



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
Intramuros, Manila

GENERAL INSTRUCTIONS
FOR THE ELECTORAL
BOARDS(EBs) ON THE
PROCESS OF VOTING,
COUNTING AND
TRANSMISSION OF
ELECTION RESULTS IN
CONNECTION WITH THE
13 MAY 2019 NATIONAL
AND LOCAL ELECTIONS.

ABAS, Sheriff M.
PARREÑO, Al A.
GUIA, Luie Tito F.
GUANZON, Ma. Rowena
Amelia V.
INTING, Socorro B.
CASQUEJO, Marlon S.
KHO, Antonio T. Jr.

Chairman
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

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Promulgated : December 6, 2018

RESOLUTION NO. **10460**

WHEREAS, the Commission on Elections adopts a paper-based automated election system using the Vote Counting Machines for the 13 May 2019 National and Local Elections;

WHEREAS, there is a need to provide rules and general instructions to the Electoral Boards on the use of Vote Counting Machines, and on the process of testing and sealing, and voting, counting and transmission of election results.

NOW THEREFORE, pursuant to its authority under the Constitution, the Omnibus Election Code, Republic Act No. 9369, and other election laws, the Commission on Elections **RESOLVED**, as it hereby **RESOLVES**, to promulgate the following General Instructions on the constitution, composition and appointment of the Electoral Board; use of the Vote Counting Machines; the process of testing and sealing of the Vote Counting Machines; and the voting, counting and transmission of election results.

ARTICLE I DEFINITION OF TERMS

SECTION 1. Definition of Terms. -As used in this General Instructions the following terms shall mean:

- a) **Accessible Polling Place (APP)** refers to the venue where the Electoral Board (EB) conducts election-related proceedings and where voters cast their votes. The APP shall be located at the ground floor, preferably near the entrance of the building, and is free of any physical barriers, and provided with necessary services including assistive devices.
- b) **Beneficiaries** shall refer to the qualified compulsory heirs of the deceased person rendering election service. Qualified compulsory heirs shall refer to persons defined under the Civil Code of the Philippines and other pertinent laws.
- c) **Clustered Precinct** - refers to the group of established precincts located within the same barangay and voting center.
- d) **Commission** shall refer to the Commission on Elections.
- e) **Compensation** shall refer to per diem, honoraria, or allowances granted to the Members of the Electoral Board (EB), Department of Education Supervisor Official (DESO), and their respective support staff.
- f) **DepEd** shall refer to the Department of Education.
- g) **DESO** shall refer to the Department of Education Supervisor Official designated to manage a voting center.
- h) **DESO Technical Support Staff** shall refer to persons appointed to provide VCM technical support.
- i) **Election Day Computerized Voters' List (EDCVL)** refers to the computerized list of registered voters with voting records in the Polling Place.
- j) **Electoral Boards (EB)** shall refer to the Board of Election Inspectors (BEI) and Special Board of Election Inspectors (SBEI).
- k) **Emergency Accessible Polling Place (EAPPs)** shall refer to rooms or makeshift tents located at the ground floor of multi-

level voting centers, intended to make the voting process easier to the Persons with Disability (PWD), Senior Citizens (SCs) and Heavily Pregnant Women.

- l) **Election-related risk** shall refer to any death or injury sustained by reason of or on the occasion of the performance of election service or duties.
- m) **National Government Agencies** shall refer to government agencies, other than the DepEd, which have endorsed to the Commission, the list of their respective personnel who are qualified, willing and available to render election-related service.
- n) **National Government Employee** shall refer to any person in the service of the entire machinery of the central government, its agencies, divisions, subdivisions or instrumentalities as distinguished from the different forms of local governments, through which the functions of the government are exercised throughout the Philippines.
- o) **Persons rendering election service** shall refer to persons appointed by the Commission to render election-related service as Chairperson or Members of the Electoral Boards, DESO; and their respective support staff.
- p) **Polling Place** refers to the place where the Electoral Board conducts its proceeding and where the voters cast their votes.
- q) **Posted Computerized Voters' List (PCVL)** refers to the computerized list of voters posted outside each polling place.
- r) **Public School Teacher** shall refer to all persons engaged in classroom teaching, in any level of instruction, on full-time basis, including guidance counselors, school librarians, industrial arts or vocational instructors, and all other persons performing supervisory and/ or administrative functions in all schools, colleges and universities operated by the government or its political subdivisions; but shall not include school nurses, school physicians, school dentists, and other school employees.
- s) **Registered Voter** shall refer to a voter whose name is included in the Election Day Computerized Voters' List (EDCVL) and Posted Computerized Voters' List (PCVL). **h**

- t) **Support Staff** shall refer to persons appointed to assist the Members of the Electoral Boards and the DESO in the performance of their duties.
- u) **Other Benefits** shall refer to death and/ or hospitalization benefits granted to persons rendering election service or to their beneficiaries under Republic Act No. 10756, including the provision of legal assistance and legal indemnification.
- v) **VCM** refers to Vote Counting Machine.
- w) **Voting Center** refers to the building or place where the polling place is located.
- x) **VVPAT** refers to Voter Verifiable Paper Audit Trail.

ARTICLE II

CONSTITUTION, COMPOSITION AND APPOINTMENT OF ELECTORAL BOARDS, DESO AND SUPPORT STAFF

SEC. 2. Scope. – These rules shall apply to the constitution, composition and appointment of the EBs, DESO and Support Staff.

Local absentee voting and overseas voting shall be governed by separate Resolutions.

SEC. 3. Electoral Board. - There shall be an EB for every clustered precinct.

SEC. 4. Authority to Constitute and Appoint the Members of the Electoral Board. -The Commission, thru the Election Officers (EOs) shall constitute and appoint, **not later than 31 January 2019**, the EB for every clustered precinct in the district, city or municipality using the prescribed form (CEF No. A5 and A5-A - copies of Appointment and Oath).

Copies of CEF No. A5 and A5-A shall be distributed, as follows:

- a) The first and second copies shall be retained by the EO. One copy shall be for file and the other shall be attached to the payroll for payment of honorarium of the EB; and

- b) The third copy shall be issued to the chairperson and members of the EB concerned.

SEC. 5. Composition of the Electoral Board. - The EB shall be composed of a chairperson, poll clerk and third member.

In all cases, the EO shall ensure that at least one (1) member of the EB shall be an information technology-capable person trained for the purpose, and as certified by the Department of Science and Technology (DOST).

As far as practicable, women EB members may not be assigned in areas with security concerns, in far flung barangays, or areas likely to cause gender-based violence, or are likely to result in physical, sexual, or psychological harm, difficulty or suffering.

SEC. 6. Right of Preference. - In the appointment of the Members of the EB, the EO shall give preference to public school teachers who are qualified, willing and available to render election service.

For this purpose, the highest DepEd official in the district, city or municipality shall submit to the EO, within five (5) days upon request, based on the Project of Precincts (POP), a certified list of public school teachers and substitutes who are qualified, willing and available to render election-related service giving preference to those with permanent appointments and those who served in previous elections in the prescribed form (see Annexes A, A-1 and A-2). The request shall be accompanied by a copy of the POP.

The number of substitutes shall be 10% of the total number of members of the EB to be appointed (i.e. 20 clustered precincts x 3 = 60 x 10% = 6, hence, 6 substitutes).

In the preparation of such list, the DepEd official shall exercise due diligence to ensure that the persons appearing in said list are indeed public school teachers, who are qualified, willing and available to serve as Members of the EB. Further, the list is *for recommendatory purposes only*.

Within three (3) days from receipt of the list, the EO shall immediately conduct verification on the qualifications of the persons appearing in said list based on the parameters set in the succeeding section.

Public School Teachers not included in the list, who are qualified, willing and available, may apply directly to the EO.

SEC. 7. Qualifications of Members of the Electoral Board. - No person shall be appointed as a Member of the EB, whether regular, temporary or as a substitute, unless such person is:

- a) A registered voter of the city/municipality;
- b) Of good moral character and irreproachable reputation;
- c) Of known integrity and competence;
- d) Has never been convicted of any election offense or of any crime punishable by more than six (6) months of imprisonment, or has no pending information for any election offense; and
- e) Able to speak and write Filipino, English or the local dialect.

SEC. 8. Disqualification of Members of the Electoral Board. - No person shall be appointed as member of the EB if said person is related within the fourth (4th) civil degree of consanguinity or affinity to any member of the same EB or to any candidate to be voted for in the polling place of assignment or to the said candidate's spouse.

SEC. 9. Notice of Disqualification. - The chairperson or any member of the EBs who is disqualified to serve for any reason shall immediately notify in writing the EO concerned.

SEC. 10. Posting of the List of the Constituted Members of the Electoral Boards. - A day after the constitution of the EB, the list of the constituted members of the board thereof shall be posted for five (5) days on the bulletin boards in the Office of the EO (OEO) and in the city or municipal hall.

SEC. 11. Opposition to the Designated Members of the Electoral Boards. - Within three (3) days from the posting of the list of appointed members of the EB or the posting of the final list of candidates, any interested party may file a written opposition under oath against any appointed members of the EB at the OEO.

In case an opposition is filed, the EO shall observe the following procedures:

- a) Receive the written opposition. No opposition shall be acted upon by the EO, unless there is proof that a copy of the opposition has been furnished to the contested member;
- b) Issue a notice to the opposed member to answer the opposition filed within two (2) days from receipt of such notice. No answer shall be considered by the EO unless there is proof that a copy of said answer has been sent to the opposing party;

- c) With or without an answer, issue a notice stating the date, time and place of the evaluation of the opposition. The notice shall be personally delivered to the known address of the Parties;
- d) Within a period of seven (7) days from receipt of the opposition, the EO shall resolve the opposition in writing stating the reason/s for the decision, which shall be final and non-appealable;
- e) Copies of the decision shall be furnished to the parties and the concerned DepEd official; and
- f) Non-appearance of the parties shall not be a ground for the dismissal of the opposition or disqualification of the opposed member nor effectively bars the EO from conducting further investigation on the qualifications of the contested member, if the EO sees the need to do so.

SEC. 12. Appointment of Public School Teachers as Substitutes. - In case of disqualification of a member of the EB, the EO shall appoint a substitute who is qualified, willing and available.

In the appointment of substitutes, the EO shall observe the procedures in Sections 10 and 11 of this Resolution.

If the designation of public school teachers as substitutes is no longer feasible, qualified substitutes as enumerated in the succeeding rule may be appointed.

SEC. 13. Grounds for the Appointment of Qualified Substitutes. - In case there are not enough public school teachers, who are qualified, willing and available, qualified substitutes may be appointed by the Commission, through the EO, in either of the following cases:

- a) There is a lack of public school teachers to be constituted as members of the EB based on the certified list submitted by the DepEd official to the EO *vis-à-vis* the number of clustered precincts in the district, city or municipality; or
- b) One or more of the public school teachers in the certified list has or have been disqualified by the EO and there are no other public school teachers in the locality who are qualified, willing and available to be appointed as substitute/s.

Substitutes shall be on-call on election day. The EO shall cause the deployment of substitute in case any member of the EB fails to report in their designated polling place, except in the following instances where

there is a need to fill a temporary vacancy, the members of the EB who are present may appoint a qualified nonpartisan registered voter, who shall serve until the regular or substitute member appears:

- a) There is considerable distance between the residence of the substitute and the location of the polling place;
- b) Lack or difficulty of means of transportation; and
- c) Inability of the EB to inform the EO of the non - appearance of any of the member.

SEC. 14. Order of Preference. - In case any of the circumstance mentioned in the preceding section exists, the EO may appoint the following persons based on their order of preference, who shall likewise be qualified, willing and available to render election related service, to wit:

- a) Private school teachers, giving preference to:
 - a.1. Those employed in private schools being utilized by the Commission as voting centers. If the voting center is a public building, private school teachers whose place of employment is within the vicinity may be appointed as member of the EB in that particular area.
 - a.2. Those teaching in high school or college level, holding regular positions or those who have previously served as member of the EB.

For this purpose, the highest private school official shall submit to the EO, within five (5) days upon request, a certified list of private school teachers who are qualified, willing and available to render election-related service (see Annex B).

- b) National government employees;
 - b.1. DepEd non-teaching personnel;
 - b.2. Other national government officials and employees holding regular or permanent positions, excluding uniformed personnel of the Department of National Defense (DND) and all its attached agencies and the Philippine National Police (PNP) except in cases provided in Sec. 31 of this Resolution;

c) Members of the Commission-accredited citizens' arms or other civil society organizations (CSOs) and non-government organizations (NGOs) duly accredited by the Commission; and

d) Any registered voter of the city or municipality of known integrity and competence who is not connected with any candidate or political party;

d.1. Connection with any candidate shall mean:

d.1.1. relationship within the fourth (4th) civil degree of consanguinity and affinity, including the spouse of the candidate;

d.1.2. supporter

d.1.3. contributor, donor;

d.1.4. analogous cases.

d.2. Connection with any political party shall mean:

d.2.1. members or officials of the political party and their spouses and members of the family within the fourth (4th) civil degree of consanguinity and affinity;

d.2.2. contributor, donor;

d.2.3. supporter;

d.2.4. analogous cases.

For this purpose, the following shall endorse to the EO, within five (5) days upon request, based on the POP, a certified list of their respective personnel, who are qualified, willing and available to render election-related service, to wit:

1. The highest official of the private school in the district, city or municipality, in case of letter (a) above. In case there are two or more private schools in the district, city or municipality, the EO shall send a request simultaneously (see Annex C);
2. The DepEd official mentioned in the 2nd paragraph of Section 6, hereof, in case of letter (b) (1) above (see Annex D);
3. The highest official of other national government agencies in the district, city or municipality in case of letter b (2) above, if any;
4. The highest officer or authorized representative of the local chapter of Commission-accredited citizens' arms or other CSOs and NGOs duly accredited by the Commission in the district, city or municipality, in case of letter c above. In case there are

two or more organizations in the district, city or municipality, the EO shall send the request simultaneously (see Annex E);

In cases of numbers 1 and 4, the EO shall observe the policy on first-come first-served basis.

The endorsement of the heads of the agencies shall serve as an authority for their respective employees who shall render election-related service to be on official business for purposes of attending trainings or seminars relative to their appointments as members of the EB.

In the preparation of the list, the aforementioned officials shall exercise due diligence to ensure that the persons appearing therein are indeed qualified, willing and available to render election-related service.

Private school teachers, national government employees, DepEd non-teaching personnel, other national government officials and employees holding regular or permanent positions, excluding uniformed personnel of the Department of National Defense and all its attached agencies and members of the Commission-accredited citizen arms or other civil society organizations and non-governmental organizations duly accredited by the Commission, not included in the Lists, who are qualified, willing and available, may apply directly to the EO.

With regard to letter "d" of this Section, the Commission shall provide, free of charge, an application form, which shall be made available at the OEOs for any registered voter who intends to be appointed as a member of the EB. The Information Technology Department (ITD) of the Commission shall ensure that the said form may be downloaded from its official website for easy access thereto.

SEC. 15. Posting of Notice of Date, Time and Place of Filing of Application of Qualified Substitutes. - The Commission shall set the period within which applications for qualified substitutes falling in Section 14 (d) (Order of Preference) may be filed. At least three (3) days before the start of the period for the filing of applications, the notice of the date, time and place of filing shall be posted on the bulletin boards in the OEO, in the city or municipal hall.

SEC. 16. Posting of the List of Applicants and Filing of Opposition.
- Upon receipt of the certified lists mentioned in Section 14 above and after the last day of the period for filing of applications, the EO shall observe the procedure mentioned in Sections 10 and 11 of this Resolution.

SEC. 17. Authority to Administer Oath. -The EO shall have the power to administer oath in all cases where said oath is required, *free of charge*.

SEC. 18. Oath of the Chairperson and Members of the Electoral Board. - Before assuming office, the chairperson or member of the EB shall take and sign an oath using CEF No. A5 and A5-A before an officer authorized to administer oath or, in the absence of said officer, before any other member of the EB present, or in case no one is present, before any voter.

SEC. 19. Powers and Functions of the Electoral Board. – In addition to the powers and functions prescribed by law or by the rules and regulations issued by the Commission, the EBs shall:

- a. Conduct the final testing and sealing of the VCM;
- b. Verify the identity of a voter using the EDCVL;
- c. Conduct the voting in the polling place and administer the electronic counting of votes;
- d. Print the election returns and transmit electronically the election results, through the use of the VCM;
- e. Act as deputies of the Commission in the supervision and control of the conduct of elections in the polling place;
- f. Maintain order within the polling place and its premises to keep access thereto open and unobstructed, prohibit the use of cellular phones and camera by the voters, and to enforce obedience to its lawful orders.

If any person refuses to obey the lawful orders of the EB or conducts in a disorderly manner in its presence or within its hearing and thereby interrupts or disturbs its proceedings, the EB 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 EB in writing. A copy of such written order shall be attached to the Minutes;

- g. Furnish watchers copies of the Certificate of Votes (CEF No. 13) upon request; and
- h. Perform such other functions prescribed by law or by the rules and regulations promulgated by the Commission.

SEC. 20. Voting Privilege of the Electoral Board. - EB members may vote in the polling places where they are assigned on election day as long as:

- a. They are registered voters of the city within the same legislative district, or municipality where they are assigned;
- b. Their voting in the polling place where they are not registered should be noted in the Minutes of Voting and Counting of Votes; and
- c. They shall add in the EDCVL their names and precinct numbers and the place where they are actually registered.

Any EB member, who is not registered in the city or municipality where they are assigned, or registered in the city of another legislative district, may vote in the polling place where they are registered, provided that:

- a. The voting in their place of assignment is light;
- b. Their absence shall not be for more than thirty (30) minutes;
- c. The EB members shall schedule the voting so that only one (1) member shall leave at any given time;
- d. They must be given priority in voting; and
- e. The fact that they exercised their voting privilege shall be noted in the Minutes.

In the alternative, the EB may avail of local absentee voting pursuant to Comelec Resolution No. 10443 dated 8 November 2018 entitled "*Rules and Regulations on Local Absentee Voting in Connection with The May 13, 2019 National and Local Elections*".

SEC. 21. Meetings of the Electoral Board. - The meetings of the EB shall be public and held only in the polling place authorized by the Commission.

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

SEC. 22. Prohibition of Political Activity. – No member of the EB shall engage in any partisan political activity or take part in the election except to discharge his duties as such and to vote.

SEC. 23. Temporary Vacancies in the Electoral Board. – If, at the time of the meeting of the EB, any member is absent, or a position in the EB is still vacant, the members present shall call upon the substitute of the absent members to perform the duties of the latter, and in case such substitute cannot be found, the members present shall appoint any qualified nonpartisan registered voter of the polling place to temporarily fill said vacancy until the absent member appears or the vacancy is filled. In case there are two or more members present, they shall act jointly.

SEC. 24. Arrest of Absent Members. – The member or members of the EB present may order the arrest of any member or substitute thereof, who in the member's or members' judgment, is absent with intention of obstructing the performance of duties of the EB.

SEC. 25. Relief and Substitution of the Members of the Electoral Board. - The members of the EB shall not be relieved unless disqualified as provided in this Resolution.

SEC. 26. Support Staff of the Electoral Board. - The EO shall, during the period for the constitution and appointment of the EB, appoint support staff to assist the EB in the performance of its duties.

The support staff need not be a registered voter of the city or municipality but must possess all the other qualifications and none of the disqualifications for appointment to the EB.

The numbers of support staff that may be appointed per EB are as follows:

Number of Established Precincts In the Clustered Precincts	Number of Allowable Support Staff
1 to 3	0
4	1
5 or more	2

The support staff cannot participate in the deliberation of the board or vote on any issue or question that may arise during the proceedings.

In case of absence of any of the support staff on the day of the election, the EB, by majority vote, may designate a substitute who need not be a registered voter of the city or municipality but possesses all the other qualifications and none of the disqualifications for appointment as support staff.

SEC. 27. Department of Education Supervisor Official and Support Staff; Composition and Functions. – The EO shall, within the period for the constitution and appointment of the EB, constitute at least one (1) DESO, two (2) DESO Support Staff, one of which will act as Technical Support Staff, for every voting center.

The EO may constitute an additional DESO and support staff/technical support staff in accordance with the following table:

(a) For DESO and Support Staff:

Number of Clustered Precincts	Number of Additional DESO	Number of Additional (DESO) Support Staff
11-20	1	1
21-30	2	2
31-40 and so forth using the same ratio	3	3

(b) For DESO Technical Support Staff

Number of Clustered Precincts	Number of Additional DESO Technical Support Staff
6-10	1
11-15	2
16-20 and so forth using the same ratio	3

The DESO, in coordination with the EO, shall:

- a. Plan, organize and supervise the setting up of a voters' assistance center at the polling/voting center to assist voters in

locating their polling places or precinct assignments, including EAPPs;

- b. Plan, organize and supervise the crowd management at the entrance areas of the polling places;
- c. Maintain a list of technical personnel as well as PNP and AFP personnel assigned in the voting centers for efficient coordination;
- d. Supervise and maintain the EAPP or makeshift EAPP, as the case may be, in the voting center; and
- e. Serve as the contact and point person of the EO in the polling/voting center.

SEC. 28. DESO EAPP Support Staff. - The EO shall appoint three (3) EAPP support staff for every voting center where an EAPP will be set-up. The EAPP support staff shall enjoy the same emoluments as other support staff members as provided in this Resolution.

SEC. 29. DESO Technical Support Staff; Qualifications and Functions. - The DESO Technical Support Staff need not be registered voters of the city or municipality or district where they are assigned but must possess all the other qualifications and none of the disqualifications provided under Section 26 of this Resolution. The duties and functions of the DESO technical support staff are as follows:

- a. Report to National Technical Support Center the following:
 1. Date and time of arrival at the polling center during Final Testing and Sealing and Election day;
 2. Date and time of successful installation of the VCM of the clustered precinct/s under his/her jurisdiction;
 3. Date and time of the start of voting of the clustered precinct/s under his jurisdiction;
 4. Date and time on the date and time of the start close of voting of the clustered precinct/s under his jurisdiction;
 5. The status of transmission of the clustered precinct/s under his jurisdiction;

6. Missing items in the VCM box of the clustered precincts under his jurisdiction, if any; and
 7. Defective SD card for replacement.
- b. Assist the EB in the installation and the operation of VCM, if so required.
 - c. Troubleshoot the VCM in case of system defect and provide solution thereat. In case the system defect cannot be resolved, call NTSC for solution.

SEC. 30. Reportorial Requirements. – The EO shall, within three (3) days from the constitution, appointment and designation of the (a) members of EB and their support staff (b) DESO and their support staff, and (c) EAPP DESO Support Staff, submit to the Office of the Provincial Election Supervisor (OPES), the following:

- a. List containing the names of the appointed members of the EB, their designations and an indication whether they are public school teachers or private school teachers or civil service employees or private citizens, arranged by precinct;
- b. List containing the names of the appointed support staff of the EB, an indication whether they are public school teachers or private school teachers or civil service employees or private citizens, arranged by precinct;
- c. List containing the names of the appointed DESO and their support staff, an indication whether they are public school teachers or private school teachers or civil service employees or private citizens, arranged by polling/voting center.

The Provincial Election Supervisor (PES) shall, within three (3) days from receipt of above enumerated documents, submit the same to the Office of the Regional Election Director (ORED), which shall then submit immediately the lists to the Finance Service Department (FSD).

SEC. 31. Deputation of Members of the Philippine National Police (PNP). -Uniformed personnel of the PNP may be deputized as a Member of the EB, if the following circumstances are present:

- a. The peace and order situation in the area requires as determined by the Commission; and

- b. There are no other qualified, willing and available persons to render election service in the affected area based on the certification issued by concerned officials mentioned in Section 14 (Order of Preference), hereof.

Where designated EBs fail to report on Election Day or retrieve the election documents from the City/Municipal Treasurers Office/Office of the EO due to peace and order situation. The EO may designate PNP personnel who have undergone training as standby EB. For this purpose, the PES shall determine the number of PNP personnel in every province subject to the approval of the RED.

SEC. 32. Entitlement of Honoraria, Allowances, Service Credits and Other Benefits. -Persons rendering election-related service shall be entitled to the following:

- a. **Honoraria.** - The Chairperson and Members of the EB, the DESO and their respective Support Staff shall be entitled to the corresponding honoraria:

Chairperson of the EB	P6,000.00
Member of the EB	P5,000.00
DESO	P4,000.00
Support Staff	P2,000.00

- b. **Travel Allowance.** - The Chairperson and Members of the EB, the DESO and their respective Support Staff shall be entitled to a travel allowance of One Thousand Pesos (P1,000.00) each.
- c. **Communication Allowance.** - The DESO Technical Support Staff shall be entitled to a communication allowance of One Thousand Pesos (P1,000.00) each.
- d. **Service Credit.** - A minimum of five (5) days service credit shall accrue to all government officials and employees serving as EB, DESO, and Support Staff.

SEC. 33. Period of Payment. - The honoraria and allowances mentioned in the immediately preceding section shall be paid within fifteen (15) days from the date of election.

SEC. 34. Delay in the Payment of Honoraria and Allowances; Effect. - Any person who makes or causes delay in the payment of honoraria and allowances due to persons who rendered election-related service beyond fifteen (15) days from the date of election shall be liable for an election offense.

SEC. 35. Other Benefits. - Persons rendering election service shall be entitled to the following:

- a. Death Benefits -The amount of Five Hundred Thousand Pesos (P500,000.00) shall be awarded to the beneficiaries of persons who died due to election-related risk.
- b. Medical Assistance - An amount not exceeding Two Hundred Thousand Pesos (P200,000.00) shall be awarded to the person who rendered election-related service and suffered election-related injury or illness.

SEC. 36. Legal Indemnification Package. - An equitable legal indemnification package for persons who rendered election-related service and have been had a party in any administrative, civil, or criminal action, suit or proceeding, by reason of or on the occasion of performance of their functions or duties as such is hereby established in the form of:

- a. Legal assistance;
- b. Lawyer's fees;
- c. Indemnification for legal costs and expenses reasonably incurred; and
- d. Other forms of legal protection.

The legal indemnification shall not cover any action or suit initiated by the claimant in the latter's personal capacity or on behalf of the Commission, unless such action, proceeding or claim was authorized by the Commission.

SEC. 37. Funds for Legal Indemnification Package. - The amount of Fifty Thousand Pesos (P50,000.00) as legal indemnification package shall be made available to each claimant.

SEC. 38. Committee on Claims and Assessment. - Claims for other benefits and legal indemnification package shall be filed with the Committee on Claims and Assessment (CCA) through the EO. The CCA shall be composed mainly of the Office of the Deputy Executive Director for Operations, Law Department, Personnel Department and FSD.

SEC. 39. Legal Assistance. - A person who rendered election-related service is hereby authorized to engage the services of a government or private lawyer immediately upon receipt of a notice that a civil or criminal action, suit or administrative proceeding relating to any election service has been filed against said person.

SEC. 40. Lawyer's Fees. - In the engagement of the services of a government lawyer, no claims for lawyer's fees shall be awarded.

Should the claimant prefer to engage the services of a private lawyer, the Commission, upon the recommendation of the CCA or the concerned national government agency shall bear the reasonable lawyer's fees of the counsel of choice, which, in no case, shall exceed the maximum limit of the legal indemnification package herein provided, otherwise, the former shall bear the excess.

In the event that private lawyers accept the case "pro bono", no claims for lawyer's fees shall be awarded.

SEC. 41. Legal Costs and Other Reasonable Expenses. - Legal costs shall constitute the expenses directly incurred by reason of the case, such as but not limited to:

- a. Filing fees, if applicable;
- b. Mailing;
- c. Notarial fees; and
- d. Gathering of and photocopy of evidence.

A reasonable amount from the legal indemnification package shall be allocated by the Commission for the payment of the actual expenses incurred for legal costs and other reasonable expenses.

SEC. 42. Other Forms of Legal Protection. - The claimant may avail of any legal protection and remedies available under existing laws by filing a request for legal protection with the CCA.

If, upon evaluation, the CCA finds the request to be meritorious due to existing or imminent threat, violence, harassment or intimidation against the claimant or any immediate member of claimant's family, it shall recommend to the Commission *En Banc*, the deputation of law enforcement agencies to provide security to the claimant and/or claimant's immediate family member within a specified period of time or until such time that the condition for the protection no longer exists.

SEC. 43. Entitlement to Legal Indemnification Package. -The Claimant shall be allowed reimbursement for reasonable legal expenses incurred if found not guilty of an election offense or exonerated from civil, criminal or administrative case filed against him, in relation to election-related service, subject to usual accounting and auditing rules and regulations of the COA.

ARTICLE III WATCHERS

SEC. 44. Official Watchers of Candidates, Political Parties and Other Groups. - Each candidate, duly registered political party or coalition of political parties, associations or organizations participating in the Party-List System, and duly accredited citizens' arms, may appoint in every polling place two watchers who shall serve alternately. However, candidates for Senator, Member of the *Sangguniang Panlalawigan*, *Sangguniang Panlungsod*, and *Sangguniang Bayan* or Autonomous Region in Muslim Mindanao (ARMM) Regional Legislative Assembly, belonging to the same party or coalition, shall collectively be entitled to one watcher.

Other civil, professional, business, service, youth, and any other similar organizations shall, if previously authorized by the Commission, be entitled collectively to appoint one watcher in every polling place.

If the space in a polling place reserved for watchers is insufficient, preference shall be given to the watchers of the dominant majority and dominant minority parties, as determined by the Commission. Watchers of the Citizens' arm shall be given preferential position closest to the EB.

SEC. 45. Qualifications of Watchers. - No person shall be appointed as a watcher unless said person:

- a. Is a registered voter of the city or municipality where such person is assigned;
- b. Is of good moral character;
- c. Has not been convicted by final judgment of any election offense or of any other crime;
- d. Knows how to read and write Filipino, English or the prevailing local dialect; and
- e. Is not related within the fourth civil degree of consanguinity or affinity to the chairperson, or any other member of the EB in the polling place where such person seeks appointment as a watcher.

SEC. 46. Rights and Duties of Watchers. - Upon entering the polling place, the watchers shall present to the chairperson of the EB their appointments as watchers, and their names shall be recorded in the Minutes with a notation under their signatures that they are not disqualified to serve as such under the immediately preceding Section.

The appointments of the watchers shall bear the signature of the candidate or duly authorized representative of the party, organization or coalition of parties, associations or organizations participating in the Party-List System that appointed them. At least fifteen (15) days before Election Day, independent candidates, and duly registered parties, organizations or coalitions, coalition of parties, associations or organizations participating in the Party-List System shall provide the EO concerned with the names and signatures of their representatives authorized to appoint watchers in the city or municipality of the polling place.

The watchers shall have the right to:

- a. Stay in the space reserved for them inside the polling place, except under the last paragraph of Section 44 of this Resolution;
- b. Witness and inform themselves of the proceedings of the EB;
- c. Take note of what they may see or hear;
- d. Take picture, image or photo of the proceedings and incidents, if any, during testing and sealing, counting of votes, transmission and printing of election returns provided the secrecy of the ballot shall be maintained at all times. *In no case* shall taking of pictures, images or photos be allowed during casting of votes;
- e. File a protest against any irregularity or violation of law which they believe may have been committed by the EB or by any person present;
- f. Obtain from the EB a certificate as to the filing of such protest and/or the Resolution thereof; and
- g. Position themselves behind the chairperson of the EB in such a way that they can read the election returns while the chairperson is publicly announcing the precinct results.

Watchers are not allowed to speak to any member of the EB or to any voter, or among themselves, in a manner that would disrupt the proceedings of the EB.

The watchers representing the dominant majority and dominant minority parties, and the Citizen's arm shall, if available, affix their signatures and thumbmarks on the election returns.

ARTICLE IV GENERAL PROVISIONS

SEC. 47. Election Day. – The election shall be held on 13 May 2019.

SEC. 48. Voting Hours. – The casting of votes shall be from 6 o'clock in the morning up to 6 o'clock in the evening of Election Day.

Voters who have not yet cast their votes but are within thirty (30) meters from the polling place by 6:00 p.m. of the Election Day shall still be allowed to cast their votes. The poll clerk shall promptly prepare a complete list in duplicate containing the names of said voters numbered consecutively. The voters so listed shall be called to vote by the poll clerk by announcing near the door of the polling place, in a tone loud enough to be heard throughout the polling place, each name three (3) times in the order in which they are listed. Any voter in the list who is not present or does not respond when called shall no longer be allowed to vote. The said list shall be attached to the Minutes.

SEC. 49. Place of Voting. - Voters shall cast their votes in the polling place designated by the Commission. The poster indicating the clustered precinct number (CEF No. A3) shall be prominently posted near or on the door of the polling place.

ARTICLE V FINAL TESTING AND SEALING

SEC. 50. Period for Final Testing and Sealing (FTS) of VCMs; Notice. – On any scheduled day from 06 to 10 May 2019, the EB shall convene in its assigned polling place to test and seal the VCM assigned to its clustered precinct. In case the testing and sealing of the VCMs cannot be done at the assigned polling place due to security and/or other practical reasons, the EO shall notify, in accordance with the procedure in the succeeding paragraphs, the EB, candidates, political parties, accredited citizens' arm, and other stakeholders of the place where the testing and sealing shall be conducted.

The EO shall notify the EB in writing of the date, time and place of the testing and sealing of the VCMs not later than three (3) days before the schedule of FTS.

The EO shall likewise notify the candidates, registered political parties, coalition of political parties, associations or organizations participating in the party-list system representation in the city or municipality, or accredited citizens' arm, by posting a notice of the date, time and place of testing and sealing for each clustered precinct in the

bulletin boards of the OEO and of the city or municipal hall, and in at least three (3) conspicuous places in the city or municipality, not later than three (3) days before the schedule of FTS.

SEC. 51. Procedures for the Final Testing and Sealing of the VCMs.

- The procedures for the FTS of the VCM are as follows:

- a. Perform Final Testing and Sealing following the procedures in the VCM manual;
- b. Explain to those present the purpose of and the procedures for the FTS; and
- c. Randomly choose ten voters from among those present, who will accomplish the FTS ballots to be used for FTS. If there are less than ten voters present, any of them may accomplish more than one test ballot to complete ten FTS ballots.

In accomplishing the FTS ballots, only two (2) test voters can simultaneously accomplish the ballots. For this purpose, the EB Chairperson shall give each of the test voters a ballot inside the ballot secrecy folder and a marking pen. The test voters shall, using the marking pen, accomplish the ballot by fully shading the oval opposite the names of the candidates of their choice, including that of the party, organization or coalition participating in the party-list system of representation. Thereafter, they shall return the accomplished ballots inside the ballot secrecy folder and proceed to the EB.

The Chairperson shall:

- a. Examine the accomplished ballots and determine whether the oval opposite the names of the candidates/political parties participating in the party-list system chosen have been fully shaded, and the security features (timing marks and barcodes) have not been damaged;
- b. Return the accomplished ballot inside the ballot secrecy folder and give the same to the voter who shall personally feed the accomplished ballot into the VCM by following the procedures laid down in the VCM manual;
- c. Perform the same procedure until all ten ballots are fed; and
- d. After all the ten ballots have been fed, follow the instruction on the closing of polls, printing of election returns and shutting down the VCM following the procedures in the VCM manual.

During FTS, the EB shall instruct the voter to verify the votes as appearing on the VVPAT and place the same in the Envelope for Counted Ballots, which shall be turned over to the EO as provided in Section 54 of this Resolution.

SEC. 52. Manual Verification of Results. - The EB shall retrieve the accomplished valid FTS ballots from the ballot box, manually count the votes therein, and accomplish the manual Election Returns (ERs) provided for the purpose. The following rules shall be observed in the manual counting of votes:

- a. The Chairperson shall verify the ballots to determine whether there is over-voting (when the number of votes for a position has been exceeded). If there is an over-vote in a position, no vote shall be counted in favor of any candidate for the said position;
- b. The Chairperson shall take the ballots one by one, and read the names of candidates voted for and the offices for which they were voted in the order in which they appear thereon;
- c. The Poll Clerk shall record on the manual ER the vote as the names voted for each office are read. 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 vertical lines;
- d. After finishing the ten (10) FTS ballots, the Poll Clerk shall determine the total number of votes obtained by each candidate;
- e. The EB shall sign the certification portion of both ERs and compare the results of the manually-prepared ER with that of the machine-generated ER. If the results of both ERs are not the same, the EB shall review/re-appreciate the ballots to determine the cause of the discrepancy. If after re-appreciation, there is still discrepancy, the EB shall call on the assigned DESO technical support staff; and
- f. The EB shall immediately submit a report of the testing to the EO concerned. The EO, in turn, shall submit a report to the Commission, through the National Technical Support Center (NTSC)/Command and Monitoring Center.

SEC. 53. Minutes of Testing and Sealing; Voting and Counting. - The EB shall record in the Minutes (CEF No. A11) all the acts or data

required to be entered under this Resolution as soon as they occur or become available.

SEC. 54. Disposition of Forms/Supplies. After the testing and sealing, the BEI shall:

- a) Submit to the EO the envelope containing the following:
 1. Diagnostic Report;
 2. Initialization Report;
 3. Eight (8) copies of National and Local returns;
 4. Manual ER;
 5. Counted ballots; and
 6. VVPATs.

The EO shall keep the above documents until further instructions from the Commission.

- b) Leave inside the polling place, the VCM properly secured, contained in the sealed box, the battery inside its box, and the locked ballot box.

SEC. 55. VCM Box to be Opened on 13 May 2019. - After FTS, the VCM box shall be opened again only on 13 May 2019 not earlier than five o'clock in the morning, and in the presence of watchers, if any.

ARTICLE VI VOTING

SEC. 56. Who may Vote. - All registered voters whose names appear in the EDCVL may vote in the 2019 NLE, unless their names are manually crossed out from the same list with the following annotations, duly signed by the EO:

- a. The voter has transferred residence to another district, city or municipality;
- b. The voter has died;
- c. The voter's registration record was deleted based on Automated Fingerprint Identification System's (AFIS) result, as approved by Election Registration Board (ERB); or

d. The voter has availed of the Local Absentee Voting.

SEC. 57. Challenge Against Illegal Voters. - Any voter or watcher may challenge any person offering to vote for:

- a. Being not registered;
- b. Using the name of another; or
- c. Suffering from an existing disqualification.

In such cases, the EB shall determine the truthfulness of the ground for the challenge by requiring proof of registration, identity or qualification. In case the identity of the voter is challenged, the EB shall identify the voter's specimen signature and photo in the EDCVL. In the absence of any of the above-mentioned proof of identity, any member of the EB may identify under oath a voter personally known to the former, which act of identification shall be recorded in the Minutes.

SEC. 58. Challenge Based on Certain Illegal Acts. - Any voter or watcher may challenge any person offering to vote on the ground that the voter:

- a. Received or expects to receive, paid, offered or promised to pay, contributed, offered or promised to contribute money or anything of value as consideration for his/her 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 that depends upon the results of the election.

In such cases, the challenged voter may take an oath before the EB that said voter has not committed any of the acts alleged in the challenge. Upon taking 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. 59. Record of Challenges and Oaths. - The EB shall record in the Minutes all challenges and oaths taken, and its decision in each case.

SEC. 60. Rules to be Observed During the Voting. - During the voting, the EB shall see to it that:

- a. Voters shall vote in the order of their arrival in the polling place. Giving numbers to the voters to determine their sequence of voting is strictly prohibited;
- b. No watcher shall enter the place reserved for the voters and the EB, or mingle and talk with the voters;
- c. No person carrying any firearm or any other deadly weapon, except jail/prison escorts and those expressly authorized by the Commission, shall enter the polling place. The jail/prison escorts may bring firearms inside the polling place to secure the detainee who will vote as may be authorized by the Commission. Said escorts and detainees shall immediately leave the polling place once the latter have finished voting;
- d. There shall be no crowding of voters and disorderly behavior inside the polling place; and
- e. The ballot box shall remain locked during the voting. However, if it should become necessary to make room for more ballots, the EB shall, in the presence of the watchers:
 1. Remove the VCM from the top of the ballot box, and shake the ballot box to wobble the contents therein, and make room for the ballots;
 2. If still the ballot cannot go through the ballot box, the ballot box may be opened. The chairperson shall press down the ballots contained therein without removing any of them, after which the EB shall close the ballot box by sealing it.

Such fact shall be recorded in the Minutes.

SEC. 61. Persons Allowed Inside the Polling Place. - Only the following persons shall be allowed inside the polling place:

- a. Members of the EB and support staff, if any;
- b. Watchers who shall stay only in the space reserved for them;
- c. Representatives of the Commission;
- d. DESO Technical Support Staff assigned in the voting center;
- e. EAPP Support Staff;

- f. Voters casting their votes;
- g. Voters waiting for their turn to cast their votes;
- h. Jail/Prison Escorts escorting detainee voters; or
- i. Other persons who may be specifically authorized by the Commission.

SEC. 62. Persons Not Allowed to Enter the Polling Place. - Unless specifically authorized by the Commission, it is unlawful for the following persons to enter the polling place, or to stay within a radius of fifty (50) meters from the polling place, except to vote:

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

However, the EB may, by a majority vote if it deems necessary, order in writing the detail of policemen or peace officers for its protection or for the protection of the election documents and paraphernalia. In which case, the 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 EB 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. Such order shall be recorded in the Minutes.

SEC. 63. Holding Area. -- Whenever necessary, the EB, in coordination with the DESO, shall designate a room to be used as holding area. The holding area will be used by the voters waiting for their turn to vote. The voters shall sit and arrange themselves on a first-come, first-served basis such that they will vote according to the sequence of their arrival. Giving numbers to the voters to determine their sequence of voting is strictly prohibited.

SEC. 64. Prohibitions on Voting. - It shall be unlawful for a voter to:

- a. Bring the ballot, ballot secrecy folder or marking pen outside of the polling place except in the case under Article IX of this Resolution;
- b. Speak with anyone other than persons provided in this Resolution while inside the polling place;
- c. Prepare the voter's ballot without using the ballot secrecy folder, or to exhibit its contents;
- d. Fill out the voter's ballot accompanied by another, except in the case of voting by assistor pursuant to Section 65 of this Resolution;
- e. Erase any printing from the ballot, or put any distinguishing mark on the ballot;
- f. Use of capturing devices such as but not limited to digital cameras, cellular phones with camera, or other means to copy the contents of the ballot, or otherwise make use of any other scheme to identify his vote;
- g. Intentionally tear or deface the ballot; or
- h. Disrupt or attempt to disrupt the normal operations of the VCM.

SEC. 65. Preparation of Ballots for Illiterate, Persons with Disability (PWD) and Senior Citizen (SC). - No voter shall be allowed to vote as an illiterate, PWD or SC unless such fact is indicated in the EDCVL. If so, such voter may be assisted in the preparation of the ballot, in the following order:

- a. Relative within the 4th civil degree of consanguinity or affinity;
- b. Person of his confidence who belongs to the same household as that of the voter. For this purpose, the person who usually assists the PWD or SC, such as personal assistant, caregiver, or a nurse shall be considered as a member of a voter's household; or
- c. Any member of the EB.

A physically impaired voter may be assisted in feeding the ballot into the VCM by the EB member. The EB member shall ensure that the contents of the ballot are not displayed during its feeding into the VCM. In which case, this fact must be recorded in the Minutes.

All persons assisting must be of voting age.

No person, except the members of the EB, may assist an illiterate, PWD or SC more than three (3) times.

In all cases, the poll clerk shall first verify from the illiterates, PWDs or SCs whether said voters have authorized a person to help them cast their votes.

The persons assisting the illiterates, PWDs or SCs shall:

- a. Prepare in their presence, the ballot using a ballot secrecy folder;
- b. Bind themselves in writing and under oath to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal its contents, by indicating the appropriate data and affixing their signatures in the corresponding space in the Minutes.

SEC. 66. Accessibility of Polling Place to Persons with Disability and Senior Citizens. - All clustered precincts with accessible precincts created pursuant to Republic Act No. 10366 shall be located at the ground floor of the voting centers, preferably near the entrance of the building, and is free of any physical barriers and provided with necessary services, including assistive devices. The EB shall set up a separate area in said polling place for the exclusive use of PWDs and SCs. Accordingly, the EOs shall coordinate with the proper school or building officials.

SEC. 67. Express Lane for Persons with Disability, Senior Citizens, Heavily Pregnant Women, Escorted Detainee Voters, and Indigenous People. - PWDs, senior citizens, heavily pregnant women, escorted detainee and IP voters shall be afforded an express lane and be allowed to vote as soon as they arrive. There shall be a sign inside the polling place indicating the location of the express lane, and who can avail of it.

SEC. 68. Prohibition Against Premature Announcement of Voting. - The members of the EB are prohibited from announcing the following matters during the voting period:

- a. Whether a certain registered voter has already voted or not;
- b. Number of registered voters who have already voted or failed to vote thus far; or
- c. Any other fact tending to show or showing the state of the polls; neither member of the EB shall make any statement at any time, except as a witness before a court or body as to how many persons voted.

**ARTICLE VII
FORMS, DOCUMENTS AND SUPPLIES**

SEC. 69. Election Forms, Documents and Supplies. –

A. **Final Testing and Sealing.** – Except when the PES allows an earlier period, in the morning of the day scheduled for the testing and sealing of the VCM, the EB shall get from the OEO the following forms, documents and supplies to be used for such testing and sealing:

<u>SUPPLIES AND MATERIALS FOR TESTING AND SEALING</u>			
<u>ELECTION FORMS</u>			
A9-TS	Manual Election Returns	1	Piece
A11	Minutes of Testing and Sealing; Voting and Counting	2	Pieces
<u>ENVELOPES</u>			
A17-TS	For Counted Test Ballots, ERs and other reports	1	Piece
18 & 18-A	Envelope for Minutes of Testing and Sealing; Voting and Counting	2	Pieces
<u>SUPPLIES</u>			
	Ballot Secrecy Folder	2	Pieces
	Ballpen	2	Pieces

B. Election Day - Except when authorized to do so earlier by the Commission, the EB shall get the forms, documents and supplies early in the morning of Election Day, as follows:

1. FROM THE CITY/MUNICIPAL TREASURER

CEF NO.	DESCRIPTION	RATE OF DISTRIBUTION PER CLUSTERED PRECINCT	
ELECTION FORMS			
A3	Poster Indicating the Clustered Precinct Numbers	1	Piece
A6	Official Ballots	1	Piece per voter
A12	Paper Seal	48	Pieces
A14	Certificate of Receipt of Official Ballots, Other Forms and Supplies by EB	3	Pieces
A27	Official Receipt of Election Returns	10	Pieces
ENVELOPES FOR VOTING AND COUNTING			
A15	For Rejected ballots, Half of Torn Unused Official Ballots and Other Half of Torn Unused Official Ballots	3	Pieces
A17	For Election Returns	30	Pieces
OTHER ENVELOPES			
A18-B	For Main SD Card	1	Piece
A18-C to A18-E	Initialization Report, Audit Log, and Precinct Statistical Report	3	Pieces

OTHER FORMS			
A30/A31	Temporary Appointment of Chairperson/Poll Clerk/Third Member/ Support Staff	10	Pieces
A35	Certificate of Challenge or Protest and Decision of the EB	10	Pieces
A39	Oath of Voter Challenge for Illegal Acts	10	Pieces
A40	Oath of Identification of Challenged Voter	10	Pieces
SUPPLIES			
	Bond Paper (long)	20	Pieces
	Ballot Secrecy Folder	12	Pieces
	Thumbprint Taker	1	Piece
	Plastic Seal for the Ballot Box	5	Pieces
	Indelible Stain Ink	5	Bottles
	Ballpens	4	Pieces

2. FROM THE ELECTION OFFICER:

- a. Two copies of the Precinct Computerized Voters List (PCVL):
 - i. One copy to be posted outside the polling place; and
 - ii. One copy to be used by the EB during the voting;
- b. The Election Day Computerized Voters List (EDCVL); and
- c. Copies of Appointment and Oath of Office of the EB and Support Staff (CEF No. A5 & CEF No. A5-A).

The PCVL and EDCVL shall be duly certified by the Election Registration Board (ERB).

The EB shall carefully check the correctness and quantity of the election forms, documents and supplies actually received. The EB shall sign the Certificate of Receipt (CEF No. A14) in three (3) copies to be distributed as follows:

- a. The original shall be delivered to the City/Municipal Treasurer, who shall transmit the same to the EO, for submission to the

Election Records and Statistics Department, Commission, Manila, immediately after Election Day;

- b. The second copy shall be given to the City/Municipal Treasurer who shall keep the same for his or her file; and
- c. The third copy shall be retained by the EB who shall also keep the same for his or her file.

SEC. 70. Forms to be Reproduced when Needed. - The following forms may be reproduced when needed:

- a. Temporary Appointment of Chairperson/Poll Clerk/ Member (Annex F);
- b. Certificate of Challenge or Protest and Decision of the EB (Annex G);
- c. Oath of Voter Challenged for Illegal Acts (Annex H); and
- d. Oath to Identify a Challenged Voter (Annex I).

**ARTICLE VIII
PROCEDURES FOR VOTING, COUNTING OF VOTES,
TRANSMISSION OF PRECINCT RESULTS**

SEC. 71. Preliminaries to the Voting. - The EB shall:

- a. Meet at the polling place *not later than five o'clock in the morning of Election Day*;
- b. Ensure that the VCM box and the ballot box are inside the polling place;
- c. Set-up the polling place. *As far as practicable, the EB shall designate at least five (5) seats exclusively for PWDs, SCs and heavily pregnant voters*;
- d. Post one (1) copy of the PCVL of each precinct in the cluster, near or at the door of the polling place, preferably the pages/sheets are spread out to give free access to voters who are checking their names in the list, if there is space;
- e. Show to the watchers and the public present that the:
 - 1. VCM box is sealed; *

2. Ballot box is empty and thereafter, lock with four (4) seals; and
 3. Package of official ballots is duly sealed, and thereafter, break the seal.
- f. For precinct/clustered precinct with Detainee Voters (DVs) and with a special polling place in accordance with Resolution No. 9371, promulgated on March 06, 2012, the EB of the said regular polling places shall, using the EDCVL-DV:
1. Annotate the DVs' names in the EDCVL with "DV";
 2. Affix their initials beside the annotation;
 3. Enter in the Minutes the number of DVs, and the fact that their names were annotated with "DV";
 4. In the presence of the SEB-DV support staff, segregate the ballots intended for the DVs, and insert the same in a folder;
 5. Place the folder inside an envelope; close and seal the same using a paper seal. The envelope and paper seal shall be provided by the SEB-DV support staff;
 6. Affix their initials on the paper seal; and
 7. Turn over the envelope containing the DV ballots to the SEB-DV support staff, as the case may be.
- g. Remove the paper seal of the VCM box;
1. Open the VCM box.
 2. Check whether the following are inside the VCM box:
 - i. VCM;
 - ii. Power cord of the VCM and battery cable;
 - iii. Main SD and back-up SD cards already installed;
 - iv. Remaining rolls of thermal paper inside the VCM box;

- v. The three (3) Personal Identification Numbers (PINs) for operating the VCM; three (3) iButtons; and three (3) PINs for re-zeroing;
 - vi. The checklist of the contents of the VCM box;
 - vii. USB modem with SIM card and one (1) contingency SIM card (Smart/Globe/Sun);
 - viii. Four (4) cleaning sheets;
 - ix. Eighteen (18) Marking Pens; and
 - x. One (1) sealing sticker to be used at the end of Election Day to close the VCM box.
3. Retrieve the iButtons and security PINs from the VCM box and distribute the same among themselves. The re-zero PINs shall remain inside the VCM box.
 4. Retrieve the VCM from its box.
 5. Show to the public that the slots labeled "A" and "B" containing the main SD and back-up SD cards, respectively, are sealed.
 6. Follow the Election Day steps 1 to 12 of the VCM manual.

SEC. 72. Manner of Obtaining Ballots. -

- a. The voters shall:
 1. Look for their names in the PCVL posted near the door of the polling place and determine their precinct numbers and sequence numbers; and
 2. Approach any member of the EB or its Support Staff, if any, and state their names, precinct numbers and sequence numbers.
- b. The Poll Clerk or the EB Support Staff shall:
 1. Verify if the name of the voter is in the EDCVL to establish the identity of the voter. If the voter's name is not in the

EDCVL, the voter shall not be allowed to vote, and shall be requested to leave the polling place;

2. If the voter's name is found, check the fingernails for any indelible ink stain. If stained, it shall be a conclusive presumption that the voter has already cast his/her vote. As such, the voter shall be directed to leave the polling place after informing him/her the reason thereof. This fact, including the name and the precinct of the voter, shall be recorded by the Poll Clerk in the Minutes;
3. If the fingernail is not stained, establish the identity of the voter through the following:
 - i. Voter's photograph or specimen signature in the EDCVL or in any other authentic identification document, except *barangay* certificate or community tax certificate; or
 - ii. In the absence of any of the above-mentioned proof of identity, any member of the EB or any registered voter of the precinct/clustered precinct may identify under oath the voter, and such fact shall be reflected in the Minutes.
4. If satisfied with the voter's identity, the name of the voter shall be distinctly announced in a tone loud enough to be heard throughout the polling place. If not satisfied with the voter's identity, the voter shall be directed to leave the polling place after informing him/her of the reason therefor.
5. If the voter is not challenged or having been challenged, and the question has been decided in his/her favor, require the voter to sign in the EDCVL. In case of illiterate voters or PWDs who cannot sign, require said voters to affix their thumbmarks in the EDCVL.
6. Thereafter, the voter shall be directed to the Chairperson who shall:
 - i. Authenticate the ballot by affixing his/her signature at the designated space of the front of the ballot;

Failure to authenticate the ballot shall not invalidate the ballot but shall constitute an election offense.
 - ii. Show to the voter that the ballot being given is not torn or smudged, and has not yet been filled up;

- iii. Place such ballot inside the ballot secrecy folder;
- iv. Give the ballot secrecy folder containing the ballot and the marking pen to the voter with the instruction that the ballot shall be *kept clean and free from unnecessary markings* (i.e., smudge/stain from thumbprint-taker, food stains, and the like);
- v. Instruct the voter how to fill-up the ballot properly; and
- vi. Direct the voter to fill-up the ballot in the designated voting area.

Only the Chairperson shall issue the official ballots, and not more than one ballot shall be issued at one time.

SEC. 73. Manner of Voting. -

a. The voter shall:

1. Using a ballot secrecy folder and the marking pen provided by the Commission, accomplish the ballot by *fully shading the oval* appearing before the names of the candidates and the organizations participating in the party-list system of representation; and
2. After accomplishing the ballot, insert the ballot in the VCM's ballot entry slot, after which the voter shall return the ballot secrecy folder and the marking pen to the third member;

b. The EB third member shall position/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 to ensure that the ballot is successfully accepted and the VVPAT is printed. Every time the end-of-roll color indicator appears, the third member shall replace the thermal paper;
2. Fold the VVPAT in such a way that its contents cannot be seen, and then cut the end of the VVPAT using non-pointed scissors; and

3. Apply indelible ink to the voter's right forefinger nail or any other nail if there be no forefinger nail, and give the VVPAT to the voter for review;
- c. The EB shall ensure that only the voter can read the VVPAT and advise the voter that bringing of the VVPAT outside the polling place shall constitute as an election offense. For this purpose, the box containing the Official Ballots shall serve as the VVPAT receptacle which shall be placed in an area visible to the EB members/support staff/citizens' arm, watchers and other persons allowed inside the polling place.

The EB shall ensure that all Official Ballots are removed from the box before the same is used as a VVPAT receptacle. The VVPAT receptacle shall be properly sealed using the packaging tape, on which the EB and watchers, if any, shall affix their names and signatures.

- d. The EB shall instruct the voter to go near the VVPAT receptacle located beside the VCM, and verify the votes as appearing on the VVPAT, drop the same in the VVPAT receptacle and leave the polling place.
- e. In case an objection is raised by the voter on how the VCM reads the ballot, the chairperson shall:
 1. Instruct the voter to affix his signature at the back of the VVPAT;
 2. Note the specific objection in the Minutes; and
 3. Attach the VVPAT to the Minutes (copy for the Ballot Box).

The objection shall be raised before the VVPAT is dropped in the VVPAT receptacle.

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

- f. At the close of polls, the EB shall then place the VVPAT receptacle inside the ballot box.

SEC. 74. Rejected Ballots; Procedure. – Ballots may be rejected by the VCM during the scanning. There will be three (3) different types of messages when the VCM rejects a ballot:

- a. Misread Ballot - When a ballot has not been scanned properly. For this purpose, the EB shall allow the voter to re-feed the ballot four (4) times in four (4) different orientations;
- b. Previously Read Ballot- When a ballot with the same ballot ID number was already scanned; and
- c. Invalid Ballot - When a ballot is not configured to the VCM. The voter shall return the ballot to the chairperson who shall in turn, check if the ballot ID of the rejected ballot corresponds to the clustered precinct number. If it does not match, the chairman shall mark the ballot with the word “REJECTED” and place the same inside the envelope for rejected ballots. The chairperson shall then issue the correct ballot to the voter.

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

1. Distinctly mark the back thereof as “REJECTED”;
2. Require all members of the EB 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 EB shall attached to and note in the Minutes.

SEC. 75. Closing of Polls; Counting of Votes and Transmission of Results; Printing of Reports and Shutting Down the VCMs; Procedure. – After all the voters have cast their votes, DV and EAPP ballots if any have been batch fed, the EB shall close the voting by performing the procedures laid in the Technical Manual. After the VCM is shut down, the EB shall:

- a. Remove the **main SD card from slot “A”** of the VCM, place the main SD card inside the envelope (A18-B). The EB shall also

indicate on the envelope the clustered precinct number, barangay and city/ municipality/ province. *The Back-up SD card shall not be removed from the VCM, and the cover of slot "B" shall remain locked;*

- b. Place the initialization report, precinct statistical report and audit logs in the corresponding envelope (A18-C to A18E);
- c. Disconnect the battery from the VCM machine;
- d. Disconnect the battery cables from the battery;
- e. Disconnect the power cable of the VCM machine from the electrical outlet;
- f. Disconnect the power cable from the VCM machine;
- g. Return the iButtons, and PINs to the ziplock;
- h. Place the battery inside the battery box;
- i. Place inside the VCM box the power cord and the battery cables; and
- j. Close the VCM box with the sealing sticker provided for the purpose.

ARTICLE IX

EMERGENCY ACCESSIBLE POLLING PLACE (EAPP)

SEC. 76. Emergency Accessible Polling Place (EAPP). – There shall be an EAPP in all voting centers where voting will be conducted in the upper-storey of multi-level buildings or single-storey voting centers, situated in a place in such a manner that voting therein poses harm and/or unnecessary inconvenience to PWDs, SCs and heavily pregnant voters. An EAPP shall be set up at the ground level of the said voting center exclusively for said voters. For this purpose, the determination, close of voting, voting and counting procedures of an EAPP shall be governed by a separate resolution.

ARTICLE X

DETAINEE VOTING

SEC 77. Voting Hours for Detainee Voting and Scanning of Detainee Voters' Ballots from the Special Polling Places. – The casting of votes for detainee voting shall be from *7:00 o'clock in the morning until*

2:00 o'clock in the afternoon on Election Day. In scanning the DV ballots from the special polling places, the EB shall:

- a. Receive from the SEB-DV support staff the accomplished ballots by the detainee voters before the close of voting hours on election day;
- b. Upon receipt of the sealed envelope containing the accomplished ballots, such fact shall be entered in the Minutes;
- c. Announce to the public that the accomplished ballots of DVs and torn unused ballots, if there are any, have been received;
- d. Open the envelopes only when all the voters in the clustered precincts have finished voting;
- e. Feed the ballots to the VCM;
- f. One half of the torn unused ballots shall be placed inside the envelope for the purpose (CEF No. A15) for submission to the Election Officer, and the other half of the torn unused ballots inside the other envelope (CEF No. A15) which will be deposited inside the ballot box;
- g. Enter such fact in the Minutes; and
- h. Drop all receipts in the Voter's Receipt Receptacle.

Unless the DV ballots are lost/destroyed or cannot be delivered for whatever reasons, the EB shall wait for the delivery of the DV ballots by the SEB - DV for batch feeding purposes before closing the VCM.

ARTICLE XI DISPOSITION OF DOCUMENTS

SEC.78. Disposition of Unused Ballots. - After the voting, the Chairperson, in the presence of the other members of the EB, shall:

- a) Record in the Minutes the quantity of unused ballots;
- b) Tear the unused ballots in half lengthwise;
- c) Place one half of the torn ballots in the *Envelope for Rejected Ballots, Half of Torn Unused Official Ballots and Other Half of Torn*

Unused Official Ballots (CEF No. A15), and submit said envelope to the EO for safekeeping; and

- d) Place the other half in another *Envelope for Rejected Ballots, Half of Torn Unused Official Ballots and Other Half of Torn Unused Official Ballots* (CEF No. A15), and then deposit the same inside the ballot box. Such fact shall be entered in the Minutes.

SEC. 79. Disposition of Election Returns. - After printing the election returns (ERs), the EB shall sign and affix their thumbmarks in the certification portion of all copies of the ERs. Thereafter, the EB shall post one (1) copy of the ERs in a conspicuous place inside the polling place. The EB shall individually fold the ERs. The first eight (8) copies of the ERs shall be sealed with serially numbered paper seals and placed in their respective envelopes (CEF No. A17). All envelopes containing the ERs shall be sealed with serially numbered paper seals.

The EB shall also affix their signatures on the paper seals and envelopes on the space provided. The watchers present shall likewise affix their signatures, giving preference to the dominant majority and minority parties and Accredited Citizens' arm.

The ERs shall be distributed to the following:

- A. In the election of senators and for the party-list system of representation;
 1. City or Municipal Board of Canvassers;
 2. The Commission;
 3. Accredited Citizens' arm;
 4. Dominant majority party as determined by the Commission in accordance with law;
 5. Dominant minority party as determined by the Commission in accordance with law;
 6. Ballot box;
 7. Provincial Board of Canvassers;
 8. One (1) to be posted conspicuously on a wall within the premises of the polling place or counting center, as the case may be;

9. Ten (10) accredited major national parties, excluding the dominant majority and minority parties, in accordance with a voluntary agreement among them. If no such agreement is reached, the Commission shall decide which parties shall receive the copies on the basis of the criteria provided in Section 26¹ of Republic Act No. 7166 and COMELEC Resolution No. 9984;
 10. Two (2) accredited major local parties in accordance with a voluntary agreement among them. If no such agreement is reached, the Commission shall decide which parties shall receive the copies on the basis of the criteria analogous to that provided in Section 26 of Republic Act No. 7166;
 11. Four (4) national broadcast or print media entities as may be equitably determined by the Commission in view of propagating the copies to the widest extent possible;
 12. Two (2) local broadcast or print media entities as may be equitably determined by the Commission in view of propagating the copies to the widest extent possible; and
 13. Four (4) major citizens' arms, including the accredited citizens' arm, and other non-partisan groups or organization enlisted by the Commission pursuant to Section 52(k) of *Batas Pambansa Blg. 881*. Such citizens' arm, groups and organization may use the four certified copies of election returns for the conduct of citizens' quick counts at the local or national levels.
- B. In the election of local officials and members of the House of Representatives:
1. City or Municipal Board of Canvassers;
 2. Commission;
 3. Provincial Board of Canvassers;
 4. Regional Board of Canvassers in the case of ARMM;

¹AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS AND FOR ELECTORAL REFORMS, AUTHORIZING APPROPRIATIONS THEREFOR, AND FOR OTHER PURPOSES, November 26, 1991.

"Sec. 26. - Official Watchers. xxx.

- (a) The established record of the said parties, coalition of groups that now composed them, taking into account, among other things, their showing in past elections;
- (b) The number of incumbent elective officials belonging to them ninety (90) days before the date of election;
- (c) Their identifiable political organizations and strengths as evidenced by their organized chapters;
- (d) The ability to fill a complete slate of candidates from the municipal level to the position of President; and
- (e) Other analogous circumstances that may determine their relative organizations and strengths."

5. Accredited Citizens' arm;
6. Dominant majority party as determined by the Commission in accordance with law;
7. Dominant minority party as determined by the Commission in accordance with law;
8. One (1) to be posted conspicuously on a wall within the premises of the polling place or counting center, as the case may be;
9. Ballot box;
10. Ten (10) accredited major national parties, excluding the dominant majority and minority parties, in accordance with a voluntary agreement among them. If no such agreement is reached, the Commission shall decide which parties shall receive the copies on the basis of the criteria provided in Section 26 of Republic Act No. 7166;
11. Two (2) accredited major local parties in accordance with a voluntary agreement among them. If no such agreement is reached, the Commission shall decide which parties shall receive the copies on the basis of criteria analogous to that provided in Section 26 of Republic Act No. 7166;
12. Four (4) national broadcast or print media entities as may be equitably determined by the Commission in view of propagating the copies to the widest extent possible;
13. Two (2) local broadcast or print media entities as may be equitably determined by the Commission in view of propagating the copies to the widest extent possible; and
14. Three (3) major citizen's arms, including the accredited citizens' arm, and other non-partisan groups or organization enlisted by the Commission pursuant to Section 52(k) of *Batas Pambansa Blg. 881*. Such citizens' arm, groups and organization may use the four certified copies of election returns for the conduct of citizens' quick counts at the local or national levels.

SEC. 80 Disposition of VCM, Ballot Boxes, Election Returns and Other Documents. - When the counting of votes has ended and the results of the election in the polling place have already been announced, the EB shall:

- a. Place inside the ballot box the following:
 1. Sealed Envelopes containing:
 - i. Copy of printed ERs intended for the ballot box;
 - ii. Copy of the Minutes intended for the ballot box;
 - iii. Half of Torn Unused Official Ballots and Rejected Ballots, if any; and
 2. VVPAT Receptacle.
- b. Close the flap of the ballot box with security seal. To protect the ballots and other election documents therein from elements such as water and dust, cover the ballot box with packaging tape by wrapping it around the cover and extending it to the upper part of the ballot box. The EB shall affix their signatures on the tape, and require the watchers present to also affix their signatures;
- c. Turn-over the box containing the VCM and its peripherals to the logistics provider. In the absence of the logistics provider, the EB shall turn-over the VCM box to the EO or the authorized representative, who shall in turn, coordinate with the logistics provider for the schedule of the retrieval thereof;
- e. Deliver the ballot box, accompanied by watchers, to the city/municipal treasurer. For this purpose, the city/municipal treasurer shall, at its own expense, provide at the voting center the necessary personnel and facilities for said delivery.

In case the ballot box delivered by the EB is not sealed, the treasurer shall seal the ballot box, and include such fact, together with the serial number of the plastic seal used, in the report of the treasurer to the Commission;

- f. Deliver to the EO the following documents or papers:
 1. EDCVL;
 2. PCVL;
 3. Sealed envelope containing:
 - i. Copy of the Minutes intended for the Commission (CEF No. A11);
 - ii. Other Half of Torn Unused Official Ballots;

- iii. Initialization Report;
 - iv. Precinct Audit Log Report;
 - v. Precinct Statistical Report;
 - vi. Copies of the ERs intended for the Provincial Board of Canvassers (CEF No. A9);
 - vii. Copies of the ERs intended for Regional Board of Canvassers in the case of ARMM (CEF No. A9); and
 - viii. Copies of the ERs intended for Commission (CEF No. A9).
4. The envelope containing the Main SD card for use by the city/municipal board of canvassers thru the Reception and Custody Group (RCG); and
 5. Other pertinent papers and documents.

After the counting of votes, the EO or the city/municipal treasurer, shall require the EB which failed to turn-over the election documents or paraphernalia to deliver them immediately.

ARTICLE XII COMMON PROVISIONS

SEC. 81. Preservation of the List of Voters. - The EO shall keep the EDCVL and PCVL in a safe place until further instructions from the Commission.

SEC. 82. Omission or Erroneous Inclusion of Election Documents and Paraphernalia in Ballot Box. - If after sealing the ballot box, the EB discovers that some election documents required inside the ballot box as enumerated in Section 80 (a) were not placed, the EB, instead of opening the ballot box, shall deliver said election documents to the EO. The EO shall take appropriate measures to preserve the integrity of such documents.

The ballot box shall not be reopened to take out any election document or paraphernalia except upon prior written authority of the Commission. The members of the EB, the treasurer and the watchers shall be notified of the time and place of said opening of the ballot box.

ARTICLE XIII
MISCELLANEOUS PROVISIONS

SEC. 83. Roles of the Regional Election Directors (REDs), Assistant Regional Election Directors (AREDs), Provincial Election Supervisors (PESs) and Election Officers (EOs). - The REDs, AREDs, PESs and EOs shall ensure the strict implementation of the provisions of this Resolution and the timely compliance of the reportorial requirements. Non-compliance shall be dealt with administratively in accordance with the existing policy of the Commission.

SEC. 84. Administrative Sanctions. - Any person who violates or fails to comply with any of the provision of this Resolution shall constitute as a ground for administrative liability for dereliction of duty, malfeasance, misfeasance and/or nonfeasance in office and, if found guilty, the corresponding administrative penalty shall be imposed, after due notice and hearing.

SEC. 85. Election Offense. - Any person who takes away, defaces, mutilates, tears or destroys in any manner whatsoever the VVPAT² commits an election offense punishable under Section 261 (z) of the Omnibus Election Code.

SEC. 86. Special Procedures. - The express provisions of this Resolution notwithstanding, the Commission may, in exceptional cases, adopt special procedures in the voting, counting, transmission, consolidation, storage, custody, distribution and retrieval of accountable forms and paraphernalia to fulfil its Constitutional mandate to ensure free, orderly, honest, peaceful and credible elections.

SEC. 87. 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 Commission website.

SEC. 88. 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 RED, PES and EO.

SO ORDERED.

²Bagumbayan - VNP Movement, INC., et al. vs. Commission on Elections, G.R. No. 222731 (1-b), dated March 17, 2016.

GENERAL INSTRUCTIONS FOR THE ELECTORAL BOARDS (EBs) ON THE PROCESS
OF VOTING, COUNTING AND TRANSMISSION OF ELECTION RESULTS IN CONNECTION
WITH THE 13 MAY 2019 NATIONAL AND LOCAL ELECTIONS


SHERIEF M. ABAS
Chairman


LUIE TITO F. GUIA
Commissioner


AL A. PARREÑO
Commissioner


MA. ROWENA AMELIA V. GUANZON
Commissioner

On Official Business
SOCORRO B. INTING
Commissioner


MARLON S. CASQUEJO
Commissioner


ANTONIO T. KHO JR.
Commissioner