



Republic of the Philippines
Department of Education

04 MAY 2016

DepEd MEMORANDUM
No. **71**, s. 2016

DISSEMINATION OF COMELEC RESOLUTION NO. 10088

(Amending Certain Provisions of Resolution No. 10057 dated February 11, 2016 or Otherwise Known as General Instructions for the Boards of Election Inspectors (BEIs) on the Testing and Sealing of Vote Counting Machines (VCMs) and Voting, Counting and Transmission of Election Results in Connection With the 09 May 2016 National and Local Elections)

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

1. For the information and guidance of all concerned, enclosed is a copy of Resolution No. 10088 dated April 12, 2016 from the Commission on Elections (COMELEC) entitled *Amending Certain Provisions of Resolution No. 10057 dated February 11, 2016 or Otherwise Known as General Instructions for the Boards of Election Inspectors (BEIs) on the Testing and Sealing of Vote Counting Machines (VCMs) and Voting, Counting and Transmission of Election Results in Connection With the 09 May 2016 National and Local Elections* which is self-explanatory.
2. The said COMELEC Resolution provides for important amendments to the rules and general instructions on the process of testing and sealing, voting, counting and transmission of election results as a result of the Supreme Court ruling in the case entitled *Bagumbayan-VNP Movement Inc. vs. COMELEC (G.R. No. 222731)*, wherein the COMELEC was ordered to issue vote receipts as a verification mechanism for the voter on the May 9, 2016 National and Local Elections.
3. All public school teachers who will serve as Chairmen and members of the BEIs are enjoined to familiarize themselves with its pertinent provisions to strengthen their skills and capability in performing their election duties and to remind them of their significant role in safeguarding the integrity of the ballot.
4. All Regional Directors, Schools Division Superintendents or their Officer-in-Charge are hereby directed to issue a local memorandum for an effective information dissemination of this matter to all teachers who will serve as BEI Chairmen and members.
5. Immediate dissemination of this Memorandum is desired.


BR. ARMIN A. LUISTRO FSC
Secretary

Encl.:

As stated

Reference:

N o n e

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

ELECTIONS

LEGISLATIONS

OFFICIALS

STRAND: Legal and Legislative Affairs

TEACHERS

SMA, DM Dissemination of COMELEC Resolution No. 10088
0304, April 27/May 2, 2016



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
Intramuros, Manila

AMENDING CERTAIN
PROVISIONS OF RESOLUTION
NO. 10057 DATED FEBRUARY 11,
2016 OR OTHERWISE KNOWN AS
THE GENERAL INSTRUCTIONS
FOR THE BOARDS OF ELECTION
INSPECTORS (BEI) ON THE
TESTING AND SEALING OF VOTE
COUNTING MACHINES (VCMs),
AND VOTING, COUNTING AND
TRANSMISSION OF ELECTION
RESULTS IN CONNECTION WITH
THE 09 MAY 2016 NATIONAL AND
LOCAL ELECTIONS.

- | | |
|----------------------|--------------|
| BAUTISTA, J. A. D., | Chairman |
| LIM, C. R. S., | Commissioner |
| PARREÑO, A. A., | Commissioner |
| GUIA, L. T. F., | Commissioner |
| LIM, A. D., | Commissioner |
| GUANZON, M. R.A. V., | Commissioner |
| ABAS, S. M. | Commissioner |

X-----X

Promulgated : April 12, 2016 *[Signature]*

RESOLUTION NO. 10088 *[Signature]*

WHEREAS, the Commission on Elections (COMELEC) has promulgated on 11 February 2016 Resolution No. 10057 or the "General Instructions for the Boards of Election Inspectors (BEI) on the Testing and Sealing of Vote Counting Machines (VCMs), and Voting, Counting and Transmission of Election Results in connection with the 09 May 2016 National and Local Elections";

WHEREAS, the Supreme Court through its ruling in Bagumbayan-VNP Movement, Inc., et al. vs. Commission on Elections (G.R. No. 222731) dated 08 March 2016, ordered COMELEC to issue vote receipts as a verification mechanism for the voter in the 09 May 2016 National and Local Elections;

NOW THEREFORE, pursuant to its authority under the Constitution, the Omnibus Election Code, Republic Act No. 9369, and other election laws, the

COMELEC RESOLVED, as it hereby RESOLVES, to promulgate the following amendments to the General Instructions.

SECTION 1. The first paragraph of Section 11 of Resolution No. 10057 is hereby amended to read as follows:

"SEC. 11. Voting hours. - The casting of votes shall be from 6 a.m. until 5 p.m. of Election Day."

SECTION 2. Sections 20(a) and (f) of Resolution No. 10057 are hereby amended to read as follows:

"SEC. 20. Prohibitions on voting. - It shall be unlawful for a voter to:

- a) Bring the ballot, ballot secrecy folder, marking pen or voter's receipt outside of the polling place; xxx
- f) Use capturing devices, including, but not limited to, digital cameras or cellular phones for whatever purpose while inside the polling place;"

SECTION 3. Section 37 of Resolution No. 10057 is hereby amended to read as follows:

"SEC. 37. VCMs to be opened on May 9, 2016. - The VCMs shall be opened on May 9, 2016, not earlier than five o'clock in the morning, and in the presence of watchers, if any."

SECTION 4.Section 38 (a) of Resolution No. 10057 is hereby amended to read as follows:

"SEC. 38. Preliminaries to the voting. - The BEI shall:

- a) Meet at the polling place not later than five o'clock in the morning of Election Day."

SECTION 5. Section 39 (b) of Resolution No. 10057 is hereby amended to read as follows:

"SEC. 39. Manner of obtaining ballots. -

"(b) The Poll Clerk or Support Staff shall:

SECTION 6. Section 40 of Resolution No. 10057 is hereby amended to read as follows:

“SEC. 40. Manner of voting. -

a. The voter shall:

1. Using the ballot secrecy folder and marking pen provided by the Commission, accomplish the ballot by **fully shading the circle** beside the names of the candidates and the organization participating in the party-list system of representation; and

2. After accomplishing the ballot, insert his/her ballot in the VCM’s ballot entry slot, after which the voter shall return the ballot secrecy folder and marking pen to the third member;

i. The VCM will display the message - “PROCESSING.../ PAKIHINTAY...KASALUKUYANG PINOPROSESO.”

ii. The VCM will flash some of the names of candidates voted for. It will then display the message, - “THE VOTING EXPERIENCE TIMEOUT HAS EXPIRED/ANG NAKALAAN NA ORAS PARA SA PAGBOBOTO AY NAKALIPAS NA.”¹

iii. Thereafter the ballot shall automatically drop inside the ballot box. The VCM will then display the message - "YOUR VOTE HAS BEEN CAST/ ANG IYONG BOTO AY NAISAMA NA. YOUR VOTE RECEIPT IS BEING PRINTED/ ANG RESIBO NG IYONG BOTO AY PINI-PRINT" and a receipt will be printed;

b. The third member/support staff shall stand beside the VCM without being able to view the screen, but near enough to be able to perform the following:

1. Monitor the VCM screen to ensure that the ballot is successfully accepted and the receipt is printed. Every time the end-of-roll color indicator appears, the third member shall replace the thermal paper.

¹ The time out of the on-screen verification feature of the VCM has been reduced to one second.

2. Fold the receipt in such a way that its contents cannot be seen and then cut the end of the receipt using non-pointed scissors;
3. Apply indelible ink to the voter's right forefinger nail or any other nail if there be no forefinger nail, and hand the receipt to the voter;

The BEI shall ensure that only the voter can read the receipt and advise the voter that bringing the receipt outside the polling place is illegal. For this purpose, the black box containing the Official Ballots shall serve as the Voter's Receipt Receptacle which shall be placed in an area visible to the third member/support staff/citizens arm member and watchers. The BEI shall ensure that all Official Ballots are removed from the black box before the same is used as a Voter's Receipt Receptacle.

4. Instruct the voter to go near the Voter's Receipt Receptacle located beside the VCM to verify his or her votes as appearing on the receipt, drop the same in the Voter's Receipt Receptacle and leave the polling place.

In case an objection is raised by the voter on the way the VCM read his/her ballot:

- a. Instruct the voter to affix his signature at the back of the Voter's Receipt;
- b. Note the specific objection in the Minutes;
- c. Attach the Voter's Receipt to the Minutes (copy for the Ballot Box).

The filing of frivolous objections shall constitute an election offense punishable under the Omnibus Election Code. For this purpose, the BEIs are allowed to administer oaths solely for this purpose so that if the protest is frivolous, falsification or perjury charges may be filed.

- d. At the close of polls, the BEI shall seal the Voter's Receipt Receptacle with packaging tape. The BEI members shall affix names and signatures on the tape. The BEI shall also require the watchers present to affix their names and signatures.

The BEI shall then place the Voter's Receipt Receptacle inside the ballot box, if the latter can accommodate the receptacle.

The above procedures, except b (3) and (5) shall be applicable during Final Testing and Sealing. During FTS, the BEI shall instruct the voter to verify the votes as appearing on the receipt and place the receipt in the Envelope for Counted Ballots which shall be turned over to the Election Officer as provided in Section 36."

SECTION 7. Sections 35 (g) and 36 (a) of Resolution No. 10057 are hereby amended as to include the voter receipts in the Envelope for Counted Ballots for submission to the Election Officer.

SECTION 8. Section 8(B) of Resolution No. 10057 is hereby amended to read as follows:

"B. Election Day. - Unless otherwise authorized, the BEI shall get the forms, documents and supplies early in the morning of Election Day, as follows:

1. FROM THE CITY/MUNICIPAL TREASURER

x x x

SUPPLIES

x x x

Additional Marking Pens - 12 Pieces

2. FROM THE ELECTION OFFICER

a) x x x

d) A pair of scissors."

SECTION 9. Section 33 (f-5) of Resolution No. 10057 is hereby amended to read as follows:

f) Check whether the following are inside the VCM box:

1. xxx

5. Twenty (20) rolls of thermal paper inside the VCM box and one (1) thermal paper already installed the printer compartment;

xxx

SECTION 10. Section 29 (e) of Resolution No. 10057 is hereby amended to read as follows:

e) Deliver the ballot box and the Voter's Receipt Receptacle, accompanied by watchers, to the city/municipal treasurer. xxx

SECTION 11. Section 41 of Resolution No. 10057 is hereby amended to read as follows:

"SEC. 41. Voting hours for detainee voting and scanning of detainee voters' ballots from the special polling places. -

1. The casting of votes for detainee voting shall be from 6.00 a.m. until 2 p.m. on Election Day.
2. In scanning the detainee voters' ballots from the special polling places, the BEI shall:

xxx

h) Drop all receipts in the Voter's Receipt Receptacle."

SECTION 12. Section 42 of Resolution No. 10057 is hereby amended to read as follows:

"SEC. 42. Rejected Ballots; Procedure. - In case ballots are rejected by the VCM during the scanning, the BEI shall allow the voter to re-feed the ballot four (4) times in four (4) different orientations.

If the ballot is still rejected, the voter shall return the ballot to the chairman who shall:

1. Distinctly mark the back thereof as REJECTED;
2. Require all members of the BEI to sign at the back thereof; and
3. Place the rejected ballot inside the Envelope for Rejected Ballots.

No replacement ballot shall be issued to a voter whose ballot is rejected by the VCM except if the rejection of the ballot is not due to the fault of the voter.




Any party objecting to the rejection of the ballot shall reduce his objection in writing, which the BEI shall attach to and note in the Minutes.”

SECTION 13. Election Offense. The voter’s receipt is an official election document or election paraphernalia, as held in Bagumbayan-VNP Movement, Inc., et al. vs. Commission on Elections, G.R. No. 222731 (1-b), dated March 17, 2016. Hence, any person who takes away the voter’s receipt commits an election offense punishable under Section 261 (z) (12) of the Omnibus Election Code.


SECTION 14. Effectivity. - This Resolution shall take effect on the seventh (7th) day after its publication in two (2) daily newspapers of general circulation in the Philippines and in the COMELEC website.

SECTION 15. Publication and dissemination. - The Education and Information Department, this Commission, shall cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines and furnish copies thereof to all Regional Election Directors, Provincial Election Supervisors and Election Officers.

SO ORDERED.

 w/reservation on when the indelible ink should be administered

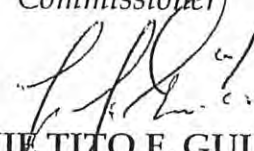
DN0006306
J. ANDRES D. BAUTISTA
 Chairman


 On Official Business

CHRISTIAN ROBERT S. LIM
 Commissioner

 w/reservation as to Sec 6.4 and

AL A. PARRENO
 Commissioner

 w/reservation on some items

LUID TITO F. GUIA
 Commissioner



ARTHUR D. LIM
 Commissioner


MA. ROWENA AMELIA V. GUANZON
 Commissioner


SHERIFF M. ABAS
 Commissioner