

REPUBLIC OF THE PHILIPPINES }
CONGRESS OF THE PHILIPPINES }
 First Regular Session

H. No. 4315
S. No.1073

REPUBLIC ACT NO. 7647

AN ACT PROVIDING FOR THE DATE OF REGULAR ELECTIONS FOR REGIONAL GOVERNOR, REGIONAL VICE-GOVERNOR AND MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. The regular elections for regional governor, regional vice-governor, and members of the Regional Legislative Assembly for the Autonomous Region in Muslim Mindanao, shall be held on the second Monday after the Muslim month of Ramadhan immediately preceding the end of the term of office of such officials except the second regular election in 1993 which shall be held on the 25th of March, 1993: *Provided*, That if no candidate shall have been duly elected and qualified on March 31, 1993, the incumbent regional governor and vice- governor shall continue in office in a holdover capacity until their successors shall have been duly elected and qualified, subject to Article VIII, Section 11 of Republic Act No. 6734: *Provided, further*, That while acting in a holdover capacity, the regional governor and vice-governor shall not disburse public funds except for personnel and administrative matters, make appointments, including promotions, transfer and/or assignments of personnel and shall be subject to all the restrictions and/or prohibitions mandated by Section 261 of the Omnibus Election Code more particularly, but not limited to, paragraphs (g); (h); (k); (m); (o); (r); (u); (v); (w); and (x), of said section.

SEC. 2. (a) *Board of Canvassers*. – There shall be a board of canvassers in the Autonomous Region in Muslim Mindanao for the purpose of the elections in the Autonomous Region in Muslim

Mindanao and a provincial board of canvassers in each province therein as follows:

(1) *Regional Board of Canvassers.* The regional board of canvassers shall canvass the certificates of canvass, which shall be accompanied by the statement of votes by precincts, prepared and submitted to it by the provincial board of canvassers for the positions of regional governor and vice-governor and on the basis thereof, proclaim as elected, the candidates for regional governor and vice-governor who obtained the highest number of votes in the entire autonomous region.

The regional board of canvassers shall be composed of a ranking lawyer of the Commission on Elections (COMELEC) as chairman, a representative likewise of equivalent rank in the Department of Justice as vice-chairman, in the Department of Education, Culture and Sports as member-secretary. However, in case of non-availability, absence or disqualification due to relationship or incapacity for any cause, the COMELEC shall appoint other representatives from the different agencies of the government, as substitutes.

(2) *The Provincial Board of Canvassers.* The provincial board of canvassers shall canvass the election returns, copy for the provincial board of canvassers or any other authentic copy of such election returns, and on the basis thereof, proclaim as elected, the first three (3) candidates for assemblyman of the Autonomous Region in Muslim Mindanao receiving the highest number of votes in each legislative district of the province.

The provincial board of canvassers shall be composed of the provincial election supervisor of the province concerned or a ranking lawyer of the COMELEC as chairman, the provincial prosecutor as vice-chairman, and the division superintendent of schools as member-secretary. However, in case of non-availability, absence or disqualification due to relationship or incapacity for any cause, the COMELEC shall appoint such lawyers of the Commission as substitutes.

(b) *Number of Copies of Election Returns, Their Preparation and Their Distribution.* – The board of election

inspectors shall prepare in writing the election returns in their respective polling places, or in any other place authorized by the COMELEC, in the number of copies herein provided and in the form to be prescribed by the COMELEC.

The copies of the election returns shall be distributed as follows:

- (i) The first copy shall be delivered to the provincial board of canvassers;
- (ii) The second copy, to the regional board of canvassers;
- (iii) The third copy, to the COMELEC;
- (iv) The fourth copy shall be deposited inside the compartment of the ballot box for valid ballots;
- (v) The fifth copy, to be known as advance election returns, shall be delivered to the city or municipal treasurer who, in the presence of the election registrar or his authorized representative, shall immediately and publicly open the same and post the votes therein in an election tally board sufficiently large to enable the public to read them, built on a public place preferably within the immediate vicinity of the city hall or municipal building; and
- (vi) The sixth and seventh copies, to be known as party copies, shall be furnished the duly authorized representatives in the municipalities concerned of the two (2) major political parties or coalition/alliance of parties presenting candidates in this election.

SEC. 3. *Pre-proclamation Cases.* – No pre-proclamation cases shall be allowed on matters relating to the preparation, transmission, receipt, custody, and appreciation of election returns or the certificates of canvass, as the case may be. However, this does not preclude the authority of the appropriate canvassing body, *motu proprio* or upon written complaint of an interested

person to correct manifest errors in the certificate of canvass or election returns before it.

Questions affecting the composition or proceeding of the board of canvassers may be initiated in the board or directly with the COMELEC in accordance with Section 19 of Republic Act No. 7166.

Any objection on the election returns before the provincial board of canvassers or certificate of canvass before the regional board of canvassers, shall be specifically noted in the minutes of their respective proceedings.

SEC. 4. *Separability Clause.* – If for any reason, any section or provision of this Act or any portion thereof, or the application of such section, provision or portion is declared invalid or unconstitutional, the remainder thereof shall not be affected by such declaration.

SEC. 5. *Applicability of the Omnibus Election Code of the Philippines and other Statutes.* – All provisions of the Omnibus Election Code, Republic Act Nos. 6646 and 7166 and other election laws not inconsistent with the provisions of this Act shall apply to the election herein provided.

The COMELEC shall promulgate the necessary rules and regulations for the implementation of this Act.

SEC. 6. *Transitory Provisions.* – All prior acts, resolutions, and issuances of the COMELEC made in connection with the second regular election in the Autonomous Region in Muslim Mindanao under this Act, including the deputation of government agencies and instrumentalities, registration of voters, appointment of election officials and boards of election inspectors, and filing of certificates of candidacy, are hereby confirmed valid and subsisting.

SEC. 7. *Effectivity Clause.* – This Act shall take effect upon its approval.

Approved, March 5, 1993.