

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

**GENERAL INSTRUCTIONS FOR
THE SPECIAL BOARD OF
CANVASSERS IN THE
CONDUCT OF MANUAL
CANVASSING OF VOTES
UNDER REPUBLIC ACT NO.
9189, OTHERWISE KNOWN AS
"THE OVERSEAS ABSENTEE
VOTING ACT OF 2003" FOR
PURPOSES OF THE MAY 10,
2010 NATIONAL AND LOCAL
ELECTIONS.**

MELO, JOSE A.R.	CHAIRMAN
SARMIENTO, RENE V.,	COMMISSIONER
FERRER, NICODEMO T.,	COMMISSIONER
TAGLE, LUCENITO N.,	COMMISSIONER
VELASCO, ARMANDO C.,	COMMISSIONER
YUSOPH, ELIAS R.,	COMMISSIONER
LARRAZABAL, GREGORIO Y.,	COMMISSIONER

PROMULGATED _____
27 JANUARY 2010_____

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RESOLUTION NO. 8751

The Commission on Elections (hereinafter referred to as Commission), pursuant to the authority vested in it under the Constitution, Republic Act No. 9189, otherwise known as "The Overseas Absentee Voting Act of 2003", Batas Pambansa Blg. 881 (Omnibus Election Code), Republic Act No. 9369 and other election laws, **RESOLVED** to promulgate, as it hereby promulgates, the following General Instructions for the Special Board of Canvassers in the conduct of manual canvassing of votes.

**ARTICLE I
COMMON PROVISIONS**

Section 1. *Special Board of Canvassers, Constitution and Appointment.* – The Commission, through the Chairman of the Committee on Overseas Absentee Voting (COAV), shall, not later than February 11, 2010, constitute in each country, one (1) Special Board of Canvassers (hereinafter referred to as the "Board") to canvass the Overseas Absentee Voting (OAV) Election Returns and prepare the corresponding Certificate of Canvass (COC).

The members of the Board shall be appointed by the Commission and shall be composed of a Chairman who must preferably be a lawyer, or in the absence thereof, a senior career officer from the Post

as chairman, and a vice-chairman and member-secretary who should be career officers from the Post or any of the government agencies maintaining a post abroad or, in the absence of another government officer, any citizen of the Philippines qualified to vote.

Sec. 2. Qualifications of Members of the Board. – No person shall be appointed as a member of the Board, unless he:

- a) Is of good moral character and irreproachable reputation; and
- b) Is able to speak and write English or Pilipino.

Sec. 3. Disqualifications. – The following are disqualified from serving as members of the Board:

- a) Those who are related within the fourth civil degree of consanguinity or affinity to:
 - 1) Any member of the same Board;
 - 2) Any of the candidates for President, Vice-President, Senator; or
 - 3) Any of the nominees for the party-list system of representation.
- b) Those who have been convicted of any election offense or of any other crime punishable by more than six (6) months of imprisonment; or,
- c) Those who have a pending case filed against them for any election offense.

Sec. 4. Notice of Disqualification – Any member of the Board who is disqualified for any of the above reasons shall, upon appointment, notify the Head of the Post, in writing, who shall, in turn submit a replacement to the Commission, through the COAV, for appointment.

In case of disqualification under Section 3 (a.3) hereof, the notice of disqualification shall be submitted not later than five (5) days from the date of publication of the list of nominees.

Sec. 5. Supervision and Control. – The Commission shall exercise direct supervision and control over the Board and may *motu proprio* relieve, at any time for cause, any member thereof and designate the corresponding substitute/replacement.

Sec. 6. Replacement of Chairman and Members of the Board. – In case of non-availability, absence, disqualification due to

relationship, or incapacity for any cause of the Chairman, the replacement shall come from among any other ranking official from the Post or from any of the government agencies maintaining a post abroad, of good standing, not otherwise disqualified under the law.

With respect to the other members of the Board, the replacement shall be from the qualified foreign service corps personnel or from members of the Filipino community at the Posts.

For this purpose, all replacements shall be appointed by the Chairman of the COAV.

Sec. 7. Notice of Meetings of the Board. – Not later than **May 5, 2010**, Philippine time, the Chairman of the Board shall give written notice (OAVF No. 11-C) to the other members of the Board, and, through the COAV, give similar notice to each candidate, political party or coalition of political parties fielding candidates for President, Vice-President, Senator and political parties, organizations or coalitions thereof participating under the party-list system of representation. The notice shall include the date, time and place of the canvassing, which shall be held in the Philippine Embassy/Consulate, unless otherwise ordered by the Commission.

Similar notices shall also be given for subsequent meetings unless notice has been given in open session. Proof of service of notice to each member, candidate, political party fielding candidates for senator, and political party, organization or coalition thereof participating under the party-list system of representation shall be attached to and form part of the records of the proceedings. For this purpose, the COAV shall send the proof of service of notice to the Posts, through the DFA-OAVS, which in turn, shall ensure that said proof of service of notice are with the different Boards at the time they convene.

If notice is given in open session, such fact shall be recorded in the Minutes of the proceedings.

Notice of the canvassing shall also be posted in three (3) conspicuous places in the building where the canvass shall be held as well as in the websites of the Commission, the DFA and of the Post concerned.

The COAV may, whenever practicable, use other means of disseminating such notice which may include but not be limited to the tri-media.

Sec. 8. Preliminary to Canvassing. – Not later than May 09, 2010, Philippine time, the members of the Board shall meet to:

- 1) Acquaint themselves with each other;

- 2) Familiarize themselves with their respective duties and responsibilities during the canvassing;
- 3) Ensure that all the required canvassing forms and supplies are complete; and
- 4) Discuss operational and procedural matters to ensure that they are able to fulfill their duties and responsibilities in accordance with these general instructions and other guidelines set by the Commission.

Sec. 9. *Convening of the Board.* - The Board shall meet at 6:00 o'clock in the evening of **May 10, 2010**, Philippine time, at the designated building/place in the Philippine Embassy/Consulate or other foreign service establishments authorized by the Commission to receive the election returns and to immediately canvass those that have already been received. It shall meet continuously from day to day until the canvass is completed, and may adjourn only for the purpose of awaiting other election returns. However, as the need arises, the Board may declare a recess.

The proceedings of the Board shall be open and public.

Sec. 10. *Minutes of the Board; Distribution.* - The Member-Secretary shall prepare the Minutes of Canvassing (OAVF No. 11-B) of the Board in three (3) copies by recording therein the proceedings and such other incidents or matters relevant to the canvass.

Copies of the Minutes of the proceedings shall be distributed thus:

- a. one copy for the Chairman of the Board;
- b. one copy for the Law Department of the Commission;
- c. one copy for the Special Ballot Reception and Custody Group (SBRCG) at the Post where the canvassing was held.

Sec. 11. *Temporary Absence of a Regular Board Member.* - In case a regular member of the Board is temporarily absent, the members present shall first verify whether notice has been served on the absent member. In case no such notice was sent, one shall be immediately served on the absent member. If the latter cannot be located or his whereabouts are unknown, he shall be substituted in accordance with Section 6 hereof. These facts shall be recorded in the Minutes of the Board. As soon as the absent member appears, the substitute member shall relinquish his seat to the regular member.

Sec. 12. Prohibition Against Transfer, Leaving Official Station. - During the period beginning election day, **May 10, 2010**, until the COC shall have been personally submitted to the Congress and to the Commission, no member or substitute member of the different Boards shall be transferred, assigned or detailed outside of his official station nor shall he leave said station without prior authority of the Chairman of the COAV.

Sec. 13. Feigned Illness. - Any member of the Board feigning illness in order to be substituted from the start until the completion of the canvass shall be liable for an election offense.

Sec. 14. Incapacity of a Regular Member of the Board. - In case of sickness or serious injury of a regular member of the Board, the member concerned shall submit to the other members of the Board a medical certificate attesting to his incapacity. Said medical certificate shall be recorded in and form part of the Minutes of the Board. Upon submission of the medical certificate, a substitute shall be appointed likewise in accordance with Section 6 hereof.

Sec. 15. Quorum. - A majority of the members of the Board shall constitute a quorum for the transaction of business, and a majority vote of all the members thereof shall be necessary to render a decision.

ARTICLE II SPECIAL BOARD OF CANVASSERS

Sec. 16. Powers and Functions of the Board. - The Board shall have full authority to keep order within the canvassing room or hall including its premises and enforce obedience to its lawful orders. If any person refuses to obey any lawful order of the Board or conducts himself in such disorderly manner as to disturb or interrupt its proceedings, the Board may, by a majority vote, order in writing any peace officer/guard of the embassy or consulate to take such person into custody until adjournment of the meeting. In the absence of any peace officer/guard, any other competent and able person deputized by the Board in writing, shall execute such order. Such fact shall be noted in the Minutes of the proceedings.

The Board shall:

- a) Canvass the election returns submitted by the Special Boards of Election Inspectors (SBEI);
- b) Accomplish the Statement of Votes by Precinct (SOVP) and thereafter, the Summary of Statement of Votes by Precinct (SSOV);

- c) Prepare in eight (8) copies, upon completion of the canvass, a COC for President, Vice-President, Senators and Party-List representatives (OAVF No. 21);
- d) Transmit immediately after the completion of the canvass, a copy of the COC and the SOVP to the COAV, through the DFA-OAVS, via facsimile or other electronic mail facilities of the Philippine embassies/consulates and of other authorized canvassing centers;
- e) **Furnish the accredited major political parties and accredited citizens arms, through the COAV, with copies thereof via facsimile, or any other means of transmission equally safe, secure and reliable;**
- f) Personally deliver, through its Chairman, the COCs together with the SOVPs, SSOVs and the election returns intended for Congress and the Commission. Watchers of candidates, political parties and other interested parties may accompany the delivery; and
- g) Perform such other duties as may be required by the Commission.

ARTICLE III COUNSEL/WATCHERS

Sec. 17. Right to be Present and to Counsel. - Every registered political party and party-list group, every candidate for President, Vice-President and Senator has the right to be present and to counsel during the canvass of the election returns: *Provided*, that if there are two or more counsel, only one may argue for each party or candidate. They shall have the right to examine the election returns being canvassed without touching them, make observations thereon, and file protests. No dilatory action or tactics shall be allowed by the Board.

Sec. 18. Watchers During Canvass. - Every registered political party fielding candidates for President, Vice-President, Senator, and party-list group shall be entitled to one watcher at any given time in every canvassing center.

The citizens' arm of the Commission, and civic, religious, professional, business, service, youth and other similar organizations shall collectively, and upon prior authority of the Chairman of the COAV, be entitled to one (1) watcher at any given time.

However, if there is no sufficient space for all watchers to be accommodated, preference shall be given to the watchers of the

dominant majority and dominant minority parties as determined by the Commission, one (1) common watcher for the independent candidates, one (1) common watcher for the accredited citizens' arm and one (1) common watcher for accredited OFW organizations.

The watchers shall have the right to:

- a) Be present at, and take note of, all the proceedings of the Board;
- b) Stay behind the Chairman of the Board near enough to be able to read the election returns without touching said documents; and
- c) File the appropriate protest against any alleged irregularity noted in the election returns and obtain from the Board a resolution thereon in writing.

Watchers shall not be allowed to participate in the deliberation of the Board.

A person convicted by final judgment of any election offense or of any other crime, or who is related to any member of the Board within the fourth civil degree of consanguinity or affinity shall not be appointed as watcher.

Sec. 19. Persons Not Allowed Inside the Canvassing Room.

- During the canvass, it shall be unlawful for any person carrying any firearm or deadly weapon to enter the room where the canvass is being held or to stay within a radius of fifty (50) meters from such room.

Sec. 20. Safekeeping of Election Returns. – The Board shall place the election returns intended for the Commission in a specially marked envelope which shall be sealed with serially numbered security tapes. The serial number of every security tape used shall be entered in the Minutes.

The said special envelope shall be kept in a safe and secured room before, during and after the canvass to ensure that no envelope may be taken out of or deposited in the room without the presence of the Board.

**ARTICLE IV
FORMS AND SUPPLIES**

Sec. 21. Canvassing Forms and Supplies. – The Board shall receive from COAV through the SBRCG the following canvassing forms and documents for its use:

CANVASSING FORMS			
OAVF No.	Title/Description	Rate of Distribution	
11-B	Minutes of Canvassing	1	Set of 3 copies
11-D	Objections	23	Pieces
12	Paper Seals	30	Pieces
13-A	Certificate of Votes	10	Pieces
14-E	Certificate of Receipt of Canvassing Forms by SBOC	1	Set of 2 copies
18-B	Envelopes for Minutes of Canvassing	3	Pieces
20	SOVP by Precinct	1	Set of 6 copies for every 11 Precincts
20-A	Summary of SOVP Per Country	1	Set of 6 copies
21	COC of Votes for Senatorial Positions & Party-List	1	Set of 7 copies
21-A to 21-G	Envelopes for COC	1	Set of 7 copies
21-A-1 to 21-F-1	Official Receipt of COC	1	Set of 6 copies
33-B	Objection/Protest Form	10	Pieces
33-C	Certificate of Objection/Protest and Decision of Board	10	Pieces
Supplies			
Ballot Box		1	Piece
Security Tapes		10	8 long, 2 short

ARTICLE V **CANVASSING PROCEDURES**

Sec. 22. *Canvassing Procedures.* –

A. Before the start of canvass, and upon entering the canvassing center, counsel/watchers shall present and deliver to the Chairman of the Board their appointments and forthwith, their names shall be recorded in the Minutes with a notation under their signatures that they are not disqualified to serve as such. The appointments of the watchers shall bear the personal or facsimile signature of the candidate or the duly authorized representative of the political party, organization or coalition of coalition parties who appointed them or of organizations authorized by the Commission.

For this purpose, registered political parties, independent candidates, organizations or coalitions authorized by the Commission, accredited citizens' arms and OFW organizations, shall provide the Commission and the Posts with the names and signatures of their representatives authorized to appoint counsel/watchers in each Post not later than **April 26, 2010**.

B. The Board shall observe the following procedures:

- 1) Assign an SOVP to be used in the canvass and, after the

Secretary has recorded its serial number in the Minutes, divide the copies equitably between the Vice-Chairman and the Secretary;

- 2) Receive from the SBEIs the envelopes containing the election returns (copy for the SBOC, Congress and the Commission);
- 3) Record in the Minutes the following data:
 - a) Time and date of receipt of election returns;
 - b) The precinct number of the election returns;
 - c) Serial number of the envelope and paper seal; and
 - d) Condition of the envelope and paper seal.

The copy intended for Congress and the Commission shall be personally delivered by the Chairman or any member of the Board after the canvassing of votes in the Posts;

- 4) Exhibit to the counsel/watchers present the envelope containing the election returns, copy for the Board;
- 5) Break the seal, open the envelope, retrieve the election returns and exhibit the same to the counsel/watchers present;
- 6) Examine the condition of the paper seal of the election returns, and record in the Minutes its condition and serial number;
- 7) Break open the seal, unfold the election returns and exhibit the same to the counsel/watchers present. Record in the Minutes the condition and serial number of the election returns;
- 8) Canvass the election returns by:
 - a. The Chairman reading the votes obtained by each candidate; and
 - b. The Vice-Chairman and Member-Secretary entering in their respective copies of the SOVP the votes obtained by each candidate simultaneously as they are read by the Chairman.

For purposes of preparing the SOVP the following terms shall mean:

➤ ***Page partial total***

Sum of votes obtained by each candidate appearing in a set of SOVP when some columns are not filled at the time of adjournment/ suspension of canvass. This shall be recorded on the box immediately after the last entry of votes at the time of adjournment/suspension of canvass.

➤ ***Sub-total***

Sum of all votes obtained by each candidate when all the columns of a set of SOVP are filled. The sub-total shall be recorded in the last column indicated in the SOVP;

Sum of all votes obtained by each candidate when all election returns have been canvassed even if not all the columns of the SOVP are filled.

➤ ***Provisional total***

Accumulated total of all votes obtained by each candidate appearing in all accomplished sets of SOVP at the time of adjournment/suspension of canvass, for the purpose of releasing results to the media and other interested parties. This shall be recorded in a document other than the SOVP;

9) Immediately after an election returns is canvassed, the Chairman of the Board shall write on its upper right hand corner the word "CANVASSED" and affix below it his signature and the date of canvass. Thereafter, the canvassed election returns shall be returned to its envelope without sealing it;

10) After the canvass has been completed and only one set of SOVP was used:

10.1) The Vice-Chairman and Member-Secretary of the Board shall add all the entries in their respective copies of the SOVP to obtain the grand total.

10.2) Compare the grand total contained in their respective copies of the SOVP. If there are discrepancies in the entries, they shall refer to the election returns and apply the corrections as may be necessary. All the members of the Board shall initial the correction/s made on the SOVP.

11) Affix their signatures above their printed names on the certification portion of the SOVP;

Thereafter, proceed to procedure no. 14 onwards as provided below.

For Posts canvassing 12 or more election returns, the Board or tabulators, as the case maybe, shall perform the following:

12) Each time all the columns of a set of SOVP are filled, the two members of the Board shall submit to the Chairman their copies of the SOVP. The Chairman shall then divide the copies of the accomplished SOVP between the Tabulators who shall then compute, using an adding machine with tape, in their respective copies, the sub-total of the: (1) number of registered voters; (2) number of voters who actually voted; and (3) the votes obtained by each candidate. Thereafter, the Tabulators shall initially record the sub-totals in a separate sheet of paper and compare whether the sub-totals are the same.

If there is no discrepancy, the Tabulators shall record the sub-totals in the SOVP and accomplish the certification portion intended for them therein and submit the same to the Board.

If there is a discrepancy, the Tabulators shall identify the particular precinct in the corresponding SOVP where such discrepancy occurred. After identifying the source of the discrepancy, the Tabulators shall refer the same to the Chairman, who in turn shall:

- a) Announce that a correction/s will be made in the SOVP concerned;
- b) Retrieve and re-open the corresponding election returns;
- c) Verify the entry;
- d) Announce the correct entry; and
- e) Direct the member who made the erroneous entry to make the proper correction by encircling the erroneous entry and writing immediately above the circle the correct entry in his copy of the SOVP.

The members of the Board shall authenticate the correction by affixing their initials immediately after the correction. The Chairman shall then return the corrected SOVP to the Tabulators who shall recompute the sub-totals where the discrepancy occurred and

accomplish the certification portion intended for them in the SOVP and submit the same to the Board;

13) After all the election returns have been canvassed and the sub-totals of each SOVP have been computed, the Tabulators shall:

a) Prepare the SSOV by entering therein the sub-totals of votes obtained by each candidate and, using an adding machine with tape;

b) Add the sub-totals to get the grand total of votes obtained by each candidate and indicate the same in the last column of the SSOV;

c) Accomplish the certification portion in the SSOV intended for the Tabulators; and

d) Forward to the Board the SOVP and SSOV, with their adding machine tapes attached.

14) The Board shall then:

a) Prepare a COC in seven (7) copies by entering therein the Grand Total of Votes obtained by each candidate as reflected in the SOVP/SSOV;

b) Affix their signatures and the imprints of their right thumb on the certification portion thereof;

c) Require the watchers, if any, to affix their signatures and the imprints of their right thumb on the COC.

In accomplishing the COC, the SOVP and other forms, all the members of the Board and Tabulators, shall see to it that the impression on the first copy of the set is recorded on each and every page thereof;

15) Thereafter, the Chairman shall:

a) Announce the results of the election, and the posting of a copy of the COC on a wall with sufficient lighting within the premises of the canvassing center;

b) Proceed to post the same in the presence of the other members of the Board, the watchers and those present in the canvassing center;

c) Attach a copy of the SOVPs to each of the COC, copy for Congress, copy for the Commission and copy for the Chairman of the Board. Fold them together and seal with a paper seal;

- d) Place them in the envelopes provided for the purpose and seal the same with paper seal, except the copy for the Board which will be used for transmission to the Commission as provided hereinbelow;
- e) Transmit to the Commission, through the DFA-OAVS, via the facsimile or any other electronic mail facilities of the Philippine embassies/consulates, and other authorized canvassing centers an advance copy of the COC, using the copy for the Board;
- f) Return the COC and SOVP, copy for the Board, inside its envelope, seal the same for submission to the SBRCG for safekeeping;
- g) Distribute the other copies of the COC, together with the corresponding SOVP, as prescribed under Section 33 hereof.

Copies which are not claimed by the concerned parties shall be turned over by the Chairman of the Board to the SBRCG of the Post where canvassing was held; and

- h) Return the canvassed election returns in its envelope and seal the same for submission to the SBRCG for safekeeping.

C. Adjournment of the Board. – Each time the Board adjourns, it shall make a total of all votes canvassed for each candidate, applying the following procedure:

- 1) When all the columns of the SOVP are not filled up, the Tabulators shall indicate the page partial total of votes obtained by each candidate and close the same by affixing their initials. The SOVP shall be placed in the ballot box provided in No. 4 hereunder;
- 2) When all the columns of the SOVP are filled, the Tabulators shall indicate the sub-total;
- 3) The page partial total or the sub-total, whichever is available at the time of the adjournment of the Board is the provisional total which shall be made available to mass media and other interested parties and furnished to the COAV by the fastest means of communication;

- 4) The remaining unopened envelopes and SOVP containing the page partial total shall be placed in the ballot box provided for the purpose which shall be sealed and kept by the members of the Board in a secured room; and
- 5) The serial number and the quantity of the remaining unopened envelopes shall be recorded in the Minutes.

Upon resumption of the canvass:

- 6) The Secretary of the Board shall retrieve the ballot box containing the uncanvassed election returns, verify and enter in the Minutes the condition of the ballot box; and
- 7) The Board shall then, in the presence of the watchers, open the ballot box, retrieve the partially-filled SOVP and the unopened envelopes containing the election returns not yet canvassed, and proceed with the canvass until all election returns are canvassed.

Sec. 23. *Objections During Canvass.* – All objections during the canvass, including the issue on the inclusion/exclusion of election returns, shall be noted in the Minutes of the proceedings. Parties interested to pursue their objections should file the same before the Commission.

Sec. 24. *When the Election Returns Are Delayed, Lost Or Destroyed.* – In case its copy of the election returns is missing, the Board shall, by authorized messenger, immediately obtain the same from the SBEI concerned, or if the said election return has been lost or destroyed, the Board, upon prior authority of the Commission, may use any of the authenticated copies thereof or a certified copy of said election returns and forthwith investigate the case and immediately report the matter to the Commission.

The Board, notwithstanding the fact that not all the election returns have been received by it, may terminate the canvass upon prior authority of the Commission.

Sec. 25. *Material Defects in the Election Returns.* – If it should clearly appear that some requisites in form or data have been omitted in the election returns, the Board shall call for all the members of the SBEI concerned by the most expeditious means, for the same SBEI to effect the correction: *Provided*, That in case of the omission in the election returns of the name of any candidate and/or his corresponding votes, the Board shall require the SBEI concerned to complete the necessary data and affix therein their initials: *Provided further*, That if the votes omitted in the election returns cannot be

ascertained by other means except by recounting the ballots, the election returns shall be set aside and such fact shall be recorded in the Minutes and reported to the Commission.

For this purpose, the members of the SBEI shall remain and be present before the Board until the election returns of their precinct had been canvassed.

Sec. 26. When Election Returns Appear To Be Tampered

With Or Falsified. – If the election returns submitted to the Board appear to be tampered with, altered or falsified after they have left the hands of the SBEI or otherwise not authentic, or were prepared under duress, force, intimidation, or prepared by persons other than the members of the SBEI concerned, the Board shall use the other copies of said election returns. If necessary, the copy of the election returns inside the ballot box may be retrieved in accordance with Sec. 220 of the Omnibus Election Code upon previous authority given by the Commission. If the other copies of the election returns are likewise tampered with, altered, falsified, not authentic, prepared under duress, force or intimidation, or prepared by persons other than the members of the SBEI, the matter shall be brought to the attention of the Commision which shall proceed as provided in Sec. 235 of the Omnibus Election Code.

Sec. 27. Discrepancies In Election Returns. – In case there exist discrepancies between the votes in words and the votes in figures of any candidate, the votes in words shall prevail. If the discrepancy is in the tally (*tara*) as against the votes obtained in words or in figures in the same election returns, the votes in the tally (*tara*) shall prevail.

Sec. 28. Canvass To Be Completed At Earliest Possible Time. – Subject to reasonable exceptions, the Board shall complete its canvass within thirty-six (36) hours.

Sec. 29. Pre-proclamation Cases Not Allowed. – For purposes of the elections for President, Vice-President, Senator and Party-list Representatives, no pre-proclamation case shall be allowed on matters relating to the preparation, transmission, receipt, custody and appreciation of the election returns. However, this does not preclude the authority of the Board to *motu proprio* or upon written complaint of an interested person to correct manifest errors in the election returns before it.

Sec. 30. Illegal Composition or Proceedings of the Board. – Questions affecting the composition or proceedings of the Board may be initiated directly with the Commission, through the Board. Such questions shall be merely noted in the Minutes attaching therewith all documents/proof of illegal composition and proceedings.

Sec. 31. *Manifest Error.* – (a) Where it is clearly shown that manifest errors were committed in the tabulation or tallying of election returns, during the canvassing, the Board may *motu proprio*, or upon verified petition by any candidate, political party, organization or coalition of political parties, after due notice and summary hearing, correct the errors committed.

There is manifest error in the tabulation or tallying of the results during the canvassing where:

- 1) A copy of the election returns was tabulated more than once;
- 2) Two or more copies of the election returns of one precinct, were tabulated;
- 3) There was mistake in the copying of the figures from the election returns into the SOVP;
- 4) Election returns from non-existent precincts were included in the canvass;
- 5) Election returns from precincts of one country/post were included in the canvass in another country/Post; or
- 6) There was a mistake in the addition of the votes of any candidate.

In order to correct manifest errors, the following procedures shall be complied with:

- 1) The order for correction must be in writing and promulgated;
- 2) Any candidate, political party, or organization or coalition of political parties aggrieved by said order may appeal the same to the Commission within twenty-four (24) hours from its promulgation;
- 3) The appeal must implead as respondents the Board concerned and all parties that may be adversely affected;
- 4) Upon receipt of the appeal, the Clerk of the Commission shall forthwith issue summons together with the copy of the appeal to the respondents;
- 5) The Clerk of the Commission shall immediately set the appeal for hearing; and
- 6) The appeal shall be heard and immediately decided by the

Commission *en banc*.

Sec. 32. Distribution of Certificates of Canvass. – The SBOC shall distribute the COC of Votes for President, Vice-President, Senators and Party-List (OAVF No.21) as follows:

- 1) The first copy, with attached copy of the SOVP/SSOV, to the Congress directed to the President of the Senate for use in the canvass of election results for president and Vice-President;
- 2) The second copy, with attached copy of the SOVP/SSOV, to the Commission sitting as the National Board of Canvassers for use in the canvass of election results for Senators and Party-List Representatives;
- 3) The third copy to be posted on a wall within the premises of the canvassing center.

The copy of the COC posted on the wall shall be open for public viewing at any time of the day for forty-eight (48) hours following its posting. Any person may view or capture an image of the COC. After the prescribed period for posting, the SBRCG shall collect the posted COC and keep the same in its custody to be produced for image or data capturing as may be requested by any voter or for any lawful purpose as may be ordered by competent authority;

- 4) The fourth copy, with attached copy of the SOVP/SSOV, shall be kept by the Chairman of the Board;
- 5) The fifth copy to the citizen's arm designated by the Commission to conduct a media-based unofficial count; and
- 6) The sixth and seventh copies, to the representatives of two (2) of the six (6) major political parties in accordance with the voluntary agreement of the parties. If no such agreement is reached, the Commission shall decide which parties shall receive the copies of the COC on the basis of the criteria provided in Sec 26 of RA 7166. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.

Except for those copies that are required to be delivered, copies of COC may be claimed at the canvassing center. Any unclaimed copy shall remain with the SBRCG, which shall produce them when requested by the recipient or when ordered by a competent authority.

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

Sec. 33. Personal Delivery of the COC/Minutes of the Proceedings and Election Returns. - The Chairman of the Board shall personally submit the following:

- a) To the Congress, its copy of the COC together with the SOVP/SSOV and the election returns;
- b) To the COAV, copy of the COC (Copy for the Commission) together with the SOVP/SSOV; election returns (Copy for the Commission), and Minutes of the Proceedings.

COAV, in turn, shall forward the election returns to the Election Records and Statistics Department (ERSD) and the copy of the Minutes of the Proceedings to the Law Department of the Commission.

Sec. 35. Administrative Matters to be Observed by Chairmen of the SBOC.

A. Prior to Departure from the Post:

1. They shall turn over all records and documents, used or unused, to the custody of the SBRCG at the Post, in accordance with the guidelines issued by the Commission. These shall be properly acknowledged by the SBRCG.

2. They shall secure a *Certificate of Completion of Canvassing* from the Heads of Posts indicating the following:

- Date the canvassing commenced
- Date the canvassing ended
- Date when the Chairman of the Board left the Post

If the Chairman of the Board is the Head of the Post, the certificate shall be accomplished by the second highest foreign service official thereat.

3. They shall immediately depart within the day or at the latest, a day after the completion of canvassing proceedings for travel to Manila through the most direct flight route.

Any deviation from the scheduled flight or re-booking which is not allowed by the Commission shall be for the personal account of the concerned Chairman of the Board.

B. On Arrival in Manila:

1. They shall be escorted by security forces assigned to them by the Commission in going to Congress and to the Commission's Main Office at the 8th Floor, Palacio del Gobernador Bldg., Intramuros, Manila to deliver the COC and other documents mentioned above. If they have their own private vehicles, they shall likewise be accompanied by security forces.

2. They shall submit to COAV, within the same day of their arrival, or the following day, the following:

2.1. The photocopy of their plane ticket.

As soon as they return to their Posts, the SBOC Chairs should send to the Committee through the fastest available means the used plane ticket.

2.2. Copy of the Travel Authority; and

2.3. Certificate of Completion of Canvassing issued by the Heads of Posts where they were appointed Chairmen of SBOC.

3. They shall be issued Certificates of Appearance and Submission (CAS) by the COAV upon receipt of the documents identified therein.

4. They shall be brought to the DFA, after submission of the documents, if they were fetched from the airport by the Commission vehicle. Those with personal vehicles can also leave as soon as they submit the documents.

5. In all probability, the COC will be canvassed on the same day of submission, the latest being the following day if the Chairman of the Board arrives in the evening.

The Chairmen of the Board are requested to make themselves on-call for a day in case there will be questions that will be raised on the COC.

8. They shall be given honoraria of US\$ 200 per day of canvassing which should ideally not exceed five (5) days inclusive of travel time to Manila until submission of the ERs and the COCs. For purposes of OAV, their duties as Chairmen of the Boards shall commence on **May 10, 2010**.

ARTICLE VI **PROHIBITED ACTS**

Sec. 36. A. Prohibited acts. – In addition to the prohibited acts provided by law, it shall be unlawful:

1. For any officer or employee of the Philippine government to influence or attempt to influence any person covered by the

Overseas Absentee Voting Act of 2003 to vote or not to vote, for a particular candidate.

2. For any person to deprive any person of any rights secured under the Overseas Absentee Voting Act of 2003, or to give false information as to his/her name, address, or period of residence for the purpose of establishing his/her eligibility or ineligibility to register or vote under the Overseas Absentee Voting Act of 2003; or to conspire with another person for the purpose of encouraging the giving of false information in order to establish the eligibility or ineligibility of any individual to register or vote under the Overseas Absentee Voting Act of 2003; or to pay, or offer to pay, or to accept payment either for applications to vote *in absentia* or for voting.
3. For any person to tamper with the ballot, the mail containing the ballots for overseas absentee voters, the Overseas Absentee Voting Election Returns, including the destruction, mutilation and manipulation thereof.
4. For any person to steal, destroy, conceal, mutilate or alter any record, document or paper as required for purposes of the Overseas Absentee Voting Act of 2003.
5. For any deputized agent to refuse without justifiable ground, to serve or continue serving, or to comply with his/her sworn duties after acceptance of his/her appointment.
6. For any public officer or employee who shall cause the preparation, printing, distribution of information materials, or post the same in websites without prior approval of the Commission.
7. For any public officer or employee to cause the transfer, promotion, extension, recall of any member of the foreign service corps, including members of attached agencies, or otherwise cause the movement of any such member from his/her current post or position one (1) year before and three (3) months after the day of elections, without securing prior approval of the Commission.
8. For any person who, after being deputized by the Commission to undertake activities in connection with the implementation of the Overseas Absentee Voting Act of 2003, shall campaign for or assist, in whatever manner, candidates in the election;
9. For any person who is not a citizen of the Philippines to participate, by word or deed, directly or indirectly through qualified organizations/associations, in any manner and at any stage of the Philippine political process abroad, including participation in the campaign and elections.

The provision of existing laws to the contrary notwithstanding, and

with due regard to the Principle of Double Criminality, the prohibited acts above are electoral offenses and punishable in the Philippines.

B. Election Offenses; Electoral Sabotage – In addition to the prohibited acts and above-mentioned election offenses and those enumerated in Sections 261 and 262 of Batas Pambansa Blg. 881, as amended, the following shall be guilty of an election offense or a special election offense to be known as electoral sabotage:

- 1) Any person who removes the COC posted on the wall, whether within or after the prescribed forty-eight (48) hours of posting, or defaces the same in any manner;
- 2) Any person who simulates an actual COC or SOVP, or a print or digital copy thereof;
- 3) Any person who simulates the certification of a COC or SOVP;
- 4) The Chairman or any member of the Board of canvassers who, during the prescribed period of posting, removes the COC or its supporting SOVP from the wall on which they have been posted other than for the purpose of immediately transferring them to a more suitable place;
- 5) The Chairman or any member of the Board of canvassers who signs or authenticates a print of the COC or its supporting SOVP outside of the canvassing area;
- 6) The Chairman or any member of the Board of canvassers who signs or authenticates a print which bears an image different from the COC or SOVP produced after canvassing and posted on the wall; and
- 7) Any person or member of the Board of election inspectors or Board of canvassers who tampers, increases or decreases the votes received by a candidate in any election or any member of the Board who refuses, after proper verification and hearing, to credit the correct votes or deduct such tampered votes: Provided, however, That when the tampering, increase or decrease of votes or the refusal to credit the correct votes and/or to deduct tampered votes are perpetrated on a large scale or in substantial numbers, the same shall be considered, not as an ordinary election offense under Section 261 and/or 262 of the Omnibus Election Code, but a special election offense to be

known as electoral sabotage and the penalty to be imposed shall be life imprisonment.

The act or offense committed shall fall under the category of electoral sabotage in any of the following instances;

- a) When the tampering, increase and/or decrease of votes perpetrated or the refusal to credit the correct votes or to deduct tampered votes, is/are committed in the election of a national elective office which is voted upon nationwide and the tampering, increase and/or decrease votes, refusal to credit the correct votes or to deduct tampered votes, shall adversely affect the results of the election to the said national office to the extent that losing candidate/s is/are made to appear the winner/s;
- b) Regardless of the elective office involved, when the tampering, increase and/or decrease of votes committed or the refusal to credit the correct votes or to deduct tampered votes perpetrated, is accomplished in a single election document or in the transposition of the figures/results from one election document to another and involved in the said tampering increase and/or decrease or refusal to credit correct votes or deduct tampered votes exceed five thousand (5,000) votes, and that the same adversely affects the true results of the election; and
- c) Any and all other forms or tampering increase/s and/or decrease/s of votes perpetuated or in cases of refusal to credit the correct votes or deduct the tampered votes, where the total votes involved exceed ten thousand (10,000) votes.

Any and all other persons or individuals determined to be in conspiracy or in connivance with the members of the SBEIs or SBOCs involved, shall be meted the same penalty of life imprisonment.

Sec. 37. *Penalties.* – Any person found guilty of committing any of the prohibited acts enumerated in the immediately preceding article, except paragraph 3, shall be punished with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage.

The penalty of *prision mayor* in its minimum period shall be imposed upon any person found guilty of tampering with the ballot, the mail containing the ballots for overseas absentee voters, the Overseas Absentee Voting Election Returns, including the destruction,

mutilation and manipulation thereof, without the benefit of the operation of the Indeterminate Sentence Law. If the offender is a public officer or a candidate, the penalty shall be *prision mayor* in its maximum period. In addition, the offender shall be sentenced to suffer perpetual disqualification to hold public office and deprivation of his/her right to vote.

The penalty of imprisonment of not less than one year shall be imposed on any immigrant and permanent resident who does not resume residence in the Philippines as stipulated in his/her affidavit within three (3) years after the approval of his/her registration under the Overseas Absentee Voting Act of 2003 and yet vote in the next elections. In addition to the removal of his/her name from the National Registry of Absentee Voters, he/she shall be permanently disqualified to vote *in absentia* and his/her passport shall be stamped "not allowed to vote".

ARTICLE VII - Role of Government Agencies

Sec. 38. Assistance from government agencies. - a) All government offices, particularly the Department of Foreign Affairs, Department of Labor & Employment, Department of Transportation and Communications, Philippine Postal Corporation, Philippine Overseas Employment Administration, Overseas Worker's Welfare Administration, Commission on Overseas Filipinos, the Foreign Service Institute, the Social Security System and other government agencies concerned with the welfare of Filipino overseas shall, to extent compatible with their primary responsibilities, assist and give the Commission the fullest support in the implementation of the Overseas Absentee Voting Act of 2003.

b) The One Country Team Approach provided under Republic Act No. 8042 (Migrant Workers and Overseas Filipinos Act of 1995), as enunciated under Executive Order No. 74, series of 1993, shall apply in the implementation of the Overseas Absentee Voting Act of 2003 insofar as it does not conflict with the constitutional mandate of the Commission to have exclusive charge of the enforcement, administration and implementation of elections laws.

ARTICLE VIII - Concluding Provisions

Sec. 39. Access to official records and documents. - Subject to the pertinent provisions of the Overseas Absentee Voting Act of 2003 and these Rules, any person shall have the right to access and/or copy at his/her expense all registration records, voters' lists and other official records and documents, subject to payment of prescribed charges.

Sec. 40. Security measures to safeguard the secrecy and sanctity of the ballots. - In the interest of transparency, all necessary and practicable measures shall be adopted to allow representation of the candidates, accredited major political parties, accredited citizens' arms and non-government organizations to assist, and observe in all stages of the electoral exercise to prevent any and all forms of fraud and coercion and ensure free, honest, orderly peaceful and credible election.

Sec. 40. Applicability of other election laws. - The pertinent provisions of the Omnibus Election Code, as amended, and other election laws, which are not in conflict with the provisions of the Overseas Absentee Voting Act of 2003 and these Rules shall remain in full force, and shall have suppletory application of these Rules.

Sec. 41. Enforcement and administration by the Commission. - The Commission, for the purpose of ensuring honest, orderly, peaceful and free elections abroad, shall have exclusive charge of the enforcement, administration and implementation of the Overseas Absentee Voting Act of 2003.

Sec. 42. Dissemination. - The Education and Information Department shall cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines and to furnish the Department of Foreign Affairs, Department of Labor and Employment, Department of Labor & Employment, Department of Transportation and Communications, Philippine Postal Corporation, Philippine Overseas Employment Administration, Overseas Worker's Welfare Administration, Commission on Overseas Filipinos, the Foreign Service Institute, the Social Security System and other government agencies concerned with the welfare of Filipino overseas and cause the publication thereof in two (2) daily newspapers of general circulation.

Sec. 43. Effectivity. - These General Instructions shall take effect immediately after publication in two (2) newspapers of general circulation in the Philippines.

APPROVED this _____ day of _____ 2009.

SO ORDERED.

JOSE A.R. MELO
Chairman

RENE V. SARMIENTO
Commissioner

NICODEMO T. FERRER
Commissioner

LUCENITO N. TAGLE
Commissioner

ARMANDO C. VELASCO
Commissioner

ELIAS R. YUSOPH
Commissioner

GREGORIO Y. LARRAZABAL
Commissioner