



Republic of the Philippines
Department of Education
Region VII, Central Visayas
DIVISION OF CITY SCHOOLS-TAGBILARAN
City of Tagbilaran



February 20, 2018

DIVISION MEMORANDUM
NO. 102, s. 2018

DISSEMINATION OF COMELEC RESOLUTION NOS. 10211 AND 10246
(General Instructions for the Members of the Electoral Boards and Barangay Board of Canvassers (BBOCs) in Connection with the Conduct of the October 23, 2017 Synchronized Barangay and Sangguniang Kabataan (SK) Elections, and Calendar of Activities and Periods of Certain Prohibited Acts in Connection with the May 14, 2018 Synchronized Barangay and Sangguniang Kabataan (SK) Elections)

To: Assistant Schools Division Superintendent
SGOD and CID Chiefs
Education Program Supervisors and Public Schools District Supervisor
Public & Private Elementary and Secondary School Heads
Teaching, Teaching-Related and Non-Teaching Personnel
All Others Concerned

1. For the information and guidance of all concerned, enclosed are copies of the following Commission on Elections (COMELEC) Resolutions:

No.	Title	Date Promulgated
10211	General Instructions for the Members of the Electoral Boards and Barangay Board of Canvassers (BBOCs) in Connection with the Conduct of the October 23, 2017 Synchronized <i>Barangay</i> and <i>Sangguniang Kabataan</i> (SK) Elections	October 4, 2017
10246	Calendar of Activities and Periods of Certain Prohibited Acts in Connection with the May 14, 2018 Synchronized <i>Barangay</i> and <i>Sangguniang Kabataan</i> (SK) Elections	January 15, 2018

2. Immediate dissemination of this Memorandum is desired.


VIRGINIA C. ZAPANTA, Ed.D., CESO V
Schools Division Superintendent 



Republic of the Philippines
Department of Education

14 FEB 2018

DepEd MEMORANDUM
No. **025**, s. 2018

DISSEMINATION OF COMELEC RESOLUTION NOS. 10211 AND 10246
(General Instructions for the Members of the Electoral Boards and *Barangay* Board of Canvassers (BBOCs) in Connection with the Conduct of the October 23, 2017 Synchronized *Barangay* and *Sangguniang Kabataan* (SK) Elections, and Calendar of Activities and Periods of Certain Prohibited Acts in Connection with the May 14, 2018 Synchronized *Barangay* and *Sangguniang Kabataan* (SK) Elections)

To: Undersecretaries
Assistant Secretaries
Bureau and Service Directors
Regional Directors
Schools Division Superintendents
Public and Private Elementary and Secondary School Heads
All Others Concerned

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LEONOR MAGTOLIS BRIONES
Secretary

Encls.:

As stated

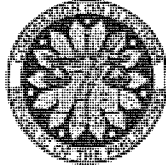
Reference:

N o n e

To be indicated in the Perpetual Index
under the following subjects:

CAMPAIGN
ELECTIONS
LEGISLATIONS
OFFICIALS
PROHIBITIONS

DJP DM Dissemination of COMELEC Resolution Nos. 10211 and 10246
0103 Feb. 2/6, 2018



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

GENERAL INSTRUCTIONS FOR THE MEMBERS OF THE ELECTORAL BOARDS AND BARANGAY BOARD OF CANVASSERS (BBOCs) IN CONNECTION WITH THE CONDUCT OF THE OCTOBER 23, 2017, SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN (SK) ELECTIONS.	BAUTISTA, J. Andres D. LIM, Christian Robert S. PARREÑO, Al A. GUIA, Luie Tito F. LIM, Arthur D. GUINZON, Ma. Rowena Amelia V. ABAS, Sheriff M.	Chairman Commissioner Commissioner Commissioner Commissioner Commissioner Commissioner
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Promulgated: October 3, 2017

RESOLUTION No. 10211
april 2017

Pursuant to the powers vested in it by the Constitution of the Republic of the Philippines, the BP Blg. 881 (Omnibus Election Code), Republic Act Nos. 9164¹, 9340², 10632³, 10742⁴, 10756⁵ and other election laws, the Commission on Elections (Commission) hereby promulgates the following General Instructions on the composition and appointment of the members of the Electoral Boards and Barangay Board of Canvassers (BBOCs), including the process of voting, counting and canvassing of election results, and other matters relative thereto.

ARTICLE I
GENERAL PROVISIONS

Section I. Nature of the Barangay and Sangguniang Kabataan (SK) Elections. – The Barangay and SK Elections shall be non-partisan and conducted in an expeditious and inexpensive manner.

Sec. 2. Supervision and control of the Barangay and SK Elections. – The Commission shall have supervision and control over the conduct of the October 23, 2017 Synchronized Barangay and SK Elections.

ARTICLE II
THE ELECTORAL BOARD, DEPARTMENT OF EDUCATION SUPERVISOR OFFICIAL (DESO) AND SUPPORT STAFF

THE ELECTORAL BOARD

Sec. 3. Authority to Constitute and Appoint the Electoral Boards. – The Commission, through the Election Officer (EO), shall constitute and appoint the Electoral Board for every clustered or grouped precinct in the district, city or municipality, in writing, in the form prescribed by the Commission.

Sec. 4. Composition of the Electoral Board. – The Electoral Board shall be composed of a Chairperson, a Poll Clerk and a Third Member.

Sec 4.1 As far as practicable and in order to ensure the protection of women Electoral Board members, they may not be assigned in areas with security concern, far flung barangays, or areas which are likely to cause gender-based violence or are likely to result in, physical, sexual, or psychological harm, difficulty or suffering.

Sec. 5. Right of Preference. - In the appointment of the members of the Electoral Boards, the EO shall give preference to public school teachers who are qualified, willing and available to render election - related service.

Sec. 6. Qualifications of Members of the Electoral Board. - No person shall be appointed as member of the Electoral Board, whether regular, temporary or as a substitute, unless such person is:

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

Sec. 7. Disqualification of Members of the Electoral Board. – No person shall be appointed as member of the Electoral Board if said person is related within the fourth (4th) civil degree of consanguinity or affinity to any member of the same Electoral Board or to any candidate to be voted for in the polling place of assignment or to the said candidate's spouse.

QUALIFIED SUBSTITUTES

Sec. 8. Grounds for the Appointment of Qualified Substitutes. -In case there are not enough public school teachers, who are qualified, willing and available, qualified substitutes may be appointed by the Commission, through the EO, in either of the following cases:

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

Substitutes shall be on - call on election day. The EO shall cause the deployment of substitute in case any member of the Electoral Board fails to report in their designated polling place, except in the following instances where the members of the Electoral Board present, may appoint a registered voter as substitute to temporarily fill such vacancy, until the regular member appears:

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

Sec. 9. Oath of members of the Electoral Board. - Before assuming office, the Electoral Board members shall take and sign an oath in the form (CEF No. 5A) prescribed by the Commission, to be administered by the EO or any authorized officer, or, by any other Electoral Board member. Copies of the oath shall be submitted to the EO.

Sec. 10. Arrest of absent member. - The member or members of the Electoral Board present may order the arrest of any member who, in their judgment has absented with the intention of obstructing the performance of the duties of the Electoral Board.

Sec. 11. Prohibition on partisan political activity. – No Electoral Board member shall engage, directly or indirectly, in any partisan political activity or take part in the election except to discharge election duties and to vote.

Sec. 12. Proceedings of the Electoral Board. – The meeting of the Electoral Board shall be held at the polling place designated by the Commission.

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

Sec. 13. Voting privilege of the members of the Electoral Board –

- I) Electoral Board members 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 Election Day Computerized Voters Lists (EDCVL-Barangay and EDCVL-SK), as the case may be, their names and precinct numbers and the place where they are actually registered.
- II) Any Electoral Board member except the Chairperson, who is not registered in the barangay where they are assigned, may vote in the polling place where they are registered, provided that:
 - a) The voting in their place of assignment is light;
 - b) Their absence shall not be for more than thirty (30) minutes;
 - c) The Electoral Board members shall schedule the voting so that only one (1) member shall leave at any given time;
 - d) They must be given priority in voting; and
 - e) The fact that they exercised their voting privilege shall be noted in the Minutes.

Sec. 14. Powers and functions of the Electoral Board. – The Electoral Board shall have the following powers and functions:

- a) Conduct the voting and counting of votes in their assigned polling places;
- b) Act as deputies of the Commission in the supervision and control of the conduct of elections in the polling place;
- c) Maintain order within the polling place and its premises to keep access thereto open and unobstructed, to 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 Electoral Board or conducts in a disorderly manner in its presence or within its hearing and thereby interrupts or disturbs its proceedings, the Electoral Board 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 Electoral Board in writing. A copy of such written order shall be attached to the Minutes of Voting and Counting of Votes (Minutes);
- d) Furnish watchers copies of the Certificate of Votes (CEF No. 13) upon request; and
- e) Perform such other functions prescribed by law or by the rules and regulations promulgated by the Commission.

HONORARIA, ALLOWANCES, SERVICE CREDITS AND OTHER BENEFITS.

Sec. 15. Honoraria, Allowances, Service Credits and Other Benefits. –

Persons rendering election-related service shall be entitled to the following:

a. Honoraria. - The Chairperson and members of the Electoral Board, the Department of Education Supervisor Official (DESO) and their respective Support Staff shall be entitled to the corresponding honoraria:

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

b. Travel Allowance. – The Chairperson and members of the Electoral Board, the DESO and their respective Support Staff shall be entitled to a travel allowance of One Thousand Pesos (P1,000.00) each.

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

c. Service Credit. – A minimum of five (5) days service credit shall accrue to all government officials and employees serving as Chairpersons and members of the Electoral Boards, DESO, and Support Staff;

d. Other Benefits. - Claims for other benefits shall be filed with the Committee on Claims and Assessment (CCA) through the EO. The CCA shall be composed mainly of the Office of the Deputy Executive Director for Operations, Law Department, Personnel Department and Finance Services Department.

d.1 Death Benefits - The amount of Five Hundred Thousand Pesos (P500,000.00) shall be awarded to the beneficiaries of persons who rendered election-related service.

d.2 Medical Assistance - An amount not exceeding Two Hundred Thousand Pesos (P200, 000.00) shall be awarded to the person who rendered election-related service and suffered election-related injury or illness.

The grant of financial assistance can only be availed of once (1) per election service, which shall include, special election, plebiscite, initiative, referendum and recall.

d.3 Legal Indemnification Package. – An equitable legal indemnification package for persons who rendered election-related service and have been made a party in any administrative, civil, or criminal action, suit or proceeding, by reason of or on the occasion of performance of their functions or duties as such is hereby established in the form of:

d.3.1 Legal assistance;

d.3.2 Lawyer's fees;

d.3.3 Indemnification for legal costs and expenses reasonably incurred; and

d.3.4 Other forms of legal protection.

The amount of Fifty Thousand Pesos (P50,000) as legal indemnification package shall be made available to each claimant.

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

The Commission shall establish a Trust Fund from which the death benefits, medical assistance, and legal indemnification package due to persons rendering election – related service shall be drawn, pursuant to Resolution No. 10194 (IN THE MATTER OF THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 10756, OTHERWISE KNOWN AS THE “ELECTION SERVICE REFORM ACT”).

DEPUTIZATION OF UNIFORMED PERSONNEL OF THE PHILIPPINE NATIONAL POLICE

Sec. 16. Deputization of Members of the Philippine National Police (PNP).

– Uniformed personnel of the PNP may be deputized as a member of the Electoral Board, if the following circumstances are present:

- a) The peace and order situation in the area requires the appointment of PNP uniformed personnel; and
- b) There are no other qualified, willing and available persons to render election service in the affected area based on the certification issued by the highest officials/authorized representatives of the following entity:
 - i. Private school;
 - ii. DepEd;
 - iii. Other national government agencies; and
 - iv. Local chapter of Commission-accredited citizens’ arm other Civil Society Organizations (CSOs) and Non-governmental Organizations (NGOs) duly accredited by the Commission.

DEPARTMENT OF EDUCATION SUPERVISOR OFFICIAL (DESO) AND SUPPORT STAFF

Sec. 17. Department of Education Supervisor Official (DESO) and Support Staff. - There shall be one (1) DESO with one (1) Support Staff for every voting center.

The EO shall appoint the DESO Support Staff with the following as qualifications:

- a) Must be registered voter in the city/municipality; and
- b) Not related to any of the members of the Electoral Board or candidates, within the fourth civil degree of consanguinity or affinity.

In no case shall a casual employee be appointed/designated to serve as Support Staff, nor shall an employee/official of local government units, be appointed/designated thereto.

ARTICLE III WATCHERS

Sec. 18. *Official watchers of candidates and other groups.* – Every candidate for the Barangay and/or SK Elections shall be entitled to one (1) watcher 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, 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.

Preference shall be given to the watchers of the citizens' arms and Punong Barangay/SK Chairperson candidates, in case the space reserved for watchers is not enough.

Citizens' arms already accredited during the May 9, 2016 National and Local Elections; do not need to apply for accreditation for purposes of October 23, 2017 Barangay and SK Elections. However, they should file a manifestation of intent to discharge the duties of an accredited citizens' arm to the Commission En Banc not later than October 9, 2017.

Sec. 19. *Qualifications of watchers.* - No person shall be appointed watcher, unless the watcher:

- (a) is a registered voter of the barangay or a member of the Katipunan ng Kabataan, as the case maybe, in the assigned barangay;
- (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 (4th) civil degree of consanguinity or affinity to the Chairperson or any Electoral Board members in the polling place where the watcher seeks appointment.

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

Sec. 20. Rights and duties of a watcher. - Upon entering the polling place, the watcher shall present to the Electoral Board Chairperson a sworn appointment. The appointment shall bear the signature of the candidate with a statement that such person 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 EO with a 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 said person is not disqualified to serve as such.

The watchers shall have the right to:

- a) Stay in the space reserved for them inside the polling place;
- b) Witness the proceedings of the Electoral Board;
- c) Take note of what they 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 they believe may have been committed by any Electoral Board member or by any person;
- f) Obtain from the Electoral Board 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 Chairperson, 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 Chairperson and all Electoral Board members.

Watchers shall not speak to any Electoral Board members, or to any voter, or among themselves, in such a manner as would disturb the Electoral Board proceedings.

**ARTICLE IV
FORMS, DOCUMENTS AND SUPPLIES**

Sec. 21. Forms, documents and supplies. - The Electoral Board 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-BGY	Official Ballots for Barangay Elections	1	piece per voter
6-SK	Official Ballots for SK Elections	1	piece per voter
9-BGY	Election Returns for Barangay Elections	1	set of 2 pages by 4 copies
9-SK	Election Returns for SK Elections	1	set of 2 pages by 3 copies
10-BGY	Tally Sheet for Barangay Elections	1	set
10-SK	Tally Sheet for SK Elections	1	set
11	Minutes of Voting and Counting of Votes	1	set of 2 pieces
12	Paper Seals	16 12	pieces for BGY pieces for SK
13	Certificate of Votes	20	pieces
14	Certificate of Receipt of Official Ballots, Other Forms and Supplies by Electoral Board	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 of the Sangguniang Barangay	1	set of 3 pieces

ENVELOPE FOR VOTING AND COUNTING			
28BGY, 15BGY, 16BGY, 16BGY-A, 16- BGY-B, 16BGY-C, 16BGY-D	For BGY Official Ballots, Counted Official Ballots, Excess, Marked, Spoiled, Torn Half of Unused Official Ballots, Other Half of Torn Unused Official Ballots for Barangay Elections	1	set of 7 pieces
28SK, 15SK, 16SK, 16SK- A, 16SK-B, 16SK-C, 16SK-D	For SK Official Ballots, Counted Official Ballots, Excess, Marked, Spoiled, Torn Half of Unused Official Ballots, Other Half of Torn Unused Official Ballots for SK Elections	1	set of 7 pieces
17H-BRGY to 17K-BGY	For Election Returns for Barangay Elections - copy for the Barangay Board of Canvassers - copy for the Election Officer - copy for the Ballot Box - copy for the Secretary, SB	1	set of 4 pieces
17H-SK TO 17J-SK	For Election Returns for SK Elections - copy for the Barangay Board of Canvassers - copy for the Election Officer - copy for the Ballot Box	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	1	Piece
OTHER FORMS			
30/31	Temporary Appointment and Oath of Chairperson/Poll Clerk/Member	3	pieces
35	Certificate of Challenge or Protest and Decision of the Board	3	pieces
39	Oath of Voter Challenged for Illegal Acts	5	pieces
40	Oath of Identification of Challenged Voter	5	pieces
SUPPLIES			
	Ballpen	12	pieces
	Rubber Band	8	pieces
	Bond Paper Long	20	pieces
	Carbon Paper	5	sheets
	Thumbprint/Fingerprint Takers	2	pieces
	Plastic Security Seal for the Ballot Box	3	pieces

	Indelible Stain Ink	2	bottles
	Ballot Secrecy Folders	12	pieces
	Comelec Padlock with key	1	Piece
	Packaging Tape	1	Roll

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

20-A-BGY	Statement of Votes by Precinct for Barangay Elections
20-A-SK	Statement of Votes by Precinct for SK Elections
20-A-1	Summary Statement of Votes for SK and Barangay Elections
25=A-BGY	Certificate of Canvass and Proclamation of Winning Candidates for Barangay Elections
25-A-SK	Certificate of Canvass and Proclamation of Winning Candidates for SK Elections
17-L	Envelope for Canvassed Election Returns
12	Paper seals

The Electoral Board members 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) or the Provincial Election Supervisor (PES) in places outside of NCR.

Approval of any request for early delivery of election forms, documents and supplies by the RED (NCR) or PES 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 Electoral Board members may be able to receive said documents and paraphernalia in time for the opening of polls at seven (7:00) 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 Electoral Board members.

The PES shall make a corresponding report to the RED on approved request /s for early delivery and in turn, the RED shall transmit the consolidated report to the Office of the Deputy Executive Director for Operations (ODEDO). The RED of the NCR shall directly submit the report to the ODEDO.

The Electoral Board members 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.

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

The Electoral Board members shall also receive from the EO the following documents duly certified, except item (e) hereof, by the Election Registration Board (ERB):

- a) One (1) copy of the Election Day Computerized Voters' List (EDCVL) for Barangay voters;
- b) One (1) copy of the EDCVL for SK voters;
- c) Two (2) copies of the Posted Computerized Voters' List (PCVL) for Barangay voters;
- d) Two (2) copies of the PCVL for SK voters; and
- e) Canvassing Forms.

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

Sec. 22. Forms to be reproduced when needed. - The following forms may be reproduced by the EO through the Electoral Board when the need arises:

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

Sec. 23. Minutes of Voting and Counting of Votes. - The Electoral Board members 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, or incidents required to be recorded 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 have custody over 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. 24. Date of election. - The election of Barangay and SK officials shall be held on **October 23, 2017 (Monday)**.

Sec. 25. Who are allowed to vote. - Registered voters of the precinct:

- a) Whose names appear in the PCVL and EDCVL for the Barangay and/or SK levels; and
- b) Electoral Board members entitled to avail of voting privilege under Section 13 hereof.

Sec. 26. Voting hours. - The casting of votes shall start at seven **(7:00)** o'clock in the morning and end at three **(3:00)** 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 and consecutively number them. 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. 27. Place of Voting. - Voters shall cast their votes in their designated polling places.

Sec. 28. Preliminaries to the voting. - The Electoral Board members shall meet at the polling place and perform the following preliminary activities:

(a) At six **(6:00)** o' clock in the morning of election day:

- 1) See to it that they have all the election forms, documents and supplies needed;
- 2) Post one (1) copy each of the PCVL for Barangay voters and SK voters outside the polling place;
- 3) Display 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 the recommended 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/tables; and
- 6) Place the ballot secrecy folders on top of the desks/chairs/tables.

(b) Before the start of voting, the Electoral Board Chairperson shall:

- 1.) Open the ballot box, empty both compartments and show to the public that it is empty. Then the Electoral Board Chairperson shall lock its interior cover with one (1) padlock. The Poll Clerk shall retain the key to the padlock during the voting; and
- 2.) Show to the public and to the watchers present, the package of ballots. 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 was shown to the public.

Sec. 29. Rules to be observed during the voting. - During the voting, the Electoral Board 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 Electoral Board, nor mingle and talk with the voters;

- (c) No person carrying any firearm or 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 shall occur; and
- (e) The interior cover of the ballot box shall remain locked until the voting is finished and the counting begins, except when it becomes necessary to make room for more ballots, the Chairperson, may, in the presence of watchers, open the box, press down the ballots without removing any of them. After which, the Chairperson shall again close the interior cover of the ballot box and lock it with the padlock.

Such facts shall be recorded in the Minutes.

Sec. 30. Prohibition on voting. - It shall be unlawful to:

- (a) Bring the ballot and/or the ballot secrecy folder outside the polling place, except, voting involving Persons with Disabilities (PWDs), Senior Citizens (SCs), heavily pregnant women and Detainee Voters;
- (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 cases of assisted voting;
- (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 the vote, including the use of digital cameras, cellular phones or similar gadgets;
- (f) Intentionally tear or deface the ballot; and
- (g) Disrupt or attempt to disrupt the proceedings of the Electoral Board.

Sec. 31. Persons allowed inside the polling place. - Only the following shall be allowed inside the polling place:

- (a) Electoral Board members;
- (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; and
- (f) Others who are specifically authorized by the Commission.

Sec. 32. 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), unless said PNP personnel is duly appointed as Electoral Board members pursuant to Article II, Section 16 hereof;
- (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 officials, whether elected or appointed.

However, the Electoral Board members, by majority vote, if it deems necessary, may order in writing the detail of a PNP or AFP officials/personnel for their protection or for the protection of the election documents and paraphernalia. Such order shall be entered in the Minutes. Said PNP or AFP officials/personnel shall stay outside the polling place within a radius of thirty (30) meters or near enough to be easily called by the Electoral Board at any time, but never at the door, except in areas declared under COMELEC control, in which case the PNP or AFP officials/personnel shall stay near or at the door of the polling place.

When there is actual disturbance or disruption of peace and order, the PNP or AFP officials/personnel may enter the polling place even without the written order of the Electoral Board members.

In no case shall the said PNP or AFP officials/personnel 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.

Sec. 33. Authentication of the ballot. - In every case, the Electoral Board Chairperson shall, in the presence of the voter and before giving the ballot to the voter, authenticate the same by affixing signature at the back thereof. Failure to authenticate shall be noted in the Minutes and shall constitute an election offense, but will not invalidate the ballot. Further, in no case shall the Chairperson pre-sign at the back of the ballot prior to its actual issuance to the voters.

Sec. 34. 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 Electoral Board and shall immediately depart after casting their votes.

The Electoral Board members shall give priority to PWDs, Senior Citizens and heavily pregnant women.

Sec. 35. Manner of obtaining the ballots. - The manner of obtaining ballots is as follows:

(a) The voter shall:

- 1) Look for their name in the PCVLs posted near the door of the polling place, and determine the precinct number and sequence number;
- 2) Approach the Third Member who shall ask the voter's name, age, precinct number and sequence number.

(b) The Third Member shall:

1. Verify if the name of the voter is in the PCVL-Barangay and/or PCVL-SK. If the voter's name is not in either of the PCVLs, the voter shall not be allowed to vote, and shall be requested to leave the polling place;
2. If the voter's name is found, check the fingernails for any indelible ink stain. If stained, it shall be a conclusive presumption that the voter has already voted. As such, the voter shall be directed to leave the polling place and shall be informed of the reason thereof. This fact shall be recorded by the Poll Clerk in the Minutes;

3. If the fingernail is not stained, establish the identity of the voter. If satisfied with the voter's identity, the voter shall be directed to the Chairperson. In case of doubt, apply the provision of Sec. 42 hereof.

(c) The Chairperson shall:

1. Distinctly announce in a tone loud enough to be heard throughout the polling place the name, precinct number and SN of the Barangay ballot and/or SK ballot to be issued to the voter. The Poll Clerk shall enter the same in the corresponding space labeled "Ballot SN" beside the name of the voter in the EDCVL-Barangay and/or EDCVL-SK;
 - i. Authenticate the ballot/s by affixing signature at the back thereof;
 - ii. Affix signature in the EDCVL;
 - iii. Fold the ballot/s in such a manner that its face, except the portion where the SN appears, is covered. In case the voter is entitled to vote in the barangay and SK elections, the ballots shall be folded separately;
 - iv. Ask the voter to affix his/her signature in the EDCVL; and
 - v. Give the ballot/s to the voter.

Only the Chairperson shall issue the ballot and not more than one (1) ballot shall be issued at one time except, in cases where the voter is both barangay/SK voter.

2. In case any voter, under the 18-30 years old category, refuses to accept any of the two (2) ballots (either for SK or for Barangay), the Chairperson of the Electoral Board shall explain to the voter that he or she shall hold on to the two ballots and accomplish the ballot for the election said voter wishes to participate. After voting, the Electoral Board shall proceed in accordance with Sec. 41 for the accomplished ballot. While for the unaccomplished ballot, the Chairperson of the Electoral Board shall distinctly announce the fact of refusal. With the presence of the concerned voter, mark as "abstained" the ballot and deposit the same, in the compartment for spoiled ballots. The incident and the SN of the ballot shall be recorded in the Minutes.

Sec. 36. Manner of voting. - The voter shall, using a ballot secrecy folder, fill up the ballot/s by writing in the corresponding spaces, the names of the individual candidates voted for as appearing in the Certified List of Candidates.

Sec. 37. Accomplishment of ballots for illiterate, PWDs or Senior Citizens (SCs). - Illiterate, PWD or SC who cannot by themselves accomplish the ballot may vote with the assistance of any of the following:

- (a) A relative within the fourth (4th) civil degree of consanguinity or affinity;
- (b) A person of the voter's 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 the voter's household; and
- (c) Any Electoral Board members.

All assistors must be of voting age.

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

In all cases, the Poll Clerk shall first verify from the illiterate, PWD or SC whether the latter had authorized the assistor to help in filling-up the ballot/s.

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

The assistor shall be bound in writing and under oath to fill-up the ballot/s strictly in accordance with the instructions of the voter and not to reveal the contents thereof, by affixing signature on the appropriate space in the Minutes.

For this purpose, the EDCVL shall bear the following markings:

- * -- 18 to 30 years old
- A – Illiterate
- B – Person with Disability (PWD)
- C – Senior Citizen (SC)

Sec. 38. Accessible polling places (APPs). - The EO, in coordination with the school or building officials, shall see to it that the registered voters are assigned to polling places located on the ground floor for easy access.

For PWDs, Senior Citizens and heavily pregnant women, they shall vote in APP, pursuant to the provisions of Resolution No. 9763⁶.

Sec. 39. Express lane for PWDs, SCs and heavily pregnant women and Electoral Boards exercising voting privilege. – PWDs, senior citizens and heavily pregnant women shall be afforded the right to an express or priority lane. There should be a signage inside the polling place indicating the location of the express lane.

Sec. 40. Spoiled ballots. - If the ballot/s is/are accidentally spoiled or defaced in such a way that it cannot lawfully be used, the voter shall surrender it folded in the same way when it was issued by the Electoral Board Chairperson. The Electoral Board Chairperson shall write the word “spoiled” beside the ballot SN previously recorded in the EDCVL. The Electoral Board Chairperson shall then give the voter a second authenticated ballot after announcing its SN, with the Poll Clerk recording the same in the available space in the EDCVL. However, in cases of spoiled ballots under Sec. 41 paragraphs b (ii), e, and f, 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 Electoral Board Chairperson in the same manner as the first spoiled or defaced ballot. No voter shall be allowed to change 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 Electoral Board Chairperson at the back thereof and deposit in the compartment for spoiled ballots of the ballot box.

In all cases the Poll Clerk shall record in the Minutes the SN of the spoiled or replacement ballot.

Sec. 41. Procedures after voting. – After voting, the following procedures shall be observed:

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

⁶ Implementing Rules and Regulations of Republic Act No. 10366, entitled “An Act Authorizing the Commission on Elections to Establish Precincts assigned to Accessible Polling Place exclusively for Persons with Disabilities and Senior Citizens.”

- (i) If the SN/s of the ballot/s returned by the voter is the same as that recorded in the EDCVL, the voter shall affix thumbmark in the corresponding space in the ballot coupon/s, and return the ballot to the Poll Clerk;
 - (ii) If the serial numbers (SN/s) does not coincide with the SN/s as entered in the EDCVL, the ballot/s shall be considered “spoiled” and shall be so marked and signed by the Chairperson, and placed inside the compartment for spoiled ballots. Such fact shall be indicated in Part C of the Minutes.
- (c) Any ballot/s returned to the Poll Clerk, the detachable coupon/s of which was not removed in the presence of the other Electoral Board members and the voter, shall be considered “spoiled”, accordingly marked, signed by the Chairperson and placed inside the compartment for spoiled ballots. Such fact shall be noted in Part C of the Minutes.
- (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.
- (e) The Chairperson shall detach the ballot coupon/s in the presence of the voter and deposit the folded ballot/s in the compartment of the ballot box for valid ballots and the detached coupon/s in the compartment for spoiled ballots. The voter shall then leave the polling place.
- (f) If the voter refuses to have the fingernail stained with indelible ink, the voter shall be informed that such refusal shall render the ballot/s spoiled.

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

The Electoral Board shall ensure that the EDCVL is properly accomplished. Failure to do the same shall be a ground for the filing of an administrative case against the erring Electoral Board members.

Sec. 42. 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 Electoral Board shall satisfy itself as to whether the ground for the challenge is true by requiring proof of registration, identity or qualification.

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

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

A barangay and/or SK voter can only be identified by another voter of the same barangay. Such identification shall be recorded in Part E of the Minutes.

Sec. 43. 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 expected 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 Electoral Board that he/she 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. 44. 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 Electoral Board resolution 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. 45. Disposition of unused ballots at the end of voting hours. - The Chairperson shall count while the Poll Clerk shall record in Part A of the Minutes the quantity of unused ballots, if any, and their SNs. Thereafter, he shall, in the presence of other Electoral Board members and watchers, if any, tear the unused ballots lengthwise in half, 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. 46. Prohibition against premature announcement of voting. - Before the termination of the voting, no Electoral Board members shall make any announcement as to whether a certain registered voter has already voted, 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 make any statement at any time, except as a witness before a court or body.

ARTICLE VI COUNTING OF VOTES

Sec. 47. Counting of votes to be public and without interruption. - The Electoral Board shall publicly count in the polling place; the votes cast and tally the results.

They may re-arrange the physical set-up of the polling place for counting and perform any other activity to accomplish an orderly 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 unless 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. 48. Transfer of counting of votes. - In the interest of free, orderly, and honest elections, the Commission through the EO may authorize the Electoral Board

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 unanimous vote of the Electoral Board and endorsed by majority of watchers present: Provided, further, that the said public building 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. Any transfer of the venue for the counting of votes shall be duly recorded in the Minutes.

Sec. 49. Preliminaries to the counting of votes. - The following activities shall be undertaken by the Electoral Board before counting the ballots cast:

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) Segregate the ballots cast for barangay elections from those cast for the SK elections;

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

1. Excess ballots – The Electoral Board 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 EDCVL.

1.1. 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 the Poll Clerk's 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;

1.2. 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 an 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” is found in the compartment for valid ballots, it shall be placed in the compartment for spoiled ballots.
4. Marked ballots – The Electoral Board 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 Electoral Board members and deposited in the compartment for valid ballots.

- (d) After completion of the preliminary activities, SK ballots shall be placed inside the ballot box, lock with one (1) padlock, then proceed to count the ballots cast for the barangay elections. After the ballots have been counted, the Electoral Board shall proceed to count the SK ballots.

Sec. 50. 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 Electoral Board should find that during the voting, any valid ballot was erroneously deposited in this compartment, the Electoral Board 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. 51. Manner of counting of votes. - The Electoral Board shall unfold the ballots and form separate piles of one hundred (100) ballots each, which shall be held together with rubber band. The Chairperson 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 Chairperson, 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 Chairperson, 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 262 and 264 of 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 Electoral Board 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 Electoral Board 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 Electoral Board 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. 52. 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 Electoral Board members.

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 Electoral Board 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. 53. 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 Electoral Board and watchers, if the latter is 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 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 BBOC;
- (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 the 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 Electoral Board members, 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 Electoral Board and the watchers available shall accomplish the certification portion of the ERs. Thereafter, the Chairperson shall publicly announce the votes obtained by each candidate.

Sec. 54. 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 Electoral Board 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 Electoral Board members.

The Electoral Board shall require the requesting party to acknowledge receipt thereof.

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

Sec. 55. Alterations and corrections in the election returns. - Any correction or alteration made on the ERs by the Electoral Board 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 Electoral Board shall not make any alteration or amendment in any copy of the ERs, unless so ordered by the Commission.

Sec. 56. 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 Electoral Board 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 Electoral

Board 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 Electoral Board members. 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 Electoral Board is not locked and sealed, the City/Municipal Treasurer shall lock and/or seal the ballot box and 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 Commission;
2. Envelope containing the key to the padlock of the ballot box;
3. Envelope containing a copy of the Minutes;
4. EDCVL (barangay and SK);
5. PCVL (barangay and SK);
6. Unused thumbprint takers; and
7. Envelope containing the other half of torn unused ballots.

- (e) Deliver to the Secretary of the Sangguniang Barangay the copy of the PCVL for the SK voters (CEF 2-A) and ER (barangay elections) copy for the Secretary of the Sangguniang Barangay.

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

Sec. 57. Preservation of the list of voters. - The EO shall keep the EDCVL-Barangay, EDCVL-SK, PCVL-Barangay and PCVL-SK used in the election in a safe place until such time the Commission gives instructions on their disposition.

Sec. 58. Omission or erroneous inclusion of documents in the ballot box.
- If after locking and sealing the ballot box, the Electoral Board discovers that some

election documents required to be placed in the ballot box were not placed therein, the Electoral Board 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 re-opened to place therein or take out there from 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 EO, as provided under Resolution No. 9080 promulgated October 24, 2010.

In case the Electoral Board 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. 59. *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 Electoral Board to the BBOC or through the BBOC Support Staff under proper receipt.

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 Electoral Board in delivering the ERs to the BBOC/BBOC Support Staff.

ARTICLE IX CANVASS AND PROCLAMATION

Sec. 60. *Board of Canvassers/Sub-Canvassing Unit.* - 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/Sub-Canvassing Unit to be composed of a Chairperson, Vice-Chairperson and Member-Secretary. The BBOC/Sub-Canvassing Unit shall possess the same qualification as that of the Electoral Board.

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

The members of the BBOC/Sub-Canvassing Unit shall each receive an honorarium computed as follows:

NO. OF BARANGAY ELECTION RETURNS	HONORARIA	
	BBOC coming from Electoral Board	
1 to 5	P 1,000.00	
6 to 12	P 1,500.00	
13 to 24	P 2,000.00	
	Fresh BBOC	
25 to 36	P 2,500.00	
37 to 48	P 3,000.00	
	Main BBOC	Sub-Canvassing Unit
49 to 97 with one (1) Sub-Canvassing Unit	P 4,000.00	P 2,000.00
98 to 145 with two (2) Sub-Canvassing Unit		
146 to 193 with three (3) Sub-Canvassing Unit		
194 to 241 with four (4) Sub-Canvassing Unit		
242 above with five (5) Sub-Canvassing Unit		

Sec. 61. Supervision and control over the Barangay Board of Canvassers. - The Commission shall have direct supervision and control over the BBOC/Sub-Canvassing Unit.

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

Sec. 62. Relationship with candidates and other members. - The members of the BBOC/Sub-Canvassing Unit shall not be related within the fourth civil degree of consanguinity or affinity to any barangay candidate or SK candidate or to any of the candidate's spouse or to any member of the same BBOC/Sub-Canvassing Unit.

Sec. 63. Prohibition against leaving official station. - Beginning on election day until the proclamation of the winning candidates, no member of the BBOC/Sub-Canvassing Unit shall be transferred, assigned, or detailed outside of the official station, nor shall leave said station without prior authority from the Commission.

Sec. 64. Feigned illness. - Any member of the BBOC/Sub-Canvassing Unit feigning illness in order to be substituted shall be guilty of an election offense.

Sec. 65. Notice of meeting of the Barangay Board of Canvassers. - At least five (5) days before the meeting of the BBOC, the Chairperson shall give notice of the date, time and place of its meeting to all members thereof including the Sub-Canvassing Unit, if any, and to each candidate.

Sec. 66. Vote required. - A majority vote of all the members of the BBOC shall be necessary to render a decision.

Sec. 67. Persons not allowed inside the canvassing room. - It shall be unlawful for any officer or member of the AFP, including the PNP; 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 PNP or AFP officials/personnel for its protection or that of the election documents and paraphernalia in its possession, or for the maintenance of peace and order, in which case said PNP or AFP officials/personnel, 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. 68. Canvass by the Barangay Board of Canvassers. - (a) The BBOC for barangays with more than one (1) Electoral Board 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 to the OPES for consolidation purposes, which voting center was used as canvassing venue. The OPES shall consolidate the report, to be submitted to the ORED. The report from the OPES, shall be forwarded to the ORED who shall submit its consolidated report to the Office of the Deputy Executive Director for Operations (ODEDO) while the ORED of NCR shall directly submit its report to the ODEDO.

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

FOR BBOC WITH NO SUB- CANVASSING UNIT

- 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;
- 2) Before opening, the Chairperson shall exhibit the envelope to those who are present;
- 3) Open the envelope and retrieve the ERs and proceed to canvass first all the Barangay 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-Chairperson (2 copies) and the Member-Secretary (1 copy);
 - ii. fill up the statistical data portion;
 - iii. accomplish the SOVs simultaneously as the Chairperson reads the votes.
- (d) If there is an objection to an ER, the Member-Secretary shall note the objection in the Minutes and proceed to canvass the ER;
 - (e) Immediately after an ER has been canvassed, the Chairperson shall write on the upper right hand corner the word "CANVASSED" and affix below it the 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-Chairperson 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 and recorded in the Minutes of the Canvass;
 - 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 affix their signatures and thumbmarks on the certification portion of COCP and officially proclaim the winning candidates.

- 4) To determine the results of the election of SK officials, proceed with the canvass of all ERs for the SK elections following the same procedures in paragraphs 3 (a) to (g).
- 5) In barangays with only one (1) clustered precinct, the BBOC shall immediately accomplish in triplicate the SOVs and COCP and proclaim the winning candidates.

FOR BBOC WITH SUB-CANVASSING UNIT

- 1) Canvass all ERs for the barangay and SK elections following the same procedures provided in the preceding paragraphs b (1 to 3) hereof.
- 2) The BBOC Chairperson shall assign as many ERs to the Sub-Canvassing Unit taking into consideration Section 60 hereof.
- 3) The Sub-Canvassing Unit after accomplishing the SOV, shall turn-over the same to the BBOC.
- 4) The BBOC shall prepare the Summary Statement of Votes using all the SOVs in its custody. Thereafter prepare the COCP and proclaim the winning candidates.

Sec. 69. 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 a copy of the missing ERs from the Electoral Board 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. 70. 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 Electoral Board members concerned by the most expeditious means, for the same Electoral Board 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 Electoral Board 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 Electoral Board 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. 71. 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 Electoral Board, or are otherwise not authentic, or were prepared by persons other than the Electoral Board members or by such Electoral Board 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 Electoral Board or by such Electoral Board 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. 72. 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. 73. 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. 74. 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. 75. Elections resulting in a tie. - In cases where two (2) or more candidates for Punong Barangay or SK Chairperson 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 candidate, 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 Chairperson 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 it 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 proclaim on the basis thereof.

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

Sec. 76. Certificate of Canvass and Proclamation (COCP) and Proclamation of Winning Candidates. - 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 Chairperson 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.

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 75 herein shall apply.

Sec. 77. 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 Punong Barangay or SK Chairperson;
- 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 Chairperson 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 the **November 8, 2017** (Wednesday), deadline to the Election Records and Statistics Department (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 together with the CD containing with the encoded results of the Barangay and SK elections.

Sec. 78. Safekeeping of canvassed election returns. - After the canvass, the BBOC shall return the ERs for the Barangay and SK elections 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 Chairperson 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 CONTINGENCY PLANS

Sec. 79. 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. 80. Contingency measures. - In case the foregoing problems are encountered, the REDs, AREDs, PESs, EOs, City/Municipal Treasurers, Electoral Boards 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 Treasurers and the Electoral Boards, shall jointly asses 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 23, 2017, 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. 26 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 23, 2017, elections shall be reset to the following day, October 24, 2017, or if it is not feasible, on the next day, October 25, 2017.**

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 24, 2017** or if not feasible, **on October 25, 2017**; 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 ODEDO, the soonest possible time. The RED of NCR shall report directly to the ODEDO.

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

(a) Official Ballots

- 1.) **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

- 2.) **Shortage or non- availability of election returns/tally boards.** - If either the 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 Electoral Board:

- 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 59 hereof;
 - iv. Enter in the Minutes that the ERs or Tally Boards are not available and that the Electoral Board 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;
- 1.) **Missing pages/copies of election returns.** - In case of missing page/s/copies of the ERs, the Electoral Board 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 Electoral Board 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 68 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 upon recommendation of the Allocation Committee.

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 Electoral Board; and
- 2.) Take note of its condition in the inventory report.

The Chairperson of the Electoral Board:

- 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-Barangay/EDCVL-SK, 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 Electoral Board members are directed to issue first the ballots with complete and regular SNs. Except those which were marked as defective ballots, the Electoral Board members 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 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-Barangay/EDCVL-SK, the two (2) different SNs.

The Chairperson:

- 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 Electoral Board 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-
Barangay/EDCVL-SK the available SN.

The Chairperson:

- 1.) Copy the available SN in the portion of the ballot where it does not appear and affix 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 Electoral Board members shall:

The Poll Clerk:

- 1.) Record the fact in the Minutes.

The Chairperson:

- 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-
Barangay/EDCVL-SK.

The Chairperson:

- 1.) Issue the ballot to the voter.

If the SN of the ballot is totally unreadable, the Poll Clerk shall record the same in the Minutes while the Chairperson 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 Electoral Board members 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-
Barangay/EDCVL-SK.

The Chairperson:

- 1.) Issue the ballot to the voter.

In all instances, the Electoral Board members are directed to issue first the ballots with complete and regular SNs. Except those which were marked as defective ballots; the Electoral Board 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 XI MISCELLANEOUS PROVISIONS

Sec. 81. 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. 82. Pre-proclamation cases. - Pre-proclamation cases are not allowed in the Barangay or SK elections.

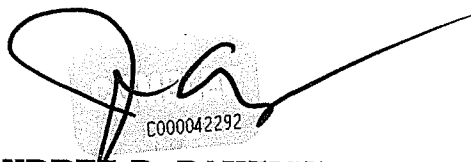
Sec. 83. Election offenses. - Except to the extent modified and/or repealed by Republic Acts No. 6679, 7166, 9164, 9340, 10742 and by other laws, Sections 261, 262, 263, and 264 of Article XXII of the BP Blg. 881 shall be applicable to the election of Barangay and SK officials.

Sec. 84. Applicability of the Omnibus Election Code. - The provisions of the BP Blg. 881 and other pertinent laws shall, as far as practicable, apply to the Barangay and SK elections.

Sec. 85. 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. 86. 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.



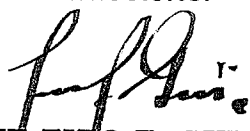
ANDRES D. BAUTISTA
Chairman



CHRISTIAN ROBERT S. LIM
Commissioner



AL A. PARREÑO
Commissioner



LUIE TITO F. GUIA
Commissioner



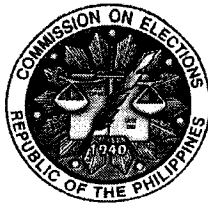
ARTHUR D. LIM
Commissioner

On leave at the time this matter was approved

MA. ROWENA AMELIA V. GUANZON
Commissioner



SHERIFF M. ABAS
Commissioner



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

CALENDAR OF ACTIVITIES AND PERIODS OF CERTAIN PROHIBITED ACTS IN CONNECTION WITH THE MAY 14, 2018 SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN (SK) ELECTIONS

Acting Chairman
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

X- - - - - X

Promulgated: January 15, 2018

RESOLUTION NO. 10246
upheld

emwink

Pursuant to the powers vested in it by the Constitution of the Republic of the Philippines, the Omnibus Election Code (B.P. Blg. 881), Republic Acts 6646, 7166, 8189, 8436, 9189, 9369 and other election laws, the Commission on Elections (Commission), **RESOLVED** to prescribe the following calendar of activities and periods of prohibited acts in connection with the May 14, 2018 Synchronized Barangay and Sangguniang Kabataan (SK) Elections:

DATE/PERIOD	ACTIVITIES	PROHIBITED ACTS
January 26, 2018 (FRI)	Last day to file petition for inclusion of voters (Sec. 34, R.A. 8189 in relation to Sec. 29, R.A. 6646 and Resolution No. 10214, Sec. 15)	
February 2, 2018 (FRI)	Last day to file petition for exclusion of voters. (Sec. 35, R.A. 8189 in relation to Sec. 29, R.A. 6646 and Resolution No. 10214, Sec.16).	
February 7, 2018 (WED)	Last day for the ERB, Citizens' Arm and Civic Organizations to verify, certify and seal the List of Voters for the <i>barangay</i> and <i>sangguniang kabataan</i> elections. (Resolution No. 10214)	

f

February 12, 2018
(MON) to February 19,
2018 (MON) Period to constitute the
members of the
Electoral Board and
Barangay Boards of
Canvassers (BBOC).

February 13, 2018
(TUE) Last day to post the
barangay and
sangguniang kabataan
Computerized Voters '
Lists (CVL). (Sec. 30,
R.A. 8189 in relation to
Sec. 29, R.A. 6646).

March 15, 2018 (THU)
to June 13, 2018 (WED) Illegal release of
prisoners before and
after election. (Sec. 261
(n), OEC).

March 30, 2018 (FRI) Last day of submission of
requests/petitions for
transfer of voting
centers/polling places.

April 14, 2018 (SAT) to
April 20, 2018 (FRI) Filing of Certificates
of Candidacy (Sec. 7,
R.A. 6679) in relation
to Sec. 29, R.A. 6646.

April 14, 2018 (SAT) to
May 21, 2018 (MON)

ELECTION PERIOD

Alteration of territory
of a precinct or
establishment of a new
precinct. (Sec. 5, R.A.
8189).

Carrying of firearms or
other deadly weapons
(Sec. 32, R.A. 7166).

Use of security
personnel or
bodyguards by

candidates (Sec. 33, R. A. 7166).

Coercing, threatening, intimidating or terrorizing any election official or employee in the performance of his election functions or duties. [Sec. 261 (f), OEC]. *(NOTE: Until proclamation of winning candidates)*

Transfer or detail of officers and employees in the civil service including public school teachers. (Sec. 261 (h), OEC).

Organizing or maintaining reaction forces, strike forces or similar forces. (Sec. 261 (u), OEC).

Suspension of any elective provincial, city, municipal or barangay officer. (Sec. 261 (x), OEC).

April 14, 2018 (SAT) to
May 14, 2018 (MON)

Vote-buying and vote-selling [Sec. 261 (a), OEC].

April 14, 2018 (SAT)
until proclamation of
winning candidates

Wagering upon result of election. [Sec. 261 (c), OEC].

April 14, 2018 (SAT) to
May 14, 2018 (MON)

Raising of funds thru dances, lotteries, cockfights, etc. (Sec. 97, OEC.)

May 4, 2018 (FRI) to
May 12, 2018 (SAT)

CAMPAIGN PERIOD
(Sec. 7, R.A. 6679)

Removing, destroying, obliterating, defacing, tampering or preventing distribution of lawful election propaganda. (Sec. 83, OEC).

Holding of *barangay* assemblies and candidates' *fora*. (Sec. 47, OEC)

Making any donation or gift in cash or in kind. (Sec. 104, OEC). (Note: prohibition includes the day before election and election day).

Appointing or using special policemen, special/ confidential agents or the like. (Sec. 261 (m), OEC). (Note: prohibition includes the day before election and election day).

Using armored land, water or air craft (Sec. 261 (r), OEC). (Note: prohibition includes the day before election and election day).

Policemen and provincial guards acting as bodyguards or security guards of public officials or candidates. [Sec. 261 (t), OEC] (*NOTE: Prohibited on the day before and on election day*)

May 4, 2018 (FRI) to
May 13, 2018 (SUN)

Construction or maintenance of *barangay* funded roads and bridges (Sec. 3, R.A. 6679) as amended by Sec. 4, R.A. 10923.

Appointment or hiring of new employees,

creation of new position, promotion, giving of salary increases, remuneration or privileges. (Sec. 261 (g), OEC) as amended by Sec. 5 of R.A. No. 10923.

May 13, 2018 (SUN)

EVE OF ELECTION

Campaigning (Sec. 3, OEC).

Selling, furnishing, offering, buying, serving or taking intoxicating liquor, etc., (Sec. 261 (dd), OEC).

Giving, accepting free transportation, food, drinks and things of value (Sec. 89, OEC).

(Note: Acts mentioned in the three preceding paragraphs are prohibited until election day).

May 14, 2018 (MON)

ELECTION DAY

Casting of votes (From 7:00 o'clock a.m. to 3:00 o'clock p.m.) (Sec. 190, OEC)

Campaigning (Sec. 3, OEC).

Using the voter's affidavit of another for the purpose of voting, whether or not he actually succeeds in voting. [Sec. 261 (y) (10), OEC].

Destroying, substituting, or taking away from the possession of those having legal custody thereof, or from the place where they are legally deposited, any election form or document or ballot box which contains official ballots or other documents used in the election. [Sec. 261 (z) (12), OEC]. *(NOTE: May be committed before or*

even after election day)

Counting and canvassing of votes and proclamation of winning candidates immediately after closing of polls.

Voting more than once or in substitution of another (Sec. 261 (z) (2) and (3), OEC).

Soliciting votes or undertaking any propaganda for or against any candidate within the polling place or within thirty (30) meters thereof. (Sec. 261 (cc), (6), OEC).

Selling, furnishing, offering, buying, serving or taking intoxicating liquor, etc. (sec. 261, (dd), OEC).

Opening of booths or stalls for the sale, etc. of wares, merchandise or refreshments within thirty (30) meters radius from the polling place

(Sec. 261, (dd) (2), OEC).

Giving, accepting free transportation, food, drinks and things of value (Sec. 89, OEC).

Holding of fairs, cockfights, boxing, horse races or similar sports (Sec. 261 (dd), (3), OEC).

June 13, 2018 (WED)

Last day to file Statements of Contributions and Expenditures (SOCE) (Sec. 14, R.A. 7166).

The Education and Information Department shall disseminate copies of this Resolution, and shall cause its publication in two daily newspapers of general circulation in the Philippines.

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

SO ORDERED.


CHRISTIAN ROBERT S. LIM
Acting Chairman


LUIE TITO F. GUIA
Commissioner


AL A. PARREÑO
Commissioner


MA. ROWENA AMELIA V. GUANZON
Commissioner


ARTHUR D. LIM
Commissioner


SHERIFF M. ABAS
Commissioner