

[Act No. 1709, August 31, 1907]

AN ACT AMENDING ACT NUMBERED FIFTEEN HUNDRED EIGHTY-TWO, KNOWN AS "THE ELECTION LAW."

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. The second paragraph of section four of Act Numbered Fifteen hundred and eighty-two is hereby amended to read as follows:

"Whenever a vacancy shall occur in an elective municipal office the same shall be filled by appointment by the provincial board and the officer so appointed shall serve for the full unexpired term and until his successor has been elected and has qualified, unless such appointment shall be vacated or annulled by order of the Governor-General."

SEC. 2. The ninth paragraph of section seven of said Act Numbered Fifteen hundred and eighty-two, as substituted by section three of "Act Numbered Sixteen hundred and sixty-nine, is hereby amended to read as follow

"Capiz: First District — composed of the municipalities of Capiz, Dao, Dumarao, Uisan, Panay, Panitan, Pilar, Pontevedra, and sigma. Second District — Composed oft he municipalities of Calibo, Dumalag, Jamindan, Libacao, Mambusao, New Washington, SApian, and Tapas. Third District — Composed of the municipalities of Badajoz, Burunga, Cajidiocan, Ibajay, Looc, Malinao, Nabas, Odiongan, Romblon, San Fernando, and Taft."

SEC. 3. Section twelve of Act Numbered Fifteen hundred and eighty-two is hereby amended by adding, between the second and third paragraphs thereof, two new paragraphs to read as follows:

"No person shall be eligible to election as a delegate to the Philippine Assembly, provincial governor, or third member of a provincial board unless, not less than ten days before the day set for the election, he shall have filed with the proper provincial board a written certificate, over this signature, that the thereby announces, or permits to be announced, his candidacy for the position to be mentioned in said certificate. Said certificate shall contain a statement that the person offering his candidacy is a resident of the Assembly district or of the province, as the case may be, in which his candidacy is offered, that he is a duly qualified elector of said Assembly district or province, as the case may he. and that he is eligible to hold the candidate office for which he is a candidate: *Provided, however,* That in case of the death or disqualification of any candidate who has duly announced his candidacy, occurring within the ten days next preceding the day of election, as hereinbefore mentioned, it shall be lawful for any other duly qualified person to file, on or before noon. of the day set for the election, a certificate of his candidacy for the position for which the deceased or disqualified person was a candidate.

"Upon receipt of any certificate as to candidacy it shall be the duty of the

provincial board to spread a copy of the same upon the minutes of the next succeeding meeting of said board, and to mail promptly a copy thereof to the Executive Secretary. The original of the certificate shall be filed with the official records of the province."

SEC. 4. The sixth paragraph of section seventeen of said Act Numbered Fifteen hundred and eighty-two is hereby amended to read as follows:

"Any person who applies for registration, or who is registered, may, at any of the first four meetings of the board, be challenged by any inspector or any qualified elector of the precinct; the board shall thereupon examine him and take such other evidence as shall to it seem necessary with respect to his qualifications and disqualifications and shall at the conclusion of such examination order his name to be placed upon the list, or stricken therefrom, as the facts warrant. The board of inspectors shall have the same powers to subpoena witnesses and compel their attendance and testimony as are now possessed by justices of the peace under the Code of Civil Procedure, but the fees of such witnesses and for service of process shall be paid in advance by the party in whose behalf they are subpoenaed. All such questions shall be heard and decided without delay. On the determination of the question the board shall, if requested, issue to either party a brief certificate and statement of its action in the matter and of the evidence upon which such action is based. Either party thereto, or any person who has been refused registration, may thereupon apply to the provincial board of the province, or to the judge of the Court of First Instance of the judicial district, or to any judge assigned to duty therein, for an order directing said board of inspectors to take the action deemed proper, and said board or judge is hereby given jurisdiction in the premises. Such application shall be made by filing with said provincial board, or with said judge, as the case may be, a copy of the certificate and statement aforesaid, together with proof of service of a notice of such application upon a member of the board of inspectors, which notice shall state the time and place and tribunal to which such application will be made: *Provided, however,* That after the fourth day of registration and not later than ten days before the Saturday next before election any qualified elector in the precinct, upon giving the notice herein prescribed and upon serving copies thereof upon the persons affected, if they can be found, may apply to such judge or provincial board for an order striking from the list the names of any person or persons claimed to be erroneously or wrongfully registered. The decision of the judge, if any there be, shall be controlling in any such matter, notwithstanding any decision of the provincial board to the contrary. Such application may be accompanied by affidavits in support thereof; but copies of all such affidavits shall be served upon the board of inspectors or party in interest with the notice of application and may be rebutted by affidavits to be filed by the board of inspectors or the opposing party. Upon such applications the board of inspectors may be represented by the provincial fiscal, or it may delegate one of its members to appear upon the hearing, and in that case the necessary traveling expenses of such member, not to exceed the amount allowed the provincial officials in that province, shall be paid by the municipality. During the absence of such inspector the poll clerk shall