



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

**IN THE MATTER OF FIXING
THE BALLOT SHADING
THRESHOLD ON DISPUTES IN
AN AUTOMATED ELECTION
SYSTEM IN CONNECTION
WITH THE MAY 13, 2019
NATIONAL AND LOCAL
ELECTIONS, AND
SUBSEQUENT ELECTIONS
THEREAFTER.**

ABAS, Sheriff M.	<i>Chairman</i>
PARREÑO, Al A.	<i>Commissioner</i>
GUIA, Luie Tito F.	<i>Commissioner</i>
GUANZON, Ma. Rowena Amelia V.	<i>Commissioner</i>
INTING, Socorro B.	<i>Commissioner</i>
CASQUEJO, Marlon S.	<i>Commissioner</i>
KHO, Antonio T.	<i>Commissioner</i>

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Promulgated: September 5, 2018

RESOLUTION NO. 10419

WHEREAS, it is the duty of the Commission on Elections (Commission) to ensure the credibility of the election results in order that it may faithfully reflect the true will of the electorate.

WHEREAS, the Constitution further mandates that this Commission provides procedural rules that will afford litigants in an Automated Election System (AES) an accessible, inexpensive and speedy remedy.

WHEREAS, the Commission is endowed with constitutional power and authority to administer the country's election and to decide all questions affecting elections¹.

WHEREAS, Republic Act No. 9369² granted the Commission the power to choose an appropriate technology in elections which would necessarily include the issue on deciding how votes can be read and appreciated by the said technology.

WHEREAS, as part of its mandate in the administration of elections, the Commission generally instructed the voters to fully shade the ovals of the ballots.

¹ Section 2 (3), Article IX-C, 1987 Constitution.

² AN ACT AMENDING REPUBLIC ACT NO. 8436, ENTITLED "AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN AUTOMATED ELECTION SYSTEM IN THE MAY 11, 1998 NATIONAL OR LOCAL ELECTIONS AND IN SUBSEQUENT NATIONAL AND LOCAL ELECTORAL EXERCISES, TO ENCOURAGE TRANSPARENCY, CREDIBILITY, FAIRNESS AND ACCURACY OF ELECTIONS, AMENDING FOR THE PURPOSE BATAS PAMPANSA BLG. 881, AS AMEMDED, REPUBLIC ACT NO. 7166 AND OTHER RELATED ELECTIONS LAWS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES".

WHEREAS, the Commission, to guarantee that the votes are not wasted due to inadequate shading or that no accidental or unintended small marks are counted as votes, calibrated the automated voter counting system to read as valid votes all marks that cover at least about 25% (when seen by the naked eyes) of the oval for each candidate based on the chosen technology – the optical scanning technology – which appreciates votes or non-votes according to how it is configured to that of at least about 25% (when seen by the naked eyes) of the oval for each candidate.

NOW, THEREFORE, the Commission on Elections, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, and other election laws, **RESOLVES**, as it hereby **RESOLVED**, to set the threshold for the shading of the ballots at 25% for purposes of the May 13, 2019 National and Local Elections and subsequent elections thereafter.

Let the Clerk of the Commission implement this Resolution. The Education and Information Department (EID) of the Commission is hereby directed to cause the publication of this Resolution in two (2) daily newspapers of general circulation.


SO ORDERED.



SHERIFF M. ABAS
C000102749
Chairman


AL A. PARRENO
Commissioner

On Official Business
LUIE TITO G. GUIA
Commissioner


MA. ROWENA AMELIA V. GUANZON
Commissioner


SOCORRO B. INTING
Commissioner


MARLON S. CASQUEJO
Commissioner

On Official Business
ANTONIO T. KHO, JR.
Commissioner

cc:

Chairman
All Commissioners
Executive Director
Deputy Executive Director for Operations
Deputy Executive Director for Administration
Education and Information Department
Office of the Clerk of the Commission
Law Department
PMO 2019 NLE