

RECENT LEGISLATION

Third Congress of the Republic
of the Philippines
Fourth Session

(S. No. 645)

(REPUBLIC ACT No. 1793)

AN ACT CONSTITUTING AN INDEPENDENT PRESIDENTIAL ELECTORAL TRIBUNAL TO TRY, HEAR AND DECIDE PROTESTS CONTESTING THE ELECTION OF THE PRESIDENT-ELECT AND THE VICE-PRESIDENT-ELECT OF THE PHILIPPINES AND PROVIDING FOR THE MANNER OF HEARING THE SAME.

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

SECTION 1. There shall be an independent Presidential Electoral Tribunal to be composed of eleven members which shall be the sole judge of all contests relating to the election, returns, and qualifications of the President-elect and the Vice-President-elect of the Philippines. It shall be composed of the Chief Justice and the other ten members of the Supreme Court. The Chief Justice shall be its chairman. If on account of illness, absence, or incapacity upon any of the grounds mentioned in section one, Rule one hundred and twenty-six of the Rules of Court, of any member of the Tribunal, or whenever, by reason of temporary disability of any member thereof, or vacancies occurring therein the requisite number of members of the Tribunal necessary to constitute a quorum or to render a judgment in any given contest, as hereafter provided, is not present, or for any other good reason for the early disposal of the contest, the Chief Justice may designate any retired justice or justices of the Supreme Court as may be necessary, to sit temporarily as Member of the Tribunal, in order to form a quorum or until a judgment in said contest is reached: *Provided, however,* That if no retired justices of the Supreme Court are available or the number available is not sufficient, justices of the Court of Appeals and retired justices of the Court of Appeals may be designated to act as Member of the Tribunal.

SEC. 2. A majority of the Presidential Electoral Tribunal shall constitute a quorum to do business. Unless otherwise specifically provided herein, it may promulgate its own rules and regulations governing the procedure to be followed in the filing and hearing of such contest, and may authorize any three of its members to receive evidence.

The Presidential Electoral Tribunal shall hear and decide in banc all presidential election contests brought under this Act and the concurrence of at least seven members of the Tribunal shall be necessary for a final decision thereon.

SEC. 3. The Presidential Electoral Tribunal shall decide the contest within twenty months after it is filed, and within said period shall declare who among the parties has been elected, or, in the proper case, that none has been elected, and in case of a tie between the candidates for president or for vice-president involved in the contest, one of them shall be chosen President or Vice-President, as the case may be, by a majority vote of the members of the Congress in joint session assembled.

The party who, in the judgment, has been declared elected, shall have the right to assume the office as soon as the judgment becomes final, which shall be ten days after promulgation. The promulgation shall be made on a date previously fixed, of which notice shall be served in advanced upon the parties or their attorneys, personally or by registered mail or by telegraph. No motion shall be entertained for the reopening of a case but only for the reconsideration of a decision under the evidence already of record. No party may file more

than one motion for reconsideration, copy of which shall be served upon the adverse party who shall answer it within five days after the receipt thereof. Any petition for reconsideration shall be resolved within ten days after it is submitted for resolution. As soon as a decision becomes final, a copy thereof shall be furnished both houses of the Congress.

SEC. 4. The Tribunal shall have a Clerk of the Tribunal and such other subordinate officers and employees as may be necessary for the efficient performance of its functions and duties, all of whom shall be appointed by the Tribunal in accordance with the Civil Service Law and Rules. The Presidential Electoral Tribunal may designate the Chief Attorney of the Commission on Elections to act as Clerk of the Tribunal, and may assign other employees of the Commission on Elections and of the Supreme Court as may be necessary to perform duties in connection therewith. Such officials and employees when so assigned by the Tribunal, shall perform their duties and functions under the exclusive supervision and control of the Tribunal.

SEC. 5. Any registered candidate for President or for Vice-President of the Philippines who received not less than five hundred thousand votes may contest the election of the President or the Vice-President, as the case may be, by filing a petition of contest with the Clerk of the Presidential Electoral Tribunal within thirty days after the proclamation of the result of the election.

Before the Presidential Electoral Tribunal shall take cognizance of a petition of contest or counter-contest, the contestant or counter-contestant shall file a bond with two sureties satisfactory to the Tribunal and for such amount as it may fix, to answer for the payment of all expenses and costs incidental to said contest, or shall deposit with the Tribunal cash in lieu of the bond, or both, as the Tribunal may order. Within five days from the filing of the contest or counter-contest, the Tribunal shall fix the amount of the bond or the cash deposit or both and if the contestant or counter-contestant fails to file the required bond or cash deposit or both within ten days from notice, his petition of contest or counter-contest, shall be dismissed. The Tribunal may, for good reason, order from time to time that the amount of the bond or the cash deposit be increased or decreased, or order the disposition of such deposit as the course of the contest may require. In case the party who has paid the expenses and costs wins in the contest, the Tribunal shall assess, levy and collect the same as costs from the losing party.

SEC. 6. The Presidential Tribunal shall have and exercise the same powers which the law confers upon the courts of justice, including the issuance of subpoena, subpoena duces tecum, the taking of depositions, the arrest of witnesses for the purpose of compelling their appearance; the production of documents and other evidence, the compulsory payment of the costs and expenses which may have been assessed against the parties and their bonds and the enforcing of said payment through the officers charged with the enforcement of judicial orders.

The Presidential Electoral Tribunal or any of its Members shall have the power to punish contempts provided for in Rule 64 of the Rules of Court under the same procedure and with the same penalties provided therein and exercised by superior courts.

The telegrams and correspondence of the Tribunal shall be transmitted free of charge.

SEC. 7. The sum of two hundred thousand pesos is hereby appropriated to carry out the purposes of this Act.

SEC. 8. This Act shall take effect upon its approval.

Approved, June 21, 1957.
