

Approved: 26 November 1991

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

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

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

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

Sec. 3. Election of Members of the Sangguniang Panlalawigan, Sanggunian 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 ([?r=References/RelatedLaws/OtherRelatedLaws/RA6636#sec2](#)) and 3 ([?r=References/RelatedLaws/OtherRelatedLaws/RA6636#sec3](#)) of Republic Act No. 6636 ([?r=References/RelatedLaws/OtherRelatedLaws/RA6636](#)): 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 a 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 effective provide for the election of sectoral representatives in the implementation of the Local Government Code ([?r=References/RelatedLaws/RA7160](#)).

Sec. 4. Postponement, Failure of Election and Special Elections. - The postponement, declaration of failure of election and the calling of special elections as provided in Sections 5 (?r=References/RelatedLaws/OmnibusElectionCode/OECart1#sec5), 6 (?r=References/RelatedLaws/OmnibusElectionCode/OECart1#sec6) and 7 (?r=References/RelatedLaws/OmnibusElectionCode/OECart1#sec7) of the Omnibus Election Code (?r=References/RelatedLaws/OmnibusElectionCode/OECart7) shall be decided by the Commission sitting en banc by a majority vote of its members. The causes for the declaration of a failure of election may occur before or after the casting of votes or on the day of the election.

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

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

The campaign periods are hereby fixed as follows:

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

However, in the preparation of the election calendar, the Commission may exclude the day before 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 (?r=References/RelatedLaws/OmnibusElectionCode/OECart22#sec263) and 264 (?r=References/RelatedLaws/OmnibusElectionCode/OECart22#sec264) of the Omnibus Election Code (?r=References/RelatedLaws/OmnibusElectionCode/OECart7).

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

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

Sec. 7. Filing of Certificates of Candidacy. - The 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 in the election returns: Provided, That, if a candidate has been disqualified or declared a nuisance candidate, it shall be the duty of the Commission

to instruct without delay the appropriate election officials to delete the name of said candidate as printed in the election return.

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

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

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

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

The board of election inspectors shall post, on the wall outside the room where the registration was conducted, the list of voters in each precinct beginning on the first working day after registration day until election day. Failure to post said list shall constitute an election offense punishable under 263 (?r=References/RelatedLaws/OmnibusElectionCode/OECart22#sec263) and 264 (?r=References/RelatedLaws/OmnibusElectionCode/OECart22#sec264) of the Omnibus Election Code (?r=References/RelatedLaws/OmnibusElectionCode/OECart7).

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 same; 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.

Sec. 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.

Sec. 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.

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

Sec. 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:

1. 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

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

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

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

No person elected to any public 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.

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

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

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

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

All pre-proclamation cases pending before the Commission shall be deemed terminated at the beginning of the term of the office involved and the rulings of the boards of canvassers concerned shall be deemed affirmed, without prejudice to the filing of a regular election protest by the aggrieved party. However, proceedings may continue when on the basis of the evidence thus far presented, the Commission 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.

Sec. 17. Pre-proclamation Controversies; How Commenced. - Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Commission. However, matters raised under Sections 233 (? r=References/RelatedLaws/OmnibusElectionCode/OECart19#sec233), 234 (? r=References/RelatedLaws/OmnibusElectionCode/OECart19#sec234), 235 (? r=References/RelatedLaws/OmnibusElectionCode/OECart19#sec235) and 236 (?? r=References/RelatedLaws/OmnibusElectionCode/OECart19#sec236) of the Omnibus Election Code (? r=References/RelatedLaws/OmnibusElectionCode/OECart7) in relation to the preparation, transmission, receipt, custody and appreciation of the election returns, and the certificates of canvass shall be brought in the first instance before the board of canvassers only.

Sec. 18. Summary Disposition of Pre-proclamation Controversies. - All pre-proclamation controversies on election returns or certificates of canvass shall, on the basis of the records and evidence elevated to it by the board of canvassers, be disposed of summarily by the 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.

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

Sec. 20. Procedure in Disposition of Contested Election Returns. -

- a. Any candidate, political party or coalition of political parties contesting the inclusion or exclusion in the canvass of any election returns on any of the grounds authorized under Article XX (? r=References/RelatedLaws/OmnibusElectionCode/OECart20) or 234 (? r=References/RelatedLaws/OmnibusElectionCode/OECart19#sec234), 235 (? r=References/RelatedLaws/OmnibusElectionCode/OECart19#sec235) and 236 (? r=References/RelatedLaws/OmnibusElectionCode/OECart19#sec236) of 234 (? r=References/RelatedLaws/OmnibusElectionCode/OECart19#sec234), 235 (? r=References/RelatedLaws/OmnibusElectionCode/OECart19#sec235) and Article XIX (? r=References/RelatedLaws/OmnibusElectionCode/OECart19) of the Omnibus Election Code (? r=References/RelatedLaws/OmnibusElectionCode/OECart7) 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 the canvass of the contested returns and shall proceed to canvass the returns which are not contested by any party.
- c. Simultaneous with the oral objection, the objecting party shall also enter his objection in the form for written objections to be prescribed by the Commission. Within twenty-four (24) hours from and after the presentation of such an objection, the objecting party shall submit the evidence in support of the objection, which shall be attached to the form for written objections. Within the same period of twenty-four (24) hours after presentation of the objection, any party may file a written and verified opposition to the objection in the form also to be prescribed by the Commission, attaching thereto supporting evidence, if any. The board shall not entertain any objection or opposition unless 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 part 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 upon by it, the board shall suspend the canvass. Within forty-eight (48) hours, therefrom, any party adversely affected by the ruling may file with the board a written and verified notice of appeal; and within an unextendible period of five (5) days thereafter an appeal may be taken to the Commission.

- g. Immediately upon receipt of the notice of appeal, the board shall make an appropriate report to the Commission, elevating therewith the complete records and evidence submitted in the canvass, and furnishing the parties with copies of the report.
- h. On the basis of the 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 receipts thereof by the losing party.

- i. The board of canvassers shall not proclaim any candidate as winner unless authorized by the Commission after the latter has ruled on the 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.

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

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

Sec. 23. 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 shape of a strip with stub and detachable coupon containing the serial number of the ballot, and a space for the thumbmark of the voter on the detachable coupon. It shall bear at the top of the voter on the detachable coupon. It shall bear at the top of the middle portion thereof the coat-of-arms of the Republic of the Philippines, the word "Official Ballot," the name of the city or the municipality and province in which the election is to be held, the date of the election, and the following notice in English: "Fill out this ballot secretly inside the voting booth. Do not put any 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 each of the titles of the offices to be voted for printed in Arabic in addition to and immediately below the English title.
- e. Notwithstanding the preceding provisions, the Commission is hereby authorized to prescribe a different form of official ballot on the same watermarked security paper to facilitate voting by illiterate voter only and to use or adopt the latest technological and electronic devices in connection therewith as provided under Section 52 (i) (? r=References/RelatedLaws/OmnibusElectionCode/OECart7#sec52i) of the Omnibus Election Code (? r=References/RelatedLaws/OmnibusElectionCode/OECart7).

Sec. 24. Signature of Chairman at the Back of Every Ballot. - In every case before delivering an official ballot to the voter, the chairman of the board of election inspectors shall, in the presence of the voter, affix his signature at the back thereof. Failure to so authenticate shall be noted in the minutes of the board of election inspectors and shall constitute an election offense punishable under 263 (?r=References/RelatedLaws/OmnibusElectionCode/OECart22#sec263) and 264 (? r=References/RelatedLaws/OmnibusElectionCode/OECart22#sec264) of the Omnibus Election Code (? r=References/RelatedLaws/OmnibusElectionCode/OECart7).

Sec. 25. Manner of Counting Votes. - In addition to the requirement in the fourth paragraph of Section 12 (? r=References/RelatedLaws/ElectionLaws/OtherElectionLaws/RA6646#sec12) of Republic Act No. 6646 (? r=References/RelatedLaws/ElectionLaws/OtherElectionLaws/RA6646) ad Section 210 (? r=References/RelatedLaws/OmnibusElectionCode/OECart18#sec210) of the Omnibus Election Code (? r=References/RelatedLaws/OmnibusElectionCode/OECart7), in reading the individual official ballots during the counting, the

chairman, the poll clerk and the third member shall assume such positions as to provide the watchers and the members of the public as may be conveniently accommodated in the polling place, an unimpeded view of the ballot being read by the chairman, of the election 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 (? r=References/RelatedLaws/OmnibusElectionCode/OECart22#sec263) and 264 (? r=References/RelatedLaws/OmnibusElectionCode/OECart22#sec264) of the Omnibus Election Code (? r=References/RelatedLaws/OmnibusElectionCode).

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

There shall also be recognized six (6) principal watchers, representing the six (6) accredited major political parties, who shall be designated 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.

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

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

- a. In the election of President, Vice-President, Senators and Members of the House of Representatives:
 1. The first copy shall be delivered to the city or municipal board of canvassers;
 2. The second copy to the Congress, directed to the President of the Senate;
 3. The third copy, to the Commission;
 4. The fourth copy, to the provincial board of canvassers;
 5. The fifth copy, to be known as advance 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.

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

Sec. 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 of municipal boards of canvassers shall each be supported by a statement of votes by precinct, signed and thumbmarked by the chairman and members of the board, and the principal watchers if available. Thereafter, it shall be sealed and placed inside an envelope which shall likewise be properly sealed.

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

The 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.

Sec. 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.

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

Said per 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, revision and election days, respectively. There being funds actually available, any delay in said payments to any of the abovementioned personnel without justifiable reason shall constitute an election offense and all officials and other personnel responsible therefor, directly or indirectly, shall be liable under 263 (? r=References/RelatedLaws/OmnibusElectionCode/OECart22#sec263) and 264 (? r=References/RelatedLaws/OmnibusElectionCode/OECart22#sec264) of the Omnibus Election Code (? r=References/RelatedLaws/OmnibusElectionCode/OECart7).

r=References/RelatedLaws/OmnibusElectionCode/OECart22#sec263) and 264 (? r=References/RelatedLaws/OmnibusElectionCode/OECart22#sec264) of the Omnibus Election Code (? r=References/RelatedLaws/OmnibusElectionCode/OECart7).

r=References/RelatedLaws/OmnibusElectionCode/OECart22#sec264) of the Omnibus Election Code (? r=References/RelatedLaws/OmnibusElectionCode/OECart7).

r=References/RelatedLaws/OmnibusElectionCode/OECart7).

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

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

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

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

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

Sec. 36. Governing Laws. - The elections provided herein and all subsequent elections and plebiscite shall be governed by this Act, by the provisions of the Omnibus Election Code (?r=References/RelatedLaws/OmnibusElectionCode/OECart7), Republic Act No. 6646 (?r=References/RelatedLaws/ElectionLaws/OtherElectionLaws/RA6646) and other election laws not inconsistent herewith.

Sec. 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.

Sec. 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.

Sec. 39. Amending and Repealing Clause. - Section 107 (?r=References/RelatedLaws/OmnibusElectionCode/OECart11#sec107), 108 (?r=References/RelatedLaws/OmnibusElectionCode/OECart11#sec108) and 245 (?r=References/RelatedLaws/OmnibusElectionCode/OECart20#sec245) of the Omnibus Election Code (?r=References/RelatedLaws/OmnibusElectionCode/OECart7) are hereby repealed. Likewise, the inclusion in Section 262 (?r=References/RelatedLaws/OmnibusElectionCode/OECart22#sec262) of the Omnibus Election Code (?r=References/RelatedLaws/OmnibusElectionCode/OECart7) of the violations of Sections 105 (?r=References/RelatedLaws/OmnibusElectionCode/OECart11#sec105), 106 (?r=References/RelatedLaws/OmnibusElectionCode/OECart11#sec106), 107 (?r=References/RelatedLaws/OmnibusElectionCode/OECart11#sec107), 108 (?r=References/RelatedLaws/OmnibusElectionCode/OECart11#sec108), 109 (?r=References/RelatedLaws/OmnibusElectionCode/OECart11#sec109), 110 (?r=References/RelatedLaws/OmnibusElectionCode/OECart11#sec110), 111 (?r=References/RelatedLaws/OmnibusElectionCode/OECart11#sec111) and 112 (?r=References/RelatedLaws/OmnibusElectionCode/OECart11#sec112) as among election offenses is also hereby repealed. This repeal shall have retroactive effect.

Batas Pambansa Blg. 881 (?r=References/RelatedLaws/OmnibusElectionCode/OECart7), Republic Act No. 6646 (?r=References/RelatedLaws/ElectionLaws/OtherElectionLaws/RA6646), Executive Order Nos. 144 and 157 and all other laws, orders, decrees, rules and regulations or other issuances, or any part thereof, inconsistent with the provisions of this Act are hereby amended or repealed accordingly.

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

APPROVED:

SALONGA, JOVITO R., President of the Senate

MITRA, RAMON V., Speaker of the House of Representative

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

ACOBA, EDWIN P., Secretary of the Senate

SABIO, CAMILO L., Secretary General House of Representative

Approved: **November 26, 1991**

AQUINO, CORAZON C., President of the Philippines

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Commission on Elections

✉ Palacio del Gobernador Bldg., Gen. Luna St., Intramuros, Manila (?r=ContactInformation/MainOffice/OfficeLocation)

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(<http://validator.w3.org/check?>)

uri=<https%3A%2F%2Fwww.comelec.gov.ph%2F%3Fr%3DReferences%2FRelatedLaws%2FElectionLaws%2FSynchronizedNationalandLocal%2FRA7166>)



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