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GENERAL INSTRUCTIONS FOR THE BOARD OF ELECTION TELLERS (BETs), SPECIAL BOARD OF ELECTION TELLERS (SBETs), AND BARANGAY BOARD OF CANVASSERS (BBOCs) IN CONNECTION WITH THE CONDUCT OF THE OCTOBER 28, 2013, SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS

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Promulgated: August 5, 2013

RESOLUTION NO. 9751

Pursuant to the powers vested in it by the Constitution of the Republic of the Philippines, the Omnibus Election Code (BP Blg. 881), Republic Acts No. 9164, 9340 and other election laws, the Commission on Elections (Commission) hereby promulgates the following General Instructions in the conduct of the October 28, 2013 Synchronized Barangay and Sangguniang Kabataan (SK) Elections.

ARTICLE I
GENERAL PROVISIONS

Section 1. Nature of the Barangay and Sangguniang Kabataan elections. – The Barangay and SK elections shall be non-partisan and shall be conducted in an expeditious and inexpensive manner.

Sec. 2. Supervision and control of the Barangay and Sangguniang Kabataan elections. – The Commission shall have supervision and control over the conduct of the Barangay and SK elections.

ARTICLE II
BOARD OF ELECTION TELLERS

Sec. 3. Board of Election Tellers, Department of Education Supervising Official and Support Staff. - The Commission, through the Election Officers (EOs) shall, based on the list submitted by the highest Department of Education (DepEd) official in the city/municipality, constitute the Board of Election Tellers (BETs) and appoint its members in writing in the form prescribed by the Commission (CE Form No. 5).

The BET shall be composed of a Chairman and two (2) members, all of whom shall be public school teachers, giving preference to those with permanent appointments and those who served in the May 13, 2013 Synchronized National, Local

and ARMM Elections as members of the Board of Election Inspectors (BEIs), unless otherwise disqualified to serve under Sec. 5 hereof.

In case there are not enough public school teachers, teachers in private schools, employees in the civil service, or other citizens of known probity and competence who are registered voters of the city/municipality may be appointed for election duty.

There shall be one (1) DepEd Supervising Official and one (1) Support Staff for every ten (10) clustered precincts.

Sec. 4. Qualifications of members of the Board of Election Tellers. - No person shall be appointed as Chairman or member of the BET, whether regular, substitute or temporary, unless he:

- 1) Is of good moral character and irreproachable reputation;
- 2) Is a registered voter of the city/municipality;
- 3) Is able to speak and write Filipino, English or the local dialect ;
- 4) Has never been convicted of any election offense or any other crime punishable by more than six (6) months of imprisonment; and
- 5) Has no pending case against him with the Commission or court for any election offense.

Sec. 5. Disqualification. - No person shall serve as Chairman or member of the BET if he or his spouse is related within the fourth civil degree of consanguinity or affinity to any member of the same BET or to any candidate to be voted for in the barangay where they are assigned.

Sec. 6. Honoraria of the Board of Election Tellers, DepEd Supervising Official and Support Staff. - The members of the BET shall each receive an amount of Two Thousand Pesos (P2,000.00) as honoraria and Five Hundred Pesos (Php 500.00) as transportation allowance, the latter shall be sourced from the Local Government Unit as provided for in Resolution No. 9739. The members of the BET also handling SK precinct/s shall receive additional honoraria of Five Hundred Pesos (P500.00) each.

The DepEd Supervising Official and Support Staff shall receive One Thousand Pesos (P1,000.00) and Five Hundred Pesos (P500.00), respectively.

Sec. 7. Oath of members of the Board of Election Tellers. - Before assuming office, the members of the BET shall take and sign an oath in the form (CEF No. 5A) prescribed by the Commission before any officer authorized to administer oath, or, before any other member of the BET. Copies of the oath shall be submitted to the EO.

Sec. 8. Powers and functions of the Board of Election Tellers. - The BET shall have the following powers and functions:

- a) Conduct the voting and counting of votes in their respective polling places;

- b) Act as deputies of the Commission in the supervision and control of the election in the polling place;
- c) 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 BET or conducts himself in a disorderly manner in its presence or within its hearing and thereby interrupts or disturbs its proceedings, the BET 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 BET in writing. A copy of such written order shall be attached to the Minutes of Voting and Counting of Votes(Minutes);
- d) Furnish watchers Certificate of Votes (CEF No. A13) upon request; and
- e) Perform such other functions prescribed by law or by the rules and regulations promulgated by the Commission.

Sec. 9. Relief and substitution of members of the Board of Election Tellers. –The members of the BET shall not be relieved unless disqualified in accordance with Secs. 4 and 5 hereof. If any member of the BET suffers disqualification, he shall voluntarily inhibit himself by submitting an affidavit stating the fact of disqualification to the EO.

Within three (3) days after their constitution and appointment, the EO shall post a list of the members of the BETs in the bulletin boards of his office and of the city/municipal/barangay hall. Within the same period, the EO shall verify, whether there are members of the BETs who are related to any member of the same BETs within the fourth civil degree of consanguinity or affinity , where they are assigned or disqualified under Sec. 4 hereof. BETs found to be disqualified by reason of relationship to any member of the same BETs or Sec. 4 hereof, shall be informed by the EO in writing and cause his substitution. Likewise, any interested party may, until **September 16, 2013**, file an opposition in writing before the EO, on the foregoing grounds. Within forty eight (48) hours upon receipt, such opposition shall be resolved by the EO. If he resolves for the disqualification, he shall appoint a substitute who shall possess the qualifications as herein provided.

Disqualification by reason of relationship either by consanguinity or affinity within 4th civil degree with any candidates, parties have until **October 20, 2013** to file their oppositions. The "48-hour rule" provided above shall apply.

Sec. 10. Vacancy in the Board of Election Tellers. – If, at the time of the meeting of the BET any member is absent, the members present shall appoint any non-partisan registered voter of the polling place to fill temporarily such vacancy until the absent member appears. In case there are two (2) members present, they shall act jointly.

Sec. 11. Arrest of absent member. – The member or members of the BET present may order the arrest of any member who, in his or their judgement has absented himself with the intention of obstructing the performance of the duties of the BET.

Sec. 12. Prohibition on partisan political activity. – No member of the BET shall engage, directly or indirectly, in any partisan political activity or take part in the election except to discharge his duties as such and to vote.

Sec. 13. Proceedings of the Board of Election Tellers. – The meeting of the BET shall be held in its designated polling place by the Commission.

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

Sec. 14. Voting privilege of the members of the Board of Election Tellers. – Members of the BET or their substitutes may vote in the polling places where they are assigned on election day as long as:

- a) They are registered voters of the barangay where they are assigned;
- b) Their voting in the polling place where they are not registered should be noted in the Minutes; and
- c) They shall add in the EDCVL for barangay voters their names and precinct numbers where they are actually registered.

Any member of the BET who is not registered in the barangay where he is assigned, may vote in the polling place where he is registered, provided that:

- a) The voting in his place of assignment is light;
- b) His absence shall not be for more than twenty (20) minutes; and
- c) The members of the BET shall schedule the voting so that only one (1) member shall leave at any given time.

ARTICLE III WATCHERS

Sec. 15. Official watchers of candidates and other groups. - Each candidate for the Barangay and SK elections may appoint two (2) watchers to serve alternately in every polling place or canvassing center.

Duly accredited citizens' arms of the Commission shall be entitled to appoint a watcher in every polling place or canvassing center. Other civic, religious, professional, business, service, youth, and any other similar organization, with prior authority of the Commission, shall be entitled collectively to appoint one watcher in every polling place.

Sec. 16. Qualifications of watchers. - No person shall be appointed watcher unless he:

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- (a) Is a registered voter of the barangay or a member of the Katipunan ng Kabataan, as the case maybe, in the barangay where he is assigned;
- (b) Is of good reputation;
- (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 any of the prevailing local dialect; and
- (e) Is not related within the fourth civil degree of consanguinity or affinity to the Chairman or any member of the BET in the polling place where he seeks appointment as watcher.

Incumbent Barangay/SK Officials including Barangay Tanods shall not be appointed as watchers of any candidate or citizens' arms.

Sec. 17. Rights and duties of a watcher. - Upon entering the polling place, the watcher shall present to the Chairman of the BET his sworn written appointment. The appointment shall bear the signature of the candidate who appointed him with a statement that he possesses all the qualifications and none of the disqualifications as watcher. For this purpose, at least fifteen (15) days before election day, candidates shall provide the EOs with the list of names and signatures of their watchers. The Poll Clerk shall record the name of the watcher in the Minutes with a notation under the watcher's signature that he is not disqualified to serve as such.

The watcher shall have the right to:

- a) Stay in the space reserved for them inside the polling place;
- b) Witness the proceedings of the BET;
- c) Take note of what he may see or hear;
- d) Take photographs of the proceedings and incidents, if any, during the counting of votes, as well as of the Election Returns (ERs), tally board and ballot boxes;
- e) File a protest against any irregularity or violation of law which he believes may have been committed by the BET or by any of its members or by any person;
- f) Obtain from the BET a certificate as to the filing of such protest and/or of the resolution thereon;
- g) Have an unimpeded view of the ballot being read by the Chairman, of the ER and the tally board being simultaneously accomplished by the

Poll Clerk and the Third Member respectively, without touching any of these election documents; and

- h) Be furnished, upon request, with Certificate of Votes, duly signed and thumb-marked by the Chairman and all members of the BET.

Watchers shall not speak to any member of the BET, or to any voter, or among themselves, in such a manner as would disturb the proceedings of the BET.

ARTICLE IV FORMS, DOCUMENTS AND SUPPLIES

Sec. 18. Forms, documents and supplies. - The BET shall be provided with the following forms, documents and supplies for use on election day:

A. VOTING AND COUNTING

CEF NO.	FORMS AND SUPPLIES	RATE OF DISTRIBUTION	
ELECTION FORMS			
3	Poster Indicating Precinct Number	1	Piece
6	Official Ballots for Barangay Elections	1	Piece per voter
	Official Ballots for SK Elections	1	Piece per voter
9	Election Returns for Barangay Elections	1	Set of 4 copies
	Election Returns for SK Elections	1	Set of 3 copies
10	Tally Sheet for Barangay Elections	1	Set
	Tally Sheet for SK Elections	1	Set
11	Minutes of Voting and Counting of Votes	1	Set of 2 pieces
12	Paper Seals	12	Pieces
13	Certificate of Votes	20	Pieces
14	Certificate of Receipt of Official Ballots, Other Forms and Supplies by BET	3	Pieces
27-E, 27-F & 27-G	Official Receipt of Election Returns - copy for the Barangay Board of Canvassers - copy for the Election Officer - copy for the Secretary	6	Pieces
ENVELOPE FOR VOTING AND COUNTING			
15, 16, 16-A, 16-D and 28	For Counted Official Ballots, Excess, Marked, Spoiled, Torn Half of Unused Official Ballots, Other Half of Torn Unused Official Ballots	1	Set of 6 pieces
17-H to 17-K	For Election Returns for Barangay - copy for the Barangay Board of Canvassers - copy for the Election Officer - copy for the Secretary, SB - copy for the Ballot Box	1	Set of 4 pieces
	For Election Returns for SK	1	Set of 3 pieces
18-A & 18-B	For Minutes of Voting and Counting Votes	1	Set of 2 pieces
19-A & 19-B	For Key of Ballot Box	2	Pieces
OTHER FORMS			
30	Temporary Appointment of Chairman/Poll Clerk/Member	10	Pieces
35	Certificate of Challenge or Protest and Decision of the Board	10	Pieces
39	Oath of Voter Challenged for Illegal Acts	10	Pieces
40	Oath of Identification of Challenged Voter	10	Pieces
	General Instructions for BET/SBETS	3	Pieces

SUPPLIES			
	Ballpen	12	Pieces
	Ordinary Envelope (Long)	1	Piece
	Rubber Band	8	Pieces
	Bond Paper Long	20	Pieces
	Carbon Paper	5	Sheets
	Thumbprint/Fingerprint Takers	2	Pieces
	Plastic Seal for Ballot Box	3	Pieces
	Indelible Stain Ink	2	bottles
	Ballot Secrecy Folders	12	Pieces
	Padlock with keys	2	Pieces

B. CANVASSING FORMS (For Barangay/SK Board of Canvassers)

CANVASSING FORMS			
20-A	Statement of Votes by Precinct for Barangay Elections	1	Set of 3 copies
	Statement of Votes by Precinct for SK Elections	1	Set of 3 copies
25	Certificate of Canvass and Proclamation of Winning Candidates for Barangay Elections	1	Set of 4 copies
	Certificate of Canvass and Proclamation of Winning Candidates for SK Elections	1	Set of 4 copies

The BETs shall get the forms, documents and supplies early in the morning of election day from the Office of the City/Municipal Treasurer except, when authorized to do so earlier by the Commission, through the Regional Election Director (RED) in the case of National Capital Region (NCR) and the Provincial Election Supervisor (PES) in places outside of NCR.

Approval of request for early delivery of forms, documents and supplies by the RED (NCR) and PES and shall be governed by the following guidelines:

- a) That there is considerable distance between the Office of the City/Municipal Treasurer and the location of the polling place;
- b) That there is lack or difficulty of means of transportation in the area;
- c) That the total number of precincts in the city or municipality is such that if the delivery of the official ballots, ERs, other election forms and paraphernalia is done early in the morning of election day, not all the BETs may be able to receive said documents and paraphernalia in time for the opening of polls at seven o' clock in the morning of election day; or
- d) That the peace and order conditions in the area justify such advance delivery in order to ensure the security of the forms, documents and paraphernalia, and safety of the members of the BETs.

The PES shall make a corresponding report to the RED on approved request for early delivery and in turn the RED shall transmit the consolidated report to the Commission through the Project Management Office (PMO). The RED of the NCR shall directly submit the report to the PMO.

The BETs shall check the completeness of the documents and the quantities of the forms and supplies received and immediately call the attention of the EO or the City/Municipal Treasurer, as the case may be, on any deficiency or shortage thereof.

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Thereafter, the BETs shall sign a Certificate of Receipt (CEF Form No. 14) in three (3) copies, one (1) copy of which shall be retained by the BETs. The two (2) other copies shall be returned to the City/Municipal Treasurer who, after elections, shall immediately transmit one (1) copy to the EO concerned.

The BETs shall also receive from the EO the following documents duly certified by the Election Registration Board (ERB):

- a) Book of Voters for SK voters;
- b) One (1) copy of the Election Day Computerized Voters' List (EDCVL) for barangay voters. In case the voter is a detainee, it shall be the duty of the EO to annotate in the EDCVL the words "DETAINEE VOTER" using as reference the EDCVL-Detainee Voter (EDCVL-DV) and affix his signature beside the annotation;
- c) One (1) copy of the EDCVL for SK voters;
- d) Two (2) copies of the Posted Computerized Voters' List (PCVL) for barangay voters; and
- e) Two (2) copies of the PCVL for SK voters.

The Poll Clerk shall have custody of the EDCVLs. The Third Member shall have custody of one (1) copy of PCVL and SK Book of Voters. The other copy of the PCVL shall be posted at the door of the polling place.

Sec. 19. Forms to be reproduced when needed. - The following forms may be reproduced when the need arises:

- a) Temporary Appointment of Chairman, Poll Clerk/Member (Annex "A");
- b) Certificate of Challenge or Protest and Decision of the BET/SBET (Annex "B");
- c) Oath of Voter Challenged for Illegal Acts (Annex "C"); and
- d) Oath of Identification of Challenged Voter (Annex "D")

Sec. 20. Minutes of Voting and Counting of Votes. - The BET and SBETs shall accomplish in two (2) copies, the Minutes of Voting and Counting of Votes (CE Form No. 11), entering therein all the data and acts required as they become available or as they occur. Copies of the Minutes shall be signed and sealed in separate envelopes (CEF Nos. 18 and 18A) for distribution as follows:

- (a) The copy intended for the Commission shall be delivered to the EO who shall safekeep the same; and
- (b) The copy intended for the ballot box shall be deposited inside the ballot box compartment for valid ballots.

ARTICLE V CASTING OF VOTES

Sec. 21. Date of election. - The election of Barangay and SK officials shall be held on **October 28, 2013**.

Sec. 22. Who are allowed to vote. - Registered voters of the precinct:

- a) Whose registration records are found in the Book of Voters (for SK voters);
- b) Whose names appear in the PCVL/EDCVL for both Barangay and SK; and
- c) Members of the BET entitled to avail of voting privilege under Section 14 hereof.

Sec. 23. Voting hours. - The casting of votes shall start at seven o'clock in the morning and end at three o'clock in the afternoon of election day. If at three o'clock in the afternoon, there are still voters within thirty (30) meters in front of the polling place, who have not yet cast their votes, voting shall continue but only to allow said voters to cast their votes without interruption. The Poll Clerk shall, without delay, list the names of said voters consecutively numbered. The voters listed shall be called to vote by the Poll Clerk by announcing each name three (3) times in the order in which they are listed. Any voter in the list who is not present when called shall not be permitted to vote at any later time. The said list shall be submitted to the EO.

Sec. 24. Place of Voting. - Voters shall cast their votes in their designated polling places.

Sec. 25. Preliminaries to the voting. - The BET shall meet at the polling place and do the following preliminary activities:

(a) At six o'clock in the morning of the election day:

- 1) See to it that it has all the election forms, documents and supplies needed;
- 2) Post one (1) copy each of the PCVL for barangay voters and SK voters, for BETs handling both Barangay and SK precincts;
- 3) Post the poster indicating the precinct number and location of the polling place (CE Form No. 3) near or at the door of the polling place;
- 4) Set-up or arrange the polling place in accordance with, whenever practicable, the Lay-out of Polling Place provided in Annex "E" hereof;



- 5) Staple or paste the Certified Lists of Candidates for the Barangay and SK positions in the ballot secrecy folders or desks/chairs; and
- 6) Place the ballot secrecy folders on top of the desks/chairs/tables.

(b) Before the start of voting, the Chairman of the BET shall:

1) If applicable, announce to the public that :

- i. There are detainee voters (DV) in the clustered precinct;
- ii. The ballots intended for the DV are now in the custody of the SBETs; and
- iii. That on or before the closing of polls, the SBETs shall submit to the BETs the sealed envelopes containing used/accomplished ballots, unused ballots and Minutes intended for the ballot box;

2.) Open the ballot box, empty both compartments, show to the public that it is empty. Then, lock its interior cover with one (1) padlock. The Poll Clerk shall retain the key to the padlock during the voting; and

3.) Show to the public and to the watchers present, the package of ballots and the SK Book of Voters, both duly sealed, and thereafter, break the seals. Enter in the Minutes the number of pads and the serial numbers (SNs) of the ballots in each pad, and the fact that the package of ballots and the SK Book of Voters were shown to the public with the seals intact.

The interior cover of the ballot box shall remain locked until the voting is finished and the counting begins. However, if it becomes necessary to make room for more ballots, the Chairman, may, in the presence of watchers, open the box, press down with his hands the ballots contained therein without removing any of them, after which the Chairman shall again close the interior cover of the ballot box and lock it with the padlock as provided. Such fact shall be recorded in the Minutes.

Sec. 26. Rules to be observed during the voting. - During the voting, the BET shall see to it that:

- (a) The voters shall vote in the order of their arrival in the polling place;
- (b) No watcher enters the places reserved for the voters and the BET, nor mingle and talk with the voters;

- (c) No person carrying any firearm or any other deadly weapon, except those expressly authorized by the Commission, enters the polling place;
- (d) No crowding of voters and disorderly behavior inside the polling place; and
- (e) The interior cover of the ballot box remains locked until the voting is finished and the counting begins, except as provided in the preceding section.

Sec. 27. Prohibition on voting. - It shall be unlawful to:

- (a) Bring the ballot and/or the ballot secrecy folder outside the polling place;
- (b) Speak with anyone while inside the polling place as herein provided;
- (c) Prepare the ballot without using a ballot secrecy folder or exhibit its contents to any person, except in the case of assistor to the assisted voter;
- (d) Erase any printing from the ballot or place any distinguishing mark thereon;
- (e) Use carbon paper, paraffin paper or other means of making a copy of the contents of the ballot, or otherwise make use of any other scheme to identify his vote, including the use of digital cameras, cellular phones with camera or similar gadgets;
- (f) Intentionally tear or deface the ballot; and
- (g) Disrupt or attempt to disrupt the proceedings of the BET.

Sec. 28. Persons allowed inside the polling place. - Only the following shall be allowed inside the polling place:

- (a) Members of the BET;
- (b) Watchers who shall stay only in the space reserved for them;
- (c) Voters casting their votes;
- (d) Voters waiting for their turn to vote;

- (e) Voters waiting for their turn to get their ballots;
- (f) Jail/Prison Escorts for detainee voters as provided for in Section 3, Rule 7 of COMELEC Resolution No. 9371 dated March 6, 2012;
- (g) Members of the SBET; and
- (h) Others who are specifically authorized by the Commission.

Sec. 29. Persons not allowed in and around the polling place. - Unless specifically authorized by the Commission, it is unlawful for the following to enter any polling place or stay within a radius fifty (50) meters thereof, except to vote:

- (a) Any officer or member of the Armed Forces of the Philippines (AFP) or the Philippine National Police (PNP);
- (b) Any peace officer or armed person belonging to any extra-legal police agency, special forces, reaction forces, strike forces, civilian Armed Force Geographical Units (CAFGUs), Barangay Tanods, or other similar forces or paramilitary forces, including special forces, security guards, special policemen;
- (c) All other kinds of armed or unarmed extra legal police forces; and
- (d) Incumbent Barangay or SK official, whether elected or appointed.

However, the BET, by majority vote, if it deems necessary, may order in writing the detail of a policeman or any peace officer for its protection or for the protection of the election documents and paraphernalia. Such order shall be entered in the Minutes. 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 BET 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.

Finally, however, the PNP or AFP officials/personnel may enter the polling place even without the written order of the BET when there is actual disturbance or disruption of peace and order.

Sec. 30. Authentication of the ballot. - In every case, the Chairman of the BET shall, in the presence of the voter and before giving the ballot to the voter, authenticate the same by affixing his signature at the back thereof. Failure to authenticate shall be noted in the Minutes and shall constitute an election offense. Further, in no case shall the Chairman pre-sign at the back of the ballot prior to its actual issuance to the voters.

Sec. 31. Order of voting. - The voters shall fall in line in the order of their arrival in the polling place and cast their votes in the same order. They shall not crowd around the table of the BET and shall immediately depart after casting their votes.

Sec. 32. Manner of obtaining the ballots. – The manner of obtaining ballots is as follows:

(a) The Voter shall:

- 1) Look for his name in the PCVL posted near the door of the polling place, and determine his precinct number and sequence number.
- 2) Approach the Third Member and state his name, precinct number and sequence number.

(b) The Third Member shall:

1. Verify if the name of the voter is in the PCVL. If the voter's name is not in the PCVL, the voter shall not be allowed to vote, and shall be requested to leave the polling place.
2. If his name is found, his fingernails shall be checked for any indelible ink stain. If stained, it shall be a conclusive presumption that he has already cast his vote. As such, the voter shall be directed to leave the polling place after informing him the reason thereof. This fact, including the name and the precinct number 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 authentic identification documents. In the absence of any authentic identification documents, any member of the BET 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 voter's identity, the voter shall be directed to the Chairman. If not, he shall be directed to leave the polling place after informing him of the reason therefor.

(c) Thereafter, the Chairman shall:

1. Distinctly announce in a tone loud enough to be heard throughout the polling place the name, precinct number and SN of the ballot to be issued to the voter. The Poll Clerk shall enter the same in the corresponding space labeled "Ballot SN" below the first name of the voter in the EDCVL;
 - i. Authenticate the ballot by affixing his signature at the back thereof;
 - ii. Fold the ballot in such a manner that its face, except the portion where the SN appears, is covered; and
 - iii. Give the ballot to the voter.

Only the Chairman of the BET shall issue the ballot, and not more than one (1) ballot shall be issued at one time.

Sec. 33. Manner of voting. - The voter shall, using a ballot secrecy folder, fill up his ballot by writing in the corresponding spaces the names of the individual candidates he is voting for as appearing in the Certified List of Candidates.

Sec. 34. Preparation of ballots for illiterate, and persons with disability (PWD). - No voter shall be allowed to vote as illiterate or persons with disability (PWD) unless such fact is indicated in the EDCVL/PCVL. If so, he may be assisted in the preparation of his ballot, by any of the following:

- (a) A relative within the 4th civil degree of consanguinity or affinity of the voter;
- (b) A 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, such as personal assistant, caregiver, or a nurse shall be considered a member of his household; and
- (c) Any member of the BET.

All assitors must be of voting age.

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

In all cases, the Poll Clerk shall first verify from the illiterate or PWD whether the latter had authorized the assistor to help him to cast his vote.

The assistor shall, in the presence of the illiterate or PWD, prepare the ballot using a ballot secrecy folder.

The assistor shall bind himself in writing and under oath to fill the ballot strictly in accordance with the instructions of the voter and not to reveal the contents thereof, by affixing his signature on the appropriate space in the Minutes.

Sec. 35. Accessible polling places for persons with disability. - The EO, in coordination with the proper school or building officials, shall see to it that the designated polling places of precincts where there are registered voters who are PWDs, as shown in their Voter Registration Records (VRRs), are located in the ground floor of the voting centers for their easy access

Sec. 36. Express lane for persons with disabilities, senior citizens and escorted detainee voters. - PWDs, senior citizens and detainee voters voting in their respective polling places shall be afforded their right to an express lane and made to vote as soon as they arrive. There should be a sign inside the polling place indicating the location of the express lane and who could avail of it (i.e. PWDs, senior citizens, escorted detainee).

Sec. 37. Spoiled ballots. - If a voter accidentally spoils or defaces a ballot in such a way that it cannot lawfully be used, he shall surrender it folded in the same way when it was issued, to the Chairman of the BET. The Chairman shall write the word

"spoiled" in the corresponding space above the "Ballots SN" previously recorded in the EDCVL. The Chairman shall then give the voter a second authenticated ballot after announcing its SN with the Poll Clerk recording the same in the EDCVL above the word "spoiled". However, in cases of spoiled ballots under paragraphs b, d and e of the immediately succeeding section, the voter shall not be issued another ballot.

If the second ballot is again spoiled or defaced in such a way that it can no longer be lawfully used, the same shall be surrendered to the Chairman in the same manner as the first spoiled or defaced ballot. No voter shall be allowed to change his spoiled/defaced ballot more than once.

The spoiled ballot shall, without being unfolded and without removing the detachable coupon, be distinctly marked with the word "spoiled", signed by the Chairman at the back thereof and deposit it in the compartment for spoiled ballots of the ballot box.

Sec. 38. Procedure after voting. – After voting, the following procedure shall be observed:

- (a) After the voter has filled his ballot, he shall fold it in the same manner as he received it;
- (b) The voter shall then proceed to the Poll Clerk who shall, within the view of the voter and the other members of the BET, without unfolding the ballot or seeing its contents, verify the SN against the number previously entered in the EDCVL to determine whether it is the same ballot given to the voter.

If the SN does not tally with the SN as entered in the EDCVL, the ballot shall be considered "spoiled" and shall be so marked and signed by the Chairman, and placed inside the compartment for spoiled ballots. Such fact shall be indicated in Part C of the Minutes.

- (c) If the SN of the ballot returned by the voter is the same as that recorded in the EDCVL, the voter shall:
 - i. Affix his signature in the EDCVL or his thumbmark in case he is illiterate or a PWD; and
 - ii. Affix his thumbmark in the corresponding space in the ballot coupon, and return the folded ballot to the Poll Clerk;
- (d) The Poll Clerk shall then apply indelible ink at the base and extending to the cuticle of the right forefinger nail of the voter, or at the base of any other fingernail if there be no right forefinger.

If a voter refuses to have his fingernail stained with indelible ink, he shall be informed that such refusal shall render his ballot spoiled.

If the voter still refuses despite being informed thereof, the Chairman shall, without unfolding the ballot and without removing the detachable coupon, distinctly mark the ballot with the word "spoiled" sign the same at the back thereof and immediately place said ballot in the compartment for spoiled ballots. The voter shall then be required to depart. Such fact shall be recorded in Part C of the Minutes.

- (e) The Poll Clerk shall detach the ballot coupon in the presence of the voter and deposit the folded ballot in the compartment of the ballot box for valid ballots and the detached coupon in the compartment for spoiled ballots.

Any ballot returned to the Poll Clerk, the detachable coupon of which has been removed not in the presence of the other members of the BET and of the voter, shall be considered "spoiled", accordingly marked, signed by the Chairman and placed inside the compartment for spoiled ballots. Such fact shall be noted in the Part C of the Minutes.

- (f) The voter shall then depart.

Sec. 39. Challenge against illegal voters. - Any voter or watcher may challenge any person offering to vote for: (a) not being registered; (b) using the name of another; (c) suffering from existing disqualification; or (d) being a double/multiple registrant. In such case, the BET shall satisfy itself as to whether or not the ground for the challenge is true by requiring proof of registration, identity or qualification.

No voter shall be required to present his voter's identification card or any other valid identification cards, unless his identity is challenged. However, his failure or inability to present an authentic identification document upon being challenged shall not preclude the voter from voting if he is identified under oath by:

- (a) Any member of the BET; or
(b) By another registered voter of the same barangay.

Barangay voter can only be identified by another voter within the same barangay; likewise, SK voter can only be identified by another SK or Barangay voter within the same barangay. Such identification shall be recorded in Part E of the Minutes.

Sec. 40. Challenge based on certain illegal acts. - Any voter or watcher may challenge any voter offering to vote on the ground that the challenged person has;

- (a) Received or expect to receive, paid, offered or promised to pay, contributed, offered or promised to contribute money or anything of value in consideration for his 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 which depends upon the results of the election.

The challenged person shall take an oath before the BET that he has not committed any of the acts alleged in the challenge. Upon the taking of 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. 41. Record of challenges, oaths and resolutions. - The Poll Clerk shall record in Part E of the Minutes, all challenges and oaths taken in connection therewith and the resolution of the BET in each case. Copies of the challenges, oaths and resolutions shall be attached to the copy of the Minutes. Upon the termination of the voting, the Poll Clerk shall certify that the Minutes contain all challenges, oaths and resolutions made.

Sec. 42. Disposition of unused ballots at end of voting hours. - The Chairman shall count while the Poll Clerk shall record in Part A of the Minutes the quantity of unused ballots and their SNs, if any. Thereafter, he shall, in the presence of other members of the BET and watchers, if any, tear the unused ballots in half lengthwise without removing the stubs and detachable coupon.

The first half of the torn ballots shall be placed in the "Envelope for Other Half of Torn Unused Ballots" which envelope shall be sealed with the paper seal to be submitted to the EO for safekeeping. It shall remain sealed unless the Commission orders otherwise. The second half of the torn ballots shall be placed in the "Envelope for Excess/Half of Torn Unused Ballots" which shall be sealed and then deposited inside the compartment of the ballot box for spoiled ballots. Such fact shall be entered in Part C of the Minutes.

Sec. 43. Prohibition against premature announcement of voting. - Before the termination of the voting, no member of the BET/SBET shall make any announcement as to whether a certain registered voter has already voted or not, as to how many have already voted or how many so far have failed to vote or any other fact tending to show or showing the state of the polls, nor shall he make any statement at any time, except as a witness before a court or body.

ARTICLE VI COUNTING OF VOTES

Sec. 44. Counting of votes to be public and without interruption. - The BET shall publicly count in the polling place, the votes cast and ascertain the results.

They may rearrange the physical set-up of the polling place for counting and perform any other activity with respect to the transition from voting to counting. At all times, the ballot box and all election documents and paraphernalia shall be within close view of the watchers and the public.



They shall not adjourn or postpone or delay the count until it has been fully completed or ordered otherwise by the Commission.

Any violation of this Section, or its pertinent portion, shall constitute an election offense and shall be penalized in accordance with BP Blg. 881, as amended.

Sec. 45. Transfer of counting of votes. - The Commission through the EOs, in the interest of free, orderly, and honest elections, may authorize the BET to count the votes and accomplish the ERs and other forms in any other place within a public building in the same municipality or city on account of imminent danger of widespread violence, terrorism, disorder or similar causes of comparable magnitude; Provided, That the transfer shall have been recommended in writing by the BET by unanimous vote and endorsed in writing by the majority of watchers present: Provided, further, that the transfer is to the nearest safe barangay or school building within the municipality or city and that it shall not be located within the perimeter of or inside a military or police camp, reservation, headquarters, detachment or field office nor within the premises of a prison or detention compound of any law enforcement or investigation agency. This fact shall be recorded in the Minutes.

Sec. 46. Preliminaries to the counting of votes. - The following activities shall be undertaken by the BETs before counting the ballots cast:

For votes cast in the DSPPs:

(a) Upon arrival of the SBET, the Poll Clerk shall enter into the Minutes the receipt of the sealed envelopes containing used/accomplished ballots, unused ballots and Minutes intended for the ballot box. The envelopes shall only be opened after close voting.

(b) Thereafter, the Chairman shall:

1. Check the condition of the envelopes whether it is properly sealed, the SNs of the envelopes and other relevant observations;
2. Open the sealed envelopes submitted by the SBET and count the number of used/accomplished ballots and unused ballots; and

(c) The Poll Clerk shall:

- 1.) Enter in the Minutes the total no. of used/accomplished ballots and unused ballots as against the Minutes submitted by the SBET. Any discrepancy shall be recorded in the Minutes.

For votes cast in the clustered precinct:

(a) Unlock the padlock, open the ballot box and take out the ballots from the compartment for valid ballots.



- (b) For BETs handling clustered Barangay and SK precincts, segregate the ballots cast for barangay elections from those cast for the SK elections.

For BETs handling barangay clustered precincts only, proceed to the examination of ballots according to the immediately succeeding paragraph.

- (c) Examine the ballots to determine whether there are:

1. Excess ballots – The BET shall, without unfolding the ballots or exposing their contents, count the number of ballots in the compartment for valid ballots, and compare the number of ballots inside the ballot box with the number of voters who actually voted as reflected in the PCVL/EDCVL. If there are more ballots than there are voters who actually voted, all the ballots shall be returned to the compartment for valid ballots and thoroughly mixed therein. The Poll Clerk, without seeing the ballots and with his back to the ballot box, shall publicly draw out as many ballots as may be equal to the excess and, without unfolding them, place them in the Envelope for Excess Ballots.

If in the course of the examination, ballots are found folded together before they were deposited inside the ballot box, they shall be considered excess ballots and placed in the corresponding envelope.

2. Ballots with detachable coupons – In case a ballot with undetached coupon is found in the ballot box, the coupon shall be removed and deposited in the compartment for spoiled ballots. The ballot shall be included in the pile of valid ballots.
3. Ballots with the word "spoiled" – If a ballot with the word "spoiled" should be found in the compartment for valid ballots, it shall be placed in the compartment for spoiled ballots.
4. Marked ballots – The BET shall then unfold the ballots and determine whether there are any marked ballots. If any should be found, they shall be placed in the corresponding envelope.

Excess, spoiled and marked ballots shall not be read during the counting of votes. The envelope containing the excess and marked ballots shall be signed and sealed by the members of the BET and deposited in the compartment for valid ballots.



- (d) After completion of the preliminary activities, the BET, which handled both Barangay and SK clustered precincts, shall place the SK ballots inside the ballot box, lock the ballot box with one (1) padlock, then proceed to count the ballots cast for the barangay elections. After the ballots have been counted, BETs shall proceed to count the SK ballots. BETs handling barangay precincts only shall immediately proceed with the counting of ballots.

Sec. 47. Ballots deposited in the compartment for spoiled ballots. - Ballots deposited in the compartment for spoiled ballots shall be presumed to be spoiled, whether or not they contain such notation; but if the BET should find that during the voting, any valid ballot was erroneously deposited in this compartment, the BET shall open said compartment after the voting and before the counting of votes for the sole purpose of drawing out the ballot erroneously deposited therein. The valid ballot so withdrawn shall be mixed with other valid ballots. Such fact shall be recorded in Part C of the Minutes.

Sec. 48. Manner of counting of votes. - The BET shall unfold the ballots and form separate piles of one hundred (100) ballots each, which shall be held together with rubber band. The Chairman shall take the ballots of the first pile one by one and read the names of the candidates voted for.

In reading the ballots during the counting, the Chairman, the Poll Clerk and the Third Member shall assume such positions as to provide the watchers and the public as may be conveniently accommodated in the polling place, an unimpeded view of the ballot being read by the Chairman, of the ER and the tally board being simultaneously accomplished by the, Poll Clerk and the Third Member respectively, without touching any of these election documents. The table shall be cleared of all unnecessary writing paraphernalia. Any violation of this requirement shall constitute an election offense punishable under Sections 263 and 264 BP Blg. 881.

The Poll Clerk and Third Member shall record each vote on the ERs and tally board respectively as the name of the candidate voted for is read. Each vote for a candidate shall be recorded by a vertical line, except every fifth vote for the same candidate, which shall be recorded by a diagonal line crossing the previous four vertical lines.

The same procedure shall be followed with the succeeding piles of ballots.

After all the ballots have been read, the BET shall record in words and figures, the total votes obtained by each candidate both in the ERs and in the tally board. The counted ballots shall be placed in an envelope provided for the purpose, which shall be sealed, signed and deposited in the compartment for valid ballots. The tally board as accomplished and certified by the BET shall not be changed or destroyed, instead, it shall be deposited in the compartment for valid ballots.

After completion of the counting of the votes cast for the barangay elections, the BET shall announce the result of the elections of barangay officials in the precinct, then proceed to unlock the padlock, open the ballot box, take out the ballots for the SK

elections, place the accomplished barangay ERs and barangay tally board inside the ballot box, lock the same, and proceed with the counting of the votes cast for the SK elections, announcement of results and safekeeping of ERs and tally board, using the same procedure above stated.

Sec. 49. Appreciation of ballots. - In the appreciation of the ballots, every ballot shall be presumed valid unless there is clear and good reason to justify its rejection.

Any question on the appreciation of ballots shall be decided by a majority of the members of the BET.

No watcher, candidate, or any other person inside the polling place shall be allowed to participate in the appreciation of ballots, except that any watcher may file a protest which shall be recorded in the Minutes.

The BET shall observe the following rules for the appreciation of ballots as provided for in Section 211 of BP Blg. 881, bearing in mind that the objective of the election is to obtain the expression of the voters' will:

"(a) Where only the first name or surname of a candidate is written, the vote for such candidate is valid, if there is no other candidate with the same first name or surname for the same office;

(b) Where only the first name of a candidate is written on the ballot which when read has a sound similar to the surname of another candidate, the vote shall be counted in favor of the candidate with such surname. If there are two (2) or more candidates with the same full name, first name or surname and one of them is the incumbent, and on the ballot is written only such full name, first name or surname, the vote shall be counted in favor of the incumbent;

(c) In case the candidate is a woman who uses her maiden or married surname or both and there is another candidate with the same surname, a ballot bearing only such surname shall be counted in favor of the candidate who is an incumbent;

(d) When two (2) or more words are written on the same line on the ballot, all of which are the surnames of two (2) or more candidates, the same shall not be counted for any of them unless one is a surname of an incumbent who has served for at least one (1) year, in which case it shall be counted in favor of the latter;

When two (2) or more words are written on different lines on the ballot, all of which are surnames of two (2) or more candidates bearing the same surname for an office for which the law authorizes the election of more than one and there are the same number of such surnames written as there are candidates with that surname, the vote shall be counted in favor of all the candidates bearing the surname;



- (e) When on the ballot is written a single word which is the first name of a candidate and which is at the same time the surname of his opponent, the vote shall be counted in favor of the latter;
- (f) When two (2) words are written on the ballot, one of which is the first name of a candidate and the other is the surname of his opponent, the vote shall not be counted for either one;
- (g) A name or surname incorrectly written which, when read, has a sound similar to the name or surname of a candidate when correctly written shall be counted in favor of such candidate;
- (h) When a name of a candidate appears in a space of the ballot for an office for which he is a candidate and in another space for which he is not a candidate, it shall be counted in his favor for the office for which he is a candidate and the vote for the office for which he is not a candidate shall be considered as stray, except when it is used as a means to identify the voter, in which case, the whole ballot shall be void;
- (i) When in a space in the ballot there appears a name of a candidate that is erased and another clearly written, the vote is valid for the latter;
- (j) The erroneous initial of the first name which accompanies the correct surname of a candidate, the erroneous initial of the surname accompanying the correct first name of a candidate, or the erroneous middle initial of the candidate shall not annul the vote in favor of the latter;
- (k) The fact that there exists another person who is not a candidate with the first name or surname of a candidate shall not prevent the adjudication of the vote of the latter;
- (l) Ballots which contain prefixes such as "Sir", "Mr.", "Datu", "Don", "Ginoo", "Hon.", "Gob". Or suffixes like "Hijo", "Jr.", "Segundo", are valid;
- (m) The use of nicknames and appellations of affection and friendship, if accompanied by the first name or surname of the candidate, does not annul such vote, except when they were used as a means to identify the voter, in which case the whole ballot is invalid. Provided, That if the nickname used is unaccompanied by the name or surname of a candidate and it is the one by which he is generally or popularly known in the locality, the name shall be counted in favor of the said candidate for the same office with the same nickname;
- (n) Any vote containing initials only or which is illegible or which does not sufficiently identify the candidate for whom it is intended shall be considered as a stray vote but shall not invalidate the whole ballot;
- (o) If on the ballot is correctly written the first name of a candidate but with a different surname, or the surname of the candidate is correctly written but with a different first name, the vote shall not be counted in favor of any candidate having such first name and/or surname, but the ballot shall be considered valid for other candidates;

- (p) Any ballot written with crayon, lead pencil, or ink, wholly or in part, shall be valid;
- (q) Where there are two (2) or more candidates voted for in an office for which the law authorizes the election of only one, the vote shall not be counted in favor of any of them, but this shall not affect the validity of the other votes therein;
- (r) If the candidates voted for exceed the number of those to be elected, the ballot is valid, but the votes shall be counted only in favor of the candidates whose names were firstly written by the voter within the spaces provided for said office in the ballot until the authorized number is covered;
- (s) Any vote in favor of a person who has not filed a certificate of candidacy or in favor of a candidate for an office for which he did not present himself shall be considered as a stray vote, but it shall not invalidate the whole ballot;
- (t) A ballot containing the name of a candidate printed and pasted on a blank space of the ballot or affixed thereto through any mechanical process is totally null and void;
- (u) Circles, crosses, or lines put on the spaces on which the voter has not voted shall be considered as signs to indicate his desistance from voting and shall not invalidate the ballot;
- (v) Unless it should clearly appear that they have been deliberately put by the voter to serve as identification marks, commas, dots, lines, or hyphens between the first name and surname of a candidate, or in other parts of the ballots, traces of the letter "T", "J", and other similar ones, the first letters or syllables of names which the voter does not continue, the use of two (2) or more kinds of writing and unintentional or accidental flourishes, strokes, or strains, shall not invalidate the ballot;
- (w) Any ballot which clearly appears to have been filled by two (2) distinct persons before it was deposited in the ballot box during the voting is totally null and void;
- (x) Any vote cast in favor of a candidate who has been disqualified by final judgment shall be considered as stray and shall not be counted but it shall not invalidate the ballot;
- (y) Ballots wholly written in Arabic in localities where it is of general use are valid. To read them, the board of election tellers may employ an interpreter who shall take an oath that he shall read the votes correctly;
- (z) The accidental tearing or perforation of a ballot does not annul it;
- (aa) Failure to remove the detachable coupon from a ballot does not annul such ballot."



ARTICLE VII
PREPARATION AND SAFEKEEPING OF ELECTION RETURNS
AND OTHER ELECTION FORMS AND PARAPHERNALIA

Sec. 50. Preparation and distribution of election returns. - There shall be separate ERs for the Barangay and SK elections. The ERs for the barangay elections shall be accomplished in four (4) copies while the ERs for the SK election shall be accomplished in three (3) copies. Each copy of the ER shall be signed and thumbmarked by the BET and watchers, if available, sealed with a paper seal, placed in the envelope provided for the purpose, which envelope shall likewise be sealed with a paper seal, and distributed under proper receipt as follows:

For the barangay elections-

- (a) Original, to the Chairman of the BBOC;
- (b) Second copy, to the EO;
- (c) Third copy, to be deposited inside the ballot box; and
- (d) Fourth copy, to the Secretary of the Sangguniang Barangay.

For the SK elections-

- (a) Original, to the Chairman of the BOC;
- (b) Second copy, to the EO; and
- (c) Third copy, to be deposited inside the ballot box.

All data required in the ERs shall be accomplished in handwriting in such a manner that the entries on the first (original) copy are clearly impressed in all other copies. The total number of votes for each candidate shall be closed with the signatures and the clear imprints of the right thumb of all the members of the BET, affixed in full view of the public immediately after the last vote recorded or immediately after the name of the candidate receiving no vote.

The BET and the watchers available shall accomplish the certification portion of the ERs. Thereafter, the Chairman shall publicly announce the votes obtained by each candidate.

Sec. 51. Certificate of votes. - After the counting of votes and announcement of the results of the election in the precinct, and before leaving the polling place, the BET shall issue Certificate of Votes (CEF No. 13) upon request of the candidates or their watchers. The Certificate of Votes shall contain the total number of votes received by each candidate, written in words and figures, the precinct number, the name of the barangay, city or municipality and province, the total number of voters who voted in the precinct and the date of its issuance. The Certificate of Votes shall be signed and thumbmarked by all members of the BET.

The BET shall require the requesting party to acknowledge receipt thereof.

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The refusal of the BET to furnish the Certificate of Votes shall constitute an election offense.

Sec. 52. Alterations and corrections in the election returns. - Any correction or alteration made on the ERs by the BET before the announcement of the results of the elections in the precinct shall be duly initialed by all the members thereof.

After the announcement of the results of the elections in the precinct, the BET shall not make any alteration or amendment in any copy of the ERs, unless so ordered by the Commission.

Sec. 53. Disposition of ballot boxes, keys, election returns and other documents. - Upon the termination of the counting of votes and the announcement of the results of the election in the precinct, the BET shall:

(a) Place the following documents inside the compartment of the ballot box for valid ballots:

1. Envelopes containing:

- (i) Counted official ballots;
- (ii) Excess/marked/spoiled ballots and one-half of the torn unused official ballots;
- (iii) ERs (copy for the ballot box); and
- (iv) Minutes (copy for the ballot box).

2. Tally board; and

3. Stubs of used official ballots.

(b) Close the inner compartments of the ballot box, and seal them with one (1) plastic security seal. Lock the outer cover of the ballot box with one (1) padlock and two (2) plastic security seals. The BET shall wrap the ballot box with packaging tape and affix their signatures. The SNs of plastic security seals must be recorded in the Minutes before the same shall be deposited inside the ballot box. The key to the padlock shall be placed in a separate envelope, which shall be sealed and signed by all members of the BET. The envelope with key shall be submitted to the EO.

(c) Deliver to the City/Municipal Treasurer the ballot box locked and sealed as well as all documents and supplies, accompanied by the watchers present, if any. For this purpose, the City/Municipal Treasurer shall, if necessary, keep his office open all night on the day of election, and provide the necessary facilities for said delivery at the expense of the city/municipality;

In case the ballot box delivered by the BET is not locked and sealed, the City/Municipal Treasurer shall lock and/or seal the ballot box. He

shall include such fact and the SN of the plastic security seal used in his report to the Commission.

(d) Deliver to the EO the following:

1. Envelope containing the copy of the ERs intended for the EO;
2. Books of Voters (SK);
3. Envelope containing the key to the padlock of the ballot box;
4. Envelope containing a copy of the Minutes;
5. EDCVL (barangay and SK votes);
6. PCVL (barangay and SK voters);
7. Unused thumbprint takers; and
8. Envelope containing the other half of torn unused ballots.

(e) Deliver to the barangay Secretary the copy of the PCVL for the SK voters (CE for 2-A) and ERs intended for the barangay Secretary.

On the day after the election, the EO or the City/Municipal Treasurer as the case may be, shall require any BET that failed to deliver the election records or paraphernalia mentioned herein to deliver the same immediately.

Sec. 54. Preservation of the list of voters. - The EO shall keep the EDCVL and PCVL (barangay) used in the election in a safe place until such time the Commission gives instructions on their disposition.

Sec. 55. Omission or erroneous inclusion of documents in the ballot box. - If after locking and sealing the ballot box, the BET discovers that some election documents required to be placed in the ballot box were not placed therein, the BET instead of opening the ballot box in order to place therein said documents or articles, shall deliver the same to the EO. In no instance shall the ballot box be reopened to place therein or take out therefrom any election document **EXCEPT**, to retrieve copies of the ERs which will be needed in any canvass, with prior authority of the Commission, through the Election Officer as provided under Resolution No.9080 promulgated October 24, 2010.

In case the BET fails to place the envelope/s containing the counted ballots inside the ballot box, the EO shall, with notice to candidates, deposit said envelope/s in a separate ballot box which shall be properly sealed, padlocked and stored in a safe place in his office. Said ballot box shall remain sealed unless otherwise ordered by the Commission.

ARTICLE VIII DELIVERY AND TRANSMITTAL OF ELECTION RETURNS

Sec. 56. Manner of delivery and transmittal of election returns. - The copy of the ERs intended for the BBOC, placed inside a sealed envelope shall be personally

delivered by the BET to the BBOC under proper receipt, unless the BET is itself the BBOC.

It shall be unlawful for any person to delay, obstruct, impede, or prevent through force, violence, coercion, intimidation or by any means which vitiates consent, the transmittal of the ERs; or to take away, abscond with, destroy, deface, mutilate, or substitute the ERs or the envelope or the ballot box containing the ERs.

It shall also be unlawful to violate the right of the watchers to accompany the BET in delivering the ERs to the BBOC.

ARTICLE IX CANVASS AND PROCLAMATION

Sec. 57. Board of canvassers. - There shall be one (1) BBOC in each barangay to canvass the ERs for both the Barangay and SK elections and thereafter proclaim the winning candidates.

The Commission through the EO shall constitute the BBOC to be composed of a Chairman, Vice-Chairman and Member-secretary. For this purpose, the EO shall choose from among the different chairmen of the BETs in the barangay who shall constitute the BBOC, and appoint who will be the Chairman, Vice-Chairman and Member-secretary.

In case there are not enough chairmen of the BET to constitute the BBOC, the EO shall appoint a member of the BET as Member-secretary of the BBOC.

In a barangay with only one (1) BET, said BET shall convert itself as the BBOC.

The members of the BBOC shall each receive honorarium computed as follows:

NO. OF CLUSTERED PRECINCTS	AMOUNT
1 to 5	P 1,000.00
6 to 10	P 1,500.00
11 and above	P 2,000.00

Sec. 58. Supervision and control over the Barangay Board Of Canvassers.
- The Commission shall have direct supervision and control over the BBOC.

Any member of the BBOC may, at any time, be relieved for cause and substituted *motu proprio* by the Commission through the EO.

Sec. 59. Relationship with candidates and other members. - The members of the BBOC shall not be related within the fourth civil degree of consanguinity or affinity to any barangay candidate or SK candidate or to any member of the same BBOC.

Sec. 60. Prohibition against leaving official station. - Beginning on election day until the proclamation of the winning candidates, no member of the BBOC shall be

transferred, assigned, or detailed outside of his official station, nor shall he leave said station without prior authority from the Commission.

Sec. 61. Feigned illness. - Any member of the BBOC feigning illness in order to be substituted shall be guilty of an election offense.

Sec. 62. Notice of meeting of the Barangay Board Of Canvassers. - At least five (5) days before the meeting of the BBOC, the Chairman shall give notice of the date, time and place of its meeting to all members thereof and to each candidate.

Sec. 63. Vote required. - A majority vote of all the members of the BBOC shall be necessary to render a decision.

Sec. 64. Persons not allowed inside the canvassing room. - It shall be unlawful for any officer or member of the Armed Forces of the Philippines, including the Philippine National Police; peace officer; armed or unarmed person belonging to any extra-legal police agency, special/reaction/strike/home defense force, barangay self-defense units; barangay tanod; member of the security or police organizations of government departments, commission, councils, bureaus, offices, instrumentalities, or government-owned or controlled corporations or their subsidiaries; or any member of a private-owned or operated security, investigative, protective or intelligence agency performing identical or similar functions, to enter the room where the canvassing of the ERs is being held, or to stay within a radius of fifty (50) meters from such room: Provided, however, That the BBOC may, by majority vote in writing, order the detail of policemen or any peace officer for its protection of that of the election documents and paraphernalia in its possession, or for the maintenance of peace and order, in which case said policemen or peace officers, who shall be in proper uniform, shall stay outside the room within a radius of thirty (30) meters near enough to be easily called by the BBOC at any time.

Sec. 65. Canvass by the Barangay Board Of Canvassers. - (a) The BBOC for barangays with more than one (1) BET shall meet at six o'clock in the afternoon of election day in the voting center of the barangay and shall forthwith canvass the ERs of the precincts within the barangay. If the barangay has several voting centers, the canvassing shall be held in the voting center that is most accessible as determined by the EO. The EO shall make a corresponding report which voting center was used as canvassing venue to his PES, who shall likewise report the same to the RED. The RED shall consolidate and submit report to the PMO through the Office of the Deputy Executive Director for Operations (ODEDO) while the RED of NCR shall directly submit report to the PMO through the ODEDO.

(b) In canvassing the ERs, the BBOC shall comply with the following procedures:

- 1) The Member-secretary shall receive the envelopes containing the ERs intended for the BBOC, and record in the Minutes of Canvass (Minutes) the condition and SNs of the envelope and paper seal; and the precinct number(s) comprising the cluster;

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- 2) Before opening, the Chairman shall exhibit the envelope to those who are present;
- 3) Open the envelope and retrieve the ERs;
- 4) Segregate the ERs for the Barangay and SK elections, and proceed to canvass first all the SK ERs in accordance with the following procedures:
 - (a) Examine the condition of the inner paper seal of the ERs; while the Member-secretary records in the Minutes the condition and SN of said paper seal;
 - (b) Break the inner seal, unfold the ERs and exhibit the same; while the Member-secretary records in the Minutes the condition and SN of the ERs;
 - (c) If there is no objection to the ERs, the BBOC shall proceed to canvass by reading the votes of the candidate and entering the same in the Statement of Votes (SOVs).

For purposes of accomplishing the SOVs, the BBOC shall:

- i. divide the three (3) copies between the Vice-Chairman (2 copies) and the Member-secretary (1 copy);
 - ii. fill up the statistical data portion;
 - iii. accomplish the SOVs simultaneously as the Chairman reads the votes.
- (d) If there is an objection to the ERs, the Member-secretary shall note the objection in the Minutes and proceed to canvass the ERs;
 - (e) Immediately after an ER has been canvassed, the Chairman shall write on the upper right hand corner the word "CANVASSED" and affix below it his signature and the date of the canvass. Thereafter, the canvassed ER shall be returned to its envelope;
 - (f) When all the ERs have been canvassed:
 - i. The Vice-Chairman and Member-secretary shall compare the entries in their respective copies of the SOVs. If there are discrepancies in the entries, they shall refer to the corresponding ERs and make the

necessary corrections on the SOVs. All corrections shall be initialed by the members of the BBOC;

ii. If there are no discrepancies, the members of the BBOC shall affix their signatures above their printed names and imprint their thumbmarks on the certification portion of the SOVs.

(g) After the SOVs has been completed, the BBOC shall prepare the Certificate of Canvass and Proclamation (COCP) and proclaim the winning candidates;

5) Proceed with the canvass of all ERs for the barangay elections following the same procedures in paragraphs 4 (a) to (g).

6) In barangays with only one (1) clustered precinct, the BBOC shall immediately accomplish in triplicate the SOVs and COCP and proclaim the winning candidates.

Sec. 66. When the election returns are delayed, lost or destroyed. - In case the copy of the ERs for the BBOC is missing, the BBOC shall, by messenger or other means, obtain such missing ERs from the BET concerned, or, if said copy has been lost or destroyed, the BBOC may, upon prior authority of the Commission, use any of the authentic copies of the said ERs and forthwith direct its representative to investigate the case and immediately report the matter to the Commission.

Even if the BBOC has not received all of the ERs, it may terminate the canvass and proclaim the candidates elected on the basis of the available ERs provided that the missing ERs will no longer affect the results of the elections.

Sec. 67. Material defects in the election returns. - If it should clearly appear that some requisites in form or data had been omitted in the ERs, the BBOC shall call for all the members of the BET concerned by the most expeditious means, for the same BET to effect the correction: Provided, That in case of omission in the ERs of the name of any candidate and/or his corresponding votes, the BBOC shall require the BET to complete the necessary data in the ERs and affix therein their initials: Provided, further, That if the votes omitted in the returns cannot be ascertained by other means except by recounting the ballots, the Commission shall, after satisfying itself that the identity and integrity of the ballot box and the ballots therein have not been violated, order the BET to open the ballot box and count the votes for the candidates whose votes have been omitted, with notice thereof to all candidates of the position involved, and thereafter complete the returns.

The right of a candidate to avail of this provision shall not be lost or affected by the fact that an election protest is subsequently filed by any of the candidates.

Sec. 68. When election returns appear to be tampered with or falsified. - If the ERs submitted to the BBOC appear to be tampered with, altered, or falsified after they have left the hands of the BET, or are otherwise not authentic, or were prepared by persons other than the members of the BET or by such BET but under duress, force,

intimidation, the BBOC shall use other copies of the said ERs and, if necessary, the copy inside the ballot box, which upon previous authority given by the Commission, may be retrieved in accordance with Section 220 of BP Blg. 881. If the other copies of the returns are likewise tampered with, altered, falsified, not authentic, prepared by persons other than the BET or by such BET but under duress, force, intimidation, the BBOC shall bring the matter to the attention of the Commission. The Commission shall then, after giving notice to all the candidates concerned and satisfying itself that nothing in the ballot box indicates that its identity and integrity have been violated, order the opening of the ballots therein has been duly preserved, it shall order the recount of the votes of the candidates affected and prepare a new return, which shall then be used by BBOC as basis for the canvass.

Sec. 69. Discrepancies in Election Returns. - In case it appears to the BBOC that there exist discrepancies in the votes of any candidate in words and figures in the same returns, and in either case the difference affects the results of the elections, the Commission shall, upon motion of the BBOC or any candidate affected and after due notice to all candidates concerned, proceed summarily to determine whether the integrity of the ballot box had been preserved.

Once the Commission is satisfied that the integrity of the ballot box had been preserved, it shall order the opening of the ballot box to recount the votes cast in the polling place solely for the purpose of determining the true result of the count of votes of the candidates concerned.

If upon opening the ballot box as ordered by the Commission, it should appear that there are signs of replacement, tampering, or violation of the integrity of the ballots, the Commission shall not recount the ballots but forthwith seal the ballot box and order its safekeeping.

Sec. 70. Manifest error. - (a) Where it is clearly shown before proclamation that manifest errors were committed in the tabulation or tallying of the ERs during the canvassing, the BBOC may *motu proprio*, or upon verified petition by any candidate, after due notice and hearing, correct the errors committed.

There is manifest error in the tabulation or tallying of the result during the canvassing when:

- 1) A copy of the ER was tabulated more than once;
- 2) Two (2) or more copies of the ERs for one (1) precinct were tabulated;
- 3) There was a mistake in the copying of the figures from the ERs to the SOVs;



- 4) ERs from non-existent precincts were included in the canvass;
- 5) ERs from precinct of one barangay were included in the canvass for another barangay; and
- 6) There was a mistake in the addition of the votes of any candidate.

(b) If the manifest error is discovered before proclamation, the BBOC shall promulgate an order in writing for the correction of the manifest error. They shall effect the necessary correction in the SOVs/COCP by crossing out the erroneous figures/entries to be initialed by the members of the BBOC and entering the correct figures/entries. The correction of manifest error made by the BBOC shall be recorded in the Minutes.

Any candidate aggrieved by the said order may appeal the same to the Commission within twenty-four (24) hours from promulgation. The appeal must implead as respondents the BBOC concerned and all candidates that may be adversely affected.

Once an appeal is made, the BBOC shall not proclaim the winning candidate, unless the votes are not affected by the appeal.

Upon receipt of the appeal, the Clerk of the Commission shall forthwith issue summons together with a copy of the appeal to the respondent/s and shall immediately set the appeal for hearing. The appeal shall be heard and immediately decided by the Commission *En Banc*.

(c) Manifest errors discovered after proclamation the same shall be filed by the board or any aggrieved party with the Commission.

Sec. 71. Questions affecting the election returns; finality of decision thereon. - All questions affecting the ERs shall be raised during the canvass and decided immediately by a majority vote of all the members of the BBOC. The decision shall be reduced in writing and form part of the Minutes of the proceedings and shall be final and immediately executory.

After all questions on the ERs shall have been resolved, the BBOC shall forthwith proceed with the proclamation of the winning candidates, without prejudice to the right of an aggrieved party to file an election protest.

Sec. 72. Elections resulting in a tie. - In cases where two (2) or more candidates for Punong Barangay or SK Chairman received an equal and highest number of votes, or where two (2) or more candidates for Sangguniang Barangay Kagawad or SK Kagawad received the same number of votes for the first or last place, the BBOC, after recording this fact in its Minutes, shall, by resolution, and upon five (5) days notice to all the candidates concerned, hold a special public meeting in which the BBOC shall proceed to the drawing of lots between the candidates who have tied and proclaim as elected the candidates who may be favored by luck.

The other candidates who lost in the draw for the first place, if there are only two (2) who tied, shall automatically be the second placer. If, however, more than two (2) candidates tied for first place, rolled pieces of paper duly marked by the numbers "1", "2", "3", and so on shall be made and the contesting candidates shall draw any one thereof, one after the other, and thereafter publicly open the same.

The number of the rolled paper drawn by each shall decide their ranking. The same procedure shall apply if the tie occurs among the second placers and so on.

If the tie is for the position of Punong Barangay or SK Chairman or for the seventh place for Sangguniang Barangay Kagawad or SK Kagawad, the one favored by luck and proclaimed as elected shall have the right to assume office in the same manner as if he had been elected by plurality vote. The BBOC shall forthwith issue a certificate stating the name of the candidate who had been favored by luck and his proclamation on the basis thereof.

Nothing in this Section shall be construed as depriving the candidate of his right to contest the election.

Sec. 73. Certificate of Canvass and Proclamation. - The BBOC shall prepare in quadruplicate the COCP duly signed and thumbmarked by each member, supported by SOVs received by each candidate in each precinct, and, on the basis thereof, proclaim as elected the Punong Barangay and seven (7) Kagawads and the SK Chairman and seven (7) SK Kagawads who obtained the highest number of votes.

Subject to reasonable exceptions, the BBOC shall complete the canvass within twenty-four (24) hours from the time the first ER is canvassed.

Sec. 74. Distribution of Certificate of Canvass and Proclamation. - Copies of the COCP shall be distributed as follows:

- a) Original, to the EO;
- b) Second copy, to the winning candidate for Chairman of the barangay or SK elections;
- c) Third copy, to the Secretary of the Sangguniang Bayan/Panglungsod, as the case may be; and
- d) Fourth copy, to the Secretary of the Sangguniang Barangay.

The winning candidate for Punong Barangay or SK Chairman shall reproduce the copies of the COCP and distribute the same to each of the winning Barangay and SK kagawads.

It shall be the duty of the EO to submit on or before **November 13, 2013**, to the ERSD, COMELEC, Manila, a certified list of the votes obtained by each candidate ranked from highest to lowest for the Barangay and SK elections in each barangay.



Sec. 75. Proclamation of results. - After affixing their signatures and thumbmarks on the certification portion of both the SOVs and COCP, the BBOC shall then officially proclaim as elected the candidates for winning SK Chairman and seven (7) Kagawads. Thereafter, canvass the ERs for the barangay elections and follow the same procedure for the proclamation of the winning Punong Barangay and seven (7) Barangay Kagawads.

A copy of the SOVs shall be attached to each copy of the COCP except for the copy of the winning candidates. In case of a tie, Section 72 herein shall apply.

Sec. 76. Safekeeping of canvassed election returns. - After the canvass, the BBOC shall return the ERs for the barangay and SK in their proper envelopes, place these envelopes in the envelope for canvassed ERs, close and seal the same with a paper seal. The serial number of the paper seal shall be noted in the Minutes. The Chairman and members thereof shall affix their signatures on the paper seal.

Thereafter, the BBOC shall deliver the envelope containing the canvassed ERs to the City/Municipal Treasurer who shall place the same locked in a safe and secure place with the EO keeping the key thereto, together with the envelopes containing the canvassed ERs from other barangays.

ARTICLE X DETAINEE VOTING

Sec. 77. Who are entitled to avail of detainee voting - Detainee voting, either DSPPs or escorted voting, may be availed of by the following;

1. Those who are already registered as voters prior to detention; and
2. Those registered through detainee satellite registration, by virtue of COMELEC Resolutions No. 9371 and No. 8811 as amended by No. 8859.

SPECIAL POLLING PLACES INSIDE JAILS

Sec. 78. Special Polling Places Inside Jails. - DSPPs shall be established in detention center/jail facility with registered detainee voters in the following manner:

Number of Qualified Detainee Voters	Number of Detainee Special Polling Places (DSPPs)
50 to 200	1
201 to 400	2
401 to 600	3
601 to 800	4
801 to 1,000	5

In cities and municipalities where the detention center/jail is comprised of male/female dorms/ annexes located in one or in different compounds, the total population shall be the basis for the establishment of DSPPs. When the jail facilities are located in different compounds, detainee voters in the facility where the DSPP established shall be joined by the voters coming from the other dorm / annex.

Sec. 79. Preparation of EDCVL-DV and PCVL-DV - In the preparation of the list of registered detainee voters, the following rules shall be observed:

- a. In case of cities with several districts, detainee voters shall be grouped/listed by district; and
- b. Only those who are in the custody of detention centers/jail facilities as of **August 16, 2013** shall be included in the EDCVL-DV and PCVL-DV. For this purpose, the BJMP shall submit to the Committee on Detainee Voting the list of released detainees.

Detainee voters included in the EDCVL-DV but released before the elections shall be allowed to vote in the regular polling place where he is registered. For this purpose, the SBET shall manually cross-out the name of the released detainee in the EDCVL-DV.

Sec. 80. Location of the Detainee special polling place. - The DSPP should be established in an area inside the jail spacious enough to accommodate more than ten (10) voters at a given time to ensure that voting shall be completed while there is still sufficient time to deliver all the accomplished ballots to the different precincts where detainees are registered.

The Lay-out of Polling Place (Annex "E") shall apply to the DSPPs.

Sec. 81. Preparation of the EDCVL-DV and PCVL-DV - The EDCVL-DV and PCVL-DV shall be prepared by the ITD containing the names of all registered detainee voters who are voting through the DSPPs endorsed by the Committee on Detainee Voting, based on the BJMP list duly verified by the proper EO.

Sec. 82. Who may be allowed to vote in the Detainee Special Polling Places. - Only detainee voters whose names appear in the EDCVL-DV and/or PCVL-DV may vote in the DSPPs.

Sec. 83. Persons allowed inside Special Polling Places - Only the following shall be allowed to enter the DSPPs:

- a. Members of the SBET;
- b. Watchers who shall stay only in the space reserved for them;
- c. Monitoring groups (maximum of 2 per DSPP) who shall stay in the space for watchers;
- d. Representatives of the Commission on Human Rights;
- e. Representatives of this Commission;

- f. Detainee voters accomplishing their ballots;
- g. Detainee Voters waiting for their turn to accomplish their ballots;
- h. At least three BJMP personnel (the number shall be increased as the need arises) who shall stay also in the space for watchers; and
- i. Other persons who maybe specifically authorized by the Commission.

Sec. 84. Persons not allowed inside Special Polling Places - The following shall not be allowed to enter the DSPPs:

- a. Any officer or member of the AFP or the PNP;
- 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 paramilitary forces, including special forces, security guards, special policemen except the BJMP personnel mentioned in the immediately preceding section;
- c. All other kinds of armed or unarmed extra-legal police forces; and
- d. Any candidate or barangay official, whether elected or appointed.

SPECIAL BOARD OF ELECTION TELLERS, WATCHERS, ESCORTS AND MONITORING GROUPS

Sec. 85. Special Board of Election Tellers per Detainee Special Polling Place - The Commission, through its EO in districts/cities/municipalities where a DSPP is established, shall constitute the SBET in accordance with the period provided in the calendar of activities for the elections.

The SBET shall be composed of a Chairman, Poll Clerk and Third Member who shall have the same qualifications as mentioned in Sec. 4 hereof.

SEC. 86. Powers and functions of the SBET - The SBET shall have the following powers and functions:

- a. Receive and bring the needed election paraphernalia to the DSPPs on election day;
- b. Conduct only the voting in the DSPPs;
- c. Seal and sign (per precinct) the envelopes containing the used/accomplished ballots, unused ballots and Minutes intended for the ballot box and submit the same to the respective BETs for counting before the close of voting hours on election day;
- d. Act as deputies of the Commission in the conduct of the elections;

- e. Maintain order within the DSPP and its premises; keep access thereto open and unobstructed; enforce obedience to its lawful orders and prohibit the use of cellular phones and camera by the detainee voters. If any person refuses to obey the lawful orders of the SBET or conducts himself in a disorderly manner in its presence or within its hearing and thereby interrupts or disturbs its proceedings, the SBET may issue an order in writing directing any BJMP personnel to take said person into custody until the adjournment of the proceedings, but such order shall not be executed as to prevent the person from voting. A copy of such order shall be attached to the Minutes; and
- f. Perform such other functions prescribed by law or by the rules and regulations promulgated by the Commission.

The PNP escort shall accompany the SBET from the DSPP to the voting center. He shall not be allowed to enter the polling place where the SBET will submit the envelopes except to vote if he is registered therein.

In case there are no sufficient PNP escorts, BJMP personnel shall be assigned by the jail warden to augment the PNP force in escorting the SBETs.

Sec. 87. Relief, substitution and vacancy of the members of the Special Board of Election Tellers. – The provision in Secs. 9 and 10 hereof shall apply.

Sec. 88. Proceedings of the Special Board of Election Tellers- The proceedings of the SBET shall be held in the DSPP designated by the Commission and the BJMP.

Sec. 89. Voting Privilege of the Special Board of Election Tellers - Members of the SBET may on election day vote in the polling places where they are registered, provided that their absence in the DSPP shall not be more than twenty (20) minutes and that they schedule their voting so that only one member of the SBET shall leave at any one time.

Sec. 90. Honoraria of the Special Board of Election Tellers - The members of the SBET shall each receive an amount of Two Thousand Pesos (P2,000.00) as honoraria and One Thousand Pesos (Php 1,000.00) as transportation allowance.

Sec. 91. Official watchers of candidates, political parties and other groups. –Each candidate may appoint two (2) watchers, to serve alternately, in every DSPP. Duly accredited citizens arms of the Commission shall be entitled to appoint a watcher in every DSPP. Other civil, professional, business, service, youth, and other similar organizations, with prior authority of the Commission, shall be entitled collectively to appoint one (1) watcher in every DSPP.

If, because of limited space, all watchers cannot be accommodated in the polling place, preference shall be given to the watchers of the citizens arm. Watchers shall be subjected to all the security measures enforced in jails.

Sec. 92. Qualifications of watchers / rights and duties of watchers - Appointed watchers shall have the same qualifications, rights and duties as mentioned in Sec. 16 and 17 hereof.

Sec. 93. Monitoring groups, observers and media representatives - Monitoring groups duly accredited by the Commission shall be allowed access to the DSPPs to observe the proceedings; *Provided*, that said groups shall present the necessary identification to the SBET;

Accredited media representatives and foreign observers shall also be allowed access to the DSPPs upon presentation of the necessary identification to the SBET.

In all instances, the above-mentioned groups must follow all the security measures enforced within the detention centers/jails and the guidelines established by the Commission.

Sec. 94. Documentation and communication devices allowed in Special Polling Places - Watchers, members of the SBET, Commission on Human Rights (CHR) representatives, accredited monitoring groups, accredited citizens' arms, and COMELEC representatives shall be allowed to bring cameras, cellular phones and laptops in the DSPPs. *Provided*: These devices are to be used exclusively for official documentation and communication purposes only. *Provided further*, That the secrecy of the ballots shall be respected at all times.

ELECTION FORMS, DOCUMENTS AND SUPPLIES

Sec. 95. Election forms, documents and supplies. - The SBET shall get the following forms, documents and supplies early in the morning of election day from the Office of the City/Municipal Treasurer, except when authorized to do so earlier by the Commission, through the Regional Election Director in the case of National Capital Region (NCR) and the Provincial Election Supervisor (PES) in places outside NCR.

Approval of request for early delivery of forms, documents and reporting of approved supplies by the RED (NCR) and PES shall be governed by the guidelines provided for under Sec. 18 hereof.

CEF NO.	DESCRIPTION	RATE OF DISTRIBUTION	
ELECTION FORMS			
A12	Paper Seal	(No. of Clustered Precincts with DV) x (2)	Pieces
	Minutes of Detainee Voting	(No. of Clustered Precincts with DV) x (2)	Pieces
EXPANDABLE ENVELOPES			

	For the ballots from the precincts with detainee voters	(No. of Clustered Precincts with DV) x (4)	Pieces
OTHER FORMS			
A30/A31	Temporary Appointment of Chairman/Poll Clerk/Member	10	Pieces
A35	Certificate of Challenge or Protest and Decision of the BET/SBET	10	Pieces
A39	Oath of Voter Challenged for Illegal Acts	10	Pieces
A40	Oath of Identification of Challenged Voter	10	Pieces
SUPPLIES			
	Bond Paper (Long)	30	Pieces
	Ballot Secrecy Folder	22	Pieces
	Thumbprint Taker	1	Piece
	Indelible Stain Ink	2	Bottles
	Instruction to Voters	1	Piece
	Ballpens	2	Boxes

The SBET shall carefully check the different election forms, documents and supplies and the quantity actually received. The SBET shall sign a Certificate of Receipt (A14) in three (3) copies, one (1) copy of which shall be retained by the SBET. The two (2) other copies shall be returned to the (1) City/Municipal Treasurer who, after elections, shall immediately transmit one (1) copy to the EO concerned.

In addition, SBETs shall receive from the EO the following documents duly certified by the Election Registration Board (ERB):

- (a) One (1) set of EDCVL-DV per DSPP;
- (b) Copies of Appointment and Oath of Office of the SBET (A5);
and
- (c) Two (2) sets of PCVL-DV.

The Poll Clerk shall have custody of the EDCVL-DV. The Third Member shall have custody of one (1) copy of PCVL-DV. The other copy of the PCVL-DV shall be posted at or near the door of the DSPP.

Sec. 96. Forms to be reproduced when needed. - The following forms may be reproduced when needed:

- (a) Temporary Appointment of Chairman/Poll Clerk/Member (Annex "A")
- (b) Certificate of Challenge or Protest and Decision of the BET/SBET (Annex "B");

- (c) Oath of Voter Challenged for Illegal Acts (Annex "C"); and
- (d) Oath to identify a challenged Voter (Annex "D")

VOTING PROCEDURES

Sec. 97. Date and time of detainee voting. - Voting for all qualified detainee voters shall take place on the same date as the Barangay and SK Elections and is conducted from seven o' clock in the morning to twelve o' clock in the afternoon of election day.

The casting of the votes must be finished at twelve o' clock in the afternoon to afford the SBETs sufficient time to submit the accomplished ballots to the proper BETs before the close of voting hours on election day. If the casting of votes is finished earlier than twelve o' clock in the afternoon, the SBETs shall accordingly close the voting.

Sec. 98. Preliminaries to the voting. - The SBET shall proceed at the DSPP before seven o' clock in the morning of election day and submit themselves to all the security measures enforced in jails.

The SBET shall:

- (a) Ensure that the DSPP is ready for voting in accordance with the Lay-out of the polling place hereto attached as Annex "E"; and
- (b) Post the PCVL-DV near or at the door of the DSPP.

The Chairman shall:

- (a) Open the sealed envelope and count the number of ballots in the presence of the other members and watchers, if any.

The Poll Clerk shall:

- (a) Enter in the Minutes their time of arrival, name of voting center/s, the number of ballots and SNs of the paper seals of the envelope received.

Sec. 99. Spoiled ballots in detainee voting. - The procedure provided for under Sec. 37 hereof shall be applicable in cases where the ballots are spoiled. The "spoiled ballots" shall be placed inside the envelope for spoiled ballots seal and submit to the proper BET.

Sec. 100. Manner of obtaining ballots. - The detainee voter shall obtain the ballot in accordance with Sec. 32 hereof. In establishing the identity of the detainee voter, the Poll Clerk shall use authentic identification documents/confirmation by the Bureau of Jail Management and Penology (BJMP) personnel using the official records of the detention center/jails or any authentic document which may establish his identity except barangay certificate or community tax certificate. In the absence of any authentic identification documents, any member of the SBET or any registered voter of

the precinct/clustered precinct may identify under oath the detainee voter, and such fact shall be recorded in the Minutes.

Only the Chairman of the SBET shall issue, and not more than one (1) ballot shall be issued at one time.

Sec. 101. Manner of voting. – The manner of voting in the DSPP shall be conducted pursuant to Sec. 33 hereof except that, the Poll Clerk instead of dropping the ballot and the detached coupon in the ballot box compartment for valid ballots and spoiled ballots respectively, both shall be placed inside the envelope corresponding to the precinct/clustered precinct where the detainee voter is registered.

Sec. 102. Challenge against illegal voters/ challenge based on certain illegal acts.– Any detainee voter or watcher may challenge any person offering to vote for in accordance with Secs. 39 and 40 hereof.

Sec. 103. Rules to be observed during the voting - During the voting, the SBET shall observe the rules under Sec. 26 hereof.

Sec. 104. Prohibition on voting. – The same prohibition provided under Sec. 27 hereof shall apply.

Sec. 105. Preparation of ballots for detainee voters who are illiterate or PWD - Assistance in the preparation of ballots for illiterate and PWD detainee voters shall likewise be in accordance with Sec. 34 hereof.

Relatives within fourth civil degree of consanguinity and affinity may assist the detainee voter who is illiterate/PWD, if said relative is present in the jail/detention enter premises.

Sec. 106. Sealing of the envelopes per clustered precinct - After all the detainee voter in a particular clustered precinct have already voted:

The Chairman shall:

- (a) Count the unused ballots, if there are any, record through the Poll Clerk in the Minutes the quantity of unused ballots indicating the clustered precinct;
- (b) Tear the unused ballots in half lengthwise and place them in the proper envelope (A15), seal, and affix his signature together with the other members of the SBET;
- (c) Count the total number of used/accomplished ballots and place the same inside the envelope (A15), seal, and affix his signature and that of the other members of the SBET;

The Poll Clerk shall:

- (a) Record in the Minutes, the SN of the paper seal of the envelopes containing accomplished/ used ballots, unused ballots and Minutes intended for the ballot box and such other necessary information.

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The Chairman, Poll Clerk, Third Member and escort shall proceed immediately to the voting center where the clustered precinct of the detainee voter is located and turn-over the sealed envelopes to the proper BET

In case there are several clustered precincts located in different voting centers, the members of the SBET with their respective escorts, shall assign and agree among themselves which voting center/s each of them shall go to in order to submit/deliver the sealed envelopes. Said delivery assignment shall be recorded in the Minutes.

Further, the SBET shall ensure that all ballots of detainee voters be submitted/delivered to the respective voting centers before the close of voting hours on election day.

Sec. 107. Disposition of election documents – After the submission/delivery of the envelopes to the BET, the SBET shall deliver to the EO, the following:

- (a) EDCVL-DV;
- (b) PCVL-DV;
- (c) Sealed envelope (A15) containing half-torn/unused ballots;
- (d) Minutes intended for the Commission; and
- (e) Other election paraphernalia.

ESCORTED DETAINEE VOTING

Sec. 108. Escorted detainee voters - The following shall avail of escorted voting:

- (a) Detainee voters who are residents/ registered voters of municipalities/cities other than the town/city of detention; and
- (b) Detainee voters in detention centers/ jails where NO DSPPs are established.

Provided: that said detainee voters obtained court orders allowing them to vote in the clustered precinct where they are registered with the corresponding security escorts.

Sec. 109. Express lane for escorted detainee voters - Due to security reasons, detainee voters voting in their respective clustered precincts shall be given priority to vote. The escort shall inform the BET that the voter is a detainee, and shall be given priority to vote in the express lane.

Sec. 110. Jail/prison escorts may bear arms - To secure the detainee voters, the escorts may bring firearms inside the polling places. Said escorts and detainee voters shall immediately leave the polling place once the latter have finished voting.

ARTICLE XI CONTINGENCY PLAN

Sec. 111. Problems that may be encountered. – The following problems may be encountered during the elections, to wit:

- (a) Late arrival of official ballots, accountable election forms and other election paraphernalia;
- (b) Shortage, non-availability or missing pages of accountable and non-accountable election forms and supplies;
- (c) Discrepancies in the serial number of ballots;
 - 1.) Ballots bearing the same SN;
 - 2.) The upper and lower SNs are different;
 - 3.) Either the upper or lower SN or both are missing;
 - 4.) The SN is unreadable or hard to ascertain; and
 - 5.) The SN does not belong to the series.

Sec. 112. Contingency measures. – In case the foregoing problems are encountered, the REDs, AREDs, PESSs, EOs, City/Municipal Treasurers, BETs/SBETS, and BBOCs shall institute the appropriate contingency measure.

I. LATE ARRIVAL OF OFFICIAL BALLOTS, ACCOUNTABLE ELECTION FORMS AND OTHER ELECTION PARAPHERNALIA

a.) The EO, City/Municipal Treasurer and the BET/SBET, shall jointly assess based on the information from the Administrative Services Department (ASD)/Packing and Shipping Committee (PSC), the time of arrival of the ballots, accountable election forms and other election paraphernalia at the concerned polling place;

b.) If based on their assessment, the ballots will arrive before twelve o' clock in the afternoon of October 28, 2013, voting shall immediately start and continue up to five o' clock in the afternoon. If after five o'clock in the afternoon, there are still voters present who have not yet cast their votes, Sec. 23 hereof shall apply;

c.) If the ballots, accountable election forms and other election paraphernalia will arrive **after twelve o' clock in the afternoon of October 28, 2013, elections shall be reset to the following day, October 29, 2013, or if it is not feasible, on the next day, October 30, 2013.**

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Voting, counting and canvassing shall continue in the clustered precincts not affected.

Notwithstanding the resetting of the elections in the affected clustered precinct, the BBOC may proclaim the winning candidates whose election will not be affected by the number of votes to be cast in the clustered precinct/s where the elections was rescheduled. If the number of votes to be cast in the clustered precinct where elections was rescheduled, will affect the result of the elections, the BBOC shall suspend its proceedings and reconvene at **six o'clock in the evening of October 29, 2013** or if not feasible, **on October 30, 2013**; and

d.) The EO shall announce and post notice on the date of the resetting of elections in the clustered precinct/s affected. **Not later than six o'clock in the evening of election day**, the EO shall report to the PES which clustered precinct/s under his jurisdiction have extended/rescheduled its elections due to late arrival of ballots, accountable election forms and other election paraphernalia, the PES shall likewise report the same to the RED, who shall consolidate and submit (by fax or e-mail) to the Project Management Office (PMO) through the ODED, the soonest possible time. The RED of NCR shall report directly to the PMO through ODED.

II. SHORTAGE, NON-AVAILABILITY OR MISSING PAGES OF ACCOUNTABLE AND NON-ACCOUNTABLE ELECTION FORMS AND SUPPLIES

(a) Official Ballots

2.) **Shortage or non – availability of official ballots.** - The EO shall report, by fastest means available, the shortage or non-availability of ballots to the Allocation Committee. If reported:

Before election day. – The Allocation Committee shall determine the necessity of printing ballots. If necessary, the Allocation Committee is authorized to determine the quantity requirements for printing. If printing is not necessary, it is authorized to instruct the City/Municipal Treasurer and the EO on the manner of re-allocating the ballots.

On election day. - The provision of Section 182 (Emergency Ballots) of the BP Blg. 881 shall apply on the shortage or non-availability of ballots on election day.

"Sec. 182. Emergency ballots. – No ballots other than the official ballots shall be used or counted, except in the event of failure to receive the official ballots on time, or where there are no sufficient ballots for all registered

voters or where they are destroyed at such time as shall render it impossible to provide other official ballots, in which cases the city or municipal treasurer shall provide other ballots which shall be similar to the official ones as circumstances will permit and which shall be uniform within each polling place. The treasurer shall immediately report such action to the Commission. The municipal treasurer shall not undertake the preparation of the emergency ballots unless the political parties, candidates and the organizations collectively authorized by the Commission to designate watchers have been sufficiently notified to send their representatives and have agreed in writing to the preparation and use of emergency ballots."

(b) Election Returns/Tally Boards

- 1.) **Shortage or non- availability of election returns/tally boards.** - If either the election returns (ERs) or tally boards are not received or not available, the following shall:

The EO:

- i. Report such fact to the Commission through the Allocation Committee.

The BET/SBET:

- i. Improvised ERs or Tally Boards and proceed with the counting of votes;
- ii. After the counting, sign the improvised ERs or Tally Boards and imprint their thumbmarks;
- iii. Distribute copies of the improvised ERs or Tally Boards in accordance with Section 50 hereof ;
- iv. Enter in the Minutes that the ERs or Tally Boards are not available and that the BET together with the watchers decided to use improvised ERs or Tally Boards; and
- v. Place all forms used inside the corresponding envelopes and deposit the same inside the ballot box;

- 2.) **Missing pages/copies of election returns.** - In case of missing page/s/copies of the ERs, the BET shall take measures to reproduce/photocopy such missing page/s/copies. It shall take steps to ensure that the copy intended for the BBOC is complete by obtaining the missing page/s/copies from the other copies of the ERs with no missing pages. All such photocopies shall be certified by the BET and watchers, if available.



(c) Statement of Votes by Precinct

1) **Non – availability of Statement of Votes by Precinct (SOVP)**

- If the SOVP is not available the following shall:

The EO:

- i. Report the same to the Commission through the Allocation Committee.

The BBOC:

- i. Improvised SOVP and proceed with the canvass of ERs;
- ii. After the canvass, sign the improvised SOVP and imprint their thumbmarks;
- iii. Distribute copies of the improvised SOVP in accordance with Section 75 hereof;
- iv. Enter in the Minutes that the SOVP is not available and that the BBOC together with watchers decided to use improvised SOVP; and
- v. Place all forms used inside the corresponding envelopes and deposit the same inside the ballot box;

2.) **Missing pages/copies of the Statement of Votes by Precinct.** - In case of missing pages/copies of the SOVP, the BBOC shall take measures to reproduce/photocopy the SOVPs. All such photocopies shall be certified to by the BBOC.

In the Metro Manila Area and whenever possible, all lacking or missing pages of all accountable forms shall be replaced.

Outside Metro Manila, all non-accountable forms and supplies may be reproduced/photocopied upon prior approval of the EO.

(d) Authority of the Election Working Committees. – Authority is hereby granted to:

1.) The Printing Committee:

- i. Cause the printing of the required ballots/ERs.

2.) The PSC:

- i. Immediately pack and ship the lacking ballots/ERs through the fastest means possible and ensure that the same arrives at and receive by the intended recipients on or before election day.

III. OFFICIAL BALLOTS BEARING THE SAME SERIAL NUMBERS; THE UPPER AND LOWER SERIAL NUMBERS OF THE BALLOT ARE DIFFERENT; EITHER THE UPPER OR LOWER SERIAL NUMBER OF THE BALLOT OR BOTH IS MISSING; THE SERIAL NUMBER OF THE BALLOT IS UNREADABLE OR HARD TO ASCERTAIN; OR THE SERIAL NUMBER OF THE BALLOT DOES NOT BELONG TO THE SERIES OF THE BALLOTS ISSUED.

(a) **Official ballots bearing the same serial numbers** - If the ballots bear the same SNs the following shall:

The City/Municipal Treasurer:

- 1.) Issue the subject ballots to the BET/SBET; and
- 2.) Take note of its condition in the inventory report.

The Chairman of the BET/SBET:

- 1.) Prior to the issuance of subject ballots to the registered voters, shall add one Arabic numeral after the last digit of the serial number, starting with number 1, then 2, and so on and affix his initial thereon. In so doing, the ballots will now have different SNs; and
- 2.) Record opposite the name of the voters in the EDCVL/EDCVL-DV, the new SNs.

The fact that the ballots have the same SN and its quantity shall be noted in the Minutes. Further, the new SNs shall be recorded the same.

In all instances, the BETs/SBETs are directed to issue first the ballots with complete and regular SNs. Except those which were marked as defective ballotS, the BET/SBET shall only issue ballots with the same SNs to the voters, if there are no more available ballots with complete and regular SN in the polling place/SDPP concerned.

(b) **Upper and lower serial numbers of the official ballot are different.** – If the upper and lower SNs of the ballot are different, the following shall:

The Poll Clerk:

- 1.) Enter in the Minutes the different SNs appearing in the ballot, indicating therein whether it is located in the upper or lower portion thereof; and
- 2.) Record opposite the name of the voter in the EDCVL/EDCVL-DV, the two (2) different SNs.

The Chairman:

- 1.) Issue the ballot to the voter.

(c) **Either the upper or lower serial number of the official ballot is missing.**
– If either the SN in the upper or lower portion of the ballot is missing, the members of BET/SBET shall:

The Poll Clerk:

- 1.) Take note in the Minutes the missing SN in the ballot either in the upper or lower portion, indicating whether it is located in the upper or lower portion thereof; and
- 2.) Record opposite the name of the voter in the EDCVL/EDCVL-DV the available SN.

The Chairman:

- 1.) Copy the available SN in the portion of the ballot where it does not appear and affix his signature therein; and
- 2.) Issue the ballot to the voter.

(d) **Both the upper and lower serial numbers of the official ballot are missing.** – If both the SNs in the upper and lower portion are missing, the concerned members of the BET/SBET shall:

The Poll Clerk:

- 1.) Record the fact in the Minutes.

The Chairman:

- 1.) Mark the ballot as “defective ballot”; and
- 2.) Place the same inside the envelope intended for spoiled ballots.

(e) **Serial number of the official ballot is unreadable or hard to ascertain.** - If the SN of the ballot is unreadable or hard to ascertain, the following shall:

The Poll Clerk:

- 1.) Check the SN of the ballot preceding the ballot with blurred SN and follow the sequence of the SNs;
- 2.) Enter in the Minutes the ascertained SN; and
- 3.) Record opposite the name of the voter in the EDCVL/EDCVL-DV.

The Chairman:

- 1.) Issue the ballot to the voter.

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If the SN of the ballot is totally unreadable, the Poll Clerk shall record the same in the Minutes while the Chairman shall mark the ballot as "defective ballot" and thereafter, place the ballot inside the envelope intended for spoiled ballots.

(f) **Serial number of the official ballot does not belong to the series.** – If the SN of the ballot does not belong to the series, the members of the BET/SBET shall:

The Poll Clerk:

- 1.) Note in the Minutes, the SN of the ballot that does not belong to the series; and
- 2.) Record the same opposite the name of the voter in the EDCVL/EDCVL-DV.

The Chairman:

- 1.) Issue the ballot to the voter.

In all instances, the BETs/SBETs are directed to issue first the ballots with complete and regular SNs. Except those which were marked as defective ballots; the BETs/SBETs shall only issue to the voters, ballots with SNs not belonging to the series, if there are no more in-series ballots available in the polling place concerned.

ARTICLE XII MISCELLANEOUS PROVISIONS

Sec. 113. Grant of leave credits to personnel of the Department of Education (DepEd) who are assigned election duty. - Subject to confirmation by the DepEd, the Chairmen and Members of the BET/SBETs and other DepEd personnel who are assigned election duty, shall be entitled to a five-day leave credit.

Sec. 114. Authority of EOs to administer oath. - The EOs are authorized to administer oath, for free, on all matters related to the conduct of the Barangay and SK elections.

Sec. 115. Pre-proclamation cases. - Pre-proclamation cases are not allowed in the Barangay or SK elections.

Sec. 116. Election offenses. - Except to the extent modified and/or repealed by Republic Acts No. 6679, 7166, 9164, 9340 and by other laws, Sections 261, 262, 263, and 264 of Article XXII of the B.P. Blg. 881 shall be applicable to the election of Barangay and SK officials.

Sec. 117. Applicability of the Omnibus Election Code. - The provisions of the B.P. Blg. 881 and other pertinent laws shall, as far as practicable, apply to the Barangay and SK elections.

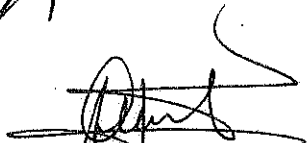
Sec. 118. Effectivity. - This Resolution shall take effect on the seventh (7th) day after its publication in two (2) newspapers of general circulation in the Philippines.

Sec. 119. Dissemination. - The Education and Information Department (EID) of this Commission is directed to cause the publication of this Resolution and its widest dissemination, and to furnish copies hereof to the Secretaries of the Department of the Interior and Local Government (DILG), Department of Finance (DOF), Department of Education (DepEd); REDs, PESs and EOs of the Commission.

SO ORDERED.


SIXTO S. BRILLANTES, JR.
Chairman


LUCENITO N. TAGLE
Commissioner


ELIAS R. YUSOPH
Commissioner


CHRISTIAN ROBERT S. LIM
Commissioner


MARIA GRACIA CIELO M. PADACA
Commissioner


AL A. PARREÑO
Commissioner


LUE TITO F. GUIA
Commissioner

