

1971 LEGISLATION

PACIFICO A. AGABIN *

Congress passed 252 laws last year and, if quantity were the sole criterion, it can be safely said that the legislative performance was up to par.

Most of the laws, however, are private bills and laws of local application. Only a few are of general application and of lasting significance.

AGRICULTURE

Critics of land reform have charged, with some justification, that land reform has moved with leaden feet, and the peasant has remained mired in the same feudal conditions that obtained a century ago. In an attempt to hasten the process of reform, Congress amended the Land Reform Code, Republic Act No. 3844, so as to provide for automatic conversion of agricultural share tenancy to agricultural leasehold subject to certain conditions, and to create the Department of Agrarian Reform.

Thus, the Code as now amended,¹ seeks to establish the following:

- (1) An agricultural leasehold system to replace all existing share tenancy systems in agriculture;
- (2) A system of crediting rental as amortization payment on purchase price;
- (3) A declaration of rights for agricultural labor;
- (4) A machinery for the acquisition and equitable distribution of agricultural land;
- (5) An institution to finance the acquisition and distribution of agricultural land;
- (6) A machinery to extend credit and similar assistance to agricultural lessees, amortizing owners-cultivator, and cooperatives;
- (7) A machinery to provide marketing, management, and other technical assistance and or services to agricultural lessees, amortizing owners-cultivator, owners-cultivator, and cooperatives;
- (8) A machinery for cooperative development;
- (9) A department for formulating and implementing projects of agrarian reform;
- (10) An expanded program of land capability survey, classification and registration;

* *Professorial Lecturer*, College of Law, University of the Philippines.

¹ Rep. Act No. 6389 (1971), sec. 1 amending secs. 1, 2, 3, and 4 of Rep. Act No. 3844 (1963).

(11) A judicial system to decide issues arising under this Code and other related laws and regulations; and

(12) A machinery to provide legal assistance to agricultural lessees, amortizing owners-cultivator, and owners-cultivator.

While the 1963 Land Reform Code merely gave the tenant farmer an opportunity to opt for the leasehold system instead of share tenancy, the recent amendments provide for automatic conversion to agricultural leasehold. Before praising our congressmen, however, it should first be noted that the provision is shot through with exceptions and conditions, and the word "automatic" used in the headnote of the provision should be taken with a little grain of salt. The new clause provides:

"Sec. 4. *Automatic Conversion to Agricultural Leasehold.*—Agricultural share tenancy throughout the country as herein defined is hereby declared contrary to public policy and shall be automatically converted to agricultural leasehold upon the effectivity of this section.

"The credit assistance traditionally extended by a landowner and a local lender to a tenant under the share tenancy system in agriculture for production loans and loans for the purchase of work animals, tillage equipment, seeds, fertilizers, poultry, livestock, feed and other similar items, and advances for the subsistence of a lessee and his family, may be continued by said landowner and local lender: Provided, That the total charges on these loans, including interest and service, inspection and issuance fees, shall not exceed fourteen per cent per calendar year and the principal thereof shall not be subject to upward adjustment even in case of extraordinary inflation and/or devaluation: Provided, further, That on all loans or advances other than money the interest shall be computed on the basis of the current price of the goods at the time when the loans or advances were made.

"Any work animal and tillage equipment in the possession of a share tenant but owned by a landowner shall automatically be sold to said tenant on installment for a period not exceeding five years and at a price agreed upon by the parties: Provided, however, That the tenant shall pay in advance ten per cent of the price agreed upon.

"Existing share tenancy contracts may continue in force and effect in any region or locality, to be governed in the meantime by the pertinent provisions of Republic Act Numbered Eleven hundred and ninety-nine, as amended until the end of the agricultural year when the President of the Philippines shall have organized by executive order the Department of Agrarian Reform in accordance with the provisions of this amendatory Act, unless such contracts provide for a shorter period or the tenant sooner exercises his option to elect the leasehold system: Provided, That in order not to jeopardize international commitments, lands devoted to crops covered by marketing allotments shall be made the subject of a separate proclamation by the President upon recommendation of the department head that adequate provisions, such as the organization of cooperative, marketing agreement, or other similar workable arrangements, have been made to insure efficient management on all matters requiring synchronization of the agricultural with the processing phases of such crops.

"In case some agricultural share tenants do not want to become agricultural lessees of their respective landholding, they shall, with the assistance of the Bureau of Agrarian Legal Assistance, notify in writing the landowners concerned. In such a case they shall have one agricultural year from the date of the notice to accept leasehold relationship, otherwise the landowner may proceed to their ejectment."²

Aside from the above provision the new amendments also established the lessee's right of pre-emption³ and of redemption⁴ in case of sale of landholding. Section 14 of the 1963 Code, giving the tenant the choice of either share or of leasehold tenancy, has been repealed.⁵ The other mechanics of leasehold tenancy like payment for the irrigation system,⁶ and the consideration for the lease of riceland and lands devoted to other crops,⁷ have been clarified. Furthermore, it is now provided that the rentals paid by the tenant shall be credited as amortization payment on the purchase price of the landholding tilled by the lessee in case the land is expropriated by the government and when it is redeemed by the tenant.⁸

The amendatory act elevates the land reforms agencies established in the old Code to a Department of Agrarian Reform, with a complete cabinet complement.⁹ The department is vested with the following functions:

"Sec. 51. Powers and Functions.—It shall be the responsibility of the Department:

- (1) to initiate and prosecute expropriation proceedings for the acquisition of private agricultural lands as defined in Section one hundred sixty-six of Chapter XI of this Code for the purpose of subdivision into economic family-size farm units and resale of said farm units to bona fide tenants, occupants and qualified farmers: Provided, That the powers herein granted shall apply only to private agricultural lands subject to the terms and conditions and order of priority herein above specified.

"a. all idle or abandoned private agricultural lands, except those held or purchased within one year from the approval of this Code by private individuals or corporations for economic family-size farm units of not more than six (6) hectares each in accordance with the policies enunciated in this Code: Provided, That the subdivision and resale shall be substantially carried out within one year from the approval of this code;

² *Ibid.*

³ Rep. Act No. 3844 (1963), sec. 11, as amended by sec. 2, Rep. Act No. 6389 (1971).

⁴ *Ibid.*

⁵ Rep. Act No. 6389 (1971), sec. 3.

⁶ Rep. Act No. 3844 (1963), sec. 32, as amended by sec. 4, Rep. Act 6389 (1971).

⁷ Rep. Act No. 3844 (1963), sec. 34, as amended by sec. 5, Rep. Act No. 6389 (1971).

⁸ Rep. Act No. 6389 (1971), sec. 6, provides for a new Section 34-A of the Code, which contains this provision.

⁹ Rep. Act No. 6389 (1971), sec. 9, amends secs. 49 and 50 of the 1963 Code for this purpose.

- “b. all private agricultural lands suitable for subdivision into economic family-size farm units of not more than six (6) hectares owned by private individuals or corporations worked by lessees, no substantial portion of whose landholding in relation to the area sought to be expropriated, is planted to permanent crops under labor administration, in excess of twenty-four hectares except all private agricultural lands under labor administration: Provided, That private agricultural lands occupied and cultivated continuously for not less than ten years by tillers or their ascendants who are not farm laborers or lessees may be subject to expropriation under this Code: Provided, further, That any court action filed for the ejectment of the tiller shall not interrupt the running of the ten-year period unless such action is filed within three years from the date of occupancy: Provided, finally, That if the final decision rendered in the court action is favorable to the tiller, the ten-year period shall be considered as continuous and uninterrupted; and
- “c. in expropriating private agricultural lands declared by the Department of Agrarian Reform to be necessary for the implementation of the provisions of this Code, the following order of priority shall be considered:
1. idle or abandoned lands;
 2. those whose area exceeds 1,024 hectares;
 3. those whose area exceeds 500 hectares but is (sic) not more than 1,024 hectares;
 4. those whose area exceeds 144 hectares but is (sic) not more than 500 hectares;
 5. those whose area exceeds 75 hectares but is (sic) not more than 144 hectares; and
 6. those whose area exceeds 24 hectares but is (sic) not more than 75 hectares.
- “(2) To acquire private agricultural lands regardless of area through negotiated purchase subject to approval of the court as to price for distribution and sale at cost to their actual occupants who are tillers of the land in lots of not more than six hectares: Provided, That where there are several groups or individuals of such tillers petitioning for the acquisition of their respective occupancy, priority shall be given to the group with a greater number of tillers who first filed the petition over a group with a lesser number of tillers, and the latter over individual tillers: Provided, further, That the group or individual who has continuously tilled the land longest shall have first priority;
- “(3) To help bona fide farmers without lands or agricultural owner-cultivators of uneconomic size farms to acquire and own economic family-size farm units of not more than six hectares each;
- “(4) To administer and dispose of agricultural lands of the public domain under the custody and administration of the National Resettlement and Rehabilitation Administration and the Econo-

mic Development Corps of the Armed Forces of the Philippines prior to the approval of this amendatory Act and such other public agricultural lands as may hereafter be reserved by the President of the Philippines or by law for resettlement and sale in accordance with such terms and conditions as are set forth under this chapter: Provided, That the exercise of the authority granted herein as well as the preceding sub-paragraph, shall not contravene public policy on the permanency of forests, parks and watersheds: Provided, further, That said authority shall not be construed to exclude the other modes of disposition of public agricultural lands under the public land Act or to contravene the authority granted by law to the Department of Agriculture and Natural Resources over all public agricultural lands not covered by the Agrarian Reform Program: Provided, finally, That the Secretary of the Department of Agriculture and Natural Resources shall within a period of ten years from the approval of this Amendatory Act, release to the Department of Agrarian Reform for resettlement and sale all lands of the public domain reserved for agricultural lands which are reserved as settlements for the national cultural minorities under the administration of the Commission on National Integration;

- “(5) To develop plans and initiate actions for the systematic opening of alienable and disposable lands of the public domain for speedy distribution to and development by deserving and qualified persons who do not own any land in sizes of not more than six hectares;
- “(6) To recommend to the President from time to time after previous consultation with the Secretary of Agriculture and Natural Resources, what portion of the alienable or disposable public lands shall be reserved for resettlement or disposition under this chapter;
- “(7) To give economic family-size farms of not more than six hectares to landless citizens of the Philippines who need, deserve, and are capable of cultivating the land personally, through organized resettlement, under the terms and conditions the Department may prescribe, giving priority to qualified and deserving farmers in the province where such lands are located;
- “(8) To reclaim swamps and marshes for agricultural purposes only, obtain titles thereto whenever feasible and subdivide them into economic family-size farms of not more than six hectares for distribution to deserving and qualified farmers;
- “(9) To undertake measures which will insure the early issuance of titles to persons or corporations who have actually settled and cultivated disposable alienable land of the domain;
- “(10) To survey, subdivide and set aside land or areas of land-holding under its custody and administration for economic family-size farms, large-scale farm operations, townsites, roads, parks, government centers and other civic improvements as circumstances may warrant: Provided, That the Bureau of Lands and the Land Registration Commission, as the case may be, shall verify the said surveys or subdivisions, and after

such verifications, approve or disapprove the same; and issue, in case of approval of said surveys or subdivisions, the corresponding patents and titles thereto;

- “(11) To inform the Agricultural Productivity Commission and the Department of Agriculture and Natural Resources of the problems of settlers and farmers on lands under its administration and in land reform areas: Provided, That it is mandatory for the said Commission and Department to provide field agricultural extension service to these areas upon being informed of the problems obtaining; Provided, further, That settlement projects and land reform areas, especially private agricultural lands acquired by the government shall be given first priority in the diffusion of useful and practical information, knowledge and skills on agriculture, soil conservation, livestock, fisheries, forest conservation, public lands and natural resources laws, home economics and rural life, in order to encourage their application through field demonstrations, lectures and conference publications and other means of imparting information stimulating promotion and organization of agricultural cooperatives and encouragement in the formation and growth of private associations, study clubs, committees and other groups of farmers and members of their family that will enhance their social and economic conditions;
- “(12) To acquire for agricultural lessees exercising their right of preemption and redemption under Chapter I of this Code, any land-holdings mentioned thereunder;
- “(13) To conduct land capability survey and classification of the entire country and print maps;
- “(14) To make such arrangement with the Land Bank with respect to titles of agricultural lands of the public domain under its administration as will be necessary to carry out the objectives of this Code;
- “(15) To expropriate home lots occupied by agricultural lessees outside their landholdings for resale at cost to said agricultural lessees;
- “(16) To see to it that all agricultural lands either public or private, distributed by the government to the beneficiaries of the Agrarian Reform Program shall be sold only by the said beneficiaries to the government; and
- “(17) To submit to the President of the Philippines and to both Houses of Congress through their presiding officers, to the Secretary of Finance and to the Auditor General within sixty days of the close of the fiscal year, an annual report showing its accomplishments during the year; the expropriation proceedings it has undertaken; the expenditures it has incurred and other financial transactions undertaken with respect thereto.”¹⁰

¹⁰ Rep. Act No. 3844 (1963), sec. 51, as amended by sec. 16, Rep. Act No. 6389 (1971).

Ever mindful of property rights of landowners, Congress made provisions for payment of just compensation,¹¹ empowering the Department of Agrarian Reform to sell public agricultural lands to farmers landowners whose land has been purchased for redistribution.¹² The Land Bank has been empowered to issue bonds,¹³ and to make payments to owners of landed estates.¹⁴

The amendatory law further gives the additional power of compulsory arbitration to the Court of Agrarian Relations and amends some of the procedural rules to favor tenants.¹⁵ Thus, the amendment allows duly authorized leaders of duly registered farmers' organizations to appear as counsel, and the tenant is entitled to the rights of a pauper litigant.

The succeeding Act, Republic Act No. 6390, is complementary to Republic Act No. 6389, for the former seeks to accelerate the implementation of the Agrarian Reform Program by creating an agrarian reform special account in the general fund. The funds for the special account are the proceeds of the stabilization tax collected under Republic Act No. 6125.¹⁶

COMMERCE

We have come a long way from the time the first price-fixing law was sought to be implemented in 1922. Invalidating as unconstitutional the executive order fixing the price of rice, the Supreme Court, carried away by its emotions, ruled:

"The Constitution is something solid, permanent and substantial. Its stability protects the life, liberty and property rights of the rich and poor alike, and that protection ought not to change with the wind or any emergency condition. The fundamental question involved in this case is the right of the people of the Philippine Islands to be and live under a republican form of government. We make the broad statement that no state or nation living under a republican form of government, under the terms and conditions specified in Act No. 2868, has ever enacted a law delegating the power to any one to fix the price at which rice should be sold."¹⁷

Forty years after the Court made its sweeping declaration, Congress enacted the price-fixing law, delegating the Price Control Council to fix the prices of the following commodities:

¹¹ Rep. Act No. 3844 (1963), sec. 56, as amended by Sec. 17, Rep. Act No. 6389 (1971).

¹² Rep. Act No. 3844 (1963), sec. 71, as amended by sec. 18, Rep. Act No. 6389 (1971).

¹³ Rep. Act No. 3844 (1963), sec. 76, as amended by sec. 19, Rep. Act No. 6389 (1971).

¹⁴ Rep. Act No. 3844 (1963), sec. 80, as amended by sec. 20, Rep. Act No. 6389 (1971).

¹⁵ Rep. Act No. 3844 (1963), sec. 155, as amended by sec. 30, Rep. Act No. 6389 (1971).

¹⁶ Rep. Act No. 6390 (1971), sec. 3.

¹⁷ U.S. v. Ang Tang Ho, 43 Phil. 1, 17 (1932).

- (1) Medicines, drugs, surgical, optical and dental supplies;
- (2) Essential food and foodstuff including milk, soft drinks and other beverages;
- (3) Animal and poultry feeds and veterinary supplies;
- (4) Clothes, clothing, and sewing and weaving materials and supplies;
- (5) Fuels, lubricants, crude oil and petroleum products, without prejudice to any action which the Oil Industry Commission may hereafter take under the provisions of Republic Act No. 6173 (1971).
- (6) Construction materials;
- (7) Educational and office supplies and equipment;
- (8) Fertilizers, insecticides, pesticides and other agricultural inputs;
- (9) Motor vehicles and spare parts, tires, batteries, engines and other machineries;
- (10) Household utensils, appliances and other household necessities;
- (11) Footwear including all the components thereof.¹⁸

For the purpose of regulating prices, the law created the Price Control Council, composed of the department secretaries of Commerce and Industry, Agricultural and Natural Resources, and Health, the Chairman of the National Economic Council, and three consumers' representatives, to be appointed by the President with the concurrence of the Commission on Appointments.¹⁹ Wherever the market price of any of the articles or commodities has risen or threatens to rise by 20% or more over its price on March 1, 1970, or whenever the Council deems that the prevailing price should be reduced because it has risen due to monopoly, hoarding, injurious speculation, manipulation and profiteering, the Council shall, after notice and hearing, establish or order such maximum price as shall be fair, just and reasonable, provided that the maximum price shall not exceed

- 1) For Locally-manufactured commodities
 - a) Production cost plus 10% for the manufacturer or producers;
 - b) Acquisition cost plus 5% for the wholesaler; and
 - c) 10% for the retailer
- 2) For imported articles
 - a) Landed cost plus 5% to importer;
 - b) 10% to retailer.²⁰

The following factors are to be considered by the Council in fixing the maximum prices of articles and commodities:

1. In case machineries are used if obtained through credit, the increase in the price brought about by the enforcement of the floating rate;

¹⁸ Rep. Act No. 6361 (1971), sec. 1.

¹⁹ *Id.* sec. 2.

²⁰ *Id.* sec. 4.

2. The increase in the interest for amortization purposes also brought about by the floating rate;

3. Increase in the price of ingredients or materials used as a result of the floating rate;

(a) The increase in the cost of labor brought about by the increase of the minimum wage;

(b) Cost of raw materials, imported or domestic and in case of imported raw materials, the landed cost of the same, meaning the price paid cost of transportation to the Philippines, customs and other government imposts, storage fees and transportation expenses to the site of the factor or plant;

(c) Increase in the cost of transportation and such other factors as may be brought about by the increase in the cost of production.²¹

Aside from price-fixing, the Council has been clothed with recommendatory powers:

"Sec. 5. (a) Wherever any of the articles or commodities mentioned in section One hereof is in short supply, the Council, after notice and hearing shall certify to the needs of local producers or manufacturers thereof and recommend to the Monetary Board that the Central Bank make available the foreign exchange to import adequate raw materials and supplies which may be necessary to produce or manufacture said article or commodity in the quantity required to cover the shortage in supply.

(b) If said article or commodity in short supply is not locally produced or manufactured or if the local producers or manufacturers thereof cannot fully cover the shortage in supply, the Council after notice and hearing shall certify to such shortage or to the deficiency which the local producers or manufacturers cannot cover, and recommend to the Monetary Board that the Central Bank make available to importers the necessary foreign exchange to import said article or commodity in the quantity required to cover the shortage in supply.

(c) If these measures should still fail to arrest the rise of the market prices of such article or commodity in short supply, the Council after notice and hearing may recommend and the President may authorize any agency of the government, including any government-owned or controlled corporation, except government financial institutions, to import directly the article or commodity in short supply for distribution in the local market through such channels as may be chosen for the purpose.²²

ELECTIONS

The Election Code of 1971 confers on the Commission on Elections the power to authorize ROTC cadets 18 years of age or above to act as its deputies to perform duties relative to the conduct of elections.²³ This is a long-

²¹ *Ibid.*

²² Sec. 5, *id.*

²³ Rep. Act No. 6389 (1971), sec. 3(a).

overdue acknowledgment that our youth have a vital role to play in the making of the society in which they live.

The Congress has the new Election Code likewise empowering the Commission on Elections to exercise direct and immediate supervision and control over, among other public servants, members of any national or local law enforcement agency and instrumentality of the Government in performing duties pertaining to the enforcement of the provisions of the Code.²⁴

Among its noteworthy functions under the Election Code of 1971, the Commission on Elections now enjoys the power:

(1) To prescribe the use or adoption of the latest technological and electronic devices, taking into account the situation prevailing in the area and the funds available for the purpose;²⁵

(2) To carry out a continuing campaign to educate the public and fully inform the electorate on election laws, procedures, decisions, and other matters relative to the work and duties of the Commission and the necessity for clean, free, orderly, and honest elections.²⁶

A serious omission in the previous Election Code (Revised Election Code) is rectified in the Election Code of 1971, which includes the following provision to promote fair and impartial decisions by the Commission on Elections on election controversies:

"No Chairman or member of the Commission shall sit in any case in which he has manifested or harbored bias, prejudice or antagonism against any party thereto and in connection therewith, or in any case in which he would be disqualified under the Rules of Court. If it be claimed that the Chairman or a member of the Commission is disqualified from sitting as above provided, the party objecting to his competency may, in writing, file his objection with the Commission stating the grounds therefor. The official shall continue to participate in the hearing or withdraw therefrom, in accordance with his determination of the question of his disqualification In the event of the disqualification of any member he shall be substituted by a Justice of the Court of Appeals who shall be designated by the Presiding Justice thereof upon request of the Commission."²⁷

One clear sign that the Commission on Elections has become a force in preserving democratic processes is its being authorized under the Election Code of 1971 to postpone an election in any precinct or political division for any serious cause making the holding of the election in a free, orderly, and honest manner impossible, on the condition that such postponement shall not be effective unless confirmed by the Supreme Court.²⁸

²⁴ *Ibid.*

²⁵ *Ibid.*, sec. 3(e).

²⁶ *Ibid.*, sec. 3(f).

²⁷ *Ibid.*, sec. 7.

²⁸ *Ibid.*, sec. 10.

The power to postpone an election, upon recommendation of the Commission on Elections, was previously vested in the President under the Revised Election Code.²⁹

Where the Revised Election Code is silent on the question of failure of election, the Election Code of 1971 deals forthrightly with this question:

If, on account of *force majeure*, violence, terrorism, or fraud the election in any precinct or precincts has not been held on the date herein fixed or has been suspended before the hour fixed by law for the closing of the voting and such failure or suspension of election in any precinct or precincts would alter the result of the election for any office to be voted in said election, the Commission (on Elections) may, on the basis of a verified petition and after due notice and hearing, call for the holding or continuation of the election on a date reasonably close to the date of the election not held or suspended: *Provided, however*, That the holding or continuation of the election on the date fixed by the Commission shall not be effective unless confirmed by the Supreme Court³⁰

It is a bit of a mystery why the Revised Election Code limits itself to naming only the President of the Senate to act as President when neither the President-elect nor Vice-President-elect shall have qualified or when the offices of both the President and Vice-President become vacant because of removal, death, resignation, or inability.³¹ There is, after all, no lack of talent in the legislature to discharge the powers and duties of the office of President if no President of the Senate is available to do so.

For the above purpose, the Election Code of 1971 provides that in case no President of the Senate is available to act as President or in the event of his removal, death, resignation, or of his inability to so act, "the Speaker of the House of Representatives, or if there be none, or in the event of his removal, death, resignation, or of his inability to act as President, the Senator or Representative elected by the members of the Congress in joint session shall act as President of the Philippines until the President or President-elect or the Vice-President or Vice-President-elect shall have qualified, or until their disability shall be removed, or a President shall have been elected and shall have qualified."³²

Once more, the Election Code of 1971 underscores the powerful role of the Commission on Elections by granting it the authority to call special elections,³³ a prerogative previously conferred on the President by the Revised Election Code.³⁴ The new Election Code also stipulates that all elec-

²⁹ REV. ELECTION CODE, sec. 8.

³⁰ Rep. Act No. 6388 (1971), sec. 11.

³¹ REV. ELECTION CODE, sec. 19.

³² Rep. Act No. 6388 (1971), sec. 15.

³³ *Ibid.*, sec. 18.

³⁴ REV. ELECTION CODE, sec. 22.

tion expenses shall now be subject to the approval of the Commission on Elections.³⁵

The Revised Election Code merely requires that papers and telegrams connected with the elections to be sent by some public officers to others in the performance of their duties shall be free of charge, the papers to be sent as registered and rush mail.³⁶ The Election Code goes further in the interests of prompt reporting of election returns by imposing on the Director of the Bureau of Posts and the Director of the Bureau of Telecommunications the duty of transmitting "immediately and in preference to all other communications or telegrams, messages reporting election results sent by the provincial, sub-provincial, city, municipal, and municipal district treasurers to the Commission (on Elections) and such other messages or communications which the Commission may require or as may be necessary to ensure free, honest and orderly elections."³⁷

When the Revised Election Code was signed into law, private armies were not as rampant. But the moment political bosses made it fashionable to sneak in Armalites, political camp followers bristling with hardware mushroomed all over the land and terrorism became a major political problem. Apparently, the problem did not faze the writers of the new Code. The Election Code of 1971 takes the bull by the horns and slaps on any candidate-protестee found guilty by a competent court of having committed acts of terrorism to enhance his candidacy the penalty of being disqualified from "continuing as a candidate, or if he has been elected, from holding the office."³⁸

From the way the Revised Election Code skirts the issue of tax evasion as a liability or a possible disqualification in running for an elective office, one suspects that the legislative brains behind that Code were great believers in letting sleeping dogs lie. The Election Code of 1971 spells out its stand on the issue in no uncertain terms:

"The certificate of candidacy shall likewise state his (the candidate's) gross income, including deductions and exemptions therefrom and that he has paid his income taxes as assessed for the last two years immediately preceding the election, including the receipt numbers and places of such payments, unless the candidate was exempt from paying income taxes, or his tax obligations are pending final determination, in which case he shall so state in his certificate of candidacy; and shall furthermore contain a waiver of the privilege from public disclosure of his income tax return and tax census statement for the said two-year period, except financial statements attached thereto, said waiver to be effective only during the period of his candidacy."³⁹

³⁵ Rep. Act No. 6388 (1971), sec. 20.

³⁶ REV. ELECTION CODE, sec. 25.

³⁷ Rep. Act No. 6388 (1971), sec. 21.

³⁸ *Ibid.*, sec. 25.

³⁹ *Ibid.*, sec. 26.

It is probable that at the time the Revised Election Code was approved, aspirants to elective offices had not yet acquired the finesse of present practitioners of the art of committing political mayhem. The Election Code of 1971 comes to grips with one aspect of that art not touched on in the previous Election Code by providing that "in all cases the said Commission (on Elections) may *motu proprio* or upon a verified petition of an interested party, refuse to give due course to a certificate of candidacy if it is shown that said certificate has been presented and filed to cause confusion among the voters by the similarity of the names of the registered candidates or by other circumstances which demonstrate that the candidate has no *bona fide* intention to run for the office for which the certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate."⁴⁰

Money talks, and talks loudly. Mindful of this item's persuasive powers, the architects of the Revised Election Code made it unlawful for any corporation or entity operating a public utility or which is in possession of or is exploiting any natural resources of the nation to contribute or make any expenditure in connection with any election campaign.⁴¹ The Election Code of 1971, however, does not stop there. It makes the same prohibition applicable to:

" . . . (a) banks, insurance companies, and other financial institutions; (b) natural and juridical persons who hold contracts or sub contracts to supply the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations, with goods or services or to perform construction or other works; (c) natural and juridical persons who have been granted incentives, exemptions, allocations or similar privileges or concessions by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations; and (d) natural or juridical persons who within one year from the date of the election have been granted loans in excess of ₱25,000.00 by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations."⁴²

Even sweet charity does not escape the wary eye of the new Election Law as a possible cloak for undue influence on elections:

"It shall be unlawful within the period of one hundred and fifty days before the election for any government-owned or controlled corporation to give or cause to be given, and/or to contribute or cause to be contributed any sums of money for any charitable, religious, or social cause whatsoever, unless specifically authorized by law."⁴³

⁴⁰ *Ibid.*, sec. 31.

⁴¹ REV. ELECTION CODE, sec. 47.

⁴² Rep. Act No. 6388 (1971), sec. 37.

⁴³ *Ibid.*, sec. 38.

The Election Code of 1971 is more stringent than the previous Election Code with regard to the prohibition to hold balls, lotteries, beauty contests, entertainments or cinematographic, or theatrical, or other performances for the purpose of raising funds for benefit purposes or for an election campaign or for the support of any candidate; it prohibits holding such affairs during one hundred fifty days immediately preceding a regular or special election,⁴⁴ instead of during the prohibitory two-month period stipulated under the Revised Election Code;⁴⁵ it tightens the screws further on any kind of fund-raising or contribution that may possibly affect the outcome of elections by providing that

“ . . . no person or organization, whether civic or religious, shall directly or indirectly solicit and/or accept from any candidate for public office, or from his campaign manager, agent or representative, any gift, food, transportation, contribution or donation in cash or in kind during the aforementioned period (one hundred fifty days immediately preceding a regular or special election): *Provided*, That normal and customary religious dues and/or contributions, such as religious stipends, tithes, or collections on Sundays and/or other designated collection days, are excluded from this prohibition: *Provided, further*, That in case of disasters or extraordinary religious events, the Commission (on Elections) may, after due notice and hearing, authorize the holding of benefits for the purpose of raising funds or permit contributions or donations otherwise hereinabove prohibited.”⁴⁶

A lot of people (such as owners of Mercedes-Benzes, teachers, registered nurses, doctors, and town curates) will wear long faces during one hundred fifty days immediately preceding a regular or special election with this 1971 legal roadblock against undue influence on elections:

“No candidate, his or her spouse or any relative within the second degree of consanguinity or affinity, or his campaign manager, agent or representative, shall during one hundred fifty days immediately preceding a regular or special election, directly or indirectly, make any donation, contribution, or gift in cash or in kind, or undertake and/or contribute to the construction of roads, bridges, schoolhouses, puericulture centers, medical clinics and hospitals, churches or chapels, cement pavements, or any other structure for public use or the use of any religious or civic organization: *Provided*, That normal and customary religious dues and/or contributions, such as religious stipends, tithes and/or collection in Sundays and/or other designated collection days, as well as periodic payments for legitimate scholarships established and school contributions habitually made before the prohibited period, are excluded from this prohibition.”⁴⁷

Excessive campaign spending by political parties and non-political organizations (overlooked in the previous Election Code) comes in for its share of prohibitory finger-wagging under the Election Code of 1971:

⁴⁴ *Ibid.*, sec. 39.

⁴⁵ REV. ELECTION CODE, sec. 46.

⁴⁶ Rep. Act No. 6388 (1971), sec. 39.

⁴⁷ *Ibid.*, sec. 40.

"No political party as defined in this Code shall spend for the election of its candidates an aggregate amount more than the equivalent of one peso for every voter currently registered throughout the country in case of a regular election, or in the constituency in which the election shall be held in case of a special election which is not held in conjunction with a regular election. Any other organization not connected with any political party, campaigning for or against a candidate, or for or against a political party shall not spend more than a total amount of five thousand pesos."⁴⁸

Very wisely, the Election Code of 1971 frowns on forms of election propaganda that smack of gimmickry. It outlaws such propaganda devices as balloons and billboards or bandannas, shirts, and hats⁴⁹ to push a candidate or political party on a susceptible electorate. The mind recoils from the thought of an army of electoral walking commercials descending on an outraged populace.

In keeping with the decorum and dignity appropriate to the sanctity of the ballot, the new Election Code confers its blessing on election propaganda such as:

"(1) Pamphlets, leaflets, cards, decals, stickers, or other written or printed materials of a size not more than eight and one-half inches in width by fourteen inches in length;

(2) Handwritten or printed letters urging voters to vote for or against any particular candidate;

(3) Cloth, paper, or cardboard posters whether framed or pasted with an area not exceeding two feet by three feet . . ."⁵⁰

The Revised Election Code seems to have very little to say on the regulation of election propaganda, whereas the new Election Code appears determined to poke into every nook and cranny of public life that could possibly harbor any kind of improper electioneering. On the matter of election propaganda through mass media, for instance, the new Code adopts a firm no-nonsense posture:

"(b) The Commission shall promulgate rules and regulations regarding the sale or use of air time for political purposes during the election period to insure that equal time in amount and quality is available to all candidates for the same office and to all political parties at the same rates or given free of charge; that such rates are reasonable and not higher than those charged to other buyers or users or air time for non-political purposes; that the provisions of this Code regarding the limitation of expenditures by political parties, political organizations and candidates and contributions by private persons and certain classes of corporations, entities and institutions are effectively enforced; that said radio, broadcasting and television stations shall not be allowed to schedule any program or permit any sponsor to manifestly favor or oppose any candidate and/or political party by unduly or repeatedly referring to or including

⁴⁸ *Ibid.*, sec. 42.

⁴⁹ *Ibid.*, sec. 47(1) and (2).

⁵⁰ *Ibid.*, sec. 48(1), (2), and (3).

said candidate in its program thereby giving undue advantage to said candidate and/or political party, respecting however, in all instances the right of said stations to broadcast accounts of significant or newsworthy events and views on matters of public interest.

"(c) All contracts for advertising in any newspaper, magazine, periodical or any form of publication promoting or opposing the candidacy of any person for public office shall, before its implementation, be registered by said newspaper, magazine, periodical or publication with the Commission. In every case, it shall be signed by or for the candidate or political party concerned.

"(d) No franchise or permit to operate radio or television stations shall be granted or issued during the election period.

"In all instances, the Commission shall supervise the use and employment of press, radio and television facilities so as to give candidates for the position equal opportunities under equal circumstances to make known their qualifications and their stand on public issues within the limits on election spending set forth in this Code."⁵¹

The writers of the Election Code of 1971 inserted in the Code a provision against misuse of public funds for electioneering:

"The use under any guise whatsoever, directly or indirectly, of (a) public funds or money deposited with or held in trust by public financing institutions or by government offices, banks, or agencies; or (b) any printing press, radio or television station operated by the Government or by any government-owned or controlled corporations; or (c) any equipment, vehicles, facilities, apparatus and paraphernalia owned by any government bank, financial institution or by the Armed Forces of the Philippines for any election campaign or for the purpose of promoting or opposing any candidate for public office is hereby prohibited and constitutes a serious election offense."⁵²

Where the previous Election Code cites expenditures only as possible improper inducement to vote for or against a candidate for an elective office,⁵³ the new Code enlarges on the theme of undue influence thus:

"It is unlawful for any person to promise any office or employment, public or private, or to make or offer to make an expenditure, directly or indirectly, or to cause an expenditure to be made to any person, association, corporation or entity, which may induce anyone or the public in general either to vote or withhold his vote, or to vote for or against any candidate in any election or any aspirant for the nomination or selection of an official candidate in a convention of a political party. It is likewise unlawful for any person, association, corporation or community, to solicit or receive, directly or indirectly, any expenditure or promise of any office, or employment, public or private, for any of the foregoing considerations."⁵⁴

⁵¹ *Ibid.*, sec. 49.

⁵² *Ibid.*, sec. 50.

⁵³ REV. ELECTION CODE, sec. 49.

⁵⁴ Rep. Act No. 6388 (1971), sec. 53.

To stress the seriousness of coercion in elections as an election offense, the Election Code of 1971 provides that:

“(a) It shall be unlawful for any public officer, or officer of any commercial, industrial, agricultural, economic or social enterprise, private corporation or association, or for any employer, to coerce or intimidate or compel directly or indirectly, any of his subordinates or employees, to aid, campaign or vote for or against any candidate in any election, or any aspirant for the nomination or selection of official candidates in a political party convention.

“(b) It shall be unlawful for any public officer, officer of any commercial, industrial, agricultural, economic or social enterprise, private corporation or association, or any employer to dismiss or threaten to dismiss, punish or threaten to punish, by reducing his salary, wage or compensation, or by demotion, or causing him annoyance in the performance of his job or in his membership, any subordinate, employee, member or affiliate for disobeying or not complying with any of the acts ordered by the former.”⁵⁵

Coercion in elections seems to be a pet peeve of the framers of the new Election Code, for the Code stipulates further that:

“It shall be unlawful for any person, directly or indirectly, to threaten or suggest, or actually to cause, inflict or produce any violence, punishment, damage, loss or disadvantage upon or against any person, or to use any fraudulent device or scheme to compel or induce any registration or refraining from registration of any voter, or any candidacy or withdrawal of candidacy, or any vote or omission to vote, or any promise of such registration, candidacy, vote, or omission therefrom.”⁵⁶

Partisan politics has never been famous for sweetness and light. To defuse an explosive situation sparked by frayed nerves and itchy fingers, the new Election Code grants the Commission on Elections the discretion, in the interest of free, orderly, and honest elections in specific areas, to confiscate firearms of members of the Philippine Constabulary, police forces, and other gun-toting organizations and agencies, whether government or private, during ninety days before and thirty days after the election.⁵⁷

(On the subject of firearms during election time, the Revised Election Code Provides: “It is unlawful to carry deadly weapons in the polling place and within a radius of thirty meters thereof during the days for registration, voting and canvass. However, in cases of affray, tumult or disorder, any peace or public officer authorized to supervise the elections may carry firearms or any other weapons for the purpose of preserving order and enforcing the law.”)⁵⁸

The new Code also forbids any person to use armored vehicles “provided with any temporary or permanent equipment or any other device

⁵⁵ *Ibid.*, sec. 58.

⁵⁶ *Ibid.*, sec. 59.

⁵⁷ *Ibid.*, sec. 66.

⁵⁸ REV. ELECTION CODE, sec. 53.

or contraption for the mounting or installation of cannon, machine guns and other similar high caliber firearms, including military type tanks, half trucks, scout trucks, armored trucks of any make or model *Provided*, That banking or financial institutions and all business firms may use not more than two armored vehicles strictly for and limited to the purpose of transporting cash, gold bullion or other valuables connected with their business from and to their place of business, upon previous authority of, and under rules and regulations as may be promulgated by, the Commission.”⁵⁹

It does not overlook private gun-toters either, but adds that the prohibition “shall not apply to cashiers and disbursing officers while in the performance of their duties or to persons who by nature of their official duties, profession, business or occupation habitually carry large sums of money or valuables.”⁶⁰

The Philippine Constabulary is sought to be regulated 90 days before election time. Recognizing the hard facts of political life, the writers of the new Election Code included the following provision:

“Within ninety days before any election, no police force of any city, municipality or municipal district shall be placed under the control of the Philippine Constabulary, or any of its units, or any of its officers.

“If the police force of a city, municipality or municipal district has been placed under such control before said period, the Commission may, upon verified petition and after due notice and hearing, lift said control in the interest of free, orderly and honest elections.”⁶¹

Coercion and undue influence in elections must have been a two-headed bugbear haunting the days and nights of the legislators working on the Election Code of 1971, for one encounters more provisions against questionable (1) release, disbursement, or expenditure of public funds;⁶² (2) construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices;⁶³ (3) suspension of elective provincial, sub-provincial, city, municipal or municipal district, or barrio officers;⁶⁴ (4) dismissal of employees, laborers, or tenants;⁶⁵ (5) appointment of new employees, creation of new positions, or giving of salary increases;⁶⁶ and (6) transfer of officers and employees in the Civil Service, and Philippine Army, Philippine Constabulary, Philippine Air Force, and Philippine Navy Unit Commanders⁶⁷ during specified periods before regular or special elections.

⁵⁹ Rep. Act No. 6388 (1971), sec. 67.

⁶⁰ *Ibid.*, sec. 68.

⁶¹ *Ibid.*, sec. 70.

⁶² *Ibid.*, sec. 71.

⁶³ *Ibid.*, sec. 72.

⁶⁴ *Ibid.*, sec. 73.

⁶⁵ *Ibid.*, sec. 74.

⁶⁶ *Ibid.*, sec. 75.

⁶⁷ *Ibid.*, sec. 76.

To facilitate transaction of official business connected with the holding of elections, the new Election Code provides that:

"It shall be unlawful for any public utility or transportation to refuse to carry official election mail matters free of charge, thirty days before and after the elections. Any such refusal to carry election mail matters shall be cause for the cancellation or revocation of their certificates of public convenience or franchises." 68

Goonsterism, in the form of prisoners illegally released before and after elections, is also prohibited. The Election Code of 1971 is hardly inclined to be indulgent about such monkeyshines:

"The Director of the Bureau of Prisons, the provincial warden, the keeper of the jail and the person or persons who are required by law to keep prisoners in their custody who shall illegally order or allow any prisoner detained in the national penitentiary, provincial, city or municipal jail to leave the premises thereof sixty days before and thirty days after the election shall, if convicted by a competent court, be made to suffer the penalty or *prision mayor* in its maximum period: *Provided*, That if the prisoner or prisoners so illegally released commit any act of intimidation, terrorism or interference, then the penalty shall be life imprisonment." 69

Exposure to political campaigning for excessively long periods in past elections has turned a long-suffering electorate glassy-eyed with resignation or indifference. No one knows what inordinate expenditures of time, energy, and money have been diverted from the normal and necessary pursuits of day-to-day living by the protracted activities of political campaigners. To bring such marathon campaigners to heel, the Election Code of 1971 makes it ". . . unlawful for any person, whether or not a voter or candidate, or for any group or association of persons, whether or not a political party, to engage in an election campaign or partisan political activity except during the period of one hundred twenty days immediately preceding an election." 70

The familiar sight of a harassed-looking voter peering around on election day for a polling place that is no longer where he expected to find it may be a source of faint amusement to onlookers. But to the distressed voter, the sinking feeling of being left out of the electoral swim is no laughing matter. To minimize the number of such involuntary "abstainers" as much as possible, the new Election Code provides that "no location (of a polling place) shall be changed within forty-five days before a regular election and ten days before a special election, except in case it is destroyed or it cannot be used." 71

68 *Ibid.*, sec. 77.

69 *Ibid.*, sec. 79.

70 *Ibid.*, sec. 81.

71 *Ibid.*, sec. 86.

Under the previous Election Code, no corresponding specific period is mentioned. It merely stipulates that the location of a polling place "shall not be changed until the next regular election, unless it is so ordered by competent authority, except in case it is destroyed or it cannot be used."⁷²

The idea is to allow enough time for news of the change to circulate in the voting district concerned. Many voters do not bother to check on such change or to read the notice of such change posted in a conspicuous public place. Those who do, however, usually spread the news around.

On the disqualifications to vote, while the Revised Election Code provides that a person shall not be qualified to vote who has been sentenced by final judgment to suffer one year or more of imprisonment, such disability not having been removed by plenary pardon,⁷³ it makes no provision for the reacquisition of the right to vote. The new Code rectifies this omission as follows:

" . . . any person disqualified to vote under this paragraph shall automatically reacquire the right to vote upon expiration of ten years after service of sentence unless during such period, he shall have been sentenced by final judgment to suffer an imprisonment of not less than one year."⁷⁴

Identification of voters is dealt with more explicitly in the new Election Code than in the previous one. The new Code wisely forestalls hasty turning away of qualified voters for purely technical reasons:

"The voter's identification card to be issued by the election registrar of the city, municipality or municipal district shall serve and be considered as document for the identification of each registered voter: *Provided, However,* That no voter shall be required to present his identification card on election day unless his identity is challenged as provided in section one hundred seventy-eight hereof: *Provided, further,* That his failure or inability to produce his identification card upon being challenged, shall not preclude him from voting if his identity be shown from the photograph or fingerprints in his approved application in the precinct book or if he is identified under oath by a member of the board, of inspectors or by a duly accredited watcher."⁷⁵

Aware that cemeterial residents have a way of coming to life and voting on election day, the writers of the new Code have hit on the following to keep such residents where they belong:

"Upon petition of any voter, candidate, election registrar or political party, any precinct book of voters not prepared in accordance with the provisions of this Code, or the preparation of which is effected with fraud, bribery, forgery, impersonation, intimidation, force, or any other similar irregularity may, after due notice and hearing, be annulled by competent

⁷² REV. ELECTION CODE, sec. 66.

⁷³ *Ibid.*, sec. 99(a).

⁷⁴ Rep. Act. No. 6388 (1971), sec. 102(a).

⁷⁵ *Ibid.*, sec. 129.

court: *Provided*, That no judgment annulling a precinct book of voters shall be executed within ninety days before election day."⁷⁶

One answer to election violence and terrorism is supplied by the new Election Code:

"In places where the Commission (on Elections) after due notice and hearing considers election violence or terrorism to be imminent, and by reason thereof, public school teachers and their substitutes are unable or unwilling to discharge their duties, the Commission may appoint ROTC cadets, who are at least twenty-one years of age, as members of the board of inspectors to insure free, orderly and honest election therein."⁷⁷

Like an unwanted door-to-door salesman, nepotism is not given much of a chance by the new Election Code to intrude its shabby foot in the door of politics where the board of inspectors is concerned:

"No member of the board shall be related to any other member of the same board or to any candidate to be voted in the precinct within the fourth civil degree of consanguinity or affinity. It shall be unlawful for any person who, knowing that he is related as above-stated to any candidate or to any member of the board, shall knowingly fail to notify the Commission about such relationship, (to) assume the office of member thereof and perform the duties pertaining thereto."⁷⁸

The long arm of the law has often been misused by partisan political interests to cow the electorate into seeing things their way. This the new Election Code does not take lying down and provides:

"It shall be unlawful for any regular policemen or peace officer or any armed person belonging to any extra-legal police agency such as special agents, confidential agents, temporary police, security guards, security agents, special police, and all other kinds of armed or unarmed extra-legal police to enter any polling place and no policemen or peace officer shall be allowed to enter or stay inside the polling place except when there is an actual disturbance of the peace and order therein. However, the board of inspectors may, if it deems necessary, make a call in writing, duly entered in the minutes thereof, for the detail of a policeman or any peace officer for their protection or for the protection of the election documents and paraphernalia, in which case, the said policeman or peace officer shall stay outside the polling place within a radius of thirty meters near enough to be easily called by the board of inspectors at any time, but never at the door, and in no case shall the said policeman or officer shall stay outside the polling place within a radius of thirty or in any manner obstruct the free access of the voters to the polling place."⁷⁹

The appreciation of ballots calls for considerable exercise of judgment. About two dozen rules are set forth in the Revised Election Code as guide-

⁷⁶ *Ibid.*, sec. 142.

⁷⁷ *Ibid.*, sec. 143.

⁷⁸ *Ibid.*, sec. 150.

⁷⁹ *Ibid.*, sec. 172.

lines for such appreciation. The new Code adds a number of guidelines, one of the more notable of which has to do with the use of nicknames and appellations of affection and friendship:

"... if a nickname is used unaccompanied by the name or surname of a candidate and it is one by which he is generally or popularly known in the locality and stated in his certificate of candidacy, the same shall be counted in favor of said candidate, if there is no other candidate for the same office with the same nickname."⁸⁰

With regard to alterations in the statement or election returns, the Revised Election Code provides that after the announcement of the result of the election in the polling place, the board of inspectors shall not make any alteration or amendment in any of its statements, unless it be so ordered by a competent court.⁸¹

The Election Code of 1971, however, enlarges on the above provision substantially by adding:

"... unless so ordered by a competent court upon petition of the members of the board of inspectors within five (5) days from the date of the elections or twenty-four (24) hours from the time a copy of the election return concerned is opened by the board of canvassers, whichever period is earlier. The petition shall be accompanied by proof of service upon all candidates affected. If the petition is by all the members of the board of inspectors and the results of the election would not be affected by said correction and none of the candidates affected objects thereto, the court, upon being satisfied of the veracity of the petition and of the error alleged therein, shall order the board of inspectors to make the proper correction on the election returns.

"However, if a candidate affected by said petition objects thereto, whether the petition is filed by all or only a majority of the members of the board of inspectors, or if the results of the election would be affected by the correction sought to be made, the Court shall proceed summarily to hear the petition. If it finds the petition meritorious and there are no evidences or signs indicating that the identity and integrity of the ballot box have been violated, the Court shall order the opening of the ballot box. After satisfying itself that the integrity of the ballots therein has also been duly preserved, the Court shall order the recounting of the votes of the candidates affected and the proper correction made on the election returns, unless the correction sought is such that it can be made without need of opening the ballot box."⁸²

Under the Revised Election Code, municipal treasurers (and, presumably, their counterparts in cities and municipal districts) are authorized to keep ballot boxes unopened in their possession for three months, unless required to be opened earlier or kept unopened longer in connection with some pending contest or investigation.⁸³ The Election Code of 1971 makes

⁸⁰ *Ibid.*, sec. 189, rule 11.

⁸¹ REV. ELECTION CODE, sec. 154.

⁸² Rep. Act No. 6388 (1971), sec. 194.

⁸³ REV. ELECTION CODE, sec. 157.

an important stipulation not found in the previous Code: “. . . upon a showing by any registered candidate that the boxes will be in danger of being violated if kept in the possession of such officials, the Commission may order them kept by any other official it may designate.”⁸⁴

The issue of nepotism (a point not covered in the Revised Election Code) is raised once more in the Election Code of 1971 in connection with boards of canvassers: “In no case shall the chairman and the members of the provincial board of canvassers or the board of canvassers for the City of Manila and other chartered cities, as the case may be, be related within the fourth civil degree of consanguinity or affinity to any of the candidates in their respective jurisdiction.”⁸⁵

The same prohibition is made to apply in the new Code to municipal or municipal district boards of canvassers.⁸⁶

In both the new and the previous Election Codes, provision is made with respect to discrepancies in two or more authentic copies of election returns where the difference in the number of votes recorded affects the result of the election, justifying a recount of votes.⁸⁷ Only the new Code, however, provides that “if upon the opening of the ballot box it should appear that there are evidences or signs of replacement or tampering of the ballots, the Court shall not recount the ballots but shall forthwith seal the ballot box and deliver the same to the Commission for safekeeping.”⁸⁸

A noteworthy improvement in the Election Code of 1971 is the section concerning certificates of election returns for Presidential and Vice-Presidential elections that appear to be incomplete or to bear erasures or alterations,⁸⁹ on which the previous Code has practically nothing to say.⁹⁰

Of even greater interest is the new Code's specific listing of serious and less serious election offenses,⁹¹ not specified in the previous one, with corresponding penalties set forth in a subsequent section.⁹² Such a listing may well serve as a deterrent to political tyros or partisans intent on electoral mischief for the sake of personal gain, not of rendering public service.

⁸⁴ Rep. Act No. 6388 (1971), sec. 196(b).

⁸⁵ *Ibid.*, sec. 198.

⁸⁶ *Ibid.*, sec. 200(a).

⁸⁷ *Ibid.*, sec. 206; REV. ELECTION CODE, sec. 163.

⁸⁸ Rep. Act No. 6388 (1971), sec. 206.

⁸⁹ *Ibid.*, sec. 212.

⁹⁰ REV. ELECTION CODE, sec. 166 (last par.).

⁹¹ Rep. Act No. 6388 (1971), sec. 231.

⁹² *Ibid.*, sec. 233.

