



DepEd MEMORANDUM
No. **51**, s. 2011

FEB 28 2011

DISSEMINATION OF COMELEC RESOLUTION NOS. 9126, 9127, 9129, AND 9130

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Regional Directors
Schools Division/City Superintendents
Heads, Public Elementary and Secondary Schools
All Others Concerned

1. For the information and guidance of all concerned, enclosed are copies of the following Commission on Elections (COMELEC) Resolutions which are self-explanatory:

- a. **COMELEC Resolution No. 9126** entitled General Instructions for the Municipal Boards of Canvassers in Connection with the March 12, 2011 Special Elections in the Provinces of Basilan, Mountain Province, Sulu and Tawi-Tawi, promulgated on January 28, 2011.
- b. **COMELEC Resolution No. 9127** entitled General Instructions for the Board of Election Inspectors (BEI) on the Casting and Counting of Votes in Connection with the March 12, 2011 Special Elections in Certain Precincts in the Provinces of Basilan, Mountain Province, Sulu and Tawi-Tawi, promulgated on January 28, 2011.
- c. **COMELEC Resolution No. 9129** entitled Rules and Regulations Governing Public Works Ban and Release, Disbursement and Expenditures of Public Funds in Connection with the March 12, 2011 Special Elections in Certain Precincts in the Provinces of Basilan, Mountain Province, Sulu and Tawi-Tawi, promulgated on January 28, 2011.
- d. **COMELEC Resolution No. 9130** entitled Enforcement of the Prohibition Against Appointment or Hiring of New Employees; Creation or Filling Up of New Positions; Giving Salary Increases; Transferring/Detailing of Civil Service Employees; and Suspension of Elective Local Officials in Connection with the March 12, 2011 Special Elections in Certain Precincts in the Provinces of Basilan, Mt. Province, Sulu and Tawi-Tawi, promulgated on January 28, 2011.

2. Immediate dissemination of this Memorandum is desired.


ATTY. ALBERTO T. MUYOT
Undersecretary

Encls.: As stated

Reference: N o n e

To be indicated in the Perpetual Index under the following subjects:

ELECTIONS

LEGISLATIONS

OFFICIALS



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS

EDUCATIONAL INFORMATION DEPARTMENT

RECEIVED

BY: Manan
DATE: 1/28/11 TIME: 7:50 pm



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

GENERAL INSTRUCTIONS FOR THE MUNICIPAL BOARDS OF CANVASSERS IN CONNECTION WITH THE MARCH 12, 2011 SPECIAL ELECTIONS IN CERTAIN PRECINCTS IN THE PROVINCES OF BASILAN, MOUNTAIN PROVINCE, SULU AND TAWI-TAWI.

BRILLANTES, Sixto S. Jr.,
SARMIENTO, Rene V.,
FERRER, Nicodemo T.,
TAGLE, Lucenito N.,
VELASCO, Armando C.,
YUSOPH, Elias R.,
LARRAZABAL, Gregorio Y.

Chairman
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

X ----- X

Promulgated: January 28, 2011

RESOLUTION NO. 9126
explaining

The Commission on Elections, pursuant to the powers vested in it by the Constitution, Republic Acts No. 6646, 7166, 8189, 9369, the Omnibus Election Code and other election laws, **RESOLVED** to promulgate, as it hereby **RESOLVES** to promulgate, the following instructions for the Municipal Boards of Canvassers in connection with the March 12, 2011 Special Elections in certain precincts in the Provinces of Basilan, Mountain Province, Sulu and Tawi-Tawi:

SECTION 1. Board of Canvassers. - There shall be a Municipal Board of Canvassers (MBOC) in each municipality involved in the March 12, 2011 Special Elections in certain precincts in the following areas:

1. Paracelis, Mountain Province;
2. Sumisip, Basilan;
3. Sapa-Sapa, Tawi-Tawi; and
4. Indanan, Sulu.

inf

Manan

However, for the Municipalities of Sumisip, Basilan and Indanan, Sulu, there shall be a Special Board of Canvassers to be constituted by the Commission through the Office of the Executive Director.

SEC. 2. *Supervision and control.* - The Commission on Elections shall have direct control and supervision over the MBOCs and may *motu proprio* relieve, for cause, at any time, any member thereof and designate the substitute.

I. COMPOSITION OF THE MUNICIPAL BOARD OF CANVASSERS

SEC. 3. *Municipal Board of Canvassers* - The Municipal Board of Canvassers (MBOC) shall be composed of the Election Officer or a representative of the Commission, as Chairman, the Municipal Treasurer, as Vice-Chairman; and the District School Supervisor, or in his absence, the most senior Principal of the school district, as Member.

SEC. 4. *Substitution of Chairman and Members of the Boards of Canvassers.* - In case of non-availability, absence, disqualification due to relationship, or incapacity for any cause, of a Chairman, a ranking lawyer of the Commission shall be appointed as substitute.

With respect to the other members of the Board, the Commission shall appoint as substitute the following in the order named: the Municipal Administrator, the Municipal Assessor, the Clerk of Court of the Municipal Trial Court nominated by the Executive Judge of the Municipal Trial Court, or any other available appointive municipal officials.

The authority to appoint a substitute of the Chairman and members of the Boards shall be vested in the Regional Election Director of the Autonomous Region in Muslim Mindanao (ARMM), and the Cordillera Administrative Region (CAR), for the Boards within their respective jurisdiction.

mf

The Regional Election Director shall, within twenty-four (24) hours from issuance of the appointment of a substitute, inform in writing the Office of the Executive Director of the Commission of such appointment and the reason for such substitution.

SEC. 5. Duties and functions of the MBOC. – The MBOC shall:

- (1) Canvass the election returns for the local positions (municipal mayor down to the Members of the *Sangguniang Bayan*) in the municipalities involved in the March 12, 2011 Special Elections;
- (2) Upon completion of the canvass:
 - (a) Prepare the Certificate of Canvass of Votes and Proclamation of Winning Candidates (CEF 25), and the supporting Statement of Votes By Precinct (CEF 20-A); and
 - (b) Proclaim the winning candidates for municipal offices.

SEC. 6. Secretary of the Boards. – The District School Supervisor or the Principal shall act as Secretary of the respective MBOCs, unless otherwise ordered by the Commission. Each shall keep the Minutes of Canvass and record the proceedings of the Board and such other incidents or matters relevant to the canvass.

SEC. 7. Notice of meetings of the Board. – Not later than March 07, 2011, the Chairman of the Board shall give written notice to all members thereof and to each candidate and political party fielding candidates in the special elections, of the date, time and place of the canvassing which shall be held, unless otherwise ordered by the Commission, in the session hall of the *Sangguniang Bayan*.

Notices of the canvassing shall be posted in the Office of the Election Officer, and in three (3) conspicuous places in the building where the canvass will be held.

Similar notices shall also be given for subsequent meetings unless notice has been given in open session. Proof of service of notice to each member, candidate, and

political party fielding candidates in the special elections shall be attached to and form part of the records of the proceedings. If notice is given in open session, such fact shall be recorded in the Minutes of Canvass.

Failure to give notice of the date, time and place of the meeting of the Board is an election offense under Section 261 (aa) (1) of the Omnibus Election Code.

SEC. 8. Convening of the Board. – The Board shall meet at 6:00 o'clock in the evening of election day at the designated place to receive the Election Returns, and to immediately canvass those that have already been received. It shall meet continuously from day to day until the canvass is completed and may adjourn only for the purpose of awaiting the other election returns or certificate of canvass.

The proceedings of the Board shall be open and public.

SEC. 9. Absence of a regular Board member. – In case of the absence of a regular Board member, the member/s present shall first verify whether notice has been served on the absent member. In case no such notice was sent, one shall be immediately served on the absent Board member/s. If the latter cannot be located or his whereabouts are unknown, he shall be substituted. These facts shall be recorded in the Minutes of Canvass of the Board. As soon as the absent member appears, the substitute member shall relinquish his seat in favor of the regular Board member.

SEC. 10. Prohibited degree of relationship. – The Chairman and members of the Board shall not be related within the fourth civil degree of consanguinity or affinity to any of the candidates whose votes will be canvassed by said Board, or to any member of the same Board.

SEC. 11. Prohibition against leaving official station. – During the period beginning election day until the proclamation of the winning candidates, no member or substitute member of the different Boards shall be transferred, assigned or detailed outside of his official station nor shall he leave the said station without prior authority of the Regional Election Director of ARMM or CAR, as the case may be. A written report shall be submitted to the Law Department.

wt

SEC. 12. *Feigned Illness.* – Any member of the Board feigning illness in order to be substituted on election day until the proclamation of the winning candidates shall be guilty of an election offense.

SEC. 13. *Incapacity of regular Board member.* – In case of sickness or serious injury of a regular Board member, a medical certificate shall be required attesting to the incapacity of said member. Upon submission of the medical certificate, a substitute shall be appointed. Said medical certificate shall be recorded in and form part of the Minutes of Canvass of the Board.

SEC. 14. *Quorum.* - A majority of the members of the Board shall constitute a quorum for the transaction of business, and a majority vote of all the members thereof shall be necessary to render a decision.

SEC. 15. *Powers of the Board.* – The Board shall have full authority to keep order within the canvassing room or hall and its premises and enforce obedience to its lawful orders. If any person refuses to obey any lawful order of the Board or shall conduct himself in a disorderly manner as to disturb or interrupt its proceedings, the Board may order any peace officer to take such person into custody until adjournment of the meeting. In the absence of any peace officer, any other competent and able person deputized by the Board in writing, may execute such order.

SEC. 16. *Right to be present and to counsel during the canvass.* - Every candidate has the right to be present and to counsel during the canvass: Provided, that, only one (1) counsel may argue for each independent candidate, or for each political party fielding a slate of candidates. They shall have the right to examine the returns or certificates being canvassed without touching them, make observations thereon, and file their challenges in accordance with the rules and regulations of the Commission. No dilatory action shall be allowed by the Board.

II. WATCHERS

SEC. 17. *Watchers.* – Every candidate shall be entitled to two (2) watchers, to serve alternately, in every canvassing center.

The citizens' arm of the Commission, and civic, religious, professional, business, service, youth and other similar organizations collectively, with prior authority of the Commission, shall each be entitled to two (2) watchers to serve alternately.

A person convicted by final judgment of any election offense or any other crime, or related to any member of the canvassing Board within the fourth civil degree of consanguinity or affinity, shall not be appointed as watchers.

A watcher must know how to read and write Filipino, English, or any of the prevailing local dialects.

Under no circumstance shall *barangay* officials including *barangay tanods* be appointed as watchers.

The watchers shall have the right to:

- a) Be present at, and take note of, all the proceedings of the Board;
- b) Stay behind the Chairman of the Board, near enough to be able to read the election returns without touching them; and
- c) File a protest against any irregularity noted in the election returns and get from the Board a resolution thereon in writing.

Watchers shall not be allowed to participate in the deliberations of the Board.

SEC. 18. *Persons not allowed inside the canvassing room.* – During the canvassing, it shall be unlawful for any of the following to enter the room where the canvass is being held or to stay within a radius of fifty (50) meters from such room:

- a) Any officer or member of the Armed Forces of the Philippines;
- b) Any officer or member of the Philippine National Police;

wt

- c) Any peace officer or any armed or unarmed person belonging to an extra-legal police agency, special forces, strike forces, or civilian armed forces geographical units;
- d) Any *barangay tanod* or any member of the *barangay* self defense units;
- e) Any member of the security or police organizations of government agencies, commissions, councils, bureaus, offices, instrumentalities, or government-owned or controlled corporations or their subsidiaries; or
- f) Any member of a privately-owned or operated security, investigative, protective or intelligence agency performing identical or similar functions.

Whenever necessary, however, the Board, by majority vote, may direct in writing the detail of policemen or peace officers for their protection or for the protection of the election documents and paraphernalia, or for the maintenance of peace and order. The said policemen or peace officers, who shall be in proper uniform, shall stay outside the room but near enough to be easily called by the Board at any time.

III. CANVASSING PROCEDURES

SEC. 19. Safekeeping of transmitted election returns received from the Board of Election Inspectors. – The Board shall place the election returns received from the Board of Election Inspectors in ballot boxes which shall be locked with three (3) padlocks.

The three keys to the padlock shall each be kept by the members of the Board.

The said ballot boxes shall be kept in a safe and secured room before, during and after the canvass. The door to the room shall be locked with three padlocks with the keys thereof kept by each of the members of the Board.

The watchers shall have the right to guard the room.

SEC. 20. *Tabulators* – The Board shall have a set of two (2) tabulators to assist in the canvassing. The tabulators shall be under the direct supervision and control of the Board. The names of each tabulator and the serial number of the Statement of Votes assigned to them for use in the tabulation of votes shall be properly recorded in the Minutes of Canvass of the Board. In no case shall a casual employee be appointed/designated as tabulator, nor shall an employee/official of local government units, except those from the Office of the Municipal Treasurer and those enumerated in Section 5 hereof, be appointed/designated thereto.

SEC. 21. *Canvassing procedures.* – The Board shall comply with the following procedures:

1. The Board shall ensure that the certified true copies of the Statement of Votes By Precinct for the positions of Mayor down to the Members of the Sangguniang Bayan, which were generated during the May 10, 2010 National and Local Elections, are turned over to their possession.

For this purpose, the Election Records and Statistics Department shall prepare the certified true copies of the aforesaid Statement of Votes By Precinct, place them in an envelope and seal the same with a serially numbered paper seal. The envelope containing the said certified true copies shall be included in the canvassing forms to be delivered to the Chairman of the MBOC concerned.

2. The Chairman shall, at the start of the canvassing, turn-over to the Secretary of the MBOC, the aforesaid certified true copies.

W

3. The Secretary of the MBOC shall, upon receipt of the aforesaid certified true copies, examine and record the condition of the envelope and serial number of the paper seal in the Minutes of Canvass;

4. The Secretary of the MBOC shall thereafter retrieve the ballot boxes containing the manually prepared election returns, record in the Minutes of Canvass the conditions and serial numbers thereof, and forward the ballot boxes to the Chairman;

5. The Board shall open, one at a time, the ballot boxes, retrieve the envelopes containing the election returns and direct the Secretary to make an inventory by verifying whether the list of precincts tallies with the precinct numbers in the envelopes.

6. Thereafter, the Secretary shall record in the Minutes of Canvass, the total number of envelopes contained in the ballot box, the precincts to which they pertain, the condition and serial number of each envelope and the paper seal attached to the envelope.

7. The Chairman shall:

- a) Announce the condition and serial number of the envelope and its paper seal;
- b) Break the paper seal of one envelope;
- c) Retrieve the election returns inside;
- d) Announce the condition and serial number of the paper seal attached to the election returns and direct the Secretary to record in the Minutes of Canvass the condition and serial number thereof;
- e) Break the seal of the election returns and unfold it; and
- f) Announce the precinct number to which the election returns pertain and direct the Secretary to record the condition and serial number of the election returns.

W

8. The Board shall then proceed to examine the authenticity and due execution of the election returns and the completeness of the statistical data therein required.

9. The Chairman shall assign a Statement of Votes By Precinct to be used in the canvass and, after the Secretary has recorded its serial number, divide the copies between the Vice-Chairman and the Secretary.

10. The Chairman shall then read the votes of each candidate as they appear in the manually prepared election returns. The two other members shall simultaneously record the votes of the candidates in their respective copies of the Statement of Votes By Precinct as the Chairman reads them.

11. Immediately after the election returns has been canvassed, the Chairman shall write/mark on the upper right hand corner of the election returns and their corresponding envelope, the word "CANVASSED", affix his signature under it, the date and time when it was canvassed, and put the election returns inside their envelope.

12. After all the election returns have been canvassed, the Board shall then consolidate the results of the May 10, 2010 National and Local Election and the March 12, 2011 Special Elections.

For this purpose, the Chairman shall retrieve the envelope containing the certified true copy of the Statement of Votes By Precinct generated during the May 10, 2010 National and Local Elections, and read the votes received by each candidate as contained therein, while the two other members shall simultaneously record the votes of the candidates in their respective copies of the Statement of Votes By Precinct.

For purposes of preparing the Statement of Votes the following terms shall mean:

W

➤ ***Sub-total***

Sum of all votes obtained by each candidate when all the columns of a set of Statement of Votes are filled. The sub-total shall be recorded in the last column indicated in the Statement of Votes;

➤ ***Page partial total***

Sum of votes obtained by each candidate appearing in a set of Statement of Votes when some columns are not filled at the time of adjournment/ suspension of canvass. This shall be recorded on the box immediately after the last entry of votes at the time of adjournment/suspension of canvass.

When all election returns have been canvassed and the columns of the Statement of Votes are not filled, the page partial total shall be considered as the sub-total;

➤ ***Provisional total***

Accumulated total of all votes obtained by each candidate appearing in all accomplished sets of Statement of Votes at the time of adjournment/suspension of canvass, for the purpose of releasing results to the media and other interested parties;

➤ ***Summary of Statement of Votes***

Listing of all sub-totals reflected in each set of Statements of Votes shall be recorded in the Summary of Statement of Votes.

➤ ***Grand total***

Sum of all sub-totals of votes obtained by each candidate as listed/recorded in the Summary of Statement of Votes.

W

13. When all the columns of a set of Statement of Votes By Precinct are filled or when all the manually prepared election returns have been consolidated with the results as contained in the certified true copies of the Statement of Votes By Precinct, the two members shall submit to the Chairman their copies of the Statement of Votes By Precinct. The Chairman shall then divide the copies of the accomplished Statement of Votes By Precinct between the Tabulators who shall then compute, using an adding machine with tape, in their respective copies, the sub-total of the: (1) number of registered voters; (2) number of voters who actually voted; and (3) the votes obtained by each candidate. Thereafter, the Tabulators shall initially record the sub-totals in a separate sheet of paper and compare whether the sub-totals are the same.

If there is no discrepancy, the Tabulators shall record the sub-totals in the Statement of Votes and accomplish the certification portion intended for them in the Statement of Votes and submit the same to the Board.

If there is a discrepancy, the Tabulators shall identify such discrepancy to the Chairman, who in turn shall:

- a) announce that a correction/s will be made in a particular precinct;
- b) retrieve and re-open the election returns concerned;
- c) verify the entry;
- d) announce the correct entry; and
- e) direct the member who made the erroneous entry to make the proper correction in his copy of the Statement of Votes By Precinct.

The Board shall authenticate the correction by affixing their initials immediately after the correction. The Chairman shall then return the corrected Statement of Votes to the Tabulators who shall accomplish the certification portion intended for them in the Statement of Votes and submit the same to the Board.

14. For the purpose of preparing the Summary of Statement of Votes, the Chairman shall divide a set of Summary of Statement of Votes between the Vice-Chairman and Secretary. The Vice-Chairman and Secretary shall record in their respective copies, the:

wt

- a. Serial number of the Statement of Votes By Precinct;
- b. Sub-totals of the number of registered voters, the voters who actually voted and votes obtained by each candidate as reflected in the Statement of Votes By Precinct;

When all the sub-totals of the Statement of Votes By Precinct are recorded, the Board shall forward the same to the Tabulators who shall add the entries and verify whether the entries therein are the same. The Tabulators shall initially record the grand total in a separate sheet of paper and compare whether the grand totals are the same.

If there is no discrepancy, the Tabulators shall record the grand totals in the Summary of the Statement of Votes and accomplish the certification portion intended for them in the Summary of the Statement of Votes and submit the same to the Board.

If there is a discrepancy, the Tabulators shall identify such discrepancy to the Chairman, who in turn shall:

- a) announce that a correction/s will be made in a particular set of Statement of Votes;
- b) verify the entry;
- c) announce the correct entry; and
- d) direct the member who made the erroneous entry to make the proper correction in his copy of the Summary of Statement of Votes.

The Board shall authenticate the correction by affixing their initials immediately after the correction. The Chairman shall then return the corrected Summary of Statement of Votes to the Tabulators who shall accomplish the certification portion intended for them and submit the same to the Board.

15. The Tabulators shall, using an adding machine with tape, add the sub-totals of votes obtained by each candidate as reflected in the Summary of Statement of Votes to get the grand total of votes obtained by each candidate in the province/municipality and indicate the grand total of votes in the last column of the Summary of Statement of Votes.



16. Accomplish the certification portion in the Summary of Statement of Votes intended for the Tabulators.

17. Forward the Statement of Votes By Precinct and Summary of Statement of Votes, with their adding machine tapes attached, as well as the corresponding election returns and their envelopes to the Board.

18. The same procedure shall be followed in accomplishing the subsequent Statement of Votes By Precinct and Summary of Statement of Votes

In accomplishing the Certificate of Canvass and Proclamation, the Statement of Votes and other forms, all the members of the Board, including the tabulators, shall see to it that the impression on the first copy of the set is recorded on each and every page thereof. The members of the Board shall affix their signatures above their printed names and imprint their thumbmarks on the certification at the bottom of the forms.

SEC. 22. *Adjournment of the Board.* – Each time the Board adjourns, and before placing the canvassing forms in the ballot boxes before vacating the canvassing area, the Board shall make a total of all votes canvassed, so far, for each candidate for each office, using the following procedure:

1) When all the columns of the SOV are not duly filled up, the Board shall indicate the page partial total of votes obtained by each candidate and close the same by affixing their initials. The Statement of Votes By Precinct shall be placed in the ballot box provided in No. 4 hereunder.

2) When all the columns of the Statement of Votes By Precinct are duly filled, the Board shall indicate the totals.

3) A provisional total shall be made available to mass media and other interested parties.

4) The remaining unopened envelopes containing the election returns and partially-filled Statement of Votes By Precinct shall be placed in the ballot box provided

for the purpose which shall be locked with three padlocks and fixed-length seals. The keys to each padlock shall be kept by the members of the Board.

5) The serial number of the fixed-length seal and the quantity of the remaining unopened envelopes shall be recorded in the Minutes of Canvass.

The Board shall furnish by the fastest means of communication, the Commission through the Education and Information Department (EID) a provisional total of the votes canvassed so far for each candidate, and make available the data contained therein to the mass media and other interested parties.

Upon resumption of the canvass:

1) The Secretary of the Board shall verify and enter in the Minutes of Canvass the condition of the three padlocks and the fixed-length seal; as well as its serial number.

2) The Board shall then, in the presence of the of the watchers, open the ballot box, retrieve the partially-filled Statement of Votes By Precinct and the unopened envelopes containing the election returns not yet canvassed, and proceed with the canvass until all election returns are canvassed.

SEC. 23. Discrepancies in election returns. - In case it appears to the Board that there exist discrepancies in the other authentic copies of the election returns from a polling place or discrepancies in the votes of any candidate in words and figures in the same returns and in either case the difference affects the results of the election, the Board shall not canvass the election returns and shall submit the matter to the Commission which shall proceed as provided in Sec. 236 of the Omnibus Election Code.

SEC. 24. Canvass to be completed at earliest possible time. - Subject to reasonable exceptions, the Board must complete its canvass within thirty-six (36) hours.

SEC. 25. Submission of the Minutes of Canvass of the Board. - Within five (5) days from the termination of canvass, the members-secretaries of the Board shall submit to the Law Department of the Commission on Elections in Manila by registered mail a certified copy of the Minutes of Canvass of the Board and shall notify by telegram

the same department of the date and manner of transmittal of the Minutes of Canvass, indicating therein the registry receipt number.

SEC. 26. *Pre-proclamation cases.* - Pre-proclamation cases involving municipal offices are allowed.

SEC. 27. *Issues that may be raised in pre-proclamation controversy.* - The following shall be proper issues that may be raised in a pre-proclamation controversy:

- a) Illegal composition or proceedings of the Board of canvassers;
- b) The canvassed election returns are incomplete, contain material defects, appear to be tampered with or falsified, or contain discrepancies in the same returns or in the other authentic copies thereof as mentioned in Sections 233, 234, 235 and 236 of the Omnibus Election Code;
- c) The election returns were prepared under duress, threats, coercion, or intimidation, or they are obviously manufactured or not authentic; and
- d) When substitute or fraudulent election returns were canvassed, the results of which materially affected the standing of the aggrieved candidate or candidates.

SEC. 28. *Pre-proclamation controversies; How commenced.* - Questions affecting the composition or proceedings of the Board may be initiated in the Board or directly with the Commission. However, matters raised under Sections 233, 234, 235 and 236 of the Omnibus Election code in relation to the preparation, transmission, receipt, custody and appreciation of the election returns and the certificates of canvass shall be brought in the first instance before the Board of Canvassers only.

SEC. 29. *Procedure in disposition of contested election returns.* - The following procedure is mandatory and shall be strictly observed by the Boards of Canvassers:

wh

- (a) Any candidate contesting the inclusion or exclusion in the canvass of any election returns on any of the grounds authorized under Article XX (Pre-Proclamation Controversies) or Sections 234, 235 and 236 of Article XIX of the Omnibus Election Code shall submit their oral objections to the Chairman at the time the questioned returns is presented for inclusion in the canvass. Such objection shall be recorded in the Minutes of Canvass.
- (b) Simultaneously with the oral objections, the objecting party shall submit his objections in writing in the form prescribed by the Commission.

Upon receipt of any such objection, the Board shall automatically defer the canvass of the contested returns and proceed to canvass those which are not contested. The votes shall be tallied temporarily in a separate tally sheet, which shall be signed by the Board and watchers present.

Within twenty-four (24) hours from and after the presentation of such an objection, the objecting party shall submit the evidence in support thereof, which shall be attached to the written objections. Within the same period of twenty-four (24) hours, after presentation of the objection(s), any party may file a written and verified opposition to the objection in the form prescribed by the Commission attaching thereto supporting evidence, if any. The Board shall not entertain any objection or opposition unless reduced in writing in the prescribed form.

The evidence attached to the objection or opposition shall be immediately and formally admitted to the records of the Board by the Chairman by affixing his signature at the back of each and every page thereof.

- (c) Upon receipt of the evidence, the Board shall take up the contested returns, consider the written objections thereto and opposition, if any, and summarily and immediately rule thereon. The Board shall enter its ruling in the prescribed form and authenticate the same by the signatures of all the members thereof.

W5

- (d) Any party adversely affected by the ruling, shall immediately inform the Board if he intends to appeal said ruling. The Board shall enter said information in the Minutes of Canvass, set aside the returns and proceed to consider the other returns.
- (e) After all the uncontested returns have been canvassed and the contested return ruled upon by it, the Board shall suspend the canvass. Within forty-eight (48) hours therefrom, any party adversely affected by the ruling may file with the Board a written and verified notice of appeal; and within an inextendible period of five (5) days thereafter, an appeal may be taken to the Commission.
- (f) Immediately upon receipt of the notice of the appeal, the Board shall make an appropriate report to the Commission, elevating therewith the complete records and evidence submitted in the canvass, and furnishing the parties with copies of the report.
- (g) On the basis of the records and evidence elevated to it by the Board, the Commission shall decide summarily the appeal within seven (7) days from the receipt of said records and evidence. Any appeal brought before the Commission on the ruling of the Board, without the accomplished forms and the evidence thereto, shall be summarily dismissed.

The decision of the Commission shall be executory after the lapse of seven (7) days from receipt thereof by the losing party.

- (h) The Board of Canvassers shall not proclaim any candidate as winner unless authorized by the Commission after the latter has ruled on the objections brought to it on appeal by the losing party. Any proclamation made in violation hereof shall be void *ab initio*, unless the contested returns will not adversely affect the results of the election.

SEC. 30. Partial proclamation. – Notwithstanding the pendency of any pre-proclamation controversy, the Commission may summarily order the proclamation of

other winning candidates whose election will not be affected by the outcome of the controversy.

SEC. 31. *Contested proceedings; period to appeal.* – Parties adversely affected by ruling of the Board on questions affecting the composition or proceedings of the Board, may appeal the matter to the Commission within three (3) days from the date of the ruling.

IV. DISTRIBUTION OF CERTIFICATE OF CANVASS OF VOTES AND PROCLAMATION

SEC. 32. *Distribution of Municipal Certificate of Canvass of Votes and Proclamation.* – The Certificate of Canvass of Votes and Proclamation of Candidates for Municipal Offices (CEF No. 25) shall be prepared in sufficient copies and distributed as follows:

- 1) Secretary of the *Sangguniang Bayan*;
- 2) Chairman of the Municipal Board of Canvassers;
- 3) Election Records & Statistics Department, Commission on Elections, Manila
- 4) Secretary of the *Sangguniang Panlalawigan*;
- 5) Regional Election Director;
- 6) Provincial Election Supervisor;
- 7) Municipal Treasurer;
- 8) Each of the winning candidate proclaimed; and
- 9) One copy for posting on the bulletin Board of the municipal hall.

The first seven copies shall be individually folded, sealed with a serially numbered paper seal in such a way that the Certificate of Canvass and Proclamation cannot be opened without breaking the seal, and placed in the proper envelope, which shall thereafter be sealed.

A copy of the Statement of Votes By Precinct shall be attached to the copies for the Chairman of the MBOC and the Commission.

WJ

General Instructions for the Board of Canvassers in connection with the March 12, 2011 Special Elections in certain precincts in the Provinces of Basilan, Mountain Province, Sulu and Tawi-Tawi.

VI. EFFECTIVITY AND DISSEMINATION

SEC. 33. Effectivity. – This Resolution shall take effect seven (7) days after its publication in two (2) daily newspapers of general circulation in the Philippines.


SEC. 34. Dissemination. – The Education and Information Department shall furnish the Department of Justice, Department of Education, the Department of Finance, the Regional Election Directors of ARMM and CAR, the Provincial Election Supervisors of Mountain Province, Basilan, Tawi-Tawi and Sulu, the Election Officers of the municipalities concerned, and Division Superintendent of Schools and the Municipal Treasurers concerned with copies of the Resolution and cause the publication thereof in two (2) daily newspapers of general circulation.

Let the Acting Executive Director implement this Resolution.

SO ORDERED.


SIXTO S. BRILLANTES, JR.
Chairman

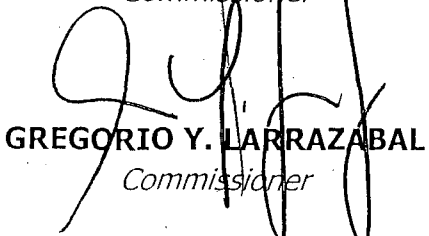

RENE V. SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner


LUCENITO N. TAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner


ELIAS R. YUSOP
Commissioner


GREGORIO Y. LARRAZABAL
Commissioner

last copy

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY

RECEIVED
02-16-11
Time: 7:20 PM

REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
EDUCATIONAL INFORMATION DEPARTMENT



DEPARTMENT OF EDUCATION
OFFICE OF THE UNDERSECRETARY

RECEIVED
7 FEB 2011

By: Bel Time: 10:55 AM
Doc. # 25489

RECEIVED
BY: [Signature]
DATE: 1/28/11 TIME: 7:10 PM

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

GENERAL INSTRUCTIONS FOR THE BOARD OF ELECTION INSPECTORS (BEI) ON THE CASTING AND COUNTING OF VOTES IN CONNECTION WITH THE MARCH 12, 2011 SPECIAL ELECTIONS IN CERTAIN PRECINCTS IN THE PROVINCES OF BASILAN, MOUNTAIN PROVINCE, SULU AND TAWI-TAWI.

X ----- X

- BRILLANTES**, Sixto S. Jr.,
- SARMIENTO**, Rene V.,
- FERRER**, Nicodemo T.,
- TAGLE**, Lucenito N.,
- VELASCO**, Armando C.,
- YUSOPH**, Elias R.,
- LARRAZABAL**, Gregorio Y.

- Chairman
- Commissioner
- Commissioner
- Commissioner
- Commissioner
- Commissioner
- Commissioner

[Handwritten signature/initials]

Promulgated: January 28, 2011

RESOLUTION NO. 9127
[Handwritten signature]

WHEREAS, the Commission on Elections, in Minute Resolution No. 10-1434, promulgated on 23 December 2010, approved the holding of manual special elections (local) in the following sitios/barangays:

- 1) Precinct No. 30A, Sitio Apalis, Brgy. Bunot, Paracelis, Mountain Province {SPA 10-203 (FE)};
- 2) Lower Cabengbeng, Sumisip, Basilan {SPA 10-216 (FE)};
- 3) Brgy. Bunot, Indanan, Sulu {SPA 10-219 (FE)}; and
- 4) (Sitio) Paraitan and Sitio Gumanting, (Brgy. Baldatal Islam), Sapa-Sapa, Tawi-Tawi {SPA 10-087 (FE)};

WHEREAS, in the aforesaid Resolution, the Commission scheduled the conduct of the special elections therein on March 12, 2011;

[Handwritten mark]

NOW THEREFORE, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, Republic Act No. 7166, 8189, 9369 and other election laws, the Commission **HEREBY RESOLVES** to promulgate, the following General Instructions for the Board of Election Inspectors (BEI) on the Casting and Counting of Votes for the March 12, 2011 Special Elections in certain barangays in the Provinces of Basilan, Mountain Province, Sulu and Tawi-Tawi:

ARTICLE I
BOARD OF ELECTION INSPECTORS

SEC. 1. Board of Election Inspectors (BEI); constitution and appointment. – The Commission on Elections, through the Election Officer, shall constitute, not later than 04 March 2011, the BEI for the precinct/clustered precinct of Sitio Apalis, Brgy. Bunot, Paracelis, Mountain Province, from the list of all public school teachers submitted by the Department of Education's (DepEd) highest official within the municipality/school district.

The BEI shall be composed of a Chairman and two (2) members, one of whom shall be designated as poll clerk, and all of whom shall be public school teachers, giving preference to those with permanent appointment and those who served in the immediately preceding October 25, 2010 Barangay and Sangguniang Kabataan Elections.

In case there are not enough public school teachers, teachers in private schools, employees in the civil service, or citizens of known probity and competence who are registered voters of the municipality may be appointed as members of the BEI; provided, that the Chairman shall be a public school teacher.

However, for the precincts/clustered precincts for the barangays concerned in the Provinces of Basilan, Sulu and Tawi-Tawi, the Commission, through the Regional Election Director, shall appoint members of the Philippine National Police (PNP) who have undergone BEI training to act as Special BEI.

SEC. 2. *Qualifications of members of the BEI.* - No person shall be appointed as Chairman or member of the BEI, whether regular, substitute or temporary, unless he:

- a) Is of good moral character and irreproachable reputation;
- b) Is a registered voter of the municipality, except the Special BEI for the ARMM;
- c) Has never been convicted of any election offense or of any other crime punishable by more than six (6) months of imprisonment;
- d) Has no pending case against him filed in court for any election offense;
and
- e) Is able to speak, read and write English or Filipino, or the local dialect.

SEC. 3. *Disqualification.* - No person shall serve as Chairman or member of the BEI if he or his spouse is related within the fourth civil degree of consanguinity or affinity to any member of the same BEI or to any candidate to be voted for or to the latter's spouse. Violation of this provision shall constitute an election offense as provided in Section 261 (bb), sub-par (3) of the Omnibus Election Code.

SEC. 4. *Notice of disqualification.* - Any Chairman or member of the BEI who is disqualified for any reason shall immediately notify the Election Officer of such fact in writing, who shall in turn, appoint a substitute.

SEC. 5. *Temporary vacancies in the BEI.* - If, at the time of the meeting of the BEI, any member is absent or a vacancy exists, the members present shall call upon a substitute from the list of public school teachers submitted by the DepEd, or from the list of qualified personnel submitted by the PNP, as the case may be, to perform the duties of the absent member. If none is available, the members present shall appoint

any qualified non-partisan registered voter of the precinct to temporarily fill said vacancy until the absent member appears. In case there are two members present, they shall act jointly.

SEC. 6. Arrest of absent members. – The member or members of the BEI present may order the arrest of any member who, in his or their judgment, has absented himself with the intention of obstructing the performance of the duties of the BEI.

SEC. 7. Appointment and oath of members of the BEI. - The Election Officer shall accomplish the form for the Appointment of the Chairman and Members of the BEI (CEF 5) in three (3) copies, and require the Chairman and members of the BEI to affix their signatures and imprints of their right thumbs on the Oath of Office (CEF 5A) before him and before the BEI assumes office.

Copies of the Appointment and Oath (CEF 5 & 5A) shall be distributed, as follows:

- a) The first and second copies shall be retained by the Election Officer. One copy shall be for his file and the other shall be attached to the payroll for payment of honorarium of the BEI; and
- b) The third copy shall be issued to the Chairman/members of the BEI.

SEC. 8. Powers and functions of the BEI. - The BEI shall have the following powers and functions:

- a. Conduct the voting and counting of votes in their respective polling places;
- b. Act as deputies of the Commission in the supervision and control of the election in the polling place wherein they are assigned;

W

- c. Maintain order within the polling place and its premises, keep access thereto open and unobstructed, and enforce obedience to its lawful orders. If any person refuses to obey the lawful orders of the BEI or conducts himself in a disorderly manner in its presence or within its hearing and thereby interrupts or disturbs its proceedings, the BEI may issue an order in writing directing any peace officer to take such person into custody until the adjournment of the meeting, but such order shall not be executed as to prevent such person from voting; and
- d. Perform such other functions prescribed under the Omnibus Election Code or by the rules and regulations promulgated by the Commission.

SEC. 9. *Proceedings of the BEI.* - The meeting of the BEI shall be public and shall be held in the polling place designated by the Commission.

The BEI shall act through its Chairman and shall decide by majority vote, without delay, all questions, which may arise in the performance of its duties.

SEC. 10. *Voting Privilege of the Members of BEI.* - Members of the BEI or their substitutes may vote in the polling place where they are assigned on election day as long as:

- a. They are registered voters of the same municipality where they are assigned;
- b. The voting in the precinct where they are not registered should be noted in the Minutes of Voting and Counting of Votes (Minutes); and
- c. They shall add in the EDCVL their names and precinct numbers where they are actually registered.

SEC. 11. *Prohibition against political activity.* - No member of the BEI or its support staff shall engage in any partisan political activity or take part in the election except to discharge his duties as such and to vote.

SEC. 12. *Honoraria of the BEI.* – The Chairman and members of the BEI, the municipal treasurers, and the administrators and supervisors of the DepEd assigned by the Commission to perform election duties shall each receive a per diem of One Thousand Pesos (P1,000) for each day of service, provided that in no case shall payment of per diem for services rendered exceed Three Thousand Pesos (P3,000). Support personnel from the DepEd who may be required by the Commission to perform election duties shall each be entitled to a per diem of Five Hundred Pesos (P500) for each day of service, provided that in no case shall payment of per diem for services rendered exceed One Thousand Five Hundred Pesos (P1,500).

There shall be one (1) DepEd Supervising Official with one (1) support staff for each barangay involved.

ARTICLE II WATCHERS

SEC. 13. *Official watchers of candidates, political parties and other groups.* - Each candidate as of the May 10, 2010 National and Local Elections from Municipal Mayor down to the Members of the *Sangguniang Bayan*, as well as duly accredited citizens' arms may appoint two watchers, to serve alternately, in every polling place.

However, candidates for *Sangguniang Bayan* belonging to the same ticket or slate, and other civil, professional, business, service, youth, and any other similar organizations, with prior authority of the Commission, shall be entitled collectively to appoint two (2) watchers, to serve alternately, in every polling place.

If, because of limited space, all watchers cannot be accommodated in the polling place, preference shall be given to the watchers of the dominant majority and dominant minority parties as determined by the Commission and the watcher of the citizens' arm, with the *latter being given preferential position closest to the BEI.* In case there are

two or more citizen's arm preference shall be given to the one authorized by the Commission to conduct an unofficial count.

For purposes of the March 12, 2011 Special Elections, the dominant majority and dominant minority parties shall be those who were declared as such during the May 10, 2010 National and Local Elections.

SEC. 14. *Qualifications of watchers.* - No person shall be appointed watcher unless he:

- a) Is a registered voter of the municipality comprising the precinct where he is assigned;
- b) Is of good reputation;
- c) Has not been convicted by final judgment of any election offense or of any other crime;
- d) Knows how to read and write Filipino, English or of the prevailing local dialect; and
- e) Is not related within the fourth civil degree of consanguinity or affinity to the Chairman or to any other member of the BEI in the polling place where he seeks appointment as watcher.

SEC. 15. *Rights and duties of watchers.* - Upon entering the polling place, the watchers shall deliver to the Chairman their appointments as watchers, and their names shall forthwith be recorded in the Minutes with a notation under their signatures that they are not disqualified to serve as such under the immediately preceding Section. The appointments of the watchers shall bear the signature of the candidate or duly authorized representative of the party, organization or coalition that appointed them. For this purpose, independent candidates, registered parties, organizations, or coalitions

authorized by the Commission to appoint watchers shall provide the Election Officers concerned with the names and signatures of their representatives authorized to appoint watchers in the municipality not later than 01 March 2011.

The watchers shall have the right to:

- a) Witness and inform themselves of the proceedings of the BEI;
- b) Take note of what they may see or hear;
- c) Take photographs of the proceedings and incidents, if any, during the voting, counting of votes, as well as of the election returns and of the ballot boxes;
- d) File a protest against any irregularity or violation of law which they believe may have been committed by the BEI or by any of its members or by any person; and
- e) Obtain from the BEI a certificate as to the filing of such protest and the resolution thereof.

Watchers shall not speak to any member of the BEI, or to any voter or among themselves, in such a manner as would disturb the proceedings of the BEI.

The watchers representing the dominant majority and dominant minority parties fielding candidates and the watcher of the citizen's arm shall, if available, affix their signatures and thumbmarks in the election returns.

ARTICLE III
ELECTION FORMS AND SUPPLIES

WT

SEC. 16. Election forms, documents and supplies. - Except when authorized to do so earlier by the Commission, the BEI shall get the forms, documents and supplies early in the morning of election day. The Municipal Treasurer shall distribute the following forms, documents and supplies per precinct/clustered precincts:

CEF NO.	FORMS AND SUPPLIES	RATE OF DISTRIBUTION	
3	Poster Indicating Precinct Number	1	Piece
4	Certified List of Candidates for Member, House of Representatives	12	Copies
6	Official Ballots	1	Piece per voter + 3 per clustered precinct
9	Election returns	1	Set of 7 copies
10	Tally Board	1	Piece
11	Minutes of Voting and Counting of Votes	1	Set of 2 pcs.
12	Paper Seals	25	Pieces
13	Certificate of Votes	10	Pieces
14	Certificate of Receipt of Official Ballots, Other Forms and Supplies by BEI	3	Pieces
27 to 27-D	Official Receipt of Election returns - copy for the Election Officer - copy for the Board of Canvassers - copy for the Dominant Majority Party - copy for the Dominant Minority Party - copy for the Citizens' Arm	10	Pieces
ENVELOPE FOR VOTING AND COUNTING			
15, 16, 16-A, 16-B, 16-C, 16-D and 28	for Counted Official Ballots, Excess, Marked, Spoiled, Torn Half of Unused Official Ballots, Other Half of Torn Unused Official Ballots and Official Ballots	7	Pieces
17, 17-B to 17-G	for Election returns - copy for the Municipal Board of Canvassers - copy for posting - copy for the Commission - copy for Dominant Majority Party - copy for Dominant Minority Party - copy for Accredited Citizens Arm - copy for Ballot Box	1	Set of 7 pcs.
OTHER ENVELOPES			
18 & 18-A	for Minutes of Voting and Counting of Votes	1	set of 2 pcs.
19, 19-A &	for Key of Ballot Box	1	set of 3 pcs.

19-B			
OTHER FORMS			
30/31	Temporary Appointment of Chairman /Poll Clerk/Member	10	Pieces
33/35	Certificate of Challenge or Protest and Decision of the Board	10	Pieces
39	Oath of Voter Challenged for Illegal Acts	10	Pieces
40	Oath of Identification of Challenged Voter	10	Pieces
41	Summons Re Challenged Voter	10	Pieces
	COMELEC Pass	2	pieces/mun.
	General Instructions for BEI	3	Copies
SUPPLIES			
	Ballpen	13	Pieces
	Bond Paper Long	30	Pieces
	Carbon Paper	5	Sheets
	Rubber Band	10	Pieces
	Padlocks	3	Pieces
	Thumbprint/Fingerprint Takers	2	Pieces
	Self-locking Fixed-Length Seals	2	Pieces
	Indelible Stain Ink	2	Bottles
	Ballot Secrecy Folders	12	Pieces

B. FROM THE ELECTION OFFICER

- a. Two (2) copies of the Posted Computerized Voters List (PCVL), with the supplemental PCVL, if any, based on the May 10, 2010 National and Local Elections, to be used as follows:
 - a.1. For Posting at or near the door of the polling place on election day; and
 - a.2. For use of the third member of the BEI on election day.

- b. One (1) copy of Election Day Computerized Voters List (EDCVL/List of Voters with Voting Record), with the supplemental EDCVL, if any, based on the May 10, 2010 National and Local Elections; and

- c. Copies of Appointment and Oath of Office of the BEI (CEF 5 & 5A).

The Information Technology Department (ITD) shall print the three (3) copies of the PCVL and one (1) copy of the EDCVL, and shall all be duly certified by the Election Registration Board.



The poll clerk shall have custody of the EDCVL, and the third member shall have custody of the PCVL.

The BEI shall carefully check the different election forms, documents and supplies and the quantity actually received. The BEI shall sign a Certificate of Receipt (CEF 14) in three copies, the original of which shall be delivered to the Municipal Treasurer, who shall transmit the same to the ERSD, Comelec, Manila, immediately after Election Day.

SEC. 17. Official Ballot. – The official ballot shall be of uniform size and color, printed on security paper with distinctive, clear and legible watermarks that will readily distinguish the ballot paper from ordinary paper.

It shall contain a stub and detachable coupon, both of which shall bear the same serial number of the ballot, with space for the thumbmark of the voter on the detachable coupon.

It shall bear the coat-of-arms of the Republic of the Philippines, the words "Official Ballot", the name of the municipality and province in which the election is to be held, the date of the election and the following notice in English: "Fill out this ballot secretly using a ballot secrecy folder. Do not put any distinctive mark on any part of this ballot."

It shall contain the appropriate spaces for the positions of Municipal Mayor, Municipal Vice-Mayor and Municipal Councilor, which the voter will fill-up by writing the name/s of the candidate/s of his choice.

In cities or municipalities where Arabic is of general use, the title of the offices to be voted for shall be printed in Arabic in addition to and immediately below the English title.

SEC. 18. Forms to be reproduced when needed. – The following forms may be reproduced when needed:

- a) Temporary Appointment of Chairman/Poll Clerk/Member (Annex "A");
- b) Certificate of Challenge or Protest and Decision of the BEI (Annex "B");

WT

- c) Oath of Voter Challenged for Illegal Acts (Annex "C"); and
- d) Oath To Identify A Challenged Voter (Annex "D").

SEC. 19. Minutes of Voting and Counting of Votes. - The BEI shall accomplish in two (2) copies the Minutes of Voting and Counting of Votes (CEF 11) entering therein all data required as they become available and all acts as they occur. Copies of the Minutes shall be signed and sealed in separate envelopes (CEF 18 and 18-A) for distribution as follows:

- a. The copy intended for the Commission shall be delivered to the Election Officer who shall forward the same to the Election Records and Statistics Department, COMELEC, Manila; and
- b. The copy intended for the ballot box shall be deposited inside the ballot box compartment for valid ballots.

ARTICLE IV DATE, TIME AND PLACE OF VOTING

SEC. 20. Date of election. - The election shall be held on March 12, 2011.

SEC. 21. Voting hours. - The casting of votes shall start at seven o'clock in the morning and shall end at three o'clock in the afternoon of election day.

If at three o'clock there are still voters within thirty (30) meters in front of the polling place who have not yet cast their votes, voting shall continue but only to allow said voters to cast their votes without interruption. The poll clerk shall, without delay, prepare a complete list containing the names of said voters consecutively numbered. The voters listed shall be called to vote by the poll clerk by announcing each name three (3) times in the order in which they are listed. Any voter in the list who is not

MT

present when called shall not be allowed to vote at any later time. The said list shall be submitted to the Election Officer.

SEC. 22. *Place of voting.* - Voters shall cast their votes in the polling place designated by the Commission. The Poster Indicating the Precinct Number (CEF 3) shall be prominently posted near or at the door of the polling place.

SEC. 23. *Who may vote; clustering of precincts; polling places.* - All registered voters as of the May 10, 2010 National and Local Elections whose names appear in the PCVL or EDCVL, may vote in the March 12, 2011 Special Elections. The polling places as used during the May 10, 2010 National and Local Elections, and the clustering of precincts as applied during the October 25, 2010 Barangay and SK Elections shall be applied in the March 12, 2011 Special Elections.

SEC. 24. *Challenge against illegal voters.* - Any voter or watcher may challenge any person offering to vote for:

- a) Not being registered;
- b) Using the name of another; or
- c) Suffering from an existing disqualification.

In such case, the BEI shall satisfy itself as to whether or not the ground for the challenge is true by requiring proof of registration, identity or qualification. The BEI shall identify the voter through his photograph, fingerprint, or specimen signatures in the EDCVL. In the absence of any of the above-mentioned proof of identity, any member of the BEI may identify under oath a voter, and such act shall be reflected in the Minutes.

SEC. 25. *Challenge based on certain illegal acts.* - Any voter or watcher may challenge any voter offering to vote on the ground that he:

at

- a) Received or expects to receive, paid, offered or promised to pay, contributed, offered or promised to contribute money or anything of value as consideration for his vote or for the vote of another; or
- b) Made or received a promise to influence the giving or withholding of any such vote; or
- c) Made a bet or is interested directly or indirectly in a bet that depends upon the results of the election.

In such case, the challenged voter shall take an oath before the BEI that he has not committed any of the acts alleged in the challenge. Upon taking such oath, the challenge shall be dismissed and the voter shall be allowed to vote. In case the voter refuses to take such oath, the challenge shall be sustained and the voter shall not be allowed to vote.

SEC. 26. *Record of challenges and oaths.* - The BEI shall record in the Minutes all challenges and oaths taken in connection therewith and its decision in each case.

SEC. 27. *Rules to be observed during the voting.* - During the voting, the BEI shall see to it that:

- a) Voters shall vote in the order of their arrival in the polling place, however, preference shall be given to senior citizens, persons with disability and heavily pregnant women;
- b) No watcher shall enter the place reserved for the voters and the BEI, nor mingle and talk with the voters;
- c) No person carrying any firearm or any other deadly weapon, except those expressly authorized by the Commission, shall enter the polling place;

uf

- d) There shall be no crowding of voters and disorderly behavior inside the polling place; and
- e) The ballot box shall remain locked during voting.

SEC. 28. *Persons allowed inside the polling place.* - Only the following persons shall be allowed inside the polling place:

- a) Members of the BEI;
- b) Watchers who shall stay only in the space reserved for them;
- c) Representatives of the Commission;
- d) Voters casting their votes;
- e) Voters waiting for their turn to cast their vote;
- f) Other persons who may be specifically authorized by the Commission.

Unless specifically authorized by the Commission, it is unlawful for the following to enter any polling place or stay within a radius of fifty (50) meters thereof, except to vote:

1. Any officer or member of the Armed Forces of the Philippines or the Philippine National Police;
2. Any peace officer or any armed person belonging to any extra-legal police agency, special forces, reaction forces, strike forces, Civilian Armed Force Geographical Units, barangay tanods or other similar forces or para-military forces, including special forces, security guards, special policemen;
3. All other kinds of armed or unarmed extra-legal police forces; and
4. Any barangay official, whether elected or appointed.

at

However, the BEI may, by a majority vote, if it deems necessary, order the detail of a policeman or any peace officer for its protection or for the protection of the election documents and paraphernalia. Such order shall be entered in the Minutes. Said policeman or peace officer shall stay outside the polling place near enough to be easily called by the BEI at anytime. In no case shall the said policeman or peace officer hold any conversation with any voter or disturb or prevent or in any manner obstruct the free access of the voters to the polling place.

SEC. 29. Preparation of ballots for illiterate and person with disability/disabled voters. – No voter shall be allowed to vote as illiterate or person with disability/disabled voter unless such fact is indicated in the EDCVL, or when the physical disability is apparent. If so, he may be assisted in the preparation of his ballot, by any:

- a. Relative within the fourth civil degree of consanguinity or affinity;
- b. Person of his confidence who belongs to the same household; or
- c. Member of the BEI.

All assistors must be of voting age.

No person may assist an illiterate or person with disability/disabled voter more than three (3) times, except the members of the BEI.

In all cases, the poll clerk shall first verify from the illiterate or person with disability/disabled voter whether the latter had authorized the assistor to help him to cast his vote.

The assistor shall, in the presence of the illiterate or person with disability/disabled voter, prepare the ballot using a ballot secrecy folder.

mt

The assistor shall bind himself in writing and under oath to fill the ballot strictly in accordance with the instructions of the voter and not to reveal the contents thereof, by affixing his signature in the appropriate space in the Minutes.

SEC. 30. *Accessibility of polling place to person with disability/disabled voters.* - All polling places of precincts where there are persons with disability/disabled voters shall be located at the ground floor of the voting centers, unless not feasible. For this purpose, the EOs shall coordinate with the proper school or building officials, accredited citizen's arm, and other civic or non-government organizations to facilitate voting for the aforesaid sector:

SEC. 31. *Prohibition against premature announcement of voting.* - During the voting, no member of the BEI shall make any announcement as to whether a certain registered voter has already voted or not, as to how many have already voted or how many so far have failed to vote or any other fact tending to show or showing the state of the polls; nor shall he make any statement at any time, except as witness before a court or body as to how many persons voted.

ARTICLE V

PROCEDURES FOR CASTING OF VOTES

SEC. 32. *Preliminaries to the voting.* - a. The BEI shall meet at the polling place at six o'clock in the morning of election day, and do the following:

1. See to it that it has all the election forms, documents and supplies needed;
2. Post one (1) copy of the PCVL, with the supplemental PCVL, if any, at the door of the polling place;
3. Staple or paste the certified list of candidates (CEF 4) inside the ballot secrecy folders;
4. Place the ballot secrecy folders on top of the desk/chair.



b. Before the voting begins, the Chairman of the BEI shall:

1. Open the ballot box, empty both of its compartments, exhibit them to all those present and, being empty, lock its interior cover with three (3) padlocks. The members of the BEI shall each retain their respective keys to the padlocks during the voting; and
2. Show to the public and to the watchers present the package of Official Ballots, duly sealed, and thereafter, break the seals. The number of pads and the serial numbers of the ballots in each pad, and the fact that the package of ballots was shown to the public with the seals intact shall be entered in the Minutes.

The interior cover of the ballot box shall remain locked until the voting is finished and the counting begins. However, if it should become necessary to make room for more ballots, the Chairman, may, in the presence of the members and watchers, open the box and press down with his hands the ballots contained therein without removing any of them, after which the BEI shall again close the interior cover of the ballot box and lock it with padlocks as herein provided.

SEC. 33. Manner of obtaining ballots. - The voter shall:

1. Look for his name in the PCVL, or in the supplemental PCVL, if any, posted near the door of the voting center and determine his precinct number and sequence number;
2. Approach the BEI member of the precinct, give his sequence number in the PCVL, name and address, together with the other data concerning his person;

64

3. The BEI shall verify if the name of the voter is in the EDCVL, or in the supplemental EDCVL, if any. If the name of the voter is in the EDCVL, his identity shall then be established through the following:
 - i. His photograph in the EDCVL or specimen signatures in any authentic document which may establish his identity except barangay certificate or community tax certificate; or
 - ii. In the absence of any of the above-mentioned proof of identity, any member of the BEI or any registered voter of the precinct/clustered precinct may identify under oath a voter, and such act shall be reflected in the Minutes.

If the BEI is satisfied with his identity, the name of the voter shall be distinctly announced in a voice loud enough to be heard throughout the polling place. Otherwise, the voter shall be directed to leave the polling place after informing him the reason thereof. If the voter's identity is not challenged, or having been challenged, the question has been decided in his favor, the voter shall be directed to the Chairman of the BEI.

4. Before giving the ballot to the voter, the Chairman of the BEI shall:
 - a) Check if any of the fingernails of the voter has already been stained with indelible ink. If stained, it shall be a conclusive presumption that he has already cast his vote. As such, the voter shall be directed to leave the polling place after informing him the reason thereof. This fact, including the name and the precinct of the voter, shall be recorded by the Poll Clerk in the Minutes;
 - b) Affix his signature in the EDCVL;
 - c) Authenticate the ballot by affixing his signature at the back thereof;

The failure to authenticate the ballot shall not invalidate the ballot but shall constitute an election offense.

- d) Instruct the voter on how to fill-up the ballot properly.
- e) Fold the ballot in such a manner that its face, except the portion where the serial number appears is covered, and give the same to the voter.

Only the Chairman shall issue the Official Ballots, and not more than one ballot shall be issued at one time.

- f) Require the voter to affix his signature on the proper space on the EDCVL.

SEC. 34. *Manner of voting.* - The voter, upon receiving his folded ballot, shall, using a ballot secrecy folder, fill his ballot by writing in the corresponding spaces the names of the individual candidates he desires to vote for.

SEC. 35. *Prohibition on voting.* - It shall be unlawful for a voter to:

- a) Bring the ballot, ballot secrecy folder or Comelec ballpen outside of the polling place;
- b) Speak with anyone other than the BEI or his assistor, if applicable, while inside the polling place;
- c) Prepare his ballot without using the ballot secrecy folder or exhibit its contents;
- d) Fill his ballot accompanied by another, except in the case of an illiterate or person with disability/disabled voter;

- e) Erase any printing from the ballot, or put any distinguishing mark on the ballot;
- f) Use carbon paper, paraffin paper or other means of making a copy of the contents of the ballot, or otherwise make use of any other scheme to identify his vote, including the use of digital cameras, cellular phones with camera or similar gadgets; and
- g) Intentionally tear or deface the ballot.

SEC. 36. Spoiled ballots. - If a voter accidentally spoils or defaces a ballot in such a way that it can no longer be lawfully used, he shall surrender it folded to the Chairman, who shall:

- a. distinctly mark the back thereof with the word "spoiled," without unfolding and without removing the detachable coupon of the ballot;
- b. sign the same and immediately place in the compartment of the ballot box for spoiled ballots;
- c. write the word "spoiled" above the ballot serial number as recorded in the EDCVL; and
- d. record such fact in the Minutes.

The voter shall then be given another ballot duly authenticated by the Chairman after announcing the serial number of the second ballot and recording said serial number above the word "spoiled". However, in cases of spoiled ballots under paragraphs (c), (e) and (g) of the immediately following paragraph, the voter shall not be issued another ballot.

If the second ballot is again spoiled or defaced in such a way that it can no longer be lawfully used, the same shall be surrendered folded to the Chairman in the same manner as the first spoiled or defaced ballot. No voter, however, shall change his ballot more than once.

W

SEC. 37. Procedure after voting. -

- a. After the voter has filled up his ballot, he shall fold it in the same manner as when he received it;
- b. The voter shall then, in the presence of all the members of the BEI, affix his thumbmark in the corresponding space in the ballot coupon, and return the folded ballot to the Chairman;
- c. The Chairman, in the presence of the voter and all the members of the BEI, without unfolding the ballot or seeing its contents, shall verify its serial number as against the number previously entered in the EDCVL to determine whether it is the same ballot given to the voter. Any ballot returned to the Chairman, the serial number of which does not tally with the number of the ballot delivered to the voter as entered in EDCVL, shall be considered "spoiled" and shall be so marked and signed by the Chairman of the BEI, and placed inside the compartment for spoiled ballots. Such fact shall be indicated in the Minutes.
- d. The voter shall forthwith affix his thumbprint in the corresponding space in the EDCVL.
- e. The Chairman shall then apply a drop of indelible stain ink at the base and extending to the cuticle of the right index fingernail of the voter, or any other fingernail if there be no right index fingernail.

If the voter refuses to have his fingernail stained with indelible ink, he shall be informed that such refusal will render his ballot spoiled. If the voter still refuses despite being informed thereof, the Chairman shall, without unfolding the ballot and without removing the detachable coupon thereof, distinctly mark the ballot with the word "spoiled", and thereafter sign the same at the back thereof and immediately place said spoiled ballot in the compartment of the ballot box for spoiled ballots. The voter shall then be requested to leave. Such fact shall be indicated in the Minutes.

- f. The Chairman shall sign in the proper space in the EDCVL;

MT

- g. The Chairman shall detach the ballot coupon in the presence of the other members of the BEI and of the voter, and shall deposit the folded ballot in the compartment of the ballot box for valid ballots and the detached coupon in the compartment for spoiled ballots.

Any ballot where the detachable coupon has been removed not in the presence of the members of the BEI and of the voter shall be considered "spoiled", accordingly marked, signed by the Chairman of the BEI, and placed inside the compartment for spoiled ballots. Such fact shall be indicated in the Minutes.

- h. The voter shall then leave.

SEC. 38. *Disposition of unused ballots.* – After the voting, the Chairman in the presence of the BEI shall:

1. Record in the Minutes the quantity of unused ballots;
2. Tear the unused ballots in half lengthwise;
3. Place the right half in the envelope (CEF 16-A), and submit to the EO for safekeeping; and
4. Place the left half in another envelope (CEF 16-B), and then deposit inside the compartment of the ballot box for valid ballots.

Such facts shall be entered in the Minutes.

Article VI

COUNTING OF VOTES

SEC. 39. *Counting of votes to be public and without interruption.* - After the voting is finished, the BEI shall count the votes cast and ascertain the results in the polling place. Unless otherwise ordered by the Commission, the BEI shall not adjourn, postpone or delay the counting.

wf

SEC. 40. *Transfer of counting of votes to safer place.* - If on account of imminent danger of violence, terrorism, disorder or similar causes, it becomes necessary to transfer the counting of votes to a safer place, the BEI may transfer the counting to the nearest safe barangay or school building within the municipality, provided it is approved unanimously by the BEI and concurred by the majority of the watchers present. This fact shall be recorded in the Minutes and the approval and concurrence of the members of the BEI and the watchers shall be manifested by affixing their signatures therein.

In effecting the transfer, the BEI shall coordinate with the Election Officer and ensure the safety and integrity of all election documents and paraphernalia. The PNP and/or the AFP in the area in consultation with the Election Officer shall provide adequate security and transport facilities to the members of the BEI and election documents and paraphernalia during the transfer and counting of votes.

SEC. 41. *Preliminaries to the counting of votes.* - The BEI shall unlock the padlocks, open the ballot box and take out the ballots from the compartment for valid ballots. The BEI shall then proceed to examine the ballots to determine whether there are:

- a. ***Excess ballots*** - The BEI shall, without unfolding the ballots or exposing their contents, count the number of ballots in the compartment for valid ballots, and compare the number of ballots inside the ballot box with the number of voters who actually voted as reflected in the EDCVL. If there are more ballots than there are voters who actually voted, all the ballots shall be returned to the compartment for valid ballots and thoroughly mixed therein. The Poll Clerk, without seeing the ballots and with his back to the ballot box, shall publicly draw out as many ballots as may be equal to the excess and, without unfolding them, place them in the Envelope for Excess Ballots.

WF

If, in the course of examination, ballots are found folded together before they were deposited in the ballot box, they shall be placed in the Envelope for Excess Ballots.

- b. **Ballots with detachable coupons** - In case a ballot with undetached coupon is found in the ballot box, the coupon shall be removed and deposited in the compartment for spoiled ballots. The ballot shall be included in the pile of valid ballots.
- c. **Ballots with the word "spoiled"** - If a ballot with the word "spoiled" should be found in the compartment for valid ballots, it shall be placed in the corresponding Envelope for Spoiled Ballots.
- d. **Marked ballots** - The BEI shall then unfold the ballots and determine whether there are any marked ballots. If any should be found, they shall be placed in an Envelope for Marked Ballots.

Excess, spoiled and marked ballots shall not be read during the counting of votes. The envelope containing the excess, spoiled and marked ballots shall be signed and sealed by the members of the BEI and deposited in the compartment for valid ballots.

SEC. 42. Ballots deposited in the compartment for spoiled ballots. - The ballots deposited in the compartment for spoiled ballots shall be presumed spoiled, whether or not they contain such notation. However, if during the voting any valid ballot was erroneously deposited in this compartment, the BEI shall open said compartment after the voting and before the counting of votes for the sole purpose of drawing out the ballots erroneously deposited therein. The valid ballots so withdrawn shall be mixed with the other valid ballots. Such facts shall be recorded in the Minutes.

SEC. 43. Manner of counting of votes. - The BEI shall unfold the ballots and form separate piles of one hundred (100) ballots each held together by rubber bands. The Chairman of the BEI shall take the ballots of the first pile one by one and read the name of the candidate voted for. In reading the Official Ballots, the Chairman, poll clerk and third member shall assume such position as to provide the watchers and the

members of the public as may be conveniently accommodated in the polling place, an unimpeded view of the ballot being read by the Chairman, as well as of the election returns and tally board being simultaneously accomplished by the poll clerk and the third member, respectively, without touching any of said election documents. The table shall be cleared of all unnecessary writing paraphernalia. Any violation hereof shall constitute an election offense.

The poll clerk and the third member shall record simultaneously in the election returns and in the tally board, respectively, each vote as it is read. Each vote shall be recorded by a vertical line, except every fifth vote which shall be recorded by a diagonal line crossing the previous four vertical lines.

The same procedure shall be followed with the succeeding piles of ballots.

After all the ballots have been read, the BEI shall record, in words and in figures, the total number of votes obtained by each candidate, both in the election returns and in the tally board. The counted ballots shall be placed in an envelope provided for the purpose, which envelope shall be sealed, signed and deposited in the compartment for valid ballots. The tally board as accomplished and certified by the BEI shall not be changed or destroyed but shall be kept in the compartment for valid ballots.

SEC. 44. Rules for the appreciation of ballots. - In the reading and appreciation of ballots, every ballot shall be presumed to be valid unless there is clear and good reason to justify its rejection. The BEI shall observe the following rules, bearing in mind that the object of the election is to obtain the expression of the voters will:

- a. Where only the first name of a candidate or only his surname is written, the vote for such candidate is valid, if there is no other candidate with the same first name or surname for the same office;

with

- b. Where only the first name of a candidate is written on the ballot, which when read, has a sound similar to the surname of another candidate, the vote shall be counted in favor of the candidate with such surname. If there are two or more candidates with the same full name, first name or surname and one of them is the incumbent, and on the ballot is written only such full name, first name or surname, the vote shall be counted in favor of the incumbent;
- c. In case the candidate is a woman who uses her maiden or married surname or both and there is another candidate with the same surname, a ballot bearing only such surname shall be counted in favor of the candidate who is an incumbent;
- d. When two or more words are written on the same line on the ballot, all of which are the surnames of two or more candidates, the same shall not be counted for any of them, unless one is a surname of an incumbent who has served for at least one year in which case it shall be counted in favor of the latter;

When two or more words are written on different lines on the ballot all of which are the surnames of two or more candidates bearing the same surname for an office for which the law authorizes the election of more than one and there are the same number of such surnames written as there are candidates with that surname, the vote shall be counted favor of all the candidates bearing the surname;

- e. When on the ballot is written a single word which is the first name of a candidate and which is at the same time the surname of his opponent, the vote shall be counted in favor of the latter;
- f. When two words are written on the ballot, one of which is the first name of a candidate and the other is the surname of his opponent, the vote shall not be counted for either;

WJ

- g. A name or surname incorrectly written which, when read, has a sound similar to the name or surname of a candidate when correctly written shall be counted in his favor;
- h. When a name of a candidate appears in a space of the ballot for an office for which he is a candidate and in another space for which he is not a candidate, it shall be counted in his favor for the office for which he is a candidate and the vote for the office for which he is not a candidate shall be considered as stray, except when it is used as a means to identify the voter, in which case, the whole ballot shall be void;

If the word or words written on the appropriate blank space on the ballot is the identical name or surname or full name, as the case may be, of two or more candidates for the same office none of whom is an incumbent, the vote shall be counted in favor of that candidate to whose ticket belong all the other candidates voted for in the same ballot for the same constituency.

- i. When in a space in the ballot there appears a name of a candidate that is erased and another clearly written, the vote is valid for the latter;
- j. The erroneous initial of the first name which accompanies the correct surname of a candidate, the erroneous initial of the surname accompanying the correct first name of a candidate, or the erroneous middle initial of the candidate shall not annul the vote in favor of the latter.
- k. The fact that there exists another person who is not a candidate with the first name or surname of a candidate shall not prevent the adjudication of the vote of the latter;
- l. Ballots which contain prefixes as such "Sr." "Mr.", "Datu", "Don", "Ginoo", "Hon.", "Gob.", or suffixes like "Hijo", "Jr.", "Segundo", are valid.

W

- m. The use of the nicknames and appellations of affection and friendship, if accompanied by the first name or surname of the candidate, does not annul such vote, except when they were used as means to identify the voter, in which case the whole ballot is invalid: Provided, That if the nickname used is unaccompanied by the name or surname of a candidate and it is the one by which he is generally or popularly known in the locality, the name shall be counted in favor of said candidate, if there is no other candidate for the same office with the same nickname;
- n. Any vote containing initials only or which is illegible or which does not sufficiently identify the candidate for whom it is intended shall be considered as a stray vote but shall not invalidate the whole ballot;
- o. If on the ballot is correctly written the first name of a candidate but with a different surname, or the surname of the candidate is correctly written but with a different first name, the vote shall not be counted in favor of any candidate having such first name and/or surname but the ballot shall be considered valid for other candidates;
- p. Any ballot written with crayon, lead pencil; or in ink, wholly or in part, shall be valid;
- q. Where there are two or more candidates voted for in an office for which the law authorizes the election of only one, the vote shall not be counted in favor of any of them, but this shall not affect the validity of the votes therein;
- r. If the candidates voted for exceed the number of those to be elected, the ballot is valid, but the votes shall be counted only in favor of the candidates whose names were firstly written by the voter within the space provided for said office in the ballot until the authorized number is covered;
- s. Any vote in favor of a person who has not filed a certificate of candidacy or in favor of a candidate for an office for which he did

af

not present himself shall be considered as a stray vote but it shall not invalidate the whole ballot;

- t. Ballots containing the name of a candidate printed and pasted on a blank space of the ballot or affixed thereto through any mechanical process are totally null and void;
- u. Circles, crosses or lines put on the spaces on which the voter has not voted shall be considered as signs to indicate his desistance from voting and shall not invalidate the ballot;
- v. Unless it should clearly appear that they have been deliberately put by the voter to serve as identification marks, commas, dots, lines, or hyphens between the first name and surname of a candidate, or in other parts of the ballot, traces of the letter "T", "J" and other similar ones, the first letters or syllables of names which the voter does not continue, the use of two or more kinds of writing and unintentional or accidental flourishes, strokes or strains, shall not invalidate the ballot;
- w. Any ballot which clearly appears to have been filled by two distinct persons before it was deposited in the ballot box during the voting is totally null and void;
- x. Any vote cast in favor of a candidate who has been disqualified by final judgment shall be considered as stray and shall not be counted but it shall not invalidate the ballot;
- y. Ballots wholly written in Arabic in localities where it is of general use are valid. To read them, the BEI may employ an interpreter who shall take an oath that he shall read the votes correctly;
- z. The accidental tearing or perforation of a ballot does not annul it; and
- aa. Failure to remove the detachable coupon from a ballot does not annul such ballot.



Article VII

PREPARATION AND SAFEKEEPING OF ELECTION RETURNS AND OTHER ELECTION FORMS AND PARAPHERNALIA

SEC. 45. *Preparation of election returns.* - All data required in the election returns shall be accomplished in handwriting and in a manner such that the entries on the first copy are clearly impressed in all the other copies. The total number of votes for each candidate shall be closed with the signatures and the clear imprints of the right thumb of all the members, affixed in full view of the public, immediately after the last vote recorded or immediately after the name of the candidate receiving no vote.

The watchers in a precinct shall, if available, affix their signatures and imprints of their right thumbs in the election returns for the precinct. Immediately after the accomplishment of the election returns, each copy thereof shall be placed in the proper envelope to be distributed as follows:

1. The **first copy**, to the Municipal Board of Canvassers;
2. The **second copy**, to be posted on the wall within the premises of the polling place
3. The **third copy**, to the Commission;
4. The **fourth copy**, to the dominant majority party;
5. The **fifth copy**, to the dominant minority party;
6. The **sixth copy**, to the citizens' arm authorized by the Commission to conduct an unofficial count; and
7. The **seventh copy**, to be deposited inside the compartment of the ballot box for valid ballot.

Immediately upon the accomplishment of the election returns, the second copy shall be posted on the wall with sufficient lighting within the premises of the polling place.

WF

The copy of the election returns posted on the wall shall be open for public viewing at any time of the day for forty-eight (48) hours following its posting. Any person may view or capture an image of the election returns by means of any data capturing device such as, but not limited to cameras at any time of the day for forty-eight (48) hours following its posting. After such period, the Chairman of the BEI shall detach the election returns from the wall and keep the same in his custody to be produced as may be requested by any voter for image or data capturing or for any lawful purpose as may be ordered by competent authority.

SEC. 46. *Announcement of the result of the election in the polling place.* - Upon the completion of the election returns, the Chairman of the BEI shall publicly announce the total number of votes received by each candidate.

SEC. 47. *Certificate of Votes.* - After the counting of votes and the announcement of the results of the election in the precinct, and before leaving the polling place, the BEI shall issue Certificate of Votes upon request of the duly accredited watchers of the precinct/clustered precinct. The Certificate of Votes shall contain the total number of votes obtained by each candidate, written in words and in figures, the precinct number, the name of the barangay, municipality and province, the total number of voters who voted in the precinct and the date and time of its issuance. The Certificate of Votes shall be signed and thumbmarked by each member of the BEI.

The BEI shall require the requesting watcher to acknowledge receipt thereof.

The refusal of the Chairman and members of the BEI to furnish said Certificate of Votes shall constitute an election offense.

SEC. 48. *Alteration and correction in the election returns.* - Any correction or alteration in the election returns made by the BEI before the announcement of the results of the election in the polling place shall be duly initialed by all the members thereof.

After announcement of the results of the election in the polling place, the BEI shall not make any alteration or amendment in any of the copies of the election returns,

unless so ordered by the Commission upon petition of all or the majority of the members of the BEI within five (5) days from the date of the election or twenty-four (24) hours from the time a copy of the election returns concerned is opened by the Board of Canvassers, whichever is earlier. The petition shall be accompanied by proof of service upon all candidates affected. If the petition is filed by all members of the BEI and the result of the election would not be affected by said correction and none of the candidates affected objects thereto, the Commission, upon being satisfied of the veracity of the petition and of the error alleged therein, shall order the BEI 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 BEI and the result of the election would be affected by the correction sought to be made, the Commission shall proceed summarily to hear the petition. If it finds the petition meritorious and there is no evidence or sign indicating that the identity and integrity of the ballot box have been violated, the Commission shall order the opening of the ballot box. After satisfying itself that the integrity of the ballots therein has also been duly preserved, the Commission shall order the recounting of the votes of the candidates affected and the proper corrections made on the election returns, unless the correction sought is such that it can be made without the need of opening the ballot box.

SEC. 49. Disposition of ballot boxes, keys, election returns and other documents. - Upon the termination of the counting of votes and the announcement of the results of the election in the precinct, the BEI shall:

- a. Place the following documents inside the compartment of the ballot box for valid ballots:
 1. Envelope containing
 - a) Used/counted Official Ballots;
 - b) Excess/marked/spoiled/half of torn unused Official Ballots;
 - c) Election returns (copy for the ballot box);

mf

- d) Minutes of Voting and Counting of Votes (copy for the ballot box);
 2. Tally Board; and
 3. Stubs of used pads of Official Ballots.
- b. Close the inner compartments of the ballot box, lock them with one (1) self-locking fixed-length seal and then lock the outer cover with the (3) padlocks and one (1) self-locking fixed-length seal. The three keys to the padlocks shall be placed in separate envelopes which shall be sealed and signed by all members of the BEI;
 - c. Deliver the ballot box to the municipal treasurer, accompanied by watchers. For this purpose, the municipal treasurer shall, if necessary, keep his office open all night on the day of the election, provide the necessary facilities for said delivery at the expense of the municipality, and allow candidates, political parties and other interested parties to post watchers in the storage area.

In case the ballot box delivered by the BEI was not locked and/or sealed, the treasurer shall lock and/or seal the ballot box. The treasurer shall include such fact, including the serial number of the self-locking fixed-length seal used, in his report to the Commission.

Within three (3) days after the canvass, the Election Officer or his authorized representative shall, with notice to candidates, political parties and other interested parties, inspect the storage area. The Election Officer shall thereafter submit a report to the Law Department within seven (7) days from inspection, which shall indicate the following:

1. Serial number and condition of the ballot box;
 2. Serial number and condition of self-locking fixed length seal;
 3. Number and condition of padlocks; and
 4. Brief description of the storage area.
- d. Deliver to the Election Officer:
 1. EDCVL;

WF

2. Two (2) copies of PCVL;
3. Three (3) envelopes, each containing a key to a padlock of the ballot box which shall be delivered, under proper receipt, by the Election Officer to the Provincial Election Supervisor, the Provincial Prosecutor and the Provincial Treasurer;
4. Envelope containing:
 - a) Copy of the Minutes of Voting and Counting of Votes (copy for the Commission);
 - b) Right half of the torn unused Official Ballots; and
5. Thumbprint takers and all bottles of indelible ink, whether used or unused.

On the day after the election, the Election Officer or the Treasurer, as the case may be, shall require the BEI who failed to deliver the election records or paraphernalia mentioned herein to deliver the same immediately.

SEC. 50. *Preservation of the voting record.* - The Election Officer shall keep the EDCVL and PCVL used in the election in a safe place until such time that the Commission gives instructions on their disposition.

SEC. 51. *Omission or erroneous inclusion of documents in ballot box.* - If after locking the ballot box, the BEI discovers that some documents or articles required to be placed in the ballot box were not placed therein, the BEI, instead of opening the ballot box in order to place therein said documents or articles, shall deliver the same to the Election Officer. In no instance shall the ballot box be reopened to place therein or to take out therefrom any document or article except in proper cases and with prior written authority of the Election Officer concerned, to retrieve copies of the election returns which will be needed in any canvass, subject to the following conditions:

mb

BEI General Instructions for March 12, 2011 Special Elections in certain precincts in the Provinces of Basilan, Mountain Province, Tawi-Tawi, and Sulu:

1. The Election Officer shall send notices to the candidates, watchers and citizen's arm of the Commission of the date and time of the opening of the ballot boxes in their respective areas of responsibility;
2. The documents retrieved shall be limited to those indicated by the Election Officer concerned; and
3. A report on the conduct of the opening of ballot boxes shall be submitted by the Election Officers to the Office of the Deputy Executive Director for Operations which shall consolidate said report for submission to the Commission en banc. Said report shall indicate the serial number of ballot boxes opened, the precincts involved, the names of the witnesses and such other incidents or information that the Election Officers may deem important.

However, if there are other copies of the election returns outside of the ballot box which can be used in the canvass, such copies of the election returns shall be used in said canvass and the opening of the ballot box to retrieve copies of the election returns placed therein shall then be dispensed with.

In case the BEI fails to place the envelope containing the counted ballots inside the ballot box, the Election Officer shall, with notice to parties, deposit said envelopes in a separate ballot box which shall be properly sealed, padlocked and stored in a safe place in his office. Said ballot boxes shall remain sealed unless otherwise ordered by the Commission.

Article VIII

DELIVERY AND TRANSMITTAL OF ELECTION RETURNS

SEC. 52. *Delivery and transmittal of election returns.* - The BEI shall deliver to the Election Officer copies of the election returns intended for the Commission.

WT

The copies of the election returns intended for the dominant majority party, the dominant minority party and the citizens' arm authorized by the Commission to conduct an unofficial count, shall be given at the polling place to their respective representatives who have been authorized by said parties and organizations to receive such copies. Any unclaimed copy shall be brought by the Chairman of the BEI to the canvassing center where the recipients or their representatives may claim them. Copies still unclaimed at the canvassing center shall be deemed placed in the custody of the Chairman of the BEI, who shall produce them when requested by the recipient or when ordered by a competent authority.

The election returns intended for the Municipal Board of Canvassers shall be delivered by the BEI to the board of canvassers concerned.

SEC. 53. *Delivery and transmittal of election returns by the Election Officer.* - The Election Officer shall deposit all copies of the election returns received from the BEI (copies for the Commission), in ballot box/es, and lock each ballot box with three padlocks.

The most senior and able election assistant in the Office of the Election Officer shall receive the copies of the election returns delivered by the BEI, issue proper receipt therefor and submit said election returns to the Commission, not later than March 16, 2011.

SEC. 54. *Special procedures.* - The express provisions of this Resolution notwithstanding, the Commission may adopt special procedures in the storage, custody, distribution and retrieval of accountable forms and paraphernalia in exceptional cases to fulfill its constitutional mandate to ensure free, orderly, honest, peaceful and credible elections.

SEC. 55. *Effectivity.* - This Resolution shall take effect seven (7) days after its publication in two (2) daily newspapers of general circulation in the Philippines.

uf

BEI General Instructions for March 12, 2011 Special Elections in certain precincts in the Provinces of Basilan, Mountain Province, Tawi-Tawi, and Sulu.


SEC. 56. Dissemination. - Let the Education and Information Department, this Commission, cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines, and immediately furnish copies thereof to all Election Officers concerned, the Provincial Election Supervisors of Basilan, Mountain Province, Sulu and Tawi-Tawi, the Regional Election Directors of the Cordillera Administrative Region (CAR) and ARMM, to the Department of Education and the Philippine National Police.

SO ORDERED.


SIXTO S. BRILLANTES JR.
Chairman


RENE V. SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner


LUCENITO N. TAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner


ELIAS R. YUSOPH
Commissioner


GREGORIO Y. LARRAZABAL
Commissioner



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
EDUCATION AND HUMAN DEVELOPMENT DEPARTMENT
RECEIVED
BY: *M. M. M.*
DATE: *1/28/11* TIME: *7:10 P.M.*

**RULES AND REGULATIONS
GOVERNING PUBLIC WORKS
BAN AND RELEASE,
DISBURSEMENT AND
EXPENDITURES OF PUBLIC
FUNDS IN CONNECTION WITH
THE MARCH 12, 2011 SPECIAL
ELECTIONS IN CERTAIN
PRECINCTS IN THE
PROVINCES OF BASILAN, MT.
PROVINCE, SULU AND TAWI-
TAWI.**

BRILLANTES, Sixto, Jr. S., *Chairman*
SARMIENTO, Rene V., *Commissioner*
FERRER, Nicodemo T., *Commissioner*
TAGLE, Lucenito N., *Commissioner*
VELASCO, Armando C., *Commissioner*
YUSOPH, Elias R., *Commissioner*
LARRAZABAL, Gregorio Y. *Commissioner*

x-----x

PROMULGATED:
January 28, 2011

RESOLUTION No. 9129

The Commission on Elections, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, and other election laws, has RESOLVED, as it hereby RESOLVES to promulgate, the following rules to enforce the provisions of Section 261, subsections (v) and (w) of the Omnibus Election Code in connection with the conduct of the March 12, 2011 special elections in certain precincts in the provinces of Basilan, Mt. Province, Sulu and Tawi-Tawi:

SECTION 1. (A) Prohibition on Release, Disbursement or Expenditure of Public Funds. – Effective February 10, 2011 until March 11, 2011, no public official or employee including barangay officials and those of government-owned or controlled corporations and their subsidiaries concerned, shall release, disburse or expend any public funds for:

1. Any and all kinds of public works, except the following:
 - (a) Maintenance of existing and/or completed public works project: *Provided*, that not more than the average number of laborers or employees already employed therein during the six-month period immediately prior to February 10, 2011, shall be permitted to work during such time: *Provided, further*, That no additional laborers shall be employed for maintenance work starting February 10, 2011 until March 11,

- (b) Work undertaken by contract through public bidding held, or by negotiated contract awarded, before February 10, 2011: *Provided*, That for the purpose of this Section work undertaken under the so-called "takay" or "paquiao" system shall not be considered as work by contract;
- (c) Payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates, and other procedures preparatory to actual construction including the purchase of materials and equipment, and all incidental expenses for wages of watchmen and other laborers employed for such work in the central office and field storehouses before February 10, 2011: *Provided*, That the number of such laborers shall not be increased over the number hired when the project or projects were commenced; and
- (d) Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.

No payment shall be made within five (5) days before the date of election to laborers who have rendered services in projects or works except those falling under subparagraphs (a), (b), (c), and (d), of this Section.

The prohibition shall not apply to on-going public works projects commenced before the campaign period or similar projects under foreign agreements. For purposes of this provision, it shall be the duty of the government officials or agencies concerned to report to the Commission the list of all such projects undertaken by them as provided for under Sec. 2 of this Resolution.

2. The Department of Social Welfare and Development and any other office in other departments of the government performing functions similar to said department, except for salaries of personnel, and for such other routine and normal expenses, and for such other expenses as the Commission may authorize after due notice and hearing. Should a calamity or disaster occur, all releases normally or usually coursed through the said departments and offices of other departments shall be turned over to, and administered and disbursed by, the Philippine National Red Cross, subject to the supervision of the Commission on Audit (COA) or its representatives, and no candidate or his or her spouse or member of his family within the second civil degree of affinity or consanguinity shall participate, directly or indirectly, in the distribution of any relief or other goods to the victims of the calamity or disaster; and
3. The Human and Urban Development Coordinating Council and any other office in any other department of the government performing functions similar to said department, except for salaries of personnel

(B). Prohibition against construction public works, Delivery of Materials for Public Works and Issuance of Treasury Warrants and Similar Devices or maintenance of national, provincial, city, municipal and barangay-funded roads and bridges. – Effective February 10, 2011 to March 11, 2011

(1) the construction of any public works, except for projects or works exempted in the preceding Section; or

(2) the issuance, use or avail of treasury warrants or any device undertaking future delivery of money good, or other things of value chargeable against public funds in Sumisip, Basilan, Paracelis, Mt. Province,, Indanan, Sulu and Sapa-Sapa, Tawi-Tawi, **shall be prohibited.**

SEC. 2. Submission to the Commission of lists of authorized public works projects. – On or before February 10, 2011, the Secretary of Public Works and Highways, the provincial governors, city/municipal mayors and punong barangays shall submit to the Commission in Manila thru the provincial election supervisor/election officers concerned, as the case may be, a certified list of all on-going public works, projects under foreign agreements and those undertaken by contract through public bidding, negotiated contract undertaken before February 10, 2011.

Any public works not included in the list herein required to be submitted by the Secretary of Public Works and Highways, the provincial governors, city/municipal mayors, and punong barangay concerned, which are not among the exceptions under Section 261, subsection (v) of the Omnibus Election Code shall be considered as falling under the public works ban.

SEC. 3. Immediate payment of laborers required. – Any laborer who may have worked on construction and maintenance of provincial, city, municipal and barangay-funded roads and bridges which have to be suspended pursuant to the thirty (30) day ban shall be paid immediately his complete earned wage upon the suspension of said projects. In no case shall the earned wage or any portion thereof be retained to be paid only within five (5) days before or on the day of the election.

SEC. 4. Injunction. – The Department of Budget and Management and the COA, including all its field offices, are hereby enjoined not to release or authorize the release of any appropriation, or to pass in audit payments or expenditures of public funds that may directly or indirectly be used in violation of the prohibitions contained in Section 261 (v) and (w) of the Omnibus Election Code and Section 1 hereof.

The concerned field offices of the Commission, including those of its deputized agencies and citizens arm therein, are directed to monitor compliance with the requirements under Sec. 2 hereof by the local executive officers in the municipalities of Sumisip, Basilan, Paracelis, Mt. Province,


SEC. 5. Penalty. – Any violation of the provisions of this Resolution shall, consistent with Sections 261 and 264 of the Omnibus Election Code, constitute an election offense and shall be punishable by imprisonment of not less than one (1) year but not more than six (6) years, among other penalties provided for by law.

SEC. 6. Effectivity. – This Resolution shall take effect on the seventh (7th) day after its publication in two (2) daily newspapers of general circulation in the Philippines.

SEC. 7. Dissemination. – The Education and Information Department shall cause the publication of this resolution in two (2) daily newspapers of general circulation, immediately after promulgation hereof, and shall furnish the Executive Secretary, the Chairman of the Commission on Audit, heads of all departments, and national offices, provincial governors, city/municipal mayors and punong barangays and other agencies of the government, including government-owned or controlled corporations, all registered political parties and the concerned field offices of the Commission copies hereof.

SO ORDERED.

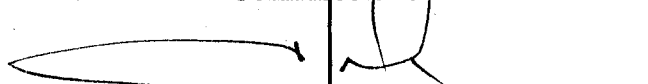

SIXTO S. BRILLANTES, JR.
Chairman


RENE V. SARMIENTO
Commissioner


LUCENITO N. TAGLE
Commissioner


ELIAS ROYUSOPH
Commissioner


NICODEMO T. FERRER
Commissioner


ARMANDO C. VELASCO
Commissioner


GREGORIO Y. LARRAZABAL
Commissioner

REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
EDUCATION AND INFORMATION DEPARTMENT



RECEIVED

BY: [Signature]
DATE: 1/28/11 TIME: 7:00 PM

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

ENFORCEMENT OF THE PROHIBITION AGAINST APPOINTMENT OR HIRING OF NEW EMPLOYEES; CREATION OR FILLING UP OF NEW POSITIONS; GIVING SALARY INCREASES; TRANSFERRING/ DETAILING OF CIVIL SERVICE EMPLOYEES; AND SUSPENSION OF ELECTIVE LOCAL OFFICIALS IN CONNECTION WITH THE MARCH 12, 2011 SPECIAL ELECTIONS IN CERTAIN PRECINCTS IN THE PROVINCES OF BASILAN, MT. PROVINCE, SULU AND TAWI-TAWI.

BRILLANTES, Sixto, Jr. S.
SARMIENTO, Rene V.,
FERRER, Nicodemo T.,
TAGLE, Lucenito N.,
VELASCO, Armando C.,
YUSOPH, Elias R.,
LARRAZABAL, Gregorio Y.

Chairman
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

X-----X

PROMULGATED:
January 28, 2011

RESOLUTION No. 9130

WHEREAS, Sec. 261 of the Omnibus Election Code of the Philippines provides:

"Sec. 261. Prohibited acts. – The following shall be guilty of an election offense:

xxx

xxx

xxx

"(g) Appointment of new employees, creation of new position, promotion or giving salary increases – During the period of forty five (45) days before regular election and thirty days before a special election, (1) any head, official or appointing officer of a government office, agency or instrumentality, whether national or local, including government-owned or controlled corporations, who appoints or hires any new employees, whether provisional, temporary or casual, or creates and fills any new positions, except upon prior authority of the Commission. The Commission shall not grant the authority sought unless, it is satisfied that the position to be filled is essential to the proper functioning of the office or agency concerned, and that the position shall not be filled in a

"As an exception to the foregoing provisions, a new employee may be appointed in case of urgent need: *Provided, however,* That notice of the appointment shall be given to the Commission within three days from the date of the appointment. Any appointment or hiring in violation of this provision shall be null and void.

"(2) Any government official who promotes, or gives any increase of salary or remuneration or privilege to any government official or employee, including those in government-owned or controlled corporations.

"(h) Transfer of officers and employees in the civil service – Any public official who makes or causes any transfer or detail whatever of any officer or employee in the civil service including public school teachers, within the election period except upon approval of the Commission. (Underlining supplied)

xxx

xxx

xxx

"(x) Suspension of elective provincial, city, municipal or barangay officer – The provisions of law to the contrary notwithstanding during the election period, any public official who suspends, without prior approval of the Commission, any elective provincial, city, municipal or barangay officer, unless said suspension will be for purposes of applying the Anti-Graft and Corrupt Practices Act in relation to the suspension and removal of elective officials; in which case the provision of this section shall be inapplicable."

WHEREAS, to enforce effectively the foregoing provisions, there is a need to promulgate the necessary rules for the guidance of all concerned;

NOW, THEREFORE, the Commission on Elections (Commission), pursuant to the powers vested in it by the Constitution, the Omnibus Election Code and other election laws, has **RESOLVED**, as it hereby **RESOLVES** to promulgate the following rules to implement the provisions of Section 261, subsections (g), (h) and (x) of the Omnibus Election Code in connection with the conduct of Special Elections in certain precincts in the provinces of Basilan, Mt. Province, Sulu and Tawi-Tawi:

SECTION 1. Prohibited acts. –

(A) During the election period from **February 10, 2011 until March 22, 2011**, no public official shall, except upon prior written approval of the Commission.

1. Make or cause any transfer or detail whatsoever of any officer or employee in the civil service, including public school teachers.

"**Transfer**" as used in this provision shall be construed as any personnel movement from one government agency to another or from one department, division, geographical unit or subdivision of a government agency to another with or without the issuance of an appointment.

1/11

2. Suspend any elective provincial, city, municipal or barangay official, unless the suspension will be for purposes of applying the "Anti-Graft and Corrupt Practices Act" in relation to the suspension and removal of elective official.

(B) Beginning **February 10, 2011 to March 11, 2011**

1. No head, official or appointing officer of any national or local government office, agency or instrumentality, including government-owned or controlled corporations, shall, except upon prior authority of the Commission:

(a) Appoint or hire any new employee, whether permanent, provisional, temporary or casual; or

(b) Create and fill any new position.

2. No government official shall promote or give any increase of salary or remuneration or privilege to any government official or employee, including those in government-owned or controlled corporations.

SEC. 2. Requests for authority of the Commission; How to file. - (a) The request for authority to make or cause any transfer or detail shall be in writing indicating the (1) office and place to which the officer or employee is proposed to be transferred/detailed or otherwise moved; and (2) stating the reasons therefor:

B. Said request shall be filed with:

1. Law Department –

Requests for authority to make or cause any transfer or detail of any officer or employee in the civil service shall be filed with the Law Department, when:

a. It involves Regional Directors, Assistant Regional Directors or positions of similar rank, Philippine National Police Provincial/District Directors or Commanders, Officers of Armed Forces of the Philippines with the rank of major or equivalent rank, and/or holding positions of battalion commanders or higher, Provincial Treasurers and School Division Superintendents whose official stations are within Sumisip, Basilan, Paracelis, Mt. Province,, Indanan, Sulu and Sapa-Sapa, Tawi-Tawi, and government employees with official stations in the field offices within said territory; and

b. The transfer or detail is inter-regional.

2. With the Regional Election Director concerned, ARMM or CAR Region –

Requests for transfer or detail involving City/Municipal Treasurers and Assistant Superintendents whose official stations are within the above municipalities where special elections shall be conducted including government employees with official stations in the field offices within said territory shall be filed with Office of the Regional Election Director concerned in ARMM or CAR Region.

SEC 3. Request for authority of the Commission to appoint or hire new employees; Where and How to file. – Request for authority to appoint or hire new employees shall be in writing stating all the necessary data and reasons for the same. Said request shall be filed with the Regional Election Director concerned of ARMM or

SEC 4. Request for authority of the Commission to create and fill new positions: Where and How to file.

- A. Request for authority to create and fill new positions shall be submitted in writing to the Law Department of the Commission.
- B. The Commission shall not grant the authority unless it is satisfied that the position to be filled is essential to the proper functioning of the office or agency concerned, and that the position shall not be filled in any manner that may influence the result of the elections.

SEC 5. Request for authority of the Commission to suspend an elective provincial, city, municipal or barangay officer applying the Anti-Graft and Corrupt Practices Act: Where and How to file. Request for authority to suspend and elective provincial, city, municipal or barangay officer shall be submitted to the Law Department of the Commission, supported by a copy of a formal complaint executed under oath and containing the specific charges therefore.

SEC 6. Procedure on the requests for authority of the Commission.

- A. The Law Department shall submit all requests received by it, together with its recommendation, to the Commission for approval or disapproval.
- B. The Regional Election Director concerned shall approve or disapprove all requests received by him and submit a report on the requests acted upon by him to the Law Department, within seventy-two (72) hours from his action thereon, by the fastest means of communication.

SEC. 7. When request for authority is not necessary. – Renewal of appointments of temporary, casual, substitute and contractual personnel are not covered by this prohibition and will no longer need prior authority of the Commission.

However, the appointing authority shall furnish the Commission, through the Office of the Regional Election Director concerned, a complete list of employees whose appointments were renewed, indicating their position, item number, salary grade and station.

SEC. 8. Urgent need to appoint new employees. – Where there is urgent need to appoint or hire new employees and such employee has already been appointed or hired without prior authority of the Commission, the requesting office/agency shall notify the Commission in writing, within three (3) days from the date of the appointment or hiring, the Commission, through its Law Department, shall be notified in writing, stating therein (1) the exact date when the position sought to be filled became vacant, (2) the cause of vacancy, (3) the reason/s for said appointment or hiring, and, (4) all the necessary data or information regarding the same. Notification shall be made through the Office of the Regional Election Director concerned. Failure to give notice as herein required shall render the appointment null and void.

LW

The appointment or hiring of new employees shall be valid, unless the same is found by the Commission: (1) to have been made to influence in any manner the results of the election; (2) to have been issued without the required notice; or (3) that there is no urgent need for the appointment.

The need to fill up a vacant position by a new employee may be considered "urgent" if the position to be filled is essential to the proper functioning of the office or agency concerned and that the same has been vacated either by death, retirement, resignation, promotion or transfer of the regular incumbent; provided, that the appointment is issued within sixty (60) days from occurrence of the vacancy, and that the same cannot be filled by promotion or transfer of insiders within the same period; and provided further, that the position shall not be filled in any manner that may influence the election.

Appointment to a position which has been vacant for more than sixty (60) days shall not be considered urgent and must, therefore, require prior written authority from the Commission or the Regional Election Director concerned.

SEC. 9. Total ban on promotion, salary increases, granting privileges. – Promotion, or giving any increase of salary, remuneration, or privilege to any government official or employee including those in government-owned or controlled corporations, is strictly prohibited.

"Promotion" as used in this provision shall mean the advancement of an employee from one position to another with an increase in duties and responsibilities as authorized by law, and usually accompanied by increase in salary. Promotion may be from one department or agency to another or from one organizational unit to another within the same department agency.

SEC. 10. Injunction. – The Civil Service Commission (CSC), including all its field offices, is hereby enjoined not to approve the appointment of new employees where no prior written approval of the Commission or of the Regional Director of Region II is presented by the appointing authority concerned or proof that the required notice within the 3-day reglementary period as provided in Section 8 hereof has been complied with.

The Department of Budget and Management (DBM) and the Commission on Audit (COA), including all their field offices, shall not release or authorize the release of any appropriation, or pass in audit payments or expenditures of public funds that may be directly or indirectly be used in violation of the foregoing prohibitions.

The abovementioned offices are directed to submit immediately to the Commission a written report on any violation of the said provisions of the Omnibus Election Code."

SEC.11. Penalty. – Any violation of the provision of this Resolution shall constitute an election offense and shall be punishable by imprisonment of not less than one (1) year but not more than six (6) years, among other penalties provided by law.

SEC. 12. Effectivity. – This resolution shall take effect on the seventh day (7th) after its publication in two (2) newspapers of general circulation in the Philippines.

af

SEC. 13. Dissemination. – The Education and Information Department shall cause the publication of this resolution in two (2) daily newspapers of general circulation, and shall furnish copies thereof to all Departments in the National Government, Constitutional Commissions, Offices, Provincial Governor of the Province of Cagayan, Municipal Mayors concerned and government agencies including government-owned or controlled corporations, and all field offices of the Commission.

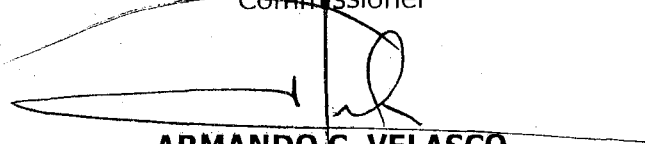
SO ORDERED.


SIXTO S. BRILLANTES, JR.
Chairman


RENE V. SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner


LUCENITO N. TAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner


ELIAS R. YUSOPH
Commissioner


GREGORIO Y. LARRAZABAL
Commissioner