

[Commonwealth Act No. 357, August 22, 1938]

ELECTION CODE

Be it enacted by the National Assembly of the Philippines:

ARTICLE I - General Provisions

SECTION 1. Election governed by this Code. — All elections of public officers by the people and all votings in connection with plebiscites shall be conducted in conformity with the provisions of this Code.

SEC. 2. Supervision of elections. — The Secretary of the Interior 1 shall have immediate supervision over provincial, municipal and city authorities in the performance of their ministerial duties relative to elections, may suspend and, with the previous approval of the President of the Philippines, remove recalcitrant officers and appoint temporary substitutes, request the aid of the Solicitor-General, of the fiscals, and of peace officers, and designate as his deputy any of them to secure an orderly, free and honest election.

SEC. 3. Regular elections for national offices. — (a) On the second Tuesday in November, nineteen hundred and forty-one, and upon the same day every six years thereafter, the President and the Vice-President of the Philippines shall be elected. The canvass by the National Assembly shall begin on the second Tuesday in the following December, for which purpose said body shall meet in a special session. The President and the Vice-President elect shall assume office at twelve o'clock noon on the thirtieth of said month.

(b) On the second Tuesday in November, nineteen hundred and thirty-eight and upon the same day every three years thereafter, a regular election shall be held to elect the Members of the National Assembly. The term of office of those elected shall commence on the fifteenth day of the same month and terminate three years thereafter.

SEC. 4. Regular elections for provincial and municipal offices. — On the second Tuesday in December, nineteen hundred and forty, and upon the same day every three years thereafter, a regular election shall be held to elect the officers who are to occupy all elective provincial, municipal and city offices throughout the Philippines. The officers elected shall assume office on the first day of January next following.

SEC. 5. Postponement of election. — When for any serious cause the holding of an election should become impossible in any political division or subdivision, the President shall postpone the election therein for such time as he may deem necessary.

SEC. 6. Designation of other dates for certain pre-election acts. — If, on account of insurmountable difficulties, the division into election precincts, the designation of polling places, the appointment of election inspectors and pool clerks, or the registration of voters should not be effected in any place on the dates herein fixed, the Secretary of the Interior 1 may, with the approval of the President, fix another

date so that the omission may be remedied and such place may not be deprived of the right of suffrage.

SEC. 7. Filling of elective offices in a new political division. — When a new political division is created the inhabitants of which are entitled to participate in the elections, the elective officers thereof shall, unless otherwise provided, be chosen at the next regular election. In the interim such offices shall, in the discretion of the President, be filled by appointment by him or by a special election which he may order. In the absence of a municipal council, the provincial board shall perform the duties of the former with respect to the first election in the new political division.

SEC. 8. Application of Code in cities. —The terms "province" or "municipality," "municipal council," "provincial government," "municipal treasurer," "municipal secretary" and "provincial officers" or "municipal officers," as used in this Code, shall be understood in chartered cities, to refer respectively to the city, the municipal board, the city government, the city treasurer, the city secretary, and the city officers, and, unless the context shows a different meaning, the duties of the provincial board, the provincial governor, and the provincial treasurer relative to elections shall be performed in said cities by their municipal board, mayor, and treasurer, respectively.

SEC. 9. Participation of municipal districts in the elections. — The voters in the municipal districts shall be entitled to vote at the election of elective national and provincial officers. The municipal district councils shall perform the duties of municipal councils in connection with the holding of elections.

SEC. 10. Elections in outlying unorganized communities. — Outlying barrios or districts not forming part of a municipality or municipal district shall, for election purposes only, so that their qualified voters may exercise the right of suffrage, be considered a part of the municipality or municipal district to which they are contiguous or to which they are most conveniently accessible, as may be determined by the provincial board.

SEC. 11. Voters confined in leprosaria. — Patients confined in leprosaria shall exercise the right of suffrage in the municipality where they lawfully resided immediately before they were taken to said leprosaria, and, for that purpose, every elector not yet registered in the existing permanent list shall accomplish the voter's affidavit, in quadruplicate, before the justice of the peace of the municipality where the leprosarium is located, on the days set by law for registration, and for this purpose said justice of the peace shall be at the leprosarium at seven o'clock in the morning and remain therein until the last elector desiring to register has accomplished the voter's affidavit. The justice of the peace shall prepare a list of these affidavits and send a certified copy of the portion thereof corresponding to each municipality to the board of election inspectors of the only election precinct or precinct No. 1 of the aforesaid municipality, to the register of deeds of the province comprising the same, and to the Department of the Interior, 1 together with copies of the affidavits of the voters concerned, and said officers shall enter in the list of voters of the respective precinct the names of said voters and such entry shall have the same force and effect as if the said voters had personally appeared before the board of inspectors of the said precinct. All questions regarding the inclusion and exclusion of these voters shall be decided within the time limits by law by the justice of the peace of the municipality where the leprosarium is located.

SEC. 12. Voting in the leprosaria. — On the day of the voting, said voters shall vote in the leprosarium before the justice of the peace, for which purpose said officer shall be at the leprosarium at seven o'clock in the morning of that day to receive the votes of the voters of the same, and at two o'clock in the afternoon or as soon as the voters who desire to vote have finished voting, shall make a canvass and prepare a statement of the result thereof, transmitting such result by telegraph, at six o'clock in the evening of the day of the voting, or as soon after the canvass as possible, to the municipal treasurer of the corresponding municipality, to the provincial treasurer and to the Secretary of the Interior, ¹ so that it may be included in the final computation of the votes, and at the same time he shall send to said officers certified copies of the statement by rush and registered mail.

The municipal treasurer shall immediately transmit a certified copy of the telegram to the only election precinct or precinct No. 1 of the municipality, and the board of inspectors shall include in its canvass the votes set forth in the telegram, provided the same is received by the board before the result of the canvass is proclaimed.

In the leprosaria where there are more than two hundred and fifty voters, the justice of the peace shall form as many polling places as may be necessary so that in each of them not more than two hundred and fifty voters may cast their votes, and shall designate which they are named in the Administrative Code, shall perform the duties herein entrusted to the justice of the peace.

Section 13. Right of suffrage incident to territorial changes. — When a territory is merged with a city, municipality, municipal district or with another province, its inhabitants acquire the right to participate in the election of public officers to the same extent as the inhabitants of the city, municipality, municipal district or province with which it has been merged.

SEC. 14. Vacancies in the offices of President and Vice-President. — When neither the President-elect nor the Vice-President-elect shall have qualified, as provided in section seven, Article VII of the Constitution, or in case of removal, death, resignation or inability, both of the President and Vice-President, as provided in section nine, Article VII of the Constitution, the National Assembly shall immediately convene and elect, by a majority vote of all its Members, the person or officer who shall act as President until the President-elect or the Vice-President-elect shall have qualified, or their disability has been removed, or a President has been elected. The call for the National Assembly to convene as herein provided may be made by the Speaker, or the Secretary of the Assembly, or by five Assemblymen. Pending the election of an Acting President by the National Assembly, one of the Department Heads in the order in which they are named in the Administrative Code, shall perform the duties of Acting President.

In case of permanent vacancy in the offices of President and Vice-President, the National Assembly shall determine by resolution whether or not a special election shall be held to elect a President and a Vice-President, or only a President. In the affirmative case, the date on which the special election is to be held shall be fixed in the resolution and said date shall be stated in the proclamation to be issued in accordance with section seventeen of this Code, which shall be signed by the Acting President. The officers elected shall qualify at twelve o'clock in the morning of the day next following the date of their proclamation by the National Assembly and shall

hold office until their successors, elected at the next regular election, shall qualify.

SEC. 15. Vacancy in the National Assembly. — Whenever a vacancy in the National Assembly occurs ten months before the next regular election of Assemblymen, the President, as soon as he is notified by the National Assembly of the existence of such vacancy, shall call a special election in the district. In case the vacancy is caused by the death of a member against whom there is pending no protest, while the National Assembly is not in session, the certification of the Speaker regarding the vacancy shall be sufficient basis for the resident of the Philippines to call such special election.

SEC. 16. Vacancy in elective provincial or municipal office. — (a) Whenever a temporary vacancy in any elective local office occurs, the same shall be filled by appointment by the President if it is a provincial office, and by the provincial governor, with the consent of the provincial board, if it is a municipal office.

(b) Whenever in any elective local office a vacancy occurs as a result of the death, resignation, removal or cessation of the incumbent, the President shall appoint thereto a suitable person belonging to the political party of the officer whom he is to replace, save in the case of a mayor, which shall be filled by the vice-mayor.

(c) Whenever the election for a local office fails to take place on the date fixed by law, or such election results in a failure to elect, the President shall issue as soon as practicable, a proclamation calling a special election to fill said office.

(d) When a local officer-elect dies before assumption of office, or, having been elected provincial or municipal officer, his election is not confirmed by the President for disloyalty; or such officer-elect fails to qualify, for any reason, the President may in his discretion either call a special election or fill the office by appointment.

(e) In case a special election has been called and held and shall have resulted in a failure to elect, the President shall fill the office by appointment.

(f) The person appointed or elected to fill a vacancy in an elective provincial or municipal office shall hold the same for the unexpired term of the office.

SEC. 17. Call of special elections. — Special elections shall be called by the President by proclamation for a date which shall not be earlier than thirty days nor later than ninety days from the date of the proclamation, which shall specify the offices to be voted for, and whether it is for the purpose of filling a vacancy. The Secretary of the Interior ¹ shall send copies of the proclamation, in number sufficient for due distribution and publication, to the provincial treasurer of each province concerned, who in turn shall transmit the necessary copies to the municipal secretaries of the corresponding political division, and the secretaries, in turn, shall publish it in their respective localities, by posting at least three copies thereof in as many conspicuous places in each of their election precincts, and a copy in each of the polling places and public markets, and in the municipal building.

SEC. 18. Posting and translation of Election Code. — A printed copy of the Election Code in English or Spanish and in the national language, and, whenever possible, in the local dialects shall be posted in a conspicuous way in every polling place on all registration and election days, so that it may be readily consulted by any person

offering to register or to vote.

The translation of this Code into the national language and into the local dialects shall be made by the Institute of National Language.

SEC. 19. Expenses of election. — (a) The expenses of an election shall be advanced by the municipal treasurer concerned and shall be charged against the branch of the government for which the election was held, and, if for more than one branch, against the corresponding branches of the government, in equal parts.

(b) The expenses incident to the holding of the first election in a new municipality shall be advanced, as may be necessary, by the province, and such municipality shall reimburse the same upon presentation of the proper bill.

SEC. 20. Official mail and telegrams regarding elections. — Papers connected with the elections required by this Code to be sent by some public officers to others in the performance of their duties shall be free of postage and sent as registered and rush mail. Telegrams of the same nature shall also be sent free of charge.

ARTICLE II Candidacies and Eligibility of Candidates

SEC. 21. Limitation upon reelection. — A third consecutive reelection to the offices of provincial governor and mayor is hereby prohibited and shall be null and void.

SEC. 22. Automatic cessation of appointive officers and employees who are candidates. — Every person holding a public appointive office or position shall ipso facto cease in his office or position on the date he files his certificate of candidacy.

SEC. 23. Disqualification to act on provincial boards and municipal councils. — Any member of a provincial board or of a municipal council who is a candidate for office in any election, shall be incompetent to act on said body in the performance of the duties thereof relative to said election, and if, for such reason, the number of members should be unduly depleted, the President shall appoint any disinterested voter of the province, municipality or city concerned belonging to the political party of the incompetent member to act in his place on such matters.

SEC. 24. Disqualification on account of excessive election expenditures. — Any candidate who, in an action or protest in which he is a party, is declared by final decision of a competent court guilty of having spent in his election campaign more than the total emoluments attached to the office for one year, shall be disqualified from continuing as candidate, or if he has been elected, from holding the office.

SEC. 25. Ineligibility of officer found disloyal to the Government. — When a special election is called for the purpose of filling a vacancy on account of the non-confirmation by the President of the election of a provincial or municipal officer as a result of a protest on the ground of his disloyalty to the constituted government, said officer shall be ineligible in such election, and his certificate of candidacy shall not be received nor shall the votes cast in his favor be counted.

SEC. 26. Certificate of candidacy for only one office. — No person shall be eligible unless, within the time fixed by law, he files a duly sworn certificate of candidacy,