

1 Republic of the Philippines  
 2 Bangsamoro Autonomous Region in Muslim Mindanao  
 3 **BANGSAMORO TRANSITION AUTHORITY**  
 4 Cotabato City

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 6  
 7 Second Parliament  
 8 *First Regular Session*

9  
 10  
 11 Parliament Bill No. 29  
 12 (Cabinet Bill)

Bangsamoro Autonomous Region in Muslim Mindanao  
 Parliament  
 BILLS AND INDEX DIVISION  
**RECEIVED**  
 Name: ADELPHI DAPATUN Signature:   
 Date: 09/11/22 Time: 4:50 PM

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 16 Introduced by:

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 18 **THE GOVERNMENT OF THE DAY**  
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 23 **AN ACT PROVIDING FOR THE BANGSAMORO ELECTORAL CODE OF THE**  
 24 **BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO**  
 25

26 *Be it enacted by the Bangsamoro Transition Authority in Parliament assembled:*  
 27

28 **ARTICLE I**  
 29 **INTRODUCTORY PROVISIONS**

30  
 31 **SECTION 1. Title.** - This Act shall be known and cited as the "Bangsamoro  
 32 Electoral Code of 2022."<sup>1</sup>  
 33

34 **SECTION 2. Purpose.** - This Code is promulgated to prescribe the structural,  
 35 functional and procedural principles in the elections of officers within the Bangsamoro  
 36 Autonomous Region, and secure honest, credible, just and free elections thereby allowing  
 37 democratic political participation and reflecting the genuine will of the electorate.  
 38

39 **SECTION 3. Scope.** - The provisions of this Code shall be applicable to any matter  
 40 relating to the conduct of elections in the BARMM, except in cases which are expressly not  
 41 governed by this Code.  
 42

43 **SECTION 4. Construction and interpretation. (1)** The provisions of this Code  
 44 shall be given their ordinary meaning without need of further interpretation. However, in  
 45 case of ambiguity in the provisions thereof, the legislative intent shall be given  
 46 consideration.  
 47

48 (2) In any matter requiring the construction and interpretation of this Code, the  
 49 parliamentary ministerial nature of the Bangsamoro Autonomous Government,  
 50 insofar as relevant, shall always be taken into consideration.<sup>2</sup>  
 51

<sup>1</sup> This language is patterned after two national laws namely: Section 1 of the OEC and Section 1 of the LGC of 1991. There is redundancy of the term 'Bangsamoro' in the original provision.

<sup>2</sup> This proposed additional provision is intended to emphasize the nature of BARMM as a parliamentary ministerial government. Therefore, any construction or interpretation must be **contextualized** with the parliamentary ministerial form of government of the BARMM.



1           **SECTION 3. Jurisdiction.** – The Bangsamoro Electoral Office shall enforce and  
2 administer all laws pertinent to the conduct of parliamentary elections, national and local  
3 elections including referendum, plebiscite, initiative and recall.

4           **SECTION 4. Decisions of BEO.** – Decisions of the BEO must, as far as practicable,  
5 be unanimous. However, in case of disagreement, simple majority shall apply. All decisions  
6 of the BEO shall be appealable to the COMELEC.

7  
8           Nothing herein shall operate to deprive the COMELEC of its powers over the  
9 decisions or orders of the BEO under existing national election laws.

10  
11           **SECTION 5. Qualifications and appointment.** – The qualifications and  
12 appointment of the Chief Electoral Officer and Electoral Officers shall be made pursuant to  
13 the existing Qualification Standards of the Commission on Elections and Civil Service  
14 Commission; In the appointment of officers of the BEO preference shall be given to  
15 qualified applicants who are residents of the locality where the vacant position exists.

16  
17           **SECTION 6. Compensation, Benefits and Privileges.** –

18           (a) The Chief Electoral Officer shall have the rank, prerogatives, salaries,  
19 allowances, benefits, and privileges equivalent to a Regional Election  
20 Director.

21           (b) The Electoral Officers shall have the rank, prerogatives, salaries, allowances,  
22 benefits, and privileges equivalent to an Assistant Regional Election Director.

23           **SECTION 7. Powers of the Bangsamoro Electoral Office. - The Bangsamoro**  
24 **Electoral Office shall exercise the following powers and functions:**

- 25  
26           a. Plan, direct, supervise and coordinate all activities of provincial, city and  
27 municipal election offices;  
28           b. Direct, supervise and coordinate the conduct of elections, plebiscites and  
29 other electoral exercises;  
30           c. Registration of political parties with qualifications as prescribed herein;  
31           d. Accreditation of regional political parties, as approved by the Commission;  
32           e. Administration and supervision of all laws relative to the conduct of elections  
33 in the BARMM for the purpose of ensuring free, orderly and honest elections;  
34           f. Supervise general assemblies and party conventions<sup>5</sup> in nominating their  
35 respective nominees in the election;<sup>6</sup>  
36           g. Implement election laws and policies, resolutions, rules, regulations,  
37 decisions and related guidelines of the Commission;  
38           h. Render legal opinion and advice on provisions of election laws and  
39 implement resolutions of the Commission for the guidance of the field  
40 personnel, concerned government officials and employees, NGOs, citizen  
41 arms and other interested parties;  
42           i. Recommend to the parliament reallocation of parliamentary district seats in  
43 case of increase of population figures affecting the division of parliamentary  
44 districts;  
45           j. Monitor through the provincial election offices, the implementation of the  
46 system of continuing registration of voters (RA 8189) by the city and  
47 municipal election offices;  
48           k. Coordinate and monitor election information drives and voter education  
49 programs;  
50           l. Supervise and monitor the implementation of various projects of the  
51 Commission and submit required reports thereon;

<sup>5</sup> Define general assemblies and party conventions.

<sup>6</sup> Refer also to provisions on registration of parties. Parties shall continue to conduct general assemblies and party conventions even if they lose in the elections. This is a continuing requirement if they wish to participate further in future parliamentary elections.

- 1 m. Develop and maintain an efficient communication and transportation network  
 2 with field subordinates for effective and faster transmission of information to  
 3 the various offices/departments of the Commission;  
 4 n. Coordinate with other regional government agencies and local government  
 5 units to ensure the holding of honest, orderly and peaceful electoral exercises;  
 6 and  
 7 o. Provide general housekeeping functions;  
 8 p. To ask for supplemental budget from the parliament to augment its  
 9 operational expenses;  
 10 q. To submit a report to the parliament, six months after every election of the  
 11 conduct of the election in general including election irregularities. The Chief  
 12 Minister shall within 30 days cause the publication of the report;  
 13 r. To recommend to the parliament every election, through the Chief Minister,  
 14 possible delimitations of constituent boundaries and creation of additional  
 15 seats for constituency representation;  
 16 s. To determine the extent of public funding that a party may receive from the  
 17 parliament;  
 18 t. To hear and decide *motu proprio* or upon complaint by a party or any  
 19 member thereof or by any registered voter cases of political turncoatism.<sup>7</sup> Its  
 20 decision shall be immediately executory subject to appeal to the Commission  
 21 on Elections;  
 22 u. Ensure the coordination of the different divisions in the planning and  
 23 supervision of elections;

24  
 25 **SECTION 8. Powers of the Bangsamoro Electoral Office as delegated by the**  
 26 **Commission:** - The Bangsamoro Electoral Office shall, as may be delegated by the  
 27 Commission, perform the following functions:

- 28 a. Appoint and fill vacancies of subordinate positions in the regions from utility  
 29 worker up to stenographer;  
 30 b. Prepare the regional budget, disburse authorized funds and perform other  
 31 related fiscal function;  
 32 c. Procure any supplies, equipment, materials or services needed for the holding  
 33 of the election by public bidding: provided, that, if it finds the requirements of  
 34 public bidding impractical to observe, then by negotiations or sealed bids, and  
 35 in both cases, the accredited parties shall be duly notified; concur to  
 36 appointments extended by the Chief Electoral Officer on other officers whose  
 37 appointments may be necessary to carry out the purposes of this Code;  
 38 d. Approve registration of political parties in the region. The decision of the  
 39 committee shall be immediately executory, subject to appeal to the  
 40 Commission on grave abuse of discretion;<sup>8</sup>  
 41 e. Cause the cancellation of nominations and certificate of candidacies of party  
 42 representation and constituency representation candidates should there be  
 43 misrepresentation in their respective party nomination;  
 44 f. Cause the dissolution of political parties upon notice and hearing, *motu*  
 45 *proprio* or upon complaint by a party member or by any registered voter for  
 46 offenses prohibited by this Act;  
 47 g. Hear and decide petitions for clustering of precincts;  
 48 h. Transmit all records to the Bangsamoro Parliament Electoral Tribunal should  
 49 there be any contest relative to the election, returns and qualifications of  
 50 **Members** of the parliament;  
 51 i. Hear and decide election violations; its decision shall be immediately  
 52 executory subject to appeal to the Commission on Elections;

<sup>7</sup> Define turncoatism.

<sup>8</sup> Instead of 'Commission en banc', the proposed amendment used 'Commission'. The reason is that the Comelec en banc does not usually take cognizance of cases in the first instance. Subject to exceptions, the general rule is that the Comelec always acts in the first instance through its divisions.

- 1 j. Create field offices subject to the approval of the COMELEC en banc in order  
2 to carry out the purposes of this Act;
- 3 k. Approve release of public funding to qualified political parties;
- 4 l. Update the entry on the list of registration of voters and cause the  
5 investigations thereof. The result of the investigation shall be forwarded by  
6 way of recommendations to COMELEC for appropriate actions;
- 7 m. Issue subpoena and *subpoena duces tecum ad testificandum* to parties in  
8 controversies;
- 9 n. Enlist non-partisan group or organization of citizens operating within the  
10 region from the civic, youth, professional, educational, business or labor  
11 sectors known for their probity, impartiality and integrity with the  
12 membership and capability to undertake a coordinated operation and activity  
13 to assist in ensuring free, orderly and honest elections;
- 14 o. Investigate anomalies in the surge of the **list of registered voters** and cause  
15 its delisting, after notice and hearing, **on grounds provided by relevant laws,  
16 rules and regulations;**<sup>9</sup>
- 17 p. Prosecute election offenses;
- 18 q. Promulgate Implementing Rules and Regulations (IRR) of this Act; and
- 19 r. Perform such other powers as the COMELEC may assign for efficient and  
20 effective enforcement of this Act.

21  
22 **ARTICLE III**  
23 **THE BUREAUS**  
24

25 **SECTION 1. The Bureaus – Each of the** six bureaus of the BEO shall be headed by  
26 a Bureau Chief whose qualifications shall be based on the Qualification Standard of the  
27 Commission on Elections (COMELEC) and Civil Service Commission (CSC) with the rank  
28 equivalent to Director II. There shall be at least one Assistant Bureau Chief in each bureau,  
29 with the rank equivalent to Director I, and other supporting staff as may be determined by  
30 the Chief Electoral Officer subject to the approval of the Commission on Elections.

31  
32 **SECTION 2. The Party Representation Bureau.** – The Party Representation  
33 Bureau is responsible in ensuring full compliance of the political party provisions  
34 specifically the party representation of this code.  
35

36 **SECTION 3. Party Representation Bureau Functions -** The Party Representation  
37 Bureau shall perform the following functions:

- 38 a. Receive applications for registration of political parties;
- 39 b. Determination of compliance of political parties with the requirements of  
40 this Code;
- 41 c. Conduct ocular inspection of the facilities, including but not limited to  
42 offices of political parties seeking registration;
- 43 d. Recommend to the Committee the registration of a political party;
- 44 e. Receive complaints or initiate investigations relative to the operations of  
45 political parties for its continuous compliance of this Code;
- 46 f. Initiate investigation *motu proprio* or upon complaint by any registered  
47 voter of cases of political turncoatism. The result of the finding shall be  
48 elevated to the Committee for its approval;
- 49 g. Require parties to submit the scheduling of party conventions and general  
50 assembly;
- 51 h. Supervise party conventions and general assemblies pursuant to this Act;
- 52 i. Receive application for public funding for political parties and determine  
53 its veracity pursuant to the mandate of this Act. Its findings shall be  
54 submitted to the Committee for approval;

<sup>9</sup> Surge in the list of registered voters is not illegal per se. To cause the delisting, there must be some valid grounds provided by law like in the case of double or multiple registrants.

- 1 j. Require the political parties accredited to receive public funding to submit  
2 a statement of account of the funding received and determine its  
3 compliance with the political party provisions of this Act;  
4 k. Referral of the investigations, at the discretion of the Division Chief or  
5 upon advice of the Chief Electoral Officer, to the Assessor's Division;  
6 l. Coordinate with the Assessors Division on investigations of violations of  
7 parliamentary elections;

8 **SECTION 4 - Constituency Representation Bureau.** – The Constituency  
9 Representation Bureau is responsible for ensuring full compliance of provisions of this code  
10 which are specifically applicable to members of the Parliament who are directly elected on  
11 district wide basis.

12  
13 **SECTION 5 - Constituency Representation Bureau Functions -** The Constituency  
14 Representation Bureau shall perform the following functions:

- 15 a. Plan, coordinate, and supervise elections of constituency representation as  
16 directed by the BEO;  
17 b. Review certificates of candidacy for constituency representation in cases of  
18 material misrepresentation or fraud;  
19 c. Require notice to party nominations of constituency representatives during  
20 party conventions and cause the investigation should there be any impropriety  
21 or violation of the provisions of this Act on party nomination;  
22 d. Report changes in the population figures in the geographical area of every  
23 constituency of the BARMM and make recommendations to the BEO on  
24 which changes in the division of the geographical area of the constituencies it  
25 considers necessary for purposes of reallocation of district seats;  
26 e. Review petitions for recall of members of Constituency Representation;  
27 f. Referral of the investigations, at the discretion of the Division Chief or upon  
28 advise of the Chief Electoral Officer, to the Assessor's Division; and  
29 g. Other functions as may be assigned by the BEO.

30  
31 **SECTION 6. - Election Assessors Bureau.** – The Election Assessors Bureau shall  
32 be the lead investigatory body of the Bangsamoro Electoral Office and shall serve as its legal  
33 department to ensure compliance of the provisions of this act, the OEC<sup>10</sup> and other laws  
34 thereby ensuring free and fair elections.

35  
36 **SECTION 7. – Election Assessors Bureau Functions -** The Election Assessors  
37 Division shall perform the following functions:

- 38 a. Coordinate with other divisions on matters of investigations and referrals;  
39 b. Prepare pleadings and briefs in cases involving BEC;  
40 c. Represent the BEC in cases before the courts and other tribunals, unless  
41 otherwise provided by pertinent laws and decrees;  
42 d. Investigate and/or direct investigations on complaints on the conduct of  
43 elections and submit recommendations thereof to the Electoral Committee;<sup>11</sup>  
44 e. Prosecute on its own or collaborate with government prosecutors in the  
45 prosecution of election offenses;  
46 f. Deployment of investigators in every election activity to ensure compliance  
47 with this Code and other pertinent laws and decrees;  
48 g. Conduct researches on legal queries confronting the Committee;  
49 h. Digest, compile, and analyze election and constitutional cases decided by the  
50 courts; and  
51 i. Other investigations as required by the Electoral Committee.

52 **SECTION 8. Provincial Operations Bureau.** – The Provincial Operations Bureau  
53 shall be primarily responsible for the operations of the bureaus at the level of all provinces  
54 comprising the Bangsamoro Autonomous Region. For this purpose, there shall be created in

<sup>10</sup> Define OEC.

<sup>11</sup> Define Committee.

1 each province the following units of the Provincial Operations Bureau: a) Administration  
2 and Finance Unit; b) Constituency Unit; c) National and Local Elections Unit; d) Election  
3 Assessors Unit; e) Party Representation Unit; e) Parliamentary District Field Office; and f)  
4 Municipal Offices and such other units that COMELEC may deem necessary.

5  
6 **SECTION 9. National and Local Elections Bureau** – The National and Local  
7 Elections Bureaus shall be primarily responsible for the conduct of local elections including  
8 the Sangguniang Kabataan Elections and Barangay Elections and National Elections. It shall  
9 also be responsible for the conduct of referendum, plebiscite, initiative and recall.

10  
11 **SECTION 10. Administration and Finance Bureau** – shall be primarily  
12 responsible for the financial and administrative operations of the Bangsamoro Electoral  
13 Office. It shall ensure efficient administrative and financial management systems are  
14 developed and implemented.

15  
16 **ARTICLE IV**  
17 **BANGSAMORO PARLIAMENT ELECTORAL TRIBUNAL**

18  
19 **SECTION 1. Creation and jurisdiction.** – The Bangsamoro Parliament shall have an  
20 Electoral Tribunal which shall be the **sole judge of all contests relating to the election,**  
21 **returns, and qualifications of Members of the Parliament.**

22 **SECTION 2. Member of the Parliament.** – To be considered a Member of the  
23 Parliament, there must be a concurrence of the following requisites: (1) a valid proclamation;  
24 (2) a proper oath; and (3) assumption of office.<sup>12</sup>

25  
26 **SECTION 3. Composition.** – **The Electoral Tribunal shall be composed of the**  
27 **Chief Electoral Officer, as ex officio Chairman, two retired judges of any of the**  
28 **Regional Trial Courts in the BARMM of proven competence, integrity, probity, and**  
29 **independence, and six Members of the Parliament who shall be chosen on the basis of**  
30 **proportional representation from the winning regional political parties or coalition**  
31 **thereof, registered in accordance with this Code.**

32  
33 **SECTION 4. When constituted.** – The Electoral Tribunal shall be constituted within  
34 thirty (30) days after the Parliament shall have been organized with the election of the  
35 officers of the Parliament.

36  
37 **SECTION 5. Rules and Its Construction.** – The Electoral Tribunal shall promulgate  
38 rules governing its own proceedings. These rules shall be liberally construed in order to  
39 achieve a just, expeditious and inexpensive determination and disposition of every contest  
40 brought before it. Furthermore, the Electoral Tribunal is not strictly bound by the technical  
41 rules of procedure. It may suspend its own rules in the higher interest of justice and apply  
42 other rules of procedure as may be applicable at its discretion.<sup>13</sup>

43  
44 **SECTION 6. Appeal of decisions.** – The decisions of the BPET on all contests  
45 relating to the election, returns, and qualifications of Members of the Parliament shall be  
46 appealable to the COMELEC.

47  
48 **ARTICLE V**  
49 **POLITICAL PARTIES**

50 **SECTION 1. Principle of Political Parties.** – Political party is the essence of a  
51 parliamentary democracy. It provides for a mechanism where people can directly participate  
52 in the affairs of the government through a chain of delegation to the party. The stronger the  
53 political party in a parliamentary democracy is, the robust accountability and good  
54 governance are.

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<sup>12</sup> Patterned after Rule 15 of the HRET Rules.

<sup>13</sup> Patterned after Rules 2-3 of the HRET Rules.

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**SECTION 2. Definition. –**

1. Political parties are associations of citizens or an organized group of persons which, on a continuing basis, pursuing the same ideology, political ideas or platforms of government or wish to influence the development of informed political opinion provided that they offer a sufficient guarantee of their sincerity in pursuing that aim, as evidenced by their actual overall situation and standing, especially as regards the size and strength of their organization, their membership numbers, and their visibility in public;
2. Regional political parties refer to parties registered as a regional party of the Bangsamoro Autonomous Region in Muslim Mindanao who wish to participate in the regional elections either in the parliamentary elections or local elections;
3. Political associations shall not be deemed political parties if 1) Any member thereof is a foreigner or a substantial number of its members are not residing in the region or 2) Their registered seat or their executive office is located outside the territorial scope of application of this Code.

**SECTION 3. Establishment of Political Parties –** Political Parties in the Bangsamoro Autonomous Region may be established by at least ten thousand (10,000) residents of the territory of BARMM who have voting rights and who have given their consent for the establishment of only one political party through affixing their signatures in a duly notarized form; membership must be distributed as far as practicable to the different provinces and cities comprising the BARMM territory. Provided, that every political party shall have established provincial and city chapters in all provinces and cities of BARMM respectively, and municipal chapters in majority of the municipalities comprising each province;

**SECTION 4. Requirements of a Political Party -** A political party must have constitution and by-laws, a written governmental programs; well-defined platforms, policies, and principles.

(1) The Constitution and by-laws must contain provisions on:

- a. the political party's name and any short form used, its registered seat and field of activities. The name of a political party must be clearly distinct from the name of any other party already in existence; the same shall apply to short forms of the party's name. In canvassing and the election process, only the registered name or its shortened form may be used; additional descriptive designations may be omitted;
- b. joining and leaving the party which must abide with the requirement of notice and hearing and the proscription on compulsion either by becoming a member and by leaving the party;
- c. the rights and duties of members;
- d. permissible sanctions against members, and their exclusion from the party;
- e. the party's structure;
- f. the composition and powers of the Executive Committee and of other bodies;
- g. matters exclusively subject to decision-making by the assemblies of members or delegates;
- h. the schedule of convening members' and delegates' assemblies, and official recording of the resolutions passed. The holding of these activities must be annually or more often depending on the decision of the party;
- i. the manner of nominations of candidates in parliamentary elections subject to the provisions of this act;
- j. basic policy vote by all members and the procedures to be applied when a party convention or a general assembly is held;
- k. resolution to dissolve the political party or any of its local branches or to merge with another party or other parties.

1  
2 (3) Political parties shall be organized on regional basis with local branches or  
3 chapter in the different territories comprising the BARMM. The size and level of  
4 regional/local branches shall be laid down in the party's statutes. Such territorial  
5 subdivisions must be extensive enough to allow individual members to participate,  
6 on an adequate scale, in the party's policy and decision-making processes.  
7

8 **SECTION 5. Bodies** - A political party must have the following bodies:

- 9 (a) Executive Committee;  
10 (b) General Party Committee;  
11 (c) Delegates Committee; and  
12 (d) Local Branches which shall be comprised by provincial, city, and  
13 municipal heads;  
14 (e) Party Arbitral Committee; and  
15 (f) Membership Committee

16 Other bodies may be created by the party seeking registration as long as  
17 provided in their constitution and by-laws.  
18

19 **SECTION 6. The Executive Committee** –

- 20 (a) There shall be, in every political party, an Executive Committee composed of at  
21 least five members who shall be elected every three years.  
22 (b) The Executive Committee shall have the following functions:  
23 1. Provide for the organizational direction of the party and implement party  
24 policies, programs, platforms and effectuate party principles;  
25 2. Manage party branches in the different local chapters;  
26 3. Provide sanctions for local branches for violation of the Constitution and By-  
27 Laws, this Code and other laws; and  
28 4. Create, at its discretion, a management committee to implement its  
29 resolutions and to carry out other tasks as may be determined by the executive  
30 committee.  
31

32 **SECTION 7. General Party Committee** –

- 33  
34 (a) There shall be, in every political party, a General Party Committee composed  
35 of at least twenty (20) members who are elected once every three years during  
36 general assembly of all members. The election of the members must observe  
37 proportional representation of the geographical divisions of the territory of  
38 BARMM **on the basis of number of members of every branch**;<sup>14</sup>  
39 (b) The General Party Committee shall have the following functions:  
40 1. Act as the law making body of the party in the promulgation of their  
41 policies, programs, and platforms;  
42 2. **Perform functions which are inherent, incidental, or necessarily**  
43 **implied from its function as the law making body of the party**;<sup>15</sup> and  
44 3. Elect the members of the Executive Committee.  
45

46 **SECTION 8. The Delegates Committee-**

- 47  
48 (a) There shall be, in every political party, a Delegates Committee whose  
49 members, determined by the number of members every branch, are elected  
50 from the different branches of the political party once every three years  
51 during general assembly of the party.  
52 (b) The Delegates Committee shall have the function to nominate party nominees  
53 for party representation and constituency representation.  
54

55 **SECTION 9. Local Branches** -  
56

<sup>14</sup> on the basis of number of members every branch?

<sup>15</sup> This is a proposed additional power of the General Party Committee.

- 1 (a) Local branches, which serve as the grassroots of political parties, must be  
 2 established by every political party.  
 3 (b) Local branches shall have the following functions:  
 4 1. Elect their representatives in the general party committee;  
 5 2. Elect members of their delegate in the Delegate's committee; and  
 6 3. Set up an organizational structure and may elect their officers which must  
 7 be pursuant to the Constitution and By-Laws;  
 8

9 **SECTION 10. Party Arbitral Committee**

- 10 (a) There shall be, in every political party, a Party Arbitral Committee composed  
 11 of at least five members who are nominated during general assembly of the  
 12 party. The members of the party arbitral committee must be at least holders of  
 13 Juris Doctor degree, of known probity and integrity, and at least one of whom  
 14 must be a full-fledged member of the Philippine Bar;  
 15 (b) The Party Arbitral Committee must adopt its own rules of procedure which  
 16 must observe the constitutional requirement of due process.  
 17

18 **SECTION 11. Jurisdiction of the Arbitral Committee** – The Arbitral Committee  
 19 shall have the following functions:  
 20

- 21 1. To hear and decide matters of membership;  
 22 2. To hear and decide on issues arising from the election of the different bodies,  
 23 in the party conventions and general assembly;  
 24 3. To render legal opinion on matters of legal question raised by the different  
 25 bodies;  
 26 4. To examine the financial accounts of the party and ensure compliance thereto  
 27 to this Act and other pertinent laws; and  
 28 5. To file criminal, administrative and civil cases against members who have  
 29 violated this act and other laws if the situation so warrants; and  
 30 6. To conduct legal education on matters of elections among the different  
 31 branches and the policies, platforms, programs, and principles of the party.  
 32

33 **SECTION 12. Membership Committee -**

- 34  
 35 (a) There shall be, in every political party, a Membership Committee which shall be  
 36 responsible for the recruitment of members. It shall prescribe the required process  
 37 for membership as laid down in the Constitution and By-Laws of the party. It  
 38 shall also process the withdrawal of membership of party members pursuant to  
 39 the Constitution and By-Laws of the party. The members of the Committee must  
 40 be elected for a term of three years.  
 41  
 42 (b) A party may not be compelled by any authority in the recruitment of their  
 43 members. The recruitment of party members shall be the sole prerogative of the  
 44 party which no authority can reverse.  
 45  
 46 (c) No member shall be allowed to maintain membership in more than one regional  
 47 political party without prejudice to the right of a member to voluntarily withdraw  
 48 from the party. Any violation of this provision shall *ipso facto* result in the  
 49 forfeiture of membership in both parties; and  
 50  
 51 (d) In case of conflict between a registered political party in BARMM and a national  
 52 party to which a member concurrently belongs, such member shall uphold the  
 53 interest of the former. Any violation of this provision shall *ipso facto* result in the  
 54 forfeiture of membership in his regional political party.  
 55

56 **SECTION 13. Election and nomination (common provision)** – The election and  
 57 nomination of the members of the different bodies must be through secret balloting. An *ad*  
 58 *hoc* body may be created every election to ensure the sanctity of the election and the results  
 59 thereof.

1           **SECTION 14. Rights of Members** -<sup>16</sup> Each member shall enjoy the following rights:

- 2           1. All members have voting rights in all the elections determined during the general
- 3           assembly;
- 4           2. The right to voluntary withdraw from the party, *provided* that the withdrawal
- 5           must be in writing citing reasons thereto;
- 6           3. The right to file a resolution, motion or suggestion to the different bodies of the
- 7           political party. The resolution, motion or suggestion must be resolved by the
- 8           concerned committee within fifteen days after receipt thereof. The actions taken
- 9           thereon must be contained in the resolution of the committee with copy furnished
- 10          to the member who raised the same;
- 11          4. The right to be nominated and elected in the different committees;
- 12          5. The right to be notified and be heard in cases of disciplinary actions instituted
- 13          against him or her; and
- 14          6. The right to be notified and heard in expulsion cases.

15  
16  
17           **SECTION 15. Registration as a Regional Political Party.** - Any organized group  
18 of persons, subject to the provision on establishment, seeking registration as a regional  
19 political party shall file with the Party Representation Bureau (PRB) a verified petition  
20 signed by the head of the political party or any duly authorized representative attaching  
21 thereto its constitution and by-laws, platform, principles, policies and general program of  
22 government, a verified list of its Executive Committee, members of the General Party  
23 Committee, members of the Delegates and the Heads of its provincial, and city chapters, and  
24 such other relevant information as may be required by the Electoral Committee.

25  
26           The PRB, after determining that the petition is sufficient in form and substance, shall  
27 endorse the same to the Electoral Committee for its consideration; otherwise, the PRB shall  
28 disapprove, without prejudice to its refiling, with notice to the petitioner setting forth the  
29 basis or reasons therefor.

30  
31           The Committee shall, after due notice and hearing, resolve the petition within ten (10)  
32 days from the date it is submitted for decision.

33  
34           Regional Political Parties already registered as such with the Commission prior to the  
35 effectivity of this Code are not required to register anew; *Provided* however that the party  
36 complies with the additional requirements provided in this Code.

37  
38           **SECTION 16. Nomination of Candidates; Limitations and Sanctions –**

- 39          (a) In the nomination **and selection** of candidates in parliamentary elections and national
- 40          and local elections, the political party must adhere to democratic processes and
- 41          impose vigorous and rigid qualifications taking into consideration the educational
- 42          qualifications, **track record**, and the known probity, integrity and loyalty of its
- 43          nominees.
- 44          (b) No political party shall **be allowed to** nominate more candidates **in excess of** the
- 45          number of persons required to be voted for in an elective position nor shall any
- 46          candidate be allowed to accept nominations from more than one registered political
- 47          party, except in cases of aggrupation or coalition thereof.
- 48          (c) Nominations made in violation hereof shall be denied due course by the BEC and the
- 49          candidates concerned shall be considered independent candidates. The candidate in
- 50          so doing shall be denied membership in the regional political parties for three
- 51          consecutive elections.

52           **SECTION 17. Party Conventions –** One year **immediately** before a parliamentary  
53 and national and local elections, a party must **hold a convention** for purposes of selecting  
54 their nominees in the different elective posts. Any member who **seeks nomination** must,

---

<sup>16</sup> A party may not be compelled by any authority in the recruitment of their members. It is the sole prerogative of the party to recruit which no authority can reverse. (Transferred with amendment to Section 12)

1 forty-five days prior to the scheduled convention, submit to the Executive Committee his  
 2 **intent in writing**, providing thereto his reasons for seeking nomination. Any member who  
 3 fails to submit his written intent is disqualified to be nominated during the party convention.

4  
 5 All parties, should they desire to participate further in future parliamentary elections,  
 6 shall continue to conduct general assemblies and party conventions even if they lost in the  
 7 parliamentary elections. Any party that fails to comply with this requirement cannot  
 8 participate in the parliamentary elections.

9  
 10 **SECTION 18. Delegates** – The Delegates Committee shall be furnished with copies  
 11 of the written intent of prospect nominees. The Committee shall require nominees to appear  
 12 before its office five days after receiving the list of applicant-nominees to propound  
 13 questions necessary to ensure the probity, integrity and loyalty of nominees. In the process,  
 14 the committee, may screen the list of prospect nominees and deny applications. The  
 15 justifications for the denial must be clearly stated in the resolution of the committee. The  
 16 committee shall release the final list of nominees to be presented in the party convention five  
 17 days after the screening is completed.

18  
 19 **SECTION 19. Remedies.** - The applicant – nominee who feels aggrieved by the  
 20 decision of the Delegates Committee **may, within three days** after receipt of the resolution,  
 21 file a petition to the Party Arbitral Committee assailing the veracity and merit of the  
 22 justification. The Party Arbitral Committee shall notify the Delegates Committee within 24  
 23 hours upon receipt of the petition and shall require it to comment thereon within three (3)  
 24 days from such notification. The Party Arbitral Committee shall decide the case within five  
 25 days from receipt of the comment. Its decision shall be final and executory.

26  
 27 **SECTION 20. Manner of Voting for Nominees in Party Conventions** - In the  
 28 party convention, the delegates must cast their votes by secret balloting. The delegates shall  
 29 be given sufficient time to cast their votes in the designated enclosed voting area to ensure  
 30 secrecy of the casting of votes. No member, either applicant – nominee or member should  
 31 campaign during the process of nomination. Any member or applicant – nominee who  
 32 violates this prohibition shall be subject to disciplinary action.

33 After casting of the votes, the Executive Committee shall order the canvassing of the  
 34 same. The results of the nominations shall be read aloud by authorized member of the  
 35 delegate.

36  
 37 **SECTION 21. Continuing requirement.** – The compliance of the foregoing  
 38 provisions on political parties shall be a continuing requirement on all political parties.  
 39 Failure to comply with these provisions is a ground for disqualification to participate in the  
 40 parliamentary elections or the dissolution of the party or the revocation of its registration as  
 41 the case may be.

42  
 43 The Assessor shall determine and recommend the appropriate penalty to be imposed  
 44 depending on the attendant circumstances of such failure to comply.

45  
 46 **ARTICLE VI**  
 47 **ELECTIVE POSITIONS IN THE PARLIAMENT**

48  
 49 **SECTION 1. Qualification of the Chief Minister** - No person shall be elected as  
 50 Chief Minister unless a member of the Parliament, a natural-born citizen of the Philippines,  
 51 and at least twenty-five (25) years of age on the day of the election.

52  
 53 **SECTION 2. Terms of Office.** - The term of office of the Chief Minister shall be  
 54 three (3) years: *Provided*, that no Chief Minister shall serve for more than three consecutive  
 55 terms. Voluntarily renunciation of office for any length of time shall not be considered as an  
 56 interruption in the continuity of the service for the full term for which the Chief Minister was  
 57 elected.

1  
2           **SECTION 3. Election of the Chief Minister.** On the first day of session following  
3 the election of the members of the Parliament, the Parliament shall elect the Chief Minister  
4 by a majority vote of all its members.  
5

6           If no member of the Parliament obtains the majority vote necessary to be elected  
7 Chief Minister in the first round of voting, a runoff election shall be conducted: *Provided*,  
8 that the members of the Parliament shall elect the Chief Minister from the two (2) candidates  
9 who obtained the highest number of votes cast in the first round.  
10

11           **SECTION 4. Deputy Chief Ministers.** - There shall be two (2) Deputy Chief  
12 Ministers who shall be nominated by the Chief Minister and elected by members of the  
13 Parliament.  
14

15           The Bangsamoro Autonomous Region shall have three (3) subregions, namely: South  
16 Western Mindanao, North Central Mindanao, and South Central Mindanao, all within the  
17 Bangsamoro territorial jurisdiction. To ensure representation of all subregions, the two (2)  
18 Deputy Chief Ministers shall come from the other two (2) subregions different from that of  
19 the Chief Minister.  
20

21           For purposes of this provision, the coverage of each subregion shall be determined by  
22 the Parliament.  
23

24           The Deputy Chief Ministers may each hold a cabinet position.  
25

26           **SECTION 5. Filling of Vacancy.** In case of death, permanent physical or mental  
27 incapacity, removal from office, or resignation of the Chief Minister, the Deputy Chief  
28 Minister, more senior in age, shall act as the Chief Minister until the Parliament shall have  
29 elected a new Chief Minister. The election shall be held within thirty (30) days from the  
30 occurrence of the vacancy.  
31

32           **SECTION 6. Composition of the Parliament.** The Parliament shall be composed of  
33 eighty (80) members, unless otherwise increased by the Congress of the Philippines. The 80-  
34 member parliament shall be composed of 50% Party Representatives, 40% District  
35 Representatives, and 10% Reserved Seats & Sectoral Representatives.  
36

37           **SECTION 7. Terms of Office.** - The term of office of members of the Parliament  
38 shall be three (3) years: *Provided*, that no member shall serve for more than three  
39 consecutive terms. Voluntarily renunciation of office for any length of time or dissolution of  
40 the Parliament by the Wali shall not be considered as an interruption in the continuity of the  
41 service for the full term for which the members were elected.  
42

43           **SECTION 8. Qualifications.** - No person shall be a member of the Parliament  
44 unless the person is a citizen of the Philippines, at least twenty-five (25) years of age on the  
45 day of the election, able to read and write, and a registered voter in the Bangsamoro  
46 Autonomous Region.  
47

48           A candidate for youth representative shall be at least eighteen (18) years of age but  
49 not more than twenty-five (25) years of age at the time of election.  
50

51           A candidate for district representative must be a registered voter of the district in  
52 which the person is a candidate, and has resided in the district for at least one (1) year  
53 immediately preceding the day of the election.  
54

55           **SECTION 9. Forfeiture of Seat.** - The seat of a member of the Parliament shall be  
56 forfeited under any of the following circumstances:

- 1 a. Voluntary resignation in the form of either a written or oral declaration in the
- 2 Parliament;
- 3 b. Conviction of grave offense as defined by the rules of the Parliament for
- 4 treason, high crimes, heinous crimes, crimes against morality, or other crimes
- 5 punishable by more than six (6) years of imprisonment;
- 6 c. Permanent physical or mental incapacity that makes the member unable to
- 7 discharge the duties of a member, or death;
- 8 d. Substitution by the party to which the member belongs with another member
- 9 of the same party, the member having been elected under the proportional
- 10 representation system;
- 11 e. Expulsion by the Parliament for disorderly behavior, with the concurrence of
- 12 two-thirds of all its members; and
- 13 f. Such other grounds as may be provided in the Bangsamoro Electoral Code.

14  
15 **SECTION 10. Filling of Vacancy.** - In case of a permanent vacancy in the party  
16 representative seat, the party to which that seat belongs shall nominate another member to  
17 fill the vacancy, subject to examination of his qualifications by the appropriate office of the  
18 BEO and appointment by the Chief Minister. Should there be none qualified for the vacancy,  
19 a special election shall be held for this purpose, *Provided* further that the vacancy occurred at  
20 least one (1) year preceding the next regular parliamentary election.

21  
22 In case of vacancy of a district seat by an affiliated member of the Parliament, the  
23 party to which the member belongs shall, within thirty (30) days from the occurrence of such  
24 vacancy nominate another member who shall be appointed by the Chief Minister, subject to  
25 examination of his qualifications by the appropriate office of the BEO. Should there be none  
26 qualified to fill the vacancy, the next in rank in the election of the district representative shall  
27 fill the vacancy, or a member of his party should he be incapable of filling the vacancy.

28 In case of a vacancy in the seat occupied by an unaffiliated member of the Parliament  
29 occurring at least one (1) year before the expiration of the term of office, a special election  
30 may be called to fill such vacancy in the manner prescribed by a law enacted by the  
31 Parliament.

32  
33 The appointed or elected member of the Parliament, as the case may be, shall serve  
34 the unexpired term of the vacant office.

35  
36 Should the vacancy in the parliamentary seat(s) occurred within a year before the  
37 next regular election, no special election shall be held for this purpose, provided that the  
38 parliamentary membership still constitute a quorum to conduct regular business.

39  
40 **SECTION 12. Party Representatives.** One-half of the members of the Parliament  
41 shall be representatives of political parties who are elected through a system of proportional  
42 representation based on the Bangsamoro territorial jurisdiction.

43  
44 **SECTION 13. Registration Requirement.** Each registered political party shall  
45 submit to the BEO before the election a manifestation of intent to participate in the  
46 parliamentary election of party representatives in the Bangsamoro Autonomous Region,  
47 incorporating therein a list of nominees, ranked from one (1) to forty (40), from which party  
48 representatives shall be chosen in case they obtain the required number of votes. No person  
49 shall be nominated in more than one (1) list.

50  
51 No political party shall be disqualified if some of its nominees are disqualified,  
52 provided that it has at least one nominee who remains qualified.

53  
54 **SECTION 14. Manner of Allocation of the Party Representation Seats. –**

- 55 (a) The seats for party representatives shall be filled according to the number of valid
- 56 votes obtained by the parties in the parliamentary election. Only the parties
- 57 receiving at least four percent (4%) of the total valid votes cast for the party
- 58 system elections shall be entitled to one guaranteed seat each.

1 (b) The parties that are entitled to guaranteed seats shall be ranked from highest to  
 2 lowest according to the number of valid votes they obtained. Additional seats  
 3 shall be allocated to the winning parties only, with each winning party entitled to  
 4 such number of additional seats as are in proportion to its total number of votes.

5 (c) The winning parties shall enjoy priority in the allocation of additional seats  
 6 according to their ranking from the highest down to the lowest until all the  
 7 remaining seats are allocated: *Provided*, that in no case shall any winning party or  
 8 parties obtain additional seats in excess of fifty percent (50%) of the total  
 9 membership of the Parliament.<sup>17</sup>

10 **SECTION 15. Limitations on Political Parties.** Only regional political parties duly  
 11 accredited by the Bangsamoro Electoral Office, as approved by the Commission on  
 12 Elections shall participate in the parliamentary elections in the Bangsamoro Autonomous  
 13 Region.

14  
 15 Applicants for the regional political party system shall under oath declare that it has no  
 16 connection to any national party.

17  
 18 The nominees of the regional parties or organizations must be *bona fide* members of  
 19 such parties or organizations.

20  
 21 Regional political parties may field candidates in the parliamentary district elections.

22  
 23 **SECTION 16. Forfeiture of Office.** Any elected party representative who changes  
 24 political party affiliation during the representative's term of office shall ipso facto forfeit the  
 25 seat in the Parliament, **which shall be filled by another member of his prior party**  
 26 **affiliation:** Provided, that if the elected party representative changes political party  
 27 affiliation within six (6) months before an election, the same person shall not be eligible for  
 28 nomination as party representative under the new party or organization.

29  
 30 **SECTION 17. Closed List Nominees.** There shall be an indirect election of party  
 31 representatives through election of representatives by their party affiliations. However, the  
 32 list of nominees for each party shall be submitted to the BEO upon filing of the intent to  
 33 participate in the party elections, which shall in no case be more than forty (40) nominees.  
 34 **The list shall be arranged in chronological order of their nomination as party**  
 35 **representatives.**

36  
 37 **At least ten percent (10%) of the nominees in the list shall, preferably, be**  
 38 **qualified party members who are women.**

39  
 40 Any interested person or organization, shall upon request may be provided with the  
 41 list of nominees in their chronological order of nomination, **with reasonable cost for its**  
 42 **reproduction.**

43  
 44 **However, the list of nominees as submitted to the BEO shall be without**  
 45 **prejudice to the power of a party to determine who can sit from among its nominees**  
 46 **and to unseat any party member sitting in the Parliament for breach of party loyalty or**  
 47 **violation of party rules or policies.**

48  


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 17 This amendment proposes that only the winning parties (those garnering at least 4% of the total valid votes cast in the party system) shall be entitled to additional seats. Though this is a departure from the *BANAT* formula, yet it is submitted that the proposal is more consistent with a parliamentary form of government in which party domination is expected. The *BANAT* formula is applicable to the House of Representatives which is strikingly different from a parliament. As observed in other parliamentary democracies, the winning party or coalition of parties is given effective control of the government because losing parties are not allocated these so called "additional seats". These losing parties are merely that – losing parties. They lost in the party system elections. They did not obtain at least 4%. The electorate have chosen the winning party or parties to be the government of the day.

1           **SECTION 18. Parliamentary District Seats.** - Not more than forty percent (40%)  
 2 of the members of the Parliament shall be elected from single member parliamentary  
 3 districts apportioned for the areas and in the manner provided for by the Parliament. The  
 4 district representatives shall be elected through direct plurality vote by the registered voters  
 5 in the parliamentary districts.<sup>18</sup>

6  
 7           **SECTION 19. Redistricting for Parliamentary Membership.** – The Parliament  
 8 shall have the power to reconstitute, by law, the parliamentary districts apportioned among  
 9 the provinces, cities, municipalities, and geographical areas of the Bangsamoro Autonomous  
 10 Region to ensure equitable representation in the Parliament. The redistricting, merging, or  
 11 creation of parliamentary districts shall be based on the number of inhabitants and additional  
 12 provinces, cities, municipalities, and geographical areas, which shall become part of the  
 13 Bangsamoro territorial jurisdiction. For the purpose of redistricting, parliamentary districts  
 14 shall be apportioned based on population and geographical area: provided, that each district  
 15 shall comprise, as far as practicable, contiguous, compact, and adjacent territorial  
 16 jurisdiction, and shall have at least a population of one hundred thousand (100,000).<sup>19</sup>

17  
 18           The allocation of parliamentary district seats shall be as determined by the parliament.  
 19

20           **SECTION 20. Reserved Seats and Sectoral Representatives.** - Reserved seats and  
 21 sectoral representatives shall constitute at least ten percent (10%) of the members of the  
 22 Parliament, which shall include two (2) reserved seats each for non-Moro indigenous  
 23 peoples and settler communities. Women, youth, traditional leaders, and the Ulama shall  
 24 have one sectoral seat each: provided, that the reserved seats and sectoral representatives  
 25 shall in no case be less than eight (8) seats.<sup>20</sup>

26  
 27           **SECTION 21. Qualifications.** - No person shall be a member of the Parliament  
 28 unless the person is a citizen of the Philippines, at least twenty-five (25) years of age on the  
 29 day of the election, able to read and write, and a registered voter in the Bangsamoro  
 30 Autonomous Region.

31  
 32           A sectoral representative shall be a *bona fide* member of the sector he seeks to  
 33 represent. A candidate for youth representative shall be less than eighteen (18) years and are  
 34 not more than thirty (30) years of age at the time of election.

35  
 36           A candidate for district representative must be a registered voter of the district in  
 37 which the person is a candidate, and has resided in the district for at least one (1) year  
 38 immediately preceding the day of the election.

39  
 40           A nominee for party representation must be a registered voter of BARMM and has  
 41 resided therein for at least one (1) year immediately preceding the day of the election.  
 42

43           **SECTION 22. Manner of Selection of Sectoral Representatives.** The selection of  
 44 the sectoral representatives shall be by **nomination by the Parliament through the**  
 45 **Speaker** from among the members of registered sectoral organizations and **appointment** by  
 46 the Chief Minister.

47  
 48           The manner of nomination by sectoral organizations shall be in accordance with their  
 49 internal procedure.

50  
 51           The Chief Minister shall, in the appointment of sectoral representatives, take into  
 52 consideration the track record of advocacy of nominees for the sector they represent.<sup>21</sup>  
 53

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<sup>18</sup> Section 7(b), Article VII, BOL.

<sup>19</sup> Section 10, Article VII, BOL.

<sup>20</sup> Section 7(c), Article VII, BOL.

<sup>21</sup> This proposed provision will ensure that the sectoral representative truly represents his/her sector not only by mere membership in the sector but also by actual advocacy for his/her sector.

1           **SECTION 23. Registration Requirement.** Only regional sectoral parties duly  
 2 accredited by the Bangsamoro Electoral Office, shall participate in the sectoral  
 3 representative elections. Provided, that Regional Sectoral Parties for Indigenous Peoples  
 4 shall be certified by the Ministry of Indigenous People’s Affairs; Regional Sectoral Parties  
 5 for Women shall be certified by the Bangsamoro Women Commission; Regional Sectoral  
 6 Parties for the Youth shall be certified by the Bangsamoro Youth Commission and Regional  
 7 Sectoral Parties for the Ulama shall be certified by the Regional Darul Ifta, other sectors  
 8 shall be certified by appropriate ministers. Provided further, that the nominees for the  
 9 regional sectoral representatives shall upon registration, declare under oath that they belong  
 10 to their respective sectors and/or have a track record of advocacy for their respective sectors.

11  
 12           Sectoral parties shall not be disqualified if some of their nominees are disqualified,  
 13 provided that they have at least one nominee who remains qualified.

14  
 15           **SECTION 24. Procedure of Registration and Accreditation.** Candidates for  
 16 Sectoral Representatives shall register with the Bangsamoro Electoral Office (BEO) not later  
 17 than 60 days before the dissolution of the parliament. The BEO shall cause the posting of  
 18 each application within two (2) working days upon receipt thereof in at least three (3)  
 19 conspicuous public places designated as BEO Bulletin Board, until after the lapse of the  
 20 period for registration.

21  
 22           After the lapse of the period for registration, all applications for registration received  
 23 by the BEO shall be consolidated and posted on the BEO Bulletin Board, and shall be  
 24 published in a newspaper of regional circulation for ten (10) consecutive days.

25  
 26           Any interested party may file an opposition to an application for registration at any  
 27 time after the filing of the application, **with proof of service of a copy thereof to the**  
 28 **applicant:** Provided that in no case shall the opposition be **filed** within 40 days **immediately**  
 29 **before the dissolution of the parliament. After due notice to the applicant within five (5)**  
 30 **days from filing of the opposition,** the appropriate BEO Office shall decide the case within  
 31 ten (10) days from such notice. A motion for reconsideration may be filed within five (5)  
 32 days from notice of the BEO’s decision, which must be resolved by the BEO within five (5)  
 33 days. No second motion for reconsideration shall be given due course by the BEO Office  
 34 concerned.

35  
 36           All applications for registration shall be final and irrevocable fifteen (15) days before  
 37 the dissolution of the parliament, unless such registration was denied by the BEO, with due  
 38 course.

39  
 40           **The approval of** applications for registration shall be final and irrevocable fifteen (15)  
 41 days before the dissolution of the parliament, unless such registration was denied **due course**  
 42 **by the BEO.**

43  
 44           **SECTION 25. Qualification for Election of Non-Moro Indigenous Peoples**  
 45 **Sectoral Representative.**– The reserved seats for non-Moro indigenous peoples such as  
 46 Teduray, Lambangian, Dulangan Manobo, B’laan, and Higaonon shall adhere to their  
 47 customary laws and indigenous processes based on the following:

- 48           (a) Primacy of customary laws and practices;  
 49           (b) Primacy of consensus building;  
 50           (c) Acceptability to the community;  
 51           (d) Inclusivity and full participation;  
 52           (e) Representation of the collective interests and aspirations of non-Moro  
 53 indigenous peoples;  
 54           (f) Sustainability and strengthening of indigenous political structures;  
 55           (g) Track record and capability; and  
 56           (h) Gender equality.





1 In case no public school teachers are available, the BEO shall designate any  
 2 registered voter in the polling place who is not an incumbent barangay official nor related to  
 3 any candidate for any position in that barangay within the **fourth civil degree of affinity or**  
 4 **consanguinity.**<sup>23</sup>

5 (2) The board of election tellers shall supervise and conduct the election in their  
 6 respective polling places, count the votes and thereafter prepare a report in a number of  
 7 copies as may be necessary, on a form prescribed by the BEO. The original of this report  
 8 shall be delivered immediately to the barangay Board of Canvassers. The second copy shall  
 9 be delivered to the election registrar, and the other copies furnished to the contending  
 10 Barangay Chairman candidates, through their authorized official watchers.

11  
 12 **SECTION 5. Polling places.** - The BEO shall designate the public school or any  
 13 other public building within the barangay to be used as polling place.

14  
 15 In case there is no public school or other public building that can be used as polling  
 16 place, other appropriate private buildings may be designated: provided, that such buildings  
 17 are not owned or occupied or possessed by any incumbent elective public official or  
 18 candidate, or his relative within the fourth civil degree of consanguinity or affinity. The  
 19 polling place shall be centrally located as possible, always taking into consideration the  
 20 convenience and safety of the voters.

21  
 22 **SECTION 6. Ballot boxes.** - The BEO shall provide the ballot boxes for each  
 23 barangay polling place, and the necessary padlocks.

24  
 25 Postponement or failure of election.- If, on account of *force majeure*, violence,  
 26 terrorism, fraud or other analogous causes, the election in any barangay has not been held on  
 27 the date herein fixed or has been suspended before the hour fixed by law for the closing of  
 28 the voting therein and such failure or suspension of election would affect the result of the  
 29 election, the BEO, on the basis of a verified petition of an interested party, and after due  
 30 notice and hearing, at which the interested parties are given equal opportunity to be heard  
 31 shall call for the holding or continuation of the election within thirty (30) days after the  
 32 postponed or suspended election, unless it has verified and found that the cause or causes for  
 33 which the election has been postponed or suspended have not yet ceased to exist, or the  
 34 conduct of the said election within the 30-day period is impracticable, in which case the  
 35 election may be held at a later date, as it may deem proper.<sup>24</sup>

36 **SECTION 7. Barangay Board of Canvassers.** - (1) The BEO shall constitute a  
 37 Board of Canvassers at least seven days before the election in each barangay, to be  
 38 composed of a senior public school teacher in the barangay as chairman, and two other  
 39 public school teachers, as members.

40  
 41 In case the number of public teachers is inadequate, the BEO shall designate the  
 42 chairman and members of the barangay Board of Canvassers from among the board of  
 43 election tellers.

44  
 45 (2) The barangay Board of Canvassers shall meet immediately in a building where a  
 46 polling place is found and which is most centrally located in the barangay and after  
 47 canvassing the results from the various polling places within the barangay, proclaim the  
 48 winners. The Board of Canvassers shall accomplish the certificate of proclamation in a  
 49 number of copies as may be necessary, on a form to be prescribed by the Commission. The  
 50 original of the certificate shall be sent to the election registrar concerned, the second copy  
 51 shall be delivered to the secretary of the Sangguniang Bayan or Sangguniang Panglunsod, as  
 52 the case may be, and the other copies to be delivered to the contending candidates for  
 53 *punong barangay*, through their authorized official watchers.

54  
 55 (3) In a barangay where there is only one polling place, the barangay board of  
 56 election tellers shall also be the barangay Board of Canvassers.

<sup>23</sup> 'Sixth civil degree of consanguinity or affinity' should be considered.

<sup>24</sup> This provision deserves separate Section Number.

1           **SECTION 8. Activities during the campaign period.** - During the campaign period,  
 2 the *punong barangay* if he is not a candidate, or any resident of the barangay designated by  
 3 the Commission, shall convene the barangay assembly at least once for the purpose of  
 4 allowing the candidates to appear at a joint meeting duly called, upon proper and with at  
 5 least two-day notice, to explain to the barangay voters their respective program of  
 6 administration, their qualifications, and other information that may help enlighten voters in  
 7 casting their votes.

8  
 9           The members of the barangay assembly may take up and discuss other matters  
 10 relative to the election of barangay officials.

11  
 12           **SECTION 9. Inclusion and exclusion cases.** - Inclusion and exclusion cases which  
 13 shall be decided not later than seven days before the date of the election shall be within the  
 14 exclusive original jurisdiction of the municipal or metropolitan trial court. The notice of such  
 15 decision shall be served to all parties within twenty-four hours following its promulgation  
 16 and any party adversely affected may appeal therefrom within twenty-four hours to the  
 17 regional trial court which shall finally decide the same not later than two days before the date  
 18 of the election.

19  
 20           **SECTION 10. Funding.** - Local governments shall appropriate such funds to defray  
 21 such necessary and reasonable expenses of the members of the board of election tellers,  
 22 Board of Canvassers and the printing of election forms and procurement of other election  
 23 paraphernalia, and the installation of polling booths.

## 24 25           **ARTICLE IX** 26           **THE ELECTORATE**

27  
 28           **SECTION 1. Necessity of Registration.** - In order that a qualified elector may vote  
 29 in any election, plebiscite or referendum, he must be registered in the permanent electoral  
 30 roll for the city or municipality in which he resides.

31  
 32           **SECTION 2. Who may be registered in the roll.** - All persons having complied  
 33 with the requisites herein prescribed for the registration of voters shall be registered in the  
 34 roll, provided they possess all the qualifications and none of the disqualifications of a voter.  
 35 Any person who may not have, on the date of registration, the age or period of residence  
 36 required may also be registered upon proof that on the date of the election, plebiscite or  
 37 referendum he shall have such qualifications.

38  
 39           **SECTION 3. Registration Requirements.** Any person desiring to be registered as a  
 40 voter shall accomplish in triplicate a voter's affidavit in which shall be stated the following  
 41 data:

- 42           a. Name, surname, middle name, maternal surname;
- 43           b. Sex;
- 44           c. Date and place of birth;
- 45           d. Citizenship;
- 46           e. Civil status, if married, and name of spouse;
- 47           f. Periods of residence in the Philippines and in the place of registration;
- 48           g. Exact address with the name of the street and house number or in case there is  
 49 none, a brief description of the locality and the place;
- 50           h. A statement that the applicant has not been previously registered, otherwise  
 51 he shall be required to attach a sworn application for cancellation of his  
 52 previous registration; and
- 53           i. Such other information or data which may be required by the BEO.

54  
 55           The voter's affidavit shall also contain three specimens of the applicant's signature  
 56 and clear and legible prints of his left and right hand thumbmarks and shall be sworn to and

1 filed with the electoral office together with four copies of the latest identification photograph  
2 to be supplied by the applicant.

3  
4 The oath of the applicant shall include a statement that he does not have any of the  
5 disqualifications of a voter and that he has not been previously registered in the precinct or  
6 in any other precinct.

7 Before the applicant accomplishes his voter's affidavit, the applicant shall be apprised  
8 of the qualifications and disqualifications prescribed by law for a voter. It shall be  
9 ascertained that the accomplished voter's affidavit contains all the data therein required and  
10 that the applicant's specimen signatures, the prints of his left and right hand thumbmarks and  
11 his photograph are properly affixed in each of the voter's affidavit.

12  
13 **SECTION 4. Illiterate or disabled applicants.** - The voter's affidavit of an illiterate  
14 or physically disabled person may be prepared by any relative within the fourth civil degree  
15 of consanguinity of affinity or **by any member of the Board of Election Inspectors**<sup>25</sup> who  
16 shall prepare the affidavit in accordance with the data supplied by the applicant.

17  
18 The voter's affidavit of an illiterate or physically disabled person may be prepared by  
19 any relative within the fourth civil degree of consanguinity of affinity or by the Election  
20 Officer or any member of an accredited citizen's arm using the data supplied by the  
21 applicant.

22  
23 **SECTION 5. Voter's identification.** - The identification card issued to the voter  
24 shall serve and be considered as a document for the identification of each registered voter:  
25 Provided, however, that if the voter's identity is challenged on election day and he cannot  
26 present his voter identification card, his identity may be established by the specimen  
27 signatures, the photograph or the fingerprints in his voter's affidavit in the book of voters. No  
28 extra or duplicate copy of the voter identification card shall be prepared and issued except  
29 upon authority of the BEO.

30  
31 Each identification card shall bear the name and the address of the voter, his date of birth,  
32 sex, civil status, occupation, his photograph, thumbmark, the city or municipality and  
33 number of the polling place where he is registered, his signature, his voter serial number and  
34 the signature of the chairman of the Election Registration Board.<sup>26</sup>

35  
36 The name and address of each registered voter shall, immediately upon approval of  
37 his registration, be entered in the proper alphabetical group in the roll after which the voter  
38 identification card shall be issued to the voter.

39  
40 **SECTION 6. Qualifications of a voter.** - Every citizen of the Philippines, not  
41 otherwise disqualified by law, eighteen years of age or over, who shall have resided in the  
42 Philippines for one year and in the city or municipality within the Bangsamoro Region,  
43 wherein he proposes to vote for at least six months immediately preceding the election, may  
44 be registered as a voter.

45  
46 Any person who transfers residence to another city, municipality or country solely by  
47 reason of his occupation; profession; employment in private or public service; educational  
48 activities; work in military or naval reservations; service in the army, navy or air force; the  
49 constabulary or national police force; or confinement or detention in government institutions  
50 in accordance with law, shall be deemed not to have lost his original residence.

51  

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<sup>25</sup> If the affidavit is for purposes of registration, then the BEI or a member thereof may not be proper as registration is before the appropriate office of Comelec, or the BEO for that matter. it is suggested: 'by the Election Officer or any member of an accredited citizen's arm using the data supplied by the applicant' (Section 14, R.A. 8189)

<sup>26</sup> The BEI is constituted only during elections. It has no participation in the registration of voters. Under R.A. 8189, it is the signature of the chairman of the Election Registration Board (ERB) which must appear in the Voter's ID.

1           **SECTION 7. Disqualifications.** - The following shall be disqualified from voting:

2           a) Any person who has been sentenced by final judgment to suffer imprisonment  
3 for not less than one year, such disability not having been removed by plenary pardon or  
4 granted amnesty; provided, however, that any person disqualified to vote under this  
5 paragraph shall automatically reacquire the right to vote upon expiration of five years after  
6 service of sentence.

7           b) Any person who has been adjudged by final judgment by competent court or  
8 tribunal of having committed any crime involving disloyalty to the duly constituted  
9 government such as rebellion, sedition, violation of the anti-subversion and firearms laws, or  
10 any crime against national security, unless restored to his full civil and political rights in  
11 accordance with law: provided, that he shall regain his right to vote automatically upon  
12 expiration of five years after service of sentence.

13  
14           c) Insane or incompetent persons as declared by competent authority **unless**  
15 **subsequently declared by proper authority that such person is no longer insane or**  
16 **incompetent.**<sup>27</sup>

17  
18           **SECTION 8. Publication of the electoral roll.** - At the first hour of the working day  
19 following the last day of registration of voters, a certified copy of the roll shall be delivered  
20 to the provincial election supervisor of the province, another copy to the BEO, and another,  
21 likewise certified, shall be sent to the Commission, in whose offices said copies shall be  
22 open to public inspection during regular office hours. On the same day and hour, a copy of  
23 the roll shall be posted in a secure **and conspicuous** place on the door or near the same at a  
24 height of a meter and a half, where it may be conveniently examined by the interested parties.

25  
26           **SECTION 9. Challenge of right to register.** - Any person applying for registration  
27 may be challenged before the Election Registration Board (ERB) hearing set for the approval  
28 of the applications for registration, through a verified petition by any registered voter in the  
29 Barangay where the challenged applicant is applying for registration. The board shall then  
30 afford due process to the challenged applicant for registration through a notice to appear  
31 before the Board, examine the challenged person and shall receive such other evidence as it  
32 may deem pertinent, after which it shall decide whether the elector shall be included in or  
33 excluded from the list as may be proper. All challenges shall be heard and decided without  
34 delay, and in no case shall be beyond fifteen (15) days from the challenge.

35           After the question has been decided, the Board shall give to each party a brief  
36 certified statement setting forth the challenge and the decision thereon.

37  
38           The party adversely affected by the decision of the Board may seek relief by filing  
39 the necessary inclusion / exclusion cases before the proper court.

40  
41           **SECTION 10. Posting of the Decision.** - The list of applicants for registration and  
42 the action taken thereon by the Board, whether approved or denied, shall be posted in the  
43 BEO Bulletin Board for ten (10) consecutive days from the time the Board has rendered its  
44 decision. Any interested registered voter of the municipality or city may be furnished a copy  
45 thereof, provided reasonable fees for its reproduction is provided for by the party.

46  
47           **SECTION 11. Jurisdiction in inclusion and exclusion cases.** - The municipal and  
48 metropolitan trial courts shall have original and exclusive jurisdiction over all matters of  
49 inclusion and exclusion of voters from the roll in their respective municipalities or cities.  
50 Decisions of the municipal or metropolitan trial courts may be appealed directly by the  
51 aggrieved party to the proper regional trial court within five days from receipt of notice  
52 thereof, otherwise said decision of the municipal or metropolitan trial court shall become  
53 final and executory after said period. The regional trial court shall decide the appeal within  
54 ten days from the time the appeal was received and its decision shall be immediately final  
55 and executory. No motion for reconsideration shall be entertained by the courts.

56  

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27 Section 11(c), R.A. 8189.

1           **SECTION 12. Petition for inclusion of voters in the roll.** - Any person whose  
2 application for registration has been disapproved by the ERB or whose name has been  
3 stricken out from the list may apply, within twenty days after the decision of the ERB, to the  
4 proper municipal or metropolitan trial court, for an order directing the proper election officer  
5 to include or reinstate his name in the list, together with the certificate of the ERB regarding  
6 his case and proof of service of notice of his petition upon the ERB and the Office of the  
7 Election Officer with indication of the time, place, and court before which the petition is to  
8 be heard.

9  
10           **SECTION 13. Voters registered with an erroneous or misspelled name.** - Any  
11 voter registered in the permanent electoral roll who has been included therein with a wrong  
12 or misspelled name shall have the right to file an application on any date with the proper  
13 office of the BEO for correction of entries, within the period fixed by the BEO. He shall  
14 attach to such application public documents reflecting his correctly spelled name, to support  
15 his claim.

16  
17           **SECTION 14. Change of name of registered voter.** - Any previously registered  
18 voter whose name has been changed by reason of marriage or by virtue of a court order may  
19 request for correction of entries on any date with the proper office of the BEO, within the  
20 period fixed by the BEO for the purpose. He shall attach to such application public  
21 documents reflecting his correctly spelled name, to support his claim.

22  
23           **SECTION 15. Petition for exclusion of voters from the roll.** - Any registered voter  
24 in a city or municipality may apply at any time except during the period beginning with the  
25 twenty-first day after the last registration day of any election up to and including election  
26 day with the proper municipal or metropolitan trial court, for the exclusion of a voter from  
27 the list, giving the name and residence of the latter, the precinct in which he is registered,  
28 and the grounds for the challenge. The petition shall be sworn to and accompanied by proof  
29 of notice to the office of the election officer concerned, the ERB, if the same is duly  
30 constituted, and to the challenged voters.

31  
32           **SECTION 16. Common rules governing judicial proceedings in the matter of**  
33 **inclusion, exclusion, and correction of names of voters.** -

34  
35           a) Outside of regular office hours no petition for inclusion, exclusion, or  
36 correction of names of voters shall be received.

37  
38           b) Notices to the members of the ERB, the Election Officer, and to challenged  
39 voters shall state the place, day and hour in which such petition shall be heard, and such  
40 notice may be made by sending a copy thereof by registered mail or by personal delivery or  
41 by leaving it in the possession of a person of sufficient discretion in the residence of the said  
42 person or, in the event that the foregoing procedure is not practicable, by posting a copy in a  
43 conspicuous place in the city hall or municipal building and in two other conspicuous places  
44 within the city or municipality, at least ten days prior to the day set for the hearing.

45  
46           c) In the interest of justice and to afford the challenged voter every opportunity  
47 to contest the petition for exclusion, the court concerned may, when the challenged voter  
48 fails to appear in the first day set for the hearing, order that notice be effected in such manner  
49 and within such period of time as it may decide, which time shall in no case be more than ten  
50 (10) days from the day the respondent is first found in default.

51  
52           d) Each petition shall refer to only one precinct.

53  
54           e) No costs shall be assessed in these proceedings. However, if the court should  
55 be satisfied that the application has been filed for the sole purpose of molesting the adverse  
56 party and causing him to incur expenses, it may condemn the culpable party to pay the costs  
57 and incidental expenses.

58

1 f) Any candidate who may be affected by the proceedings may intervene and  
2 present his evidence.

3  
4 g) The decision shall be based on the evidence presented. If the question is  
5 whether or not the voter is real or fictitious, his non-appearance on the day set for hearing  
6 shall be *prima facie* evidence that the registered voter is fictitious. In no case shall a decision  
7 be rendered upon a stipulation of facts.

8 h) These applications shall be heard and decided without delay. The decision  
9 shall be rendered within six hours after the hearing and within ten days from the date of its  
10 filing in court. Cases appealed to the regional trial court shall be decided within ten days  
11 from receipt of the appeal in the office of the clerk of court. In any case, the court shall  
12 decide these petitions not later than the day before the election and the decision rendered  
13 thereon shall be immediately final and executory.

14  
15 **SECTION 17. Updating of the Electoral Roll.** - The election registrar shall, once a  
16 year in order to preserve the integrity of the permanent electoral roll, reflect on the records  
17 registered voters who died, transferred, and/or for other analogous causes must be dropped  
18 from the existing electoral roll. The list of names to be dropped from the electoral roll under  
19 this circumstance shall, before its execution for exclusion from the list, be posted in three (3)  
20 conspicuous public places for ten (10) consecutive days, and notice be sent to the last known  
21 address of the named registered voters, at least ten (10) days before the act is to be executed.  
22 After the electoral roll has been updated, the same shall be posted in the bulletin board  
23 outside the office of the election officer. The list of names excluded/dropped/stricken out  
24 from the permanent roll shall also be posted. These lists shall be available to any aggrieved  
25 party, who must be a registered voter of the city or municipality for examination and/or  
26 obtaining a copy thereof, at a reasonable cost for its reproduction.

27  
28 **SECTION 18. Annulment of permanent electoral roll.** - Any book of voters not  
29 prepared in accordance with the provisions of this Code or the preparation of which has been  
30 effected with fraud, bribery, forgery, impersonation, intimidation, force, or any other similar  
31 irregularity or which list is statistically improbable may, upon verified petition of any voter,  
32 or registered political party, and after notice and hearing, be annulled by the BEO; provided,  
33 that no order, ruling or decision annulling a book of voters shall be executed within sixty  
34 days before a regular election.

35  
36 **SECTION 19. Reconstitution of lost or destroyed registration records.** - The  
37 BEO shall reconstitute all registration records which have been lost or destroyed. For this  
38 purpose, it shall be the duty of the election officer to immediately report to the BEO any case  
39 of loss or destruction of approved applications for registration in their custody. Such  
40 reconstitution shall be made with the use of the corresponding copies in the BEO Main  
41 Office, national or provincial central files of registered voters: Provided, that if this is not  
42 feasible, the registered voter concerned may be summoned by the election registrar to effect  
43 such reconstitution by accomplishing a new application. Reconstituted forms shall be clearly  
44 marked with the word "reconstituted".

45  
46 **SECTION 20. Special Registration.** - Should it be impractical to serve summons to  
47 each affected registered voter or no copies of the registration records be found in the national  
48 or provincial offices, a special registration may be held for purposes of reconstitution of the  
49 lost or destroyed registration records. The schedule for this purpose shall be fixed by the  
50 BEO, subject to the approval of the Commission.

51  
52 **SECTION 21. Liability for Lost or Destroyed Registration Records.** - The  
53 reconstitution of any lost or destroyed application for registration shall be without prejudice  
54 to the administrative, civil, or criminal liability of any person or persons who may be  
55 responsible for such loss or destruction.

56  
57 **SECTION 22. Examination of registration records.** - All registration records in  
58 the possession of the city or municipal election officer, the provincial election supervisor,

1 and the BEO shall, during regular office hours, be open to examination by the public with  
2 legitimate inquiries for purposes of election.

3  
4 Law enforcement agencies shall, upon prior authorization by the BEO, have access to  
5 said registration records should the same be necessary to, or in aid of, their investigative  
6 functions and duties, subject to regulations promulgated by the Commission.

7  
8 **SECTION 23. Final Electoral Roll.** - Five (5) days before the date of the regular  
9 election or special election, referendum or plebiscite, the election officers must post the final  
10 electoral roll in each precinct with each and every page thereof duly signed or subscribed  
11 and sworn to by the election officer and that failure to comply with this provision will  
12 constitute an election offense.

13  
14 Any candidate or authorized representative of an accredited political party, upon  
15 formal request made to an election officer, shall be entitled to a certified copy of the most  
16 recent electoral roll in any precinct, municipality, city or province, upon payment of a  
17 reasonable fee for its reproduction, as may be prescribed by the BEO.

18  
19 **ARTICLE X**  
20 **ELECTION ADMINISTRATION**

21  
22 Chapter 1

23 **ELIGIBILITY OF CANDIDATES AND CERTIFICATE OF CANDIDACY**

24  
25 **SECTION 1. Candidates holding appointive office or positions.** - Any person  
26 holding a public appointive office or position, including active members of the Armed  
27 Forces of the Philippines, and officers and employees in government-owned or controlled  
28 corporations, shall be considered *ipso facto* resigned from his office upon the filing of his  
29 certificate of candidacy.

30  
31 **SECTION 2. Disqualifications.** - Any candidate who, in an action or protest in  
32 which he is a party is declared by final decision of a competent court guilty of, or found by  
33 the Commission of having (a) given money or other material consideration to influence,  
34 induce or corrupt the voters or public officials performing electoral functions; (b) committed  
35 acts of terrorism to enhance his candidacy; (c) spent in his election campaign an amount in  
36 excess of that allowed by this Code; (d) solicited, received or made any contribution  
37 prohibited under pertinent rules, or (e) committed any prohibited acts, shall be disqualified  
38 from continuing as a candidate, or if he has been elected, from holding the office. Any  
39 person who is a permanent resident of or an immigrant to a foreign country shall not be  
40 qualified to run for any elective office under this Code, unless said person has waived his  
41 status as permanent resident or immigrant of a foreign country in accordance with the  
42 residence requirement provided for in the election laws.<sup>28</sup>

43  
44 **SECTION 3. Nuisance candidates.** - The BEO may *motu proprio* or upon a verified  
45 petition of an interested party, refuse to give due course to or cancel a certificate of  
46 candidacy if it is shown that said certificate has been filed to put the election process in  
47 mockery or disrepute or to cause confusion among the voters by the similarity of the names  
48 of the registered candidates or by other circumstances or acts which clearly demonstrate that  
49 the candidate has no *bona fide* intention to run for the office for which the certificate of  
50 candidacy has been filed and thus prevent a faithful determination of the true will of the  
51 electorate.<sup>29</sup>

52  
53 **SECTION 4. Effects of disqualification cases and priority.** - The BEO,  
54 Commission and the courts shall give priority to cases of disqualification by reason of

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<sup>28</sup> This is similar to Section 68 of the OEC. And Section 68 should be correlated with Sections 72 and 12 of the OEC and Section 6 of R.A. 6646.

<sup>29</sup> This is similar to Section 69 of the OEC.

1 violation of this Code to the end that a final decision shall be rendered not later than seven  
2 days before the election in which the disqualification is sought.

3  
4 Any candidate who has been declared by final judgment to be disqualified shall not  
5 be voted for, and the votes cast for him shall not be counted. Nevertheless, if for any reason,  
6 a candidate is not declared by final judgment before an election to be disqualified and he is  
7 voted for and receives the winning number of votes in such election, his violation of the  
8 provisions of the preceding sections shall not prevent his proclamation and assumption to  
9 office.<sup>30</sup>

10  
11 **SECTION 5. Certificate of candidacy.** - No person shall be eligible for any elective  
12 public office unless he personally files a sworn certificate of candidacy before the office of  
13 the election officer, within the period fixed by the BEO for filing of candidacy, for any  
14 particular election.

15  
16 **SECTION 6. Filing of certificate of candidacy by a representative.** - No sworn  
17 certificate of candidacy shall be given due course if filed by any person other than the  
18 candidate named therein except when the circumstances warrant filing by a representative.  
19 The representative must be in possession of a special power of attorney, specifying therein  
20 that his authority is limited to the act of tendering the sworn certificate of candidacy to the  
21 election officer concerned.

22  
23 **SECTION 7. Unsworn Certificate of Candidacy.** - An unsworn certificate of  
24 candidacy shall not be given due course and shall be treated as a mere scrap of paper as if  
25 nothing was filed, notwithstanding that the inadvertent receipt in the office of the election  
26 officer should be known at a later time.

27  
28 **SECTION 8. Notice of Denial of Due Course.** - A notice that the received and filed  
29 certificate of candidacy has been denied due course shall be posted in the bulletin board of  
30 the election officer within ten (10) days from discovery, but in no case shall it be within ten  
31 (10) days prior to the termination of the period for the filing of the certificate of candidacy.  
32 Furthermore, a mobile notification to the contact number provided by the candidate in his  
33 certificate of candidacy shall be sent from the Office of the Election Officer. Failure to  
34 observe this notice requirement shall be considered an election offense, and shall be dealt  
35 with accordingly.

36  
37 **SECTION 9. Withdrawal of Certificate of Candidacy.** - A person who has filed a  
38 certificate of candidacy may, prior to the election, withdraw the same by submitting to the  
39 office of the election officer concerned a written declaration under oath to that effect.

40  
41 No person shall be eligible for more than one office to be filled in the same election,  
42 and if he files his certificate of candidacy for more than one office, he shall not be eligible  
43 for any of them. However, before the expiration of the period for the filing of certificates of  
44 candidacy, the person who has filed more than one certificate of candidacy may declare  
45 under oath the office for which he desires to be eligible and cancel the certificate of  
46 candidacy for the other office or offices.

47  
48 The filing or withdrawal of a certificate of candidacy shall be without prejudice to  
49 any civil, criminal or administrative liabilities which a candidate may have incurred.

50  
51 **SECTION 10. Contents of certificate of candidacy.** - The certificate of candidacy  
52 shall state that the person filing it is announcing his candidacy for the office stated therein  
53 and that he is eligible for said office; if for party district representative in the Bangsamoro  
54 Parliament, the province, including its component cities, highly urbanized city or district or

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<sup>30</sup> This is similar to Section 72 of the OEC.

1 sector which he seeks to represent<sup>31</sup>; the political party to which he belongs; civil status; his  
 2 date of birth; residence; his post office address for all election purposes; his official contact  
 3 number, if any; his profession or occupation; that he will support and defend the Constitution  
 4 of the Philippines and will maintain true faith and allegiance thereto; that he will obey the  
 5 laws, legal orders, and decrees promulgated by the duly constituted authorities; that he is not  
 6 a permanent resident or immigrant to a foreign country; that the obligation imposed by his  
 7 oath is assumed voluntarily, without mental reservation or purpose of evasion; and that the  
 8 facts stated in the certificate of candidacy are true to the best of his knowledge.

9 Unless a candidate has officially changed his name through a court approved  
 10 proceeding, a candidate shall use in his certificate of candidacy the name by which he has  
 11 been registered in the Office of the Local Civil Registrar and/or Philippine Statistical  
 12 Authority, or any other name allowed under the provisions of existing law or, in the case of a  
 13 Muslim, his Hadji name after performing the prescribed religious pilgrimage; provided, that  
 14 when there are two or more candidates for an office with the same name and surname, each  
 15 candidate, upon being made aware of such fact, shall state his paternal and maternal surname,  
 16 except the incumbent who may continue to use the name and surname stated in his certificate  
 17 of candidacy when he was elected. He may also include one nickname or stage name by  
 18 which he is generally or popularly known in the locality.

19  
 20 The person filing a certificate of candidacy shall also affix his latest photograph,  
 21 passport size; a statement in duplicate containing his bio-data and program of government  
 22 not exceeding one hundred words, if he so desires.

23  
 24 **SECTION 11. Filing and distribution of certificate of candidacy.** - The certificate  
 25 of candidacy shall be filed on any day from the commencement of the election period but not  
 26 later than the day before the beginning of the campaign period: Provided, That in cases of  
 27 postponement or failure of election, no additional certificate of candidacy shall be accepted  
 28 except in cases of substitution of candidates.

29  
 30 The period for the filing of the certificate of candidacy shall be without prejudice to  
 31 the setting of the period at any other inclusive dates, as may be fixed by the BEO, with the  
 32 approval of the Commission, as it deems necessary and warranted by the circumstances.

33  
 34 The period for the filing of the certificate of candidacy shall be without prejudice to  
 35 the period to be set on any other inclusive dates by the BEO with the approval of the  
 36 Commission, as it may deem necessary and warranted by the circumstances.

37  
 38 The certificates of candidacy shall be filed in duplicate with the offices herein below  
 39 mentioned, together with a number of clearly legible copies equal to twice the number of  
 40 polling places in the province, city, district, municipality or barangay, as the case may be:

- 41
- 42 a) For party district representative in the Bangsamoro Parliament,<sup>32</sup> with the  
 43 Commission, the BEO, provincial election supervisor, city/municipal election  
 44 officer, or an officer designated by the Commission having jurisdiction over the  
 45 province, city or representative district who shall send copies thereof to all  
 46 polling places in the province, city or district;
  - 47
  - 48 b) For provincial offices, with the provincial election supervisor of the province  
 49 concerned who shall send copies thereof to all polling places in the province;
  - 50
  - 51 c) For city and municipal offices, with the city or municipal election officer who  
 52 shall send copies thereof to all polling places in the city or municipality; and  
 53

---

<sup>31</sup> if for Member of the Bangsamoro Parliament as party district representative, the province, including its component cities, highly urbanized city or district or, in case of sectoral representative, the sector which he seeks to represent.

<sup>32</sup> For Member of the Bangsamoro Parliament as Party District Representative,

1 d) For *punong barangay* or *kagawad ng Sangguniang Barangay*, the certificates of  
2 candidacy shall be filed in accordance with the provisions of this Code on  
3 Barangay Officials.

4  
5 e) The duly authorized receiving officer shall immediately send the original copy of  
6 all certificates of candidacy received by him to the BEO, which will cause its  
7 submission to the Commission.  
8

9 **SECTION 12. Ministerial duty of receiving and acknowledging receipt.** - The  
10 BEO, provincial election supervisor, or election officer shall have the ministerial duty to  
11 receive and acknowledge receipt of the certificate of candidacy, without prejudice to its  
12 authority, *motu proprio*, to deny due course, *motu proprio*, in the event that the certificate of  
13 candidacy should afterwards be discovered unsworn by the candidate.  
14

15 The BEO, provincial election supervisor, or election officer shall have the ministerial  
16 duty to receive and acknowledge receipt of the certificate of candidacy, without prejudice to  
17 its authority to, *motu proprio*, deny due course to the same should it be discovered later that  
18 the certificate of candidacy is not sworn by the candidate.  
19

20 **SECTION 13. Candidates in case of death, disqualification or withdrawal of**  
21 **another.** - If after the last day for the filing of certificates of candidacy, an official candidate  
22 of a registered or accredited political party dies, withdraws or is disqualified for any cause,  
23 only a person belonging to, and certified by, the same political party may file a certificate of  
24 candidacy to replace the candidate who died, withdrew or was disqualified. The substitute  
25 candidate nominated by the political party concerned may file his certificate of candidacy for  
26 the office affected in accordance with the preceding sections not later than mid-day of the  
27 day of the election. If the death, withdrawal or disqualification should occur between the day  
28 before the election and mid-day of election day, the said certificate may be filed by any of  
29 the office of the election officers in the political subdivision where he is a candidate.<sup>33</sup>  
30

31 **SECTION 14. Substitution of an Independent Candidate.** - An independent  
32 candidate, with no political party affiliation, who died, withdraws or is disqualified for any  
33 cause, may only be substituted by any relative within fourth civil degree of consanguinity or  
34 affinity: provided, that the substitute candidate possesses all the qualifications for candidacy  
35 in the particular elective position being sought for substitution.  
36

37 **SECTION 15. Petition to deny due course to or cancel a certificate of candidacy.**  
38 - A verified petition seeking to deny due course or to cancel a certificate of candidacy may  
39 be filed by any person exclusively on the ground that any material representation contained  
40 therein as required under Section 10 hereof is false. The petition may be filed at any time not  
41 later than twenty-five days from the time of the filing of the certificate of candidacy, but in  
42 no case shall it be within 5 days before the expiration of the period for filing of the certificate  
43 of candidacy,<sup>34</sup> and shall be decided, after due notice and hearing, not later than fifteen days  
44 before the election.<sup>35</sup>  
45

46 **SECTION 16. Election campaign or partisan political activity outside campaign**  
47 **period.** - It shall be unlawful for any person, whether or not a voter or candidate, or for any  
48 party, or association of persons, to engage in an election campaign or partisan political  
49 activity except during the campaign period: provided, that political parties may hold political  
50 conventions or meetings to nominate their official candidates within thirty days before the  
51 commencement of the campaign period.<sup>36</sup>  
52

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<sup>33</sup> Are the BARMM elections including those for the Parliament also automated? The provision is based on Section 77, OEC.

<sup>34</sup> What is the purpose of this clause?

<sup>35</sup> Based on Section 78, OEC.

<sup>36</sup> This is based on Section 80, OEC. Deliberate on Lanot doctrine or Penera doctrine as to who is considered as a candidate.

1           **SECTION 17. Intervention of foreigners.** - It shall be unlawful for any foreigner,  
 2 whether juridical or natural person, to aid any candidate or political party, directly or  
 3 indirectly, or take part in or influence in any manner any election, or to contribute or make  
 4 any expenditure in connection with any election campaign or partisan political activity.<sup>37</sup>  
 5 Any candidate who receives the herein mentioned prohibited intervention of foreigners shall  
 6 be construed to have committed an election offense and may be disqualified for election, as  
 7 may be decided upon by the BEO on the basis of the evidences presented before it by any  
 8 interested party, after due notice to the affected candidate and summary hearing on the issue.

9  
 10           Any candidate who knowingly receives foreign intervention in violation hereof shall  
 11 be deemed to have committed an election offense and may be disqualified by the BEO after  
 12 due notice and summary hearing where evidence is presented by any interested party.

13  
 14           **SECTION 18. Lawful election propaganda.**<sup>38</sup> - Lawful election propaganda shall  
 15 include:

- 16  
 17           a) Pamphlets, leaflets, cards, decals, stickers or other written or printed materials of  
 18 a size not more than eight and one-half inches in width and fourteen inches in  
 19 length;  
 20  
 21           b) Handwritten or printed letters urging voters to vote for or against any particular  
 22 candidate;  
 23  
 24           c) Cloth, paper or cardboard posters, whether framed or posted, with an area  
 25 exceeding two feet by three feet, except that, at the site and on the occasion of a  
 26 public meeting or rally, or in announcing the holding of said meeting or rally,  
 27 streamers not exceeding three feet by eight feet in size, **or tarpaulins not**  
 28 **exceeding six feet by ten feet**, shall be allowed: Provided, That said streamers or  
 29 tarpaulins may not be displayed except one week before the date of the meeting  
 30 or rally and that it shall be removed within seventy-two hours after said meeting  
 31 or rally; or  
 32  
 33           d) All other forms of election propaganda not prohibited by this Code as the  
 34 Commission may authorize after due notice to all interested parties and hearing  
 35 where all the interested parties were given an equal opportunity to be heard:  
 36 provided, that the Commission's authorization shall be published in two  
 37 newspapers of general circulation throughout the nation for at least twice within  
 38 one week after the authorization has been granted.

39  
 40           **SECTION 19. Removal, destruction or defacement of lawful election**  
 41 **propaganda prohibited.**<sup>39</sup> - It shall be unlawful for any person during the campaign period  
 42 to remove, destroy, obliterate, or in any manner deface or tamper with, or prevent the  
 43 distribution of lawful election propaganda. However, any person, whether a registered voter  
 44 or not, an official candidate or not, who removes, destroys, obliterates, or in any manner  
 45 deface or tamper a prohibited or unlawful propaganda is exempt from any civil, criminal, or  
 46 administrative liability.

47  
 48           However, the BEO may summarily order the removal of any prohibited or unlawful  
 49 propaganda.

50  
 51           **SECTION 20. Requirements for published or printed election propaganda.**<sup>40</sup> -  
 52 Any newspaper, newsletter, newsweekly, gazette or magazine advertising, posters,  
 53 pamphlets, circulars, handbills, bumper stickers, streamers, tarpaulins, simple list of

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<sup>37</sup> Based on Section 81, OEC.

<sup>38</sup> Based on Section 82, OEC.

<sup>39</sup> Based on Section 83, OEC.

<sup>40</sup> Based on Section 84, OEC.

1 candidates or any published or printed political matter for or against a candidate or group of  
 2 candidates to any public office shall bear and be identified by the words "paid for by"  
 3 followed by the true and correct name and address of the payor and by the words "printed  
 4 by" followed by the true and correct name and address of the printer.

5  
 6 The election materials herein mentioned shall be considered unlawful or prohibited if  
 7 not compliant with the requirements prescribed by the next preceding paragraph, and may be  
 8 lawfully removed, destroyed, obliterated or in any manner defaced by any person without  
 9 liability.

10 The election materials herein mentioned shall be considered unlawful or prohibited if  
 11 not compliant with the requirements prescribed by the next preceding paragraph, and may,  
 12 upon order of the BEO, be summarily removed without liability.

13  
 14 **SECTION 21. Prohibited forms of election propaganda.**<sup>41</sup> - It shall be unlawful:  
 15

- 16 a) To print, publish, post or distribute any poster, pamphlet, circular, handbill, or  
 17 printed matter urging voters to vote for or against any candidate unless they bear  
 18 the names and addresses of the printer and payor as required;  
 19
- 20 b) To erect, put up, make use of, attach, float or display any billboard, tinplate-  
 21 poster, balloons and the like, of whatever size, shape, form or kind, advertising  
 22 for or against any candidate or political party;  
 23
- 24 c) To purchase, manufacture, request, distribute or accept electoral propaganda  
 25 gadgets, such as pens, lighters, fans of whatever nature, flashlights, athletic  
 26 goods or materials, wallets, shirts, hats, bandanas, matches, cigarettes and the  
 27 like, except that campaign supporters accompanying a candidate shall be allowed  
 28 to wear hats and/or shirts or T-shirts advertising a candidate;  
 29
- 30 d) To show or display publicly any advertisement or propaganda for or against any  
 31 candidate by means of cinematography, audio-visual units or other screen  
 32 projections except telecasts which may be allowed as hereinafter provided; and  
 33
- 34 e) For any radio broadcasting or television station to sell or give free of charge air  
 35 time for campaign and other political purposes except as authorized under the  
 36 rules and regulations promulgated by the Commission pursuant thereto.  
 37
- 38 f) Any prohibited election propaganda gadget or advertisement shall be stopped,  
 39 confiscated or torn down by the representative of the Commission upon specific  
 40 authority of the Commission.  
 41

42 **SECTION 22. Regulation of election propaganda through mass media.**<sup>42</sup> -  
 43

44 (a) The BEO shall promulgate rules and regulations, consistent with the rules  
 45 prescribed by the Commission, regarding the sale of air time for partisan political purposes  
 46 during the campaign period to insure that equal time as to duration and quality is available to  
 47 all candidates for the same office or political parties at the same rates or given free of charge;  
 48 that such rates are reasonable and not higher than those charged other buyers or users of air  
 49 time for non-political purposes; that the provisions of this Code regarding the limitation of  
 50 expenditures by candidates and political parties and contributions by private persons, entities  
 51 and institutions are effectively enforced; and to ensure that said radio broadcasting and  
 52 television stations shall not unduly allow the scheduling of any program or permit any  
 53 sponsor to manifestly favor or oppose any candidate or political party by unduly or  
 54 repeatedly referring to or including said candidate and/or political party in such program

<sup>41</sup> Based on Section 85, OEC.

<sup>42</sup> Based on Section 86, OEC.

1 respecting, however, in all instances the right of said stations to broadcast accounts of  
2 significant or newsworthy events and views on matters of public interest.

3 (b) No franchise or permit to operate a radio or television station shall be granted or  
4 issued, suspended or cancelled during the election period.

5  
6 Any radio or television station, including those owned or controlled by the  
7 Government, shall give free of charge equal time and prominence to an accredited political  
8 party or its candidates if it gives free of charge air time to an accredited political party or its  
9 candidates for political purposes.

10  
11 In all instances, the BEO, within the limits prescribed by the Commission, shall  
12 supervise the use and employment of press, radio and television facilities so as to give  
13 candidates equal opportunities under equal circumstances to make known their qualifications  
14 and their stand on public issues within the limits set forth in this Code on election spending.

15  
16 Violation of the rules and regulations of the Commission issued to implement this  
17 rules shall be dealt with as an election offense.

18  
19 **SECTION 23. Rallies, meetings and other political activities.**<sup>43</sup> - Subject to the  
20 requirements of local ordinances on the issuance of permits, any political party supporting  
21 official candidates or any candidate individually or jointly with other aspirants may hold  
22 peaceful political rallies, meetings, and other similar activities during the campaign period:  
23 provided, that all applications for permits to hold meetings, rallies and other similar political  
24 activities, receipt of which must be acknowledged in writing and which application shall be  
25 immediately posted in a conspicuous place in the city or municipal building, shall be acted  
26 upon in writing by local authorities concerned within three days after the filing thereof and  
27 any application not acted upon within said period shall be deemed approved: and provided,  
28 further, that denial of any application for said permit shall be appealable to the provincial  
29 election supervisor or to the BEO whose decision shall be made within forty-eight hours and  
30 which shall be final and executory: provided, finally, that one only justifiable ground for  
31 denial is a prior written application by any candidate or political party for the same purpose  
32 has been approved.

33  
34 **SECTION 24. BEO Space.**<sup>44</sup> - The BEO shall procure space in at least one  
35 newspaper of general circulation in every province or city: provided, however, that in the  
36 absence of said newspaper, publication shall be done in any other magazine or periodical in  
37 the said province or city, which shall be known as "BEO Space" wherein candidates can  
38 announce their candidacy. The said space shall be allocated, free of charge, equally and  
39 impartially by the BEO among all candidates within the area in which the newspaper is  
40 circulated.

41  
42 **SECTION 25. BEO poster area.**<sup>45</sup> - Whenever practicable, the BEO shall also  
43 designate and provide for a common poster area in strategic places in each town wherein  
44 candidates can announce and further their candidacy through posters, said space to be  
45 likewise allocated free of charge, equally and impartially by the BEO among all the  
46 candidates concerned.

47  
48 **SECTION 26. Authority to remove, destroy, obliterate or deface election**  
49 **propaganda.**- Any form of election propaganda posted outside the designated poster area  
50 may, **upon summary order by the BEO,**<sup>46</sup> be removed, destroyed, obliterated, or defaced  
51 by any person, registered voter in the municipality or not, a candidate for elective position or  
52 not, without incurring any civil, criminal, or administrative liability. Any person who  
53 prevents the said removal, destruction, obliteration or defacing of the election propaganda

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<sup>43</sup> Based on Section 87, OEC.

<sup>44</sup> Based on Section 90, OEC.

<sup>45</sup> Based on Section 91, OEC.

<sup>46</sup> This is proposed to avoid any person from taking the law into his own hands without authority from the BEO.

1 shall be construed as an election offense committed by that person and the candidate whose  
2 election propaganda was sought to be removed or otherwise, after due notice and hearing  
3 conducted by the proper office of the BEO, pursuant to rules and regulations prescribed to  
4 this effect.

5

6           **SECTION 27. BEO time.**<sup>47</sup> - The Commission shall procure radio and television  
7 time to be known as "BEO Time" which shall be allocated equally and impartially among  
8 the candidates within the area of coverage of all radio and television stations. For this  
9 purpose, the franchise of all radio broadcasting and television stations are hereby amended  
10 so as to provide radio and television airtime, free of charge, during the period of the  
11 campaign. However, the BEO may decide to allocate the said BEO time to itself for  
12 purposes of public information on rules and regulations of the BEO, with emphasis on the  
13 election offenses and notable periods to be observed, for guidance of the electorate and the  
14 candidates for elective positions.

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<sup>47</sup> Based on Section 92, OEC.

**Chapter 2**  
**ELECTION DAY**

**SECTION 1. Precincts<sup>48</sup>** - The unit of territory for the purpose of voting is the election precinct, and every barangay shall have at least one such precinct. Each election precinct shall have not more than three hundred voters and shall comprise, as far as practicable, contiguous and compact territory. Additional precincts may be created should the registered voters in the barangay exceed three hundred.

The BEO shall submit, for approval to the Commission its proposed project of precincts.

The precincts actually established in the preceding regular election shall be maintained, but the BEO may introduce such adjustments, changes or new divisions or abolish them, if necessary, subject to the approval of the Commission: provided, however, that the territory comprising an election precinct shall not be altered or a new precinct established within forty-five days before a regular election and thirty days before a special election or a referendum or plebiscite.

**SECTION 2. Alteration of Precincts.<sup>49</sup>** - Every case of alteration of a precinct shall be duly published by posting a notice of any change in at least three conspicuous public places in the municipality, at least thirty (30) days prior to any election.

**SECTION 3. Clustering of Precincts.** - A number of precincts within a barangay may be clustered as one to form a precinct with at most a thousand voters, at least sixty (60) days prior to any election. The clustering of precincts must be posted 30 days prior to any election, in a public conspicuous place in the barangays affected and in the bulletin board outside the office of the election officer concerned.

**SECTION 4. Polling place.<sup>50</sup>** - A polling place is the building or place where the Board of Election Inspectors conducts its proceedings and where the voters shall cast their votes.

**SECTION 5. Designation of polling places.<sup>51</sup>** - The BEO may designate polling places, subject to the approval of the Commission. These polling places shall then be adopted for the next succeeding elections, subject to reasonable changes should it find necessary, after notice to registered political parties and candidates in the political unit affected, if any, and hearing: provided, that no location shall be changed within thirty (30) days before a regular election and twenty (20) days before a special election or a referendum or plebiscite, except when for compelling reasons as may be determined by the BEO, the change of polling place(s) becomes necessary, the change may be caused within the prohibited period, provided further that due notice and hearing to proper parties were observed and publication of the notice of such changes were made in public conspicuous spaces of the barangays affected by the changes made.

**SECTION 6. Requirements for polling places.<sup>52</sup>** - Each polling place shall be, as far as practicable, a ground floor and shall be of sufficient size to admit and comfortably accommodate twenty (20) voters at one time outside the guard rail for the Board of Election Inspectors. The polling place shall be located within the territory of the precinct as centrally as possible with respect to the residence of the voters therein and whenever possible, such location shall be along a public road.

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<sup>48</sup> Based on Sections 149-150, OEC.

<sup>49</sup> Ibid.

<sup>50</sup> Based on Section 152, OEC.

<sup>51</sup> See Section 153, OEC.

<sup>52</sup> Based on Section 154, OEC.

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

3 **SECTION 7. Building that shall not be used as polling places.**<sup>53</sup> - No polling place  
4 shall be located in a public or private building owned, leased, or occupied by any candidate  
5 or of any person who is related to any candidate within the fourth civil degree of  
6 consanguinity or affinity, or any officer of the government or leader of any political party,  
7 group or faction, nor in any building or surrounding premises under the actual control of a  
8 candidate, private entity, or political party. In places where no suitable public building is  
9 available, private school buildings may be used as polling places. No polling place shall be  
10 located within the perimeter of or inside a military or police camp or reservation or within a  
11 prison compound.

12  
13 **SECTION 8. Transfer of Polling Place.**<sup>54</sup> - Any registered voter, candidate or  
14 political party may petition the BEO not later than ninety (90) days prior to any election, for  
15 the transfer of the polling place from the prohibited buildings provided herein. Such petition  
16 shall be heard and decided by the BEO within ten (10) days from the filing of the petition,  
17 whose decision may be appealed to the Commission within five (5) days from its  
18 promulgation.

19  
20 Failure to effect the transfer of the polling place after finding it to be located in the  
21 prohibited places herein mentioned at least forty-five (45) days before any election, shall be  
22 a ground for the postponement of the election in the polling place concerned.

23  
24 **SECTION 9. Signs of polling places.**<sup>55</sup> - On the day of the voting as well as on any  
25 day that the Board of Election Inspectors might meet, every polling place shall have in front  
26 a sign showing the number of the precinct to which it belongs.

27  
28 **SECTION 10. Arrangement and contents of polling places.** - Each polling place  
29 shall conform as much as possible to the sketch as may be prescribed by the BEO, in  
30 conformity with that prescribed by the Commission, if any, and which shall be posted in the  
31 bulletin board of the election officers, at least thirty (30) days prior to any election.

32  
33 **SECTION 11. Voting booth.**<sup>56</sup> - During the voting, there shall be in each polling  
34 place a booth for at least ten (10) voters registered in the precinct. Each booth shall be open  
35 on the side fronting the table for the Board of Election Inspectors and its three sides shall be  
36 closed. The upper part shall be covered, if necessary, to preserve the secrecy of the ballot.  
37 Each booth shall have at least ten (10) arm chairs, which shall be kept clearly lighted, by  
38 artificial lights, if necessary, during the voting.

39  
40 **SECTION 12. Guard rails.** - (a) In every polling place there shall be a guard rail  
41 between the voting booths and the table for the Board of Election Inspectors which shall  
42 have separate entrance and exit. The booths shall be so arranged that they can be accessible  
43 only by passing through the guard rail and by entering through its open side facing the table  
44 of the Board of Election Inspectors.

45  
46 (b) There shall also be a guard rail for the watchers between the place reserved for  
47 them and the table for the Board of Election Inspectors and at a distance of not more than  
48 fifty centimeters from the latter.

49  
50 c) There shall also be, if possible, guard rails separating the table of the Board of  
51 Election Inspectors from the voters waiting for their turn to cast their votes, with entrance  
52 and exit to give them orderly access to the table and the booths during the voting.

53 Based on Section 155, OEC.

54 See Section 155, OEC.

55 Based on Section 156, OEC.

56 See Section 158, OEC.

1 (d) The polling place shall be so arranged that the booths, the table, the ballot boxes  
2 and the whole polling place, except what is being written within the booths, shall be in plain  
3 view of the Board of Election Inspectors, the watchers and other persons who may be within  
4 the polling place.

5  
6 **SECTION 13. Inspection of polling places.**<sup>57</sup> - Before the day of the election,  
7 referendum or plebiscite, the Chairman of the Commission shall, through its BEO officers,  
8 see to it that all polling places are inspected and such omissions and defects as may be found  
9 corrected. The BEO shall keep the reports on these inspections, and furnish a copy to the  
10 Commission.

11  
12 **SECTION 14. ELECTORAL BOARD**<sup>58</sup> - At least thirty days before the date when  
13 the voters list is to be prepared in accordance with this Code, in the case of a regular election  
14 or fifteen days before a special election, the BEO shall, directly or through its duly  
15 authorized representatives, constitute the electoral board **to be composed of a** chairman,  
16 member, and poll clerk. All should be preferably public school teachers and at least one  
17 member of the EB shall be a technology-capable person as certified by the Ministry of  
18 Science and Technology after training. The appointment shall state the precinct to which  
19 they are assigned and the date of the appointment.

20  
21 **SECTION 15. Qualifications of the electoral board.** - No person shall be  
22 appointed chairman, member or substitute member of the Board of Election Inspectors  
23 unless he is of good moral character and irreproachable reputation, a registered voter of the  
24 city or municipality, has never been convicted of any election offense or of any other crime  
25 punishable by more than six months of imprisonment, or if he has pending against him an  
26 information for any election offense. He must be able to speak and write in English or the  
27 local language/dialect.

28  
29 **SECTION 16. Disqualifications of the electoral board.**— No person shall serve as  
30 chairman or member of the EB if he is related within the 4th civil degree of consanguinity or  
31 affinity to any member of the EB; or to any candidate to be voted for in the polling place or  
32 his spouse.

33  
34 **SECTION 17. Powers of the electoral board.**<sup>59</sup> - The electoral board shall have the  
35 following powers and functions:

- 36  
37 1. Conduct the voting and electronic counting of votes in their respective polling  
38 places;  
39 2. Print election returns and transmit electronically the results;  
40 3. Act as COMELEC deputies in the conduct of elections;  
41 4. Maintain order in the polling place and premises;  
42 5. Prohibit use of cameras and cellphones of voters; and  
43 6. Perform such other functions prescribed by this Code or by the rules and  
44 regulations promulgated by the Commission.

45  
46 **SECTION 18. Relief and substitution of members of the electoral board.** - Public  
47 school teachers who are members of the EB shall not be relieved nor disqualified from  
48 acting as such members, except for cause and after due hearing.

49  
50 **SECTION 19. Temporary Absence or Vacancies of members of the Electoral**  
51 **Board.** - Should for a cause vacancy arises in the membership of the EB, the present  
52 members shall call a substitute from the list of public school teachers submitted by the  
53 DepEd to perform the absent member's duties, and if none is available, members shall  
54 appoint any qualified non-partisan registered voter of the precinct, provided none of the  
55 watchers designated in the polling precinct strongly opposes such appointment, in which

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<sup>57</sup> Based on Section 163, OEC.

<sup>58</sup> See Section 164, OEC.

<sup>59</sup> See Section 168, OEC.

1 case a person so mutually agreed upon by the parties may be appointed as a substitute  
2 member of the absent EB.

3 In the absence of any qualified substitute for the absent EB, and if for security  
4 reasons, a member of the PNP deputized in the polling place is capable of dispensing the  
5 duty of the absent EB member, he may so be appointed if not opposed by any of the  
6 watchers therein assigned.

7 **SECTION 20. Voting privilege of members of electoral board.** - Members of the  
8 EB and their substitutes may vote in the polling place where they are assigned on election  
9 day: provided, that they are registered voters within the province, city or municipality where  
10 they are assigned: and provided, finally, that their voting in the polling places where they are  
11 not registered voters be noted in the minutes of the EB.

12  
13 **SECTION 21. Proceedings of the electoral board.** - The meetings of the EB shall  
14 be public and shall be held only in the polling place authorized by the Commission.

15  
16 If any person shall refuse to obey lawful orders of the Board of Election Inspectors,  
17 or shall conduct himself in a disorderly manner in its presence or within its hearing and  
18 thereby interrupt or disturb its proceedings, the EB may issue an order in writing directing  
19 any peace officer to take such person into custody until the adjournment of the meeting, but  
20 such order shall not be executed as to prevent any person so taken into custody from  
21 exercising his right to vote. Such order shall be executed by any peace officer to whom it  
22 may be delivered, but if none be present, by any other person deputized by the EB in writing.

23  
24 **SECTION 22. Prohibition of political activity.** - No member of the EB shall  
25 engage in any partisan political activity or take part in the election except to discharge his  
26 duties as such and to vote.

27  
28 **SECTION 23. Arrest of absent members.** - The member or members of the EB  
29 present may order the arrest of any other member or substitute thereof, who in their  
30 judgment, has absented himself with intention of obstructing the performance of duties of  
31 the EB.

32  
33 **SECTION 24. Watchers<sup>60</sup>** - Every registered political party, coalition of political  
34 parties and every independent candidate shall each be entitled to one watcher in every  
35 polling place.

36  
37 No person shall be appointed watcher unless he is a qualified voter of the city or  
38 municipality, of good reputation and shall not have been convicted by final judgment of any  
39 election offense or of any other crime, must know how to read and write Filipino, English, or  
40 any of the prevailing local languages/dialects, and not related within the fourth civil degree  
41 of consanguinity or affinity to the chairman or any member of the Board of Election  
42 Inspectors in the polling place where he seeks appointment as a watcher.

43  
44 Each candidate, political party or coalition of political parties shall designate in every  
45 province, highly urbanized city or district, a representative authorized to appoint watchers,  
46 furnishing the provincial election supervisor or the city election registrar, as the case may be,  
47 the names of such representatives. The provincial election supervisors shall furnish the  
48 municipal election registrars and election registrars of component cities with the list of such  
49 representatives.

50  
51 **SECTION 25. Rights and duties of watchers.** - Upon entering the polling place,  
52 the watchers shall present and deliver to the chairman of the EB his appointment, and  
53 forthwith, his name shall be recorded in the minutes with a notation under his signature that  
54 he is not disqualified as a watcher. The appointments of the watchers shall bear the personal  
55 signature of the candidate or the duly authorized representatives of the political party or  
56 coalition of political parties who appointed him or of organizations authorized by the  
57 Commission. The watchers shall have the right to stay in the space reserved for them inside

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<sup>60</sup> Based on Section 178, OEC.

1 the polling place. They shall have the right to witness and inform themselves of the  
 2 proceedings of the EB, including its proceedings during the registration of voters, to take  
 3 notes of what they may see or hear, to take photographs of the proceedings and incidents, if  
 4 any, during the counting of votes, as well as of election returns, to file a protest against any  
 5 irregularity or violation of law which they believe may have been committed by the EB or  
 6 by any of its members or by any persons, to obtain from the EB a certificate as to the filing  
 7 of such protest and/or of the resolution thereon, to read the ballots after they shall have been  
 8 read by the chairman, as well as the election returns after they shall have been completed and  
 9 signed by the members of the EB without touching them, but they shall not speak to any  
 10 member of the EB, or to any voter, or among themselves, in such a manner as would distract  
 11 the proceedings, and to be furnished with a certificate of the number of votes in words and  
 12 figures cast for each candidate, duly signed and thumb-marked by the chairman and all the  
 13 members of the EB. Refusal of the chairman and the members of the EB to sign and furnish  
 14 such certificate shall constitute an election offense, recorded in the minutes of the EB, and  
 15 shall be penalized accordingly.

16  
 17 **SECTION 26. Other watchers.** - The duly accredited citizens arm of the  
 18 Commission shall be entitled to appoint a watcher in every polling place. Other civic,  
 19 religious, professional, business, service, youth and any other similar organizations, with  
 20 prior authority of the Commission, shall be entitled collectively to appoint one watcher in  
 21 every polling place.

22  
 23 **SECTION 27. Printing of official ballots and elections returns.** - The official  
 24 ballots shall be printed, under the exclusive supervision and control of the Commission  
 25 which shall determine and provide the necessary security measures in the printing, storage  
 26 and distribution thereof.

27  
 28 **SECTION 28. Sample official ballots.** - At a period of three to seven days before  
 29 the election day, the EB shall conduct trial voting in the presence of the watchers, with ten  
 30 (10) sample ballots provided by the Commission. This is for the purpose of testing the PCOS  
 31 machine, testing the printer through sample printing of election returns, testing the  
 32 transmission mechanisms of the results of the voting, and apprising the watchers of the  
 33 actual operations of the PCOS machine.

### 34 **CASTING OF VOTES**

35  
 36  
 37 **SECTION 29. Voting hours.**<sup>61</sup> - The casting of votes shall start at seven o'clock in  
 38 the morning and shall end at six o'clock in the afternoon, except when there are voters  
 39 present within thirty meters in front of the polling place who have not yet cast their votes, in  
 40 which case the voting shall continue but only to allow said voters to cast their votes without  
 41 interruption. The poll clerk shall, without delay, prepare a complete list containing the names  
 42 of said voters consecutively numbered, and the voters so listed shall be called to vote by  
 43 announcing each name repeatedly three times in the order in which they are listed. Any voter  
 44 in the list who is not present when his name is called out shall not be permitted to vote.

45  
 46 **SECTION 30. Preliminaries to the voting.** - (a) The EB shall meet at the polling  
 47 place at six-thirty o'clock in the morning of election day and shall have the book of voters  
 48 containing all the approved applications of registration of voters pertaining to the polling  
 49 place, the certified list of voters, the ballot box, the official ballots, sufficient pens for the use  
 50 of the voters, the forms to be used, and all other materials which may be necessary.

51  
 52 (b) Immediately thereafter, the chairman of the EB shall open the ballot box, empty  
 53 both of its compartments, exhibit them to all those present and being empty, lock its interior  
 54 covers with three padlocks.

55  
 56 (c) The chairman shall forthwith show to the public and the watchers present the  
 57 package of official ballots received from the city, or municipal treasurer duly wrapped and

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<sup>61</sup> See Section 190, OEC.

1 sealed and the number of pads, the serial numbers and the type forms of the ballots in each  
2 pad appearing on the cover, and the book of voters duly sealed. The EB shall then break the  
3 seals of the package of official ballots and the book of voters. The EB shall enter in the  
4 minutes the fact that the package of ballots, and the book of voters were shown to the public  
5 with their wrapping and corresponding seals intact and/or if they find that the wrapping and  
6 seals are broken, such fact must be stated in the minutes as well as the number of pads and  
7 the serial numbers of ballots that they find in the package.

8  
9 Ballots with separately printed serial numbers shall be deemed spurious and shall not  
10 be utilized by the EB unless the BEO representative shall order their use in writing, stating  
11 the reasons therefor.

12  
13 (d) The chairman and the two party members of the EB shall retain in their  
14 possession their respective keys to the padlocks during the voting.

15  
16 (e) The box shall remain locked until the voting is finished and the counting begins.

17  
18 However, if it should become necessary to make room for more ballots, the EB may  
19 open the box in the presence of the whole EB and the watchers, and the chairman shall press  
20 down with his hands the ballots contained therein without removing any of them, after which  
21 the EB shall close the box and lock it with three padlocks as herein before provided.

22  
23 **SECTION 31. Persons allowed in and around the polling place.** - During the  
24 voting, no person shall be allowed inside the polling place, except the members of the EB  
25 and support staff, if any; watchers; COMELEC representatives; technical support staff, when  
26 summoned by EB to address technical problems; voters casting their votes; voters waiting  
27 for their turn to cast their votes; and other persons specifically authorized by COMELEC  
28 such as DepEd supervisors. The watchers shall stay only in the space reserved for them, it  
29 being illegal for them to enter places reserved for the voters or for the EB or to mingle and  
30 talk with the voters within the polling place.

31  
32 It shall be unlawful for any officer or member of the Armed Forces of the Philippines  
33 including the Philippine Constabulary or the Integrated National Police or peace officer or  
34 any armed person belonging to any extra-legal police agency, special forces, reaction forces,  
35 strike forces, home defense units, barangay tanod, or other similar forces or para-military  
36 forces, including special forces, security guards, special policeman, and all other kinds of  
37 armed or unarmed extra-legal police officers, to enter any polling place, unless it is his  
38 polling place where he will vote but in such case he should immediately leave the polling  
39 place; no policeman or peace officer shall be allowed to enter or stay inside the polling place  
40 except when there is an actual disturbance of the peace and order therein. However, the  
41 Board of Election Inspectors upon majority vote, if it deems necessary, may make a call in  
42 writing, duly entered in the minutes, for the detail of a policeman or any peace officer for  
43 their protection or for the protection of the election documents and paraphernalia, in which  
44 case, the said policeman or peace officer shall stay outside the polling place within a radius  
45 of thirty meters near enough to be easily called by the Board of Election Inspectors at any  
46 time, but never at the door, and in no case shall the said policeman or peace officer hold any  
47 conversation with any voter or disturb or prevent or in any manner obstruct the free access of  
48 the voters to the polling place. It shall likewise be unlawful for any barangay official to enter  
49 and stay inside any polling place except to vote or except when serving as a watcher or  
50 member of the Board of Election Inspectors, in which case, he shall leave the polling place  
51 immediately after voting.

52  
53 **SECTION 32. Order of voting.** - The voters shall vote in the order of their entrance  
54 into the polling place. The voters shall have the right to freely enter the polling place as soon  
55 as they arrive unless there are voters waiting inside, in which case they shall fall in line in  
56 the order of their arrival and shall not crowd around the table of the Board of Election  
57 Inspectors. The voters after having cast their votes shall immediately depart.

58

1           **SECTION 33. Manner of obtaining ballots.** - The voter shall approach the  
2 chairman and shall give his name and address together with other data concerning his person.  
3 In case any member of the EB doubts the identity of the voter, the EB shall check his voter's  
4 identification card or, if he does not have any, the EB shall refer to his photograph and  
5 signature in the voter's application for registration. If the EB is satisfied with his identity, the  
6 chairman shall distinctly announce the voter's name in a tone loud enough to be plainly heard  
7 throughout the polling place. If such voter has not been challenged, or if having been  
8 challenged, the question has been decided in his favor, the voter shall forthwith affix his  
9 signature in the proper space in the voting record, and the chairman shall, after first entering  
10 the number of the ballot in the corresponding space of the voting record, deliver to the voter  
11 one ballot correctly folded. No person other than the chairman shall deliver official ballots  
12 nor shall more than one ballot be delivered at one time.

13  
14           **SECTION 34. Manner of Voting.** - Voting shall be conducted in the following  
15 manner: (1) the voter shall, using a ballot secrecy folder and the marking pen provided by  
16 the BEO, fill his ballot by fully shading the oval beside the names of the candidates and  
17 political party participating in the party list system of representation of his choice; (2) the  
18 voter shall then approach the PCOS, insert his ballot in the ballot entry slot and wait until the  
19 ballot was successfully accepted. Thereafter, the voter shall return the ballot secrecy folder  
20 and marking pen to the EB member; (3) the EB shall apply indelible ink at the base and  
21 extending to the cuticle of the right forefinger nail of the voter, or any other nail if there be  
22 no forefinger nail; and (4) the voter shall affix his thumbmark on the corresponding space in  
23 the EDCVL;

24  
25           **SECTION 35. Rules to be observed during voting.** - (1) Voters vote in the order of  
26 their arrival at the polling place; (2) No watcher shall enter the place reserved for the voters,  
27 EB (3) No watcher shall mingle or talk with the voters (3) No firearms or deadly weapons in  
28 polling place, except those authorized by COMELEC (4) No crowding of voters and  
29 disorderly behavior inside polling place; and (4) Ballot boxes must be locked during voting.

30  
31           **SECTION 36. Prohibition on voting.** - It shall be unlawful for a voter to: (1) bring  
32 the ballot, ballot secrecy folder or marking pen outside of the polling place; (2) speak with  
33 anyone other than as herein provided while inside the polling place; (3) prepare his ballot  
34 without using the ballot secrecy folder or exhibit its contents; (4) fill his ballot accompanied  
35 by another, except in the case of an illiterate or person with disability; (5) erase any printing  
36 from the ballot, or put any distinguishing mark on the ballot; (6) use carbon paper, paraffin  
37 paper or other means of making a copy of the contents of the ballot, or otherwise make use  
38 of any other scheme to identify his vote, including the use of digital cameras, cellular phones  
39 with camera or similar gadgets; and (7) intentionally tear or deface the ballot.

40  
41           **SECTION 37. Preparation of ballots for illiterate and disabled persons.** - A voter  
42 who is illiterate or physically unable to prepare the ballot by himself may be assisted in the  
43 preparation of his ballot by a relative, by affinity or consanguinity within the fourth civil  
44 degree or if he has none, by any person of his confidence who belong to the same household  
45 or any member of the Board of Election Inspectors, except the two party members: provided,  
46 that no voter shall be allowed to vote as illiterate or physically disabled unless it is so  
47 indicated in his registration record: provided, further, that in no case shall an assistor assist  
48 more than three times except the non-party members of the Board of Election Inspectors.  
49 The person thus chosen shall prepare the ballot for the illiterate or disabled voter inside the  
50 voting booth. Violation of this provision shall constitute an election offense.

51  
52           **SECTION 38. Procedure of voting for illiterate and disabled persons.** - (1) If  
53 voter is illiterate or physically unable to vote, he can avail of the assistance of one (1)  
54 assistor; (2) this fact of illiteracy or physical incapacity must be recorded in the EDCVL, and  
55 voter's registration record; (3) poll clerk must first verify that such person had authorized  
56 his/her assistor to fill up the ballot for him/her; (4) the assistor should take an oath that  
57 he/she will fill the ballot as instructed by the voter and will not reveal the contents of the  
58 ballot to anyone; (5) this will be recorded in the minutes; and (6) these procedures also apply

1 to the voters physically impaired to insert his ballot into the PCOS. Assistor should not  
2 display the contents of the ballot during its feeding into the PCOS machine.

3  
4 **SECTION 39. Spoiled ballots.** - If a voter should accidentally spoil or deface a  
5 ballot in such a way that it cannot lawfully be used, he shall surrender if folded to the  
6 chairman who shall note in the corresponding space in the voting record that said ballot is  
7 spoiled. The voter shall then be entitled to another ballot which the chairman shall give him  
8 after announcing the serial number of the second ballot and recording said serial number in  
9 the corresponding spaces in the voting record. If the second ballot is again spoiled or defaced  
10 in such a way that it cannot lawfully be used, the same shall be surrendered to the chairman  
11 and recorded in the same manner as the first spoiled or defaced ballot. However, no voter  
12 shall change his ballot more than twice.

13 The spoiled ballot shall be distinctly marked with the word "spoiled" and signed by  
14 the EB and immediately placed in the compartment for spoiled ballots.

15  
16 **SECTION 40. Challenge against illegal voters.** - Any voter or watcher may challenge  
17 any person offering to vote for: (1) not being registered; (2) using the name of another; or (3)  
18 suffering from an existing disqualification.

19  
20 In such cases, the EB shall satisfy itself as to whether or not the ground for the  
21 challenge is true by requiring proof of registration, identity or disqualification. The EB shall  
22 identify the voter through his photograph, fingerprint, or specimen signatures in the VRR or  
23 EDCVL. In the absence of any of the above-mentioned proof of identity, any member of the  
24 EB may identify under oath a voter, and such act shall be reflected in the minutes of the EB.

25  
26 **SECTION 41. Challenge based on certain illegal acts.** - Any voter or watcher may  
27 challenge any voter offering to vote on the ground that he: (1) received or expects to receive,  
28 paid, offered or promised to pay, contributed, offered or promised to contribute money or  
29 anything of value as consideration for his vote or for the vote of another; (2) made or  
30 received a promise to influence the giving or withholding of any such vote; or (3) made a  
31 bet or is interested directly or indirectly.

32 In such case, the challenged voter shall take an oath before the EB that he has not  
33 committed any of the acts alleged in the challenge. Upon taking such oath, the challenge  
34 shall be dismissed and the voter shall be allowed to vote. In case the voter refuses to take  
35 oath, the challenge shall be sustained and the voter shall not be allowed to vote.

36  
37 **SECTION 42. Admission of challenged vote immaterial in criminal proceedings.**  
38 - The admission of the challenged vote under the two preceding sections shall not be  
39 conclusive upon any court as to the legality of the registration of the voter challenged or his  
40 vote in a criminal action against such person for illegal registration or voting.

41  
42 **SECTION 43. Record of challenges and oaths.** - The poll clerk shall keep a  
43 prescribed record of challenges and oaths taken in connection therewith and the resolution of  
44 the EB in each case and, upon the termination of the voting, shall certify that it contains all  
45 the challenges made. The original of this record shall be attached to the original copy of the  
46 minutes of the voting as provided in the succeeding section.

47  
48 **SECTION 44. Minutes of voting and counting of votes.** - The EB shall prepare  
49 and sign a statement in four copies setting forth the following:

1 The time the voting commenced and ended;  
 2 The serial numbers of the official ballots and election returns, special envelopes and  
 3 seals received;  
 4 The number of official ballots used and the number left unused;  
 5 The number of voters who cast their votes;  
 6 The number of voters challenged during the voting;  
 7 The names of the watchers present;  
 8 The time the counting of votes commenced and ended;  
 9 The number of official ballots found inside the compartment for valid ballots;  
 10 The number of valid ballots, if any, retrieved from the compartment for spoiled  
 11 ballots;  
 12 The number of ballots, if any, found folded together;  
 13 The number of spoiled ballots withdrawn from the compartment for valid ballots;  
 14 The number of excess ballots;  
 15 The number of marked ballots;  
 16 The number of ballots read and counted;  
 17 The time the election returns were signed and sealed in their respective special  
 18 envelopes;  
 19 The number and nature of protests made by watchers; and  
 20 Such other matters that the Commission may require.  
 21  
 22

23 Copies of this statement after being duly accomplished shall be sealed in separate  
 24 envelopes and shall be distributed as follows: (a) the original to the city or municipal  
 25 election registrar; (b) the second copy to be deposited inside the compartment for valid  
 26 ballots of the ballot box; and (c) the third and fourth copies to the representatives of the  
 27 accredited political parties.  
 28

29 **SECTION 45. Disposition of unused ballots at the close of the voting hours.** -  
 30 The chairman of the EB shall prepare a list showing the number of unused ballots together  
 31 with the serial numbers. This list shall be signed by all the members of the EB, after which  
 32 all the unused ballots shall be torn halfway in the presence of the members of the EB.  
 33

34 **SECTION 46. Prohibition of premature announcement of voting.** - No member  
 35 of the EB shall, before the termination of the voting, make any announcement as to whether  
 36 a certain registered voter has already voted or not, as to how many have already voted or  
 37 how many so far have failed to vote, or any other fact tending to show or showing the state  
 38 of the polls, nor shall he make any statement at any time, except as witness before a court, as  
 39 to how any person voted.  
 40

#### 41 COUNTING OF VOTES

42  
 43 **SECTION 47. Counting to be public and without interruption.** - As soon as the  
 44 last voter has voted and fed his/her ballot to the Vote Counting Machine (VCM), at a time  
 45 after the time set for the closing of voting: (1) the EB shall close the voting on the screen of  
 46 the VCM; (2) the VCM shall then automatically count the votes cast; (3) the PCOS machine  
 47 will print automatically eight (8) copies of Election Returns for National Positions (when  
 48 applicable), and eight (8) copies of Election Returns for Local Positions; (4) the EB shall  
 49 announce the results of the voting; and (5) the Poll Clerk shall then announce that he is  
 50 posting a copy of the Election Returns and post a copy within the polling place.  
 51

52 The EB shall not adjourn or postpone or delay the closing of the voting and the  
 53 corresponding transmission of the results and printing of the election returns, until it has  
 54 been fully completed, unless otherwise ordered by the Commission.  
 55

56 **SECTION 48. Proclamation of the result of the election in the polling place.** -  
 57 Upon the completion of the election returns, the chairman of the EB shall orally and publicly  
 58 announce the total number of votes received in the election in the polling place by each and  
 59 every one of the candidates, stating their corresponding office.



1 (e) Board of Canvassers for newly created political subdivisions - the BEO shall  
2 constitute a Board of Canvassers and appoint the members thereof for the first election in a  
3 newly created province, city or municipality in case the officials who shall act as members  
4 thereof have not yet assumed their duties and functions.

5 (2) There shall be a Bangsamoro Board of Canvassers composed of the Chief  
6 Electoral Officer, as Chairman, the Regional Prosecutor of BARMM, as Vice-Chairman, and  
7 a representative from the Ministry of Basic, Higher, and Technical Education with the rank  
8 of Director IV as Member.

9  
10 **SECTION 53. Relationship with candidates and other members.** - The chairman  
11 and the members of the Board of Canvassers shall not be related within the fourth civil  
12 degree of consanguinity or affinity to any of the candidates whose votes will be canvassed  
13 by said board, or to any member of the same board.

14  
15 **SECTION 54. Prohibition against leaving official station.** - During the period  
16 beginning election day until the proclamation of the winning candidates, no member or  
17 substitute member of the different boards of canvassers shall be transferred, assigned or  
18 detailed outside of his official station, nor shall he leave said station without prior authority  
19 of the Commission.

20  
21 **SECTION 55. Feigned illness.** - Any member of the Board of Canvassers feigning  
22 illness in order to be substituted on election day until the proclamation of the winning  
23 candidates shall be guilty of an election offense.

24  
25 **SECTION 56. Vote required.** - A majority vote of all the members of the Board of  
26 Canvassers shall be necessary to render a decision.

27  
28 **SECTION 57. Incapacity and substitution of members of boards of canvassers.** -  
29 In case of non-availability, absence, disqualification due to relationship, or incapacity for  
30 any cause of the chairman, the BEO shall designate the provincial or city fiscal to act as  
31 chairman. Likewise, in case of non-availability, absence, disqualification due to relationship,  
32 or incapacity for any cause, of such designee, the next ranking provincial or city fiscal shall  
33 be designated by the BEO and such designation shall pass to the next in rank until the  
34 designee qualifies. With respect to the other members of the Board of Canvassers, the BEO  
35 shall appoint as substitute the provincial, city or municipal officers of other government  
36 agencies in the province, city or municipality, as the case may be, and with respect to the  
37 representatives of the accredited political parties, the BEO shall appoint as substitutes those  
38 nominated by the said political parties.

39  
40 **SECTION 58. Supervision and control over Board of Canvassers.** - The  
41 Commission, through the BEO, shall have direct control and supervision over the Board of  
42 Canvassers.

43  
44 Any member of the Board of Canvassers may, at any time, be relieved for cause and  
45 substituted *motu proprio* by the BEO.

46  
47 **SECTION 59. Notice of meeting of the board.** - At least five days before the  
48 meeting of the board, the chairman of the board shall give notice to all members thereof and  
49 to each candidate and political party of the date, time and place of the meeting.

50  
51 **SECTION 60. Canvass by the board.** - The Board of Canvassers shall meet not  
52 later than six o'clock in the afternoon of election day at the place designated by the BEO to  
53 receive the election returns and to immediately canvass those that may have already been  
54 received. It shall meet continuously until the canvass is completed, and may adjourn but only  
55 for the purpose of awaiting the other election returns from other polling places within its  
56 jurisdiction. As soon as the other election returns are delivered, the board shall immediately  
57 resume canvassing until all the returns have been canvassed.

58

1           **SECTION 61. Manner of Canvass.** - The manner of canvassing shall be through  
 2 electronic transmission of ERs from polling centers to the appropriate Board of Canvassers.  
 3 The consolidated results of the elections shall be electronically generated through the online  
 4 database system of the Commission.  
 5

6           **SECTION 62. When the election returns are delayed, or failed for transmission.**  
 7 - The Board of Canvassers, notwithstanding the fact that not all the election returns have  
 8 been successfully transmitted by reasons of technical issues and other analogous causes, may  
 9 terminate the canvass and proclaim the candidates elected on the basis of the successful  
 10 transmissions, if the failed transmissions will not adversely affect the results of the election,  
 11 taking into consideration the number of registered voters and the actual number of votes cast  
 12 in the said areas where the transmission of results failed.<sup>62</sup>  
 13

14           **SECTION 63. Canvass of remaining or unquestioned returns to continue.** - The  
 15 Board of Canvassers shall continue the canvass of the remaining or unquestioned election  
 16 returns. If, after the canvass of all the said returns, it should be determined that the returns  
 17 which have been set aside will affect the result of the election, no proclamation shall be  
 18 made except upon orders of the Commission, through the BEO, after due notice and hearing.  
 19 Any proclamation made in violation hereof shall be null and void.  
 20

21           **SECTION 64. Watchers during Canvass.** - Each candidate, political party or  
 22 coalition of political parties shall be entitled to appoint one watcher in the Board of  
 23 Canvassers. The watcher shall have the right to be present at, and take note of, all the  
 24 proceedings of the Board of Canvassers, to file a protest against any irregularity in the  
 25 election returns submitted, and to obtain from the Board of Canvassers a resolution thereon.  
 26

27           **SECTION 65. Election resulting in tie.** - Whenever it shall appear from the canvass  
 28 that two or more candidates have received an equal and highest number of votes, or in cases  
 29 where two or more candidates are to be elected for the same position and two or more  
 30 candidates received the same number of votes for the last place in the number to be elected,  
 31 the Board of Canvassers, after recording this fact in its minutes, shall by resolution, upon  
 32 five days notice to all the tied candidates, hold a special public meeting at which the Board  
 33 of Canvassers shall proceed to the drawing of lots of the candidates who have tied and shall  
 34 proclaim as elected the candidates who may be favored by luck, and the candidates so  
 35 proclaimed shall have the right to assume office in the same manner as if he had been elected  
 36 by plurality of vote. The Board of Canvassers shall forthwith make a certificate stating the  
 37 name of the candidate who had been favored by luck and his proclamation on the basis  
 38 thereof. In lieu of the drawing of lots, a coin toss may be resorted to by the concerned officer  
 39 of the BEO to break the tie.  
 40

41           Nothing in this provision shall be construed as depriving a candidate of his right to  
 42 contest the election.  
 43

### 44           Chapter 3 45           **AFTER ELECTION**

46  
 47           **SECTION 1. Pre-Proclamation Controversies Definition.** - A pre-proclamation  
 48 controversy refers to any question pertaining to or affecting the proceedings of the Board of  
 49 Canvassers which may be raised by any candidate or by any registered political party or  
 50 coalition of political parties before the board or directly with the BEO, in relation to the  
 51 preparation, transmission, receipt, custody and appreciation of the election returns.  
 52

53           **BEO's original jurisdiction of all pre-proclamation controversies.** - The BEO  
 54 shall exercise original jurisdiction over all pre - proclamation controversies, whose decision  
 55 shall be appealable to the Commission en banc. It may *motu proprio* or upon written petition,  
 56 and after due notice and hearing, order the partial or total suspension of the proclamation of

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<sup>62</sup> In practice, the Commission lowers the 'threshold' to authorize Board of Canvassers to proclaim winning candidates on the basis of incomplete canvass.

1 any candidate-elect or annul partially or totally any proclamation, if one has been made, as  
 2 the evidence shall warrant.

3  
 4 It may promulgate rules and regulations to be observed in the execution of this  
 5 original jurisdiction, within the limits provided for under existing rules and regulations, and  
 6 subject to regulation by the Commission.

7  
 8 **Issues that may be raised in pre-proclamation controversy.**<sup>63</sup> - The following  
 9 shall be proper issues that may be raised in a pre-proclamation controversy:

- 10  
 11 (a) Illegal composition or proceedings of the Board of Canvassers; and  
 12 (b) Illegal proceedings of the Board of Canvassers.

13  
 14 **SECTION 2. Contested composition or proceedings of the board.** - When the  
 15 composition or proceedings of the Board of Canvassers are contested, the Board of  
 16 Canvassers shall, within twenty-four hours, make a ruling thereon with notice to the  
 17 contestant who, if adversely affected, may elevate the matter to the BEO within five days  
 18 after the ruling with proper notice to the Board of Canvassers, and if again obtains an  
 19 adverse decision, may appeal the decision of the BEO to the Commission within five days  
 20 from decision of the BEO. After due notice and hearing, the BEO or the Commission, as the  
 21 case may be, shall decide the case within ten days from the filing thereof. During the  
 22 pendency of the case, the Board of Canvassers shall suspend the canvass until an order for  
 23 the continuation or resumption thereof and citing their reasons or grounds therefor has been  
 24 rendered by the BEO or the Commission, as may be applicable.

25  
 26 **SECTION 3. Contested election returns.** - Any candidate, political party or  
 27 coalition of political parties, contesting the inclusion or exclusion in the canvass of any  
 28 election returns on any of the grounds authorized under this Code shall submit their verbal  
 29 objections to the chairman of the Board of Canvassers at the time the questioned returns is  
 30 presented for inclusion or exclusion, which objections shall be noted in the minutes of the  
 31 canvassing.

32  
 33 The Board of Canvassers upon receipt of any such objections shall automatically  
 34 defer the canvass of the contested returns and shall proceed to canvass the rest of the returns  
 35 which are not contested by any party.

36  
 37 Within twenty-four hours from and after the presentation of a verbal objection, the  
 38 same shall be submitted in written form to the Board of Canvassers. Thereafter, the Board of  
 39 Canvassers shall take up each contested return, consider the written objections thereto and  
 40 summarily rule thereon. Said ruling shall be made oral initially and then reduced to writing  
 41 by the board within twenty-four hours from the time the oral ruling is made.

42  
 43 Any party adversely affected by an oral ruling on its/his objection shall immediately  
 44 state orally whether it/he intends to appeal said ruling. The said intent to appeal shall be  
 45 stated in the minutes of the canvassing. If a party manifests its intent to appeal, the Board of  
 46 Canvassers shall set aside the return and proceed to rule on the other contested returns. When  
 47 all the contested returns have been ruled upon by it, the Board of Canvassers shall suspend  
 48 the canvass and shall make an appropriate report to the BEO, copy furnished the parties.

49  


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<sup>63</sup> In view of the automated election system, there are only two issues that may be raised in pre- proc: a) illegal composition of the Board of Canvassers, and b) illegal proceedings of the Board of Canvassers. Incomplete returns is not a ground for pre-proc under the automated election system because no proclamation can be had without the canvass being completed in the first place. This is why in case of incomplete canvass where the winning candidate/s is no longer affected by results which are yet to be canvassed, proclamation is allowed only when the COMELEC lowers the threshold. Based on experience in the past automated elections, it seems that Par. c of the proposed provision is also not a ground for pre-proc under the automated election system.

1 The Board of Canvassers shall not proclaim any candidate as winner unless  
 2 authorized by the BEO, and ultimately by the Commission, after the latter has ruled on the  
 3 objections brought to it on appeal by the losing party and any proclamation made in violation  
 4 hereof shall be void *ab initio*, unless the contested returns will not adversely affect the  
 5 results of the election.

6  
 7 **SECTION 4. Summary proceedings in pre - proclamation controversies.** - All pre-  
 8 proclamation controversies shall be heard summarily by the BEO or the Commission, as the  
 9 case may be, after due notice and hearing, and its decisions shall be final executory after the  
 10 lapse of five days from receipt by the losing party of the decision of the BEO unless an  
 11 appeal to the Commission has been perfected by the aggrieved party within five days from  
 12 decision of the BEO, provided further that this shall be without prejudice to any restraining  
 13 order issued by the Supreme Court.

14  
 15 **SECTION 5. Partial proclamation.** - Notwithstanding the pendency of any pre-  
 16 proclamation controversy, the Commission may, *motu proprio* or upon the filing of a  
 17 verified petition and after due notice and hearing, order the proclamation of other winning  
 18 candidates whose election will not be affected by the outcome of the controversy.

19  
 20 **SECTION 6. Effect of filing petition to annul or to suspend the proclamation.** - The  
 21 filing with the BEO of a petition to annul or to suspend the proclamation of any candidate  
 22 shall suspend the running of the period within which to file an election protest or *quo*  
 23 *warranto* proceedings.

## 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59

**SECTION 7. Jurisdiction on Election Contests.** - The BEO shall exercise original  
 jurisdiction over all contests relating to the elections, returns, and qualifications of all  
 candidates in the Bangsamoro Parliament, regional, provincial and city elective positions.  
 The Commission shall be vested with appellate jurisdiction on the decisions rendered by the  
 BEO.

**SECTION 8. Election contests for Bangsamoro Parliament, provincial and city  
 offices.** - A sworn petition contesting the election of any candidate in the Bangsamoro  
 Parliament or any provincial or city official shall be filed with the BEO by any candidate  
 who has duly filed a certificate of candidacy and has been voted for the same office, within  
 ten days after the proclamation of the results of the election.

Appeal from the decision of the BEO may be had to the Commission within five days  
 from the receipt of the decision of the BEO.

**SECTION 9. Election contests for municipal offices.** - A sworn petition contesting  
 the election of a municipal officer shall be filed with the proper regional trial court by any  
 candidate who has duly filed a certificate of candidacy and has been voted for the same  
 office, within ten days after proclamation of the results of the election.

**SECTION 10. Election contest for barangay offices.** - A sworn petition contesting  
 the election of a barangay officer shall be filed with the proper municipal or metropolitan  
 trial court by any candidate who has duly filed a certificate of candidacy and has been voted  
 for the same office, within ten days after the proclamation of the results of the election. The  
 trial court shall decide the election protest within fifteen days after the filing thereof. The  
 decision of the municipal or metropolitan trial court may be appealed within ten days from  
 receipt of a copy thereof by the aggrieved party to the regional trial court which shall decide  
 the case within thirty days from its submission, and whose decisions shall be final.

**SECTION 11. Petition for *quo warranto*.** - Any voter contesting the election of any  
 Member-elect of the Bangsamoro Parliament, provincial, or city officer on the ground of  
 ineligibility or of disloyalty to the Republic of the Philippines shall file a sworn petition for  
*quo warranto* with the BEO within ten days after the proclamation of the results of the  
 election: provided however, that upon assumption of office by the Member of the

1   Bangsamoro Parliament at the beginning of the term, the jurisdiction over the petition for  
2   *quo warranto* shall be vested in the Bangsamoro Parliament Electoral Tribunal.

3  
4         The aggrieved party may elevate the decision of the BEO on appeal to the  
5   Commission within five days from receipt of the adverse decision, with due notice to the  
6   opposing party.

7  
8         Any voter contesting the election of any municipal or barangay officer on the ground  
9   of ineligibility or of disloyalty to the Republic of the Philippines shall file a sworn petition  
10  for *quo warranto* with the regional trial court or metropolitan or municipal trial court,  
11  respectively, within ten days after the proclamation of the results of the election.

12  
13         **SECTION 12. Procedure in election contests.** - The Commission shall prescribe  
14  the rules to govern the procedure and other matters relating to election contests pertaining to  
15  all national, regional, provincial, and city offices not later than thirty days before such  
16  elections. Such rules shall provide a simple and inexpensive procedure for the expeditious  
17  disposition of election contests and shall be published in at least two newspapers of general  
18  circulation.

19  
20         However, with respect to election contests involving municipal and barangay offices  
21  the following rules of procedure shall govern:

22  
23         (a) Notice of the protest contesting the election of a candidate for a municipal or  
24  barangay office shall be served upon the candidate by means of a summons at the postal  
25  address stated in his certificate of candidacy except when the protestee, without waiting for  
26  the summons, has made the court understand that he has been notified of the protest or has  
27  filed his answer hereto;

28  
29         (b) The protestee shall answer the protest within five days after receipt of the  
30  summons, or, in case there has been no summons from the date of his appearance and in all  
31  cases before the commencement of the hearing of the protest or contest. The answer shall  
32  deal only with the election in the polling places which are covered by the allegations of the  
33  contest;

34  
35         (c) Should the protestee desire to impugn the votes received by the protestant in other  
36  polling places, he shall file a counter-protest within the same period fixed for the answer  
37  serving a copy thereof upon the protestant by registered mail or by personal delivery or  
38  through the sheriff;

39  
40         (d) The protestant shall answer the counter-protest within five days after notice;

41  
42         (e) Within the period of five days counted from the filing of the protest any other  
43  candidate for the same office may intervene in the case as other contestants and ask for  
44  affirmative relief in his favor by a petition in intervention, which shall be considered as  
45  another contest, except that it shall be substantiated within the same proceedings. The  
46  protestant or protestee shall answer the protest in intervention within five days after notice;

47  
48         (f) If no answer shall be filed to the contest, counter-protest, or to the protest in  
49  intervention, within the time limits respectively fixed, a general denial shall be deemed to  
50  have been entered;

51  
52         (g) In election contest proceedings, the permanent registry list of voters shall be  
53  conclusive in regard to the question as to who had the right to vote in the said election.

54  
55         **SECTION 13. Judicial counting of votes in election contest.** - Where allegations  
56  in a protest or counter-protest so warrant, or whenever in the opinion of the court the  
57  interests of justice so require, it shall immediately order the book of voters, ballot boxes and  
58  their keys, ballots and other documents used in the election be brought before it and that the  
59  ballots be examined and the votes recounted.



1           **(b) Conspiracy to bribe voters.** - Two or more persons, whether candidates or not,  
2 who come to an agreement concerning the commission of any violation of paragraph (a) of  
3 this section and decide to commit it.

4  
5           **(c) Wagering upon result of election.** - Any person who bets or wagers upon the  
6 outcome of, or any contingency connected with an election. Any money or thing of value or  
7 deposit of money or thing of value situated anywhere in the Philippines put as such bet or  
8 wager shall be forfeited to the government.

9  
10           **(d) Coercion of subordinates.** -

11  
12                   (1) Any public officer, or any officer of any public or private  
13 corporation or association, or any head, superior, or administrator of any  
14 religious organization, or any employer or land-owner who coerces or  
15 intimidates or compels, or in any manner influence, directly or indirectly, any  
16 of his subordinates or members or parishioners or employees or house helpers,  
17 tenants, overseers, farm helpers, tillers, or lease holders to aid, campaign or  
18 vote for or against any candidate or any aspirant for the nomination or  
19 selection of candidates.

20  
21                   (2) Any public officer or any officer of any commercial, industrial,  
22 agricultural, economic or social enterprise or public or private corporation or  
23 association, or any head, superior or administrator of any religious  
24 organization, or any employer or landowner who dismisses or threatens to  
25 dismiss, punishes or threatens to punish by reducing his salary, wage or  
26 compensation, or by demotion, transfer, suspension, separation,  
27 excommunication, ejection, or causing him annoyance in the performance  
28 of his job or in his membership, any subordinate member or affiliate,  
29 parishioner, employee or house helper, tenant, overseer, farm helper, tiller, or  
30 lease holder, for disobeying or not complying with any of the acts ordered by  
31 the former to aid, campaign or vote for or against any candidate, or any  
32 aspirant for the nomination or selection of candidates.

33  
34           **(e) Threats, intimidation, terrorism, use of fraudulent device or other forms of**  
35 **coercion.** - Any person who, directly or indirectly, threatens, intimidates or actually causes,  
36 inflicts or produces any violence, injury, punishment, damage, loss or disadvantage upon any  
37 person or persons or that of the immediate members of his family, his honor or property, or  
38 uses any fraudulent device or scheme to compel or induce the registration or refraining from  
39 registration of any voter, or the participation in a campaign or refraining or desistance from  
40 any campaign, or the casting of any vote or omission to vote, or any promise of such  
41 registration, campaign, vote, or omission therefrom.

42  
43           **(f) Coercion of election officials and employees.** - Any person who, directly or  
44 indirectly, threatens, intimidates, terrorizes or coerces any election official or employee in  
45 the performance of his election functions or duties.

46  
47           **(g) Appointment of new employees, creation of new position, promotion, or**  
48 **giving salary increases.** - During the period of forty-five days before a regular election and  
49 thirty days before a special election,

50  
51                   (1) any head, official or appointing officer of a government office, agency or  
52 instrumentality, whether national or local, including government-owned or  
53 controlled corporations, who appoints or hires any new employee, whether  
54 provisional, temporary or casual, or creates and fills any new position, except  
55 upon prior authority of the Commission. The Commission shall not grant the  
56 authority sought unless, it is satisfied that the position to be filled is essential  
57 to the proper functioning of the office or agency concerned, and that the  
58 position shall not be filled in a manner that may influence the election.

59

1 As an exception to the foregoing provisions, a new employee may be  
 2 appointed in case of urgent need: Provided, however, that notice of the  
 3 appointment shall be given to the Commission within three days from the  
 4 date of the appointment. Any appointment or hiring in violation of this  
 5 provision shall be null and void.

6  
 7 (2) Any government official who promotes, or gives any increase of  
 8 salary or remuneration or privilege to any government official or employee,  
 9 including those in government-owned or controlled corporations.

10  
 11 **(h) Transfer of officers and employees in the civil service.** - Any public official  
 12 who makes or causes any transfer or detail whatever of any officer or employee in the civil  
 13 service including public school teachers, within the election period except upon prior  
 14 approval of the Commission.

15  
 16 **(i) Intervention of public officers and employees.** - Any officer or employee in the  
 17 civil service, except those holding political offices; any officer, employee, or member of the  
 18 Armed Forces of the Philippines, or any police force, special forces, home defense forces,  
 19 barangay self-defense units and all other para-military units that now exist or which may  
 20 hereafter be organized who, directly or indirectly, intervenes in any election campaign or  
 21 engages in any partisan political activity, except to vote or to preserve public order, if he is a  
 22 peace officer.

23  
 24 **(j) Undue influence.** - It is unlawful for any person to promise any office or  
 25 employment, public or private, or to make or offer to make an expenditure, directly or  
 26 indirectly, or to cause an expenditure to be made to any person, association, corporation or  
 27 entity, which may induce anyone or the public in general either to vote or withhold his vote,  
 28 or to vote for or against any candidate in any election or any aspirant for the nomination or  
 29 selection of an official candidate in a convention of a political party. It is likewise unlawful  
 30 for any person, association, corporation or community, to solicit or receive, directly or  
 31 indirectly, any expenditure or promise or any office, or employment, public or private, for  
 32 any of the foregoing considerations.

33  
 34 **(k) Unlawful electioneering.** - It is unlawful to solicit votes or undertake any  
 35 propaganda on the day of registration before the Board of Election Inspectors and on the day  
 36 of election, for or against any candidate or any political party within the polling place and  
 37 with a radius of thirty meters thereof.

38  
 39 **(l) Prohibition against dismissal of employees, laborers, or tenants.** - No  
 40 employee or laborer shall be dismissed, nor a tenant be ejected from his landholdings for  
 41 refusing or failing to vote for any candidate of his employer or landowner. Any employee,  
 42 laborer or tenant so dismissed or ejected shall be reinstated and the salary or wage of the  
 43 employee or laborer, or the share of the harvest of the tenant, shall be restored to the  
 44 aggrieved party upon application to the proper court.

45  
 46 **(m) Appointment or use of special policemen, special agents, confidential agents  
 47 or the like.** - During the campaign period, on the day before and on election day, any  
 48 appointing authority who appoints or any person who utilizes the services of special  
 49 policemen, special agents, confidential agents or persons performing similar functions;  
 50 persons previously appointed as special policemen, special agents, confidential agents or  
 51 persons performing similar functions who continue acting as such, and those who fail to turn  
 52 over their firearms, uniforms, insignia and other badges of authority to the proper officer  
 53 who issued the same.

54  
 55 At the start of the aforementioned period, the barangay chairman, municipal mayor,  
 56 city mayor, provincial governor, or any appointing authority shall submit to the Commission  
 57 a complete list of all special policemen, special agents, confidential agents or persons  
 58 performing similar functions in the employ of their respective political subdivisions, with  
 59 such particulars as the Commission may require.

1  
2       **(n) Illegal release of prisoners before and after election.** - The Director of the  
3 Bureau of Prisons, any provincial warden, the keeper of the jail or the person or persons  
4 required by law to keep prisoners in their custody who illegally orders or allows any prisoner  
5 detained in the national penitentiary, or the provincial, city or municipal jail to leave the  
6 premises thereof sixty days before and thirty days after the election. The municipal or city  
7 warden, the provincial warden, the keeper of the jail or the person or persons required by law  
8 to keep prisoners in their custody shall post in three conspicuous public places a list of the  
9 prisoners or detention prisoners under their care. Detention prisoners must be categorized as  
10 such.

11  
12       **(o) Use of public funds, money deposited in trust, equipment, facilities owned or**  
13 **controlled by the government for an election campaign.** - Any person who uses under any  
14 guise whatsoever, directly or indirectly, (1) public funds or money deposited with, or held in  
15 trust by, public financing institutions or by government offices, banks, or agencies; (2) any  
16 printing press, radio, or television station or audio-visual equipment operated by the  
17 Government or by its divisions, sub-divisions, agencies or instrumentalities, including  
18 government-owned or controlled corporations, or by the Armed Forces of the Philippines; or  
19 (3) any equipment, vehicle, facility, apparatus, or paraphernalia owned by the government or  
20 by its political subdivisions, agencies including government-owned or controlled  
21 corporations, or by the Armed Forces of the Philippines for any election campaign or for any  
22 partisan political activity.

23  
24       **(p) Deadly weapons.** - Any person who carries any deadly weapon in the polling  
25 place and within a radius of one hundred meters thereof during the days and hours fixed by  
26 law for the registration of voters in the polling place, voting, counting of votes, or  
27 preparation of the election returns. However, in cases of affray, turmoil, or disorder, any  
28 peace officer or public officer authorized by the Commission to supervise the election is  
29 entitled to carry firearms or any other weapon for the purpose of preserving order and  
30 enforcing the law.

31  
32       **(q) Carrying firearms outside residence or place of business.** - Any person who,  
33 although possessing a permit to carry firearms, carries any firearms outside his residence or  
34 place of business during the election period, unless authorized in writing by the Commission:  
35 provided, that a motor vehicle, water or air craft shall not be considered a residence or place  
36 of business or extension hereof.

37       This prohibition shall not apply to cashiers and disbursing officers while in the  
38 performance of their duties or to persons who by nature of their official duties, profession,  
39 business or occupation habitually carry large sums of money or valuables.

40  
41       **(r) Use of armored land, water or air craft.** - Any person who uses during the  
42 campaign period, on the day before and on election day, any armored land, water or air craft,  
43 provided with any temporary or permanent equipment or any other device or contraption for  
44 the mounting or installation of cannons, machine guns and other similar high caliber  
45 firearms, including military type tanks, half trucks, scout trucks, armored trucks, of any  
46 make or model, whether new, reconditioned, rebuilt or remodelled: provided, that banking or  
47 financial institutions and all business firms may use not more than two armored vehicles  
48 strictly for, and limited to, the purpose of transporting cash, gold bullion or other valuables  
49 in connection with their business from and to their place of business, upon previous authority  
50 of the Commission.

51  
52       **(s) Wearing of uniforms and bearing arms.** - During the campaign period, on the  
53 day before and on election day, any member of security or police organization of  
54 government agencies, commissions, councils, bureaus, offices, or government-owned or  
55 controlled corporations, or privately-owned or operated security, investigative, protective or  
56 intelligence agencies, who wears his uniform or uses his insignia, decorations or regalia, or  
57 bears arms outside the immediate vicinity of his place of work: provided, that this  
58 prohibition shall not apply when said member is in pursuit of a person who has committed or  
59 is committing a crime in the premises he is guarding; or when escorting or providing security

1 for the transport of payrolls, deposits, or other valuables; or when guarding the residence of  
 2 private persons or when guarding private residences, buildings or offices: Provided, further,  
 3 that in the last case prior written approval of the Commission shall be obtained. The  
 4 Commission shall decide all applications for authority under this paragraph within fifteen  
 5 days from the date of the filing of such application.

6  
 7 During the same period, and ending thirty days thereafter any member of the Armed  
 8 Forces of the Philippines, special, forces, home defense forces, barangay self-defense units  
 9 and all other para-military units that now exist or which may hereafter be organized who  
 10 wears his uniform or bears arms outside the camp, garrison or barracks to which he is  
 11 assigned or detailed or outside their homes, in case of members of para-military units, unless  
 12 (1) the President of the Philippines shall have given previous authority therefor, and the  
 13 Commission notified thereof in writing, or (2) the Commission authorizes him to do so,  
 14 which authority it shall give only when necessary to assist it in maintaining free, orderly and  
 15 honest elections, and only after notice and hearing. All personnel of the Armed Forces  
 16 authorized by the President or the Commission to bear arms or wear their uniforms outside  
 17 their camps and all police and peace officers shall bear their true name, rank and serial  
 18 number, if any, stitched in block letters on a white background on the left breast of their  
 19 uniform, in letters and numbers of a clearly legible design at least two centimeters tall, which  
 20 shall at all times remain visible and uncovered.

21  
 22 During the election period, whenever the Commission finds it necessary for the  
 23 promotion of free, orderly, honest and peaceful elections in a specific area, it shall confiscate  
 24 or order the confiscation of firearms of any member or members of the Armed Forces of the  
 25 Philippines, police forces, home defense forces, barangay self-defense units, and all other  
 26 para-military units that now exist, or which may hereafter be organized, or any member or  
 27 members of the security or police organization, government ministries, commissions,  
 28 councils, bureaus, offices, instrumentalities, or government-owned or controlled  
 29 corporations and other subsidiaries, or of any member or members of privately owned or  
 30 operated security, investigative, protective or intelligence agencies performing identical or  
 31 similar functions.

32  
 33 **(t) Policemen and provincial guards acting as bodyguards or security guards. -**  
 34 During the campaign period, on the day before and on election day, any member of the city  
 35 or municipal police force, any provincial or sub-provincial guard, any member of the Armed  
 36 Forces of the Philippines, special forces, home defense forces, barangay self-defense units  
 37 and all other para-military units that now exist or which may hereafter be organized who acts  
 38 as bodyguard or security guard of any public official, candidate or any other person, and any  
 39 of the latter who utilizes the services of the former as bodyguard or security guard: Provided,  
 40 that, after due notice and hearing, when the life and security of a candidate is in jeopardy, the  
 41 Commission is empowered to assign at the candidate's choice, any member of the Philippine  
 42 Constabulary or the police force of any municipality within the province to act as his  
 43 bodyguard or security guard in a number to be determined by the Commission but not to  
 44 exceed three per candidate: Provided, however, that when the circumstances require  
 45 immediate action, the Commission may issue a temporary order allowing the assignment of  
 46 any member of the Philippine Constabulary or the local police force to act as bodyguard or  
 47 security guard of the candidate, subject to confirmation or revocation.

48  
 49 **(u) Organization or maintenance of reaction forces, strike forces, or other**  
 50 **similar forces. -** Any person who organizes or maintains a reaction force, strike force or  
 51 similar force during the election period.

52  
 53 The heads of all reaction forces, strike forces, or similar forces shall, not later than  
 54 forty-five days before the election, submit to the Commission a complete list of all members  
 55 thereof with such particulars as the Commission may require.

56  
 57 **(v) Prohibition against release, disbursement or expenditure of public funds. -**  
 58 Any public official or employee including barangay officials and those of government-  
 59 owned or controlled corporations and their subsidiaries, who, during forty-five days before a

1 regular election and thirty days before a special election, releases, disburses or expends any  
2 public funds for:

3  
4 (1) Any and all kinds of public works, except the following:

5  
6 (a) Maintenance of existing and/or completed public works  
7 project: Provided, that not more than the average number of laborers  
8 or employees already employed therein during the six-month period  
9 immediately prior to the beginning of the forty-five day period before  
10 election day shall be permitted to work during such time: Provided,  
11 further, that no additional laborers shall be employed for maintenance  
12 work within the said period of forty-five days;

13  
14 (b) Work undertaken by contract through public bidding held,  
15 or by negotiated contract awarded, before the forty-five day period  
16 before election: Provided, that work for the purpose of this section  
17 undertaken under the so-called "takay" or "pakyaw" system shall not  
18 be considered as work by contract;

19  
20 (c) Payment for the usual cost of preparation for working  
21 drawings, specifications, bills of materials, estimates, and other  
22 procedures preparatory to actual construction including the purchase  
23 of materials and equipment, and all incidental expenses for wages of  
24 watchmen and other laborers employed for such work in the central  
25 office and field storehouses before the beginning of such period:  
26 Provided, that the number of such laborers shall not be increased over  
27 the number hired when the project or projects were commenced; and

28  
29 (d) Emergency work necessitated by the occurrence of a public  
30 calamity, but such work shall be limited to the restoration of the  
31 damaged facility.

32  
33 No payment shall be made within five days before the date of  
34 election to laborers who have rendered services in projects or work  
35 except those falling under subparagraphs (a), (b), (c), and (d), of this  
36 paragraph.

37  
38 This prohibition shall not apply to ongoing public works  
39 projects commenced before the campaign period or similar projects  
40 under foreign agreements. For purposes of this provision, it shall be  
41 the duty of the government officials or agencies concerned to report to  
42 the Commission the list of all such projects being undertaken by them.

43  
44 (2) The Ministry of Social Services and Development and any other office in  
45 other ministries of the government performing functions similar to said  
46 ministry, except for salaries of personnel, and for such other routine and  
47 normal expenses, and for such other expenses as the Commission may  
48 authorize after due notice and hearing. Should a calamity or disaster occur, all  
49 releases normally or usually coursed through the said ministries and offices of  
50 other ministries shall be turned over to, and administered and disbursed by,  
51 the Philippine National Red Cross, subject to the supervision of the  
52 Commission on Audit or its representatives, and no candidate or his or her  
53 spouse or member of his family within the second civil degree of affinity or  
54 consanguinity shall participate, directly or indirectly, in the distribution of  
55 any relief or other goods to the victims of the calamity or disaster; and

56  
57 (3) The Ministry of Human Settlements and any other office in any other  
58 ministry of the government performing functions similar to said ministry,

1                   except for salaries of personnel and for such other necessary administrative or  
2                   other expenses as the Commission may authorize after due notice and hearing.  
3

4                   **(w) Prohibition against construction of public works, delivery of materials for**  
5 **public works and issuance of treasury warrants and similar devices.** - During the period  
6 of forty-five days preceding a regular election and thirty days before a special election, any  
7 person who (a) undertakes the construction of any public works, except for projects or works  
8 exempted in the preceding paragraph; or (b) issues, uses or avails of treasury warrants or any  
9 device undertaking future delivery of money, goods or other things of value chargeable  
10 against public funds.  
11

12                   **(x) Suspension of elective provincial, city, municipal or barangay officer.** - The  
13 provisions of law to the contrary notwithstanding during the election period, any public  
14 official who suspends, without prior approval of the Commission, any elective provincial,  
15 city, municipal or barangay officer, unless said suspension will be for purposes of applying  
16 the "Anti-Graft and Corrupt Practices Act" in relation to the suspension and removal of  
17 elective officials; in which case the provisions of this section shall be inapplicable.  
18

19                   **(y) On Registration of Voters:**  
20

21                   (1) Any person who, having all the qualifications and none of the  
22 disqualifications of a voter, fails without justifiable excuse to register as a  
23 voter in an election, plebiscite or referendum in which he is qualified to vote.  
24

25                   (2) Any person who knowingly makes any false or untruthful  
26 statement relative to any of the data or information required in the application  
27 for registration.  
28

29                   (3) Any person who deliberately imprints or causes the imprinting of  
30 blurred or indistinct fingerprints on any of the copies of the application for  
31 registration or on the voter's affidavit; or any person in charge of the  
32 registration of voters who deliberately or through negligence, causes or  
33 allows the imprinting of blurred or indistinct fingerprints on any of the  
34 aforementioned registration forms, or any person who tampers with the  
35 fingerprints in said registration records.  
36

37                   (4) Any member of the Board of Election Inspectors who approves  
38 any application which on its face shows that the applicant does not possess all  
39 the qualifications prescribed by law for a voter; or who disapproves any  
40 application which on its face shows that the applicant possesses all such  
41 qualifications.  
42

43                   (5) Any person who, being a registered voter, registers anew without  
44 filing an application for cancellation of his previous registration.  
45

46                   (6) Any person who registers in substitution for another whether with  
47 or without the latter's knowledge or consent.  
48

49                   (7) Any person who tampers with or changes without authority any  
50 data or entry in any voter's application for registration.  
51

52                   (8) Any person who delays, hinders or obstruct another from  
53 registering.  
54

55                   (9) Any person who falsely certifies or identifies another as a *bona*  
56 *fide* resident of a particular place or locality for the purpose of securing the  
57 latter's registration as a voter.  
58

1 (10) Any person who uses the voter's affidavit of another for the  
2 purpose of voting, whether or not he actually succeeds in voting.  
3

4 (11) Any person who places, inserts or otherwise includes, as  
5 approved application for registration in the book of voters or in the provincial  
6 or national central files of registered voters, the application of any fictitious  
7 voter or any application that has not been approved; or removes from, or  
8 otherwise takes out of the book of voters or the provincial or national central  
9 files of registered voters any duly approved voter's application, except upon  
10 lawful order of the Commission, or of a competent court or after proper  
11 cancellation as provided in Sections 122, 123, 124 and 125 hereof.  
12

13 (12) Any person who transfers or causes the transfer of the registration  
14 record of a voter to the book of voters of another polling place, unless the said  
15 transfer was due to a change of address of the voter and the voter was duly  
16 notified of his new polling place.  
17

18 (13) Any person who asks, demands, takes, accepts or possesses,  
19 directly or indirectly, the voter's affidavit of another, in order to induce the  
20 latter to withhold his vote, or to vote for or against any candidate in an  
21 election or any issue in a plebiscite or referendum. It shall be presumed *prima*  
22 *facie* that the asking, demanding, taking, accepting, or possessing is with such  
23 intent if done within the period beginning ten days before election day and  
24 ending ten days after election day, unless the voter's affidavit of another and  
25 the latter are both members of the same family.  
26

27 (14) Any person who delivers, hands over, entrusts, gives, directly or  
28 indirectly his voter's affidavit to another in consideration of money or other  
29 benefit or promises thereof, or takes or accepts such voter's affidavit directly  
30 or indirectly, by giving or causing the giving of money or other benefit or  
31 making or causing the making of a promise thereof.  
32

33 (15) Any person who alters in any manner, tears, defaces, removes or  
34 destroys any certified list of voters.  
35

36 (16) Any person who takes, carries or possesses any blank or unused  
37 registration form already issued to a city or municipality outside of said city  
38 or municipality except as otherwise provided in this Code or when directed  
39 by express order of the court or of the Commission.  
40

41 (17) Any person who maliciously omits, tampers or transfers to  
42 another list the name of a registered voter from the official list of voters  
43 posted outside the polling place.  
44

45 **(z) On voting:**  
46

47 (1) Any person who fails to cast his vote without justifiable excuse.

48 (2) Any person who votes more than once in the same election, or who, not  
49 being a registered voter, votes in an election.

50 (3) Any person who votes in substitution for another whether with or without  
51 the latter's knowledge and/or consent.

52 (4) Any person who, not being illiterate or physically disabled, allows his  
53 ballot to be prepared by another, or any person who prepares the ballot of another  
54 who is not illiterate or physically disabled, with or without the latter's knowledge  
55 and/or consent.

56 (5) Any person who avails himself of any means of scheme to discover the  
57 contents of the ballot of a voter who is preparing or casting his vote or who has just  
58 voted.

1 (6) Any voter who, in the course of voting, uses a ballot other than the one  
2 given by the Board of Election Inspectors or has in his possession more than one  
3 official ballot.

4 (7) Any person who places under arrest or detains a voter without lawful  
5 cause, or molests him in such a manner as to obstruct or prevent him from going to  
6 the polling place to cast his vote or from returning home after casting his vote, or to  
7 compel him to reveal how he voted.

8 (8) Any member of the Board of Election Inspectors charged with the duty of  
9 reading the ballot during the counting of votes who deliberately omits to read the  
10 vote duly written on the ballot, or misreads the vote actually written thereon or reads  
11 the name of a candidate where no name is written on the ballot.

12 (9) Any member of the Board of Election Inspectors charged with the duty of  
13 tallying the votes in the tally board or sheet, election returns or other prescribed form  
14 who deliberately fails to record a vote therein or records erroneously the votes as read,  
15 or records a vote where no such vote has been read by the chairman.

16 (10) Any member of a Board of Election Inspectors who has made possible  
17 the casting of more votes than there are registered voters.

18 (11) Any person who, for the purpose of disrupting or obstructing the election  
19 process or causing confusion among the voters, propagates false and alarming reports  
20 or information or transmits or circulates false orders, directives or messages  
21 regarding any matter relating to the printing of official ballots, the postponement of  
22 the election, the transfer of polling place or the general conduct of the election.

23 (12) Any person who, without legal authority, destroys, substitutes or takes  
24 away from the possession of those having legal custody thereof, or from the place  
25 where they are legally deposited, any election form or document or ballot box which  
26 contains official ballots or other documents used in the election.

27 (13) Any person having legal custody of the ballot box containing the official  
28 ballots used in the election who opens or destroys said box or removes or destroys its  
29 contents without or against the order of the Commission or who, through his  
30 negligence, enables any person to commit any of the aforementioned acts, or takes  
31 away said ballot box from his custody.

32 (14) Any member of the Board of Election Inspectors who knowingly uses  
33 ballots other than the official ballots, except in those cases where the use of  
34 emergency ballots is authorized.

35 (15) Any public official who neglects or fails to properly preserve or account  
36 for any ballot box, documents and forms received by him and kept under his custody.

37 (16) Any person who reveals the contents of the ballot of an illiterate or  
38 disabled voter whom he assisted in preparing a ballot.

39 (17) Any person who, without authority, transfers the location of a polling  
40 place.

41 (18) Any person who, without authority, prints or causes the printing of any  
42 ballot or election returns that appears as official ballots or election returns or who  
43 distributes or causes the same to be distributed for use in the election, whether or not  
44 they are actually used.

45 (19) Any person who, without authority, keeps, uses or carries out or causes  
46 to be kept, used or carried out, any official ballot or election returns or printed proof  
47 thereof, type-form mould, electro-type printing plates and any other plate, numbering  
48 machines and other printing paraphernalia being used in connection with the printing  
49 of official ballots or election returns.

50 (20) Any official or employee of any printing establishment or of the  
51 Commission or any member of the committee in charge of the printing of official  
52 ballots or election returns who causes official ballots or election returns to be printed  
53 in quantities exceeding those authorized by the Commission or who distributes,  
54 delivers, or in any manner disposes of or causes to be distributed, delivered, or  
55 disposed of, any official ballot or election returns to any person or persons not  
56 authorized by law or by the Commission to receive or keep official ballots or election  
57 returns or who sends or causes them to be sent to any place not designated by law or  
58 by the Commission.

1 (21) Any person who, through any act, means or device, violates the integrity  
2 of any official ballot or election returns before or after they are used in the election.

3 (22) Any person who removes, tears, defaces or destroys any certified list of  
4 candidates posted inside the voting booths during the hours of voting.

5 (23) Any person who holds or causes the holding of an election on any other  
6 day than that fixed by law or by the Commission, or stops any election being legally  
7 held.

8 (24) Any person who deliberately blurs his fingerprint in the voting record.  
9

10 **(aa) On Canvassing:**

11  
12 (1) Any chairman of the Board of Canvassers who fails to give due notice of  
13 the date, time and place of the meeting of said board to the candidates, political  
14 parties and/or members of the board.

15 (2) Any member of the Board of Canvassers who proceeds with the canvass  
16 of the votes and/or proclamation of any candidate which was suspended or annulled  
17 by the Commission.

18 (3) Any member of the Board of Canvassers who proceeds with the canvass  
19 of votes and/or proclamation of any candidate in the absence of quorum, or without  
20 giving due notice of the date, time and place of the meeting of the board to the  
21 candidates, political parties, and/or other members of the board.

22 (4) Any member of the Board of Canvassers who, without authority of the  
23 Commission, uses in the canvass of votes and/or proclamation of any candidate any  
24 document other than the official copy of the election returns.  
25

26 **(bb) Common to all boards of election inspectors and boards of canvassers:**

27  
28 (1) Any member of any Board of Election Inspectors or Board of Canvassers  
29 who deliberately absents himself from the meetings of said body for the purpose of  
30 obstructing or delaying the performance of its duties or functions.

31 (2) Any member of any Board of Election Inspectors or Board of Canvassers  
32 who, without justifiable reason, refuses to sign and certify any election form required  
33 by this Code or prescribed by the Commission although he was present during the  
34 meeting of the said body.

35 (3) Any person who, being ineligible for appointment as member of any  
36 Board of Election Inspectors or Board of Canvassers, accepts an appointment to said  
37 body, assumes office, and actually serves as a member thereof, or any of public  
38 officer or any person acting in his behalf who appoints such ineligible person  
39 knowing him to be ineligible.

40 (4) Any person who, in the presence or within the hearing of any Board of  
41 Election Inspectors or Board of Canvassers during any of its meetings, conducts  
42 himself in such a disorderly manner as to interrupt or disrupt the work or proceedings  
43 to the end of preventing said body from performing its functions, either partly or  
44 totally.

45 (5) Any public official or person acting in his behalf who relieves any  
46 member of any Board of Election Inspectors or Board of Canvassers or who changes  
47 or causes the change of the assignments of any member of said Board of Election  
48 Inspectors or Board of Canvassers without authority of the Commission.  
49

50 **(cc) On candidacy and campaign:**

51  
52 (1) Any political party which holds political conventions or meetings to  
53 nominate its official candidates earlier than the period fixed in this Code.

54 (2) Any person who abstracts, destroys or cancels any certificate of candidacy  
55 duly filed and which has not been cancelled upon order of the Commission.

56 (3) Any person who misleads the Board of Election Inspectors by submitting  
57 any false or spurious certificate of candidacy or document to the prejudice of a  
58 candidate.

1 (4) Any person who, being authorized to receive certificates of candidacy,  
 2 receives any certificate of candidacy outside the period for filing the same and makes  
 3 it appear that said certificate of candidacy was filed on time; or any person who, by  
 4 means of fraud, threat, intimidation, terrorism or coercion, causes or compels the  
 5 commission of said act.

6 (5) Any person who, by any device or means, jams, obstructs or interferes  
 7 with a radio or television broadcast of any lawful political program.

8 (6) Any person who solicits votes or undertakes any propaganda, on the day  
 9 of election, for or against any candidate or any political party within the polling place  
 10 or within a radius of thirty meters thereof.

11  
 12 **(dd) Other prohibitions:**

13  
 14 (1) Any person who sells, furnishes, offers, buys, serves or takes intoxicating  
 15 liquor on the days fixed by law for the registration of voters in the polling place, or  
 16 on the day before the election or on election day: Provided, that hotels and other  
 17 establishments duly certified by the Ministry of Tourism as tourist oriented and  
 18 habitually in the business of catering to foreign tourists may be exempted for  
 19 justifiable reasons upon prior authority of the Commission: Provided, further, that  
 20 foreign tourists taking intoxicating liquor in said authorized hotels or establishments  
 21 are exempted from the provisions of this subparagraph.

22 (2) Any person who opens in any polling place or within a radius of thirty  
 23 meters thereof on election day and during the counting of votes, booths or stalls of  
 24 any kind for the sale, dispensing or display of wares, merchandise or refreshments,  
 25 whether solid or liquid, or for any other purposes.

26 (3) Any person who holds on election day, fairs, cockfights, boxing, horse  
 27 races, jai-alai or any other similar sports.

28 (4) Refusal to carry election mail matter. - Any operator or employee of a  
 29 public utility or transportation company operating under a certificate of public  
 30 convenience, including government-owned or controlled postal service or its  
 31 employees or deputized agents who refuse to carry official election mail matters free  
 32 of charge during the election period. In addition to the penalty prescribed herein,  
 33 such refusal shall constitute a ground for cancellation or revocation of certificate of  
 34 public convenience or franchise.

35 (5) Prohibition against discrimination in the sale of air time. - Any person  
 36 who operates a radio or television station who without justifiable cause discriminates  
 37 against any political party, coalition or aggroupment of parties or any candidate in  
 38 the sale of air time. In addition to the penalty prescribed herein, such refusal shall  
 39 constitute a ground for cancellation or revocation of the franchise.

40  
 41 **SECTION 2. Persons criminally liable.** - The principals, accomplices, and  
 42 accessories, as defined in the Revised Penal Code, shall be criminally liable for election  
 43 offenses. If the one responsible be a political party or an entity, its president or head, the  
 44 officials and employees of the same, performing duties connected with the offense  
 45 committed and its members who may be principals, accomplices, or accessories shall be  
 46 liable, in addition to the liability of such party or entity.

47 **SECTION 3. Penalties.** - Any person found guilty of any election offense under this  
 48 Code shall be punished with imprisonment of not less than one year but not more than six  
 49 years and shall not be subject to probation. In addition, the guilty party shall be sentenced  
 50 to suffer disqualification to hold public office and deprivation of the right of suffrage. If he is a  
 51 foreigner, he shall be sentenced to deportation which shall be enforced after the prison term  
 52 has been served. Any political party found guilty shall be sentenced to pay a fine of not less  
 53 than **one hundred thousand pesos**, which shall be imposed upon such party after criminal  
 54 action has been instituted in which their corresponding officials have been found guilty.

55  
 56 In the case of prisoner or prisoners illegally released from any penitentiary or jail  
 57 during the prohibited period, the director of prisons, provincial warden, keeper of the jail or  
 58 prison, or persons who are required by law to keep said prisoner in their custody shall, if  
 59 convicted by a competent court, be sentenced to suffer the penalty of *prision mayor* in its

1 maximum period if the prisoner or prisoners so illegally released commit any act of  
2 intimidation, terrorism or interference in the election.

3  
4 Any person found guilty of the offense of failure to register or failure to vote shall,  
5 upon conviction, be fined one hundred pesos. In addition, he shall suffer disqualification to  
6 run for public office in the next succeeding election following his conviction or be appointed  
7 to a public office for a period of one year following his conviction.

8  
9 **SECTION 4. Prosecution.** - The Commission shall, through the BEO, have the  
10 exclusive power to conduct preliminary investigation of all election offenses punishable  
11 under this Code, and to prosecute the same. The Commission may avail of the assistance of  
12 other prosecuting arms of the government: Provided, however, that in the event that the  
13 Commission fails to act on any complaint within four months from his filing, the  
14 complainant may file the complaint with the prosecutor's office or with the Department of  
15 Justice for proper investigation and prosecution, if warranted.

16  
17 **SECTION 5. Arrest in connection with the election campaign.** - No person shall  
18 be arrested and/or detained at any time for any alleged offense committed during and in  
19 connection with any election through any act or language tending to support or oppose any  
20 candidate, political party or coalition of political parties under or pursuant to any order of  
21 whatever name or nature and by whomsoever issued except only upon a warrant of arrest  
22 issued by a competent judge after all the requirements of due process shall have been strictly  
23 complied with.

24  
25 **SECTION 6. Prescription.** - Election offenses shall prescribe after five years from  
26 the date of their commission. If the discovery of the offense be made in an election contest  
27 proceedings, the period of prescription shall commence on the date on which the judgment in  
28 such proceedings becomes final and executory.

29  
30 **SECTION 7. Jurisdiction of courts.** - The regional trial court shall have the  
31 exclusive original jurisdiction to try and decide any criminal action or proceedings for  
32 violation of this Code, except those relating to the offense of failure to register or failure to  
33 vote which shall be under the jurisdiction of the metropolitan or municipal trial courts. From  
34 the decision of the courts, appeal will lie as in other criminal cases.

35  
36 **SECTION 8. Preferential disposition of election offenses.** - The investigation and  
37 prosecution of cases involving violations of the election laws shall be given preference and  
38 priority by the Commission on Elections and prosecuting officials. Their investigation shall  
39 be commenced without delay, and shall be resolved by the investigating officer within five  
40 days from its submission for resolution. The courts shall likewise give preference to election  
41 offenses over all other cases, except petitions for writ of habeas corpus. Their trial shall  
42 likewise be commenced without delay, and shall be conducted continuously until terminated,  
43 and the case shall be decided within thirty days from its submission for decision.

44  
45  
46 **ARTICLE XII**  
47 **LEGAL FEES**

48  
49 **SECTION 1. Collection of legal fees.** - The BEO or any of subordinate office is  
50 hereby authorized to collect fees as follows:

- 1 a) For furnishing certified transcript of records or copies of any record, decision or  
 2 ruling or entry of which any person is entitled to demand and receive a copy, for  
 3 every page. Php 5.00;  
 4 b) For every certificate or writ or process. Php100.00;  
 5 c) In appropriate cases, for filing a second and succeeding motions for  
 6 reconsideration. Php 500.00;  
 7 d) Reproduction of voluminous records such as list of voters, and similar  
 8 documents, for every page, Php 2.00;  
 9 e) Filing fee for opposition to an application for registration, for every opposed  
 10 applicant for registration, Php 100.00;  
 11 f) Filing fee for petition to deny due course against a Certificate of Candidacy, for  
 12 every petition, Php 200.00;  
 13 g) For application for correction of entries in the voter's registration, Php 100.00;  
 14 and  
 15 h) For every search of any record of more than one year's standing and reading the  
 16 same, Php 200.00  
 17

18 **SECTION 2. Payment of Fees.** - The fees mentioned in the preceding section shall  
 19 be paid to the collections officer of the concerned office of the BEO, who shall in all cases  
 20 issue a receipt for the same and shall enter the amount received upon his book specifying the  
 21 date when received, the fee, and the person from whom it is received.  
 22

23 The fees collected pursuant to this Code shall serve as operational expenses of the  
 24 concerned office for office supplies and equipment, and other necessary expenses incurred  
 25 by the office on official time.  
 26

## 27 **ARTICLE XIII** 28 **TRANSITORY PROVISIONS**

29  
 30 **SECTION 1. Pending Actions.** - Pending actions and causes of action arising before  
 31 the effectivity of this Code shall be governed by the laws then in force.  
 32

33 **SECTION 2. Periods.** - If it should no longer be reasonably possible to observe the  
 34 periods and dates herein prescribed for all election related acts, in the election immediately  
 35 following the approval of this Code, the existing periods fixed by the Commission shall be  
 36 observed to insure the sanctity of the exercise of the right to suffrage by the Bangsamoro  
 37 electorate.  
 38

39 **SECTION 3. BARRM Political Party Subsidy Fund.** Six months after the first  
 40 parliamentary elections, the parliament shall, by law, establish a BARRM Political Party  
 41 Subsidy Fund, which shall be used to augment the operating funds of Accredited Political  
 42 Parties.  
 43

## 44 **ARTICLE XIV** 45 **FINAL PROVISIONS**

46  
 47 **SECTION 1. Constitution of the Personnel of the Bangsamoro Electoral Office.-**  
 48 In order to promote maximum efficiency in carrying out its duty to ensure free, orderly and  
 49 honest elections and in discharging its powers and functions under this Code and other  
 50 relevant laws, rules and regulations, the BEO is hereby authorized to constitute its personnel  
 51 to be capable of dispensing its operational functions as a governmental body tasked to  
 52 execute election laws at least one year prior to election immediately following the adoption  
 53 of this Code, subject to pertinent existing laws and regulations. It may recommend the levels  
 54 and rates of salaries of its subordinate officials and employees subject to the laws and  
 55 regulations on civil service and compensation, position classification and standardization of  
 56 salaries: Provided, that no permanent official or employee already in the service of the  
 57 Commission, upon approval of this Code, shall be laid off, or demoted in rank or salary.  
 58

1           **SECTION 2. Separability clause.** – If any part or provision of this Code is declared  
2 invalid or unconstitutional, the other parts or provisions thereof shall remain valid and  
3 effective.<sup>65</sup>  
4

5           **SECTION 3. Amendments and Revisions.** - Any amendment to, revision, or repeal  
6 of this Code shall be made by law enacted by the Bangsamoro Parliament.  
7

8           **SECTION 5. Effectivity.** - This Code shall take effect fifteen (15) days after its  
9 publication in a newspaper of general or regional circulation.  
10

11           Approved,  
12

13  
14  
15           **HON. AHOD BALAWAG EBRAHIM**  
16           *Chief Minister*  
17

18  
  
ABDULRAOF A. MACACUA  
Senior Minister

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<sup>65</sup> The language is similar with the separability clause of R.A. 7941 "Party-List System Act".