



Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY PARLIAMENT
Bangsamoro Government Center, Cotabato City



**BANGSAMORO TRANSITION AUTHORITY
(FIRST REGULAR SESSION)**

BANGSAMORO AUTONOMY ACT NO. 35

Begun and held in Cotabato City, on Thursday, the 15th day of September 2022.

**AN ACT
PROVIDING FOR THE BANGSAMORO ELECTORAL CODE OF THE BANGSAMORO
AUTONOMOUS REGION IN MUSLIM MINDANAO**

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

ARTICLE I

INTRODUCTORY PROVISIONS

SECTION 1. Title. – This Act shall be known and cited as the “Bangsamoro Electoral Code of 2023.”

SEC. 2. Purpose. – Pursuant to the Bangsamoro’s right to self-governance to freely pursue its political, economic, social, and cultural development, the Bangsamoro Government hereby promulgates this Code to prescribe the structural, functional, and procedural principles in the conduct of elections, plebiscites, initiatives, referenda, recall proceedings and encourage the formation of genuinely principled political parties in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

SEC. 3. Declaration of Principles and Policies. – This Code shall be governed by the following principles and policies:

- a. The Bangsamoro Government, in pursuit of genuine and meaningful autonomy for the Bangsamoro, shall adopt an electoral system that is consistent with national election laws, allows democratic participation, and ensures accountability;
- b. The Bangsamoro Government shall have a democratic political system that allows its people to freely participate in the political processes within its territorial jurisdiction;
- c. It shall be the declared policy of the Bangsamoro Government to uphold fair election practices. Towards this end, the Bangsamoro Government shall ensure the conduct of free,

orderly, honest, peaceful, and credible elections reflective of the genuine will of the electorate, at all levels of government in the Bangsamoro;

- d. The Bangsamoro Government recognizes that political parties are the essence of parliamentary democracy. It shall give life to the letter and spirit of the parliamentary nature of the Bangsamoro Government. A free and open regional party system shall be allowed to evolve according to the free choice of the people; and
- e. The Bangsamoro Government promotes gender inclusivity and recognizes the important role of women in nation-building and in institutionalizing democratic processes.

SEC. 4. Construction and Interpretation. – The provisions of this Code shall be given their ordinary meaning. However, in case of ambiguity, that interpretation which realizes the legislative intent of establishing and strengthening the parliamentary nature of the Bangsamoro Government and evolving genuinely principled political parties that veer away from personality-based politics shall be preferred.

SEC. 5. Definitions. – The specific terms as used in this Code shall have the following meaning:

- a. Automated Election System (AES) is the system using appropriate technology which has been demonstrated in the voting, counting, consolidating, canvassing, and transmission of election results, and other electoral processes;
- b. Bangsamoro Registration and Accreditation Committee (BRAC) is the body that shall register and accredit regional political parties subject to the approval by the Commission on Elections (COMELEC) *en banc*;
- c. Bangsamoro Electoral Office (BEO) refers to the office established by the COMELEC in accordance with the provisions of the Bangsamoro Organic Law (BOL) and this Code;
- d. Book of Voters refers to the compilation of all registration records in a precinct;
- e. Certificate of Canvass refers to a document accomplished by the Board of Canvassers (BOC) containing the total number of votes canvassed, in words and figures, obtained by candidates in barangay and Sangguniang Kabataan (SK) elections including referendum, plebiscite and such other special elections which adopt the manual system of election as the case may be;
- f. Election Returns refers to a machine-generated document showing the date of the election, the province, municipality and the precinct in which it is held and the votes in words and/or figures for each candidate in a precinct produced by the counting machine.

For purposes of manual election, Election Returns refers to a document accomplished by the Electoral Board (EB) as a means of recording the votes in words and figures garnered by each candidate in a particular precinct, showing the date of the election, the polling place, the barangay and the city or municipality in which it was held, the total number of ballots found in the compartment for valid ballots, the total number of valid ballots withdrawn from the compartment for spoiled ballots because they were erroneously placed therein, the total number of excess ballots, the total number of marked or void ballots, and the total number of votes obtained by each candidate, writing out the said number in words and figures;

- g. Independent Candidate refers to a person running for a parliamentary district seat but who is not affiliated with a registered regional party or coalition;
- h. Non-Moro Indigenous People (NMIP) refers to those individuals who, not having ascribed or self-ascribed to the Moro identity, belong to tribes who have continuously lived as an organized community on communally bounded and defined territory and who have, under claims of ownership since time immemorial, occupied, possessed, and utilized such territories, and who share common bonds of language, customs, traditions, and other distinctive cultural traits. Among others, they include those NMIPs enumerated in Section 8, Article VII of Republic Act No. 11054, otherwise known as the BOL, the Arumanen Manobo tribe residing in the Special Geographic Areas of the Bangsamoro, and such other tribes as may be identified by the Ministry of Indigenous Peoples Affairs;
- i. Official Ballot refers to the ballot, whether printed or generated by the technology applied, where AES is utilized, that faithfully captures or represents the votes cast by a voter recorded or to be recorded in electronic form;
- j. Parliamentary Elections refer to the democratic process of voting for the members of the Bangsamoro Parliament consisting of party, district, and sectoral representatives;
- k. Parliamentary District Seats refer to seats in the Parliament for those to be elected from single-member parliamentary districts apportioned for the areas and in the manner provided for by the Parliament;
- l. Party Representative Seats refer to seats in the Parliament for those to be elected under a registered regional political party or coalition through a system of proportional representation;
- m. Polling Place is the structure or place where the Board of Election Inspectors conducts its proceedings and where the voters shall cast their votes;
- n. Regional Political Parties are organizations formed by a group of citizens in the Bangsamoro on the basis of the same ideology and common aspirations and aim to have members elected to the Parliament and the local constituent units so that they can affect the way autonomy is meaningfully exercised in the governance of the Bangsamoro;
- o. Reserved Seats refer to the eight (8) seats in the Parliament reserved for sectoral representatives as provided in item (q) of this Section;
- p. Sectoral Organizations refer to the duly accredited aggrupation of people belonging to the Non-Moro Indigenous Peoples, settler communities, women, youth, '*Ulama*, and traditional leaders who are entitled to the reserved seats in the Parliament;
- q. Sectoral Representation seats refer to seats in the Parliament reserved to the following sectors: Non-Moro Indigenous Peoples, settler communities, women, youth, '*Ulama*, and traditional leaders;

- r. Settlers Communities refer to those who are not native inhabitants of the Bangsamoro Autonomous Region, but who came to permanently reside therein as part of the Philippine Government's resettlement programs or who voluntarily opted to migrate thereto, as well as their descendants who continue to reside in the Bangsamoro;
- s. Traditional Leaders refer to the Royal Sultanates in the Bangsamoro Autonomous Region in Muslim Mindanao. These shall include the Sultanates of Sulu, Maguindanao, Kabuntalan, Buayan, the Royal Houses of Lanao and of the Iranun;
- t. Turncoatism refers to the change of political party affiliation by any elective party representative during his/her term of office;
- u. *'Ulama* Sector refers to organized groups of Muslim religious scholars and chief religious authorities;
- v. Women Sector refers to organized groups of women whose principal advocacy pertains to special interests and concerns of women; and
- w. Youth Sector for sectoral representation refers to organized groups of individuals whose ages range from eighteen (18) to thirty (30) years old, and whose principal advocacy pertains to special interests and concerns of the youth.

ARTICLE II THE BANGSAMORO ELECTORAL OFFICE

SECTION 1. *Nature.* – There shall be a Bangsamoro Electoral Office (BEO) established by and under the direct control and supervision of the COMELEC, in accordance with the BOL and this Code.

The BEO supervises all national, regional, and local elections, plebiscites, initiatives, referenda, and recall proceedings within the Bangsamoro Autonomous Region to ensure compliance with election laws and other pertinent rules of the COMELEC, cognizant of the parliamentary system as a vehicle for participative and representative governance.

SEC. 2. *Organizational Structure.* – The COMELEC shall determine the appropriate organizational structure and staffing pattern for the BEO, in accordance with civil service rules and regulations.

SEC. 3. *Powers of the Bangsamoro Electoral Office.* – In addition to powers and functions already exercised by the regional offices of the COMELEC, the BEO shall:

- a. Exercise administrative supervision over provincial, city, and municipal election offices under it;
- b. Administer all laws relative to and supervise the conduct of elections in the Bangsamoro for the purpose of ensuring free, orderly, honest, peaceful, and credible elections;

- c. Coordinate all activities of provincial, city, and municipal election offices, including in the conduct of elections;
- d. Implement election laws and policies, resolutions, rules, regulations, decisions, and related guidelines of the COMELEC;
- e. Render legal opinion and advice on provisions of election laws and implement resolutions of the COMELEC for the guidance of its field personnel, other concerned government officials and employees, non-government organizations (NGOs), citizens' arms, and other interested parties;
- f. Monitor through the provincial election offices, the implementation of the system of continuing registration of voters by the city and municipal election offices, pursuant to Republic Act No. 8189, otherwise known as the Voter's Registration Act of 1996;
- g. Coordinate and monitor election information drives and voters education programs;
- h. Supervise and monitor the implementation of various projects of the COMELEC and submit required reports thereon;
- i. Develop and maintain an efficient communication and transportation network with field subordinates for the effective and faster transmission of information to the various offices/departments of the COMELEC;
- j. Coordinate with other regional government agencies and local government units to ensure the holding of free, orderly, honest, peaceful, and credible elections;
- k. Exercise general housekeeping functions; and
- l. Perform such other powers and functions as the COMELEC may assign for the efficient and effective enforcement of this Code.

SEC. 4. *Bangsamoro Registration and Accreditation Committee.* – In accordance with the issuance of the COMELEC, the BRAC shall be composed of:

- a. The Regional Election Director;
- b. The Assistant Regional Election Director; and
- c. The Provincial Election Supervisor of the Province where the principal office of the regional political party is located in BARMM, or where the election matter is filed.

At the discretion of the COMELEC, the BRAC shall be provided the necessary financial and human resources as will allow the efficient and effective performance of its powers and functions.

SEC. 5. Powers and Functions of the Bangsamoro Registration and Accreditation Committee. – The BRAC shall:

- a. In relation to applications for registration and/or accreditation of regional and local political parties: (1) receive all such applications and ensure their compliance with the requirements and qualifications prescribed in this Code; and, (2) acting collegially, recommend proper action and forward the same to the COMELEC *en banc*;
- b. Upon complaint of any interested party, ascertain the compliance by any regional political party with the continuing requirements for its registration and, acting collegially, submit its recommendation to the COMELEC *en banc*;
- c. Monitor the conduct of general assemblies, party conventions, and such other acts and activities as may be required by this Code and other enactments of the Bangsamoro Parliament in the selection of the nominees for elections of each of the regional political parties;
- d. Monitor the regional political party's compliance with laws and issuances on the utilization of party subsidies and other assistance received from public funds;
- e. Issue *subpoena duces tecum* and *ad testificandum* to parties in controversies; and
- f. Perform such other powers and functions as the laws and the COMELEC *en banc* may provide.

SEC. 6. Bangsamoro Registration and Accreditation Committee Resolutions. – Upon concurrence of the majority of the three (3) members, all actions of the BRAC shall be in the form of a Resolution submitted to the COMELEC within the periods prescribed by this Code.

SEC. 7. Budget. – The budget of the BEO shall form part of the yearly budget of the COMELEC without prejudice to any financial and other forms of support that may be appropriated by the Bangsamoro Parliament to augment the BEO's operational requirements, including expenses for the conduct of assemblies in relation to the election of sectoral representatives, during an election year in the form of an election reserve fund.

Notwithstanding the foregoing, local governments shall continue to appropriate funds to defray necessary and reasonable expenses of the EB, BOC, and the printing of election forms and procurement of other election paraphernalia, and the installation of voting centers.

ARTICLE III

REGIONAL POLITICAL PARTIES IN THE BANGSAMORO

SECTION 1. Establishment of Regional Political Parties. – Regional political parties in the Bangsamoro, hereinafter referred to as “parties” or “party,” shall be established by at least ten thousand (10,000) members who are residents and registered voters therein. The members shall be distributed throughout the different provinces and cities comprising the Bangsamoro territory: *Provided*, That all parties shall establish provincial and city chapters in all provinces and cities, and municipal chapters in

the majority of the municipalities comprising each province, in the Bangsamoro. *Provided, further,* That a provincial chapter is required to have municipal chapters in majority of the municipalities in that province.

SEC. 2. *Registration of Regional Political Parties.* – All parties intending to register as political parties under this Code shall submit applications to the BEO through the BRAC.

The BRAC shall receive all petitions for registration and forward the same to the COMELEC with its recommendation either for approval or disapproval: *Provided,* That the BRAC shall submit the petition along with its recommendation not later than sixty (60) days from receipt of the same.

Only those which comply with the requirements and qualifications for parties, in accordance with this Code and the relevant rules and regulations issued by the COMELEC, shall be registered by the latter.

SEC. 3. *Accreditation of Political Parties Already Registered with COMELEC.* – Regional political parties already registered with the COMELEC prior to the effectivity of this Code are not required to register anew: *Provided, however,* That the party complies with the additional requirements provided in this Code in relation to registration.

SEC. 4. *Requirements for Registration of Regional Political Parties.* – A party must submit the following:

- a. A verified petition for the registration of the party, signed by its head or any duly authorized representative, containing the following:
 1. Full name of the party, organization or coalition of parties;
 2. Principal place of business and postal address for election purposes, including those of its provincial, city and municipal chapters;
 3. Date and place of its organization;
 4. Date and manner of election or selection of its officers;
 5. Extent of its constituency or membership;
 6. That it is not a religious sect or denomination;
 7. That it shall not pursue its goals through violence or other unlawful means;
 8. That it shall uphold and adhere to the Constitution and shall obey all laws and legal orders promulgated by the duly constituted authorities;
 9. That it is not supported by, nor does it accept financial contribution from, any foreign government or other agencies; and
 10. Other information that may be material and relevant, as may be determined by the COMELEC;
- b. A verified list of the members of its executive, general party, and membership committees, as well as the heads of its provincial, city, and municipal chapters, and their respective addresses;
- c. A notarized list of at least ten thousand (10,000) members of the party, wherein they manifest their collective decision to register the party by affixing their names, signatures, and other pertinent details as determined by the COMELEC;

d. Its constitution and by-laws, that contains:

1. The party's full name, its abbreviation, if any, its official logo, and its principal place of business, which must be in any one of the provinces in the Bangsamoro.

The name and official logo of the party must be clearly distinct from the name of any other party already in existence, including its abbreviation. Throughout the electoral process, only the registered name or its abbreviation, and official logo may be used by the party, omitting any additional descriptive designations;

2. Rules and procedure for joining and leaving the party which must abide by the requirement of notice and hearing and the proscription on compulsion either in becoming a member or in leaving the party;
 3. The rights and duties of its members;
 4. Permissible sanctions against members, including the grounds for their exclusion from the party;
 5. The party's structure;
 6. The powers of the executive committee and its other bodies;
 7. Matters exclusively subject to the decision-making of the assemblies of members or delegates;
 8. The schedule of convening members' and delegates' assemblies, and official recording of the resolutions passed. The holding of these activities must be done annually or more often depending on the decision of the party;
 9. The manner of nominations of candidates in parliamentary elections subject to the provisions of this Code;
 10. Basic policy vote by all members and the procedures to be followed when a party convention or a general assembly is held; and
 11. Procedure for the dissolution of the party or any of its local chapters or for the merger with another party or other parties;
- e. Its program of government, platform, policies and principles;
- f. Its declaration of political creed or code of political ethics;
- g. The party's statutes;
- h. The party's women's agenda;
- i. The minutes of its constituent meetings; and

- j. Proof of payment of proper fees, as may be prescribed by the COMELEC.

SEC. 5. *Mandatory Bodies or Mechanisms in the Party.* – The organizational structure of a party shall provide for mandatory bodies or mechanisms that will ensure the performance of the following functions:

- a. A general party committee, which acts as the lawmaking body of the party, including the promulgation of its policies, programs, and platforms;
- b. An executive committee, which sets the organizational direction of the party, implements its policies, programs, and platforms, and effectuates its principles;
- c. A membership committee, which is responsible for the recruitment of members and the processing of withdrawal of membership, pursuant to the party's constitution and by-laws;
- d. A nomination committee, which receives applications for nomination from party members, comes up with the shortlist for the selection of the final party nominees for the elections, and ensures the party's compliance with Article III, Section 9 (b) of this Code;
- e. A finance committee, which formulates policies, rules and regulations on finance, fund sourcing, and party spending, and ensures the party's compliance with accounting, auditing, and reportorial requirements of government agencies, including timely submission of Statement of Contribution and Expenditures (SOCE) to COMELEC;
- f. An arbitral committee, which hears and decides matters of membership, issues relating to party nominations, and other disputes arising from intra-party relations;
- g. A women and youth committee, which ensures that women's and youth's representation, as well as women and youth agenda, are considered by all committees and chapters of the political party; and
- h. Local chapters in the province, city and majority of the municipalities per province, which serve as the grassroots of the party and elect representatives to the general party committee and nomination committee.

SEC. 6. *Election of Party Officers.* – The election of the members of the different bodies or mechanisms in the previous section must be conducted through secret ballot. All regional political parties shall ensure that women and youth are duly represented in their roster of officers. This shall be reflected in their constitution and by-laws. An ad hoc body may be created periodically to administer the election process, which body shall ensure the sanctity of the election, the secrecy of the vote, and the integrity of the results.

SEC. 7. *Membership in Regional Political Parties.* –

- (1) A party, subject to the provisions of this Code, shall determine its own rules on the recruitment of its members and may not be compelled by any authority on the matter.
- (2) No individual shall be a member of more than one (1) regional political party. Violation of this provision shall be a ground for party disciplinary action.

SEC. 8. *Rights of Members.* – In addition to those provided in the party's constitution and by-laws, each member of a party shall have the following rights:

- a. Voting rights in all the elections determined during the general assembly;

- b. The right to voluntarily withdraw from the party, without need of citing the reason therefor: *Provided*, That the withdrawal shall take effect in accordance with the rules provided in the constitution and by-laws of the party;
- c. The right to information and access to financial records and reports, subject to party internal rules or by-laws; and
- d. The right to be notified and be heard in cases of disciplinary actions instituted against him or her.

SEC. 9. *Nomination of Candidates; Limitations and Sanctions.* –

- a. In the nomination and selection of candidates in parliamentary and local elections in the Bangsamoro, the regional political party must adhere to democratic processes and may, at its discretion, adopt its own criteria in the selection of nominees taking into account the educational qualifications, track record, and known probity, integrity and loyalty of its aspiring nominees;
- b. Regional political parties shall ensure that at least thirty percent (30%) of the party nominees are women;
- c. No political party shall be allowed to nominate candidates in excess of the number of positions contested for the elections, nor shall any candidate be allowed to accept nominations from more than one registered political party, except in cases of aggrupation or coalition;
- d. Nominees submitted by a political party shall not be related to each other within the second degree of consanguinity and affinity. Violation of this provision shall disqualify one of the nominees in a manner to be determined by the party;
- e. Nominations in violation of paragraphs (b) and (c) above shall be denied due course by the BEO.

SEC. 10. *Mandatory Party Activities.* – The following are mandatory party activities:

- a. **General Assembly.** – Regional political parties shall conduct regular general assemblies as provided for in their respective by-laws: *Provided*, That such assemblies shall be conducted at least once in three (3) years.
- b. **Party Convention.** – One (1) year immediately before a parliamentary, national and local elections, a party must hold a convention for the purpose of selecting their nominees in the different elective posts. Any member who seeks nomination must, forty-five (45) days prior to the scheduled convention, submit to the nomination committee his/her intent in writing, providing therein his/her reason for seeking nomination. Any member who fails to submit his/her written intent is disqualified to be nominated during the party convention.

- c. Voters Education Program. – Regional political parties are required, on their own or in partnership with COMELEC, other political parties, organizations, institutions, civil society or individuals, to engage in activities that educate voters in the communities, schools and institutions about this Code and other election laws, rules, and guidelines.

All regional political parties shall continue to conduct general assemblies, party conventions, and voters education programs even if they fail to win seats in the previous elections. Failure to comply with this requirement shall bar the party from participating in the next elections.

Regional political parties shall provide the manner of conduct of their assemblies and party conventions: *Provided*, That the same allows all members to be present and cast their vote, if necessary.

SEC. 11. Remedies. – An applicant-nominee who feels aggrieved by the adverse decision of the nomination committee or any party member who disagrees with the decision of the nomination committee may contest such decision before the arbitral committee in accordance with procedures to be provided in its by-laws.

SEC. 12. Manner of Voting for Nominees in Party Conventions. – In the party convention, the delegates shall cast their votes by secret ballot. The delegates shall be given sufficient time to cast their votes in the designated enclosed voting area to ensure the secrecy of the casting of votes. No member, either applicant-nominee or member, should campaign during the process of nomination. Any member or applicant-nominee who violates this prohibition shall be subject to disciplinary action.

After casting of the votes, the executive committee shall order the canvassing of the same. The results of the nominations shall be read aloud by an authorized official of the party.

SEC. 13. Continuing Requirements. – Compliance with the minimum number of members, mandatory bodies or mechanisms, and mandatory party activities as provided in the provisions of this Article, shall be continuing requirements for all regional political parties. Failure to comply with the pertinent provisions is a ground for disqualification to participate in the parliamentary elections and/or the dissolution of the party as may be determined by the COMELEC through the BRAC.

ARTICLE IV ELECTIVE POSITIONS IN THE PARLIAMENT

SECTION 1. Composition of the Parliament. – The Parliament shall be composed of eighty (80) members unless otherwise increased by the Congress of the Philippines. The 80-member Parliament shall be composed of fifty percent (50%) Party Representatives, forty percent (40%) District Representatives, and ten percent (10%) Sectoral Representatives.

COMMON PROVISIONS

SEC. 2. Terms of Office. – The term of office of Members of the Parliament shall be three (3) years: *Provided*, That no member shall serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time or dissolution of the Parliament by the *Wali* shall not be considered as an interruption in the continuity of the service for the full term for which the members were elected.

The term of office of the incumbent members of Parliament of the Bangsamoro Transition Authority (BTA) shall not be counted for the purpose of this term-limit requirement.

SEC. 3. *Qualifications.* – No person shall be a Member of the Parliament unless the person is a citizen of the Philippines, at least twenty-five (25) years of age on the day of the election, able to read and write, and a registered voter in the Bangsamoro Autonomous Region.

A candidate for youth representative shall be not less than eighteen (18) years of age nor more than thirty (30) years of age at the time of election.

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

SEC. 4. *Vacancy in the Parliament.* – The Parliament shall, in its internal rules or in a special law, establish a body that will decide upon all issues relating to the continuing qualification of Members of the Parliament. This body, in a resolution, shall decide whether the removal of a Member of the Parliament is in order, based on the following grounds:

- a. Those provided in Section 19, Article VII of the BOL;
- b. Changing of political party affiliation during the party representative's term of office shall *ipso facto* forfeit the seat in the Parliament. The elected party representative who changes political party affiliation within six (6) months before an election shall not be eligible for nomination as party representative under the new party or organization;
- c. Dissolution or disqualification of a political party as provided in Section 13, Article III of this Code, in relation to a Member of the Parliament who sits as a party representative;
- d. If sitting as a party representative, failure of the regional political party to comply with the continuing requirements for their registration as determined by the COMELEC *en banc*; and
- e. Such other grounds as may be determined by law enacted by the Bangsamoro Parliament.

SEC. 5. *Filling of Vacancy.* – In case of a permanent vacancy in the party representative seat, the party to which that seat belongs shall, within thirty (30) days from the occurrence of such vacancy, nominate another member to fill the vacancy, subject to examination of his/her qualifications by COMELEC.

In case of vacancy of a district seat by an affiliated Member of the Parliament, the party to which the member belongs shall, within thirty (30) days from the occurrence of such vacancy, nominate another member who shall be appointed by the Chief Minister, subject to examination of his/her qualifications by COMELEC.

In both of the above instances, the vacant seat shall be filled by a nominee of the same sex.

In case of a vacancy in the seat occupied by an unaffiliated Member of the Parliament occurring at least one (1) year before the expiration of the term of office, a special election may be called to fill such vacancy.

The BEO shall be officially informed of the need to conduct such an election within ten (10) days from the occurrence of the vacancy or the finality of the resolution of the body referred to in the preceding section. The BEO shall conduct the special elections within one hundred twenty (120) days from receipt of this information.

The successor shall serve the unexpired term of the vacant office.

SEC. 6. *Limitations on Political Parties.* – Only regional political parties duly registered and/or accredited by the BRAC, as approved by the COMELEC, shall participate in the parliamentary elections in the Bangsamoro Autonomous Region.

A regional political party applying for registration shall receive no financing from national parties nor have any alliance with a national party for the purpose of participating in parliamentary elections in the Bangsamoro. Such fact shall be declared under oath by an authorized representative of the applicant party.

SEC. 7. *Coalitions; Limitations.* – Coalition means an alliance based on the agreement of two or more registered and accredited regional political parties, local political parties, and sectoral organizations either for election or political purposes.

A coalition of two or more regional political parties can only field nominees and candidates for the parliamentary elections except for the sectoral representatives.

In the case of a coalition between a regional political party and a local political party, the regional political party can field nominees in the party seats while such a coalition can field candidates for the local elections.

In the case of a coalition between a regional political party and a sectoral organization, the regional political party can field candidates for the party seats while such a coalition can field candidates for the sectoral representatives.

A. Party Representatives

SEC. 8. *Effect of Acceptance of Nomination.* – Nominees of political parties for party representative seats who are holding appointive or elective offices may continue to hold office even after the acceptance of their nomination and shall not be considered resigned. The one-year prohibition from being hired or rehired in a public office after their political party fails to secure the needed votes to qualify them for a seat in the Bangsamoro Parliament shall not apply to them.

SEC. 9. *Party Representatives.* – Party representatives are members of registered regional political parties that are able to receive at least four percent (4%) of the total valid votes cast for the party system election.

Considering the total number of seats in the Parliament, there shall be forty (40) party representatives therein.

SEC. 10. *Manifestation to Participate.* – Registered political parties shall, no later than the last working day of April of the year preceding the next parliamentary elections, submit to the COMELEC, through the BEO, a manifestation of their intent to participate in the parliamentary election of party representatives in the Bangsamoro. They shall attach to their respective manifestations their list of nominees, ranked from one (1) to forty (40), in accordance with Section 9, Article III of this Code.

In the case of a coalition, a common list of nominees together with the manifestation shall be submitted: *Provided*, That authorized representatives of each member-party that forms part of the coalition shall sign said manifestation: *Provided, further*, That all nominees shall be members of any of the political parties forming the coalition.

At least thirty percent (30%) of the nominees of a party or coalition shall be party or coalition members who are women.

SEC. 11. *Nominee in More than One List.* – No person shall be nominated nor accept a nomination in more than one (1) list. Any such nomination shall disqualify the nominee in the event the nominating party or parties garner the required number of votes for party representation.

SEC. 12. *Manner of Allocation of the Party Representation Seats.* –

- a. Only parties receiving at least four percent (4%) of the total valid votes cast for the party representation elections shall be qualified to participate in the allocation of party representation seats.
- b. Such qualifying parties shall be ranked from highest to lowest according to the number of valid votes they obtained. The seats allocated to them shall be the proportion of the votes obtained by each to the total number of votes received by all qualifying parties, rounded down to the lower whole number.
- c. Thereafter, the remaining seats shall be allocated to the qualifying parties according to their ranking giving one seat each to the highest down to the lowest until all the remaining seats are allocated.

B. Parliamentary District Seats

SEC. 13. *Parliamentary District Seats.* – Not more than forty percent (40%) of the Members of the Parliament shall be elected from single-member parliamentary districts apportioned for the areas and in the manner provided for by the Parliament. The district representatives shall be elected through a direct plurality vote by the registered voters in the parliamentary districts. Independent candidates may vie for district representative seats.

SEC. 14. *Redistricting for Parliamentary Membership.* – The Parliament shall have the power to reconstitute, by law, the parliamentary districts apportioned among the provinces, cities, municipalities, and geographical areas of the Bangsamoro Autonomous Region to ensure equitable representation in the Parliament. The redistricting, merging or creation of parliamentary districts shall be based on the number of inhabitants and additional provinces, cities, municipalities, and geographical areas, which shall become part of the Bangsamoro territorial jurisdiction. For the purpose of redistricting, parliamentary districts shall be apportioned based on population and geographical area:

Provided, That each district shall comprise, as far as practicable, contiguous, compact, and adjacent territorial jurisdiction, and shall have at least a population of one hundred thousand (100,000).

C. Sectoral Representatives

SEC. 15. *Reserved Seats for Sectoral Representatives.* – Reserved seats for sectoral representatives shall constitute at least ten percent (10%) of the Members of the Parliament, which shall include two (2) seats each for Non-Moro Indigenous Peoples and settler communities. Women, youth, traditional leaders, and the *'Ulama* shall have one seat each: *Provided*, That the sectoral representatives shall in no case be less than eight (8) seats.

SEC. 16. *Qualifications of Sectoral Representatives.* – In addition to the minimum qualifications for Members of the Parliament provided under Section 3, Article IV of this Code, a sectoral representative shall be:

- a. A *bona fide* member of the sector he/she seeks to represent; and
- b. A member of either a regional political party or sectoral organization duly registered and accredited by the COMELEC, through the BEO.

A candidate for youth representative shall not be less than eighteen (18) years and not more than thirty (30) years of age at the time of election.

Sectoral representatives of Non-Moro Indigenous Peoples shall also have additional qualifications as provided in Section 24, Article IV of this Code.

SEC. 17. *Manner of Election of Sectoral Representatives.* – Except for the Non-Moro Indigenous Peoples, *'Ulama*, and traditional leaders representatives, the sectoral representatives shall be elected through a direct plurality of votes cast for the respective sectors. For this purpose, the COMELEC, through the BEO, shall conduct registration of voters that shall include the identification of the sector(s) that they are members of. A voter who identifies as belonging to more than one (1) sector that has reserved seats may register to be a voter for a maximum of three (3) such sectors.

The candidates for sectoral representatives shall be members of a regional political party, or a sectoral party or organization, duly accredited by the COMELEC, after having been certified by the appropriate ministry or regional agency or office on the basis of their track record in their advocacy for the respective sectoral concerns.

The election of sectoral representatives shall commence in the 2028 elections. For the 2025 election, Section 1 of Article X of this Code, shall apply.

SEC. 18. *Registration Requirement for Sectoral Organizations, or Political Parties Fielding Candidates for Sectoral Representation Elections.* – Sectoral organizations duly registered with the COMELEC through the BRAC, may participate in the sectoral representative elections: *Provided*, That sectoral organizations for indigenous peoples, including their indigenous political structures (IPS), shall be certified by the Ministry of Indigenous Peoples' Affairs; sectoral organizations for women shall be certified by the Bangsamoro Women Commission; sectoral organizations for the youth shall be certified by the Bangsamoro Youth Commission; sectoral organizations for the *'Ulama* shall be certified by the

Bangsamoro Darul Ifta'; sectoral organizations by the settler communities shall be certified by the Office of Settler Communities; and the sectoral organizations of traditional leaders shall be certified by the Bangsamoro Commission for the Preservation of Cultural Heritage.

Within one hundred twenty (120) days from promulgation of this Code, the appropriate certifying ministries and offices shall issue corresponding guidelines for the process of certification, copies of which shall be furnished to the Parliament.

SEC. 19. Requirement for Candidates for Sectoral Representation. – The nominees for the sectoral representatives shall, upon filing their candidacy, declare under oath that they belong to their respective sectors and have a track record of advocacy for their respective sectors.

SEC. 20. Petition for Registration; Posting of Petitions for Registration. – Sectoral organizations shall submit a verified petition for registration to the BEO not later than nine (9) months before the next election. The petition shall contain the following:

- a. Constitution and by-laws;
- b. Name of the sectoral party or organization;
- c. Principal address;
- d. Names and addresses of its officers;
- e. The total number of its members;
- f. The organizational structure;
- g. The chapters and the geographical location thereof;
- h. Evidence of the advocacies and campaigns undertaken in relation to the sector under which the organization is registering; and
- i. Platform of government, anchored on its sectoral advocacies.

The petitioning sectoral party or organization shall attach the certification coming from the appropriate ministry or agency, as provided in Section 18 of this Article.

The BRAC shall cause the posting of each application within two (2) working days upon receipt thereof in at least three (3) conspicuous public places designated as BEO Bulletin Board, including in the provincial offices thereof, as well as on its website, for at least ten (10) consecutive days.

SEC. 21. Manifestation as Sectoral Wing. – Any registered regional political party may submit a manifestation stating that it intends to participate in the sectoral representation election by way of its sectoral wing, and when appropriate, attach thereto its Certificate of Registration, as issued by the COMELEC. The BRAC shall receive said manifestation and shall make a recommendation thereon and elevate the same to the COMELEC within ten (10) days from receipt thereof.

A regional political party's manifestation shall show its sectoral wing's organizational structure, sectoral agenda, and track record in accordance with Section 20 (h) of this Article.

The COMELEC shall act on the manifestation within fifteen (15) days from receipt of the recommendation from the BRAC.

Regional political parties, or sectoral parties or organizations may opt to submit their Petition for Registration together with their manifestation.

D. Election of Non-Moro Indigenous Peoples (NMIPs)

SEC. 22. *Operating Principles.* – In the implementation of this Code, the following principles shall be observed:

- a. Consensus-building. NMIPs shall employ their own traditional decision-making processes in resolving issues and concerns affecting them.
- b. Primacy of customary laws and practices. Customary laws and practices shall prevail over mainstream mechanisms in the manner of electing the NMIP Sectoral Representatives.
- c. Inclusivity and full participation. It shall be ensured that all NMIPs residing within the political jurisdiction of the Bangsamoro shall be informed of the importance of their active participation in the election process.
- d. Acceptability to the community. The process for the election of the representatives shall be exclusive to NMIPs and there shall be no intervention from any group, government, or otherwise.
- e. Representation of the collective interests and aspirations of NMIP. All NMIPs shall have equal opportunity to elect and represent their sector.
- f. Sustainability and strengthening of Indigenous Political Structures. The representative of the NMIP to the parliament shall provide support in sustaining the constitution and operation of the IPs, and NMIP people's organizations at his/her level of representation either at the barangay, municipal, city, or provincial levels in the Bangsamoro.
- g. Gender Equality recognizes the unique role and participation of women in the Indigenous Political Structure.

SEC. 23. *Qualifications for Election of Non-Moro Indigenous Peoples Sectoral Representative.* – In addition to the qualifications set forth under this Code for the Members of Parliament, the NMIP sectoral representative must be:

- a. A *bona fide* member of the NMIP community by consanguinity and conversant with the culture of the community he/she represents;
- b. An acknowledged leader of the NMIP tribe where he/she is a member; and
- c. A resident of the community for at least one (1) year immediately preceding the day of the election.

SEC. 24. *Non-Moro Indigenous Peoples Committee.* – There is hereby created a Non-Moro Indigenous Peoples Committee, composed of the tribal leaders of the Indigenous Political Structures of the various tribes. The NMIP Committee shall convene and organize the Tribal Assemblies and the Inter-Tribal Convention and determine the propriety of rotation arrangement, and the manner, process, and procedures for the election of their two (2) representatives in the Parliament in accordance with this Code and the schedule set by the COMELEC.

The Ministry of Indigenous Peoples' Affairs shall facilitate the organization of the NMIP Committee in due regard to the primacy of their customary processes.

SEC. 25. Tribal Assembly; Selection of Nominees. – The selection of nominees for the NMIPs shall be conducted in two levels, namely the:

- a. Tribal assembly; and
- b. Regional inter-tribal convention in accordance with the schedule to be set by the COMELEC.

The IPS of each of the respective tribes shall have the authority to choose their delegates that will participate in the inter-tribal convention and set the criteria for participation, taking into consideration the track record of the delegates, and, as much as possible, ensure that the delegates come from different perspectives, locales, and persuasions: *Provided*, That the tribal assemblies must also consider gender concerns in their process of selection.

Each tribal assembly shall have the authority to draft its own proposed ground rules in accordance with their respective customary laws and practices within their respective communities. At the commencement of the tribal assembly, the elder/s and/or the traditional leaders shall open the assembly, present the draft proposed ground rules to be observed by the assembly, and facilitate the selection of the delegates to the inter-tribal convention.

The tribal assemblies formed by and among the members of each of the NMIP tribes shall respectively nominate two (2) of its members to the position of sectoral representative. In addition, the respective tribal assemblies shall nominate ten (10) delegates among themselves to participate and vote in the inter-tribal convention: *Provided*, That to ensure proportional gender representation, at least fifty percent (50%) of both the delegates and the nominees to the inter-tribal convention shall be non-Moro indigenous women. The list of nominees and delegates shall be submitted to the BEO.

SEC. 26. Inter-Tribal Convention. – The regional inter-tribal convention shall be the venue wherein all the NMIP tribes shall determine, through a consensus, as to the two (2) members among the list of nominees, who must be a male and a female, that will serve as their sectoral representatives in the Parliament. The inter-tribal convention shall exercise inclusivity and full participation and shall adhere to customary laws and indigenous processes.

SEC. 27. Monitoring of Assemblies and the Inter-Tribal Convention. – The BEO shall monitor and observe the conduct of the assemblies and the inter-tribal convention to ensure that the principles and the guidelines for the conduct of the election are observed.

SEC. 28. Election of Non-Moro Indigenous Peoples Sectoral Representative. – The election of the representatives for NMIP shall be based on the results of the decision made at the regional inter-tribal convention based on a consensus among the delegates thereof. The delegates shall, by and among themselves, agree upon two (2) nominees from among the nominees presented by the different highest assemblies per NMIP tribe.

The participation of the nominees from the highest assemblies per NMIP tribe shall be limited only insofar as persuading the convention delegation to choose for him/her by sharing his/her intended flagship programs and addressing issues and questions propounded to him/her by the delegation affecting the collective interest and aspirations of NMIPs.

SEC. 29. *Non-Moro Indigenous Peoples Sectoral Representative Proclamation.* – The names of the two (2) sectoral representatives determined at the regional inter-tribal convention shall be submitted to the COMELEC, through the BEO, within seven (7) calendar days before the parliamentary elections.

SEC. 30. *Vacancy in the Sectoral Representative Seat.* – In case of death, permanent disability, incapacity, or refusal to perform duties and responsibilities of the elected NMIP representative, the nominating NMIP assembly of the representative shall convene within fifteen (15) days after the vacancy to nominate one (1) representative to serve the unexpired term. The name of the successor shall be submitted to the COMELEC through the BEO. The COMELEC shall proclaim the successor as the new representative, who shall sit as such until the end of the unexpired term of the original representative.

E. Election of Traditional Leaders

SEC. 31. *Manner of Election of Traditional Leaders.* – Each Sultanate shall be given equal opportunity, on a rotational basis, to represent the traditional leaders in the Parliament as a sectoral representative.

For this purpose, the Bangsamoro Commission for the Preservation of Cultural Heritage (BCPCH) shall hold a regional convention of Sultans representing the Sultanates of: a) Sulu, b) Maguindanao, Kabuntalan, and Buayan, c) Ranao, and d) Iranun for the purpose of determining the order by which each of the Sultanate shall represent the sector in the Parliament. The result of this convention shall be submitted to the BEO.

The BEO shall then call an Intra-Sultanate Assembly of the relevant Sultanate to determine from among its members the traditional leader to occupy the Parliamentary seat.

SEC. 32. *Traditional Leaders Representative Proclamation.* – The name of the traditional leaders' representative determined at the Intra-Sultanate Assembly shall be submitted to the COMELEC, through the BEO within seven (7) calendar days before the parliamentary elections.

F. Election of 'Ulama in the Bangsamoro Parliament

SEC. 33. *Election of 'Ulama Sectoral Representative.* – The 'Ulama sectoral representative shall be selected through a process that upholds the principle of *Shura* (consultation) and equal opportunity for representation on the basis of rotation.

The Bangsamoro Darul Ifta' shall create an 'Ulama Council within ninety (90) days from the promulgation of this Code. The council shall be composed of seven (7) respected and knowledgeable religious leaders coming from the six (6) provinces of the Bangsamoro Autonomous Region and one (1) from the Special Geographic Area.

The Council will convene and organize the *'Ulama* Assemblies and the Regional *'Ulama* Convention and determine the manner, process, and procedures for the election of their representative in the Parliament in accordance with this Code and the schedule set by the COMELEC.

SEC. 34. *'Ulama Assembly; Selection of Nominees.* – The selection of nominees for the *'Ulama* shall be conducted in two levels, namely the:

- a. Provincial *'Ulama* Assembly; and
- b. Regional *'Ulama* Convention, in accordance with the schedule to be set by the COMELEC.

Each of the provincial assemblies shall have the authority to choose their delegates that will participate in the Regional *'Ulama* Convention and set the criteria for participation, taking into consideration the track record of the delegates.

SEC. 35. *'Ulama Representative Proclamation.* – The name of the *'Ulama* representative determined at the *'Ulama* Convention shall be submitted to the COMELEC, through the BEO, within seven (7) calendar days before the parliamentary elections. The COMELEC shall proclaim the said sectoral representative.

G. Common Provisions for Election of NMIPs, Traditional Leaders, and *'Ulama* Representatives

SEC. 36. *Opposition.* – Oppositions to the manner of election of sectoral representatives and/or the qualifications of the candidates therein shall be filed with the COMELEC, through the BEO, within fifteen (15) days from their respective election.

SEC. 37. *Failure of Election of Non-Moro Indigenous Peoples, Traditional Leaders, and 'Ulama Sectoral Representatives.* – In case of failure of the NMIPs, traditional leaders, and *'Ulama* to elect their respective representative/s in the parliament within the period provided by the BEO, the seat/s reserved for their particular sector shall remain vacant until such time that a representative is elected.

SEC. 38. *Vacancy in Non-Moro Indigenous Peoples, Traditional Leaders and 'Ulama Sectoral Seats.* – In case of death, permanent disability, incapacity, or refusal to perform duties and responsibilities of the elected sectoral representative, the nominating sector shall hold a special assembly and convention within fifteen (15) days after the vacancy to elect the successor who shall serve the unexpired term, consistent with the rule on rotation. The procedure prescribed in the election process for the affected sector shall be observed.

SEC. 39. *Submission of Sectoral Election Mechanisms.* – The mechanisms adopted by the NMIP, Traditional Leaders, and *'Ulama* sectors on the election of their respective representatives in the Parliament shall be submitted to the COMELEC, through the BEO, within the period it may prescribe.

SEC. 40. *Proclamation of Sectoral Representatives.* – The elected sectoral representatives shall be proclaimed by COMELEC simultaneously with the other elected Members of the Parliament.

**ARTICLE V
ELECTIONS UPON DISSOLUTION OF PARLIAMENT**

SECTION 1. *Dissolution of Parliament Upon a Vote of No Confidence.* – Upon dissolution of the Parliament as declared by the *Wali*, the latter shall call for a new parliamentary election. Such call shall be transmitted in writing to the Parliament as well as to the COMELEC, through the BEO.

SEC. 2. *Elections Upon Dissolution of the Parliament.* – The COMELEC, through the BEO, shall set the date of special elections, which shall not be later than one hundred twenty (120) days from the date of dissolution.

It shall receive manifestations from registered regional political parties, registered sectoral parties or organizations stating their intent to participate in the elections.

SEC. 3. *Conduct Special Elections.* – The COMELEC shall conduct the elections on the date set therefor, and shall ensure that laws, rules, and guidelines pertaining to said elections are enforced and administered.

It shall thereafter proclaim the winners of the said elections.

**ARTICLE VI
THE VOTERS**

SECTION 1. *Right of Suffrage.* – Suffrage may be exercised by all citizens of the Philippines in the Bangsamoro not otherwise disqualified by law, who are at least eighteen (18) years of age, and who shall have resided in the Philippines for at least one (1) year, and in the place in the Bangsamoro wherein they propose to vote, for at least six (6) months immediately preceding the election. No literacy, property, or other substantive requirements shall be imposed on the exercise of suffrage.

SEC. 2. *Who May Register.* – Any Filipino citizen in the Bangsamoro who is not yet a registered voter may apply for registration, provided he/she possesses the following qualifications:

- a. National, regional, and local elections/ barangay elections:
 1. At least eighteen (18) years of age on or before the day of the elections;
 2. A resident of the Philippines for at least one (1) year and in the place wherein he/ she proposes to vote, for at least six (6) months immediately preceding the elections; and
 3. Not otherwise disqualified by law.
- b. Sangguniang Kabataan elections:
 1. At least fifteen (15) but not more than thirty (30) years of age and residing in the barangay for at least six (6) months on or before Sangguniang Kabataan Elections; and
 2. Not otherwise disqualified by law.

Any person who transfers residence to another city, municipality, or country solely by reason of his/her occupation; profession; employment in private or public service; educational activities; work in military or naval reservations; service in the army, navy, or air force; the national police force; or

confinement or detention in government institutions in accordance with law, shall be deemed not to have lost his/her original residence.

SEC. 3. *Who Are Disqualified to Register.* – The following are disqualified to register as a voter:

- a. Any person who has been sentenced by final judgment to suffer imprisonment for not less than one (1) year, such disability not having been removed by plenary pardon or amnesty;
- b. Any person who has been adjudged by final judgment by a competent court or tribunal of having committed any crime involving disloyalty to the duly-constituted government, such as rebellion, sedition, violation of the firearms laws, or any crime against national security unless restored to his/her full civil and political rights in accordance with law; and
- c. Insane or incompetent person as declared by competent authority unless subsequently declared by proper authority that such person is no longer insane or incompetent.

Any person disqualified to register under paragraphs (a) and (b) above shall automatically reacquire the right to vote upon expiration of five (5) years after service of sentence.

SEC. 4. *Registration Requirements.* – Any person desiring to be registered as a voter shall accomplish in triplicate a voter's affidavit in which shall be stated the following data:

- a. Name, surname, middle name, and maternal surname;
- b. Sex;
- c. Date and place of birth;
- d. Citizenship;
- e. Civil status, if married, and name/s of spouse/s;
- f. Periods of residence in the Philippines and in the place of registration;
- g. Exact address with the name of the street and house number or, in case there is none, a brief description of the locality and the place;
- h. Membership in any of the following sectors, but not more than three (3):
 1. Women;
 2. Youth;
 3. Settler Communities;
 4. *Ulama*;
 5. Traditional Leaders;
 6. Non-Moro IP
- i. A statement that the applicant has not been previously registered, otherwise he/she shall be required to attach a sworn application for cancellation of his/her previous registration; and
- j. Such other information or data which may be required by the BEO.

The voter's affidavit shall also contain three (3) specimens of the applicant's signature and clear and legible prints of his/her left and right hand thumb marks and shall be sworn to and filed with the electoral office together with four copies of the latest identification photograph to be supplied by the applicant.

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

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

SEC. 5. Proof of Membership in a Sector. – Any person who, for purposes of the previous section, declares himself/herself to be a member of a particular sector/s, shall present a certification attesting to the fact of such membership from:

- a. Ministry of Indigenous Peoples' Affairs, for members of the Non-Moro Indigenous Peoples;
- b. Office of Settler Communities, for members of the settler communities;
- c. Bangsamoro Darul Ifta', for the 'Ulama; and
- d. Bangsamoro Commission on the Preservation of Cultural Heritage, for traditional leaders.

The aforementioned offices shall work with the Ministry of the Interior and Local Government through its Municipal Local Government Operations Officer (MLGOO) for the purpose of issuance of the certifications under this section.

For one declaring himself/herself to be a member of the women and/or youth sector, the submission of the birth certificate, any valid government ID, or a certification from the barangay of his/her residence reflecting the sex or date of birth, respectively, of the holder will suffice.

SEC. 6. Illiterate or Persons With Disabilities (PWD) Applicants. – The application for registration of an illiterate or physically disabled person may be prepared by any relative within the fourth civil degree of consanguinity or affinity, or by the Election Officer (EO) or any member of an accredited citizen's arm using the data supplied by the applicant. The fact of illiteracy or disability shall be so indicated in the application.

Any person acting on behalf of any incumbent elective official shall be prohibited from assisting an illiterate or physically disabled person in registering.

SEC. 7. Publication of the Voter's List. – At the first hour of the working day following the last day of registration of voters, a certified copy of the list of voters shall be delivered to the provincial election supervisor of the province, another copy to the BEO, and another, likewise certified, shall be sent to the COMELEC; in whose offices said copies shall be open to public inspection during regular office hours and published in the COMELEC website. On the same day and hour, a copy of the list shall be posted in a secure and conspicuous place on the door or near the same at a height of a meter and a half, where it may be conveniently examined by the interested parties.

SEC. 8. Publication of the Decision. – The list of applicants for registration and the action taken thereon by the Election Registration Board, whether approved or denied, shall be posted in the BEO Bulletin Board and shall be published on the COMELEC website for ten (10) consecutive days from the time the Board has rendered its decision. Any interested registered voter of the municipality

or city may be furnished a copy thereof, provided reasonable fees for its reproduction are provided for by the party.

SEC. 9. Examination of Registration Records. – All registration records in the possession of the city or municipal election officer, the provincial election supervisor, and the BEO shall, during regular office hours, be open to examination by the public, subject to Data Privacy Act. Law enforcement agencies shall, upon prior authorization by the BEO, have access to said registration records should the same be necessary to, or in aid of, their investigative functions and duties, subject to regulations promulgated by the COMELEC.

SEC. 10. Review and Annulment of Book of Voters. – Within one hundred twenty (120) days from the enactment of this Code, the Election Officers of the BEO shall conduct a thorough review of the Book of Voters to check for patent irregularity and statistical improbability of the data contained therein.

The Commission shall, upon recommendation of the election officer as a result of the review, or upon verified petition of any voter or election officer or duly registered political party, and after notice and hearing, annul any book of voters that is not prepared in accordance with the provisions of this Code or was prepared through fraud, bribery, forgery, impersonation, intimidation, force or any similar irregularity, or which contains data that are statistically improbable.

No order, ruling or decision annulling a book of voters shall be executed within ninety (90) days before an election.

ARTICLE VII ELECTION ADMINISTRATION

Chapter 1 ELIGIBILITY OF CANDIDATE, FILING OF CERTIFICATE OF CANDIDACY AND OTHER PRE-ELECTION ACTIVITIES

SECTION 1. Candidates Holding Appointive Office or Positions. – Subject to exceptions provided in this Code, any person holding a public appointive office or position, including active members of the Armed Forces of the Philippines, and officers and employees in government-owned or controlled corporations, shall be considered *ipso facto* resigned from his/her office upon the filing of his/her certificate of candidacy.

A. Certificate of Candidacy

SEC. 2. Certificate of Candidacy (COC) of District and Sectoral Representative Candidates. –

- a. Except for the NMIP, traditional leaders, and the ‘*Ulama*, candidates for district and sectoral representatives shall file their sworn COC before the BEO, through the appropriate Office of the Provincial Election Supervisor, within the period fixed by the COMELEC for filing of candidacy;
- b. For party representation elections, the registered regional political parties shall file their COC, together with their closed lists of nominees and the latter’s certifications of

nomination and acceptance (CONA). The political party's COC shall be sworn to by its authorized representative, as provided in its constitution and by-laws.

In addition, parties shall likewise declare in the COC that it has complied with the thirty percent (30%) women nominees requirement and that no nominees are related to each other within the second degree of consanguinity or affinity.

The COC shall be under oath, in five (5) legible copies, in the form prescribed by the COMELEC, and to be submitted together with the CONA within the period fixed therefor.

SEC. 3. Contents and Form of Certificate of Candidacy. – The COC shall be under oath and shall state:

- a. Office aspired for;
- b. Name of the aspirant;
- c. Age on election day;
- d. Sex;
- e. Civil status;
- f. Place and date of birth;
- g. Citizenship, whether natural-born or naturalized;
- h. The duly registered regional political party to which the aspirant belongs, or a coalition of parties one of which the aspirant belongs to, or, in the case of the sectoral representative candidate, the sectoral organization to which the aspirant belongs;
- i. If married, the name/s of the spouse/s;
- j. Complete address for election purposes;
- k. Contact number and email address, if any;
- l. Residence, giving the exact address and the number of years residing in the place where the aspirant intends to be elected up to the day before the election;
- m. The barangay, city, municipality and province where the aspirant is a registered voter or will be a registered voter;
- n. Profession or occupation or employment;
- o. That the aspirant is eligible for said office;
- p. That the aspirant is not a permanent resident or an immigrant to a foreign country;
- q. That the aspirant has executed a sworn renunciation of foreign citizenship (if applicable);
- r. That the aspirant will file, with the COMELEC, within 30 days after Election Day, a full, true and itemized Statement of Contributions and Expenditures (SOCE) in connection with the election;
- s. That the aspirant will support and defend the Constitution of the Republic of the Philippines and will maintain true faith and allegiance thereto;
- t. That the aspirant will obey the laws, legal orders, decrees, resolutions, rules and regulations promulgated and issued by the duly constituted authorities;
- u. That the aspirant assumes the foregoing obligations voluntarily without mental reservation or purpose of evasion;
- v. That the aspirant gives consent to the COMELEC to collect, disclose or share, and process the personal data provided for election and other lawful purposes, in accordance with the Privacy Notice and as may be authorized by existing laws;
- w. That the facts stated in the certificate are true and correct to the best of the aspirant's knowledge; and

- x. Whether the aspirant has been found liable for an offense/s which carries with it the accessory penalty of perpetual disqualification to hold public office, which has become final and executory.

Unless there was an official change of name through a court approved proceeding, an aspirant shall use in the COC:

- a. The name registered in the Office of the Local Civil Registrar;
- b. The name by which such aspirant has been baptized; or
- c. Any other name under the provisions of existing law or in the case of a Muslim, a *Hadji* name after performing the prescribed religious pilgrimage. However, when there are two or more aspirants for an office with the same name and surname, each aspirant, shall need to state a paternal and maternal surname, except the incumbent who may continue to use the name and surname stated in the COC when last elected. An aspirant may include one nickname or stage name by which the aspirant is generally or popularly known in their locality: *Provided*, That no aspirant shall use the nickname or stage name of another. Only one nickname or stage name shall be considered. An aspirant shall also affix a passport-size photograph taken within the last six (6) months, and shall attach a bio-data and the program of government not exceeding one hundred (100) words.

A documentary stamp tax shall be attached to the COC in the amount to be set by the COMELEC.

SEC. 4. *Filing of Certificate of Candidacy by a Representative.* – Filing of COC by a representative may only be done through a person who possesses a sworn Authority to File COC.

SEC. 5. *Notice of Denial of Due Course.* – A notice that the received and filed COC has been denied due course shall be posted on the bulletin board of the Election Officer within three (3) days from discovery. Furthermore, the Office of the Election Officer shall notify the candidate of such denial through the candidate's contact number or e-mail address provided in his/her certificate of candidacy.

SEC. 6. *Withdrawal of Certificate of Candidacy.* – The individual or political party representative who filed the COC as provided in Section 2, may, prior to the election, withdraw the same by submitting a written declaration under oath stating the said withdrawal to the same office to which the COC was submitted.

B. Certificate of Nomination and Acceptance

SEC. 7. *Filing of Certificate of Nomination and Acceptance of Nominees of Regional Political Parties/Coalition.* – Certificates of Nomination and Acceptance (CONAs) shall be filed by:

- a. Party nominees of the duly registered political party or coalition of political parties;
- b. District representative candidates affiliated and nominated by a duly registered regional political party; and
- c. Candidates affiliated to and nominated by sectoral organizations or duly registered regional political parties.

SEC. 8. Contents and Form of the Certificate of Nomination. – The Certificate of Nomination of a Political Party or a coalition thereof shall contain the following:

- a. Name of the registered political party or a coalition thereof;
- b. Name of the Chairperson/President/Secretary-General of the nominating political party, or in the case of a coalition, the respective names of said officials of each political party comprising the coalition;
- c. Name and address of all nominees, according to rank;
- d. A certification that the nominees have all the qualifications and none of the disqualifications for the elective office;
- e. A documentary stamp in the amount to be set by the COMELEC; and
- f. The signature and attestation under oath, either by the party's Chairperson, President, Secretary-General, or any other duly authorized officer of the nominating party or coalition. In the case of the coalition, the appropriate officers of the respective parties that comprise the coalition.

SEC. 9. Contents and Form of the Certificate of Acceptance. – The Certificate of Acceptance of nominees of a registered regional political party or a coalition thereof shall contain the following:

- a. Name of the nominee;
- b. Name of the political party or a coalition thereof;
- c. Date and place of birth of the nominee;
- d. Age;
- e. Gender;
- f. Civil status;
- g. Profession or occupation;
- h. Address or residence;
- i. Contact number and email address, if any;
- j. Number of years residing in the Philippines immediately preceding the election;
- k. A statement of the nominee that he/she: (a) is a citizen of the Philippines; (b) registered voter in the Bangsamoro region; (c) eligible for the office for which he/she is nominated; (d) possesses all the qualifications and none of the disqualifications; (e) will support and defend the Constitution of the Republic of the Philippines and will maintain true faith and allegiance thereto; (f) will obey the laws, legal orders, decrees, resolutions, rules and regulations promulgated and issued by the duly constituted authorities; and (g) assumes the foregoing obligations voluntarily without mental reservation or purpose of evasion and the facts stated therein in the Certificate are true and correct to the best of the nominee's personal knowledge;
- l. Original signature of the nominee;
- m. Passport-size photograph of the nominee taken within the last six (6) months;
- n. Thumb mark of the nominee;
- o. A documentary stamp in the amount prescribed by the COMELEC; and
- p. His/her name does not appear on the list of nominees of another party except in cases of a coalition.

C. Election Campaign

SEC. 10. *Removal, Destruction or Defacement of Lawful Election Propaganda Prohibited.* – It shall be unlawful for any person during the campaign period to remove, destroy, obliterate, or in any manner deface or tamper with, or prevent the distribution of lawful election propaganda.

SEC. 11. *Prohibited Forms of Election Propaganda.* – Pursuant to the authority of the COMELEC to supervise and regulate election propaganda, whether on television, cable television, radio, newspapers, or any other medium, prohibited forms of election propaganda shall be governed by subsisting laws and issuances, as may be promulgated by COMELEC.

SEC. 12. *Bangsamoro Electoral Office Media Space and Time.* – The BEO shall procure media space in at least one (1) newspaper of general circulation and air time in at least one (1) major broadcasting station or entity in every province or city: *Provided, however,* That in the absence of said newspaper, publication shall be done in any other magazine or periodical in the said province or city, which shall be known as "BEO Space": *Provided, further,* That in the absence of said broadcasting station or entity, broadcasting shall be done in any radio or television station in said province or city, which shall be known as "BEO Time". Said time shall be allocated to the BEO free of charge, while said space shall be allocated to the BEO upon payment of just compensation. The procured time and space shall be utilized exclusively by the BEO for public information dissemination on election-related concerns.

SEC. 13. *Common Poster Areas.* – The BEO shall designate common poster areas in strategic public places, such as markets, barangay centers and the like, wherein candidates can post, display, or exhibit election propaganda to announce or further their candidacy.

Whenever feasible, common billboards may be installed by the BEO and/or non-partisan private or civic organizations, as may be authorized by the BEO, after due notice and hearing, in strategic places where it may be readily seen or read, with the heaviest pedestrian and/or vehicular traffic in the city or municipality.

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

SEC. 14. *Official Ballot.* – As far as practicable, the official ballots for the BARMM Elections shall include, aside from the name of all candidates, each candidate's photo/logo and a "None of the Above" option. The COMELEC, through the BEO, shall take efforts to ensure that the Bangsamoro people are aware of all candidates running for elections in BARMM.

Chapter 2 ELECTION DAY

SECTION 1. *Precincts and their Establishment.* – The unit of territory for the purpose of voting is the election precinct, and every barangay shall have at least one such precinct.

In consideration of the expanded geographic territory of the Bangsamoro Autonomous Region as a political unit, the BEO shall submit to the COMELEC *en banc*, for approval, a proposed Project of

Precincts (POPs), at least one hundred sixty (160) days before the day of the first parliamentary election in the BARMM.

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

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

SEC. 2. *Clustering of Precincts.* – The COMELEC shall provide rules and regulations on the clustering of election precincts for every election, referendum, initiative or plebiscite, including the period within which the clustering shall be prepared and submitted by the Election Officer. The clustering shall be reflected in the POPs, which shall be submitted to the COMELEC for final approval.

Any changes in the clustering of POPs shall be carried out in consultation with voters directly affected to avoid disenfranchisement and prevent undue advantage of any candidate.

No changes in clustering shall proceed in violation of this mandatory requirement. *Provided further,* That no changes in clustering shall be done within thirty (30) days from the scheduled election.

SEC. 3. *Creation of Precincts for Persons with Disabilities, Senior Citizens, and Pregnant and Lactating Women.* – The COMELEC, through the BEO, shall establish precincts of a non-territorial nature, exclusively for persons with disabilities and senior citizens who in their registration records manifest their intent to avail of their right to a separate precinct, as well as for pregnant and lactating women, whose mobility on the day of the election may be restricted such as would necessitate them to vote at the created precincts as hereunder provided. Pursuant hereto, the COMELEC, through the BEO, shall establish at least one (1) such precinct, assigned to accessible polling places, for every voting center. Such precincts shall be provided with assistive devices as well as the services of experts in assisting persons with disabilities.

SEC. 4. *Arrangement and Contents of Polling Places.* – Each polling place shall conform, as much as possible, to the sketch as may be prescribed by the BEO, in conformity with the instructions of the COMELEC, if any, and which shall be posted on the bulletin board of the election officers, at least thirty (30) days prior to any election.

SEC. 5. *Voting Booth.* – There shall be, in each polling place, at least ten (10) voting booths of such size, specifications and materials as the COMELEC, may provide to enable the voters to fill out their ballots secretly.

SEC. 6. *Electoral Board, Constitution and Composition.* – The COMELEC, through the EO, shall constitute and appoint the members of the EBs for every clustered or grouped precinct in the district, city or municipality.

Should there be a lack of public school teachers willing, available or qualified to serve, the COMELEC may instead appoint the following persons in this order of preference:

- a. Private school teachers;
- b. National government employees:
 1. Ministry of Basic, Higher, and Technical Education (MBHTE) non-teaching personnel;

2. Other national government officials and employees holding regular or permanent positions, excluding uniformed personnel of the Department of National Defense and all its attached agencies;
- c. Members of the COMELEC-accredited citizen arms or other civil society organizations and non-governmental organizations duly accredited by the COMELEC; and
- d. Any registered voter of the city or municipality, of known integrity and competence, who is not connected with any candidate or political party.

In cases where the peace and order situation so requires as determined by the COMELEC and where there are no qualified voters willing to serve, uniformed personnel of the Philippine National Police shall be deputized to render election service as a last resort.

The EB shall be composed of a Chairperson, Poll Clerk and Third Member, all of whom shall be public school teachers who are willing and available to render election service.

In case of an AES, at least one (1) member of the EB shall be an information technology-capable person trained for the purpose and as certified by the Ministry of Science and Technology (MOST) to use the AES.

SEC. 7. *Qualifications of the Members of the Electoral Board.* – No person shall be appointed as Member of the EB, whether regular, temporary or as a substitute, unless such person is:

- a. Of good moral character and irreproachable reputation;
- b. Of known integrity and competence;
- c. A registered voter;
- d. Has never been convicted of any election offense or of any crime punishable by more than six (6) months of imprisonment, or has no pending information for any election offense filed against him; and
- e. Able to speak and write Filipino, English or any of the languages in the BARMM.

SEC. 8. *Disqualification of Members of the Electoral Board.* – No person shall be appointed as Member of the EB if said person is related within the fourth civil degree of consanguinity or affinity to any member of the same EB or to any candidate to be voted for in the polling place of assignment or to the said candidate's spouse.

SEC. 9. *Powers and Functions of the Electoral Board.* – In addition to the powers and functions prescribed by law or by the rules and regulations issued by the COMELEC, the EBs shall:

- a. Verify the identity of a voter using the Election Day Computerized Voters' List (EDCVL);
- b. Conduct the voting in the polling place and administer the counting of votes;
- c. Act as deputies of the COMELEC in the supervision and control of the conduct of elections in the polling place;
- d. Maintain order within the polling place and its premises to keep an open and unobstructed access thereto;

- e. Prohibit the use of cellular phones, cameras or any recording devices by the voters during voting; and
- f. Perform such other functions as may be prescribed by the COMELEC.

SEC. 10. *Relief and Substitution of Members of the Electoral Board.* – The members of the EB shall not be relieved unless disqualified as provided in laws and/or rules promulgated by the COMELEC.

SEC. 11. *Grounds for Appointment of Qualified Substitutes.* – In case there are not enough public school teachers who are qualified, willing and available, qualified substitutes may be appointed by the COMELEC, through the EO, in either of the following cases:

- a. There is a lack of public school teachers to be constituted as Members of the EBs based on the certified list submitted by the MBHTE official to the EO vis-a-vis the number of clustered or grouped precincts in the district, city or municipality; or
- b. One or more of the public school teachers in the certified list has or have been disqualified by the EO and there are no other public school teachers in the locality who are qualified, willing and available to be appointed as substitute/s.

Substitutes shall be on-call on election day. The EO shall cause the deployment of substitute in case any member of the EB fails to report in their designated polling place except in the following instances, where the members of the EB present, may appoint a registered voter as temporary member, until the regular member appears:

- a. There is considerable distance between the residence of the substitute and the location of the polling place;
- b. Lack or difficulty of means of transportation; and
- c. Inability of the EB to inform the EO of the non-appearance of any member.

SEC. 12. *Voting Privilege of the Electoral Board.* – Members of the EB may vote in the polling places where they are assigned on election day provided that:

- a. They are registered voters of the city within the same legislative district, or municipality where they are assigned; and
- b. They shall add in the EDCVL their names and precinct numbers and the place where they are actually registered and shall note such facts in the Minutes.

Any member of the EB, who is not registered in the city or municipality where they are assigned or registered in the city or municipality of another legislative district, may vote in the polling place where they are registered, provided that:

- a. The voting in their place of assignment is light;
- b. Their absence shall not be for more than thirty (30) minutes;
- c. The members of the EB shall schedule the voting so that only one (1) member shall leave at any given time;
- d. They must be given priority in voting; and
- e. The fact that they exercised their voting privilege shall be noted in the Minutes.

In the alternative, the EB may avail of local absentee voting, the rules thereon shall be provided by the COMELEC.

SEC. 13. *Proceedings of the Electoral Board.* – The meetings of the EB shall be public and shall be held only in the polling place authorized by the COMELEC.

The EB, through its chairperson, and without delay, shall decide by majority vote, all questions that may arise in the performance of its duties.

SEC. 14. *Prohibition of Political Activity.* – No member of the EB shall engage in any partisan political activity or take part in the election except to vote and discharge his/her duties as such and to vote.

SEC. 15. *Watchers.* – Each candidate, duly registered political party or coalition of political parties, organizations participating in the Bangsamoro Parliament Election, and duly accredited citizens' arms, may appoint in every polling place two (2) watchers who shall serve alternately. However, candidates for Senator, Member of the Sangguniang Panlalawigan, Sangguniang Panlungsod, and Sangguniang Bayan belonging, to the same party or coalition, shall collectively be entitled to one (1) watcher.

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

If the space in a polling place reserved for watchers is insufficient, preference shall be given to the watchers of the dominant majority and dominant minority parties as determined by the COMELEC. Watchers of the citizens' arm shall be given preferential position closest to the EB.

SEC. 16. *Qualification of Watchers.* – No person shall be appointed as a watcher unless said person:

- a. Is a registered voter of the city or municipality where such person is assigned;
- b. Is of good moral character;
- c. Has not been convicted by final judgment of any election offense or of any other crime;
- d. Knows how to read and write Filipino, English or any of the languages in the BARMM;
- e. Is not related within the fourth civil degree of consanguinity or affinity to the chairperson or any other member of the EB in the polling place where such person seeks appointment as a watcher.

SEC. 17. *Rights and Duties of Watchers.* – Upon entering the polling place, the watchers shall present to the chairperson of the EB their appointments as watchers and proof that they are registered voters of the city or municipality where they are assigned. Their names shall be recorded in the Minutes with a notation under their signatures that they are not disqualified to serve as such under the immediately preceding Section.

The appointments of the watchers shall bear the signature of the candidate or duly authorized representative of the party, organization or coalition of parties, or organizations participating in the Bangsamoro Parliament Election that appointed them. At least fifteen (15) days before election day, independent candidates, duly registered parties, organizations, coalitions, coalition of parties, and duly registered parties, associations or organizations participating in the Party-List System and Bangsamoro Parliament Election shall provide the EO concerned with the names and signatures of their representatives authorized to appoint watchers in the city or municipality of the polling place.

The watchers shall have the right to:

- a. Stay in the space reserved for them inside the polling place;
- b. Witness and inform themselves of the proceedings of the EB;
- c. Take note of what they may see or hear;
- d. Take pictures, images, photos, or videos of the proceedings and incidents, if any, during Final Testing and Sealing, counting of votes, transmission and printing of election returns provided the secrecy of the ballot shall be maintained at all times. In no case shall taking of pictures, images, photos, or videos while the voter is shading the ballot and feeding the same in the Voice Counting Machine be allowed. Violation of this paragraph shall constitute an Election Offense;
- e. File a protest against any irregularity or violation of law which they believe may have been committed by the EB or by any person present;
- f. Obtain from the EB a certificate as to the filing of such protest and/or the Resolution thereof; and
- g. Position themselves near the chairperson of the EB, observing the one-meter physical distancing requirement, while the chairperson is publicly announcing the precinct results.

Watchers are not allowed to speak to any member of the EB, to any voter or among themselves in a manner that would disrupt the proceedings of the EB.

The watchers representing the dominant majority and the dominant minority parties, and the citizens' arm shall, if available, affix their signatures and thumbmarks in the election returns.

CASTING OF VOTES

SEC. 18. *Voting Hours.* – The casting of votes shall be from six (6) o'clock in the morning up to seven (7) o'clock in the evening of election day, or as may be provided by the COMELEC.

Voters who have not yet cast their votes but are within thirty (30) meters in front of the polling place by seven (7) o'clock in the evening of the Election Day shall still be allowed to cast their votes. The poll clerk shall promptly prepare a complete list in duplicate containing the names of said voters numbered consecutively. The voters so listed shall be called to vote by the poll clerk by announcing near the door of the polling place, in a tone loud enough to be heard throughout the polling place, each name three (3) times in the order in which they are listed. Any voter in the list who is not present or does not respond when called shall no longer be allowed to vote. The said list shall be attached to the Minutes.

SEC. 19. *Place of Voting.* – Subject to Section 3 of this Chapter, voters shall cast their votes in the polling place designated by the COMELEC. The poster indicating the clustered precinct number shall be prominently posted near or on the door of the polling place. In no case shall there be a closed circuit television (CCTV) inside the polling place.

SEC. 20. *Voters' Assistance Desk (VAD).* – To avoid gathering, crowding and huddling around the PCVL, there shall be in each voting center, a Voters' Assistance Desk (VAD) administered by any duly accredited citizens' arm under the supervision and control of the Ministry of Basic, Higher, and Technical Education Supervisor Official (MBHTESO). The VAD shall assist voters in ascertaining their precinct number, sequence number and direction to their polling place.

In the event that there is no available accredited citizens' arm to administer the VAD, the EO may enter into a Memorandum of Agreement with a non-partisan NGO, CSO or other organizations available in their respective areas of responsibility to administer the VAD.

SEC. 21. *Final Testing and Sealing (FTS) of Vote Counting Machines (VCM).* – The Final Testing and Sealing of Vote Counting Machines shall be conducted in the manner and schedule provided by the COMELEC.

SEC. 22. *Vote Counting Machines Box to be Opened on Election Day.* – After FTS, the VCM box shall be opened again only on the Election Day in the manner provided by COMELEC.

SEC. 23. *Persons Allowed In and Around the Polling Place.* – Only the following persons shall be allowed inside the polling place:

- a. Members of the EB and support staff, if any;
- b. Watchers who shall stay only in the space reserved for them;
- c. Representatives of the COMELEC;
- d. MBHTESO Technical Support Staff assigned in the voting center;
- e. Emergency Accessible Polling Place Support Staff;
- f. Voters casting their votes and their assistors, if any;
- g. Voters waiting for their turn to cast their vote;
- h. Jail/ Prison Escorts escorting Persons Deprived of Liberty (PDL) voters; or
- i. Other persons who may be specifically authorized by the COMELEC.

SEC. 24. *Persons Not Allowed to Enter the Polling Place.* – Unless specifically authorized by the COMELEC, it is unlawful for the following persons to enter the polling place or to stay within a radius of fifty (50) meters from the polling place, except to vote:

- a. Any officer or member of the Armed Forces of the Philippines or the Philippine National Police;
- b. Any peace officer or any armed person belonging to any extralegal police agency, special forces, reaction forces, strike forces, Civilian Armed Force Geographical Units, barangay tanods or other similar forces or para-military forces, including special forces, security guards and special policemen;
- c. All other kinds of armed or unarmed extra-legal police forces; or
- d. Any barangay and SK official, whether elected or appointed.

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

SEC. 25. *Holding Area and Order of Voting.* – The EB, whenever necessary, in coordination with the MBHTESO, may designate an adjacent room with ample space and accessible to wheelchair users, if available, to be used as holding area. The holding area shall be used by the voters waiting for their turn to vote. The voters shall sit and arrange themselves on a first-come, first-served basis, such that they will vote according to the sequence of their arrival.

Gender segregation, whenever necessary, shall be observed in respect to religious practices or in order to protect women voters.

Giving numbers to the voters to determine their sequence of voting is strictly prohibited. Voters in the holding area shall be assisted by EB support staff.

SEC. 26. *Manner of Obtaining Ballots.* – Rules and regulations, as may be promulgated by the COMELEC, shall be observed in obtaining ballots during election day.

SEC. 27. *Manner of Voting.* – Unless otherwise provided, the COMELEC may, at the start of every parliamentary election in the BARMM, prescribe the means, methods and manner of voting, which shall guarantee that the secrecy of the ballot is secured and the independence of the voter is protected at all times.

SEC. 28. *Rules to be Observed During Voting.* – During the voting, the EB shall see to it that:

- a. Voters shall vote in the order of their arrival in the polling place. Giving numbers to the voters to determine their sequence of voting is strictly prohibited;
- b. No watcher shall enter the place reserved for the voters and the EB, or mingle and talk with the voters;
- c. No person carrying any firearm or any other deadly weapon, except jail/ prison escorts and those expressly authorized by the COMELEC, shall enter the polling place. The jail/prison escorts may bring firearms inside the polling place to secure the PDL voter who will vote in the polling place as may be authorized by the COMELEC. Said escorts and PDLs shall immediately leave the polling place once the latter have finished voting;
- d. There shall be no crowding of voters and disorderly behavior inside the polling place;
- e. The ballot box shall remain locked during the voting. However, if it should become necessary to make room for more ballots, the EB shall, in the presence of the watchers:
 1. Remove the VCM from the top of the ballot box, and shake the ballot box to wobble the contents therein, and make room for the ballots;

2. If still the ballot cannot go through the ballot box, the ballot box may be opened. The Chairperson shall press down the ballots contained therein without removing any of them, after which the EB shall close the box by sealing it.

Such facts shall be recorded in the Minutes.

SEC. 29. *Prohibition on Voting.* – It shall be unlawful for a voter to:

- a. Bring the ballot, ballot secrecy folder, or marking pen outside of the polling place;
- b. Speak with anyone other than persons provided in this Resolution while inside the polling place;
- c. Prepare the voter's ballot without using the ballot secrecy folder, or to exhibit its contents;
- d. Fill out the voter's ballot accompanied by another except in the case of voting by assistor pursuant to immediately succeeding section;
- e. Erase any printing from the ballot, or put any distinguishing mark on the ballot;
- f. Use of capturing devices, such as but not limited to digital cameras, cellular phones with camera, or other means to copy the contents of the ballot, or otherwise make use of any other scheme to identify his/her vote;
- g. Intentionally tear or deface the ballot; or
- h. Disrupt or attempt to disrupt the normal operations of the VCM.

SEC. 30. *Preparation of Ballots for Illiterate, Persons with Disabilities (PWD) and Senior Citizens (SC) by an Assistor.* – No voter shall be allowed to vote as an illiterate, PWD or SC unless such fact is indicated in the EDCVL, or, although not indicated as PWD in the EDCVL, when the disability is readily apparent. If so, such voter may be assisted in the preparation of the ballot in the following order:

- a. Relative within the fourth civil degree of consanguinity or affinity;
- b. Person of his/her confidence who belongs to the same household as that of the voter. For this purpose, the person who usually assists the PWD or SC, such as personal assistant, caregiver, or a nurse, shall be considered as a member of the voter's household; or
- c. Any member of the EB.

A voter with physical impairment may be assisted in feeding the ballot into the VCM by the EB member. The EB member shall ensure that the contents of the ballot are not displayed during its feeding into the VCM. In which case, this fact must be recorded in the Minutes.

All persons assisting must be of voting age.

No person, except the members of the EB, may assist an illiterate, PWD or SC more than three (3) times.

In all cases, the poll clerk shall first verify from the illiterates, PWDs or SCs whether the said voters have authorized a person to help them cast their vote. If the voter denies the authority of the assistor, any member of the EB may assist such illiterates, PWDs or SCs. The same shall be recorded in the Minutes.

The person assisting the illiterates, PWDs or SCs shall:

1. Prepare in their presence, the ballot using a ballot secrecy folder; and
2. Bind themselves, in writing and under oath, to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal its contents by indicating the appropriate data and affixing their signatures, thumbmark or any available fingerprint, if without a thumb, in the corresponding space in the Minutes.

SEC. 31. Express Lane for Persons with Disability, Senior Citizens, Heavily Pregnant and Lactating Women, Escorted Persons Deprived of Liberty Voters and Indigenous People. – PWDs, senior citizens, heavily pregnant and lactating women, and escorted PDL and Indigenous People voters shall be afforded an express lane and be allowed to vote as soon as they arrive. There shall be a sign inside the polling place indicating the location of the express lane and who can avail of it.

SEC. 32. Challenge Against Illegal Voters. – Any voter or watcher may challenge any person offering to vote for:

- a. Being not registered;
- b. Using the name of another; or
- c. Suffering from an existing disqualification.

In such cases, the EB shall determine the truthfulness of the ground for the challenge by requiring proof of registration, identity or qualification. In case the identity of the voter is challenged, the EB shall identify the voter's specimen signature and photo in the EDCVL.

In the absence of any of the above-mentioned proof of identity, any member of the EB may identify under oath a voter personally known to the former, which act of identification shall be recorded in the Minutes.

SEC. 33. Challenge Based on Certain Illegal Acts. – Any voter or watcher may challenge any person offering to vote on the ground that the voter:

- a. Received or expects to receive, paid, offered or promised to pay, contributed, offered or promised to contribute money or anything of value as consideration for his/her vote or for the vote of another;
- b. Made or received a promise to influence the giving or withholding of any such vote; or
- c. Made a bet or is interested, directly or indirectly, in a bet that depends upon the results of the election.

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

SEC. 34. Admission of Challenged Vote Immaterial in Criminal Proceedings. – The admission of the challenged vote under the two preceding sections shall not be conclusive upon any court as to the legality of the registration of the voter challenged or his/her vote in a criminal action against such person for illegal registration or voting.

SEC. 35. Record of Challenges and Oaths. – The EB shall record in the Minutes all challenges and oaths taken and its decision in each case.

SEC. 36. Disposition of Vote Counting Machines, Ballot Boxes, Election Returns, Spoiled, Unused and Rejected Ballots, and Other Documents. – VCM, ballot boxes, election returns, spoiled, unused and rejected ballots and other documents shall be disposed of in the manner provided by the COMELEC.

SEC. 37. Prohibition Against Premature Announcement of Voting. – The members of the EB are prohibited from announcing the following matters during the voting period:

- a. Whether a certain registered voter has already voted or not;
- b. Number of registered voters who have already voted or failed to vote thus far; or
- c. Any other fact tending to show or showing the state of the polls; neither member of the EB shall make any statement at any time, except as a witness before a court or body as to how many persons voted.

COUNTING OF VOTES

SEC. 38. Counting to be Public and Without Interruption. – As soon as the voting is finished, the EB shall publicly count in the polling place the votes cast and ascertain the results. The board may rearrange the physical setup of the polling place for the counting or perform any other activity with respect to the transition from voting to counting. However, it may do so only in the presence of the watchers and within close view of the public. At all times, the ballot boxes and all election documents and paraphernalia shall be within close view of the watchers and the public.

The EB shall not adjourn or postpone or delay the count until it has been fully completed unless otherwise ordered by the COMELEC.

The COMELEC, in the interest of free, orderly, and honest election, may authorize the EB to count the votes and to accomplish the election returns and other forms prescribed under this Code in any other place within a public structure in the same municipality or city on account of imminent danger of widespread violence or similar causes of comparable magnitude: *Provided*, That the transfer shall be recommended in writing by the Board of Election Inspectors by unanimous vote and endorsed in writing by the majority of watchers present: *Provided, further*, That the said public structure shall not be located within the perimeter of or inside a military or police camp, reservation, headquarters, detachment or field office nor within the premises of a prison or detention bureau or any law enforcement or investigation agency.

Any violation of this section, or its pertinent portion, shall constitute an election offense and shall be penalized accordingly.

SEC. 39. Proclamation of the Result of the Election in the Polling Place. – Upon the completion of election returns, the chairman of the boards shall then publicly read and announce the

total number of registered voters, the total number of voters who actually voted and the total number of votes obtained by each candidate based on the election returns.

SEC. 40. Electoral Board to Issue a Certificate of the Number of Votes Polled by the Candidates for an Office to the Watchers. – After the announcement of the results of the election and before leaving the polling place, it shall be the duty of the EB to issue a certificate of the number of the votes received by a candidate upon request of the watchers. All the members of the EB shall sign the certificate.

SEC. 41. Closing of Polls. – The COMELEC shall prescribe the time, manner, procedure of closing the polls and the steps for the correct reporting of votes cast and the proper conduct of counting for areas covered by the AES.

CANVASS AND PROCLAMATION

SEC. 42. Board of Canvassers (BOC). –

(1) There shall be a BOC for each province, city and municipality as follows:

- a. Provincial Board of Canvassers. – the provincial BOC shall be composed of the provincial election supervisor or a senior lawyer in the regional office of the COMELEC, as chairman, the provincial fiscal, as vice-chairman, and the provincial superintendent of schools, and one representative from each of the ruling party and the dominant opposition political party in the constituency concerned entitled to be represented as members.
- b. City Board of Canvassers. – the city BOC shall be composed of the city election officer or a lawyer of the BEO as chairman; the city fiscal and the city superintendent of schools; and one representative from each of the ruling party and the dominant opposition political party entitled to be represented, as members.
- c. Municipal Board of Canvassers. – the municipal BOC shall be composed of the election officer or a representative of the BEO as chairman; the municipal treasurer; the MBHTE district supervisor or, in his/her absence, any public school principal in the municipality; and one representative from each of the ruling party and the dominant opposition political party entitled to be represented, as members.
- d. Board of Canvassers for newly created political subdivisions. – the BEO shall constitute a BOC and appoint the members thereof, in accordance with the prescribed compositions in Sections (a) and (b) hereof, for the first election in a newly created province, city or municipality, in case the officials who shall act as members thereof have not yet assumed their duties and functions.

(2) There shall be a Bangsamoro BOC composed of the BEO's Regional Election Director as Chairman; the Regional Prosecutor of BARMM as Vice-Chairman; and a representative from the MBHTE with the rank of Bangsamoro Director General (Director IV), as Member.

SEC. 43. Relationship with Candidates and Other Members. – The chairman and the members of the BOC shall not be related within the fourth civil degree of consanguinity or affinity to any of the candidates whose votes will be canvassed by said board, or to any member of the same board.

SEC. 44. *Prohibition Against Leaving Official Station.* – During the period beginning election day until the proclamation of the winning candidates, no member or substitute member of the different BOC shall be transferred, assigned or detailed outside of his/her official station; nor shall he/she leave the said station without prior authority of the COMELEC.

SEC. 45. *Feigned Illness.* – Any member of the BOC feigning illness, in order to be substituted on election day until the proclamation of the winning candidates, shall be guilty of an election offense.

SEC. 46. *Quorum.* – A majority vote of all members of the BOC shall constitute a quorum for the transaction of its official decision and to render a decision.

SEC. 47. *Incapacity and Substitution of Members of Boards of Canvassers.* – In case of non-availability, absence, disqualification due to relationship or incapacity for any cause of the chairman, the BEO shall designate the provincial or city fiscal to act as chairman. Likewise, in case of non-availability, absence, disqualification due to relationship or incapacity for any cause of such designee, the next ranking provincial or city fiscal shall be designated by the BEO and such designation shall pass to the next in rank until the designee qualifies. With respect to the other members of the BOC, the BEO shall appoint as substitute the provincial, city or municipal officers of other government agencies in the province, city or municipality, as the case may be and with respect to the representatives of the accredited political parties, the BEO shall appoint as substitutes those nominated by the said political parties.

SEC. 48. *Supervision and Control Over the Board of Canvassers.* – The COMELEC, through the BEO, shall have direct control and supervision over the BOC.

Any member of the BOC may, at any time, be relieved for cause and substituted motu proprio by the BEO.

SEC. 49. *Notice of Meeting of the Board.* – At least five (5) days before the meeting of the board, the chairman of the board shall give notice to all members thereof and to each candidate and political party of the date, time and place of the meeting.

SEC. 50. *Canvass by the Board.* – The BOC shall meet not later than six (6) o'clock in the afternoon of election day, at the place designated by the BEO, to receive the election returns and to immediately canvass those that may have already been received. It shall meet continuously until the canvass is completed, and may adjourn but only for the purpose of awaiting the other election returns from other polling places within its jurisdiction. As soon as the other election returns are delivered, the board shall immediately resume canvassing until all the returns have been canvassed.

SEC. 51. *Manner of Canvass; Canvassing by Regional, Provincial, City, District and Municipal Boards of Canvassers.* – The COMELEC shall prescribe the time, manner and procedure of canvassing of votes by the regional, provincial, district, and municipal BOC for national and local elections, as well as Bangsamoro Parliament Elections.

The COMELEC shall adopt adequate and effective measures to preserve the integrity of the certificates of canvass transmitted electronically and the results in the storage devices at the various levels of the boards of canvassers.

The certificates of canvass transmitted electronically and digitally signed shall be considered as official election results and shall be used as the basis for the proclamation of winning candidates.

SEC. 52. *When the Election Returns Are Delayed or Not Transmitted.* – The EB shall observe the Continuity Plan to be prescribed by the COMELEC in case of a system breakdown or any eventuality which shall result in the delay, obstruction, or nonperformance of the electoral process.

SEC. 53. *Canvass of Remaining or Unquestioned Returns to Continue.* – The BOC shall continue the canvass of the remaining or unquestioned election returns. If, after the canvass of all the said returns, it should be determined that the returns which have been set aside will affect the result of the election, no proclamation shall be made except upon orders of the COMELEC, through the BEO, after due notice and hearing. Any proclamation made in violation hereof shall be null and void.

SEC. 54. *Watchers During Canvass.* – Each candidate, political party or coalition of political parties shall be entitled to appoint one watcher to the BOC. The watcher shall have the right to be present at, and take note of, all the proceedings of the BOC, to file a protest against any irregularity in the election returns submitted, and to obtain from the BOC a resolution thereon.

SEC. 55. *Election Resulting in Tie.* – Whenever it shall appear from the canvass that two (2) or more candidates have received an equal and highest number of votes, or in cases where two (2) or more candidates are to be elected for the same position and two (2) or more candidates received the same number of votes for the last place in the number to be elected, the BOC, after recording this fact in its minutes, shall by resolution, upon five (5) days notice to all the tied candidates, hold a special public meeting at which the BOC shall proceed to the drawing of lots of the candidates who have tied and shall proclaim as elected the candidates who may be favored by luck, and the candidates so proclaimed shall have the right to assume office in the same manner as if they had been elected by plurality of votes. The BOC shall forthwith make a certificate stating the name of the candidate who had been favored by luck and his/her proclamation on the basis thereof. In lieu of the drawing of lots, a coin toss may be resorted to by the concerned officer of the BEO to break the tie.

Chapter 3 AFTER ELECTION

SECTION 1. *Issues that May be Raised During the Consolidation/Canvass.* – Issues affecting the composition or proceedings of the BOC may be initiated by filing a verified petition before the BOC or directly with the COMELEC.

If the petition is filed with the BOC, its decision may be appealed to the COMELEC within three (3) days from receipt.

However, if commenced directly with the COMELEC, the verified petition shall be filed immediately when the BOC begins to act illegally, or at the time of the appointment of the member of the BOC whose capacity to sit as such is objected to.

There shall be no pre-proclamation cases on issues/controversies relating to the generation/printing, transmission, receipt and custody, and appreciation of Election Returns or the COCs.

ELECTION CONTESTS

SEC. 2. *Jurisdiction.* – Pursuant to Section 2, Article IX-C of the 1987 Constitution, the COMELEC exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all candidates in the regional, provincial and city elective positions.

Regional trial courts have exclusive original jurisdiction over all election contests involving elective municipal officials.

Municipal trial courts have exclusive original jurisdiction over all election contests involving elective barangay officials.

On matters relating to the continuing qualification requirements for sitting Members of Parliament, the jurisdiction shall be vested and exercised directly by Parliament.

SEC. 3. *How Initiated.* – An election contest is initiated by the filing of an election protest or a petition for *quo warranto* against an elective municipal or barangay official. An election protest or a petition for *quo warranto* shall be filed directly with the proper court in three (3) legible copies plus the number of copies corresponding to the number of protestees or respondents.

An election protest shall not include a petition for *quo warranto*, nor shall a petition for *quo warranto* include an election protest.

SEC. 4. *Election Protest.* – A petition contesting the election or returns of an elective municipal or barangay official shall be filed with the proper regional trial court or municipal trial court by any candidate who was voted for the same office and who received the second or third highest number of votes or, in a multi-slot position, was among the next four (4) candidates following the last-ranked winner duly proclaimed, as reflected in the official results of the election contained in the Statement of Votes By Precinct. The party filing the protest shall be designated as the protestant; the adverse party shall be known as the protestee.

Each contest shall refer exclusively to one office; however, contests for offices of Sangguniang Bayan or Sangguniang Barangay may be consolidated in one case.

SEC. 5. *Quo Warranto.* – A petition for *quo warranto* against an elective municipal official shall be filed with the proper regional trial court or municipal trial court by any registered voter who has voted in the election concerned. The party filing the petition shall be designated as the petitioner; the adverse party shall be known as the respondent.

SEC. 6. *Modes of Service and Filing.* – Service and filing of pleadings, including the initiatory petition and other papers, shall be done personally. Except with respect to papers emanating from the court, a resort to other modes of service must be accompanied by a written explanation of why the service or filing was not done personally. A violation of this provision shall be a cause to consider the pleading or paper as not filed.

SEC. 7. *Petition Must Be Verified and Accompanied by a Certificate of Non-Forum Shopping.* – An election protest or a petition for *quo warranto* shall be verified by an affidavit stating that the affiant has read the petition and that the allegations therein are true and correct of the affiant's

own knowledge or based on authentic records. A verification based on "information and belief" or upon the "knowledge, information and belief" is not sufficient verification.

The protestant or petitioner shall sign personally the certificate of non-forum shopping which must be annexed to the election protest or petition for *quo warranto*.

An unverified petition or one with insufficient verification or unaccompanied by a certificate of non-forum shopping shall be dismissed outright and shall not suspend the running of the reglementary period to file an election protest or petition for *quo warranto*.

SEC. 8. *Period to File Protest or Petition; Non-Extendible.* – The election protest or petition for *quo warranto* shall be filed within the non-extendible period of ten (10) days following the date of proclamation.

SEC. 9. *Pendency of Pre-Proclamation Controversy.* – The pendency of a pre-proclamation controversy involving the validity of the proclamation, as defined by law, shall suspend the running of the period to file an election protest or petition for *quo warranto*.

SEC. 10. *COMELEC Judgment in Disqualification Case.* – A decision of the COMELEC, either in division or *en banc*, in a disqualification case shall not bar the filing of a petition for *quo warranto* based on the same ground, except when the Supreme Court has affirmed the COMELEC decision.

SEC. 11. *Rendition of Decision.* – The court shall decide the election contest within thirty (30) days from the date it is submitted for decision, in no case beyond six (6) months after its filing, unless the Supreme Court authorizes an extension in writing. Failure to comply herewith shall be considered a serious offense and shall be ground for disciplinary action against the judge. In addition, after the expiration of six (6) months, the judge shall be relieved of all duties and functions, except to decide the election case.

An election protest is deemed submitted for decision after completion of the reception of evidence or, if the parties were allowed to submit memoranda, upon submission of such memoranda or the expiration of the period for their filing, whichever is earlier. In an election protest, the winner shall be the candidate who obtained the plurality of the valid votes cast.

SEC. 12. *Appeal.* – An aggrieved party may appeal the decision to the COMELEC, within five (5) days after promulgation, by filing a notice of appeal with the court that rendered the decision, with a copy served on the adverse counsel or party, if not represented by counsel.

SEC. 13. *Jurisdiction of the COMELEC in Certiorari Cases.* – The COMELEC has the authority to issue the extraordinary writs of *certiorari*, *prohibition* and *mandamus* only in aid of its appellate jurisdiction over decisions of the courts in election cases involving elective municipal and barangay officials.

SEC. 14. *Preferential Disposition of Election Contests.* – The courts shall give preference to election contests over all other cases, except *habeas corpus*.

ARTICLE VIII ELECTION OFFENSES

SECTION 1. *Additional Election Offenses Punishable Under this Code.* – In addition to the election offenses already provided for under the Omnibus Election Code and other national laws, the following shall be guilty of election offenses committed within the autonomous region:

- a. Any person, candidate, officer or supporter of a political party who nails or hangs any election paraphernalia or campaign material on trees and plants shall be guilty of an election offense;
- b. Any person, candidate, officer, or supporter of a political party who prints and reproduces campaign paraphernalia using plastics and other non-biodegradable materials;
- c. Any candidate, officer, member, or supporter of a political party who uses scandalous, inflammatory, foul, abusive and derogatory language in speeches, interviews and on social media in the course of the campaign or during political rallies and meetings; and
- d. On Registration of Political Parties and Sectoral Organizations for Reserved Seats:
 1. Any officer of a political party who falsely certifies fictitious or inexistent names in the list of its party members.
 2. Any officer of a political party and sectoral organizations who knowingly makes any false or untruthful statement relative to any data or information required in the registration and accreditation of political parties and sectoral organizations.

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

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

Whenever applicable, the penalties provided for violation of specific special laws on election are hereby adopted and incorporated in this Code.

In the case of prisoner or prisoners illegally released from any penitentiary or jail during the prohibited period, the director of prisons, provincial warden, keeper of the jail or prison, or persons who are required by law to keep said prisoner in their custody shall, if convicted by a competent court, be sentenced to suffer the penalty of *prision mayor* in its maximum period if the prisoner or prisoners so illegally released commit any act of intimidation, terrorism or interference in the election.

SEC. 4. *Prosecution.* – The COMELEC shall, through its duly authorized legal officers, have the exclusive power to conduct a preliminary investigation of all election offenses punishable under this Code, and to prosecute the same. The COMELEC may avail of the assistance of other prosecuting arms of the government: *Provided, however,* That in the event that the COMELEC fails to act on any

complaint within four months from filing, the complainant may file the complaint with the prosecutor's office or with the Department of Justice for proper investigation and prosecution, if warranted.

SEC. 5. Arrest in Connection With the Election Campaign. – No person shall be arrested or detained at any time for any alleged offense committed during and in connection with any election through any act or language tending to support or oppose any candidate, political party or coalition of political parties under or pursuant to any order of whatever name or nature and by whomsoever issued except only upon a warrant of arrest issued by a competent judge after all the requirements of due process shall have been strictly complied with.

To facilitate the apprehension and prosecution of vote buyers and sellers, any law enforcement officer or private person may, without a warrant, arrest a person when in his/her presence, the person to be arrested has committed, is actually committing, or is attempting to commit the election offense of vote buying and selling.

SEC. 6. Prescription. – Election offenses shall prescribe after five (5) years from the date of their commission. If the discovery of the offense be made in an election contest proceeding, the period of prescription shall commence on the date on which the judgment in such proceedings becomes final and executory.

SEC. 7. Jurisdiction of Courts. – The Regional Trial Court shall have the exclusive original jurisdiction to try and decide any criminal action or proceedings for violation of this Code, except those relating to the offense of failure to register or failure to vote which shall be under the jurisdiction of the Metropolitan or Municipal Trial Courts. From the decision of the courts, an appeal will lie as in other criminal cases.

SEC. 8. Prosecution of Vote-buying and Vote-selling. – The presentation of a complaint for violations of Section 261 of Batas Pambansa Blg. 881 supported by affidavits of complaining witnesses attesting to the offer or promise by or of the voter's acceptance of money or other consideration from the relatives, leaders or sympathizers of a candidate, shall be sufficient basis for an investigation to be immediately conducted by the Commission, directly or through its duly authorized legal officers.

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

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

The giver, offerer, and promisor as well as the solicitor, acceptor, recipient and conspirator referred to in Section 261 of Batas Pambansa Blg. 881 shall be liable as principals: *Provided*, That any persons, otherwise guilty under said paragraphs who voluntarily gives information and willingly testifies on any violation thereof in any official investigation or proceeding shall be exempt from prosecution and punishment for the offenses with reference to which his/her information and testimony

were given: *Provided, further,* That nothing herein shall exempt such person from criminal prosecution for perjury or false testimony.

ARTICLE IX LEGAL FEES

SECTION 1. *Collection of Legal Fees.* – The Commission, through the BEO, or any of the subordinate offices is hereby authorized to collect fees as follows:

- a. For furnishing certified transcripts of records or copies of any record, decision or ruling or entry of which any person is entitled to demand and receive a copy, for every page. Php 5.00;
- b. For every certificate or writ or process, Php100.00;
- c. In appropriate cases, for filing a second and succeeding motions for reconsideration. Php 500.00;
- d. Reproduction of voluminous records such as the list of voters, and similar documents, for every page, Php 2.00; and
- e. For every search of any record of more than one year's standing and reading the same, Php 200.00.

SEC. 2. *Payment of Fees.* – The fees mentioned in the preceding section shall be paid to the cashier of the COMELEC in BEO, who shall in all cases issue a receipt for the same and shall enter the amount received upon his/her book specifying the date when received, the fee, and the person from whom it is received.

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

ARTICLE X TRANSITORY PROVISIONS

SECTION 1. *Manner of Election of Sectoral Representatives in the First Parliamentary Election.* – In the first Parliamentary election, the selection of the sectoral representatives for the reserved seats in the Parliament shall be on the basis of election during assemblies especially called for the purpose by registered and accredited sectoral organizations of women, settlers, youth, *'Ulama*, traditional leaders and NMIP. Thereafter, the election of the sectoral representatives, except the NMIPs, *'Ulama*, and traditional leaders, shall be synchronized with the national and local elections and automated in accordance with the automated election system.

SEC. 2. *Special Registration for Sectoral Voters.* – The COMELEC, through the BEO, shall call for a special registration within the autonomous region to adopt a system for the registration of voters and election of candidates for sectoral representatives.

SEC. 3. *Effect of Filing of Certificate of Candidacy; Incumbent Members of the Bangsamoro Transition Authority.* – The incumbent appointed members of the BTA, whose positions are elective by nature, are not deemed *ipso facto* resigned upon the filing of their certificates of candidacy for the

2025 elections. Those Members of the Parliament who are designated to positions in the Cabinet and other executive offices are likewise not deemed resigned for the same reason.

SEC. 4. BARMM Political Party Subsidy Fund. – The Parliament may, by law, establish a BARMM Political Party Subsidy Fund, which may be used to support voter’s education program and augment the operating funds of registered political parties.

SEC. 5. Transitory Limitation on the Power to Dissolve Parliament Upon Vote of No Confidence. – The power to dissolve the Parliament and call for a new parliamentary election upon a vote of no confidence shall not be exercised by the first elected parliament within eighteen (18) months from the first BARMM Parliamentary Elections.

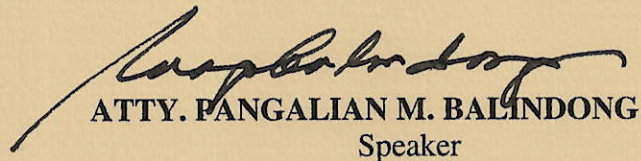
**ARTICLE XI
FINAL PROVISIONS**

SECTION 1. Applicability Clause. – The COMELEC, consistent with its constitutional mandate to enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall, shall perform the same in accordance with existing laws and regulations, except as otherwise provided in this Code.

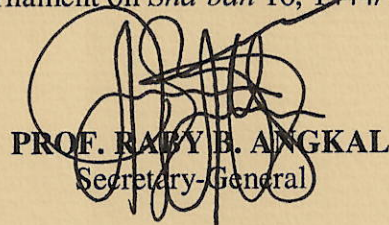
SEC. 2. Separability Clause. – If any part or provision of this Code is declared invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SEC. 3. Amendments and Revisions. – Any amendment to, revision, or repeal of this Code shall be made by law enacted by the Bangsamoro Parliament.

SEC. 4. Effectivity. – This Code shall take effect fifteen (15) days after its publication in a newspaper of general and regional circulation.


ATTY. PANGALIAN M. BALINDONG
Speaker

This Act was passed by the Bangsamoro Parliament on *Sha’ban* 16, 1444/ March 8, 2023.


PROF. RABY B. ANGKAL
Secretary-General

APPROVED:


AHOD BAIWAG EBRAHIM
Chief Minister

Date: MARCH 8, 2023