

## REPUBLIC ACT NO. 8189

### **AN ACT PROVIDING FOR A GENERAL REGISTRATION OF VOTERS, ADOPTING A SYSTEM OF CONTINUING REGISTRATION, PRESCRIBING THE PROCEDURES THEREOF AND AUTHORIZING THE APPROPRIATION OF FUNDS THEREFOR.**

Section 1. *Title.* - This Act shall be known as "*The Voter's Registration Act of 1996.*"

Sec. 2. *Declaration of Policy.* - It is the policy of the State to systematize the present method of registration in order to establish a clean, complete, permanent and updated list of voters.

Sec. 3. *Definition of Terms.* - As used in this Act:

(a) Registration refers to the act of accomplishing and filing of a sworn application for registration by a qualified voter before the election officer of the city or municipality wherein he resides and including the same in the book of registered voters upon approval by the Election Registration Board;

(b) Registration Record refers to an application for registration duly approved by the Election Registration Board;

(c) Book of Voters refers to the compilation of all registration records in a precinct;

(d) List of Voters refers to an enumeration of names of registered voters in a precinct duly certified by the Election Registration Board for use in the election;

(e) Illiterate or Disabled person refers to one who cannot by himself prepare an application for registration because of his physical disability and/or inability to read and write;

(f) Commission refers to the Commission on Elections (COMELEC);

(g) Election Registration Board refers to the body constituted herein to act on all applications for registration;

(h) Voter's Identification Number (VIN) refers to the number assigned by the Commission on Elections to a registered voter that shall consist of three (3) parts: (1) The current address (city/municipality and province); (2) the current precinct assignment of the voter and (3) the permanent birth and name code unique to every voter;

(i) Political Parties refer to local, regional or national political parties existing and duly registered and accredited by the Commission;

(j) Precinct refers to the basic unit of territory established by the Commission for the purpose of voting;

(k) Precinct Maps refers to a sketch or drawing of a geographical area stated in terms of streets or street blocks or sitios the residents of which would belong to a particular precinct;

(l) Polling place refers to the place where the Board of Election Inspectors conducts its proceeding and where the voters cast their votes;

(m) Voting center refers to the building or place where the polling place is located;

(n) Election Officer refers to the highest official or authorized representative of the Commission in a city or municipality; and

(o) Board of Election Inspectors refers to the body which conducts the election in the polling place of the precinct usually composed of three (3) public school teachers appointed by the Commission.

*Sec. 4. Permanent List of Voters.* - There shall be a permanent list of voters per precinct in each city or municipality consisting of all registered voters residing within the territorial jurisdiction of every precinct indicated by the precinct maps.

Such precinct-level list of voters shall be accompanied by an addition deletion list of the purpose of updating the list.

For the purpose of the 1997 general registration, the Commission shall cause the preparation and posting of all precinct maps in every barangay nationwide. Five days before the 1997 general registration, individual precinct maps shall be posted at the door of each polling place. Subsequently, the Election Officer shall be responsible for the display, throughout the year, of precinct maps in his office and in the bulletin board of the city or municipal hall.

The precinct assignment of a voter in the permanent list of voters shall not be changed or altered or transferred to another precinct without the express written consent of the voter: Provided, however, That the voter shall not unreasonably withhold such consent. Any violation thereof shall constitute an election offense which shall be punished in accordance with law.

*Sec. 5. Precincts and their Establishment.* - In preparation for the general registration in 1997, the Commission shall draw updated maps of all the precincts

nationwide. Upon completion of the new precinct maps, all the precincts established in the preceding elections shall be deemed abolished.

For the purpose of the general registration, the Commission shall create original precincts only. Spin-off precinct may be created after the regular elections of 1998 to accommodate additional voters residing within the territorial jurisdiction of the original precincts.

The Commission shall introduce a permanent numbering of all precincts which shall be indicated by Arabic numerals and a letter of the English alphabet. Original or mother precincts shall be indicated by the Arabic numeral and letter "A of the English alphabet. Spin-off or daughter precincts shall be indicated by the Arabic numeral and letter of the English alphabet starting with letter B and so on.

No territory comprising an election precinct shall be altered or a new precinct be established at the start of the election period.

Splitting of an original precinct or merger of two or more original precincts shall not be allowed without redrawing the precinct map/s one hundred twenty (120) days before election day.

*Sec. 6. Arrangement of Precincts.* - Every barangay shall have at least one (1) precinct. Each precinct shall have no more than two hundred (200) voters and shall comprise contiguous and compact territories.

(a) A precinct shall be allowed to have less than 200 registered voters under the following conditions:

(1) As soon as the 200-limit for every precinct has been reached, a spin-off or daughter precinct shall be created automatically by the Commission to accommodate voters residing within the territorial jurisdiction of the original precinct. Thereafter, a separate list of new voters shall be prepared by the Election Officer; and

(2) An island or group of islands with less than two hundred (200) voters may comprise one (1) original precinct.

(b) Every case of alteration of precincts shall be duly announced by posting a notice thereof in a conspicuous place in the precinct, in the office of the election officer and in the city or municipal hall and by providing political parties and candidates a list of all the precincts at the start of the campaign period; and

(c) Consolidation or merger of at most three (3) precincts may be allowed: *Provided*, That the computerized counting shall be implemented: *Provided*,

*further*, That the merger of such precincts shall be effected ninety (90) days before election day.

**Sec. 7. *General Registration of Voters.*** - Immediately after the barangay elections in 1997, the existing certified list of voters shall cease to be effective and operative. For purposed of the May 1998 elections and all elections, plebiscites, referenda, initiatives, and recalls subsequent thereto, the Commission shall undertake a general registration of voters before the Board of Election Inspectors on June 14, 15, 21, and 22 and, subject to the discretion of the Commission, on June 28 and 29, 1997 in accordance with this Act.

**Sec. 8. *System of Continuing Registration of Voters.*** - The personal filing of application of registration of voters shall be conducted daily in the office of the Election Officer during regular office hours. No registration shall, however, be conducted during the period starting one hundred twenty (120) days before a regular election and ninety (90) days before a special election.

**Sec. 9. *Who may Register.*** - All citizens of the Philippines not otherwise disqualified by law who are at least eighteen (18) years of age, and who shall have resided in the Philippines for at least one (1) year, and in the place wherein they propose to vote, for at least six (6) months immediately preceding the election, may register as a voter.

Any person who temporarily resides in another city, municipality or country solely by reason of his occupation, profession, employment in private or public service, educational activities, work in the military or naval reservations within the Philippines, service in the Armed Forces of the Philippines, the National Police Forces, or confinement or detention in government institutions in accordance with law, shall not be deemed to have lost his original residence.

Any person, who, on the day of registration may not have reached the required age or period of residence but, who, on the day of the election shall possess such qualifications, may register as a voter.

**Sec. 10. *Registration of Voters.*** - A qualified voter shall be registered in the permanent list of voters in a precinct of the city or municipality wherein he resides to be able to vote in any election. To register as a voter, he shall personally accomplish an application form for registration as prescribed by the Commission in three (3) copies before the Election Officer on any date during office hours after having acquired the qualifications of a voter.

The application shall contain the following data:

- (a) Name, surname, middle name, and/or maternal surname;
- (b) Sex;

- (c) Date, and place of birth;
- (d) Citizenship;
- (e) Civil status, if married, name of spouse;
- (f) Profession, occupation or work;
- (g) Periods of residence in the Philippines and in the place of registration;
- (h) Exact address with the name of the street and house number for location in the precinct maps maintained by the local office of the Commission, or in case there is none, a brief description of his residence, sitio, and barangay;
- (i) A statement that the applicant possesses all the qualifications of a voter;
- (j) A statement that the applicant is not a registered voter of any precinct; and
- (k) Such information or data as may be required by the Commission.

The application for registration shall contain three (3) specimen signatures of the applicant, clear and legible rolled prints of his left and right thumbprints, with four (4) identification size copies of his latest photograph, attached thereto, to be taken at the expense of the Commission.

Before the applicant accomplishes his application for registration, the Election Officer shall inform him of the qualifications and disqualifications prescribed by law for a voter, and thereafter, see to it that the accomplished application contains all the data therein required and that the applicant's specimen signatures, fingerprints, and photographs are properly affixed in all copies of the voter's application.

Sec. 11. *Disqualification.* - The following shall be disqualified from registering:

- (a) Any person who has been sentenced by final judgment to suffer imprisonment of not less than one (1) year, such disability not having been removed by plenary pardon or amnesty: Provided, however, That any person disqualified to vote under this paragraph shall automatically reacquire the right to vote upon expiration of five (5) years after service of sentence;
- (b) Any person who has been adjudged by final judgment by a competent court or tribunal of having committed any crime involving disloyalty to the duly constituted government such as rebellion, sedition, violation of the

firearms laws or any crime against national security, unless restored to his full civil and political rights in accordance with law: Provided, That he shall automatically reacquire the right to vote upon expiration of five (5) years after service of sentence; and

(c) Insane or incompetent persons declared as such by competent authority unless subsequently declared by proper authority that such person is no longer insane or incompetent.

*Sec. 12. Change of Residence to Another City or Municipality.* - Any registered voter who has transferred residence to another city or municipality may apply with the Election Officer of his new residence for the transfer of his registration records.

The application for transfer of registration shall be subject to the requirements of notice and hearing and the approval of the Election Registration Board, in accordance with this Act. Upon approval of the application for transfer, and after notice of such approval to the Election Officer of the former residence of the voter, said Election Officer shall transmit by registered mail the voter's registration record to the Election Officer of the voter's new residence.

*Sec. 13. Change of Address in the Same City or Municipality.* - Any voter who has changed his address in the same city or municipality shall immediately notify the Election Officer in writing. If the change of address involves a change in precinct, the Board shall transfer his registration record to the precinct book of voters of his new precinct and notify the voter of his new precinct. All changes of address shall be reported to the office of the provincial election supervisor and the Commission in Manila.

*Sec. 14. Illiterate or Disabled Applicants.* - Any illiterate person may register with the assistance of the Election Officer or any member of an accredited citizen's arm. The Election Officer shall place such illiterate person under oath, ask him the questions, and record the answers given in order to accomplish the application form in the presence of the majority of the members of the Board. The Election Officer or any member of an accredited citizen's arm shall read the accomplished form aloud to the person assisted and ask him if the information given is true and correct. The accomplished form shall be subscribed by the applicant in the presence of the Board by means of thumbmark or some other customary mark and it shall be subscribed and attested by the majority of the members of the Board.

The attestation shall state the name of the person assisted, the name of the Election Officer or the member of the accredited citizen's arm who assisted the applicant, the fact that the Election Officer placed the applicant under oath, that the Election Officer or the member of the accredited citizen's arm who assisted the applicant read the accomplished form to the person assisted, and that the person

assisted affirmed its truth and accuracy, by placing his thumbmark or some other customary mark on the application in the presence of the Board.

The application for registration of a physically disabled person may be prepared by any relative within the fourth civil degree of consanguinity or affinity or by the Election Officer or any member of an accredited citizen's arm using the data supplied by the applicant. The fact of illiteracy or disability shall be so indicated in the application.

*Sec. 15. Election Registration Board.* - There shall be in each city and municipality as many as Election Registration Boards as there are election officers therein. In thickly populated cities/municipalities, the Commission may appoint additional election officers for such duration as may be necessary.

The Board shall be composed of the Election Officer as chairman and as members, the public school official most senior in rank and the local civil registrar, or in this absence, the city or municipal treasurer.

In case of disqualification of the Election Officer, the Commission shall designate an acting Election Officer who shall serve as Chairman of the Election Registration Board. In case of disqualification or non-availability of the Local Registrar or the Municipal Treasurer, the Commission shall designate any other appointive civil service official from the same locality as substitute.

No member of the Board shall be related to each other or to any incumbent city or municipal elective official within the fourth civil degree of consanguinity or affinity. If in succeeding elections, any of the newly elected city or municipal officials is related to a member of the board within the fourth civil degree of consanguinity or affinity, such member is automatically disqualified to preserve the integrity of the Election Registration Board.

Every registered party and such organizations as may be authorized by the Commission shall be entitled to a watcher in every registration board.

*Sec. 16. Compensation of the Members of the Board.* - Each member of the Board shall be entitled to an honorarium to Two Hundred Pesos (P200.00) for each day of actual service rendered in the Board, which amount the Commission may adjust every three (3) years thereafter. No member of the Board shall be entitled to travelling expenses.

*Sec. 17. Notice and Hearing of Applications.* - Upon receipt of applications for registration, the Election Officer shall set them for hearing, notice of which shall be posted in the city or municipal bulletin board and in his office for at least one (1) week before the hearing, and furnish copies thereof to the applicant concerned, the heads or representatives of political parties, and other accredited groups or organizations which actively participate in the electoral process in the city or

municipality. On the date of the hearing, the Election Officer shall receive such evidence for or against the applicant.

A registrant whose application is not seasonably objected to shall be notified in writing stating therein that no objection was raised against his application and that he need not appear on the date set for the hearing of his application. Physical presence of the applicant concerned shall, however, be mandatory in all cases where objections against his application have been seasonably filed with the proper Election Registration Board for him to rebut or refute evidence presented in opposition thereto.

All applications for registration shall be heard and processed on a quarterly basis. For this purpose, the Election Registration Board shall meet and convene on the third Monday of April, July, October, and January of every calendar year, or on the next following working day if the designated days fall on a non-working holiday, except in an election year to conform with the one hundred twenty (120) days prohibitive period before election day. Should one day be sufficient for the processing of all accepted applications, the Board shall adjourn from day to day until all the applications shall have been processed.

*Sec. 18. Challenges to Right to Register.* - Any voter, candidate or representative of a registered political party may challenge in writing any application for registration, stating the grounds therefor. The challenge shall be under oath and be attached to the application, together with the proof of notice of hearing to the challenger and the applicant.

Oppositions to contest a registrant's application for inclusion in the voter's list must, in all cases, be filed not later than the second Monday of the month in which the same is scheduled to be heard or processed by the Election Registration Board. Should the second Monday of the month fall on a non-working holiday, oppositions may be filed on the next following working day. The hearing on the challenge shall be heard on the third Monday of the month and the decision shall be rendered before the end of the month.

*Sec. 19. Power to Administer Oath and Issue Summons.* - For purposes of determining the right of the applicants to be registered as a voter, the Election Officer shall have the power to administer oath, issue *subpoena duces tecum* and swear in witnesses. The fees and expenses incidental thereto shall be paid in advance by the party in whose behalf the summons is issued.

*Sec. 20. Approval and Disapproval of Application.* - The Election Officer shall submit to the Board all applications for registration filed, together with the evidence received in connection therewith. The Board shall, by majority vote, approve or disapprove the applications.

Upon approval, the Election Officer shall assign a voters identification number and issue the corresponding identification card to the registered voter. If the Board disapproves the application, the applicant shall be furnished with a certificate of disapproval stating the ground therefor. In cases of approval or disapproval, any aggrieved party may file a petition for exclusion or inclusion, as the case may be, with the proper Municipal or Metropolitan Trial Court as provided for in this Act.

*Sec. 21. Publication of Action on Application for Registration.* - Within five (5) days from approval or disapproval of application, the Board shall post a notice in the bulletin board of the city or municipal hall and in the office of the Election Officer, stating the name and address of the applicant, the date of the application, and the action taken thereon. The Election Officer shall furnish a copy of such notice personally, or by registered mail or special delivery to the applicant and heads or representatives of registered political parties in the city or municipality.

*Sec. 22. Preservation of Voter's Registration Records.* - The Election Officer shall compile the original copies of the approved applications for registration per precinct and arrange the same alphabetically according to surname. He shall preserve the book of voters and ensure its integrity. The second and third copies of the registration records shall be sent to the provincial and national central files within three (3) days after the approval of the Board.

*Sec. 23. Provincial File.* - There shall be a provincial file consisting of the duplicate copies of all registration records in each precinct of every city and municipality in the province. It shall be in the custody of the Provincial Election Supervisor and shall be compiled and arranged by precinct, by municipality and alphabetically by surnames of voters.

Should the book of voters in the custody of the Election Officer be lost or destroyed at a time so close to election day that there is no time to reconstitute the same, the corresponding book of voters in the provincial file shall be used during the voting.

*Sec. 24. National Central File.* - There shall be a national central file under the custody of the Commission in Manila consisting of the third copies of all approved voter registration records in each city or municipality. It shall be compiled by precinct in each city/municipality and arranged alphabetically by surname so as to make the file a replica of the book of voters in the possession of the Election Officer. Thereafter a national list shall be prepared following the alphabetical arrangements of surnames of voters.

There shall be a national file consisting of the computerized voters' list (CVL), both in print and in diskette, submitted by the Election Officers in each city and municipality concerned, under the custody of the Commission in Manila.

The computerized voters' list shall make use of a single and uniform computer program that will have a detailed sorting capability to list voters alphabetically by the precincts where they vote, by the barangays, municipalities, cities or provinces where they reside and by their voters identification number (VIN).

*Sec. 25. Voter's Identification Card.* - The voters identification card issued to the registered voter shall serve as a document for his identification. In case of loss or destruction, no copy thereof may be issued except to the registered voter himself and only upon the authority of the Commission.

The Commission shall adopt a design for the voter's identification card which shall be, as much as possible, tamper proof. It shall provide the following: the name and address of the voter, his date of birth, sex, photograph, thumbmark, and the number of precinct where he is registered, the signature of the voter and the chairman of the Election Registration Board and the voter's identification number (VIN).

*Sec. 26. Voter's Identification Number (VIN).* - The Commission shall assign every registered voter a voter's identification number (V1N) consisting of three parts, each separated by a dash. For example: 7501 -00191 -C145BCD.

(a) Part 1: Current Address of the Voter

(1) the first two digits 75 stand for the province; and

(2) The last two digits, 01, stand for the city, municipality, or a district, particularly in Manila.

The code assignment for provinces, cities and municipalities shall follow the Urban Code devised by the National Census and Statistics Office (NCSO).

(b) Part II: Current Precinct Assignment of the Voter

(1) The first four digits, 0019, stand for the permanent number of the precinct where the voter is currently assigned: and

(2) The letter indicates whether it is a mother or a daughter precinct.

The number assigned to the precinct in every city or municipality shall be permanent but the voter may transfer his precinct number. The VIN reflects the current precinct assignment of the voter.

(c) Part III: Permanent Birth and Name Code Unique to the Voter

(1) The letter, C, stands for the month, i.e., A for January, B for February, and so forth;

(2) The next two digits, 14, stand for the date of birth;

(3) The next two digits, 51, stand for the year of birth; and

(4) The last three letters, BCD, stand for the name code, i.e., Bayani Cruz Davide.

The last three letters shall stand for the first letter of the first name, the middle name, and the last name in that order.

The Commission shall ensure that Part III hereof of the voter's identification number (VIN) shall be permanent and unique to each voter. If necessary, the Commission may expand and modify the same.

(d) The combined birth and name code is assigned during the lifetime of every voter. Upon transfer of the voter to another precinct, the first two parts of the VIN shall change.

**Sec. 27. Deactivation of Registration.** - The board shall deactivate the registration and remove the registration records of the following persons from the corresponding precinct book of voters and place the same, properly marked and dated in indelible ink, in the inactive file after entering the cause or causes of deactivation:

(a) Any person who has been sentenced by final judgment to suffer imprisonment for not less than one (1) year, such disability not having been removed by plenary pardon or amnesty: Provided, however, That any person disqualified to vote under this paragraph shall automatically reacquire the right to vote upon expiration of five (5) years after service of sentence as certified by the clerks of courts of the Municipal/Municipal Circuit/Metropolitan/Regional Trial Courts and the Sandiganbayan;

(b) Any person who has been adjudged by final judgment by a competent court or tribunal of having caused/committed any crime involving disloyalty to the duly constituted government such as rebellion, sedition, violation of the anti-subversion and firearms laws, or any crime against national security, unless restored to his full civil and political rights in accordance with law; Provided, That he shall regain his right to vote automatically upon expiration of five (5) years after service of sentence;

(c) Any person declared by competent authority to be insane or incompetent unless such disqualification has been subsequently removed

by a declaration of a proper authority that such person is no longer insane or incompetent;

(d) Any person who did not vote in the two (2) successive preceding regular elections as shown by their voting records. For this purpose, regular elections do not include the Sangguniang Kabataan (SK) elections;

(e) Any person whose registration has been ordered excluded by the Court; and

(f) Any person who has lost his Filipino citizenship.

For this purpose, the clerks of court for the Municipal/Municipal Circuit/Metropolitan/Regional Trial Courts and the Sandiganbayan shall furnish the Election Officer of the city or municipality concerned at the end of each month a certified list of persons who are disqualified under paragraph (a) hereof, with their addresses. The Commission may request a certified list of persons who have lost their Filipino Citizenship or declared as insane or incompetent with their addresses from other government agencies.

The Election Officer shall post in the bulletin board of his office a certified list of those persons whose registration were deactivated and the reasons therefor, and furnish copies thereof to the local heads of political parties, the national central file, provincial file, and the voter concerned.

*Sec. 28. Reactivation of Registration.* - Any voter whose registration has been deactivated pursuant to the preceding Section may file with the Election Officer a sworn application for reactivation of his registration in the form of an affidavit stating that the grounds for the deactivation no longer exist any time but not later than one hundred twenty (120) days before a regular election and ninety (90) days before a special election.

The Election Officer shall submit said application to the Election Registration Board for appropriate action.

In case the application is approved, the Election Officer shall retrieve the registration record from the inactive file and include the same in the corresponding precinct book of voters. Local heads or representatives of political parties shall be properly notified on approved applications.

*Sec. 29. Cancellation of Registration.* - The Board shall cancel the registration records of those who have died as certified by the Local Civil Registrar. The Local Civil Registrar shall submit each month a certified list of persons who died during the previous month to the Election Officer of the place where the deceased are registered. In the absence of information concerning the place where the deceased is registered, the list shall be sent to the Election Officer of the city or

municipality of the deceased's residence as appearing in his death certificate. In any case, the Local Civil Registrar shall furnish a copy of this list to the national central file and the proper provincial file.

The Election Officer shall post in the bulletin board of his office a list of those persons who died whose registrations were cancelled, and furnish copies thereof to the local heads of the political parties, the national central file, and the provincial file.

*Sec. 30. Preparation and Posting of the Certified List of Voters.* - The Board shall prepare and post certified list of voters ninety (90) days before a regular election and sixty (60) days before a special election and furnish copies thereof to the provincial, regional and national central files. Copies of the certified list, along with a certified list of deactivated voters categorized by precinct per barangay, within the same period shall likewise be posted in the office of the Election Officer and in the bulletin board of each city/municipal hall. Upon payment of the fees as fixed by the Commission, the candidates and heads of registered political parties shall also be furnished copies thereof.

The Board shall also furnish two (2) certified copies for said certified list of voters, along with a certified list of deactivated voters to the Board of Election Inspectors for posting in the polling place and for their reference on election day.

*Sec. 31. Sealing of Precinct Book of Voters.* - The Board shall notify within fifteen (15) days before the start of the campaign period of all registered political parties and members of the Board of Election Inspectors to inspect and verify the completeness of the voter's registration records for each precinct compiled in the book of voters.

After verification and certification by the Board of Election Inspectors and party representatives as to the completeness of the voters' registration records in the precinct book of voters, the Board shall seal the book of voters in the presence of the former at the start of the campaign period and take custody of the same until their distribution to the Board of Election Inspectors on election day. The Election Officer shall deliver the sealed precinct book of voters to the chairman of the Board of Election Inspectors when the latter secures its official ballots and other paraphernalia for election day.

*Sec. 32. Common Rules Governing Judicial, Proceedings in the Matter of Inclusion, Exclusion, and Correction of Names of Voters.* -

(a) Petition for inclusion, exclusion or correction of names of voters shall be filed during office hours;

(b) Notice of the place, date and time of the hearing of the petition shall be served upon the members of the Board and the challenged voter upon filing

of the petition. Service of such notice may be made by sending a copy thereof by personal delivery, by leaving it in the possession of a person of sufficient discretion in the residence of the challenged voter, or by registered mail. Should the foregoing procedures not be practicable, the notice shall be posted in the bulletin board of the city or municipal hall and in two (2) other conspicuous places within the city or municipality;

(c) A petition shall refer only to one (1) precinct and implead the Board as respondents;

(d) No costs shall be assessed against any party in these proceedings. However, if the court should find that the application has been filed solely to harass the adverse party and cause him to incur expenses, it shall order the culpable party to pay the costs and incidental expenses;

(e) Any voter, candidate or political party who may be affected by the proceedings may intervene and present his evidence;

(f) The decision shall be based on the evidence presented and in no case rendered upon a stipulation of facts. If the question is whether or not the voter is real or fictitious, his non-appearance on the day set for hearing shall be prima facie evidence that the challenged voter is fictitious; and

(g) The petition shall be heard and decided within ten (10) days from the date of its filing. Cases appealed to the Regional Trial Court shall be decided within ten (10) days from receipt of the appeal. In all cases, the court shall decide these petitions not later than fifteen (15) days before the election and the decision shall become final and executory.

Sec. 33. *Jurisdiction in Inclusion and Exclusion Case.* - The Municipal and Metropolitan Trial Courts shall have original and exclusive jurisdiction over all cases of inclusion and exclusion of voters in their respective cities or municipalities. Decisions of the Municipal or Metropolitan Trial Courts may be appealed by the aggrieved party to the Regional Trial Court within five (5) days from receipt of notice thereof. Otherwise, said decision shall become final and executory. The regional trial court shall decide the appeal within ten (10) days from the time it is received and the decision shall immediately become final and executory. No motion for reconsideration shall be entertained.

Sec. 34. *Petition for Inclusion of Voters in the List.* - Any person whose application for registration has been disapproved by the Board or whose name has been stricken out from the list may file with the court a petition to include his name in the permanent list of voters in his precinct at any time except one hundred five (105) days prior to a regular election or seventy-five (75) days prior to a special election. It shall be supported by a certificate of disapproval of his application and proof of

service of notice of his petition upon the Board. The petition shall be decided within fifteen (15) days after its filing.

If the decision is for the inclusion of voters in the permanent list of voters, the Board shall place the application for registration previously disapproved in the corresponding book of voters and indicate in the application for registration the date of the order of inclusion and the court which issued the same.

*Sec. 35. Petition for Exclusion of Voters from the List.* - Any registered voters, representative of a political party or the Election Officer, may file with the court a sworn petition for the exclusion of a voter from the permanent list of voters giving the name, address and the precinct of the challenged voter at any time except one hundred (100) days prior to a regular election or sixty-five (65) days before a special election. The petition shall be accompanied by proof of notice to the Board and to the challenged voter and shall be decided within ten (10) days from its filing.

If the decision is for the exclusion of the voter from the list, the Board shall, upon receipt of the final decision, remove the voter's registration record from the corresponding book of voters, enter the order of exclusion therein, and thereafter place the record in the inactive file.

*Sec. 36. Verification of Registered Voters.* - The Election officer shall, in order to preserve the integrity of the permanent list of voters, file exclusion proceedings when necessary, and verify the list of the registered voters of any precinct by regular mail or house to house canvass.

The Commission may enlist the help of representatives of political parties and deputize non-government organizations (NGOs), civic organizations and barangay officials to assist in the verification and house to house canvass of registered voters in every precinct.

*Sec. 37. Voter Excluded Through Inadvertence or Registered with an Erroneous or Misspelled Name.* - Any registered voter who has not been included in the precinct certified list of voters or who has been included therein with a wrong or misspelled name may file with the Board an application for reinstatement or correction of name. If it is denied or not acted upon, he may file on any date with the proper Municipal Circuit, Municipal or Metropolitan Trial Court a petition for an order directing that his name be entered or corrected in the list. He shall attach to the petition a certified copy of his registration record or identification card or the entry of his name in the certified list of voters used in the preceding election, together with the proof that his application was denied or not acted upon by the Board and that he has served notice to the Board.

*Sec. 38. Voters Excluded through Inadvertence or Registered with an Erroneous or Misspelled Name.* - Any registered voter whose registration record has not been

included in the precinct book of voters, or whose name has been omitted in the list of voters or who has been included therein with a wrong or misspelled name may file with the Board an application for inclusion of his record, or reinstatement or correction of his name as the case may be. If it is denied or not acted upon, the voter may file on any date with the proper Municipal or Metropolitan Trial Court a petition for an order directing that the voter's name be entered or corrected in the list. The voters shall attach to the petition a certified true copy of his registration record or identification card or the entry of his name in the list of voters used in the preceding election, together with proof that his application was denied or not acted upon by the Board and that he has served notice thereof to the Board.

*Sec. 39. Annulment at Book of Voters.* - The Commission shall, upon verified petition of any voter or election officer or duly registered political party, and after notice and hearing, annul any book of voters that is not prepared in accordance with the provisions of this Act or was prepared through fraud, bribery, forgery, impersonation, intimidation, force or any similar irregularity, or which contains data that are statistically improbable. No order, ruling or decision annulling a book of voters shall be executed within ninety (90) days before an election.

*Sec. 40. Reconstitution of Lost or Destroyed Registration Records.* - The Commission shall reconstitute all registration records which have been lost or destroyed by using the corresponding copies of the provincial or national central files. In case of conflict the Commission shall determine which file shall be used for reconstitution purposes. If this is not feasible, the Commission shall conduct a general registration of voters in the affected area: Provided, That there is a scheduled election before the next scheduled general registration of voters in accordance with the Omnibus Election Code. All such voters shall retain their voter's identification number. Reconstituted forms shall be clearly marked with the word "reconstituted."

It shall be the duty of the Election Officer to immediately report to the Commission any case of loss or destruction of registration record in his custody.

The reconstitution of any lost or destroyed registration records shall not affect the criminal liability of any person who is responsible for such loss or destruction.

*Sec. 41. Examination of Registration Records.* - All registration records/computerized voters list in the possession of the Election officer, the Provincial Election Supervisor, and the Commission in Manila shall, during regular office hours, be open to examination by the public for legitimate inquiries on election related matters, free from any charge or access fee.

Law enforcement agencies may, upon prior authorization and subject to regulations promulgated by the Commission, have access to said registration records should the same be necessary to and in aid of their investigative functions and duties.

Sec. 42. *Right to Information.* - The duly authorized representative of a registered political party or of a bona fide candidate shall have the right to inspect and/or copy at their expense the accountable registration forms and/or the list of registered voters in the precincts constituting the constituency of the bona fide candidate or at which the political party is fielding candidates. The inspection and copying shall be conducted during business hours of the Commission and shall be subject to reasonable regulations.

Sec. 43. *Computerization at Permanent List of Voters.* - A permanent and computerized list arranged by precinct, city or municipality, province and region shall be prepared by the Commission. Thereafter, another list shall be prepared consisting of the names of the voters, arranged alphabetically according to surnames.

The computer print-outs of the list of voters duly certified by the Board are official documents and shall be used for voting and other election related purposes as well as for legitimate research needs.

The total number of voters in the permanent list shall be the basis for the printing of the official ballots by the Commission.

Sec. 44. *Reassignment of Election Officers.* - No Election Officer shall hold office in a particular city or municipality for more than four (4) years. Any election officer who, either at the time of the approval of this Act or subsequent thereto, has served for at least four (4) years in a particular city or municipality shall automatically be reassigned by the Commission to a new station outside the original congressional district.

Sec. 45. *Election Offenses.* - The following shall be considered election offenses under this Act:

(a) to deliver, hand over, entrust or give, directly or indirectly, his voter's identification card to another in consideration of money or other benefit of promise; or take or accept such voter's identification card, directly or indirectly, by giving or causing the giving of money or other benefit or making or causing the making of a promise therefore;

(b) to fail, without cause, to post or give any of the notices or to make any of the reports re-acquired under this Act;

(c) to issue or cause the issuance of a voter's identification number or to cancel or cause the cancellation thereof in violation of the provisions of this Act; or to refuse the issuance of registered voters their voter's identification card;

(d) to accept an appointment, to assume office and to actually serve as a member of the Election Registration Board although ineligible thereto, to appoint such ineligible person knowing him to be ineligible;

(e) to interfere with, impede, abscond for purpose of gain or to prevent the installation or use of computers and devices and the processing, storage, generation, and transmission of registration data or information;

(f) to gain, cause access to use, alter, destroy, or disclose any computer data, program, system software, network, or any computer-related devices, facilities, hardware or equipment, whether classified or declassified;

(g) failure to provide certified voters and deactivated voters list to candidates and heads of representatives of political parties upon written request as provided in Section 30 hereof;

(h) failure to include the approved application form for registration of a qualified voter in the book of voters of a particular precinct or the omission of the name of a duly registered voter in the certified list of voters of the precinct where he is duly, registered resulting in his failure to cast his vote during an election, plebiscite, referendum, initiative and/or recall. The presence of the form or name in the book of voters or certified list of voters in precincts other than where he is duly registered shall not be an excuse hereof;

(i) the posting of a list of voters outside or at the door of a precinct on the day of an election, plebiscite, referendum, initiative and/or recall, and which list is different in contents from the certified list of voters being used by the Board of Election Inspectors; and

(j) Violation of the provisions of this Act.

**Sec. 46. *Penalties.*** - Any person found guilty of any election offense under this Act shall be punished with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage. If he is a foreigner, he shall be deported after the prison term has been served. Any political party found guilty shall be sentenced to pay a fine of not less than One hundred thousand pesos (P100,000) but not more than Five hundred thousand pesos (P500,000).

**Sec. 47. *Funding.*** - The amount of Two billion pesos (2,000,000,000) is hereby included in the General Appropriations Act for the fiscal year 1997 to defray the expenses for the registration activities.

Sec. 48. *Multi-partisan Monitoring and Evaluation Committee.* - A Monitoring and Evaluation Committee is hereby created composed of seven (7) members to be based on party representation of the seven (7) major political parties that fielded presidential candidates in the 1992 synchronized elections. The Committee is an ad hoc body attached to the Commission but not subject to its supervision and control.

The task of the Committee is to monitor and evaluate the system, procedures or guidelines prepared by the Commission for the conduct of the general registration and the continuing system of registration in accordance with this Act.

The Committee shall prepare two reports outlining the findings and recommendations for immediate action or institution of corrective measures by the Commission and/or Congress. The first report shall be submitted to the Commission and Congress three (3) months before the holding of the general registration. The second report shall be due at the end of the year on the initial implementation of the system of continuing registration.

The amount not less than Fifty million pesos (P50,000,000) but not more than One hundred million pesos (P100,000,000) is hereby allocated from the Two billion pesos (P2,000,000,000) allocation provided in the preceding section for the operations of the Committee. This amount shall be held in trust by the Commission subject to the usual accounting and auditing procedures.

Sec. 49. *Rules and Regulations.* - The Commission shall promulgate the necessary rules and regulations to implement the provisions of this Act not later than ninety (90) days before the first day of registration as provided for in this Act.

Sec. 50. *Separability Clause.* - If any part of this Act is held invalid or unconstitutional, the other parts or provisions hereof shall remain valid and effective.

Sec. 51. *Repealing Clause.*- All laws, decrees, executive orders, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 52. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

*Approved:* June 11, 1996.