and remote registration and elections and submit
14 reports and/or recommendations to the Joint Congressional Oversight Committee.

15 **SEC. 292.** *Procurement of Facilities, Equipment, Materials, Supplies or*
16 *Services.* – To achieve the purpose of this Chapter, the Commission may, likewise,
17 procure from local or foreign sources, through purchase, lease, rent or other forms
18 of acquisition, hardware or software, facilities, equipment, materials, supplies or
19 services in accordance with existing laws, free from taxes and import duties, subject
20 to government procurement rules and regulations.

21 **SEC. 293.** *Information Campaign.* – The Commission, in coordination with
22 agencies concerned, shall undertake an information campaign to educate the public
23 on the manner of overseas voting for qualified overseas voters. It may require the
24 support and assistance of the DFA, through the posts, the DOLE, the Department of
25 Information and Communications Technology (DICT), the Philippine Postal
26 Corporation (PPC), the POEA, the OWWA and the Commission on Filipinos Overseas.

27 Such information campaign shall educate the Filipino public, within and
28 outside the Philippines, on the Philippine Electoral System, the rights of overseas
29 voters, overseas voting processes and other related concerns. Information materials
30 shall be developed by the Commission for distribution, through the said government
31 agencies and private organizations. No government agency shall prepare, print,
32 distribute or post any information material without the prior approval of the
33 Commission.

34 **SEC. 294.** *Assistance from Government Agencies.* – All government officers,
35 particularly from the DFA, the DOLE, the DICT, the PPC, the POEA, the OWWA, the
36 Commission on Filipinos Overseas and other government offices concerned with the
37 welfare of the Filipinos overseas shall, to the extent compatible with their primary
38 responsibilities, assist the Commission in carrying out the provisions of this Chapter.
39 All such agencies or officers thereof shall take reasonable measures to expedite all

1 election activities, which the Commission shall require of them. When necessary, the
2 Commission may send supervisory teams headed by career officers to assist the
3 posts.

4 Likewise, consular and diplomatic services rendered in connection with the
5 overseas voting processes shall be made available at no cost to the overseas voters.

6 **SEC. 295.** *Security Measures to Safeguard the Secrecy and Sanctity of*
7 *Ballots.* – At all stages of the electoral process, the Commission shall ensure that the
8 secrecy and integrity of the ballots are preserved. The OFOV of the Commission shall
9 be responsible for ensuring the secrecy and sanctity of the overseas voting process.
10 In the interest of transparency, all necessary and practicable measures shall be
11 adopted to allow representation of the candidates, accredited major political parties,
12 accredited citizens’ arms and nongovernment organizations to assist, and intervene
13 in appropriate cases, in all stages of the electoral exercise and to prevent any and all
14 forms of fraud and coercion.

15 No officer or member of the foreign service corps, including those belonging
16 to attached agencies shall be transferred, promoted, extended, recalled or otherwise
17 moved from his current post or position one (1) year before and three (3) months
18 after the day of elections, except upon the approval of the Commission.

19 **SEC. 296.** *Implementing Rules and Regulations.* – The Commission shall
20 promulgate rules and regulations for the implementation and enforcement of the
21 provisions of this Article within ninety (90) days from the effectivity thereof.

22 In the formulation of the rules and regulations, the Commission shall
23 coordinate with the DFA, the DOLE, the POEA, the OWWA and the Commission on
24 Filipinos Overseas. Nongovernment organizations and accredited Filipino
25 organizations or associations abroad shall be consulted.

26
27 **CHAPTER VII**
28 **RECALL AND SPECIAL ELECTIONS, REGIONAL ELECTIONS, AND**
29 **BARANGAY AND SANGGUNINANG KABATAAN ELECTIONS**

30
31 **Article 27**
32 **Special Election in Case of Vacancy in Certain Offices**

33 **SEC. 297.** *Special election for President and Vice-President in case of*
34 *vacancy.* - The Congress shall, at ten o'clock in the morning of the third day after
35 the vacancy in the offices of the President and Vice-President occurs, convene in
36 accordance with its rules without need of a call and within seven days, enact a law
37 calling for a special election to elect a President and a Vice-President to be held not
38 earlier than forty-five days nor later than sixty days from the time of such call. The

1 bill calling such special election shall be deemed certified under paragraph 2, Section
2 26, Article V1 of the Constitution and shall become law upon its approval on third
3 reading by the Congress. Appropriations for the special election shall be charged
4 against any current appropriations and shall be exempt from the requirements of
5 paragraph 4, Section 25, Article V1 of the Constitution. The convening of the
6 Congress cannot be suspended nor the special election postponed. No special
7 election shall be called if the vacancy occurs within eighteen months before the date
8 of the next presidential election.

9 **SEC. 298.** *Special election for Members of the House of Representatives and*
10 *the Senate.* - In case a permanent vacancy shall occur in the Senate or House of
11 Representatives at least one (1) year before the expiration of the term, the
12 Commission shall call and hold a special election to fill the vacancy not earlier than
13 sixty (60) days or longer than ninety (90) days after the occurrence of the vacancy.

14 **SEC. 299.** *Procedure for special elections.* - Unless the law calling for the
15 special election otherwise provides, the provisions of this Code shall govern the
16 conduct thereof particularly Articles 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 20, 21, and
17 22.

18 19 **Article 28**

20 **Elections of Elective Officials of Autonomous Regions**

21 **SEC. 300.** *Governing Law.* - The organic law creating the autonomous region
22 concerned shall govern the conduct of the elections of the elective officials whose
23 positions were created by such organic law or by regional law: *Provided however,*
24 *That to the extent permissible, the provisions of this Code shall have suppletory*
25 *application.*

26 The elections of elective national officials, as well as local elective officials
27 whose positions were not created by aforesaid organic law or by regional law, shall
28 be governed by the provisions of this Code.

29 **SEC. 301.** *Date of Elections.* - Unless otherwise fixed by the organic laws or
30 regional laws of the autonomous regions, the next regular election of the elective
31 officials whose offices created by organic laws or by regional laws shall be on the
32 second Monday of May 2025 and on the same day every three years thereafter.

33 **SEC. 302.** *Manner of Voting of Parliamentary Representatives.* - Candidates
34 for members of the regional parliament or regional assembly shall be voted at large
35 by the registered voters in the parliamentary district which such candidates seek to
36 represent. The candidate or candidates corresponding to the number of member or
37 members to be elected in a parliamentary district who receive the highest number of
38 votes shall be declared elected.

1 one for every one hundred registered voters in his barangay: *Provided, however,*
2 That without prejudice to any liability that may be incurred, no permit to hold a
3 public meeting shall be denied on the ground that the provisions of this paragraph
4 may or will be violated.

5 Nothing in this section, however, shall be construed as in any manner
6 affecting or constituting an impairment of the freedom of individuals to support or
7 oppose any candidate for any barangay office.

8 **SEC. 308.** *Certificate of Candidacy of elective barangay and sangguniang*
9 *kabataan officials.* - No person shall be elected punong barangay, member of the
10 sangguniang barangay, chairperson of the sangguniang kabataan, or member of the
11 sangguniang kabataan unless he or she files a sworn certificate of candidacy with
12 the office of the election officer of the city or municipality concerned not later than
13 thirty (30) days before the beginning of the campaign period. The form and contents
14 of the certificate of candidacy shall be prescribed by the Commission. The campaign
15 period shall be ten (10) days immediately before the election.

16 The election officer shall have the ministerial duty to receive said certificate of
17 candidacy and to immediately acknowledge receipt thereof. However, if on the face
18 of the certificate of candidacy, it appears that the prospective candidate is ineligible
19 as he or she does not meet the qualifications pertaining to age, residence, or
20 registered voter status, as set forth by the Constitution and relevant laws, the
21 election officer shall refuse to accept the certificate of candidacy. In such instance,
22 the election officer shall immediately inform the prospective candidate of the
23 rejection of his certificate of candidacy and the reasons therefor. Within the same
24 day, the election officer shall furnish said prospective candidate with a written and
25 signed notice of rejection of the certificate of candidacy, setting forth therein the
26 reasons for such rejection. Unjustified rejection by the election officer of a certificate
27 of candidacy and failure of the election officer to strictly observe these steps shall be
28 election offenses. Acceptance by the election officer of a certificate of candidacy
29 which, on its face, shows that the prospective candidate is not qualified for the
30 position shall be cause for administrative sanctions against him or her.

31 Before the lapse of the period to file the certificate of candidacy, the
32 prospective candidate whose certificate of candidacy was rejected by the election
33 officer may file the rejected certificate of candidacy, together with the written notice
34 of rejection, with the provincial election supervisor.

35 It is the ministerial duty of the provincial election supervisor to accept the
36 certificate of candidacy of any prospective candidate in his or her province if such
37 certificate is accompanied by a copy of aforesaid notice of rejection. The provincial
38 election supervisor shall then direct the election officer concerned to include the
39 prospective candidate in the official list of candidates. Failure of the provincial
40 election supervisor to strictly observe these steps and the failure of the election

1 officer to timely comply with the directive of the provincial election supervisor set
2 forth in this section are election offenses.

3 Should it turn out that the election officer correctly rejected the certificate of
4 candidacy of the candidate in question, the fact of filing by said candidate of his or
5 her certificate of candidacy with the provincial election supervisor shall be prima
6 facie proof of such candidate's deliberate intent to commit material
7 misrepresentation as to his or her qualifications.

8 Any appointive municipal, city, provincial or national official or employee, or
9 those in the civil or military service, including those in government-owned or
10 controlled corporations, shall be considered automatically resigned upon the filing of
11 certificate of candidacy for a barangay office.

12 **SEC. 309.** *The Barangay Electoral Board.* -

13 (1) The Commission, through the Election Officer, shall constitute and appoint, in
14 writing and in the form prescribed by the Commission, the Barangay Electoral
15 Board for every clustered or grouped precinct in the district, city, or
16 municipality. In the appointment of the members of the Electoral Boards, the
17 Election officer shall give preference to public school teachers. In case there
18 are not enough public school teachers, teachers in private schools, employees
19 in the civil service, or other citizens of known probity and competence who are
20 registered voters of the city or municipality may be appointed for election duty.

21 The Barangay Electoral Board shall be composed by a chairperson, a poll
22 clerk, and a third member. No person shall be appointed as member of the Electoral
23 Board, whether regular, temporary, or as a substitute, unless such person is:

- 24 (a) Of good moral character and has an irreproachable reputation;
- 25 (b) Of known integrity and competence;
- 26 (c) A registered voter;
- 27 (d) Has never been convicted of any election offense or of any crime punishable
28 by more than six (6) months of imprisonment;
- 29 (e) Able to speak and write English and either Filipino or the local dialect.

30 No person who is an incumbent barangay official may be appointed as
31 member of the Barangay Electoral Board for the same barangay. Neither may any
32 person be appointed as member of the Barangay Electoral Board if he or she is a
33 candidate to be voted for in the polling place of assignment or if such person is
34 related within the fourth (4th) civil degree of consanguinity or affinity a candidate to
35 be voted for in the polling place of assignment or to said candidate's spouse. In no
36 case shall any of the members of the Barangay Electoral Board be related within the
37 fourth (4th) civil degree of consanguinity or affinity to any other member of the
38 same board.

1 Members of the Barangay Electoral Board are prohibited from engaging,
2 directly or indirectly, in any partisan political activity or take part in the election
3 except to vote and discharge their election duties.

4 (2) The Barangay Electoral Boards shall supervise and conduct the election in their
5 respective polling places, count the votes and thereafter prepare the election
6 returns and such other documents required by the Commission.

7 **SEC. 310.** *Election returns for the barangay and sangguniang kabataan*
8 *elections.* - For the barangay elections, the Barangay Electoral Boards shall prepare
9 four copies of the Election Returns. The first copy shall be delivered immediately to
10 the Barangay Board of Canvassers. The second copy shall be delivered to the
11 election officer, the third copy must be deposited inside the ballot box; and the
12 fourth copy shall be delivered to the secretary of the sangguniang barangay. For the
13 sangguniang kabataan elections, the Barangay Electoral Boards shall prepare
14 separate election returns in three (3) sets. The first copy shall be delivered
15 immediately to the Barangay Board of Canvassers. The second copy shall be
16 delivered to the election officer, the third copy must be deposited inside the ballot
17 box.

18 **SEC. 311.** *Polling places.* - The Commission, through the election officer,
19 shall designate the appropriate public schools or any other public buildings to be
20 used as polling places, taking into consideration the convenience and safety of the
21 voters. To the extent practicable, the polling place should be within the barangay
22 whose officials are being elected and should be as centrally located as possible
23 therein.

24 **SEC. 312.** *Official barangay ballots.* - The official barangay ballots shall be
25 provided by the Commission. There shall be separate ballots for the barangay
26 elections and for the sangguniang kabataan elections.

27 The Barangay Electoral Board Chairperson shall, in the presence of the voter
28 and before giving the ballot to the voter, authenticate the same by affixing his or her
29 signature at the back thereof. Failure to authenticate shall be noted in the Minutes
30 and shall constitute an election offense but will not invalidate the ballot. Further, in
31 no case shall the Chairperson pre-sign at the back of the ballot prior to its actual
32 issuance to the voters.

33 **SEC. 313.** *Ballot boxes.* - The Commission shall provide the ballot boxes for
34 each precinct or clustered precinct as the case may be. The Commission shall
35 promulgate the necessary rules to ensure that the sanctity of the ballots is
36 preserved.

37 **SEC. 314.** *Manner of preparing the ballot.* - The voter, upon receiving his
38 folded ballot, shall forthwith proceed to the designated voting area and shall there
39 fill his ballot by writing in the proper space for each office the name of the individual

1 candidate for whom he desires to vote. The voter shall use the ballot secrecy folder
2 or similar covering material or device supplied by the Commission.

3 After the voter has filled his ballot, he or she shall fold it in the same manner
4 as when he received it and return it to the chairperson of the barangay electoral
5 board.

6 The Commission shall prescribe the necessary rules and regulations to ensure
7 that the secrecy of the ballots shall be preserved the entire time during the conduct
8 of the voting and that no spurious ballots may be placed into the ballot box.

9 **SEC. 315. Spoiled ballots.** - If a voter should accidentally spoil or deface a
10 ballot in such a way that it cannot lawfully be used, he shall surrender if folded to
11 the chairperson who shall note in the corresponding space in the voting record that
12 said ballot is spoiled. The voter shall then be entitled to another ballot which the
13 chairperson shall give him after announcing the serial number of the second ballot
14 and recording said serial number in the corresponding spaces in the voting record. If
15 the second ballot is again spoiled or defaced in such a way that it cannot lawfully be
16 used, the same shall be surrendered to the chairman and recorded in the same
17 manner as the first spoiled or defaced ballot. However, no voter shall change his
18 ballot more than twice.

19 The spoiled ballot shall, without being unfolded and without removing the
20 detachable coupon, be distinctly marked with the word "spoiled" and signed by the
21 board of election inspectors on the endorsement fold thereof and immediately
22 placed in the compartment for spoiled ballots.

23 **SEC. 316. Counting of Votes.** The counting of votes shall be made in the
24 following manner: the electoral board shall unfold the ballots and form separate
25 piles of one hundred ballots each, which shall be held together with rubber bands,
26 with cardboard of the size of the ballots to serve as folders. The chairperson of the
27 barangay electoral board shall take the ballots of the first pile one by one and read
28 the names of candidates voted for and the offices for which they were voted in the
29 order in which they appear thereon, assuming such a position as to enable all of the
30 watchers to read such names. The chairperson shall sign and affix his right hand
31 thumbmark at the back of the ballot immediately after it is counted. The poll clerk,
32 and the third member, respectively, shall record on the election returns and the tally
33 board or sheet each vote as the names voted for each office are read.

34 Each vote shall be recorded by a vertical line, except every fifth vote which
35 shall be recorded by a diagonal line crossing the previous four vertical lines. After
36 finishing the first pile of ballots, the barangay electoral board shall determine the
37 total number of votes recorded for each candidate, the sum being noted on the tally
38 board or sheet and on the election returns. In case of discrepancy such recount as
39 may be necessary shall be made. The ballots shall then be grouped together again

1 as before the reading. Thereafter, the same procedure shall be followed with the
2 second pile of ballots and so on successively. After all the ballots have been read,
3 the barangay electoral board shall sum up the totals recorded for each candidate,
4 and the aggregate sum shall be recorded both on the tally board or sheet and on
5 the election returns. It shall then place the counted ballots in an envelope provided
6 for the purpose, which shall be closed signed and deposited in the compartment for
7 valid ballots. The tally board or sheet as accomplished and certified by the barangay
8 electoral board shall not be changed or destroyed but shall be kept in the
9 compartment for valid ballots.

10 In reading the individual official ballots during the counting, the chairperson,
11 the poll clerk and the third member shall assume such positions as to provide the
12 watchers, as may be conveniently accommodated in the polling place, an unimpeded
13 view of the ballot being read by the chairman, of the election return and the tally
14 board being simultaneously accomplished by the poll clerk and the third member
15 respectively, without touching any of these election documents. The table shall be
16 cleared of all unnecessary writing paraphernalia. Any violation of this requirement
17 shall constitute an election offense.

18 As may be necessary, the Commission shall promulgate supplemental rules
19 and guidelines that the Barangay Electoral Boards shall observe in the counting of
20 votes to the end that the counting of votes shall be done in an expeditious,
21 transparent, and accurate manner.

22 **SEC. 317. *Appreciation of Ballots.*** - In the appreciation of the ballots, every
23 ballot shall be presumed valid unless there is clear and good reason to justify its
24 rejection. Any question on the appreciation of ballots shall be decided by a majority
25 of the members of the barangay electoral board. No watcher, candidate, or any
26 other person shall be allowed to participate in the appreciation of ballots, except that
27 any watcher may file a protest which shall be recorded in the Minutes.

28 The barangay electoral board shall observe the following rules for the
29 appreciation of ballots, bearing in mind that the objective of the election is to obtain
30 the expression of the voter's will:

- 31 (1) Where only the first name of a candidate or only his surname is written,
32 the vote for such candidate is valid, if there is no other candidate with the
33 same first name or surname for the same office.
- 34 (2) Where only the first name of a candidate is written on the ballot, which
35 when read, has a sound similar to the surname of another candidate, the
36 vote shall be counted in favor of the candidate with such surname. If there
37 are two or more candidates with the same full name, first name or
38 surname and one of them is the incumbent, and on the ballot is written

- 1 only such full name, first name or surname, the vote shall be counted in
2 favor of the incumbent.
- 3 (3) In case the candidate is a woman who uses her maiden or married
4 surname or both and there is another candidate with the same surname, a
5 ballot bearing only such surname shall be counted in favor of the candidate
6 who is an incumbent.
- 7 (4) When two or more words are written on the same line on the ballot, all of
8 which are the surnames of two or more candidates, the same shall not be
9 counted for any of them, unless one is a surname of an incumbent who
10 has served for at least one year in which case it shall be counted in favor
11 of the latter.
- 12 (5) When two or more words are written on different lines on the ballot all of
13 which are the surnames of two or more candidates bearing the same
14 surname for an office for which the law authorizes the election of more
15 than one and there are the same number of such surnames written as
16 there are candidates with that surname, the vote shall be counted in favor
17 of all the candidates bearing the surname.
- 18 (6) When on the ballot is written a single word which is the first name of a
19 candidate and which is at the same time the surname of his opponent, the
20 vote shall be counted in favor of the latter.
- 21 (7) When two words are written on the ballot, one of which is the first name of
22 the candidate and the other is the surname of his opponent, the vote shall
23 not be counted for either.
- 24 (8) A name or surname incorrectly written which, when read, has a sound
25 similar to the name or surname of a candidate when correctly written shall
26 be counted in his favor;
- 27 (9) When a name of a candidate appears in a space of the ballot for an office
28 for which he is a candidate and in another space for which he is not a
29 candidate, it shall be counted in his favor for the office for which he is a
30 candidate and the vote for the office for which he is not a candidate shall
31 be considered as stray, except when it is used as a means to identify the
32 voter, in which case, the whole ballot shall be void.
- 33 (10) When in a space in the ballot there appears a name of a candidate that is
34 erased and another clearly written, the vote is valid for the latter.
- 35 (11) The erroneous initial of the first name which accompanies the correct
36 surname of a candidate, the erroneous initial of the surname
37 accompanying the correct first name of a candidate, or the erroneous
38 middle initial of the candidate shall not annul the vote in favor of the latter.

- 1 (12) The fact that there exists another person who is not a candidate with the
2 first name or surname of a candidate shall not prevent the adjudication of
3 the vote of the latter.
- 4 (13) Ballots which contain prefixes such as "Sr.", "Mr.", "Datu", "Don", "Ginoo",
5 "Hon.", "Gob." or suffixes like "Hijo", "Jr.", "Segundo", are valid.
- 6 (14) The use of the nicknames and appellations of affection and friendship, if
7 accompanied by the first name or surname of the candidate, does not
8 annul such vote, except when they were used as a means to identify the
9 voter, in which case the whole ballot is invalid: *Provided*, That if the
10 nickname used is unaccompanied by the name or surname of a candidate
11 and it is the one by which he is generally or popularly known in the locality,
12 the name shall be counted in favor of said candidate, if there is no other
13 candidate for the same office with the same nickname.
- 14 (15) Any vote containing initials only or which is illegible or which does not
15 sufficiently identify the candidate for whom it is intended shall be
16 considered as a stray vote but shall not invalidate the whole ballot.
- 17 (16) If on the ballot is correctly written the first name of a candidate but with a
18 different surname, or the surname of the candidate is correctly written but
19 with different first name, the vote shall not be counted in favor of any
20 candidate having such first name and/or surname but the ballot shall be
21 considered valid for other candidates.
- 22 (17) Any ballot written with crayon, lead pencil, or in ink, wholly or in part, shall
23 be valid.
- 24 (18) Where there are two or more candidates voted for in an office for which
25 the law authorizes the election of only one, the vote shall not be counted in
26 favor of any of them, but this shall not affect the validity of the other votes
27 therein.
- 28 (19) If the candidates voted for exceed the number of those to be elected, the
29 ballot is valid, but the votes shall be counted only in favor of the
30 candidates whose names were firstly written by the voter within the spaces
31 provided for said office in the ballot until the authorized number is covered.
- 32 (20) Any vote in favor of a person who has not filed a certificate of candidacy or
33 in favor of a candidate for an office for which he did not present himself
34 shall be considered as a stray vote but it shall not invalidate the whole
35 ballot.
- 36 (21) Ballots containing the name of a candidate printed and pasted on a blank
37 space of the ballot or affixed thereto through any mechanical process are
38 totally null and void.

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

4 (23) Unless it should clearly appear that they have been deliberately put by the
5 voter to serve as identification marks, commas, dots, lines, or hyphens
6 between the first name and surname of a candidate, or in other parts of
7 the ballot, traces of the letter "T", "J", and other similar ones, the first
8 letters or syllables of names which the voter does not continue, the use of
9 two or more kinds of writing and unintentional or accidental flourishes,
10 strokes, or strains, shall not invalidate the ballot.

11 (24) Any ballot which clearly appears to have been filled by two distinct persons
12 before it was deposited in the ballot box during the voting is totally null
13 and void.

14 (25) Ballots wholly written in Arabic in localities where it is of general use are
15 valid. To read them, the barangay electoral board may employ an
16 interpreter who shall take an oath that he shall read the votes correctly.

17 (26) The accidental tearing or perforation of a ballot does not annul it.

18 (27) Failure to remove the detachable coupon from a ballot does not annul such
19 ballot.

20 **SEC. 318.** *The barangay board of canvassers. -*

21 (1) There shall be one barangay board of canvassers in each barangay to canvass
22 the election returns for both the barangay and sangguniang kabataan
23 elections and thereafter to proclaim the winning candidates.

24 The Commission, through the election officer, shall constitute the barangay
25 board of canvassers at least ten days before the election. The barangay board
26 of canvassers shall be composed of a Chairperson, Vice-Chairperson and
27 Member-Secretary. The members of the barangay board of canvassers shall
28 possess the same qualifications as those of the members of the barangay
29 electoral board. They shall likewise be subject to the same disqualifications
30 set forth in this Code for members of the barangay electoral board.

31 In the appointment of the members of the barangay board of canvassers, the
32 election officer shall give preference to public school teachers. In case there
33 are not enough public school teachers, teachers in private schools, employees
34 in the civil service, or other citizens of known probity and competence who
35 are registered voters of the city or municipality may be appointed for election
36 duty.

37 In a barangay with only one (1) barangay electoral board, said board shall
38 convert itself as the barangay board of canvassers. In case the number of

1 persons qualified to serve as members of the barangay board of canvassers is
2 inadequate, the Commission shall designate the chairperson and members of
3 the barangay board of canvassers from among the barangay electoral boards.
4 In no case shall any of the members of the Barangay Electoral Board be
5 related within the fourth (4th) civil degree of consanguinity or affinity to any
6 other member of the same board.

7 (2) The Commission shall have direct supervision and control over the barangay
8 board of canvassers or any sub-canvassing unit that the Commission may
9 constitute.

10 (3) At least five (5) days before the meeting of the barangay board of
11 canvassers, the Chairperson shall give notice of the date, time, and place of
12 its meeting to all members thereof, including any sub-canvassing units, and to
13 each candidate.

14 (4) The barangay board of canvassers shall meet immediately after the close of
15 voting in the voting center that is most accessible, as determined by the
16 election officer. After canvassing the results from the various polling places
17 within the barangay, in accordance with the rules laid down by the
18 Commission, the barangay board of canvassers shall proclaim the winners.
19 The board of canvassers shall accomplish the certificate of canvass and
20 proclamation in four copies on a form to be prescribed by the Commission.
21 The original of the certificate shall be sent to the election officer concerned,
22 the second copy shall be delivered to the winning candidate for Punong
23 Barangay or Chairperson of the Sangguniang Kabataan, the third copy to the
24 secretary of the sangguniang bayan or sangguniang panglunsod, as the case
25 may be, and the fourth copy shall be kept on file by the secretary of the
26 sangguniang barangay.

27 (5) The Commission shall promulgate rules and regulations to guarantee the
28 safekeeping of canvassed election returns and to ensure an expeditious,
29 accurate, and honest canvassing of votes and proclamation of winning
30 candidates.

31 **SEC. 319. *Watchers.*** – Every candidate for the Barangay and sangguniang
32 kabataan Elections shall be entitled to one (1) watcher in every polling place or
33 canvassing center.

34 Duly accredited citizen's arms of the Commission shall be entitled to appoint a
35 watcher in every polling place or canvassing center. Other civic, professional,
36 business, service, youth, and any other similar organization, with prior authority if
37 the Commission, shall be entitled collectively to appoint one watcher in every polling
38 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
9 elections including, but not limited to, of the members of the electoral board, board
10 of 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
16 initiated by either a valid resolution by a preparatory recall assembly as provided for
17 under Section 70 of R.A. 7160, or by a petition signed by at least twenty-five percent
18 (25%) of the total number of registered voters in the local government unit
19 concerned during the election in which the local official sought to be recalled was
20 elected.

21 In case the recall process is initiated by petition, the same must be signed in
22 a public place, before the election officer or his representative and in the presence
23 of a representative of the petitioners and of the official sought to be recalled. In
24 case the recall process involves a provincial or district official, the petition shall be
25 signed before the election officer of the city or municipality where the person signing
26 the same is registered as a voter during the last local election. Signature stations
27 may be established in as many places as may be warranted

28 The resolution or petition shall be filed with the election officer in cases
29 involving municipal or city officials and with the provincial election supervisor in
30 cases involving provincial or district officials.

31 **SEC. 322. *Verification of the sufficiency of the petition.*** - After the filing of
32 the petition, the election officer or provincial election supervisor concerned shall
33 immediately transmit a digital and physical copy thereof to the Commission.

34 The Commission shall cause the publication of the petition in a newspaper of
35 general circulation in the local government unit concerned, if available. If such
36 newspaper is not available, then in a newspaper of general circulation in the
37 province or region where said local government unit is located. Such publication
38 must state the full names of those who signed the petition. At the same time, the

1 Commission shall require a report under oath from the election officers containing
2 the following matters, 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
7 local election;

8 Any person who did not sign the petition but whose name or apparent
9 signature appears thereon shall inform the election officer of such fact. Upon
10 presentation of such person's proof of identity, the election officer shall consider
11 such person as not having signed the petition: *Provided*, That the person who shall
12 forge or simulate the 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
16 twenty-five percent (25%) of the total number of registered voters in the local
17 government unit concerned have signed the petition. In case aforesaid threshold is
18 met, the Commission shall announce the acceptance of candidates to the position
19 involved. If 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
22 officials, the provincial election supervisor, shall submit a verified report to the
23 Commission as to whether the requirements under Section 70 of R.A. 7160 were
24 met. The Commission shall then require the official subject of the recall and the
25 proponents of such recall to file a comment on the report of the election officer/s
26 within five (5) days.

27 Within ten (10) days from the submission of the last pleading, the
28 Commission shall decide whether the recall election will be held.

29 **SEC. 324.** *Election on Recall.* - In case of sufficiency of the petition or
30 resolution, the Commission shall set the date of the election on recall, which shall
31 not be later than forty-five (45) days after the filing of the resolution or petition for
32 recall in the case of the Barangay officials; sixty (60) days in the case of municipal or
33 city official; and seventy-five (75) days in case of district or provincial officials. The
34 official or officials sought to be recalled shall automatically be considered as duly
35 registered candidate or candidates to the pertinent positions and, like other
36 candidates, shall be entitled to be voted upon. The Commission shall set the election
37 and campaign periods therefor.

38 **SEC. 325.** *Effectivity of Recall.* - The recall of an elective local official shall be
39 effective only upon the election and proclamation of a successor in the person of the

1 candidate receiving the highest number of votes cast during the election on recall.
2 Should the official sought to be recalled receive the highest number of votes,
3 confidence in him is thereby affirmed, and he shall continue in office.

4 **SEC. 326. *Prohibition from Resignation.*** - The elective local official sought to
5 be recalled shall not be allowed to resign while the recall process is in progress.

6 **SEC. 327. *Limitations on Recall.*** -

7 (a) Any elective local official may be the subject of a recall election only once
8 during his term of office for loss of confidence;

9 (b) No recall shall take place within one (1) year from the date of the official's
10 assumption to office or one (1) year immediately preceding a regular local
11 election.

12 **SEC. 328. *Conduct of Recall Election.*** - The conduct of recall elections shall
13 be governed, to the extent feasible, by Articles 7, 8, 9, 10, 11, 13, 14, 15, 16, 17,
14 20, 21, and 22 of this Code: *Provided, however,* That in case the recall elections
15 pertain to a barangay official, the voting, counting, and canvassing of votes therein
16 shall be governed by Article 29 of this Code.

17 The Commission shall promulgate such rules and regulations as may be
18 necessary to ensure that the recall elections are conducted in free, orderly, honest,
19 transparent, and credible manner.

20
21 **CHAPTER VIII**
22 **PLEBISCITE, REFERENDUM AND INITIATIVE**

23
24 **Article 31**
25 **Plebiscites**

26 **SEC. 329. *Supervision and control.*** - The Commission shall have direct
27 supervision and control over the conduct of the plebiscites.

28 **SEC. 330. *Expenses and election forms and paraphernalia.*** - Unless the
29 contrary is provided by the law calling for the plebiscite, the expenses in holding
30 such plebiscite, which shall include the printing of official ballots, plebiscite returns
31 and other forms; the procurement of supplies and paraphernalia; the honoraria,
32 allowances, service credits and other benefits of the members of the Plebiscite
33 Committee (PlebCom) and their support staff, the plebiscite board of canvassers,
34 sub-canvassing groups, if any, and their support staff; other operational and
35 incidental expenses; and the costs of publication of resolutions and information
36 materials, shall be borne by the local government unit or units affected.

1 **SEC. 331. *Information campaign.*** – The Commission, in coordination with the
2 local government units affected, shall launch an extensive information campaign
3 within such period as the Commission may find sufficient and reasonable to properly
4 inform the voters of the issues involved in the plebiscite.

5 **SEC. 332. *Right of government officials and employees to express opinion for***
6 ***or against the ratification.*** - All government officials and employees as well as those
7 in government-owned or controlled corporations with original charters, may publicly
8 express their opinions on any issues related to the plebiscite.

9 **SEC. 333. *Prohibition on Commission officials, employees and its deputies.*** -
10 In order to maintain an independent and non-partisan status, all Commission
11 officials and its deputies are prohibited from publicly expressing their opinion on any
12 issue related to the plebiscite.

13 **SEC. 334. *Who may participate.*** - All registered voters of the local
14 government unit/s affected by the plebiscite, as of the immediately preceding
15 hearing of the Election Registration Board, may participate in the plebiscite.

16 **SEC. 335. *Plebiscite Committees (PlebComs).*** - The election officer/s of the
17 municipalities and cities covered by the plebiscite or where the barangay subject of
18 the plebiscite is located shall constitute and appoint PlebComs for every
19 clustered/grouped precinct. The PlebCom shall be composed of a Chairman and two
20 (2) members, one of whom shall be designated as Poll Clerk, and the other as Third
21 Member. The members of the PlebComm shall have the same qualifications and shall
22 be subject to the same disqualifications, whenever applicable, as the members of
23 the Electoral Board. They shall be entitled to such allowances and honoraria as the
24 Commission deems just and reasonable under the circumstances.

25 The PlebCom shall have the following powers and duties:

- 26 (a) Supervise and conduct the voting in the polling places;
27 (b) Count the votes and thereafter prepare the plebiscite returns and other
28 required documents/reports and distribute the same as herein provided;
29 (c) Furnish watchers certificate of votes upon request;
30 (d) Act as deputies of the Commission in the supervision and control of the
31 plebiscite in the polling places wherein they are assigned to ensure the
32 holding of free, orderly, honest, peaceful and credible plebiscite;
33 (e) Maintain order within the polling place and its premises, to keep access
34 thereto, open and unobstructed, and to enforce obedience to its lawful
35 orders; and
36 (f) Perform such other functions/duties as may be prescribed by the Commission.

1 If any person shall refuse to obey lawful orders of the PlebCom or shall
2 conduct himself in a disorderly manner in its presence or within its hearing thereby
3 interrupting or disturbing its proceedings, the PlebCom may issue an order in writing
4 directing any peace officer to take such person into custody until the adjournment of
5 the meeting, but such order shall not be executed as to prevent the person so taken
6 into custody from exercising his right to vote. Such order shall be executed by any
7 peace officer to whom it may be delivered, but if none is present, by any other
8 person deputized by the PlebCom in writing.

9 No member of the PlebCom shall, directly or indirectly, take part in the
10 plebiscite, except to discharge the Member's duties as such, and to vote.

11 **SEC. 336. *Proceedings of the PlebCom.*** - The meeting of the PlebCom shall
12 be public and shall be held in the polling place authorized by the Commission.

13 **SEC. 337. *Functioning of the PlebCom.*** - The PlebCom shall act through its
14 Chairperson, and shall decide without delay by majority vote all questions which may
15 arise in the performance of its duties.

16 **SEC. 338. *Temporary vacancies.*** - If, at the time of the meeting of the
17 PlebCom, any member is absent, or the office is still vacant, the members present
18 shall call upon the substitute of the absent members to perform the duties of the
19 absent members, and in case such substitute cannot be found, the members present
20 shall appoint any non-partisan registered voter of the polling place to temporarily fill
21 the vacancy until the absent member appears or the vacancy is filled. In case there
22 are two members present they shall act jointly.

23 **SEC. 339. *Plebiscite Board of Canvassers, their compositions; functions.*** -
24 The Commission shall constitute the plebiscite board/s of canvassers as may be
25 necessary for a particular plebiscite. The composition of the municipal, city,
26 provincial, district, or regional plebiscite board of canvassers, as the case may be,
27 shall be the same as that of the board of canvassers under Section 224 of this Code.
28 In case of barangay plebiscites, the Commission shall determine the composition of
29 the barangay plebiscite board of canvassers.

30 The plebiscite board of canvassers shall be responsible for canvassing the
31 plebiscite returns submitted by the PlebCom and for preparing the certificate of
32 canvass of votes. The highest-level plebiscite board of canvassers in a particular
33 plebiscite shall proclaim the result of such plebiscite.

34 **SEC. 340. *Right to be present and to counsel.*** - Proponents or oppositors, if
35 any, have the right to be present and to counsel during the canvass of the returns.
36 Only one counsel shall argue for the proponents or oppositors. In case there are
37 several counsels for the proponents or oppositors, they shall agree among
38 themselves who will argue for them.

1 **SEC. 341.** *Watchers; rights and duties.* - The proponents and oppositors, and
2 the citizens' arm of the Commission, may appoint watchers during the voting,
3 counting and canvassing. The proponents, oppositors and citizens' arm shall have
4 not more than one (1) watcher assigned in every polling place.

5 For this purpose, the proponents or oppositors shall file a petition with the
6 Commission for authority to field watchers during the voting, counting and
7 canvassing.

8 A person who is not a registered voter of the municipality, of questionable
9 reputation, or who has been convicted of an election offense or any other crime
10 shall not be appointed as watcher. Barangay officials, including barangay tanods, are
11 disqualified to serve as watchers.

12 The watchers shall have the right to:

- 13 (a) be present at, and take note of all the proceedings;
14 (b) read the ballot/plebiscite returns/certificates of canvass without touching
15 them; and
16 (c) file a protest against any irregularity noted in the ballot/plebiscite
17 return/certificates of canvass or in the proceedings of the PlebCom or board
18 of canvassers, as the case maybe, and obtain the resolution thereon in
19 writing.

20 The watcher shall not be allowed to participate in the deliberation of the
21 Board. The provisions of Article 15 pertaining to watchers for the national and local
22 elections shall apply whenever practicable.

23 **SEC. 342.** *Rules and regulations pertaining to a plebiscite.* - The Commission
24 shall promulgate the rules and regulations in the conduct of each plebiscite,
25 applying, to the extent feasible, the provisions of Article 11, concerning the Hybrid
26 Election System; Articles 13 and 16, pertaining to the polling places and official
27 ballots, respectively; and Articles 17, 20, and 21 on the casting, counting, and
28 canvassing of votes, to the end that a free, orderly, honest, transparent, and
29 credible plebiscite is conducted.

31 **Article 32**

32 **National Initiative and Referendum**

33 **SEC. 343.** *Who may exercise.* - The power of national initiative and
34 referendum may be exercised by all registered voters and the country.

35 **Section 344.** *Requirements for a National Initiative or Referendum.* - To
36 exercise the power of initiative to enact a national legislation or the power of
37 referendum to approve or reject a statute, at least ten per centum (10%) of the

1 total number of the registered voters, of which every legislative district is
2 represented by at least three per centum (3%) of the registered voters thereof, shall
3 sign a petition for the purpose and register the same with the Commission.

4 The petition shall state the following:

5 (1) contents or text of the proposed law sought to be enacted, approved or
6 rejected, amended or repealed, as the case may be;

7 (2) the proposition;

8 (3) the reason or reasons therefor;

9 (4) that it is not one of the exceptions provided herein;

10 (5) signatures of the petitioners or registered voters; and

11 (6) an abstract or summary in not more than one hundred (100) words which
12 shall be legibly written or printed at the top of every page of the petition.

13 **SEC. 345. Procedure in National Initiative or Referendum.** - Within a period
14 of thirty (30) days from receipt of the petition, the Commission shall, upon a
15 preliminary determination of the sufficiency of the petition, publish the same in
16 Filipino and English at least twice in newspapers of general and local circulation.
17 The Commission shall then order the election officers to verify the signatures on the
18 basis of the registry list of voters and the voter registration records used in the
19 immediately preceding election. Within thirty (30) days from receipt of the order to
20 verify the signatures, the election officers shall submit a report on the result of the
21 verification to the provincial election supervisor. The election supervisor concerned
22 shall, within forty-eight (48) hours from receipt of all the reports from the election
23 officers, submit to the Commission a report on the results of the verification per
24 legislative district.

25 Within fifteen (15) days from receipt of all the reports of the provincial
26 election supervisors, the Commission shall make a final finding as to the sufficiency
27 of the petition. Should the Commission determine that the petition is sufficient in
28 form and substance, it shall set the date of the initiative or referendum which shall
29 not be earlier than forty-five (45) days but not later than ninety (90) days from the
30 determination by the Commission of the sufficiency of the petition.

31 **SEC. 346. Effectivity of a National Initiative or Referendum Proposition.** - The
32 proposition of the enactment, approval, amendment or rejection of a national law
33 shall be submitted to and approved by a majority of the votes cast by all registered
34 voters.

35 If, as certified to by the Commission, the proposition is approved by a
36 majority of the votes cast, the national law proposed for enactment, approval, or
37 amendment shall become effective fifteen (15) days following completion of its
38 publication in the Official Gazette or in a newspaper of general circulation in the

1 Philippines. If, as certified by the Commission, the proposition to reject a national
2 law is approved by a majority of the votes cast, the said national law shall be
3 deemed repealed and the repeal shall become effective fifteen (15) days following
4 the completion of publication of the proposition and the certification by the
5 Commission in the Official Gazette or in a newspaper of general circulation in the
6 Philippines.

7 However, if the majority vote is not obtained, the national law sought to be
8 rejected or amended shall remain in full force and effect.

9 **SEC. 347. *Prohibited Measures in a National Initiative or Referendum.*** - The
10 following cannot be the subject of an initiative or referendum petition:

- 11 (a) A petition embracing more than one (1) subject;
12 (b) Statutes involving emergency measures, the enactment of which are
13 specifically vested in Congress by the Constitution, unless such statutes have
14 been in effect for at least ninety (90) days;
15 (c) Appropriation, revenue or tariff measures, those authorizing increase of the
16 public debt, bills or laws of local application, and private bills or laws; or
17 (d) Any other measure which is prohibited under the Constitution.

18 **SEC. 348. *Referendum initiated by Congress.*** - The Congress may, by at
19 least a twenty-five percent (25%) vote of both Houses, voting separately, submit to
20 the registered voters for the approval or rejection of any law or resolution duly
21 enacted or approved: *Provided,* That the prohibited measures enumerated in the
22 preceding section shall not be subject to a referendum initiated by Congress.

23 Said referendum shall be held under the control and direction of the
24 Commission within ninety (90) days from submission of the resolution by both house
25 of Congress that aforesaid law or resolution shall be submitted for referendum.

26 The Commission shall certify and proclaim the results of the said referendum

27 28 **Article 33**

29 **Local Initiative and Referendum**

30 **SEC. 349. *Who may exercise.*** - The power of local initiative and referendum
31 may be exercised by all voters registered in the region, province, city, municipality,
32 or barangay concerned, and by the autonomous regions, provinces, cities,
33 municipalities, and barangays.

34 **SEC. 350. *Procedure and Requirements in Local Initiative and Referendum.*** -

- 35 (a) Not less than two thousand (2,000) registered voters in case of autonomous
36 regions, one thousand (1,000) in case of provinces and cities, one hundred (100)

- 1 in case of municipalities, and fifty (50) in case of barangays, may file a petition
2 with the Regional Assembly or local legislative body, respectively, proposing the
3 adoption, enactment, repeal, or amendment, of any law, ordinance or resolution.
- 4 (b) If no favorable action thereon is made by local legislative body within (30) days
5 from its presentation, the proponents, through their duly authorized
6 representative, may invoke their power of initiative, giving notice thereof to the
7 local legislative body concerned. Thereafter, the proponents shall have one
8 hundred twenty (120) days in case of autonomous regions; ninety (90) days in
9 case of provinces and cities; sixty (60) days in case of municipalities; and thirty
10 (30) days in case of barangays, to file a petition before the Commission with the
11 following number of signatures:
- 12 (1) In cases involving a legislative measure in an autonomous region, a
13 province or a city, at least ten percent (10%) of the registered voters
14 therein, of which every legislative district must be represented by at least
15 three percent (3%) of the registered voters therein: *Provided, however,*
16 That if the province or city is composed only of one (1) legislative district,
17 then at least each municipality in a province or each barangay in a city
18 should be represented by at least three percent (3%) of the registered
19 voters therein.
- 20 (2) In cases involving a legislative measure in a municipality, at least ten
21 percent (10%) of the registered voters in the municipality, of which every
22 barangay is represented by at least three per centum (3%) of the
23 registered voters therein.
- 24 (3) In cases involving a legislative measure in a barangay resolution, at least
25 ten percent (10%) of the registered voters in said barangay.
- 26 (c) The petition shall be signed before the election officer, or his or her designated
27 representatives, in the presence of a representative of the proponent, and a
28 representative of the regional assemblies and local legislative bodies concerned
29 in a public place in the autonomous region or local government unit, as the case
30 may be. Signature stations may be established in as many places as may be
31 warranted.
- 32 (d) Upon the lapse of the period herein provided, the Commission, through its office
33 in the local government unit concerned, shall certify as to whether or not the
34 required number of signatures has been obtained. Failure to obtain the required
35 number is a defeat of the proposition.
- 36 (e) If the required number of the signatures is obtained, the Commission shall then
37 set a date for the initiative at which the proposition shall be submitted to the
38 registered voters in the local government unit concerned for their approval
39 within ninety (90) days from the date of certification by the Commission, in case

1 of autonomous regions, sixty (60) days in case of the provinces and cities, forty-
2 five (45) days in case of municipalities, and thirty (30) days in case of
3 barangays. The initiative shall then be held on the date set, after which the
4 results thereof shall be certified and proclaimed by the Commission on Elections.

5 **SEC. 351. Effectivity of Local Propositions.** - If, as certified by the
6 Commission, the proposition is approved by a majority of the votes cast, the regional
7 law or local ordinance proposed for enactment, approval, or amendment shall
8 become effective fifteen (15) days following completion of its publication in the
9 Official Gazette or in a newspaper of general circulation in the autonomous region,
10 province, city or municipality, as the case may be. In case of barangay ordinance,
11 the same shall become effective after it has been posted in three (3) conspicuous
12 places in the Barangay continuously for a period of not less than two (2) weeks.

13 If, as certified by the Commission, the proposition to reject a regional law or
14 local ordinance is approved by a majority of the votes cast, the said legislative
15 measure shall be deemed repealed and the repeal shall become effective fifteen (15)
16 days following the completion of publication of the proposition and the certification
17 by the Commission in the Official Gazette or in a newspaper of general circulation in
18 the autonomous region, province, city or municipality, as the case may be. In case
19 of a barangay ordinance, the repeal shall become effective after the proposition and
20 the certification by the Commission has been posted in three (3) conspicuous places
21 in the Barangay continuously for a period of not less than two (2) weeks.

22 However, if the majority vote is not obtained, the regional law or local
23 ordinance sought to be rejected or amended shall remain in full force and effect

24 **SEC. 352. Limitations on Local Initiative and Referendum.** –

25 (a) The power of local initiative and referendum shall not be exercised more than
26 once a year.

27 (b) Initiative shall extend only to subjects or matters which are within the legal
28 powers of the local legislative bodies to enact.

29 (c) If at any time before the initiative is held, the local legislative body shall adopt in
30 toto the proposition presented, the initiative shall be cancelled. Likewise, if at
31 any time before the referendum is held, the ordinance sought to be rejected is
32 completely repealed, the referendum shall be cancelled.

33 **SEC. 353. Limitations Upon Local Legislative Bodies.** - Any proposition or
34 ordinance or resolution approved, amended, or rejected through the system of
35 initiative and referendum as herein provided shall not be repealed, modified,
36 amended, or re-enacted, as the case may be, by the local legislative body concerned
37 within six (6) months from the date therefrom, and may be amended, modified,
38 repealed, or re-enacted by the local legislative body within three (3) years thereafter
39 by a vote of three-fourths (3/4) of all its members: *Provided, however,* that in case

1 of barangays, the period shall be one (1) year after the expiration of the first six (6)
2 months.

3 **SEC. 354.** *Referendum initiated by local legislative bodies.* - Any local
4 legislative body may submit to the registered voters of autonomous region,
5 provinces, cities, municipalities and barangays for the approval or rejection, any
6 ordinance or resolution duly enacted or approved.

7 Said referendum shall be held under the control and direction of the
8 Commission within sixty (60) days in case of provinces and cities, forty-five (45)
9 days in case of municipalities and thirty (30) days in case of barangays.

10 The Commission shall certify and proclaim the results of the said referendum.

11 **Article 34**

12 **Initiative to Amend the Constitution**

13
14 **SEC. 355.** *Requirements for an Initiative to Amend the Constitution.* - A
15 petition for an initiative on the 1987 Constitution must have at least twelve per
16 centum (12%) of the total number of registered voters as signatories, of which
17 every legislative district must be represented by at least three per centum (3%) of
18 the registered voters therein. Initiative on the Constitution may be exercised only
19 once every five (5) years. The petition shall state the following:

20 (1) the particular sentences, phrases, or words in the Constitution sought to be
21 modified or deleted;

22 (2) the Article and Section number where such sentences, phrases, or words are
23 found;

24 (3) the proposed modification or the sentences, phrases, or words sought to be
25 written, if any, in lieu of those which are sought to be deleted.

26 (4) the reason or reasons therefor;

27 (5) signatures of the petitioners or registered voters; and

28 (6) an abstract or summary in not more than one hundred (100) words which
29 shall be legibly written or printed at the top of every page of the petition.

30 **SEC. 356.** *Procedure in Initiative to Amend the Constitution.* - Within a
31 period of thirty (30) days from receipt of the petition, the Commission shall, upon a
32 preliminary determination of the sufficiency of the petition, publish the same in
33 Filipino and English at least twice in newspapers of general and local circulation.
34 The Commission shall then order the election officers to verify the signatures on the
35 basis of the registry list of voters and the voter registration records used in the
36 immediately preceding election. Within thirty (30) days from receipt of the order to
37 verify the signatures, the election officers shall submit a report on the result of the

1 verification to the provincial election supervisor. The election supervisor concerned
2 shall, within forty-eight (48) hours from receipt of all the reports from the election
3 officers, submit to the Commission a report on the results of the verification per
4 legislative district.

5 Within fifteen (15) days from receipt of all the reports of the provincial
6 election supervisors, the Commission shall make a final finding as to the sufficiency
7 of the petition. Should the Commission determine that the petition is sufficient in
8 form and substance, it shall set the date of the plebiscite which shall not be earlier
9 than ninety (90) days but not later than one hundred and twenty (120) days from
10 the determination by the Commission of the sufficiency of the petition.

11 **SEC. 357. *Effectivity of the Amendment.*** - The proposition in an initiative on
12 the Constitution approved by a majority of the votes cast in the plebiscite shall
13 become effective as to the day of the plebiscite.

14
15 **CHAPTER IX**
16 **PRE-PROCLAMATION CONTROVERSIES AND ELECTION CONTESTS**

17
18 **Article 35**
19 **Pre-proclamation Controversies**

20 **SEC. 358. *Nature of a pre-proclamation controversy.*** - A pre-proclamation
21 controversy refers to any question pertaining to or affecting the proceedings of the
22 board of canvassers or barangay board of canvassers, which may be raised by any
23 candidate or by any registered political or sectoral party, sectoral organization, or
24 coalition of political parties before the board or directly with the Commission, or any
25 matter raised under Sections 242, 243, 244, and 245 in relation to the preparation,
26 transmission, receipt, custody and appreciation of the election returns.

27 **SEC. 359. *Commission's power to annul or suspend proclamations.*** - The
28 Commission may, after due notice and hearing, order the partial or total suspension
29 of the proclamation of any candidate-elect or annul partially or totally any
30 proclamation, if one has been made, if the evidence shall warrant.

31 **SEC. 360. *Pre-proclamation Cases Involving Provincial, City and Municipal***
32 ***Offices.*** - Pre-proclamation cases involving provincial, city, municipal, and barangay
33 offices shall be allowed and shall be governed by the provisions of this Article.

34 All pre-proclamation cases pending before the Commission shall be deemed
35 terminated at the beginning of the term of the office involved and the rulings of the
36 boards of canvassers concerned shall be deemed affirmed, without prejudice to the
37 filing of a regular election protest by the aggrieved party. However, proceedings may
38 continue when, on the basis of the evidence thus far presented, the Commission

1 determines that the petition appears meritorious and accordingly issues an order for
2 the proceeding to continue or when an appropriate order has been issued by the
3 Supreme Court in a petition for certiorari.

4 **SEC. 361.** *Pre - proclamation Cases in Elections for President, Vice-President,*
5 *Senator, and Member of the House of Representatives.* - For purpose of the
6 elections for president, vice - president, senator, and member of the House of
7 Representatives, no pre-proclamation cases shall be allowed on matters relating to
8 the preparation, transmission, receipt, custody and appreciation of election returns
9 or the certificates of canvass, as the case may be, except as provided for in Section
10 238 of this Code. However, this does not preclude the authority of the appropriate
11 canvassing body motu proprio or upon written complaint of an interested person to
12 correct manifest errors in the certificate of canvass or election returns before it.

13 Questions affecting the composition or proceedings of the board of
14 canvassers or barangay board of canvassers may be initiated in the board or directly
15 with the Commission.

16 Any objection on the election returns before the barangay, city or municipal
17 board of canvassers, or the municipal or city certificates of canvass before the
18 provincial board of canvassers or district board of canvassers, shall specifically
19 noticed in the minutes of their respective proceeding.

20 **SEC. 362.** *Issues that may be raised in pre-proclamation controversy.* - The
21 following shall be proper issues that may be raised in a pre-proclamation
22 controversy:

- 23 (a) Illegal composition or proceedings of the board of canvassers or barangay
24 board of canvassers as the case may be;
- 25 (b) The canvassed election returns are incomplete, contain material defects,
26 appear to be tampered with or falsified, or contain discrepancies in the same
27 returns or in other authentic copies thereof as mentioned in Sections 242, 243,
28 244, and 245 of this Code;
- 29 (c) The election returns were prepared under duress, threats, coercion, or
30 intimidation, or they are obviously manufactured or not authentic; and
- 31 (d) When substitute or fraudulent returns in controverted polling places were
32 canvassed, the results of which materially affected the standing of the
33 aggrieved candidate or candidates.

34 **SEC. 363.** *Contested composition or proceedings of the board.* - Questions
35 affecting the composition or proceedings of the board of canvassers or barangay
36 board of canvassers may be initiated in the board of canvassers or barangay board
37 of canvassers, as the case may be, or directly with the Commission.

1 When such issue is initiated before the board of canvassers or barangay
2 board of canvassers, such board shall, within twenty-four hours, make a ruling
3 thereon with notice to the contestant who, if adversely affected, may appeal the
4 matter to the Commission within three (3) days from a ruling thereon. The
5 Commission shall summarily decide the case within five (5) days from filing thereof.

6 **SEC. 364. *Correction of Manifest Errors.*** - A pre-proclamation case may be
7 filed directly with the Commission when the issue involves the correction of manifest
8 errors in the tabulation or tallying of election returns, or certificates of canvass,
9 during the canvassing as where:

- 10 (a) a copy of the election returns or certificate of canvass was tabulated more
11 than once;
- 12 (b) two or more copies of the election returns of one precinct, or two or more
13 copies of certificate of canvass were tabulated separately;
- 14 (c) there has been a mistake in the copying of the figures into the statement of
15 votes or into the certificate of canvass; or
- 16 (d) there has been any other palpable and incontrovertible error analogous to the
17 foregoing.

18 **SEC. 365. *Contested election returns.*** – Matters raised under Sections 243,
19 244, and 245 of this Code in relation to the preparation, transmission, receipt,
20 custody and appreciation of the election returns, and the certificates of canvass shall
21 be brought in the first instance before the board of canvassers.

- 22 (a) Any candidate, political party, coalition of political parties, or party-list group
23 contesting the inclusion or exclusion in the canvass of any election returns on
24 any of the grounds authorized under this Article or under Sections 243, 244,
25 or 245 of this Code shall submit their oral objection to the chairman of the
26 board of canvassers at the time the questioned return is presented for
27 inclusion in the canvass. Such objection shall be recorded in the minutes of
28 the canvass.
- 29 (b) Upon receipts of any such objection, the board of canvassers shall
30 automatically defer the canvass of the contested returns and shall proceed to
31 canvass the returns which are not contested by any party.
- 32 (c) Simultaneous with the oral objection, the objecting party shall also enter his
33 objection in the form for written objections to be prescribed by the
34 Commission. Within twenty-four (24) hours from and after the presentation of
35 such an objection, the objecting party shall submit the evidence in support of
36 the objection, which shall be attached to the form for written objections.
37 Within the same period of twenty-four (24) hours after presentation of the
38 objection, any party may file a written and verified opposition to the objection

1 in the form also to be prescribed by the Commission, attaching thereto
2 supporting evidence, if any. The board shall not entertain any objection or
3 opposition unless reduced to writing in the prescribed forms.

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

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

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

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

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

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

31 The decision of the Commission shall be executory after the lapse of seven
32 (7) days from receipts thereof by the losing party unless restrained by the
33 Supreme Court.

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

1 **SEC. 366.** *Summary Disposition of Pre-proclamation Controversies.* - All pre-
2 proclamation controversies on election returns or certificates of canvass shall, on the
3 basis of the records and evidence elevated to it by the board of canvassers, be
4 disposed of summarily by the Commission within seven (7) days from receipt
5 thereof. Its decisions shall be executory after the lapse of seven (7) days from
6 receipt by the losing party of the decision of the Commission, unless restrained by
7 the Supreme Court.

8 **SEC. 367.** *Partial proclamation.* - Notwithstanding the pendency of any pre-
9 proclamation controversy, the Commission may summarily order the proclamation of
10 other winning candidates whose election will not be affected by the outcome of the
11 controversy.

12 **SEC. 368.** *Effect of filing petition to annul or to suspend the proclamation.* -
13 The filing with the Commission of a petition to annul or to suspend the proclamation
14 of any candidate shall suspend the running of the period within which to file an
15 election protest or quo warranto proceedings.

16
17 **Article 36**
18 **Election Contests**

19 **SEC. 369.** *Jurisdiction of the Commission.* - The Commission shall be the sole
20 judge of all contests relating to the elections, returns, and qualifications of all
21 elective regional, provincial, and city officials, and appellate jurisdiction over all
22 contests involving elective municipal officials decided by trial courts of general
23 jurisdiction, or involving elective barangay officials decided by trial courts of limited
24 jurisdiction.

25 **SEC. 370.** *How initiated.* - An election contest is initiated by the filing of an
26 election protest or a petition for quo warranto against an elective official. An
27 election protest shall not include a petition for quo warranto, nor shall a petition for
28 quo warranto include an election protest.

29 **SEC. 371.** *Election protests for municipal and barangay offices.* - A verified
30 petition contesting the election or returns of an elective municipal or barangay
31 official shall be filed with the proper regional trial court or municipal trial court, as
32 the case may be, by any candidate who was voted for the same office and who
33 received the second or third highest number of votes or, in a multi-slot position, was
34 among the next four candidates following the last-ranked winner duly proclaimed, as
35 reflected in the official results of the election contained in the Statement of Votes By
36 Precinct, within ten days from the date of proclamation. The party filing the protest
37 shall be designated as the protestant; the adverse party shall be known as the
38 protestee. The petition shall be accompanied by a certification against forum-
39 shopping.

1 Each contest shall refer exclusively to one office; however, contests for offices
2 of Sangguniang Bayan or Sangguniang Barangay may be consolidated in one case.

3 **SEC. 372.** *Election protests for regional, provincial, and city offices.* - A
4 verified petition contesting the election or returns of a regional, provincial, or city
5 elective official shall be filed with the Commission by any candidate who was voted
6 for the same office and who received the second or third highest number of votes
7 or, in a multi-slot position, was among the next four candidates following the last-
8 ranked winner duly proclaimed, as reflected in the official results of the election
9 contained in the Statement of Votes By Precinct, within ten days from the date of
10 proclamation. The party filing the protest shall be designated as the protestant; the
11 adverse party shall be known as the protestee. The petition shall be accompanied by
12 a certification against forum-shopping.

13 Each contest shall refer exclusively to one office; however, contests for offices
14 of Sangguniang Panlalawigan, Sangguniang Panglungsod, or Parliaments of
15 Autonomous Regions may be consolidated in one case.

16 **SEC. 373.** *Grounds for election protests.* - An election protest shall be
17 grounded on fraud or irregularities committed in the conduct of the elections, the
18 casting and counting of the ballots, the transmission of results, and the preparation
19 and canvassing of returns. The issue in every election protest shall always be who,
20 among the candidates, obtained the plurality of valid votes cast.

21 **SEC. 374.** *Petition for quo warranto.* - Any registered voter contesting the
22 election of any regional, provincial, or city official on the ground of ineligibility or of
23 disloyalty to the Republic of the Philippines shall file a verified petition for quo
24 warranto with the Commission within ten days after the proclamation of such official.

25 Any registered voter contesting the election of any municipal or barangay
26 official on the ground of ineligibility or of disloyalty to the Republic of the Philippines
27 shall file a verified petition for quo warranto with the regional trial court or first level
28 court, respectively, within ten (10) days after the proclamation of such official.

29 The petitions referred to in this section shall be accompanied by a certification
30 against forum-shopping.

31 **SEC. 375.** *Procedure in election contests.* - The Commission shall prescribe
32 the rules that shall govern the procedure in election contests involving elective
33 regional, provincial, and city positions not later than sixty days before such elections.
34 The Court shall prescribe the rules that shall govern election contests pertaining to
35 elective municipal and barangay positions.

36 The rules prescribed by the Commission and the Court shall provide simple
37 and inexpensive procedures for the expeditious and just disposition of election
38 contests. Such procedures shall be published in at least two newspapers of general
39 circulation.

1 **SEC. 376.** *Issuance of precautionary protection order.* – Where the
2 allegations in a protest so warrant, the court or the Commission, as the case may
3 be, shall order, simultaneously with the issuance of summons, the treasurer and
4 election officer concerned to take immediate and appropriate measures to safeguard
5 the integrity of all the ballot boxes, the ballots, the lists of voters, voting records, the
6 books of voters, and other documents or paraphernalia used in the election, and, in
7 case of hybrid elections, the automated election equipment and other devices such
8 as the data storage devices containing electronic data evidencing the conduct and
9 results of elections in the contested precincts.

10 **SEC. 377.** *When ballot boxes and election documents are brought before the*
11 *court.* – Within forty-eight (48) hours from receipt of an answer with counter-
12 protest, when the allegations in a protest or counter-protest so warrant, the court or
13 the Commission, as the case may be, shall order the ballot boxes with their keys, the
14 lists of voters and voting records, the books of voters, other documents or
15 paraphernalia, and, in case of hybrid elections, the automated election equipment,
16 consolidation machines, and the electronic data storage devices involved in the
17 protest or counter-protest, to be brought before it.

18 The parties shall be notified of the date and time of retrieval and transfer
19 from their respective custodians of the ballot boxes, the automated election
20 equipment and consolidation machines, the electronic data storage devices, the lists
21 of voters and voting records, the books of voters, and other documents or
22 paraphernalia. The parties may send representatives to witness the retrieval and
23 transfer. The absence, however, of a representative of a party shall not be a reason
24 to postpone or delay the retrieval or transfer of the above-mentioned equipment,
25 devices, and election documents.

26 The court or the Commission, at its discretion, may seek the assistance of the
27 Philippine National Police (PNP) or the Armed Forces of the Philippines in ensuring
28 the safe delivery of the ballot boxes and the election equipment, devices, and
29 documents to its custody.

30 Where any of the election equipment, devices, and documents mentioned
31 above are also involved in election contests before the Presidential Electoral
32 Tribunal, the Senate Electoral Tribunal, or the House of Representatives Electoral
33 Tribunal with preferential rights of custody and revision, the court or the
34 Commission, as the case may be, shall coordinate with and make the appropriate
35 request to such tribunals for the temporary prior custody of said election equipment,
36 devices, and documents or for the synchronization of revision activities.

37 The expenses necessary and incidental to the production in court of the ballot
38 boxes and election documents and the production, storage and maintenance of the
39 automated election equipment, data storage devices, election paraphernalia and
40 documents shall be shouldered and promptly paid by the protestant and counter-

1 protestant in proportion to the precincts covered by their protests and counter-
2 protests. The expenses necessary and incidental to the return of the materials and
3 documents produced in court to their original custodians or to the proper tribunal
4 after the termination of the case shall likewise be shared proportionately by the
5 protestant and the protestee based on the number of precincts they respectively
6 contest.

7 **SEC. 378.** *Access to electronic data in the COMELEC back-up server.* – Upon
8 motion duly made based on demonstrated need, the court or the Commission may,
9 in cases involving hybrid elections, order that the moving party shall be given access
10 to, or to recover and use, electronic data from the back-up server of the Commission
11 under conditions and safeguards required by the Commission.

12 **SEC. 379.** *Revision of ballots in election protest.* - Where the allegations in a
13 protest or counter-protest so warrant and the interests of justice so require, the
14 court or the Commission, as the case may be, shall, through a revision/recount
15 committee, examine the ballots and manually recount the votes covered by the
16 protest and counter-protest: *Provided,* That the Revised Rules on Evidence, as
17 promulgated by the Supreme Court, shall apply in ascertaining the admissibility and
18 weight of the results of the revision.

19 **SEC. 380.** *Decisions in Election Contests.* - The Regional Trial Court and the
20 first level courts, as the case may be, shall decide all election contest cases brought
21 before it within thirty (30) days from the date of their submission for decision. In no
22 case shall the Regional Trial Court or the first level courts render its decision beyond
23 six (6) months after the filing of the protest, unless otherwise authorized by the
24 Supreme Court.

25 The decisions of aforesaid courts shall be appealable to the Commission
26 sitting in divisions within five (5) days from promulgation thereof. No motion for
27 reconsideration of the decision of the Regional Trial Court or the first level court
28 shall be allowed.

29 The Commission shall decide all election contests brought before it, whether
30 in the exercise of its original jurisdiction or appellate jurisdiction, within thirty (30)
31 days from the date of their submission for decision. In no case shall the Commission,
32 in the exercise of its appellate jurisdiction, render its decision beyond six (6) months
33 from the date of appeal; or beyond twelve (12) months from the filing of the
34 petition, if it has original jurisdiction thereover.

35 The decision of the Commission sitting in division may be elevated to the
36 Commission En Banc by any party aggrieved thereby through a verified motion for
37 reconsideration filed within five (5) days from promulgation of the assailed decision.
38 The Commission En Banc shall decide all election contest cases within three (3)
39 months from the filing of the motion for reconsideration. All decisions by the

1 Commission En Banc shall be final and executory unless otherwise restrained by the
2 Supreme Court.

3 **SEC. 381.** *Preferential disposition of contests in courts.* - The courts, in their
4 respective cases, shall give preference to election contests over all other cases,
5 except those of habeas corpus, petitions for the issuance of a temporary protection
6 order in cases involving violence against women and children, petitions for a Writ of
7 Amparo and such other cases which the Supreme Court shall deems very urgent.

8 **SEC. 382.** *Costs and damages.* - Costs shall be allowed to the prevailing
9 party as a matter of course. The court and the Commission shall have the power, for
10 special reasons, to apportion the costs, as may be equitable. The court or the
11 Commission may render judgment for costs if a protest, a counter-protest or a
12 petition for quo warranto is dismissed. When a protest, a counter-protest, or a
13 petition for quo warranto is found to be frivolous, double or treble costs may be
14 imposed on the protestant, the counter-protestant or the petitioner.

15 In all election contests, the court or the Commission, as the case may be,
16 may adjudicate damages and attorney's fees as it may deem just and as established
17 by the evidence, if the aggrieved party has included these claims in the pleadings.

18 **SEC. 383.** *Notice of decisions.* - The clerk of court and the corresponding
19 official in the Commission before whom an election protest or a quo warranto
20 proceeding has been instituted or where the appeal of said case has been taken
21 shall notify immediately the Department of Interior and Local Government of the
22 final disposition thereof.

23 **CHAPTER X**

24 **ELECTION OFFENSES**

25 **Article 37**

26 **Election Offenses Related to the Registration of Voters**

27 **SEC. 384.** *Threats, intimidation, terrorism, use of fraudulent device or other*
28 *forms of coercion to induce or prevent registration.* - Any person who, directly or
29 indirectly, threatens, intimidates or actually causes, inflicts, or produces any
30 violence, injury, punishment, damage, loss or disadvantage upon any person or
31 persons or that of the immediate members of his family, his honor or property, or
32 uses any fraudulent device or scheme to compel or induce the registration or
33 refraining from registration of any voter shall be liable for an election offense.
34

35 Any person who delays, hinders or obstruct another from registering shall
36 likewise be criminally liable under this Code.

1 **SEC. 385. *Material misrepresentation in the registration application.*** - Any
2 person who gives false information as to one's name, address, age, or period of
3 residence for the purposes of establishing the eligibility or ineligibility to register or
4 vote under this Code; or who conspires with another person for the purpose of
5 encouraging the giving of false information in order to establish the eligibility or
6 ineligibility of any individual to register or vote under this Code; or who pays, offers
7 to pay, or accepts payment for application for registration shall be guilty of an
8 election offense.

9 Furthermore, any person who assisted an illiterate person, a person with
10 disability, or a senior citizen, who caused such applicant to set forth any false or
11 untruthful statement relative to any of the data or information required in the
12 application for registration or transfer of registration shall also be liable for an
13 election offense.

14 **SEC. 386. *Approval of unqualified registrants.*** - The members of the election
15 registration board who approve any application for registration or transfer of
16 registration which on its face shows that the applicant does not possess all the
17 qualifications prescribed by law for a voter or who disapproves any application which
18 on its face shows that the applicant possesses all such qualifications and there is no
19 objection, contest, or opposition against such applicant's application shall be liable
20 for an election offense.

21 **SEC. 387. *Double Registration and Substituted Registration.*** - Any person
22 who, being a registered voter, registers anew or attempts to register anew shall be
23 guilty of an election offense: *Provided however,* That any person who attempts to
24 register anew but discloses the fact of his prior registration and who desisted from
25 further attempting to register after having been informed by the Election Officer that
26 he or she is still registered shall not be liable for an election offense.

27 Likewise, criminally liable under this Code is any person who registers or
28 attempts to register in substitution for another whether with or without the latter's
29 knowledge or consent, as well as any person who registers or attempts to register
30 any deceased or fictitious person.

31 **SEC. 388. *Tampering of application for registration, the registration records,***
32 *or the certified list of voters.* - Any person who tampers with or changes without
33 authority any data or entry in any voter's application for registration shall be guilty of
34 an election offense. Likewise, criminally liable is any person who, in any manner,
35 physically or electronically tampers, tears, defaces, removes, or otherwise alters any
36 registration record, book of voters, or certified list of voters without authority from
37 the Commission. Any form of data or system interference or illegal access, as
38 understood under R.A. 10175, involving the documents and files mentioned in this
39 Section shall constitute an election offense hereunder.

1 reasonable position to know that said nominee or nominees were merely feigning
2 their incapacity.

3 **SEC. 394.** *Refusal to receive or acknowledge receipt of the certificate of*
4 *candidacy.* - Except in case of barangay and sangguniang kabataan elections, it shall
5 be unlawful for any officer of the Commission to refuse to receive any certificate of
6 candidacy filed with him or her or refuse to acknowledge receipt of the same.

7 In case of barangay and Sangguniang Kabataan elections, it shall be unlawful
8 for any election officer to refuse receipt of any certificate of candidacy which does
9 not, on its face, bear out that the prospective candidate is ineligible or that he or she
10 does not meet the qualifications pertaining to age, residence, or registered voter
11 status as set forth by law. Likewise, the election officer shall be liable for an election
12 offense if he or she refuses to issue a notice of rejection pursuant to Section 308 of
13 this Code or fails to comply with the directive of the provincial election supervisor to
14 include the prospective candidate in the official list of candidates pursuant to the
15 same section.

16 Finally, in barangay and Sangguniang Kabataan elections, it shall be unlawful
17 for the Provincial Election Supervisor to refuse receipt of the certificate of candidacy
18 of any prospective candidate if the same is filed with the notice of rejection from the
19 election officer concerned.

20
21 **Article 39**
22 **Election Offenses Related to the Election Campaign**
23 **and Campaign Finance**

24 **SEC. 395.** *Coercion related to campaigning.* - It shall be unlawful for any
25 person to coerce, intimidate, or otherwise compel any other person, whether directly
26 or indirectly, to campaign for or against a proposition, candidate, political or sectoral
27 party, organization, or coalition of political parties.

28 It shall also be unlawful for any person, who shall, during the campaign
29 period, coerce, intimidate or compel another to desist from campaigning for or
30 against any proposition, candidate, party or organization if the person being
31 coerced, intimidated or compelled can lawfully participate in partisan political
32 activities.

33 **SEC. 396.** *Intervention of public officers and employees.* - It shall be unlawful
34 for any officer or employee in the civil service, including those in the Armed Forces
35 of the Philippines to directly or indirectly intervene in any election campaign or
36 engage in any partisan political activity, except to vote or to preserve public order;
37 *Provided,* That those holding political offices shall not be covered by the ban
38 hereunder; *Provided further,* That job order personnel and those under contracts of
39 service shall likewise be prohibited from engaging in partisan political activities.

1 Persons who violate this Section shall be guilty of an election offense and shall be
2 perpetually disqualified from holding public office.

3 **SEC. 397.** *Use of public funds, money deposited in trust, equipment, facilities*
4 *owned or controlled by the government for an election campaign.* - Any person who
5 uses or causes to be used, under any guise whatsoever, directly or indirectly, (1)
6 public funds or money deposited with, or held in trust by, public financing
7 institutions or by government offices, banks, or agencies; (2) any printing press,
8 radio, television station, audio-visual equipment, website, computer, server, internet
9 services, or any other information and communications machine or equipment
10 operated by the Government or by its divisions, sub-divisions, agencies or
11 instrumentalities, including government-owned or controlled corporations, or by the
12 Armed Forces of the Philippines; or (3) any equipment, vehicle, facility, apparatus,
13 or paraphernalia owned by the government or by its political subdivisions, agencies
14 including government-owned or controlled corporations, or by the Armed Forces of
15 the Philippines for any election campaign or for any partisan political activity shall be
16 guilty of an election offense. The prohibition hereunder shall begin after the last day
17 of the filing of the certificates of candidacy.

18 **SEC. 398.** *Unjustified refusal to grant permit.* - Any punong barangay,
19 municipal or city mayor, or governor who shall unjustifiably deny any application for
20 the holding of a peaceful political rally, meeting, or other similar activities, including
21 rallies, meetings, and similar activities to campaign for or against a proposition in
22 case of a plebiscite, initiative, or referendum, shall be criminally liable.

23 **SEC. 399.** *Abstracting, destroying, cancelling, or tampering a certificate of*
24 *candidacy.* - Any person who abstracts, destroys, tampers, forges, or cancels any
25 certificate of candidacy duly filed and which has not been cancelled upon order of
26 the Commission shall be liable for an election offense.

27 **Section 400.** *Spurious certificate of candidacy; receipt of candidacy despite*
28 *expiration of the period for filing.* - Any person who submits any false or spurious
29 certificate of candidacy or document to the prejudice of a candidate shall be
30 criminally liable under this Chapter.

31 Any person who, being authorized to receive certificates of candidacy,
32 receives any certificate of candidacy outside the period for filing the same and
33 makes it appear that said certificate of candidacy was filed on time; or any person
34 who, by means of fraud, threat, intimidation, terrorism or coercion, causes or
35 compels the commission of said act shall be guilty of an election offense.

36 **Section 401.** *Interference with a lawful election campaign or propaganda.* -
37 Any person who interferes, breaks up, or prevents, without legal ground, any
38 political rally or campaign or, in case of plebiscite, referendum, or initiative, any
39 lawful activity conducted in support or opposition of any proposition, shall be guilty

1 of an election offense. If the offender is a public officer, he shall likewise be
2 perpetually disqualified from holding public office.

3 It shall also be unlawful for any person to jam, obstruct, or interfere with a
4 radio, television, or internet broadcast of any lawful political program or
5 advertisement including, in the case of plebiscite, referendum, or initiative, programs
6 or advertisements espousing support or opposition to any proposition.

7 **SEC. 402. *Prohibition against discrimination in the sale of air time.*** - Any
8 person operating a radio or television station who, without justifiable cause,
9 discriminates against any political party, coalition or aggroupment of parties or any
10 candidate in the sale of air time, or who manifests undue bias in the sale of such air
11 time for or against a proposition, in case of plebiscite, referendum, or initiative, shall
12 be guilty of an election offense. In addition to the penalty prescribed herein, such
13 refusal shall constitute a ground for cancellation or revocation of the franchise.

14 **SEC. 403. *Other Election Offenses Related to Election Campaigns.*** - Any
15 person who violates Sections 95, 96, 97, 98, 99, 100, 101, 104, 107, 108, 109, or
16 110 of this Code shall be guilty of an election offense.

17 **SEC. 404. *Election Offenses Related to Campaign Finance.*** - Any person who
18 shall violate Sections 111, 112, 113, 114, 115, 116, 117, or 118 of this Code shall be
19 liable for an election offense.

20 **SEC. 405. *Violation of the Rules and Regulations of the Commission.*** - Any
21 person who violates the rules and regulations duly promulgated by the Commission
22 to implement Article 9 of this Code shall be criminally liable under this Article.

24 **Article 40**

25 **Election Offenses Related to the Election Period and Campaign Period**

26 **SEC. 406. *Appointment of new employees, creation of new position,***
27 ***promotion, or giving salary increases.*** – The following shall be criminally liable
28 hereunder:

- 29 (1) any head, official or appointing officer of a government office, agency or
30 instrumentality, whether national or local, including government-owned or
31 controlled corporations, who, during the election period, appoints or hires any
32 new employee, whether provisional, temporary or casual, or creates and fills
33 any new position, except upon prior authority of the Commission. The
34 Commission shall not grant the authority sought unless, it is satisfied that the
35 position to be filled is essential to the proper functioning of the office or
36 agency concerned, and that the position shall not be filled in a manner that
37 may influence the election.

1 As an exception to the foregoing provisions, a new employee may be
2 appointed in case of urgent need: *Provided, however,* That notice of the
3 appointment shall be given to the Commission within three days from the
4 date of the appointment. Any appointment or hiring in violation of this
5 provision shall be null and void.

6 It shall be mandatory for the Commission to resolve any request for authority
7 to appoint or hire new employees or create and fill new positions within
8 fifteen (15) days from the filing of the same.

9 (2) Any government official who, within the election period, promotes, or gives
10 any increase of salary or remuneration or privilege to any government official
11 or employee, including those in government-owned or controlled
12 corporations.

13 **SEC. 407. *Transfer of officers and employees in the civil service.*** - Any public
14 official who makes or causes any transfer or detail whatsoever of any officer or
15 employee in the civil service including public school teachers, within the election
16 period, except upon prior approval of the Commission shall be liable for an election
17 offense.

18 From their appointment as such and until the end of the election period or the
19 official proclamation of winning candidates, whichever comes earlier, no member of
20 the board of canvassers shall leave his or her official station without prior authority
21 of the Commission.

22 **SEC. 408. *Suspension of elective provincial, city, municipal or barangay***
23 ***officer.*** - The provisions of law to the contrary notwithstanding, during the election
24 period, any public official who suspends, without prior approval of the Commission,
25 any elective provincial, city, municipal or barangay officer, shall be guilty of an
26 election offense: *Provided,* That the prohibition shall not apply if said suspension will
27 be for purposes of applying the "Anti-Graft and Corrupt Practices Act" in relation to
28 the suspension and removal of elective officials.

29 **SEC. 409. *Appointment or use of armed groups.*** - During the election period,
30 any appointing authority who appoints or constitutes an armed group in whatever
31 guise or designation or any person who utilizes the services of an armed group shall
32 be liable for an election offense: *Provided,* That the services of duly licensed security
33 firms may be availed of to provide security to residences, places of business, offices,
34 storage houses, or any other place where the deployment of security personnel is
35 necessary to prevent damage or loss of property or personal injury or loss of life:
36 *Provided further,* That the President, Vice-President, Supreme Court Justices,
37 Senators, Members of the House of Representatives, Court of Appeals Justices,
38 Commissioners of the Constitutional Commissions, the Ombudsman and his
39 deputies, Department Secretaries, the Solicitor General, Generals of the Armed

1 Forces or of the Philippine National Police, and other government officials not
2 enumerated above or any retired government official, who, at least six months prior
3 to the election period or the thirty-day period previously mentioned herein, have
4 been assigned a security detail, shall be allowed to retain such security detail:
5 *Provided, however,* That other government officials or retired government officials
6 not falling within the immediately preceding proviso, as well as private individuals,
7 including candidates, may apply with the Commission for a security detail from the
8 Philippine National Police or other law enforcement agencies of the government
9 upon a showing that the circumstances so warrant: *Provided finally,* That all the
10 security personnel, as well as, the government officials, retired government officials,
11 and private individuals mentioned in this section shall still be required to obtain
12 exemption from the ban on carrying firearms and deadly weapons, unless otherwise
13 automatically exempted by the Commission through a duly promulgated resolution.

14 At the beginning of the election period, all armed groups shall turn over their
15 firearms, uniforms, insignias and other badges of authority to the Philippine National
16 Police. Failure to do so shall constitute an election offense.

17 As used in this section, the term "armed group" shall refer to a group of two
18 or more individuals who carry weapons, whether openly or in a concealed manner,
19 who are under the control, supervision, or command of a person or group of
20 persons, and who are not members of the armed units of the Philippine Armed
21 Forces, Philippine National Police, Bureau of Fire Protection, Bureau of Jail
22 Management and Penology, Philippine Drug Enforcement Agency, National Bureau of
23 Investigation, other law enforcement agencies, Citizen Armed Forces Geographical
24 Units, security forces of the Senate, House of Representatives, the Constitutional
25 Commissions, the Supreme Court, and the Office of the Ombudsman, and armed
26 units constituted, created, or maintained in accordance with statute. For this
27 purpose, any form of barangay, municipal, city, or provincial security forces
28 constituted, created, or maintained by mere ordinance or resolution shall be
29 considered as an armed group within the purview of this section.

30 **SEC. 410.** *Ban on carrying of firearms and other deadly weapons.* – The
31 issuance of firearms licenses shall be suspended during the election period. Any
32 person who carries or bears any firearm outside his residence or place of business
33 during such period, unless authorized in writing by the Commission, shall be liable
34 for an election offense: *Provided,* That a motor vehicle, water or air craft shall not
35 be considered a residence or place of business or extension hereof.

36 This prohibition shall not apply to cashiers and disbursing officers while in the
37 performance of their duties or to persons who by nature of their official duties,
38 profession, business or occupation habitually carry large sums of money or
39 valuables.

1 Regular members or officers of the Philippine National Police, the Armed
2 Forces of the Philippines and other enforcement agencies of the Government may be
3 authorized to carry and possess firearms during the election period: *Provided*, That,
4 when in the possession of firearms, the law enforcement officer must be: (a) in full
5 uniform showing clearly and legibly his name, rank and serial number which shall
6 remain visible at all times; and (b) in the actual performance of his law enforcement
7 duty in the specific area where he or she is assigned or detailed. Exceptions to the
8 foregoing requirements may be allowed by the Commission only in meritorious
9 cases, upon petition by enforcement agency concerned.

10 It shall likewise be unlawful to carry outside of one's residence or place of
11 business any bladed, pointed or blunt weapon such as 'knife', 'spear', 'pana',
12 'dagger', 'bolo', 'barong', 'kris', 'chako', or similar weapons, except where such
13 articles are being used as necessary tools or implements to earn a livelihood or in
14 pursuit of a lawful activity.

15 No deadly weapon be allowed in the polling place and within a radius of one
16 hundred meters thereof during the days and hours fixed by law or by the
17 Commission for voting, counting of votes, or preparation of the election returns.
18 However, in cases of affray, turmoil, or disorder, any peace officer or public officer
19 authorized by the Commission to supervise the election is entitled to carry firearms
20 or any other weapon for the purpose of preserving order and enforcing the law.

21 **SEC. 411.** *Use of armored land, water or air craft.* - Any person who uses
22 during the election period, including the election day, any armored land, water or air
23 craft, provided with any temporary or permanent equipment or any other device or
24 contraption for the mounting or installation of cannons, machine guns and other
25 similar high caliber firearms, including military type tanks, half trucks, scout trucks,
26 armored trucks, of any make or model, whether new, reconditioned, rebuilt or re-
27 modelled: *Provided*, That banking or financial institutions and all business firms may
28 use armored vehicles, in the number reasonably necessary for its operations, strictly
29 for, and limited to, the purpose of transporting cash, gold bullion or other valuables
30 in connection with their business from and to their place of business, upon previous
31 authority of the Commission.

32 **SEC. 412.** *Wearing of uniforms and bearing of arms.* - During the election
33 period, any member of the Philippine National Police, Armed Forces of the
34 Philippines, Citizen Armed Forces Geographical Unit and other law enforcement units
35 organized, created, and maintained in accordance with law or privately-owned or
36 operated security, investigative, protective or intelligence agencies, who wears his
37 uniform or uses his insignia, decorations or regalia, or bears arms outside the
38 immediate vicinity of his place of work, place of assignment, place of detail, camp,
39 garrison, or barracks, shall be liable for an election offense: *Provided*, That this
40 prohibition shall not apply when said member is in pursuit of a person who has

1 committed or is committing a crime; when he is in the actual performance of his
2 duties; when he is escorting or providing security for the transport of payrolls,
3 deposits, or other valuables; or when guarding private residences, buildings, or
4 offices.

5 The Commission may, upon application and only if necessary to maintain
6 peace and order or preserve the internal or external security of the country, exempt
7 specific units of the Armed Forces, the Philippine National Police, and other law
8 enforcement agencies from the foregoing requirements: *Provided*, That all personnel
9 authorized to bear arms or wear their uniforms outside the places mentioned in the
10 preceding paragraph shall bear their true name, rank and serial number.

11 During the election period, whenever the Commission finds it necessary for
12 the promotion of free, orderly, honest and peaceful elections in a specific area, it
13 shall confiscate or order the confiscation of firearms of any member or members of
14 the Armed Forces of the Philippines, the Philippine National Police, other law
15 enforcement agencies, security firms or agencies, or any other person or persons.

16 The prohibitions under this Section and the last three preceding sections, as
17 well as the exemptions thereto, shall also apply on the day of a plebiscite,
18 referendum, or initiative, and the thirty-day period prior thereto but only in the areas
19 covered or affected by such plebiscite, referendum, or initiative.

20 **SEC. 413.** *Prohibition on the release, disbursement or expenditure of public*
21 *funds for any and all kinds of public works.* - Any public official or employee
22 including barangay officials and those of government-owned or controlled
23 corporations and their subsidiaries, who, during the campaign period for local
24 officials, releases, disburses or expends any public funds for any and all kinds of
25 public works shall be criminally liable: *Provided, however*, That the following shall
26 not be covered by the prohibition:

27 (a) Maintenance of existing and/or completed public works project: *Provided*, That
28 not more than the average number of laborers or employees already employed
29 therein during the six-month period immediately prior to the beginning of the
30 local campaign period shall be permitted to work during such time: *Provided*,
31 *further*, That no additional laborers shall be employed for maintenance work
32 within the said period;

33 (b) Work undertaken by contract through public bidding held, or by negotiated
34 contract awarded, before the local campaign period: *Provided*, That work for
35 the purpose of this section undertaken under the so-called "takay" or "paquiao"
36 system shall not be considered as work by contract;

37 (c) Payment for the usual cost of preparation for working drawings, specifications,
38 bills of materials, estimates, and other procedures preparatory to actual
39 construction including the purchase of materials and equipment, and all

1 incidental expenses for wages of watchmen and other laborers employed for
2 such work in the central office and field storehouses before the beginning of
3 such period: *Provided*, That the number of such laborers shall not be increased
4 over the number hired when the project or projects were commenced;

5 (d) Emergency work necessitated by the occurrence of a public calamity, but such
6 work shall be limited to the restoration of the damaged facility;

7 (e) Ongoing public works projects commenced before the campaign period or
8 similar projects under foreign agreements. For purposes of this provision, it
9 shall be the duty of the government officials or agencies concerned to report to
10 the Commission the list of all such projects being undertaken by them.

11 No payment shall be made within five days before the date of election to
12 laborers or contractors who have rendered services in projects or works except
13 those falling under subparagraphs (a), (b), (c), (d), and (e) of this section.

14 **SEC. 414.** *Prohibition on undertaking of construction of public works, delivery*
15 *of materials for public works and issuance of treasury warrants and similar devices.* -
16 During the local campaign period, any person who (a) undertakes the construction
17 of any public works, except for projects or works exempted in the preceding section;
18 or (b) issues, uses, or avails of treasury warrants or any security or contract
19 undertaking future delivery of money, goods or other things of value chargeable
20 against public funds shall be guilty of an election offense.

21 **SEC. 415.** *Prohibition on the release, disbursement or expenditure of public*
22 *funds for housing and social welfare services and development.* - Any public official
23 or employee including barangay officials and those of government-owned or
24 controlled corporations and their subsidiaries, who, during the campaign period for
25 local officials, releases, disburses or expends any public funds for any of the services
26 undertaken or offered by Department of Social Welfare and Development (DSWD),
27 the Department of Human Settlements and Urban Development (DHSUD) and any
28 other office in other departments or agencies of the government performing
29 functions similar to the DSWD or DHSUD, including the social services or public
30 housing offices or departments of local government units, shall be guilty of an
31 election offense: *Provided, however*, That expenses for salaries of personnel, routine
32 and normal expenses, and such other expenses as the Commission may authorize
33 after due notice and hearing shall not be covered by the prohibition.

34 Should a calamity or disaster occur, the Commission shall exempt the DSWD
35 and similar departments, offices, and agencies operating within the affected area
36 from the prohibition in the preceding paragraph: *Provided*, That no candidate or his
37 or her spouse or member of his family within the second civil degree of affinity or
38 consanguinity shall participate, directly or indirectly, in the distribution of any relief
39 or other goods to the victims of the calamity or disaster.

1 **Article 41**

2 **Election Offenses Related to Voting or the Voting Period**

3 **SEC. 416.** *Vote-buying and vote-selling; conspiracy to commit vote-buying.* -

4 Any person who gives, offers or promises money or anything of value, gives or
5 promises any office or employment, franchise or grant, public or private, or makes
6 or offers to make an expenditure, directly or indirectly, or cause an expenditure to
7 be made to any person, association, corporation, entity, or community in order to
8 induce anyone or the public in general to vote for or against any proposition,
9 candidate, or political or sectoral party, organization or coalition, or to withhold his
10 vote in the election, plebiscite, referendum, or initiative, as the case may be, shall be
11 liable for an election offense.

12 Any person, association, corporation, group or community who solicits or
13 receives, directly or indirectly, any expenditure or promise of any office or
14 employment, public or private, for any of the foregoing considerations shall likewise
15 be criminally liable hereunder.

16 When two or more persons, whether candidate or not, come to an agreement
17 concerning the commission of any violation of the first paragraph of this section, and
18 decide to commit it, each of such persons shall be guilty of an election offense.

19 **SEC. 417.** *Prosecution of Vote-Buying and Vote-Selling.* - The presentation of
20 a complaint for violations of the preceding section, when supported by affidavits of
21 complaining witnesses attesting to the offer or promise by or of the voter's
22 acceptance of money or other consideration from the relatives, leaders or
23 sympathizers of a candidate, shall be sufficient basis for an investigation to be
24 immediately conducted by the Commission or other prosecuting arms of the
25 government.

26 Proof that at least one voter in different precincts representing at least twenty
27 percent (20%) of the total precincts in any municipality, city, district or province has
28 been offered, promised or given money, valuable consideration, or other expenditure
29 by a candidate's relatives, leaders and/or sympathizers for the purpose of promoting
30 the election of such candidate, shall constitute a disputable presumption of a
31 conspiracy under the preceding section. The same shall also constitute as prima
32 facie evidence of the involvement of such candidate and of his principal campaign
33 managers in each of the municipalities, cities, districts, or provinces concerned, in
34 the conspiracy.

35 The giver, offeror, and promisor as well as the solicitor, acceptor, recipient
36 and conspirator in the preceding section shall be liable as principals: *Provided,* That
37 any person, otherwise guilty under said section who voluntarily gives information
38 and willingly testifies on any violation thereof in any official investigation or

1 proceeding shall be exempt from prosecution and punishment for the offenses with
2 reference to which his information and testimony were given: *Provided further*, That
3 nothing herein shall exempt such person from criminal prosecution for perjury or
4 false testimony.

5 **SEC. 418.** *Coercion to vote for or against a candidate, party, or organization.*

6 - Any public officer, or any officer of any public or private corporation or association,
7 or any head, superior, or administrator of any religious organization, or any
8 employer or land-owner who coerces or intimidates or compels, or in any manner
9 influence, directly or indirectly, any of his subordinates or members or parishioners
10 or employees or house helpers, tenants, overseers, farm helpers, tillers, or lease
11 holders to aid, campaign or vote for or against any proposition, candidate, political
12 or sectoral party, organization, or coalition shall be liable for an election offense.

13 Any employee or laborer who is dismissed or tenant who is ejected for
14 refusing or failing to vote for any proposition or candidate or party-list group of his
15 employer or landlord, as the case may be, shall be reinstated and the damages
16 caused to the aggrieved party, including unearned income and moral damages, shall
17 be restored to him upon application with the proper court and without prejudice to
18 the criminal liability of the offender as set forth in this Chapter.

19 Any person who, directly or indirectly, threatens, intimidates or actually
20 causes, inflicts or produces any violence, injury, punishment, damage, loss or
21 disadvantage upon any person or persons or that of the immediate members of his
22 family, his honor or property, or uses any fraudulent device or scheme to compel or
23 induce the casting of any vote or omission to vote, or any promise of such vote or
24 omission therefrom shall also be guilty of an election offense. Likewise, it shall be
25 unlawful for any person to detain a voter without lawful cause, or molests him in
26 such a manner as to obstruct or prevent him from going to the polling place to cast
27 his vote or from returning home after casting his vote, or to compel him to reveal
28 how he voted.

29 **SEC. 419.** *Multiple voting; unregistered voter; voting in substitution of*

30 *another.* - Any person who votes more than once in the same election, plebiscite,
31 referendum, or initiative or who, not being a registered voter, votes in an election,
32 plebiscite, referendum, or initiative or who votes in substitution for another whether
33 with or without the latter's knowledge and/or consent shall be liable for an election
34 offense. Furthermore, any voter who, in the course of voting, uses a ballot other
35 than the one given by the electoral board, barangay electoral board, or PlebCom as
36 the case may be, or has in his possession more than one official ballot, without legal
37 justification therefor, shall also be liable for an election offense.

38 **SEC. 420.** *Unlawful transfer of polling place.* - Any person who, without

39 authority, transfers the location of a polling place shall be liable for an election
40 offense.

1 **SEC. 421. *Propagation of disinformation.*** - Any person who, for the purpose
2 of disrupting or obstructing the election process or causing confusion among the
3 voters, propagates, transmits or circulates, through any means including posting in
4 social media platforms, any false report, false information, false order, directive or
5 messages regarding any matter relating to the printing of official ballots, the
6 postponement of the election, plebiscite, referendum, or initiative, the transfer of
7 polling place or the general conduct of the election, plebiscite, referendum, or
8 initiative.

9 **SEC. 422. *Voting-related offenses attributable to members of the Electoral***
10 ***Board, Barangay Electoral Board, or PlebCom.*** - Aside from the election offenses
11 mentioned in this Article, any member or members of the Electoral Board, Barangay
12 Electoral Board, or whenever applicable, the Plebiscite Committee, as the case may
13 be, shall be guilty of an election offense for the following acts or omissions:

- 14 (a) Allowing or making possible the casting of more votes than there are
15 registered voters;
- 16 (b) Knowingly allowing any person whose name does not appear in the list of
17 registered voters of the precinct concerned to vote therein without legal
18 justification therefor;
- 19 (c) Knowingly allowing a person who has already voted to vote again in the same
20 election, plebiscite, referendum, or initiative;
- 21 (d) Unjustifiably preventing any voter registered in the precinct concerned, whose
22 name is in the certified list for such precinct, and who has not yet voted, to
23 cast his vote even though the voting period has not yet lapsed;
- 24 (e) Knowingly using ballots other than the official ballots;
- 25 (f) Deliberately being absent from the meetings of the board or committee for
26 the purpose of obstructing or delaying the performance of its duties or
27 functions;
- 28 (g) Refusing to sign and certify, without justifiable reason, any election form or
29 document required by this Code or prescribed by the Commission although he
30 was present during the meeting of the said body;
- 31 (h) Any person who, being ineligible for appointment as member of the Electoral
32 Board, the Barangay Electoral Board, or the Plebiscite Committee, as the case
33 may be, accepts an appointment to said body, assumes office, and actually
34 serves as a member thereof, or any of public officer or any person acting in
35 his behalf who appoints such ineligible person knowing him to be ineligible;
- 36 (i) Engaging in any partisan political activity after he has been appointed as
37 member of the Electoral Board, Barangay Electoral Board, or PlebCom except
38 to discharge his duties as such and to vote;

- 1 (j) Failing to start the voting at the time fixed by the Commission or closing the
2 conduct of voting before the time prescribed by the Commission, without any
3 justifiable reason.
- 4 (k) Failing to observe the procedure laid down in Section 188 of this Code,
5 pertaining to preliminaries to voting, without any valid justification therefor.
- 6 (l) Deliberately allowing any unauthorized persons in and around the polling
7 place: *Provided, however,* That the members of the Electoral Board shall not
8 incur criminal liability should they be threatened, intimidated, coerced, or in
9 any manner forced against their will into allowing unauthorized persons in
10 and around the polling place.
- 11 (m) Failing, without legal justification, to observe the procedure under Section 192
12 or any other measure required by the Commission to be observed by the
13 electoral board, barangay electoral board, or plebcom pursuant to Section
14 193 of this Code. In case of failure to authenticate the official ballot, only the
15 chairperson of the electoral board shall be criminally liable;
- 16 (n) Refusing to record challenges, oaths, or any other matter which the Code or
17 the Commission requires to be recorded in the Minutes of Voting;
- 18 (o) Making any announcement as to whether a certain registered voter has
19 already voted or not, as to how many have already voted or how many so far
20 have failed to vote, or any other fact tending to show or showing the state of
21 the polls before the termination of the voting;
- 22 (p) Making any statement at any time, except as witness before a court or the
23 Commission, as to how any person voted;
- 24 (q) Unjustifiably disallowing any duly authorized watcher in the polling place; or
25 unlawfully depriving such watcher of any right set forth in this Code; or
26 preventing any action which such watcher may lawfully take without any
27 lawful justification therefor.

28 **SEC. 423.** Other voting-related offenses. - Any person who violates Sections
29 175, 181, 190, 194, or 195 of this Code shall be liable for an election offense.
30 Furthermore, any person shall be liable for a criminal offense for any of the following
31 acts:

- 32 (a) Removing, tearing, defacing or destroying any certified list of candidates
33 posted in the polling place during the hours of voting;
- 34 (b) Holding or causing the holding of an election on any other day than that fixed
35 by law or by the Commission, or stops any election being legally held;
- 36 (c) Deliberate blurring of his fingerprint in the voting record; or

1 (d) 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. 424.** *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
10 members thereof, shall be liable for an election offense for the following acts or
11 omissions during 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
17 returns, or other prescribed form, or erroneously recording the votes as read,
18 or recording a vote where no such vote has been read by the chairman:
19 *Provided,* That the member of the electoral board, barangay electoral board,
20 or plebcom 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
27 votes without the presence of the authorized watchers unless aforesaid
28 watchers have been duly notified of the time and place of the counting of
29 votes; or unjustifiably and willfully preventing any authorized watcher from
30 observing the 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
34 bureau or any law enforcement or investigation agency, with or without the
35 consent of the Commission. Any officer of the Commission who consents to or
36 orders that the counting of votes shall be in such building or place shall
37 likewise be criminally liable hereunder;

- 1 (f) Re-arranging the physical set up of the polling place for the purposes of
2 counting without the presence of the watchers and outside the close view of
3 the public; or failing to ensure that the ballot boxes and all election
4 documents and paraphernalia are within the close view of the watchers and
5 the public;
- 6 (g) Failure, without justifiable cause, to comply with the procedure laid down by
7 this Code or by the Commission in the handling, disposition, transmittal, and
8 safe-keeping of the filled-in ballots, unused ballots, spoiled ballots, marked
9 ballots, election returns, vote counting devices, and storage devices;
- 10 (h) Adjourning, postponing, or delaying the counting of votes, either in the
11 manual count, automated count, or both, before it has been fully completed,
12 unless otherwise ordered by the Commission;
- 13 (i) Deliberate failure to perform a manual count of the votes; or to prepare
14 separate election returns for the manual count; or to prepare the required
15 number of election returns; or, in case of hybrid elections, to conduct the
16 automatic manual recount prescribed in Section 215 of this Code; or to
17 conduct any other procedure laid down in aforesaid section or in the rules and
18 regulations prescribed by the Commission relative to the counting of votes;
- 19 (j) Unjustified failure to sign each copy of the election returns; or to affix his or
20 her thumbmark thereto; or to explain his or her refusal to sign or to affix his
21 or her thumbmark; or to digitally sign the election returns that shall be
22 transmitted electronically, if applicable;
- 23 (k) Signing or authenticating any copy of the election return outside of the polling
24 place unless there is prior consent or order of the Commission; or knowingly
25 signing or authenticating an election return that does not accurately reflect
26 the result of the automated count, manual count, or automatic recount, as
27 the case may be.
- 28 (l) Failure of the chairperson to distribute the copies of the election returns in
29 accordance with the provisions of this Code; or, after the preparation of the
30 election returns, to publicly read and announce the total number or registered
31 voters, the total number of voters who actually voted, the total number of
32 votes obtained by each candidate, party-list group, or proposition based on
33 the election returns, and, in case of hybrid elections, whether there is a
34 discrepancy between the results of the automated system and manual
35 counting system, and the details of the said discrepancy, including the result
36 of the recount, if any;
- 37 (m) Failure to post a copy of the election returns within the premises of the
38 polling place or counting center as prescribed in this Code;

1 (n) Unjustified failure to electronically transmit the precinct results under the
2 automated system to the board of canvassers, the dominant majority and
3 minority party, the accredited citizen's arm, and the Kapisanan ng mga
4 Broadcasters ng Pilipinas (KBP); or transmitting such results without the
5 presence of the watchers and representatives of the accredited citizen's arm,
6 political parties/candidates, if any, unless said watchers and representatives
7 have been duly notified of the time when the board shall so transmit;

8 (o) Refusal to issue accredited watchers the certificate of votes as required in this
9 Code; or

10 (p) In case of the barangay electoral board, willful and deliberate failure to apply
11 the rules for the appreciation of ballots enumerated in Section 317 of this
12 Code or to observe the procedure in the counting of votes set forth in Section
13 316 hereof and by the Commission.

14 **SEC. 425.** *Unlawful removal or defacement of the posted election returns.* -

15 Any person who removes the election return posted within the premises of the
16 polling place or counting center, whether within or after the prescribed forty-eight
17 (48) hours of posting, without authority therefor, or defaces the same in any manner
18 shall be liable for an election offense : *Provided, however,* That the chairperson or
19 any member of the electoral board may remove said election returns for the purpose
20 of immediately transferring it to a more suitable place.

21 **SEC. 426.** *Tampering or simulation of election returns or forging of*
22 *signatures therein.* - Any person who simulates an actual election return or a print or
23 digital copy thereof; or forges thereon the signature of any or all of the members of
24 the electoral board, shall be liable for an election offense.

25 It shall be unlawful for any person to tamper, alter, deface, or falsify any
26 portion of any copy of the election returns: *Provided,* That in the instances allowed
27 by this Code, the electoral board may make alterations in manually accomplished
28 election returns for the purpose of correcting any entry therein: *Provided further,*
29 That such alterations shall be initialed by all the members of the electoral board or
30 barangay electoral board as the case may be and that the results of the elections in
31 the polling place concerned have not yet been announced: *Provided finally,* That any
32 alteration to the election returns after the announcement of results may be done
33 only under Section 243 of this Code or upon order of the Commission.

34 In the event that the tampering or simulation constitutes electoral sabotage
35 as defined under Article 45, the offender shall be liable thereunder.

36 **SEC. 427.** *Preventing the livestreaming or recording of the counting;*
37 *unlawful use of livestream or video recordings.* - Any person who, in any manner,
38 prevents or interferes with the livestreaming or video recording of the counting of
39 votes as provided in Section 217 of this Code, shall be liable for an election offense.

1 Any person who shall use any photo, recorded video, or livestream, whether
2 official or unofficial, taken during election day of any member of the electoral board
3 and any other personnel of the Commission performing election duties during
4 election day to defame or publicly shame said member of the electoral board or
5 personnel of the Commission in social media or in any other platform, digital or
6 otherwise, shall be guilty of an election offense.

7 **SEC. 428.** *Offenses attributable to the members of the Board of Canvassers,*
8 *Barangay Board of Canvassers or Plebiscite Board of Canvassers.* - The Board of
9 Canvassers, Barangay Board of Canvassers, or Plebiscite Board of Canvassers, as
10 may be applicable, or any member or members thereof, shall be liable for an
11 election offense for the following acts or omissions:

- 12 (a) Feigning an illness or otherwise deliberately being absent from the meetings
13 of said body for the purpose of obstructing or delaying the performance of its
14 duties or functions.
- 15 (b) Accepting an appointment to said body, assuming office therein, and actually
16 serving as a member thereof despite being ineligible for appointment as
17 member of the board of canvassers, barangay board of canvassers, or
18 plebiscite board of canvassers, as the case may be;
- 19 (c) In case of the chairperson, his or her failure to give a written notice to all
20 members of the board of canvassers or barangay board of canvassers, as the
21 case may be, or to each candidate, political party or coalition of political
22 parties fielding candidates, and parties, organizations, and coalitions under
23 the party-list system of the date, time and place of the meeting whenever
24 required under this Code; or his or her failure to post the certificate of
25 canvass within the premises of the canvassing center;
- 26 (d) Proceeding with the canvass of votes and/or proclamation of any candidate
27 despite having received an order to the contrary from the Commission;
- 28 (e) Proceeding with the canvass of votes and/or proclamation of any candidate or
29 the results of a plebiscite, initiative, or referendum, as the case may be, in
30 the absence of quorum; or without giving due notice of the date, time and
31 place of the meeting of the board to the candidates, political parties, and/or
32 other members of the board;
- 33 (f) Knowingly using in the canvass of votes and/or proclamation any election
34 returns which have been tampered with or falsified; or using in such canvass
35 or proclamation election returns that manifestly appear to be tampered with
36 or falsified;
- 37 (g) Using in the canvass of votes and/or proclamation any file or document other
38 than the official electronically transmitted results or the results contained in
39 the data storage devices used in the printing of the official election returns or

1 certificates of canvass under the automated system and/or the official
2 election returns or official certificates of canvass under the manual counting
3 system, unless otherwise authorized under this Code or by the Commission;

4 (h) Refusing to credit the correct votes or deduct such tampered votes; *Provided,*
5 That if such act constitutes electoral sabotage as defined in Article 45 of this
6 Code, the perpetrator or perpetrators shall be liable thereunder;

7 (i) Refusing to sign or certify, without any justifiable reason, any election form
8 required by this Code or prescribed by the Commission although he was
9 present during the meeting of the said body;

10 (j) Unjustified failure to prepare the supporting statement of votes for the
11 certificates of canvass of votes.;

12 (k) Causing any unwarranted delay in the transmission of the certificate of
13 canvass or refusing without just cause to transmit said certificate of canvass;

14 (l) Failure, without justifiable cause, to digitally sign the certificate of canvass
15 that shall be electronically transmitted; or to observe any of the measures
16 prescribed by the Commission to preserve the integrity of the certificates of
17 canvass pursuant to Section 234 of this Code;

18 (m) Failure to prepare the required number of certificates of canvass under the
19 automated system and/or the manual system; or to distribute the same in
20 accordance with Section 235 of this Code;

21 (n) Unjustifiably disallowing accredited watcher in the canvassing center; 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
24 lawful justification therefor;

25 (o) Refusal or failure to proclaim the winning candidate or candidates or
26 proposition without any legal justification therefor; or causing any
27 unwarranted and vexatious delay in proclaiming said candidate or candidates
28 or proposition; or failing to observe the tie breaking procedure set forth in
29 Section 254 of this Code;

30 (p) Signing or authenticating any copy of the certificate of canvass or its
31 supporting statement of votes outside of the canvassing center, unless
32 otherwise authorized by the Commission; or

33 (q) Knowingly signing or authenticating a certificate of canvass or its supporting
34 statement of votes which does not accurately reflect the result of the
35 canvassing.

36 **SEC. 429. *Illegal appointment of members of the board.*** - Any of public
37 officer or any person acting in his behalf who knowingly appoints as member of the

1 board of canvassers or barangay board of canvassers, any person who is ineligible to
2 be so appointed shall be liable for an election offense.

3 **SEC. 430. *Vote padding.*** - Any person who performs any act, either manually
4 or through the use of communications and information technology, for the purpose
5 of tampering, increasing, or decreasing the votes received by a candidate/s or party-
6 list group/s or proposition/s; or who actually tampers, increases, or decreases the
7 votes received by candidate/s or party-list group/s or proposition/s through any
8 means whatsoever; or causes such tampering, increase or decrease, shall be guilty
9 of an election offense: *Provided,* That in case said tampering, increase, or decrease
10 constitutes Electoral Sabotage as defined in Article 45 of this Code, he shall be liable
11 thereunder.

12 **SEC. 431. *Unlawful removal or defacement of the posted certificate of***
13 *canvass.* - Any person who removes the certificate of canvass posted within the
14 premises of the canvassing center, whether within or after the prescribed forty-eight
15 (48) hours of posting, without authority therefor, or defaces the same, in any
16 manner, shall be liable for an election offense: *Provided, however,* That the
17 chairperson or any member of the electoral board may remove said election returns
18 for the purpose of immediately transferring it to a more suitable place.

19 **SEC. 432. *Simulation of certificates of canvass or forging of signatures***
20 *therein.* - Any person who simulates an actual certificate of canvass or a print or
21 digital copy thereof; or forges thereon the signature of any or all of the members of
22 the board of canvassers, barangay board of canvassers, or plebiscite board of
23 canvassers, as the case may be, shall be liable for an election offense.

24 In the event that the simulation constitutes electoral sabotage as defined
25 under Article 45, the offender shall be liable thereunder.

26 **SEC. 433. *Offenses attributable to the citizens' arm during canvassing.*** - In
27 addition to the election offenses mentioned in the preceding sections, any member
28 or officer of the duly accredited citizens' arm shall be liable for an election offense
29 for the following acts or omissions:

30 (a) Refusal to present the citizens' arm to present for perusal its copy of the
31 election return to the board of canvassers; or

32 (b) Presentation by the citizens' arm of tampered or spurious election returns.

33 **SEC. 434. *Other offenses related to the counting and canvassing of votes.*** -
34 Any person who, in the presence or within the hearing of any board of canvassers,
35 barangay board of canvassers, or plebiscite board of canvassers during any of its
36 meetings, conducts himself in such a disorderly manner as to interrupt or disrupt the
37 work or proceedings to the end of preventing said body from performing its
38 functions, either partly or totally shall be liable for an election offense.

1 Any public official or person acting in his behalf who, without prior authority
2 from the Commission, relieves any member of the electoral board, barangay
3 electoral board, plebiscite committee, board of canvassers, barangay board of
4 canvassers, plebiscite board of canvassers or any of the ballot reception and custody
5 group from the polling center or canvassing center to which such member is
6 assigned; or who changes or causes the change of assignments of any of such
7 member from one polling center or canvassing center to another polling center or
8 canvassing center, as the case may be, shall be guilty of an election offense.

9 Article 43

10 **Offenses Against the Integrity of the Ballots, Election Returns, Certificates** 11 **of Canvass and Devices Used in Voting, Counting, and Canvassing**

12 **SEC. 435.** *Unauthorized use, tampering with, damaging, destruction, or*
13 *stealing of election paraphernalia.* - Any person who, without legal authority, utilizes,
14 tampers with, damages, destroys, substitutes or takes away from the possession of
15 those having legal custody thereof, or from the place where they are legally
16 deposited, the ballot box, official ballots, election returns, certificates of canvass,
17 electronic devices or their components, peripherals or supplies, and any other
18 election paraphernalia, whether before, during, or after voting or during canvassing
19 or transmission of results, shall be liable for an election offense.

20 **SEC. 436.** *Unauthorized opening of the ballot box; removal or destruction of*
21 *its contents.* - Any person having legal custody of the ballot box containing the
22 official ballots used in the election who opens or destroys said box or removes or
23 destroys its contents shall be liable for an election offense: *Provided,* That no
24 criminal, civil, or administrative liability shall attach if the opening of the ballot box
25 or removal of its contents is sanctioned under the provisions of this Code or by the
26 Commission or if the destruction of the contents of the ballot box was made under
27 the express order of the Commission.

28 Any person who, through his negligence, enables any person to commit any
29 of the aforementioned acts, or takes away said ballot box from his custody shall
30 likewise be guilty of an election offense.

31 **SEC. 437.** *Unauthorized interference with the vote counting and canvassing*
32 *systems.* - Any person who interferes, impedes, absconds, or prevents the
33 installation or use of the computer counting devices and the processing, storage,
34 generation, and transmission of election results, data or information; or unlawfully
35 gains access to the software for such devices; or who alters, destroys, replaces,
36 intercepts, or discloses any computer data, program, software or any computer-
37 related devices, facilities, hardware or equipment used for the voting, counting of

1 votes, transmission of voting results, or canvassing of votes, shall be guilty of an
2 election offense.

3 **SEC. 438. *Obstruction of transmission of results.*** - It shall be unlawful for
4 any person to delay, obstruct, impede or prevent through force, violence, coercion,
5 intimidation or by any means which vitiates consent, the transmittal of the election
6 returns, certificates of canvass, or the storage device upon which such document or
7 documents are stored, or to take away, abscond with, destroy, deface, mutilate or
8 substitute the election returns, certificates of canvass, the ballot box containing the
9 election returns, or the storage device on which the election returns or certificate
10 canvass of votes is stored or to violate the right of the watchers.

11 It shall likewise be unlawful for any person to alter, intercept, delay, replace,
12 prevent, or otherwise interfere with, in any manner, the electronic transmission of
13 the results of the voting. Any illegal access or data or system interference, as
14 defined in R.A. 10175 on the server, database, or computer system used in the
15 transmission and/or consolidation of the results of voting shall constitute an election
16 offense.

17 Should the act or acts under this Section constitute electoral sabotage under
18 Article 45, the offender or offenders shall be prosecuted and punished thereunder.

19 **SEC. 439. *Failure to account for or preserve the ballot box, ballots, election***
20 ***returns, certificates of canvass, vote counting equipment and other election devices.***
21 - Any public official who neglects or fails to properly preserve or account for any
22 ballot box, official ballot, election returns, certificates of canvass, other election
23 documents and forms, vote counting machine, canvassing system, and other
24 election devices and paraphernalia received by him and kept under his custody shall
25 be liable for an election offense.

26 The provincial, city, or municipal treasurer, the members of the custody
27 group, the election officer, or any other person who is required by law or by the
28 Commission to keep a record of the quantity, serial numbers, and such other details
29 of the official ballots, election returns, certificates of canvass, ballot boxes, counting
30 machines, and/or storage devices who fails to keep such record; or who keeps a
31 record that has been falsified; or who fails to furnish the representatives of the
32 dominant majority and minority parties and/or the Commission thereof shall be
33 guilty of an election offense.

34 **SEC. 440. *Unauthorized printing or distribution of ballots.*** - Any person who,
35 without authority, prints or causes the printing of any ballot or election returns that
36 appears as official ballots or election returns or who distributes or causes the same
37 to be distributed for use in the election, whether or not they are actually used, shall
38 be guilty of an election offense.

1 Any official or employee of the National Printing Office or the Bangko Sentral
2 ng Pilipinas or of the Commission or any member of the committee in charge of the
3 printing of official ballots or election returns who causes official ballots or election
4 returns to be printed in quantities exceeding those authorized by the Commission; or
5 who distributes, delivers, or in any manner disposes of or causes to be distributed,
6 delivered, or disposed of, any official ballot or election returns to any person or
7 persons not authorized by law or by the Commission to receive or keep official
8 ballots or election returns; or who distributes, delivers, or in any manner disposes of
9 or causes to be distributed, delivered, or disposed of, the official ballots or election
10 returns in quantities exceeding those authorized by the Commission; or who sends
11 or causes them to be sent to any place not designated by law or by the Commission,
12 shall be liable for an election offense.

13 Any person who causes the printing of the ballots by any entity other than the
14 Bangko Sentral ng Pilipinas and/or the National Printing Office shall likewise be
15 criminally liable.

16 **SEC. 441.** *Disallowing watchers from observing pre-election preparations.* -
17 Any person who unjustifiably disallows duly authorized watchers from observing the
18 printing of ballots, distribution of ballots, configuration of vote counting machines
19 and memory devices to be used for elections, and other preparations undertaken by
20 the Commission for the elections which, by the provisions of this Code or by the
21 rules and regulations of the Commission, should be observed by such watchers; or
22 who unlawfully prevents any authorized watcher present at such preparations or
23 activities from fully observing the same or from taking down notes thereof to the
24 extent allowed by this Code or by the Commission, shall be liable for an election
25 offense.

26 **SEC. 442.** *Use of simulated election documents.* - Any person who presents
27 in evidence a simulated copy of an election return, certificate of canvass or
28 statement of votes, or a printed copy of an election return, certificate of canvass or
29 statement of votes bearing a simulated certification or a simulated image, shall be
30 guilty of an election offense.

31 **SEC. 443.** *Acts violating the integrity of the official ballots, election returns,*
32 *and certificates of canvass.* - Any person who, through any act, means or device,
33 violates the integrity of any official ballot or election returns before or after they are
34 used in the election, or the integrity of the certificate of canvass, shall be liable for
35 an election offense.

36 **SEC. 444.** *Other election offenses pertaining to the integrity of the ballots*
37 *and other election documents.* - Any person who violates Sections 220, 221, 222,
38 and 240 of this Code or the rules and regulations promulgated by the Commission
39 pursuant thereto shall be guilty of an election offense.

1 **Article 44**

2 **Election Offenses Related to Overseas Voting**

3 **SEC. 445.** In addition to the prohibited acts under other Articles in this
4 Chapter, the following acts, when committed within the context of overseas voter
5 registration, overseas voting, overseas counting of votes, or overseas canvassing of
6 votes, shall be unlawful:

7 (a) For any officer or employee of the Philippine government to influence or
8 attempt to influence any overseas voter to vote or not to vote for a particular
9 candidate;

10 (b) For any person to unlawfully deprive any overseas voter or registrant for
11 overseas voting of his or her rights as set forth in this Code, or to give false
12 information as to one's name, address, or period of residence for the
13 purposes of establishing the eligibility or ineligibility to register or vote under
14 Chapter VI of this Code; or to conspire with another person for the purpose of
15 encouraging the giving of false information in order to establish the eligibility
16 or ineligibility of any individual to register or vote under aforesaid Chapter; or,
17 to pay, or offer to pay, or to accept payment either for application for
18 registration, or for voting;

19 (c) For any person to steal, conceal, alter, destroy, mutilate, manipulate, or in
20 any way tamper with the mail containing the ballots for overseas voters, the
21 election returns, or any record, document or paper required for purposes of
22 overseas voting;

23 (d) For any deputized agent of the Commission to refuse without justifiable
24 ground, to serve or continue serving, or to comply with one's sworn duties
25 after acceptance of the deputization;

26 (e) For any public officer or employee or accredited or deputized organization or
27 association to cause the preparation, printing, distribution or posting of
28 information or material pertaining to overseas voting, without the prior
29 approval of the Commission;

30 (f) For any public officer or employee to cause the transfer, promotion,
31 extension, recall of any member of the foreign service corps, including
32 members of the attached agencies, or otherwise cause the movement of any
33 such member from the current post or position one (1) year before and three
34 (3) months after the day of elections, without securing the prior approval of
35 the Commission;

1 (g) For any person who, after being deputized by the Commission to undertake
2 activities in connection with the implementation of overseas voting, shall
3 campaign for or assist, in whatever manner, candidates in the elections;

4 (h) For any person to engage in partisan political activity abroad during the thirty
5 (30)-day overseas voting period for overseas voting; or

6 (i) For any person, who is not a citizen of the Philippines, to participate, by word
7 or deed, directly or indirectly through qualified organizations/associations, in
8 any manner and at any stage of the Philippine political process abroad,
9 including participation in the campaign and elections;

10 Should any of the foregoing act or acts constitute electoral sabotage under
11 Article 45, the offender or offenders shall be prosecuted and punished thereunder:
12 *Provided, That Section 446 shall still apply.*

13 **SEC. 446. *Extra-territorial application.*** - The provision of existing laws to the
14 contrary notwithstanding, and with due regard to the Principle of Double Criminality,
15 the prohibited acts described in the preceding section are electoral offenses and
16 shall be punishable in the Philippines regardless of its place of commission. In cases
17 where any of the acts in the preceding section is committed outside the territory of
18 the Philippines, the Regional Trial Court of the City of Manila shall have jurisdiction
19 to hear and try the case.

20
21 **Article 45**
22 **Electoral Sabotage**

23 **SEC. 447. *Electoral Sabotage; how committed.*** - Electoral sabotage is
24 committed by any person who tampers, increases, or decreases the votes received
25 by a proposition, candidate, candidates, or party-list group in any election; or by any
26 member of the electoral board, barangay electoral board, board of canvassers, or
27 barangay board of canvassers who refuses, after proper verification and hearing, to
28 credit the correct votes or deduct such tampered votes; when any of the following
29 circumstances is present:

- 30 (1) The tampering, increase and / or decrease of votes perpetrated or the refusal
31 to credit the correct votes or to deduct tampered votes, is/are committed in the
32 election of a national elective office or in a national plebiscite, referendum, or
33 initiative, which is voted upon nationwide and the tampering, increase and/ or
34 decrease of votes or refusal to credit the correct votes or to deduct tampered
35 votes, shall adversely affect the results of the election to the said national
36 office or the results of a national plebiscite, referendum, or initiative, to the
37 extent that a losing candidate/s or proposition is /are made to appear as the
38 winner/s;

1 (2) Regardless of the elective office or type of plebiscite, referendum, or initiative
2 involved, when the tampering, increase and/or decrease of votes committed or
3 the refusal to credit the correct votes or to deduct tampered votes perpetrated
4 , is accomplished in a single election document or in the transposition of the
5 figure / results from one election document to another and involved in the said
6 tampering, increase, and/or decrease or refusal to credit correct votes or
7 deduct tampered votes exceed five thousand (5,000) votes, and that the same
8 adversely affects the true results of the election, plebiscite, referendum, or
9 initiative; or

10 (3) Regardless of the elective office or type of plebiscite, referendum, or initiative
11 involved and the results of the election or such plebiscite, referendum, or
12 initiative, the tampering, increase/s and/ or decrease/s of votes perpetuated or
13 the refusal to credit the correct votes or deduct the tampered votes, involves
14 more than ten thousand (10,000) votes.

15 **SEC. 448.** *Who are liable; extent of liability.* - In cases involving electoral
16 sabotage, as defined in this Article, the following persons shall be liable:

17 (a) Any and all persons or individuals who actually performed the tampering,
18 increase, or decrease of votes;

19 (b) Any and all members of the electoral board, barangay electoral board,
20 plebiscite committee, board of canvassers, barangay board of canvassers, or
21 plebiscite board of canvassers who refused to credit the correct votes or to
22 deduct tampered votes; or who consented to such refusal to credit the correct
23 votes or to deduct tampered votes; or who fails to object and put into the
24 minutes his or her objection to the refusal to credit the correct votes or to
25 deduct tampered votes;

26 (c) Any and all persons who ordered, induced, caused, or conspired with the
27 person or persons who tampered, increased, or decreased the votes, or with
28 the member or members of the electoral board, barangay electoral board,
29 plebiscite committee, board of canvassers, barangay board of canvassers, or
30 plebiscite board of canvassers who refused to credit the correct votes or to
31 deduct tampered votes, shall be liable to the same extent as the actual
32 perpetrator or perpetrators; and

33 (d) Any and all persons who acted as accomplices or accessories, as understood
34 under the Revised Penal Code, shall be liable to the same extent as the actual
35 perpetrator of the acts or omissions constituting electoral sabotage.

36 **SEC. 449.** *Prosecution.* - Any of the following shall be sufficient basis to
37 establish prima facie that there is probable cause that electoral sabotage has been
38 committed and that the persons involved therein are liable therefor:

1 (a) When at least five thousand (5,000) of the official ballots do not contain any
2 of the security features prescribed under Section 182 of this Code or if such
3 security feature/s features is/are defective or tampered with;

4 (b) When at least five thousand (5,000) of the official ballots omit the name of
5 one or more candidates for a national position; or the name of a candidate or
6 candidates for national office is indicated under any position other than the
7 one for which he or she is seeking election; or there are unnecessary marks
8 in such ballots; or there is any other similar irregularity therein; or

9 (c) When a total of at least (5,000) official ballots were printed or distributed in
10 excess of the total number of ballots allowed to be printed or distributed.

11 Nothing in this Section shall be interpreted as to exclude or render
12 inadmissible such other evidence as may be sufficient to establish probable cause
13 that electoral sabotage has been committed and/or the person in question is
14 probably guilty thereof. Neither shall the existence of the any of the foregoing be
15 required to indict, investigate, prosecute or convict any person for electoral
16 sabotage.

17
18 **Article 46**
19 **Other Election Offenses**

20 **SEC. 450.** *Wagering upon the result of the election.* - Any person who bets
21 or wagers upon the outcome of, or any contingency connected with an election,
22 plebiscite, initiative, or referendum shall be guilty of an election offense. Any money
23 or thing of value or deposit of money or thing of value situated anywhere in the
24 Philippines put as such bet or wager shall be forfeited in favor of the government.

25 **SEC. 451.** *Coercion of election officials and employees.* - Any person who,
26 directly or indirectly, threatens, intimidates, terrorizes or coerces any election official
27 or employee in the performance of his official functions or duties, shall be liable for
28 an election offense.

29 **SEC. 452.** *Liquor ban.* - Any person who sells, furnishes, offers, buys, serves
30 or takes intoxicating liquor on the day of the election, plebiscite, initiative, or
31 referendum or on the day prior thereto shall be liable for an election offense.

32 In case of plebiscite, initiative, or referendum, the prohibition hereunder shall
33 only be effective within the areas covered or affected by such plebiscite, initiative, or
34 referendum.

35 **SEC. 453.** *Ban on certain activities.* - Any person who, on the day of the
36 election, plebiscite, initiative, or referendum, holds fairs, cockfights, boxing matches,
37 horse races, jai-alai, or any other similar sports shall be liable for an election
38 offense.

1 In case of plebiscite, initiative, or referendum, the prohibition hereunder shall
2 only be effective within the areas covered or affected by such plebiscite, initiative, or
3 referendum.

4 **SEC. 454. *Unlawful continuation of candidacy.*** - It shall be unlawful for any
5 person whose certificate of candidacy has been cancelled or who has been declared
6 a nuisance candidate or who has been disqualified from continuing his candidacy by
7 final and executory judgment to continue campaigning and holding himself out as a
8 candidate in the same election to which such cancelled certificate of candidacy,
9 declaration of being a nuisance candidate, or disqualification relates.

10 **SEC. 455. *Unlawful delay in the payment of the per diems and allowances of***
11 ***election workers.*** - It shall be unlawful for any public official to cause any
12 unjustifiable delay in the payment of the per diem and allowances of any member of
13 the electoral board, barangay electoral board, plebiscite committee, board of
14 canvassers, barangay board of canvassers, plebiscite board of canvassers, support
15 staff, or any other person deputized by the Commission to perform election duties.

16 17 **Article 47**

18 **Penalties And Other Provisions Pertaining To Election Offenses**

19 **SEC. 456. *Persons criminally liable.*** - The principals, accomplices, and
20 accessories, as defined in the Revised Penal Code, shall be criminally liable for the
21 election offenses mentioned in this Chapter.

22 If the one responsible is a political or sectoral party, organization or an entity,
23 its chairperson, president or head, as well as its officials and employees who are
24 performing duties connected with the offense committed and the members who took
25 part in the commission of said offense, who may be principals, accomplices, or
26 accessories, shall be liable, in addition to the liability of such party or entity.

27 **SEC. 457. *Prosecution.*** - The Commission shall, through its duly authorized
28 legal officers, have the power, concurrent with the other prosecuting arms of the
29 government, to conduct preliminary investigation of all election offenses punishable
30 under this Code, and prosecute the same.

31 **SEC. 458. *Applicability of Chapter X to all electoral exercises.*** - The election
32 offenses defined and punished under this Chapter shall apply to all national, local,
33 regional, barangay, special, and recall elections.

34 Furthermore, to the extent practicable and legally permissible, the offenses
35 under this Chapter shall apply to the conduct of any plebiscite, referendum, or
36 initiative.

37 **SEC. 459 *Penalties.*** -

1 (A) The penalty of prison correccional in its maximum period shall be meted against
2 any person found guilty of committing any of the election offenses covered by
3 Articles 37, 38, 39, and 40 of this Code;

4 (B) The penalty of prison correccional in its maximum period shall be meted against
5 any person found guilty of committing any of the election offenses covered by
6 Article 41, except those under Sections 416, 419, 420, 422 (a), (b), (c), (d), and
7 (e), and 423 (b) thereof.

8 The penalty prison mayor in its minimum period shall be imposed upon any
9 person found guilty under Sections 416, 419, 420, 422 (a), (b), (c), (d), and
10 (e), and 423 (b), without the benefit of the operation of the Indeterminate
11 Sentence Law. If the offender is a public officer or a candidate, the penalty shall
12 be prison mayor in its medium period. In addition, the offender shall be
13 sentenced to suffer perpetual disqualification to hold public office and
14 deprivation of the right to vote.

15 (C) The penalty of prison correccional in its maximum period shall be meted against
16 any person found guilty of committing any of the election offenses covered by
17 Article 42, except those under Sections 424 (a), (b), (c), (d), (e), and (h), 426,
18 428 (f), (h), (k), and (q), 430, or 432 thereof.

19 The penalty prison mayor in its minimum period shall be imposed upon any
20 person found guilty under Sections 424 (a), (b), (c), (d), (e), and (h), 426, 428
21 (f), (h), (k), and (q), 430, or 432, without the benefit of the operation of the
22 Indeterminate Sentence Law. If the offender is a public officer or a candidate,
23 the penalty shall be prison mayor in its medium period. In addition, the offender
24 shall be sentenced to suffer perpetual disqualification to hold public office and
25 deprivation of the right to vote.

26 (D) The penalty of prison mayor in its minimum period shall be imposed upon any
27 person found guilty of committing any of the election offenses under Article 43
28 of this Code, except the election offense defined in Section 441 thereof. The
29 penalty of prison correccional in its maximum period shall be imposed upon any
30 person found guilty under Section 441.

31 All persons found guilty of committing any of the offenses covered by Article 43,
32 except for the offense under Section 441, cannot avail of the benefit of the
33 operation of the Indeterminate Sentence Law. If the offender is a public officer
34 or a candidate, the penalty shall be prison mayor in its medium period. In
35 addition, the offender shall be sentenced to suffer perpetual disqualification to
36 hold public office and deprivation of the right to vote.

37 (E) For election offenses covered by Article 44, except Section 445 (c) thereof, the
38 penalty shall be prison correccional in its maximum period.

1 The penalty of prison mayor in its minimum period shall be imposed upon any
2 person found guilty under Section 445 (c) without the benefit of the operation of
3 the Indeterminate Sentence Law. If the offender is a public officer or a
4 candidate, the penalty shall be prison mayor in its medium period. In addition,
5 the offender shall be sentenced to suffer perpetual disqualification to hold public
6 office and deprivation of the right to vote.

7 (F) Any person found guilty of electoral sabotage, as defined under Article 45,
8 whether as a principal, accomplice, or accessory, shall be meted the penalty of
9 life imprisonment and shall be automatically perpetually disqualified from holding
10 public office and from exercising his or her right to suffrage.

11 (G) The penalty of arresto mayor in its maximum period shall be imposed upon any
12 person who is found guilty of violation any of the offenses covered by Article 46,
13 except for the offense under Section 451 thereof.

14 (H) The penalty of prison mayor in its minimum period shall be imposed upon any
15 person found guilty under Section 451 without the benefit of the operation of
16 the Indeterminate Sentence Law. If the offender is a public officer or a
17 candidate, the penalty shall be prison mayor in its medium period. In addition,
18 the offender shall be sentenced to suffer perpetual disqualification to hold public
19 office and deprivation of the right to vote.

20 **SEC. 460. *Disqualification.*** - Except in instances when the Code prescribes
21 for perpetual disqualification to hold public office and/or to exercise the right of
22 suffrage, any person who is convicted by final judgment of any election offense
23 under this Code shall be disqualified from holding public office and from exercising
24 his or her right to vote during the duration of his sentence and for five years
25 thereafter.

26 **SEC. 461. *Use of information and communications technology.*** - The penalty
27 to be imposed for any of the offenses under this Chapter shall be one (1) degree
28 higher if the same was committed by, through or with the use of information and
29 communications technologies.

30 **SEC. 462. *Liability under other laws.*** - A prosecution or conviction under this
31 Code shall be without prejudice to any liability for violation of any provision of the
32 Revised Penal Code, as amended, or special laws.

33 **SEC. 463. *Prescription.*** - The offense of electoral sabotage under Article 45
34 shall prescribe after twenty (20) years from the date of its commission. All other
35 election offenses under this Chapter shall prescribe after ten (10) years from the
36 date of their commission.

37 In all cases, if the discovery of the offense be made in an election contest
38 proceeding, the period of prescription shall commence on the date on which the
39 judgment in such proceedings becomes final and executory.

1 **SEC. 464.** *Preferential disposition of election offenses.* - The investigation
2 and prosecution of cases involving violations of the election laws shall be given
3 preference and priority by the Commission on Elections and prosecuting officials.
4 Their investigation shall be commenced without delay, and shall be resolved by the
5 investigating officer within five days from its submission for resolution. The courts
6 shall likewise give preference to election offenses over all other cases, except
7 petitions for the issuance of a temporary protection order in cases involving violence
8 against women and children, petitions for a Writ of Habeas Corpus or Writ of
9 Amparo, and such other cases which the Supreme Court shall deem very urgent.
10 Their trial shall likewise be commenced without delay, and shall be conducted
11 continuously until terminated. The case shall be decided within thirty days from its
12 submission for decision.

13 **SEC. 465.** *Arrest in connection with the election campaign.* - No person shall
14 be arrested and/or detained at any time for any alleged offense committed during
15 and in connection with any election through any act or language tending to support
16 or oppose any candidate, political party or coalition of political parties under or
17 pursuant to any order of whatever name or nature and by whomsoever issued
18 except only upon a warrant of arrest issued by a competent judge after all the
19 requirements of the Constitution shall have been strictly complied with.

20
21 **CHAPTER XI**
22 **FINAL PROVISIONS**

23
24 **Article 48**
25 **Transitory and Final Provisions**

26 **SEC. 466.** *Pending actions.* - Pending actions and causes of action arising
27 before the effectivity of this Code shall be governed by the laws then in force.

28 **SEC. 467.** *Designation of Other Dates for certain Pre-election Acts.* - If it
29 should no longer be reasonably possible to observe the periods and dates prescribed
30 by law for certain pre-election acts, the Commission shall fix other periods and dates
31 in order to ensure accomplishment of the activities so voters shall not be deprived of
32 their right of suffrage.

33 **SEC. 468.** *Separability clause.* – Should any portion of this Code be declared
34 unconstitutional, the other subparagraphs, paragraphs, sections, articles, or chapters
35 not affected thereby shall remain valid and effective.

36 **SEC. 469.** *Repealing clause.* - All laws, decrees, orders, and issuances, or
37 portions thereof, which are inconsistent with the provisions of this Act, are hereby
38 repealed, amended, or modified accordingly.

1 **SEC. 470. Effectivity.** - This Code shall take effect thirty (30) days after its
2 publication in two daily newspapers of general circulation.

Approved,