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Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

IN THE MATTER OF THE
GENERAL INSTRUCTIONS FOR
THE CONDUCT OF A RANDOM
MANUAL AUDIT (RMA) FOR THE
13 MAY 2013 NATIONAL, LOCAL &
ARMM ELECTIONS AND
SUBSEQUENT ELECTIONS
THEREAFTER.

Brillantes, S.S. Jr., *Chairman*
Sarmiento, R.V., *Commissioner*
Tagle, L.N., *Commissioner*
Velasco, A.C., *Commissioner*
Yusoph, E.R., *Commissioner*
Lim, C.R.S., *Commissioner*
Padaca, M.G.C.M., *Commissioner*

Promulgated:

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December 21, 2012

RESOLUTION NO. 9595

Pursuant to Section 24 of Republic Act No. 9369, as amended, entitled "An Act amending Republic Act No. 8436, entitled 'An Act Authorizing the Commission on Elections to use an Automated Elections System in the 11 May 1998 National or Local Elections and in subsequent National or Local Electoral Exercises, to Encourage Transparency, Credibility, Fairness and Accuracy of Elections, amending for the purpose Batas Pambansa Blg. 881, as amended, Republic Act No. 7166 and other related Election Laws, providing funds therefor and for other purposes," and the powers vested in this Honorable Commission by existing laws, this Honorable Commission **RESOLVED**, as it hereby **RESOLVES**, to promulgate the following General Instructions for the conduct of the Random Manual Audit:

SECTION 1. *Composition and Appointment of the Random Manual Audit Team (RMAT) to Conduct the Random Manual Audit (RMA).* —

a) The Commission on Elections, through the RMA Committee, shall **appoint** the RMAT composed of five (5) members per legislative district specifically designated to conduct the RMA and, in case of unavailability, a

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substitute member per legislative district shall be appointed by the RMA Committee not later than January of the year of the Elections.

b) All RMAT members shall be under the direct control and supervision of the RMA Committee. The RMA Committee will designate Election Officers, or in lieu thereof Provincial Election Supervisors or the Assistant Regional Election Director for NCR, as the case may be, as Coordinators for the conduct of the RMA.

c) The RMAT shall be composed of five (5) members:

- c.1. Chairman;
- c.2. Secretary;
- c.3. Third Member;
- c.4. Co-Chairman; and
- c.5. Assistant Secretary.

d) Each RMAT shall be subdivided into two (2) groups: 1) the Chairman, Secretary and Third Member shall comprise the Manual Count Group while 2) the Co-Chairman and Assistant Secretary shall comprise the Validation Group.

e) RMAT members shall be public school teachers, giving preference to those who have served in past Elections.

f) The Department of Education (DepEd) shall submit a list of at least six (6) proposed RMAT members per legislative district not later than the 15th of January of the year of the Elections. Five (5) of the proposed RMAT members per legislative district shall be pre-selected by the RMA Committee to serve in the randomly selected clustered precinct per legislative district. The other proposed member shall serve as substitute, if the need for it arises.

g) In case of absence or illness of an RMAT member, the RMAT members who are present shall call upon the substitute to perform the duties of the absent member.

g.1. If none is available, the RMAT members present shall appoint any of the following listed below in the order of priority to temporarily fill said vacancy until the absent member appears, provided that the

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substitute member is qualified, non-partisan and a registered voter in the province concerned:

- g.1.1. Teachers in public schools;
- g.1.2. Teachers in private schools;
- g.1.3. Employees in the civil service;
- g.1.4. Members of non-partisan Commission on Elections accredited Citizen's Arm of the concerned legislative district precinct; or
- g.1.5. Representatives from the private sector.

g.2. In case no substitution is made for the absent RMAT member and no person is qualified to be a temporary member as provided for in the preceding section, the present RMAT members shall proceed with the conduct of the RMA and shall decide only upon a unanimous vote.

h) As soon as the selection of RMAT members are finalized, the RMA Committee shall disseminate through the fastest means possible the corresponding appointment papers through the DepEd and the Coordinator concerned.

i) All RMAT members shall accomplish their Appointment Papers and take their Oath not later than 12:00 noon of the day of the Elections.

SECTION 2. *Qualifications of the RMAT.* — Members of the RMAT, whether regular, substitute or temporary, must:

- a) be of good moral character, non-partisan and of irreproachable reputation;
- b) be a registered voter in the province where he or she is to serve;
- c) not be related up to the fourth (4th) degree of consanguinity and affinity to any candidate, to any member of the regular Board of Election Inspectors (BEI) who conducted the polls in the same precinct, or (and) to the other members of the RMAT of which he/she is a part of;
- d) never been convicted of any election offense or of any other crime punishable by more than six (6) months imprisonment;

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- e) have no pending case against him/her filed before the Commission on Elections or Trial Court for any election offense;
- f) speak, read and write English or Filipino and the local dialect; and
- g) have undergone the required training for RMA members.

SECTION 3. *Powers and Functions of the RMA.* —

- a) Conduct the RMA in the polling place of the randomly selected clustered precincts.
- b) Act as deputies of the RMA Committee in the conduct, supervision and control of the RMA.
- c) During the conduct of the RMA, maintain peace and order within the randomly selected clustered polling precinct and its premises, keep access thereto open and unobstructed, and enforce obedience to its lawful orders. If any person refuses to obey the lawful orders of the RMA, or conducts himself/herself in a disorderly manner in its presence or within its proceedings, or interrupts or disturbs the same, RMA may issue an Order in writing directing any peace officer to take such person into custody until adjournment of the RMA.
- d) Perform such other functions prescribed by the RMA Committee, or under the Omnibus Election Code or by any other rules and regulations promulgated by the Commission on Elections.

SECTION 4. *Honoraria of the RMA Members.* — The honorarium for each RMA member shall be Two Thousand Pesos (Php2,000.00) which shall cover their remuneration for services rendered in performing the RMA, in addition to their meal allowance and their transportation allowance.

SECTION 5. *Selection Process of Areas to be Audited.* —

- a) Random selection of the clustered precincts to be audited will be done not later than four (4) days prior to the day of the Elections by the RMA Committee.

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- a.1. Four (4) days before the day of the Elections, the List of Municipalities involved in RMA shall be released; and
- a.2. The List of Specific Clustered Precincts that will undergo RMA shall be disclosed two (2) days prior to the day of the Elections.
- b) One (1) clustered precinct per legislative district will be drawn randomly using an automated random selection program, subject to Source Code Review by Political Parties and Accredited Citizen's Arm Groups.
 - b.1. Political Parties and Accredited Citizen's Arm Groups interested in conducting a Source Code Review shall signify their intent in writing and submit the methodologies, which they intend to use, as well as the names of their representatives who will review the Source Code, on or before the 30th of January of the year of the Elections for approval of the Commission on Elections.
 - b.2. Political Parties and Accredited Citizen's Arm Groups shall execute a Non-Disclosure Agreement before conducting a Source Code Review.
 - b.3. The Commission shall provide a secure and enclosed facility/ location for the conduct of the Source Code Review and shall properly record all entries to and exits from the said facility/ location.
 - b.4. The Commission shall provide only a read-only copy of the Source Code, which shall be viewed in a workstation inside the secured facility/ location.
 - b.5. Political Parties and Accredited Citizen's Arm Groups shall not take out any copy of the Source Code or any part thereof from the secured facility/ location.
 - b.6. The Commission shall not permit any electronic device, including but not limited to laptops, mobile phones, cameras, USB drives and other storage devices, inside the secured facility/ location.
 - b.7. Each Political Party or Accredited Citizen's Arm Group that conducted a Source Code Review shall submit a Report to the Commission within ten (10) days from completion of the review.

- b.8. Source Code Review must be initiated by the last week of March the year of the Elections but must be finished within thirty (30) days thereafter.
- c) The selection of the clustered precinct will be open to the Media, Political Parties and other election stakeholders to ensure speedy dissemination of information and for transparency.
- d) The RMA Committee shall inform all concerned Coordinators having jurisdiction over the clustered precincts randomly selected for the RMA.

SECTION 6. *Date, Time and Place of RMA.* —

- a) The RMA shall take place in the polling place of the randomly selected clustered precinct.
- b) The RMA shall be conducted immediately after the sealing of the ballot box by the BEI.
- c) The RMA shall be conducted in the presence of Poll Watchers, Political Parties, Citizen's Arm Groups, Media and the Public.
- d) Upon commencement of the RMA until the same is terminated, the regular BEI shall not be allowed inside the polling place of the randomly selected clustered precinct or to communicate with RMA in whatever manner.

SECTION 7. *Deployment of the RMA.* — a) In case the Commission decides to utilize Direct Recording Electronic (DRE) Voting Machines instead of the paper-based Optical Mark Reader (OMR) Counting Machines, receipts are taken to be the material equivalent of ballots for purposes of this Resolution.

- b) After the clustered precincts have been randomly selected and the sample municipalities identified, the Coordinator exercising jurisdiction therein shall distribute the Appointment Papers and the RMA Kits containing all RMA paraphernalia.

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- c) The Coordinator shall be responsible for the speedy distribution of the Appointment Papers and RMA Kits to the RMAT members within his/her jurisdiction, after he is informed of the randomly selected clustered precincts.
- d) The RMAT members shall proceed to the assigned polling place of the randomly selected clustered precinct on the day of the Elections as soon as they receive their Appointment Papers and RMA Kit. The RMAT upon arrival at the assigned polling place of the randomly selected clustered precinct shall proceed to the BEI and inform the same of the clustered precincts selection for the RMA. The RMAT shall witness the closing of the ballot box; provided that in the event that the counting machine fails to transmit the result, the RMAT will follow the BEI and the aforementioned ballot box until the BEI transmits the results.
- e) After the BEI has accomplished all of its duties and responsibilities, save for the delivery of the ballot boxes to the concerned City/Municipal Treasurers/Prosecutors, the BEI of the randomly selected clustered precinct who conducted the polls shall endorse the ballot box to the RMAT; provided that, in the event that the BEI already turned over the ballot box to the concerned City/Municipal Treasurers/Prosecutors, the latter shall endorse the ballot box to the RMAT upon presentation of their Appointment Papers.

SECTION 8. *Procedure for the Random Manual Audit.* —

At the start of the RMA, the Chairman shall:

- a) Announce the commencement of the RMA and determine the presence of a quorum. In case of an absence or illness of an RMAT member, the members present shall summon the substitute member. The RMAT shall proceed with the RMA while waiting for the substitute, provided a quorum is present. The presence of two (2) Manual Count Group members and one (1) Validation Group member shall suffice to constitute a quorum.
- b) Proceed with the RMA by presenting the ballot box to all those who are present.
- c) Verify the condition of the following items to check if the integrity is maintained:
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- c.1. Ballot box;
 - c.2. Fixed-length seals attached to the ballot box; and
 - c.3. Padlocks of the ballot box.
- d) Break the fixed-length seal, unlock the padlocks and open the ballot box.
 - e) Retrieve sealed envelope containing the Minutes of Testing and Sealing; of Voting and Counting from the ballot box.
 - f) Break the security seals and open the envelopes containing the Minutes of Testing and Sealing, the Minutes of Voting and Counting and the Election Returns.
 - g) Verify if serial numbers of the fixed-length seals attached to ballot box is the same as that indicated in the RMA Minutes. The results of such verification or any discrepancy whatsoever shall be recorded in the RMA Minutes.
 - h) Ensure that every event is recorded in the RMA Minutes.

Thereafter, the Secretary, with the aid of the Assistant Secretary, shall:

- i) Retrieve the valid ballots, or receipts as the case may be, from the ballot box; perform a physical count and compare if the number of valid ballots or receipts found inside the ballot box is equal to the number of valid ballots counted as indicated in the Election Returns.

The Third Member shall:

- j) Do a recount if the total number of valid ballots, or receipts as the case may be, contained inside the ballot box does not match with the number of valid ballots counted as indicated in the Election Returns as found by the Secretary, to confirm such finding. After the said recount and the total number of valid ballots, or receipts as the case may be, still does not match the number of valid ballots counted, the Third Member shall determine whether valid ballots were mixed with rejected ballots by referring to the Minutes of Testing and Sealing; of Voting and Counting of the BEI and record the incident in the RMA Minutes.

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SECTION 9. *Guidelines on Reading of Votes.* —

The Chairman, prior to reading the votes cast, shall:

- a) Check for over-voting in each position subject to RMA. An over-vote is a situation where a voter selects more than the allowed number of seats for a particular position.
- b) In case there is an over-vote, such fact shall be recorded in the Audit Returns by the Secretary but the vote shall not be counted for any candidate for that particular position. An over-vote only refers to the position voted for; hence, regardless of the number of over-votes for a particular position, the over-vote shall be counted as one incident. However, the fact of over-voting in any particular position will not invalidate the entire ballot or receipt. It shall remain valid and votes for other positions (that are not over-voted) shall be counted.
- c) In case the Elections utilize an OMR Counting Machine, if an oval of a ballot is not shaded properly or contains other questionable marks (such as checks or crosses), the vote corresponding to the said candidate shall be counted but such fact shall be recorded in the RMA Minutes. The subject ballot shall then be placed in an RMA envelope for Ballots with Questionable Marks.
- d) In case the Elections utilize a DRE Voting Machine, the Chairman shall read the votes on the receipt as they are and make no appreciation thereof.
- e) The rules on appreciation of ballots in manual system of counting shall not apply for purposes of the RMA.

The Co-Chairman shall validate the findings of the Chairman. In case of dispute with the Chairman, the findings of the Co-Chairman will prevail. The Co-Chairman shall make note of the ballot or receipt, as the case may be.

SECTION 10. *Manner of Counting of Votes.* — a) The RMA shall proceed with the counting of votes for the following positions:

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- a.1. For Presidential Elections: President, Vice-President, Member House of Representatives, Governor and Mayor; and
- a.2. For Midterm Elections: Senators, Member House of Representatives and Mayor.
- b) The Chairman and Co-Chairman shall form separate piles of one hundred (100) ballots, or receipts as the case may be.
- c) The Chairman shall take the ballots or receipts of the first pile one by one and read first the number assigned to the candidate followed by the candidate's name.
- d) For every ballot or receipt, the Chairman shall announce the votes cast. The Co-Chairman shall closely observe the reading of the ballots or receipts and validate the votes cast. In case of dispute, the finding of the Co-Chairman shall prevail. The Co-Chairman marks the ballot, or receipt as the case maybe, then places the same in an envelope for Ballot in Dispute and directs the Secretary to record the incident in the RMA Minutes.
- e) The Secretary and the Assistant Secretary shall equally divide the six (6) copies of the Audit Returns and respectively record thereon each vote read by the Chairman, while the Third Member does the same on the Tally Board. Each vote shall be recorded by a vertical line, except every fifth vote which shall be recorded by a diagonal line crossing the previous four (4) vertical lines (*Taras*).
- f) After each pile has been read, the votes obtained by each candidate shall be added and the sum recorded on the space immediately after the last vote recorded.
- g) The same procedure shall be followed with the succeeding piles.
- h) After all the ballots or receipts have been read, the Secretary, the Assistant Secretary and Third Member shall compute and record, in words and figures, the total number of votes obtained by each candidate in the Audit Returns and the Tally Board. The Secretary, the Assistant Secretary and Third Member shall then compare if their tallies are the same; otherwise, they shall repeat the counting procedure until their tallies are the same.

- i) The Chairman shall enter the AES results for President, Vice-President, Senators, Member House of Representatives, Governor and Mayor as the case may be, in the Audit Returns and compare the same with the RMA results to determine if a discrepancy exists.
- j) In case the number of votes counted by the RMA does not match the number of votes found in the Election Returns, the Chairman shall record such discrepancy in the RMA Minutes while the Third Member shall refer to the Minutes of Testing and Sealing and the Minutes of Voting and Counting for any possible reason for such discrepancy, (i.e. rejected or spoiled ballots). The Co-Chairman and Assistant Secretary shall review the Manual Count in order to exclude the possibility of human error.
- k) If a discrepancy still exists, the RMA shall note this down and the probable reasons therefor in the RMA Minutes.

During the counting, the RMA shall position themselves in such a way as to give the Poll Watchers and the Public an unimpeded view of the ballot or receipt, as the case may be, being read by the Chairman, as well as of the Audit Returns and Tally Board being simultaneously accomplished by the Secretary, Assistant Secretary and Third Member, respectively. The table to be used by the RMA shall be cleared of all unnecessary things.

Lawyers, Poll Watchers or Representatives of Political Parties and/or Candidates and the Public shall not touch any RMA documents/paraphernalia. Any violation hereof shall constitute an election offense and shall be penalized in accordance with **Batas Pambansa Blg. 881**. **Lawyers, Poll Watchers or Representatives of Political Parties and/or Candidates shall have no involvement in the proceedings of the RMA except as observers.**

Upon conclusion of the RMA, all RMA members shall affix their signatures on the RMA Minutes, Tally Board and Audit Returns attesting to the contents thereof. Poll Watchers shall witness the recording of entries and affixing of signatures of the RMA members. The Chairman shall immediately notify the concerned Coordinator of the results of the RMA, who in turn, shall report the same to the RMA Committee.

The RMA shall be provided with security personnel until the RMA is finished and shall ensure the safety and security of the RMA and its proceedings.

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SECTION 11. *Minutes and Audit Returns of RMA.* —

Minutes of the RMA:

- a) The Chairman shall accomplish three (3) copies of the Minutes of the RMA, accurately entering therein all data required as they become available and all acts or events as they occur.
- b) Copies of the Minutes shall be signed by all RMA members and sealed in separate clearly labeled envelopes for distribution, as follows:
 - b.1. The original copy shall be deposited inside the ballot box.
 - b.2. One (1) intended for the Commission on Elections shall be delivered to the Coordinator who shall forward the same to the Records and Statistics Division (RSD) of the Election Records and Statistics Department (ERSD), COMELEC, Intramuros, Manila.
 - b.3. One (1) intended for the RMA Committee shall be delivered to the Coordinator who shall forward the same to the Records and Statistics Division (RSD) of the Election Records and Statistics Department (ERSD), COMELEC, Intramuros, Manila. ERSD shall then forward the same to the command center of RMA Committee.

Audit Returns:

- a) The Secretary and Assistant Secretary shall accomplish three (3) copies each, or a total of six (6) copies, of the Audit Returns by accurately entering therein the votes obtained by each candidate.
- b) Copies of the Audit Returns shall be signed by all RMA members and sealed in separate clearly labeled envelopes for distribution, as follows:
 - b.1. The original copy shall be deposited inside the ballot box.
 - b.2. One (1) intended for the Commission shall be delivered to the Coordinator who shall forward the same to the Records and

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Statistics Division (RSD) of the Election Records and Statistics Department (ERSD), COMELEC, Intramuros, Manila.

- b.3. One (1) intended for the RMA Committee shall be delivered to the Coordinator who shall forward the same to the Records and Statistics Division (RSD) of the Election Records and Statistics Department (ERSD), COMELEC, Intramuros, Manila. ERSD shall then forward the same to the command center of RMA Committee.
- b.4. One (1) copy for the Dominant Majority Political Party.
- b.5. One (1) copy for the Dominant Minority Political Party.
- b.6. One (1) copy for the Accredited Citizen's Arm Group authorized by the Commission on Elections to receive one of the first eight copies of the Election Returns and to conduct an unofficial parallel count.

SECTION 12. *Closing Procedure.* — The following procedure shall be observed:

- a) The RMA shall return the ballots, or receipts as the case may be, in the ballot box.
- b) All BEI reports, documents, forms, and the Minutes of Testing and Sealing and the Minutes of Voting and Counting previously opened shall be resealed using the seals provided in the RMA Kit.
- c) One (1) copy of the Audit Returns used during the conduct of the RMA shall be sealed in a clearly labeled envelope and placed inside the ballot box. The tally board shall also be placed in the ballot box. d) Chairman shall lock the ballot box with a fixed-length seal and two (2) padlocks. The serial number of the fixed-length seal shall be recorded in the RMA Minutes before closing the ballot box,
- e) Chairman shall turn over the ballot box to the City/Municipal Treasurer for safekeeping. Retrieval of the box shall be under the custody and responsibility of the City/Municipal Treasurer and shall form part of the retrieval operations of the Treasurer's Office. However, in case the discrepancy

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exceeds the allowable margin of ten (10) votes per candidate per position, the ballot box in question shall be turned over by RMA to the Office of the Coordinator. The Chairman of the RMA shall inform all the watchers present that the ballot box will be submitted to the Coordinator for delivery to the RMA Committee. The Coordinator shall authorize a representative to personally deliver the said ballot box to the RMA Committee for verification within twenty-four (24) hours from receipt thereof.

SECTION 13. *Discrepancy Between AES and RMA.* —

In the event of discrepancy between the AES and RMA results still exceeds the allowable margin of ten (10) votes per candidate per position, the RMA Committee shall:

- a. Notify Candidates, Political Parties and their Watchers, who may observe the proceedings, through the Regional Election Director (for NCR) or the concerned Provincial Election Supervisor of the date, time and place of opening of ballot boxes;
- b. Constitute personnel to analyze the findings of RMA four (4) days prior to the day of the Elections;
- c. Open the boxes in observance of Section 8 hereof;
- d. Perform manual counting of ballots or receipts for the positions with discrepancy in the RMA and the AES count in observance of Sections 9 and 10 hereof;
- e. Record manual counting activity in the RMA Minutes;
- f. Return the box to the concerned City/Municipal Treasurer in case the finding is that the discrepancy does not actually exist or a mere mathematical error;
- g. Turn over the ballot box to the Technical Evaluation Committee (TEC) for technical determination of the root cause in case the finding is that the discrepancy is valid; and

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- h. In all above procedure needing signature of the RMA Committee, the signatories shall be the Chairperson and one (1) of the two (2) other members of the RMA Committee.

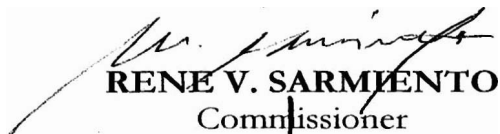
SECTION 14. *Effect of Discrepancy Between AES and RMA.* — In no way shall the results of the RMA delay the proclamation of the winning candidates based on the results reached by the AES.

SECTION 15. *Effectivity and Dissemination.* — This Resolution shall take effect on the seventh (7th) day after its publication in two (2) daily newspapers of general circulation in the Philippines.

The Education and Information Department shall cause the publication of this Resolution and shall furnish copies thereof to all Regional Election Directors, Provincial Election Supervisors and Election Officers, as well as to Commission on Election Accredited Citizen's Arm Group authorized to receive one of the first eight copies of the Election Returns and to conduct an unofficial parallel count.

SO ORDERED.


SIXTO S. BRILLANTES, JR.
 Chairman


RENE V. SARMIENTO
 Commissioner


LUCENITON. TAGLE
 Commissioner


ARMANDO C. VELASCO
 Commissioner


ELIAS R. YUSOPH
 Commissioner


CHRISTIAN ROBERT S. LIM
 Commissioner


MARIA GRACIA CIELO M. PADACA
 Commissioner

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