



Republic of the Philippines
Department of Education

15 MAY 2013

DepEd MEMORANDUM
No. **83**, s. 2013

DISSEMINATION OF COMELEC RESOLUTION NO. 9669

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Directors of Services, Centers and Heads of Units
Regional Directors
Schools Divisions/City Superintendents
Heads, Public and Private Elementary and Secondary Schools
All Others Concerned

1. For the information and guidance of all concerned, enclosed is a copy of the Commission on Elections (COMELEC) Resolution No. 9669 dated April 18, 2013 entitled **In the Matter of Defining the Chain Custody and Responsibility Over the Automated Election System (AES) Machines and the Security Assistance to be Provided by the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) in the: (1) Deployment and Retrieval of AES Machines and Accessories; (2) Delivery and Retrieval of Official Ballots, Ballot Boxes, Election Documents and Other Paraphernalia; (3) Final Testing and Sealing of Precinct Count Optical Scan (PCOS) Machines; and (4) Voting and Canvassing Centers, in Connection with the May 13, 2013 Synchronized National and Local Elections** which is self-explanatory.
2. Immediate dissemination of this Memorandum is desired.


BR. ARMIN A. LUISTRO FSC
Secretary

Encl.: As stated
Reference: None
To be indicated in the Perpetual Index
under the following subjects:

ELECTION
LEGISLATION
OFFICIALS

D: SGC/dissemination of comelec resolution no. 9669
0403-May 3, 20123

REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
INSTRUMENTS DIVISION
ELECTRONIC AND INFORMATION DEPARTMENT

RECEIVED

DATE: 6/13/13 TIME: 8:45

REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
INTRAMUROS, MANILA

IN THE MATTER OF DEFINING THE CHAIN OF CUSTODY AND RESPONSIBILITY OVER THE AES MACHINES AND THE SECURITY ASSISTANCE TO BE PROVIDED BY THE PHILIPPINE NATIONAL POLICE (PNP) AND THE ARMED FORCES OF THE PHILIPPINES (AFP) IN THE : (1) DEPLOYMENT AND RETRIEVAL OF AES MACHINES AND ACCESSORIES; (2) DELIVERY AND RETRIEVAL OF OFFICIAL BALLOTS, BALLOT BOXES, ELECTION DOCUMENTS AND OTHER PARAPHERNALIA; (3) FINAL TESTING AND SEALING OF PCOS MACHINES; AND (4) VOTING AND CANVASSING CENTERS, IN CONNECTION WITH THE MAY 13, 2013 SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS

- BRILLANTES, Sixto, Jr. S. - Chairman
- TAGLE, Lucenito N. - Commissioner
- YUSOPH, Elias R. - Commissioner
- LIM, Christian Robert S. - Commissioner
- PADACA, Maria Gracia Cielo M. - Commissioner

Handwritten notes and signatures on the right margin.

X ----- X

Promulgated: April 12, 2013

RESOLUTION NO. 9659

WHEREAS, it is the policy of the Commission to ensure that election results, manifest the true will of the electorate by protecting the sanctity of the official ballots, and election paraphernalia, including the Automated Election System (AES) machines consisting of the Precinct Count Optical Scan (PCOS) and Canvassing and Consolidation System (CCS), in partnership with the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP).

WHEREAS, in furtherance of said policy, a guideline for the custody and security of the subject election-related machines, forms and paraphernalia must be provided in synch with the non-partisan political activities required of the PNP and the AFP.

NOW, THEREFORE, the Commission, by virtue of the powers vested in it by the Constitution, the Omnibus Election Code, Republic Act No. 9369, and other election laws, has **RESOLVED**, as it hereby **RESOLVES** to promulgate the following rules defining the chain of custody and responsibilities of COMELEC officials and deputies and forwarders of machines, accessories, forms and paraphernalia and the security assistance to be provided by the PNP and the AFP relative thereto:

Section 1. CUSTODY AND RESPONSIBILITY - The custody and responsibility over the AES machines, peripherals and equipments, official ballots and other election paraphernalia shall rest on the following:

I - BEFORE VOTING/CANVASSING

(A) *For Official Ballots (OBs)*

- (1) **Packing and Shipping Committee (PSC)**, while the OBs are in its custody;
- (2) **Forwarder**, after the OBs are dispatched by the PSC, until the same are delivered to the Provincial/City/Municipal Treasurers;
- (3) **Provincial/City/Municipal Treasurers**, upon receipt of OBs until actual distribution to the Boards of Election Inspectors (BEIs);
- (4) **BEIs**, upon receipt of the OBs.

(B) *For PCOS machines and accessories, transmission equipment and other paraphernalia*

- (5) **PSC**, while the PCOS machines are in its custody;
- (6) **Forwarder**, after the PCOS machines are dispatched by the PSC, until the same are delivered to the Election Officers (EOs) through the **BEIs** at the polling places; and
- (7) **Election Officer** through **BEIs** upon receipt from the Forwarder.

(C) *For CCS and accessories, transmission equipment and other paraphernalia*

- (8) **PSC**, while the CCS are in its custody;
- (9) **Forwarder**, after the CCS are dispatched by the PSC, until the same are delivered to the Provincial Election Supervisors/Election Officers (EOs); and
- (10) **PES/EOs**, upon receipt from the Forwarder.

(D) *For Ballot Boxes*

Ballot Boxes originating from Manila

- (11) **PSC**, while the Ballot Boxes are in its custody;
- (12) **Forwarder**, after the Ballot Boxes are dispatched by the PSC, until the same are delivered to the EOs through the **BEIs** at the polling places; and
- (13) **EOs** through the **BEIs**, upon receipt of the Ballot Boxes from the Forwarder.

Locally Retrieved Ballot Boxes pursuant to Minute Resolution No. 13 - 0135 dated January 24, 2013

- (14) **Municipal/City Treasurers**, while the Ballot Boxes are in their custody;
- (15) **Forwarder**, after the Ballot Boxes are received from the Municipal/City Treasurers; and
- (16) **EOs** through the **BEIs**, upon receipt of the Ballot Boxes from the Forwarder.

In all instances, the prescribed Delivery Receipt (**Annex "A"**) shall be accomplished by the concerned accountable officer.

II - AFTER VOTING OR CANVASSING

A. For AES machines and peripherals

1. BEIs/BOCs while the AES machines and peripherals are in its custody:

Immediately after the conduct of voting or canvassing, the BEIs/BOCs shall ensure that all AES machines and peripherals are complete and properly accounted for based on the Delivery Receipt Checklist. Thereafter, they shall accomplish a Turn-over Checklist (**Annex "B"**) which shall be subscribed before the EO in case of BEIs, or the Provincial

Election Supervisor (PES) or his duly authorized representative in case of BOCs. For this purpose, all EOs and PESs are **authorized** to administer the oath required in the Turn-over Checklist.

In case any item on the Delivery Checklist is missing, the BEIs/BOCs shall take necessary steps to determine the whereabouts of the missing item/s and exert efforts to recover the same. When any or all of the items are lost or damaged, a brief narration of the incident shall be indicated in the Turn-over Checklist.

In case of missing or damaged AES machine and peripheral corresponding investigation shall be conducted to determine liability thereto, as may be directed by the Commission.

2. Forwarder while the same are in its custody:

The Forwarder shall retrieve the AES machines and peripherals from the EOs through the BEIs/BOCs, at the voting or canvassing centers as the case may be, immediately after the conduct of voting or canvassing, ensuring the completeness thereof based on the Turn-over Checklist and

such fact shall be noted in the Turn-over Checklist which shall be signed by the Forwarders and the EOs through the BEIs/BOCs.

The EOs and the Forwarder shall, within **three (3) days** from knowledge that an AES machine, peripheral or paraphernalia, has been lost or damaged, submit a report in writing with attached copy of Turn-over Checklist to the Project Management Office (PMO), through the PMO Secretariat.

3. PSC through the Administrative Services Department (ASD) after receipt from the Forwarder

The Forwarder shall deliver to PSC through the ASD at specified COMELEC warehouse/s the AES machines and peripherals within the period prescribed in the contract and submit the Turn-over Checklist.

B. For Ballot Boxes with contents

The BEIs shall deliver to the City/Municipal Treasurers the ballot boxes with contents used in the elections for safekeeping.

Section 2. RESPONSIBILITY OF PNP/AFP. - The PNP or AFP through the appropriate **Joint Security Control Centers (JSCCs)** to be established for the purpose shall:

a. Provide security assistance while the AES machines, official ballots and other election paraphernalia, including the results of elections, are in transit, specifically from the point of origin until actual receipt by the consignee or authorized representative. The consignee may be the BEIs, BOCs, Provincial/City/Municipal Treasurers, the PSC through the ASD, and such other persons or offices authorized by the Commission;

b. Provide perimeter security to all warehouses/hubs and sub-hubs in coordination with the regional/provincial/city JSCCs and with the EO concerned;

c. Provide appropriate security to the voting and canvassing centers and to the BEIs/BOCs, accredited citizens arm volunteers, representatives of Forwarder and authorized technical support personnel during the **Final Testing and Sealing of PCOS machine** and before the start of voting/canvassing until completion of such election activities, subject to Sections 2(a), 4, and 5 hereof;

d. Ensure that appropriate security measures, commensurate to the threat situation in particular areas, are observed while the AES machines, OBs and other election materials and paraphernalia are in transit to and from the voting/canvassing centers; and

e. Perform such other election-related functions as may be directed by COMELEC pursuant to its power under Section 52(a) of the Omnibus Election Code.

Section 3. SECURITY OF AES MACHINES AT THE POLLING PLACE/VOTING CENTER. - After the testing and sealing, the AES machines will remain and be secured in the polling place/s where they were tested and sealed. However, the AES machines may be stored in one (1) or more rooms in the same voting center for security reasons. For this purpose, additional rooms located in the voting center may be used if one (1) room is not enough. In case the voting center is not segregated by room as in the case of a basketball court or a gymnasium, the AES machines may be stored in one (1) area within the court or the gymnasium or in a room, if any, within said facility. The EOs shall, in coordination with the AFP and the PNP, determine whether the AES machines, equipments and accessories will be secured in the polling places where they were tested or stored in one (1) or more rooms within the same voting center. **In case the testing and sealing, upon recommendation of the concerned EOs/PES and with prior authority from the RED, was conducted in a place other than the polling place/s, the AES Machines will remain and be secured thereat.**

Section 4. SECURITY AT THE POLLING AND CANVASSING PLACES AND OF THE BEIs AND BOCs. - On election day, security elements shall stay beyond the fifty (50) meter radius from the polling and canvassing places they are assigned to secure. No PNP/AFP personnel shall be allowed to enter or stay inside the polling and canvassing places, except when there is an actual disturbance of the peace and order therein. However, the BEIs/BOCs upon majority vote, if it deems necessary, may make a call in writing, duly entered in the minutes, for the detail of said personnel for their protection or for the protection of the election documents and paraphernalia. In which case, the said PNP/AFP officer shall stay outside the polling/canvassing place within a radius of thirty (30) meters near enough to be easily called by the BEIs/BOCs at any time, but never at the door. In no case shall the said PNP/AFP 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.

JSCC may establish security assistance desk to oversee security in the area, subject to the first paragraph of Section 2 hereof.

Section 5. SECURITY PROVISIONS DURING THE RETRIEVAL OF AES MACHINES AND DELIVERY OF ELECTION RETURNS AND OTHER DOCUMENTS AND PARAPHERNALIA. - The JSCC shall provide appropriate security escorts to the BEIs/BOCs carrying election results and other documents and paraphernalia from the polling place/canvassing centers to the City/Municipal Treasurer's Office and to the BOCs or place designated by the Forwarder as reflected in the contract executed by and between the Commission and the Forwarder, for retrieval purposes.

Section 6. - COORDINATING INSTRUCTIONS. - All Regional Election Directors, Provincial Election Supervisors and EOs are hereby directed to provide all the necessary information needed by the PNP/AFP to effectively implement this Resolution.

To ensure the safety of said equipments during the deployment and retrieval (Reverse Logistics), it shall be the responsibility of the Forwarder to request in coordination with the local COMELEC officials, for security personnel from the PNP/AFP.

Section 7. APPLICABILITY TO OTHER ACTIVITIES REQUIRING PNP OR AFP SECURITY. - This Resolution shall insofar as applicable, also apply to other activities requiring AFP or PNP security.


Section 8. EFFECTIVITY. - This Resolution shall take effect on the seventh (7th) day after its publication in two (2) daily newspaper of general circulation in the Philippines.

Section 9. PUBLICATION AND 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 to furnish the Department of Education, the PNP/APP, the Regional Election Directors, the Provincial Election Supervisors, and Election Officers, with copies of the Resolution, for their information and guidance.

Let the Field Operations Group of the Project Management Office and the Packing and Shipping Committee implement this Resolution.

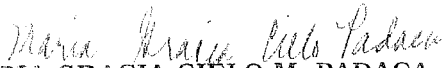
SO ORDERED.


SINTO S. BRILLANTES JR.
COG0015383
Chairman


LUCENITO N. TAGLE
Commissioner


ELIAS R. YUSOPH
Commissioner


CHRISTIAN ROBERT S. LIM
Commissioner


MARIA GRACIA CIELO M. PADACA
Commissioner