

[PRESIDENTIAL DECREE NO. 229[*], June 28, 1973]

PROVIDING FOR THE MANNER OF VOTING AND CANVASS OF VOTES IN BARANGAYS (CITIZENS ASSEMBLIES).

WHEREAS, Presidential Decree No. 210, dated June 8, 1973 provides for a system of registration for members of barangays (Citizens Assemblies); and

WHEREAS, the collective views of the members of barangays (Citizens Assemblies) should be ascertained with accuracy so that their decisions on national or local issues be given effect;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081 dated September 21 1972, and General Order No. 1, dated September 22, 1972, do hereby order and decree to be part of the laws of the land the following:

SECTION 1. *Supervision of the Commission on Elections.* — The Commission on Elections shall, in addition to the powers and functions conferred upon it by the constitution, exercise supervision and control over the conduct of voting and canvass of vote referendums and/or other consultations in barangays (Citizens Assemblies) and shall exercise and perform such other powers and functions as may be necessary to implement this Decree.

SEC. 2. *General meeting of barangay members.* — Whenever a period has been fixed or the holding of a referendum and/or consultation during which the members of barangays (Citizens Assemblies) decide and vote on issues, national and local, the barrio captain or barangay head shall immediately call a general meeting to all the members of the barangay for the purpose of informing them of the date and dates of the referendum and/or consultation, the places of voting and the issue or issues to be resolved.

During this general meeting, there shall be full and constructive discussions and exchange of views on the issue or issues to be resolved among the members of the barangays.

The barrio captain or barangay head may, in his discretion, call as many meetings as may be necessary for the purpose.

SEC. 3. *barangay referendum committee.* — Not later than ten days before the day of the voting, the Commission on Election shall appoint a barangay referendum committee for each barrio or barangay to conduct the voting and count the votes cast herein. The committee shall be composed of a representative of the Commission on Elections who shall act as chairman, a member of the barrio or barangay council, and a public schoolteacher in the barrio or barangay.

In case of non-availability or absence of any of those enumerated in the preceding paragraph, the Commission may appoint as substitute any registered member of the barrio or barangay.

Public schoolteachers who are appointed members of the barangay referendum committee may vote in the barangay center where they are assigned on the day of voting

SEC. 4. *Designation of barangay center.* — Not later than ten days before the day of voting, the Commission on Elections shall designate a barangay center or centers for each barrio or barangay which shall preferably be the barrio hall or any public building where members of the barangay can cast their votes: *Provided*, That in barrios or barangays where there are more than six hundred registered members, the Commission may authorize the establishment of as many barangay centers for voting purposes in order to facilitate the casting and counting of votes.

SEC. 5. *Observers.* — The Commission on Elections may designate in each barangay center not more than five observers, who are members of the barangay. The observers shall have the following powers and duties:

- a. To call the attention of the chairman of the barangay referendum committee on any irregularity committed during the referendum.
- b. To report to the election registrar any irregularity committed by the barangay referendum committee.
- c. To assist the barangay referendum committee in ensuring the orderly conduct of voting in the barangay center whenever so directed by the chairman of the committee.

SEC. 6. *Who may vote.* — Every registered member of the barangay who, on the day of the referendum personally appears before the barangay referendum committee shall be entitled to cast his vote.

Any person whose name has been omitted, for any reason, in the barangay list (Barangay Form No. 2), shall, upon presentation of his barangay registration record, or upon showing that his name is included in the list used in the January 1973 referendum or in the permanent list of voters of the city, municipality or municipal district pursuant to the Election Code of 1971, shall be allowed to vote.

SEC. 7. *Official barangay ballots.* — The official ballots shall be of uniform size and color throughout the Philippines and shall be *provided* at public expense. Said ballots shall be in the shape of a strip with stubs and coupons containing detachable numbers of the ballots and a space for the thumbmark of the voter, and shall bear at the top on the middle portion thereof the coat of arms of the Republic of the Philippines, the words "Barangay Ballot," and the date of the voting, and the following note: "Fill out this ballot secretly inside the booth. Do not put any distinctive mark in any part of this ballot," and the question or questions to be submitted for the determination of the people.

The ballots shall be bound in separate books of two hundred ballots each. There shall not be anything printed on the reverse side of the ballot.

Ballots in cities, municipalities, and municipal districts where Arabic is of general use, shall have translations of the question or questions printed in Arabic in addition to and immediately below the English text.

SEC. 8. *Casting of votes.* — Voting shall be by secret ballot which shall be conducted in the barangay center designated by the Commission. It shall start promptly at seven o'clock in the morning and close at six o'clock in the afternoon.

Each voter shall have the right to vote in the order of his entrance to the barangay center, identifying himself to the barangay referendum committee, who will check his name against the barangay list.

All disputes as to procedure before and during the voting shall be decided by the barangay referendum committee by majority vote.

SEC. 9. *Ballot Boxes.* — There shall be two ballot boxes for every barangay center. One ballot box shall contain the ballots of voters fifteen years of age and under eighteen, and the second box for ballots of voters eighteen years of age and above.

SEC. 10. *Manner of obtaining and preparing the ballot.* — The voter shall approach the chairman of the barangay referendum committee and shall give his name and address together with other data concerning his person. If he is entitled to vote in accordance with Section six hereof, the chairman shall announce his name distinctly and loud enough to be heard clearly throughout the barangay center. The chairman shall then deliver to the voter one ballot correctly folded and require the voter to sign his name in the proper column in the record of voters prescribed by the Commission. The voter shall forthwith go to a vacant voting booth and prepare his ballot in secret. After the voter has filled his ballot he shall fold it in the same manner as when he received it and affix his thumbmark on the corresponding space in the coupon, and deliver the folded ballot to the chairman. The chairman, in the presence and in the view of the voter and all the members of the committee, without unfolding the ballot, shall remove the coupon and shall deposit the folded ballot, in the compartment for barangay ballots and the detached coupon in the compartment therefor of the proper ballot box as prescribed under Section 9 hereof.

SEC. 11. *Preparation of ballot for illiterate or disabled person.* — A registered voter who is illiterate or physically unable to prepare the ballot by himself may choose a person of his confidence to assist him in the preparation of his ballot, preferably a relative by affinity or consanguinity within the fourth civil degree. The person thus chosen shall prepare the ballot for the illiterate or disabled voter inside the voting booth. The person assisting shall bind himself in a formal document to be prescribed by the Commission, not to reveal the contents of the ballot prepared by him.

SEC. 12. *Closing of voting.* — The casting of vote shall stop promptly at six o'clock in the afternoon except when there are barangay members present within 30 meters in front of the barangay center waiting to cast their votes, in which case the voting shall continue only as long as it takes these votes without interruption.

As soon as all the voters in the barangay center entitled to vote have cast their votes, the chairman shall formally announce to the public that the voting in the center is closed.

SEC. 13. *Manner of counting the votes.* — The ballots contained in the ballot box for voters fifteen years of age and under eighteen shall be counted ahead of the ballot box containing the ballots of voters eighteen years and above. The counting of votes shall be made in the following manner: The committee shall form separate piles of two hundred ballot fully extended which shall be held together with rubber bands. The Chairman of Committee shall take the ballots of the first file one by one and read the votes in the order in which they appear thereon, assuming such a position as would enable all or at least a majority of the observers to read such votes. The other member of the committee shall record on the proper tally sheet the affirmative and negative votes as they are read. Each vote shall be recorded by a

vertical line except every fifth vote which shall be recorded by a diagonal line crossing the previous four vertical lines. The Third member of the committee shall watch the preparation of the tally sheet. After all the votes cast by those fifteen years of age and under eighteen have been counted, the committee shall sum up the totals recorded for affirmative and negative votes and the aggregate sum shall be recorded on the tally sheet.

The same procedure prescribed in the preceding paragraph shall be followed in the case of the votes cast by those who are eighteen years of age and above.

SEC. 14. *Referendum results.* — Immediately after the count, the barangay referendum committee shall prepare and certify in a form to be prescribed by the Commission on Elections two copies of the referendum results showing the voting in the barrio or barangay. The result shall indicate the date of the voting, the name of the barrio or barangay and the city, municipality or municipal district and province where the barrio or barangay is situated, the number of members of the barangay, the number of members who voted the total number of affirmative votes cast and the total number of negative votes cast for each issue submitted to the members of the barangay, writing out said numbers in words and in figures. Each copy of the results shall be enclosed in a special envelope *provided* for the purpose and shall be distributed as follows: The original shall be transmitted to the Commission on Elections in the manner it may direct and the second copy shall be kept on file by the barrio captain or barangay head.

It is understood that the referendum results will be separately prepared for each of the age groupings in accordance with Section 9 hereof.

SEC. 15. *Canvass by the Commission on Elections.* — On the day of the voting, the Commission on Elections shall convene en bane to canvass the referendum results certified by the barangay election committee of each barrio or barangay and, on the basis of said canvass, proclaim the result thereof.

In case there are referendum results which are missing and the votes therein will not affect the result of the voting, the Commission on Elections may terminate the canvass and proclaim the result of the voting on the basis of the available referendum results.

SEC. 16. *Postponement of referendum.* — When for any serious cause such as calamities, floods, or other force majeure, violence, terrorism, loss or destruction of referendum paraphernalia or records, and other analogous causes of such a nature that the holding of a referendum becomes impossible in any barangay center or political division or subdivisions, the Commission on Elections, upon verified petition and after due notice and hearing, shall postpone the referendum therein to such time as it may deem necessary, but on a date reasonably close to the date of the referendum not held or suspended.

SEC. 17. *Prohibited acts.* — The following shall be guilty of an offense punishable by imprisonment of not less than one month nor more than six months:

- a. Any foreigner who shall aid, directly or indirectly, or take part in or influence in any manner the outcome of any referendum or shall contribute or make any expenditure in connection therewith;
- b. Any voter or any other person who gives or accepts free of charge, directly or indirectly, transportation, food, or drinks during a public meeting and during