

## ELECTION CODE OF THE PHILIPPINE MEDICAL ASSOCIATION

*(Amended and Approved by the Board of Governors in two consecutive meetings on  
May 17, 2006 and May 18, 2006)*

The Board of Governors of the Philippine Medical Association, by virtue of the authority vested on the Board under Article V and XI of the By-Laws of the Association, hereby promulgates this Election Code.

### ARTICLE 1 GENERAL PROVISIONS

**Section 1. Title.** This Code shall be known as the Election Code of the Philippine Medical Association.

**Section 2. Fundamental Principles.** The participation of members in the governance and activities of an association and in the selection of its leaders is vital to the life of an organization such as the Philippine Medical Association. Every effort should be exerted, therefore, to encourage maximum participation in elections and to reduce problems and anomalies attendant to the electoral process.

**Section 3. Scope and Applicability of this Code.** This code shall define who shall have the right to vote and to be voted upon, as well as the exercise of these rights. Furthermore, it shall determine the conduct of elections for the members of the Board, and the officers of both national and local levels as provided for in the By-Laws. Election mentioned in this Code shall be taken to mean both national and local elections.

**Section 4. Implementing Body.** As provided for under Article VII, Section 3 of the By-Laws of the Association, the Commission on Elections shall have the exclusive power to enforce and administer all provisions, rules, regulations and policies relative to the conduct of elections. From hereon, the Commission on Elections shall be referred to as the National COMELEC and the local commissions on elections shall be referred to as the local COMELECS.

### ARTICLE 2 THE RIGHT TO VOTE

**Section 1. Fundamental Principles.** The right of a PMA member to vote is inherent in his membership in good standing in the Association. It may be limited, broadened and even denied as provided for in the Corporation Code of the Philippines. The exercise of the right to vote is subject to rules provided for in this Code.

**Section 2. Qualifications of Candidates for National Office.**

- A. To qualify for National Office, a member must be in good standing for 5 consecutive years immediately preceding the election.
- B. For one who avails of amnesty or is reinstated, under Chapter 2 of par. 3, Amnesty of the Administrative Code, the 5 consecutive year-requirement shall start at the date of reinstatement.
- C. The member must have been elected and must have served as president of a Component Society or one of the 8 Specialty Societies for at least one year prior to his being a candidate to National Office.
- D. Must be of good moral character, and must not have been convicted of any criminal offense.
- E. Must not have a pending case filed against the PMA or component society in any court of law or any quasi-judicial body.
- F. Must not have been penalized with disciplinary action by the PMA or the component society within 5 years prior to election.

**Section 3. Who Are Entitled to Vote.** Regular members of the PMA, who are in good standing and are not otherwise disqualified, may vote in elections of the Association. For purposes of elections, a member is in good standing if he fulfills the following conditions:

- A. Duly licensed to practice medicine in the Philippines;
- B. Member of a component society of the Association;
- C. Has settled all financial obligations to the Association and his component society, *which for purposes of eligibility to vote in the elections of the Philippine Medical Association shall mean payment of said dues on or before September 30 preceding the election.*
- D. Has complied with the requirements of the Commission on Continuing Medical Education; and
- E. Is listed in the Voter's List.

**Section 4. Disqualifications.** A member is disqualified from voting when he does not comply with the requirements in Section 2 above, or has been penalized with disqualification from voting or being voted upon as provided for in Article 3, Section 6 of this Code. A member who has thus been disqualified may apply with the Board of Governors through the Secretary-General for restoration of membership. If favorably acted upon by the Board, his name shall be re-entered in the Voters' List and the component society concerned notified accordingly.

**Section 5. Preparation of the Voters' List.** The preparation of the voters' list shall be the responsibility of the National COMELEC and the Secretary-General. When completed, the voters' list shall be approved by the Board of Governors not later than November 15. The National COMELEC will then send copies of pertinent portions of the Voters' list to the Chairmen of local COMELECS not later than November 30. Upon receipt of same, it shall be the responsibility of the chairmen of the local COMELECS to inform the National COMELEC not later than December 30 of any change that should be made therein, after which date no request for any inclusion or exclusion of names shall be entertained. No challenge to any entry in the list will be considered at the polling places.

**Section 6. Transfer of Voter.** A member may change the component society of which he is a member to a different component society as provided for in the By-Laws of the Association (Article 1, Section 4). In the administrative year in which the transfer is effected, a member's right to vote shall be exercised in the component society in which he was originally listed, and in the year following his transfer, he shall vote in the society into which he transferred. The corresponding changes in the voters' list shall be accomplished by the Secretary-General.

### ARTICLE 3 THE RIGHT TO BE VOTED UPON

**Section 1. Fundamental Principles.** Every regular member of the Association in good standing has the right to be voted upon in any national election provided he fulfills the requirements listed in this Code and as evidenced by a valid Certificate of Candidacy.

**Section 2. Certificate of Candidacy.** A member of the Association who desire to be a candidate in a national election shall file with the National COMELEC a Certificate of Candidacy in the form prescribed in this Code as Annex A, together with supporting documents showing membership in good standing, qualifications for the office sought, bio-data of not more than three hundred (300) words and four (4) passport size photographs taken within one calendar year from the date of filing. This application with its accompanying documents, whether delivered directly or sent by mail, must be received by the National COMELEC not later than 5:00 p.m. of October 31 of the administrative year of the election. The National COMELEC shall verify each certificate and satisfy itself that the candidate concerned possesses all the qualifications for the office sought, and is not disqualified for any

reason. The National COMELEC may call on the candidate concerned to answer questions regarding his candidacy and the veracity of the data submitted with the certificate.

**Section 3. Listing of Candidates and Publications.** The National COMELEC shall make public announcement of all qualified and approved candidates for national office before December 31. A publication listing qualified candidates with corresponding bio-data shall be issued in the PMA Newsletter or equivalent medium and made available for each member qualified to vote as provided for in Article 6 of this Code.

**Section 4. Complaints Against Candidates.** Any PMA member may file with the National COMELEC a verified complaint duly sworn to alleging that a candidate cannot run for the office he is seeking or for violations of this Code. The National COMELEC shall serve a copy of said complaint to the candidate concerned and require him to reply to the allegations in a sworn statement within three (3) days of service of the copy. Failure to submit a reply within the time allowed shall be grounds for cancellation of candidacy. The National COMELEC shall then determine if there has been violation of the Code and if so, shall rule on penalties applicable. A motion for reconsideration of the decision of the National COMELEC may be filed with said body within 48 hours of receipt thereof. Complaints for violations of this code shall be filed before the Candidates are proclaimed. Complaints questioning the qualifications of candidates shall be filed on or before March 1 preceding the elections.

**Section 5. Prohibited Campaign Practices.** The conduct of elections in the Association shall be in a manner and at a level consonant with the dignity and status of the physician. Candidates are enjoined to refrain from directly or indirectly engaging in the following practices or activities particularly from the time of filing of Certificates of Candidacy to the Last Day of the Election Period:

- A. Offering to pay or actually paying for membership dues and/or convention registration fees, transportation, food and hotel expenses of members who are qualified to vote;
- B. Invoking loyalty to alma mater, affiliation to an institution, or common employment in the government services, as a means of attracting votes;
- C. Providing entertainment to members or giving of gifts;
- D. Publicity of the candidates in the press, television, radio or other media;
- E. Display of posters and streamers to publicize the candidacy; and
- F. Distribution of badges, balloons, shirts, lighters, matches, pencils and similar propaganda gimmicks.

Candidates may accept speaking engagements provided that no derogatory remarks about other candidates are made and the talk is ethical and of high level.

**Section 6. Penalties for Prohibited Practices.** If any candidate shall be found to have engaged in any of the prohibited practices, he shall be directed by the National COMELEC to submit in writing an explanation for his activities. Should the COMELEC find said explanation unsatisfactory, it may impose any or all of the following penalties depending on the gravity of the offense:

- A. Reprimand and warning against further engaging in prohibited practices;
- B. Cancellation of his Certificate of Candidacy;
- C. Temporary or permanent disqualification from voting or being voted upon; and
- D. Subject to the approval of the Board of Governors, the PMA membership of candidates and/or others acting in their behalf may be suspended or cancelled by the National COMELEC for engaging in any of the practices prohibited by this code. The decision against the offenders shall be transmitted to the Committee on Ethics for such action as it may deem appropriate.

**Section 7. Withdrawal of Candidacy.** In the event that a candidate withdraws his candidacy, or in case of his death, disability, disqualification or absence from the country as would prevent him from assuming office if elected, the National COMELEC may consider, if time permits, the acceptance of a Certificate of Candidacy for the candidacy vacated. Withdrawal of candidacy should be made in writing and submitted to the Commission on Elections seven (7) days before the elections in the precincts.

#### **ARTICLE 4 THE NATIONAL COMELEC**

**Section 1.** As provided for in Article 7 of the By-Laws, the Commission on Elections shall consist of six (6) members who shall serve terms of three (3) years each arranged on a staggered basis so that only two (2) are appointed each year. The National Comelec shall prepare its own rules of procedures, which must not conflict with the by-laws and the election code. The members of the Commission on Elections shall not be eligible for election during their incumbency and the election in the fiscal year during which they were serving in the Commission.

**Section 2.** In the event of any vacancy in the National COMELEC by reason of resignation, death or incapacity, the President with the concurrence of the Board of Governors, shall immediately appoint a new member to fill the vacancy, and the member appointed shall serve for the remainder of the unexpired term.

**Section 3.** The National COMELEC shall have the exclusive power to enforce and administer all provisions, rules, regulations and policies relative to the conduct of elections in the Association. The duties of the National COMELEC shall be:

- A. To promulgate and enforce the rules and regulations implementing the Election Code governing the nomination of candidates, verifying whether candidates have the qualifications prescribed by the Association, and overseeing the conduct of elections;
- B. To receive and investigate complaints submitted under oath by members regarding anomalies or irregularities committed by candidates and other members in connection with elections;
- C. To supervise the tallying and undertake the canvass of election returns, as well as to proclaim the winners.

**Section 4.** The annual election of national officers and the Board of Governors shall be held during the Election Period extending from November 29 to the date of the elections by precincts; which latter date shall be no less than sixty (60) days before the annual convention, and in the accordance with the provisions of this Code in Article 6 and 7.

#### **ARTICLE 5 THE LOCAL COMELECS**

**Section 1. Formation of Local COMELECS.** A Local Commission on Elections shall be established in every component medical society composed of at least three members. It shall be the duty of the president of the component society to appoint the local COMELEC, subject to the confirmation of the executive council, board or similar equivalent body of the component society. The members of the local COMELECS shall have a term of two years without reappointment. A previous member of the Local COMELEC is eligible for appointment to a local Comelec only after at least a one-year break. The local COMELEC shall supervise the conduct of the elections held in component societies. The President of the society shall report the composition of the local Comelec to the National COMELEC not later than September 30, as well as any other changes in the local immediately after it is effected. The members of the local COMELEC cannot hold any elective local office during their incumbencies nor can a member who is holding elective office be appointed as a member of the local COMELECS.

**Section 2. Duties of Local COMELECS.** The chairman, secretary and members of local COMELECS are automatically deputies of the National COMELEC for purposes of the national elections. In the performance of their duties as deputies they are subject to the control and supervision of the national COMELEC. The duties of the local COMELECS are:

- A. To enforce the provisions of this Code within the territorial limits of the component society;
- B. To provide for an adequate polling place, accessibly and centrally located, with such physical arrangements as are conducive to orderly voting, including ballot boxes for used and unused ballots and blackboards for the tallying of votes, as well as additional polling places if so permitted by the National COMELEC;
- C. To see to it that ballots and other election forms are ready before Election Day and to conduct the elections on that day in accordance with the provisions of this Code and the instructions of the National COMELEC. In the event that the local COMELEC does not receive the ballots and other election forms on the day before the elections in the precincts, it is authorized to improvise ballots with stubs, and other election forms, to be held in readiness for use on the precinct elections. The ballots and stubs shall bear in the back the signature of the local COMELEC Chairman. Such emergency ballots and other forms shall be used if the material from the National Comelec fails to arrive by 11:00 on the day before the precinct elections.
- D. To inform the National COMELEC immediately of any problems that might adversely affect the conduct of the elections;
- E. As soon as the voting is finished, to publicly count in the polling place the votes cast and ascertain the results, after which the chairman and members shall sign the tally sheets and canvass reports in the official forms designed for the purpose;
- F. To send to the National COMELEC in a sealed envelope, signed by the Chairman and members, all ballots, used and unused together with the Voters' List, canvass reports and corresponding tally sheets, leaving one copy with the local COMELEC;
- G. Within 48 hours of ascertaining the results, to send to the National COMELEC by fastest available means all the used and unused ballots, Voters' List, tally sheets and canvass reports signed by the Chairman and members of the local COMELEC. Ballots sent after the 48 hour period shall not be counted unless an investigation by the National COMELEC will reveal that the sending beyond the 48 hour period was for justifiable reasons.
- H. Immediately after ascertaining the result, to report the same by telegram or telephone to the National COMELEC; and
- I. To comply with instructions of the National COMELEC and undertake such other functions and responsibilities as the National COMELEC may direct.

Section 3. Failure of the local comelec to comply with the provisions of this Code shall be penalized by any or all of the following penalties, depending upon the gravity of the offense:

- a. reprimand and warning
- b. ouster from office of the local comelec officials concerned
- c. temporary or permanent disqualification from voting or being voted upon
- d. with the approval of the Board of Governors, suspension of membership or expulsion from the association.

If the local comelec fails to comply with the provisions of this Code in conspiracy or with the help or assistance of the members, such members, although they may not be members of the local comelecs, shall likewise be penalized under letters a,c and d of this section.

## ARTICLE 6 THE ELECTION PROCESS

**Section 1.** Elections in the association shall be through precinct elections whereby a member in good standing who is allowed by the Election Code to vote, shall go to a designated precinct and cast his vote. Each component society of the association shall have a precinct the location of which shall be designated by the local comelec.

Upon recommendation by the local comelec for justifiable causes and approval by the National Comelec, additional precincts in specific geographical areas within the jurisdiction of the component society, may be established. Only doctors practicing or residing in such specific geographical area shall be allowed to vote in the additional precinct established. The local comelec shall inform the members concerned regarding the location of the additional precinct. A member of the local comelec shall be present during the casting and counting of ballots. Steps should be taken by the National and local comelec to prevent voters from more than once. The results of the voting duly signed by the member of the local comelec supervising the elections in the additional precincts shall be transmitted within 24 hours to the main precinct of the component society and added to the results of other precincts. The 48 hour period for transmittal of the results to the National COMELEC shall start upon receipt by the local comelec of all the results in the precincts. The candidates shall have the right to designate their poll watchers in all the additional precincts subject to the other provisions of this Code.

**Section 2.** Thirty (30) days before the precinct centered elections, the National COMELEC shall send to each component society, care of its local COMELEC; the list of voters concerned, together with substitute ballots to allow the voters to cast their votes at designated polling places, as outlined in Article 7 of this Code.

## ARTICLE 7 ELECTION DAY IN THE PRECINCTS

**Section 1.** The election day in the precincts shall be at least sixty (60) days before the annual convention, on a Sunday designated by the COMELEC for this purpose and for the election of component society officers. Should a local COMELEC find it impossible to conduct the elections in its territory on the day set, the National COMELEC may authorize the local COMELEC to conduct the polling process on any day within the week.

Elections whether special or annual held by the local component society without prior approval of the National COMELEC shall be considered null and void.

**Section 2. Voting Hours.** The polls shall be open for the casting of ballots at eight o'clock (8:00) in the morning and shall close at five o'clock (5:00) in the afternoon. Should there be voters in the premises of the polling place at 5:00 PM who have not yet cast their votes, a member of the local COMELEC shall take down their names and consecutively number them. The voters shall then be called to vote in the order in which they are listed. Any voter in the list who is not present when his name is called shall not be permitted to vote, neither will those who are not listed.

**Section 3. Poll Watchers.** Each candidate may nominate one poll watcher for the elections held at each of the component societies, and one for the tallying by the National COMELEC. The poll watcher in the component society shall be approved by the local Comelec while the watcher in the tallying by the National COMELEC shall be approved by the National COMELEC prior to their assuming their function.

**Section 4. Appreciation of Ballots.** The rules laid down in the Election Code of the Philippines shall be applied as far as they are not inconsistent with this Code.

**Section 5. LOCAL ELECTIONS.** The election of officers of component societies should be held, simultaneously with the precinct centered portion of the PMA National Elections and shall be the responsibility of the local COMELECS. For purposes of the component society elections, the local COMELEC shall decide any questions or disputes relating to the component society candidates and the conduct of the elections and proclaim the winning candidates for local component society officers. The local comelecs shall resolve all complaints and contest on the day of the election and before proclamation. The decisions of the local COMELECS may be appealed to the National COMELEC within three (3) days after such decisions or proclamation. The decision of the National COMELEC shall be final.

Questions and disputes arising at component society level regarding the National Elections shall be heard and resolved by the local COMELEC whose decision may be appealed within a period of three (3) days from notice of such decision to the National COMELEC. If the local Comelec does not make any decision or refuses to take cognizance of the case regarding the national elections, a complaint or contest may directly be filed before the National COMELEC.

## **ARTICLE 8 NATIONAL CANVASSING AND PROCLAMATION**

**Section 1. CANVASSING OF THE NATIONAL RETURNS.**

The National Comelec shall canvass the results transmitted by the local comelec fifteen days after the elections. The date of the canvassing may be held on another date within the same week for justifiable causes. All the candidates shall be informed if a different date of the canvassing is set by the National COMELEC. The canvassing shall be open to all PMA members. Candidates or their watchers may attend the proceedings and make known to the National COMELEC their objections, if any. The parties concerned shall waived all objections to the manner of the canvassing unless these are raised during the proceedings. The results of the National Elections shall be proclaimed by the Naional COMELEC after the canvassing. The National COMELEC may defer the proclamation if there are unresolved complaints or contests, unless it will refer the matter to the ELECTORAL TRIBUNAL.

## **ARTICLE 9 ELECTION CONTESTS**

**Section 1. ASSUMPTION OF OFFICE NOTWITHSTANDING AN ELECTION CONTEST.** Every candidate in the National Elections duly proclaimed by the National COMELEC shall assume office, notwithstanding the pendency of any contest against his election in the Securities and Exchange Commission or in the courts, unless such assumption of office is prevented by an injunction. After the proclamation is made, the National COMELEC shall refer all unresolved complaints or contests regarding the elections of national officers to the ElectoralTribunal.

In appealed matters related to the elections of local component officers, the National COMELEC may enjoin the assumption of office of a candidate or make such other orders to preserve the integrity of the local elections.

**Section 2. PETITION FOR RECOUNT OF VOTES.** The local COMELEC has the authority to grant a recount of votes upon petition of a candidate or his watcher made before the tally sheets and canvass reports have been signed by the chairman and members of the local COMELEC. Any change brought about by such recount will be signed in the same manner.

Upon written petition of any candidate, filed before any proclamation has been made, stating the ground therefore, a copy of which has been served the rival candidate or candidates, a petition for a recount of votes may be filed directly before the National COMELEC if the ballots have been received by the National Comelec. All expenses for the

recount shall be shouldered by the requesting party. The National COMELEC shall set the case for expeditious hearing after giving the parties concerned three days within which to answer. In the event a recount is granted, its results shall be adopted as the final tally after which the winner shall be proclaimed.

## **ARTICLE 10 ELECTORAL TRIBUNAL**

**Section 1. Composition.** There shall be an Electoral Tribunal composed of five members and should be constituted not later than November 30. Two members shall be chosen by the Board from among themselves, two shall be chosen by the National COMELEC from among themselves, one PMA member at large shall be from among the members in good standing, chosen and named by the Board of Governors. The members of the Electoral Tribunal shall serve for a term ending at the formation of its successors. The members of the Tribunal shall elect a Chairman, Vice-Chairman and a Secretary from among themselves.

**Section 2. Jurisdiction.** The Electoral Tribunal shall have exclusive jurisdiction to receive, hear and decide election protests referred to it by the National COMELEC. Its decisions are not appealable, though it may entertain motions for reconsideration or re-hearing.

**Section 3. Procedure.** The Tribunal shall prescribe the procedure for the conduct of its proceedings.

## **ARTICLE 11 AMENDMENTS**

**Section 1.** Amendments to this Code shall be approved by a two-thirds majority of the Board of Governors in two consecutive meetings of the Board.

## **ARTICLE 12 EFFECTIVITY**

**Section 1. Effectivity.** This Code, as well as all amendments thereto, shall apply to all elections in the next fiscal year following the approval by the Board of Governors.

The amendments after being approved by the Board of Governors shall be distributed to the members of the next General Assembly.

Amended and Approved on May 17, 2006 and May 18, 2006 by the PMA Board of Governors.

Attested:

MODESTO O. LLAMAS, M.D.  
President

REY MELCHOR F. SANTOS, M.D.  
Secretary-General



