



DepEd MEMORANDUM
No. **408**, s. 2010

SEP 24 2010

DISSEMINATION OF COMELEC RESOLUTION NOS. 9030 AND 9040

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 Election (COMELEC) Resolutions:

- a. **COMELEC Resolution No. 9030** entitled General Instructions for the Board of Election Tellers (BET) and Barangay Board of Canvassers (BBOC) in Connection with the Conduct of the October 25, 2010, Synchronized Barangay and Sangguniang Kabataan Elections, promulgated on September 21, 2010; and
- b. **COMELEC Resolution No. 9040** entitled Enforcement of the Prohibition Against Appointment or Hiring of New Positions, Giving Salary Increases; Transferring/Detailing of Civil Service Employees; and Suspension of Elective Local Officials in Connection with the October 25, 2010 Barangay and Sanggunian Kabataan Elections, promulgated on September 22, 2010.

2. The Regional Directors are hereby directed to immediately furnish copies of said COMELEC Resolutions to the Schools Division/City Superintendents within their respective jurisdictions.

3. In turn, the DepEd Schools Division/City Superintendents are also directed to immediately furnish copies of said COMELEC Resolutions to the DepEd Supervisors appointed by the Election Officers of the COMELEC, and members of the BET within their respective jurisdictions.

4. Immediate dissemination of this Memorandum is desired.


ATTY. ALBERTO A. MUYOT
Undersecretary

Encls.: As stated

Reference: None

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

ELECTION
EMPLOYEES

LEGISLATIONS
OFFICIALS

SALARY

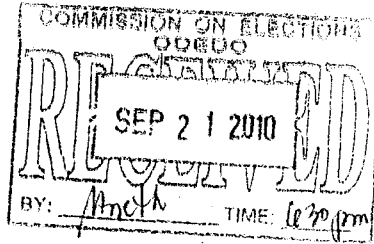
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Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila



**GENERAL INSTRUCTIONS FOR
THE BOARD OF ELECTION
TELLERS (BET) AND BARANGAY
BOARD OF CANVASSERS (BBOC)
IN CONNECTION WITH THE
CONDUCT OF THE OCTOBER 25,
2010, SYNCHRONIZED
BARANGAY AND SANGGUNIANG
KABATAAN ELECTIONS**

MELO, Jose A.R.,	Chairman
SARMIENTO, Rene V.,	Commissioner
NICODEMO, Ferrer T.,	Commissioner
TAGLE, Lucenito N.,	Commissioner
VELASCO, Armando C.,	Commissioner
YUSOPH, Elias R.,	Commissioner
LARRAZABAL, Gregorio Y.	Commissioner

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Promulgated: September 21, 2010

RESOLUTION NO. 9030
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Pursuant to the powers vested in it by the Constitution of the Republic of the Philippines, the Omnibus Election Code (BP Blg. 881), Republic Acts No. 9164, 9340 and other election laws, the Commission on Elections hereby promulgates the following General Instructions in the conduct of the October 25, 2010 Synchronized Barangay and Sangguniang Kabataan Elections.

**ARTICLE I
GENERAL PROVISIONS**

Section 1. Nature of the Barangay and Sangguniang Kabataan elections. – The Barangay and SK elections shall be non-partisan and conducted in expeditious and inexpensive manner.

Sec. 2. Supervision and control of the Barangay and Sangguniang Kabataan elections. – The Commission shall have supervision and control over the conduct of the Barangay and SK elections.

**ARTICLE II
BOARD OF ELECTION TELLERS**

Sec. 3. Board of Election Tellers, DepEd Supervising Official and Support Staff. - The Commission, through the Election Officers shall, based on the list submitted by the highest Department of Education (DepEd) official in the city/municipality, constitute the Board of

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Election Tellers hereinafter referred to as BET and appoint its members in writing in the form prescribed by the Commission (CE Form No. 5).

The BET shall be composed of a Chairman and two members, all of whom shall be public school teachers, giving preference to those with permanent appointments and those who served in the May 10, 2010 Synchronized National and Local Elections as members of the BEI, unless otherwise disqualified to serve under Sec. 4 hereof.

In case there are not enough public school teachers, teachers in private schools, employees in the civil service, or other citizens of known probity and competence who are registered voters of the city or municipality may be appointed for election duty.

There shall be one (1) DepEd Supervising Official and one (1) Support Staff for every ten (10) clustered precincts.

Sec. 4. Qualifications of members of the BET. - The members or substitute member of the BET shall:

- 1) Be of good moral character and irreproachable reputation;
- 2) Be a registered voter of the city/municipality;
- 3) Be able to speak and write English or the local dialect ;
- 4) Have never been convicted of any election offense or any other crime punishable by more than six (6) months of imprisonment;
- 5) Have not been charged in court for any election offense; and
- 6) Not be related within the fourth civil degree of consanguinity or affinity to any member of the same BET or to any candidate to be voted for in the barangay where they are assigned.

Sec. 5. Per diem of the BET, DepEd Supervising Official and Support Staff. The members of the BET shall each receive a per diem of One Thousand Pesos (P1,000.00) but not to exceed Two Thousand Pesos (P2,000.00) for two days of service. The members of the BET also handling SK precinct/s shall receive additional honoraria of Five Hundred Pesos (P500.00) each.

In addition, the DepEd Supervising Official and Support Staff shall each receive a per diem of One Thousand Pesos (P1,000.00) and Five Hundred Pesos (P500.00), respectively.

Sec. 6. Oath of members of the BET. - Before assuming office, the members of the BET shall take and sign an oath in the form (CEF No. 5A) prescribed by the Commission before any officer authorized to administer oath, or, before any other member of the BET. Copies of the oath shall be submitted to the Election Officer.

Sec. 7. Powers and functions of the BET. - The BET shall have the following powers and functions:

- 1) Conduct the voting and counting of votes in their respective polling places;
- 2) Act as deputies of the Commission in the supervision and control of the election in the polling place;
- 3) Maintain order within the polling place and its premises, to keep access thereto open and unobstructed, and to enforce obedience to its lawful orders. If any person refuses to obey the lawful orders of the BET or conducts himself in a disorderly manner in its presence or within its hearing and thereby interrupts or disturbs its proceedings, the BET 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. In the absence of any peace officer, such order may be executed by any other competent and able person deputized by the BET in writing; and
- 4) Perform such other functions prescribed by law or by the rules and regulations promulgated by the Commission.

Sec. 8. Relief and substitution of members of the BET. –The members of the BET shall not be relieved unless disqualified in accordance with Sec.4 hereof. If any member of the BET suffers disqualification, he shall voluntarily inhibit himself by submitting an affidavit stating the fact of disqualification to the Election Officer.

Within three (3) days after their constitution and appointment, the Election Officer shall post a list of the members of the BET in the bulletin boards of his Office and of the city/municipal hall. Within the same period, the Election Officer shall verify, whether there are members of the BET who are related with any candidate in the barangay where they are assigned within the fourth civil degree of consanguinity or affinity. Any member of the BET found to be disqualified by reason of relationship shall be informed by the Election Officer and cause his substitution.

Any interested party may, until September 28, 2010, file an opposition in writing before the Election Officer, on the appointment of any member of the Board on the ground that he/she is disqualified in accordance with Sec. 4 hereof. Within forty eight (48) hours upon receipt, such opposition shall be resolved by the Election Officer. If he resolves for the disqualification, he shall appoint a substitute who shall possess the qualifications as herein provided.

Sec. 9. Vacancy in the BET. – If at the meeting of the BET any member is absent, the member or members present shall appoint any non-partisan registered voter of the precinct to fill temporarily such vacancy until the absent member appears. In case there are two (2) members present, they shall act jointly.

Sec. 10. Arrest of absent member. – The member or members of the BET present may order the arrest of any other member who has absented himself with the intention of obstructing the performance of its duties.

Sec. 11. Prohibition on partisan political activity. – No member of the BET shall engage, directly or indirectly, in any partisan political activity or take part in the election except to discharge his duties and to vote.

Sec. 12. Proceedings of the BET. – The meeting of the BET shall be public and held only in its assigned polling place.

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

Sec. 13. Voting privilege of the members of the BET. – Members of the BET or their substitutes may vote in the polling place where they are assigned on election day as long as:

- 1) They are registered voters of the barangay where they are assigned;
- 2) Their voting in the precinct where they are not registered should be noted in the Minutes of Voting and Counting of Votes; and
- 3) They shall add in the EDCVL their names and precinct numbers where they are actually registered.

Any member of the BET who is not registered in the barangay where he is assigned, may vote in the precinct where he is registered when the voting in his place of assignment is light and his absence shall not be for more than twenty (20) minutes. For this purpose, the members of the BET shall schedule the voting so that only one (1) member shall leave at any given time.

ARTICLE III WATCHERS

Sec. 14. Official watchers of candidates and other groups. - Each candidate for the Barangay and SK elections may appoint two (2) watchers to serve alternately in every polling place or canvassing center.

Duly accredited citizens arms of the Commission shall be entitled to appoint a watcher in every polling place or canvassing center. Other civic, religious, professional, business, service, youth, and any other similar organization, with prior authority of the Commission, shall be entitled collectively to appoint one watcher in every polling place.

Sec. 15. Qualifications of watchers. - The watcher must:

- (a) be a registered voter of the barangay or a member of the Katipunan ng Kabataan, as the case maybe, in the barangay where he is assigned;
- (b) be of good reputation:

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- (c) have not been convicted by final judgment of any election offense or of any other crime;
- (d) know how to read and write Filipino, English, or any of the prevailing local dialects; and
- (e) not be related within the fourth civil degree of consanguinity or affinity to the Chairman or any member of the BET in the polling place where he seeks appointment as watcher.

Incumbent Barangay/SK Officials including Barangay Tanods shall not be appointed as watchers of any candidate or Citizen's Arm.

Sec. 16. Rights and duties of a watcher. - Upon entering the polling place, the watcher shall present to the Chairman of the BET his sworn written appointment. The appointment shall bear the personal signature of the candidate who appointed him with a statement that he possesses all the qualifications and none of the disqualifications as watcher. The poll clerk shall record the name of the watcher in the Minutes of Voting and Counting of Votes with a notation under the watcher's signature that he is not disqualified to serve as such.

The watcher shall have the right to:

- (a) witness the proceedings of the BET;
- (b) take note of what he may see or hear;
- (c) take photographs of the proceedings and incidents, if any, during the counting of votes, as well as of the election returns, tally board and ballot boxes;
- (d) file a protest against any irregularity or violation of law which he believes may have been committed by the BET or by any of its members or by any person;
- (e) obtain from the BET a certificate as to the filing of such protest and/or of the resolution thereon;
- (f) have an unimpeded view of the ballot being read by the Chairman, of the election return and the tally board being simultaneously accomplished by the, poll clerk and the third member respectively, without touching any of these election documents; and
- (g) be furnished, upon request, with a certificate of votes casts for the candidates, duly signed and thumb-marked by the Chairman all members of the BET.

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Watchers shall not speak to any member of the BET, or to any voter, or among themselves, in such a manner as would disturb the proceedings of the board of election tellers, and shall stay in the space reserved for them inside the polling place.

ARTICLE IV FORMS AND SUPPLIES

Sec. 17. Forms and supplies. - The BET shall be provided with the documents, forms and supplies for use on election day, listed as Annex "A" hereof.

The BET shall check the completeness of the documents and the quantities of the forms and supplies received and immediately call the attention of the Election Officer or City/Municipal Treasurer, as the case may be, on any deficiency or shortage thereof.

The BET shall sign a Certificate of Receipt (CEF Form No. 14) in three copies, one copy of which shall be retained by the BET. The two other copies shall be returned to the City/Municipal Treasurer who, after elections, shall immediately transmit one copy to the Election Officer concerned. The latter shall then forward the same to the Records and Statistics Division, ERSD, Manila.

Sec. 18. Forms to be prepared when needed. - The following forms may be reproduced when the need arises:

- 1) Temporary Appointment of Chairman, Poll Clerk/Member (Annex "B");
- 2) Certificate of Challenge or Protest and Decision of the BET (Annex "C");
- 3) Oath of Voter Challenged for Illegal Acts (Annex "D"); and
- 4) Oath of Identification of Challenged Voter (Annex "E")

Sec. 19. Book of voters and computerized voters' list. - Each precinct shall have the following documents duly certified by the Election Registration Board (ERB):

- (a) Book of Voters for SK voters;
- (b) One (1) copy of the Election Day Computerized Voters' List (EDCVL) for barangay voters;
- (c) One (1) copy of the Election Day Computerized Voters' List (EDCVL) for SK voters;
- (d) Two (2) copies of the Posted Computerized Voters' List (PCVL) for barangay voters;
- (e) Two (2) copies of the Posted Computerized Voters' List (PCVL) for SK voters;

(f) List of deactivated voters; and

(g) List of double/multiple voters.

The Chairman of the BET shall have custody of the EDCVL and one (1) copy of the PCVL. The other copy of the PCVL shall be posted at the door of the polling place.

The poll clerk shall have custody of the Book/s of Voters and the List of Double/Multiple Voters.

The third member shall have custody of one (1) copy of the list of deactivated voters.

Sec. 20. Minutes of Voting and Counting of Votes. - The BET shall accomplish in two (2) copies, the Minutes of Voting and Counting of Votes, (CE Form No. 11) entering therein all the data and acts required as they become available or as they occur. Copies of the Minutes of Voting and Counting (CE Form No. 11) shall be signed and sealed in separate envelopes (CEF Nos. 18 and 18A) 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 Records and Statistics Division, ERSD, Manila;
- (b) The copy intended for the ballot box shall be deposited inside the ballot box compartment for valid ballots.

ARTICLE V CASTING OF VOTES

Sec. 21. Date of election. - The election of Barangay and SK officials shall be held on October 25, 2010.

Sec. 22. Who are allowed to vote. - Registered voters of the precinct:

- (a) Whose registration records are found in the Book of Voters (for SK voters); or
- (b) Whose names appear in the EDCVL unless marked as double/multiple registrants; or
- (c) Members of the BET entitled to avail of voting privilege under Section 13 hereof.

Sec. 23. Voting hours. - The casting of votes shall start promptly at seven o'clock in the morning and end at three o'clock in the afternoon of election day. If at three o'clock in the afternoon, there are still voters within thirty meters in front of the polling place, who have not yet cast their votes, the voting shall continue but only to allow said voters to cast their votes

without interruption. The poll clerk shall, without delay, list the names of said voters consecutively numbered. The voters listed shall be called to vote by the poll clerk by announcing each name three times in the order in which they are listed. Any voter in the list who is not present when called shall not be permitted to vote at any later time. The said list shall be submitted to the Election Officer.

Sec. 24. Place of Voting. - Voters shall cast their votes in their designated polling places.

Sec. 25. Preliminaries to the voting. - (a) The BET 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 copy of the PCVL and the list of deactivated voters, and the PCVL of the SK voters, for BETs handling both Barangay and SK precincts;
- 3) Post the poster indicating the precinct number and location of the polling place (CE Form No. 3) near or at the door of the polling place;
- 4) Staple or paste the certified lists of candidates for the Barangay and SK positions in the ballot secrecy folder or desk/chair; and
- 5) Place the ballot secrecy folders on top of the desk/chair.

(b) Before the start of voting, the Chairman of the BET shall:

- 1) Open the ballot box, empty both of its compartments, show to all present that it is empty. Then, lock its interior cover with one (1) padlock. The poll clerk shall retain the key to the padlock during the voting; and
- 2) Show to the public and to the watchers present, the package of official ballots and the book of voters, both duly sealed, and thereafter, break the seals. Enter in the Minutes of Voting and Counting of Votes the number of pads and the serial numbers of the ballots in each pad, and the fact that the package of ballots and the book of voters were shown to the public with the seals intact shall be entered.

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

Sec. 26. Rules to be observed during the voting. - During the voting, the BET shall see to it that:

- (a) Voters shall vote in the order of their arrival in the polling place;
- (b) No watcher enters the places reserved for the voters and the BET, 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, enters the polling place;
- (d) No crowding of voters and disorderly behavior inside the polling place; and
- (e) The interior cover of the ballot box remains locked until the voting is finished and the counting begins, except as provided in the preceding section.

Sec. 27. Prohibition on Voting. - It shall be unlawful to:

- (a) Bring the ballot or the ballot secrecy folder outside the polling place;
- (b) Speak with anyone while inside the polling place as herein provided;
- (c) Prepare the ballot without using a ballot secrecy folder or exhibit its contents to any person, except in the case of assistor to the assisted voter;
- (d) Erase any printing from the ballot or place any distinguishing mark;
- (e) 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;
- (f) Intentionally tear or deface the ballot; and
- (g) Disrupt or attempt to disrupt the proceedings of the BET.

Sec. 28. Persons allowed in and around the polling place. - Only the following shall be allowed inside the polling place.

- (a) Members of the BET;
- (b) Watchers who shall stay only in the space reserved for them;
- (c) Voters casting their votes;

- (d) Voters waiting for their turn to vote;
- (e) Voters waiting for their turn to get their ballots; and
- (f) Others that are specifically authorized by the Commission.

Sec. 29. Persons not allowed in and around the polling place. - Unless specifically authorized by the Commission, it is unlawful for the following to enter any polling place or stay within a radius fifty (50) meters thereof, except to vote:

- (a) Any officer or member of the Armed Forces of the Philippines (AFP) or the Philippine National Police (PNP);
- (b) Any peace officer or armed person belonging to any extra-legal police agency, special forces, reaction forces, strike forces, civilian Armed Force Geographical Units (CAFGUs), barangay tanods, or other similar forces or paramilitary forces, including special forces, security guards, special policemen;
- (c) All other kinds of armed or unarmed extra legal police forces; and
- (d) Any barangay or SK official, whether elected or appointed.

However, the BET, by majority vote, if it deems necessary, may order in writing 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 of Voting and Counting of Votes. Said policeman or peace officer shall stay outside the polling place within a radius of thirty (30) meters near enough to be easily called by the BET at any time, but never at the door, and 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.

Finally, however, the PNP or AFP officials/personnel may enter the polling place even without the written order of the BET when there is an actual disturbance or disruption of peace and order.

Sec. 30. Authentication of the ballot. - In every case, the Chairman of the BET shall, in the presence of the voter and before giving the ballot to the voter, authenticate the same by affixing his signature at the back thereof. Failure to authenticate shall be noted in the Minutes of Voting and Counting and shall constitute an election offense. Further, in no case the Chairman pre-sign at the back of the ballot prior to its actual issuance to the voters.

Sec. 31. Order of voting. - The voters shall fall in line in the order of their arrival in the polling place and cast their votes in the same order. They shall not crowd around the table of the BET and shall immediately depart after having voted.

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Sec. 32. Manner of obtaining the ballots. - The following shall be the procedure in obtaining a ballot.

- (a) The voter shall approach the Chairman, inform the latter whether he is voting for barangay or SK officials, as the case may be, and give his name and address, together with other data concerning his person. In every case, the Chairman shall ensure that the person before him is the same person he professes or claims to be. If any member of the BET doubts the identity of the voter, he shall require the voter to present any authentic document which may establish his identity;
- (b) If the BET is satisfied with his identity, the Chairman shall announce the voter's name distinctly in a tone loud enough to be heard throughout the polling place;
- (c) If such voter has not been challenged, or having been challenged, the question has been decided in his favor, the voter shall be given the corresponding ballot for barangay elections or SK elections, as the case may be.

No person other than the Chairman shall issue official ballots and not more than one (1) ballot shall be given at any one time.

- (d) Before giving the ballot to the voter, the Chairman shall check if any of the fingernails, is stained with indelible ink. If stained, the voter shall not be given a ballot. Such fact shall be entered In the Minutes of Voting and Counting of Votes.
- (e) If the voter's right index fingernail is not stained with indelible ink, the Chairman shall:
 - 1. Announce the serial number of the ballot to be issued to the voter;
 - 2. Enter the same in the corresponding space labeled "Ballot SN" below the first name of the voter on the EDCVL;
 - 3. Authenticate the ballot by affixing his signature at the back thereof;
 - 4. Fold the ballot in such a manner that its face, except the portion where the serial number appears, is covered; and
 - 5. Give the ballot to the voter.

The voter shall, upon receipt of the ballot, forthwith affix his signature or in the case of illiterate or disabled voter, his thumbmark, in the proper space of the EDCVL.

Sec. 33. Manner of voting. - The voter shall, using a ballot secrecy folder, fill up his ballot by writing in the corresponding spaces the names of the individual candidates he is voting for as appearing in the Certified List of Candidates.

Sec. 34. Preparation of ballots for illiterate and persons with disability. -

- (a) No voter shall be allowed to vote as illiterate or person with disability unless such fact is so indicated in his registration record. However, if the physical disability is not stated or indicated in the registration record but is visible in the naked eyes or obvious, said voter shall be allowed to vote as person with disability. The fact of voting with assistor shall be noted in the Minutes of Voting and Counting.
- (b) A voter who is illiterate or person with disability who cannot prepare the ballot by himself may be assisted by a relative within the fourth civil degree of consanguinity of affinity, or if he has none, by any person of his confidence who belongs to the same household, or by any member of the BET;
- (c) No person may assist an illiterate or person with disability more than three (3) times except the members of the BET. The third member shall enter in the Minutes of Voting and Counting of Votes the names of voters each member assisted. At the end of voting, the third member shall indicate in the Minutes of Voting and Counting of Votes the total number of times each member of the BET assisted an illiterate or person with disability;
- (d) In all cases, the poll clerk shall first verify from the illiterate or person with disability whether the latter had authorized the assistor to prepare the ballot for him;
- (e) The assistor shall prepare the ballot for the illiterate or person with disability using the ballot secrecy folder in the presence of the latter; and
- (f) The assistor shall bind himself in writing and under oath to fill out the ballot strictly in accordance with the instructions of the voter and not reveal the contents of the ballot, by affixing his signature in the appropriate space in the Minutes of Voting and Counting of Votes.

Sec. 35. Accessibility of polling places to voters with disability and senior citizens. - The Election Officer, in coordination with the proper school or building officials, shall see to it that the designated polling places of precincts where there are registered voters with disability and senior citizens, as shown in their Voter Registration Records, are located in the ground floor of the polling centers for their easy access.



Sec. 36. Spoiled ballots. - If a voter accidentally spoils or defaces a ballot in such a way that it cannot lawfully be used, he shall surrender it folded in the same way when it was issued, to the Chairman of the BET. The Chairman shall write the word "spoiled" in the corresponding space above the ballot serial number precisely recorded in the EDCVL. The Chairman shall then give the voter a second authenticated ballot after announcing its serial number and recording the same in the EDCVL above the word "spoiled". However, in cases of spoiled ballots under paragraphs c, e and g of the immediately succeeding Section, 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 to the Chairman in the same manner as the first spoiled or defaced ballot. No voter shall be allowed to change his spoiled/defaced ballot more than once.

The spoiled ballot shall, without being unfolded and without removing the detachable coupon, be distinctly marked with the word "spoiled", signed by the Chairman at the back thereof and deposit it in the compartment for spoiled ballots of the ballot box.

Sec. 37. Procedure after voting. -

- (a) After the voter has filled his ballot, he shall fold it in the same manner as he received it;
- (b) The voter shall then, in the presence of all the members of the BET, affix his thumbmark in the corresponding space in the ballot coupon, and return the folded ballot to the Chairman;
- (c) The Chairman shall, within the view of the voter and all the members of the BET, without unfolding the ballot or seeing its contents, verify its serial number against the number previously entered in the EDCVL to determine whether it is the same ballot given to the voter.

If the serial number does not tally with the serial number as entered in the EDCVL, the ballot shall be considered "spoiled" and shall be so marked and signed by the Chairman, and placed inside the compartment for spoiled ballots. Such fact shall be indicated in Part C of the Minutes of Voting and Counting.

- (d) If the serial number of the ballot returned by the voter is the same as that recorded in the EDCVL, the voter shall affix his thumbmark in the corresponding space in the EDCVL;
- (e) The Chairman shall then apply indelible ink at the base and extending to the cuticle of the right forefinger nail of the voter, or at the base of any other fingernail if there be no right forefinger. If a voter refuses to have his

fingernail stained with indelible ink, he shall be informed that such refusal shall 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, distinctly mark the ballot with the word "spoiled" sign the same at the back thereof and immediately place said ballot in the compartment for spoiled ballots. The voter shall then be requested to depart. Such fact shall be recorded in Part C of the Minutes of Voting and Counting of Votes.

- (f) The Chairman shall sign in the proper space in the EDCVL;
- (g) The Chairman shall detach the ballot coupon in the presence of the voter and other members of the BET and 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 returned to the Chairman, the detachable coupon of which has been removed not in the presence of the other members of the BET and of the voter, shall be considered "spoiled", accordingly marked, signed by the Chairman and placed inside the compartment for spoiled ballots. Such fact shall be noted in the Part C of the Minutes of Voting and Counting of Votes.

- (h) The voter shall then depart.

Sec. 38. 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; (c) suffering from existing disqualification; or (d) being a double/multiple registrant. In such case, the BET shall satisfy itself as to whether or not the ground for the challenge is true by requiring proof of registration, identity or qualification.

No voter shall be required to present his voter's identification card or any other valid identification cards, unless his identity is challenged. However, the failure or inability of a voter to present an identification card upon being challenged shall not preclude the voter from voting if (a) his identity can be established from the photograph or specimen signature, if any, in his registration record or in any other valid identification document which bears his photograph or specimen signature; (b) he is identified under oath by any member of the BET; or (c) by another registered voter of the same barangay. Barangay voter can only be identified by another barangay voter; likewise, SK voter can only be identified by another SK voter.

Such identification shall be recorded in Part E of the Minutes of Voting and Counting of Votes.

Sec. 39. Challenge based on certain illegal acts. - Any voter or watcher may challenge any voter offering to vote on the ground that the challenged person has;

- (a) Received or expect to receive, paid, offered or promised to pay, contributed, offered or promised to contribute money or anything of value in consideration for his vote or for the vote of another;

- (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 which depends upon the results of the election.

The challenged person shall take an oath before the BET that he has not committed any of the acts alleged in the challenge. Upon the taking of 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. 40. Record of challenges, oaths and resolutions. - The poll clerk shall record in Part E of the Minutes of Voting and Counting of Votes, all challenges and oaths taken in connection therewith and the resolution of the BET in each case. Copies of the challenges, oaths and resolutions shall be attached to the copy of the Minutes of Voting and Counting of Votes. Upon the termination of the voting, the poll clerk shall certify that the Minutes of Voting and Counting of Votes contain all challenges, oaths and resolutions made.

Sec. 41. Disposition of unused ballots at end of voting hours. - The Chairman shall count and record in Part A of the Minutes of Voting and Counting of Votes the quantity of unused ballots and their serial numbers, if any. Thereafter, he shall, in the presence of other members of the BET and watchers, if any, tear the unused ballots in half lengthwise without removing the stubs and detachable coupon.

The first half of the torn ballots shall be placed in the "Envelope for Other Half of Torn Unused Ballots" which envelope shall be sealed with the paper seal to be submitted to the Election Officer for safekeeping. It shall remain sealed unless the Commission orders otherwise. The second half of the torn ballots shall be placed in the "Envelope for Excess/Half of Torn Unused Ballots" which shall be sealed and then deposited inside the compartment of the ballot box for spoiled ballots. Such fact shall be entered in Part C of the Minutes of Voting and Counting of Votes.

Sec. 42. Prohibition against premature announcement of voting. - Before the termination of the voting, no member of the BET 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 a witness before a court or body.

ARTICLE VI COUNTING OF VOTES

Sec. 43. Counting of votes to be public and without interruption. - As soon as the voting is finished, the BET shall publicly count in the polling place the votes cast and ascertain the results. The BET may rearrange the physical set-up of the polling place for counting or perform any other activity with respect to the transition from voting to counting. However, it may do so only in the presence of the watchers and within close view of the public. At all times, the ballot box and all election documents and paraphernalia shall be within close view of the watchers and the public.

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The BET shall not adjourn or postpone or delay the count until it has been fully completed or ordered otherwise by the Commission.

Any violation of this Section, or its pertinent portion, shall constitute an election offense and shall be penalized in accordance with BP Blg. 881, as amended.

Sec. 44. *Transfer of counting of votes.* - The Commission through the Election Officers, in the interest of free, orderly, and honest elections, may authorize the BET to count the votes and accomplish the election returns and other forms in any other place within a public building in the same municipality or city on account of imminent danger of widespread violence, terrorism, disorder or similar causes of comparable magnitude; Provided, That the transfer shall have been recommended in writing by the BET by unanimous vote and endorsed in writing by the majority of watchers present: Provided, further, that the transfer is to the nearest safe barangay or school building within the municipality or city and that it shall not be located within the perimeter or inside a military or police camp, reservation, headquarters, detachment or field office nor within the premises of a prison or detention bureau of any law enforcement or investigation agency. This fact shall be recorded in the Minutes of Voting and Counting of Votes.

Sec. 45. *Preliminaries to the counting of votes.* - The following activities shall be undertaken by the BETs before counting the ballots cast:

- (a) Unlock the padlocks, open the ballot box and take out the ballots from the compartment for valid ballots.
- (b) For BETs handling clustered Barangay and SK precincts, segregate the ballots cast for barangay elections from those cast for the SK elections.

For BETs handling barangay clustered precincts only, proceed to the examination of ballots according to the immediately succeeding paragraph.

- (c) Examine the ballots to determine whether there are:

1. Excess ballots – The BET 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.

If in the course of the examination, ballots are found folded together before they were deposited inside the ballot box, they

shall be considered excess ballots and placed in the corresponding envelope.

2. 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.
3. 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 compartment for valid ballots.
4. Marked ballots – The BET shall then unfold the ballots and determine whether there are any marked ballots. If any should be found, they shall be placed in the corresponding envelope.

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

- (d) After completion of the preliminary activities, the BET, which handled the barangay and SK clustered precincts, shall place the SK ballots inside the ballot box, lock the ballot box with two (2) padlocks, then proceed to count the ballots cast for the barangay elections. After the ballots for the barangay elections have been counted, the BET shall proceed to count the SK ballots. The BET handling barangay precincts only shall immediately proceed with the counting of ballots.

Sec. 46 *Ballots deposited in the compartment for spoiled ballots.* - Ballots deposited in the compartment for spoiled ballots shall be presumed to be spoiled, whether or not they contain such notation. However, if during the voting, any valid ballot was erroneously deposited in this compartment, the BET shall open such compartment after voting and before counting of votes for the sole purpose of drawing out the ballot erroneously deposited therein. The valid ballot so withdrawn shall be mixed with other valid ballots. Such fact shall be recorded in Part C of the Minutes for Voting and Counting of Votes.

Sec. 47. *Manner of counting of votes.* - The BET shall unfold the ballots and form separate piles of one hundred (100) ballots each, which shall be held together with rubber band. The Chairman shall take the ballots of the first pile one by one and read the names of the candidates voted for.

In reading the official ballots during the counting, the Chairman, the poll clerk and the third member shall assume such positions 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, of the election return and the tally board being simultaneously accomplished by the, poll clerk and the third member respectively, without touching any of these election documents. The table shall be cleared of all unnecessary writing

paraphernalia. Any violation of this requirement shall constitute an election offense punishable under Sections 263 and 264 of the Omnibus Election Code.

The poll clerk and third member shall record each vote on the election returns and tally sheet as the name of the candidate voted for is read. Each vote for a candidate shall be recorded by a vertical line, except every fifth vote for the same candidate, 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 BET shall record in words and figures, the total 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 shall be sealed, signed and deposited in the compartment for valid ballots. The tally board as accomplished and certified by the BET shall not be changed or destroyed, instead, it shall be deposited in the compartment for valid ballots.

After completion of the counting of the votes cast for the barangay elections, the BET shall announce the result of the elections of barangay officials in the precinct, then proceed to unlock the padlock, open the ballot box, take out the ballots for the SK elections, place the accomplished barangay election returns and barangay tally sheet inside the ballot box, lock the same, and proceed with the counting of the votes cast for the SK elections, announcement of results and safekeeping of election returns and tally board, using the same procedure above stated.

Sec. 48. Appreciation of ballots. - In the appreciation of the ballots, every ballot shall be presumed valid unless there is clear and good reason to justify its rejection.

Any question on the appreciation of ballots shall be decided by a majority of the members of the BET.

No watcher, candidate, or any other person inside the polling place shall be allowed to participate in the appreciation of ballots, except that any watcher may file a protest which shall be recorded in the Minutes of Voting and Counting of Votes.

The BET shall observe the following rules, bearing in mind that the object of the election is to obtain expression of the voters' will:

- (a) Where only the first name or surname of a candidate 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;
- (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 (2) 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 voter 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 (2) or more words are written on the same line on the ballot, all of which are the surnames of two (2) or more candidates, the same shall not be counted for any of the them unless one is a surname of an incumbent who has served for at least one (1) year, in which case it shall be counted in favor of the latter;

When two (2) or more words are written on different lines on the ballot, all of which are surnames of two (2) 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 in 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 (2) 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 one;
- (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 favor of such candidate;
- (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;
- (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 such as "Sir", "Mr.", "Datu", "Don", "Ginoo", "Hon.", "Gob". Or suffixes like "Hijo", "Jr.", "Segundo", are valid;
- (m) The use of 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 a 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 the said 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 ink, wholly or in part, shall be valid;
- (q) Where there are two (2) 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 other 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 spaces 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 not present himself shall be considered as a stray vote, but it shall not invalidate the whole ballot;

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- (t) A ballot containing the name of a candidate printed and pasted on a blank space of the ballot or affixed thereto through any mechanical process is 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 ballots, traces of the letter "I", "J", and other similar ones, the first letters or syllables of names which the voter does not continue, the use of two (2) 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 (2) 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 board of election tellers 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;
- (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. 49. Preparation and distribution of election returns. - There shall be separate election returns for the Barangay and SK elections. The election returns for the barangay elections shall be accomplished in four (4) copies while the election returns for the SK election shall be accomplished in three (3) copies. Each copy of the election returns shall be signed and thumbmarked by the BET and watchers, if available, sealed with a paper seal, placed in the

envelope provided for the purpose, which envelope shall likewise be sealed with a paper seal, and distributed under proper receipt as follows:

For the barangay elections-

- 1) Original, to the Chairman of the barangay board of canvassers;
- 2) Second copy, to the Election Officer;
- 3) Third copy, to be deposited inside the ballot box; and
- 4) Fourth copy, to the Secretary of the Sangguniang Barangay.

For the sangguniang kabataan elections-

- 1) Original, to the Chairman of the barangay board of canvassers;
- 2) Second copy, to the Election Officer; and
- 3) Third copy, to be deposited inside the ballot box.

All data required in the election returns shall be accomplished in handwriting in such a manner that the entries on the first copy are clearly impressed in all 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 BET and the watchers available shall accomplish the certification portion of the election returns, thereafter, the Chairman shall publicly announce the votes obtained by each candidate.

Sec. 50. Certificate of votes. - After the counting of votes and announcement of the results of the election in the precinct, and before leaving the polling place, the BET shall issue Certificate of Votes (CEF No. 13) upon request of the candidates or their watchers. The Certificate of Votes shall contain the total number of votes received by each candidate, written in words and figures, the precinct number, the name of the barangay, city or municipality and province, the total number of voters who voted in the precinct and the date of its issuance. The Certificate of Votes shall be signed and thumbmarked by all members of the BET.

The BET shall require the requesting party to acknowledge receipt thereof.

The refusal of the BET to furnish the Certificate of Votes shall constitute an election offense.

Sec. 51. Alterations and corrections in the election returns. - Any correction or alteration made on the election returns by the BET before the announcement of the results of the elections in the precinct shall be duly initialed by all the members thereof.

After the announcement of the results of the elections in the precinct, the BET shall not make any alteration or amendment in any copy of the election returns, unless so ordered by the Commission.



Sec. 52. 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 BET shall:

(a) Place the following documents inside the compartment of the ballot box for valid ballots:

1. Envelopes containing:

- (i) Counted official ballots;
- (ii) Excess/marked/spoiled ballots and one-half of the torn unused official ballots;
- (iii) Election returns (copy for the ballot box); and
- (iv) Minutes of Voting and Counting of votes (copy for the ballot box);

2. Tally sheet; and

3. Stubs of used official ballots.

(b) Close the inner compartments of the ballot box, and lock them with one (1) self-locking metal seal. Lock the outer cover of the ballot box with two (2) padlocks and one (1) self-locking metal seal. The serial numbers of both self-locking metal seals must be recorded in the Minutes of Voting and Counting of Votes before the same shall be deposited inside the ballot box. The keys to the padlocks shall be placed in separate envelopes, which shall be sealed and signed by all members of the BET. The envelopes shall be submitted to the Election Officer;

(c) Deliver to the City/Treasurer the ballot box locked and sealed as well as all documents and supplies, accompanied by the watchers present, if any. For this purpose, the City/Municipal Treasurer shall, if necessary, keep his office open all night on the day of election, and provide the necessary facilities for said delivery at the expense of the city/municipality;

In case the ballot box delivered by the BET is not locked and/or sealed, the City/Municipal Treasurer shall lock and/or seal the ballot box. He shall include such fact and the serial number of the self-locking metal seal used in his report to the Commission.

(d) Deliver to the Election Officer the following:

- 1. Envelope containing the copy of the election returns intended for the election officer;
- 2. Books of Voters (barangay and SK);
- 3. Envelopes containing the keys to the padlocks of the ballot box;

4. Envelope containing a copy of the Minutes of Voting and Counting of Votes;
5. EDCVL (barangay and SK);
6. PCVL (barangay);
7. Unused thumbprint takers; and
8. Envelope containing the other half of torn unused ballots.

(e). Deliver to the barangay Secretary the copy of the PCVL for the SK elections (CE for 2-A) and election returns intended for the barangay Secretary.

On the day after the election, the Election Officer or the City/Municipal Treasurer as the case may be, shall require any BET that failed to deliver the election records or paraphernalia mentioned herein to deliver the same immediately.

Sec. 53. *Preservation of the list of voters.* - The Election Officer shall keep the EDCVL and PCVL (barangay) used in the election in a safe place until such time the Commission gives instructions on their disposition.

Sec. 54. *Omission or erroneous inclusion of documents in ballot box.* - If after locking the ballot box, the BET discovers that some election documents required to be placed in the ballot box were not placed therein, the BET 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 take out therefrom any election document except in proper cases and with prior authority of the Commission, or its duly authorized official to retrieve copies of the election returns which will be needed in any canvass.

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

ARTICLE VIII DELIVERY AND TRANSMITTAL OF ELECTION RETURNS

Sec. 55. *Manner of delivery and transmittal of election returns.* - The copy of the election returns intended for the Barangay Board of Canvassers (BBOC), place inside a sealed envelope shall be personally delivered by the BET to the BBOC under proper receipt, unless the BET is itself the BBOC.

It shall be unlawful for any person to delay, obstruct, impede, or prevent through force, violence, coercion, intimidation or by any means which vitiates consent, the transmittal of the election returns; or to take away, abscond with, destroy, deface, mutilate, or substitute the election returns or the envelope or the ballot box containing the election returns.

It shall also be unlawful to violate the right of the watchers to accompany the BET in delivering the election returns to the BBOC.

ARTICLE IX CANVASS AND PROCLAMATION

Sec. 56. Board of canvassers. - There shall be one (1) BBOC in each barangay to canvass the election returns for both the barangay and SK elections and thereafter proclaim the winning candidates.

The Commission through the Election Officer shall constitute the BBOC to be composed of a Chairman, Vice-Chairman and Member-Secretary. For this purpose, the Election Officer shall choose from among the different chairmen of the BETs in the barangay who shall constitute the BBOC, and appoint who will be the Chairman, Vice-Chairman and Member-Secretary.

In case there are not enough chairmen of the BET to constitute the BBOC, the Election Officer shall appoint a member of the BET as Member-Secretary of the BBOC.

In a barangay with only one (1) BET, said BET shall convert itself as the BBOC.

The members of the BBOC shall each receive a per diem equivalent to fifteen (15%) percent of their basic monthly salary.

Sec. 57. Supervision and control over the BBOC. - The Commission shall have direct supervision and control over the BBOC.

Any member of the BBOC may, at any time, be relieved for cause and substituted *motu proprio* by the Commission through the Election Officer.

Sec. 58. Relationship with candidates and other members. - The members of the BBOC shall not be related within the fourth civil degree of consanguinity or affinity to any barangay candidate or sangguniang kabataan candidate or to any member of the same BBOC.

Sec. 59. Prohibition against leaving official station. - Beginning on election day until the proclamation of the winning candidates, no member of the BBOC shall be transferred, assigned, or detailed outside of his official station, nor shall he leave said station without prior authority from the Commission.

Sec. 60. Feigned illness. - Any member of the BBOC feigning illness in order to be substituted shall be guilty of an election offense.

Sec. 61. Notice of meeting of the BBOC. - At least five (5) days before the meeting of the BBOC, the Chairman shall give notice of the date, time and place of its meeting to all members thereof and to each candidate.

Sec. 62. Vote required. - A majority vote of all the members of the BBOC shall be necessary to render a decision.

Sec. 63. Persons not allowed inside the canvassing room. - It shall be unlawful for any officer or member of the Armed Forces of the Philippines, including the Philippine National Police; peace officer; armed or unarmed person belonging to any extra-legal police agency, special/reaction/strike/home defense force, barangay self-defense units; barangay tanod;

member of the security or police organizations of government departments, commission, councils, bureaus, offices, instrumentalities, or government-owned or controlled corporations or their subsidiaries; or any member of a private-owned or operated security, investigative, protective or intelligence agency performing identical or similar functions, to enter the room where the canvassing of the election returns is being held, or to stay within a radius of fifty (50) meters from such room: Provided, however, That the BBOC may, by majority vote in writing, order the detail of policemen or any peace officer for its protection of that of the election documents and paraphernalia in its possession, or for the maintenance of peace and order, in which case said policemen or peace officers, who shall be in proper uniform, shall stay outside the room within a radius of thirty (30) meters near enough to be easily called by the BBOC at any time.

Sec. 64. Canvass by the BBOC. - (a) The BBOC for barangays with more than one (1) BET shall meet at six o'clock in the afternoon of election day in the voting center of the barangay and shall forthwith canvass the election returns of the precincts within the barangay. If the barangay has several voting centers, the canvassing shall be held in the voting center that is most accessible as determined by the Election Officer.

(b) In canvassing the election returns, the BBOC shall comply with the following procedures:

- 1) The Member-Secretary shall receive the envelope containing the election returns intended for the BBOC, and record in its Minutes of Canvass the conditions and serial numbers of the envelope and paper seal; and the precinct number(s) comprising the cluster;
- 2) Before opening, the Chairman shall exhibit the envelope to those who are present;
- 3) Open the envelope and retrieve the election returns;
- 4) Segregate the election returns for the barangay and SK elections, and proceed to canvass first all the SK election returns in accordance with the following procedures;
 - (a) Examine the condition of the inner paper seal of the election returns; while the secretary records in the Minutes of Canvass the condition and serial number of said paper seal;
 - (b) Break the inner seal, unfold the election returns and exhibit the same; while the Member-Secretary records in the Minutes of Canvass the condition and serial number of the election returns;
 - (c) If there is no objection to the election returns, the BBOC shall proceed to canvass by reading the votes of the candidate and entering the same in the Statement of Votes.



For purposes of accomplishing the Statement of Votes, the BBOC shall:

- i. divide the three (3) copies between the Vice-Chairman (2 copies) and the secretary (1 copy);
 - ii. fill up the statistical data portion;
 - iii. accomplish the Statement of Votes simultaneously as the Chairman reads the votes.
 - (d) If there is an objection to the election returns, the secretary shall note the objection in the Minutes of Canvass and proceed to canvass the election returns;
 - (e) Immediately after an election returns has been canvassed, the Chairman shall write on the upper right hand corner the word "CANVASSED" and affix below it his signature and the date of the canvass. Thereafter, the canvassed election returns shall be returned to its envelope;
 - (f) When all the election returns have been canvassed:
 - i. The Vice-Chairman and secretary shall compare the entries in their respective copies of the statement of votes. If there are discrepancies in the entries, they shall refer to the corresponding election returns and make the necessary corrections on the statement of votes. All corrections shall be initialed by the members of the BBOC;
 - ii. If there are no discrepancies, the members of the BBOC shall affix their signatures above their printed names and imprint their thumbmarks on the certification portion of the statement of votes.
 - (g) After the statement of votes has been completed, the BBOC shall prepare the certificate of canvass and proclaim the winning candidates;
- 5) Proceed with the canvass of all election returns for the barangay elections following the same procedures in paragraphs 4 (a) to (g).
- 6) In barangays with only one (1) clustered precinct, the BBOC shall immediately accomplish in triplicate the statement of votes and certificate of canvass and proclamation and proclaim the winning candidates.

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Sec. 65. *When the election returns are delayed, lost or destroyed.* - In case the copy of the election returns for the BBOC is missing, the BBOC shall, by messenger or other means, obtain such missing election returns from the BET concerned, or, if said copy has been lost or destroyed, the BBOC may, upon prior authority of the Commission, use any of the authentic copies of the said election returns and forthwith direct its representative to investigate the case and immediately report the matter to the Commission.

Even if the BBOC has not received all of the election returns, it may terminate the canvass and proclaim the candidates elected on the basis of the available election returns provided that the missing election returns will no longer affect the results of the elections.

Sec. 66. *Material defects in the election returns.* - If it should clearly appear that some requisites in form or data had been omitted in the election returns, the BBOC shall call for all the members of the BET concerned by the most expeditious means, for the same BET to effect the correction: Provided, That in case of the omission in the election returns of the name of the any candidate and/or his corresponding votes, the BBOC shall require the BET to complete the necessary data in the election returns and affix therein their initials: Provided, further, That if the votes omitted in the returns cannot be ascertained by other means except by recounting the ballots, the commission shall, after satisfying itself that the identity and integrity of the ballot box and the ballots therein have not been violated, order the BET to open the ballot box and count the votes for the candidates whose votes have been omitted, with notice thereof to all candidates or the position involved, and thereafter complete the returns.

The right of a candidate to avail of this provision shall not be lost or affected by the fact that an election protest is subsequently filed by any of the candidates.

Sec. 67. *When election returns appear to be tampered with or falsified.* - If the election returns submitted to the BBOC appear to be tampered with, altered, or falsified after they have left the hands of the BET, or are otherwise not authentic, or were prepared by persons other than the members of the BET or by such BET but under duress, force, intimidation, the BBOC shall use other copies of the said election returns and, if necessary, the copy inside the ballot box, which upon previous authority given by the Commission, , may be retrieved in accordance with Section 220 of the Omnibus Election Code. If the other copies of the returns is likewise tampered with, altered, falsified, not authentic, prepared by persons other than the BET or by such BET but under duress, force, intimidation, the BBOC shall bring the matter to the attention of the Commission. The Commission shall then, after giving notice to all the candidates concerned and satisfying itself that nothing in the ballot box indicates that its identity and integrity have been violated, order the opening of the ballots therein has been duly preserved, it shall order the recount of the votes of the candidates affected and prepare a new return, which shall then be used by BBOC as basis for the canvass.

Sec. 68. *Discrepancies in election returns.* - In case it appears to the BBOC that there exist 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 elections the Commission shall, upon motion of the BBOC or any candidate affected and after due notice to all candidates concerned, proceed summarily to determine whether the integrity of the ballot box had been preserved.

Once the Commission is satisfied that the integrity of the ballot box had been preserved, it shall order the opening of the ballot box to recount the votes cast in the polling place solely

for the purpose of determining the true result of the count of votes of the candidates concerned.

If upon opening the ballot box as ordered by the Commission, it should appear that there are signs of replacement, tampering, or violation of the integrity of the ballots, the Commission shall not recount the ballots but forthwith seal the ballot box and order its safekeeping.

Sec. 69. Manifest error. - (a) Where it is clearly shown before proclamation that manifest errors were committed in the tabulation or tallying election returns during the canvassing, the BBOC may *motu proprio*, or upon verified petition by any candidate, after due notice and hearing, correct the errors committed.

There is manifest error in the tabulation or tallying of the result during the canvassing when:

- 1) A copy of the election returns was tabulated more than once;
- 2) Two or more copies of the election returns for one precinct were tabulated;
- 3) There was a mistake in the copying of the figures from the election returns to the statement of votes;
- 4) Election returns from non-existent precincts were included in the canvass;
- 5) Election returns from precinct of one barangay were included in the canvass for another barangay; and
- 6) There was a mistake in the addition of the votes of any candidate.

(b) If the manifest error is discovered before proclamation, the BBOC shall promulgate an order in writing for the correction of the manifest error. Then effect the necessary correction in the statement of votes/certificate of canvass and proclamation by crossing out the erroneous figures/entries to be initialed by the members of the BBOC and entering the correct figures/entries. The correction of manifest error made by the BBOC shall be recorded in the minutes of canvass.

Any candidate aggrieved by the said order may appeal the same to the Commission within twenty-four (24) hours from promulgation. The appeal must implead as respondents the board of canvassers concerned and all candidates that may be adversely affected.

Once an appeal is made, the board of canvassers shall not proclaim the winning candidate, unless the votes are not affected by the appeal.

Upon receipt of the appeal, the Clerk of Court concerned shall forthwith summons together with a copy of the appeal of the respondent. The Clerk of Court concerned shall immediately set the appeal for hearing. The appeal shall be heard and immediately decided by the Commission en banc.

(c) Manifest errors discovered after proclamation the same shall be filed by the board or any aggrieved party with the Commission.

Sec. 70. Questions affecting the election returns; finality of decision thereon. - All questions affecting the election returns shall be raised during the canvass and decided immediately by a majority vote of all members of the BBOC. The decision shall be reduced in writing and form part of the Minutes of the proceedings and shall be final and immediately executory.

After all questions on the election returns shall have been resolved, the BBOC shall forthwith proceed with the proclamation of the winning candidates, without prejudice to the right of an aggrieved party to file an election protest.

Sec. 71. Elections resulting in a tie. - In cases where two (2) or more candidates for Punong Barangay or SK Chairman received an equal and highest number of votes, or where two (2) or more candidates for Sangguniang Barangay Kagawad or SK Kagawad received the same number of votes for the first or last place, the BBOC, after recording this fact in its Minutes, shall, by resolution, and upon five (5) days notice to all the candidates concerned, hold a special public meeting in which the BBOC shall proceed to the drawing of lots between the candidates who have tied and proclaim as election the candidates who may be favored by luck.

The other candidates who lost in the draw for the first place, if there are only two (2) who tied, shall automatically be the second placer. If, however, more than two (2) candidates tied for first place, rolled pieces of paper duly marked by the numbers "1", "2", "3", and so on shall be made and the contesting candidates shall draw any one thereof, one after the other, and thereafter publicly open the same.

The number of the rolled paper drawn by each shall decide their ranking. The same procedure shall apply if the tie occurs among the second placers and so on.

If the tie is for the position of Punong Barangay or SK Chairman or for the seventh place for Sangguniang Barangay Kagawad or SK Kagawad, the one favored by luck and proclaimed as elected shall have the right to assume office in the same manner as if he had been elected by plurality vote. The BBOC shall forthwith issue a certificate stating the name of the candidate who had been favored by luck and his proclamation on the basis thereof.

Nothing in this Section shall be construed as depriving the candidate of his right to contest the election.

Sec. 72. Certificate of canvass and proclamation. - The BBOC shall prepare in quadruplicate the certificate of canvass and proclamation duly signed and thumbmarked by each member, supported by a statement of votes received by each candidate in each precinct, and, on the basis thereof, proclaim as elected the Punong Barangay and seven (7) Kagawads and the SK Chairman and seven (7) SK Kagawads who obtained the highest number of votes.

Subject to reasonable exceptions, the BBOC shall complete the canvass within twenty-four (24) hours from the time the first election returns is canvassed.

Sec. 73. Distribution of certificate of canvass and proclamation. - Copies of the certificate of canvass and proclamation shall be distributed as follows:

- 1) Original, to the election officer;

- 2) Second copy, to the winning candidate for Chairman of the barangay or SK elections;
- 3) Third copy, to the Secretary of the sangguniang bayan/panlungsod, as the case may be; and
- 4) Fourth copy, to the Secretary of the sangguniang barangay.

The winning candidate for Punong Barangay or SK Chairman shall reproduce the copies of the certificate of canvass and proclamation and distribute the same to each of the winning kagawads.

It shall be the duty of the election officer to submit on or before November 10, 2010, to the Election Records and Statistics Department, COMELEC, Manila, a certified list of the votes obtained by each candidate ranked from highest to lowest for the barangay and SK elections in each barangay.

Sec. 74. Proclamation of results. - After affixing their signatures and thumbmarks on the certification portion of both the statement of votes and certificate of canvass and proclamation, the BBOC shall then officially proclaim as elected the candidates for winning SK Chairman and seven (7) Kagawads. Thereafter, canvass the results the election returns for the barangay elections and follow the same procedure for the proclamation of the winning Punong Barangay and seven (7) Barangay Kagawads.

A copy of the statement of votes shall be attached to each copy of the certificate of canvass and proclamation. In case of a tie, Section 71 herein shall apply.

Sec. 75. Safekeeping of canvassed election returns. - After the canvass, the BBOC shall return the election returns for the barangay and SK in their proper envelopes, place these envelopes in the envelope for canvassed election returns, close and seal the same with a paper seal. The serial number of the paper seal shall be noted in the Minutes of Canvass. The Chairman and members thereof shall affix their signatures on the paper seal.

Thereafter, the BBOC shall deliver the envelope containing the canvassed election returns to the City/Municipal treasurer who shall place the same in a ballot box, together with the envelopes containing the canvassed election returns from other barangays, in the presence of the election officer. The ballot box shall be padlocked, with the election officer keeping the key thereto. It shall also be locked with a self-locking metal seal, the serial number of which shall be reported to the election officer and the Election Records and Statistics Department, COMELEC, Manila. The ballot box shall be kept in a safe and secure room in the office of the city/municipal treasurer.

ARTICLE X MISCELLANEOUS PROVISIONS

Sec. 76. Grant of leave credits to personnel of the Department of Education who are assigned election duty. - Subject to confirmation by the Department of Education, the Chairmen and Members of the BET and other Department of Education personnel who are assigned election duty, shall be entitled to a five-day leave credit.

Sec. 77. Authority of election officers to administer oath. - The election officers are authorized to administer oath, for free, on all matters related to the conduct of the barangay and SK elections.

Sec. 78. Pre-proclamation cases. - Pre-proclamation cases are not allowed in barangay or SK elections.

Sec. 79. Election offenses. - Except to the extent modified and/or repealed by Republic Acts No. 6679, 7166, 9164, 9340 and by other laws, Sections 261, 262, 263, and 264 of Article XXII of the Omnibus Election Code shall be applicable to the election of barangay and SK officials.

Sec. 80. Applicability of the Omnibus Election Code. - The Omnibus Election Code and other pertinent laws shall, as far as practicable, apply to the barangay and SK elections.

Sec. 81. Effectivity. - This Resolution shall take effect on the seventh (7th) day after its publication in two (2) newspapers of general circulation in the Philippines.

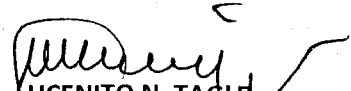
Sec. 82. Dissemination. - The Education and Information Department of this Commission is directed to cause the publication of this Resolution and its widest dissemination, and to furnish copies hereof to the Secretary of the Department of Education, the Secretary of the Department of the Interior and Local Government, the Secretary of the Department of Finance, the Regional Election Directors, the Provincial Election Supervisors and the Election Officers of the Commission.

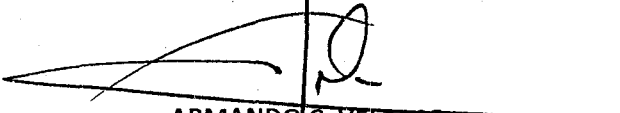
SO ORDERED.


JOSE A.R. MELANIO
Chairman


RENE V. SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner


LUCENITO N. TAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner


ELIAS B. YUSOPH
Commissioner

(On Official Business)
GREGORIO Y. LARRAZABAL
Commissioner

of

REVISED ALLOCATION OF ELECTION FORMS AND SUPPLIES
October 25, 2010 BARANGAY AND SK ELECTIONS

CEF NO.	FORMS AND SUPPLIES	RATE OF DISTRIBUTION	
ELECTION FORMS			
3	Poster Indicating Precinct Number	1	piece
5 & 5-A	Appointment of Chairman/Poll Clerk/Members of BET	9	pieces
6	Official Ballots for Barangay Elections	1	pc. per voter + per prec.
	Official Ballots for SK Elections	1	pc. per voter
9	Election Returns for Barangay Elections	1	set of 4 copies
	Election Returns for SK Elections	1	set of 3 copies
10	Tally Sheet for Barangay Elections	1	set
	Tally Sheet for SK Elections	1	set
11	Minutes of Voting and Counting of Votes	1	set of 2 pcs.
12	Paper Seals	12	pieces
12-A	Paper Seals for Book of Voters	1	piece
13	Certificate of Votes	20	pieces
14	Certificate of Receipt of Official Ballots, Other Forms and Supplies by BET	3	pieces
27-E, 27-F & 27-G	Official Receipt of Election Returns - copy for the Barangay Board of Canvassers - copy for the Election Officer - copy for the Secretary	6	pieces
ENVELOPE FOR VOTING AND COUNTING			
15, 16, 16-a, 16-D AND 28	For Counted Official Ballots, Excess, Marked, Spoiled, Torn Half of, Unused Official Ballots, Other Half of, Torn Unused Official Ballots	1	set of 7 pcs.
17-H to 17-K	For Election Returns for Barangay & SK Elections - copy for the Barangay Board of Canvassers - copy for the Election Officer - copy for the Secretary, SB - copy for the Ballot Box	1	set of 4 pcs.
18-A & 18-B	For Minutes of Voting and Counting of Votes	1	Set of 2 pieces
19-A & 19-B	For Key of Ballot Box	2	pieces
CANVASSING FORMS			
20-A	Statement of Votes by Precinct for Barangay Elections	1	set of 3 copies
	Statement of Votes by Precinct for SK Elections	1	set of 3 copies
25	Certificate of Canvass and Proclamation of Winning Candidates for Barangay Elections	1	set of 4 copies
	Certificate of Canvass and Proclamation of Winning Candidates for SK Elections	1	Set of 4 copies
OTHER FORMS			
30	Temporary Appointment of Chairman/Poll Clerk/Member	10	pieces
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
	General Instructions for BET	3	pieces
SUPPLIES			
	Ballpen	12	pieces
	Ordinary Envelope (Long)	1	piece
	Rubber Band	8	pieces
	Bond Paper Long	20	pieces
	Carbon Paper	5	sheets
	Thumbprint/Fingerprint Takers	2	pieces
	Fixed Length Seal	2	pieces
	Indelible Stain Ink	2	bottles
	Ballot Secrecy Folders	12	pieces
	Padlocks with keys	2	pieces



Republic of the Philippines
COMMISSION ON ELECTIONS

(City/Municipality, District, Province)

(Region)

**SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS
OCTOBER 25, 2010**

Instructions: Prepare in two (2) copies, one copy to be submitted to the Election Officer after the meeting of the Board and the other copy for the temporarily appointed BET Chairman/Poll Clerk/Third Member.

**TEMPORARY APPOINTMENT OF CHAIRMAN/POLL CLERK/THIRD MEMBER
BOARD OF ELECTION TELLERS**

Date & Time

Name: _____

Address: _____

(House No. Street, Barangay, City/Municipality and Province)

SIR/MADAM

You are hereby TEMPORARILY APPOINTED as _____ of the Board
(Chairman/Poll Clerk/Third Member)
of Election Tellers in Precinct No. _____ with polling place located at _____
in Barangay _____, City/Municipality of _____, Province of _____.

You may immediately assume office upon taking your oath as required by law. However, this appointment will be automatically cancelled and considered null and void as soon as the duly appointed Chairman/Poll Clerk/Third Member of the Board of Election Tellers for this precinct shall appear/report for duty or the vacancy is filled; of if you are related to any candidate or to any member of the Board of Election Tellers of said precinct within the fourth civil degree of consanguinity or affinity. In the latter cases, you shall not assume the duties of the office and shall immediately return this appointment to the Election Officer.

Assumption to office notwithstanding the above prohibition is punishable under the law.

Signature over Printed Name

Position as BET: _____

Signature over Printed Name

Position as BET: _____

**SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS
OCTOBER 29, 2007**

C.E. Form No. 31

(City/Municipality, District, Province and Region)

(Date & Time)

OATH OF TEMPORARY BET CHAIRMAN/POLL CLERK/THIRD MEMBER

I, _____, solemnly swear that I will faithfully perform the
duties of _____ of the Board of Election Tellers in
(Chairman/Poll Clerk/Third Member)

Precinct No. _____, Barangay _____ in the above-stated municipality and province
to the best of my knowledge and ability, without favoring any person, candidate, political party or
group; that I will obey the laws and legal orders promulgated by the duly constituted authorities, and
that I voluntarily impose upon myself this obligation without mental reservation or purpose of evasion.
SO HELP ME GOD!

(Signature over Printed Name)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2007.

(Signature over Printed Name)

- Administering Officer
- BET Chairman/Co-Member
- Registered Voter of the Precinct



Republic of the Philippines
COMMISSION ON ELECTIONS

(City/Municipality, District, Province)

(Region)

**SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS
OCTOBER 25, 2010**

INSTRUCTIONS:

Prepare two (2) copies of this form. Attach one (1) copy to the Minutes of Voting and one copy to the challenged voter or affiant.

OATH OF VOTER CHALLENGED FOR ILLEGAL ACTS

I, _____, a resident of _____ and a registered voter of Precinct No. _____, Barangay _____, City/Municipality _____, Province _____ do solemnly swear (or affirm) that I have neither received nor expected to receive, have not paid, offered or promised to pay, nor I have contributed, offered or promised to contribute money or anything of value as consideration for my vote or for the vote of another; that I have not made or received any promise to influence the giving or withholding of any vote; and that I have neither made any bet nor am I directly or indirectly interested in any bet which depends upon the result of the election.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2007 in the City/Municipality of _____ Province of _____, Region _____, Philippines.

Affiant
(Signature over Printed Name)

_____))
(City/Municipality)
_____) S.S.
(Province)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2007 in the above-stated place.

Chairman/Member, Board of Election Tellers
(Signature over Printed Name)



Republic of the Philippines
COMMISSION ON ELECTIONS

(City/Municipality, District, Province)

(Region)

**SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS
OCTOBER 25, 2010**

INSTRUCTIONS:

Prepare in duplicate copies. Attach one copy of the Minutes of Voting and Counting of Votes intended for the ballot box. Give the other copy to the person making the challenge.

OATH TO IDENTIFY A CHALLENGED VOTER

I, _____, a member of the Board of Election
Tellers of Precinct No. _____, Barangay _____,
District _____, City/Municipality of _____, Province
of _____, do solemnly swear that the voter registered under
the name of _____ is personally known to me as the same person
who now presents himself/herself to vote under said name.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____,
2007 in the City/Municipality of _____, Province of _____,
Region _____, Philippines.

(Signature over Printed Name)
Position as BET: _____

_____) S. S.
(City/Municipality)
(Province)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2007 in the above
stated place.

(Signature over Printed Name)
Position as BET: _____

REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
INTEGRAL BUREAU
EDUCATION AND INFORMATION DEPARTMENT



RECEIVED
BY: *[Signature]*
DATE: *9/22/10* TIME: *7:50 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 OCTOBER 25, 2010 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS.

MELO, Jose A.R.,
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: September 22, 2010

[Handwritten signature]

RESOLUTION No. 9040
[Handwritten signature]

WHEREAS, Sec. 261 (g), (h) and (x) 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 (30) days before a special election, (1) any head, official or

[Handwritten mark]

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 manner that may influence the election.

"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. (Underscoring 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, 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:

SECTION 1. Prohibited acts. – (a) During the election period from **September 25, 2010 until November 10, 2010**, no public official shall make or cause any transfer/detail whatsoever of any officer or employee in the civil service, including public school teachers, or suspend elective provincial, city, municipal or barangay official, except upon prior written approval of the Commission.

(b) Beginning **September 25, 2010 until October 25, 2010**, 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:

- (1) Appoint or hire any new employee, whether permanent, provisional, temporary or casual; or
- (2) Create and fill any new position.

(c) Beginning **September 25, 2010 until October 25, 2010**, 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 of any officer or employee in the civil service shall be in writing to be filed and approved as follows:

coj

- (1) For transfer or detail within the same region, the request shall be submitted to and approved by Regional Election Director regardless whether the position is national or local.
- (2) For transfer or detail from one region to another, the request shall be filed with the Law Department of the Commission and approved by the Chairman of the Commission.

All requests shall indicate the office and place to which the officer or employee is proposed to be transferred/detailed or otherwise moved and the reason for said transfer/detail. The authorization shall specify the name of the person to be transferred/detailed/moved and the office/position or place where he will be transferred/detailed or moved.

(b) Any request for authority to suspend an elective provincial, city, municipal or barangay officer shall be in writing, to be filed, together with the formal complaint containing the specific charges, executed under oath and the answer to the complaint, if any, with the Law Department of the Commission and approved by the Commission *En banc*.

(c) Any request for authority to appoint or hire new employees, or to create and fill new positions shall be in writing, to be filed and approved as follows:

1. For vacancies or positions in offices in the regions, with the Office of the Regional Election Director of the region where the vacancy exists;
2. For vacancies or positions in the central or main offices of national government agencies and government-owned or controlled corporations, with the Commission through its Law Department.

The request shall state the name of the person to be appointed, the position to be filled-up and the reasons for the same. The authorization shall specify the name of the person to be appointed and the position to be filled-up.

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 election.

Renewal of appointments of temporary, casual, substitute and contractual personnel are not covered by this prohibition and therefore will no longer need prior authority from the Commission. However, the appointing authority shall furnish the Commission, through its Regional Offices for field positions, and through the Law Department for main office

SEC. 3. Urgent need to appoint new employees. – Where there is urgent need to appoint or hire new employees, the same may be allowed without the need for a prior request for authority from the Commission provided that 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 the reason/s for said appointment or hiring and all the necessary data or information regarding the same. Failure to give notice as herein required shall render the appointment null and void.

SEC. 4. 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 without exception whatsoever.

SEC. 5. Injunction. – The Civil Service Commission, including all its field offices, is hereby enjoined not to approve the appointment of new employees from September 25, 2010 to October 25, 2010 where no prior written approval of the Commission is presented by the appointing authority of a government or agency.

The Department of Budget and Management and the Commission on Audit, including all their field offices, shall not release or authorize the release of any appropriation, or pass in audit the payments or expenditures of public funds that may be directly or indirectly be used in violation of Sec. 1 hereof.

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.

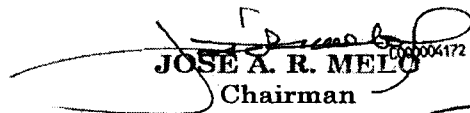


SEC. 6. Penalty. – Any violation of the provision of this Resolution shall constitute an election offense and shall be punishable by imprisonment of not less than one (1) year but not more than six (6) years, among other penalties provided by law.

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

SEC. 8. Dissemination. – The Education and Information Department shall cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines, and shall furnish copies thereof to all Departments in the National Government, Constitutional Commissions, Offices, Provincial Governors, City and Municipal Mayors and government agencies including government-owned or controlled corporations, and all field offices of the Commission.

SO ORDERED.

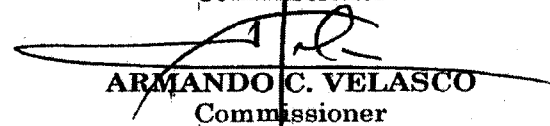

JOSE A. R. MELO
Chairman

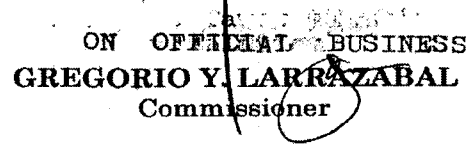

RENE V. SARMIENTO
Commissioner


LUCENITO N. TAGLE
Commissioner


ELIAS R. YUSOPH
Commissioner


NICODEMO T. FERRER
Commissioner


ARMANDO C. VELASCO
Commissioner

ON OFFICIAL BUSINESS

GREGORIO Y. LARRAZABAL
Commissioner

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