

**Inventory of Governance Related Laws and Interpretation  
of the Legal Regime in the Philippines**

**ELECTIONS AND CAMPAIGN FINANCE**

# ELECTIONS AND CAMPAIGN FINANCE

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## C — The Commission on Elections

SECTION 1. (1) There shall be a Commission on Elections composed of a Chairman and six Commissioners who shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five years of age, holders of a college degree, and must not have been candidates for any elective position in the immediately preceding elections. However, a majority thereof, including the Chairman, shall be Members of the Philippine Bar who have been engaged in practice of law for at least ten years.

(2) The Chairman and the Commissioners shall be appointed by the President with the consent of the Commission on Appointments for a term of seven years without reappointment. Of those first appointed, three Members shall hold office for seven years, two Members for five years, and the last Members for three years, without reappointment. Appointment to a vacancy shall be only for the unexpired term of the predecessor. In no case shall any Member be appointed or designated in a temporary or acting capacity.

SECTION 2. The Commission on Elections shall exercise the following powers and functions:

(1) Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall.

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

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

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

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

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

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

(6) File, upon a verified complaint, or on its own initiative, petitions in court for inclusion or exclusion of voters; investigate and, where appropriate, prosecute cases of violations of election laws, including acts or omissions constituting election frauds, offenses, and malpractices.

(7) Recommend to the Congress effective measures to minimize election spending, including limitation of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidates.

(8) Recommend to the President the removal of any officer or employer it has deputized, or imposition of any other disciplinary action, for violation or disregard of, or disobedience to its directive, order, or decision.

(9) Submit to the President and the Congress a comprehensive report on the conduct of an election, plebiscite, initiative, referendum, or recall.

SECTION 3. The Commission on Elections may sit *en banc* or in two divisions, and shall promulgate its rules of procedure in order to expedite disposition of election cases, including proclamation controversies. All such election cases shall be heard and decided in division, provided that motions for reconsideration of decisions shall be decided by the Commission *en banc*.

SECTION 4. The Commission may, during the election period, supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges, or concessions granted by the Government or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity, time and space, and the right to reply, including reasonable, equal rates therefor, for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, peaceful, and credible elections.

SECTION 5. No pardon, amnesty, parole, or suspension of sentence for violation of election rules, and regulations shall be granted by the President without a favorable recommendation from the Commission.

SECTION 6. A free and open party system shall be allowed to evolve according to the free choice of the people, subject to the provisions of this Article.

SECTION 7. No votes cast in favor of a political party, organization, or coalition shall be valid, except for those registered under the party-list system as provided in this Constitution.

SECTION 8. Political parties, or organizations or coalitions registered under the party-list system, shall not be represented in the voters' registration boards, boards of election inspectors, boards of canvassers, or other similar bodies. However, they shall be entitled to appoint observers in accordance with law.

SECTION 9. Unless otherwise fixed by the Commission in special cases, the election period shall commence ninety days before the day of the election and shall end thirty days after.

SECTION 10. *Bona fide* candidates for any public office shall be free from any form of harassment and discrimination.

SECTION 11. Funds certified by the Commission as necessary to defray the expenses for holding regular and special elections, plebiscites, initiatives, referenda, and recalls, shall be provided in the regular or special appropriations and, once approved, shall be released automatically upon certification by the Chairman of the Commission.

## ARTICLE V, 1987 Constitution

~ SECTION 2. The Congress shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad.

The Congress shall also design a procedure for the disabled and the illiterates to vote without the assistance of other persons. Until then, they shall be allowed to vote under existing laws and such rules as the Commission on Elections may promulgate to protect the secrecy of the ballot.”

REPUBLIC ACT NO. 6646

AN ACT INTRODUCING ADDITIONAL REFORMS IN THE ELECTORAL SYSTEM AND FOR OTHER PURPOSES

SECTION 1. *Title.* — This Act shall be known and cited as "The Electoral Reforms Law of 1987."

SECTION 2. *Law Governing Elections.* — The first local elections under the New Constitution and all subsequent elections and plebiscites shall be governed by this act and by the provisions of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code of the Philippines, and other election laws not inconsistent with this Act.

SECTION 3. *Voters in Cities.* — The registered voters of a highly urbanized city shall not vote in the election for provincial officials of the province in which it is located. No component city shall be declared or classified as a highly urbanized city within sixty (60) days prior to a local election.

The registered voters of a component city shall be entitled to vote in the election for the provincial officials of the province of which it is a part, unless its charter provides otherwise. ...

SECTION 4. *Certificates of Candidacy; Certified List of Candidates.* — The certificates of candidacy shall be filed in twelve legible signed copies with the offices mentioned in Section 75 of Batas Pambansa Blg. 881. In cities with more than one election registrar, the Commission on Elections, hereinafter referred to as the Commission, shall designate the election registrar who shall receive the certificates of candidacy.

In lieu of the additional copies of the certificate of candidacy equal to twice the number of polling places which a candidate is required to file under said Section 75, the Commission shall cause to be printed certified lists of candidates containing the names of all registered candidates for each office to be voted for in each province, city or municipality immediately followed by the nickname or stage name of each candidate duly registered in his certificate of candidacy and his political party affiliation, if any. Said list shall be posted inside each voting booth during the voting period.

Whenever practicable, the board of inspectors shall cause said list of candidates to be written clearly and legibly on the blackboard or on manila paper for posting at a conspicuous place inside the polling place.

The names of all registered candidates immediately followed by the nickname or stage name shall also be printed in the election returns and tally sheets.

SECTION 5. *Procedure in Cases of Nuisance Candidates.* — (a) A Verified petition to declare a duly registered candidate as a nuisance candidate under Section 69 of Batas Pambansa Blg. 881 shall be filed personally or through duly authorized representative with the Commission by any registered candidate for the same office within five (5) days from the last day for the filing of certificates of candidacy. Filing by mail not be allowed.

(b) Within three (3) days from the filing of the petition, the Commission shall issue summons to the respondent candidate together with a copy of the petition and its enclosures, if any.

(c) The respondent shall be given three (3) days from receipt of the summons within which file his verified answer (not a motion to dismiss) to the petition, serving copy thereof upon the petitioner. Grounds for a motion to dismiss may be raised as affirmative defenses.

(d) The Commission may designate any of its officials who are lawyers to hear the case and receive evidence. The proceeding shall be summary in nature. In lieu of oral testimonies, the parties may be required to submit position papers together with affidavits or counter-affidavits and other documentary evidence. The hearing officer shall immediately submit to the Commission his findings, reports, and recommendations within five (5) days from the completion of such submission of evidence. The Commission shall render its decision within five (5) days from receipt thereof.

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

(f) The Commission shall within twenty-four hours, through the fastest available means, disseminate its decision or the decision of the Supreme Court to the city or municipal election registrar, boards of election inspectors and the general public in the political subdivision concerned.

SECTION 6. *Effect of Disqualification Case.* — Any candidate who has been declared by final judgment to be disqualified shall not be voted for, and the votes cast for him shall not be counted. If for any reason a candidate is not declared by final judgment before an election to be disqualified and he is voted for and receives the winning number of votes in such election, the Court or Commission shall continue with the trial and hearing of the action, inquiry, or protest and, upon motion of the complainant or any intervenor, may during the pendency thereof order the suspension of the proclamation of such candidate whenever the evidence of his guilt is strong. ...

SECTION 7. *Petition to Deny Due Course To or Cancel a Certificate of Candidacy.* — The procedure hereinabove provided shall apply to petitions to deny due course to or cancel a certificate of candidacy as provided in Section 78 of Batas Pambansa Blg. 881.

SECTION 8. *Representatives of Parties During Printing of Returns and Ballots.* — The registered political parties or coalitions of parties, or their components should there be any dissolution or division of said coalition, whose candidates obtained at least ten percent (10%) of the total votes cast in the next preceding senatorial election shall each have a watcher and/or representative in the procurement and watermarking of papers not to be used in the printing of election returns and official ballots and in the printing, numbering, storage, and distribution thereof.

SECTION 9. *Public Forum.* — The Commission shall encourage non-political, non-partisan private or civic organizations to initiate and hold in every city and municipality, public forum at which all registered candidates for the same office may simultaneously and personally participate to present, explain, and/or debate on their campaign platforms and programs and other related issues. The Commission shall promulgate the rules and regulations for the holding of such forum to assure its nonpartisan character and the equality of access thereto by all candidates.

SECTION 10. *Common Poster Areas.* — The Commission shall designate common poster areas in the strategic public places such as markets, barangay centers and the like wherein candidates can post, display, or exhibit election propaganda to announce or further their candidacy.

Whenever feasible common billboards may be installed by the Commission and/or non-partisan private or civic organizations which the Commission may authorize whenever available, after due notice and hearing, in strategic places where it may be readily seen or read, with

heaviest pedestrian and/or vehicular traffic in the city or municipality. . .

The space in such common poster areas or billboards shall be allocated free of charge, if possible, equitably and impartially among the candidates in the province, city or municipality.

SECTION 11. *Prohibited Forms of Election Propaganda.* — In addition to the forms of election propaganda prohibited under Section 85 of Batas Pambansa Blg. 881, it shall be unlawful: to draw, paint, inscribe, write, post, display or publicly exhibit any election propaganda in any place, whether private, or public, except in the common poster areas and/or billboards provided in the immediately preceding section, at the candidate's own residence, or at the campaign headquarters of the candidate or political party: *Provided*, That such posters or election propaganda shall in no case exceed two (2) feet by three (3) feet in area: *Provided further*, That at the site of and on the occasion of a public meeting or rally, streamers, not more than two (2) and not exceeding three (3) feet by eight (8) feet each may be displayed five (5) days before the date of the meeting or rally, and shall be removed within twenty-four (24) hours after said meeting or rally; and

(b) for any newspaper, radio broadcasting or television station, or other mass media, or any person making use of the mass media to sell or to give free of charge print space or air time for campaign or other political purposes except to the Commission as provided under Sections 90 and 91 of Batas Pambansa Blg. 881. Any mass media columnist, commentator, announcement or personality who is a candidate for any elective public office shall take a leave of absence from his work as such during the campaign period.

SECTION 12. *Official Watchers.* — Every registered political party, coalition of political parties, and every candidate shall each be entitled to one watcher in every polling place: *Provided*, That candidates for members of the *Sangguniang Panlalawigan*, *Sangguniang Panlungsod* or *Sangguniang Bayan* or for city or municipal councilors belonging to the same slate or ticket shall collectively be entitled only to one watcher. . .

There shall also be recognized two principal watchers, one representing the ruling coalition and the other the dominant opposition coalition, who shall sit as observers in the proceedings of the board. The principal watcher shall be designated on the basis of the recommendation of the ruling coalition, represented by the political party of the incumbent elected district representative, and of the dominant opposition coalition, represented by the political party which performed best or which polled at least ten percent (10%) of the votes in the last national election.

A duly signed appointment of a watcher shall entitle him to recognition by the board of election inspectors and the exercise of his rights and discharge of his duties as such: *Provided*, however, That only one watcher of each of those authorized to appoint them can stay at any time inside the polling place.

The watchers shall be permitted full and unimpeded access to the proceedings so that they can read the names of those written on the ballots being counted with unaided natural vision, consistent with good order in the polling place.

In addition to their rights and duties under Section 179 of Batas Pambansa Blg. 881, the two principal watchers representing the ruling coalition and the dominant opposition in a precinct shall, whenever available, affix their signatures and thumbmarks on the election returns for that precinct. If both or either of them is not available, unwilling or should they refuse to do so, any watcher present, preferably with political affiliation or alignment compatible with that of the absent or unwilling watcher, may be required by the board of election inspectors to do so. . .

SECTION 13. *Board of Election Inspectors.* — The board of election inspectors to be



stituted by the Commission under Section 164 of Batas Pambansa Blg. 881 shall be composed of chairman and two (2) members, one of whom shall be designated as poll clerk, all of whom shall be public school teachers, giving preference to those with permanent appointments. In case there are not enough public school teachers, teachers in private schools, employees in the civil service, or other citizens of known probity and competence who are registered voters of the city or municipality may be appointed for election duty.

SECTION 14. *Per Diems of Boards of Election Inspectors and Other Personnel.* — The chairman and the members of the boards of election inspectors shall each be paid a *per diem* of One hundred pesos (P100.00) on each registration or revision day and Two hundred pesos (P200.00) on election day.

Support personnel from the Department of Education, Culture and Sports shall each receive a *per diem* of P50.00 during election day. Supervisors, principals and other administrators of the Department of Education, Culture and Sports, who may be required by the Commission to perform election duties shall each be entitled to a *per diem* of P100.00.

Provincial, city and municipal treasurers shall each receive a *per diem* of P200.00 on election day.

SECTION 15. *Signatures of Chairman and Poll Clerk at the Back of Every Ballot.* — In addition to the preliminary acts before the voting as enumerated in Section 191 of Batas Pambansa Blg. 881, the chairman and the poll clerk of the board of election inspectors shall affix their signatures at the back of each and every official ballot to be used during the voting. A certification to that effect must be entered in the minutes of the voting.

SECTION 16. *Certificates of Votes.* — After the counting of the votes cast in the precinct and announcement of the results of the election, and before leaving the polling place, the board of election inspectors shall issue a certificate of votes upon request of the duly accredited watchers. The certificate shall contain the number of votes obtained by each candidate written in words and figures, the number of the precinct, the name of the city or municipality and province, the total number of voters who voted in the precinct and the date and time issued, and shall be signed and initialed by each member of the board.

SECTION 17. *Certificate of Votes as Evidence.* — The provisions of Sections 235 and 236 of Batas Pambansa Blg. 881 notwithstanding, the certificate of votes shall be admissible in evidence to prove tampering, alteration, falsification or any anomaly committed in the election returns concerned, when duly authenticated by testimonial or documentary evidence presented to the board of canvassers by at least two members of the board of election inspectors who issued the certificate: *Provided*, That failure to present any certificate of votes shall be a bar to the presentation of other evidence to impugn the authenticity of the election returns.

SECTION 18. *Transfer of Counting of Votes to Safer Place.* — If on account of imminent danger of violence, terrorism, disorder or similar causes it becomes necessary to transfer the counting of votes to a safer place, the board of inspectors may effect such transfer by unanimous approval by the board and concurrence by the majority of the watchers present. This fact shall be recorded in the minutes of voting and the members of the board and the watchers shall manifest their approval or concurrence by affixing their signatures therein. The Commission shall issue rules and guidelines on the matter to secure the safety of the members of the board, the watchers, and all election documents and paraphernalia.

SECTION 19. *Number of Copies of Election Returns and their Distribution.* — The election returns required under Section 212 of Batas Pambansa Blg. 881 shall be prepared in

duplicate. The first copy shall be delivered to the city or municipal board of canvassers as a copy for its use in the city or municipal canvass. The second copy shall be delivered to the election registrar of the city or municipality for transmittal to the provincial board of canvassers for its use in the provincial canvass. The third copy shall likewise be delivered to the election registrar for transmittal to the Commission. The fourth copy, to be known as advance election returns, shall be delivered to the city or municipal treasurer who, in the pre-large to enable the public to read them, shall immediately and publicly open the same and post the votes therein in a public place sufficiently large to enable the public to read them, built on a public place preferably within the immediate vicinity of the city hall or municipal building. The fifth copy shall be deposited in the compartment of the ballot box for valid ballots. The sixth copy shall be delivered to the city or municipal trial judge or municipal circuit trial judge, as the case may be, or in his absence to any official who may be designated by the Commission for safekeeping. Said copy shall be opened during the canvass upon order of the board of canvassers for purposes of comparison with other copies of the returns whose authenticity is in question.

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

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

SECTION 20. *Boards of Canvassers.* — There shall be a board of canvassers for each province, city and municipality as follows:

- (a) *Provincial Board of Canvassers.* — The provincial board of canvassers shall be composed of the provincial election supervisor or a lawyer in the regional office of the Commission, as chairman, the provincial fiscal, as vice-chairman, and the provincial superintendent of schools, as member.
- (b) *City Board of Canvassers.* — The city board of canvassers shall be composed of the city election registrar or a lawyer of the Commission, as chairman, the city fiscal, as vice-chairman, and the city superintendent of schools, as member. In cities with more than one election registrar, the Commission shall designate the election registrar who shall act as chairman.
- (c) *Municipal Board of Canvassers.* — The municipal board of canvassers shall be composed of the election registrar or a representative of the Commission, as chairman, the municipal treasurer, as vice-chairman, and the most senior district school supervisor or in his absence a principal of the school district or the elementary school, as member.

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

SECTION 21. *Substitution of Chairman and Members of the Board of Canvassers.* — In case of non-availability, absence, disqualification due to relationship, or incapacity for any cause of the chairman, the Commission shall appoint as substitute a ranking lawyer of the Commission. With respect to the other members of the board, the Commission shall appoint as substitute the following in the order named: The Provincial Auditor, the Registrar of Deeds, the Clerk of Court nominated by the Executive Judge of the Regional Trial Court, and any other available appointive provincial official in the case of the provincial board of canvassers; the officials in the city corresponding to those enumerated, in the case of the city board of canvassers; and the Municipal Administrator, the Municipal Assessor, the Clerk of Court nominated by the Executive Judge of the Municipal Trial

rt. or any other available appointive municipal officials, in the case of the municipal board of canvassers. ...

SECTION 22. *Canvassing Committees.* — The board of canvasser may constitute such number of canvassing committees as may be necessary to enable the board to complete the canvass within the period prescribed under Section 231 of Batas Pambansa Blg. 881; Provided, That each committee shall be composed of three members, each member to be designated by the chairman and members of the board and that all candidates shall be notified in writing, before the election, of the number of committees to be constituted so that they can designate their watchers in each committee. The committees shall be under the direct supervision and control of the board.

SECTION 23. *Notice of Meetings of the Board.* — At least five (5) days before the initial meeting of the board of canvassers, the chairman of the board shall give written notice to all members thereof and to each candidate and political party presenting candidates for election in the political subdivision concerned of the date, time and place of the meeting. Similar notice shall also be given for subsequent meetings unless notice has been given in open session of the board. Proof of giving of notice to each member, candidate and political party shall be attached to and shall form part of the records of the proceedings. If notice is given in open session, such fact shall be recorded in the minutes of the proceedings.

SECTION 24. *Proceedings of the Board.* — The board of canvassers shall have full authority to keep order within the canvassing room or hall, and its premises and enforce obedience to its lawful orders. If any person shall refuse to obey any lawful order of the board or shall so conduct himself in such disorderly manner as to disturb or interrupt its proceedings, the board may order any peace officer to take such person in custody until the adjournment of the meeting.

SECTION 25. *Right to be Present and to Counsel During the Canvass.* — Any registered political party, coalition of parties, through their representatives, and any candidate has the right to be present and to counsel during the canvass of the election returns; Provided, That only one counsel may argue for each political party or candidate. They shall have the right to examine the returns being canvassed without touching them, make their observations thereon, and file their challenges in accordance with the rules and regulations of the Commission. No dilatory action shall be allowed by the board of canvassers. ...

SECTION 26. *COMELEC Hearings and Proceedings.* — In all hearings, inquiries, and proceedings of the Commission, including preliminary investigations of election offenses, no person subpoenaed to testify as a witness shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda and other records on the ground that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to prosecution; *Provided,* That no person shall be prosecuted criminally for or on account of any matter concerning which he is compelled, after having claimed the privilege against self-incrimination, to testify and produce evidence, documentary or otherwise. ...

Under such terms and conditions as it may determine, the Commission may grant immunity from criminal prosecution to any person whose testimony or whose possession and production of documents or other evidence may be necessary to determine the truth in any hearing, inquiry or proceeding being conducted by the Commission or under its authority, in the performance or in the furtherance of its constitutional functions and statutory objectives. The immunity granted under this section and the immediately preceding paragraph shall not exempt the witness from criminal prosecution for perjury or false testimony.

SECTION 27. *Election Offenses.* — In addition to the prohibited acts and election offenses enumerated in Sections 261 and 262 of Batas Pambansa Blg. 881, as amended, the

Following shall be guilty of an election offense:

- (a) Any person who causes the printing of official ballots and election returns by any printing establishment which is not under contract with the Commission on Elections and any printing establishment which undertakes such unauthorized printing. ...
- (b) Any member of the board of election inspector or board of canvassers who tampers, increases, or decreases the votes received by a candidate in any election or any member of the board, who refuses, after proper verification and hearing, to credit the correct votes or deduct such tampered votes.
- (c) Any member of the board of election inspectors who refuses to issue to duly accredited watchers the certificate of votes provided in Section 16 hereof.
- (d) Any person who violates Section 11 hereof regarding prohibited forms of election propaganda.
- (e) Any chairman of the board of canvassers who fails to give notice of meeting to other members of board, candidate or political party as required under Section 23 hereof.
- (f) Any person declared as nuisance candidate as defined under Section 69 of Batas Pambansa Blg. 881, or is otherwise disqualified, by final and executory judgment, who continue to misrepresent himself, or holds himself out, as a candidate, such as by continuing to campaign thereafter, and/or other public officer or private individual, who knowingly induces or abets such misrepresentation, by commission or omission, shall be guilty of an election offense and subject to the penalty provided in Section 264 of the same Code. ...

SECTION 28. *Prosecution of Vote-buying and Vote-selling.* — The presentation of a complaint for violations of paragraph (a) or (b) of Section 261 of Batas Pambansa Blg. 881 supported by affidavits of complaining witnesses attesting to the offer or promise by or of the offerer's acceptance of money or other consideration from the relatives, leaders or sympathizers of a candidate, shall be sufficient basis for an investigation to be immediately conducted by the Commission, directly or through its duly authorized legal officers, under Section 68 or Section 265 of said Batas Pambansa Blg. 881.

Proof that at least one voter in different precincts representing at least twenty percent (20%) of the total precincts in any municipality, city or province has been offered, promised or given money, valuable consideration or other expenditure by a candidate's relatives, leaders and/or sympathizers for the purpose of promoting the election of such candidate, shall constitute a rebuttable presumption of a conspiracy under paragraph (b) of Section 261 of Batas Pambansa Blg. 881.

Where such proof affect at least twenty percent (20%) of the precincts of the municipality, city or province to which the public office aspired by the favored candidate relates, the same shall constitute a disputable presumption of the involvement of such candidate and of his principal campaign managers in each of the municipalities concerned, in the conspiracy.

The giver, offerer, and promisor as well as the solicitor, acceptor, recipient and conspirator referred to in paragraphs (a) and (b) of Section 261 of Batas Pambansa Blg. 881 shall be liable as principals; *Provided*, That any persons, otherwise guilty under said paragraphs who voluntarily confess information and willingly testifies on any violation thereof in any official investigation or

ceeding shall be exempt from prosecution and punishment for the offenses with reference to which his information and testimony were given: *Provided, further*, That nothing herein shall exempt such person from criminal prosecution for perjury or false testimony.

SECTION 29. *Designation of Other Dates for certain Pre-election Acts.* — If it should no longer be reasonably possible to observe the periods and dates prescribed by law for certain election acts, the Commission shall fix other periods and dates in order to ensure accomplishment of the activities so voters shall not be deprived of their right of suffrage.

SECTION 30. *Effectivity of Regulations and Orders of the Commission.* — The rules and regulations promulgated by the Commission shall take effect on the seventh day after their publication in the Official Gazette or in at least two (2) daily newspapers of general circulation in Philippines.

Orders and directives issued by the Commission shall be furnished by personal delivery to all offices concerned within forty-eight (48) hours from date of issuance and shall take effect immediately upon receipt thereof unless a later date is expressly specified in such orders or directives.

SECTION 31. *Repealing Clause.* — All laws, executive orders, rules and regulations, or part thereof inconsistent herewith are deemed repealed or modified accordingly.

SECTION 32. *Separability Clause.* — If for any reason, any section or provision of this Act or any part thereof, or the application of such section, provision or portion is declared invalid or unconstitutional, the remainder thereof shall not be affected by such declaration.

SECTION 33. *Effectivity.* — This Act shall take effect upon its approval.

Approved: January 5, 1988

REPUBLIC ACT NO. 7166

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

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

SECTION 2. *Date of Elections.* — In accordance with the policy hereinbefore stated, there shall be an election for President, Vice-President, twenty-four (24) Senators, all elective members of the House of Representatives, and all elective provincial, city and municipal officials on the second Monday of May, 1992. Thereafter, the President and Vice-President shall be elected on the same day every six (6) years; while the Senators, elective Members of the House of Representatives and all elective provincial, city and municipal officials shall be elected on the same day every three (3) years, except that with respect to Senators, only twelve (12) shall be elected.

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

- (a) For provinces with two (2) or more legislative districts, the elective members of the Sangguniang Panlalawigan shall be elected by legislative districts. For this purpose, the number of seats shall be apportioned equitably; *Provided*, That, if equal division is not possible, the remaining member or members shall be elected in the district or districts with the greater number of population or, if they be the same, with the greater number of voters; *Provided further*, That, if a legislative district includes a city that does not vote in the election of provincial officials, the Commission on Elections, hereinafter referred to as the Commission, shall allocate the number of seats among the districts in proportion to the population of the constituencies voting for the Sangguniang Panlalawigan;
- (b) For provinces with only one (1) legislative district, the Commission shall divide them into two (2) districts for purposes of electing the members of the Sangguniang Panlalawigan, as nearly as practicable according to the number of inhabitants, each district comprising a compact, contiguous and adjacent territory, and the number of seats of elective members of their respective sanggunian shall be equitably apportioned between the districts in accordance with the immediately preceding paragraph;
- (c) The number and election of elective members of the Sangguniang Panlungsod and Sangguniang Bayan in the Metro Manila Area, City of Cebu, City of Davao and any other city with two (2) or more legislative districts shall continue to be governed by the provisions of Sections 2 and 3 of Republic Act No. 6636;

*Provided.* That, the Municipalities of Malabon, Navotas, San Juan, Mandaluyong, Muntinlupa, Las Piñas and Taguig shall have twelve (12) councilors, and Pateros, ten (10); *Provided, further.* That, the Commission shall divide each of the municipalities in Metro Manila Area into two (2) districts by barangay for purposes of representation in the Sangguniang Bayan as nearly as practicable according to the number of inhabitants, each comprising a compact, contiguous and adjacent territory; and

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

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

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

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

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

The campaign periods are hereby fixed as follows:

- (a) For President, Vice-President and Senators, ninety (90) days before the day of the election; and
- (b) For Members of the House of Representatives and elective provincial, city and municipal officials, forty-five (45) days before the day of the election.

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

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

SECTION 6. *Nomination and Selection of Official Candidates.* — No political

convention or meeting for the nomination or selection of the official candidates of any political party or organization or political groups or coalition thereof shall be held earlier than the following periods:

- (a) For President, Vice-President and Senators, one hundred sixty-five (165) days before the day of the election; and
- (b) For Members of the House of Representatives and elective provincial, city or municipal officials, seventy-five (75) days before the day of the election.

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

- (a) The certificate of candidacy for President, Vice-President and Senators shall be filed with the main office of the Commission in Manila;
- (b) The certificate of candidacy for the Members of the House of Representatives shall be filed with the provincial election supervisor of the province concerned. Those for legislative districts in the National Capital Region shall be filed with the regional election director of said region and those for legislative districts in cities outside the National Capital Region which comprise one or more legislative districts shall be filed with the city election registrar concerned;
- (c) The certificate of candidacy for provincial offices shall be filed with the provincial supervisor concerned; and
- (d) The certificate of candidacy for city or municipal offices shall be filed with the city or municipal election registrar concerned.

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

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

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

SECTION 9. *Registration of Voters.* — There shall be a registration of voters on the



...eighth Saturday before the day of the election for voters who will reach the age of eighteen (18) years on or before the day of the election or for those who are qualified but not registered in the list of voters. However, the Commission may designate an additional date of registration in certain areas to ensure that voters therein are not deprived of their right of suffrage.

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

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

When there is a significant number of inclusions, exclusions and corrections in the list of voters in a precinct, the Commission shall direct the board of election inspectors concerned to meet on the eighth Saturday immediately preceding the day of the election for the purpose of making such inclusions and corrections as may be or may have been ordered by the courts, stating opposite every name so corrected, added or cancelled, the date of the order and the court which issued the order; otherwise, the board shall not meet but such inclusions, exclusions and corrections, if any, shall be made in the list of voters before the voting starts on election day.

SECTION 10. *Annulment of the List of Voters.* — Any book of voters the preparation of which has been affected with fraud, bribery, forgery, impersonation, intimidation, force or any other similar irregularity or which is statistically improbable may be annulled, after due notice of a verified complaint; *Provided*, That, no order, ruling or decision annulling a book of voters shall be executed within sixty (60) days before an election.

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

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

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

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

party may be allowed to spend Five Pesos (P5.00) for every such voter: and

- (b) *For political parties.* — Five pesos (P5.00) for every voter currently registered in the constituency or constituencies where it has official candidates.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 17. *Pre-proclamation Controversies: How Commenced.* — Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Commission. However, matters raised under Sections 233, 234, 235 and 236 of the Omnibus Election Code in relation to the preparation, transmission, receipt, custody and certification of the election returns, and the certificates of canvass shall be brought in the first instance before the board of canvassers only.

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

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

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

(b) Upon receipts of any such objection, the board of canvassers shall automatically defer

canvass of the contested returns and shall proceed to canvass the returns which are not contested by any party.

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

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

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

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

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

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

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

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

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

SECTION 21. *Partial Proclamation.* — Notwithstanding the pendency of any

proclamation controversy, the Commission may summarily order the proclamation of other candidates whose election will not be affected by the outcome of the controversy.

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

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

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

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

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

(e) Notwithstanding the preceding provisions, the Commission is hereby authorized to prescribe a different form of official ballot on the same watermarked security paper to facilitate voting by illiterate voter only and to use or adopt the latest technological and electronic devices in connection therewith as provided under Section 52(i) of the Omnibus Election Code.

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

SECTION 25. *Manner of Counting Votes.* — In addition to the requirement in the fourth paragraph of Section 12 of Republic Act No. 6646 and Section 219 of the Omnibus Election Code, in counting the individual official ballots during the counting, the chairman, the poll clerk and the third member shall assume such positions as to provide the watchers and the members of the public as

be conveniently accommodated in the polling place, an unimpeded view of the ballot being provided by the chairman, of the election return and the tally board being simultaneously accomplished by the poll clerk and the third member respectively, without touching any of these election documents. The table shall be cleared of all unnecessary writing paraphernalia. Any violation of this requirement shall constitute an election offense punishable under Sections 263 and 264 of the Omnibus Election Code.

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

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

- (a) The established record of the said parties, coalition of groups that now composed them, taking into account, among other things, their showing in past elections;
- (b) The number of incumbent elective officials belonging to them ninety (90) days before the date of election;
- (c) Their identifiable political organizations and strengths as evidenced by their organized chapters;
- (d) The ability to fill a complete slate of candidates from the municipal level to the position of President; and
- (e) Other analogous circumstances that may determine their relative organizations and strengths.

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

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

- (a) In the election of President, Vice-President, Senators and Members of the House of Representatives:
  - (1) The first copy shall be delivered to the city or municipal board of canvassers;
  - (2) The second copy to the Congress, directed to the President of the Senate;

- (3) The third copy, to the Commission:
- (4) The fourth copy, to the provincial board of canvassers:
- (5) The fifth copy, to be known as advance election returns, shall be delivered to the city or municipal treasurer who, in the presence of the election registrar or his authorized representative, shall immediately and publicly open the same and post the votes therein in an election tally board sufficiently large to enable the public to read them, built on the public place preferably within the immediate vicinity of the city hall or municipal building.
- (6) The sixth copy shall be given to the city or municipal trial court judge or in his absence to any official who may be designated by the Commission. The city or municipal trial court judge or the official designated by the Commission shall keep his copies of the election returns, sealed and unopened. Said copy may be opened only during the canvass upon order of the board of canvassers for purposes of comparison with other copies of the returns whose authenticity is in question; and
- (7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots; and

(b) In the election of local officials:

- (1) The first copy shall be delivered to the city or municipal board of canvassers:
- (2) The second copy, to the Commission:
- (3) The third copy, to the provincial board of canvassers:
- (4) The fourth copy, to be known as advance election returns, shall be delivered to the city or municipal treasurer who, in the presence of the election registrar or his authorized representative, shall immediately and publicly open the same and post the votes therein in an election tally board sufficiently large to enable the public to read them, built on a public place preferably within the immediate vicinity of the city hall or municipal building: ...
- (5) The fifth copy shall be given to the city or municipal trial court judge or in his absence, to any official who may be designated by the Commission. The city or municipal trial court judge or the official designated by the Commission shall keep his copies of the election returns, sealed and unopened. Said copy may be opened only during the canvass upon order of the board of canvassers for purposes of comparison with other copies of the returns whose authenticity is in question; and

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

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

(b) The city board of canvassers of cities comprising one or more legislative districts shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective city officials. Upon completion of the canvass, the board shall prepare the certificate of canvass for President, Vice-President, and Senators and thereafter, proclaim the elected Members of the House of Representatives and city officials.

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

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

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

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



representatives and provincial officials as well as the plebiscite results, if any.

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

- (1) The first copy shall be delivered to the provincial board of canvassers for use in the canvass of election results for President, Vice-President, Senators and Members of the House of Representatives and elective provincial officials;
- (2) The second copy shall be sent to the Commission;
- (3) The third copy shall be kept by the chairman of the board;
- (4) The fourth copy shall be given to the citizens arm designated by the Commission to conduct a media-based unofficial count; and
- (5) The fifth, sixth and seventh copies shall be given to the representatives of three (3) of the six (6) major political parties in accordance with the voluntary agreement of the parties. If no such agreement is reached, the Commission shall decide which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 26 hereof. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.

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

- (1) The first copy shall be sent to the Congress, directed to the President of the Senate for use in the canvass of election results for President and Vice-President;
- (2) The second copy shall be sent to the Commission for use in the canvass of the election results for Senators;
- (3) The third copy shall be kept by the chairman of the board;
- (4) The fourth copy shall be given to the citizens arm designated by the Commission to conduct a media-based unofficial count; and
- (5) The fifth, sixth and seventh copies of the certificate of canvass shall be given to any three (3) of the six (6) accredited major political parties in accordance with the voluntary agreement of the parties. If no such agreement is reached, the Commission shall decide which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 26 hereof. The parties receiving the certificates shall have the obligation to furnish the other parties

with authentic copies thereof with the least possible delay.

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

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

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

SECTION 30. *Congress as the National Board of Canvassers for the Election of President and Vice-President: Determination of Authenticity and Due Execution of Certificates of Canvass.* — Congress shall determine the authenticity and due execution of the certificate of canvass for President and Vice-President as accomplished and transmitted to it by the local boards of canvassers, on a showing that: (1) each certificate of canvass was executed, signed and thumbmarked by the chairman and members of the board of canvassers and transmitted or caused to be transmitted to Congress by them; (2) each certificate of canvass contains the names of all of the candidates for President and Vice-President and their corresponding votes in words and in figures; and (3) there exists no discrepancy in other authentic copies of the certificate of canvass or discrepancy in the votes of any candidate in words and figures in the certificate.

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

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

SECTION 31. *Per Diems of Election Inspectors and Other Officials.* — The members of the board of election inspectors shall be paid a *per diem* of Two hundred pesos (P200.00) each for services on registration and revision days and Four hundred pesos (P400.00) each on the day of the election. Provincial, city and municipal treasurers, administrators and supervisors of the Department

Education, Culture and Sports assigned by the Commission to perform election duty shall receive *per diem* of Four hundred pesos (P400.00) each on election day.

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

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

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

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

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

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

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

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

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

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

SECTION 38. *Separability Clause.* — If any provisions or party of this Act is declared unconstitutional such declaration of unconstitutionality will not affect the other provisions of this Act.

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

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

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

Approved: November 26, 1991

REPUBLIC ACT NO. 7890

AN ACT AMENDING ARTICLE 286, SECTION THREE, CHAPTER TWO, TITLE NINE OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

SECTION 1. Article 286, Section Three, Chapter Two, Title Nine of Act No. 3815, as amended, is hereby further amended to read as follows:

"Art. 286. *Grave Coercion.* — The penalty of *prision correccional* and a fine not exceeding Six thousand pesos shall be imposed upon any person who, without any authority of law, shall, by means of violence, threats or intimidation, prevent another from doing something not prohibited by law, or compel him to do something against his will, whether it be right or wrong. ...

"If the coercion be committed in violation of the exercise of the right of suffrage, or for the purpose of compelling another to perform any religious act, to prevent him from exercising such right or from so doing such act, the penalty next higher in degree shall be imposed."

SECTION 2. Section 26I, Paragraphs (d)(1) and (2), Article XXII of Batas Pambansa Blg. 881 is hereby repealed.

SECTION 3. All other election laws, decrees, executive orders, rules and regulations, in whole or in part thereof inconsistent with the provisions of this Act are hereby repealed.

SECTION 4. If, for any reason, any section or provision of this Act, or any portion thereof, the application of such section, provision or portion to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Act or application of such section, provision or portion thereof to other persons, groups or circumstances shall not be affected by such declaration. ...

SECTION 5. This Act shall take effect upon its approval.

Approved: February 20, 1995

H. No. 9000  
S. No. 1742

Republic of the Philippines  
**Congress of the Philippines**  
Metro Manila  
Ninety Congress  
Third Regular Session

Began and held in Metro Manila, on Monday, the twenty-fourth day of July, two thousand.

[ REPUBLIC ACT NO. 9006 ]

AN ACT TO ENHANCE THE HOLDING OF FREE, ORDERLY,  
HONEST, PEACEFUL AND CREDIBLE ELECTIONS  
THROUGH FAIR ELECTION PRACTICES

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

SECTION 1. *Short Title.* - This Act shall be known as the "Fair Election Act."

SEC. 2. *Declaration of Principles.* - The State shall, during the election period, supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of media of communication or information to guarantee or ensure equal opportunity for public service, including access to media time and space, and the equitable right to reply, for public information campaigns and fora among candidates and assure free, orderly, honest, peaceful and credible elections.

The State shall ensure that bona fide candidates for any public office shall be free from any form of harassment and discrimination.

*SEC. 3. Lawful Election Propaganda.* - Election propaganda, whether on television, cable television, radio, papers or any other medium is hereby allowed for all registered political parties, national, regional, sectoral parties or organizations participating under the party-list elections and for all bona fide candidates seeking national and local elective positions subject to limitation on authorized expenses of candidates and political offices, observance of truth in advertising and to the supervision and regulation by the Commission on Elections (COMELEC).

For the purpose of this Act, lawful election propaganda shall include:

3.1. Pamphlets, leaflets, cards, decals, stickers or other signs or printed materials the size of which does not exceed ten centimeters in width and one-half inches in length;

3.2. Handwritten or printed letters urging voters to vote against any particular political party or candidate for public office;

3.3. Cloth, paper or cardboard posters, whether framed or unframed, with an area not exceeding two (2) feet by three (3) feet, to be displayed at the site and on the occasion of a public meeting or in announcing the holding of said meeting or rally, the number of voters not exceeding three (3) feet by eight (8) feet in size, to be allowed; *Provided*, That said streamers may be displayed for not more than five (5) days before the date of the meeting or rally and shall be removed within twenty-four (24) hours after said meeting or rally;

3.4. Paid advertisements in print or broadcast media; *Provided*, That the advertisements shall follow the requirements set forth in Section 4 of this Act; and

3.5. All other forms of election propaganda not prohibited under the Omnibus Election Code or this Act.

*SEC. 4. Requirements for Published or Printed and Broadcast Election Propaganda.* - 4.1. Any newspaper, newsletter, weekly, gazette or magazine advertising, posters, pamphlets, books, circulars, handbills, bumper stickers, streamers,

sample list of candidates or any published or printed political matter and any broadcast of election propaganda by television or radio for or against a candidate or group of candidates to any public office shall bear and be identified by the reasonably legible or audible words "political advertisement paid for," followed by the true and correct name and address of the candidate or party for whose benefit the election propaganda was printed or aired.

4.2. If the broadcast is given free of charge by the radio or television station, it shall be identified by the words "airtime for this broadcast was provided free of charge by" followed by the true and correct name and address of the broadcast entity.

4.3. Print, broadcast or outdoor advertisements donated to the candidate or political party shall not be printed, published, broadcast or exhibited without the written acceptance by the said candidate or political party. Such written acceptance shall be attached to the advertising contract and shall be submitted to the COMELEC as provided in Subsection 6.3 hereof.

*SEC. 5. Election Surveys.* - 5.1. Election surveys refer to the measurement of opinions and perceptions of the voters as regards a candidate's popularity, qualifications, platforms or a matter of public discussion in relation to the election, including voters' preference for candidates or publicly discussed issues during the campaign period (hereafter referred to as "Survey").

5.2. During the election period, any person, natural as well as juridical, candidate or organization who publishes a survey must likewise publish the following information:

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

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

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

(d) The margin of error of the survey;

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

(f) A mailing address and telephone number, indicating it an address or telephone number at which the sponsor can be contacted to obtain a written report regarding the survey in accordance with Subsection 5.3.

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

5.4. Surveys affecting national candidates shall not be published fifteen (15) days before an election and surveys affecting local candidates shall not be published seven (7) days before an election.

5.5. Exit polls may only be taken subject to the following requirements:

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

(b) Pollsters shall wear distinctive clothing;

(c) Pollsters shall inform the voters that they may refuse answer; and

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

SEC. 6. *Equal Access to Media Time and Space.* - All registered parties and bona fide candidates shall have equal access to media time and space. The following guidelines may be amplified on by the COMELEC:

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

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

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

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

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

6.4. No franchise or permit to operate a radio or television station shall be granted or issued, suspended or cancelled during the election period.

In all instances, the COMELEC shall supervise the use and employment of press, radio and television facilities insofar as the placement of political advertisements is concerned to ensure that



ndidates are given equal opportunities under equal circumstances to make known their qualifications and their stand on public issues within the limits set forth in the Omnibus Election Code and Republic Act No. 7166 on election spending.

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

6.5. All members of media, television, radio or print, shall scrupulously report and interpret the news, taking care not to suppress essential facts nor to distort the truth by omission or proper emphasis. They shall recognize the duty to air the other side and the duty to correct substantive errors promptly.

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

6.7. No movie, cinematograph or documentary portraying the life or biography of a candidate shall be publicly exhibited in a theater, television station or any public forum during the campaign period.

6.8. No movie, cinematograph or documentary portrayed as an actor or media personality who is himself a candidate shall likewise be publicly exhibited in a theater or any public forum during the campaign period.

SEC. 7. *Affirmative Action*, by the COMELEC. - 7.1. Pursuant to Sections 90 and 92 of the Omnibus Election Code (Batas Pambansa Blg. 881), the COMELEC shall procure the print space upon payment of just compensation from at least three (3) national newspapers of general circulation wherein candidates for national office can announce their candidacies. Such space shall be allocated free of charge equally and impartially among all the candidates for national office on three (3) different calendar days: the first day within the first week of the campaign period; the second day within the fifth week of the campaign period; and the third day within the tenth week of the campaign period.

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

7.3. The COMELEC may require national television and radio networks to sponsor at least three (3) national debates among presidential candidates and at least one (1) national debate among vice presidential candidates. The debates among presidential candidates shall be scheduled on three (3) different calendar days: the first debate shall be scheduled within the first and second week of the campaign period; the second debate within the fifth and sixth week of the campaign period; and the third debate shall be scheduled within the tenth and eleventh week of the campaign period.

The sponsoring television or radio network may sell airtime for commercials and advertisements to interested advertisers and sponsors. The COMELEC shall promulgate rules and regulations for the holding of such debates.

SEC. 8. *COMELEC Space and Time*. - The COMELEC shall procure space in at least one (1) newspaper of general circulation and air time in at least one (1) major broadcasting station or entity in every province or city: *Provided, however*,

at in the absence of said newspaper, publication shall be done by any other magazine or periodical in said province or city, which shall be known as "COMELEC Space". *Provided, further*, That in the absence of said broadcasting station or entity, broadcasting shall be done in any radio or television station in said province or city, which shall be known as "COMELEC Time". Said time shall be allocated to the COMELEC free of charge, while said space shall be allocated to the COMELEC upon payment of just compensation. The COMELEC time and space shall be utilized exclusively by the COMELEC for public information dissemination election-related concerns.

**SEC. 9. Posting of Campaign Materials.** - The COMELEC may authorize political parties and party-list groups to erect common poster areas for their candidates in not more than ten (10) public places such as plazas, markets, barangay centers and public buildings, wherein candidates can post, display or exhibit election propaganda: *Provided*, That the size of the poster areas shall not exceed twelve (12) by sixteen (16) feet or its equivalent.

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

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

**SEC. 10. Right to Reply.** - All registered parties and bona fide candidates shall have the right to reply to charges published against them. The reply shall be given publicity by the newspaper, television and/or radio station which first printed or aired the charges with the same prominence or in the same page or section in the same time slot as the first statement.

**SEC. 11. Rates for Political Propaganda.** - During the election period, media outlets shall charge registered political parties and bona fide candidates a discounted rate of thirty percent (30%) for television, twenty percent (20%) for radio and ten percent

(10%) for print over the average rates charged during the first three quarters of the calendar year preceding the elections.

**SEC. 12. Substitution of Candidates.** - In case of valid substitutions after the official ballots have been printed, the votes cast for the substituted candidates shall be considered as stray votes but shall not invalidate the whole ballot. For this purpose, the official ballots shall provide spaces where the voters may write the name of the substitute candidates if they are voting for the latter: *Provided, however*, That if the substitute candidate is of the same family name, this provision shall not apply.

**SEC. 13. Authority of the COMELEC to Promulgate Rules; Election Offenses.** - The COMELEC shall promulgate and furnish all political parties and candidates and the mass media entities the rules and regulations for the implementation of this Act, consistent with the criteria established in Article IX-C, Section 4 of the Constitution and Section 86 of the Omnibus Election Code (Batas Pambansa Big. 881).

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


Violation of this Act and the rules and regulations of the COMELEC issued to implement this Act shall be an election offense punishable under the first and second paragraphs of Section 264 of the Omnibus Election Code (Batas Pambansa Big. 881).


**SEC. 14. Repealing Clause.** - Sections 67 and 85 of the Omnibus Election Code (Batas Pambansa Big. 881) and Sections 10 and 11 of Republic Act No. 6646 are hereby repealed. As a consequence, the first proviso in the third paragraph of Section 11 of Republic Act No. 8436 is rendered ineffective. All laws, presidential decrees, executive orders, rules and regulations, or any part thereof inconsistent with the provisions of this Act are hereby repealed or modified or amended accordingly.

SEC. 15. *Separability Clause.* - If any provision or part thereof is held invalid or unconstitutional, the remainder of this Act not otherwise affected shall remain in full force and effect.


SEC. 16. *Effectivity.* - This Act shall take effect immediately on its approval.


Approved,

  
QUILINO Q. PIMENTEL JR.  
*President of the Senate*

  
FELICIANO BELMONTE JR.  
*Speaker of the House of Representatives*


This Act which is a consolidation of House Bill No. 9000 and Senate Bill No. 1742 was finally passed by the House of Representatives and the Senate on February 7, 2001.

  
LUTGARDO B. BARBO  
*Secretary of the Senate*

  
ROBERTO P. NAZARENO  
*Secretary General  
House of Representatives*

Approved: FEB 12 2001

2/12

  
GLORIA MACAPAGAL-ARROYO  
*President of the Philippines*

SECTION 94. *Definitions.* — As used in this Article:

- (a) The term "contribution" includes a gift, donation, subscription, loan, advance or deposit of money or anything of value, or a contract, promise or agreement to contribute, whether or not legally enforceable, made for the purpose of influencing the results of the elections but shall not include services rendered without compensation by individuals volunteering a portion or all of their time in behalf of a candidate or political party. It shall also include the use of facilities voluntarily donated by other persons, the money value of which can be assessed based on the rates prevailing in the area.
- (b) The term "expenditure" includes the payment or delivery of money or anything of value, or a contract, promise or agreement to make an expenditure, for the purpose of influencing the results of the election. It shall also include the use of facilities personally owned by the candidate, the money value of the use of which can be assessed based on the rates prevailing in the area.
- (c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons. (*Sec. 49, 1978 EC*)

SECTION 95. *Prohibited contributions.* — No contribution for purposes of partisan political activity shall be made directly or indirectly by any of the following:

- (a) Public or private financial institutions: *Provided, however,* That nothing herein shall prevent the making of any loan to a candidate or political party by any such public or private financial institutions legally in the business of lending money, and that the loan is made in accordance with laws and regulations and in the ordinary course of business;
- (b) Natural and juridical persons operating a public utility or in possession of or exploiting any natural resources of the nation;
- (c) Natural and juridical persons who hold contracts or sub-contracts to supply the government or any of its divisions, subdivisions or instrumentalities, with goods or services or to perform construction or other works;
- (d) Natural and juridical persons who have been granted franchises, incentives, exemptions, allocations or similar privileges or concessions by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations;
- (e) Natural and juridical persons who, within one year prior to the date of the election, have been granted loans or other accommodations in excess of P100,000 by the government or any of its divisions, subdivisions or instrumentalities including government-owned or controlled corporations;
- (f) Educational institutions which have received grants of public funds amounting to no less than P100,000.00;
- (g) Officials or employees in the Civil Service, or members of the Armed Forces of the Philippines; and
- (h) Foreigners and foreign corporations.

It shall be unlawful for any person to solicit or receive any contribution from any of the persons or entities enumerated herein (*Sec. 65, 1978 EC*)

SECTION 96. *Soliciting or receiving contributions from foreign sources.* — It shall be unlawful for any person, including a political party or public or private entity to solicit or receive, directly or indirectly, any aid or contribution of whatever form or nature from any foreign national, government or entity for the purposes of influencing the results of the election. (*Sec. 67, 1978 EC*)

SECTION 97. *Prohibited raising of funds.* -- It shall be unlawful for any person to hold races, lotteries, cockfights, games, boxing bouts, bingo, beauty contests, entertainments, or cinematographic, theatrical or other performances for the purpose of raising funds for an election campaign or for the support of any candidate from the commencement of the election period up to and including election day; or for any person or organization, whether civic or religious, directly or indirectly, to solicit and/or accept from any candidate for public office, or from his campaign manager, agent or representative, or any person acting in their behalf, any gift, food, transportation, contribution or donation in cash or in kind from the commencement of the election period up to and including election day; *Provided*, That normal and customary religious stipends, tithes, or collections on Sundays and/or other designated collection days, are excluded from this prohibition. (*Sec. 64, 1978 EC*)

SECTION 98. *True name of contributor required.* — No person shall make any contribution in any name except his own nor shall any candidate or treasurer of a political party give a contribution or enter or record the same in any name other than that of the person by whom it was actually made. (*Sec. 66, 1978 EC*)

SECTION 99. *Report of contributions.* — Every person giving contributions to any candidate, treasurer of the party, or authorized representative of such candidate or treasurer shall, no later than thirty days after the day of the election, file with the Commission a report under oath stating the amount of each contribution, the name of the candidate, agent of the candidate or political party receiving the contribution, and the date of the contribution. (*Sec. 68, 1978 EC*)

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

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

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

SECTION 100. *Limitations upon expenses of candidates.* — No candidate shall spend for his election campaign an aggregate amount exceeding one peso and fifty centavos for every voter currently registered in the constituency where he filed his candidacy: *Provided.* That the expenses herein referred to shall include those incurred or caused to be incurred by the candidate, whether in cash or in kind, including the use, rental or hire of land, water or aircraft, equipment, facilities, apparatus and paraphernalia used in the campaign: *Provided, further.* That where the land, water or aircraft, equipment, facilities, apparatus and paraphernalia used is owned by the candidate, his contributor or supporter, the Commission is hereby empowered to assess the amount commensurate with the expenses for the use thereof, based on the prevailing rates in the locality and shall be included in the total expenses incurred by the candidate. (*Sec. 51, 1978 EC*) ...

SECTION 101. *Limitations upon expenses of political parties.* — A duly accredited political party may spend for the election of its candidates in the constituency or constituencies where it has official candidates an aggregate amount not exceeding the equivalent of one peso and fifty centavos for every voter currently registered therein. Expenses incurred by branches, chapters, or committees of such political party shall be included in the computation of the total expenditures of the political party.

Expenses incurred by other political parties shall be considered as expenses of their respective individual candidates and subject to limitation under Section 100 of this Code (*Sec. 52, 1978 EC*)

SECTION 102. *Lawful expenditures.* — To carry out the objectives of the preceding sections, no candidate or treasurer of a political party shall, directly or indirectly, make any expenditure except for the following purposes:

- (a) For travelling expenses of the candidates and campaign personnel in the course of the campaign and for personal expenses incident thereto;
- (b) For compensation of campaigners, clerks, stenographers, messengers, and other persons actually employed in the campaign;
- (c) For telegraph and telephone tolls, postage, freight and express delivery charges;
- (d) For stationery, printing and distribution of printed matters relative to candidacy;
- (e) For employment of watchers at the polls;
- (f) For rent, maintenance and furnishing of campaign headquarters, office or place of meetings;
- (g) For political meetings and rallies and the use of sound systems, lights and decorations during said meetings and rallies;
- (h) For newspaper, radio, television and other public advertisements;
- (i) For employment of counsel, the cost of which shall not be taken into account in determining the amount of expenses which a candidate or political party may have incurred under Section 100 and 101 hereof;
- (j) For copying and classifying list of voters, investigating and challenging the right to vote of persons registered in the lists the costs of which shall not be taken into account in determining the amount of expenses which a candidate or political party may have incurred under Sections 100 and 101 hereof; or
- (k) For printing sample ballots in such color, size and maximum number as may be authorized by the Commission and the cost of such printing shall not be taken into account in determining the amount of expenses which a candidate or political party may have incurred under Sections 100 and 101 hereof. (*Sec. 53, 1978 EC*)

SECTION 103. *Persons authorized to incur election expenditures.* — No person, except the candidate, the treasurer of a political party or any person authorized by such candidate or treasurer, shall make any expenditure in support of or in opposition to any candidate or political party. Expenditures duly authorized by the candidate or the treasurer of the party shall be considered expenditures of such candidate or political party.

The authority to incur expenditures shall be in writing, copy of which shall be furnished the Commission signed by the candidate or the treasurer of the party and showing the expenditures so authorized, and shall state the full name and exact address of the person so designated. (*Sec. 54,*



1978 EC)

SECTION 104. *Prohibited donations by candidates, treasurers of parties or their agents.* — No candidate, his or her spouse or any relative within the second civil degree of consanguinity or affinity, or his campaign manager, agent or representative shall during the campaign period, on the day before and on the day of the election, directly or indirectly, make any donation, contribution or gift in cash or in kind, or undertake or contribute to the construction or repair of roads, bridges, school buses, pisciculture centers, medical clinics and hospitals, churches or chapels cement pavements, or any structure for public use or for the use of any religious or civic organization; *Provided*, That normal and customary religious dues or contributions, such as religious stipends, fines or collections on Sundays or other designated collection days, as well as periodic payments for legitimate scholarships established and school contributions habitually made before the prohibited period, are excluded from the prohibition.

The same prohibition applies to treasurers, agents or representatives of any political party. (Sec. 63, 1978 EC)

SECTION 105. *Accounting by agents of candidate or treasurer.* — Every person receiving contributions or incurring expenditures by authority of the candidate or treasurer of the party shall, on demand by the candidate or treasurer of the party and in any event within five days after receiving such contribution or incurring such expenditure, render to the candidate or the treasurer of the party concerned, a detailed account thereof with proper vouchers or official receipts. (Sec. 55, 1978 EC)

SECTION 106. *Records of contributions and expenditures.* — (a) It shall be the duty of every candidate, treasurer of the political party and person acting under the authority of such candidate or treasurer to issue a receipt for every contribution received and to obtain and keep a receipt stating the particulars of every expenditure made.

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

(c) Every candidate and treasurer of the party shall be responsible for the preservation of the records of contributions and expenditures, together with all pertinent documents, for at least three years after the holding of the election to which they pertain and for their production for inspection by the Commission or its duly authorized representative, or upon presentation of a subpoena *duces tecum* duly issued by the Commission. Failure of the candidate or treasurer to preserve such records or documents shall be deemed *prima facie* evidence of violation of the provisions of this Article. (Sec. 56, 1978 EC)

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

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

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

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

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

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

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

SECTION 109. *Form and contents of statement.* — The statement shall be in writing, subscribed and sworn to by the candidate or by the treasurer of the party, shall be complete as of the date next preceding the date of filing and shall set forth in detail (a) the amount of contribution, the date of receipt, and the full name and exact address of the person from whom the contribution was received; (b) the amount of every expenditure, the date thereof, the full name and exact address of the person to whom payment was made, and the purpose of the expenditure; (c) any unpaid obligation, its nature and amount, and to whom said obligation is owing; and (d) such other particulars which the Commission may require.

If the candidate or treasurer of the party has received no contribution, made no expenditure, or has no pending obligation, the statement shall reflect such fact. (*Sec. 59, 1978 EC*)

SECTION 110. *Preservation and inspection of statements.* — All statements of contributions and expenditures shall be kept and preserved at the office where they are filed and shall constitute part of the public records thereof for three years after the election to which they pertain. They shall not be removed therefrom except upon order of the Commission or of a competent court and shall, during regular office hours, be subject and open to inspection by the public. The officer in-charge thereof, shall, on demand, furnish certified copies of any statement upon payment of the fee prescribed under Section 270 hereof. (*Sec. 60, 1978 EC*)

It shall be the duty of the Commission to examine all statements of contributions and expenditures of candidates and political parties to determine compliance with the provisions of this article. (*New*)

SECTION 111. *Effect of failure to file statement.* — In addition to other sanctions provided in this Code, no person elected to any public office shall enter upon the duties of his office until he has filed the statement of contributions and expenditures herein required.

The same prohibition shall apply if the political party which nominated the winning candidate fails to file the statements required herein within the period prescribed by this Code. (*Sec. 61, 1978 EC modified*)

SECTION 112. *Report of contractor and business firms.* — Every person or firm to whom any electoral expenditure is made shall, within thirty days after the day of the election, file with the Commission a report setting forth the full names and exact addresses of the candidates, treasurers of political parties, and other persons incurring such expenditures, the nature or purpose of each expenditure, the date and costs thereof, and such other particulars as the Commission may require. The report shall be signed and sworn to by the supplier or contractor, or in case of a business firm or association, by its president or general manager.

It shall be the duty of such person or firm to whom an electoral expenditure is made to require every agent of a candidate or of the treasurer of a political party to present written authority to incur electoral expenditures in behalf of such candidate or treasurer, and to keep and preserve at his place of business, subject to inspection by the Commission or its authorized representatives, copies of such written authority, contracts, vouchers, invoices and other records and documents relative to said expenditures for a period of three years after the date of the election to which they pertain.

It shall be unlawful for any supplier, contractor or business firm to enter into contract involving election expenditures with representatives of candidates or political parties without such written authority. (*Sec. 69, 1978, EC*)

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

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