

[BATAS PAMBANSA BLG. 881, December 03, 1985]

OMNIBUS ELECTION CODE OF THE PHILIPPINES

Be it enacted by the Batas Pambansa in session assembled:

ARTICLE I - GENERAL PROVISIONS

SECTION 1. *Title.* – This Act shall be known and cited as the “Omnibus Election Code of the Philippines.” (*New*)

SECTION 2. *Applicability.* – This Code shall govern all elections of public officers and, to the extent appropriate, all referenda and plebiscites. (*Sec. 2 1978 EC*)

SECTION 3. *Election and campaign periods.* – Unless otherwise fixed in special cases by the Commission on Elections, which hereinafter shall be referred to as the Commission, the election period shall commence ninety days before the day of the election and shall end thirty days thereafter. (*Sec. 6, Art. XII-C, Const.*)

The period of campaign shall be as follows:

1. Presidential and Vice-Presidential Election – 90 days;
2. Election of Members of the Batasang Pambansa and Local Election – 45 days; and
3. Barangay Election – 15 days.

The campaign periods shall not include the day before and the day of the election.

However, in case of special elections under Article VIII, Section 5, Subsection (2) of the Constitution, the campaign period shall be forty-five days.

SECTION 4. *Obligation to register and vote.* – It shall be the obligation of every citizen qualified to vote to register and cast his vote. (*Sec. 5, 1978 EC*)

SECTION 5. *Postponement of election.* – When for any serious cause such as violence, terrorism, loss or destruction of election paraphernalia or records, *force majeure*, and other analogous causes of such a nature that the holding of a free, orderly and honest election should become impossible in any political subdivision, the Commission, *motu proprio* or upon a verified petition by any interested party, and after due notice and hearing, whereby all interested parties are afforded equal opportunity to be heard, shall postpone the election therein to a date which should be reasonably close to the date of the election not held, suspended or which resulted in a failure to elect but not later than thirty days after the cessation of the cause for such postponement or suspension of the election or failure to elect. (*Sec. 6, 1978 EC*)

SECTION 6. *Failure of election.* – If, on account of *force majeure*, violence, terrorism, fraud, or other analogous causes the election in any polling place has not

been held on the date fixed, or had been suspended before the hour fixed by law for the closing of the voting, or after the voting and during the preparation and the transmission of the election returns or in the custody or canvass thereof, such election results in a failure to elect, and in any of such cases the failure or suspension of election would affect the result of the election, the Commission shall, on the basis of a verified petition by any interested party and after due notice and hearing, call for the holding or continuation of the election not held, suspended or which resulted in a failure to elect on a date reasonably close to the date of the election not held, suspended or which resulted in a failure to elect but not later than thirty days after the cessation of the cause of such postponement or suspension of the election or failure to elect. (Sec. 7, 1978 EC)

SECTION 7. *Call of special election.* – (1) In case a vacancy arises in the Batasang Pambansa eighteen months or more before a regular election, the Commission shall call a special election to be held within sixty days after the vacancy occurs to elect the Member to serve the unexpired term. (Sec. 5(2), Art. VIII, Const.)

(2) In case of the dissolution of the Batasang Pambansa, the President shall call an election which shall not be held earlier than forty-five nor later than sixty days from the date of such dissolution. (Sec. 13(2), Art. VIII, Const.)

The Commission shall send sufficient copies of its resolution for the holding of the election to its provincial election supervisors and election registrars for dissemination, who shall post copies thereof in at least three conspicuous places preferably where public meetings are held in each city or municipality affected. (Sec. 8, 1978 EC)

SECTION 8. *Election Code to be available in polling places.* – A printed copy of this Code in English or in the national language shall be provided and be made available by the Commission in every polling place, in order that it may be readily consulted by any person in need thereof on the registration, revision and election days. (Sec. 9, 1978 EC)

SECTION 9. *Official mail and telegram relative to elections.* – Papers connected with the election and required by this Code to be sent by public officers in the performance of their election duties shall be free of postage and sent by registered special delivery mail. Telegrams of the same nature shall likewise be transmitted free of charge by government telecommunications and similar facilities.

It shall be the duty of the Postmaster General, the Director of the Bureau of Telecommunications, and the managers of private telecommunication companies to transmit immediately and in preference to all other communications or telegrams messages, reporting election results and such other messages or communications which the Commission may require or may be necessary to ensure free, honest and orderly elections. (Sec. 10, 1978 EC)

SECTION 10. *Election expenses.* – Except in barangay elections, such expenses as may be necessary and reasonable in connection with the elections, referenda, plebiscites and other similar exercises shall be paid by the Commission. The Commission may direct that in the provinces, cities, or municipalities, the election expenses chargeable to the Commission be advanced by the province, city or municipality concerned subject to reimbursement by the Commission upon

presentation of the proper bill.

Funds needed by the Commission to defray the expenses for the holding of regular and special elections, referenda and plebiscites shall be provided in the regular appropriations of the Commission which, upon request, shall immediately be released to the Commission. In case of deficiency, the amount so provided shall be augmented from the special activities funds in the general appropriations act and from those specifically appropriated for the purpose in special laws. *(New)*

SECTION 11. *Failure to assume office.* – The office of any official elected who fails or refuses to take his oath of office within six months from his proclamation shall be considered vacant, unless said failure is for a cause or causes beyond his control.

SECTION 12. *Disqualifications.* – Any person who has been declared by competent authority insane or incompetent, 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 a crime involving moral turpitude, shall be disqualified to be a candidate and to hold any office, unless he has been given plenary pardon or granted amnesty.

This disqualifications to be a candidate herein provided shall be deemed removed upon the declaration by competent authority that said insanity or incompetence had been removed or after the expiration of a period of five years from his service of sentence, unless within the same period he again becomes disqualified.

ARTICLE II - ELECTION OF PRESIDENT AND VICE-PRESIDENT

SECTION 13. *Regular election for President and Vice-President.* – The regular election for President and Vice-President of the Philippines shall be held on the first Monday of May Nineteen hundred eighty seven (1987) and on the same day every six years thereafter. The President-elect and the Vice-President-elect shall assume office at twelve o'clock noon on the thirtieth day of June next following the election and shall end at noon of the same date, six years thereafter when the term of his successor shall begin.

SECTION 14. *Special election for President and Vice-President.* – In case a vacancy occurs for the Office of the President and Vice-President, the Batasang Pambansa shall, at ten o'clock in the morning of the third day after the vacancy occurs, convene in accordance with its rules without need of a call and within seven days enact a law calling for a special election to elect a President and a Vice-President to be held not earlier than forty-five days nor later than sixty days from the time of such call. The bill calling such special election shall be deemed certified under paragraph (2), Section 19, Article VIII of the Constitution and shall become law upon its approval on third reading by the Batasang Pambansa. Appropriations for the special election shall be charged against any current appropriations and shall be exempt from the requirements of paragraph (4), Section 16 of Article VIII of the Constitution. The convening of the Batasang Pambansa cannot be suspended nor the special election postponed. No special election shall be called if the vacancy occurs within seventy days before the date of the presidential election of 1987. *(Sec. 9, 3rd par. Art. VII, Const.)*

SECTION 15. *Canvass of votes for President and Vice-President by the provincial or*

city board of canvassers. – The provincial, city, or district boards of canvassers in Metropolitan Manila, as the case may be, shall meet not later than six o'clock in the evening on election day to canvass the election returns that may have already been received by them, respectively. It shall meet continuously from day to day until the canvass is completed, but may adjourn only for the purpose of awaiting the other election returns. Each time the board adjourns, it shall make a total of all the votes cast for each candidate for President and for Vice-President, duly authenticated by the signatures and thumbmarks of all the members of the provincial, city or district boards of canvassers, furnishing the Commission in Manila by the fastest means of communication a copy thereof, and making available the data contained therein to mass media and other interested parties. Upon the completion of the canvass, the board shall prepare a certificate of canvass showing the votes received by each candidate for the office of the President and for Vice-President, duly authenticated by the signatures and thumbmarks of all the members of the provincial, city or district board of canvassers. Upon the completion of the certificate of canvass, the board shall certify and transmit the said certificate of canvass to the Speaker of the Batasang Pambansa.

The provincial, city and district boards of canvassers shall prepare the certificate of canvass for the election of President and Vice-President, supported by a statement of votes by polling place, in quintuplicate by the use of carbon papers or such other means as the Commission shall prescribe to the end that all five copies shall be legibly produced in one handwriting. The five copies of the certificate of canvass must bear the signatures and thumbmarks of all the members of the board. Upon the completion of these certificates and statements, they shall be enclosed in envelopes furnished by the Commission and sealed, and immediately distributed as follows: the original copy shall be enclosed and sealed in the envelope directed to the Speaker and delivered to him at the Batasang Pambansa by the fastest possible means; the second copy shall likewise be enclosed and sealed in the envelope directed to the Commission; the third copy shall be retained by the provincial election supervisor, in the case of the provincial board of canvassers, and by the city election registrar, in the case of the city board of canvassers; and one copy each to the authorized representatives of the ruling party and the dominant opposition political party. Failure to comply with the requirements of this section shall constitute an election offense. (*Sec. 5, Art. VIII, Const.*)

SECTION 16. *Counting of votes for President and Vice-President by the Batasang Pambansa.* – The certificates of canvass, duly certified by the board of canvassers of each province, city or district in Metropolitan Manila shall be transmitted to the Speaker of the Batasang Pambansa, who shall, not later than thirty days after the day of the election, convene the Batasang Pambansa in session and in its presence open all the certificates of canvass, and the votes shall then be counted. (*Sec. 5 Art. VII, Const.*)

SECTION 17. *Correction of errors in certificate and supporting statement already transmitted to the Speaker.* – No correction of errors allegedly committed in the certificate of canvass and supporting statement already transmitted to the Speaker of the Batasang Pambansa shall be allowed, subject to the provisions of the succeeding section. (*BP 125*)

SECTION 18. *Preservation of ballot boxes, their keys, and disposition of their contents.* – Until after the completion by the Batasang Pambansa of the canvassing

of the votes and until an uncontested proclamation of the President-elect and Vice-President-elect shall have been obtained, the provincial, city or district board of canvassers under the joint responsibility with the provincial, city or municipal treasurers shall provide for the safekeeping and storage of the ballot boxes in a safe and closed chamber secured by four padlocks: one to be provided by the corresponding board chairman; one by the provincial or city treasurer concerned; and one each by the ruling party and the accredited dominant opposition political party.

SECTION 19. *When certificate of canvass is incomplete or bears erasures or alterations.* – When the certificate of canvass, duly certified by the board of canvassers of each province, city or district in Metropolitan Manila and transmitted to the Speaker of the Batasang Pambansa, as provided in the Constitution, appears to be incomplete, the Speaker shall require the board of canvassers concerned to transmit to his office, by personal delivery, the election returns from polling places that were not included in the certificate of canvass and supporting statements. Said election returns shall be submitted by personal delivery to the Speaker within two days from receipt of notice.

When it appears that any certificate of canvass or supporting statement of votes by polling place bears erasures or alterations which may cast doubt as to the veracity of the number of votes stated therein and may affect the result of the election, the Batasang Pambansa upon request of the Presidential or Vice-Presidential candidate concerned or his party shall, for the sole purpose of verifying the actual number of votes cast for President or Vice-President, count the votes as they appear in the copies of the election returns for the Commission. For this purpose, the Speaker shall require the Commission to deliver its copies of the election returns to the Batasang Pambansa. (*BP 125*)

SECTION 20. *Proclamation of the President-elect and Vice-President-elect.* – Upon the completion of the canvass of the votes by the Batasang Pambansa, the persons obtaining the highest number of votes for President and for Vice-President shall be declared elected; but in case two or more shall have an equal and the highest number of votes, one of them shall be chosen President or Vice-President, as the case may be, by a majority vote of all the Members of the Batasang Pambansa in session assembled. (*Sec. 5, Art. VII, Const.*)

In case there are certificates of canvass which have not been submitted to the Speaker of the Batasang Pambansa on account of missing election returns, a proclamation may be made if the missing certificates will not affect the results of the election.

In case the certificates of canvass which were not submitted on account of missing election returns will affect the results of the election, no proclamation shall be made. The Speaker shall immediately instruct the boards of canvassers concerned to obtain the missing election returns from the boards of election inspectors or, if the returns have been lost or destroyed upon prior authority from the Commission, to use any authentic copy of said election returns for the purpose of conducting the canvass, and thereafter issue the certificates of canvass. The certificates of canvass shall be immediately transmitted to the Speaker of the Batasang Pambansa.

Proclamation shall be made only upon submission of all certificates of canvass or