

[BATAS PAMBANSA BLG. 222, March 25, 1982]

AN ACT PROVIDING FOR THE ELECTION OF BARANGAY OFFICIALS, AND FOR OTHER PURPOSES.

Be it enacted by the Batasang Pambansa in session assembled:

I. General Provisions

SECTION 1. *Title and applicability.* —This Ad shall be known and cited as the Barangay Election Act of 1982 and shall be applicable to the election of barangay officials.

As used in this Act, the term "barangay" shall include all existing barangays, and those which have been organized pursuant to existing laws and operating with their own set of officers.

SEC. 2. *Declaration of policy.* —It shall be the policy of the State to guarantee and promote the autonomy of the barangays to ensure their fullest development as self-reliant communities. To this end, the State shall seek to ensure the freedom of the residents to choose their officials in a free, orderly and honest election.

SEC. 3. *Term of office.* —The term of office of the barangay officials elected under this Act shall be six years, which shall commence on June 7, 1982 and shall continue until their successors shall have been elected and shall have qualified.

SEC. 4. *Conduct of elections.*—The barangay election shall be non-partisan and shall be conducted in an expeditious and inexpensive manner.

No person who files a certificate of candidacy shall represent or allow himself to be represented as a candidate of any political party or any other organization; and no political party, political group, political committee, civic, religious, professional or other organization or organized group of whatever nature shall intervene in his nomination or in the filing of his certificate of candidacy or give aid or support directly or indirectly, material or otherwise, favorable to or against his campaign for election: *Provided*, That this provision shall not apply to the members of the family of a candidate within the fourth civil degree of consanguinity or affinity nor to the personal campaign staff of the candidate which shall not be more than one for every one hundred registered voters in his barangay: *Provided, further*, That without prejudice to any liability that may be incurred, no permit to hold a public meeting shall be denied on the ground that the provisions of this paragraph may or will be violated.

Nothing in this section, however, shall be construed as in any manner affecting or constituting an impairment of the freedom of individuals to support or oppose any candidate for any barangay office.

SEC. 5. *Supervision by the Commission on Elections.*— Subject to the declaration of policy under Section 2, the Commission on Elections shall have supervision over the election of barangay officials and is hereby empowered to promulgate rules and regulations necessary to implement this Act.

II. Election of Barangay Officials

SEC. 6. *Election of barangay officials.*—The election of a *Punong Barangay* (Barangay Captain) and six *Kagawad ng Sangguniang Barangay* (Barangay Councilmen) who shall constitute the Presiding Officer and Members of the *Sangguniang Barangay* (Barangay Council), respectively, shall be held on May 17, 1982, in the manner herein provided.

SEC. 7. *Qualifications of barangay officials.*—No person shall be eligible to be a barangay official unless he is a citizen of the Philippines, a registered voter and actual resident of the barangay for at least six months immediately preceding the election, able to read and write and, on the date of the election, is at least twenty-one years of age, and who is not otherwise disqualified by law.

SEC. 8. *Disqualifications.*—Any person who is insane or feebleminded or has been sentenced by final judgment for subversion, insurrection, rebellion or for any offense for which he has been sentenced to a penalty of more than eighteen months or for any crime involving moral turpitude, shall be disqualified to be a candidate and to hold any office in the barangay, unless he has been pardoned.

SEC. 9. *Certificate of candidacy.*—No person shall be elected *Punong Barangay* or *Kagawad ng Sangguniang Barangay* unless he files a sworn certificate of candidacy in triplicate not later than May 1, 1982, in a form to be prescribed by the Commission on Elections. The candidate shall state the barangay office for which he is a candidate.

The certificate of candidacy shall be filed with the Secretary of the *Sangguniang Barangay* (Barangay Council) who shall have the ministerial duty to receive said certificate of candidacy and to acknowledge immediately receipt thereof.

In case the Secretary refuses to receive the same, or in case of his absence or non-availability, a candidate may file his certificate of candidacy with the Election Registrar of the city or municipality concerned.

The Secretary of the *Sangguniang Barangay* (Barangay Council) or the Election Registrar, as the case maybe, shall prepare a consolidated list of all the candidates and shall post paid list in the barangay hall and other conspicuous places in the barangay at least ten days before the election.

Any elective or appointive municipal, city or provincial official or employee, or those in the civil service or military, including those in government-owned or controlled corporations, shall be considered automatically resigned upon the filing of certificate of candidacy.

SEC. 10. *Campaign period.*—The campaign period shall start on May 1, 1982 and end on May 15, 1982 . No election campaign shall be allowed on the day of the election and on the day before the election.

SEC. 11. *Board of Election Tellers.*— (1) The Commission on Elections shall constitute not later than ten days before the election a Board of Election Tellers in every barangay voting center, to be composed of a public elementary school teacher as Chairman, and two Members who are registered voters of the voting centers concerned, but who are not incumbent barangay officials.

In case no public elementary school teachers are available, the Commission on Elections shall designate any registered voter in the voting center who is not an incumbent barangay official.

(2) The Board of Election Tellers shall secure from the Election Registrar of the municipality/city the list of registered voters prepared for the June 16, 1981 presidential election corresponding to the voting centers located in the barangay concerned, which shall be used in preparing the list of voters for the barangay election. The list of voters shall include those who have registered thereafter.

The final list of voters shall be posted in the voting centers at least two days before election day. No voter shall be transferred without written notice given to him at least two days before the date of election.

(3) The Board of Election Tellers shall supervise and conduct the election in their respective voting centers, count the votes and thereafter prepare a report in triplicate on a form prescribed by the Commission on Elections. The original of this report shall be delivered immediately to the Barangay Board of Canvassers. The second copy shall be delivered to the Election Registrar and the third copy shall be delivered to the Secretary of the *Sangguniang Barangay* (Barangay Council), who shall keep the same on file.

SEC. 12. *Barangay voters*.—(1) Voters duly registered as such for the June 16, 1981 presidential election and those who have registered thereafter shall be eligible to vote in the barangay election.

(2) In case of need, the Commission on Elections may order a registration of voters in the voting centers for not more than two days.

SEC. 13. *Voting centers*.— (1) The Chairman of the Board of Election Tellers shall designate the public school or any other public building within the barangay to be used as voting center if there is only one voting center in the entire barangay.

(2) In barangays where there are two or more voting centers, the Chairman of the Board of Canvassers shall designate the public school or any other public building to be used as voting center to ensure easy access by the voters to such voting centers.

In case there is no public school or other public building that can be used as voting centers, other appropriate private buildings may be designated, provided that such buildings do not belong to or possessed by any candidate, or his relative within the fourth civil degree of consanguinity or affinity.

SEC. 14. *Official barangay ballots*.—The official barangay ballots shall be provided by the city or municipality con-Miied of a size and color to be prescribed by the Commission on Elections.

Such official ballot shall, before it is handed to the voter at the voting center, be authenticated in the presence of the voter, the other Tellers, and the watchers present by the Chairman of the Board of Election Tellers who shall affix his signature at the back thereof.

SEC. 15. *Ballot boxes*.—The Commission on Elections shall provide the ballot boxes for each barangay voting center.