

[REPUBLIC ACT NO. 6646, January 05, 1988]

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

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

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

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

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

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

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

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

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

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

SEC. 5. Procedure in Cases of Nuisance Candidates.—

- a. A verified petition to declare a duly registered candidate as a nuisance candidate under Section 69 of Batas Pambansa Blg. 881 shall be filed personally or through duly authorized representative with the Commission by any registered candidate for the same office within five (5) days from the last day for the filing of certificates of candidacy. Filing by mail shall not be allowed.
- b. Within three (3) days from the filing of the petition, the Commission shall issue summons to the respondent candidate together with a copy of the petition and its enclosures, if any.
- c. The respondent shall be given three (3) days from receipt of the summons within which to file his verified answer (not a motion to dismiss) to the petition, serving copy thereof upon the petitioner. Grounds for a motion to dismiss may be raised as affirmative defenses.
- d. The Commission may designate any of its officials who are lawyers to hear the case and receive evidence. The proceeding shall be summary in nature. In lieu of oral testimonies, the parties may be required to submit position papers together with affidavits or counter-affidavits and other documentary evidence. The hearing officer shall immediately submit to the Commission his findings, reports, and recommendations within five (5) days from the completion of such submission of evidence. The Commission shall render its decision within five (5) days from receipt thereof.
- e. The decision, order, or ruling of the Commission shall, after five (5) days from receipt of a copy thereof by the parties, be final and executory unless stayed by the Supreme Court.
- f. The Commission shall within twenty-four hours, through the fastest available means, disseminate its decision or the decision of the Supreme Court to the city or municipal election registrars, boards of election inspectors and the general public in the
- g. political subdivision concerned.

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

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

*SEC. 8. Representatives of Parties During Printing of Returns and Ballots. —*The registered political parties or coalitions of parties, or their components should there

be any dissolution or division of said coalition, whose candidates obtained at least ten percent (10%) of the total votes cast in the next preceding senatorial election shall each have a watcher and/or representative in the procurement and watermarking of papers to be used in the printing of election returns and official ballots and in the printing, numbering, storage, and distribution thereof.

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

SEC. 10. *Common Poster Areas*. —The Commission 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 Commission and/or non-partisan private or civic organizations which the Commission may authorize whenever available, after due notice and hearing, in strategic places where it may be readily seen or read, with 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. 11. *Prohibited Forms of Election Propaganda*. —In addition to the forms of election propaganda prohibited under Section 85 of Batas Pambansa Blg. 881, it shall be unlawful: (a) to draw, paint, inscribe, write, post, display or publicly exhibit any election propaganda in any place, whether private or public, except in the common poster areas and/or billboards provided in the immediately preceding section, at the candidate's own residence, or at the campaign headquarters of the candidate or political party: *Provided*, That such posters or election propaganda shall in no case exceed two (2) feet by three (3) feet in area: *Provided, further*, That at the site of and on the occasion of a public meeting or rally, streamers, not more than two (2) and not exceeding three (3) feet by eight (8) feet each may be displayed five (5) days before the date of the meeting or rally, and shall be removed within twenty-four (24) hours after said meeting or rally; and

(b) for any newspaper, radio broadcasting or television station, or other mass media, or any person making use of the mass media to sell or to give free of charge print space or air time for campaign or other political purposes except to the Commission as provided under Sections 90 and 92 of Batas Pambansa Blg. 881. Any mass media columnist, commentator, announcer or personality who is a candidate for any elective public office shall take a leave of absence from his work as such during the campaign period.

SEC. 12. *Official Watchers*.—Every registered political party, coalition of political parties, and every candidate shall each be entitled to one watcher in every polling

place: *Provided*, That candidates for members of the *Sangguniang Panlalawigan*, *Sangguniang Panlungsod* or *Sangguniang Bayan* or for city or municipal councilors belonging to the same slate or ticket shall collectively be entitled only to one watcher.

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

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

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

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

SEC. 13. *Board of Election Inspectors*. —The board of election inspectors to be constituted by the Commission under Section 164 of Batas Pambansa Blg. 881 shall be composed of a chairman and two (2) members, one of whom shall be designated as poll clerk, all of whom shall be public school teachers, giving preference to those with permanent appointments. In case there are not enough public school teachers, teachers in private schools, employees in the civil service, or other citizens of known probity and competence who are registered voters of the city or municipality may be appointed for election duty.

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

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

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

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

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

SEC. 17. *Certificate of Votes as Evidence.* — The provisions of Sections 235 and 236 of Batas Pambansa Blg. 881 notwithstanding, the certificate of votes shall be admissible in evidence to prove tampering, alteration, falsification or any anomaly committed in the election returns concerned, when duly authenticated by testimonial or documentary evidence presented to the board of canvassers by at least two members of the board of election inspectors who issued the certificate: *Provided,* That failure to present any certificate of votes shall not be a bar to the presentation of other evidence to impugn the authenticity of the election returns.

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

SEC. 19. *Number of Copies of Election Returns and their Distribution.* — The election returns required under Section 212 of Batas Pambansa Blg. 881 shall be prepared in sextuplicate. The first copy shall be delivered to the city or municipal board of canvassers as a body for its use in the city or municipal canvass. The second copy shall be delivered to the election registrar of the city or municipality for transmittal to the provincial board of canvassers for its use in the provincial canvass. The third copy shall likewise be delivered to the election registrar for transmittal to the Commission. The fourth copy, to be known as advance election returns, shall be delivered to the city or municipal treasurer who, in the presence of the election registrar or his authorized representative, shall immediately and publicly open the same and post the votes therein in an election board, sufficiently large to enable the public to read them, built on a public place preferably within the immediate vicinity of the city hall or municipal building. The fifth copy shall be deposited in the compartment of the ballot box for valid ballots. The sixth copy shall be delivered to the city or municipal trial judge or municipal circuit trial judge, as the case may be, or in his absence to any official who may be designated by the Commission for