

# [ PRESIDENTIAL DECREE NO. 73, December 01, 1972 ]

## **SUBMITTING TO THE FILIPINO PEOPLE, FOR RATIFICATION OR REJECTION, THE CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES PROPOSED BY THE 1971 CONSTITUTIONAL CONVENTION AND APPROPRIATING FUNDS THEREFOR.**

**WHEREAS**, a new Constitution of the Philippines has been approved by the 1971 Constitutional Convention;

**WHEREAS**, pursuant to Article XV of the present Constitution, the proposed new Constitution shall be valid when approved by a majority of the votes cast at an election at which it is submitted to the people for their ratification;

**WHEREAS**, the 1971 Constitutional Convention has adopted Resolution No. 5843 proposing "to President Ferdinand E. Marcos that a decree be issued calling a plebiscite for the ratification of the proposed New Constitution on such appropriate date as he shall determine and providing for the necessary funds therefor";

**NOW THEREFORE, I, FERDINAND E. MARCOS**, Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, do hereby order and decree the following;

**SECTION 1. Plebiscite.** — The proposed Constitution of the Philippines approved by the 1971 Constitutional Convention shall be submitted to the people for ratification or rejection at a plebiscite to be held on January 15, 1973, in accordance with the provisions of this Decree.

**SEC. 2. Publication of the Constitution.** — The proposed Constitution shall be published in full in English and in Pilipino, to be translated by the Institute of National Language, once in the Official Gazette and in three issues of at least two newspapers of national circulation not later than two weeks before the plebiscite.

Printed copies of the Constitution shall be posted in a conspicuous place in each provincial city, municipal, and municipal district government building and in at least two other conspicuous places in the city, municipality, or municipal district at least thirty days before the plebiscite and in a conspicuous place in each polling place at least fifteen days before the plebiscite. Said copies shall remain posted until after the holding of the plebiscite.

At least five copies of the Constitution shall be kept in each polling place to be made available for examination by qualified voters during plebiscite day. Whenever practicable, copies in the principal local dialects, as may be determined by the Commission on Elections, shall also be kept in each polling place.

The Department of Public Information shall, in addition, distribute printed copies of the proposed Constitution to all government offices, agencies and instrumentalities, including national, provincial, city, municipal, municipal district and barrio governments, and to civic, religious, educational, business, labor and trade organizations or institutions, and through the use of all forms of mass communication, endeavor to disseminate full information on the provisions of the proposed Constitution.

**SEC. 3. *Freedom of Information and Discussion.*** — The people shall be fully informed and enlightened on the provisions of the proposed Constitution and may discuss the same freely and publicly in order that they can vote intelligently to ratify or reject it: *Provided, however,* That the discussion shall be limited to the proposed Constitution and shall not in any manner tend to cause disorder or endanger the security of the State.

**SEC. 4. *Provisions Governing Plebiscite.*** — The provisions of the Election Code of 1971, insofar as they are not inconsistent herewith, shall apply to the conduct of the plebiscite.

The provisions of the Election Code of 1971 regarding rights and obligations of political parties and candidates, shall not apply to the plebiscite.

**SEC. 5. *Plebiscite Calendar.*** — The periods and dates to be observed for the performance of certain pre-plebiscite acts shall be as indicated in the Plebiscite Calendar appended hereto: *Provided, however,* That if on account of insurmountable difficulties, any of said periods or dates cannot reasonably be possible to observe, the Commission on Elections may fix another period or date in order that the voters shall not be deprived of their right of suffrage. The Commission shall also fix the period or date for the performance of other pre-plebiscite acts not included in the calendar.

**SEC. 6. *Registration of Voters.*** — Any qualified voter who is not registered in the permanent list of voters shall in order that he may vote at the plebiscite, register with the city, municipality or municipal district wherein he is a resident on any day, including Saturdays, Sundays and holidays, from 8:00 o'clock to 12:00 o'clock in the morning and from 1:00 o'clock to 5:00 o'clock in the afternoon, not later than the date indicated in the calendar. There shall be no registration of voters before the board of inspectors.

All election registration boards as presently constituted shall continue to act as such in connection with the registration of voters for the plebiscite. In cases where action by the election registration board on the application for registration of voters is unduly delayed because of the failure or refusal, after due notice, of any member thereof other than the election registrar to act as such, or in case of any vacancy in said board, the election registrar may designate any other teacher or registered voter of the city, municipality or municipal district, subject to the provisions of Section 106 of the Election Code of 1971 to act in place of the absent member or to fill the vacancy.

The decision of the courts of first instance, city courts and municipal courts of the provincial capitals, in inclusion and exclusion cases, shall be final and immediately executory.

**SEC. 7. *Current List of Voters: Preparation and Publication.*** — The board of inspectors *provided* in the next succeeding section shall on the second Saturday before plebiscite day, meet at their respective polling places from seven o'clock in the morning until six o'clock in the afternoon to prepare and certify three copies of the current list of voters, by transferring thereto the names of the voters appearing in the existing precinct books of the voters. Before seven o'clock in the morning of this day, the election registrar shall deliver the precinct books of voters to the chairman of the board of inspectors who shall retain custody thereof until they are returned to the election registrar after the plebiscite. After preparing the current list

and before it adjourns, the board shall close and seal the precinct books of voters and make a certificate that the approved applications contained therein, stating the exact number, are complete for the precinct. The chairman of the board shall see to it that the precinct books of voters shall remain closed and sealed until it is opened for use on plebiscite day.

For purposes of public information, the poll clerk shall before leaving the polling place, post a copy of the current list in a secure and conspicuous place at or near the door of the polling place where it can be conveniently consulted by interested parties; and shall, at the first hour of the working day following the preparation of the current list, deliver a certified copy thereof to the election registrar in whose office said copy shall be open to the public for inspection during regular office hours. The chairman of the board shall retain his copy of the current list so prepared which may be inspected by the public in his residence or office during regular office hours.

**SEC. 8. Board of Inspectors.** — Not later than twenty days before plebiscite day, the Commission on Elections shall appoint a board of inspectors for each election precinct to be composed of a chairman and two members, one of whom shall be designated concurrently as poll clerk, and all of whom shall be public school teachers, preference being given to civil service eligibles who have been in the service for more than five years and are registered voters of the city, municipality or municipal district. In case of non-availability of public school teachers, the Commission may appoint private school teachers, or any officer or employee in the civil service who is a registered voter of the city, municipality or municipal district to fill the vacancies, or, in the absence of all the said substitutes, any registered voter of the precinct. Public school teachers who are appointed members of the board of inspectors, and their substitutes may vote in their respective precincts where they are assigned on plebiscite day: *Provided*, That they are qualified voters of the city, municipality or municipal district where they are assigned and that before the precinct books of voters are closed and sealed, their approved applications for registration shall have been transferred to the precincts where they are assigned as board members, under such rules that the Commission may provide.

In places where, by reason of deteriorating peace and order conditions, public school teachers and their substitutes are unable or unwilling to discharge their duties, the Commission may appoint ROTC cadets, who are at least 21 years of age, as members of the boards of inspectors to insure a free, orderly and honest plebiscite therein.

The members of the board of inspectors shall receive the same rates of pay for services rendered in connection with the plebiscite as those *provided* in the Election Code of 1971.

**SEC. 9. Watchers.** — The Commission on Elections may designate in each polling place, on recommendation of civic groups, not more than six watchers, who are of good reputation and who shall not have been convicted of any offense nor have pending against them any complaint or information for any election offense. They shall have the same rights and duties as those *provided* in the Election Code for watchers.

**SEC. 10. Precincts and Polling Places.** — The election precincts actually established in the last election shall continue with such adjustments, changes or new divisions as the Commission on Elections may find necessary. For purposes of the plebiscite,